



Existing Tree Key

- 1. Kauri
- 2. Cabbage Tree (to be removed)
- 3. Pohutukawa (to be transplanted)
- 4. Kowhai
- 5. Cabbage Tree
- 6. 3x Loquat Trees
- 7. Large Pohutukawa
- 8. Pohutukawa
- 9. Bird of Paradise
- 10. Exotic Trees



Pohutukawa tree relocated to here

E - ACCOMODATION WING

B - BAR & RESTAURANT



28.10.2024

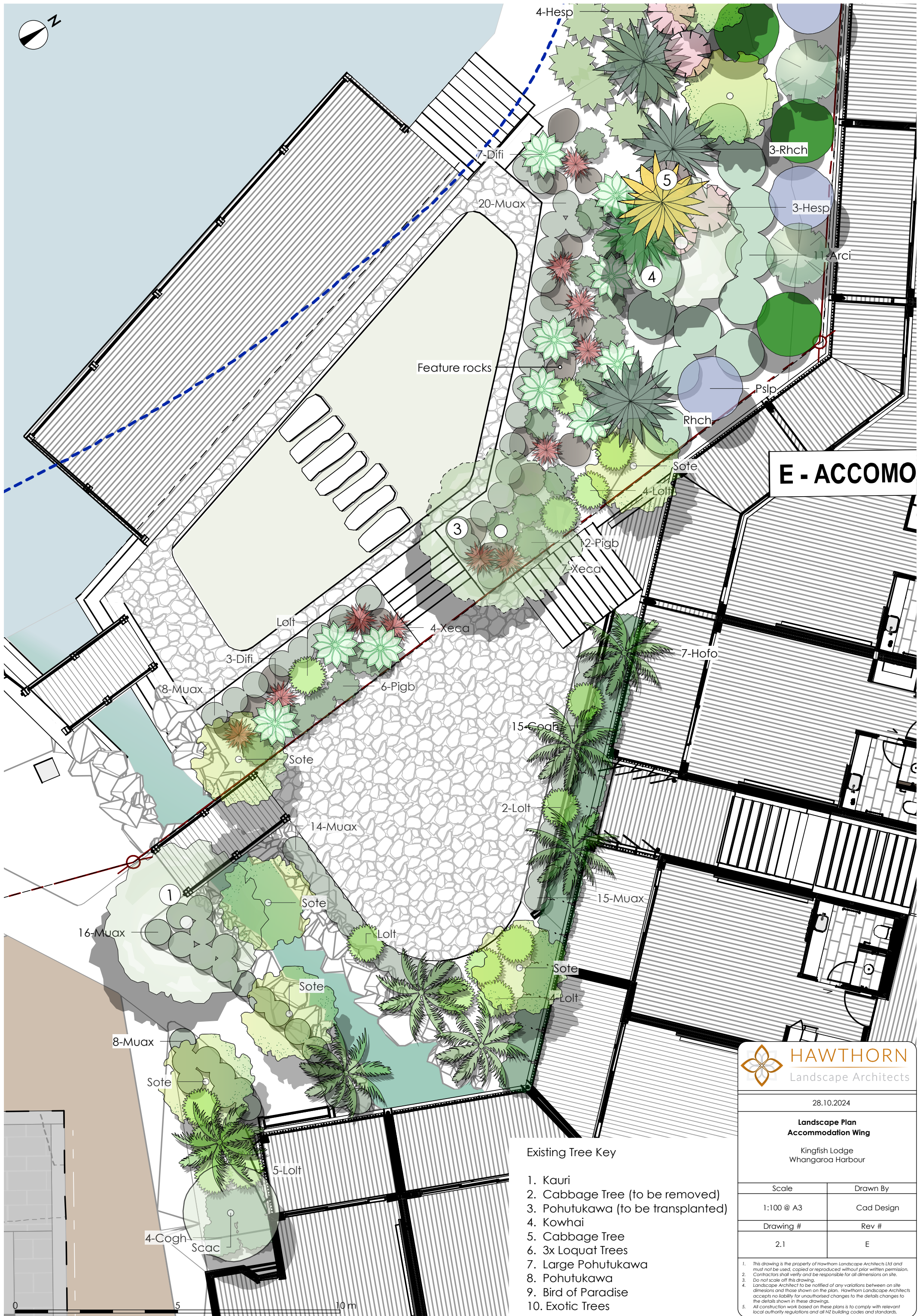
Appendix 5  
Landscape Plan  
Accommodation Wing

Kingfish Lodge  
Whangaroa Harbour

Scale	Drawn By
1:200 @ A3	Cad Design
Drawing #	Rev #
2.0	E

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**E - ACCOMO**



28.10.2024

**Landscape Plan  
Accommodation Wing**

Kingfish Lodge  
Whangaroa Harbour

Scale	Drawn By
1:100 @ A3	Cad Design
Drawing #	Rev #
2.1	E

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## Plant Schedule

Code	Qty	Botanical Name	Common Name	Schedule Size
Arci	51	Arthropodium cirratumn 'Matapouri Bay'	Renga Renga Lily	PB5
Case	12	Carex secta	Purei	PB5
Cogh	19	Corokia 'Geentys Ghost'	Clipped as hedge	PB5
Cyme	11	Cyathea medullaris	Ponga (Tree fern)	PB18
Difi	10	Dicksonia fibrosa	Tree fern	PB18
Fupr	17	Fuchsia procumbens	Native groundcover	PB5
Geli	21	Geniostoma ligustrifolium	Geniostoma ligustrifolium	PB5
Hesp	13	Hebe speciosa	Napuka	PB5
Hofa	7	Howea forsteriana	Kentia palm	PB95
Lolt	17	Lomandra 'Lime Tuff'	Lomandra var.	PB5
Muax	81	Muehlenbeckia axillaris	Groundcover	PB5
Phco	27	Phormium cookianum	Mountain Flax	PB5
Pigb	18	Pittosporum tenuifolium 'Golf Ball'	Golf Ball Pittosporum	PB5
Pscw	7	Pseudopanax Cyril Watson	Five finger	PB5
Pslp	9	Pseudopanax lessonii Purpurea	Burgundy foliage	PB5
Rhch	6	Rhapalostylis sapida 'Chathamica'	Chatham Is Nikau	PB95
Scac	1	Schefflera Actinophylla	Umbrella Tree	PB12
Scdi	8	Schefflera digitata	Pate	PB5
Sote	14	Sophora teraptera	Kowhai Tree	PB40
Xeca	11	Xeronema callistemon	Poor Knights Lily	PB18



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**Plant Schedule  
Accommodation Wing**

Kingfish Lodge  
Whangaroa Harbour

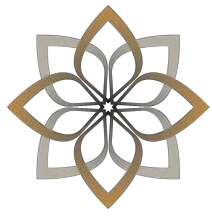
Scale Drawn By

No scale Cad Design

Drawing # Rev #

3.0 A

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# Kingfish Lodge

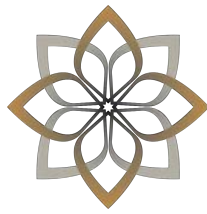
## Proposed Accommodation Wing

*Landscape and Visual Effects Assessment*

29<sup>th</sup> October 2024







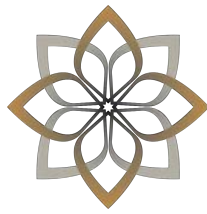
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## APPENDICES:

- Appendix 1 – Location and Viewpoint Location Map
- Appendix 2 – Development Plans
- Appendix 3 – Off Site Land Viewpoints
- Appendix 4 – Off Site Water Viewpoints
- Appendix 5 – Landscape Plan





## 1. INTRODUCTION

Hawthorn Landscape Architects Ltd have been engaged by the applicant Kingfish Lodge 2016 Ltd (the applicant) to undertake a landscape and visual impact assessment of the proposed north accommodation wing.

The application site is Kingfish Lodge (legally described as Lot 1 DP 198829, CFR 788895 with an area of 11.907ha), located near the mount of the Whangaroa Harbour.

The applicants are seeking further land use consent for buildings and earthworks. These are associated with the redevelopment of the north accommodation wing. The proposal includes the removal of existing buildings and the development of new structures. The new accommodation wing will be located further to the east so that it is located fully within the application site, and no longer partially within the DoC administered marginal strip. There will also be minor changes to the consented location of the proposed bar/restaurant.

The development will include earthworks for building foundations, vehicle service lane access and retaining walls with associated landscaping.

This assessment will determine the potential impact of the proposed development upon landscape and visual amenity and natural character values of the site and surrounding coastal marine area. The assessment will be made with consideration to the existing environment, which includes the present Kingfish Lodge facilities.

The landscape assessment forms part of a full Assessment of Environmental Effects (AEE) prepared by Rochelle Jacobs from Northland Planning & Development.

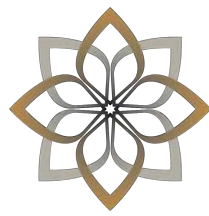
## 2. METHODOLOGY

The following methodology was used in the preparation of this landscape and visual effects assessment.

- Desktop review of the relevant statutory documents (Regional and District Plan text and mapping);
- Site visits, and filed survey of the local area;
- Identification of the visual catchment and viewing audiences;
- Description of the site and existing landscape character, visual/aesthetic quality and amenity values of the surrounding environment;
- Identification and description of the nature of the proposed development;
- Assessment of anticipated character, landscape and visual effects;
- Ranking of landscape and visual effects;
- Review of the relevant planning documentation and reports;
- Identification of the proposed landscape and visual mitigation approach, options considered and recommendations.

To determine the overall nature and significance of the landscape and visual effects, an understanding of the sensitivity of the landscape and viewing audience has been combined with an assessment of the magnitude of the change resulting from the proposal in order to determine the overall significance of effects.





An outline of the effects ratings and definitions used in this assessment is provided in Supplement A. In summary, the significance of effects identified in this assessment are based on a seven-point scale which includes very low; low; low-moderate; moderate; moderate-high; high and very high ratings.

In relation to this proposal the assessment considers the effects of the buildings along with associated amenity planting on the existing character, landscape and visual amenity characteristics and qualities of the site and surrounding environment.

This assessment has been prepared by a qualified Landscape Architect and in accordance with the NZILA (New Zealand Institute of Landscape Architects) Code of Conduct and with reference to the Quality Planning Guidelines Note<sup>1</sup>.

### 3.0 THE SITE AND ITS LANDSCAPE CONTEXT

#### 3.1 Location

The property, Kingfish Lodge is located within a small bay near the mouth of the Whangaroa Harbour. The bay is orientated towards the west and looks across the main harbour channel and down the western arm of the harbour, into Pekapeka Bay. Refer to Appendix 1 – Location and Viewpoint Location Map.

A jetty and floating pontoon provides the only access to the Lodge, as there is no legal land access to the property. The property does not have legal frontage to the Coastal Marine Area, so is accessed over a Marginal Strip that is managed by the Department of Conservation.

#### 3.2 Application Site and Neighbourhood Character

The application site is made up of the existing Kingfish Lodge and its wider landscape (property size is 11.907ha) that surrounds the Lodge facilities. The Lodge facilities are located on the lower flatter contours of the site, adjacent to the coastal edge of the small bay the Lodge is located within. Some of the existing structures are located on the adjoining DoC administered marginal strip.

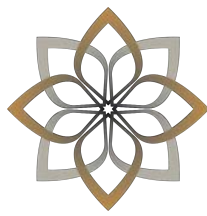
The rest of the property is contained between two headlands, one to the north and other to the south. The site also extends up the valley towards the ridgeline. Up until about six years ago the land to the west of the Lodge was vegetated with a mix of pine and gum trees. These were felled and the hill slope behind the Lodge revegetated with native forest which has enhanced the amenity and landscape character values of the site. In addition to the new plantings there are small pockets of Manuka dominated bush present that connect into the bush areas on the neighbouring property.

The existing Kingfish Lodge facilities, which have for many years provided tourist accommodation consist of a mix of buildings including a bar and restaurant, a manager's cottage, accommodation units, and annex with associated decks and connecting balconies. These are set within existing mixed native and exotic landscaping and have a vegetated land backdrop.

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<sup>1</sup> <http://qualityplanning.org.nz/index.php/planning-tools/land/landscape>





The old south accommodation wing and barracks were demolished some years ago and, a resource consent has enabled the start of the construction of a new main lodge and boat shed which is visible in the photographs contained in Appendix 4. The construction of these facilities is still underway.

The land directly adjoining the Kingfish Lodge property to the west, located between the site and the water, is part of a marginal strip that is administered by Department of Conservation. The marginal strip curves around the head of the bay to the southwest out to the headland to the north of the site, which contains the Gun Emplacement that overlooks the Harbour entrance.

The coastal edge of the marginal strip that is adjacent to the Kingfish Lodge buildings either side of the jetty has been stabilised with a concrete rock retaining wall. There are steps that lead from the marginal strip down to the beach and water. The land area above the seawall is level with the Kingfish Lodge land and allows visiting public from the Harbour to walk around the head of the bay and out to the Gun Emplacement.

The coastline either side of the Lodge facilities is vegetated with a mix of indigenous vegetation including a mix of native species and some large Pohutukawa trees which contribute to the character to the bay. The rocky edges of the headland leading into the bay drop steeply from land to water. These areas of the coastal edge have not been as highly modified compared to the foreshore adjacent to the Lodge facilities.

The hillslopes that back the Kingfish Lodge facilities are vegetated with a mix of indigenous and exotic tree species. The revegetation plantings that were implemented around 6 years ago are now well established, with pest and weed control of this area on-going to ensure the success of the plantings.

The property is located near the Harbour mouth within the outer Whangaroa Harbour landscape setting, with Kingfish Lodge being first cluster of residential built form that is visible when entering the Harbour.

The landscape surrounding the Kingfish Lodge property to the east is made up of a mix of farmland, forestry and Manuka dominated scrub and bush. This eastern side of the Harbour mouth is more modified than the western side, which contains a large area of native bush and rocky outcrops and a predominantly unmodified landscape that is protected and contained within the Ranfurly Bay Scenic Reserve administered by DoC.

## 4.0 THE APPLICATION

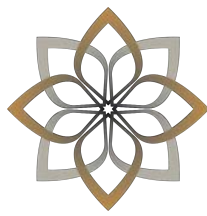
### 4.1 Proposed Accommodation Wing

The proposed development is described in detail within the AEE prepared by Rochelle Jacobs from Northland Planning & Development Ltd. and as illustrated on the plans prepared by +Map Architects 2016 Ltd contained in Appendix 2.

In summary the applicant proposes the following:

- Building demolition – including existing conference room that is located within the marginal strip, the services building, accommodation building (up to but not including the Captains Suite), and surrounding decking,





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- Minor variation to consented bar/restaurant building – the building will extend slightly more to the west and east, and the roof material will vary slightly (refer to the architects plans),
- Accommodation Wing – a new north accommodation wing will be constructed as an extension to the consented bar/restaurant. The new building footprint will see the accommodation wing located further to the north-east and dug into the hillside. This will enable the building to be located fully within the applicant’s property, and not on the marginal strip.

The ground floor will accommodate the conference room, with other facilities such as a gym, sauna, and wellness facilities. The first floor will accommodate five accommodation suites, these will connect to the existing Captains Suite via a breezeway. The Captains Suite will be retained and renovated.



Figure 1: Site Master Plan

The new buildings have been designed to match the consented colours and materials approved for the redeveloped Lodge, Bar & Restaurant.

The buildings will be built out of a mix of weatherboard cladding stained a dark grey/black colour, with dark grey Louver screening panels. The posts and beams will be ironbark in dark grey, and the roof will be profiled metal roof cladding in dark grey/black. The decking will be hardwood and the balustrade will be wire. Refer to the Development Plans in Appendix 2 and Figures 1 and 2.

The style of architecture will enable the buildings to sit into the landscape unobtrusively, and as the proposed building materials will be coloured a mix of grey, brown and black they will be visually recessive.

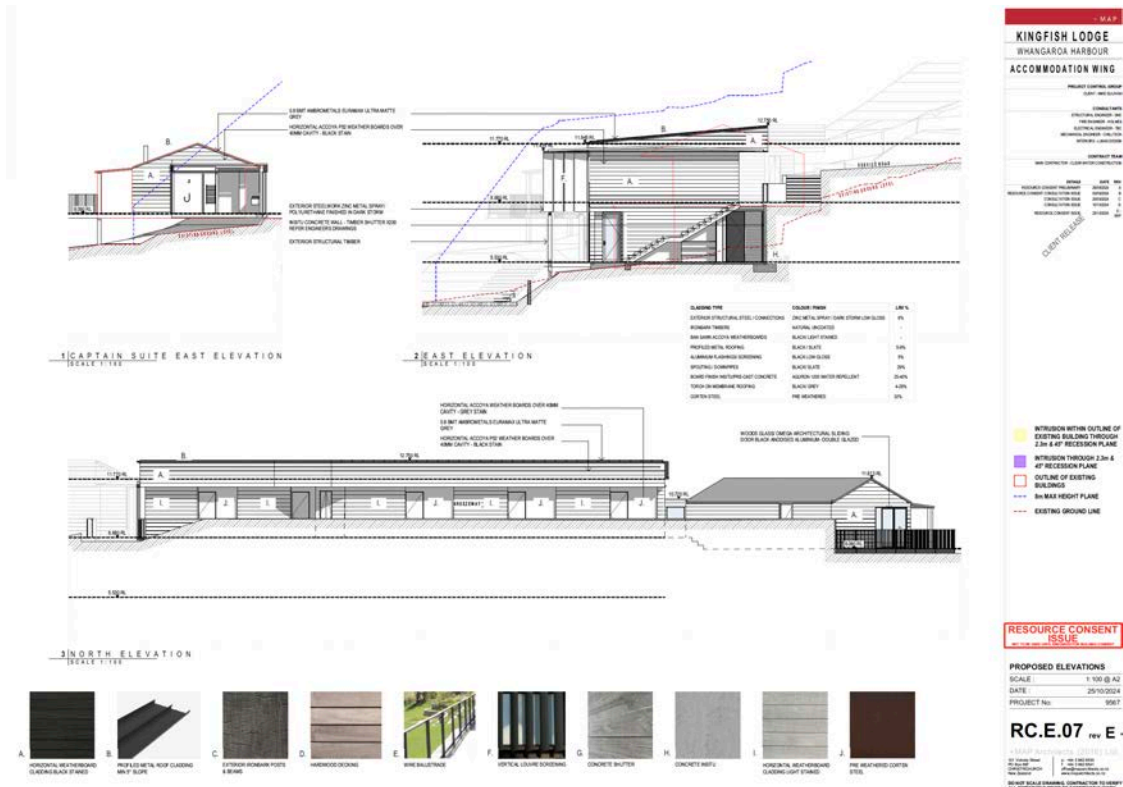
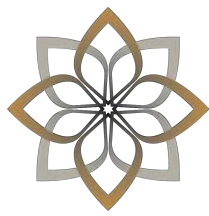


Figure 2: Elevation and material palette

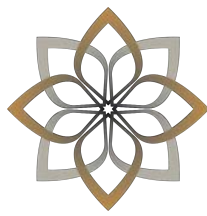
## 4.2 Proposed Landscaping

Landscape mitigation and enhancement plantings are proposed to assist with integrating the development into the landscape to minimise any potential landscape, visual and natural character effects. Refer to the Landscape Plan contained in Appendix 5 and Figure 3 below.

The mitigation and enhancement plantings are made up of:

- Retention of the existing indigenous vegetation on the marginal strip and the area between the proposed buildings and foreshore. Refer to Figure 4 which identifies the existing vegetation that will be retained, removed or relocated. Some of this vegetation is exotic in nature and as it provides visual softening of built form it will be retained. This existing vegetation that plays a role in visually softening the proposal has also been identified on the Landscape Plan,
- Removal of invasive noxious weed species such as the jasmine,
- Transplanting a medium sized Pohutukawa tree so that it will be retained to assist with visually breaking up built form as viewed from the CMA,
- Foreground landscape plantings located to the west of the buildings as shown in the architect's renders illustrated in Figure 5. The plantings consist of native grasses and shrubs, as well as taller growing species, including Kowhai, Nikau





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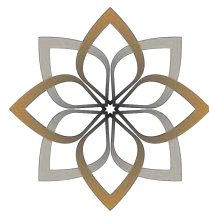
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and Kentia palms, Tree ferns and Pseudopanax species. The taller trees will break up the facade of the building to soften the built form.

- Landscape plantings around the rear of the building including Tussock, Rengarenga Lily, Kowhai, Tree ferns and Pate. These plantings will revegetate the bare areas from the removal of the old buildings and the areas of the construction zone.



Figure 3: Landscape Plan



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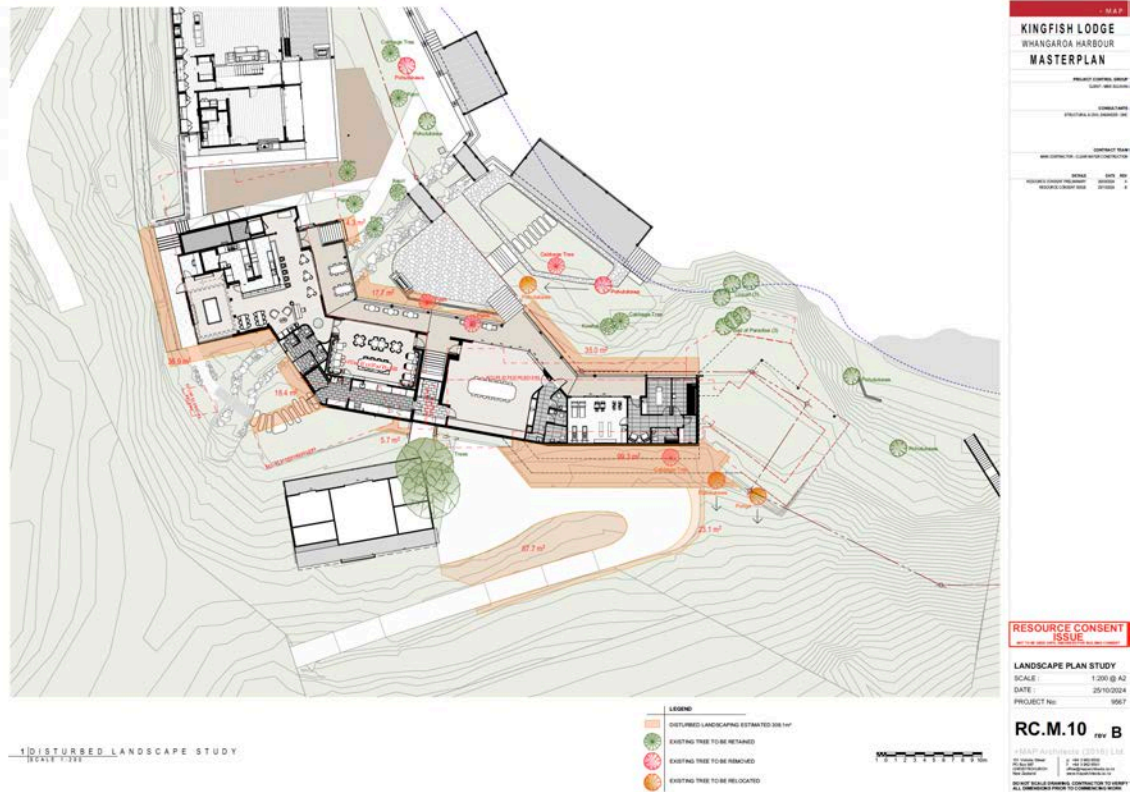
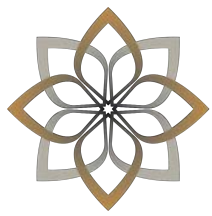


Figure 4: Location of existing trees to be retained, removed, or relocated.



Figure 5: Renders depicting the proposed landscaping





The existing vegetation on site and the proposed plantings will minimise any potential adverse landscape and visual effects and retain the natural character values of the coastal environment. The landscaping will provide a vegetated buffer between the buildings and any visitors to the marginal strip.

## 5.0 LANDSCAPE & VISUAL IMPACT ASSESSMENT

### 5.1 Introduction

The landscape and visual effects assessment process provides a framework for assessing and identifying the nature and significance of potential landscape and visual effects that may result from a proposed development. Such effects can occur in relation to changes to physical elements and existing character of the landscape and impacts on viewing audiences and visual amenity.

The existing landscape and its visual context form the baseline for landscape and visual effects assessments. This is an important consideration with respect to this proposal due to the presence of the existing structures forming the existing environment.

In assessing effects on landscape there is a distinction made between landscape effects (effects on the character and amenity of a landscape, this may not be visible to the general public), and visual effects (the response of a viewing audience, principally from public viewing positions, but also surrounding privately owned properties).

These effects are assessed in terms of the degree of change brought about by a development. The degree of landscape and visual effects resulting from a development may be negative (adverse), or positive (beneficial), contributing to the visual character and quality of the environment.

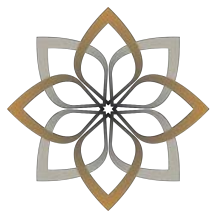
The landscape and visual effects assessment will consider the following in the context of the characteristics and values associated with the site:

- Visual amenity effects from the identified viewing audiences.
- Landscape effects, resulting from the physical modification of the site,
- Landscape character effects generated from the proposal, including how well the architectural treatment of the building integrates the proposal into its landscape context.

### 5.2 Visual Effects

The potential visual effects of this development will be generated by any visual changes to the landscape resulting from the proposal, with the significance of the effects measured by the response of a particular viewing audience.

This is influenced by the degree of visibility, whether the proposal is the focal point or part of a wider view, whether the view is transient or permanent and the degree of contrast with the surrounding environment. The visual qualities of the proposal and the



ability to integrate any change within this landscape setting also influences the degree of effects.

### Visual Catchment & Viewing Audience

The potential viewing audience that affords views of the site and proposed development are contained within one main visual catchment that extends generally to the west of the site. Within this there are two main viewer groups, these are:

- Water based visitors located to the west of the site within Whangaroa Harbour,
- Land based viewers located on the marginal strip and beach to the west.

The water based visual catchment consists of the area of water to the west of the site, within the small bay adjacent to the Lodge, the main boating channel and beyond into Pekapeka Bay. Views of the existing buildings associated with Kingfish Lodge are currently visible to boating enthusiasts located within these areas.

The land-based viewing audience is limited to visitors to the marginal strip that is located between the property boundary and the foreshore. At low tide there is also access to the beach below the retaining wall along the marginal strip boundary.

This area can only be accessed via water as there is no public access to the landmass surrounding the bay and Kingfish Point upon which the Gun Emplacement is located.

While visitors are located upon the marginal strip views towards the proposed buildings will be obtainable from reasonably close viewing positions. The viewing audience's view of the development will change as they pass by.

I have taken photographs from several of the most representative viewing positions that afford views towards the site, and these are illustrated in Appendix 3 - Off Site Land Viewpoints, and Appendix 4 - Off Site Water Viewpoints. Refer to Appendix 1 for their locations.

The individual frames were taken as portrait images and joined to create panoramas that generally have a 124 degree horizontal and 55 degree vertical field of view. The optimal viewing distance of the images printed on an A3 page is 500mm from the eye to the page.

### Visual Impact Analysis

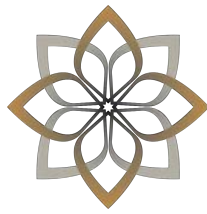
This assessment will identify the current landscape character and context the site is located within. It will define the potential effects of the proposal and determine the level of landscape and visual amenity effects generated by the proposal.

#### Water Viewpoints 1 - 6

Viewpoints 1 - 6 are located on a boat within the bay leading Kingfish Lodge. The views afforded take in the Kingfish Lodge facilities, seawall and jetty which make up a cluster of built development located at the head of the bay.

The coastal edge next to the Lodge facilities has been highly modified over the years and currently accommodates a stone seawall, decking areas over the water,





concrete boat ramp and a jetty. Some of this is located upon the DoC administered marginal strip. This modification and the presence of the existing Lodge facilities and associated activities has permanently altered and lowered the natural character values of this area of the bay and Whangaroa Harbour.

Further along the coastal edge to the south and north rocky cliff like outcrops and old mature Pohutukawa trees overhang the water. This part of the coastal edge is more natural as it is less modified, as such it has been identified as having high natural character values.

As depicted in Viewpoints 4-6 the further away from the site the viewer is the wider the view of the surrounding Harbour landscape. The gun emplacement that is located near the northern end of the property is visible from the main boating channel that leads out to the Harbour mouth, with the Kingfish Lodge complex momentarily visible to the east as the boat travels by.

The vegetated hill slopes that rise above the site dwarf the Lodge facilities, which form a small part of the overall landscape and Harbour scene as the viewer passes by. The revegetation plantings on the hill slope above the Lodge site that the applicant planted are establishing well and provide a vegetated backdrop to the buildings. The establishment of the native plants upon a hill slope that was once dominated by pine trees has enhanced the natural character qualities of the hill slopes behind the Lodge complex. The location of the built forms nestled into the toe of the hillslope minimises their visibility.

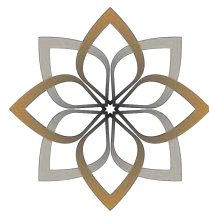
The existing bar, restaurant and accommodation wing are located to the north-east of the consented main Lodge and Boatshed currently under construction. The existing conference room is located to the west of the bar and restaurant, next to the water's edge and partially on the marginal strip. The jetty and sea wall are also located to the west of the bar and restaurant.

The existing accommodation wing is partially screened from view by the presence of a mix of existing exotic and native vegetation, located between the buildings and the foreshore. The Captains Suite is the most visible part of the present accommodation wing, this being softened by a large Pohutukawa tree on the cliff edge. The existing bar and restaurant are mostly screened from view by the existing conference room that is located to the west of these buildings.

All of the existing buildings are viewed with a vegetated backdrop and partially vegetated foreground. The darker colours of the structures make them visually recessive so that they blend with the landscape. The old, weathered roof on the accommodation wing is lighter than the darker green coloured roof of the current restaurant and bar, and as a result this is more reflective especially when viewed from the longer focal lengths.

### Potential Effects

The assessment of potential effects will look at the degree of change between the current scene and the proposed. The existing context of the built setting significantly influences the baseline for assessing the magnitude of change and level of potential effects.



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As the site is already developed and contains extensive built form the assessment will look at the potential effects of the difference between the proposed and existing structures.

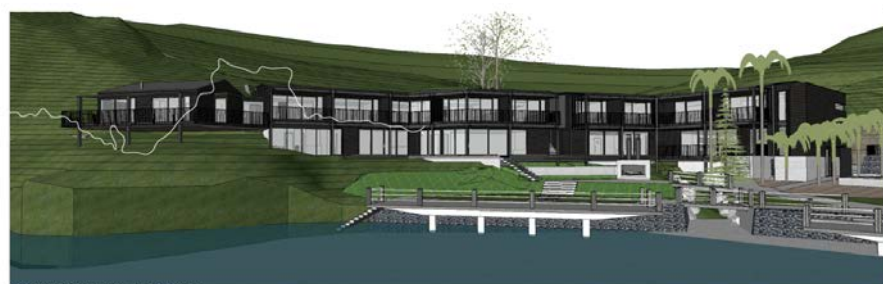
The view from the water whilst travelling in and out of the harbour is transient. The Kingfish Lodge complex forms a small part of the overall scene on offer, and the proposal will not be viewed as the focal point as the viewer passes by. The harbour entrance and the gun emplacement as well as the surrounding natural landscape are the more dominant landscape elements within the wider view. As there are no other dwellings present within the surrounding landscape the view of the proposal will not be permanent.

The proposed redeveloped constitutes a small change to the wider view. The viewers awareness of the change will be minimal, and the change will not lower visual amenity values or their appreciation level of their experience of being within this part of the Whangaroa Harbour.

To assist with the assessment the architects have prepared a render over a photo which illustrates a comparison of the existing buildings on site with the proposed structures.



COMPARISON IMAGE - EXISTING WITH PROPOSED DASHED



COMPARISON IMAGE - PROPOSED

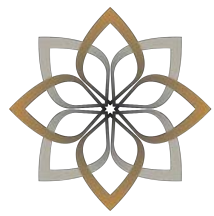
KINGFISH LODGE - WHANGAROA HARBOUR

MAP

Figure 6: Architects comparison of the existing buildings on site with the proposed buildings.

In Figure 6 the red dotted line over the existing structures represents the extent of the proposed built form. The lower image represents the view of the built form from the bay, without any of the existing or proposed landscape plantings being present. The





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main difference is the area where the accommodation wing will be two story over the top of the existing bar and restaurant area which is currently at a lower elevation. The two-story nature of the rest of the accommodation wing will not be as noticeable as the overall height of the building does not really change much, and the lower floor is partially screened by vegetation.

The render in Figure 7 illustrates the view of the proposal from the water, with the existing and proposed landscaping shown softening the built form.

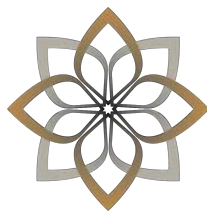
The proposed buildings will replace the existing built environment, except for the Captains Suite which will be renovated and coloured to match the new built forms. In addition, the conference room which is currently positioned close to the sea wall on the marginal strip will be demolished and not rebuilt on the same footprint. This will result in the built form being located further back from the water's edge and not on the marginal strip. There will be positive landscape and visual effects associated with moving the conference room off the marginal strip.



Figure 7: Architects render of the proposal with existing vegetation and landscaping in place

The area between the new buildings and the seawall will be landscaped with areas of lawn, paving and steps set into landscaped gardens. A lot of the existing vegetation that is located between the buildings and the water's edge will be retained and this in addition to the proposed landscape plantings will visually soften the built form and partially screen it from view, as shown in Figure 7.

The proposed new over water deck area that is located to the west of the new buildings will extend off the current seawall. It will be viewed in a similar manner to the existing overwater deck. This coastal edge has already been highly modified by the construction of the seawall and the presence of the other overwater structures such



as the smaller deck and jetty. These structures form the present context and character of this part of the coastal landscape. The addition of the new overwater deck will not change the present landscape character associated with this part of the bay. The potential visual effects associated with this structure will be low.

The degree of contrast with the surrounding environment will be small as the proposal is for the redevelopment of the existing Lodge facilities. The main difference viewed will be the additional building height where the existing bar and restaurant is located. This extra height is easily absorbed due to the presence of the vegetated land backdrop and the location of the buildings within an existing built environment.

Although the redevelopment will result in new buildings replacing the old run-down structures they will be viewed as recessive due to their dark building colours and being well integrated into the landscape with the assistance of the existing vegetation and proposed landscaping.

Overall, the potential adverse visual effects of the proposed development for the visitors to these areas of the Whangaroa Harbour will be less than minor.

### Land based Viewpoints 1 - 6

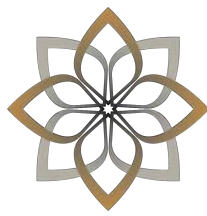
Viewpoints 1-6 are located in various positions close to the Kingfish Lodge complex, including on the jetty, overwater deck, foreshore below the deck and on the marginal strip towards the boat ramp.

The number of visitors (other than guests) to these areas will likely to be low, as the public marginal strip extends only a short distance around the coast to the south before it stops. The only access is via boat as there is no public land access to this bay.

Visitors to these areas will either be visiting the Lodge or be visitors using the jetty to access the marginal strip so that they can more than likely walk out to the gun emplacement. Any visitor to this part of the site will expect to be within an environment that contains built form, including structures on or over the water, as the existing facilities depict this and form the current landscape character and features of the site.

The buildings that are visible from these areas include the existing bar and restaurant which is mostly screened by foreground vegetation. The northern accommodation wing and Captains Suite at the northern end. Again, existing vegetation partially screens and softens the buildings when viewed from these representative viewing positions; most of this vegetation will be retained. The manager's cottage is tucked up behind the accommodation wing and is not as visible as some of the foreground buildings, especially the conference room which is partially located on the marginal strip and not softened by any landscaping.

The section of the marginal strip that is adjacent to the Lodge facilities accommodates grassed areas, existing trees and shrubs, concrete pathways and decking. A third of the existing conference building and a small part of the northern accommodation wing is also on the marginal strip. The coastal edge adjacent the Kingfish Lodge facilities is lined with a rock retaining wall. There are steps down to the foreshore from the overwater deck and access also from the boat ramp at the southern end of the marginal strip.



Although in the natural wider setting of Whangaroa Harbour, the landscape viewed from these close-up viewing positions is characterised by built form and man-made elements located within a coastal setting.

### Potential Effects

There is an existing accommodation wing already located on this site, and the proposal is to upgrade and modernise this and the bar, restaurant and conference facilities. The proposed new structures will be of a modern design and high quality compared to the old buildings. This will tie in with the new Lodge and Boat Shed currently under construction.

The proposed accommodation wing will be located on the same building site with a very similar building footprint. The conference room will be removed from the marginal strip and incorporated into the new bar and restaurant area.

The buildings are set into the toe of the hill slope and softened by the presence of the mixed exotic and native plantings that surround them. The hill slope behind the buildings is vegetated with a predominantly native bush cover and will ensure that the buildings are not viewed on the skyline. The size, location and scale of the building are appropriate for the site and will not result in any visual dominance within this landscape scene.

Apart from the removal of the conference room the main visual difference will be the second story that is proposed. This will visually result in the height of the current accommodation wing extending out towards the south across the top of the current bar and restaurant. The two-story nature of the building can be well absorbed into the current fabric of Kingfish Lodge, as it will be set within a node of existing built development.

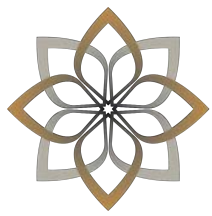
Proposed landscape plantings including larger growing Kowhai, Kentia palms and Umbrella trees will partially screen the buildings. This will visually soften them when viewed to the west from the marginal strip and coastal marine area.

The use of predominantly indigenous species in the landscape design will enhance the character of the bay and Kingfish Lodge property and be complimentary to the surrounding landscape vegetation patterns. The recent native revegetation on the hill slopes above the Lodge has also had positive effects on the landscape character of the area.

Due to the presence of the existing Kingfish Lodge facilities, there is an expectation that this part of the Harbour has been modified by built form which has created a distinct character that is part of the existing Harbour experience. The renovations and addition of a second storey, although noticeable to anyone familiar with the area, will generate a small degree of change. This will not lower the visitor's appreciation of this landscape setting and visual amenity values associated with the coastal environment.

The proposed development will result in a more modern and upmarket character than the original run-down building. Due to the appropriate design and colouring of the buildings and the proposed landscape plantings there will be less than minor adverse visual effects generated upon the visitors to the jetty and surrounding environs and marginal strip.





### 5.3 Landscape Effects

Landscape character is the distinct and recognisable pattern of elements that occur consistently in a particular landscape. It reflects combinations of geology, landform, soils, vegetation, land use and human settlement.

Potential landscape effects of a development can be generated by either landform or land-cover modification or may be more subtle such as influencing the overall pattern and character of the landscape.

The significance of the landscape effects will be determined by the extent of the change, the sensitivity of the landscape, its context, existing levels of development surrounding the site and the contour of the land. It is also dependent upon the presence or absence of screening and/or backdrop vegetation, and the characteristics of the future activities associated with the development on the application site.

#### Physical Landscape Effects

The main physical change to the landscape will be the new built form. The proposed new and refurbished buildings will be mostly located on the existing building footprint. The addition of the second story will be the main physical change, and this will be visually absorbed into the landscape using recessive building colours and proposed landscape plantings. As the landscape has been highly modified it is less sensitive to change.

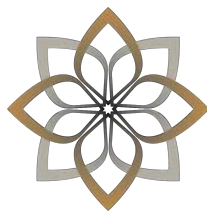
The earthworks associated with the development will be predominantly behind the buildings and retained, out of view from the coastal marine area. Most of the vegetation removal will be exotic or noxious species. The amount of vegetation clearance associated with the proposal is minimal. The proposed building will be recessively coloured, have a vegetated backdrop and will be partially screened by the proposed foreground landscaping and existing vegetation.

Due to the location of the proposal within an existing node of built form, and the small scale of change from what is currently present the proposal will generate low adverse physical landscape effects, as the key characteristics and landscape values of the site and setting will be maintained.

#### Landscape Character Effects

The proposal will introduce a visual change in the vicinity of the current accommodation wing, bar and restaurant. The magnitude of change will be small and will be in keeping with the existing character of the development located upon the Kingfish Lodge site.

The location of the proposal upon an existing building footprint at Kingfish Lodge minimises the potential landscape effects of the development. It is located within a part of the coastline that does not have any special landscape attributes assigned to it. The area where the new over-water deck is to be located has been modified by the construction of a sea wall. This has lowered the natural character values of this area and minimises this part of the landscapes sensitivity to change.



Due to the appropriate location and design of the structures and the associated landscape plantings the proposal will be well integrated into the existing landscape character.

Overall, it is considered that the proposal will have generate low adverse landscape character effect on the immediate vicinity, and overall, the proposal will have a very low effect on the landscape character attributes of the wider coastal environment within this part of the Whangaroa Harbour.

### 5.4 Natural Character Effects

The quality a landscape portrays and its resulting “natural” character is dependant upon the degree of cultural modification, and how well the natural processes are functioning.

Natural character is a term used to describe the naturalness of an environment. The degree or level of natural character within an area depends on:

- The extent to which natural elements, patterns and processes are functioning, and
- The nature and extent of modifications to the ecosystems and landscape/ riverscape

The highest degree of natural character occurs where there is least amount of modification. The effect of different types of modification upon the natural character of an area varies with the context and may be perceived differently by different individuals.

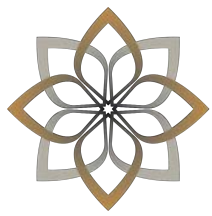
Natural elements relate to the presence of unmodified land and water bodies and the lack of built form, while natural patterns relate to the perceived naturalness of the appearance of a landscape, which appears to be a result of nature rather than being man made. Natural processes relate to the ecological workings of a landscape, and how well these processes are functioning to maintain a natural appearance to the landscape.

The Kingfish Lodge property and facilities are located with in a part of the bay that has been highly modified from its original state. The site has been modified through the removal of indigenous vegetation and the building of the Lodge facilities many years ago.

This modification includes the jetty, boat ramp, stone seawall, existing buildings, and construction of the new Lodge and Boat Shed. The hill slopes above the building have also been modified, most recently through the removal of the exotic gum and pine trees and the replanting with indigenous species.

The modification of the landscape on this property has diminished the biophysical elements, patterns and processes of this landscape resulting in a site that exhibits a far lesser degree of natural character than the surrounding landscape.

This modification is a result of historic use and development, which has resulted in this node of built development. This has diminished the landscape values and natural



character of the landscape and foreshore, which has lowered the sensitivity of this area to change.

The Kingfish Lodge facilities are located close to the coastal edge in a consolidated area of built development within a wider landscape that is comparatively undeveloped and depicts a much higher degree of natural character.

This is reflected in the existing Lodge facilities and land surrounding it not being included within an Outstanding Landscape as mapped within the FNDP. The northern tip of the property by the gun emplacement has been included within the Outstanding Landscape. There are no Outstanding Natural Features identified on the property.

The Regional Policy Statement has identified that the land surrounding the most modified parts of the site has High Natural Character values, this does not include the area where the Lodge facilities and proposed building are to be located.

The wider landscape surrounding the Lodge within this part of the Whangaroa Harbour has been identified as having OL and HNC areas, as the landscape has a much higher degree of natural character, as there has been very little cultural modification within the wider landscape.

The flatter area behind the foreshore at the toe of the hill slope accommodates the Lodge buildings. These are set within landscape plantings that are a mixture of exotic and native species, which blend the structures into the landscape.

The recently upgraded jetty and floating pontoon are centrally located within the bay and are a characteristic feature of this part of the Whangaroa Harbour. The rock seawall along the coastal edge of the marginal strip, and overwater deck have also recently been upgraded and this is another man-made landscape feature within the bay that has modified the natural character of the area. The proposed new overwater deck located to the north of the existing deck will be viewed in a similar manner to the existing one. It will be located within a highly modified part of the coastal marine area.

The proposed accommodation wing is replacing an existing building that forms part of the existing environment and present character of the site and area. The presence of the proposed building and associated activities will not change significantly from what is currently there. The proposal will not change the character or use of the property.

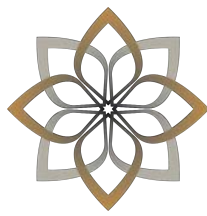
The proposed landscape plantings will visually soften and partially screen the proposed building from view from within the coastal marine area. This will blend it into the landscape and minimise the potential adverse effects upon natural character values of the coastal marine area to a less than minor level.

## 6. STATUTORY CONTEXT

### 6.1 Far North District Plan (FNDP)

Within the Far North District Plan (FNDP) the application site is located within the General Coastal zone.





A very small part of the property, the northern peninsula that gun emplacement is located upon is contained within an Outstanding Landscape. This Outstanding Landscape (OL) continues along the coastal edge of the harbour out past the harbour mouth and around towards Tauranga Bay.

The OL does not continue along the coastline in front of the application site into the Harbour. There are no Outstanding Landscape Features or Outstanding Natural Features identified on the site or nearby on this eastern side of the harbour.

The western arm of the harbour, landscape on the western side of the Harbour entrance, and the open coastline to the west of the entrance have much higher landscape sensitivity ratings than the application site. These areas are located within an Outstanding Landscape, and there are many areas that have Outstanding Landscape Features or Outstanding Natural Features as shown in Figure 8.

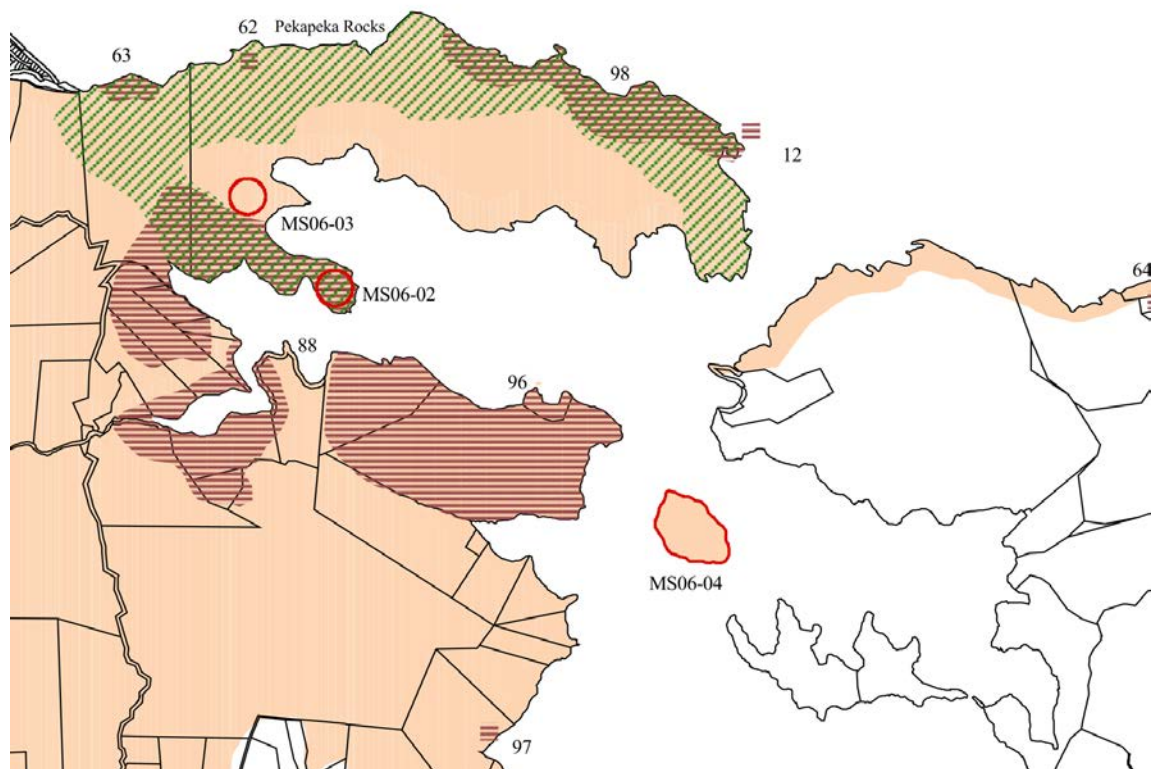


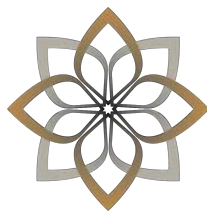
Figure 8: FNDP Resource Map

Following are the relevant policies and objectives found in Chapter 10 Section 6 General Coastal Zone that apply to this site.

### Coastal Environment

#### Objective 10.6.3.1

To manage coastal areas in a manner that avoids adverse effects from subdivision, use and development. Where it is not practicable to avoid adverse effects from



subdivision use or development, but it is appropriate for the development to proceed, adverse effects of subdivision use or development should be remedied or mitigated.

### Objective 10.3.2

To preserve and, where appropriate in relation to other objectives, to restore, rehabilitate protect, or enhance:

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

### Policy 10.6.4.1

That the Council only allows appropriate subdivision, use and development in the coastal environment. Appropriate subdivision, use and development is that where the activity generally:

- (a) recognises and provides for those features and elements that contribute to the natural character of an area that may require preservation, restoration or enhancement; and
- (b) is in a location and of a scale and design that minimises adverse effects on the natural character of the coastal environment; and
- (c) has adequate services provided in a manner that minimises adverse effects on the coastal environment and does not adversely affect the safety and efficiency of the roading network; and
- (d) avoids, as far as is practicable, adverse effects which are more than minor on heritage features, outstanding landscapes, cultural values, significant indigenous vegetation and significant habitats of indigenous fauna, amenity values of public land and waters and the natural functions and systems of the coastal environment; and
- (e) promotes the protection, and where appropriate restoration and enhancement, of areas of significant indigenous vegetation and significant habitats of indigenous fauna; and
- (f) recognises and provides for the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu and other taonga; and
- (g) where appropriate, provides for and, where possible, enhances public access to and along the coastal marine area; and
- (h) gives effect to the New Zealand Coastal Policy Statement and the Regional Policy Statement for Northland.

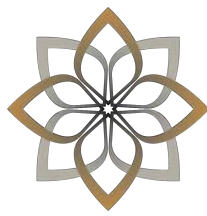
### Policy 10.6.4.1

That sprawling or sporadic subdivision and development in the coastal environment be avoided through the consolidation of subdivision and development as far as practicable, within or adjoining built up areas, to the extent that this is consistent with the other objectives and policies of the Plan.

### Policy 10.4.12

That the adverse effects of development on the natural character and amenity values of the coastal environment will be minimised through:

- (a) the siting of buildings relative to the skyline, ridges, headlands and natural features;



- (b) the number of buildings and intensity of development;
- (c) the colour and reflectivity of buildings;
- (d) the landscaping (including planting) of the site;
- (e) the location and design of vehicle access, manoeuvring and parking areas.

Following are the relevant objectives found in Chapter 10 Section 6 General Coastal Zone that apply to this site.

### General Coastal Zone

#### Objective 10.6.3.1

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

#### Objective 10.6.3.2

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

#### Objective 10.6.3.3

"To manage the use of natural and physical resources (excluding minerals) in the general coastal area to meet the reasonably foreseeable needs of future generations".

The relevant landscape policy's found in Chapter 10 Section 6 General Coastal Zone are:

#### Policy 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".

#### Policy 10.6.4.2

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

#### Policy 10.6.4.3

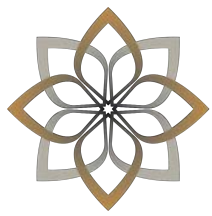
"Subdivision, use and development shall preserve and where possible enhance, restore and rehabilitate the character of the zone in regards to S6 matters, and shall avoid adverse effects as far as practicable by using techniques including:

- a) Clustering or grouping development within areas where there is the least impact on natural character and its elements such as indigenous vegetation, landforms, rivers, streams and wetlands, and coherent natural patterns;
- b) Minimising the visual impact of buildings, development, and associated vegetation clearance and earthworks, particularly as seen from public land and the coastal marine area;

#### Policy 10.6.4.6

"The design, from, 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”.*

Comment:

The proposal development will result in no areas of significant indigenous vegetation or significant habitats of indigenous fauna being adversely affected.

The surrounding landscape and natural features within Whangaroa Harbour that exhibit outstanding and high natural character values are sufficiently removed from the site so that the proposal will not adversely affect them.

Over the last few years the hills slopes above the Lodge have been enhanced through exotic tree removal, revegetation with native species and pest control. This has assisted with restoring, rehabilitating, protecting, and enhancing the habitat of indigenous fauna and the natural character of the coastal environment. This has resulted in a significant improvement in the habitat quality found on the application site.

The proposed new accommodation wing and associated structures will be in situated in the same location on site and have a very similar footprint to the original buildings and within a highly modified part of the site and harbour landscape.

The proposed structures will not be located on the ridgeline, skyline, headland or on or near any natural features. The building materials and colours will be recessive, and the proposed landscaping will soften and partially screen the buildings and tie them into the landscape.

The proposed development will not limit the public’s access along the marginal strip. The jetty facilities will enhance the public’s ability to access this area and marginal strip enabling the public to walk out to the gun emplacement.

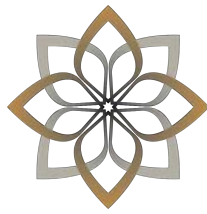
The Kingfish Lodge property has long been associated as a modified part of the coastal landscape within the outer Whangaroa Harbour. The proposed development consolidates the man-made elements within the same area as before and the design and style of the proposal is appropriate and sympathetic to the surrounding natural and coastal landscape. This will generate less than minor potential adverse effects upon the natural character values of the coastal environment.

#### 10.6.5.3.1 Visual Amenity Rule

The following assessment criteria found in Chapter 11 have relevance to this application. Many of these aspects of the development have already been assessed in this report already. I will briefly comment on them below.

i. *The location of the building;*

The building is located on a very similar building footprint to the existing accommodation wing. The size, bulk and height of the proposed building is appropriate for the site and can be visually assimilated with less than minor adverse visual effects.



- ii. *The size, bulk and height of the building in relation to ridgelines and natural features;*

The building will be set into the landscape and not viewed on a sensitive ridgeline. There will be less than minor adverse visual effects due to the location of the building within an existing cluster of buildings and the presence of the vegetated land backdrop.

The proposal is not located close to any identified natural features and the building site has not been identified as having any outstanding natural landscape values or high or outstanding natural character values.

- iii. *The colour and reflectivity of the building;*

The proposed colours will be greys, browns and black and will complement the coastal location and will be visually recessive. The reflectivity of the building materials will be within the 30% LRV limit for the zone.

- iv. *The extent to which planting can mitigate visual effects;*

The existing and proposed landscape plantings located around the building site will partially screen and soften the view of it from the surrounding viewing positions, including from within the coastal marine area. This will minimise any potential adverse visual amenity effects to a less than minor level.

- v. *Any earthworks and or vegetation clearance associated with the building;*

The volume of earthworks and vegetation clearance associated with the development is very small. Neither of these aspects will result in adverse landscape or visual effects. The proposed landscaping will mitigate the small area of vegetation removal.

- vi. *The location and design of associated vehicle access, manoeuvring and parking areas;*

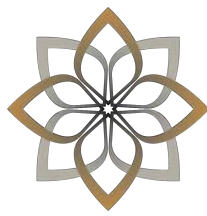
The site is access via boat.

- vii. *The extent to which the building and any associated overhead utility lines will be visually obtrusive*

The utility services to the site are already present. The building will not be visually obtrusive as it is of a size, height and colour that will be readily absorbed into the landscape, and it is not located on a ridgeline.

- viii. *The cumulative visual effects of all the buildings on the site;*

The proposal is to refurbish an existing building with the addition of a second floor. The development will be accommodated within an area that is already highly modified and characterised by a cluster of buildings. This forms the present character of the site, and the degree of change from the current scene is small and will result in less than minor cumulative visual effects.



- ix. *The degree to which the landscape will retain the qualities that give it its naturalness, visual and amenity values;*

The landscape that the building site is set upon has been highly modified over the years. The Kingfish Lodge site forms part of the existing character of the Whangaroa Harbour environs.

The Far North District Plan maps identify that the building site is not identified as an Outstanding Landscape, Outstanding Landscape Feature or Natural Feature. The Regional Policy Statement identifies that there are no identified Outstanding Natural Landscape, Outstanding Natural Features, High Natural Character or Outstanding Natural Character areas on the site.

The qualities that contribute to the naturalness of this landscape include the wider landscape scene of the Whangaroa Harbour. The proposed development is located upon an existing building site within a node of built development. The proposal is in keeping with what already exists on site. This consolidates the development within the most modified part of the landscape, thus not affecting the areas that exhibit higher degrees of natural character.

The proposal will not diminish the qualities that give this landscape its naturalness, visual and amenity values.

- x. *The extent to which private open space can be provided for future users;*

The property is of a size and location that enables ample private open space to be provided for the owners.

- xi. *The extent to which siting, setback and design of buildings avoid visual dominance on landscapes, adjacent sites and the surrounding environment;*

The building is located in a position where it will avoid any visual dominance on the immediate and surrounding environment. The removal of the conference room off the marginal strip will have positive effects for visitors to the marginal strip.

- xii. *The extent to which non-compliance affects the privacy, outlook and enjoyment of private open spaces on adjacent site.*

There are no aspects of the development that will affect the privacy, enjoyment and outlook of private open space or adjacent sites.

## 6.2 Proposed District Plan (PDP)

The PDP was publicly notified by FNDC on 27<sup>th</sup> July 2022. The part of the property where the proposed development is located is zoned Rural Production and is within the Coastal Environment as shown in Figure 9. There are no natural character overlay's or natural features and landscape overlay's located where the development will occur.



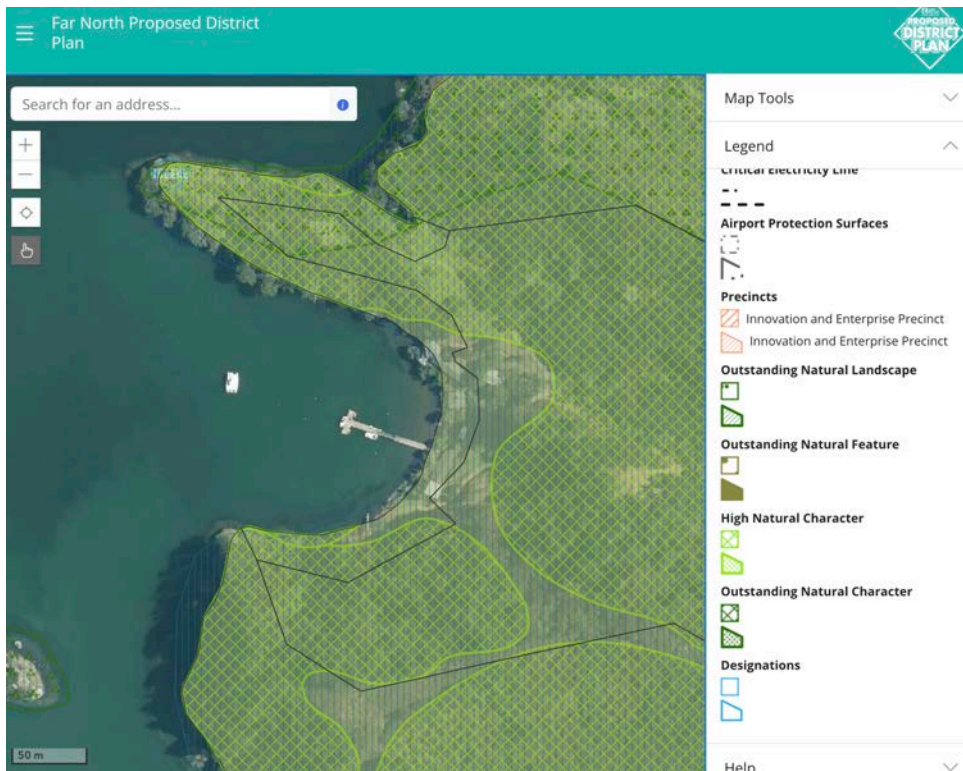
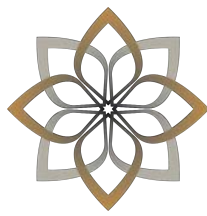


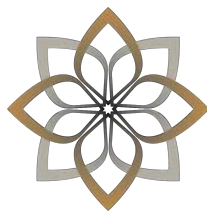
Figure 9: PDP Map of the application site

Whilst the majority of rules in the PDP will not have legal effect until such time as the FNDC publicly notifies its decisions on submissions, there are certain rules that have been identified in the PDP as having immediate legal effect.

The Planning Report prepared by Northland Planning will assess the proposal against all relevant Objectives and Policies in the PDP related to the site and proposal. I concur with this assessment.

The following Objectives and Policies within the Coastal Environment chapter have relevance to this proposal.

Objectives	
<b>CE-01</b>	The natural character of the coastal environment is identified and managed to ensure its long-term preservation and protection for current and future generations.
<b>CE-02</b>	Land use and subdivision in the coastal environment: <ul style="list-style-type: none"><li>a. preserves the characteristics and qualities of the natural character of the coastal environment;</li><li>b. is consistent with the surrounding land use;</li><li>c. does not result in urban sprawl occurring outside of urban zones;</li><li>d. promotes restoration and enhancement of the natural character of the coastal environment; and</li><li>e. recognises tangata whenua needs for ancestral use of whenua Māori.</li></ul>
<b>CE-03</b>	Land use and subdivision in the coastal environment within urban zones is of a scale that is consistent with existing built development.



- CE-P3** Avoid significant adverse **effects** and avoid, remedy or mitigate other adverse **effects** of land use and **subdivision** on the characteristics and qualities of the **coastal environment** not identified as:
- outstanding natural character;
  - ONL**;
  - ONF**.
- CE-P4** Preserve the visual qualities, character and integrity of the **coastal environment** by:
- consolidating land use and **subdivision** around existing **urban** centres and rural settlements; and
  - avoiding sprawl or sporadic patterns of development.
- CE-P8** Encourage the restoration and enhancement of the natural character of the **coastal environment**.
- CE-P10** Manage land use and **subdivision** to preserve and protect the natural character of the **coastal environment**, and to address the **effects** of the activity requiring resource consent, including (but not limited to) consideration of the following matters where relevant to the application:
- the presence or absence of **buildings, structures** or **infrastructure**;
  - the temporary or permanent nature of any adverse **effects**;
  - the location, scale and design of any proposed development;
  - any means of integrating the **building, structure** or activity;
  - the ability of the **environment** to absorb change;
  - the need for and location of **earthworks** or vegetation clearance;
  - the operational or **functional need** of any **regionally significant infrastructure** to be sited in the particular location;
  - any viable alternative locations for the activity or development;
  - any historical, spiritual or cultural association held by **tangata whenua**, with regard to the matters set out in Policy TW-P6;
  - the likelihood of the activity exacerbating natural hazards;
  - the opportunity to enhance public access and recreation;
  - the ability to improve the overall quality of **coastal waters**; and
  - any positive contribution the development has on the characteristics and qualities.

Comment:

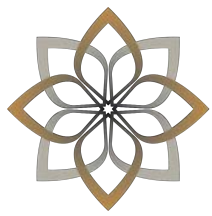
The area where development is proposed on the application site is not part of an ONL or contains any ONF.

The natural character values of the Kingfish Lodge site have been lowered over the years through cultural modifications. The proposed development is appropriately scaled and consistent with the surrounding land use and consolidates development upon the already developed part of the property.

The design and colouring of the structures will ensure that the current landscape qualities and visual amenity values are maintained.

The landscape has been assessed as being able to visually absorb the proposed change into the current landscape setting without adversely affecting the surrounding environment.

The applicant has recently undertaken exotic tree removal and revegetation with native species. This has restored and enhanced natural character values of the hill slopes above the Lodge facilities and ultimately the wider landscape.



### 6.3 The New Zealand Coastal Policy Statement

Policy 6 - Activities in the coastal environment and Policy 13 - Preservation of natural character, Policy 15 Natural Features and natural landscapes

Policy 6 Activities in the coastal environment

(1) In relation to the coastal environment:

- (f) consider where development that maintains the character of the existing built development should be encouraged, and where development resulting in a change in character would be acceptable;
- (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:

- (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;
- (2) Recognise that natural character is not the same as natural features and landscapes or amenity values and may include matters such as:
- (a) natural elements, processes and patterns;
  - (g) a range of natural character from pristine to modified

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:

Comment:

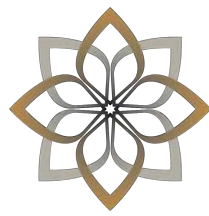
The proposed new accommodation wing is set back from the coastal edge, mostly located in the same position as the existing building. The conference room will be removed from the marginal strip. The location of the accommodation wing in this area will protect the natural character, open space, public access and amenity values of the wider coastal environment.

The proposed refurbishment and new build will generate a less than minor impact upon the natural elements, processes, and patterns of this landscape as the building is located within the most highly modified area of the site and within a developed area of the Harbour.

The application site has not been recorded within the District Plan or the Regional Policy Statement as being identified as having any natural features or natural landscapes that are significant or outstanding and that are potentially sensitive.

The Outstanding Natural Features and Natural Landscapes found within the Harbour including the seascape of the coastal environment will not be adversely affected by this proposal.





Overall, the development will result in an acceptable change to the site, and this change will have less than minor adverse effects upon the natural character of this site and surrounding coastal marine area. The development is in accord with the relevant landscape objectives and policies of the NZCPS.

### 6.4 Regional Policy Statement for Northland (RPS)

Within the RPS the application site is located within the Coastal Environment, and parts of the property have been identified as having High Natural Character. This designation does not cover the area where the existing Lodge structures are or the main ridgelines of the property. The area where the accommodation wing and refurbishment is located does not have any landscape designations covering it.

The landscape to the west, north and south of the site has areas that have been included within Outstanding Natural Landscape, Outstanding Natural Features, Outstanding Natural Character and High Natural Character designations as shown in Figure 10.



Figure 10: RPS Map, showing the building site is not located within the HNC area.

The following objective and policy within the RPS have landscape relevance.

Objective 3.14 *Natural Character, outstanding natural features, outstanding natural landscapes and historic heritage*

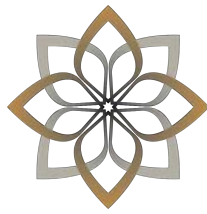
Identify and protect the integrity of;

- (a) *The natural character of the coastal environment, and the natural character of freshwater bodies and their margins;*

Policy 4.6.1 *Managing effects on natural character, features/landscape and heritage.*

(1) *In the coastal environment:*

- a) *Avoid adverse effects of subdivision use, and development on the characteristics and qualities which make up the outstanding values of areas of*



outstanding natural character, outstanding natural features and outstanding natural landscapes.

b) Where (a) does not apply, avoid significant adverse effects and avoid, remedy or mitigate other adverse effects of subdivision, use and development on natural character, natural features and natural landscapes. Methods which may achieve this include:

(i) Ensuring the location, intensity, scale and form of subdivision and built development is appropriate having regard to natural elements, landforms and processes, including vegetation patterns, ridgelines, headlands, peninsulas, dune systems, reefs and freshwater bodies and their margins; and

(ii) In areas of high natural character, minimising to the extent practicable indigenous vegetation clearance and modification (including earthworks / disturbance, structures, discharges and extraction of water) to natural wetlands, the beds of lakes, rivers and the coastal marine area and their margins; and

(iii) Encouraging any new subdivision and built development to consolidate within and around existing settlements or where natural character and landscape has already been compromised.

Comment:

The integrity of the natural character of the coastal environment within which the application site is located will not be adversely affected by the proposed development.

The Kingfish Lodge property is already a modified environment. The proposed structures will not adversely affect the characteristics and qualities that make up the values of the high natural character values, outstanding natural character, outstanding natural features and outstanding natural landscapes that are found further away within the Harbour.

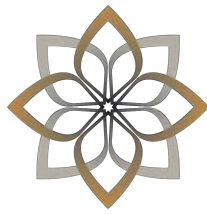
This is primarily due to the location of the structures place upon a similar building footprint as the existing buildings and location in a modified part of the coastal environment. It is also due to the appropriate design and scale of the proposed development and the landscape mitigation plantings which will blend it into the landscape.

Overall, the development is in accord with the relevant landscape objectives and policies of the NRPS.

## 7. CONCLUSION

The proposed development is for the re-development of the accommodation wing and refurbishment of the Captains Suite, with some minor changes to the consented bar and restaurant.

The new built structures will be mostly located upon the same building footprint as the existing buildings; albeit moved slightly to the east so that the structure is fully within the application site and not on the marginal strip. The existing conference room will be removed off the marginal strip. Landscaping, paving and decking areas, as well as an over the water deck will be located on the marginal strip.



# HAWTHORN

Landscape Architects

The potential viewing audience that affords views of the site and proposed development is contained within one main visual catchment that extends generally to the west of the site. Within this there are two main viewer groups being the water-based visitors located to the west of the site within Whangaroa Harbour, and the land-based viewers located on the marginal strip to the west of the building site. Both viewer groups are transitory, and the view of the proposal is viewed in context of the existing Lodge facilities.

The Kingfish Lodge property has been extensively modified compared to the surrounding landscape. This modification has degraded the natural elements, patterns and processes of the landscape and subsequently lowered the natural character values of the area proposed to accommodate the new building. This increases the site's ability to absorb the proposed development whilst only generating less than minor adverse effects.

The landscape plantings will provide a visual softening and partial screen of the proposal. The vegetated setting and land backdrop ensure the building is not viewed on a skyline and assist with minimising any potential adverse effects of the additional height of the second story to the accommodation wing.

The viewing audience's experience and appreciation levels of the visual amenity and natural character values associated with this part of the Whangaroa Harbour landscape scene won't change significantly. There is already an accommodation wing building located on this site, and the proposal is to upgrade and modernise it within the context of the existing built environment of the Lodge facilities. Due to the appropriate design and recessive colouring of the building and the proposed landscape plantings the development will result in less than minor potential adverse visual and landscape effects being generated.

As the development is sensitive to the coastal environment it is located within there will be less than minor potential effects upon natural character values.

The proposal is consistent with the relevant assessment criteria, objectives and policies found within the FNDP, PFNDP, NZCPS and RPS.

A handwritten signature in blue ink, appearing to read 'Christine Hawthorn', is positioned above the printed name.

Christine Hawthorn  
BLA (Hons.)  
Hawthorn Landscape Architects Ltd.



## SUPPLEMENT A:

# Natural Character and Landscape Effects Assessment Method

Updated 2 November 2022

## Introduction

The Natural Character, Landscape and Visual Effects Assessment (NCLVEA) process provides a framework for assessing and identifying the nature and level of likely effects that may result from a proposed development. Such effects can occur in relation to changes to physical elements, changes in the existing character or condition of the landscape and the associated experiences of such change. In addition, the landscape assessment method may include (where appropriate) an iterative design development processes, which seeks to avoid, remedy or mitigate adverse effects (see **Figure 1**).

This outline of the landscape and visual effects assessment methodology has been undertaken with reference to the **Te Tangi A Te Manu: Aotearoa New Zealand Landscape Assessment Guidelines** and its signposts to examples of best practice, which include the **Quality Planning Landscape Guidance Note**<sup>1</sup> and the **UK guidelines for landscape and visual impact assessment**<sup>2</sup>.

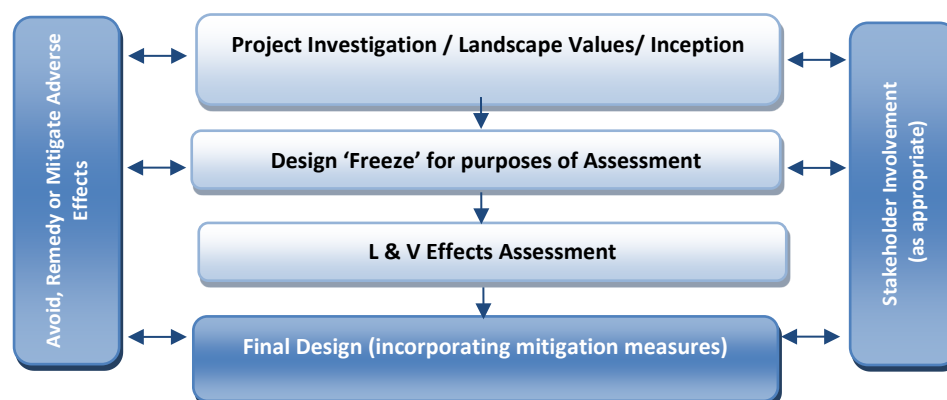


Figure 1: Design feedback loop

When undertaking any landscape assessment, it is important that a **structured and consistent approach** is used to ensure that **findings are clear and objective**. Judgement should be based on skills and experience and be supported by explicit evidence and reasoned argument.

While natural character, landscape and visual effects assessments are closely related, they form separate procedures. Natural character effects consider the characteristics and qualities and associated degree of modification relating specifically to waterbodies and their margins, including the coastal environment. The assessment of the potential effects on landscape considers effects on landscape character and values. The assessment of visual effects considers how changes to the physical landscape affect the viewing audience. The types of effects can be summarised as follows:

**Natural Character effects:** *Change in the characteristics or qualities including the level of naturalness.*

**Landscape effects:** *Change in the physical landscape, which may affect its characteristics or values*

**Visual effects:** *Change to views which may affect the visual amenity experienced by people*

<sup>1</sup> <http://www.qualityplanning.org.nz/index.php/planning-tools/land/landscape>

<sup>2</sup> Landscape Institute and Institute of Environmental Management and Assessment (2013) Guidelines for Landscape and Visual Impact Assessment, 3rd Edition (GLVIA3)

The policy context, existing landscape resource and locations from which a development or change is visible, all inform the 'baseline' for landscape and visual effects assessments. To assess effects, the first step requires identification of the landscape's **character** and **values** including the **attributes** on which such values depend. This requires that the landscape is first **described**, including an understanding of relevant physical, sensory and associative landscape dimensions. This process, known as landscape characterisation, is the basic tool for understanding landscape character and may involve subdividing the landscape into character areas or types. The condition of the landscape (i.e. the state of an individual area of landscape or landscape feature) should also be described together with, a judgement made on the value or importance of the potentially affected landscape.

## Natural Character Effects

In terms of the RMA, natural character specifically relates to the coastal environment as well as freshwater bodies and their margins. The RMA provides no definition of natural character. RMA, section 6(a) considers natural character as a matter of national importance:

*...the preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use, and development.*

Natural character comprises the natural elements, patterns and processes of the coastal environment, waterbodies and their margins, and how they are perceived and experienced. This assessment interprets natural character as being the degree of naturalness consistent with the following definition:

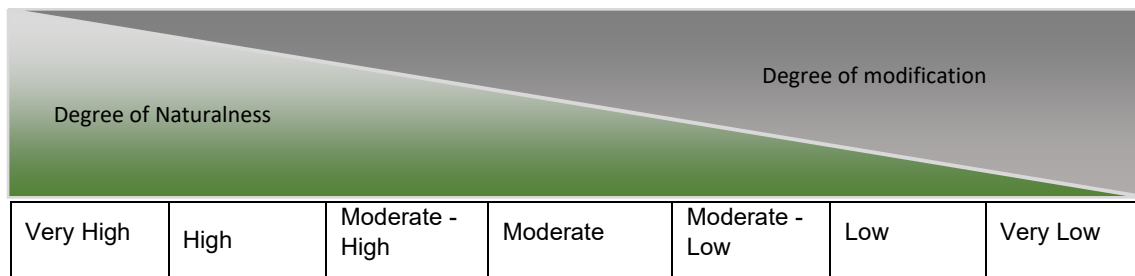
*Natural character is a term used to describe the naturalness of waterbodies and their margins. The degree or level of natural character depends on:*

- *The extent to which natural elements, patterns and processes occur;*
- *The nature and extent of modifications to the ecosystems and landscape/seascape;*
- *The highest degree of natural character (greatest naturalness) occurs where there is least modification; and*
- *The effect of different types of modification upon the natural character of an area varies with the context and may be perceived differently by different parts of the community.*

The process to assess natural character involves an understanding of the many systems and attributes that contribute to waterbodies and their margins, including biophysical and experiential factors. This can be supported through the input of technical disciplines such as marine, aquatic and terrestrial ecology, and landscape architecture.

### Defining the Level of Natural Character

The level of natural character is assessed in relation to a seven-point scale. The diagram below illustrates the relationship between the degree of naturalness and degree of modification. A high level of natural character means the waterbody is less modified and vice versa.

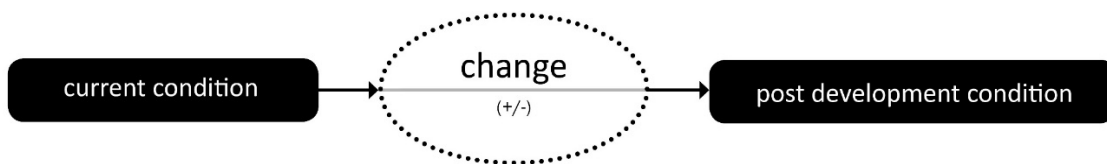


### **Scale of Assessment**

When defining levels of natural character, it is important to clearly identify the spatial scale considered. The scale at which natural character is assessed will typically depend on the study area or likely impacts and nature of a proposed development. Within a district or region-wide study, assessment scales may be divided into broader areas which consider an overall section of coastline or river with similar characteristics, and finer more detailed 'component' scales considering separate more local parts, such as specific bays, reaches or escarpments. The assessment of natural character effects has therefore considered the change to attributes which indicate levels of natural character at a defined scale.

### **Effects on Natural Character**

An assessment of the effects on natural character of an activity involves consideration of the proposed changes to the current condition compared to the existing. This can be negative or positive.



The natural character effects assessment involves the following steps;

- assessing the existing level of natural character;
- assessing the level of natural character anticipated (post construction); and
- considering the significance of the change

### **Landscape Effects**

Assessing landscape effects requires an understanding of the landscape resource and the magnitude of change which results from a proposed activity to determine the overall level of landscape effects.

#### **Landscape Resource**

Assessing the sensitivity of the landscape resource considers the key characteristics and qualities. This involves an understanding of both the ability of an area of landscape to absorb change and the value of the landscape.

#### ***Ability of an area to absorb change***

This will vary upon the following factors:

- Physical elements such as topography / hydrology / soils / vegetation;
- Existing land use;
- The pattern and scale of the landscape;
- Visual enclosure / openness of views and distribution of the viewing audience;
- The zoning of the land and its associated anticipated level of development;
- The scope for mitigation, appropriate to the existing landscape.

The ability of an area of landscape to absorb change takes account of both the attributes of the receiving environment and the characteristics of the proposed development. It considers the ability of a specific type of change occurring without generating adverse effects and/or achievement of landscape planning policies and strategies.

#### ***The value of the Landscape***

Landscape value derives from the importance that people and communities, including tangata whenua, attach to particular landscapes and landscape attributes. This may include the classification of Outstanding Natural Feature or Landscape (ONFL) (RMA s.6(b)) based on important physical, sensory and associative landscape attributes, which have potential to be affected by a proposed development. A landscape can have value even if it is not recognised as being an ONFL.

#### **Magnitude of Landscape Change**

The magnitude of landscape change judges the amount of change that is likely to occur to areas of landscape, landscape features, or key landscape attributes. In undertaking this assessment, it is important that the size or scale of the change is considered within the geographical extent of the area influenced and the duration of



change, including whether the change is reversible. In some situations, the loss /change or enhancement to existing landscape elements such as vegetation or earthworks should also be quantified.

When assessing the level of landscape effects, it is important to be clear about what factors have been considered when making professional judgements. This can include consideration of any benefits which result from a proposed development. **Table 1** below helps to explain this process. The tabulating of effects is only intended to inform overall judgements.

Contributing Factors		Higher	Lower
Landscape (sensitivity)	<b>Ability to absorb change</b>	The landscape context has limited existing landscape detractors which make it highly vulnerable to the type of change resulting from the proposed development.	The landscape context has many detractors and can easily accommodate the proposed development without undue consequences to landscape character.
	<b>The value of the landscape</b>	The landscape includes important biophysical, sensory and shared and recognised attributes. The landscape requires protection as a matter of national importance (ONF/L).	The landscape lacks any important biophysical, sensory or shared and recognised attributes. The landscape is of low or local importance.
Magnitude of Change	<b>Size or scale</b>	Total loss or addition of key features or elements. Major changes in the key characteristics of the landscape, including significant aesthetic or perceptual elements.	The majority of key features or elements are retained. Key characteristics of the landscape remain intact with limited aesthetic or perceptual change apparent.
	<b>Geographical extent</b>	Wider landscape scale.	Site scale, immediate setting.
	<b>Duration and reversibility</b>	Permanent. Long term (over 10 years).	Reversible. Short Term (0-5 years).

Table 1: Determining the level of landscape effects

## Visual Effects

Visual effects are a subset of landscape effects. They are consequences of change on landscape values as experienced in views. To assess the visual effects of a proposed development on a landscape, a visual baseline must first be defined. The visual 'baseline' forms a technical exercise which identifies the area where the development may be visible, the potential viewing audience, and the key representative public viewpoints from which visual effects are assessed.

Field work is used to determine the actual extent of visibility of the site, including the selection of representative viewpoints from public areas. This stage is also used to identify the potential 'viewing audience' e.g. residential, visitors, recreation users, and other groups of viewers who can see the site. During fieldwork, photographs are taken to represent views from available viewing audiences.

The viewing audience comprises the individuals or groups of people occupying or using the properties, roads, footpaths and public open spaces that lie within the visual envelope or 'zone of theoretical visibility (ZTV)' of the site and proposal. Where possible, computer modelling can assist to determine the theoretical extent of visibility together with field work to confirm this. Where appropriate, key representative viewpoints should be agreed with the relevant local authority.

### The Sensitivity of the Viewing Audience

The sensitivity of the viewing audience is assessed in terms of assessing the likely response of the viewing audience to change and understanding the value attached to views.

#### **Likely response of the viewing audience to change**

Appraising the likely response of the viewing audience to change is determined by assessing the occupation or activity of people experiencing the view at particular locations and the extent to which their interest or activity may be focussed on views of the surrounding landscape. This relies on a landscape architect's judgement in respect of visual amenity and the reaction of people who may be affected by a proposal. This should also recognise that people more susceptible to change generally include: residents at home, people engaged in outdoor recreation whose attention or interest is likely to be focussed on the landscape and on particular views; visitors to heritage assets or other important visitor attractions; and communities where views contribute to the wider landscape setting.

#### **Value attached to views**

The value or importance attached to particular views may be determined with respect to its popularity or numbers of people affected or reference to planning instruments such as viewshafts or view corridors. Important

viewpoints are also likely to appear in guide books or tourist maps and may include facilities provided for its enjoyment. There may also be references to this in literature or art, which also acknowledge a level of recognition and importance.

### **Magnitude of Visual Change**

The assessment of visual effects also considers the potential magnitude of change which will result from views of a proposed development. This takes account of the size or scale of the effect, the geographical extent of views and the duration of visual change, which may distinguish between temporary (often associated with construction) and permanent effects where relevant. Preparation of any simulations of visual change to assist this process should be guided by best practice as identified by the NZILA<sup>3</sup>.

When determining the overall level of visual effect, the nature of the viewing audience is considered together with the magnitude of change resulting from the proposed development. **Table 4** has been prepared to help guide this process:

<b>Contributing Factors</b>		<b>Higher</b>	<b>Lower</b>	<b>Examples</b>
<b>The Viewing Audience (sensitivity)</b>	<b>Ability to absorb change</b>	Views from dwellings and recreation areas where attention is typically focussed on the landscape.	Views from places of employment and other places where the focus is typically incidental to its landscape context. Views from transport corridors.	Dwellings, places of work, transport corridors, public tracks
	<b>Value attached to views</b>	Viewpoint is recognised by the community such as an important view shaft, identification on tourist maps or in art and literature. High visitor numbers.	Viewpoint is not typically recognised or valued by the community.  Infrequent visitor numbers.	Acknowledged viewshafts, Lookouts
<b>Magnitude of Change</b>	<b>Size or scale</b>	Loss or addition of key features in the view.  High degree of contrast with existing landscape elements (i.e. in terms of form scale, mass, line, height, colour and texture).  Full view of the proposed development.	Most key features of views retained.  Low degree of contrast with existing landscape elements (i.e. in terms of form scale, mass, line, height, colour and texture). Glimpse / no view of the proposed development.	- Higher contrast/ Lower contrast. - Open views, Partial views, Glimpse views (or filtered); No views (or obscured)
	<b>Geographical extent</b>	Front on views. Near distance views; Change visible across a wide area.	Oblique views. Long distance views. Small portion of change visible.	- Front or Oblique views. - Near distant, Middle distant and Long distant views
	<b>Duration and reversibility</b>	Permanent. Long term (over 15 years).	Transient / temporary. Short Term (0-5 years).	- Permanent (fixed), Transitory (moving)

Table 2: Determining the level of visual effects

### **Nature of Effects**

In combination with assessing the level of effects, the landscape and visual effects assessment also considers the nature of effects in terms of whether this will be positive (beneficial) or negative (adverse) in the context within which it occurs. Neutral effects can also occur where landscape or visual change is benign.

It should also be noted that a change in a landscape does not, of itself, necessarily constitute an adverse landscape or visual effect. Landscape is dynamic and is constantly changing over time in both subtle and more dramatic transformational ways; these changes are both natural and human induced. What is important in managing landscape change is that adverse effects are avoided or sufficiently mitigated to ameliorate the effects of the change in land use. The aim is to provide a high amenity environment through appropriate design outcomes.

<sup>3</sup> Best Practice Guide: Visual Simulations BPG 10.2, NZILA

This assessment of the nature of effects can be further guided by **Table 2** set out below:

Nature of effect	Use and Definition
<b>Adverse (negative):</b>	The activity would be out of scale with the landscape or at odds with the local pattern and landform which results in a reduction in landscape and / or visual amenity values
<b>Neutral (benign):</b>	The activity would be consistent with (or blend in with) the scale, landform and pattern of the landscape maintaining existing landscape and / or visual amenity values
<b>Beneficial (positive):</b>	The activity would enhance the landscape and / or visual amenity through removal or restoration of existing degraded landscape activities and / or addition of positive elements or features

Table 1: Determining the Nature of Effects

## Cumulative Effects

This can include effects of the same type of development (e.g. bridges) or the combined effect of all past, present and approved future development<sup>4</sup> of varying types, taking account of both the permitted baseline and receiving environment. Cumulative effects can also be positive, negative or benign.

### Cumulative Landscape Effects

Cumulative landscape effects can include additional or combined changes in components of the landscape and changes in the overall landscape character. The extent within which cumulative landscape effects are assessed can cover the entire landscape character area within which the proposal is located, or alternatively, the zone of visual influence from which the proposal can be observed.

### Cumulative Visual Effects

Cumulative visual effects can occur in combination (seen together in the same view), in succession (where the observer needs to turn their head) or sequentially (with a time lapse between instances where proposals are visible when moving through a landscape). Further visualisations may be required to indicate the change in view compared with the appearance of the project on its own.

Determining the nature and level of cumulative landscape and visual effects should adopt the same approach as the project assessment in describing both the nature of the viewing audience and magnitude of change leading to a final judgement. Mitigation may require broader consideration which may extend beyond the geographical extent of the project being assessed.

## Determining the Overall Level of Effects

The landscape and visual effects assessment conclude with an overall assessment of the likely level of landscape and visual effects. This step also takes account of the nature of effects and the effectiveness of any proposed mitigation. The process can be illustrated in Figure 2:



Figure 2: Assessment process

This step informs an overall judgement identifying what level of effects are likely to be generated as indicated in **Table 3** below. This table which can be used to guide the level of natural character, landscape and visual effects uses an adapted seven-point scale derived from Te Tangi A Te Manu.

<sup>4</sup> The life of the statutory planning document or unimplemented resource consents.



Effect Rating	Use and Definition
<b>Very High:</b>	Total loss of key elements / features / characteristics, i.e. amounts to a complete change of landscape character and in views.
<b>High:</b>	Major modification or loss of most key elements / features / characteristics, i.e. little of the pre-development landscape character remains and a major change in views. <i>Concise Oxford English Dictionary Definition</i> <i>High: adjective- Great in amount, value, size, or intensity.</i>
<b>Moderate- High:</b>	Modifications of several key elements / features / characteristics of the baseline, i.e. the pre-development landscape character remains evident but materially changed and prominent in views.
<b>Moderate:</b>	Partial loss of or modification to key elements / features / characteristics of the baseline, i.e. new elements may be prominent in views but not necessarily uncharacteristic within the receiving landscape. <i>Concise Oxford English Dictionary Definition</i> <i>Moderate: adjective- average in amount, intensity, quality or degree</i>
<b>Low-Moderate:</b>	Minor loss of or modification to one or more key elements / features / characteristics, i.e. new elements are not prominent within views or uncharacteristic within the receiving landscape.
<b>Low:</b>	Little material loss of or modification to key elements / features / characteristics. i.e. modification or change is not uncharacteristic or prominent in views and absorbed within the receiving landscape. <i>Concise Oxford English Dictionary Definition</i> <i>Low: adjective- 1. Below average in amount, extent, or intensity.</i>
<b>Very Low:</b>	Negligible loss of or modification to key elements/ features/ characteristics of the baseline, i.e. approximating a 'no change' situation and a negligible change in views.

Table 3: Determining the overall level of landscape and visual effects

## Determination of “minor”

Decision makers determining whether a resource consent application should be notified must also assess whether the effect on a person is less than minor<sup>5</sup> or an adverse effect on the environment is no more than minor<sup>6</sup>. Likewise, when assessing a non-complying activity, consent can only be granted if the s104D 'gateway test' is satisfied. This test requires the decision maker to be assured that the adverse effects of the activity on the environment will be 'minor' or not be contrary to the objectives and policies of the relevant planning documents.

These assessments will generally involve a broader consideration of the effects of the activity, beyond the landscape and visual effects. Through this broader consideration, guidance may be sought on whether the likely effects on the landscape or effects on a person are considered in relation to 'minor'. It must also be stressed that more than minor effects on individual elements or viewpoints does not necessarily equate to more than minor landscape effects. In relation to this assessment, moderate-low level effects would generally equate to 'minor' (see Table 4).

The third row highlights the word 'significant'. The term 'significant adverse effects' applies to particular RMA situations, namely as a threshold for the requirement to consider alternative sites, routes, and methods for Notices of Requirement under RMA s171(1)(b), the requirements to consider alternatives in AEEs under s6(1)(a) of the 4th Schedule. It may also be relevant to tests under other statutory documents such as for considering effects on natural character of the coastal environment under the NZ Coastal Policy Statement (NZCPS) Policy 13 (1)(b) and 15(b).

<u>Less than Minor</u>		<u>Minor</u>	<u>More than Minor</u>			
Very Low	Low	Low-Moderate	Moderate	Moderate-High	High	Very High
					Significant	

Table 4: Determining adverse effects for notification determination, non-complying activities and significance

<sup>5</sup> RMA, Section 95E

<sup>6</sup> RMA Section 95D



**Archaeological Survey and Assessment of Significance and Effects:  
Kingfish Lodge, Whangaroa Harbour  
Helicopter Landing Area and Redevelopment of Kingfish Lodge**

P04/582, 583



**Prepared for:**

Kingfish Lodge 2016 Limited  
via e-mail  
Kerikeri

**Prepared by:**

Archaeology Solutions Ltd  
PO Box 48134  
Blockhouse Bay  
AUCKLAND 0644  
phone: (09) 626 7860  
e-mail: [info@archaeologysolutions.co.nz](mailto:info@archaeologysolutions.co.nz)

**Date: November 2024**

## *1. Executive Summary*

A helicopter landing pad is proposed. Building activities are also planned on public land inside the bay.

The development will take place on the eastern end of a narrow headland. Originally this headland was occupied by a pā reaching from a bank and ditch across the headland all the way to the tip of this headland. In 1941 the construction of a gun emplacement with ancillary buildings and structures destroyed most of this earlier structure.

But it has been observed that elements of the pā like living floors (dark layers of soil) and back filled storage pits could have survived.

The construction of a helicopter landing pad is outside the bank and ditch at the eastern end of the pā. It therefore does not impact onto any archaeological surface features. Furthermore this area has been heavily modified by the access road to the gun position constructed in 1941.

Within the bay no archaeological features have been observed and the earthworks since 1941 for the Army Camp have likely destroyed any features if they were there. The last building of the Army Camp has been demolished in 2018. A recent, additional site visit in 2024 confirmed the absence of any archaeological features as the original land surface has been modified in 1941.

Any earthworks within this area, now occupied by the lodge and ancillary buildings will not require an archaeological authority, but should proceed under an Accidental Discovery Protocol, just in case archaeological finds are unearthed.



## *Quality Information*

Title: Archaeological Survey and Assessment of Significance and Effects:  
Public Access Path and Redevelopment of Kingfish Lodge

Reference: ASL20\_02

Author(s): Dr. Hans-Dieter Bader

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Revision	30/04/2021	Bader
Revision3	13/11/2024	Bader

Cover photo: View from the gun emplacement (photo: Hans-Dieter Bader)

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## 2. Glossary

**Table 1: Archaeological terms.**

C14	Dating method using the deterioration of Carbon 14 in living organisms
Firescoop	Fireplace used for various reasons (cooking, warming, etc.)
Hangi	Subterranean cooking oven using heated stones
Hapu	Maori sub tribe, part of a larger tribal federation
Kai moana	Seafood exploited by Maori including fish, shell fish and crustaceans.
Kainga	Maori undefended open settlement.
Kaumatuā	Male elder(s) of a hapu (sub tribe)
Kuia	Female elder(s) of a hapu (sub tribe)
Mana Whenua	People of the land with mana or customary authority
Midden	Refuse from a settlement, mainly shell fish.
Pa	A site fortified with earthworks and palisade defences. Modern meaning differs from archaeological use of the word.
Pit	Rectangular excavated pit used to store crops by Maori
Posthole	Archaeological remains of a post used for various reasons
Prehistory	Period before European arrival
Rohe	Settlement area of a Maori sub tribe (hapu)
Terrace	A platform cut into the hill slope used for habitation or cultivation
Urupa	Burial ground
Wahi tapu	Sites of spiritual significance to Maori
Whare	Traditionally built Maori sleeping house

### ***3. Introduction***

The Kingfish Lodge is in the process of upgrading their facilities. Part of this will be some building activities within the bay and a helicopter landing pad outside the extent of the pā.

#### **3.1. Brief**

Kingfish Lodge 2016 Limited instructed Archaeology Solutions Ltd (ASL) to undertake an archaeological assessment of the project.

The assessment was undertaken to identify any recorded and probability of unrecorded archaeological remains in the vicinity of the proposed earthworks and to assess how the proposed works will affect the heritage values of the structures.

This report outlines the results of the investigations.

This assessment of archaeological values has been prepared for an authority application with Heritage NZ under the Heritage New Zealand Pouhere Taonga Act 2014.

This survey and report do not necessarily include the location of *wahi tapu* and/or sites of cultural or spiritual significance to the local Maori community who may need to be consulted for any information or concerns they may have regarding the proposed works.

## 4. Statutory Requirements

There are two main pieces of legislation in New Zealand that control work affecting archaeological sites. These are the *Heritage New Zealand Pouhere Taonga Act 2014* (HNZPTA) and the *Resource Management Act 1991* (RMA)

This assessment considers only archaeological sites as defined in the HNZPTA as outlined below.

### 4.1. Heritage New Zealand Pouhere Taonga Act 2014

Heritage New Zealand Pouhere Taonga (HNZ) administers the HNZPTA. The HNZPTA contains a consent (authority) process for any work affecting archaeological sites, where an archaeological site is defined as:

- “6(a) any place in New Zealand, including any building or structure (or part of a building or structure), that –*
- (i) was associated with human activity that occurred before 1900 or is the site of the wreck of any vessel where the wreck occurred before 1900; and*
  - (ii) provides or may provide, through investigation by archaeological methods, evidence relating to the history of New Zealand; and*
- 6(b) includes a site for which a declaration is made under section 43(1)”*

Any person who intends carrying out work that may damage, modify or destroy an archaeological site, or to investigate a site using invasive archaeological techniques, must first obtain an authority from HNZ. The process applies to sites on land of all tenure including public, private and designated land. The HNZPTA contains penalties for unauthorised site damage or destruction

The archaeological authority process applies to all sites that fit the HPA definition, regardless of whether:

- The site is recorded in the NZ Archaeological Association Site Recording Scheme or registered by HNZ,
- The site only becomes known about as a result of ground disturbance, and/ or
- The activity is permitted under a district or regional plan, or a resource or building consent has been granted

HNZ also maintains the List of Historic Places, Historic Areas, Wahi Tapu and Wahi Tapu Areas. The List can include archaeological sites. The purpose of the List is to inform members of the public about such places and to assist with their protection under the Resource Management Act (1991).

## 4.2. Resource Management Act 1991

Under Section 6 of the *Resource Management Act 1991* (RMA) it is stated that the protection of historic heritage is a matter of national importance,

*“In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall recognise and provide for the following matters of national importance:*

*[...]*

*(e) the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga*

*(f) the protection of historic heritage from inappropriate subdivision, use, and development.”*

“*Historic heritage*” is defined in the RMA as being “those natural and physical resources that contribute to an understanding and appreciation of New Zealand's history and cultures” and includes archaeological, architectural, cultural, historic, scientific and technological qualities.

Historic heritage includes:

- historic sites, structures, places, and areas
- archaeological sites;
- sites of significance to Maori, including wahi tapu;
- surroundings associated with the natural and physical resources (RMA section 2).

These categories are not mutually exclusive and some archaeological sites may include above ground structures or may also be places that are of significance to Maori.

Where resource consent is required for any activity the assessment of effects is required to address cultural and historic heritage matters (RMA 4th Schedule and the district plan assessment criteria).

Section 17 of the RMA states “*Every person has a duty to avoid, remedy, or mitigate any adverse effect on the environment arising from an activity carried on by or on behalf of the person*”, and this includes historic heritage.



## ***5. Methodology***

### **5.1. Investigation Procedure**

For this report aerial photographs, historic maps, secondary literature dealing with the history of the Whangaroa Harbour and the New Zealand Archaeological Site Recording Scheme have been consulted. Information was recorded using handheld GPS and digital photography.

### **5.2. Site Investigation**

Two sites were previously recorded close to the area of the earthworks, P04/582 and P04/583, a pā site and a gun emplacement from 1941. The extent of the two sites were recorded but no new sites were observed. During an additional site visit in 2024 the relationship between the planned helicopter landing pad and the extent of the pā was explored.

The area around the existing lodge was also walked over, but no archaeological finds or features were encountered. During the recent, additional site visit another walkover was conducted as some additional earthworks had taken place. There are still no indications of archaeological finds, features, layers or deposits.

## 6. Background

### 6.1. Location & Legal description of land affected

The location is inside the Whangaroa Harbour, accessible only by boat. The area of the coastal zone is within Crown land administered by Department of Conservation. The archaeological sites are within Crown land and Section 2 Block III Whangaroa SD, DP 198828, SO 37903.



Figure 1: Location of Whangaroa Harour



Figure 2: Location of Kingfish Lodge.

## 6.2. Physical Environment

The site is on an exposed headland right at the harbour entrance. This headland and the area of slopes to the east of it is comprised of volcanic soil, good for Māori horticulture (Institute for Geological and Nuclear Sciences, Geological Map 1:250,000, Whangarei). The protected bay below the headland is also well suited as a base for fishing.

### INSTITUTE OF GEOLOGICAL AND NUCLEAR SCIENCES 1:250 000 GEOLOGICAL MAP 2

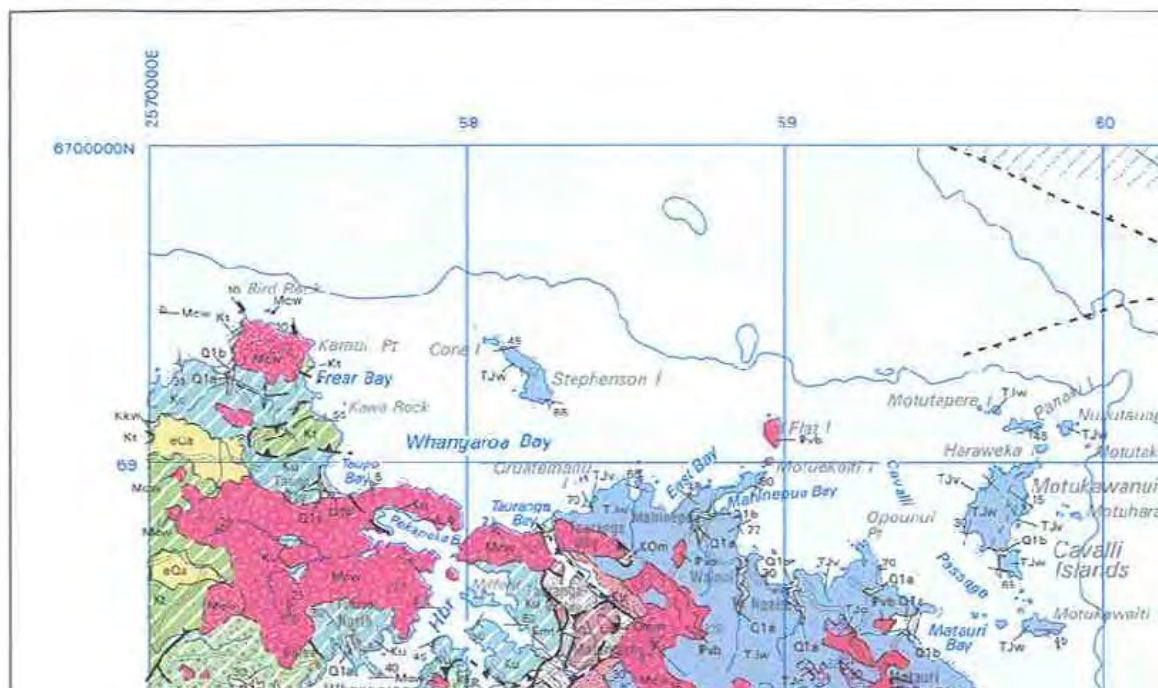


Figure 3: Detail of the geological map showing the extent of volcanic soil in the outer part of the Whangaroa Harbour (in red).

## 6.3. Historical Context & Archaeological Context

The headland is marked as the pā Oheia in the map of Whangaroa (Sale 1986). The area is part of the Kahikatoa Block (Nevin 1997). Te Ūkaipō are the mana whenua of the area today.

In 1941 under the threat of a Japanese invasion the deep water harbour of Whangaroa was fortified with two guns at the entrance. One of them is on the headland next to the Kingfish Lodge. The area around the Lodge was used as the camp.

A map shows the initial development that was later enlarged with a further gun platform, possibly for air defense (Kemp & Guthrie 2019).

In 2018 the last building of this camp was demolished. Further earthworks within the shoreline and in the lower part of the bay were undertaken (see pictures below).



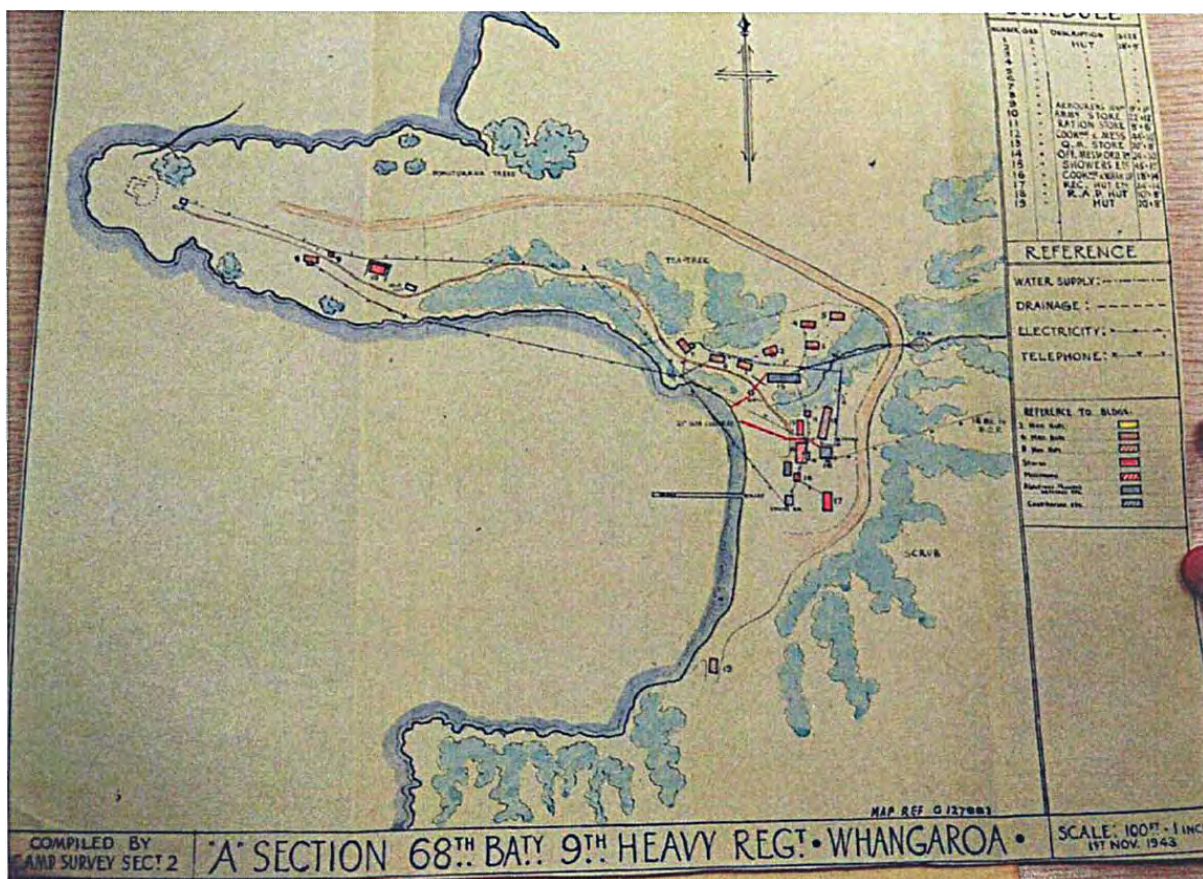


Figure 4: Gun Emplacement and Camp (after Kemp & Guthrie 2019).



Figure 5: Possibly the last building of the WWII army camp (Rochelle Jacobs 2017).





**Figure 6: Demolition of the building (2018).**



**Figure 7: Further earthworks close to the lodge buildings. (2017).**



Figure 8: Further building works in 2019.



Figure 9: Heavily modified stream, channeled between lodge buildings.





Figure 10: New buildings along the bay (2024).



Figure 11: Soil profile at the cut behind the new building. No archaeological layers are visible.

#### 6.4. Previous archaeological work within the area affected

The only archaeological survey was conducted by Nevin in 1997 and the gun emplacement, the pā, a storage pit and a small shell midden were recorded.

Archaeological sites have been recorded in the New Zealand Archaeological Association Site Record Scheme (NZAA SRS).

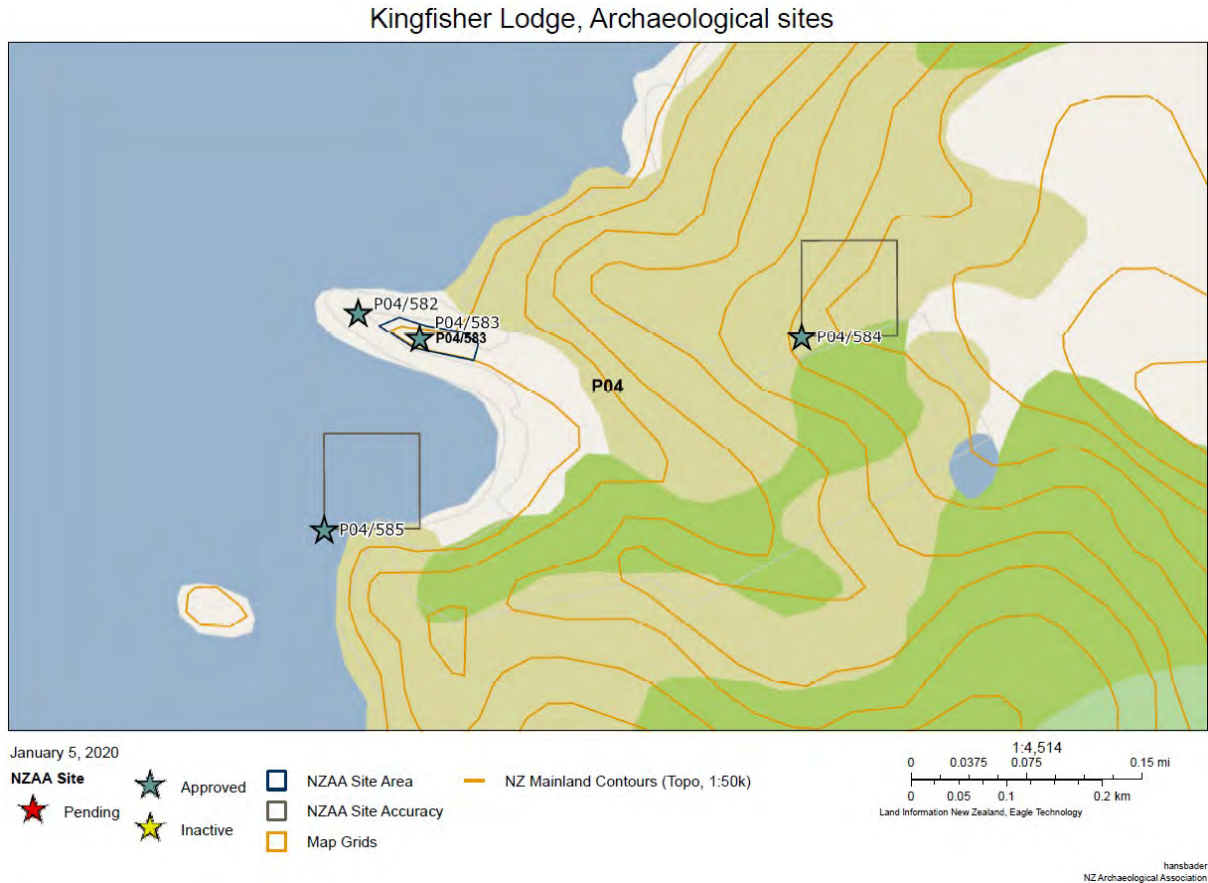


Figure 12: Recorded Archaeological sites in the vicinity.



## 7. Results

The pā extent is indicated by a bank and ditch across the headland, which has been modified by a road leading to the gun, probably to transport ammunition and facilitate the construction of the gun emplacement.

Small elements, like charcoal rich topsoil and possible pit depressions, of the pā have survived the construction of the gun emplacement. The extent of the pā covered the entire headland, further than the extent drawn on ArchSite.

Within the bay no signs of any archaeological features were found.



Figure 13: View onto the heavily modified bay.





Figure 14: 1941 features in yellow, possible pits in blue, bank and ditch in green and brown. Path in red.





**Figure 15: Headland, gun bunker clearly visible.**





Figure 16: Area of possible pits.



Figure 17: Existing path





Figure 18: Gun emplacement structures.





Figure 19: View from main gun shelter.





**Figure 20: Main gun shelter.**



**Figure 21: Bank and Ditch of pā**





**Figure 22: View from proposed helicopter pad towards the ditch and bank of the pā.**



**Figure 23: Ditch and bank of the pā in 2024.**



## ***8. Discussion***

The development of the gun emplacement with ancillary buildings (P04/582) along the ridge line has destroyed or heavily modified most features of the pā site P04/583.

Nonetheless small elements like pit depression and some places of charcoal rich topsoil are still visible and it seems that further features can be expected sub surface.

Any earthworks along the existing path or on any of the flatter areas on top of the ridge line have a high risk to exposing archaeological features of this site.

The gun emplacement is not archaeological as per definition of the HNZPT Act 2014 but they are a Heritage Site of national importance.

The location of the helicopter landing pad is outside the extent of the pā site and this area has been heavily modified by the access road to the gun emplacement built in 1941. The risk to encounter archaeological features is very low.

- It is therefore recommended to undertake any earthworks within the helicopter landing pad with an Accidental Discovery Protocol in place.
- It is recommended to undertake any earthworks within the bay and around the modern lodge buildings with an Accidental Discovery Protocol in place.

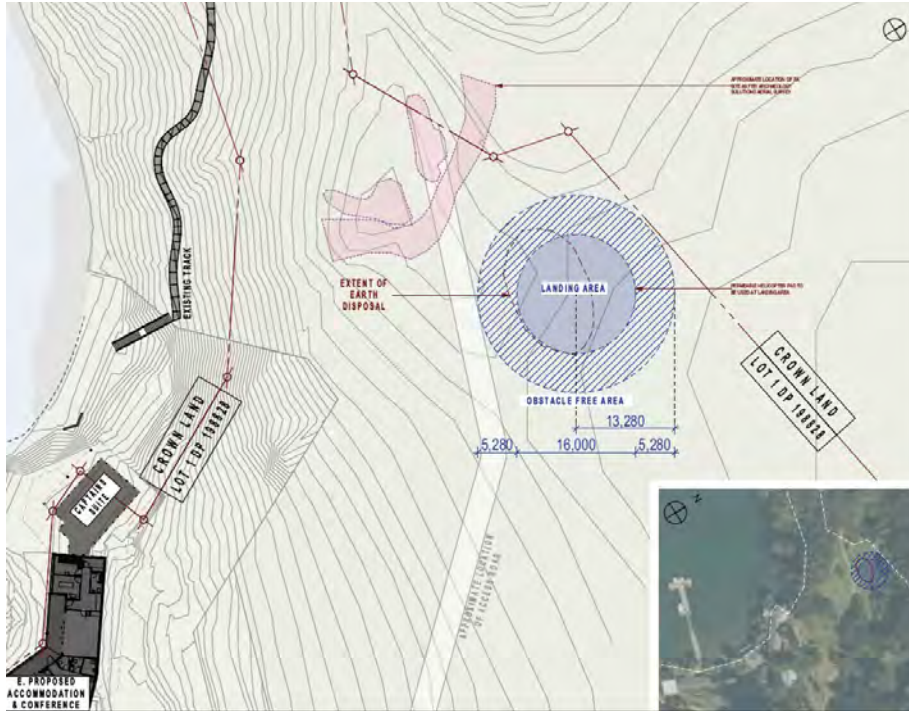


Figure 24: Location of planned helicopter landing pad in relation to the bank and ditch features.



Figure 25: Aerial 2024 with cadastral lines and bank (brown) & ditch (green) overlaid.

## ***9. Constraints and Limitations***

Damage of pā features is extensive and it is not easy to distinguish between them and later 20<sup>th</sup> century features.



## 10. Archaeological Values

### 10.1. Assessment Criteria

*“Archaeological values relate to the potential of a place to provide evidence of the history of New Zealand. This potential is framed within the existing body of archaeological knowledge, and current research questions and hypotheses about New Zealand’s past. An understanding of the overall archaeological resource is therefore required” (NZHPT 2006).*

The following value assessment is based on Gumbley 1995, Walton 1999 & 2002.

The assessment criteria are split into two sections: Main Archaeological values and Additional values:

The first archaeological values look at an *intra (within the) site context*.

- **Condition:**  
How complete is the site? Are parts of it already damaged or destroyed?  
Condition varies from undisturbed to destroyed and every variation in between. It is also possible that the condition of various parts of the site varies.
- **Rarity/Uniqueness:**  
Rarity can be described in a local, regional and national context. Rarity can be rare as a site, or rarely examined or today a rare occurrence in the records.
- **Information Potential:**  
How diverse are the features to be expected during an archaeological excavation on the site?  
How complete is the set of features for the type of site?  
Can the site inform about a specific period or specific function?

The second set of archaeological values are *inter site (between sites) context* criteria:

- **Archaeological landscape / contextual value:**  
What is the context of the site within the surrounding archaeological sites?  
The question here is the part the site plays within the surrounding known archaeological sites. A site might sit amongst similar surrounding sites without any specific features. Or a site might occupy a central position within the surrounding sites. Though a site can be part of a complete or near complete landscape, whereby the value of each individual site is governed by the value of the completeness of the archaeological landscape.
- **Amenity value:**  
What is the context of the site within the physical landscape?  
This question is linked to the one above, but focuses onto the position of the site in the landscape. Is it a dominant site with many features still visible or is the position in the landscape ephemeral with little or no features visible? This question is also concerned with the amenity value of a site today and its potential for onsite education.
- **Cultural Association:**  
What is the context of the site within known historic events or to people?  
This is the question of known cultural association either by tangata whenua or other

descendant groups. This question is also concerned with possible commemorative values of the site.

Additional values can include (NZHPT 2004):

- 1 Architectural
- 2 Historic
- 3 Scientific
- 4 Technological
- 5 Aesthetic/Visual impact
- 6 Cultural

The last value, cultural, acknowledges if there is an impact onto Maori cultural values. This assessment will not evaluate these, but rather state their relevance in relation to the other values.

## **10.2. Archaeological Values Assessment**

As the proposed development does not impact onto any archaeological features, layers or deposits no archaeological values are impacted negatively. Therefore no value assessment is necessary.

## *11. Assessment of Effects*

The assessment of effects follow the basic guidelines for preparing assessment of environmental effects that includes a discussion on the nature of environmental effects (MfE 1999). It should be remembered that an archaeological excavation of a site mitigates only the loss of archaeological information but not the loss of the site and its contextual, cultural and educational values (NZHPT 2006).

Effects must be considered,

- of how much of the site will be affected

- if the future risk of damage is increased

- whether a design change may avoid adverse effects on the site(s)

The main earthworks are planned on a small coastal platform. In these earthworks areas no surface features were observed.

The helicopter pad is outside the extent of the pā site and the area is heavily modified by the 1941 access path for the gun emplacement.

There is a very small risk that any earthworks will impact onto subsurface archaeological finds, features, layers or deposits. This residual risk can be managed through an Accidental Discovery Protocol.



## ***12. Acknowledgments***

The author would like to thank the caretaker for their active contribution to the survey and discussions to help understand the cultural landscape.

### 13. References

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## ***14. Appendices***

- Site Record Forms



## Site Record Form

**NZAA SITE NUMBER:** P04/582

**SITE TYPE:** Military (non-Maori)

**SITE NAME(s):**

**DATE RECORDED:**

**SITE COORDINATES (NZTM) Easting:** 1668937

**Northing:** 6125452

**Source:** On Screen

**IMPERIAL SITE NUMBER:**

**METRIC SITE NUMBER:** P04/582



### Finding aids to the location of the site

The site is on the headland at the entrance to Kingfish Bay.

### Brief description

Gun emplacement.

### Recorded features

Gun emplacement

### Other sites associated with this site



**SITE RECORD HISTORY****NZAA SITE NUMBER:** P04/582**Site description**

Updated: 13/04/2011 - NZTM E1668937/ N6125452 (On Screen).

The first promontory on the eastern shore inside the harbour is Oheia or Kingfish Point, named for the excellence of the fishing here.

On the end of Kingfish Point is the concrete gun emplacement of the Whangaroa Battery. Two 60-pound field guns were placed here as an immediate response to the invasion threat following the entry of Japan into the Second World War in 1941. A concrete emplacement for a six-inch gun was begun in May 1942 and completed by August 1942, though the gun was in place and test fired in July. The gun was crewed by the Royal New Zealand Artillery until November 1943, when the gun was removed.

There was no connection between the Army gun battery here and the Navy mine control station on the other side of the harbour entrance. Communication between the two was by telephone connected through Wellington (or by rowing across!)

Site viewed from boat on several occasions during 2008 and 2009. The gun emplacement, from c.50 m away, appears to be in good condition, although it now has a navigation beacon attached to the top of the 'lid' of the emplacement. It is also said to be used by guests at Kingfish Lodge, the nearby resort, for skeet shooting.

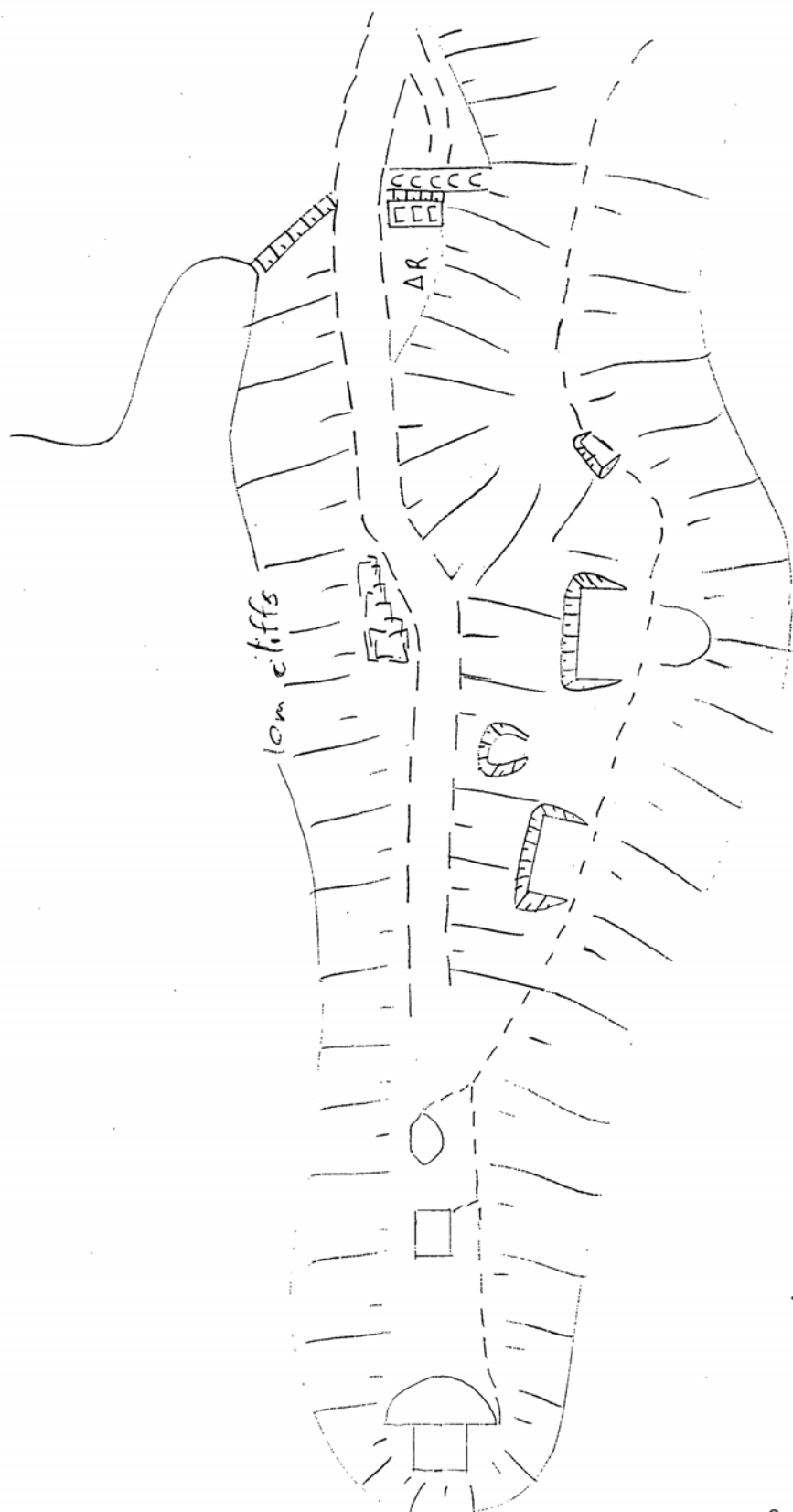
Updated by: Park, Stuart.

Updated: 11/02/2013 - In Defence of Our Land: A tour of New Zealand's Historic Harbour Forts - by Russell Glackin, 2009 pg 120 states that the battery was completed in August 1943, though acknowledges presence of a 6 inch Mk VII naval gun from 1942. Battery included a magazine, war shelters, observation post and an electricity generating plant, barrack accommodation and a landing jetty. All construction materials are said to have been barged on site due to lack of roads.

**Condition of the site****Statement of condition****Current land use:****Threats:**

Supporting documentation held in ArchSite

P04/582 & 583  
Pa Oheia  
Gun Emplacements  
Whangaroa



NEW ZEALAND ARCHAEOLOGICAL ASSOCIATION SITE DESCRIPTION FORM		SITE NUMBER	P04/582
Map Number	m P04	SITE NAME: MAORI	
Map Name	Whangaroa	SITE NAME: OTHER	Kingfish Point
Map Edition	1st 1984	SITE TYPE	Gun Emplacement
Grid Reference	798874		

On the end of Kingfish Point, 15m asl, a concrete gun site has a 200° field of fire, looking NE out the harbour entrance, W to Pekapeka Bay and upharbour to the SW. A concrete roof covers the inner part and recess which has a series of lockers built into the rear wall.

10m East is a concrete observation post, interior 4 x 3m. This is sunk 1.5m into the point and has a 300mm deep windows looking out.

4m further East is an open gun site with no roof or shelter. The floor is sunk a metre into the point. It measures 4 x 3m with a circular gun footing.

A foot track along the southern side of the point links these sites to two sheds and continues to the bay and jetty. The western shed stood in a 6 x 3m terrace, dug 3m deep into the slope. The eastern shed stood in a 7 x 4m terrace and its concrete floor, 6 x 3.5m, survives. Both these sheds show on a 1953 Whites Aviation oblique of Kingfish Lodge. Between the sheds is a rough terrace/hole, about 4 x 4m and dug 4m deep into the steep slope.

The 1948 aerial shows a jetty and 2 or 3 buildings in the bay and a vehicle track from the bay to the gun emplacements. There is a concrete weir in the stream behind the lodge, presumably the WWII water supply.

Believed to have been built by Mr Watts of Gray Watts & Beca, civil engineers.

NEW ZEALAND ARCHAEOLOGICAL ASSOCIATION <b>SITE RECORD FORM (NZMS260)</b>		NZAA METRIC SITE NUMBER P04/582 DATE VISITED 4 July 97 SITE TYPE Gun Emplacement SITE NAME: MAORI Kingfish Point OTHER Kingfish Point	
NZMS 260 map number P04 NZMS 260 map name Whangaroa NZMS 260 map edition 1st 1984			
Grid References Easting <span style="border: 1px solid black; padding: 2px;">2</span> <span style="border: 1px solid black; padding: 2px;">5</span> <span style="border: 1px solid black; padding: 2px;">7</span> <span style="border: 1px solid black; padding: 2px;">9</span> <span style="border: 1px solid black; padding: 2px;">8</span> <span style="border: 1px solid black; padding: 2px;">5</span> <span style="border: 1px solid black; padding: 2px;">0</span> ,		Northing <span style="border: 1px solid black; padding: 2px;">6</span> <span style="border: 1px solid black; padding: 2px;">6</span> <span style="border: 1px solid black; padding: 2px;">8</span> <span style="border: 1px solid black; padding: 2px;">7</span> <span style="border: 1px solid black; padding: 2px;">4</span> <span style="border: 1px solid black; padding: 2px;">0</span> <span style="border: 1px solid black; padding: 2px;">0</span>	
1. Aids to relocation of site ( <i>attach a sketch map</i> ) The end of Kingfish Point, by walking track from Kingfish Lodge in the bay South of the point.			
2. State of site and possible future damage The concrete survives in good condition. Slight erosion of soil from behind some of the concrete work.			
3. Description of site ( <i>Supply full details, history, local environment, references, sketches, etc. If extra sheets are attached, include a summary here</i> )  Site description forms attached. Plan Photos..			
4. Owner Paper road Address: NDC Kaitaia		Tenant/Manager Address	
5. Nature of information ( <i>hearsay, brief or extended visit, etc.</i> ) Visit  Photographs ( <i>reference numbers, and where they are held</i> ) Attached.  Aerial photographs ( <i>reference numbers, and clarity of site</i> ) 1861/28-29, 1948, clearly Whites Aviation oblique, 1953, clearly.			
6. Reported by D C Nevin Address 17 Wakelin St Whangarei		Filekeeper <i>[Signature]</i> Date 25/7/97.	
7. Key words 2 gun emplacements, observation post, tracks, sheds.			

8. New Zealand Register of Archaeological Sites (*for office use*)  
 NZHPT Site Field Code

Latitude S

E	D
-	-
A	H

Type of site  
 Local environment today  
 Land classification

Longitude E

A	A
-	-
M	A

Present condition and future danger of destruction  
 Security code  
 Local body

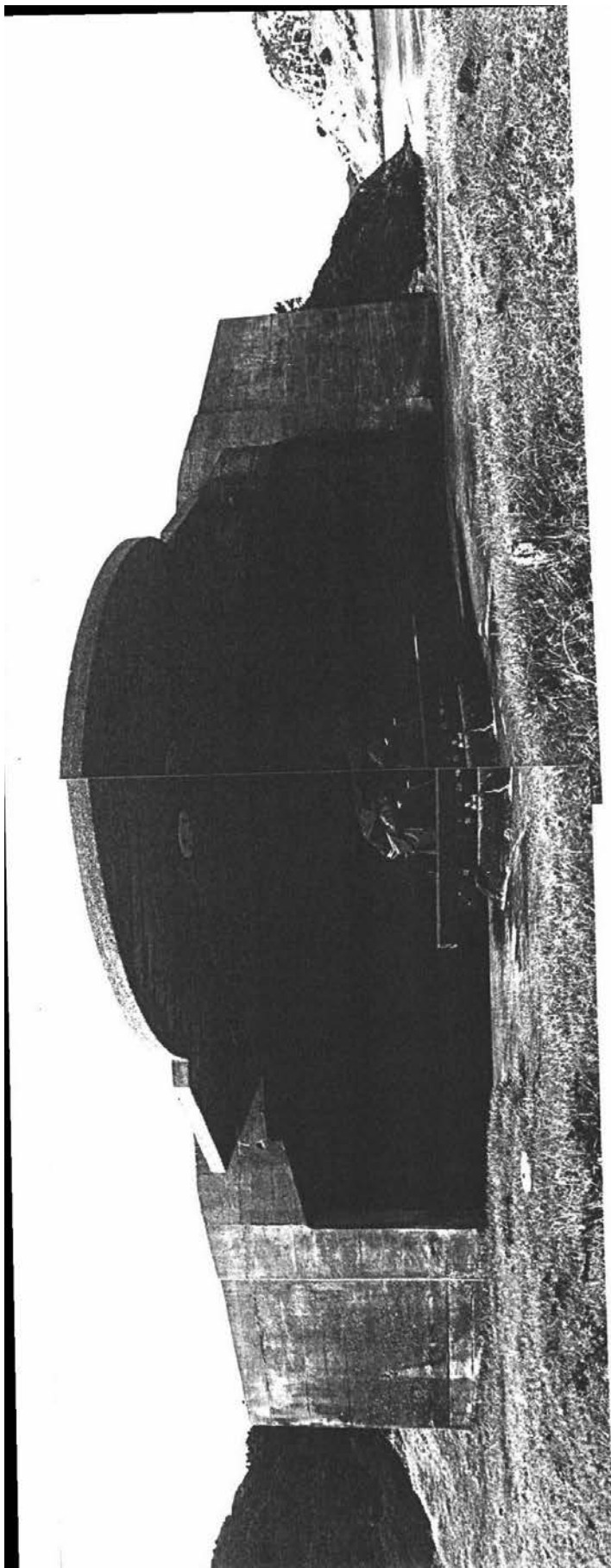






P04/582  
Gun emplacements

Looking West along the point,  
closest the smaller emplace-  
ment  
middle the observation post  
far the roof of the largest  
emplacement  
distant Pekapeka Bay



P04/582

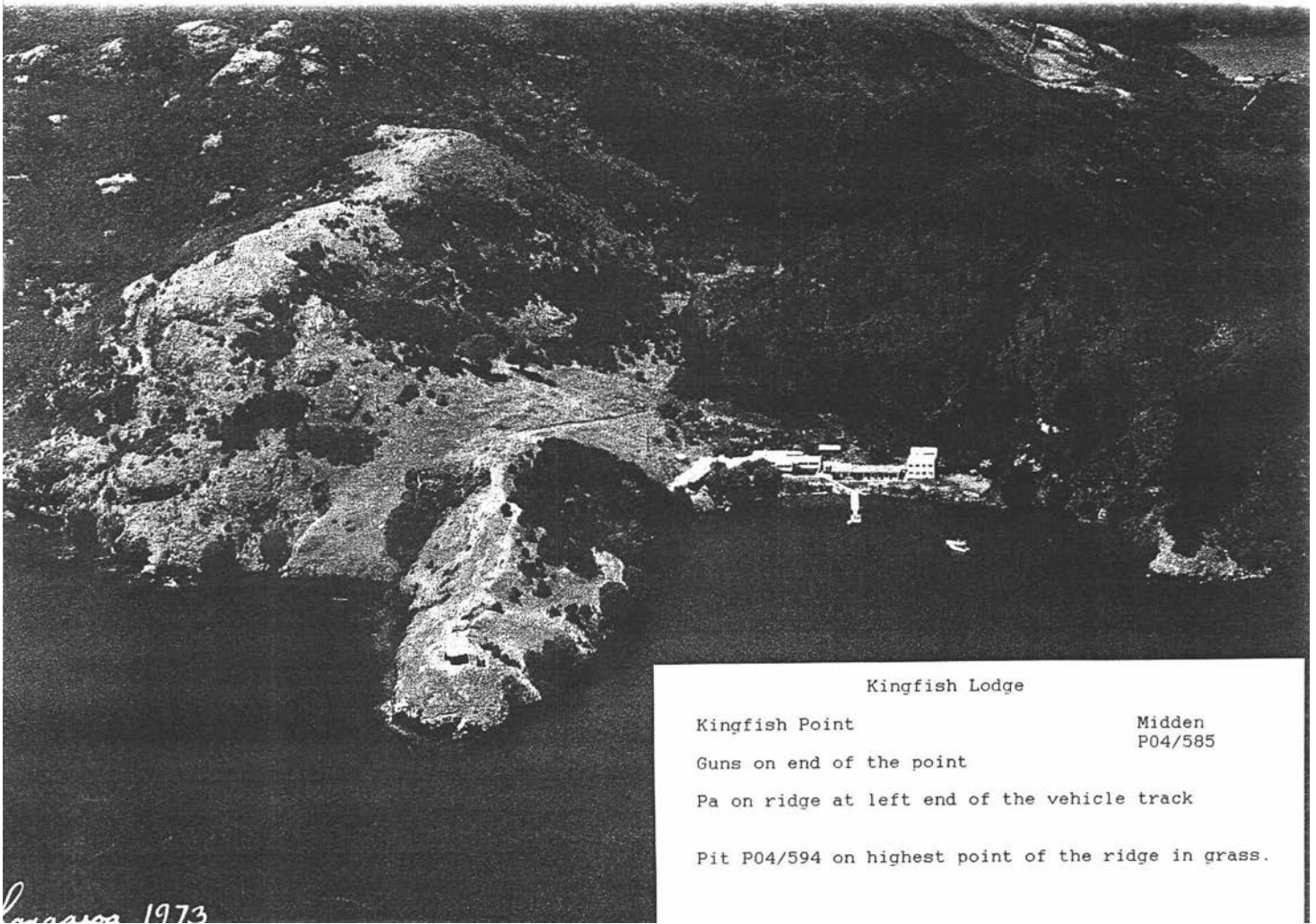
The largest gun emplacement  
right at the end of the point  
looking into it.



for P04/582 and 583

Kingfish Point from 80m asl.

The gun emplacements are among the grass at the end of the point. The ditch/bank of the pa is in the left hand patch of grass, to the left of the radio mast visible against the teatree.



Kingfish Lodge

Kingfish Point

Midden  
P04/585

Guns on end of the point

Pa on ridge at left end of the vehicle track

Pit P04/594 on highest point of the ridge in grass.

*1973*





# Site Record Form

**NZAA SITE NUMBER:** P04/583

**SITE TYPE:** Pa

**SITE NAME(s):** Oheia

**DATE RECORDED:**

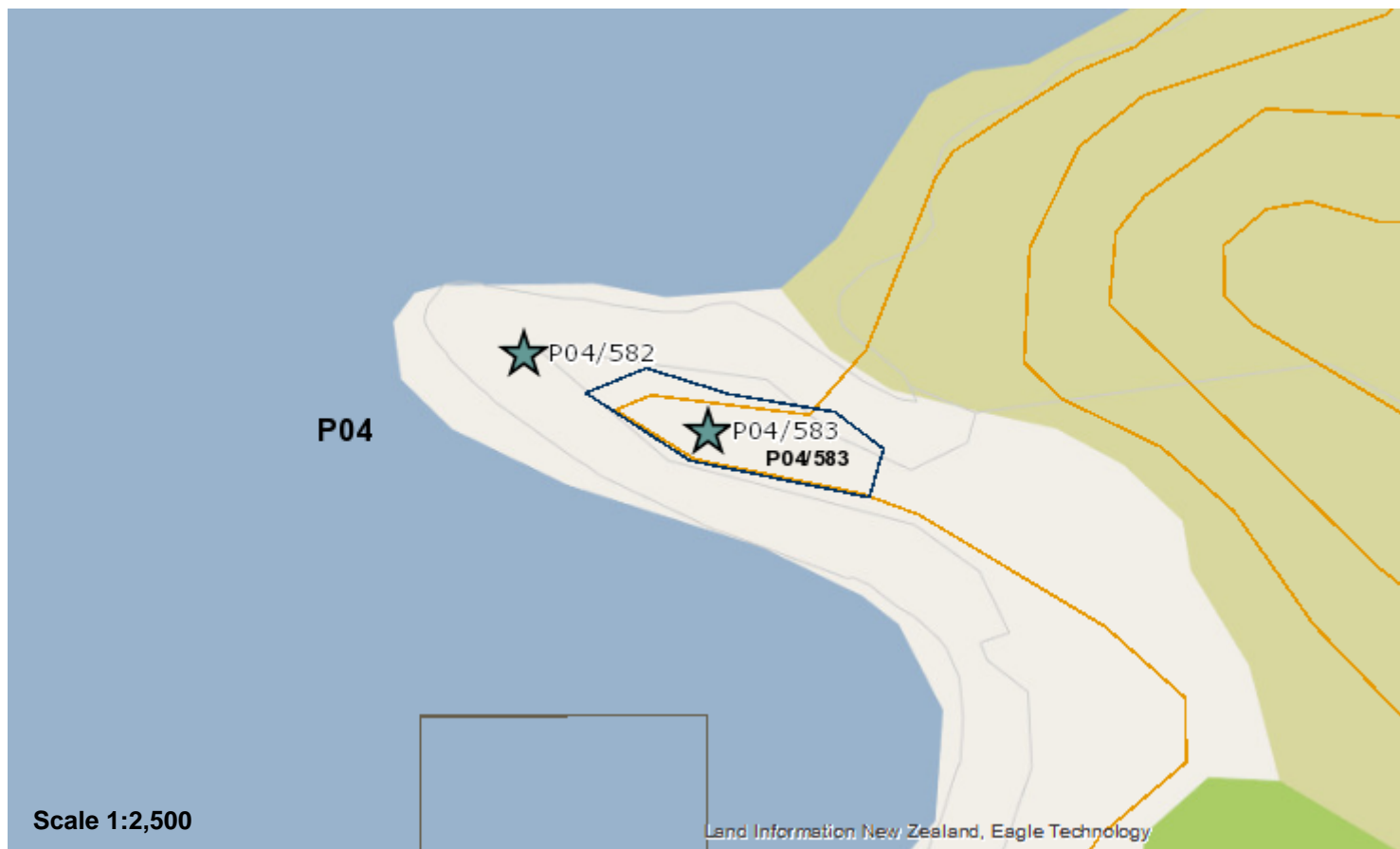
**SITE COORDINATES (NZTM) Easting:** 1669001

**Northing:** 6125425

**Source:** CINZAS

**IMPERIAL SITE NUMBER:**

**METRIC SITE NUMBER:** P04/583



**Finding aids to the location of the site**

**Brief description**

PA

**Recorded features**

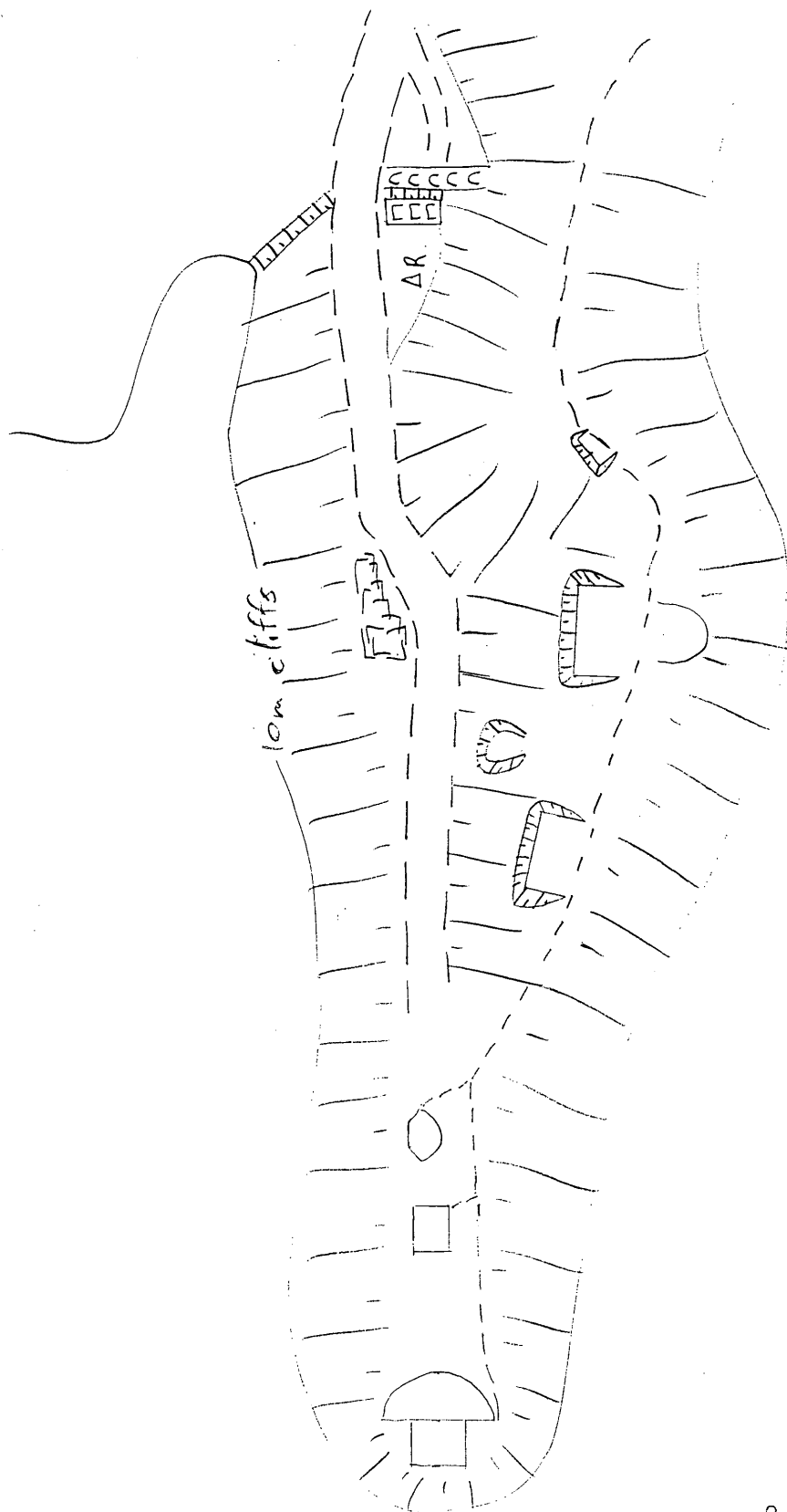
Unclassified

**Other sites associated with this site**

SITE RECORD HISTORY	NZAA SITE NUMBER: P04/583
<p><b>Site description</b> Name added from SRF - 5/12/2013, Rick McGovern-Wilson</p> <p><b>Condition of the site</b></p> <p><b>Statement of condition</b></p> <p><b>Current land use:</b></p> <p><b>Threats:</b></p>	

Supporting documentation held in ArchSite

P04/582 & 583  
Pa Oheia  
Gun Emplacements  
Whangaroa



NEW ZEALAND ARCHAEOLOGICAL ASSOCIATION SITE DESCRIPTION FORM		SITE NUMBER	P04/583
Map Number	P04	SITE NAME:	MAORI Oheia OTHER
Map Name	Whangaroa	SITE TYPE	Pa
Map Edition	1st 1984		
Grid Reference	799874		

A very rocky point 150m long, steep sided with 10m seacliffs either side and gun emplacements at the western end. Views!

E V Sale in "Whangaroa", 1986, shows a pa here and calls it Oheia.

At the base of the point about 20m asl a ditch and bank cuts across the higher part. A track built about WWII has filled some of the ditch and probably removed some of the bank. The remaining bank is 5m long, 2m wide and a metre high. The ditch is 2m wide and up to a metre deep. It extends 8m down the southern slope and stops where that slope becomes precipitous.

North of the track, the inner scarp of the ditch continues, cutting diagonally across the slope down to the top of the seacliffs. This scarp is about 1.2m high and there is no ditch here, just the scarp.

The WWII track continues West along the ridge apex down to the first gun emplacement.

There is a small flattish area inside the bank, where the radio mast, a wooden pole, stands. 35m West of the bank is a rock outcrop, 10 x 10m and 4m high.

There is no terracing and no midden could be found, despite a lot of exposed soil under the teatree and along the cattle tracks. The pa appears to be only the ditch and bank and not occupied.



NEW ZEALAND ARCHAEOLOGICAL ASSOCIATION		NZAA METRIC SITE NUMBER	P04/583
<b>SITE RECORD FORM (NZMS260)</b>		DATE VISITED	4 July 97
NZMS 260 map number	P04	SITE TYPE	Pa
NZMS 260 map name	Whangaroa	SITE NAME: MAORI	Oheia
NZMS 260 map edition	1st 1984	OTHER	Kingfish Point

Grid References Easting 25799500 Northing 6687400

1. Aids to relocation of site (*attach a sketch map*)  
 The base of Kingfish Point, marked R on the P04 topo, by walking track from Kingfish Lodge.

2. State of site and possible future damage  
 Pasture, teatree scrub. About WWII a track was bulldozed through the ditch/bank.

3. Description of site (*Supply full details, history, local environment, references, sketches, etc. If extra sheets are attached, include a summary here*)  
 Site description form  
 Plan  
 Photo

4. Owner Kingfish Lodge 1993 Ltd Tenant/Manager  
 Address RD 1 Address  
 Kaeo

5. Nature of information (*hearsay, brief or extended visit, etc.*) Visit  
 Photographs (*reference numbers, and where they are held*) Attached  
 Aerial photographs (*reference numbers, and clarity of site*) 1861/28-29, 1948, faintly

6. Reported by D C Nevin Filekeeper *Amusee*  
 Address 17 Wakelin St Date 25/7/97  
 Whangarei

7. Key words  
 Pa, ditch and bank.

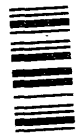
8. New Zealand Register of Archaeological Sites (*for office use*)  
 NZHPT Site Field Code

Latitude S

A	D	Type of site
-	-	Local environment today
A	E	Land classification

Longitude E

B	B	Present condition and future danger of destruction
-	-	Security code
M	A	Local body





for P04/582 and 583

Kingfish Point from 80m asl.

The gun emplacements are among the grass at the end of the point. The ditch/bank of the pa is in the left hand patch of grass, to the left of the radio mast visible against the teatree.



Department of  
Conservation  
*Te Papa Atawhai*

12<sup>th</sup> November 2024  
Kingfish Lodge Limited  
Cc: Rochelle Jacobs  
[rochelle@northplanner.co.nz](mailto:rochelle@northplanner.co.nz)

Tena koe Mike,

**Earthworks within Marginal Strip, Silt Control, and Written Approvals for Setback, Sunlight, and Height Infringements**

I am writing to provide written approval on the proposed earthworks within the marginal strip (MS) and the associated silt control measures.

This approval is given on the basis that the earthworks are temporary and related to the removal of structures and some minor reshaping. This was discussed at a recent meeting with hapū representatives and DOC. Every effort to minimise the works required within the marginal strip should be undertaken.

In relation to the other aspects of the project, you have also requested written approval for the infringement of setback, sunlight, and height requirements for the resource consent process associated with the lodge development. DOC provides written approval for these breaches. This is strictly limited for the purpose of resource consent and does not apply to the Public Conservation Land. DOC does not accept any liability arising from the infringements. Every effort needs to be made, so not to impact the adjacent Marginal Strip.

Naku noa, na

A handwritten signature in blue ink, reading "Bronwyn Bauer Hunt".

Bronwyn Bauer Hunt  
Operations Manager, Bay of Islands  
[bbauerhunt@doc.govt.nz](mailto:bbauerhunt@doc.govt.nz)



TE RŪNANGA  
O WHAINGAROA



# CULTURAL IMPACT ASSESSMENT

## KINGFISH LODGE

Prepared by: Alyx Pivac | Kaitiaki Collective

On behalf of: Te Ūkaipō | Environmental Management Unit  
Te Rūnanga o Whaingaroa





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## Applicant and Property Details

Description	Details
Applicant	Kingfish Lodge 2016 Limited c/o Mike Sullivan
Site Address	Kingfish Point
Address for Service	PO Box Whitford 2149
Planner	Northland Planning and Development Rochelle Jacobs
Legal Description	Lot 1 DP788895
District Plan	Far North District Operative Plan
Contact	Mike.sullivan@clearwaterconstruction.co.nz



## Cultural Impact Assessment

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### 1. Executive Summary

This cultural impact assessment (CIA) was commissioned by Northland Planning on behalf of Mike Sullivan of Kingfish Lodge 2016 Limited to assess the cultural impacts of proposed development and for inclusion in work being completed on the Kingfish Lodge site.

This CIA also assesses the cultural significance of the site and location of the Lodge to assure the hapū, iwi and other tangata whenua stakeholders that an adequate assessment had been completed.

The applicants have commissioned this CIA report to obtain information on the potential impacts on tangata whenua values as a result of proposed development. The report will enable the applicants to file a comprehensive consent application that satisfies the Council requirement to assess the application against RMA section 6 (e) relationship of Māori with ancestral lands, waters and sites, 6 (f) protection of historic (including cultural) heritage from inappropriate use and development, 7 (a) kaitiakitanga and section 8 Treaty of Waitangi<sup>1</sup>.

The ecological vulnerability and cultural significance of many landscapes today necessitates the careful consideration of development activities that may adversely impact natural, ecological, or cultural values. While the applicants are not tangata whenua, they are passionate and committed to ensure that there is a balance of all local Māori aspirations so as to preserve the lands for future generations.

A further objective of this report is to provide recommendations to avoid, remedy or mitigate adverse effects on tangata whenua values. The recommendations are provided in this report.

The findings of this Cultural Impact Assessment indicate that the tangata whenua are accepting of the advancement of the project, and that it is unlikely that there will be concerns with this consent application provided that the recommendations and conditions provided in this report are addressed to the satisfaction of tangata whenua.

This Cultural Impact Assessment Report is intended to provide information that can assist the applicant in understanding the potential impacts of the proposal on tangata whenua values. The Report is a starting point for future formal communication and cooperation between the applicant and Te Rūnanga o Whaingaroa.

### 2. Introduction

#### 2.1. Te Rūnanga o Whaingaroa

Te Rūnanga o Whaingaroa is the mandated Iwi organisation in the Māori fisheries Act 2004, an Iwi Aquaculture organisation in the Māori Aquaculture Claims Settlement Act 2004 and represents

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<sup>1</sup> Resource Management Act 1991



Ngāpuhi/ Ngāti Kahu ki Whaingaroa as an “Iwi Authority for the Resource Management Act 1991, registered as a Charitable Trust.”<sup>2</sup>

Te Rūnanga o Whaingaroa represents our people within our tribal lands, shores and islands which is generally described as commencing at the river mouth of the Oruaiti River in the north, moving in a southerly direction encompassing the Puketi Forest, and then moving in a north-easterly direction in the Tākou River area.<sup>3</sup>

The coastal boundary commences at the mouth of the Oruaiti River, follows the eastern side of the Mangonui Harbour, then directly out to sea moving in a south-easterly direction along the coast to Rupurapura (Needles) off Pureura and includes the Whangaroa Harbour, its rivers estuaries and island within this rohe.



Figure 1 Inland and coastal rohe of Te Rūnanga o Whaingaroa.  
Image: Mahere Rautaki 2018-2023

The rohe is further described as those areas that the hapū of the marae within the above boundaries exercise manawhenua and manamoana.

As affirmed in Te Titriti o Waitangi, ngā hapū o Whangaroa are the kaitiaki of resources which includes land, coastal areas, sea, waterways and other resources within our tribal region. This includes the foreshores and sea beds extending out from the coast and harbours of our rohe and the subject of the current debate over ownership and management of such.

<sup>2</sup> Te Rūnanga o Whaingaroa Trust Deed <https://whaingaroa.iwi.nz/wp-content/uploads/2017/10/Trust-Deed.pdf>

<sup>3</sup> Mahere Rautaki | Te Rūnanga o Whaingaroa Strategic Plan 2018-2023. <https://whaingaroa.iwi.nz/wp-content/uploads/2019/05/TROW-Strategic-Plan-2018-2023.pdf>





Ngā hapū o Whangaroa actively exercise their customary rights and responsibilities of Kaitiakitanga throughout our district. Traditional cultural practices closely tie Whangaroa to our forests, coastal shores, waters and whenua.

## 2.2. Te Rūnanga o Whaingaroa Cultural Impact Assessment statement

This Cultural Impact Assessment (CIA) has been carried out by Te Ūkaipō Iwi Environment Management Committee on behalf of Te Rūnanga o Whaingaroa for Kingfish Lodge 2016 Limited. Kingfish Lodge 2016 Ltd. has applied for a resource consent from the Far North District Council (FNDC) to undertake a number of activities associated with the operation of a luxury lodge for temporary accommodation purposes.

Te Rūnanga o Whaingaroa was engaged with early by the Northland Planning and Kingfish Lodge and acknowledge this as best practice. The Rūnanga has enjoyed cooperative and collaborative engagement with the owners of Kingfish Lodge and enjoy a reciprocal and positive relationship. This Cultural Impact Assessment has been prepared in good faith after lengthy conversations with the owners and the Rūnanga are hopeful the relationship remains positive throughout the lifetime of the Lodge irrespective of ownership.

## 3. Objectives

### 3.1. What is a Cultural Impact Assessment?

Cultural Impact Assessments (CIA) have become recognised as valuable tools for assessing the potential impacts of a project on tangata whenua. They typically include a description of the relationship of Māori with the area proposed for development, the relevant cultural values, and details of who the kaitiaki are for those values and landscapes. They usually also suggest how adverse effects on these relationships might be avoided, remedied or mitigated.

Because there is no defined process for CIAs in the Resource Management Act (RMA), a common misconception has arisen that “cultural effects” are limited to issues around wāhi tapu or heritage. Although these matters are of great significance to tangata whenua, they are merely one element of a far greater range of effects that could be considered. Effects on the environment are specifically defined in Section 3 of the RMA as including: any positive or adverse effect; and any temporary or permanent effect; and any past, present or future effect; and any cumulative effect that arises over time or in combination with other effects regardless of scale, intensity, duration or frequency; and any potential effect of high probability and any potential effects of low probability which has a high potential impact.

A comprehensive cultural impact assessment should cover the effects of the proposed activity, as identified by the tangata whenua, over this range of values.

While there is no statutory requirement upon an applicant to prepare a CIA, such an assessment can assist Councils and applicants to meet statutory obligations in a number of ways, such as:

- Preparation of an Assessment of Environmental Effects (AEE) in accordance with section 88(2)(b) and Schedule 4 of the Resource Management Act 1991 (‘the RMA’).



- Requests for further information under section 92 of the Act in order to assess the application.
- Providing information to assist the council in determining notification status under sections 93 to 94D of the RMA.
- Providing information to enable appropriate consideration of the relevant Part II matters when making a decision on an application for resource consent under section 104 of the RMA.
- Consideration of appropriate conditions of resource consent under section 108 of the RMA.
- Informing Councils of an applications implications in relation to any relevant Iwi Management Plans
- Meeting any specific requirements for councils arising from particular Treaty of Waitangi Settlement legislation.

### 3.2. When to prepare a CIA

It is well recognized that early engagement with tangata whenua in the application process can assist the applicant in developing the proposal and preparing a complete application. Early input also provides opportunities for tangata whenua to influence or have input into the design and planning of project to address potential adverse effects on cultural values before commitments are finalised. Early engagement promotes the development of good working relationships between tangata whenua, councils and developers. Undertaking a CIA is appropriate when the proposed activity is on, adjacent to, or likely to impact on:

- a site of historical or cultural significance to tangata whenua such as urupā (burial sites), wāhi tapu (sacred sites), known archaeological sites, or nohoanga sites (seasonal occupation sites)
- flora and fauna of cultural significance to tangata whenua such as a mahinga kai (food) resources or species used for other cultural practices such as weaving (raranga) or traditional medicine (rongoā)
- areas of historical or spiritual importance to tangata whenua
- areas with significant landscape values to tangata whenua
- water ways or wetlands of importance to tangata whenua
- significant areas for tangata whenua within the coastal environment such as tauranga waka (canoe landing sites), mahinga kai areas (food resources and gathering) or wāhi tapu.

A CIA may also be constructive where:

- applications are for large, intensive, or complex projects
- there is not enough information included in a resource consent application to assess the likely effects of the activity on tangata whenua
- an assessment of potential impacts on cultural values and associations would take a lot of time for tangata whenua to complete
- the cultural values associated with the site or in relation to the proposal are not easily assessed or are unknown to tangata whenua and new or additional research is required to identify the effects of the activity
- the proposed activity may be precedent setting.

### 3.3. Objectives of this CIA

It is hoped that this report will enable the applicants to file a more comprehensive consent application



that satisfies Council requirement to assess the application against the following sections of the Resource Management Act 1991:

- *The protection of outstanding natural features and landscapes from inappropriate use, and development (s. 6 (b))*
- *The relationship of Māori with ancestral lands, waters and sites (section 6 (e))*
- *The protection of historic (including cultural) heritage from inappropriate use and development (section 6 (f))*
- *The protection of recognised customary activities (section 6 (g))*
- *Kaitiakitanga (section 7 (a))*
- *The efficient use and development of natural and physical resources (s. 7 (b))*
- *The maintenance and enhancement of amenity values (s. 7 (c))*
- *The maintenance and enhancement of the quality of the environment (s. 7 (f))*
- *Any finite characteristics of natural and physical resources (s. 7 (g))*
- *The effects of climate change (s. 7 (g))*
- *Treaty of Waitangi (section 8).*

Further objectives include;

- To ensure that tangata whenua aspirations, potential issues and values are identified and documented in relation to the Kingfish Lodge development.
- Gather cultural impact information for Kingfish Lodge 2016 in relation to their proposed resource consent lodged with the Far North District Council.
- That the Directors of Kingfish Lodge, as the applicants, are fully informed of any potential effects on tangata whenua values that the development of Kingfish Lodge may have.
- To identify how relationships between tangata whenua, their culture and their traditions and ancestral land, water, sites, wāhi tapu and other tāonga might be affected by the proposed works.
- To identify the implications for the knowledge and practice of kaitiakitanga by tangata whenua over their tāonga of the proposal.
- To assess whether the principles of the Treaty of Waitangi are affected by the proposal.
- To formally place on record with FNDC the reference to Sites of Māori Cultural Significance identified in this CIA

This report aims to provide recommendations to avoid, remedy or mitigate adverse effects on tangata whenua and provide conditions to which Te Rūnanga o Whaingaroa would appreciate FNDC following.

## 4. Consultation with Tangata Whenua

### 4.1. Interviews and Engagement

We acknowledge and thank those who provided time, expertise and kōrero that enriches this report.

**Interviews were held with the following local experts and descendants of Matangirau Block**

Awahi Lawrence | Descendant of original occupants of Matangirau and Te Kahikatoa

Kana Pourewa | Descendant of original occupants of Matangirau and Te Kahikatoa



Rawiri Timoti | Descendant of original occupants of Matangirau and Te Kahikatoa  
 Nyree Porter | Descendant of original occupants of Matangirau and Te Kahikatoa  
 Kevin Herewini | Descendant of original occupants of Matangirau and Te Kahikatoa

**Te Rūnanga o Whaingaroa Engagement**

Rāniera Kaio | Pouārahi | Te Rūnanga o Whaingaroa  
 Stephen Rush | Te Ūkaipō sub committee member | Te Rūnanga o Whaingaroa

4.2. Intellectual property

The CIA Report remains the intellectual property of Te Runanga o Whaingaroa, its hapū and those who whakapapa to the rohe.

**5. Methodology**

A methodology including three specific research objectives has been constructed to inform the CIA and achieve the purpose as described above.

The methodology includes the following three research objectives:

1. Literature Review
2. Key Informant Interviews
3. Hui with local hapū and marae

The overall research methodology is guided by a research framework that aims to capture information germane to two specific Māori cultural domains related to the Kingfish Lodge site (known as Matangirau Block)

5.1. Te Ūkaipō cultural impact assessment research framework

Research Domain	Focussed area of inquiry
Taiao (Whenua / Awa / Moana)	Written history Oral history
Tangata whenua	Socio-cultural Impact Assessment Potential impact on whanau, hapū, iwi, marae Written history Oral history





## 6. Description of Activity

### 6.1. Description of the Proposed Activity

#### 6.1.1. The land use consent application

This required for the refurbishment of the existing restaurant and bar area, and to add on a second storey to the building to enable additional accommodation on site.

#### 6.1.2. Zoning

The subject site is zoned General Coastal, and breaches a number of permitted activity rules as per the Assessment of Environmental Effects Report.

### 6.2. Naming

For the purpose of this report, the site will be referred to as its original name. The name of the site Kingfish Lodge is located is Oheia, located within Te Kahikatoa, which can be found within the boundaries of Matangirau (or the Matangirau Block).

We wish to acknowledge the Māori Reserve/Esplanade status of the site that is not formally recorded but remains an issue of high interest for our hapū.

## 7. Planning Framework

### 7.1. Kawa me Tikanga o Te Rūnanga o Whaingaroa

#### 7.1.1. Values

##### **Te Tiriti o Waitangi**

Confirms our relationship with the Crown and our constitutional place in this country

##### **Rangatiratanga**

Confirms our reciprocal obligations as individuals, whānau, hapū and iwi to ourselves, others and to the world we live in.

##### **Tōhungatanga**

Recognises the knowledge and wisdom in which we practice and emulate

##### **Manaakitanga**

Recognises our duty to respect for one another and care for all things create

##### **Whānaungatanga**

Acknowledges that all things and all people are inherently connected through whakapapa and our cosmologies

##### **Ū kai pō**

Acknowledges the whakamana relationship that our wellbeing is a consequence of the health and vitality of our environment te mana o te whenua, te ngāhere, te moana, ng1a taonga, me te mana o te wai.

#### 7.1.2. Principles

##### **Whangaroatanga**



Defining and building on our uniqueness

**Whakawhānaungatanga**

Understanding the value of being connected and acknowledged as such

**Kaupapatanga**

Driven from values that have enabled the well-being and flourishing of our people for generations

**Toitū te whenua, toitū te tangata**

Ensuring that we all engage in contributes to sustainable processes and positive outcomes

7.1.3. Vision

*Rapua hoki te rongō māu orange mo te iwi, i roto i ō ratou rongō māu orange to oranga*

Seek the very best for your people and their welfare, for in their welfare you will find yours.

7.2. Te Rūnanga o Whaingaroa Te Ūkaipō Iwi Environmental Management Plan

The Iwi Environmental Management Plan (IEMP) was prepared by Te Ūkaipō – the Iwi Environmental Management Unit at Te Rūnanga o Whaingaroa <sup>4</sup>. Relevant policies have been extracted in relation to the application.

7.2.1. Freshwater in Whangaroa

Te Rūnanga o Whaingaroa asserts that local, regional and national authorities should ensure that hapū and Iwi of Whangaroa will have:

- Access to good quality/ quantity freshwater for domestic use as a basic human right
- Reasonable access to good quality/ quantity of freshwater in Whangaroa is guaranteed for future generations
- Confidence that natural aquifers in Whangaroa are not impacted by an activity and are protected from the impacts of climate change
- Confidence that any freshwater extracted for farming, business or commercial purposes shall be prohibited if this is deemed to impact negatively on the natural environment.

Te Rūnanga o Whaingaroa expects relevant local government agencies and authorities to work collaboratively with Ngā Hapū o Whangaroa and the Rūnanga to enforce laws and regulations designed to protect the quantity and quality of freshwater in Whangaroa and freshwater tributaries that feed into the Whangaroa Harbour. The protection and utilisation of riparian water rights to filter freshwater must be enforced to this end.

7.2.2. The Forest and Bush Environments

Issues:

- Impact of pest and weeds on indigenous biodiversity and related ecosystems and habitats
- Loss of access to important indigenous forests, trees, plants and animals for food, medicinal and other cultural purposes.

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<sup>4</sup> Te Rūnanga o Whaingaroa Iwi Environmental Management Plan 2022-2027  
<https://indd.adobe.com/view/510fc973-15f6-4dfa-aef9-b85c0a68cc62>



- Infestation of animal pests such as possums, goats, feral cats, rats and other rodents
- Declining health of native forests.

Te Rūnanga o Whaingaroa acknowledges the restoration work the Applicants have already achieved in relation to pest control and revegetation of indigenous species on this site.

### 7.2.3. Whangaroa Harbour

Te Rūnanga o Whaingaroa declares the Whangaroa Harbour to be tino taonga of all iwi and hapū of Whangaroa. Te Rūnanga o Whaingaroa are opposed to contamination of any kind deliberately or accidentally being introduced into the harbour. This includes the impact of any development or activity including forestry, agriculture, horticulture, farming, commercial aquaculture, mining, pest control, domestic and commercial sewerage, stormwater run-off, marine commercial and recreational discharge and any other development or activity that may introduce harmful foreign bodies into the Whangaroa Harbour.

### 7.3. The RMA 1991

The purpose of the Resource Management Act (RMA) 1991 is to promote the sustainable management of natural and physical resources, which on the basis of the definition of sustainable management contained in section 5a(2), clearly includes the “cultural wellbeing” of people and communities. In addition, the RMA recognises the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, wāhi tapu and other tāonga as a matter of national importance (Part II s 6(e)), including the protection of site of significance to Māori, including wāhi tapu (s. 6(f) historic heritage). Section 7 of the Act identifies kaitiakitanga as a matter that particular regard must be given in relation to managing the use, development and protection of natural and physical resources, and section 8 establishes that all persons exercising functions and powers under the Act shall take into account the principles of the Treaty of Waitangi.

### 7.4. Te Tiriti o Waitangi / The Treaty of Waitangi

Te Tiriti o Waitangi (The Treaty of Waitangi) is Aotearoa’s (New Zealand’s) founding document. Over 500 Māori Chiefs, including more than five women, signed the Treaty in 1840. It is an agreement drawn up between representatives of the British Crown and representatives of Māori, Iwi and Hapū.

While Article 1 of the Treaty enables the Crown to govern and make laws, Article 2 provides for Māori rangatiratanga over their lands and taonga. Māori values, associations and interests with their taonga applies regardless of property titles or other constructs, and the Treaty requires that the Crown actively protect these associations and interests (including through but not limited to statutes).

Like all treaties it is an exchange of promises: the promises that were exchanged in 1840 were the basis on which the British Crown acquired New Zealand

The Treaty is in Māori and English. The Treaty was intended by Great Britain to be an exchange of sovereignty to be in return for a guarantee of the authority of the chiefs and the protection of Māori land and resource rights. The Treaty also extended to Māori the same rights and privileges of British citizens.



The principles of the Te Tiriti o Waitangi being Partnership, Participation and Protection underpin the relationship between the Government and Māori. These principles are fundamental to developing relationships, including involvement and participation in statutory policies and plans regarding the management of natural resources within the area.

#### 7.5. Far North Council Operative District Plan

District plans set out the policies and rules that a Council will use to manage the use of land in its area. The District Plan has been operative effective of 14 September 2009<sup>5</sup>

#### 7.6. Te Rūnanga o Whaingaroa Iwi Environmental Management Plan 2022-2027

The Te Rūnanga o Whaingaroa Iwi Environmental Management Plan (IEMP) is based on the tikanga and kawa of the iwi and hapū it represents. The IEMP is driven by all relevant tikanga and kawa to protect moana, whenua and all tribal taonga as a holistic view of the environment is at the very core of its resource management.

#### 7.7. Northland Regional Policy Statement

The Regional Policy Statement (RPS) provides an overview of resource management issues in the Northland Region. It provides policies and a range of methods to achieve integrated management of natural and physical resources across resources, jurisdictional boundaries and agency functions, and guides the development of sub-ordinate plans (Regional as well as District) and the consideration of resource consents. The Regional Policy Statement provides a framework for resource use, which enables the Regional community to achieve its social and economic aspirations within the capacity of the environment. Where resource quality is high, it is the intention of objectives and policies to retain high resource quality. Where resource quality has been degraded through inappropriate use, the quality of such resources is intended to be improved over time.

The Regional Policy Statement (RPS) for Northland covers the management of natural and physical resources in the Northland Region, from Kaiwaka in the south, to Cape Reinga in the north, and out to the 12 nautical mile (22.2 km) limit.<sup>6</sup>

The RPS provides the broad direction and framework for managing the region's natural and physical resources. It identifies significant resource management issues for the region and sets out how resources such as land, water, soil, minerals, plants, animals and structures will be managed.

##### 7.7.1. Status of the Northland Regional Policy Statement

The Regional Policy Statement was made operative on 9 May 2016, except for:

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<sup>5</sup> Operative Status of District Plan <https://www.fndc.govt.nz/your-council/district-plan/Operative-plan>

<sup>6</sup> Regional Policy Statement for Northland <https://www.nrc.govt.nz/resource-library-summary/plans-and-policies/regional-policy-statement/regional-policy-statement/>







## 8.2. Ngāti Kahu ki Whangaroa

As noted above, Matangirau Block has been occupied by tangata whenua since the early settlement of the far north. Te Touwai marae (also known as Karangahape ki Matangirau) is on the eastern side of the Whangaroa Harbour near Waitapu Bay (figure 3). The whareniui is named Karangahape. The marae is associated with hapū Ngāti Kauwau and Kaitangata along with the hapū Whanaupani of Ngāti Kahi ki Whangaroa and Ngāpuhi. The marae connects to three maunga depending on the hapū: Ohau Tieke for Ngāti Kauwau; Okahumoko for Kaitangata; and Matangirau for Whanaupani. Te Touwai also belongs to the awa Te Touwai<sup>8</sup>.

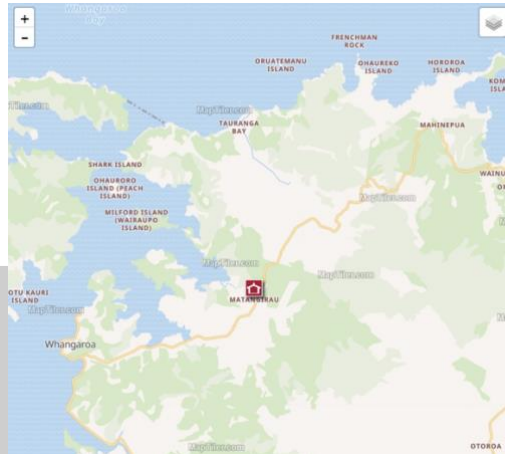


Figure 3 Location of Te Touwai (Karangahape ki Matangirau) Marae in Matangirau.  
Image from <https://maorimaps.com/marae/te-touwai-karangahape-ki-matangirau>

### 8.2.1. Whakikii te tupuna

The tupuna of Matangirau is Whakakii. His children Te Pou and Awhirangi were born and grew up at Te Touwai. While his children often travelled between Te Kahikatoa, Ririwha and Matangirau, Whakakii lived permanently at Te Touwai. His people were divided between his children and they occupied the lands, namely Touwa, Kahikatoa, Matangirau and Ririwha. At the time of Korotihi ad Taura, a new tribe arrived to take the land – the name was Ngaitamatea (now known as Ngāti Kahu) Their chiefs were Kautapa and Kohuru. They came to Tauranga. Korotihi sent one of his slaves with a message to Whakakii. He sent the majority of the people at Te Touwai to Tauranga where they had a fight. Ngaitamatea were defeated, their two chiefs were killed in the battle.<sup>9</sup>

It is believed that the name Matangirau refers to the long cry for Whakakii when he went on a journey with Ngai Tamatea. When he returned it was in death and his kōiwi (remains) were returned to Ngāti Awa. Te pā o Whakakii on Matangirau Black is said to hold some of the remains of Whakakii – where his descendants mourned the loss of their Rangatira<sup>10</sup>.

From the time of Whakakii to the present, there has been constant occupation of the land. Food cultivations were at Waipahihi, Te Kauri and Papamaia Te Wharau, Wairau, Waipuna, Owairaka. There is a wāhi tapu called Motutapu where Te Tiratu and Maukihau are buried, however Tiratu's

<sup>8</sup> <https://maorimaps.com/marae/te-touwai-karangahape-ki-matangirau>

<sup>9</sup> Paora Hori, Matangirau Block Minute Book No. 39 19 October 1905

<sup>10</sup> Wai 1040, #G33. Whangaroa Papa Hapū Hearings Planning Committee. Week 3 Stage 2 Hearings 7-12 July 2013. <https://whangaroapapahapu.org.nz/wp-content/uploads/2023/08/Wai-1040-G033.pdf>



bones were taken to Te Kahikatoa. Te Kauri is also a known wāhi tapu as Te Waimure, Matiu Te Kohuroa and others are buried there.<sup>11</sup> This substantiates the tapu nature and significance of these sites to the hapū of Whangaroa.

After the land wars, the lands were largely vacated and whanau would visit periodically for various reasons. Documentation held by Te Kōti Whenua Māori (The Māori Land Court) substantiates the various whanau who have tupuna who occupied these lands throughout history.

#### 8.2.2. Tūpāpaku processing

Tūpāpaku trees are said to decorate the coastline at Kahikatoa. While the puriri (as puriri represented death or mourning) were used, most of the trees were felled and used for fence posts by European settlements. Pohutukawa were used as tūpāpaku trees as well as trees to bury whenua (placenta) and pito (dried umbilical cord from babies) beneath. Some of the Pohutukawa are still standing today. There are flat rocks within the Whangaroa Harbour that were used as tūpāpaku rocks (usually near or under the Pohutukawa trees) where the bodies that had been hung throughout winter when weather was typically wet would be laid to be cleaned by sea life. The rocks and areas near these rocks were considered tapu at these times. The stream that runs through Kingfish Lodge was also a site for cleansing and processing tūpāpaku.<sup>12</sup>

#### 8.2.3. Aquifer

Aquifers provided hapū with freshwater and connected a number of streams, waterholes and wells across the rohe. Understanding there were thousands of people who occupied these lands during early settlement it makes sense that the aquifers were plentiful and could sustain large numbers of people.

## 9. Assessment of Cultural Impacts on Tangata Whenua

The following section outlines key areas of concern that are identified through consultation, interviews and through a literature review specifically of Iwi planning documents.

### 9.1. Kaitiakitanga

Ngāti Kahu ki Whangaroa and more specifically the hapū of Ngāti Kahu are kaitiaki of the lands, waters and other tāonga within the rohe of Ngāti Kahu ki Whangaroa. Te Rūnanga o Whaingaroa Te Ūkaipō members have developed a positive relationship with Kingfish Lodge and acknowledge shared values on a number of topics pertaining to the project.

It is clear that Kingfish Lodge are committed to taking into account the views of Te Rūnanga o Whaingaroa. Te Rūnanga o Whaingaroa and the owners of Kingfish Lodge are more than aware of their responsibilities as kaitiaki and it is likely that these obligations will be implemented effectively if close relationships are maintained over time.

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<sup>11</sup> Paora Hori, Matangirau Block Minute Book No. 39 19 October 1905

<sup>12</sup> Korero from Awahi Lawence April 2024



## 9.2. Clear and effective communication

Developments on site will require ongoing and effective communication between Kingfish Lodge and Te Rūnanga. It is recommended that once work begins, Te Ūkaipō are continuously updated and advised with the option to assess any works to be completed if there is suspicion any sites or areas of cultural significance are at risk.

As best practice, where a specific recommendation is sought from the Te Rūnanga, this will be clearly outlined in any materials that should be distributed to Te Ūkaipō at least 10 working days before any response is required. This gives the Rūnanga the opportunity to clarify any information in the materials, to consult with necessary hapū members and to provide direction. Clear and accurate data relating to any monitoring shall also be supplied in a timely manner.

## 9.3. Monitoring

It is recommended that Te Ūkaipō are actively engaged in any monitoring of the project. In particular ensuring that if there are wāhi tapu, middens or other sites of significance are found on the block that at least one kaumatua is contacted to manage the appropriate tikanga and processes required. Water and fisheries monitoring should also be a part of any work near the stream or in the ocean. Water monitoring and fish monitoring should be completed to create base readings to compare future testing results. Results should be provided to Te Rūnanga o Whaingaroa.

## 9.4. The Principles of Te Tiriti o Waitangi

### 9.4.1. Partnership

The principle of partnership has been honoured through ongoing consultation and engagement with Te Rūnanga o Whaingaroa throughout this process. It is advised that a formal process is followed in the shape of a Memorandum of Understanding (MoU) to ensure the relationship is maintained and preserved regardless of ownership of the Lodge.

### 9.4.2. Participation

The principle of participation has been honoured to date and through an MoU can be continuously honoured by inviting Iwi and hapū involvement in further development, sharing of stories, site visits and updates on progress. Invitation to contribute to the lodge through story sharing for example will benefit both Kingfish Lodge and the Iwi.

### 9.4.3. Protection

It is understood that the protection of rights, access and taonga (including the restoration efforts of the owners) has been upheld. Through the development of a MoU this can be formalised and perpetuated between the Iwi and the Lodge owners over the lifespan of the Lodge.





## 10. Summary and Conclusions

This cultural impact report has identified that any cultural impacts that will hinder the proposed project work for Kingfish Lodge have been addressed through the relationship between Kingfish Lodge owners and Te Ūkaipō unit at Te Rūnanga o Whaingaroa.

*The following are recommendations of this report:*

### 10.1. Kaitiakitanga recommendations

The application does not negatively impact on the ability of Ngāti Kahu ki Whangaroa to carry out their obligations, roles and responsibilities as kaitiaki. There is a need for protection of the tapu sites within the boundaries of the lodge including sites of tūpāpaku cleansing (trees, river and any identifiable rocks in the intertidal zone) from degradation, excavation or removal.

The owners have, with good faith, engaged with the Iwi and provided the opportunity to present the CIA and it is recommended the relationship between the Lodge and Te Rūnanga is formalised to support the perpetuation of the currently positive relationship.

The discovery of anything that may be of cultural significance to Māori, such as a wāhi tapu, kōiwi, taonga, artefacts (including rocks, shells), middens and/or any other unknown object or land formation or item should be advised to Te Rūnanga o Whaingaroa immediately to provide cultural safety to the owners and users of the Lodge and protection of the discovered site.

### 10.2. Communication Recommendation

It is recommended that the owners liaise with Te Rūnanga throughout and beyond the project work and consenting process to provide the following if and when required:

- Kaumatua to be available throughout any construction or excavation in the event of wāhi tapu identification (in which case work shall stop until the appropriate cultural response is identified)
- Send regular reports throughout the project to Te Ūkaipō (to receive on behalf of Te Rūnanga o Whaingaroa).
- Formalise the relationship through a memorandum of understanding to perpetuate shared values and the positive nature of the relationship irrespective of personalities and ownership.
- Protection future access for tangata whenua to sites of cultural significance

## 11. Conditions

The following are recommendations from this report and discussions held with key informants.

- Any access to the aquifer is maintained at a sustainable level
- Limit or reduce the number of moorings in the harbour with best practice to ensure the visiting vessels are clear of invasive species
- Best practice sewage and wastewater systems are implemented and wastewater is not discharged directly into the harbour
- Ongoing monitoring of freshwater and harbour health
- Regular 6 monthly reports regarding restoration, pest control, invasive species management and cultural site health maintenance are received by Te Ūkaipō
- The protection and preservation of tūpāpaku trees, rocks and streams is maintained



- Any discovery of cultural sites of significance are immediately shared with Te Rūnanga to provide appropriate tikanga in a timely manner

*Te Ūkaipō is currently satisfied with the project, the management and mitigations implemented and accept the project will advance. It reserves the right for the Iwi to modify its position and review consent conditions over the lifetime of the project based on ongoing monitoring and maintenance.*

## **12. Caveat Clause**

This Cultural Impact Assessment has been carried out in good faith and with the express purpose to assist Kingfish Lodge 2016 Limited with the Resource Consent Application to the Far North District Council. While every effort has been made to produce an assessment that captures the length and breadth of all issues concerning the cultural values, interests and associations tangata whenua and Māori have with the site, we concede that other issues not included in this report may exist.

## **13. Copyright**

© Copyright and intellectual property for this document lies with Te Ūkaipō Iwi Environmental Management Committee acting on behalf of Te Rūnanga o Whaingaroa.

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## Northland Planning Development

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**From:** Northland Planning Development  
**Sent:** Tuesday, 12 November 2024 11:38 am  
**To:** maryannebaker@xtra.co.nz; cameron@hockly.co.nz; maca@tamakilegal.com; info@tonysinclair.co.nz; gesharrock@rightlaw.nz; Janet Mason; jamieh@tepuna.org.nz; hapeta.rameka@gmail.com; ttowkm@gmail.com; info@bekindbeauty.co.nz; jrrk999@yahoo.com; maryannebaker@xtra.co.nz; John Kahukiwa; raukura@ngatiwai.iwi.nz; tepuna\_omahu@hotmail.com; jamieh@tepuna.org.nz; Chrissdlr450@gmail.com; merepekah@slingshot.co.nz; mjpomana@gmail.com; jrrk999@yahoo.com; rihari.takuiria@gmail.com  
**Cc:** Garth Richards  
**Subject:** Kingfish Lodge Whangaroa development proposal - deck and stairs in the coastal marine area  
**Attachments:** M0.10 COASTAL MARINE AREA REGIONAL WIP.pdf; Appendix 3 - AUT 005424.pdf

Tena koutou,

In accordance with section 63(3) of the Marine and Coastal Area (Takutai Moana) Act 2011, we are notifying you of our intention to lodge a resource consent application with Northland Regional Council within the coastal marine environment at Pekapeka Bay, Whangaroa.

We are in the process of preparing a consent application on behalf of our client to enable a new timber deck and concrete staircase descending to the beach area that forms part of the redevelopment proposal for Kingfish Lodge. The proposed deck would replace a previous deck associated with the former Kingfish Lodge conference room building located within the marginal strip. The original deck was removed to enable the construction of a seawall designed to halt erosion of the marginal strip land that is administered by DOC and which enables public access to the foreshore from the public jetty. The proposed staircase is an addition to enable pedestrian access from the northern side of the deck onto the small beach area. The stairs are intended to form part of the future access to the gun emplacements and bunker at Kingfish Point.

An earlier NRC resource consent AUT.005424.01.06 authorised a replacement conference room deck. The proposed deck is in a slightly varied location, which is why a new application is being made. The proposed stairs are a new (structure) activity that requires resource consent.

I have attached a copy of the NRC consent and the proposed plans for your reference.

Before we lodge the application with the Northland Regional Council, we wanted to check in and see if you had any comments on the proposal or if there were any issues we needed to be aware of and address within our application.

For further details regarding the nature of the application or if you have any questions or views in respect of the application, please respond directly to this email.

I look forward to hearing from you prior to 26<sup>th</sup> November 2024, being the date, we intend to lodge the application with the Regional Council.



Name of Applicant	Email	Contact Address for Applicant	Gene
Baker on behalf of Ngā uri o Tāreha Kaiteke Te Kēmara I Ngāti Kawa & Ngāti Rāhiri	<a href="mailto:maryannebaker@xtra.co.nz">maryannebaker@xtra.co.nz</a>	C/- Dr Mary-Anne Baker	Bay o
Thompson on behalf of the Rewha & Reweti Whānau	<a href="mailto:cameron@hockly.co.nz">cameron@hockly.co.nz</a>	C/- C Hockly, Hockly Legal	Bay o
Rameka on behalf of Ngāti Rāhiri & Ngāti Kawa	<a href="mailto:maca@tamakilegal.com">maca@tamakilegal.com</a>	C/- D Naden, Tamaki Legal	Motu
Taurua on behalf of Ngāti Rāhiri Tangata Whenua ki Te Tii Waitangi ki Te Peiwhairangi	<a href="mailto:info@tonysinclair.co.nz">info@tonysinclair.co.nz</a>	C/- Tony Sinclair	Bay o
Kingi on behalf of Ngā Puhi nui tonu, Ngāti Rāhiri, Ngāti Awa, Ngā Tahuhu and Ngaitawake	<a href="mailto:gesharrock@rightlaw.nz">gesharrock@rightlaw.nz</a>	C/- G Sharrock, RightLaw Limited	Miran
Collier on behalf of Ngāti Kawau & Te Waiariki Kororā	<a href="mailto:mason@phoenixlaw.expert">mason@phoenixlaw.expert</a>	C/- Janet Mason, Phoenix Law Limited	Cape
Ngāti Kuta & Patukeha ki Te Rāwhiti	<a href="mailto:jamieh@tepuna.org.nz">jamieh@tepuna.org.nz</a>	C/- J H Hakaraia	Motu
Ngāti Rāhiri & Ngāti Kawa	<a href="mailto:hapeta.rameka@gmail.com">hapeta.rameka@gmail.com</a>	C/- H Rameka	The ci the m
Merehora Taurua Whānau	<a href="mailto:ttowkm@gmail.com">ttowkm@gmail.com</a>	Merehora Taurua Whanau	The a
Ngāti Kawau te Kōtuku, Te Uri o Te Aho, Ngāti Kurī, Te Waiariki Kororā ngā Hapū o Ngāpuhi-Nui-Tonu	<a href="mailto:mason@phoenixlaw.expert">mason@phoenixlaw.expert</a>	C/- Phoenix Law	Bomb
Ngāpuhi Nui Tonu-Kota-toka-tutaha-moana o Whāingaroa	<a href="mailto:info@bekindbeauty.co.nz">info@bekindbeauty.co.nz</a>	Ngatirumahue Marae c/o Wainui Marae Wainui Valley Road RD 1 Kaeo 0478.	All of
Ngāpuhi Nui Tonu (Te Kotahitanga Marae)	<a href="mailto:jrrk999@yahoo.com">jrrk999@yahoo.com</a>	C/- J R Kingi	From
Te Kēmara I Whānau, Ngāti Kawa & Ngāti Rāhiri	<a href="mailto:maryannebaker@xtra.co.nz">maryannebaker@xtra.co.nz</a>	C/- Dr Mary-Anne Cheryl Tapu Augustine Baker	Pouer
Rīhari on behalf of Ngāti Torehina Ki Matakā Hapū/Iwi of Niu Tīreni	<a href="mailto:jkahukiwa@corbanrevell.co.nz">jkahukiwa@corbanrevell.co.nz</a>	C/- John Kahukiwa, Corban Revell	Bay o
Ngatiwai Trust Board	<a href="mailto:raukura@ngatiwai.iwi.nz">raukura@ngatiwai.iwi.nz</a>	C/- Huhana Lyndon	Bay o
Hotere & Wikaira on behalf of Te Hikutū Hapū	<a href="mailto:gesharrock@rightlaw.nz">gesharrock@rightlaw.nz</a>	C/- G Sharrock, RightLaw Limited	Hokia
Te Rūnanga o Ngāti Hine	<a href="mailto:tepuna_omahu@hotmail.com">tepuna_omahu@hotmail.com</a>	C/- <a href="mailto:tepuna_omahu@hotmail.com">tepuna_omahu@hotmail.com</a>	Bay o
Ngāti Kuta & Patukeha ki Te Rāwhiti	<a href="mailto:jamieh@tepuna.org.nz">jamieh@tepuna.org.nz</a>	C/- J H Hakaraia	Outer
Dargaville on behalf of Ngaitawake	<a href="mailto:gesharrock@rightlaw.nz">gesharrock@rightlaw.nz</a>	C/- G Sharrock, RightLaw Limited	Doubt
Ngāpuhi, Ngāti Wai, Hāki Pereki & Ngawhetu Sadler Whānau Trust	<a href="mailto:Chrissdlr450@gmail.com">Chrissdlr450@gmail.com</a>	C/- Te Kiripute Sadler	Matai
Pene Hēmi Kiwikiwi Whānau Trust	<a href="mailto:merepekah@slingshot.co.nz">merepekah@slingshot.co.nz</a>	C/- M I C Henley	Pēwh
Rewha & Reweti Whānau	<a href="mailto:cameron@hockly.co.nz">cameron@hockly.co.nz</a>	Cameron Hockly	From
Mita Pōmana & Takutai Moana Heke Pōmana Whānau	<a href="mailto:mjpomana@gmail.com">mjpomana@gmail.com</a>	C/- M Pomana	Cape
Reti Whānau	<a href="mailto:mason@phoenixlaw.expert">mason@phoenixlaw.expert</a>	C/- J Mason	From

Nga mihi nui



**Rochelle Jacobs**

Director / Senior Planner

Offices in Kaitaia & Kerikeri

☎ 09 408 1866 | 📠 027 449 8813

Northland Planning & Development 2020 Limited

**Land-Use Consent for  
Kingfish Lodge 2016 Limited  
Kingfish Point, Whangaroa**

Date: 27 November 2024

Attention: Nick Williamson and Brian Huang

Please find attached:

- an application form for a Land-use Resource Consent to construct replacement north accommodation buildings; and
- to undertake earthworks activities associated with the redevelopment of the north accommodation wing, necessary engineered retaining and landscaping within the **General Coastal zone**; and
- an Assessment of Environmental Effects indicating the potential and actual effects of the proposal on the environment.

The application has been assessed as a **Discretionary Activity** under the Far North Operative District Plan and a **Permitted Activity** under the Proposed District Plan.

In addition to the above, the proposal would amend, and update building activities associated with the bar / restaurant previously consented under RC 2230579

RMALUC. Subject to consent being granted for the additional lodge development activities that would include the bar / restaurant building activities, the Applicant would seek to surrender this consent.

If you require further information, please do not hesitate to contact me.

Regards,

Rochelle Jacobs



Director/Senior Planner

**NORTHLAND PLANNING & DEVELOPMENT 2020 LIMITED**

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**Attachments:**

- 1. Far North District Council Application Form**
- 2. Record of Title for Kingfish Lodge – LINZ**
- 3. Consent Notice for Kingfish Lodge – LINZ**
- 4. Record of title for Archer property – LINZ**
- 5. Resource Consent 2230579 Bar / Restaurant - FNDC**
- 6. Development Plans – +Map Architects**
- 7. Visual Impact Assessment – Hawthorn Landscape Architects**
- 8. Archaeological Report – Archaeology Solutions Ltd**
- 9. Written Approval – DoC**
- 10. Correspondence – Eljon Fitzgerald (Te Ukaipo)**
- 11. Cultural Impact Assessment for RC 2230579 – Te Ukaipo**
- 12. Email to Heritage NZ Pouhere Taonga – Northland Planning and Development 2020 Ltd**
- 13. Email to Roger Kingi and Bill Hori - Northland Planning and Development 2020 Ltd**
- 14. Email to CMT Parties for Regional Consent – Northland Planning and Development 2020 Ltd**





## Assessment of Environment Effects Report

### 1. Description of the Proposed Activity

- 1.1. Kingfish Lodge 2016 Limited (“the Applicant”) is seeking a further land use consent to continue building and earthworks activities required to redevelop its north accommodation wing at the Lodge site near the entrance to Whangaroa Harbour. The activities involve both the removal of existing buildings and the construction of new buildings. The replacement north accommodation building would be located further to the east to be located entirely within the applicant’s property and outside of the DOC administered marginal strip. Earthworks are required to establish building foundations, construct vehicle service lane access and retaining walls, and for landscaping. Minor variation changes are required to the consented proposed bar / restaurant floor and roof plan.
- 1.2. The +Map Architects (2016) Ltd application plans that illustrate the proposed activities are attached at **Appendix 6**. These include the following:

<b>+Map Architects Limited – Architectural Plans</b>		
<b>Plan</b>	<b>Plan Reference</b>	<b>Date</b>
<b><i>RC.M Masterplan Architectural Drawing Plans</i></b>		
<i>Site Plan Ground</i>	<i>RC.M.04, Rev E</i>	<i>25/10/24</i>
<i>Site Plan First Floor</i>	<i>RC.M.05, Rev E</i>	<i>25/10/24</i>
<i>Site Retaining Plan</i>	<i>RC.M.06, Rev E</i>	<i>25/10/24</i>
<i>Site Cut and Fill</i>	<i>RC.M.07, Rev E</i>	<i>25/10/24</i>
<i>Sediment Plan</i>	<i>RC.M.08, Rev E</i>	<i>25/10/24</i>
<i>Sediment Control Measures</i>	<i>RC.M.09</i>	<i>25/10/24</i>
<i>Landscape Plan Study</i>	<i>RC.M.10, Rev B</i>	<i>25/10/24</i>
<i>Site Services Plan</i>	<i>RC.M.11, Rev B</i>	<i>25/10/24</i>
<i>Helicopter Pad Plan</i>	<i>RC.M.12 Rev B</i>	<i>25/10/24</i>
<b><i>RC.B Bar and Hotel Plans (Variation to plans consented under RC 2230579)</i></b>		
<i>Existing Ground Floor Plan</i>	<i>RC.B.01 Rev D</i>	<i>25/10/24</i>
<i>Existing Roof Plan</i>	<i>RC.B.02 Rev D</i>	<i>25/10/24</i>
<i>Proposed Ground Floor Plan</i>	<i>RC.B.03 Rev G</i>	<i>25/10/24</i>



<i>Proposed First Floor Plan</i>	<i>RC.B.04 Rev G</i>	<i>25/10/24</i>
<i>Proposed Roof Plan</i>	<i>RC.B.05 Rev G</i>	<i>25/10/24</i>
<i>Proposed Elevations</i>	<i>RC.B.06 Rev G</i>	<i>25/10/24</i>
<i>Proposed Elevations</i>	<i>RC.B.07 Rev G</i>	<i>25/10/24</i>
<i>Proposed Sections</i>	<i>RC.B.08 Rev D</i>	<i>25/10/24</i>
<i>Proposed Sections</i>	<i>RC.B.09 Rev D</i>	<i>25/10/24</i>
<i>Proposed Sections</i>	<i>RC.B.10 Rev D</i>	<i>25/10/24</i>
<i>8m Rolling Height Plane</i>	<i>RC.B.11 Rev G</i>	<i>25/10/24</i>
<i>Boundary / Recession Plan Study</i>	<i>RC.B.12 Rev F</i>	<i>25/10/24</i>
<b><i>RC.E Accommodation Wing Plans</i></b>		
<i>Existing Ground Floor Plan</i>	<i>RC.E.01 Rev B</i>	<i>25/10/24</i>
<i>Existing First Floor Plan</i>	<i>RC.E.02 Rev B</i>	<i>25/10/24</i>
<i>Existing Roof Plan</i>	<i>RC.E.03 Rev B</i>	<i>25/10/24</i>
<i>Proposed Ground Floor Plan</i>	<i>RC.E.04 Rev E</i>	<i>25/10/24</i>
<i>Proposed First Floor Plan</i>	<i>RC.E.05 Rev E</i>	<i>25/10/24</i>
<i>Proposed Roof Plan</i>	<i>RC.E.06 Rev E</i>	<i>25/10/24</i>
<i>Proposed Elevations</i>	<i>RC.E.07 Rev E</i>	<i>25/10/24</i>
<i>Proposed Elevations</i>	<i>RC.E.08 Rev C</i>	<i>25/10/24</i>
<i>Proposed Sections</i>	<i>RC.E.09 Rev B</i>	<i>25/10/24</i>
<i>Proposed Sections</i>	<i>RC.E.10 Rev B</i>	<i>25/10/24</i>
<i>Proposed Sections</i>	<i>RC.E.11 Rev B</i>	<i>25/10/24</i>
<i>Proposed Sections</i>	<i>RC.E.12 Rev B</i>	<i>25/10/24</i>
<i>8m Rolling Height Plane</i>	<i>RC.E.13 Rev B</i>	<i>25/10/24</i>



<b>Christine Hawthorn – Landscape Architecture</b>		
<i>Appendix 5 Landscape Plan Accommodation Wing</i>	<i>Dwg 2, Rev E</i>	<i>28/10/24</i>
<i>Landscape Plan Accommodation Wing</i>	<i>Dwg 2.1, Rev E</i>	<i>28/10/24</i>
<i>Plant Schedule Accommodation Wing</i>	<i>Dwg 3.0, Rev A</i>	<i>28/10/24</i>

### **Proposed activities – building demolition**

- 1.3. Initial works for this stage of the development would involve the demolition of existing buildings including the conference room located within the marginal strip, the services building, the north accommodation building up to and not including the Captains Suite and deck surrounds. The area and location of existing buildings being removed is illustrated by a red dashed line on the proposed ground floor application plans RC.B.03 Rev G and RC.E.04 Rev E. There is some overlap of building demolition works with the previous consented restaurant / bar resource consent RMALUC 2230579 as illustrated by the blue dashed line on application plan RC.B.03 Rev G. Demolition materials are to be removed from the site over land to an approved land disposal area.

### **Updated bar / restaurant building activities**

- 1.4. The redevelopment of the proposed bar / restaurant building was recently consented as 2230579 RMALUC (attached at **Appendix 5**). The consented position of the redeveloped building is shown on the approved **RC.B.08 Rev B** dated 06/06/2023. This application includes updated building design plans for the bar / restaurant and an amended earthworks and landscaping proposal. There is an overall reduction in the number of persons that would be accommodated at the first floor of the bar / restaurant building and no change with respect to carparking (located in Whangaroa)
- 1.5. The outline of the consented building is illustrated on the proposed ground floor plan **RC.B.03 Rev G** as a blue dashed line. The modification to the layout of this building involves an extension to the building at the western and eastern corners of the building and a change to the roof materials over decks from profiled metal to a membrane product (RC.B.05 Rev G). This will result in additional height breaches (over and above the consented breach) as shown in purple shading on **RC.B.10 Rev D**. The maximum height breach is 8.895m as illustrated on **RC.B.09 Rev D**.
- 1.6. The northern part of this building will be reorientated slightly eastward. The number of accommodation rooms on the first floor will reduce from seven to six. A slight configuration of the ground floor kitchen dining area includes a new internal wall and the number of toilets for patrons. The six inground wastewater holding tanks as illustrated on the approved RC.B.04 **Rev B** would be re-distributed to the western and eastern sides of the bar / restaurant building as illustrated on **RC.M.11 Rev B** dated 25/10/2025. The Applicant has regional resource



consent to dispose of the treated wastewater into bore locations at the rear of the site (AUT.005424.03.06).

- 1.7. Subject to resource consent being granted for the additional north accommodation wing development activities that now also includes the updated design plans for the bar / restaurant, the Applicant would seek to surrender RC 2230579-RMALUC and have all activities authorised under the one resource consent document.

**Proposed activities – new north accommodation wing building**

- 1.8. A new north accommodation wing building would be constructed as an extension to the consented bar/restaurant. The proposed building footprint would shift this part of the lodge accommodation further to the north-east and into the existing hillside so that the structure is located entirely within the Applicant's site and outside the Crown owned marginal strip. The bar / restaurant building would connect to the accommodation wing via external covered stairs to a proposed breezeway that would run along the rear of the buildings to provide access to rooms.
- 1.9. As illustrated on **RC.E.04 Rev E**, the ground floor of this building would accommodate the relocated conference room space, a gym, sauna, bathroom and wellness facilities. The ground floor would have access from the west side of the building via sliding doors that open onto external deck spaces and a landscaped outdoor seating area. The outdoor area is further illustrated on the Hawthorn Landscape Architects Plan Dwg 2.0 'Landscape Plan Accommodation Wing'.
- 1.10. The first floor (refer RC.E.05 Rev E) includes five accommodation suites (Units 7-11) that have access from the upper-level rear breezeway. Each unit has a small external covered deck that overlooks the Bay. The breezeway connects through to the existing Captains Suite that is to be retained and renovated. This includes the existing deck surrounds, which is partially within the DOC marginal strip.
- 1.11. As illustrated on RC.E.08 Rev E, the location of the building at the boundary of the marginal strip will result in infringements to the 45-degree sunlight recession plane. The majority of this is existing as indicated by the dashed red outline and yellow shading. The new building location which is setback from the marginal strip boundary will reduce the overall extent of the sunlight infringement, with new infringements occurring at the southern end of the eastern elevation due to the 'v' shaped orientation of the building. The areal extent of the proposed height breach is illustrated on **RC.B.11 Rev G**. The existing building profile relative to the new building location is illustrated on **RC.E.13 Rev E**.
- 1.12. The applicant has consulted DOC about the proposed works, including the removal of the existing conference room building and the redevelopment of the north accommodation wing. DOC supports the removal of the conference room and the relocation of existing north accommodation wing off the marginal strip. DOC has provided written approval to the



proposed redesign and location of the new north accommodation wing. It is noted that this approval includes the minor earthworks within the marginal strip. All other activities within the marginal strip will need to be covered by a later consent once both Concession applications have been finalised or are nearing finalisation.

- 1.13. The exterior of the new building will be designed to match the consented colours and materials approved for the redeveloped lodge and bar / restaurant building. This includes black stained weatherboard cladding, dark tone vertical louvre screening, natural coloured hardwood decking and concrete. Roof materials will be black profiled metal. Glazing will be non-reflective. Proposed exterior colours and materials are illustrated on Plans RC.E.07 Rev E and RC.E.08 Rev E.
- 1.14. By agreement, building materials will be delivered to the site overland via the neighbouring farm.

**Proposed Earthworks, vegetation removal and landscaping**

- 1.15. As illustrated on **RC.M.06 – RC.M.08 (Rev E)**, earthworks cuts are required for the proposed building foundation, landscaping and the construction of the service road. The earthworks cut and fill volumes are as follows:

<b>Earthworks Cut Volumes:</b>		
Area A	Cut for building works: bar retaining	100m <sup>3</sup>
Area B	Cut for building works: accommodation and bar <sup>1</sup>	529.8 <sup>3</sup>
Area C	Cut within marginal strip: accommodation building	2.9m <sup>3</sup>
Area D	Cut within marginal strip and 10m sea wall setback	28.1m <sup>3</sup>
Area E	Cut within marginal strip: works for captains suite	2.1m <sup>3</sup>
Area F	Cut for service road	238.7m <sup>3</sup>
<b>Total Cut</b>		<b>901.6m<sup>3</sup></b>

\*NB: estimated 56m<sup>3</sup> has been cut following partial demolition of the bar building.

<b>Earthworks Fill Volumes:</b>		
Area G	Landscape fill behind accommodation and bar	82.7m <sup>3</sup>
Area H	Fill underneath proposed bar slab	150.2m <sup>3</sup>
<b>Total Fill</b>		<b>232.9m<sup>3</sup></b>

- 1.16. Some removal of weeds and existing trees is proposed as illustrated on **RC.M.10 Rev B**. A single Pohutukawa tree is to be relocated.

<sup>1</sup> 70m<sup>3</sup> consented previously under RC 2230579-RMALUC





- 1.17. Minor land disturbance works are required within the marginal strip to establish suitable landscaped gradients adjacent to buildings. This is partially resulting from the conference room building being removed and replaced with a landscaped outdoor seating area and fireplace. DOC has provided written approval to the earthworks associated with the Lodge redevelopment. It is noted that all other works, structures and occupation of the marginal strip is still subject to a concession which is yet to be finalised.
- 1.18. A further cut and fill area is required at the rear of the approved restaurant / bar building to create some separation between the building and the hillside. This area will include engineered retaining walls. At the rear of the proposed north accommodation building, cut earthworks will be undertaken to construct the proposed service road and the necessary engineered retaining walls. Fill material will be sourced from earthworks cuts within the site area.
- 1.19. Landscaping within the site will include further planting as illustrated by plans prepared by registered landscape architect Christine Hawthorn (refer Hawthorn Landscape Architects Plan Dwgs 2.0 and 2.1, Rev E). Within the site boundary, a paved lower-level outdoor seating area and fireplace will be constructed in front of the ground floor conference room and bar area in place of the removed conference room building.
- 1.20. Cut material would be removed to two nominated disposal sites illustrated on **RC.M.09 Rev E**. Disposal site 1 is located to the north and above the main lodge site with a proposed area of 150m<sup>2</sup> and disposal volume of 150m<sup>3</sup>. Disposal area 1 is located adjacent to an existing pa site but would not affect this feature (refer archaeological report **Appendix 8**). Disposal area 2 is located to the east on the neighbouring property (Part Kahikatoa Block, Part Pararako Block, Part Allotment 2 Parish of Mahinepua and Lot 2 and 4 DP 49684). Disposal area 2 was consented for 70m<sup>3</sup> of cut material taken from the bar / restaurant building foundation and a 116m<sup>2</sup> disposal area approved under the RC 2230579-RMALUC consent. This proposal would increase the disposal area 2, to 600m<sup>3</sup> receiving all of the bar / restaurant cut and a proportion of cut material from the other earthworks area.
- 1.21. Erosion and sediment control measures proposed at the excavated site areas are illustrated on the Sediment Plan **RC.M.08 Rev E**. These include a silt fence that would be positioned around the perimeter of the works site on the lower slopes within the marginal strip. A silt sock placed around the edge of the existing stream would protect the watercourse that discharges into the coastal marine area. A stabilised entry / exit pad would be established at the end of the proposed service road and site access from the road that provides temporary overland vehicle access to the site. Sand and topsoil stockpile locations are identified on the plan **RC.M.08 Rev E**.

### **Helicopter Landing Pad**

- 1.22. A helicopter landing pad is proposed in an elevated location to the north of the lodge complex as illustrated on **RC.M.12 Rev B**. The landing pad is required for emergency medical access to the site and for the occasional transportation of guests. The landing pad is not located within

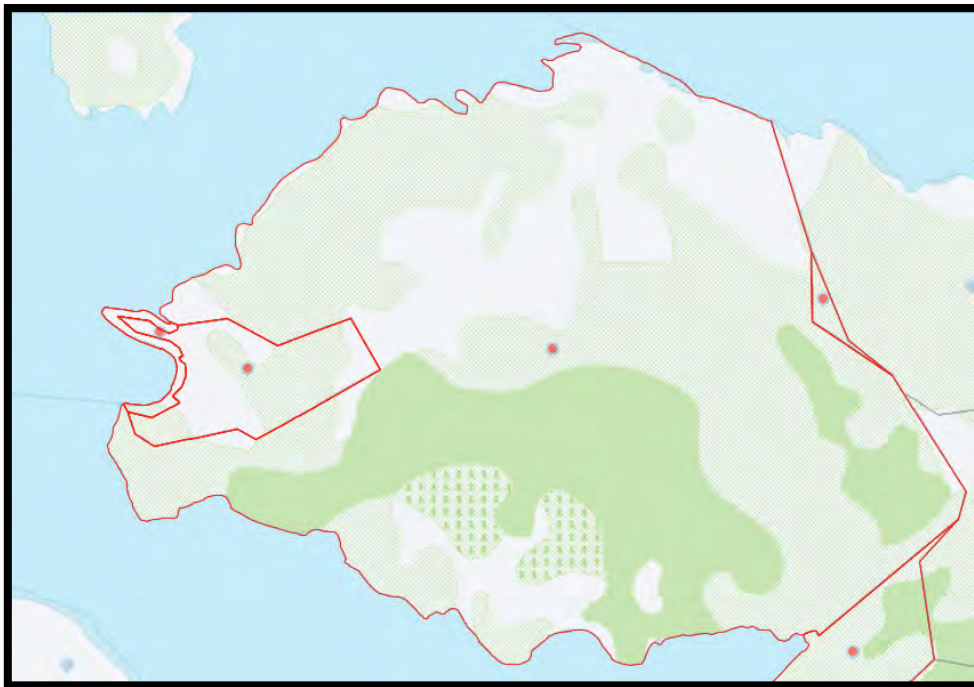


200 metres of any Residential, Coastal Residential, Russell Township or Point Veronica Town zones that would otherwise require a resource consent under the ODP.

- 1.23. The landing would be located on the proposed earthworks disposal area 1. No vegetation clearance is required.

## 2. Description of the Site and Surrounds

- 2.1. The primary application site for lodge development works is an 11.90-hectare property at the entrance to Whangaroa Harbour known as Kingfish Lodge. The Lodge site is legally described as Lot 1 DP 198828. Lot 5 DP 89743 is a visitor carparking located in Whangaroa where guests and staff can park and then travel by boat to the site. The proposal also involves building and landscape activities that are currently located on the adjacent marginal strip site owned and administered by DOC on behalf of the Crown. The neighbouring site (Part Kahikatoa Block, Part Pararako Block, Part Allotment 2 Parish of Mahinepua and Lot 2 and Lot 4 DP 49684) is a proposed earthworks disposal location.



*Figure 1- Site(s) location – source Prover*

- 2.2. The primary application site Lot 1 DP 198828 is subject to the following variation to an earlier consent notice 12562189.1 that was included with a decision on the main lodge and boat shed RC 2200355-RMALUC:

**THE RESOURCE MANAGEMENT ACT 1991****SECTION 221 (3) VARIATION OF CONSENT NOTICE**

**PURSUANT** to section 221 (3) of the Resource Management Act 1991, the **FAR NORTH DISTRICT COUNCIL** hereby consents to the variation of Consent Notice 10942375.1 in so far as it relates to Lot 1 DP 198826 as shown below:

*The keeping of dogs, cats and mustelids is prohibited, with the exception of a maximum of two dogs that are registered to the caretaker or the property owner.*

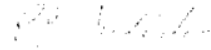
A maximum of two dogs are exempt from this condition if they are:

- a) micro-chipped,
- b) within a dog proof fence area, on a lead or under effective control at all times when outside the fenced area,
- c) kept in a kennel or tied up at night.
- d) For any dog written confirmation that the dog has current kiwi aversion training certification along with the expiry date for the certification.

Prior to the keeping or introduction of any working dog to the site the occupier must provide the following to the Councils Resource Consent Monitoring Officer.

- a) A photograph of the dog
- b) Written confirmation that the dog(s) have been microchipped
- c) A plan showing the extent of the dog proof fenced area

SIGNED:



Mr Pat Killalea - Authorised Officer

By the FAR NORTH DISTRICT COUNCIL

Under delegated authority:

PRINCIPAL PLANNER – RESOURCE MANAGEMENT

DATED at **KERIKERI** this 6<sup>th</sup> day of September 2022

- 2.3. Kingfish Lodge is a well-known tourist destination that has in the past provided luxury accommodation, restaurant dining and game fishing expeditions for both domestic and international visitors. The lodge is currently undergoing a major redevelopment to upgrade the facility to modern standards. Works currently underway include the main lodge and boat house authorised under RC 2200355-RMALUC. RC 2230579-RMALUC granted consent to redevelop the existing bar / restaurant building and to add seven first floor accommodation units.





*Figure 2 – Main lodge and boat shed currently under redevelopment*

- 2.4. The site has a prominent coastal location. The lodge is situated low down at the edge of a crescent shape bay with spectacular views of Whangaroa Harbour. Vegetated land slopes steeply upward behind the lodge site. Visually, the existing landscape contains the built development on the site below with the vegetated hillside behind. The property does not have legal frontage to the coastal marine area, rather it gains access over the adjacent Crown owned marginal strip. This land is managed by the Department of Conservation (DOC). Physical access is gained across this marginal strip and a concession from DOC is currently being processed to authorise some historic activities and structures relating to the main Lodge redevelopment. This concession is nearing completion with a decision hopefully being received prior to Christmas. A second concession application will be sought early in 2025 to cover the remaining structures. Regarding the resource consent process to authorise the Lodge redevelopment, DOC has provided its written approval to the proposed earthworks within the marginal strip.



*Figure 3 – View of lodge site approach from the CMA*





- 2.5. The property contains a diverse range of native and exotic vegetation with small pockets of cleared areas containing existing buildings and facilities. A number of site visits have been undertaken between 2017 through to 2024, with the most recent visit occurring in August 2024. In the 7 years visiting the site I have witnessed the dilapidated state of the buildings, through to their demolition and the beginning of refurbishment. The large areas of exotic pines on the site have been felled and 1000's of native species have been planted and are now well established on site. These now assist in enhancing the landscape of the point (refer **Figure 3** above). The topography of this part of the coast consists of a mixture of headlands with steep banks with scattered vegetation fronting a rocky shoreline outcrop leading into small, enclosed bays.
- 2.6. Within the development site there is a small (surveyed to be 2m wide average) stream that runs in an east-west direction under the recently consented restaurant / bar building (2230579-RMALUC). The existing seawall is the surveyed location of the coastal marine area mean high water springs as indicated on **Plan RC.M.05 Rev E** and in **Figure 4** below.

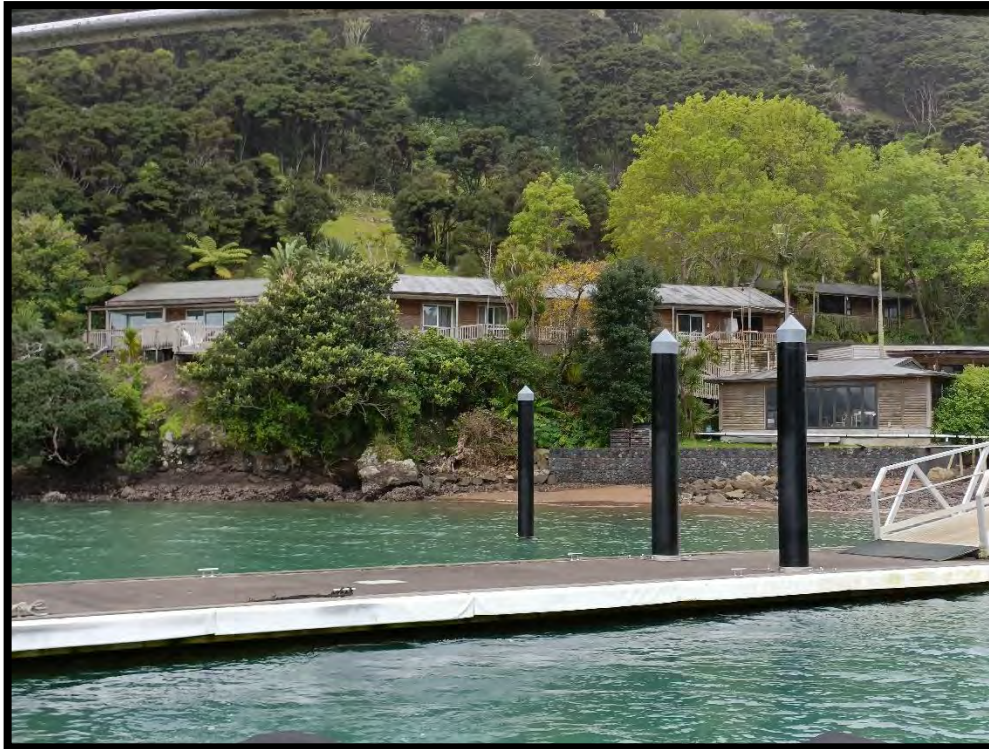


*Figure 4 - Existing stream and seawall (photo date - May 9 2021)*

- 2.7. Within the DOC marginal strip there are lodge buildings that occupy this space. This includes a conference room building and parts of the existing north accommodation wing, including disabled access. Both buildings and the disabled access ramp will be removed in their entirety and replaced with landscaping to properly define these land areas. A concession licence will be sought from DOC early in the new year for the remaining landscape development features associated with the Lodge.







*Figure 5 – View of existing north accommodation building and conference building located (in part) within the DOC marginal strip*

- 2.8. There is no legal vehicle access to the site. Allocated carparking for the lodge activity is located at Whangaroa on Lot 5 DP 89743. Patrons who have frequented the lodge in the past have parked on the site and taken either a water taxi or a private boat to the property. As Kingfish Lodge has been closed and is no longer open to the public, the carparking area has been utilised to store building materials associated with the redevelopment of the site. It is anticipated that when the lodge is complete and operational, patron carparking on this site will be re-established.

### Site History

- 2.9. Kingfish Lodge has an interesting history catering to many A-list celebrities over the decades. It was first established in the early 1930's as the Northland Fishing Lodge, however, was requisitioned by the crown after Pearl Harbour. It operated as a defence installation throughout World War II and evidence of this remains today. The lodge returned to private ownership in 1953 and was renamed Kingfish Lodge. The Lodge was bought by Edward Leary in the 1990's who is better known in NZ history as Mr. Asia's defence lawyer.

2.10. In 1953 when the lodge returned to private ownership, a marginal strip was taken, as indicated on the below survey plan. This survey plan below (**Figure 9**) indicates both the south accommodation and barracks buildings being on site. These buildings have recently been developed as the main lodge and boat shed.

2.11.

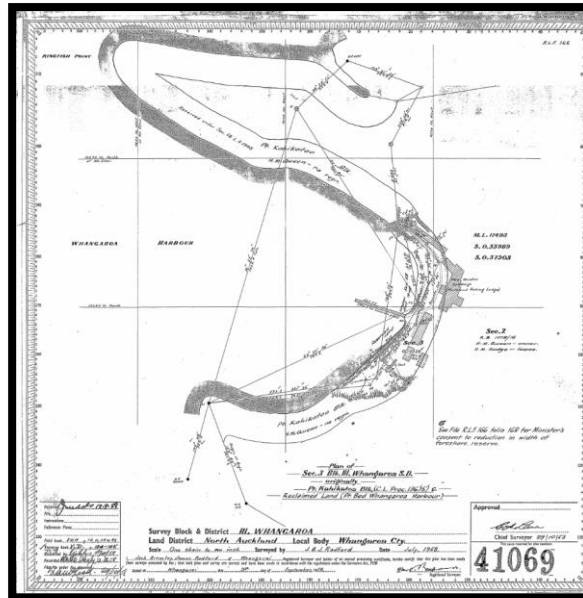
*Figure 6 – Photo taken from on top of the large gun emplacement at kingfish point looking towards the mouth of the Whangaroa Harbour. Post in photo indicates boundary between the marginal strip and Kingfish Lodge land.*



*Figure 7 – Bunker and second gun emplacement located on Kingfish Lodge land*



*Figure 8 - Main gun emplacement on DoC Marginal Strip*



*Figure 9 - 1953 Survey indicating the extent of the marginal strip in relation to the existing buildings.*

- 2.12. At some point in time the marginal strip boundaries have been amended in what we can only assume was to ensure that the Kingfish Lodge buildings would be fully located on the Kingfish Lodge site. While the majority of buildings now sit outside of the marginal strip, some encroachments still occur. This includes the conference room building and parts of the north accommodation building.
- 2.13. Kingfish Lodge has been granted following District and Regional consents.

**Table 1 – FNDC Consent History**

RC/BC Number	Description	Date Issued
1970043-LUC	Operate and maintain a tourist hotel in accordance with a management plan.	1 <sup>st</sup> August 1996
BC 1993-476	Upgrade Septic System and build a new deck on the Restaurant/Bar.	5 <sup>th</sup> November 1996
BC 1996-407	Building consent for meeting room associated with the tourist hotel. Now shown on plans as the Conference room. Plans note that the deck located at the front of the Conference room was existing.	5 <sup>th</sup> November 1996
BC 1997-38	Consent for workers accommodation dwelling.	5 <sup>th</sup> November 1996
1970933-COM	Joint application FNDC & NRC - To unit title the 11 units, enable the construction of the 11 units on each of the unit title sites, the dispensation and waiver of the total required carparks, the extension of the existing structures	8 <sup>th</sup> October 1998



	(accommodation blocks, bar, restaurant facilities) within the water setback and the excavation and filling associated with the construction of the 11 units.	
2030392-VAR	Variation of RC 1970933 to vary where the Kingfish Lodge carparking at Whangaroa was located.	18 <sup>th</sup> November 2002
BC 2004-2253	Safe and Sanitary Report for jetty upgrade and floating pontoon and gangway.	1 <sup>st</sup> June 2004
2040436-VAR	Variation of RC 1970933 to stage the development and amend the condition relating to landscaping.	13 <sup>th</sup> July 2004
2100237-EXT	Extension of time to RC 1970933 and its variation.	17 <sup>th</sup> Nov 2009
2180197-LUC	Storage Shed	30 <sup>th</sup> Oct 2017
BC 2018-610	Consent for the Storage Shed.	15 <sup>th</sup> February 2018
2190269-LUC	Landuse consent for retaining walls associated with the new lodge development.	18 <sup>th</sup> December 2019
BC 2018-4059	COA for Emergency works	12 <sup>th</sup> February 2020
RC 2200355	Landuse consent for the main lodge and boat house, and variation to consent notice.	19 <sup>th</sup> July 2021
RC 2230579-RMALUC	Land use consent to upgrade the bar / restaurant and add a second storey with seven additional accommodation units.	29 <sup>th</sup> May 2024

**Table 2 - NRC Consent History**

RC Number	Description	Date Issued
AUT.5424	Water take, discharge effluent to ground via deep bore and discharge contaminants to air.	5 <sup>th</sup> August 1997
AUT.5424	Consent to regularise the existing jetty and pontoon, recreation and conference room decks with connecting walkways.	30 <sup>th</sup> September 1997
AUT.5424	Consent to regularise the existing jetty and pontoon, occupy and use existing recreation and conference room decks with connecting walkways.	28 <sup>th</sup> October 1997
AUT.5424	Water take, discharge wastewater into a deep bore system, discharge contaminants to air,	2 <sup>nd</sup> June 1998





AUT.5424	Joint application with FNDC. Part approved reclamation. Coastal Permit for seawall with swimming pools declined. Coastal Permit for seawall along coastline approved with associated earthworks. Discharge of seawater from the proposed saltwater pools. Earthworks. Extension to Jetty and pontoon. Dinghy ramp access and associated reclamation.	8 <sup>th</sup> October 1998
AUT.5424	Decision from Minister of Conservation declining the seawall Restricted Coastal Activity made as part of the previous application where decline was recommended.	24 <sup>th</sup> November 1998
AUT.5424	Seawalls & associated earthworks. Discharge seawater to coastal marine from swimming pools. Earthworks. Upgrade Jetty and pontoon. Construct Dinghy access and reclamation.	1 <sup>st</sup> December 1998
AUT.5424	To place 3 Mediterranean type moorings for the purpose of providing berthage for up to 3 vessels.	6 <sup>th</sup> December 2000
AUT.5424	Replacement consent on site and within crown land:  To occupy and use conference room decks and walkways. Take ground water for water supply. Discharge contaminants to land. Discharge contaminants to air.	19 <sup>th</sup> November 2002
AUT.5424	Delete condition 1 of previous application relating to the jetty and pontoon.	31 <sup>st</sup> August 2004
AUT.5424	Coastal Permit and Landuse Consent for seawalls and associated earthworks, discharge seawater from saltwater pools at the lodge, upgrade the existing jetty and pontoon and to construct a dinghy ramp and associated reclamation.	30 <sup>th</sup> September 2004
AUT.5424	Consent covers the following: Coastal Permit for conference room deck, recreational deck, walkways and boat ramp. Water take Permit to take groundwater for water supply, Discharge to Land for treated wastewater, Discharge to Air associated with odour from the wastewater system, coastal permits for the seawalls, jetty and associated facilities, boat ramp and moorings.  Landuse consent under a transfer of powers for the portions of boat ramps above mean high water springs.  Coastal Permits to alter the jetty facility and sea wall and extend the boat ramp.	25 <sup>th</sup> October 2016
AUT.5424	Slight variation to above mentioned consent to delete reference and conditions relating to the dinghy ramp and replace with reference and conditions relating to boat	6 <sup>th</sup> December 2016





	<p>ramps. Consent covers the following: Coastal Permit for conference room deck, recreational deck, walkways and boat ramp. Water take Permit to take groundwater for water supply, Discharge to Land for treated wastewater, Discharge to Air associated with odour from the wastewater system, coastal permits for the seawalls, jetty and associated facilities, boat ramp and moorings.</p> <p>Landuse consent under a transfer of powers for the portions of boat ramps above mean high water springs.</p> <p>Coastal Permits to alter the jetty facility and sea wall and extend the boat ramp.</p>	
AUT.5424	<p>Variation to 2016 consent to alter the seawall height. Consent covers the following: Coastal Permit for conference room deck, recreational deck and walkways. Water take Permit to take groundwater for water supply, Discharge to Land for treated wastewater, Discharge to Air associated with odour from the wastewater system, coastal permits for the seawalls, jetty and associated facilities, boat ramp and moorings.</p> <p>Landuse consent under a transfer of powers for the portions of boat ramps above mean high water springs.</p>	21 <sup>st</sup> June 2017
AUT.5424	<p>Consent varied previous approval for the seawall to include the stairs adjacent to the recreational deck, removal of walkways and incorporated all other Regional consents into one document. Consent covers the following: Coastal Permit for conference room deck and recreational deck, Water take Permit to take groundwater for water supply, Discharge to Land for treated wastewater, Discharge to Air associated with odour from the wastewater system, coastal permits for the seawalls, jetty and associated facilities, boat ramp and moorings.</p> <p>Landuse consent under a transfer of powers for the portions of boat ramps above mean high water springs.</p>	30 <sup>th</sup> September 2019.
AUT.42581	<p>Earthworks associated with the main lodge and boatshed development.</p>	22 <sup>nd</sup> April 2021
<p>AUT.005424</p> <p>AUT.32079</p> <p>AUT.32189</p> <p>AUT.34904</p>	<p>Renewal of approved consents/permits to use and occupy space in the CMA, take water, discharge to land, discharge to air, and operate swing moorings.</p>	<p>AUT.5424 Approved 10<sup>th</sup> May 2023.</p> <p>AUT.32079, AUT.32189 and AUT.34904 Approved 14<sup>th</sup></p>



		September 2022
AUT.5424	Variation to the discharge consent to increase the volume of wastewater being discharged into deep bores on site.	Approved 5 <sup>th</sup> October 2023

**Site Features**

2.14. The site zoning is General Coastal in the Operative District Plan (ODP). Part of the site is also within an area that is mapped as Outstanding Landscape (shown below in orange).

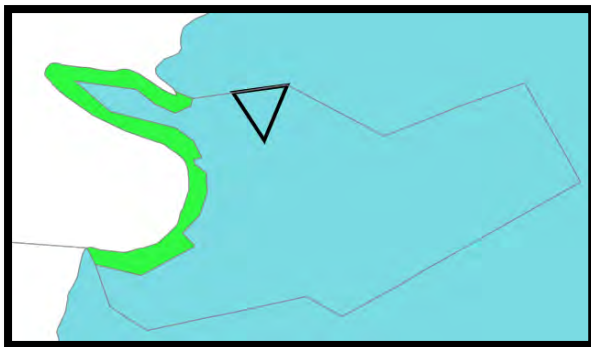


Figure 11 - Operative District Plan zone map

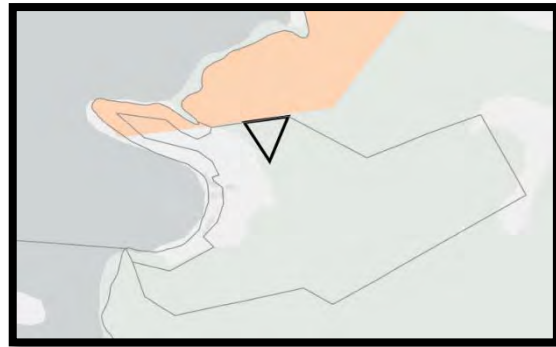


Figure 10 - Operative District Plan Resource Map

2.15. The proposed zoning is 'Rural Production' under Proposed District Plan (PDP) with a 'Coastal Environment' overlay. Kingfish Point is mapped as an Outstanding Landscape and much of the site is identified as High Natural Character. Part of the site is mapped as being subject to a 1:100-year flood event and being within zones 2 & 3 coastal flood scenarios.

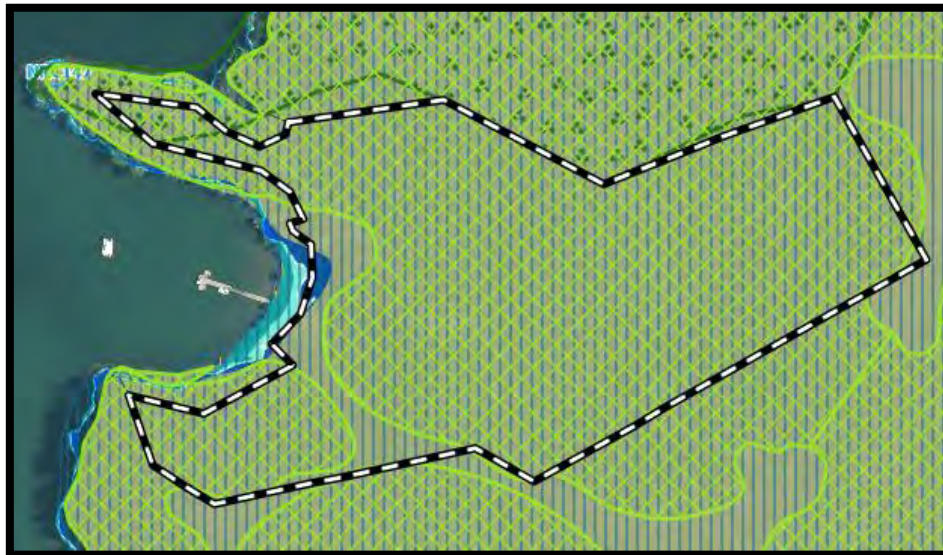
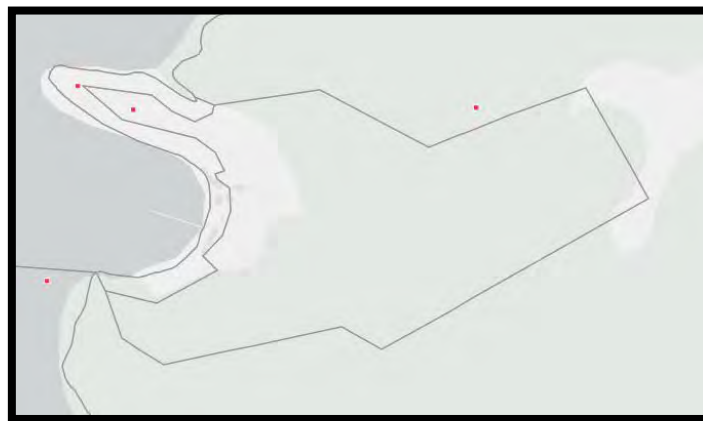


Figure 12 - Proposed District Plan Map

2.16. The site is not a HAIL site as shown on the Far North Maps or by any historic photographic record.



2.17. NZAA does map some archaeological sites within the property. A previous archaeological assessment was undertaken for the redevelopment of the main lodge, and it was concluded that no archaeology was present within the development area. While not commented on in the archaeological report, the stream that runs through the site into the coastal marine area is significant to local Iwi. As part of the previous bar / restaurant consent a Cultural Impact Assessment was provided which included details on this. An updated archaeological assessment has been undertaken as part of this stage of development. This assessment included a site visit and testing of earthworks areas. Given the location of the helicopter landing area the Pa features have been redefined over an aerial to ensure all earthworks will be located outside of this historic feature. The report was again able to conclude that there would be no archaeological features disturbed as part of this latest proposal. It is recommended that any earthworks (fill activities) are undertaken with an Accidental Discovery Protocol in place.



*Figure 14 – NZAA sites*



*Figure 15 - Archaeological features defined in the latest assessment: Source Archaeology Solutions Limited*



- 2.18. Soil types mapped on the property are 8e3 and 6e16. None of these are classified as highly versatile by the Regional Policy Statement for Northland (RPSN) nor as Highly Productive by the NPS Highly Productive Land (NPS-HPL).
- 2.19. The site is mapped as being subject to both coastal and river flood hazard as shown on the proposed district plan maps. The development is located within the River Flood Hazard Zone – Regionwide Models (100-year CC Extent) as mapped by NRC.
- 2.20. The site is subject to areas of mapped PNA shown by the purple outlines. The development is situated outside of this area.



*Figure 16 - Protected Natural Areas*

- 2.21. The site is mapped as being in a Kiwi Present area.
- 2.22. The site is not shown to be within a surface water protection area.
- 2.23. The site is not subject to a Treaty Settlement. However, the property does adjoin the coastal marine area which has a statutory acknowledgement over the Whangaroa Harbour in favour of Ngatikahu ki Whangaroa.
- 2.24. The regional council has not mapped any wetlands near the development area, nor were any observed when undertaking a site visit.



2.25. The regional policy statement maps the coastal marine area as high natural character as well as much of the site, notably avoiding the developed area containing existing buildings.

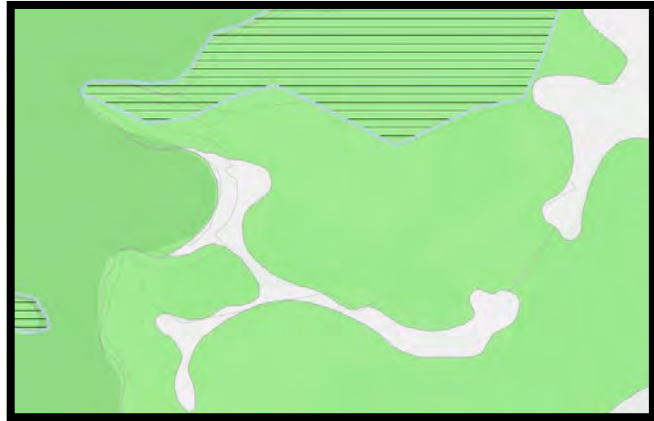


Figure 17 - Regional Policy Statement Map

2.26. The property has one bore, located at the rear of the site. Council’s reticulated services are not available at the site and therefore all services are managed on the property.

### 3. Reasons for Consent

#### Operative District Plan (ODP)

3.1. The application site is zoned General Coastal under the ODP. An assessment against the relevant District Plan rules is set out in Tables 3-5 below:

Table 3 - Assessment General Coastal Zone Rules		
Plan Reference	Rule	Performance of Proposal
10.6.5.1.1	Visual Amenity	<p><b>Restricted Discretionary</b></p> <p>(a) The proposal is for a replacement north accommodation building exceeding a 25m<sup>2</sup> floor area comprising six suites, conference and gym facilities.</p> <p>(b) The proposed colour scheme is natural and recessive. Proposed exterior colour products such as stains are not located within the BS5252 colour range. This results in a technical non-compliance. The proposed colour range has been previously consented under 2230579-RMALUC and will be a continuous theme used for all buildings.</p> <p>(c) Not applicable. The proposed building development replaces the existing north accommodation. The existing Captains Suite and some exterior decking at the northern end of the building will be retained.</p> <p>(d) Not applicable.</p>





<b>10.6.5.1.2</b>	<b>Residential Intensity</b>	<p><b>Permitted</b></p> <p>The proposal is revamping existing visitor accommodation. No additional residential units are being provided. There is a single caretakers residential cottage on the site. No works are proposed to this building as part of this application.</p>
<b>10.6.5.1.3</b>	<b>Scale of Activities</b>	<p><b>Discretionary Activity</b></p> <p>The proposed lodge accommodation and bar / restaurant activities are currently consented as follows:</p> <p><b>RC 2200355-RMALUC approved plans include:</b></p> <ul style="list-style-type: none"> <li>• North accommodation wing - Existing use for the 8 double rooms equating to 16 people in the north accommodation wing;</li> <li>• Main Lodge 4 x double bedrooms equating to 8 people;</li> <li>• Boat Shed 2 x bedrooms and a bunk room accommodating up to 4 staff.</li> </ul> <p><b>RC 2230579-RMALUC approved plans include:</b></p> <ul style="list-style-type: none"> <li>• For the bar and restaurant occupancy has been stated as 20 visitors who are not staying on site.</li> <li>• 7 accommodation units located at the first-floor level of the bar / restaurant / main entrance building equating to 14 people.</li> </ul> <p>Additional activities are proposed as follows noting a reduction in the number of accommodation suites and increase in staff numbers:</p> <p><b>Upgraded North Accommodation Wing (existing 8 units</b> (reconsented approval for use of existing building – RC 2200355-RMALUC)</p> <ul style="list-style-type: none"> <li>• The removal of a double occupancy accommodation suite from the first floor of the restaurant / bar building reduces the number of units from seven to six.</li> <li>• The construction of five accommodation units in the north accommodation wing. The overall number of accommodation units reduces from seven to five.</li> <li>• Captains Suite which has 1 double bedroom.</li> </ul>



		<ul style="list-style-type: none"> <li>Increase in staff numbers to accommodate additional demand from 4 to 10 (increase by 6).</li> </ul> <p><b>Total accommodation units</b> = 16 double rooms (32 people)  <b>Total Bar / Restaurant Capacity (excluding resident guests)</b> = 20 people  <b>Conference Room</b> No additional persons allocated.  <b>Staff</b> = 10 persons  <b>Caretaker cottage</b> 3-bedroom house not included.</p> <p><b>Total – 62 people</b></p>
<b>10.6.5.1.4</b>	<b>Building Height</b>	<p><b>Restricted Discretionary</b></p> <p>The height of the amended bar / restaurant building will exceed the permitted height standard of 8m. The maximum height breach is 8.895m as illustrated on <b>RC.B.09 Rev D</b>.</p>
<b>10.6.5.1.5</b>	<b>Sunlight</b>	<p><b>Discretionary</b></p> <p>The reconstructed north accommodation building is to be setback from the boundary with the marginal strip. The eastern portion of the building will continue to breach the sunlight 45-degree recession plane. See plan <b>RC.E.08 Rev E</b> for detail.</p>
<b>10.6.5.1.6</b>	<b>Stormwater Management</b>	<p><b>Permitted.</b></p> <p>The permitted threshold for stormwater management is 10% of the site area.</p> <p>The permitted area of impermeable surface is 11,907m<sup>2</sup></p> <p>The total proposed building and impermeable surface area will remain within the permitted area.</p>
<b>10.6.5.1.7</b>	<b>Setback from Boundaries</b>	<p><b>Restricted Discretionary</b></p> <p>As indicated on the application plan <b>RC.E.04 Rev E</b>, the redeveloped north accommodation wing building will be located within 10m of the marginal strip boundary. The existing Captains suite building and attached deck will remain in its current location.</p>
<b>10.6.5.1.8</b>	<b>Transportation</b>	Assessed in the District Wide section below.
<b>10.6.5.1.9</b>	<b>Keeping of Animals</b>	<p><b>Not applicable.</b></p> <p>No keeping of animals is proposed. An existing consent notice on the application site Lot 1 DP 1988828 restricts the site to two kiwi aversion trained dogs.</p>



<b>10.6.5.1.10</b>	<b>Noise</b>	<b>Permitted.</b> The proposed Lodge accommodation and bar / restaurant activities are subject to the General Noise Standards that can be complied with.
<b>10.6.5.1.11</b>	<b>Helicopter Landing Area</b>	<b>Permitted</b> A helicopter landing pad is proposed in an elevated location to the north of the main Lodge complex. The location is not within 200m of the listed zones.

**Table 4 - Assessment against District-Wide Natural & Physical Resources Rules**

<b>Plan Reference</b>	<b>Rule</b>	<b>Performance of Proposal</b>
<b>12.1</b>	<b>Landscape and Natural Features</b>	<b>Permitted</b> The site is not within any mapped outstanding natural landscape or outstanding natural feature
<b>12.2.6.1.3</b>	<b>Indigenous Vegetation clearance in the General Coastal Zone</b>	<b>Discretionary</b> <ul style="list-style-type: none"> <li>(a) Minor vegetation clearance required within the marginal strip for landscaping purposes as illustrated on <b>RC.M.10 Rev B</b>.</li> <li>(b) Clearance will be within 20m of the stream and coastal marine area triggering consent.</li> <li>(c) The vegetation is not remnant and involves single (cabbage trees).</li> <li>(d) The clearance will not exceed 1ha or 15%.</li> <li>(e) More than 50% of the overall site is in native vegetation.</li> </ul>
<b>12.2.6.2.1 (RDA)</b>	<b>Indigenous Vegetation clearance in the General Coastal Zone</b>	<b>Restricted Discretionary</b> While the proposed vegetation clearance is minimal, it cannot comply with the permitted standard Rule 12.2.6.1.3 as it will increase the sites' total cleared area above 1ha or 15% of the site area.
<b>12.3.6.1.2</b>	<b>Excavation and/or Filling</b>	<b>Restricted Discretionary</b> <p>The permitted volume of excavations in the General Coastal Zone is 300m<sup>3</sup> and the maximum cut/fill face is 1.5m or combined cut and fill height of 3m.</p> <p>Total earthworks volumes as described above are 901.6m<sup>3</sup>. Fill volumes within the development area are 232.9m<sup>3</sup>.</p> <p>Combined cut / fill faces exceed the 1.5m high cut and combined 3m cut / fill face. All retained cut faces will be engineered and require building consent.</p> <p>Surplus excavation fill locations located on the site and within the neighbouring property (Part Kahikatoa)</p>



		<p>Block, Part Pararako Block, Part Allotment 2 Parish of Mahinepua and Lot 2 and Lot 4 DP 49684) will receive deposited fill volumes of 150m<sup>3</sup> and 600m<sup>3</sup> respectively.</p> <p>Up to 2,000m<sup>3</sup> excavation earthworks per year is a restricted discretionary activity under Rule 12.3.6.2.1.</p>
<b>12.3.6.1.4</b>	<b>Nature of Filling Material in all zones</b>	<p><b>Permitted</b></p> <p>The fill material can comply with the standards in this rule. Building materials will be removed from the site.</p>
<b>12.4.6.1.2</b>	<b>Fire Risk to Residential Units</b>	<p><b>Permitted</b></p> <p>No residential units are proposed.</p>
<b>12.5</b>	<b>Heritage</b>	<p><b>Permitted</b></p> <p>The site does not contain any scheduled heritage items listed in the ODP. The site is not identified in the ODP as a site of cultural significance to Maori. There are no notable trees on the site. There are no listed archaeological sites. The site is not within any identified Heritage Precinct.</p> <p>As outlined in the Archaeological Report prepared by Archaeology Solutions Limited (refer <b>Appendix 8</b>) there are no other identified archaeological sites which would be affected by the proposed activities.</p> <p>The updated plans have been resent sent Te Runanga o Whangaroa for commentary on the variation to the Bar / Restaurant in relation to the stream which has cultural importance, and the proximity of works to the Pa.</p>
<b>12.7.6.1.1</b>	<b>Setback from Lakes, Rivers and the Coastal Marine Area</b>	<p><b>Restricted Discretionary</b></p> <p>The required setback from the coastal marine area or any river (where the average width of the riverbed is 3m or more) is 30m.</p> <p>The proposed redevelopment of the north accommodation wing is located within the 30m setback from the sea wall (refer <b>RC.E.01 Rev B</b>).</p> <p>The eastern part of the new building will also be located within 20m of the existing stream that runs through the site and under the restaurant / bar building. The surveyed width of this stream is less than 3 metres.</p>



<b>12.7.6.1.2</b>	<b>Setback from smaller Lakes, Rivers and wetlands</b>	<p><b>Restricted Discretionary</b></p> <p>The stream that runs through Kingfish Lodge has a surveyed average width of 2.3m (ref RC 2200355). This equates to a 23m setback for compliance with the permitted standard.</p> <p>The eastern part of the redeveloped north accommodation wing building will be within the 20m setback from the stream.</p>
<b>12.7.6.1.4</b>	<b>Land Use activities involving Discharges of Human Sewage Effluent</b>	<p><b>Consented Activity (RC 2200355-RMALUC)</b></p> <p>The proposed wastewater tanks were consented in a cluster in front of the main lodge.</p> <p>On Plan <b>RC.M.11</b> the tanks have been rearranged with 3 sitting out the front of the main lodge and the other 3 sitting between the main lodge and the bar / restaurant building. The reason for the change was that there is a kauri tree with its root system within proximity to the wastewater tanks. To avoid disturbing this tree and its roots 3 tanks have been located further away from the CMA.</p> <p>NRC resource consent AUT.005424.03.06 authorises the discharge of secondary treated wastewater to land.</p>
<b>12.7.6.3 (DA)</b>	<b>Discretionary Activities</b>	<p><b>Discretionary Activity</b></p> <p>Non-compliance with rules 12.7.6.1.1, 12.7.6.1.2 &amp; 12.7.6.1.4 result in a Discretionary Activity Status.</p>
<b>12.8</b>	<b>Hazardous Substances</b>	Not applicable
<b>12.9</b>	<b>Renewable Energy</b>	Not applicable.

**Table 5 - Assessment against District-Wide Transportation Rules**

<b>Plan Reference</b>	<b>Rule</b>	<b>Performance of Proposal</b>
<b>15.1.6A</b>	<b>TRAFFIC</b>	<p><b>Permitted Activity</b></p> <p>Traffic Intensity is defined as - <i>a means of assessing the likely traffic effects from a particular new activity and is based on the average daily one-way vehicle movements for that activity.</i></p> <p>Rule 3A.3 stipulates that - <i>Where the traffic intensity threshold attributed to an activity in the table below is considered inappropriate, a report detailing the</i></p>





		<p><i>anticipated traffic intensity factor of the proposed activity may be provided for Council's consideration and approval. This report must demonstrate the likely daily one-way traffic movements for the proposed activity and must be prepared by a suitably qualified person.</i></p> <p>The permitted TIF within the General Coastal zone is 30.</p> <p>Kingfish Lodge is currently a landlocked site, where access is only available via boat such that the Traffic Intensity Factor for the site is 0. As part of RC 2030392-VAR carparking has been provided at Whangaroa Lot 5 DP 89743 for guests.</p> <p>There is no proposed increase in the accommodation or restaurant / bar facility capacity above that was consented under RC 2200355-RMALUC. The overall accommodation units will reduce.</p>
<b>15.1.6B.1.1</b>	<b>On-site Carparking Spaces</b>	<p><b>Not applicable</b></p> <p>The site has no current legal vehicle access. Access to the site is via boat and the coastal marine area. Zone parking rules apply to establishing on-site activities where vehicles can access the site.</p>
<b>15.1.6B.3(DA)</b>	<b>Discretionary Activities</b>	<p><b>Not applicable</b></p> <p>Non-compliance with 15.1.6B.1.1 results in a Discretionary Activity.</p>
<b>15.1.6C</b>	<b>ACCESS</b>	<p><b>Not applicable</b></p> <p>The site is landlocked and has no vehicle access. This is an existing situation.</p>

### ODP District Plan Activity Status

3.2. The assessment above has identified the following breaches to the District Plan Rules:

- 10.6.5.1.1 Visual Amenity
- 10.6.5.1.4 Building Height
- 10.6.5.1.4 Sunlight
- 10.6.5.1.7 Setback from Boundaries
- 12.2.6.1.3 Indigenous Vegetation Clearance in the General Coastal Zone
- 12.3.6.1.2 Earthworks
- 12.7.6.1.1 Setback from Lakes, Rivers and the Coastal Marine Area
- 12.7.6.1.2 Setback from smaller Lakes, Rivers and Wetlands



- 3.3. As per preambles 10.6.5.3 and 12.2.6.3, 12.7.6.3 and 15.1.6B.3 Discretionary Activities the proposal will be assessed as a Discretionary Activity overall under the ODP provisions.

### Proposed District Plan

- 3.4. The proposed activities are subject to the PDP provisions. The PDP was publicly notified on the 27th of July 2022. The submission and further submission periods have closed. PDP hearings commenced in May 2024. While some relevant topics have now been heard, no decisions on the submissions have been made by the panel. As the zone rules have no legal effect, little weight will be given to the proposed objectives and policies.
- 3.5. Rules that have current legal effect are set out below in Table 4.

<b>Table 5 - Proposed Far North District Plan Rules – (with current legal effect)</b>		
<b>Chapter</b>	<b>Rule Reference</b>	<b>Compliance of Proposal</b>
<b>Hazardous Substances</b>	The following rules have immediate legal effect: Rule HS-R2 has immediate legal effect but only for a new significant hazardous facility located within a scheduled site and area of significance to Māori, significant natural area or a scheduled heritage resource  Rules HS-R5, HS-R6, HS-R9	<b>Not applicable.</b>  The site does not contain any hazardous substances to which these rules would apply.
<b>Heritage Area Overlays</b>	All rules have immediate legal effect (HA-R1 to HA-R14) All standards have immediate legal effect (HA-S1 to HA-S3)	<b>Not applicable.</b>  The site is not located within a Heritage Area Overlay.
<b>Historic Heritage</b>	All rules have immediate legal effect (HH-R1 to HH-R10). Schedule 2 has immediate legal effect.	<b>Not applicable.</b>  The site does not contain any scheduled areas of historic heritage.
<b>Notable Trees</b>	All rules have immediate legal effect (NT-R1 to NT-R9) All standards have legal effect (NT-S1 to NT-S2) Schedule 1 has immediate legal effect	<b>Not applicable.</b>  The site does not contain any scheduled notable trees.
<b>Sites and Areas of Significance to Maori</b>	All rules have immediate legal effect (SASM-R1 to SASM-R7) Schedule 3 has immediate legal effect	<b>Not applicable.</b>  The site does not contain any mapped or scheduled sites or areas of significance to Maori.
<b>Ecosystems and</b>	All rules have immediate legal effect (IB-R1 to IB-R5)	<b>Permitted Activity</b>



<b>Indigenous Biodiversity</b>		<p>IB-R1 – The proposal does not require the removal of any protected vegetation.</p> <p>IB-R2 – The proposal is not for Papakainga.</p> <p>IB-R3 – The vegetation is not within a significant natural area.</p> <p>IB-R4 – No ecological report has been provided with this application. The vegetation clearance is less than 100m<sup>2</sup>.</p> <p>IB-R5 – Not applicable.</p>
<b>Subdivision</b>	<p>The following rules have immediate legal effect:          SUB-R6, SUB-R13, SUB-R14, SUB-R15, SUB-R17</p>	<p><b>Not applicable.</b></p> <p>The proposal is not for subdivision.</p>
<b>Activities on the Surface of Water</b>	<p>All rules have immediate legal effect (ASW-R1 to ASW-R4)</p>	<p><b>Not applicable.</b></p> <p>The proposal does not involve activities on the surface of water.</p>
<b>Earthworks</b>	<p>The following rules have immediate legal effect:          EW-R12, EW-R13</p> <p>The following standards have immediate legal effect:          EW-S3, EW-S5</p>	<p><b>Permitted.</b></p> <p>Earthworks as part of this proposal will proceed under the guidance of ADP and will be in accordance with the Erosion and Sediment Control Guidelines for Land Disturbing Activities in the Auckland Region 2016 (GD-005), in accordance with Rules EW-12, EW-R13, EW-S3 and EW-S5.</p>
<b>Signs</b>	<p>The following rules have immediate legal effect:          SIGN-R9, SIGN-R10</p> <p>All standards have immediate legal effect but only for signs on or attached to a scheduled heritage resource or heritage area</p>	<p><b>Not applicable.</b></p> <p>No signs are proposed as part of this application.</p>
<b>Orongo Bay Zone</b>	<p>Rule OBZ-R14 has partial immediate legal effect because RD-1(5) relates to water</p>	<p><b>Not applicable.</b></p> <p>The site is not located in the Orongo Bay Zone.</p>

### National Environmental Standards

#### National Environment Standard for Assessing and Managing Contaminants in Soil to Protect Human Health 2011

- 3.6. The site is not identified as HAIL on the Council database of HAIL sites. A review of historic aerials indicates that there are no known HAIL activities that have previously occurred or currently occurring within the development areas. For this reason, the proposed activities are not subject to NESCS (National Environment Standard for Assessing and Managing Contaminants in Soil to Protect Human Health).



### National Environmental Standard for Freshwater

- 3.7. The proposed activities do not involve farming, nor would they impact on any natural inland wetlands or waterways. As such, this national standard is not relevant to the application.

### Other National Environmental Standards

- 3.8. There are no other National Environmental Standards are considered applicable to this development.

## 4. Statutory Assessment under the Resource Management Act 1991 (RMA)

### Section 104B of the RMA

- 4.1. Section 104B governs the determination of applications for Discretionary and Non-Complying Activities. With respect to these activities, a consent authority may grant or refuse the application and if it grants the application, it may impose conditions under Section 108.

### Section 104(1) of the RMA

- 5.1. Section 104(1) of the Act states that when considering an application for resource consent –

*“the consent authority must, subject to Part II, have regard to –*

*(a) any actual and potential effects on the environment of allowing the activity; and*

*(ab) any measure proposed or agreed to by the applicant for the purpose of ensuring positive effects on the environment that will or may result from allowing the activity; and*

*(b) any relevant provisions of –*

*i. a national environmental standard:*

*ii. other regulations:*

*iii. a national policy statement:*

*iv. a New Zealand Coastal Policy Statement:*

*v. a regional policy statement or proposed regional policy statement:*

*vi. a plan or proposed plan; and*

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

- 5.2. Actual and potential effects arising from the development as described in 104(1)(a) can be both positive and adverse (as described in Section 3 of the Act). The redevelopment of the existing accommodation facility for patrons to visit and enjoy is a positive effect arising from this activity. Furthermore, the reuse of existing facilities utilises an existing building resource that also avoids adverse effects on other undeveloped parts of the coastal environment. The redevelopment will restore the well-known Kingfish Lodge and enable people to access and enjoy this part of the Far North coastline. The proposal involves the removal of existing



buildings from the marginal strip, which is supported by DOC and Iwi. The visual amenity of the site and surrounding environment will continue to be maintained by a discrete and harmonious building development that remains subservient to the surrounding natural landscape.

- 5.3. Section 104(1)(ab) requires that the consent authority consider 'any measure proposed or agreed to by the applicant for the purposes of ensuring positive effects on the environment to offset or compensate for any adverse effects on the environment that will or may result from allowing the activity'. In this case, the proposal is not of a scale or nature that would require specific offsetting or environmental compensation measures to ensure positive effects on the environment.
- 5.4. Section 104(1)(b) requires that the consent authority consider the relevant provisions of the above listed documents. An assessment of the relevant statutory documents that corresponds with the scale and significance of the effects that the activity may have on the environment is set out below.
- 5.5. Section 104(1)(c) states that consideration must be given to 'any other matters that the consent authority considers relevant and reasonable, necessary to determine the application.' There are no other matters that are relevant to the assessment of this application.

#### **Section 104(1)(a) – Assessment of Environmental Effects**

- 5.6. Having reviewed the relevant plan provisions and taking into account the matters to be addressed by an assessment of environmental effects as outlined in Clause 7 of Schedule 4 of the Act, the following effects are relevant to the assessment of this proposal.
  - *Visual and landscape effects (visual amenity in the coastal environment)*
  - *Building bulk, location and sunlight effects (relative to the marginal strip)*
  - *Building setback from boundaries, small streams and the coastal marine area effects*
  - *Indigenous vegetation effects*
  - *Earthworks effects*
- 5.7. The proposed activities are Discretionary under the ODP. The bundled proposed activity Discretionary Activity status has arisen from infringements to building development rules including visual amenity, building height, sunlight (recession plane), building setback from boundaries and waterways and vegetation clearance.
- 5.8. Development activities involving excavation and filling activities associated with building development, landscaping and the construction of service roads also require land use consent.
- 5.9. The proposal is to restore and upgrade the existing visitor accommodation lodge that has occupied its coastal bay since the 1930's. Historically, development on the site has





encroached onto the Crown owned marginal strip coastal margin and foreshore due to its reliance on wharf and jetty structures that enable boat access to the site. Redevelopment of the site involves both renovation of the existing lodge facilities and, to the extent possible, a relocation of buildings and structures to within the applicant's site. This application is to relocate the existing north accommodation wing further east and inside the site boundary (which is also limited by the hillside behind). The existing meeting room (conference) building will be removed from the DOC marginal strip, and a new meeting room space constructed at the ground floor of the new accommodation building.

### **Visual and Landscape effects**

- 5.10. Registered landscape architect Christine Hawthorn has undertaken a Visual Impact Assessment (VIA) of the proposed north wing accommodation building proposal, including the associated landscaping and earthworks activities. The matters to be assessed relate to the appearance of buildings in the General Coastal zone (visual amenity), and the height and position of the building relative to the boundary of the adjacent marginal strip boundary.
- 5.11. As described earlier in this report, the redeveloped north accommodation wing will be located further to the east and entirely within the applicant's site. The only remaining part of the building remaining within the marginal strip is the eastern end (deck portion) of the captain's suite.
- 5.12. The VIA includes an assessment against the ODP *Section 10.6.5.3.1 Visual Amenity* criteria. For inclusion with this assessment, we have summarised the conclusions. It is Ms Hawthorn's opinion that the visual impact of the redevelopment will be less than minor when viewed from the identified coastal marine area public viewing points and the land-based marginal strip as follows:
- The redeveloped north accommodation building will be located on a similar footprint to the existing building. Despite being two storey, the size, bulk and height of the building is appropriate in the landscape and can be visually assimilated with less than minor adverse visual effects;
  - The building will be set into the landscape and not be viewed on any sensitive ridgeline.
  - The development will not impact any identified natural features, nor will it be located within an area with identified outstanding natural landscape values or high or outstanding natural character values.
  - The proposed exterior building colours and materials will complement the coastal location;
  - The existing and proposed landscape plantings located around the building site will partially screen and soften views from surrounding viewing locations;
  - The volume and area of earthworks and vegetation clearance is very small and will not result in adverse landscape visual effects.
  - Site access is via a boat so will not result in adverse visual effects from constructed roads, parking or manoeuvring areas



- There will be no visual effects arising from utility lines
- In what is already a highly modified coastal location, the development will be consolidated in an existing cluster of buildings with a small degree to change when compared to the existing buildings.

5.13. It is concluded that the development proposal will result in less than minor cumulative visual effects.

5.14. The relocation of buildings off the marginal strip combined with an architectural building design that is sympathetic to the existing coastal landscape and proposed landscape plantings will reduce the overall dominance of buildings over the adjacent public land and ensure that potential adverse visual and landscape effects are less than minor.

### **Scale of Activities**

5.15. As previously outlined in the Table 1 assessment against the ODP General Coastal Zone rules, the scale of people activity to be accommodated on the site is currently authorised, either in terms of existing use rights or consented under RC 2200355-RMALUC (main lodge accommodation wing and standalone boat house) or RC 2230579-RMALUC (bar / restaurant with second storey accommodation units). This consented activity forms part of the existing environment. The overall number of accommodation units is reducing by 6 persons and the overall staff numbers are increasing by the same amount such that there will be no overall change in the numbers of people being accommodated on the site from which is already consented. It is considered that there will therefore be no change in potential adverse effects due to people numbers on this part of the rural coastal environment.

5.16. A lodge type accommodation facility has existed in this location for a long period of time and is well known in Whangaroa. People 'activity' at the site is generally contained around the lodge, other than when arriving by boat or those walking to the headland. The size and scale of the proposed buildings is similar to the former lodge and more appropriate in terms of how it will integrate into the surrounding landscape. Well-designed landscape planting and improvements to the coastal foreshore and marginal strip land will all contribute to an attractive and discrete built form that is located contained adjacent to the foreshore area and well below the hillside landscape behind. There are no close neighbours that would be affected by the use of this part of the site for accommodation and dining facilities. Overall, the potential adverse effects arising from people visiting and staying at the site are assessed to be no more than minor.

### **Building bulk, location and sunlight (overshadowing) effects**

5.17. In combination with the consented boat house, main lodge, bar and restaurant, the redeveloped north accommodation wing building will become an extension of what is intended to be a continuous built form that is orientated towards its crescent bay location. The overall building architectural style combines the use of natural timber and stone / concrete materials in a manner that is sympathetic and appropriate in this coastal



environment location. The use of recessive natural colours would be consistently used throughout each stage of the development.

- 5.18. The topography of the site with the significant hillside area to the east limits the location of the buildings. To the extent possible, the redeveloped accommodation building will be located east of its current footprint to be within the applicant's site and outside of the marginal strip. The existing conference building will also be removed. The relocation of these buildings will reduce the building dominance effect on the public marginal strip. While some infringement of the building recession plane (sunlight) and height will remain with the new building, this is limited to the southern end and results from a redesign of the pitched roofline. Minor modifications to the existing bar / restaurant building will integrate the two buildings and provide roof shelter to proposed exterior decks and connecting stairs.
- 5.19. Chapter 11 of the ODP contains the assessment criteria against which breaches to building height and sunlight. These criteria are commented on as follows:

***(a) The extent to which adjacent properties will be adversely affected in terms of visual domination, overshadowing, loss of privacy and loss of access to sunlight and daylight.***

- 5.19.1. The adjacent property that is affected by the building redevelopment is the Crown owned marginal strip adjacent to the coastal marine area. This land is already affected by Kingfish Lodge buildings that are located within the marginal strip. Despite being a two-storey proposal, the proposed redevelopment would remove all buildings from within the marginal strip and reduce the overall building height and recession plane infringement effect on this land. At the southern end the building will be articulated to align with the property boundary and to essentially follow the crescent shape of the bay coastal margin.

***(b) The ability to mitigate any adverse effects by way of increased separation distances between buildings or the provision of landscaping and screening.***

- 5.19.2. The ability to relocate the buildings away from the marginal strip land is limited by the topography of the site and the hillside behind. The architectural design of the new building has sought to sympathetically replicate the old buildings by positioning them adjacent to the boundary and articulating the southern end where it adjoins the bar / restaurant. All the existing buildings within the marginal strip will be removed. These areas will be appropriately landscaped and additional trees planted to soften and break up the western façade that faces the coastal marine area. An improved public access arrangement will be enabled via the lodge jetty, proposed deck and stairs to access the beach area (regional consent is currently being sought for this) and future access to the northern parts of the marginal strip (which will form future applications once a concession has been finalised).

***(c) The extent of the building area and the scale of the building and the extent to which they are compatible with both the built and natural environments in the vicinity.***



5.19.3. Registered landscape architect Christine Hawthorn has assessed the proposed redevelopment in terms of its potential effects on the landscape context of the site which includes natural environment elements. Ms Hawthorn notes that the Kingfish Lodge property is already a modified environment. The proposed buildings will be located on a similar footprint to the existing. They are discretely located low down in the landscape and not on ridgelines. Building colours and materials are sympathetic to the natural character of the site surrounds. The built development would remain subservient to the natural landscape environment.

***(d) The spatial relationship between the new building and adjacent residential units, and the outdoor space used by those units.***

5.19.4. Development on the site is a single accommodation complex known as Kingfish Lodge. There is a caretaker residence on the property. No other adjacent residential units would be affected.

***(e) The nature of the activity to be carried out within the building and its likely generated effects.***

5.19.5. The proposed activity is the redevelopment of an existing accommodation Lodge. The buildings will be located in a similar location to the existing buildings. This location is low down in the landscape and adjacent to the coastal marine area and marginal strip. Spatially, the overall extent of the building complex is not increasing. The building design would utilise natural colours and materials that are sympathetic to the existing coastal environment. Registered landscape architect Christine Hawthorn has concluded that any potential adverse effects arising from the building redevelopment will be less than minor.

**Reduced setback from adjacent property boundary effects**

5.20. The relocated accommodation building will be set back from its current location to be entirely within the applicant's site. The topography at the rear of the building limits the extent to which the building can be located further eastward.

5.21. The ODP Discretionary Activity assessment criteria for reduced setbacks from boundaries are set out in Chapter 11, Clause 11.6 and are commented on as follows:

***(a) Where there is a setback, the extent to which the proposal is in keeping with the existing character and form of the street or road, in particular with the external scale, proportions and buildings on the site and on adjacent sites.***

5.21.1. The existing Lodge is a single accommodation facility that has existed since the early 1930's. The proposed redevelopment will add a second storey to the buildings but is generally in keeping with the linear extent of the existing building complex. The footprint of the lodge will improve significantly insofar as it will be located entirely within the applicant's site and outside the marginal strip. The relocation of the buildings will reduce the building dominance (including shadowing) over adjacent public land and improve access to, and



along the foreshore. The exterior building materials and colours are natural and sympathetic to the surrounding landscape.

***(b) The extent to which the building(s) intrudes into the street scene or reduces outlook and privacy of adjacent properties.***

5.21.2. No streetscape would be affected by the proposed activities. The adjacent property affected by the proposed activity is the Crown owned marginal strip. The marginal strip provides public access to land adjacent to the foreshore. The removal of the conference room building will improve the north-south outlook along the marginal strip. Furthermore, ultimate development plans include providing walking access to the nearby gun emplacement sites on the marginal strip headland to the north. Public access will be enabled via the existing wharf structure and the marginal strip beach area to the headland.

***(c) The extent to which the buildings restrict visibility for vehicle manoeuvring.***

5.21.3. There are limited vehicles on the site used by staff and management. Vehicles are generally side by sides used for weed and pest control or gaining access around the property for maintenance. Throughout the construction phase some vehicles will be brought to the site overland from Tauranga Bay via the adjacent farm sites. There is no public vehicle access to the lodge site. The buildings will have no effect on vehicle manoeuvring.

***(d) The ability to mitigate any adverse effects on the surrounding environment, for example by way of street planting.***

5.21.4. Landscaping will be undertaken in accordance with plans prepared by Christine Hawthorn. The proposed planting is illustrated on the Hawthorn Landscape Architects Dwg Plan 2.0 and 2.1 attached at **Appendix 7**. Indigenous landscape planting will predominate in the marginal strip with a mix of low shrubs and trees to screen and soften the west (CMA) facing building façade.

***(e) The extent to which provision has been made to enable and facilitate all building maintenance and construction activities to be contained within the boundaries of the site***

5.21.5. Construction of buildings and landscaping does require some development site works to be undertaken within the adjacent marginal strip. DOC has provided written approval to these works as part of an agreed overall re-development of the lodge facility. At least 2 concession applications are necessary for the overall development. One application has been with DOC since 2018 and is nearing completion. A second concession license will be sought in early 2025.

**Reduced setback from streams and the coastal marine area effects**

5.22. The proposal is to relocate the existing north accommodation building further away from the coastal marine area and the marginal strip and to remove the existing conference building





entirely. This will remove the existing encroachment and provide greater separation between the buildings and foreshore area.

5.23. The nearby stream that runs under the restaurant building does not meet the definition of a river, as it is less than 3m in width. While this is the case, there is a small setback imposed. Given the proximity of the development to this stream consent is also triggered as detailed in the assessment above.

5.24. An assessment against the relevant assessment criteria in Rule 12.7.7 is set commented on:

***(a) the extent to which the activity may adversely affect cultural and spiritual values;***

5.24.1. Consultation has been and continues to be undertaken with Te Ukaipo who is the iwi liaison unit from Te Runanga o Whangaroa. A cultural values assessment was prepared and submitted in respect to the previous application that involved the redevelopment of the restaurant / bar building. This involved building over the existing stream as well as within the required setback margins. The north accommodation building is a northward extension to the bar / restaurant building that will replace existing buildings. Subject to conditions, the CVA did not identify any potential adverse impacts from the development on the cultural or spiritual values of the hapu. The relocation of buildings off the marginal strip and the removal of weed species and indigenous native plantings is supported.

5.24.2. As well as meeting with Te Ukaipo, we have also meet with representatives from Kahukuraariki / Ngatikahu ki Whangaroa. During the meeting, hosted by DoC no issues were raised regarding the district council land use consenting.

***(b) the extent to which the activity may adversely affect wetlands;***

5.24.3. No natural inland or coastal wetlands would be affected by the proposed activities.

***(c) the extent to which the activity may exacerbate or be adversely affected by natural hazards;***

5.24.4. The building site is within an identified river and coastal flood hazard zone. Habitable buildings have been designed with appropriate floor levels to ensure any potential flooding is avoided.

***(d) the potential effects of the activity on the natural character and amenity values of lakes, rivers, wetlands and their margins or the coastal environment;***

5.24.5. Registered landscape architect Christine Hawthorn has assessed the potential effect of the building redevelopment on the natural character of the coastal location. She notes the already modified state of this environment and that the redevelopment would essentially occupy the same footprint. The addition of a second storey would not adversely affect the surrounding landscape which is elevated well above the building complex.



**(e) the history of the site and the extent to which it has been modified by human intervention;**

5.24.6. The site has been extensively modified by human intervention dating back to prior to the war. The site is well known as an accommodation Lodge.

**(f) the potential effects on the biodiversity and life supporting capacity of the water body or coastal marine area or riparian margins;**

5.24.7. The building development area is set back from the coastal marine area and separated by the marginal strip which has a variable width. The development activities include earthworks that have the potential to impact the coastal marine environment and the adjacent stream area. Appropriate erosion and sediment control measures will be implemented to avoid sediment runoff into these areas. Constructed seawalls will also limit runoff. Water supply is from a local bore consented under AUT.005424.02.05. Clean roof stormwater will be discharged to the stream.

**(g) the potential and cumulative effects on water quality and quantity, and in particular, whether the activity is within a water catchment that serves a public water supply;**

5.24.8. The activity is not within a water catchment that serves a public water supply. The Lodge site has regional resource consent (AUT.005424.02.05) to take water from a nearby bore for lodge supply use.

**(h) the extent to which any proposed measures will mitigate adverse effects on water quality or on vegetation on riparian margins;**

5.24.9. As detailed above, erosion and sediment control measures will be implemented.

**(i) whether there are better alternatives for effluent disposal;**

5.24.10. NRC resource consent AUT.005424.03.06 has been granted to discharge treated wastewater into the site via deep bores. The wastewater tanks being established within proximity to the CMA and the stream offer additional processing of the waste prior to its disposal.

**(j) the extent to which the activity has a functional need to establish adjacent to a water body;**

5.24.11. This proposal is for the redevelopment of an existing lodge facility. The applicant is seeking to, where possible, reuse and renovate existing buildings that are well known as 'Kingfish Lodge'. The lodge relies on boat access from within the Whangaroa Harbour and was historically located adjacent to the foreshore as a fisherman's retreat. Reinstating new buildings in the same or similar location would avoid extending built development into the surrounding landscape, which is also limited by steeper topography, archaeology and native vegetation.



***(k) whether there is a need to restrict public access or the type of public access in situations where adverse safety or operational considerations could result if an esplanade reserve or strip were to vest.***

5.24.12. Restricting public access to the adjacent marginal strip may be required temporarily during earthworks and construction. This matter will be addressed directly with DOC.

**Indigenous Vegetation Clearance effects**

5.25. The proposal will result in some small-scale vegetation clearance involving a few cabbage trees and the relocation of a single Pohutukawa tree. The area of clearance is less than 100m<sup>2</sup> and is illustrated on Plan **RC.M.10 Rev B**. A landscape plan prepared by registered landscape architect Christine Hawthorn is illustrated on the Hawthorn Plan DWG 2.0 and 2.1 and includes substantial areas of indigenous planting to revegetate the marginal strip and to mitigate the visual effects of the building development. The area of clearance is not significant in comparison to what will be planted along the foreshore margin. DOC have provided written approval to the minor vegetation removal and proposed landscaping. Both Te Ukaipo (via Eljon Fitzgerald) and Kahukuraariki / Ngatikahu ki Whangaroa (via Roger Kingi and Bill Hori) have been and continue to be consulted with throughout the Kingfish Lodge redevelopment. I note that correspondence from both parties has been received with Te Ukaipo seeking cultural monitoring of the earthworks activities. We will be in contact with them to discuss a consent condition to cover this aspect. Bill Hori, a representative for Ngatikahu ki Whangaroa has not raised any concerns in his responses to the full plan set. The removal of weed and exotic species will improve the overall biodiversity and amenity of this location.

**Land disturbance (earthworks effects)**

5.26. Earthworks are required to construct building platforms, stabilisation of hillside cuts (retaining) and landscaping. The full extent of earthworks is illustrated on **RC.M.07. Rev E**. This plan shows the cut and fill locations as well as stockpile locations. All of the proposed retaining walls are subject to engineering design that requires building consent.

5.27. Proposed earthworks activities associated with this application are Discretionary overall. Some fill material will be removed from the building site location to the two fill sites described earlier in the application. These two sites are situated well away from the foreshore area and are not expected to generate any adverse sediment runoff effects. The northern location Disposal 1 site will become the helicopter landing location.

5.28. Earthworks activities will be managed in accordance with the erosion and sediment control plan illustrated on **Plan RC.M.08 Rev E**. A silt fence is to be constructed around the perimeter of the building site and maintained for the duration of the works. At the stream margins a silt sock will be installed to prevent sediment entering the freshwater environment.



5.29. ODP Assessment criteria 12.3.7 are commented on as follows:

**(a) the degree to which the activity may cause or exacerbate erosion and/or other natural hazards on the site or in the vicinity of the site, particularly lakes, rivers, wetlands and the coastline;**

5.29.1. All earthworks activities have the potential to cause or exacerbate erosion and other hazards such as slipping. The site works design includes erosion and sediment control measures to ensure that sediment is not discharged into the CMA or the adjacent stream environment. These measures are in accordance with the Auckland guidelines GD-005 as required by the PDP.

**(b) any effects on the life supporting capacity of the soil;**

5.29.2. There would be no adverse effects on the life supporting capacity of soil.

**(c) any adverse effects on stormwater flow within the site, and stormwater flow to or from other properties in the vicinity of the site including public roads;**

5.29.3. The runoff of sediment laden stormwater will be restricted by the silt fence constructed in the lower slopes of the site on the landward side of the seawall. Silt fences on the upper slopes will prevent material being washed through the site during construction. Earthworks and landscaping is for a limited duration and will be reinstated with landscape planting. Ultimately stormwater from roof areas will be connected to an underground drainage system that is to discharge to the stream.

**(d) any reduction in water quality;**

5.29.4. With appropriate erosion and sediment control measures in place, there is not expected to be any reduction in water quality.

**(e) any loss of visual amenity or loss of natural character of the coastal environment;**

5.29.5. Any loss of visual amenity is expected to be temporary as the Lodge works are completed. The works are contained within the existing built area and will not impact any unmodified areas of the coastal environment in this location. The works area is at the foreshore elevation and has limited visibility from the surrounding area. There would be no loss of existing natural character. The two proposed fill disposal areas will be reinstated when works are complete.

**(f) effects on Outstanding Landscape Features and Outstanding Natural Features (refer to Appendices 1A and 1B in Part 4, and Resource Maps);**

5.29.6. The proposed earthworks activities will not impact any mapped OLF or ONF. It is noted that the helicopter landing area does in fact sit outside of the ONL.



***(g) the extent to which the activity may adversely affect areas of significant indigenous vegetation or significant habitats of indigenous fauna;***

5.29.7. The proposed earthworks activities will not impact any significant habitats of indigenous vegetation or fauna.

***(h) the extent to which the activity may adversely affect heritage resources, especially archaeological sites;***

5.29.8. The archaeological assessment prepared by Hans Bader-Dieter (refer **Appendix 8**) has confirmed that the proposed earthworks activities will not impact any known archaeological sites. This includes the disposal site 1 that is adjacent to the pa site at the northern headland.

***(i) the extent to which the activity may adversely affect the cultural and spiritual values of Maori, especially Sites of Cultural Significance to Maori and waahi tapu (as listed in Appendix 1F in Part 4, and shown on the Resource Maps);***

5.29.9. The Applicant has consulted extensively with Eljon Fitzgerald from Te Ukaipo about the proposed redevelopment of the site. A meeting facilitated by DoC was also held in October which included both Roger Kingi and Bill Hori from Ngatikahu ki Whangaroa / Kahukuraariki to discuss the overall development. Both meetings were very positive. The earthworks are an integral part of the works activities. The adjacent stream is a location of cultural and spiritual significance to the local hapu and erosion and sediment control measures have been included to ensure proper respect for this area is ensured.

***(j) any cumulative adverse effects on the environment arising from the activity;***

5.29.10. Proposed earthworks activities are limited in area and duration. Exposed areas will be contained by erosion and sediment control silt fences and silt socks and stockpile areas located away from the sensitive stream and foreshore environments.

***(k) the effectiveness of any proposals to avoid, remedy or mitigate any adverse effects arising from the activity;***

5.29.11. The proposed erosion and sediment control measures as expected to be effective in containing sediment runoff during the works period. Compliance with Auckland Guidelines GD-005 is a requirement of PDP rules that have current legal effect.

***(l) the ability to monitor the activity and to take remedial action if necessary;***

5.29.12. Council has the ability to monitor activities granted under resource consents and take remedial action where necessary. The marginal strip provides a land buffer between the main site works area and the foreshore. With the approval of DOC, erosion and sediment control measures will be located in the marginal strip until works are completed.

***(m) the criteria in Section 11.20 Development Plans in Part 2.***

5.29.13. Not applicable





**(n) the criteria in Section 17.2.7 National Grid Yard**

5.29.14. Not applicable

**Section 104(1)(b) – Relevant Provisions of Any Statutory Planning Document**

5.30. In accordance with Section 104(1)(b) of the Act, the following statutory policy statements and plans are relevant to this application.

**National Policy Statements (section 104(1)(b)(iii))**

- 5.31. There are currently six operative National Policy Statements. These are as follows:
- New Zealand Coastal Policy Statement (NZCPS)
  - National Policy Statement on Urban Development (NPS UD)
  - National Policy Statement for Freshwater Management (NPS FM)
  - National Policy Statement for Renewable Electricity Generation (NPS RE)
  - National Policy Statement on Electricity Transmission (NPS ET)
  - National Policy Statement for Highly Productive Land (NPS HPL)
  - National Policy Statement for Greenhouse Gas Emissions from Industrial Process Heat (NPS-GG)
- 5.32. The NZCPS is relevant to the assessment of this application because the site is within the Coastal Environment as mapped by the RPSN. The objectives and policies of the NZCPS are high level and given effect to in the Northland context by the RPSN. No other national policy statements are relevant to this application.

**New Zealand Coastal Policy Statement 2010**

5.33. An assessment of the relevant objectives and policies are commented on below:

<b>Objective 1</b>	<p><i>To safeguard the integrity, form, functioning and resilience of the coastal environment and sustain its ecosystems, including marine and intertidal areas, estuaries, dunes and land, by:</i></p> <ul style="list-style-type: none"> <li>• <i>maintaining or enhancing natural biological and physical processes in the coastal environment and recognizing their dynamic, complex and interdependent nature;</i></li> <li>• <i>protecting representative or significant natural ecosystems and sites of biological importance and maintaining the diversity of New Zealand’s indigenous coastal flora and fauna; and</i></li> <li>• <i>maintaining coastal water quality, and enhancing it where it has deteriorated from what would otherwise be its natural condition, with significant adverse effects on ecology and habitat, because of discharges associated with human activity.</i></li> </ul>
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<b>Policy 1</b>	<ol style="list-style-type: none"> <li>1. <i>Recognise that the extent and characteristics of the coastal environment vary from region to region and locality to locality; and the issues that arise may have different effects in different localities.</i></li> <li>2. <i>Recognise that the coastal environment includes:</i> <ol style="list-style-type: none"> <li>a. <i>the coastal marine area;</i></li> <li>b. <i>islands within the coastal marine area;</i></li> <li>c. <i>areas where coastal processes, influences or qualities are significant, including coastal lakes, lagoons, tidal estuaries, saltmarshes, coastal wetlands, and the margins of these;</i></li> <li>d. <i>areas at risk from coastal hazards;</i></li> <li>e. <i>coastal vegetation and the habitat of indigenous coastal species including migratory birds;</i></li> <li>f. <i>elements and features that contribute to the natural character, landscape, visual qualities or amenity values;</i></li> <li>g. <i>items of cultural and historic heritage in the coastal marine area or on the coast;</i></li> <li>h. <i>inter-related coastal marine and terrestrial systems, including the intertidal zone; and</i></li> <li>i. <i>physical resources and built facilities, including infrastructure, that have modified the coastal environment.</i></li> </ol> </li> </ol>
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5.33.1. The redevelopment and retention of Kingfish Lodge would not be contrary to the NZCPS objectives and policies that seek to safeguard the integrity, form, functioning and resilience of the coastal environment and sustain its ecosystems. THE RPSN has mapped the extent of the coastal environment in this location. This includes the Lodge site.

5.33.2. Retaining the Lodge and improving the buildings to a modern standard that has been designed to integrate with the surrounding environment will not adversely affect the integrity, form, functioning or resilience of the coastal environment. The removal of weed species and exotic trees and their replacement with indigenous species will improve the appearance and biodiversity of the Lodge environment. Erosion and sediment control measures will form part of this consent to ensure coastal water quality is not impacted during construction works.

<b>Objective 2</b>	<p><i>To preserve the natural character of the coastal environment and protect natural features and landscape values through:</i></p> <ul style="list-style-type: none"> <li>• <i>recognizing the characteristics and qualities that contribute to natural character, natural features and landscape values and their location and distribution;</i></li> <li>• <i>identifying those areas where various forms of subdivision, use and development would be inappropriate and protecting them from such activities; and</i></li> <li>• <i>encouraging restoration of the coastal environment.</i></li> </ul>
<b>Policy 13</b>	<p><b><i>Preservation of natural character</i></b></p> <ol style="list-style-type: none"> <li>1. <i>To preserve the natural character of the coastal environment and to protect it from inappropriate subdivision, use, and development:</i></li> </ol>



	<ul style="list-style-type: none"> <li>a. <i>avoid adverse effects of activities on natural character in areas of the coastal environment with outstanding natural character; and</i></li> <li>b. <i>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:</i></li> <li>c. <i>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</i></li> <li>d. <i>ensuring that regional policy statements, and plans, identify areas where preserving natural character requires objectives, policies and rules, and include those provisions.</i></li> </ul> <p>2. <i>Recognise that natural character is not the same as natural features and landscapes or amenity values and may include matters such as:</i></p> <ul style="list-style-type: none"> <li>a. <i>natural elements, processes and patterns;</i></li> <li>b. <i>biophysical, ecological, geological and geomorphological aspects;</i></li> <li>c. <i>natural landforms such as headlands, peninsulas, cliffs, dunes, wetlands, reefs, freshwater springs and surf breaks;</i></li> <li>d. <i>the natural movement of water and sediment;</i></li> <li>e. <i>the natural darkness of the night sky;</i></li> <li>f. <i>places or areas that are wild or scenic;</i></li> <li>g. <i>a range of natural character from pristine to modified; and</i></li> <li>h. <i>experiential attributes, including the sounds and smell of the sea; and their context or setting.</i></li> </ul>
<b>Policy 14</b>	<p><b><i>Restoration of natural character</i></b></p> <p><i>Promote restoration or rehabilitation of the natural character of the coastal environment, including by:</i></p> <ul style="list-style-type: none"> <li>a. <i>identifying areas and opportunities for restoration or rehabilitation;</i></li> <li>b. <i>providing policies, rules and other methods directed at restoration or rehabilitation in regional policy statements, and plans;</i></li> <li>c. <i>where practicable, imposing or reviewing restoration or rehabilitation conditions on resource consents and designations, including for the continuation of activities; and recognising that where degraded areas of the coastal environment require restoration or rehabilitation, possible approaches include:</i> <ul style="list-style-type: none"> <li>i. <i>restoring indigenous habitats and ecosystems, using local genetic stock where practicable; or</i></li> <li>ii. <i>encouraging natural regeneration of indigenous species, recognising the need for effective weed and animal pest management; or</i></li> <li>iii. <i>creating or enhancing habitat for indigenous species; or</i></li> <li>iv. <i>rehabilitating dunes and other natural coastal features or processes, including saline wetlands and intertidal saltmarsh; or</i></li> <li>v. <i>restoring and protecting riparian and intertidal margins; or</i></li> <li>vi. <i>reducing or eliminating discharges of contaminants; or</i></li> <li>vii. <i>removing redundant structures and materials that have been assessed to have minimal heritage or amenity values and when</i></li> </ul> </li> </ul>



	<p><i>the removal is authorised by required permits, including an archaeological authority under the Historic Places Act 1993; or</i></p> <p><i>viii. restoring cultural landscape features; or</i></p> <p><i>ix. redesign of structures that interfere with ecosystem processes; or</i></p> <p><i>x. decommissioning or restoring historic landfill and other contaminated sites which are, or have the potential to, leach material into the coastal marine area.</i></p>
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5.33.3. The application site is an existing modified coastal environment that contains the former Kingfish Lodge buildings. The natural character values of the existing Lodge site are low and have been degraded over time by past activities. NZCPS objective 2 seeks to preserve the natural character of the coastal and environment and protect it from inappropriate development.

5.33.4. The proposal is to redevelop this facility to a modern, functional standard on what is largely the same footprint. The existing building encroachment into the adjacent DOC marginal strip will be removed and public access opportunities maintained and enhanced. To the extent that is possible on a previously modified site, landscape planting with predominantly indigenous species will enhance the natural character of the site as recommended by registered landscape architect Christine Hawthorn. Built development will remain low down in the landscape adjacent to the coastal marine with the hillside behind remaining in their natural regenerating state.

<b>Objective 3</b>	<p><i>To take account of the principles of the Treaty of Waitangi, recognize the role of tangata whenua as kaitiaki and provide for tangata whenua involvement in management of the coastal environment by:</i></p> <ul style="list-style-type: none"> <li><i>• recognizing the ongoing and enduring relationship of tangata whenua over their lands, rohe and resources;</i></li> <li><i>• promoting meaningful relationships and interactions between tangata whenua and persons exercising functions and powers under the Act;</i></li> <li><i>• incorporating mātauranga Māori into sustainable management practices; and</i></li> <li><i>• recognising and protecting characteristics of the coastal environment that are of special value to tangata whenua.</i></li> </ul>
<b>Policy 2</b>	<p><b><i>The Treaty of Waitangi, tangata whenua and Maori</i></b></p> <p><i>In taking account of the principles of the Treaty of Waitangi (Te Tiriti o Waitangi), and kaitiakitanga, in relation to the coastal environment:</i></p> <ol style="list-style-type: none"> <li><i>a. recognise that tangata whenua have traditional and continuing cultural relationships with areas of the coastal environment, including places where they have lived and fished for generations;</i></li> <li><i>b. involve iwi authorities or hapū on behalf of tangata whenua in the preparation of regional policy statements, and plans, by undertaking</i></li> </ol>



	<p><i>effective consultation with tangata whenua; with such consultation to be early, meaningful, and as far as practicable in accordance with tikanga Māori;</i></p> <p><i>c. with the consent of tangata whenua and as far as practicable in accordance with tikanga Māori, incorporate mātauranga Māori<sup>1</sup> in regional policy statements, in plans, and in the consideration of applications for resource consents, notices of requirement for designation and private plan changes;</i></p> <p><i>d. provide opportunities in appropriate circumstances for Māori involvement in decision making, for example when a consent application or notice of requirement is dealing with cultural localities or issues of cultural significance, and Māori experts, including pūkenga<sup>2</sup>, may have knowledge not otherwise available;</i></p> <p><i>e. take into account any relevant iwi resource management plan and any other relevant planning document recognised by the appropriate iwi authority or hapū and lodged with the council, to the extent that its content has a bearing on resource management issues in the region or district; and</i></p> <p style="padding-left: 40px;"><i>i. where appropriate incorporate references to, or material from, iwi resource management plans in regional policy statements and in plans; and</i></p> <p style="padding-left: 40px;"><i>ii. consider providing practical assistance to iwi or hapū who have indicated a wish to develop iwi resource management plans;</i></p> <p><i>f. provide for opportunities for tangata whenua to exercise kaitiakitanga over waters, forests, lands, and fisheries in the coastal environment through such measures as:</i></p> <p style="padding-left: 40px;"><i>i. bringing cultural understanding to monitoring of natural resources;</i></p> <p style="padding-left: 40px;"><i>ii. providing appropriate methods for the management, maintenance and protection of the taonga of tangata whenua;</i></p> <p style="padding-left: 40px;"><i>iii. having regard to regulations, rules or bylaws relating to ensuring sustainability of fisheries resources such as taiāpure, mahinga mātaimai or other non commercial Māori customary fishing;</i></p> <p><i>g. in consultation and collaboration with tangata whenua, working as far as practicable in accordance with tikanga Māori, and recognising that tangata whenua have the right to choose not to identify places or values of historic, cultural or spiritual significance or special value:</i></p> <p style="padding-left: 40px;"><i>i. recognise the importance of Māori cultural and heritage values through such methods as historic heritage, landscape and cultural impact assessments; and</i></p> <p style="padding-left: 40px;"><i>ii. provide for the identification, assessment, protection and management of areas or sites of significance or special value to Māori, including by historic analysis and archaeological survey and the development of methods such as alert layers and</i></p>
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	<i>predictive methodologies for identifying areas of high potential for undiscovered Māori heritage, for example coastal pā or fishing villages.</i>
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- 5.33.5. The re-design of Kingfish Lodge has taken into consideration the principles of the Treaty of Waitangi, in particular the relationship local hapu has with this coastal location.
- 5.33.6. The ODP, PDP and the PRPN do not identify the site or its immediate environs with any sites of significance to Maori or Tangata Whenua. NZAA has mapped P04/582, 583, 584 & 585 as being on the site. 582 – 584 are all located on the upper portion of the site near Kingfish point. 585 is located on the southern point near the area of slip. An on-site meeting in November 2019 with Te Ukaipo – Iwi Environmental Unit for Te Runanga o Whaingaroa specifically identified 585 as a tapu area. All development is located outside of these areas and karakia to ‘clear and cleanse’ the site prior to the first development works being undertaken has occurred thanks to Te Ukaipo. It is likely that with the next stage of development further involvement of Te Ukaipo in blessing the site will take place.
- 5.33.7. Over the design and redevelopment period of the Lodge, consultation with local hapu has been ongoing and a respectful, consultative relationship has been established. At time of lodging we have received an email requesting some cultural monitoring. While we will be again sending the full and complete application to them and discussing the wording of a consent condition, we respectfully ask that Council also send them a copy of the application. Overall, it is considered that the relationship of tangata whenua with this site will be maintained and enhanced through improvements to public access to the beach and northern headland via the marginal strip.

<b>Objective 4</b>	<i>To maintain and enhance the public open space qualities and recreation opportunities of the coastal environment by:</i> <ul style="list-style-type: none"> <li>• <i>recognising that the coastal marine area is an extensive area of public space for the public to use and enjoy;</i></li> <li>• <i>maintaining and enhancing public walking access to and along the coastal marine area without charge, and where there are exceptional reasons that mean this is not practicable providing alternative linking access close to the coastal marine area; and</i></li> <li>• <i>recognising the potential for coastal processes, including those likely to be affected by climate change, to restrict access to the coastal environment and the need to ensure that public access is maintained even when the coastal marine area advances inland.</i></li> </ul>
<b>Policy 18</b>	<b><i>Public Open Space</i></b> <i>Recognise the need for public open space within and adjacent to the coastal marine area, for public use and appreciation including active and passive recreation, and provide for such public open space, including by:</i>



	<ul style="list-style-type: none"> <li>a. <i>ensuring that the location and treatment of public open space is compatible with the natural character, natural features and landscapes, and amenity values of the coastal environment;</i></li> <li>b. <i>taking account of future need for public open space within and adjacent to the coastal marine area, including in and close to cities, towns and other settlements;</i></li> <li>c. <i>maintaining and enhancing walking access linkages between public open space areas in the coastal environment;</i></li> <li>d. <i>considering the likely impact of coastal processes and climate change so as not to compromise the ability of future generations to have access to public open space; and</i></li> <li>e. <i>recognising the important role that esplanade reserves and strips can have in contributing to meeting public open space needs.</i></li> </ul>
<b>Policy 19</b>	<p><b><i>Walking Access</i></b></p> <ul style="list-style-type: none"> <li>1. <i>Recognise the public expectation of and need for walking access to and along the coast that is practical, free of charge and safe for pedestrian use.</i></li> <li>2. <i>Maintain and enhance public walking access to, along and adjacent to the coastal marine area, including by:</i> <ul style="list-style-type: none"> <li>a. <i>identifying how information on where the public have walking access will be made publicly available;</i></li> <li>b. <i>avoiding, remedying or mitigating any loss of public walking access resulting from subdivision, use, or development; and</i></li> <li>c. <i>identifying opportunities to enhance or restore public walking access, for example where:</i> <ul style="list-style-type: none"> <li>i. <i>connections between existing public areas can be provided; or</i></li> <li>ii. <i>improving access would promote outdoor recreation; or</i></li> <li>iii. <i>physical access for people with disabilities is desirable; or</i></li> <li>iv. <i>the long-term availability of public access is threatened by erosion or sea level rise; or</i></li> <li>v. <i>access to areas or sites of historic or cultural significance is important; or</i></li> <li>vi. <i>subdivision, use, or development of land adjacent to the coastal marine area has reduced public access, or has the potential to do so.</i></li> </ul> </li> </ul> </li> <li>3. <i>Only impose a restriction on public walking access to, along or adjacent to the coastal marine area where such a restriction is necessary:</i> <ul style="list-style-type: none"> <li>a. <i>to protect threatened indigenous species; or</i></li> <li>b. <i>to protect dunes, estuaries and other sensitive natural areas or habitats; or</i></li> <li>c. <i>to protect sites and activities of cultural value to Māori; or</i></li> </ul> </li> </ul>



	<p><i>d. to protect historic heritage; or</i></p> <p><i>e. to protect public health or safety; or</i></p> <p><i>f. to avoid or reduce conflict between public uses of the coastal marine area and its margins; or</i></p> <p><i>g. for temporary activities or special events; or</i></p> <p><i>h. for defence purposes in accordance with the Defence Act 1990; or</i></p> <p><i>i. to ensure a level of security consistent with the purpose of a resource consent; or</i></p> <p><i>j. in other exceptional circumstances sufficient to justify the restriction.</i></p> <p>4. <i>Before imposing any restriction under (3), consider and where practicable provide for alternative routes that are available to the public free of charge at all times.</i></p>
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5.33.8. The site is adjacent to a DOC administered marginal strip which prior to the construction of new seawalls was being eroded by the coast. Kingfish Lodge has constructed a sea wall to protect not only their property from coastal processes, but also the marginal strip. A concession application has been made to the Department of Conservation to cover the activities and infrastructure that are currently being undertaken within this space. This application has been publicly notified with no submissions received. A further concession application to cover the latest plans and works within the marginal strip will be sought in early 2025.

5.33.9. The overall re-development plan for the Lodge includes the maintenance of public access to the marginal strip (via the jetty wharf), the beaches and the northern headland via future proposed walkway tracks and access stairs. Existing buildings including the conference room and parts of the accommodation wing will be removed from the marginal strip and replaced with coastal appropriate indigenous vegetation.

<b>Objective 5</b>	<p><i>To ensure that coastal hazard risks taking account of climate change, are managed by:</i></p> <ul style="list-style-type: none"> <li><i>• locating new development away from areas prone to such risks;</i></li> <li><i>• considering responses, including managed retreat, for existing development in this situation; and</i></li> <li><i>• protecting or restoring natural defences to coastal hazards.</i></li> </ul>
<b>Policy 24</b>	<p><b><i>Identification of coastal hazards</i></b></p> <p><i>1. Identify areas in the coastal environment that are potentially affected by coastal hazards (including tsunamis), giving priority to the identification of areas at high risk of being affected. Hazard risks, over at least 100 years, are to be assessed having regard to:</i></p> <p style="margin-left: 40px;"><i>a. physical drivers and processes that cause coastal change including sea level rise;</i></p>



	<p><i>b. short-term and long-term natural dynamic fluctuations of erosion and accretion;</i></p> <p><i>c. geomorphological character;</i></p> <p><i>d. the potential for inundation of the coastal environment, taking into account potential sources, inundation pathways and overland extent;</i></p> <p><i>e. cumulative effects of sea level rise, storm surge and wave height under storm conditions;</i></p> <p><i>f. influences that humans have had or are having on the coast;</i></p> <p><i>g. the extent and permanence of built development; and</i></p> <p><i>h. the effects of climate change on:</i></p> <p style="padding-left: 40px;"><i>i. matters (a) to (g) above;</i></p> <p style="padding-left: 40px;"><i>ii. storm frequency, intensity and surges; and</i></p> <p style="padding-left: 40px;"><i>iii. coastal sediment dynamics;</i></p> <p><i>taking into account national guidance and the best available information on the likely effects of climate change on the region or district.</i></p>
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5.33.10. The site frontage is mapped as being prone to both coastal and river flood hazards. The proposed buildings will be located above the 1% AEP to ensure that it will be unaffected by those hazards.

5.33.11. The recent addition of a sea wall will also assist in protecting the property from hazards. The wastewater infrastructure will be located underground.

<p>Objective 6</p>	<p><i>To enable people and communities to provide for their social, economic, and cultural wellbeing and their health and safety, through subdivision, use, and development, recognizing that:</i></p> <ul style="list-style-type: none"> <li><i>• the protection of the values of the coastal environment does not preclude use and development in appropriate places and forms, and within appropriate limits;</i></li> <li><i>• 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;</i></li> <li><i>• functionally some uses and developments can only be located on the coast or in the coastal marine area;</i></li> <li><i>• the coastal environment contains renewable energy resources of significant value;</i></li> <li><i>• the protection of habitats of living marine resources contributes to the social, economic and cultural wellbeing of people and communities;</i></li> <li><i>• the potential to protect, use, and develop natural and physical resources in the coastal marine area should not be compromised by activities on land;</i></li> <li><i>• 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</i></li> </ul>
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	<p><i>be protected;</i></p> <ul style="list-style-type: none"> <li>• <i>historic heritage in the coastal environment is extensive but not fully known, and vulnerable to loss or damage from inappropriate subdivision, use, and development.</i></li> </ul>
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5.33.12. The proposal is a re-development of existing buildings and accommodation facilities that are located outside areas of regional and district plan mapped High Natural Character areas. The area of high natural character essentially covers the majority of the site, with the exception of the development area and a sliver of land behind the lodge. Registered landscape architect Christine Hawthorn describes the natural character values of the Lodge site as low and unlikely to be further affected by the redevelopment which essentially reinstates existing buildings.

5.33.13. While the earthworks fill area will be located in the area of High Natural Character the activity is temporary with plans for reinstatement with vegetation. The fill areas are not easily viewed from public viewing spaces. The redeveloped building will be visually softened by proposed vegetation planted around the exterior of the building. Being a redevelopment of an existing building means that earthworks and vegetation clearance are minimised, and the essence of the site and buildings remain.

5.33.14. It is anticipated that no historic heritage will be damaged as a result of the redevelopment. Consultation with local hapu via Te Ukaipo is ongoing and will continue into the future.

5.33.15. This redevelopment of Kingfish Lodge will enable it to effectively operate by providing an upgraded and functional space for accommodation, dining and socialisation activities. This will encourage social, economic and cultural wellbeing for all involved in this project and the on-going running of this lodge.

### Regional Policy Statement for Northland (RPSN)

5.34. The role of the RPSN is to promote sustainable management of Northland’s natural and physical resources. The RPSN gives effect to the NZCPS in the Northland context.

5.35. The RPSN provides an overview of the regions’ resource management issues and sets out policies and methods to achieve integrated management of Northlands natural and physical resources. Of relevance to this application are policy measures to manage the use and development of land within the mapped coastal environment. The site is adjacent to the coastal marine area and also an existing stream that discharges onto the beach foreshore. The stream and site have cultural significance to local hapu. The site is not within any regionally significant landscape or land based natural character area. The foreshore areas extending from the lodge site have high natural character.





5.36. At a local site scale, the following objectives and policies are considered relevant to the proposed activity:

- *Objective 3.2 – Region-wide water quality*
- *Objective 3.4 – Indigenous ecosystems and biodiversity*
- *Objective 3.5 – Enabling economic wellbeing*
- *Objective 3.12 – Tangata whenua role in decision making*
- *Objective 3.13 – Natural Hazard Risk*
- *Objective 3.14 – Natural character, outstanding natural features, outstanding natural landscapes and historic heritage*
- *Policy 4.2 – Region-wide water quality management*
- *Policy 4.4 – Maintaining and enhancing indigenous ecosystems and species*
- *Policy 4.6 – Managing effects on natural character, features / landscapes and heritage*

### **Water Quality Management**

<b>Objective 3.2</b>	<p><b><i>Region-wide water quality</i></b></p> <p><i>Improve the overall quality of Northland’s fresh and coastal water with a particular focus on:</i></p> <p><i>(a) Reducing the overall Trophic Level Index status of the region’s lakes;</i></p> <p><i>(b) Increasing the overall Macroinvertebrate Community Index status of the region’s rivers and streams;</i></p> <p><i>(c) Reducing sedimentation rates in the region’s estuaries and harbours;</i></p> <p><i>(d) Improving microbiological water quality at popular contact recreation sites, recreational and cultural shellfish gathering sites, and commercial shellfish growing areas to minimise risk to human health; and</i></p> <p><i>(e) Protecting the quality of registered drinking water supplies and the potable quality of other drinking water sources.</i></p>
<b>Policy 4.2.1</b>	<p><b><i>Improving overall water quality</i></b></p> <p><i>Improve the overall quality of Northland’s water resources by:</i></p> <p><i>(a) Establishing freshwater objectives and setting region-wide water quality limits in regional plans that give effect to Objective 3.2 of this regional policy statement.</i></p> <p><i>(b) Reducing loads of sediment, nutrients, and faecal matter to water from the use and development of land and from poorly treated and untreated discharges of wastewater; and</i></p> <p><i>(c) Promoting and supporting the active management, enhancement and creation of vegetated riparian margins and wetlands</i></p>

5.37. The management of region wide coastal and freshwater water quality is a significant regional issue and is relevant when considering the appropriateness of any land use development. The proposed earthworks required to construct the buildings, necessary retaining walls and landscaping that have the potential to generate sediment runoff from the site are relatively



small scale and can be managed under an appropriate erosion and sediment control plan to avoid adverse effects on the adjacent freshwater stream and coastal marine area.

**Indigenous ecosystems and biodiversity**

<p><b>Objective 3.4</b></p>	<p><i>Safeguard Northland's ecological integrity by:</i></p> <ul style="list-style-type: none"> <li><i>a) Protecting areas of significant indigenous vegetation and significant habitats of indigenous fauna;</i></li> <li><i>b) Maintaining the extent and diversity of indigenous ecosystems and habitats in the region; and</i></li> <li><i>c) Where practicable, enhancing indigenous ecosystems and habitats, particularly where this contributes to the reduction in the overall threat status of regionally and nationally threatened species.</i></li> </ul>
<p><b>Policy 4.4.1</b></p>	<p><i>(1) In the coastal environment, avoid adverse effects, and outside the coastal environment avoid, remedy or mitigate adverse effects of subdivision, use and development so they are no more than minor on:</i></p> <ul style="list-style-type: none"> <li><i>(a) Indigenous taxa that are listed as threatened or at risk in the New Zealand Threat Classification System lists;</i></li> <li><i>(b) Areas of indigenous vegetation and habitats of indigenous fauna, that are significant using the assessment criteria in Appendix 5;</i></li> <li><i>(c) Areas set aside for full or partial protection of indigenous biodiversity under other legislation.</i></li> </ul> <p><i>(2) In the coastal environment, avoid significant adverse effects and avoid, remedy, or mitigate other adverse effects of subdivision, use and development on:</i></p> <ul style="list-style-type: none"> <li><i>(a) Areas of predominantly indigenous vegetation;</i></li> <li><i>(b) Habitats of indigenous species that are important for recreational, commercial, traditional or cultural purposes;</i></li> <li><i>(c) Indigenous ecosystems and habitats that are particularly vulnerable to modification, including estuaries, lagoons, coastal wetlands, dunelands, intertidal zones, rocky reef systems, eelgrass, northern wet heathlands, coastal and headwater streams, floodplains, margins of the coastal marine area and freshwater bodies, spawning and nursery areas and saltmarsh.</i></li> </ul> <p><i>(3) Outside the coastal environment and where clause (1) does not apply, avoid, remedy or mitigate adverse effects of subdivision, use and development so they are not significant on any of the following:</i></p> <ul style="list-style-type: none"> <li><i>(a) Areas of predominantly indigenous vegetation;</i></li> <li><i>(b) Habitats of indigenous species that are important for recreational, commercial, traditional or cultural purposes;</i></li> <li><i>(c) Indigenous ecosystems and habitats that are particularly vulnerable to modification, including wetlands, dunelands, northern wet heathlands, headwater streams, floodplains and margins of freshwater bodies, spawning and nursery areas.</i></li> </ul>



	<p><i>(4) For the purposes of clause (1), (2) and (3), when considering whether there are any adverse effects and/or any significant adverse effects:</i></p> <p style="padding-left: 40px;"><i>(a) Recognise that a minor or transitory effect may not be an adverse effect;</i></p> <p style="padding-left: 40px;"><i>(b) Recognise that where the effects are or maybe irreversible, then they are likely to be more than minor;</i></p> <p style="padding-left: 40px;"><i>(c) Recognise that there may be more than minor cumulative effects from minor or transitory effects.</i></p> <p><i>(5) For the purpose of clause (3) if adverse effects cannot be reasonably avoided, remedied or mitigated then it maybe appropriate to consider the next steps in the mitigation hierarchy i.e. biodiversity offsetting followed by environmental biodiversity compensation, as methods to achieve Objective 3.4.</i></p>
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- 5.38. The application site is within the coastal environment as mapped by the RPSN. Adverse effects on threatened indigenous taxa and areas of indigenous vegetation and fauna habitat are to be avoided. There are no threatened species or areas of indigenous vegetation or fauna habitat that would be adversely affected. Minor removal of select shrubs and small trees are proposed. The Applicant is seeking to re-establish native vegetation on the site hillside behind the Lodge and within the marginal strip and Lodge surrounds. The proposed species and plant types are deemed to be appropriate in the coastal location and will enhance the overall indigenous biodiversity and amenity of the site.

### **Economic wellbeing**

<b>Objective 3.5</b>	<p><b><i>Enabling economic wellbeing</i></b></p> <p><i>Northland's natural and physical resources are sustainably managed in a way that is attractive for business and investment that will improve the economic wellbeing of Northland and its communities.</i></p>
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- 5.39. The proposed activity is the redevelopment of Kingfish Lodge, which has a popular history as coastal accommodation in Northland. The Applicant has made significant investment in the property for future use as a Lodge accommodation and dining facility. The investment also includes improvements being made to public access to the adjacent marginal strip that runs along the foreshore. The site is an attractive coastal location that is likely to attract a significant number of guests and visitors that will provide economic benefit to Northland.

### **Tangata whenua**

<b>Objective 3.12</b>	<p><b><i>Tangata whenua role in decision making</i></b></p> <p><i>Tangata whenua kaitiaki role is recognised and provided for in decision-making over natural and physical resources.</i></p>
<b>Policy 8.1.1</b>	<p><i>The regional and district councils shall provide opportunities for tangata whenua to participate in the review, development, implementation, and</i></p>



	<i>monitoring of plans and resource consent processes under the Resource Management Act 1991.</i>
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- 5.40. The Applicant has a close working relationship with the local Te Ukaipo. An earlier CIA provided indicates that consultation has been early and valuable with respect to the development of the design. This includes landscaping of the Lodge surrounds to remove weed and exotic plant species and to reinstate with natives.

### **Natural Hazards**

<b>Objective 3.13</b>	<p><b>Natural hazard risk</b></p> <p><i>The risks and impacts of natural hazard events (including the influence of climate change) on people, communities, property, natural systems, infrastructure and our regional economy are minimised by:</i></p> <p><i>(a) Increasing our understanding of natural hazards, including the potential influence of climate change on natural hazard events; (b) Becoming better prepared for the consequences of natural hazard events;</i></p> <p><i>(c) Avoiding inappropriate new development in 10- and 100-year flood hazard areas and coastal hazard areas;</i></p> <p><i>(d) Not compromising the effectiveness of existing defences (natural and man-made);</i></p> <p><i>(e) Enabling appropriate hazard mitigation measures to be created to protect existing vulnerable development; and</i></p> <p><i>(f) Promoting long-term strategies that reduce the risk of natural hazards impacting on people and communities.</i></p> <p><i>(g) Recognising that in justified circumstances, critical infrastructure may have to be located in natural hazard-prone areas.</i></p>
<b>Policy 7.1.1</b>	<p><b>General risk management approach</b></p> <p><i>Subdivision, use and development of land will be managed to minimise the risks from natural hazards by:</i></p> <p><i>(a) Seeking to use the best available information, including formal risk management techniques in areas potentially affected by natural hazards;</i></p> <p><i>(b) Minimising any increase in vulnerability due to residual risk;</i></p> <p><i>(c) Aligning with emergency management approaches (especially risk reduction);</i></p> <p><i>(d) Ensuring that natural hazard risk to vehicular access routes and building platforms for proposed new lots is considered when assessing subdivision proposals; and</i></p> <p><i>(e) Exercising a degree of caution that reflects the level of uncertainty as to the likelihood or consequences of a natural hazard event.</i></p>
<b>Policy 7.1.3</b>	<p><b>New subdivision, use and development within areas potentially affected by coastal hazards (including high risk coastal hazard areas</b></p>



	<p><i>Within areas potentially affected by coastal hazards over the next 100 years (including high risk coastal hazard areas), the hazard risk associated with new use and development will be managed so that:</i></p> <p><i>(a) Redevelopment or changes in land use that reduce the risk of adverse effects from coastal hazards are encouraged;</i></p> <p><i>(b) Subdivision plans are able to identify that building platforms are located outside high-risk coastal hazard areas and these building platforms will not be subject to inundation and / or material damage (including erosion) over a 100-year timeframe;</i></p> <p><i>(c) Coastal hazard risk to vehicular access routes for proposed new lots is assessed;</i></p> <p><i>(d) Any use or development does not increase the risk of social, environmental or economic harm (from coastal hazards);</i></p> <p><i>(e) Infrastructure should be located away from areas of coastal hazard risk but if located within these areas, it should be designed to maintain its integrity and function during a hazard event;</i></p> <p><i>(f) The use of hard protection structures is discouraged and the use of alternatives to them promoted; and</i></p> <p><i>(g) Mechanisms are in place for the safe storage of hazardous substances.</i></p>
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- 5.41. The site frontage is within the NRC mapped coastal flood hazard zones 1, 2 and 3, however these do not extend to the building areas. Areas of river flood hazard zone (100-year CC event) extend further inland. It is noted that mapping occurred prior to the seawalls being constructed. These seawalls are over 2m in height. Building floor levels are designed to accommodate 1 in 100 AEP flood hazard event.

**Natural character values**

<b>Objective 3.14</b>	<p><b><i>Natural character, outstanding natural features, outstanding natural landscapes and historic heritage</i></b></p> <p><i>Identify and protect from inappropriate subdivision, use and development;</i></p> <p><i>(a) The qualities and characteristics that make up the natural character of the coastal environment, and the natural character of freshwater bodies and their margins;</i></p> <p><i>(b) The qualities and characteristics that make up outstanding natural features and outstanding natural landscapes;</i></p> <p><i>(c) The integrity of historic heritage.</i></p>
<b>Policy 4.5</b>	<p><b><i>Identification of the coastal environment, outstanding natural features and outstanding natural landscapes and high and outstanding natural character</i></b></p>
<b>Policy 4.5.1</b>	<p><i>The areas identified in the Regional Policy Statement - Maps will form Northland's:</i></p> <p><i>(a) Coastal environment;</i></p>





	<p><i>(b) High and outstanding natural character areas within the coastal environment (except where the coastal marine area beyond harbours / estuaries remain unclassified); and</i></p> <p><i>(c) Outstanding natural features and outstanding natural landscapes. Where following further detailed assessment, an area in the Regional Policy Statement – Maps has been amended in accordance with Method 4.5.4, and the amended area is operative in the relevant district or regional plan, it shall supersede the relevant area in the Regional Policy Statement – Maps.</i></p>
<b>Policy 4.5.2</b>	<p><i>The Regional Policy Statement Maps of high and outstanding natural character and outstanding natural features and outstanding natural landscapes identify areas that are sensitive to subdivision, use and development. The maps of these areas identify where caution is required to ensure activities are appropriate. However, suitably qualified assessment at a site or property-specific level can be used to demonstrate lesser (or greater) sensitivity to particular subdivision, use and development proposals given the greater resolution provided.</i></p>
<b>Policy 4.6</b>	<p><b><i>Managing effects on natural character, features / landscapes and heritage</i></b></p>
<b>Policy 4.6.1</b>	<p><i>(1) In the coastal environment:</i></p> <p><i>a) Avoid adverse effects of subdivision use, and development on the characteristics and qualities which make up the outstanding values of areas of outstanding natural character, outstanding natural features and outstanding natural landscapes.</i></p> <p><i>b) Where (a) does not apply, avoid significant adverse effects and avoid, remedy or mitigate other adverse effects of subdivision, use and development on natural character, natural features and natural landscapes. Methods which may achieve this include:</i></p> <p><i>(i) Ensuring the location, intensity, scale and form of subdivision and built development is appropriate having regard to natural elements, landforms and processes, including vegetation patterns, ridgelines, headlands, peninsulas, dune systems, reefs and freshwater bodies and their margins; and</i></p> <p><i>(ii) In areas of high natural character, minimising to the extent practicable indigenous vegetation clearance and modification (including earthworks / disturbance, structures, discharges and extraction of water) to natural wetlands, the beds of lakes, rivers and the coastal marine area and their margins; and</i></p> <p><i>(iii) Encouraging any new subdivision and built development to consolidate within and around existing settlements or where natural character and landscape has already been compromised.</i></p> <p><i>(2) Outside the coastal environment avoid significant adverse effects and avoid, remedy or mitigate other adverse effects (including cumulative adverse effects) of subdivision, use and development on the characteristics and qualities of outstanding natural features and</i></p>



	<p><i>outstanding natural landscapes and the natural character of freshwater bodies. Methods which may achieve this include:</i></p> <p><i>a) In outstanding natural landscapes, requiring that the location and intensity of subdivision, use and built development is appropriate having regard to, natural elements, landforms and processes, including vegetation patterns, ridgelines and freshwater bodies and their margins; b) In outstanding natural features, requiring that the scale and intensity of earthworks and built development is appropriate taking into account the scale, form and vulnerability to modification of the feature;</i></p> <p><i>c) Minimising, indigenous vegetation clearance and modification (including earthworks / disturbance and structures) to natural wetlands, the beds of lakes, rivers and their margins.</i></p> <p><i>(3) When considering whether there are any adverse effects on the characteristics and qualities of the natural character, natural features and landscape values in terms of (1)(a), whether there are any significant adverse effects and the scale of any adverse effects in terms of (1)(b) and (2), and in determining the character, intensity and scale of the adverse effects:</i></p> <p><i>a) Recognise that a minor or transitory effect may not be an adverse effect;</i></p> <p><i>b) Recognise that many areas contain ongoing use and development that:</i></p> <p><i>(i) Were present when the area was identified as high or outstanding or have subsequently been lawfully established</i></p> <p><i>(ii) May be dynamic, diverse or seasonal;</i></p> <p><i>c) Recognise that there may be more than minor cumulative adverse effects from minor or transitory adverse effects; and</i></p> <p><i>d) Have regard to any restoration and enhancement on the characteristics and qualities of that area of natural character, natural features and/or natural landscape.</i></p>
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5.42. The application Lodge development site is within the coastal environment as mapped by the RPSN but outside any areas mapped as having high natural or outstanding landscape value. Registered landscape architect Christine Hawthorn has assessed the natural character values of the site coastal location. Potential adverse effects on natural character are low and can largely be avoided by concentrating development within the existing building footprint, minimising the size and scale of the built development relative the surrounding landscape and using planting to soften and screen buildings from public viewing places, particularly the CMA. Proposed vegetation clearance is minimal and only required to remove weed species, exotic plants and some indigenous cabbage trees. Extensive native planting is proposed to enhance the coastal foreshore and reduce the visibility of buildings.



## Operative Far North District Plan (ODP)

- 5.43. The relevant objectives and policies of the Plan are those related to the Coastal Environment and the General Coastal Zone as well as the Indigenous Flora & Fauna, Lakes, Rivers, Wetlands and the Coastline chapters. The proposal would generate no more than minor adverse effects on the Coastal environment. Given the presence of the existing Lodge, the redevelopment proposal is consistent with the character of the area and is considered to have less than minor adverse effects on coastal amenity values. The proposal consistent with the objectives and policies of the Plan, as commented on below.

### **Coastal Environment: Objectives and Policies**

- 10.3.1 *To manage coastal areas in a manner that avoids adverse effects from subdivision, use and development. Where it is not practicable to avoid adverse effects from subdivision use or development, but it is appropriate for the development to proceed, adverse effects of subdivision use or development should be remedied or mitigated.*
- 10.3.2 *To preserve and, where appropriate in relation to other objectives, to restore, rehabilitate protect, or enhance:*
- (a) the natural character of the coastline and coastal environment;*
  - (b) areas of significant indigenous vegetation and significant habitats of indigenous fauna;*
  - (c) outstanding landscapes and natural features;*
  - (d) the open space and amenity values of the coastal environment;*
  - (e) water quality and soil conservation (insofar as it is within the jurisdiction of the Council).*
- 10.3.3 *To engage effectively with Maori to ensure that their relationship with their culture and traditions and taonga is identified, recognised, and provided for.*
- 10.3.4 *To maintain and enhance public access to and along the coast whilst ensuring that such access does not adversely affect the natural and physical resources of the coastal environment, including Maori cultural values, and public health and safety.*
- 10.3.5 *To secure future public access to and along the coast, lakes and rivers (including access for Maori) through the development process and specifically in accordance with the Esplanade Priority Areas mapped in the District Plan.*
- 10.3.6 *To minimise adverse effects from activities in the coastal environment that cross the coastal marine area boundary.*
- 10.3.7 *To avoid, remedy or mitigate adverse effects on the environment through the provision of adequate land-based services for mooring areas, boat ramps and other marine facilities.*
- 10.3.8 *To ensure provision of sufficient water storage to meet the needs of coastal communities all year round.*
- 10.3.9 *To facilitate the sustainable management of natural and physical resources in an integrated way to achieve superior outcomes to more traditional forms of subdivision, use and development through management plans and integrated development.*



- 5.44. At the time the site was created many of the buildings associated with the existing lodge were established. For this reason, the natural character values in this part of the site are low. The Lodge redevelopment proposal is a sympathetic and modern redesign of the original buildings and landscaping that uses a natural recessive colour scheme to ensure that the visual effects are no more than minor. The buildings are located low down in the landscape and would retain the dominant undeveloped hillsides behind. These areas are regenerating with native vegetation planted by the applicant. Public access to the coastal foreshore will be retained and enhanced.

## **Policies**

*10.4.1 That the Council only allows appropriate subdivision, use and development in the coastal environment. Appropriate subdivision, use and development is that where the activity generally:*

- (a) recognises and provides for those features and elements that contribute to the natural character of an area that may require preservation, restoration or enhancement; and*
- (b) is in a location and of a scale and design that minimises adverse effects on the natural character of the coastal environment; and*
- (c) has adequate services provided in a manner that minimises adverse effects on the coastal environment and does not adversely affect the safety and efficiency of the roading network; and*
- (d) avoids, as far as is practicable, adverse effects which are more than minor on heritage features, outstanding landscapes, cultural values, significant indigenous vegetation and significant habitats of indigenous fauna, amenity values of public land and waters and the natural functions and systems of the coastal environment; and*
- (e) promotes the protection, and where appropriate restoration and enhancement, of areas of significant indigenous vegetation and significant habitats of indigenous fauna; and*
- (f) recognises and provides for the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu and other taonga; and*
- (g) where appropriate, provides for and, where possible, enhances public access to and along the coastal marine area; and*
- (h) gives effect to the New Zealand Coastal Policy Statement and the Regional Policy Statement for Northland.*

*10.4.2 That sprawling or sporadic subdivision and development in the coastal environment be avoided through the consolidation of subdivision and development as far as practicable, within or adjoining built up areas, to the extent that this is consistent with the other objectives and policies of the Plan.*



- 10.4.3 *That the ecological values of significant coastal indigenous vegetation and significant habitats are maintained in any subdivision, use or development in the coastal environment.*
- 10.4.4 *That public access to and along the coast be provided, where it is compatible with the preservation of the natural character and amenity, cultural, heritage and spiritual values of the coastal environment, and avoids adverse effects in erosion prone areas.*
- 10.4.5 *That access by tangata whenua to ancestral lands, sites of significance to Maori, maahinga mataitai, taiapure and kaimoana areas in the coastal marine area be provided for in the development and ongoing management of subdivision and land use proposals and in the development and administration of the rules of the Plan and by non-regulatory methods. Refer Chapter 2, and in particular Section 2.5, and Council's "Tangata Whenua Values and Perspectives (2004)".*
- 10.4.6 *That activities and innovative development including subdivision, which provide superior outcomes and which permanently protect, rehabilitate and/or enhance the natural character of the coastal environment, particularly through the establishment and ongoing management of indigenous coastal vegetation and habitats, will be encouraged by the Council.*
- 10.4.7 *To ensure the adverse effects of land-based activities associated with maritime facilities including mooring areas and boat ramps are avoided, remedied or mitigated through the provision of adequate services, including where appropriate:*
- (a) parking;*
  - (b) rubbish disposal;*
  - (c) waste disposal;*
  - (d) dinghy racks.*
- 10.4.8 *That development avoids, remedies or mitigates adverse effects on the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu and other taonga.*
- 10.4.9 *That development avoids, where practicable, areas where natural hazards could adversely affect that development and/or could pose a risk to the health and safety of people.*
- 10.4.10 *To take into account the need for a year-round water supply, whether this involves reticulation or on-site storage, when considering applications for subdivision, use and development.*
- 10.4.11 *To promote land use practices that minimise erosion and sediment run-off, and storm water and waste water from catchments that have the potential to enter the coastal marine area.*
- 10.4.12 *That the adverse effects of development on the natural character and amenity values of the coastal environment will be minimised through:*
- (a) the siting of buildings relative to the skyline, ridges, headlands and natural features;*
  - b) the number of buildings and intensity of development;*
  - (c) the colour and reflectivity of buildings;*





*(d) the landscaping (including planting) of the site;*

*(e) the location and design of vehicle access, manoeuvring and parking areas.*

- 5.45. The proposal is not considered to have any adverse effects on the natural character of the coastal environment given the proposal is a redevelopment of an existing building surrounded by other built development. All services will continue to be provided for onsite. This infrastructure as assessed above does not create any adverse effects on the coastal environment. As discussed throughout this report, the proposal avoids adverse effects on outstanding landscapes, cultural values, and the natural functions and systems of the coastal environment. There will be some minor vegetation clearance, however this will largely be revegetated. The proposal recognises and does not affect the relationship of Maori and their culture and traditions. Public access will not be adversely impacted by this development. This activity gives effect to the NZCPS and the RPSN as per above.
- 5.46. The built development within the site will continue to be consolidated on the lower slopes. The development will be finished in a natural and recessive colour scheme and some landscaping will assist in tying it into the vegetated backdrop.
- 5.47. The ecological values will be maintained as while vegetation will be removed to make way for development these areas will generally be replanted. Public access will remain unaffected by this proposal. Access facilities will be enhanced through formalised walking tracks, decks and stairways to access beach areas and the northern headland.
- 5.48. Access to ancestral lands, sites of significance to Maori, maahinga mataitai, taiapure and kaimoana areas in the CMA will remain unaffected by the proposal.
- 5.49. The proposal will preserve the natural character of the environment by ensuring the development remains along the lower slopes of the site, outside of those areas of High Natural Character. The use of a natural, recessive colour scheme will also aid in enhancing the natural character of the coastal environment.
- 5.50. The proposal has existing and consented maritime facilities such as jetty, pontoon and moorings. This will continue to be provided for by on-site facilities.
- 5.51. The redeveloped building is located within an area subject to natural hazards. The impact of natural hazards on the site has improved with the construction of the sea wall. The building is located above the 1% AEP such that during high intensity rainfall, any river flooding will also not impact any habitable building.
- 5.52. As mentioned, potable water supply is by way of groundwater bores. In the event of a fire, given there is no road access helicopters will need to be deployed and will utilise the coastal marine area as a water supply. Stormwater runoff and onsite wastewater disposal will be maintained within the site boundaries.



- 5.53. The effects of the built development will be mitigated by a natural and recessive colour scheme, landscaping and the utilisation of an existing building. The built development is considered appropriate for the site. There is no vehicle access, parking or manoeuvring areas.

**General Coastal Zone: Objectives and Policies**

*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.*

*10.6.3.3 To manage the use of natural and physical resources (excluding minerals) in the general coastal area to meet the reasonably foreseeable needs of future generations.*

- 5.54. The proposal is to redevelop the Kingfish Lodge north accommodation wing and to undertake excavation earthworks along with the construction of retaining walls and landscaping. The proposal will preserve the natural character of the site as the upper catchment of the property located within an area of high natural character will be maintained. The proposed redeveloped building will also utilise a natural, recessive colour scheme.
- 5.55. Natural and physical resources will be maintained.

**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.*

*10.6.4.3 Subdivision, use and development shall preserve and where possible enhance, restore and rehabilitate the character of the zone in regards to s6 matters, and shall avoid adverse effects as far as practicable by using techniques including:*

*(a) clustering or grouping development within areas where there is the least impact on natural character and its elements such as indigenous vegetation, landforms, rivers, streams and wetlands, and coherent natural patterns;*

*(b) minimising the visual impact of buildings, development, and associated vegetation clearance and earthworks, particularly as seen from public land and the coastal marine area;*

*(c) providing for, through siting of buildings and development and design of subdivisions, legal public right of access to and use of the foreshore and any esplanade areas;*

*(d) through siting of buildings and development, design of subdivisions, and provision of access that recognise and provide for the relationship of Maori with their culture,*



*traditions and taonga including concepts of mauri, tapu, mana, wehi and karakia and the important contribution Maori culture makes to the character of the District (refer Chapter 2, and in particular Section 2.5, and Council's "Tangata Whenua Values and Perspectives (2004)");*

*(e) providing planting of indigenous vegetation in a way that links existing habitats of indigenous fauna and provides the opportunity for the extension, enhancement or creation of habitats for indigenous fauna, including mechanisms to exclude pests;*

*(f) protecting historic heritage through the siting of buildings and development and design of subdivisions.*

*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.*

*10.6.4.5 Maori are significant landowners in the General Coastal Zone and therefore activities in the zone should recognise and provide for the relationship of Maori and their culture and traditions, with their ancestral lands, water, sites, waahi tapu and other taonga and shall take into account the principles of the Treaty of Waitangi.*

*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.*

- 5.56. As mentioned throughout this report, any effects created from the proposal will be mitigated to a no more than minor degree and the natural character of the coastal environment will be maintained and enhanced.
- 5.57. Visual and landscape qualities will be protected as the existing bush in the upper catchment of the site will remain unaffected by the proposal.
- 5.58. The existing bar / restaurant location is nestled in between the main lodge and the north accommodation wing. It is set in the lower reaches of the site away from areas of mapped high natural character. The consolidated development pattern ensures other areas of the site with higher values remain untouched. Minimal earthworks and vegetation clearance is required. Public access will generally remain unaffected by this proposal with the exception of construction and earthworks where machinery is operating and building materials are being brought to site. The relationship of Maori and their culture would remain unaffected by any new activities.

### **Chapter 12 - Natural and Physical Resource: Objectives and policies (Indigenous Flora and Fauna)**

*12.2.3.1 To maintain and enhance the life supporting capacity of ecosystems and the extent and representativeness of the District's indigenous biological diversity.*

*12.2.3.2 To provide for the protection of, and to promote the active management of areas of significant indigenous vegetation and significant habitats of indigenous fauna.*



12.2.3.3 *To recognise issues of wellbeing including equity for landowners in selecting methods of implementation.*

12.2.3.4 *To promote an ethic of stewardship*

### **Policies**

12.2.4.1 *That areas of significant indigenous vegetation and significant habitats of indigenous fauna be protected for the purpose of promoting sustainable management with attention being given to:*

- (a) maintaining ecological values;*
- (b) maintaining quality and resilience;*
- (c) maintaining the variety and range of indigenous species contributing to biodiversity;*
- (d) maintaining ecological integrity; and*
- (e) maintaining tikanga Maori in the context of the above.*

*Note: In determining whether a subdivision, use or development is appropriate in areas containing significant indigenous vegetation and significant habitats of indigenous fauna, Council shall consider each application on a case by case basis, giving due weight to Part II of the Act as well as those matters listed above.*

12.2.4.2 *That the significance of areas of indigenous vegetation be evaluated by reference to the criteria listed in Appendix III of the Northland Regional Policy Statement (refer also to definition of “significant” in 12.2.5.6).*

12.2.4.3 *That adverse effects on areas of significant indigenous vegetation and significant habitats of indigenous fauna are avoided, remedied or mitigated by:*

- (a) seeking alternatives to the disturbance of habitats where practicable;*
- (b) managing the scale, intensity, type and location of subdivision, use and development in a way that avoids, remedies or mitigates adverse ecological effects;*
- (c) ensuring that where any disturbance occurs it is undertaken in a way that, as far as*

*practicable:*

- (i) minimises any edge effects;*
- (ii) avoids the removal of specimen trees;*
- (iii) does not result in linkages with other areas being lost;*
- (iv) avoids adverse effects on threatened species;*
- (v) minimises disturbance of root systems of remaining vegetation;*
- (vi) does not result in the introduction of exotic weed species or pest animals;*
- (d) encouraging, and where appropriate, requiring active pest control and avoiding the grazing of such areas.*

12.2.4.4 *That clearance of limited areas of indigenous vegetation is provided for.*



- 12.2.4.5 *That the contribution of areas of indigenous vegetation and habitats of indigenous fauna to the overall biodiversity and amenity of the District be taken into account in evaluating applications for resource consents.*
- 12.2.4.6 *That support is given to programmes for weed and pest control, including support for community pest control areas established by the Northland Regional Council under the Regional Pest Management Strategies, in areas of significant indigenous vegetation and significant habitats of indigenous fauna and surrounding lands.*
- 12.2.4.7 *That community awareness of the need and reasons for protecting areas of significant indigenous vegetation and significant habitats of indigenous fauna be promoted.*
- 12.2.4.8 *That restoration and enhancement of indigenous ecosystems is based on plants that would have occurred naturally in the locality and is sourced from local genetic stock where practicable.*
- 12.2.4.9 *That the Council will work with landowners and communities to ensure outcomes are achieved in an effective and equitable manner.*
- 12.2.4.10 *In order to protect areas of significant indigenous fauna:*
- (a) that dogs (excluding working dogs), cats, possums, rats, mustelids and other pest species are not introduced into areas with populations of kiwi, dotterel and brown teal;*
  - (b) in areas where dogs, cats, possums, rats, mustelids and other pest species are having adverse effects on indigenous fauna their removal is promoted.*
- 12.2.4.11 *That when considering resource consent applications in areas identified as known high density kiwi habitat, the Council may impose conditions, in order to protect kiwi and their habitat.*
- 12.2.4.12 *That habitat restoration be promoted.*
- 12.2.4.13 *That the maintenance of riparian vegetation and habitats be recognised and provided for, and their restoration encouraged, for the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna, preservation of natural character and the maintenance of general ecosystem health and indigenous biodiversity.*
- 12.2.4.14 *That when considering an application to clear areas of significant indigenous vegetation or significant habitats of indigenous fauna, enabling Maori to provide for the sustainable management of their ancestral land will be recognised and provided for by Council.*
- 5.59. The vegetation on site is not mapped as being significant. While this is the case, it is proposed that areas subject to vegetation clearance will be replanted with appropriate native species.





In terms of the significance criteria while no ecologist has been engaged for this project, we do not believe that the vegetation within this space meets the criteria listed. Less than 100m<sup>2</sup> of vegetation would be removed. The vegetation will require removal in order to construct the redeveloped building. If the additional accommodation units were to be placed elsewhere it is likely that more vegetation clearance would be required. As such this is considered to be the best practical option. The scale of vegetation removal is small. It is considered that those matters listed within 12.2.4.3(c) will be achieved.

- 5.60. Pest and weed control will continue. The clearance is of a limited area. The vegetation and its proximity to the stream will contribute to a number of matters, as a result replanting is sought to ensure any effects in terms of the vegetation removal is temporary. Awareness of the positive impacts of native vegetation are well known by the owner hence the large-scale planting and re-planting proposed. The plant species to be introduced have been recommended by a landscape architect. The site is already subject to a consent notice regarding the keeping of animals. Habitat restoration is actively being completed across the site. The replanting of the riparian margins is offered. The proposal is not for a Maori development, project or for medicinal purposes.

## **Chapter 12 - Natural and Physical Resource: Objectives and policies (Lakes, Rivers and Wetlands)**

### **Objectives**

- 12.7.3.1 *To avoid, remedy or mitigate the adverse effects of subdivision, use and development on riparian margins.*
- 12.7.3.2 *To protect the natural, cultural, heritage and landscape values and to promote the protection of the amenity and spiritual values associated with the margins of lakes, rivers and indigenous wetlands and the coastal environment, from the adverse effects of land use activities, through proactive restoration/rehabilitation/revegetation.*
- 12.7.3.3 *To secure public access (including access by Maori to places of special value such as waahi tapu, tauranga waka, mahinga kai, mahinga mataitai, mahinga waimoana and taonga raranga) to and along the coastal marine area, lakes and rivers, consistent with Chapter 14 – Financial Contributions, to the extent that this is compatible with:*
- (a) the maintenance of the life-supporting capacity of the waterbody, water quality, aquatic habitats, and*
  - (b) the protection of natural character, amenity, cultural heritage, landscape and spiritual values; and*
  - (c) the protection of public health and safety; and*
  - (d) the maintenance and security of authorised activities (but acknowledging that loss of privacy or fear of trespass are not valid reasons for precluding access).*

*In some circumstances public acquisition of riparian margins may be required and managed for purposes other than public access, for example to protect significant habitats, waahi tapu or historic sites, or for public recreation purposes.*



- 12.7.3.4 *To provide for the use of the surface of lakes and rivers to the extent that this is compatible with the maintenance of the life supporting capacity of the water body, water quality, aquatic habitats, and the protection of natural character, amenity, cultural heritage, landscape and spiritual values.*
- 12.7.3.5 *To avoid the adverse effects from inappropriate use and development of the margins of lakes, rivers, indigenous wetlands and the coastline.*
- 12.7.3.6 *To protect areas of indigenous riparian vegetation:*
- (a) physically, by fencing, planting and pest and weed control; and*
  - (b) legally, as esplanade reserves/strips.*
- 12.7.3.7 *To create, enhance and restore riparian margins.*

### **Policies**

- 12.7.4.1 *That the effects of activities which will be generated by new structures on or adjacent to the surface of lakes, rivers and coastal margins be taken into account when assessing applications.*
- 12.7.4.2 *That land use activities improve or enhance water quality, for example by separating land use activities from lakes, rivers, indigenous wetlands and the coastline, and retaining riparian vegetation as buffer strips.*
- 12.7.4.3 *That adverse effects of land use activities on the natural character and functioning of riparian margins and indigenous wetlands be avoided.*
- 12.7.4.4 *That adverse effects of activities on the surface of lakes and rivers in respect of noise, visual amenity of the water body, life supporting capacity of aquatic habitats, on-shore activities, the natural character of the water body or surrounding area, water quality and Maori cultural values, are avoided, remedied or mitigated.*
- 12.7.4.5 *That activities which have a functional relationship with waterbodies or the coastal marine area be provided for.*
- 12.7.4.6 *That public access to and along lakes, rivers and the coastline be provided as a consequence of development or as a result of Council (see Method 10.5.19) or public initiatives except where it is necessary to restrict access or to place limits on the type of access, so as to:*
- (a) protect areas of significant indigenous vegetation and/or significant habitats of indigenous fauna or*
  - (b) protect cultural values, including Maori culture and traditions; or*
  - (c) protect public health and safety; to the extent that is consistent with policies in Chapter 14.*
- 12.7.4.7 *That any adverse effects on the quality of public drinking water supplies from land use activities, be avoided, remedied or mitigated. (Refer to Commentary and Methods 12.7.5.6 and 12.7.5.7.)*



- 12.7.4.8 *That the Council acquire esplanade reserves, esplanade strips and access strips in accordance with Chapter 14 - Financial Contributions and Method 10.5.10 of the Plan.*
- 12.7.4.9 *That riparian areas in Council ownership be managed so as to protect and enhance the water quality of surface waters.*
- 12.7.4.10 *That historic buildings erected close to, or over, water bodies be protected and provision be made for new buildings where this form of development is in keeping with the historic pattern of settlement. 12.7.4.11 That the extent of impervious surfaces be limited so as to restore, enhance and protect the natural character, and water quantity and quality of lakes, rivers, wetlands and the coastline.*
- 12.7.4.12 *That provision be made to exempt activities on commercial or industrial sites from the need to be set back from the coastal marine area, and from the need to provide esplanade reserves on subdivision or development, where the location of the commercial or industrial site is such as to be particularly suited to activities that cross the land-water interface, or have a close relationship to activities conducted in the coastal marine area. Refer also to Rule 14.6.3.*
- 12.7.4.13 *That provision be made to exempt activities on particular sites as identified in the District Plan Maps as adjacent to an MEA from the need to be set back from the coastal marine area where those activities on that site have a functional relationship with marine activities and cross the line of Mean High Water Springs (MHWS).*
- 12.7.4.14 *That the efficient use of water and water conservation be encouraged.*
- 12.7.4.15 *To encourage the integrated protection and enhancement of riparian and coastal margins through:*
- (a) planting and/or regeneration of indigenous vegetation;*
  - (b) pest and weed control;*
  - (c) control (including, where appropriate, exclusion) of vehicles, pets and stock.*

*Note: The Regional Coastal Plan for Northland and Regional Water and Soil Plan for Northland contain policies, rules and other methods to protect and enhance wetlands, lakes, rivers and the coastal marine area. Vehicle, pet and stock control is particularly important in areas and at times when birds are nesting.*

- 5.61. The built development on the site is existing, such that the impact of the redevelopment on the riparian margins is considered minor. New wastewater tanks for the site have already been consented. All amenity values will be protected. Public access across the site frontage is existing. No activities are proposed upon the surface of water. The proposed re-development of the Lodge site would not be inappropriate in this location. Vegetation along the riparian margins will be enhanced via replanting.



## Proposed District Plan (PDP)

- 5.62. Under the PDP, the site is zoned Rural Production and is within the Coastal Environment overlay. The development area is subject to both river and coastal flood hazard, therefore an assessment of the objectives and policies within those relevant chapters have been included below. The proposal is considered to create no more than minor adverse effects on the rural environment and will not affect any land that is currently in production. While the main purpose of the rural zone is to provide for production activities the proposal is still considered consistent with the intent of the zone as it states - *“there is also a need to accommodate recreational and tourism activities that may occur in the rural environment, subject to them being complementary to the function, character and amenity values of the surrounding environment”*. The lodge is associated with tourism and as detailed in the assessment above it is complementary to the surrounding environment. The proposal is assessed to be consistent with the objectives and policies of the PDP as detailed below.

### **Rural Production Zone – Objectives and Policies**

*RPROZ-01 - The Rural Production zone is managed to ensure its availability for primary production activities and its long-term protection for current and future generations.*

*RPROZ-02 - The Rural Production zone is used for primary production activities, ancillary activities that support primary production and other compatible activities that have a functional need to be in a rural environment.*

*RPROZ-03 - Land use and subdivision in the Rural Production zone:*

- a. protects highly productive land from sterilisation and enables it to be used for more productive forms of primary production;*
- b. protects primary production activities from reverse sensitivity effects that may constrain their effective and efficient operation;*
- c. does not compromise the use of land for farming activities, particularly on highly productive land;*
- d. does not exacerbate any natural hazards; and*
- e. is able to be serviced by on-site infrastructure.*

*RPROZ-04 - The rural character and amenity associated with a rural working environment is maintained.*

- 5.63. As mentioned above, the site has a long history of accommodating visitors. The proposed redevelopment of the lodge will not affect the primary production potential of the site as it utilises the existing lodge building site. The tourism activity is appropriate in this location. The site does not contain highly productive land. There are no reverse sensitivity effects. The development is utilising an existing building such that it will not compromise the use of the site for productive purposes. The development will not exacerbate natural hazards. It can be serviced by on-site infrastructure. The rural character and amenity will not change as a result of this proposal.



*RPROZ-P1 - Enable primary production activities, provided they internalise adverse effects onsite where practicable, while recognising that typical adverse effects associated with primary production should be anticipated and accepted within the Rural Production zone.*

*RPROZ-P2 - Ensure the Rural Production zone provides for activities that require a rural location by:*

- a. enabling primary production activities as the predominant land use;*
- b. enabling a range of compatible activities that support primary production activities, including ancillary activities, rural produce manufacturing, rural produce retail, visitor accommodation and home businesses.*

*RPROZ-P3 - Manage the establishment, design and location of new sensitive activities and other non-productive activities in the Rural Production Zone to avoid where possible, or otherwise mitigate, reverse sensitivity effects on primary production activities.*

*RPROZ-P4 - Land use and subdivision activities are undertaken in a manner that maintains or enhances the rural character and amenity of the Rural Production zone, which includes:*

- a. a predominance of primary production activities;*
- b. low density development with generally low site coverage of buildings or structures;*
- c. typical adverse effects such as odour, noise and dust associated with a rural working environment; and*
- d. a diverse range of rural environments, rural character and amenity values throughout the District.*

*RPROZ-P5 - Avoid land use that:*

- a. is incompatible with the purpose, character and amenity of the Rural Production zone;*
- b. does not have a functional need to locate in the Rural Production zone and is more appropriately located in another zone;*
- c. would result in the loss of productive capacity of highly productive land;*
- d. would exacerbate natural hazards; and*
- e. cannot provide appropriate on-site infrastructure.*

*RPROZ-P6 - Avoid subdivision that:*

- a. results in the loss of highly productive land for use by farming activities;*
- b. fragments land into parcel sizes that are no longer able to support farming activities, taking into account:
  - i. the type of farming proposed; and*
  - ii. whether smaller land parcels can support more productive forms of farming due to the presence of highly productive land.**
- c. provides for rural lifestyle living unless there is an environmental benefit.*

*RPROZ-P7 - Manage land use and subdivision to address the effects of the activity requiring resource consent, including (but not limited to) consideration of the following matters where relevant to the application:*

- a. whether the proposal will increase production potential in the zone;*
- b. whether the activity relies on the productive nature of the soil;*
- c. consistency with the scale and character of the rural environment;*





- d. *location, scale and design of buildings or structures;*
- e. *for subdivision or non-primary production activities:*
  - i. *scale and compatibility with rural activities;*
  - ii. *potential reverse sensitivity effects on primary production activities and existing infrastructure;*
  - iii. *the potential for loss of highly productive land, land sterilisation or fragmentation*
- f. *at zone interfaces:*
  - i. *any setbacks, fencing, screening or landscaping required to address potential conflicts;*
  - ii. *the extent to which adverse effects on adjoining or surrounding sites are mitigated and internalised within the site as far as practicable;*
- g. *the capacity of the site to cater for on-site infrastructure associated with the proposed activity, including whether the site has access to a water source such as an irrigation network supply, dam or aquifer;*
- h. *the adequacy of roading infrastructure to service the proposed activity;*
- i. *Any adverse effects on historic heritage and cultural values, natural features and landscapes or indigenous biodiversity;*
- j. *Any historical, spiritual, or cultural association held by tangata whenua, with regard to the matters set out in Policy TW-P6*

5.64. The proposed activities would not adversely affect the purpose of the RPZ in this location. All potential effects on the existing environment can be adequately managed within the site boundaries. Primary production activities can occur within the balance of the site if this was ever required. The tourism / accommodation activity is existing. This proposal seeks to continue the existing consented activity. This development is consolidated to one area such that any reverse sensitivity effects are considered unlikely. The rural character of the site will be maintained due to the low density and consolidation of the development. The impermeable surface coverage is well within permitted limits.

5.65. Given the sites' location, potential adverse effects such as odour, noise and dust are considered unlikely. The proposal will maintain the amenity value of the site. As mentioned above, the landuse proposal is compatible with the purpose of the zone. The development has a functional need to be located within this area to redevelop the existing Lodge site. There will be no loss of highly productive land. Natural hazards will not be exacerbated. The site will provide for all necessary infrastructure. The development is not for subdivision. The proposal will not increase production potential. The activity does not rely on the soil type. The proposal is consistent in terms of scale and the building design conforms with the adjacent structures. The proposal is compatible within its environment. Given its location there will be no reverse sensitivity effects nor any loss of highly productive land. The site is not at a zone interface. The site can cater for on-site infrastructure. The site is not serviced by a road. It is not considered to create any adverse effects on heritage, cultural values, landscapes, biodiversity, spiritual or cultural matters.



## **PDP Coastal Environment – Objectives and policies**

### **Objectives**

*CE-O1 - The natural character of the coastal environment is identified and managed to ensure its long-term preservation and protection for current and future generations.*

*CE-O2 - Land use and subdivision in the coastal environment:*

- a. preserves the characteristics and qualities of the natural character of the coastal environment;*
- b. is consistent with the surrounding land use;*
- c. does not result in urban sprawl occurring outside of urban zones;*
- d. promotes restoration and enhancement of the natural character of the coastal environment; and*
- e. recognises tangata whenua needs for ancestral use of whenua Māori.*

*CE-O3 - Land use and subdivision in the coastal environment within urban zones is of a scale that is consistent with existing built development.*

- 5.66. The extent of the coastal environment has been mapped by the regional council. The proposal seeks to preserve the character and qualities of the coastal site. The proposal is consistent with surrounding built development and will be consolidated. Ongoing restoration and enhancement is occurring on site. The development is not on behalf of local tangata whenua. The site is not within an urban zone.

### **Policies**

*CE-P1 - Identify the extent of the coastal environment as well as areas of high and outstanding natural character using the assessment criteria in APP1- Mapping methods and criteria.*

*CE-P2 - Avoid adverse effects of land use and subdivision on the characteristics and qualities of the coastal environment identified as:*

- a. outstanding natural character;*
- b. ONL;*
- c. ONF.*

*CE-P3 - Avoid significant adverse effects and avoid, remedy or mitigate other adverse effects of land use and subdivision on the characteristics and qualities of the coastal environment not identified as:*

- a. outstanding natural character;*
- b. ONL;*
- c. ONF.*

*CE-P4 - Preserve the visual qualities, character and integrity of the coastal environment by:*

- a. consolidating land use and subdivision around existing urban centres and rural settlements; and*
- b. avoiding sprawl or sporadic patterns of development.*

*CE-P5 - Enable land use and subdivision in urban zones within the coastal environment where:*



- a. *there is adequacy and capacity of available or programmed development infrastructure; and*
- b. *the use is consistent with, and does not compromise the characteristics and qualities.*

*CE-P6 - Enable farming activities within the coastal environment where:*

- a. *the use forms part of the values that established natural character of the coastal environment; or*
- b. *the use is consistent with, and does not compromise the characteristics and qualities.*

*CE-P7 - Provide for the use of Māori Purpose zoned land and Treaty Settlement land in the coastal environment where:*

- a. *the use is consistent with the ancestral use of that land; and*
- b. *the use does not compromise any identified characteristics and qualities.*

*CE-P8 - Encourage the restoration and enhancement of the natural character of the coastal environment.*

*CE-P9 - Prohibit land use and subdivision that would result in any loss and/or destruction of the characteristics and qualities in outstanding natural character areas.*

*CE-P10 - Manage land use and subdivision to preserve and protect the natural character of the coastal environment, and to address the effects of the activity requiring resource consent, including (but not limited to) consideration of the following matters where relevant to the application:*

- a. *the presence or absence of buildings, structures or infrastructure;*
- b. *the temporary or permanent nature of any adverse effects;*
- c. *the location, scale and design of any proposed development;*
- d. *any means of integrating the building, structure or activity;*
- e. *the ability of the environment to absorb change;*
- f. *the need for and location of earthworks or vegetation clearance;*
- g. *the operational or functional need of any regionally significant infrastructure to be sited in the particular location;*
- h. *any viable alternative locations for the activity or development;*
- i. *any historical, spiritual or cultural association held by tangata whenua, with regard to the matters set out in Policy TW-P6;*
- j. *the likelihood of the activity exacerbating natural hazards;*
- k. *the opportunity to enhance public access and recreation;*
- l. *the ability to improve the overall quality of coastal waters; and*
- m. *any positive contribution the development has on the characteristics and qualities.*

- 5.67. The regional council have mapped those items listed in CE-P1. The development will not have any impacts upon Outstanding natural character, natural landscapes or Features. There will be no significant adverse effects generated by this proposal. Through design, colour scheme and landscaping mitigation measures have been offered. Development on site will remain consolidated. The site is not within an urban zone, Māori purpose zone, or treaty settlement zone. The development is not for farming. Restoration efforts are on-going. The proposal is not for subdivision. The natural character of the coastal environment will remain high



through the siting of the development and various mitigation measures. The site is already subject to a number of buildings along the coastline.

- 5.68. This proposal seeks to revamp and enhance an existing structure. No adverse effects are anticipated. The redeveloped building will be consistent in terms of its size and scale with adjacent buildings on the site. Given that the proposal is to revamp an existing building, it can be well integrated into the surrounding environment and the surrounding environment is easily able to absorb this change. Both earthworks and vegetation clearance are minor to enable the redevelopment of the building. The proposal does not involve any regionally significant infrastructure. The location chosen is the most suitable. Some spiritual and cultural values are held within the stream which is within proximity to the development. Coastal marine waters will not be adversely affected. The redevelopment is positive and will enable the ongoing future use of Kingfish Lodge as an attractive accommodation facility in Whangaroa.

### **Natural Hazards Chapter – objectives and policies**

#### **Objectives**

*NH-01 - The risks from natural hazards to people, infrastructure and property are managed, including taking into account the likely long-term effects of climate change, to ensure the health, safety and resilience of communities.*

*NH-02 - Land use and subdivision does not increase the risk from natural hazards or risks are mitigated, and existing risks are reduced where there are practicable opportunities to do so.*

*NH-03 - New infrastructure is located outside of identified natural hazard areas unless:*

- a. it has a functional or operational need to be located in that area;*
- b. it is designed to maintain its integrity and function, as far as practicable during a natural hazard event; and*
- c. adverse effects resulting from that location on other people, property and the environment are mitigated.*

*NH-04 - Natural defences, such as natural systems and features, and existing structural mitigation assets are protected to maintain their functionality and integrity and used in preference to new structural mitigation assets to manage natural hazard risk.*

- 5.69. The development is set well back from the coastal marine area. Provision has been made such that the building will sit above the 1% AEP flood level. As this is a development of an existing building which sits above the 1% AEP flood level there will be no increased risk to people, property or the environment. New wastewater infrastructure will be located within areas of mapped flood hazard. These systems are designed to process waste, it is then sent up towards the deep bores on the property for discharge. Given the natural defences which are in place (Seawall) it is considered that this infrastructure will be well protected.



### **Policies**

*NH-P1 - Map or define areas that are known to be subject to the following natural hazards, taking into account accepted estimates of climate change and sea level rise:*

- a. flooding;*
- b. coastal erosion;*
- c. coastal inundation; and*
- d. land instability.*

*NH-P2 - Manage land use and subdivision so that natural hazard risk is not increased or is mitigated, giving consideration to the following:*

- a. the nature, frequency and scale of the natural hazard;*
- b. not increasing natural hazard risk to other people, property, infrastructure and the environment beyond the site;*
- c. the location of building platforms and vehicle access;*
- d. the use of the site, including by vulnerable activities;*
- e. the location and types of buildings or structures, their design to mitigate the effects and risks of natural hazards, and the ability to adapt to long term changes in natural hazards;*
- f. earthworks, including excavation and fill;*
- g. location and design of infrastructure;*
- h. activities that involve the use and storage of hazardous substances;*
- i. aligning with emergency management approaches and requirements;*
- j. whether mitigation results in transference of natural hazard risk to other locations or exacerbates the natural hazard; and*
- k. reduction of risk relating to existing activities.*

*NH-P3 - Take a precautionary approach to the management of natural hazard risk associated with land use and subdivision.*

*NH-P4 - Manage land use and subdivision so that the functionality and long-term integrity of existing structural mitigation assets are not compromised or degraded.*

*NH-P5 - Require an assessment of risk prior to land use and subdivision in areas that are subject to identified natural hazards, including consideration of the following:*

- a. the nature, frequency and scale of the natural hazard;*
- b. the temporary or permanent nature of any adverse effect;*
- c. the type of activity being undertaken and its vulnerability to an event, including the effects of climate change;*
- d. the consequences of a natural hazard event in relation to the activity;*
- e. any potential to increase existing risk or creation of a new risk to people, property, infrastructure and the environment within and beyond the site and how this will be mitigated;*
- f. the design, location and construction of buildings, structures and infrastructure to manage and mitigate the effects and risk of natural hazards including the ability to respond and adapt to changing hazards;*





- g. the subdivision/site layout and management, including ability to access and exit the site during a natural hazard event; and .*
- h. the use of natural features and natural buffers to manage adverse effects.*

### **River Flood hazard**

*NH-P6 - Manage land use and subdivision in river flood hazard areas to protect the subject site and its development, and other property, by requiring:*

- a. subdivision applications to identify building platforms that will not be subject to inundation and material damage (including erosion) in a 1 in 100 year flood event;*
- b. a minimum freeboard for all buildings designed to accommodate vulnerable activities of at least 500mm above the 1 in 100 year flood event and at least 300mm above the 1 in 100 year flood event for other new buildings;*
- c. commercial and industrial buildings to be constructed so they will not be subject to material damage in a 1 in 100 year flood event;*
- d. buildings within a 1 in 10 Year River Flood Hazard Area to be designed to avoid material damage in a 1 in 100 year flood event;*
- e. storage and containment of hazardous substances so that the integrity of the storage method will not be compromised in a 1 in 100 year flood event;*
- f. earthworks (other than earthworks associated with flood control works) do not divert flood flow onto surrounding properties and do not reduce flood plain storage capacity within a 1 in 10 Year River Flood Hazard area;*
- g. the capacity and function of overland flow paths to convey stormwater flows safely and without causing damage to property or the environment is retained, unless sufficient capacity is provided by an alternative method; and*
- h. the provision of safe vehicle access within the site.*

### **Coastal hazard**

*NH-P7 - Manage new land use and subdivision in coastal hazard areas so that:*

- a. new subdivision avoids locating building platforms within High Risk Coastal Hazard areas and building platforms should be located outside other coastal hazard areas where alternative locations are available and it is practicable to do so;*
- b. new buildings containing vulnerable activities are not located within High Risk Coastal Hazard areas unless:*
  - i. there is no other suitable location available on the existing site;*
  - ii. hazard risks can be mitigated without the need for hard protection structures.*
- c. where a building or building platform is located with a coastal hazard area, it should be designed and constructed such that:*
  - i. the building platform will not be subject to inundation and / or material damage (including erosion) over a 100-year timeframe; and either*
  - ii. the finished floor level of any building accommodating a vulnerable activity must be at least 500mm above the maximum water level in a 1 percent AEP flood event plus 1m sea level rise; or*



- iii. *the finished floor level of any other building must be at least 300mm above the maximum water level in a 1 percent AEP flood event plus 1m sea level rise.*
- d. *hazard risk is not transferred to, or increased on, other properties;*
- e. *buildings, building platforms, access and services are located and designed to minimise the need for hard protection structures;*
- f. *safe vehicle access within the site is provided; and*
- g. *services are located and designed to minimise the risk of natural hazards.*

5.70. The regional council has mapped areas subject to natural hazard. Natural hazard risk is not increased by undertaking this development. The building will remain above the 1% AEP flood level coupled with the new seawall which has been installed, ensures that the building and associated infrastructure will remain protected from hazards. The site is quite isolated such that the hazard risk will not impact on others. The site has no vehicle access. The site is utilised for tourism and accommodation which is a vulnerable activity. However, as mentioned above, natural hazard risk will not be increased. The buildings are located within proximity to the coast and the stream. As noted, the building has been structurally designed such that it will sit above the 1% AEP. Long term it is anticipated that additional hard protection structures will be utilised to protect built development on site. Earthworks will be minor. The fill material will be transported to the adjacent property. Infrastructure will be located within the hazard areas also. This is generally because it is existing following existing routes. New wastewater infrastructure is required. This will be installed immediately adjacent to recently consented tanks for processing. There will be no storage of hazardous substances. In the event of an emergency, patrons will evacuate uphill to higher ground. There will be no transference of hazard risk to other sites. Risk will be reduced through upgrades made to the existing building.

## 6. Notification Assessment – Sections 95A to 95G of the Act

### Public Notification Assessment

6.1. Section 95A requires a council to follow specific steps to determine whether to publicly notify an application. The following is an assessment of the application against these steps:

#### Step 1 Mandatory public notification in certain circumstances

*An application must be publicly notified if, under section 95A(3), it meets any of the following criteria:*

*(a) the applicant has requested that the application be publicly notified:*

*(b) public notification is required under [section 95C](#):*

*(c) the application is made jointly with an application to exchange recreation reserve land under [section 15AA](#) of the Reserves Act 1977.*



- 6.2. It is not requested the application be publicly notified and the application is not made jointly with an application to exchange reserve land. Therefore Step 1 does not apply and Step 2 must be considered.

### Step 2: Public Notification precluded in certain circumstances

*(4) Determine whether the application meets either of the criteria set out in subsection (5) and,—*

*(a) if the answer is yes, go to step 4 (step 3 does not apply); and*

*(b) if the answer is no, go to step 3.*

*(5) The criteria for step 2 are as follows:*

*(a) the application is for a resource consent for 1 or more activities, and each activity is subject to a rule or national environmental standard that precludes public notification:*

*(b) the application is for a resource consent for 1 or more of the following, but no other, activities:*

*(i) a controlled activity:*

*(ii) [Repealed]*

*(iii) a restricted discretionary, discretionary, or non-complying activity, but only if the activity is a boundary activity.*

*(iv) [Repealed]*

*(6) [Repealed]*

- 6.3. Public Notification is not precluded as the proposal is a Discretionary Activity and is not solely a boundary activity. Therefore Step 3 must be considered.

### Step 3: Public Notification required in certain circumstances

*(7) Determine whether the application meets either of the criteria set out in subsection (8) and,—*

*(a) if the answer is yes, publicly notify the application; and*

*(b) if the answer is no, go to step 4.*

*(8) The criteria for step 3 are as follows:*

*(a) the application is for a resource consent for 1 or more activities, and any of those activities is subject to a rule or national environmental standard that requires public notification:*

*(b) the consent authority decides, in accordance with section 95D, that the activity will have or is likely to have adverse effects on the environment that are more than minor.*

- 6.4. The proposal is not subject to a rule or NES requiring public notification and the proposal does not have effects that will be more than minor. Therefore, public notification is not required, and Step 4 must be considered.

### Step 4: Public notification in special circumstances

- 6.5. Section 95A(9) states that a council must publicly notify an application for resource consent if it considers that 'special circumstances' exist, notwithstanding that Steps 1 – 3 above do not require or preclude public notification. Special circumstances are not defined in the Act.



- 6.6. There are no special circumstances that exist to justify public notification of the application because the proposal is for a discretionary activity and the proposal is not considered to be controversial or of significant public interest, particularly given that it is private land and the proposal is to redevelop an existing building, which is considered as neither exceptional or unusual.

### Public Notification Summary

- 6.7. From the assessment above it is considered that the application does not need to be publicly notified, but assessment of limited notification is required.

### Limited Notification Assessment

- 6.8. If the application is not publicly notified, a consent authority must follow the steps of section 95B to determine whether to give limited notification of an application.

### Step 1: Certain affected groups and affected persons must be notified

*(2) Determine whether there are any—*

*(a) affected protected customary rights groups; or*

*(b) affected customary marine title groups (in the case of an application for a resource consent for an accommodated activity).*

*(3) Determine—*

*(a) whether the proposed activity is on or adjacent to, or may affect, land that is the subject of a statutory acknowledgement made in accordance with an Act specified in Schedule 11; and*

*(b) whether the person to whom the statutory acknowledgement is made is an affected person under section 95E.*

*(4) Notify the application to each affected group identified under subsection (2) and each affected person identified under subsection (3).*

- 6.9. There are no protected customary rights groups or customary marine title groups that are relevant to this application. It is noted however that as part of a Regional Council application that plans of the development within the Coastal Marine Area were sent to relevant CMT parties. Plans of the wider development being sought as part of this LUC have not been circulated. Refer **Appendix 14**.

- 6.10. The site is not within a statutory acknowledgement area, however it is located adjacent to the Whangaroa Harbour where the bed of the harbour is a statutory acknowledgement area that belongs to Ngatikahu ki Whangaroa. Within the Northland Regional Council Statement of association, Coastal Marine Area section, it stipulates that –

*“The Coastal Marine Area adjacent to the area of interest includes the Whangaroa Harbour, Pacific Coastline from Kowhairoa Peninsula in the East, to Tokerau (Doubtless Bay) on the West, and south to Mangonui Harbour. The water, fisheries*



*and other natural resources on the coastline and along the rivers, including Oruaiti and Waihapā Bay and their tributaries, are of extreme cultural significance to Ngatikahu ki Whangaroa. They contain a number of important awaawa mahinga kai (water resources), flora, fauna and fisheries, which were customarily hunted and gathered.”*

- 6.11. Every effort has been made throughout the redesign process to ensure that there will be no adverse effects on areas of awaawa mahinga kai, flora, fauna and fisheries. Erosion and sediment control measures will ensure that there will be no adverse effects on the adjacent stream and coastal marine area. Landscaping will enhance riparian margins. As the proposed activities are land based, it is considered that Ngatikahu ki Whangaroa are not affected by the proposed activities. Please refer to **Appendix 13** for discussion with representatives from this hapu.
- 6.12. Therefore Step 1 does not apply and Step 2 must be considered.

### Step 2: Limited notification precluded in certain circumstances

*(5) Determine whether the application meets either of the criteria set out in subsection (6) and,—*

*(a) if the answer is yes, go to step 4 (step 3 does not apply); and*

*(b) if the answer is no, go to step 3.*

*(6) The criteria for step 2 are as follows:*

*(a) the application is for a resource consent for 1 or more activities, and each activity is subject to a rule or national environmental standard that precludes limited notification:*

*(b) the application is for a controlled activity (but no other activities) that requires a resource consent under a district plan (other than a subdivision of land).*

- 6.13. There is no rule in the plan or national environmental standard that precludes notification. The application is not for a controlled activity. Therefore Step 2 does not apply and Step 3 must be considered.

### Step 3: Certain other affected persons must be notified

*(7) In the case of a boundary activity, determine in accordance with section 95E whether an owner of an allotment with an infringed boundary is an affected person.*

*(8) In the case of any other activity, determine whether a person is an affected person in accordance with section 95E.*

*(9) Notify each affected person identified under subsections (7) and (8) of the application. The proposal is not for a boundary activity nor is it a prescribed activity.*

- 6.14. The proposal does involve a boundary activity. The boundary activity relates to the redevelopment of the north accommodation and the bar / restaurant building. As the building will be increasing in scale it has been identified as a technical setback breach.

In deciding who is an affected person under section 95E, a council under section 95E(2):





*(2) The consent authority, in assessing an activity's adverse effects on a person for the purpose of this section,—*

*(a) may disregard an adverse effect of the activity on the person if a rule or a national environmental standard permits an activity with that effect; and*

*(b) must, if the activity is a controlled activity or a restricted discretionary activity, disregard an adverse effect of the activity on the person if the effect does not relate to a matter for which a rule or a national environmental standard reserves control or restricts discretion; and*

*(c) must have regard to every relevant statutory acknowledgement made in accordance with an Act specified in Schedule 11.*

- 6.15. A council must not consider that a person is affected if they have given their written approval, or it is unreasonable in the circumstances to seek that person's approval.
- 6.16. With respect to section 95B(8) and section 95E, the permitted baseline was considered as part of the assessment of environmental effects undertaken in Section 5 of this report, which found that the potential adverse effects on the environment will be no more than minor.
- 6.17. Regarding potential adverse effects on persons, the assessment in Sections 5, 6 and 7 are also relied on and the following comments made:
- The proposed replacement north accommodation building proposal is a continuation of earlier consented building redevelopment activity on the site;
  - While there will be infringements of Visual Amenity, Setback from boundaries, and Building Height, this activity will not adversely affect public access or enjoyment of the marginal strip administered by the Department of Conservation. As agreed, the conference room building will be removed from the marginal strip and the north accommodations located entirely within the Applicant's site. DOC has provided written approval to the proposed redevelopment plans;
  - Vegetation clearance is minimal to enable construction of the redeveloped building.
  - The proposal has incorporated adequate measures to ensure all visual effects arising from the redevelopment are mitigated to a no more than minor degree such that there will be no adverse effects on the coastal marine area, adjoining sites or the surrounding environment.
  - Engagement with Eljon Fitzgerald representing Te Ukaipo has been ongoing and we would like to continue to build this relationship with him and the local hapu he represents through the Runanga. An email has been received by Eljon requesting Cultural Monitoring of the Earthworks. We will be talking with him in more detail to define a consent condition/s that will be offered.
  - Engagement with Roger Kingi and Bill Hori on behalf of Ngatikau ki Whangaroa has also been undertaken. Similar to the relationship with Te Ukaipo we would like to continue to build this relationship with them. It is noted that within the in person meeting with DoC that they did not have any input to this landuse consent application.
  - The proposed activities would not be contrary to the objectives and policies of the ODP, PDP, NZCPS or the RPSN.



- All other persons are sufficiently separated from the proposed development and works, such that there will be no effects on these people.

- 6.18. Given the above, with the exception of Te Ukaipo who will continue to be consulted with in terms of consent conditions, no persons will be affected to a minor or more than minor degree.
- 6.19. Overall, the adverse effects on any persons are considered to be no more than minor. Therefore Step 3 does not apply and Step 4 must be considered.

#### **Step 4: Further notification in special circumstances**

*(10) whether special circumstances exist in relation to the application that warrant notification of the application to any other persons not already determined to be eligible for limited notification under this section (excluding persons assessed under section 95E as not being affected persons),*

- 6.20. The proposal is a continuance of a redevelopment proposal for Kingfish Lodge. It is considered that no special circumstances exist in relation to the application.

#### **Limited Notification Assessment Summary**

- 6.21. Overall, from the assessment undertaken Steps 1 to 4 do not apply and there are no affected persons.

### **7. Part 2 Assessment**

- 7.1. For completeness, the application is assessed in relation to the purpose and principles of the Resource Management Act 1991 which are contained in Section 5 to 8 of the Act inclusive.
- 7.2. The proposal will meet Section 5 of the RMA as the proposal will sustain the potential of natural and physical resources whilst meeting the foreseeable needs of future generations as the site is being revamped such that it can continue to be utilised for tourism and accommodation purposes. In addition, the proposal will avoid adverse effects on the environment and will maintain and enhance the character of the site and surrounding environment.
- 7.3. Section 6 of the Act includes matters of national importance. The proposal will aid in preserving the natural character of the coastal environment by utilising a natural, recessive scheme combined with good architectural design to absorb the appearance of the development into the site. The redevelopment will remain consistent with the size and scale of adjacent buildings and be integrated in terms of the adopted natural materials and recessive colours. Public access to the foreshore will remain via the marginal strip administered by the Department of Conservation.



- 7.4. The design of the redevelopment proposal has considered and the relationship of Maori and their culture and traditions. This has involved early and active engagement with Te Ukaipo throughout all the different stages of the redevelopment proposal (refer **Appendix 10**), and we look forward to continuing this engagement in terms of consent conditions and further development proposals moving forward. It is considered that the proposal will not have an adverse effect on Maori and their relationships with their ancestral lands, water, sites, waahi tapu and other taonga as a result of the mitigation measures which form part of this proposal. As detailed above, the site has been investigated in terms of archaeology and also spiritual matters with some areas of the site being highlighted. Development generally remains away from those areas, except for the stream that runs under the bar/restaurant building and the earthworks near the Pa site. The development works near the stream have been consented under RC 2230579 which was supported by a CIA. The subject site does contain some historical and culturally significant sites.
- 7.5. The NRC Hazard Maps indicates that the site is susceptible to natural hazards. The redevelopment of the building ensures that it remains above the 1% AEP.
- 7.6. Section 7 identifies several “other matters” to be given particular regard by a Council in the consideration of any assessment for resource consent, including the maintenance and enhancement of amenity values. The proposal maintains and enhances amenity values in the area as the building will be redeveloped to a modern standard such that it does not fall into a dilapidated state. Moreover, continued work on native planting, weed and pest management remains on-going. This work ensures that works across the site maintains and enhances the quality of the environment.
- 7.7. Section 8 requires Council to ‘take into account’ the principals of the Treaty of Waitangi. It is considered that the proposal raises no Treaty issues. The proposal has taken into account the principals of the Treaty of Waitangi and is not considered to be contrary to these principals.
- 7.8. Overall, the application is consistent with the relevant provisions of Part 2 of the Act, as expressed through the objectives, policies and rules reviewed in earlier sections of this application. Given that consistency, we conclude that the proposal achieves the purposes of sustainable management set out by section 5 of the Act.

## 8. Conclusion

- 8.1. The Applicant, Kingfish Lodge seeks resource consent for the next phase of its Lodge redevelopment works. A redevelopment of the north accommodation wing is proposed involving the removal of the existing accommodation building and its replacement with a two-storey building that would incorporate a new conference meeting room, gym and spa facilities at the ground floor. The conference building will be removed from the marginal strip.



- 8.2. Associated earthworks for building foundations, retaining walls and landscaping is required. Earthworks disposal sites for excess soil are required, of which one is located on the neighbouring property. Disposal site 1 will be the location of a proposed helicopter pad. Some removal of weeds, exotic and some native tree species around the building site is proposed to be replaced with a comprehensive planting plan that includes the marginal strip land adjacent to wharf jetty and deck structures in the coastal marine area.
- 8.3. A concurrent regional application to replace the former conference room deck and construct new concrete stairs down to the beach area has been lodged with Northland Regional Council.
- 8.4. The proposed activities are Discretionary under the ODP and Permitted under PDP rules that have immediate legal effect. The assessment of effects on the environment has concludes that potential adverse effects will be no more than minor. The buildings will essentially occupy the same building footprint as the existing north accommodation building, with a slight easterly shift to locate the buildings outside of the marginal strip. The addition of a second storey to the building will not increase the degree of dominance or shading effect on the marginal strip land, nor will it be an inappropriate addition to the surrounding landscape which provides the undeveloped vegetated hillside backdrop. Public access to the marginal strip and coastal marine area will be retained and facilities improved to enable better access to the beach areas and northern headland. Proposed planting will soften the appearance of the building as viewed from the surrounding area (mainly the CMA) and enhance the indigenous biodiversity of the coastal foreshore.
- 8.5. The proposed activities are consistent with the objectives and policies of the NZCPS, RPSN and the ODP and PDP. The proposed buildings will occupy an existing building location that forms part of the established coastal character of this location. The Lodge building site is not within any identified area of Outstanding or High Natural Character that applies to the surrounding vegetated hillsides. The new buildings represent an investment in the site to develop a modern, high quality lodge facility designed to integrate with the surrounding landscape using natural materials, recessive colours and landscape planting. Public access to the site will remain and be enhanced through the removal of the existing conference room building and the construction of new coastal structures to convey people to the beach areas and eventually walking tracks that connect to the northern headland.
- 8.6. Potentially affected parties include DOC as the Crown administrator of the adjacent marginal strip and local hapu. DoC have provided written approval to this proposal. An email with a request for some cultural monitoring has been received from Te Ukaipo within **Appendix 10**. It is considered that there are no other persons affected by the proposed activities. The Applicant requests that this application be sent to Te Ukaipo (specifically Eljon Fitzgerlad who has been our main contact point in the Runanga) and Kingfish Lodge will continue discussions with him and offer and specific consent condition/s to cover this request.



## 9. Limitations

- 9.1. This report has been commissioned solely for the benefit of our client, in relation to the project as described above, and to the limits of our engagement, with the exception that the Far North District Council or Northland Regional Council may rely on it to the extent of its appropriateness, conditions and limitations, when issuing their subject consent.
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