

Application for resource consent or fast-track resource consent

(Or Associated Consent Pursuant to the Resource Management Act 1991 (RMA)) (If applying for a Resource Consent pursuant to Section 87AAC or 88 of the RMA, this form can be used to satisfy the requirements of Schedule 4). Prior to, and during, completion of this application form, please refer to Resource Consent Guidance Notes and Schedule of Fees and Charges — [both available on the Council's web page](#).

1. Pre-Lodgement Meeting

Have you met with a council Resource Consent representative to discuss this application prior to lodgement? ☒ Yes ☐ No

2. Type of Consent being applied for

(more than one circle can be ticked):

- | | |
|---|---|
| ☐ Land Use | ☐ Discharge |
| ☐ Fast Track Land Use* | ☐ Change of Consent Notice (s.221(3)) |
| ☒ Subdivision | ☐ Extension of time (s.125) |
| ☐ Consent under National Environmental Standard
(e.g. Assessing and Managing Contaminants in Soil) | |
| ☒ Other (please specify) <u>Right of Way Application</u> | |

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

3. Would you like to opt out of the Fast Track Process?

☒ Yes ☐ No

4. Consultation

Have you consulted with Iwi/Hapū? ☒ Yes ☐ No

If yes, which groups have you consulted with?

See appendices for further information

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

5. Applicant Details

Name/s:

Stuart Beaven

Email:

Phone number:

Postal address:

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

6. Address for Correspondence

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

Name/s:

Northland Planning & Development 2020 Ltd

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.*

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

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

Name/s:

Stuart Arnold Beaven

**Property Address/
Location:**

757B Waimate North Road

Waimate North

Postcode

0293

8. Application Site Details

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

Name/s:	Stuart Beaven		
Site Address/ Location:	757B Waimate North Road		
	Waimate North		
	Postcode		0293
Legal Description:	Section 21 SO462258	Val Number:	
Certificate of title:	1076085		

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

Site visit requirements:

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

Is there a dog on the property? ☒ Yes ☐ No

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

Please contact applicant to organise site visit.

9. Description of the Proposal:

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

Subdivision proposal to create one additional lot and an esplanade reserve in the Rural Production Zone. The proposal has been assessed as a Non-Complying Activity.
The application also includes a separate right of way easement application.

If this is an application for a Change or Cancellation of Consent Notice conditions (s.221(3)), please quote relevant existing Resource Consents and Consent Notice identifiers and provide details of the change(s), with reasons for requesting them.

10. Would you like to request Public Notification?

☐ Yes ☒ No

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

(more than one circle can be ticked):

- ☐ Building Consent
- ☐ Regional Council Consent (ref # if known)
- ☐ National Environmental Standard consent
- ☐ Other (please specify)

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

The site and proposal may be subject to the above NES. In order to determine whether regard needs to be had to the NES please answer the following:

Is the piece of land currently being used or has it historically ever been used for an activity or industry on the Hazardous Industries and Activities List (HAIL) ☐ Yes ☒ No ☐ Don't know

Is the proposed activity an activity covered by the NES? Please tick if any of the following apply to your proposal, as the NESCS may apply as a result. ☒ Yes ☐ No ☐ Don't know

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

13. Assessment of Environmental Effects:

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

Your AEE is attached to this application ☒ Yes

13. 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

14. 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)

STUART BEAVEN

Email:

Phone number:

Postal address:

(or alternative method of service under section 35 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)

S A BEAVEN

Signature:

(signature of bill payer)

Date

11/8/25

MANDATORY

15. Important Information:

Note to applicant

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

You may apply for 2 or more resource consents that are needed for the same activity on the same form. You must pay the charge payable to the consent authority for the resource consent application under the Resource Management Act 1991.

Fast-track application

Under the fast-track resource consent process, notice of the decision must be given within 10 working days after the date the application was first lodged with the authority, unless the applicant opts out of that process at the time of lodgement. A fast-track application may cease to be a fast-track application under section 87AAC(2) of the RMA.

Privacy Information:

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

15. Important information continued...

Declaration

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

Name: (please write in full)

S BEAVEN

Signature:

[Redacted Signature]

Date

11/8/25

Application is made by electronic means

Checklist (please tick if information is provided)

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

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

Subdivision Resource Consent Proposal
Stuart Beaven
757B Waimate North Road, Waimate North

13 November 2025

Attention: Liz Searle & Whitney Peat (Resource Consent Team Leaders)

Please find attached:

- an application form for a Subdivision Consent in the Rural Production Zone to create one additional allotment and;
- An application for right of way easement under Section 348 of the Local Government Act 1974;
- an Assessment of Environmental Effects indicating the potential and actual effects of the proposals on the environment.

The proposed subdivision application has been assessed as a **Non-Complying Activity** under the Far North Operative District Plan and **Permitted** under the Proposed District Plan.

A Concept Development Meeting (CDM) was held with previous FNDC Intermediate Resource Planner Yuna Zhou, regarding the proposal. This CDM covered this property and two neighbouring's sites. Both of those adjoining sites have had their applications approved. While a partial transcript was received, this unfortunately does not provide much detail on what was discussed. As such no formal notes have been provided from this meeting in support of this application.

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

Regards,

Alex Billot



Resource Planner

Reviewed by:

Rochelle Jacobs



Director/Senior Planner

NORTHLAND PLANNING & DEVELOPMENT 2020 LIMITED

Table of Contents

TABLE OF CONTENTS	2
1.0 DESCRIPTION OF THE PROPOSED ACTIVITY	5
SUBDIVISION (ACTIVITY A).....	5
CREATION OF EASEMENT B (ACTIVITY B)	6
2.0 SITE DESCRIPTION	6
SITE VISIT	7
TITLE	8
<i>Easement Instrument C859254.4</i>	8
<i>Easement Instrument 9694007.3</i>	9
SITE HISTORY	9
<i>RC2041132</i>	10
SITE FEATURES	11
3.0 ACTIVITY STATUS OF THE PROPOSAL	13
WEIGHTING OF PLANS	13
OPERATIVE DISTRICT PLAN	14
<i>Subdivision</i>	14
<i>Rural Production Zone</i>	15
<i>District Wide Matters</i>	16
<i>Overall status of the proposal under the Operative District Plan</i>	18
PROPOSED DISTRICT PLAN.....	19
NATIONAL ENVIRONMENTAL STANDARDS	21
<i>National Environmental Standards for Assessing and Managing Contaminants in Soil to Protect Human Health (NES:CS)</i>	21
<i>National Environmental Standards for Freshwater 2020</i>	21
<i>Other National Environmental Standards</i>	23
4.0 STATUTORY ASSESSMENT	23
SECTION 104B OF THE ACT	23
SECTION 104D OF THE ACT	24
SECTION 104(1) OF THE ACT	24
5.0 ENVIRONMENTAL EFFECTS ASSESSMENT	25
SUBDIVISION (ACTIVITY A).....	25
<i>ALLOTMENT SIZES AND DIMENSIONS</i>	25
<i>NATURAL AND OTHER HAZARDS</i>	27
<i>WATER SUPPLY</i>	28
<i>STORMWATER DISPOSAL</i>	28
<i>SANITARY SEWAGE DISPOSAL</i>	29



<i>ENERGY SUPPLY, TOP ENERGY TRANSMISSION LINES, & TELECOMMUNICATIONS</i>	29
<i>EASEMENTS FOR ANY PURPOSE</i>	29
<i>PROVISION OF ACCESS</i>	30
<i>EFFECT OF EARTHWORKS AND UTILITIES</i>	30
<i>BUILDING LOCATIONS</i>	30
<i>PRESERVATION AND ENHANCEMENT OF HERITAGE RESOURCES, VEGETATION, FAUNA AND LANDSCAPE, AND LAND SET ASIDE FOR CONSERVATION PURPOSES</i>	31
<i>SOIL</i>	38
<i>ACCESS TO RESERVES AND WATERWAYS</i>	38
<i>LAND USE INCOMPATIBILITY</i>	38
<i>PROXIMITY TO AIRPORTS</i>	40
<i>NATURAL CHARACTER OF THE COASTAL ENVIRONMENT</i>	40
<i>ENERGY EFFICIENCY AND RENEWABLE ENERGY DEVELOPMENT/USE</i>	40
<i>NATIONAL GRID CORRIDOR</i>	40
<i>Summary</i>	40
OTHER MATTERS	40
<i>Precedence</i>	40
CREATION OF EASEMENT B (ACTIVITY B)	43
6.0 POLICY DOCUMENTS	43
NATIONAL ENVIRONMENTAL STANDARDS	43
<i>National Environmental Standards for Assessing and Managing Contaminants in Soil to Protect Human Health</i>	43
<i>National Environmental Standards for Freshwater 2020</i>	43
<i>Other National Environmental Standards</i>	44
NATIONAL POLICY STATEMENTS	44
<i>National Policy Statement for Freshwater Management</i>	45
<i>National Policy Statement for Indigenous Biodiversity</i>	45
<i>National Policy Statement for Highly Productive Land</i>	45
<i>Summary</i>	50
REGIONAL POLICY STATEMENT	50
<i>Summary</i>	57
FAR NORTH DISTRICT PLAN	57
<i>Relevant objectives and policies</i>	57
<i>Assessment of the objectives and policies within the Rural Environment</i>	58
<i>Assessment of the objectives and policies within the Rural Production Zone</i>	62
<i>Assessment of the objectives and policies for Subdivision Activities</i>	65
PROPOSED DISTRICT PLAN	71
<i>Assessment of Objectives and Policies for Subdivision Activities</i>	71
<i>Assessment of Objectives and Policies of the Rural Production zone</i>	75



SUMMARY.....	78
7.0 NOTIFICATION ASSESSMENT – SECTIONS 95A TO 95G OF THE ACT.....	79
PUBLIC NOTIFICATION ASSESSMENT	79
<i>Step 1 Mandatory public notification in certain circumstances.....</i>	<i>79</i>
<i>Step 2: Public Notification precluded in certain circumstances</i>	<i>79</i>
<i>Step 4; Public notification in special circumstances.....</i>	<i>80</i>
<i>Public Notification Summary.....</i>	<i>80</i>
LIMITED NOTIFICATION ASSESSMENT.....	81
<i>Step 1: Certain affected groups and affected persons must be notified</i>	<i>81</i>
<i>Step 2: Limited notification precluded in certain circumstances.....</i>	<i>81</i>
<i>Step 3: Certain other affected persons must be notified.</i>	<i>81</i>
<i>Step 4: Further notification in special circumstances.....</i>	<i>83</i>
<i>Limited Notification Assessment Summary.....</i>	<i>83</i>
NOTIFICATION ASSESSMENT CONCLUSION.....	84
8.0 PART 2 ASSESSMENT.....	84
9.0 104D ASSESSMENT.....	84
10.0 CONCLUSION	85
11.0 LIMITATIONS	86

Attachments

1. FNDC Application Signed
2. Certificate of Title – LINZ
3. Easement C859254.4 – LINZ
4. Easement 9694007.3 – LINZ
5. Subdivision Plan - Williams and King
6. Site Suitability Report – LDE
7. Ecological Impact Assessment – Bay Ecological Consultancy Ltd
8. Written Approvals – Section 21 SO462258 & Lot 4 DP566421
9. Correspondence – Heritage NZ
10. Correspondence – Te Hono Support
11. Correspondence – Iwi
12. Correspondence – Iwi (second email)
13. Correspondence – Department of Conservation
14. Archaeological Assessment RC 2200445 - Time Depth Enterprises – Heritage Consultants
15. SO462258 Diagram and Easement – LINZ



Assessment of Environment Effects Report

1.0 DESCRIPTION OF THE PROPOSED ACTIVITY

Subdivision (Activity A)

- 1.1 The proposal seeks to undertake a subdivision of Section 21 SO462258 to create one additional allotment. Lot 1 will contain the existing dwelling on the site and Lot 2 will be vacant. Access to the allotments will be via existing crossing places from Waimate North Road. As part of the proposal, Area E as shown in **Figure 1** below, will be set aside as a reserve for bush protection which will be discussed further in this report. An esplanade reserve (Lot 3) will also be created along Waitangi River. There is an area of wetland on site which will also be set aside as a reserve, which will be discussed further in this report.
- 1.2 The proposed lot sizes are as follows:
- Lot 1 – 4.7258ha (to contain the existing dwelling)
 - Lot 2 – 2.688ha (vacant lot)
 - Lot 3 – 1374m² – esplanade reserve
- 1.3 The site is zoned Rural Production, and the title is dated post 2000 (title date is 13 June 2022) and therefore given the allotment sizes proposed the application will be assessed as a **Non-Complying Activity**.

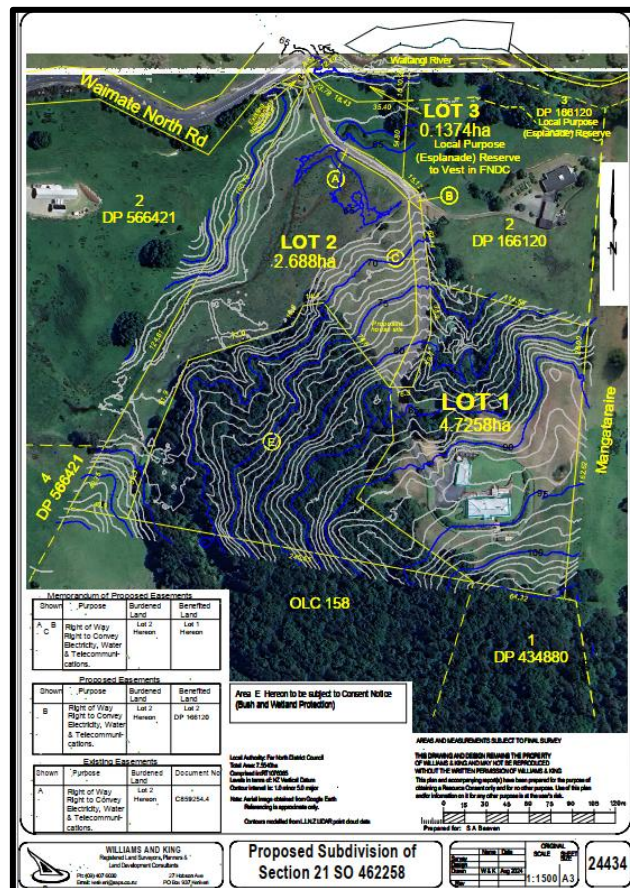


Figure 1: Proposed Scheme Plan



Creation of Easement B (Activity B)

- 1.4 It is requested that a separate resolution is provided for the creation of Proposed Easement B as shown on the scheme plan attached within **Appendix 5** of this report and within **Figure 1** above. Proposed Easement B is for the purposes of right of way, right to convey electricity, water and telecommunications over Proposed Lot 2 (burdened land) to service adjoining Lot 2 DP 166120 (benefited land). It is requested that this is included as a separate resolution within the decision document as it does not form part of Activity A and is not required as part of Activity A. Therefore, to ensure clarity between Activity A and B and any works required, it is requested these decisions are independent within the decision document.
- 1.5 Legal access to Lot 2 DP 166120 has been provided within existing easement document C859254.4 which will be brought forward to the new titles. Proposed Easement B which is subject of Activity B is a new introduced easement which will be at the discretion of the Applicant to register once agreement has been made with the owner of Lot 2 DP 166120 regarding the matter.
- 1.6 It is requested that this is considered under Section 348 of the Local Government Act 1974 (LGA).

2.0 SITE DESCRIPTION

- 2.1 The property is located at 757B Waimate North Road, Waimate North. The property adjoins Waimate North Road and the Waitangi River along the northern boundary and adjoining rural lifestyle blocks of similar use to the subject site, along all other boundaries. The site currently contains one existing dwelling, with access to the dwelling from an existing crossing place from the north-western corner of the site. There is an existing private accessway within the site which provides internal access to the dwelling and adjoining Lot 2 DP 166120. This internal private accessway will be within the ownership of Proposed Lot 2 and will provide access to Proposed Lots 1 & 2 as well as adjoining Lot 2 DP 166120.
- 2.2 The existing dwelling is on an elevated portion of the site, with the lower portions of the site consisting of wetland and bush areas. These wetland and bush areas will be formally protected, as will be discussed further in this report. An Ecological Impact Assessment (EclA) has been completed by Bay Ecological Consultancy (BEC), for the proposal, as will also be discussed further within this report. A suitable building platform has been established within Proposed Lot 2 as detailed within the Civil Infrastructure Report (CIV) prepared by LDE.
- 2.3 The surrounding environment consists of allotments predominantly within 2-4 hectares along Waimate North Road, with some smaller allotments scattered throughout of less than 2 hectares. There are some larger allotments in excess of 20 hectares further afield. The zoning of the site and surrounding environment is Rural Production, with a mix of general title and Māori Freehold Land.



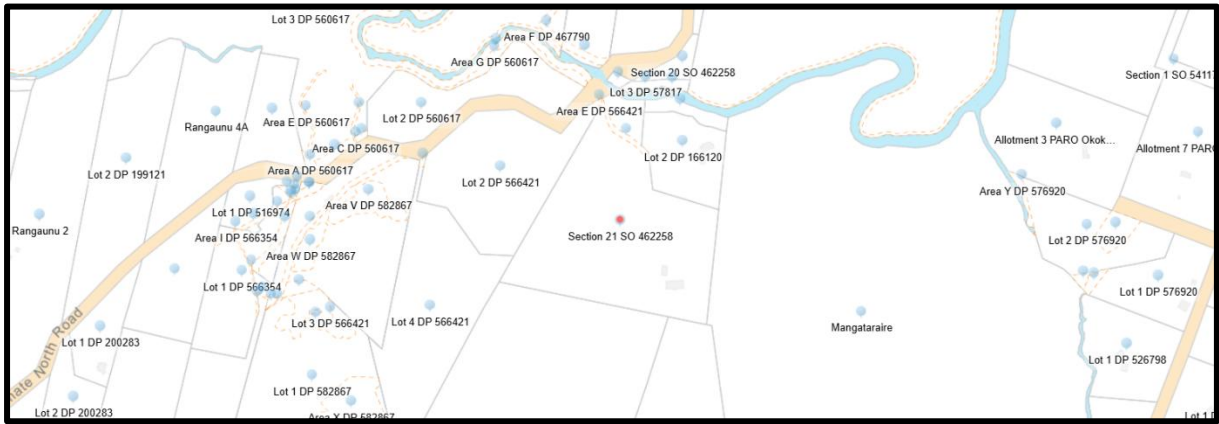


Figure 2: Subject site and surrounding allotments

Site Visit

2.4 A site visit was completed in July 2024, with a compilation of photos taken shown below.



Figure 3: Sight lines from existing crossing (east)



Figure 4: Existing crossing to the site.



Figure 5: Image of Proposed Lot 2, looking towards Lot 1 in distance. Metalled drive is located within proposed ROWs.

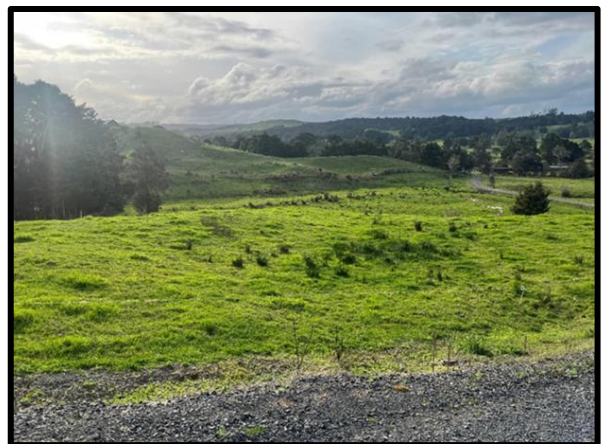


Figure 6: Suitable building platform on Lot 2.



Figure 7: Northern lower area on Lot 2.



Figure 8: Bush area to be protected on Lot 1.

Title

- 2.5 The subject site is legally described as Section 21 SO 462258 and is held within Record of Title 1076085 with a land area of 7.5540 hectares. The title is dated 13 June 2022. There are no consent notices registered on the title, however there are two existing easement documents registered under C859254.4 and 9694007.3.

Easement Instrument C859254.4

- 2.6 As touched on earlier in this report, this Easement Instrument contains rights of way, electricity, telephone and water supply over the subject site (burdened land) to adjoining Lot 2 DP 166120 (benefited land). This will remain and is included within the Schedule of Existing Easements on the scheme plan. The easement is marked 'A' on DP 166120 as is shown below.

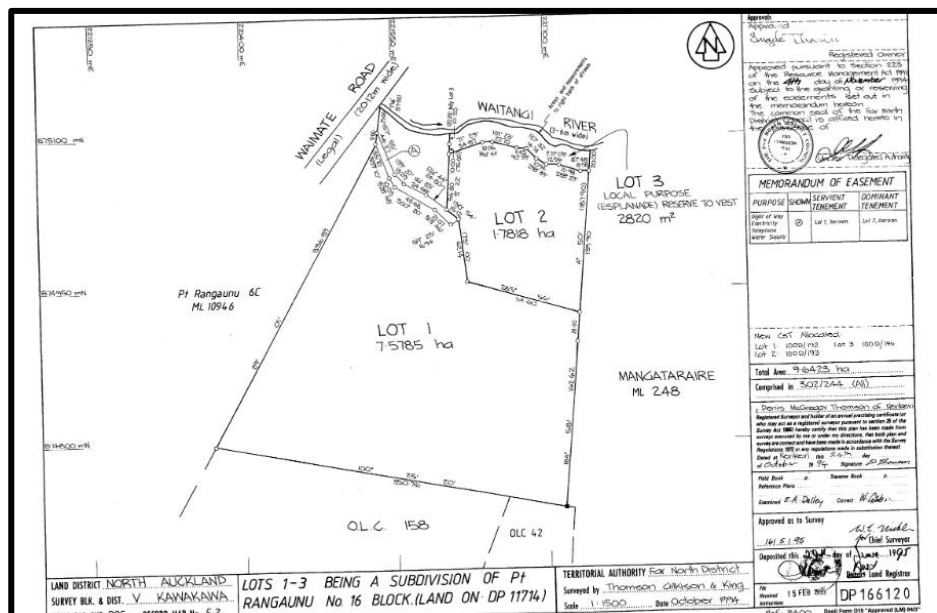


Figure 9: DP166120 showing location of existing easement 'A'.



Easement Instrument 9694007.3

- 2.7 This Easement Instrument provides for right of way over Lot 5 DP 472951 (burdened land) to Lot 1 DP 166120 (benefited land). As will be discussed below Lot 1 DP 166120 forms the parent title of the subject site. The subject easement is marked as 'E' on DP 472951, and covers a small portion of the parent lot, Lot 5 DP 472951 within the north-eastern corner to provide access to the subject site. Lot 5 DP 472951 has been subject of a subsequent subdivision approval; however this easement has been carried forward and is now Area E on both DP 566421 and DP 616586.

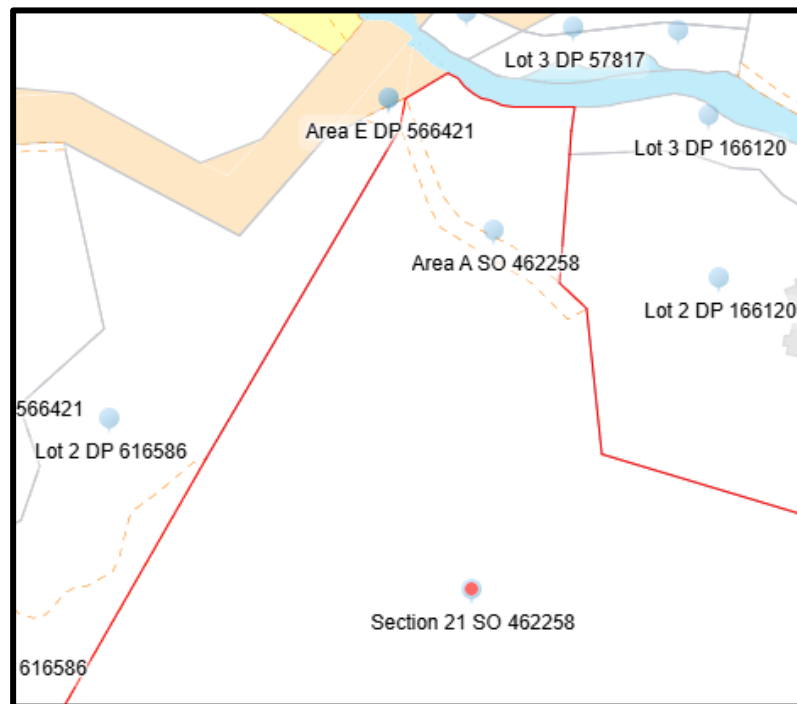


Figure 10: Snip showing location of Area 'E'.

Site History

- 2.8 The subject site was created in 1995 under DP 166120. The site was created alongside adjoining Lot 2 DP 166120, where an easement was also created over the subject site as described above, to provide rights to Lot 2 DP 166120. An esplanade reserve was created between Waitangi River and Lot 2 DP 166120, however there was no esplanade reserve created within the subject site.
- 2.9 In 2014, land was acquired from the subject site for the purpose of road. An area of 170m² was taken from the subject site, as shown in the Schedule below. This area of land is noted as Sec 17 on the Occupation Diagram shown below and as can be seen, resulted in a small triangular shape of land within the northwestern corner of the site, being acquired for road, which encapsulates the current crossing location. This appears to have been finalised in 2022.



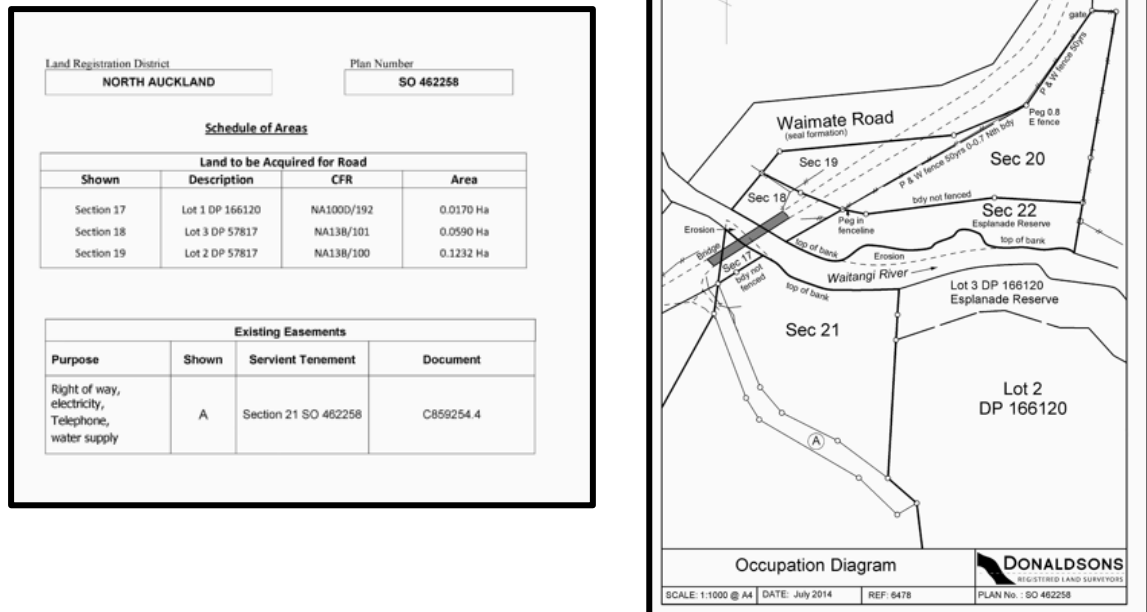


Figure 11: Schedule and Occupation Diagram showing location of Sec 17 which was acquired for road.

- 2.10 Ultimately, as a result of this land acquisition for road, the title date of the subject site changed from 1995 to 2022. Given that the title date change has occurred due to the road acquisition rather than a subdivision, it was determined in the CDM with FNDC, that the proposed subdivision shall be assessed akin to a Restricted Discretionary Activity, with acknowledgement of the Non Complying Status, given that if it was not for the road acquisition (which was a matter of public good) , the proposal could comply with the RDA provisions under the ODP.

RC2041132

- 2.11 This resource consent application included subdivision of the site and processing of this application was suspended in 2007 awaiting further information. As a result of the approval of this application, the applicant would like to confirm the withdrawal RC2041132. We request that this be completed in writing as a condition of consent.



Site Features

2.12 Under the Operative District Plan (ODP), the site is located within the Rural Production zone and is not subject to any outstanding landscapes or other resource features. Waitangi River is located along the northern boundary of the site.

2.13 Under the Proposed District Plan (PDP), the site is also zoned Rural Production and is not subject to any overlays.

2.14 Given the sites rural location there are no connections to reticulated services such as water supply, wastewater and stormwater. Lot 1 has existing provisions which service the existing dwelling.

2.15 The Regional Policy Statement for Northland maps the site as well outside of the Coastal Environment and does not identify it as containing any areas of high natural character. As previously mentioned, the site does contain wetland areas, which will be formally protected as part of this proposal.

2.16 The site is not shown to be susceptible to flood hazards.

2.17 NZAA has not mapped any archaeological sites within the subject site. There are archaeological sites noted within the adjoining allotment (OLC 158) which were discovered as part of a previous subdivision of the adjoining allotments, RMA SUB-2200445. Heritage NZ Pouhere Taonga have been contacted as part of the pre-application process and have recommended that the proposal proceed under the guidance of an ADP. The two adjoining sites to the west and southwest have been recently approved for subdivision under RC2250234 and RC2250263, with an Advice Note being placed on the decision document in regards to ADP. It is anticipated this Advice Note will be included in the decision document for the subject application.

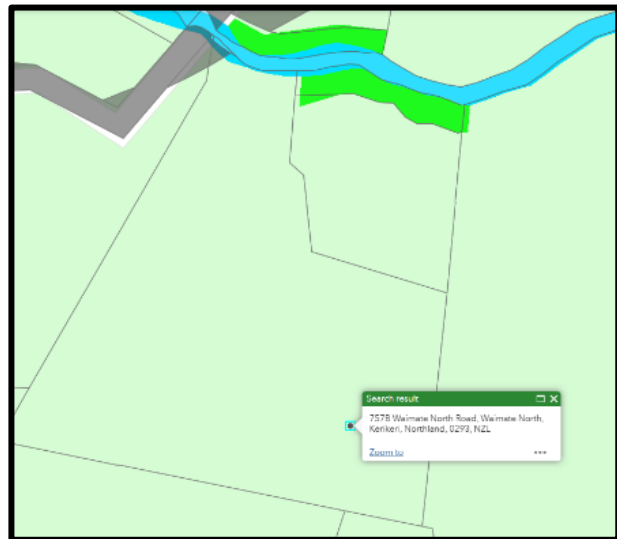


Figure 12: FNDC ODP Zoning Maps for the site.



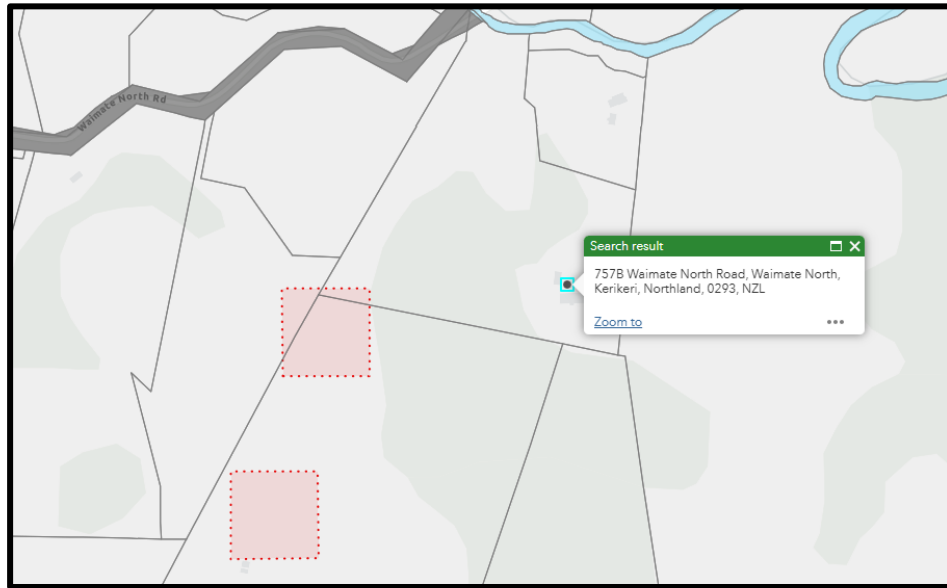


Figure 13: FNDC Heritage Maps

- 2.18 The bush area within the southern portion of the site is noted as PNA P05075 Atkins Ohaio Bush. The site is located within an area of kiwi high density which will be discussed further in this report.

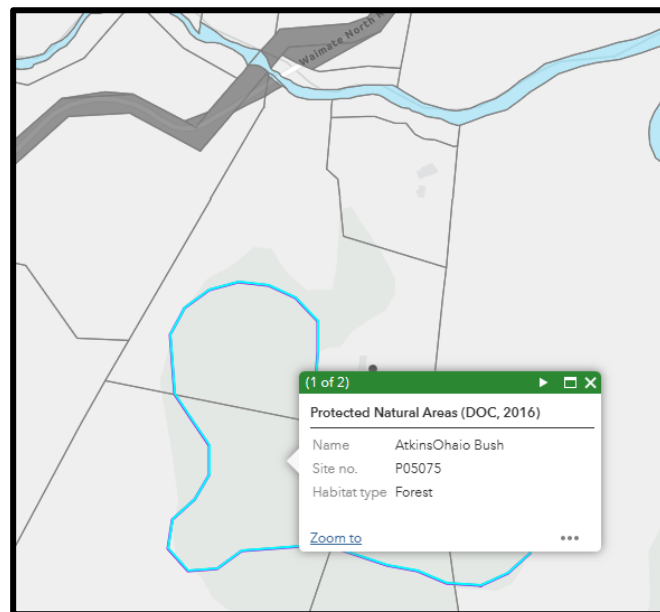


Figure 14: FNDC Maps showing location of PNA within the site.



- 2.19 The site is predominantly classified as having soils of LUC 6, which are not considered to be highly versatile under the RPS or the National Policy Statement for Highly Productive Land (NPS-HPL). A very small portion of the site within the northern corner of the site, is shown to have soils classified as 3w1, which are classified as highly versatile under the NPS-HPL. This area covers the existing ROW area as well as the area which is to be set aside as Esplanade Reserve on the proposed scheme plan. An assessment of the NPS-HPL will be made as part of the application.

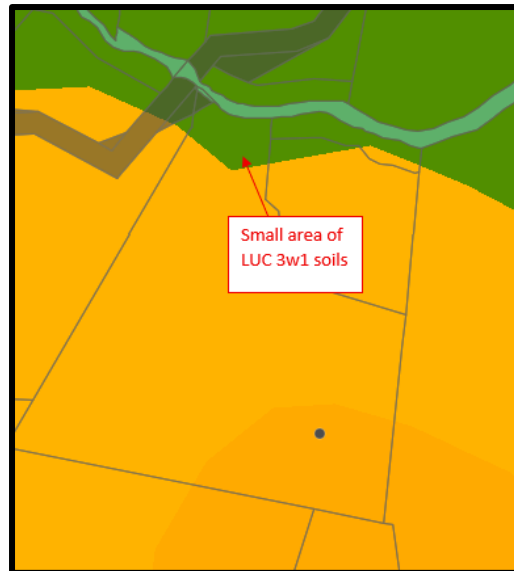


Figure 15: FNDC LUC Maps.

- 2.20 The site is not located within a Statutory Acknowledgement Area and is not located within an area of interest to local hapu on Councils Treaty Settlement maps. Te Hono Support were contacted as part of the pre-application process, to obtain the relevant Iwi Group contact details for the application. All relevant Iwi Groups were contacted with no response received to date.

3.0 ACTIVITY STATUS OF THE PROPOSAL

Weighting of Plans

- 3.1 Under the Proposed District Plan, the site is zoned as Rural Production and is not subject to any overlays.
- 3.2 The Council notified its' PDP on 27 July 2022. The period for public submissions closed on the 21 October 2022. A summary of submissions was notified on the 4 August 2023. The further submission period closed on the 5 September 2023. It is apparent from the summary of submissions relating to the applicable zone that a large number relate to the application of these provisions. Based on the volume and comprehensive nature of these submissions, the Council has confirmed that no other rules will have legal effect until such time as a decision is made on those provisions.



- 3.3 District Plan hearings on submissions are currently underway and are scheduled to conclude in October 2025. No decision on the PDP has been issued. For this reason, little weight is given to the PDP provisions.

Operative District Plan

- 3.4 The subject site is located within the Rural Production Zone. An assessment of the relevant subdivision, zone and district wide rules of the District Plan is set out in the tables below.

Subdivision

- 3.4.1 The proposal will result in one additional allotment as well as an esplanade reserve. An assessment of Chapter 13 has been undertaken below.

ASSESSMENT OF THE APPLICABLE SUBDIVISION RULES FOR THE RURAL PRODUCTION ZONE:		
<u>PERFORMANCE STANDARDS</u>		
Plan Reference	Rule	Performance of Proposal
13.7.2.1	MINIMUM LOT SIZES	Non-Complying The subject site has an area of 7.5ha and will create two allotments of 4.7ha and 2.6ha as well as an esplanade reserve of 1374m ² . The proposal cannot meet the RDA provisions as the title date is 2022. Although this is the case, as previously discussed within this application, a CDM with FNDC has been had which determined that the application should rather be assessed as RDA as the reason for the title date being post 2000, is due to road acquisition, rather than subdivision. Nonetheless, the proposal will acknowledge the Non-Complying status.
13.7.2.2	ALLOTMENT DIMENSIONS	Permitted. Lot 1 will contain the existing dwelling and as such, a concept building envelope is not applicable to this lot. Lot 2 has ample area to contain a 30m x 30m concept building envelope, which can achieve the required setback distances for the zone.
13.7.2.3 – 13.7.2.5	Not Applicable for this application.	
13.7.2.6	ACCESS, UTILITIES, ROADS, RESERVES	Permitted. This rule allows for no minimum allotment areas for allotments created for the purpose of a reserve. This applies to the allotment being created for the purpose of esplanade reserve.
13.7.2.7-13.7.2.9	Not applicable for this application	

- 3.4.2 The subdivision proposal is therefore assessed as a **Non-Complying** subdivision.



Rural Production Zone

3.4.3 Proposed Lot 1 will contain the existing dwelling and associated impermeable surfaces. Proposed Lot 2 will contain the impermeable surfaces associated with the proposed right of way easements which contain the existing metalled accessway. Therefore, an assessment of the relevant land use rules for the Rural Production zone has been undertaken below.

ASSESSMENT OF THE PERMITTED RURAL PRODUCTION ZONE RULES:		
<u>PERFORMANCE STANDARDS</u>		
Plan Reference	Rule	Performance of Proposal
8.6.5.1.1	RESIDENTIAL INTENSITY	Permitted Proposed Lot 1 will contain the existing dwelling and Proposed Lot 2 will be vacant. The first dwelling on a site is exempt from this rule.
8.6.5.1.2	SUNLIGHT	Permitted The existing structures within Lot 1 are of sufficient distance from all proposed boundaries such that there is no infringement of the sunlight provisions.
8.6.5.1.3	STORMWATER MANAGEMENT	Permitted. The existing impermeable surface coverage within Lot 1 is considered to be far less than 15% (or 7088m ²) of the site area. Lot 2 will only contain a small area of impermeable surfaces for the existing crossing place and access contained within the right of way easements.
8.6.5.1.4	SETBACK FROM BOUNDARIES	Permitted. The existing structures within Lot 1 are of sufficient distance from all proposed boundaries such that there is no infringement of the setback provisions.
8.6.5.1.5	TRANSPORTATION	A full assessment has been undertaken in the table below.
8.6.5.1.6	KEEPING OF ANIMALS	Not applicable.
8.6.5.1.7	NOISE	Not applicable.
8.6.5.1.8	BUILDING HEIGHT	No new buildings sought.
8.6.5.1.9	HELICOPTER LANDING AREA	Not applicable.
8.6.5.1.10	BUILDING COVERAGE	Permitted



		The total building coverage within Lot 1 is anticipated to be far less than the permitted allowance of 12.5% of the total site area.
8.6.5.1.11	SCALE OF ACTIVITIES	Not applicable
8.6.5.1.12	TEMPORARY EVENTS	Not applicable.

District Wide Matters

ASSESSMENT OF THE APPLICABLE PERMITTED DISTRICT WIDE RULES:		
PERFORMANCE STANDARDS		
Plan Reference	Rule	Performance of Proposal
Chapter 12 – Natural and Physical Resources		
12.1	LANDSCAPE AND NATURAL FEATURES	Not applicable. The site does not contain any outstanding landscapes or natural features to which these rules would apply.
12.2	INDIGENOUS FLORA AND FAUNA	Permitted. The site does contain indigenous vegetation however; the proposal does not involve any indigenous vegetation clearance.
12.3	SOILS AND MINERALS	Permitted. No excavations are anticipated as part of the proposal. However, if any minor excavations are required, it is anticipated that these will be well within the permitted threshold for the RP zone.
12.4	NATURAL HAZARDS	Not applicable. The site is not shown to be susceptible to natural hazards and no dwellings are proposed which would trigger the fire risk to residential units rule.
12.5	HERITAGE	Not applicable. The site is not located within a Heritage area.
12.6	AIR	This chapter has been deleted.
12.7.6.1.2	SETBACK FROM SMALLER LAKES, RIVERS AND WETLANDS	Permitted Activity There are no new buildings or impermeable surfaces sought as part of this proposal. There is ample area within Lot 2 to provide any future dwelling or impermeable surface which can comply with the provisions for setback from wetlands and setback from rivers.
12.8	HAZARDOUS SUBSTANCES	Not applicable.
12.9	RENEWABLE ENERGY AND ENERGY EFFICIENCY	Not applicable.
Chapter 14 – Financial Contributions		
14.6.1	ESPLANADE AREAS	Permitted. This rule requires that lots less than 4ha created along the bank of any river with a bed having an average width of 3m or more, provide an esplanade strip or reserve.



		Given that there is an existing esplanade reserve located along the Waitangi River bank to the east of the site, an esplanade reserve to be vested in FNDC has also been proposed, where Lot 2 would have adjoined the Waitangi River.
Chapter 15 - Transportation		
15.1.6A	TRAFFIC	Permitted Activity Proposed Lot 1 will contain the existing dwelling. The TIF for the site is within the permitted threshold for the zone. Lot 2 is vacant.
15.1.6B	PARKING	Permitted Activity The parking areas for Lot 1 will remain unchanged. There is adequate area on Lot 2 for any future parking.
15.1.6C.1.1	PRIVATE ACCESSWAY IN ALL ZONES	Permitted Activity There is an existing private accessway which services the subject site and adjoining Lot 2 DP 166120 (2 HEs). This will be contained within Easement A on the proposed scheme plan. The proposal will see one additional allotment utilising Easement A (3 HEs). Appendix 3B-1 requires that a private accessway servicing 3-4 HEs in the RP zone, has a legal width of 7.5m and a carriageway width of 3 metres with passing bays. The existing accessway is considered to meet the 7.5m legal width and 3m wide carriageway. Passing bays will be discussed further in this section. Easement C will service Proposed Lots 1 & 2 (2 HEs). Appendix 3B-1 requires that a private accessway servicing 2 HEs has a 5 metre wide legal width and 3 metre wide carriageway width. This is provided for. Easement B will form part of 'Activity B' of this application. This easement covers a very small portion accessway. Nonetheless, this area will service 3 HEs and therefore requires a 7.5m legal width and 3 metre carriageway width. Passing bays are not considered to be required. The accessway within Easement B is considered to meet these standards. (c) The private accessway will service less than 8 HEs. (d) The subdivision will not serve 9 or more sites. (e) Not applicable.
15.1.6C.1.2	PRIVATE ACCESSWAYS IN URBAN ZONES	Not applicable
15.1.6C.1.3	PASSING BAYS ON PRIVATE ACCESSWAYS IN ALL ZONES	Permitted. LDE have estimated that the accessway within Easements A, B & C is approximately 200 metres in length. LDE have noted that the point where the access services the dwelling on adjoining Lot 2 DP 166120 is at the 102 metre mark. LDE have stated that this access point is adequate to act as a passing bay and combined with the good visibility of the



		accessway, no additional passing bays are considered necessary.
15.1.6C.1.4	ACCESS OVER FOOTPATHS	Not applicable.
15.1.6C.1.5	VEHICLE CROSSING STANDARDS IN RURAL AND COASTAL ZONES	Permitted Activity The proposal will see one additional user on the existing crossing place. LDE provided comment that the crossing is sealed for the first 5 metres and is a double width crossing. This is considered to meet the FNDC standards.
15.1.6C.1.6	VEHICLE CROSSING STANDARDS IN URBAN ZONES	Not applicable.
15.1.6C.1.7	GENERAL ACCESS STANDARDS	Permitted Activity (a) There will be adequate turning on each site. (b) Complies. (c) The areas which legal width exceeds formation requirements are grassed. (d) Stormwater will be managed on site.
15.1.6C.1.8	FRONTAGE TO EXISTING ROADS	Permitted Activity (a) Access to the site is from Waimate North Road which is considered to meet the legal road width standards. (b) Waimate North Road is a sealed road and is considered to be constructed to the required standards. (c) Access to the lots will be via an existing crossing place. (d) The legal road carriageway is not known to encroach upon the subject property.
15.1.6C.1.9 – 11	Not applicable to this development.	

Overall status of the proposal under the Operative District Plan

3.4.4 The proposal will create one additional allotment. The proposed lot sizes are 4.7258ha and 2.688ha. An esplanade reserve will also be created as part of the subdivision proposal. As per section 230(1) of the RMA the land area utilised for determining compliance within minimum allotment sizes is calculated to include the area set aside for esplanade, such that Lot 2 for the purposes of assessment will be 2.8254ha. The subject site has a title date post 2000. Due to the proposed lot sizes and the title date, the subdivision proposal is considered to be a **Non-Complying activity**.

3.4.5 In accordance with Rule 13.11 *Non-Complying Activities* the proposal will be assessed as being a **Non-Complying Activity** under the District Plan. The relevant sections of Chapter 13 will be assessed as part of this application.



Proposed District Plan

- 3.5 The proposal is also subject to the Proposed District Plan process. Within the Proposed District Plan, the site is zoned Rural Production. Assessment of the matters relating to the Proposed District Plan that have immediate legal effect, has been undertaken below:

Chapter	Rule Reference	Compliance of Proposal
Hazardous Substances	The following rules have immediate legal effect: Rule HS-R2 has immediate legal effect but only for a new significant hazardous facility located within a scheduled site and area of significance to Māori, significant natural area or a scheduled heritage resource Rules HS-R5, HS-R6, HS-R9	Not applicable. The site does not contain any hazardous substances to which these rules would apply.
Heritage Area Overlays	All rules have immediate legal effect (HA-R1 to HA-R14) All standards have immediate legal effect (HA-S1 to HA-S3)	Not applicable. The site is not located within a Heritage Overlay Area.
Historic Heritage	All rules have immediate legal effect (HH-R1 to HH-R10) Schedule 2 has immediate legal effect	Not applicable. The site is not known to contain any historic heritage.
Notable Trees	All rules have immediate legal effect (NT-R1 to NT-R9) All standards have legal effect (NT-S1 to NT-S2) Schedule 1 has immediate legal effect	Not applicable. The site does not contain any notable trees.
Sites and Areas of Significance to Maori	All rules have immediate legal effect (SASM-R1 to SASM-R7) Schedule 3 has immediate legal effect	Not applicable. The site does not contain any sites or areas of significance to Māori.
Ecosystems and Indigenous Biodiversity	All rules have immediate legal effect (IB-R1 to IB-R5)	Not applicable. The site does not contain any known ecosystems or indigenous biodiversity to which these rules would apply.
Subdivision	The following rules have immediate legal effect: SUB-R6, SUB-R13, SUB-R14, SUB-R15, SUB-R17	Permitted.



		SUB-R6 relates to environmental benefit subdivisions which the proposal is not applying for. SUB-R13 relates to subdivision of a site within a heritage area overlay, which does not relate to the subject site. SUB-R14 relates to subdivision of a site that contains a scheduled heritage resource, which the site does not contain. SUB-R15 relates to a subdivision of a site containing a scheduled site and area of significance to Māori, which the site does not contain. SUB-R17 relates to a site containing a scheduled SNA, which the site does not include.
Activities on the Surface of Water	All rules have immediate legal effect (ASW-R1 to ASW-R4)	Not applicable. The proposal does not involve activities on the surface of water.
Earthworks	The following rules have immediate legal effect: EW-R12, EW-R13 The following standards have immediate legal effect: EW-S3, EW-S5	Permitted. No earthworks are anticipated as part of this proposal however it can be noted that if any earthworks are to be undertaken, these shall proceed under the guidance of an ADP and will be in accordance with the Erosion and Sediment Control Guidelines for Land Disturbing Activities in the Auckland Region 2016, in accordance with Rules EW-12, EW-R13, EW-S3 and EW-S5.
Signs	The following rules have immediate legal effect: SIGN-R9, SIGN-R10 All standards have immediate legal effect but only for signs on or attached to a scheduled heritage resource or heritage area	Not applicable. No signs are proposed as part of this application.
Orongo Bay Zone	Rule OBZ-R14 has partial immediate legal effect because RD-1(5) relates to water	Not applicable. The site is not located in the Orongo Bay Zone.

3.6 Overall, the proposal is assessed as being Permitted in terms of the PDP.





Figure 17: Image of wetland area and features.

- 3.9 It is noted within the EclA, that there are ‘Two small seepage basins and their flushes/ overland flow paths below the proposed Lot 2 house site are not considered natural inland wetland, occupied by the pastoral site association. They are also not fish habitat. They do however represent CSAs to the gully wetland with direct hydrological connection under flow events.’
- 3.10 There are multiple recommendations included within the EclA such as buffer planting of the wetland, which will be offered as conditions of consent to ensure that the revegetation and protection provide a superior outcome as a result. This will be discussed further in this report.
- 3.11 The anticipated building platform and access on Lot 2 will be within 100 metres of the natural inland wetland on the site. However, it was concluded in the EclA that the proposed building platform is not anticipated to **change the water level range or hydrological function of the wetland**. As such the application would be permitted insofar as the NES-Freshwater (NES-F). The EclA then goes on to explain that uncontrolled point source discharge of future stormwater runoff should avoid the seepage basins and flushes/overland flowpaths to ensure that there is no change in the water levels of the wetland nor a hydrological change of the wetland. Consideration of this at time of development and assessment of the NES-F will need to be adhered to.
- 3.12 It has been considered that at the time of built development on Lot 2, stormwater inputs shall be controlled to prevent sediment, scouring or erosion to avoid adverse effects on the wetland



and aquatic habitat condition. The proposed buffer planting will also assist in reducing erosion and sediment. A consent notice condition will be offered to be registered on the Title for Lot 2 to ensure that a stormwater report is provided at the time of any building or other impermeable surface on the lot to address stormwater inputs to the wetland. It is also offered that an Advice Note is issued on the decision document advising future owners that consent may be required under the NES-F for works within 100m of the wetland areas, due to discharge potentially entering the wetland areas.

- 3.13 As part of this proposal, there are no works anticipated that would be located within 100m of the wetland, as the private accessway is existing and is considered to be of the required standard, such that no upgrading is anticipated. Therefore, the proposed works as part of this application are not considered to require consent under the NES-F.
- 3.14 As per the EclA it is considered that the proposed house site, although within 100m of wetland, will not result in complete or partial drainage or change the water level range or hydrological function of the wetland. No earthworks are proposed within 10m of the wetland nor within the mapped CSA seepages. It is noted that earthworks required for the future building platform are also not considered likely to result in complete or partial drainage of all or part of the wetland. It is noted that stormwater inputs to the wetland will likely represent a discharge within 100m, however *'Under the proviso inputs modelled to date should be diffuse and avoid scouring, gross sediment input from the CSAs or displacement of wetland vegetation, adverse effects are avoided and aquatic values and extent will be maintained.'*
- 3.15 Overall, it is considered that the proposed subdivision does not trigger consent under the NES-F for activities that relate to natural inland wetlands. The inclusion of the offered consent notice conditions and advice note will ensure that stormwater is adequately controlled to avoid adverse effects on the wetland. The proposal also does not trigger consent under Subpart 2 – Reclamation of Rivers or Subpart 3 – Passage of Fish.
- 3.16 The proposal is deemed **Permitted** in terms of this Regulation.

Other National Environmental Standards

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

4.0 STATUTORY ASSESSMENT

Section 104B of the Act

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



Section 104D of the Act

- 4.2 Section 104D applies to Non-Complying Activities only and is the gateway test. Non-Complying activities must pass at least one of the gateway tests in order for consent authorities to consider approval. The gateway tests are determined in assessing the applicable documents under Section 104(1).

Section 104(1) of the Act

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

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

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

- 4.4 Actual and potential effects arising from a development as described in 104(1)(a) can be both positive and adverse (As described in section 3 of the act). Positive effects arising from this subdivision is that an additional allotment will be created in an area which is in close proximity to town centres, such as Kerikeri and Ohaeawai which provide opportunities for schools and employment. The vacant lot is suitable for built development as determined by LDE. The existing wetland and bush areas on site will also be formally protected and enhanced, providing an environmental benefit as part of the application.

- 4.5 Section 104(1)(ab) requires that the consent authority consider ‘any measure proposed or agreed to by the applicant for the purposes of ensuring positive effects on the environment to offset or compensate for any adverse effects on the environment that will or may result from allowing the activity’. A Site Suitability Report has been completed by LDE which found that the vacant lot is appropriate for built development and associated onsite services.

- 4.6 Section 104(1)(b) requires the consent authority to consider the relevant provisions of the above listed documents. An assessment of the relevant statutory documents that corresponds



with the scale and significance of the effects that the activity may have on the environment has been provided in section 6.0 below.

- 4.7 Section 104(1)(c) states that consideration must be given to 'any other matters that the consent authority considers relevant and reasonable, necessary to determine the application'. There are no other matters relevant to this application.

5.0 ENVIRONMENTAL EFFECTS ASSESSMENT

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

Subdivision (Activity A)

- 5.2 The proposal is a Non-Complying activity as per rule 13.7.2.1. The criteria within 13.10 of the District Plan is therefore to be used for assessment of the subdivision, in conjunction with the matters set out under Sections 104, 104B, 104D, and 106 of the Resource Management Act 1991. An assessment that corresponds with the scale and significance of the effects on the environment is provided below:
- 5.3 An assessment has been undertaken in accordance with Section 13.10 Assessment Criteria of the District Plan below.

ALLOTMENT SIZES AND DIMENSIONS

- 5.3.1 The proposal is to subdivide the site to create one additional allotment as well as an esplanade reserve. Lot 1 will contain the existing dwelling and associated access, parking and manoeuvring areas and Lot 2 will be vacant and contain the existing private accessway. As mentioned, there has been a wetland area identified within Lot 2 which will be formally protected as well as an existing area of PNA within Lot 1 which will also be formally protected. The intended purpose of the lots will be for rural-lifestyle living, similar to the current use of the site. LDE have completed a Site Suitability Report for the subdivision to determine whether Proposed Lot 2 is suitable for built development and onsite servicing, such as wastewater, stormwater and water supply. LDE determined that the lot is suitable for such development, with the provision for further investigation required at the time of such development, which can be included as consent notice conditions on the title for Lot 2. The proposal does not create any land use infringements of the permitted rules for the Rural Production zone, and it is considered that Lot 2 is of a size which can adequately accommodate future built development without creating any land use infringements. The lot sizes and dimensions are considered to be sufficient for operational and maintenance requirements.
- 5.3.2 Although the site and surrounding environment are zoned as Rural Production, the lot sizes and existing natural features in the area, render the sites more suitable for rural-lifestyle use. The lot sizes in the area predominantly fall within the 2 hectare to 4 hectare range, with many



containing a residential dwelling. There are some smaller allotments of less than 2 hectares scattered throughout. The majority of these lots are congregated around the fringes of Waimate North Road. Larger lots more than 10 hectares in area tend to be located inland, further from Waimate North Road. There are many natural features in the area such as the Waitangi River, riparian bush and bush areas as well as wetland areas, which also restrict the productive use of lots in the area, creating more of a rural lifestyle environment. Due to the above, the proposed allotments are considered compatible with the pattern of the adjoining subdivision and land use activities.

- 5.3.3 Furthermore, the two adjoining lots to the west/southwest of the site (Lot 2 & 4 DP 566421) have recently been approved for subdivision, to create one additional allotment each of 2 hectares. These two subdivisions have been approved under RC 2250234 and RC 2250263. Subject to these subdivisions being completed, this would result in four 2-hectare allotments to the west and southwest of the site, as well as an allotment less than 2ha directly adjoining the northeastern boundary of the site. These allotments are shown in yellow in **Figure 18** below. The two adjoining subdivisions also boasted similar characteristics to the subject site, where each site had an existing dwelling and created one vacant allotment as well as areas on the sites being set aside for formal protection of wetland areas. These wetland areas adjoin the wetland areas within the subject site, with formal protection of all areas providing a superior outcome overall. This further reinforces that the proposal is consistent with the pattern of adjoining subdivision and land use activities.

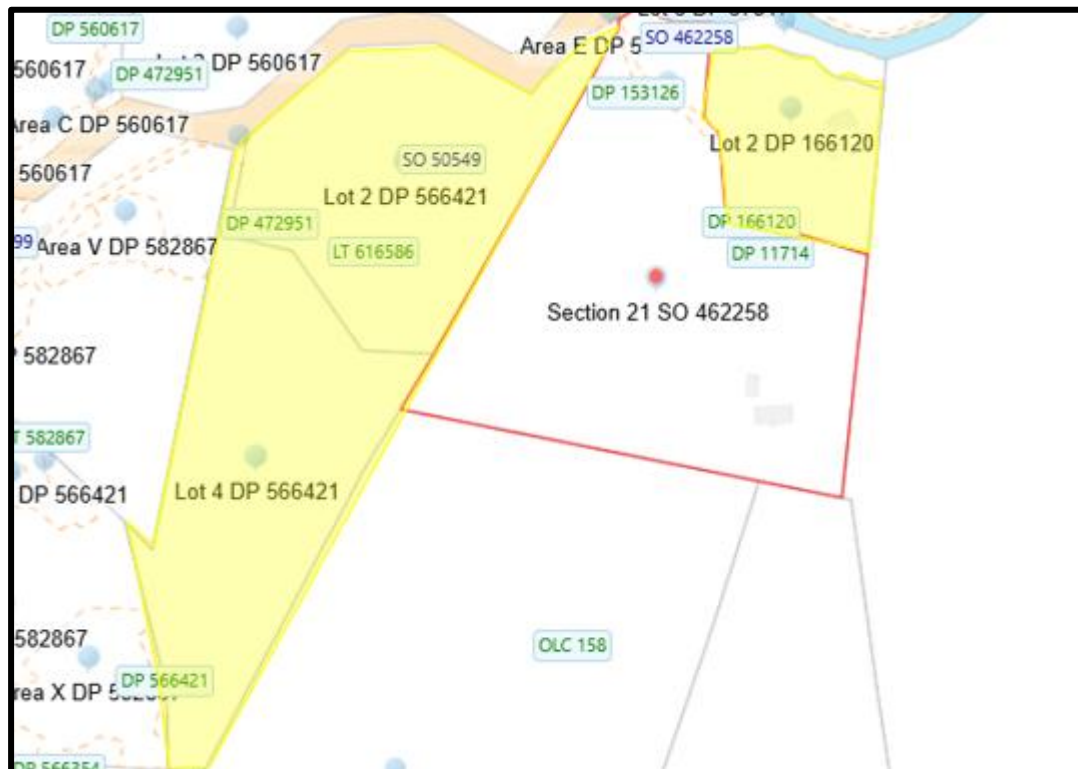


Figure 18: Image showing location of lots either of similar size to the proposed lots or having approved subdivisions which enable similar sized lots to those proposed.

- 5.3.4 The site is located approximately 10 kilometres from the heart of the Kerikeri township and as such, is in close proximity to places of employment, schools and social centres. This adds to



the need for rural lifestyle lots in the area as it enables people a place to reside in close proximity to a town centre which can cater to their needs, whilst providing the opportunity to be self-resilient by providing area for growing of gardens and crops as well as small scale keeping of livestock for home-kill. The proposal is not considered to alter the productive use of the lot as the proposal will still enable small scale productive activities, whilst providing an opportunity for an additional residential dwelling in the area, which is compatible with the surrounding land use.

- 5.3.5 In terms of access arrangements, there will be no additional crossing places required as part of the proposal. The crossing place which services the site is existing and is considered to meet the FNDC Engineering Standards, due to being upgraded recently (in the past 5 years). The proposal is not considered to adversely affect traffic in the area, with the additional traffic movements anticipated to be easily absorbed into the surrounding environment.
- 5.3.6 In terms of cumulative and long-term implications and the preservation of the rural environment, the proposal is considered to enhance the preservation of the environment whilst ensuring cumulative effects are managed to a less than minor effect. The proposal will result in one additional allotment, with both lots anticipated to contain effects within the boundary of each allotment. The sites are large enough to manage stormwater onsite, without creating downstream effects. The proposal will not add any additional crossing places, mitigating traffic effects. The proposal will also see the wetland and bush areas on site formally protected, enhancing the biological and environmental aspect of the site and surrounding environment. Additional riparian planting around the wetland area and associated features is proposed to enhance the area as well as the water quality of the wetland area, which will in turn, have positive effects on the downstream environment. Overall, it is considered that the proposal will have a positive effect on the rural environment and will be consistent with the surrounding environment.
- 5.3.7 The proposal is not considered out of character within the surrounding environment. Due to the size of the site, topography and natural features within the site, it is currently unable to be utilized for feasible productive use and is only utilised for small-scale productive use. The proposal is considered to be the best utilization of the land and enhances the site and surrounding environment.

NATURAL AND OTHER HAZARDS

- 5.3.8 LDE completed an assessment of the site in terms of natural hazards within Section 8 of their report. It was concluded that the site was not found as being susceptible to erosion, rockfall, alluvion, avulsion, unconsolidated fill, soil contamination, subsidence, fire hazard or sea level rise. The site is also not identified as being susceptible to flood hazards under the NRC Hazards Map.
- 5.3.9 The suitable building platform on Lot 2 is stated to be identified as moderately sloping and as such, LDE have recommended a consent notice condition be imposed on the title for Lot 2 which requires further investigation at the time of building consent for built development



within the lot. The below consent notice condition is offered for Lot 2 (or similar wording which achieves the same outcome):

At the time of lodging an application for building consent on Lot 2 the applicant is to provide a report from a Chartered Professional Engineer with recognised competence in relevant geotechnical and structural matters, which investigates the site from a geotechnical perspective, and which sets out the specific design of the building's foundations, in accordance with the recommendations made within the Civil Infrastructure Report prepared by LDE, dated October 30 2024 ref: 27143. [Lot 2]

- 5.3.10 It is therefore considered that there are no natural hazards within the site which could adversely affect the subdivision of the site and no matters applicable under s106 of the Act.

WATER SUPPLY

- 5.3.11 Proposed Lot 1 has existing water supply via capturing of runoff into tanks on site.
- 5.3.12 It is anticipated that Councils standard consent notice condition regarding firefighting will be registered on the title for Proposed Lot 2.

STORMWATER DISPOSAL

- 5.3.13 Lot 1 will contain the existing built development with Lot 2 being vacant. The existing built development on Lot 1 has existing attenuation methods for stormwater, with impermeable surfaces within this lot considered to be within 15% (7088m²) of the total site area. LDE have completed an assessment of Stormwater Disposal within the SSR for Lot 2, which concluded that runoff from any future house site can be managed within the site boundaries, with no adverse effects on surrounding properties.
- 5.3.14 As mentioned earlier in this report, the EclA prepared in support of this application, determined that there is a natural inland wetland located within Proposed Lot 2. Riparian planting will be introduced, which will enhance the ecological and biological wellbeing of the wetland areas as detailed within the EclA provided with this application. Although the proposal will see an increase in impermeable surfaces which will most likely be within 100m of the identified wetland areas, the EclA determined that with the inclusion of appropriate stormwater attenuation methods which reduce and control erosion and sediment levels into the wetland areas, there will be no change to the hydrological function of the wetland areas. An Advice Note can be placed on the decision document advising future owners that impermeable surfaces within 100m of the wetland areas may require consent under the National Environmental Standards for Freshwater 2020 (NES-F) and the consent notice condition requiring a report addressing stormwater attenuation has been offered to note that detail on mitigation measures for the wetland area are to be included within any such report. As concluded within the EclA, this provides a superior outcome as formal protection and enhancement of the wetland areas on site will be provided.
- 5.3.15 The below consent notice condition is offered as part of this application:



In conjunction with the construction of any building requiring building consent on the lot the consent holder must provide a stormwater management report prepared by a Suitably Qualified and Experienced Person detailing how stormwater will be managed in accordance with Council's Engineering Standards at building consent stage. Stormwater runoff from future new buildings and impermeable surface areas on the lots shall be restricted to that of predevelopment levels for a 10% AEP storm event plus an allowance for climate change. Particular detail shall be provided on mitigating sediment and erosion levels to the protected wetland areas as identified in RCXXXXXX. [Lot 2]

- 5.3.16 It is considered with the inclusion of the above consent notice condition (or one of similar wording that provides the same outcome), stormwater effects on adjacent properties, the surrounding environment and the wetland areas within the site, will be mitigated to a less than minor degree.

SANITARY SEWAGE DISPOSAL

- 5.3.17 Councils' infrastructure is not available to this rural site. Proposed Lot 1 has an existing system which was installed with the dwelling on site. The system is in good working order and can meet current guideline setback requirements, as per LDE's report.
- 5.3.18 Proposed Lot 2 is vacant. LDE completed an assessment of onsite wastewater disposal as part of their Site Suitability report. A concept effluent field location has been provided for by LDE to conclude that the lot is suitable for onsite effluent disposal.
- 5.3.19 It is therefore anticipated that the standard consent notice condition will be imposed on the title for Lot 2 that requires a site specific TP58 for any future built development on the lots which requires an effluent system.

ENERGY SUPPLY, TOP ENERGY TRANSMISSION LINES, & TELECOMMUNICATIONS

- 5.3.20 The existing dwelling on Lot 1 has existing provisions for power and telecommunications.
- 5.3.21 It is not a requirement for rural production zoned lots to provide power and telecommunication connections at the time of subdivision. It is anticipated that the provision for power supply will be completed at the time of built development on Lot 2. There are many options available now which do not require connection to telecommunications, such as rural broadband and starlink.
- 5.3.22 Regardless, we offer Councils standard consent notice condition for Lot 2 that power supply and telecommunication services are not a requirement of the subdivision to ensure future owners are aware.

EASEMENTS FOR ANY PURPOSE

- 5.3.23 The Memorandum of Proposed Easements and Existing Easements are shown on the scheme plan attached with this application. The proposal will see rights created over the existing access to provide access, convey electricity, water and telecommunications over Lot 2 to Lot 1.



- 5.3.24 The existing easement is shown as Easement A on the scheme plan, which covers the portion of accessway over Lot 2 under document C859254.4.
- 5.3.25 As part of this proposal, the area shown as E on the scheme plan, will be set aside for formal protection of the PNA/hardwood remnant on the site. The wetland area on site will also be set aside for formal protection.
- 5.3.26 Easement B is a with a Proposed Easement schedule rather than a Memorandum of Proposed Easements and therefore is not required to be registered. As mentioned, Easement B will form part of 'Activity B' of this application and will be discussed further in this report.

PROVISION OF ACCESS

- 5.3.27 Proposed Lots 1 & 2 will be accessed via the existing crossing place located in the northern corner of the site. This crossing currently services two neighbouring allotments, with the subject site providing an easement over the portion of land which affects the site (indicated as Easement A on the attached scheme plan). LDE have completed an assessment of the crossing place and advised that it can meet the current sight line requirements. LDE provided comment that the crossing is sealed for the first 5 metres and is a double width crossing. This is considered to meet the FNDC standards.
- 5.3.28 The existing internal accessway will be utilised to provide access to both of the proposed allotments. Easement A will service both Lots 1 & 2 as well as adjoining Lot 2 DP 166120. Easement C will only service Lots 1 & 2. LDE have determined that the access to adjoining Lot 2 DP 166120 is sufficient in acting as a passing bay, such that no additional passing bays are proposed nor considered necessary.
- 5.3.29 As the subdivision will utilise the existing crossing place and only add one additional allotment, it is considered that the proposal will not create any adverse effects on the environment in terms of traffic, visual and natural character effects.

EFFECT OF EARTHWORKS AND UTILITIES

- 5.3.30 There are no earthworks anticipated as part of this proposal as the crossing place and accessway are existing and built development within Lot 2 does not form part of this proposal.

BUILDING LOCATIONS

- 5.3.31 Proposed Lot 1 has an existing dwelling and therefore no additional building locations are proposed within this lot.
- 5.3.32 LDE have provided assessment of Lot 2 which found that it is suitable for built development, however, recommend further site specific investigation at the time of built development due



to the area being moderately sloping (15-20%). As mentioned earlier in this report, the below consent notice condition is offered for Lot 2:

At the time of lodging an application for building consent on Lot 2 the applicant is to provide a report from a Chartered Professional Engineer with recognised competence in relevant geotechnical and structural matters, which investigates the site from a geotechnical perspective, and which sets out the specific design of the building's foundations, in accordance with the recommendations within the Civil Infrastructure Report prepared by LDE, dated October 30 2024 ref: 27143. [Lot 2]

5.3.33 The sites are not subject to inundation.

5.3.34 The site has a northerly outlook which enables any future house to take advantage of passive solar gain.

PRESERVATION AND ENHANCEMENT OF HERITAGE RESOURCES, VEGETATION, FAUNA AND LANDSCAPE, AND LAND SET ASIDE FOR CONSERVATION PURPOSES

5.3.35 The site is not known to contain any heritage resources or archaeological features. The proposal has been sent to Heritage NZ as well as Iwi as part of the pre-consultation process, with Heritage NZ recommending that the proposal proceed under the guidance of an ADP and no response received from Iwi to date. The adjoining two subdivisions approved under RC 2250263 and RC 2250234 proceeded under the guidance of an ADP. As such, it is considered that the proposal does not create any adverse effects in regards to heritage resources and the proposal shall proceed under the guidance of an ADP.

Kiwi

5.3.36 The site is located within an area of kiwi high density. The Applicant has one dog currently which resides on site with him which provides emotional and wellbeing support as well as companionship to the Applicant. Given the above, it is proposed to allow for one dog within Proposed Lot 1, with a full restriction on cats and mustelids. This would ensure that the Applicant could have one companion dog for the remainder of his time at the property. The Applicant has advised that the property around his existing dwelling on Lot 1 is fully fenced, such that a dog could not escape or roam the property. A full restriction on dogs, cats and mustelids would be applied to Lot 2.

5.3.37 This proposal has been discussed with the Department of Conservation (see **Appendix 13**), where it was advised that their directive is to not increase the number of pets on a site. It is considered that this stance would ensure that the number of dogs would not exceed what is currently on site and therefore meet DOC's directive. As detailed above, a full restriction on dogs, cats and mustelids would apply to Lot 2. The below consent notice conditions are proposed for the new titles:

- i. The site is identified as being within a kiwi high density zone. No occupier of, or visitor to the site, shall keep or introduce to the site carnivorous or omnivorous animals (such as cats, dogs or mustelids) which have the potential to be kiwi predators. [Lot 2]*



- ii. *The site is identified as being within a kiwi high density zone. No more than one dog shall be kept or introduced on Lot 1 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. A full restriction on cats and mustelids is applied to this lot.*

For the existing dog on site – within 2 months of consent being issued, provide the Resource Consent Monitoring Officer with evidence for Council's records of the existing dog on site, this shall include:

- i. *A photograph of the existing dog*
- ii. *Written confirmation that the dog has been micro-chipped.*

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

- i. *A photograph of the dog;*
- ii. *Written confirmation that the 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*
- iv. *For any dog a plan showing the extent to the dog proof fenced area.*

[Lot 1]

Wetland and Protected Natural Area (PNA) and Hardwood Remnant

5.3.38 As discussed in previous sections of this report, an EclA has been completed in support of this application which concluded that there is a natural inland wetland and seepage areas within the site which also includes freshwater fish species. The anticipated development site on Lot 2 has been located at a maximal distance from the wetland and has been concluded within the EclA that it does not interact with any CSAs and has negligible significance. The proposal will include formal protection of the wetland area within the site as well as riparian planting of an average 2 metre buffer around the wetland and the seepage area, pest and weed management and assessment of stormwater management at the time of built development within the lots. The following enhancement measures are proposed, as recommended and supported by the EclA, to ensure the long-term functionality and integrity of the wetland, riparian area and wider environment:

- Covenanted to include conditions of only indigenous species aligned with WF9 forest type as per NES –F requirements; no floodlighting; no damming, diversion or ponding of wetland or creek
- A formal **Pest Management & Weed Management Plan** specifying monitoring and reporting procedures prepared by a suitably qualified and experienced ecologist designed in general accordance with the EclA
 - predator control to provide higher functionality of remaining habitat



- browser control to allow establishment of revegetation and natural regeneration as the site develops
- ongoing prevention/ removal of exotic infestations enabling increased and more diverse natural regeneration assisted by the browser control
- effectively increasing values of wetland and protect extent from invasion of non-wetland shrubs and herbaceous species e.g. wild ginger *Hedychium gardnerianum*; mistflower *Ageratina riparia*
- Exotic vegetation which could adversely affect natural regeneration or local forest health is not to be introduced. This includes environmental weeds and those listed in the National Pest Plant Accord
- Lot 2 – no dogs, cats or mustelids.
- Lot 1 – No cats or mustelids. One dog allowance.
- Revegetation within an average 2 metre buffer around the wetland and the seepage area in accordance with the plan below from the EclA.
- Lot 2 - Consent Notice condition imposed requiring the stormwater reports provided at time of built development on the lots, to include commentary on mitigation measures on the wetland areas on the lot.

5.3.39 It is noted that the consent notice condition allowing for one dog relates only to Lot 1. It is also noted that there is an area of PNA within the site, which will be contained within Lot 1. There was also an area identified to the east of the current residence which encompasses totara/hardwood remnant, as detailed within the EclA. The image below taken from the EclA details the location of these features.



Figure 19: Natural features within the site.

5.3.40 The EclA has recommended that protection and continued preservation of the wetland and mature PNA and Hardwood Remnant should be formally protected as Reserves under the



Reserves Act 1977. This would require legal agreement between the Ministry and the administering body as to preserve the land for the purpose specified in the Reserves Act 1977. The EclA determined that Section 20 of the Reserves Act is most appropriate which states the following:

(1) It is hereby declared that the appropriate provisions of this Act shall have effect, in relation to reserves classified as nature reserves, for the purpose of protecting and preserving in perpetuity indigenous flora or fauna or natural features that are of such rarity, scientific interest or importance, or so unique that their protection and preservation are in the public interest

5.3.41 The EclA went on to state *'Further Nature reserve general conditions refer Appendix 1. The land is then subject to general management requirements of the Reserves Act Secs 93-105 as per **38 CONTROL AND MANAGEMENT OF LAND THAT IS NOT A RESERVE**(3) While an arrangement as aforesaid remains in force, sections 93 to 105 shall, as far as they are applicable and with the necessary modifications, apply to that land in all respects as if it were a reserve under this Act: provided that in their application to any such land sections 93 to 105 shall be read subject to any agreement between the owner, lessee, or licensee of the land and the Minister preserving to the owner, lessee, or licensee the right to do any act or thing forbidden by this Act. These conditions, along with FNDC Policy P21/01 require a Management Plan detailing how the values of the land will be maintained, restored and/or enhanced. Accordingly as per FNDC Policy P21/01, in order to gain rates relief the land must not be in use.'*

5.3.42 It is therefore anticipated that a Management Plan will be required to determine how the land within the designated reserve will be maintained, restored or enhanced. This is anticipated to be a condition of consent on the decision document.

5.3.43 It is considered that with the above proposed mitigation measures, the proposal will result in positive gains which will extend to the surrounding environment, as concluded within the EclA. This is considered to more than just mitigate adverse effects of the proposed subdivision, it provides full protection and enhancement of a wetland area, PNA and Hardwood Remnant which meet the criteria within Section 13.10.13(a), (b), (e), (g) and (h) of the ODP.

Esplanade Reserve

5.3.44 As discussed earlier in this report, ODP Rule 14.6.1 rule requires that lots less than 4ha created along the bank of any river with a bed having an average width of 3m or more, provide an esplanade strip or reserve. Given that there is an existing esplanade reserve located along the Waitangi Riverbank to the east of the site (within Lot 2 DP 166120), an esplanade reserve to be vested in FNDC has also been proposed, where Lot 2 would have adjoined the Waitangi River. This is shown on the proposed scheme plan as Lot 3 with an area of 1374m².



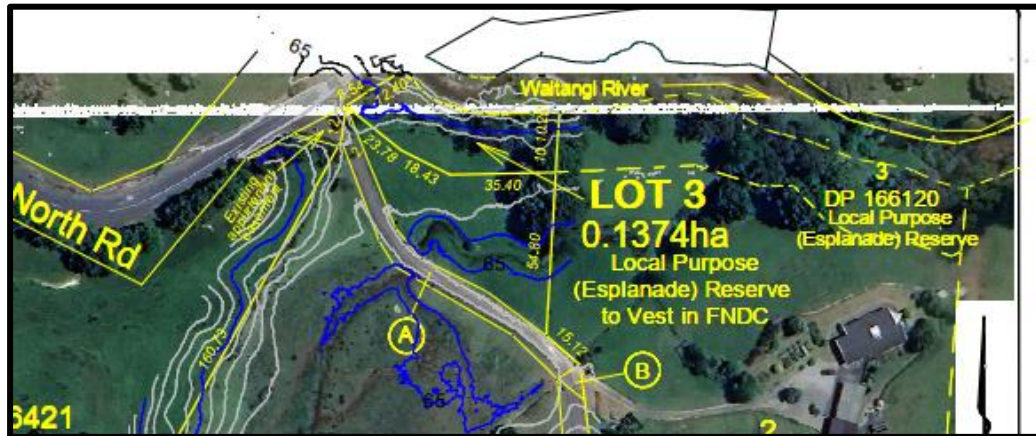


Figure 20: Snip of scheme plan showing location of proposed esplanade reserve.

5.3.45 Rule 13.10.13(d) states '(d) Where a reserve is to be set aside and vested in the Council, whether the value of the reserve land is offset against the assessment of any financial contribution.'

5.3.46 Given that there is an existing esplanade reserve to the left of the proposed esplanade reserve, it is considered appropriate in this instance to set this land aside as reserve, vested in Council. The area to be set aside is currently rank pasture as well as consisting of kanuka totara amongst pasture, as indicated in the **Figure 21**. Retirement of this land for esplanade reserve will also be consistent with the Waitangi Catchment Group Report (2016) and the PNRP Catchment Policy E.2.1 as detailed within the EclA.

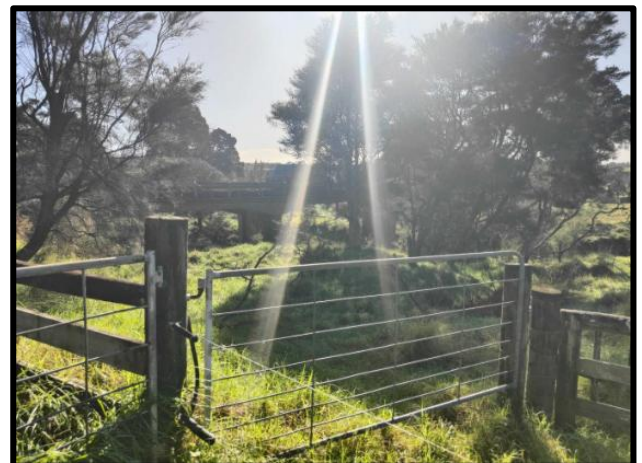


Figure 21: Image of area to be set aside as esplanade reserve.

5.3.47 BEC have stated that weeds will be required to be removed within the area to be vested, prior to vesting occurring. It has been stated within the EclA that the majority of weeds within this area is tobacco weed and gorse.

Offered Conditions of Consent

5.3.48 The below conditions and consent notice conditions are therefore offered to encompass the above, as well as the proposed formal protection of natural areas within the site, for conservation. I note that some of the ecological recommendations have been slightly reworded:

Survey Plan Approval (s223) conditions:

1. Areas identified as E in the scheme plan and all areas identified in the EclA as wetland are to be subject to reserves for conservation.

Prior to Section 223:



2. *Prior to commencement of any physical work on site, the consent holder shall provide a Pest Management & Weed Management Plan specifying monitoring and reporting procedures prepared by a suitably qualified and experienced ecologist designed in general accordance with the EclA to ensure resilience and functional habitat to the satisfaction of Council.*

The plan must include, however is not limited to:

- i. *predator control to provide higher functionality of remaining habitat*
- ii. *browser control to allow establishment of revegetation and natural regeneration as the site develops*
- iii. *ongoing prevention/ removal of exotic infestations enabling increased and more diverse natural regeneration assisted by the browser control*
- iv. *effectively increasing values of wetland and protect extent from invasion of non wetland shrubs and herbaceous species e.g. wild ginger⁴⁵ Hedychium gardnerianum; mistflower Ageratina riparia*

Section 224(c) compliance conditions:

3. *Revegetation of the wetland and creek riparian area and around the seepage areas, to a 2m buffer, shall be completed in accordance with the plan provided within the Ecological Impact Assessment prepared by Bay Ecological Consultancy Ltd dated 13th August 2025.*

Consent Notice Conditions:

- i. *The site is identified as being within a kiwi high density zone. No occupier of, or visitor to the site, shall keep or introduce to the site carnivorous or omnivorous animals (such as cats, dogs or mustelids) which have the potential to be kiwi predators.*

[Lot 2]

- ii. *The site is identified as being within a kiwi high density zone. No more than one dog shall be kept or introduced on Lot 1 DP xxx 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. A full restriction on cats and mustelids is imposed on this lot.*

For the existing dog on site – within 2 months of consent being issued, provide the Resource Consent Monitoring Officer with evidence for Council's records of the existing dog on site, this shall include:

- i. *A photograph of the existing dog/s*
- ii. *Written confirmation that the dog(s) have been micro-chipped.*

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

- i. *A photograph of the dog;*
- ii. *Written confirmation that the dog has been microchipped*



iii. 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. A plan showing the extent to the dog proof fenced area.

[Lot 1]

- iii. No outdoor fires or use of fireworks are permitted within the areas set aside for conservation protection within the proposed lots. [Lots 1 & 2]*
- iv. No floodlighting is permitted on the proposed lot. If outdoor lighting is installed, it shall be hooded and shall not include any light on the blue light spectrum. [Lots 1 & 2]*
- v. Pest and weed eradication shall be ongoing in accordance with the approved Pest Management and Weed Management Plan approved by Far North District Council in accordance with Condition XX of the approved decision document RCXXXXXX. Any predator/pest control work carried out is to be done in a manner which will not endanger kiwi. [Lots 1 & 2]*
- vi. Exotic vegetation which could adversely affect natural regeneration or local forest health is not to be introduced to the lot. This includes environmental weeds and those listed in the National Pest Plant Accord. [Lots 1 & 2]*
- vii. The owners must preserve the indigenous trees and bush as well as the wetland areas identified on the title plan as well as the seepage basins and overland flowpaths shown within the Ecological Impact Assessment prepared by Bay Ecological Ltd dated 13th August 2025 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 must 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 & 2]*
- viii. Pasture in proposed Lot 2 is to be grazed or cut short prior to earthworks to avoid provision of shelter for kiwi. Alternatively, the area can be checked by a kiwi dog prior to clearance. [Lot 2]*



SOIL

5.3.49 The subdivision will create one additional allotment, with Lot 1 being 4.7 hectares and Lot 2 being 2.6 hectares. The site is predominantly classified as having soils of LUC 6 (orange shade), which are not classified as highly versatile soils. There is a very small portion of soils classified as 3w1 (green shade), which is located in the northern portion of the site. As mentioned, and as depicted in **Figure 22**, this area covers the existing access from Waimate North Road and the area to be set aside as esplanade reserve and is therefore already removed from production use. Therefore, safeguarding of the life supporting capacity of soil is not considered to be adversely affected in this instance. It seems a band of LUC3 soils has been created around the bounds of the Waitangi River and therefore captures a small portion of the subject site. Although the current use of this area is not for productive use. A similar case occurred within recently approved RC 2250234, where a small portion of land already removed from productive use was classified as highly versatile soils. It was concluded within RC 2250234, that as the portion of the site identified as HPL is already removed from productive use, it is generally consistent with Objective 2.1 and Policies 1, 2, 4, 5, 6 & 7. It is considered the same applies in this case.

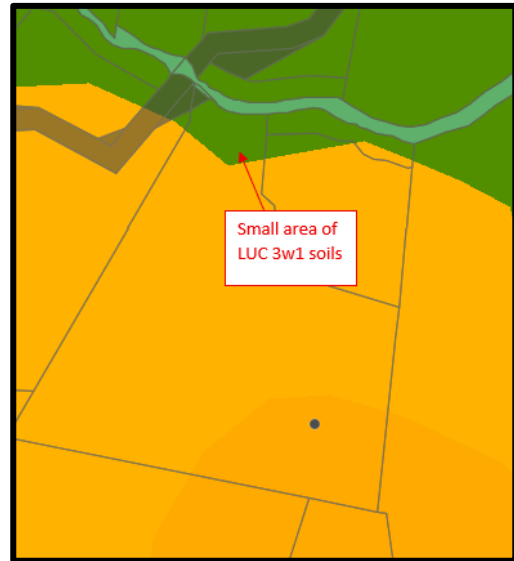


Figure 22: FNDC LUC Maps.

- 5.3.50 The addition of one allotment is not considered to adversely affect the life supporting capacity of soils. The site is of rolling topography and also contains a wetland area and an area of PNA which restricts productive use. The proposal will see one additional lot created which can still accommodate small scale productive use.
- 5.3.51 It is considered that the proposal provides a superior outcome for utilization of the lot, as the constraints of the site render the land unusable for large scale productive use. Those areas which are unusable will be enhanced and the sites ecological value and local biodiversity will be formally protected. Enhancement through riparian planting is offered.

ACCESS TO RESERVES AND WATERWAYS

5.3.52 The proposal includes vesting of a portion of land for esplanade reserve along the Waitangi River boundary. Given that this will adjoin an existing esplanade reserve to the east, it is considered appropriate to vest this portion of land as reserve.

LAND USE INCOMPATIBILITY

5.3.53 The site is located in an area which consists predominantly of rural lifestyle sized allotments of 2 hectares to 4 hectares. Most allotments have been developed with a residential dwelling, with the remainder of the site utilised for small scale productive use or containing natural features such as the Waitangi River, wetland or bush areas.



- 5.3.54 The proposal is not anticipated to create any reverse sensitivity effects given the existing land use activities in the area. There is ample area within Lot 2 to provide future residential development which can meet the permitted setback and sunlight provisions. Written approval has also been obtained by the two adjoining neighbours within Lot 2 & 4 DP 566421. The existing built development on Lot 1 and proposed building platform on Lot 2 are set back a sufficient distance from the Waimate North Road boundary such that visual effects are considered to be less than minor.



Figure 23: Image showing location of existing dwelling on proposed Lot 1 and proposed building platform on Proposed Lot 2 and how these are obscured from view.

- 5.3.55 As mentioned earlier in this report, the two adjoining lots to the west/southwest of the site (Lot 2 & 4 DP 566421) have recently been approved for subdivision, to create one additional allotment each of 2 hectares. These two subdivisions have been approved under RC 2250234 and RC 2250263. Subject to these subdivisions being completed, this would result in four 2-hectare allotments to the west and southwest of the site, as well as an allotment less than 2ha directly adjoining the northeastern boundary of the site. The two adjoining subdivisions also boasted similar characteristics to the subject site, where each site had an existing dwelling and were created one vacant allotment as well as areas on the sites being set aside for formal protection of wetland areas. These wetland areas adjoin the wetland areas within the subject site, with formal protection of all areas providing a superior outcome overall. This further reinforces that the proposal is consistent with the pattern of adjoining subdivision and land use activities.
- 5.3.56 It is also worth reiterating that the proposal would have been able to be undertaken as a Restricted Discretionary Activity if the road acquisition did not change the title date of the subject site. If the road acquisition did not occur, much smaller allotments at a higher density could have been created. It is therefore considered that the proposal provides a superior outcome to other subdivisions in the area.
- 5.3.57 Overall, the proposal is not considered to create any land use incompatibility or reverse sensitivity effects. The proposal will create allotments which are consistent with lots in the surrounding environment. The proposal is not considered to have any adverse effects adjoining property owners. No effects from existing land uses are anticipated. The proposal is



considered consistent with the surrounding environment and the nature and character of the area.

- 5.3.58 The proposal has taken into account reverse sensitivity effects and effects from incompatible land use activities, and it has been determined that the proposed allotments are not out of character within the immediate and larger area, such that no reverse sensitivity effects or incompatible land use activities are created.

PROXIMITY TO AIRPORTS

- 5.3.59 Not applicable as the subject site is not located in close proximity to an airport.

NATURAL CHARACTER OF THE COASTAL ENVIRONMENT

- 5.3.60 The site is not within the coastal environment.

ENERGY EFFICIENCY AND RENEWABLE ENERGY DEVELOPMENT/USE

- 5.3.61 No energy efficient or renewable energy development are sought as part of this proposal.

NATIONAL GRID CORRIDOR

- 5.3.62 The site is not within a national grid corridor.

Summary

- 5.3.63 The subdivision will result in one additional rural lifestyle allotment being created in an area with a number of rural lifestyle activities, which are already existing. Proposed Lot 1 will contain the existing dwelling and Proposed Lot 2 will be of a size that can accommodate a future dwelling and associated infrastructure. Due to similar sized allotments in the surrounding environment, it is considered there are no reverse sensitivity or incompatible land use activities created by the proposal. The proposal will provide a positive ecological and biological impact through protection, revegetation and ongoing pest and weed management of the wetland, PNA and hardwood remnant areas within the site. The proposal will enhance the rural amenity of the site and the area and provide better utilization of the land.

Other Matters

Precedence

- 5.4 The site and surrounding environment are zoned Rural Production, however the majority of the sites within the surrounding environment (including the subject site) fall within the 2-hectare to 4-hectare range. This is typically smaller than lots seen within the Rural Production zone and generally too small to enable productive use of the allotments. Therefore, the character of the area is more Rural Lifestyle in nature with lots further afield from Waimate North Road reflecting Rural Production. The site is also located approximately 10 kilometres from the township of Kerikeri, which provides a suitable transition area for lots of the proposed size to be located as it provides a form of transition zone between the more intensive development of Kerikeri, to the larger productive lots on the outskirts of the town.



- 5.5 The topography of the site is of rolling nature, which is generally not favourable for rural productive use. There is also a wetland area which covers a large portion of the northern end of the site as well as a PNA and hardwood remnant area within the southern portion of the site, which cannot be utilised for productive use. The soils within the site are predominantly LUC6, with a very minor area being LUC3, which is already removed from production, as it contains the existing ROW area and the banks of the Waitangi River. Due to the majority of the site being of soils which are not highly versatile, combined with the topography of the site and the natural features within the site, the site is not considered to be suitable for productive use and is rather a lifestyle property.
- 5.6 The proposal will see one additional lifestyle lot created, which can accommodate a residential dwelling as well as area for small scale productive use, such as gardens. The proposal will also result in the formal protection of the wetland, PNA and remnant hardwood areas on the site, providing an environmental benefit to the site and surrounding environment. The buffer of the wetland area is also proposed to be planted with flax and sedges to aid in the enhancement of the wetland area as well as provide a buffer zone to protect it from surrounding activities. This will create a robust wetland system which will be functioning at its peak for future generations.
- 5.7 In terms of visual effects, there is some screening along Waimate North Road, and this combined with the topography, restricts some visibility of the lots from Waimate North Road immediately adjacent to the sites. It is noted that the dwelling on Lot 1 can be seen from Waimate North Road along some points (refer **Figure 23** for a viewing area near Montrose Road). The future dwelling on Lot 2 will also be visible from similar viewing points. Written approval from the two adjoining neighbours to the west have been obtained, such that effects on adjoining properties are considered to be less than minor. No additional crossing places will be required as the lots will utilise an existing crossing place to Waimate North Road.
- 5.8 The site adjoins Lot 2 & 4 DP 566421 to the west and southwest. These lots are currently utilised as rural-lifestyle allotments and contain existing dwellings as well as being recently approved for subdivision, as discussed. Written approval has been obtained by the two adjoining allotments to the west, with effects of the proposal considered to be less than minor. The proposal will see enhancement of the wetland area on site which links to the wetland areas on these two adjoining sites, providing a robust ecological and biological environment.
- 5.9 Lot 2 DP 166120 will border the northern boundary of Lot 1 and the existing accessway which leads to the dwelling on Lot 1. The proposal will see one additional user of the accessway, which Lot 2 DP 166120 has rights to use, however no adverse effects of the subdivision on this allotment are anticipated. LDE have confirmed that the accessway meets the required standards currently, with no upgrading proposed. The dwelling on Lot 2 DP 166120 appears to be orientated north, with the building platform on Proposed Lot 2 located to the southwest, such that views of any future dwelling on Lot 2 will most likely be intermittent. Furthermore, there is a large separation distance between the proposed building platform on Lot 2 and Lot 2 DP 166120.



- 5.10 To the south is OLC158. This will adjoin the southern boundary of Lot 1 and Lot 2. The PNA within the subject site extends into OLC158, such that there will be no change of use along this boundary. Given the large separation distance and the existing use of the site along this boundary, no adverse effects are anticipated.

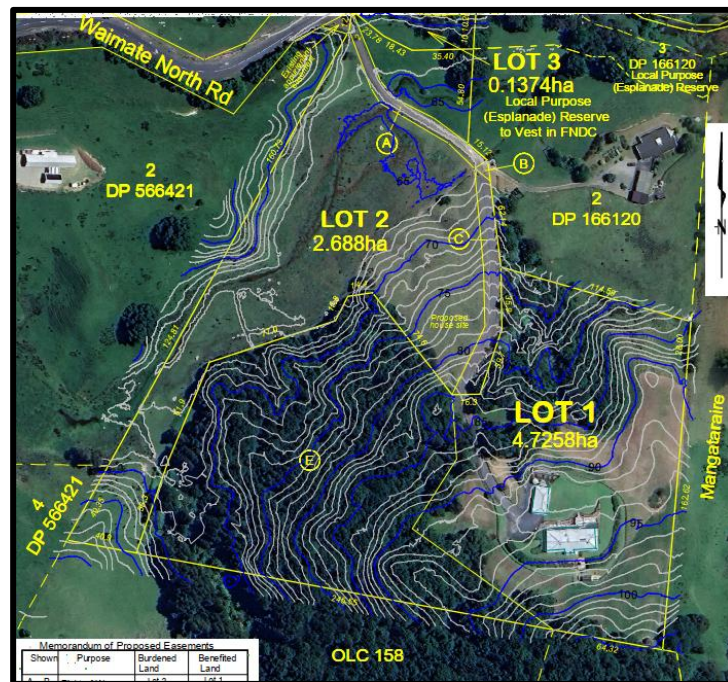


Figure 24: Snip of scheme plan showing location of adjoining allotments.

- 5.11 The proposal is not considered to create conflicts in existing land use activities as the proposal will enable allotments which can contain a residential dwelling as well as small-scale productive activities whilst preserving and protecting the wetland and vegetated areas within the sites. The proposal is therefore considered to be consistent with other land use activities in the area.
- 5.12 LDE have completed a Site Suitability Report for the proposal, which found that Lot 2 is suitable for future built development and onsite servicing. Consent notice conditions have been recommended which will be included on the title of Lot 2.
- 5.13 Overall, it is considered that the proposal does not set a precedence due to the combination of factors described above which restrict and inhibit the productive use of the site as well as the location and proposed lot sizes reflecting a transitional zone between the urban and larger rural lots in the area. The proposal will provide an environmental benefit by the formal protection and enhancement of the wetland and vegetated areas within the site.



Creation of Easement B (Activity B)

- 5.14 As discussed earlier in this report, it is requested that a separate resolution is provided for the creation of Proposed Easement B as shown on the scheme plan attached within **Appendix 5** of this report. Proposed Easement B is for the purposes of right of way, right to convey electricity, water and telecommunications over Proposed Lot 2 (burdened land) to service adjoining Lot 2 DP 166120 (benefited land). It is requested that this is included as a separate resolution within the decision document as it does not form part of Activity A and is not required as part of Activity A. Therefore, to ensure clarity between Activity A and B and any works required, it is requested these decisions are independent within the decision document.
- 5.15 Legal access to Lot 2 DP 166120 has been provided within existing easement document C859254.4 which will be brought forward to the new titles. Proposed Easement B which is subject of Activity B is a new introduced easement which will be at the discretion of the Applicant to register once agreement has been made with the owner of Lot 2 DP 166120 regarding the matter.
- 5.16 As detailed earlier in this report, Easement B is a small area of land which covers the existing accessway. This portion of accessway is considered to meet the required standards within Appendix 3B-1 and no infringement of the permitted standards within Chapter 15 are considered to be created.
- 5.17 As such, it is requested that this easement is approved and granted under Section 348 of the Local Government Act 1974 (LGA).

6.0 POLICY DOCUMENTS

- 6.1 In accordance with section 104(1)(b) of the Act the following documents are considered relevant to this application.

National Environmental Standards

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

- 6.2 As determined earlier in this report, the proposal is deemed to be permitted in terms of the NESCS, as the site is not known to have been or currently be utilised for any activities listed on the HAIL. As such, the application has been considered Permitted in terms of the NESCS.

National Environmental Standards for Freshwater 2020

- 6.3 As detailed in previous sections of this report, the site does contain a natural inland wetland, seepage basins and overland flowpaths which contribute to the main wetland area. It is noted within the EclA, that the anticipated building platform and access on Lot 2 will be within 100 metres of the natural inland wetland on the site. However, the proposed Lot 2 building platform and access do not occupy critical source areas, seepages or overland flow paths that through their formation may change the water level range or hydrological function of the



wetland. The EclA concluded that in the absence of alteration of any point of source inputs or seepages it is **unlikely to change the water level range or hydrological function of the wetlands**. Likewise, earthworks within 100m or 10m will not result in complete or partial drainage of all or part of the wetland as per Reg52(i);(ii) & Reg 54(c) & (d) if they do not occupy or intersect with the wetland. Best practice earthworks and sediment control to prevent infilling is considered sufficient mitigation. It is therefore considered that these regulations are not applicable.'

- 6.4 It has been considered that at the time of built development on Lot 2, stormwater inputs shall be controlled to prevent sediment, scouring or erosion to avoid adverse effects on the wetland and aquatic habitat condition. The proposed buffer planting will also assist in reducing erosion and sediment. A consent notice condition will be offered to be registered on the title for Lot 2 to ensure that a stormwater report is provided at the time of any building requiring building consent on the lot, to address stormwater inputs to the wetland. It is also offered that an Advice Note is issued on the decision document advising future owners that consent may be required under the NES-F for works within 100m of the wetland areas, due to discharge potentially entering the wetland areas.
- 6.5 As part of this proposal, there are no works anticipated that would be located within 100m of the wetland, as the crossing place and accessway which will service the allotments are existing and are considered to be of the required standard, such that no upgrading is anticipated. Nonetheless, if upgrading of the crossing places is required, it is considered that the works, although potentially within 100m of the wetland areas, are not considered to have a hydrological connection between the discharge and the wetland, the discharge is not anticipated to enter the wetland and the discharge is not anticipated to change the water level range of hydrological function of the wetland. Therefore, the proposed works as part of this application are not considered to require consent under the NES-F.

Other National Environmental Standards

- 6.6 No other NES are considered applicable to this proposal.

National Policy Statements

- 6.7 There are currently 8 National Policy Statements in place. These are as follows:
- National Policy Statement on Urban Development.
 - National Policy Statement for Freshwater Management.
 - National Policy Statement for Renewable Electricity Generation.
 - National Policy Statement on Electricity Transmission.
 - National Policy Statement for Highly Productive Land
 - New Zealand Coastal Policy Statement.
 - National Policy Statement for Indigenous Biodiversity
 - National Policy Statement for Greenhouse Gas Emissions from Industrial Process Heat



National Policy Statement for Freshwater Management

- 6.8 As detailed earlier in this report, the NPS-FM is applicable to this proposal as the proposal involves natural inland wetland areas as determined within the EclA prepared by BEC.
- 6.9 The proposal is considered to be consistent with the objectives and policies of the NPS-FM as the proposal will see the areas of wetland located within the site, set aside by formal protection. Buffer planting and weed and pest management within the riparian margins of the wetland areas will be undertaken to enhance the site. As detailed within the EclA, the formal protection proposed will enhance the health and well-being of these areas. The proposal has considered the effects of the development on the wetland areas with conditions imposed to ensure the ongoing wellbeing of the wetland areas as well as controls in place to ensure erosion and sediment levels are controlled post development of the sites. The proposal will not result in loss of extent of the natural inland wetlands and will protect and restore the values of the wetlands within the site.
- 6.10 Overall, it is considered that the proposal provides a positive outcome for the health and wellbeing of the natural inland wetlands identified and will enhance this for future generations.

National Policy Statement for Indigenous Biodiversity

- 6.11 The NPS-IB encourages the protection, maintenance and restoration of indigenous biodiversity to ensure no further reduction occurs. This is considered applicable to the application given there is an area of PNA as well as hardwood remnant within the site. The NPS-IB considers some types of wetland areas, however these areas are largely managed by the NPS-FM.
- 6.12 The proposal is considered consistent with the NPS-IB objectives and policies as the proposal will maintain, protect and enhance the indigenous biodiversity on the site, specifically the area of PNA and hardwood remnant via formal protection under the Reserves Act 1977. The proposal will enhance and manage these areas via the provision set out under the Reserves Act 1977 which will in turn not only enhance the area within the site but also adjoining areas of PNA on adjoining sites. Pest control will be undertaken within these areas to enhance flora and fauna.
- 6.13 Overall, it is considered that the proposal provides a positive outcome for the indigenous biodiversity identified and will enhance this for future generations.

National Policy Statement for Highly Productive Land

- 6.14 The subject site has soils which are predominantly LUC6. There is a small portion of land within the northern corner of the site which is classified as LUC3w1 soils. This appears to be a buffer area around the Waitangi River, which has captured a very small area of the site (approximately 300m²). The portion of site which is shown to contain LUC3 soils is an area of



the site which is predominantly covered by the existing ROW, and a vegetated bank of the Waitangi River, and therefore, is not in productive use.

- 6.15 The NPS for HPL has one objective and 9 policies. These all relate to sites which are classified as having highly productive land. Highly Productive Land is defined as –

***highly productive land** means land that has been mapped in accordance with clause 3.4 and is included in an operative regional policy statement as required by clause 3.5 (but see clause 3.5(7) for what is treated as highly productive land before the maps are included in an operative regional policy statement and clause 3.5(6) for when land is rezoned and therefore ceases to be highly productive land)*

- 6.16 As this is a new NPS the Regional Policy Statement is yet to map highly productive land and as such in assessing this, we refer to clause 3.5(7).

3.5(7) - Until a regional policy statement containing maps of highly productive land in the region is operative, each relevant territorial authority and consent authority must apply this National Policy Statement as if references to highly productive land were references to land that, at the commencement date:

(a) Is

- i. zoned general rural or rural production; and*
- ii. LUC 1, 2, or 3 land; but*

(b) Is not

- i. identified for future urban development; or*
- ii. subject to a Council initiated, or an adopted, notified plan change to rezone it from general rural or rural production to urban or rural lifestyle*

- 6.17 The subject site is zoned Rural Production and also contains a small area of land which has soils classified as LUC 3s1 (approx. 300m²). The PDP has not identified the site for future urban development and the site is not subject to a plan change to rezone it from rural production to rural lifestyle.

- 6.18 The National Policy Statement for Highly Productive Land: Guide to Implementation (Page 22), states that:

Where only part of the site is identified as HPL (either under transitional definition or when mapped in a regional policy statement) then the consideration of how the proposal aligns with the direction in the NPS-HPL will be on a case-by-case basis. The intent of Clause 3.8 is that:

- the proposed lot layout should not result in the HPL being further fragmented across multiple lots*
- reverse sensitivity effects on land-based primary production activities will be avoided if possible, or otherwise mitigated.*



- 6.19 It is therefore considered that the NPS for HPL is applicable to this application and an assessment of the relevant objective and policies within this document will be undertaken below. It is worth noting that the piece of land which will be assessed will be the portion of site which is shown to have LUC3 soils. The remainder of the site has soils classified as LUC6 and are therefore not considered to be highly versatile soils and the NPS-HPL is not relevant.
- 6.20 A similar case occurred within recently approved RC 2250234, where a small portion of land already removed from productive use was classified as highly versatile soils. It was concluded within RC 2250234, that as the portion of the site identified as HPL is already removed from productive use, it is generally consistent with Objective 2.1 and Policies 1, 2, 4, 5, 6 & 7. It is considered the same applies in this case. The subject allotment of RC2250234 adjoins the site to the west.
- 6.21 It is also worth noting that the majority of the land classified as containing LUC3 soils will be contained within the proposed esplanade reserve.

2.1 Objective

Highly productive land is protected for use in land-based primary production, both now and for future generations.

- 6.21.1 The piece of land which is shown to contain highly versatile soils has an approximate area of 300m² and contains the existing metalled driveway and a vegetated river bank. The existing ROW has been legally created. Considering that the portion of land which is mapped as containing highly versatile soils is already removed from production, with the remainder of the site being soils which are not mapped as highly versatile soils, it is considered that the proposal does not affect the protection of HPL for primary production use both now and for future generations, as the site does not contain any such soils which are not already removed from productive use.

Policy 1: Highly productive land is recognised as a resource with finite characteristics and long term values for land-based primary production.

- 6.21.2 As mentioned, the small area of HPL within the site has been removed from production due to the existing legal ROW as well as covering an area of vegetated bank. Removal of this land is not considered to have an adverse impact on this finite resource.

Policy 2: The identification and management of highly productive land is undertaken in an integrated way that considers the interactions with freshwater management and urban development.

Policy 3: Highly productive land is mapped and included in regional policy statements and district plans.

- 6.21.3 As this is a new NPS, the RPS is yet to map HPL. Section 3.4 of the NPS for HPL provides some guidelines for mapping of HPL.



6.21.4 The site is not within an area which would be considered for rezoning for urban development.

6.21.5 Due to the nature of the proposal, it is considered that the proposed application does not affect the identification and management of HPL. As mentioned, the 300m² area of the site which is mapped as being highly versatile soils has already been removed from production via previous legal undertakings and due to the lay of the land. It appears the small area of the site has been classified as LUC3 soils due to the buffer zone of the Waitangi River.

Policy 4: The use of highly productive land for land-based primary production is prioritised and supported.

6.21.6 Lot 1 will contain soils mapped as LUC 6, with the majority of Lot 2 also being classified as soils of LUC6. Less than 2% of Lot 2 is mapped as having soils of LUC3, and this portion of the site is already removed from production due to containing the existing legally created ROW and a vegetated bank. Both Lots 1 & 2 will be over 2 hectare allotments which will continue to support primary production.

Policy 5: The urban rezoning of highly productive land is avoided, except as provided in this National Policy Statement.

Policy 6: The rezoning and development of highly productive land as rural lifestyle is avoided, except as provided in this National Policy Statement.

6.21.7 The proposal does not involve the urban rezoning of the site. As mentioned, less than 2% of the land within Lot 2 is mapped as highly versatile soils and this portion of land has already been removed from production use. As such, the proposal will not see the rezoning or development of HPL land as rural lifestyle.

Policy 7: The subdivision of highly productive land is avoided, except as provided in this National Policy Statement.

Policy 8: Highly productive land is protected from inappropriate use and development.

6.21.8 As mentioned earlier in this section, The National Policy Statement for Highly Productive Land: Guide to Implementation (Page 22), states that:

Where only part of the site is identified as HPL (either under transitional definition or when mapped in a regional policy statement) then the consideration of how the proposal aligns with the direction in the NPS-HPL will be on a case-by-case basis. The intent of Clause 3.8 is that:

- *the proposed lot layout should not result in the HPL being further fragmented across multiple lots*
- *reverse sensitivity effects on land-based primary production activities will be avoided if possible, or otherwise mitigated.*

6.21.9 The above clause applies to the subject site as only a very small portion of the site (less than 2% of Lot 2) is mapped as being highly versatile land. As the assessment of this is on a case by



case basis, all the unique considerations of the site itself and the proposal need to be taken into account as will be assessed below.

6.21.10 Section 3.8 of the NPS-HPL is as follows:

3.8 Avoiding subdivision of highly productive land

1. Territorial authorities must avoid the subdivision of highly productive land unless one of the following applies to the subdivision, and the measures in subclause (2) are applied:

(a) the applicant demonstrates that the proposed lots will retain the overall productive capacity of the subject land over the long term:

(b) the subdivision is on specified Māori land:

(c) the subdivision is for specified infrastructure, or for defence facilities operated by the New Zealand Defence Force to meet its obligations under the Defence Act 1990, and there is a functional or operational need for the subdivision.

2. Territorial authorities must take measures to ensure that any subdivision of highly productive land:

(a) avoids if possible, or otherwise mitigates, any potential cumulative loss of the availability and productive capacity of highly productive land in their district; and

(b) avoids if possible, or otherwise mitigates, any actual or potential reverse sensitivity effects on surrounding land-based primary production activities

6.21.11 In terms of 3.8(1), it is considered the proposal will not affect the overall productive capacity of any areas of HPL over the long term. Due to the unique situation which has arose as part of this application, the area of HPL mapped within the site is already removed from production due to the legally existing right of way which provides access to the subject site and an adjoining allotment, as well as a vegetated bank. The area of HPL has been mapped due to being within the buffer zone of the Waitangi River, however, it is quite obvious that the existing activities within this area, render the site as not HPL. This is also reinforced by the fact that the remainder of the site has soils mapped as LUC6, which are not highly versatile. The road reserve of Waimate North Road, also bounds the site along the northern boundary, which is also mapped as LUC3 soils. As such, the area of HPL within the site is not considered to currently have or previously have been utilised for productive use nor did it add to the productive capacity of the allotment or adjoining allotments.

6.21.12 The proposed lot layout will not result in the HPL within the site being further fragmented as it will still be contained to the area of the site utilised as ROW and a vegetated bank as well as an area of esplanade reserve.

6.21.13 Overall, it is considered that the proposal will not alter the overall productive capacity of the HPL within the site over the long term as the area of HPL within the site is not currently adding any value to the productive capacity of the site, as it has been removed from production via existing legal measures as well as containing a portion of vegetative bank. The proposed application forms a unique case where the mapped HPL area is not currently utilised for productive use and does not add value to the remainder of the site for productive use. As



mentioned above, the NPS-HPL Guide states that where only part of the site is identified as HPL, assessment will be on a case by case basis. In this instance, it is considered that the proposal can meet 3.8(1)(a) as the proposal will not affect the overall productive capacity of the area of HPL over the long term.

6.21.14 Clause 3.8(1)(b) & (c) are not applicable to the proposal.

6.21.15 In terms of 3.8(2) the proposal is not considered to result in the potential cumulative loss of the availability and productive capacity of HPL in the district as has been explained above. The area of HPL within the site has already been removed from production as it contains a legally constructed ROW and an area of vegetated bank. The proposal will not result in further loss or availability of HPL. No reverse sensitivity effects are anticipated by the proposal as the proposal will not change the use of the area of HPL within the site and the remainder of the site and surrounding allotments are mapped as LUC6 soils. As such, no reverse sensitivity effects are anticipated.

6.21.16 As such, it is considered that the proposal meets the requirements in 3.8(2).

6.21.17 Overall, it is considered that the proposal meets the requirements within Section 3.8 of the NPS for HPL and therefore, subdivision of the proposed nature is considered to be provided for under this clause. Assessment of Clause 3.10 is not considered necessary considering the subdivision is provided for within Clause 3.8.

Policy 9: Reverse sensitivity effects are managed so as not to constrain land-based primary production activities on highly productive land.

6.21.18 The proposal is not anticipated to constrain land based primary production activities on HPL. As mentioned, the small area of HPL within the site is currently not utilised for productive use, nor is the adjoining areas of HPL which are located within the Waimate North Road reserve. The remainder of the site and adjoining allotments are mapped as having soils of LUC6, and therefore the proposal is not considered to create any reverse sensitivity effects in terms of this Policy.

Summary

6.21.19 Overall, it is considered that the proposal is consistent with the objectives and policies of the NPS for HPL. It is considered that the subdivision of this nature is provided for within Clause 3.8 of the NPS for HPL, as the proposal will not fragment areas of HPL nor will it affect the productive capacity of areas of HPL. The proposal presents a unique situation, where the small area of HPL on the site is already removed from productive use and will remain as such.

Regional Policy Statement

6.22 The role of the Regional Policy Statement is to promote sustainable management of Northland's natural and physical resources by providing an overview of the regions resource management issues and setting out policies and methods to achieve integrated management



of Northlands natural and physical resources. The following assesses the application against various objectives and policies of the Regional Policy statement for Northland to assess whether the application is consistent with these aims.

Water Quality

Objective 3.2 Region-wide water quality

Improve the overall quality of Northland's fresh and coastal water with a particular focus on:

- (a) Reducing the overall Trophic Level Index status of the region's lakes;*
- (b) Increasing the overall Macroinvertebrate Community Index status of the region's rivers and streams;*
- (c) Reducing sedimentation rates in the region's estuaries and harbours;*
- (d) Improving microbiological water quality at popular contact recreation sites, recreational and cultural shellfish gathering sites, and commercial shellfish growing areas to minimise risk to human health; and*
- (e) Protecting the quality of registered drinking water supplies and the potable quality of other drinking water sources.*

Policy 4.2.1 Improving overall water quality

Improve the overall quality of Northland's water resources by:

- (a) Establishing freshwater objectives and setting region-wide water quality limits in regional plans that give effect to Objective 3.2 of this regional policy statement.*
- (b) Reducing loads of sediment, nutrients, and faecal matter to water from the use and development of land and from poorly treated and untreated discharges of wastewater; and*
- (c) Promoting and supporting the active management, enhancement and creation of vegetated riparian margins and wetlands.*

- 6.22.1 Within the EclA, it is noted that the wetland on site is noted as being part of a wider network, which leads to the Waitangi River. The wetland area is noted as being within the NRC Waitangi Priority Catchment Area. The proposal will see the wetland areas on site formally protected as well as riparian planting, weed and pest management as well as other controls imposed to not only enhance the wetland area on site but also within the wider catchment. The mitigation measures proposed will aid in reducing sedimentation rates as well as improve water quality within the wetland and beyond. The proposal is considered to promote and support the active management, enhancement and creation of vegetated riparian margins and wetlands.

Policy 4.3.4 – Water harvesting, storage and conservation

Recognise and promote the benefits of water harvesting, storage, and conservation measures.

- 6.22.2 There is no reticulated water available, as such, water supply will be via roof harvesting.

Ecosystems and Biodiversity

Objective 3.4 Indigenous ecosystems and biodiversity

Safeguard Northland's ecological integrity by:

- a) Protecting areas of significant indigenous vegetation and significant habitats of indigenous fauna;*



b) Maintaining the extent and diversity of indigenous ecosystems and habitats in the region; and

c) Where practicable, enhancing indigenous ecosystems and habitats, particularly where this contributes to the reduction in the overall threat status of regionally and nationally threatened species.

6.22.3 Formal legal protection of wetland, PNA and hardwood remnant areas on the site is offered as part of this application. As part of this protection, enhancement is also offered through continued weed and pest management and planting of the riparian buffer of the wetland. Through this work the extent and diversity of indigenous ecosystems will be safeguarded. As detailed in the commentary for this objective regulation *should include incentives to encourage subdivision, use and development involving restoration and protection of ecosystems and indigenous biodiversity*. These have all been offered as part of this subdivision package.

Policy 4.4.1 – Maintaining and protecting significant ecological areas and habitats

(1) In the coastal environment, avoid adverse effects, and outside the coastal environment avoid, remedy or mitigate adverse effects of subdivision, use and development so they are no more than minor on:

(a) Indigenous taxa that are listed as threatened or at risk in the New Zealand Threat Classification System lists;

(b) Areas of indigenous vegetation and habitats of indigenous fauna, that are significant using the assessment criteria in Appendix 5;

(c) Areas set aside for full or partial protection of indigenous biodiversity under other legislation.

(2) In the coastal environment, avoid significant adverse effects and avoid, remedy, or mitigate other adverse effects of subdivision, use and development on:

(a) Areas of predominantly indigenous vegetation;

(b) Habitats of indigenous species that are important for recreational, commercial, traditional or cultural purposes;

(c) Indigenous ecosystems and habitats that are particularly vulnerable to modification, including estuaries, lagoons, coastal wetlands, dunelands, intertidal zones, rocky reef systems, eelgrass, northern wet heathlands, coastal and headwater streams, floodplains, margins of the coastal marine area and freshwater bodies, spawning and nursery areas and saltmarsh.

(3) Outside the coastal environment and where clause (1) does not apply, avoid, remedy or mitigate adverse effects of subdivision, use and development so they are not significant on any of the following:

(a) Areas of predominantly indigenous vegetation;

(b) Habitats of indigenous species that are important for recreational, commercial, traditional or cultural purposes;

(c) Indigenous ecosystems and habitats that are particularly vulnerable to modification, including wetlands, dunelands, northern wet heathlands, headwater streams, floodplains and margins of freshwater bodies, spawning and nursery areas.

(4) For the purposes of clause (1), (2) and (3), when considering whether there are any adverse effects and/or any significant adverse effects:

(a) Recognise that a minor or transitory effect may not be an adverse effect;

(b) Recognise that where the effects are or maybe irreversible, then they are likely to be more than minor;



(c) Recognise that there may be more than minor cumulative effects from minor or transitory effects.

(5) For the purpose of clause (3) if adverse effects cannot be reasonably avoided, remedied or mitigated then it maybe appropriate to consider the next steps in the mitigation hierarchy i.e. biodiversity offsetting followed by environmental biodiversity compensation, as methods to achieve Objective 3.4.

- 6.22.4 Subclause 1 is applicable to this proposal as the site is located outside of the coastal environment and does include indigenous taxa listed as threatened, as per the EclA. The areas on the site which are shown to contain significant habitats, will be formally protected as part of this proposal. Maintenance of the indigenous ecosystems and habitats will be provided via the proposed pest and weed management plan as well as the protection of the riparian planting proposed. The mitigation measures proposed as part of this application will enhance the ecosystems and habitats not only on the site but within the downstream environment as well as mitigate adverse effects from the proposal to a less than minor degree. The EclA determined that *'adverse effects including directly relating to threatened and at risk species to a level deemed Very Low as per the EIANZ guideline which correlates to a less than minor effect. Positive effects are also resultant.'*
- 6.22.5 Subclause 2 is not applicable to this proposal as the site is not located within the coastal environment.
- 6.22.6 Subclause 3 relates to areas outside of the coastal environment but where subclause (1) does not apply. Therefore is not applicable to the proposal.
- 6.22.7 Subclause 4 is relative to the proposal. As has been discussed within this report, the proposal is considered to adequately mitigate any effects to a less than minor degree, with the recommendations of the EclA being adhered to via conditions of consent and consent notice conditions.
- 6.22.8 Subclause 5 is not applicable.

Economic Wellbeing

Objective 3.5 - Enabling Economic Wellbeing

Northland's natural and physical resources are sustainably managed in a way that is attractive for business and investment that will improve the economic wellbeing of Northland and its communities.

- 6.22.9 A subdivision which enables the construction of one future dwelling will not only provide employment for local businesses associated in the construction industry but will also provide modest housing and accommodation in the area, which like many, is under high demand. The natural and physical resources of the site and the immediate surrounding area will not be adversely impacted as per the assessment above. Only a very small portion of the site is classified as highly versatile soils, which has already been removed from productive use via previous subdivision approvals. Due to the physical constraints of the site and the majority



of non-versatile soils as well as the natural features on the site, primary productive use of the site is not considered feasible.

Reverse Sensitivity

Objective 3.6 – Economic Activities – reverse sensitivity and sterilisation

The viability of land and activities important for Northland's economy is protected from the negative impacts of new subdivision, use and development, with particular emphasis on either:

(a) Reverse sensitivity for existing:

(i) Primary production activities;

(ii) Industrial and commercial activities;

(iii) Mining; or*

(iv) Existing and planned regionally significant infrastructure; or

(b) Sterilisation of:

(i) Land with regionally significant mineral resources; or

(ii) Land which is likely to be used for regionally significant infrastructure.

Policy 5.1.3 – Avoiding the adverse effects of new uses(s) and development

Avoid the adverse effects, including reverse sensitivity effects of new subdivision, use and development, particularly residential development on the following:

(a) Primary production activities in primary production zones (including within the coastal marine area);

(b) Commercial and industrial activities in commercial and industrial zones;

(c) The operation, maintenance or upgrading of existing or planned¹³ regionally significant infrastructure¹⁴; and

(d) The use and development of regionally significant mineral resources

6.22.10 The development is located within a predominantly rural-lifestyle area and is not adjacent to any areas of primary production, commercial or industrial areas or regionally significant infrastructure. The majority of the soils on site are not considered to be highly versatile and primary production activities are not desirable within this area.

Tangata Whenua

Objective 3.12 Tangata Whenua role in decision-making

Tangata whenua kaitiaki role is recognised and provided for in decision-making over natural and physical resources

6.22.11 Te Hono Support were contacted as part of the pre-application process to ensure the correct Iwi groups were contacted as part of this application. The application has been circulated to those Iwi groups. No formal feedback had been received at time of lodgement.

Active Management



Objective 3.15 Active Management

Maintain and / or improve;

- (a) The natural character of the coastal environment and fresh water bodies and their margins;*
 - (b) Outstanding natural features and outstanding natural landscapes;*
 - (c) Historic heritage;*
 - (d) Areas of significant indigenous vegetation and significant habitats of indigenous fauna (including those within estuaries and harbours);*
 - (e) Public access to the coast; and*
 - (f) Fresh and coastal water quality*
- by supporting, enabling and positively recognising active management arising from the efforts of landowners, individuals, iwi, hapū and community groups.*

Policy 4.7.1 – Promote active management

In plan provisions and the resource consent process, recognise and promote the positive effects of the following activities that contribute to active management:

- a) Pest control, particularly where it will complement an existing pest control project / programme;*
- b) Soil conservation / erosion control;*
- c) Measures to improve water quality in parts of the coastal marine area where it has deteriorated and is having significant adverse effects, or in freshwater bodies targeted for water quality enhancement;*
- d) Measures to improve flows and / or levels in over allocated freshwater bodies;*
- e) Re-vegetation with indigenous species, particularly in areas identified for natural character improvement;*
- f) Maintenance of historic heritage resources (including sites, buildings and structures);*
- g) Improvement of public access to and along the coastal marine area or the margins of rivers or lakes except where this would compromise the conservation of historic heritage or significant indigenous vegetation and / or significant habitats of indigenous fauna;*
- h) Exclusion of stock from waterways and areas of significant indigenous vegetation and / or significant habitats of indigenous fauna;*
- i) Protection of indigenous biodiversity values identified under Policy 4.4.1, outstanding natural character, outstanding natural landscapes or outstanding natural features either through legal means or physical works;*
- j) Removal of redundant or unwanted structures and / or buildings except where these are of historic heritage value or where removal reduces public access to and along the coast or lakes and rivers;*
- k) Restoration or creation of natural habitat and processes, including ecological corridors in association with indigenous biodiversity values identified under Policy 4.4.1, particularly wetlands and / or wetland sequences;*
- l) Restoration of natural processes in marine and freshwater habitats.*

6.22.12 The proposal will achieve 3.15(a) and (d) by providing formal protection of the natural features on the site, revegetation, maintenance and monitoring as well as stormwater controls for future built development. This active management will provide a proactive approach to ensure that these areas are enhanced.

Policy 4.7.3 – Improving Natural character

Except where in conflict with established uses promote rehabilitation and restoration of natural character in the manner described in Policy 4.7.1 in the following areas:

- (a) Wetlands, rivers, lakes, estuaries, and their margins;*



- (b) Undeveloped or largely undeveloped natural landforms between settlements, such as coastal headlands, peninsulas, ridgelines, dune systems;*
- (c) Areas of high natural character;*
- (d) Land adjacent to outstanding natural character areas, outstanding natural features, and outstanding natural landscapes;*
- (e) Remnants of indigenous coastal vegetation particularly where these are adjacent to water or can be linked to establish or enhance ecological corridors; and*
- (f) The areas or values identified in Policy 4.4.1 (protecting significant areas and species).*

6.22.13 The proposal will promote rehabilitation and restoration of natural character for the natural feature areas on site via the measures discussed throughout this report.

Regional Form

Policy 5.1.1 – Planned and co-ordinated development Subdivision, use and development should be located, designed and built in a planned and coordinated manner which:

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

Policy 5.1.2 – Development in the coastal environment

Enable people and communities to provide for their wellbeing through appropriate subdivision, use, and development that:

- (a) Consolidates urban development¹² within or adjacent to existing coastal settlements and avoids sprawling or sporadic patterns of development;*
- (b) Ensures sufficient development setbacks from the coastal marine area to;*
 - (i) maintain and enhance public access, open space, and amenity values; and*
 - (ii) allow for natural functioning of coastal processes and ecosystems;*
- (c) Takes into account the values of adjoining or adjacent land and established activities (both within the coastal marine area and on land);*
- (d) Ensures adequate infrastructure services will be provided for the development; and*
- (e) Avoids adverse effects on access to, use and enjoyment of surf breaks of national significance for surfing.*

6.22.14 The issues listed within Part A Regional form and development guidelines have been incorporated as part of the subdivision assessment. Vegetation on site will be legally



protected, and works will continue to enhance and revitalize those areas which have seen exotic and weed species establish. This will have a positive impact on indigenous biodiversity. Part B urban design guidelines have been considered, however as this site is not located within an urban area, this is generally not applicable to this particular site. The cumulative effects of this development are considered acceptable given the enhancement of wetland, PNA and hardwood remnant areas on site, the legal protections offered and development restrictions. This development will see a number of positive effects with exotic vegetation and weed species being removed, and native species being re-established in those areas. Targeted weed and pest management which will continue with any successive owners of the sites. All necessary infrastructure can be provided at time of constructing a dwelling while taking care to not adversely impact on the local ecology. Stormwater will be designed at the time of built development on Lot 2, with a consent notice condition being imposed to ensure no adverse effects are created on the wetland. Incompatible land uses and reverse sensitivity are not anticipated given that adjacent sites are rural lifestyle, and the development to service a future dwelling on Lot 2, can be at least 10m from the site boundaries. A small portion of the site is classified to contain highly versatile soils, however this portion has already been removed from productive use as is currently a legal access and vegetated bank. The development will maintain the sense of place by providing allotments which are of a size consistent with the surrounding environment. As detailed all necessary infrastructure can be provided on site. Amenity values will be protected through the restrictions imposed on the development and the enhancement of the wetland area. On-site infrastructure can be provided for on site. No surf breaks are located within proximity to this site.

Summary

- 6.23 It can be concluded from the above that the proposal is generally compatible with the intent of the Regional Policy Statement. The proposal will effectively utilise the site, which cannot be economically utilised as productive land, as well as enhance the amenity values of the area and ecological and biodiversity values, which will in turn create a positive impact. The proposal is not considered to create any reverse sensitivity effects and can provide a suitable building platform within the new vacant allotment.

Far North District Plan

Relevant objectives and policies

- 6.24 The relevant objectives and policies of the Plan are those related to the Rural Environment and Rural Production Zone. The EclA attached with this application has completed an assessment of the relevant objectives and policies under Chapter 12.2 Indigenous Flora and Fauna and Chapter 12.7 Lakes, Rivers, Wetlands and the Coastline. This assessment is adopted as part of our application. The proposal is considered to create no more than minor adverse effects on the rural environment. The proposal is considered to be consistent with the surrounding environment, given the existing rural lifestyle development in the area. The activity it is considered generally consistent with the objectives and policies of the Plan, as per below.



Assessment of the objectives and policies within the Rural Environment

- 6.25 The following assessment is based upon the objectives and policies contained within section 8.3 and 8.4 of the District Plan.

Objectives

8.3.1 To promote the sustainable management of natural and physical resources of the rural environment.

- 6.25.1 Sustainable management of natural and physical resources will be promoted by the enhancement of the natural areas within the proposed lots. Additional planting will be undertaken to enhance the ecological and biodiversity value of the wetland. The proposed planting will ensure that the wetland is protected, enhancing the natural filtration system. This will also ensure that any livestock or other animals are kept from entering the wetland and riparian margins, further improving water quality. The PNA area as well as the remnant hardwood area will be formally protected and enhancement measures undertaken in accordance with the Reserves Act 1977.

8.3.2 To ensure that the life supporting capacity of soils is not compromised by inappropriate subdivision, use or development.

- 6.25.2 The subject site is currently utilised as a rural-lifestyle allotment, due to the size and underlying topography of the site. The productive activities that occur on site are grazing of cattle, which, due to the topographical constraints as well as the natural features on the site, is limited to small scale production activities. As discussed earlier in this report, there is a very small area of highly versatile soils within the northern portion of the site. This area is currently utilised as access and is legally contained within a right of way as well as adjoining the banks of the Waitangi River, therefore, due to the existing use of this portion of land, it has already been removed from productive activities. The proposal will not alter this. The proposal will add one additional allotment which has been assessed as suitable for a residential dwelling and onsite servicing. It is therefore considered that due to the existing use of the site as well as the low density development proposed, the proposal does not compromise the life supporting capacity of soils, as the use of the site was already compromised by the topographical and natural constraints within the site. There are many lots in the surrounding environment, similar to those proposed, which provide examples of how similar sites can be utilised effectively for rural lifestyle use.

8.3.3 To avoid, remedy or mitigate the adverse and cumulative effects of activities on the rural environment.

- 6.25.3 Mitigation of cumulative effects have been discussed throughout this report. The proposal will create one additional allotment, which is of a similar size to those existing within the surrounding environment. Proposed Lot 2 has been assessed as being suitable for future residential development and onsite servicing, such that no downstream effects are anticipated. No additional crossing places are proposed as an existing crossing place will be utilised. In terms of positive cumulative effects, the proposal will result in the protection and enhancement of the natural areas within the site, providing positive ecological and



biodiversity benefits within the site and downstream environment. It is therefore considered that the proposal will not create adverse cumulative effects.

8.3.4 To protect areas of significant indigenous vegetation and significant habitats of indigenous fauna.

8.3.5 To protect outstanding natural features and landscapes.

- 6.25.4 The EclA prepared as part of this application determined that there was a wetland area located along the southern boundary of the site. Additional planting will be provided around the existing wetland area on the site, as well as formally protecting these areas by covenant. This will provide ecological and biological enhancement of the wetland as well as aid in filtrating sediment from the upstream environment, enhancing the water quality of the downstream environment. The PNA area as well as the remnant hardwood area will be formally protected and enhancement measures undertaken in accordance with the Reserves Act 1977. Overall, it is considered that the proposal results in the protection and enhancement of natural features on the site.

8.3.6 To avoid actual and potential conflicts between land use activities in the rural environment.

- 6.25.5 As discussed throughout this report, the subject site adjoins rural lifestyle allotments, with many similar sized allotments occurring within the immediate area. Many of these allotments are developed with residential dwellings with the remainder of the site being utilised for recreational/open space for the dwelling or as open pasture for small-scale grazing of cattle.
- 6.25.6 The sites to the west and southwest – Lot 2 & Lot 4 DP 566421 have also recently been approved under similar circumstances to the subject proposal. These lots are currently utilised as rural-lifestyle allotments and contain existing dwellings. The proposal is not considered to create conflicts in existing land use activities as the proposal will enable allotments which can contain a residential dwelling as well as small-scale productive activities whilst preserving and protecting the natural features within the sites. The proposal is therefore considered to be consistent with other land use activities in the area.

8.3.7 To promote the maintenance and enhancement of amenity values of the rural environment to a level that is consistent with the productive intent of the zone.

8.3.8 To facilitate the sustainable management of natural and physical resources in an integrated way to achieve superior outcomes to more traditional forms of subdivision, use and development through management plans and integrated development.

8.3.9 To enable rural production activities to be undertaken in the rural environment.

8.3.10 To enable the activities compatible with the amenity values of rural areas and rural production activities to establish in the rural environment.

- 6.25.7 The proposal is considered to promote the maintenance and enhancement of amenity values of the rural environment by undertaking a low-density subdivision, where each lot can cater a residential dwelling well within the bounds of the permitted threshold for the zone. Each lot



will have area where small scale rural productive activities can be undertaken whilst protecting and enhancing the wetland, PNA and hardwood remnant areas on the sites to ensure positive downstream effects on the wider environment. The proposal is considered to achieve a superior outcome compared to more traditional forms of subdivision, as the proposal will see the enhancement and protection of these areas on site. The proposal will also result in an effective use of the land which is not typically suitable for productive activities due to the topography, soil structure and natural features within the site. The proposal will not alter any rural production activities to be undertaken in the zone as the site was not of a size or nature where large-scale rural production activities would be economical. The adjoining allotments are of rural lifestyle characteristics and any new development on Proposed Lot 2 can be setback a sufficient distance from all existing boundaries due to constraints with topography as well as the setback requirements from the wetland area within the proposed lot. Development of this nature is considered compatible with the amenity values of this rural lifestyle area.

Policies

8.4.1 That activities which will contribute to the sustainable management of the natural and physical resources of the rural environment are enabled to locate in that environment.

- 6.25.8 The proposal is considered to contribute to the sustainable management of the natural and physical resources as explained above.

8.4.2 That activities be allowed to establish within the rural environment to the extent that any adverse effects of these activities are able to be avoided, remedied or mitigated and as a result the life supporting capacity of soils and ecosystems is safeguarded and rural productive activities are able to continue.

8.4.3 That any new infrastructure for development in rural areas be designed and operated in a way that safeguards the life supporting capacity of air, water, soil and ecosystems while protecting areas of significant indigenous vegetation

- 6.25.9 Adverse effects are considered to be mitigated to a less than minor degree and the life supporting capacity of soils is considered to remain unaffected. Ecosystems on site and downstream of the site are considered to be enhanced through the protection and enhancement of the wetland areas on the sites. Rural productive activities can continue.

- 6.25.10 Proposed Lot 1 will contain existing infrastructure. Proposed Lot 2 will be vacant and therefore any new development will require new infrastructure, which will be designed at the time of such development of the lot. Consent notice conditions have been offered to ensure that any new infrastructure is designed and operated in a way that does not create any adverse effects on the environment.

8.4.4 That development which will maintain or enhance the amenity value of the rural environment and outstanding natural features and outstanding landscapes be enabled to locate in the rural environment.



6.25.11 The site is not known to contain any outstanding natural features or landscapes. Amenity value is considered to be enhanced by the proposal. The wetland area, area of PNA and hardwood remnant area on the site will be formally protected as well as enhanced as part of the proposal. While the development will enable another dwelling to be constructed the immediate surrounds is already developed to be of a rural lifestyle vista.

8.4.5 That plan provisions encourage the avoidance of adverse effects from incompatible land uses, particularly new developments adversely affecting existing land-uses (including by constraining the existing land-uses on account of sensitivity by the new use to adverse affects from the existing use – i.e. reverse sensitivity).

6.25.12 The site is located in an area with allotments similar in size to the proposal. No incompatible land use or reverse sensitivity effects are anticipated as the proposal is not out of character within the surrounding environment and will not create any activities which are not currently within the immediate environment. The proposal will not alter the ability of rural production activities to occur on neighbouring sites. The subject site does not contain the appropriate features or size that would render the site suitable for large scale rural productive activities and hence it is considered that this allotment was always going to be a rural- lifestyle lot. The proposal does not constrain the existing land use activities on adjoining allotments. Written approval has also been obtained from the adjoining neighbours to the west, reinforcing that no reverse sensitivity effects are anticipated.

8.4.6 That areas of significant indigenous vegetation and significant habitats of indigenous fauna habitat be protected as an integral part of managing the use, development and protection of the natural and physical resources of the rural environment.

6.25.13 As part of this proposal, the areas of indigenous vegetation and fauna will be formally protected as well as additional planting being carried out to enhance the wetland and the downstream environment. It is considered the proposal provides a superior outcome because of this.

8.4.7 That Plan provisions encourage the efficient use and development of natural and physical resources, including consideration of demands upon infrastructure.

8.4.8 That, when considering subdivision, use and development in the rural environment, the Council will have particular regard to ensuring that its intensity, scale and type is controlled to ensure that adverse effects on habitats (including freshwater habitats), outstanding natural features and landscapes on the amenity value of the rural environment, and where appropriate on natural character of the coastal environment, are avoided, remedied or mitigated. Consideration will further be given to the functional need for the activity to be within rural environment and the potential cumulative effects of non-farming activities.

6.25.14 A Site Suitability Report has been completed by LDE which determined that the sites are capable of containing independent infrastructure within the site boundaries. The intensity, scale and type of the proposal is considered to be compatible with lots in the surrounding environment. No adverse effects on habitats, outstanding natural features and landscapes or



on the amenity value of the rural environment are anticipated. The site is not located within the coastal environment. Amenity values and ecological value of the site will be enhanced. The additional allotment has a functional need to be within the rural environment, as there is a shortage of allotments of this size and character available throughout Northland within close proximity to a township. The cumulative effects of an additional allotment is considered to be mitigated due to the existing character of the surrounding environment.

Assessment of the objectives and policies within the Rural Production Zone

- 6.26 The following assessment is based upon the objectives and policies contained within section 8.6.3 and 8.6.4 of the District Plan.

Objectives

8.6.3.1 To promote the sustainable management of natural and physical resources in the Rural Production Zone.

- 6.26.1 As noted in the sections above, this subdivision will contribute to the sustainable management of natural and physical resources. Due to the physical constraints of the site, the site is not considered suitable for large scale rural productive use and therefore the natural and physical resources in this regard, are not considered to be degraded due to the site already being compromised. The proposal will also see the wetland on the site formally protected and enhanced, as well as formal protection of the indigenous vegetation on the site, promoting the natural resources in the site. The proposal is considered to be the best utilization of the site as will enable enhancement of the site.

8.6.3.2 To enable the efficient use and development of the Rural Production Zone in a way that enables people and communities to provide for their social, economic, and cultural well being and for their health and safety.

- 6.26.2 Efficient use and development is provided by creating a rural lifestyle allotment within an area which already boasts these characteristics. Social, economic and cultural well-being will be provided for by enhancing the existing character of the site and surrounding environment while providing an additional allotment.

8.6.3.3 To promote the maintenance and enhancement of the amenity values of the Rural Production Zone to a level that is consistent with the productive intent of the zone.

- 6.26.3 Amenity values will be altered slightly by the introduction of an additional dwelling when the vacant site is developed. However, this level of development is not out of character within this rural lifestyle area. Amenity values will also be enhanced by the protection of the wetland area and indigenous vegetation within the site.

8.6.3.4 To promote the protection of significant natural values of the Rural Production Zone.

- 6.26.4 Natural values will be promoted by the formal protection of the natural features within the site as well as additional planting within the buffer zone of the wetland to enhance water quality and biological diversity.



8.6.3.5 To protect and enhance the special amenity values of the frontage to Kerikeri Road between its intersection with SH10 and the urban edge of Kerikeri.

6.26.5 The site is not located along Kerikeri Road.

8.6.3.6 To avoid, remedy or mitigate the actual and potential conflicts between new land use activities and existing lawfully established activities (reverse sensitivity) within the Rural Production Zone and on land use activities in neighbouring zones.

8.6.3.7 To avoid remedy or mitigate the adverse effects of incompatible use or development on natural and physical resources.

8.6.3.8 To enable the efficient establishment and operation of activities and services that have a functional need to be located in rural environments.

8.6.3.9 To enable rural production activities to be undertaken in the zone.

6.26.6 Reverse Sensitivity effects to neighbouring properties are not considered likely given the rural lifestyle allotments adjoining the sites. Rural lifestyle development as proposed is considered compatible within this specific area.

6.26.7 Lifestyle activities have a functional need to be established outside of urban areas. The proposal is considered appropriate in the locality due to the connectivity to the Kerikeri township. The proposal provides lifestyle allotments in close proximity to other lifestyle developments as well as connectivity and access to employment, services and community infrastructure such as schools, daycares, halls, which reiterates the functional need of these types of allotments in the area.

6.26.8 The proposal will not alter the ability of rural production activities to be undertaken in the zone as the site is currently of a size where large scale rural production activities are not feasible. Each allotment will continue to boast an area which can be utilised for small scale rural productive activities, such as gardens or grazing of a small number of livestock.

Policies

8.6.4.1 That the Rural Production Zone enables farming and rural production activities, as well as a wide range of activities, subject to the need to ensure that any adverse effects on the environment, including any reverse sensitivity effects, resulting from these activities are avoided, remedied or mitigated and are not to the detriment of rural productivity.

8.6.4.2 That standards be imposed to ensure that the off site effects of activities in the Rural Production Zone are avoided, remedied or mitigated.

8.6.4.3 That land management practices that avoid, remedy or mitigate adverse effects on natural and physical resources be encouraged.

8.6.4.4 That the type, scale and intensity of development allowed shall have regard to the maintenance and enhancement of the amenity values of the Rural Production Zone to a level that is consistent with the productive intent of the zone.



8.6.4.5 That the efficient use and development of physical and natural resources be taken into account in the implementation of the Plan.

- 6.26.9 The proposal is not anticipated to create any adverse effects nor any reverse sensitivity effects. The vacant allotment has been assessed as being suitable for future built development and onsite servicing, as per the recommendations within the report from LDE. The proposal is not considered to be detriment to rural productivity as the subject site already contains many restrictions which affect the productivity of the site, including existing built development, varying unfavourable topography, inclusion of a wetland area covering a large area of the site as well as an area of PNA and hardwood remnants and location to other rural lifestyle allotments. The offsite effects of the proposal and anticipated activities are considered to be less than minor. No adverse effects on natural and physical resources are anticipated. The site boasts only a small portion of highly versatile soils, which are covered by an existing legal access and a vegetated bank, such that it is not currently in productive use. The remainder of the site consists of soils not classified as highly versatile. The proposal will result in the formal protection of the wetland area on the site as well as the enhancement of the buffer zone, as well as protection of the PNA and hardwood remnant under the Reserves Act 1977. The type, scale and intensity of the development is considered to be consistent with the surrounding environment and will maintain and enhance the amenity values of the zone.

8.6.4.6 That the built form of development allowed on sites with frontage to Kerikeri Road between its intersection with SH10 and Cannon Drive be maintained as small in scale, set back from the road, relatively inconspicuous and in harmony with landscape plantings and shelter belts.

- 6.26.10 The site does not have frontage with Kerikeri Road.

8.6.4.7 That although a wide range of activities that promote rural productivity are appropriate in the Rural Production Zone, an underlying goal is to avoid the actual and potential adverse effects of conflicting land use activities.

8.6.4.8 That activities whose adverse effects, including reverse sensitivity effects, cannot be avoided remedied or mitigated are given separation from other activities

8.6.4.9 That activities be discouraged from locating where they are sensitive to the effects of or may compromise the continued operation of lawfully established existing activities in the Rural Production zone and in neighbouring zones.

- 6.26.11 The proposal is not anticipated to create any adverse effects in regards to conflicting land use activities. The site and surrounding environment consist of lots of 2 hectares to 4 hectares with the majority containing a residential dwelling and area for small scale rural productive activities. The proposal will create allotments which fall within the existing allotment size range as well as enable activities of similar characteristics. The proposal will also formally protect and enhance the wetland on the site as well as the areas of indigenous vegetation, which will in addition, provide a buffer zone from adjoining properties. Written approval from the adjoining allotments to the west have also been obtained, such that effects on these allotments are considered to be less than minor. The proposal is not anticipated to create



reverse sensitivity effects and will not compromise the continued operation of lawfully established activities.

Assessment of the objectives and policies for Subdivision Activities

6.27 The following assessment is based upon the objectives and policies contained within Section 13.3 and 13.4 of the District Plan.

Objectives

13.3.1 To provide for the subdivision of land in such a way as will be consistent with the purpose of the various zones in the Plan, and will promote the sustainable management of the natural and physical resources of the District, including airports and roads and the social, economic and cultural well being of people and communities.

6.27.1 The subdivision will be consistent with the purpose of the rural production zone which is to *enable the continuation of the wide range of existing and future activities compatible with normal farming and forestry activities, and with rural lifestyle and residential uses while ensuring that the natural and physical resources of the rural area are managed sustainably.* The proposal will ensure that the natural and physical resources within the site are protected and enhanced, whilst enhancing the downstream environment. The proposal will provide allotments which are consistent with the existing lot sizes in the area and also provide allotments which can contain land use activities similar to those in the surrounding environment, such that no reverse sensitivity effects are anticipated. The proposal will promote the social, economic and cultural well-being of people and communities by providing an additional allotment in close proximity to places of employment, schools, social centres and recreation areas. The site is located within 10km of Kerikeri and therefore is an ideal location for families who want to be in close proximity to these locations, whilst enjoying the amenity of a rural environment.

13.3.2 To ensure that subdivision of land is appropriate and is carried out in a manner that does not compromise the life-supporting capacity of air, water, soil or ecosystems, and that any actual or potential adverse effects on the environment which result directly from subdivision, including reverse sensitivity effects and the creation or acceleration of natural hazards, are avoided, remedied or mitigated.

6.27.2 The life supporting capacity of air, water, soil and ecosystems are not anticipated to be jeopardised by the proposal. The proposal will enhance the ecosystems in the area and the water quality by protecting and enhancing the wetland within the site. The majority of the site does not boast highly versatile soils, with only a small area of the site classified as containing highly versatile soils which has already been lawfully removed from productive use. The proposal is not anticipated to create any reverse sensitivity effects given the proposed lot sizes reflect those in the surrounding environment. The site is not shown to be susceptible to natural hazards and the proposal is not anticipated to create or accelerate natural hazards.

13.3.3 To ensure that the subdivision of land does not jeopardise the protection of outstanding landscapes or natural features in the coastal environment.



13.3.4 To ensure that subdivision does not adversely affect scheduled heritage resources through alienation of the resource from its immediate setting/context.

- 6.27.3 The site is not located within the coastal environment and is not known to contain any heritage resources.

13.3.5 To ensure that all new subdivisions provide a reticulated water supply and/or on-site water storage and include storm water management sufficient to meet the needs of the activities that will establish all year round.

- 6.27.4 Water supply is existing for the dwelling on Lot 1. Provision for water supply will be provided at the time of built development on Lot 2. Stormwater management is existing for Lot 1, with Lot 2 being of ample area to provide this onsite at the time of built development on the lot.

13.3.6 To encourage innovative development and integrated management of effects between subdivision and land use which results in superior outcomes to more traditional forms of subdivision, use and development, for example the protection, enhancement and restoration of areas and features which have particular value or may have been compromised by past land management practices.

- 6.27.5 The proposal will result in a superior outcome, as the wetland on site will be formally protected and enhanced as a result of the proposal as well as the area of PNA and hardwood remnant. This wetland provides a connection to the downstream environment and protection of this will have a direct positive impact on the overall wellbeing of the wetland system within the surrounding environment. The proposed buffer planting around the wetland will provide a protection zone from the adjoining land use activities, which will filter upstream runoff before it enters the wetland as well as providing an exclusion zone for any livestock within the site. The buffer planting will also provide areas for new ecosystems to develop as well as existing ecosystems to replenish. Pest and weed control will be undertaken within the PNA area and hardwood remnant area and formally setting this area aside under the Reserves Act will ensure that it remains protected for future generations.

13.3.7 To ensure the relationship between Maori and their ancestral lands, water, sites, wahi tapu and other taonga is recognised and provided for.

- 6.27.6 The site is not known to contain any sites of significance to Māori. The relevant Iwi groups have been contacted as part of this application process, with no response received to date. The proposal is not known to affect the relationship between Māori and their ancestral lands.

13.3.8 To ensure that all new subdivision provides an electricity supply sufficient to meet the needs of the activities that will establish on the new lots created.

13.3.9 To ensure, to the greatest extent possible, that all new subdivision supports energy efficient design through appropriate site layout and orientation in order to maximise the ability to provide light, heating, ventilation and cooling through passive design strategies for any buildings developed on the site(s).



13.3.10 To ensure that the design of all new subdivision promotes efficient provision of infrastructure, including access to alternative transport options, communications and local services.

13.3.11 To ensure that the operation, maintenance, development and upgrading of the existing National Grid is not compromised by incompatible subdivision and land use activities.

- 6.27.7 Electricity supply is not a requirement of the Rural Production zone. Lot 1 has existing provisions to the dwelling on site and electricity supply to Lot 2 will be at the discretion of future owners. Energy efficient design will be at the discretion of future owners for Lot 2, however the site is capable of taking advantage of this due to the orientation of the site. The proposal is considered to promote the efficient provision of infrastructure by utilising an existing access point, such that no new crossing places are required from Waimate North Road. The site is not located within the National Grid.

Policies

13.4.1 That the sizes, dimensions and distribution of allotments created through the subdivision process be determined with regard to the potential effects including cumulative effects, of the use of those allotments on:

- (a) natural character, particularly of the coastal environment;***
- (b) ecological values;***
- (c) landscape values;***
- (d) amenity values;***
- (e) cultural values;***
- (f) heritage values; and***
- (g) existing land uses.***

- 6.27.8 The site is not located within the coastal environment. The proposal is considered to have a positive effect on the features listed within (a)-(g) above. The proposal will enable the protection and enhancement of the natural features within the site as well as enable the existing land use activities in the area to continue. The proposal will provide lots which are of a size and dimension similar to those in the surrounding environment.

13.4.2 That standards be imposed upon the subdivision of land to require safe and effective vehicular and pedestrian access to new properties.

- 6.27.9 As detailed above, the proposal will not require any additional crossing places as it will utilise an existing crossing place which have been determined by LDE to meet the required Engineering Standards as well as the required sight lines. Pedestrian access is not a consideration in this rural environment.

13.4.3 That natural and other hazards be taken into account in the design and location of any subdivision.

- 6.27.10 The site is not impacted by natural hazards as per the report from LDE. The proposed building platform on Lot 2 has been noted as moderately sloping, which has resulted in a consent



notice condition being offered on the title for Lot 2 for further investigation at the time of built development on the lot.

13.4.4 That in any subdivision where provision is made for connection to utility services, the potential adverse visual impacts of these services are avoided.

13.4.5 That access to, and servicing of, the new allotments be provided for in such a way as will avoid, remedy or mitigate any adverse effects on neighbouring property, public roads (including State Highways), and the natural and physical resources of the site caused by silt runoff, traffic, excavation and filling and removal of vegetation.

6.27.11 Connection to utility services is not a consideration of this rural subdivision. The proposal is not considered to create any adverse effects in terms of access and servicing. As mentioned, no additional crossing places are proposed. Excavation, filling and vegetation removal are not proposed as part of this application.

13.4.6 That any subdivision proposal provides for the protection, restoration and enhancement of heritage resources, areas of significant indigenous vegetation and significant habitats of indigenous fauna, threatened species, the natural character of the coastal environment and riparian margins, and outstanding landscapes and natural features where appropriate.

6.27.12 The proposal will result in the protection, restoration and enhancement of the wetland, PNA and hardwood remnant area on the site.

13.4.7 That the need for a financial contribution be considered only where the subdivision would:

- (a) result in increased demands on car parking associated with non-residential activities; or***
- (b) result in increased demand for esplanade areas; or***
- (c) involve adverse effects on riparian areas; or***
- (d) depend on the assimilative capacity of the environment external to the site.***

6.27.13 An esplanade reserve will be created along the bank of the Waitangi River which has been deemed to be the most appropriate solution given there is an existing esplanade reserve to the east and the proposed reserve will link this to Waimate North Road. This will result in ease of public access along the Waitangi River.

13.4.8 That the provision of water storage be taken into account in the design of any subdivision.

6.27.14 Water storage is existing for Lot 1 and has been considered for Lot 2, with a consent notice condition stating requirements for water supply for firefighting purposes.

13.4.9 That bonus development donor and recipient areas be provided for so as to minimise the adverse effects of subdivision on Outstanding Landscapes and areas of significant indigenous flora and significant habitats of fauna.

13.4.10 The Council will recognise that subdivision within the Conservation Zone that results in a net conservation gain is generally appropriate.



6.27.15 Bonus development donor and recipient areas are not considered applicable to this proposal. The site is not located within the Conservation zone.

13.4.11 That subdivision recognises and provides for the relationship of Maori and their culture and traditions, with their ancestral lands, water, sites, waahi tapu and other taonga and shall take into account the principles of the Treaty of Waitangi.

6.27.16 Contact has been made with the relevant Iwi groups as part of this proposal with no response received to date. The proposal is considered to recognise the relationship of Māori with their lands and is not considered to have an effect on this relationship. The proposal has taken into account the principles of the Treaty of Waitangi.

13.4.12 That more intensive, innovative development and subdivision which recognises specific site characteristics is provided for through the management plan rule where this will result in superior environmental outcomes.

6.27.17 The management plan rule is not considered applicable to this low-density proposal. Superior environmental outcomes will be achieved by the formal protection and enhancement of the natural features within the site.

13.4.13 Subdivision, use and development shall preserve and where possible enhance, restore and rehabilitate the character of the applicable zone in regards to s6 matters. In addition subdivision, use and development 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;

(c) providing for, through siting of buildings and development and design of subdivisions, legal public right of access to and use of the foreshore and any esplanade areas;

(d) through siting of buildings and development, design of subdivisions, and provision of access that recognise and provide for the relationship of Maori with their culture, traditions and taonga including concepts of mauri, tapu, mana, wehi and karakia and the important contribution Maori culture makes to the character of the District (refer Chapter 2 and in particular Section 2.5 and Council's "Tangata Whenua Values and Perspectives" (2004);

(e) providing planting of indigenous vegetation in a way that links existing habitats of indigenous fauna and provides the opportunity for the extension, enhancement or creation of habitats for indigenous fauna, including mechanisms to exclude pests;

(f) protecting historic heritage through the siting of buildings and development and design of subdivisions.

(g) achieving hydraulic neutrality and ensuring that natural hazards will not be exacerbated or induced through the siting and design of buildings and development.



6.27.18 The proposal will see the wetland area contained within the site, formally protected. As the enhancement of the wetland will occur as part of the subdivision proposal as well as having a registered protection of the wetland area, it is considered the proposal will preserve and restore the wetland area within the site. The PNA and hardwood remnant area in Lot 1 will be formally protected as well, enhancing and restoring this portion of the site. Lot 1 will contain the existing built development with the design of built development on Lot 2 being at the discretion of future owners. Visual impact of any buildings within the site can be mitigated via placement and design. The site does not adjoin any foreshore. An esplanade reserve has been proposed along the bank of the Waitangi River, which can be accessed directly from Waimate North Road. The proposal is not anticipated to affect the relationship of Māori and their lands. The proposal includes buffer planting around the existing wetland which will enhance the area. The site is not known to contain any historic heritage. The site is not known to be susceptible to natural flood hazards, with a stormwater report being required at the time of future built development on the lots. A consent notice condition will also be imposed on the title of Lot 2 which will require further investigation at the time of built development in regards to the moderately sloping land.

13.4.14 That the objectives and policies of the applicable environment and zone and relevant parts of Part 3 of the Plan will be taken into account when considering the intensity, design and layout of any subdivision.

6.27.19 The objectives and policies of the Rural Environment and Rural Production zone have been assessed above and the proposal has been found to be consistent with these.

13.4.15 That conditions be imposed upon the design of subdivision of land to require that the layout and orientation of all new lots and building platforms created include, as appropriate, provisions for achieving the following:

- (a) development of energy efficient buildings and structures;***
- (b) reduced travel distances and private car usage;***
- (c) encouragement of pedestrian and cycle use;***
- (d) access to alternative transport facilities;***
- (e) domestic or community renewable electricity generation and renewable energy use.***

6.27.20 Lot 1 will contain existing built development. There is ample area within Lot 2 to ensure energy efficient design at the time of built development within the lot.

13.4.16 When considering proposals for subdivision and development within an existing National Grid Corridor the following will be taken into account:

- (a) the extent to which the proposal may restrict or inhibit the operation, access, maintenance, upgrading of transmission lines or support structures;***
- (b) any potential cumulative effects that may restrict the operation, access, maintenance, upgrade of transmission lines or support structures; and***
- (c) whether the proposal involves the establishment or intensification of a sensitive activity in the vicinity of an existing National Grid line.***

6.27.21 The site is not located within the National Grid Corridor.



Proposed District Plan

- 6.28 Under the Proposed District Plan, the site is zoned Rural Production and therefore an assessment of the objectives and policies within this chapter have been included below. The proposal is considered to create no more than minor adverse effects on the rural environment and is consistent with the rural intent of the surrounding environment and the zone. The proposal is considered to be consistent with the objectives and policies of the Proposed District Plan.

Assessment of Objectives and Policies for Subdivision Activities

- 6.29 The following assessment includes assessment of SUB01 – SUB04 and SUBP1 – SUBP11.

SUB-01 - Subdivision results in the efficient use of land, which:

- (a) achieves the objectives of each relevant zone, overlays and district wide provisions;***
- (b) contributes to the local character and sense of place;***
- (c) avoids reverse sensitivity issues that would prevent or adversely affect activities already established on land from continuing to operate;***
- (d) avoids land use patterns which would prevent land from achieving the objectives and policies of the zone in which it is located;***
- (e) does not increase risk from natural hazards or risks are mitigates and existing risks reduced; and***
- (f) manages adverse effects on the environment.***

- 6.29.1 As has been discussed throughout this report, the proposal is considered to achieve the objectives of the zone and district wide provisions. No overlays apply to this site. The proposal will contribute to the local character and sense of place by providing allotments of similar size to those in the surrounding environment, which can boast similar activities, whilst providing protection of the wetland, PNA and hardwood remnant areas within the site. No reverse sensitivity effects are anticipated as has been discussed throughout this report. The proposal will be consistent with the existing land use patterns in the surrounding environment. The proposal is not anticipated to increase risk from natural hazards. No adverse effects are anticipated.

SUB-02 - Subdivision provides for the:

- (a) Protection of highly productive land; and***
- (b) Protection, restoration or enhancement of Outstanding Natural Features, Outstanding Natural Landscapes, Natural Character of the Coastal Environment, Areas of High Natural Character, Outstanding Natural Character, wetland, lake and river margins, Significant Natural Areas, Sites and Areas of Significance to Māori, and Historic Heritage.***

- 6.29.2 The NPS for HPL has been assessed in depth within this report. The site does contain a small area of highly versatile land within the northern portion of the site which contains an existing access and vegetated bank. This area is within the buffer zone of the Waitangi River and it is therefore assumed that this is why only a small portion of the site has been classified as highly versatile land. As discussed, this area is already removed from productive use by existing



lawfully established activities as well as the existing topography being unfavourable for productive activities (vegetated bank adjoining Waitangi River). The remainder and majority of the site is not classified as highly versatile soils. As such, it is considered the proposal does not affect the protection of HPL. The proposal does result in the protection of the wetland area, PNA and hardwood remnant on the site, and therefore is consistent with this objective.

SUB-03 - Infrastructure is planned to service the proposed subdivision and development where:

- (a) there is existing infrastructure connection, infrastructure should provided in an integrated, efficient, coordinated and future-proofed manner at the time of subdivision; and***
- (b) where no existing connection is available infrastructure should be planned and consideration be given to connections with the wider infrastructure network.***

6.29.3 The subject site is not in an area which benefits from reticulated services. LDE have completed a Site Suitability Report which determined that Lot 2 is capable of containing the required onsite infrastructure. Lot 1 will contain the existing onsite infrastructure which services the existing dwelling.

SUB-04 - Subdivision is accessible, connected, and integrated with the surrounding environment and provides for:

- (a) public open spaces;***
- (b) esplanade where land adjoins the coastal marine area; and***
- (c) esplanade where land adjoins other qualifying waterbodies***

6.29.4 An esplanade reserve is proposed along the bank of Waitangi River. This reserve will connect Waimate North Road and the existing esplanade reserve to the east, providing a more connected and integrated catchment for the public to access.

Policies

SUB-P1 - Enable boundary adjustments that:

- (a) do not alter:***
 - (i) the degree of non compliance with District Plan rules and standards;***
 - (ii) the number and location of any access; and***
 - (iii) the number of certificates of title; and***
- (b) are in accordance with the minimum lot sizes of the zone and comply with access, infrastructure and esplanade provisions.***

6.29.5 The proposal does not include a boundary adjustment.

SUB-P2 - Enable subdivision for the purpose of public works, infrastructure, reserves or access.

6.29.6 The proposal is not for the purpose of public works, infrastructure, reserves or access.



SUB-P3 - Provide for subdivision where it results in allotments that:

- (a) are consistent with the purpose, characteristics and qualities of the zone;***
- (b) comply with the minimum allotment sizes for each zone;***
- (c) have an adequate size and appropriate shape to contain a building platform; and***
- (d) have legal and physical access.***

6.29.7 Although the site is zoned rural production, it is more rural lifestyle in nature, as has been explained within this report. The proposal is consistent with the existing allotments in the area. Lot 1 will contain the existing dwelling and Lot 2 is of a size and dimensions which contains suitable areas for a building platform as assessed by LDE. The proposed lots will utilise an existing legal access point.

SUB-P4 - Manage subdivision of land as detailed in the district wide, natural environment values, historical and cultural values and hazard and risks sections of the plan

6.29.8 The proposal is considered to be consistent with the district wide, natural environment values, historical and cultural values as well as hazard and risks sections.

SUB-P5 - Manage subdivision design and layout in the General Residential, Mixed Use and Settlement zone to provide for safe, connected and accessible environments by:

- (a) minimising vehicle crossings that could affect the safety and efficiency of the current and future transport network;***
- (b) avoid cul-de-sac development unless the site or the topography prevents future public access and connections;***
- (c) providing for development that encourages social interaction, neighbourhood cohesion, a sense of place and is well connected to public spaces;***
- (d) contributing to a well connected transport network that safeguards future roading connections; and***
- (e) maximising accessibility, connectivity by creating walkways, cycleways and an interconnected transport network.***

6.29.9 The site is not located within the General Residential, Mixed Use or Settlement zone under the PDP.

SUB-P6 - Require infrastructure to be provided in an integrated and comprehensive manner by:

- (a) demonstrating that the subdivision will be appropriately serviced and integrated with existing and planned infrastructure if available; and***
- (b) ensuring that the infrastructure is provided is in accordance the purpose, characteristics and qualities of the zone.***

6.29.10 As detailed within the Site Suitability Report from LDE, Lot 2 is capable of containing future onsite infrastructure to service any future development. Lot 1 will contain the existing onsite infrastructure which service the existing dwelling.



SUB- P7 - Require the vesting of esplanade reserves when subdividing land adjoining the coast or other qualifying waterbodies.

6.29.11 An Esplanade reserve will be provided along the Waitangi River.

SUB-P8 - Avoid rural lifestyle subdivision in the Rural Production zone unless the subdivision:
(a) will protect a qualifying SNA in perpetuity and result in the SNA being added to the District Plan SNA schedule; and
(b) will not result in the loss of versatile soils for primary production activities.

6.29.12 The site does not contain a SNA. However, the proposal will provide the protection of the existing wetland and its riparian margins, the PNA and hardwood remnants within the site. As discussed earlier in this report, the proposal is not considered to result in the loss of versatile soils for primary production activities.

SUB-P9 - Avoid subdivision rural lifestyle subdivision in the Rural Production zone and Rural residential subdivision in the Rural Lifestyle zone unless the development achieves the environmental outcomes required in the management plan subdivision rule.

6.29.13 The proposal does not include a management plan subdivision. The Management Plan Subdivision Rule (SUB-R7) does not have legal weighting and may be subject to the submission process and hence subdivision cannot be undertaken in accordance with this rule at this point in time.

SUB-P10 - To protect amenity and character by avoiding the subdivision of minor residential units from principal residential units where resultant allotments do not comply with minimum allotment size and residential density.

6.29.14 The proposal does not result in the subdivision of a minor residential unit from a principal dwelling.

SUB-P11 - Manage subdivision to address the effects of the activity requiring resource consent including (but not limited to) consideration of the following matters where relevant to the application:

- (a) consistency with the scale, density, design and character of the environment and purpose of the zone;***
- (b) the location, scale and design of buildings and structures;***
- (c) the adequacy and capacity of available or programmed development infrastructure to accommodate the proposed activity; or the capacity of the site to cater for on-site infrastructure associated with the proposed activity;***
- (d) managing natural hazards;***
- (e) Any adverse effects on areas with historic heritage and cultural values, natural features and landscapes, natural character or indigenous biodiversity values; and***
- (f) any historical, spiritual, or cultural association held by tangata whenua, with regard to the matters set out in Policy TW-P6.***



6.29.15 The proposal is considered to be consistent with the scale, density, design and character of the environment. Although the proposed lot sizes are less than what is permitted for the rural production zone, the proposal is considered consistent with lots in the surrounding environment and provides a transition zone on the outskirts of Kerikeri. A Site Suitability Report has been completed by LDE for Lot 2 which indicated a potential house site, which is suitable within the surrounding environment. LDE's report also determined that Lot 2 is capable of containing future onsite infrastructure to cater for any future development. The sites are not shown to be affected by natural hazards. No effects on historic heritage, cultural values, natural features and landscapes, natural character or indigenous biodiversity values are anticipated. The site is not known to hold any historical, spiritual or cultural association held by tangata whenua.

Assessment of Objectives and Policies of the Rural Production zone

6.30 The following assessment includes assessment of RPROZ01 – RPROZ04 and RPROZP1 – RPROZP7.

Objectives

RPROZ-01 - The Rural Production zone is managed to ensure its availability for primary production activities and its long-term protection for current and future generations.

RPROZ-02 - The Rural Production zone is used for primary production activities, ancillary activities that support primary production and other compatible activities that have a functional need to be in a rural environment.

RPROZ-03 - Land use and subdivision in the Rural Production zone:

- (a) protects highly productive land from sterilisation and enables it to be used for more productive forms of primary production;***
- (b) protects primary production activities from reverse sensitivity effects that may constrain their effective and efficient operation;***
- (c) does not compromise the use of land for farming activities, particularly on highly productive land;***
- (d) does not exacerbate any natural hazards; and***
- (e) is able to be serviced by on-site infrastructure.***

RPROZ-04 - The rural character and amenity associated with a rural working environment is maintained.

6.30.1 The subject site is not currently utilised for large scale rural productive use and is utilised as more of a rural-lifestyle allotment. The proposal will not affect the availability for primary production activities in the area.

6.30.2 The proposed allotments are considered to have a functional need to be located within the rural environment as the proposal will provide one additional allotment which is consistent with the surrounding environment and will provide the opportunity for built development whilst protecting the wetland, PNA and hardwood remnant areas on the site as well as



ensuring areas of HPL remain unaffected. The proposal is not anticipated to create any reverse sensitivity effects and will not compromise the use of land for farming activities. Natural hazards will not be exacerbated. Lot 1 will contain existing onsite infrastructure and Lot 2 has been assessed as being suitable for future onsite infrastructure.

Policies

RPROZ-P1 - Enable primary production activities, provided they internalise adverse effects onsite where practicable, while recognising that typical adverse effects associated with primary production should be anticipated and accepted within the Rural Production zone.

6.30.3 The subject site does not currently boast any primary production activities.

RPROZ-P2 - Ensure the Rural Production zone provides for activities that require a rural location by:

- (a)enabling primary production activities as the predominant land use;***
- (b)enabling a range of compatible activities that support primary production activities, including ancillary activities, rural produce manufacturing, rural produce retail, visitor accommodation and home businesses.***

6.30.4 The site does not currently boast any primary production activities, and the proposal will not inhibit any larger productive lots from containing any such activities.

RPROZ-P3 - Manage the establishment, design and location of new sensitive activities and other non-productive activities in the Rural Production Zone to avoid where possible, or otherwise mitigate, reverse sensitivity effects on primary production activities.

6.30.5 The subject site directly adjoins allotments of similar use, with written approvals being obtained from the adjoining owners to the west. No reverse sensitivity effects are anticipated to be created due to the proposed lot sizes being compatible with the surrounding environment. The majority of the site and surrounding environment contain soils not classified as a highly versatile as well as natural features such as wetlands and bush, which restrict the productive use of the sites.

RPROZ-P4 - Land use and subdivision activities are undertaken in a manner that maintains or enhances the rural character and amenity of the Rural Production zone, which includes:

- (a)a predominance of primary production activities;***
- (b)low density development with generally low site coverage of buildings or structures;***
- (c)typical adverse effects such as odour, noise and dust associated with a rural working environment; and***
- (d)a diverse range of rural environments, rural character and amenity values throughout the District.***

6.30.6 As mentioned, the site does not currently boast primary production activities, however the proposal will not affect the existing primary production activities in the area. The proposal is



considered to be of low density, with the existing built development in Lot 1 complying with the permitted rules for the zone under the ODP and Lot 2 being of size which can cater for built development as a permitted activity. No adverse effects are anticipated. The proposal will enhance the rural character and amenity values by protecting the wetland on the site and enhancing this area with buffer planting as well as formally protecting the PNA and hardwood remnants on the site.

RPROZ-P5 - Avoid land use that:

- (a) is incompatible with the purpose, character and amenity of the Rural Production zone;***
- (b) does not have a functional need to locate in the Rural Production zone and is more appropriately located in another zone;***
- (c) would result in the loss of productive capacity of highly productive land;***
- (d) would exacerbate natural hazards; and***
- (e) cannot provide appropriate on-site infrastructure.***

6.30.7 The proposal is not considered to create any incompatible land use activities. The site is rural lifestyle in nature, and it is considered that the proposal is compatible with the unique environment. Due to the above, the site is more appropriately characterized as a rural lifestyle lot rather than rural production, such that the proposed lots reflect the transition zone that usually occurs in these town and country areas. The site is not currently utilized as highly productive land and will not result in any loss, due to the site not currently boasting any primary production activities. The site is not known to be susceptible to natural hazards. Onsite services can be provided for within each of the allotments.

RPROZ-P6 - Avoid subdivision that:

- (a) results in the loss of highly productive land for use by farming activities;***
- (b) fragments land into parcel sizes that are no longer able to support farming activities, taking into account:***
 - 1. the type of farming proposed; and***
 - 2. whether smaller land parcels can support more productive forms of farming due to the presence of highly productive land.***
- (c) provides for rural lifestyle living unless there is an environmental benefit.***

6.30.8 As mentioned, the site is not currently utilized for large scale farming activities. The proposal is considered to be consistent with lots in the surrounding environment. The site does not boast any future potential to be utilized as highly productive land.

RPROZ-P7 - Manage land use and subdivision to address the effects of the activity requiring resource consent, including (but not limited to) consideration of the following matters where relevant to the application:

- (a) whether the proposal will increase production potential in the zone;***
- (b) whether the activity relies on the productive nature of the soil;***
- (c) consistency with the scale and character of the rural environment;***
- (d) location, scale and design of buildings or structures;***



(e)for subdivision or non-primary production activities:

- i. scale and compatibility with rural activities;***
- ii. potential reverse sensitivity effects on primary production activities and existing infrastructure;***
- iii. the potential for loss of highly productive land, land sterilisation or fragmentation***

(f)at zone interfaces:

- i. any setbacks, fencing, screening or landscaping required to address potential conflicts;***
- ii. the extent to which adverse effects on adjoining or surrounding sites are mitigated and internalised within the site as far as practicable;***

(g)the capacity of the site to cater for on-site infrastructure associated with the proposed activity, including whether the site has access to a water source such as an irrigation network supply, dam or aquifer;

(h)the adequacy of roading infrastructure to service the proposed activity;

(i)Any adverse effects on historic heritage and cultural values, natural features and landscapes or indigenous biodiversity;

(j)Any historical, spiritual, or cultural association held by tangata whenua, with regard to the matters set out in Policy TW-P6.

6.30.9 The subject site is currently a rural lifestyle lot and although the proposal will not increase the production potential of the zone, it will not inhibit it either. The site contains only a small area of highly versatile soils which are not currently in productive use. The proposal will not alter the use of HPL. The proposal is considered to be consistent with the scale and character of the rural environment. Lot 1 will contain the existing built development with future development on Lot 2 being at the discretion of the future owners. No reverse sensitivity effects are anticipated and no loss, sterilisation or fragmentation of HPL is anticipated. The site is not located at a zone interface. Lot 1 has existing onsite infrastructure and LDE have determined that Lot 2 is capable of containing onsite infrastructure which is to be designed at the time of built development on the lot. The additional traffic movements associated with the additional lot are anticipated to be easily absorbed into the roading network. No adverse effects on historic heritage, cultural values, natural features, landscapes or indigenous biodiversity are anticipated. The proposal is considered to result in positive effects on natural features and indigenous biodiversity within the site due to the proposed protection and enhancement of certain areas within the site. The site is not known to hold any historical, spiritual or cultural association held by Tangata Whenua.

Summary

6.31 The above assessment of the relevant policy documents demonstrates that the proposal will be consistent with the relevant objectives and policies of those statutory documents.

6.32 Although the proposal is considered to be a non-complying activity, allotments of this size are not unusual in the immediate and wider environment. Due to the close proximity of the site to the Kerikeri township, there is considered to be a functional need for allotments of this size to be located in the area, providing connectivity between smaller and larger rural productive



lots. The proposal provides for the social, economic and cultural well being of the community by providing lifestyle allotments in close proximity to employment, services and community infrastructure.

- 6.33 The site is not considered to be suitable for large scale rural productive use, due to the existing size of the site, the existing topography, existing and adjoining land use activities in the area as well as natural features such as wetlands and PNA. The proposal will allow better utilization of the site and provide enhancement of the site and surrounding environment.
- 6.34 No reverse sensitivity effects are anticipated due to the nature of the surrounding environment. The proposal will result in a superior outcome by the formal protection and enhancement of the wetland, PNA and hardwood remnant area within the site, which will in turn provide a positive effect on the downstream environment due to the natural filtration and biodiversity enhancement that will be provided as part of this proposal.

7.0 NOTIFICATION ASSESSMENT – SECTIONS 95A TO 95G OF THE ACT

Public Notification Assessment

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

Step 1 Mandatory public notification in certain circumstances

- (2) Determine whether the application meets any of the criteria set out in subsection (3) and, —*
(a) if the answer is yes, publicly notify the application; and
(b) if the answer is no, go to step 2.
(3) The criteria for step 1 are as follows:
(a) the applicant has requested that the application be publicly notified:
(b) public notification is required under section 95C:
(c) the application is made jointly with an application to exchange recreation reserve land under section 15AA of the Reserves Act 1977.

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

Step 2: Public Notification precluded in certain circumstances

- (4) Determine whether the application meets either of the criteria set out in subsection (5) and, —*
(a) if the answer is yes, go to step 4 (step 3 does not apply); and
(b) if the answer is no, go to step 3.
(5) The criteria for step 2 are as follows:
(a) the application is for a resource consent for 1 or more activities, and each activity is subject to a rule or national environmental standard that precludes public notification:
(b) the application is for a resource consent for 1 or more of the following, but no other, activities:
(i) a controlled activity:
(ii) [Repealed]
(iii) a restricted discretionary, discretionary, or non-complying activity, but only if the activity is a boundary activity.
(iv) [Repealed]



(6)[Repealed]

7.1.2 The application is a non-complying activity. No preclusions apply in this instance.

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

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

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

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

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

(a) the application is for a resource consent for 1 or more activities, and any of those activities is subject to a rule or national environmental standard that requires public notification:

(b) the consent authority decides, in accordance with section 95D, that the activity will have or is likely to have adverse effects on the environment that are more than minor.

7.1.3 No applicable rules require public notification of the application. The activity will not have a more than minor effect on the environment.

Step 4: Public notification in special circumstances

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

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

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

7.1.4 The proposal will result in one additional allotment which has been assessed as being suitable for future built development and onsite servicing. The proposal will utilise an existing crossing place which has been assessed by LDE as meeting the required engineering standards and sight lines. Written approval from adjoining neighbours to the west have been obtained. The proposal will provide allotments which fall within the existing size range in the area and can accommodate similar land use activities. The wetland area and PNA and hardwood remnant area on site will be formally protected and enhanced providing a superior outcome.

7.1.5 As determined with Section 5 the effects on the environment are considered to be less than minor and the proposal is generally consistent with the objectives and policies of the relevant policy documents as determined within Section 6 of this report.

7.1.6 It is therefore considered that there are no special circumstances that exist to justify public notification of the application because the proposal is not considered to be controversial or of significant public interest. There are no circumstances which are considered to be unusual or exceptional in this instance.

Public Notification Summary

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



Limited Notification Assessment

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

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

- (2) Determine whether there are any—*
 - (a) affected protected customary rights groups; or*
 - (b) affected customary marine title groups (in the case of an application for a resource consent for an accommodated activity).*
- (3) Determine—*
 - (a) whether the proposed activity is on or adjacent to, or may affect, land that is the subject of a statutory acknowledgement made in accordance with an Act specified in Schedule 11; and*
 - (b) whether the person to whom the statutory acknowledgement is made is an affected person under section 95E.*
- (4) Notify the application to each affected group identified under subsection (2) and each affected person identified under subsection (3).*

- 7.2.1 There are no protected customary rights groups or customary marine title groups or statutory acknowledgement areas that are relevant to this application. Therefore Step 1 does not apply and Step 2 must be considered.

Step 2: Limited notification precluded in certain circumstances

- (5) Determine whether the application meets either of the criteria set out in subsection (6) and,—*
 - (a) if the answer is yes, go to step 4 (step 3 does not apply); and*
 - (b) if the answer is no, go to step 3.*
- (6) The criteria for step 2 are as follows:*
 - (a) the application is for a resource consent for 1 or more activities, and each activity is subject to a rule or national environmental standard that precludes limited notification;*
 - (b) the application is for a controlled activity (but no other activities) that requires a resource consent under a district plan (other than a subdivision of land).*

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

Step 3: Certain other affected persons must be notified.

- (7) In the case of a boundary activity, determine in accordance with section 95E whether an owner of an allotment with an infringed boundary is an affected person.*
- (8) In the case of any other activity, determine whether a person is an affected person in accordance with section 95E.*
- (9) Notify each affected person identified under subsections (7) and (8) of the application.*
The proposal is not for a boundary activity nor is it a prescribed activity.

- 7.2.3 The proposal does not result in a boundary activity.

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

- (2) The consent authority, in assessing an activity's adverse effects on a person for the purpose of this section,—*



(a) may disregard an adverse effect of the activity on the person if a rule or a national environmental standard permits an activity with that effect; and

(b) must, if the activity is a controlled activity or a restricted discretionary activity, disregard an adverse effect of the activity on the person if the effect does not relate to a matter for which a rule or a national environmental standard reserves control or restricts discretion; and

(c) must have regard to every relevant statutory acknowledgement made in accordance with an Act specified in Schedule 11.

7.2.5 A council must not consider that a person is affected if they have given their written approval, or it is unreasonable in the circumstances to seek that person's approval. The allotments which directly adjoin the subject site to the west have provided their written approval to the subdivision. These lots are as follows (shaded colour in table below matches shaded lots in Figure 22 below):

Address	Lot Number	Owner
797C Waimate North Road, Waimate North	Lot 1 & 2 DP 616586	Leanne and Mark Christiansen
797B Waimate North Road, Waimate North	Lot 3 & 4 DP 616586	Megan and Roderick Chrisp

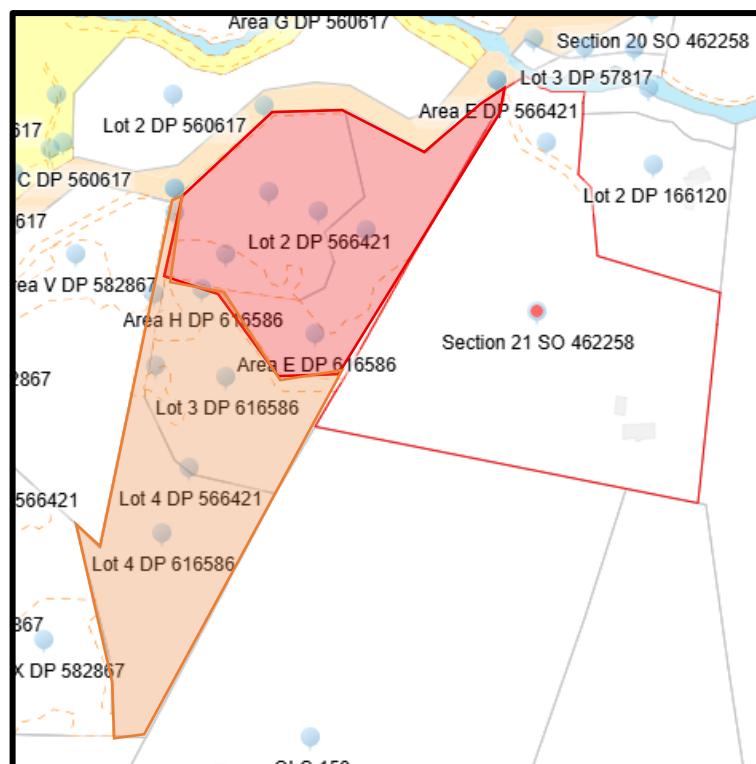


Figure 25: Image showing location of lot owners who have provided written approval.

7.2.6 Lot 2 DP 166120 will border the northern boundary of Lot 1 and the existing accessway which leads to the dwelling on Lot 1. The proposal will see one additional user of the accessway, which Lot 2 DP 166120 has rights to use, however no adverse effects of the subdivision on this allotment are anticipated. LDE have confirmed that the accessway meets the required

standards currently, with no upgrading proposed. The dwelling on Lot 2 DP 166120 appears to be orientated north, with the building platform on Proposed Lot 2 located to the southwest, such that views of any future dwelling on Lot 2 will most likely be intermittent. Furthermore, there is a large separation distance between the proposed building platform on Lot 2 and Lot 2 DP 166120.

- 7.2.7 To the south is OLC158. This will adjoin the southern boundary of Lot 1 and Lot 2. The PNA within the subject site extends into OLC158, such that there will be no change of use along this boundary. Given the large separation distance and the existing use of the site along this boundary, no adverse effects are anticipated.
- 7.2.8 It is therefore considered that there are no adverse effects created on these allotments as there have been no objections to the proposal raised and effects are considered to be less than minor. It is considered that there are no other lots which may be adversely affected, as such lots are located a sufficient distance from the site.
- 7.2.9 Due to the size of allotments in the area, the development is considered consistent with other developments in the area and as such no other sites are considered to be adversely affected.
- 7.2.10 As a result of the above and with respect to section 95B(8) and section 95E, the proposal is considered to have a no more than minor effect on all owners and occupiers of adjacent properties. Therefore Step 3 does not apply and Step 4 must be considered.

Step 4: Further notification in special circumstances

(10) whether special circumstances exist in relation to the application that warrant notification of the application to any other persons not already determined to be eligible for limited notification under this section (excluding persons assessed under section 95E as not being affected persons),

- 7.2.11 The proposal is to undertake a rural lifestyle subdivision within an area that has similar lifestyle development. The proposal provides a superior outcome by protecting and enhancing the wetland and PNA and remnant hardwood areas on the site. It is considered that no special circumstances exist in relation to the application.
- 7.2.12 Written approvals have been obtained from adjoining neighbours to the west. Due to the nature of the surrounding environment and the measures proposed within this report, no reverse sensitivity effects are anticipated to be created.
- 7.2.13 It is therefore considered that there are no special circumstances that exist to warrant notification of the application to any other persons.

Limited Notification Assessment Summary

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



Notification Assessment Conclusion

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

8.0 PART 2 ASSESSMENT

- 8.1 The application must be considered in relation to the purpose and principles of the Resource Management Act 1991 which are contained in Section 5 to 8 of the Act inclusive.
- 8.2 The proposal will meet Section 5 of the RMA as the development can achieve sustainable management of natural and physical resources by protecting and enhancing the wetland and PNA and hardwood remnant areas within the site. The proposal is considered consistent in terms of its allotment sizes and character as the sites being created are generally comparable with the rural lifestyle subdivision patterns of the immediate surrounding environment.
- 8.3 Section 6 of the Act sets out a number of matters of national importance. It is considered that the proposal will not adversely affect any of these matters, as has been explained throughout this report.
- 8.4 Section 7 identifies a number of “other matters” to be given particular regard by a Council in the consideration of any assessment for resource consent, including efficient use and development of natural and physical resources, the maintenance and enhancement of amenity values. This development will result in an efficient use of the site and its resources as the site can be effectively used for rural lifestyle purposes. Amenity values will be maintained and enhanced as the character of the area is already rural lifestyle in nature.
- 8.5 Section 8 requires Council to take into account the principals of the Treaty of Waitangi. It is considered that the proposal raises no Treaty issues. The subject site is not known to be located within an area of significance to Māori nor does the site indicate any historic archaeology is present. As such it is considered that the proposal has taken into account the principals of the Treaty of Waitangi; and is not considered to be contrary to these principals.
- 8.6 Overall, the application is considered to be consistent with the relevant provisions of Part 2 of the Act, as expressed through the objectives, policies and rules reviewed in earlier sections of this application. Given that consistency, we conclude that the proposal achieves the purposes of sustainable management set out by section 5 of the Act.

9.0 104D ASSESSMENT

- 9.1 As detailed in section 4.2 of this application, Section 104D of the Act requires that a Non-Complying subdivision must meet at least one of the gateway tests above in order for the decision-making authority to consider approving the application.



- 9.2 As detailed within section 5 above it is concluded that the effects of the proposal on the surrounding environment will be no more than minor. Passing the first test.
- 9.3 In section 6 above it was also concluded that the proposal would be generally consistent with the available policy documents. Passing the second test.
- 9.4 Case Law has determined that the precedent of granting resource consent is a relevant factor for a consent authority when considering whether to grant a Non-Complying resource consent. A precedent effect is likely to arise in a situation where consent is granted to a Non-Complying activity that lacks the evident unique, unusual or distinguished qualities that serve to take the application out of the generality of cases or similar sites in the vicinity. If the activity boasts sufficient qualities that are unusual or unique, that other proposals may not contain, precedent effects may be avoided. As discussed in Sections 5.4 - 5.13 of this report, in this case, the proposal is considered unique due to the physical constraints of the site which render the site unsuitable for rural productive activities. The site is in an area that is already compromised, with limitations of the site further restricting the use of the site. The proposal will result in a superior outcome where natural features within the site will be protected and enhanced, providing benefit to not just the site but the downstream environment. The site does not boast any areas of HPL which could be utilized as productive land. Due to the existing development in the area, the proposal is considered to be consistent with development in the surrounding environment and is a reflection of the existing lot sizes and land use activities.
- 9.5 As both gateway tests have been satisfied it is concluded that the proposal can be approved under delegated authority by Council.

10.0 CONCLUSION

- 10.1 The proposal is to undertake a subdivision to create one additional allotment within the Rural Production zone as well as an esplanade reserve. Both rural lifestyle lots will be just over 2-hectares in area. The proposal also includes formal protection and enhancement of the wetland and PNA and hardwood remnant areas within the site. The proposal is considered to be consistent with neighbouring development patterns which have created rural lifestyle allotments.
- 10.2 In terms of section 104(1)(a) of the Act, the actual and potential effects of the proposal will be no more than minor.
- 10.3 It is also considered that the proposal will have no more than minor adverse effects on the wider environment; no persons will be adversely affected by the proposal and there are no special circumstances.
- 10.4 The proposal is a non-complying activity, an assessment of the gateway tests under section 104D have been undertaken. The proposal is considered to pass both gateway tests.



- 10.5 The relevant provisions within Part 2 of the Act have been addressed as part of this application. The overall conclusion from the assessment of the statutory considerations is that the proposal is considered to be consistent with the sustainable management purpose of the Resource Management Act 1991.
- 10.6 It is considered that the proposal results in no more than minor effects on the environment and the proposal is generally consistent with the relevant objectives and policies set out under the District Plan and Regional Policy Statement. The development is considered appropriate for consent to be granted on a non-notified basis.

11.0 LIMITATIONS

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





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

**Guaranteed Search Copy issued under Section 60 of the Land
Transfer Act 2017**




R.W. Muir
Registrar-General
of Land

Identifier **1076085**
Land Registration District **North Auckland**
Date Issued 13 June 2022

Prior References
NA100D/192

Estate Fee Simple
Area 7.5540 hectares more or less
Legal Description Section 21 Survey Office Plan 462258
Registered Owners
Stuart Arnold Beaven

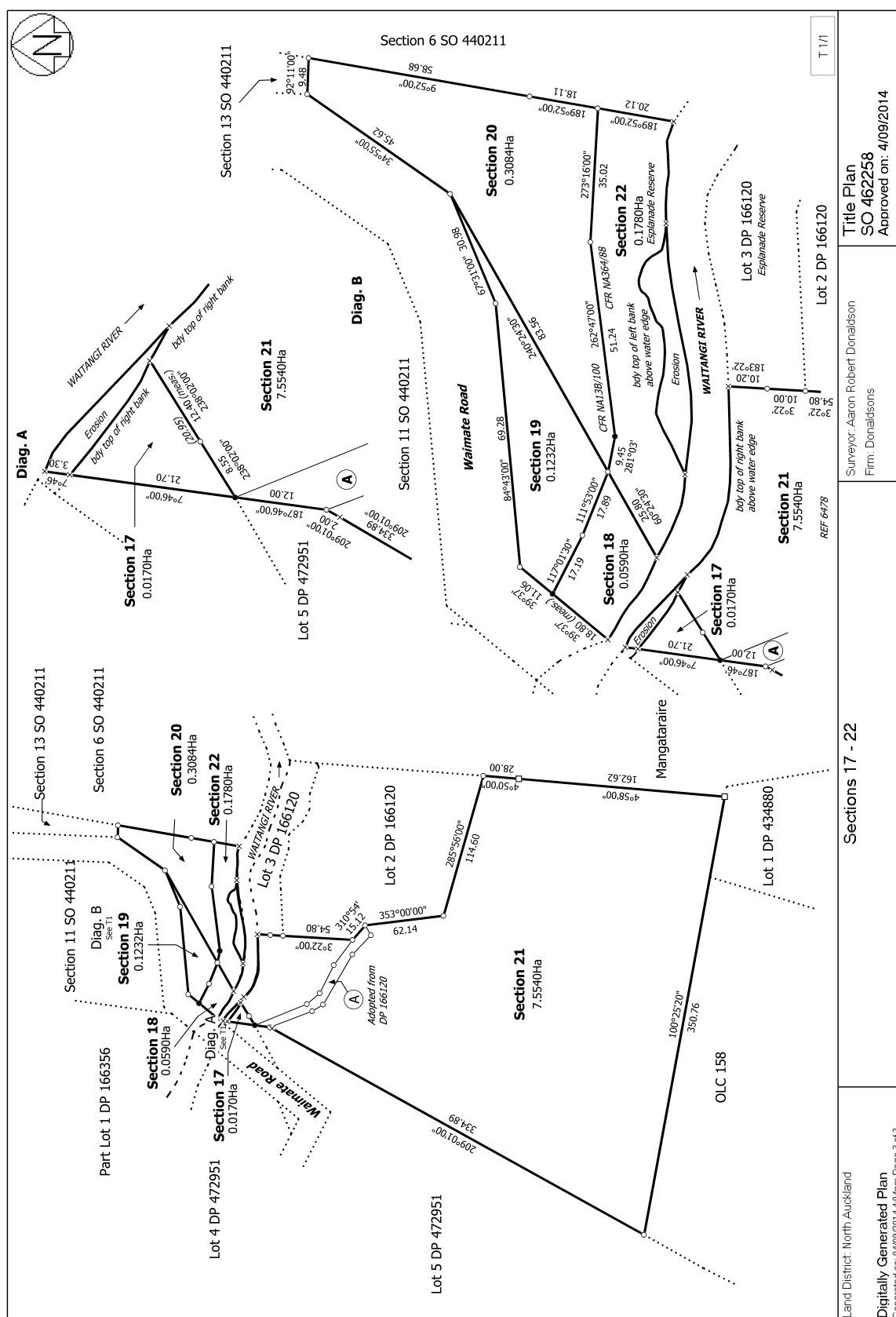
Interests

Subject to a right of way and electricity, telephone and water supply rights over part marked A on SO 462258 specified in Easement Certificate C859254.4 - 29.6.1995 at 9:35 am

The easements specified in Easement Certificate C859254.4 are subject to Section 243 (a) Resource Management Act 1991 5614417.2 Mortgage to ASB Bank Limited - 9.6.2003 at 9:00 am

Appurtenant hereto is a right of way created by Easement Instrument 9694007.3 - 27.5.2014 at 10:27 am

The easements created by Easement Instrument 9694007.3 are subject to Section 243 (a) Resource Management Act 1991



C859254.4 EC

Approved by the District Land Registrar, South Auckland No. 351560
Approved by the District Land Registrar, North Auckland, No. 4380/81
Approved by the Registrar-General of Land, Wellington, No. 436748.1/81

EASEMENT CERTIFICATE

(IMPORTANT: Registration of this certificate does not of itself create any of the easements specified herein).

I/We INGELA THORIN of Opua, Farmer

being the registered proprietor(s) of the land described in the Schedule hereto hereby certify that the easements specified in that Schedule, the servient tenements in relation to which are shown on a plan of survey deposited in the Land Registry Office at Auckland on the day of 19 under No. 166120, are the easements which it is intended shall be created by the operation of section 90A of the Land Transfer Act 1952.

SCHEDULE DEPOSITED PLAN NO.

Nature of Easement (e.g., Right of Way, etc.)	Servient Tenement		Dominant Tenement Lot No.(s) or other Legal Description	Title Reference
	Lot No.(s) or other Legal Description	Colour, or Other Means of Identification, of Part Subject to Easement		
Right of Way, Electricity, Telephone, Water Supply	Lot 1	Marked 'A'	lot 2	1000/192 1000/193

State whether any rights or powers set out here are in addition to or in substitution for those set out in the Seventh Schedule to the Land Transfer Act 1952.

1. Rights and powers:

 ~~In respect of the Right of Way Easement the rights and powers implied herein by Section 90D of the Land Transfer Act 1952 are varied as follows:~~

~~They shall not be deemed to include any reference to heavy earth-moving machinery without the consent of all grantees within the meaning Subsection 7 of the section 90A of the Land Transfer Act 1952.~~

In respect of the Electricity and Telephone Easements the rights and powers applicable thereto are:

- (a) The full free uninterrupted and unrestricted right liberty and privilege for the occupiers and registered proprietors for the time being of the dominant tenement from time to time and at all times to take convey and lead electrical current or any other mode of transmitting telecommunications in a free and unimpeded flow (except where the flow is halted for any reasonable period necessary for essential repairs) for the purposes of telecommunications across the land over which the Easement is created and to lay and maintain cables for such purpose.
- (b) The full free uninterrupted and unrestricted right liberty and privilege for the occupiers and registered proprietors for the time being of the dominant tenement from time to time and at all times to take convey and lead electricity in a free and unimpeded flow (except where the flow is halted for any reasonable period necessary for essential repairs) across the land over which the Easement is created and to lay and maintain cables for such purpose.



Bank of New Zealand

CERTIFICATE OF NON-REVOCATION OF POWER OF ATTORNEY

We, Peter Michael Robinson of Auckland and
DAVID ALAN STITT of Auckland, New Zealand,

Bank Officers, severally certify that:

- By deed dated 25 May 1994 (the "Deed") we were, by virtue of being respectively a THIRD Authorised Officer and a SECOND Authorised Officer, appointed jointly as attorneys of Bank of New Zealand (the "Bank") on the terms and subject to the conditions set out in the Deed.
- Copies of the Deed are deposited in the Land Transfer Offices at:

Auckland	as No.	C622693.1F	Blenheim	as No.	174983
Christchurch	as No.	A124795.1	Dunedin	as No.	859913
Gisborne	as No.	G198246.1	Hamilton	as No.	B214884
Hokitika	as No.	098538	Invercargill	as No.	221983.1
Napier	as No.	609666.1	Nelson	as No.	339830.1
New Plymouth	as No.	412259	Wellington	as No.	B363693.1
- We have executed the instrument(s) to which this certificate relates under the powers conferred by the Deed.
- At the date of this certificate we have not received any notice or information of the revocation of that appointment by the dissolution of the Bank or otherwise.

SIGNED at Auckland

this 19 day of JUNE 1995

) 
Signature
) Peter Michael Robinson
Name

SIGNED at Auckland

this 19 day of June 1995

) 
Signature
) DAVID ALAN STITT
Name

39500550

~~2. Terms, conditions, covenants, or restrictions in respect of any of the above easements:~~

Dated this 19th day of June 1995

Signed by the above-named

INGELA THORIN

Ingela Thain

in the presence of

Witness

Occupation

Address

Raferson
S. L. for
Pahia

EASEMENT CERTIFICATE

(IMPORTANT): Registration of this certificate does not of itself create any of the easements specified herein.

Correct for the purposes of the
Land Transfer Act

Philaterson
Solicitor for the registered proprietor

The within easement when
created will be subject to
Section 243(a) Resource
Management Act 1991,
otherwise

THE BANK OF NEW ZEALAND
as Mortgagee under
Mortgage C.567169.1
HEREBY CONSENTS to the
creation of the Easements
herein described.

Dated this 19 day of June 1995

SIGNED for and on behalf of BANK OF NEW ZEALAND by its Attorneys:	
<i>Peter Michael Robinson</i>	
DAVID ALAN STITT	
Witness to the signature of DAVID ALAN STITT	Witness to the signature of Peter Michael Robinson
Witness <i>same</i>	Witness <i>same</i>
Occupation <i>Bank office</i>	Occupation <i>Bank office</i>
Address <i>Auckland</i>	Address <i>Auckland</i>

PARTICULARS ENTERED IN REGISTER
LAND REGISTRY AUCKLAND
ASST. LAND REGISTRAR

9.35 29 JUN 95 C 859254.4



1000
1192
193



View Instrument Details



Instrument No 9694007.3
Status Registered
Date & Time Lodged 27 May 2014 10:27
Lodged By Nelley, Eimear Christine
Instrument Type Easement Instrument



Affected Computer Registers	Land District
646067	North Auckland
646068	North Auckland
NA100D/192	North Auckland
NA100D/193	North Auckland

Annexure Schedule: Contains 5 Pages.

Grantor Certifications

- I certify that I have the authority to act for the Grantor and that the party has the legal capacity to authorise me to lodge this instrument ☒
- I certify that I have taken reasonable steps to confirm the identity of the person who gave me authority to lodge this instrument ☒
- I certify that any statutory provisions specified by the Registrar for this class of instrument have been complied with or do not apply ☒
- I certify that I hold evidence showing the truth of the certifications I have given and will retain that evidence for the prescribed period ☒
- I certify that the Mortgagee under Mortgage 5614417.2 has consented to this transaction and I hold that consent ☒
- I certify that the Mortgagee under Mortgage 6114796.5 has consented to this transaction and I hold that consent ☒
- I certify that the Mortgagee under Mortgage C658718.3 has consented to this transaction and I hold that consent ☒

Signature

Signed by Graeme Leslie McLelland as Grantor Representative on 12/06/2014 10:07 AM

Grantee Certifications

- I certify that I have the authority to act for the Grantee and that the party has the legal capacity to authorise me to lodge this instrument ☒
- I certify that I have taken reasonable steps to confirm the identity of the person who gave me authority to lodge this instrument ☒
- I certify that any statutory provisions specified by the Registrar for this class of instrument have been complied with or do not apply ☒
- I certify that I hold evidence showing the truth of the certifications I have given and will retain that evidence for the prescribed period ☒

Signature

Signed by Graeme Leslie McLelland as Grantee Representative on 12/06/2014 10:07 AM

*** End of Report ***

Form B

Easement instrument to grant easement or profit à prendre, or create land covenant

(Sections 90A and 90F Land Transfer Act 1952)

Grantor

Peter William COOK and Shona Carmen COOK

Grantee

Stuart Arnold BEAVEN, Maukino Morgan PIRIPI and Barbara Ann PIRIPI
Peter William COOK and Shona Carmen COOK

Grant of Easement or Profit à prendre or Creation of Covenant

The Grantor being the registered proprietor of the servient tenement(s) set out in Schedule A grants to the Grantee (and, if so stated, in gross) the easement(s) or profit(s) à prendre set out in Schedule A, or creates the covenant(s) set out in Schedule A, with the rights and powers or provisions set out in the Annexure Schedule(s)

Schedule A

Continue in additional Annexure Schedule, if required

Purpose (Nature and extent) of easement; profit or covenant	Shown reference (plan)	Servient Tenement (Computer Register)	Dominant Tenement (Computer Register) or in gross
Right of way	Marked Deposited 472951 E on Plan	Lot 5 Deposited Plan 472951 CT 646067	Lot 1 Deposited Plan 166120 (NA100D/192) Lot 2 DP 166120 (NA100D/193)
Right of Way	Marked Deposited 472951 A on Plan	Lot 5 Deposited Plan 472951 CT 646067	Lot 6 Deposited Plan 472951 CT 646068

Form B - continued

Easements or profits à prendre rights and powers (including terms, covenants and conditions)

Delete phrases in [] and insert memorandum number as required; continue in additional Annexure Schedule, if required

Unless otherwise provided below, the rights and powers implied in specified classes of easement are those prescribed by the Land Transfer Regulations 2002 and/or Schedule Five of the Property Law Act 2007

The implied rights and powers are hereby ~~[varied]~~ ~~[negated]~~ ~~[added to]~~ or ~~[substituted]~~ by:

~~[Memorandum number _____, registered under section 155A of the Land Transfer Act 1952]~~

~~[the provisions set out in Annexure Schedule 1]~~

Covenant provisions

Delete phrases in [] and insert Memorandum number as require; continue in additional Annexure Schedule, if required

~~The provisions applying to the specified covenants are those set out in:~~

~~[Memorandum number _____, registered under section 155A of the Land Transfer Act 1952]~~

~~[Annexure Schedule _____]~~

Form L

Annexure Schedule 1

Page 1 of 1

Pages

Insert instrument type

Easement

Continue in additional Annexure Schedule, if required

1. RIGHT OF WAY

Rights and Powers

1.1 Paragraph 11(2) of Schedule 4 of the Land Transfer Regulations 2002 shall be deleted and replaced with the following:

“11(2) i. Subject to 11(2)ii, if the grantee (or grantees, if more than 1) and the grantor share the use of the easement facility, each of them shall make a contribution according to user for the repair and maintenance of the easement facility, and for the associated costs, for the purposes set out in subclause (1).

11(2)ii Any maintenance, repair or replacement of any easement facility that is necessary because of any act or omission by any owner of either the dominant or servient land (which includes any of the agents, employees, contractors, subcontractors or invitees of those owners) must be carried out promptly by that owner at the sole cost of that owner or in such proportion as relates to the act or omission.”

Where there is a conflict between the provisions of Schedule 4 to the Land Transfer Regulations 2002 and/or of the Fifth Schedule to the Property Law Act 2007 and the modifications in this Easement Instrument, these modifications must prevail.

Approved by Registrar-General of Land under No. 2003/6150

Annexure Schedule - Consent Form

Land Transfer Act 1952 section 238(2)



Insert type of instrument
"Caveat", "Mortgage" etc

Mortgage

Page 1 of 1 pages

Consentor

Surname must be underlined or in CAPITALS

ANZ Bank of New Zealand Limited

Capacity and Interest of Consentor

(eg. Caveator under Caveat no./Mortgagee under Mortgage no.)

Mortgagee under Mortgage No. C658718.3

Consent

Delete Land Transfer Act 1952, if inapplicable, and insert name and date of application Act.

Delete words in [] if inconsistent with the consent.

State full details of the matter for which consent is required.

Pursuant to ~~[section 238(2) of the Land Transfer Act 1952]~~

~~[section~~ of the ~~Land Transfer~~ Act ~~1952]~~

[Without prejudice to the rights and powers existing under the interest of the Consentor]

the Consentor hereby consents to:

The deposit of plan LT472951 ('the Plan') and:

a) the grant and registration of the following easements:

- (i) Rights of Way marked A & E on the Plan
- (ii) Right to convey electricity easements in gross in favour of Top Energy Limited marked A,B,C & D on the Plan

b) Surrender of rights of way shown C on DP 197621

c) The vesting in the Far North District Council as road of Lots 7,8,9,10 and 11 on the Plan.

Dated this 1st day of May 2014

Attestation

Beatrix Anthony Teau
Team Leader

Signed in my presence by the Consentor

Signature of Witness

Witness to complete in BLOCK letters (unless legibly printed)

Witness name

Occupation WITNESS: VAINETUTAI PUNA

Address OCCUPATION: BANK OFFICER

Address ADDRESS: AUCKLAND

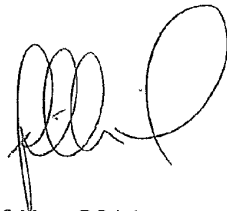
Signature of Consentor

An Annexure Schedule in this form may be attached to the relevant instrument, where consent is required to enable registration under the Land Transfer Act 1952, or other enactments, under which no form is prescribed.

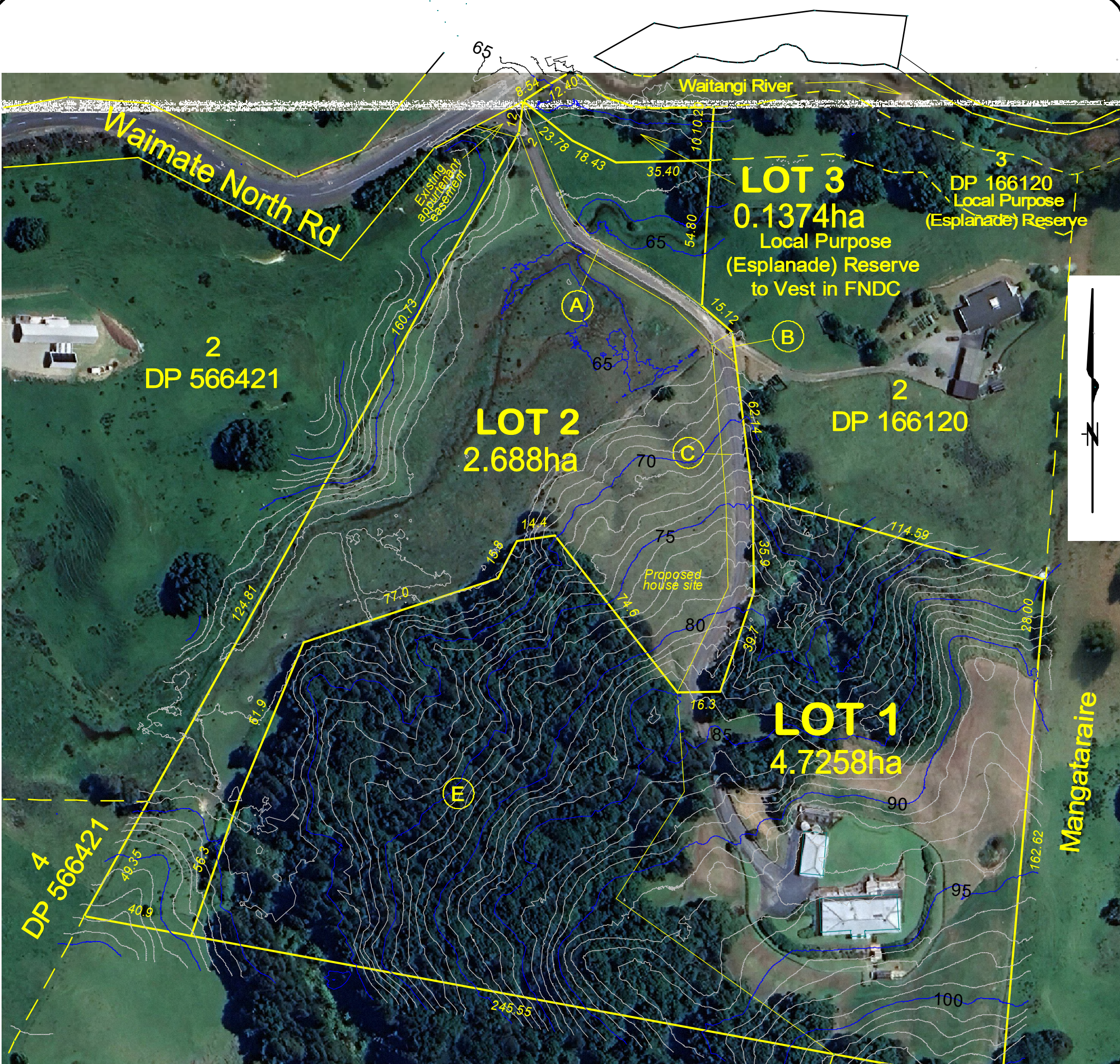
**CERTIFICATE OF NON-REVOCATION OF
POWER OF ATTORNEY**

I, Beatrix Anthony-Teau of Auckland, New Zealand, currently holding the position of Lending Services Team Leader of ANZ Bank New Zealand Limited, certify –

1. That by deed dated 29 October 2012, ANZ Bank New Zealand Limited of Wellington, New Zealand appointed me its attorney.
2. That I have not received notice of any event revoking the power of attorney.

A handwritten signature in black ink, consisting of stylized, overlapping loops and a long horizontal stroke extending to the right.

Signed this 1st day of May 2014.



Memorandum of Proposed Easements

Shown	Purpose	Burdened Land	Benefited Land
A B C	Right of Way Right to Convey Electricity, Water & Telecommuni- cations.	Lot 2 Hereon	Lot 1 Hereon

Proposed Easements

Shown	Purpose	Burdened Land	Benefited Land
B	Right of Way Right to Convey Electricity, Water & Telecommuni- cations.	Lot 2 Hereon	Lot 2 DP 166120

Existing Easements

Shown	Purpose	Burdened Land	Document No
A	Right of Way Right to Convey Electricity, Water & Telecommuni- cations.	Lot 2 Hereon	C859254.4

OLC 158

Area E Hereon to be subject to Consent Notice
(Bush and Wetland Protection)

Local Authority: Far North District Council
Total Area: 7.5540ha
Comprised in: RT1076085
Levels in terms of: NZ Vertical Datum
Contour interval is: 1.0 minor 5.0 major

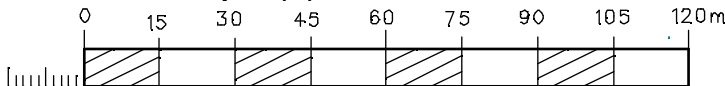
Note: Aerial image obtained from Google Earth
Referencing is approximate only.

Contours modelled from L.I.N.Z LIDAR point cloud data

AREAS AND MEASUREMENTS SUBJECT TO FINAL SURVEY

THIS DRAWING AND DESIGN REMAINS THE PROPERTY
OF WILLIAMS & KING AND MAY NOT BE REPRODUCED
WITHOUT THE WRITTEN PERMISSION OF WILLIAMS & KING

This plan and accompanying report(s) have been prepared for the purpose of
obtaining a Resource Consent only and for no other purpose. Use of this plan
and/or information on it for any other purpose is at the user's risk.



Prepared for: S A Beaven

WILLIAMS AND KING

Registered Land Surveyors, Planners &
Land Development Consultants

Ph: (09) 407 6030
Email: kerikeri@saps.co.nz

27 Hobson Ave
PO Box 937 Kerikeri

Proposed Subdivision of
Section 21 SO 462258

Survey Design Drawn Rev	Name	Date	ORIGINAL SCALE	SHEET SIZE
	W&K	Aug 2024	1:1500	A3

24434



Stuart Beaven

CIVIL INFRASTRUCTURE REPORT

757B Waimate North Road, Kerikeri

DOCUMENT CONTROL

Version	Date	Comments
B	30/10/2024	Revised
A	22/10/2024	For Consent

Version	Issued For	Prepared By	Reviewed & Authorised By
A	Issued for Consent	Luke Pille <i>BE (Civil)(Hons)</i> <i>Civil Engineer</i>	Wil Pille <i>BE (Civil)</i> <i>Civil Manager - Northern</i>

CONTENTS

1	INTRODUCTION	1
2	SITE DESCRIPTION	1
3	PROPOSED DEVELOPMENT	2
4	WATER SUPPLY	3
4.1	On-site Supply	3
4.2	Firefighting Water Supply	4
5	ON-SITE WASTEWATER DISPOSAL	4
5.1	Existing On-site Wastewater System (Lot 1)	4
5.2	Topographical Factors (Lot 1 & 2)	4
5.3	Clearances	5
5.4	Daily Wastewater Demand	6
5.5	Subsurface Conditions	6
5.6	Recommended System	6
5.7	Detailed Design	6
6	STORMWATER	7
6.1	Existing Infrastructure	7
6.2	Overland Flow Paths / Flood Risk	7
6.3	Stormwater Disposal	7
7	ACCESSWAY	8
7.1	Sight Distances	8
7.2	Proposed Access and Vehicle Crossing	9
8	NATURAL HAZARDS	11
9	CONCLUSION	12
10	LIMITATIONS	12

APPENDIX A: SITE IMAGES

1 INTRODUCTION

LDE Ltd was engaged by Stuart Beaven to undertake a civil engineering assessment for the proposed subdivision of Section 21, SO 462258, 757B Waimate North Road, Waimate North, Kerikeri. It is proposed to subdivide the property creating one new residential lot with a balance lot containing the existing dwelling.

This report has been prepared to support a Resource Consent application.



Figure 1: Subject site, 757B Waimate North Road (Source: NRC GIS Maps).

2 SITE DESCRIPTION

The site is situated approximately 9km south-west of the Kerikeri township. The surrounding area consists mainly of rural properties and some rural lifestyle block properties.

The proposed Lot 2 is in use as a grazing block, with ground cover of grass and a small wetland area and stream along the Northern boundary. The site is slight to moderately sloping towards the North with some defined flow paths across the site leading towards the stream.

A proposed building platform is located at the top end of the proposed lot 2, indicated with a blue rectangular.

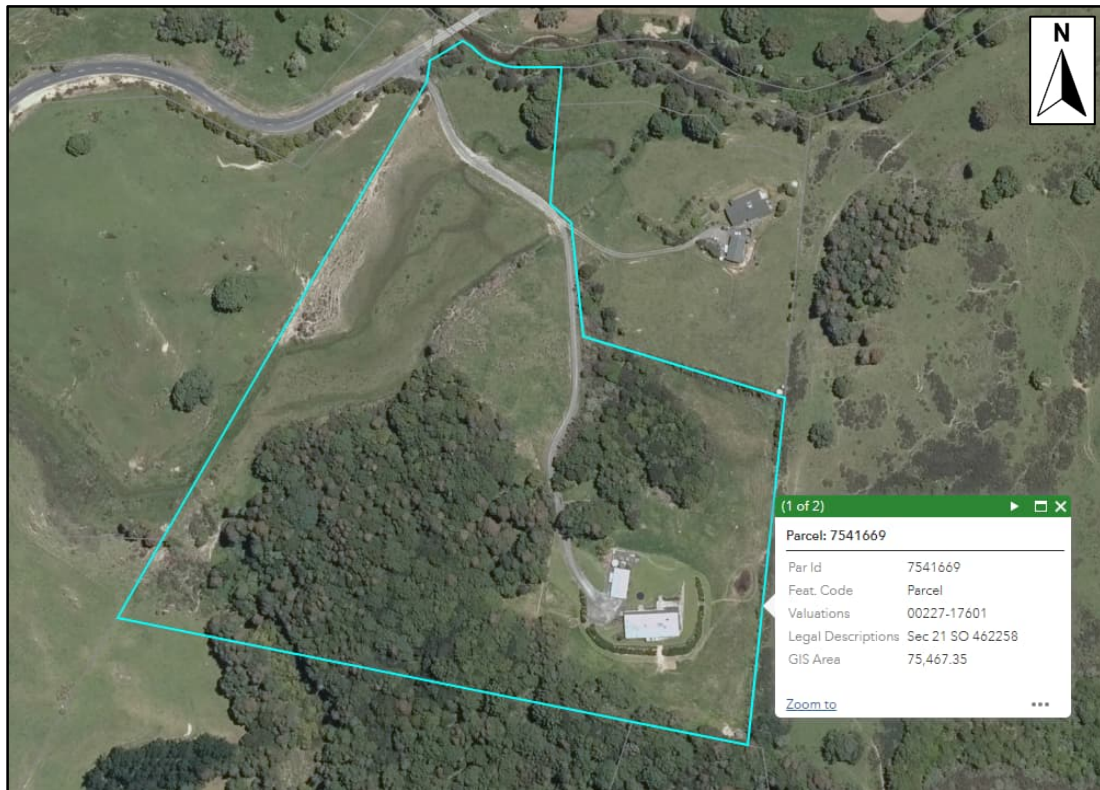


Figure 2: Subject site, 757B Waimate North Road (Source: FNDC GIS Maps).

An existing dwelling is located on the south-east of the Lot. The dwelling has an unsealed accessway, from Waimate North Road, which is partly shared with a neighbouring property.

There is no public water supply, sewer or stormwater reticulation located along Waimate North Road in the vicinity of the site. The existing dwelling is serviced by rainwater tanks for the supply of potable water and an on-site wastewater treatment and disposal system.

3 PROPOSED DEVELOPMENT

It is proposed to subdivide the site creating one new residential Lot. The existing accessway will be retained to provide access to the neighbouring property (Lot 1, DP 177644) the existing dwelling on new proposed lot 1 and access to the new proposed Lot 2.

A building site has been identified (175m²) for the proposed lot (marked with blue square). As this location is moderately sloping (~15-20%), it is recommended that a slope stability assessment will be done as part of the geotechnical assessment for the building platform at Building Consent Stage.

The proposed scheme plan is shown in Figure 3.

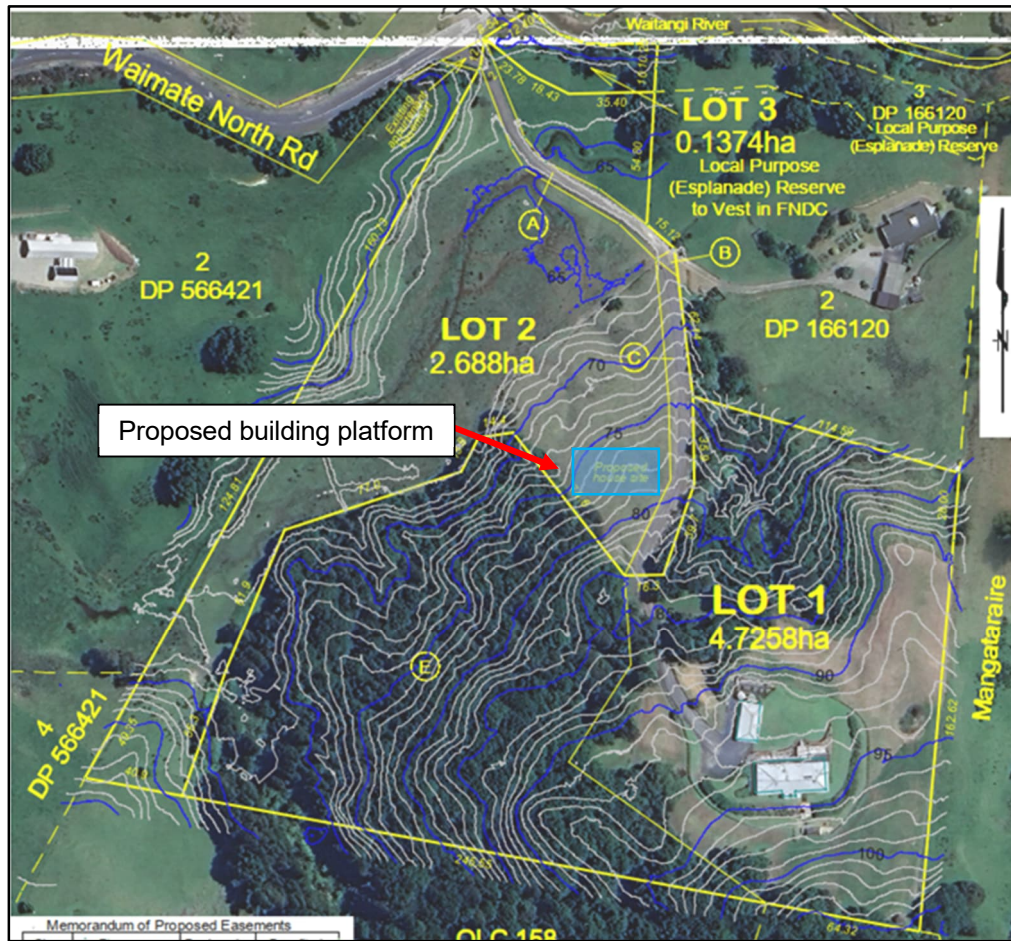


Figure 3: Proposed subdivision plan (Williams and King Ltd).

4 WATER SUPPLY

4.1 On-site Supply

No reticulated water supply is available to service this site.

Thus, rainwater tanks shall be installed to provide potable water supply for a dwelling. We recommend installing a minimum storage tank containing 25,000L for potable water supply.

Appropriate filters should be installed to provide clean drinking water.

However, it should be noted that additional storage tanks can be installed at the property owner's discretion to provide redundancy during periods of drought and also to provide storage for firefighting purposes, we would generally recommend at least 45,000L to minimise this risk.

4.2 Firefighting Water Supply

As per *SNZ PAS 4509:2008 New Zealand Fire Service Firefighting Water Supplies Code of Practice*, 45,000L of storage is recommended to be provided for firefighting purposes for a site where no reticulated supply, or alternative source, is available.

As such, 45,000L of permanent storage would be recommended to best comply with this standard.

However, in the Northland region, the FENZ Area Manager has accepted a reduction to 10,000L, limited for single level dwellings up to 200m² in footprint. Opting to apply for this waiver would be at the discretion of the client.

5 ON-SITE WASTEWATER DISPOSAL

As there is no existing public reticulated wastewater system available, on-site wastewater disposal will be required.

It has been determined that pressure compensating dripper irrigation (PCDI) would be suitable for the site, while other options like AES beds may also be feasible.

5.1 Existing On-site Wastewater System (Lot 1)

The existing dwelling on proposed Lot 1 has an on-site wastewater system which services its existing buildings.

The location of this system is within the proposed boundaries of proposed Lot 1 and appears to be in good working order with no surface ponding noticed and/or odour from the septic tank vent at the time of inspection.

5.2 Topographical Factors (Lot 1 & 2)

The proposed building site and possible effluent disposal field locations are shown below.

With the slight to moderate sloping grounds there are several areas available for the disposal of wastewater. In Figure 4 (above) we have indicated a possible area for the disposal of wastewater.

Minimum separation distances must be maintained as per the Auckland Councils TP58. The following set-backs are required for a secondary wastewater system:

- We consider a wastewater disposal field can be located within the proposed site meeting the required setback distances.



5.4 Daily Wastewater Demand

Based on a three-bedroom dwelling, we have calculated the required disposal areas to demonstrate that on-site disposal is available within the proposed lot. Accordingly, a building specific design will be required for the dwelling at building consent which will specifically size the treatment device and disposal field.

With an on-site rainwater collection from the roof areas as water supply and assuming standard water saving fixtures will be installed, a wastewater flow allowance of 180L/day/person has been used in the on-site disposal design system. These assumptions result in a daily wastewater flow of 900 L/day for the dwelling on proposed Lot 2.

5.5 Subsurface Conditions

A borehole was undertaken near the proposed disposal field areas (shown in orange, inclusive of future reserve area)) during the site investigation for Lot 2.

Based on the findings of the site investigation and boreholes, the soil has been conservatively assessed as Category 5 – 'CLAY Loam – Moderately Draining.' A conservative design loading rate of 3.5mm/day has therefore been selected. It is proposed to dispose the effluent via Pressure Compensated Dripper lines (PCDL).

5.6 Recommended System

For resource consent purposes, a secondary treatment system is proposed. There are many secondary treatment systems which could be suitable which will be determined in the detailed design stage once developed plans for each dwelling are available. We consider the most viable option for the site is discharging the secondary treated effluent to pressure compensated dripper lines. Given the daily wastewater demand of 900L/day and the soil loading rate of 3.5 mm/day the disposal area for proposed Lot 1 will be 300m², and a 50% reserve area of 150m². This gives a total required area to be available of 450 m².

A disposal field of this size can be located within Lot 2 as shown on Figure 4.

Accordingly, we consider that the proposed development can achieve wastewater disposal on site.

5.7 Detailed Design

We note the design outlined above is for the purposes of resource consent application and a specific design suitable for building consent and construction will be required following the development of the house designs for Lot 2.

The proposed disposal field will be on slight grounds (<10%) where no reduced application rates will be required. Typical waste water volumes for a residential dwelling will be around 1m³ per day.

6 STORMWATER

6.1 Existing Infrastructure

There is no existing public stormwater infrastructure within the vicinity of the subject site.

6.2 Overland Flow Paths / Flood Risk

Northland Regional Council GIS shows no flood prone areas in the direct vicinity of the subject site.

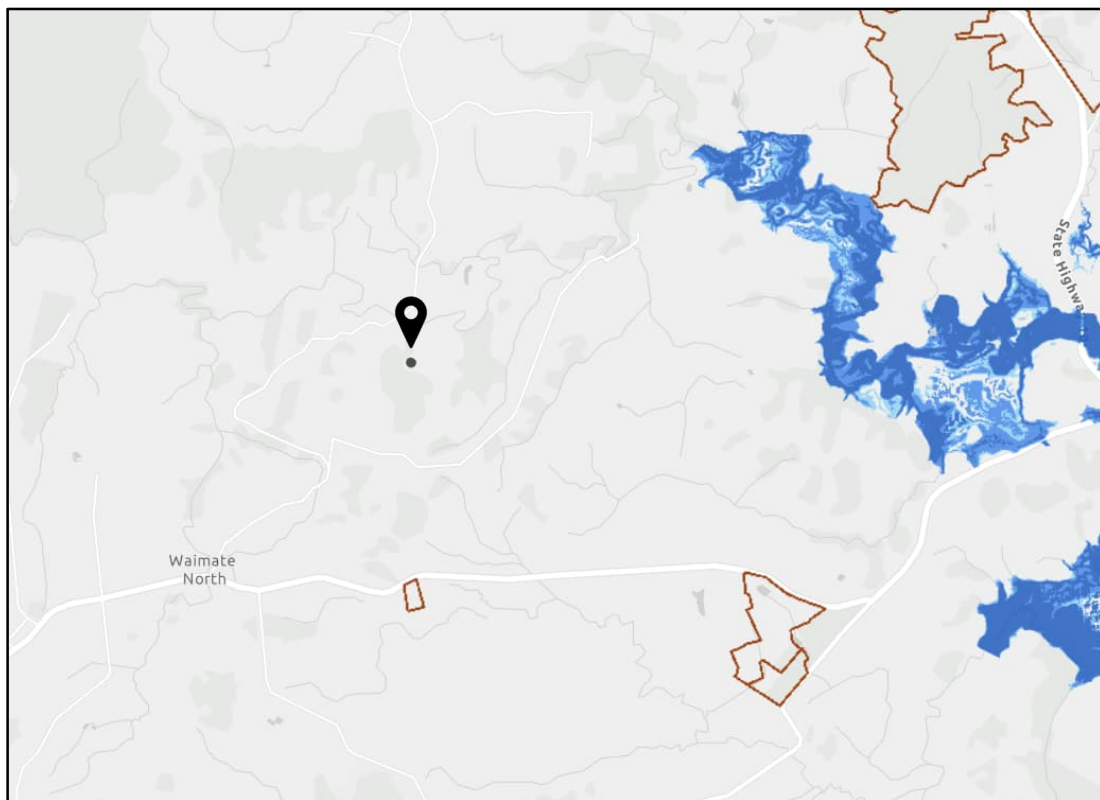


Figure 5: Natural Hazard Map (FNDC GIS).

No flood-prone areas have been identified on the NRC map shown above. However, we are aware that the Waitangi Rivers floods during periods of heavy rainfall.

6.3 Stormwater Disposal

New impervious areas will be created with this development, however given the size of the lot, the rural location and environment, and the presence of a stock/irrigation with a natural drainage channel close to the boundary, there are no anticipated adverse effects on surrounding properties as a result of the proposed development. We therefore don't consider on-site stormwater attenuation will be required.

Stormwater runoff from both proposed Lot 1 and Lot 2 will be gravity discharged as an overland sheet flow towards the stock/irrigation pond and/or drainage channel (see Figure 6 below).

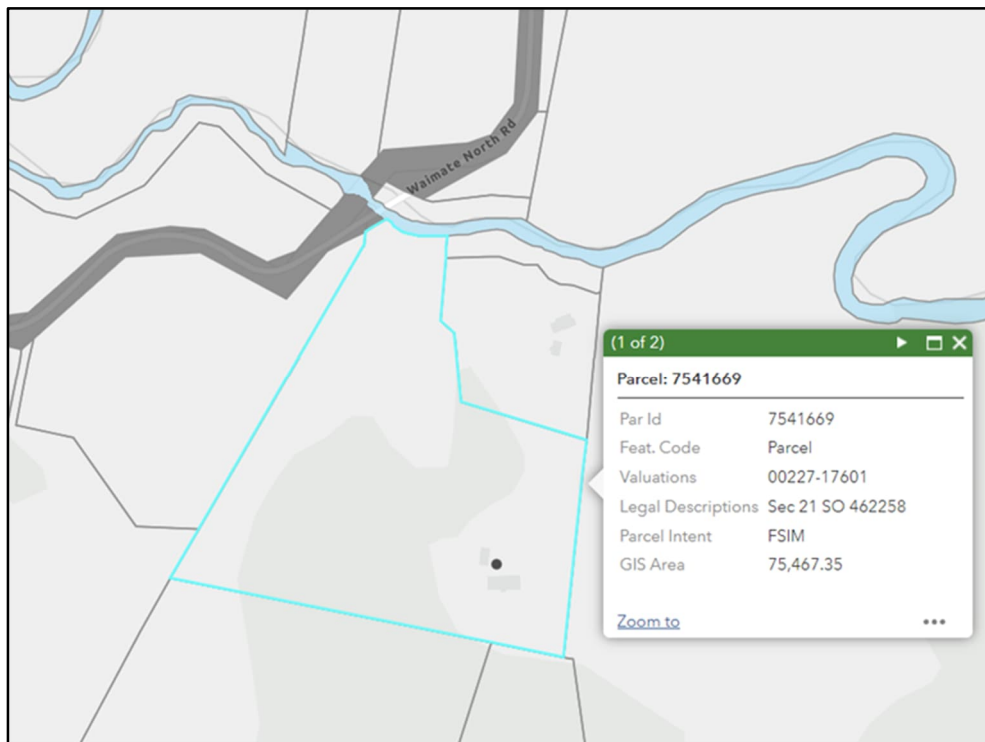


Figure 6: Stormwater flow paths.

Overflow outlets from potable water supply tanks also to be directed towards the drainage channel.

At the time of building consent it may be necessary considering the installation a cut-off drain above the proposed soakage field to intercept run-off from above and direct run-off around and away from the disposal area towards the overflow drain, which would be detailed in the site specific wastewater design report for the building consent.

7 ACCESSWAY

7.1 Sight Distances

Access onto Waimate North Road is via an existing double width vehicle crossing.

Sight distances are complying with the minimum sight distances required for an operating speed of 60km/h.

ROAD OPERATING SPEED (km/h)	50	60	70	80	90	100
MINIMUM SIGHT DISTANCE (m)	65	75	95	115	140	170

MINIMUM SIGHT DISTANCE

Figure 7: Residential vehicle crossings (FNDC Engineering Standards, July 2007).

7.2 Proposed Access and Vehicle Crossing

The existing double width vehicle crossing for the development is suitable for the proposal and can accommodate access to an additional lot.

The crossing is sealed for the first 5m to stop gravel migrating from the ROW onto Waimate North Road, and slopes away from Waimate North Road so no stormwater run-off is added to the roadside drain.

The existing accessway is deemed to be adequate for the proposed development and in accordance with the requirements in table 3B-1 and capable of servicing the proposed dwelling in Lot 2 and in accordance with Appendix 3B-1 (See attached Appendix 3B-1 below).

Technically, there should be a passing bay where the ROW exceeds 100m in length. The measured distance between the vehicle crossing and the point where the access services the dwelling on the neighbouring lot is 102 m. With the good visibility along the accessway we consider a passing bay unnecessary.

The balance of the ROW (private driveway) does not require any passing bays to comply with table 3B-1.

APPENDIX 3B-1: STANDARDS FOR PRIVATE ACCESS

(Reference: **Part 3 District Wide Provisions, Section 15.1 Traffic, Parking and Access** and **Zone Maps**)

Zone	No. of H.E.s	Legal Width	Carriageway Width	Maximum Gradient		Kerb	Foot-path	Storm-water Drain ¹
				Unsealed	Sealed			
Residential	1	-	3.0	1:6	1:4	-	-	Yes
Coastal Residential	2	5.0	3.0	-	1:4	-	-	Yes
Russell Township	3 - 4	7.5	3.0 with passing bays	-	1:4	-	-	Yes
Point Veronica	5 - 8	7.5	5.0	-	1:4	Yes	-	Yes
Commercial	1	-	3.0	1:8	1:5	-	-	Yes
Industrial	2 - 4	8.0	6.0	-	1:5	-	-	Yes
Orongo Bay Special Purpose	>5	8.0	6.0	-	1:5	-	-	Yes
Rural Production	1	-	3.0	1:5	1:4	-	-	Yes
Rural Living								
Waimate North								
Horticultural Processing	2	5	3.0	1:5	1:4	-	-	Yes
Carrington Estate								
General Coastal	3 - 4	7.5	3.0 with passing bays	1:5	1:4	-	-	Yes
Coastal Living								
South Kerikeri Inlet								
Recreational Activities	5 - 8	7.5	5.0	1:5	1:4	-	-	Yes

¹ All private access must have stormwater drainage measures such that adverse effects are not created on adjoining properties or the public road, in accordance with Council's "Engineering Standards and Guidelines" (June 2004 – Revised 2009)

Note 1: H.E. = Household Equivalent represented by 10 vehicle movements

Note 2: Refer to **Rules 15.1.6B.1.1(c) and (d)**.

Note 3: Access for more than 8 Household Equivalents shall be by public road and constructed to a standard identified in **Appendix 3B-2**.

Note 4: Access carriageways in urban zones that serve two or more users shall be sealed or concreted, refer **Rule 15.1.6B.1.2(c)**.

Figure 8: Appendix 3B-1 (FNDC Part 3 District Wide Provisions, Section 15.1 Traffic, Parking and Access and Zone Maps).

We anticipate this accessway to be approximate 200m in length. The construction of the accessway will need to meet FNDC standards, which require a 3.0m wide formed width and a maximum longitudinal grade of 20%. On review of the existing contours, we consider the maximum grade of the accessway to be 10% along the proposed alignment, which complies with Council requirements.

8 NATURAL HAZARDS

As per *FNDC District Plan 13.7.3.2 Natural and Other Hazards*, the following shall be considered for the proposed subdivision:

- (i) erosion; not applicable
- (ii) overland flow paths, flooding and inundation; well away from proposed building site and wastewater disposal area
- (iii) landslip; not identified
- (iv) rockfall, not identified
- (v) alluvion (deposition of alluvium); not identified
- (vi) avulsion (erosion by streams or rivers); wetlands, unlikely and not identified
- (vii) unconsolidated fill; not applicable
- (viii) soil contamination; none identified or registered on the land
- (ix) subsidence; not identified
- (x) fire hazard; not present, well away from bush line (>20m)
- (xi) sea level rise; Not applicable

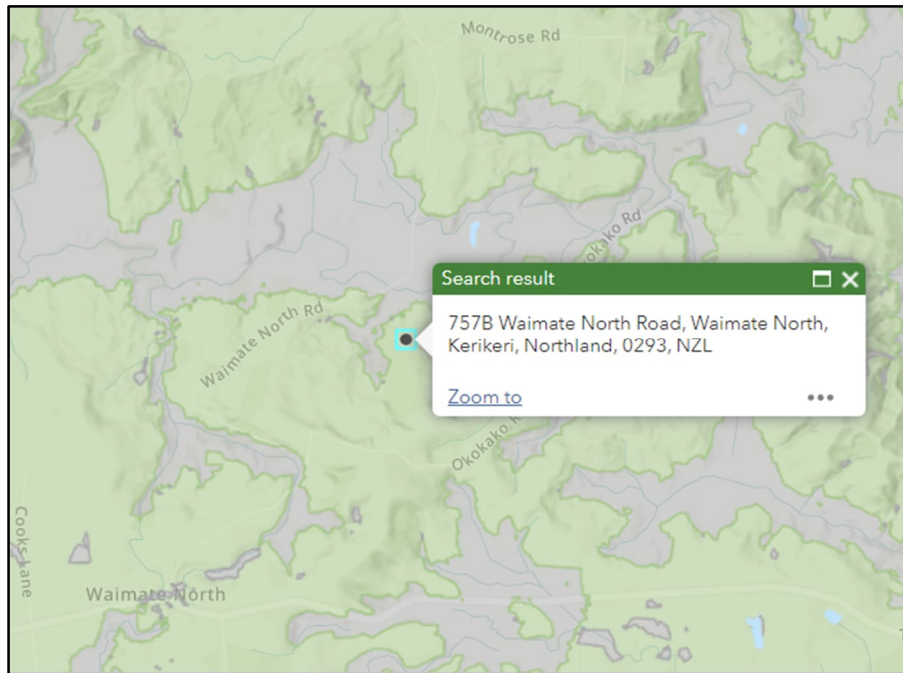


Figure 9: Liquefaction risk, green representing low risk (FNDC GIS).

9 CONCLUSION

The purpose of this report is to accompany a resource consent application for the proposed two lot subdivision on 757B Waimate North Road, Kerikeri. We consider that the proposed development can be adequately serviced regarding water supply, firefighting water supply, wastewater, stormwater, and access using the recommendations outlined in this report.

10 LIMITATIONS

This report should be read and reproduced in its entirety including the limitations to understand the context of the opinions and recommendations given.

This report has been prepared exclusively for Stuart Beaven in accordance with the brief given to us or the agreed scope and they will be deemed the exclusive owner on full and final payment of the invoice. Information, opinions, and recommendations contained within this report can only be used for the purposes with which it was intended. LDE accepts no liability or responsibility whatsoever for any use or reliance on the report by any party other than the owner or parties working for or on behalf of the owner, such as local authorities, and for purposes beyond those for which it was intended.

This report was prepared in general accordance with current standards, codes and best practice at the time of this report. These may be subject to change.

APPENDIX A: SITE IMAGES



Vehicle crossing sight distance towards the South. VC sight distance towards the North.



Build site and disposal area.



ROW serving the new proposed lot 2 on the left and existing dwelling proposed Lot 1.



Looking down towards wetlands/waterway.



Looking across waterway towards proposed building platform.

ECOLOGICAL IMPACT ASSESSMENT (ECIA)



**PROPOSED BEAVAN SUBDIVISION
757b WAIMATE NORTH RD
SECTION 21 SO 462258 (RT 1076085)**



CONTENTS

EXECUTIVE SUMMARY	3
SITE PROPOSAL.....	8
FIG 1: SITE LOCATION	9
FIG 2: PROPOSED SCHEME	10
SITE CONTEXT	12
TABLE 1: SITE SUMMARY	12
HISTORIC PHOTOGRAPHY	13
FIG 4: RETROLENS 1953 WITH APPROXIMATE LOCATION OF SITE FEATURES	13
FIG 5: RETROLENS1981 WITH APPROXIMATE LOCATION OF SITE FEATURES	14
FIG 6: LINZ/FNDC 2000	14
FIG 7: LINZ/ FNDC 2005	15
FIG 9: GOOGLE EARTH 2016	16
SOILS & POTENTIAL ECOSYSTEM TYPE.....	17
TABLE 2: MAPPED SOIL TYPE	18
TABLE 3: MAPPED POTENTIAL ECOSYSTEM TYPE	19
TABLE 4: OFFSITE MAPPED RIVER ECOSYSTEM TYPE & REC2 CLASSIFICATION	20
FIG 12: WAITANGI PRIORITY CATCHMENT	22
FIG 13: ADJACENT ESPLANADE RESERVE LOT 3 DP 166120	22
THREATENED ENVIRONMENT CLASSIFICATION (TEC).....	23
FIG 14: TEC CLASSIFICATION	23
SITE VISIT.....	24
TERRESTRIAL VEGETATION.....	24
TABLE 5: ATKINS BUSH PNA (P05/075) KAIKOHE CONNING & MILLER 2000	27
SITE WETLAND.....	29
FISH	31
TABLE 6: NIWA PREDICTED FISH SPECIES	31
FAUNA	32
AVIFAUNA.....	32
HERPTOFAUNA.....	32
SUMMARY OF ECOLOGICAL ISSUES IDENTIFIED	34
TABLE 7: CURRENT SITE ISSUES IDENTIFIED PRIOR TO PROPOSAL	34
NES-F (2020) WETLAND	34

TABLE 8: NES-F (2020) REG 52	35
TABLE 9: NES-F (2020) REG 54	36
SIGNIFICANCE.....	37
NPS-FM VALUES (2020).....	37
TABLE 10: VALUES NPS-FM (2020)	37
TABLE 11: ASSESSMENT OF SIGNIFICANT INDIGENOUS VEGETATION AND SIGNIFICANT HABITATS OF INDIGENOUS FAUNA IN TERRESTRIAL, FRESHWATER AND MARINE ENVIRONMENTS NORTHLAND REGIONAL POLICY STATEMENT (2018) APPENDIX 5	38
TABLE 12: SCORING FOR SITES COMBINING VALUES FOR SIGNIFICANCE CRITERIA (TABLE 6 EIANZ).....	39
TABLE 13: FACTORS TO CONSIDER IN ASSESSING SPECIES VALUE (TABLE 5 EIANZ 2018).....	39
ASSESSMENT OF EFFECTS.....	40
EIANZ METHODOLOGY	40
MAGNITUDE OF EFFECTS.....	41
TABLE 14: CRITERIA FOR DESCRIBING MAGNITUDE OF EFFECT (EIANZ 2018 TABLE 8) ...	41
TABLE 15: CRITERIA FOR DESCRIBING LEVEL OF EFFECTS (EIANZ TABLE 10)	42
CONCLUSION	45
APPENDIX 1: RESERVES ACT (1977) NATURE RESERVE CONDITIONS	46
APPENDIX 2: STATUTORY CONSIDERATIONS	47

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This report may be cited as-

*BAY ECOLOGICAL CONSULTANCY LTD 13/ 8/2025 ECOLOGICAL IMPACT ASSESSMENT (EcIA) PROPOSED
BEAVAN SUBDIVISION Section 21 SO 462258 (RT 1076085) 757b WAIMATE NORTH ROAD*

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ECOLOGICAL IMPACT ASSESSMENT (EcIA)

PROPOSED SUBDIVISION SECTION 21 SO 462258 (RT 1076085)

757b WAIMATE NORTH RD

BEAVAN 13th AUGUST 2025



EXECUTIVE SUMMARY

Bay Ecological Consultancy Ltd has been requested by owner Stuart Beavan to undertake an Ecological Impact Assessment (EcIA) in regards to subdivision of the Waimate North Rd subject property (Section 21 SO 462258; RT 1076085; approx. 7.5540ha), creating one additional allotment as a Non-Complying activity in the Rural Production zone, as well as an Esplanade Reserve to be vested in Council.

- LOT 1 with existing residence; portion of PNA# & further hardwood dominant remnant (4.7258ha)
- LOT 2 with plateau currently in pasture for proposed residential occupation, *natural inland wetland* (2.688ha)
- LOT 3 Esplanade Reserve Waitangi River riparian margin (1374m²)

There is an existing crossing place from Waimate North Rd in the north-western corner of the site. From there, an existing private accessway services the subject site and adjoining Lot 2 DP166120. This will be contained within Easement A on the proposed scheme plan, with the further existing access leg to proposed Lots 1 & 2 being within Easement C. No upgrading or replacement of internal culvert is anticipated.

The proposal site has been considered on the basis of a desktop review of available ecological information, complimented by fieldwork, to assign value to site features, assess potential effects of the proposal and formulate recommendations.

Throughout the design development, significant ecological site values have been acknowledged and are recommended for formal protection. Planting, fencing, pest control and protection in perpetuity, is proposed to bolster the existing habitat and provide gross ecological benefit in the immediate catchment of the Waitangi Priority Catchment area, resulting in wider public benefit.

Reporting provides consideration of significance in regard to Northland Regional Policy Statement *Appendix 5* (2018). The core foundation principles for ecological assessment therein are also directly aligned with the *Appendix 1* criteria of the *National Policy Statement for Indigenous Biodiversity* (2023)¹.

This review followed structure and content requirements of the EIANZ EcIA Guideline (2018)² as the best practice standard for ecological impact assessment in NZ, specifically the core stages of

- Scoping - desktop & fieldwork evaluation of ecological context of the site and surrounds
- Description
- Evaluation of significance

¹ 4/8/2023 *Appendix 1 : Criteria for identifying areas that qualify as significant natural areas (SNAs)*

² Roper- Lindsay, J; Fuller, S.A; Hooson, S; Sanders, S.A; Usher, G. T. (2018) *Ecological Impact Assessment. EIANZ Guidelines for use in New Zealand: terrestrial and freshwater ecosystems. 2nd Ed.*

- Assessment of impacts/ effects and impact management, including any monitoring ongoing requirements

and with regard to non statutory NZ guideline documents

- *Guidelines for the application of ecological significance criteria for indigenous vegetation and habitats of indigenous fauna in the Northland Region (Wildlands 2019)*
- *Department of Conservation guidelines for assessing significant ecological values (Davis et al 2016)*

SUMMARY ECOLOGICAL CONTEXT

- *Natural inland wetland* subject to the National Environmental Standards for Freshwater NES – F (2020) has been diagnosed as per regulatory protocol³, according to definitions of the NPS FM (2020) and PNRP (2021), by dominant hydrophytic (OBL, FACW & FAC) floral assemblages supported by evidence of persistent site hydrology.
- The Rapid Test, as the first strata of wetland delineation, was sufficient to determine wetland presence with dominance typified by obligate (OBL) and facultative wetland (FACW) species forming very obvious natural inland wetland community in depressed contour and saturated ground. Abrupt loss of wetland dominance occurs with slight elevation in contour at the edges.
- Site wetland is diagnostically
 - *Swamp*
- The hydrology descends north through the landscape as a large central gully wetland. This in turn encompasses the confluence of two A1 type headwater creeks NZSEG#1008960 and NZSEG#1008961 which then terminate in the Waitangi River. The site hydrology is contributory to the *NRC Waitangi Priority Catchment*.
- The primary associations onsite are of FACW & OBL short herbaceous and grass spp. *Paspalum distichum** (FACW) dominant with varied frequency of *Agrostis stolonifera** (FACW) & *Persicaria** (OBL & FACW spp); *Carex leporina** (FACW); *Isolepis prolifera* (OBL); *Cyperus brevifolius** (FACW); *Ludwigia palustris*; *Eleocharis acuta* (OBL). *Epilobium chionanthum* (FACW) & *Juncus* spp (FACW) present are common generalists - *Juncus effusus**; *J. edgariae*; *J. articulatus**, & small leafy *Juncus bulbosus**.
- The occurrence of innocuous exotics *Holcus lanatus**; *Ranunculus repens** & *Lotus pedunculatus** (FAC) on micro hummocks within the wetland is not sufficient in frequency to alter the evident wetland diagnosis.
- The prevailing character of the site beyond identified wetland is rough pastoral- kikuyu dominance, rye, clover, & further common FACU / UPL grass and weed species e.g. *Daucus*; *Senecio*; *Plantago*.
- None of the *natural inland wetland* mapped in this reporting would be subject to the pastoral exclusion clause of the *natural inland wetland* definition⁴. Stock exclusion was required⁵ of the creeks and wetland (>500m²) by 1/1/25 and cannot be considered a positive effect of subdivision.
- Two small seepage basins and their flushes/ overland flow paths below the proposed Lot 2 house site are not considered *natural inland wetland*, occupied by the pastoral site association.

³ Ministry for the Environment. 2022. Wetland delineation protocols. Wellington: Ministry for the Environment.

⁴ (e) a wetland that:

(i) is within an area of pasture used for grazing; and

(ii) has vegetation cover comprising more than 50% exotic pasture species (as identified in the National List of Exotic Pasture Species using the Pasture Exclusion Assessment Methodology (see clause 1.8)

(iii) the wetland is a location of a habitat of a threatened species identified under clause 3.8 of this National Policy Statement, in which case the exclusion in (e) does not apply

⁵⁵ PNRP FEB (2024) Table 14: Dates when livestock must be effectively excluded from water bodies and continually flowing artificial watercourses

They are also not fish habitat. They do however represent CSAs to the gully wetland with direct hydrological connection under flow events.

- There is no detailed design of stormwater management. The Civil Infrastructure Report⁶ implies sheetflow stormwater discharging to the natural form of the seepage/ flush units (*sic* drainage channels). Point source discharge should be avoided to avoid scour and sediment discharge to the receiving wetland with direct hydrological connection that may then cause loss of wetland vegetation and hydrological function.
- A fish survey was outside the scope of this reporting. In terms of desktop review, there are no Freshwater Fish Database (FWFD) records from the gully wetland/ creek although fish were sighted within, from professional experience they were banded kōkopu and potentially kōaro due to colouration. The NIWA predicted species gives shortfin and longfin eel; common and redfin bullies. However the reach on Lot 2 DP 166120 was dammed to raise the water level for a now defunct waterwheel and passage is obstructed leaving only potential non diadromous resident populations and eels that may go overland.
- The proposed Lot 2 area designated for the building platform is in exotic pasture with negligible ecological value. The Lot 2 access and building platform are likely within 100m of the wetland.
- The existing culvert crossing with natural inland wetland at the bottom of the Lot 1 main central swamp is considered to be other infrastructure, in place before prior commencement of the freshwater reforms (2020). It remains subject to NES F (2020) REG 46 Maintenance and operation of specified infrastructure and other infrastructure in the event of upgrade or maintenance.
- Predicted ecosystem type⁷ WF9: *Taraire, tawa podocarp forest* occupies the site PNA area.
- No flora species with threat status or locally uncommon were found within or beyond the wetlands. There are no kauri in the development area to invoke consideration of the Biosecurity (National PA Pest Management Plan) Order 2022.
- Birds recorded during 5 minute bird counts were common native and exotic insectivores, pukeko and a pair of paradise duck. The area is mapped *High Density Kiwi*.

SUMMARY EFFECTS & MANAGEMENT

The primary potential effects from **development** are limited to

- stormwater discharge within 100m of a *natural inland wetland*.
- earthworks within 100m of a *natural inland wetland*.

Additional potential, but avoidable effects of **residential occupation** include

- pets within a *High Density kiwi* zone
- landscaping/ alteration of the MODERATE (EIANZ) ecological value wetland & creek resulting in encroachment or hydrological change e.g. ponding as historically on Lot 2 DP 166120
- ingress into remnant vegetation of the *Atkins Bush PNA (#P05/075)* with *HIGH* significance

It is presumed from the proposed configuration that no earthworks will interact within the wetland to cause drainage as per *NES-F (2020) 53 Prohibited Activities*. No vegetation clearance or earthworks are proposed within 10m. The extant source of hydrology of the wetland are the creeks within its wider bed. The proposed Lot 2 building platform is within

⁶ LDE (30/10/2024) Civil Infrastructure Report Revision B for S. Bevan 757b Waimate North Rd

⁷https://services2.arcgis.com/J8errK5dyxu7Xjf7/arcgis/rest/services/Northland_Biodiversity_Ranking/FeatureServer

100m of the large gully wetland, but does not occupy a critical source area, seepage or overland flow path that through its formation may **divert** contributing hydrology to cause :

- NES F (2020) REG 52(1) **complete or partial drainage of all or part of a natural inland wetland**
- NES –F (2020) 54 (c) **change the water level range or hydrological function⁸ of the wetland.**

Uncontrolled point source discharge of stormwater and intersection of works with the proposed Lot 2 seepage basins and flushes/ overland flow paths directly hydrologically connected to the wetland should be avoided so not as to cause

- PNRP Policy H.4.2 Minimum levels for lakes and natural wetlands : **change in seasonal or annual range in water levels**
- NES-F (2024) 54(d) **change, or likely change, the water level range or hydrological function of the wetland**

No indigenous vegetation clearance is required. Stock exclusion from the waterway & encompassing wetland was required 1/1/2025. As a standing requirement, action to this degree cannot be considered impact management or a positive effect of the subdivision activity.

Protection of the mature forest vegetation onsite and the wetland & creeks as an expansive ecological unit is proposed, and considered suitable for a formal instrument under the Reserves Act 1977, allowing rates relief as per FNDC Policy P21/01.

The edges of the wetland, natural seepage basins and overland flow paths are suitable for with revegetation with a 2m band of flax or sedges, allowing for contour, as a riparian buffer to restore and protect from ingress and disturbance from residential occupation, providing joint functional purpose of aquatic function (attenuation; shade; sediment control; bank stabilization) and amenity within the rural landscape. The majority of sediment is trapped within the first 2m of a source by dense ground cover and this is considered an appropriate width.

Site procedures for residential and infrastructure development should include designated earthworks envelopes or marking of wetlands prior to ensure contractors avoid inadvertent incursion and unquantifiable effects

We also recommend-

- Pasture in proposed Lot 2 to be grazed short prior to earthworks to avoid provision of shelter for kiwi/ or kiwi dog check prior to clearance
- Covenant/ reserve conditions to include no outdoor fires; only indigenous species aligned with WF9 forest type; no floodlighting; outdoor lighting to be hooded and no blue light spectrum
- **BOTH LOTS A formal Pest Management & Weed Management Plan** specifying monitoring and reporting procedures prepared by a suitably qualified and experienced ecologist designed in general accordance with the EclA
 - predator control to provide higher functionality of habitat
 - browser control to allow establishment of revegetation and continued natural regeneration as the site develops
 - ongoing prevention/ removal of exotic infestations assisted by the browser control

⁸ Not specifically defined in the NPS-FM or NES-F- includes elements of regulation, movement, and quality of water in the environment.

- effectively increasing *values* of wetland and protecting *extent* from invasion of non wetland shrubs and herbaceous species e.g. wild ginger (*Hedychium gardnerianum*); mistflower (*Ageratina riparia*)
- Exotic vegetation which could adversely affect natural regeneration or local forest health is not to be introduced. This includes environmental weeds⁹ and those listed in the National Pest Plant Accord¹⁰.
- **LOT 2** No cats or dogs.
- **LOT 1** No cats. No increase in dog numbers proposed Lot 1 for the current owner

Proposed Esplanade Reserve Lot 3 will require removal of weeds listed on the RPMS prior to vesting – currently majority but not limited to tobacco weed and gorse (*Sustained Control* species). Together these will ensure impact is avoided throughout development or residential occupation.

The revegetation and protection represents gross positive effect of the proposal. Coeval revegetation, pest and weed control with that recently consented and commenced directly upstream on neighbouring Lots 2 & 4 DP 566421 (RC 2250263 & RC2250234 respectively) will provide coordinated and focused headwater management for the bulk of the tributary to the Waitangi Priority Catchment. Additionally Lot 3 DP 566421 upstream has a bush protection covenant over the riparian remnant that follows the creek. These mechanisms, proposed and standing, are in wholly in sympathy with the intent of *NPS-FM Policy 3*:

Freshwater is managed in an integrated way that considers the effects of the use and development of land on a whole-of-catchment basis, including the effects on receiving environments.

The vesting of the Esplanade reserve will link to Waimate North Road and result in ease of public access to further Esplanade Reserve abutting immediately to the east along the Waitangi River. Additionally, with the wetland riparian margin, this will retire land with a high predicted phosphorous loss rating.

Such management will confer gross ecological benefit and amenity value, to restore and enhance biodiversity values, maintaining the continuity of natural processes and systems of the local ecosystems. The outcome is aligned with the aspirations of natural environment objectives and policies of in Operative and Proposed District Plan.

LOOKING CENTRAL GULLY WETLAND INTO THE PNA VEGETATION WITH MATURE FOREST SPECIES



⁹ McAlpine, K & Howell, C. Clayson (2024) List of environmental weeds in New Zealand. Science for Conservation Series 340, DoC Wellington

¹⁰ Latest List - <https://www.mpi.govt.nz/dmsdocument/3664-National-Pest-Plant-Accord-manual-Reprinted-in-February-2020-minor-amendments-only>

SITE PROPOSAL

The Bevan proposal, a subdivision of Section 21 SO 462258 (RT 1076085; approx. 7.5540ha), is located approx. 4 km south from its junction with Wiroa Rd. The rolling topography in exotic pasture descends to the north 108-77masl.

The Rural production Zone activity will create an additional allotment, blending with increasing residential occupation of this popular lifestyle area.

- Lot 1 –with existing dwelling (4.7258ha)
- Lot 2 – vacant lot (2.688ha)
- Lot 3 – Esplanade Reserve adjacent the Waitangi River to be vested in Council (1374m²)

The intended purpose is of rural residential -lifestyle character, in keeping with development of popular 2-4ha Lots in the immediate area along Waimate North Road.

The proposal has been assessed overall as a *Non-Complying* activity under the Far North Operative District due to the proposed lot sizes and the title date (2021).

An existing private access from Waimate North Rd leads to the current residence on proposed Lot 1, over which Proposed Lot 2 will have right of access. It crosses an unnamed headwater tributary encompassing the confluence of two A1 type headwater creeks, NZSEG#1008960 & NZSEG#1008961, within wetland. The waterway continues as such beyond the perched culvert northwest through Lot 2 DP 166120 to the Waitangi River.

Lot 2 & 4 DP 566421 directly upstream of the subject site have recently been approved for subdivision (RC 2250263 & RC2250234), the conditions of which include substantial riparian buffer planting recently completed (June 2025) and pest control to the shared boundary.

DRIVEWAY EASEMENT A FROM WAIMATE NORTH ROAD



FIG 1: SITE LOCATION

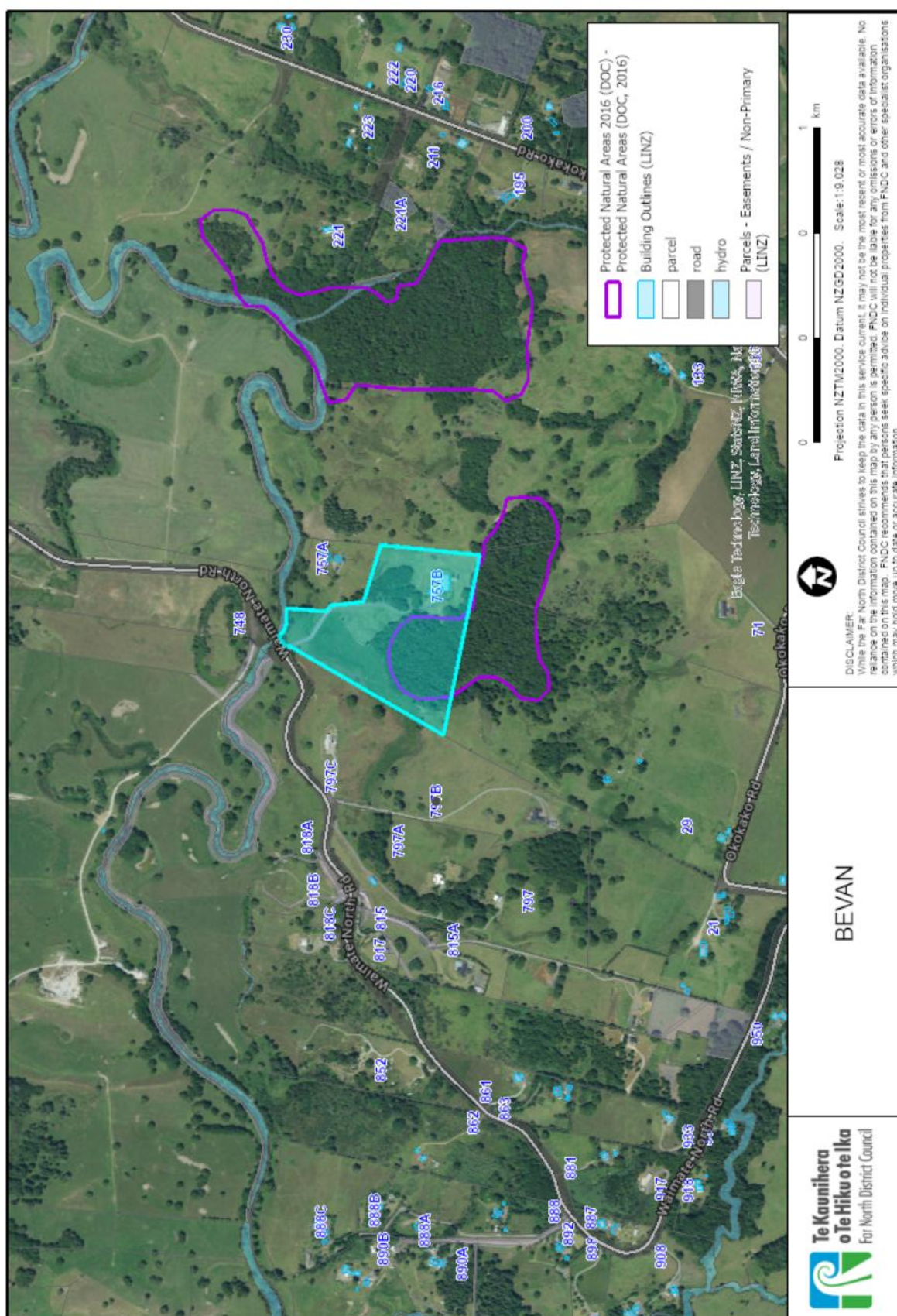


FIG 2: PROPOSED SCHEME

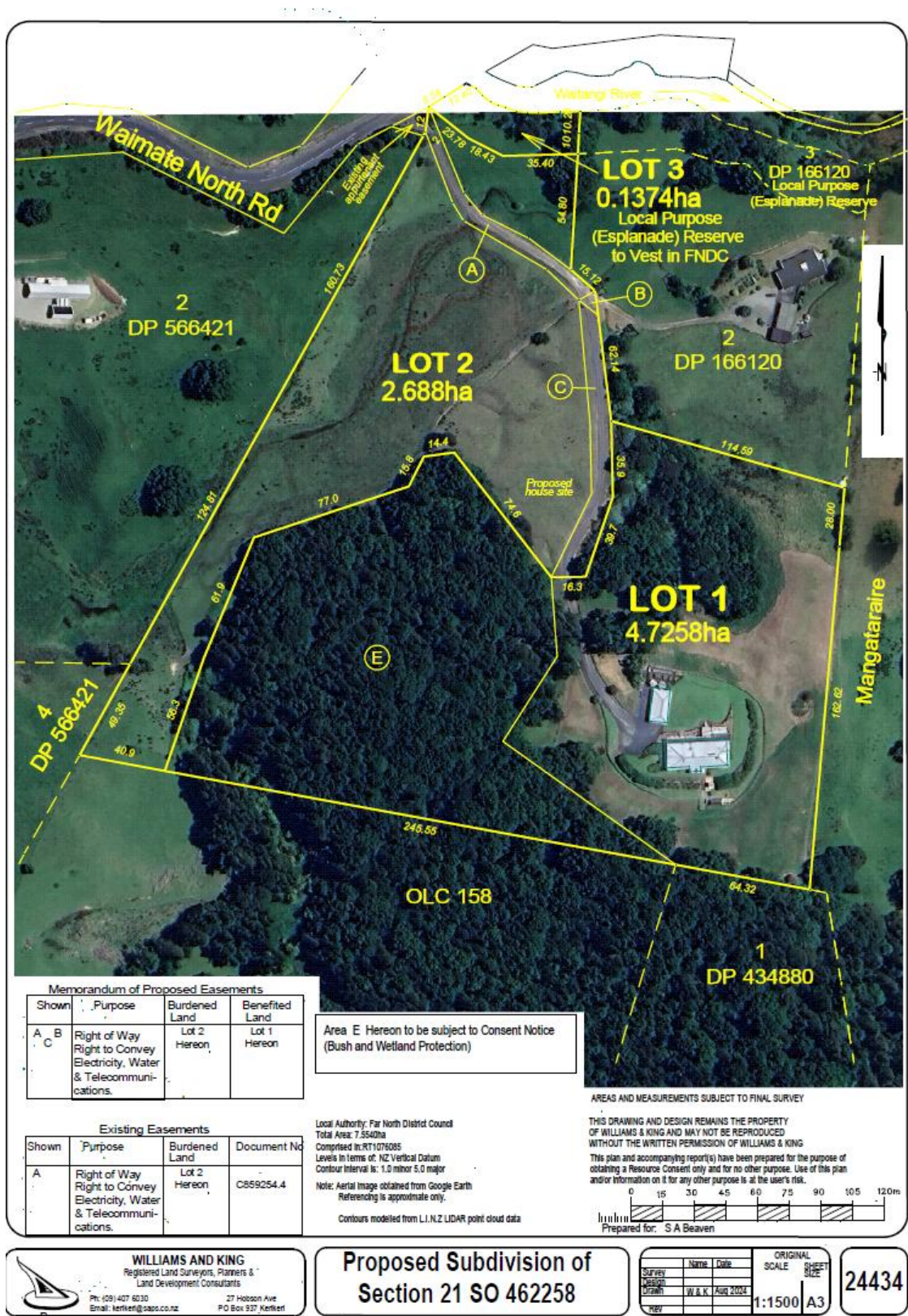


FIG 3: ECOLOGICAL SITE FEATURES



SITE CONTEXT

Desktop review of available ecological site context and potential zone of influence (ZOI) was undertaken. This standard EclA desktop scoping phase assists in determining priorities for field work, informed assessment of significance and targeted impact management. Although generally from broad scale mapping, requiring finer ground truthing, it suggests potential species occurrence and associations; and underlying abiotic influences of soils and hydrology, including potential wetland presence and *values*¹¹.

TABLE 1: SITE SUMMARY

DESCRIPTION	SECTION 21 SO 462258 RT 1076085
OWNER	Stuart Bevan
TOTAL AREA	approx 7.5540ha
PROPOSED LOTS	• LOT 1 (4.7258ha) containing current residence • LOT 2 (2.688 ha) for proposed residential occupation • LOT 3 (1374m²) Esplanade reserve to be vested in Council
FNDC OPERATIONAL ZONE	RURAL PRODUCTION
FNDC PROPOSED ZONE	RURAL PRODUCTION
COASTAL ENVIRONMENT RPS	✓
ECOLOGICAL DISTRICT	KAIKOHE
COVER	• Broad pastoral since at least the 1950s from aerial photography • Mature forest as part of PNA
MAPPED RIVERS ¹²	• NZSEG#1008960 A1 headwater originates offsite southwest Lot 3 DP 566421 • NZSEG#1008961 A1 headwater offsite south OLC158
HYDROLOGICAL FEATURES	• Creeks • NATURAL INLAND WETLAND
SOIL TYPE ¹³	• APONGA CLAY (AP) Proposed Lot 2 • WAIOTU FRIABLE CLAY (YO) Proposed Lot 1
POTENTIAL ECOSYSTEM ¹⁴	• WF11: Kauri, podocarp, broadleaved forest • WF9: Taraire tawa podocarp
TEC CLASSIFICATION ¹⁵	• Class III - AT RISK (20-30% indigenous cover remaining) • Class II – CHRONICALLY THREATENED (10-20 % indigenous cover remaining)
PNA, NORTHLAND BIODIVERSITY RANKING - TERRESTRIAL TOP 30 SITES; RANKED RIVERS; 'KNOWN WETLANDS'; TOP 150 RANKED WETLANDS ¹⁶	• PNA P05/075 proposed Lot 2 • Waitangi River - adjacent Proposed Lot 2 and receiving environment of site hydrology NRC Priority Catchment
NATURALLY RARE ECOSYSTEMS ¹⁷	• Wetland (reduced to <20% original extent)
KIWI PRESENCE ¹⁸	• HIGH DENSITY

¹¹ **VALUES** (NPS FM 2020 Amendment No.1 (2022) (i) ecosystem health; (ii) indigenous biodiversity; (iii) hydrological function; (iv) Maori freshwater values; (v) amenity values

¹² LINZ 2022 NZ River Centrelines <https://data.linz.govt.nz/layer/50327-nz-river-centrelines-topo-150k/>

¹³ <https://nrcgis.maps.arcgis.com/apps/webappviewer/index.html?id=fd6bac88893049e1beae97c3467408a9>

¹⁴ https://services2.arcgis.com/J8errK5dyxu7Xjf7/arcgis/rest/services/Northland_Biodiversity_Ranking/FeatureServer/0

¹⁵ https://ourenvironment.scinfo.org.nz/maps-and-tools/app/Habitats/lenz_tec

¹⁶ 'Top 150' most important wetlands in Northland (August 2018)

<https://localmaps.nrc.govt.nz/localmapviewer/?map=55bdd943767a493587323fc025b1335c>

¹⁷ Williams et al (2007) New Zealand's historically rare terrestrial ecosystems set in a physical and physiognomic framework *New Zealand Journal of Ecology* 31(2): 119-128

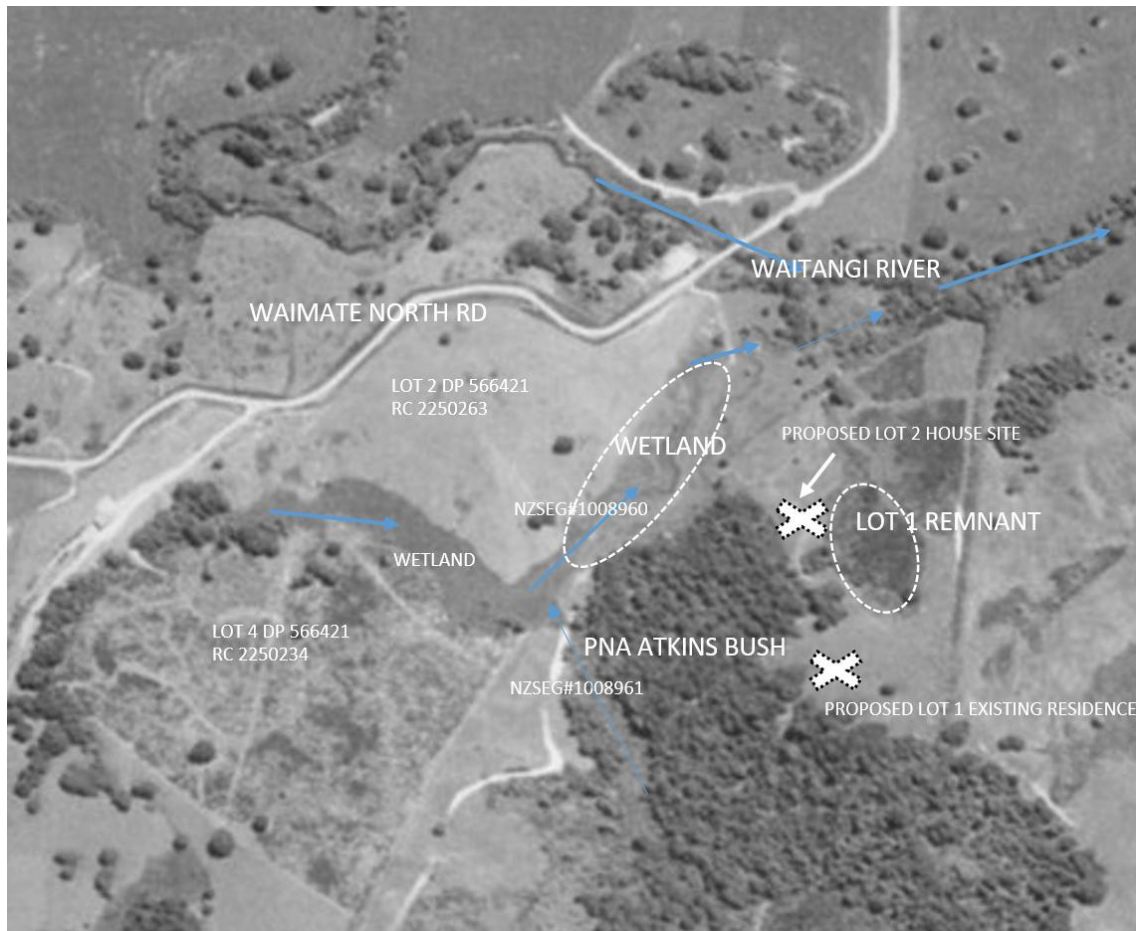
¹⁸ DoC Mapping (2018) <https://fndc.maps.arcgis.com/apps/webappviewer/index.html?id=9691466b178d4406bcbdb4c68901ef0>

HISTORIC PHOTOGRAPHY

A brief review of available historic photography was made to illustrate change in cover and periodicity of wetland. Site vegetation today conforms to that from pastoral use pre 1950s on both proposed Lots and the neighbouring properties. The persistent periodicity of the wetland is evident from this time in aerial photography and has retained occupancy. Channels have been cut periodically throughout e.g. 2016 and there are minority elevated areas within the extent, with scattered gorse and hummocking. Between 2000 and 2005 neighbours raised the water level of the extent downstream for a waterwheel by bunding beyond Easement A.

Review of historic topographical maps revealed no further detail.

FIG 4: RETOLENS¹⁹ 1953 WITH APPROXIMATE LOCATION OF SITE FEATURES



¹⁹ All Retrolens aerial photography - Sourced from <http://retrolens.nz> and licensed by LINZ CC-BY 3.0

FIG 5: RETROLENS1981 WITH APPROXIMATE LOCATION OF SITE FEATURES

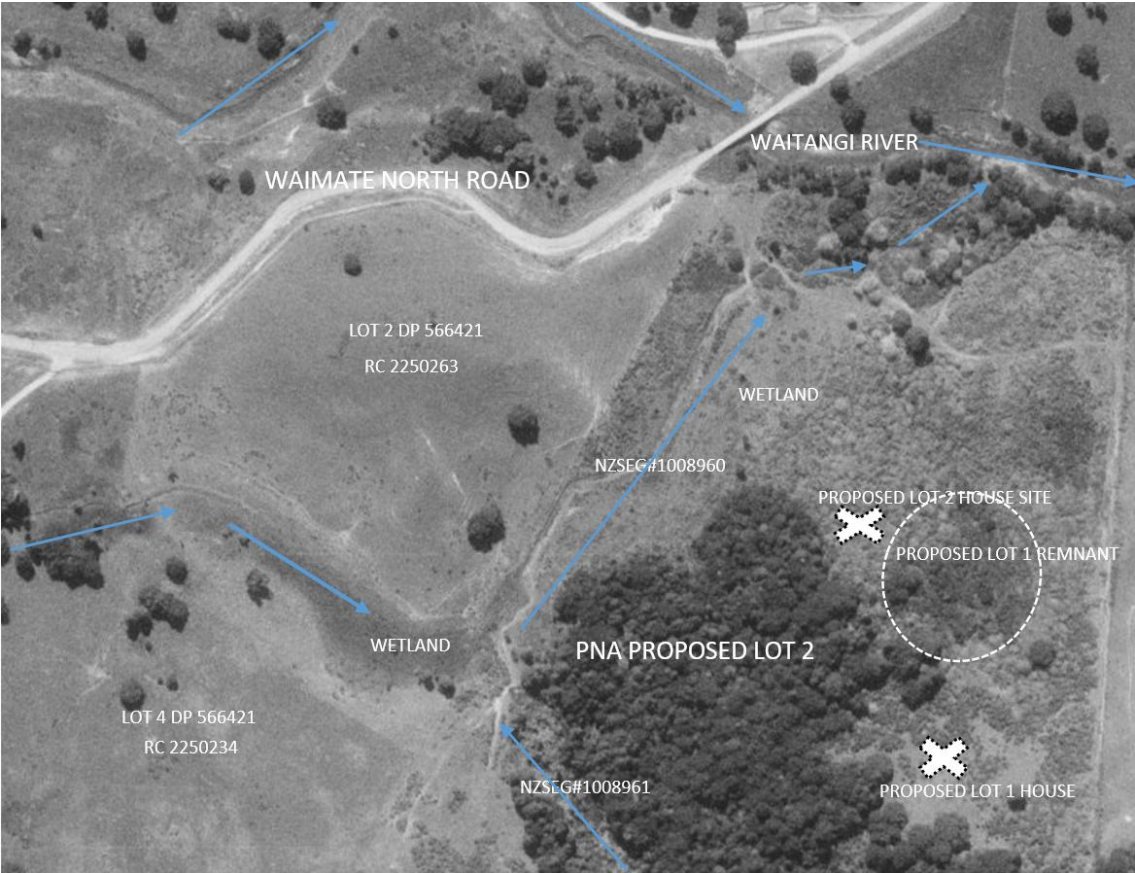


FIG 6: LINZ/FNDC 2000

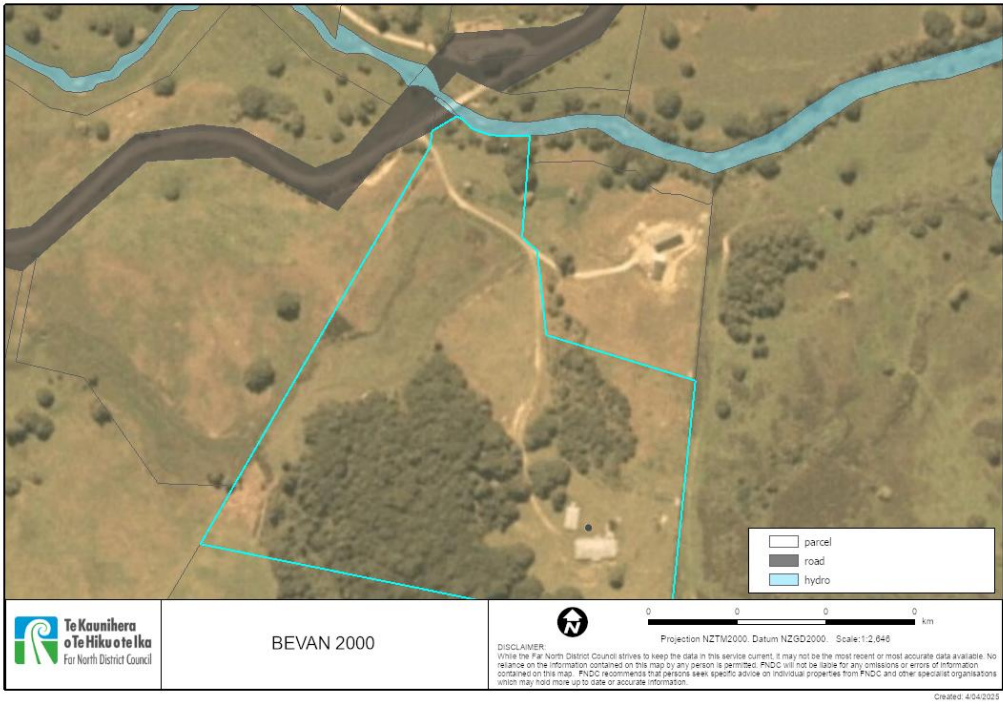


FIG 7: LINZ/ FNDC 2005

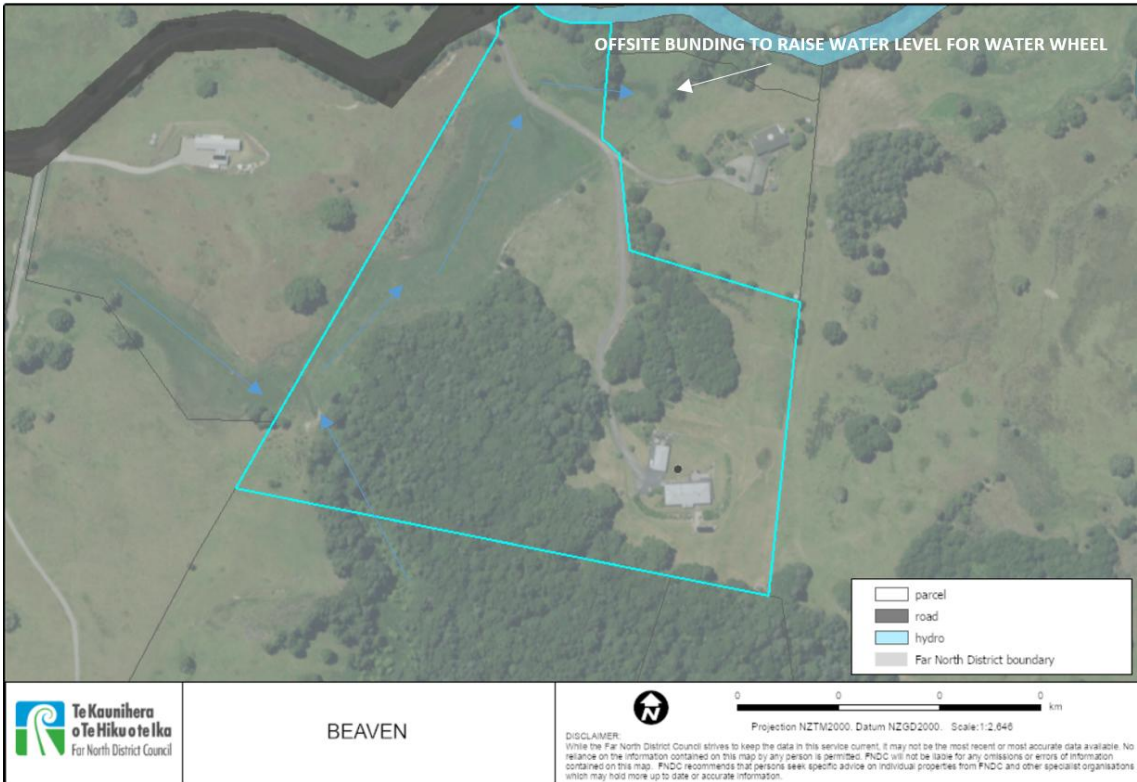


FIG 8: GOOGLE EARTH 2013



FIG 9: GOOGLE EARTH 2016



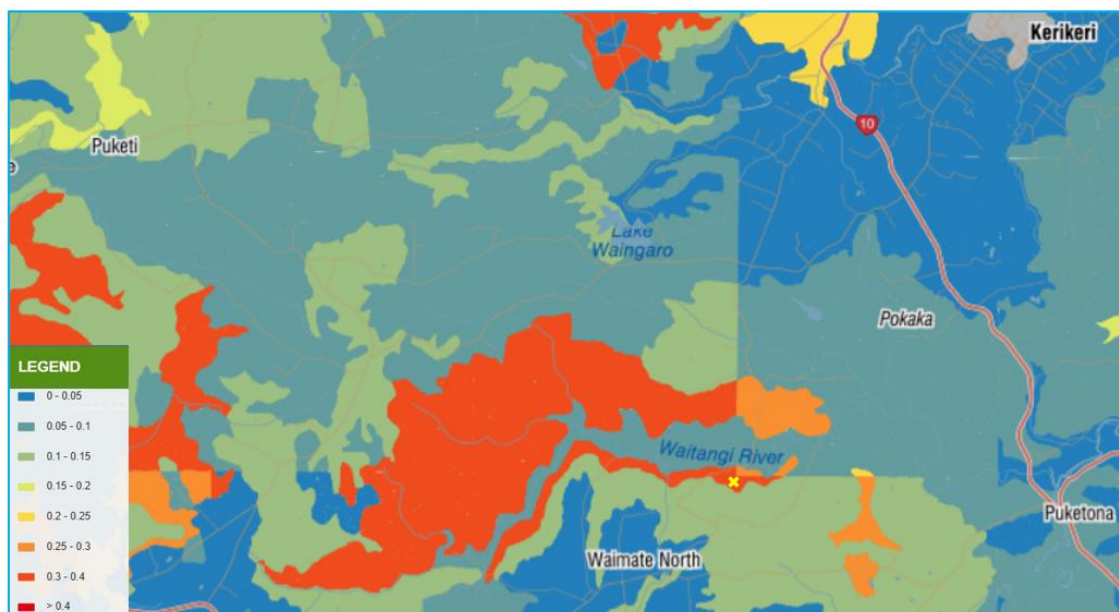
SOILS & POTENTIAL ECOSYSTEM TYPE

In conjunction with predicted species associations¹⁴, soil characteristics provide an indication of potential wetland presence, and may guide any scheme for post development revegetation or amenity planting. Site soils are mapped as majority *Aponga Clay (AP)* & *Waiotu Friable Clay (YO)* on the slopes. Beyond Easement A the soil type changes again to *Whakapara Silt loam (WF)*. Site soils were inspected along tracks and cut faces during site visit and readily conformed to mapped description.

FIG 10: NRC SOIL MAPPING



FIG 11: PHOSPHOROUS LOSS SUSCEPTIBILITY (LANDCARE MANAAKI WHENUA)



Proposed Lot 2 adjacent the Waitangi; wetland and creek is mapped as high predicted phosphorous loss susceptibility²⁰ & low phosphate retention Class 4²¹ based on soil type, topography and climate.

Site soils are majority LUC 6s2, which are not considered to be highly versatile under the RPS or the National Policy Statement for Highly Productive Land (NPS-HPL).

TABLE 2: MAPPED SOIL TYPE

SOIL TYPE NZRLI	SOIL TYPE FSL	DESCRIPTORS	PREDICTED FOREST TYPE
APONGA CLAY (AP)	UEM ALBIC ULTIC	OMU SUITE- Young mudstone - Shallow E horizon with mottled redox layer beneath - Imperfectly to (very) poorly drained , seasonally wet and susceptible to pugging - Strongly leached to weakly podzolised - Dispersive surface horizons with low P retention in A & E horizons - may result in clay and P inputs to waterways when bare - Low Mg, K & P reserves. High aluminium & iron in B horizon may cause toxicity in some sensitive species.	WF11 <i>Kauri, podocarp, broadleaved</i>
WAIOTU FRIABLE CLAY (YO)	XOT ORTHIC OXIDIC	KIRIPAKI SUITE- Mature basalt soil - Well – moderately drained - Clayey soil materials derived from early to mid-Pleistocene basalts - Clay-enriched B horizons Limited shallow –medium root depth by high dry bulk density/penetration resistance, particularly in well drained soils. - Friable granular topsoil - Very low reserves of potassium, magnesium, calcium and phosphorus. - Exposed subsoils difficult to revegetate because of toxic levels of free iron, manganese and Al at low pH- hostile environment for plant roots	WF9 <i>Taraire, tawa podocarp</i>
WHAKAPARA SILT LOAM (WF)	RFM MOTTLED FLUVIAL RECENT SOILS	Recent alluvial soil of the Whareora suite-alluvium derived from sedimentary rock - occurs on floodplains with is generally high natural fertility - Imperfectly to poorly drained, in relatively low parts of the landscape, including hollows or associated with flushes. - a mottled profile indicating frequent temporary saturation, not buried by more than 30 cm of non-fluvial soil material have - The soils are susceptible to erosion	WF7-1 <i>PŪRIRI, TŌTARA</i>

Broad ecosystem classification²² shows the potential vegetation type mapped as correlated with the soil types (FIG 10) as before, topography and climate –

- **WF11 KAURI BROADLEAVED PODOCARP FOREST (AP)**
- **WF9 TARAIRE TAWA FOREST (YO SOIL)**
- **WF7-1 PŪRIRI TŌTARA FOREST (WF SOIL)**

The closely adjacent PNA #P05/075 Atkins Bush (refer Fig 1) provides illustration of the WF11 & WF9 type, which in reality intergrade and may be difficult to determine in forest which has been selectively logged or grazed, altering presence/ absence of idealised dominant species. The riparian area of the Waitangi is occupied by undergrazed kānuka and tōtara with no expression of WF7-1 type correlated with the mapped WF soil type.

²⁰ [ourenvironment.scinfo.org.nz/maps-and-tools](https://environment.scinfo.org.nz/maps-and-tools)

²¹ PREDICTED FSL PHOSPHATE RETENTION <https://iris.scinfo.org.nz/layer/48111-fsl-phosphate-retention/>

²² Singers & Rogers (2014) A classification of NZs terrestrial ecosystems. DoC Wellington

Singers, N. (2018) A potential ecosystem map for the Northland Region: Explanatory information to accompany the map. Prepared for Northland Regional Council.

WF11 was formerly the dominant forest type in Northland, occurring from sea level to 300 m, typically on grades of acidic and lower fertility parent materials, hillslopes and ridges. It is the most widespread ecosystem unit but also very relictual compared to former extent. Frequently the only representation remaining is poor kānuka and mānuka dominated early successional cover on depleted soils.

The **WF9** association on more freely draining soils than WF11 exhibits absence of kauri as a diagnostic and was naturally much less extensive in terms of proportional cover. As it occurred on moderately fertile soils, most of this forest type on easy slopes was cleared historically for agriculture.

Of the 3 variants of pūriri dominant forest²³, **WF7-1** is typical on well drained to moderately well drained silt loams (often stoney) on alluvial terraces. All types now extremely rare, fragmented and generally modified. WF7.1 is only represented by 11.2% of its former extent. The seedlings of pūriri and other broadleaved trees are shade-tolerant, so are capable of regenerating beneath existing relatively closed canopy forest and consequently, podocarp trees are infrequent in the true type. Pūriri is very long-lived and may dominate indefinitely. However due to selective logging of pūriri and their palatability to browsing, secondary successions are often dominated by podocarp trees, with tōtara and kahikatea most abundant, especially north of Auckland.

TABLE 3: MAPPED POTENTIAL ECOSYSTEM TYPE

ECOSYSTEM CLASSIFICATION	TYPE DISTRIBUTION	TYPE DESCRIPTION
WF11 KAURI PODOCARP BROADLEAVED FOREST	<i>Warm climatic zone from the Three Kings Islands and Te Pahi south to Mahia and New Plymouth.</i>	• Kauri, podocarp, broadleaved forest with occasional rimu, miro, kahikatea, kauri, taraire, tawa, tōwai, kohekohe, pūriri and rewarewa. • Drivers of composition are fertility, drainage and altitude • Altitude variants - taraire and kohekohe more abundant at lower altitudes, and tawa and tōwai more common at higher altitudes. • Broadleaved species in gullies • Commonly a secondary derivative of kauri forest • Rainfall 1000–2500mm.
WF9 TARAIRE TAWA PODOCARP FOREST	<i>Predominantly in the warm climatic zone throughout Northland below 450 m altitude (predominantly eastern). Kauri is absent. Kohekohe can be locally abundant (e.g. Waipoua), while tawa is more common at higher altitudes.</i>	• Broadleaved, podocarp forest of abundant taraire • occasional rimu, miro, northern rātā, tawa, kohekohe, hīnau and rewarewa • pukatea and kahikatea commonly in gullies • Locally includes tōtara, pūriri and tōwai
WF7-1 PURURI TŌTARA FOREST	<i>In predominantly frost-free, warm and sub-humid areas from Northland to northern Waikato, Bay of Plenty and Poverty Bay. On moderately fertile to fertile soils on alluvial terraces and in recent basaltic areas.</i>	Broadleaved forest of abundant pūriri (WF7) of three variants determined by landform and soil type: • TYPE 1. occasional tōtara, mataī, kahikatea and tītoki locally, with kōwhai and taraire on alluvial, free-draining soils

²³ WF7.1 Puriri totara forest; WF7.2 Puriri, taraire forest and WF7.3 Puriri, kahikatea forest.

HYDROLOGY

Two short mapped²⁴ creeks emerge offsite and are encompassed in *natural inland wetland* throughout combined onsite flow, terminating offsite in a 4th order reach of the Waitangi River.

TABLE 4: OFFSITE MAPPED RIVER ECOSYSTEM TYPE²⁶ & REC2 CLASSIFICATION

CHARACTERISTIC	NORTHERN WESTERN ORIGIN	SOUTH EASTERN ORIGIN
NZ SEGMENT	#1008960	# 1008961
ORIGIN	OFFSITE LOT 3 DP 566421	OFFSITE OLC 158 IN ATKINS BUSH PNA
ORDER	1 st	1 st
RIVER ECOSYSTEM TYPE	A1 small, gentle gradient streams on sandy substrates, occurring mostly in moderately inland locations; this is the most widespread river ecosystem in Northland, occurring on gentle terrain; low flow $0.49\text{m}^{-3}\text{sec}^{-1}$	
MEAN FLOW ($\text{m}^{-3}\text{s}^{-1}$)	$0.49\text{m}^{-3}\text{sec}^{-1}$	
A1 TYPE MEAN CONDITION SCORE	0.262	
SITE CONDITION SCORE	0.283	0.283
RANKING TOP 30% OF TYPE	NO	NO
REC CATEGORY ²⁵		
CLIMATE	WW Warm Wet	WW Warm Wet
SOURCE OF FLOW	L Low Elevation	L Low Elevation
GEOLOGY	VA Volcanic Acidic	VA Volcanic Acidic
LAND COVER	P Pastoral	P Pastoral
NETWORK POSITION	LO Low Order	LO Low Order
VALLEY -LANDFORM	LG Low Gradient	LG Low Gradient

They are of A1 type,²⁶ described as: *small, gentle gradient streams on sandy substrates, occurring mostly in moderately inland locations; this is the most widespread river ecosystem in Northland, occurring on gentle terrain; low flow $0.49\text{m}^{-3}\text{sec}^{-1}$*

Both flows have higher condition scores than their type²⁶ mean, however their small catchment areas mean they are heavily influenced by immediate land use- given as pastoral in both instances, including the subject site upslope.

Erosion rates in these scenarios tend to be higher, with rapid and more extreme flood peaks from runoff compared to natural land cover. The waterways are presumed to have a higher relative nutrient concentration from the long term dominant pastoral land cover. Very high infiltration in areas of tephra or scoria can result in sustained base flow, promoting the OBL and FACW dominance in the gully wetland. Concentration of phosphorus tends to be high with high yield as before. The low gradient landform (LG) classification describes the small-scale physical patterns of the valley their channels occupy and suggests a shallow and meandering path through the landscape, enabling the gully wetland.

²⁴ LINZ 2022; REC V2 2020

²⁵ The REC classifications correspond with Class 2: Suspended Sediment & Deposited Sediment Tables 23 & 24 respectively (NPS FM 2020) to inform any quantitative monitoring.

²⁶ Leathwick, J. (2018) Indigenous Biodiversity Rankings for the Northland Region.

Onsite, proposed Lot 2 is particularly contributory as more closely adjacent the waterway and with two small natural seepages, also often described as overland flow paths in varied terminology. The site examples are well defined in the landscape by depressed natural basins leading to a flush which dissipates into the distance to the wetland below. They emerge from the hillside coinciding with changes in geology and slope, as common.

Seepages are by definition:

*An area where groundwater percolates to the land surface, the flow being less than that which would be considered a spring*²⁷

- Moderate to steep hillslopes, heads and sides of watercourses
- Typically emerge at a change of geology or in an area of upwelling through bedrock fissure
- Hydrological indicators include and algal surface layers and sparsely vegetated eroded channel downslope (flush)
- Fed by groundwater and some surface water
- Water table – slightly above to below surface
- Flow shallow or as sheetflow

When occupied by natural inland wetland or indigenous vegetation, seepage and flush continuums are a *Naturally Rare* ecosystem type in New Zealand. Due to their innocuous character they lack recognition and are also an *Endangered ecosystem*²⁸, usually very reduced in character by pastoral use combined with natural low flow. The site seepage/ flushes are not occupied by wetland except in their lower extent adjacent the wetland. However, they represent a hydrological source for more recognisable wetland areas below, together forming an ecological wetland unit. The active waterflow of a seep/flush provides heightened aeration and nutrient supply to a lowerslope receiving complex (wetland/ creek). They are therefore also critical source areas (CSA)²⁹. The proposed building platform and short access required are pre emptively sited above this more active portion of the wetland catchment.

The Waitangi Catchment Group Report (2016) identified livestock access to waterbodies as catchment specific issues relevant with increased exclusion a goal to achieve improvements in the recreational, ecological and cultural values of the Waitangi. It is well documented that uncontrolled pastoral environments provide sediment and nutrient loads with negative impacts on aquatic communities. These are heightened in critical source areas (CSA) including any contributing overland flow paths or point source inputs.

Retirement of riparian margins and CSAs to entrain sediment and runoff and process nutrient are primary interventions for improvement water quality in these scenarios and is in keeping with aspirations of the Catchment Plan.

PNRP Catchment Policy E.2.1. states that when considering resource consent applications in the Waitangi catchment have regard to...

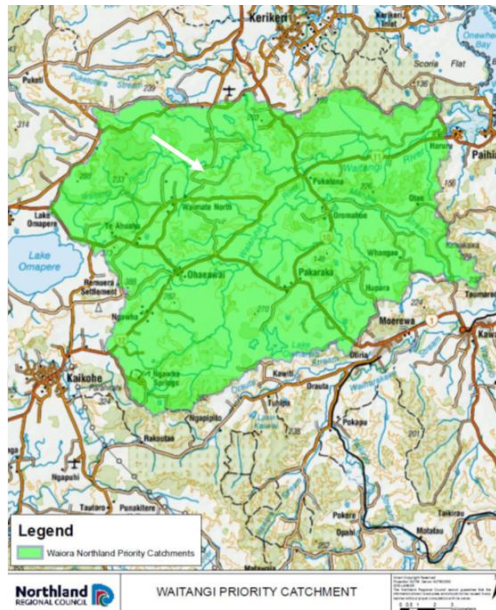
²⁷ *Wetland types of NZ Johnson & Gerbeaux 2004*

²⁸ *Class B2 historical decline 500 years in ecological function throughout ≥70% of extant distribution.* Holdaway et al (2012) Status assessment of NZs naturally uncommon ecosystems. Conservation Biology 26(4):619-29

²⁹ CSA Critical source areas are areas within a farm or catchment that contribute a disproportionately large quantity of contaminants to water (relative to their extent), leading to poor water quality. They are the combination of both a source of contaminants (eg, nutrients, sediment or faecal microorganisms) and a transport pathway (eg, surface run-off, ephemeral drainage). Minimising either the source or the transport pathway will decrease the risk of contaminant losses. Targeting relevant mitigations specifically to critical source areas is an efficient and cost-effective approach to reduce nutrient loss from the whole property

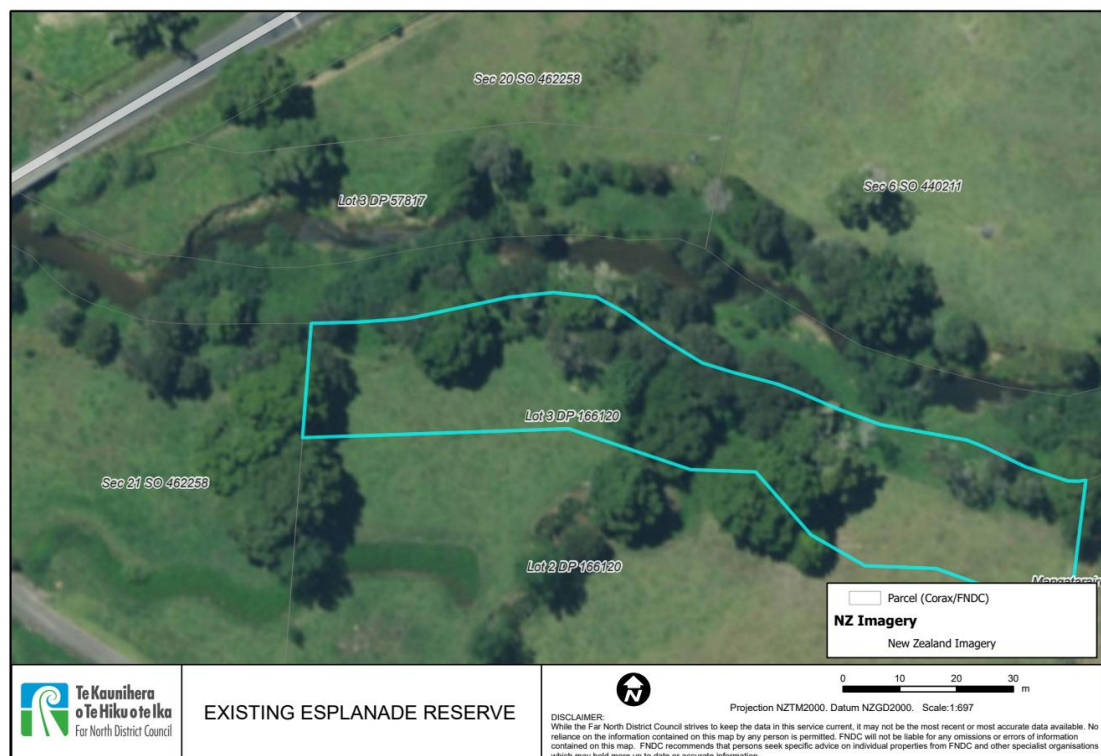
- 2) improving the quality of fresh and coastal water for cultural and recreational uses, particularly contact recreation and the ability to gather mahinga kai, and
- 3) protecting the ecosystem health and natural character of freshwater bodies....

FIG 12: WAITANGI PRIORITY CATCHMENT



An esplanade reserve is proposed along the Waitangi River (Lot 3; 1374m²), complementing the existing esplanade reserve abutting Lot 2 DP 166120 directly adjacent to the east. This will link to Waimate North Road and result in ease of public access along the Waitangi River. Additionally, the Esplanade Reserve will retire land with a high predicted phosphorous loss rating.

FIG 13: ADJACENT ESPLANADE RESERVE LOT 3 DP 166120



THREATENED ENVIRONMENT CLASSIFICATION (TEC)

The TEC is resultant from the combination of several broad databases³⁰, most appropriately applied to help identify priorities for formal protection against clearance and/or incompatible land-uses, and to restore lost linkages and buffers. The first two classes have been incorporated into national and regional policy to address biodiversity protection on private land³¹ and referenced in *RPS Appendix 5 2(a)i.* as a measure of significance of any site vegetation. The south eastern upper contour of proposed Lot 1 is classed A7.1a³² (LENZ Level 4), correlating with the YO type soils and consequently WF9 forest type, threatened in a wider context due to suitability for pastoral use. It is therefore ranked

- *Level II Chronically Threatened (10-20% Indigenous Cover Remains)*

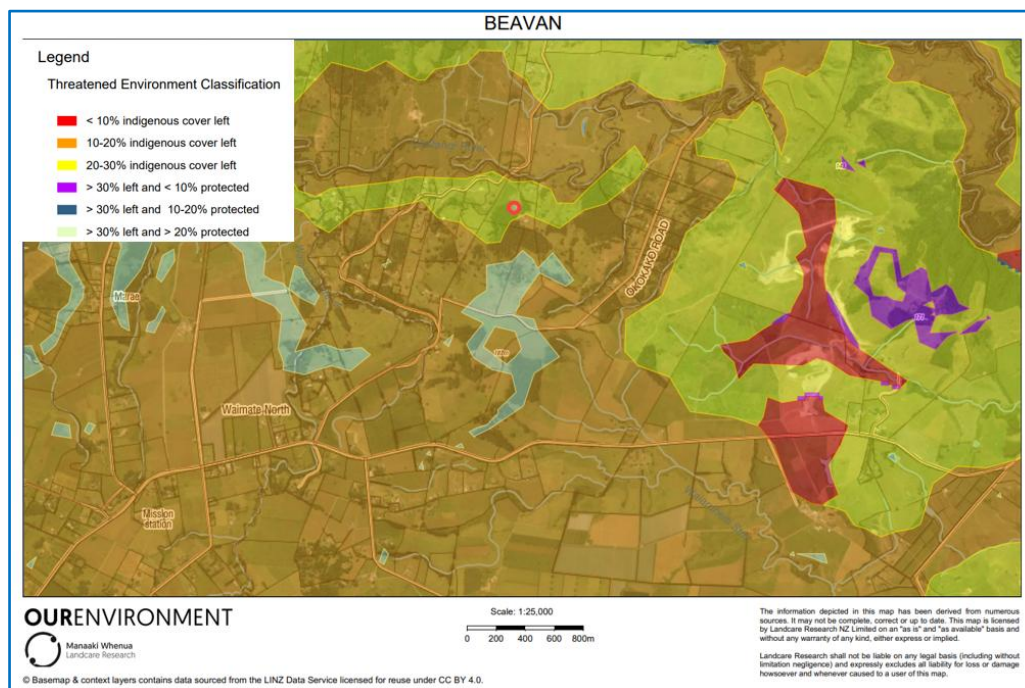
The PNA extends into this area and as a good mature example of the ecosystem is a priority for protection.

The reminder is mapped as

- *Level III At Risk (20-30% Indigenous Cover Remains)*

Local indigenous vegetation and habitats of the type are considered less reduced and fragmented than the first two categories, but lacking legal status, indicating formalised protection to be beneficial in the wider landscape.

FIG 14: TEC CLASSIFICATION



³⁰ *Threatened Environment Classification (2012) Landcare Research Manaaki Whenua. Based on Land Environments New Zealand (LENZ), classes of the 4th Land Cover Database (LCDB4, based on 2012 satellite imagery) and the protected areas network (version 2012, reflecting areas legally protected for the purpose of natural heritage protection).*

³¹ *Northland Regional Policy Statement 2018 Appendix 5; Land Environments New Zealand Level VI; Land Cover Database 4 (2012); Protected Areas Network (2012) **Acutely Threatened** (<10% Indigenous Cover remains); **Chronically Threatened** (10-20% Indigenous Cover remains); **At Risk** (20-30% Indigenous Cover Remains); **Critically Underprotected** (>30% cover, <10% protected); **Underprotected** (>30% Indigenous cover remains, 10-20% protected); **Better Protected** (>30 indigenous cover, >20% protected)*

³² 110masl; very high solar radiation, low annual water deficits; very gently undulating hills; well-drained soils of high fertility from basalt

SITE VISIT

TERRESTRIAL VEGETATION

A comprehensive site visit was made on the 2 October 2024 with specific regard to the proposed scheme, prior reporting, aerial photography and desktop review. Visual vegetation survey was undertaken to characterise the site and habitat and to confirm wetland presence.

The landscape pattern observed today is a snapshot of remnant indigenous character, represented by high quality mature forest as *Atkins Bush* PNA #P05/075 proposed Lot 2 and mature tōtara & hardwood dominant remnant directly to the east of the current residence proposed Lot 1.

VIEW SOUTHEAST OVER CENTRAL GULLY WETLAND FROM LOT 2 DP 566421; ATKINS BUSH PNA TO THE RIGHT



RIPARIAN ESPLANADE CONDITION TO BE VESTED IN COUNCIL – GRAZED SCATTERED KĀNUKA TŌTARA AMONGST PASTURE, COPROSMA RHAMNOIDES: UNPALATABLE FERNS AND SCATTERED WOODY WEEDS



CURRENTLY GRAZED WESTERN EDGE OF PROPOSED LOT 2 PASTURE SLOPE BETWEEN CREEK & WETLAND & LOT 2 DP 566421 BEYOND FENCELINE



LOOKING NORTHEAST TO PROPOSED LOT 2 FROM LOT 2 DP 566421



LOOKING EAST TO PROPOSED LOT 2 FROM LOT 2 DP 566421



Atkins Bush PNA (#P05/075)³³ straddles the subject parent parcel and OLC 158 in separate ownership to the south. Although dated (1995), the underlying assessment may be considered as a surrogate for potential significance and serve to direct any further consideration as pertinent. It is illustrated in FIG 1, with documented values given as:

TABLE 5: ATKINS BUSH PNA (P05/075) KAIKOHE CONNING & MILLER 2000

ATKINS/ OHAIO BUSH PNA (#P05/075)
LANDFORM/GEOLOGY <i>Underlain by a Kerikeri volcanic basalt flow forming an escarpment on the north side of Okokako Road with basalt talus overlying Mangakahia Complex mudstone in the lower valley slopes and alluvium forming the valley floor of the Waitangi River.</i>
VEGETATION <i>Secondary forest remnants. Canopy species of : Type A -frequent rimu, pūriri and tōtara. Type B -frequent kahikatea and pūriri with occasional kauri, tawa and rimu As with many small forest remnants, stock browsing has reduced the understorey to a mere scattering of the less palatable species and regeneration of canopy species is not occurring.</i>
FAUNA <i>NI brown kiwi</i>
SIGNIFICANCE <i>Habitat for threatened species. A representative site for type (a) due to the conspicuous rimu component. These remnants may perform a linking role between larger forest blocks to the east and west.</i>

In the period since survey (1995) stock exclusion and pest control have resulted in recovery of the understorey. From our own observation species include taraire; kohekohe; maire; pūriri; nīkau; *Coprosma* diversity including dense understorey of *Coprosma arborea* ; mahoe; *Pseudopanax spp.*; tītoki; mamaku; kiokio; shining spleenwort; *Sticherus*; hounds tongue; maidenhair ferns; rimu; taraire; matai; northern rata; pigeonwood (*Hedycarya arborea*); tānekaha; karaka; kahikatea, cabbage tree and kauri.

The tōtara and hardwood dominant remnant is a more recent expression of the more historic PNA block, with somewhat muted representation of species, notably pūriri and kahikatea and may be expected to gain diversity with further maturity and formal protective mechanisms.

The PNA site provides a reference for any planting scheme proximate alongside the wetland, particularly for final canopy species. Restoration efforts onsite would provide an extension of habitat for mobile fauna able to traverse the landscape, and contribute additional area to the upper catchment of the Waitangi River with protection of water and soil values as is being undertaken upstream Lots 2 & 4 DP 566421 as part of resource consent conditions.

Pūriri and taraire are pivotal species for kukupa in Northland³⁴, the two species collectively contributing to over 75% of the observed diet in winter (taraire), spring (both) and summer (pūriri). Inclusion would provide broad temporal provision.

No flora species with threat status or locally uncommon were found within the PNA during walkthrough recce. *Schoenus carsei* (OBL Threatened – Nationally Critical) was recorded historically³⁵ from wetland in the immediate area, but specific search found no specimens.

³³ Conning & Miller (2000) Natural Areas of the Kaikohe Ecological District. Reconnaissance Report for the Protected Natural Areas Programme. DoC Whangarei

³⁴ Pierce & Graham (1995) Ecology and breeding biology of Kukupa (*Hemiphaga novaeseelandiae*) in Northland

³⁵ <10m location obscured 03 Dec 1949 Tasmanian Herbarium Record #373 Mason & Moar

Site vegetation adjacent the Waitangi consists of a riparian ribbon of scattered mature kānuka and tōtara, undergrazed with scattered woody weeds, *Coprosma rhamnoides* and unpalatable fern species amongst exotic pasture species. This includes area to be vested in Council as Esplanade Reserve (Lot 3 1374m²). It has no structures.

The area designated for the proposed Lot 2 building platform is in exotic pasture with negligible ecological value. No indigenous vegetation clearance is required.

There are currently no mapped FNDC *Significant Natural Areas* (SNAs) as per the *National Policy Statement for Indigenous Biodiversity (2023)*, subject to *Subpart 2 Clause 3.10*. However as per *Subpart 2 Clause 3.16*, significant adverse effects on indigenous biodiversity outside of such areas in regard to new subdivision, development or use must be managed by applying the effects management hierarchy.

There are no additional regional GIS layers, the underlying assessment of which may be considered as a surrogate guide for ecological aspects to consider in terms of significance e.g. NRC Biodiversity Terrestrial Ranking Top 30% or Top 30% +5 unit³⁶ ; NRC known or ranked wetlands; NRPS (2018) *Natural Character or Landscape*.

PROPOSED LOT 2 HOUSE SITE IN FOREGROUND VIEW TO WAIMATE NORTH RD TREELINE IN DISTANCE; ACCESS TO THE RIGHT



³⁶ This layer identifies the top 5 % of additional High priority terrestrial sites, that would potentially make the largest additional gains assuming management is applied to the top 30% of sites as identified in the ranking of terrestrial ecosystem areas derived from a ranking analysis of indigenous-dominated terrestrial ecosystems for the Northland Region.

SITE WETLAND

Visual vegetation survey was undertaken in accordance with the MFE Wetland Protocols (Clarkson 2022). The Rapid Test, as the first strata of wetland delineation was sufficient to confirm wetland presence with dominance typified by facultative wetland (FACW) species forming a very obvious *natural inland wetland* community.

None of the *natural inland wetland* mapped in this reporting would be subject to the pastoral exclusion clause of the natural inland wetland definition.

The wetland is best typified as a swamp type³⁷ in the basal gully contour with flowing open channels of the headwater creeks it encompasses, particularly in high rainfall conditions, within depressed banks.

Swamp typically exhibits:

- *Slow to moderate flow*
- *Water table usually well above the ground*
- *Permanent wetness*
- *Peat and/or mineral substrate*
- *Intermingled sedge/rush/reed and scrub types often with forest*

The extant source are the creeks originating offsite, with ephemeral contribution from the proposed Lot 2 seepages (*non wetland*) on the western bank as tributary critical source areas (CSA).

The species associations vary along the course, dependant on water depth. The dominant character is a lower stature sedge and rafting grass matrix of *OBL* & *FACW* species with associations of *FACW* & *OBL* short herbaceous and grass spp. *Paspalum distichum** (*FACW*) dominant with varied frequency of *Agrostis stolonifera** (*FACW*) & *Glyceria* (*FACW*) & *Persicaria** (*OBL* & *FACW* spp); *Carex leporina** (*FACW*); *Isolepis prolifera* (*OBL*); *Cyperus brevifolius** (*FACW*); *Ludwigia palustris*; *Eleocharis acuta* (*OBL*). *Epilobium chionanthum* (*FACW*) & *Juncus* spp (*FACW*) present are common generalists - *Juncus effusus**; *J. edgariae*; *J. articulatus**, & small leafy *Juncus bulbosus**.

TYPICAL COMPOSITION PRESENTS AS PASTURE BUT GRASSES ARE WETLAND SPECIES AND FREQUENTLY RAFTING



³⁷ Johnson & Gerbeaux (2004) Wetland Types of NZ

The overall wetland type is best approximated as a reduced form of:

WL11- MACHAERINA SEDGELAND

- Shallow palustrine/riverine/lacustrine wetlands of a wide range of variants throughout New Zealand.
- Sedgeland, rushland with a high water table
- Dominated by species of *Machaerina*, *square sedge*, *Eleocharis*, *Juncus* with *Carex* spp.

The persistent periodicity of the wetland is evident from the 1950s in aerial photography and has retained its occupancy despite channelization at intervals to provide pasture. The wetland is grazed and highly pugged but expected to recover density and condition once grazing is excluded.

The prevailing character of the site beyond identified wetland is rough pastoral- kikuyu dominance, rye, clover, & further common FACU / UPL grass and weed species e.g. *Daucus*; *Senecio*; *Plantago*.

Slight elevation within the main body exhibits as pastoral of FACU & UPL species with gorse.

On a smaller scale the occurrence of innocuous exotics *Ranunculus repens** & *Lotus pedunculatus** (FAC) on micro hummocks within the wetland is not sufficient in frequency to alter the evident wetland diagnosis.

Within the wetland control of exotic hydrophiles is not recommended in this instance as they are the majority cover and are difficult to distinguish from the often similar native component, with parallel functional water quality protection.

SITE SPECIES CLOCKWISE GLYCERIA NOTATA (OBL); ELEOCHARIS ACUTA (OBL); GONOCARPUS MICRANTHUS (FAC)



FISH

A fish survey was outside the scope of reporting. There are no site specific FWFD records³⁸. NIWA has combined REC V2 classification with monitoring data to extrapolate predicted species for all mapped NZ rivers.

TABLE 6: NIWA PREDICTED FISH SPECIES

PREDICTED SPECIES NZSEG#1008960	COMMON NAME	THREAT STATUS
<i>Anguilla australis</i>	SHORTFIN EEL	NOT THREATENED
<i>Anguilla dieffenbachii</i>	LONG FIN EEL	AT RISK - DECLINING
<i>Gobiomorphus cotidianus</i>	COMMON BULLY	NOT THREATENED
<i>Gobiomorphus hutonni</i>	REDFIN BULLY	NOT THREATENED

From incidental visual assessment, the wetland/ waterway maintains good potential habitat in terms of hydraulic heterogeneity and fish cover availability throughout its length. Reliable creek and wetland provide ideal habitat for species preferring slow moving e.g shortfin eel (*A. australis*); common bully (*Gobiomorphus cotidianus*).

However, the ultimate reach on Lot 2 DP 166120 to the Waitangi was dammed to raise the water level for a now defunct waterwheel. Passage is obstructed, leaving potential for non diadromous resident populations and eels that may go overland. Common bullies particularly may readily form landlocked populations.

Fish were spooked with water disturbance, likely banded kokopu (*Regionally Significant*) and potentially kōaro (*Galaxias brevipinnis At Risk - Declining*), both proficient climbers and associated with inland headwaters.

The highly ephemeral seepages/ overland flow paths are not considered fish habitat.

FISH IN NZSEG#1008960 UPSTREAM OFFSITE



³⁸ Freshwater Fish Database records NIWA

FAUNA

Primary observations were made in addition to consideration of wetland and vegetation significance, to complement characterisation of the site.

AVIFAUNA

Four 5 Minute Bird Counts were undertaken across the site on the morning of the site visit under clear calm conditions

- Edge tōtara/hardwood remnant proposed Lot 1
- Proposed Lot 2 building platform
- Proposed Lot 2 far western boundary toward PNA & over gully wetland
- Easement A toward Waitangi River

These were bolstered by additional observations of the area for activities on neighbouring Lot 2 DP 566421. Conspicuous birdlife consisted of frequent common exotic and native insectivorous generalists i.e. grey warbler; multiple fantail; kingfisher on margins of bush and wetland. Tūi and kākūpa were sighted crossing cover in the near distance, only likely to utilise the site for temporary perching in scattered mature trees. The small insectivores are versatile in their habitat occupation. The building site proposed Lot 2 does not represent primary irreplaceable habitats.

The property is classed as *HIGH DENSITY KIWI (DoC 2018)*. Kiwi are now considered *Not Threatened*, predicted to increase by > 10% over three generations due to the intensive in situ control of predators by many community groups and government agencies, ex situ management, and translocations to secure sites. However qualifiers to this status include *CD – Conservation Dependent, with RF- Recruitment Failure & PD – Partial Decline* from predation of chicks / decline of breeding individuals, both of which mean an uncontrolled environment will lead to further loss. Wetland areas with adjacent cover represents favourable territory when supported by the onsite pest control.

No kiwi were encountered, not unexpected due to their habit. No burrows were found directly within or nearby the proposal area. The short grazed paddock of the building platform and proposed access are unlikely to provide even temporary daytime shelter for kiwi. There is little heterogeneity to offer even daytime temporary shelter e.g. piles of debris, rank tangles of kikuyu. Run through with a kiwidog should be undertaken if pasture is allowed to become rank prior to earthworks.

Unsuccessful playbacks for fernbird (mātātā; *Poodytes punctatus At Risk -Declining*) were made mid wetland, as the most likely wetland bird species to respond if present and also to utilise subject site limited cover. The lack of taller riparian vegetation which they favour is absent.

The seepages also are not suitable habitat for other specialist wetland birds.

HERPTOFAUNA

The PNA proposed Lot 2 & tōtara/ hardwood remnant proposed Lot 1 represent good habitat for the range of lizards described in local PNA surveys and reporting- most commonly Northland green gecko (*Naultinus grayii; At Risk-Declining*), and the Pacific gecko (*Dactylocnemis pacificus; At Risk-Relict*). Elsewhere pasture is grazed short pasture is grazed short. No diurnal species were encountered onsite despite visual survey. This included disturbing longer groundcover, debris and scrutiny of taller vegetation; trunks and potential

basking sites e.g. sunny trunks; banks & rocks. A nocturnal herptofauna survey was beyond the scope of this review.

No habitat clearance is proposed. In general, pest control and arboreal habitat are key for the majority of gecko and under those circumstances species may occupy favourable habitat even in close proximity to the proposed increase of residential occupation. Cats as pets and feral are large consumers of herptofauna. Common kingfisher, pukeko and morepork, which persist successfully in modified landscapes, are also predators of herptofauna.

SUMMARY OF ECOLOGICAL ISSUES IDENTIFIED

In summary, key environmental issues existing prior to development are identified below.

These are a combination of implied, from desktop review, and observed:

TABLE 7: CURRENT SITE ISSUES IDENTIFIED PRIOR TO PROPOSAL

EXISTING ISSUE	CURRENT STATUS	RECOMMENDED MANAGEMENT
STATE OF EXISTING NATIVE ECOSYSTEMS	Riparian cover absent in portions of waterway Wetland not defined and grazed; nutrient input; simple biodiversity; potential further encroachment and loss of extent, including weeds PNA & tōtara hardwood remnant in good condition stock excluded and benefiting from informal pest control	Weed control Covenanted ; fencing; planting prevent inadvertent damage/ encroachment Pest control to maintain/ bolster avifauna Stock exclusion . as per PNRP 1/1/25
LOW AVIFAUNA DIVERSITY	Low habitat diversity in wetland due to grazing and open lack of riparian habitat Pest control lacking	Revegetation Formalised pest control
FORMAL PROTECTION OF SIGNIFICANT VALUES	Voluntary	Formalised weed & pest control Formal covenanting Stock exclusion of wetland

Issues identified are common throughout Northland ecosystems, representing a baseline for cumulative effects that may occur with the increase of residential occupation but alternatively also be addressed by the proposal to provide a positive effect.

NES-F (2020) WETLAND

Recognition of *natural inland wetland* onsite promotes the intent of *NPS-FM (2020)* Policies 5 & 6³⁹ and avoidance of effects through pre-emptive location of the proposed Lot 2 house site and likely access at the maximal distance from the wetland.

Drainage/ destruction of wetlands is a prohibited adverse effect as per *NES- F Reg 53* and it is presupposed that this will not occur.

In the absence of unmitigated point source discharge there is highly unlikely to be any wetland change in seasonal or annual range water levels, as per *PNRP Policy H.4.2 Minimum levels for Lakes and natural wetlands*.

No vegetation clearance within 10m is required as per *NES-F Reg 52(i)*.

The proposed house site does not occupy critical source areas, seepages or overland flow paths. As per *NES F Reg 52(2) & 54(c)* minor natural diffuse or sheetflow inputs permeating to the wetlands within 100m will likely be *diverted* by the change of site cover, however this will not result in *complete or partial drainage, or change the water level range or hydrological function of the wetland*.

No earthworks are proposed within 10m, but are unlikely to change the *water level range or hydrological function of the wetland* as per *NES F Reg 54 (b)* if they do not occupy or intersect

³⁹ **Policy 5:** Freshwater is managed (including through a National Objectives Framework) to ensure that the health and well-being of degraded water bodies and freshwater ecosystems is improved, and the health and well-being of all other water bodies and freshwater ecosystems is maintained and (if communities choose) improved.

Policy 6: There is no further loss of extent of natural inland wetlands, their values are protected, and their restoration is promoted.

with the mapped wetland or CSA seepages. This is also the case for earthworks required for house platform and access (<100m) which are not considered to likely result in *complete or partial drainage of all or part of the wetland* as per NES F Reg 52(1).

There is no detailed design of the residential development at this stage. Stormwater inputs to the wetland likely represent a discharge within 100m, controlled by NES F Reg 54(d). The wetland type current has developed in a pastoral catchment with variable output, highly responsive to meteorological conditions, and is adapted to moderate to high fluctuations in **water level range** without discernible shift in extent or value, including **hydrological function**. Dominant species OBL & FACW *Paspalum ditstichum*, *Glyceria*; *Ludwigia*; *Eleocharis*, *Persicaria*; *Juncus* are adapted to raft or persist through the current inundation cycle in response to rainfall. A shift in species composition that retains an indigenous *natural inland wetland* composition is considered not to be a loss of *value* or *extent* and a less than minor level of effects.

Under the proviso inputs modelled to date should be diffuse and avoid scouring, gross sediment input from the CSAs or displacement of wetland vegetation, adverse effects are avoided and aquatic values and extent will be maintained.

TABLE 8: NES-F (2020) REG 52

DRAINAGE OF NATURAL INLAND WETLANDS: 52 NON-COMPLYING ACTIVITIES	
(1) Earthworks outside, but within a 100 m setback from, a natural inland wetland is a non-complying activity if it—	
(a) results, or is likely to result, in the complete or partial drainage of all or part of a natural inland wetland; and	NO platform and access do not occupy source areas or CSAs. Construction envelope and formal survey of wetland for Sec 223 recommended to allow visual constraint to damage
(b) does not have another status under any of regulations 38 to 51.	N/A
(2) The taking, use, damming, or diversion of water outside, but within a 100 m setback from, a natural inland wetland is a non-complying activity if it—	
(a) results, or is likely to result, in the complete or partial drainage of all or part of a natural inland wetland; and	NO Proposed building platforms and access do not occupy source areas or CSAs.
(b) does not have another status under any of regulations 38 to 51.	N/A

It is considered the proposal will not result in *complete or partial drainage of all or part of the wetland*.

TABLE 9: NES-F (2020) REG 54

OTHER ACTIVITIES: 54 NON-COMPLYING ACTIVITIES	
<i>The following activities are non-complying activities if they do not have another status under this subpart:</i>	
<i>(a) vegetation clearance within, or within a 10 m setback from, a natural inland wetland:</i>	NONE REQUIRED IN THE PROPOSAL
<i>(b) earthworks within, or within a 10 m setback from, a natural inland wetland:</i>	NONE REQUIRED IN THE PROPOSAL – proposed building platform and infrastructure works all outside 10m
<i>(c) the taking, use, damming, or diversion of water within, or within a 100 m setback from, a natural inland wetland if—</i>	
<i>(i) there is a hydrological connection between the taking, use, damming, or diversion and the wetland; and</i>	<i>Likely earthworks within 100m of wetland.</i>
<i>(ii) the taking, use, damming, or diversion will change, or is likely to change, the water level range or hydrological function of the wetland:</i>	<i>Minor natural diffuse or sheetflow inputs within 100m may be diverted by the change of site cover however in the absence of alteration of any point source inputs or CSAs this is unlikely to change the water level range or hydrological function of the wetlands.</i>
<i>(d) the discharge of water into water within, or within a 100 m setback from, a natural inland wetland if—</i>	
<i>(i) there is a hydrological connection between the discharge and the wetland; and</i>	Potential stormwater
<i>(ii) the discharge will enter the wetland; and</i>	Likely
<i>(iii) the discharge will change, or is likely to change, the water level range or hydrological function of the wetland.</i>	NO –The wetland type current has developed in a pastoral catchment with variable output highly responsive to meteorological conditions and is adapted to moderate to high fluctuations without discernible shift in extent or value, including hydrological function under the proviso inputs modelled to date should be diffuse and avoid scouring, sediment input or displacement of wetland vegetation

Controls as above are considered sufficient to avoid adverse effects on any species and habitat downstream.

SIGNIFICANCE

NPS-FM VALUES (2020)

*Values*⁴⁰ of the creeks and wetland were considered, including as receiving environment of stormwater discharge. These translate to potential significance aspects for consideration against *RPS 2018 Appendix 5* criteria. Avoidance of *extent* and *values* loss in regard to rivers and wetlands is core policy⁴¹ of the NPS – FM (2020).

TABLE 10: VALUES NPS-FM (2020)

VALUE	WETLAND / CREEK
ECOSYSTEM HEALTH	Currently impacted condition – limited diversity, exotic dominant with functionality of sediment retention and processing Flow constrained beyond easement A by historic legal ponding No fish passage from Waitangi to site or downstream wetland Basic water source for fauna in landscape Edge habitat; weedy and open no riparian buffer other than PNA Water quality -sediment retention and nutrient processing function Consistent water regime implied by OBL & FACW dominance species Exotic influence typical pastoral assemblages no pest control gorse controlled As wider unit likely habitats and conditions necessary to support the presence of threatened species with pest control and riparian margin
INDIGENOUS BIODIVERSITY	Entire site is KIWI PRESENT ZONE (DOC 2018) Limited bird guild - insectivores use as wider feeding territory No specialist wetland birds evident other than common water fowl likely due to lack of riparian buffer and tall stature rushes for cover Fish sighted, upland guild non diadromous populations implies wider use of waterway onsite Not currently wetland bird habitat Limited flora diversity, exotic dominant. Limited diversity, exotic dominant No woody riparian buffer beyond PNA
HYDROLOGICAL FUNCTION	Sediment retention and nutrient processing protective of groundwater. Hydrologically connected as headwater to Waitangi in priority catchment Stock nutrient inputs directly to waterway Slows stormwater from exiting configuration to Waitangi River Long historically modified beyond access easement A perched culvert and bunding on Lot 2 DP 166120 20 yrs approx. restricting flow to downstream wetland
MĀORI FRESHWATER VALUES	Outside scope of this report
AMENITY VALUES	Not considered to provide direct opportunity for human contact; recreation or food provision. Wider wetland visually apparent from neighbouring Lots.

Formal protection and management represents retention and enhancement of *extent* and *values*.

Consideration of significance is given in regard to *Northland Regional Policy Statement Appendix 5 (2018)* as the standard Northland criteria for assessing significance of an ecological site, and directly reflects those contained in *Appendix 1* of the recently mandated *National Policy Statement for Indigenous Biodiversity (2023)* including consideration of *Representativeness; Diversity & Pattern; Rarity and Distinctiveness & Ecological Context*. Both the PNA within proposed Lot 2 and the tōtara/ hardwood remnant as an extension are considered to have *HIGH* significance as per values described in the accompany documentation and observed onsite. Comment is instead focused on the wetland/ waterways.

⁴⁰ Values (NPS FM 2020 Amendment No.1 (2022) (i) ecosystem health; (ii) indigenous biodiversity; (iii) hydrological function; (iv) Māori freshwater values; (v) amenity values

⁴¹ Policy 6: There is no further loss of extent of natural inland wetlands, their values are protected, and their restoration is promoted. Policy 7: The loss of river extent and values is avoided to the extent practicable. Policy 8: The significant values of outstanding water bodies are protected.

TABLE 11: ASSESSMENT OF SIGNIFICANT INDIGENOUS VEGETATION AND SIGNIFICANT HABITATS OF INDIGENOUS FAUNA IN TERRESTRIAL, FRESHWATER AND MARINE ENVIRONMENTS NORTHLAND REGIONAL POLICY STATEMENT (2018) APPENDIX 5

(1) REPRESENTATIVENESS	WETLAND
<i>(A) Regardless of its size, the ecological site is largely indigenous vegetation or habitat that is representative, typical and characteristic of the natural diversity at the relevant and recognised ecological classification and scale to which the ecological site belongs</i> <i>(i) if the ecological site comprises largely indigenous vegetation types: and</i> <i>(ii) Is typical of what would have existed circa 1840</i> <i>(iii) Is represented by the faunal assemblages in most of the guilds expected for the habitat type</i> (B) The ecological site <i>(i) Is a large example of indigenous vegetation or habitat of indigenous fauna</i> <i>(ii) Contains a combination of landform and indigenous vegetation and habitats of indigenous fauna that is considered to be a good example of its type at the relevant and recognised ecological classification and scale</i>	A(i) No large exotic component (ii) in occupancy however character likely different due to exotic component and modification (iii) freshwater fish likely but not surveyed currently banded kokopu & kōaro sighted; no wetland birds sighted or responded to playbacks B) (i) yes as habitat to freshwater fish is above swamp significance size with headwater creek (ii) swamp as most freshwater wetlands have been reduced in the ecological district as nationally LOW- MODERATE
(2) RARITY/ DISTINCTIVENESS <i>(A) The ecological site comprises indigenous ecosystems or indigenous vegetation types that:</i> <i>(i) Are acutely or chronically threatened land environments associated with LENZ Level 4</i> <i>(ii) Excluding wetlands, are now less than 20% original extent</i> <i>(iii) excluding man made wetlands are examples of wetland classes that either otherwise trigger Appendix 5 criteria or exceed any of the following area threshold</i> <i>(a) Saltmarsh 0.5ha</i> <i>(b) Shallow water lake margins and rivers 0.5ha</i> <i>(c) Swamp >0.4</i> <i>(d) Bog >0.2 ha</i> <i>(e) Wet heathlands >0.2 ha</i> <i>(f) Marsh; fen; ephemeral wetland or seepage/flush >0.05ha</i> (B) Indigenous vegetation or habitat of indigenous fauna that supports one or more indigenous taxa that are threatened, at risk, data deficient, or uncommon either nationally or within the relevant ecological scale (C) The ecological site contains indigenous vegetation or an indigenous taxon that is <i>(i) endemic to the Northland/ Auckland region</i> <i>(ii) At its distribution limit in the Northland region</i> (D) The ecological site contains indigenous vegetation or an association of indigenous taxa that <i>(i) Is distinctive of a restricted occurrence</i> <i>(ii) Is part of an ecological unit that occurs on a originally rare ecosystem</i> <i>(iii) Is an indigenous ecosystem and vegetation type that is naturally rare or has developed as a result of an unusual environmental factor(s) that occur or are likely to occur in Northland: or</i> <i>(iv) Is an example of a nationally or regionally rare habitat as recognised in the New Zealand Marine Protected Areas Policy</i>	A(i) no (ii) - no (iii) YES - swamp size but not >50% indigenous B) Long fin eel (<i>At Risk Declining</i>) mapped but not surveyed. Kōaro sighted (<i>At Risk – Declining</i>) D (i) wetland & fish in headwater creek and swamp LOW-MODERATE
(3) DIVERSITY AND PATTERN (A) Indigenous vegetation or habitat of indigenous fauna that contains a high diversity of: <i>(i) Indigenous ecosystem or habitat types; or</i> <i>(ii) Indigenous taxa</i> (B) Changes in taxon composition reflecting the existence of diverse natural features or ecological gradients; or (C) Intact ecological sequences	A) Swamp and creek unit provides a diversity of fish habitat niches. The wetland does not have a high diversity of indigenous flora B/C) Intact ecological sequences and vegetation change when considered in association with the wider PNA P05/075 as part riparian and downstream wetland to Waitangi River Headwater Creek – swamp - river MODERATE -HIGH
(4) ECOLOGICAL CONTEXT (A) Indigenous vegetation or habitat of indigenous fauna is present that provides or contributes to an important ecological linkage or network, or provides an important buffering function: or (B) The ecological site plays an important hydrological, biological or ecological role in the natural functioning of a riverine, lacustrine, palustrine, estuarine, plutonic(including karst), geothermal or marine system (C) The ecological site is an important habitat for critical life history stages of indigenous fauna including breeding/ spawning, roosting, nesting, resting, feeding, moulting, refugia or migration staging point (as used seasonally, temporarily or permanently)	A) & B) The wetland buffers creek and Waitangi from pastoral contribution of sediment; nutrient with additional high flow/ stormwater retention . C) Native freshwater fish habitat. Freshwater source in times of drought for local fauna eg. kiwi & higher territorial economics c.f dominant pasture MODERATE

Significance includes as higher territorial economics for birds including ground dwelling kiwi; integral connectivity with further extent upstream and downstream to the Waitangi River and the high quality terrestrial habitat of *Atkins Bush PNA*; natural pattern; and physical and functional buffering to creek and downstream aquatic environments including the Waitangi River, a *NRC Priority Catchment*.

The significance ratings for each of the 4 criteria in RPS Appendix 5 are combined to give an overall single value according to Table 12 (*EIANZ Table 6*), below. This should not however suppress any impact consideration of a single value or component.

In particular, this ecological condition/quality is important in assessment because it contributes to the way an activity may affect a feature (EIANZ 2018).

TABLE 12: SCORING FOR SITES COMBINING VALUES FOR SIGNIFICANCE CRITERIA (TABLE 6 EIANZ)

VALUE	EXPLANATION
VERY HIGH	<i>Area Rates VERY HIGH for 4 or all of the matters in Appendix 5 RPS. Likely to be nationally important and recognised as such</i>
HIGH	<i>Area rates HIGH for 2 of the assessment matters. Moderate and LOW for the remainder</i>
MODERATE	<i>Area rates HIGH for one matter, MODERATE & LOW for the remainder Area rates MODERATE for 2 or more of the criteria. LOW or very LOW for the remainder. Likely to be significant in the ED</i>
LOW	<i>Area rates LOW or VERY LOW for all but one MODERATE. Limited ecological value other than as habitat for local tolerant species.</i>
NEGLECTIBLE	<i>Area rates VERY LOW for 3 matters and MODERATE LOW or VERY LOW for the remainder.</i>

On this basis the wetland has a *MODERATE VALUE*. The mature vegetation onsite in the PNA and hardwood dominated remnant are rated HIGH. Protection of the mature forest vegetation onsite and the wetland & creeks as an expansive ecological unit is proposed, and considered suitable for a formal instrument under the Reserves Act 1977, allowing rates relief as per FNDC Policy P21/01.

Consideration of identified site species value is also given as below (EIANZ 2018)

TABLE 13: FACTORS TO CONSIDER IN ASSESSING SPECIES VALUE (TABLE 5 EIANZ 2018)

VALUE	EXPLANATION	SPECIES PRESENT IN ZOI	STATUS
VERY HIGH	<i>Nationally Threatened species (Critical, Endangered or Vulnerable) found in the Zone of Influence or likely to occur there, either permanently or occasionally</i>		
HIGH	<i>Nationally At Risk species (Declining) found in the ZOI or likely to occur there, either permanently or occasionally</i>	kōaro	<i>AT RISK- DECLINING</i>
MODERATE-HIGH	<i>Species listed in any other category of At Risk category (Recovering, Relict or Naturally Uncommon) found in the Zone of Influence or likely to occur there, either permanently or occasionally.</i>		
MODERATE	<i>Locally uncommon/rare species but not Nationally Threatened or At Risk.</i>	NI Brown Kiwi Banded Kōkopu	<i>NOT THREATENED – CONSERVATION DEPENDANT ; REGIONALLY SIGNIFICANT NOT THREATENED- REGIONALLY SIGNIFICANT</i>
LOW	<i>Species Not Threatened nationally and common locally.</i>	Insectivores e.g. fantail; kingfisher; grey warbler	<i>NOT THREATENED</i>
NEGLECTIBLE	<i>Exotic species, including pests</i>	e.g. magpie; skylark	<i>INTRODUCED - NATURALISED</i>

We rate the proposed Lot 2 development area as **NEGLIGIBLE**. No highly mobile species⁴² are likely dependant on the areas for any part of their lifecycle. There is **potential** for kiwi to be present in the footprint of clearance areas, as part of the wider site territory. Clearance of these is unlikely to affect any of these species in a significant adverse way. All will live closely proximate with residential occupation if predator control in functional habitat allows. We recommend a pre works site check for daytime sheltering kiwi if pasture is allowed to become rank prior to development. It is an offence under the Wildlife Act 1953 to **intentionally** harm, disturb or kill native wildlife.

ASSESSMENT OF EFFECTS

EIANZ METHODOLOGY

Assessment of effects follows the systematic process of the EIANZ⁴³ Guidelines as best practice.

Standard criteria are utilised in a matrix framework to determine the impact of a proposal on a habitat, incorporating a three step process:

- Ecological values are ranked on a scale of *Negligible, Low, Moderate, High, or Very High*.
- The magnitude of effects on these values is ranked on a similar scale (EIANZ TABLE 8)
- The overall level of effect is determined by a combination of value and the magnitude of the effect. (EIANZ TABLE 10)

DEVELOPMENT PHASE

The primary potential effects from are limited to

- stormwater discharge 100m of a *natural inland wetland*.
- earthworks within 100m of a *natural inland wetland*.

RESIDENTIAL OCCUPATION

Additional potential, but avoidable effects of include

- pets within a *High Density* kiwi zone
- landscaping/ alteration of the *MODERATE* (EIANZ) ecological value wetland & creek resulting in encroachment or hydrological change e.g. ponding as historically on Lot 2 DP 166120
- ingress into remnant vegetation of the *Atkins Bush PNA (#P05/075)* site & hardwood dominant remnant proposed Lot 1 with *HIGH* significance

Consideration of a raw proposal form without any consideration/ mitigation is best practice methodology.

⁴² NPSIB (2023) Appendix 2: Specified highly mobile fauna

⁴³ Environmental Institute of Australia and New Zealand

MAGNITUDE OF EFFECTS

Magnitude is determined by a combination of scale (temporal and spatial) of effect and degree of change that will be caused in or to the ecological component. **It should initially be considered in a raw or unmitigated form.**

TABLE 14: CRITERIA FOR DESCRIBING MAGNITUDE OF EFFECT (EIANZ 2018 TABLE 8)

MAGNITUDE	DESCRIPTION
VERY HIGH	Total loss of, or very major alteration to, key elements/features/ of the existing baseline conditions, such that the post-development character, composition and/or attributes will be fundamentally changed and may be lost from the site altogether; AND/OR Loss of a very high proportion of the known population or range of the element/feature
HIGH	Major loss or major alteration to key elements/features of the existing baseline conditions such that the post-development character, composition and/or attributes will be fundamentally changed; AND/OR Loss of a high proportion of the known population or range of the element/feature
MODERATE	Loss or alteration to one or more key elements/features of the existing baseline conditions, such that the post-development character, composition and/or attributes will be partially changed; AND/OR Loss of a moderate proportion of the known population or range of the element/feature
LOW	Minor shift away from existing baseline conditions. Change arising from the loss/alteration will be discernible, but underlying character, composition and/or attributes of the existing baseline condition will be similar to pre-development circumstances or patterns; AND/OR Having a minor effect on the known population or range of the element/feature
NEGLIGIBLE	Very slight change from the existing baseline condition. Change barely distinguishable, approximating to the 'no change' situation; AND/OR Having negligible effect on the known population or range of the element/feature

The interaction of magnitude of effect and ecological value (or significance) of species or habitat gives the **unmitigated level of effect** as per EIANZs Table 10 (below). This resultant level of effects is then a guide to the extent and nature of the ecological management required to render them acceptable in the statutory framework.

Impact management should enable maintenance or improvement of existing biodiversity (EIANZ 2018).

In this regard we consider the **unmitigated** effects as below:

PROPOSED LOT 2 BUILDING/ ACCESS AREA

- **VERY LOW** as a potential interaction between a **NEGLIGIBLE** level of effects on **NEGLIGIBLE** value elements

WETLAND

- **MODERATE** as a potential **MODERATE** effect on the **MODERATE** value of the wetland/creeks

PNA/HARDWOOD REMNANT

- **VERY HIGH** as a potential **HIGH** effect on the **HIGH** value of the mature vegetation

TABLE 15: CRITERIA FOR DESCRIBING LEVEL OF EFFECTS (EIANZ TABLE 10)

		ECOLOGICAL &/OR CONSERVATION VALUE				
		VERY HIGH	HIGH	MODERATE	LOW	NEGLIGIBLE
MAGNITUDE	VERY HIGH	Very High	Very High	High	Moderate	Low
	HIGH	Very High	Very High	Moderate	Low	Very Low
	MODERATE	Very High	High	Moderate	Very Low	Very Low
	LOW	Moderate	Low	Low	Very low	Very Low
	NEGLIGIBLE	Low	Very Low	Very Low	Very Low	Very Low
	POSITIVE	Net Gain	Net Gain	Net Gain	Net Gain	Net Gain

It is presumed from the proposed configuration that no earthworks will interact within the wetland or CSAs to cause drainage as per *NES-F (2020) 53 Prohibited Activities*. No vegetation clearance or earthworks are currently proposed within 10m.

The extant source of hydrology of the wetland are the creeks within its wider bed. The proposed Lot 2 building platform is within 100m of the large gully wetland, but does not occupy a critical source area, seepage or overland flow path that through its formation may **divert** contributing hydrology to cause :

- *NES F (2020) REG 52(1) complete or partial drainage of all or part of a natural inland wetland*
- *NES –F (2020) 54 (c) change the water level range or hydrological function⁴⁴ of the wetland.*

Uncontrolled point source discharge of stormwater and intersection of works with the proposed Lot 2 seepage basins and flushes/ overland flow paths directly hydrologically connected to the wetland should be avoided so not as to cause

- *PNRP Policy H.4.2 Minimum levels for lakes and natural wetlands : change in seasonal or annual range in water levels*
- *NES-F (2024) 54(d) change, or likely change, the water level range or hydrological function of the wetland*

Beyond regulatory requirements and impact management, protection and continued preservation of the mature PNA & Hardwood Remnant of *HIGH* significance would be suitable under one of the instruments recommended as per

- *FNDC Operative Plan 13.7.3.9 PRESERVATION OF HERITAGE RESOURCES, VEGETATION, FAUNA AND LANDSCAPE, AND LAND SET ASIDE FOR CONSERVATION PURPOSES (g)i a reserve or covenant under the Reserves Act.*
- *RATING RELIEF POLICY P21/01 LAND SUBJECT TO PROTECTION FOR OUTSTANDING NATURAL LANDSCAPE, CULTURAL, HISTORIC OR ECOLOGICAL PURPOSES CRITERIA 2(d) a management agreement for conservation purposes under Section 38 of the Reserves Act 1977*

⁴⁴ Not specifically defined in the NPS-FM or NES-F- includes elements of regulation, movement, and quality of water in the environment.

This requires legal agreement between the *Ministry*⁴⁵ and the *administering body*⁴⁶ (which may be the owner/s/) as to preserve the land for purpose specified in *RESERVES ACT (1977) Secs 17-21*, in this instance **SEC 20 NATURE RESERVES**, as most appropriate:

(1) for the purpose of protecting and preserving in perpetuity indigenous flora or fauna or natural features that are of such rarity, scientific interest or importance, or so unique that their protection and preservation are in the public interest.

Further Nature reserve general conditions refer *Appendix 1*. The land is then subject to general management requirements of the *Reserves Act Secs 93-105* as per

38 CONTROL AND MANAGEMENT OF LAND THAT IS NOT A RESERVE(3) *While an arrangement as aforesaid remains in force, sections 93 to 105 shall, as far as they are applicable and with the necessary modifications, apply to that land in all respects as if it were a reserve under this Act: provided that in their application to any such land sections 93 to 105 shall be read subject to any agreement between the owner, lessee, or licensee of the land and the Minister preserving to the owner, lessee, or licensee the right to do any act or thing forbidden by this Act.*

These conditions, along with *FNDC Policy P21/01* require a Management Plan *detailing how the values of the land will be maintained, restored and/or enhanced*⁴⁷.

Accordingly as per *FNDC Policy P21/01*, in order to gain rates relief the land *must not be in use*.

No indigenous vegetation clearance is required. Pasture in proposed Lot 2 works area should be grazed short prior to earthworks to avoid provision of shelter for kiwi/ or kiwi dog check prior to clearance.

Stock exclusion from the waterway & encompassing wetland was required 1/1/2025. As a standing requirement, action to this degree cannot be considered impact management or a positive effect of the subdivision activity.

The edges of the wetland, natural seepage basins and overland flow paths are suitable for with revegetation with a 2m band of flax or sedges, allowing for contour, as a riparian buffer to restore and protect from ingress and disturbance from residential occupation, providing joint functional purpose of aquatic function (attenuation; shade; sediment control; bank stabilization) and amenity with the rural landscape. The majority of sediment is trapped within the first 2m of a source by dense ground cover and this is considered an appropriate width. Along with the proposed Lot 3 Esplanade Reserve, this will retire land identified onsite as having a high phosphorous loss contribution, as a primary sediment nutrient contaminant of waterways.

Site procedures for residential and infrastructure development should include designated earthworks envelopes or marking of wetlands prior to ensure contractors avoid inadvertent incursion and unquantifiable effects including

- accidental discharge of fuels;
- clearance of undesignated areas;
- actions to take if native fauna is discovered in works area, injured or killed (contact consulting ecologist & /or DoC hotline -800 DOC HOT 0800 362 468)

⁴⁵ *Minister* means the Minister of Conservation

⁴⁶ administering body, in relation to any reserve, means the board, trustees, local authority, society, association, voluntary organisation, or person or body of persons, whether incorporated or not, appointed under this Act or any corresponding former Act to control and manage that reserve or in which or in whom that reserve is vested under this Act or under any other Act or any corresponding former Act; and includes any Minister of the Crown (other than the Minister of Conservation) so appointed

⁴⁷ FNDC RATING RELIEF POLICY P21/01 Conditions and Criteria 1)

Other *positive* effects of planting will be

- increase the ability of the site to accommodate diffuse runoff from upper pasture
- visual definition of the protected areas to future owners
- Increased diversity & territorial economics for fauna e.g. berries; nectar.

We recommended varieties are not used are eco-sourced and no kauri should be introduced.

Pest control is required indefinitely to maintain vegetation as functional habitat, as opposed to simple provision of cover. High value fauna present may exist in proximity to peri urban areas as long as there is sufficient functional habitat and pest control. Long term pest management coupled with habitat preservation will ensure the site's ability to support more individuals, concomitantly increasing survival.

Introduction of pets is a primary threat to fauna, particularly ground dwelling species. In respect of the *High Density Kiwi* (DoC 2018) zoning we recommend no cats and dogs are to be introduced on proposed Lot 2. The owner has undertaken consultation with DoC in regards to his requirement for a companion dog for medical reasons, with supporting evidence from a registered medical practitioner. We therefore support a condition for no increase in dogs for proposed Lot 1.

A Pest & Weed Management Plan should be developed as standard protection for the site values to remedy existing issues and increasing functionality revegetation habitat and regeneration potential. This will include management of proposed Lot 3 Esplanade Reserve prior to vesting, which as per standard Council requirement must be clear of species listed in the RPMS— currently common riparian tobacco weed & gorse (*Sustained Control* species).

Specifically, we recommend-

- Pasture in proposed Lot 2 to be grazed short prior to earthworks to avoid provision of shelter for kiwi/ or kiwi dog check prior to clearance
- Reserve / covenant conditions to include no outdoor fires; only indigenous species aligned with WF9 forest type; no floodlighting; outdoor lighting to be hooded and no blue light spectrum
- **BOTH LOTS** A formal **Pest Management & Weed Management Plan** specifying monitoring and reporting procedures prepared by a suitably qualified and experienced ecologist designed in general accordance with the EclA
 - predator control to provide higher functionality of habitat
 - browser control to allow establishment of revegetation and continued natural regeneration as the site develops
 - ongoing prevention/ removal of exotic infestations assisted by the browser control
 - effectively increasing *values* of wetland and protecting *extent* from invasion of non wetland shrubs and herbaceous species e.g. wild ginger (*Hedychium gardnerianum*); mistflower (*Ageratina riparia*)
 - Exotic vegetation which could adversely affect natural regeneration or local forest health is not to be introduced. This includes environmental weeds⁴⁸ and those listed in the National Pest Plant Accord⁴⁹.
- **LOT 2** No cats or dogs.
- **LOT 1** No cats. No increase in dog numbers proposed Lot 1 for the current owner

⁴⁸ McAlpine, K & Howell, C. Clayson (2024) List of environmental weeds in New Zealand. Science for Conservation Series 340, DoC Wellington

⁴⁹ Latest List - <https://www.mpi.govt.nz/dmsdocument/3664-National-Pest-Plant-Accord-manual-Reprinted-in-February-2020-minor-amendments-only>

CONCLUSION

This review included available documentation of the proposal and ecological context, the latter primarily from aerial photography and online mapping, complimented by fieldwork.

Natural inland wetland (NPS FM 2020) of seepage character subject to the National Environmental Standards for Freshwater NES – F (2020) is located onsite of MODERATE ecological value/ significance (EIANZ), derived from higher territorial economics for fauna; natural pattern; as CSA and buffering to the aquatic environments downstream.

The development site of proposed Lot 2 has *NEGLIGIBLE* significance. Potential adverse development and residential intensification effects have been pre-empted by their recognition in a strategy specifically to protect and enhance significance values of the wider overall development as an ecological unit.

Protection of the mature forest vegetation onsite and the wetland & creeks as an expansive ecological unit is proposed, and considered suitable for a formal instrument under the Reserves Act 1977, allowing rates relief as per FNDC Policy P21/01.

The proposal is undertaken with regard to the long term functionality and integrity of the wider environment, recognising the interdependency of the wetland, riparian area and connectivity through the landscape to the upper Waitangi River and PNA extent.

Although management actions are constrained to the property boundaries, positive gains will extend to neighbouring properties, consolidating efforts as part of recent parallel subdivision applications and reducing local pest populations. These integrated mechanisms will serve to commend persistent indigenous habitat and character within the majority of the headwaters extent. This will embed the increased residential occupancy in resilient and heightened amenity and ecological value with *VERY LOW* impact (EIANZ 2018) or *less than minor* level of effects with *gross positive* biodiversity and water protection gains.



REBECCA LODGE, PRINCIPAL ECOLOGIST

BScEcology PGDipSci (Distinction) Botany



APPENDIX 1: RESERVES ACT (1977) NATURE RESERVE CONDITIONS

20 NATURE RESERVES	
<i>(1) It is hereby declared that the appropriate provisions of this Act shall have effect, in relation to reserves classified as nature reserves, for the purpose of protecting and preserving in perpetuity indigenous flora or fauna or natural features that are of such rarity, scientific interest or importance, or so unique that their protection and preservation are in the public interest.</i>	
<i>(2) It is hereby further declared that, having regard to the general purposes specified in subsection (1), every nature reserve shall be so administered and maintained under the appropriate provisions of this Act that—</i>	
<i>(a) it shall be preserved as far as possible in its natural state:</i>	
<i>(a)</i>	<i>it shall be preserved as far as possible in its natural state</i>
<i>(b)</i>	<i>except where the Minister otherwise determines, the indigenous flora and fauna, ecological associations, and natural environment shall as far as possible be preserved and the exotic flora and fauna as far as possible be exterminated:</i>
<i>(c)</i>	<i>for the better protection and preservation of the flora and fauna in its natural state, no person shall enter the reserve, except under the authority of a permit granted under section 48A or section 57 or in accordance with a notice given under section 57(2) and, for the purposes of this paragraph, the expression enter the reserve shall, in the case of a nature reserve or part of a nature reserve that is an island or that comprises most of an island, be deemed to include any physical contact with the land by a boat; and for this purpose any physical contact with the land shall be deemed to include the attaching (by rope or otherwise) of a boat to the reserve or to a wharf constructed on or partly on the reserve:</i>
<i>(d)</i>	<i>where scenic, historic, archaeological, biological, geological, or other scientific features are present on the reserve, those features shall be managed and protected to the extent compatible with the principal or primary purpose of the reserve: provided that nothing in this paragraph shall authorise the doing of anything with respect to fauna that would contravene any provision of the Wildlife Act 1953 or any regulations or Proclamation or notification under that Act, or the doing of anything with respect to archaeological features in any reserve that would contravene any provision of the Heritage New Zealand Pouhere Taonga Act 2014:</i>
<i>(e)</i>	<i>to the extent compatible with the principal or primary purpose of the reserve, its value as a soil, water, and forest conservation area shall be maintained.</i>

APPENDIX 2: STATUTORY CONSIDERATIONS

FAR NORTH DISTRICT PLAN

The proposal has re orientated a subdivision scheme to a degree allowing residential functionality while recognising the waterways significance values.

This achieves the aspirations of the District Plan objectives and policies, instigating substantial enhancement, management protection of the site .

CHAPTER 12 INDIGENOUS FLORA & FAUNA

The proposal represents a development aligned with...

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

and recognises

POLICY 12.1.4.10(g) *the contribution of natural pattern, composition and extensive cover of indigenous vegetation to landscape values*

by instigating substantial revegetation and protection of the site in keeping with predicted local species WF11 type

The proposal is in line with **ENVIRONMENTAL OUTCOMES 12.2.2.** expectations for environmental values

12.2.2 OUTCOMES	
OUTCOME	PROPOSAL
12.2.2.1 Population numbers of rare and threatened species of flora and fauna are maintained or increased and their habitat enhanced.	Pest management to allow occupancy of resident or increasing fauna Protection of higher territorial economics of site and offsite waterway for any local or highly mobile species Diverse planting appropriate to local predicted forest type to minimum 10m riparian width
12.2.2.2 Existing areas of significant indigenous vegetation and significant habitats of indigenous fauna do not suffer further degradation, and are, where possible, managed to enhance the area, and new and/or alternative areas are developed.	Renders existing habitat more viable through exclusion, protection, weed and pest control. Bolstering of riparian hydrological protective capacity and diversity
12.2.2.3 The District's exceptional biological diversity, including its high level of endemism, is maintained and enhanced for national benefit.	Wide range of revegetation species, appropriate to the area, reference sites and types.
12.2.2.4 An increase in those areas of significant indigenous vegetation and significant habitats of indigenous fauna, which are formally protected.	YES formal protection proposed
12.2.2.5 The people of the Far North will have an increased awareness of the indigenous biodiversity of the area and a stronger commitment to its protection and enhancement.	The planting will provide a wider expression of natural local associations Protection is formalised in the Waitangi priority catchment

The proposal fits with **OBJECTIVES of 12.2.3** and **POLICIES 12.2.4**

12.2.3 OBJECTIVES	
OBJECTIVE	PROPOSAL
12.2.3.1 To maintain and enhance the life supporting capacity of ecosystems and the extent and representativeness of the Districts indigenous biological diversity	Riparian planting with weed/ pest control will greatly enhance condition, biodiversity and ecosystem services such as food provision, shading and connectivity through creation of "green infrastructure".
12.3.3.2 To provide for the protection of and to promote the active management of areas of significant indigenous vegetation and significant habitats of indigenous fauna.	Consideration of Regional Policy Statement Appendix 5 has established site vegetation & wetland to be significant. Management activities as before to be defined in the Pest & Weed Management Plan . Protective also of connectivity with Atkins Bush PNA P05/075
12.2.3.4 To promote an ethic of stewardship.	PWMP applies to all Lots

12.2.4 POLICIES	
POLICY	PROPOSAL
12.2.4.1 That areas of significant indigenous vegetation and significant habitats of indigenous fauna be protected for the purpose of promoting sustainable management with attention being given to: (a) maintaining ecological values; (b) maintaining quality and resilience; (c) maintaining the variety and range of indigenous species contributing to biodiversity; (d) maintaining ecological integrity; and (e) maintaining tikanga Maori in the context of the above	(a) there is not any net loss in ecological value, rather a NET GAIN (b) quality will be improved through riparian planting, as will resilience with pest and weed control © species diversity will be improved with respect to grazing exclusion and riparian planting to allow recovery (d) integrity of the proposal site including terrestrial and wetland will be restored with pest and weed control, e) beyond the scope of this report
12.2.4.2 That the significance of areas of indigenous vegetation be evaluated by reference to the criteria listed in Appendix 5 of the Northland Regional Policy Statement	YES
12.2.4.3 That adverse effects on areas of significant indigenous vegetation and significant habitats of indigenous fauna are avoided, remedied or mitigated by: (a) seeking alternatives to the disturbance of habitats where practicable; (b) managing the scale, intensity, type and location of subdivision, use and development in a way that avoids, remedies or mitigates adverse ecological effects; (c) ensuring that where any disturbance occurs it is undertaken in a way that, as far as practicable: (i) minimises any edge effects; (ii) avoids the removal of specimen trees; (iii) does not result in linkages with other areas being lost; (iv) avoids adverse effects on threatened species; (v) minimises disturbance of root systems of remaining vegetation; (vi) does not result in the introduction of exotic weed species or pest animals; (d) encouraging, and where appropriate, requiring active pest control and avoiding the grazing of such areas	(a) proposed Lot 2 site already impacted , located to avoid significant adverse effects (b) Extensive management proposed (c) YES (i) (ii) buffering of wetland vegetation (iii) riparian revegetation – positive effect iv) pre earthworks check for kiwi if pasture rank vi) & D) WMPM applies to both Lots (b) none anticipated. Designating works envelope for contractors proposed in detailed design to ensure no spill over into further areas (iv) As per management proposed buffering pest control Pre works checks, contractors earthworks envelopes (v) as before a works envelope and best practice clearance of revegetation areas to retain soil capacity and stability (vi) biosecurity included as standard in PWMP (d) no grazing occurs & PWMP to apply to all Lots
12.2.4.4 That clearance of limited areas of indigenous vegetation is provided for	Pastoral development area
12.2.4.5 That the contribution of areas of indigenous vegetation and habitats of indigenous fauna to the overall biodiversity and amenity of the District be taken into account in evaluating applications for resource consents.	A substantial, diverse and protected contribution is proposed

12.2.4 POLICIES	
POLICY	PROPOSAL
12.2.4.7 That community awareness of the need and reasons for protecting areas of significant indigenous vegetation and significant habitats of indigenous fauna be promoted	-
12.2.4.8 That restoration and enhancement of indigenous ecosystems is based on plants that would have occurred naturally in the locality and is sourced from local genetic stock where practicable.	Predicted potential riparian ecosystem type enhanced
12.2.4.10 In order to protect areas of significant indigenous fauna: (a) that dogs (excluding working dogs), cats, possums, rats, mustelids and other pest species are not introduced into areas with populations of kiwi, dotterel and brown teal; (b) in areas where dogs, cats, possums, rats, mustelids and other pest species are having adverse effects on indigenous fauna their removal is promoted	No cats No dogs proposed Lot 2. No increase in dog numbers proposed Lot 1 for the current owner Pest Control Plan
12.2.4.12 That habitat restoration be promoted	Habitat improvement through planting and pest control
12.2.4.13 That the maintenance of riparian vegetation and habitats be recognised and provided for, and their restoration encouraged, for the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna, preservation of natural character and the maintenance of general ecosystem health and indigenous biodiversity	The ecological measures to be undertaken are purposely anticipated to achieve these
12.2.4.14 That when considering an application to clear areas of significant indigenous vegetation or significant habitats of indigenous fauna, enabling Maori to provide for the sustainable management of their ancestral land will be recognised and provided for by Council.	None required

CHAPTER 12.7 LAKES RIVERS WETLANDS AND THE COASTLINE

12.7.2 OUTCOMES EXPECTED	
OUTCOME	PROPOSAL
12.7.2.1 Use of lakes and rivers which is appropriate in terms of the preservation of the natural character and values of these areas	The proposal includes riparian planting to enhance natural character and includes protection mechanisms as appropriate to significance of these areas as habitat
12.7.2.2 Riparian margins are enhanced.	The proposal incorporates this as a key theme through PWMP and formal protection instrument
12.7.2.3 Activities on, or adjoining, the surface of water bodies are carried out in a way which avoids, remedies or mitigates adverse effects on the environment	Proposed 2 site negligible value dry pasture and interaction with Critical source areas to waterways to be avoided
12.7.2.5 Enhanced public access to and along lakes, rivers and the coastal marine area	-

Objectives are met which promote these outcomes:

12.7.3 OBJECTIVES	
OBJECTIVE	PROPOSAL
12.7.3.1 To avoid, remedy or mitigate the adverse effects of subdivision, use and development on riparian margins.	The hierarchy has been applied within the scope of the proposal
12.7.3.2 To protect the natural, cultural, heritage and landscape values and to promote the protection of the amenity and spiritual values associated with the margins of lakes, rivers and indigenous wetlands and the coastal environment, from the adverse effects of land use activities, through proactive restoration/rehabilitation/revegetation.	Riparian revegetation to enhance existing vegetation and also establish new areas with pest and weed control in conjunction with formal protection in particular that contains the wetland creek
12.7.3.6 To protect areas of indigenous riparian vegetation: (a) physically, by fencing, planting and pest and weed control;	Throughout the proposal
12.7.3.7 To create, enhance and restore riparian margins.	Riparian revegetation, pest and weed control to improve overall condition

12.7.6.1.3 PRESERVATION OF INDIGENOUS WETLANDS

Any land use activity within an indigenous wetland of 200m² or more that does not change the natural range of water levels or the natural ecosystem or flora and fauna it supports is a permitted activity,

Aligned with PRPN Appendix H -Policy H.4.2 Minimum levels for lakes and natural wetlands:

There is no change in their seasonal or annual range in water levels.

The proposal is constructive in regard to assessment matters in 12.7.7 ASSESSMENT CRITERIA

12.7.7 ASSESSMENT CRITERIA	
CRITERIA	PROPOSAL
(a) the extent to which the activity may adversely affect cultural and spiritual values; (b) the extent to which the activity may adversely affect wetlands; (c) the extent to which the activity may exacerbate or be adversely affected by natural hazards; (d) the potential effects of the activity on the natural character and amenity values of lakes, rivers, wetlands and their margins or the coastal environment; (e) the history of the site and the extent to which it has been modified by human intervention; (f) the potential effects on the biodiversity and life supporting capacity of the water body or coastal marine area or riparian margins; (g) the potential and cumulative effects on water quality and quantity, and in particular, whether the activity is within a water catchment that serves a public water supply; (h) the extent to which any proposed measures will mitigate adverse effects on water quality or on vegetation on riparian margins; (i) whether there are better alternatives for effluent disposal; (j) the extent to which the activity has a functional need to establish adjacent to a water body; (k) whether there is a need to restrict public access or the type of public access in situations where adverse safety or operational considerations could result if an esplanade reserve or strip were to vest.	(a) outside scope of this report (b) avoidance has been implemented as key in the design. (c) outside scope Revegetation and amenity plantings will serve to reduce baseline runoff (d) values have been identified as per NPS-FM (2020) no values considered to be at risk (e) Reduced species diversity and pest/ weed pressure in pastoral area since >1950s (f) Addressed in Effects Management section. (g) incidental stormwater and sediment release during and post development to be addressed by engineering standards, no CSA in Lot 2 proposal area (h) as before (g) recovery from pastoral current state is anticipated through the proposal Active hydrology and CSA. encompassed in buffer planting to provide a Net positive Gain. planting will remedy historic clearance of riparian buffer for grazing (i) n/a (j) n/a (k) outside scope

PROPOSED NORTHLAND REGIONAL PLAN

The site has been considered in regard to Northland Regional Policy Statement Appendix 5 (2018) in order to evaluate potential impact of the proposal. Appendix 5 criteria encompass those in **District Plan Methods 12.2.5.6** for evaluating significance. Consideration has also been given to further Northland focused recommendations for significance evaluation⁵⁰

PROPOSED NORTHLAND REGIONAL POLICY STATEMENT

The assessment considers the currently proposed Northland Regional Policy Statement,

⁵⁰ Wildlands (2019) Guidelines for the application of ecological significance criteria for indigenous vegetation and habitats of indigenous fauna in the Northland region.

OBJECTIVE 3.4: INDIGENOUS ECOSYSTEMS AND BIODIVERSITY

Safeguard Northland's ecological integrity by:

- a) Protecting areas of significant indigenous vegetation and significant habitat of indigenous fauna*
- b) Maintaining the extent and diversity of indigenous ecosystems and habitats in the region; and*
- c) Where practicable, enhancing indigenous ecosystems and habitats, particularly where this contributes to the reduction in the overall threat status of regionally and nationally threatened species.*

The primary goal and methods of the proposal are closely aligned with the themes of Objective 3.4. Riparian revegetation and formal management aims to increase and link habitat provision of the proposal site. The increase in riparian buffer will promote heightened ecosystem function overall.

OBJECTIVE 3.15: ACTIVE MANAGEMENT

Maintain and/or improve

- a) The natural character of the coastal environment and freshwater bodies and their margins*
- d) Areas of significant indigenous vegetation and significant habitats of indigenous fauna (including those within estuaries and harbours)*

Objective 3.15(a)&(b) will be achieved by the provisions of the proposal- revegetation, protection, maintenance & monitoring including ongoing pest control. These represent a proactive approach to habitat stewardship to ensure the proposals goal and sustainability.

4.4.1 POLICY – MAINTAINING AND PROTECTING SIGNIFICANT ECOLOGICAL AREAS AND HABITATS

(1) In the coastal environment, avoid adverse effects, and outside the coastal environment avoid, remedy or mitigate adverse effects of subdivision, use and development so they are no more than minor on:

- (a) Indigenous taxa that are listed as threatened or at risk in the New Zealand Threat Classification System lists;*
- (b) Areas of indigenous vegetation and habitats of indigenous fauna, that are significant using the assessment criteria in Appendix 5;*
- (c) Areas set aside for full or partial protection of indigenous biodiversity under other legislation.*

The proposal has addressed adverse effects including directly relating to threatened and at species to a level deemed *VERY LOW* as per EIANZ guidelines which correlates to a less than minor effect. Positive effects are also resultant.



Far North
District Council

NOTICE OF WRITTEN APPROVAL

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

PART A – To be completed by Applicant

Applicant/s Name:	Stuart Beaven
Address of proposed activity:	757B Waimate North Road, Waimate North
Legal description:	Section 21 SO 462258
Description of the proposal (including why you need resource consent):	Proposal to subdivide the subject site to create one additional allotment as well as an esplanade reserve as a Non-Complying Activity under the FNDC ODP.
Details of the application are given in the attached documents & plans (list what documents & plans have been provided to the party being asked to provide written approval):	1. Subdivision scheme plan 2. _____ 3. _____ 4. _____ 5. _____ 6. _____

Notes to Applicant:

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

JS *LC*

PART B – To be completed by Parties giving approval

Notes to the party giving written approval:

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

Full name/s of party giving approval:

Leanne and Mark Christiansen

Address of affected property including legal description

Lot 2 DP566421 / 797C Waimate North Road, Waimate North

Contact Phone Number/s and email address

Daytime:

021 407 806

email:

cbnorthland@gmail.com

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

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

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

Signature



Date

10.8.2025

Signature

M Christiansen

Date

10.8.2025

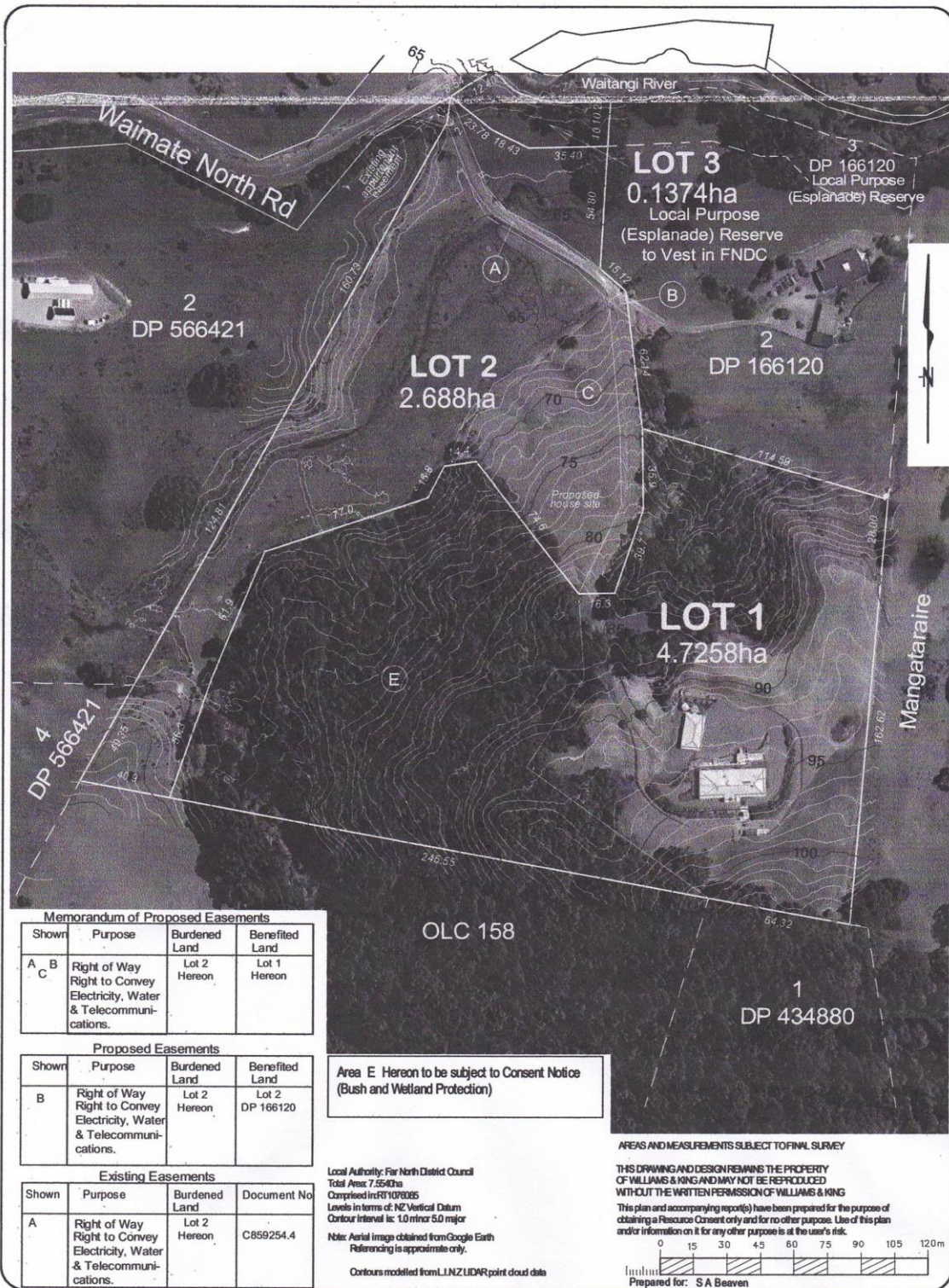
Signature

Date

Signature

Date





WILLIAMS AND KING
 Registered Land Surveyors, Planners &
 Land Development Consultants
 Ph: (09) 407 6030 27 Hobson Ave

Proposed Subdivision of Section 21 SO 462258

Survey	Name	Date
Design	W&K	Aug 2024
Drawn		

ORIGINAL SCALE SHEET SIZE
 1:1500 A3

24434

Handwritten signature/initials



Far North
District Council

NOTICE OF WRITTEN APPROVAL

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

PART A – To be completed by Applicant

Applicant/s Name:	Stuart Beaven
Address of proposed activity:	757B Waimate North Road, Waimate North
Legal description:	Section 21 SO 462258
Description of the proposal (including why you need resource consent):	Proposal to subdivide the subject site to create one additional allotment as well as an esplanade reserve as a Non-Complying Activity under the FNDC ODP.
Details of the application are given in the attached documents & plans (list what documents & plans have been provided to the party being asked to provide written approval):	1. Subdivision scheme plan 2. _____ 3. _____ 4. _____ 5. _____ 6. _____

Notes to Applicant:

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

K MC

PART B – To be completed by Parties giving approval

Notes to the party giving written approval:

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

Full name/s of party giving approval:

Megan and Roderick Chrisp

Address of affected property including legal description

Lot 4 DP566421 / 797B Waimate North Road, Waimate North

Contact Phone Number/s and email address

Daytime:

0212222840

email:

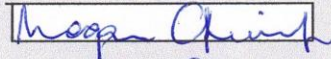
rod.basalt@gmail.com

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

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

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

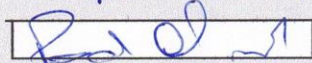
Signature



Date

10:8:25

Signature



Date

10:8:25

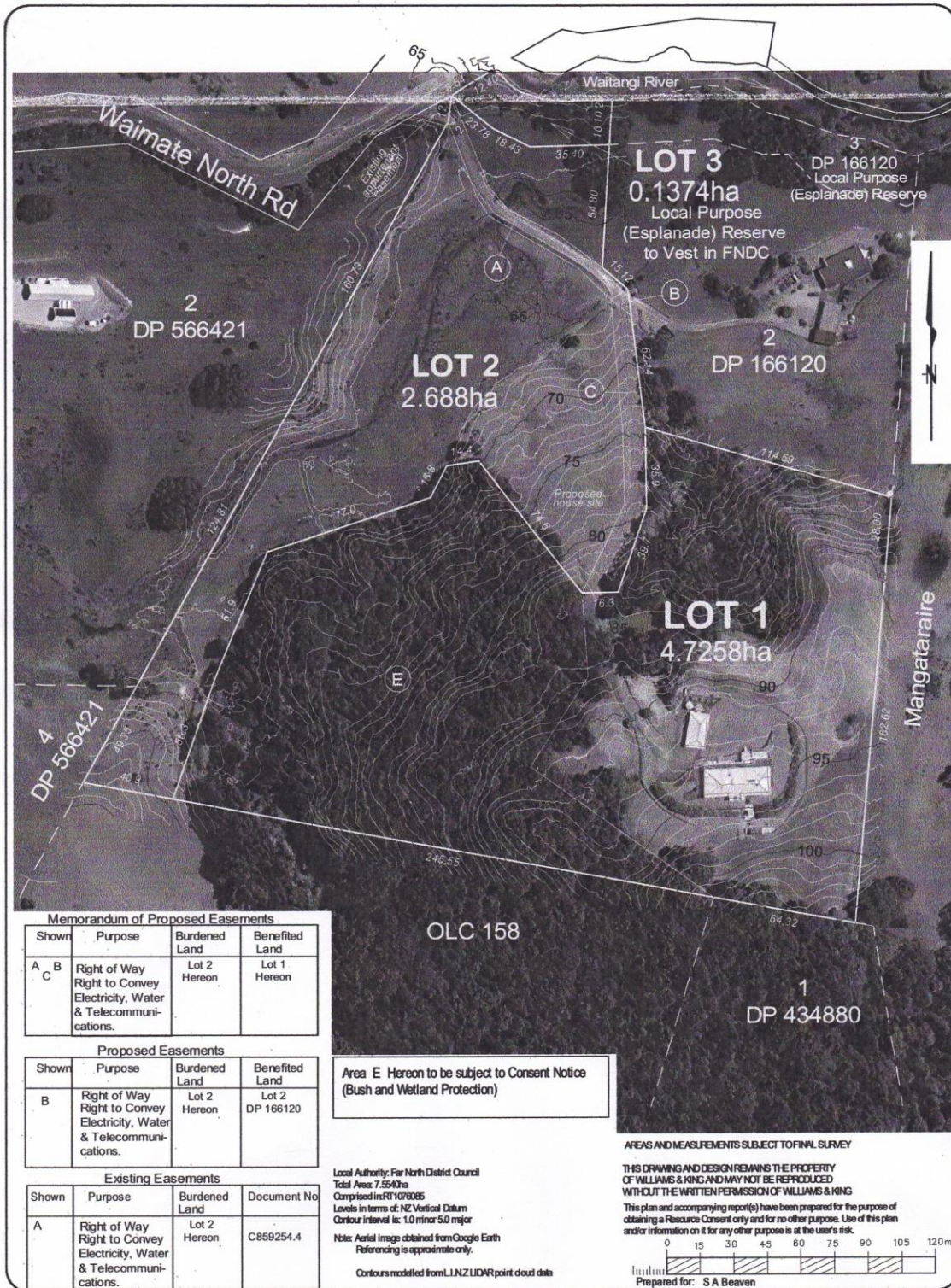
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Let's



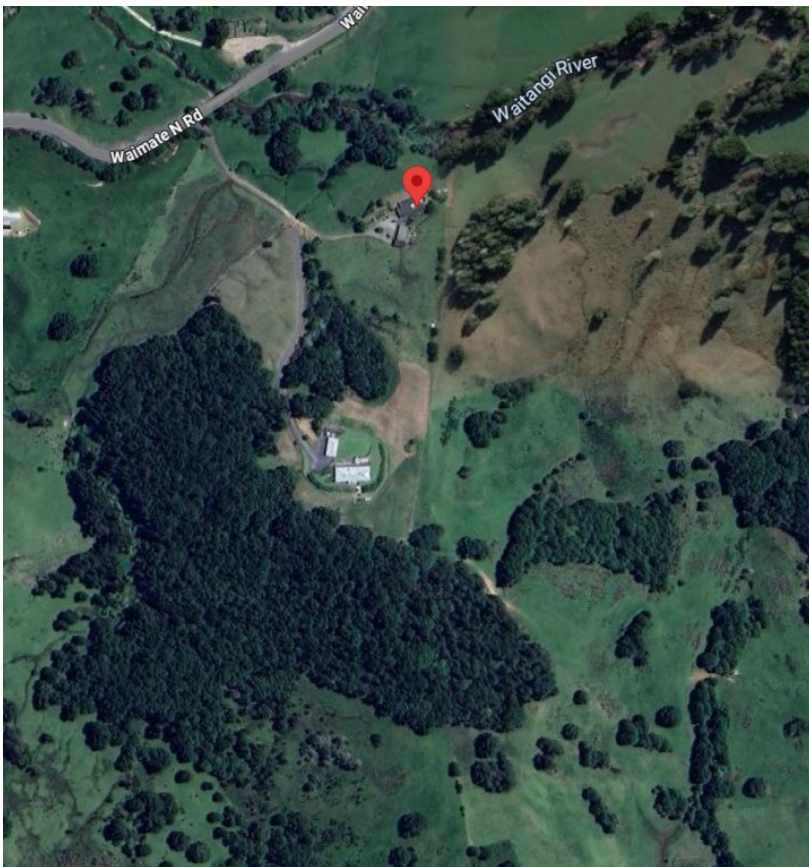
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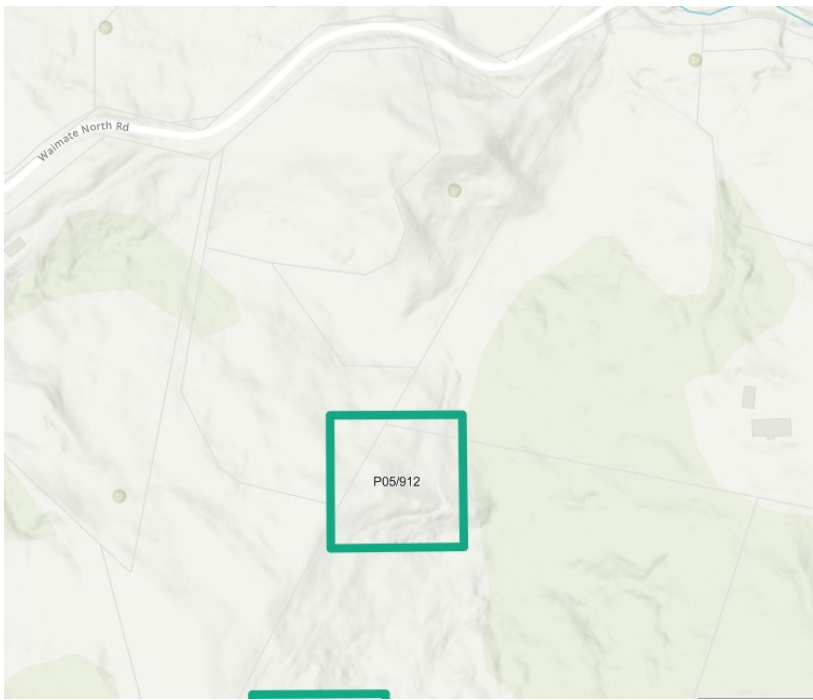
Alex Billot

From: Stuart Bracey <SBracey@heritage.org.nz>
Sent: Monday, 22 September 2025 2:42 pm
To: Alex Billot
Subject: FW: Request for comments - 757B Waimate North Road, Waimate North

Hi Alex,
I confirm only an APD approach will be required for this subdivision proposal,

Cheers,
Stuart





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

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

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

From: Alex Billot <Alex@northplanner.co.nz>
Sent: Monday, 22 September 2025 2:07 pm
To: Stuart Bracey <SBracey@heritage.org.nz>
Subject: Request for comments - 757B Waimate North Road, Waimate North

Hi Stuart,

We are in the process of completing a subdivision consent for 757B (Section 21 SO462258) Waimate North Road, Waimate North, which is just a couple of allotments over from the recent separate application I sent through to you for 797A Waimate North Road, Waimate North.

Similar to the subdivisions of 797A, 797B and 797C Waimate North Road, there is an area on site which has been identified as wetland and will be set aside as such. The existing area of PNA will also be formally set aside. The proposal will see one additional allotment created, with the proposed house site being shown on the scheme plan for the vacant lot (Lot 2). Lot 1 will contain the existing built development.



The scheme plan, EclA and Engineers Report are attached in the below link.

 [Beaven](#)

If you could please review the proposed application and advise if HNZPT have any comments to be included within the application, that would be greatly appreciated.

Please do not hesitate to get in touch if you require any further information.

Kind regards,



Alex Billot

Resource Planner

Offices in Kaitia & Kerikeri

☎ 09 408 1866

Northland Planning & Development 2020
Limited

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

Alex Billot

From: Lawrence Wharerau <Lawrence.Wharerau@fndc.govt.nz>
Sent: Friday, 1 November 2024 9:18 am
To: Alex Billot; Te Hono Support
Subject: Re: Contact Details for Iwi - Waimate North

My deepest apologies... slight typo. try;
joanne.civil.nz@gmail.com



Lawrence Wharerau

Kaiarahi Kaupapa Maori - Te Hono

M 274042162 | P 6494015384 | Lawrence.Wharerau@fndc.govt.nz

Te Kaunihera o Te Hiku o te Ika | Far North District Council

Pokapū Kōrero 24-hāora | 24-hour Contact Centre 0800 920 029

fndc.govt.nz



From: Alex Billot <Alex@northplanner.co.nz>
Sent: Friday, November 1, 2024 9:08 AM
To: Lawrence Wharerau <Lawrence.Wharerau@fndc.govt.nz>; Te Hono Support <tehonosupport@fndc.govt.nz>
Subject: RE: Contact Details for Iwi - Waimate North

CAUTION: This email originated from outside Far North District Council.

Do not click links or open attachments unless you recognise the sender and know the content is safe.

Mōrena Lawrence,

Just to let you know that the following email bounced back:

Joane Civil

Ngāti Hineira

joane.civil.nz@gmail.com

If you have another contact email or postal address, please let me know.

Thanks.

Kind regards,



Alex Billot

Resource Planner

Offices in Kaitia & Kerikeri

☎ 09 408 1866

Northland Planning & Development 2020 Limited

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

From: Alex Billot

Sent: Thursday, 31 October 2024 2:06 pm

To: Lawrence Wharerau <Lawrence.Wharerau@fndc.govt.nz>; Te Hono Support <tehonosupport@fndc.govt.nz>

Subject: RE: Contact Details for Iwi - Waimate North

That is great – thank you very much.

Kind regards,



Alex Billot

Resource Planner

Offices in Kaitaia & Kerikeri

☎ 09 408 1866

Northland Planning & Development 2020 Limited

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

From: Lawrence Wharerau <Lawrence.Wharerau@fndc.govt.nz>

Sent: Thursday, 31 October 2024 1:44 pm

To: Alex Billot <Alex@northplanner.co.nz>; Te Hono Support <tehonosupport@fndc.govt.nz>

Subject: Re: Contact Details for Iwi - Waimate North

Kia ora Alex,

Following is a list of people you may want to include in your mailout:

Joane Civil	Ngāti Hineira	joane.civil.nz@gmail.com
Whati Rāmekā	Ngāti Rēhia	whati@ngatirehia.co.nz
Rio Greening	Ngāti Korohue	riogreening@hotmail.com
Arnold Munsell	Ngāti Korohue	arnoldm86@windowslive.com
Ricky Ashby	Te Uri Taniwha	ricky.ashby@ngapuhi.org , wirikaire@gmail.com
Ziandra Ashby	Te Uri Taniwha	ziandra.ashby@corrections.govt.nz
Te Rau Allen	Te Whiu Hapū	terau.arena@icloud.com
Liliana Clarke	Ngāti Rangī	whetumarama@hotmail.com



Lawrence Wharerau

Kaiarahi Kaupapa Maori - Te Hono

M 274042162 | P 6494015384 | Lawrence.Wharerau@fndc.govt.nz

Te Kaunihera o Te Hiku o te Ika | Far North District Council

Pokapū Kōrero 24-hāora | 24-hour Contact Centre 0800 920 029

fndc.govt.nz



From: Alex Billot <Alex@northplanner.co.nz>

Sent: Thursday, October 31, 2024 12:42 PM

To: Lawrence Wharerau <Lawrence.Wharerau@fndc.govt.nz>; Te Hono Support <tehonosupport@fndc.govt.nz>

Subject: RE: Contact Details for Iwi - Waimate North

CAUTION: This email originated from outside Far North District Council.

Do not click links or open attachments unless you recognise the sender and know the content is safe.

Thank you Lawrence.

Do you have contact details on hand? Or are you able to advise where I can find contact details?

Kind regards,



Alex Billot

Resource Planner

Offices in Kaitia & Kerikeri

☎ 09 408 1866

Northland Planning & Development 2020 Limited

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

From: Lawrence Wharerau <Lawrence.Wharerau@fndc.govt.nz>

Sent: Thursday, 31 October 2024 12:41 pm

To: Te Hono Support <tehonosupport@fndc.govt.nz>; Alex Billot <Alex@northplanner.co.nz>

Subject: Re: Contact Details for Iwi - Waimate North

and Ngāti Rēhia, sorry...



Lawrence Wharerau

Kaiarahi Kaupapa Maori - Te Hono

M 274042162 | P 6494015384 | Lawrence.Wharerau@fndc.govt.nz

Te Kaunihera o Te Hiku o te Ika | Far North District Council

Pokapū Kōrero 24-hāora | 24-hour Contact Centre 0800 920 029

fndc.govt.nz



From: Lawrence Wharerau <Lawrence.Wharerau@fndc.govt.nz>

Sent: Thursday, October 31, 2024 11:54 AM

To: Te Hono Support <tehonosupport@fndc.govt.nz>; Alex Billot <Alex@northplanner.co.nz>

Subject: Re: Contact Details for Iwi - Waimate North

Ngāti Rangī, Ngāti Korohue, Te Uri Tahiwha, te Whiu Hapū...

Lawrence Wharerau



Kaiarahi Kaupapa Maori - Te Hono
M 274042162 | P 6494015384 | Lawrence.Wharerau@fndc.govt.nz

Te Kaunihera o Te Hiku o te Ika | Far North District Council

Pokapū Kōrero 24-hāora | 24-hour Contact Centre 0800 920 029

fndc.govt.nz



From: Te Hono Support <tehonosupport@fndc.govt.nz>

Sent: Thursday, October 31, 2024 11:33 AM

To: Alex Billot <Alex@northplanner.co.nz>; Te Hono Support <tehonosupport@fndc.govt.nz>

Cc: Lawrence Wharerau <Lawrence.Wharerau@fndc.govt.nz>

Subject: RE: Contact Details for Iwi - Waimate North

Ngati Rangi me thinks and Te Whiu. Lawrence can you confirm

From: Alex Billot <Alex@northplanner.co.nz>

Sent: Thursday, October 31, 2024 9:44 AM

To: Te Hono Support <tehonosupport@fndc.govt.nz>

Subject: Contact Details for Iwi - Waimate North

CAUTION: This email originated from outside Far North District Council.

Do not click links or open attachments unless you recognise the sender and know the content is safe.

Kia ora Te Hono,

We are completing 3x subdivision consents for neighbouring allotments in Waimate North.

Can you please advise of the contact details for Iwi in this area?

Thanks in advance.

Kind regards,



Alex Billot

Resource Planner

Offices in Kaitaia & Kerikeri

☎ 09 408 1866

Northland Planning & Development 2020 Limited

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

Northland Planning Development

From: Northland Planning Development
Sent: Friday, 1 November 2024 9:06 am
To: joane.civil.nz@gmail.com; whati@ngatirehia.co.nz; riogreening@hotmail.com; arnoldm86@windowslive.com; ricky.ashby@ngapuhi.org; wirikaire@gmail.com; ziandra.ashby@corrections.govt.nz; terau.arena@icloud.com; whetumarama@hotmail.com
Subject: RE: Request for comments - proposed subdivisions in Waimate North.
Attachments: Scheme Plan - 757B Waimate North.pdf

As per my email below, please find attached the scheme plan for 757B Waimate North Road.

Kind regards,



Alex Billot
Resource Planner

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

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

From: Northland Planning Development
Sent: Friday, 1 November 2024 9:03 am
To: joane.civil.nz@gmail.com; whati@ngatirehia.co.nz; riogreening@hotmail.com; arnoldm86@windowslive.com; ricky.ashby@ngapuhi.org; wirikaire@gmail.com; ziandra.ashby@corrections.govt.nz; terau.arena@icloud.com; whetumarama@hotmail.com
Subject: Request for comments - proposed subdivisions in Waimate North.

Tēnā koutou,

We are preparing 3x independent subdivision applications at 797B (Lot 4 DP566421), 797C (Lot 2 DP566421) and 757B(Section 21 SO462258) Waimate North Road, Waimate North.

Each lot will be subdivided to create one additional allotment. Please find attached the scheme plans for 797B and 797C and I will send the scheme plan for 757B in a sperate email as the file size is too large to send as one. The subdivisions of 797C and 757B also include bush and/or wetland areas that will be formally protected by consent notice, as shown on the attached scheme plans. 757B will also include an area set aside for esplanade reserve.

Northland Planning Development

From: Northland Planning Development
Sent: Friday, 1 November 2024 9:22 am
To: 'joanne.civil.nz@gmail.com'
Subject: RE: Request for comments - proposed subdivisions in Waimate North.
Attachments: Scheme Plan - 757B Waimate North.pdf

As per my email below, please find attached the scheme plan for 757B Waimate North Road.

Kind regards,



Alex Billot
Resource Planner

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

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

From: Northland Planning Development
Sent: Friday, 1 November 2024 9:20 am
To: joanne.civil.nz@gmail.com
Subject: Request for comments - proposed subdivisions in Waimate North.

Kia ora,

We are preparing 3x independent subdivision applications at 797B (Lot 4 DP566421), 797C (Lot 2 DP566421) and 757B(Section 21 SO462258) Waimate North Road, Waimate North.

Each lot will be subdivided to create one additional allotment. Please find attached the scheme plans for 797B and 797C and I will send the scheme plan for 757B in a sperate email as the file size is too large to send as one. The subdivisions of 797C and 757B also include bush and/or wetland areas that will be formally protected by consent notice, as shown on the attached scheme plans. 757B will also include an area set aside for esplanade reserve.



RMASUB - 2200445 was approved on 17th December 2020, which created Lots 2 & 4 DP566421. As part of this subdivision resource consent application, an Archaeological Assessment was completed by Mr Donald Price which assessed both of the lots as part of the subdivision. It was determined within Mr Price's report that there were no archaeological features found within the assessed areas of the lots, however there were archaeological sites within the adjoining lot OLC158.

A consent notice condition was imposed on the decision document for Lot 4 DP566421, which required a 20 metre setback from the boundary to the east, to ensure that the archaeological sites on the adjoining lot were not affected.

This has been registered on the title for Lot 4 DP566421.

If comments could be provided on the proposed subdivisions, that would be greatly appreciated.

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

Thanks in advance.

Kind regards,



Alex Billot

Resource Planner

Offices in Kaitaia & Kerikeri

☎ 09 408 1866

Northland Planning & Development 2020 Limited

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

Rochelle

From: Lara McDonald <lmcdonald@doc.govt.nz>
Sent: Monday, 9 December 2024 7:57 am
To: Rochelle
Subject: RE: Medical Certificate - Kiwi

Kia ora Rochelle,

Will leave it to FNDC as the decision makers to apply the practice note.

In saying that, grandfathering or restricting the total number of dogs to what is existing would be in line with the directive to not increase pet numbers on the site.

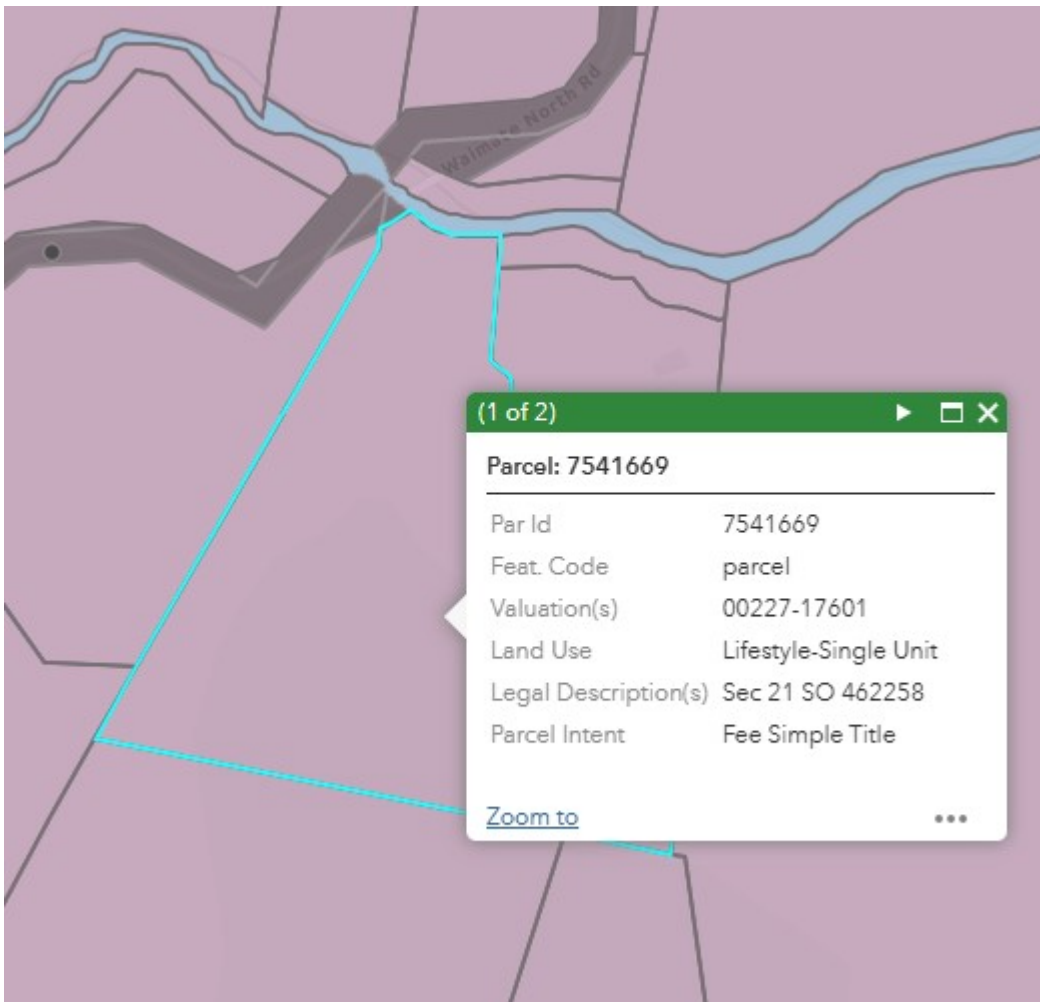
Lara

From: Rochelle <rochelle@northplanner.co.nz>
Sent: Friday, 6 December 2024 9:34 am
To: Lara McDonald <lmcdonald@doc.govt.nz>
Subject: Medical Certificate - Kiwi

Good Morning Lara,

I have a client who is wanting to subdivide his property to create one additional allotment. He is an older gentleman who lives alone and has an older title. He currently has one dog.

As part of the process, I have identified that he is in a high kiwi density area.



His current dog provides him with emotional health and wellbeing support and also companionship. His doctor has provided a letter of support in this regard which I am happy to send you.

Given the above, would the Department support our application to seek a grandfather clause on the client rather than on his dog in this instance? His property around his dwelling is fully fenced such that the dog cannot escape or roam the property. I am happy to send you photos of the existing fencing situation if this would be of assistance.

As part of the subdivision, we are looking to permanently protect an area of bush on the property and a wetland area both of which would have positive ecological effects. The proposed new title would not allow for cats, dogs or mustelids.

We would appreciate any feedback you can provide in this instance and are happy to further discuss any details on a consent condition or additional works which would improve the current situation.

Kind regards,



Rochelle Jacobs

Director / Senior Planner

Offices in Kaitaia & Kerikeri

☎ 09 408 1866 | 📠 027 449 8813

Northland Planning & Development 2020
Limited

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*Time Depth Enterprises
Heritage Consultants
PO Box 91 Tryphena, Aotea/Great Barrier Island
Mobile (027) 280-8614 Email: donaldp67@gmail.com*

**PROPOSED SUBDIVISION OF 797 WAIMATE
NORTH ROAD, WAIMATE NORTH**

**ARCHAEOLOGICAL SURVEY AND
ASSESSMENT of EFFECTS**

Prepared for

Thomson Survey Ltd & Aroona Equestrian Ltd

by

Don Prince

August 2020

PROPOSED SUBDIVISION OF 797 WAIMATE NORTH ROAD, WAIMATE NORTH: ARCHAEOLOGICAL SURVEY AND ASSESSMENT

Introduction

This archaeological survey and report was carried out at the request of Lynley Newport of Thomson Survey Ltd on behalf of the owners, Aroona Equestrian Ltd, in order to determine if archaeological features/sites will be affected by the proposed rural residential subdivision at 797 Waimate North Rd, Waimate North. The application site is bounded by Waimate North Rd to the north and rural property to the south, east and west (Figure 1). This archaeological survey and assessment is confined to the landscape of the proposed right-of-ways, new building platforms and landscape in their immediate vicinity as shown in Figure 1. Therefore, this report should not be considered a total survey of the property. The 18.8865-hectare property is legally described as Lot 5 DP 472951 and is generally referred to as ‘the property’ in this report. This survey is part of the required assessment of effects in support of a subdivision application.

Iwi consultation is being carried out separate to this report.

Statutory Requirements

The statutory requirements relating to the archaeological and other heritage values of the project area are outlined below.

Two major Acts govern the management of heritage sites in NZ:

- The Resource Management Act 1991 (RMA)
- The Heritage NZ Pouhere Taonga Act 2014 (HNZPTA)

Under the RMA archaeological and other historic heritage sites are resources that should be sustainably managed by “avoiding, remedying or mitigating any adverse effects of activities on the environment” (Section 5 (2) (c)).

Under Section 6 of the RMA 1991 it is recognised as a matter of national importance that “all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall recognise and provide for the following matters of national importance: (e) relationship of Maori and their culture and traditions with their ancestral lands, water, wahi tapu and other taonga [and] (f) the protection of historic heritage from inappropriate subdivision, use and development”.

The RMA defines historic heritage as “those natural and physical resources that contribute to an understanding and appreciation of New Zealand’s history and cultures, deriving from any of the following qualities: (i) archaeological; (ii) architectural; (iii) cultural; (iv) historic; (v) scientific; (vi) technological” (RMA Section S2).

Historic heritage includes: (i) historic sites, structures, places and areas; (ii) archaeological sites; (iii) sites of significance to Maori, including wahi tapu; (iv) surroundings associated with the natural and physical resources”.

The archaeological remains within the study area constitute historic heritage as defined under the RMA, and their protection should be recognised and provided for when managing the proposed project.

In addition to the requirements of the RMA (1991), the Heritage NZ Pouhere Taonga Act 2014 (HNZPTA) protects all archaeological sites whether recorded or not, and they may not be damaged or destroyed unless an Authority to modify an archaeological site has been issued by the Heritage NZ Pouhere Taonga (HNZPT).

An archaeological site, as defined by the HNZPTA (2014) is, a place associated with pre-1900 human activity, where there may be evidence relating to the history of New Zealand. A place associated with post-1900 human activity may be declared by gazettal as an archaeological site under the Act. Archaeological sites may not be destroyed damaged or modified except pursuant to an authority granted under the HNZPTA (2014).

Authorities to modify archaeological sites can be applied for under a general authority, in respect to a particular site or sites, or for all sites that may be present within a specific area. Applications made under a general authority may require approval by the Maori Heritage Council of the HNZPT. The tangata whenua should

be consulted regarding applications to modify or destroy archaeological sites which have Maori cultural associations.

Note that 20 or 40 working days should be allowed for the processing of authorities, which include a statutory stand down period of 15 working days before an authority may be exercised.

All archaeological remains and historic places within the project area are protected under the provisions of the HNZPTA and may not be damaged, modified or destroyed without an Authority from HNZPT.

There are no registered wahi tapu within the project area.

Implementation of the RMA in relation to Waimate North is undertaken by the Far North District Council.

Other Legislation:

- Coroners Act 2006, requires that “a person who finds a body in NZ must report that finding to a member of the police as soon as practicable”.
- Burial and Cremation Act 1964, controls the burial, cremation, and exhumation of bodies as well as the management of burial grounds and cemeteries. Conditions of the Act make it an offence to “remove any body or the remains of any body buried in a cemetery, Maori burial ground or other burial ground or place of burial without licence under the hand of the Minister [Health]”.
- The Protected Objects Act 1975 is administered by the Ministry for Culture and Heritage and regulates:
 1. Export of protected NZ objects
 2. Illegal export and import of protected NZ and Foreign objects
 3. Sale, trade and ownership of taonga tuturu.

Any taonga tuturu (Maori artefacts) discovered must be notified to the Ministry which will determine their custody in consultation with tangata whenua. The Act also covers goods or samples associated with burials.

Summary

The current proposal will create a 4-lot subdivision of the property, note that Lot 3 of the proposal has been developed and therefore excluded from this assessment (Figure 1). Although only general details regarding the required ground disturbance were available at the time of writing it is understood building platforms, vehicle access, effluent disposal and installation of utilities are required.

Background research failed to identify any previously recorded archaeological sites within the property and no intact archaeological sites were identified during the current inspection. However, four archaeological sites have been identified within the property's vicinity (Tables 1 & 2) including P05/912 consisting of two rectangular crop storage pits a short distance to the property's east (Figure 1).

As a result of the negative findings of the research and on-site inspection it is not necessary at this point in time to seek and obtain an authority from HNZPT to modify or destroy archaeological features. However, the proximity of site P05/912 indicates that development within the property requires a cautious approach .

In addition, in the event that archaeological evidence is encountered during earthworks associated with the upgrades then the Accidental Discovery Protocol (ADP) contained within this assessment must be followed.

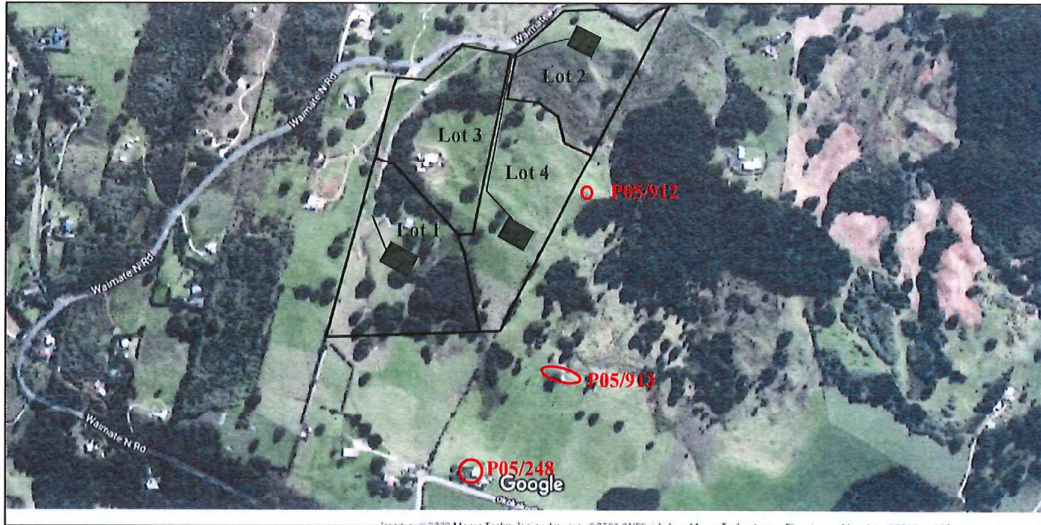


Figure 1: Proposed subdivision layout plan (Thomson Survey Ltd June 2020) with approximate location and extent of building platforms and ROW'.

Constraints and Limitations

This report is based on research of the available historic records, NZAA's digital database, early 20th century survey plans and a visible site inspection with limited subsurface testing.

The field inspection was limited to a visible examination of the proposed vehicle accesses and building platforms (Figure 1) with sub-surface testing limited to probing. One record of archaeological excavation/mitigation (Johnson & Callaghan 2015) within the area was found.

It should be noted that as an assessment of cultural values can only be competently made by the affected tangata whenua, this report does not address cultural values.

Methodology

Lynley Newport provided early survey plans and details relevant to the subdivision. The NZ Archaeological Associations Online Digital Site Record File (ArchSite) was searched for archaeological sites recorded on or in the vicinity of the property. Historic records, including early survey plans, were examined for historic/archaeological information relevant to the property and immediate area. A visual inspection with limited subsurface testing was carried out of the property focusing on landscapes affected by the proposed subdivision. Soil profiles were

examined for evidence of earlier modification such as modified soils, storage pits or the presence of soil modification, shell midden and hangi. It should be recognised that archaeological survey techniques cannot provide evidence for the absence of subsurface archaeological features or deposits. Surface visibility at the time of inspection was adequate for archaeological assessment.

Results

Cultural Setting

Consultation with tangata whenua is being carried out separate to this report. An assessment of the cultural significance can only competently be made by the affected tangata whenua. Archaeological survey cannot necessarily detect sites of traditional significance to Maori, or wahi tapu. It should be noted that an assessment of cultural significance might not necessarily correspond with an assessment of archaeological significance.

Physical Setting

The property is located on the northern edge of an extensive tableland with steep slopes falling to the Waipapa Stream. The landscape currently proposed for development consist predominantly of grazing pasture with a small number of remnant native tree species.

The areas soils are predominantly clay loams common to Waimate North (Sutherland et al in Johnson & Callaghan 2015:1).

Post 1900 modifications to the property are farm related with fenced grazing paddocks and farm tracks and formed, unsealed vehicle access. Otherwise, the original contour of the property appears largely unmodified.

Previous Archaeological Research

It appears a small number of previous archaeological surveys focused on specific land parcels have been carried out within the general area of the property. As a result, it is likely the recorded archaeological inventory for the area is under representative.

Background research failed to identify any previously recorded archaeological sites within the property but, P05/912 (comprised of two crop storage pits) and P05/913 (historic house site and dry stonewall) are located short distances to the property's east (Figure 3 & Table 1). A range of other sites have also been identified within the general area including a pa (P05/248) recorded from anecdotal evidence and Bedggood and Pugh's flour mill and biscuit factory (P05/267) to the south (Table 2).

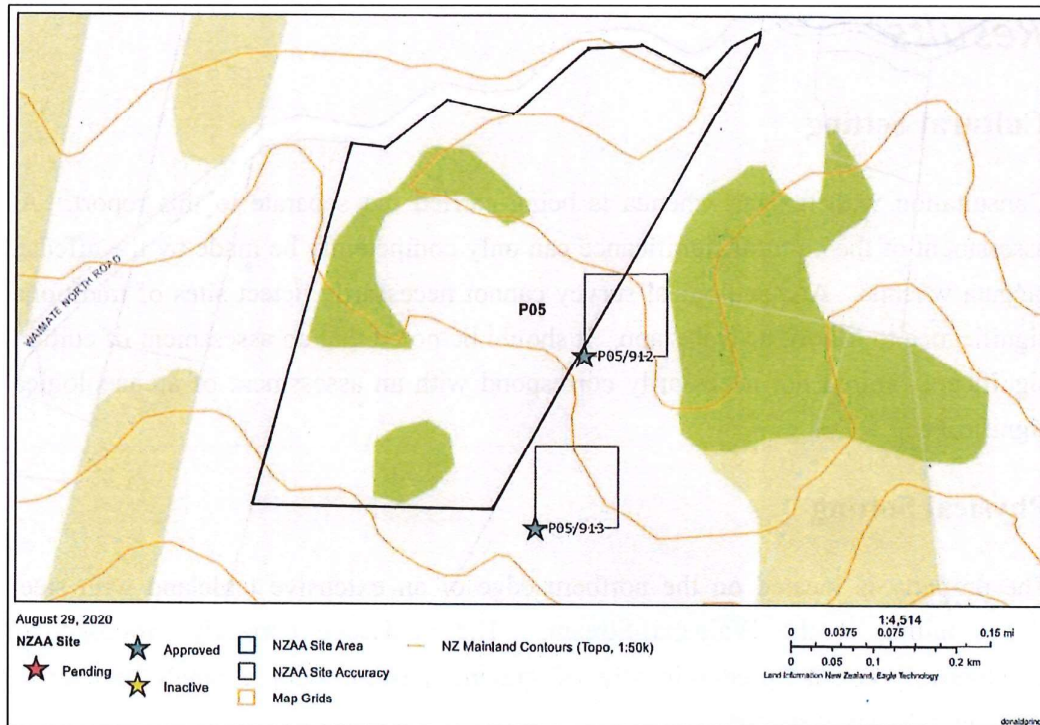


Figure 3: Spatial image of nearest recorded archaeological sites and development property (ArchSite July 2018).

Site No.	Site Type	NZTM Co-ordinates	Recorder & Date
P05/912	Pits	E1681780/N6093275	Bruce 2003
P05/913	Historic villa & dry stonewall	E1681720/N6093065	Bruce 2003

Table 1: Nearest recorded archaeological sites to the property (ArchSite August 2020).

Site No.	Site Type	NZTM Co-ordinates	Recorder & Date
P05/248	Pa	E1681585/N6092775	Lawns 1971
P05/267	Flour mill	E1681475/N6092545	Spencer & Pidgeon 1980

Table 2: Archaeological site recorded within the general vicinity of the property (ArchSite August 2020).

Historic Records

Historic literature relevant to Waimate North and survey plans dating to the early 20th century (Figures 4 - 6) were examined for information relating to the early occupation of the property.

Part of the large Rangu Block (No.6c Figure 6) the property's original owner was a wheel wright, John Bedggood, who came to the area working for the Church Mission Service's (CMS) Waimate North station. Bedggood left the Mission Station in 1841 by which time he owned property part of which is the current survey property (Johnson & Callaghan 2015:3-4). In 1859 Bedggood sold the survey property to John Pugh (Figure 4) with whom he constructed and operated the flour mill and biscuit factory recorded as P05/267. Prior to the current owners the Cook family owned and farmed this and neighbouring properties for three generations (pers com. Rui Martins of Aroona Equestrian Ltd July 2020).

As can be seen on ML 178 (Figure 5) the property is part of a landscape named "Taumata Tirepa". No information regarding the naming has as yet been found but tangata whenua consultation may shed some light on its origin and meaning.

Little further specific information regarding Bedggood or Pugh's or any other 19th or early 20th century occupation was sourced. But it is noted that by 1866 the property had been cleared (Figure 5) and described in 1913 as poor gum land with gentle slopes (Figure 6).

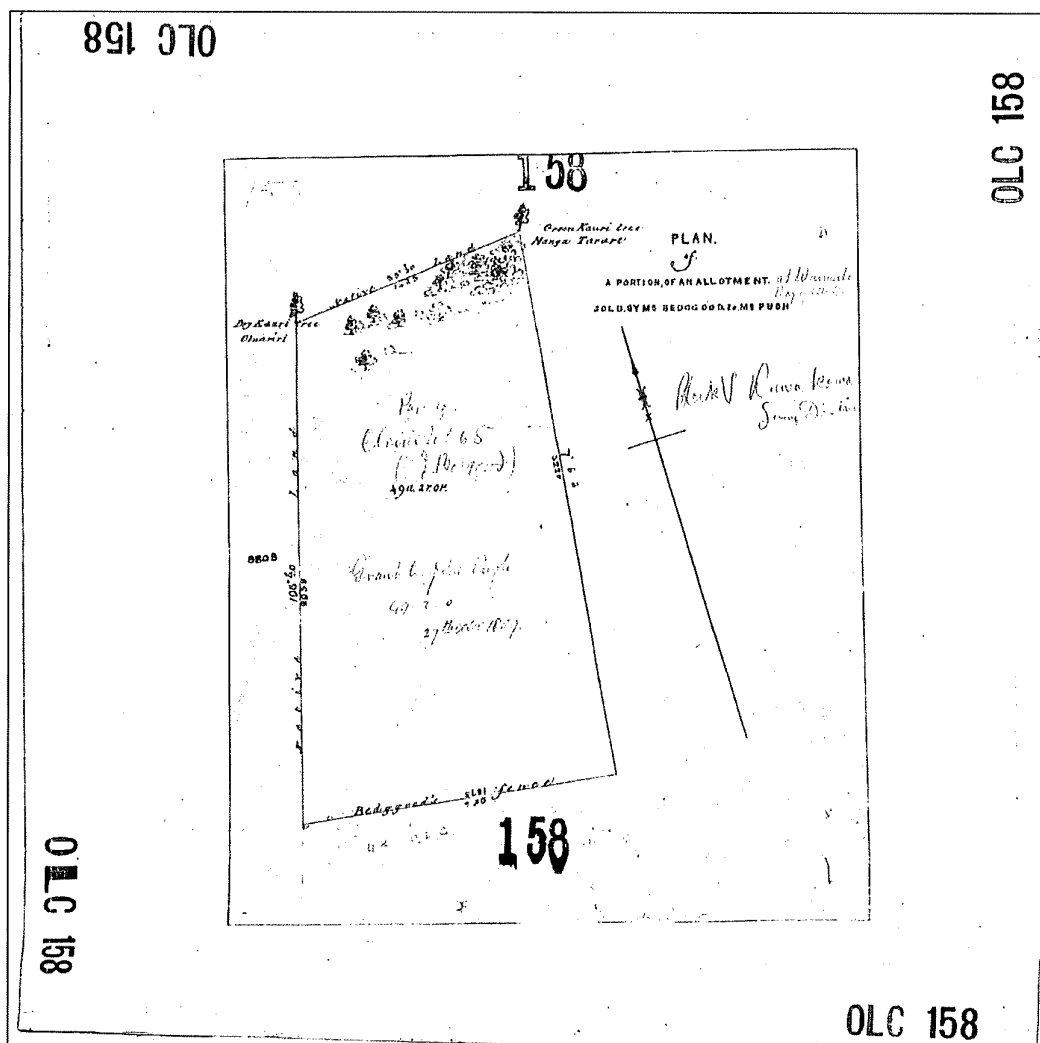


Figure 4: Old Land Claim dated (1859) showing the property passing from Bedggood to Pugh.

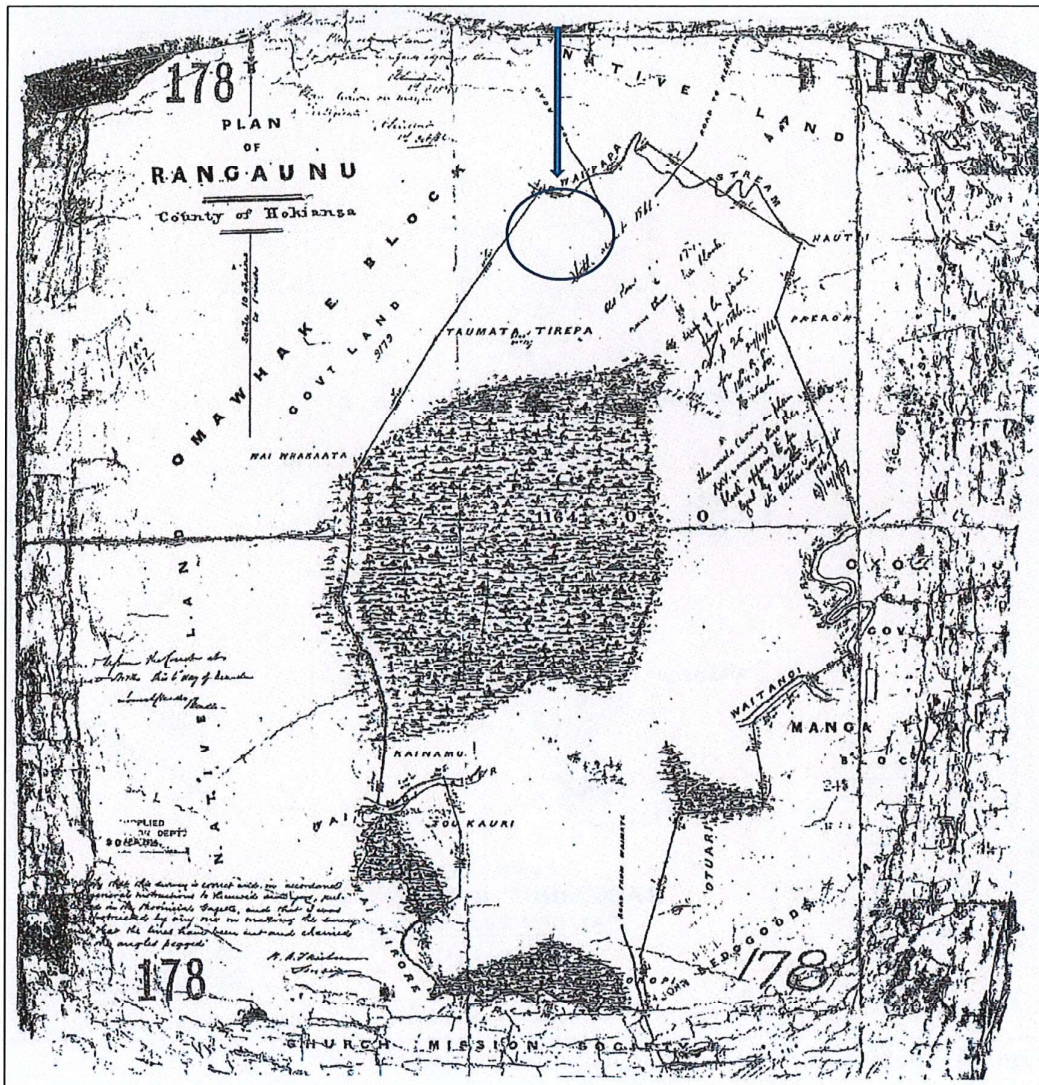


Figure 5: ML 178 dated 1866 with the property appearing to be part of a landscape named Taumata Tirepa.

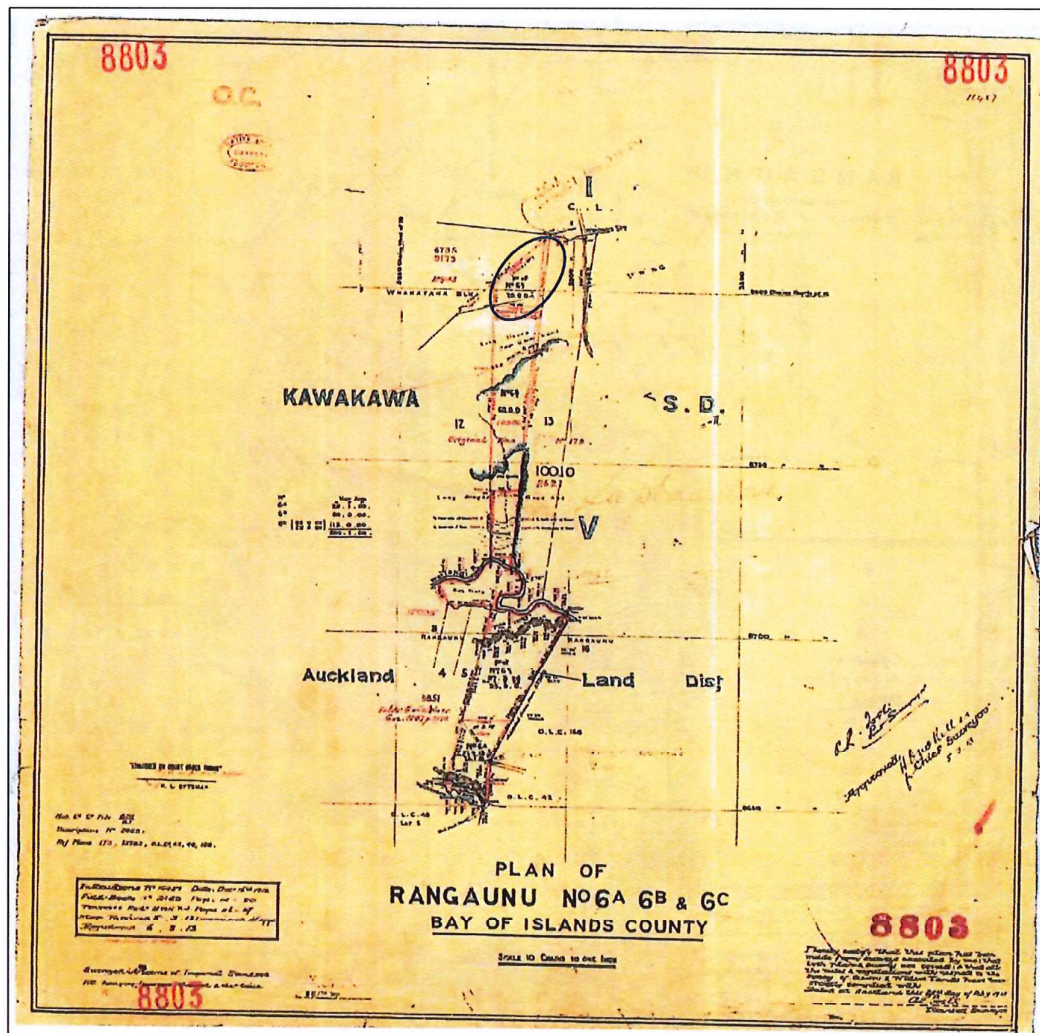


Figure 6: ML 8803 dated 1913 showing the property circled in blue.

Site Inventory

Although no sites have been identified within the property sites have been identified in proximity and are discussed below.

P05/248 Reported pa

In 1971 a pa was recorded from anecdotal evidence that the paddock on the north side of the prominent bend on Okokako Rd (Figure 1) where Cook's house stands was known as "pa paddock" (Mrs. Adkins 1971 SRF P05/248). However, the recorder, Lawns, interviewed other residents including Mr. Cook, examined the paddock and historic records and failed to identify any evidence that a pa existed at the location.

P05/912 Pits

Two open rectangular pits were identified on a small spur knoll by Ivan Bruce in 2003 during an archaeological inspection of 771 Waimate North Rd for P. & S. Cook (Bruce 2003 SRF P05/912). The site is located c.20m down slope east of Lot 4's boundary fence and approximately 80m northeast of the lot's building platform (Figure 1).

The pits are poorly defined, their side walls having suffered from stock trampling exacerbated by erosion. Commonly associated with crop storage, they are indicators of short to medium term gardening by pre-European Maori.

While the current proposal is no threat to the sites integrity its location does indicate gardening occurred in the area and that a cautionary approach should be taken with development of Lot 4. Following consultation Lot 4's building platform was moved west and south away from the spur on which the site is situated.

P05/913 Historic villa and dry stonewalling

Also identified by Bruce in 2003 this site consists of the derelict remains of a villa with newspaper dating to 1898 present under scrim and two sections of dry stonewalling one of which runs for c.50m (Bruce 2003 SRF P05/913). The structures are located at the base of a slope falling north from Okokako Rd to the east of the property's southeastern corner (Figure 1).

The current proposal will have no effect on the site.

Field inspection

Don Prince carried out an archaeological field inspection of the landscape proposed for subdivision on July 23, 2020.

At the time of inspection, the landscape currently proposed for development consisted of fenced paddocks rotationally grazed with numerous surface rock and rocky outcrops along with specimen and blocks of native trees. Ground surface visibility was generally good.

No in situ archaeological features were identified during the current inspection. However, the presence of crop storage pits (P05/912) a short distance to the east of the Lot 4's east boundary indicate the possibility that ground disturbance associated

with residential development may encounter undetected subsurface archaeological evidence. Therefore, the Accidental Discovery Protocol below should be made available and explained to all contractors involved in the development along with their responsibilities under the HNZPT Act (2014). In addition, as the current inspection was confined to the designated building platforms and vehicle access alignments, if future lot owners wish to build or carry out earthworks beyond the assessed areas, they would be responsible for obtaining an assessment by a suitably qualified archaeologist.

Proposed Lots

Lot 1 (5.03-hectares)

Located in the property's southwest this lot has a large implement shed, formed access drive and blocks of native trees (Figure 1). The lot's proposed building platform is a level grassed area to the south of the shed to be accessed from the existing driveway.

No visible archaeological features were detected during the current inspection.

Lot 2 (4.3-hectares)

Boarded by Waimate North Rd to the north with Waipapa Stream forming a natural boundary to the south, this lot is located in the property's northeast (Figure 1). With vehicle access from the existing farm access off Waimate North Rd a building platform is proposed for an elevated and extensive ridge knoll with panoramic views over the surrounding landscape.

The current inspection failed to identify any visible archaeological features.



Figure 7: Lot 2 building platform viewed from the east (Prince 2020).

Lot 3 (4.4-hectares)

Forming the northwest portion of the property this lot has the property's existing dwelling and no further development within the lot is contained in the current proposal and therefore excluded from the inspection.

Lot 4 (5.1-hectares)

Consisting of moderate slopes falling north to the Waipapa Stream the lot is to be accessed from the existing access off Waimate North Rd crossing the Waipapa Stream to proceed upslope to the building platform (Figure 1). The slopes have three large, natural transverse terraces the central of which is proposed for the lot's building platform (Figures 1 & 8).

Eroding out of the terraces' frontal scarps can be seen numerous weathered boulders. Similar boulder strewn landscapes associated with the inland Bay of Islands Volcanics such as Puketona are associated with pre-European gardening with visible stone features including propagation stone heaps and low stonewall alignments. The current inspection of the slopes failed to identify any such features. But, given the proximity of the lot to site P05/912 (two crop storage pits) it is possible the gardening associated with the site may have occurred on the terraces. It has to be noted that identification of gardening soils is extremely difficult requiring extensive soil removal along with comparative examination of subsoil profiles and expert soil analysis. It is therefore recommended that a cautious approach is taken to the development of the lot with the potential and ADP below conveyed to future owners and contractors.



Figure 8: Lot 4 viewed from the north (Prince 2020).

Effects

No known archaeological sites/features will be affected by the proposed residential subdivision of the property. The presence of pre-European crop storage pits on an east falling spur to the east of Lot 4 indicate the necessity for a cautious approach to development. However, based on the negative results of this assessment it is the opinion of the author that it is not necessary to seek and obtained an authority to modify or destroy archaeology from HNZPT under conditions contained in the HNZPT Act (2014). In addition, if in the event that undetected subsurface features are encountered during earthworks related to the establishment of the subdivision the Accidental Discovery Protocol (ADP) contained in this report should be adhered to.

Accidental Discovery of New Archaeological or Cultural Heritage Sites

If any new archaeological or cultural heritage sites are exposed during works, then the following procedures should apply (Note that this protocol does not apply when an archaeological authority issued under the HNZPT Act (2014) is in place):

1. Immediately it becomes apparent that an archaeological or traditional site has been exposed all works within 20m of the site should cease.
2. The contractor must shut down all machinery, secure the area and advise the site manager.
3. The site manager shall secure the site and notify HNZPT Regional Archaeologist. Further assessment by an archaeologist may be required.
4. If the site is of Maori origin the site manager shall notify the HNZPT Regional Archaeologist and the appropriate iwi groups or kaitiaki representative of the discovery and ensure site access to enable appropriate cultural procedures and tikanga to be undertaken, as long as all statutory requirements under legislation are met (*HNZPT Act & Protected Objects Act*).
5. If human remains (koiwi tangata) are uncovered the site manager shall advise the HNZPT Regional Archaeologist, NZ Police and appropriate iwi groups or kaitiaki representative and the above process under 4 shall apply. Remains are not to be moved until such time as iwi and HNZPT have responded.
6. Works affecting the archaeological site and any human remains shall not resume until HNZPT gives written approval for the work to continue. Further assessment by an archaeologist may be required.
7. Where iwi so request, any information recorded as a result of the find such as a description of location and content, is to be provided for their records.
8. HNZPT will determine if an archaeological authority under the HNZPT Act (2014) is required for works to continue.

It is an offence under S87 of the HNZPT Act (2014) to modify or destroy an archaeological site without an authority from HNZPT irrespective of whether the works are permitted, or consent has been issued under the RMA (1991).

Identification and Assessment of Effects

This archaeological inspection involved a visual survey with limited subsurface testing of the landscape at 797 Waimate North Rd, Waimate North proposed for a rural-residential subdivision (Figure 1). Although details regarding earthworks required for the property's development were not available at the time of writing, it is understood ground disturbance will be required for the designated vehicle access, building platforms and installation of utilities. The current inspection was confined to the designated building platforms and vehicle access as detailed on the subdivision plan, Figure 1, and if future lot owners wish to undertake earthworks outside the assessed areas then they will be responsible for a further archaeological assessment.

No previously recorded archaeological sites are located within the property but, two sites have been identified relatively short distances to the property's east. The current inspection failed to identify any archaeological sites/features. However, the presence of two crop storage pits, site P05/912, approximately 80m northeast of Lot 4's building platform suggests pre-European Maori seasonally gardened in the vicinity. However, no evidence of gardening was detected despite the presence of large quantities of surface exposed rock.

Therefore, as no archaeological evidence was detected within the areas designated for earthworks it is not necessary at this point in time to seek and obtain an Authority to modify or destroy archaeology from Heritage NZ Pouhere Taonga under conditions contained in the Heritage NZ Pouhere Taonga Act (2014).

However, if undetected subsurface archaeological sites are encountered during earthworks associated with the development the Accidental Discovery Protocol contained in this report should be followed.

It should be noted that archaeological survey and mitigation deals solely with the identification and recovery of the physical evidence of past human habitation. Archaeological methods cannot necessarily identify the spiritual or cultural values associated with that occupation.

Archaeological sites as defined by the Heritage NZ Pouhere Taonga Act (2014) are provided initial protection for all archaeological sites, as defined by the Act, whether recorded or not, and they cannot be damaged, modified or destroyed without prior authority having been obtained under the provisions of the Act.

Recommendations

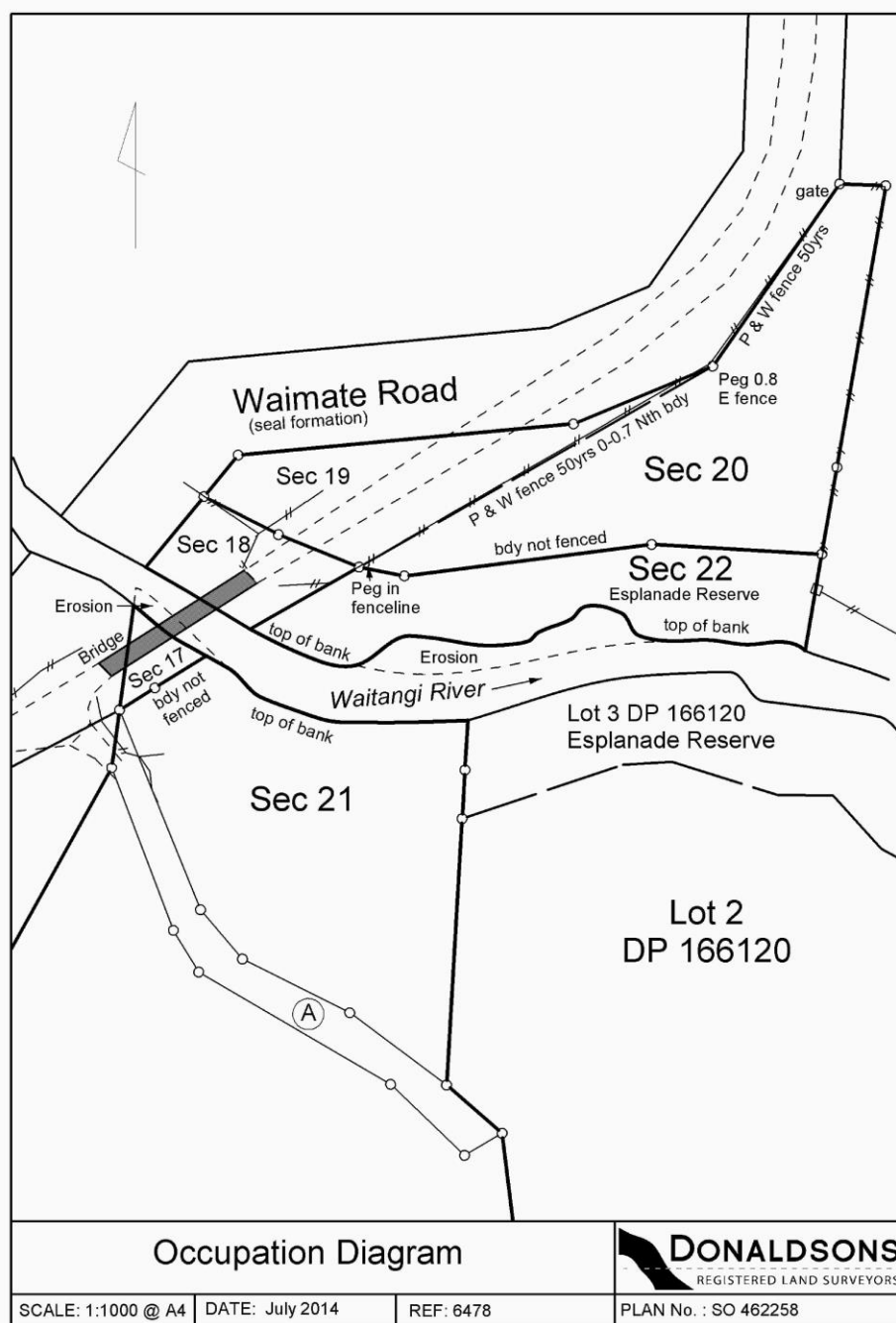
The following recommendations for avoidance or mitigation are provided as points of discussion between the applicant, statutory agencies and tangata whenua.

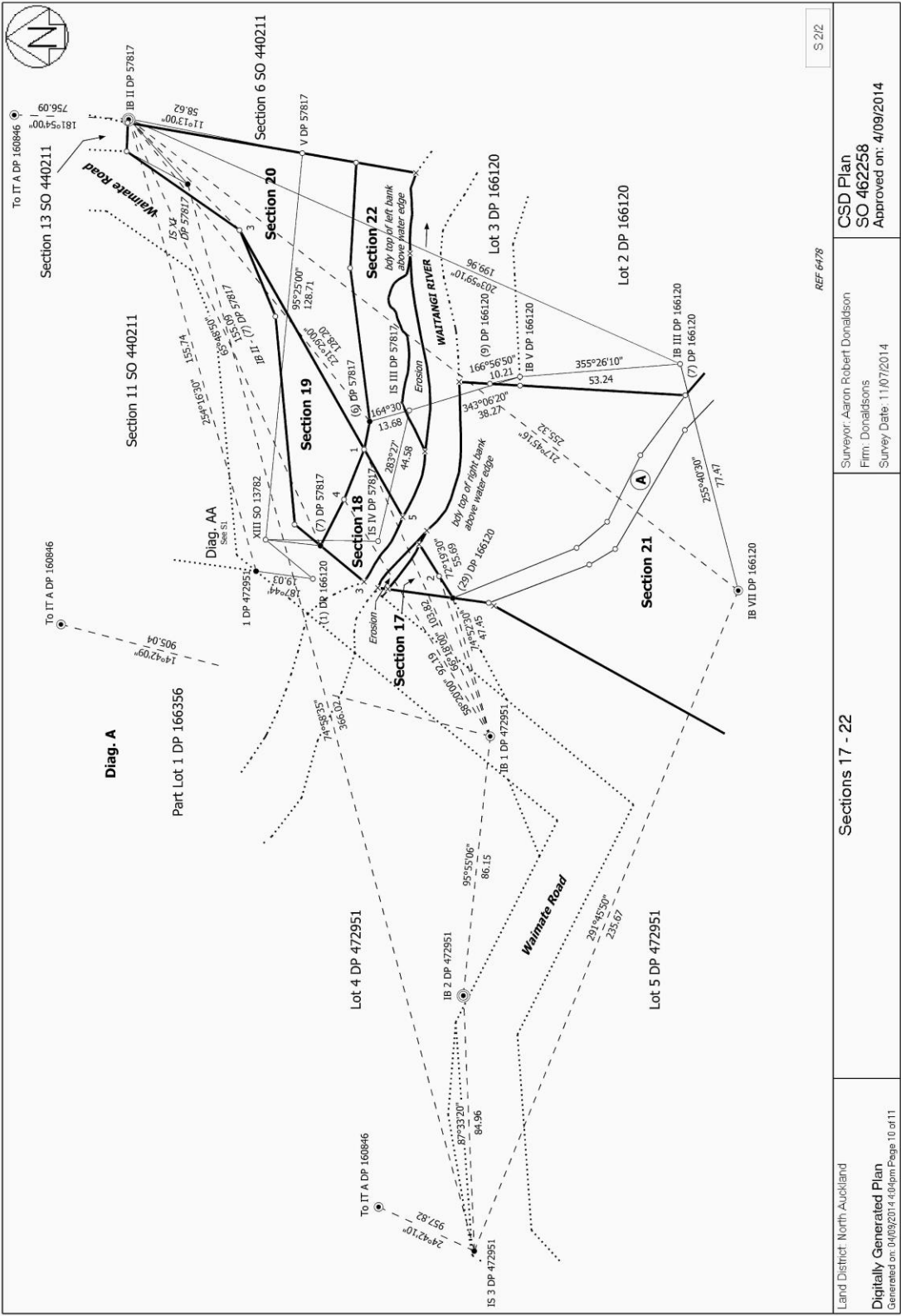
- That it is **not** necessary to seek and obtain an Authority to modify or destroy archaeology from HNZPT prior to the commencement of earthworks within the designated areas indicated within this report.
- That if future lot owners wish to undertake earthworks beyond the designated areas detailed within the current subdivision plan, they will be responsible in obtaining an archaeological assessment of those areas.
- That if unidentified archaeological sites are encountered during ground disturbance associated with the development all work should cease in the immediate vicinity and the Heritage NZ Pouhere Taonga, project archaeologist and tangata whenua contacted as per the Accidental Discovery Protocol contained within this report.
- That if koiwi (human remains) should be exposed during development, work should cease in the immediate vicinity and the tangata whenua and Heritage NZ Pouhere Taonga should be contacted so that appropriate arrangements can be made as per the Accidental Discovery Protocol contained within this report.
- That archaeological survey cannot always detect wahi tapu and sites of traditional significance to Maori consultation with the tangata whenua should be carried out separate to this report.

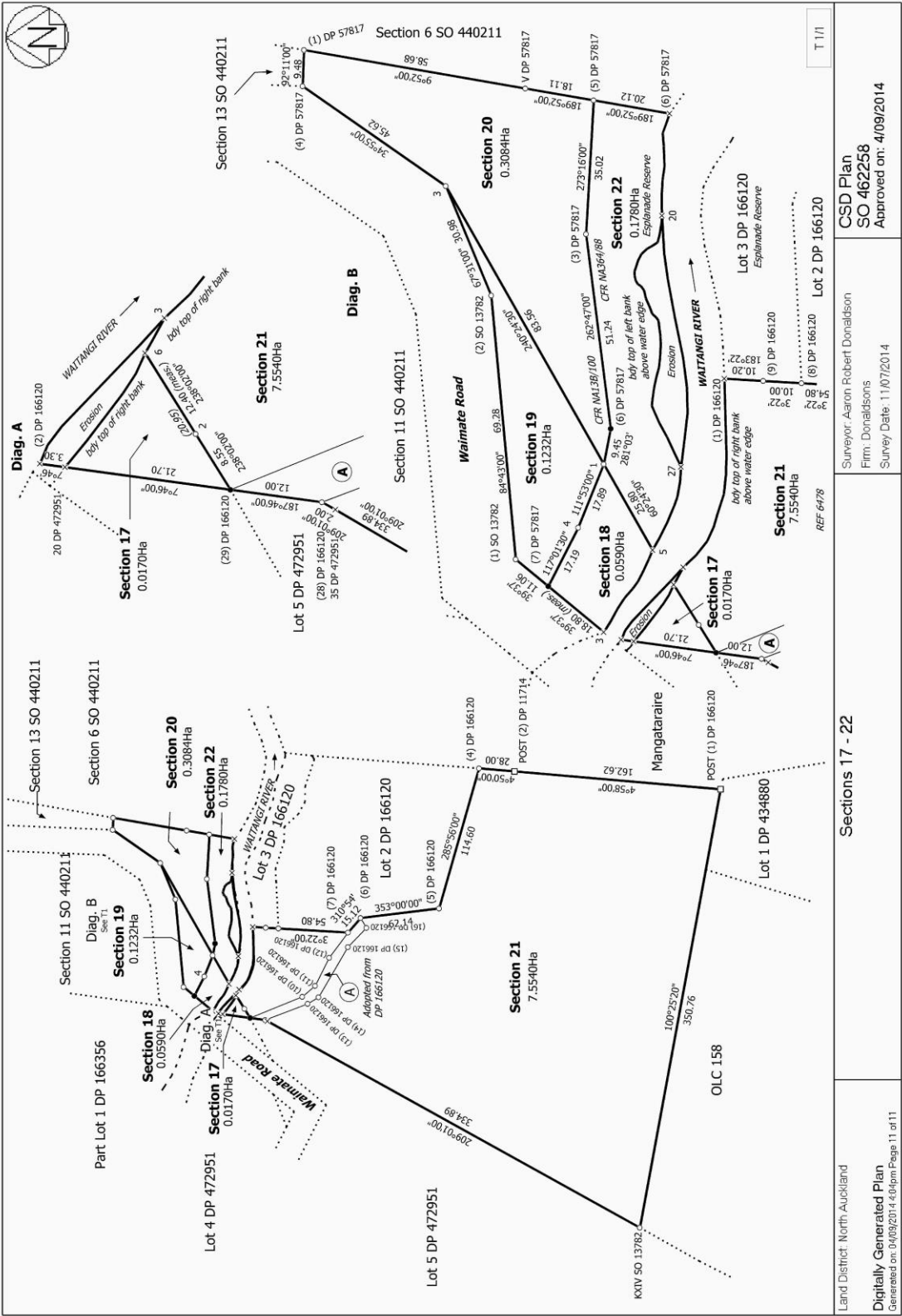
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Occupation Diagram







Schedule / Memorandum

Land Registration District

NORTH AUCKLAND

Plan Number

SO 462258

Schedule of Areas

Land to be Acquired for Road			
Shown	Description	CFR	Area
Section 17	Lot 1 DP 166120	NA100D/192	0.0170 Ha
Section 18	Lot 3 DP 57817	NA13B/101	0.0590 Ha
Section 19	Lot 2 DP 57817	NA13B/100	0.1232 Ha

Existing Easements			
Purpose	Shown	Servient Tenement	Document
Right of way, electricity, Telephone, water supply	A	Section 21 SO 462258	C859254.4

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