

Application for resource consent or fast-track resource consent

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

1. Pre-Lodgement Meeting

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

2. Type of Consent being applied for

(more than one circle can be ticked):

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

* *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:

Northland Regional Council - Rivers & Natural Hazards Team c/o Meg Tyler

Email:

Phone number:

Postal address:

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

6. Address for Correspondence

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

Name/s:

Steven Sanson - Bay of Islands Planning

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:

Refer to Appendix 1 - Various

**Property Address/
Location:**

Waikare Avenue, Kaeo

Postcode

8. Application Site Details

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

Name/s:

**Site Address/
Location:**

Postcode

Legal Description:

Val Number:

Certificate of title:

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.

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.

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

10. Would you like to request Public Notification?

Yes No

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

(more than one circle can be ticked):

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

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

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

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

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

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

13. Assessment of Environmental Effects:

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

Your AEE is attached to this application Yes

13. Draft Conditions:

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

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

14. Billing Details:

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

Name/s: (please write in full)

Email:

Phone number:

Postal address:

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Fees Information

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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)

Signature:

(signature of bill payer)

Date

MANDATORY

15. Important Information:

Note to applicant

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

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

Fast-track application

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15. Important information continued...

Declaration

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

Name: (please write in full)

Steven Sanson

Signature:

[Redacted Signature]

Date 17-Dec-2024

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

Checklist (please tick if information is provided)

- Payment (cheques payable to Far North District Council)
- A current Certificate of Title (Search Copy not more than 6 months old)
- Details of your consultation with Iwi and hapū
- Copies of any listed encumbrances, easements and/or consent notices relevant to the application
- Applicant / Agent / Property Owner / Bill Payer details provided
- Location of property and description of proposal
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 Subdivision Extension of time (s.125)
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Please contact Meg prior to a site visit

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Kaeo Stage II flood protection works.

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Name/s: (please write in full)

Joseph Camuso NRC.

Email:

Phone number:

Postal address:

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

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Name: (please write in full)

Joseph Camuso

Signature:

(signature of bill payer)

Date 17 Dec 2024

MANDATORY

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Name: (please write in full)

Steven Sanson

Signature:

[Redacted Signature]

Date 17-Dec-2024

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BAY OF ISLANDS PLANNING (2022) LIMITED

Kerikeri House
Suite 3, 88 Kerikeri Road, Kerikeri

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

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06 January 2025

Application for Resource Consent – Kaeo Stage II Flood Protection Works

Please find below a resource consent application to undertake earthworks associated with the Kaeo Stage II Flood Protection Works.

The earthworks are associated with infill of a section of the Kaeo River, the construction new river channel and a stop bank.

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

Should you require any further information please do not hesitate to contact me.

Yours sincerely,



Steven Sanson
Consultant Planner

SITE DETAILS

Applicant	Northland Regional Council – Rivers and Natural Hazards Team
Address for Service	Bay of Islands Planning Limited PO Box 318 PAIHIA 0247 C/O - Steven Sanson steve@bayplan.co.nz 021-160-6035
Legal Description	Various – Refer Appendix 1
Record Of Title [RoT]	Various – Refer Appendix 1
Physical Address	Waikare Avenue, Kaeo
Site Area	Various – Refer Appendix 1
Owner of the Site	Various – Refer Appendix 1
District Plan Zone	Rural Production & Commercial [ODP] Rural Production & Mixed Use [PDP]
District Plan Features	Nil
NRC Features	Coastal & River Flood Hazards
Soils	Class 3
Flora / Fauna	Kiwi Present
HAIL	Nil
Wetlands	Nil

Schedule 1

1.0 INTRODUCTION & PROPOSAL

1.1 Report Requirements

1. This report has been prepared for the Northland Regional Council – Rivers and Natural Hazards Team [**applicant**] in support of a land use consent in Kaeo, Northland.
2. The application has been prepared in accordance with the provisions of Section 88 and the Fourth Schedule of the Resource Management Act 1991. This report serves as the Assessment of Environmental Effects required under both provisions.
3. The report also includes an analysis of the relevant provisions of the Far North District Plan [Operative and Proposed], relevant National Policy Statements and Environmental Standards, Regional Planning Documents as well as Part 2 of the Resource Management Act 1991.

1.2 Proposal & Background

4. A range of details regarding the site are outlined in Schedule 1 of this Report. These details are supplemented by the Record of Title's and relevant instruments located in **Appendix 1**.
5. Stage I of the works already completed are provided in [Figure 1](#) below. These works have played a role in reducing the effects of flooding to the Kaeo Township.

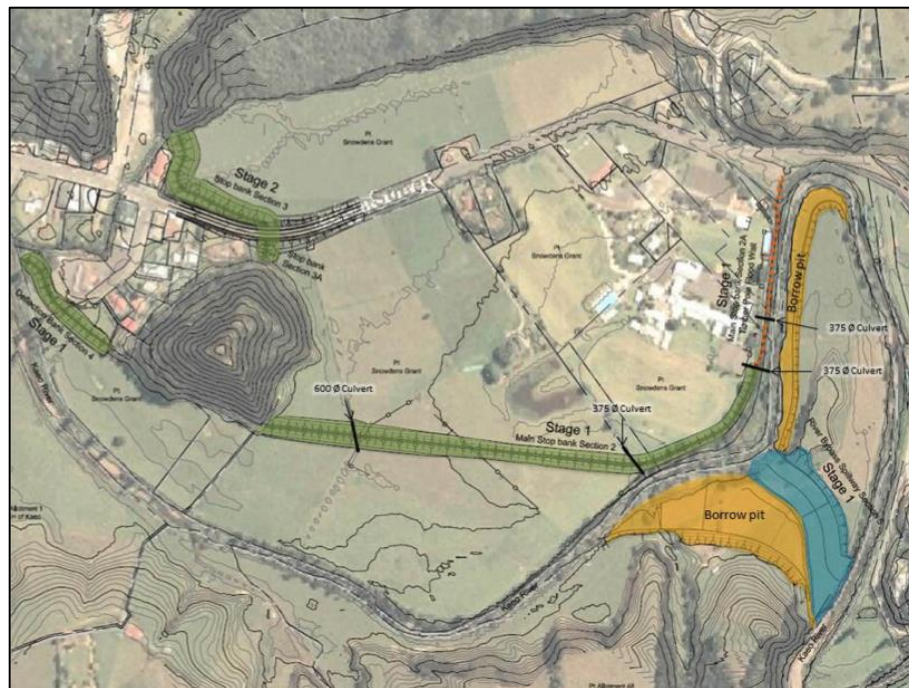


Figure 1 – Kaeo Stage I Works [Source: NRC]

6. The applicant proposes to continue the flood mitigation works in Kaeo through this Stage II proposal.

7. **Land Use Consent:** The works associated with flood protection works at Kaeo require a land use consent from the Far North District Council.
8. The proposal is considered to breach the following rules:
 - 12.3.6.1.1 Excavation and/or Filling, Excluding Mining and Quarrying, in the Rural Production Zone – Discretionary Activity [for volume and height of stopbank].
9. **Proposal Rationale:** The proposal is for Stage II of the Kaeo Flood Protection Scheme. This project augments the initial works undertaken in 2013/2014. Consents are required due to the scale of earthworks required from FNDC. The works are proposed to be undertaken across five Records of Title.
10. Stage II seeks to reduce flooding of Kaeo by realigning the Kaeo River channel and using the cut material to create a deflection bank [stopbank]. This would move the confluence ~520m downstream close to the Omaunu Road bridge.
11. The works seek to reduce the backflow effect currently experienced by ~600mm and will reduce flooding in and around the Kaeo Township.
12. FNDC consents are required for earthworks only. The overall site plan and drawings for the proposal has been prepared by Trine Kel and is provided as **Appendix 2**.
13. Details of the proposal are provided in Table 1 below.

Table 1 – Proposal Details

Item	Length	Cut / Fill
Proposed Stop bank	696m	Fill – 20,763m ³
Proposed Channel	740m	Cut – 30,248m ³
Proposed Infill Area	182m	Fill – 4,203m ³
Total	1,618m	Cut – 30,248m ³ Fill – 24,966m ³ Balance: Cut – 5,282m³

14. The cut / fill details per site are as follows.

Table 2 – Proposal Details Per Site

Site	Cut	Fill
NA2D/6	10,877.78m ³	-
NA48C/581	12,897.12m ³	15,498.74m ³
NA35B/601	6,835.057m ³	4,794.944m ³

NA502/92	371.7669m ³	-
NA4D/903	-	1,978.8m ³
NA1089/79	-	822.3492m ³

15. The proposal seeks a total of 55,214m³ of earthworks. As shown on the plans in **Appendix 2**, the material won from the site will be used for the stop bank / infill works, and the balance held on the site for future use.
16. Consents will be sought concurrently from the Northland Regional Council for the project. A copy of this application is provided as **Appendix 3**. We envisage the bulk of the consenting requirements to be assessed from a regional perspective and some alignment between the two consenting agencies are sought.
17. The works are considered to align with public flood control / flood protection as provided for within s133 of the Soil Conservation and Rivers Control Act 1941. The works are also specifically provided for as Regionally Significant Infrastructure under Appendix 3 of the Regional Policy Statement for Northland [Refer Clause 3[a]].
18. Therefore, the proposal is considered to meet the definition of ‘specified infrastructure’ under higher order documents.
19. Modelling has been undertaken to support the proposed works, and this is provided in **Appendix 4**.
20. Figure 2 below highlights the modelled impact of the proposed works on the Kaeo Township. As can be seen, certain areas are less affected by flooding as a result of the proposed works.

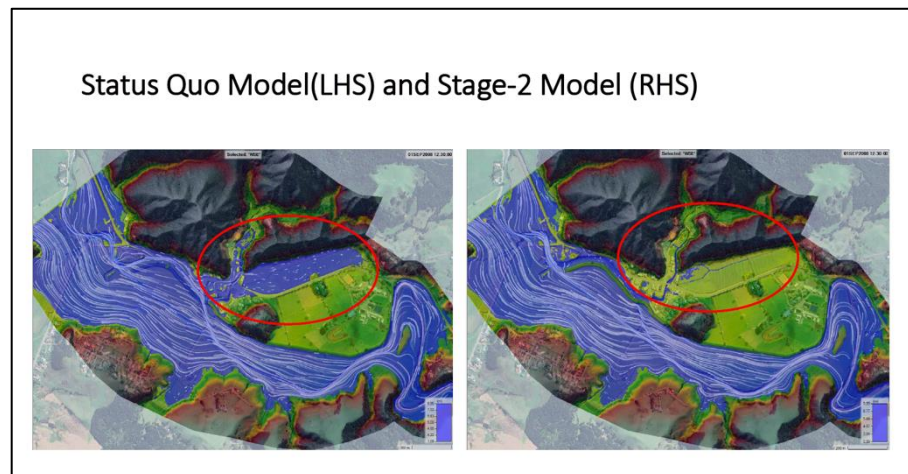


Figure 2 – Modelling Results [Source: NRC]

21. Works are expected to be carried out using large earthmoving equipment. This may include motor scrapers, tractors and trailers and Moxy. However, this will depend on the contractor, their methodology and available equipment. It is possible that the works could occur across two earthworks seasons. Again, this is to be determined.
22. Proposed fill sites are internal to the site, therefore there is no particular need for earthmoving equipment to be using the State Highway or neighbouring streets on an ongoing basis. Timing of the works will be circulated to the community, prior to works being undertaken. These matters will all be provided within an Erosion and Sediment Control Plan proposed to be provided as a condition of consent.
23. In order to understand the ecological conditions of the site NZ Environmental Management have been engaged to undertake and provide an Ecological Impact Assessment (EclA). This will be provided once received.

2.0 DESCRIPTION OF THE SITE & SURROUNDS

24. The proposal is located across five Record of Titles, provided in **Appendix 1**. These titles collectively make up the ‘site’, noting that FNDC has rules that work on a site per site basis.
25. In terms of integrated management of effects, it is simpler to consider the proposal as a whole and not attempt to split up each site and assess effects in that manner. The application is therefore premised on this approach, noting the allowances per site as a permitted activity.
26. From a planning perspective, the following Figures which relate to Schedule 1 provide an understanding of the site. For ease of reference, the ‘site’ is highlighted in yellow in Figures below.

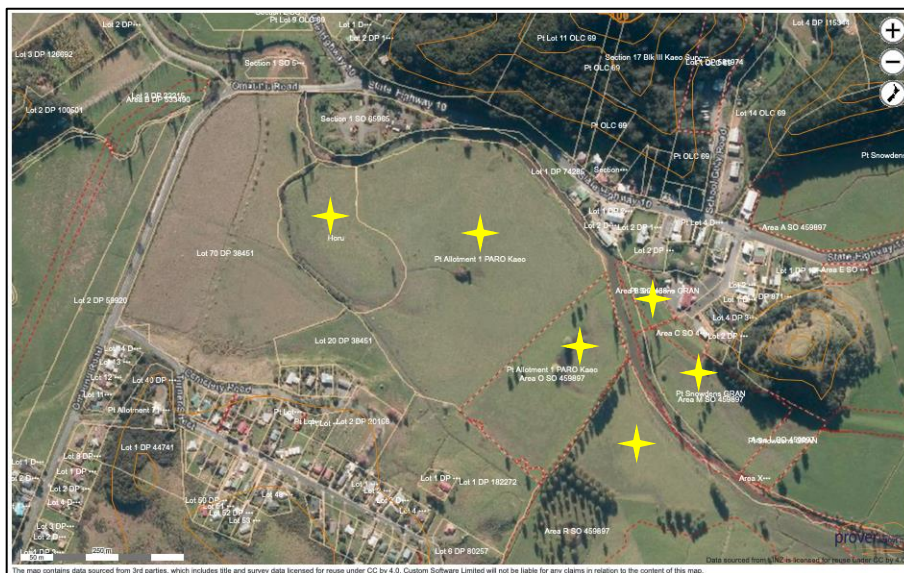


Figure 3 – Site Aerial [Source: Prover]

27. The site sits to the south of the Kaeo Township and runs adjacent and along a short extent of the Kaeo River. The sites are largely in pasture and are vacant where the works are proposed. One of the sites is located off Waikare Avenue where the works tie in with Stage I development.

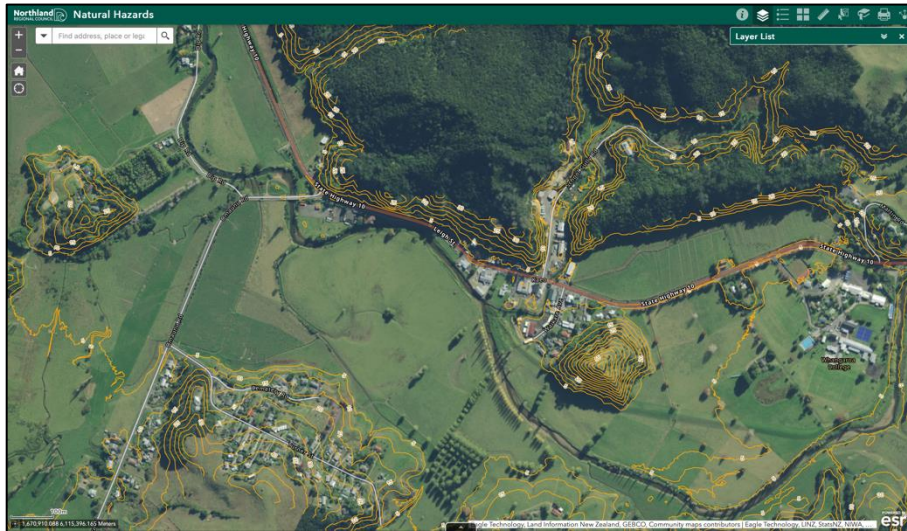


Figure 4 –Topography [Source: NRC Local Maps]

28. The topography of the site is as shown in [Figure 4](#). The site is low lying and largely flat. The land rises to the east, south and north.

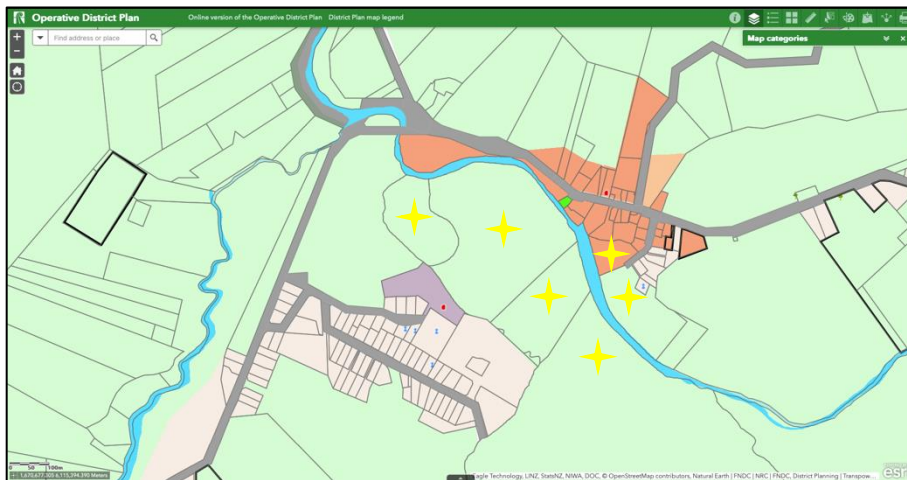


Figure 5 – Zoning [Source: Far North Maps]

29. The site is zoned Rural Production and Commercial and there are no apparent resource features of concern in the Operative District Plan [ODP]. Under the Proposed District Plan [PDP], the site is Rural Production and Mixed Use, also with no resource features present.

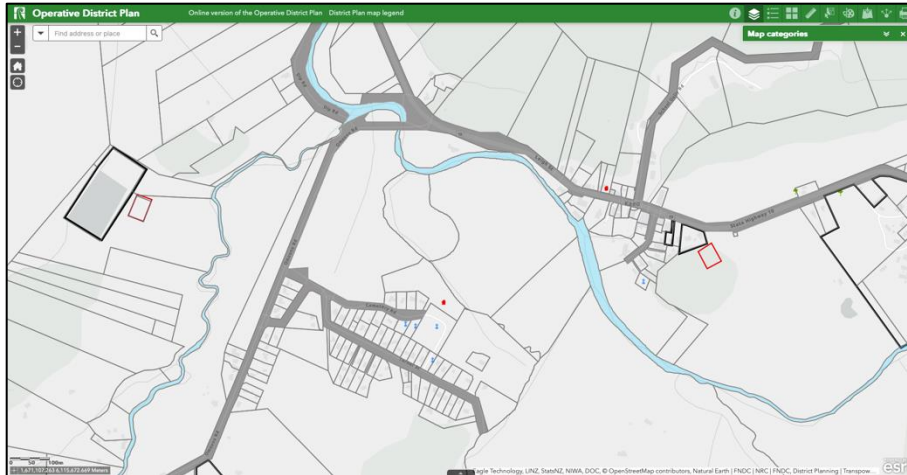


Figure 6 – Resource Features [Source: Far North Maps]

30. Soils for the site are Class 3. There are mapped historic sites and HAIL sites in the surrounds, however these are not mapped as being within the development footprint. The entire development area is subject to river and coastal flood hazards.
31. Protected Natural Areas are located to the north and south of the site and development area at Ngarahu P04036 and Kaeo Bush P04052. Kaeo is considered as being within a Kiwi Present Area.

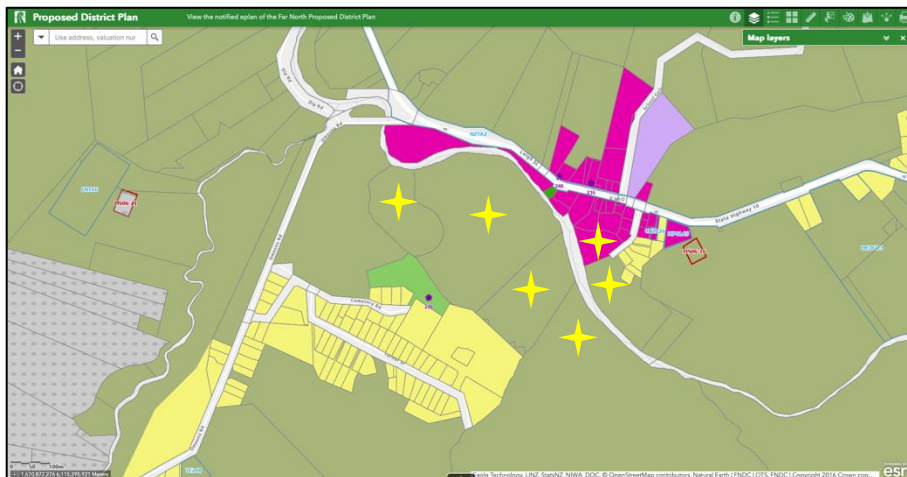


Figure 7– Proposed District Plan [Source: Far North Maps]

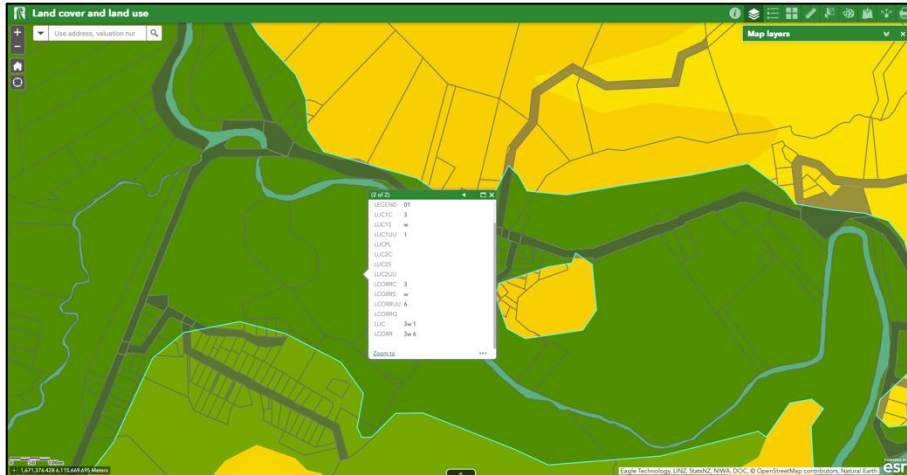


Figure 8 – Soils [Source: Far North Maps]

32. The immediate surrounds are characterised by low lying pastoral land surrounding the Kaeo Township. The Kaeo Township is made up of various commercial and residential elements along the State Highway.

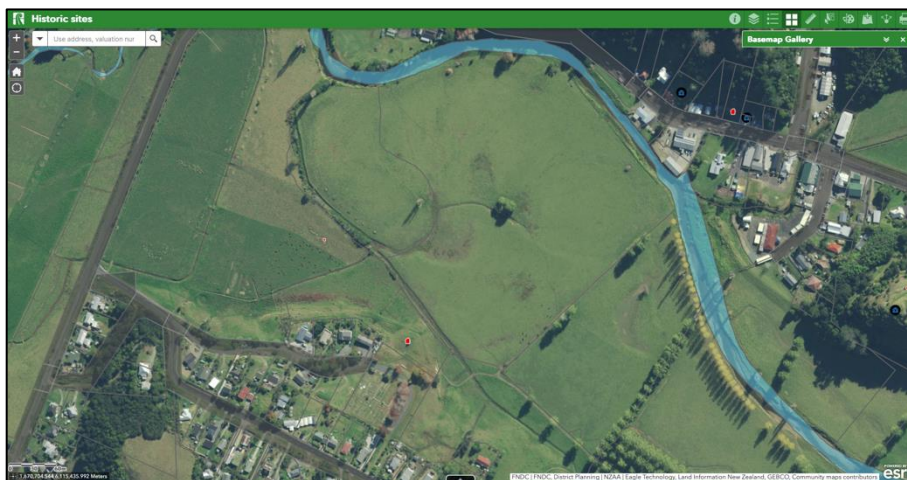


Figure 9 – Historic Sites [Source: Far North Maps]

33. From a wider perspective, the environment is largely rural in nature.

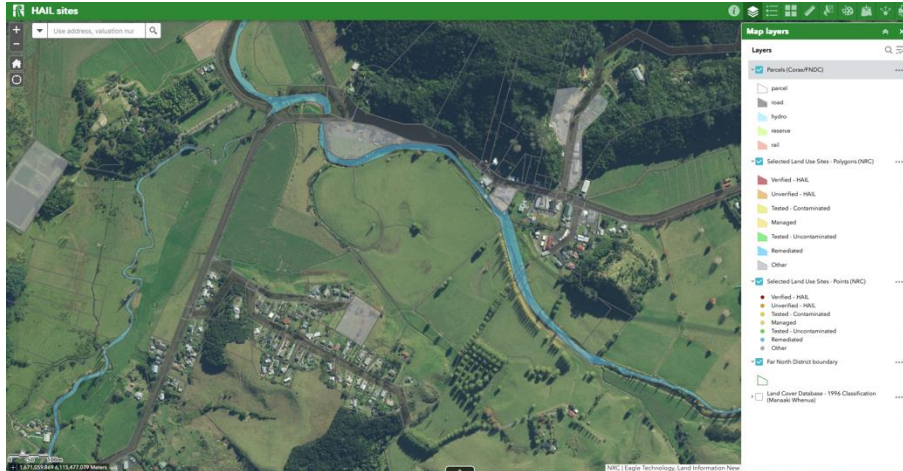


Figure 10 – HAIL Map [Source: NRC Local Maps]



Figure 11 – Natural Hazards Map [Source: NRC Local Maps]



Figure 12 – Reserves & Protected Areas [Source: Far North Maps]

3.0 RECORD OF TITLE, CONSENT NOTICES AND LAND COVENANTS

34. The Record of Title are attached at **Appendix 1**. There are no relevant interests to consider, however it is noted that some of the landholdings are subject to instruments relating to the Stage I works. These have not been provided but can be ordered and provided on request.

4.0 RESOURCE CONSENT REQUIREMENTS

35. The relevant zoning, resource features, and other critical information required to determine the consenting requirements for the proposal have been considered above.

36. **Tables** below provides an assessment against the relevant ODP and PDP standards and identifies the reasons for resource consent.

Table 3 – Rural Production Zone

Rule	Assessment
Rule 8.6.5.1.1 Residential Intensity	No dwellings proposed. Complies
Rule 8.6.5.1.2 Sunlight	No buildings proposed. Complies
Rule 8.6.5.1.3 Stormwater Management	No impervious surfaces proposed. Complies
Rule 8.6.5.1.4 Setback from Boundaries	No buildings proposed. Complies
Rule 8.6.5.1.5 Transportation	No buildings proposed. Complies
Rule 8.6.5.1.8 Building Height	No buildings proposed. Complies
Rule 8.6.5.1.10 Building Coverage	No buildings proposed. Complies
Rule 8.6.5.1.11 Scale of Activities	No buildings / activities proposed.

	Complies
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Table 4 – District Wide Rules

Rule	Assessment
12.1 Landscapes & Natural Features	<p>Not relevant as these features do not occur at the site.</p> <p style="text-align: center;">Complies</p>
12.2 Indigenous Flora & Fauna	<p>Isolated trees will be removed through the proposal.</p> <p style="text-align: center;">Complies</p>
12.3 Soils & Minerals	<p>More than 20,000m³ of earthworks are proposed across the site / development area.</p> <p>The stopbank heights are proposed to be ~3m in height.</p> <p style="text-align: center;">Discretionary Activity</p>
12.4 Natural Hazards	<p>Site is not within Hazard Areas mapped by FNDC [Coastal Hazard 1 and 2].</p> <p>No buildings of concern to fire risk.</p> <p style="text-align: center;">Complies</p>
12.5 Heritage	<p>There are no notable trees present on the site.</p> <p>There are no historic sites, buildings or objects relevant to the site / development area.</p> <p>Archaeological features are present but they are outside of the proposed works. The rule is not affected by the proposal.</p> <p>There is no proposed building, excavating, filling, planting of trees or clearance of vegetation within a Site of Cultural Significance to Maori.</p> <p style="text-align: center;">Complies</p>
12.7 Lakes, Rivers and Wetlands	<p>No buildings proposed.</p>

	Complies
12.8 Hazardous Substances	Not relevant as not proposed. Complies
12.9 Renewable Energy & Energy Efficiency	Not relevant as not proposed. Complies
13 Subdivision	Not relevant as not proposed. Complies
14 Financial Contributions	Not relevant. Complies
15 Transportation	No buildings / activities proposed. Complies
16 Signs and Lighting	Not relevant. Complies
17 Designation	Not relevant. Complies
18 Special Areas	Not relevant. Complies
19 GMO's	Not relevant. Complies

37. In terms of the Operative Plan the application falls to be considered as a **Discretionary Activity** because of the identified breaches.

4.1 FNDC Proposed District Plan

38. These comprise relevant rules that have immediate effect under the Proposed District Plan.

Table 5 – Proposed District Plan

Rule	Assessment
Hazardous Substances	Not relevant as no such substances proposed.

	Complies
Heritage Area Overlays	Not indicated on Far North Proposed District Plan. Complies
Historic Heritage	Not indicated on Far North Proposed District Plan. Complies
Notable Trees	Not indicated on Far North Proposed District Plan. Complies
Sites and Areas of Significance to Māori	There are no activities proposed within a SASM. Complies
Ecosystems and Indigenous Biodiversity	No vegetation clearance required. Complies
Activities on the Surface of Water	Not indicated on Far North Proposed District Plan Complies
Earthworks	Proposed earthworks will be in accordance with the relevant standards including GD-05 and the consent decision can have an ADP applied. Complies
Signs	Not indicated on Far North Proposed District Plan Complies
Orongo Bay Zone	Not indicated on Far North Proposed District Plan Complies
Subdivision	Not proposed.

	Complies
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39. As above, no consents are required under the PDP.

5.0 STATUTORY CONSIDERATIONS

40. Section 104B governs the determination of applications for Discretionary activities.

104B Determination of applications for discretionary or non-complying activities

After considering an application for a resource consent for a discretionary activity or non-complying activity, a consent authority—

- (a) may grant or refuse the application; and
- (b) if it grants the application, may impose conditions under [section 108](#).

Section 104B: inserted, on 1 August 2003, by [section 44](#) of the Resource Management Amendment Act 2003 (2003 No 23).

When considering an application for resource consent, a consent authority must have regard to the matters under section 104 of the Resource Management Act 1991, including any matters relating to Part 2. References to Part 2 in applications are only required where Plans may be deficient in terms of giving effect to the purpose and principles of the Act.

41. Section 104 of the RMA sets out matters to be considered when assessing an application for a resource consent.

104 Consideration of applications

- (1) When considering an application for a **resource** consent and any submissions received, the consent authority must, subject to [Part 2](#), 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 to offset or compensate for any adverse 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.

42. In the determination of this application, those considerations include the actual and potential effects of an activity on the environment, the relevant provisions of the Northland Regional Policy Statement (or other relevant statutory document), the Far North District Plan and any other matter the consent authority considers relevant and reasonably necessary to determine the application.

43. The following assessment addresses all of the relevant considerations under s104 of the RMA.

44. The RMA definition of ‘Environment’ includes:

- (a) Ecosystems and the constituent parts, including people and communities; and*
- (b) All natural and physical resources; and*
- (c) Amenity values; and*
- (d) The social, economic, aesthetic, and cultural conditions which affect the matters stated in paragraphs (a) to (c) of this definition or which are affected by those matters.*

45. The definition of ‘Environment’ includes the concept of a ‘future state of the environment’ where the environment as it currently exists might be modified by permitted activities and by resource consents that have been granted, and where it appears likely that those consents will be implemented.

46. Section 104(2) of the RMA states that:

“when forming an opinion for the purposes of subsection (1)(a), a consent authority may disregard an adverse effect of the activity on the environment if a national environmental standard or the plan permits an activity with that effect.”

47. This is referred to as the “permitted baseline” which includes effects on the environment arising from permitted standards that form part of a District Plan.

48. In the context of this application, the permitted baseline includes the permitted residential activities standards for the Rural Production zone and the relevant district wide rules. Any adverse effects associated with these activities are deemed to be acceptable to the extent that they are permitted and may be disregarded in accordance with Section 104(2).

49. Within the Rural Production Zone and in relation to earthworks, each site is permitted up to 5,000m³ of cut and fill works to be undertaken. There are five Records of Title subject to the development. Therefore, 25,000m³ of works can be discounted from the total volume proposed. This is taken into consideration in the effects assessment below.

50. As there are no other activities involved or consents required, the remainder of the works, outside of those requiring regional consents, are permitted activities under the ODP and PDP.

51. The RMA meaning of ‘effect’ includes:

3 Meaning of effect

In this Act, unless the context otherwise requires, the term **effect** includes—

- (a) any positive or adverse effect; and
- (b) any temporary or permanent effect; and
- (c) any past, present, or future effect; and
- (d) any cumulative effect which arises over time or in combination with other effects—
regardless of the scale, intensity, duration, or frequency of the effect, and also includes—
- (e) any potential effect of high probability; and
- (f) any potential effect of low probability which has a high potential impact.

52. For this application, the potential adverse effects to be assessed are those arising from aspects of the proposal that have been identified as requiring a resource consent in the **Tables** above.

Table 6 – Assessment of Effects

Matter	Assessment
Positive Effects	
Positive effects arising from the proposal	<p>The proposal promotes continued investment into the Kaeo Township and community through flood protection / mitigation.</p> <p>It builds on the Stage I works to provide a higher level of service and reduce flooding effects at certain locations.</p> <p>The proposal takes into account climate change considerations to ensure that the works are fit for purpose for future generations.</p> <p>While not a driving factor, the works will have incidental economic and employment benefits for the district and region through the various service providers involved and goods brought.</p>
Earthworks [Derived from Chapter 12.3.7]	
Any effects on the life supporting capacity of the soil	<p>The proposal is likely to result in effects to soils temporarily whilst works are being undertaken.</p> <p>This will include the cut, and fill works to establish the site and construct the flood measures.</p>

	<p>Over time these temporary effects will subside, and during works will be mitigated appropriately through construction management and soil and erosion controls measures.</p> <p>Whilst soils are predominantly Class 3 and subject to protection, the works are defined as ‘specified infrastructure’.</p> <p>As such, the proposed development on the land is exempt from the ‘avoid’ policy [Refer Clause 3.9[j][i]] within the National Policy Statement for Highly Productive Land.</p> <p>On this basis, effects are considered to be less than minor.</p>
<p>Any adverse effects on stormwater flow within the site, and stormwater flow to or from other properties in the vicinity of the site including public roads.</p>	<p>The proposal does not introduce more floodwater or stormwater into the system, it simply moves the confluence downstream.</p> <p>Omaunu Road controls the flow and creates a pseudo detention dam, therefore modelling does not indicate adverse downstream effects.</p> <p>The effects are positive in this respect.</p>
<p>Any reduction in water quality.</p>	<p>Consent conditions will manage this effect appropriately, at the least the applicant will be expected to avoid / mitigate effects as follows:</p> <ul style="list-style-type: none"> ○ the production of any conspicuous oil or grease films, scums or foams, floatable or suspended materials. ○ A conspicuous change in colour or visual clarity. ○ An emission of objectionable odour. ○ An increase in suspended solids concentration greater than 100 grams per cubic metre.

	Accordingly, adverse effects are no more than minor.
Any loss of visual amenity or loss of natural character of the coastal environment.	The site is not located in the Coastal Environment.
Effects on Outstanding Landscape Features and Outstanding Natural Features (refer to Appendices 1A and 1B in Part 4, and Resource Maps.	These features are not present.
The extent to which the activity may adversely affect areas of significant indigenous vegetation or significant habitats of indigenous fauna.	<p>These features are not present; however the applicant has undertaken a baseline fish survey, and wetland delineation with results pending.</p> <p>The applicant will work with the Council to determine appropriate consent conditions [if any] that arise from the conclusions of these reports.</p>
The extent to which the activity may adversely affect heritage resources, especially archaeological sites.	The works are clear of the registered archaeological site.
The extent to which the activity may adversely affect the cultural and spiritual values of Maori, especially Sites of Cultural Significance to Maori and waahi tapu (as listed in Appendix 1F in Part 4, and shown on the Resource Maps).	<p>Mana whenua are part of the catchment group who have authorized the lodging of consents.</p> <p>Whilst cultural features are not readily apparent where works are proposed, this does not necessarily mean that they are not potentially impacted.</p> <p>To ensure appropriate consideration of this matter, the applicant has met with and requested feedback from local Iwi / Hapu groups for the overall body of works which will support both applications.</p> <p>This feedback will be provided when received.</p>
Any cumulative adverse effects on the environment arising from the activity.	<p>All effects are considered to be temporary in nature, arising at time of works / construction.</p> <p>Following this the proposal will largely have a positive impact as shown in Figure 2, with a modelled reduction in floodwater effects for the</p>

	<p>Kaeo Township.</p> <p>There are no known cumulative adverse effects arising.</p>
<p>The effectiveness of any proposals to avoid, remedy or mitigate any adverse effects arising from the activity.</p>	<p>The following consent conditions are expected for the proposal:</p> <ul style="list-style-type: none"> • Pre-start site meeting with relevant authorities and the principal earthworks contractor. • Works being undertaken with approved plans. • Sediment control measures constructed and maintained in accordance with GD05. • Provision of an Erosion and Sediment Control Plan which includes: <ul style="list-style-type: none"> ○ The expected duration [timing and staging] of earthworks, location of disposal sites, and clean water diversions [if required]. ○ Details of all erosion and sediment controls including diagrams and plans. ○ The commencement and completion dates for the implementation of the erosion and sediment controls. ○ Details of surface revegetation. ○ Measures to minimize sediment being deposited on public roads. ○ Measures to ensure dust discharge from the activity does not create a nuisance. ○ Measures to prevent spillage of fuel, oil, and other contaminants. ○ Means of ensuring contractor compliance with the Plan. ○ Name and contact details of persons responsible for monitoring and maintaining all erosion and sediment control measures. ○ Contingency for the potential effects of large/high intensity rain storm events.

	<ul style="list-style-type: none"> • Provision of a stabilized construction entrance to the site. • Works not being undertaken from 1 May to 30 September unless approved. • Management of stormwater away from the earthworks areas and capable of managing a 1 in 20 year event if drains / cut offs are used. • Management of water quality by avoiding the effects of: <ul style="list-style-type: none"> ○ the production of any conspicuous oil or grease films, scums or foams, floatable or suspended materials. ○ A conspicuous change in colour or visual clarity. ○ An emission of objectionable odour. ○ An increase in suspended solids concentration greater than 100 grams per cubic metre. • Section 128 review condition to deal with any adverse effects on the environment that may arise from the exercise of the consent. <p>Through implementation of these conditions, effects will be no more than minor.</p>
The ability to monitor the activity and to take remedial action if necessary;	Consent conditions will provide appropriate avenues for works to be monitored as they are completed.
The criteria in Section 11.20 Development Plans in Part 2.	Not relevant.
The criteria (p) in Section 17.2.7 National Grid Yard.	Not relevant.
Effects to Persons	
Potential effects to persons arising from the proposal.	<p>There are no affected customary rights groups or marine title groups.</p> <p>The applicant is going through legal processes to acquire land for the proposed works.</p> <p>This will ensure that works will be undertaken</p>

	<p>entirely on land owned / managed by the applicant.</p> <p>The flood mitigation works, when subjected to the conditions outlined above, will have only temporary effects to others in the surrounds. These temporary effects are considered less than minor and all manageable through consent conditions.</p>
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53. Overall, it is considered that the actual and potential adverse effects of the proposal would be less than minor.

6.0 RELEVANT PLAN CONSIDERATIONS

54. Section 104 (1)(b) requires that regard be given to the relevant provisions of:

- A national environmental standard;
- Other regulations;
- A national policy statement;
- A New Zealand coastal policy statement;
- A regional policy statement or proposed regional policy statement;
- A plan or proposed plan

55. There are no applicable National Environmental Standards. It is concluded that the site is not a HAIL site and that the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health does not apply to this proposal.

56. Furthermore, the activity is not affected by the NES – Freshwater as the proposal is considered to be for ‘specified infrastructure’.

57. In terms of relevant National Policy Statements, the NPS for Highly Productive Land does apply, but as above the proposal is for ‘specified infrastructure’ which provides an exemption for such activities. The NPS for Indigenous Biodiversity has no rules so is not relevant.

58. The New Zealand Coastal Policy Statement is not relevant as the site is not mapped within the environment as per the Regional Policy Statement for Northland.

6.1 Northland Regional Policy Statement

59. The subject site is within the Northland region and is subject to the governing objectives and policies of the operative Northland Regional Policy Statement (operative May 2016). It is concluded that the proposal is consistent with the aims and intent of this document.

Table 7 – Assessment of the RPS

Matter	Assessment
Integrated Catchment Management	Not relevant
Region Wide Water Quality	Mitigation measures are proposed to ensure that water quality is not adversely affected and maintained.
Ecological Flows and Water Quality	No water take is proposed.
Indigenous Ecosystems & Biodiversity	There are no SNAs at the development location
Enabling Economic Wellbeing	This is incidental to the main purpose of the development. There will be economic exchanges as a result of the proposal.
Economic Activities – Reverse Sensitivity and Sterilization	The proposal does not sterilise any other activities.
Regionally Significant Infrastructure	The proposal meets the definition of regionally significant infrastructure. The proposal is positive for the region of Northland and the Kaeo Township.
Efficient and Effective Infrastructure	The proposal seeks to build on already completed flood control infrastructure and Kaeo.
Security of Energy Supply	Not relevant.
Use and Allocation of Common Resources	Not relevant.
Regional Form	Not relevant.
Tangata Whenua Role in Decision Making	Tangata whenua have been involved in the project. There further views will be provided in the form of feedback and through continued discussion in the committee meetings.
Natural Hazard Risk	The entire proposal is targeted to reduce natural hazard [flooding] risk for Kaeo.
Natural Character, Outstanding Natural Features, Outstanding Natural Landscapes and Historic Heritage	These features are not located at the development site.

6.2 FNDC Operative District Plan

60. The relevant objectives are those associated with the Coastal Environment, General Coastal Zone and Subdivision Chapter of the ODP. These are addressed below.

Table 8 – Rural Environment Assessment

Objectives	Assessment
8.3.1 To promote the sustainable management of natural and physical resources of the rural environment.	This is considered to be met, particularly in relation to wellbeing of the Kaeo Township through reduced flooding impacts.
8.3.2 To ensure that the life supporting capacity of soils is not compromised by inappropriate subdivision, use or development.	The proposal is considered to be appropriate in that specified infrastructure is exempt from the consideration of high class soils.
8.3.3 To avoid, remedy or mitigate the adverse and cumulative effects of activities on the rural environment.	Mitigation approaches are outlined in earlier tables.
8.3.4 To protect areas of significant indigenous vegetation and significant habitats of indigenous fauna.	These are not readily apparent on the site.
8.3.5 To protect outstanding natural features and landscapes.	Not relevant.
8.3.6 To avoid actual and potential conflicts between land use activities in the rural environment.	The proposal does not have a conflict with the surrounding uses.
8.3.7 To promote the maintenance and enhancement of amenity values of the rural environment to a level that is consistent with the productive intent of the zone.	Flood protection works such as that proposed does not result in an amenity that is not foreseen within the Rural Environment.
8.3.8 To facilitate the sustainable management of natural and physical resources in an integrated way to achieve superior outcomes to more traditional forms of subdivision, use and development through management plans and integrated development.	Not relevant.
8.3.9 To enable rural production activities to be undertaken in the rural environment.	The proposal is not strictly a rural production activity, but has a function need to be located where it has to limit the effects of flooding.
8.3.10 To enable the activities compatible with the amenity values of rural areas and rural production activities to establish in the rural environment.	The activity is considered to be compatible.
Policies	Assessment
8.4.1 That activities which will contribute to the sustainable management of the natural and physical resources of the rural	Refer 8.3.9 above.

environment are enabled to locate in that environment.	
8.4.2 That activities be allowed to establish within the rural environment to the extent that any adverse effects of these activities are able to be avoided, remedied or mitigated and as a result the life supporting capacity of soils and ecosystems is safeguarded and rural productive activities are able to continue.	The proposal is for a community approach to flood management, soils aren't impacted to a level considered inappropriate as the works are considered to be for 'specified infrastructure'. Rural production activities can continue to occur.
8.4.3 That any new infrastructure for development in rural areas be designed and operated in a way that safeguards the life supporting capacity of air, water, soil and ecosystems while protecting areas of significant indigenous vegetation and significant habitats of indigenous fauna, outstanding natural features and landscapes.	This is considered to be met.
8.4.4 That development which will maintain or enhance the amenity value of the rural environment and outstanding natural features and outstanding landscapes be enabled to locate in the rural environment.	These features are not present.
8.4.5 That plan provisions encourage the avoidance of adverse effects from incompatible land uses, particularly new developments adversely affecting existing land-uses (including by constraining the existing land-uses on account of sensitivity by the new use to adverse effects from the existing use – i.e. reverse sensitivity).	Noted
8.4.6 That areas of significant indigenous vegetation and significant habitats of indigenous fauna habitat be protected as an integral part of managing the use, development and protection of the natural and physical resources of the rural environment.	These are not readily apparent on the site.
8.4.7 That Plan provisions encourage the efficient use and development of natural and physical resources, including consideration of demands upon infrastructure.	Noted
8.4.8 That, when considering subdivision, use and development in the rural environment, the Council will have particular regard to ensuring that its intensity, scale and type is controlled to ensure that adverse effects on habitats (including freshwater habitats), outstanding natural features and landscapes on the	The intensity, scale, and type are considered to be appropriate in relation to those matters.

<p>amenity value of the rural environment, and where appropriate on natural character of the coastal environment, are avoided, remedied or mitigated.</p> <p>Consideration will further be given to the functional need for the activity to be within rural environment and the potential cumulative effects of non-farming activities.</p>	
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Table 9 – Rural Production Zone Assessment

Objectives	Assessment
8.6.3.1 To promote the sustainable management of natural and physical resources in the Rural Production Zone.	Addressed in 8.3.1 above.
8.6.3.2 To enable the efficient use and development of the Rural Production Zone in a way that enables people and communities to provide for their social, economic, and cultural well-being and for their health and safety.	The proposal is considered to represent an efficient use of land.
8.6.3.3 To promote the maintenance and enhancement of the amenity values of the Rural Production Zone to a level that is consistent with the productive intent of the zone..	Addressed in 8.3.7 above.
8.6.3.4 To promote the protection of significant natural values of the Rural Production Zone.	There are no known significant natural values that apply to the site.
8.6.3.5 To protect and enhance the special amenity values of the frontage to Kerikeri Road between its intersection with SH10 and the urban edge of Kerikeri.	Not relevant.
8.6.3.6 To avoid, remedy or mitigate the actual and potential conflicts between new land use activities and existing lawfully established activities (reverse sensitivity) within the Rural Production Zone and on land use activities in neighbouring zones.	Addressed in 8.4.5 above.
8.6.3.7 To avoid remedy or mitigate the adverse effects of incompatible use or development on natural and physical resources.	Addressed in 8.4.5 above.
8.6.3.8 To enable the efficient establishment and operation of activities and services that have a functional need to be located in rural environments.	The proposal is considered to have a functional need to be located in the rural environment.

8.6.3.9 To enable rural production activities to be undertaken in the zone.	The proposal attains this objective.
Policies	Assessment
8.6.4.1 That the Rural Production Zone enables farming and rural production activities, as well as a wide range of activities, subject to the need to ensure that any adverse effects on the environment, including any reverse sensitivity effects, resulting from these activities are avoided, remedied or mitigated and are not to the detriment of rural productivity.	Mitigation measures are proposed which meet the policy.
8.6.4.2 That standards be imposed to ensure that the off-site effects of activities in the Rural Production Zone are avoided, remedied or mitigated.	There are no known off site effects resulting.
8.6.4.3 That land management practices that avoid, remedy or mitigate adverse effects on natural and physical resources be encouraged.	GD05 measures proposed meet the intent of this policy.
8.6.4.4 That the type, scale and intensity of development allowed shall have regard to the maintenance and enhancement of the amenity values of the Rural Production Zone to a level that is consistent with the productive intent of the zone.	Address above.
8.6.4.5 That the efficient use and development of physical and natural resources be taken into account in the implementation of the Plan.	The proposal is considered to represent an efficient use of land.
8.6.4.6 That the built form of development allowed on sites with frontage to Kerikeri Road between its intersection with SH10 and Cannon Drive be maintained as small in scale, set back from the road, relatively inconspicuous and in harmony with landscape plantings and shelter belts.	Not relevant.
8.6.4.7 That although a wide range of activities that promote rural productivity are appropriate in the Rural Production Zone, an underlying goal is to avoid the actual and potential adverse effects of conflicting land use activities.	There are no direct conflicting uses in the surrounds.
8.6.4.8 That activities whose adverse effects, including reverse sensitivity effects, cannot be avoided remedied or mitigated are given separation from other activities	There are no direct conflicting uses in the surrounds.
8.6.4.9 That activities be discouraged from locating where they are sensitive to the effects	There are no direct conflicting uses in the

of or may compromise the continued operation of lawfully established existing activities in the Rural Production zone and in neighbouring zones.	surrounds.
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Table 10 – Soils & Minerals Assessment

Objectives	Assessment
12.3.3.1 To achieve an integrated approach to the responsibilities of the Northland Regional Council and Far North District Council in respect to the management of adverse effects arising from soil excavation and filling, and minerals extraction.	The proposal seeks approvals from both authorities.
12.3.3.2 To maintain the life supporting capacity of the soils of the District.	This is considered achieved as all soil will remain on site and the ultimate end use seeks to utilise soils hazard mitigation.
12.3.3.3 To avoid, remedy or mitigate adverse effects associated with soil excavation or filling.	Refer to earlier tables for mitigation measures proposed.
12.3.3.4 To enable the efficient extraction of minerals whilst avoiding, remedying or mitigating any adverse environmental effects that may arise from this activity.	Not relevant.
Policies	Assessment
12.3.4.1 That the adverse effects of soil erosion are avoided, remedied or mitigated.	Refer to earlier tables for mitigation measures proposed.
12.3.4.2 That the development of buildings or impermeable surfaces in rural areas be managed so as to minimise adverse effects on the life supporting capacity of the soil.	Not relevant.
12.3.4.3 That where practicable, activities associated with soil and mineral extraction be located away from areas where that activity would pose a significant risk of adverse effects to the environment and/or to human health. Such areas may include those where: (a) there are people living in close proximity to the site or land in the vicinity of the site is zoned Residential, Rural Living, Coastal Residential or Coastal Living; (b) there are significant ecological, landscape, cultural, spiritual or heritage values;	The proposal is not for extraction.

(c) there is a potential for adverse effects on lakes, rivers, wetlands and the coastline;	
(d) natural hazards may pose unacceptable risks.	
12.3.4.4 That soil excavation and filling, and mineral extraction activities be designed, constructed and operated to avoid, remedy or mitigate adverse effects on people and the environment	Refer to earlier tables for mitigation measures proposed.
12.3.4.5 That soil conservation be promoted.	Soils will remain on site, conserved for future use.
12.3.4.6 That mining tailings that contain toxic or bio-accumulative chemicals are contained in such a way that adverse effects on the environment are avoided.	Not relevant.
12.3.4.7 That applications for discretionary activity consent involving mining and quarrying be accompanied by a Development Plan.	Not relevant.
12.3.4.8 That as part of a Development Plan rehabilitation programmes for areas no longer capable of being actively mined or quarried may be required.	Not relevant.
12.3.4.9 That soil excavation and filling in the National Grid Yard are managed to ensure the stability of National Grid support structures and the minimum ground to conductor clearances are maintained.	Not relevant.
12.3.4.10 To ensure that soil excavation and filling are managed appropriately, normal rural practices as defined in Chapter 3 will not be exempt when determining compliance with rules relating to earthworks, except if the permitted standards in the National Grid Yard specify that activity is exempt.	Not relevant.

61. Overall, it is considered that the proposed dwelling development would not be contrary to any applicable District Plan objective or policy.

6.4 FNDC Proposed District Plan Objectives and Policies

62. The relevant objectives are those associated with the Rural Production Zone of the PDP. These are addressed below.

Table 11 – Rural Production Zone

Matter	Assessment
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<p>RPROZ-O1 - The Rural Production zone is managed to ensure its availability for primary production activities and its long-term protection for current and future generations.</p>	<p>Rural production activities are likely to eventuate on the land subject to the works and the wider surrounds.</p>
<p>RPROZ-O2 - The Rural Production zone is used for primary production activities, ancillary activities that support primary production and other compatible activities that have a functional need to be in a rural environment.</p>	<p>The proposal is compatible and has a functional need to locate where it is proposed to provide positive effects to the Kaeo Township.</p>
<p>RPROZ-O3 - Land use and subdivision in the Rural Production zone:</p> <p>protects highly productive land from sterilisation and enables it to be used for more productive forms of primary production;</p> <p>protects primary production activities from reverse sensitivity effects that may constrain their effective and efficient operation;</p> <p>does not compromise the use of land for farming activities, particularly on highly productive land;</p> <p>does not exacerbate any natural hazards; and</p> <p>is able to be serviced by on-site infrastructure.</p>	<p>The proposal is for ‘specified infrastructure’ so has a pathway to be exempt from consideration of soils.</p> <p>Reverse sensitivity effects are not known to arise from the proposed works.</p> <p>Farming is not compromised, but is unlikely to occur.</p> <p>The proposal seeks to reduce natural hazard impacts. The proposal does not need servicing.</p>
<p>RPROZ-O4 - The rural character and amenity associated with a rural working environment is maintained.</p>	<p>This is not expected to change and stop banks and river realignments are expected within this zone.</p>
<p>RPROZ-P1 Enable primary production activities, provided they internalise adverse effects onsite where practicable, while recognising that typical adverse effects associated with primary production should be anticipated and accepted within the Rural Production zone.</p>	<p>Not proposed.</p>
<p>RPROZ-P2 - Ensure the Rural Production zone provides for activities that require a rural location by:</p> <p>enabling primary production activities as the predominant land use;</p> <p>enabling a range of compatible activities that support primary production activities,</p>	<p>Noted.</p>

<p>including ancillary activities, rural produce manufacturing, rural produce retail, visitor accommodation and home businesses.</p>	
<p>RPROZ-P3 - Manage the establishment, design and location of new sensitive activities and other non-productive activities in the Rural Production Zone to avoid where possible, or otherwise mitigate, reverse sensitivity effects on primary production activities.</p>	<p>No sensitive activities are proposed.</p>
<p>RPROZ-P4 - Land use and subdivision activities are undertaken in a manner that maintains or enhances the rural character and amenity of the Rural Production zone, which includes:</p> <p>a predominance of primary production activities;</p> <p>low density development with generally low site coverage of buildings or structures;</p> <p>typical adverse effects such as odour, noise and dust associated with a rural working environment; and</p> <p>a diverse range of rural environments, rural character and amenity values throughout the District.</p>	<p>This is considered to be met.</p>
<p>RPROZ-P5 - Avoid land use that:</p> <p>is incompatible with the purpose, character and amenity of the Rural Production zone;</p> <p>does not have a functional need to locate in the Rural Production zone and is more appropriately located in another zone;</p> <p>would result in the loss of productive capacity of highly productive land;</p> <p>would exacerbate natural hazards; and</p> <p>cannot provide appropriate on-site infrastructure.</p>	<p>The proposal is not strictly in line with the policy as soils will be lost, however this is promoted through the NPS.</p>
<p>RPROZ-P6 - Avoid subdivision that:</p>	<p>Not relevant.</p>

<p>results in the loss of highly productive land for use by farming activities;</p> <p>fragments land into parcel sizes that are no longer able to support farming activities, taking into account:</p> <p>the type of farming proposed; and</p> <p>whether smaller land parcels can support more productive forms of farming due to the presence of highly productive land.</p> <p>provides for rural lifestyle living unless there is an environmental benefit.</p>	
<p>RPROZ-P7 Manage land use and subdivision to address the effects of the activity requiring resource consent, including (but not limited to) consideration of the following matters where relevant to the application:</p> <p>whether the proposal will increase production potential in the zone;</p> <p>whether the activity relies on the productive nature of the soil;</p> <p>consistency with the scale and character of the rural environment;</p> <p>location, scale and design of buildings or structures;</p> <p>for subdivision or non-primary production activities:</p> <p>scale and compatibility with rural activities;</p> <p>potential reverse sensitivity effects on primary production activities and existing infrastructure;</p> <p>the potential for loss of highly productive land, land sterilisation or fragmentation</p> <p>at zone interfaces:</p>	<p>These matters are somewhat related to the proposal. However, overall the proposal is likely to meet most of these requirements and have been assessed earlier.</p>

<p>any setbacks, fencing, screening or landscaping required to address potential conflicts;</p> <p>the extent to which adverse effects on adjoining or surrounding sites are mitigated and internalised within the site as far as practicable;</p> <p>the capacity of the site to cater for on-site infrastructure associated with the proposed activity, including whether the site has access to a water source such as an irrigation network supply, dam or aquifer;</p> <p>the adequacy of roading infrastructure to service the proposed activity;</p> <p>Any adverse effects on historic heritage and cultural values, natural features and landscapes or indigenous biodiversity;</p> <p>Any historical, spiritual, or cultural association held by tangata whenua, with regard to the matters set out in Policy TW-P6.</p>	
--	--

6.4 Proposed Far North District Plan Objectives & Policies & Weighting

63. Section 88A(2) provides that “any plan or proposed plan which exists when the application is considered must be had regard to in accordance with section 104(1)(b).” This requires applications to be assessed under both the operative and proposed objective and policy frameworks from the date of notification of the proposed district plan.

64. In the event of differing directives between objective and policy frameworks, it is well established by case law that the weight to be given to a proposed district plan depends on what stage the relevant provisions have reached, the weight generally being greater as a proposed plan move through the notification and hearing process. In *Keystone Ridge Ltd v Auckland City Council*³, the High Court held that the extent to which the provisions of a proposed plan are relevant should be considered on a case by case basis and might include:

- The extent (if any) to which the proposed measure might have been exposed to testing and independent decision making.
- Circumstances of injustice; and
- The extent to which a new measure, or the absence of one, might implement a coherent pattern of objectives and policies in a plan.

65. In my view the PDP has not gone through the sufficient process to allow a considered view of the objectives and policies for the Rural Production Zone with however this has been provided. The assessment of the relevant objectives and policies from the ODP and the PDP has concluded these can be met by the proposal.

7.0 SECTION 5 - PURPOSE OF THE ACT

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

67. It is considered that proposal represents Part 2, Section 5 of the Act.

7.1 Section 6 - Matters of National Importance

68. In achieving the purpose of the Act, a range of matters are required to be recognised and provided for. This includes:

- a) the preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use, and development:
- b) the protection of outstanding natural features and landscapes from inappropriate subdivision, use, and development:
- c) the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna:
- d) the maintenance and enhancement of public access to and along the coastal marine area, lakes, and rivers:
- e) the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, wāhi tapu, and other taonga:
- f) the protection of historic heritage from inappropriate subdivision, use, and development:
- g) the protection of protected customary rights:
- h) the management of significant risks from natural hazards.

69. In context, the relevant items to the proposal and have been recognised and provided for.

7.2 Section 7 - Other Matters

70. In achieving the purpose of the Act, a range of matters are to be given particular regard. This includes:

- (a) kaitiakitanga:
- (aa) the ethic of stewardship:
- (b) the efficient use and development of natural and physical resources:
- (ba) the efficiency of the end use of energy:
- (c) the maintenance and enhancement of amenity values:
- (d) intrinsic values of ecosystems:
- (e) [Repealed]
- (f) maintenance and enhancement of the quality of the environment:
- (g) any finite characteristics of natural and physical resources:
- (h) the protection of the habitat of trout and salmon:
- (i) the effects of climate change:
- (j) the benefits to be derived from the use and development of renewable energy.

71. These matters have been given particular regard through the design of the proposal.

7.3 Section 8 - Treaty of Waitangi

72. The Far North District Council is required to take into account the principles of the Treaty of Waitangi when processing this consent. This consent application may be sent to local Iwi and hapū who may have an interest in this application.

8.0 CONCLUSION

73. A Discretionary Activity resource consent is sought from the Far North District Council to carry out the land use and subdivision activity.

74. The proposal is considered to result in less than minor effects on the environment and through assessment, there are no minor or more than minor effects to persons.

75. The proposal is consistent with the objectives and policies of the Far North District Plan, the Regional Policy Statement for Northland, and achieves the purpose of the Act.

76. Relevant NPS' and NES' have been considered with the proposal finding consistency with their general aims and intent.



Steven Sanson
Consultant Planner



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

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




R. W. Muir
Registrar-General
of Land

Identifier NA2D/6
Land Registration District North Auckland
Date Issued 21 November 1963

Prior References
NA3/142

Estate Fee Simple
Area 1.9678 hectares more or less
Legal Description Horu Block

Registered Owners
J.L. Hayes & Sons Limited

Interests
999831.1 Mortgage to ANZ Banking Group (New Zealand) Limited - 9.10.1981 at 12.25 pm





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


R.W. Muir
Registrar-General
of Land

Identifier NA4D/903
Land Registration District North Auckland
Date Issued 27 November 1964

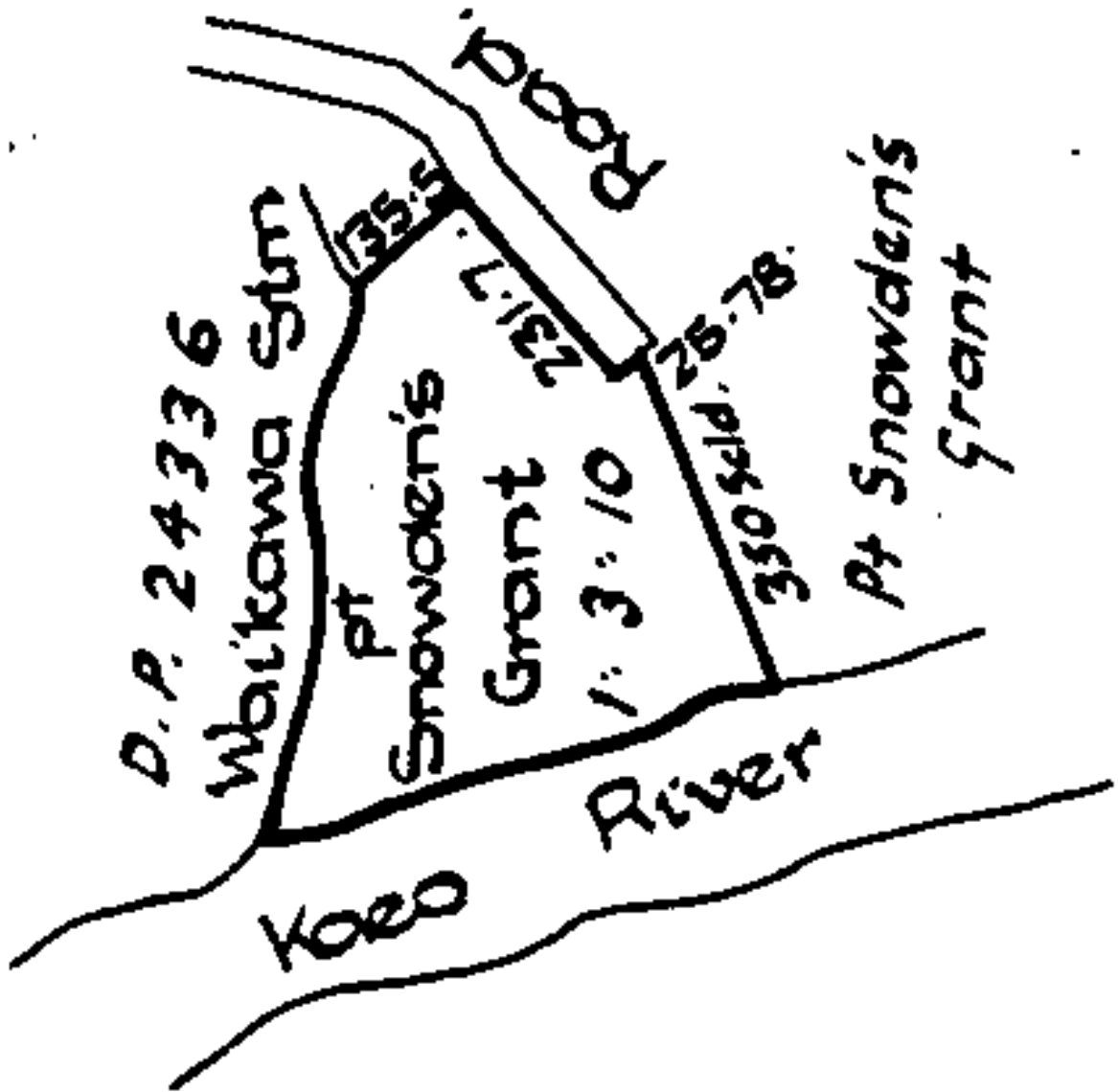
Prior References
NA518/197

Estate Fee Simple
Area 7335 square metres more or less
Legal Description Part Snowdens Grant

Registered Owners
Third View Investments 2014 Limited

Interests

Subject to a right of way over part created by Conveyance 123933 (R42/452)
Subject to a right of way over part created by Conveyance 144047 (R60/493)
Subject to a right of way over part created by Conveyance 196787 (R159/487)
Subject to a water supply easement over part marked A on DP 375063 created by Easement Instrument 7064882.4 -
11.10.2006 at 9:00 am
9356749.1 Notice pursuant to Section 23 Public Works Act 1981 - 3.4.2013 at 7:00 am
Subject to a right (in gross) to flood (flow path) over part marked N, stop bank over part marked B on SO 459897 and right
of way in favour of Northland Regional Council created by Easement Instrument 9482600.3 - 31.10.2013 at 9:35 am





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R. W. Muir
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of Land

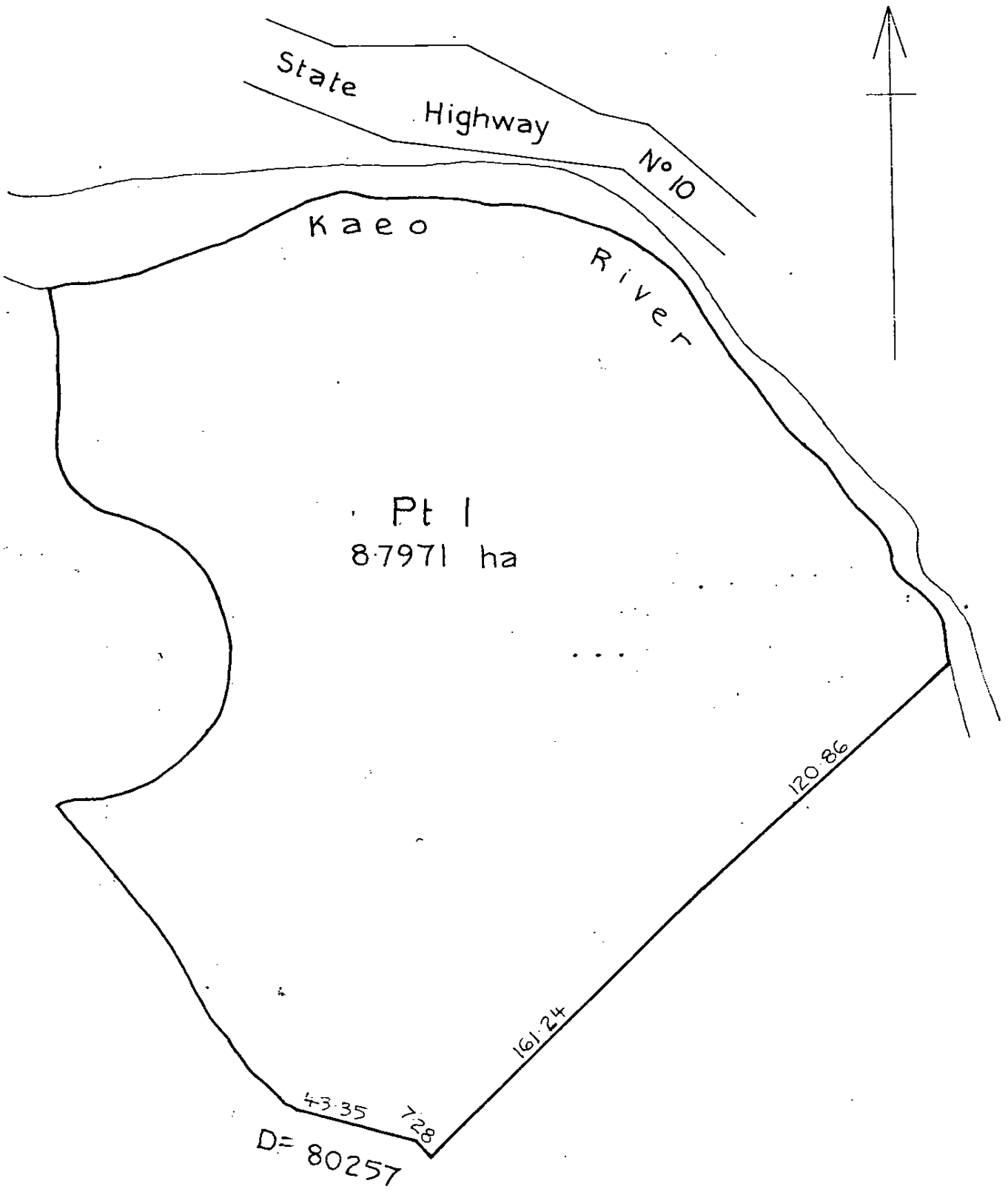
Identifier NA48C/581
Land Registration District North Auckland
Date Issued 11 December 1980

Prior References
NA502/94

Estate Fee Simple
Area 8.7971 hectares more or less
Legal Description Part Allotment 1 Parish of Kaeo

Registered Owners
J. L. Hayes & Sons Limited

Interests
999831 Mortgage to ANZ Banking Group (New Zealand) Limited - 9.10.1981 at 12.25 pm





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R.W. Muir
Registrar-General
of Land

Identifier NA502/92
Land Registration District North Auckland
Date Issued 06 November 1925

Prior References
DI 1 H. 834

Estate Fee Simple
Area 83.7699 hectares more or less
Legal Description Part Allotment 1 Parish of Kaeo

Registered Owners
Leslie Kelman Jackson and Jeanette Yvonne Jackson

Interests

579204 Transfer being a grant of water easement over Lots 1, 2 & 4 Plan 36214 appurtenant to the land in CT NA578/197 Henry Robert Leslie to The Public Trustee - produced 9.1.1953 at 12.00 pm Term 10 years commencing from 1.3.1947
9356749.1 Notice pursuant to Section 23 Public Works Act 1981 - 3.4.2013 at 7:00 am
Subject to a right (in gross) to flood (flow path) over part marked R on SO 459897 in favour of Northland Regional Council created by Easement Instrument 9482600.1 - 31.10.2013 at 9:35 am
Subject to a right (in gross) to convey electricity and telecommunications over part marked B on DP 535420 in favour of Top Energy Limited created by Easement Instrument 11506097.2 - 3.9.2019 at 12:16 pm





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Transfer Act 2017**


R.W. Muir
Registrar-General
of Land

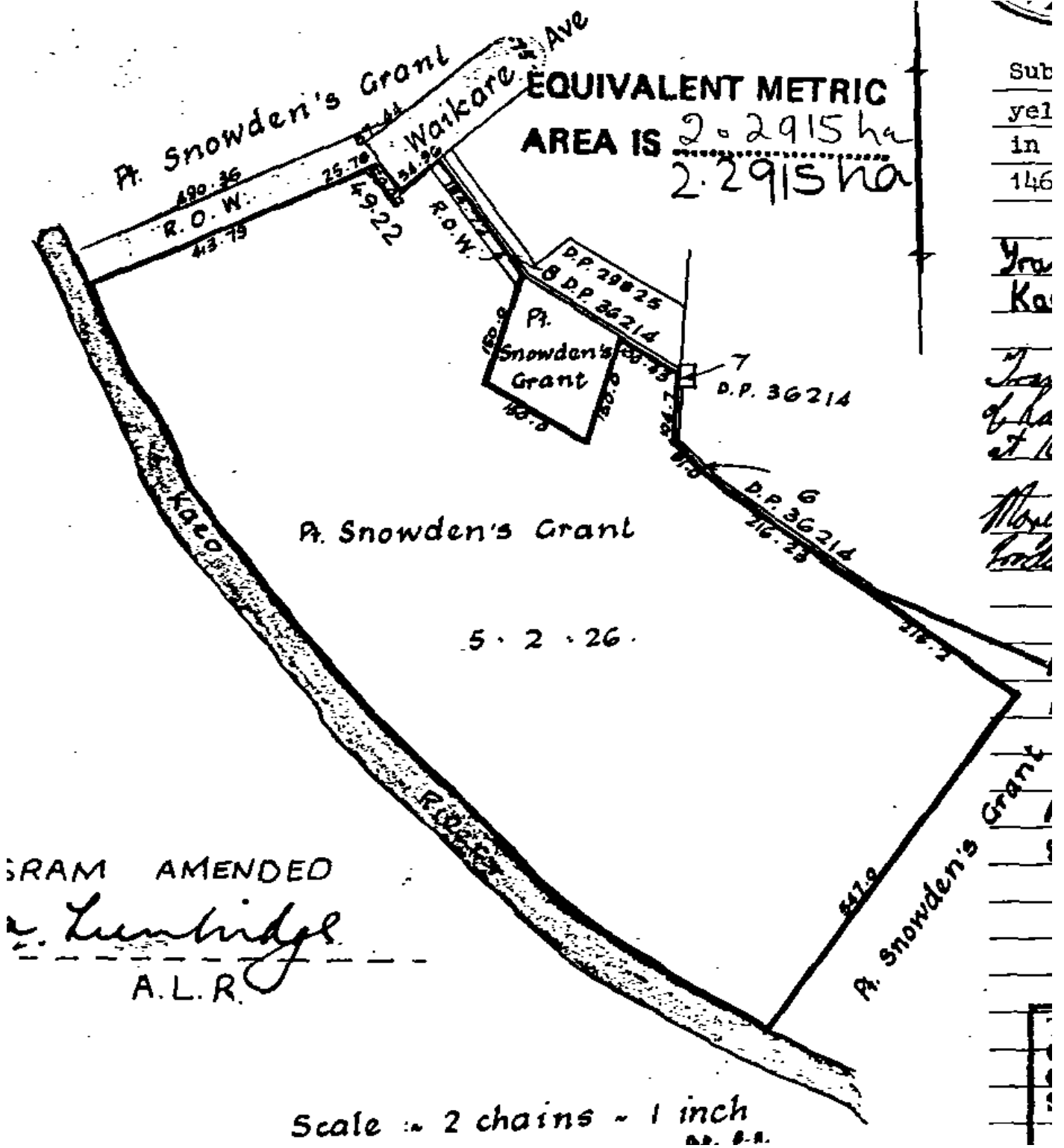
Identifier NA1089/79
Land Registration District North Auckland
Date Issued 20 October 1953

Prior References
NA518/201

Estate Fee Simple
Area 2.2915 hectares more or less
Legal Description Part Snowdens Grant
Registered Owners
Leslie Kelman Jackson and Jeanette Yvonne Jackson

Interests

Subject to a right of way over part created by Conveyance 146201 (R.55/895)
9356749.1 Notice pursuant to Section 23 Public Works Act 1981 - 3.4.2013 at 7:00 am
Subject to a right (in gross) to flood (flow path) over part marked M and stopbank (flow path) over part marked C on SO
459897 in favour of Northland Regional Council created by Easement Instrument 9482600.1 - 31.10.2013 at 9:35 am
10148434.1 Notification that a building consent issued pursuant to Section 72 Building Act 2004 identifies inundation as a
natural hazard - 7.8.2015 at 7:00 am





**RECORD OF TITLE
UNDER LAND TRANSFER ACT 2017
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**Guaranteed Search Copy issued under Section 60 of the Land
Transfer Act 2017**




R. W. Muir
Registrar-General
of Land

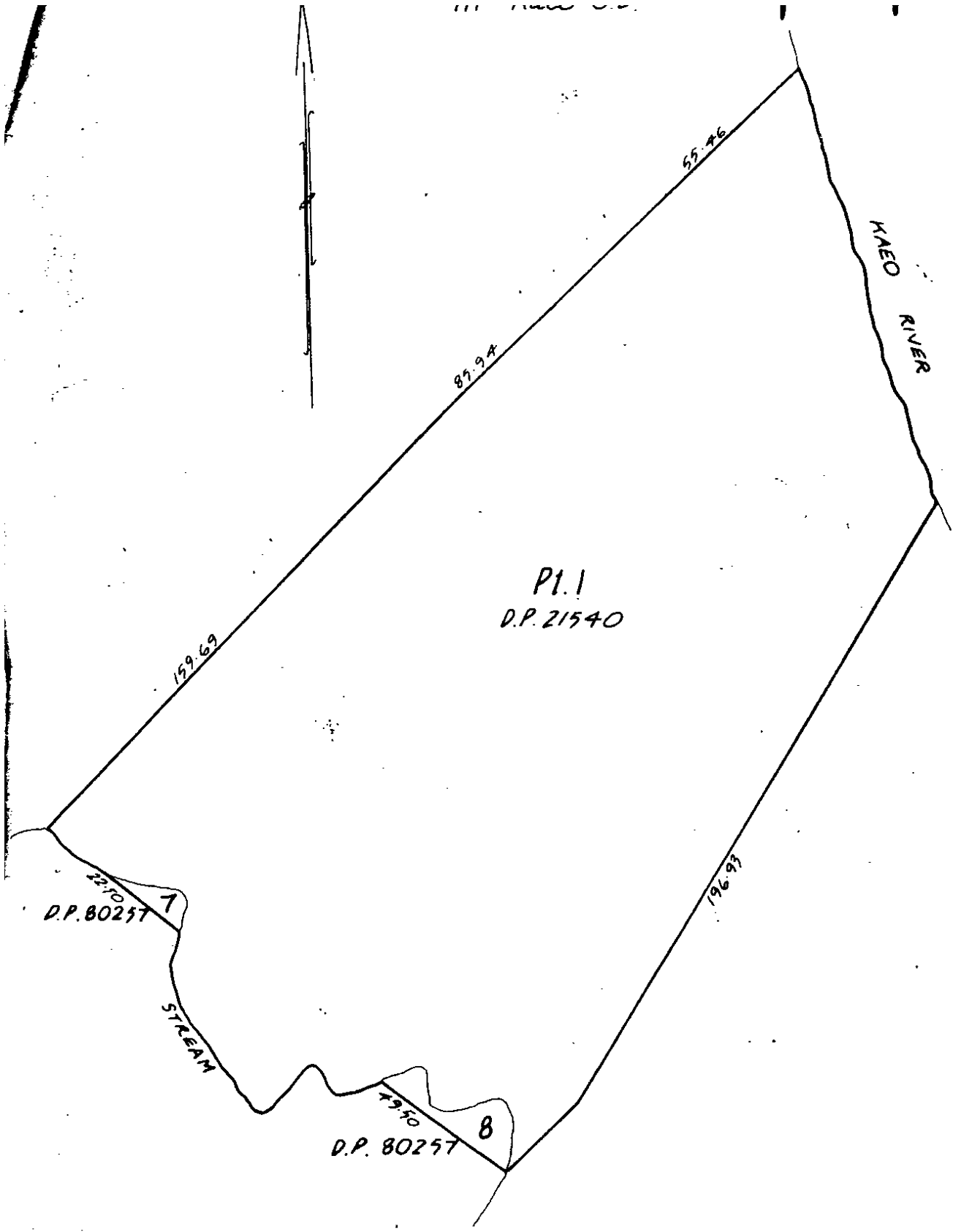
Identifier **NA35B/601**
Land Registration District **North Auckland**
Date Issued 09 December 1976

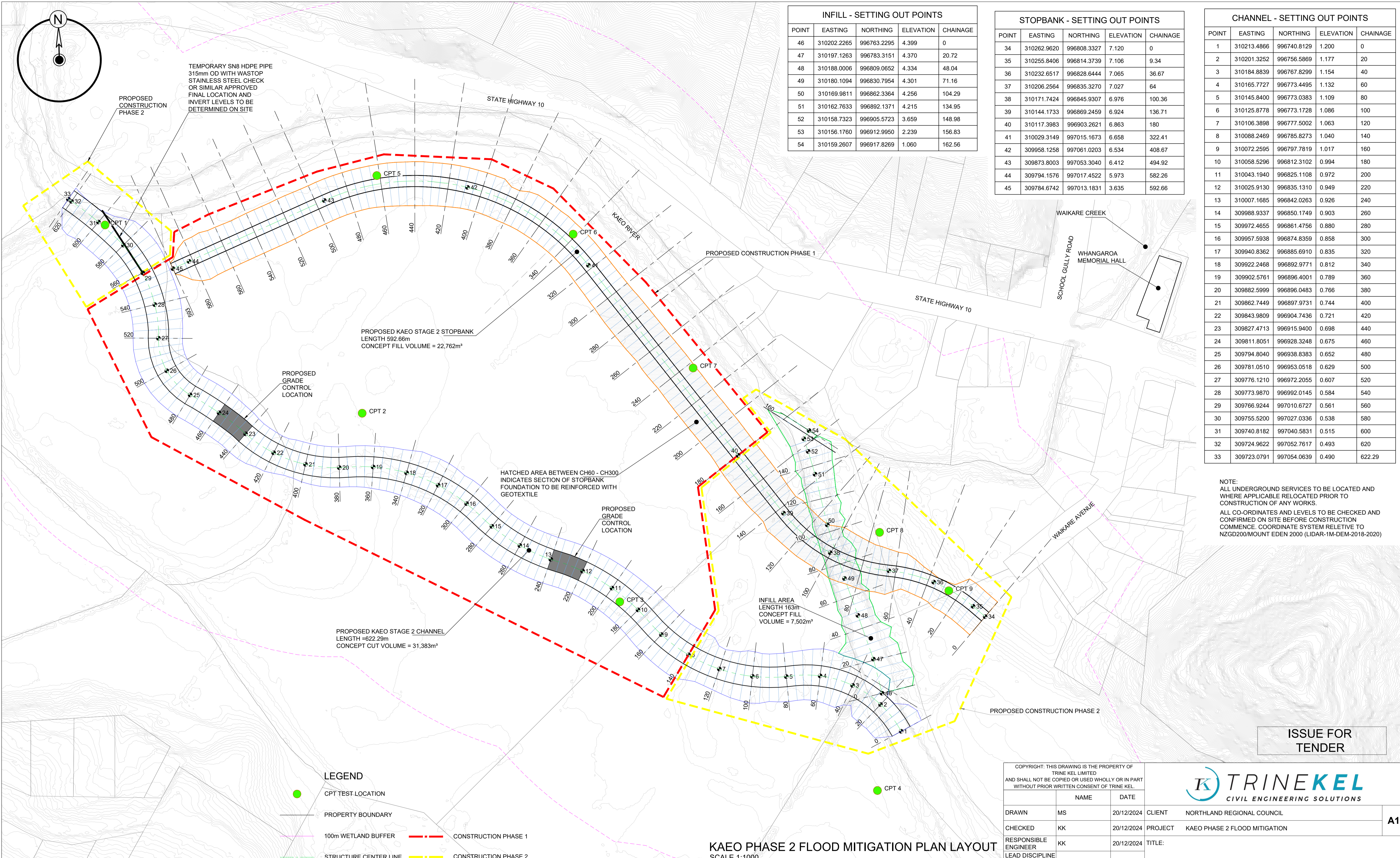
Prior References
NA36D/1145 NA36D/1146 NA480/113

Estate Fee Simple
Area 3.7827 hectares more or less
Legal Description Lot 7-8 Deposited Plan 80257 and Part
Allotment 1 Deposited Plan 21540

Registered Owners
Leslie Kelman Jackson and Jeanette Yvonne Jackson

Interests
9356749.1 Notice pursuant to Section 23 Public Works Act 1981 - 3.4.2013 at 7:00 am
Subject to a right (in gross) to flood (flow path) over part marked O, P and Q on SO 459897 in favour of Northland
Regional Council created by Easement Instrument 9482600.1 - 31.10.2013 at 9:35 am





INFILL - SETTING OUT POINTS				
POINT	EASTING	NORTHING	ELEVATION	CHAINAGE
46	310202.2265	996763.2295	4.399	0
47	310197.1263	996783.3151	4.370	20.72
48	310188.0006	996809.0652	4.334	48.04
49	310180.1094	996830.7954	4.301	71.16
50	310169.9811	996862.3364	4.256	104.29
51	310162.7633	996892.1371	4.215	134.95
52	310158.7323	996905.5723	3.659	148.98
53	310156.1760	996912.9950	2.239	156.83
54	310159.2607	996917.8269	1.060	162.56

STOPBANK - SETTING OUT POINTS				
POINT	EASTING	NORTHING	ELEVATION	CHAINAGE
34	310262.9620	996808.3327	7.120	0
35	310255.8406	996814.3739	7.106	9.34
36	310232.6517	996828.6444	7.065	36.67
37	310206.2564	996835.3270	7.027	64
38	310171.7424	996845.9307	6.976	100.36
39	310144.1733	996869.2459	6.924	136.71
40	310117.3983	996903.2621	6.863	180
41	310029.3149	997015.1673	6.658	322.41
42	309958.1258	997061.0203	6.534	408.67
43	309873.8003	997053.3040	6.412	494.92
44	309794.1576	997017.4522	5.973	582.26
45	309784.6742	997013.1831	3.635	592.66

CHANNEL - SETTING OUT POINTS				
POINT	EASTING	NORTHING	ELEVATION	CHAINAGE
1	310213.4866	996740.8129	1.200	0
2	310201.3252	996756.5869	1.177	20
3	310184.8839	996767.8299	1.154	40
4	310165.7727	996773.4495	1.132	60
5	310145.8400	996773.0383	1.109	80
6	310125.8778	996773.1728	1.086	100
7	310106.3898	996777.5002	1.063	120
8	310088.2469	996785.8273	1.040	140
9	310072.2595	996797.7819	1.017	160
10	310058.5296	996812.3102	0.994	180
11	310043.1940	996825.1108	0.972	200
12	310025.9130	996835.1310	0.949	220
13	310007.1685	996842.0263	0.926	240
14	309988.9337	996850.1749	0.903	260
15	309972.4655	996861.4756	0.880	280
16	309957.5938	996874.8359	0.858	300
17	309940.8362	996885.6910	0.835	320
18	309922.2468	996892.9771	0.812	340
19	309902.5761	996896.4001	0.789	360
20	309882.5999	996896.0483	0.766	380
21	309862.7449	996897.9731	0.744	400
22	309843.9809	996904.7436	0.721	420
23	309827.4713	996915.9400	0.698	440
24	309811.8051	996928.3248	0.675	460
25	309794.8040	996938.8383	0.652	480
26	309781.0510	996953.0518	0.629	500
27	309776.1210	996972.2055	0.607	520
28	309773.9870	996992.0145	0.584	540
29	309766.9244	997010.6727	0.561	560
30	309755.5200	997027.0336	0.538	580
31	309740.8182	997040.5831	0.515	600
32	309724.9622	997052.7617	0.493	620
33	309723.0791	997054.0639	0.490	622.29

NOTE:
 ALL UNDERGROUND SERVICES TO BE LOCATED AND WHERE APPLICABLE RELOCATED PRIOR TO CONSTRUCTION OF ANY WORKS.
 ALL CO-ORDINATES AND LEVELS TO BE CHECKED AND CONFIRMED ON SITE BEFORE CONSTRUCTION COMMENCE. COORDINATE SYSTEM RELATIVE TO NZGD200/MOUNT EDEN 2000 (LIDAR-1M-DEM-2018-2020)

LEGEND	
●	CPT TEST LOCATION
---	PROPERTY BOUNDARY
---	100m WETLAND BUFFER
---	STRUCTURE CENTER LINE
---	CONSTRUCTION PHASE 1
---	CONSTRUCTION PHASE 2

KAEO PHASE 2 FLOOD MITIGATION PLAN LAYOUT
 SCALE 1:1000

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NAME	DATE
DRAWN MS	20/12/2024
CHECKED KK	20/12/2024
RESPONSIBLE ENGINEER KK	20/12/2024
LEAD DISCIPLINE ENGINEER	
PROCESS ENGINEER	
ENGINEERING MANAGER	
PROFESSIONAL DISC. ENGINEER	
REGISTRATION NUMBER	
SCALE AS SHOWN	

PROJECT	DOC	PBS/WBS/ AREA	DISC	SEQUENCE	REVISION
0 0 5 5	0 0 1 0	S W C	0 0 0 1	T 0	

REFERENCES	NO	DATE	DESCRIPTION	BY	CHK	RESP ENG	LD ENG	PRO ENG	ENG MAN	PROF ENG
0055-001-05W-C-0000 DRAWING INDEX										

CAD FILE NAME: PLOT DATE: 20/12/2024 12:36:06 am

ISSUE FOR TENDER

A1

GENERAL NOTES:

ALL UNDERGROUND SERVICES TO BE LOCATED AND WHERE APPLICABLE RELOCATED PRIOR TO CONSTRUCTION OF ANY WORKS.

ALL WORKS SHALL COMPLY WITH:
- NORTHLAND REGIONAL PLAN

ALL TEMPORARY WORKS IS THE RESPONSIBILITY OF THE MAIN CONTRACTOR.

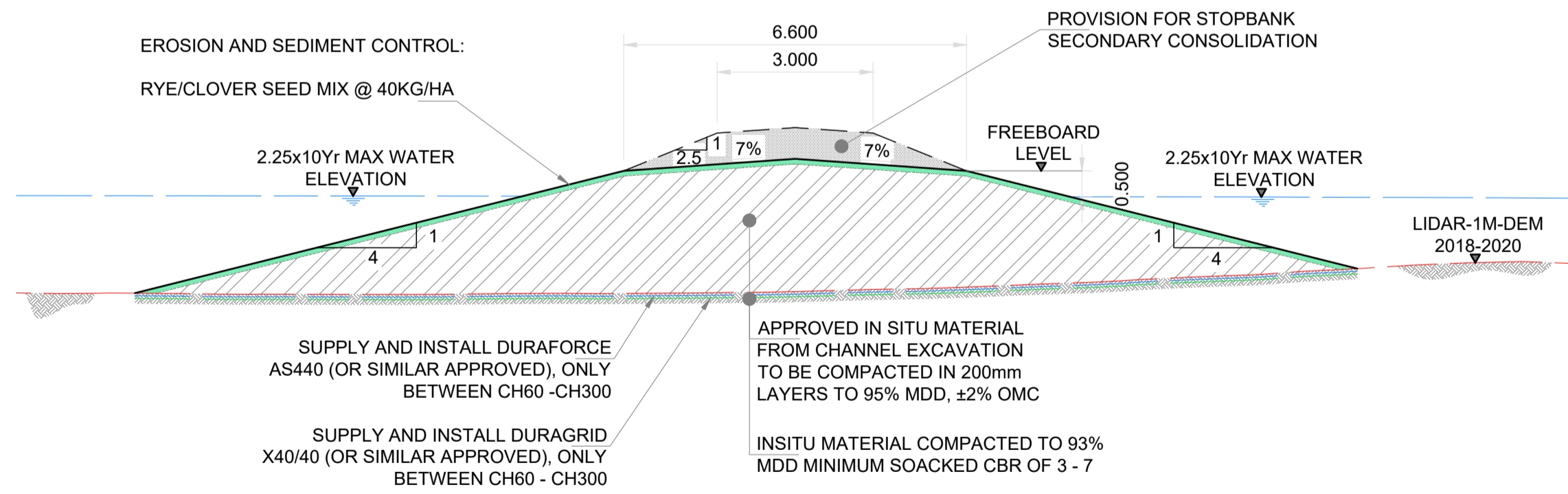
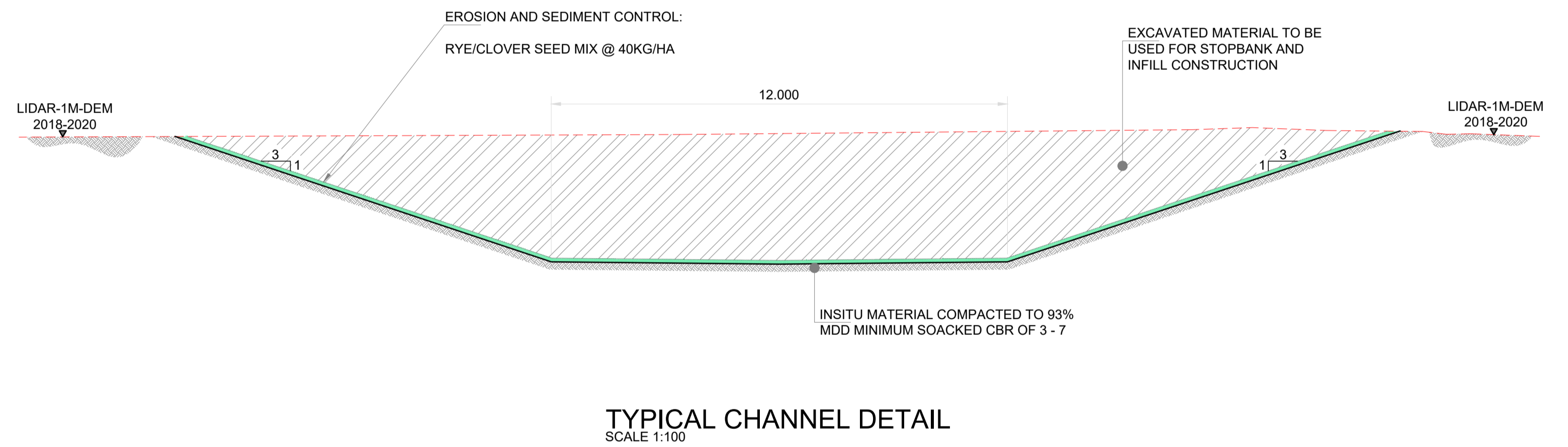
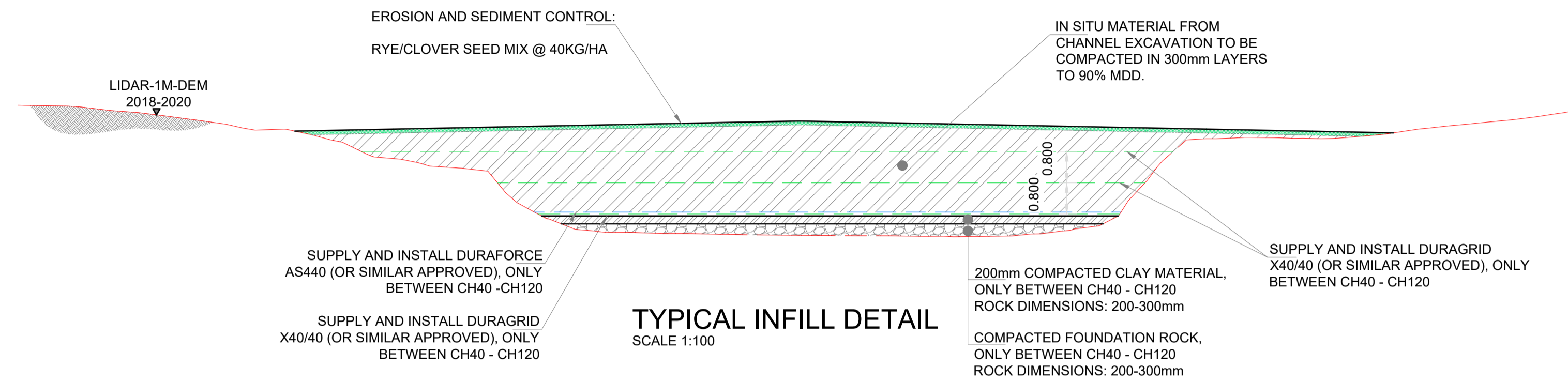
TEST ALL EARTH-FILLS OTHER THAN THOSE SPECIFICALLY IDENTIFIED AS UNCONTROLLED FILL IN ACCORDANCE WITH NZS4431 USING STANDARD TESTING PROCEDURES AS SET OUT IN NZS 4402.

TAKE ALL NECESSARY MEASURES TO PREVENT EXCESSIVE WATER-LOGGING OF SURFACE MATERIALS YET TO BE EXCAVATED OR COMPACTED OR BOTH, AND TO PREVENT FILL MATERIAL FROM BEING ERODED AND RE-DEPOSITED AT LOWER LEVELS.

CONSTRUCT ALL EXCAVATION IN SUCH A MANNER THAT THE SURFACE IS FREE DRAINING OVER THE ENTIRE AREA. NO WATER TO POND ON ANY COMPLETED SURFACE.

WHERE MATERIAL IS TO BE CARTED OFF SITE BY PUBLIC ROAD, IT WILL BE IDENTIFIED AS CUT TO WASTE FOR OFF-SITE DISPOSAL. CARRY OUT ALL ASPECTS OF THE OFF SITE DISPOSAL, INCLUDING PREPARATION OF AN EARTHWORKS MANAGEMENT PLAN, OBTAINING ANY NECESSARY LAND USE CONSENTS AND RESOURCE CONSENTS AND PREPARATION OF AN EROSION AND SEDIMENT CONTROL PLAN WHERE REQUIRED. UNDERTAKE PREPARATORY WORK AND SITE CLOSURE AT THE DISPOSAL SITE.

TESTING TO NZS 4407:2015 TEST 4.2 (NDM BACKSCATTER)
TEST FREQUENCY SHALL BE ONE TEST PER 1000M² AND NOT LESS THAN LIFTS OF BETWEEN 0.6M AND 1.0M DEPTH OF FILL PLACED, WITH THE ADDITIONAL CRITERIA THAT THE FIRST 1000M² OF FILL PLACED SHALL HAVE 3 SETS OF TESTS AND ALL FILL SHALL HAVE A MINIMUM OF 5 SETS OF TESTS.
AS WELL AS ACCOMPLISHING THE MINIMUM STANDARD OF COMPACTION AS SET OUT ABOVE, THE CONTRACTOR MUST ENSURE THAT THE FILL IS NOT OVER-COMPACTED TO THE EXTENT THAT WEAVING OF THE FILL IS PRODUCED.



TYPICAL STOPBANK DETAIL
SCALE 1:100

TYPICAL CHANNEL DETAIL
SCALE 1:100

ISSUE FOR TENDER

KAE O PHASE 2 FLOOD MITIGATION STRUCTURE DETAILS & NOTES
SCALE 1:1000

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DRAWN	MS	20/12/2024			PROJECT	KAE O PHASE 2 FLOOD MITIGATION	
CHECKED	KK	20/12/2024	TITLE:		KAE O PHASE 2 FLOOD MITIGATION DETAILS & NOTES		
RESPONSIBLE ENGINEER	KK	20/12/2024	PROCESS ENGINEER		KAE O PHASE 2 FLOOD MITIGATION DETAILS & NOTES		
LEAD DISCIPLINE ENGINEER			ENGINEERING MANAGER				
PROFESSIONAL DISC. ENGINEER			REGISTRATION NUMBER				
PROJECT	DOC	PBS/WBS/AREA	DISC	SEQUENCE	REVISION		
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S	W	C	0	0	0	3	0

NO	DATE	DESCRIPTION	BY	CHK	RESP ENG	LD ENG	PRO ENG	ENG MAN	PROF ENG
T0	20/12/24	ISSUED FOR TENDER	MS	KK					KK
P0	12/11/24	ISSUED FOR INFORMATION	KK	KK					KK

0055-001-05W-C-0000	DRAWING INDEX
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CAD FILE NAME:	PLOT DATE: 20/12/2024 2:11:16 am
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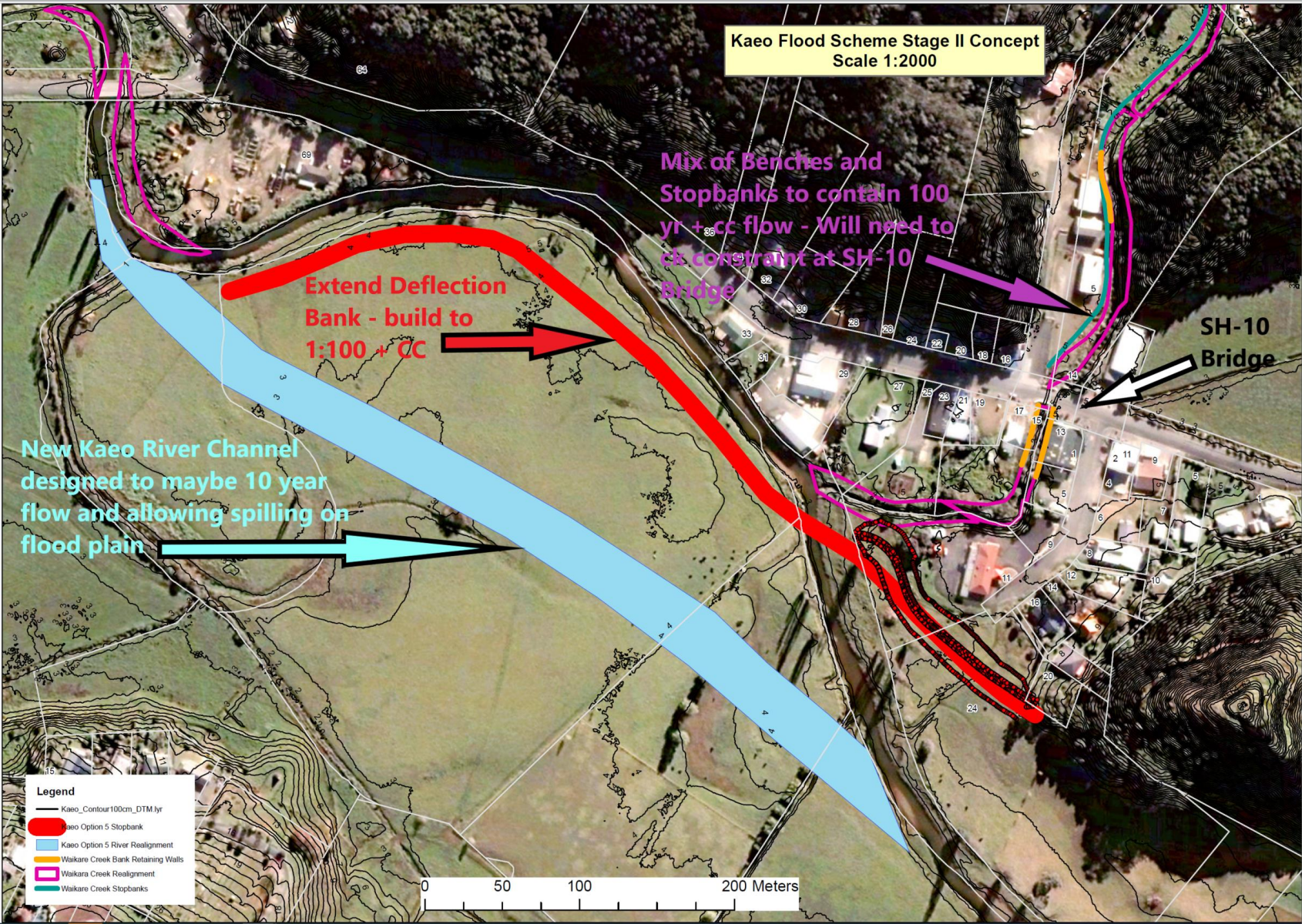
Kaeo 2D model

Prepared by : Sher Khan

Date: 06 March 2024.

Kaeo Stage-2 Works Assessment

Work Brief provided by NRC



Model Runs

- ❑ **Status Quo Model:** A simple 2D model was run with an approximate flow equivalent to a 10-year ARI flow derived from the regionwide model at Kaeo Fire Station (River+floodplain flow for 10yr12hr=384 m³/s).
- ❑ **Scheme Design Model:** Similar setup as the above model with the following changes:
 - Adding a new channel starting from opposite of Kaeo Settler Cemetery and ending at upstream of the Omaunu Rd Bridge.
 - Adding a stop bank along the existing Kaeo river on the left bank.

Note: The model set-up is aimed at investigating the relative effects of shifting the natural confluence of the Waikare Creek and the Kaeo river further downstream close to the Omaunu Road Bridge. It was envisioned that shifting the confluence downstream will reduce the backwater effects into the Creek reducing flooding at and around the SH10 bridge in Kaeo.

The model objective is to find the relative difference in the flow/levels at the Omaunu Rd bridge and SH10 Bridge.

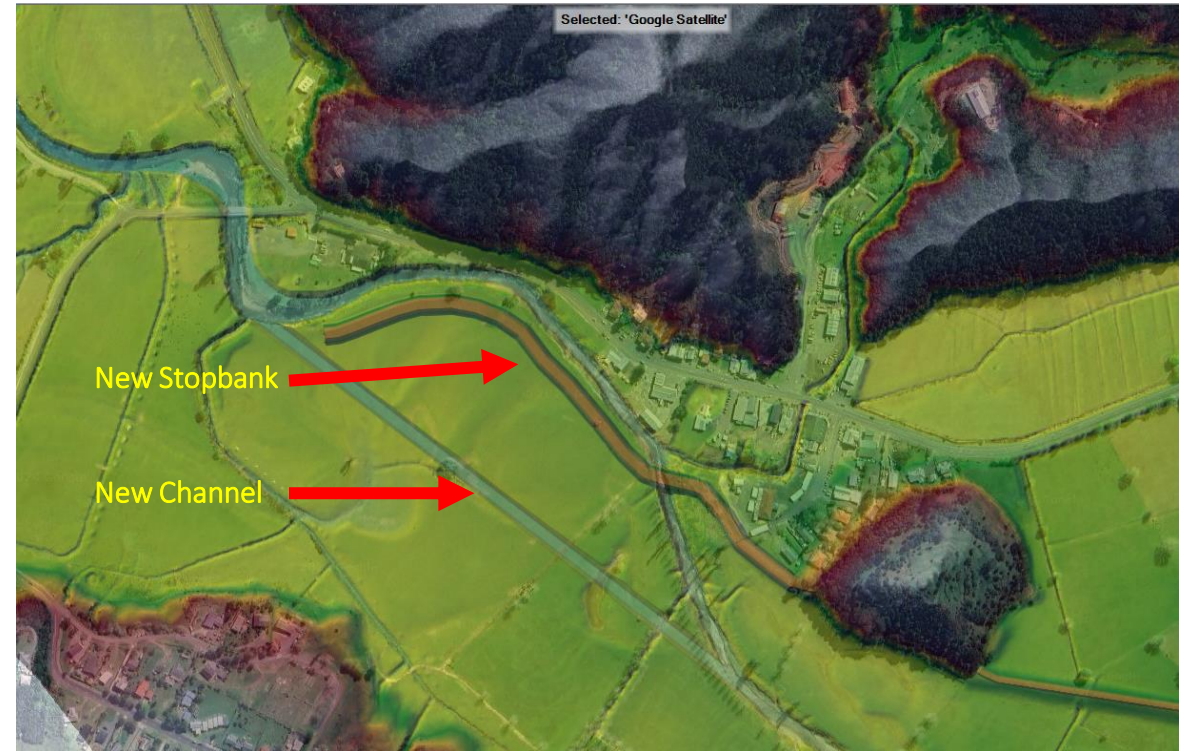
Model may need further improvements if we want to use it for any design purpose.

Model Set-up

Status Quo Model Set-up

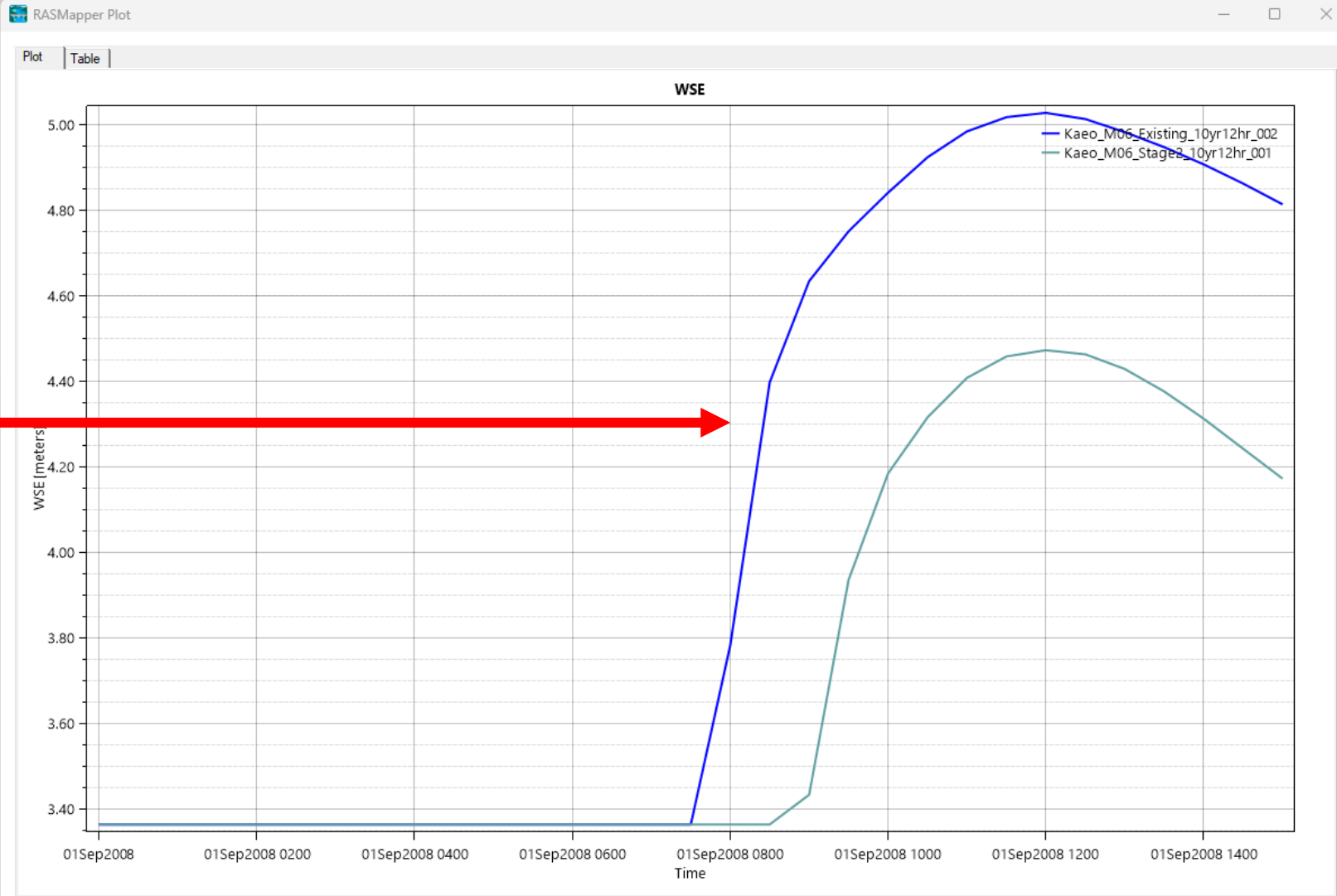


Stage-2 Model Set-up



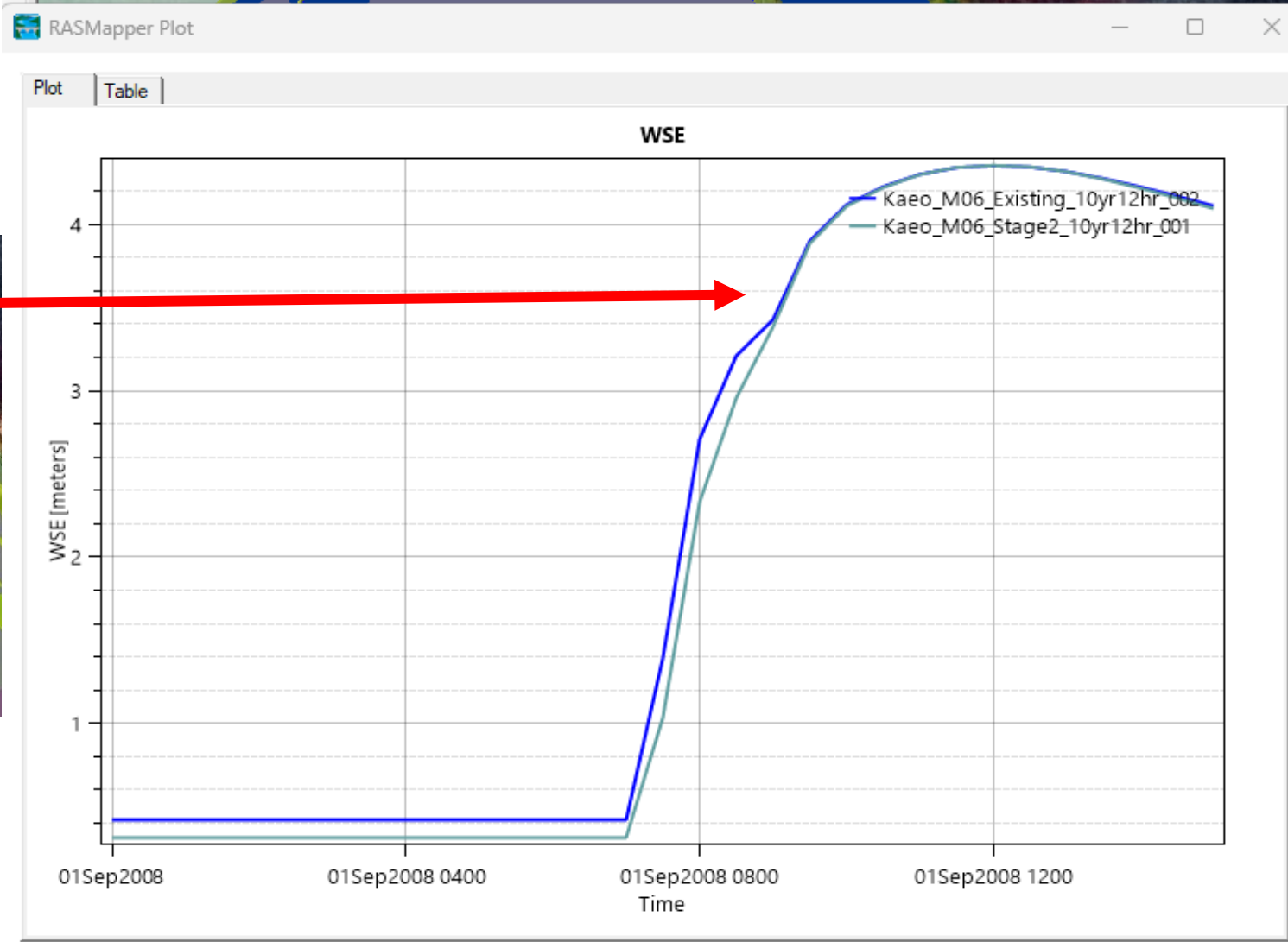
Comparison of Levels under the SH10 Bridge

The levels under the SH10 bridge are reduced by 560mm (about 0.5m) due to the proposed stage-2 works . This means that shifting the confluence downstream by adding a new channel and a new stopbank reduces the backwater effects on the stream.

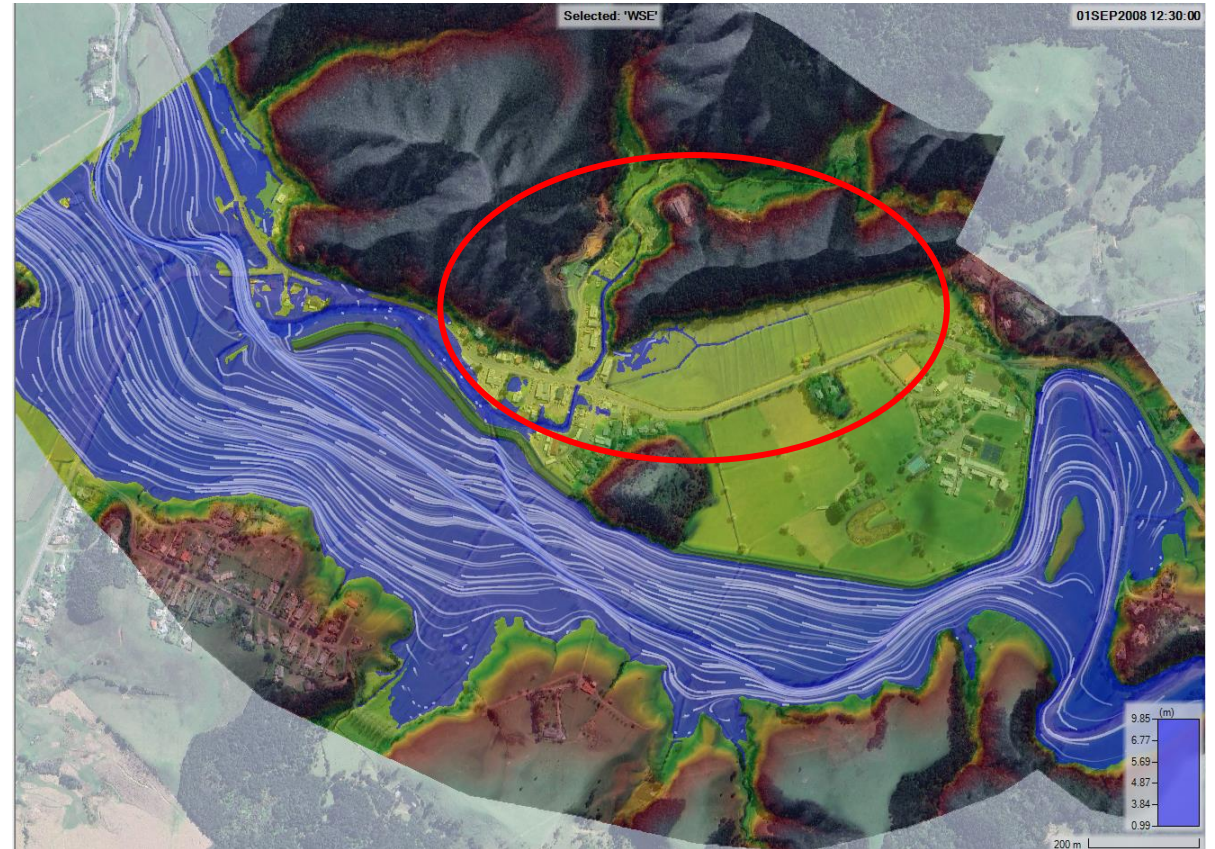
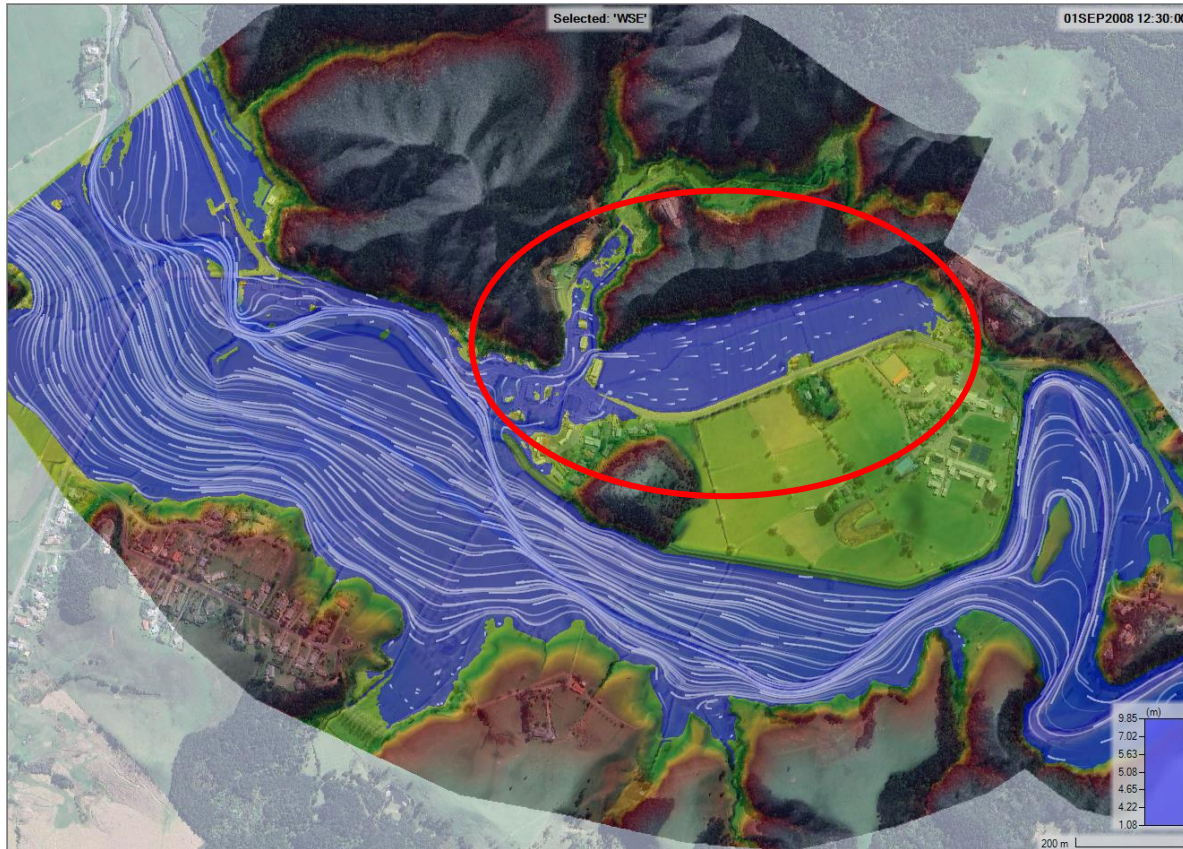


Comparison of Levels under the Omaunu Rd Bridge Bridge

The proposed Stage-2 works do not impact the levels under the Omaunu Rd Bridge bridge. Small benching upstream and downstream of the bridge that is included in this model could be a reason for this. Additional flow due to the floodplain storage loss may be compensated by this benching.



Status Quo Model(LHS) and Stage-2 Model (RHS)



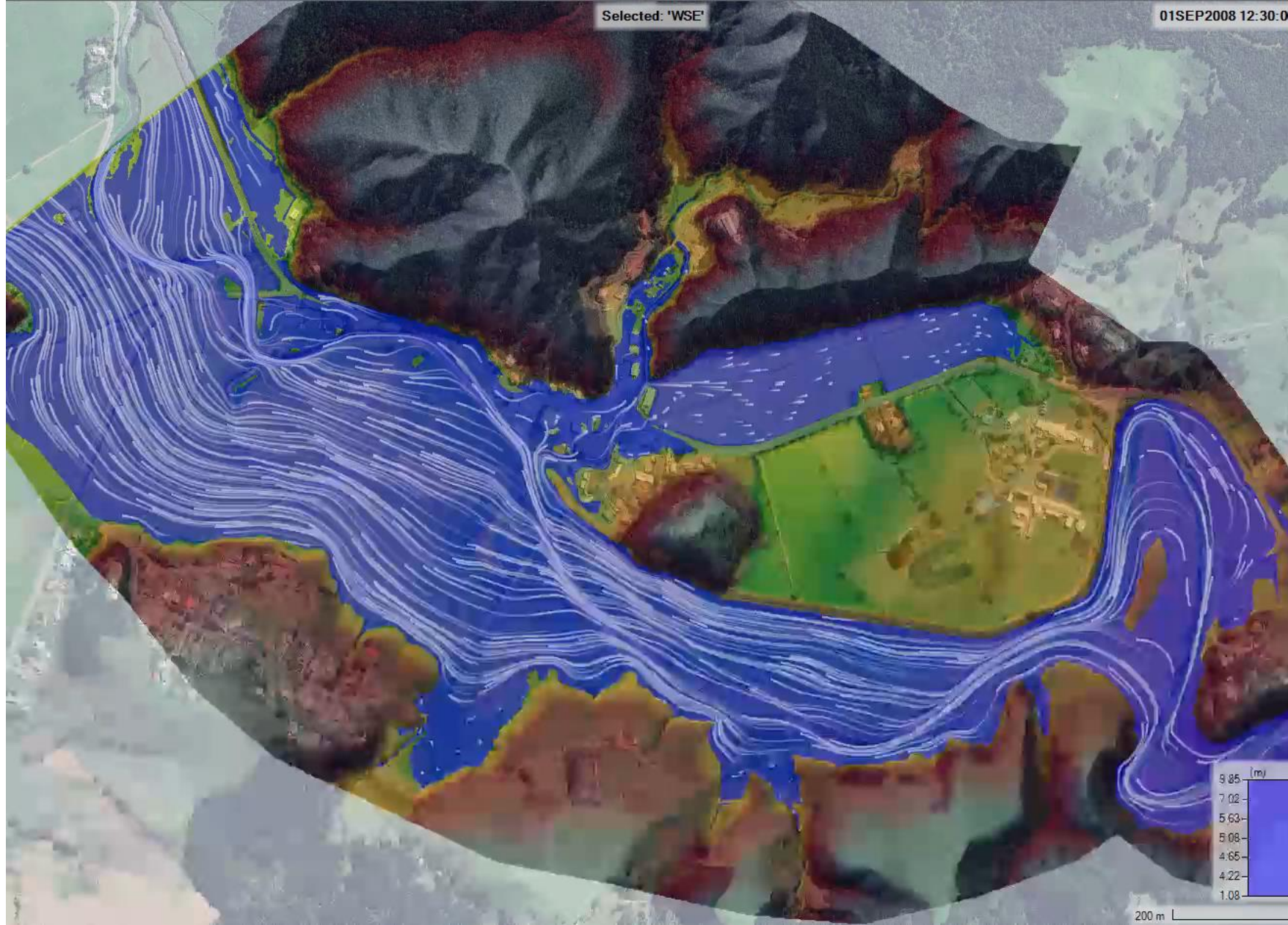
Remarks

- Shifting the confluence of the Kaeo River and the Waikare Creek downstream close to the Omaunu Road Bridge reduces the backwater into the creek and reduces flood impact on the buildings.**
- The levels at the SH10 bridge could reduce by 560mm with stage-2 works.**
- The paddock behind the Whangaroa Memorial Hall could be used as an additional storage**

Model Assumptions

- The model has an inflow boundary with $384\text{m}^3/\text{s}$ flow (10yr12hr). This is derived from the from the regionwide model.
- An outflow boundary is set as normal depth.
- No tidal effects are included in the model.
- The model set-up only includes inflows along the Kaeo river and the stream inflows are not included in this model.

Status Quo Model Video



Stage-2 Model Video

