

Land-Use Consent for
Georgina McGarry & Grant Billington
330 Hihi Road, Hihi

Date: 22 October 2026

Please find attached:

- an application form for a retrospective land-use consent to legalise a 112m² shed at 330 Hihi Road, Hihi; and
- an Assessment of Environmental Effects indicating the potential and actual effects of the proposal on the environment.

Within the Proposed District Plan – Appeals Version (PDP-AV), the site is zoned as Rural Lifestyle and is also within the Coastal Environment Overlay. The proposal has been assessed as a **Restricted Discretionary Activity** given the existing floor area marginally exceeds 110m² within the Coastal Environment.

Within the Operative District Plan (ODP), the site is zoned as Coastal Living. As the Rural Lifestyle zone in the PDP-AV is not subject to any appeals there is no longer a requirement to assess the majority of Coastal Living zone rules. However, as the site is subject to the Coastal Environment Overlay in the PDP-AV which is subject to an appeal the relevant rules within the Coastal Living zone relating to coastal environment values remains applicable. An assessment of those applicable rules only forms part of this application. The proposal has been assessed as a **Restricted Discretionary Activity** in terms of the ODP, for an infringement of the permitted visual amenity rule given that the floor area exceeds 50m².

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

Regards,

Alex Billot



Resource Planner

Reviewed by:

Rochelle Jacobs



Director/Senior Planner

NORTHLAND PLANNING & DEVELOPMENT 2020 LIMITED

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Attachments:

- 1. Far North District Council Application Form**
- 2. Record of Title – LINZ**
- 3. Consent Notice D205760.2 – LINZ**
- 4. Site Plan – O’Brien Design Consulting**
- 5. COA Plan Set – FNBC Ltd**
- 6. Form 4 – FNDC**
- 7. Correspondence - HNZPT**
- 8. RC 2200537 RMALUC Archaeological Report – Northern Archaeological Research Ltd**
- 9. RC 2200537 RMALUC Decision – FNDC**
- 10. RC 2200537 RMALUC Plans - FNDC**
- 11. Relevant Objectives and Policies – Northland Planning & Development 2020 Ltd**



Assessment of Environment Effects Report

1. DESCRIPTION OF THE PROPOSED ACTIVITY

- 1.1. The Applicants are seeking a land use consent to retrospectively consent a 112m² shed within their property at 330 Hihi Road, Hihi. The site contains two sheds as shown on the aerial image below. The shed subject to this application is located on the Southwestern boundary. The shed is utilised for private storage by the Applicants. The shed has a maximum height of 3.6 metres and the exterior has been finished in Coloursteel with a low Light Reflectance Value (LRV).



Figure 1: Site Plan.

- 1.2. The existing shed contains 5 bays with 3 roller doors at the front, a PA door and an open bay at the southern end. A second PA door is located on the northern side of the building. The shed is located approximately 10 metres from the Southern boundary and will be in excess of 50 metres from all other site boundaries.





Figure 2: View of Shed from within the site



Figure 3 - Shed with neighbouring dwelling in background



Figure 4 - Setback from neighbouring property to shed

- 1.3. The shed has been set into the sloping hill side such that it sits below the neighbouring development. No further earthworks are required for this development.
- 1.4. The shed is supported with an on-site wastewater disposal system which is located to the west of the building. Roof water is captured by an existing water tank which is located at the rear of the building.
- 1.5. Within the Operative District Plan (ODP), the site is zoned as Coastal Living. Within the Proposed District Plan – Appeals Version (PDP-AV), the site is zoned as Rural Lifestyle and is subject to the Coastal Environment Overlay.



Figure 5: PDP Zoning & Overlay Maps.

- 1.6. A Certificate of Acceptance has been lodged for the retrospective building consent for the shed under COA-2027-20/0. The PIM for the proposal has assessed the activity under both the ODP and PDP noting that there are infringements of the permitted rule for visual amenity as the building exceeds 50m² (given the appeal to the coastal environment overlay). The proposal complies with all other permitted zone and district wide rules under the ODP. The proposal is assessed as a Restricted Discretionary Activity under the ODP.
- 1.7. Within the PDP-AV, the proposal complies with the RLZ permitted rules as well as the District Wide Matters. The proposal does result in infringements under the Coastal Environment (CE)



- 2.5. The site is outside areas of HNC but sits within the Coastal Environment under the RPSN. The site is not shown to be in an area where kiwi are present.
- 2.6. The site is outside the areas which are susceptible to coastal and river flood hazards under the NRC Hazard Maps. The site is partially located within the Tsunami zone, however the shed sits just within the 'safe' area mapped in green below.

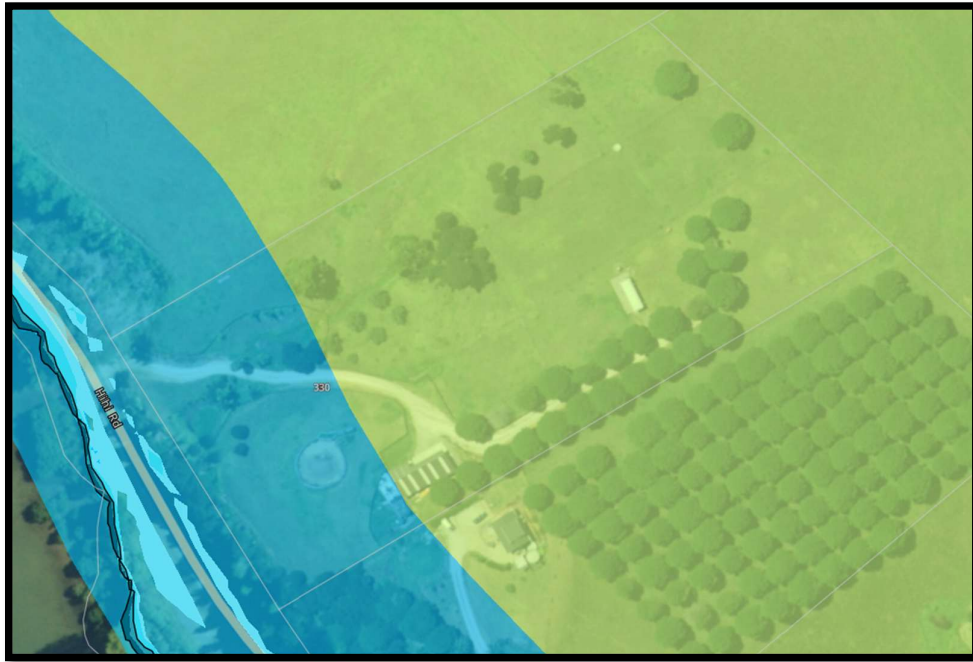


Figure 7 - NRC Hazards Map

- 2.7. An Archaeological Report was completed for the site in March 2020 to support a land use application for a residential dwelling within the site (approved on 07/12/2021 under RC 2200537 RMALUC). The Archaeological Report was prepared by Northern Archaeological Research Ltd and is contained within **Appendix 8**. It was noted within the Archaeological Report that no sites had been previously recorded on the property, however there have been a small number of archaeological sites recorded in the general area of the property. As a result of the Archaeological Report, one historic track O04/1088 was located on the property which occurs immediately downslope to the west of the proposed residential dwelling (not located near the subject shed). A Site Information Form was completed and included in the Archaeological Report. The historic track can be seen in the image below, taken from the Archaeological Report. It appears in the eastern side of the site, near the row of olive trees. The excavated site for the subject shed can be seen in the image as well.



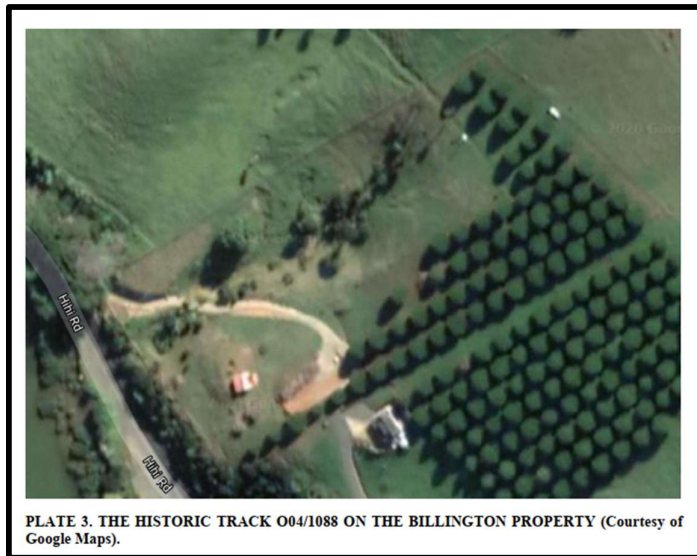
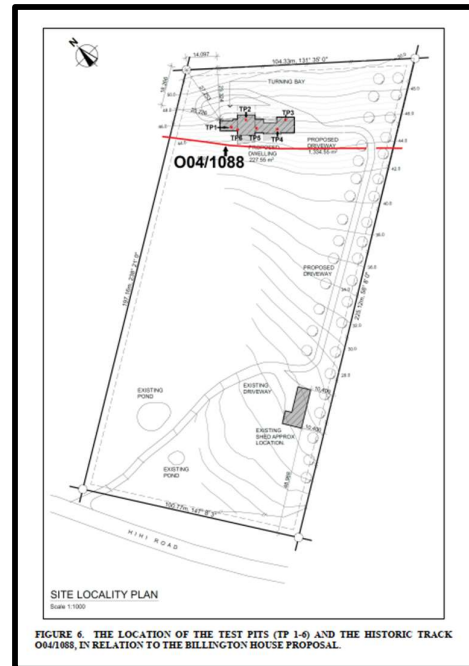


Figure 9: Historic track within eastern portion of the site.



- 2.8. In regards to the subject shed site, Heritage NZ Pouhere Taonga (HNZPT) have been contacted to determine if there are any recorded archaeological sites within or near the shed location. Dr James Robinson of HNPZT advised that there were some archaeological sites which had been identified on the site in 1997, however were not officially recorded at the time. Recently, these sites have now been recorded on the NZAA Archsite database in 2023. Dr James Robinson confirmed with the original archaeologist that the sites were exposures of shell midden prior to the subdivision area and agrees they were most likely covered over so were not visible to the archaeologist at Northern Archaeological Research at the time of the report in 2020. Dr James Robinson notes that *'there are no issues regarding the ongoing use of the infrastructure. However, should further development requiring earthworks be planned in the vicinity of this archaeological site the landowner should get an archaeologist to dig some test pits to determine of any archaeology survived subsurface in the area of the proposed development.'* See **Appendix 7** for the email reply from Dr James Robinson. As such, given there are no further earthworks required or proposed given the retrospective nature of the consent, no authority or other archaeological considerations are considered necessary.
- 2.9. The soils within the site are classified as LUC 4e3 and 6e2 which are not considered to be highly versatile under the RPSN. The National Policy Statement for Highly Productive Land (NPS-HPL) is therefore not considered applicable to the proposal.



Title

- 2.10. The site is legally described as Lot 7 DP 183483, with a land area of 2.1168ha. The site is held within Record of Title NA114B/739 which is dated 16 Oct 1997. There is one consent notice registered on the title, which will be detailed below.

Consent Notice D205760.2

- 2.11. This consent notice document is dated 1997 and is attached within **Appendix 3**. It contains six conditions which are detailed below.
- 2.12. Conditions 1 & 2 require no building to be erected on the site without the prior approval of Council and specific design of foundations and effluent disposal. This is being met as part of the retrospective building consent application.
- 2.13. Condition 3 refers to Rule 6.1.6 of the Mangonui County Section of the previous ODP and is therefore now irrelevant.
- 2.14. Condition 4 refers to access points to Lots 1 & 2 and is therefore not relevant to the subject site.
- 2.15. Condition 5 requires any development involving building, earthworks or tree planting on an area exceeding 300m², to have an archaeological report completed. The development area does not exceed 300m² and as previously detailed, there is an existing archaeological report for the site and confirmation from HNZPT has been obtained confirming the existing development can remain as is.
- 2.16. Condition 6 requires site access to be supported by engineering drawings. The site access has been in existence for many years, prior to the Applicant owning the site and also prior to previously approved RC 2200537. No action is considered to be required.
- 2.17. The proposal is not considered to affect these consent notice conditions.



3. REASONS FOR CONSENT

Proposed District Plan – Appeals Version (PDP-AV)

- 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. District Plan hearings on submissions have concluded. A full council decision on the IHP recommendations was made on the 11th of June 2020. Public notification of decisions on submissions was advertised on 30 June 2026. A thirty working day appeal period closed on the 12th of August resulting in the PDP – Appeals Version now being the relevant document to assess proposals under.
- 3.2. Within the PDP-AV the site is located within the Rural Lifestyle Zone (RLZ) and is subject to the Coastal Environment Overlay. There are no appeals that relate to the proposed RLZ zoning of the site but there are a number of appeals on the Coastal Environment Overlay by various parties. As such, relevant provisions of the ODP which relate to the Coastal Environment Overlay rules will require consideration. These will be addressed within the ODP section below.
- 3.3. The proposed shed is non-habitable and as such, in terms of the Transportation Chapter, there are no rules considered that require assessment. Access to the site is existing and will remain unchanged. In terms of Earthworks, these have been completed many years ago and no future earthworks are proposed as part of this application. As such, there will be no further assessment made of the Earthworks Chapter within this application.
- 3.4. The site is located within a Treaty Settlement Land Overlay. The rules within this chapter are less restrictive or the same as the underlying RLZ rules and as such, the activity is assessed as permitted in terms of the TSL chapter.
- 3.5. An assessment of the relevant rules and standards of the PDP-AV has been undertaken below.

TABLE 1 - ASSESSMENT AGAINST THE PDP-AV RULES		
Plan Reference	Rule	Performance of Proposal
<u>Area Specific Matters</u>		



Rural Lifestyle Zone		
RLZ-R1	New buildings or structures and relocated buildings or extensions or alterations to existing buildings or structures	Permitted. Although the application is for retrospective consent of the shed, assessment of the requirements for a new building is required. RLZ-S1 Maximum height; The maximum height is estimated to be 3.6m as per the Mitek Plans attached with the COA application. This is well within the permitted height of 8m. RLZ-S2 Height in relation to boundary; The shed is located at least 10 metres from all boundaries such that height in relation to boundary requirements are adequately achieved. RLZ-S3 Setback (excluding from MHWS or wetland, lake and river margins); The proposal complies with the permitted 10m setback distance. Hihi Road is a tar sealed road. RLZ-S4 Building or structure coverage; The building and structure coverage is well within 12.5% of the site area. RLZ-S5 – RLZ-S8 are not applicable.
RLZ-R2	Impermeable surface coverage	PER-1 Permitted The impermeable surface coverage of any site is no more than 12.5% or 2,500m², whichever is lesser. <i>In this instance, 2500m² is the lesser. The impermeable surface area is well within this.</i>



RLZ-R3-R29		Not applicable.
<u>District Wide Matters - Overlays</u> Coastal Environment		
CE-R1	New buildings or structures and relocated buildings and extensions or alterations to existing buildings or structures	Restricted Discretionary PER-1 <i>Not applicable.</i> PER-2 If a new building or structure and relocated building is not located within any of the zones referred to in PER-1 it: 1. is not used for a residential activity; <i>The shed is not utilised for a residential activity. Proposal complies.</i> 2. is no greater than: a. 25m² within an outstanding natural character area; <i>Not applicable.</i> b. 50m² within a high natural character area; and <i>Not applicable.</i> c. 110m² in all other areas of the coastal environment; and <i>Consent required. The shed floor area is 112m², marginally exceeding the permitted 110m².</i> 3. complies with: a. CE-S1 Maximum height; <i>Proposal complies as is less than 5.5m in height.</i> b. CE-S2 Colour and materials; and



		<i>Proposal complies as has an exterior colour of LRV less than 30%.</i> c. CE-S4 Setbacks from MHWS. <i>Proposal complies.</i> <i>Consent is required under PER-1(2)(C) given the floor area marginally exceeds 110m².</i> PER-3 <i>Comment – Not Applicable.</i> PER-4 <i>Comment – Not Applicable.</i> The activity is unable to comply with CON-1 & CON-2 as there is no approved building platform and the site is not within the Māori Purpose Zone. The activity can comply with RDIS-1 as the building is not within an ONC or HNC area. The matters of discretion are listed as: a. The matters in CE-P9; and b. Positive effects These will be detailed further in this assessment.
CE-R2	Earthworks or indigenous vegetation clearance.	Not applicable. There are no future earthworks required.
CE-R3	Farming	Not Applicable.
CE-R4	Afforestation for commercial forestry	Not Applicable.
CE-R5	Extension to existing mineral extraction activity	Not Applicable.



CE-R6	New mineral extraction activity	Not Applicable.
CE-R7	Land fill, managed fill, clean fill.	Not Applicable.

PDP Activity Status

- 3.6. The proposed activity is therefore assessed as Permitted in terms of the rules associated within the Rural Living Zone.
- 3.7. Consent is triggered within the Coastal Environment overlay given that the floor area marginally exceeds 110m². The proposal has been assessed as a **Restricted Discretionary Activity** under the PDP-AV.

Operative District Plan (ODP)

- 3.8. The application site is zoned Coastal Living (CLZ) under the ODP.
- 3.9. An assessment against the relevant District Plan rules is set out in Tables 2 & 3 below:

Table 2 - Assessment of Coastal Living Zone Rules		
Plan Reference	Rule	Performance of Proposal
10.7.5.1.1	Visual Amenity	Restricted Discretionary (a) The proposal is for a non-habitable shed, which has a gross floor area of 112m ² . This exceeds the permitted 50m ² allowance. <i>Consent required.</i> (b) Not applicable. (c) Not applicable. (d) Not applicable.
10.7.5.1.2	Residential Intensity	Not applicable.
10.7.5.1.3	Scale of Activities	Not applicable.
10.7.5.1.4	Building Height	Permitted.



		The height of the proposed shed is 3.6m which is within the permitted height of 8m.
10.7.5.1.5	Sunlight	Permitted. The shed is located in excess of 10 metres from all boundaries, such that the shed complies with the recession plane requirements.
10.7.5.1.6	Stormwater Management	Permitted The impermeable surface coverage is estimated to be less than 600m ² .
10.7.5.1.7	Setback from Boundaries	Permitted The shed is located in excess of 10 metres from all boundaries.
10.7.5.1.8	Screening for Neighbours Non-Residential Activities	Not applicable.
10.7.5.1.9	Transportation	Permitted. <u>Traffic</u> – the proposal will not alter the existing TIF of the site. <u>Parking</u> – Parking is not considered required for the activity. <u>Access</u> – access to the site will remain unchanged.
10.7.5.1.10	Hours of Operation Non-Residential Activities	Not applicable.
10.7.5.1.11	Keeping of Animals	Not applicable.
10.7.5.1.12	Noise	Permitted.
10.7.5.1.13	Helicopter Landing Area	Not applicable

Table 3 - Assessment against District-Wide Natural & Physical Resources Rules

Plan Reference	Rule	Performance of Proposal
12.1	Landscape and Natural Features	Not applicable. The site is not within any mapped outstanding natural landscape or outstanding natural feature or HNC.



12.2	Indigenous Flora & Fauna	Not applicable.
12.3.	Excavation and/or Filling	Not applicable. The activity does not require any future earthworks.
12.4.6.1.2	Fire Risk to Residential Units	Not applicable
12.5	Heritage	Not Applicable.
12.7	Setback from Lakes, Rivers and the Coastal Marine Area	Permitted The shed adequately meets the setback requirements from CMA. There are no known wetlands, rivers or lakes in close proximity.
12.8	Hazardous Substances	Not applicable
12.9	Renewable Energy	Not applicable.

ODP Activity Status

- 3.10. The overall activity status under the ODP is **Restricted Discretionary** resulting from a breach to the permitted standard for Visual Amenity Rule 10.7.5.1.1.

National Environmental Standards

National Environment Standard for Assessing and Managing Contaminants in Soil to Protect Human Health 2011

- 3.11. The site is not identified as HAIL on the Council database of HAIL sites. A review of historic aerals indicates that there are no known HAIL activities that have previously occurred or are currently occurring within the development areas. For this reason, the activity is not subject to NESCS (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health).

Other National Environmental Standards

- 3.12. There are no other National Environmental Standards that apply to this development.



4. STATUTORY ASSESSMENT UNDER THE RESOURCE MANAGEMENT ACT 1991 (RMA)

Section 104C of the RMA

- 4.1. Section 104C governs decisions on Restricted Discretionary Activities. A consent authority may grant or refuse an application, but only for those matters over which discretion is restricted in a Plan or Proposed plan, or any national environmental standard, wastewater or stormwater environmental performance standard, infrastructure design solutions, or other regulations. This relates to the consent required under the ODP for visual amenity as well as the PDP-AV for a new building within the coastal environment.

Section 104(1) of the RMA

- 4.2. 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.”*

- 4.3. Actual and potential effects arising from the development as described in 104(1)(a) can be both positive and adverse (as described in Section 3 of the Act). The subject application will retrospectively consent the establishment of a shed within the site which provides all weather storage for the Applicant. The shed is compliant with the underlying PDP-AV RLZ rules and as such is considered to be anticipated within the zone. The shed only marginally



exceeds the permitted area within the PDP-AV Coastal Environment and it is considered that the slightly larger area of 112m² is indiscernible compared to if the shed area complied. The shed utilises a natural recessive colour scheme and adequately complies with setback, impermeable surface and building coverage provisions.

- 4.4. Section 104(1)(b) requires that the consent authority consider the relevant provisions of the above listed documents. There are no national standards, regulations or national policy statements that are directly relevant to the proposed activity and / or that are not adequately managed within the planning framework of the ODP and PDP-AV.
- 4.5. Section 104(1)(c) states that consideration must be given to 'any other matters that the consent authority considers relevant and reasonable, necessary to determine the application.' There are no other matters that are relevant to the assessment of this application.
- 4.6. In accordance with Section 104(6), adequate information is provided to determine this application. This includes associated activities that are assessed to be permitted by the ODP and PDP-AV.

Environmental Effects Assessment

- 4.7. Actual and potential effects arising from a development as described in 104(1)(a) can be both positive and adverse (as described in section 3 of the RMA). Positive effects arising from this proposal include the consented establishment of a shed on the site which will enable the Applicants all weather storage on the site.
- 4.8. Potential adverse effects on the environment that go beyond the threshold of effects permitted in the PDP-AV Coastal Environment and ODP Coastal Living Zone which are restricted to the effects of a new building within the Coastal Environment and the visual effects of the building.

New buildings and Visual Effects within the Coastal Environment

- 4.9. Within the PDP-AV, the shed results in an infringement of the permitted rules within the Coastal Environment given the building marginally exceeds the permitted floor area of



110m². The shed also triggers consent under the ODP Coastal Living zone given the floor area exceeds 50m².

- 4.10. The activity has been assessed as a Restricted Discretionary Activity within the PDP-AV and ODP, with the matters of discretion restricted to the PDP-AV CE for new buildings and the ODP CLZ visual amenity. These matters are listed below.

PDP-AV CE-R1 (RDIS-1) (New Buildings)

The matters of discretion are:

- a. the matters in [CE-P9](#);

Consider the following matters where relevant when assessing and managing the [effects](#) of land use and [subdivision](#) on the [coastal environment](#):

- the presence or absence of [buildings](#), [structures](#) or [infrastructure](#);
- the temporary or permanent nature of any adverse [effects](#), including any cumulative [effects](#);
- the location, scale and design of any proposed development;
- any means of integrating the [building](#), [structure](#) or activity into the wider landscape;
- the ability of the [environment](#) to absorb change;
- the need for and location of [earthworks](#) or indigenous vegetation clearance and proposed mitigation measures;
- the operational or [functional need](#) of any [infrastructure](#) to be sited in the particular location;
- any viable alternative locations or methods for the activity or development where significant adverse [effects](#) may arise;
- any historical, spiritual or cultural association held by [tangata whenua](#), with regard to the matters set out in [Policy TW-P6](#);
- the likelihood of the activity exacerbating [natural hazards](#);
- the opportunity to enhance public access and recreation;
- potential [effects](#) of land use and [subdivision](#) on the coastal marine area and the overall quality of [coastal waters](#);
- any positive contribution the development has on the characteristics and qualities, including restoration and enhancement;



- the effects on the characteristics, qualities and values of the coastal environment, including natural character and natural landscape values and the quality and extent of indigenous biodiversity;
- the extent to which the land use and subdivision complements activities in the coastal marine area; and
- whether the activity is on a previously approved building platform

b. positive effects.

ODP CLZ

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 or utility services 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 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.

4.11. The relevant key items across both the PDP-AV and ODP criteria detailed above relate to: the location of the building and its presence; scale, design and exterior of the building; integration of the building into the landscape (including landscaping); the ability of the environment to absorb the change; earthworks; operational or functional need of the



building and any other more suitable locations; private open space; effects on the coastal environment, including cumulative effects and; any historical, spiritual or cultural association held by tangata whenua.

- 4.12. Given the retrospective nature of this consent application, the building has already been constructed within the site and the location is as detailed within this assessment. The shed is located on the lower elevations of the site and is not located on a ridgeline or natural feature. The colour of the shed is recessive, as per the site photos previously shown within this application and is considered to be of natural and recessive colours, with an LRV of less than 30%. The shed is located in excess of 10 metres from all boundaries, complying with the permitted setback and sunlight provisions for the zone. Access to the shed is also existing and will remain unchanged. No additional earthworks are required.



Figure 10: Image of the subject shed showing colour scheme as well as the siting of the shed into the existing landscape.

- 4.13. The natural recessive colour scheme as well as the siting of the building into the existing hillside, enables the building to be integrated into the landscape. There are mature trees located within the site and near the shed that no additional landscaping is considered necessary. The site forms part of an area which has seen 2 hectare and slightly larger lots created, some of which contain built development and some which are vacant. The surrounding landscape is an already modified landscaped such that the shed is not



objectionable with built development in the surrounding environment. The fact that the shed was present at the time land use consent was approved for the dwelling (RC2200537) reiterates that buildings of this form are not uncommon within the coastal and rural environment and have a functional need to be located on such allotments to enable storage of equipment used on these rural lifestyle lots.

4.14. There is ample area within the site for open space. Consultation has been had within HNZPT who have raised no concerns with the built development however have noted that future earthworks could require further archaeological assessment. No future earthworks form part of this application. There are no known effects on tangata whenua given that the shed is existing and previously approved land use consent for the dwelling under RC 2200537 did not raise any concerns in relation to any effects.

4.15. Overall, this retrospective consent for the existing shed is not considered to have effects which would be more than minor in terms of effects on the coastal environment, including cumulative effects. The development is consistent with other built development in the area and is not objectionable with the surrounding coastal and rural character and amenity. The siting and design of the building ensures that the building is adequately integrated into the site. Effects of this retrospective consent are assessed as less than minor.

5. Statutory Assessment

Section 104(1)(b) – Relevant Provisions of Any Statutory Planning Document

5.1. In accordance with Section 104(1)(b) of the Act, the following statutory policy statements and plans are relevant to this application.

National Policy Statements (section 104(1)(b)(iii))

5.1.1. There are currently 10 operative National Policy Statements. These are as follows:

- New Zealand Coastal Policy Statement (NZCPS)
- National Policy Statement on Urban Development (NPS UD)
- National Policy Statement for Freshwater Management (NPS FM)
- National Policy Statement for Renewable Electricity Generation (NPS RE)



- National Policy Statement on Electricity Networks
- National Policy Statement for Highly Productive Land (NPS HPL)
- National Policy Statement for Greenhouse Gas Emissions from Industrial Process Heat (NPS-GG)
- National Policy Statement for Indigenous Biodiversity (NPS-IB)
- National Policy Statement for Infrastructure
- National Policy Statement for Natural Hazards

5.2. The applicable NPS is the NZCPS given the site is located within the Coastal Environment. An assessment of the NZCPS will be undertaken below.

New Zealand Coastal Policy Statement

- 5.3. The NZCPS provisions apply to this proposal but are generally given effect to within the context of the District Plan and the higher order RPSN. The NZCPS is concerned with sustainable management of the coastal environment including its ecological function, and the preservation of its natural character and landscape values. Effects on Te Tiriti values, public access to the coast and the wellbeing of people are also relevant considerations.
- 5.4. The site is within the coastal environment as mapped by the Regional Policy Statement for Northland. The current District Plan site zone is CLZ, which is within the ODP coastal environment. The PDP-AV zoning is Rural Lifestyle. Coastal values and features are to be managed via a coastal environment overlay. Matters relating to the preservation of natural character and associated landscape and ecological values subject to building (visual amenity), vegetation clearance, and earthworks rules that are directly relevant to RMA s6(a) matters of national importance.
- 5.5. Given the underlying ODP and PDP-AV zoning, development as such is anticipated within the relevant plans. The shed location is integrated into the site via the chosen location and design of the building. The development is consistent with development along this part of the coastline which in this location is characterised by larger lots containing a mix of vegetated areas and open areas utilised for grazing as well as accommodating residential dwellings and ancillary buildings. The consolidation of development within existing coastal settlements is supported by the NZCPS.



- 5.6. Overall, the development is considered to be consistent with the relevant objectives and policies of the New Zealand Coastal Policy Statement.

Regional Policy Statement for Northland (RPSN) 2016

- 5.7. The purpose of the Regional Policy Statement for Northland (RPS) is to promote the sustainable management of Northland's natural and physical resources by providing an overview of the region's resource management issues.
- 5.8. The RPS sets out policies and methods to achieve integrated management of Northland's natural and physical resources. The proposed activity is located outside of any regionally mapped outstanding landscape and areas of high natural character.
- 5.9. Objective 3.4 seeks to protect areas of significant indigenous vegetation and fauna habitats, maintain the extent of ecosystem diversity and habitat and where practicable, enhance these environments. Within the coastal environment, this includes avoiding adverse effects on threatened or at-risk indigenous species and avoiding significant adverse effects on areas of indigenous vegetation, habitats that have recreational, commercial, traditional or cultural value (Policy 4.4.1(1)-(2)). It is considered that in the context of the existing site zoning and the extent to which ecosystem diversity and habitat will be unaffected, the development will not be contrary to the objectives and policies of the RPSN.
- 5.10. The application site is within a previously developed part of Hihi and is zoned for low density development. Existing indigenous vegetation and associated habitat values will remain unaffected.
- 5.11. It is considered that in the context of the existing site zoning and the extent to which the natural environment will remain unaffected, the proposed development will not be contrary to the objectives and policies of the RPSN.

Proposed District Plan

- 5.12. Under the PDP-AV, the site is located within the Rural Living zone and has been assessed as a Permitted Activity insofar as the current proposed RLZ rules. To manage resource



management issues relating to the coastal environment, a mapped coastal overlay has been applied to District land to differentiate between land that is within, or outside of, the mapped coastal environment.

- 5.13. In terms of the subject application, the shed marginally exceeds the permitted area of a building within the CE, by only 2m². This has resulted in a Restricted Discretionary Activity under the PDP-AV. As detailed throughout this assessment, it is considered that the proposal will not have adverse effects on the coastal environment. Given the proposal results in a Restricted Discretionary Activity, it is considered that activities similar to what is proposed are anticipated by the Plan and as such, the proposal is considered to be consistent with the relevant objectives and policies which are stated within **Appendix 11**.

Operative District Plan

- 5.14. The proposed activity results in a Restricted Discretionary Activity under the ODP, given the site is located within the Coastal Living zone and the shed floor area exceeds the permitted threshold under the visual amenity rule. The relevant objectives and policies are those within the Coastal Environment and Coastal Living zone. As detailed throughout this assessment, it is considered that the proposal will not have adverse effects on the coastal environment. Given the proposal results in a Restricted Discretionary Activity, it is considered that activities similar to what is proposed are anticipated by the Plan and as such, the proposal is considered to be consistent with the relevant objectives and policies which are stated within **Appendix 11**.

6. Notification Assessment – Sections 95A to 95G of The Act

Public Notification Assessment

- 6.1. 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.

- 6.1.1. 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]

- 6.1.2. The application is for a Restricted Discretionary but not a boundary activity. No preclusions apply in this instance. Therefore, Step 3 must be assessed.

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

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

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

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

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



- (a) the application is for a resource consent for 1 or more activities, and any of those activities is subject to a rule or national environmental standard that requires public notification;*
- (b) the consent authority decides, in accordance with section 95D, that the activity will have or is likely to have adverse effects on the environment that are more than minor.*

- 6.1.3. No applicable rules require public notification of the application. The proposal is not considered to have a more than minor effect on the environment as detailed in the sections above.

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.*

- 6.1.4. There are no special circumstances that exist to justify public notification of the application because the proposal is to retrospectively consent a shed within the site which is consistent with existing rural and coastal character, which is considered as neither exceptional nor unusual.

Public Notification Summary

- 6.1.5. 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

- 6.2. 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).

- 6.2.1. There are no protected customary rights groups or customary marine title groups or statutory acknowledgement areas that are known to be relevant to this application.

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).

- 6.2.2. There is no rule in the plan or National Environmental Standard that precludes notification. 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.

- 6.2.3. The proposal is not 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.

6.2.4. 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.

6.2.5. 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 4 of this report, which found that the potential adverse effects on the environment will be no more than minor. In regard to effects on persons, the assessment in Section 4 is also relied on, and the following comments made:

- The shed is consistent with the character of allotments in the locality. Therefore, the proposal is not objectionable with the surrounding environment.
- The shed utilises a natural and recessive colour scheme and is integrated into the existing hillside.
- The development is not considered to be contrary to the objectives and policies under the Operative District Plan or Proposed District Plan.
- All other persons are sufficiently separated from the proposed development and works, such that there will be no effects on these people.

6.2.6. Therefore, no persons will be affected to a minor or more than minor degree.

6.2.7. 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),

- 6.2.8. The proposal is to retrospectively consent a shed on the site. No reverse sensitivity effects or incompatible land use activities are anticipated. It is considered that no special circumstances exist in relation to the application.

Limited Notification Assessment Summary

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

Notification Assessment Conclusion

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

7. PART 2 ASSESSMENT

- 7.1. For completeness, the application is assessed 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.
- 7.2. The proposal will meet Section 5 of the RMA as the proposal will sustain the potential of natural and physical resources whilst meeting the foreseeable needs of future generations. In addition, the proposal will avoid adverse effects on the environment and will preserve the landscape character of the site and surrounding environment.
- 7.3. Section 6 of the Act includes matters of national importance. The site is located within the coastal environment. The development will remain consistent with the size and scale of buildings in the surrounding rural and coastal environment and be integrated in terms of the adopted natural and recessive colours. No further earthworks are required. HNZPT have provided their written approval to the shed location and the shed site is not known to be subject to natural hazards.
- 7.4. Section 7 identifies several “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 is considered to be consistent with the amenity and character of the site and surrounding environment.

- 7.5. 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 proposal has taken into account the principals of the Treaty of Waitangi and is not considered to be contrary to these principals.
- 7.6. Overall, the application is 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.

8. CONCLUSION

- 8.1. The Applicants are seeking retrospective consent for the existing shed on their site at 330 Hihi Road, Hihi.
- 8.2. A Restricted Discretionary resource consent is sought under the PDP-AV for built development exceeding 110m² floor area within the Coastal Environment. The PDP-AV underlying zone is Rural Lifestyle, with the proposal assessed as Permitted in terms of the RLZ rules. A Restricted Discretionary resource consent is required for built development for non-habitable purposes exceeding 50m² in the Coastal Living Zone under the ODP.
- 8.3. The shed is not considered to result in the degradation of the character of the surrounding rural and coastal environment and is consistent with other development in this rural and coastal landscape.
- 8.4. No significant adverse effects are anticipated to arise from the activity included in the application and no consideration of alternatives has been undertaken. All effects of the activity are being managed within the locality. Overall, it is considered that the proposal will result in no more than minor effects on the environment.



- 8.5. In terms of section 104(1)(a) of the Act, the actual and potential effects of the proposal will be less 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.
- 8.6. It is also considered that the proposal will have less than minor adverse effects on the wider environment; no persons will be adversely affected by the proposal and there are no special circumstances.
- 8.7. In terms of section 104(1)(b) of the Act, the proposal is found to be generally consistent with the objectives, policies and assessment criteria of the relevant statutory documents as set out in this report.
- 8.8. It is considered appropriate to grant the application on a non-notified basis.

9. LIMITATIONS

- 9.1. 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.
- 9.2. 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.
- 9.3. 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.
- 9.4. 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.



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:

Georgina McGarry

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:

Georgina McGarry and Grant Billington

Property address/
location:

330 Hihi Road. Hihi

Postcode

8. Application site details

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

Name/s:	Georgina McGarry		
Site address/ location:	330 Hihi Road		
	Hihi		
	0494		
	Postcode		
Legal description:	Lot 7 DP 183483	Val Number:	00085-03605
Certificate of title:	NA114B/739		

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 prior to site visit.

9. Description of the proposal

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

Retrospective land use consent for an existing shed which marginally exceeds the permitted area within the Coastal Environment within the PDP-AV. Consent is sought as a RDA under the PDP-AV. Consent is also sought under the ODP for an infringement of the permitted visual amenity rule within the Coastal Living zone.

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

10. Would you like to request public notification?

☐ Yes ☒ No

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

(more than one circle can be ticked):

☐ Building Consent	COA-2027-20/0 (if known)
☐ Regional Council Consent (ref # if known)	Ref # here (if known)
☐ National Environmental Standard Consent	Consent here (if known)
☐ 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)

Georgina McGarry

Email:

Phone number:

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

Fees Information

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

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)

Georgina McGarry

Signature:

(signature of bill payer)

Date

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)

Georgina McGarry

Signature

Date

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.



RECORD OF TITLE
UNDER LAND TRANSFER ACT 2017
FREEHOLD
Search Copy




R.W. Muir
Registrar-General
of Land

Identifier **NA114B/739**
Land Registration District **North Auckland**
Date Issued 16 October 1997

Prior References
NA67B/110

Estate Fee Simple
Area 2.1168 hectares more or less
Legal Description Lot 7 Deposited Plan 183483
Registered Owners
Grant Alan Billington and Georgina McGarry

Interests

D205760.2 Consent Notice pursuant to Section 221(1) Resource Management Act 1991 - 16.10.1997 at 2.21 pm
12617224.3 Mortgage to Kiwibank Limited - 29.11.2022 at 4:23 pm

D2057602 CONO

THE RESOURCE MANAGEMENT ACT 1991

SECTION 221 : CONSENT NOTICE

REGARDING:

The Subdivision of
Allots 46, 47, 49A, 53 and 128,
and Pts Allots 36 - 39
Mangonui East Parish,
Blk VI Mangonui SD
North Auckland Registry

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 Schedule 1 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 this Notice is to be registered on the new titles, as set-out in Schedule 2 herein.

SCHEDULE 1

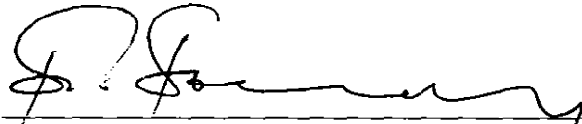
- (i) No building shall be erected on any of the allotments without the prior approval of Council of specific design for foundations prepared by a registered engineer with relevant geotechnical expertise.
- (ii) No building shall be erected on Lots 4 - 7 without the prior approval of Council of specific design for effluent disposal, prepared by a registered engineer with relevant expertise.
- (iii) Lots 1, 2, 6 and 7 on the subdivision plan may not be transferred, leased or otherwise disposed of until such time as the Council is satisfied [by way, at least, of an approved development plan (to scale) and a statutory declaration that the prospective purchaser intends to carry out such development:] that a prospective purchaser for any of the said lots has a bona fide proposal to establish a permitted, controlled or discretionary Rural A zone activity, as required by Rule 6.1.6 of the Mangonui County Section of the Operative Far North District Plan.

- (iv) Access points to Lots 1 and 2 on the subdivision plan may not be formed without prior approval of the Council as to their siting.
- (v) Before any development involving building, earthworks or tree planting on an area exceeding 300m² proceeds on any of the allotments (or access thereto on legal road), an archaeological assessment will need to be undertaken by an appropriately qualified archaeologist, and in the event that works or developments proposed cannot avoid an archaeological site (recorded or unrecorded) an application will need to be made for an appropriate authority from New Zealand Historic Places Trust to modify the site.
- (vi) Prior to any construction of site access on to any of Lots 4 - 7 on the subdivision plan, approval by the Council of engineering drawings of such work, and of an archaeological assessment of such works, is required. The engineering drawings will need to assess earthworks, drainage and stability of the proposed site access.

SCHEDULE 2

- (1) Condition (i) in Schedule 1 refers to Lots 1 - 7 DP 183483 being contained in CsT 114B/733 - 739.
- (2) Condition (ii) in Schedule 1 refers to Lots 1 - 4 DP 183483 being contained in CsT 114B/733 - 736.
- (3) Condition (iii) in Schedule 1 refers to Lots 1, 2, 6 and 7 DP 183483 being contained in CsT 114B/733, 734, 738 and 739.
- (4) Condition (iv) in Schedule 1 refers to Lots 1 and 2 DP 183483 being contained in CsT 114B/733 and 734.
- (5) Condition (v) in Schedule 1 refers to Lots 1 - 7 DP 183483 being contained in CsT 114B/733 - 739.
- (6) Condition (vi) in Schedule 1 refers to Lots 4 - 7 DP 183483 being contained in CsT 114B/736 - 739

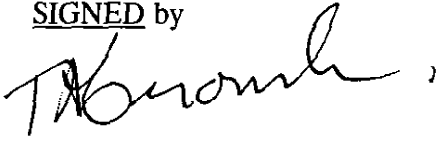
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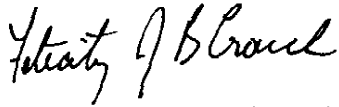

ENVIRONMENTAL SERVICES MANAGER for the Far North District Council

DATE:

17/ September 1997

SIGNED by





as registered proprietor(s)

in the presence of:



Name

Admin Officer
Occupation

2.21 16.OCT 97 D 205760-2

PARTICULARS ENTERED
LAND REGISTRY
ASST LAND RE



② C221-40
all tiller





- NOTES**
1. Contour lines at 1m increments, sourced from NRC .
 2. All drainage to comply with AS/NZS3500 & NZBC G13/AS1. All drainage is diagrammatical, drainlayer to determine on site drainage layout and provide asbuilt plan when complete.
 3. Length of dripper lines to be no more than 100m between feed points.
 4. Dripper lines to follow contour lines
 5. Dripper lines to be setback:
 - 1.5m from buildings
 - 1.5m from property boundaries
 - 5m from any intermittent storm water flow path such as a drain or overland flow path down slope of the field
 - Field to be laid on slopes less than 25 degrees
 6. Overflow from water tanks to be directed well away from the proposed wastewater disposal field.
 7. Smoke alarms are to be installed in accordance with the New Zealand Building Code Clause F7 Section 3.0:
 - Smoke alarms shall be installed on or near the ceiling in every sleeping space or within 3m of every sleeping space door.
 8. The works which are being proposed will comply with Earthworks EW-S3 Accidental Discovery Protocol and Earthworks EW-S5 Erosion and Sediment Control - Auckland Council Guideline Document GD005 GD05 Erosion and Sediment Control.pdf (aucklanddesignmanual.co.nz)

Verify all dimensions on site before commencing work & do not scale from drawings. Refer any discrepancies to O'Brien Design Consulting Ltd.

All work to be done in accordance with NZS 3604: 2011 and the NZ Building Code unless specifically designed.

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Project Title
Grant Billington
330 Hihi Road
Hihi
Far North District
Lot 7 DP 183483

Sheet Title
Site Plan

Drawn 6 October 2026

Project No 2919

Rev	Sheet
A	A01

Scale (A3 Original) 1: 250

2.5 1.25 0 2.5 5 m

Certificate of Acceptance
Farm Building with Sanitary Facilities

G Billington & G McGarry
330 Hihi Road
Hihi
Northland

Lot 7, DP 183483



**FNBC**
Far North Building
Consultants Ltd

12a Pungaere Road
Kerikeri
Simon Grimme: simon@fnbc.co.nz
0211560609
Katie Grimme: katie@fnbc.co.nz
0212882105

Sheet Index	
Label	Sheet Title
A1	Location Plan
A2	Floor Plan
A3	Elevation Plan
A4	Framing Plan
A5	Framing Perspectives

Revision	
Number	Date
A	14/09/2024



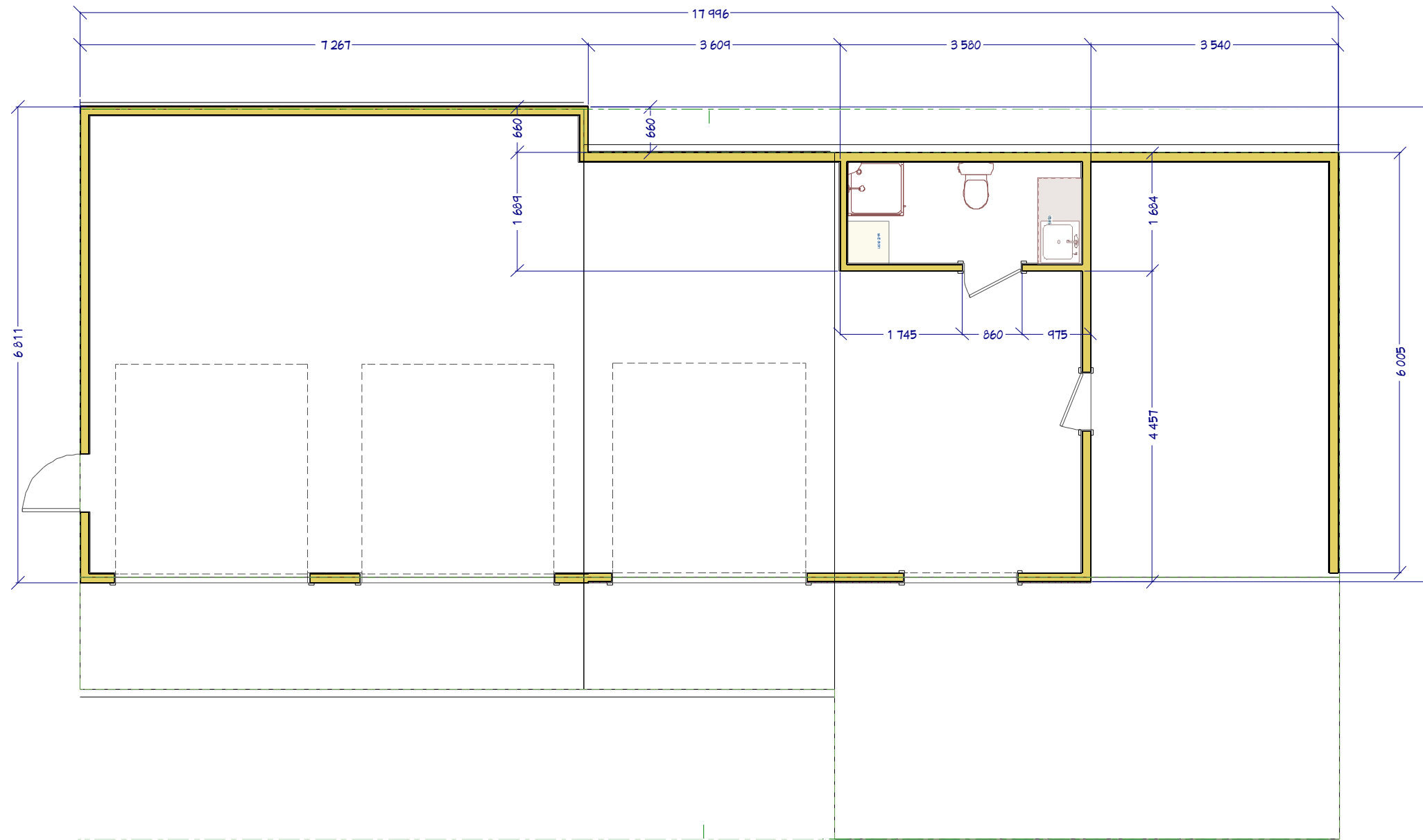
12a Pungaere Road
Kerikeri
Simon Grimme: simon@fnbc.co.nz
0211560609
Katie Grimme: katie@fnbc.co.nz
0212882105

Certificate of Acceptance
Farm Building with Sanitary
Facilities

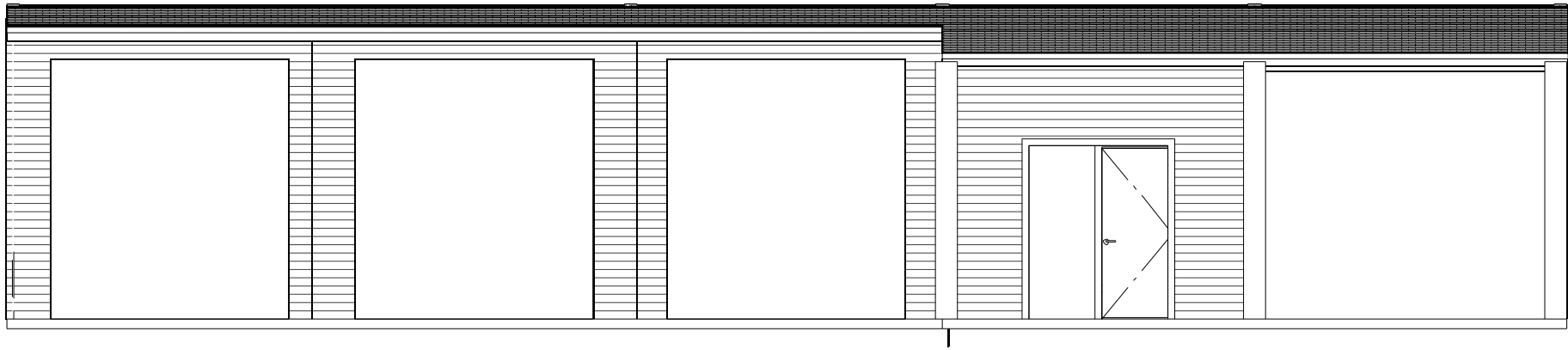
G Billington & G McGarry
330 Hihi Road
Hihi
Northland

Lot 7, DP 183483

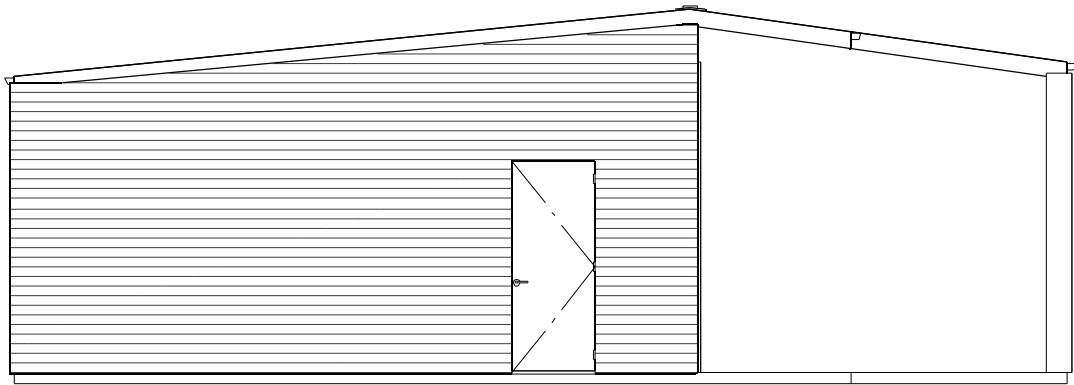
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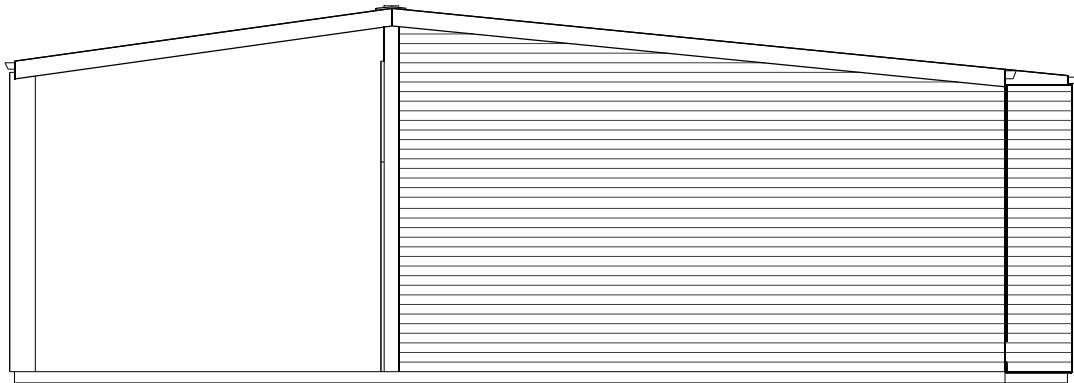
Revision	
Number	Date
A	14/09/2024



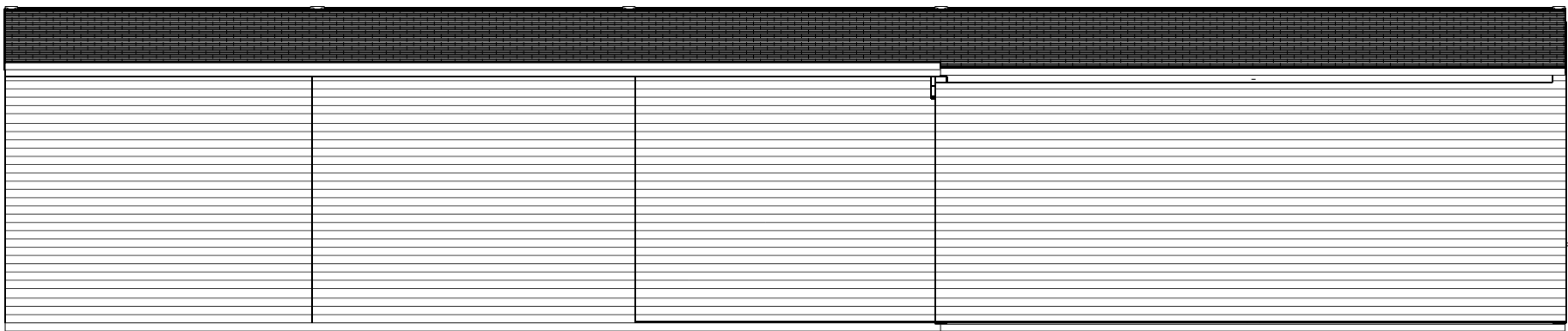
North



East



West



South



12a Pungaere Road
Kerikeri
Simon Grimme: simon@fnbc.co.nz
0211560609
Katie Grimme: katie@fnbc.co.nz
0212882105

Certificate of Acceptance
Farm Building with Sanitary
Facilities

G Billington & G McGarry
330 Hihi Road
Hihi
Northland

Lot 7, DP 183483

Scale: 1:75 @ A3

Revision	
Number	Date
A	14/09/2024

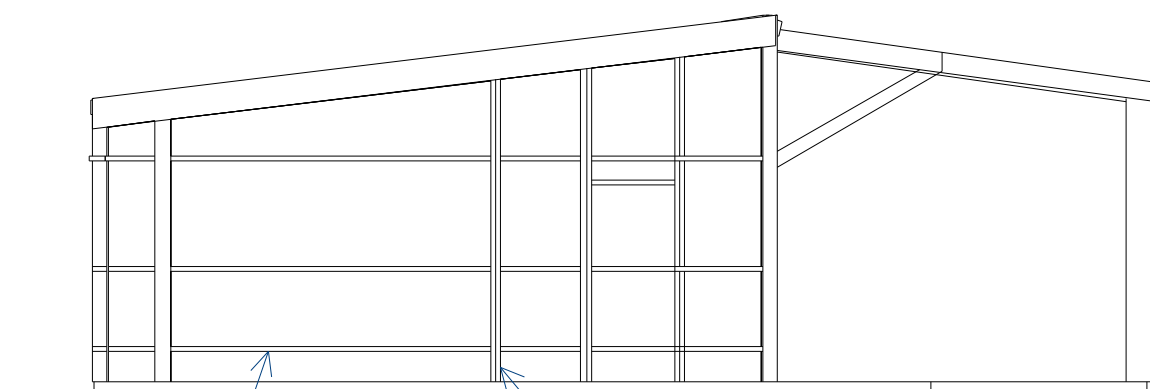
Certificate of Acceptance
Farm Building with Sanitary
Facilities

G Billington & G McGarry
330 Hihi Road
Hihi
Northland

Lot 7, DP 183483

Scale: 1:75 @ A3

As Per MiTek Engineered
Design

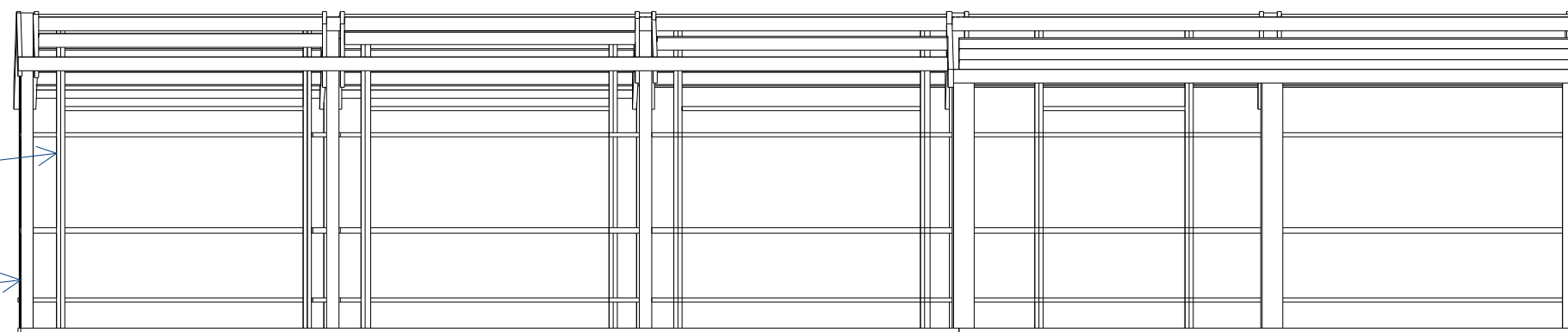


Girts 150mm x 50mm
@ 1100mm ϕ

Column 2/150mm x 50mm

Opening Framing 150mm x 50mm

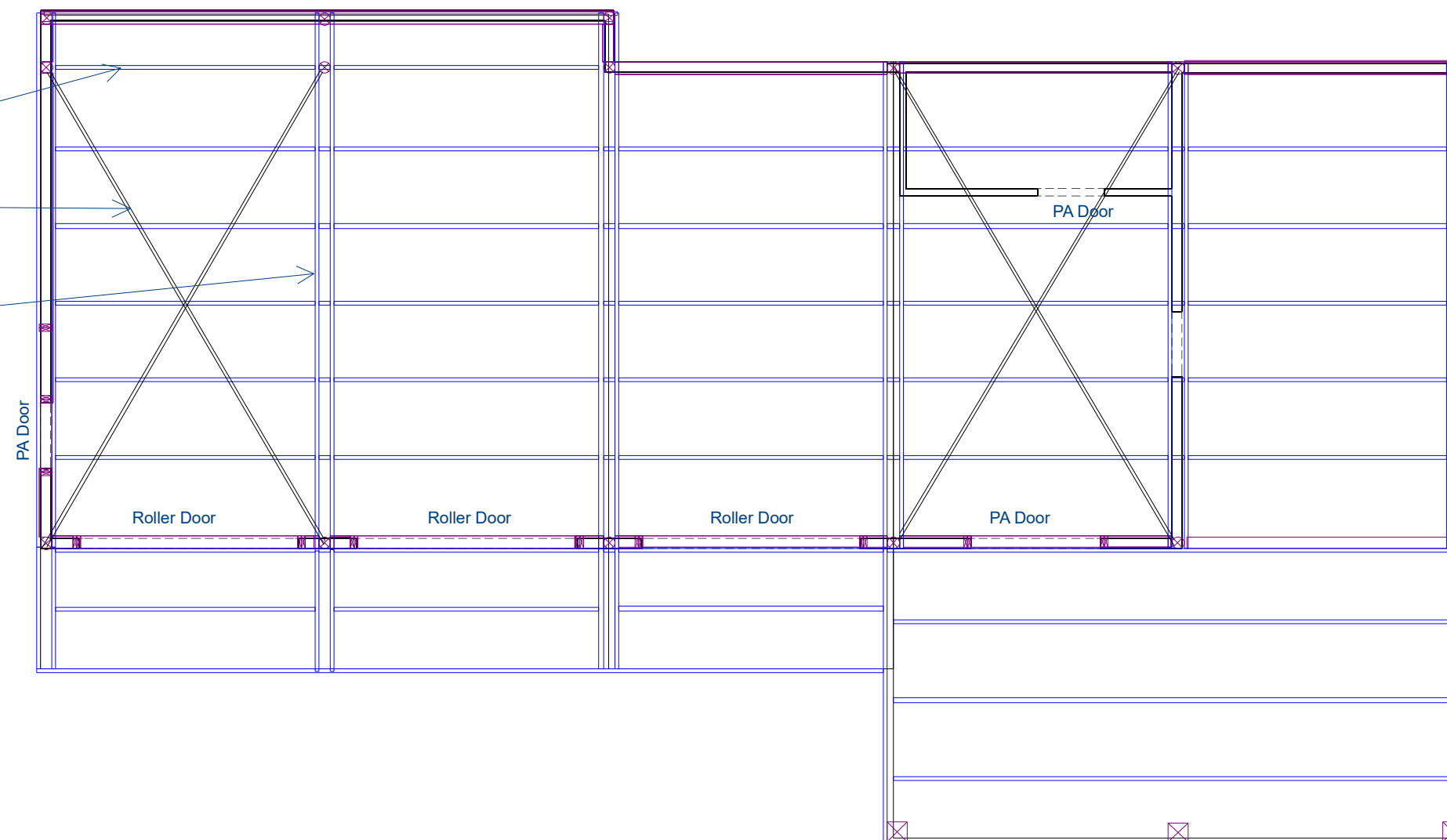
Poles 150mm SED



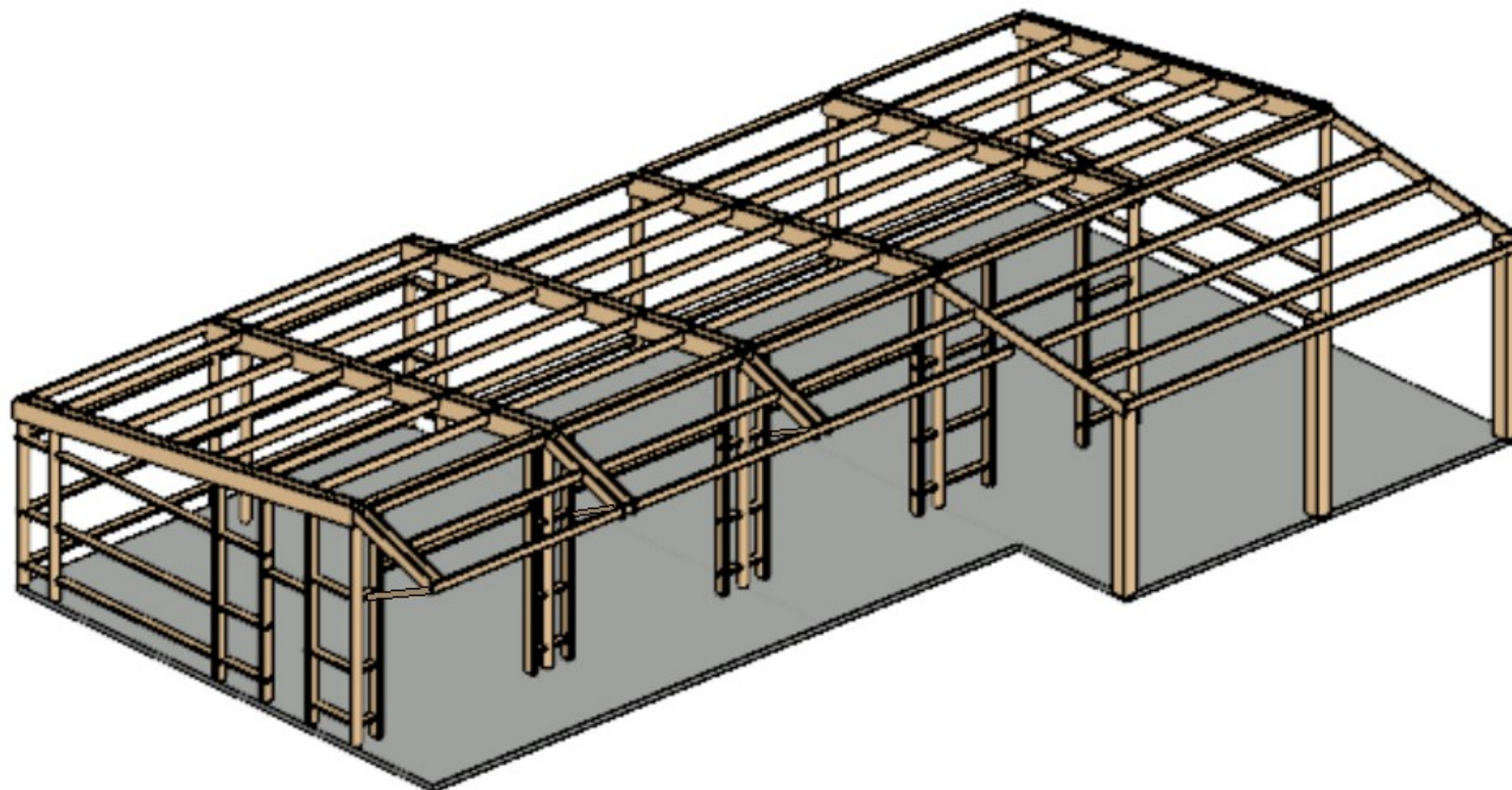
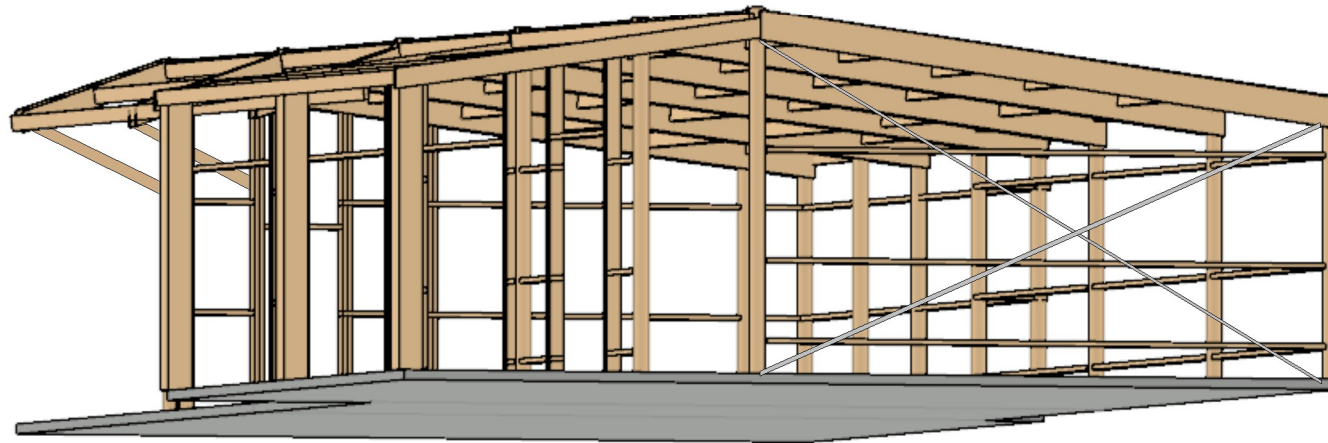
Purlins 150mm x 50mm @ 975mm ϕ

Diagonal tensioned strip brace

Rafters 300mm x 50mm



Revision	
Number	Date
A	14/09/2024



12a Pungaere Road
 Kerikeri
 Simon Grimme: simon@fnbc.co.nz
 0211560609
 Katie Grimme: katie@fnbc.co.nz
 0212882105

Certificate of Acceptance
 Farm Building with Sanitary
 Facilities

G Billington & G McGarry
 330 Hihi Road
 Hihi
 Northland

Lot 7, DP 183483

Revision	
Number	Date
A	14/09/2024

24 September 2026

Grant Alan Billington and Georgina McGarry
330 Hihi Road
RD 1
Mangonui
0494

Tēnā koe,

Building consent number: COA-2027-20/0
Property ID: 3336832
Address: Lot 7, Hihi Road, Hihi 0494
Description: Construction of 112m² MiTek farm building with sanitary facilities without obtaining a building consent

Requirement for Resource Consent

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

The site is zoned **Coastal Living** under the Operative District Plan, and is zoned **Rural Lifestyle** under the Proposed District Plan – Appeals Version, and Resource Consent is required for breach of the following:

Rule:	10.7.5.1.1 Visual Amenity of the Operative District Plan
Reason:	Non-habitable residential shed is 112m ² which exceeds 50m ² .

Rule:	CE-R1 New buildings or structures and relocated buildings and extensions or alterations to existing buildings or structures
Reason:	Non-habitable residential shed is 112m ² which exceeds 110m ² .

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

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

If you have any queries, please contact the Duty Planner on Duty.Planner@fndc.govt.nz or 0800 920 029.

Nāku iti nei, nā



Aroha Chase
PIM Officer (Acting)
Delivery and Operations

Emailed to: georgie@financialrural.co.nz

FORM 4
Certificate attached to
PROJECT INFORMATION MEMORANDUM
Section 37, Building Act 2004

Building Consent Number: COA-2027-20/0

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

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

• Resource Consent – REQUIRED

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

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

Signature:

PP:



Trent Blakeman
Manager - Building Services –
Delivery and Operations
Far North District Council (Building Consent Authority)
24 September 2026

Position:

On behalf of:

Date:

Alex Billot

From: James Robinson <jrobinson@heritage.org.nz>
Sent: Thursday, 8 October 2026 11:41 am
To: Rochelle
Cc: Bill Edwards; Stuart Bracey
Subject: Site Q07/1135-1137

Morena Rochelle

I have contacted archaeologist John Coster and can confirm that the three sites Q07/1135-1137 were recorded by him back in 1997. Unfortunately John did not enter the data on these sites into the archaeological database at the time. However in his retirement John has been entering this and other site data into the NZAA ArchSite database. This is why they were only entered in ArchSite in 2023.

John notes that these 3 sites were recorded from exposures of shell midden prior to the subdivision of the area. He agrees that these exposures were most likely covered over later so were not visible to archaeologist Leigh Johnson when he made his assessment in 2020.

The existing buildings and roads in the vicinity of Q07/1135 were built following the recommendations of the Johnson 2020 assessment that did not find archaeology at this location. For the land owners there are no issues regarding the ongoing use of this infrastructure.

However, should further future development requiring earthworks be planned in the vicinity of this archaeological site the landowner should get an archaeologist to dig some test pits to determine if any archaeology survived subsurface in the area of proposed development. In this scenario, if archaeology has survived and will be affected by the future development an authority will be required.

I hope this is of some assistance to you and your client.

Kia ora mai ra

James Robinson

Dr James Robinson | Senior Archaeologist Northland | Heritage New Zealand Pouhere Taonga | PO Box 836, 21 Hobson Ave, Kerikeri 0245 | Ph: 0272490864 www.heritage.org.nz

Tairangahia a tua whakarere; Tātakihia ngā reanga o āmuri ake nei | Honouring the past; Inspiring the future

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NORTHERN ARCHAEOLOGICAL RESEARCH

ARCHAEOLOGICAL SURVEY AND ASSESSMENT OF A PROPOSED RESIDENTIAL DEVELOPMENT ON LOT 7 DP 183483, HIHI ROAD, MANGONUI HARBOUR, FAR NORTH.



Prepared for
G Billington
Hihi

Northern Archaeological Research Ltd
P O Box 32 585, Devonport, Auckland 0744

March 2020

NORTHERN ARCHAEOLOGICAL RESEARCH

**ARCHAEOLOGICAL SURVEY AND ASSESSMENT OF A
PROPOSED RESIDENTIAL DEVELOPMENT ON
LOT 7 DP 183483, HIHI ROAD,
MANGONUI HARBOUR, FAR NORTH.**

*By
Leigh Johnson & Elisabeth Callaghan
Northern Archaeological Research Ltd.*

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Cover. The area of the proposed Billington house located in the previous pine-nut plantation (View to the south-west).

Introduction

G Billington proposes to undertake a residential development at Hihi, Mangonui Harbour, in the Far North. Northern Archaeological Research Ltd was commissioned by the owner to undertake an archaeological survey and assessment of affected areas of the property. The survey and assessment was undertaken to record archaeological sites or remains affected by aspects the proposed subdivision and advise the owners as to their obligations under the Heritage New Zealand Pouhere Taonga Act, 2014, in respect of any affected archaeological sites. The survey was undertaken by Leigh Johnson and Elisabeth Callaghan on the 17th March 2020. This report outlines the results.

Location

The Billington property (Legal description: Lot 7 DP 183483) is located at Lot 7 Hihi Road, Hihi, Mangonui Harbour, Doubtless Bay in the Far North, approximately 8km west of Mangonui village. The property comprises 2.11ha of rural rolling farmland comprising fenced and gated paddocks which are currently grazed. There is a small pocket of regenerating/replanted bush and a wetland at the mid-northern area of the property. A double row of mature pine-nut trees line either side of the existing driveway to the upper (eastern) area of the Lot on the southern side of the property. Access to the property is via an existing formed and graveled driveway from Hihi Road and there is an existing shed and round pen on the mid-east area of the property. Soils of the area are predominantly Rangiora clay (Sutherland *et al.* 1979). The property ranges from 16-52m ASL.

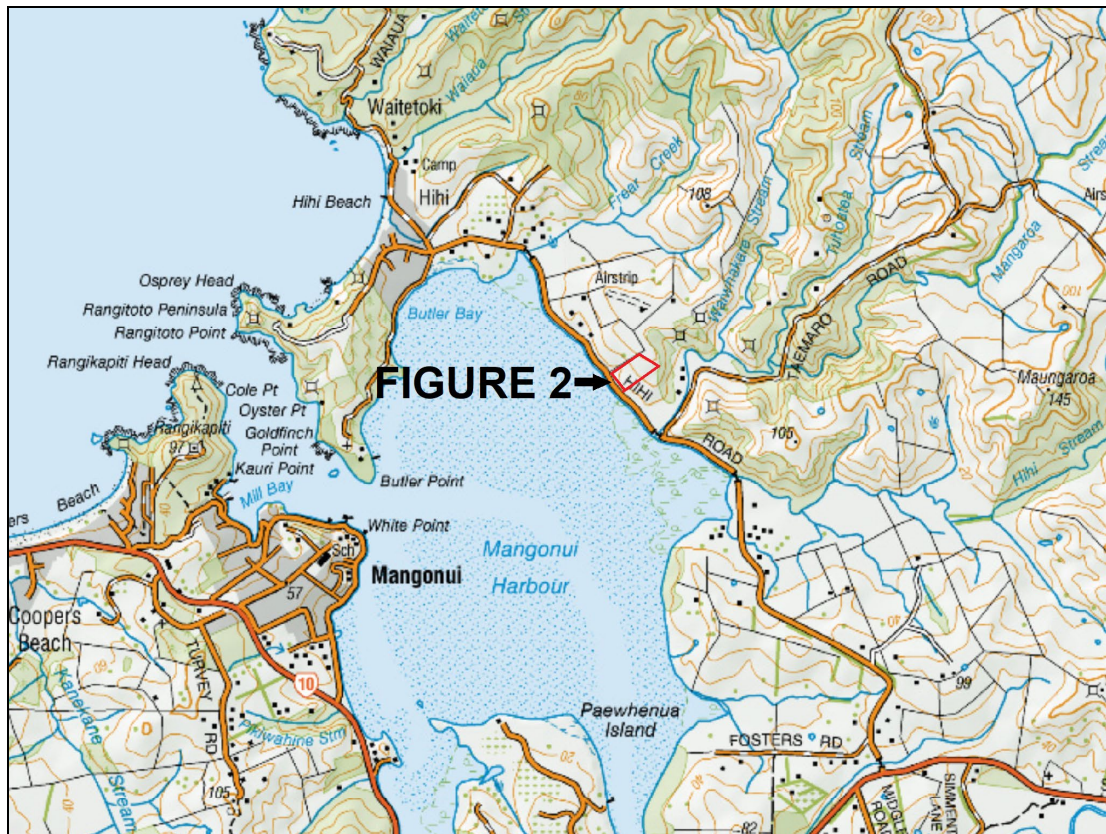


FIGURE 1. LOCATION OF THE BILLINGTON PROPERTY, HIHI (O04).

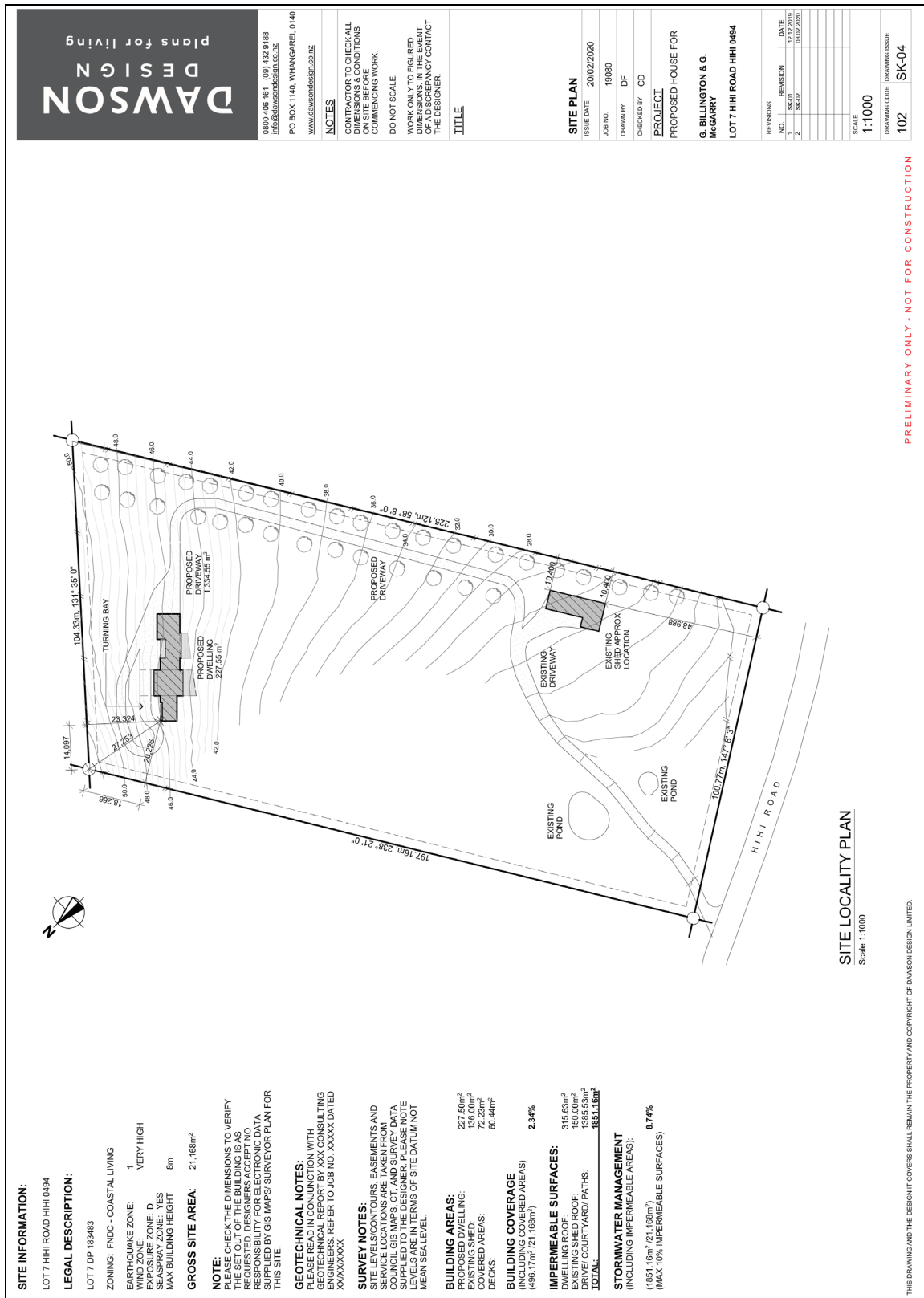


FIGURE 2. THE BILLINGTON PROPERTY, HIHI, DOUBTLESS BAY, FAR NORTH, SHOWING THE PROPOSED RESIDENTIAL DEVELOPMENT.

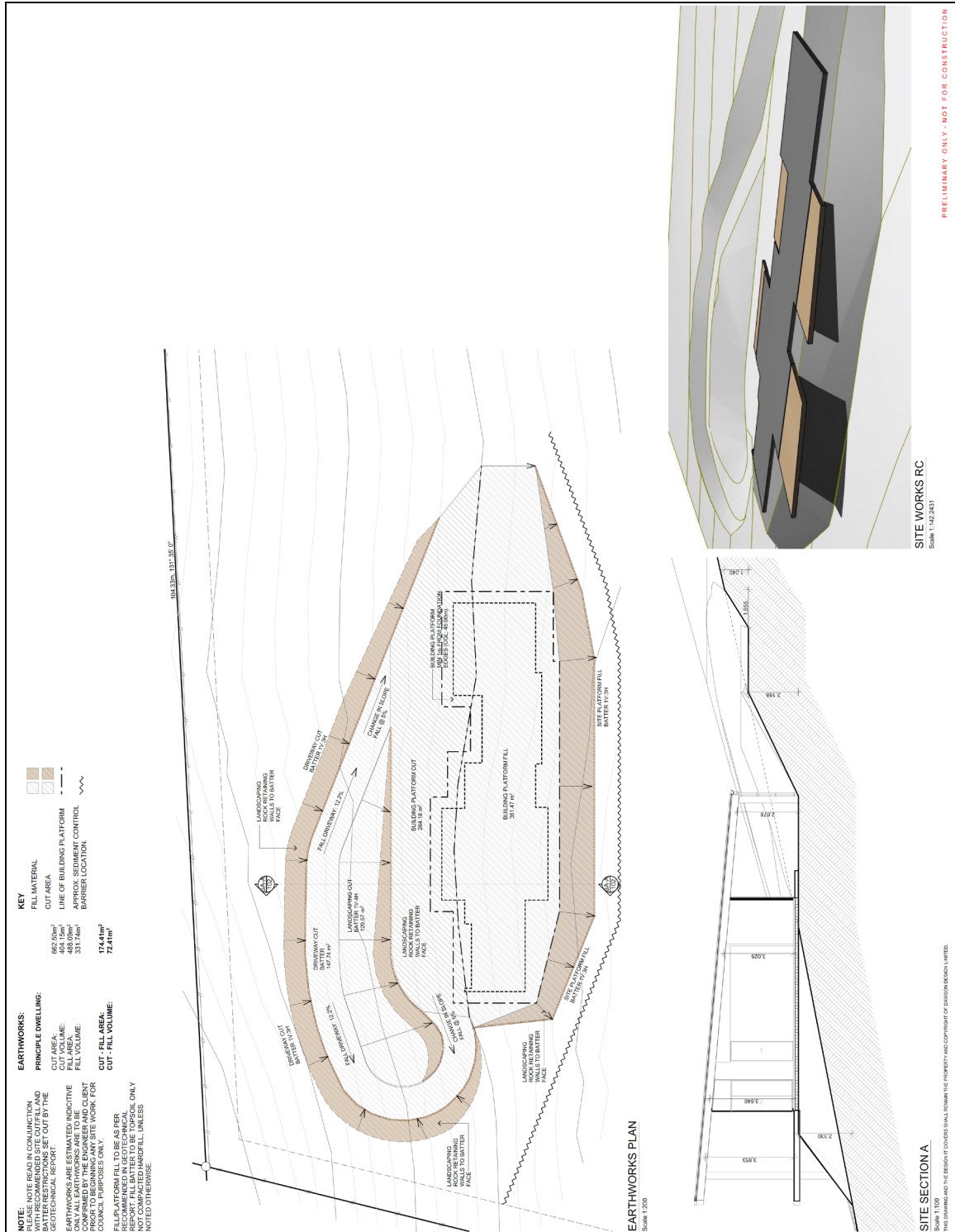


FIGURE 3. THE PROPOSED RESIDENTIAL DEVELOPMENT INCLUDING THE TURNAROUND AREA AND PROPOSED BATTER CUTS AND HOUSE PLATFORM AREA.

Proposed Development

G Billington proposes to undertake a residential development on his property at Lot 7 Hihi Road, Hihi 0494 (Legal Description: Lot 7, DP 183483) Doubtless Bay, Far North (Figures 2 and 3). An existing access-way had been cut some years ago from Hihi road which, along with the farm track to the ex-pine nut plantation, has recently been upgraded and graveled (Plate 1). The proposed residential development comprises a single level residence with attached garage and office space. The proposal will require cut and fill works provide a level platform for the house, garage and vehicle access for the house, garage and turnaround area. The house and garage measures approximately 33.5m x 24m and will be set on a concrete slab foundation, with a verandah deck supported by wooden pile foundation posts. The house is proposed to be off-grid with water collected and stored in tanks and solar panels for the provision of power. Waste water and sewerage will be processed and disposed of on-site via a natural flow or wormerator system. The owner indicated that the preference is for the water tanks (and the waste water system) to be located below the seaward facing deck, with the water tanks to be situated towards the south end of the proposed house. The tanks will be buried and covered in lawn and retained by a stone wall.

Statutory Obligations

The following is a brief outline of statutory obligations in New Zealand in respect of archaeological sites prepared by the Heritage New Zealand Pouhere Taonga (HNZ).

There are two main pieces of legislation in New Zealand that control work affecting archaeological sites. These are the *Heritage New Zealand Pouhere Taonga Act, 2014* (HNZPTA), and the *Resource Management Act, 1991* (RMA).

HERITAGE NEW ZEALAND POUHERE TAONGA ACT 2014 ARCHAEOLOGICAL PROVISIONS

The Heritage New Zealand (HNZ) administers the Heritage New Zealand Pouhere Taonga Act (HNZPTA). All archaeological sites in New Zealand are protected under the HNZPTA and may only be modified with the written authority of the HNZ.

The maximum penalty in the HNZPTA for un-authorised damage of an archaeological site is \$120,000. The maximum penalty for un-authorised site destruction is \$300,000. The HNZA contains a consent (commonly referred to as an “Authority”) process for any work of any nature affecting archaeological sites, where an archaeological site is defined as:

Any place in New Zealand, including any building or structure (or part of a building or structure), that -

- a. Was associated with human activity that occurred before 1900 or is the site of the wreck of any vessel where the wreck occurred before 1900; and
- b. Provides or may provide, through investigation by archaeological methods, evidence relating to the history of New Zealand; and
- c. Includes a site for which a declaration is made under section 43(1)

Any person who intends carrying out work that may damage, modify or destroy an archaeological site must first obtain an authority from the HNZPT (Part 3 Section 44). The process applies to archaeological sites on all land in New Zealand irrespective of the type of tenure.

The archaeological authority process applies to all sites that fit the Heritage New Zealand definition, regardless of whether:

- The site is recorded in the NZ Archaeological Association (NZAA) Site Recording Scheme or registered/declared by the Heritage New Zealand Pouhere Taonga,
- The site only becomes known about as a result of ground disturbance and /or
- The activity is permitted under a district or regional plan, or resource or building consent has been granted.

Heritage New Zealand Pouhere Taonga also maintains a Register of Historic Places, Historic Areas, Wahi Tapu and Wahi Tapu Areas. The register can include some archaeological sites (though the main database for archaeological sites is maintained independently by the NZAA). The purpose of the register is to inform members of the public about such places and to assist with their protection under the *Resource Management Act, 1991*.

THE RESOURCE MANAGEMENT ACT 1991 ARCHAEOLOGICAL PROVISIONS

The RMA requires City, District and regional; Councils to manage the use, development, and protection of natural and physical resources in a way that provided for the well-being of today's communities while safeguarding the options for future generations. The protection of historic heritage from inappropriate subdivision, use, and development is identified as a matter of national importance (section 6f).

Historic Heritage is defined as those natural and physical resources that contribute to an understanding and appreciation of New Zealand's history and cultures, derived from archaeological, architectural, cultural, historic, scientific, or technological qualities.

Historic heritage includes:

- historic sites, structures, places, and area
- archaeological sites;
- sites of significance to Maori, including wahi tapu;
- surroundings associated with the natural and physical resources (RMA section 2).

These categories are not mutually exclusive and some archaeological sites may include above ground structures or may also be places that are of significance to Maori.

Where resource consent is required for any activity, the assessment of effects is required to address cultural and historic heritage matters (RMA 4th Schedule and the district plan assessment criteria (if appropriate).

Survey Method

Background research into the archaeology and subsequent history of the affected area included the examination of late 19th and early 20th century land plans, the HNZPT Digital Database, historical aerial photographs (Retrolens) and a search of images (Alexander Turnbull Library). New Zealand Archaeological Association site record forms were checked for previously recorded archaeological sites, and a review of regional archaeological publications relating to the area was undertaken.

The archaeological survey involved a surface evaluation of the area of the proposed house site, access-way, turnaround and services. All subsoil exposures were examined in these areas. The proposed residential development area had been marked out on the ground with standards prior to the site visit by the owner and the survey was undertaken on foot with the owner (G Billington). Survey conditions were good and the likelihood of undetected subsurface archaeological remains was also considered.

Archaeological Background

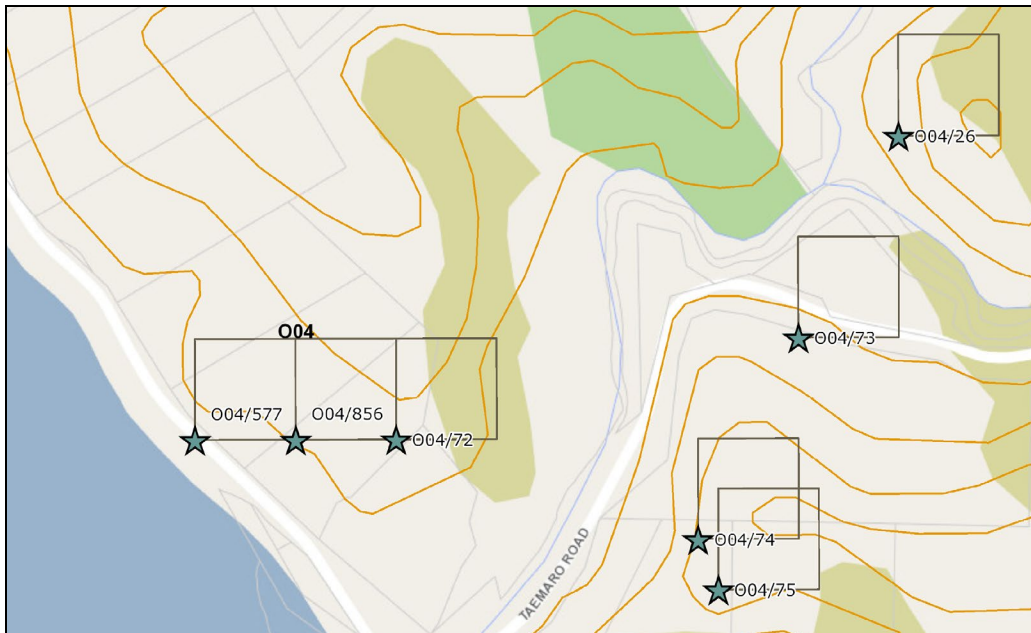


FIGURE 4. THE RECORDED ARCHAEOLOGICAL SITES ON, AND IN, THE VICINITY OF THE BILLINGTON PROPERTY (Courtesy of *Archsite*).

Site Number	Site type	Recorded by
O04/26	Pa	R Lawn(1972) J Coster & G Johnston (1976)
O04/71	Pa	J Coster & G Johnston (1976)
O04/72	Midden/Terrace	J Coster & G Johnston (1976)
O04/73	Drains	J Coster & G Johnston (1976)
O04/74	Pa	J Coster & G Johnston (1976)
O04/75	Middens/Terrace	J Coster & G Johnston (1976) V Hensley (2001) ¹ L. Johnson (2004)
O04/577	Midden	C. Fredrickson (1989)
O04/856	Terraces/Midden	D. Nevin (1999)

TABLE 1. THE RECORDED SITES IN THE VICINITY OF THE BILLINGTON PROPERTY.

No archaeological sites have been previously recorded on the Billington property and it is understood that no systematic archaeological survey and assessments have previously been undertaken on the Billington property. The 1976 survey by Coster and Johnston of the Stoney Creek Station area did not include the area of the Billington property (Coster and Johnston 1976). There is no reference to any report by C Frederickson or D Nevin in relation to the archaeological sites they recorded in 1989 and 1999 respectively. However, there is a note on the NZAA Site Record Form by Nevin which states *Lot 5, Subdivision of Various Allots Mangonui East 1991*. This may be a reference to a potential report, however a search of the HNZPT Digital Library showed no archaeological survey and assessment reports for the 1997 Crouch subdivision between 1991 and 1999.

¹ NB: Site recorded as NO04/941 [sic], but the site is not shown on *Archsite*. (Hensley 2001)

The Crouch property was issued with an FNDC Resource Consent for the subdivision in October 1997. The Resource Consent contains Condition e (v) which states that any development on an area exceeding 300m² required an archaeological assessment (FNDC RC 1970432).²

A small number of archaeological sites have been recorded in the general area of this property (Figure 4 and Table 1), notably the adjacent property to the south which was recently subject and archaeological survey and assessment (Johnson & Callaghan 2019). The general impression is that the sheltered inner Mangonui Harbour on the east side Hihi; the proximity to the coast; and the availability for fresh water was an ideal place for short term seasonal settlements, with many typical coastal terrace, pit and shell midden sites evident, with Pa to provide defense in times of conflict.

Historical Background

The post-contact history of the property is not known in any detail. However, the east side of the Mangonui Harbour, appears to have been initially cleared for pastoral farming in the mid-late 19th century as seen in an inkwash image dating from 1852 by Robert Wynard (Alexander Turnbull Library Ref: A-081-020). Clarke-McKenna states that during the mid-19th century the land on which the Billington property is located was Crown Land which was sold to Reverend Duffus in or around 1860. The property was subsequently owned by the Holmes, Garton, and finally, the Crouch families (Clarke-McKenna 2004).

The Northwood Brothers Photograph Collection from the Alexander Turnbull Library contained three images which show the area of the Billington Property. These photographs were taken from Butlers Point (1/1-004901-G, dated c.1900); the Mangonui wharf (1/1-004929-G, dated c.1910); and the old Mangonui Hospital (1/2-024649-G dated c.1920). A road/track is clearly seen on the c.1900 and 1910 images. However, none of the images show any features on the Billington property.

A map from 1914 (Greville 1914) shows a road/track crossing over the upper eastern area of the property from the Taemaro Bay road extending to Hihi (Figure 5). It is possible the track pre-dates 1900 as **“when riding to preach at the Mangonui church [St Andrew’s] Reverend Duffus had to traverse three-quarters of a circle for a distance of five miles (eight kilometers) before reaching Butler Point to cross the harbor on a ferry”** (Clarke McKenna 2004:127). An aerial photograph from 1948 shows a cut and formed track extending from Taemaro Road to Hihi, and extending through the area of the Billington property (Plate 1). It is likely that the road/track shown on the 1914 plan and the 1948 aerial photograph are the same track. It is also likely the road/track Reverend Duffus rode is the one shown on the map, but it is

² It is unclear how or why such a specific area/volume of earthworks came to be determined by the FNDC, or why the Resource Consent did not require an archaeological survey and assessment of any proposed earthworks (regardless of the area involved) given the statement made under the Statutory Information section of the consent that: **“It is likely that there are unrecorded archaeological sites on the property. A continuing condition for the protection or preservation of such sites has been imposed by consent notice to this proposal”** (FNDC RC 1970432 1997:4). The statutory information and the condition imposed are contradictory and misleading for owners of the Lots with regard to any development proposal.

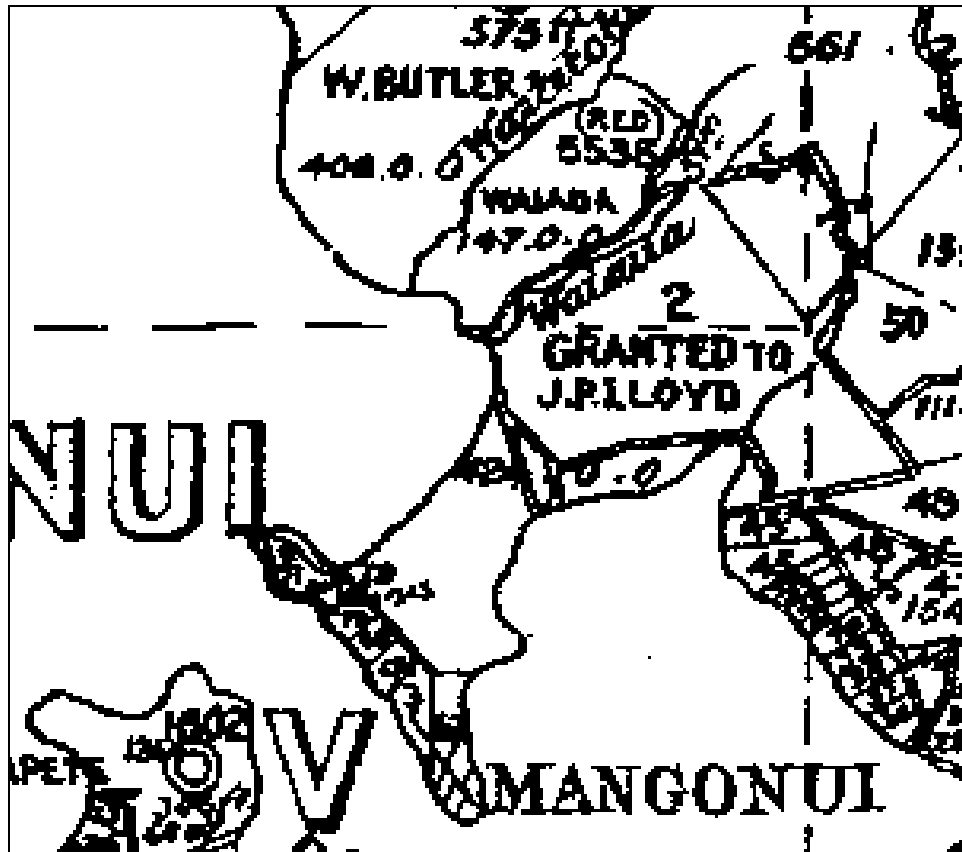


FIGURE 5. DETAIL OF THE PLAN SHOWING THE ROUTE OF THE OLD ROAD TO HIHI IN 1914 (Greville 1914).

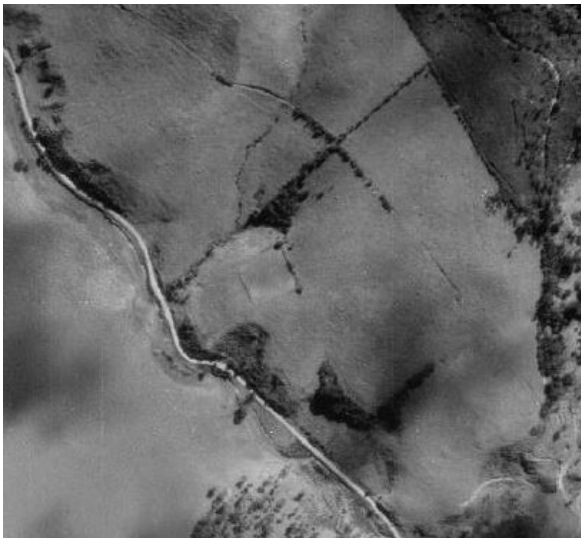


PLATE 1. AERIAL IMAGE SHOWING THE LOCATION OF O04/1088 (Courtesy *Retrolens* Ref: SN 350, dated April 1948).



PLATE 2. THE PINE-NUT PLANTATION ON LOT 7 (ARROW) (Courtesy of Google Earth, March 2020)

impossible to confirm with any certainty. The 1914 map is shows roads which been formalized, but may have been in use much earlier. In addition, the Northwood photographs are taken from an angle which do not allow the track at the 40m elevation to be shown with any certainty. Notwithstanding, the owner, G Billington, stated during the site visit that he had been informed by a neighbor that the track which is partly located on his property, was the old road to Hihi (Billington per comm).

At some point post-1984 (likely post-2000) a pine-nut plantation was established on the larger property, and parts of the plantation are still in-situ on neighbouring properties. The plantation covered almost a third of the Billington Lot. The plantation was not a viable commercial enterprise and is no longer harvested. The cut and formed track is visible in the Google maps aerial photograph (Plate 2). As previously stated, the Crouch family subdivided the larger farm area in 1997. The Billington's purchased Lot 7 DP 183483 two years ago.

Survey Results

No archaeological sites were recorded in the area of the Billington residential development (house, access-way, utilities and services). The area of the residential proposal has recently been cleared of a pine-nut plantation and the root balls removed. There was no evidence of any archaeological remains in any of the root ball areas. To test for potential subsurface archaeological evidence a number of test pits (TP 1-6) were dug over the area of the building envelope proposal. The test pits showed an almost uniform stratigraphy of 3-5cm of dark brown top-soil over sterile mid-brown or yellow-brown clay subsoil. No archaeological evidence was observed and none is expected.

Test Pit Number	NZTM	Profile
1	E1650691 N6129081	2cm dark brown topsoil over mid-brown clay subsoil.
2	E1650694 N6129072	5cm dark brown topsoil over mid-brown clay subsoil.
3	E1650706 N6129060	5cm dark brown topsoil over mid-yellow brown clay subsoil.
4	E1650696 N6129057	3cm dark brown topsoil over mid-yellow brown clay subsoil.
5	E1650696 N6129062	3cm dark brown topsoil over mid-yellow brown clay subsoil.
6	E1650691 N6129084	5cm dark brown topsoil over mid-yellow brown clay subsoil.

As a result of the fieldwork, one historic site O04/1088-an historic track, was located on the Billington property which occurs immediately downslope and to the west of the proposal. A New Zealand Archaeological Association Site Additional Information Form has been completed for O04/856 and this is appendicised in the report. A brief outline of the site is presented below.

O04/1088. Historic Track. E 1650667 N 6129089.

The site occurs in the upper north-east slopes of a fenced paddock, on the west facing slope of a hillside overlooking the inner Mangonui Harbour. The site is approximately 42-46m ASL. The site is in fair condition.



PLATE 3. THE HISTORIC TRACK O04/1088 ON THE BILLINGTON PROPERTY (Courtesy of Google Maps).

An intermittent cut track/road crosses the upper east area of Lot 7 in a north-south-easterly direction. The track is some 1.5m wide x some 100m long. The owner has stated that the feature was described to him by a neighbour as “the old road to Hihi”. The track is shown on Google Earth/Google Maps (intermittently) extending from Hihi to Taemaro Road and is also shown on a 1948 aerial photograph and the road is also shown on a map of Mangonui East dated 1914 (Greville 1914). Two Northwood Brothers photographs dated 1900 and 1910 show the northern end of the road descending downslope towards Hihi. Notwithstanding the evidence of the track/roads use and existence in the early 20th century, there is some uncertainty as to whether the track/road pre-dates or post-dates 1900.

While it is impossible to accurately provenance the origin or age of the track which is evident on the property we have erred on the side of caution and have recorded the track as an archaeological site, given the evidence that the land was originally purchased by Reverend Duffus in 1860. Rev. As stated, Reverend Duffus is recorded as having ridden his horse from the property to Butler point to catch a boat to Mangonui to conduct services at Mangonui (Clarke-McKenna 2004:73, 127). This would suggest that the Duffus bridle track potentially became the “Road to Hihi”, which was formalised by 1914 (AJHR 1914). The subsequent subdivision of the blocks of land has left areas of closed road at the northern end, and the southern end has been absorbed into farm holdings.



PLATE 4. THE AREA OF THE PROPOSED BILLINGTON HOUSE SITE (foreground) AND THE HISTORIC TRACK 004/1088 LOCATED BELOW AND TO THE WEST (View to the south-west).



PLATE 5. VIEW UPSLOPE TO THE NORTH-EAST.

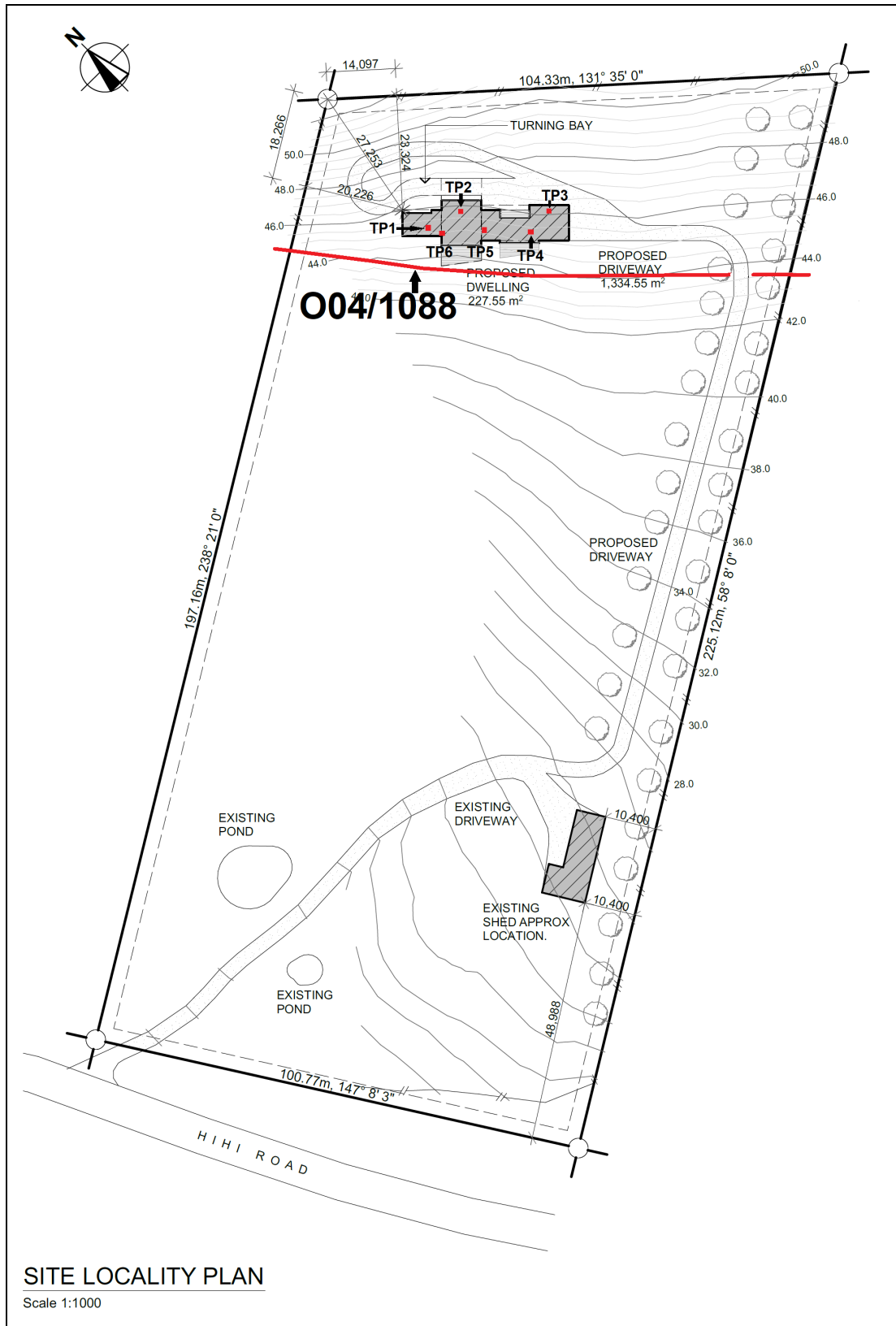


FIGURE 6. THE LOCATION OF THE TEST PITS (TP 1-6) AND THE HISTORIC TRACK O04/1088, IN RELATION TO THE BILLINGTON HOUSE PROPOSAL.

Archaeological Significance

Archaeological significance/values relate to the potential of a place to provide evidence of the history of New Zealand. The following matters must be taken into account when assessing archaeological value: Condition of the site; the sites rarity; the sites contextual value; the sites information potential; and any amenity value (HNZPT June 2014).

As no archaeological sites were recorded in the area of the Billington residential development, the area of the house, access-way, utilities and services are of no archaeological significance.

With regard to O04/1088, the site is located downslope and west to the proposed building envelope and is not in an area proposed for development.

Site	Value	Assessment
O04/1088 Historic Track	Condition	The track is clearly visible and in good condition.
	Rarity/ Uniqueness	The site is not unusual, rare or unique.
	Contextual Value	The site has contextual value as an element of historic transportation routes associated with mid-late 19 th century settlement at Hihi and Mangonui.
	Information Potential	The site has limited information potential.
	Amenity Value	As the site is located on private land, the site has no amenity value.
	Cultural Associations	The site is likely associated with the Duffus, Holmes, Garton and Couch families, of whom there are descendants still living in the Doubtless Bay/Far North area.

Assessment of Effects

No surface archaeological remains of any nature were located in the area of the existing accessway and the marked-out area of the proposed building envelope (house, garage, decks, car-port), water-tanks, sewerage treatment and disposal field or the areas of cut and fill. However, the proximity of the proposed dwelling and cut and fill to the historic track O04/1088 is of concern as there is a possibility that the historic track may be affected by the lower stone retaining wall for the proposal.

We would initially recommend that the proposal is relocated slightly further upslope to the north-east, to avoid any potential for the historic track O04/1088 to be affected by earthworks associated with the residential proposal. We would also recommend that prior to the earthworks, the historic track is marked out by the archaeologist and the earthworks contractors are briefed on the protected status of the historic track, so the site remains unaffected by construction earthworks. If these mitigation measures are adopted, the Billington's will not affect the historic track and the development can proceed without the need to acquire an Authority from Heritage New Zealand.

In the unlikely event that archaeological remains of any nature are uncovered during the earthworks all work affecting such remains should cease immediately and Northern Archaeological Research Ltd be notified immediately so that appropriate action can be taken.

If the Billington's choose for any reason to proceed with the proposal as planned we would advise that the Billington's apply for an Authority to Modify under Section 44(a) of the Heritage NZ Pouhere Taonga Act, 2014. We would recommend the Authority is granted under Section 48(1)(a), subject to the track being mapped by a surveyor and archaeologist to survey standard and that any earthworks which affect the historic track are monitored by an archaeologist.

Any changes to the residential development proposal; or further earthworks be proposed for the Lot which have not been subject to an archaeological survey and assessment, the proposed works should be assessed for their potential to affect archaeological sites.

A small number of shell middens were noticed either side of a small gully that extends to the west below the area of proposed activity. These were not recorded at this time as they occurred outside the area of proposed development will need to be considered if any further activity is proposed for the lower west section of the property.

The survey of the property was conducted specifically to locate and record archaeological remains. The survey and report does not necessarily include the location and/or assessment of wahi-tapu or sites of cultural or spiritual significance to the local Maori community, who may be approached independently for any information or concerns they may have.

Conclusion

Northern Archaeological Research Ltd were commissioned by G Billington to survey the area of a proposed residential development located at Lot 7 Hihi Road, Mangonui Harbour, Far North (Legal Description: Lot 7, DP 183483). One archaeological site O04/1088 is located on the property but is not directly affected by the proposal. Recommendations have been made in accordance with the archaeological provisions of the Heritage New Zealand Pouhere Taonga Act, 2014, and standard procedures.

References

- Clarke-McKenna, N. 1991 [2004ed]. *Mangonui: Gateway to the Far North*. Mangonui: Northland Historical Publications Society Inc.
- Coster, J and Johnston, G. 1976. Stony Creek Archaeological Site Survey. *Unpublished Report*. Auckland: NZ Historic Places Trust.
- Greville, R. P. 1914. Kauri Gum Reserves in the Auckland Land District (Report of the Commission appointed to inspect and classify the). *Report of the Royal Commission on Kauri Gum Reserves*. Wellington: Government Printer
- Hensley, V. 2001. Archaeological Assessment: Property Inspection, Thomas Property, RD1 Hihi. *Unpublished Report*.
- Johnson, L & Callaghan, E. 2019. Archaeological survey and assessment of 318 Hihi

Road (Lot 5 DP 183483), Mangonui harbour, Far North. *Unpublished Report*.
Auckland: Northern Archaeological Research Ltd.

Sutherland, C.F; Cox, J.E; Taylor, N.H; Wright, A.C.S. 1979. Soil Map of Kaitaia-
Rawene area (sheets O04/05), North Island, New Zealand. Scale 1:1000 000. *N. Z*
Soil Bureau Map 182.

Recommendations

1. We would initially recommend that the Billington proposal is relocated slightly further upslope to the north-east, to avoid any potential for the historic track O04/1088 to be affected by earthworks associated with the residential proposal. We would also recommend that prior to the earthworks, the historic track is marked out by the archaeologist and the earthworks contractors are briefed on the protected status of the historic track, so the site remains unaffected by construction earthworks. If these mitigation measures are adopted, the Billington's will not affect the historic track and the development can proceed without the need to acquire an Authority from Heritage New Zealand.
2. In the unlikely event that archaeological remains of any nature are uncovered during the earthworks all work affecting such remains should cease immediately and Northern Archaeological Research Ltd be notified immediately so that appropriate action can be taken.
3. If the Billington's choose for any reason to proceed with the proposal as planned we would advise that they apply for an Authority to Modify under Section 44(a) of the Heritage NZ Pouhere Taonga Act, 2014. We would recommend the Authority is granted under Section 48(1)(a), subject to conditions that the track is mapped by a surveyor and archaeologist (to survey standard) and that any earthworks which affect the historic track are monitored by an archaeologist.
4. Any changes to the residential development proposal; or further earthworks be proposed for the Lot which have not been subject to an archaeological survey and assessment, the proposed works should be assessed for their potential to affect archaeological sites.
 - A small number of shell middens were noticed either side of a small gully that extends to the west below the area of proposed activity. These were not recorded at this time as they occurred outside the area of proposed development, however they will need to be considered if any further activity is proposed for the lower west section of the property.
5. The survey of the property was conducted specifically to locate and record archaeological remains. The survey and report does not necessarily include the location and/or assessment of wahi-tapu or sites of cultural or spiritual significance to the local Maori community, who may be approached independently for any information or concerns they may have.

APPENDIX

NZ Archaeological Association
Site Record and Additional Information Forms

NEW ZEALAND ARCHAEOLOGICAL ASSOCIATION SITE RECORD FORM (METRIC) Metric map number: O04 Metric map name: KAITAIA Metric map edition: Edition 1 1984		NZAA METRIC SITE NUMBER: O04/1088 DATE VISITED: 17 th March 2020 SITE TYPE: Historic Track SITE NAME: MAORI: OTHER: -															
Grid Ref NZTM Easting <table border="1" style="display: inline-table; text-align: center; width: 100px;"><tr><td>1</td><td>6</td><td>5</td><td>0</td><td>6</td><td>6</td><td>7</td></tr></table>		1	6	5	0	6	6	7	Northing <table border="1" style="display: inline-table; text-align: center; width: 100px;"><tr><td>6</td><td>1</td><td>2</td><td>9</td><td>0</td><td>8</td><td>9</td></tr></table>		6	1	2	9	0	8	9
1	6	5	0	6	6	7											
6	1	2	9	0	8	9											
1. Aids to relocation of site (<i>attach a sketch map</i>): This site is located on a lifestyle block at Lot 7, Hihi Road, Hihi, Mangonui Harbour, Doubtless Bay (Legal Description: Lot 7, DP 183483). The site occurs in the upper north-east slopes of a fenced paddock, on the west facing slope of a hillside overlooking the inner Mangonui Harbour. The site is approximately 42-46m ASL.																	
2. State of site and possible future damage: The site is in fair condition.																	
3. Description of site (<i>Supply full details, history, local environment, references, sketches, etc. If extra sheets are attached, include a summary here</i>): An intermittent cut track/road crosses the upper east area of Lot 7 in a north-south-easterly direction. The track is some 1.5m wide x some 100m long. The owner has stated that the feature was described to him by a neighbour as “the old road to Hihi”. The track is shown on Google Earth/Google Maps (intermittently) extending from Hihi to Taemaro Road (Plate 3) and is also shown on a 1948 aerial photograph (Plate 2) and the road is also shown on a map of Mangonui East dated 1914 (Greville 1914) (Figure 1). Two Northwood Brothers photographs dated 1900 (Plate1) and 1910 show the northern end of the road descending downslope towards Hihi. Notwithstanding the evidence of the track/roads use and existence in the early 20th century, there is some uncertainty as to whether the track/road pre-dates or post-dates 1900. The recording of the ‘Old Road’ as an historic track is erring on the side of caution, given the evidence that the land was originally purchased by Reverend Duffus in 1860. Rev. Duffus is recorded as having ridden his horse from the property to Butler point to catch a boat to Mangonui to conduct services at Mangonui (Clarke-McKenna 2004:73, 127). This would suggest that the Duffus bridle track became a “Road to Hihi”, which was formalised by 1914. The subsequent subdivision of the blocks of land has left areas of closed road at the northern end, and the southern end has been absorbed into farm holdings. The site is included in the results of the archaeological survey and assessment outlined in the 2020 report by L Johnson & E Callaghan entitled: <i>Archaeological Survey and Assessment of a Proposed Residential Development, Lot 7 DP 183483), Hihi, Mangonui Harbour, Far North.</i> Auckland: Northern Archaeological Research Ltd.																	
4. Owner: G. Billington Address: Lot 7 Hihi Road Hihi		Tenant/Manager: Address:															
5. Nature of information (<i>hearsay, brief or extended visit, etc.</i>): Brief visit. Photographs (<i>reference numbers</i>): Aerial photographs (<i>reference numbers and clarity of site</i>):																	
6. Reported by: Leigh Johnson Address: Northern Archaeological Research PO Box 32-585 Devonport Auckland 0744		Filekeeper: Date:															
7. New Zealand Historic Places Trust (for office use)																	
<table border="1" style="width: 40px; height: 100px; margin: auto;"> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> </table>							Type of site Local environment today Land classification	<table border="1" style="width: 40px; height: 60px; margin: auto;"> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> </table>					Present condition and future danger of destruction Local Body				

NZAA SITE RECORD ADDITIONAL INFORMATION FORM
MAP NO: O05
MAP NAME: KAIKOHE
MAP EDITION: 1st 1984
GRID REFERENCE: NZTM E1650667 N6129089

SITE NO: O04/1088

SITE NAME:

SITE TYPE:
 Historic Track

ADDITIONAL INFORMATION:

Site visited on 17th March 2020 (Cont).



PLATE 1. DETAIL OF A NORTHWOOD BROTHERS PHOTOGRAPH DATED c.1900 SHOWING THE NORTHERN END OF THE HISTORIC TRACK TO HIHI DESCENDING DOWNSLOPE TOWARDS HIHI (Courtesy of ATL REF:1/1-004901-G).

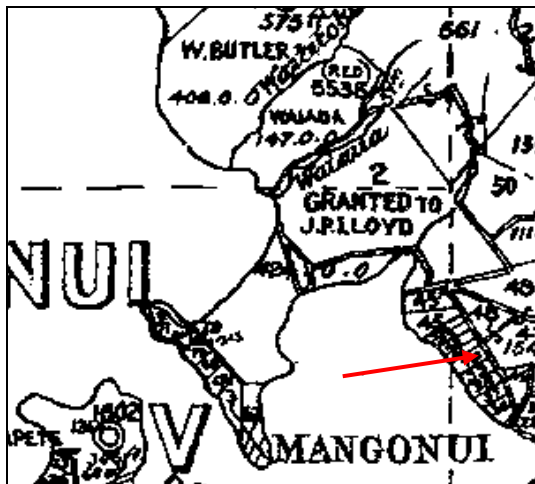


FIGURE 1. DETAIL OF THE 1914 MAP OF MANGONUI EAST SHOWING THE OLD ROAD TO HIHI (GREVILLE 1914).

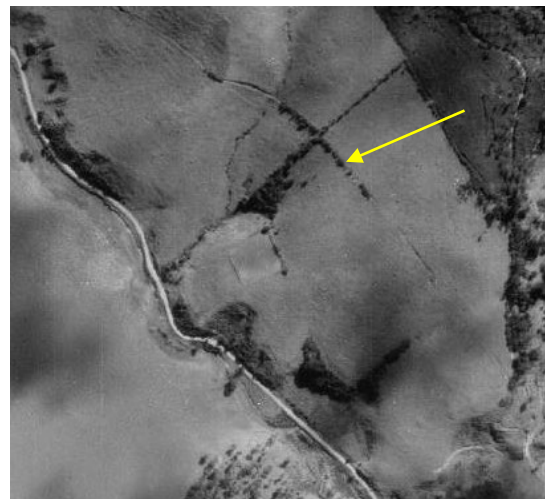


PLATE 2. DETAIL OF THE 1948 AERIAL PHOTOGRAPH SHOWING THE HISTORIC TRACK.

**NZAA SITE RECORD ADDITIONAL INFORMATION
FORM**

MAP NO: O05

MAP NAME: KAIKOHE

MAP EDITION: 1st 1984

GRID REFERENCE: NZTM E1650667 N6129089

SITE NO: O04/1088

SITE NAME:

SITE TYPE:
Historic Track

ADDITIONAL INFORMATION:

Site visited on 17th March 2020 (Cont).



PLATE 3. THE HISTORIC TRACK SHOWN CROSSING THROUGH THE PINE-NUT PLANTATION (Courtesy Google Maps)



PLATE 4. THE HISTORIC TRACK ROAD ON THE LOT (Arrow) (View to the south-west).

Reported by: Leigh Johnson

Northern Archaeological Research Ltd

P O Box 32-585

Devonport

Auckland 0744

Owner: G Billington

Lot 7, Hihi Road

Hihi 0494

Operative Far North District Plan – Objectives and Policies

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

10.3.8	<i>To ensure provision of sufficient water storage to meet the needs of coastal communities all year round.</i>
10.3.9	<i>To facilitate the sustainable management of natural and physical resources in an integrated way to achieve superior outcomes to more traditional forms of subdivision, use and development through management plans and integrated development.</i>
Policies	
10.4.1	<i>That the Council only allows appropriate subdivision, use and development in the coastal environment. Appropriate subdivision, use and development is that where the activity generally:</i> <i>(a) recognises and provides for those features and elements that contribute to the natural character of an area that may require preservation, restoration or enhancement; and</i> <i>(b) is in a location and of a scale and design that minimises adverse effects on the natural character of the coastal environment; and</i> <i>(c) has adequate services provided in a manner that minimises adverse effects on the coastal environment and does not adversely affect the safety and efficiency of the roading network; and</i> <i>(d) avoids, as far as is practicable, adverse effects which are more than minor on heritage features, outstanding landscapes, cultural values, significant indigenous vegetation and significant habitats of indigenous fauna, amenity values of public land and waters and the natural functions and systems of the coastal environment; and</i> <i>(e) promotes the protection, and where appropriate restoration and enhancement, of areas of significant indigenous vegetation and significant habitats of indigenous fauna; and</i> <i>(f) recognises and provides for the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu and other taonga; and</i> <i>(g) where appropriate, provides for and, where possible, enhances public access to and along the coastal marine area; and</i>

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

10.4.8	That development avoids, remedies or mitigates adverse effects on the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu and other taonga.
10.4.9	<i>That development avoids, where practicable, areas where natural hazards could adversely affect that development and/or could pose a risk to the health and safety of people.</i>
10.4.10	<i>To take into account the need for a year-round water supply, whether this involves reticulation or on-site storage, when considering applications for subdivision, use and development.</i>
10.4.11	<i>To promote land use practices that minimise erosion and sediment run-off, and storm water and waste water from catchments that have the potential to enter the coastal marine area.</i>
10.4.12	<i>That the adverse effects of development on the natural character and amenity values of the coastal environment will be minimised through:</i> <i>(a) the siting of buildings relative to the skyline, ridges, headlands and natural features;</i> <i>(b) the number of buildings and intensity of development;</i> <i>(c) the colour and reflectivity of buildings;</i> <i>(d) the landscaping (including planting) of the site;</i> <i>(e) the location and design of vehicle access, manoeuvring and parking areas</i>

Coastal Living Zone	
Objectives	
10.7.3.1	<i>To provide for the well being of people by enabling low density residential development to locate in coastal areas where any adverse effects on the environment of such development are able to be avoided, remedied or mitigated.</i>
10.7.3.2	<i>To preserve the overall natural character of the coastal environment by providing for an appropriate level of subdivision and development in this zone.</i>
Policies	
10.7.4.1	<i>That the adverse effects of subdivision, use, and development on the coastal environment are avoided, remedied or mitigated.</i>
10.7.4.2	<i>That standards be set to ensure that subdivision, use or development provides adequate infrastructure and services and maintains and enhances amenity values and the quality of the environment.</i>
10.7.4.3	<i>Subdivision, use and development shall preserve and where possible enhance, restore and rehabilitate the character of the zone in regards to s6 matters, and shall avoid adverse effects as far as practicable by using techniques including:</i> <i>(a) clustering or grouping development within areas where there is the least impact on natural character and its elements such as indigenous vegetation, landforms, rivers, streams and wetlands, and coherent natural patterns;</i> <i>(b) minimising the visual impact of buildings, development, and associated vegetation clearance and earthworks, particularly as seen from public land and the coastal marine area;</i> <i>(c) providing for, through siting of buildings and development and design of subdivisions, legal public right of access to and use of the foreshore and any esplanade areas;</i> <i>(d) through siting of buildings and development, design of subdivisions, and provision of access that recognise and provide for the relationship of Maori with their culture, traditions and taonga including concepts of mauri, tapu, mana, wehi and karakia and the important contribution Maori culture makes to the character of the District (refer Chapter 2, and in particular Section 2.5, and Council's "Tangata Whenua Values and Perspectives (2004)");</i> <i>(e) providing planting of indigenous vegetation in a way that links existing habitats of indigenous fauna and provides the opportunity for the extension, enhancement or creation of habitats for indigenous fauna, including mechanisms to exclude pests;</i> <i>(f) protecting historic heritage through the siting of buildings and development and design of subdivisions.</i>

Proposed District Plan – Appeals Version

Part 3 – Rural Lifestyle Zone	
Objectives	
RLZ-O1	<i>The Rural Lifestyle zone is used predominantly for low density residential activities and small scale farming activities that are compatible with the rural character and amenity values of the zone.</i>
RLZ-O2	<i>The predominant character and amenity values of the Rural Lifestyle zone are characterised by:</i> <i>low density residential activities;</i> <i>small scale farming activities with limited buildings and structures;</i> <i>smaller lot sizes than anticipated in the Rural Production zone;</i> <i>a general absence of urban infrastructure;</i> <i>rural roads with low traffic volumes;</i> <i>areas of vegetation, natural features and open space.</i>
RLZ-O3	<i>The role, function and predominant character and amenity values of the Rural Lifestyle zone are not compromised by incompatible activities.</i>
RLZ-O4	<i>Land use and subdivision in the Rural Lifestyle zone does not compromise the effective and efficient operation of primary production activities in the adjacent Rural Production zones.</i>
Policies	
RLZ-P1	<i>Enable activities that will not compromise the role, function and predominant character and amenity values of the Rural Lifestyle zone, while ensuring their design, scale and intensity is appropriate to manage adverse effects in the zone, including:</i> <i>low density residential activities;</i> <i>small scale farming activities;</i> <i>home business activities;</i> <i>visitor accommodation; and</i> <i>small scale education facilities.</i>
RLZ-P2	<i>Avoid activities that are incompatible with the role, function and predominant character and amenity values of the Rural Lifestyle zone because they are:</i>

	a. contrary to the density anticipated for the Rural Lifestyle zone; b. predominantly of an urban form or character; c. <u>primary production</u> activities, such as <u>intensive indoor primary production</u>, that generate adverse amenity <u>effects</u> that are incompatible with rural lifestyle living; or d. commercial, <u>rural industry</u> or <u>industrial activities</u> that are more appropriately located in a Settlement zone or an urban zone.
RLZ-P3	Avoid where possible, or otherwise mitigate, reverse sensitivity <u>effects</u> from sensitive and other non-productive activities on <u>primary production</u> activities in the adjacent Rural Production zone.
RLZ-P4	Consider the following matters where relevant when assessing and managing the <u>effects</u> of land use and <u>subdivision</u> in the Rural Lifestyle zone: a. consistency with the scale and character of the rural lifestyle <u>environment</u>; b. location, scale and design of <u>buildings</u> or <u>structures</u>; c. at zone interfaces and the rail designation <u>boundary</u>: i. any <u>setbacks</u>, fencing, screening or <u>landscaping</u> required to address potential conflicts; ii. the extent to which adverse <u>effects</u> on adjoining or surrounding <u>sites</u> are mitigated and internalised within the <u>site</u> as far as practicable; d. the capacity of the <u>site</u> to cater for on-site <u>infrastructure</u> associated with the proposed activity; e. the adequacy of roading <u>infrastructure</u> to service the proposed activity; f. managing <u>natural hazards</u>; g. any adverse <u>effects</u> on <u>historic heritage</u> and cultural values, natural features and landscapes or indigenous biodiversity; and h. any historical, spiritual, or cultural association held by <u>tangata whenua</u>, with regard to the matters set out in <u>Policy TW-P6</u>.
Part 2 – Coastal Environment	
Objectives	
CE-O1	The natural character of the <u>coastal environment</u> is preserved and protected from inappropriate land use and <u>subdivision</u> .
CE-O2	Land use and <u>subdivision</u> in the <u>coastal environment</u>: a. is undertaken in an integrated and coordinated manner; b. is compatible with the surrounding land use;

	c. does not result in urban sprawl occurring outside of existing urban areas; d. promotes restoration and enhancement of the natural character of the coastal environment; and e. recognises and provides for the relationship of tangata whenua with their ancestral lands in the coastal environment.
CE-O3	Land use and subdivision in the coastal environment within urban areas is consolidated and provides for the social, economic and cultural wellbeing of people and communities without compromising other coastal environment values.
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, qualities and values that make an area an outstanding natural character area in the coastal environment .
CE-P3	Avoid significant adverse effects and avoid, remedy or mitigate other adverse effects of land use and subdivision on the characteristics, qualities and values of natural character areas and natural features and landscapes in the coastal environment not identified as an: a. outstanding natural character area; b. ONL; or 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 in the rural environment.
CE-P5	Enable land use and subdivision in urban areas within the coastal environment by recognising that a change in character may be acceptable in some existing urban areas to provide for the social, economic and cultural wellbeing of people and communities.
CE-P6	Provide for farming activities within the coastal environment by: a. recognising that existing farming activities form part of the coastal environment and allowing for these activities to continue without undue restriction; and

	b. only allowing new farming activities outside outstanding and high natural character areas where appropriate.
CE-P7	Enable the use and development of Māori Purpose zoned land and Treaty Settlement land in the coastal environment by recognising that adverse effects on natural character may be acceptable to support the social, economic and cultural wellbeing of tangata whenua
CE-P8	Encourage the restoration and enhancement of the natural character of the coastal environment.
CE-P9	Consider the following matters where relevant when assessing and managing the effects of land use and subdivision on the coastal environment: a. the presence or absence of buildings, structures or infrastructure; b. the temporary or permanent nature of any adverse effects, including any cumulative effects; c. the location, scale and design of any proposed development; d. any means of integrating the building, structure or activity into the wider landscape; e. the ability of the environment to absorb change; f. the need for and location of earthworks or indigenous vegetation clearance and proposed mitigation measures; g. the operational or functional need of any infrastructure to be sited in the particular location; h. any viable alternative locations or methods for the activity or development where significant adverse effects may arise; 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. potential effects of land use and subdivision on the coastal marine area and the overall quality of coastal waters; m. any positive contribution the development has on the characteristics and qualities, including restoration and enhancement; n. the effects on the characteristics, qualities and values of the coastal environment, including natural character and natural landscape values and the quality and extent of indigenous biodiversity; o. the extent to which the land use and subdivision complements activities in the coastal marine area; and p. whether the activity is on a previously approved building platform