

# Memorandum



To Jerome Wyeth and Ben Lee

From Melean Absolum  
Landscape Architect, MALtd

Date 16 August 2024

Dear Jerome & Ben,

**FAR NORTH DISTRICT COUNCIL - PROPOSED DISTRICT PLAN**  
**HEARING 4 - NATURAL ENVIRONMENT VALUES & COASTAL ENVIRONMENT**  
**POST HEARING RESPONSE FROM MELEAN ABSOLUM LTD**

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## 1 INTRODUCTION

The following sets out my response to relevant matters raised in submitters' evidence and by the Hearing Panel.

Firstly, I note that my brief was to respond to individual submissions rather than to undertake a district-wide assessment of any of the overlays I have been dealing with, ie. ONL, ONC, HNC and CE.

## 2 TOP ENERGY - EVIDENCE OF DAVID BADHAM

### Request to Increase Height of Permitted Power Poles

Mr David Badham appeared on behalf of Top Energy on the first day of the hearing. As part of his presentation he sought to have the maximum height of power poles enabled under NFL-R1 PER-3.3c and NATC-R1 PER2.11.a increased from 10m to 12.5m, as this is the "standard size" for Top Energy power poles.

Mr Badham also provided photographs of both single and pi-poles, but was unable to confirm the height of them at the hearing. He has subsequently provided a further six photographs of in-situ power poles along with identification of the voltage of the lines, the height of the pole and the location. Of the six poles illustrated, four are 10.4m above ground and two are 12.3m above ground. These photographs are attached at Appendix A.

Using this information I have visited several of the locations illustrated to see the potential effects these different heights have in the field. I have concluded that the increase in height from 10m to 12.5m will not create unacceptable adverse effects. I therefore support this increase in the maximum height enabled.

### Request to Enable Replacement of Single Poles with Pi-Poles

Mr Badham also requested that the replacement of single poles with pi-poles be permitted, to avoid unnecessary costs and delays. As he pointed out, they often enable longer spans and thus fewer poles may be required.

As I stated in my report, the appropriate replacement of existing infrastructure within riparian margins and ONLs relies on the scale of the replacement structures. The introduction of visually more complex structures, such as pi-poles, has the potential to create additional adverse effects, even if there are to be fewer structures than before. In my opinion it is appropriate that adverse effects arising from this additional visual complexity be considered through a consenting process.

### 3 ONL OVER AREAS OF FORESTRY

In response to a question from Commissioner Kensington and as stated during the verbal reply from the reporting officers to the hearing, I have taken the opportunity to re-consider the recommended removal of the ONL overlay from 13 areas of forestry. The approach I have taken is to consider the following:

- Whether the ONL worksheet acknowledges the presence of forestry within the ONL;
- Whether the area of forestry is sufficiently small that the overlap is likely to be an error arising from different data sets; and
- The proximity of the edge of the ONL to the area of overlap, such that removal would not leave a hole in the ONL.

The 13 identified areas in Appendix A to my report<sup>1</sup> occupy parts of seven ONLs. They are:

- Mahinepua area coast Areas 1 & 2;
- Mangonui Forest Range & Pekapeka Bay Area 3;
- Great Exhibition Bay & Parengarenga Spit Area 4;
- Waima Mataurau bush-clad hills Area 5;
- Omahuta Puketi Bushlands Area 6;
- Maungataniwha Range Areas 7, 8, 9, 10, 11 & 12; and
- Herekino bush-clad hills Area 13.

The Mahinepua area coast ONL worksheet includes references to the presence of forestry within the ONL. This, together with the fact that the areas of forestry identified in Areas 1 and 2 are relatively large and surrounded by ONL, mean that, in my view, they are an acknowledged part of the landscape identified as an ONL. I am thus now recommending that the ONL overlay should not be adjusted around them.

The area of forestry within the Mangonui Forest Range & Pekapeka Bay ONL is illustrated in the ONL Worksheet and forms an integral part of the landscape identified as an ONL. I am thus now recommending that the ONL overlay should not be adjusted around it.

The areas of forestry within the Great Exhibition Bay & Parengarenga Spit ONL, the Waima Mataurau bush-clad hills ONL and the Omahuta Puketi Bushlands ONL are all very small areas on the edge of the ONL and in my opinion are likely to be errors in mapping arising

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<sup>1</sup> My report is Appendix 3 to the three s42A reports prepared for Hearing 4.

from the different data sets used in creating the PDP maps. I recommend trimming of these three ONLs as illustrated in Areas 4, 5 and 6 of my Appendix A.

The six areas of overlap identified in the Maungataniwha Range ONL are all small areas on the edge of this very large ONL overlay area. Again I consider they are probably the result of different data sets not aligning during the preparation of the PDP maps and recommend the removal of the overlay from the areas of overlap illustrated in my Appendix A.

The worksheet for the Herekino bush-clad hills ONL specifically refers to "small areas of pine". This acknowledgment of the existence of commercial forestry within the ONL and the fact that that it does not detract from the values of the landscape as a whole means that I now do not support removing the ONL from the area of overlap.

In summary, I am recommending that the following ONLs remain unchanged as shown in the PDP maps:

- Mahinepua area coast Areas 1 & 2;
- Mangonui Forest Range & Pekapeka Bay Area 3; and
- Herekino bush-clad hills Area 13.

and that the following ONLs be adjusted to avoid the areas of forestry identified:

- Great Exhibition Bay & Parengarenga Spit Area 4;
- Waima Mataurau bush-clad hills Area 5;
- Omahuta Puketi Bushlands Area 6; and
- Maungataniwha Range Areas 7-12.

#### 4 EVIDENCE OF MR OWEN BURN

In response to the evidence of Mr Owen Burn I make the following observations. Firstly I refer to the 'overlap' between his evidence and that of Messrs Hall & Goodwin. Both Mr Burn and Mr Hall provided both submissions and evidence on behalf of the owners of the same properties, namely C Heatley and E Kloet, P Thornton & Omarino Residents Association (Mr Burn) and Setar Thirty Six Ltd and Bentzen Farms Ltd (Mr Hall/Mr Goodwin). Although their clients appear to be different entities, some of their evidence and submissions are nevertheless dealing with the same overlays on the same parcels of land.

Secondly, I note that in his review of the s42A report Mr Burn states:<sup>2</sup>

*"At page four of her report Ms Absolum concedes that the presence of less 'natural vegetation' such as gardens, forestry and orchards is unlikely to be appropriate within either a HNC or **ONL overlay**." (my emphasis)*

Unfortunately, this is a mis-quote of my report and it may explain why Mr Burn has not understood my reasoning. It was HNC and ONC overlays to which I referred and not ONLs. As I stated in my report, it is clear from many of the RPS ONL worksheets that homes, gardens, driveways and lawns etc can all be found in some ONLs.

Overall it seems to me that Mr Burn is suggesting that ONLs have very similar characteristics to ONCs and that any man-made structures or spaces should be excised from ONL overlay

<sup>2</sup> *EiC of Mr O Burns, paragraph 6.6.*

areas, leaving purely indigenous vegetation areas. I do not support this approach for the reasons set out in my report.

In his discussion of Omarino Estate and the Thornton property,<sup>3</sup> Mr Burn points out<sup>4</sup> that development in accordance with the consent notice requirements<sup>5</sup> is entirely consistent with rules that the proposed plan applies to the ONL. Having read the consent notice and visited the site in the past, I agree with this statement. I am thus uncertain why Mr Burn wishes to see the ONL removed.

In his discussion of the Goodfellow property at Omakiwi Cove, Mr Burn made reference to a landscape assessment of a proposed wharf undertaken by Simon Cocker Landscape Architect, (SCLA) one of the authors of the RPS ONL worksheets. He stated that this assessment concluded that the property no longer qualified as an ONL. Although Mr Burn did not provide this assessment to the Panel, I have been provided with a copy by the author. In his report Mr Cocker states:

*"Photos 1, 4 and 8, demonstrate how the exotic forest has detracted from the experiential landscape values of the Cove's visual catchment, and it is the opinion of the author that this recently harvested monocultural crop will have markedly diminished the biotic values of the area that has been subject to production.*

.....

*It is recognised that the wider peninsula is clearly an ONL and overall the worksheet determines that the terrestrial landscape values of the Rāwhiti peninsula are high, despite the fact that this is clearly "lived in" landscape, with the settlement nearby and scattered housing within the unit. It is telling however, that the ONL doesn't provide a 'blanket' coverage of the peninsula landscape and tends to exclude areas that are under pasture (on the margins of Parekura Bay), or settlement and it is questioned whether the portion of the ONL that has been subject to pine plantation and harvesting merits identification as 'outstanding'. In the opinion of the author, the area subject to modification and the consequent diminishing of biotic and experiential values as a result of plantation and harvesting, does not meet the threshold for identification as outstanding and is of a scale which merits exclusions from the ONL."*

What Mr Cocker does not record is the extensive areas of active revegetation planting that has been undertaken across the clear felled areas on the Goodfellow property, as discussed and illustrated in my report. In my opinion this planting will already be improving the biotic values of the clear felled areas and will, with time, also improve experiential values as well. Nevertheless, I concede that as of today, the clear felled areas probably do not warrant identification as part of the ONL. I therefore recommend removal of the ONL from Lot 4 DP 59324, Lot 5 DP 59324 and Lot 4 DP 70986.<sup>6</sup>

<sup>3</sup> Mr Burns does not include the E Kloet property, (which is within the Omarino Estate, and for which he made a submission), in his EiC.

<sup>4</sup> EiC of Mr O Burns, paragraph 7.16

<sup>5</sup> See Appendix of Mr Burns' evidence for the consent notice

<sup>6</sup> These three lots do not include one lot included in the map appended to the evidence of Mr Burns, this being Lot 2 DP 71896, because that lot was not included in the original submission map of Goodfellow properties and so, I assume, does belong to them.

## 5 EVIDENCE OF MR PETER HALL & MR JOHN GOODWIN

Mr Hall has provided further advice to the Panel with respect to the scope of the evidence of Mr Goodwin<sup>7</sup>. Mr Hall notes in his email that:

*" Mr Goodwin's evidence addressed the extent of the HNC / ONC overlay on behalf of four submitters, Setar Thirty Six (Moturua Island), The Shooting Box Limited, P S Yates Family Trust and Matauri Trustee Limited and was based on his site investigations of those properties to assess the extent of the relevant natural character areas.*

*Mr Goodwin did not undertake an assessment or provide evidence on ONLs. Mr Goodwin was asked a question about ONL's by Commissioner Watson on day one of the hearing in relation to the proposed amendment of the ONL at Moturua Island, to which Mr Goodwin clarified that it was the HNC boundary that he was proposing to amend."*

While I agree that it is only the HNC boundary that Mr Goodwin is proposing to amend on the Setar Thirty Six (C Heatley) property, I note that he states in his evidence:<sup>8</sup>

*"My involvement in the FNDC review process has been to:*

*....*

*(b) review of the relevant sections of the Melean Absolum Limited report to the Far North District Council (MAL Report) with respect to the submitters I appear on behalf of. This included a review of the mapping and recommended amendments to the CE, Outstanding Natural Character (ONC) and High Natural Character (HNC) areas and Outstanding Natural Landscapes (ONL);*

*(c) undertake a site visit to the submitters' properties (apart from the Setar property on Moturua Island, which I have visited previously) to review and "ground truth" the mapping of the CE, ONC, HNC and ONL's and the recommended changes in the MAL Report; to confirm or recommend any amendments to these areas ..."*

I also note that Mr Goodwin included ONL overlays in the maps appended to his evidence. I thus assume that Mr Goodwin did, in fact, review the ONL overlay at the properties he visited and found no reason to recommend any changes to them. Instead, he chose to comment only on those overlays where I was recommending an adjustment, those being HNC areas.

### Earthworks and Vegetation Clearance Rules

In Section 10 of his evidence Mr Hall proposed some further amendments to the earthworks and vegetation clearance rules NFL-R3 and CE-R3. Item 3 of his proposed additional matters to be excluded from those rules reads:

*"for maintenance or reinstatement of pasture through the removal of regenerating manuka (*Leptospermum scoparium* var. *scoparium*) or kanuka (*Kunzea robusta*) tree ferns or scattered rushes in pasture on a farm established prior to 27 July 2022, and the vegetation to be cleared is less than 10 years old and less than 6m in height."*

In his explanation of the need for the new exclusion Mr Hall stated:

*"This exclusion provides for maintenance and reinstatement of pasture where that has recently been colonised by indigenous vegetation that is not susceptible to grazing. The management of pastureland in this manner is a normal part of farming practice. Being for the purposes of maintenance and reinstatement, being applicable only to existing farms rather than new, and with the limits on age and size of the vegetation specified, it is*

<sup>7</sup> email from Peter Hall to AK Taihia on Friday Aug 9 2024.

<sup>8</sup> EIC of Mr J Goodwin paragraph 9

*anticipated that there is a low likelihood of adverse effects relative to the relevant threshold from the overlay.*

I accept the argument that some indigenous species are resistant to grazing and can be problematic in pasture. Avoiding the need to apply for consent to reinstate the pasture by enabling the removal of the specified plant species is acceptable. However, the explanation refers to 'recent' colonisation while the proposed rule uses a 10 year and 6m threshold, which I do not consider to be 'recent'. In my opinion the new rule should be limited to 5 years and 3m in height and should only apply to areas of the CE without any other overlay, ie ONC, HNC or ONL.

### **Controlled Activity Pathway for Residential Development In NFL and CE**

At paragraph 8.13 of his evidence, Mr Hall considers the matters of control that should apply to NFL-R1 CON-1 and CE-R1 CON-1. He has proposed the following:

- "a. the location, scale and design of buildings, and associated accessways and infrastructure, having regard to their visual prominence;*
- b. the means of integrating the building, structure or activity into the landscape, including through planting;*
- c. the height of retaining walls, their colour and whether planting is necessary to mitigate their visual effects; and*
- d. any mitigation measures proposed."*

While I think items a-c adequately define matters of control, I think item d needs expanding. I recommend the following wording:

- d. Whether any mitigation measures proposed appropriately manage potential adverse effects on the characteristics, qualities and values of the overlay.*

## **6 DENNIS AND JENNIFER WHOOLEY'S EVIDENCE**

Mr and Mrs Whooley gave evidence on the first day of the hearing, with respect to their 113ha property at 2195 Waikare Road. As a result of their evidence, it was suggested that I visit the property and review the three overlays the owners would like to see removed. I visited on Tuesday 13 August and was kindly given an extensive tour of the property.

The ONL over the property, called Russell Forest and Bush Remnants in the RPS, generally covers the higher land on the property and seldom reaches down to the coastal edge. The important exception to this is the western end of the northern peninsula where the ONL drops down to the mangroves, crosses Man O' War Creek, a tributary of the Waikare Inlet and continues westwards. The description of the landscape values in the ONL Worksheet appropriately describe the landscape witnessed during my site visit. I recommend no change to the ONL overlay alignment.

The ONC overlays identified on the property are mostly very small areas around the extensive coastal edge. I was unable to view these, but have assumed that they have been carefully mapped by the authors of the NRC Northland Mapping Project Natural Character Assessment. There is, however, a much larger ONC area on the northern peninsula, sitting

in the middle of Lot 3 DP 383105. This extends from sea level up to approximately 70m asl to the west of the high point, Broken Hill, on the eastern boundary of the property.

Also encompassed within this larger area of ONC overlay are two of the consented building platforms, as shown in Appendix 6 of the evidence Mr & Mrs Whooley presented to the hearing. In my opinion the edge of the ONC area should be moved both south and eastwards to avoid these two areas.

Apart from the areas identified as ONC, the whole of the rest of the property is identified as HNC, except for a small area around the house and the access track to the boat ramp. In my opinion, this gap in the HNC overlay should be extended to cover the drive between the house and the barn and also the orchard area to the east.

Maps illustrating the areas I am proposing changes to will be provided separately from this memo.

## **7 COUNCILLOR FOY'S REFERENCE TO PERMITTED BUILDING COVERAGE IN THE BUILDING ACT 2004.**

The permitted building coverage enabled in NFL-R1.3.b and CE-R1 PER-2.b.c in the s42A report version of the provisions is 100m<sup>2</sup>. Councillor Foy suggested it might be appropriate to increase this to 110m<sup>2</sup>, to bring the area in line with controls in the Building Act 2004.

Schedule 1 of that Act includes building work for which building consent is not required. S4A of the Schedule is '*Single-storey pole sheds and hay barns in rural zones*'. S4A.(b).(ii) states "*does not exceed 110 square metres in floor area*".

In considering whether it is appropriate to increase the proposed provisions from 100m<sup>2</sup> to 110m<sup>2</sup>, I note that the proposed provisions would apply to all non-residential buildings that are either in an ONL outside the CE, or in the CE outside either ONC or HNC areas, as well as outside a handful of coastal settlement urban zones. It is plausible that buildings for all sorts of purposes, other than dwellings, could be sought in these areas, and are unlikely to be limited to pole sheds and hay barns. As the rule will apply to a number of different types of buildings and potentially in a number of different zones, I recommend no change to the s42A provisions.

## **8 BUILDING HEIGHTS**

A number of submitters reiterated at the hearing their desire to see the maximum height of buildings permitted under the various overlays increased above 5m.

I confirm that I have carefully considered this evidence and the submissions to which they relate and remain of the opinion that limiting permitted building heights to 5m is appropriate. This height readily enables the construction of a single storey dwelling.

Several submitters referred to the steepness of coastal land, in particular, and the need to accommodate buildings that step down hill. Firstly, I note that not all land in the CE is steep, meaning the 5m limit can readily be complied with in some areas. Where land is steeper, the

need for excavation, retaining walls etc are all best considered as part of resource consent, in my opinion.

## 9 EVIDENCE OF MR ROBERT ADAMS SUPPORTED BY MR JOHN RIDDELL

Mr Riddell and Mr Adams appeared together at the end of the second day of hearing. Mr Adams is seeking that the various changes to the buildings controls being promulgated for some coastal settlements be extended to include the second row of houses at Long Beach, Kororāreka.

The Rural Lifestyle zoned properties to which Mr Adams is referring sit up the slope behind the row of dwellings that run along the waterfront, with sea views across the tops of the houses in front. These front row properties are zoned Russell / Kororāreka Special Purpose zone. The RLZ properties also occupy more steeply sloping land than those at the front. Because of this elevation and contour, development on these rear sites has a greater potential to create adverse landscape, visual and natural character effects than the front row. I therefore do not support changes to the building controls applying to the RLZ properties.

I note that to enable this to occur either the properties would need to have a split zone across them, or the actual properties would need to be identified individually in the plan provisions. Given the complexity already inherent in the provisions, I do not support either of these approaches.

In any case, my understanding of the proposed provisions is that to enable development beyond the permitted standards would only require an RDA consent, with the matters of discretion clearly set out in CE-P10.



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**Melean Absolum**  
Dip LA      FNZILA  
16 August      2024