



**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: Site Manager – Lesley McCormick

Property Address/  
Location: 44 Gillies Road, Karikari Peninsula

**7. Application Site Details:**

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

Site Address/  
Location: \_\_\_\_\_

44 Gillies Road, Karikari Peninsula

Legal Description: Lot 1 DP 149495 Val Number: \_\_\_\_\_

Certificate of Title: NA89A/286

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.**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**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.

Undertake earthworks within a Coastal Hazard Area 1 on a site at 44 Gillies Road, Karikari Peninsula.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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) \_\_\_\_\_

Email: \_\_\_\_\_

Postal Address: \_\_\_\_\_

\_\_\_\_\_ Post Code: \_\_\_\_\_

Phone Numbers: Work: \_\_\_\_\_ Home: \_\_\_\_\_ Fax: \_\_\_\_\_

**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 20<sup>th</sup> 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: \_\_\_\_\_ (please print)

Signature: \_\_\_\_\_ (signature of bill payer – **mandatory**)

Date: \_\_\_\_\_

## 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

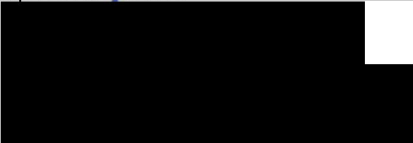
Under the fast-track resource consent process, notice of the decision must be given within 10 working days after the date the application was first lodged with the authority, unless the applicant opts out of that process at the time of lodgement. A fast-track application may cease to be a fast-track 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](http://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: Joseph Henehan (please print)

Signature:  (signature)

Date: 23/07/2024

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

### Checklist (please tick if information is provided)

- Payment (cheques payable to Far North District Council)
- A current Certificate of Title (Search Copy not more than 6 months old)
- 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**

Land Use Consent Application

**KINGHEIM LIMITED**

44 Gillies Road, Karikari Peninsula

A topographic map with contour lines and a grid, rendered in light gray on a dark background, occupies the bottom half of the page.

**reyburn  
& bryant**

PLANNERS • SURVEYORS

Land Use Consent Application

# KINGHEIM LIMITED

44 Gillies Road, Karikari Peninsula

Report prepared for: Kingheim Limited  
Author: Joseph Henehan, *Associate*  
Reviewed by: Brett Hood, *Planner/Director*  
Consent Authority: Far North District Council  
Report reference: 17078  
Report Status: Final  
Date: July 2024

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Reyburn and Bryant  
P.O. Box 191  
Whangarei 0140  
Telephone: (09) 438 3563

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## FORM 9

### APPLICATION FOR RESOURCE CONSENT UNDER SECTION 88 OF THE RESOURCE MANAGEMENT ACT 1991

To: **Far North District Council**

1. **Kingheim Limited** applies for the resource consents described below:
  - 12.3.6.2.1 Excavation and/or Filling, Excluding Mining and Quarrying, in the Rural Living, Coastal Living, South Kerikeri Inlet, General Coastal, Recreational Activities, Conservation, Waimate North and Point Veronica Zones – **restricted discretionary activity**
  - 12.4.6.3.1 'Coastal Hazard 1 Areas' – **discretionary activity**
2. The activity to which the application relates (the proposed activity) is to undertake earthworks and to construct a hard protection structure outside of the coastal marine area.
3. The applicants are the owners of the site.
4. The location of the proposed activities is as follows:
  - 44 Gillies Road, Karikari Peninsula (Lot 1 DP 149495)Works are also proposed within the adjacent road corridor.
5. We attach an assessment of effects on the environment that:
  - a. includes the information required by clause 6 of Schedule 4 of the Resource Management Act 1991; and
  - b. addresses the matters specified in clause 7 of Schedule 4 of the Resource Management Act 1991; and
  - c. includes such detail as corresponds with the scale and significance of the effects that the activity may have on the environment.
6. We attach an assessment of the proposed activity against the matters set out in Part 2 of the Resource Management Act 1991.
7. We attach an assessment of the proposed activity against any relevant provisions of a document referred to in section 104(1)(b) of the Resource Management Act 1991, including information required by clause 2(2) of Schedule 4 of that Act.

---

Included is a check list of relevant Schedule 4 matters.

8. No other information is required to be included in the district or regional plan(s) or regulations.



Joseph Henehan, *Associate*

23 July 2024

Date

Address for service:

Reyburn and Bryant 1999 Ltd  
PO Box 191, Whangarei

Telephone:



Email:

Contact person:

Joseph Henehan



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2. Planning maps
3. Site plan [Hawthorn Geddes Engineers and Architects Ltd]
4. Engineering design summary report [Hawthorn Geddes Engineers and Architects Ltd]
5. NTA correspondence

## ABBREVIATIONS

AEE	Assessment of Environmental Effects
CCC	Code Compliance Certificate
FNDC	Far North District Council
FNDCP	Far North District Plan
GFA	Gross Floor Area
NES	National Environmental Standard – Soil Contamination
NRC	Northland Regional Council
NTA	Northland Transport Alliance

---

NZCPS New Zealand Coastal Policy Statement  
RMA Resource Management Act 1991  
RPS Regional Policy Statement  
RT Record of Title

# 1. INTRODUCTION

## 1.1 Report basis

This report has been prepared for Kingheim Limited in support of a resource consent application to undertake earthworks within a Coastal Hazard Area 1 on a site at 44 Gillies Road, Karikari Peninsula. The purpose of the works are to reconstruct an existing FNDC owned boat ramp/beach access and to remediate existing/historic stormwater drainage issues.

The application has been prepared in accordance with Section 88 and the Fourth Schedule of the Resource Management Act, 1991 (RMA). Section 88 of the RMA requires that resource consent applications be accompanied by an Assessment of Environmental Effects (AEE) in accordance with the Fourth Schedule.

The report also includes an analysis of the relevant provisions of the district, regional and national planning documents that are pertinent to the assessment and decision required under s104 of the RMA.

## 1.2 Proposal summary

This application proposes to undertake earthworks within a Coastal Hazard Area 1 generally as shown on the Hawthorn Geddes Engineers and Architects Ltd (HG) plans attached in **Appendix 3**, and in [Figure 1](#) below:

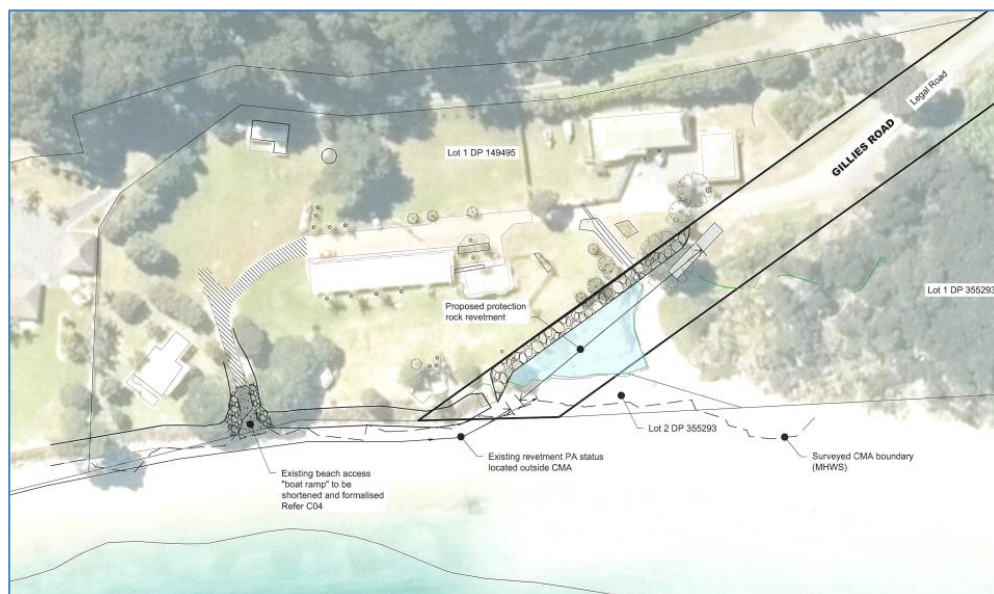


Figure 1: Proposed works plans (Source HG site plan)

These works will straighten and level the existing beach access within the adjacent road reserve, while also mitigating the existing adverse effects associated with the above mentioned surface water flows.

It is proposed to extend the existing revetment to adjoin the existing rock wall on the seaward boundary of the subject property and to shorten and reformulate an existing (private) boat ramp and to assess and fix existing stormwater drainage alongside this boat ramp.

The proposal is described in greater detail in section 3 of this report.

The subject site is zoned 'General Coastal' in the Operative Far North District Plan (FNDP). The site is also identified as being subject to both a Flood Susceptible Area and Coastal Hazard Area 1 and 2 overlays. Under the Proposed District Plan (PFNDP), the site is located in the Rural Production Zone and is also in the Coastal Environment.

Consent is required as a **discretionary activity** overall.

### 1.3 Site history/background

The site contains an existing motel complex known as the "Reef Lodge Motel". This motel was first established in 1982-1984 as a motel and campground under the following Town and Country Planning Act consents:

- 05-Jul-1982 82/314-TCPSUB – Erection of 10 motel units.
- 28-Mar-1984 84/444-TCPMSP – Establishment of a caravan park.

The motel was established with only five units built. The campground component also never progressed.

Various consents were then approved by FNDC in 1995, 2003 and 2010 to establish three additional buildings on the site:

- 12-Jul-1995 1950559-RMALUC – To erect a residential dwelling.
- 12-Feb-2003 2020934-RMALUC – To construct a non-relocatable garage.
- 08-Oct-2010 2110099-RMALUC – To construct a shed and make additions to an existing residential unit.

A further consent was then approved in 2020 to add 14 self-contained motor home campsites to the site. This was approved and then later varied on two occasions under the following consents:

- 09-Mar-2020 2200237-RMALUC – To add 14 self-contained motor home camp sites within an existing motel site that breaches the Scale of Activities & Traffic Intensity rules.
- 19-Jun-2020 2200237-RMALUC – Amendment to RC 2200237.
- 03-Dec-2020 2200237-RMAVAR/A – Amendment to RC 2200237.

The approved site layout is demonstrated on the existing approved site plan is contained in Figure 2 below:



Figure 2: Existing site layout (Source: 2200237-RMALUC decision)

Lastly, in 2022, a consent was approved to demolish the reef lodge motel and to redevelop the site with one principle residential unit and one cottage, as shown in Figure 3 below:



Figure 3: Proposed 2230258-RMALUC site layout

This application was processed under reference 2230258-RMALUC and approved in March 2023.

## 1.4 Property details

<b>Applicant</b>	Kingheim Limited
<b>Landowner</b>	Kingheim Limited
<b>Site Address</b>	44 Gillies Road, Karikari Peninsula
<b>Legal Description</b>	Lot 1 DP 149495
<b>Record of title</b>	NA89A/286
<b>District Plan Zoning</b>	General Coastal
<b>Operative District Plan</b>	Partially Flood Susceptible Area
<b>Resource Areas</b>	Coastal Hazard Area 1 and 2

*Table 1: Property Details.*

## 1.5 Relevant title memorials

The site is held in a single record of title, referenced NA89A/286. This title is subject to a building line restriction (C322643.6), a right of way/water supply right (C322643.6) and an electricity right in gross (C862735.1). Copies of the title and the easement document are attached in **Appendix 1**. It is noted that the building line restriction was approved under the resource consent decision 2230258-RMALUC to be cancelled pursuant to section 327A of the Local Government Act, 1974.

## 1.6 Other approvals required

As well as this approval sought from FNDC, consent is also required from the Northland Regional Council (NRC) to undertake earthworks and to construct a 'hard protection structure'. This consent has been applied for and is currently being processed by NRC.

No further approvals are required to give effect to the proposal.

## 1.7 Processing requests

Prior to the issue of any decision for this consent, please arrange to forward the draft conditions for review.

## 1.8 Statutory context

Section 104B of the RMA states that:

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

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

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

Section 104(1) of the RMA sets out the matters that a consent authority must, subject to Part 2, have regard to when considering application for resource consent.

104 Consideration of applications

*(1) When considering an application for a resource consent and any submissions received, the consent authority must, subject to Part 2, have regard to—*

- (a) any actual and potential effects on the environment of allowing the activity; and*
- (b) any relevant provisions of—*

- (i) a national environmental standard:*
- (ii) other regulations:*
- (iii) a national policy statement:*
- (iv) a New Zealand coastal policy statement:*
- (v) a regional policy statement or proposed regional policy statement:*
- (vi) a plan or proposed plan; and*

- (c) any other matter the consent authority considers relevant and reasonably necessary to determine the application.*

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

This report focuses on the relevant matters in s 104D and s 104(1), and specifically:

- The actual and potential environmental effects (s104(1)(a)).
- The relevant provisions of the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health Regulations (s104(1)(b)(i)).
- The relevant provisions of the Far North District Plan (s104(1)(b)(vi)).
- The relevant provisions of the Regional Policy Statement for Northland (s104(1)(b)(v)).
- The relevant provisions of the National Coastal Policy Statement (s104(1)(b)(iii)).



## 2. THE SITE AND SURROUNDING ENVIRONMENT

### 2.1 Site description

#### Address and location

The site is located at Rangiputa Beach and is accessed via Gillies Road. The site is identified in [Figure 4](#) below:



*Figure 4: Aerial photograph (Source: FNDC GIS)*

#### Access

Gillies Road is a local metalled road that leads to Rangiputa Beach and provides access to the motel and two other houses. The existing formation is shown in [Figure 5](#) below:



*Figure 5: Gillies Road*

Beach access used frequently by the public from the end of Gillies Road does not follow the alignment of the legal road corridor but deviates to the south as it approaches the beach. At this point it crosses land controlled by FNDC as a local purposes reserve, and the corner of a larger land parcel to the south, controlled by Landcorp (future treaty settlement land). See [Figure 6](#) below:



*Figure 6: Aerial photo showing existing boat ramp alignment (Source: HG report)*

In recent years, with modifications/development undertaken in the upstream catchment (full extent of changes unknown), significant rainfall events have led to substantial fluvial flows running down the table drains of Gillies Road discharging to a natural hind-dune impoundment area to the south and west of Gillies Road. Historically, the hydrologic behaviour has been for natural low rate soakage to occur from this basin, with no formal outlet provided. However, more recently significant flow events have caused this natural basin to overtop, resulting in significant flows through the alignment of the public beach access. An example of this is shown in [Figure 7](#) below:



*Figure 7: Stormwater flow over beach access (Source: HG report)*

These flows, when they occur, result in significant scour to the beach access and put the subject property at risk of erosion on the southern boundary. The movement of material also obstructs the stormwater outlets from the southern end of the property resulting in inadequate surface and building drainage.

Figure 8 below indicates the magnitude of the flow path along the beach vehicle access. The scour resulted in an inoperable beach access for a period of time (Figure 9):



*Figure 8: Stormwater flows causing scouring of beach access (Source: HG report)*



*Figure 9: Vehicle incident on scoured beach access (Source: HG report)*

It is noted that the current site managers have an established working relationship in dune restoration with NRC. This work is ongoing.

### Buildings

The site contains an existing motel complex is known as the “Reef Lodge Motel”. This was first established in 1982 as a motel and campground and is legally established through various resource consents and building permits (as summarised in section 1.3 of this report).

The site currently contains several buildings, including eight units, a manager’s house, laundry facilities, a spa area, barbeque facilities, a garage and stables.

### Existing revetment wall

The property presently has the seaward frontage (western boundary facing Rangaunu Harbour) constructed with a rock revetment seawall which extends from the northern boundary to the southern extent where it intersects the legal road boundary. The wall has a penetration in it to facilitate a private beach vehicle access from the property and has a pedestrian private access stairs over the face of the wall toward the southern limit of the rock revetment. The pedestrian access stairs are proposed to be removed as part of the proposed works. Images of the existing wall are contained in [Figures 10 and 11](#) below:



*Figure 10: Existing rock revetment wall (Source: HG report)*



*Figure 11: Existing rock revetment wall*

#### Topography

The site itself is flat and does not contain any discernible topographical features. It is noted that the site is positioned at the foot of a large steep embankment which is located to the east of the site.

#### Vegetation

The site contains existing landscaped gardens that consist of mature trees and hedging along the eastern and northern boundaries. Much of this planting was established in accordance with conditions of consent issued under 2200237-RMALUC. Further landscaping is proposed to be established in

accordance with the conditions of 2230258-RMALUC, as per the approved JD Landscape Architecture Landscape Plan, see [Figure 12](#) below:

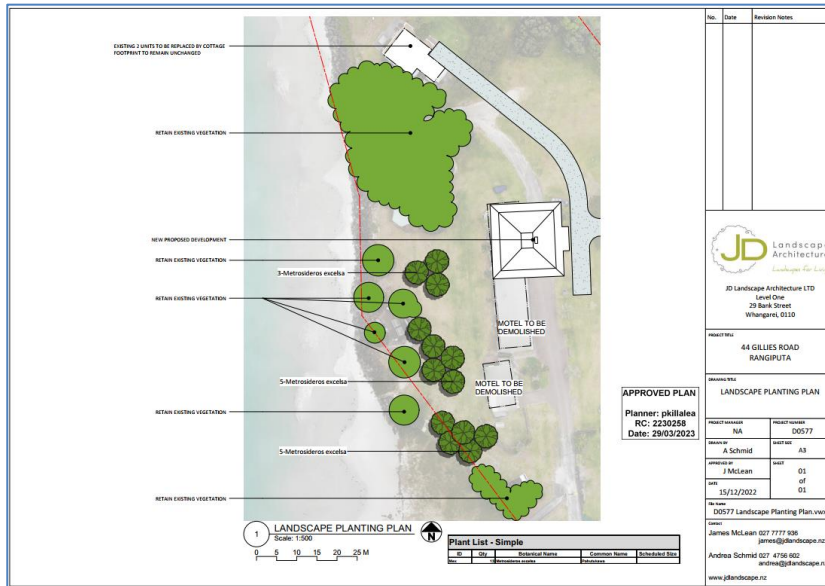


Figure 12: 2230258-RMALUC approved landscape plan

### Archaeology

As demonstrated in [Figure 13](#) below, there are no known archaeological sites mapped on the property:

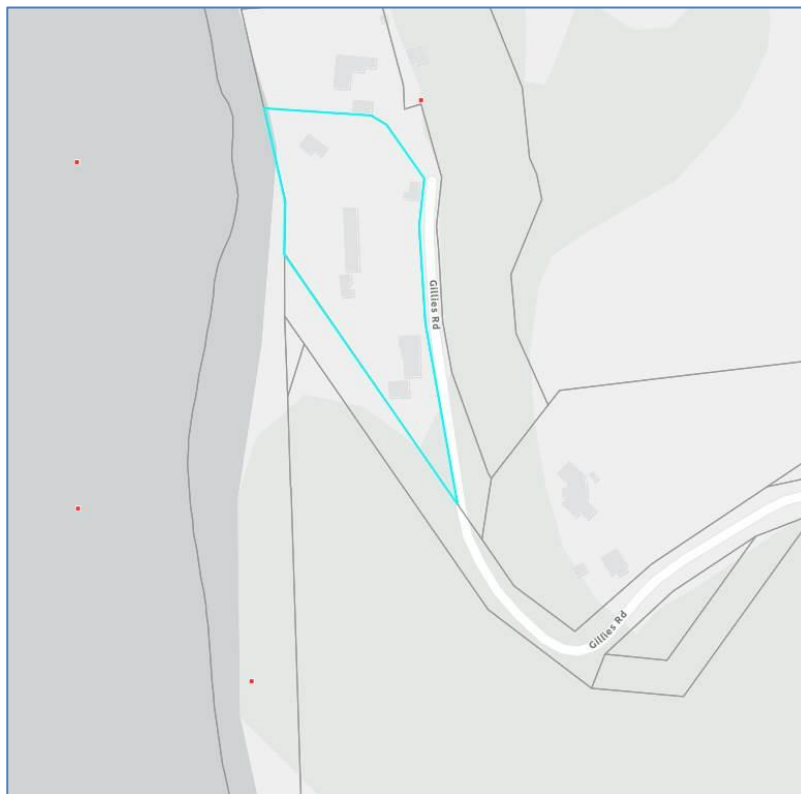


Figure 13: FNDC archaeological records

### Relevant planning notations

The subject site is zoned General Coastal in the FNDP. The site is also identified as being subject to both Flood Susceptible Area and Coastal Hazard Area 1 and 2 overlays. Copies of the relevant FNDP planning maps are attached in **Appendix 2**. Under the PFNDP, the site is located in the Rural Production Zone and is also in the Coastal Environment.

The site is also identified under the Northland Regional Council (NRC) hazard maps as being partially subject to coastal flooding and erosion hazards.

## **2.2 Surrounding environment**

Reef Lodge Motel is located at Rangiputa Beach, Karikari Peninsula. The site is located close to other amenities such as various beaches, Carrington Golf Course, Karikari Estate Winery etc. Two residential properties are located immediately to the north of the site. Similar to the subject site, these adjoining properties also have existing rock revetment walls and private boat ramps in place.

## 3. THE PROPOSAL

### 3.1 General

As addressed earlier in this report, the property has an existing rock revetment seawall along its western boundary, facing the Rangaunu Harbour. The property is subject to fluvial erosion risk from surface water flows on the alignment of the Gillies Road legal road corridor where a public vehicular beach access is formed.

In order to remedy this issue, this application proposes to undertake earthworks within a Coastal Hazard Area 1 generally as shown on the HG plans attached in **Appendix 3**, and in [Figure 1](#) of this report.

The works will straighten and level the existing beach access within the adjacent road reserve, while also mitigating the existing adverse effects associated with the existing surface water flows as described in section 2.1 of this report.

As part of these works, it is proposed to extend the existing revetment to adjoin the existing rock wall on the seaward boundary of the subject property. It is also proposed to shorten and reformalise an existing private boat ramp and to assess and fix stormwater drainage alongside this boat ramp. This aspect of the proposal is described in further detail in section 3.4 of this report.

### 3.2 Earthworks

The proposal will require the temporary excavation and reinstatement of a strip of the existing sand accumulation along the legal road boundary as indicated on [Figure 15](#) below (approximate buried rock revetment alignment indicated):



Figure 14: Image showing earthworks area



The volume of temporary excavation and replacement is estimated to be 500m<sup>3</sup> (noting the excavation is within the legal road corridor).

The Pohutukawa within the legal road reserve is to remain and be protected during the works, with any excavation to be restricted to outside the drip line.

### 3.3 Erosion and sediment control

The proposed earthworks will be managed in accordance with the Erosion and Sediment Control Guidelines for Land Disturbing Activities in the Auckland Region 2016 (Auckland Council Guideline Document GD2016/005). The control works will be focussed on preventing sediment runoff to the adjoining Rangaunu Harbour.

### 3.4 Existing ramp modification

It is also proposed to modify the private beach access “ramp” from the subject property through the existing revetment ([Figure 16](#) below) to provide continuity of coastal protection at this point while maintaining the private vehicle access to the beach.



*Figure 15: Existing private boat ramp*

The proposed reinforced concrete boat ramp is to extend a minimum of 0.6m vertically below the beach elevation (blue lines), with the interface at beach level broadly in line with the toe of the adjacent rockwork (orange line). See [Figures 17 and 18](#) below:



Figure 16: Existing boat ramp toe works (Source: HG report)



Figure 17: Existing stormwater outlet point (Source: HG report)

Existing stormwater outlet(s) contained within the rock revetment adjacent to the boat ramp location are to be inspected for condition and reinstated as appropriate. It is not proposed to provide formalised outfall structures since the discharge flows (subsoil drainage and localised runoff from building roofs) are small, with the pipe outfall intentionally buried within the rockwork. The approximate location of the stormwater outfall is shown on the HG drawings attached in **Appendix 3**.

### 3.5 Proposed revetment wall extension

It is proposed to extend the revetment to adjoin the existing rock wall on the seaward boundary of the subject property. This will require the temporary excavation and reinstatement of a strip of the existing sand accumulation along the legal round boundary as indicated on Figure 15 of this report.

The new rock revetment is not intended to function as a seawall in the first instance, but to protect the property from fluvial erosive scour. However, with consideration of future sea level rise, there is potential for this revetment to

act as a coastal protection structure in the future. To that end, the rock sizing and form of the revetment has been designed by HG as if it was a coastal structure exposed to direct wave action arising from Rangaunu harbour (see the HG report attached in **Appendix 4**).

### **3.6 Roding**

Northland Transportation Alliance (NTA) as the road controlling authority have been approached in relation to the beach access from Gillies Road, with copies of preliminary scheme provided to them for consideration. NTA have confirmed that they have no concerns with the provision of rock revetment along the southern property boundary within the legal road, provided the necessary consents for the works have been obtained (see email correspondence with Andrew Jones of NTA attached in **Appendix 6**). A license to occupy will likely be required from NTA for the revetment structure.

## 4. DISTRICT PLAN ASSESSMENT

### 4.1 Relevant zoning

The subject site is zoned General Coastal in the FNDP. The site is also identified as being subject to both flooding and Coastal Hazard Area 1 and 2 overlays. Copies of the relevant FNDP planning maps are attached in **Appendix 2**.

### 4.2 District Plan rule assessment

The proposal requires resource consent under the following rules:

- 12.3.6.2.1 Excavation and/or Filling, Excluding Mining and Quarrying, in the Rural Living, Coastal Living, South Kerikeri Inlet, General Coastal, Recreational Activities, Conservation, Waimate North and Point Veronica Zones – **restricted discretionary activity** – The proposed earthworks exceed 300m<sup>3</sup> but less than 2,000m<sup>3</sup>.
- 12.4.6.3.1 'Coastal Hazard 1 Areas' – **discretionary activity** – Excavation and filling and coastal protection works are proposed within a Coastal Hazard Area 1.

Overall, the proposal is a **discretionary activity** with respect to the FNDP.

The various assessment criteria provided under the District Plan form the basis for the effects assessment provided in Section 5 of this report.

### 4.3 Proposed Far North District Plan

#### Zoning

The site is located in the Rural Production Zone and is also in the Coastal Environment in the PFNDP.

#### Rule assessment and activity status

The rules in the Rural Production Zone and Coastal Environment chapters of the PFNDP do not yet have legal effect.

Nevertheless, an assessment has been undertaken against the rules of the zones the site is located in. If the rules had legal effect, a restricted discretionary activity resource consent would be required under EW-S6 'Setback', where earthworks are required within 10m from coastal marine area.

It is noted that the proposed works are permitted under Rules CE-R2 'Repair or maintenance' and CE-R3 'Earthworks or indigenous vegetation clearance'

in the Coastal Environment Chapter where earthworks are required for the repair or maintenance of a road (beach access).

In order to ensure compliance with EW-R13 'Earthworks and Erosion and Sediment Control' any run off will be controlled in accordance with the Erosion and Sediment Control Guidelines for Land Disturbing Activities in the Auckland Region 2016 (Auckland Council Guideline Document GD2016/005); and

#### **4.4 NES – soil contamination**

All applications that involve subdivision, an activity that changes the use of a 'piece of land', or includes disturbances to soil are subject to the provisions of the NES-SC.

In this case, the proposed earthworks are to be undertaken on a site that currently contains a motel lodge and within an adjacent road reserve. It is clear in this instance that no current or previous activities listed on the HAIL occur (or have occurred) on this piece of land, noting that recent resource consent decisions have been issued by FNDC confirming no HAIL activities were identified. The NES therefore has no relevance to this application.

## 5. ASSESSMENT OF ENVIRONMENTAL EFFECTS

### 5.1 Existing environment

Section 104(1)(a) requires a consideration of any actual and potential effects on the existing environment of allowing an activity.

The environment in this case includes:

- The existing rock revetment wall along the coastal boundary of the site, which as confirmed in section 3.4 of this report, was constructed as a permitted activity under the former Regional Coastal Plan, and prior to the NZCPS (2010) and subsequent Northland Regional Plan.
- The existing motel and caravan park activity which have been consented on the site (as discussed in section 1.3 of this report). This includes:
  - The existing buildings and structures on the site, which includes eight units, a manager's house, laundry facilities, a spa area, barbeque facilities, a garage and stables.
  - An existing occupancy of between 56-84 people, plus two staff (as described in section 3.3 of this report).
  - The existing traffic movements to and from the site, being 62.
  - The existing accessway and services within the site.
  - The existing rock armouring/protection structure(s) along the site's coastal margin.
- The proposed site redevelopment recently consented under 2230258-RMALUC. This includes one principle residential unit and one cottage, as shown in [Figure 3](#) of this report.

This existing environment forms the basis for the following assessment of environmental effects.

### 5.2 Amenity effects

The RMA defines amenity values as:

*The characteristics that influence and enhance people's appreciation of a particular area. These values are derived from the pleasantness, aesthetic coherence and cultural and recreational attributes of an area.*

There is an element of subjectivity in determining effects on amenity values, with the level of effect varying according to the differing sensitivities and perceptions of individuals.

As noted earlier in this report, the works will straighten and level the existing beach access within the adjacent road reserve, while also mitigating the existing adverse effects associated with the existing surface water flows as described in section 2.1 of this report. As part of these works, it is proposed to extend the existing revetment to adjoin the existing rock wall on the seaward boundary of the subject property.

In terms of amenity effects, the proposal will result in an improvement of the visual aspects of the coastal frontage of the site. The existing beach access and coastal bank is currently in a state of disrepair, with ongoing stormwater drainage issues causing scouring effects (see [Figures 8 and 9](#) of this report). The installation of a rock revetment in this location will improve the existing situation, where scoured coastal banks will be replaced with a rock wall, resulting in continuity with adjoining properties. In addition to this, stormwater flows will be controlled and directed via purpose constructed channels.

The proposed works will result in private and FNDC owned land being excavated/modified to accommodate defence structures. While land within the subject titles will temporarily be excavated, any visual effects will be temporary only, and will be mitigated through revegetation measures implemented immediately following completion of the works.

Overall, the effects of the proposal on amenity values will be less than minor.

### **5.3 Coastal/natural character effects**

The District Plan seek to preserve the natural character of the General Coastal Zone while also providing for appropriate use and development of sites within this zone (noting that many residents use the General Coastal Zone for their livelihoods).

Considering the above, it is noted that the natural character of the subject site and adjacent road reserve is limited due to the presence of an existing motel/lodge facility and associated buildings (approved by FNDC under the various consents listed in section 1.2 of this report) and the existing boat ramps and rock revetment walls. In this case, once completed, the proposed revetment wall will simply result in the existing wall being extended to

mitigate the adverse impacts that uncontrolled stormwater flows have had on the existing boat ramp. The extension of the existing wall will not result in a significant change to the existing natural character of the environment – it could even be argued that the proposal will result in positive effects on natural character, where adverse effects from stormwater disposal (i.e. scouring) will be remediated and mitigated over the long term.

As noted in section 5.2 above, while land within the subject titles will temporarily be excavated, any visual effects will be temporary only, and will be mitigated through revegetation measures implemented immediately following completion of the works.

Having considered the above, the proposal's effects on natural character values will be less than minor overall.

#### **5.4 Natural hazard effects**

The potential effects associated with the proposed works are addressed in the HG report attached in **Appendix 4**.

Fundamental to this assessment is the fact that the additional rock revetment proposed on the southern boundary is not intended to function as a seawall in the first instance, but to protect the property from fluvial erosive scour. However, with consideration of future sea level rise, there is potential for this revetment to act as a coastal protection structure in the future. To that end, the rock sizing and form of the revetment has been established as if it was a coastal structure exposed to direct wave action arising from Rangaunu Harbour (see the HG design report attached in **Appendix 4**).

No 'edge effects' of coastal scouring will be generated as the proposed rock revetment wall will be positioned alongside a boat ramp on an (almost) perpendicular trajectory away from the coast. The wall will not be positioned parallel to the coast which typically has the potential to cause scouring effects on adjoining properties.

Overall, no natural hazard effects will be generated.

#### **5.5 Effects on water quality and sediment control**

The proposal involves undertaking excavation and fill in close proximity to the CMA. These activities are related to the construction phase of the project and have the potential to adversely affect the water quality of the adjacent CMA if undertaken in an uncontrolled manner.



As confirmed in section 3.3 of this report, the proposed earthworks will be managed in accordance with the Erosion and Sediment Control Guidelines for Land Disturbing Activities in the Auckland Region 2016 (Auckland Council Guideline Document GD2016/005). The control works will be focussed on preventing sediment runoff to the adjoining Rangaunu Harbour.

Provided that the earthworks are carried out in accordance with these guidelines, the effects on water quality and sediment control can be effectively controlled to an acceptable level.

## 5.6 Access/traffic effects

As noted in section 3.7 of this report, NTA as the road controlling authority were approached in relation to the beach access from Gillies Road, with copies of preliminary scheme provided to them for consideration. NTA have confirmed that they have no concerns with the provision of rock revetment along the southern property boundary within the legal road, provided the necessary consents for the works have been obtained (see email correspondence with Andrew Jones of NTA attached in **Appendix 6**). A license to occupy will likely be required from NTA for the revetment structure.

Having considered the above, any effects will be less than minor overall.

## 5.7 Dust generation

A condition of consent is expected that will ensure that dust generated during the construction phase of the project will be controlled appropriately to avoid causing any nuisance effects on neighbours. Measures will include:

- Monitoring wind conditions when the potential for dust nuisance is high and adapting work practices to suit.
- Watering.
- Managing the extent of areas being worked (minimising the potential of working areas to wind exposure).
- Reinstatement of worked areas upon works completion.

Assuming compliance with this condition of consent, all potential dust nuisance effects will be avoided.

## 5.8 Cultural/heritage effects

As demonstrated in [Figure 13](#) of this report, there are no known archaeological sites mapped on or near the proposed works areas. This, combined with the fact that the works will take place in an area that has been highly modified in

the past due to the construction of boat ramps and seawalls, ensures that the effects of the proposal on cultural/heritage values will be less than minor.

## **5.9 Construction related effects**

Any potential effects associated with construction related activities will be managed appropriately through compliance with a CMP, which will be prepared by the contractor and submitted to Council prior to the commencement of works. Assuming compliance with an appropriately worded condition of consent, any potential construction related effects will be avoided.

## **5.10 Public spaces and safety**

### **Public Safety**

As much of the works will take place within close proximity to several residential and public areas, public safety is an important consideration.

The public will not be permitted onto the construction site, and gates and signs will be provided for this purpose. Provision will be made to ensure that the existing beach access will continue to be available to the public during construction.

The details surrounding the avoidance and mitigation of construction related effects will be provided in the CMP required as a condition of consent.

### **Public open space**

The proposed works are partly located on public land (road reserve owned by the FNDC). However, this land currently contains a boat ramp/beach access and has very little conservation and recreational value. Furthermore, the reconstruction of the boat ramp/beach access will improve public open space relative to the existing environment described in section 5.1 of this report.

## **5.11 Overall effects**

Considering the points discussed above, any effects on the environment will be less than minor overall, particularly when considered relative to the existing environment (which includes the existing consented activities at the site).

## 6. PLANNING ASSESSMENT

### 6.1 Assessment of Operative District Plan objectives and policies

It is necessary to consider the proposal against the objectives and policies of the relevant chapters of the FNDC (particularly those in sections 10.6 'General Coastal Zone' and 12.4 'Natural Hazards'). The relevant objectives and policies are assessed as follows:

#### 10.6 'General Coastal Zone'

The objectives and policies of this section seek to preserve the natural character of the General Coastal Zone while also providing for appropriate use and development of sites within this zone. The following objectives and policies are particularly relevant to this proposal:

#### **Objectives**

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

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

#### **Policies**

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

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

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

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

In this case, the natural character of the subject site and adjacent road reserve is limited due to the presence of an existing motel/lodge facility and associated buildings (approved by FNDC under the various consents listed in section 1.2 of this report) and the existing boat ramps and rock revetment walls. In this case, once completed, the proposed revetment wall will simply result in the existing wall being extended to mitigate the adverse impacts that uncontrolled stormwater flows have had on the existing boat ramp. The extension of the existing wall will not result in a significant change to the existing natural character of the environment – it could even be argued that

the proposal will result in positive effects on natural character, where adverse effects from stormwater disposal (i.e. scouring) will be remediated and mitigated over the long term.

As noted earlier in this report, while land within the subject titles will temporarily be excavated, any visual effects will be temporary only, and will be mitigated through revegetation measures implemented immediately following completion of the works.

The proposal is therefore consistent with the policy direction set out under section 10.6 of the FNDP.

#### 12.4 'Natural Hazards'

The objectives and policies of section 12.4 seek to reduce risk to life, property and the environment from natural hazards. The following objectives and policies are considered relevant to this application:

##### **Objectives**

**12.4.3.1** To reduce the threat of natural hazards to life, property and the environment, thereby to promote the well being of the community.

**12.4.3.2** To ensure that development does not induce natural hazards or exacerbate the effects of natural hazards.

**12.4.3.3** To ensure that natural hazard protection works do not have adverse effects on the environment.

**12.4.3.4** To ensure that the role in hazard mitigation played by natural features is recognised and protected.

**12.4.3.6** To take into account reasonably foreseeable changes in the nature and location of natural hazards.

##### **Policies**

**12.4.4.1** That earthworks and the erection of structures not be undertaken in areas where there is a significant potential for natural hazards unless they can be carried out in such a way so as to avoid being adversely affected by the natural hazards, and can avoid exacerbating natural hazards.

**12.4.4.2** That the natural character of features, such as beaches, sand dunes, mangrove areas, wetlands and vegetation, which have the capacity to protect land values and assets from natural coastal hazards, is protected and enhanced.

**12.4.4.3** That protection works for existing development be allowed only where they are the best practicable option compatible with sustainable management of the environment.

**12.4.4.4** That the sea level rise, as predicted by the Intergovernmental Panel of Climate Change or Royal Society of NZ, be taken into account when assessing development in areas potentially affected.

**12.4.4.6** That the adverse effects on people, property and the environment from coastal hazards in Coastal Hazard Areas, as identified by the Northland Regional Council, are avoided.

**12.4.4.8** That the location, intensity, design and type of new coastal subdivision, use and development be controlled so that the need for hazard protection works is avoided or minimised.

As noted above, the above objectives and policies seek to ensure that development does not induce natural hazards or exacerbate the effects of natural hazards. Also relevant to this application is the provisions which aim to ensure that natural hazard protection works do not have adverse effects on the environment.

In this case, the proposed works will result in positive effects from a natural hazards perspective. The potential effects associated with the proposed works are addressed in the HG report attached in **Appendix 4**.

Fundamental to this assessment is the fact that the additional rock revetment proposed on the southern boundary is not intended to function as a seawall in the first instance, but to protect the property from fluvial erosive scour. However, with consideration of future sea level rise, there is potential for this revetment to act as a coastal protection structure in the future. To that end, the rock sizing and form of the revetment has been established as if it was a coastal structure exposed to direct wave action arising from Rangaunu Harbour.

Overall, the proposal is consistent with the provisions of section 12.4 of the District Plan.

## **6.2 Proposed Far North District Plan assessment**

The objectives and policies contained in the PFNDP are relevant considerations under s104(1)(b)(vi) of the RMA. Those that are relevant to this application are contained in the Coastal Environment, and Earthworks chapters. An assessment in the context of these provisions is provided below.

The Coastal Environment chapter makes provision for land uses within the coastal area that preserves the characteristics and qualities of the natural character of the coastal environment while also requiring activities to be consistent with surrounding land use. In this case, the proposed works and rock revetment wall is consistent with the surrounding environment. The extension of the existing wall will not result in a significant change to the existing natural character of the environment – it could even be argued that the proposal will result in positive effects on natural character, where adverse effects from stormwater disposal (i.e. scouring) will be remediated and mitigated over the long term. The proposal is therefore consistent with the objectives and policies of the CE.

The Earthworks chapter makes provision for undertaking earthworks where they are required to facilitate the efficient subdivision and development of land, while managing adverse effects on waterbodies, the coastal marine area, public safety, surrounding land and infrastructure. The objectives and policies seek to make sure that the work is carried out in a manner that manages potential adverse environment on waterbodies, the CMA and surrounding land. In this instance the earthworks that are proposed are intended on remedying a historic scouring issue caused by uncontrolled stormwater disposal. Along with fixing this issue, the works will improve council infrastructure (i.e. the beach access). The work will be appropriately managed and will be carried out in accordance with best. The proposal is consistent with the objectives and policies of this chapter in the PFNDP.

Overall, the proposal is consistent with the objectives and policies of the PFNDP.

### **6.3 Regional Policy Statement for Northland assessment**

The Northland Regional Policy Statement ('RPS') became operative on the 9 May 2016. The provisions of the document have overarching, high-level relevance to the proposed activity.

Because the RPS is a high-level policy document, the provisions are broad in scope and application. The relevant parts of the document relate to the identification of the coastal environment and areas that have either outstanding or high natural features. Policy 4.5.1 directs that these areas be mapped, and RPS map that pertains the subject property is attached to this letter. As can be seen in the RPS map attached as **Appendix 2**, the site is located within the Coastal Environment identified under the RPS.

Related to Policy 4.5.1, Policy 5.1.2, states the following:

#### **5.1.2 Policy – Development in the coastal environment**

*Enable people and communities to provide for their wellbeing through appropriate subdivision, use, and development that:*

- (a) Consolidates urban development within or adjacent to existing coastal settlements and avoids sprawling or sporadic patterns of development;*
- (b) Ensures sufficient development setbacks from the coastal marine area to:*
  - (i) maintain and enhance public access, open space, and amenity values; and*
  - (ii) allow for natural functioning of coastal processes and ecosystems;*

*(c) Takes into account the values of adjoining or adjacent land and established activities (both within the coastal marine area and on land);*

*(d) Ensures adequate infrastructure services will be provided for the development; and*

*(e) Avoids adverse effects on access to, use and enjoyment of surf breaks of national significance for surfing.*

The activity complements the Coastal Environment, while also avoiding any significant adverse effects on the coast (relative to the existing situation). The application will improve public access to the coast and will not affect the natural functioning of coastal processes and ecosystems and will result in an improvement from a natural hazards perspective. The effects of the proposed development will be sufficiently mitigated via the proposed conditions of consent. Furthermore, the proposal is an appropriate form of development given the character of the surrounding coastal community.

Considering the above, the proposal sits comfortably within the overarching policy framework of the RPS.

## **6.4 New Zealand Coastal Policy Statement**

The New Zealand Coastal Policy Statement (NZCPS) is a national policy statement prepared under the RMA. The purpose of the NZCPS is to state policies in order to achieve the purpose of the Act in relation to the coastal environment of New Zealand. The subject site is located within the Coastal Environment as identified in the RPS. The NZCPS is therefore a relevant matter for consideration under s104(1)(b)(iv) of the Act.

There are 7 objectives and 29 policies in the NZCPS. Those that are particularly relevant to the proposed land use are as follows:

### **Objective 2**

*To preserve the natural character of the coastal environment and protect natural features and landscape values through:*

- recognising the characteristics and qualities that contribute to natural character, natural features and landscape values and their location and distribution;*
- identifying those areas where various forms of subdivision, use, and development would be inappropriate and protecting them from such activities; and encouraging restoration of the coastal environment.*

### **Objective 6**

*To enable people and communities to provide for their social, economic, and cultural wellbeing and their health and safety, through subdivision, use, and development, recognising that:*

- the protection of the values of the coastal environment does not preclude use and development in appropriate places and forms, and within appropriate limits;*

- *some uses and developments which depend upon the use of natural and physical resources in the coastal environment are important to the social, economic and cultural wellbeing of people and communities;*
- *functionally some uses and developments can only be located on the coast or in the coastal marine area;*
- *the coastal environment contains renewable energy resources of significant value;*
- *the protection of habitats of living marine resources contributes to the social, economic and cultural wellbeing of people and communities;*
- *the potential to protect, use, and develop natural and physical resources in the coastal marine area should not be compromised by activities on land;*
- *the proportion of the coastal marine area under any formal protection is small and therefore management under the Act is an important means by which the natural*
- *resources of the coastal marine area can be protected; and*
- *historic heritage in the coastal environment is extensive but not fully known, and vulnerable to loss or damage from inappropriate subdivision, use, and development.*

**Policy 6 Activities in the coastal environment**

*(1) In relation to the coastal environment:*

- (h) consider how adverse visual impacts of development can be avoided in areas sensitive to such effects, such as headlands and prominent ridgelines, and as far as practicable and reasonable apply controls or conditions to avoid those effects;*
- (i) set back development from the coastal marine area and other water bodies, where practicable and reasonable, to protect the natural character, open space, public access and amenity values of the coastal environment;*

**Policy 13 Preservation of natural character**

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

- (a) avoid adverse effects of activities on natural character in areas of the coastal environment with outstanding natural character; and*
- (b) avoid significant adverse effects and avoid, remedy or mitigate other adverse effects of activities on natural character in all other areas of the coastal environment;*  
*including by:*
- (c) assessing the natural character of the coastal environment of the region or district, by mapping or otherwise identifying at least areas of high natural character; and*
- (d) ensuring that regional policy statements, and plans, identify areas where preserving natural character requires objectives, policies and rules, and include those provisions.*

**Policy 15 Natural features and natural landscapes**

*To protect the natural features and natural landscapes (including seascapes) of the coastal environment from inappropriate subdivision, use, and development:*

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

**Policy 27 Strategies for protecting significant existing development from coastal hazard risk**



- (1) In areas of significant existing development likely to be affected by coastal hazards, the range of options for reducing coastal hazard risk that should be assessed includes:*
- (a) promoting and identifying long-term sustainable risk reduction approaches including the relocation or removal of existing development or structures at risk;*
  - (b) identifying the consequences of potential strategic options relative to the option of 'do-nothing';*
  - (c) recognising that hard protection structures may be the only practical means to protect existing infrastructure of national or regional importance, to sustain the potential of built physical resources to meet the reasonably foreseeable needs of future generations;*
  - (d) recognising and considering the environmental and social costs of permitting hard protection structures to protect private property; and*
  - (e) identifying and planning for transition mechanisms and timeframes for moving to more sustainable approaches.*
- (2) In evaluating options under (1):*
- (a) focus on approaches to risk management that reduce the need for hard protection structures and similar engineering interventions;*
  - (b) take into account the nature of the coastal hazard risk and how it might change over at least a 100-year timeframe, including the expected effects of climate change; and*
  - (c) evaluate the likely costs and benefits of any proposed coastal hazard risk reduction options.*
- (3) Where hard protection structures are considered to be necessary, ensure that the form and location of any structures are designed to minimise adverse effects on the coastal environment.*
- (4) Hard protection structures, where considered necessary to protect private assets, should not be located on public land if there is no significant public or environmental benefit in doing so.*

The objectives and policies of the NZCPS recognise that there are a variety of ways to manage coastal hazards including avoiding subdivision and development in areas where coastal hazards are identified, using natural defences for protection and installing hard protection structures where appropriate.

Policy 27 details that when hard protection structures are necessary the form and location of those structures should be designed to minimise adverse effects on the coastal environment. As already set out in this report, the proposal has been designed to minimise adverse effects,

Overall, the proposal is consistent with the relevant objectives and policies of the NZCPS.

## **6.5 Part 2 Assessment (RMA)**

In accordance with s104(1), this application is subject to Part 2 of the Resource Management Act. An assessment of Part 2 is however not required unless

there are issues of invalidity, incomplete coverage, or uncertainty in the planning provisions.<sup>1</sup>

With respect to this application and the relevant statutory documents, there is no invalidity, incomplete coverage, or uncertainty. In that regard, no assessment of the application is required under Part 2 of the RMA.

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<sup>1</sup> R J Davidson Family Trust v Marlborough District Council [2017] NZHC 52.

## **7. NOTIFICATION**

### **7.1 Public notification**

Pursuant to s95A of the RMA, the adverse effects on the environment have been considered in section 5 of this report and are assessed to be less than minor relative to the existing environment. Furthermore, no special circumstances exist in relation to the application, the applicant has not requested that the application be publicly notified, and there is no rule or national environmental standard that requires public notification of the application. Therefore, the application does not require public notification.

### **7.2 Limited notification**

Pursuant s95B of the RMA and having considered the requirements of s95E-G, there are no adversely affected parties and accordingly, the application can be processed on a non-notified basis.

## 8. CONCLUSION

This application proposes to undertake earthworks within a Coastal Hazard Area 1 generally as shown on the Hawthorn Geddes plans attached in **Appendix 3**. The proposal is a non-complying activity overall.

The environmental effects associated with the proposal have been assessed in Section 5 of this report. Overall, the effects have been determined to be less than minor. Consequently, appropriate regard has been given to s104(1)(a) of the RMA.

The proposal is consistent with the objectives and policies of the FNDP. The proposal is also considered consistent with the RPS, NZCPS and Part 2 of the RMA as detailed in Sections 6.4-6.6 of this report. Accordingly, appropriate regard has been given to s104(1)(b)(i), s104(1)(b)(iv), s104(1)(b)(v) and s104(1)(b)(vi) of the RMA.

Having regard to the relevant matters in s104(1) and s104B of the RMA, the proposal can be approved subject to appropriate conditions of consent.

# APPENDIX 1

## RECORD OF TITLE AND ASSOCIATED MEMORIALS

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



  
R. W. Muir  
Registrar-General  
of Land

**Identifier** **NA89A/286**  
**Land Registration District** **North Auckland**  
**Date Issued** 25 March 1992

**Prior References**

NA77B/529      NA77B/530

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**Estate** Fee Simple  
**Area** 1.1762 hectares more or less  
**Legal Description** Lot 1 Deposited Plan 149495  
**Registered Owners**  
Kingheim Limited

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**Interests**

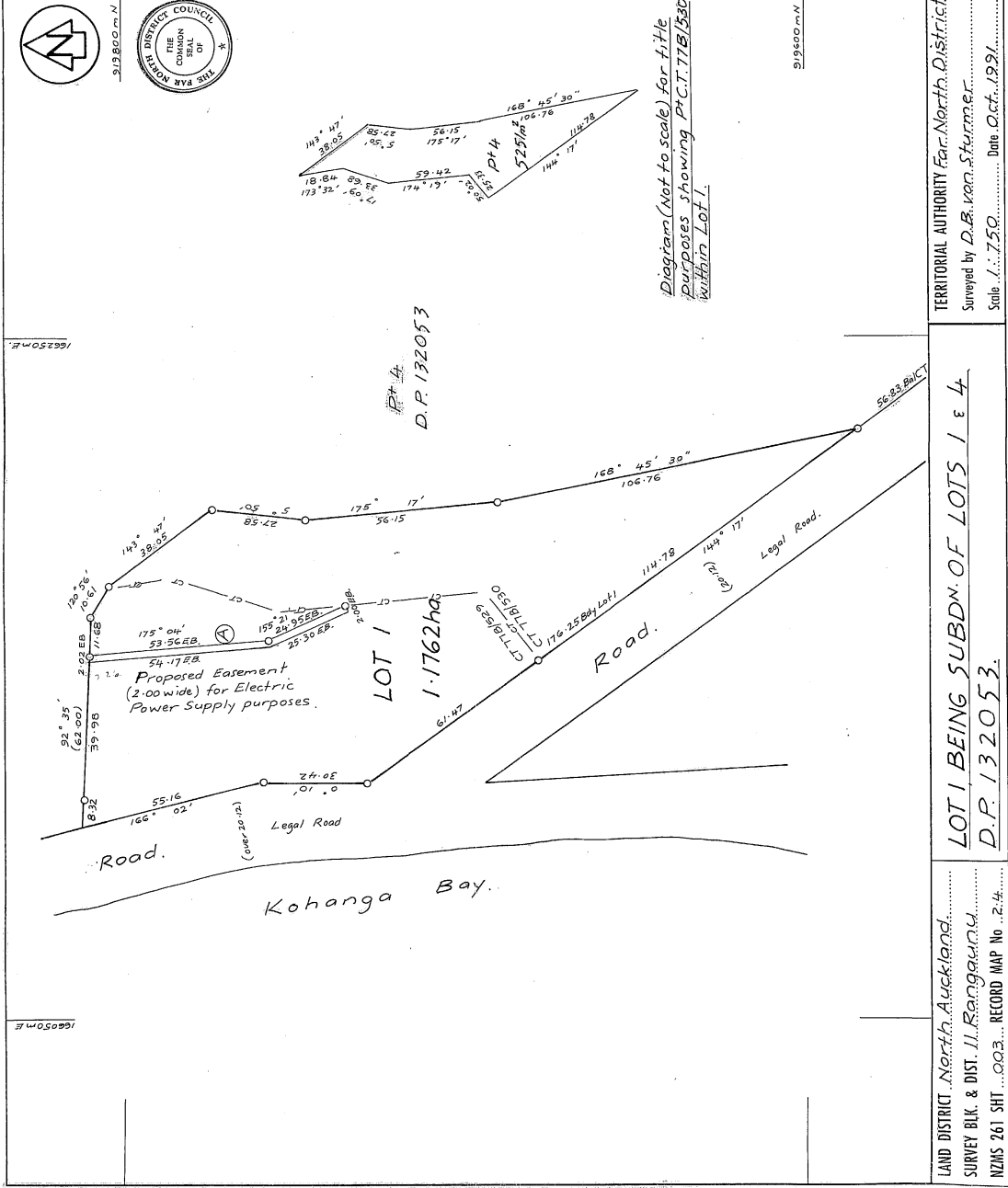
C322643.5 Building Line Restriction - 13.11.1991 at 11.02 am (affects part)

Appurtenant hereto is a right of way and a water supply right specified in Easement Certificate C322643.6 - 13.11.1991 at 11.02 am (affects part)

Some of the easements specified in Easement Certificate C322643.6 are subject to Section 309 (1) (a) Local Government Act 1974 (See Plan 132053)

Subject to an electricity right (in gross) over part marked C on Plan 167475 in favour of Top Energy Limited created by Transfer C862735.1 - 7.7.1995 at 11.36 am

<p>Approvals</p> <p>Approved pursuant to Section 223 of the Resource Management Act 1991, on the 18th day of November 1991.</p> <p>The Common Seal of the Far North District Council is affixed hereto in the presence of:-</p> <p><i>D. B. van Sturmer</i> Under Delegated Authority</p>		<p>Panel of Proposed Easements:-</p> <table border="1"> <tr> <th>Purpose</th> <th>Servient Tenement</th> <th>Shown</th> <th>Dominant Tenement</th> </tr> <tr> <td>Electric Power Supply</td> <td>Lot 1</td> <td>(A)</td> <td>Pl Lot 4 DP/132053.</td> </tr> </table>		Purpose	Servient Tenement	Shown	Dominant Tenement	Electric Power Supply	Lot 1	(A)	Pl Lot 4 DP/132053.
Purpose	Servient Tenement	Shown	Dominant Tenement								
Electric Power Supply	Lot 1	(A)	Pl Lot 4 DP/132053.								
<p>New C.T. Allocated Lot 1 - 89A/286</p>		<p>Approved</p> <p><i>D. B. van Sturmer</i> <i>M. Gillies</i></p> <p>Registered Owner</p>									
<p>Total Area... 1.1762 ha</p> <p>Comprised in C.T. 77B/539 (A1) 9.77 B/530 (B1)</p>		<p>I, Donald B. van Sturmer, Registered Surveyor and holder of an annual practicing certificate for the purposes of the Survey Act 1980 hereby certify that this plan has been made from a survey executed by me or under my directions, that both plan and survey are correct and have been made in accordance with the Survey Act 1980 and that the boundaries shown thereon are true. This plan was deposited for registration on the 11th day of October 1991. Signature: <i>D. B. van Sturmer</i></p>									
<p>Reference Plans: A..... Reverse Book: A.....</p> <p>Examined: <i>D. B. van Sturmer</i> Date: 11/10/91</p>		<p>Approved as Surveyor: <i>D. B. van Sturmer</i> Chief Surveyor</p> <p>Deposited this 11th day of March 1992.</p> <p>DP/149495</p>									



LAND DISTRICT North Auckland

SURVEY BLK & DIST. 11. Rangarua

NZMS 261 SH. 003. RECORD MAP No. 2.4.

LOT 1 BEING SUBDN. OF LOTS 1 & 4

D.P. 132053.

TERRITORIAL AUTHORITY For North District

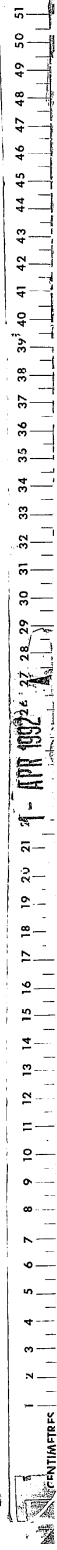
Surveyed by D. B. van Sturmer

Scale 1:1750 Date Oct. 1991

25 NOV 1991

DP/149495

VIA ROBERTSON SURVEYS GENERAL DEPARTMENT OF SURVEY AND LAND INFORMATION, NEW ZEALAND



C 862735 . 1 TE

MEMORANDUM OF TRANSFER

(Grant of Electricity Easement in Gross)

- A. MURRAY BRIAN WILSON, Motelier (formerly horticultural worker), and SANDRA PETRONELLA WILSON, Motelier (formerly bank officer), both formerly of Warkworth, but now of Rangiputa, Northland, are registered as proprietors of the land described in the Schedule (the "Land") ("the Grantor"); and
- B. The Grantor has agreed to grant to TOP ENERGY LIMITED a duly incorporated company having its registered office at 111 Broadway, Kaikohe (the "Grantee") a Transmission Easement on the terms, covenants and conditions contained in this Memorandum.

OPERATIVE PART

1. **Transfer and Grant of Transmission Easement**

- 1.1 In consideration of the covenants on the part of the Grantee contained in this Memorandum, the Grantor **TRANSFERS AND GRANTS** to the Grantee and any other persons authorised (expressly or impliedly) by the Grantee an electricity transmission in gross over Lot 1 on Deposited Plan 149495 with the following rights and interests as an easement in gross (the "Transmission Easement").
- 1.1.1 The right to survey and investigate in respect of, and to lay, construct, operate, inspect, use, cleanse, maintain, repair, renew, upgrade, change the size of and remove, the Transmission Line in, over, on, under, or through that part of the Land marked 'C' on Easement Plan 167475 ("the Servient Land").
- 1.1.2 The right to convey, send, transmit or transport electricity and telecommunications signals, waves or impulses in, over, on, under or through the Servient Land.
- 1.1.3 The right with any vehicles, equipment, aircraft, and materials of any kind, to enter on the Land for any and all purposes necessary or convenient for the Grantee to exercise its rights and interests granted under this Memorandum (including the right to extinguish fires), but subject to the conditions that as little disturbance as is reasonably possible is caused to the Grantor, the Land, and the Grantor's stock and other property in doing so and that, where applicable, all gates on the Land are left as the Grantee and those other authorised persons find them.





- 1.1.4 The right to construct on the Land whatever roads, tracks, access ways, fences, gates and other works deemed necessary by the Grantee for it to exercise its rights and interests granted under this Memorandum and which are approved by the Grantor (that approval not to be unreasonably withheld), but subject to the condition that as little disturbance as possible is caused to the Grantor, the Land, and the Grantor's stock and other property in doing so.
- 1.1.5 The right to keep the Servient Land cleared of all buildings or structures (including any buildings or structures which overhang the Servient Land) by any means the Grantee may consider necessary.
- 1.1.6 The right to keep the Servient Land cleared of any fences or vegetation, both natural and cultivated, including trees and shrubs (including any fences, or vegetation which overhang the Servient Land) by any means which the Grantee may consider necessary where such fences or vegetation:
- (a) breach any statutory or regulatory requirements or standards or codes of practice or otherwise breach generally accepted engineering standards as to the minimum clearance of the Transmission Line;
  - (b) Impedes the Grantee's access over the Servient Land; or
  - (c) inhibits the safe and efficient operation of the Transmission Line.
- 1.1.7 The right by whatever means or method as the Grantee considers necessary to level and grade any stockpiled soil, sand, gravel or other substance or any materials, walls or other earthworks that may exist on the Servient Land in order to ensure that the clearance above the ground level of the Transmission Line is maintained greater than any minimum clearance height that may exist from time to time in statute, regulations, code of practice or otherwise.

## 2. COVENANTS

### 2.1 Ownership of the Transmission Line

- 2.1.1 The Transmission Line will become and remain the property of the Grantee.

### 2.2 Buildings, Structures, Fences and Vegetation

- 2.2.1 The grantee may consent in writing to certain existing buildings, structures, fences or vegetation upon or overhanging the Servient Land at the date of this Memorandum remaining there. If the existence of those buildings, structures, fences or vegetation so consented to, or any additional buildings, structures, fences or vegetation consented to pursuant to clause 2.2.3, subsequently results in a situation described in clause 1.1.6 (a) - (c) then such consent may be revoked by the Grantee but without compensation. If such consent is revoked the cost of removal of any buildings, structures, fences or



vegetation shall be borne by the Grantee. Before removing any fence pursuant to this clause the Grantee shall consult with the Grantor so the Grantor is given a reasonable opportunity to co-ordinate the erection of any necessary replacement fence. The erection of any such replacement fence and the cost of it will be the Grantor's responsibility.

2.2.2 The Grantee shall be responsible for the removal of any building, structures, fences, or vegetation on or overhanging the Servient Land at the date of this Memorandum in respect of which no consent in writing has been sought or obtained pursuant to clause 2.2.1.

2.2.3 The Grantee may consent in writing to the construction after the date of this Memorandum of any buildings, structures, fences, or the planting or cultivation of vegetation including trees and shrubs on the Servient Land, or on the Land to the extent any buildings, structures, fences or vegetation overhangs the Servient Land.

2.2.4 The Grantee shall not be responsible for or be liable to contribute to the cost of removing any buildings, structures, fences or vegetation, built or cultivated on or overhanging the Servient Land after the date of this Memorandum in respect of which no consent in writing has been sought or obtained pursuant to clause 2.2.3.

### 2.3 Restoration of Land

2.3.1 The Grantee will be responsible for restoring any part of the Land affected by the Grantee exercising any of its rights under this Memorandum to a condition equivalent, as far as is reasonably practicable, to that existing before the Grantee exercised those rights.

### 2.4 Grantor's Continued Use of Servient Land

2.4.1 The Grantor may use the Servient Land so long as that use does not unreasonably interfere with the enjoyment of the Grantee's rights and interests granted under this Memorandum.

### 2.5 Restrictions on Grantor's Use

2.5.1 The Grantor must not at any time after the date of this Memorandum, do permit or suffer to be done any act whereby the rights, powers, licences and liberties granted to the Grantee under this Memorandum may be interfered with or affected in any way and, in particular, the Grantor must not, without the consent in writing of the Grantee:

- (a) make, or permit to be made, any alterations or additions to any buildings or structures existing on the Servient Land at the date of this Memorandum which affect the overall dimensions of those buildings or structures;



- (b) erect, or permit the erection, of any buildings or structures on the Servient Land;
- (c) stockpile or fill with, or permit the stockpiling of or filling with, any soil, sand, gravel or other substance or materials, or construct, or permit the construction of, any roads, dam walls or other earthworks on the Servient Land which would in any way reduce the clearance above the ground level of the Transmission Lines below the minimum clearance height that may exist, from time to time, in statute, regulations, code of practice or otherwise;
- (d) remove, or permit the removal of, any soil, sand, gravel or other substance from the Servient Land;
- (e) disturb the soil below a depth of 0.3 metres within a distance of 6 metres from the visible outer edge of any tower, pole, ground stay, support or foundation comprising part of the Transmission Line;
- (f) cause or consent to acquiesce in the inundation of the Servient Land where any existing towers, poles, ground stays or supports comprising part of the Transmission Line are erected or located, or proposed to be erected or located, from the date of this Memorandum **EXCEPT HOWEVER** nothing will require the Grantor to take any steps to do or construct anything to prevent that inundation caused by events beyond the reasonable control of the Grantor;
- (g) burn off crops, trees or undergrowth within the Servient Land;
- (h) operate, or permit to be operated, any machinery or equipment (including by way of example, but not in limitation, cranes, drilling-rigs, pile-drivers and excavators) in close proximity to any tower, pole, ground stay or support comprising part of the Transmission Line;
- (i) disturb any survey pegs or markers placed on the Land by the Grantee;  
or
- (j) do anything on or in the Servient Land which would or could damage or endanger the Transmission Line.

2.5.2 The consent of the Grantee required under clause 2.5.1 will not be unreasonably withheld, but may be given subject to reasonable conditions (including the power to revoke without compensation).

**2.6 Restrictions on Grantee's Use of Land**

2.6.1 The Grantee will erect the Transmission Line so as not to unreasonably interfere with the ordinary cultivation of the Land and in so doing, or in laying, constructing, operating, inspecting, using, cleansing, maintaining repairing, renewing, upgrading, replacing, changing the size of or removing the Transmission Line, will cause as little damage as is reasonably possible to the surface of the Land.

**2.7 Statutes and Regulations**

2.7.1 It is acknowledged by the Grantee that its rights under the Transmission Easement are subject to the provisions of all applicable statutes, ordinances, regulations and by-laws.

2.7.2 The Grantee covenants with the Grantor that it will comply with the provisions of all statutes, ordinances, regulations and by-laws in any way relation or affecting the Transmission Easement, the Transmission Line or the exercise, or the attempted or intended exercise, by it or any of its rights under this Memorandum, and will also comply with the provisions of all licences, requisitions and notices issued, made or given by any competent authority in respect of the Transmission Easement, the Transmission Line or the exercise, or attempted or intended exercise, by the Grantee of any of its rights under this Memorandum.

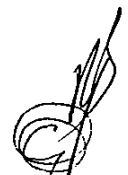
**2.8 Indemnity Against Third Party Claims**

2.8.1 Each party will indemnify the other against all claims or demands from third parties for any loss, damage or liability in respect of, or arising out of, the use of the Land by that party (or any person authorised, whether expressly or impliedly by it) **EXCEPT THAT** it will not be liable to indemnify the other party in respect of claims or demands from third parties for any loss, damage or liability caused by the actions of the other party. Where the actions of the other party contribute to that loss, damage or liability, the indemnity given by the party to that other party in respect of that loss, damage and liability will be correspondingly reduced in proportion to that contribution.

2.8.2 The quantum of damages payable by either party pursuant to clause 2.8.1 will be determined by agreement between them or, if they fail to agree, then they will submit the matter to arbitration in accordance with clause 2.11.

**2.9 Licence and Assignment**

2.9.1 The Grantee may grant any licence or right of all or any part of any estate or interest conferred by this Memorandum and may assign all or any part of that estate or interest.



**2.10 Perpetual Easement**

2.10.1 No power is implied for the Granior to determine the Transmission Easement for any breach of covenant (express or implied) or for any causes whatever. It is the intention of the parties that the Transmission Easement will subsist forever or until duly surrendered.

**2.11 Arbitration**

2.11.1 All disputes and differences which may arise between the parties in relation to this Memorandum, or as to any matter arising under this Memorandum or in relation to the parties' rights or obligations under this Memorandum, will be referred to arbitration in accordance with the Arbitration Act 1908.

2.11.2 The arbitration will be commenced by either party giving to the other notice in writing stating the subject matter and details of the dispute or difference and that party's desire to have the matter referred to arbitration.

2.11.3 The arbitration will be by one arbitrator, if the parties can agree upon one, and, if not, then by two arbitrators, one to be appointed by each party, and their umpire to be appointed by the arbitrators before they begin to consider the dispute or difference.

2.11.4 The award in the arbitration will be final and binding on the parties.

**2.12 Interpretation**

2.12.1 For the purpose of interpretation or construction of this Memorandum, unless the context otherwise requires:

(a) the term "Transmission Line" means a wire or wires or a conductor of any other kind (including a fibre optic or coaxial cable) used or intended to be used for the transmission of electricity and/or telecommunication signals, waves or impulses; and includes any insulator, tower, pole, ground stay, supporting structure, crossarm, foundation, casing, tube, tunnel, minor fixture or other item, equipment or material used or intended to be used for supporting, securing, enclosing, surrounding and protecting a Transmission Line; and also includes any building, tower or pole mounted transformers, fuses, fuse holder, automatic switches, voltage regulators, capacitors or other instrument, apparatus or device used in association with a Transmission Line for the purpose of protecting and facilitating the transmission of electricity and telecommunication signals, waves or impulses through the Transmission Line.

(b) references to clauses or a Schedule are references to clauses of, and a Schedule to, this Memorandum;



- (c) words importing the singular or plural number include the plural and singular number respectively;
- (d) headings are inserted for the sake of convenience of reference only and do not affect the interpretation of this Memorandum;
- (e) reference to the parties include their respective successors and assigns; and
- (f) references to a statute or statutory provision includes references to that statute or statutory provision (as the case may be) and to any regulations made pursuant to that statute or statutory provision (as the case may be), as from time to time modified, codified or re-enacted, whether before or after the date of this Memorandum, so far as that modification, codification or re-enactment applies, or is capable of applying, to this Memorandum and the transfer and grant of the Transmission Easement under it.

7 

SCHEDULE

"Land"

That part of the Land marked 'C' being part of an estate in fee simple being all that land containing 1.1762 hectares more or less being Lot 1 Deposited Plan 149495 and being parts section 20, 16 and 21A Block II Rangaunu Survey District and being all that land comprised and described in Certificate of Title 89A/286 (North Auckland Registry) subject to:

- (a) Building Line restriction C.322643.5;
- (b) Right of Way easement and a water supply easement referred to in Easement Certificate C.322643.6; the right of way easement being subject to Section 309(1)(a) Local Government Act 1974; and
- (c) Mortgage C.364011.2.

Executed as a Memorandum on 24<sup>th</sup> day of May 1995.

SIGNED by the Grantor )  
MURRAY BRIAN WILSON and )  
SANDRA PETRONELLA WILSON in the )  
presence of: )

*M. Wilson*

*S. Wilson*

Witness: *[Signature]*

Occupation: *[Signature]*

Address: *[Signature]*

THE COMMON SEAL of )  
TOP ENERGY LIMITED was affixed )  
in the presence of: )



*[Signature]*  
*[Signature]*

Director

*[Signature]*  
~~Secretary~~

MEMORANDUM OF TRANSFER

(GRANT OF ELECTRICITY EASEMENT  
IN GROSS)


M B and S P Wilson

Grantor


Top Energy Limited

Grantee


Correct for the Purposes of the Land  
Transfer Act 1952

  
Solicitor for the Grantee

I hereby certify that this transaction does  
not contravene the provisions of Part IIA of  
the Land Settlement Promotion and Land  
Acquisition Act 1952.


  
Solicitor for the Grantee

I hereby certify for the purposes of the  
Stamp and Cheque Duties Act 1971 that no  
conveyance duty is payable on this  
instrument by reason of the application of  
section 24(1) of the Act.

  
Solicitor for the Grantee

Cairns Slane  
Solicitors  
Auckland

95050012.SG

11.36 07.JUL.95 C 862735  
PARTICULARS ENTERED IN REGISTER  
LAND REGISTRY AUCKLAND DISTRICT LAND  
ASST LAND REGISTRAR  
NORTH AUCKLAND NEW ZEALAND  






C 322643-6 EC

Approved by the District Land Registrar, South Auckland No. 351560  
Approved by the District Land Registrar, North Auckland, No. 4380/81  
Approved by the Registrar-General of Land, Wellington, No. 436748.1/81

## EASEMENT CERTIFICATE

(IMPORTANT: Registration of this certificate does not of itself create any of the easements specified herein).

¶We BRIAN CLIFFORD GILLIES airline steward and MARIE ANNABELLA

GILLIES director both of Auckland

being the registered proprietor(s) of the land described in the Schedule hereto hereby certify that the easements specified in that Schedule, the servient tenements in relation to which are shown on a plan of survey deposited in the Land Registry Office at Auckland on the day of 19 under No. 132053 are the easements which it is intended shall be created by the operation of section 90A of the Land Transfer Act 1952.

### SCHEDULE DEPOSITED PLAN NO.

Nature of Easement (e.g., Right of Way, etc.)	Servient Tenement		Dominant Tenement Lot No.(s) or other Legal Description	Title Reference
	Lot No.(s) or other Legal Description	Colour, or Other Means of Identification, of Part Subject to Easement		
right of way	Lot 4	B	Lot 1	60D/893
Water supply	Lot 4	A	Lot 1	60D/893

State whether any rights or powers set out here are in addition to or in substitution for those set out in the Seventh Schedule to the Land Transfer Act 1952.

1. Rights and powers: in respect of right of way :

The rights as set out in the Ninth Schedule to the Property Law Act 1952 in accordance with Section 126 (b) of the said Act.

2. Terms, conditions, covenants, or restrictions in respect of any of the above easements: Nil

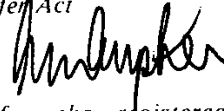
Dated this 25<sup>th</sup> day of October 19 91.  
Signed by the above-named  
BRIAN CLIFFORD GILLIES and  
MARIE ANNABELLA GILLIES  
in the presence of  
Witness [Signature]  
Occupation [Signature]  
Address [Signature]

[Signature]  
[Signature]

**EASEMENT CERTIFICATE**

(IMPORTANT): Registration of this certificate does not of itself create any of the easements specified herein.

Correct for the purposes of the Land Transfer Act




Solicitor for the registered proprietor

The within right of way easement when created will be subject to Section 309(1)(a) Local Government Act 1974

at  
ALE

MAHON & SUMPTER  
Solicitors  
TAKPAUNA

11.02 13.NOV.91 C 322643.6  
PARTICULARS ENTERED IN  
LAND REGISTRY AUCKLAND  
ASST. LAND REGISTRAR



C322643.5 BLR

FAR NORTH DISTRICT COUNCIL

CERTIFICATE OF LOCAL AUTHORITY UNDER SECTION 327(7)  
LOCAL GOVERNMENT ACT, 1974

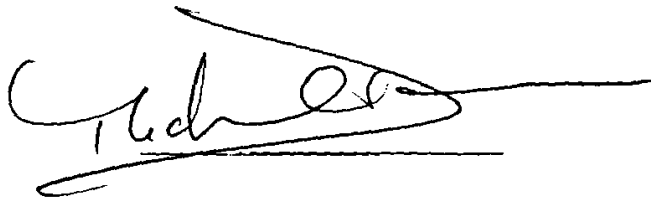
Valuation No.: 30/64/1  
File Number: MSP 1208  
Applicant: B.C. & M.A. Gillies

IN THE MATTER OF LAND TRANSFER PLAN NO. 132053

pursuant to section 327(7) of the Local Government Act 1974 I HEREBY CERTIFY that the Mangonui County Council resolved to impose a new building line restriction of 40 metres eastward from the western boundary of Lot 4 on the said plan.

The powers and responsibilities of the former council are now vested in the Far North District Council.

DATED at Kaitaia this 12<sup>th</sup> day of November, 1991.



Area Manager

11.02 13.NOV91 C 322643-5

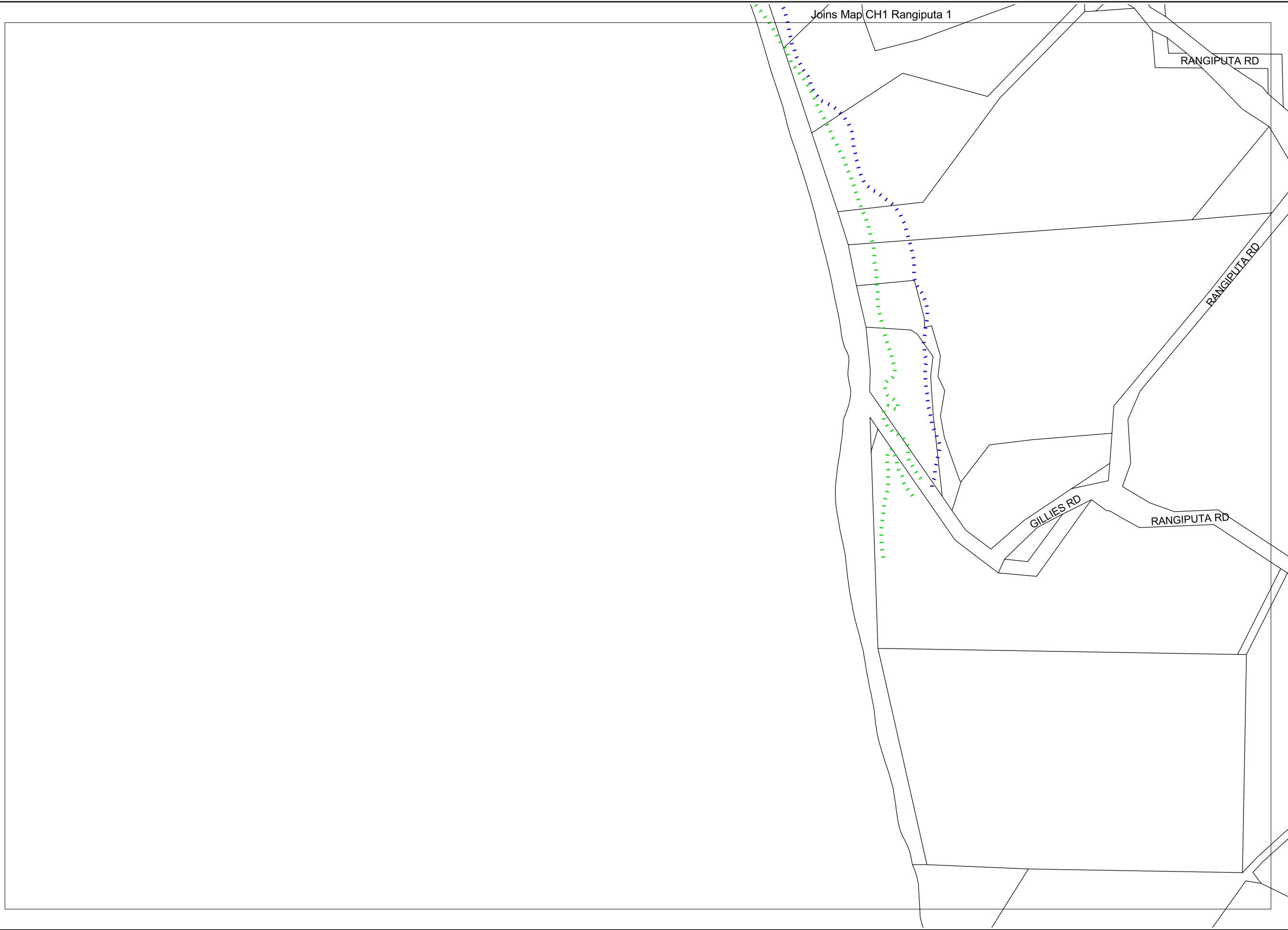
PARTICULARS ENTERED IN REGISTER  
LAND REGISTRY AUCKLAND  
ASST. LAND REGISTRAR





# APPENDIX 2

## PLANNING MAPS

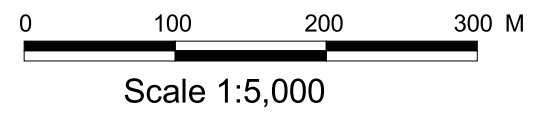
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**Legend**

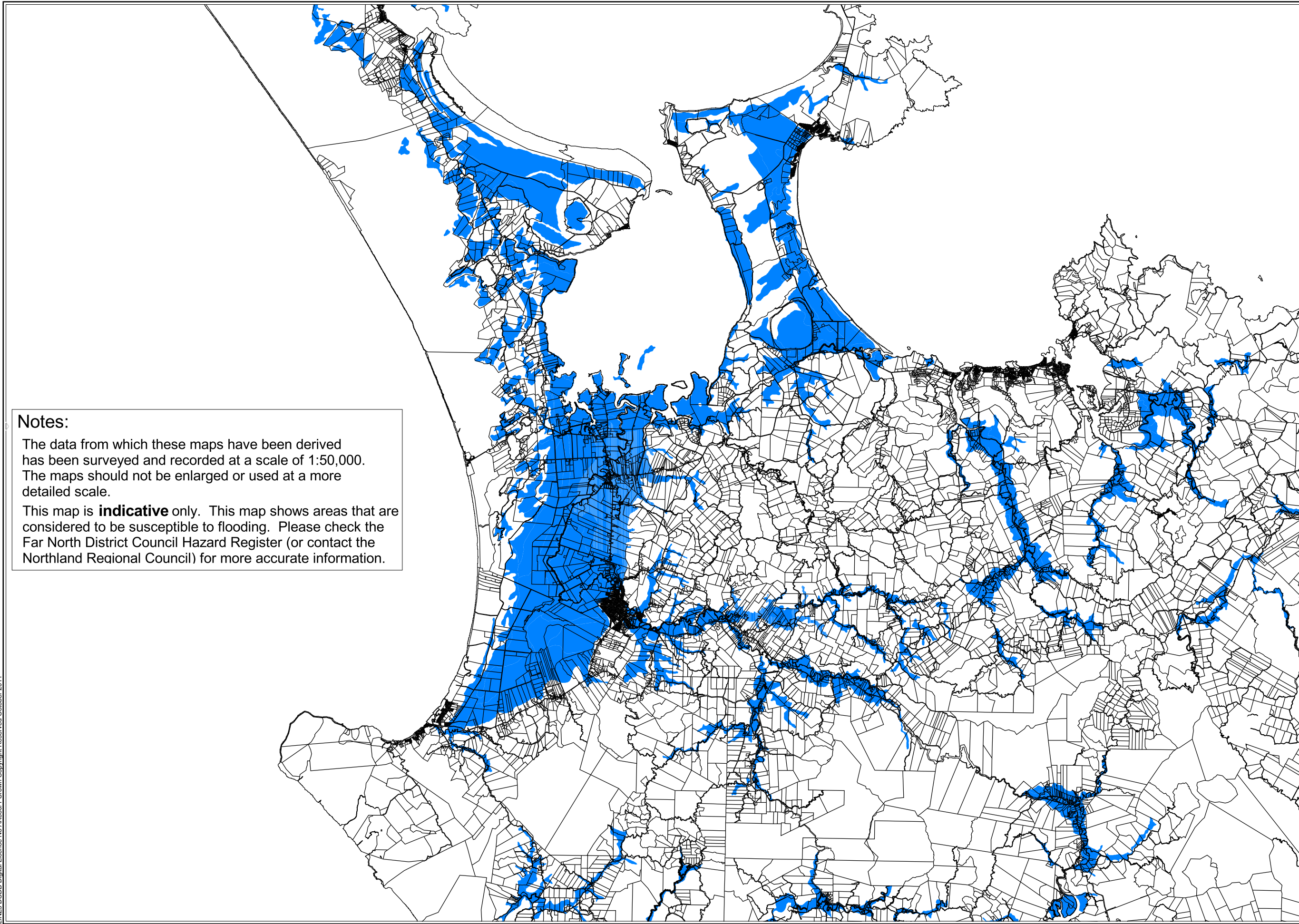
-  Coastal Hazard 1
-  Coastal Hazard 2


**Map CH2  
RANGIPUTA  
2**



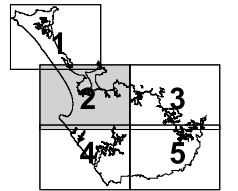
**DISCLAIMER**  
 Considerable care has been taken to avoid errors and omissions, and the latest information has been included in these District Plan maps. However, even with the greatest care inaccuracies may occur and therefore the Far North District Council cannot accept any responsibility for such errors and omissions.





**Flooding**  
 Areas Susceptible to Flooding

**Notes:**  
 The data from which these maps have been derived has been surveyed and recorded at a scale of 1:50,000. The maps should not be enlarged or used at a more detailed scale.  
 This map is **indicative** only. This map shows areas that are considered to be susceptible to flooding. Please check the Far North District Council Hazard Register (or contact the Northland Regional Council) for more accurate information.



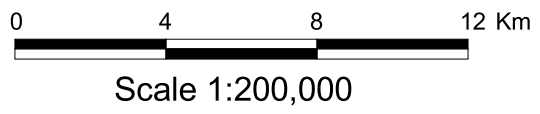
Map Index

**Map FL2**

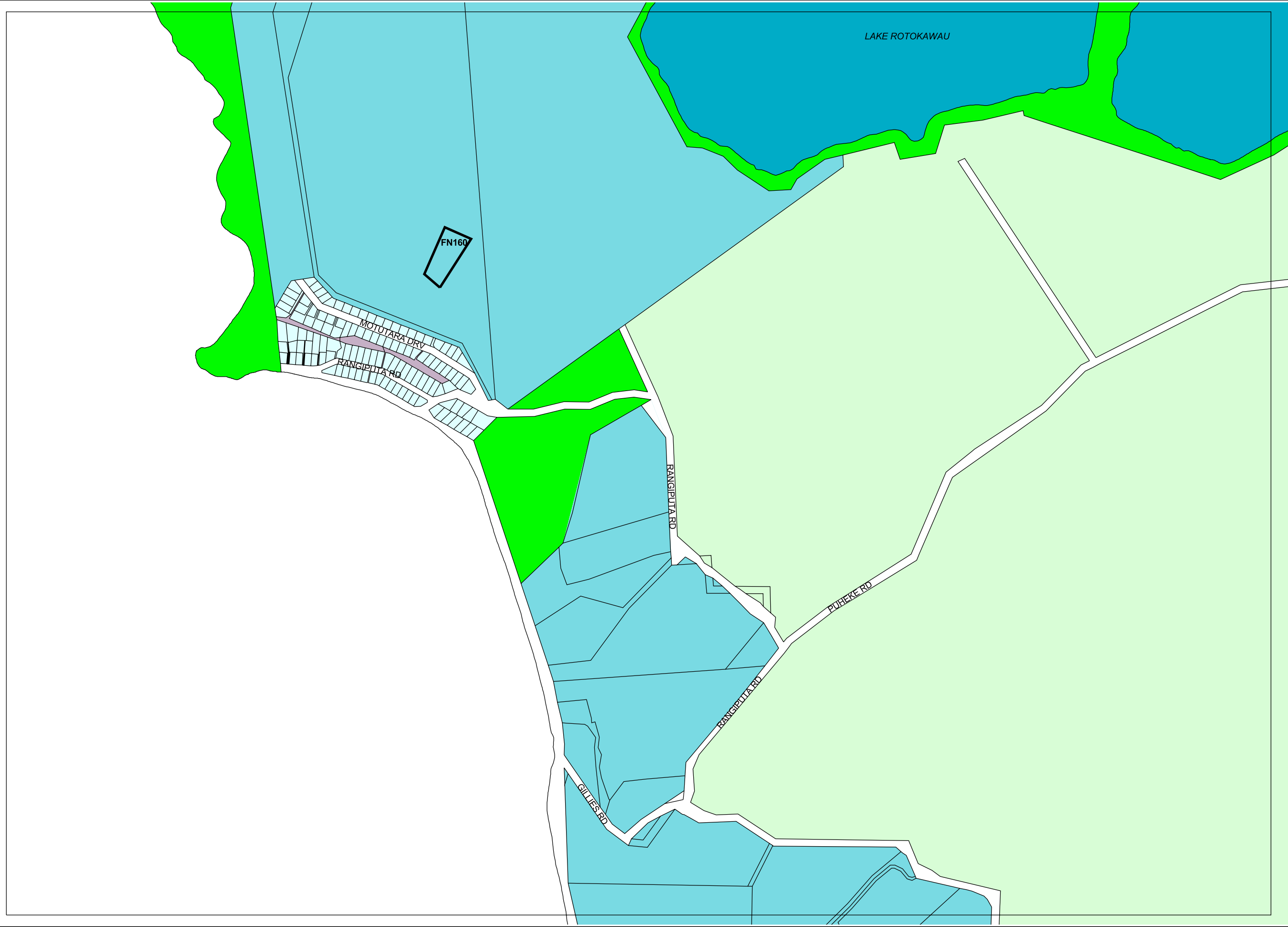
LINZs DCDB Digital Licence No AK35011 Crown Copyright Reserved October 2011



**Far North District Plan - NRC Potential Flooding Maps**

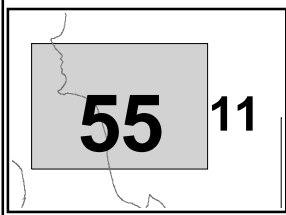


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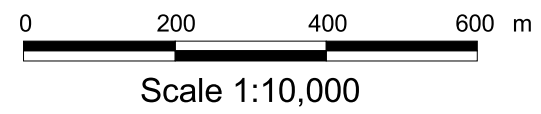


- Zone**
- Conservation
  - Coastal Residential
  - General Coastal
  - Lakes and Rivers
  - Recreational Activities
  - Rural Production
  - Road
  - Coastal Marine
  - Designations

Note :-  
Roads carry the same zoning as the adjoining land. If a boundary between zones follows a road, the zone boundary is located on the centreline of the formed road, or where unformed, the centreline of the legal road



Map Index  
**Map 55**  
RANGIPUTA



**DISCLAIMER**  
Considerable care has been taken to avoid errors and omissions, and the latest information has been included in these District Plan maps. However, even with the greatest care inaccuracies may occur and therefore the Far North District Council cannot accept any responsibility for such errors and omissions.

# APPENDIX 3

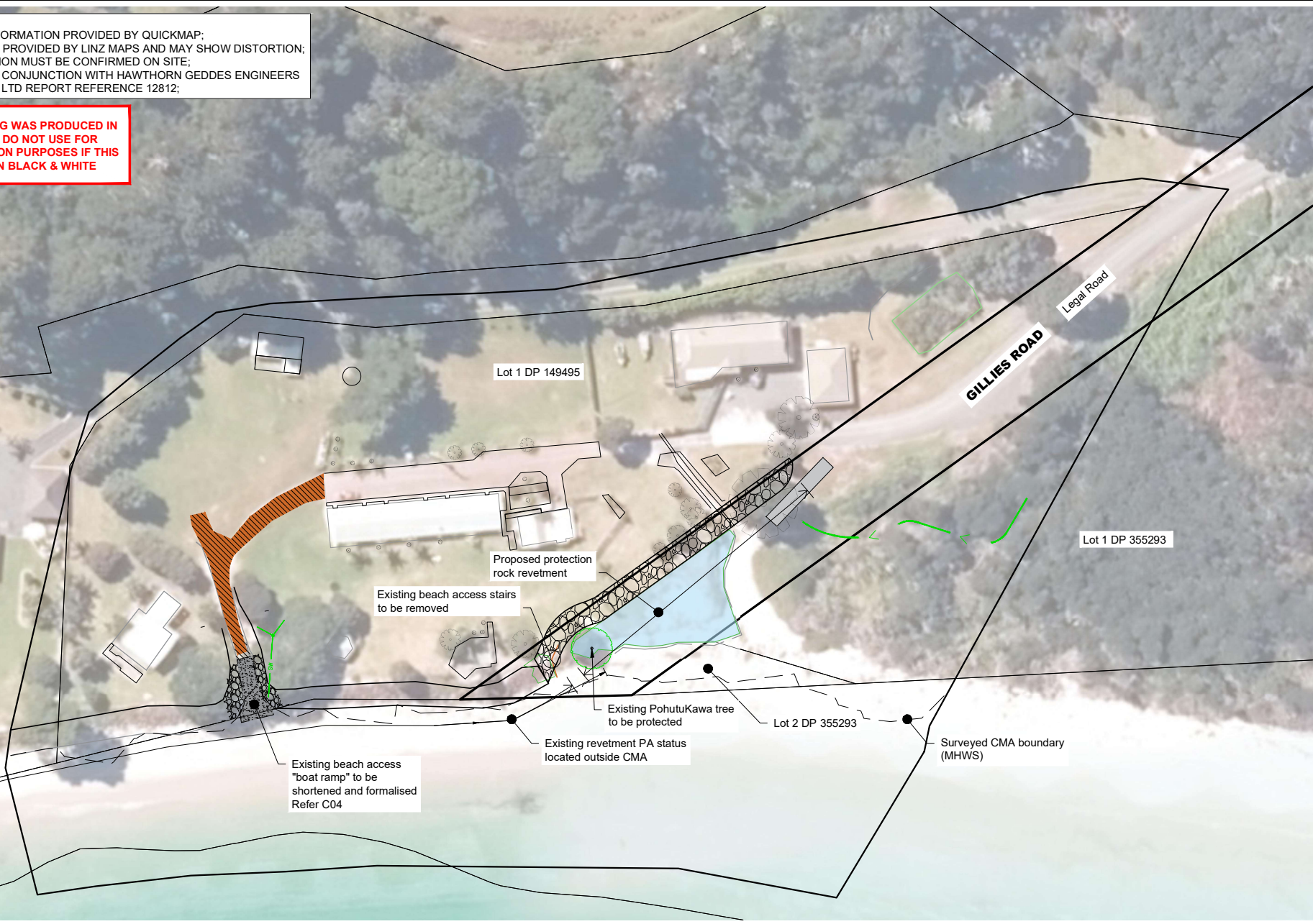
SITE PLAN [HAWTHORN GEDDES  
ENGINEERS AND ARCHITECTS LTD]

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NOTE:  
 BOUNDARY INFORMATION PROVIDED BY QUICKMAP;  
 AERIAL PHOTO PROVIDED BY LINZ MAPS AND MAY SHOW DISTORTION;  
 ALL INFORMATION MUST BE CONFIRMED ON SITE;  
 TO BE READ IN CONJUNCTION WITH HAWTHORN GEDDES ENGINEERS  
 & ARCHITECTS LTD REPORT REFERENCE 12812;

**THIS DRAWING WAS PRODUCED IN  
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 CONSTRUCTION PURPOSES IF THIS  
 NOTE IS IN BLACK & WHITE**

Provisional - not for construction



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**Hawthorn Geddes  
 engineers & architects ltd**

7 Selwyn Avenue  
 Whangarei 0110  
 Phone: 09 438 7139  
 hg@hgcs.co.nz

Unit 21a, The Grange  
 Warkworth 0910  
 Phone: 09 283 3428  
 www.hawthorngeddes.co.nz

CLIENT **KINGHEIM LIMITED**

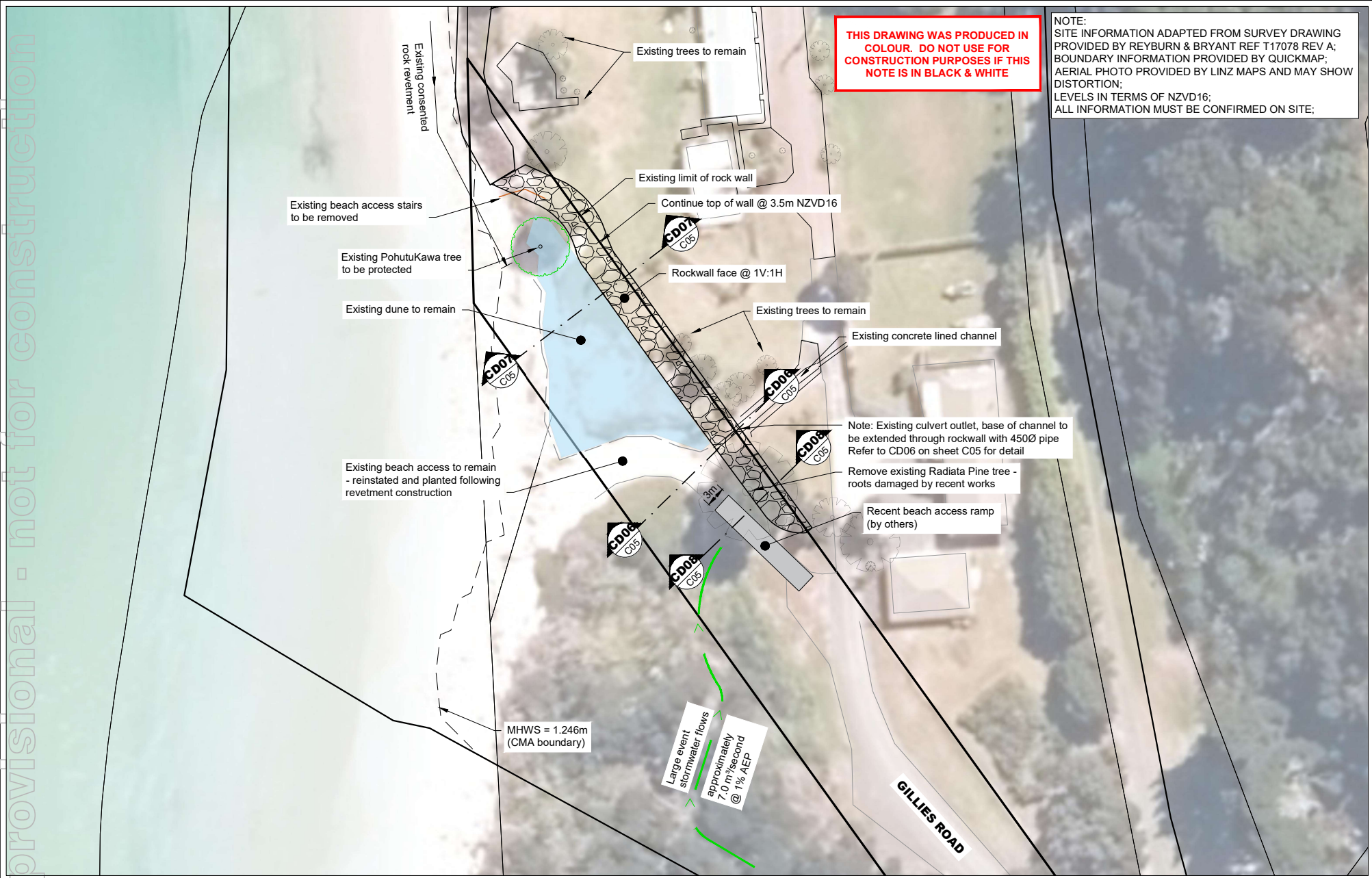
PROJECT **PROPOSED BEACH ACCESS UPGRADE  
 44 GILLIES ROAD, KARIKARI PENINSULA**

DRAWING **SITE PLAN**

				<b>CONSENT</b>		SCALE @ A3 1:750
				DRAWN MS JUNE 2022	PROJECT No. <b>12812</b>	
A	ROCK WALL ALTERED	DV	24/05/24	CHECKED		
-	ROCK WALL ALTERED	JL	22/03/24	APPROVED	JAMES BLACKBURN	SHEET
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CLIENT **KINGHEIM LIMITED**

PROJECT **PROPOSED BEACH ACCESS UPGRADE  
 44 GILLIES ROAD, KARIKARI PENINSULA**

DRAWING **PROPOSED BEACH ACCESS & ROCK WALL (NTA)**

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P1		ISSUED FOR CLIENT COMMENT	AT	03/03/23	APPROVED	JAMES BLACKBURN		SHEET
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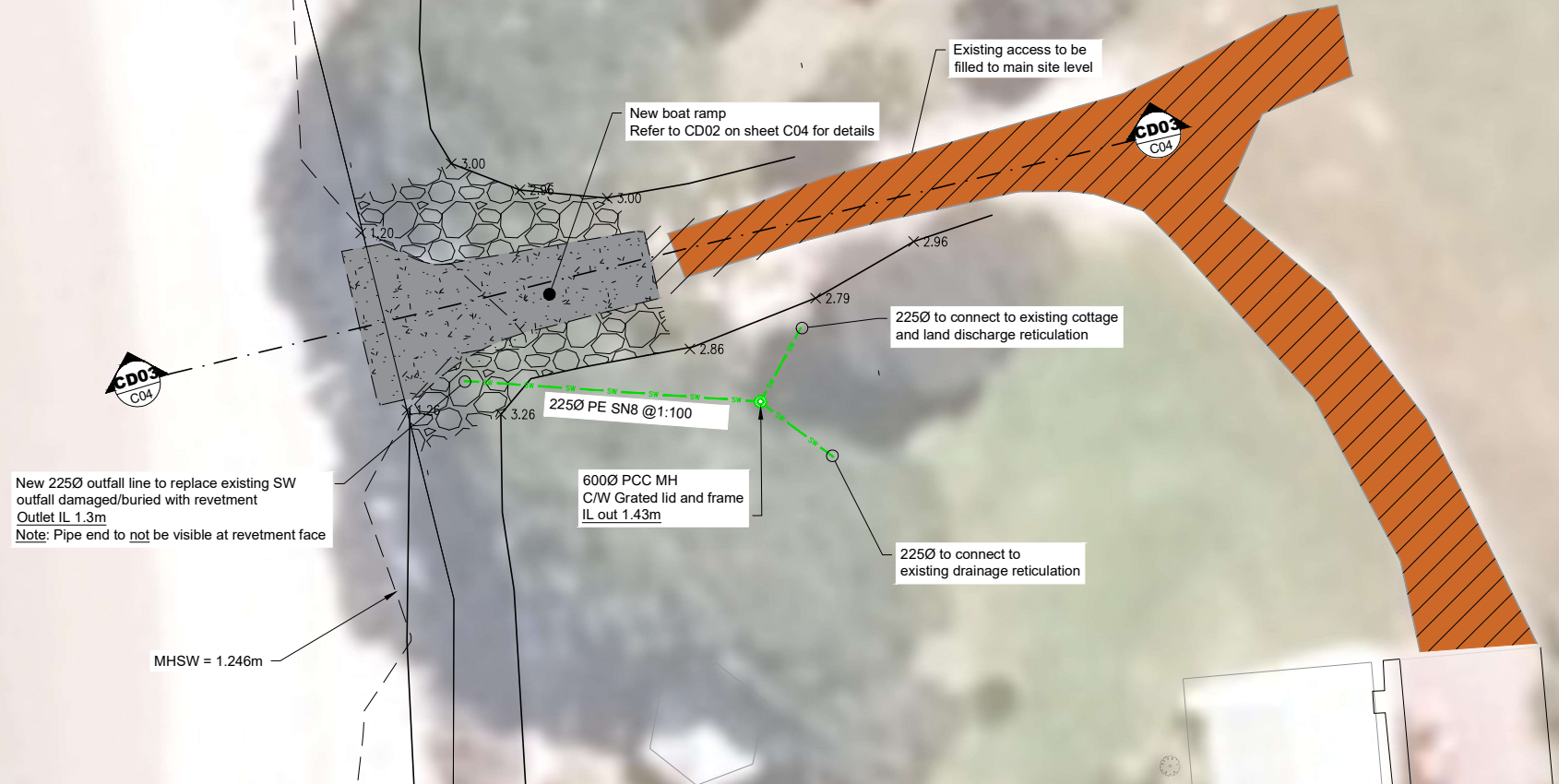
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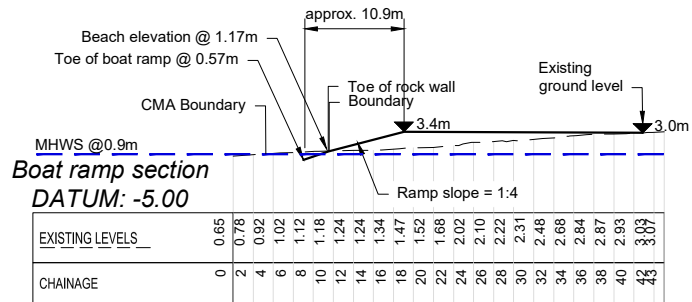
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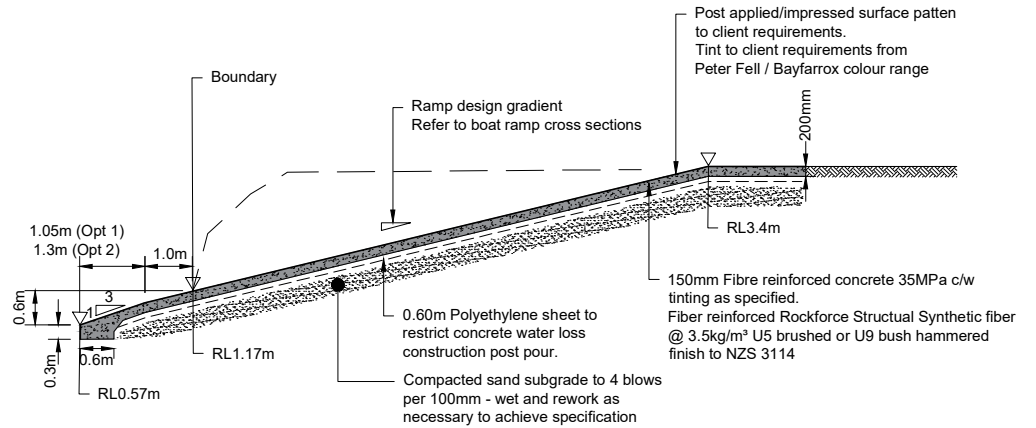
**CLIENT KINGHEIM LIMITED**  
**PROJECT PROPOSED BEACH ACCESS UPGRADE**  
**44 GILLIES ROAD, KARIKARI PENINSULA**  
**DRAWING BOAT RAMP ACCESS**

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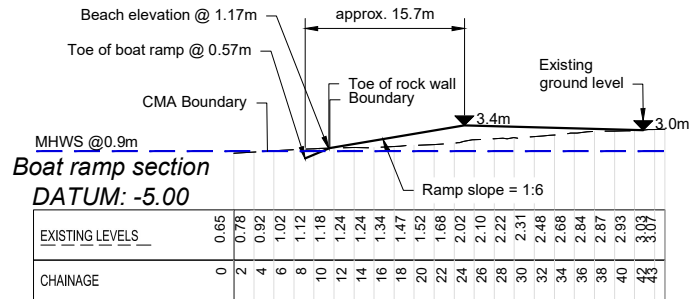
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**CD03 BOAT RAMP OPTION 1**  
C03 SCALE - 1:500



**CD02 BOAT RAMP DETAIL**  
C03 SCALE - 1:100



**CD03 BOAT RAMP OPTION 2**  
C03 SCALE - 1:500

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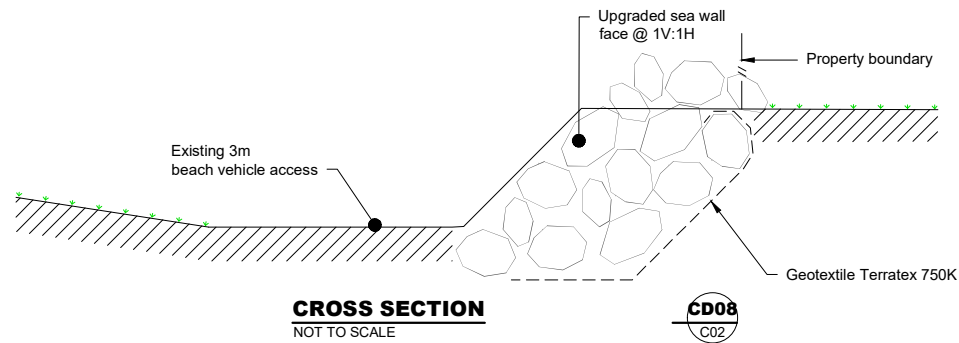
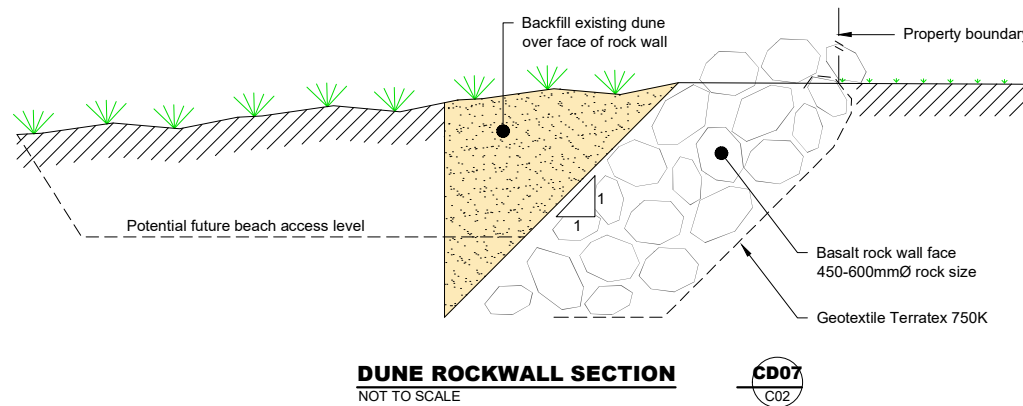
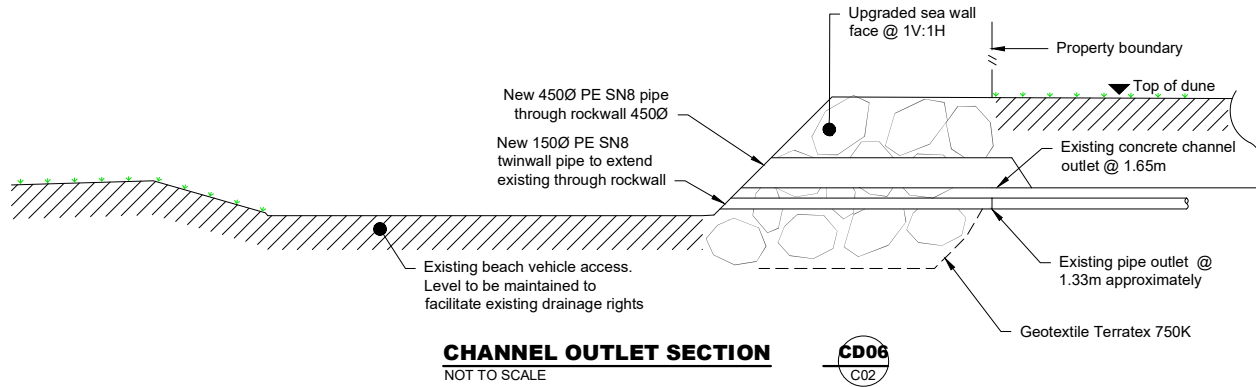
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CLIENT **KINGHEIM LIMITED**  
 PROJECT **PROPOSED BEACH ACCESS UPGRADE  
 44 GILLIES ROAD, KARIKARI PENINSULA**  
 DRAWING **TYPICAL DETAILS**

				<b>CONSENT</b>		SCALE @ A3 AS SHOWN
		DRAWN	AT	MAR 2023		PROJECT No.
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CLIENT **KINGHEIM LIMITED**

PROJECT **PROPOSED BEACH ACCESS UPGRADE  
44 GILLIES ROAD, KARIKARI PENINSULA**

DRAWING **TYPICAL CROSS SECTION**

REV	DESCRIPTION	BY	DATE
-	CD08 ADDED	JL	22/03/24
P2	BEACH ACCESS ALTERED	JL	08/12/23
P1	ISSUED FOR CLIENT COMMENT	AT	30/05/23
REV	REVISION DETAILS	BY	DATE

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# APPENDIX 4

## ENGINEERING DESIGN SUMMARY REPORT [HAWTHORN GEDDES ENGINEERS AND ARCHITECTS LTD]

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In reply please quote: 12812

01<sup>st</sup> May 2024

Kingheim Limited

C/- Reyburn and Bryant  
Attention: Joe Henehan  
Via email: [joseph@reyburnandbryant.co.nz](mailto:joseph@reyburnandbryant.co.nz)

**REEF LODGE BOUNDARY WORKS – DESIGN SUMMARY REPORT TO  
SUPPORT RC APPLICATION TO NRC / FNDC WHERE APPROPRIATE –  
44 GILLIES ROAD, KARIKARI PENINSULA – LOT 1 DP 149495**

## Purpose

The purpose of this letter is to provide the background to the proposed works and an outline of the design approaches considered and selected at the proposed property 44 Gillies Road, Rangiputa, Karikari Peninsular, Te Tai Tokerau.

## Property Description & Setting

The subject property is legally described as Lot 1 DP 149495. It is located at the eastern limit of the made up section of Gillies Road, which continues as an un-made legal road (beach access) adjacent the southern boundary. The site lies to the west of a natural escarpment which defines the edge of the main cemented sands broadly defining the Karikari peninsular. The site itself lies within the coastal margin of windblown sands. The approximate outline of the property is shown in Figure A below (Google Earth).

The western boundary adjoins the CMA with riparian rights without an esplanade reserve margin. The northern and eastern boundaries are adjoined by private property.

The beach access used frequently by the public does not follow the alignment of the legal road corridor but deviates to the south as it approaches the beach, to cross land controlled by FNDC as a local purposes reserve, and the corner of a larger land parcel to the south, controlled by Landcorp (future treaty settlement land). This deviation is arrowed on Figure A.



*Figure A – Reef Lodge approximate boundary*



*Figure B – Existing rock revetment seawall viewed from the existing southern extent of the wall at the SW corner of the property*

The property presently has the seaward frontage (western boundary facing Rangiputa harbour) constructed with a rock revetment seawall which extends from the northern boundary to the southern extent where it intersects the legal road boundary. The wall has a penetration in it to facilitate a private beach vehicle access from the property and has a pedestrian private access stairs over the face of the wall toward the southern limit of the rock revetment. The pedestrian access stairs are proposed to be removed as part of the proposed works.

A substantial radiata pine is located on the property boundary within the Gillies Road legal corridor. Recent scour and subsequent beach access works have damaged the southern side of the root structure. This tree is in close proximity to the existing manager's house garage and potentially puts these buildings at risk in light of the recent works. It is proposed to remove this tree with the approval of the RCA as part of the works. It is noted that the property owners are proposing significant replanting in association with the redevelopment of the site (new cottage and main dwelling – RC granted).



*Figure C – Existing private beach vehicle access through existing seawall*

### **Fluvial Flooding Risk**

In recent years, with modifications / development undertaken in the upstream catchment (full extent of changes unknown), significant rainfall events have led to substantial fluvial flows running down the table drains of Gillies Road discharging to a natural hind-dune impoundment area to the south and west of Gillies Road. Historically, the hydrologic behaviour has been for natural low-rate soakage to occur from this basin, with no formal outlet provided. However, more recently significant flow events have caused this natural basin to overtop, resulting in significant flows through the alignment of the public beach access.



*Figure D – Surface flow path (during and following significant rain) into the public beach access corridor*

These flows, when they occur, result in significant scour to the beach access and put the subject property at risk of erosion on the southern boundary. The movement of material also obstructs the stormwater outlets from the southern end of the property resulting in inadequate surface and building drainage. Figure E below indicates the magnitude of the flow path along the beach vehicle access. The scour resulted in an inoperable beach access for a period of time (Figure F).



*Figure E – Significant flows and associated scour during / following rainfall*



*Figure F – Vehicle access fully compromised*

## Options Considered

To limit / control scour risk to the southern boundary a number of options were considered, which are outlined below:

- Culvert with formalised intake structure, providing a stormwater connection for the subject property and discharging to the CMA. This option was deemed particularly intrusive in the environment with the elevation of the beach access road, construction of hard structures at the intake and CMA boundary with associated resource consent requirements. This option was therefore discarded.
- Transfer culvert beneath the public beach access and rock lined channel adjacent to the beach access, discharging to the CMA. In a similar manner to the full culvert, the culvert would be required to convey full flows, with allowance for blockage, since the re-grading of the beach access over the culvert would obstruct any overland bypass capacity. A hard inlet structure to the culvert would also be required, although the culvert length would likely not necessitate a RC. While explored in some detail, from discussion with the RCA it was clear that they had no interest in owning the assets created of maintaining them in perpetuity. This option was also therefore discarded.
- Rock revetment scour protection along the boundary of the subject property only (linked to the existing shoreside revetment). This option provides the least intrusive means of protection for the property from fluvial scour and provides a consistent visual palette with the existing rock work. This option also provides for independence between the property protection and the beach access alignment, noting that relatively recent works have been undertaken independent of FNDC to reinstate the vehicular access, and this proposed option would not impact those works or any future work on the beach access. This is the preferred approach.





*Figure G – Recent works to construct a new ramp at Gillies Road*

## **Consenting Matters**

The existing rock revetment facing Rangiputa harbour was constructed under the former NRC Coastal Plan, and prior to the NCPS (2010) and subsequent Northland Regional Plan, the construction of a rock revetment in private land, outside the CMA did not require a resource consent. However, any modifications to that structure under the current planning regulations may now require a RC. The NRC Regional Plan rule interpretation is that the construction of any hard protection structure (rock revetment) that may, in the future, serve the function of coastal protection will require a RC, notwithstanding that the purpose of the proposed revetment in the first instance is to protect the property from fluvial scour associated with the overland flow within the beach access corridor.

Northland Transportation Alliance (NTA) as the RCA have been approached in relation to the beach access from Gillies Road, with copies of preliminary scheme provided to them for consideration. The NTA have confirmed that they have no concerns with the provision of rock revetment along the southern property boundary within the legal road, provided the necessary consents for

the works have been obtained (email Andrew Jones – NTA, 10<sup>th</sup> November 2023). A license to occupy will likely be required from NTA for the revetment structure.

It is proposed to extend the revetment to adjoin the existing rock wall on the seaward boundary of the subject property. This will require the temporary excavation and reinstatement of a strip of the existing sand accumulation along the legal road boundary as indicated on Figure H below (approximate buried rock revetment alignment indicated). The volume of temporary excavation and replacement is estimated to be 500m<sup>3</sup>, which will likely require an earthworks consent from FNDC (noting the excavation is within the legal road corridor). The Pohutukawa within the legal road reserve is to remain and be protected during the works, with any excavation to be restricted to outside the drip line.



Figure H – Approximate alignment of buried rock revetment on Ghillies Road legal boundary

It is also proposed to modify the private beach access “ramp” from the subject property through the existing revetment (Figure J below) to provide continuity of coastal protection at this point while maintaining the private vehicle access to the beach. The tow of the proposed ramp will extend slightly into the CMA and a consent for this work is also likely required.

To formalise structures previously constructed and “deemed consented” by virtue of the prior legislative condition, it is proposed to seek consent for the new (additional) rock revetment and boat ramp, and to include the existing structure within the consent to formalise the entirety of the structure under a single consent.



*Figure J – Existing private beach access through the rock wall*

## **Design Approach**

The additional rock revetment proposed on the southern boundary is not intended to function as a seawall in the first instance, but to protect the property from fluvial erosive scour. However, in accordance with the interpretation of the NRC Regional Plan, with consideration of future sea level rise, there is potential for this revetment to act as a coastal protection structure in the future. To that end, the rock sizing and form of the revetment has been established as *if* it was a coastal structure exposed to direct wave action arising from Rangiputa harbour.

Wind speed has been established from NZS1170.2:2011 for region A6, Table 3.1 established at 41 m/sec reduced to 33m/sec for the direction factor associated with the longest fetch. This is a conservative windspeed since it relates to a 0.3 second gust which is not the wave generating average speed. A review of the new version of 1120.2:2021 indicates no significant change in peak windspeed for the location.

Rock revetment sizing has therefore been calculated using empirical equations from the US ACE Low Cost Shore Protection Manual for a harbour fetch of 1.8km and average water depth of 6.3m. The analysis ignores any wave energy loss associated with the sand beach shoaling effect that would be in place for the future sea level rise condition. This is considered the predominant (future) design condition, with the scour forces associated with the fluvial flows from the

south being significantly less than any future coastal wave action. The drawings therefore detail a revetment to address the future coastal condition.

For the private boat ramp, while it is noted that recently NRC have indicated that they do not consider a boat ramp to be a hard protection structure under the Regional Plan for Northland, the toe extends into the CMA and further rock revetment work is required either side of the ramp, which likely will constitute consentable work. The basis of design for the revetment work is as previously outlined, with the toe of the proposed reinforced concrete boat ramp to extend a minimum of 0.6m vertically below the beach elevation (blue lines), with the interface at beach level broadly in line with the toe of the adjacent rockwork (orange line). Figure K below indicates.



*Figure K – Anticipated toe line (beneath sand) of concrete boat ramp*



*Figure L – Broken concrete (circled) will be placed in the base of the backfilled access. Approximated ramp gradient indicated.*

The broken concrete elements that are presently in place alongside the existing access will be placed in the base of the backfill prior to the formation of the new concrete ramp. Note that it is not proposed to utilise granular base course in

the construction of the ramp so as to avoid contamination of the beach with “foreign” material.

Existing stormwater outlet(s) contained within the rock revetment adjacent to the boat ramp location are to be inspected for condition and reinstated as appropriate. It is not proposed to provide formalised outfall structures since the discharge flows (subsoil drainage and localised runoff from building roofs) are small, with the pipe outfall intentionally buried within the rockwork. The approximate location of the stormwater outfall is shown on the drawings.

## **Summary**

The property has an existing “deemed consented” rock revetment seawall along its western boundary, facing the Rangiputa harbour. The property is subject to fluvial erosion risk from surface water flows on the alignment of the Gillies Road legal road corridor where a public vehicular beach access is formed. The proposal is to protect the property on the southern boundary by extending the existing rock revetment along the southern boundary on the Gillies Road boundary. While fluvial overland flow scour protection does not require a consent, the location is such that in the future it may provide coastal erosion protection and, as a “hard” structure requires a consent under the Regional Plan for Northland.

It is proposed to amalgamate a consent such that it includes for the foregoing rockwork, modifications to the private beach access with the provision of a formalised boat ramp, existing stormwater outfalls (to land) and inclusion of the existing revetment under a single NRC consent.

## **Limitation**

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Yours faithfully,

**James Blackburn**  
**Director**  
**BEng (Hons) CPEng CEngNZ Int PE (NZ) APEC Engineer**  
**Hawthorn Geddes**  
engineers & architects ltd

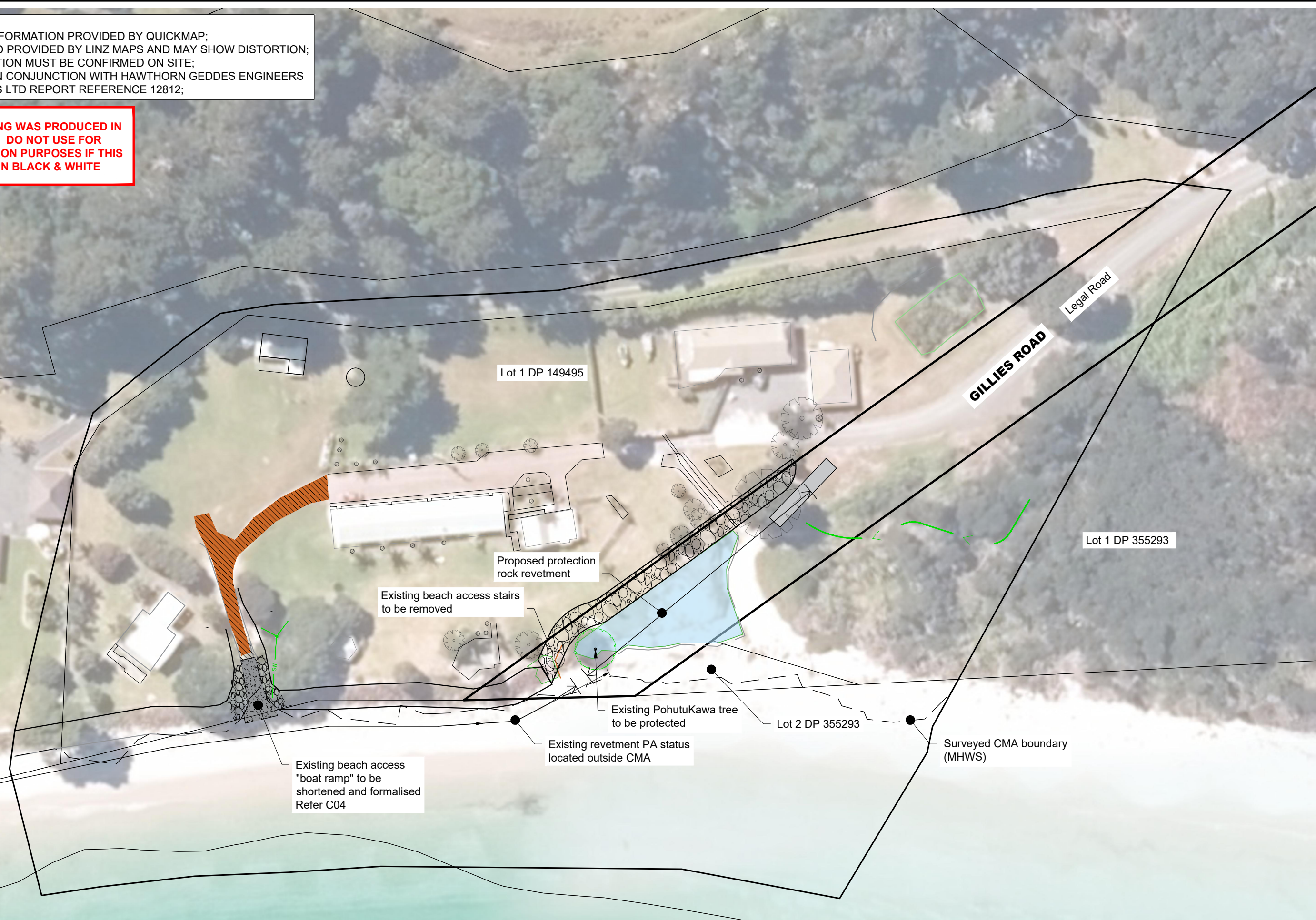
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CLIENT **KINGHEIM LIMITED**

PROJECT **PROPOSED BEACH ACCESS UPGRADE  
 44 GILLIES ROAD, KARIKARI PENINSULA**

DRAWING **SITE PLAN**

A	ROCK WALL ALTERED	DV	24/05/24
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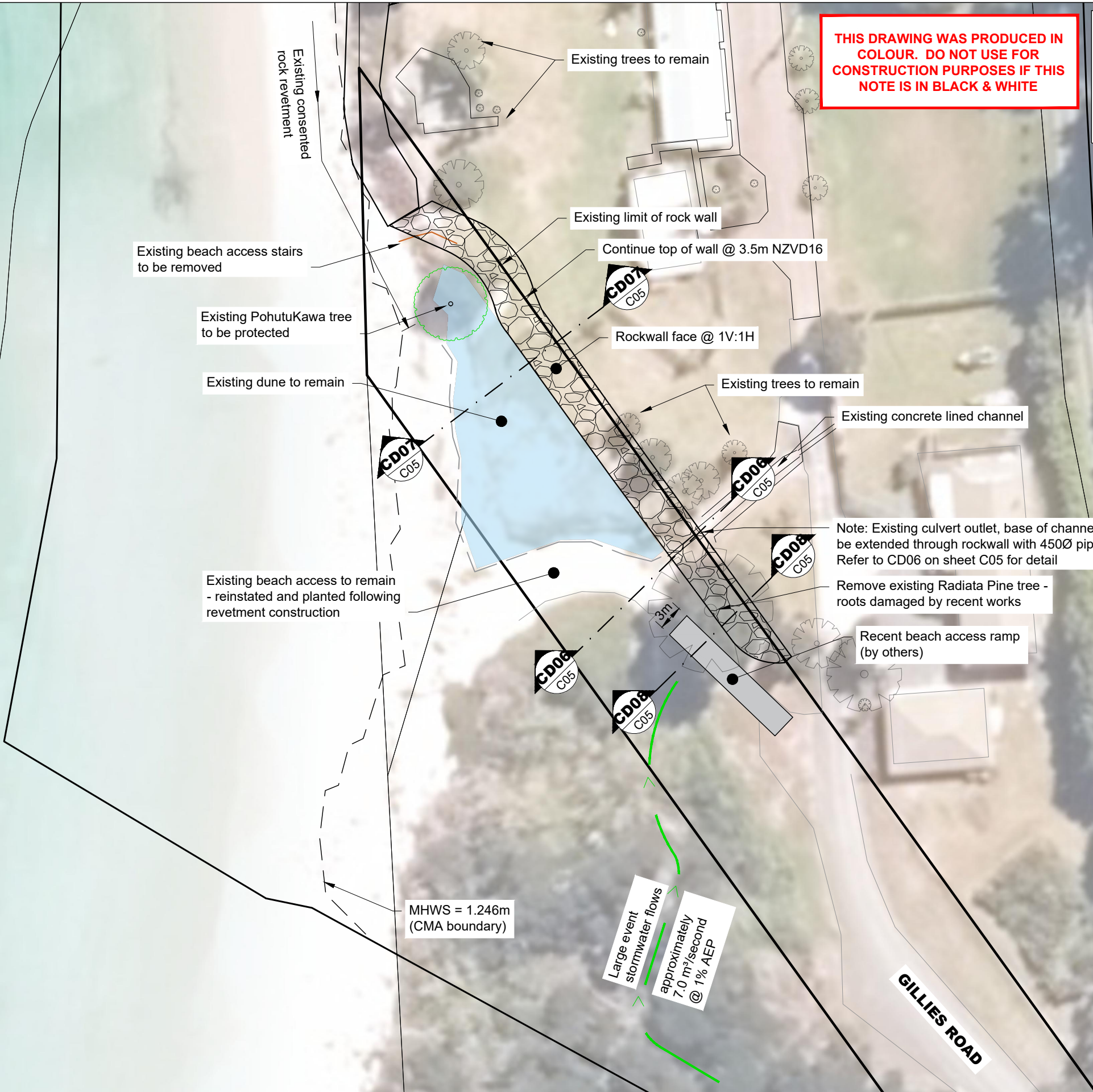
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**44 GILLIES ROAD, KARIKARI PENINSULA**  
 DRAWING **PROPOSED BEACH ACCESS & ROCK WALL (NTA)**

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-	ROCK WALL ALTERED	JL	22/03/24
P3	ROCK WALL AND BEACH ACCESS RAMP ALTERED	DV	16/02/24
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P1	ISSUED FOR CLIENT COMMENT	AT	03/03/23
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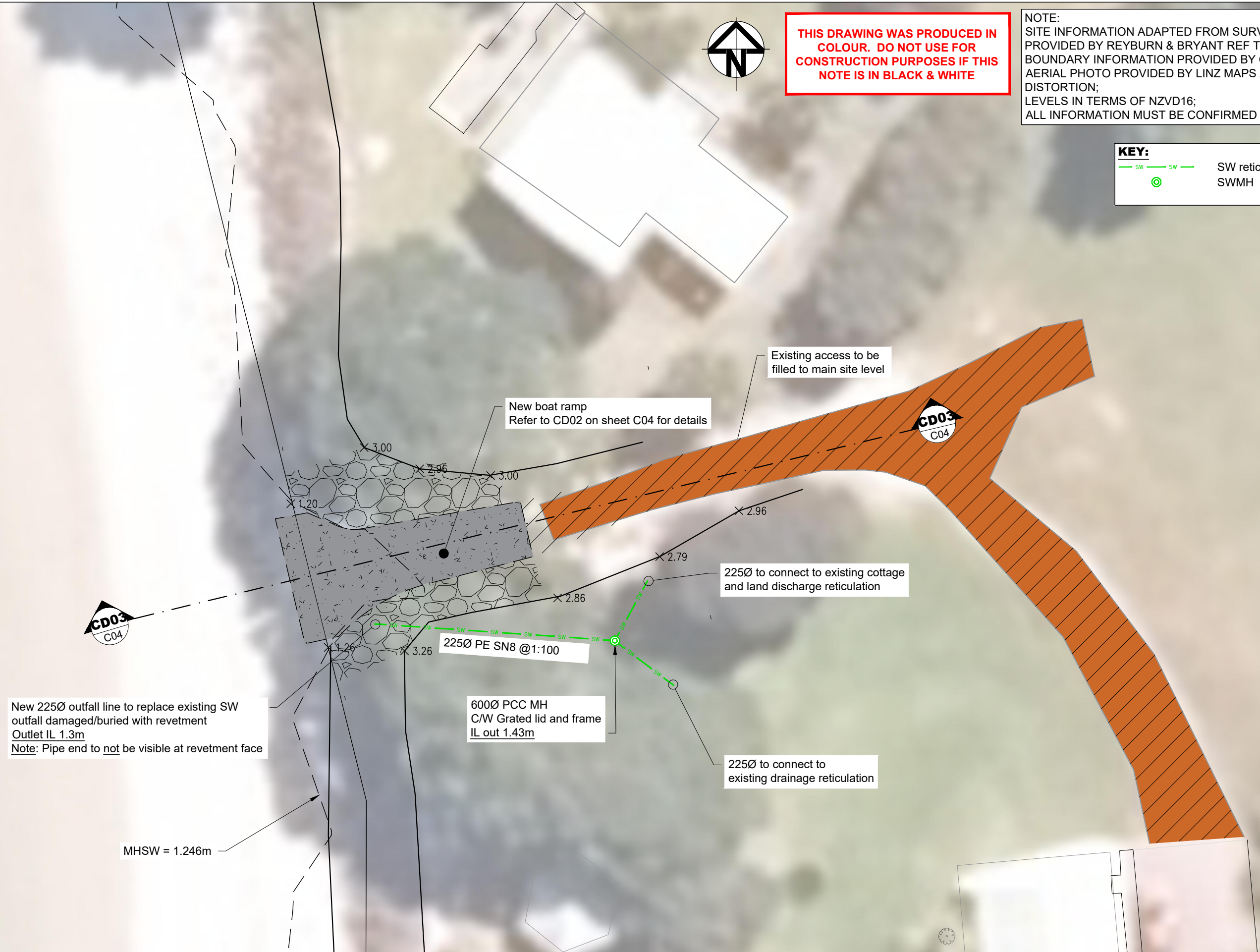
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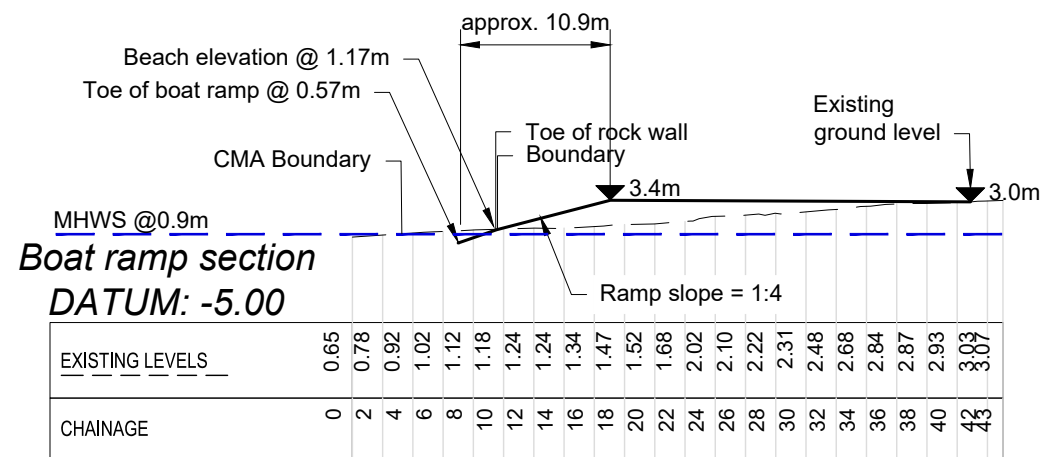
CLIENT **KINGHEIM LIMITED**  
 PROJECT **PROPOSED BEACH ACCESS UPGRADE**  
**44 GILLIES ROAD, KARIKARI PENINSULA**  
 DRAWING **BOAT RAMP ACCESS**

A	STORMWATER ALTERED	DV	24/05/24
-	LABELS ALTERED	JL	22/03/24
P1	ISSUED FOR CLIENT COMMENT	AT	03/03/23
REV.	REVISION DETAILS	BY	DATE

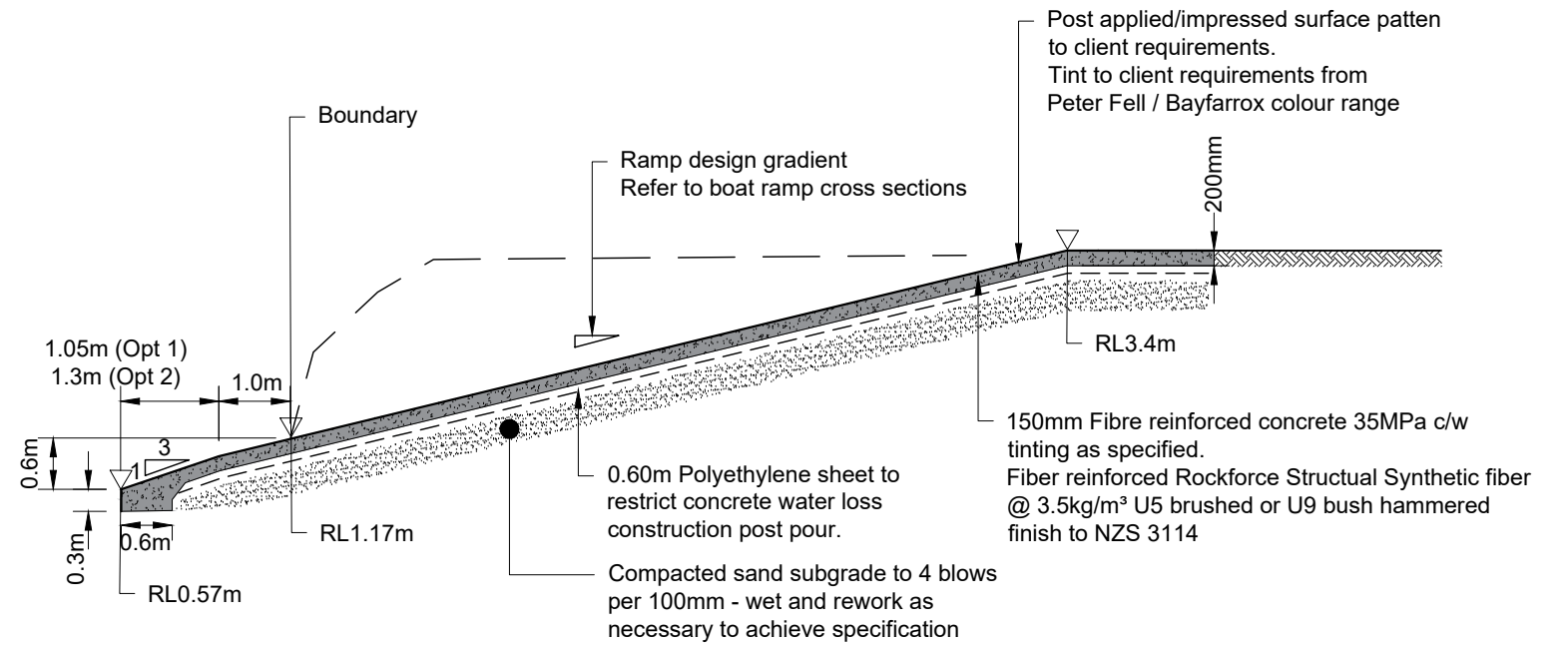
<b>CONSENT</b>				SCALE @ A3 1:200
DRAWN	AT	MAR 2023	PROJECT No.	<b>12812</b>
CHECK'			SHEET	
APPROVED	JAMES BLACKBURN		REV.	<b>A</b>
			<b>C03</b>	

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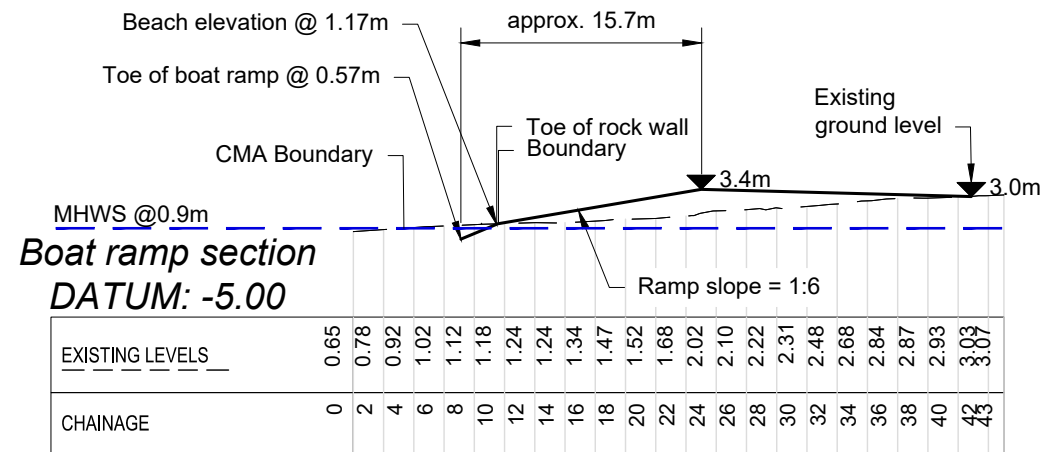




**CD03 BOAT RAMP OPTION 1**  
C03 SCALE - 1:500



**CD02 BOAT RAMP DETAIL**  
C03 SCALE - 1:100



**CD03 BOAT RAMP OPTION 2**  
C03 SCALE - 1:500

**NOTE:**

- SITE INFORMATION ADAPTED FROM SURVEY DRAWING PROVIDED BY REYBURN & BRYANT REF T17078 REV A;
- LEVELS IN TERMS OF NZVD16;
- MHWS ADAPTED FROM COASTAL FLOOD HAZARD ASSESSMENT FOR NORTHLAND REGION 2019-2020 REPORT (TONKIN & TAYLOR);
- ALL INFORMATION MUST BE CONFIRMED ON SITE.

USE WRITTEN DIMENSIONS. DO NOT SCALE FROM DRAWING.

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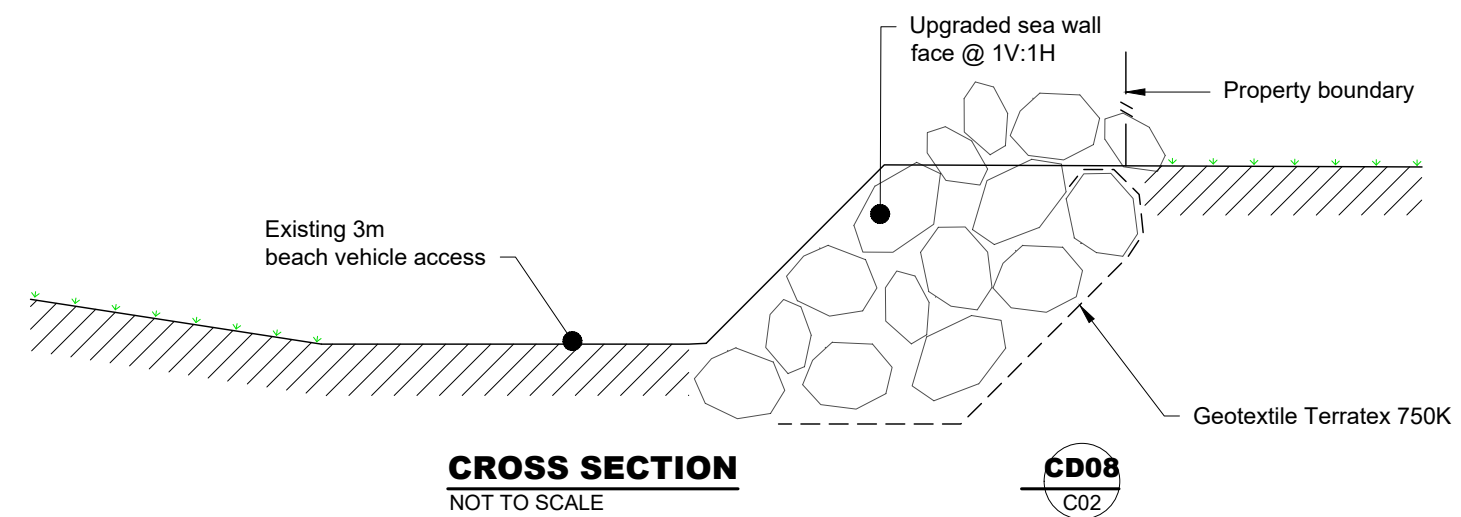
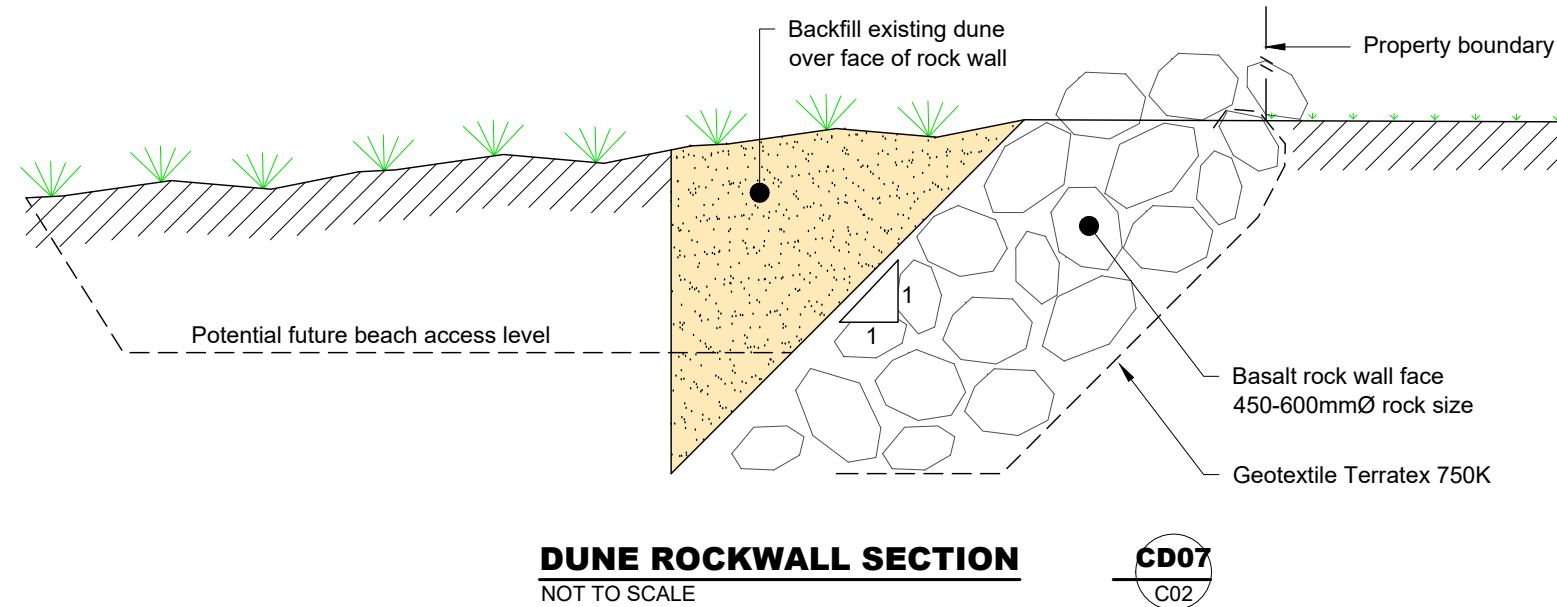
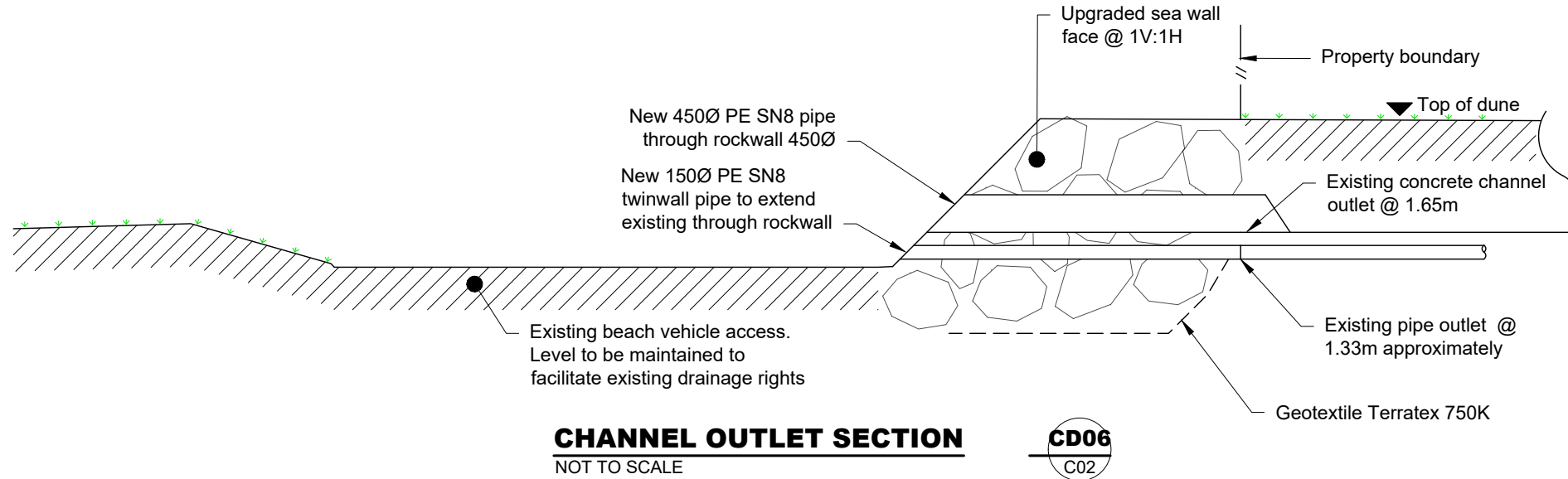
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CLIENT **KINGHEIM LIMITED**  
PROJECT **PROPOSED BEACH ACCESS UPGRADE**  
**44 GILLIES ROAD, KARIKARI PENINSULA**  
DRAWING **TYPICAL DETAILS**

				<b>CONSENT</b>		SCALE @ A3 AS SHOWN	
				DRAWN	AT	PROJECT No.	
				24/05/24	MAR 2023	12812	
A				DETAIL REVISED	DV	CHECK	
-				LABELS ALTERED	JL	APPROVED	JAMES BLACKBURN
P1				ISSUED FOR CLIENT COMMENT	AT	03/03/23	SHEET
REV.				REVISION DETAILS	BY	DATE	<b>C04</b>
							<b>A</b>

provisional - not for construction



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CLIENT	<b>KINGHEIM LIMITED</b>
PROJECT	<b>PROPOSED BEACH ACCESS UPGRADE 44 GILLIES ROAD, KARIKARI PENINSULA</b>
DRAWING	<b>TYPICAL CROSS SECTION</b>

CD08 ADDED	JL	22/03/24
P2 BEACH ACCESS ALTERED	JL	08/12/23
P1 ISSUED FOR CLIENT COMMENT	AT	30/05/23
REV. REVISION DETAILS	BY	DATE

<b>CONSENT</b>		SCALE @ A3 1:75
DRAWN	JL DEC 2023	PROJECT No.
CHECK		<b>12812</b>
APPROVED	JAMES BLACKBURN	SHEET
		<b>C05</b>
		REV.
		-

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# APPENDIX 5

## NTA CORRESPONDENCE

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## Reyburn and Bryant

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**From:** [REDACTED]  
**Sent:** Friday, 10 November 2023 12:24 PM  
**To:** Conal Summers; James Blackburn  
**Subject:** Gillies Road Beach Access

James / Conal,

After discussions with my NTA colleagues, we have concluded that the NTA has no interest in the proposed beach access and the information that you have provided has been more than sufficient to understand your proposal, therefore a meeting is not required.

You are also proposing a specifically engineered designed access which is not designed in accordance with the FNDC Engineering Standards, and Council shall not accept any responsibility of completing any maintenance of the beach access.

Due to the complex nature of the LTO application, we feel that a resource consent is a better suited for this proposal, and would allow other parties (Iwi, other FNDC departments, NRC, and even Department of Conservation (DOC)) to assess the effects of this proposal from their respective expertise.

Hopefully, this provides you with a clear way forward towards completion of the project.

**Andrew Jones**

**Traffic Engineer** | Northland Transportation Alliance

Far North | Kaipara | Whangarei

**DDI +6494070406 | M 0273219644**

## NORTHLAND TRANSPORTATION ALLIANCE



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