

Kerikeri House
Suite 3, 88 Kerikeri Road
Kerikeri

Email – office@bayplan.co.nz Website - www.bayplan.co.nz

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4 December 2025

To: Swetha Maharaj, Planner – Far North District Council
From: Andrew McPhee, Consultant Planner (Bay of Islands Planning Ltd)
Matter: Response to Section 92 Request for Further Information – 2260100-RMASUB (52 Rotokawau Road)

Further to your Section 92 request (received 22 September 2025) and our subsequent email correspondence, please find attached our response to the outstanding matters: Point 1 (Traffic Engineering) and Points 2, 8 & 9 (Archaeology and Cultural Effects).

[Attachment 1 – Traffic Safety Assessment](#)

[Attachment 2 – Archaeological Assessment](#)

[Attachment 3 – Iwi correspondence](#)

[Attachment 4 – Council correspondence](#)

Point 1: Engineering – Sight Distances

I have attached a Traffic Safety Assessment prepared by Dean Scanlen of Engineering Outcomes (dated 25 November 2025). Mr. Scanlen confirms that while the available sight distances (75m west and 102m east) are slightly below the Council’s theoretical standards for the operating speed, the crossing is safe for the following reasons:

- There have been no reported crashes at this location since at least 2020, despite the three dwellings on site being occupied.
- The road is effectively level, meaning the standard gradient calculations are conservative.
- Complying sight distances can be achieved via vegetation trimming and potentially minor earthworks.

The report concludes that the risk is negligible. We are prepared to accept a condition requiring the recommended vegetation maintenance to ensure sightlines remain clear.

Points 2, 8 & 9: Cultural Values, Effects on Pā & Archaeological Assessment

You requested an archaeological assessment to confirm whether Pukengātu Pā has been affected (Points 8 & 9) and consultation regarding cultural values (Point 2).

Archaeological Assessment (Points 8 & 9)

We engaged Geometria Ltd to undertake a comprehensive archaeological assessment of the site. The findings are conclusive:

- The archaeologist found no indication that there was ever a Pā in the immediate vicinity of the high point known as Ngātu.
- There were no archaeological sites or features observed anywhere on the property, including around the dwelling sites.

Consequently, there have been no archaeological effects from the construction of the dwellings, and there will be no effects from the proposed subdivision.

Inconsistencies with the Cultural Impact Assessment (CIA)

I note significant inconsistencies between the physical evidence and the assertions made in the CIA provided by Moana Whenua Trust:

- The CIA states the site was occupied by the Henare whānau. The archaeological assessment clarifies that historic survey maps (SO 25389) place the Henare occupation on Section 21, to the northwest of the subject property, not on the applicant's land (Section 25). Therefore, evidence dictates that the historical occupation cited in the CIA did not occur on the subject site.
- The CIA states the site is a Pā and a resting place for tūpāpaku (deceased bodies). Geometria notes that the drying of bodies would leave no physical archaeological trace. Therefore, while the oral history regarding the name Pukengātu is respected, there is no physical evidence of a fortified settlement (Pā) on the landholding and therefore no archaeological authority is required.

Consultation (Point 2)

We have attempted to engage constructively with Ngāi Takoto as identified through the attached email correspondence. While a physical meeting could not be arranged due to Iwi unavailability, we received two primary outcomes sought by the Iwi:

1. Return and Vesting - The Iwi's highest priority is for the land to be purchased and returned to them.
2. Retirement of Land - Retiring areas for protection.

The specific relief sought in the CIA (to either purchase or vest the land, or the fencing off of retired areas) are matters that fall outside the jurisdiction of the RMA for this application. A resource consent cannot be used to compel the transfer of private land ownership to a third party.

Given the Archaeological Assessment confirms there are no physical features requiring preservation, any agreement to voluntarily fence off or retire land for spiritual reasons is a civil matter between the landowner and the iwi. While the applicant remains open to discussing these matters privately to foster a good relationship, they are not appropriate or lawful conditions for this subdivision application and should not delay the process.

Justification for Proceeding

The relief sought by the CIA (i.e. the applicant selling their private land to the iwi) is not a resource management outcome to be imposed through a subdivision consent, particularly for a proposal that involves no new physical works. The subdivision simply places legal boundaries around dwellings that are already lawfully established under Building Consent (EBC-2023-409/0). The act of subdivision does not alter the physical landscape or disrupt the spiritual association with the area.

An online search identified that Ngāi Takoto settled their Treaty claims between 2012 and 2015. The applicant purchased this property in 2017. If this site was of critical importance to the iwi (as relayed in the CIA) and requires it to be ‘returned’ or ‘vested’, the iwi had the opportunity to purchase the property or seek its protection prior to the applicant’s acquisition in 2017.

The property was not scheduled in the District Plan as a Wāhi Tapu or archaeological site at the time of purchase, nor is it currently.

I have provided the archaeological assessment required by HNZPT and Council (Point 9), which confirms no Pā exists (satisfying Point 8). We have engaged with iwi, but the outcome sought is beyond the scope of a subdivision application and the powers of Council.

I trust that the technical evidence provided is sufficient to satisfy the further information request.

Yours sincerely,



Andrew McPhee
Director | Consultant Planner