

Application for resource consent or fast-track resource consent

(Or Associated Consent Pursuant to the Resource Management Act 1991 (RMA)) (If applying for a Resource Consent pursuant to Section 87AAC or 88 of the RMA, this form can be used to satisfy the requirements of [Form 9](#)). Prior to, and during, completion of this application form, please refer to [Resource Consent Guidance Notes](#) and [Schedule of Fees and Charges](#) — both available on the Council's web page.

1. Pre-Lodgement Meeting

Have you met with a council Resource Consent representative to discuss this application prior to lodgement?

Yes No

2. Type of consent being applied for

(more than one circle can be ticked):

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

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

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

Yes No

4. Consultation

Have you consulted with Iwi/Hapū? Yes No

If yes, which groups have you consulted with?

Who else have you consulted with?

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

5. Applicant details

Name/s:

~~Ian and Burdinia Galley~~

IAN GALLEY and BURDINIA McDONNELL

Email:

Phone number:

Postal address:

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

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

If yes, please provide details.

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:

Ian James Galley, James Daniel Houghton and Burdinia Carmen McDonnell

Property address/
location:

449D Matai Bay Road, Karikari Peninsula

Postcode

8. Application site details

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

Name/s:	Ian Galley		
Site address/ location:	449D Matai Bay Road, Karikari Peninsula		
			Postcode
Legal description:	Lot 5 DP401659	Val Number:	00081-01414
Certificate of title:	405155		

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 obtain site visit instructions.

9. Description of the proposal

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

Proposal to construct a dwelling on the site, within an approved building envelope. The site is located within the General Coastal Zone and within an Outstanding Landscape overlay within the ODP and requires consent as a Restricted Discretionary Activity.

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

10. Would you like to request public notification?

Yes No

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

(more than one circle can be ticked):

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

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

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

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

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

Subdividing land

Disturbing, removing or sampling soil

Changing the use of a piece of land

Removing or replacing a fuel storage system

13. Assessment of environmental effects:

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

Your AEE is attached to this application Yes

14. Draft conditions:

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

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

15. Billing Details:

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

Name/s: (please write in full) Ian Galley

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.

15. Billing details continued...

Declaration concerning Payment of Fees

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

Name: (please write in full)

Ian James Crawley

Signature:

[Redacted Signature]

Date 25/2/26

(signature of bill payer)

MANDATORY

16. Important Information:

Note to applicant

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

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

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

Fast-track application

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

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

Privacy Information:

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

17. Declaration

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

Name (please write in full)

Ian [Redacted] Crawley

Signature

[Redacted Signature]

Date 25/2/26

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

See overleaf for a checklist of your information...

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.

Landuse Resource Consent Proposal
Ian Galley and Burdinia McDonnell
Lot 5, 449D Matai Bay Road, Karikari Peninsula

26 February 2026

Please find attached:

- an application form for a Landuse Resource Consent to construct a dwelling within the General Coastal Zone and Outstanding Landscape Overlay;
- an Assessment of Environmental Effects indicating the potential and actual effects of the proposals on the environment.

The proposed landuse application has been assessed as a **Restricted Discretionary Activity** under the Far North Operative District Plan and a **Permitted Activity** under the Proposed District Plan.

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

Regards,

Alex Billot



Resource Planner

Reviewed by:



Sheryl Hansford

Director/Senior Planner

NORTHLAND PLANNING & DEVELOPMENT 2020 LIMITED

Table of Contents

TABLE OF CONTENTS	2
1.0 DESCRIPTION OF THE PROPOSED ACTIVITY	4
2.0 SITE DESCRIPTION	5
TITLE	7
MANAGEMENT PLAN	8
SITE FEATURES	10
3.0 WEIGHTING OF PLANS.....	12
4.0 ACTIVITY STATUS OF THE PROPOSAL	13
OPERATIVE DISTRICT PLAN	13
PROPOSED DISTRICT PLAN.....	16
NATIONAL ENVIRONMENTAL STANDARDS	18
<i>National Environmental Standard for Assessing and Managing Contaminates in Soil to protect human health.....</i>	<i>18</i>
<i>National Environmental Standards for Freshwater 2020</i>	<i>18</i>
5.0 STATUTORY ASSESSMENT	18
SECTION 104C OF THE ACT	18
SECTION 104(1) OF THE ACT	18
6.0 ENVIRONMENTAL EFFECTS ASSESSMENT	19
VISUAL AMENITY	19
BUILDINGS WITHIN OUTSTANDING LANDSCAPES	20
EXCAVATIONS WITHIN THE GENERAL COASTAL ZONE AND OUTSTANDING LANDSCAPE	21
CONCLUSION OF THE ASSESSMENT OF EFFECTS	23
7.0 POLICY DOCUMENTS.....	23
NATIONAL ENVIRONMENTAL STANDARDS	23
NATIONAL POLICY STATEMENTS.....	23
NZ COASTAL POLICY STATEMENT	24
REGIONAL POLICY STATEMENT.....	25
FAR NORTH OPERATIVE DISTRICT PLAN	26
PROPOSED DISTRICT PLAN.....	26
SUMMARY	26
8.0 NOTIFICATION ASSESSMENT – SECTIONS 95A TO 95G OF THE ACT.....	26
PUBLIC NOTIFICATION ASSESSMENT	26
<i>Step 1 Mandatory public notification in certain circumstances.....</i>	<i>26</i>
<i>Step 2: Public Notification precluded in certain circumstances</i>	<i>27</i>
<i>Step 3: Public Notification required in certain circumstances.....</i>	<i>27</i>
<i>Step 4; Public notification in special circumstances.....</i>	<i>27</i>



<i>Public Notification Summary</i>	28
LIMITED NOTIFICATION ASSESSMENT	28
<i>Step 1: Certain affected groups and affected persons must be notified</i>	28
<i>Step 2: Limited notification precluded in certain circumstances</i>	28
<i>Step 3: Certain other affected persons must be notified</i>	28
<i>Step 4: Further notification in special circumstances</i>	29
<i>Limited Notification Assessment Summary</i>	30
NOTIFICATION ASSESSMENT CONCLUSION	30
9.0 PART 2 ASSESSMENT	30
10.0 CONCLUSION	31
11.0 LIMITATIONS	31

Attachments

1. **FNDC Application Signed**
2. **Certificate of Title**
3. **Consent Notice – LINZ**
4. **Management Plan - LINZ**
5. **Plan Set – Arcline Architecture**
6. **Landscape and Visual Effects Assessment – Hawthorn Landscape Architects**
7. **Relevant Objectives and Policies**



Assessment of Environment Effects Report

1.0 Description of the Proposed Activity

- 1.1 The proposal seeks to construct a dwelling on the site which is located within the General Coastal zone as well as being within an Outstanding Landscape Overlay. The site contains an approved building envelope that was established at subdivision stage in 2007 (RC 2070190), by way of Management Plan.
- 1.2 The proposed dwelling consists of two bedrooms, with an open plan kitchen, dining and lounge area connecting the two bedrooms, and an attached garage to the rear. Decking will be located along the northwestern side of the house as well as a patio, outdoor fire and spa area located on the southeastern side of the dwelling. A Landscape and Visual Effects Assessment (LVEA) has been prepared by Hawthorn Landscape Architects in support of the application. The LVEA and supporting documents can be found in **Appendix 6**.
- 1.3 The proposal results in the following District Plan rule breaches:
- 10.6.5.1.1 Visual Amenity
 - 12.1.6.1.4 Excavation in Outstanding Landscapes
 - 12.1.6.1.5 Buildings within Outstanding Landscapes
 - 12.3.6.1.2 Excavation within the General Coastal Zone



Figure 1: Proposed landscape plan showing location of the proposed dwelling, internal drive and existing site features and surrounds.



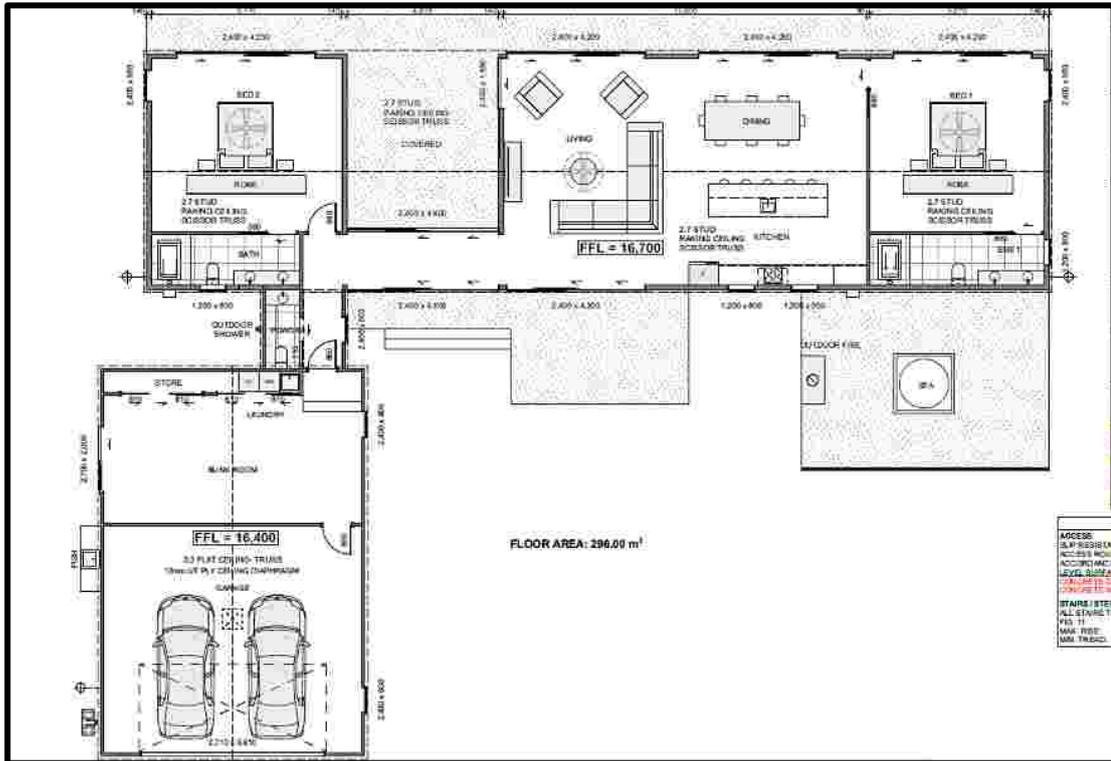


Figure 3: Proposed floor plan.



Figure 2: Image of the subject site (Lot 5) and adjoining allotments in the development.

2.0 Site Description

2.1 The property is located at 449 Matai Bay Road, Karikari Peninsula and is zoned General Coastal. The site is legally described as Lot 5 DP 401659 with a site area of 5095m² and also has a share of the commonly owned lot, Lot 8. The site was created as part of an eight-lot



subdivision under approved subdivision consent RC2070190, which will be discussed further in Section 3 of this report.

- 2.2 The site is accessible from Matai Bay Road via a locked gate. The overall development contains existing internal accessways to each allotment within the development and well established landscaped and vegetated areas. This work was completed as part of the subdivision approval under RC2070190. There are currently three established dwellings within this development. The remainder of the lots are vacant.
- 2.3 The topography of the site is generally flat with filtered, distant views out to Kairkari Peninsula and Puheke. The area set aside for proposed development is an area of maintained grass.
- 2.4 The site is not subject to any hazards however is located within the Coastal Environment and is identified in the District Plan as being within the Outstanding Landscape overlay.



Figure 4: Aerial view of the site and surrounding lots within the development.



Figure 5: View from the subject site orientated northwest to the CMA.



Figure 6: View from the subject site looking south, towards existing vegetation.



Figure 7: View northwest towards two existing dwellings on Lots 2 & 3 DP401659.



Figure 8: View looking east from the subject site towards the existing internal access and vegetation.

Title

- 2.5 The subject site is held in Record of Title 405155 and legally described as Lot 5 DP 401659 (5095m²) with 1/7th share in Lot 8 DP 401659 (24.3 hectares).
- 2.6 The site was created as part of an eight-lot subdivision that was granted 21/11/2007. RC2070190 – RMAVAR created the eight-lot subdivision. The variation was to amend the



number of lots originally approved in RC2050307-RMA SUB, which was 11 lots, down to 8 allotments. The approved decision RC2070190 contained several conditions, including the creation of a Management Plan.

2.7 The title is subject to a consent notice which is attached and contains conditions in relation to the following summations:

- All buildings on Lots 1-7 shall comply with the 'Report on Suitability of Site for Subdivision – Matai Bay Road, Cape Karikari' prepared by Haigh Workman dated August 2006;
- Stormwater and effluent disposal systems designed, constructed and maintained in accordance with 'Report of Suitability of Site for Subdivision – Matai Bay Road, Cape Karikari' prepared by Haigh Workman dated 17 August 2006.
- No buildings erected without prior approval of Council.
- Management of Lot 8 to be undertaken so there are no changes as a result of such activities.
- All buildings shall be finished in natural materials and/or colours with a reflectivity of less than 35%.
- If discovery of archaeological find is made, work is to cease immediately.
- No occupier (including visitors and contractors) to keep or introduce carnivorous or omnivorous exotic animals which have the potential to be native bird predators.
- Existing structural planting to be managed in accordance with the 'The Karikari 2C Block Development Project New Landscape Plan'.
- Compliance with requirements of the approved Management Plan.

2.8 The relevant sections of the Management Plan are shown below. All other consent notice conditions have/will be addressed by the Architect and Builder, once Building Consent is lodged for the proposed dwelling.

Management Plan

2.9 The Management Plan (Land Covenant) was approved under consent RC2070190. A copy of this Management Plan is attached to this report.

2.10 An Easement Variation instrument to vary the Land Covenant was granted on 10 August 2017 under document 8010494.6. This variation was to revoke subclauses 3.6.1 & 3.6.2 and includes conditions that relate to Lot 4.

2.11 An assessment of the relevant sections of the Karikari 2B Management Plan has been undertaken below, to ensure compliance in accordance with Condition 9 of Consent Notice 8010494.1 which is registered on the Certificate of Title. Sections of the Karikari 2B Management Plan which have not been referred to in this section have been considered to not be relevant to the proposal.



KARIKARI 2B MANAGEMENT PLAN		
Management Plan Reference	Rule	Performance of Proposal
2.1	PRIVATE RESIDENTIAL USE	Complies.
2.2	COMPLIANCE WITH MANAGEMENT PLAN	Complies.
2.3	RESOURCE CONSENT	Complies. Construction of the dwelling is in accordance with conditions noted on Consent Notice 8010494.1
2.14	DRAINAGE	Complies. The proposal does not propose to interfere with the established drainage patterns.
2.23.3	WATER SUPPLY SYSTEMS	Complies. Refer to plans prepared by Arline.
2.23.4	SEWAGE DISPOSAL SYSTEM	Not applicable to this application as the sewage disposal system will be covered once the applicant applies for building consent for the proposed residential dwelling.
2.23.6	SWIMMING POOLS	Not applicable as there is no swimming pool proposed.
2.28	STRUCTURAL PLANTING	Complies. No vegetation clearance is proposed as part of this application.
2.29	NO PLANTING	Complies. All proposed planting will be within the building envelope, as shown on the building and landscape plans.
2.30	OTHER GROWTH	Complies. Refer to the Landscape Plan provided.
3.3	SITE DEVELOPMENT	Complies. The Landscape Plan prepared by Hawthorn Landscape Architects will be adhered to, to ensure that the integrity and beauty of the natural landscape is not adversely affected.
3.4	BUILDING LOCATION	Complies. The proposed dwelling is with the approved building envelope.
3.5	BUILDING DEVELOPMENT & DESIGN	Complies. Approval from the design team has been obtained.
3.6.	GENERAL DESIGN CRITERIA 3.6.1 One Storey only 3.6.2 Height Restriction 3.6.3 Aerials 3.6.4 Unobtrusive Design	Complies Complies with 22 MSL Complies Complies
3.7	LANDSCAPE ARCHITECTURAL GUIDELINES	Complies. See Landscape and Visual Effects Assessment and Landscape Plan from Hawthorn Landscape Architects.



<p>4.1.1 & 4.1.2</p>	<p>DESIGNED BY REGISTERED ARCHITECT AND APPROVED</p>	<p>Complies. The dwelling has been designed by Arcline Architecture who are Registered Architects. The Building and Landscape Plans have been approved by the Design Team.</p>
<p>4.2</p>	<p>LANDSCAPE PLAN</p>	<p>Complies. The Landscape Plan provided by Hawthorn Landscape Architects complies with rules outlined in Section 4.2.</p>

2.12 As outlined in the table above, the proposed building plans and landscape plans comply with the relevant sections of the Karikari 2B Management Plan.

Site Features

2.13 Within the ODP, the site is located within the General Coastal zone with the subject site also being within an area identified as being Outstanding Landscape.

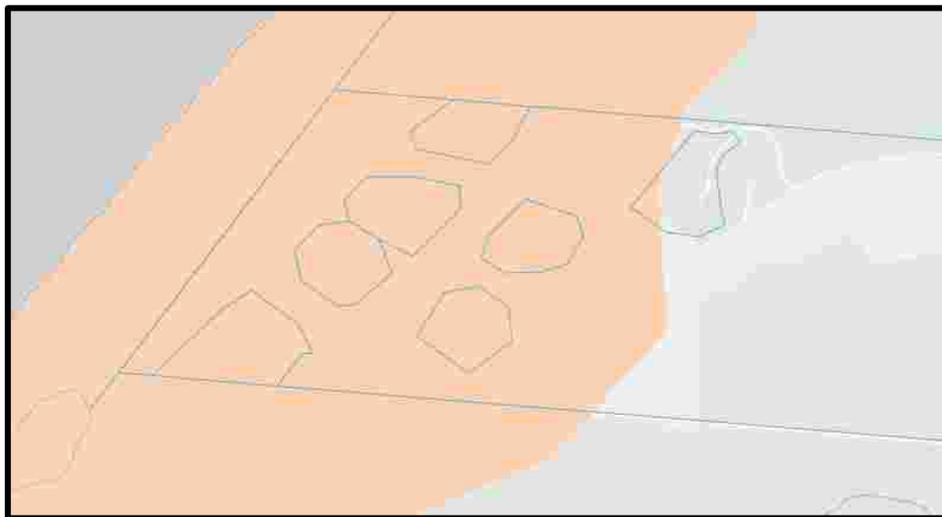


Figure 9: Outstanding Landscape Overlay as it affects the subject site and development.

2.14 The Proposed District Plan maps the site as Rural Production and located within the Coastal Environment. The Regional Policy Statement has mapped the site as being within the Coastal Environment (blue line). In addition to this, the site is also subject to Outstanding Natural Landscape (striped parcel).



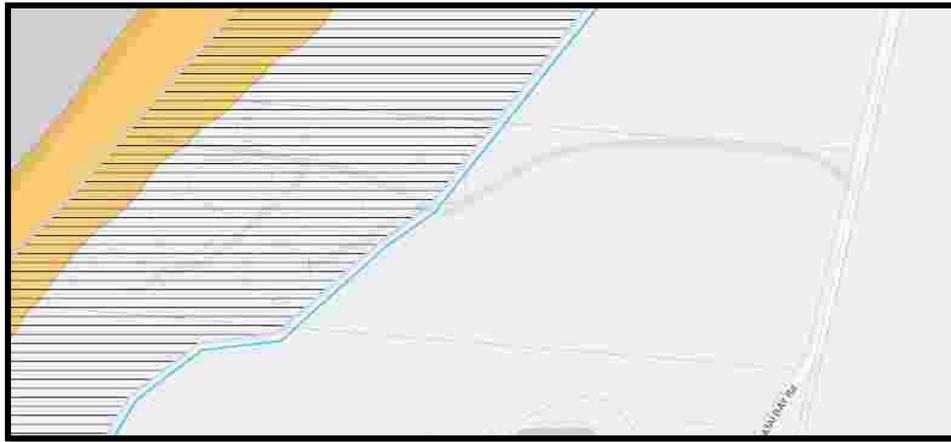


Figure 10: Extent of features identified by the RPS Maps.

- 2.15 Given the sites semi-rural location there are no connections to Council reticulated services such as water supply, wastewater and stormwater.
- 2.16 The site is not mapped as being subject to any natural hazards however the dune area adjacent to the beach is shown to be susceptible to Coastal Flood Hazard. It is noted that this area is part of the commonly owned lot where no built development is to occur. The sites closest to the CMA are also shown to be identified as Erosion Prone Land. Lot 2 is indicated as being HAIL on the NRC SLU database. This is restricted to Lot 2 only and does not encroach into the subject site.

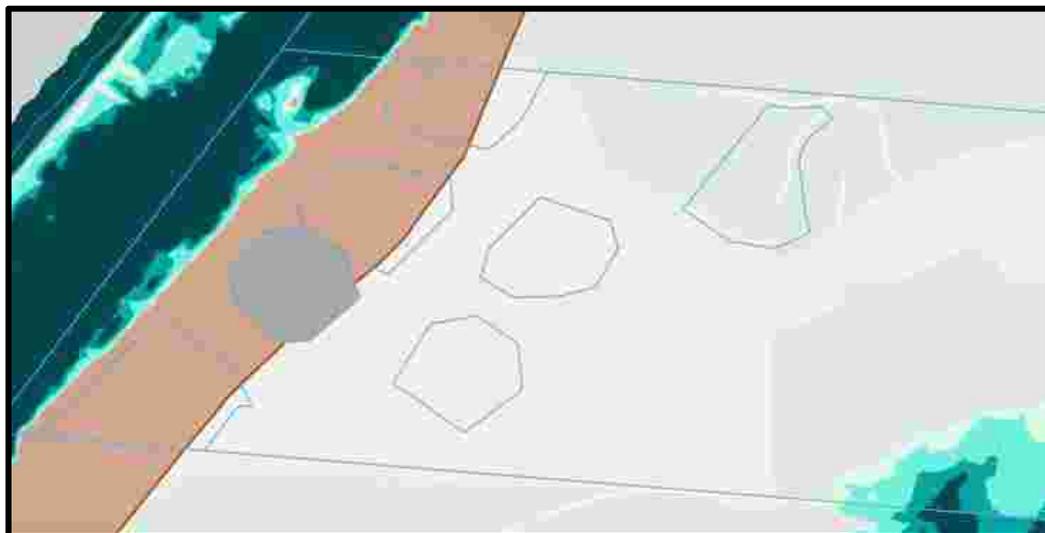


Figure 11: NRC Map extents which do not affect the subject site.

- 2.17 NZAA has not mapped any archaeological sites on the subject site being Lot 5, however there are three mapped archaeological sites within the commonly owned lot (Lot 8). The archaeological sites located within the commonly owned lot are O03/189, O03/277 and O03/186. (Midden/Ovens). Protection of these sites was addressed as part of the subdivision that created this development which resulted in a reduced number of lots, a commonly owned lot with fenced and protected areas (including QEII covenant areas).

- 2.18 The site is not located within a Kiwi Present Area. The development area as a whole is subject to QEII covenants as well as Protected Natural Areas (PNAs). These areas are located outside of the subject site, where the proposed development is to occur.



Figure 12: PNA (purple shade) and QEII areas (yellow shade).

- 2.19 The soil type affecting Lot 5 is listed as land use classification 4e10 which is not considered to be highly versatile.
- 2.20 The site is not located within a Statutory Acknowledgement Area.

3.0 Weighting of Plans

- 3.1 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.
- 3.2 A large number of comprehensive submissions were received across the board such that the Council has confirmed that other than the rules which were initially identified as having immediate legal effect no additional rules will have legal effect until such time as a decision is made on those provisions.
- 3.3 District Plan hearings on submissions have recently concluded, however no decisions on the PDP have been issued. For this reason, PDP rules which do not have immediate legal effect are not considered.
- 3.4 Recent advice from Council is that objectives and policies of the PDP are now given more weighting.



4.0 Activity Status of the proposal

Operative District Plan

4.1 The subject site is located within the General Coastal Zone and is also within the Outstanding Landscape Overlay. An assessment of the relevant zone and district wide rules of the District Plan are set out in the tables below.

Assessment of the Permitted Section 10.6.5.1 General Coastal Zone		
Plan Reference	Rule	Performance of Proposal
10.6.5.1.1	Visual Amenity	<p>Controlled Activity.</p> <p>The proposal does not comply with the permitted standard as the proposed floor area of the dwelling is 296m².</p> <p>The proposal complies with the Controlled Activity Standard Rule 10.6.5.2.2 as the dwelling is located wholly within an approved building envelope.</p>
10.6.5.1.2	Residential Intensity	<p>Permitted.</p> <p>The proposal complies with the permitted standard as this will be the first residential unit developed on the subject lot.</p>
10.6.5.1.3	Scale of Activities	<p>Not applicable.</p> <p>No non-residential activities are proposed.</p>
10.6.5.1.4	Building Height	<p>Permitted.</p> <p>The proposal complies with the permitted standard as the proposed dwelling is less than the permitted standard of 8m in height.</p>
10.6.5.1.5	Sunlight	<p>Permitted.</p> <p>The proposal complies with this permitted standard as the proposed dwelling does not project beyond a 45-degree recession plane as measured inwards from any point 2m vertically above ground level on any site.</p>
10.6.5.1.6	Stormwater Management	<p>Permitted</p> <p>The permitted threshold allows for a maximum proportion of gross site area covered by impermeable surfaces shall be 10%.</p> <p>The subject site has an area of 5095m² plus a 1/7th share of Lot 8 which is 24.33 hectares in area. Lot 8 contains the gravel internal driveways to each allotment as well as the large conservation and protected areas in bush and grass. This results in the total gross site area being 3.98ha.</p> <p>10% of the gross site area equates to 3980m² allowable coverage for impermeable areas.</p>



		The total impermeable coverage for the site is noted as 2121m ² which is within the permitted coverage for the zone.
10.6.5.1.7	Setback from Boundaries	Permitted. The proposal complies with the permitted standard as all of the structures are set back in excess of 10m.
10.6.5.1.8	Transportation	Permitted. Traffic: The District Plan anticipates 10 traffic movements per standard household. The first residential dwelling on a site is exempt from this rule. The proposal is able to comply given the traffic movements for the proposed dwelling are exempt. Access: The access is via existing internal access. It is not anticipated any upgrades to the access or crossing place are required due to the nature of the consent. No further assessment of Chapter 15 is considered necessary as part of this application. FNDC is now classified as a Tier 3 Council and as such Policy 11(a) of the National Policy Statement for Urban Development 2020 (NPS-UD) clause 3.38 requires the removal of provisions, standards and rules that require a minimum number of car parks to be provided when undertaking development other than for accessible car parks. The proposal does not require the need for accessible car parks given the development is for residential use. As such, the proposal is deemed permitted in terms of the now relevant parking rules.
10.6.5.1.9	Keeping of Animals	Not applicable. No keeping of animals are proposed.
10.6.5.1.10	Noise	Permitted.
10.6.5.1.11	Helicopter Landing Area	Not applicable. No helicopter landing area is proposed.

Assessment of the Chapter 12		
Plan Reference	Rule	Performance of Proposal
Chapter 12.1 Outstanding Landscapes		
12.1.6.1.1	Protection of Outstanding Landscape Features	Not applicable The subject site does not contain any landscape features.
12.1.6.1.2	INDIGENOUS VEGETATION CLEARANCE IN OUTSTANDING LANDSCAPES	Permitted No vegetation clearance is proposed.



12.1.6.1.3	TREE PLANTING IN OUTSTANDING LANDSCAPES	Permitted The proposed planting will not exceed 2ha in area.
12.1.6.1.4	EXCAVATION AND/OR FILLING WITHIN AN OUTSTANDING LANDSCAPE	Restricted Discretionary The excavation required is 280m ³ of fill and 270m ³ of hardfill, which brings the total volume to 550m ³ over an area of 888m ² . The proposal therefore breaches the permitted threshold of 300m ³ .
12.1.6.1.5	BUILDINGS WITHIN OUTSTANDING LANDSCAPES	Restricted Discretionary The building is for human habitation and is over 25m ² in area.
Chapter 12.2 Indigenous Flora and Fauna		
12.2.6.1.1	INDIGENOUS VEGETATION CLEARANCE PERMITTED THROUGHOUT THE DISTRICT	Permitted No indigenous vegetation clearance is proposed as part of this application.
12.2.6.1.3	INDIGENOUS VEGETATION CLEARANCE IN THE GENERAL COASTAL ZONE	Permitted As stated above
12.2.6.1.4	INDIGENOUS VEGETATION CLEARANCE IN OTHER ZONES	Permitted As stated above
Chapter 12.3 Soils and Minerals		
12.3.6.1.2	EXCAVATION AND/OR FILLING, INCLUDING OBTAINING ROADING MATERIAL BUT EXCLUDING MINING AND QUARRYING, IN THE RURAL LIVING, COASTAL LIVING, SOUTH KERIKERI INLET, GENERAL COASTAL, ZONES	Restricted Discretionary The District Plan allows up to 300m ³ of excavation provided that the cut or fill height does not exceed 1.5m. As detailed on the plans provided with the application, a total of 550m ³ of excavations will be required over an area of 888m ² . The proposal therefore breaches the permitted threshold of 300m ³ , but can comply with the Restricted Discretionary provisions of 2000m ³ .
Chapter 12.4 Natural Hazards		
12.4.6.1.2	Fire Risk to Residential Units	Permitted The proposal is located at least 20m from the dripline of any natural occurring bush. Therefore, we consider the proposal to comply with this rule.
Chapter 12.7 Lakes, Rivers, Wetlands and the Coastline		
12.7.6.1.2	Setback from Smaller Lakes, Rivers and Wetlands	Permitted.



		There are no smaller lakes, rivers or wetlands within close proximity to the site.
12.7.6.1.4	Land use activities involving discharges of human sewage effluent	Permitted. The proposed onsite wastewater system and effluent disposal field are not located within 30 metres of a river, lake wetland or the CMA.

4.2 The assessment above has identified the following breaches to the Operative District Plan rules:

- 10.6.5.1.1 Visual Amenity
- 12.1.6.1.4 Excavation within an Outstanding Landscape
- 12.1.6.1.5 Buildings in Outstanding Landscapes
- 12.3.6.1.2 Excavation in the General Coastal Zone

4.2.1 The land-use proposal will be assessed a **Restricted Discretionary Activity** under the ODP in accordance with Rules 10.6.5.3, 12.1.6.2 & 12.3.6.2 *Restricted Discretionary Activities*.

Proposed District Plan

4.3 The proposal is also subject to the Proposed District Plan process. The subject site is located within the Rural Production zone and within the Coastal Environment under the PDP. An 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 Area Overlay.
Historic Heritage	All rules have immediate legal effect (HH-R1 to HH-R10) Schedule 2 has immediate legal effect	Not applicable. The site does not contain any areas of 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	Not applicable. The proposal is not for subdivision.
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 Activity. Any future earthworks as part of this proposal will 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.



- 4.3.1 The assessment above has identified that the proposal is **Permitted** in terms of the Proposed District Plan.

National Environmental Standards

National Environmental Standard for Assessing and Managing Contaminates in Soil to protect human health.

- 4.4 The subject site is not identified as HAIL and a review of aerials did not determine that the site has been utilised for activities listed on the HAIL in the past. As such, the proposal is considered **Permitted** in terms of the NESCS.

National Environmental Standards for Freshwater 2020

- 4.5 The proposal does not involve activities within a wetland or an activity that would change the hydrological function of any wetlands. The proposal does not involve reclamation of a river or works that would affect the passage of fish. As such, the NES-F is not considered applicable to the proposal.
- 4.6 No other NES are considered applicable to the proposal.

5.0 Statutory Assessment

Section 104C of the Act

- 5.1 Section 104C governs the determination of applications for Restricted Discretionary Activities. When considering an application for resource consent, a consent authority must consider only those matters over which a discretion is restricted in national environmental standards or other regulations, or it has restricted the exercise of its discretion in its plan or proposed plan. The consent authority can grant or refuse the application. If the application is granted, the consent authority may impose conditions under Section 108 only for those matters listed above.

Section 104(1) of the Act

- 5.2 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.”

- 5.3 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 development include developing the site for its intended purpose and as anticipated by the Operative Plan. The dwelling has been designed and located in a way which is consistent with the natural and built environment while integrating it into the natural landscape avoiding visual domination.
- 5.4 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’. In this case the proposal is not of a scale or nature that would require specific offsetting or environmental compensation measures to ensure positive effects on the environment.
- 5.5 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 below.

6.0 Environmental Effects Assessment

- 6.1 Having reviewed the relevant plan provisions and taking into account the matters to be addressed by an assessment of environmental effects as outlined in Clause 7 of Schedule 4 of the Act, the matters listed within Rules *10.6.5.3.1 Visual Amenity*, *12.1.6.2.1 Buildings within Outstanding Landscapes*, *12.1.6.2.2 Excavation and/or filling within an Outstanding Landscape* and *12.3.6.2.1 Excavation and/or filling in the General Coastal zone*, are applicable to the proposal. As the application is a Restricted Discretionary Activity the matters of assessment and those matters in which council can consider are restricted to those in this section only.

Visual Amenity

- 6.2 The proposal results in an infringement of the permitted rules for visual amenity given the floor size of the proposed dwelling is 296m². Hawthorn Landscape Architects have completed a Landscape and Visual Effects Assessment (LVEA) as well as a Landscape Plan, in support of the application. The LVEA and supporting documents are attached within **Appendix 6** of this application.



- 6.3 The relevant assessment criteria as outlined within Rule 10.6.5.3.1 Visual Amenity is shown below:
- When considering an application under this provision the Council will restrict the exercise of its discretion to matters relating to:*
- (i) the location of the building;*
 - (ii) the size, bulk, and height of the building in relation to ridgelines and natural features;*
 - (iii) the colour and reflectivity of the building;*
 - (iv) the extent to which planting can mitigate visual effects;*
 - (v) any earthworks and/or vegetation clearance associated with the building;*
 - (vi) the location and design of associated vehicle access, manoeuvring and parking areas;*
 - (vii) the extent to which the building and any associated overhead utility lines will be visually obtrusive;*
 - (viii) the cumulative visual effects of all the buildings on the site;*
 - (ix) the degree to which the landscape will retain the qualities that give it its naturalness, visual and amenity values;*
 - (x) the extent to which private open space can be provided for future uses;*
 - (xi) the extent to which the siting, setback and design of building(s) avoid visual dominance on landscapes, adjacent sites and the surrounding environment;*
 - (xii) the extent to which non-compliance affects the privacy, outlook and enjoyment of private open spaces on adjacent sites.*
- 6.4 The LVEA completed an assessment of the relevant landscape and design items within the Management Plan and confirmed that the proposed dwelling complies with the controls imposed. The LVEA also completed an assessment of the ODP assessment criteria for a visual amenity breach within the General Coastal zone. We accept and adopt the assessment made within the LVEA in terms of the visual assessment criteria, with a summary provided below.
- 6.5 The dwelling will be located entirely within the approved building envelope and will utilise a natural recessive colour scheme with an LRV of less than 35%. The proposal has been designed to avoid adverse effects with natural character values of the coastal environment being protected. The dwelling will sit within an already modified landscape and will have a vegetated backdrop so that it is not viewed on the skyline. Mitigation planting will blend the proposed dwelling into the surrounding environment, which will also maintain visual and amenity values. The proposal is not considered to create visual dominance given the measures that have been put into the design, location, orientation of the dwelling and mitigation planting. Overall, it is considered that the proposal will have less than minor effects on visual amenity and natural values, given the mitigation measures proposed.

Buildings within Outstanding Landscapes

- 6.6 The proposal results in an infringement of the permitted rule for buildings within outstanding landscapes given the floor size of the proposed dwelling is 296m². The relevant assessment criteria as outlined within Rule 12.1.6.2.1 Buildings Within Outstanding Landscapes is shown below:



The Council will restrict the exercise of its discretion to:

(i) the location of the building; and

(ii) the size, bulk and height of the building in relation to ridgelines, areas of indigenous vegetation and habitats of indigenous fauna, existing trees and other natural features; and

(iii) the degree to which the landscape will retain the qualities that make it outstanding, including naturalness, and visual and amenity values; and

(iv) the design of the building; and

(v) the location and design of associated vehicle access, manoeuvring and parking areas; and

(vi) the extent to which planting can mitigate visual effects; and

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

(viii) the cumulative visual effects of all buildings on the site.

- 6.7 The LVEA completed an assessment of the above mentioned ODP assessment criteria for buildings within Outstanding Landscapes. We accept and adopt the assessment made within the LVEA in terms of the relevant assessment criteria, with a summary provided below.
- 6.8 The proposed dwelling is located within an approved building envelope and as such, built form as proposed is expected to a certain degree. The proposal has been assessed as compliant with the management plan and consent notices which provide additional design controls. Natural character will be maintained through the proposed design and mitigation planting. Vehicle access, parking and manoeuvring will be located at the rear of the dwelling, such that it will be screened by the dwelling and not visible from the CMA. No permanent screening is proposed nor considered necessary given the existing development in the area and the proposed mitigation planting. No cumulative effects are anticipated given the mitigation measures proposed. Overall, the proposal is considered to create less than minor effects in terms of building within Outstanding Landscapes and the proposal will maintain the character and amenity of the site and surrounding environment.

Excavations within the General Coastal zone and Outstanding Landscape

- 6.9 The permitted threshold for excavation within the General Coastal zone and within Outstanding Landscapes is 300m³ per year per site. The proposal will result in 280m³ of fill and 270m³ of engineered hardfill, bringing a total volume of 550m³. This results in a breach of the permitted excavation rules for the zone and overlay. Given this results in two excavation infringements, a combined assessment of the relevant assessment criteria within Rules 12.1.6.2.2 and 12.3.6.2.1 is provided below.

12.1.6.2.2 Excavation within an Outstanding Landscape

The Council will restrict the exercise of its discretion to:

(i) the location, scale and alignment of excavation and/or filling in relation to any existing indigenous vegetation, site features, and underlying landform including ridgelines; and



- (ii) the nature of any avoidance, remedying or mitigation measures proposed, including consideration of alternatives, the profile of cut and fill batters, provisions for revegetation and the likely long-term stability of the works proposed; and
- (iii) the degree to which the landscape will retain the qualities that make it outstanding, including naturalness and visual value

6.10 The location of the fill is where the proposed dwelling is to be located as per the plan provided by Arcline Architecture (Figure 13). There will be no indigenous vegetation clearance and the underlying landform is relatively flat given that this is an approved building envelope. The LVEA determined that effects from earthworks would be less than minor such that no potential adverse effects would be created. However, exposed faces can be revegetated in grass. The landscape will adequately retain the qualities given exposed faces will be revegetated if not covered by the building or proposed surfaces.

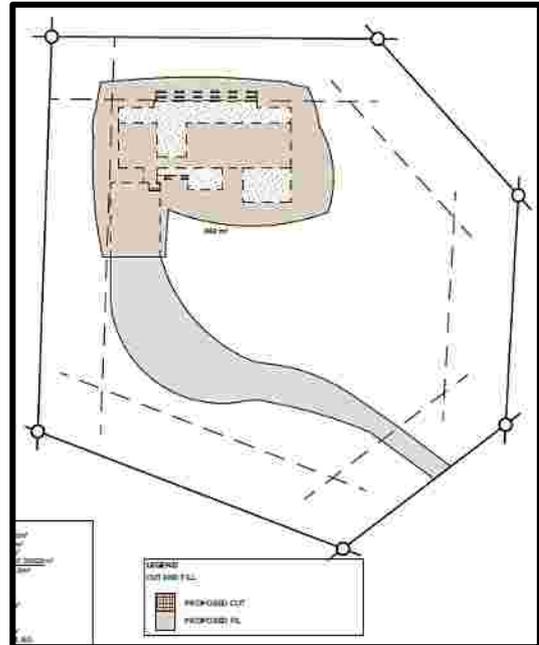


Figure 13: Earthworks Plan

12.3.6.2.1 Excavation and/or filling within the General Coastal zone

The Council will restrict the exercise of its discretion to:

- (i) the effects of the area and volume of soils and other materials to be excavated; and
- (ii) the effects of height and slope of the cut or filled faces; and
- (iii) the time of the year when the earthworks will be carried out and the duration of the activity; and
- (iv) the degree to which the activity may cause or exacerbate erosion and/or other natural hazards on the site or in the vicinity of the site, particularly lakes, rivers, wetlands and the coastline; and
- (v) the extent to which the activity may adversely impact on visual and amenity values; and
- (vi) the extent to which the activity may adversely affect cultural and spiritual values; and
- (vii) the extent to which the activity may adversely affect areas of significant indigenous vegetation or significant habitats of indigenous fauna; and
- (viii) the number, trip pattern and type of vehicles associated with the activity; and
- (ix) the location, adequacy and safety of vehicular access and egress; and
- (x) the means by which any adverse environmental effects of the activity will be avoided, remedied or mitigated.

6.11 There is no cut volume associated with the proposal; only fill and engineered hardfill is required to support the dwelling. The height of the faces will not exceed the permitted



threshold. Earthworks will be undertaken during drier periods of the year. The proposal is not considered to exacerbate natural hazards as all effects can be managed within the site boundaries. Visual and amenity values will be maintained by having exposed faces which are not covered in buildings, surfaces or landscaping, being revegetated back to grass. Cultural and spiritual values are not anticipated to be adversely affected given the works will occur within an approved building envelope. Areas of indigenous vegetation will remain unaffected. Number, trip pattern and type of vehicles is not anticipated to be excessive. Access and egress will be determined prior to beginning works. Adverse effects will be avoided by ensuring silt and sediment control is provided for as per the Erosion and Sediment Control Guidelines for Land Disturbing Activities in the Auckland Region 2016.

- 6.12 Overall, it is considered that the fill required is necessary to ensure a safe building platform for the proposed dwelling. Silt and erosion control measures will be in place during the works, with exposed faces being landscaped or grassed upon completion of the build. All effects can be managed within the site boundaries. It is considered that the proposal will result in less than minor effects in terms of excavations.

Conclusion of the Assessment of Effects

- 6.13 Overall, based on the above assessment, it is considered that the proposal will result in no more than minor actual or potential environmental effects.

7.0 Policy Documents

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

National Environmental Standards

- 7.2 As discussed in the sections above the proposal is considered Permitted in terms of the NESCS.

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

National Policy Statements

- 7.3 There are currently 10 National Policy Statements in place. These are as follows:
- New Zealand Coastal Policy Statement
 - National Policy Statement for Freshwater Management
 - National Policy Statement for Indigenous Biodiversity
 - National Policy Statement for Infrastructure 2025
 - National Policy Statement for Natural Hazards 2025
 - National Policy Statement for Highly Productive Land
 - National Policy Statement for Electricity Networks
 - National Policy Statement for Renewable Electricity Generation



- National Policy Statement for Greenhouse Gas Emissions from Industrial Process Heat
- National Policy Statement on Urban Development

7.3.1 The site is located within the Coastal Environment therefore it is considered that the New Zealand Coastal Policy Statement is the only National Policy Statement relevant to this application.

NZ Coastal Policy Statement

7.4 The subject site is located within the coastal environment, and within an area of Outstanding Natural Landscapes under the RPS.



Figure 14: RPS Maps showing site within Coastal Environment and Outstanding Natural Landscape.

- 7.4.1 The proposed activity is considered to be consistent with the objectives and policies of the New Zealand Coastal Policy Statement. The site is identified as being within an Outstanding Natural Landscape under the Regional Policy Statement for Northland, however, this has been addressed extensively in the previously approved RC 2070190, within this report as well as within the accompanied LVEA. It has been concluded that any adverse effects have been mitigated to a less than minor degree.
- 7.4.2 The proposal is to construct a dwelling wholly within the approved building envelope. The proposal is deemed to have less than minor adverse effects on activities within the surrounding environment, as it is not changing the intended use of the subject site, therefore having less than minor effect on the surrounding coastal environment and the character of the locality.
- 7.4.3 The proposal is considered to safeguard the integrity, amenity and naturalness of the Coastal Environment and is considered to provide adequate mitigation measures to ensure that the visual amenity within the site and surrounding environment is maintained and enhanced. It is considered that the proposed development recognises and contributes to the natural landscape as well as enhancing the natural landscape by incorporating mitigation methods, as explained in this report.



- 7.4.4 The approved subdivision which created the subject site (RC 2070190) also included mitigation measures, and a Management Plan which were completed as part of the subdivision, hence, consideration of the New Zealand Coastal Policy Statement 2010 has been covered extensively.
- 7.4.5 It is considered that the objectives and policies of the New Zealand Coastal Policy Statement 2010 have been taken into consideration within the proposal and mitigation measures incorporated to ensure that these policies are met.
- 7.4.6 Overall, the activity is not considered to be contrary with the objectives of the New Zealand Coastal Policy Statement.

Regional Policy Statement

- 7.5 The role of the RPSN is to promote sustainable management of Northland's natural and physical resources. The RPSN gives effect to the NZCPS in the Northland context.
- 7.6 The RPSN provides an overview of the regions' resource management issues and sets out policies and methods to achieve integrated management of Northlands natural and physical resources. Of relevance to this application are policy measures to manage the use and development of land within the mapped coastal environment. The site is also contained within an Outstanding Natural Landscape.
- 7.7 At a local site scale, the following objectives and policies are considered relevant to the proposed activity:
- *Objective 3.2 – Region-wide water quality*
 - *Objective 3.4 – Indigenous ecosystems and biodiversity*
 - *Objective 3.5 – Enabling economic wellbeing*
 - *Objective 3.12 – Tangata whenua role in decision making*
 - *Objective 3.13 – Natural Hazard Risk*
 - *Objective 3.14 – Natural character, outstanding natural features, outstanding natural landscapes and historic heritage*
 - *Policy 4.2 – Region-wide water quality management*
 - *Policy 4.4 – Maintaining and enhancing indigenous ecosystems and species*
 - *Policy 4.6 – Managing effects on natural character, features / landscapes and heritage*
- 7.8 Given the nature of the works is to construct a dwelling within an approved building envelope with additional mitigation planting, the fact that no vegetation clearance will be undertaken, natural hazards have been considered, historic heritage has been investigated with no known adverse effects on archaeological sites within the site and surrounding environment, it is considered the proposal can meet the objectives and policies of this document.



Far North Operative District Plan

- 7.9 The relevant objectives and policies of the Plan are those related to the Coastal Environment, the General Coastal Zone, Chapter 12.1 Landscapes and Natural Features and Chapter 12.3 Soils and Minerals of the Operative District Plan.
- 7.10 The proposal is considered to be consistent with the coastal character of the surrounding area and is considered to have negligible effects on the coastal amenity value of the area, as the proposed dwelling is to be located within the approved building envelope, with the design complying with the Management Plan and Consent Notice for the site and development area. Additionally, an LVEA has been completed which has provided mitigation planting to assist with blending the proposal into the surrounding environment. Given that the proposal triggers consent as a Restricted Discretionary Activity, the proposal is considered to be generally consistent with the relevant objectives and policies of the ODP. The relevant objectives and policies are contained within **Appendix 8** of this application.

Proposed District Plan

- 7.11 Under the Proposed District Plan, the site is zoned Rural Production and within the Coastal Environment overlay. The proposal is considered to create no more than minor adverse effects on the environment and is consistent with the residential intent of the vacant allotments. The proposal is considered to be consistent with the objectives and policies of the Proposed District Plan. Those relevant objectives and policies are listed within **Appendix 8** of this application.

Summary

- 7.12 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.

8.0 Notification Assessment – Sections 95A to 95G of the Act

Public Notification Assessment

- 8.1 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.



- 8.1.1 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]

- 8.1.2 Public Notification is not precluded as the proposal is a restricted discretionary activity and is not solely a boundary activity. Therefore Step 3 must be considered.

Step 3: 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.

- 8.1.3 The proposal is not subject to a rule or NES requiring public notification and the proposal does not have effects that will be more than minor. Therefore, Public Notification is not required, and Step 4 must be considered.

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.

- 8.1.4 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, particularly given that it is private land, and the application is to enable the construction of a dwelling. The application is neither exceptional nor unusual.



Public Notification Summary

8.1.5 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

8.2 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).

8.2.1 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).

8.2.2 There is no rule in the plan or national environmental standard that precludes notification. The application is not for a controlled activity therefore Step 2 does not apply and 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

8.2.3 The proposal is not solely for a boundary activity



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.

8.2.4 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. In this case, written approval has been sought and obtained by the Design Team as required by the Management Plan for the site. No other written approvals have been obtained nor considered necessary.

8.2.5 With respect to section 95B(8) and section 95E, the permitted baseline was considered as part of the assessment of environmental effects undertaken in Section 6 of this report, which found that the potential adverse effects on the environment will be less than minor. In regard to effects on persons, the assessment in Sections 6, 7 & 8 are also relied on and the following comments made:

- The proposal is giving effect to the intent of the original subdivision.
- The proposal is not considered to be contrary to the objectives and policies under the District Plan, NPCPS and Regional Policy Statement.
- No vegetation clearance is required as part of the proposal.
- The applicant has provided a landscape report and plan and will be undertaking further planting.
- Stormwater runoff can be adequately managed effectively.
- The proposed dwelling can be effectively absorbed in the existing landscape through design, colours, and materials.

8.2.6 Therefore no other persons will be affected to a minor or more than minor degree.

8.2.7 Overall, the adverse effects on any persons are considered to be less than minor. 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),

8.2.8 The proposal is to construct a dwelling on the site. It is considered that no special circumstances exist in relation to the application.



Limited Notification Assessment Summary

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

Notification Assessment Conclusion

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

9.0 Part 2 Assessment

9.1 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.

9.2 The proposal will meet Section 5 of the RMA as the proposal will sustain the potential of natural and physical resource whilst meeting the foreseeable needs of future generations as the site is being used for its intended use. In addition, the proposal will avoid adverse effects on the environment and will maintain the character of the site and surrounding environment.

9.3 Section 6 of the Act sets out a number of matters of national importance. The subject site is located within the coastal environment under the RPS. As assessed earlier in this report, no adverse effects are considered to be created on the amenity and character of the site and surrounding environment and adequate mitigation measures have been incorporated into the design which will protect the naturalness of the environment. Stormwater and onsite effluent disposal will be accommodated onsite. Public access is not considered relevant to this application. The proposal has taken into account the relationship of Māori and their culture and traditions, and it is considered that the proposal will not create any adverse effects on Māori and their relationships with their ancestral lands, water, sites, waahi tapu and other taonga. Lot 5 is also not known to contain any historical or culturally significant sites. Consultation and recommendations were provided as part of the subdivision consent with fenced areas and formal covenants put in place to protect wahi tapu and vegetation in the surrounding vicinity. The site is not known to be subject to any natural hazards.

9.4 Section 7 identifies a number of “other matters” to be given particular regard by a Council in the consideration of any assessment for resource consent, including the maintenance and enhancement of amenity values. The proposal maintains amenity values in the area as the proposal is in keeping with the existing character of the surrounding environment. The proposal also maintains and enhances the quality of the environment. Amenity values will be maintained with the proposed mitigation measures incorporated into the design.

9.5 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. The proposal has taken into account the principals of the Treaty of Waitangi; and is not considered to be contrary to these principals.



- 9.6 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.

10.0 Conclusion

- 10.1 The proposed dwelling is suitable in the context of the site and surrounding environment. The development will result in no more than minor adverse effects on the coastal environment, and the Outstanding Landscape, and less than minor effects on any person or party. All effects of the activity can be managed within the site boundaries. Overall, it is considered that the proposal will result in no more than minor effects on the environment.
- 10.2 In terms of section 104(1)(b) of the Act, the actual and potential effects of the proposal will be no more than minor. 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.
- 10.3 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 As a Restricted Discretionary Activity, the proposal has been assessed against the relevant objectives, policies and assessment criteria contained within the Operative District Plan and Proposed District Plan. It is considered that the proposed activity would not be contrary to those provisions and that any potential adverse effects can be avoided or mitigated. It 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 **405155**
Land Registration District **North Auckland**
Date Issued 27 November 2008

Prior References

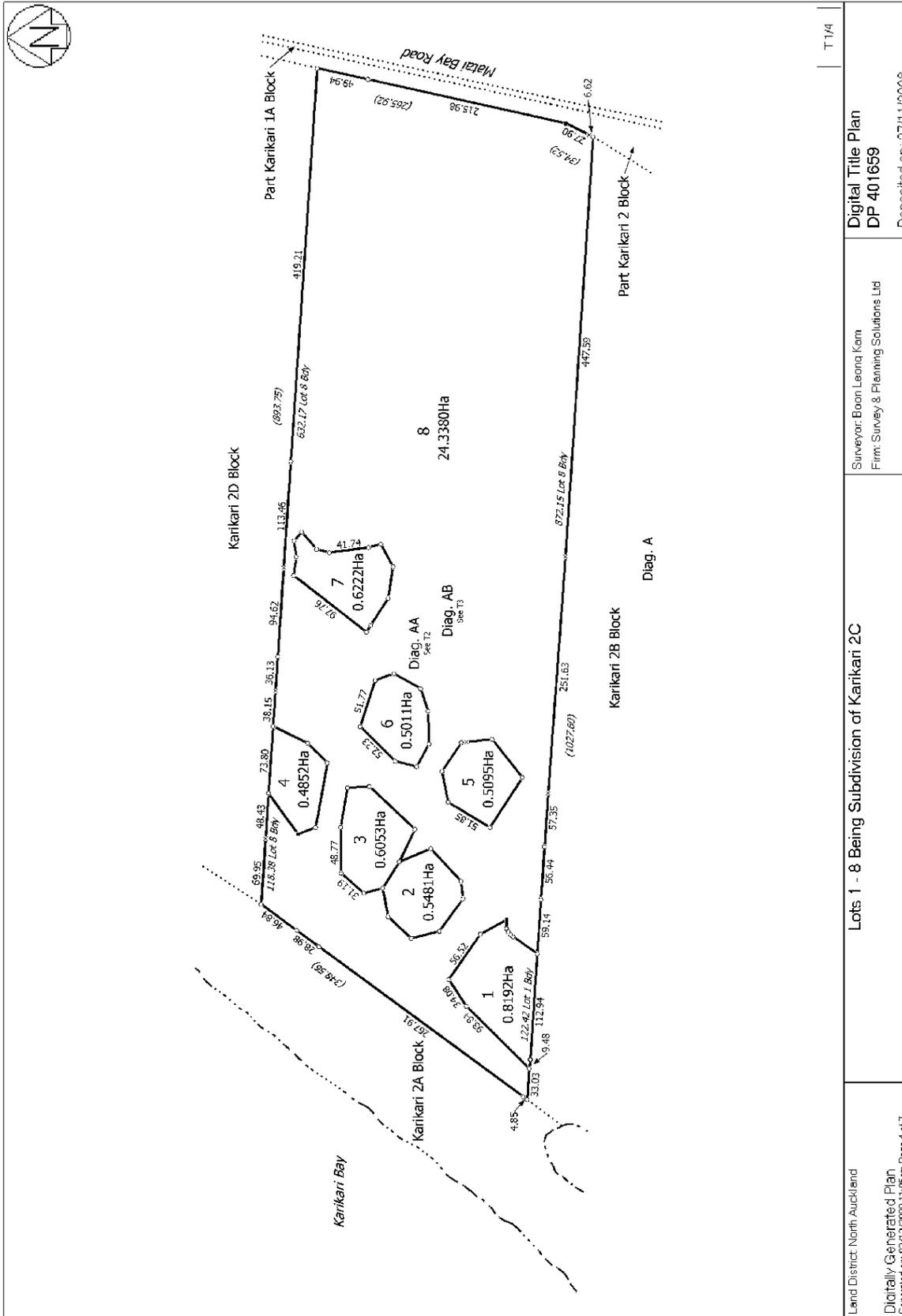
NA31A/1342

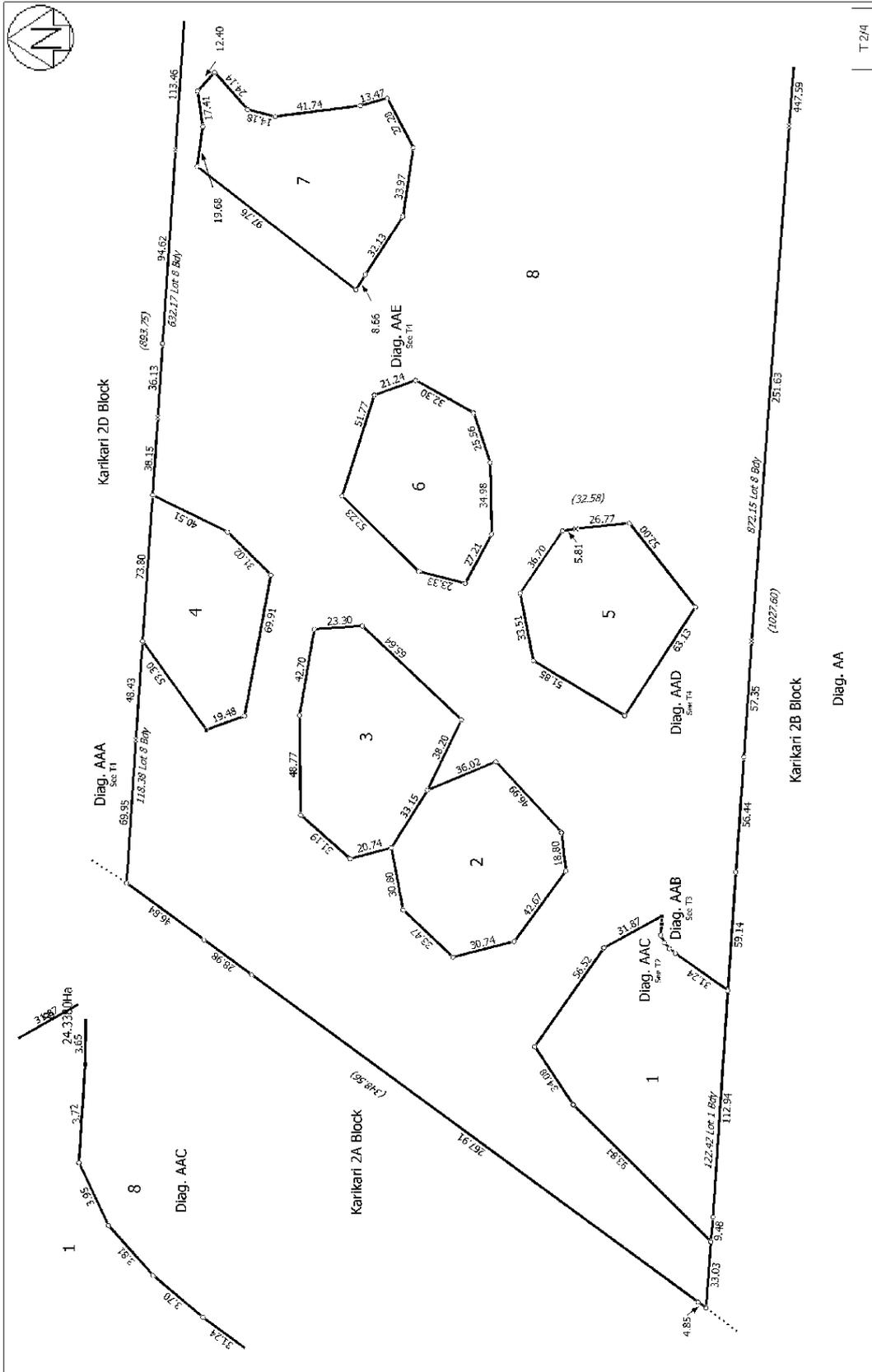
Estate Fee Simple
Area 5095 square metres more or less
Legal Description Lot 5 Deposited Plan 401659
Registered Owners
Ian James Galley, Burdinia Carmen McDonnell and James Daniel Houghton

Estate Fee Simple - 1/7 share
Area 24.3380 hectares more or less
Legal Description Lot 8 Deposited Plan 401659
Registered Owners
Ian James Galley, Burdinia Carmen McDonnell and James Daniel Houghton

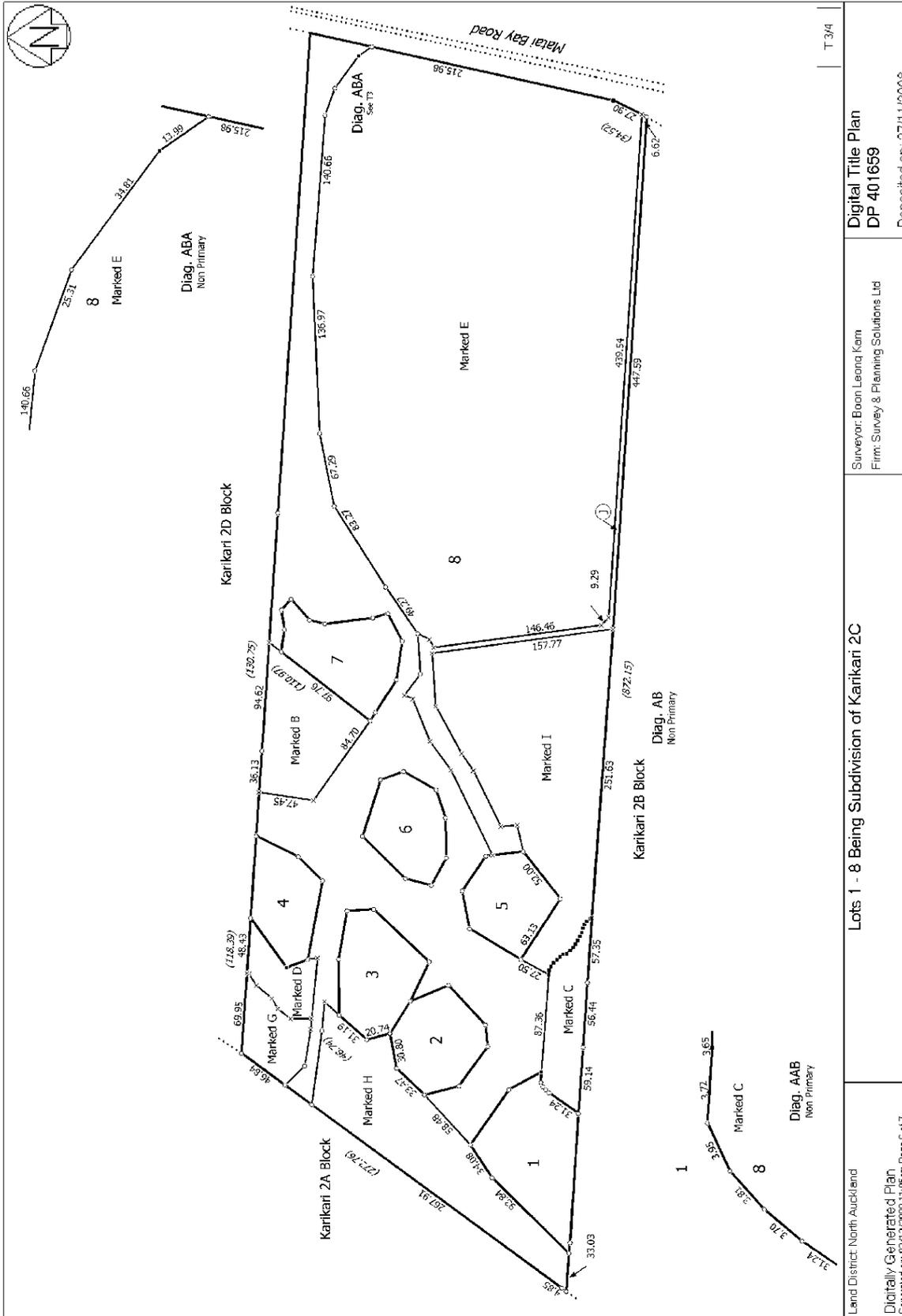
Interests

401996.2 Court Order laying out a roadway over the parts shown as 1A, 2 and 1B1 Roadways - 1.4.1975 at 11.41 am
8010494.1 Consent Notice pursuant to Section 221 Resource Management Act 1991 - 27.11.2008 at 9:00 am
Subject to Section 241(2) Resource Management Act 1991 (affects DP 401659)
Subject to a right (in gross) to convey electricity over part Lot 8 DP 401659 marked J on DP 401659 in favour of Top Energy Limited created by Easement Instrument 8010494.3 - 27.11.2008 at 9:00 am
The easements created by Easement Instrument 8010494.3 are subject to Section 243 (a) Resource Management Act 1991
Subject to a right (in gross) to convey telecommunications and computer media over part Lot 8 DP 401659 marked J on DP 401659 in favour of Telecom New Zealand Limited created by Easement Instrument 8010494.4 - 27.11.2008 at 9:00 am
The easements created by Easement Instrument 8010494.4 are subject to Section 243 (a) Resource Management Act 1991
8010494.5 Open Space Covenant pursuant to Section 22 Queen Elizabeth the Second National Trust Act 1977 - 27.11.2008 at 9:00 am. (Affects Lot 8 DP 401659)
Land Covenant in Easement Instrument 8010494.6 - 27.11.2008 at 9:00 am
8010494.7 Encumbrance to Karikari 2C Society Incorporated - 27.11.2008 at 9:00 am
8010494.8 Lease of Lot 8 DP 401659 Term 999 years commencing 1.12.2008 CT 454457 issued - 27.11.2008 at 9:00 am
10602659.1 Variation of the conditions of the land covenant created by Easement Instrument 8010494.6 - 25.10.2016 at 4:49 pm
10879611.1 Variation of the conditions of the land covenant created by Easement Instrument 8010494.6 - 17.8.2017 at 9:31 am

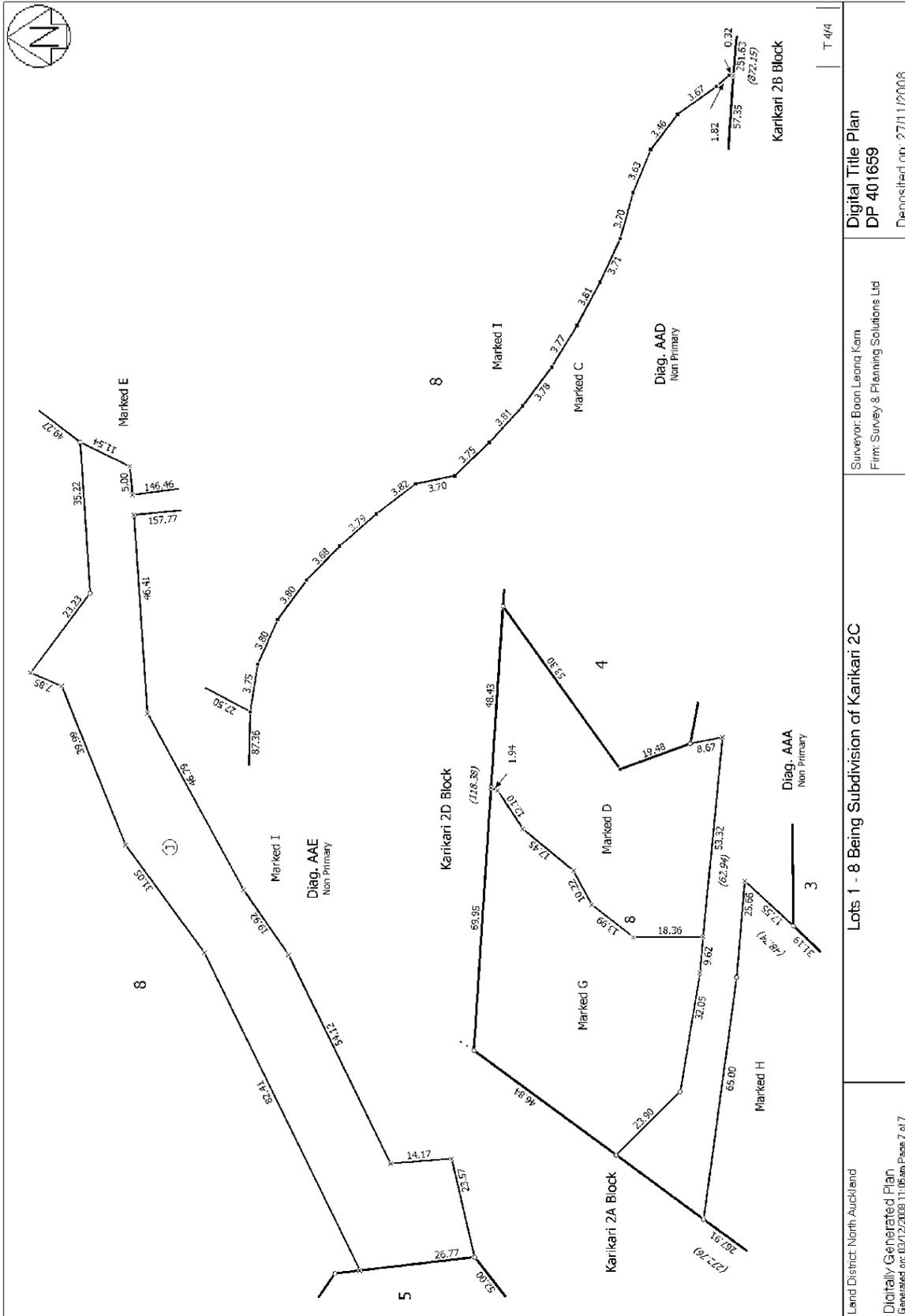




Land District: North Auckland	Lots 1 - 8 Being Subdivision of Karikari 2C	Surveyor: Baon Leong Kam Firm: Survey & Planning Solutions Ltd	Digital Title Plan DP 401659	T/2/4
Digitally Generated Plan Generated on: 03/12/2008 11:05 am Page 5 of 7		Deposited on: 27/11/2008		



<p>Land District: North Auckland</p>	<p>Surveyor: Boon Leong Kam Firm: Survey & Planning Solutions Ltd</p>	<p>Lots 1 - 8 Being Subdivision of Karikari 2C</p>	<p>Digital Title Plan DP 401659</p>
<p>Digitally Generated Plan Generated on: 03/12/2008 11:05 am Page 6 of 7</p>			<p>Deposited on: 27/11/2008</p>



Land District: North Auckland	Surveyor: Boon Leong Kam	Digital Title Plan	T 4/4
Digitally Generated Plan	Firm: Survey & Planning Solutions Ltd	DP 401659	
Generated on: 13/7/2008 11:05 am Page 7 of 7			Deposited on: 27/11/2008



Far North
District Council

CONO 8010494.1 Consen

Cpy - 01/01, Pgs - 006, 26/11/08, 15:18



DocID: 318218673

Private Bag 752, Memorial Ave

Kaikōhe 0400, New Zealand

Freesphone: 0800 920 029

Phone: (09) 405 2750

Fax: (09) 401 2137

Email: ask.us@fndc.govt.nz

Website: www.fndc.govt.nz

THE RESOURCE MANAGEMENT ACT 1991

SECTION 221 : CONSENT NOTICE

REGARDING RC 2070190
the Subdivision of Lots 1 - 8
Being Subdivision of Kaikari 2C.

North Auckland Registry

PURSUANT to Section 221 and for the purpose of Section 224 (c)(ii) of the Resource Management Act 1991, this Consent Notice is issued by the **FAR NORTH DISTRICT COUNCIL** to the effect that conditions described in the schedule below are to be complied with on a continuing basis by the subdividing owner and the subsequent owners after the deposit of the survey plan, and these are to be registered on the titles of the allotments specified under each condition below.

SCHEDULE

PURSUANT to Section 221 and for the purposes of Section 224 of the Resource Management Act 1991, this Consent Notice is issued by the FAR NORTH DISTRICT COUNCIL to the effect that conditions described in the Schedule below are to be complied with on a continuing basis by the subdividing owner and the subsequent owners after the deposit of the survey plan, and is to be registered on the appropriate new titles.

SCHEDULE

1. All buildings on Lots 1 to 7 shall be sited to comply with the recommendations of the "Report on Suitability of Site for Subdivision - Matai Bay Road, Cape Karikari" prepared by *Haigh Workman Civil and Structural Consultants Ltd* (Ref 05 498) dated August 2006.
2. The stormwater and effluent disposal systems for all buildings on Lots 1 to 7 shall be designed, constructed and maintained in accordance with the recommendations of the "Report of Suitability of Site for Subdivision - Matai Bay Road, Cape Karikari" prepared by *Haigh Workman Civil and Structural Consultants Ltd* (Ref 05 498) dated 17 August 2006.

Land Registration District:

North Auckland

Plan Number

DP 401659

Territorial Authority (the Council)

Far North District

Memorandum of Easements in Gross

Purpose	Shown	Servient Tenement	Grantee
Right to Convey Electricity	J	Lot 8 Hereon	Top Energy Ltd
Right to Convey Telecommunications & Computer Media	J	Lot 8 Hereon	Telecom NZ Ltd

Proposed QE II Open Space Covenant (Cultural Site) Schedule

Shown	Description	Area
B	Pt Lot 8 Hereon	7785m ²
C	Pt Lot 8 Hereon	4725m ²
D	Pt Lot 8 Hereon	2730m ²

Proposed QE II Open Space Covenant Schedule

Shown	Description	Area
E	Pt Lot 8 Hereon	12.4190ha
G	Pt Lot 8 Hereon	3380m ²
H	Pt Lot 8 Hereon	1.5360ha
I	Pt Lot 8 Hereon	2.6300ha



Order for new Computer Register

OCT 8010494.2 Order 1
Cpy - 01/01, Pgs - 001, 26/11/08, 15:12
DocID: 313213676

To the Registrar - General of Land

Please issue a new computer register in the name of

MBR DEVELOPMENTS LIMITED

for

Lot(s)	Deposited Plan	Computer Register
1 and an undivided 1/7 share Lot 8	401659	405151
2 and an undivided 1/7 share Lot 8	401659	405152
3 and an undivided 1/7 share Lot 8	401659	405153
4 and an undivided 1/7 share Lot 8	401659	405154
5 and an undivided 1/7 share Lot 8	401659	405155
6 and an undivided 1/7 share Lot 8	401659	405156
7 and an undivided 1/7 share Lot 8	401659	405157

being *all/balance/part of the land included in Computer Register(s)

31A/1342

for NORTH AUCKLAND Registration District

Dated this 14th day of November 2008

[Signature]
[Solicitor for] the Registered Proprietor

*Delete as appropriate

KARIKARI 2B MANAGEMENT PLAN

Contents:

1. Management Plan
2. Resource Consent RC-2070190-RMVAVAR
3. Survey Plan
4. QE 11 Covenant
5. Land Covenant

APPROVED

KARIKARI 2B MANAGEMENT PLAN

1. Introduction

- 1.1 Condition 2(f) of Resource Consent RC-2070190-RMAVAR (attached as **Annexure 1**) - MBR Developments Limited requires that the consent holder:

Submit to the Council a Management Plan for the site, which shall bind all subsequent owners of the properties and include the following matters:

- *The conditions that will be imposed on all future owners to mitigate the effects of the built development;*
- *The rules governing the administration of the land and facilities owned;*
- *The nature and extent of landscape and screen planting that is to be carried out within the site and how this shall be maintained on an ongoing basis;*
- *Any limitations on the location and the extent of earthworks that may be carried out within the site;*
- *Any limitations regarding access to the beach;*
- *Any restrictions on keeping of animals or, other land use restrictions;*
- *The allocation of responsibilities for the construction and maintenance of the stormwater and wastewater disposal facilities;*

The Management Plan shall clearly distinguish those matters that are subject to consent notice and full support by the Council and those matters that are subject to agreement between the owners.

2. The Development

- 2.1 The Karikari 2C development consists of seven residential lots ranging in size between 4432 square metres and 8080 square metres, and one communal lot consisting of 24.486 hectares.
- 2.2 The development is situated at Matai Bay, with frontage onto Karikari Bay. It is accessed from Matai Bay Road.
- 2.3 A copy of the survey plan for the development, which is being submitted to Council for approval contemporaneously with this management plan, is

annexed as **Annexure 2**. In addition to providing a plan of the lots, the survey plan includes the areas that are to be subject to the QE 11 covenant.

- 2.4 The Karikari 2C development is a little unusual in that it contains community owned property, and in that the developer's philosophy is to create an ecologically sound development which takes into account the unique values associated with its coastal location.
- 2.5 In keeping with this philosophy the development has been structured in a manner that ensures substantial control over activities which can take place on the development.
- 2.6 Because the development includes a large area that is owned by all of the lot owners in common (lot 8 the *Community Property*) the developer must maintain statutory controls over and above those imposed by the Far North District Council (*FNDC*). In particular the provisions of the Securities Act 1986 must be complied with. The development has been structured to comply with the provisions of the Securities Act (Residential Property Developments) Exemption Notice 1999.
- 2.7 In order to preserve the historical and ecological features upon the development, the developer has had extensive consultations with the Queen Elizabeth the Second National Trust (*QE11 Trust*) and has agreed to register a QE11 covenant over a large part of the Community Property.
- 2.8 The ongoing management of the development will be achieved through a combination of mechanisms. Three different legal strategies will be used to ensure permanent compliance with FNDC conditions of the resource consent, and the developer's vision for the development. The mechanisms are as follows:

3. Consent Notices.

- 3.1 The following matters will be the subject of consent notices registered against titles within the development by FNDC (see paragraph 4(i) of the resource consent):
 - 3.1.1 Siting of all buildings;
 - 3.1.2 Storm water and effluent disposal systems;
 - 3.1.3 Approval of foundations of buildings;
 - 3.1.4 Management of activities on the community lot, and in particular management of water levels in wetland areas, and management of the natural ecosystem of plants and animals;
 - 3.1.5 Colours and reflectivity of buildings erected on the residential lots;
 - 3.1.6 Archaeological sites.

The Consent Notices are the legal vehicle for FNDC to exert permanent control over the development, in accordance with the conditions of the resource consent. In addition to the control exerted by the FNDC, there are further controls placed over the development by the QE 11 Trust, and the society of owners.

4. QE 11 Covenant

4.1 An Open Space Covenant will be registered over that part of Lot 8 shown as B, C, D, E, F, G, H, and I on the survey plan (*Heritage Area*) (see sheet T3/5 of the survey plan). Those areas constitute the majority of lot, and the majority of the entire development. The covenanted areas include areas of archeological and historical significance, and ecological character.

4.2 The covenant has been drafted by the QE11 Trust. Prior to drafting the covenant the QE11 Trust has carried extensive investigations of the covenanted land.

4.3 A copy of the QE11 covenant is annexed as **Annexure 3**. The covenant has been drafted by the trust to ensure proper ongoing management of the Heritage Area. Terms of the open space covenant bind all subsequent owners. The covenant states that its objectives are to:

4.3.1 Protect and enhance the natural character of the land with particular regard to the indigenous flora and fauna;

4.3.2 Maintain and enhance the landscape value of the land;

4.3.3 Encourage where appropriate restoration of indigenous vegetation cover on the land to enhance the contribution the land makes to the indigenous biodiversity

4.3.4 Prevent subdivision and future development of the land.

The QE11 covenant provides for the QE11 Trust to have an ongoing role in the supervision and management of the Heritage Area.

4.4 One of the effects of the QE11 Covenant is to limit vehicular access to the residential sites over the Community Lot. Vehicular access cannot take place over any part of the Heritage Area, which therefore limits vehicular access to those parts of lot 7 north of the areas marked I and E (but excluding areas G and D and B).

4.5 The QE 11 Covenant places extensive restrictions upon the use to which the Heritage area can be put. These are contained in clause 2.2 of the QE11 Covenant. In particular owners are restricted from:

- Removing native vegetation
- Planting exotic vegetation
- Disturbing the ground

- Construction buildings or signs
- Depositing rubbish
- Allowing livestock on the Heritage areas.

It is noted that the imposition of the QE11 Covenant was not a requirement of the resource consent, and was a voluntary matter instigated by the developer to assure the conservation of the development.

5. Land covenants imposed upon owners by the developer.

- 5.1 The developer will be registering a land covenant over all lots within the development. A copy of the Instrument creating the covenant is annexed as **Annexure 3**. The land covenant has the following principal purposes:
- 5.1.1 It creates an incorporated society for the purpose of ongoing management of the development and compliance with Securities Act requirements ;
- 5.1.2 It restricts the activities that maybe undertaken upon the residential lots and the Community Property.
- 5.1.3 It maintains controls over any buildings to be erected on the residential lots.
- 5.1.4 It imposes the landscape plan that was prepared for the resource consent on the owners.
- 5.2 The Land Covenant has a provision specifically requiring all Lot Owners to comply with this Management Plan.
- 5.3 A society, known as the Karikari 2C Society has been registered as an incorporated society pursuant to the Incorporated Societies Act 1908. All owners of lots on the development are to be members of the Society, and only owners will have voting rights. The Society is to take a long term registered lease of the Community Property from the owners. The Society is the vehicle by which owners manage the Community Property, and supervise the use of the residential lots by owners. The Land Covenant extensively prescribes the rights and powers of the Society.
- 5.4 The provisions of the land covenant are not intended to be enforced by the FNDC. The land covenant contains matters that complement the matters specified in the Consent Notices, and matters that are controlled by FNDC by way of bylaws and the provisions of relevant legislation, in particular the Resource Management Act, the Local Government Act, and the relevant district plan.
- 5.5 Some relevant provisions of the Land Covenant (as required by clause 2(f) of the resource consent) are as follows:

- 5.5.1 Restrictions upon what might be built upon the land, including architectural style, height restrictions, philosophy to be taken into account in design; approval of design and site development – clauses 3 and 4 (i.e. conditions that will be imposed upon future owners to mitigate the effect of built developments);
 - 5.5.2 The building envelopes on residential lots clause 3.4;
 - 5.5.3 Rules governing administration of the land and facilities – clause 5 - which explains the role of the Karikari 2C Society;
 - 5.5.4 Restrictions upon planting; maintenance and protection of vegetation – clauses 2.28-2.30; clauses 3.3 and 3.7; clause 4.2; clause 6.1.1 (d); clause 6.1.12. Please note that the planting obligations in clause 4.2.4 require any planting to be aligned with a landscape plan prepared by the developer. A copy of that plan is annexed as **annexure 4**;
 - 5.5.5 Limitations upon owners' rights to undertake earthworks – clauses 2.22.6;
 - 5.5.6 Limitations regarding access to the beach – 2.24.4;
 - 5.5.7 Restrictions upon land use and the keeping of animals, vehicles – clause 2 (and in particular clauses 2.1 to 2.21);
 - 5.5.8 Construction and maintenance of waste disposal and stormwater facilities – clauses 2.23.3 and 2.23.4; and 6.1.7;
 - 5.5.9 Maintenance of lots and landscaping – clauses 2.22; 2.27-2.30
 - 5.5.10 Use of lot 8 – the Community Property – clause 2.24.
 - 5.5.11 Vehicular access to the lots – clauses 2.24.4, 2.24.5. In addition to the restrictions imposed by the QE11 Covenant (which prevent any part of lot 8 that is subject to the QE11 Covenant from being used for vehicular access to the residential lots, the covenant restricts vehicular access to the area marked A on the attached the annexed diagram 20265 where existing access ways have been formed.
- 5.6 The Land Covenant is a covenant between the owners and the Society, which in turn is made up solely of the owners. Whilst the Land Covenants are for the benefit of the Owners and the Society, and can be enforced solely by the Society and the Owners, the restrictions imposed by the Land Covenant are substantial. In addition to the provisions of the Land Covenants, all lots are subject to the conditions imposed by the Consent Notices and the QE 11 Covenant.

The combination of consent conditions (controlled by FNDC), covenants contained in the QE 11 covenant (controlled by the QE 11 Trust), and covenants contained in the Land Covenant (controlled by the Karikari 2C Society and the Design Team (the developer and its architect), and the incorporation of the Karikari 2C Society, will

ensure the ongoing maintenance of an ecologically sound and culturally responsible development on a permanent basis.

SCHEDULE TO MEMORANDUM OF ENCUMBRANCE

REGISTERED PROPRIETOR:

LAND:

(a) Registration District

(b) Land

Area	Description	Title Reference
------	-------------	-----------------

SUBJECT TO AND TOGETHER WITH the easements covenants restrictions and conditions as set out on the title.

The sum of money is the sum of such Levies as shall be levied and fixed in each year during the continuance of the Land Covenants by Karikari 2C Society in respect of the land together with any other charges, in relation thereto as are fixed and made by Karikari 2C Society pursuant to the provisions of the Land Covenants to be raised and paid at the times and in the manner set out pursuant to the provisions of the Land Covenants and are notified by Karikari 2C Society to the registered proprietor from time to time

OPEN SPACE COVENANT

(Under section 22 of the Queen Elizabeth the Second National Trust Act 1977)

The QUEEN ELIZABETH THE SECOND NATIONAL TRUST ("the Trust") established by the Queen Elizabeth the Second National Trust Act 1977 ("the Act") is authorised by the Act to enter into agreed open space covenants over any private land MBR DEVELOPMENTS LIMITED ("the Covenantor") are registered as proprietors of an estate as set out in the Schedule of Land ("the Land") and have agreed to enter into an open space covenant on the Land with the Trust for the purpose and objectives set forth in Schedule 1.

The Covenantor and the Trust have mutually agreed:

- (a) To enter into this Deed in respect of the Land having regard to the purpose and objectives set out in Schedule 1 and subject to the terms and conditions set out in Schedule 2 and Schedule 3 of this Deed;
- (b) To comply with the terms and conditions set out in the Schedules and with every applicable provision of the Act;
- (c) The covenants and conditions contained in this Deed shall bind the Land in perpetuity;
- (d) That if any question arises in the management of the Land that is not clearly covered in the purpose and objectives or terms and conditions of this Deed, then that question shall be resolved by the Trust through the Chief Executive and the Covenantor in a manner that does not diminish the purpose and objectives or terms and conditions.

SCHEDULE 1

AGREED PURPOSE AND OBJECTIVES

The Covenantor and the Trust have mutually agreed the purpose of this Deed is to protect, maintain and enhance the open space values of the Land and to achieve the following particular objectives:

- (a) Protection and enhancement of the natural character of the Land with particular regard to the indigenous flora and fauna;
- (b) Maintenance and enhancement of the landscape value of the Land;
- (c) Encouraging where appropriate restoration of indigenous vegetation cover on the Land thereby enhancing the contribution the Land makes to the protection of indigenous biodiversity;
- (d) Protect the cultural values associated with the Land, and
- (e) Prevent subdivision and future development of the Land.

SCHEDULE 2

AGREED TERMS AND CONDITIONS

1. Interpretation and Declaration

1.1 In this Deed unless the context requires otherwise:

"the Board" means the board of directors of the Trust in terms of section 4 of the Act.
the "Covenantor" is the owner of the Land who enters into the agreement with the Trust by executing this Deed.

"Chief Executive" means the person appointed under section 18(1)(a) of the Act.

"Owner" means the person or persons who from time to time are registered as the proprietor(s) of "the Land".

"the Land" means the land as described in Schedule 4 and more particularly as shown on the plan annexed to this Deed.

1.2 In the event of any inconsistency between this Schedule and Schedule 3, Schedule 3 prevails.

1.3 The reference to any Act in this Deed extends to and includes any amendment to, or substitution for, that Act.

2. Appearance and Condition of the Land

2.1 No act or thing shall be done or placed or permitted to be done or remain upon the Land which in the opinion of the Board materially alters the actual appearance or condition of the Land or is prejudicial to the Land as an area of open space as defined in the Act.

2.2 In particular, on and in respect of the Land, except with the prior written consent of the Trust, or as outlined in Schedule 3, the Owner agrees not to:

- (a) Fell, remove, burn or take any native trees, shrubs or plants of any kind.
- (b) Plant, sow or scatter any trees, shrubs or plants or the seed of any trees, shrubs or plants other than local native flora.
- (c) Introduce any substance injurious to plant life except in the control of pests.
- (d) Mark, paint, deface, blast, move or remove any rock or stone or disturb the ground.
- (e) Construct, erect or allow to be erected, any buildings or undertake exterior alterations to existing buildings.
- (f) Erect, display or permit to be erected or displayed, any sign, notice, hoarding or advertising matter of any kind except for signs identifying the covenant or to indicate walking tracks that are or may be established on the Land.
- (g) Carry out any prospecting or exploration for, or mining or quarrying of any minerals, petroleum, or other substance or deposit.
- (h) Deposit any rubbish or other materials, except in the course of maintenance or approved construction, provided however that after the completion of any such work all rubbish and materials not wanted for the time being are removed and the Land left in a clean and tidy condition.
- (i) Allow any livestock on the Land.

- (j) Cause deterioration in the natural flow, supply, quantity or quality of any river, stream, lake, wetland, pond, marsh or any other water resource affecting the Land.
- 2.3 In considering any request by the Owner for an approval in terms of Clause 2.2, the Board will not unreasonably withhold its consent if it is satisfied that the proposed work does not conflict with the purpose and objectives of this Deed as contained in Schedule 1.
3. Management of the Land
- 3.1 The Trust will provide the Owner with technical advice or assistance as appropriate and practical to assist in meeting the purpose and objectives of this Deed.
- 3.2 To assist in achieving the purpose and objectives of this Deed, a management plan with particular emphasis on revegetation of the Land in indigenous species of plants shall be prepared by the Owner and the Trust and may be reviewed from time to time with a copy of the operative management plan being held by the Owner and the Trust.
4. Use of Land by Third Parties
- 4.1 If notified by any authority, body or person of an intention to erect any structure or carry out any other work on the Land, the Owner agrees:
- (a) to inform the authority, body or person of this Deed;
 - (b) to inform the Trust as soon as possible; and
 - (c) not to consent to the work being done without prior permission from the Trust.
5. Fences and Gates
- 5.1 The Owner shall keep all fences and gates on the boundary of the Land in good order and condition and will accept responsibility for all repairs and replacement except in the case of property boundary fences where the provisions of the Fencing Act 1978 shall apply.
6. Entry and Access
- 6.1 The Trust may through its officers, employees or agents enter upon the Land for the purpose of viewing the state and condition of the Land.
- 6.2 Members of the public, with the prior permission from the Owner, shall have freedom of entry and access to the Land provided:
- (a) The Owner shall have regard to the purpose and objectives of this Deed in considering any request for entry and access;
 - (b) The Owner shall have the sole right to determine whether or not any request for permission for entry and access should be granted due to specific management issues relating to the Land; and
 - (c) In granting consent or permission for entry and access the Owner may determine conditions of such entry and access including any requirement for the Owner or any occupier of the Land to be indemnified from and against any loss, damage or injury suffered by the Owner or any occupier as a consequence of any person entering onto the Land.
7. Pest Plants and Animals
- 7.1 The Owner shall continue to comply with the provisions of the Biosecurity Act 1993 and the Wild Animal Control Act 1977.

8. Fire

8.1 In the event of fire threatening the Land the Owner shall as soon as practical notify the appropriate Fire Authority.

9. Action for Benefit to the Land

9.1 The Owner or the Trust may at any time during the term of this Deed, by mutual agreement:

- (a) carry out any works or improvements, or
- (b) take any action either jointly or individually, or
- (c) vary the terms of this Deed to ensure the more appropriate preservation of the Land as open space in terms of the Act provided however any such variation is not contrary to the purpose and objectives of this Deed or section 22A of the Act.

10. Notices

10.1 Any consent, approval, authorisation or notice to be given by the Trust may be given in writing signed by the Chief Executive and delivered or sent by ordinary post to the last known residential or postal address of the Owner or to the solicitor acting on behalf of the Owner.

10.2 The Owner shall notify the Trust of any change in respect of ownership of all or any part of the Land and provide the Trust with the name and address of the new owner.

10.3 If before the registration of this Deed by the Registrar General of Land, the Owner wishes to sell or otherwise dispose of all or any part of the Land, the sale or disposition shall be made expressly subject to the terms and conditions contained in this Deed.

10.4 In the event of transfer of the Land to a company the covenants contained in this Deed shall bind a mortgagee in possession, receiver, Official Assignee, liquidator, statutory manager or statutory receiver to the fullest extent permitted by law.

SCHEDULE 3

SPECIAL CONDITIONS RELATING TO THE LAND

1. Naming
 - 1.1 The Covenantor and the Trust have mutually agreed the Land subject to this Deed shall be known as Matai Bay Foredune Covenant.
2. Beach Access
 - 2.1 The Owner may create a walking accessway across the Land to Karikari Bay.

SCHEDULE 4
SCHEDULE OF LAND

Land Registry:	NORTH AUCKLAND
Estate:	Fee Simple
Area:	B = 0.7785 hectares
	C = 0.4725 hectares
	D = 0.2730 hectares
	E = 12.4190 hectares
	G = 0.3380 hectares
	H = 1.5360 hectares
	I = 2.6300 hectares
Total Area	= 18.5470 hectares

Lot & D.P. No. (other legal description)	Part Lot 8 DP 401659 Block IV Karikari Survey District
---	---

Part Computer Freehold Register:	405151 to 405157 (inclusive)
----------------------------------	------------------------------

Land Registration District

North Auckland

Plan Number

DP 401659

Territorial Authority (the Council)

Far North District

Memorandum of Easements in Gross

Purpose	Shown	Servient Tenement	Grantee
Right to Convey Electricity	J	Lot 8 Hereon	Top Energy Ltd
Right to Convey Telecommunications & Computer Media	J	Lot 8 Hereon	Telecom NZ Ltd

Proposed QE II Open Space Covenant (Cultural Site) Schedule

Shown	Description	Area
B	Pt Lot 8 Hereon	7785m ²
C	Pt Lot 8 Hereon	4725m ²
D	Pt Lot 8 Hereon	2730m ²

Proposed QE II Open Space Covenant Schedule

Shown	Description	Area
E	Pt Lot 8 Hereon	12.4190ha
G	Pt Lot 8 Hereon	3380m ²
H	Pt Lot 8 Hereon	1.5360ha
I	Pt Lot 8 Hereon	2.6300ha

Dated this

day of

2008

as Covenantor by:

MBR DEVELOPMENTS LIMITED

Director

Director

OPEN SPACE COVENANT

Pursuant to Section 22 of
the Queen Elizabeth the
Second National Trust
Act 1977.

Correct for the
purposes of the Land
Transfer Act.

MBR DEVELOPMENTS LIMITED
Covenantor

Chief Executive

AND

THE QUEEN ELIZABETH THE
SECOND NATIONAL TRUST

To conserve and enhance the character and quality of the Serviant Lots, the Transferor and the Transferee mutually covenant as follows:

1. DEFINITIONS

1.1 Defined Terms. Unless the context specifies or requires otherwise, the following words and phrases when used in this Deed shall have the meanings hereinafter specified:

<i>Ancillary Buildings</i>	includes garages and storage Buildings and Guest House
<i>Building</i>	means any structure (including a road, driveway or access way) other than: <ul style="list-style-type: none">(a) a fence or wall less than 2 metres in height above Ground Level; or(b) any other structure less than 5 square metres in area and less than 2 metres in height above Ground Level.
<i>Commercial Activity</i>	The use of a Lot land and/or buildings within the Development for the display, offering provision sale or hire of goods equipment or services for payment, exchange or other consideration
<i>Committee</i>	means the Committee of the Society
<i>Community Property</i>	Lot 8 on Deposited Plan 401659 and all Improvements situated on that lot.
<i>Covenant</i>	this instrument, as it is amended or varied from time to time
<i>Cultural Sites</i>	the areas marked B, C, and D on Deposited Plan 401659
<i>Design Criteria</i>	the Design Criteria detailed in clause 3 of this Covenant
<i>Design Team</i>	MBR Limited and the project architect appointed by MBR Limited
<i>Diagram</i>	The diagram of Access Corridor and Building Envelopes annexed to this covenant and numbered 20265.
<i>Dwelling</i>	A Building or group of Buildings designed and occupied as a single self-contained household unit, whether by one or more persons, and includes normal accessory structures such as a garage, garden shed, glasshouse

	etc., and also includes Ancillary Buildings or one Guest House.
<i>Encumbrance or Memorandum of Encumbrance</i>	The Memorandum of Encumbrance to be entered into by the Transferee to secure the payment of the Levies by the Transferee to the Society under the terms of this Covenant (a draft of the Encumbrance is set out in the Schedule)
<i>Front</i>	that part of any Lot or of any Improvement which is nearest to or faces in the direction of the Access to that Lot.
<i>Ground Level</i>	finished ground level of a Lot as at the date of deposit of the Subdivision Plan creating that Lot.
<i>Guest House</i>	a single separate structure on the same Lot as a Dwelling, whether it is part of a Dwelling or a separate Building erected adjacent to a Dwelling, containing no more than one kitchen and/or one laundry.
<i>Heritage Area</i>	The areas marked B, C, D, E, F, G, H, and I on Lot 8 on Deposited Plan 401659 and all Improvements situated on that lot.
<i>Heritage Ponds</i>	those ponds situated within the Heritage Area, and includes any piping and pumps which convey water from one pond to another.
<i>Improvements</i>	every structure and all improvements of every type on a Lot, or the Community Property, whether temporary or permanent, including Buildings, Dwellings, sheds, patios, tennis courts, swimming pools, ponds, garages, paths, vehicle access ways, storage buildings, footpaths, gazebos, fences, gates, screening walls, retaining walls, stairs, decks, fountains, poles, letter boxes, signs, exterior air conditioning equipment or fixtures, exterior lighting fixtures, water softener fixtures or equipment, playground equipment, pumps, wells, tanks, reservoirs, pipes, lines, meters, antennae, towers, and facilities used in connection with water, sewage, gas, electric, telephone, regular or cable television, or other utilities and any earth modifications or excavation on the Lots.
<i>Landscape Plan</i>	The Karikari 2C Block Development Project New Landscape Plan dated 28 September 2007 by Ecoprojects Consulting Network Limited and David Wright Ecological Services.
<i>Karikari 2C Block</i>	means, the Lots and all Improvements, and the

	Community Property.
<i>Levy or Levies</i>	all Levies levied by the Society under this Covenant and the Society Rules.
<i>Lot</i>	a lot created as a result of subdivision of Karikari 2C Block; being any of Lots 1 to 8 Deposited Plan 401659.
<i>Lot Owner</i>	means the registered proprietor(s) of a Lot and where the context desires includes any tenant, lessee, licensee, visitor or invitee of a Lot Owner.
<i>Management Plan</i>	the management plan submitted in accordance with Resource Consent RC-2070190-RMAVAR
<i>Member</i>	any person holding shares in the Society.
<i>Mortgage</i>	any mortgage, deed of trust, or other security document secured over a Lot to secure the payment of a debt or other obligation.
<i>Mortgagee</i>	the holder of a Mortgage.
<i>Property Management Activities</i>	the repair, maintenance or upgrading of the Community Property, and Society Property, including the provision and maintenance of communal facilities and the planting of such trees, shrubs and other vegetation as the Society deems suitable for the enhancement of the Community Property.
<i>QE11 Covenant</i>	The Open Space Covenant 5/2/965 (under section 22 of the Queen Elizabeth the Second National Trust Act 1977) to be registered over the Heritage Area.
<i>Register of Members</i>	the book or register held by the Society to record the names and addresses of its Members.
<i>Residential Building Platform</i>	The building platforms for each of lots 1 to 7 (inclusive) identified on the Diagram;
<i>Resource Consent</i>	A resource consent issued pursuant to the Resource Consent Act 1991 permitting the creation of a lot or the construction of a Building or a Dwelling on a Lot.
<i>Society</i>	Karikari 2C Society Incorporated.
<i>Society Property</i>	all real or personal property now or in the future owned or leased by the Society.
<i>Society Restrictions</i>	the land covenants contained in this Covenant, as amended from time to time together with the Society Rules from time to time in effect.
<i>Society Rules</i>	the Rules of the Society, as amended from time to time.

<i>Society Rules</i>	rules adopted by the Society from time to time to manage and control matters and activities which the Society is authorised or required to deal with.
<i>Subdivide</i>	has the meaning ascribed to "subdivision of land" in Section 218(1) of the Resource Management Act 1991 including the creation of cross leases or units within the meaning of the Unit Titles Act 1972, and includes a licensing or parting of possession which has the effect of a permanent (whether de jure or de facto) parting of rights of possession of part of a lot or an interest in a lot.
<i>Subdivision Plan</i>	A survey plan of subdivision which creates a Lot.

1.2 In this Covenant:

- 1.2.1 the singular includes the plural, and vice versa.
- 1.2.2 *including* has no limiting effect;
- 1.1.10 references to a party approving or notifying or agreeing or objecting are doing so in writing;
- 1.2.3 references to statutes include amendments or replacements to that statute;
- 1.2.4 references to a person include individuals, companies, all partnerships, trusts,
- 1.2.5 organisations and all other entities; headings are inserted for ease of reference only and do not affect interpretation;

2. LIMITATIONS AND RESTRICTIONS

- 2.1 **Private Residential Use:** The Lots must be used solely for private residential purposes and no more than one Dwelling may be constructed on any Lot.
- 2.2 **Compliance with Management Plan;** All Lot Owners shall comply with the Management Plan at all times.
- 2.3 **Subdivision**
 - 2.3.1 Subject to sub clause 2.3.2 below, no Lot may be further divided or subdivided without the unanimous approval of all the Lot Owners. Approval may be given or withheld by a Lot Owner at that Lot Owner's entire discretion. Lot 8 shall not be able to be subdivided under any circumstances;

- 2.3.2 Sub clause 2.3.1 does not apply to a boundary adjustment which does not result in the creation of a greater number of separate titles than existed prior to the boundary adjustment.
- 2.4 **Resource Consent:** Construction of any Dwelling must be strictly in accordance with the conditions of the Resource Consent issued for Karikari 2C Block relating to the construction of Dwellings and Improvements on Karikari 2C Block.
- 2.5 **Businesses:** Commercial Activity must not be conducted on a Lot.
- 2.6 **Aircraft:** A Lot with the exception of the Heritage area may be used for the takeoff, storage, or landing of helicopters only but only for the purposes of travel to and from the lot.
- 2.7 **Insurance Rates:** Nothing is to be done or kept on the Lots that would increase the rate of public liability insurance or cause the cancellation of any such insurance for the Community Property without the prior approval of the Society.
- 2.8 **Signs:** No sign of any kind including signs advertising a Lot for sale or lease, are to be displayed to the public view except as may be required to be displayed by any statute or local by-law.
- 2.9 **Rubbish and Debris:** Rubbish or debris of any kind must not be placed or permitted to accumulate upon a Lot other than within covered containers, and odours must not be permitted to arise so as to render a Lot or any portion of that Lot unsanitary, unsightly, offensive, or detrimental to any other Lots or to their occupants. Refuse, garbage, and rubbish must be kept at all times in covered containers, and those containers must be kept within enclosed structures or otherwise appropriately screened from view. Open fires must not be made or allowed on any Lot outside a Dwelling except where the fire is located within an appropriate barbeque area or fitting and is not lit for the purpose of burning rubbish or debris, including vegetative matter.
- 2.10 **Noise:** Horns, whistles, bells, or other devices (other than security devices used exclusively for security purposes) must not be located, used, or placed on the Lots. No noise or other nuisance is to be permitted to exist or operate upon any portion of the Lots so as to be offensive or detrimental to any other Lot or to its occupants, including exterior speakers, unruffled motorcycles and motor scooters. Without limiting the generality of the foregoing, if any noise or nuisance emanates from a Lot, the Society may (but shall not be obliged to) enter that Lot and take such reasonable actions as are necessary to terminate the noise or nuisance (including silencing any burglar or security alarm).
- 2.11 **Construction of Improvements:** During the construction period each Lot Owner must keep the construction site on the Lot in a tidy condition and shall ensure that the construction site and the Improvements being erected thereon are sufficiently secure so that unauthorized persons are not permitted entry onto a Lot.

- 2.12 **Repair of Buildings:** All Improvements must at all times be kept in good condition and repair and adequately maintained. The opinion of the Society as to condition and repair is final.
- 2.13 **Alteration or Removal of Improvements:** Any alteration, remodelling, construction or reconstruction that alters or modifies the exterior appearance of any improvements must be approved by the Design Team and conform to the general design criteria.
- 2.14 **Drainage:** There must be no interference with the established drainage patterns of the Lots unless adequate provision is made for proper drainage and is approved by the Society.
- 2.15 **Hazardous Activities:** No activities may be conducted on the Lots or in the Improvements that are or might be unsafe or hazardous to any person or property, including the discharge of firearms or fireworks, or the disposal of hazardous materials
- 2.16 **Temporary Structures:** A tent, shed, caravan or other temporary Building, or structure must not be placed upon a Lot except with the approval of the Society; provided however, that temporary structures necessary for storage of tools and equipment during actual construction may be maintained with the prior approval of Society. Approval may include the nature, size, duration, and location of such structure.
- 2.17 **Mining and Drilling:** No portion of a Lot is to be used for the purpose of mining, quarrying, drilling, boring, or exploring for or removing water, oil, gas, or other hydrocarbons, minerals of any kind, rocks, stones, sand, gravel, aggregate, or earth provided that this clause does not apply to any communal water supply bore.
- 2.18 **Unightly Articles and Vehicles:** An article deemed unsightly by the Society must not be permitted to remain on a Lot so as to be visible from adjoining Lots, public or private thoroughfares or the Access Lot. Without limiting the generality of the foregoing:
- 2.18.1 trailers, graders, trucks larger than a one ton utility, boats, tractors, semi-trailers, campers, wagons, buses, motorcycles, motor scooters, gliders, aero planes, micro lights, hang-gliders, fuel storage tanks, rubbish bins, machinery, garden maintenance equipment and inoperable vehicles shall be kept at all times, except when in actual use, in enclosed structures, screened from view;
- 2.18.2 repair or maintenance work must not be done on any of the items listed in sub clause (a), or on any motor vehicle (other than minor emergency repairs) except in an enclosed garage or other structure;
- a) Service areas, storage areas and compost heaps, must be screened from view,
- b) Vehicles. Vehicles must not be parked on any part of the Heritage Area except in designated parking areas.

- 2.19 **Animals:** Karikari 2C Block and its environs contain significant native bird habitats, including habitats of endangered species. To minimise the disturbance to native birds, no dog, cat or mustalid shall be permitted to be kept on any Lot.
- 2.20 **Laundry:** Washing machines or dryers must not be placed on front porches or at the Front of any Lot. Clotheslines or other structures intended for drying laundry must be located so as to be screened from view from any adjoining Lot. Laundry must not be draped over plants, trees or fences anywhere on a Lot.
- 2.21 **Banners, Streamers and Flags:** No flag, banner or streamer may be raised or displayed upon a Lot.
- 2.22 **Owners' Responsibility for Maintenance.**
- 2.22.1 **Maintain Improvements:** Each Lot Owner must maintain and keep in good state of repair the exterior of all Improvements and the grounds and landscaping on the Lots must be kept trim and tidy.
- 2.22.2 **Society may require maintenance:** Should the exterior of any Improvements or grounds and landscaping not be maintained in a manner that the Society deems desirable to preserve the appearance and value of the Lots, the Society may notify the Lot Owner of the work required and request that it be done within ninety (90) days from the giving of such notice.
- 2.22.3 **Society may carry out maintenance:** In the event that such work or maintenance is not completed within the period provided for in sub clause 2.22.1, or any extended period which may be agreed by the Society, the Society may (but is not obliged to) cause such work to be done. The Lot Owner is personally liable for the costs of such work. If the Lot Owner fails to pay those costs and expenses upon demand, those costs and expenses (plus interest from the date of demand until paid at the maximum lawful rate, or if there is no such maximum lawful rate, at the rate of two percent (2%) per month) shall be added to the Levy chargeable against that Lot. Alternatively the Society may impose a penalty of \$100 dollars per day until the work is completed.
- 2.22.4 **Payment for Maintenance:** Any amounts added to the Levy chargeable to the Lot pursuant to sub clause 2.22.3 shall be secured by the Memorandum of Encumbrance referred to in this Covenant for Levies and may be collected by any means provided in this Covenant for the collection of Levies, including enforcement of that Encumbrance against the Lot, or any other remedies as are applicable to an Encumbrance under the Land Transfer Act 1952 and the Property Law Act 2007.
- 2.22.5 **Completion of Construction:** For the purposes of this clause, if the construction of a Building or Dwelling commences, and is not completed to the extent of completion of all exterior cladding within twenty four months of the date construction started, the Lot Owner shall be deemed to be in breach of sub clauses 2.22.1 and 2.22.2 above and may be required to complete the

Building or Dwelling to the stage of completion of all exterior cladding. This time may be extended with written approved by the Society.

2.22.6 **Liability for Damage to Heritage Area.** A Lot Owner must not in any way alter, modify, add to, or otherwise perform any work whatsoever upon the Community Property without the prior approval of the Society. A Lot Owner is liable to the other Lot Owners, or where applicable, the Society for all damages to:

- a) The Community Property;
- b) any Improvement constructed upon any Lot, the maintenance of which has been assumed by the Society, where that damage is caused by the neglect misuse or negligence of that Lot Owner, the full cost of all repairs of that damage is a Levy chargeable to the Lot secured by the Encumbrance against the Lot and collectable in the same manner as collection of Levies.

2.23 Compliance with Society Restrictions.

2.23.1 **Failure to Comply:** All Lot Owners must comply strictly with the Society Restrictions. Failure to comply with any of the Society Restrictions constitutes a violation of this Covenant and gives rise to a cause of action to recover sums due for damages or injunctive relief, or both, maintainable by the Society.

2.23.2 **Society may remedy default:** Without limiting any rights or powers of the Society set out in this Covenant, the Society may (but is not obliged to) remedy or attempt to remedy any violation of any of the Society Restrictions. The Lot Owner in default is personally liable to the Society for all costs and expenses of effecting (or attempting to effect) such remedy. If the Lot Owner fails to pay those costs and expenses upon demand, those costs and expenses (plus interest from the date of demand until paid at the maximum lawful rate or if there is no such maximum lawful rate at the rate of two percent (2%) per month), shall be added to and deemed part of the Levy chargeable to the Lot.

2.23.3 **Water Supply Systems:** The water supply system must be constructed and maintained in strict accordance with the requirements of the Far North District Council and of the Society. All water tanks shall be underground to the extent of 90%.

2.23.4 **Sewage Disposal System:** Each Lot is to have its own sewerage disposal system that is to be ecologically sound, and comply with all current recommended guidelines and best management practice.

2.23.5 **Butane and Fuel Tanks:** Butane or fuel tanks or other structures or facilities for the storage of combustible fuel (other than for gas grills or heating) must not be placed or maintained on a Lot unless approved by the Society and the

Far North District Council. All such tanks must be screened from view from the Lots, and the Community Property.

- 2.23.6 **Swimming Pools:** Any swimming pool (as defined in the Fencing of Swimming Pools Act 1987) on the Lots must comply with any applicable regulations concerning swimming pool enclosure requirements, particularly the Fencing of Swimming Pools Act 1987. The pool shall be well maintained and filtration equipment noise shall not be intrusive.
- 2.23.7 **Air conditioning Units:** Window air conditioning units are not permitted. Any split phase air conditioning units must be screened from view and no condenser units shall be placed on any roof.
- 2.23.8 **Relocated Buildings:** A relocated building (including any building transported in substantially built up form) must not be erected, placed or constructed on a Lot.
- 2.23.9 **Fences:** Fencing is only permitted around those parts of the Lots that constituted the exterior boundary of Karikari 2C Block and within the Heritage Area as designated by Society.

2.24 Use of Community Property

- 2.24.1 **Comply with Rules:** All Lot Owners own the Community Property jointly and shall enjoy the use of the Community Property equally subject to the terms of the Society Rules, the provisions of this Covenant, the future resolutions and decisions of the Committee Members and Members of the Society, and the management plan.
- 2.24.2 **No Buildings:** The Community Property is to be used for providing access and services to the Lots (including the installation, where appropriate, of water tanks for the use of adjacent Lots), and for the general recreational use of the Lot Owners. No Buildings are to be erected on the Community Property other than those allowed by the Society.
- 2.24.3 **Access:** A Lot Owner has a right of access to and enjoyment of the Community Property together with any facilities on the Community Property, which is to be appurtenant to and passes with the title to the Lot, subject to any restrictions outlined in this Covenant, and to the following restrictions and reservations:
- 2.24.4 **Use of Vehicles:** Vehicles are only to be used upon the formed accessway on area A on the Diagram. No vehicle shall be used off a formed accessway except for the purpose of construction or essential repairs. The access way to Karikari beach shall be used for pedestrian access only. No vehicle shall be taken from that part of the access way between Lots 3 and 4 over the boundary of Karikari 2A. Vehicles may be parked in the formed car park. The accessway is not to be used for the launching of boats or the passage of vehicles.

- 2.24.5 **No change of accessway:** There shall be no variation of the accessway or new accessway created outside of the area marked A on the Diagram.
- 2.24.6 **Suspension of Rights:** The Society may suspend a Lot Owner's rights for any period during which any Levy payable by that Lot Owner remains past due, and for any period during which the Lot Owner is in violation of the Society Restrictions and/or Society Rules;
- 2.24.7 **Services:** The Society may dedicate any part of the Community Property for services on conditions as may be determined by the Society.
- 2.24.8 **Regulations:** The Society may make reasonable rules and regulations regarding the use of the Community Property and facilities located on the Community Property by the Lot Owners and other persons entitled to such use.
- 2.24.9 **Risk:** Access and enjoyment of the Community Property is at the Lot Owner's own risk.
- 2.24.10 **Cultural Sites:** No person shall enter the Cultural Sites without the express permission of the Committee.
- 2.25 **Ponds:** Neither the Society nor any individual Lot Owner may increase or reduce the size of any Pond on the Community Property nor alter any such Pond without the consent in writing of the Society in the case of an individual Lot Owner, or in the case of the Society, a written resolution of the Committee.
- 2.26 **Insurance.** A Lot Owner must maintain insurance on the Improvements located on the Lot, providing fire and all risks cover and all other coverage in the kinds and amounts usually required by lending institutions for Improvements similar in construction, location and use. Those insurance policies must be for the full replacement value of the Improvements constructed upon the Lot. Payment of the premium for the insurance policies is the responsibility of the Lot Owner.
- 2.27 **Restoration.** In the event of fire or other destruction the Lot Owner must promptly repair, restore or remove any damaged or destroyed Improvements.
- 2.28 **Structural Planting.** Existing structural planting shall not be felled unless it is dead, diseased or dangerous, as defined by a qualified arborist. Any structural planting that is removed shall be replaced by a tree of the same species and a minimum height of 3.0 metres at the time of planting.
- 2.29 **No Planting.** No trees, shrubs or other plants may be planted or allowed to grow on any Lot outside the Residential Building Platform on that Lot, provided that this clause does not apply to or restrict structural planting required or allowed to be carried out by Resource Consent or the QE11 Covenant or approved by the Society and Design Team.
- 2.30 **Other Growth.** A Lot Owner must not allow any of the following specified species to grow on their Lot

All exotic palm species (includes Kermadec and all non-mainland nikau)

All exotic fern species

<i>Acacia</i> spp.	all acacia/wattles
<i>Acaena agnipila</i>	sheep's bur
<i>Acmena smithii</i>	monkey apple
<i>Agapanthus praecox</i> & cultivars	agapanthus
<i>Agave</i> spp.	agave
<i>Ailanthus altissima</i>	tree of heaven
<i>Alocasia brisbanensis</i>	elephant's ears
<i>Alternanthera philoxeroides</i>	alligator weed
<i>Andropogon virginicus</i>	broomsedge
<i>Anredera cordifolia</i>	mignonette vine
<i>Araujia sericifera</i>	moth plant
<i>Arctium minus</i>	burdock
<i>Artistea ecklonii</i>	aristea
<i>Arundo donax</i>	giant reed grass
<i>Asparagus asparagoides</i>	smilax
<i>Asparagus densiflorus</i>	bushy asparagus
<i>Asparagus scandens</i>	climbing asparagus
<i>Austrostipa rudis</i>	needle grass
<i>Baccharis halimifolia</i>	baccharis
<i>Banksia integrifolia</i>	coastal banksia
<i>Bartlettina sordida</i>	bartlettina
<i>Berberis darwinii</i>	Darwins barberry
<i>Berberis glaucocarpa</i>	barberry

<i>Bomarea alstromeria</i>	climbing alstromeria
<i>Buddleja davidii</i>	buddleia
<i>Byronia cretica</i>	white bryony
<i>Calicotome spinosa</i>	spiny broom
<i>Calluna vulgaris</i>	heather
<i>Catotis lappulacea</i>	bur daisy
<i>Cardiosperma grandiflorum</i>	balloon vine
<i>Cardiospermum halicacabum</i>	small balloon vine
<i>Carduus acanthoides</i>	plumeless thistle
<i>Carduus nutans</i>	nodding thistle
<i>Carpobrotus edulis</i>	ice plant (South African)
<i>Carthamus lanatus</i>	saffron thistle
<i>Caulerpa taxifolia</i>	caulerpa
<i>Celastrus orbiculatus</i>	climbing spindleberry
<i>Ceratophyllum demersum</i>	hornwort
<i>Cestrum nocturnum</i>	queen of the night
<i>Cestrum parqui</i>	green cestrum
<i>Chondrilla juncea</i>	skeleton weed
<i>Chrysanthemoides monilifera</i>	boneseed
<i>Clematis spp.</i>	exotic clematis (any non-native species)
<i>Clematis vitalba</i>	old man's beard
<i>Cobaea scandens</i>	cathedral bells
<i>Conium maculatum</i>	hemlock
<i>Cortaderia jubata</i>	purple pampas
<i>Cortaderia selloana</i>	pampas grass

<i>Cotoneaster</i> spp.	all cotoneaster species
<i>Crataegus monogyna</i>	hawthorn
<i>Cyathea cooperi</i>	lacy tree fern
<i>Cyperus rotundus</i>	nutgrass
<i>Cytisus scoparius</i>	exotic broom
<i>Dipogon lignosus</i>	mile-a-minute
<i>Egeria densa</i>	egeria
<i>Elaeagnus xreflexa</i>	elaeagnus
<i>Erica lusitanica</i>	Spanish heath
<i>Erigeron karvinskianus</i>	Mexican daisy
<i>Eriobotrya japonica</i>	loquat
<i>Erythrina x syesii</i>	coral/flame tree
<i>Euonymus japonicus</i>	Japanese spindle tree
<i>Ficus macrophylla</i>	Moreton Bay fig
<i>Ficus rubiginosa</i>	Port Jackson fig
<i>Galega officinalis</i>	goat's rue
<i>Galeobdolon luteum</i>	artillery plant
<i>Geitonoplesium cymosum</i>	scrambling lily
<i>Glyceria maxima</i>	sweet grass
<i>Gymnocoronis spilanthoides</i>	Senegal tea
<i>Hedera helix</i>	ivy
<i>Hedychium flavescens</i>	yellow ginger
<i>Hedychium gardnerianum</i>	kahili ginger
<i>Heracleum mantegazzianum</i>	giant hogweed
<i>Homalanthus populifolius</i>	Queensland poplar

<i>Homeria collina</i>	cape tulip
<i>Houttuynia cordata</i>	houத்துய்නියා/chameleon plant
<i>Hydrilla verticillata</i>	hydrilla
<i>Hydrocleys nymphoides</i>	water poppy
<i>Hypericum androsaemum</i>	tutsan
<i>Hypericum perforatum</i>	st john's wort
<i>Ipomoea indica</i>	blue morning glory
<i>Iris foetidissima</i>	stinking iris
<i>Iris pseudacorus</i>	yellow flag
<i>Jasminum humile</i>	Italian jasmine
<i>Jasminum polyanthum</i>	jasmine
<i>Lagarosiphon major</i>	lagarosiphon
<i>Lantana camara</i> var. <i>aculeata</i>	lantana
<i>Leycesteria formosa</i>	Himalayan honeysuckle
<i>Ligustrum lucidum</i>	privet - tree
<i>Ligustrum sinense</i>	privet - Chinese
<i>Lonicera japonica</i>	Japanese honeysuckle
<i>Lophospermum erubescens</i>	climbing gloxinia
<i>Ludwigia</i> subsp. <i>montevidensis</i>	<i>peptoides</i> willow primrose
<i>Ludwigia peruviana</i>	water primrose
<i>Lycium ferocissimum</i>	boxthorn
<i>Lycopus europeus</i>	gypsywort
<i>Lythrum salicaria</i>	purple loosestrife
<i>Marsilea mutica</i>	nardoo
<i>Melianthus major</i>	cape honey flower

<i>Myrica faya</i>	fire tree
<i>Myoporum insulare</i>	Tasmanian ngaio
<i>Myriophyllum aquaticum</i>	parrot's feather
<i>Nassella neesiana</i>	Chilean needle grass
<i>Nassella tenuissima</i>	Mexican feather grass
<i>Nassella trichotoma</i>	nassella tussock
<i>Nephrolepis cordifolia</i>	tuber ladder fern
<i>Nuphar lutea</i>	yellow water lily
<i>Nymphaea mexicana</i>	Mexican water lily
<i>Nymphoides geminata</i>	marshwort
<i>Nymphoides peltata</i>	fringed water lily
<i>Ochna serrulata</i>	mickey mouse plant
<i>Olea europea</i>	African olive
<i>Osmunda regalis</i>	royal fern
<i>Oxylobium lanceolatum</i>	oxylobium
<i>Pandorea pandorana</i>	wonga wonga vine
<i>Panicum maximum</i>	Guinea grass
<i>Paraseriathes lophantha</i>	brush wattle
<i>Passiflora caerulea</i>	blue passion flower
<i>Passiflora edulis</i>	passionfruit
<i>Passiflora mollissima, P. mixta</i>	banana passionfruit
<i>Pennisetum alopecuroides</i>	chinese pennisetum
<i>Pennisetum latifolium</i>	Uruguay pennisetum
<i>Pennisetum macrourum</i>	African feather grass
<i>Pennisetum setaceum</i>	fountain grass

<i>Pennisetum villosum</i>	feathertop
<i>Persicaria perfoliata</i>	devil's tail
<i>Phragmites australis</i>	phragmites
<i>Pinus spp.</i>	all pine trees
<i>Pittosporum undulatum</i>	sweet pittosporum
<i>Plectranthus ciliatus</i>	plectranthus
<i>Plectranthus grandis</i>	blue spur flower
<i>Plectrathus ecklonii</i>	blue spur flower
<i>Polygala myrtifolia</i>	sweet pea shrub
<i>Pandorea pandorana</i>	wonga wonga vine
<i>Prunus campanulata</i>	Taiwan cherry
<i>Prunus serotina</i>	rum cherry
<i>Psidium cattleianum</i>	purple guava
<i>Psoralea pinnata</i>	dally pine
<i>Reynoutria sachalinensis</i>	giant knotweed
<i>Rhamnus alaternus</i>	rhamnus (evergreen buckthorn)
<i>Rhododendron ponticum</i>	rhododendron
<i>Rosa rubiginosa</i>	sweet briar
<i>Rubus fruticosus</i>	blackberry
<i>Sagittaria graminea</i> spp. <i>platyphylla</i>	sagittaria
<i>Sagittaria montevidensis</i>	arrowhead
<i>Salix cinerea</i>	grey willow
<i>Salix fragilis</i>	crack willow
<i>Salvinia molesta</i>	salvinia
<i>Saururus cernuus</i>	lizard's tail

<i>Schinus terebinthifolius</i>	Christmas berry
<i>Selaginella kraussiana</i>	African clubmoss
<i>Senecio angulatus</i>	cape ivy
<i>Senecio mikanioides</i>	German ivy
<i>Senecio petasitis</i>	velvet groundsel
<i>Setaria palmifolia</i>	palm grass
<i>Silybum marianum</i>	variegated thistle
<i>Solanum linnaeanum</i>	apple of Sodom
<i>Solanum marginatum</i>	white-edged nightshade
<i>Stipa spp.</i>	stipa
<i>Syzygium australe</i>	brush cherry
<i>Teline monspessulana</i>	montpellier broom
<i>Tradescantia fluminensis</i>	wandering Jew
<i>Tropaeolum majus</i>	nasturtium
<i>Tropaeolum speciosum</i>	Chilean flame creeper
<i>Tussilago farfara</i>	coltsfoot
<i>Urtica dioica</i>	perennial nettle
<i>Vallisneria spiralis, V. spiralis</i>	eelgrass
<i>Vinca major</i>	periwinkle
<i>Xanthium spinosum</i>	athurst bur
<i>Xanthium strumarium</i>	noogoora bur
<i>Yucca spp.</i>	yucca
<i>Zantedeschia aethiopica</i>	arum lily
<i>Zizania latifolia</i>	Manchurian wild rice

3. DESIGN CRITERIA AND APPROVAL PROCESS

- 3.1 **Purpose of Criteria:** The following Design Criteria are intended to protect the interest of all owners in protecting the character and philosophy of Karikari 2C Block.. The Design Criteria are additional to the requirements of the relevant District and Regional Plans and any resource consent granted to MBR Limited.
- 3.2 **Karikari 2C Block Philosophy**
- 3.2.1 **Premium Estate:** Karikari 2C Block is a premium residential estate. It is a master planned development designed to ensure that all owners enjoy both a private house estate site and the natural beauty of the whole property.
- 3.2.2 **Principal Objective:** Karikari 2C Block consists of a unique and relatively remote coastal environment. The principal objective of the development of Karikari 2C Block is to preserve the size and quality of its natural assets and make them available to a small group of owners to enjoy collectively.
- 3.2.3 **Ecologically Sound Development:** These criteria are intended to ensure that development of homes is maintained at a high standard, is ecologically sound and that Buildings contain design integrity that is sympathetic to the landscape and the character of Karikari 2C Block as a whole.
- 3.2.4 **Resource Consent:** Owners are required to comply with the provisions of the Resource Consent for the Karikari 2C Block subdivision and the Far North District Council District Plan and all other applicable requirements for Building developments. These criteria are not a substitute for those requirements and do not remove the need to comply with them.
- 3.3 **Site Development:** Overall co-ordination of design is important in creating a master planned development and in preserving the integrity and beauty of the natural landscape for all owners. Planting and landscaping are key elements in this process.
- 3.4 **Building Location:** All Dwellings and Buildings (other than accessways and fences) shall be erected within the Residential Building Platforms.
- 3.5 **Building Development and Design Control** In order to achieve the required standard in keeping with the Karikari 2C Block philosophy, a Design Team comprising representatives of MBR Limited and a project architect has been established.
- 3.6 **General Design Criteria**
- 3.6.1 **One storey only:** All buildings shall have only one storey above ground level. Buildings may have additional levels below ground level, provided that the height restriction in clause 3.6.2 is complied with.

3.6.2 **Height Restriction:** The maximum building height for any Improvement on each Lot (measured against Mean Sea Level) is:

- a) Lot 1: 13.00
- b) Lot 2: 15.00
- c) Lot 3: 17.00
- d) Lot 4: 19.00
- e) Lot 5: 22.00
- f) Lot 6: 23.50
- g) Lot 7: 27.00.

In the event of any conflict between the description of the height restriction specified in the Diagram, and this clause, the Diagram shall prevail.

3.6.3 **Aerials:** aerials and/or antennae for the purpose of telecommunications (excluding dish antennae) are permitted, and one aerial or antennae per Lot may exceed the maximum building height. One dish antenna up to 900mm diameter is permitted but not mounted above the roof line.

3.6.4 **Unobtrusive Design:** Buildings are to be of ecologically sound, unobtrusive design, and complementary to existing buildings upon site, and complementary to the coastal and cultural environment of Karikari 2C Block.

3.7 Landscape Architectural Guidelines

3.7.1 **Screening:** Screening and mitigation are to be provided by landscaping around each Dwelling and Residential Building platform. A range of design concepts may be adopted to provide further screening and absorption and will include:

- a) An integrated design solution for each that brings the landscaping into the built form of the Dwellings and Ancillary Buildings.
- b) **Foreground Planting:** Foreground plantings to provide further screening and to visually 'tie' the Dwellings to the landform.
- c) **Mounding:** The use of mounding behind or in front of Dwellings for enhanced mitigation, screening and shelter from prevailing winds is not permitted.
- d) **Topography:** Taking advantage of the local topography to 'step' Buildings into the landscape or minor excavations to 'sit' them into the ground form, thus reducing perceived bulk, scale and height impacts is permitted.

4. BUILDING CONTROLS AND APPROVAL

4.1 **Restrictions upon Construction:** No Dwelling or other Improvements may be erected on any Lot unless:

4.1.1 **Designed by Registered Architect and Approved:** The Dwelling or other Improvements have been designed by a registered architect and approved by the Design Team and the landscape plan prepared pursuant to clause 4.2 has been approved by the Design Team provided that the Design Team may in its sole discretion approve Dwellings or other Improvements that deviate from the general design criteria set out in clause 3.6 where that deviation is, in the opinion of the Design Team, minor and the overall design of the Dwelling or other Improvements fulfils the overall design philosophy;

4.1.2 If the Dwelling or Improvements are to be erected upon a Residential Building Platform within the definition of part (b) of that term, the Residential Building shall prior to any Building or Dwelling being erected on that platform first be approved as to its final location and shape by the Design Team; and

4.1.3 **Fee for Approval:** On each occasion where the Design Team's approval is required pursuant to clause 4.1.1 or 4.1.2, the Design Team may charge a design approval fee which recovers the expenses of the design committee and takes into account the time taken to negotiate and obtain approval.

4.2 **Landscape Plan:** Prior to the construction of a Dwelling on any Lot the Lot Owner shall submit a landscaping plan for the Lot for the approval of the Design Team. The landscape plan shall be designed to meet the following:

4.2.1 **Fencing and Planting:** Illustrate compliance with fencing and planting covenants contained in this Instrument.

4.2.2 **Contours:** Landscaping including tree planting is to run with the contour and should be used to accentuate and enhance the landform.

4.2.3 **Screening:** Landscaping should be utilized to provide aesthetics, shelter and screening from adjacent properties and shall not be used to demarcate boundaries.

4.2.4 **Existing Planting:** Landscaping and planting shall be aligned with the existing character of planting established by the Landscape Plan.

4.2.5 **No Obstruction:** Planting shall not obstruct views from other Residential Building platforms.

5. SOCIETY

5.1 **Purpose:** The Society has been incorporated for the purpose of:

5.1.1 managing the Heritage Areas, the Community Property and other Society Property;

5.1.2 managing and maintaining the mutual access way on the Community Property;

5.1.3 ensuring compliance with this Covenant;

- 5.1.4 managing other elements of the management plan of Karikari 2C Block approved by the Far North District Council;
 - 5.1.5 managing the Lot owners' obligations pursuant to the QE11 Covenant;
 - 5.1.6 providing management services and facilities for the Lot Owners.
- 5.2 **Delegation of Authority:** The Society is vested with the powers prescribed by the law of New Zealand or set out in the Society Rules or in this Covenant.
- 5.3 **Membership:** Membership of the Society is appurtenant to and runs with ownership of the Lots. Membership in the Society may not be severed from the ownership of a Lot or in any way transferred, pledged, mortgaged or alienated except together with the title to the Lot.
- 5.3.1 When conveying title to a Lot, the Lot Owner must notify that transferee of the Lot of such transferee's obligation to become a member of the Society and be bound by the Society Rules.
 - 5.3.2 joint registered proprietors are deemed to be one registered proprietor are all members of the Society, subject to the restrictions in clause 5.4.
- 5.4 **Voting Rights:** The right to cast votes and the number of votes which may be cast for election of Committee Members and on all matters to be voted on by the Members is calculated as follows:
- 5.4.1 **One vote:** The owner of each Lot has one (1) vote for each Lot so owned. In no event is any Lot entitled to more than one (1) vote
 - 5.4.2 **All Owners are Members:** When more than one person owns any Lot, all those persons are Members. The vote of the senior who tenders a vote shall be accepted to be exclusion of the votes of the other joint holders. For this purpose seniority is determined by the order in which the names stand in the Register of Members, or, failing that, the order in which the names are recorded on the certificate of title for that Lot in the Land Registry Office. In no event does the vote for a Lot exceed the total share vote to which that Lot is entitled under this sub clause.
 - 5.4.3 **Suspension:** The right of any Member to vote shall be suspended by the Society for any period during which:
 - a) any Levy against a Member's Lot(s) remains past due;
 - b) the Member or such Member's Lot is in violation of the Society Restrictions;

6. DUTIES OF THE SOCIETY

- 6.1 **Duties:** Subject to, and in accordance with this Covenant and the Society Rules, the Society has and performs each of the following duties:
- 6.1.1 **Management of Community Property**
 - a) **Ownership and Control.** To operate maintain and manage all Society Property including the Heritage Areas.

- b) **Repair and Maintenance.** To maintain in good repair and condition the Community Property and all Improvements, services, and Society Property, including all paths, vehicle access ways, security access gates (if any) on those access ways, and fences located within the Area.
- c) **Rates.** To pay all rates and other taxes and charges levied upon or with respect to the Society Property, to the extent that those taxes and charges are not levied directly upon the Lot Owners. The Society has all rights granted by law to contest the legality and the amount of those taxes and charges.
- d) **Landscape Plan.** To carry out and maintain landscaping on the Community Property in accordance with the Landscape Plan, and in accordance with the requirements of the QE11 Covenant.
- e) **Refuse.** Refuse disposal shall be the responsibility of the individual lot owner.
- f) **Insurance.** To obtain and maintain in effect policies of insurance that, in the opinion of the Society, are reasonably necessary or appropriate to carry out the Society's functions including:
 - i) insurance on the Improvements constructed upon the Community Property and the Society Property; and
 - ii) other insurances, including those policies of liability and property damage insurance as the Committee in its discretion deems necessary.

Insurance premiums for those policies are a heritage expense to be included in the Levies.

- 6.1.2 **Rules and Bylaws.** To establish from time to time Society Rules not in conflict with this Covenant, as it deems proper, covering any and all aspects of its functions, including the use and occupancy of Society Property.
- 6.1.3 **Records.** To keep books and records of the Society's affairs (including a Register of Members) and to make those books and records, together with current copies of Society Restrictions, available for inspection by the Lot Owners, Mortgagees, and insurers or guarantors of any Mortgagee upon request during normal business hours.
- 6.1.4 **Other.** To carry out and enforce all duties of the Society set out in the Society Rules and this Covenant.
- 6.1.5 **Facilities.** Provide management facilities and services to Lot Owners under contract for the maintenance of grounds, cleaning and general services.
- 6.1.6 **Legal and Accounting Services.** To retain and pay for legal and accounting services necessary or proper in the operation of the Society.

- 6.1.7 **Other Services to Lots.** To manage, operate and maintain the communal water disposal system and any other services (such as electricity, telecommunications, etc.) to the Lots.
- 6.1.8 **Society Property and Services.** To pay for water supply, landscaping, gardening, and all other utilities or services to, and all repair and maintenance of the Community Property and Society Property, including any recreational facilities, easements, access ways, rights-of-ways, parking areas, footpaths, paths, tracks, fences and ponds located within or upon the Community Property.
- 6.1.9 **Other Services and Properties.** To obtain and pay for any other property and services and to pay any other taxes or assessments that the Society or the Committee is required or permitted to secure or to pay for pursuant to applicable law or under the terms of the Society Restrictions.
- 6.1.10 **Heritage Area and Community Property.** To maintain and manage the Heritage Area, and maintain and/or construct Improvements or additions to the Community Property, subject to the terms of this Covenant and the QE11 Covenant and strictly in accordance with any Resource Consent. Without derogating from the generality of that, the Society may allow all or part of the Heritage Area to be fenced.
- 6.1.11 **Security Services.** To provide for, construct and maintain facilities for the provision of security regarding Karikari 2C Block.
- 6.1.12 **Landscaping.** To contract with the Lot Owners to manage and maintain the landscaping to a high standard including areas outside the Residential Building Platform within a Lot.

7. POWERS AND AUTHORITY OF THE SOCIETY

- 7.1 **Powers:** The Society has the powers of a society registered pursuant to the Incorporated Societies Act 1908 subject only to limitations upon the exercise of that power as are expressly set out in this Covenant or the Society Rules. Further it is authorised to perform all acts that may be necessary or proper for or incidental to the exercise of any of the express powers granted to it by the laws of New Zealand or by this Covenant. Without in any way limiting the generality of the two preceding sentences, the Society has the following powers:

- 7.1.1 **Levies.** To levy Levies.
- 7.1.2 **Right of Entry.** At any time in an emergency without notice, or in a non-emergency after twenty four (24) hours written notice, to enter without being liable to the Lot Owner or any other person the Lots or Improvements, or to enter at any time without notice the Community Property, for the purpose of enforcing the Society Restrictions or for the purpose of maintaining or repairing any area, Improvement, or other facility or services to conform to the Society Restrictions. The expense incurred by the Society in connection with entry of a Lot and the maintenance and repair work conducted on that Lot is:

- a) a personal obligation of the Lot Owner;
- b) deemed to be a Levy against the Lot;
- c) to be secured by the Encumbrance (subject to any maximum sum specified) against the Lot entered upon; and
- d) to be enforced in the same manner and to the same extent as Levies.

7.1.3 **Right of Enforcement.** In its own name and on its own behalf or in the name of and on behalf of a Lot Owner, to commence and maintain legal action, or to restrain and enjoin any breach or threatened breach of the Society Restrictions. Further, it is authorised to settle claims, enforce the Encumbrance, and take all action as it deems necessary or expedient to enforce the Society Restrictions. Each Lot Owner indemnifies and holds harmless the Society, its officers, Committee Members, employees and agents from any cost, loss, damage, expense, liability, claim or cause of action incurred or that may arise by reason of the Society's acts or activities under this clause (including any cost, loss, damage, expense, liability, claim or cause of action arising out of the Society's negligence in connection with any of them), except for those costs, losses, damages, expenses, liabilities, claims or cause of actions arising by reason of the Society's gross negligence or wilful misconduct. *Gross negligence* does not include simple negligence, contributory negligence or similar negligence short of gross negligence.

7.1.4 **Access.** To grant access to the Community Property to any person for the purpose of constructing, erecting, operating, or maintaining on, in or under the Community Property.:

- a) Access ways, footpaths, street lights, driveways, parking areas, tracks, and fences;
- b) lines, cables, wires, conduits, pipelines, or other devices for the supply of services;
- c) sewerage and water supply systems, storm water drainage systems, sprinkler systems, and pipelines;
- d) ponds and any other Improvements or facilities

Nothing set out above is to be construed to permit the use or occupancy of any Improvements or other facility in a way that would violate the applicable use and occupancy restrictions imposed on it by the Society or by a governmental authority.

7.1.5 **Manager.** To retain and pay for the services of a Manager to manage and operate the Society, including the Society Property and the Heritage Area, to the extent deemed advisable by the Committee. Additional personnel may be employed directly by the Society or by the Manager. To the extent permitted by law, the Society and the Committee may delegate any duties, powers, and functions to the Manager. By this Covenant, the Members of the Society release the Society and the members of the Committee from liability for any

omission or improper exercise by the Manager of any duty, power, or functions so delegated.

- 7.2 **Indemnity:** To the fullest extent permitted by law, but without duplication of (and subject to) any rights or benefits arising under the Society Rules, the Society indemnifies any person who was or is a party, or is threatened to be made a party, to any threatened, pending, or completed action, or legal proceedings (whether civil, criminal, administrative, or investigative) by reason of the fact that person is or was a Committee Member, officer, , employee, servant, agent of the Society, against expenses (including legal fees, judgments, fines, and amounts paid in settlement) actually and reasonably incurred by such person in connection with that action, or proceedings if it is found and determined by the Committee or a court that person:
- 7.2.1 acted in good faith and in a manner which that person reasonably believed to be in, or not opposed to, the best interests of the Society; or
 - 7.2.2 with respect to any criminal action or proceeding, had no reasonable cause to believe the conduct was unlawful.
 - 7.2.3 The termination of any action, or legal proceedings by settlement, does not itself create a presumption that the person did not act in good faith or in a manner reasonably believed to be in, or not opposed to, the best interests of the Society, or, with respect to any criminal action or proceeding, had reasonable cause to believe that the conduct was unlawful.
 - 7.2.4 The Committee may purchase and maintain insurance on behalf of any person who is or was an, officer, Committee Member, employee, servant, or agent of the Society, against any liability asserted against that person or incurred by that person in any such capacity, or arising out of the status of that person, whether or not the Society would have the power to indemnify such person against that liability under this Covenant or otherwise.
- 7.3 **Legal Proceedings:** The Society is authorised to initiate and pursue legal proceedings for the purposes of this Covenant for or on behalf of any or all of the Lot Owners.

8. LEVIES

- 8.1 **Levies:** The Transferee by entering into this Covenant covenants to pay to the Society those Levies as the Society determines from time to time. All Levies shall be fixed, established and collected from time to time as set out below.
- 8.2 **Use of Levies:** Levies levied by the Society must be used exclusively for the purposes of carrying out the purposes and obligations of the Society as stated in this Covenant or as otherwise provided in the Society Rules.
- 8.3 **Establishing the Levies:** Each financial year, the Society is to estimate the expenses to be incurred by it during the year in performing its functions including a reasonable provision for contingencies and appropriate replacement reserves and any surplus from the prior year's fund, capital costs in defraying, in whole or in part, the cost of any construction or reconstruction, repair or replacement of any Improvement located on the Heritage Area or Society Property.

- 8.4 **Levying Levies:** Levies sufficient to pay those costs are then to be levied as provided in this Covenant. The level of Levies set by the Society is final and binding.
- 8.5 **Further Levies:** If the sums collected prove inadequate for any reason, including non-payment of any individual Levies, the Society may at any time, and from time to time, levy further Levies in the same manner. All Levies are due and payable by the Lot Owners to the Society during the financial year in equal monthly, quarterly, semi-annual, annual or other periodic instalments, as the Committee determines in its sole discretion, on or before the first day of the applicable period.
- 8.6 **Equal Levies:** Subject to the following sub clause, Levies must be levied equally in respect of each Lot so that each Lot contributes equally to the expenses incurred by the Society. This principle of equal contribution is not affected by any inequality in the undivided shares held by Lot Owners in the Community Property.
- 8.7 **Costs incurred by a Lot Owner:** Any expenses or costs incurred by the Society in respect of a particular Lot or arising from the action or inaction of a particular Lot Owner are to be levied as a Levy against that Lot and are payable by that Lot Owner.
- 8.8 **Late Charges:** If any Levy is in arrears, the Lot Owner may be required by the Society to pay a late charge including interest at up to 2% per month compounded monthly as the Committee may determine. That late charge (plus any reasonable handling costs) is to be a charge against the Lot to which the Levy relates and shall be added to that Levy.
- 8.9 **Lot Owners' Personal Obligation for Payment of Levies:** Levies are the personal and individual debt of the Lot Owner. No diminution or abatement of Levies is allowed for inconveniences arising from making of repairs or improvements to the Community Property. A Lot Owner is not exempted from liability for Levies through non-use of the Lot or the Community Property. If any Lot has more than one Owner, all of the Owners are jointly and severally liable.
- 8.10 **Limited Liability:** Subject to subclauses 8.10.1 and 8.10.2 below, no person is be liable for any Levies other than Levies incurred for the period during which that person or body is the registered proprietor of a Lot.
- 8.10.1 The registered proprietor of a Lot is liable for any outstanding Levies payable for any period prior to the date that person becomes a registered proprietor of a Lot, provided that this sub clause does not apply where that registered proprietor obtains written advice from the Society prior to becoming a registered proprietor of the Lot that no outstanding Levy is payable in respect of the Lot.
- 8.10.2 The registration of a transfer of a registered proprietor's interest in any Lot does not relieve the transferor from any liability arising prior to the date of registration of that transfer.
- 8.11 **Encumbrances to Secure Levies:** All sums assessed or charged in the manner provided in this clause but unpaid, together with all costs and expenses of collection (including reasonable legal fees), are to be secured by the Memorandum of Encumbrance For Securing A Sum of Money, are deemed to be Levies, and constitute a charge on or against the Lot covered by that Levy. The Encumbrance is to be in favour of the Society to secure the payment of Levies and is superior to all other liens and charges against the

Lot provided that the Society has the power to subordinate that Encumbrance to any other lien encumbrance or charge. That power is at the Committee's sole discretion. Any subordination must be supported by a unanimous resolution of the Committee.

8.12 **Restrictions on Rights and Powers:** The rights and powers which would normally accrue to and be enjoyed by the registered proprietor of a Lot in relation to any share in the Community Property owned by that registered proprietor or by the dominant tenement in relation to any easement registered against the title to a Lot are to be restricted as specified in this Covenant. In particular (without derogating from the generality of this clause) the right of a Lot Owner to:

8.12.1 use the Community Property arising as a consequence of that Lot Owner holding an undivided interest in the Community Property, as far as that right includes a right of vehicle access, is subject to clause 2.24.4.

8.12.2 take and use water from the Karikari 2C Block water supply and/or any other water supply system servicing Karikari 2C Block is limited in accordance with any Society Rules established from time to time to ensure that all Lot Owners have fair and equal access to water supply.

8.12.3 the lease of the Community Property to the Society.

8.13 **Construction Activities.** This Covenant is not to be construed so as to unreasonably interfere with or prevent normal construction activities during the construction of Improvements, so long as such construction is pursuant to the written approval of the Society and Resource Consent.

9. NOTICES OF MORTGAGE

9.1 **Notice to Society.** If a Lot or any Improvement is mortgaged by the Lot Owner, the Lot Owner must notify the Committee, giving the name and address of the Lot Owner's Mortgagee. The Committee may, at its sole discretion, maintain such information in a book or record entitled *Mortgagees of Owners*.

10. DISPUTES

10.1 **Dispute Resolution:** Except where otherwise expressly provided, if any dispute or issue relating to the construction, meaning or effect of this Covenant or the rights and liabilities of a Lot Owner or Member arises:

10.1.1 the party initiating the dispute must provide full written particulars of the dispute to the other party; and

10.1.2 the parties must promptly meet and in good faith try to resolve the dispute using informal dispute resolution techniques, which may include negotiation, mediation, independent expert appraisal, or any other dispute resolution technique that may be agreed by the parties; and

10.1.3 if the dispute is not resolved within 14 working days of the written particulars being given (or any longer period being agreed by the parties):

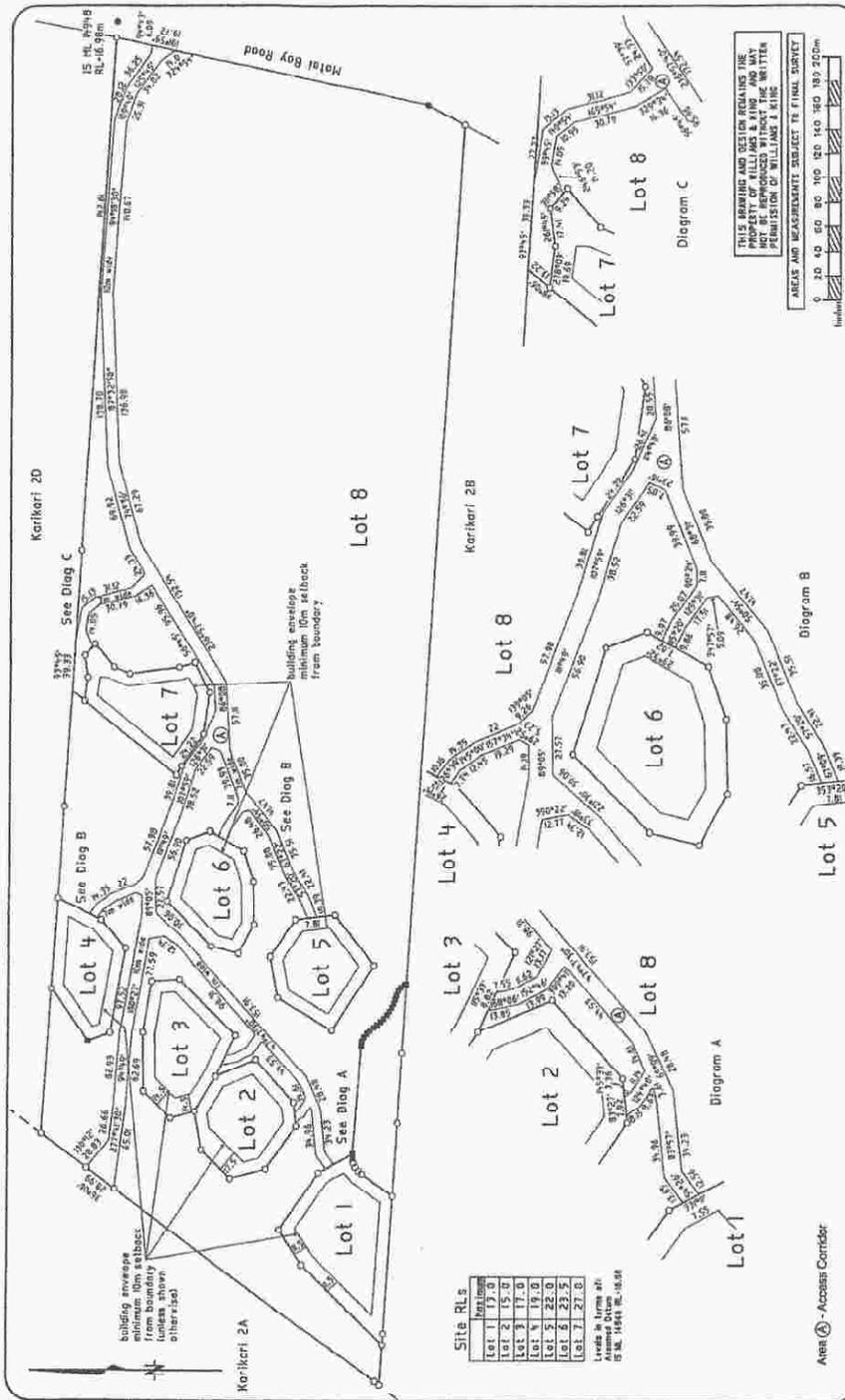
- a) the dispute must be referred to arbitration in accordance with the Arbitration Act 1996; and
- b) the arbitration must be conducted by a single arbitrator to be agreed on by the parties or failing agreement to be appointed by the President for the time being of the Auckland District Law Society.

11. GENERAL PROVISIONS

- 11.1 **Notices.** A notice given by this Covenant must be in writing and may be delivered either personally or by post. If delivery is made by post, it is deemed to have been delivered on the tenth (10th) day (other than a Saturday, Sunday, or statutory holiday) after a copy of the notice has been deposited in the post, (postage prepaid), addressed to the Lot Owner at the address given by that Lot Owner to the Secretary of the Society for the purpose of service of notices, or to the residence located on the Lot or to the current rating address for that Lot as recorded in the Council's records if no address has been given to the Secretary of the Society. That address may be changed from time to time by notice given by the Lot Owner to the Society.
- 11.2 **Interpretation.** This Covenant is to be construed and governed under the laws of New Zealand.

ANNEXURE - THE DIAGRAM

(see next page)



Site RLs

Lot	RL
Lot 1	17.0
Lot 2	17.0
Lot 3	17.0
Lot 4	17.0
Lot 5	17.0
Lot 6	17.0
Lot 7	22.0
Lot 8	23.5
Lot 7	27.0

Levels in terms of
Assumed Datum
IS M. 1644 RL - 6.50

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

AREAS AND MEASUREMENTS SUBJECT TO FINAL SURVEY

0 20 40 60 80 100 120 140 160 180 200m

Prepared For: MRB Developments

20265

ORIGINAL SET SIZE
SCALE 1:2000 A2
DATE 28/08/22
BY KAE 28/08/22

Diagram of Access Corridor & Building Envelopes
on Lots 1 - 8 DP 401659

RC-207090

WILLIAMS AND KING
Registered Land Surveyors, Planners &
Development Consultants
PO Box 937 Kaitiaki
Wellington, New Zealand
Tel: 0800 457 457
Fax: 041 542 528
Email: info@williamsandking.co.nz

Area ① - Access Corridor

SCHEDULE

DRAFT MEMORANDUM OF ENCUMBRANCE FOR SECURING A SUM OF MONEY

Section 101 Land Transfer Act 1952

The registered proprietor named and described in the Schedule hereto as proprietor of the land ("the land") described in the Schedule and desiring to render the land available for the purpose of securing to and for the benefit of **MBR MANAGEMENT LIMITED** at Auckland (hereinafter called "the Encumbrancee") the sum of money referred to in the Schedule ("the sum of money")

DO HEREBY ENCUMBER the said land for the benefit of the Encumbrancee with the sum of money to be raised and paid at the time and in the manner as the Encumbrancee shall decide pursuant to a Transfer creating Land Covenants dated day of 200 (hereinafter called "the Land Covenants") registered under No.

PROVIDED ALWAYS that the liability of any given registered proprietor hereunder is limited to obligations and liabilities accruing during their time as registered proprietor and ceases (except for any obligation or liability which has arisen during their time as registered proprietor) upon transfer of the land.

PROVIDED ALSO that if and whenever the obligations set out in the said Land Covenants shall have been duly and wholly complied with or shall by effluxion of time or otherwise become no longer enforceable then this Memorandum of Encumbrance shall be wholly discharged by the Encumbrancee.

AND SUBJECT as aforesaid the Encumbrancee shall be entitled to all the powers and remedies given to mortgagees and rent charges by the Land Transfer Act 1952 and the Property Law Act 1952.

IN WITNESS whereof these presents have been executed this day of 200

EXECUTED by the
registered proprietor named
and described in the Schedule
hereto

(by the affixing of
its seal) in the
presence of:

Correct for the purposes of the Land Transfer Act 1952
Solicitor for the Encumbrancee

KARIKARI 2C BLOCK

Management Plan

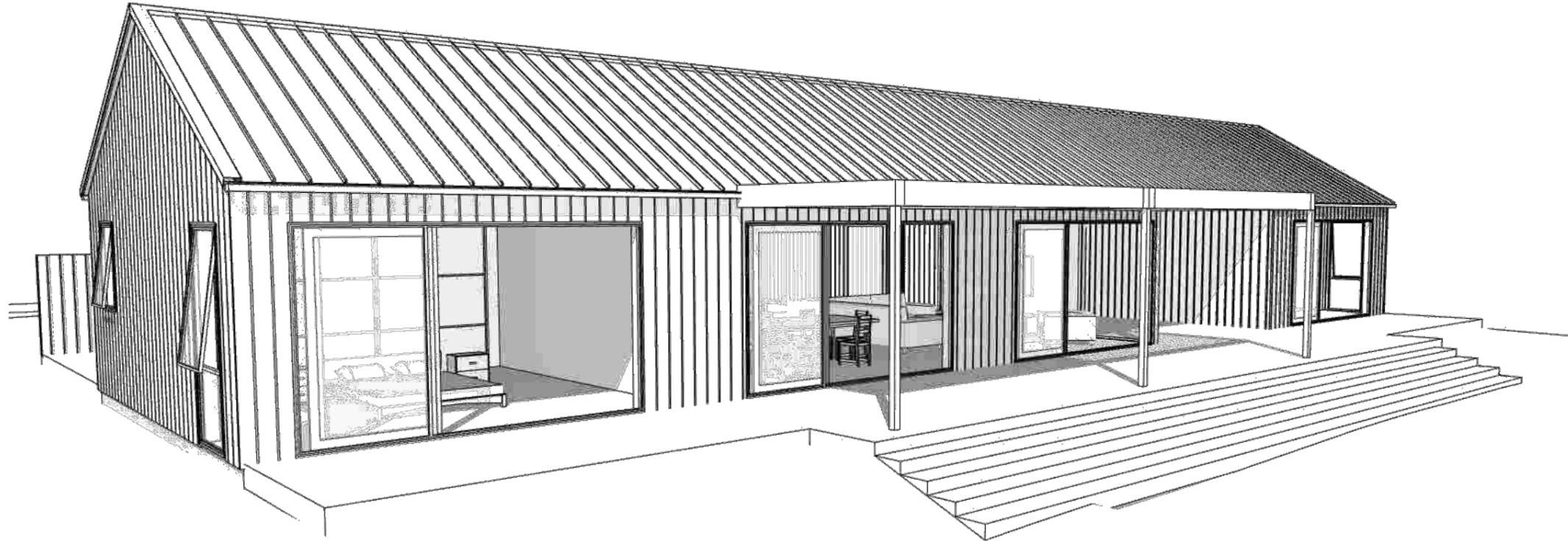
PEER REVIEW
REQUIRED FOR
LANDSCAPE PLAN
CONTAINED IN
"KARIKARI 2C BLOCK"
MGMT PLAN.

CHRISTOPHER TAYLOR
LAWYERS

SUPERSEDED

NEW RESIDENTIAL DWELLING FOR **GALLEY**

SHEET INDEX	
A0001	Cover Page
A0002	Presentation
A0003	Presentation
A0004	Presentation
A1001	Proposed Site Plan
A1102	Proposed Impermeable Areas
A1501	Floor Plan
A2001	Elevations
A2002	Elevations



LOT 5 & 1/7 SHARE LOT 8 DP 401659
449 MATAI BAY ROAD KARIKARI
KAITAIA 0000

CLIENT CONCEPT APPROVAL

CONCEPT PLAN APPROVED BY CLIENT TO
PROCEED TO DETAILED DESIGN.

DATE: _____

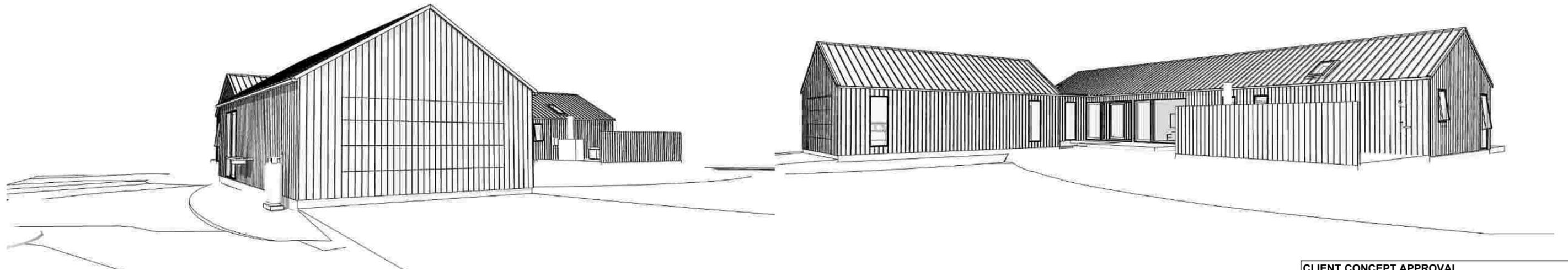
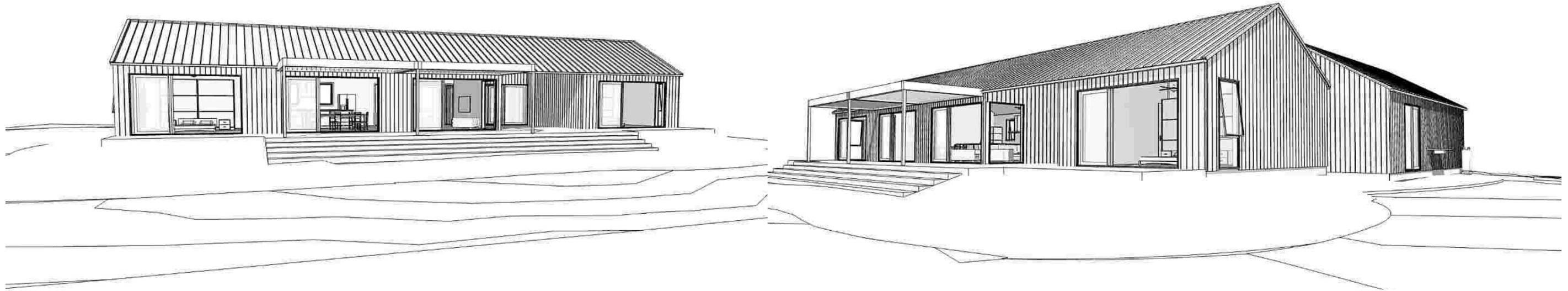
SIGNED: _____

NOTE: CHANGES TO PLANS ONCE CONCEPT
APPROVAL SIGNED ARE LIABLE TO INCUR
ADDITIONAL CHARGES.



ARCLINE ARCHITECTURE LTD.
Offices: Kaitaia | Kerikeri | Whangārei
(Ph): 09 408 2233
(Email): info@arcline.co.nz
(Web): www.arcline.co.nz

CAD CONCEPT
26/02/2026 7:50 am



CLIENT CONCEPT APPROVAL

CONCEPT PLAN APPROVED BY CLIENT TO PROCEED TO DETAILED DESIGN.

DATE: _____

SIGNED: _____

NOTE: CHANGES TO PLANS ONCE CONCEPT APPROVAL SIGNED ARE LIABLE TO INCUR ADDITIONAL CHARGES.

Arcline
Architecture

(Ph): 09 408 2233
(Email): info@arcline.co.nz
(Web): www.arcline.co.nz

Presentation

GALLEY
449 MATAI BAY ROAD, KARIKARI
KAITAIA 0000

Rev No. Revision

Date

Scale @ A3: NTS
Drawn By: SE
Issued: 26/02/2026
7:50 am

Sheet No:
A0002
CAD CONCEPT



CLIENT CONCEPT APPROVAL

CONCEPT PLAN APPROVED BY CLIENT TO PROCEED TO DETAILED DESIGN.

DATE: _____

SIGNED: _____

NOTE: CHANGES TO PLANS ONCE CONCEPT APPROVAL SIGNED ARE LIABLE TO INCUR ADDITIONAL CHARGES.

Arcline
Architecture

(Ph): 09 408 2233
(Email): info@arcline.co.nz
(Web): www.arcline.co.nz

Presentation

GALLEY
449 MATAI BAY ROAD, KARIKARI
KAITAIA 0000

Rev No.	Revision	Date

Scale @ A3: NTS
Drawn By: SE
Issued: 26/02/2026
7:50 am

Sheet No:
A0003
CAD CONCEPT



CLIENT CONCEPT APPROVAL

CONCEPT PLAN APPROVED BY CLIENT TO PROCEED TO DETAILED DESIGN.

DATE: _____

SIGNED: _____

NOTE: CHANGES TO PLANS ONCE CONCEPT APPROVAL SIGNED ARE LIABLE TO INCUR ADDITIONAL CHARGES.

Arcline
Architecture

(Ph): 09 408 2233
(Email): info@arcline.co.nz
(Web): www.arcline.co.nz

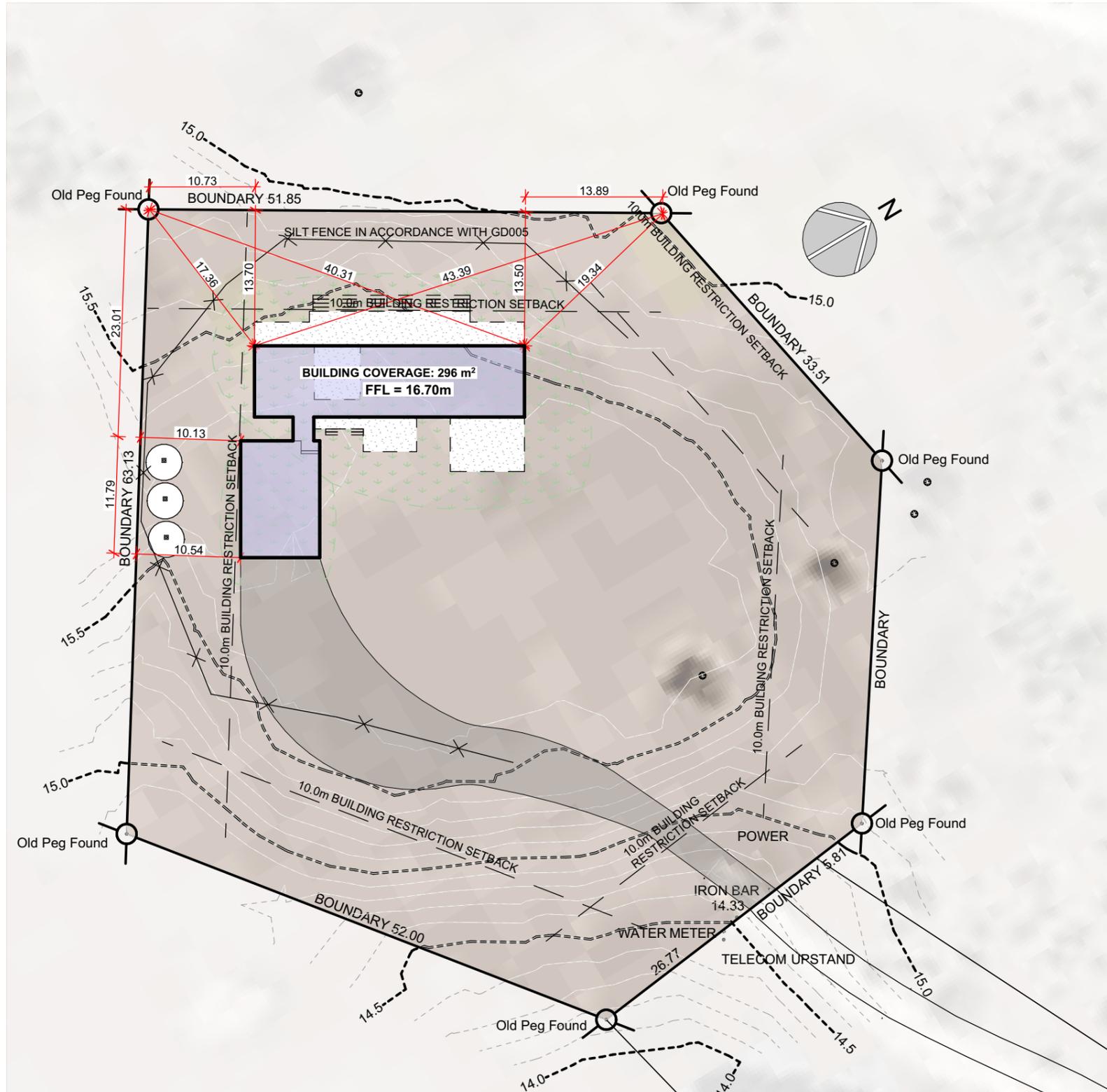
Presentation

GALLEY
449 MATAI BAY ROAD, KARIKARI
KAITAIA 0000

Rev No.	Revision	Date

Scale @ A3: NTS
Drawn By: SE
Issued: 26/02/2026
7:50 am

Sheet No:
A0004
CAD CONCEPT



SITE PLAN NOTES:

SITE DESCRIPTION
 LOT NUMBER: LOT 5 & 1/7 SHARE LOT 8
 DP NUMBER: DP 401659
 ADDRESS: 449 MATAI BAY ROAD, KARIKARI, KAITAIA
 SITE AREA: 5095m²

SITE ENVIRONMENT
 CLIMATE ZONE: 1
 EARTHQUAKE ZONE: 01
 EXPOSURE ZONE: D
 LEE ZONE: NO
 WIND ZONE: VERY HIGH
 WIND REGION: A
 RAINFALL RANGE: 100mm/hr
 SNOW ZONE: NO

- ALL MATERIALS MUST BE LESS THAN 35% LRV AND
 - CLOTHESLINES SCREENED FROM VIEW OF ANY ADJOINING LOT
 - WATER TANKS MUST BE UNDERGROUND TO THE EXTENT OF 90%
 - AIRCON UNITS TO BE SCREENED FROM VIEW
 - MUST BE ONLY ONE STOREY - CAN HAVE ADDITIONAL LEVELS BELOW GROUND LEVEL, PROVIDED THAT THE HEIGHT RESTRICTION IS COMPLIED WITH.
 - MAX HEIGHT ON LOT 5 IS 22.00 ABOVE MSL
 - 10M SETBACK FROM BOUNDARY.
 - LANDSCAPING MUST BE DONE TO TIE DWELLINGS INTO THE LANDSCAPE

DISTRICT PLAN COMPLIANCE
 PLANNING ZONE: GENERAL COASTAL
 PLANNING OVERLAY: NA

BUILDING COVERAGE
 SITE AREA: 5095m²
 MAX. FLOOR AREA PERMITTED: 25m²
DOES NOT COMPLY

BUILDING HEIGHT
 MAX. HEIGHT PERMITTED: 8.0m / 22.00 ABOVE MSL
 PROPOSED HEIGHT: 6.9m
 COMPLIES

HIRB: 2/45°
 COMPLIES

SETBACK TO BOUNDARIES
 10m IN FROM BOUNDARIES
 COMPLIES

SETBACK TO BUSH
 GREATER THAN 20m?
 YES

LRV
 35% MAX. LRV
 YES

CLIENT CONCEPT APPROVAL

CONCEPT PLAN APPROVED BY CLIENT TO PROCEED TO DETAILED DESIGN.

DATE: _____

SIGNED: _____

NOTE: CHANGES TO PLANS ONCE CONCEPT APPROVAL SIGNED ARE LIABLE TO INCUR ADDITIONAL CHARGES.

Arcline
 Architecture

(Ph): 09 408 2233
 (Email): info@arcline.co.nz
 (Web): www.arcline.co.nz

Proposed Site Plan

GALLEY

449 MATAI BAY ROAD, KARIKARI
 KAITAIA 0000

Rev No.	Revision	Date	Scale @ A3: 1:500, 1:200	Sheet No: A1001
			Drawn By: SE	CAD CONCEPT
			Issued: 26/02/2026 7:50 am	

GALLEY_IAN_CC10-12-25.pln 7 OF 77

SITE IMPERMEABLE AREAS POST-DEVELOPMENT	
Element ID	Area
PROPOSED IMPERMEABLE AREA DRIVEWAY	454
PROPOSED IMPERMEABLE AREA PAVING	11
PROPOSED IMPERMEABLE AREA PAVING	23
PROPOSED IMPERMEABLE AREA PAVING	26
PROPOSED IMPERMEABLE AREA PAVING	41
PROPOSED IMPERMEABLE AREA PAVING	106
PROPOSED IMPERMEABLE AREA ROOF	306
	967 m ²

SITE CUT / FILL	
Element ID	Area
PROPOSED FILL	888
	888 m ²

SITE PLAN NOTES:

SITE DESCRIPTION
 LOT NUMBER: LOT 5 & 1/7 SHARE LOT 8
 DP NUMBER: DP 401659
 ADDRESS: 449 MATAI BAY ROAD, KARIKARI, KAITAIA
 SITE AREA: 5095m²

SITE ENVIRONMENT
 CLIMATE ZONE: 1
 EARTHQUAKE ZONE: 01
 EXPOSURE ZONE: D
 LEE ZONE: NO
 WIND ZONE: VERY HIGH
 WIND REGION: A
 RAINFALL RANGE: 100mm/hr
 SNOW ZONE: NO

- ALL MATERIALS MUST BE LESS THAN 35% LRV AND
 - CLOTHESLINES SCREENED FROM VIEW OF ANY ADJOINING LOT
 - WATER TANKS MUST BE UNDERGROUND TO THE EXTENT OF 90%
 - AIRCON UNITS TO BE SCREENED FROM VIEW
 - MUST BE ONLY ONE STOREY - CAN HAVE ADDITIONAL LEVELS BELOW GROUND LEVEL, PROVIDED THAT THE HEIGHT RESTRICTION IS COMPLIED WITH.
 - MAX HEIGHT ON LOT 5 IS 22.00 ABOVE MSL
 - 10M SETBACK FROM BOUNDARY.
 - LANDSCAPING MUST BE DONE TO TIE DWELLINGS INTO THE LANDSCAPE

DISTRICT PLAN COMPLIANCE
 PLANNING ZONE: GENERAL COASTAL
 PLANNING OVERLAY: NA

BUILDING COVERAGE
 SITE AREA: 5095m²
 MAX. FLOOR AREA PERMITTED: 25m²
DOES NOT COMPLY

BUILDING HEIGHT
 MAX. HEIGHT PERMITTED: 8.0m / 22.00 ABOVE MSL
 PROPOSED HEIGHT: 6.9m
 COMPLIES

HIRB: 2/45°
 COMPLIES

SETBACK TO BOUNDARIES
 10m IN FROM BOUNDARIES
 COMPLIES

SETBACK TO BUSH
 GREATER THAN 20m?
 YES

LRV
 35% MAX. LRV
YES

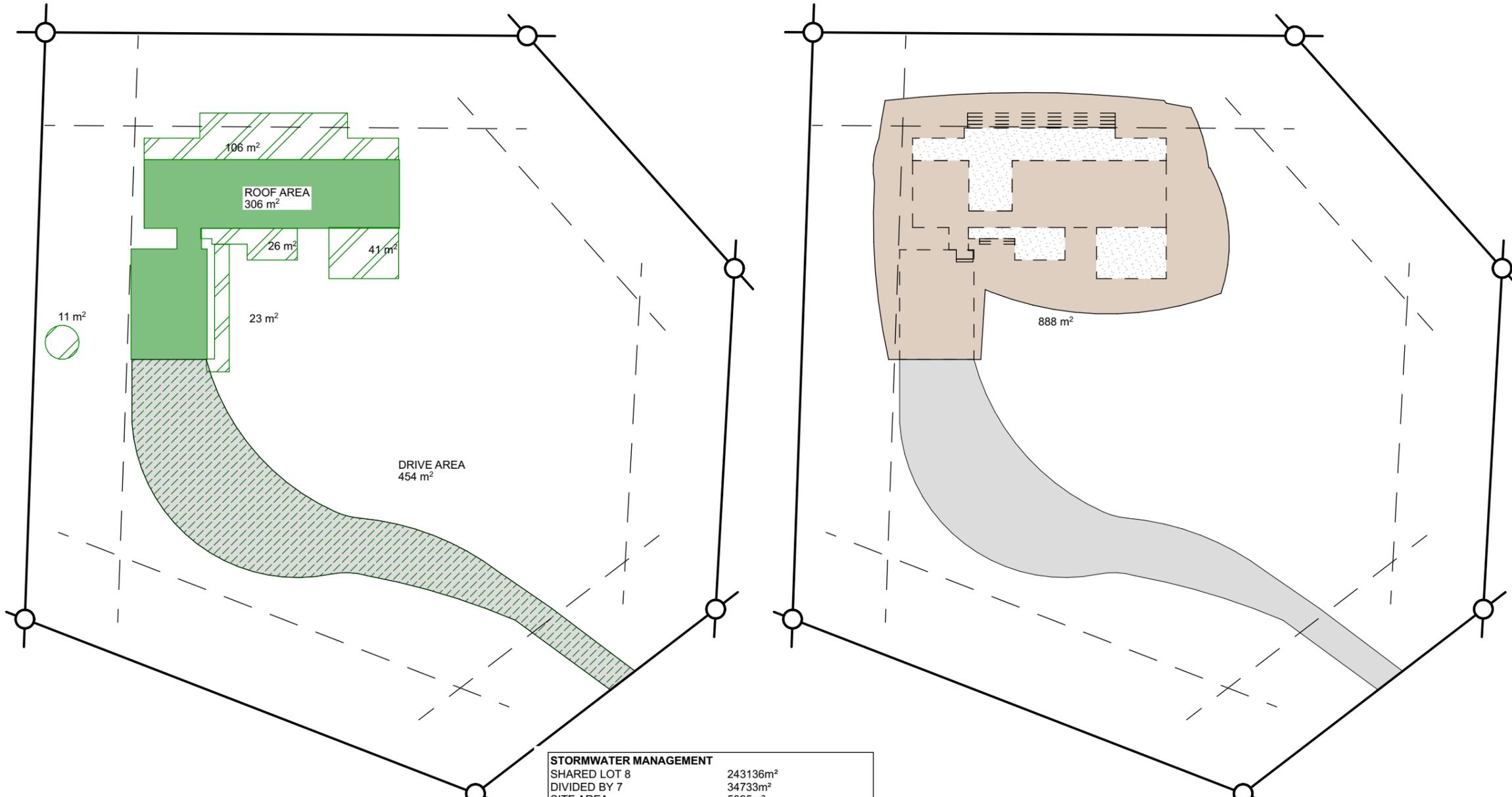
EARTHWORKS:
 VOLUME PERMITTED 300m³

CUT	0m ³
FILL	280m ³
ENG HARDFILL	270m ³
GROSS CUT/FILL (EST):	550m ³

DOES NOT COMPLY

AREA PERMITTED	NA
CUT SURFACE AREA	0m ²
FILL SURFACE AREA	888m ²

EARTHWORKS PERMIT REQUIRED IF EXCAVATIONS ARE:
 >50m² AREA
 >50m³ VOLUME
 >0.5m HEIGHT
 <3.0m TO BOUNDARY



LEGEND
 IMPERMEABLE AREAS POST DEVELOPMENT

	PROPOSED DRIVEWAY AREAS
	PROPOSED PAVING AREAS
	PROPOSED ROOF AREAS

STORMWATER MANAGEMENT

SHARED LOT 8	243136m ²
DIVIDED BY 7	34733m ²
SITE AREA	5095m ²
TOTAL AREA PERMITTED	10% OF 39828m ² =3982.8m ²

PROPOSED ROOF AREA	306m ²
DRIVES	454m ²
SHARED SITE DRIVE	1143m ²
PATHS	207m ²
3RD TANK	11m ²
TOTAL PROPOSED	2121m ²

COMPLIES

LEGEND
 CUT AND FILL

	PROPOSED CUT
	PROPOSED FILL

CLIENT CONCEPT APPROVAL

CONCEPT PLAN APPROVED BY CLIENT TO PROCEED TO DETAILED DESIGN.

DATE: _____

SIGNED: _____

NOTE: CHANGES TO PLANS ONCE CONCEPT APPROVAL SIGNED ARE LIABLE TO INCUR ADDITIONAL CHARGES.

Arcline
 Architecture

(Ph): 09 408 2233
 (Email): info@arcline.co.nz
 (Web): www.arcline.co.nz

Proposed Impermeable Areas

GALLEY
 449 MATAI BAY ROAD, KARIKARI
 KAITAIA 0000

Rev No.	Revision	Date

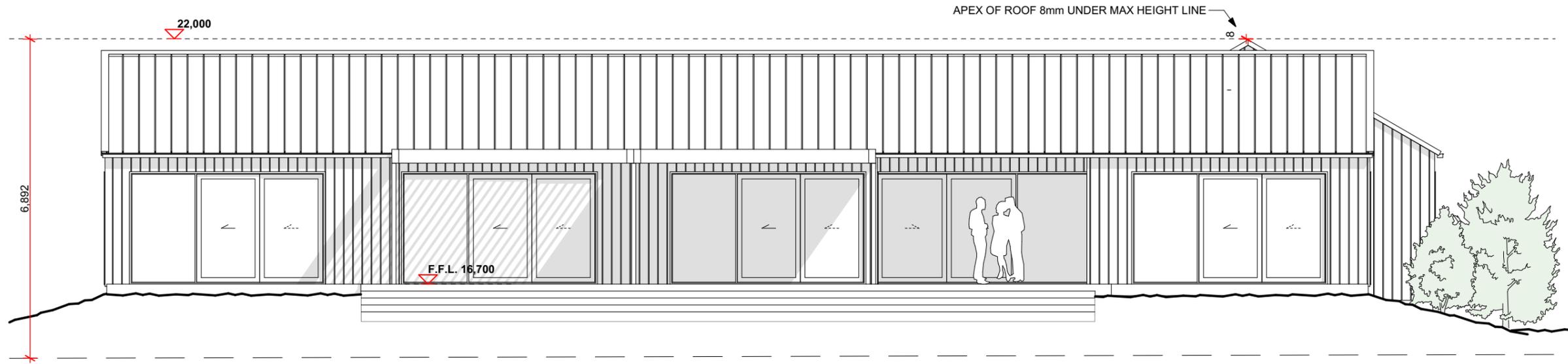
Scale @ A3: 1:500, 1:200, 1:100

Drawn By: SE

Issued: 26/02/2026
 7:50 am

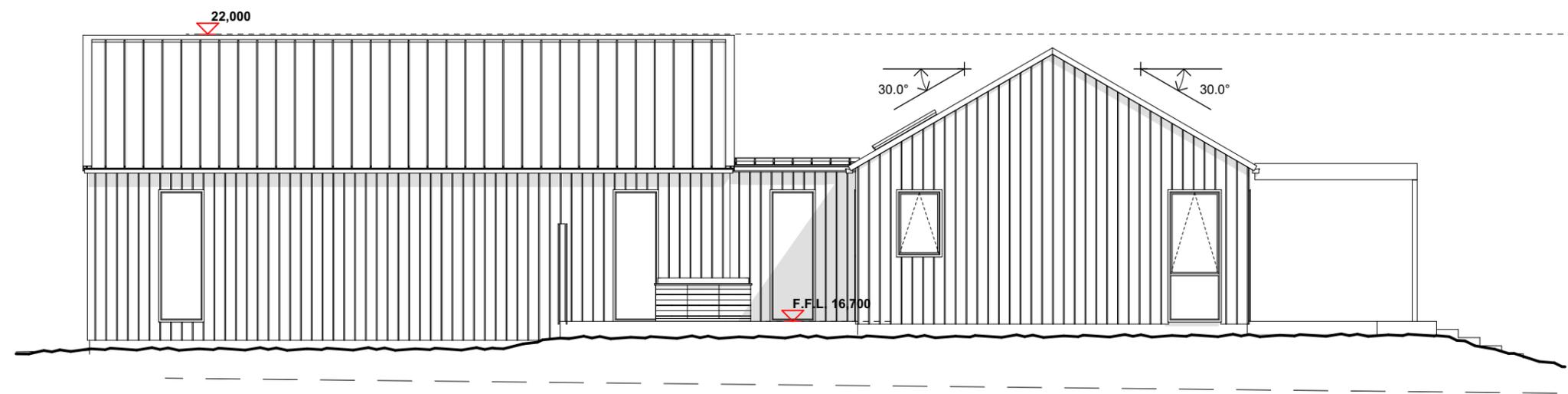
Sheet No:
A1102
 CAD CONCEPT

GALLEY_IAN_CC10-12-25.pln 11 OF 77



1 #LayID North Elevation 1:100

- ELEVATION NOTES**
- ROOFS**
 COLORSTEEL MAXAM
 ESPAN TROUGH PROFILE ROOFING
 AS PER ROOFING MANUFACTURERS SPECIFICATIONS
 0.55 COLORSTEEL MAXAM EDGE FLASHINGS, COLOUR TO MATCH ROOFING
 COLORSTEEL CONTINUOUS GUTTER
 QUARTER ROUND
 MISC
 EXTERNAL/INTERNAL BRACKETS WITH SS SCREWS
 INSTALL TO MANUFACTURERS' RECOMMENDATIONS
 80Ø COLOURED UPVC DOWNPIPES
 PAINTED TO MATCH ROOF
 INSTALL TO MANUFACTURERS' RECOMMENDATIONS
 LEAF SLIDERS
 JH 7.5mm HARDIEGROOVE SOFFIT LINING
 ,INSTALL TO MANUFACTURERS RECOMMENDATIONS,(PVC JOINTERS).
- WALLS**
 SUGIBAN VERT SHIPLAP CLADDING
 INSTALLED AS PER MANUFACTURERS SPECIFICATIONS ON
 20mm H3.1 TIMBERCAVITY SYSTEM
- GLAZING / JOINERY**
 DOUBLE GLAZED POWDER COATED ALUMINIUM JOINERY.
 2,415 WINDOW HEAD HEIGHT TYPICAL



2 #LayID East Elevation 1:100

CLIENT CONCEPT APPROVAL

CONCEPT PLAN APPROVED BY CLIENT TO PROCEED TO DETAILED DESIGN.

DATE: _____

SIGNED: _____

NOTE: CHANGES TO PLANS ONCE CONCEPT APPROVAL SIGNED ARE LIABLE TO INCUR ADDITIONAL CHARGES.

Arcline
 Architecture

(Ph): 09 408 2233
 (Email): info@arcline.co.nz
 (Web): www.arcline.co.nz

Elevations

GALLEY
 449 MATAI BAY ROAD, KARIKARI
 KAITAIA 0000

Rev No.	Revision	Date

Scale @ A3: 1:100, 1:1
 Drawn By: SE
 Issued: 26/02/2026
 7:50 am

Sheet No:
A2001
 CAD CONCEPT

GALLEY_IAN_CC10-12-25.pln 29 OF 77

ELEVATION NOTES

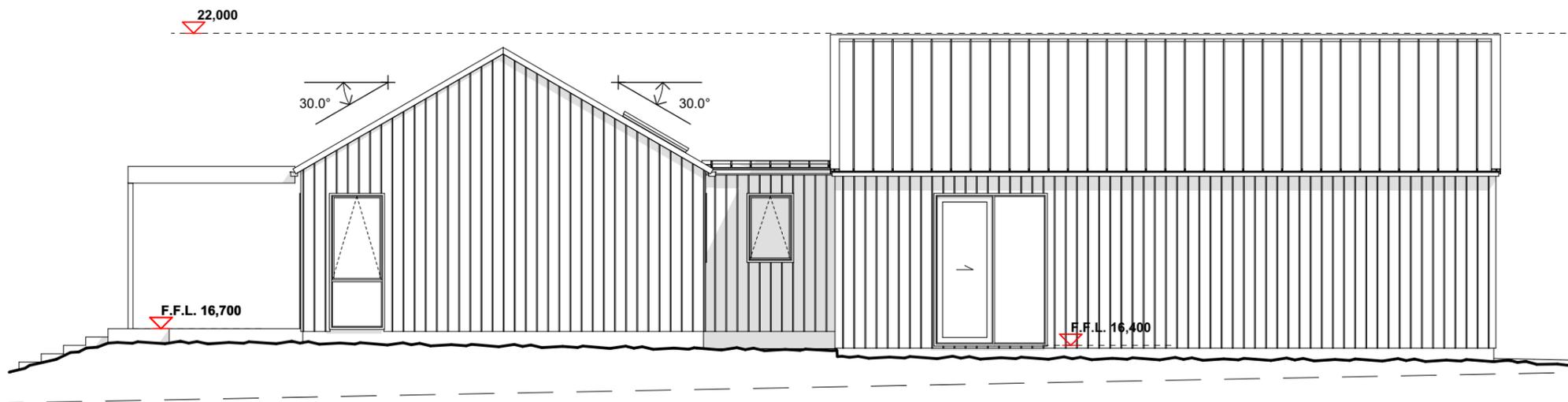
- ROOFS**
 COLORSTEEL MAXAM
 ESPAN TROUGH PROFILE ROOFING
 AS PER ROOFING MANUFACTURERS
 SPECIFICATIONS
 0.55 COLORSTEEL MAXAM EDGE
 FLASHINGS, COLOUR TO MATCH ROOFING
 COLORSTEEL CONTINUOUS GUTTER
 QUARTER ROUND
 MISC
 EXTERNAL/INTERNAL BRACKETS WITH SS
 SCREWS
 INSTALL TO MANUFACTURERS'
 RECOMMENDATIONS
 80Ø COLOURED UPVC DOWNPIPES
 PAINTED TO MATCH ROOF
 INSTALL TO MANUFACTURERS'
 RECOMMENDATIONS
 LEAF SLIDERS
 JH 7.5mm HARDIEGROOVE SOFFIT LINING
 ,INSTALL TO MANUFACTURERS
 RECOMMENDATIONS,(PVC JOINTERS).
WALLS
 SUGIBAN VERT SHIPLAP CLADDING
 INSTALLED AS PER MANUFACTURERS
 SPECIFICATIONS ON
 20mm H3.1 TIMBERCAVITY SYSTEM
GLAZING / JOINERY
 DOUBLE GLAZED POWDER COATED
 ALUMINIUM JOINERY.
 2,415 WINDOW HEAD HEIGHT TYPICAL



South Elevation

1:100

1
#LayID



West Elevation

1:100

2
#LayID

CLIENT CONCEPT APPROVAL
 CONCEPT PLAN APPROVED BY CLIENT TO
 PROCEED TO DETAILED DESIGN.
 DATE: _____
 SIGNED: _____
 NOTE: CHANGES TO PLANS ONCE CONCEPT
 APPROVAL SIGNED ARE LIABLE TO INCUR
 ADDITIONAL CHARGES.



HAWTHORN
Landscape Architects

Landscape & Visual Effects Assessment

I & B Galley

Proposed Dwelling

Lot 5, 449 Matai Bay Road Karikari Peninsula



Prepared By: Christine Hawthorn BLA (Hons.)

12th February 2026



1. INTRODUCTION

This visual amenity report has been prepared to assess the proposed dwelling for Ian & Burdinia Galley (the applicant) to be constructed on Lot 5 at 449 Matai Bay Road, Karikari Peninsula.

The proposed dwelling will be located on Lot 5 within a building envelope that was approved under a subdivision application in 2007 by MBR Developments (RC 2070190), by way of Management Plan.

This report will assess the built form of proposed dwelling and landscaping against the relevant design criteria contained within the approved Management Plan and Consent Notice conditions for the approved subdivision.

I will also address Sections 10.6.5.2.2 Visual Amenity and 12.1.6.2.1 Buildings within Outstanding Landscapes of the Far North District Plan to determine if the proposal is in accord with the zone rules.

I have reviewed the original landscape assessment that accompanied the resource consent application for subdivision in 2007, the entire RC application file and approval decision from FNDC. I have also read through the Karikari Management Plan and viewed the "New Landscape Plan" dated 2007 associated with the original subdivision (attached in **Appendix 6**).

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

2. LOCATION

The applicant's property is located at 449 Matai Bay Road along the western facing side of the Karikari peninsula within a gated development (the entrance is approximately 800m before the turn off to Maitai Bay). Lot 5 is one of the second tier of lots that overlook the eastern end of Karikari Bay, a 11km long sandy bay extending from the mouth of the Rangaunu Harbour to Maraewhiti Point. Puheke cone is visible in the distance to the west of the site beyond the low-lying dunes and wetlands.

The applicant's lot is approximately 300m back from the water's edge, with Lots 1 – 4 being located between it and the beach/dunes. Refer to **Appendix 1** – Location Map.

3. NEIGHBOURHOOD CHARACTER AND CONTEXT

The landscape surrounding the application site is dominated by the long crescent shaped beaches of Karikari and Puheke, with views across Rangaunu Bay towards Houhora Heads in the distance. The white sandy beaches are backed by a dune system and wetlands. Maitai Bay is located to the northeast of the site near the end of the Karikari peninsula. This area is administered by DoC and is a popular tourist destination and camping ground. Refer to **Figure 1**.



Figure 1: Aerial view of the MBR Developments 8 lot subdivision at 449 Matai Bay Road

The coastal dune fields drop steeply from the western boundary of the subdivision (western edge of Lots 1- 4) and separate the development from the beach. This landform forms a distinctive feature along the coastal hinterland. The height of the dunes directly backing the beach screens the immediate view of the beach from the subdivision and vice versa. The distance between the proposed building site and the beach is approximately 300m.

Apart from this subdivision development and houses on Māori owned land this area has a lack of built development directly adjacent to the beach due the dune system extending inland for up to 200 meters, this therefore sets any built development some distance back from the foreshore.

The two closest residential areas are the coastal villages of Whatuwhiwhi to the south and Rangiputa to the west.

The landscape is covered predominantly with a mix of coastal shrubland dominated by Manuka with mature Pohutukawa trees located along the coastal fringe. Exotic pine plantations are present in a few places along the peninsula. Where the landscape is not covered in bush or pine trees the land is utilised for grazing or growing grapes.

Carrington Estate resort with its associated golf course, winery and vineyard are located inland to the south of the application site. Carrington Estate also provides a popular destination for tourist and locals to enjoy the natural beauty of the Karikari



peninsula from the resort, golf course or restaurant facilities. The areas of grape vines planted within the vineyard create a distinct landscape pattern on the hill slopes overlooking Matai Bay Road.

The subdivision within which the application site is located has eight approved building sites. The subdivision development included extensive landscape and ecological plantings and bush protection covenants. The subdivision is coming up to nearly 20 years since it was first undertaken, and the subdivision structural planting is now well established providing a vegetated setting for future built form to be located within.

The four lots that are located along its western boundary (Lots 1 – 4) adjoin the dune system that backs Karikari Beach. There are existing dwellings on Lots 2-4 set within the existing subdivision structural planting.

4. PROPOSED DEVELOPMENT

The applicant proposes to construct a dwelling on Lot 5 as detailed in the Architectural Plans prepared by Arcline Architecture contained in **Appendix 3**.

The key features of the proposed development include:

Building Site:

- The proposed structures are fully located within the Residential Building Platform approved under the subdivision resource consent.

Buildings:

- The dwelling is located on an existing building platform with a finished floor level of 16.7m and building coverage of 296m².
- The dwelling is a two-bedroom house, with internal garage, lounge, and family room. The house will have decking along the northwestern facade which will provide an outdoor covered area for outdoor entertaining. A decked entry area, patio, outdoor fire and spa area is located on the southeastern side of the dwelling.
- Earthworks are 280m³ of fill and 270m³ of engineered hardfill, with a total fill area covering 888m².
- The dwelling will be clad in Sugiban Vert Shiplap cladding. The roof will be Colorsteel Maxam, and the joinery will be aluminum. The roof and exterior cladding of the house will be recessive, and have a LRV of 35% or less.
- The building height of house will not exceed the 8m or 22.00m above Mean Sea Level land covenant condition.

Landscaping:

- Landscape foreground and backdrop plantings to visually tie the buildings into the landscape, as detailed on the Landscape Plan contained in **Appendix 7**.

5. CONSENT NOTICE AND MANAGEMENT PLAN PROVISIONS

Consent Notice for RC 2070190



The Consent Notice in relation to the subdivision of Lots 1- 8 (RC 2070190) requires the following that have landscape relevance to this proposal:

- All buildings shall be finished in natural materials and or colours with a reflectivity of less than 35%
- Existing Structural planting completed in accordance with "The Karikari 2C Block Development Project New Landscape Plan" dated September 2007 shall be managed in accordance with that plan.
- Lot owners shall at all times comply with the requirements of the approved Management Plan.

Karikari 2B Management Plan

The following land covenants found within the Management Plan have landscape and design relevance to this application for the proposed dwelling on Lot 5. (Note - the height restrictions have been subject to a variation of the Land Covenant in August 2017).

3 Design Criteria and Approval Process

3.4 Building Location:

All Dwellings and Buildings (other than accessways and fences) shall be erected within the Residential Building Platforms.

3.6 General Design Criteria

3.6.1 Height Restriction:

The maximum building height for any Improvement on each Lot (Measured against Mean Sea Level) is:

Lot 5: 8 meters

3.6.2

These restrictions will allow buildings on the building platforms of approximately the following maximum heights (note: these heights are approximate only; all measurements must be taken from Mean Sea Level):

Lot 5: 22.00 MSL

3.6.4 Unobtrusive Design:

Buildings are to be of ecologically sound, unobtrusive design, and complementary to existing buildings upon site, and complementary to the coastal and cultural environment of Karikari 2C Block.

3.7 Landscape Architectural Guidelines

3.7.1 Screening:

Screening and mitigation are to be provided by landscaping around each Dwelling and Residential Building platform. A range of design concepts may be adopted to provide further screening and absorption and will include:

- a) An integrated design solution for each that brings the landscaping into the built form of the Dwelling and Ancillary Buildings.
- b) Foreground Planting: Foreground plantings to provide further screening and to visually 'tie' the Dwellings to the landform.



- c) Mounding: The use of mounding behind or in front of Dwellings for enhanced mitigation, screening and shelter from prevailing winds is not permitted
- d) Topography: Taking advantage of the local topography to 'step' Buildings into the landscape or minor excavations to 'sit' them into the ground form, thus reducing perceived bulk, scale and height impacts is permitted.

4 Building Controls and Approval

- 4.1 Restrictions upon Construction: No dwelling or other improvements may be erected on any Lot unless:

4.1.1 Designed by Registered Architects and Approved:

The dwelling or other improvements have been designed by a registered architect and approved by the Design Team and the landscape plan prepared pursuant to clause 4.2 has been approved by the Design Team provided that the Design Team may and it sole discretion approve dwellings or other improvements that deviate from the general design criteria set out in clause 3.6 where the deviation is, in the opinion of the Design Team minor and the overall design of the dwelling or other improvements fulfills the overall design philosophy.

- 4.2 Landscape Plan:

Prior to the construction of a Dwelling on any Lot the Lot Owner shall submit a landscaping plan for the Lot for the Approval of the Design Team. The landscape plan shall be designed to meet the following:

4.2.1 Fencing and Planting:

Illustrate compliance with fencing and planting covenants contained in this Instrument.

4.2.2 Contours:

Landscaping including tree planting is to run with the contour and should be used to accentuate and enhance the landform.

4.2.3 Screening:

Landscaping should be utilised to provide aesthetics, shelter and screening from adjacent properties and shall not be used to demarcate boundaries.

4.2.4 Existing Planting:

Landscaping and planting shall be aligned with the existing character of planting established by the Landscape Plan.

4.2.5 Planting shall not obstruct views from other Residential Building platforms.

6. VISUAL, LANDSCAPE AND NATURAL CHARACTER EFFECTS

Visual Effects

Potential visual effects can be generated through visual changes to the landscape as



a result of a development. The significance of effects is measured by the visual sensitivity of the landscape and the response of a particular viewing audience.

Visual sensitivity is influenced by several factors including visibility, the nature and extent of the viewing audience, whether the proposal is the focal point or part of a wider view, whether the view is transient or permanent and the degree of contrast with the surrounding environment. It is also influenced by the visual qualities of the proposal and the ability to integrate any change within the landscape setting.

The degree of adverse visual effects generated by a proposal also depends upon the character of the surrounding landscape (the context), existing levels of development on the application site, the contour of the land, the presence or absence of screening and/or backdrop vegetation, and the characteristics of the future activities facilitated by the application.

This assessment will establish the potential visibility of the application site and future placement of the dwelling, shed and pool on the lot. It will also determine who the potentially effected viewing audiences are and the degree of change brought about by the proposed development of this site, and if there are any potential adverse visual effects associated with this.

The proposed dwelling will be fully located within the residential building platform approved for Lot 5. Built development upon Lot 5 within this building platform is an expected outcome of an approved subdivision resource consent. Eventually there will be a total of seven dwellings located within the approved seven building platforms of this Management Plan subdivision. This cluster of coastal residential development forms the existing environment of this specific area of the Karikari Bay coastal environment.

The Site Photographs contained in **Appendix 4** illustrate the present site conditions of Lot 5, depicting the open grassed area where the building platform is located and the existing landscape structure plantings which visually separates the neighbouring buildings sites and provides a vegetated foreground and backdrop to Lot 5 when viewed from the coast. The photos also illustrate the context of Lot 5 set within the wider landscape.

The proposed dwelling on Lot 5 will not be visible from any houses on nearby neighbouring properties (outside of the subdivision). Matai Bay Road does not allow any views of Lot 5 as it is screened by intervening vegetation and landform.

The potential views of the proposed dwelling on Lot 5 from the top of the back-dune are illustrated in Viewpoint 1 contained in **Appendix 5 – Off Site Viewpoint**. As Lot 5 is the second tier of lots set back from the northwestern boundary of the subdivision it is not readily visible from the CMA. This is also illustrated in **Figure 2** where the view towards the water is shown. From the building site on Lot 5 there is only small little glimpse views through some gaps in the foreground vegetation, and beyond the existing dwellings on Lots 2 and 3.

The proposed landscape planting will provide foreground landscaping to soften the edges of the dwelling. The specimen trees will blend the dwelling into the existing surrounding plantings. Other areas of new plantings will provide additional backdrop planting to the southeast of the house. The proposed dwelling can be visually



absorbed into the landscape whilst keeping the potential adverse visual effects to a very low level.



Figure 2: View from Lot 5 building site looking northwest towards the small glimpse of water view.

Landscape Effects

Landscape effects arise from the change in the physical landscape, which can result in changes to the character of a landscape and how this landscape is experienced, and the perceived value given to the landscape.

The potential landscape effects of the development will be generated by either landform or land-cover modification or may be more subtle such as influencing the overall pattern of the landscape.

The building site on Lot 5 has no existing vegetation on it so there will be no vegetation patterns affected by the development. The main landform modification will be the import of fill and hard fill material to create the building platform. Where this material is not covered by the dwelling or decking areas, it will be sloped away from the house footprint. This will then be landscaped or regressed so that this minimises any potential landscape or visual effects associated with the building platform earthworks.

As the future built structure on proposed Lot 5 can be easily visually absorbed into the landscape it will be subservient to the wider landscape scene so that the potential adverse landscape character effects will be very low.

Natural Character and Amenity Values

The quality a landscape portrays, and its resulting “natural” character is dependant upon the degree of cultural modification, and how well the natural processes are functioning. Landscapes that exhibit the least amount of modification by human activity usually have the highest degree of natural character.

Natural character is a term used to describe the naturalness of an environment. The degree or level of natural character within an area depends on:



- The extent to which natural elements, patterns and processes are functioning,
- The nature and extent of modifications to the ecosystems and landscape/ riverscape.

Natural character occurs along a continuum. The natural character of a site is the degree to which it is part of nature, particularly indigenous nature and is free from the effects of human constructions.

The effect of different types of modification upon the natural character of an area varies with the context and may be perceived differently by different individuals.

Natural elements relate to the presence of unmodified land and water bodies and the lack of built form, while natural patterns relate to the perceived naturalness of the appearance of a landscape, which appears to be a result of nature rather than being man made. Natural processes relate to the ecological workings of a landscape, and how well these processes are functioning to maintain a natural appearance to the landscape.

The area of sand dunes located along the back of Karikari beach have been recorded within the Regional Policy Statement (RPS) as having Outstanding Natural Character values and is also part of an Outstanding Natural Landscape (ONL). Refer to **Appendix 2** – Landscape Overlay Maps.

The Outstanding Natural Character Area is identified as Karikari Beach and is described as *“long white beach with low fore dune. The Fore dune face is dominated by Spinifex, and the back and intermediate dunes are dominated by Spinifex with a number of other species including knobbly club rush, sand Daphne, sand coprosma, alien species (geranium, palms)”*.

Within the RPS the ONL is classified as the ‘Outer Karikari Beach, Puheke and South Rangiputa Head’. The Landscape Characterisation is described in the worksheets as *“A very distinctive, broad headland landscape that amalgamates a number of component elements: wetlands, open freshwater bodies, dune fields, expansive ocean beach, a small volcanic cone and portions of headland with a fringing reef. Whilst these components are individually identifiable, they come together to compose this outstanding landscape as an inter-related system. The wide and simple sweep of Karikari beach, defined by headlands at either end, broken by Puheke and backed by a dune field – which in part then sequences into wet areas – is highly memorable and a commonly references part of Northland. Whilst there is very little built development within the unit itself, there are a number of buildings that overlook the area and which have a subtle influence from outside this particular landscape. Similarly, a small part of the unit is grazed – primarily in the north western portion – so that agricultural land use compromises the sense of naturalness and intactness in the nearby area”*.

The 8-lot subdivision development approved under RC 2070190, saw the removal of weed species, pine trees, makeshift houses and caravans and other temporary structures from the site. The back dunes were restored and the dune fields on the site were put into QEII covenants. Large areas of the property were revegetated with indigenous bush and weed and pest control was implemented. The restoration and enhancement project that was undertaken by MBR Developments significantly



rehabilitated the environment and has enhanced the natural character of the site and surrounding area.

In addition to the environmental restoration the 7-lot subdivision resulted the creation of seven Residential Building Platforms, with the expected outcome of seven dwelling sites being developed within this subdivision.

As the existing landscape and its visual context contribute to the existing baseline for the assessment of affects upon natural character, the existing landscape or 'environment' to use as the baseline for this assessment also includes the future state of the landscape or environment.

Therefore, in assessing the 'environment' within which the proposed dwelling is being located, I have included the future state of the environment, which will be modified from what is currently visible today.

The proposed dwelling on Lot 5 will be located outside of the Outstanding Natural Character area. The Outstanding Natural Landscape area covers seven of the lots and building platforms within the subdivision, including Lot 5.

The proposed subdivision development was designed to minimise the potential adverse effects upon natural character values, using building and landscape design controls and landscape enhancement and integration plantings. In addition, the development included extensive ecological and landscape enhancement proposals that have restored and rehabilitated a degraded landscape.

The proposed dwelling on Lot 5 is located within the approved building envelope and is not highly visible from the coastal marine area of Karikari Bay. The dwelling has been designed so that it is of a style, height and colour that is visually recessive so that it will generate very low level of potential adverse landscape and visual effects. This in turn minimises the impact upon the ONL and natural character of the coastal marine area and surrounding landscape.

7. STATUTORY MATTERS

Far North District Plan (FNDP)

Within the Far North District Plan the site is located within the General Coastal Zone.

The site is contained within an Outstanding Landscape. There are no Outstanding Landscape Features or Outstanding Natural Features identified on the property. The site is located close to a Conservation zone that abuts Karikari Bay. Refer to **Appendix 2** Landscape Overlay Maps.

Figures 3 and 4 below illustrate the extent of the General Coastal zone and the Outstanding Landscape located along the coastal fringe.



Figure 3: General Coastal Zone

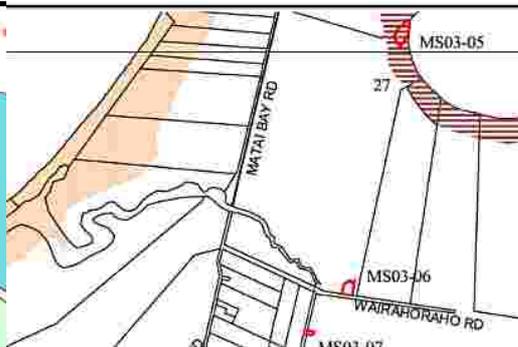


Figure 4: Outstanding Landscape area

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

Following are the relevant policies and objectives found in Chapter 10 Section 6 that have relevance to this development.

General Coastal Zone

Objective 10.6.3.1

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

Objective 10.6.3.2

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

Objective 10.6.3.3

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

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

Policy 10.6.4.1

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

Policy 10.6.4.2

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

Policy 10.6.4.3

"Subdivision, use and development shall preserve and where possible enhance, restore and rehabilitate the character of the zone in regards to S6 matters, and shall avoid adverse effects as far as practicable by using techniques including:

- a) *Clustering or grouping development within areas where there is the least impact on natural character and its elements such as*



indigenous vegetation, landforms, rivers, streams and wetlands, and coherent natural patterns;

- b) *Minimising the visual impact of buildings, development, and associated vegetation clearance and earthworks, particularly as seen from public land and the coastal marine area;*

Policy 10.6.4.6

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

Comment:

The proposed development has been designed to avoid adverse effects. The proposed earthworks are minimal and there is no vegetation clearance so that the potential effects of these landscape changes are negligible so that the natural character values of the coastal environment will be protected.

The dwelling will be in an already modified part of the landscape as shown in the Site Photographs. The structure will have a vegetated backdrop so that it is not viewed on the skyline. The proposed landscape mitigation plantings will tie it into the existing subdivision structure planting to ensure that the future development will be recessive so that the natural character and visual amenity values of the coastal environment are maintained.

The proposed development is an appropriate development in this location and on this property. The proposed built development will be unobtrusive and in keeping with other existing and future built development that is capable of being located within the subdivision.

10.6.5.2.2 VISUAL AMENITY

Any new building(s) or alteration/additions to an existing building that does not meet the permitted activity standards in Rule 10.6.5.1.1 are a controlled activity where the new building or building alteration/addition is located entirely within a building envelope that has been approved under a resource consent.

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

(i) the size, bulk, and height of the building in relation to ridgelines and natural features;

The proposed dwelling is of a size, bulk and height that is appropriate for this site and landscape setting. The structures are not on a ridgeline and are not located on or near any Outstanding Natural Features.

(ii) the colour and reflectivity of the building;

The dwelling will be recessively coloured and will meet the Consent Notice requirement of a reflectance value of less than 35%.



(iii) the extent to which planting can mitigate visual effects;

The existing structure planting and proposed landscaping assist with visually mitigating any potential adverse visual effects.

(iv) any earthworks and/or vegetation clearance associated with the building;

There is no vegetation clearance associated with the development. The earthworks are small so will not generate any potential adverse effects.

(v) the location and design of associated vehicle access, manoeuvring and parking areas;

The driveway to the building site already exists. The parking and manoeuvring areas will be located to the southeast of the house so that they are not visible from the coastal marine area, or public roads.

(vi) the extent to which the building and any associated overhead utility lines will be visually obtrusive;

All utilities will be buried under ground.

(vii) the cumulative visual effects of all the buildings on the site;

There is only one dwelling proposed on site. There will be no cumulative effects.

(viii) the degree to which the landscape will retain the qualities that give it its naturalness, visual and amenity values;

The proposal will see the introduction of one dwelling onto the site, with very minimal adverse landscape and visual effects being generated. This will ensure that the existing landscape qualities of the site are retained.

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

There will be ample open space provided for future users.

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

The proposed built form has been positioned within the building envelope such that it will avoid any visual dominance.

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

There are no aspects of the development that affect the privacy, outlook and enjoyment of open space on adjacent sites.

The building height will not exceed the allowable building height covenant condition.

12.1.6.2.1 BUILDINGS WITHIN OUTSTANDING LANDSCAPES



The following are restricted discretionary activities in an Outstanding Landscape, as shown on the *Resource Maps*:

- (a) any new building, including relocated buildings, exceeding a gross floor area of 25m²; or
- (b) any alteration/addition to an existing building which does not exceed 40% of the gross floor area of the building which is being altered or added to, provided that any alteration/addition does not exceed the height of the existing building.

The Council will restrict the exercise of its discretion to:

- (i) *the location of the building;*

The proposed dwelling is located within the approved Residential Building Platform as required by the Consent Notice for the subdivision the lot is located within.

- (ii) *the size, bulk and height of the building in relation to ridgelines, areas of indigenous vegetation and habitats of indigenous fauna, existing trees and other natural features;*

The dwelling will be located below the backdrop ridgeline and adjacent to the areas of indigenous structural planting implemented by the property developer. It will be set back from the foreshore and will not require the removal of any indigenous vegetation or the disturbance of any habitat or natural feature.

- (ii) *the degree to which the landscape will retain the qualities that make it outstanding, including naturalness, and visual and amenity values;*

The proposal is located within the approved Residential Building Platform, which was approved through the subdivision resource consent. Appropriate built forms located upon this platform are an expected outcome of the resource consent. The proposed dwelling meets the necessary Consent Notice conditions and the requirements of the Management Plan.

The development will not generate any adverse effects upon the natural character of this area that were not deemed acceptable at the time of the subdivision application. The building and landscape design controls and proposed foreground landscaping will assist with retaining the qualities of the ONL and the naturalness and visual values of the area.

- (iii) *the design of the building;*

The dwelling complies with the building design and approval controls detailed in the Land Covenant and Consent Notice. The style of the dwelling and selection of building materials are unobtrusive and complimentary to the coastal setting. The building will not exceed the height limit.



(iv) the location and design of associated vehicle access, manoeuvring and parking areas;

The access driveway to the lot already exists. The new section of driveway and parking and maneuvering areas will be located to the south east of the dwelling and will not be visible from the coastal marine area.

(v) the extent to which planting can mitigate visual effects;

The existing structural plantings that are located on the lot and within the subdivision provide a vegetated framework for future dwellings within the subdivision to be set within. This structure planting has matured over the last 18 years and provides a high level of visual integration for the future placement of buildings on the building envelopes.

The proposed foreground landscaping will provide a vegetated context to the dwelling tying it into the existing structure planting and visually softening and partially screening it from view.

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

The proposed dwelling will not be visible from Matai Bay Road or any other public road. The building site on Lot 5 is located approximately 300m back from the water and mostly obscured from view by intervening houses and vegetation. The built form will not be visible from the immediate water's edge on Karikari Beach to the northwest of the site, as the 4m tall fore-dune screens the building from view for any visitors walking along the beach.

(viii) the cumulative visual effects of all buildings on the site.

There will be no cumulative effects of the buildings on site as there is one dwelling, and it will be visually integrated by vegetation and building design controls.

Regional Policy Statement for Northland (RPS)

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

Within the RPS Karikari Beach and the dune system extending northwest to the site is identified having Outstanding Natural Character values. The site is identified as being part of an Outstanding Natural Landscape as shown in **Figure 5**.



Figure 5: RPS map showing the extent of the ONL and ONC areas.

Policy 4.6.1

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

(1) *In the coastal environment:*

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

Methods which may achieve this include:

- (i) *Ensuring the location, intensity, scale and form of subdivision and built development is appropriate having regard to natural elements, landforms and processes, including vegetation patterns, ridgelines, headlands, peninsulas, dune systems, reefs and freshwater bodies and their margins; and*
- (ii) *In areas of high natural character, minimising to the extent practicable indigenous vegetation clearance and modification (including earthworks/disturbance, structures, discharges and extraction of water) to natural wetlands, the beds of lakes, rivers and the coastal marine area and their margins; and*
- (iii) *Encouraging any new subdivision and built development to consolidate within and around existing settlements or where natural character and landscape has already been compromised.*

Comment:

The property is located within the Coastal Environment and the coastal edge, and DoC conservation zone have been identified as having Outstanding Natural Character. The site is contained within an Outstanding Natural Landscape.



The development proposal includes measures to minimise potential visual and landscape character effects upon the ONL and ONC area. The previous weed removal on site and enhancement with native species has rehabilitated and restored the landscape and ecological values of the subdivision. This will protect the natural elements, landforms, and processes of the ONL and ONC areas of the dunesystem to the northwest of the proposed building site.

The proposal has been designed so that it is sensitive to the characteristic qualities that make up the outstanding values of the landscape. There will be no vegetation clearance and minimal earthworks needed to implement the proposal. The building will be visually recessive and within the consented height limit.

The unobtrusive and recessive nature of the proposal and the landscape integration plantings will ensure that the natural character values of the coastal environment are protected.

New Zealand Coastal Policy Statement

The site is located within the coastal environment as shown in **Figure 5** above.

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

Policy 6 Activities in the coastal environment

(1) In relation to the coastal environment:

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

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

Policy 13 Preservation of natural character

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

(a) avoid adverse effects of activities on natural character in areas of the coastal environment with outstanding natural character; and

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

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

(a) natural elements, processes and patterns;

(b) biophysical, ecological, geological and geomorphological aspects;

(c) natural landforms such as headlands, peninsulas, cliffs, dunes, wetlands, reefs, freshwater springs and surf breaks;

(d) the natural movement of water and sediment;



- (e) the natural darkness of the night sky;*
- (f) places or areas that are wild or scenic;*
- (g) a range of natural character from pristine to modified; and*
- (h) experiential attributes, including the sounds and smell of the sea; and their context or setting.*

Policy 15 Natural Features and natural landscapes

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

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

Comment:

The proposed dwelling will be located within an approved building envelope, adjacent to other approved building envelopes that are within a Management Plan subdivision. Future residential activities on this site have therefore been assessed as appropriate for within this coastal environment and along this stretch of coastline adjacent to Karikari Bay.

The proposed dwelling will not be readily visible from the CMA as it will be mostly obscured by existing and proposed landscape plantings and other dwellings on neighboring lots. The house will be set back 300m from the foreshore and will be within the designated building envelope, which is a modified part of the site, maintained in mown grass.

As described in the above sections the development has been designed so that it is recessive and will be integrated into the landscape with landscape plantings. The vehicle maneuvering areas are located where they can be screened from the CMA.

The proposed development will not alter any natural elements, processes, or patterns. The surrounding sensitive natural landforms will not be affected by the proposal. The experiential attributes, including the sounds and smell of the sea; and their context or setting will not be influenced by this proposal.

8. LANDSCAPE PLAN

The Landscape Plan contained in **Appendix 7** illustrates the existing ecological and structure planting that is located on the site and will be maintained on the site.

It also details the proposed landscape planting around the dwelling and Residential Building Platform and foreground planting that will provide the required screening and softening of the proposed dwelling to visually tie the structure into the landform.

The Landscape Plan has been prepared following the guidelines within the Management Plan. This incorporates an integrated design solution that brings the landscaping into the built form and includes:



- Foreground planting to provide softening to visually tie the dwelling into the landform,
- The design has taken advantage of the local topography to sit the building into the landscape with minor excavations to ground the built form, thus reducing perceived bulk, scale and height.
- Backdrop planting so that the house is viewed with a vegetated backdrop.
- Specimen Pohutukawa trees dotted around the building site to tie it into the surrounding structural plantings.

9. CONCLUSION

The proposed development is for the construction of a dwelling within an Approved Residential Building Platform on Lot 5 at 449 Matai Bay Road adjacent to Karikari Bay.

Within the FNDP the site is contained within the General Coastal zone and is covered by an Outstanding Landscape overlay. There are no Outstanding Landscape Features or Outstanding Natural Features identified on the property. The site is located close to the Conservation zone that abuts Karikari Bay.

Within the RPS Karikari Beach and the dune system extending northwest of the subdivision is identified having Outstanding Natural Character values. Lot 5 and its surrounds is identified as being part of an Outstanding Natural Landscape.

This assessment has provided an understanding of the existing character and quality of the site and surrounding landscape and the visual components of the development proposal.

The proposed dwelling is located within an approved Residential Building Platform; this was approved through the subdivision resource consent. Appropriate buildings located within this platform are an anticipated outcome.

The building site is not visible from any public roads or viewed from any nearby house sites. The view from the beach which is located 300m to the west of the building site is obscured by the height of the dunes directly backing the beach. Lot 5 is also located behind the intervening Lots 1-4 which obscure the view of the site from the Karikari Bay even further. The proposed development has a very limited viewing audience and visibility. The building will be recessive and can be easily visually absorbed into the landscape setting through the design controls, existing vegetation, and landscaping.

The development utilises the existing subdivision structure plantings on the site to provide a vegetated backdrop and a framework of vegetation for the building to be located within. Additional landscape plantings around the dwelling will link into this and visually screen and soften the proposed structure so that the visual amenity and coastal natural character values of the nearby HNC area and ONL are maintained.

The development will involve no vegetation clearance and very minimal earthworks which will generate less than minor adverse landscape effects. The High Natural Character area adjacent to the site which encompasses the back and fore dunes behind Karikari Bay will not be affected by the proposal.



The proposed dwelling has been assessed against the Consent Notice conditions and requirements of the Land Covenants and Management Plan and is of an acceptable size, design, height and colour for its location on this site and within this coastal environment.

This is a development that is consistent with the relevant zone rules and criteria found within the FNDP, NZCPS and RPS. The development is sensitive to the environment it is located within so that the potential adverse landscape, visual amenity, and natural character effects will be less than minor.

Christine Hawthorn
BLA (Hons.)
Hawthorn Landscape Architects Ltd.

Attachments:

- Appendix 1 – Location Map
- Appendix 2 – Landscape Overlay Maps
- Appendix 3 – Architectural Plans
- Appendix 4 – Off Site Viewpoint
- Appendix 5 – Site Photographs
- Appendix 6 – New Landscape Plan 2007
- Appendix 7 - Lot 5 Landscape Plan 2026



Landscaping around the edge of the house and on fill batters to soften them and link the house into surrounding plantings



Plant Schedule

Code	Qty	Botanical Name	Common Name	Schedule Size
Asba	18	Astelia banksii	Wharawhara	PB5
Cate	29	Carex testacea	Brown Tussock	PB5
Kulf	14	Kunzea Little Fox	Kanuka	PB5
Lolt	49	Lomandra 'Lime Tuff'	Lomandra var.	PB5
Meex	10	Metrosideros excelsa	Pohutukawa	PB18
Meta	40	Metrosideros 'Tahiti'	Dwarf Pohutukawa	PB5

Scale@ A3: 1:400
 0 20 30 m

Specimen Pohutukawa trees providing a backdrop to the house site



10/02/2026	
Appendix 7 Landscape Plan I & D Galley 449 Matai Bay Road, Lot 5 DP 401659 Karikari Peninsula	
Scale as shown	Drawn By Cad Design
Drawing # 2.0	Rev # A
<small>1. This drawing is the property of Hawthorn Landscape Architects Ltd and must not be used, copied or reproduced without prior written permission. Contractors shall verify and be responsible for all dimensions on site. 2. Do not scale off this drawing. 3. Landscape Architect to be notified of any variations between on site dimensions and those shown on the plan. Hawthorn Landscape Architects accepts no liability for unauthorised changes to the details changes to the details shown in these drawings. 4. All construction work based on these plans is to comply with relevant local authority regulations and all NZ building codes and standards.</small>	



Asba
Astelia banksii



Cate
Carex testacea



Lolt
Lomandra 'Lime Tuff'



Meex
Metrosideros excelsa



Meta
Metrosideros 'Tahiti'



Kulf
Kunzea 'Little Fox'

Plant Schedule

Code	Qty	Botanical Name	Common Name	Schedule Size
Asba	18	Astelia banksii	Wharawhara	PB5
Cate	29	Carex testacea	Brown Tussock	PB5
Kulf	14	Kunzea Little Fox	Kanuka	PB5
Lolt	49	Lomandra 'Lime Tuff'	Lomandra var.	PB5
Meex	10	Metrosideros excelsa	Pohutukawa	PB18
Meta	40	Metrosideros 'Tahiti'	Dwarf Pohutukawa	PB5

Landscape Planting Implementation + Maintenance

Implementation Scope

The scope of the planting is:

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

Preparation of Planting Areas

- i. Undertake clearance of any exotic weed species. No native vegetation shall be removed.
- ii. The initial weed control should be carried out during the autumn months prior to the winter planting, when plants are still actively growing and therefore more susceptible to herbicides.
- iii. Blanket spray planting areas three weeks before planting. A follow up spray should be applied if required.
- iv. Apart from grasses one of the main weeds that may require spraying is gorse. For gorse the following is recommended:

For Gorse spray:

- Spray with 5g metsulfuron-methyl (600g/kg e.g. Escort®) + 10 ml penetrant per 10 litres water; or
- Gun and hose at a rate of 35g metsulfuron-methyl + 100ml penetrant per 100 litres water.

For grasses spray:

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

Timing of Planting

- i. Planting shall only be undertaken between the months of April to September. If planting is undertaken early or late in the season, plants should be irrigated during any dry periods.

Plant Material

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

Siting of Plants

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

Planting

- i. In areas where mass planting/total vegetation replacement is proposed a 150mm layer of 50/50 mix locally sourced compost and topsoil should be placed over the whole area to receive planting. More of this soil/compost mix should also be mixed into individual plant holes during planting (as described below).
- ii. Hessian matting to be placed over any steeper areas or those close to a water source to prevent excessive runoff.
- iii. Plants should be well watered in their containers prior to planting.
- iv. Holes for the larger (pb3 and above) plants should be dug approximately 1.5 times wider that the root ball, so that the roots are not cramped. Some loose soil should be left in the bottom of the hole to aid root growth and drainage.
- v. Approximately one tablespoon of good quality eighteen to twenty-four month slowrelease fertiliser should be placed in the bottom of the plant hole, and mixed in with the loose soil, ensuring that the fertiliser is not sitting directly on the roots (as it may burn them).
- vi. Soil returned around the roots should be firmed with the foot, with a small amount of loose soil left at the top of the hole.
- vii. Holes for large plants may exceed the depth of topsoil. In these cases the subsoil is to be thoroughly broken and well mixed with topsoil, which has been added as a 100mm layer to the bottom of the planting hole. Any compacted soil pan is to be thoroughly broken by relevant measures ensuring good root penetration and drainage.
- viii. Individual specimens should be planted approx 50mm proud of the existing ground level to prevent waterlogging.
- ix. The base of the planting hole is to be filled and firmed with backfilling material to a level where the top of the plant root ball is level with surrounding ground.
- x. All care shall be taken to keep the root ball of the plant intact during placement.
- xi. Finish all newly planted areas with a 70mm layer of locally sourced, high quality mulch.

Specimen Tree Planting

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

Watering In

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

General Maintenance

- i. Maintenance weed control should commence within three months following the planting, and then twice annually (see table 1.1 for maintenance timing).
- ii. Maintenance shall be undertaken for a minimum period of 3 years following practical completion in accordance with this specification and the accompanying plan.
- iii. Care should be taken to identify and control any weeds that may have been introduced to the property in potting mix associated with the new plants.
- iv. All weeds should be cleared from the site by appropriate physical and chemical control. The majority of weeds growing close to the plant can be pulled by hand (taking care not to damage the roots of the plant) or, if appropriate, sprayed with herbicide by an experienced operator.
- v. During this three-year maintenance programme, any dead plants will need to be replaced.
- vi. An annual top up of mulch is required throughout all mass planted areas, and around each specimen, to achieve a 70mm layer.

Maintenance Task	Frequency	Time of Year to Complete Tasks												
		Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	
Maintenance weeding around specimen trees and in all mass planted areas.	2x annually													
Top up of mulch on all trees and mass planted areas to achieve a 70mm layer.	2x annually													
Removal and replacement of any damaged or dead specimens.	1x annually													
Selective pruning/trimming of specimen trees to remove any dead wood or damaged growth and to maintain healthy vigour and good form.	1x annually													



04.12.2023	
Implementation + Maintenance	
I & D Galley 449 Matai Bay Road, Lot 5 DP 401659 Karikari Peninsula	
Scale	Drawn By
no scale	Cad Design
Drawing #	Rev #
4.0	A

1. This drawing is the property of Hawthorn Landscape Architects Ltd and must not be used, copied or reproduced without prior written permission.
2. Contractors shall verify and be responsible for all dimensions on site.
3. Do not scale off this drawing.
4. Landscape Architect to be notified of any variations between on site dimensions and those shown on the plan. Hawthorn Landscape Architects accepts no liability for unauthorised changes to the details changes to the details shown in these drawings.
5. All construction work based on these plans is to comply with relevant local authority regulations and all NZ building codes and standards.



KEY



Karikari Beach

Maitai Bay

Matakai Bay Road

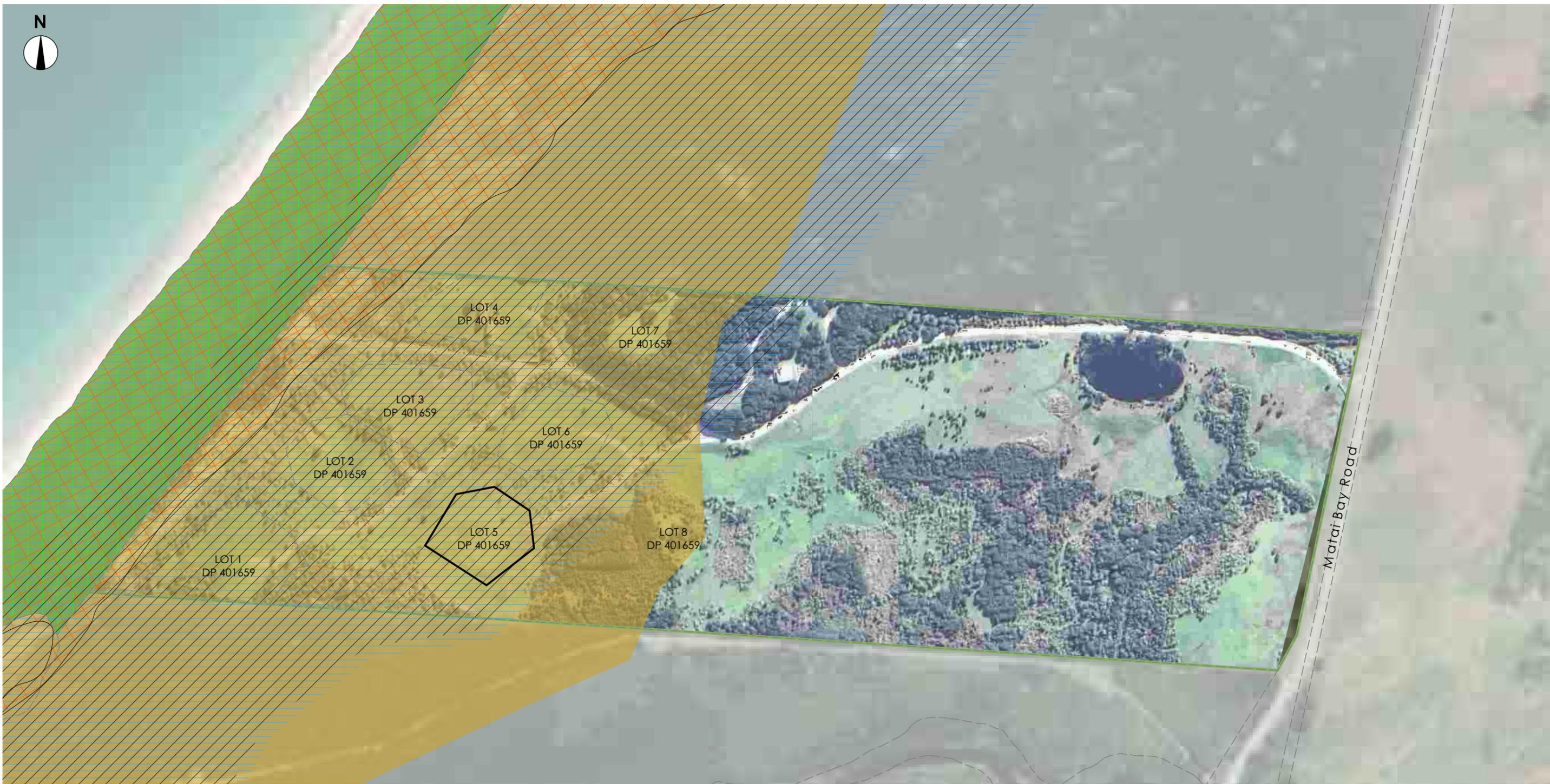


Scale@ A3:1:9000
 0 300 550 m



10/02/2026	
Appendix 1 Location & Viewpoint Location Map I & D Galley 449 Matakai Bay Road, Lot 5 DP 401659 Karikari Peninsula	
Scale as shown	Drawn By Cad Design
Drawing # 1.0	Rev # A

1. This drawing is the property of Hawthorn Landscape Architects Ltd and must not be used, copied or reproduced without prior written permission. Contractors shall verify and be responsible for all dimensions on site.
2. Do not scale off this drawing.
3. Landscape Architect to be notified of any variations between on site dimensions and those shown on the plan. Hawthorn Landscape Architects accepts no liability for unauthorised changes to the details changes to the details shown in these drawings.
4. All construction work based on these plans is to comply with relevant local authority regulations and all NZ building codes and standards.



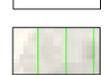
Northland Regional Policy Statement

-  Outstanding Natural Landscape
-  Outstanding Natural Character

Far North District Plan

-  Outstanding Landscape
-  Conservation

Proposed Far North Proposed District Plan

-  Rural Production
-  Coastal Environment
-  Natural Open Space



10/02/2026

Appendix 2
Zoning and Landscape Overlay Map
 I & D Galley
 449 Matai Bay Road, Lot 5 DP 401659
 Karikari Peninsula

Scale as shown	Drawn By Cad Design
Drawing # 1.1	Rev # A

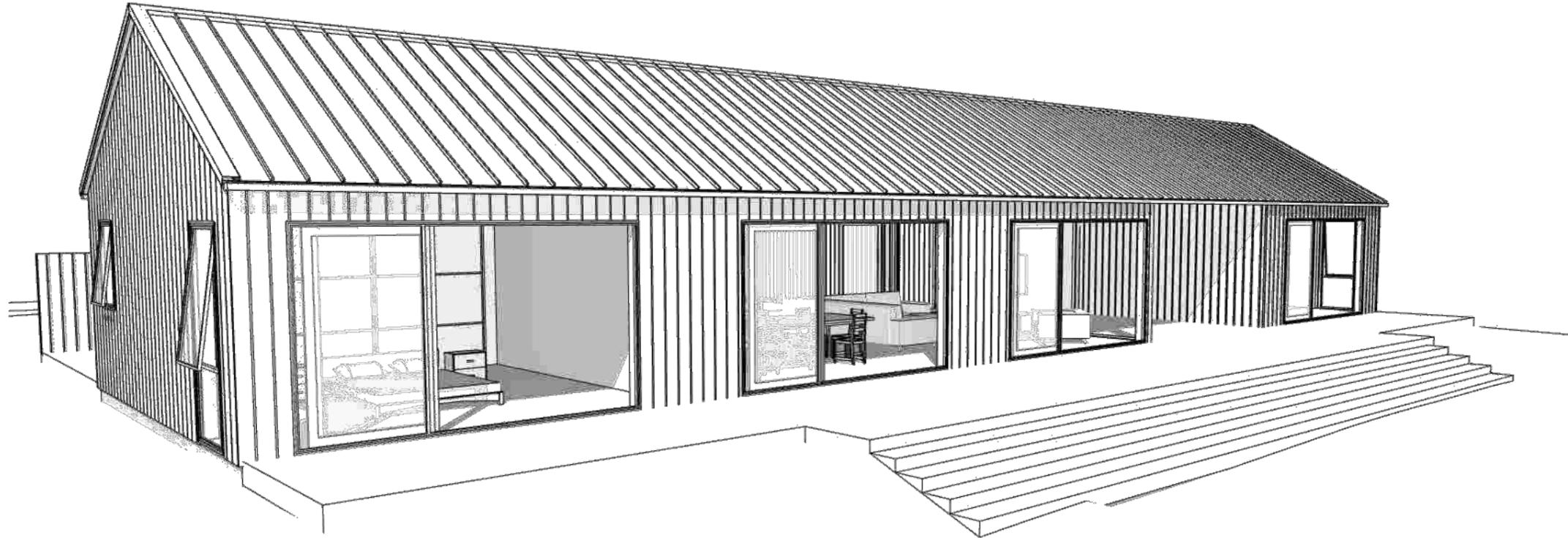
1. This drawing is the property of Hawthorn Landscape Architects Ltd and must not be used, copied or reproduced without prior written permission.
2. Contractors shall verify and be responsible for all dimensions on site.
3. Do not scale off this drawing.
4. Landscape Architect to be notified of any variations between on site dimensions and those shown on the plan. Hawthorn Landscape Architects accepts no liability for unauthorised changes to the details changes to the details shown in these drawings.
5. All construction work based on these plans is to comply with relevant local authority regulations and all NZ building codes and standards.

Scale@ A3:1:3300



NEW RESIDENTIAL DWELLING FOR **GALLEY**

SHEET INDEX	
A0001	Cover Page
A0002	Presentation
A0003	Presentation
A0004	Presentation
A1001	Proposed Site Plan
A1102	Proposed Impermeable Areas
A1501	Floor Plan
A2001	Elevations
A2002	Elevations



LOT 5 & 1/7 SHARE LOT 8 DP 401659
449 MATAI BAY ROAD KARIKARI
KAITAIA 0000

CLIENT CONCEPT APPROVAL

CONCEPT PLAN APPROVED BY CLIENT TO
PROCEED TO DETAILED DESIGN.

DATE: _____

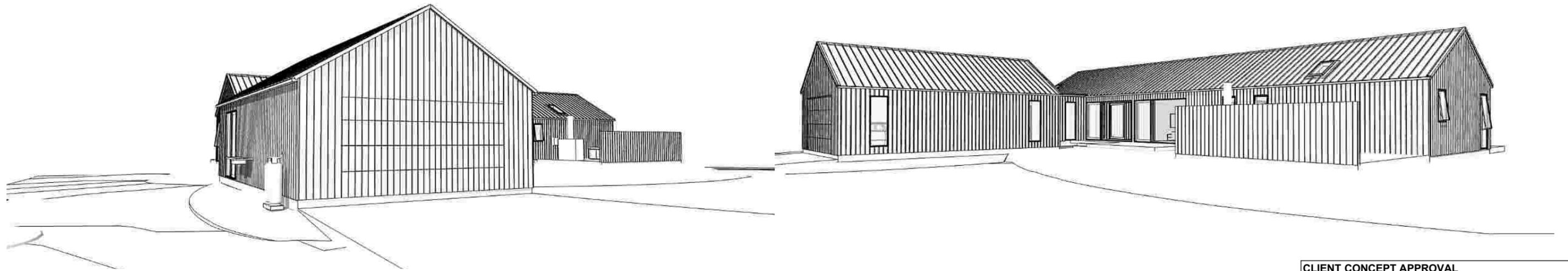
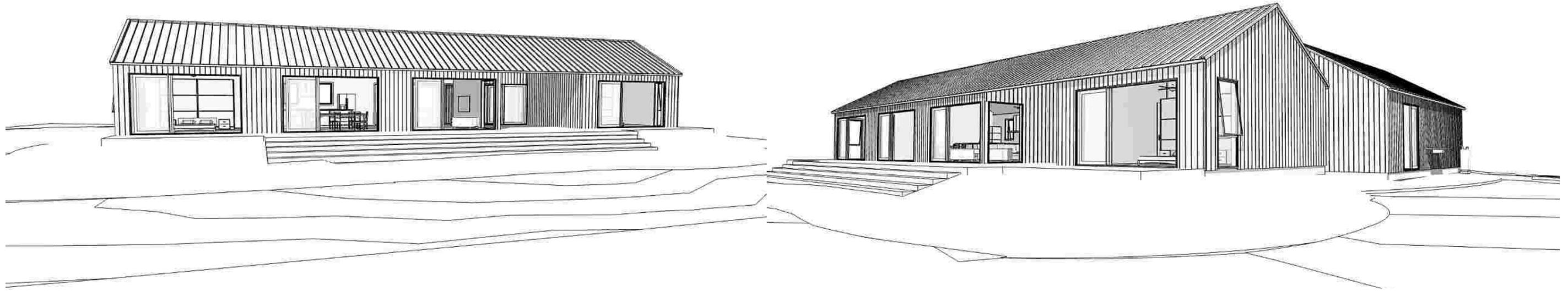
SIGNED: _____

NOTE: CHANGES TO PLANS ONCE CONCEPT
APPROVAL SIGNED ARE LIABLE TO INCUR
ADDITIONAL CHARGES.



ARCLINE ARCHITECTURE LTD.
Offices: Kaitaia | Kerikeri | Whangārei
(Ph): 09 408 2233
(Email): info@arcline.co.nz
(Web): www.arcline.co.nz

CAD CONCEPT
17/12/2025 9:55 am



CLIENT CONCEPT APPROVAL

CONCEPT PLAN APPROVED BY CLIENT TO PROCEED TO DETAILED DESIGN.

DATE: _____

SIGNED: _____

NOTE: CHANGES TO PLANS ONCE CONCEPT APPROVAL SIGNED ARE LIABLE TO INCUR ADDITIONAL CHARGES.

Arcline
Architecture

(Ph): 09 408 2233
(Email): info@arcline.co.nz
(Web): www.arcline.co.nz

Presentation

GALLEY
449 MATAI BAY ROAD, KARIKARI
KAITAIA 0000

Rev No. Revision

Date

Scale @ A3: NTS
Drawn By: SE
Issued: 17/12/2025
9:55 am

Sheet No:
A0002
CAD CONCEPT



CLIENT CONCEPT APPROVAL

CONCEPT PLAN APPROVED BY CLIENT TO PROCEED TO DETAILED DESIGN.

DATE: _____

SIGNED: _____

NOTE: CHANGES TO PLANS ONCE CONCEPT APPROVAL SIGNED ARE LIABLE TO INCUR ADDITIONAL CHARGES.

Arcline
Architecture

(Ph): 09 408 2233
(Email): info@arcline.co.nz
(Web): www.arcline.co.nz

Presentation

GALLEY
449 MATAI BAY ROAD, KARIKARI
KAITAIA 0000

Rev No.	Revision	Date

Scale @ A3: NTS
Drawn By: SE
Issued: 17/12/2025
9:55 am

Sheet No:
A0003
CAD CONCEPT



CLIENT CONCEPT APPROVAL

CONCEPT PLAN APPROVED BY CLIENT TO PROCEED TO DETAILED DESIGN.

DATE: _____

SIGNED: _____

NOTE: CHANGES TO PLANS ONCE CONCEPT APPROVAL SIGNED ARE LIABLE TO INCUR ADDITIONAL CHARGES.

Arcline
Architecture

(Ph): 09 408 2233
(Email): info@arcline.co.nz
(Web): www.arcline.co.nz

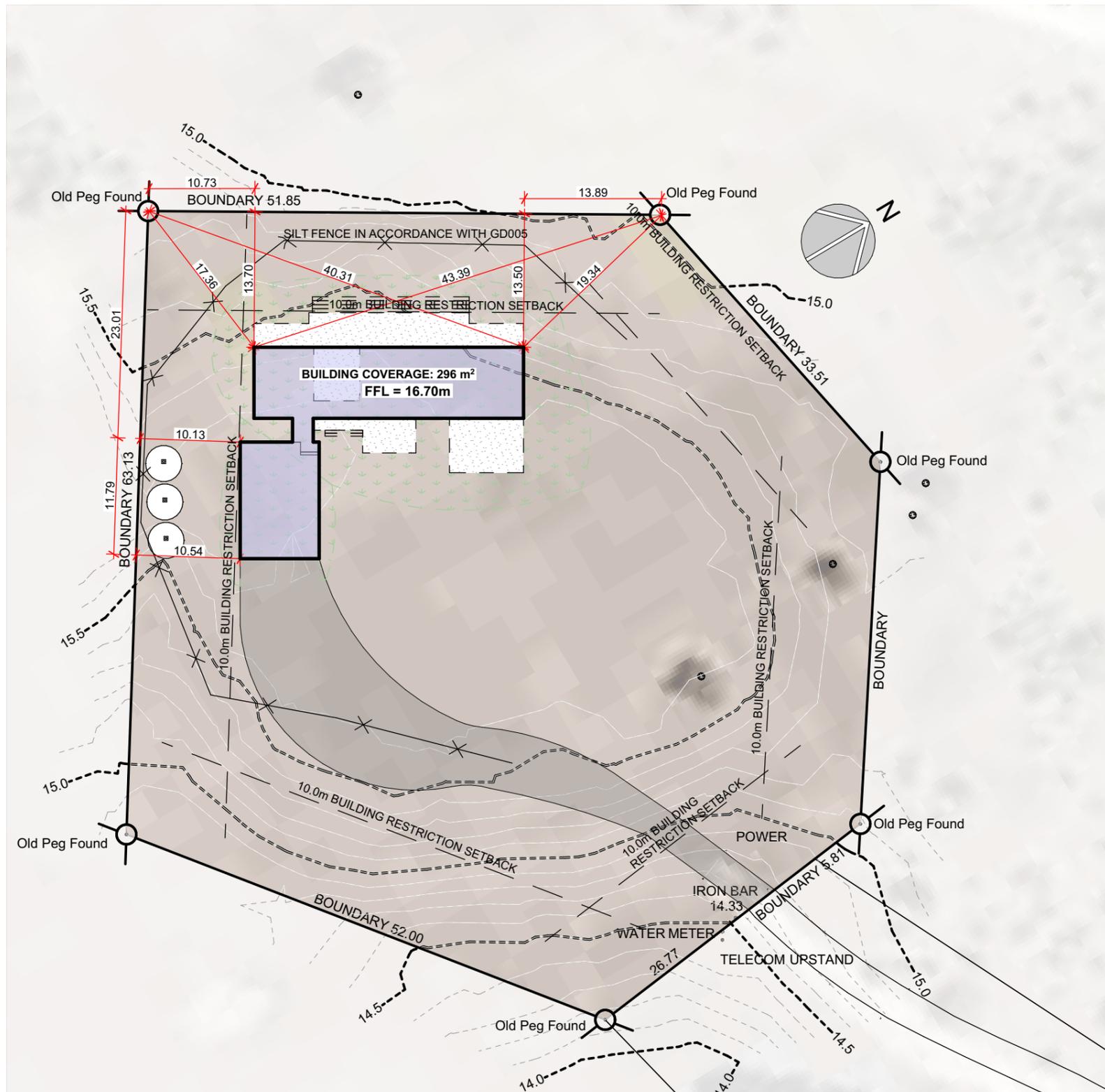
Presentation

GALLEY
449 MATAI BAY ROAD, KARIKARI
KAITAIA 0000

Rev No.	Revision	Date

Scale @ A3: NTS
Drawn By: SE
Issued: 17/12/2025
9:55 am

Sheet No:
A0004
CAD CONCEPT



SITE PLAN NOTES:

SITE DESCRIPTION
 LOT NUMBER: LOT 5 & 1/7 SHARE LOT 8
 DP NUMBER: DP 401659
 ADDRESS: 449 MATAI BAY ROAD, KARIKARI, KAITAIA
 SITE AREA: 5095m²

SITE ENVIRONMENT
 CLIMATE ZONE: 1
 EARTHQUAKE ZONE: 01
 EXPOSURE ZONE: D
 LEE ZONE: NO
 WIND ZONE: VERY HIGH
 WIND REGION: A
 RAINFALL RANGE: 100mm/hr
 SNOW ZONE: NO

- ALL MATERIALS MUST BE LESS THAN 35% LRV AND
 - CLOTHESLINES SCREENED FROM VIEW OF ANY ADJOINING LOT
 - WATER TANKS MUST BE UNDERGROUND TO THE EXTENT OF 90%
 - AIRCON UNITS TO BE SCREENED FROM VIEW
 - MUST BE ONLY ONE STOREY - CAN HAVE ADDITIONAL LEVELS BELOW GROUND LEVEL, PROVIDED THAT THE HEIGHT RESTRICTION IS COMPLIED WITH.
 - MAX HEIGHT ON LOT 5 IS 22.00 ABOVE MSL
 - 10M SETBACK FROM BOUNDARY.
 - LANDSCAPING MUST BE DONE TO TIE DWELLINGS INTO THE LANDSCAPE

DISTRICT PLAN COMPLIANCE
 PLANNING ZONE: GENERAL COASTAL
 PLANNING OVERLAY: NA

BUILDING COVERAGE
 SITE AREA: 5095m²
 MAX. FLOOR AREA PERMITTED: 25m²
DOES NOT COMPLY

BUILDING HEIGHT
 MAX. HEIGHT PERMITTED: 8.0m / 22.00 ABOVE MSL
 PROPOSED HEIGHT: 6.9m
 COMPLIES

HIRB: 2/45°
 COMPLIES

SETBACK TO BOUNDARIES
 10m IN FROM BOUNDARIES
 COMPLIES

SETBACK TO BUSH
 GREATER THAN 20m?
 YES

LRV
 35% MAX. LRV
 YES

CLIENT CONCEPT APPROVAL

CONCEPT PLAN APPROVED BY CLIENT TO PROCEED TO DETAILED DESIGN.

DATE: _____

SIGNED: _____

NOTE: CHANGES TO PLANS ONCE CONCEPT APPROVAL SIGNED ARE LIABLE TO INCUR ADDITIONAL CHARGES.

SITE IMPERMEABLE AREAS POST-DEVELOPMENT	
Element ID	Area
PROPOSED IMPERMEABLE AREA DRIVEWAY	454
PROPOSED IMPERMEABLE AREA PAVING	11
PROPOSED IMPERMEABLE AREA PAVING	23
PROPOSED IMPERMEABLE AREA PAVING	26
PROPOSED IMPERMEABLE AREA PAVING	41
PROPOSED IMPERMEABLE AREA PAVING	106
PROPOSED IMPERMEABLE AREA ROOF	306
	967 m ²

SITE CUT / FILL	
Element ID	Area
PROPOSED FILL	888
	888 m ²

SITE PLAN NOTES:

SITE DESCRIPTION
 LOT NUMBER: LOT 5 & 1/7 SHARE LOT 8
 DP NUMBER: DP 401659
 ADDRESS: 449 MATAI BAY ROAD, KARIKARI, KAITAIA
 SITE AREA: 5095m²

SITE ENVIRONMENT
 CLIMATE ZONE: 1
 EARTHQUAKE ZONE: 01
 EXPOSURE ZONE: D
 LEE ZONE: NO
 WIND ZONE: VERY HIGH
 WIND REGION: A
 RAINFALL RANGE: 100mm/hr
 SNOW ZONE: NO

- ALL MATERIALS MUST BE LESS THAN 35% LRV AND
 - CLOTHESLINES SCREENED FROM VIEW OF ANY ADJOINING LOT
 - WATER TANKS MUST BE UNDERGROUND TO THE EXTENT OF 90%
 - AIRCON UNITS TO BE SCREENED FROM VIEW
 - MUST BE ONLY ONE STOREY - CAN HAVE ADDITIONAL LEVELS BELOW GROUND LEVEL, PROVIDED THAT THE HEIGHT RESTRICTION IS COMPLIED WITH.
 - MAX HEIGHT ON LOT 5 IS 22.00 ABOVE MSL
 - 10M SETBACK FROM BOUNDARY.
 - LANDSCAPING MUST BE DONE TO TIE DWELLINGS INTO THE LANDSCAPE

DISTRICT PLAN COMPLIANCE
 PLANNING ZONE: GENERAL COASTAL
 PLANNING OVERLAY: NA

BUILDING COVERAGE
 SITE AREA: 5095m²
 MAX. FLOOR AREA PERMITTED: 25m²
DOES NOT COMPLY

BUILDING HEIGHT
 MAX. HEIGHT PERMITTED: 8.0m / 22.00 ABOVE MSL
 PROPOSED HEIGHT: 6.9m
 COMPLIES

HIRB: 2/45°
 COMPLIES

SETBACK TO BOUNDARIES
 10m IN FROM BOUNDARIES
 COMPLIES

SETBACK TO BUSH
 GREATER THAN 20m?
 YES

LRV
 35% MAX. LRV
YES

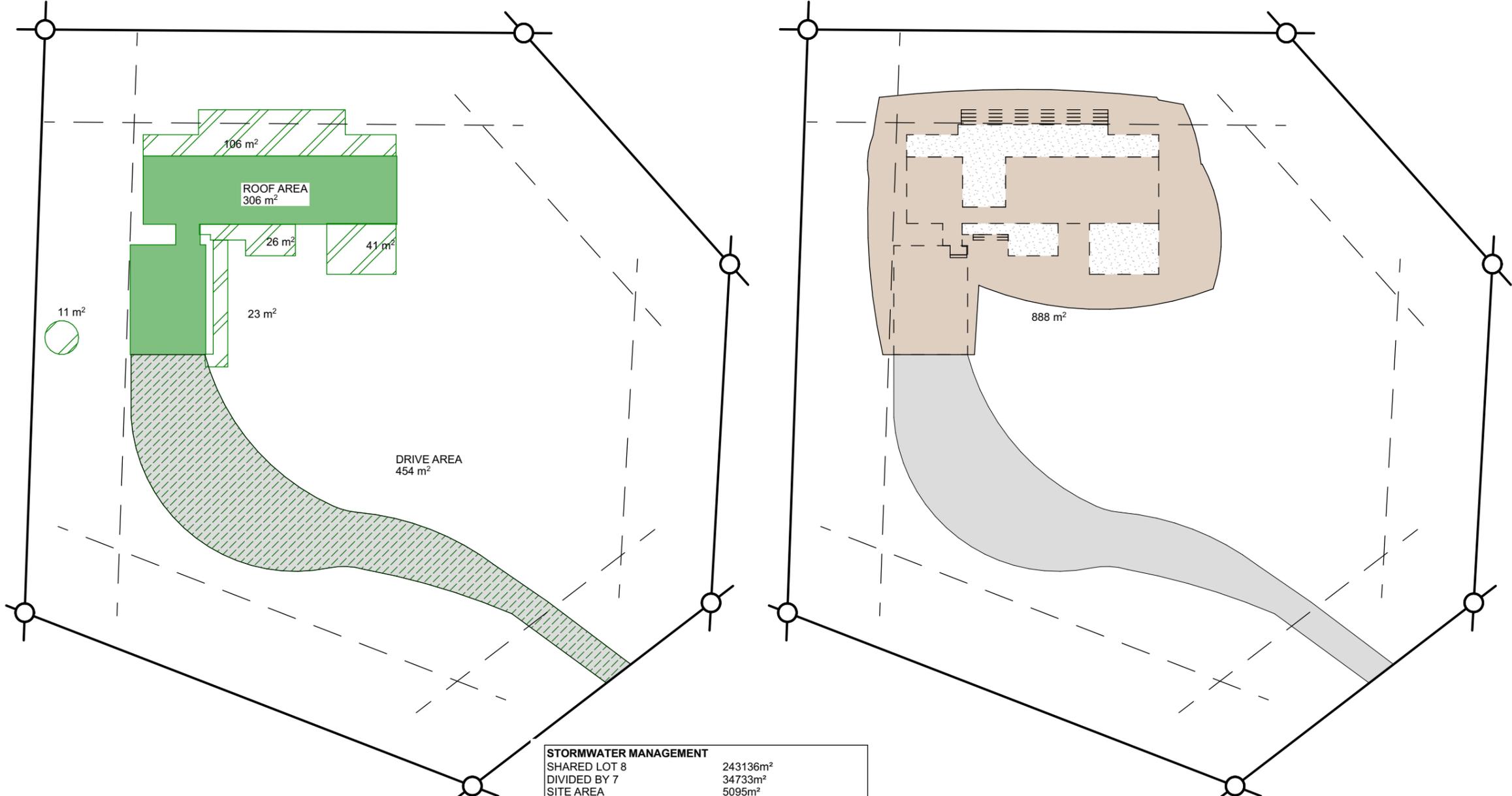
EARTHWORKS:
 VOLUME PERMITTED 300m³

CUT	0m ³
FILL	280m ³
ENG HARDFILL	270m ³
GROSS CUT/FILL (EST):	550m ³

DOES NOT COMPLY

AREA PERMITTED	NA
CUT SURFACE AREA	0m ²
FILL SURFACE AREA	888m ²

EARTHWORKS PERMIT REQUIRED IF EXCAVATIONS ARE:
 >50m² AREA
 >50m³ VOLUME
 >0.5m HEIGHT
 <3.0m TO BOUNDARY



LEGEND
 IMPERMEABLE AREAS POST DEVELOPMENT

	PROPOSED DRIVEWAY AREAS
	PROPOSED PAVING AREAS
	PROPOSED ROOF AREAS

STORMWATER MANAGEMENT

SHARED LOT 8	243136m ²
DIVIDED BY 7	34733m ²
SITE AREA	5095m ²
TOTAL AREA PERMITTED	10% OF 39828m ² =3982.8m ²

PROPOSED ROOF AREA	306m ²
DRIVES	454m ²
SHARED SITE DRIVE	1143m ²
PATHS	207m ²
3RD TANK	11m ²
TOTAL PROPOSED	2121m ²

COMPLIES

LEGEND
 CUT AND FILL

	PROPOSED CUT
	PROPOSED FIL

CLIENT CONCEPT APPROVAL

CONCEPT PLAN APPROVED BY CLIENT TO PROCEED TO DETAILED DESIGN.

DATE: _____

SIGNED: _____

NOTE: CHANGES TO PLANS ONCE CONCEPT APPROVAL SIGNED ARE LIABLE TO INCUR ADDITIONAL CHARGES.

Arcline
 Architecture

(Ph): 09 408 2233
 (Email): info@arcline.co.nz
 (Web): www.arcline.co.nz

Proposed Impermeable Areas

GALLEY
 449 MATAI BAY ROAD, KARIKARI
 KAITAIA 0000

Rev No.	Revision	Date

Scale @ A3: 1:500, 1:200, 1:100

Drawn By: SE

Issued: 17/12/2025
 9:55 am

Sheet No: **A1102**
CAD CONCEPT

GALLEY_IAN_CC10-12-25.pln 11 OF 77

Floor Plan

19 OF 77

GALLEY

449 MATAI BAY ROAD KARIKARI
KAITIA 0000

GALLEY_IAN_CC10-12-25.ph

Rev No.	Revision	Date

Scale @ A3: 1:100

Drawn By: SE

Issued: 17/12/2025 9:55 am

Sheet No:

A1501

CAD CONCEPT

- THIS DOCUMENT AND THE COPY RIGHT IN THIS DOCUMENT
REMAIN THE PROPERTY OF ARCLINE ARCHITECTURE LTD. THE
CONTENTS OF THIS DOCUMENT MAY NOT BE REPRODUCED
EITHER IN WHOLE OR IN PART BY ANY OTHER MEANS
WHATSOEVER WITHOUT THE PRIOR WRITTEN CONSENT OF
ARCLINE ARCHITECTURE LTD.

CLIENT CONCEPT APPROVAL

CONCEPT PLAN APPROVED BY CLIENT TO
PROCEED TO DETAILED DESIGN.

DATE: _____

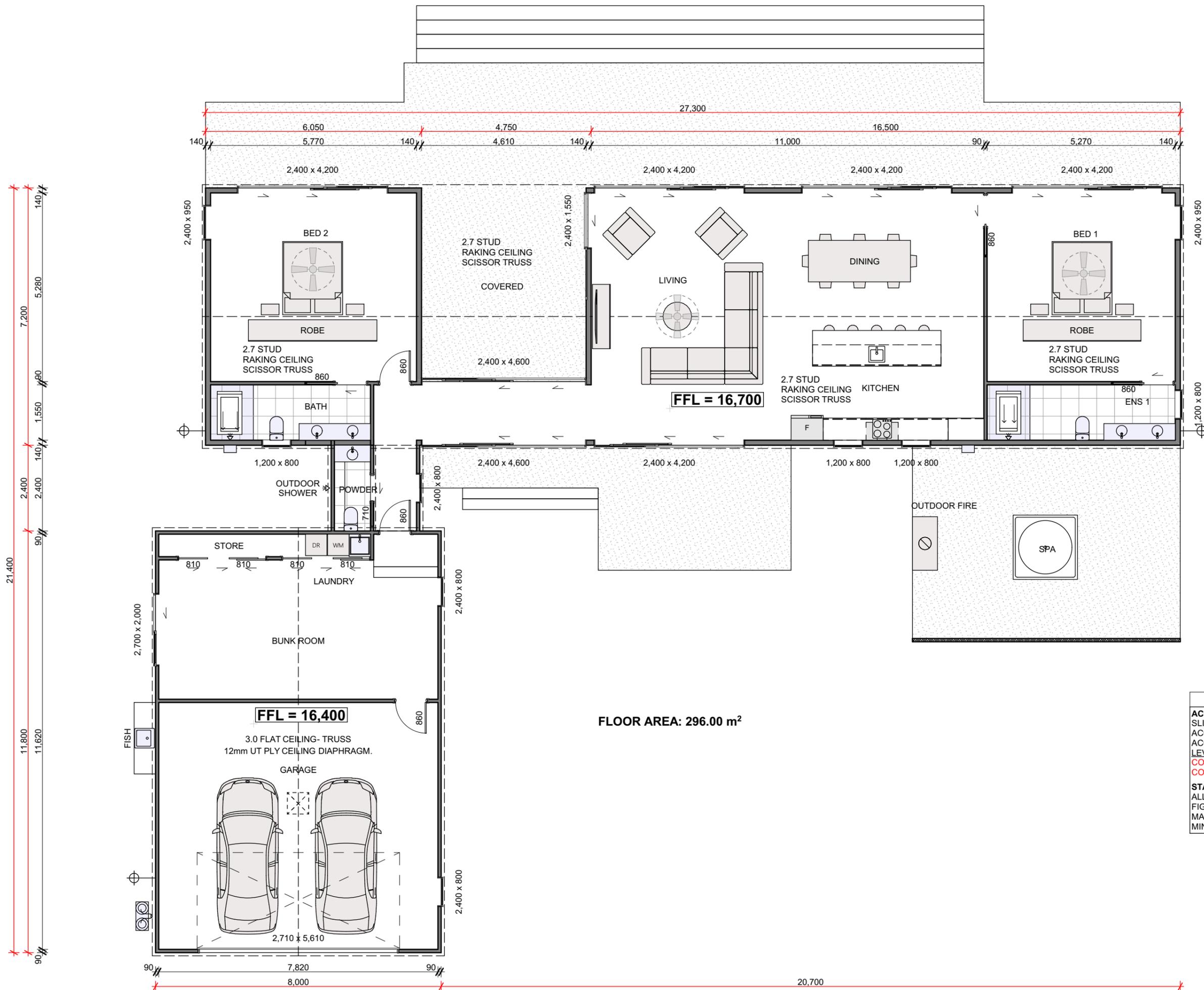
SIGNED: _____

NOTE: CHANGES TO PLANS ONCE CONCEPT
APPROVAL SIGNED ARE LIABLE TO INCUR
ADDITIONAL CHARGES.

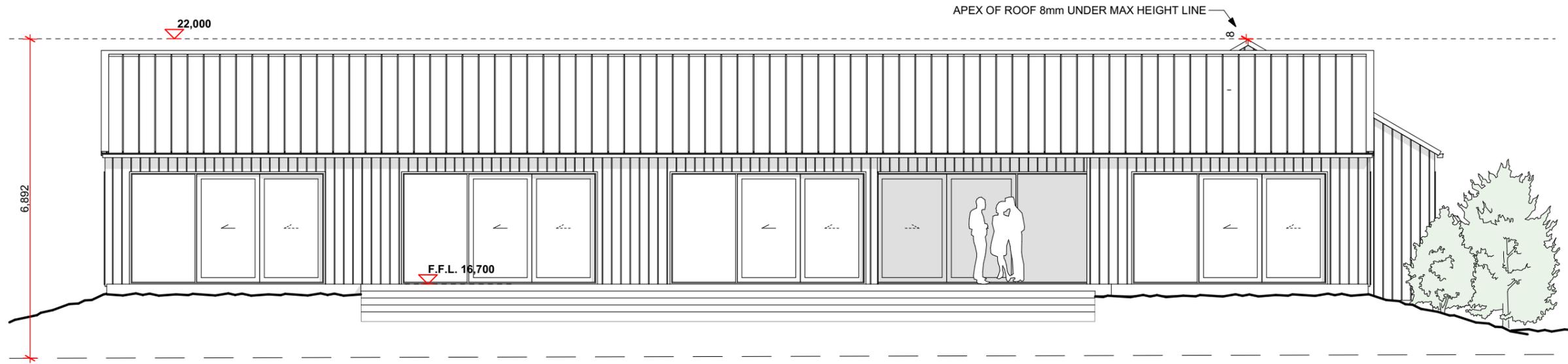
FLOOR PLAN NOTES

ACCESS
SLIP RESISTANCE SHALL BE PROVIDED TO EXTERIOR
ACCESS ROUTES AS BELOW OR BY OTHER MEANS IN
ACCORDANCE WITH TABLE 2 / SECTION 2 NZBC D1/AS1:
LEVEL SURFACE FINISH
CONCRETE DRY - SMOOTH TROWEL FINISH
CONCRETE WET - BROOMED OR WOOD FLOAT

STAIRS / STEPS
ALL STAIRS TO BE AS PER MAIN PRIVATE TO NZBC D1
FIG. 11
MAX. RISE: 190mm (ENSURE EQUAL RISE)
MIN. TREAD: 280mm



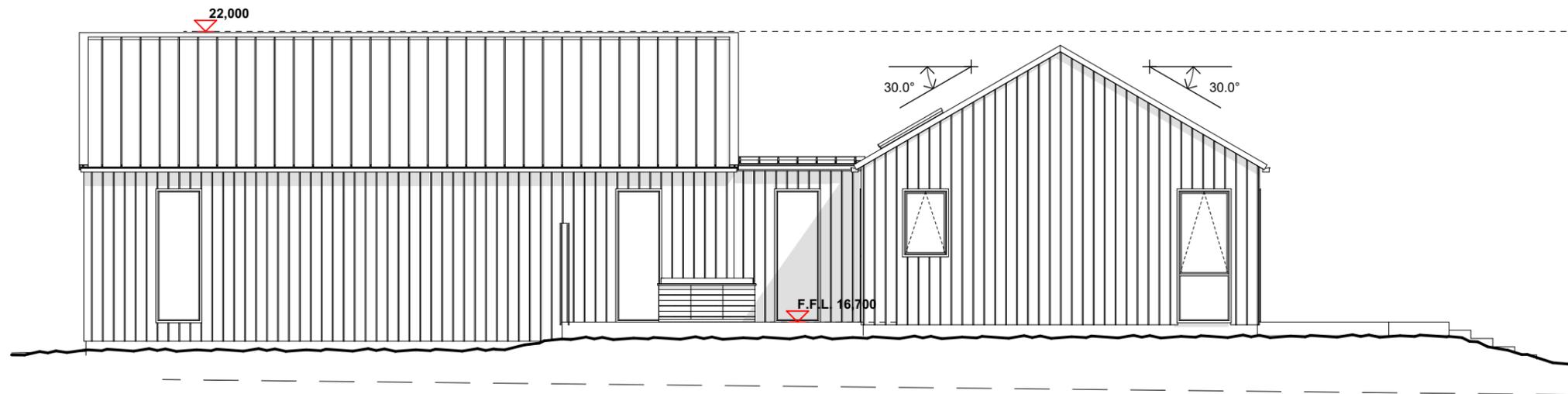
- ELEVATION NOTES**
- ROOFS**
 COLORSTEEL MAXAM
 ESPAN TROUGH PROFILE ROOFING
 AS PER ROOFING MANUFACTURERS
 SPECIFICATIONS
 0.55 COLORSTEEL MAXAM EDGE
 FLASHINGS, COLOUR TO MATCH ROOFING
 COLORSTEEL CONTINUOUS GUTTER
 QUARTER ROUND
 MISC
 EXTERNAL/INTERNAL BRACKETS WITH SS
 SCREWS
 INSTALL TO MANUFACTURERS'
 RECOMMENDATIONS
 80Ø COLOURED UPVC DOWNPIPES
 PAINTED TO MATCH ROOF
 INSTALL TO MANUFACTURERS'
 RECOMMENDATIONS
 LEAF SLIDERS
 JH 7.5mm HARDIEGROOVE SOFFIT LINING
 ,INSTALL TO MANUFACTURERS
 RECOMMENDATIONS,(PVC JOINTERS).
- WALLS**
 SUGIBAN VERT SHIPLAP CLADDING
 INSTALLED AS PER MANUFACTURERS
 SPECIFICATIONS ON
 20mm H3.1 TIMBERCAVITY SYSTEM
- GLAZING / JOINERY**
 DOUBLE GLAZED POWDER COATED
 ALUMINIUM JOINERY.
 2,415 WINDOW HEAD HEIGHT TYPICAL



1
#LayID

North Elevation

1:100



2
#LayID

East Elevation

1:100

CLIENT CONCEPT APPROVAL

CONCEPT PLAN APPROVED BY CLIENT TO
 PROCEED TO DETAILED DESIGN.

DATE: _____

SIGNED: _____

NOTE: CHANGES TO PLANS ONCE CONCEPT
 APPROVAL SIGNED ARE LIABLE TO INCUR
 ADDITIONAL CHARGES.

ELEVATION NOTES

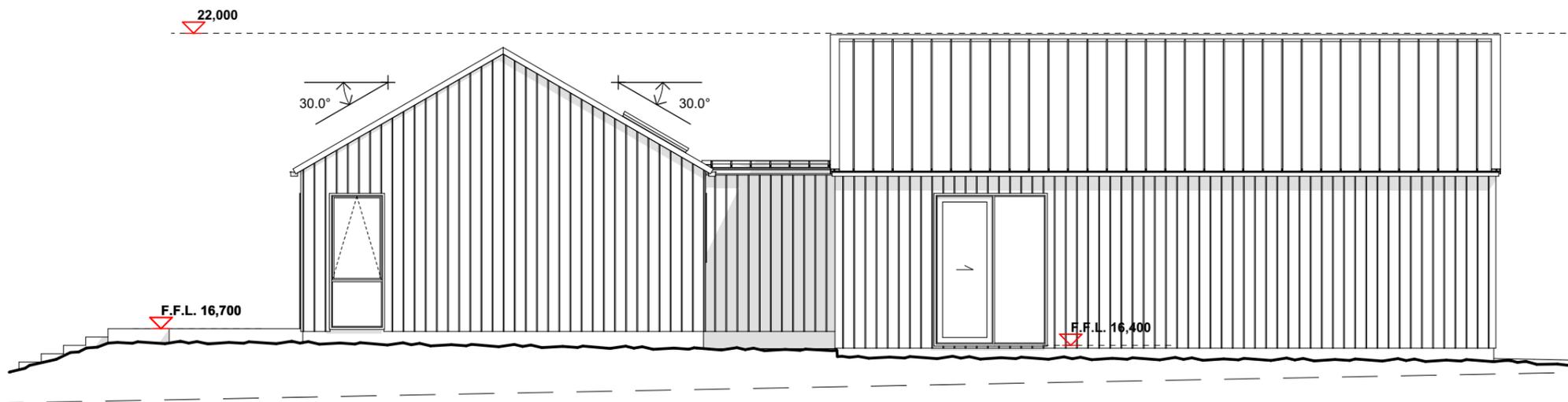
- ROOFS**
 COLORSTEEL MAXAM
 ESPAN TROUGH PROFILE ROOFING
 AS PER ROOFING MANUFACTURERS
 SPECIFICATIONS
 0.55 COLORSTEEL MAXAM EDGE
 FLASHINGS, COLOUR TO MATCH ROOFING
 COLORSTEEL CONTINUOUS GUTTER
 QUARTER ROUND
 MISC
 EXTERNAL/INTERNAL BRACKETS WITH SS
 SCREWS
 INSTALL TO MANUFACTURERS'
 RECOMMENDATIONS
 80Ø COLOURED UPVC DOWNPIPES
 PAINTED TO MATCH ROOF
 INSTALL TO MANUFACTURERS'
 RECOMMENDATIONS
 LEAF SLIDERS
 JH 7.5mm HARDIEGROOVE SOFFIT LINING
 ,INSTALL TO MANUFACTURERS
 RECOMMENDATIONS,(PVC JOINTERS).
WALLS
 SUGIBAN VERT SHIPLAP CLADDING
 INSTALLED AS PER MANUFACTURERS
 SPECIFICATIONS ON
 20mm H3.1 TIMBERCAVITY SYSTEM
GLAZING / JOINERY
 DOUBLE GLAZED POWDER COATED
 ALUMINIUM JOINERY.
 2,415 WINDOW HEAD HEIGHT TYPICAL



South Elevation

1:100

1
#LayID



West Elevation

1:100

2
#LayID

CLIENT CONCEPT APPROVAL
 CONCEPT PLAN APPROVED BY CLIENT TO
 PROCEED TO DETAILED DESIGN.
 DATE: _____
 SIGNED: _____
 NOTE: CHANGES TO PLANS ONCE CONCEPT
 APPROVAL SIGNED ARE LIABLE TO INCUR
 ADDITIONAL CHARGES.



House on Lot 2

House on Lot 3

Lot 5 house building site

Photograph 1 – View from the building site looking northwest towards the small pockets of distant water view.



Lot 5 house building site

Photograph 2 – View from the northern edge of the lot looking south across the building site





Lot 5 house building site

Photograph 3 - View from the southern edge of the lot, looking northeast across the building site



House on Lot 2

House on Lot 3

House on Lot 4

Lot 5 house building site

Photograph 4 - View from the building site, looking northeast towards the other houses that are located on Lots 2 – 4, mostly obscured from view by existing subdivision structural planting.



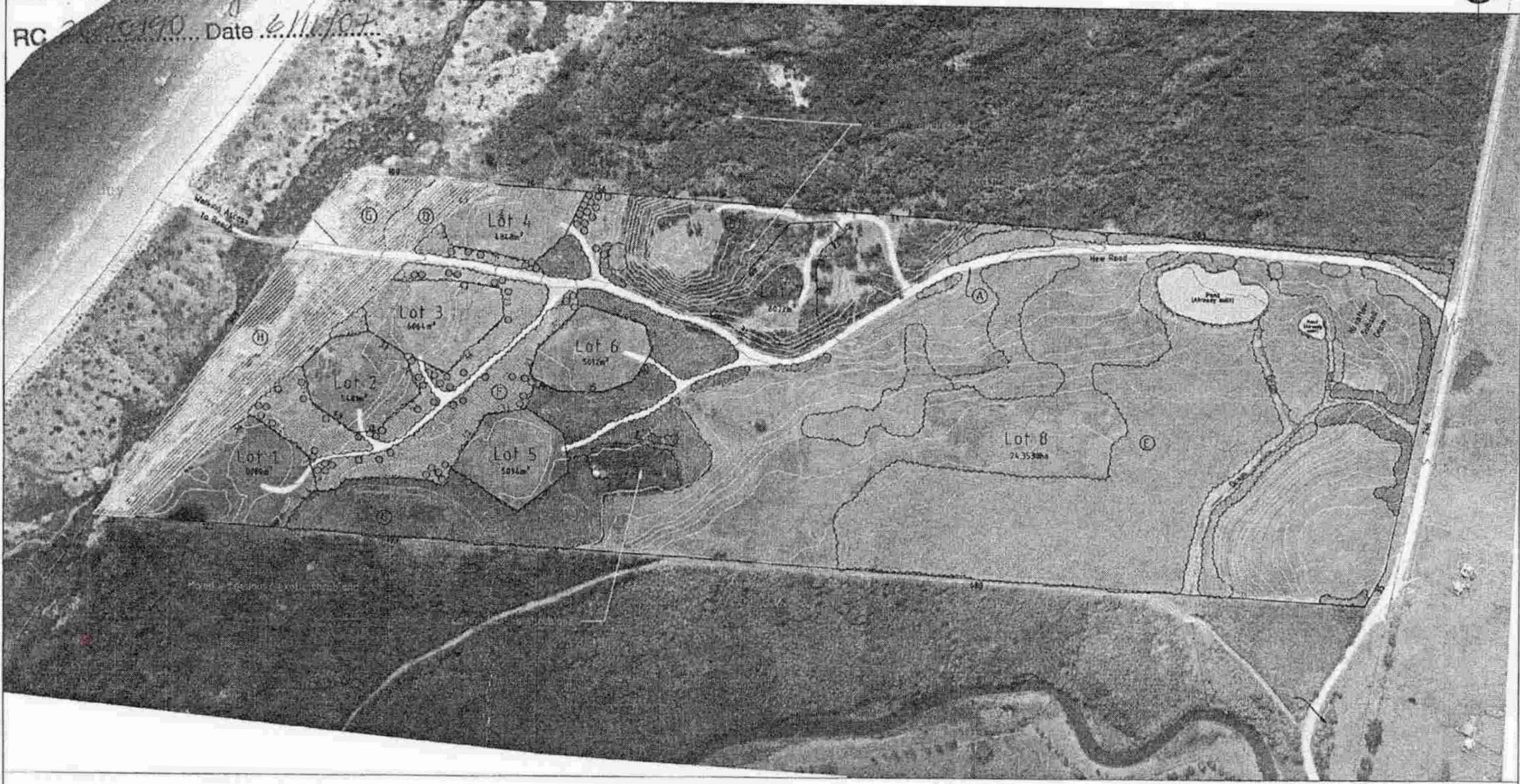


Viewpoint 1 – Located on the dunes adjacent to the beach looking southeast towards the application site. The building site on Lot 5 is not readily visible from the vantage point as it is set well back from the dunes. In addition there are now houses located on Lots 2 and 3.



APPROVED PLAN

PLANNER: *M.M.R.*
 RC: *2009/190* Date: *6/11/07*



KEY:

- Area of massed pohutukawa amenity planting.
- Assisted regeneration area - wetland vegetation.

- Assisted regeneration area - shrubland corridor. In addition to ecological functions, the additional vegetation will provide some background & other surround vegetation that will assist with the visual integration of future housing.
- Assisted regeneration area - back dune/ slack vegetation.

- Assisted regeneration area - predominantly low shrubland vegetation, managed to maintain a balance between shelter, privacy for the residential lots and the selective retention of coastal views.
- Specimen trees are to only lightly veil views; indicative placement.

NOTES:

1. Refer to landscape & ecological reports for further detail i.e. species mixes within each keyed vegetation zone and for site and locality landscape description.



ecoprojects environmental solutions
 Landscaping and site landscape planning, site planning, urban design, Project Planning, AS Project establishment.
 Delivering development with the sustainable use of resources through creative and design.
 Phone: (06) 436 2835 Mobile: (027) 473 8716 (Hudby Evans) Email: ecoprojects@ecoprojects.co.nz



Client: MBR Developments Ltd.
 Subdivision Prepared by: Williams & King
 Supervisors: M. King, Project Managers: M. King
 Date Corrected Scale Aerial Photography by: Geo Info.

**Karikari 2C Block Development Project -
 New Landscape Plan**

Designed by: HEJGW	Scale: Approx.
Drawn by: GR	1:1500 @ A1
Date: 28 September 2007	1:3000 @ A3
	Revision: 01



New Landscape Plan 2007

Galley Proposed Dwelling
 449 Matai Bay Road, Karikari

Operative District Plan Relevant Objectives and Policies

Coastal Environment

Objectives

10.3.1 To manage coastal areas in a manner that avoids adverse effects from subdivision, use and development. Where it is not practicable to avoid adverse effects from subdivision use or development, but it is appropriate for the development to proceed, adverse effects of subdivision use or development should be remedied or mitigated.

10.3.2 To preserve and, where appropriate in relation to other objectives, to restore, rehabilitate protect, or enhance: (a) the natural character of the coastline and coastal environment; (b) areas of significant indigenous vegetation and significant habitats of indigenous fauna; (c) outstanding landscapes and natural features; (d) the open space and amenity values of the coastal environment; (e) water quality and soil conservation (insofar as it is within the jurisdiction of the Council).

10.3.3 To engage effectively with Maori to ensure that their relationship with their culture and traditions and taonga is identified, recognised, and provided for.

10.3.4 To maintain and enhance public access to and along the coast whilst ensuring that such access does not adversely affect the natural and physical resources of the coastal environment, including Maori cultural values, and public health and safety.

10.3.5 To secure future public access to and along the coast, lakes and rivers (including access for Maori) through the development process and specifically in accordance with the Esplanade Priority Areas mapped in the District Plan.

10.3.6 To minimise adverse effects from activities in the coastal environment that cross the coastal marine area boundary.

10.3.7 To avoid, remedy or mitigate adverse effects on the environment through the provision of adequate land-based services for mooring areas, boat ramps and other marine facilities.

10.3.8 To ensure provision of sufficient water storage to meet the needs of coastal communities all year round.

10.3.9 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.

Policies

10.4.1 That the Council only allows appropriate subdivision, use and development in the coastal environment. Appropriate subdivision, use and development is that where the activity generally: (a) recognises and provides for those features and elements that contribute to the natural character of an area that may require preservation, restoration or enhancement; and (b) is in a location and of a scale and design that minimises adverse effects on the natural character of the coastal environment; and (c) has adequate services provided in a manner that minimises adverse effects on the coastal environment and does not adversely affect the safety and efficiency of the roading network; and (d) avoids, as far as is practicable, adverse effects which are more than minor on heritage features, outstanding landscapes, cultural values, significant indigenous vegetation and significant habitats of indigenous

fauna, amenity values of public land and waters and the natural functions and systems of the coastal environment; and (e) promotes the protection, and where appropriate restoration and enhancement, of areas of significant indigenous vegetation and significant habitats of indigenous fauna; and (f) recognises and provides for the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu and other taonga; and (g) where appropriate, provides for and, where possible, enhances public access to and along the coastal marine area; and (h) gives effect to the New Zealand Coastal Policy Statement and the Regional Policy Statement for Northland.

10.4.2 That sprawling or sporadic subdivision and development in the coastal environment be avoided through the consolidation of subdivision and development as far as practicable, within or adjoining built up areas, to the extent that this is consistent with the other objectives and policies of the Plan.

10.4.3 That the ecological values of significant coastal indigenous vegetation and significant habitats are maintained in any subdivision, use or development in the coastal environment.

10.4.4 That public access to and along the coast be provided, where it is compatible with the preservation of the natural character and amenity, cultural, heritage and spiritual values of the coastal environment, and avoids adverse effects in erosion prone areas.

10.4.5 That access by tangata whenua to ancestral lands, sites of significance to Maori, maahinga mataitai, taiapure and kaimoana areas in the coastal marine area be provided for in the development and ongoing management of subdivision and land use proposals and in the development and administration of the rules of the Plan and by non-regulatory methods. Refer Chapter 2, and in particular Section 2.5, and Council's "Tangata Whenua Values and Perspectives (2004)".

10.4.6 That activities and innovative development including subdivision, which provide superior outcomes and which permanently protect, rehabilitate and/or enhance the natural character of the coastal environment, particularly through the establishment and ongoing management of indigenous coastal vegetation and habitats, will be encouraged by the Council.

10.4.7 To ensure the adverse effects of land-based activities associated with maritime facilities including mooring areas and boat ramps are avoided, remedied or mitigated through the provision of adequate services, including where appropriate: (a) parking; (b) rubbish disposal; (c) waste disposal; (d) dinghy racks.

10.4.8 That development avoids, remedies or mitigates adverse effects on the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu and other taonga.

10.4.9 That development avoids, where practicable, areas where natural hazards could adversely affect that development and/or could pose a risk to the health and safety of people.

10.4.10 To take into account the need for a year-round water supply, whether this involves reticulation or on-site storage, when considering applications for subdivision, use and development.

10.4.11 To promote land use practices that minimise erosion and sediment run-off, and storm water and waste water from catchments that have the potential to enter the coastal marine area.

10.4.12 That the adverse effects of development on the natural character and amenity values of the coastal environment will be minimised through: (a) the siting of buildings relative to the skyline, ridges, headlands and natural features; (b) the number of buildings and intensity of development; (c) the colour and reflectivity of buildings; (d) the landscaping (including planting) of the site; (e) the location and design of vehicle access, manoeuvring and parking areas.

General Coastal Zone

Objectives

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

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

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

Policies

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

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

10.6.4.3 Subdivision, use and development shall preserve and where possible enhance, restore and rehabilitate the character of the zone in regards to s6 matters, and shall avoid adverse effects as far as practicable by using techniques including:

(a) clustering or grouping development within areas where there is the least impact on natural character and its elements such as indigenous vegetation, landforms, rivers, streams and wetlands, and coherent natural patterns;

(b) minimising the visual impact of buildings, development, and associated vegetation clearance and earthworks, particularly as seen from public land and the coastal marine area;

(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.

10.6.4.4 That controls be imposed to ensure that the potentially adverse effects of activities are avoided, remedied or mitigated as far as practicable.

10.6.4.5 Maori are significant land owners in the General Coastal Zone and therefore activities in the zone should recognise and provide 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.

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

Landscapes and Natural Features

Objectives

12.1.3.1 To protect outstanding landscapes and natural features from inappropriate, subdivision use and development.

12.1.3.2 To protect the scientific and amenity values of outstanding natural features.

12.1.3.3 To recognise and provide for the distinctiveness, natural diversity and complexity of landscapes as far as practicable including the complexity found locally within landscapes and the diversity of landscapes across the District.

12.1.3.4 To avoid adverse effects and to encourage positive effects resulting from land use, subdivision or development in outstanding landscapes and natural features and Maori cultural values associated with landscapes.

Policies

12.1.4.1 That both positive and adverse effects of development on outstanding natural features and landscapes be taken into account when assessing applications for resource consent.

12.1.4.2 That activities avoid, remedy or mitigate significant adverse effects on both the natural and the cultural values and elements which make up the distinctive character of outstanding natural features and landscapes.

12.1.4.3 That the cumulative effect of changes to the character of Outstanding Landscapes be taken into account in assessing applications for resource consent.

12.1.4.4 That the visibility of Outstanding Landscape Features, when viewed from public places, be taken into account in assessing applications for resource consent.

12.1.4.5 That the adverse visual effect of built development on outstanding landscapes and ridgelines be avoided, remedied or mitigated.

12.1.4.6 That activities avoid or mitigate adverse effects on the scientific and amenity values associated with outstanding natural features.

12.1.4.7 That the diversity of outstanding landscapes at a District-wide and local level be maintained and enhanced where practicable.

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.

12.1.4.9 That the high value of indigenous vegetation to Outstanding Landscapes be taken into account when assessing applications for resource consents.

12.1.4.10 That landscape values be protected by encouraging development that takes in account: (a) the rarity or value of the landscape and/or landscape features; (b) the visibility of the development; (c) important views as seen from public vantage points on a public road, public reserve, the foreshore and the coastal marine area; (d) the desirability of avoiding adverse effects on the elements that contribute to the distinctive character of the coastal landscapes, especially outstanding landscapes and natural features, ridges and headlands or those features that have significant amenity value; (e) the contribution of natural patterns, composition and extensive cover of indigenous vegetation to landscape values; (f) Maori cultural values associated with landscapes; (g) the importance of the activity in enabling people and communities to provide for their social, economic and cultural well-being.

Soils and Minerals

Objectives

12.3.3.1 To achieve an integrated approach to the responsibilities of the Northland Regional Council and Far North District Council in respect to the management of adverse effects arising from soil excavation and filling, and minerals extraction.

12.3.3.2 To maintain the life supporting capacity of the soils of the District.

12.3.3.3 To avoid, remedy or mitigate adverse effects associated with soil excavation or filling.

12.3.3.4 To enable the efficient extraction of minerals whilst avoiding, remedying or mitigating any adverse environmental effects that may arise from this activity.

Policies

12.3.4.1 That the adverse effects of soil erosion are avoided, remedied or mitigated.

12.3.4.2 That the development of buildings or impermeable surfaces in rural areas be managed so as to minimise adverse effects on the life supporting capacity of the soil.

12.3.4.3 That where practicable, activities associated with soil and mineral extraction be located away from areas where that activity would pose a significant risk of adverse effects to the environment and/or to human health. Such areas may include those where: (a) there are people living in close proximity to the site or land in the vicinity of the site is zoned Residential, Rural Living, Coastal Residential or Coastal Living; (b) there are significant ecological, landscape, cultural, spiritual or heritage values; (c) there is a potential for adverse effects on lakes, rivers, wetlands and the coastline; (d) natural hazards may pose unacceptable risks.

12.3.4.4 That soil excavation and filling, and mineral extraction activities be designed, constructed and operated to avoid, remedy or mitigate adverse effects on people and the environment.

12.3.4.5 That soil conservation be promoted.

12.3.4.6 That mining tailings that contain toxic or bio-accumulative chemicals are contained in such a way that adverse effects on the environment are avoided.

12.3.4.7 That applications for discretionary activity consent involving mining and quarrying be accompanied by a Development Plan.

12.3.4.8 That as part of a Development Plan rehabilitation programmes for areas no longer capable of being actively mined or quarried may be required.

12.3.4.9 That soil excavation and filling in the National Grid Yard are managed to ensure the stability of National Grid support structures and the minimum ground to conductor clearances are maintained.

12.3.4.10 To ensure that soil excavation and filling are managed appropriately, normal rural practices as defined in Chapter 3 will not be exempt when determining compliance with rules relating to earthworks, except if the permitted standards in the National Grid Yard specify that activity is exempt.

Proposed District Plan Relevant Objectives and Policies

Rural Production

Objectives

RPROZ-O1 - 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-O2 - 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-O3 - 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-O4 - The rural character and amenity associated with a rural working environment is maintained.

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.

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.

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.

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.

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.

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.

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.

Coastal Environment

Objectives

CE-O1 - The natural character of the coastal environment is identified and managed to ensure its long-term preservation and protection for current and future generations.

CE-O2 - Land use and subdivision in the coastal environment:

- a. preserves the characteristics and qualities of the natural character of the coastal environment;*
- b. is consistent with the surrounding land use;*
- c. does not result in urban sprawl occurring outside of urban zones;*
- d. promotes restoration and enhancement of the natural character of the coastal environment; and*
- e. recognises tangata whenua needs for ancestral use of whenua Māori.*

CE-O3 - Land use and subdivision in the coastal environment within urban zones is of a scale that is consistent with existing built development.

Policies

CE-P1 - Identify the extent of the coastal environment as well as areas of high and outstanding natural character using the assessment criteria in APP1- Mapping methods and criteria.

CE-P2 - Avoid adverse effects of land use and subdivision on the characteristics and qualities of the coastal environment identified as:

- a. outstanding natural character;*
- b. ONL;*
- c. ONF.*

CE-P3 - Avoid significant adverse effects and avoid, remedy or mitigate other adverse effects of land use and subdivision on the characteristics and qualities of the coastal environment not identified as:

- a. outstanding natural character;*
- b. ONL;*
- c. ONF.*

CE-P4 - Preserve the visual qualities, character and integrity of the coastal environment by:

- a. consolidating land use and subdivision around existing urban centres and rural settlements; and*
- b. avoiding sprawl or sporadic patterns of development.*

CE-P5 - Enable land use and subdivision in urban zones within the coastal environment where:

- a. there is adequacy and capacity of available or programmed development infrastructure; and*
- b. the use is consistent with, and does not compromise the characteristics and qualities.*

CE-P6 - Enable farming activities within the coastal environment where:

- a. the use forms part of the values that established natural character of the coastal environment; or*
- b. the use is consistent with, and does not compromise the characteristics and qualities.*

CE-P7 - Provide for the use of Māori Purpose zoned land and Treaty Settlement land in the coastal environment where:

- a. the use is consistent with the ancestral use of that land; and*
- b. the use does not compromise any identified characteristics and qualities.*

CE-P8 - Encourage the restoration and enhancement of the natural character of the coastal environment.

CE-P9 - Prohibit land use and subdivision that would result in any loss and/or destruction of the characteristics and qualities in outstanding natural character areas.

CE-P10 - Manage land use and subdivision to preserve and protect the natural character of the coastal environment, and 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. *the presence or absence of buildings, structures or infrastructure;*
- b. *the temporary or permanent nature of any adverse effects;*
- c. *the location, scale and design of any proposed development;*
- d. *any means of integrating the building, structure or activity;*
- e. *the ability of the environment to absorb change;*
- f. *the need for and location of earthworks or vegetation clearance;*
- g. *the operational or functional need of any regionally significant infrastructure to be sited in the particular location;*
- h. *any viable alternative locations for the activity or development;*
- i. *any historical, spiritual or cultural association held by tangata whenua, with regard to the matters set out in Policy TW-P6;*
- j. *the likelihood of the activity exacerbating natural hazards;*
- k. *the opportunity to enhance public access and recreation;*
- l. *the ability to improve the overall quality of coastal waters; and*
- m. *any positive contribution the development has on the characteristics and qualities.*