



Office Use Only Application Number:

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
- Fast Track Land Use*
- Subdivision
- Discharge
- Extension of time (s.125)
- Change of conditions (s.127)
- Change of Consent Notice (s.221(3))
- Consent under National Environmental Standard (e.g. Assessing and Managing Contaminants in Soil)
- Other (please specify) Coastal permit

***The fast track for simple land use consents is restricted to consents with a controlled activity status and requires you provide an electronic address for service.**

3. Would you like to opt out of the Fast Track Process? Yes / No

4. Applicant Details:

Name/s: Robinia Investments Limited

Electronic Address for Service (E-mail):

Phone Numbers:

Postal Address: (or alternative method of service under section 352 of the Act)

5. Address for Correspondence: Name and address for service and correspondence (if using an Agent write their details here).

Name/s: Burnette O'Connor

Electronic Address for Service (E-mail):

Phone Numbers:

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.

6. 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: Matteo De Nora
Gavin Ian Hodder

Property Address/
Location: 26 Garrison Street, Carterton, 5713, New Zealand

7. Application Site Details:

Location and/or Property Street Address of the proposed activity:

Site Address/
Location: 4980 Russell Whakapara Road, Russell

Legal Description: Lot 2 DP 198144 Val Number:

Certificate of Title: NA127A/651
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 landowner before arrival

8. Description of the Proposal:

Please enter a brief description of the proposal here. Attach a detailed description of the proposed activity and drawings (to a recognized scale, e.g. 1:100) to illustrate your proposal. Please refer to Chapter 4 of the District Plan, and Guidance Notes, for further details of information requirements.

To construct a jetty and floating pontoon in the Coastal Marine Area and to reshape an existing
walkway and farm track. Vegetation removal is proposed within the coastal marine area
(mangrove removal), the intertidal zone, and within indigenous vegetation. Ongoing pest management
is proposed.

If this is an application for an Extension of Time (s.125); Change of Consent Conditions (s.127) or 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) or extension being sought, with reasons for requesting them.

9. Would you like to request Public Notification

Yes/No

10. Other Consent required/being applied for under different legislation (more than one circle can be ticked):

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

11. 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 (further information in regard to this NES is available on the Council's planning web pages):

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? (If the activity is any of the activities listed below, then you need to tick the 'yes' circle). 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

12. 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.

Please attach your AEE to this application.

13. 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 all names in full)

Camilla Burden

Email:


Postal Address:

Phone Numbers:

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

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

Name: Camilla Burden (please print)

Signature:  (signature of bill payer – mandatory) Date: 15/08/2024

14. 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.

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

Name: Burnette O'Connor (please print)

Signature:  (signature)

Date: 13/08/24

(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)
- 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.

Only one copy of an application is required, but please note for copying and scanning purposes, documentation should be:

UNBOUND

SINGLE SIDED

NO LARGER THAN A3 in SIZE



THE PLANNING
COLLECTIVE



Application for Land Use /Coastal Resource Consent

to construct a jetty and floating pontoon in the Coastal Marine Area
(including vegetation remand to alter vegetation to maintain a walking track
at Lot 2 DP 198144, Russell Whakapara Road, Russell

Applicant Name: Robinia Investments Limited

Date: 12 August 2024

This planning assessment has been prepared by The Planning Collective Limited and forms part of the application for resource consent on behalf of Robinia Investments Limited to construct a jetty and floating pontoon in the Coastal Marine Area and a walking track at Lot 2 DP 198144, Russell Whakapara Road, Russell.

(TPC Reference: ROB 014-22).



This report has been prepared by:

Kate Sanders
Senior Planning Consultant
The Planning Collective Limited

Dated: 5 August 2024



This report has been peer reviewed by:

Burnette O'Connor
Director | Planner
The Planning Collective Limited

Dated: 12 August 2024

"The curves within the circle symbol of our logo are a depiction of the shape the Mahurangi River takes as it weaves its way through Warkworth. This was chosen to illustrate the whenua and landscape of the town that The Planning Collective works so closely with."

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Appendices

- Appendix 1:** Record of Title
- Appendix 2:** Northland Regional Council Maps
- Appendix 3:** Plans - prepared by LDE Land Development and Engineering – 1/10/2022
- Appendix 4:** Assessment of Ecological Effects report – prepared by Rural Design – December 2023
- Appendix 5:** Rules Assessment
- Appendix 6:** MACA Consultation Documents
- Appendix 7:** Taiapure Plans – Waikare Inlet

Abbreviations

Abbreviation	Full Description
AEE	Assessment of Effects on the Environment
CMA	Coastal Marine Area
Council	Northland Regional Council and Far North District Council
HAIL	Hazardous Activities and Industries List
MACAA	Marine and Coastal Area (Takutai Moana) Act 2011
NES	National Environmental Standard
NPS	National Policy Statement
NZCPS	New Zealand Coastal Policy Statement
RMA	Resource Management Act 1991
RoT	Record of Title
Site	Lot 2 DP 198144, Russell Whakapara Road, Russell

1. Application Details

Applicant	:	Robinia Investments Limited
Council:	:	Northland Regional Council and Far North District Council
Site Address	:	4980 Russell Whakapara Road, Russell
Legal Description	:	Lot 2 DP 198144
Record of Title	:	NA127A/651
Area of Site	:	67.44 hectares (land parcel)
Type of Consent	:	Land Use Consent /Coastal Permit
Consent Sought	:	To construct a jetty and floating pontoon in the Coastal Marine Area and to reshape an existing walkway and farm track. Vegetation removal is proposed within the coastal marine area (mangrove removal), the intertidal zone, and within indigenous vegetation. Ongoing pest management is proposed.

Zoning/ layers

Northland Regional Council – Proposed Regional Plan 2024 – Operative in Part:

<u>Zone:</u>	:	Coastal Zone – General Marine Zone
<u>Coastal:</u>	:	Significant Bird Area – Critical Bird Habitat (Australasian Bittern)
	:	Significant Bird Area
	:	Significant Marine Mammal and Seabird Area
	:	Marine Pollution Limits – Bay of Islands large vessels limit
	:	Enclosed Waters Area – Enclosed limit
	:	Aquiculture Exclusion Area
<u>Natural, Historic and Cultural Heritage:</u>	:	Heritage - Outstanding Natural Character (subject to appeal) within CMA and spans CMA.
<u>Water Quality and</u>	:	Groundwater Management Units – Coastal Aquifers
<u>Quantity Management:</u>	:	River Water Quantity Management Units – Coastal River
	:	Coastal Water Quality Management Units – Tidal Creek

Northland Regional Council – Operative Regional Coastal Plan 2008 (last published in 2016):

:	Marine 2 (Conservation) Management Area
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Operative Far North District Plan 2009:

<u>Zoning:</u>	:	General Coastal Zone
	:	Coastal Marine Zone

Proposed Far North District Plan 24 May 2024:

<u>Zoning:</u>	:	Rural Production Zone
<u>Overlays:</u>	:	Coastal Environment
<u>Natural Environments Overlays:</u>	:	Outstanding Natural Landscape
	:	High Natural Character
	:	Outstanding Natural Character
<u>Natural Hazards and Risks:</u>	:	River Flood Hazard Zone (100yr ARI event)
<u>Overlays:</u>	:	River Flood Hazard Zone (10yr ARI event)
	:	Coastal Flood (Zone 3: 100 Year + Rapid Sea Level Rise Scenario)
	:	Coastal Flood (Zone 2: 100 Year Scenario)
	:	Coastal Flood (Zone 1: 50 Year Scenario)
Plan Changes / Review	:	None (note that the Northland Proposed Regional Plan is operative in part (hearings completed and appeals resolved). The Far North District Plan review (Proposed District plan) is addressed above.
Overall Activity Status	:	Non Complying
Additional RMA Consents Required	:	Restricted discretionary consent under s.42 of the NES-FW for vegetation clearance, earthworks and land disturbance within a natural inland wetland.

Contact Details

The Planning Collective Ltd
PO Box 591, Warkworth 0941
New Zealand
Mobile: 021-1360812
Email: kate@kept.co.nz

2. Background

The site is part of a large landholding, and the applicant is looking to place a jetty near to the original location of the Manawaora Cream Wharf which is now almost completely non-existent.

The landowner has owned the land since March 1994 and is actively working on restoring native bush and removing pests from the 480ha site, which spans across the landward end of the peninsular from Manawaora Bay and Clendon Bay south to the northern arm of Waikare Inlet (known as Man o War Creek), to the top of 'Broken Hill' and inland east across to the Russell Whakapara Road.

The applicant is seeking water access from the southern extent of the property for recreation purposes and to access the Waikare Inlet. There is currently no water access into the Waikare Inlet from the property, and the jetty will be used for recreation, education, conservation, restoration, and monitoring purposes. The jetty will be wholly within the property boundaries.

The landowner is actively controlling pest animals and plants on site and it is thought that this shall continue in earnest and intensity with the development of the track and jetty.

3. Description of Proposal

3.1 Structures

The proposal is for placing a jetty and floating pontoon within the coastal marine area within Lot 2 DP 198144 off Waikare Road. The jetty is proposed to be 126m long and 1.2m wide, with a small 2.4m wide floating platform towards the western end of the jetty. The floor area of the jetty is around 310m². The jetty will be placed more than 125m from the nearest property boundary to the north. Wooden piles will be driven into the seabed. Detailed Plans of the proposed jetty have been prepared by Land Development Engineers and can be found at **Appendix 3**.

Construction work will occur between 1 April and 31 July, and the structure will be maintained in good working order for its lifetime.

3.2 Vegetation removal

A channel will need to be cleared through the mangroves on the site (see Figure 1). This will involve the removal of around 400m² of mangroves. The channel will be maintained by trimming and pruning mangroves over the life of the structure to allow ongoing access to the jetty, and so that watercraft can tie up to the jetty without impeding navigation through the main channel. Mangrove removal and pruning will occur annually between 1 April and 31 July as required.

An existing short pedestrian track (~65m) will need to be widened and formalised by being cut into the lower bank of the site to allow pedestrians to carry small watercraft to the jetty. Some vegetation (~73m²) will need to be cleared to widen this track (see Figure 2). The area of vegetation to be cleared will be around 95m² in area, and the species to be modified are detailed in the Ecological Assessment of Effects at **Appendix 4**.



Figure 1: (Above) Jetty will be placed from here in the direction that Johnny is pointing

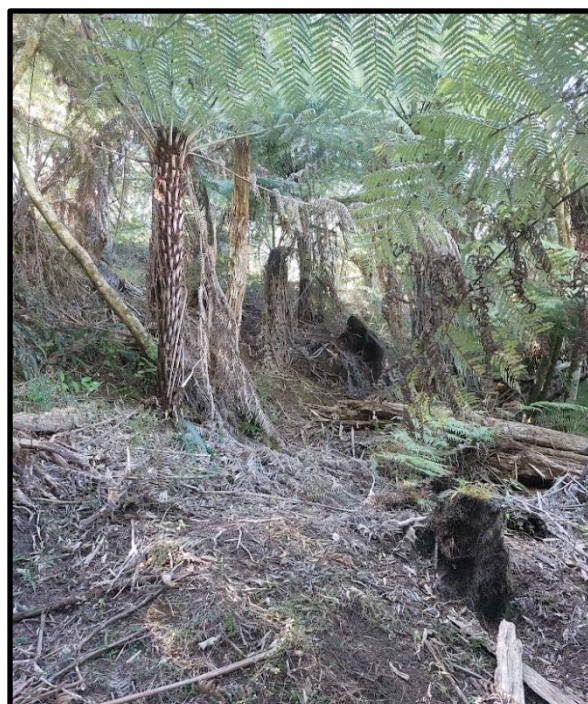


Figure 2: Track will be cut through this bush. No significant trees require trimming.

Pest plants found on the site will be managed through a Pest Management Plan and all pest plants within the immediate development footprint will be controlled prior to works being undertaken.

3.3 Access

An existing farm track is to be used to provide access from Waikare Road (near the intersection with Russell Whakapara Road) to the jetty. This will enable recreational activities such as boating, kayaking and swimming from the jetty.

3.4 Earthworks and construction phase

Aside from the pedestrian track, a parking platform will also be shaped above the bush line on the site. Earthworks proposed are less than 100m² to form the track, and around 25m² for the parking area (125m² total earthworks area). The maximum cut for the track is 0.55m and 0.5m for the parking area, meaning that the maximum conservative volume of earthworks is 67.5m³. Construction activities will be carried out during daylight hours (roughly 6.30am – 6pm in April).

Good management practice erosion and sediment control measures equivalent to those set out in the Erosion and Sediment Control Guidelines for Land Disturbing Activities in the Auckland Region 2016 (Auckland Council Guideline Document GD2016/005), or any equivalent FNDC document, will be implemented for the duration of the activity. Any debris and cut vegetation will be placed above the track up by the parking area and out of the bush so that the risk of sediment reaching the waterway is avoided.

All vehicles and plant will be in a good state of repair and not leaking oil or fuel. Refuelling will occur out of the coastal marine area. Plant will be kept clear of the coastal marine area except when works are actively being undertaken in the coastal marine area to place piles for the jetty etc. Noise will comply with construction noise standards.

The jetty will be placed and connected to the land. Wooden piles will be placed in the bed of the estuary, and another set of piles placed on the land. A hard protection structure may be required to stop the bank of the estuary eroding, but this will be worked out at detailed design stage. Consent is sought for a hard protection structure as a cautionary approach. All structures will be within the legal title for the property.

3.5 Signs

A sign will be placed on the structure letting people know that the structure is private but that there are no access restrictions (people can access the jetty but are not permitted to access the land via the jetty). The sign will be less than 0.5m² in area and will not be flashing or reflective. The sign will be at a level that can be viewed from a low craft such as a kayak on the water and will be on the northern end of the jetty. There will be no lighting or electricity at the jetty.

3.6 Duration

A duration of consent of 35 years is requested and is considered appropriate taking into account the cost of investment in the structure and predicted maintenance of the structure, as well as the relatively low energy coastal environment and relatively low environmental impact and the minor nature of the structures. A lapse period of 5 years is requested to allow the applicant to secure funding and to schedule the works around other urgent projects that may arise in the overall management of the property.

3.7 Conditions

It is expected that conditions pertaining to the following matters will be included in the resource consent decision:

- That an additional preliminary avifauna breeding survey be conducted immediately prior to the commencement of development by an appropriately experienced and qualified ecologist to determine the presence of roosting / nesting birds and ensure the effects of construction can be managed to avoid adverse effects on avifauna.
- That if any works are to be conducted during the breeding season (September-February) then a qualified ecologist shall conduct fortnightly avifauna surveys within the development footprint and immediate surrounding area. If any nests of native/indigenous species are found containing eggs within the development area where vegetation clearance is occurring or intended to occur, all vegetation clearance work and construction within a 10 m radius of the nest shall cease until the nest has either failed or successfully fledged. Any active nests shall be monitored weekly by a suitably qualified ecologist, and the area is to be cleared of vegetation following the successful fledging or failure of the nest.
- That lizard monitoring be conducted prior to the removal of native bush.
- That a pest plant management plan be developed for the site and provided to Council.
- That all pest plants within the immediate development footprint be controlled prior to the development of the jetty and track.
- That vegetation which is cut/ pruned must be removed from the intertidal zone and piled up on dryland for lizard habitat.
- That restoration planting of 345m² be undertaken within the site. The area and location of planting should be identified following removal of the pest plants and should seek to rehabilitation or enhance the ecological value of existing native terrestrial vegetation areas.
- That Erosion and Sediment Control in compliance with GD05 (or equivalent FNDC document) be installed prior to works commencing and be maintained for the duration of works.
- That the consent holder inspect the structure after extreme weather events to ensure it is in good working order and does not present a navigational hazard.
- That if the structures are no longer required by the consent holder, that the structure be removed and the existing ecosystem be restored.
- That the consent holder informs Waikare Marae Committee if the consent holder is no longer responsible for the jetty or if the consent is transferred.

4. Description of the Site and the Surrounding Area

4.1 Site Description

The subject site is a 67Ha lot (see Figure 3), which makes up part of the 480Ha parent site held in 14 titles. The site sits across the northern arm of Waikare Inlet, known as the Man o War creek, and stretches up to the top of Broken Hill and across to Waikare Road.

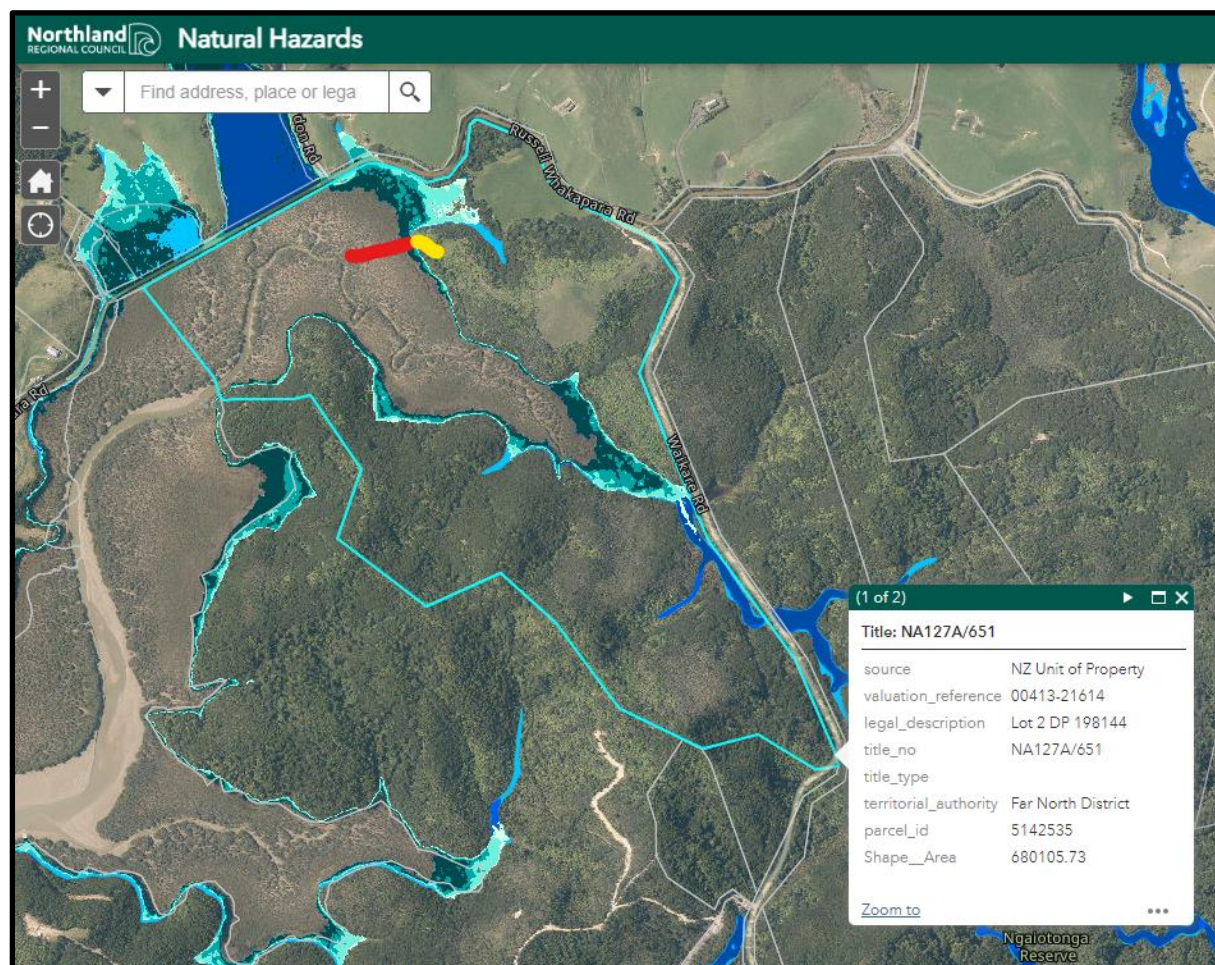


Figure 1: Site shown on Northland Regional Council Natural Hazards GIS showing the property boundary in light blue, and flood hazards around the edges of the estuary. Proposed Jetty in red, and walkway in yellow

The Planning Collective visited the site on Monday 11th March 2024 with site managers Camilla and Johnny Burden, and local Kaumatua Kara George.

An existing farm track follows the ridge from the intersection of Waikare Road up onto the top of the ridge, and from here we walked down a grassy 4WD track down to the estuary.

The Planning Collective also visited the site with Ecologists from 'Rural Design' in February 2022. The area where the jetty is proposed to be located is established mangrove wetland. Further up the estuary

there is some evidence of the previous jetty where mangroves are not as large. The navigable channel is around 3.5m wide.

The upper site is covered in dense manuka and ponga scrub, and the existing farm track has a clay surface. The site is relatively steep, with some terraces as you follow along the ridge. The bush on the lower banks includes large totara within scrubby regenerating indigenous vegetation.

There are no buildings or structures on the site. The surrounding area is covered in mature and regenerating native bush, with few dwellings or structures in the area.



Figure 2: View from the tops of the site looking west down the existing farm track towards the estuary

An existing farm track follows the ridge from the intersection of Waikare Road down towards the estuary (see Figure 4). There is an existing crossing onto Waikare Road, just east of the intersection with Russell Whakapara Road.

4.2 Record of Title

The proposed works are contained within record of title NA127A/651. Lot 2 DP 198144 is 68Ha in area, held in parcel 5142535, and owned by Robinia Investments Limited, as part of the wider 480Ha holding. Figure 5 below shows an aerial photo of the site and the wider landholding.

A copy of the Certificate of Title is annexed in **Appendix 1**. There are no interests registered on the title.



Figure 3: Aerial photo of site Nov 2023 from Google Earth

4.3 Site Features

The site includes an estuary area that is within the coastal marine area. The estuary is tidal and established mangroves are found in the estuary with oioi and other native saltwater swamp species.

Using the Northland Regional Council ArcGIS on 25 July 2024, and the Far North District Council GIS the following non-statutory features are identified on the site in Tables 1-3 below.

The site contains a flood zone – and the area directly above the coastal marine area is expected to flood in almost all ‘flood events’ due to the topography of the site (see Figure 3 above).

The site is not located in a statutory acknowledgement area. There are no recorded archaeological sites or sites of cultural significance to Maori on or in proximity to the site. There are no geological features on the site.

4.3.1 Regional Plans – Northland Regional Council

Table 1: Proposed Regional Plan – Appeals Version ARCGIS Site Features

Site Feature	Description
Coastal	Significant bird area – critical bird habitat – Australasian bittern Significant bird area Significant Marine Mammal and Seabird Areas Coastal Zones – General Marine Area

	Marine Pollution Limits – Bay of Islands large vessels limits Enclosed Waters Areas – Enclosed Limit Aquaculture Exclusion Areas Indicative Mean High Water Springs
Natural, Historic and Cultural Heritage – Fresh and Coastal Waters	Natural Character – Outstanding – within CMA and Spans CMA
Water Quality and Quantity Management Units	Groundwater Management Units – Coastal Aquifers River Water Quality Management Units – Coastal River Coastal Water Quality Management Units – Tidal Creek
Hill Country and Lowland Areas	Hill Country Area Lowland Area

The site does not contain any layers from Airshed, Flood Protection schemes and Drainage Districts, Catchment Specific Layers, Priority Drinking Water Abstraction Points, or Erosion Prone Land under the Proposed Regional Plan.

The Northland Regional Water and Soil Plan Maps and Regional Coastal Plan Maps were reviewed online, including RCP map A1 (Bay of Islands), RW&S Map B17 (Russell/ Opua Waikare Inlet), and Appendix 6 Maps of Erosion Prone Land. The site does not contain erosion prone land.

4.3.2 District Plans – Far North District Council

Table 2: Far North Proposed District Plan Site Features

Zone	Rural Production
Overlays	Coastal Environment
Natural Environments Overlays	Outstanding Natural Landscape High Natural Character Outstanding Natural Character
Natural Hazards and Risks Overlays	River Flood Hazard Zone (100 Year ARI Event) River Flood Hazard Zone (10 Year ARI Event) Coastal Flood (Zone 3: 100 Year + Rapid Sea Level Rise Scenario) Coastal Flood (Zone 2: 100 Year Scenario) Coastal Flood (Zone 1: 50 Year Scenario)

The site is affected by Flood Hazards, but not by Coastal Erosion (according to the FNPDP GIS).

It is noted that the Rural Design Assessment of Ecological Effects report (see **Appendix 4**) states that the site contains areas that are ‘proposed Significant Natural Areas’ by the Far North District Council, but this layer or control was removed from the Far North District Plan in 2022 following a hiko and general protest about how this may affect private land. The Proposed Plan is currently in the hearing phase and the status of ecological provisions in the Proposed Plan could therefore change.

Table 3: Far North Operative District Plan Site Features

Resource	Outstanding Landscape
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Zone	General Coastal Zone
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The site is not affected by heritage area overlays, scheduled heritage resources or other applicable matters on the site. There are no notable trees on the site. The site is not of significance to Māori.

4.4 Existing Environment

The 'Environment' includes the 'Existing Environment' which includes all lawfully established activities that exist – and the 'Future Environment' which includes the effects of activities enabled by an unimplemented consent where the consent is 'live' that have not lapsed and there are no reasons why the consent is not likely to be implemented.

It is noted that the existing environment is the yard stick against which the effects of any proposal must be assessed. There is no discretion in terms of the existing environment.

The site is very isolated and there are few anthropocentric activities occurring in this arm of the Waikare Inlet. The Russell Whakapara road runs through the estuary to the north of the proposed jetty, and these activities and their constituent effects form part of the existing (lawfully established) environment.

4.5 Future Environment

There are no known unimplemented consents in the area.

5. Planning Assessment

The activity status of the application under the Proposed Regional Plan for Northland; Northland Regional Water and Soil Plan and Regional Coastal Plan; Far North Proposed District Plan; and Far North Operative District Plan is determined in the assessment below. A detailed rules assessment is in **Appendix 5**.

5.1 Proposed Regional Plan for Northland – Operative In Part

The Minister of Conservation approved the Regional Plan for Northland (operative in part) by signing it on 13 October 2023. The Northland Regional Council released the Proposed Regional Plan for Northland (PRPN) in February 2024. The PRPN has worked its way through hearings and is considered to be operative in part. Now that all appeals have been resolved, Northland Regional Council is taking steps to make the Proposed Regional Plan fully operative. All rules in the Proposed Regional Plan must now be treated as operative, in accordance with Section 86F of the Resource Management Act (and any previous rule as inoperative).

As the Proposed Regional Plan is not yet fully operative, the objectives and policies of the Proposed Regional Plan and the objectives and policies of the operative regional plans must be considered. As the process for developing the Proposed Regional Plan is near completion and all appeals have been resolved the proposed Regional Plan has legal effect and has effectively superseded the operative regional plan provisions.

The proposal is a non-complying activity under the Northland Regional Plan (Operative in Part).

The subject site is zoned General Marine Area as shown on the portion of planning map below:

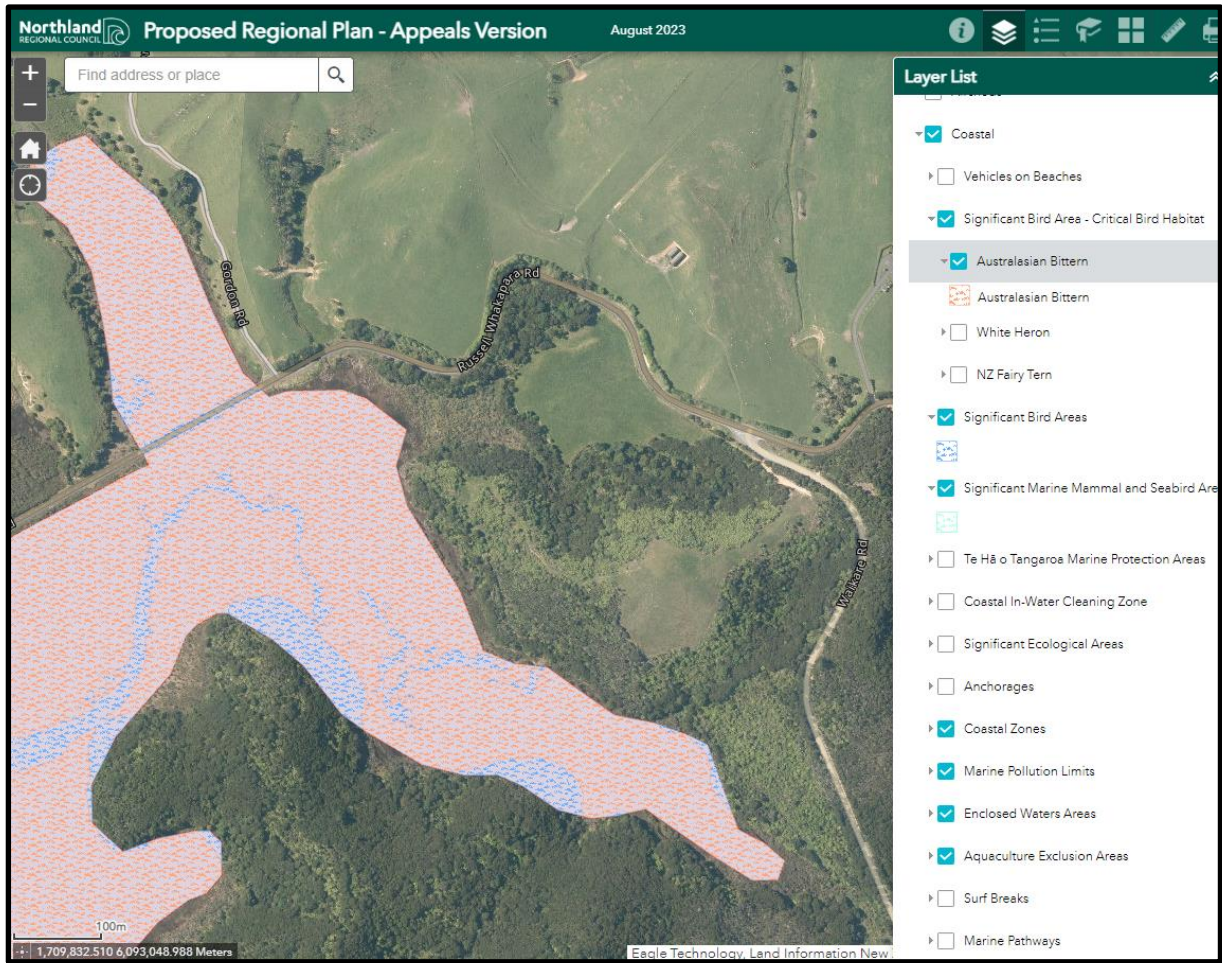


Figure 4: Excerpt from NRCGIS showing the boundaries of various coastal layers applicable to the site as described above

The relevant layers are discussed in section 4.3 above, but essentially are all overlaid in the same area bordered by the coastal marine area as shown in Figure 4:

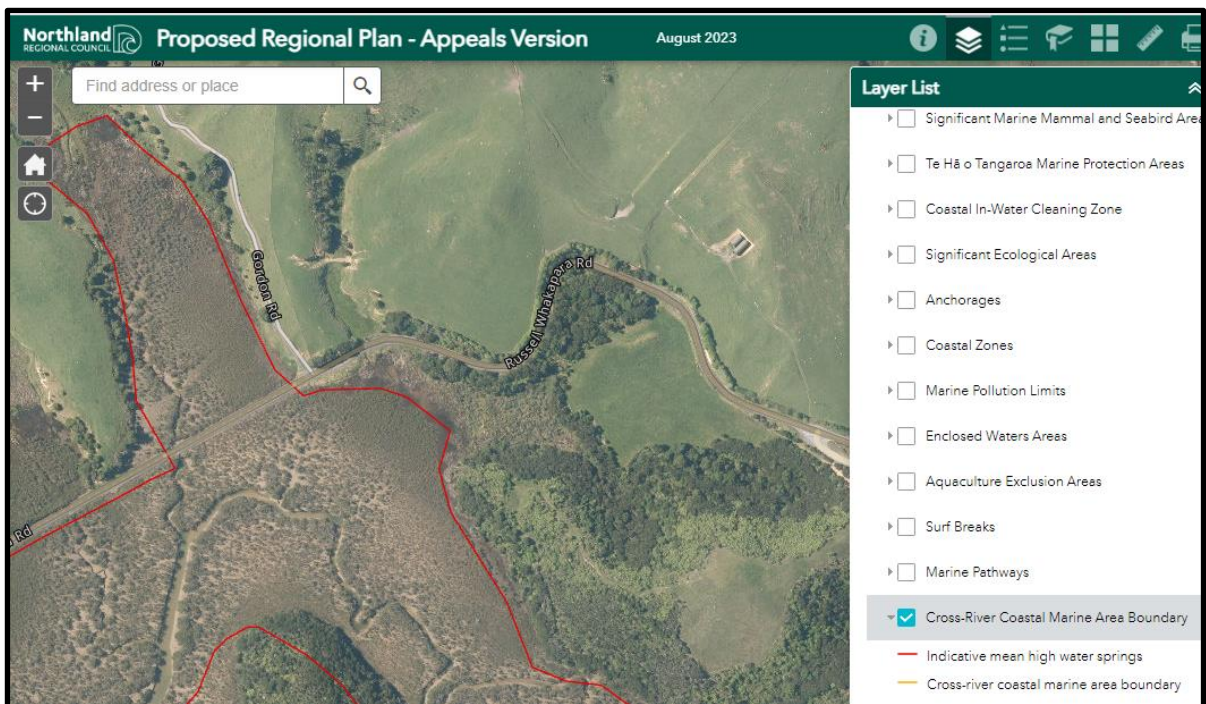


Figure 5: Indicative Mean High Water Spring

The proposal has been considered under Chapter C.1 Coastal Activities and C.8 Land use and disturbance activities.

Under the Coastal activities Chapter, the relevant provisions are detailed in the rules assessment at **Appendix 5**. The Chapter relating to General structures (C.1.1) covers signage, new structures and hard protection structures. Chapter C.1.4 covers mangrove removal. The proposal complies with C.1.8 Coastal works general conditions.

The proposal involves the erection of a structure in the General Marine Zone and occupation of the common marine and coastal area which requires consent under C.1.1.22 as a discretionary activity, and a hard protection structure which requires consent under C.1.1.24.

The site is mapped as an area of outstanding natural character, and a significant bird area – critical bird habitat, and as such is a non-complying activity under C.1.1.27 and C.1.1.30. The proposed signage is permitted under C.1.1.5 as it will be smaller than 0.5m² and placed on the jetty structure, however this aspect is still to be included in the consent.

The proposal involves the removal of mangroves in the coastal marine area and is unable to comply with C.1.4.2 as the area of mangroves to be cleared is 415m² (which is greater than the permitted 200m²), and the site is an Outstanding Natural Character Area and a Significant Bird Area, so the proposal is a discretionary activity under C.1.4.6. The ongoing pruning of the mangroves is a discretionary activity under C.1.4.7.

Chapter C.8 includes a section for Earthworks (C8.3). The proposed earthworks for the pathway are permitted under C.8.3. The proposed vegetation clearance for the pathway is permitted under C.8.4.

In terms of the provisions of the PNRP, Resource Consent is required and sought for the following reasons:

- Erection of a structure in the general marine zone, an area of outstanding natural character and a significant bird area.
- Occupation of the common marine and coastal area.
- Placement of a hard protection structure in the general marine zone, an area of outstanding natural character and a significant bird area.
- The removal of 412m² mangroves in the coastal marine area, in an area of outstanding natural character and a significant bird area.
- The ongoing pruning of mangroves to maintain access to the jetty.

In summary, the application requires assessment as a non-complying Activity under the Proposed Regional Plan for Northland.

5.2 Northland Regional Coastal Plan and Regional Water and Soil Plan

As discussed above the rules in the operative regional plans have been superseded by the PNRP because decisions have been made and all appeals are now resolved. The proposal is considered to be a non-

complying activity under the operative regional coastal plan, but consent is not sought under this plan as the rules are not operative.

5.3 Proposed Far North District Plan

The Proposed Far North District Plan (PFNDP) was notified on 27 July 2 May 2022, and is currently at hearings stage.

The council did not resolve to make any rules have immediate legal effect and therefore it is only rules covered by s86B (3) applies –

- A rule in a proposed plan has immediate legal effect if the rule—*
- (a) protects or relates to water, air, or soil (for soil conservation); or*
 - (b) protects areas of significant indigenous vegetation; or*
 - (c) protects areas of significant habitats of indigenous fauna; or*
 - (d) protects historic heritage; or*
 - (e) provides for or relates to aquaculture activities.*

Given that the submission and further submission period have closed and hearings have commenced some provisions in the Proposed District plan are considered to have greater weighting than the Operative Far North District Plan 2009 (OFNDP) if the provisions are not subject to challenge via any submission or further submission. Otherwise the provisions of the Operative District plan still hold greater weighting until decisions have been made, unless there is a conflict of an Operative District plan provision with a NES or NPS.

The subject site is zoned Rural Production Zone, and this zone extends through the estuary as shown on Figure 6 below:

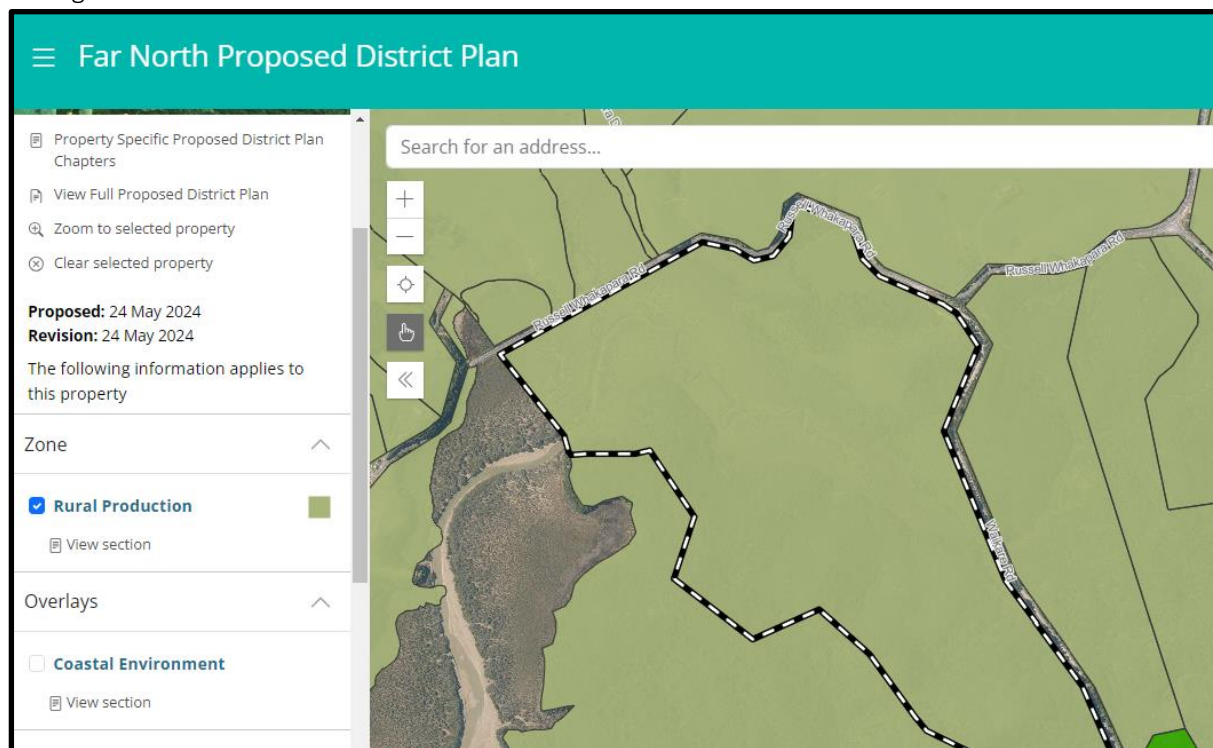


Figure 4: Site is in the Rural Production zone under the Far North Proposed District Plan

The relevant layers are discussed in section 4.3 above, but essentially the Coastal Environment reaches from the edge of the mangroves inland over the whole site – and the boundary of this layer aligns with the mapped Mean High Water Spring. As shown on Figure 7 below the whole site is considered to be an Outstanding Natural Landscape. The High Natural Character Area includes the mostly bush clad hillslopes as well as the grassy hill tops/ ridge. The Outstanding Natural Character Area (ONC106) is the extensive mangrove forest within the estuary. The intertidal zone is affected by the Coastal Hazard Area.

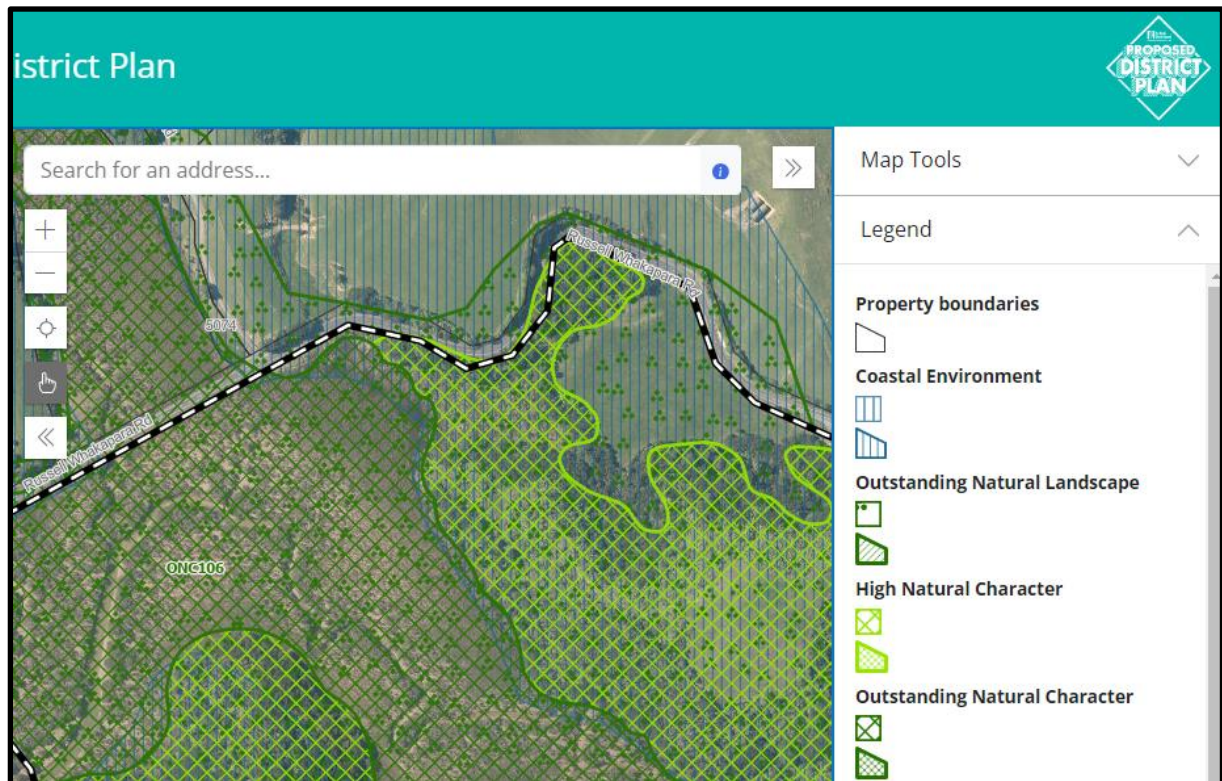


Figure 7: Natural Character, Landscape and Coastal Environment layers from the Far North Proposed District Plan

In summary, the proposed construction and use of the jetty, pathway and parking area is considered to be a non-complying activity because the proposal involves a structure within an Outstanding Natural Landscape Overlay (unable to comply with NATC-R1 PER1) – see Figure 7 above. The jetty is larger than 300m² so is unable to comply with NATC-R1 PER3, so is considered to be discretionary, but is non-complying under NFL-R1 PER2 as the structure sits within the Coastal Environment and is larger than 25m².

The proposed new building in the coastal environment and inside an outstanding natural character area is a non-complying activity under CE-R1 PER2 due to the size of the structure. The proposed new building in the Coastal Hazard Environment is a discretionary activity under CE-R1 PER3 as it cannot comply with zone setback from MHWS standards. The proposed new building in the Rural Production zone is restricted discretionary under RPROZ-R1 PER2 as it does not achieve the 30m setback from the MHWS.

The proposed earthworks and indigenous vegetation clearance do not comply with NATC-R3 due to the area of vegetation to be cleared, so the proposal is considered to be non-complying under NATC-R3 PER2. The proposed earthworks and indigenous vegetation clearance outside the coastal environment

is discretionary under NFL R3 PER2. The proposed earthworks and indigenous vegetation clearance inside the coastal environment is non-complying under NFL R3 PER3.

The potentially proposed hard protection structure is a discretionary activity under CE-R16 RD1S1.

Signage is permitted under SIGN-R7.

5.4 Operative Far North District Plan

The only rules of the Proposed District Plan that have legal effect are rules addressing aspects like listed historic items and their settings, notable trees, Sites and Areas of Significance to Māori, and ecosystems and indigenous biodiversity. In these cases, resource consent may be required under either or both the operative and proposed district plans. Rules with immediate legal effect may change because of submissions and subsequent decisions on the plan. According to the FNDC website (on 12 August 2024), the following applicable rules have immediate legal effect:

Ecosystems and Indigenous Biodiversity: All rules have immediate legal effect (IB-R1 to IB-R5)

Activities on the Surface of Water: All rules have immediate legal effect (ASW-R1 to ASW-R4)

Earthworks: The following rules have immediate legal effect: EW-R12, EW-R13

The following standards have immediate legal effect: EW-S3, EW-S5

Signs: The following rules have immediate legal effect: SIGN-R9, SIGN-R10

The proposed clearing of vegetation on the existing walking track is covered (and permitted) by IB-R1 which has immediate legal effect. No other rules that have immediate legal effect are relevant to this proposal.

The site is within the General Coastal Zone and the Coastal Marine Zone and contains an Outstanding Landscape, but the proposed activities are not within the Outstanding Landscape. It is noted that the ODP does not refer to Outstanding Natural Landscape's (as defined under the Act), but that the resource maps show Outstanding Landscape.

The proposal is for a jetty, which could meet the definition of a building under Chapter 3 of the ODP, as it is a structure over a public place (the inlet):

BUILDING

Any structure or part of a structure, whether temporary or permanent, movable or immovable, which would require a building consent under the Building Act 2004, including additions to buildings. Notwithstanding the provisions of Schedule 1 of the Building Act 2004, buildings also include:

- (a) any fence or boundary retaining wall or combination thereof exceeding 2m in height measured from the lowest adjacent ground level, and any retaining wall more than 1.5m above ground level provided that this does not apply to fences in the Rural Production, General Coastal, Rural Living or Coastal Living Zones used for the purposes of stock enclosure;*
- (b) any pool more than 1m in height or tank more than 2.7m in height above ground level (including a retention tank, swimming pool and spa pool);*
- (c) any vehicle, caravan, shipping container or structure whether moveable or immovable, used as a place of residence or business or for assembly or storage purposes but excludes temporary buildings associated with the construction of a building provided they do not exceed a height of 3m or an area of 15m²;*
- (d) any veranda, bridge or other construction over a public place or any tunnel or excavation beneath a public place;*

- (e) any lighting pole, flagpole, mast, pole, aerial or telecommunications structure which exceeds 6m in height;
- (f) any permanent tent or marquee or air-supported canopy;
- (g) any part of a deck or terrace which is more than 1m above ground level;
- (h) any stand alone satellite dishes exceeding 1m in height above the ground level on which it stands

As such, a building (not intended for human habitation) is proposed with a floor area of 310m², which is larger than the permitted Visual Amenity standard 10.6.5.1.1 provides for, and therefore requires consent as a restricted discretionary consent under 10.6.5.3 General Coastal Zone Standards.

The proposal includes clearing some vegetation for a walking track using machinery so is unable to comply with 12.2.6.1.1 (e); and some trees may be trimmed within 20m of the coastal marine area so is unable to comply with 12.2.6.1.3(b) or 12.2.6.2.1 and is therefore a discretionary activity under 12.2.6.3.

The proposed structure is less than 20m from the coastal marine area so is a non-complying activity under 12.7.6.4.

5.5 Resource Management (National Environmental Standards for Freshwater) Regulations 2020 (NES-FW)

The Resource Management (National Environmental Standard for Freshwater) Regulations 2020 (NES-FW) came into force on 3 September 2020. The NES-FW set out requirements for carrying out certain activities which pose risks to freshwater and freshwater ecosystems.

In particular, the NES-FW has standards for activities near to or within a wetland. A natural inland wetland is defined in the National Policy Statement for Freshwater Management as “a wetland (as defined in the Act) that is not:

- (a) in the coastal marine area
- (b) a deliberately constructed wetland, other than a wetland constructed to offset impacts on, or to restore, an existing or former natural inland wetland; or
- (c) a wetland that has developed in or around a deliberately constructed water body, since the construction of the water body; or
- (d) a geothermal wetland; or
- (e) a wetland that:
 - (i) is within an area of pasture used for grazing; and
 - (ii) has vegetation cover comprising more than 50% exotic pasture species (as identified in the National List of Exotic Pasture Species using the Pasture Exclusion Assessment Methodology (see clause 1.8)); unless
 - (iii) the wetland is a location of a habitat of a threatened species identified under clause 3.8 of this National Policy Statement, in which case the exclusion in (e) does not apply.

The NES-FW (s.42) states that Vegetation clearance and Earthworks or land disturbance within, or within a 10 m setback from, a natural inland wetland is a restricted discretionary activity if it is for the purpose of constructing a wetland utility structure.

wetland utility structure—

- (a) means a structure placed in or adjacent to a wetland whose purpose, in relation to the wetland, is recreation, education, conservation, restoration, or monitoring; and*
- (b) for example, includes the following structures that are placed in or adjacent to a wetland for a purpose described in paragraph (a):*
 - (i) jetties:*
 - (ii) boardwalks and bridges connecting them:*
 - (iii) walking tracks and bridges connecting them:*
 - (iv) signs:*
 - (v) bird-watching hides:*
 - (vi) monitoring devices:*
 - (vii) maimai*

The jetty will be used for recreation, education, conservation, restoration, and monitoring purposes, and therefore meets the definition of a wetland utility structure.

Section 43(1) of the NES-FW states that *Vegetation clearance within, or within a 10 m setback from, a natural inland wetland is a permitted activity if it—*

- (a) is for the purpose of maintaining a wetland utility structure; and*
- (b) complies with the conditions.*

The Ecology Report by Rural Design states that *“Stands of juvenile – mature mangroves (Avicennia marina subspecies australasica) were noted throughout the intertidal zone which is best represented as mangrove forest and scrub (SA1). As these vegetation types are found within the CMA, they are defined as ‘natural wetlands’ as opposed to ‘natural inland wetlands,’ and are therefore not considered under the NPS-FM/NES-F 2020 regulations. However, the proposed jetty and track run through what is considered a large saltmarsh wetland (SA1.3) which in parts falls outside of the CMA and is therefore considered a ‘natural inland wetland’ under the NPS-FM/NES-F 2020.”*

The proposed vegetation clearance and earthworks therefore require consent as a restricted discretionary consent under s.42 of the NES-FW. The ongoing trimming of the mangroves around the jetty is permitted.

5.6 Resource Management (National Environmental Standard for Assessing & Managing Contaminants in Soil to Protect Human Health) Regulations 2011

The Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 (NES Contaminated Soils) were gazetted on 13th October 2011 and took effect on 1st January 2012. Council is required by law to implement this NES in accordance with the Resource Management Act 1991 (RMA). The standards are applicable if the land in question is, or has been, or is more likely than not to have been used for a hazardous activity or industry (HAIL) and the applicant proposes to subdivide or change the use of the land, or disturb the soil, or remove or replace a fuel storage system.

A review of the known use of the land has identified that it is more likely than not that no HAIL activity has occurred on the site. As such, it is considered that the property does not constitute a 'piece of land' covered under Section 5(7) of the NES, and therefore, the NES is not considered applicable in this instance.

Further, the proposed volume of earthworks is also less than the permitted activity standards (s.8(3)(c)) of the NES Contaminated Soils provides for (25m³ per 500m²), and as such no further assessment is provided as the NES Contaminated Soils is not applicable.

5.7 Marine and Coastal Area (Takutai Moana) Act 2011 (MACA Act) (came into force on 1 April 2011)

The Act applies to the marine and coastal area. This area equates in most respects with the 'Coastal Marine Area' as defined in the Resource Management Act 1991 (RMA). It extends from MHWS on the landward side to the outer limits of the territorial sea

This act requires consultation with Tangata Whenua for proposed activities within the coastal marine area before lodging a resource consent application. In accordance with section 62(3) of the Marine and Coastal Area (Takutai Moana) Act 2011, in January 2024 we notified a number of parties of our intention to lodge an application with the Northland Regional Council for a resource consent for the placement of a structure (jetty) within the coastal marine environment of Waikare Inlet.

Consent is not required under the MACA Act and all requirements have been met under the MACA Act.

5.8 Overall Activity Status

Overall, the activity status of the proposal is as follows:

Table 4: Activity Status of the proposal

Plan or Legislation	Activity Status	Activity
Northland Proposed Regional Plan	Non-complying	
Northland Coastal Plan	Non-complying	
Northland Water and Soil Plan	Not applicable	
Proposed Far North District Plan	Non-complying	
Operative Far North District Plan.	Non-complying	
National Policy Statement for Indigenous Biodiversity (NPSIB)	Consent not required	
National Policy Statement for Freshwater Management 2020 (NPS-FM)	Consent not required	
Resource Management (National Environmental	Restricted discretionary	proposed vegetation clearance and earthworks

Standards for Freshwater) Regulations 2020 (NES-FW)		
Resource Management (National Environmental Standard for Assessing & Managing Contaminants in Soil to Protect Human Health) Regulations 2011	Permitted	
Marine and Coastal Area (Takutai Moana) Act 2011 (MACA Act)	Consent not required	

Overall, the activity status of the proposal is non-complying.

We consider that all relevant resource consents have been applied for. However, please treat this as a full application to cover any other aspects of the proposal that either Council consider requires resource consent.

6. Activity Status Assessment Framework

Overall, the proposal is a non-complying activity. The matters that require consideration in assessing this application are set out in section 104, section 104B and section 104D of the Resource Management Act 1991. These matters include the actual and potential effects of allowing activities on the environment, the relevant objectives and policies of the planning documents, and any other matter that is relevant and necessary to determine the application. The provisions of section 104 are subject to the matters set out in Part II of the Act.

Prior to assessing a proposal for non-complying activity under s104; an assessment under s104D must be completed. A non-complying activity may only be considered for approval through assessing the relevant s104 matters if it passes the 'Gateway Test' set out in s104D. This requires that the proposal must not generate adverse effects on the environment that are more than minor **or** that the proposal must not be contrary to the relevant objectives and policies of the relevant planning documents.

The following sections of this application will address the actual and potential effects of the activity on the environment, the relevant objectives and policies and the relevant provisions of Part II of the Resource Management Act 1991

7. Assessment of Effects on the Environment

An assessment of the actual and potential effects generated by the proposal is outlined below. In accordance with section 95D this assessment has disregarded any effects on persons who own or occupy the site and any land adjacent to the site, adverse effects of permitted activities, trade competition and the effects of trade competition and any effects on a person who has given written approval to the application. Consideration has been given to the relevant assessment criteria contained within the relevant planning documents, the existing environment and the permitted baseline.

7.1 Assessment Criteria

As the proposal is considered to be non-complying by all four relevant plans there is no restriction as to what Council can consider. While the applicable assessment criteria will provide some guidance, these are not duplicated here.

7.2 Permitted baseline

The permitted baseline defines the effect on the environment against which a proposed activity's degree of adverse effect may be gauged. It comprises non-fanciful hypothetical activities and their constituent effects that are permitted as of right by all relevant planning documents.

Pursuant to section 95D(b) of the Act a consent authority may disregard an adverse effect of an activity on the environment if the plan permits an activity with that effect (the 'permitted baseline' test). There are two categories to the permitted baseline test:

1. What lawfully exists on the site at present;
2. Activities (being non-fanciful activities) which could be conducted on the site as of right; i.e. without having to obtain resource consent.

Having regard to the above, the following points are considered relevant to the consideration of this application:

- There are no permitted structures within the coastal marine area.
- The earthworks to construct the track would not require resource consent and the proposed signage does not require consent. Both form part of the application.

7.3 Assessment of Actual and Potential Effects

The effects of the proposal have been separated into the following categories for assessment:

- 7.3.1 Positive Effects
- 7.3.2 Direct Construction Effects
- 7.3.3 Effects of vegetation removal within the kanuka scrub
- 7.3.4 Effects on Natural Inland Wetland

- 7.3.5 Effects on Mangrove Forest
- 7.3.6 Secondary Effects
- 7.3.7 Fauna Effects
- 7.3.8 Visual Effects
- 7.3.9 Flood effects
- 7.3.10 Cumulative Effects

7.3.1 Positive Effects

Ongoing pest control and better access to bait lines will provide for better habitat for native species in the area and further encourage nesting and breeding onsite. Weed control will allow the indigenous ecosystems to thrive and extend further than their current extent. Access will allow the consent holder and others to remove rubbish and other contaminants from the waterbody.

Access to and appreciation of the coastal environment in this locality is also a positive effect of the proposal. The proposal improves the amenity value and enjoyment of the environment for the site and those using the site.

7.3.2 Direct Construction Effects

As described in the Rural Design ecology report (**Appendix 4**) typically, during the construction phase of the proposed works, the adverse impacts of the development will comprise of habitat loss and potential disturbance of the existing habitats within the immediate area.

It is thought that the noise of machinery and human activity during the development of the track and jetty are expected to disturb birds and herpetofauna in the vicinity, potentially resulting in temporary loss of onsite habitat.

Consideration must also be given to the root zone of native vegetation on site. Heavy machinery and earthworks within the sensitive root zone of native trees can compact soil, damage roots and disturb the soil structure. All of these effects can compromise a tree's stability, growth and overall health. As such, it is thought that the excavation of land, the compaction of soil or the formation of any new impervious service within the rootzone of any native tree stand to be retained should be avoided. If the rootzone cannot be avoided, it is recommended to use specialized machinery to minimize soil compaction and a consultation with arborists or tree care professional to ensure the well-being of the trees throughout the construction process.

Heavy machinery will be kept out of the intertidal zone as much as possible, and all refuelling will occur on dry land. Machinery will be kept in good working order.

The Ecological Report states that much of the potential effects to avifauna species during the construction phase of the track and jetty can be mitigated and avoided with appropriate surveying. To

elaborate, the detrimental environmental effects on avifauna present within the area can be significantly minimized by avoiding works during the peak breeding season (September – February). Works are proposed to occur in April/ May, weather permitting.

On the basis of the Ecological Report provided by Rural Design and the mitigation and offsetting measures inherent in the application it is considered that any adverse effects of the Construction will be less than minor.

7.3.3 Effects of vegetation removal within the kanuka scrub

The proposal involves cutting a track along the line of the existing bush pathway. Around 73m² of native bush may be cleared, although the canopy will be maintained. An obvious permanent loss of habitat will occur during the development phase of the track where vegetation removal is required. It should be noted that vegetation clearance would be minor and consist of mature stands of ~5 kanuka, ~2 totara and ~1 mahoe plus regenerating scrub bush within the immediate track footprint.

Rural Design discuss the effects of the proposal on the wetland on page 45 of their Report (**Appendix 4**).

7.3.4 Effects on Natural Inland Wetland

The natural inland wetland that will be affected is the strip of saltmarsh between the mangrove forest and the kanuka scrub forest. The area of works within the natural inland wetland is 16m² of jetty, and 18m² of track (total of 34m²).

Rural Design discuss the effects of the proposal on the wetland on page 44 of their Report (**Appendix 4**). Temporary loss of indigenous, natural inland wetland habitat utilized by native avifauna will occur during the construction phase of the jetty, and permanent loss will occur where the jetty piles enter the wetland bed.

The conditions under s.42(4) of the NES-FW require that that—

- (a) the activity must be undertaken only for as long as necessary to achieve its purpose; and*
- (b) before the activity starts, a record must be made (for example, by taking photographs) of the original condition of the natural inland wetland's bed profile and hydrological regime that is sufficiently detailed to enable compliance with paragraph (c) to be verified; and*
- (c) the bed profile and hydrological regime of the natural inland wetland must be returned to their original condition no later than 30 days after the start of the activity.*

To be in accordance with condition 4(c) of Rule 42 of the NES, the natural inland wetland's hydrological regime and bed profile must be returned to its original condition no later than 30 days after the start of the activity. It is thought that if the wetland's hydrology and bed profile are restored, it will provide ideal conditions for natural revegetation of hydrophytic vegetation of the area by species found in the wetland, namely oioi. As such, the wetland habitat will be restored to its natural condition shortly after the construction phase and thus provide its original ecosystem services for native avifauna identified within the area. Accordingly potential and actual adverse effects to the surrounding vegetation is thought to be only very short-term, and less than minor after construction.

On the basis of the Ecological Assessment provided by Rural Design and the mitigation and offsetting measures inherent in the application it is considered that any adverse effects on the Natural Inland Wetland will be less than minor.

7.3.5 Effects on Mangrove Forest

Rural Design discuss the effects of the proposal on the wetland on page 45 of their report (see **Appendix 4**). Mangroves that must be removed for the jetty are considered juvenile and are generally less than a meter high. Nonetheless approximately 400m² of mangrove removal will have potential and actual adverse effects on the surrounding environment, though these are considered to be less than minor given the size of the project. Mangroves will be allowed to grow back through some of the construction area, but a clearance near the end of the jetty will be maintained to allow for watercraft to access to the jetty and floating platform from the main creek channel.

Similar to terrestrial and wetland vegetation removal, all other adverse effects of short-term mangrove vegetation disturbance are thought by Rural Design to be appropriately avoided through comprehensive surveying prior to and during construction.

On the basis of the Ecological Report provided by Rural Design and the mitigation and offsetting measures inherent in the application it is considered that any adverse effects on the Mangrove Forest will be less than minor.

7.3.5 Ecological - Secondary Effects

Secondary effects result from increased activities and habitat modifications within the application area and the surrounding area during the operational phase and following the jetty development. During the operational phase of the proposed works, adverse impacts will comprise potential increased levels of disturbance through increased levels of noise and human presence.

Avifauna are likely to be continually affected by the addition of the new structure and the human traffic it will introduce into the area. Ongoing pruning of mangroves and wetland vegetation will likely occur as a result of the installation of a new wetland utility structure.

Rural Design state that generally, it is thought that ongoing pruning of mangroves for the purposes of maintaining the jetty will result in less than minor effects to the receiving environment if pruning takes place between March and August - outside of the breeding season for most avian species. Future pruned branches are to be removed from the intertidal zone as to prevent excess debris entering the stream channel, and instead should be piled within the dryland bush area to provide additional habitat / refuge for native herpetofauna. It is thought that providing additional habitat for native herpetofauna further offsets any potentially negative effects to the environment caused by the pruning of vegetation.

Within the increased use of the site by people, and with the opening of 'edge effects' along a track, there is potential for the movement of weeds into the site. The proposed conditions above for a Pest Plant Management Plan and the control of all pest plants within the footprint of the proposed

development prior to works being undertaken means that the risks associated with their spread as a result of construction is assessed as less than minor.

Rural Design state that the control of noxious weeds within the development area is also thought to further offset any potential negative effects to the receiving environment caused by the construction of the jetty and track.

On the basis of the Ecological Report provided by Rural Design and the mitigation and offsetting measures inherent in the application it is considered that any adverse secondary effects on the ecosystems will be less than minor.

7.3.6 Fauna Effects

The Ecological Report discusses the actual and potential effects on the fauna at the site. Although the area of land and vegetation to be disturbed is small, given the rarity of the species present on site and that the development site is within a Significant Bird Area – critical bird habitat, an additional preliminary avifauna breeding survey is proposed to be conducted as a resource consent condition prior to the commencement of development by an appropriately experienced and qualified ecologist to determine the presence of roosting / nesting birds, irrespective of the time of year.

Similar to avifauna, much of the potential effects to reptilian species during the construction phase of the track and jetty can be mitigated and avoided with appropriate surveying. It is proposed that lizard monitoring be conducted prior to the removal of native bush. This will avoid, remedy and minimise adverse effects to lizards, with the physical vegetation clearance of site to be overseen by a suitably qualified and experienced ecologist. Should any native herpetofauna be identified within the tree clearance footprint at any point leading up to or during the vegetation clearance works, all works are to cease until appropriate Wildlife permits for salvage and relocation can be obtained. Further, if cut branches are placed within the bush (rather than being mulched or burnt or removed from site), and lizards within the cut branches will be retained in the vicinity. In order to minimise mortality and injury to potential indigenous lizards that may be present on site, felled trees shall be cut into sections and stockpiled at the edge of remaining native vegetation (outside the vegetation clearance footprint). The stockpiled vegetation can then be used as habitat enrichment (cut into sections and/or discs) and left in the remaining bush areas.

The Ecology Report states *“In conclusion given the size of the development footprint and works associated, virtually all potential negative effects to native fauna can be avoided if proper surveys and management plants are conducted and developed. As such the development of the jetty and track is though to have less than minor effects to native fauna following the recommendations made within this report”*.

On the basis of the Ecological Report provided by Rural Design and the mitigation and offsetting measures inherent in the application it is considered that any adverse effects on fauna will be less than minor.

7.3.7 Visual Effects

Visual effects are considered under the district planning framework. The jetty structure is unable to comply with setback standards from the MHWS, but the structure is set back more than 120m from the site boundary. Neither the structure, walkway or parking area will be visible from beyond the site boundary. The jetty will be on private land, but this land is accessible via the waterway. The jetty will be constructed out of wood and set back within the mangrove forest so will not be easily visible by persons on watercraft or in the water until they are very near the structure.

The proposed signage will be very small and is a permitted activity. It will ensure that people know that they can use the structure, but not enter onto the land. Wording will be simple but clear. The signage will not be reflective or easily visible and will not be able to be seen from a road reserve.

On the basis of the assessment above and the mitigation inherent in the application it is considered that any adverse visual effects will be less than minor.

7.3.9 Flood effects

The proposed jetty deck will be located at least 300mm above the maximum water level in a 1 percent AEP flood event plus 1m sea level rise. The structure will not increase coastal inundation on other properties. The jetty will not impede flood flows and any debris found on the structure following flood events will be cleared from the waterway and placed above mean high water spring to provide habitat for fauna. The pathway will not impede flood flows. The structure does not contain vulnerable activities so can be inundated in large flood events. The structure has been designed by Chartered Professional Engineers so that it does not wash away in flood events. The consent holder will be responsible for inspecting the structure following flood events to ensure that it remains in good working order and does not present a navigational hazard.

On the basis of the above assessment and design completed by LDE (**Appendix 3**) it is considered that any adverse effects on flood hazards will be less than minor.

7.3.10 Cumulative Effects

Cumulative effects result from jetty construction that might occur, and additional to the effects that can be expected to have already occurred as a result of development of the wider area which will also increase in the future. Cumulative effects are defined as:

*(3) (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.

As discussed in the Ecological Report, when considering cumulative effects there are several practical and policy barriers to be considered. It is difficult to predict and assess cumulative effects with a high degree of certainty, due to complex ecological interactions, the lack of environmental baseline data, and the scale and timeframes at which Councils plan. However, consideration of existing and reasonably foreseeable activities (e.g. pruning for maintenance) must be given.

On the basis of the Ecological Report provided by Rural Design and the mitigation and offsetting measures inherent in the application it is considered that any adverse cumulative effects will be less than minor.

7.4 Summary of Effects

Despite the rarity and high value of the ecological features present onsite and within the immediate development footprint, it is considered that the extent of works required to establish a track and jetty are minor. Consequently, less than minor effects to the environment will result when the proposed mitigation measures are implemented in conjunction with best practice construction methodology. As such it is considered that cumulative environmental impact associated with the installation of the proposed track and jetty is deemed less than minor.

Overall, it is considered that any adverse effects on the wider environment relating to this proposal will be less than minor. To achieve this outcome conditions are proposed as part of this proposal – refer to **section 3.7** above.

8. Public Notification Assessment

Assessment of Steps 1 to 4 (Section 95A)

Section 95A specifies the steps the Council is to follow to determine whether an application is to be publicly notified. These steps are address in the statutory order below.

Step 1: Mandatory public notification in certain circumstances

No mandatory notification is required as:

- the applicant has not requested that the application is publicly notified (s95A(3)(a));
- the application does not involve any exchange of recreation reserve land under s15AA of the Reserves Act 1977 (s95A(3)(c)).

Step 2: If not required by step 1, public notification precluded in certain circumstances

Step 2 states that public notification of a resource consent application is precluded if the proposal is:

- for one or more activities and each activity is subject to a rule or national environmental standard that precludes public notification; or
- the application is a for a controlled activity, and no other activities; or a restricted discretionary, discretionary, or non-complying activity, but only if the activity is a boundary activity¹.

If any of the above applies you go to Step 4; otherwise the criteria of Step 3 must be considered.

There is no rule precluding public notification and there are other consenting requirements beyond a boundary activity. Therefore, the public notification of the application is not precluded by step 2, and the circumstances under step 3 need to be considered.

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

The application is not for an activity that is subject to a rule or national environmental standard that requires public notification (s95A(8)(a)).

The assessment completed in the AEE above has shown that the proposal will, or is likely to, only result in effects on the environment that are minor or less (s95A(8)(b)).

¹ An activity is a **boundary activity** if— (a) the activity requires a resource consent because of the application of 1 or more boundary rules, but no other district rules, to the activity; and (b) no infringed boundary is a public boundary.

In accordance with section 95D this assessment has disregarded any effects on persons who own or occupy the site and any land adjacent to the site, adverse effects of permitted activities, trade competition and the effects of trade competition and any effects on a person who has given written approval to the application.

Given the above, public notification is not required under step 3.

Step 4: Public notification in special circumstances

If an application has not been publicly notified as a result of any of the previous steps, then the Council is required to determine whether special circumstances exist that warrant it being publicly notified (s95A(9)). Special circumstances are those that are:

- exceptional or unusual, but something less than extraordinary;
- outside of the common run of applications of this nature; or
- circumstances which makes notification desirable.

There is nothing exceptional or unusual, or outside the common run of applications of this nature that warrant notification based on special circumstances.

Public notification conclusion

Having considered the section 95A public notification tests, the following conclusions are reached:

- Under step 1, public notification is not mandatory.
- Under step 2, public notification is not precluded.
- Under step 3, the application does not need to be publicly notified as the proposal will have adverse effects on the environment that are less than minor/minor or less.
- Under step 4, there are no special circumstances that warrant the application being publicly notified.

The application can therefore be processed without public notification.

9. Consultation

The Marine and Coastal Area (Takutai Moana) Act 2011 (MACA) requires that before a person lodges an application for resource consent, it must notify and seek the views of any group that has applied for recognition of Customary Marine Title in that area.

An email with information on the proposal has been sent to customary marine title claimants in the Waikare Inlet area and their views have been sought – refer to details in **Appendix 6**.

Three responses were received, and these are included in **Appendix 6**.

Local Kaumatua Kara George visited the site with the chair of the local iwi, Chris Hipi. The chairman viewed the plans and checked that the structure was designed and would be built in accordance with relevant engineering standards. Mr George visited the area where the jetty is proposed to be located and discussed the history of the area and named the peaks that could be seen from the top of the ridge. He identified that he had no concerns with the proposal and took copies of the plans to display at the marae.

Mr George provided a letter in support of the proposed jetty and this is also included at **Appendix 6**.

Although specific engagement with Mana Whenua has been undertaken, we will also rely on utilisation of the Council Mana Whenua Facilitation process should this be considered necessary.

10. Limited Notification Assessment

Assessment of Steps 1 to 4 (Section 95B)

If the application is not publicly notified under s95A, the council must follow the steps set out in s95B to determine whether to limited notify the application. These steps are addressed in the statutory order below.

Step 1: Certain affected protected customary rights groups must be notified

Step 1 requires limited notification where there are any affected protected customary rights groups or customary marine title groups or affected persons under a statutory acknowledgement affecting the land (ss95B(2) and 95B(3)).

The above does not apply to this proposal as no protected customary rights groups, customary marine title groups or affected persons under a statutory acknowledgment are affected by the application.

There are no customary marine title groups or customary rights groups within the Marine and Coastal Area Register, affected by the proposal. However, consultation letters have been sent to all those groups that have applied for customary marine titles and customary rights. That consultation is discussed in Section 9 above.

Specific engagement with Mana Whenua has been undertaken, and support has been found, however, we will rely on utilisation of the Council Mana Whenua Facilitation process as well and will address any issues that arise in due course.

Step 2: If not required by step 1, limited notification precluded in certain circumstances

Step 2 describes that limited notification is precluded where all applicable rules and NES preclude public notification; or the application is for a controlled activity (other than the subdivision of land).

The proposal does not involve subdivision and is not a Controlled activity. There are no rules precluding notification. Therefore, limited notification is not precluded.

Step 3: If not precluded by step 2, certain other affected persons must be notified

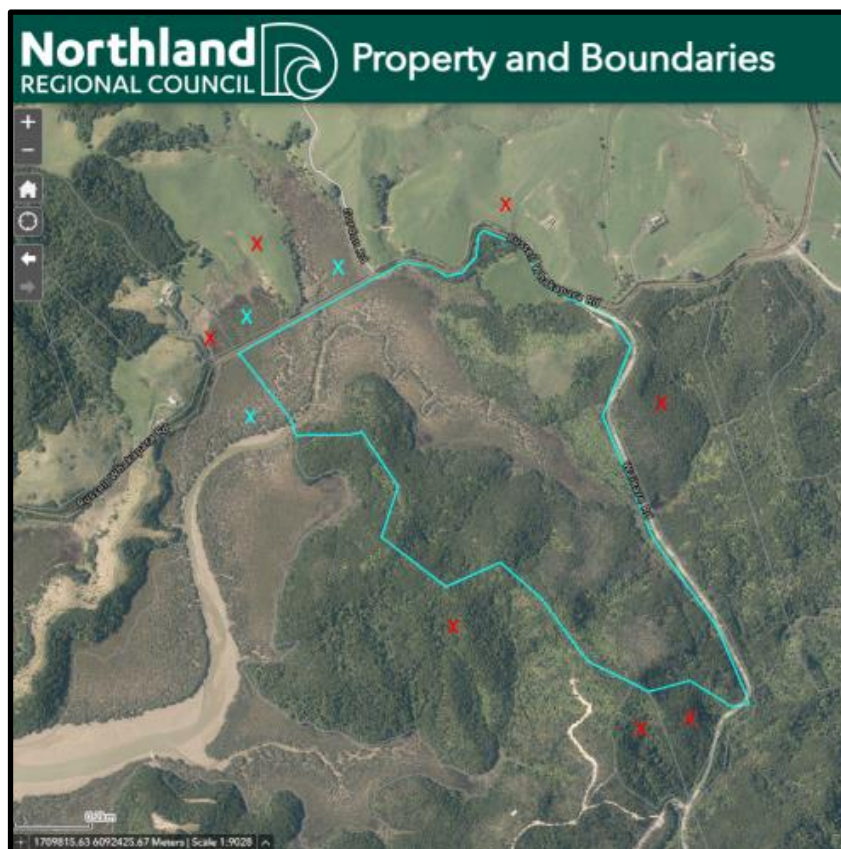
Step 2 requires that where limited notification is not precluded under step 2 above, a determination must be made as to whether any of the following persons are affected persons:

- In the case of a boundary activity, an owner of an allotment with an infringed boundary; and
- In the case of any other activity, a person affected in accordance with s95E.

The application is not for a boundary activity. An assessment in accordance with s95E is required and is set out below.

Adjoining and adjacent land have been excluded from the assessment of wider environmental effects but are included for the purposes of assessing effects for Limited Notification.

Adjacent land is not defined in the RMA however the term “adjacent” has been defined in case law as meaning “lying near or close; adjoining; continuous; bordering’ not necessarily touching though this is by no means precluded”. For the purposes of the tests for limited notification for this application, adjacent land is considered to be those sites directly adjoining the application site or located directly across the road – refer to Figure 8 below.



Adjacent land includes the following titles (red x on Figure 7):

- 248496
- 248499
- 697153
- NA693/59
- 721107
- 331892, 721567

As well as three parcels of public land that do not have titles (shown with a blue x on Figure 7).

No written approvals have been obtained or supplied with this application.

Figure 8: Adjacent land

Assessment

No persons are considered to be adversely affected by this application (as the potential adverse effects will be less than minor) for the following reasons:

- The area where the works are proposed is not easily visible from beyond the site boundary.
- The proposal includes conditions to ensure that the site is managed in a way so that sediment does not enter the waterways
- The site will be managed in a way that minimises any effect on native fauna in the area
- The construction period will be short term, and minimal works will be undertaken
- Offset planting is proposed so that there is a net gain in ecological value via proposed native vegetation planting.

Accordingly, it is considered that the consent authority need not give notice of this proposal to any person.

Step 4: Further notification in special circumstances

In addition to the findings of the previous steps, the council is also required to determine whether special circumstances exist in relation to the application that warrant notification of the application to any other persons not already determined as eligible for limited notification.

Step 4 does not apply as there are no special circumstances relating to the proposal which would warrant limited notification.

Limited Notification Conclusion

Having undertaken the s95B limited notification tests, the following conclusions are reached:

- Under step 1, limited notification is not mandatory;
- Under step 2, limited notification is not precluded;
- Under step 3, limited notification is not required as it is considered that the activity will not result in any adversely affected persons; and
- Under step 4, there are no special circumstances.

Therefore, it is recommended that this application be processed without limited notification.

11. Statutory and Policy Assessment

11.1 Section 104 Matters

Overall, the proposal is a non-complying activity. The matters that require consideration in assessing this application are set out in section 104, section 104B and section 104D of the Resource Management Act 1991. These matters include the actual and potential effects of allowing activities on the environment, the relevant objectives and policies of the planning documents, and any other matter that is relevant and necessary to determine the application. The provisions of section 104 are subject to the matters set out in Part II of the Act.

Prior to assessing a proposal for non-complying activity under s104; an assessment under s104D must be completed. A non-complying activity may only be considered for approval through assessing the relevant s104 matters if it passes the 'Gateway Test' set out in s104D. This requires that the proposal must not generate adverse effects on the environment that are more than minor **or** that the proposal must not be contrary to the relevant objectives and policies of the relevant planning documents.

The preceding sections of this report addressed the actual and potential effects of the activity on the environment. An assessment of the relevant objectives and policies and the relevant provisions of Part II of the Resource Management Act 1991 is provided below in section 13.

11.2 Policy Assessment

In accordance with Section 104(1)(b) of the Resource Management Act 1991 ('RMA'), this part of the report addresses the following statutory documents which are relevant to the assessment of this proposal:

- Resource Management (National Environmental Standards for Freshwater) Regulations 2020 (NES-FW)
- Resource Management (National Environmental Standard for Assessing & Managing Contaminants in Soil to Protect Human Health) Regulations 2011
- Marine and Coastal Area (Takutai Moana) Act 2011 ('MACAA')
- National Policy Statement for Indigenous Biodiversity (NPSIB)
- National Policy Statement for Freshwater Management 2020 (NPS-FM)
- New Zealand Coastal Policy Statement ('NZCPS')
- Regional Policy Statement for Northland (14 June 2018)
- Proposed Regional Plan for Northland (PRPN)
- Northland Regional Coastal Plan and Regional Water and Soil Plan
- Proposed Far North District Plan
- Operative Far North District Plan

11.2.1 Resource Management (National Environmental Standards for Freshwater) Regulations 2020 (NES-FW)

These standards were discussed in section 5.7 above. The Freshwater NES set requirements for carrying out certain activities that pose risks to freshwater and freshwater ecosystems. Anyone carrying out these activities will need to comply with the standards.

The standards are designed to protect natural inland wetlands, protect urban and rural streams from in-filling and ensure connectivity of fish habitat (fish passage) amongst other things. The proposal involves some work within a natural inland wetland, but the ecological report by Rural Design states that the effects can be adequately mitigated by minimising the area and duration of works, by surveying the species in the wetland and avoiding works during breeding season, and by allowing the wetland to regenerate around the pathway following construction.

The regulation provides for vegetation clearance for the purposes of constructing a wetland utility structure (a jetty), and as such the proposed activity is anticipated by the NES-FW if the proposal can comply with the relevant conditions. The proposal will comply with the conditions as detailed in section 7.3.4 of this report.

Given the above, it is considered that the proposal is not inconsistent with the intent to protect natural inland wetlands.

11.2.2 Resource Management (National Environmental Standard for Assessing & Managing Contaminants in Soil to Protect Human Health) Regulations 2011

These standards were discussed in section 5.8 above. The proposal is considered to be a permitted activity under the NES Contaminated Soils. The NES Contaminated Soils provides a mechanism to protect human health from historic contamination. In this case it is more likely than not that the soils in the area are not contaminated and as such the proposal is consistent with the intent of the NES Contaminated Soils.

11.2.3 Marine and Coastal Area (Takutai Moana) Act 2011 ('MACAA')

This Act was discussed in section 5.9 above. The MACAA requires consultation with Tangata Whenua. Tangata Whenua have been contacted and appropriate representatives visited the site. Plans of the proposal were made available at the local marae. While it is understood that not all persons who hold Whakapapa or connection to the land have been advised of the proposal, we have endeavoured to connect with Tangata Whenua, and we welcome any further input through the standard council process.

Given the above, it is considered that the proposal aligns with the requirements of the MACAA.

11.2.4 National Policy Statement for Indigenous Biodiversity (NPSIB)

The National Policy Statement for Indigenous Biodiversity (NPSIB) is an essential part of our response to biodiversity decline in Aotearoa. It provides direction to councils to protect, maintain and restore indigenous biodiversity requiring at least no further reduction nationally. It is limited to land (terrestrial) ecosystems and some aspects of wetlands.

While the NPSIB has no specific rules, and consent is not required under the NPSIB, there is a requirement for councils to consider whether restoration or enhancement of native ecosystems is a required condition of consent. In this case we would like to propose a condition of consent that restoration planting of 345m² be undertaken within the site which offsets the removal of both terrestrial and marine vegetation.

Essentially the objective of the NPS-IB is to maintain indigenous biodiversity across Aotearoa to achieve no net loss of biodiversity in NZ. The proposal will result in a small amount of vegetation removal in three described ecosystems. Ecological mitigation and enhancement planting will be provided alongside allowing the potentially damaged ecosystems to regenerate and ecological values to be improved. Access to the site will allow for significant improvements to pest control processes which will subsequently provide for improved ecosystem regeneration in the area.

The NPS-IB balances out the aim of not net loss of indigenous biodiversity with an objective to provide for the social, economic, and cultural wellbeing of people and communities now and in the future. The jetty will help provide for the social wellbeing of the applicant and other landholders in the future.

Policy 2 in the NPS-IB provides for Tangata whenua to exercise kaitiakitanga for indigenous biodiversity in their rohe, by actively participating in other decision-making about indigenous biodiversity. Tangata Whenua have been consulted about this proposal.

Policy 15 of the NPS-IB ensures that areas outside SNAs that support specified highly mobile fauna are identified and managed to maintain their populations across their natural range, and information and awareness of highly mobile fauna is improved. Policy 17 of the NPS-IB ensures that there is improved information and regular monitoring of indigenous biodiversity. The proposal involves monitoring and collecting information and increasing awareness of various mobile fauna known to frequent the area.

Given the above, it is considered that the proposal is consistent with the objectives and policies of the NPS-IB.

11.2.5 National Policy Statement for Freshwater Management 2020 (NPS-FM)

The National Policy Statement for Freshwater Management 2020 (NPS-FM) sets out the objectives and policies for freshwater management under the Resource Management Act 1991, and requires Councils to manage freshwater in a way that 'gives effect' to Te Mana o te Wai:

Te Mana o te Wai is a concept that refers to the fundamental importance of water and recognises that protecting the health of freshwater protects the health and well-being of the wider environment. It

protects the mauri of the wai. Te Mana o te Wai is about restoring and preserving the balance between the water, the wider environment, and the community.

Councils are required to improve degraded water bodies and maintain or improve all others using bottom lines defined in the Freshwater NPS. They are required to avoid any further loss or degradation of wetlands and streams.

There are no specific rules in the Freshwater NPS and consent is not required under the Freshwater NPS, there are various methods that can be used under the Freshwater NPS to measure freshwater quality.

The NPS-FM takes a step further than previous policy frameworks and prioritises the health and wellbeing of water bodies and freshwater ecosystems above the health needs of people and the ability of people and communities to provide for their social, economic, and cultural well-being, now and in the future to give effect to Te Mana o te Wai

Policy 2 in the NPS-FM ensures that Tangata whenua to exercise kaitiakitanga for indigenous biodiversity in their rohe, by actively participating in freshwater management (including decision-making). Tangata Whenua have been consulted about this proposal.

Policy 6 is that there is no further loss of extent of natural inland wetlands, their values are protected, and their restoration is promoted. While a small area of natural inland wetlands will be damaged, these areas will be restored (except for the pathway), and additional weed control is proposed so that the area of wetland is extended.

There are other policies relating to collecting data on freshwater ecosystems through monitoring, and this aspect is also proposed as part of the project.

Given the above, it is considered that the proposal is in keeping with the objective of the NPS-FM and achieves the applicable policies of the NPS-FM as overall the proposal will result in positive effects on the waterbodies and freshwater ecosystems at the site.

11.2.6 New Zealand Coastal Policy Statement

The New Zealand Coastal Policy Statement 2010 (NZCPS) guides councils in their day-to-day management of the coastal environment. The NZCPS is the only compulsory NPS under the RMA.

The first objective of the NZCPS is to safeguard the integrity, form, functioning and resilience of the coastal environment and sustain its ecosystems, including marine and intertidal areas and estuaries... This objective can be achieved in this case *by maintaining or enhancing natural biological and physical processes in the coastal environment and recognising their dynamic, complex and interdependent nature; and protecting representative or significant natural ecosystems and sites of biological importance and maintaining the diversity of New Zealand's indigenous coastal flora and fauna.*

The proposal enhances the natural biological and physical processes on the site by removing pest species (plants and animals). The design of the jetty recognises the dynamic processes in the coastal

environment. The diversity of the ecosystems here are recognised and maintained and will be enhanced through providing additional lizard habitat and removing pests.

Objective 3 is to take account of the principles of the Treaty of Waitangi, recognise the role of tangata whenua as kaitiaki and provide for tangata whenua involvement in management of the coastal environment. Tangata Whenua have been included in this process, and a relationship with local iwi has been forged.

Objective 4 is to maintain and enhance the public open space qualities and recreation opportunities of the coastal environment. In this case, although the proposed works are contained within the parcel of land, it is understood that public access is provided on water, and as such the jetty will be available for public use (as indicated by a small sign on the structure).

Objective 5 is to ensure that coastal hazard risks taking account of climate change are managed. The proposal takes climate change into account when considering design of the structure and walkway.

Objective 6 enables people and communities to provide for their social, economic and cultural well-being and their health and safety through use and development recognising that the protection of the values of the coastal environment do not preclude use and development in appropriate places and forms. Functionally some uses and developments can only be located on the coast, such as a jetty. Historic heritage in the coastal environment is extensive but not fully known, and this structure provides a reminder of the historic use of jetties in this area.

Policy 11 aims to protect indigenous biodiversity in the coastal environment, and the proposed works will remove pest plants and animals and ensure that the indigenous biodiversity is improved.

Policy 13 aims to preserve natural character. The site contains outstanding natural character under the PRP and PDP (both of which are under review). Policy 13.1.a. is to *avoid adverse effects of activities on natural character in areas of the coastal environment with outstanding natural character*. The natural character of the area is coastal saltmarsh and intertidal zone adjacent to scrubby regenerating bush, and mangrove forests. This character will be maintained if not enhanced by the proposal, and it is considered that the proposed works will avoid adverse effects on the natural character of the site.

Policy 14 promotes restoration and rehabilitation of the natural character of the coastal environment, and the proposed jetty, weed control and clearing of the walking track will enable the fauna and flora of indigenous species in the coastal and intertidal environment to regenerate and re-establish.

Policy 15 aims to protect the natural features and landscapes of the coastal environment from inappropriate subdivision, use and development. There is no mapped natural feature or landscape in the area where works are proposed.

Given the above, it is considered that the proposal is in keeping with the majority of the objectives of the NZCPS and importantly is in keeping with the overall intent of the policy direction.

11.2.7 Regional Policy Statement for Northland (14 June 2018)

The Proposed Regional Policy Statement was Made Operative on 9 May 2016, and last updated on 14 June 2016. The objectives cover a range of matters from integrated catchment management, water quality, indigenous ecosystems and biodiversity alongside tangata whenua role in decision making. It also discusses natural hazard risk, natural character, outstanding natural features and landscapes and historic heritage.

Objective 3.2 aims to improve the overall quality of Northland's fresh and coastal water. The proposal does not work against this objective. Objective 3.4 aims to safe guard Northlands Ecological integrity by maintaining the extent and diversity of indigenous ecosystems and habitats in the area. The proposal contributes towards this objective. It also enhances indigenous ecosystems and habitats and contributes to providing habitat and monitoring regionally and nationally threatened species.

Objective 3.10 aims to efficiently use common natural resources with a particular focus on coastal water space. The proposal means that the applicant can utilise the Waikare Inlet instead of and as well as their usual coastal waters in Manawaora Bay.

Objective 3.12 aims to ensure that Tangata Whenua kaitiaki role is recognised and provided for in decision-making. The process of preparing this resource consent application has enabled tangata whenua input into the resource consent.

Objective 3.13 ensures that the risk and impacts of natural hazard events on people, property, and natural systems (amongst other things) are minimised. This is achieved through this proposal by designing the walkway and jetty for flood events and expected sea level rise and expecting the walkway to flood in extreme weather events.

The site is considered to have high natural character on the hillslopes, outstanding natural character in the estuary, and an outstanding natural landscape across the site. Objective 3.14 aims to identify and protect these features from inappropriate use and development. The design and location of the jetty and pathway means that the landscape and character of the area is not compromised. The proposed jetty structure is not visible from public spaces and the walkway and jetty are both key components of a rural coastal landscape (perhaps more so historically than today).

Objective 3.15 aims to maintain or improve the coastal environment through active management. The proposal (including the proposed pest control) takes an active management approach to the site and will result in improvements to the coastal environment and the indigenous vegetation, thereby improving the outstanding natural landscape, areas of significant indigenous vegetation and significant habitats of indigenous fauna. In the long run this will also contribute to improved coastal water quality.

There are various policies and methods in section 4 of the Northland PRPS setting out actions that the regional council will carry out in order to achieve the objectives of the policy statement. These actions essentially drop down into rules and policies in the regional plans (operative and proposed), so will be discussed below.

It is considered that the proposal includes a practical approach that works towards achieving a significant number of objectives in the Northland PRPS.

11.2.8 Proposed Regional Plan for Northland (PRPN)

The Proposed Regional Plan for Northland includes objectives and policies in section D. The proposal is generally consistent with section D.1 in that tangata whenua have engaged with the process to date and have provided direct feedback through korero about the proposal and how it may affect the iwi associated with Waikare Marae.

Section D.2 discusses methods that the regional council can employ to generally achieve good outcomes and is not specifically applicable to the resource consent process.

Under section D.2.17 Table 17 identifies the adverse effects on Natural Character to be avoided in the region. This identified that in Areas of Outstanding Natural Character, within the coastal marine area (such as the site) the effects to be avoided include adverse effects on the characteristics, qualities and values that contribute to make the place outstanding. The contributing values that are identified on the *nrc.gis Proposed Regional Plan – Appeals Version* for the Man of War Ck, Mid Waikare are: “*Indigenous vegetation without pest plants, close to present potential cover for site conditions. Part of a continuum of marine to terrestrial ecosystems. Catchment largely clad with indigenous vegetation. Part of a community pest control area.*” The description of the environment is “*Extensive mangrove forest, channels and saltmarsh in excellent condition. Includes causeway with good bridging*”. The proposal is considered to support this objective to avoid adverse effects on the contributing values, as it will ensure that the landowners and the community can remove pest plants, improve indigenous vegetation cover, and continue to control pests. D.2.17 4) recognises that uses and development form part of existing landscapes, features and water bodies and have existing [and historic] effects.

D.2.18 aims to manage the adverse effects of activities on indigenous biodiversity in the coastal environment by avoiding adverse effects on:

- *indigenous taxa that are listed as threatened or at risk in the New Zealand Threat Classification System list*
- *the values and characteristics of areas of indigenous vegetation and habitats of indigenous fauna that are assessed as significant using the assessment criteria in Appendix 5 of the Regional Policy Statement*

The assessment of ecological effects report by Rural Design identified that there may be habitat near to the site of the North Island Weka which is ‘At-Risk’. Also, ‘At-Risk’ North Island Fern Birds were heard throughout the site visit (by Rural Design). The habitat of these at risk species is proposed to be improved through this resource consent, and as such the proposal aligns with D.2.18. The proposal will also improve the habitat of lizards, which may be considered significant.

It is expected that in assessing the proposal the regional council will take a system-wide approach in accordance with D.2.18 5) a) and consider the wider effects on the ecosystem that can be achieved through better access to and greater use of the site and the associated pest control. Greater use of the site means greater awareness of weed and pest problems and increased likelihood of pest control being carried out effectively. It is also expected that the processing planner will recognise in accordance with

D.2.15 5) c) that minor or transitory effects may not be an adverse effect, and that some appropriate methods for avoiding, remedying or mitigating adverse effects are described in D.2.15 6) and include careful design, scale and location; minimising effects during sensitive times (such as bird breeding); and maintaining the continuity of natural processes and systems contributing to the integrity of ecological areas such as fallen logs etc; and the development of management plans (and monitoring) and restoration; and 8) recognising the benefit of activities on biodiversity values that enhance ecosystems, habitats and processes and indigenous biodiversity; and improve the use, value or understanding of ecosystems, habitats and indigenous biodiversity.

It is understood that under D.2.19 that the adverse effects of a proposal may in some cases extend beyond the coastal marine area to terrestrial areas including Outstanding Natural Landscapes. This is not applicable in this case, although it is noted that the effects may reach into the intertidal area of Outstanding Natural Character, although these will be less than minor (if not positive) and temporary for most of the site.

While a precautionary approach is identified under D.2.20, this applies to situations where we do not have a good understanding of how a proposal may affect indigenous biodiversity or Significant Bird Areas. In this case, we do have a good understanding of how jetties affect coastal environments, and we have a fairly high level of control over who will access the jetty and what anthropocentric activities will occur associated with the structure. These activities can be managed by the consent holder.

The first few sections of D.4 discuss water discharges and water quality, which is not applicable to this proposal as stormwater will not be diverted from its usual course, meaning that the function of the various wetlands on the site will not be affected (in compliance with D.4.22). The natural inland wetland will be restored in compliance with D.4.23, except where some minor damage may occur associated with the construction and maintenance of the wetland utility structure (jetty). In alignment with D.4.24 the benefits of wetland restoration must be recognised. It is noted that we have applied for a consent duration of 15 years for the jetty, and that under D4.24 the consent duration should be for as long as active restoration or enhancement works are required – the applicant would accept a longer consent duration in return for ongoing maintenance of the wetland. The proposal aligns with D.4.27 as the proposed earthworks and vegetation clearance will be carried out in accordance with good management practices and will avoid significant adverse effects on known drinking water supplies, areas of high recreational use, and aquatic ecosystem health, indigenous biodiversity in water bodies and coastal water and receiving environments that are sensitive to sediment or phosphorus accumulation.

Under D.5.28 Mangrove removal is considered appropriate where it is necessary to improve walking access to the coastal marine area and to improve water access for vessels (including kayaks), and for scientific research. All these activities are proposed. The adverse effects in D.5.29 have been given regard to and it is considered that the effects of disturbing fauna and habitat can be adequately avoided or mitigated through surveys prior to work being carried out, and coastal erosion has been mitigated through the design and orientation of the jetty compared to the predominant currents and winds.

Under D.6 a hard protection structure may not be required, but consent is sought for one if following detailed design, it is considered necessary for the protection of the natural inland wetland/ saltmarsh area once alternative responses to the hazard (including soft protection measures and restoration or enhancement of natural defences against coastal hazards) have been demonstrated to be impractical.

Given the above, it is considered that the proposal is consistent with the objectives and policies within Chapter D of the Proposed Regional Plan for Northland.

11.2.9 Northland Regional Coastal Plan and Regional Water and Soil Plan

While the Proposed Regional Plan is not fully yet operative the objectives and policies of the operative regional plans must be considered.

Under the Regional Water and Soil Plan for Northland the Objective 6.3.1 is to ensure the management of the natural and physical resources within the Northland region in a manner that recognises and provides for the traditional and cultural relationships of tangata whenua with the land and water. This objective has been achieved through the consultation process that has been carried out prior to preparing this resource consent application and establishing a relationship with the local marae.

The Water and Soil Plan includes a plethora of objectives, but no specific objectives relating to earthworks in proximity to the coastal marine area. The proposal is therefore considered to not be inconsistent with the objectives and policies of the Northland Water and Soil Plan.

The Regional Coastal Plan for Northland provides for Marine Management Areas, and the site is within a Marine Management Area 2 (Conservation), which is a catch-all for areas not otherwise defined for specific purposes. Objective 6.3 provides for the *development of an integrated coastal resource management regime which recognises areas of differing levels of subdivision, use, development and conservation value*. Policy 6.4.2 states that the conservation management area does not without preclude the provision for appropriate subdivision, use and development to manage those remaining areas in such a way as to protect, and where practicable, enhance natural, cultural and amenity values.

Objective 16.3 provides for recreational uses (such as those proposed) of the coastal marine area while avoiding, remedying, and mitigating the adverse effects of recreational activities on other users and the environment. Objective 17.3 provides for appropriate structures within the coastal marine area while avoiding, remedying or mitigating the adverse effects of such structures. Under s5.4 an effects-based approach is being taken toward new use and development in the coastal marine area. Policy 17.4.8 requires that all structures within the coastal marine area are maintained in good order and repair and that appropriate construction materials are used. This is also proposed by this application. Policy 17.4.9 restricts the presence of signs in the coastal marine area, and the proposed sign will be very small in order to avoid adverse effects, but to ensure public access is understood.

Other objectives in relation to avoiding natural hazards (15.3) are also achieved.

Given the above, it is considered that the proposal is generally in keeping with the objectives and policies of the Northland Regional Coastal Plan.

11.2.10 Proposed Far North District Plan

The proposal has been considered under Part 2 District Wide Matters, and Part 3 – Area Specific Matters.

Under Part 2 the relevant sections are Hazards and Risks, Natural Environment Values, and General District Wide Matters. Under Part 3 the relevant sections relate to the Rural Production Zone.

Hazards and Risks at the site essentially encompass the Flood Hazard at the intertidal zone. This area is expected to flood, and the design of the structure and the walkway has taken this into consideration. Under NH-O3, the jetty is considered to be new infrastructure, and it has been designed to maintain its integrity and function as far as practicable during a natural hazard event in compliance with this objective. The proposed use of the land will not increase the natural hazard risk, and so complies with Policy NH-P2. The structure (or building) does not contain vulnerable activities so is able to comply with NH-P7 b. Hazard risk is not transferred onto other properties in compliance with policy NH-P7 d. NH-P11 allows for the establishment of new infrastructure (which includes facilities for loading or unloading cargo or passengers carried by sea) in identified hazard areas where there is a functional need, it has been designed to maintain its resilience, integrity and function during a natural hazard event, risks to others are mitigated, and consideration has been given to long term effects such as sea level rise and climate change.

The Chapter on Natural Environmental Values in this case considers the Natural Character of the estuary (outstanding) and the hill (high) as well as the Outstanding Natural Landscape. The objectives of the natural character section are to ensure that the natural character of wetland margins are managed to ensure their long-term preservation and protection for future generations, and to ensure that land use is consistent with and does not compromise the characteristics and qualities of the natural character of wetland margins. The proposal is consistent with achieving these objectives. Policies in this chapter aim to avoid significant adverse effects of land use on the natural character of wetland margins. NATC-P3 enables indigenous vegetation removal and earthworks within wetland margins for the repair or maintenance of lawfully established activities such as walking tracks. NATC-P4 provides for structures on wetland margins where there is a functional need for them, recreational use can be enhanced, natural character can be preserved, and natural hazards risk will not be increased. These provisions are included to provide for proposals such as this one, where conditions can be used to ensure compliance with these policies. This is reinforced through policy NATC-P5 which encourages the restoration and enhancement of wetland margins where this will achieve improvements in natural character values.

The site is within an Outstanding Natural Landscape (ONL) layer and objective NFL-O1 is to ensure that ONL areas are managed to ensure their long-term protection for current and future generations. This does not mean that they cannot be touched, but rather that they need to be maintained and enhanced, and this is what is proposed. The proposed land use is consistent with and does not compromise the characteristics and qualities of the landscape, in compliance with NFL-O2. The ancestral relationships Tangata Whenua has with the land is recognised through consultation and listening to kaumatua name the peaks, in compliance with NFL-O3. NFL policy 6 actively encourages the restoration and enhancement of ONL (as is proposed) where it is consistent with the characteristics and qualities.

In compliance with PA-O1 Public and customary access to and along the coastal marine area and waterbodies is protected, maintained and enhanced for current and future generations through this proposal.

The General District Wide Chapter includes Coastal environment, earthworks, and signs. The Coastal environment objectives ensure that land use in the coastal environment preserves the characteristics and qualities of the natural character of the coastal environment; is consistent with the surrounding land use; promotes restoration and enhancement of the natural character of the coastal environment; and recognises tangata whenua needs for ancestral use of whenua Māori. The proposal is consistent

with these objectives. The proposal aligns with Policy CE-P8 which encourages the restoration and enhancement of the natural character of the coastal environment.

The proposal achieves the earthworks objectives and policies EW-O1 – O3. Of note policy EW-P1 enables earthworks necessary to provide for installation of infrastructure (which still includes facilities for loading or unloading cargo or passengers carried by sea). Earthworks will be managed carefully where they have potential to release sediment into the CMA or exacerbate natural hazards (in compliance with EW-P2).

The Rural Production zone objectives do not directly apply to the proposal as the overlays and coastal environment have a greater effect on the proposed activities. The proposal does not inhibit the use of the site for production activities, but the site is already untenable as a production block.

Given the above, it is considered that the proposal is consistent with the objectives and policies of the FNPDP.

11.2.11 Operative Far North District Plan

The Operative Far North District Plan includes the following applicable Chapters: Chapter 10 Coastal Environment under Part 2; and under Part 3 District Wide Provisions; 12 Natural and Physical Resources; and 16 Signs and Lighting.

The objectives of Chapter 10 aim to manage coastal areas in a manner that avoids adverse effects from use and development. Where it is not practicable to avoid adverse effects from use or development, but it is appropriate for the development to proceed, adverse effects of subdivision use or development should be remedied or mitigated. The proposal aligns with this overarching objective 10.3.1. Objective 10.3.2 aims to preserve and, where appropriate in relation to other objectives, to restore, rehabilitate protect, or enhance:

- (a) the natural character of the coastline and coastal environment;
- (b) areas of significant indigenous vegetation and significant habitats of indigenous fauna;
- (c) outstanding landscapes and natural features;
- (d) the open space and amenity values of the coastal environment;
- (e) water quality and soil conservation (insofar as it is within the jurisdiction of the Council).

The proposal in its whole achieves this objective. Other objectives align with those in other plans above to engage effectively with Māori, to provide public access to coastal areas, and to minimise adverse effects from activities in the coastal environment. The proposal will achieve these objectives. The proposal is considered to be appropriate use and development of the coastal environment, and aligns with sub-parts (a) – (h) of policy 10.4.1.

Policy 10.4.12 aims to ensure that the adverse effects of development on the natural character and amenity values of the coastal environment will be minimised through:

- (a) the siting of buildings relative to the skyline, ridges, headlands and natural features; (the jetty will be at water level, and hidden within a mangrove forest)
- (b) the number of buildings and intensity of development; (only one jetty is proposed)
- (c) the colour and reflectivity of buildings; (the jetty will be constructed of wood)

(d) the landscaping (including planting) of the site; (native ecosystems will be restored around the jetty and walkway)

(e) the location and design of vehicle access, manoeuvring and parking areas. (vehicle parking areas will be up the hill and will be hidden from view from all other public places by the existing indigenous vegetation on the site.

Given the above, it is considered that the proposal is consistent with the objectives and policies of the OFNDP.

12. Other Matters

12.2 Section 105 and 107 Matters

Under s.105 (1) *If an application is for a discharge permit or coastal permit to do something that would contravene section 15 or section 15B, the consent authority must, in addition to the matters in section 104(1), have regard to—*

- (a) the nature of the discharge and the sensitivity of the receiving environment to adverse effects;*
- and*
- (b) the applicant's reasons for the proposed choice; and*
- (c) any possible alternative methods of discharge, including discharge into any other receiving environment.*

The proposal is for a coastal permit, but no discharge is proposed so the proposal does not contravene section 15. Stormwater that falls on the jetty or pathway will continue to discharge to the water below the structure. The proposed stormwater design is appropriate for the type and volume of discharge proposed and the sensitivity of the receiving environment.

Section 107 states that a discharge shall not generate the following effects:

- (a) the discharge of a contaminant or water into water; or*
- (b) a discharge of a contaminant onto or into land in circumstances which may result in that contaminant (or any other contaminant emanating as a result of natural processes from that contaminant) entering water; or*
- (ba) the dumping in the coastal marine area from any ship, aircraft, or offshore installation of any waste or other matter that is a contaminant,—*
- if, after reasonable mixing, the contaminant or water discharged (either by itself or in combination with the same, similar, or other contaminants or water), is likely to give rise to all or any of the following effects in the receiving waters:*
- (c) the production of any conspicuous oil or grease films, scums or foams, or floatable or suspended materials:*
- (d) any conspicuous change in the colour or visual clarity:*
- (e) any emission of objectionable odour:*
- (f) the rendering of fresh water unsuitable for consumption by farm animals:*
- (g) any significant adverse effects on aquatic life.*

The proposed discharge will not generate any of these types of effects on the receiving environment. Adequate stormwater treatment and attenuation will be provided.

Standard stormwater discharge conditions are considered suitable for ensuring that the stormwater infrastructure associated with the completed project meets both of these statutory requirements.

12.3 Precedent

The proposed jetty will not set a precedent of any sort. The non-complying status is triggered by the proposed activity in a Significant bird area and an area of Outstanding Natural Character under the PNRP, and the Outstanding Natural Landscape under the FNPDP. The plethora of planning framework means that all jetties in this area are required to obtain resource consent through a robust process.

Both the Regional and District Councils can be confident in granting this consent without setting a precedent that would enable other less appropriate development.

12.3.1 Consistent Administration of the Plan

Granting this consent allows for consistent administration of the planning framework.

12.4 Other relevant documents - Taiapure

Taiapure are “local fisheries” in estuarine or coastal waters which recognise the special significance of the area to local iwi or hapu, either as a source of seafood, or for spiritual or cultural reasons. Taiapure can give Māori greater say in the management of their traditionally important areas. A major difference between mataitai and taiapure is that taiapure may allow commercial fishing.

A Taiapure proposal from a local community must go through a public consultation process before it is approved. Once set up, a committee nominated by the local Māori community advises the Minister of Fisheries on regulations to make under s.175 of the Fisheries Act to control all types of fishing within the local area. At this stage only one taiapure has regulations – the *Fisheries (Waikare Inlet Taiapure) Order 1997*. A Plan of the Taiapure area is included at **Appendix 7**.

The Taiapure is located in the Waikare Inlet and extend into the site. However, the 1997 Taiapure in the Waikare Inlet of the Bay of Islands is still awaiting agreement about the regulations needed.

12.5 Summary

There are no other matters considered relevant to determining this application. All relevant matters have been considered and there are no issues arising that would affect granting this consent.

13. Part II of the RMA

Part II of the Act sets out the Purpose and Principles. Section 5 of the Act sets out the overriding purpose, which is the sustainable management of natural and physical resources.

The Act states that sustainable management means:

“managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural wellbeing and for their health and safety while –

- (a) sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and*
- (b) safeguarding the life supporting capacity of air, water, soil and ecosystems; and*
- (c) Avoiding, remedying or mitigating any adverse effects of activities on the environment”.*

It is considered that the proposed development is not contrary with the Act’s purpose to *“promote the sustainable management of natural and physical resources”* as it will provide access further into the site allowing for more efficient pest control, and for observation and monitoring of native and endemic species. As stated above any adverse environmental effects arising from the proposal are considered to be less than minor.

Section 6 of the Act sets out the Matters of National Importance:

- (a) The preservation of the natural character of the coastal environment (including the coastal marine area), wetland, 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 Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga.*
- (f) The protection of historic heritage from inappropriate subdivision, use and development.*
- (g) The protection of recognised customary activities*

The proposal provides for all of these matters. Inappropriate development is not proposed within the coastal environment. The jetty is appropriate to provide access to this part of the waterway and has been designed to minimise any impact on the coastal marine area and its margins.

The effect of the development on the Outstanding Natural Character will be less than minor as the jetty will not be visible from the site boundary. The vegetation on the site has not been mapped as significant, but meets this definition, and provides significant habitats. The proposal works towards protecting these significant areas by providing weed control and access through the site.

The jetty contributes to the maintenance and enhancement of public access to and along the coastal marine area.

The proposal respects the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga, and we appreciate the opportunity to visit the site with Tangata Whenua.

There is no remains of the historic heritage jetty in the area, but this jetty reflects the previous use of jetties in the Waikare Inlet for delivering good (including cream) to local residents.

The proposal aligns with section 6 of the RMA.

Section 7 of the Act defines 'Other Matters' to which particular regard shall be had in decision making under the Act. Sub sections (aa), (b), (c), (d) and (f) are considered to be relevant. They relate to the ethic of stewardship, the efficient use of natural and physical resources, the maintenance and enhancement of amenity values, the intrinsic values of ecosystems, and the maintenance and enhancement of the quality of the environment. As discussed in the assessment of effects for this proposal, it is considered that any adverse environmental effects associated with the proposal will be less than minor. This includes effects in relation to stewardship, natural and physical resources, amenity values, the intrinsic value of ecosystems and the enhancement of the quality of the environment.

There are no known relevant matters in terms of section 8 of the Act, which relate to the Treaty of Waitangi.

It is considered that this proposal satisfies the Purpose and the Principles of the Act.

14. Conclusion

The proposal for a jetty and walking track on the site at 4980 Russell Whakapara Road is appropriate. A small amount of earthworks and vegetation removal will occur within three separate ecosystems, and will be managed in such a way as to ensure that construction effects are less than minor. An ecological survey will be carried out immediately prior to construction commencing and the work period will be minimised. Ecosystems will be restored, and new habitats created by placing cut logs and mangroves as habitat for lizards.

Mangroves will be removed and the wooden jetty will be placed on wooden piles in the estuary. The jetty is designed to be minimal impact, and to take flood hazards and climate change into account. A small sign will be located on the jetty to ensure the public know they can access the infrastructure, but not the land. Pest control will be carried out on an ongoing basis.

Overall, it is concluded that the effects on the environment of the proposal will be less than minor subject to appropriate conditions of consent.

The proposal is in keeping with the relevant objectives and policies of the National Environmental Standards for Freshwater and Contaminated Soils, the National Policy Statements for Indigenous Biodiversity and Freshwater Management, the NZ Coastal Policy Statement, the Northland Regional Policy Statement, the Proposed Regional Plan for Northland (PRPN); the Northland Regional Coastal Plan and Regional Water and Soil Plan; the Proposed Far North District Plan; and the Operative Far North District Plan.

No persons are considered to be adversely affected by the proposal to an extent which is minor or more than minor.

It is considered that the proposal is consistent with Part II of the Resource Management Act.

It is therefore considered that the application may be processed on a non-notified basis and consent may be granted to the proposal subject to appropriate conditions.

Appendix 1:

Record of Title



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




R. W. Muir
Registrar-General
of Land

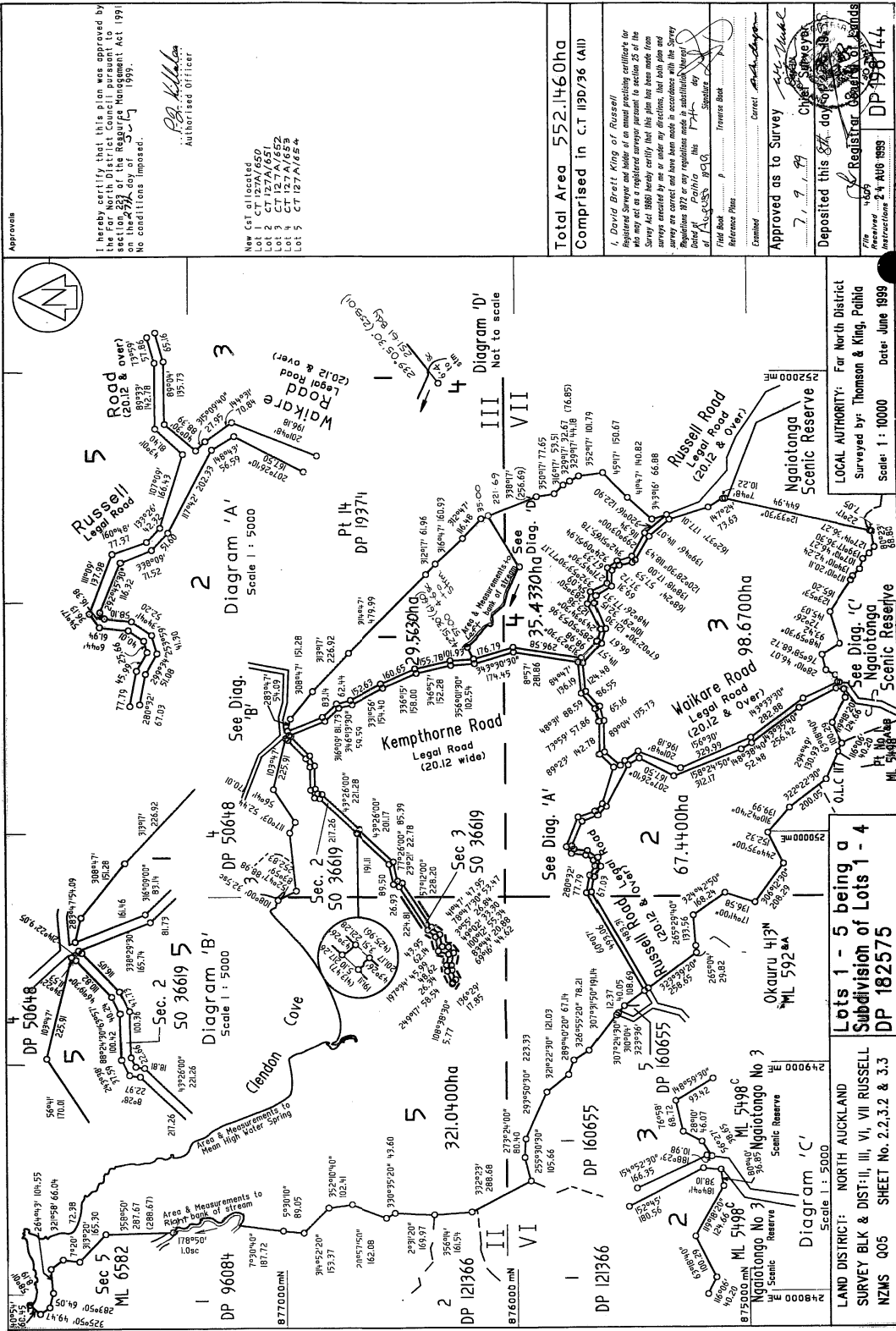
Identifier NA127A/651
Land Registration District North Auckland
Date Issued 24 August 1999

Prior References
NA113D/36

Estate Fee Simple
Area 67.4400 hectares more or less
Legal Description Lot 2 Deposited Plan 198144

Registered Owners
Robinia Investments Limited

Interests



Approvals

I hereby certify that this plan was approved by the Far North District Council pursuant to section 227 of the Resource Management Act 1991. No conditions imposed.

P.A. Kitchin
Authorized Officer

New GST all located
Lot 1 CT 127A/650
Lot 2 CT 127A/652
Lot 3 CT 127A/653
Lot 4 CT 127A/654
Lot 5 CT 127A/654

Total Area 552.1460ha
Comprised in C.T 190/96 (All)

David Brett King of Russell
Registered Surveyor and holder of an annual practicing certificate for who may act as a registered surveyor pursuant to section 25 of the Survey Act 1980 hereby certify that this plan has been made from surveys executed by me or under my directions, that both plan and map are correct and have been made in accordance with the Survey Regulations 1972 and my regulations made by amendment thereof at Auckland on the 10th day of August 1999.

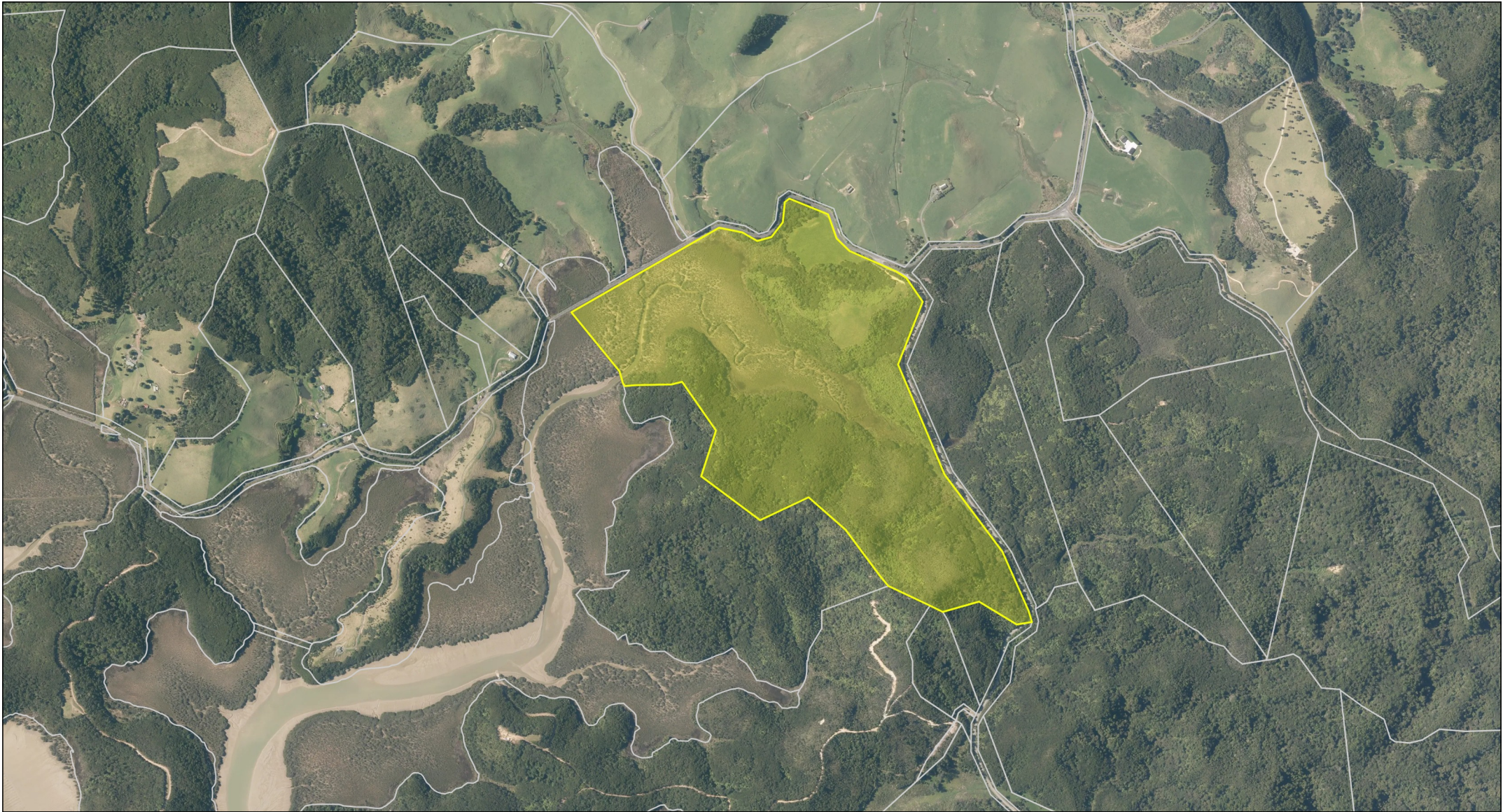
Field Book No. 1
Reference Plans:
Examined
Approved as to Survey
Deposited this 8th day of August 1999
Clerk Registrar
Registrar General of Lands
File No. 405
Instructions 24 Aug 1999
DP 198144
Approved by 2078

LOCAL AUTHORITY: Far North District
Surveyed by: Thomson & King, Palihia
Scale: 1 : 10000 Date: June 1999

Lots 1 - 5 being a
Subdivision of Lots 1 - 4
DP 182575

LAND DISTRICT: NORTH AUCKLAND
SURVEY BLK & DIST-II, III, VI, VII RUSSELL
NZMS Q05 SHEET No. 2.2, 3.2 & 3.3
DP 121366

10 SEP 1999



Map Prepared



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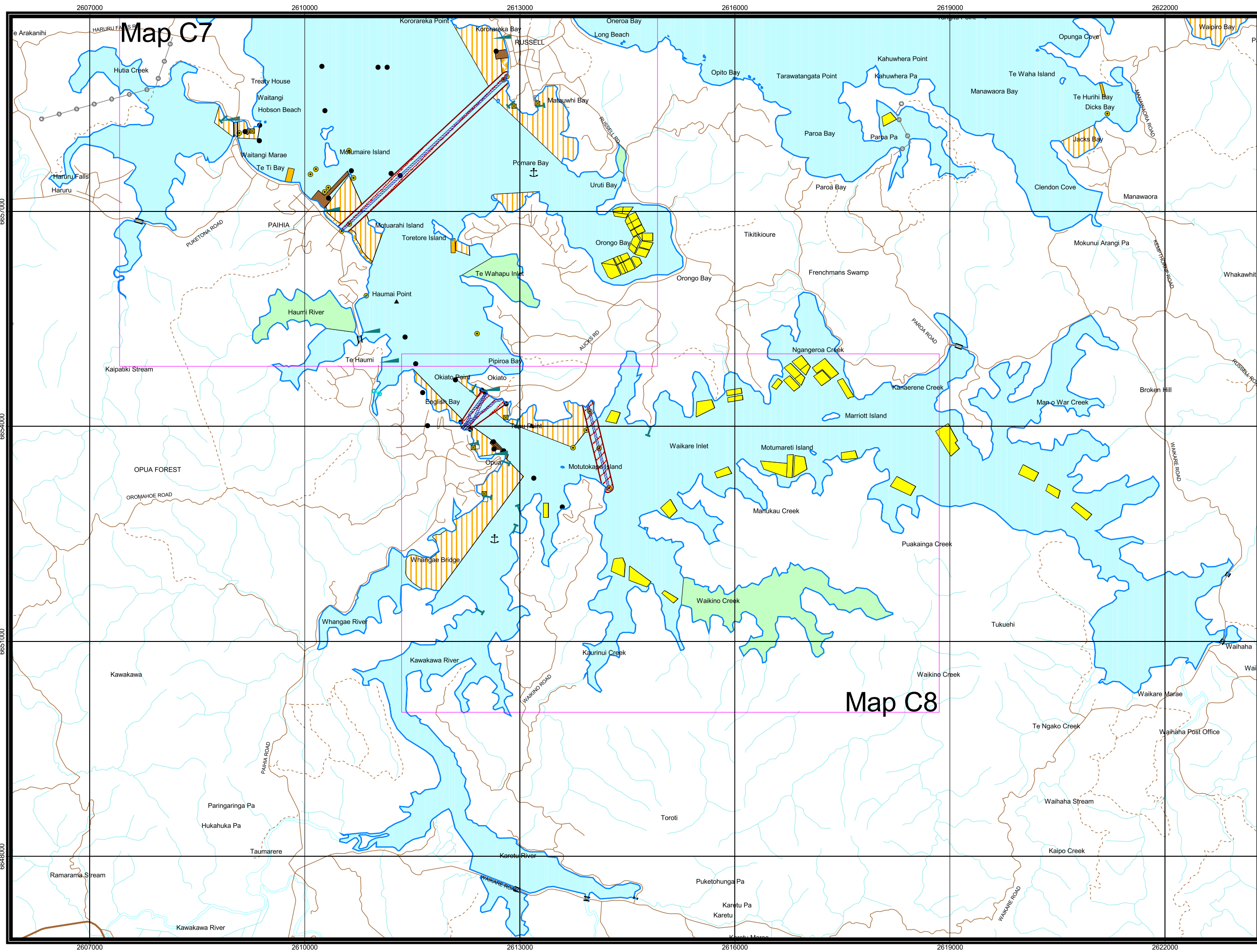
1:15000 @ A4

August 16, 2024



Appendix 2:

Northland Regional Council Maps



Map B17

Russell / Opua
Waikare Inlet



Map Scale
1 : 50000

LEGEND LOCATED AT BACK
OF MAP FOLDER

Topographical and Cadastral Information
derived from Land Information NZ.
CROWN COPYRIGHT RESERVED

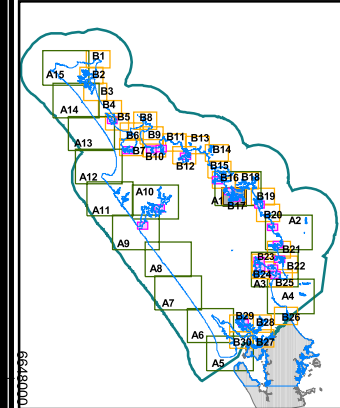
Map grid values are shown in
NZMG co-ordinates, GD 1949.

These maps are an indicative representation,
for more specific information contact the NRC.

The RCP for Northland covers the coastal
marine area which extends from the landward
extent of Mean High Water Springs and the
negotiated cross river mouth boundary to the
12 Nautical Mile limit.

Caution: This map should not be used
for navigational purposes.

Locality Map:



CARING FOR NORTHLAND AND ITS ENVIRONMENT

Appendix 3:

Plans - prepared by LDE Land Development and Engineering –
1/10/2022



Location Plan
SCALE A3 NTS



View eastwards from walkway location



Mangrove clearing adjacent to waterway



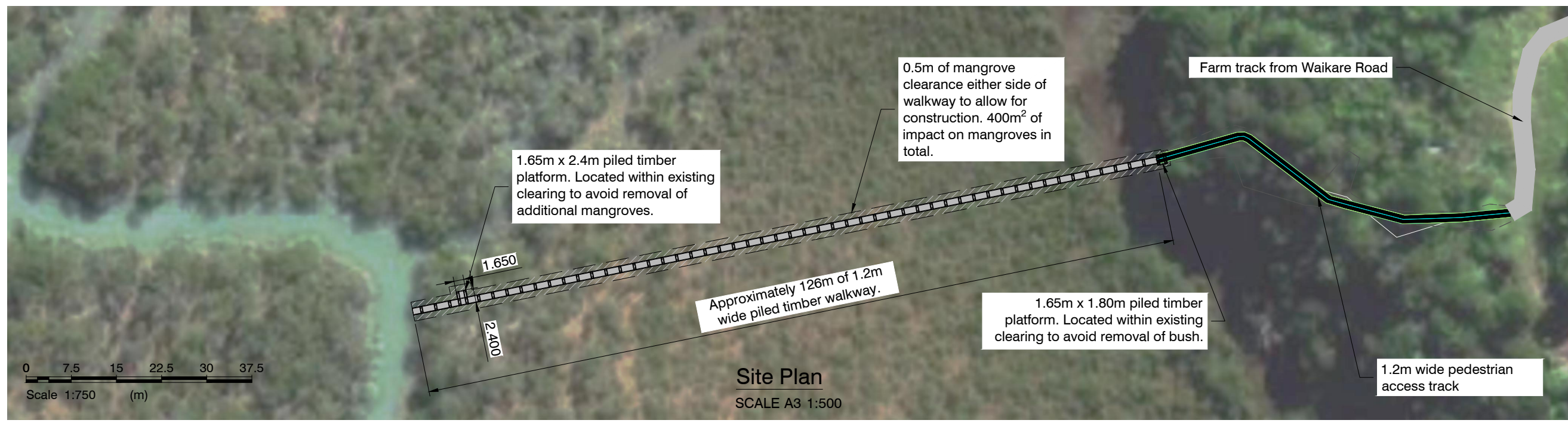
Waterway viewed from walkway end point

Site Photos
SCALE A3 NTS

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Original Size = A3

CLIENT Robinia Investments	PROJECT	DRAWING TITLE		DESIGN:	SD	PROJECT STATUS:	For Consent		
	Proposed Private Walkway Lot 2 DP 198144 Russell	Site Location		DRAWN:	SD	PROJECT:	20848	SHEET:	1 of 4
				DATE:	01/10/2022	DRAWING No:	c01	REV:	0
				CHECKED:		SCALE A3:	NTS		
				0 Issued for Consent	SD				
				No.	REVISION	BY	DATE		



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CLIENT
Robinia Investments

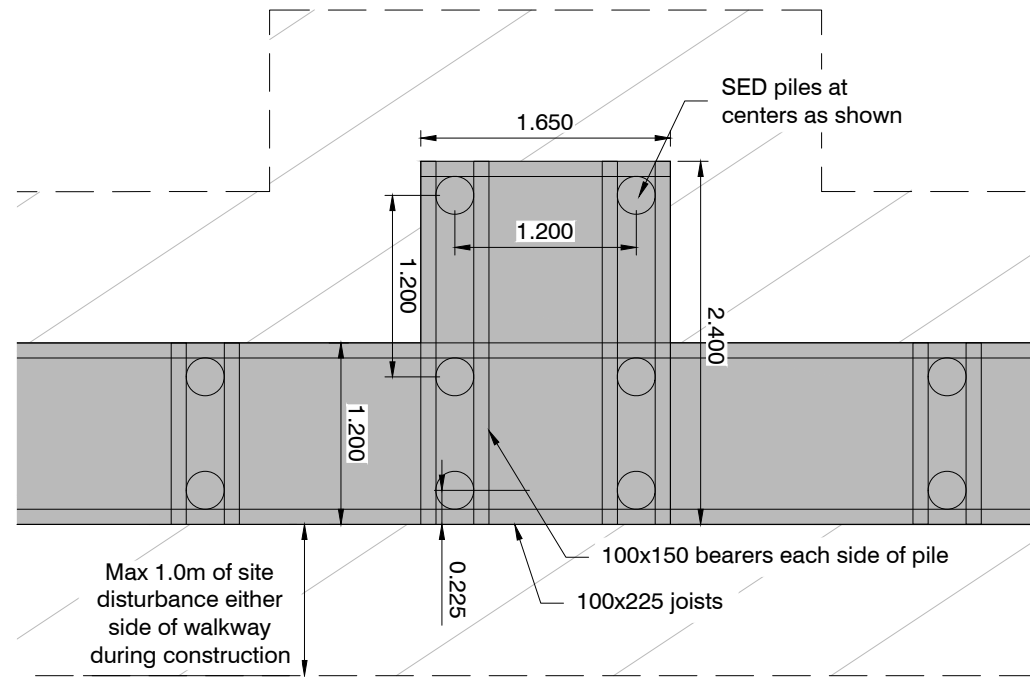
PROJECT
**Proposed Private Walkway
 Lot 2 DP 198144
 Russell**

DRAWING TITLE
Site Plan



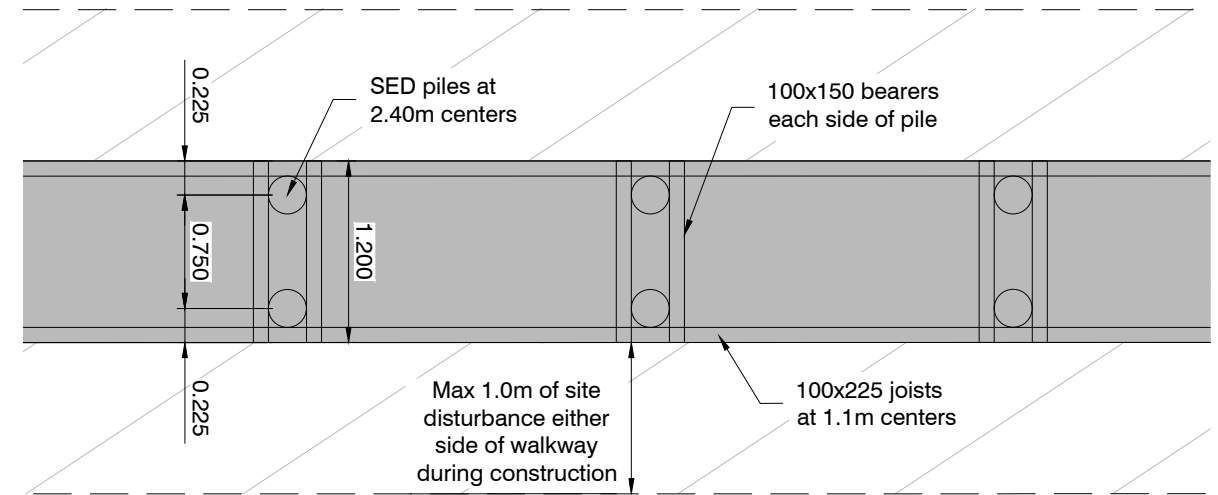
DESIGN:	SD
DRAWN:	SD
DATE:	01/10/2022
CHECKED:	
SCALE A3:	NTS

PROJECT STATUS: For Consent	
PROJECT: 20848	SHEET: 2 of 4
DRAWING No: c01	REV: 0



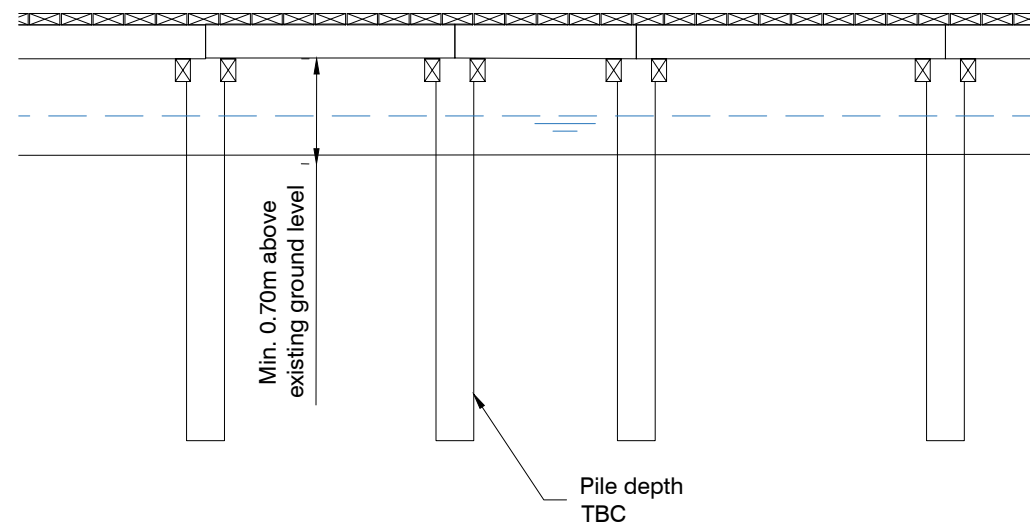
Wooden Platform - Plan

SCALE A3 1:50



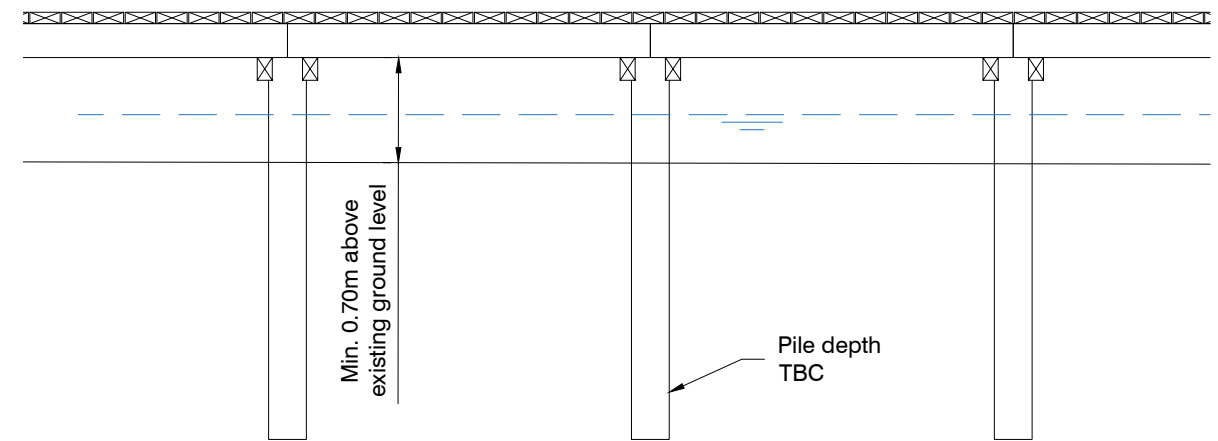
Timber Walkway - Plan

SCALE A3 1:50



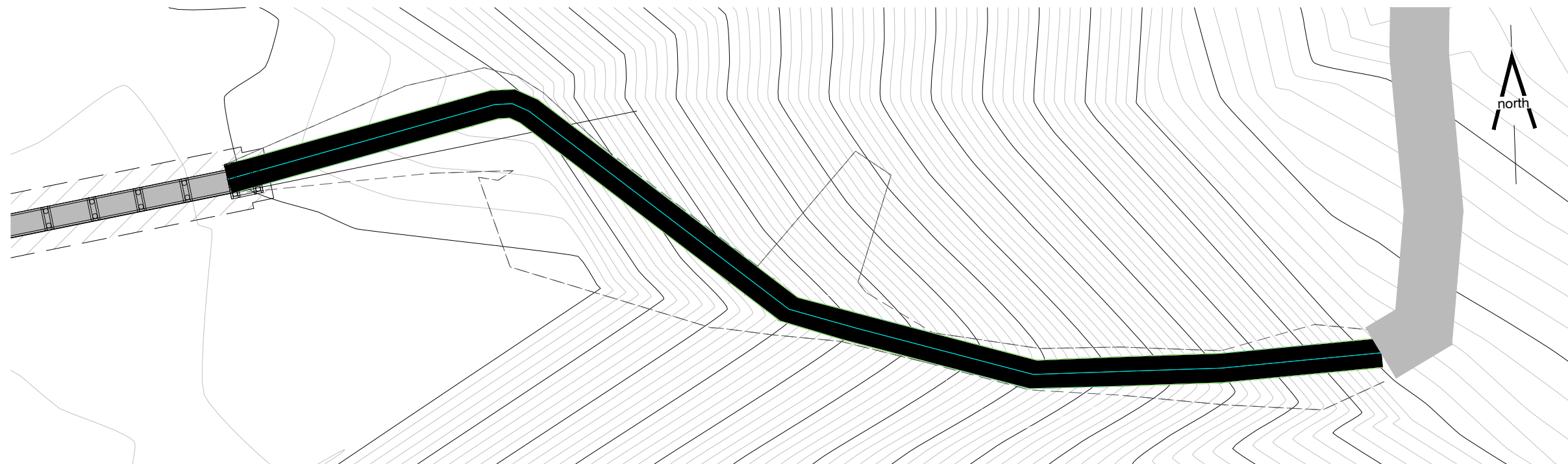
Wooden Platform - Elevation

SCALE A3 1:50



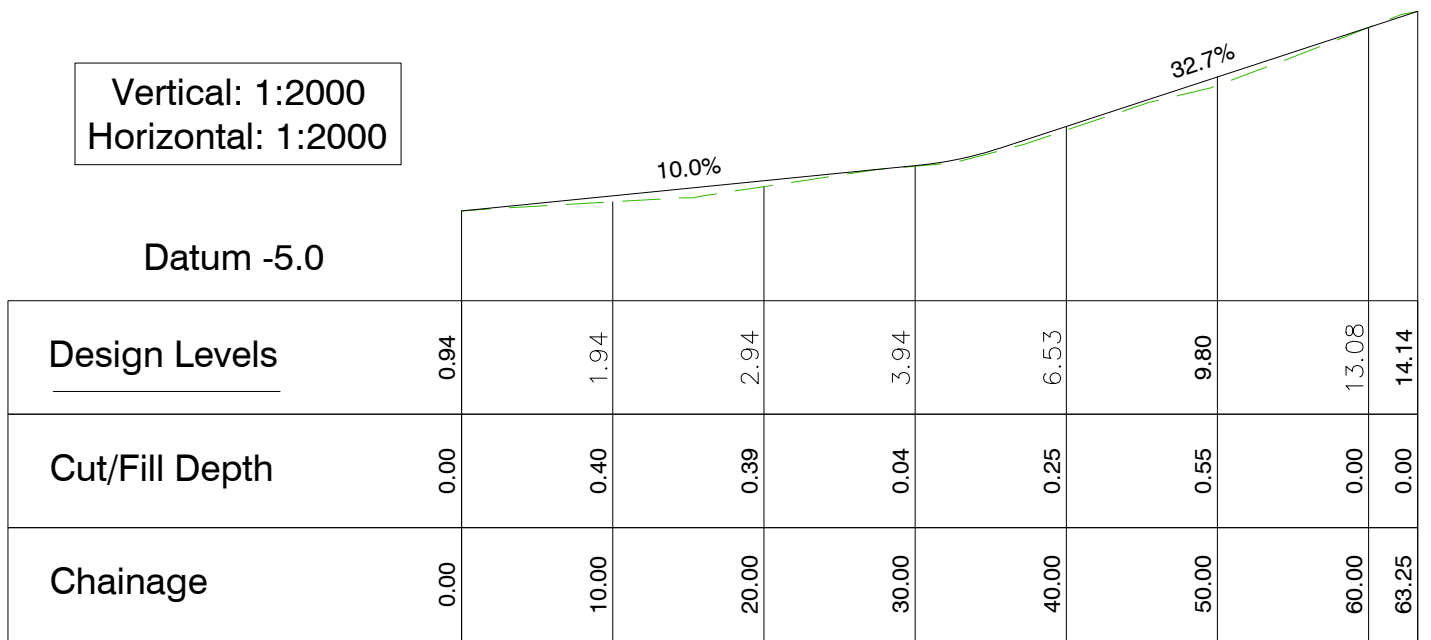
Timber Walkway - Elevation

SCALE A3 1:50



0 2.5 5 7.5 10 12.5
Scale 1:250 (m)

Vertical: 1:2000
Horizontal: 1:2000



ACCESS TRACK Long Section

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CLIENT
Robinia Investments

PROJECT
Proposed Private Walkway
Lot 2 DP 198144
Russell

DRAWING TITLE
Pedestrian Access to Walkway



DESIGN:	SD
DRAWN:	SD
DATE:	01/10/2022
CHECKED:	
SCALE A3:	NTS

PROJECT STATUS: For Consent	
PROJECT: 20848	SHEET: 4 of 4
DRAWING No: c01	REV: 0

Appendix 4:

Assessment of Ecological Effects report – prepared by Rural Design – December 2023



ASSESSMENT OF ECOLOGICAL EFFECTS
for

4980 Russell Whakapara Road, Russell
Lot 2 DP 198144

December 2023



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1.0 INTRODUCTION

Rural Design 1984 Ltd (RDL) has been commissioned by Robinia Investments to survey and assess the ecological features present within the site and identify any potential ecological effects associated with the development of a jetty. This assessment has been prepared with respect to the site plan developed by Land Development & Engineering Ltd (LDE) (dated 01/10/2022). The freshwater ecology, flora and fauna of the Whangaruru Ecological District (ED) were considered on site, and surveys were undertaken to capture the ecological features on site that may likely trigger Resource Consent. It is considered that consent is required in relation to the Far North District Council (FNDC) – Far North District Plan (FNDP), the Northland Regional Council (NRC) – Northland Regional Plan (NRP), the Regional Coastal Plan for Northland (RCP), the National Policy Statement for Freshwater Management 2020 (NPS-FM), the National Environmental Standard for Freshwater 2020 (NES-F) and the National Policy Statement for Indigenous Biodiversity 2023 (NPS-IB).

The report identifies the ecological values apparent within the proposed development area. The site is zoned as 'General Coastal' under the Far North District Council Operative District Plan and the proposed development area falls within the Coastal Marine Area (CMA), is within a Significant Bird Area and takes place within two Protected Natural Areas (PNAs) of the Whangaruru ED and proposed Significant Natural Areas (SNAs) of the Far North District Council: Russell Forest (Q05003) and Eastern Bay of Islands Estuary (Q05001). It is also within the 'Russell Forest and Bush Remnants' Outstanding Natural Landscape (ONL). The proposed development will bisect an indigenous natural inland wetland, a natural wetland within the CMA, a mangrove forest and regenerating kanuka scrub and forest.

The purpose of this report is to evaluate any potential and actual adverse effects to the flora and fauna present at the time of the surveys with respect to the construction and maintenance of the proposed jetty and access track. Recommendations are made within the body of the report to avoid, manage and/or mitigate any adverse effects that may result from the development of the proposed jetty and track from an ecological perspective.

2.0 FIELD SURVEY METHODOLOGY

The proposed development area was visited on the 31st of July and 1st of August 2023. The area was surveyed by RDL using a GPS unit (Trimble TDC600) and the ecological features of the area have been mapped and are shown under Appendix 1.

Field surveys were undertaken over the entirety of the proposed development area including detailed botanical and avifauna surveys. A field survey of herpetofauna was conducted during

the daytime and this was further supplemented with data from the DoC Herpetofauna database and Whangaruru ED (Northland) Protected Natural Area (PNA) Programme report which were reviewed as a part of the assessment. Former and current ecosystem types were considered from an ecological context. An additional desktop review of different data sources was undertaken to further the understanding of the wider ecological patterns and local species of significance, and the connection of these species to the proposed development area.

2.1 Habitat Survey

The habitat survey consisted of walking along the proposed track and jetty area while observing the vegetation types within and around the immediate area of the development footprint. When a distinct vegetation type or native specimen tree was observed, a GPS point was taken to denote its location and approximate area size. The various observed habitat types are typical of a natural estuarine environment as described in Section 4.1 of this report. These vegetation types were then extrapolated to ArcGIS Pro 3.0 where a georeferenced map was then created.

2.1.1 Wetland Assessment

For wetland delineation protocols in the field, the NPS-FM refers to the Ministry for the Environment (MfE) 'Wetland Delineation Protocols' (2020), which are based on the 'Vegetation Tool' for wetland delineation in New Zealand (Clarkson 2013) to determine the status of wetlands. These rely on the presence or absence of hydrophytic vegetation as being the dominant vegetation type (Figure 1). The list of hydrophytes used in this assessment are as per the most recently revised list (Clarkson *et al.* 2021). In addition, we considered Singers *et al.* (2017) to determine the ecological value and significance of wetland areas.

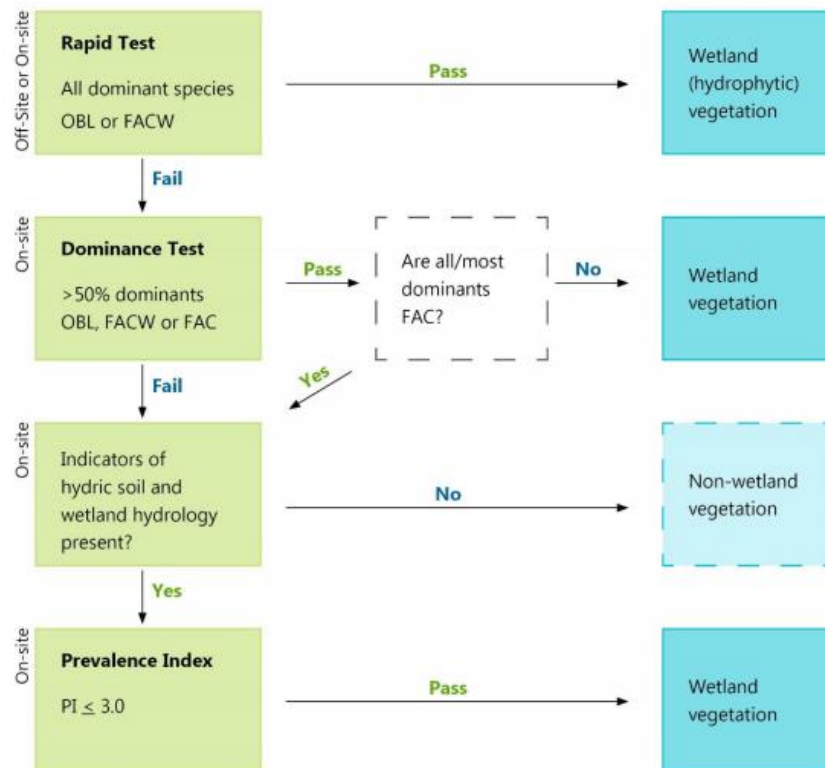


Figure 1: Flow chart for hydrophytic (wetland) vegetation determination. Wetland indicator status abbreviations: FAC=facultative; FACW=facultative wetland; OBL=Obligate wetland

2.1.2 Vegetation Assessment

The recently released National Policy Statement for Indigenous Biodiversity provides an important framework for protecting areas of significant natural vegetation. A key provision, Section 3.10, mandates that all adverse effects to 'Significant Natural Areas' (SNAs) as a result of subdivision or development are avoided. Currently, SNAs in the Far North have not been formally delineated by the Far North District Council however there is the Proposed Significant Natural Areas overlay, which outlines and describes natural areas of ecological significance within ecological districts. Instead, areas of significant indigenous vegetation or significant habitat of indigenous fauna can be assigned SNA status upon being assessed in accordance with the criteria outlined within the NPS-IB by a suitably qualified ecologist. In many cases, areas designated as PNAs within an Ecological District easily fulfil the criteria described in sections 3.8 and 3.9 of the NPS-IB and thus can be afforded SNA status.

2.2 Avifauna

The avifauna survey consisted of two 5-minute bird counts (5MBC) as well as a slow-walk transect survey with a 20 m wide buffer following standard DOC methodology (Dawson & Bull,

1975). A passive avifauna acoustic recorder was also deployed for a single night. The survey locations are outlined in Appendix 2 with the general areas being where the track starts at the top of the bush, at the junction of the track and proposed jetty, and the entirety of the proposed jetty footprint.

The avifauna surveys were conducted between 12:30 and 16:00 with low tide being at ~11:00. Birds were recorded when they were first heard or seen, and care was taken not to double count any individuals. For all bird species observed, the location, group/colony size, habitat, behaviour, breeding status and human activity were recorded. If breeding activity was observed or nests were identified, the location of the breeding activity or nest was recorded using a handheld GPS device and photographed. The weather conditions during the survey were warm (16°C), sunny, no rain, no noise, with no precipitation and an average Beaufort scale of 2 for wind.

While it is recognised that additional surveys may be of benefit throughout the seasons, the time limitations of the application inhibit such action. However, it does provide a baseline quantitative assessment of bird species present and will enable future monitoring of bird populations on site. It should be noted that the avifauna surveys carried out for this report fall outside of the breeding time for most bird species.

2.3 Freshwater and Marine Ecology

Given the location of the proposed development area and coastal zoning as well as the presence of human and boating activities within the immediate area, a comprehensive fish survey was deemed to be inconducive for this ecological assessment. Instead, the freshwater and marine ecology was assessed via a desktop analysis of available public data and the NIWA freshwater fish database. Nonetheless, observations of aquatic species within the Man O' War Creek were noted during the field survey.

2.4 Herpetofauna

A diurnal habitat search was conducted throughout the bush and notes were made on potential habitat suitable for native lizards. This primarily consisted of inspecting areas likely to be utilized by native lizards for sheltering or foraging (e.g., beneath dense vegetation, logs, boulders, and manmade objects). No quantitative or nocturnal lizard survey was conducted due to time constraints. Data from the Whangaruru ED, the DOC Bioweb database and iNaturalist was also considered and used to supplement this field survey.

2.5 Chiroptera

A diurnal visual assessment for potential bat roost sites was undertaken throughout the bush area. Trees on site were assessed for their potential to support bat roosts which comprised of a ground based visual inspection using binoculars to identify any features potentially suitable for roosting bats. Such features may include holes, frost cracks, deadwood, knot holes and limb wounds. It was deemed that some suitable habitat and roosting features for bat community were noted on site. Therefore, a preliminary presence/absence surveying using an Automatic Bat Monitor (ABM) was undertaken. Data from the Whangaruru ED, the DOC Bioweb database and iNaturalist were also considered and used to supplement this field survey.

2.6 Limitations of the Methodology

All avifauna surveys were conducted on the same day, thus may not have identified all birds that inhabit the area. In addition, the surveys occurred in late July, which is not within the breeding season for most avifauna including coastal birds. Avifauna surveys were conducted on the low incoming tide and therefore the total wading bird species observed in the area may not have been captured as they'd likely be out foraging along coastal beaches. As mentioned, herpetofauna and chiroptera surveys were primarily desktop-based assessments complemented by literature reviews and consulting available public data. The ABM recorder was only deployed for a single night and well outside of the ideal survey season for bats. As such, the presence or absence of the species cannot be accurately quantified based on this census. No quantitative, nocturnal herpetofauna or chiroptera assessments were conducted. A quantitative, diurnal presence / absence herpetofauna survey was beyond the scope of this survey.

3.0 ECOLOGICAL CONTEXT

3.1 Ecological District

The area where the jetty is proposed to be constructed is situated within the Whangaruru Ecological District (Northland Conservancy) and is abounded by Whangārei Ecological District and the Tangihua Ecological District to the west, the Kerikeri Ecological District to the North, and the ocean to the east. The Whangaruru ED covers 115,782 hectares across the wider Northland Region and contains 46 islands. Indigenous natural areas make up just under half of the District (46%) and is composed of a wide variety of habitat types including coastal forests, freshwater wetlands, riverine and swamp forests, dunelands, and estuarine systems. Specifically, inland

forest and shrubland covers 40,795 ha of the identified protected natural areas, mainland coastal forest and shrubland covers 6,960 ha, island coastal forest and shrubland covers 443 ha, riverine and swamp forest covers 439 ha, estuarine habitats cover 3,289 ha, dunelands cover 173 ha, and wetlands cover a total of 565 ha.

The key feature of this ecological district is the numerous islands that it contains. These islands offer rare, diverse range of coast forest and shrubland types, many of which are not found on the mainland today. As such, many of these offshore islands support a high diversity of fauna, many of which are considered threatened. Although the most common vegetation types are secondary forest dominated by totara, taraire, or towai, and kanuka/manuka shrubland, one of the most significant features is the abundance of pohutukawa coastal forest, which is considered a nationally rare forest type. Much of the District has been modified, which is more intense along the southern margins close to Whangārei. However, notable unmodified duneland systems are found within the District including the Ngunguru Sandspit, which supports numerous threatened species.

The Whangaruru Ecological District is considered a stronghold for the '*Recovering*' pateke (*Anas chlorotis*). Collectively the district contains almost the total Northland population and contains the largest remaining mainland population of the species. The District also has a high level of terrestrial endemic snails, with 19 threatened species. The variety of habitats in the Ecological District supports very rare swamp forest, nationally rare pohutukawa forest, large contiguous coastal forest, numerous wetland areas, and species such as the 'Nationally Critical' matuku (*Botaurus poiciloptilus*), kiwi (*Apteryx* spp.) and the 'Threatened' black mudfish (*Neochanna diversus*).

3.2 Proposed Development Area

The area where the track and proposed jetty is proposed is located approximately 13 km from central Russell (Figure 2). The proposed development area is situated around the Man O' War Stream and is accessed from Russell Whakapara Road on its eastern boundary. The development area generally consists of improved pasture with regenerating native vegetation extending down to a mangrove forest which extends to the Man O' War Creek. At high tide, the creek's banks are breached, allowing saline water to flow into the intertidal mangrove mudflats. It is worth noting that the development area is within several Protected Natural Areas of the Whangaruru Ecological District including the Level 1 Russell Forest PNA (Q05003).



Figure 2: Showing the subject site location in relation to Russell township

The surrounding area has been largely modified over many years due to historic farming practices generally consisting of livestock farming, which continues to this day (Figure 3). As such, anthropogenic effects to indigenous flora and fauna are apparent. It is understood that the track will be enhanced along an already existing pathway, and the jetty will start from the bush edge, extend through the mangrove forest and end at the Man O' War Creek.



Figure 3: Showing the general proposed development area and immediate surrounds

The site is within the 'Coastal Marina Area' (CMA). The bush remnants are part of the Russell Forest and Bush Remnants Outstanding Natural Landscape (ONL) and Russell Forest (Q05/003) Protected Natural Area (PNA) (Figure 4). The mangrove forest is mostly part of the Eastern Bay of Islands Estuary (Q05/001) PNA with a small aspect within the Russell Forest PNA of the Whangaruru Ecological District. These areas are also proposed to be Significant Natural Areas under the Far North District Council.

The underlying geology of the site is currently consistent with that of a coastal environment. It is considered to be dominated by the Waipapa Group sandstone and siltstone formation which consists of massive to thin bedded, lithic volcanoclastic metasandstone and argillite, with tectonically enclosed basalt, chert and siliceous argillite (GNS, 2023). The soil-type generally consists of Albic Ultic soils which commonly have low natural fertility and are poorly drained (Landcare Research, 2023) (Figure 5).

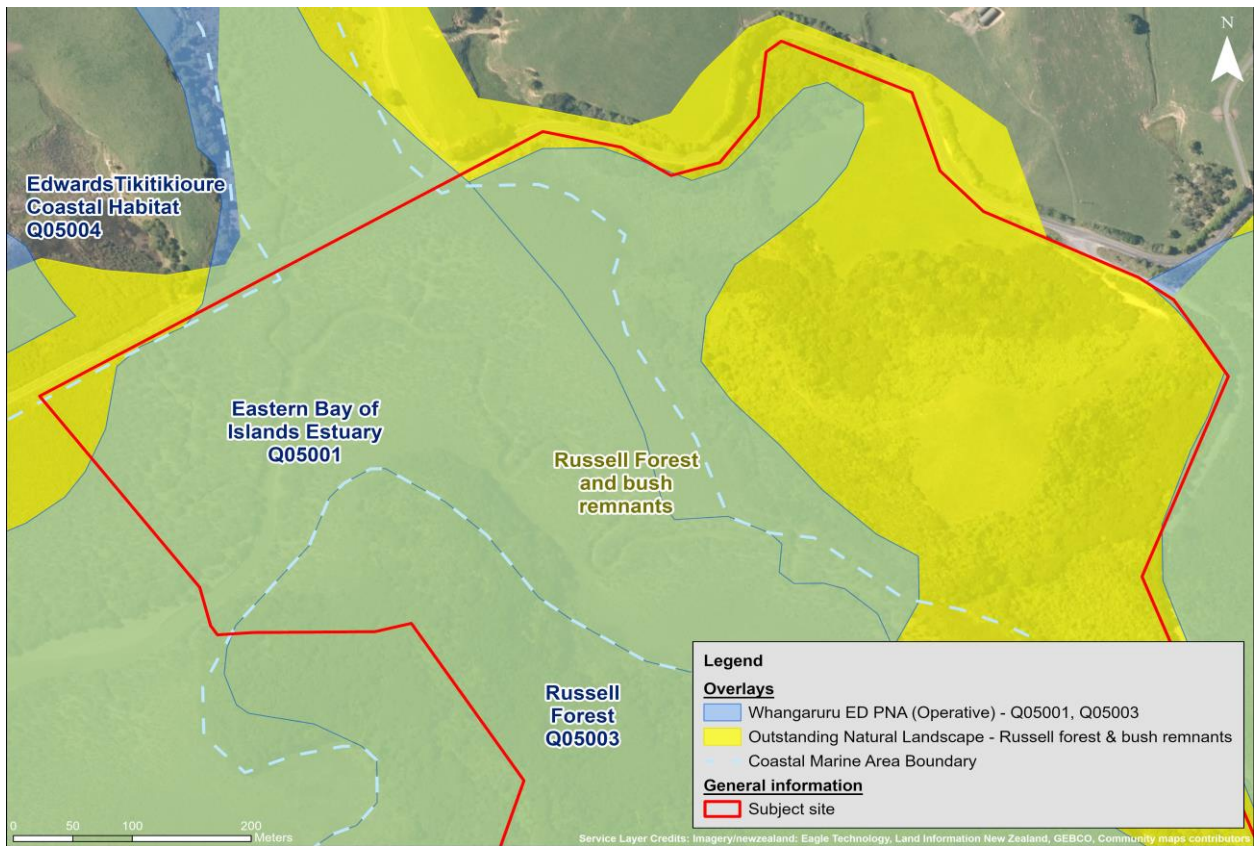


Figure 4: Showing the Far North District Council overlays for the site

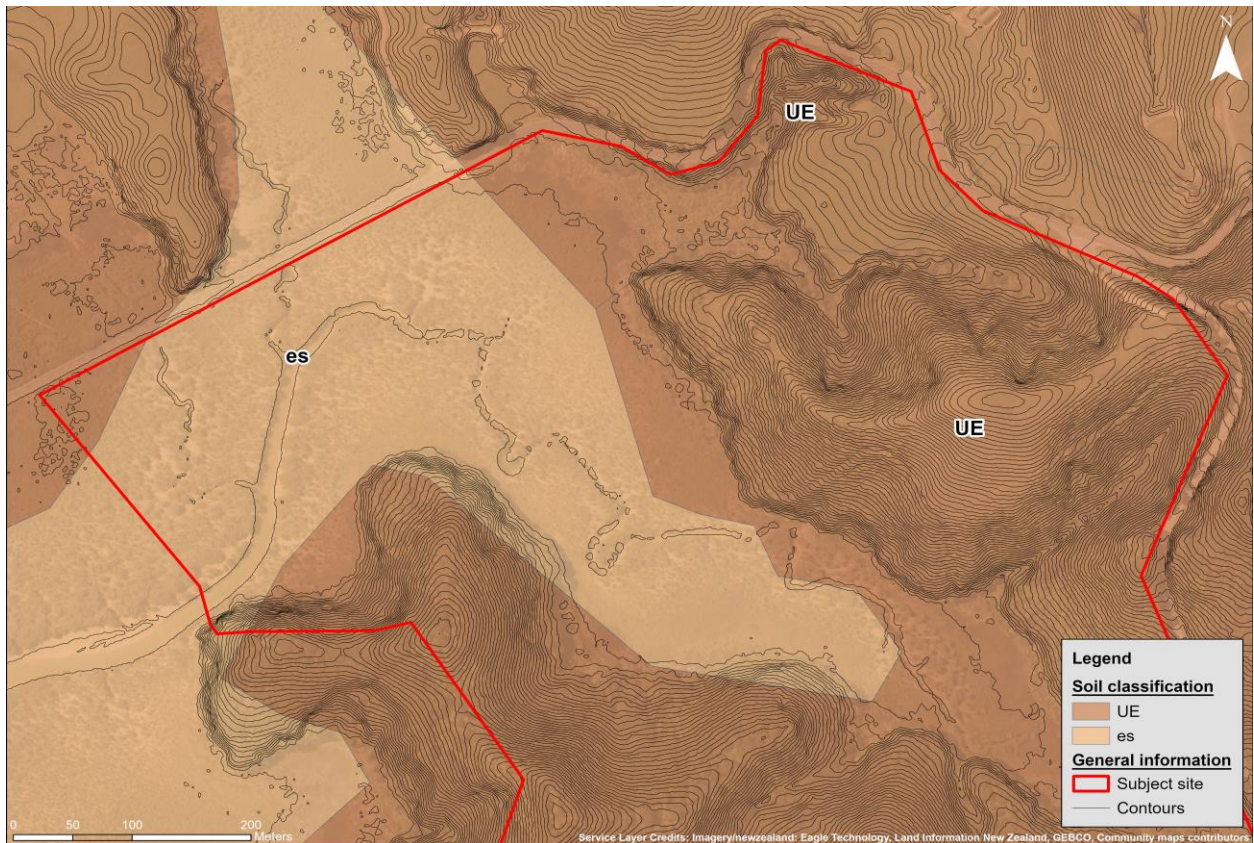


Figure 5: Showing the soil types and contours of the site

3.3 Changes in Land Use

Originally, the vegetation cover within the area would have been an ecotone transition from the upper forestland like that of Russell Forest to a more defined and extensive estuarine zone dominated by mangroves. This vegetation cover would have likely been most representative of a kauri, podocarp, broadleaved forest ecosystem (WF11), grading into mangrove forest and scrub (SA1), much of which is still currently on site (Figure 6) (Singer *et al.* 2017). Historic land modification and subsequent agricultural activities have significantly modified the native vegetation cover and hydrology in the area through the removal of vegetation, channelling of waterbodies, and farming activities. The site at present day contains pastoral land surrounded by regenerating kanuka scrub and forest in the upper contours of the site that grades into wetland areas and mangrove forest and scrub surrounding the Man O' War Creek, which flows into the Waikare inlet (Figure 7). It should be noted that the Land Cover Database supplied by LINZ is inaccurate for the subject site with respect to areas delineated as "herbaceous freshwater vegetation" as these are high-lying pieces of land (rather than low-lying) and are currently in pasture. These are often desktop-based surveys and sometimes do not capture the finer vegetation details within a given area.

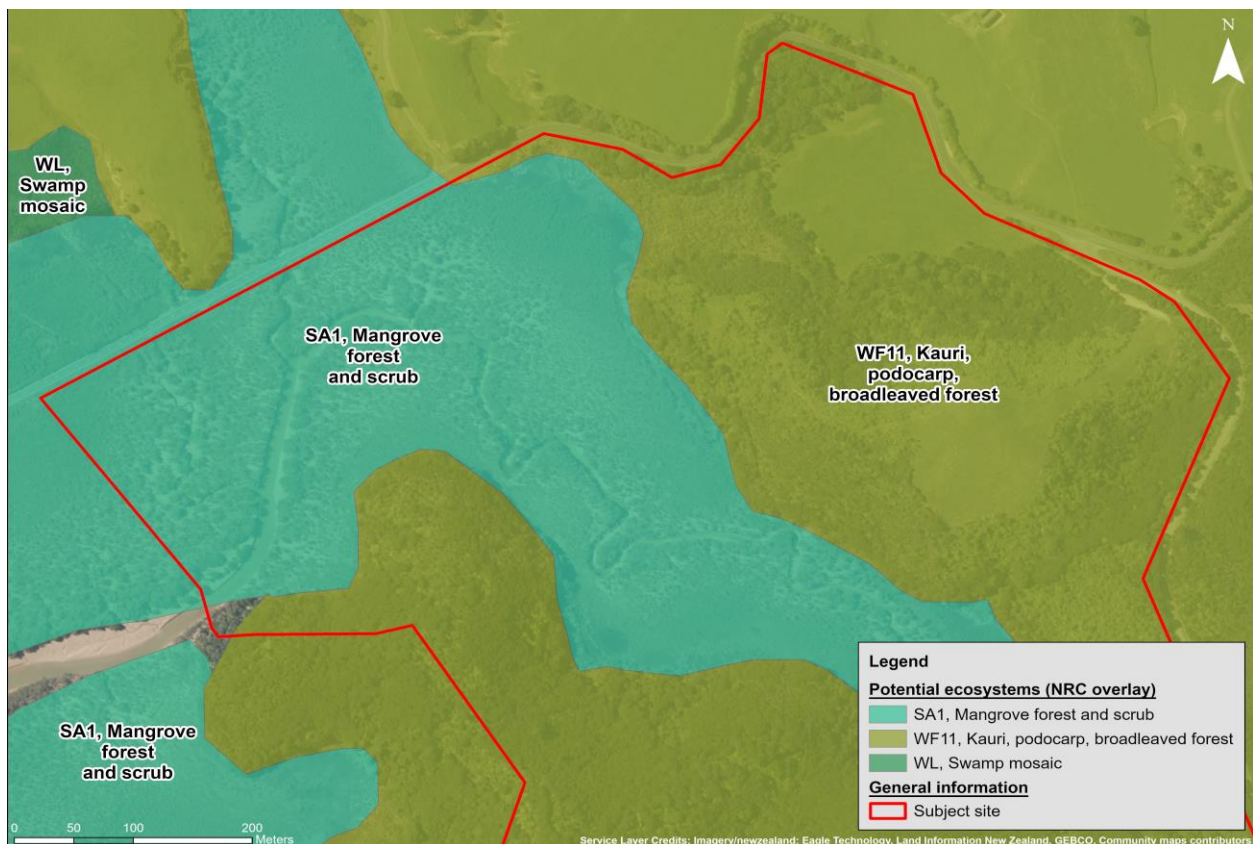


Figure 6: Showing the potential ecosystems of the subject site

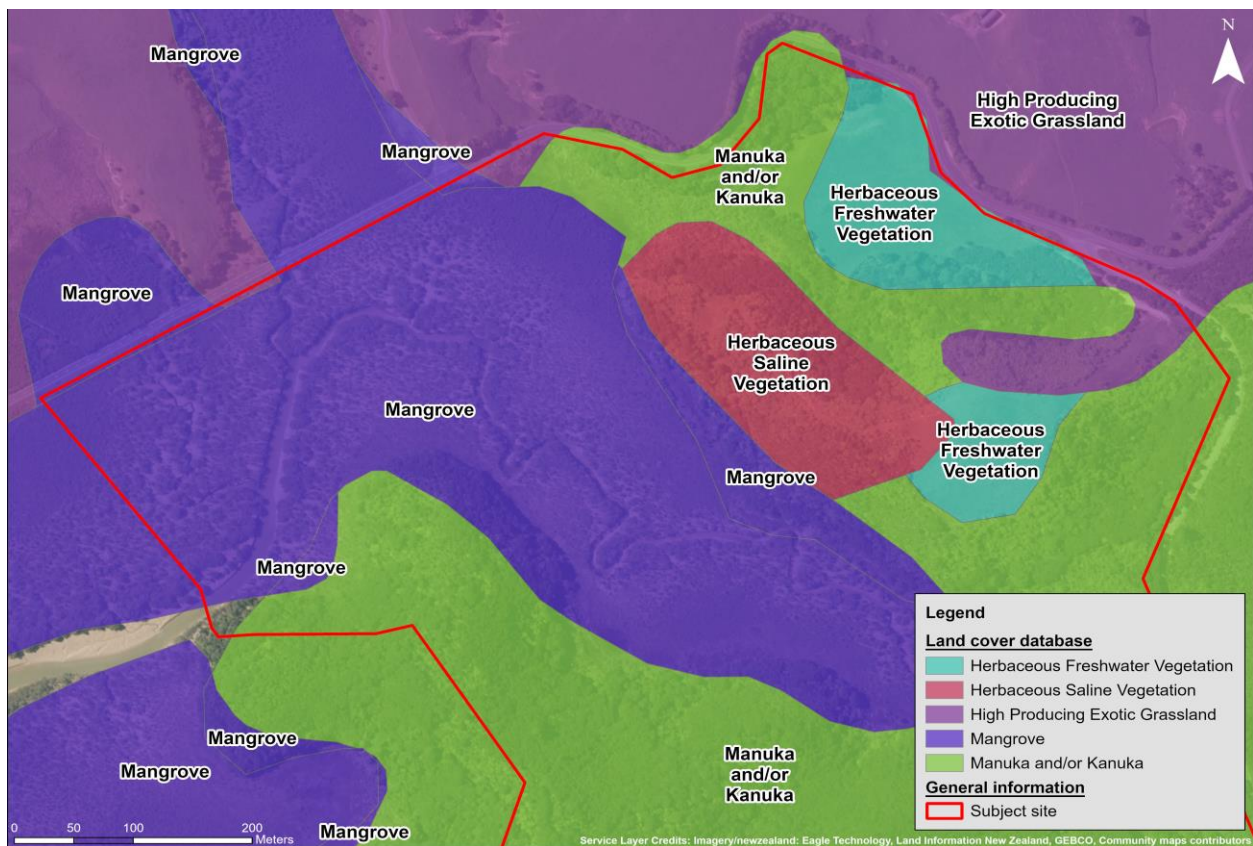


Figure 7: Showing the current land cover of the subject site

To assess land use and ecological changes over time, historic aerial photography was analysed using Retrolens. It is evident that the land and wider area had been cleared of native vegetation prior to 1953 likely as a result of land use changes and associated farming practices (Figure 8). It appears that, at this time, the mangrove forest was quite small and generally confined to the Man O' War streambank rather than the coastal floodplain. Small forest remnants can be seen within gully systems both on the site and in the wider area. Interestingly, by 1972, the entire subject site had naturally regenerated into what is likely to be an early successional kanuka scrub forest (Figure 9). It should be noted that at this time the mangrove forest had seen an expansion of its extent, with mature stands closer to the stream bank and smaller mangroves towards the forest edge. Much of the site stayed the same over the next decade, and by 1981 it can be noted that the forest ecosystems on site have matured (Figure 10). A distinctive cut within the terrestrial forest can be noted within the northwestern aspect of the site. Imagery from the early 2000's indicate that areas along the northern and southern aspect have been cleared away likely to be used for grazing, and that some of the forest appears to now be in a late successional stage of regeneration, with large emergent ponga along some higher, drier areas of the site. In some of the latest aerial imagery available, established grazing paddocks and races are noted (Figure 11).

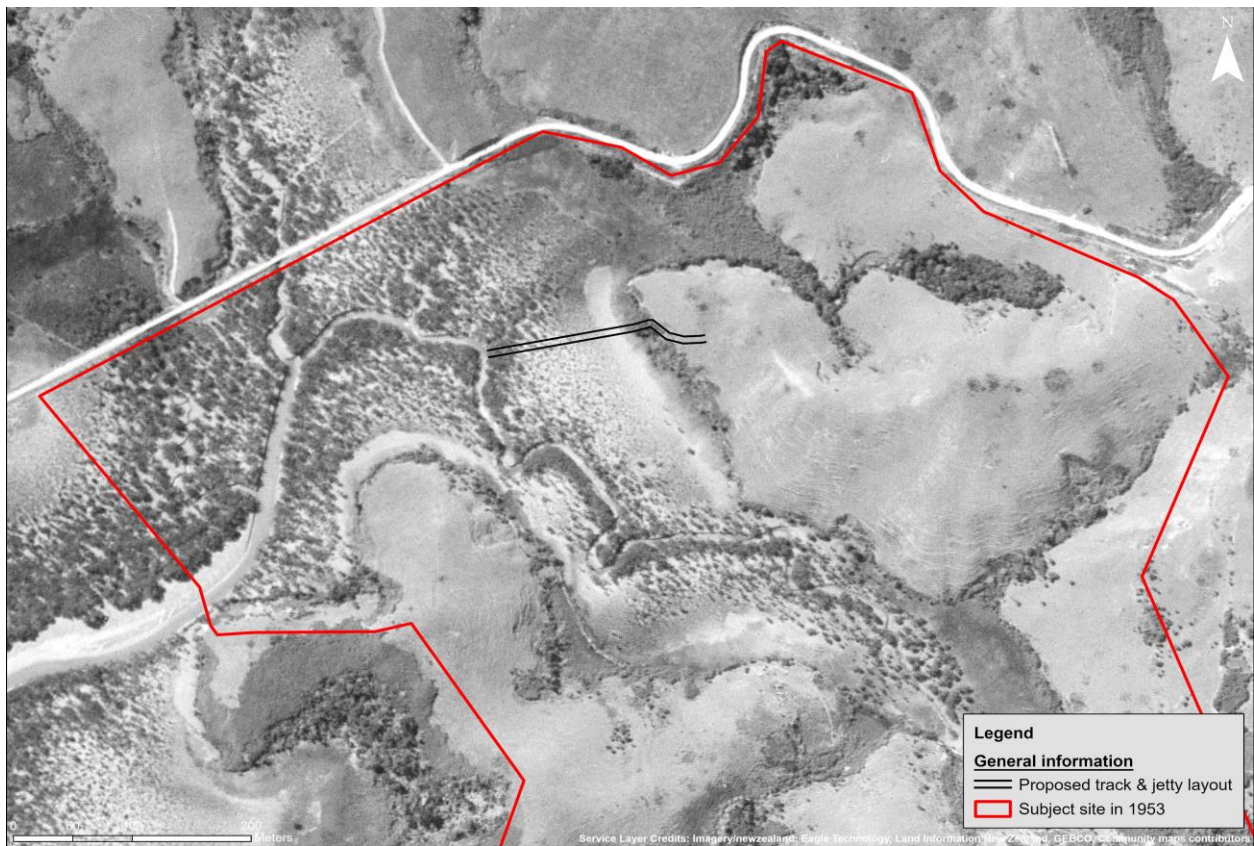


Figure 8: Showing the subject site and surrounds in 1953 (Source: Retrolens)

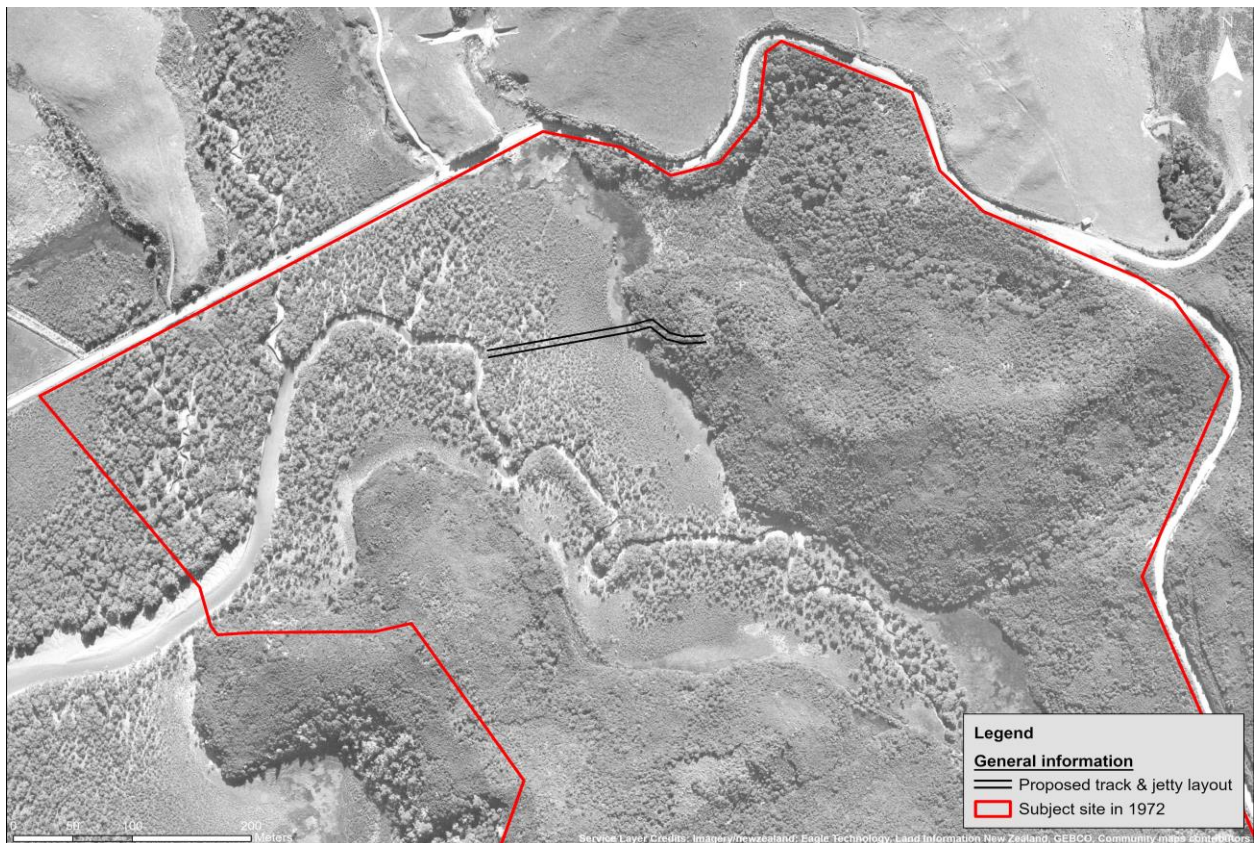


Figure 9: Showing the subject site and surrounds in 1972 (Source: Retrolens)



Figure 10: Showing the subject site and surrounds in 1981 (Source: Retrolens)

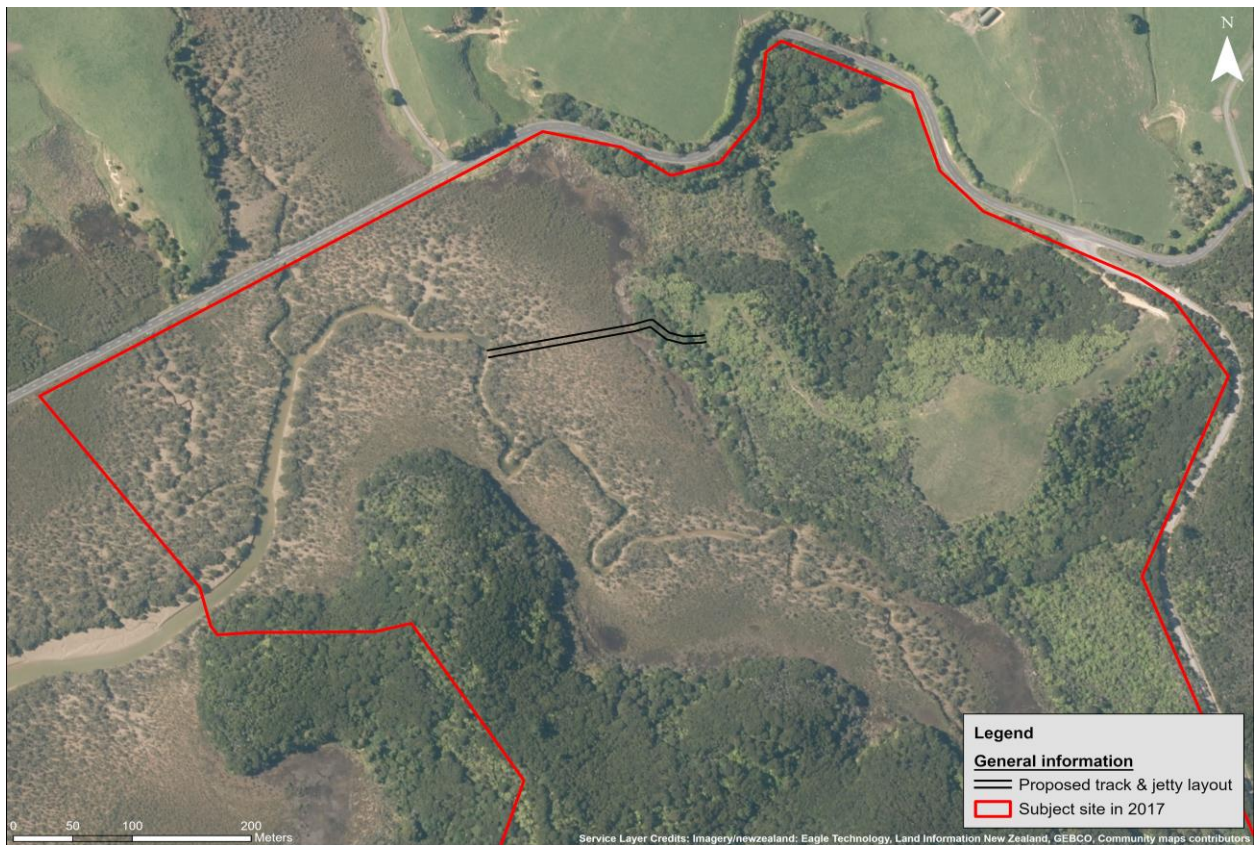


Figure 11: Showing the subject site and surrounds in 2017 (Source: LINZ)

3.4 Protected Natural Areas

The proposed development area contains and is within close proximity to several Level 1 Protected Natural Areas (PNAs) of the Whakaruru Ecological District; the Russell Forest PNA within the site and extending south and east, the Eastern Bay of Islands Estuary PNA within the site and extending to the west, and the Edwards Tikitikioure Coastal Habitat PNA less than 50m to the north (Figure 12).

The Level 1 Russell Forest (Q05/003) is located within the proposed development area and expands off site to the south and east. It is one of the largest contiguous forest blocks in the Eastern Northland Ecological Region and features 50 km of coastal riparian margin. Of the 22,737 ha, roughly half (11,443.3 ha) is protected. As such, this forest provides a significant linkage function to numerous forest remnants to the east and south. The forest itself offers a multitude of habitat types, from mature hill forest to marshy wetlands, and in some areas, mature, full sequential gradients exist. Consequently, the Russell Forest is home to a number of notable threatened species including some 27 different species of Threatened and 'Regionally Significant' flora and some 21 species of native Threatened and 'Regionally Significant' fauna including threatened land snails, avifauna and freshwater fish species.

The Level 1 Eastern Bay of Islands Estuary (Q05/001) is the largest estuarine system in the Whakaruru Ecological District covering some 1,129 ha, of which only 3.8% is protected. It is contained within the boundaries of the subject site and extends to the west. The PNA is considered to contain the most extensive examples of saltmarsh/mangrove within the Bay of Islands, with the least modified riparian margin. As such it features one of the best examples of unbroken gradients found anywhere in Northland. Notably, it contains one of the largest known Northland populations of the Regionally Significant mistletoe *Ileostylus micranthus*. The PNA is home to an extensive range of Threatened and Regionally Significant fauna species including pateke and matuku.

The Level 1 Edwards Tikitikioure Coastal Habitat (Q05/004) contains extensive coastal vegetation and is home to 12 Threatened and 'Regionally Significant' flora species and 3 Threatened and 'Regionally Significant' fauna species. It includes over 25 km of coastal riparian verge which supports pohutukawa and contains representative examples of multiple vegetation types including coastal fernland and puriri-tanekaha-taraire coastal forest. The sections of the PNA closest to the site is composed of raupō-harakeke association with frequent manuka. This PNA provides habitat for the 'At Risk – Relict' North Island weka (*Gallirallus australis*).

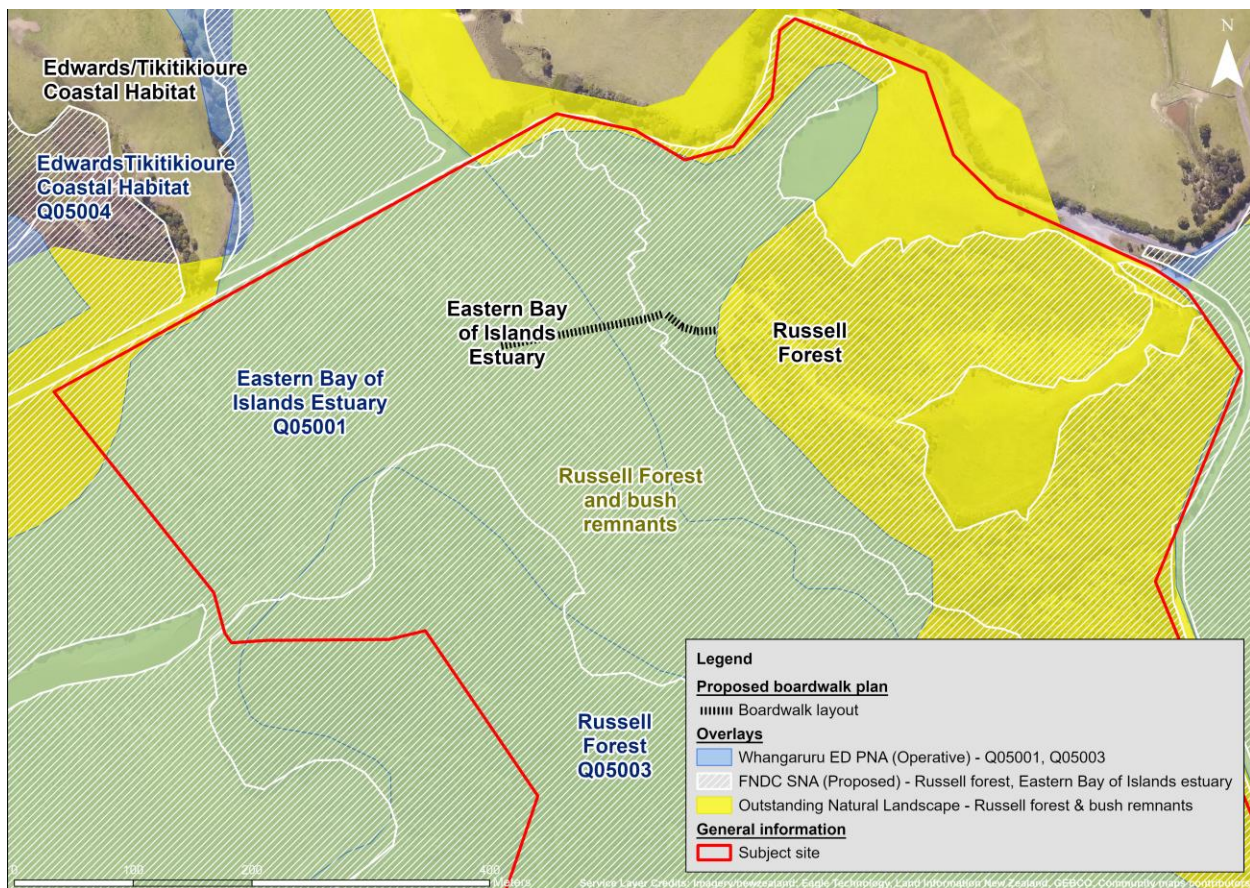


Figure 12: Showing the Protected Natural Areas within the subject site

4.0 RESULTS

4.1 Habitat Types

The proposed development area occurs within the sub-humid macroclimatic zone (Singers & Rogers, 2014), and contains representative examples of indigenous vegetation expected to be seen in the given area (Figure 13). Specifically, indigenous plant species and their associated habitat types were noted within the proposed track and jetty development footprint. Stands of juvenile – mature mangroves (*Avicennia marina* subspecies *australasica*) were noted throughout the intertidal zone which is best represented as mangrove forest and scrub (SA1). As these vegetation types are found within the CMA, they are defined as ‘natural wetlands’ as opposed to ‘natural inland wetlands,’ and are therefore not considered under the NPS-FM/NES-F 2020 regulations. However, the proposed jetty and track run through what is considered a large saltmarsh wetland (SA1.3) which in parts falls outside of the CMA and is therefore considered a ‘natural inland wetland’ under the NPS-FM/NES-F 2020. An indigenous raupō reedland (WL19) was identified in the northern section of the site, though is far from any

immediate development. Lastly, the proposed track runs through late successional regenerating kanuka scrub/forest (VS2) habitat. Some common exotic weeds mixed with native plant species were noted throughout. These vegetation types were ground-truthed using a handheld GPS and mapped using ArcGIS Pro 3.0 (Figure 13 and Appendix 1).

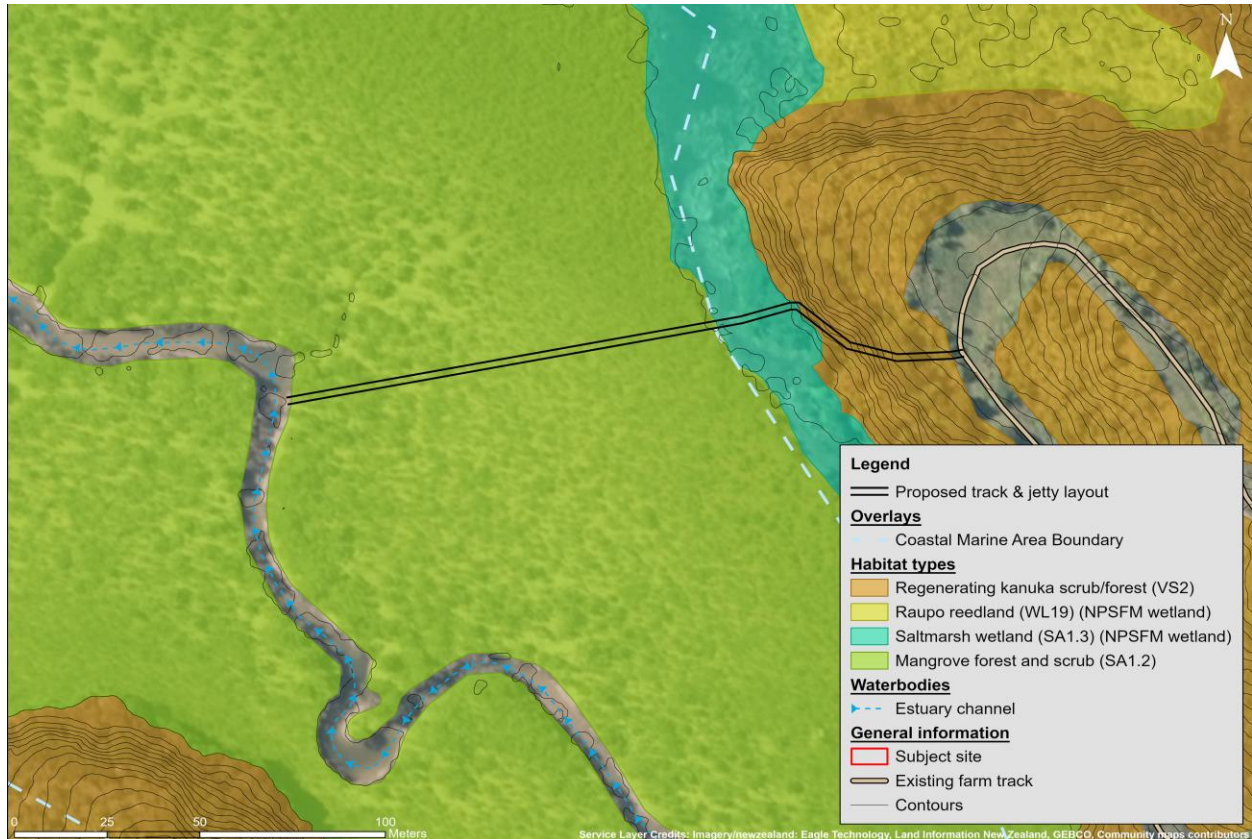


Figure 13: Showing the development site with the mapped vegetation and CMA boundary

4.1.1 Mangrove forest & scrub ecosystem (SA1.2)

The delineated areas in green best fit the description of mangrove forest and scrub ecosystem (SA1.2), which is described as “mangrove forest and scrub occurring in areas of frequent tidal inundation with abundant silt deposition, particularly near stream and river mouth” (Singers *et al.* 2017). As expected, this forest is solely dominated by mangroves (*Avicennia marina* subspecies *australasica*). In the proposed development area, the size and density of these mangroves fluctuates, where smaller, denser stands were found more inland, and larger stands found near the immediate riverbank (Figure 14 & Figure 15). It is thought that this mangrove forest provides moderate ecosystem services as it is considerably established, and historical imagery indicates the forest has existed for well over 70 years. The mangrove forest falls within the CMA and therefore is considered a ‘natural wetland’ and not subject to the provisions of the NPS-FM, however, it should be noted that all mangroves are protected under the Proposed Northland Regional Plan and the Regional Coastal Plan for Northland. With

reference to the layout provided within the LDE report in relation to the habitat type extent, the proposed jetty and associated development footprint will extend through approximately 255m² of mangrove forest & scrub.



Figure 14: Showing mangrove forest more inland, which saw shorter (~1.5m), more densely packed stands



Figure 15: Showing the mangrove forest near the immediate stream bank which are more mature, taller (~4m) and less dense

4.1.2 Saltmarsh wetland (SA1.3)

This area is composed of two large strips of oioi-dominated wetlands found at the interface of the terrestrial forest and the mangrove forest (Figure 16). As mentioned, this wetland ecosystem type largely falls outside of the CMA and is thus considered a 'natural inland wetland' under the NPS-FM. The northernmost saltmarsh wetland will be the focal wetland for this assessment as it is where the jetty is proposed to extend through. With reference to the layout provided within the LDE report in relation to the habitat type extent, the track and associated development footprint will extend through ~18m² and the jetty and associated development footprint will extend through ~16m² of saltmarsh wetland.

Areas of wetland closer to the terrestrial forest contained māpere (*Gahnia setifolia*), kuawa (*Schoenoplectus tabernaemontani*), *Isolepis prolifera*, swamp millet (*Isachne globosa*) and swamp sedge (*Carex virgata*). (Figure 17). The main extent of the wetland was predominantly oioi (*Apodasmia similis*) interspersed with slender club rush (*Isolepis cernua*) and sea rush (*Juncus kraussi* subsp. *australiensis*) with some sea primrose (*Samolus repens* var. *repens*) and remuremu (*Selliera radicans*) (Figure 18).

As such, this best fits the SA1 variant 'sea rush and oioi upper estuarine zone' SA1.3 (Singers *et al.* 2017). This habitat type is considered an ecologically significant habitat and in its current condition is thought to provide much in the way of ecological services. As this natural inland wetland is dominated by indigenous wetland plant species, it is considered an 'indigenous wetland' under the FNDC.



Figure 16: Showing the natural inland wetland extent to the south



Figure 17: Showing the immediate ecotone transition area between terrestrial forest and wetland habitat



Figure 18: Showing the natural inland wetland extend to the north

4.1.3 Regenerating kanuka scrub/forest (VS2)

The remnant bush feature on site is generally best described as a successional kanuka scrub and forest ecosystem VS2 (Singers *et al.* 2017). This forest makes up part of the Russell Forest PNA. More mature trees could be found on the steeper areas of the site (normally closer to the estuary) with a canopy dominated by mature kanuka (*Kunzea robusta*) and totara (*Podocarpus totara*), with some emergent large totara specimens at times (Figure 19). The canopy also contained common mahoe (*Melicytus ramiflorus*) and ponga (*Cyathea dealbata*) with occasional cabbage tree (*Cordyline australis*). The midstory was generally comprised of frequent ponga, and mapau (*Myrsine australis*), with common cabbage tree, hangehange (*Geniostoma ligustrifolium*) and mahoe and occasional lemonwood (*Pittosporum eugenioides*).

The understory and ground tier coverage generally contained a generally even amount of dispersed rasp fern (*Doodia australis*), smooth shield fern (*Parapolystichum glabellum*), mingimingi (*Coprosma propinqua*), basket grass (*Oplismenus hirtellus*), mamangi (*Coprosma arborea*), karamu (*Coprosma robusta*), twiggy coprosma (*Coprosma rhamnoides*) with strap fern (*Notogrammitis billardierei*) on trees, sparse hound's tongue (*Microsorium pustulatum*) at times, and *Nertera dichondrifolia* in sprawling patches (Figure 20 & Figure 21). Pest plant species were noted along the bush edge, but rarely within the bush itself (Figure 22). They consisted of some pampas (*Cortaderia selloana*), gorse (*Ulex europaeus*) and woolly nightshade (*Solanum mauritianum*). Common pastoral herb and grass species could also be found along the bush edge and generally consisted of dallis grass (*Paspalum dilatatum*) and kikuyu (*Cenchrus clandestinus*), but these too were not within the core bush itself.

The LDE scheme plan indicates that the track shall be 1.2m wide which will require an estimated 55m² of vegetation removal, though, it is acknowledged that this is likely an overestimation given that a historic track (~0.5 m wide) exists in parts.



Figure 19: Highlighting the canopy coverage on site and within the wider forest system



Figure 20: Showing the mid-tier coverage with an indication of the canopy coverage within the onsite bush area



Figure 21: Showing a representative example of the ground tier assemblage



Figure 22: Showing the general wider area which abounds the bush and contains common pastoral species as well as gorse

4.1.4 Raupō reedland (WL19)

This area occupies a small section within the northern aspect of the subject site and far away from the proposed development area (Figure 23). It is thought that this area will receive no effects with respect to the proposed track and jetty development. Nonetheless it is important to acknowledge all habitat types found on site. This area is dominated by raupō (*Typha orientalis*) dispersed with flax (*Phormium tenax*), manuka (*Leptospermum scoparium*) and kuawa. The wetland is best described as a raupō reedland WL19 under Singers *et al.* 2017 which is considered an endangered ecosystem type and falls outside of the CMA, which makes it a natural inland wetland under the NPS-FM and an indigenous wetland under the FNDC. Woolly nightshade and gorse could be found along some of the more open and drier margins.



Figure 23: Showing a section of the raupō reedland

In conclusion, while some areas within the wider area have been recently reestablished as paddocks, and the immediate site itself had been historically cleared prior to the 1950s, there is a considerable amount of natural regeneration of native plant species within the subject site, giving way to several rare ecological habitat types. Each of these habitat types provide excellent representative types for the Whangaruru ED and offer significant ecological services for the wider area. As such, the overall ecological value has been assessed as **high**.

4.2 Avifauna

The dynamic estuarial habitat and regenerating terrestrial forest present within the subject site has the capacity to support a wide range of avifauna species. The most abundant avifauna observed to use the wider site within and around the development area were a mixture of common terrestrial species and rarer wetland / intertidal species. It should be noted that the survey was conducted at low tide, where many species may have been foraging within the foreshore nearby. Also, this survey was conducted outside of the breeding season of most native and exotic avifauna species. As such, species abundance and diversity may not have been wholly captured. The site is considered to be part of the 'Significant Marine Mammal & Seabird Area', and in total, 9 introduced species and 18 native/endemic species were observed during the avifauna surveys which is considered to be **high** in species biodiversity.

Table 1: Bird species observed on the site during bird surveys in June 2023 (Conservation status as per Robertson et al. 2021)

Latin Name	Common Name	NZ Conservation Status
<i>Acridotheres tristis</i>	Myna	Introduced & Naturalised
<i>Anas platyrhynchos</i>	Mallard	Introduced & Naturalized
<i>Botaurus poiciloptilus</i>	Australasian bittern*	Native & Nationally critical
<i>Egretta novaehollandiae</i>	White-faced heron*	Native & Not threatened
<i>Gallirallus australis greyi</i>	North Island weka	Endemic & At Risk - Relict
<i>Gallirallus philippensis</i>	Banded rail	Native & Declining
<i>Gerygone igata</i>	Grey warbler	Endemic & Not threatened
<i>Gymnorhina tibicen</i>	Australian magpie	Introduced & Naturalized
<i>Hemiphaga novaeseelandiae</i>	Kereru	Endemic & Not threatened
<i>Himantopus himantopus</i>	Pied stilt	Native & Not threatened
<i>Ninox novaeseelandiae</i>	Morepork*	Native & Not threatened
<i>Passer domesticus</i>	House sparrow	Introduced & Naturalised
<i>Phalacrocorax varius</i>	Pied shag*	Native & Recovering
<i>Phasianus colchicus</i>	Common pheasant	Introduced & Naturalized
<i>Platycercus eximius</i>	Eastern rosella	Introduced & Naturalized
<i>Poodytes punctatus vealeae</i>	North Island fernbird	Endemic & Declining
<i>Porphyrio melanotus</i>	Pūkeko	Native & Not threatened
<i>Prothemadera novaeseelandiae</i>	Tui	Endemic & Not threatened
<i>Rhipidura fuliginosa</i>	New Zealand fantail	Endemic & Not threatened
<i>Synoicus ypsilophorus</i>	Brown quail	Introduced & Naturalized
<i>Tadorna variegata</i>	Paradise shelduck*	Endemic & Not threatened
<i>Todiramphus sanctus</i>	Sacred kingfisher	Native & Not threatened

<i>Turdus merula</i>	Eurasian blackbird*	Introduced & Naturalised
<i>Turdus philomelos</i>	Song thrush*	Introduced & Naturalised
<i>Vanellus miles</i>	Spur-winged plover*	Native & Not threatened
<i>Zosterops lateralis</i>	Silvereye	Native & Not threatened

*recorded on passive recorder

Eastern rosella, New Zealand fantail and grey warbler were singing prolifically throughout the entirety of the site. A number of silvereye and sacred kingfisher were spotted foraging around the immediate bush area, mixed with sparse numbers of tui moving through the bush itself. Banded rail footprints were identified throughout the mangrove forest and kereru were observed flying overhead (Figure 24). Family flocks of brown quail were often flushed while traversing down to the proposed development area, likely hunkered down along the bush edge. Many species were recorded on the passive recorder including (but not limited to) morepork, white faced heron and paradise shelduck.

Of note, while retrieving the acoustic recorder the following morning, a dead, endemic, 'At Risk -Relict' North Island weka was found on the side of the road which abounds the subject site (Figure 25). This indicates their presence in the immediate area, with this species likely struck by a car while trying to either enter or exit the site along its northern boundary. The Russell Peninsula is the northernmost mainland stronghold for the species, which are often found at the ecotone transition area of two habitat types with dense vegetation coverage. The main threat to the species are drought and predation by invasive mammalian predators such as uncontrolled dogs.

Although early for the season, two distinctive booms of the 'Nationally Critical' Australasian bittern were recorded on the passive acoustic recorder at around 10:35 pm (Figure 26). Australasian bittern/matuku are cryptic albeit large, stocky herons found throughout New Zealand's wetland habitats. Australasian bitterns exclusively utilise networks of wetlands for breeding, roosting and foraging. Ongoing habitat loss remains the highest threat to the Australasian bittern and there has been a steep population decline due to the changes in land use seen across the country, where many (>90%) native, historic New Zealand wetlands have been drained and turned to pasture (NZ Birds Online 2022). It is estimated that there are less than 1,000 Australasian bitterns in New Zealand (DOC, 2022; NZ Birds Online 2022) so this is a significant recording for this species.

Of note, endemic, 'At Risk - Declining' North Island fernbirds were heard throughout the site visit within the saltmarsh wetland and regenerating kanuka scrub/forest and were also picked up on the passive recorder (Figure 27). These well-camouflaged species are often found in wetland vegetation and sometimes in drier shrubland vegetation, both of which exist on site.

Many local populations have been lost due to the drainage of wetlands with conversion to paddocks. Since they are poor fliers, fernbird have difficulties dispersing over disjunct habitat, so contiguous corridors of suitable habitat are imperative for the species.

Although not observed on site, the site has some potential to support populations of endemic 'Recovering' pateke (*Anas chlorotis*) which are known to occupy coastal areas within the Russell Peninsula. Pateke used to be widespread, but in recent years become highly endangered due mainly to the impacts of introduced predators. Since then, the species has responded well to local management and has the potential to become locally common with the control of pest predators. While the species can be found within agricultural environments, the preferred habitat type is akin to that which was found on site; wet forests, extensive and occluded swamps, and slow-flowing streams lakes and estuaries.



Figure 24: Showing footprints of the banded rail within the mangrove forest



Figure 25: Showing a dead North Island weka found on the northern road which bounds the subject site



Figure 26: Australasian bittern was recorded on site with a passive acoustic recorder (Photo: Jordy Soole)



Figure 27: North Island fernbird were heard extensively within the bush and wetland features near the development footprint (Photo: Rayonier Matariki Forests)

In conclusion, it is thought that the rare and endangered habitat type found within the subject site provide suitable breeding, feeding and roosting habitat for a number of rare and endangered native and endemic avifauna species. Given this, and the abundance and diversity of species noted on site, the ecological value of the subject site for native and endemic avifauna species is assessed as **high** at the time of the survey.

4.3 Freshwater and Marine Ecology

Aside from the tidal Man O' War Creek, no ephemeral, intermittent or permanent streams were noted within the subject site. Therefore an assessment of freshwater ecology is limited and relies heavily on desktop analysis. The watercourse itself seems relatively unaltered from anthropogenic pressures (e.g. it doesn't appear to be dredged or straightened) and does not appear to support much recreational use at this time (Figure 28). It runs along the site's western boundary, and gradually widens from south to north as it meanders northward. As this is a tidal river, the stream bank is very well defined and quite high, reaching upwards of 3m from the silt-laden streambed. It is approximately 5m wide where the proposed jetty is to be installed. During the site visit, a school of yellow-eye mullet (*Aldrichetta forsteri*) was identified within the Man O' War Creek (Figure 29). A consultation of the NIWA freshwater fish records

does not show an indication of what fish species are present within the Man O' War Creek. iNaturalist records also does not have any data on fish species present within the creek. Reading through the PNA report for the Eastern Bay of Islands Estuary (which includes the Man O' War Creek) include 'Regionally Significant' banded kokopu (*Galaxias fasciatus*), 'Regionally Significant' giant bully (*Gobiomorphus gobioides*), common bully (*Gobiomorphus cotidianus*), common smelt (*Retropinna retropinna*), and yellow-eye mullet.

Generally speaking, it is likely that at least some of the above species frequent the Man O' War Creek on site, either for foraging or as a part of their diadramous lifecycles. As such, the ecological value for marine ecology within the subject site is assessed as **moderate** given the presence of multiple rare indigenous, natural inland wetland ecosystems (as noted and described within section 4.1) and the Man O' War Creek which likely supports endemic fish species.



Figure 28: Showing the general characteristics of the stream during the incoming tide



Figure 29: highlighting the yellow-eye mullet observed in the stream at the time of the site visit

4.4 Herpetofauna

During the field surveys, several rainbow skinks (*Lampropholis delicata*) were observed basking along the edge of the pastoral field areas and hiding amongst the rocks. All lizards, except for the introduced rainbow skink are legally protected under an amendment to the Wildlife Act 1953 and their habitats by the Resource Management Act 1991 (Anderson et al. 2012). No native herpetofauna were noted within the subject site despite there being ample habitat for them. The Whangaruru ED indicates that there are 7 native herpetofauna species within the greater Ecological District, including three skinks and four geckos, and records show that the 'Regionally Significant' forest gecko (*Mokopirirakau granulatus*) reach their northern limit within the Russell Forest PNA. Pacific geckos (*Dactylocnemis pacificus*) have also been noted within the Russell Forest. This is further corroborated by consult of DOC and iNaturalist database which shows records of forest gecko within a 5km radius of the proposed development area (Figure 30). All herpetofauna species within the Whangaruru ED aside from copper skink have been identified within 8 km of the subject site. It should be noted that the moko skink (*Oligosoma moco*) has been identified within the Whangaruru ED ~ 6 km from the subject site whose presence had not been recorded within the Reconnaissance Survey Report dated 2005.

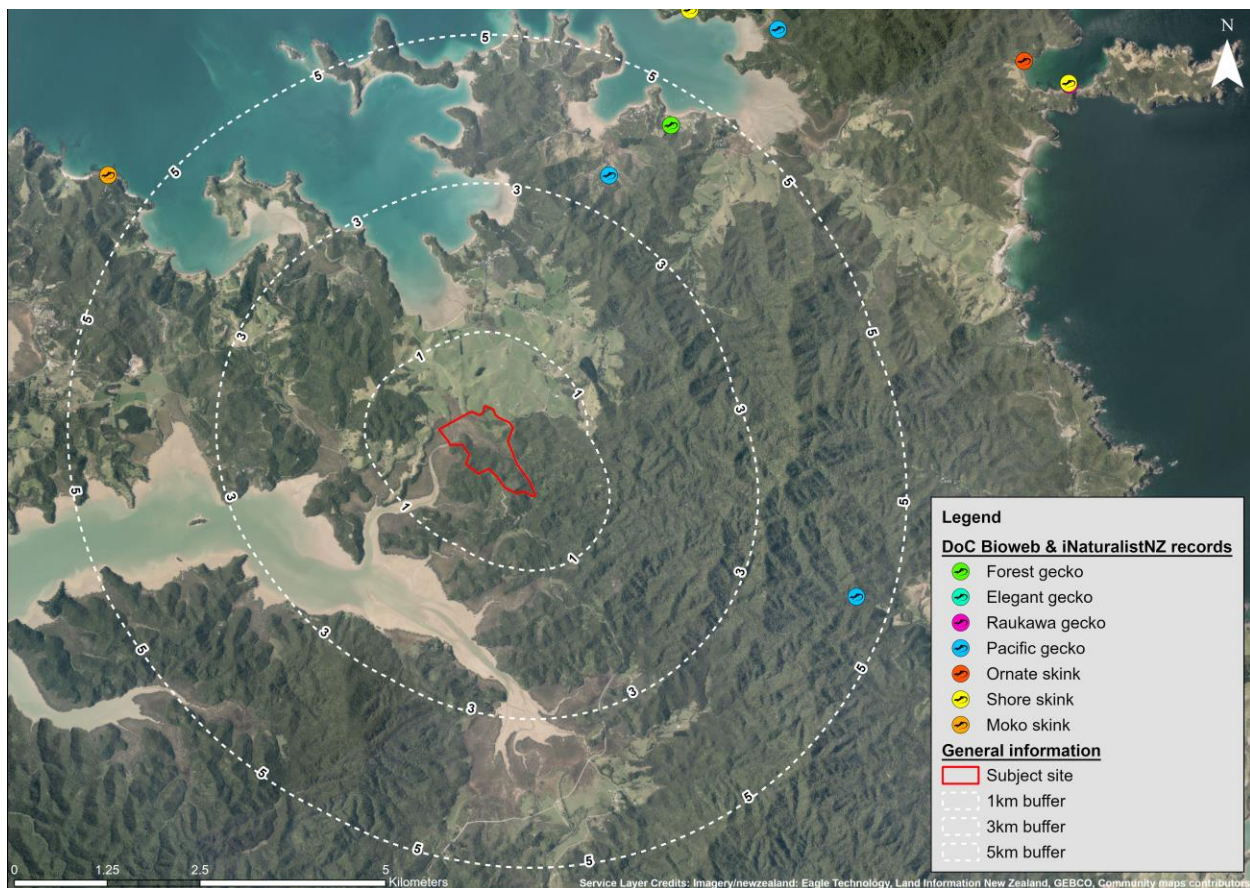


Figure 30: Showing DOC data of herpetofauna and chiroptera within a 5 km radius of the development site

In the North Island, forest gecko predominantly reside within scrubby, regenerating forest habitats and are primarily arboreal. Similarly, the elegant gecko are strongly arboreal, occupying the foliage of trees and shrubs such as manuka and kanuka. Abundant habitat of this quality was noted within the subject site and surrounds and thus could support the aforementioned species. Although Pacific gecko are also considered arboreal, they occupy a more diverse range of habitats including swamps, scrubland and rocky coastlines, nearly all of which is present within the site. Copper skink (*Oligosoma aeneum*) are known to be found in areas which provide good ground cover in open and shaded areas of forest. Although the latter species was not found within the wider area, it is thought that the subject site does offer habitat for this species.

Given the abundance of viable habitat for a number of reptile species, and that species have been noted to reside within the Russell Forest PNA which extends onto the subject site, it is highly likely that native lizards periodically utilize the site. Therefore, the current ecological value for native herpetofauna within the development area and immediate surrounds has been assessed as **moderate-high**.

4.5 Chiroptera

New Zealand has two extant native bat species, the long-tailed bat (*Chalinolobus tuberculatus*) and the lesser short-tailed bat (*Mystacina tuberculata*), both of which are endemic microbat species. Long-tailed bats are listed as 'Threatened - Nationally Critical' (Donnell et al. 2017). Native bats are 'absolutely protected' under the Wildlife Act (1953).

Consultation of DOC Bioweb data as well as the Whangaruru ED report indicates that there are no known long-tailed bat populations within a 30 km radius of the subject site. Thorough presence/absence surveys were conducted by DOC within 5 kms of the subject site and no bat presence was detected. During the site visit, there were very few stands noted that could support a bat roost given that a majority of the forest is regenerating scrub with a handful of mature totaras – the totaras observed within the development footprint did not appear to have any hollows suitable for bats. Nonetheless a passive Automatic Bat Monitor (ABM) was deployed as a preliminary check for presence/absence of the species. No bats were recorded on the ABM. It should be noted that this does not quality as a quantitative assessment as the passive recorder was only deployed for a single night and outside of the bat monitoring season. Generally it is thought that it is unlikely that long-tailed bats are using the immediate site for roosting or foraging given the current habitat type, abundance of pest mammalian predators, the distance from known bat populations and the lack of ideal foraging grounds. As such, the current ecological value for native chiroptera has been assessed as **low** within the subject site in its current state.

4.6 Summary of Ecological Values

Table 2 below summarizes the ecological values for each taxa surveyed and observed within the development area. Each taxa has been assigned an ecological value generally following the process as described within the Ecological Impact Assessment (EIA) guidelines (EIANZ 2018). In short, four components are used to determine the ecological value of the ecological features present on-site as prescribed under the EIANZ (2018) criteria:

- Representativeness,
- Rarity/distinctiveness,
- Diversity and Pattern,
- and Ecological Context.

The method involves assigning ecological values under each of these four matters, an explanation on each matter and a series of attributes as outlined within Table 4 of the EIANZ guidelines (2018).

Table 2: Summarizing the ecological value of each ecological feature present within the subject area

Taxa	Findings	Ecological Value
<i>Flora</i>	<ul style="list-style-type: none"> • Representative examples of vegetation types for the Ecological District • Large, contiguous forest area present proving ideal habitat for mobile fauna • Areas dominated by native flora • Dense stands of native trees and vegetation including mangroves and regenerating kanuka scrub • Minimal pest plant presence • Rare, endangered habitat types 	High
<i>Avifauna</i>	<ul style="list-style-type: none"> • High species diversity • High native/endemic species abundance • Presence of threatened species • Presence of rare species • Development area within the Significant Marine Mammal & Seabird Area • Good nesting/roosting/breeding habitat for avifauna 	High
<i>Marine Ecology</i>	<ul style="list-style-type: none"> • Silt-laden stream • Generally unmodified marine habitat • Public records indicate the presence of 'Regionally Significant' fish species present within the Man O' War Creek • Presence of multiple large, rare, natural inland wetlands • Presence of indigenous wetlands 	Moderate
<i>Herpetofauna</i>	<ul style="list-style-type: none"> • Viable habitat on site for a variety of native herpetofauna • Russell Forest contains herpetofauna species and extends onto the subject site • No native herpetofauna observed onsite • DOC records indicate known populations/sightings of native herpetofauna within 5 km 	Moderate-High
<i>Chiroptera</i>	<ul style="list-style-type: none"> • No viable habitat in development area for native bats • No connection to known bat populations • No bat roosts or evidence of bats using the site • Comprehensive presence / absence surveys by DOC within 5 km of the site resulted in no bats detected • No known populations of native bats within 30 km 	Low
Overall		Moderate-High

5.0 POTENTIAL EFFECTS

Given the extent of the works required, it is likely that the main effects of development will be constrained to the immediate development footprint, which is shown in the LDE report as the 'construction buffer area' (see Figure 33). Therefore, for the purposes of this assessment, this report considers the potential and actual effects to the environment within the immediate development footprint and takes into account the general works associated with developing a track and jetty with respect to the immediate habitats - though consideration is also made on the potential effects to wider ecological area when warranted.

The development footprint exists within an ecotone transition area which exhibits a variety of habitat types from regenerating kanuka scrub grading into a mangrove forest (Figure 31). A historic track through the regenerating kanuka scrub already exists which leads down a hillslope and would require minor vegetation removal (approximately 73m²) to be restored and enhanced, noting that the track extends some 15m into what is considered a natural inland wetland. The jetty is proposed to be erected through a natural inland wetland (which is also considered an indigenous wetland) and a mangrove forest. A jetty is considered a 'wetland utility structure' under Rule 42 of the NES-F and therefore its construction is considered a restricted discretionary activity. The development area is also subject to the provisions of the RCP. Under the new NPS-IB, no net loss to indigenous biodiversity can occur, baring in mind that a majority of vegetation clearance for the construction of the jetty and track are to occur within the CMA which is not subject to the provisions of the NPS-IB. Nonetheless, vegetation clearance will occur within a Significant Bird Area, ONLs and PNAs of the Whangaruru ED and a proposed SNA of the Far North District Council.

Generally, the potential adverse effects can be divided into negative effects resulting from:

- Direct effects (resulting from physical development of the application area including land clearance, earthworks, construction, etc.).
- Secondary effects (resulting from increased activities and habitat modifications within the application area and the surrounding area during the operational phase and following the jetty development).
- Cumulative effects (resulting from jetty construction that might occur, and additional to the effects that can be expected to have already occurred as a result of development of the wider area which will also increase in the future).

Typically, during the construction phase of the proposed works, the adverse impacts of the development will comprise of habitat loss and potential disturbance of the existing habitats within the immediate area. During the operational phase of the proposed works, adverse

impacts will comprise potential increased levels of disturbance through increased levels of noise and human presence. When considering cumulative effects, there are several practical and policy barriers to be considered. It is difficult to predict and assess cumulative effects with a high degree of certainty, due to complex ecological interactions, the lack of environmental baseline data, and the scale and timeframes at which District Councils plan. However, consideration of existing and reasonably foreseeable activities (e.g. pruning for maintenance) must be given and are summarized in section 5.5 below.

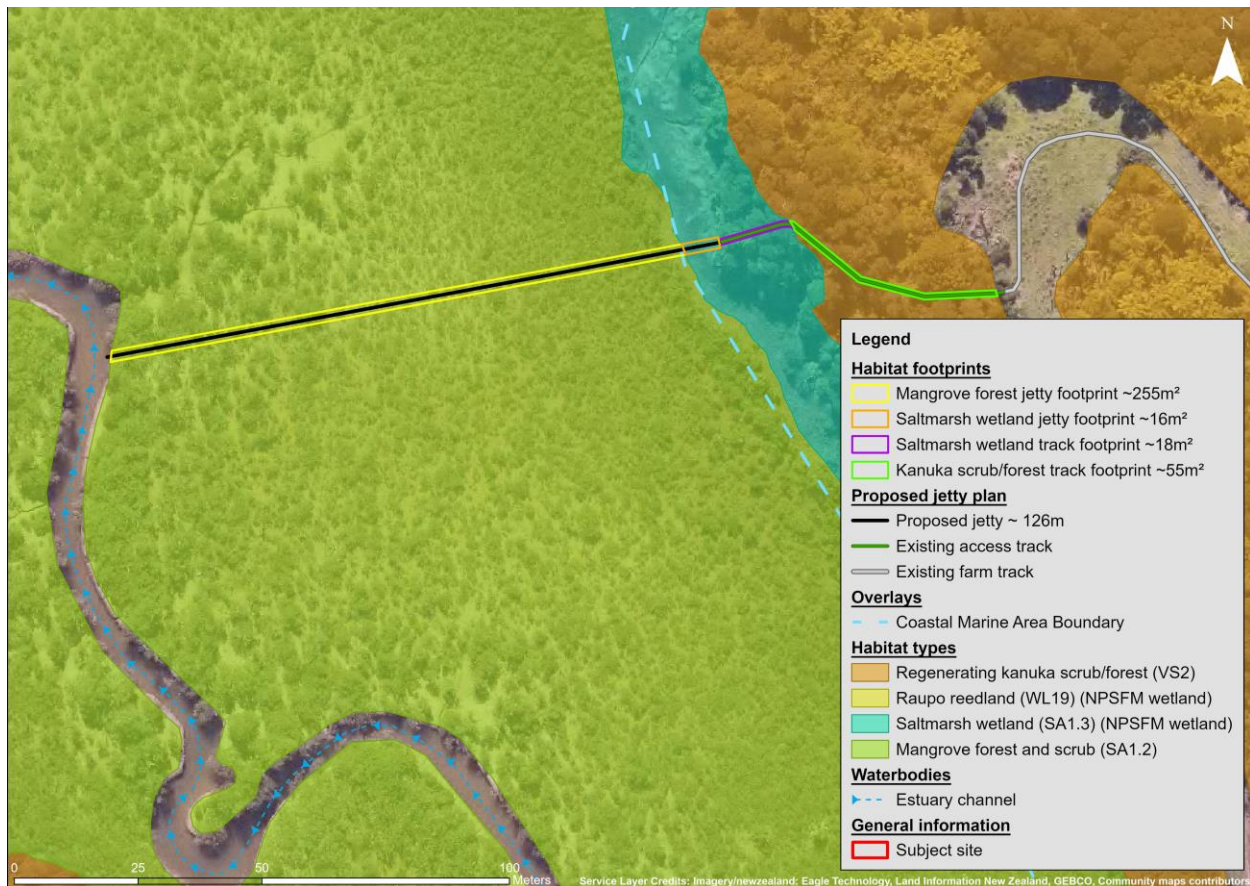


Figure 31: Showing the development footprint of the jetty and track in relation to the three habitat types identified on site

5.1 Fauna Disturbances

The most significant immediate environmental effect is considered to be avifauna disturbance. With nearly every native/endemic New Zealand avifauna species being protected under the Wildlife Act 1953, considerations must be made to the welfare of avifauna species in the area. Secondary to this would be potential herpetofauna disturbances. Similar to avifauna, every native/endemic herpetofauna species is protected under the Wildlife Act 1953. Avifauna species present within the site are highly mobile, but also highly dependent on the rare onsite ecosystems.

An obvious permanent loss of habitat will occur during the development phase of the track where vegetation removal is required. It should be noted that vegetation clearance would be minor and consist of mature stands of ~ 5 kanuka, ~2 totara and ~1 mahoe plus regenerating scrub bush within the immediate track footprint. Nonetheless, both avifauna and herpetofauna may be affected by this permanent loss of vegetation within the core bush habitat.

Temporary loss of indigenous, natural inland wetland habitat utilized by native avifauna will occur during the construction phase of the jetty, and permanent loss will occur where the jetty piles enter the wetland bed. To be in accordance with condition 4(c) of Rule 42 of the NES, the natural inland wetland's hydrological regime and bed profile must be returned to its original condition no later than 30 days after the start of the activity. It is thought that if the wetland's hydrology and bed profile are restored, it will provide ideal conditions for natural revegetation of hydrophytic vegetation of the area by species found in the wetland, namely oioi. As such, the wetland habitat will be restored to its natural condition shortly after the construction phase and thus provide its original ecosystem services for native avifauna identified within the area.

It is thought that the noise of machinery and human activity during the development of the track and jetty are expected to disturb birds and herpetofauna in the vicinity, potentially resulting in temporary loss of onsite habitat. Avifauna are likely to be continually affected by the addition of the new structure and the human traffic it will introduce into the area. Ongoing pruning of mangroves and wetland vegetation (a permitted activity for the maintenance of wetland utility structures under Rule 43 of the NES) will likely occur as a result of the installation of a new wetland utility structure.

It should be noted that the Client is actively controlling for pest animals on site, and it is thought that this shall continue in earnest and intensity with the development of the track and jetty (Figure 32). Ongoing pest control will provide for better habitat for native species in the area and further encourage nesting and breeding onsite.



Figure 32: Showing a philproof bait station within a kanuka tree

Much of the aforementioned potential effects to avifauna species during the construction phase of the track and jetty can be mitigated and avoided with appropriate surveying. To elaborate, the detrimental environmental effects on avifauna present within the area can be significantly minimized by **avoiding works during the peak breeding season (September – February)**. Where works cannot be avoided during peak breeding season, an appropriately experienced and qualified ecologist shall conduct a site visit prior to starting work to determine the presence of roosting birds. If any avifauna species protected under the Wildlife Act is considered to be using the site for breeding, the nominated ecologist shall make recommendations regarding whether the works can begin, and/or provide measure to be put in place to avoid impact on the birds. Since ongoing pruning of mangroves and wetland vegetation will be considered a permitted activity after the jetty is constructed under Rule 43 of the NES, it is strongly recommended that the Client do so outside of the bird breeding season moving forward. To address ongoing human disturbances, the Client is encouraged to continue and expand the onsite trapline.

With the above considered, it is recommended that, given the rarity of the species present on site and that the development site is within a Significant Bird Area, an **additional preliminary**

avifauna breeding survey be conducted as a **resource consent condition** prior to the commencement of development by an appropriately experienced and qualified ecologist to determine the presence of roosting / nesting birds, irrespective of the time of year. Furthermore, consent conditions should stipulate that if any works are to be conducted during the breeding season (September–February) then a qualified ecologist shall conduct fortnightly avifauna surveys within the development footprint and immediate surrounding area. If any nests of native/indigenous species are found containing eggs within the development area where vegetation clearance is occurring or intended to occur, all vegetation clearance work and construction within a 10 m radius of the nest shall cease until the nest has either failed or successfully fledged. Any active nests shall be monitored weekly by a suitably qualified ecologist, and the area is to be cleared of vegetation following the successful fledging or failure of the nest.

Similar to avifauna, much of the potential effects to reptilian species during the construction phase of the track and jetty can be mitigated and avoided with appropriate surveying. Although no herpetofauna were identified on site, it is likely that they utilize the site given the habitat types observed, their connectivity with the wider ecosystem and known populations of herpetofauna within the wider area. As part of the proposal involves the clearance of native vegetation within the regenerating kanuka scrub and forest ecosystem, it is proposed that **lizard monitoring** be conducted prior to the removal of native bush. This will avoid, remedy and minimise adverse effects to lizards, with the physical vegetation clearance of site to be overseen by a suitably qualified and experienced ecologist. Should any native herpetofauna be identified within the tree clearance footprint at any point leading up to or during the vegetation clearance works, all works are to cease until appropriate Wildlife permits for salvage and relocation can be obtained.

In order to minimise mortality and injury to potential indigenous lizards that may be present on site, felled trees shall be cut into sections and stockpiled at the edge of remaining native vegetation (outside the vegetation clearance footprint). The stockpiled vegetation can then be used as habitat enrichment (cut into sections and/or discs) and left in the remaining bush areas.

In conclusion given the size of the development footprint and works associated, virtually all potential negative effects to native fauna can be avoided if proper surveys and management plans are conducted and developed. As such the development of the jetty and track is thought to have **less than minor effects** to native fauna following the recommendations made within this report.

5.2 Freshwater and Marine Environment

Another area that will be impacted by the development of the jetty is the surrounding marine environment. In its current form, the Man O' War Creek appears to be in a natural condition with a healthy ecosystem and minimal degradation as a result of anthropogenic modifications or influences. The same is true for the mangrove forest and natural inland wetlands found on site.

Land Development & Engineering Ltd have proposed a design for the jetty which involves 1.65m x 2.4m piled timber platform elevated ~0.7m above the wetland surface (Figure 33). The jetty is proposed to be 1.2m wide and approximately 126m long. Piles will need to be implemented into the tidal mudflats, wetland areas and foreshore of the Man O' War Creek and earthworks and heavy machinery may be required for construction.

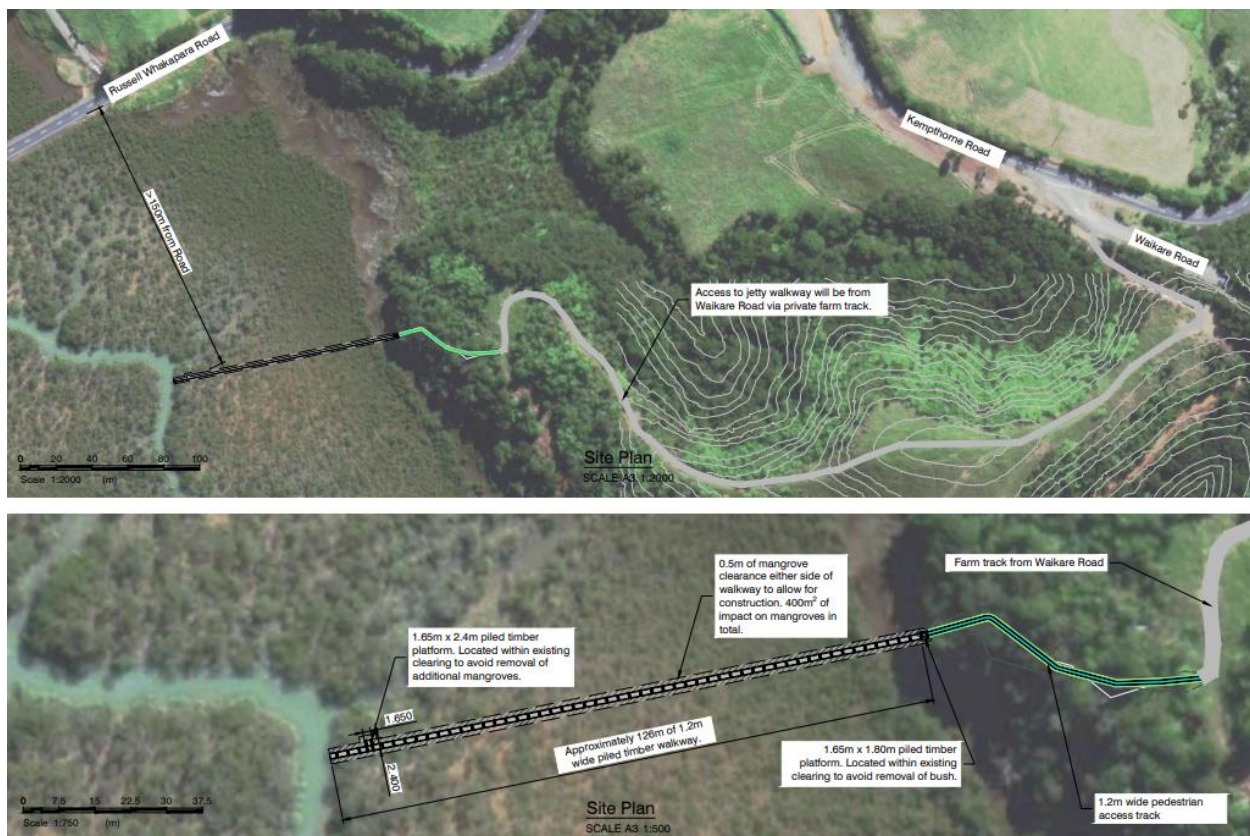


Figure 33: Showing the LDE development scheme plan

Diggers and heavy machinery have the potential to disrupt the sensitive intertidal ecosystem by increasing erosion and compacting the riverbed during the construction phase. Doing so can radically change the ecosystem regime of the benthic fauna and flora in the immediate area and harm invertebrates that live under the soil surface. For these reasons, it is advised that all heavy machinery be kept out of the CMA and natural inland wetlands as practically as possible.

Although the installation of piles will cause riverbed and tidal mudflat displacement in the short term, studies have shown that piles play a critical role as retention structures for nutrients and organic matter and facilitate vegetation recovery after disturbance events (Pettit and Naiman, 2005). They have also been shown to provide valuable habitats for avifauna and terrestrial invertebrates (Shelley and Crawford, 1996). It is thought that any adverse effects of riverbed and tidal mudflat displacement and sediment suspension are offset by the long-term ecosystem enrichment effects that piles bring to the surrounding environment. Again, to comply with Rule 42 of the NES-F, the effected natural inland wetland's bed and hydrology must be restored to its original condition within 30 days of the commencement of the activity. Upholding this condition will see natural native regeneration of the wetland, which will restore the natural inland wetland to its normal function.

With the above considered, it can be concluded that the development of the jetty will **have less than minor** effects to the freshwater and marine ecosystems noted within the site.

5.3 Native Vegetation

As part of this development, it is not possible to retain every native species documented within the development footprint. In particular, hydrophytic native vegetation removal of approximately 289m² is required, and a 1.2m wide track must be further developed which will see the removal of ~55m² kanuka scrub and forest habitat (see Figure 31). As such, considerations must be made as to the ecological effects of their removal and how best to offset, mitigate and/or avoid any potential or actual adverse effects.

Mangrove forest ecosystems provide habitats, food sources and breeding grounds for a diverse range of species, including both terrestrial and marine organisms. The removal of mangroves can potentially result in the loss of nesting areas, roosting sites, and shelter for birds, fish, and invertebrates, thereby disrupting the natural balance of the ecosystem. Mangroves also act as natural barriers, protecting shorelines from erosion caused by waves and storms. Their extensive root systems stabilize sediments and reduce the impact of coastal erosion, safeguarding adjacent land areas from damage.

The regenerating kanuka scrub and forest provides important habitat for a diverse range of animal species, including birds, insects, lizards and invertebrates. The removal of parts of this bush would result in the loss of potential nesting sites, roosting areas, and feeding grounds, also impacting the natural balance and distribution of native fauna. In particular, kanuka produces nectar-rich flowers and totara produces berries, both of which serve as an important food source for native birds such as tui and kereru and attract a variety of insects. Removing these trees would also reduce the availability of nectar and insects. Albeit, given the quantity

of tree species lost in the formation of the track is minimal and likely won't lead to population declines among species that rely on these resources. Furthermore, given the estuarine nature of where these native tree specimens are found, their removal may increase soil erosion and sedimentation into the watercourse. This can alter water chemistry, impair reproduction and spawning of native fish species within the wider area, nutrient load the wider catchment and generally degrade aquatic habitats present. This can negatively impact biodiversity and disrupt ecological balances.

Terrestrial bush removal is thought to be minor for the establishment of a 1.2m wide track (Figure 31). However, all stands of trees present within provide for some of the ecological services mentioned above including food resources, breeding and nesting habitat as well as pollination dynamics. Given the extent of works required to develop the proposed track, it is considered that removal of selected specimen trees would cause less than minor effects to the surrounding ecosystem. The removal of these trees is not expected to impact the connectivity of the forest, the core values of the habitat type, the ecosystem provisions it provides, or native fauna utilizing the forest if proper surveys are conducted prior to clearing as recommended in section 5.1.

It is considered that the jetty layout has been conducted in a way that will ensure the smallest number of mature mangroves will need to be removed as per the report by Land Development & Engineering Ltd. Mangroves that must be removed for the jetty are considered juvenile and are generally less than a meter high. Nonetheless approximately 255m² of potential mangrove removal will have potential and actual adverse effects on the surrounding environment, though these are considered to be **less than minor** given the size of the project. It is recommended to prune mangroves back where possible, rather than wholly removing them to make way for the proposed jetty. This process of pruning is faster and less impactful to the immediate surrounding environment and will further ensure the effects to the environment are **less than minor**. All cut or pruned trees are to be removed from the intertidal zone so as to prevent additional debris from entering the stream channel. Cut and pruned trees are instead to be piled within the dryland bush area to provide shelter for native herpetofauna. Other adverse effects associated with mangrove removal or pruning are thought to be appropriately avoided through comprehensive fauna surveying prior to and during construction.

An additional ~34m² of natural inland wetland vegetation will be affected by the construction of the jetty and track, however under Rule 42 of the NES-F it is thought that the wetland habitat will natural regenerate quickly once bed and hydrology are restored to their natural state within 30 days of construction. As such, potential and actual adverse effects to the surrounding vegetation is thought to be only very short-term, and **less than minor** after construction. Similar to terrestrial and mangrove vegetation removal, all other adverse effects of short-term

wetland vegetation disturbance are thought to be appropriately avoided through comprehensive surveying prior to and during construction.

Consideration must also be given to the root zone of native vegetation on site. Heavy machinery and earthworks within the sensitive root zone of native trees can compact soil, damage roots and disturb the soil structure. All of these effects can compromise a tree's stability, growth and overall health. As such, it is thought that the excavation of land, the compaction of soil or the formation of any new impervious service within the rootzone of any native tree stand to be retained should be avoided. If the rootzone cannot be avoided, it is recommended to use specialized machinery to minimize soil compaction and a consultation with arborists or tree care professional to ensure the well-being of the trees throughout the construction process.

Pruning of vegetation for the maintenance of the jetty walkway is considered a permitted activity under Rule 43 of the NES-F, as such, long-term effects to the environment associated with this permitted ongoing activity must be considered. Generally, it is thought that ongoing pruning of mangroves for the purposes of maintaining the jetty will result in **less than minor** effects to the receiving environment if pruning takes place between March and August - outside of the breeding season for most avian species. Future pruned branches are to be removed from the intertidal zone as to prevent excess debris entering the stream channel, and instead should be piled within the dryland bush area to provide additional habitat / refuge for native herpetofauna. It is thought that providing additional habitat for native herpetofauna further offsets any potentially negative effects to the environment caused by the pruning of vegetation.

5.4 Weed Control

As noted within section 4.0 of the report, exotic pest plants were identified during the site walkthrough. Two Sustained Control plants under the Northland Regional Pest and Marine Pathway Management Plan 2017-2027 (Northland Regional Council, 2017) were noted within the immediate wider area of development footprint, including gorse and woolly nightshade. Other exotic pest species such as pampas were also noted alongside common pastoral herb and grass species.

These pest species all cause adverse effects to the environmental, economic, social or cultural values of the region. They persist in the environment and are easily spread if not removed appropriately. Construction in the area has the potential to spread these species throughout the subject site and downstream. It is therefore recommended that an underlying **resource consent condition** be that a **Pest Plant Management Plan** be developed for the site so that all

pest plants within the immediate development footprint be controlled prior to the development of the jetty and track. Given the sensitive aquatic environment within the development footprint, only herbicides approved to be used over waterways will be utilized when working nearby marine environments. Details regarding control methodology and herbicide usage shall be outlined within the Pest Plant Management Plan developed for the subject site. The overall goal of the plan will be to ensure to mitigate the spread of noxious weeds, so that they do not spread into the forest or wetland systems and potentially compromise their core ecological values and ecological services. It is thought that if pest plants are controlled prior to construction, the risks associated with their spread as a result of construction is assessed as **less than minor**. The control of noxious weeds within the development area is also thought to further offset any potential negative effects to the receiving environment caused by the construction of the jetty and track.

5.5 Summary of Effect

Table 3 below summarises the potential and actual effects to the environment and makes recommendations to mitigate these effects to a negligible level. Despite the rarity and high value of the ecological features present onsite and within the immediate development footprint, it is considered that the extent of works required to establish a track and jetty are minor. Consequently, less than minor effects to the environment will result when the proposed mitigation measures are implemented in conjunction with best practice construction methodology. As such it is considered that cumulative environmental impact associated with the installation of the proposed track and jetty is deemed **less than minor**.

Table 3: A summary of the potential and actual effects to the environment, with methods and recommendations on how to mitigate them with respect to the development of the boardwalk

Biodiversity Type	Potential & Actual Effects	Mitigation
Flora	<ul style="list-style-type: none"> • Minor removal of native vegetation • Spreading of pest plant species into the wider area • Minor pruning of native species • Earthworks within the rootzone of native species • Ongoing pruning to maintain jetty 	<ul style="list-style-type: none"> • Remove all pest plants within the development footprint prior to construction • Selective removal of mangrove specimens with pruning rather than removal being the preferred methodology • Avoid heavy machinery within the rootzone of native species to be retained • Development of a Pest Plant Management Plan • Future pruning to be conducted outside of breeding season

		<ul style="list-style-type: none"> • Future pruned branches to be removed from intertidal zone and piled on dryland for herpetofauna refuge
<i>Fauna</i>	<ul style="list-style-type: none"> • Noise and activity during construction phase • Loss of potential breeding, feeding and roosting habitat 	<ul style="list-style-type: none"> • Breeding bird survey conducted prior to construction • Avifauna survey conducted fortnightly during construction works • No development within 50m of any active nest • Development recommended to occur outside of peak breeding season (September- February) • Jetty and track development recommended outside of breeding season • Lizard monitoring prior to the removal of native bush • Pruned/cut trees and branches to be piled on dryland for lizard habitat
<i>Marine Ecology</i>	<ul style="list-style-type: none"> • Intertidal zone ecosystem disturbed from construction & heavy machinery • Installation of piles causing sediment suspension • Removal of trees causing erosion along streambank • Cut/pruned trees/branches adding additional debris into waterway 	<ul style="list-style-type: none"> • Piles thought to offset any short-term loss of invertebrate habitat • Heavy machinery kept out of intertidal zone as much as practical • Selective removal of trees so as to increase sedimentation loading to a negligible level • All cut / pruned trees to be removed from intertidal zone and piled on dryland for lizard habitat

6.0 RECOMMENDED CONDITIONS OF CONSENT

To achieve negligible potential and adverse effects to the environment the following are recommended to be included within resource consent conditions:

- Lizard monitoring prior to bush vegetation removal
 - Vegetation clearance of the site to be overseen by a suitably qualified and experienced ecologist.
 - Should any native herpetofauna be identified within the vegetation clearance footprint, all works are to cease until appropriate Wildlife permits for salvage and relocation can be obtained.

- Development of a Pest Plant Management Plan (PPMP) prior to construction for the management and removal of noxious weeds
 - The PPMP shall be prepared by a suitably qualified ecologist and include the following:
 - The identification of weeds
 - Proper control techniques for appropriate weed pest control including physical works and herbicides
 - Techniques for managing people entering the site to minimise the spread of unwanted organisms
- Preliminary breeding avifauna surveying conducted immediately prior to construction (irrespective of the season) for the protection of native/endemic avifauna species and their nests.
 - If any avifauna species protected under the Wildlife Act is considered to be using the site for breeding, the nominated ecologist shall make recommendations regarding whether the works can begin, and/or provide measure to be put in place to avoid impact on the birds.
- All construction should avoid the peak avifauna breeding season (September-February).
 - If works cannot be avoided during the breeding season, ongoing fortnightly avifauna breeding surveys shall be conducted by a suitably qualified ecologist during construction.
 - If an active bird nest is found during the construction phase of work, works are to be ceased within a 10m radius of the nest until it has fledged or failed. The nest shall be monitored weekly by a suitably qualified ecologist until failure or fledging.
- Vegetation which is cut / pruned to be removed from intertidal zone and piled up on dryland for lizard habitat

7.0 CONCLUSION

An ecological field survey was conducted by Rural Design at 4980 Russell Whakapara Road prior to the construction of the track and jetty. This included an assessment of the subject site and immediate development footprint, as well as considerations about the wider area from an ecological context. It was determined that there were no signs of bird nesting or breeding associated behaviour onsite or within the immediate development area, however the survey was conducted outside of the breeding season for most species. High avifauna biodiversity and abundance was noted onsite. Exemplary representative examples of rare, endangered, native vegetated ecosystem types were noted onsite and within the immediate development area. Ideal habitat for rare, Threatened and 'Regionally Significant' bird species was noted

onsite and within the development area. Threatened and At-Risk avifauna species were recorded onsite and within the immediate development area. No herpetofauna or chiroptera were observed onsite or within the immediate development area. Viable habitat for native reptilian taxa was noted onsite and within the immediate development area. Minimal habitat was noted within the development area or within the wider site for chiroptera. DOC records returned results for herpetofauna present within 5km of the development area. DOC records returned no results for chiroptera presence within 5km of the subject site.

Avifauna and herpetofauna that would utilize the immediate development area for breeding, feeding or roosting may be affected by the development of the track and jetty. However, given the proposed extent of works required to establish the jetty and track and the provision associated with the construction and maintenance of a wetland utility structure, it is considered that the disturbances to these species are assessed as **negligible**. Offsets include the control of noxious weeds within the development area, and provisions for herpetofauna habitat via the piling of cut trees and branches on dryland. All actual and potential effects to the environment with respect to the construction and maintenance of the jetty and track can be avoided and/or mitigated to a degree which is considered **less than minor** to the receiving environment if best practices and the recommendations made within this report are adhered to including (but not limited to) proper surveying by a qualified and experienced ecologist for fauna immediately prior to vegetation removal, and immediately prior to and during the construction phase of the jetty.

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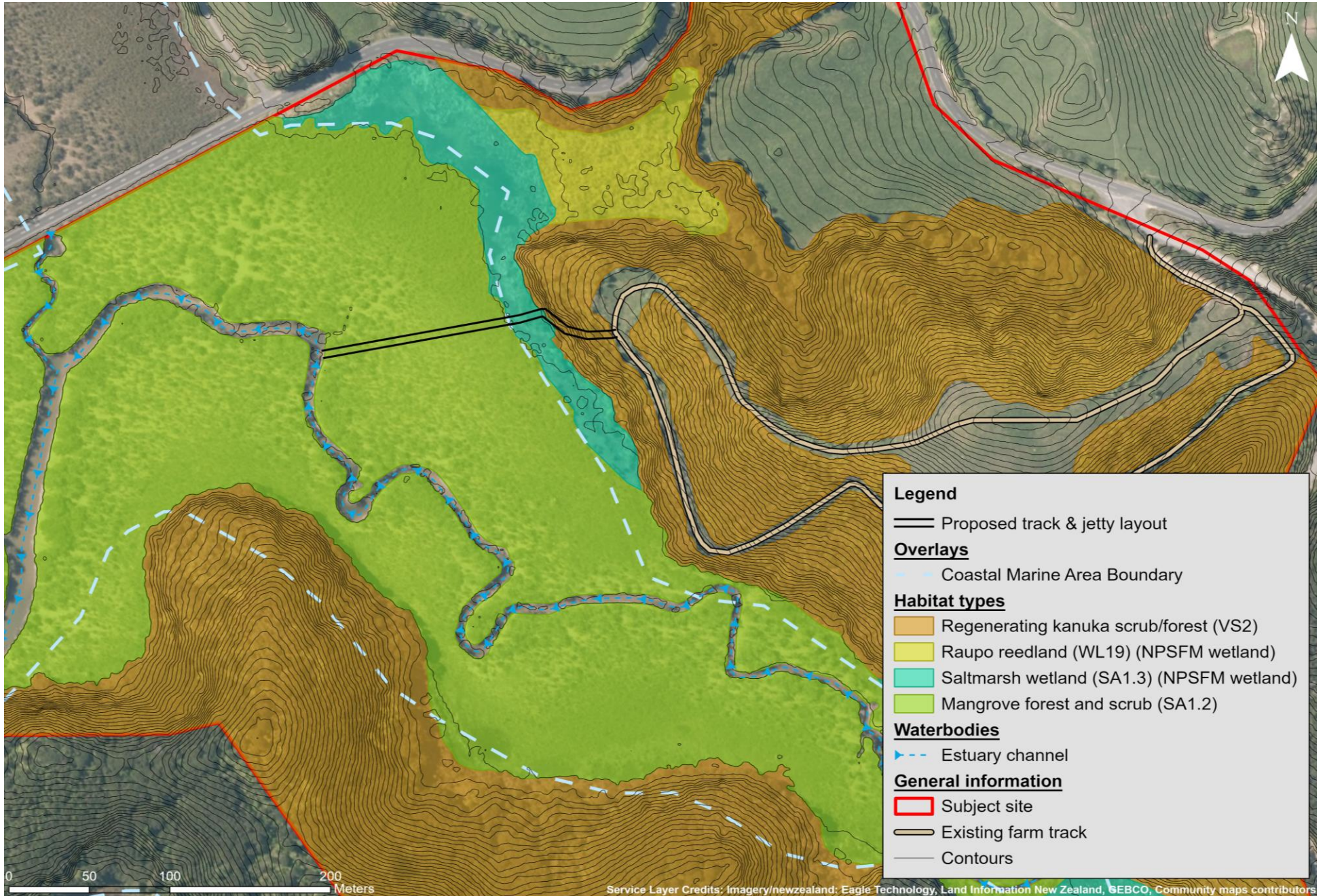
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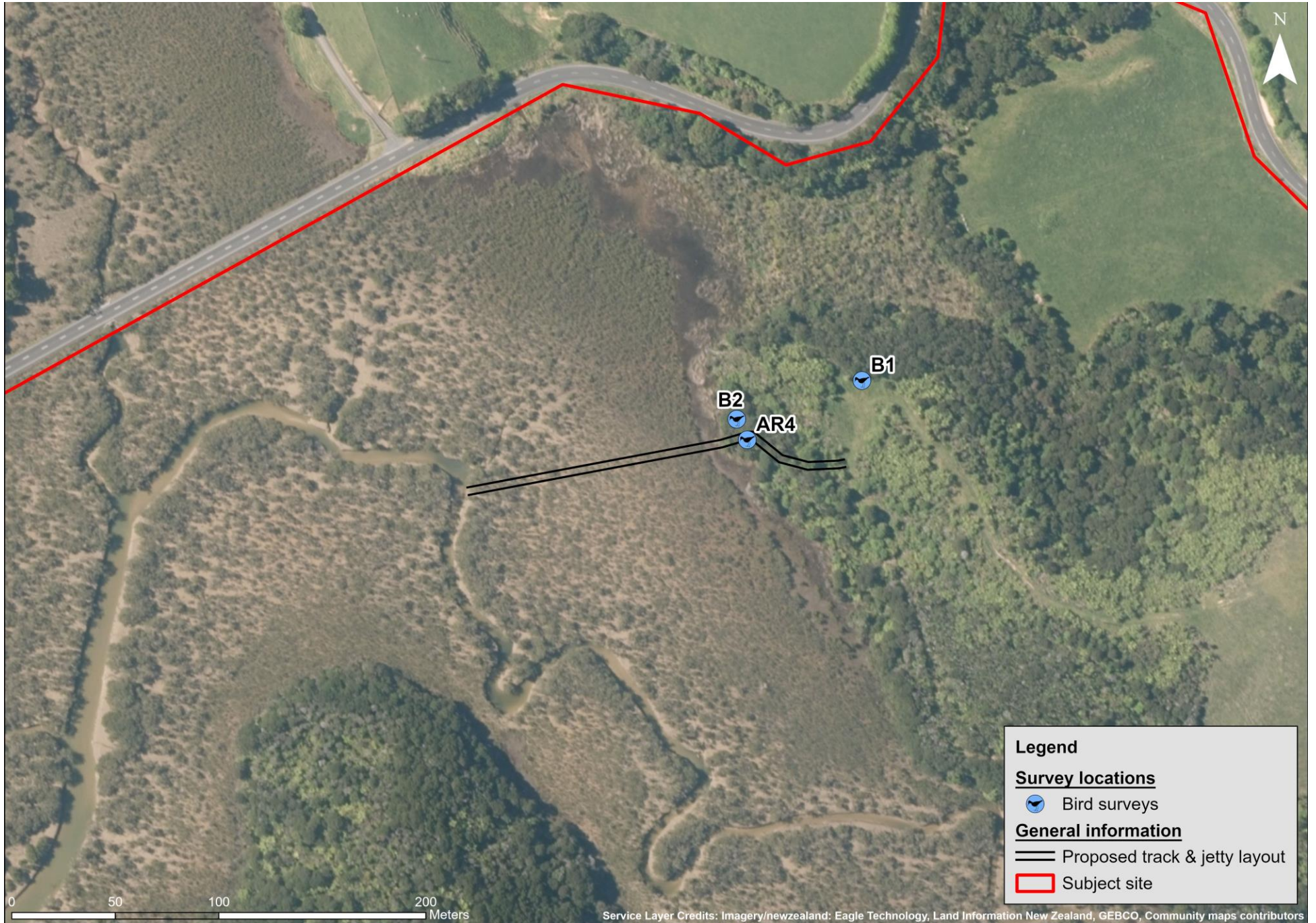
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APPENDIX 1 – VEGETATION TYPES



APPENDIX 2 – AVIFAUNA SURVEY LOCATIONS



Appendix 5:

Rules Assessment

Robinia Investments Limited Proposed new jetty on Waikare Inlet – within the northern branch of Man o War Creek.

Assessed under the Northland Regional Council Operative and Proposed Regional Plans, and the Far North District Council Operative and Proposed District Plans.

Northland Regional Council

Proposed Regional Plan for Northland – Operative in Part (February 2024) (PNRP)

Downloaded 9 July 2024 from www.nrc.govt.nz this plan is almost fully operative, but there is an outstanding appeal relating to Outstanding Natural Character Areas within the Coastal Marine Area so the Operative Plan must also be considered (with less weighting).

Definitions		
Authorised structure		
Authorised	Expressly allowed by a: 1) national environmental standard or other regulations, 2) a rule in a regional plan as well as a rule in a proposed regional plan for the same region (if there is one), or 3) a resource consent	
Hard protection structure	A seawall, rock revetment, groyne, breakwater, stopbank, retaining wall or comparable structure that has the primary purpose of protecting an activity from a coastal hazard, including erosion.	
Significant areas		
Structure		

Rule	Requirement	Conditions	Assessment of Proposal
C.1 Coastal Activities			
C.1.1.5 Signs – permitted activity	<p>The erection, placement, alteration or extension of a sign (including cable markers on the seafloor) in the coastal marine area and any occupation of the common marine and coastal area by the sign, placed:</p> <ol style="list-style-type: none"> 1) by a central or local government agency (or their agent) directly relating to information or safety matters concerning the coastal marine area, or 2) to fulfil a regulatory or legislative requirement, or 3) by the operator of a facility in the Coastal Commercial Zone, Marsden Point Port Zone or a marina in the Marina Zone, displaying information and safety material relating to the safe and efficient operation of the facility, or 4) on the exterior of an authorised structure and the sign relates directly to goods, services or facilities operated at or on the structure, <p><u>are permitted activities, provided:</u></p>	5) the activities comply with C.1.8 Coastal works general conditions, and	Complies – see assessment below
		6) if the sign is on the exterior of an authorised structure and the sign relates directly to goods, services or facilities operated at or on the structure, then: <ol style="list-style-type: none"> a) the total area of signs per enterprise or activity must not exceed 1.25 square metres, and b) except for road or maritime risk signage installed by a road controlling authority or network utility operator, the sign (or any part of the sign) must not be reflective, flashing or neon, and c) the bottom of the sign must not be more than four metres above deck level, and d) the bottom of the sign over a walkway must be at least 2.4 metres above the walkways, and e) the total combined area of all signs (under this rule) on the structure must not exceed five square metres, and 	Complies. The sign will be on the structure and will confirm that the structure can be used by the public. <ol style="list-style-type: none"> a) the sign will be less than 1.25m² b) the sign will not be reflective, flashing or neon. c) the bottom of the sign will be at deck level. d) not applicable – the sign will not be above a walkway. e) there will only be one sign and it will be less than 1.25m² in area.
		7) signs in a Mooring Zone or general coastal zone must not be lit between 1.00pm and 5.00am, unless	Signs will not be lit.

Rule	Requirement	Conditions	Assessment of Proposal
		necessary for maritime safety purposes.	
C.1.1.22 Structures in Mooring and General Marine Zones – discretionary activity	<p><u>The erection</u>, reconstruction, placement, alteration, extension, maintenance, repair, removal, or demolition <u>of a structure</u> in a <u>Mooring Zone</u> or the General Marine Zone and any occupation of the common marine and coastal area by the structure that is not a permitted, controlled, restricted discretionary or non-complying activity in section C.1.1 of this Plan, and the use of the structure</p> <p><u>are discretionary activities, provided:</u></p>	<p>1) it is not in a mapped:</p> <ul style="list-style-type: none"> a) Nationally Significant Surfbreak, or b) Regionally Significant Anchorage, or c) Outstanding Natural Feature, or d) Area of Outstanding Natural Character, or e) Site or Area of Significance to tāngata whenua, or f) Outstanding Natural Landscape, or g) Historic Heritage Area, or h) Significant Ecological Area, or i) Significant Bird Area – Critical Bird Habitats, and 	<p>Does not comply.</p> <p>The site is mapped as:</p> <ul style="list-style-type: none"> - An Area of Outstanding Natural Character; and - A Significant Bird Area – critical bird habitat for Australasian Bittern.
		<p>2) there is no removal, demolition, partial demolition or replacement of a mapped Historic Heritage Site or part of a Historic Heritage Site, and</p>	<p>Complies. There is not a Historic Heritage Site near the proposed Jetty.</p>
		<p>3) the structure has a functional need to be located in the coastal marine area.</p> <p>For the avoidance of doubt this rule covers the following RMA activities:</p> <ul style="list-style-type: none"> • Erection, reconstruction, placement, alteration, extension, maintenance, repair, removal or demolition of a structures in, on, 	<p>Complies A jetty has a functional need to be located in the coastal marine area to provide access to the waterway.</p>

Rule	Requirement	Conditions	Assessment of Proposal
		<p>under or over any foreshore or seabed and any incidental disturbance of the foreshore or seabed (s12(1) and s12(3)).</p> <ul style="list-style-type: none"> • Occupation of the common marine and coastal area with a cable (s12(2)). • Use of a structure in the coastal marine area (s12(3)). 	
C.1.1.24 Hard protection structures – discretionary activity	<p><u>The erection, reconstruction, placement, alteration, extension, maintenance, repair, removal or, demolition of a hard protection structure</u> and the occupation of the common marine and coastal area by the hard protection structure that is not a permitted activity under Rule C.1.1.1 Existing structures – permitted activity or Rule C.1.1.8 Maintenance, repair or removal of hard protection structures – permitted activity, and the use of the hard protection structure, <u>are discretionary activities, provided</u></p>	<p>it is not in a mapped area:</p> <ol style="list-style-type: none"> 1) Nationally Significant Surfbreak, or 2) Outstanding Natural Feature in the coastal marine area, or 3) Area of Outstanding Natural Character in the coastal marine area, or 4) Historic Heritage Area, or 5) Site or Area of Significance to tāngata whenua, or 6) Outstanding Natural Landscape, or 7) Significant Ecological Area, or 8) Significant Bird Area – Critical Bird Habitats. <p>Note: A hard protection structure directly associated with the protection of existing regionally significant infrastructure or core local infrastructure is excluded from this rule and is covered by Rule C.1.1.23 Hard protection structures</p>	<p>Does not comply.</p> <p>The site is mapped as:</p> <ul style="list-style-type: none"> - An Area of Outstanding Natural Character; and - A Significant Bird Area – critical bird habitat for Australasian Bittern. <p>The jetty may require a hard protection structure to protect the bank of the estuary and to secure the jetty.</p>

Rule	Requirement	Conditions	Assessment of Proposal
		<p>associated with regionally significant or core local infrastructure – discretionary activity.</p> <p>For the avoidance of doubt this rule covers the following RMA activities:</p> <ul style="list-style-type: none"> • The erection, placement, replacement, alteration, extension, maintenance, repair, removal or demolition of a hard protection structure (s9(2)). • Erection, placement, replacement, alteration, extension, maintenance, repair, removal or demolition of a hard protection structures in, on, under or over any foreshore or seabed and any incidental disturbance of the foreshore or seabed (s12(1) and s12(3)). • Occupation of the common marine and coastal area with a hard protection structure (s12(2)). • Use of a structure in the coastal marine area (s12(3)). 	
C.1.1.27 Hard protection structures in significant areas – non-complying activity	<p><u>The use, erection, reconstruction, placement, alteration, extension, maintenance, repair, removal or demolition of a hard protection structure</u>, and any occupation of the common marine and coastal area by the hard protection structure, that is not a:</p>	<p>For the avoidance of doubt this rule covers the following RMA activities:</p> <ul style="list-style-type: none"> • Erection, placement, alteration, extension, maintenance, repair, removal or demolition of hard protection structures (s9(2)). 	<p>Proposal to construct a hard protection structure and occupy the coastal area is a non-complying activity.</p>

Rule	Requirement	Conditions	Assessment of Proposal
	<p>1) discretionary activity under Rule C.1.1.22 Hard protection structures – discretionary activity, or</p> <p>2) discretionary activity under Rule C.1.1.23 Hard protection structures associated with regionally significant or core local infrastructure – discretionary activity, <u>are non-complying activities.</u></p>	<ul style="list-style-type: none"> • Erection, placement, replacement, alteration, extension, maintenance, repair, removal or demolition of a hard protection structure in, on, under or over any foreshore or seabed and any incidental disturbance of the foreshore or seabed (s12(1)). • Occupation of the common marine and coastal area with a hard protection structure (s12(2)). • Use of a structure in the coastal marine area (s12(3)). 	
<p>C.1.1.30 Structures within a significant area – non-complying activity</p>	<p><u>The erection, reconstruction, placement, alteration, extension, replacement, maintenance, repair, removal or demolition of a structure in the coastal marine area</u> and any occupation of the common marine and coastal area by the structure that is in a mapped area:</p> <ol style="list-style-type: none"> 1) Nationally Significant Surfbreak, or 2) Regionally Significant Anchorage, or 3) Outstanding Natural Feature in the coastal marine area, or 4) Area of Outstanding Natural Character in the coastal marine area, or 5) Historic Heritage Area, or 6) Site or Area of Significance to tāngata whenua, or 7) Outstanding Natural Landscape, or 8) Significant Ecological Area, or 9) Significant Bird Area – Critical Bird Habitats, 	<p>For the avoidance of doubt this rule covers the following RMA activities:</p> <ul style="list-style-type: none"> • Erection, reconstruction, placement, alteration, extension, replacement, maintenance, repair, removal, demolition of a structure in, on, under or over any foreshore or seabed and any incidental disturbance of the foreshore or seabed (s12(1) and s12(3)). • Occupation of the common marine and coastal area with a structure (s12(2)). • Use of a structure in the coastal marine area (s12(3)). 	<p>Proposal is a non-complying activity. Site contains, an Area of Outstanding Natural Character in the coastal marine area and A Significant Bird Area – critical bird habitat.</p>

Rule	Requirement	Conditions	Assessment of Proposal
	and is not a permitted, controlled, restricted discretionary or discretionary activity in section C.1.1 of this Plan, and the use of the structure are <u>non-complying activities</u> .		
C.1.4.1 Mangrove seedling removal – permitted activity	The removal of mangrove seedlings in the coastal marine area or in the bed of a river and any associated damage or disturbance to the foreshore, seabed or bed of a river are <u>permitted activities</u> provided:	<p>1) the seedlings are less than 50 centimetres tall and unbranched, and</p> <p>2) the mangroves are not under the canopy area of any existing mangrove, and</p> <p>3) the removal is by hand or using hand-held tools (excluding motorised), and</p> <p>4) any removal is not undertaken between 1 August and 31 March (inclusive) to avoid disturbance of birds during breeding, roosting and nesting periods, and</p> <p>5) the seedlings are not within a mapped Significant Ecological Area, and</p> <p>6) the activity is not a non-complying activity under C1.4.8 Mangrove removal (including seedlings) within Sites and Areas of Significance to Tāngata Whenua – restricted discretionary activity, and</p> <p>7) the activities comply with C.1.8 Coastal works general conditions.</p> <p>Note: The use of vehicles on the foreshore associated with mangrove</p>	Not applicable. Mangrove works do not involve the removal of mangrove seedlings.

Rule	Requirement	Conditions	Assessment of Proposal
		<p>removal is controlled by C.1.5.1 Use of vehicles on beaches and other activities that disturb the foreshore and seabed.</p> <p>For the avoidance of doubt this rule covers the following RMA activities:</p> <ul style="list-style-type: none"> • Damage or disturbance of any foreshore or seabed associated with removal of mangroves (s12(1)). • Removal of mangroves in the coastal marine area and any associated damage or disturbance of the • foreshore or seabed (s12(3)). • Disturbance of the bed of any river, associated with removal of mangroves (s13(1)). • Damage, destruction, disturbance or removal of mangroves from the bed of a river (s13(2)). • Discharge of sediment into water incidental to removal of mangroves (s15(1)). 	
C.1.4.2 Minor mangrove removal for specified authorised activities –	<u>The removal or pruning of mangroves in the coastal marine area</u> or in the bed of a river necessary for the continuation of authorised activities in Table 3: <i>Maximum allowable area of mangrove removal</i> and any associated damage or disturbance to the foreshore,	1) where the activity is located within a mapped: <ul style="list-style-type: none"> a) Significant Ecological Area, or b) Outstanding Natural Character Area, or c) Outstanding Natural Landscape, or 	Does not comply The site is within an Outstanding Natural Character Area and a Significant Bird Area, and the area of mangroves to be cleared is

Rule	Requirement	Conditions	Assessment of Proposal
permitted activity	seabed or bed of a river, are <u>permitted activities</u> , provided:	d) Significant Bird Area, or e) Site or area of significance to Tāngata Whenua (subject to (3) below) the total area of mangroves removed is less than 200 square metres in any 12-month period, and such removal or pruning is not undertaken between 1 August and 31 March (inclusive) to avoid disturbance of birds during breeding, roosting and nesting periods, and	255m ² , so is greater than 200m ² . Mangrove pruning work will occur between 1 April and 31 July.
		2) the mangrove removal or pruning does not exceed the limits in Table 3: Maximum allowable area of mangrove removal, and	Will comply. Table 3 restricts mangrove removal for jetties to within ten metres of the footprint of the structure and a 5 metre wide channel between the structure and the nearest permanently navigable coastal water. Mangrove removal will only occur in this area.
		3) the activity is not a non-complying activity under C.1.4.8 Mangrove removal (including seedlings) within Sites and Areas of Significance to Tāngata Whenua – restricted discretionary activity, and	Not applicable. Site is not mapped as a site or area of significance to tangata whenua.
		4) the activities comply with the mangrove removal and disturbance general conditions in C.1.8 Coastal works general conditions.	Complies with all applicable conditions – see assessment below.

Rule	Requirement	Conditions	Assessment of Proposal
C.1.4.3 Mangrove removal for specified purposes – controlled activity	<p>The removal or pruning of mangroves in the coastal marine area or in the bed of a river to:</p> <p>1) provide a single track no greater than five metres wide where no other alternative publicly accessible track exists, and only to the extent necessary to provide public access to a marae, urupā or public land located outside of the coastal marine area, or</p> <p>2) maintain existing navigable channels present at the date this Plan becomes operative, or</p> <p>3) improve the use of private land where the area of removal and pruning is wholly within a freehold title, provided the purpose is not to improve views,</p> <p>is a <u>controlled activity</u> provided</p>	<p>the activity is not a non-complying activity under C.1.4.8 Mangrove removal (including seedlings) within Sites and Areas of Significance to Tāngata Whenua – restricted discretionary activity, and</p>	Complies – the activity is not non-complying under C.1.4.8.
		<p>the mangrove removal or pruning does not exceed the limits below:</p> <p>4) 200m² in any 12 month period if the activity is located within a mapped:</p> <p>a) Significant Ecological Area, or</p> <p>b) Outstanding Natural Character Area, or</p> <p>c) Outstanding Natural Landscape, or</p> <p>d) Significant Bird Area, or</p> <p>e) Site or area of significance to Tāngata Whenua, and</p>	Does not comply. Mangrove removal of 415m ² is proposed, and site is an Outstanding Natural Character Area and a Significant Bird Area.
		<p>5) 500 square metres in any 12-month period in all other areas except private land, and</p>	Not applicable. Site is private land.
		<p>6) 200 square metres in any 12-month period in relation to private land</p>	Does not comply. Mangrove clearance is greater than 200m ² .
C.1.4.6 Mangrove removal existing activities – discretionary activity	<p>The removal or pruning of mangroves in the coastal marine area or in the bed of a river necessary for the continuation of authorised activities in Table 3: Maximum allowable area of mangrove removal and any associated damage or disturbance to the foreshore, seabed or bed of a river, that are not permitted by C.1.4.2 Minor mangrove removal</p>		Ongoing removal and pruning of mangroves to maintain access to the Jetty is a discretionary activity .

Rule	Requirement	Conditions	Assessment of Proposal
	for specified authorised activities – permitted activity and are not a noncomplying activity under C.1.4.8 Mangrove removal (including seedlings) within Sites and Areas of Significance to Tāngata Whenua - non-complying activity are <u>discretionary activities</u> .		
C.1.4.7 Mangrove removal – discretionary activity	The removal of seedlings and removal or pruning of mangroves in the coastal marine area or in the bed of a river and any associated damage or disturbance to the foreshore, seabed or bed of a river, that is not a permitted, controlled or restricted discretionary activity in C.1.4 Mangrove removal of this plan, or a non-complying activity under C.1.4.8 Mangrove removal (including seedlings) within Sites and Areas of Significance to Tāngata Whenua - non-complying activity, <u>is a discretionary activity</u> , provided	the removal is consistent with protecting the characteristics, qualities and values of the following mapped areas: 1) Significant Ecological Area, or 2) Significant Bird Area, or 3) Outstanding Natural Character Area, or 4) Outstanding Natural Landscape, or 5) Site or area of significance to Tāngata Whenua	Complies. The site is within a Significant Bird Area and an Outstanding Natural Character Area. The proposal allows for the protection of these areas and will help to maintain the values of these areas.
C1.5.2 Activities that disturb the foreshore and seabed	The disturbance of the foreshore and seabed by any activity not the subject of any other rule in this Plan, are <u>permitted activities</u> , provided:	1) there is no disturbance of, or damage to, saltmarsh, saltmeadow turfs, mangroves, seagrass meadows and there is no damage or destruction of other indigenous vegetation or shellfish beds, and 2) the activities do not involve the exclusive occupation of space in the coastal marine area, and 3) there is no disturbance of, or damage to, indigenous or migratory bird nesting or roosting sites,	Not applicable. It is proposed to disturb mangroves and build a structure (both activities controlled by another rule) so this rule is not applicable.

Rule	Requirement	Conditions	Assessment of Proposal
		4) there is no disturbance of, or damage to, a mapped Site or Area of Significance to Tāngata Whenua, and 5) there is no disturbance of, or damage to, a mapped Historic Heritage Area, and 6) the activity complies with C.1.8 Coastal works general conditions.	
C.1.5.13 Dredging, deposition and disturbance activities – discretionary activity	The damage, destruction or disturbance of the foreshore or seabed, or deposition of material onto the foreshore or seabed, that is not the subject of any other rule of this Plan are <u>discretionary activities</u> , Provided:	they are not in a mapped: 1) Nationally Significant Surf Break, or 2) Outstanding Natural Feature, or 3) Area of Outstanding Natural Character, or 4) Historic Heritage Area or Site, or 5) Significant Ecological Area, or 6) Site or Area of Significance to Tāngata Whenua, or 7) Outstanding Natural Landscape, or 8) Significant Bird Area – Critical Bird Habitats.	Building a structure and removing mangroves are managed by other rules in this plan, so this rule is not applicable. Site is within a Significant Bird Area – Critical Bird Habitat and Area of Outstanding Natural Character.
C.1.5.16 Other dredging, deposition and disturbance activities – noncomplying	The damage, destruction or disturbance of the <u>foreshore or seabed</u> , or deposition of material in, on or under the foreshore or seabed, that is not a: 1) discretionary activity under C.1.5.13 Dredging, deposition and disturbance activities – discretionary activity, or 2) discretionary activity under C.1.5.14 Dumping (deliberate disposal) of certain waste		The proposed disturbance of the foreshore and seabed is managed as part of the structure activity, so this rule is not applicable.

Rule	Requirement	Conditions	Assessment of Proposal
	in coastal marine area – discretionary activity, or 3) discretionary activity under C.1.5.15 Dredging, deposition and disturbance activities for operation, maintenance, repair or upgrades of state highways – discretionary activity, <u>are non-complying activities.</u>		
C.1.8 Coastal works general conditions	General conditions apply to activities, when referred to in the rules of Section C.1 Coastal Activities		
Structures and disturbance	1) Prior to undertaking activities on private land, including land owned by a territorial authority, written approval must be obtained from the landowner and provided to the Regional Council's Compliance Manager upon request, unless the works are being undertaken for emergency remedial works and entry upon the land is: p) necessary in circumstances of probable danger to life or property, or q) immediately necessary to maintain the continuity or safety of the supply and distribution of electricity.		Not applicable. Works are proposed on private land, but the applicant is the owner, so no written approvals required.
	2) Structures must at all times:	a) be maintained in good order and repair, and b) except for culverts, not impede fish passage between freshwater and coastal water. For culverts, there must be no perched entry or exit which prevents the passage of fish to upstream waterbodies or downstream to coastal water,	Will comply. Structure will be maintained in good working order. Structure will not impede fish passage. Structure will not cause a hazard to navigation.

Rule	Requirement	Conditions	Assessment of Proposal
		except that temporary restrictions of fish passage may occur to enable construction work to be carried out, and c) not cause a hazard to navigation.	
	3) Maintenance, alteration or addition to a structure must not result in a weakening of the structural integrity or strength of the structure.		Will comply. Structure will be maintained in good working order
	4) Restrictions on public access along and through the coastal marine area beyond the footprint of the structure, during construction or disturbance for reasons of public health and safety, must not last more than seven days unless an alternative access route or controlled access is provided.		Will comply. The construction methodology will ensure that the public can always navigate through the channel at the end of the jetty.
	5) Disturbance, construction, alteration, addition, maintenance or removal activities must only be carried out during the hours between sunrise and sunset or 6.00am and 7.00pm, whichever occurs earlier, and on days other than public holidays. The exceptions to this are:	a) the requirement to undertake emergency remedial work such as, but not limited to, if a structure is damaged by a natural hazard event, and b) maintenance of Regionally Significant Infrastructure, where the maintenance is required to be undertaken outside these times to minimise disruption to the services provided by the Regionally Significant Infrastructure, and c) the removal of nuisance marine plant debris under C.1.5.4 Removal of nuisance marine plant debris – permitted activity.	Will comply. Works will only be carried out during daylight hours (roughly 6.30am – 6pm in April), unless a natural hazard event occurs requiring immediate works.

Rule	Requirement	Conditions	Assessment of Proposal
	<p>6) Upon the completion of a new structure (which does not include a structure which replaces an existing structure and meets the requirements of conditions (1) to (5) of C.1.1.7 Reconstruction, replacement, maintenance or repair of a structure – permitted activity), the structure owner must notify in writing (including a scale plan of the completed works) the Regional Council's Compliance Manager.</p>		<p>Will comply. An as built plan will be provided to Council on completion.</p>
	<p>7) All machinery, equipment and materials used for the activity must be removed from the foreshore and seabed at the completion of the activity.</p>	<p>Additionally: a) vehicles and equipment must be in a good state of repair and free of any fuel or oil leaks; and b) refuelling must not be carried out in the coastal marine area, except: a) where there is a functional or operational need to refuel equipment or machinery onboard a vessel, in which case refuelling must be undertaken using leak-proof containers and contained spill capture areas (which prevent any fuel entering the coastal marine area), or b) where there is a functional or operational need to refuel equipment or machinery on a structure in the coastal marine area, in which case refuelling must be undertaken using leakproof containers and bunds to prevent any fuel entering the coastal marine area; and</p>	<p>Will comply. All vehicles and plant will be in a good state of repair and not leaking oil or fuel. Refuelling will occur out of the coastal marine area. Plant will be kept clear of the coastal marine area except when works are actively being undertaken in the coastal marine area.</p>

Rule	Requirement	Conditions	Assessment of Proposal
		c) for the duration of the activity, no vehicle or equipment is to be left in a position where it could come into contact with coastal water, except where contact with coastal water is necessary to undertake the activity.	
	8) There must be no damage to shellfish beds in mapped Significant Ecological Areas and no damage to saltmarsh or seagrass meadows, except as necessary for the installation of an aid to navigation under Rule C.1.1.4.		Will comply. No proposed disturbance to shellfish beds, saltmarsh or seagrass. Site is not SEA.
	9) There must be no damage to rhodolith bed, bryozoan beds, sponge gardens or vermetid reefs, except as necessary for the installation of an aid to navigation under C.1.1.4 Aids to navigation – permitted activity.		Will comply. The site does not contain any of these marine ecosystems as it is dominated by sediment beds and mangroves.
	10) Any visible disturbance of the foreshore or seabed must be remedied or restored within 48 hours of completion of works in a: a) Area of Outstanding Natural Character Area, or b) Outstanding Natural Feature, or c) Site or Area of Significance to tāngata whenua, or d) Significant Ecological Area, or e) Outstanding Natural Landscape, or f) Significant Bird Area – Critical Bird Habitats.		Will comply. Works are within a Significant Bird Area and an Area of Outstanding Natural Character, and any visible disturbance to the foreshore or seabed will be replanted and stabilised within 48 hours of completion of the jetty works.
	11) There must be no disturbance of indigenous bird nesting sites (during the period 1 August and 31 March inclusive), and no disturbance of flocks of roosting coastal sea		Will comply. Works will occur after 31 March, and a preliminary avifauna breeding survey is proposed prior to

Rule	Requirement	Conditions	Assessment of Proposal
	<p>and shore birds within two hours of high tide, unless the activity is undertaken in accordance with C.1.4.1 Mangrove seedling removal – permitted activity, C.1.4.2 Minor mangrove removal for specified authorised activities – permitted activity, C.1.5.1 Conditional use of vehicles on the foreshore or seabed – permitted activity, C.1.5.4, Removal of nuisance marine plant debris – permitted activity, C.1.5.6 Clearing of pipe outlets – permitted activity or C.1.5.8 Clearing tidal stream mouths – permitted activity, in which case this condition does not apply</p>		<p>works commencing so that contractors will know whether there are any flocks of roosting coastal birds in the area, and can adjust work timetables accordingly to comply with this condition.</p>
	<p>12) Outside Outstanding Natural Character, Outstanding Natural Feature, Significant Ecological Areas or Significant Bird Area – Critical Bird Habitats, any visible disturbance of the foreshore or seabed must be remedied or restored within seven days of completion of works, provided that should adverse circumstances arise that make it unsafe to conduct remediation and restoration work in the coastal marine area, then such remediation or restoration work shall be carried out within ten working days.</p>		<p>Not applicable – site is within a significant bird area and an outstanding natural character area.</p>
	<p>13) The structure or activity must not:</p>	<p>a) cause permanent scouring or erosion of banks, or b) cause or exacerbate flooding of other property, or c) materially reduce the ability of a river to convey flood flows into the coastal marine area (including as a</p>	<p>Will comply. The structure has been designed to ensure that there will be no scour or erosion of banks, that flooding will not be affected in any way, and that the river/ estuary will be able to convey flood flows. After storm events the</p>

Rule	Requirement	Conditions	Assessment of Proposal
		result of debris accumulating against structures).	structure will be checked by the consent holder, and any debris on the structure will be cleared.
	14) Any discharge must not: ...		Not applicable – no proposed discharge.
Mangrove removal and pruning	15) Removed mangrove vegetation must be removed from any position where it is likely to re-enter the coastal marine area.		Will comply. Mangrove vegetation will be removed.
	16) Mangrove removal must minimise the creation of protruding stumps, by cutting mangrove trunks close to the ground.		Will comply. Mangrove trunks will be cut as close to the ground as possible.
	17) The activity must not disturb or damage areas of seagrass, saltmarsh, or other natural wetland.		Will comply.
	18) Chemical herbicides must not be used.		Will comply.
	19) Access to removal and pruning areas must, where practicable, use existing open areas or paths where these exist and avoid disturbance of shellfish beds, soft sand and mud.		Will comply. Access will be the newly formed pathway to the waters edge, and this pathway will be maintained. Mangrove removal will be carried out from the jetty alignment, and ongoing pruning can be done from the structure once it is completed.
20) The Regional Council's Compliance Manager must be notified (in writing or by email) of the proposed time, location and extent of removal at least 10 working days prior to the work being undertaken,	when: a) more than 200 square metres of pruning or removal is proposed in any one year, or b) the activity is located in a mapped Significant Bird Area, Significant Ecological Area, Area of Outstanding		Will comply. Council will be informed of when works will begin as the site is located within a Significant Bird Area and an Area of Outstanding Natural Character.

Rule	Requirement	Conditions	Assessment of Proposal
		Natural Character, Outstanding Natural Landscape or Sites or Areas of Significance to Tāngata Whenua.	
Lighting	21) All lighting (excluding navigation lighting) associated with activities in the coastal marine area must not, by reason of its direction, colour or intensity, create: ...		Not applicable. No lighting proposed.
Noise	22) Noise from any activity within the coastal marine area (except for construction noise and noise from helicopters) must comply with Table 4: Noise limits ...		Not applicable – the only noise proposed will be associated with construction.

Rule	Requirement	Conditions	Assessment of Proposal
C1.10 Te Hā o Tangaroa Protection Areas	Not applicable – site is not within Te Hā o Tangaroa Protection Areas		
C.2.1 Activities in the beds of lakes and rivers	Not applicable. There are no proposed works in the bed of a lake or river.		
C.2.2 Activities affecting wetlands	Not applicable. The site does not contain a wetland detailed on the NRC 'Biodiversity Wetlands' at localmaps.nrc.govt.nz		
C.2.3 General conditions	Not applicable as no activities in rules of C.2.1 Activities in the beds of lakes and rivers, C.2.2 Activities affecting wetlands or C.3.1 Damming and diverting water are proposed.		
C.3 Damming and diverting water	Not applicable. No damming or diverting water proposed.		
C.4 Land drainage and flood control	Not applicable. No land drainage or flood control works proposed		
C.5 Taking and use of water	Not applicable. No water take proposed.		
C.6 Discharges to land and water	Not applicable. No discharges proposed.		

Rule	Requirement	Conditions	Assessment of Proposal
C.7 Discharges to air	Not applicable. No discharges proposed to air		
C.8 Land use and disturbance activities			
C.8.3 Earthworks	Earthworks outside the bed of a river, lake, wetland, inanga spawning site and the coastal marine area, and any associated damming and diversion of stormwater and discharge of stormwater onto or into land where it may enter water, are <u>permitted activities</u> provided:	1) the area and volume of earthworks at a particular location or associated with a project complies with the thresholds in Table 15: Permitted activity earthworks thresholds.	Complies. Proposed earthworks for the path are not within the coastal marine area so are controlled by this rule. The area of earthworks for the track is ~95m ² and 25m ² for the parking area which is within the threshold of 5,000m ² in 'other areas'.
		2) the discharge is not within 20 metres of a geothermal surface feature, and	Complies.
		3) except for coastal dune restoration activities, good management practice erosion and sediment control measures equivalent to those set out in the Erosion and Sediment Control Guidelines for Land Disturbing Activities in the Auckland Region 2016 (Auckland Council Guideline Document GD2016/005), are implemented for the duration of the activity, and	Will comply. GD05 methods will be used.
		4) batters and side castings are stabilised to prevent slumping, and	Will comply.

Rule	Requirement	Conditions	Assessment of Proposal
		5) exposed earth is stabilised upon completion of the earthworks to minimise erosion and avoid slope failure, and	Will comply.
		6) earth and debris are not deposited into, or in a position where they can enter, a natural wetland, a continually or intermittently flowing river, a lake, an artificial watercourse, or the coastal marine area, and	Will comply. Any soil that needs to be stockpiled will be moved up the hill away from the coastal marine area.
		7) the earthworks activity does not: a) reduce the height of a dune crest in a coastal riparian and foredune management area, except where dunes are recontoured to remove introduced materials or to remediate dune blow-outs as part of coastal dune restoration work, or b) exacerbate flood or coastal hazard risk on any other property, or c) create or contribute to the instability or subsidence of land on other property, or d) divert flood flow onto other property, and	Not applicable. The site does not contain a dune area. The works will not exacerbate flood or coastal hazard risk. The works will not create or contribute to instability of land on any other property as works are contained within the property. No flood waters will be diverted onto another property.
		8) any associated damming, diversion and discharge of stormwater does not give rise to any of the following effects in the	Will comply. There will be no conspicuous change in colour of water in the estuary.

Rule	Requirement	Conditions	Assessment of Proposal
		<p>receiving waters beyond the zone of reasonable mixing:</p> <p>a) any conspicuous change in colour or visual clarity, or</p> <p>b) the rendering of freshwater unsuitable for consumption by farm animals, or</p> <p>c) contamination which may render freshwater taken from a mapped priority drinking water abstraction point unsuitable for human consumption after existing treatment, and</p>	<p>The works will not affect freshwater used by farm animals, as there is none in proximity to the works.</p> <p>There are no mapped water abstraction points near the site that may be affected by the works.</p>
		9) information on the source and composition of any clean fill material and its location within the disposal site are recorded and provided to the Regional Council on request, and	Not applicable. No fill is required to obtain correct gradient.
		10) the Regional Council's Compliance Manager is given at least five working days' notice (in writing or by email) of any earthworks activity being undertaken within a high-risk flood hazard area, flood hazard area, where contaminated land will be exposed, or in sand dunes within a coastal riparian and foredune management area.	<p>Will comply</p> <p>Site is likely to be affected by floods so Council will be notified of works starting.</p> <p>No contaminated land is expected to be exposed. There are no sand dunes on the site.</p>
C.8.3.3 Earthworks in a flood hazard area –	Earthworks in a high-risk flood hazard area that involve more than 50 cubic metres or earthworks in a flood hazard area that involve more than 100 cubic metres, but not more than 1,000 cubic metres, of earth being moved		Not applicable. Earthworks within the flood hazard area are less than 20m ² in area and less than 1m deep, so this rule does not apply.

Rule	Requirement	Conditions	Assessment of Proposal
controlled activity	or placed in any 12-month period, and any associated damming and diversion of stormwater and discharge of stormwater onto or into land where it may enter water, are <u>controlled activities</u> .		
C.8.4 Vegetation clearance in riparian areas and foredune management area			
C.8.4.2 Vegetation clearance in riparian areas – permitted activity	Vegetation clearance within 10 metres of a natural wetland or within 10 metres of the bed of a continually or intermittently flowing river or lake, and any associated damming and diversion of stormwater and discharge of stormwater onto or into land where it may enter water, are <u>permitted activities</u> , provided:	1) the area of cleared vegetation does not exceed 200 square metres in any 12-month period, and	Complies – proposal is permitted. Proposed area of vegetation clearance within 10m of the MHWS is less than 200m ² .
		2) vegetation is felled away from rivers, lakes, and natural wetlands, except where it is unsafe or impractical to do so, and	Will comply.
		3) vegetation, slash, disturbed soil or debris is not deposited in a position where it could mobilise because of heavy rain or flood flows and: a) be deposited on other property, or b) divert or dam water, or c) cause bed or bank erosion, or d) damage receiving environments, downstream infrastructure, or property, and	Will comply. Cut vegetation and soils will be moved up the hill above potential flood waters, and will remain on the property.
		4) any discharge of sediment originating from the cleared area does not give rise to any of the	Will comply. The site will be stabilised so that soils do not wash into the estuary.

Rule	Requirement	Conditions	Assessment of Proposal
		following effects in the receiving waters beyond a 20 metre radius of the point of discharge: <ul style="list-style-type: none"> a) any conspicuous change in colour or visual clarity, or b) the rendering of freshwater unsuitable for consumption by farm animals, or c) the rendering of surface water taken from a mapped priority drinking water abstraction point unsuitable for human consumption after existing treatment. 	There is no mapped water extraction point in the area.

PNRP Summary:

The proposal is considered to be non-complying under the Northland Proposed Regional Plan.

The proposal involves the erection of a structure in the General Marine Zone and occupation of the common marine and coastal area which requires consent under C.1.1.22 as a discretionary activity, and a hard protection structure which requires consent under C.1.1.24; and the site is mapped as an area of outstanding natural character and a significant bird area – critical bird habitat, and as such is a non-complying activity under C.1.1.27 and C.1.1.30.

The proposal involves the removal of mangroves in the coastal marine area and is unable to comply with C.1.4.2 as the area of mangroves to be cleared is 420m² (which is greater than the permitted 200m²), and the site is an Outstanding Natural Character Area and a Significant Bird Area, so the proposal is a discretionary activity under C.1.4.6. The ongoing pruning of the mangroves is a discretionary activity under C1.4.7.

The proposed earthworks for the pathway are permitted under C.8.3. The proposed vegetation clearance for the pathway is permitted under C.8.4.

Operative Regional Coastal Plan

The Operative Regional Coastal Plan was adopted in 2004, and following the development of the PNRP is no longer relevant – except for where components of the PNRP are not fully operative. The site is within the Outstanding Natural Character Area and this matter is still under Appeal

for the PNRP. Due to the progress of the PNRP, only the objectives and policies of the ORCP in relation to Natural Character will be considered, and no further rules assessment will be completed here.

Rule	Requirement	Assessment of Proposal
31.3.4 Structures	M The erection of any new structure and the occupation of space for and use of any new structure (other than those structures provided for as permitted, controlled, discretionary or prohibited activities) – Non-complying 17.5.9	

The proposal is considered to be noncomplying under the ORCP.

Operative Regional Water and Soil Plan

The Operative Regional Water and Soil Plan was adopted in 2014, and following the development of the PNRP is no longer relevant – except for where components of the PNRP are not fully operative. The earthworks components of the water and soil plan are the only relevant provisions and the earthworks components of the PNRP are operative, so no further assessment is provided. .

Far North District Council

The Far North District Council also has operative and proposed district plans to consider. The Proposed Far North District Plan (PFNDP) was proposed on 24 May 2024, and is currently at hearings stage. It has more weight than the Operative Far North District Plan 2019 (OFNDP), and was last updated on 24 May 2024.

Operative Far North District Plan 2019 (OFNDP)

Section 6 – General Coastal Zone

Rule	Requirement	Assessment of Proposal
CHAPTER 10 – Coastal Environment		
10.6 General Coastal Zone		
10.6.5 Zone Rules		
Activities in the General Coastal Zone must comply not only with the zone rules but also with the relevant rules in Part 3 of the Plan - District Wide Provisions. An activity may be permitted by the zone rules but may require a resource consent because it does not comply with one or more of the Rules in Part 3.		

Rule	Requirement	Assessment of Proposal
10.6.5.1 Permitted activities	<p>An activity is a permitted activity in the General Coastal Zone if:</p> <p>(a) it complies with the standards for permitted activities set out in Rules 10.6.5.1.1 to 10.6.5.1.11 below; and</p> <p>(b) it complies with the relevant standards for permitted activities set out in Part 3 of the Plan - District Wide Provisions.</p>	<p>(a) See assessment below. Proposal does not comply with 10.6.5.1.1 Visual Amenity.</p> <p>(b) See assessment below.</p>
10.6.5.1.1 Visual Amenity	<p>The following are permitted activities in the General Coastal Zone:</p> <p>(a) any new building(s) not for human habitation provided that the gross floor area of any new building permitted under this rule, does not exceed 50m² or for human habitation provided that the gross floor area does not exceed 25m²; and</p> <p>(b) the exterior is coloured within the BS5252 standard colour palette range with a reflectance value of 30% or less or are constructed of natural materials which fall within this range; or</p> <p>(c) any alteration/addition to an existing building which does not exceed 50m², provided that any alteration/ addition does not exceed the height of the existing building and that any alteration/addition is to a building that existed at 28 April 2000; or</p> <p>(d) renovation or maintenance of any building.</p> <p>Note: The effect of this rule is that a resource consent is needed for any new building(s) not for human habitation with a gross floor area of greater</p>	<p>(a) does not comply. The jetty could fit the definition of a building so a precautionary approach is taken here. The jetty is 2.4m wide and 126m long, so has a gross floor area of around 310m².</p> <p>(b) complies – structure will not be painted and jetty will be made out of natural materials (wood).</p> <p>(c) not applicable.</p> <p>(d) the ongoing maintenance of the jetty is permitted.</p>

Rule	Requirement	Assessment of Proposal
	than 50m ² or any building(s) for human habitation with a gross floor area of greater than 25m ² .	
10.6.5.1.2 Residential Intensity	<p>Residential development shall be limited to one unit per 20ha of land. In all cases the land shall be developed in such a way that each unit shall have at least 3,000m² for its exclusive use surrounding the unit plus a minimum of 19.7ha elsewhere on the property.</p> <p>Except that this rule shall not limit the use of an existing site or a site created pursuant to Rule 13.7.2.1 (Table 13.7.2.1) for a single residential unit for a single household.</p> <p>Note: There is a separate residential activity rule applying to Papakainga Housing (refer to Rule 10.6.5.2.1).</p>	Not applicable – no residential unit proposed.
10.6.5.1.3 Scale of activities	<p>The total number of people engaged at any one period of time in activities on a site, including employees and persons making use of any facilities, but excluding people who normally reside on the site or are members of the household shall not exceed 4 persons per site or 1 person per 1ha of net site area whichever is the greater. Provided that:</p> <p>(a) this number may be exceeded for a period totalling not more than 60 days in any 12 month period where the increased number of persons is a direct result of activities ancillary to the primary activity on the site; and</p> <p>(b) this number may be exceeded where persons are engaged in constructing or establishing an</p>	Can comply. Construction works are short term in nature and provided for under (b).

Rule	Requirement	Assessment of Proposal
	<p>activity (including environmental enhancement) on the site; and</p> <p>(c) this number may be exceeded where persons are visiting marae. In determining the total number of people engaged at any one period of time, the Council will consider the maximum capacity of the facility (for instance, the number of beds in visitors accommodation, the number of seats in a restaurant or theatre), the number of staff needed to cater for the maximum number of guests, and the number and nature of the vehicles that are to be accommodated on site to cater for those engaged in the activity.</p> <p>Exemptions: The foregoing limits shall not apply to activities of a limited duration required by normal farming and plantation forestry activities, provided that the activity shall comply with the requirements of s16 of the Act</p>	
10.6.5.1.4 Building Height	The maximum height of any building shall be 8m	Complies. Building height is around 0.7m above sea level.
10.6.5.1.5 Sunlight	No part of any building shall project beyond a 45 degree recession plane as measured inwards from any point 2m vertically above ground level on any site boundary (refer to definition of Recession Plane in Chapter 3 - Definitions), except where a site boundary adjoins a legally established entrance strip, private way, access lot, or access way serving a rear site, the measurement shall be taken from the farthest boundary of the entrance strip, private way, access lot, or access way.	Complies. The nearest site boundary is 126m to the north.

Rule	Requirement	Assessment of Proposal
10.6.5.1.6 Stormwater Management	The maximum proportion of the gross site area covered by buildings and other impermeable surfaces shall be 10%.	Complies. Site is 67Ha and jetty is around 310m ² so this is significantly less than 10%. There are no other buildings on the site.
10.6.5.1.7 Setback from Boundaries	<p>(a) no building shall be erected within 10m of any site boundary, except that on any site with an area of less than 5,000m², this setback shall be 3m from any site boundary;</p> <p>(b) no building for residential purposes shall be erected closer than 100m from the boundary of the Minerals Zone.</p> <p>Note 1: Rules in Chapter 12.4 Natural Hazards control the location of buildings in the Coastal Hazard Areas.</p> <p>Note 2: This rule does not apply to the below ground components of wastewater disposal systems. However, provisions in Chapter 12.7 – Lakes Rivers Wetlands and the Coastline still apply to below ground components of wastewater treatment systems.</p>	Complies. The nearest site boundary is 126m to the north.
10.6.5.1.8 Transportation	Refer to Chapter 15 – Transportation for Traffic, Parking and Access rules.	There are no applicable rules in Chapter 15 – Transportation. The proposal will generate less than 30 one way traffic movements per day. No changes are proposed to the existing crossing.
10.6.5.1.9 Keeping of animals	Any building, compound or part of a site used for factory farming, boarding kennels or a cattery shall be located no closer than 50m from any site boundary except for a boundary which adjoins the Residential, Coastal Residential or Russell Township Zones where the distance shall be a minimum of 600m.	N/A. No animals are proposed to be kept on site.

Rule	Requirement	Assessment of Proposal
10.6.5.1.10 Noise	<p>All activities shall be so conducted as to ensure that noise from the site shall not exceed the following noise limits at or within the boundary of any other site in this zone, or at any site zoned Residential, Russell Township or Coastal Residential, or at or within the notional boundary of any dwelling in any other rural or coastal zone: 0700 to 2200 hours 55 dBA L10 2200 to 0700 hours 45 dBA L10 and 70 dBA Lmax</p> <p>Construction Noise: Construction noise shall meet the limits recommended in, and shall be measured and assessed in accordance with NZS 6803P:1984 “The Measurement and Assessment of Noise from Construction, Maintenance and Demolition Work”</p>	Will comply with construction noise requirements.
10.6.5.1.11 Helicopter Landing Area	A helicopter landing area shall be at least 200m from the nearest boundary of any of the Residential, Coastal Residential, Russell Township or Point Veronica Zones.	N/A. No helicopter landing area is proposed.
10.6.5.2 CONTROLLED ACTIVITIES	<p>An activity is a controlled activity in the General Coastal Zone if:</p> <p>(a) it complies with all of the standards for permitted activities above, except for Rule 10.6.5.1.1 Visual Amenity and 10.6.5.1.5 Stormwater Management above; and</p> <p>(b) it complies with Rules 10.6.5.2.1 Papakainga Housing, 10.6.5.2.2 Visual Amenity or 10.6.5.2.3 Stormwater Management below; and</p> <p>(c) it complies with the relevant standards for permitted or controlled activities set out in Part 3 of the Plan - District Wide Provisions.</p>	<p>(a) The proposal complies with all the standards above except 10.6.5.1.1 Visual Amenity.</p> <p>(b) 10.6.5.2.1 is not applicable and neither 10.6.5.2.2 or 10.6.5.2.3 are directly applicable.</p> <p>The proposal is not a controlled activity.</p> <p>There is not an existing resource consent setting out a building envelope. The scale of the proposal means that a stormwater</p>

Rule	Requirement	Assessment of Proposal
	The Council must approve an application for land use consent for a controlled activity but it may impose conditions on that consent.	run-off report from a Chartered Professional Engineer is not feasible, and as such the proposal is considered under this rule to be a <u>discretionary activity</u> .
10.6.5.3 RESTRICTED DISCRETIONARY ACTIVITIES	<p>An activity is a restricted discretionary activity in the General Coastal Zone if:</p> <p>(a) it does not comply with any one of the following Rules 10.6.5.1.1 Visual Amenity; 10.6.5.1.4 Building Height; 10.6.5.1.5 Sunlight; 10.6.5.1.7 Setback from Boundaries and/or 10.6.5.1.10 Noise; but</p> <p>(b) it complies with all of the other rules for permitted activities under Rules 10.6.5.1 and 10.6.5.2; and</p> <p>(c) it complies with Rules 10.6.5.3.1 Visual Amenity; 10.6.5.3.2 Building Height; 10.6.5.3.3 Sunlight; 10.6.5.3.4 and Setback from Boundaries; 10.6.5.3.5 Noise below; and</p> <p>(d) it complies with the relevant standards for permitted, controlled or restricted discretionary activities set out in Part 3 of the Plan - District Wide Provisions.</p> <p>The Council may approve or refuse an application for a restricted discretionary activity, and it may impose conditions on any consent.</p> <p>In assessing an application for a restricted discretionary activity, the Council will restrict the exercise of its discretion to the specific matters listed for each rule below, or where there is no rule, to the specific matters listed below under the appropriate heading.</p>	<p>(a) the proposal does not comply with 10.6.5.1.1 Visual Amenity</p> <p>(b) the proposal complies with all other rules for permitted activities under 10.6.5.1.</p> <p>(c) the proposal complies with 10.6.5.3.1 Visual Amenity.</p> <p>(d) See assessment of part 3 above and below.</p> <p>The proposal is considered to be a restricted discretionary activity under 10.6.5.3.</p>
10.6.5.4 DISCRETIONARY ACTIVITIES	An activity is a discretionary activity in the General Coastal Zone if:	Assess

Rule	Requirement	Assessment of Proposal
	<p>(a) it complies with Rules 10.6.5.4.1 Residential Intensity; 10.6.5.4.2 Transportation; 10.6.5.4.3 Scale of Activities and 10.6.5.4.5 Helicopter Landing Areas and/or 10.6.5.4.4 Integrated Development below; and</p> <p>(b) it complies with the relevant standards for permitted, controlled, restricted discretionary or discretionary activities set out in Part 3 of the Plan - District Wide Provisions; but</p> <p>(c) it does not comply with one or more of the other standards for permitted, controlled or restricted discretionary activities in this zone as set out under Rules 10.6.5.1; 10.6.5.2 and 10.6.5.3 above.</p>	
<p>CHAPTER 12 – Natural and Physical Resources 12.1 Landscape and Natural Features</p>		
<p>12.1.6 RULES Activities affected by this section of the Plan must comply not only with the rules in this section, but also with the relevant standards applying to the zone in which the activity is located (refer to Part 2 Environment Provisions), and with other relevant standards in Part 3 – District Wide Provisions.</p>		
<p>12.1.6.1 PERMITTED ACTIVITIES</p>	<p>An activity is a permitted activity if: (a) it complies with the standards for permitted activities set out in Rules 12.1.6.1.1 to 12.1.6.1.6 below; and</p>	<p>Assess</p>
	<p>(b) it complies with the relevant standards for permitted activities in the zone in which it is located, set out in Part 2 of the Plan - Environment Provisions; and</p>	<p>(b) Proposal is assessed as a restricted discretionary activity under the Zone standards.</p>
	<p>(c) it complies with the other relevant standards for permitted activities set out in Part 3 of the Plan - District Wide Provisions.</p>	<p>(c) See assessment below.</p>

Rule	Requirement	Assessment of Proposal
12.1.6.1.1 PROTECTION OF OUTSTANDING LANDSCAPE FEATURES		Not applicable – site is not within the outstanding landscape feature layer.
12.1.6.1.2 INDIGENOUS VEGETATION CLEARANCE IN OUTSTANDING LANDSCAPES		
12.1.6.1.3 TREE PLANTING IN OUTSTANDING LANDSCAPES		
12.1.6.1.4 EXCAVATION AND/OR FILLING WITHIN AN OUTSTANDING LANDSCAPE		
12.1.6.1.5 BUILDINGS WITHIN OUTSTANDING LANDSCAPES		
12.1.6.1.6 UTILITY SERVICES IN OUTSTANDING LANDSCAPES		
12.2.6 RULES Activities affected by this section of the Plan must comply not only with the rules in this section, but also with the relevant standards applying to the zone in which the activity is located (refer to Part 2 Environment Provisions), and with other relevant standards in Part 3 – District Wide Provisions.		
12.2.6.1 PERMITTED ACTIVITIES	An activity is a permitted activity if: (a) it complies with the standards for permitted activities set out in Rules 12.2.6.1.1 to 12.2.6.1.4 below; and	(a) does not comply with all permitted activity standards

Rule	Requirement	Assessment of Proposal
	(b) it complies with the relevant standards for permitted activities in the zone in which it is located, set out in Part 2 of the Plan - Environment Provisions; and	(b) Proposal is assessed as a restricted discretionary activity under the Zone standards.
	(c) it complies with the other relevant standards for permitted activities set out in Part 3 of the Plan - District Wide Provisions.	(c) See assessment below.
12.2.6.1.1 INDIGENOUS VEGETATION CLEARANCE PERMITTED THROUGHOUT THE DISTRICT	Notwithstanding any rule in the Plan to the contrary but subject to Rules 12.5.6.1.1, 12.5.6.1.3 and 12.5.6.2.2 in the Heritage section of this Plan, indigenous vegetation clearance is permitted throughout the District where the clearance is for any of the following purposes:	
	(e) the formation and maintenance of walking tracks less than 1.2m wide using manual methods which do not require the removal of any tree over 300mm in girth; or	Does not comply. Although no trees over 300mm girth are required to be removed, the walking track will be formed by a digger, and smaller trees will be removed with a chainsaw.
12.2.6.1.3 INDIGENOUS VEGETATION CLEARANCE IN THE GENERAL COASTAL ZONE	The clearance of indigenous vegetation is a permitted activity in the General Coastal Zone, provided that:	Complies. Any tree cut will be less than 6m height and less than 600mm girth.
	(a) the vegetation is less than 6m in height or 600mm in girth (measured at a height of 1.5m); and	
	(b) the clearance is not within 20m of a lake (as scheduled in Appendix 1C), coastal marine area, indigenous wetland or continually flowing river; and	Does not comply. Some trees will be trimmed within 20m of the coastal marine area.
	(c) any clearance involving remnant forest does not exceed 500m ² ; and	Complies – less than 500m ² of vegetation will be modified.
	(d) in relation to the total area of any site existing as at 1 February 2005 which has more than 50% of that area in indigenous vegetation, the total clearance does not exceed 1ha or 15% of that area, whichever is the lesser, in any 10 year period; or	Complies – less than 500m ² of vegetation will be modified.

Rule	Requirement	Assessment of Proposal
	(e) in relation to the total area of any site existing as at 1 February 2005 which has less than 50% of that area in indigenous vegetation, the total clearance does not exceed 1,000m ² of that area in any 10 year period	Complies – less than 500m ² of vegetation will be modified.
12.2.6.2 RESTRICTED DISCRETIONARY ACTIVITIES	An activity is a restricted discretionary activity if: (a) it does not comply with Rule 12.2.6.1.1 Indigenous Vegetation Clearance Permitted Throughout the District; or Rule 12.2.6.1.3 Indigenous Vegetation Clearance in the General Coastal Zone for permitted activities above; but	The proposal does not comply with Rule 12.2.6.1.1 or Rule 12.2.6.1.3 Indigenous Vegetation Clearance in the General Coastal Zone.
	(b) it complies with Rules 12.2.6.2.1 Indigenous Vegetation Clearance in the General Coastal Zone and 12.2.6.2.2 Indigenous Vegetation Clearance in Other Zones below; and	(b) the proposal does not comply with 12.2.6.2.1.
	(c) it complies with the relevant standards for permitted, controlled or restricted discretionary activities in the zone in which it is located, set out in Part 2 of the Plan – Environment Provisions; and	(c) Proposal is assessed as a restricted discretionary activity under the Zone standards.
	(d) it complies with the other relevant standards for permitted, controlled or restricted discretionary activities set out in Part 3 of the Plan - District Wide Provisions.	(d) See assessment below.
12.2.6.2.1 INDIGENOUS VEGETATION CLEARANCE IN THE GENERAL COASTAL ZONE	(a) the clearance is not within 20m of a lake (as scheduled in Appendix 1C), coastal marine area, indigenous wetland or continually flowing river; and	Does not comply. Some vegetation clearance may occur within 20m of the coastal marine area.
The clearance of indigenous vegetation in the General Coastal	(b) any clearance involving remnant forest does not exceed 500m ² ; and	Complies – less than 500m ² of vegetation will be modified.
	(c) in relation to the total area of any site existing as at 1 February 2005 which has more than 50% of that area in indigenous vegetation, the total	Complies – less than 500m ² of vegetation will be modified.

Rule	Requirement	Assessment of Proposal
Zone that does not comply with Rule 12.2.6.1.3 is a restricted discretionary activity, if:	clearance does not exceed 1ha or 15% of that area, whichever is the lesser, per site in any 10 year period; or	
	(d) in relation to the total area of any site existing as at 1 February 2005 which has less than 50% of that area in indigenous vegetation, the total clearance does not exceed 1,000m ² of that area in any 10 year period.	Complies – less than 500m ² of vegetation will be modified.
12.2.6.3 DISCRETIONARY ACTIVITIES	An activity is a discretionary activity if: (a) it does not comply with Rule 12.2.6.1.1 Indigenous Vegetation Clearance Permitted Throughout the District or Rule 12.2.6.1.2 Vegetation Clearance in the Rural Production and Minerals Zones; or ...	Applicable – the proposal does not comply with 12.2.6.1.1 (e). Proposal is discretionary.
	(d) it complies with the relevant standards for permitted, controlled, restricted discretionary or discretionary activities in the zone in which it is located, set out in Part 2 of the Plan - Environment Provisions; and	(d) Proposal is assessed as a restricted discretionary activity under the Zone standards.
	(e) it complies with the other relevant standards for permitted, controlled, restricted discretionary or discretionary activities set out in Part 3 of the Plan - District Wide Provisions	(e) See assessment below.
12.7 Lakes, Rivers, Wetlands and the Coastline		
12.7.6 RULES		
Activities affected by this section of the Plan must comply not only with the rules in this section, but also with the relevant standards applying to the zone in which the activity is located (refer to Part 2 Environment Provisions), and with other relevant standards in Part 3 – District Wide Provisions.		
12.7.6.1 PERMITTED ACTIVITIES	(a) it complies with the standards for permitted activities set out in Rules 12.7.6.1.1 to 12.7.6.1.6 below; and	See assesss

Rule	Requirement	Assessment of Proposal
An activity is a permitted activity if:	(b) it complies with the relevant standards for permitted activities in the zone in which it is located, set out in Part 2 of the Plan - Environment Provisions; and	(b) Proposal is assessed as a restricted discretionary activity under the Zone standards.
	(c) it complies with the other relevant standards for permitted activities set out in Part 3 of the Plan - District Wide Provisions.	(c) See assessment above and below.
12.7.6.1.1 SETBACK FROM LAKES, RIVERS AND THE COASTAL MARINE AREA Any building and any impermeable surface must be set back from the boundary of any lake (where a lake bed has an area of 8ha or more), river (where the average width of the riverbed is 3m or more) or <u>the boundary of the coastal marine area</u> , except that this rule does not apply to man-made private water bodies other than the Manuwai and Waingaro Reservoirs. The setback shall be:	(a) a minimum of 30m in the Rural Production, Waimate North, Rural Living, Minerals, Recreational Activities, Conservation, <u>General Coastal</u> , South Kerikeri Inlet and Coastal Living Zones;	Does not comply. The proposed 'building' is not set back 30m from the coastal marine area.
	(b) a minimum of 26m in the Residential, Coastal Residential and Russell Township Zones;	Not applicable
	(c) a minimum of 20m in the Commercial and Industrial Zones.	Not applicable. None of the exceptions apply.
12.7.6.3 DISCRETIONARY ACTIVITIES	An activity is a discretionary activity if: (a) it complies with Rule 12.7.6.1.6 Noise above; but	Complies – no activities proposed to be carried out on lakes or rivers.

Rule	Requirement	Assessment of Proposal
	(b) it does not comply with one or more of the other standards for permitted activities set out under Rule 12.7.6.1 above; and	Complies – the proposal is unable to comply with 12.7.6.1.1 setback from the CMA.
	(c) it complies with the relevant standards for permitted, controlled, restricted discretionary or discretionary activities in the zone in which it is located, set out in Part 2 of the Plan - Environment Provisions; and	Proposal is assessed as a restricted discretionary activity under the Zone standards.
	(d) it complies with the other relevant standards for permitted, controlled, restricted discretionary or discretionary activities set out in Part 3 of the Plan - District Wide Provisions; and	See assessment below.
	(e) it is not a non-complying activity as described in Rule 12.7.6.4.	Proposal is non-complying under 12.7.6.4.
12.7.6.4 NON-COMPLYING ACTIVITIES	Any new building within 20m of the boundary of a lake greater than 8ha in area, any continually flowing river wider than 3m or the coastal marine area which is not a permitted, restricted discretionary or discretionary activity under Rules 12.7.6.1, 12.7.6.2 or 12.7.6.3 is a noncomplying activity.	Proposal is for a new 'building' within 20m of the coastal marine area, so is noncomplying.
CHAPTER 16 Signs and Lighting		
16.6 RULES		
Activities affected by this Section of the Plan must comply not only with the rules in this Section, but also with the relevant standards applying to the zone in which the activity is located (refer to Part 2 - Environment Provisions), and with other relevant standards in Part 3 – District Wide Provisions.		
16.6.1 PERMITTED ACTIVITIES An activity is a permitted activity if:	(a) it complies with the standards for permitted activities set out in Rules 16.6.1.1 to 16.6.1.5 below; and	(a) complies with all applicable rules
	(b) it complies with the relevant standards for permitted activities in the zone in which it is	(b) Proposal is assessed as a restricted discretionary activity under the Zone standards.

Rule	Requirement	Assessment of Proposal
	located, set out in Part 2 of the Plan - Environment Provisions; and	
	(c) it complies with the other relevant standards for permitted activities set out in Part 3 of the Plan - District Wide Provisions.	(c) See assessment above and below.
16.6.1.1 LIGHT SPILL & GLARE		Not applicable – no lighting proposed.
16.6.1.2 GENERAL REQUIREMENTS FOR ALL SIGNS	(a) The maximum height of any sign, including its support structure, on any site shall not exceed 4m, except: (i) That in the Commercial and Industrial Zones the maximum height of any signs attached to, or displayed on a building or veranda may exceed 4m but shall not exceed the height of the building; or (ii) Otherwise provided for in Rules 16.6.1.4 and 16.6.1.5.	Complies. Proposed signage on the Jetty will not exceed 4m.
	(b) The maximum sign area per site for any sign type, excluding Rule 16.6.1.4 is that shown in Rule 16.6.1.3 Maximum Sign Area Per Site.	Complies. Proposed signage on the Jetty will not exceed 3m ² .
	(c) For double sided and v-shaped signs (provided that the internal angle of the 'v' does not exceed 90°) the maximum sign area shall be calculated from one side only.	Not applicable. Signage will be single sided.
	(d) No sign shall: (i) use reflective materials that may interfere with a road user's vision; or (ii) use flashing or revolving lights or be animated in any way.	Will comply.
	(e) The maximum number of freestanding signs on a site shall not exceed 1 per site frontage except:	Will comply – no freestanding signs proposed.

Rule	Requirement	Assessment of Proposal
	(i) That in the Commercial and Industrial Zone there are no limits on the number of freestanding signs; or (ii) Otherwise restricted or provided for in Rules 16.6.1.4 and 16.6.1.5 (f) No sign shall be erected or allowed to remain on or near a road which will: (i) obstruct the line of sight of any corner, bend, intersection or vehicle crossing; (ii) obstruct, obscure or impair the view of any traffic sign or signal; (iii) resemble or be likely to be confused with any traffic sign or signal.	 Will comply. Signage will not be near a road.
16.6.1.3 MAXIMUM SIGN AREA PER SITE	(a) Freestanding signs and signs attached to or displayed on buildings or other objects located in the following zones/locations are subject to the following requirements. General Coastal – 3m ²	Will comply. Sign will be attached to a 'building'/ jetty and will be smaller than 3m ² .
16.6.1.4 SIGNS EXCLUDED FROM MAXIMUM AREA PER SITE THRESHOLDS		Not applicable.
16.6.1.5 SIGNS TO COMPLY WITH MAXIMUM AREA PER SITE THRESHOLDS		Not applicable.

OFNDP summary

The proposal is for a jetty, which could meet the definition of a building. As such, a building (not intended for human habitation) is proposed with a floor area of 310m², which is larger than the permitted Visual Amenity standard 10.6.5.1.1 provides for, and therefore requires consent as a restricted discretionary consent under 10.6.5.3 General Coastal Zone Standards.

The proposal includes clearing some vegetation for a walking track using machinery so is unable to comply with 12.2.6.1.1 (e); and some trees may be trimmed within 20m of the coastal marine area so is unable to comply with 12.2.6.1.3(b) or 12.2.6.2.1, and is therefore a discretionary activity under 12.2.6.3.

The proposed structure is less than 20m from the coastal marine area so is a non-complying activity under 12.7.6.4.

Proposed Far North District Plan

Rule	Requirement	Assessment of Proposal
PART 2 District Wide Matters		
ENERGY, INFRASTRUCTURE AND TRANSPORT		Not applicable.
HAZARDS AND RISKS		Not applicable. This primarily relates to River Flood Hazard Areas which are not applicable to this site.
HISTORICAL AND CULTURAL VALUES		Not applicable. No heritage area overlays, scheduled heritage resources or other applicable matters on the site. There are no notable trees on the site. The site is not of significance to Māori.
NATURAL ENVIRONMENTAL VALUES		Applicable
Ecosystems and indigenous biodiversity		
IB-R1 Indigenous vegetation pruning, trimming and clearance and any associated land disturbance for specified activities within and outside a Significant Natural Area	Permitted where: It is for the following: 13. It is for the operation, repair and maintenance of the following activities where they have been lawfully established: <ul style="list-style-type: none"> • fences; • infrastructure; • buildings; • driveways and access; • walking tracks; 	Complies. The proposed track works involve the repair and maintenance of an existing walking track and farm track.

Rule	Requirement	Assessment of Proposal
	<ul style="list-style-type: none"> cycling tracks; or farming tracks. 	
Natural Character		
NATC-R1 New buildings or structures, and extensions or alterations to existing buildings or structures	Permitted where: PER 1 The building or structure, or extension or alteration to an existing building or structure on wetland, lake and river margins is not located within an ONL or ONF.	Does not comply. The structure is on a wetland margin and is within an ONL. Activity status where compliance not achieved with PER-1: Non-complying
	PER 2 The building or structure, or extension or alteration to an existing building or structure on wetland, lake and river margins is required for: <ul style="list-style-type: none"> restoration and enhancement purposes; or natural hazard mitigation undertaken by, or on behalf of, the local authority; or park management activity in the Open Space or Sport and Active Recreation zones; or a post and wire fence for the purpose of protection from farm stock; or river crossings, including but not limited to, fords, bridges, stock crossings and culvert crossings; or activities related to the construction of river crossings; or pumphouses utilised for the drawing of water provided they cover less than 25m² in area. 	Complies. The jetty is required for restoration and enhancement purposes.
	PER-3 The building or structure on wetland, lake and river margins is no greater than 300m ² .	Does not comply. Jetty is larger than 300m ² (its 310m ²). Activity status where compliance not achieved with PER-2, PER-3 and PER-4: Discretionary
NATC-R2 Repair or maintenance		Not applicable

Rule	Requirement	Assessment of Proposal
NATC-R3 Earthworks or indigenous vegetation clearance	Permitted where: PER-1 The earthworks or indigenous vegetation clearance within wetland, lake and river margins is: <ul style="list-style-type: none"> • required for the repair or maintenance permitted under NATC-R2; or • required to provide for safe and reasonable clearance for existing overhead power lines; or • necessary to address a risk to public health and safety; or • for biosecurity reasons; or • for the sustainable non-commercial harvest of plant material for rongoā Māori. 	Not applicable. NATC-R2 is not applicable – pathway will be gravel.
	PER-2 Earthworks or indigenous vegetation clearance not provided for within NATC-R3 PER-1 but it complies with standard NATC-S2 Earthworks or indigenous vegetation clearance.	Does not comply with NATC-R3 PER-1 or with NATC-S2. Activity status when compliance not achieved with PER-2: Non-complying
STANDARDS		
NATC-S1 Natural Character	Maximum Height 1. The maximum height of a building or structure, or extension or alteration to an existing building or structure is 5m above ground level; or 2. where a building or structure is lawfully established, any extension does not exceed the height of the existing building or structure above ground level.	Will comply. The building will be less than 5m above ground level.

Rule	Requirement	Assessment of Proposal
NATC-S2	<p>Earthworks or indigenous vegetation clearance Any earthworks or indigenous vegetation clearance on a site within a wetland, lake and river margins must:</p> <ol style="list-style-type: none"> 1. not exceed a total area of 400m² for 10 years from the notification of the District Plan, unless a control in 5. below applies; 2. not exceed a cut height or fill depth of 1m; 3. screen exposed faces; and 4. comply with Ecosystems and indigenous biodiversity chapter, NFL-S3 Earthworks or indigenous vegetation clearance and CE-S3 Earthworks or indigenous vegetation clearance. 	<p>Complies. The proposed area of earthworks is 125m²</p> <p>The cut height will be no more than 0.55m. All exposed faces will be screened does not comply with NFL-S3 due to area of vegetation to be cleared.</p>
Natural Features and Landscapes		
NFL-R1 New buildings or structures, and extensions or alterations to existing buildings or structures (within ONL)	<p>Permitted where: PER-1 If a new building or structure is located outside the coastal environment it is:</p> <ol style="list-style-type: none"> 1. ancillary to farming (excluding a residential unit); and 2. no greater than 25m². 	<p>Complies. Structure outside the coastal environment and is smaller than 25m².</p>
	<p>PER-2 If a new building or structure is located within the coastal environment it is:</p> <ol style="list-style-type: none"> 1. ancillary to farming (excluding a residential unit); and 2. no greater than 25m². 	<p>Does not comply. Structure within the coastal environment is larger than 25m²</p> <p>Activity status when compliance not achieved with PER-2: Non-complying</p>
	<p>PER-4 The building or structure, or extension or alteration to an existing building or structure, complies with standards: NFL-S1 Maximum height</p>	<p>Complies.</p>

Rule	Requirement	Assessment of Proposal
	NFL-S2 Colours and materials	
NFL-R3 Earthworks or indigenous vegetation clearance (within ONL)	<p>Permitted where:</p> <p>PER-1 The earthworks or indigenous vegetation clearance is:</p> <ol style="list-style-type: none"> 1. required for the repair or maintenance permitted under NFL-R2 Repair or maintenance; or 2. required to provide for safe and reasonable clearance for existing overhead power lines; or 3. necessary to address a risk to public health and safety; or 4. for biosecurity reasons; or 5. for the sustainable non-commercial harvest of plant material for rongoā Māori. 	Not applicable
	<p>PER-2 The earthworks or indigenous vegetation clearance outside the coastal environment is not provided for within NFL-R3 PER-1 but it complies with standard NFL-S3 Earthworks or indigenous vegetation clearance</p>	<p>Proposal does not comply with NFL-S3 due to the area of vegetation clearance and earthworks.</p> <p>Activity status when compliance not achieved with PER-1 or PER-2: Discretionary</p>
	<p>PER-3 The earthworks or indigenous vegetation clearance inside the coastal environment is not provided for within NFL-R3 PER-1 but it complies with standard NFL-S3 Earthworks or indigenous vegetation clearance</p>	<p>Proposal does not comply with NFL-S3 due to the area of vegetation clearance and earthworks.</p> <p>Activity status when compliance not achieved with PER-3: Non-complying</p>
STANDARDS		
NFL-S1	<p>Maximum height</p> <ol style="list-style-type: none"> 1. The maximum height of any new building or structure above ground level is 5m and must not exceed the height of the nearest ridgeline, headland or peninsula; and 	Complies. Jetty building is less than 5m above ground level.

Rule	Requirement	Assessment of Proposal
	2. Any extension to a building or structure must not exceed the height of the existing building above ground level or exceed the height of the nearest ridgeline, headland or peninsula.	
NFL-S2	<p>Colours and materials</p> <p>The exterior surfaces of buildings or structures shall:</p> <ol style="list-style-type: none"> 1. be constructed of materials and/or finished to achieve a reflectance value no greater than 30%; and 2. have an exterior finish within Groups A, B or C as defined within the BS5252 standard colour palette. 	Complies. Building will be constructed of wood.
NFL-S3	<p>Earthworks or indigenous vegetation clearance</p> <p>Any earthworks or indigenous vegetation clearance must (where relevant):</p> <ol style="list-style-type: none"> 1. not exceed a total area of 50m² over the life of the District Plan; 2. not exceed a cut height or fill depth of 1m; 3. screen any exposed faces; and 4. be for the purpose of access and/or a building platform. 	<p>Does not comply. Vegetation clearance of 73m² is proposed. Earthworks of 125m² is proposed.</p> <p>Cut will be less than 1m. All exposed faces will be screened. The earthworks are for the purpose of access.</p>
GENERAL DISTRICT WIDE MATTERS		
Activities on the surface of water	Surface of all rivers and lakes in all zones	Not applicable. Site does not contain a river or lake.
Coastal Environment	Applicable in the Coastal Environment	
<p>CE-R1</p> <p>New buildings or structures, and extensions or alterations to existing buildings or structures</p>	<p>Permitted where:</p> <p>PER-1</p> <p>If a new building or structure is located in an urban zone it is:</p> <ol style="list-style-type: none"> 1. no greater than 300m²; and 2. located outside high or outstanding natural character areas. 	Not applicable. Site is not in an urban zone.

Rule	Requirement	Assessment of Proposal
	<p>PER-2 If a new building or structure is not located within an urban zone it is:</p> <ol style="list-style-type: none"> 1. ancillary to farming activities (excluding a residential unit); 2. no greater than 25m²; and 3. located outside outstanding natural character areas. 	<p>Does not comply. Site is not in an urban zone so this rule is applicable.</p> <p>The proposed jetty is not ancillary to farming activities. The jetty will be greater than 25m² The jetty is within an outstanding natural character area.</p> <p>Activity status where compliance not achieved with PER-2: Non-complying (inside an outstanding natural character area)</p>
<p>CE-R2 Repair or maintenance</p>	<p>Permitted where: PER-1 The repair or maintenance of the following activities where they have been lawfully established and where the size, scale and materials used are like for like:</p> <ol style="list-style-type: none"> 1. roads; 2. fences; 3. network utilities; 4. driveways and access; 5. <u>walking tracks</u>; 6. cycling tracks; or 7. farming tracks. 	<p>The proposed maintenance to the walking track is permitted.</p>
<p>CE-R3 Earthworks or indigenous vegetation clearance</p>	<p>Permitted where: PER-1 The earthworks or indigenous vegetation clearance is:</p> <ol style="list-style-type: none"> 1. required for repair or maintenance permitted under CE-R2 Repair or Maintenance; or 2. required to provide for safe and reasonable clearance for existing overhead power lines; or 3. necessary to ensure the health and safety of the public; or 4. for biosecurity reasons; or 	<p>Complies. All the earthworks and vegetation clearance (except mangrove removal) is within the Coastal Environment and is permitted under CE-R2.</p>

Rule	Requirement	Assessment of Proposal
	for the sustainable non-commercial harvest of plant material for rongoā Māori.	
STANDARDS		
CE-S1	Maximum height 1. The maximum height of any new building or structure above ground level is 5m and must not exceed the height of the nearest ridgeline, headland or peninsula; and 2. Any extension to a building or structure...	Complies. The jetty structure will be less than 5m above ground level.
CE-S2	Colours and materials The exterior surfaces of buildings or structures shall: 1. be constructed of materials and/or finished to achieve a reflectance value no greater than 30%; and 2. have an exterior finish within Groups A, B or C as defined within the BS5252 standard colour palette.	Will comply. The jetty structure will be made from wood.
CE-S3	Earthworks or indigenous vegetation clearance Any earthworks or indigenous vegetation clearance must (where relevant): 1. not occur in outstanding natural character areas; and 2. not exceed a total area of: a. 50m ² for 10 years from the notification of the District Plan in an area of high natural character; or b. 400m ² for 10 years from the notification of the District Plan in an area outside high or outstanding natural character areas; and 3. not exceed a cut height or fill depth of 1m; and 4. screen any exposed faces.	Does not comply. Earthworks are not proposed within the outstanding natural character area (only driving of piles) – complies with 1. Earthworks of 125m² are proposed within the area of high natural character for the walking track and parking area. Cut will not be greater than 1m in height. Any exposed faces will be screened by the surrounding vegetation.

Rule	Requirement	Assessment of Proposal
Coastal Hazard Area	Applicable in the Coastal Hazard Area (Coastal Flood Hazard Zones 1-3)	
CE-R1 New buildings or structures	Permitted where: PER-1 The building or structure is one of the following: i. above ground buildings and structures with a footprint of 10m ² or less and are not used for a vulnerable activity. ii. decks less than 30m ² and less than 1m in height.	Does not comply. The proposed jetty is a deck, but is greater than 30m ² in area so does not align with this rule. Activity status where compliance not achieved with PER-1, PER-2 or PER-3: Restricted Discretionary refer to Rule CE-R14 (buildings) or CE-R16 (structures)
	PER 2 The building or structure including any associated earthworks, does not direct coastal inundation onto other properties.	Complies. No coastal inundation will be directed into adjacent properties.
	PER 3 All standards of the relevant zone applying to the activity are met	The proposal does not comply with RPROZ-S4 Setback from MHWS, so cannot comply with all zone standards. Activity status where compliance not achieved with PER-3: Discretionary
CE-R16 New structures (excluding buildings) and infrastructure, and extensions or alterations to existing structures (excluding buildings and infrastructure)	Restricted Discretionary where: RDIS-1 The structure or infrastructure is not a structural mitigation asset.	Does not comply. A hard protection structure may be required as part of the jetty structure (to be confirmed at detailed design stage). Activity status where compliance not achieved: Discretionary
	RDIS-2 The new structure, infrastructure, extension or alteration, including any associated earthworks, does not increase coastal inundation on other properties.	Complies. Proposed structure will not increase coastal inundation on other properties.
	RDIS-3 The new structure, infrastructure, extension or alteration is not located in a High Risk Coastal Hazard Area.	Complies. The site is not within a High Risk Coastal Hazard Area.
	RDIS-4	Complies.

Rule	Requirement	Assessment of Proposal
	The activity complies with standard: CE-S5 Information requirements	
STANDARDS		
CE-S4	<p>Minimum floor levels</p> <p>All activities occurring within buildings are designed so they will not be subject to inundation and/or material damage (including erosion) over a 100-year timeframe, and either:</p> <ul style="list-style-type: none"> i. the finished floor level of any building accommodating a vulnerable activity must be at least 500mm above the maximum water level in a 1 percent AEP flood event plus 1m sea level rise; or ii. the finished floor level of any other building must be at least 300mm above the maximum water level in a 1 percent AEP flood event plus 1m sea level rise. 	<p>Complies.</p> <p>The finished floor level of the jetty will be at least 300mm above the maximum water level in a 1 percent AEP flood event plus 1m sea level rise</p>
CE-S5	<p>Information requirements</p> <p>Any application for a resource consent in relation to a site that is potentially affected by a coastal hazard must be accompanied by a report prepared by a suitably qualified and experienced engineer that addresses the matters identified in the relevant objectives, policies, performance standards and matters of control/discretion.</p>	<p>Can comply.</p> <p>If the processing planner deems that an engineering report for this non-vulnerable activity is required, this can be provided.</p>
EARTHWORKS	All zones	
EW-R1 Earthworks for buildings or structures, and extensions to existing buildings or structures	<p>Permitted where:</p> <p>PER-1</p> <p>The earthworks complies with standards: EW-S1 Maximum earthworks thresholds; EW-S2 Maximum depth and slope; EW-S4 Site reinstatement;</p>	See assessment below

Rule	Requirement	Assessment of Proposal
	EW-S6 Setbacks; EW-S7 Land stability; EW-S8 Nature of filling material; and EW-S9 Flood and coastal hazards.	
EW-R10 Earthworks for the construction, or upgrade of walkways, cycle tracks and leisure activity	Permitted where: PER-1 The earthworks complies with standards: EW-S1 Maximum earthworks thresholds; EW-S2 Maximum depth and slope; EW-S4 Site reinstatement; EW-S6 Setbacks; EW-S7 Land stability; EW-S8 Nature of filling material; and EW-S9 Flood and coastal hazards.	
EW-R13 Earthworks and erosion and sediment control	Permitted where: PER-1 The earthworks complies with standard EW-S5 Erosion and sediment control.	
STANDARDS		
EW-S1 Maximum earthworks thresholds	The following maximum volumes and area thresholds for all earthworks undertaken on a site within a single calendar year: Rural Production 5000m ³ and 2,500m ²	Complies. EW is less than this volume and area
EW-S2 Maximum depth and slope	The maximum depth of any cut or height of any fill shall not exceed: 1. 1.5m, i.e. maximum permitted cut and fill height may be 3m; or 2. 3m subject to it being retained by a engineered retaining wall, which has had a building consent issued.	Complies. Max cut is less than 1m
EW-S3	On discovery of any suspected sensitive material, the person must take the following steps:	Will comply. Accidental discovery protocol will be followed if suspected sensitive material is found.

Rule	Requirement	Assessment of Proposal
<p>Accidental discovery protocol</p>	<ol style="list-style-type: none"> 1. Cease all works within 20m of any part of the discovery immediately and secure the area, including: <ol style="list-style-type: none"> a. shutting down all earth disturbing machinery and stopping all earth moving activities; and b. establish a sufficient buffer area to ensure that all material remains undisturbed. 2. Within 24 hours of the discovery the owner of the site, tenant or the contractor must: <ol style="list-style-type: none"> a. inform the following parties of the discovery: <ol style="list-style-type: none"> i. The New Zealand Police if the discovery is of human remains or kōiwi; ii. The Council in all cases; iii. Heritage New Zealand Pouhere Taonga if the discovery is an archaeological site, Māori cultural artefact, human remains or kōiwi; and iv. Tangata Whenua if the discovery is an archaeological site, Māori cultural artefact, or kōiwi. 3. No works shall recommence until the discovery area is inspected by the relevant authority or agency, this shall include: <ol style="list-style-type: none"> a. If the discovery is human remains or kōiwi the New Zealand Police are required to investigate the human remains to determine whether they are those of a missing person or a crime scene. The remainder of this process will not apply until the New Zealand Police confirm that they have no further interest in the discovery; or b. If the discovery is of archaeological material, other than evidence of contaminants, a site inspection for the purpose of initial assessment and response will be arranged by the Council in 	

Rule	Requirement	Assessment of Proposal
	<p>consultation with Heritage New Zealand Pouhere Taonga and appropriate Tangata Whenua representatives.</p> <p>4. Recommencement of work:</p> <p>a. Heritage New Zealand has confirmed that an archaeological authority has been approved for the work or that none is required;</p> <p>b. Any required notification under the Protected Objects Act 1975 has been made to the Ministry for Culture and Heritage; and</p> <p>c. Resource consent has been granted to any alteration or amendment to the earthworks or land disturbance that may be necessary to avoid the sensitive materials that is not otherwise permitted under the plan or allowed by any existing resource consent.</p>	
<p>EW-S4 Site reinstatement</p>	<p>As soon as practicable, but no later than six months from the commencement of works:</p> <p>1. the earthworks area shall be established, filled and/or recontoured in a manner consistent with the surrounding land; and</p> <p>2. replanted with vegetation which is the same as, or of similar species, to that which existed on the site prior to the earthworks taking place (if any), except that where the site was vegetation with any plant pest, the site may be replanted with indigenous vegetation from locally sourced genetic stocks or sealed, paved, metaled or built over.</p>	<p>Will comply.</p> <p>Earthworks will be stabilised and finished – pathway will be metalled.</p>
<p>EW-S5 Erosion and sediment control</p>	<p>Earthworks</p> <p>1. must for their duration be controlled in accordance with the Erosion and Sediment Control Guidelines for Land Disturbing Activities in the</p>	<p>Will comply.</p>

Rule	Requirement	Assessment of Proposal
	Auckland Region 2016 (Auckland Council Guideline Document GD2016/005); and 2. shall be implemented to prevent silt or sediment from entering water bodies, coastal marine area, any stormwater system, overland flow paths, or roads.	
EW-S6 Setback	Earthworks must be setback by the following minimum distances: 1. earthworks that are: a. supported by engineered retaining walls - 1.5m from a site boundary; or b. not supported by engineered retaining walls - 3m from a site boundary; and 2. earthworks must be setback by a minimum distance of 10m from coastal marine area.	Does not comply. Earthworks are set back from site boundaries by more than 100m, but are not set back from the coastal marine area.
EW-S7 Land stability	Earthworks must not result in any instability of land at or beyond the boundary of the property where the earthworks occurs.	Will comply
EW-S9 Flood and coastal hazards	Earthworks must not: 1. divert flood flow or coastal inundation onto other properties or otherwise result in any increase in flood hazard or coastal inundation beyond the boundaries of the site; or 2. result in the loss of any flood storage volume within a flood hazard area, unless equivalent flood storage is provided.	Will comply. The earthworks will not divert flood flow or coastal inundation beyond the boundaries of the site. No fill is proposed within the flood plain so there will be no loss of any flood storage volume.
LIGHT		Not applicable – no light proposed. Works will not be carried out at night.
NOISE		
NOISE-R4	Permitted where: PER-1	Will comply.

Rule	Requirement	Assessment of Proposal
	The noise from construction activities undertaken on a site complies with the guidelines and recommendations of the New Zealand Standard NZS 6803:1999: Acoustics Construction Noise.	
SIGNS		
SIGN-R7 Signs on or attached to a building, window, fence or wall (excluding a scheduled heritage resource)	Permitted where: PER-1 The sign does not protrude above the highest point of the building or structure.	Complies
	PER-2 The sign complies with standards: SIGN-S1 Maximum area; SIGN-S2 Maximum height; SIGN-S3 Maximum number; SIGN-S4 Traffic safety; and SIGN-S5 Sign design and content.	Complies. See below.
	PER-3 The sign is not for third party advertising.	Complies
STANDARDS		
SIGN-S1 Maximum sign area per site	All zones 1. Any temporary sign (excluding real estate and development) or community sign must not exceed 2m ² in area but may be double-sided. Where a sign is double-sided, the maximum area of the sign is calculated as the area of one side of the sign; and 2. Any real estate and development sign must not exceed 1.5m ² in area.	Complies. Sign will not exceed 0.5m ² No real estate or development signage proposed.
	ONL 1. The maximum total sign area within an ONF, ONL or Heritage Area must not exceed 0.5m ² ; 2. The maximum total sign area on scheduled historic resource must not exceed 0.25m ² .	Will comply. Sign will be within an ONL, so will not exceed 0.5m ² in area.

Rule	Requirement	Assessment of Proposal
	Rural Production Zone The maximum total of sign area on any site must not exceed 3m ² . Where a sign is double-sided, the maximum sign area is calculated as the area of one side of the sign.	Will comply. Sign will be within an ONL, so will not exceed 0.5m ² in area.
SIGN-S2 Maximum height of signage	All zones The maximum height of any sign, including support structure, must not exceed 4m in height, measured from ground level.	Will comply. Sign will be on the Jetty and will be less than 4m above ground level.
SIGN-S3 Maximum number	Rural Production Zone There shall be no more than two signs per site.	Will comply. There will be no more than two signs on the site.
SIGN-S4 Traffic safety		Not applicable. Sign will not be visible from a road.
SIGN-S5 Sign design and content	A sign must not: 1. Display explicit or lewd words or images; and 2. Be animated, use reflective materials or illuminated through intermittent or flashing light sources.	Will comply.
PART 3 – AREA SPECIFIC MATTERS		
RURAL ZONES		
RURAL PRODUCTION		
RPROZ-R1 New buildings or structures, or extensions or alterations to existing buildings or structures	Permitted where: PER-1 The new building or structure, or extension or alteration to an existing building or structure, will accommodate a permitted activity.	Complies. The proposed recreational activity is permitted.
	PER-2 The new building or structure, or extension or alteration to an existing building or structure complies with standards: RPROZ-S1 Maximum height; RPROZ-S2 Height in relation to boundary;	Does not comply. The proposal does not achieve the 30m setback required by RPROZ-S4 Setback from MHWS. Activity status where compliance not achieved with PER-2: Restricted Discretionary.

Rule	Requirement	Assessment of Proposal
	RPROZ-S3 Setback (excluding from MHWS or wetland, lake and river margins); RPROZ-S4 Setback from MHWS ; RPROZ-S5 Building or structure coverage}; RPROZ-S6 Buildings or structures used to house, milk or feed stock (excluding buildings or structures used for an intensive indoor primary production activity)); and RPROZ-S7 Sensitive activities setback from boundaries of a Mineral extraction overlay.	
RPROZ-R2 Impermeable surface coverage	Permitted where: PER-1 The impermeable surface coverage of any site is no more than 15%.	Complies
RPROZ-R9 Recreation activity	Permitted where: PER-1 The recreational activity is not being operated as a commercial activity.	Complies – no commercial activity proposed.
	PER-2 There is no motorsport activity.	Complies. No motorsport activity proposed.
STANDARDS		
RPROZ-S1 Maximum height	The maximum height of a building or structure, or extension or alteration to an existing building or structure is 12m above ground level, except that artificial crop protection and support structures shall not exceed a height of 6m above ground level.	Complies. Structure will be less than 12m high.
RPROZ-S2 Height in relation to boundary	The building or structure, or extension or alteration to an existing building or structure must be contained within a building envelope defined by the following recession planes measured inwards from the respective boundary:	Will comply. The structure will not come close to the HIRB recession planes.

Rule	Requirement	Assessment of Proposal
	1. 55 degrees at 2m above ground level at the northern boundary of the site; and 2. 45 degrees at 2m above ground level at the eastern and western boundaries of the site; and 3. 35 degrees at 2m above ground level at the southern boundary of the site.	
RPROZ-S3 Setback (excluding from MHWS or wetland, lake and river margins);	The new building or structure, or extension or alteration to an existing building or structure must be setback at least 10m from all site boundaries, except: ...	Complies. The proposed structure will be more than 10m from the site boundary.
RPROZ-S4 Setback from MHWS	The building or structure, or extension or alteration to an existing building or structure must be setback at least 30m from MHWS.	Does not comply. The proposed structure will be less than 30m from the MHWS.
RPROZ-S5 Building or structure coverage	The building or structure coverage of any site is no more than 12.5%.	Will comply.
RPROZ-S6 Buildings or structures used to house, milk or feed stock (excluding buildings or structures used for an intensive indoor primary production activity)}		Not applicable.
RPROZ-S7 Sensitive activities setback from boundaries of a Mineral extraction overlay.		Not applicable.

In summary, the proposed construction and use of the jetty and pathway is considered to be a noncomplying activity as a structure is proposed within an Outstanding Natural Landscape Overlay (unable to comply with NATC-R1 PER1). The jetty is larger than 300m² so is unable to comply with NATC-R1 PER3, so is considered to be discretionary.

The proposed earthworks and indigenous vegetation clearance does not comply with NATC-R3 due to the area of vegetation to be cleared, so the proposal is considered to be noncomplying under NATC-R3 PER2.

The proposed new building within an Outstanding Natural Landscape is noncomplying under NFL-R1 PER2 as the structure sits within the coastal environment and is larger than 25m².

The proposed earthworks and indigenous vegetation clearance outside the coastal environment is discretionary under NFL R3 PER2. The proposed earthworks and indigenous vegetation clearance inside the coastal environment is noncomplying under NFL R3 PER3.

The proposed new building in the coastal environment and inside an outstanding natural character area is a noncomplying activity under CE-R1 PER2 due to the size of the structure.

The proposed new building in the coastal hazard environment is a discretionary activity under CE-R1 PER3 as it cannot comply with zone setback from MHWS standards. The proposed new building in the rural production zone is restricted discretionary under RPROZ-R1 PER2 as it does not achieve the 30m setback from the MHWS.

The potentially proposed hard protection structure is a discretionary activity under CE-R16 RDIS1.

Signage is permitted.

Appendix 6:

MACA Consultation Documents

Kate Sanders (Kept)

From: Mail Delivery System <Mailer-Daemon@jessie.smtp.mailx.hosts.net.nz>
Sent: Monday, 22 January 2024 9:46 AM
To: kate@kept.co.nz
Subject: Mail delivery failed: returning message to sender
Attachments: details.txt; Untitled attachment 00227.txt

This message was created automatically by mail delivery software.

A message that you sent could not be delivered to one or more of its recipients. This is a permanent error. The following address(es) failed:

waimate-maca@ranfurlychambers.co.nz
host ASPMX.L.GOOGLE.COM [172.253.118.27]
SMTP error from remote mail server after RCPT TO:<waimate-maca@ranfurlychambers.co.nz>:
550-5.1.1 The email account that you tried to reach does not exist. Please try
550-5.1.1 double-checking the recipient's email address for typos or
550-5.1.1 unnecessary spaces. For more information, go to
550 5.1.1 <https://support.google.com/mail/?p=NoSuchUser> s4-
20020a625e0400000b006dbdbd9623dsi1256650pfb.82 - gsmt
rowena.nhft@xtra.co.nz
host mx.xtra.co.nz [210.55.143.33]
SMTP error from remote mail server after RCPT TO:<rowena.nhft@xtra.co.nz>:
550-5.1.1 User unknown
550 [65AD828E-84E5024D@mta2305]
waikare-maca@ranfurlychambers.co.nz
host ASPMX.L.GOOGLE.COM [172.253.118.26]
SMTP error from remote mail server after RCPT TO:<waikare-maca@ranfurlychambers.co.nz>:
550-5.1.1 The email account that you tried to reach does not exist. Please try
550-5.1.1 double-checking the recipient's email address for typos or
550-5.1.1 unnecessary spaces. For more information, go to
550 5.1.1 <https://support.google.com/mail/?p=NoSuchUser> g3-
20020a1709026b4300b001d55aa9ffecsi6941642plt.253 - gsmt
info@bekindbeauty.co.nz
Unrouteable address

Kate Sanders (Kept)

From: Mary-jane Pomana <mjpomana@gmail.com>
Sent: Monday, 22 January 2024 9:11 PM
To: Kate Sanders (Kept)
Subject: Re: Korero about looking at re-instating historic Cream Jetty in Waikare Inlet

Kia Ora Kate Sanders,

Thank you for your email ,

I do not support the idea of re-instating the Cream Jetty in the Waikare inlet purely for historical reasons. It served a purpose but now that purpose is no longer required. It now serves as a wetland for the area and should remain so. The landowner does not own the foreshore and seabed and to put a structure in as a gimmick to the history of farming is a blatant disregard to the, environment the wildlife and the Tangata Whenua cultural interest.

Nga Mihi

Mary-Jane Pomana

Sent from my iPhone

On 22-01-2024, at 9:48 AM, Kate Sanders (Kept) <kate@kept.co.nz> wrote:

Tēnā koutou,

I have been engaged by Robinia Investments Ltd who look after some large parcels of land at the head of the Waikare Inlet, and north over the saddle to Clendon Cove and Manawaora.

The landowner is looking at re-instating the historic Cream Jetty in a northern arm of the Waikare Inlet as shown on the image below (see red line). The Jetty was used to deliver cream from the farm to surrounding communities, but has been un-used for some time, and is now almost completely gone. There are a few wooden posts visible under the mangroves at low tide, but the jetty structure has rotted away.

<image001.png>

Before we begin investigating consents etc. we were keen to discuss the proposal with you to see if this is something that Tangata whenua would support.

We also note that in accordance with section 62(3) of the Marine and Coastal Area (Takutai Moana) Act 2011, we will need to notify you of our intention to lodge an application with the Northland Regional Council for a resource consent for the placement of a structure (jetty) within the coastal marine environment of Waikare Inlet. I seek your view on the application if you have any by 20 February 2024.

For further details regarding the nature of the application or if you have any questions or views in respect of the application, please contact me on 021 136 0812 to discuss or by directly responding to this email.

I look forward to hearing from you prior to mid February, but understand that the summer is a busy time of year! I expect to lodge the application with Northland Regional Council late in February.

Nga mihi nui,
Kate Sanders
For the Planning Collective

<image002.png>

Kate Sanders
Planner and Director
Kept Consulting Limited
021 136 0812
kate@kept.co.nz
www.kept.co.nz

Hours: 9am-2.30pm Tues- Fri

Kate Sanders (Kept)

From: Te Wakaminenga Pou E Rua ki Waitangi Komiti Maori <ttowkm@gmail.com>
Sent: Tuesday, 23 January 2024 3:14 PM
To: Kate Sanders (Kept)
Subject: Re: Korero about looking at re-instating historic Cream Jetty in Waikare Inlet
Attachments: image002.png

Tena koe Kate

Firstly what a nice approach you have to the way takutaimoana matters are communicated to whanau hapu. We usually just get an email from NRC saying this is how it is. So thanks for that and I truly hope tangata whenua Te Kapotai will korero with you.

Nga mihi

Merehora Taurua

CIV 2017-404-535

On Mon, 22 Jan 2024, 09:48 Kate Sanders (Kept), <kate@kept.co.nz> wrote:

Tēnā koutou,

I have been engaged by Robinia Investments Ltd who look after some large parcels of land at the head of the Waikare Inlet, and north over the saddle to Clendon Cove and Manawaora.

The landowner is looking at re-instating the historic Cream Jetty in a northern arm of the Waikare Inlet as shown on the image below (see red line). The Jetty was used to deliver cream from the farm to surrounding communities, but has been un-used for some time, and is now almost completely gone. There are a few wooden posts visible under the mangroves at low tide, but the jetty structure has rotted away.



Before we begin investigating consents etc. we were keen to discuss the proposal with you to see if this is something that Tangata whenua would support.

We also note that in accordance with section 62(3) of the Marine and Coastal Area (Takutai Moana) Act 2011, we will need to notify you of our intention to lodge an application with the Northland Regional Council for a resource consent for the placement of a structure (jetty) within the coastal marine environment of Waikare Inlet. I seek your view on the application if you have any by 20 February 2024.

For further details regarding the nature of the application or if you have any questions or views in respect of the application, please contact me on 021 136 0812 to discuss or by directly responding to this email.

I look forward to hearing from you prior to mid February, but understand that the summer is a busy time of year! I expect to lodge the application with Northland Regional Council late in February.

Nga mihi nui,

Kate Sanders

For the Planning Collective



Kate Sanders

Planner and Director

Kept Consulting Limited

021 136 0812

kate@kept.co.nz

www.kept.co.nz

Hours: 9am-2.30pm Tues- Fri

Kate Sanders (Kept)

From: Kara George <karataumarere@gmail.com>
Sent: Tuesday, 27 February 2024 1:09 PM
To: Kate Sanders (Kept)
Subject: Re: Korero about looking at re-instating historic Cream Jetty in Waikare Inlet

Thank you
Kara
Sent from my iPhone

On 27/02/2024, at 11:15 AM, Kate Sanders (Kept) <kate@kept.co.nz> wrote:

Kia Ora Kara,
Thank you for this. Let's go with 10am on Monday the 11th March.

In the meantime, please let me know if you have any questions.

Nga mihi,
Kate

Kate Sanders
Planner and Director
[Kept Consulting Limited](#)
021 136 0812

From: Kara George <karataumarere@gmail.com>
Sent: Tuesday, February 27, 2024 11:02 AM
To: Kate Sanders (Kept) <kate@kept.co.nz>
Subject: Re: Korero about looking at re-instating historic Cream Jetty in Waikare Inlet

Kia ora Kate,
Monday the 11 March suits me as the other date is taken up with a longstanding commitment
Nga mihi Kara George
Sent from my iPhone

On 27/02/2024, at 9:30 AM, Kate Sanders (Kept) <kate@kept.co.nz> wrote:

Kia Ora Kara,
I have spoken with the property managers, and we are available to meet you on site and discuss the proposal on (preferably) Tuesday 5th March at 10am, or on Monday 11th March – around 10am or potentially a little later in the day.

Can you please confirm whether either of these days suit you to meet at the corner of Waikare Road and the Russell Whakapara Road?

Nga mihi,
Kate

Kate Sanders
Planner and Director
Kept Consulting Limited
021 136 0812

From: Kara George <karataumarere@gmail.com>
Sent: Wednesday, February 21, 2024 10:56 AM
To: Kate Sanders (Kept) <kate@kept.co.nz>
Subject: Re: Korero about looking at re-instating historic Cream Jetty in Waikare Inlet

Kia ora Kate,
The good weather has been fabulous, however the water tanks need some attention.

I would prefer meeting with someone to walk the spaces - the plans look okay - the environment and use considerations need discussing , as the whole of the Waikare Inlet sits within a gazetted Taiapure under a Waikare Inlet Taiapure Committee

Nga mihi Kara George
Te Kapotai kaumatua

Sent from my iPhone

On 21/02/2024, at 10:03 AM, Kate Sanders (Kept) <kate@kept.co.nz> wrote:

Tena koe Kara,
I hope you are enjoying the summer? I was wondering if you have had a chance to review the plans I sent you on 2nd Feb for the Jetty we are considering in the Waikare inlet? I have attached the plans again for your review.

Do you have any comments, or would you like to discuss the proposal in more detail, either face to face, or on the phone?

I work school hours, and am based in Auckland, so happy to chat by phone anytime. However, if you would like, we can arrange to come up and meet with you to discuss the Jetty in more detail.

Kia ora rawa atu,
Kate

Kate Sanders
Planner and Director
Kept Consulting Limited
021 136 0812
kate@kept.co.nz

www.kept.co.nz

Hours: 9am-2.30pm Tues- Fri

From: Kara George <karataumarere@gmail.com>
Sent: Friday, February 2, 2024 4:37 PM
To: Kate Sanders (Kept) <kate@kept.co.nz>
Cc: Vanessa Reti <vmreti@gmail.com>
Subject: Re: Korero about looking at re-instating historic Cream Jetty in Waikare Inlet

Kia ora Kate,
I would appreciate seeing a copy of the plans first , as I am not aware of where the cream jetty was located
Nga mihi Kara
Sent from my iPhone

On 2/02/2024, at 11:47 AM, Kate Sanders (Kept) <kate@kept.co.nz> wrote:

Kia Ora Vanessa,
Thank you for getting back to me on behalf of the Waikare Māori Committee.

Kara, Tena koe – I look forward to working with you. We have prepared engineering design for the jetty at this stage, and basic plans for the location. I have not yet prepared the resource consent application as I wanted to korero with you about this first.

I'm still on a summer timetable as my kids are not back at school until the 7th Feb, but please give me a call when it suits you, or let me know if you would like to see a copy of the plans first?

I look forward to hearing from you.

Nga mihi,
Kate

Kate Sanders
Planner and Director
[Kept Consulting Limited](http://www.kept.co.nz)
021 136 0812

From: Vanessa Reti <vmreti@gmail.com>
Sent: Wednesday, January 31, 2024 8:59 PM
To: kate@kept.co.nz
Subject: Korero about looking at re-instating historic Cream Jetty in Waikare Inlet

Kia ora Kate,

I am the secretary of the Waikare Māori Committee and was forwarded your email regarding the reinstatement of a cream jetty along part of the Waikare Inlet. After our marae hui tonight the committee supports that Kara George be the liason for this kaupapa.

Can you please contact Kara George via email at - karataumarere@gmail.com

Ngā Mihi

Vanessa Reti (Waikare Māori Committee Secretary)

<20848-01-Drawing(s)-Design Drawings-252405 (ID 252405).pdf>

CREAM JETTY

TO WHOM IT MAY CONCERN.

In regard to, the application for Resource Consent by the Planning Collective to erect a track and boardwalk at the site of the historic Cream jetty in the Waikare Inlet stream called Manawaora, the Waikare Maori Committee is happy for the proposal to proceed providing:

- That all rubbish and debris from initial construction is removed.
- That the design as presented to us is built to that plan.
- That any damage incurred as a result of a weather event, or any other activity is the responsibility of the consent holder.
- That should the property change hands, that we are notified who the new consent holder will be.

Kara George – Kaumatua

Chris Hepi – Chairperson
Waikare Maori Committee

Appendix 7:

Taiapure Plans

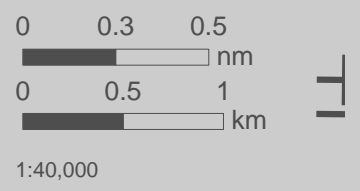


Waikare Inlet Tai pure-Local Fishery (coordinates amended to align with area description set in Fisheries (Waikare Inlet Tai pure) Order 1997)

Date: 17/06/2024
Produced by: Spatial Intelligence
Reference: r240106
Coordinate System: NZGD 2000 New Zealand Transverse Mercator

- Boundary Points
- ▭ Waikare Inlet Tai pure

Point	Latitude	Longitude
A	35° 18.495' S	174° 7.303' E
B	35° 18.831' S	174° 7.847' E
C	35° 19.047' S	174° 7.643' E



1:40,000

Data Attribution:
This map uses data sourced from LINZ.

Disclaimer: This map and all information accompanying it (the "Map") is intended to be used as a guide only, in conjunction with other data sources and methods, and should only be used for the purpose for which it was developed. The information shown in this Map is based on a summary of data obtained from various sources. While all reasonable measures have been taken to ensure the accuracy of the Map, MPI: (a) gives no warranty or representation in relation to the accuracy, completeness, reliability or fitness for purpose of the Map; and (b) accepts no liability whatsoever in relation to any loss, damage or other costs relating to any person's use of the Map, including but not limited to any compilations, derivative works or modifications of the Map. Crown copyright ©. This map is subject to Crown copyright administered by Ministry for Primary Industries (MPI).

End of Report

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