

# Application for resource consent or fast-track resource consent

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

## 1. Pre-Lodgement Meeting

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

## 2. Type of Consent being applied for

*(more than one circle can be ticked):*

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

\* *The fast track is for simple land use consents and is restricted to consents with a controlled activity status.*

## 3. Would you like to opt out of the Fast Track Process?

Yes  No

## 4. Consultation

Have you consulted with Iwi/Hapū?  Yes  No

If yes, which groups have you consulted with?

Who else have you consulted with?

For any questions or information regarding iwi/hapū consultation, please contact Te Hono at Far North District Council [tehonosupport@fndc.govt.nz](mailto:tehonosupport@fndc.govt.nz)

## 5. Applicant Details

**Name/s:**

Robert and Fay Moffat

**Email:**

**Phone number:**

**Postal address:**

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

## 6. Address for Correspondence

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

**Name/s:**

Northland Planning & Development 2020 Ltd

**Email:**

**Phone number:**

**Postal address:**

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

*\* All correspondence will be sent by email in the first instance. Please advise us if you would prefer an alternative means of communication.*

## 7. Details of Property Owner/s and Occupier/s

*Name and Address of the Owner/Occupiers of the land to which this application relates (where there are multiple owners or occupiers please list on a separate sheet if required)*

**Name/s:**

Robert and Fay Moffat

**Property Address/  
Location:**

8/2958 State Highway 10, Mangonui (Paewhenua Island)

**Postcode**

0494

## 8. Application Site Details

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

**Name/s:**

**Site Address/  
Location:**

**Postcode**

**Legal Description:**

**Val Number:**

**Certificate of title:**

Please remember to attach a copy of your Certificate of Title to the application, along with relevant consent notices and/or easements and encumbrances (search copy must be less than 6 months old)

### Site visit requirements:

Is there a locked gate or security system restricting access by Council staff?  Yes  No

Is there a dog on the property?  Yes  No

Please provide details of any other entry restrictions that Council staff should be aware of, e.g. health and safety, caretaker's details. This is important to avoid a wasted trip and having to re-arrange a second visit.

## 9. Description of the Proposal:

Please enter a brief description of the proposal here. Please refer to Chapter 4 of the District Plan, and Guidance Notes, for further details of information requirements.

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

## 10. Would you like to request Public Notification?

Yes  No

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

(more than one circle can be ticked):

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

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

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

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

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

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

## 13. Assessment of Environmental Effects:

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

Your AEE is attached to this application  Yes

## 13. Draft Conditions:

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

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

## 14. Billing Details:

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

**Name/s:** (please write in full)

Robert Moffat

**Email:**

**Phone number:**

**Postal address:**

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

### Fees Information

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

### Declaration concerning Payment of Fees

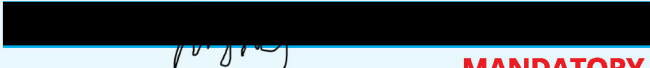
I/we understand that the Council may charge me/us for all costs actually and reasonably incurred in processing this application. Subject to my/our rights under Sections 357B and 358 of the RMA, to object to any costs, I/we undertake to pay all and future processing costs incurred by the Council. Without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

**Name:** (please write in full)

Robert Moffat

**Signature:**

(signature of bill payer)



**Date** 18-Oct-2024

**MANDATORY**

## 15. Important Information:

### Note to applicant

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

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

### Fast-track application

Under the fast-track resource consent process, notice of the decision must be given within 10 working days after the date the application was first lodged with the authority, unless the applicant opts out of that process at the time of lodgement. A fast-track application may cease to be a fast-track application under section 87AAC(2) of the RMA.

### Privacy Information:

Once this application is lodged with the Council it becomes public information. Please advise Council if there is sensitive information in the proposal. The information you have provided on this form is required so that your application for consent pursuant to the Resource Management Act 1991 can be processed under that Act. The information will be stored on a public register and held by the Far North District Council. The details of your application may also be made available to the public on the Council's website, [www.fndc.govt.nz](http://www.fndc.govt.nz). These details are collected to inform the general public and community groups about all consents which have been issued through the Far North District Council.

## 15. Important information continued...

### Declaration

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

**Name:** (please write in full)

Robert Moffat

**Signature:**

[Redacted Signature]

**Date** 18-Oct-2024

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

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

- Payment (cheques payable to Far North District Council)
- A current Certificate of Title (Search Copy not more than 6 months old)
- Details of your consultation with Iwi and hapū
- Copies of any listed encumbrances, easements and/or consent notices relevant to the application
- Applicant / Agent / Property Owner / Bill Payer details provided
- Location of property and description of proposal
- Assessment of Environmental Effects
- Written Approvals / correspondence from consulted parties
- Reports from technical experts (if required)
- Copies of other relevant consents associated with this application
- Location and Site plans (land use) AND/OR
- Location and Scheme Plan (subdivision)
- Elevations / Floor plans
- Topographical / contour plans

Please refer to Chapter 4 of the District Plan for details of the information that must be provided with an application. Please also refer to the RC Checklist available on the Council's website. This contains more helpful hints as to what information needs to be shown on plans.

**Landuse Resource Consent Proposal****Robert Moffat****8/2958 State Highway 10, Mangonui**

23 October 2024

Attention: Aroha Chase

Please find attached:

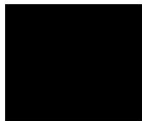
- an application form for a Landuse Resource Consent to construct a horse arena within the General Coastal Zone as a **Discretionary Activity** under the Operative District Plan.
- an Assessment of Environmental Effects indicating the potential and actual effects of the proposals on the environment.

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

It is noted that some initial discussions with Aroha Chase have been had prior to lodging this application.

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

Regards,



Alex Billot  
Resource Planner

Reviewed by:



Rochelle Jacobs  
Director/Senior Planner

**NORTHLAND PLANNING & DEVELOPMENT 2020 LIMITED**

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**Attachments**

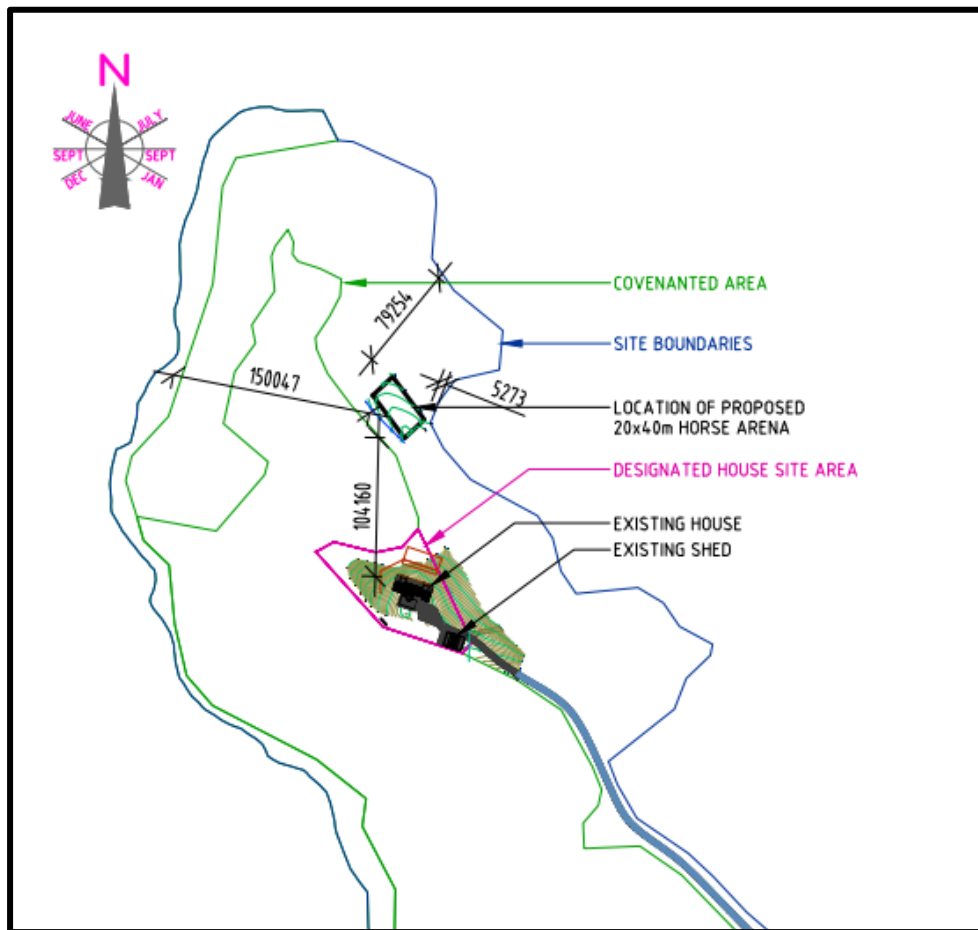
1. **FNDC Application Signed**
2. **Certificate of Title – LINZ**
3. **Consent Notice 11706815.13 - LINZ**
4. **Variation to Consent Notice 11706815.4 and 11706815.5 - LINZ**
5. **Consent Notice 7939738.1 - LINZ**
6. **Consent Notice 6498011.4 - LINZ**
7. **Site Plan – Probuild/Fat Hippo**
8. **Topographic Survey – Von Sturmers**
9. **Excavation details – Von Sturmers**
10. **Correspondence – Heritage NZ Puhere Taonga**
11. **Correspondence – Te Hono Support – Iwi Contacts**
12. **Correspondence – Iwi**
13. **Correspondence – Paewhenua Design Committee Correspondence**



## Assessment of Environment Effects Report

### 1.0 DESCRIPTION OF THE PROPOSED ACTIVITY

- 1.1 The proposal seeks to construct an outdoor, uncovered horse arena, with dimensions of 40m by 20m, as detailed in Figure 1 below. The purpose of the horse arena is for private use by the applicants for exercising and training their own horses. The proposed horse arena will be located within an existing area of pasture within the site, away from any areas of covenanted bush. The volume of excavations has been determined as 415m<sup>3</sup> of cut and 65m<sup>3</sup> of fill. The maximum cut height will be 1.24m and the maximum fill height will be 2.8m, as per the topographic survey attached with this application.
- 1.2 The site is zoned General Coastal under the ODP and therefore results in a breach of the permitted activity rule 12.3.6.1.2 Excavation and/or filling in the General Coastal zone, which allows a permitted excavation volume of 300m<sup>3</sup> as well as a permitted cut/fill height of up to 1.5m.
- 1.3 Therefore, consent is required for a **Discretionary Activity**.



*Figure 1: Site Plan.*





*Figure 2: Example image of what the horse arena is envisioned to look like.*

## 2.0 SITE DESCRIPTION

- 2.1 The property is located at 8/2958 State Highway 10, Mangonui, and is part of the Paewhenua Island gated development. The Estate consists of various sized allotments set amongst exclusive landscaped areas and vineyards. The subject site is known as Lot 8 DP 538982 and is 27.73ha in area. The title also has a 1/585 share of Lot 40, which is 2.4686 hectares in area and is Paewhenua Drive. The site is zoned General Coastal and is one of the only two farm lots within the Island. The site consists of open areas utilised for grazing of livestock and covenanted bush areas, which border the Mangonui Harbour and inlets.
- 2.2 There is an existing consented dwelling and shed located on the site and the proposed horse arena will be constructed within an existing paddock, with no vegetation clearance required.

### Background

- 2.3 The subject site contains an existing dwelling and shed which have been consented under RC 2300311-RMALUC, which was approved on 06/01/2021. Resource consent was sought for a breach of the permitted rules for visual amenity and excavation/filling in the General Coastal Zone. The activity status of the application was Restricted Discretionary. It was noted within the application that 689m<sup>3</sup> of cut was required to for the building sites with an equal amount generated for fill (1378m<sup>3</sup> in total), with a maximum cut of 1.4m. Code of Compliance for the dwelling and attached garage and detached shed was issued on 27 June 2023 under CCC-2021-836/2.



## Title

- 2.4 The subject site is held within Record of Title 900319 which is dated 30 March 2020. The site is legally described as Lot 8 DP 538982 with an area of 27.7307ha. Also registered on the title is a 1/585 share of Lot 40 DP 340983, which has a total area of 2.4686ha. Paewhenua Island was developed under RC 2020581-LUC and RC 2040213 which allowed for the creation of 26 lots over 3 stages. Since the approval of these consents, there has been a number of variations approved. The subdivisions imposed consent notice conditions at time of each stage, such that the site is subject to an array of consent notice conditions. These documents are referenced 6498011.4, 7939738.1, 11706815.13. Consent Notice documents 6498011.4 and 7939738.1 have been varied and the assessment below will capture these changes. The variations to these consent notices affect Lot 43 being the balance land prior to Stage 3 being completed. Lot 8 being the subject site was created from Lot 43. An assessment of the consent notice documents has been undertaken below.
- 2.5 It is worth noting that the Design Committee for the Island has provided written confirmation that the proposed horse arena does not need approval from the Design Committee. The Land Covenants were designed to control buildings and ancillary buildings, which the horse arena does not fall under. This correspondence is included within **Appendix 13**.

CN 6498011.4 Stage 1 and variation 11706815.5	Comment
<i>Conditions a, - i. have been cancelled by the variation</i>	Not applicable.
<u>As amended</u> <i>j. The registered proprietors of the land containing Areas "B", "H", "I" and "J" are responsible to manage the land so as to preserve the natural environment or landscape amenity or wildlife or fresh water life or marine life habitat including the protection and enhancement of the native vegetation in accordance with section 77 of the Reserves Act 1977.</i>	Area J is located on the property. No development is proposed within this area. The proposal complies with this consent notice condition.

CN 7939738.1 Stage 2 and variation 11706815.4	Comment
<i>Conditions 1-4 have been cancelled by the variation</i>	Not applicable.

CN 11706815.13	Comment
<i>Conditions a – c do not apply to Lot 8</i>	Not applicable.



<p><i>d) All dwellings shall be located a minimum of 40 metres from mean high water springs.</i></p>	<p>The proposal does not include a dwelling and therefore this condition is not applicable.</p>
<p><i>e) That prior to the issue of building consents for any dwelling, an individual site landscape plan shall be submitted to the satisfaction of Council's duly delegated officer. The plan shall show proposed native plantings to minimise the visual effect of the dwelling and be prepared by a qualified landscape architect. This plan shall have regard to the intent of the approved landscape enhancement plan referred to in condition 2(e) of Stage 1 of subdivision consent RC2040213. The plan shall be implemented within the first planting season following completion of the exterior of the dwelling and maintained thereafter.</i></p>	<p>The proposal does not include a dwelling and therefore this condition is not applicable.</p>
<p><i>f) Any building consent application shall include a TP58 report detailing on-site wastewater disposal.</i></p>	<p>The proposal is for a horse arena. No wastewater disposal system is required.</p>
<p><i>g) All building development shall be limited to a maximum 450m<sup>2</sup> ground coverage situated within the areas marked as "Newly Designated House Sites" on the approved plan "Proposed subdivision of Stage 3 (revised) of Paewhenua Estates Limited being a subdivision of Lots 1 and 43 and Lots 27-32 (amalgamated) DP 409734 prepared by AB Matthews and Associates dated 13 October 2019. It shall be in accordance with the design criteria as specified (pages 14-15, subject to any amendments required as a result of lot renumbering) in the report prepared by DJ Scott Associates Ltd and Metro Planning Ltd as part of the resource consent application (reference RC2020581) titled The Island – proposed Farm Park report 01 dated January 2022. Any resource consent or building consent application shall be accompanied by a report by a registered architect confirming that the building is in accordance with the design criteria including the 5 metre maximum height requirement.</i></p>	<p>The proposal is not for a building, it is for a horse arena and therefore this condition is not applicable.</p>



<p><i>h) All known archaeological sites identified on the property in the V Hensley January 2000 and the Clough and Associates September 2002 archaeological assessments shall be protected unless authorisation is obtained from Heritage New Zealand Pouhere Taonga for their destruction, damage, or modification. In the event of other archaeological sites or koiwi being uncovered, activities in the vicinity of the discovery shall cease. The consent holder or subsequent land owner shall then consult with Kenana Marae, Te Runaga a Iwi o Ngati Kahu and Heritage New Zealand Pouhere Taonga, and shall not recommence works in the area of the discovery until an unless the relevant Heritage New Zealand Pouhere Taonga approvals have been obtained</i></p>	<p>The V Hensley and Clough and Associates reports do not indicate any archaeology within the development area nor do the NZAA maps.</p> <p>Correspondence with Heritage NZ has been undertaken prior to lodgement and it has been recommended the proposal proceed under the guidance of an ADP.</p>
<p><i>i) that the landscape plan approved in accordance with condition 3 of landuse consent RC 2020581 is to be undertaken within the next planting season following the completion of site works or the commencement of the construction of any dwellings or community facilities or sooner and maintained to the satisfaction of Councils duly delegated officer</i></p>	<p>No landscaping is considered to be required for the proposed horse arena.</p>
<p><i>j) That all on-site activities are to be conducted in accordance with the farm park management plan approved in accordance with Condition 2 of the land use consent (RC 2020581), including the establishment and use of communal facilities as described in the land use application.</i></p>	<p>The proposed activity is considered to be consistent with the relevant documents.</p>
<p><i>k) The registered proprietors of the covenant areas identified on the survey plan as per condition 2(e) of RC 2040213-RMAVAR/A are responsible to manage the land so as to preserve the natural environment or landscape amenity or wildlife or fresh water life or marine life habitat including the protection and enhancement of the native vegetation in accordance with section 77 of the Reserves Act.</i></p>	<p>The areas identified within RC 2040213 VAR/A will not be adversely impacted by this development.</p>
<p><i>(l) – (o) not applicable to the subject site.</i></p>	<p>Not applicable.</p>



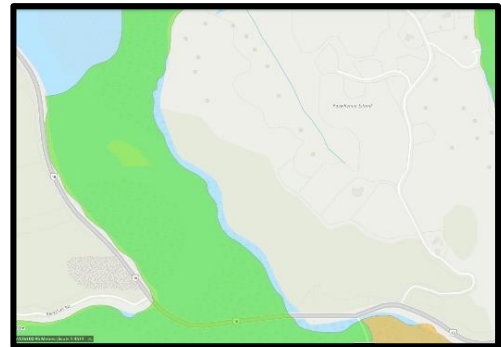
2.6 As detailed above, the proposal can comply with the consent notices registered on the title.

**Site Features**

2.7 The site is located within the General Coastal zone under the Operative District Plan.

2.8 The Proposed District Plan maps the site as Rural Production and located within the Coastal Environment.

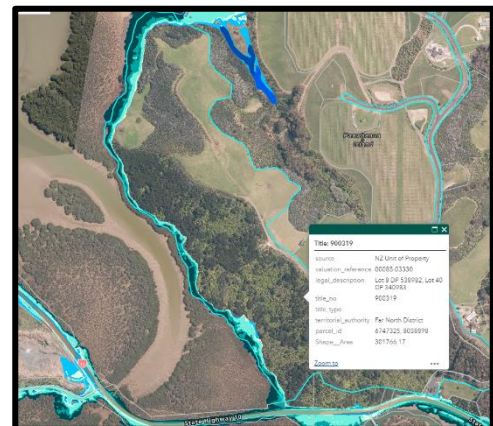
2.9 The Regional Policy Statement has mapped the western portion of the site as being within the Coastal Environment (blue line). The site is not shown to be subject to any outstanding natural landscapes or outstanding natural features. The Mangonui Harbour which adjoins the site is shown to be an Outstanding Landscape.



*Figure 3: RPS Maps.*

2.10 Given the sites semi-rural location there are no connections to Council reticulated services such as water supply, wastewater and stormwater.

2.11 The boundary of the site which adjoins the Mangonui Harbour is shown to be susceptible to natural hazards, however the remainder of the site is not. The location of the horse arena is not within an area susceptible to natural hazards.



*Figure 4: NRC Natural Hazards Map*

2.12 NZAA has mapped archaeological sites within the subject lot as per **Figure 5** below. The proposed horse arena is located on an area of the site which is not shown to contain an archaeological site. Extensive archaeological assessment was completed as part of the various subdivision applications on Paewhenua Island, such that it is considered that where the proposed horse arena is to be located is not within an area of archaeological or historic significance. Consultation with Iwi and heritage NZ Pouhere Taonga has been undertaken as part of this application process. Heritage NZ have advised that the proposal is to proceed under the guidance of an ADP.



*Figure 5: NZAA Maps*

2.13 The subject site is not shown to be listed as a HAIL site.



- 2.14 The soils contained within the lot are classified as LUC 4e3 and 6e2, which are not considered to be highly versatile soils under the RPS and therefore the National Policy Statement for Highly Productive Land (NPS-HPL) is not considered applicable to the proposal.
- 2.15 The site contains areas of PNA O04/206 noted as shrubland. These areas are protected by existing covenants and will not be affected by the proposal.



*Figure 6: FNDC PNA Maps.*

- 2.16 The site is not shown to be within a kiwi present area.
- 2.17 Paewhenua Island is surrounded by the Mangonui Harbour which is a Statutory Acknowledgement Area for Ngatikahu ki Whangaroa. Iwi have been contacted as part of this application process (refer **Appendix 12**).

### **3.0 WEIGHTING OF PLANS**

- 3.1 The site is zoned as Rural Production and is mapped as being within the Coastal Environment Overlay under the Proposed District Plan.
- 3.2 The Council notified its' PDP on 27 July 2022. The period for public submissions closed on the 21 October 2022. A summary of submissions was notified on the 4 August 2023. The further submission period closed on the 5 September 2023. It is apparent from the summary of submissions relating to the applicable Rural Production zone and the coastal environment overlay that a large number relate to the application of these provisions. Based on the volume and comprehensive nature of these submissions, the Council has confirmed that no other rules will have legal effect until such time as a decision is made on those provisions.
- 3.3 District Plan hearings on submissions are currently underway and are scheduled to conclude in October 2025. No decision on the PDP has been issued. For this reason, little weight is given to the PDP provisions.





3.4 When the PDP was notified, some rules had immediate legal effect. An assessment against these rules is set out below.

## 4.0 ACTIVITY STATUS OF THE PROPOSAL

### Operative District Plan

4.1 The subject site is located within the General Coastal Zone. An assessment of the relevant zone and district wide rules of the District Plan is set out in the tables below.

Assessment of the Permitted Section 10.6.5.1 General Coastal Zone.		
Plan Reference	Rule	Performance of Proposal
10.6.5.1.1	Visual Amenity	<b>Not applicable.</b> The proposed horse arena does not meet the definition of a building and therefore this rule is not applicable to the proposal.
10.6.5.1.2	Residential Intensity	<b>Not applicable.</b> The proposal does not alter the residential intensity of the site.
10.6.5.1.3	Scale of Activities	<b>Not applicable.</b> No non-residential activities are proposed. The proposed horse arena will be utilised for private use by the applicants.
10.6.5.1.4	Building Height	<b>Not applicable.</b> The proposed horse arena does not meet the definition of a building.
10.6.5.1.5	Sunlight	<b>Not applicable.</b> The proposed horse arena does not meet the definition of a building.
10.6.5.1.6	Stormwater Management	<b>Permitted</b> The permitted impermeable surface coverage for the General Coastal zone is 10% of the total site area. The site has an existing consented impermeable surface coverage of 3777m <sup>2</sup> or 1.4% of the total site area. The title also contains a 1/585 share of Lot 40. As per approved RC2300311, it was calculated that the total impermeable surface coverage of Lot 40 was 8435m <sup>2</sup> and a 1/585 share of this equates to 14.4m <sup>2</sup> . As the proposed horse arena will have a crushed metal and tread lite base, this is considered to be a form of impermeable surface and therefore must be added to the calculations.  The total impermeable surface coverage of the site and the share of Lot 40 equates to: <ul style="list-style-type: none"> <li>- 3777m<sup>2</sup> consented under RC2300311</li> <li>- 14.4m<sup>2</sup> of Lot 40</li> <li>- 800m<sup>2</sup> – proposed horse arena</li> </ul>



		Total – 4591.4m <sup>2</sup> or 1.6% of the total site area (total combined site area is 27.7349ha).
<b>10.6.5.1.7</b>	<b>Setback from Boundaries</b>	<b>Not applicable.</b> The proposed horse arena does not meet the definition of a building.
<b>10.6.5.1.8</b>	<b>Transportation</b>	<b>Permitted.</b>  <u>Traffic</u> The proposal will not change the existing traffic movements.  <u>Parking</u> The proposal will not require additional parking requirements.  <u>Access</u> The access has been constructed to an appropriate standard. It is not anticipated any other works are required for access formation or upgrades.
<b>10.6.5.1.9</b>	<b>Keeping of Animals</b>	<b>Not applicable.</b> No keeping of animals is proposed.
<b>10.6.5.1.10</b>	<b>Noise</b>	<b>Permitted.</b>
<b>10.6.5.1.11</b>	<b>Helicopter Landing Area</b>	<b>Not applicable.</b> No helicopter landing area is proposed.

<b>Assessment of the Chapter 12</b>		
<b>Plan Reference</b>	<b>Rule</b>	<b>Performance of Proposal</b>
<b>12.1</b>	<b>LANDSCAPE AND NATURAL FEATURES</b>	<b>Not applicable.</b> The site is not identified as an outstanding landscape.
<b>12.2</b>	<b>INDGENOUS FLORA AND FAUNA</b>	<b>Permitted</b> No indigenous vegetation clearance is proposed as the horse arena will be located within an area clear of vegetation which is utilised for grazing of livestock.
<b>Chapter 12.3 Soils and Minerals</b>		
<b>12.3.6.1.2</b>	<b>EXCAVATION AND/OR FILLING, INCLUDING OBTAINING ROADING MATERIAL BUT EXCLUDING MINING AND QUARRYING, IN THE RURAL LIVING, COASTAL LIVING, SOUTH KERIKERI INLET, GENERAL COASTAL, .... ZONES</b>	<b>Discretionary</b> The District Plan allows up to 300m <sup>3</sup> of excavation provided that the cut or fill height does not exceed 1.5m.  The anticipated volume of excavations is 415m <sup>3</sup> of cut and 65m <sup>3</sup> of fill. The maximum cut height will be 1.24m and the maximum fill height will be 2.8m. The proposal cannot comply with the permitted or RDA provisions for the zone.



## Oevrrall Activity Status under the Operative District Plan

4.2 The assessment above has identified the following breaches to the Operative District Plan rules:

- 12.3.6.1.2 Excavations and/or filling in the General Coastal Zone

4.3 The land-use proposal will be assessed a Discretionary Activity in accordance with Rule 12.3.6.3 Discretionary Activities. An assessment of the Assessment Criteria within Section 12.3.7 will be made as part of this application.

## Proposed District Plan

4.4 The proposal is also subject to the Proposed District Plan process. The subject site is located within the Rural Production zone and within the Coastal Environment. An assessment of the matters relating to the Proposed District Plan that have immediate legal effect, has been undertaken below:

Assessment against the PDP rules that have immediate legal effect <sup>1</sup>		
Chapter	Rule Reference	Compliance of Proposal
<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 proposal does not include a new significant hazardous facility.
<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 areas of scheduled Heritage Resources.
<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 notable trees.
<b>Sites and Areas of</b>	All rules have immediate legal effect (SASM-R1 to SASM-R7)	<b>Not applicable.</b>

<sup>1</sup> As updated by PDP Plan Variation 1 dated 14 October 2024



<b>Significance to Maori</b>	Schedule 3 has immediate legal effect	The site does not contain any scheduled sites and areas if significance to Māori under the PDP.
<b>Ecosystems and Indigenous Biodiversity</b>	All rules have immediate legal effect (IB-R1 to IB-R5)	<b>Not applicable.</b> The site does not included any scheduled Significant Natural Areas. No vegetation clearance is proposed as part of the proposal.
<b>Subdivision</b>	The following rules have immediate legal effect: SUB-R6, SUB-R13, SUB-R14, SUB-R15, SUB-R17	<b>Not applicable.</b> The proposal is not for subdivision.
<b>Activities on the Surface of Water</b>	All rules have immediate legal effect (ASW-R1 to ASW-R4)	<b>Not applicable.</b> The proposal does not involve activities on the surface of water.
<b>Earthworks</b>	The following rules have immediate legal effect: EW-R12, EW-R13  The following standards have immediate legal effect: EW-S3, EW-S5	<b>Permitted Activity.</b> Any future earthworks as part of this proposal will proceed under the guidance of an ADP and will be in accordance with the Erosion and Sediment Control Guidelines for Land Disturbing Activities in the Auckland Region 2016, in accordance with Rules EW-12, EW-R13, EW-S3 and EW-S5.
<b>Signs</b>	The following rules have immediate legal effect: SIGN-R9, SIGN-R10  All standards have immediate legal effect but only for signs on or attached to a scheduled heritage resource or heritage area	<b>Not applicable.</b> No signs are proposed as part of this application.
<b>Orongo Bay Zone</b>	Rule OBZ-R14 has partial immediate legal effect because RD-1(5) relates to water	<b>Not applicable.</b> The site is not located in the Orongo Bay Zone.

4.5 The assessment above has identified that the proposal complies with the Proposed District Plan.

### National Environmental Standards

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

4.6 The site is not identified as HAIL on the Council database of HAIL sites. A review of historic aerials as well as the consenting history for the site has determined that there are no known activities that have previously occurred or are currently occurring on the site that are registered as HAIL Activities. For this reason, the NESCS (National Environmental Standard for



Assessing and Managing Contaminants in Soil to Protect Human Health) is not a consideration of this application. The proposal is considered **Permitted** in terms of this regulation.

### **National Environmental Standards for Freshwater**

- 4.7 There are no known natural inland wetlands within 100 metres of the proposed horse arena. The proposal is not considered to have a hydrological connection nor alter the water levels of any natural inland wetlands. The proposal is deemed to be **Permitted** in terms of this regulation.
- 4.8 There are no other National Environmental Standards relevant to this application.

## **5.0 STATUTORY ASSESSMENT**

### **Section 104B of the Act**

- 5.1 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 Act**

- 5.2 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.”*

- 5.3 Actual and potential effects arising from a development as described in 104(1)(a) can be both positive and adverse (As described in section 3 of the act). Positive effects arising from this development include the development of a horse arena on an area of land utilised as grazing, resulting in no need for any vegetation removal. The horse arena will be utilised for private



use by the applicants and be constructed in a way which is consistent with the natural and built environment while integrating it into the natural landscape avoiding visual domination.

- 5.4 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.
- 5.5 Section 104(1)(b) requires the consent authority to 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 has been provided below.
- 5.6 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 relevant to this application.

## 6.0 ENVIRONMENTAL EFFECTS ASSESSMENT

- 6.1 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 environmental effects warrant consideration as part of this application.
- 6.2 The proposal is to be assessed as a Discretionary Activity as per Rule 12.3.6.3 *Discretionary Activities*. The Council may approve or refuse an application for a Discretionary Activity, and it may impose conditions on any consent. In assessing an application for a discretionary activity, the Council have full discretion. An assessment of the relevant sections of Chapter 12 has been undertaken below.

### Earthworks

- 6.3 As detailed earlier in this report, it is estimated that the proposal will involve 415m<sup>3</sup> of cut and 65m<sup>3</sup> of fill. The maximum cut height will be 1.24m and the maximum fill height will be 2.8m, as detailed within the Topographic Survey completed by Von Sturmers. The permitted excavation volume within the General Coastal zone is 300m<sup>3</sup>, with a maximum cut/fill height of 1.5m. Assessment of Section 12.3.7 has been undertaken below.

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



- (d) any reduction in water quality;
- (e) any loss of visual amenity or loss of natural character of the coastal environment;
- (f) effects on Outstanding Landscape Features and Outstanding Natural Features (refer to Appendices 1A and 1B in Part 4, and Resource Maps);
- (g) the extent to which the activity may adversely affect areas of significant indigenous vegetation or significant habitats of indigenous fauna;
- (h) the extent to which the activity may adversely affect heritage resources, especially archaeological sites;
- (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);
- (j) any cumulative adverse effects on the environment arising from the activity;
- (k) the effectiveness of any proposals to avoid, remedy or mitigate any adverse effects arising from the activity;
- (l) the ability to monitor the activity and to take remedial action if necessary;
- (m) the criteria in Section 11.20 Development Plans in Part 2.
- (n) the criteria (p) in Section 17.2.7 National Grid Yard.

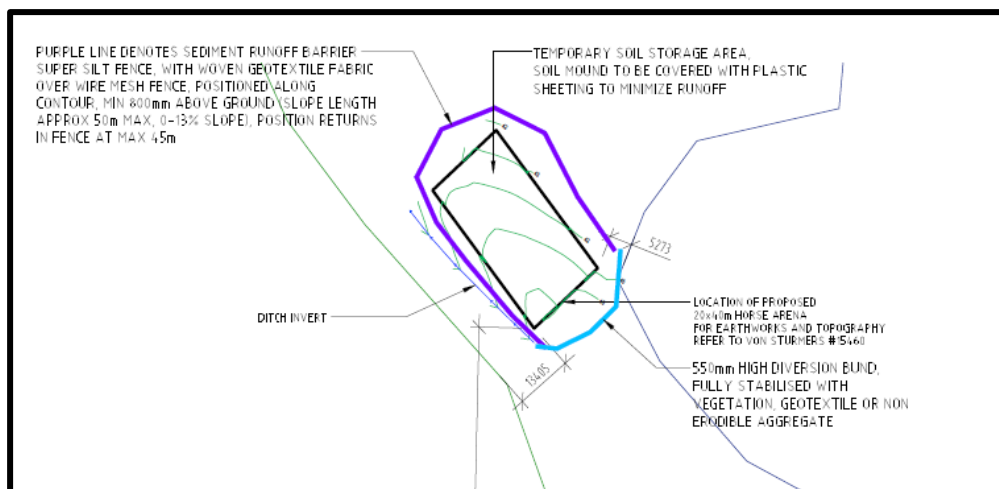
6.4 The proposal is to construct a horse arena within an area of pasture on the site. The cut and fill faces will be battered and landscaped with a mix of plants, predominantly natives such as Coprosma Poor Knights, Carex, Dwarf Toe Toe and Astelia. It is proposed any plants are kept to a minimum height to ensure the horses which will utilise the arena are not spooked. The landscaping of these faces will assist with stabilisation of the cut/fill faces as well as ensuring that the arena blends in with the surrounding environment. The arena is defined as an



Figure 7: Examples of proposed landscaping of the cut/fill batters. From left to right - Coprosma Poor Knights, Carex, Dwarf Toe Toe and Astelia.

impermeable surface due to the metalled base, however it is proposed that a porous membrane layer is laid on top of the crushed metal based and topped with a combination of sand mixed with treadlite to improve the bind depth. The arena will be slightly cambered to each side to allow for drainage, with all stormwater from the arena being collected by natural overland flowpaths which are existing on the site.

- 6.5 The proposal is not anticipated to cause or exacerbate erosion and/or other natural hazards on the site or in the vicinity. The excavation works will be completed by a suitably qualified contractor which will follow the relevant Erosion and Sediment control Guidelines. The proposed location for the horse arena is not shown to be susceptible to natural hazards and is located over 200 metres from the CMA. The proposal is not anticipated to have an adverse effect on the life supporting capacity of soil. Stormwater will run to natural overland flow paths within the site which will be filtered naturally through pasture and vegetation. The proposal is not considered to create any adverse effects in regards to stormwater. No reduction in water quality is anticipated. A 550mm high diversion bund will be located on the southern side of the arena, which will be fully stabilised with vegetation, geotextile or erodible aggregate, as per the plan prepare by Probuild/ Fat Hippo.



**Figure 8: Erosion and Sediment Control Plan. Source: Probuild/Fat Hippo**

- 6.6 As shown within the concept image depicting the final look of the horse arena, it will be completed to a high standard, which will complement the surrounding environment and Paewhenua Island in general. No loss of visual amenity or natural character is anticipated. The applicant has advised that cut and fill areas will be battered to blend in with the surrounding environment. The proposal is not considered to have any effects on areas of OL or ONF. No vegetation clearance is required as part of the proposal, with an existing cleared area utilised for grazing of livestock to be utilised. Therefore, the proposal is not considered to create any adverse effects on significant indigenous vegetation or significant habitats of indigenous fauna. Heritage NZ and Iwi have been contacted as part of this proposal, with Heritage NZ advising the proposal is to proceed under the guidance of an ADP. Iwi are yet to respond. Applicable cumulative effects could arise from sediment and stormwater runoff. Due to the large size of the site, all effects are anticipated to be maintained within the site boundaries. Consultation has been had with the nearest neighbours to the proposal, all of whom have





provided their support. Erosion and sediment control measures will be in place to ensure there are no downstream effects from runoff. The proposal can be accessed for monitoring. However, as the site is part of a gated community, prior contact will be needed to gain access.

- 6.7 In regards to 11.20 Development Plans, all machinery can be contained within the site boundaries and due to the existing bush on site as well as the topography, visual impact would be considered to be low. Vehicular access is existing. Hours of operation and noise generation would be within normal limits for this area. Criteria relating to mining is not applicable to this proposal. The site is not located within the National Grid Yard.

## 7.0 POLICY DOCUMENTS

- 7.1 In accordance with section 104(1)(b) of the Act the following documents are considered relevant to this application.

### National Environmental Standards

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

- 7.2 As mentioned earlier in this report, there have been no previous or current activities listed on the HALL, undertaken on the site. The proposal is therefore considered permitted in terms of the National Environmental Standards for Assessing and Managing Contaminants in Soil to Protect Human Health 2011.

#### **Other National Environmental Standards**

- 7.3 No other National Environmental Standards are considered applicable to this development.

### National Policy Statements

- 7.4 There are currently 8 National Policy Statements in place. These are as follows:
- National Policy Statement on Urban Development.
  - National Policy Statement for Freshwater Management.
  - National Policy Statement for Renewable Electricity Generation.
  - National Policy Statement on Electricity Transmission.
  - New Zealand Coastal Policy Statement.
  - National Policy Statement for Highly Productive Land.
  - National Policy Statement for Indigenous Biodiversity.
  - National Policy Statement for Greenhouse Gas Emissions from Industrial Process Heat 2023.
- 7.4.1 The site is located within the Coastal Environment therefore it is considered that the New Zealand Coastal Policy Statement is relevant to this application. No other national policies are considered relevant to this proposal.



### NZ Coastal Policy Statement

- 7.5 The site is located within the Coastal Environment but is not located within any areas identified as outstanding natural landscape, outstanding natural feature or high natural character. The proposal will not result in loss of indigenous vegetation and will promote the existing use of the site, as it will enable the applicant to train their horses on site. The site itself is a mix of pasture and protected indigenous vegetation and the proposal is consistent with the existing and anticipated use of the site. The Design Committee for the Island has been advised of the proposal as well as the applicant engaging with the nearest adjoining neighbours to ensure there would be no objections. All persons have provided their approval to the proposal with no concerns or objections raised.
- 7.6 The proposal is considered to be consistent with the objectives and policies of the NZCPS, as the proposal will not adversely affect the form, functioning and resilience of the coastal environment. The proposed horse arena will be located over 150 metres from the CMA. Protected indigenous vegetation separates the proposed horse arena location and the CMA, providing a buffer between the two. The large setback will ensure that ecosystems within the CMA are unaffected. Natural character of the coastal environment will be maintained by ensuring the horse arena is completed to a high standard. A concept image has been included within this application which depicts what the horse arena is envisioned to look like. Cut and fill slopes will be battered and landscaped to ensure that the arena blends in with the natural environment. The horse arena is not a building and therefore no effects on visual dominance are anticipated. Iwi have been contacted as part of this process with no response received to date. The proposal is considered to preserve the natural character of the coastal environment as it is considered to be consistent with the anticipated activities on the site and the Island in general. The proposal will not result in built form and it has been confirmed by the Design Committee for the Island that the covenants do not apply to the proposed horse arena. Although the proposal does involve cut and fill heights as well as excavation volumes which exceed the permitted amount, the proposal will ensure that the finished product compliments the natural environment.
- 7.7 Overall, it is considered that the proposed activity is considered to be consistent with the objectives and policies of the New Zealand Coastal Policy Statement.

### Regional Policy Statement

- 7.8 The role of the Regional Policy Statement is to promote sustainable management of Northland's natural and physical resources by providing an overview of the regions resource management issues and setting out policies and methods to achieve integrated management of Northland's natural and physical resources. It is considered the proposal is compatible with the intent of the RPS.
- 7.9 Paewhenua Island has been developed as a farm park, with the subject site being retained for productive use and protection of indigenous vegetation. The proposed horse arena is considered to be consistent with the expected and existing use of the site and will enhance the productive use of the site by providing an area for horses to be trained. The proposal is



not considered to have an adverse impact on reverse sensitivity or primary production. No indigenous vegetation will be impacted by the proposal, with the horse arena to be constructed in an area of open paddock. Heritage NZ have advised that the proposal is to proceed under the guidance of an ADP, which is anticipated to be imposed as an advice note on the decision document. Diversion bunds and sediment runoff barriers will be in place to ensure that erosion and sediment is controlled in the immediate area. Due to the large separation distance from the proposed location to the CMA, as well as the topography and vegetation which separates the two, no adverse effects from runoff are anticipated on the CMA or neighbouring properties. Cumulative impacts are not anticipated. The proposal is not considered to be a building and therefore does not fall under the strict design and landscape guidelines. Consent is sought for an excavation breach only due to the volume of excavations and the cut/fill height. All effects will be managed within the site boundaries.

- 7.10 It is therefore concluded that the proposal is consistent with objectives and policies of the RPS for Northland.

### Far North District Plan

- 7.11 The relevant objectives and policies of the Plan are those related to the Coastal Environment and the General Coastal Zone as well as the Soils and Minerals Chapter.
- 7.12 The proposal is considered to be consistent with the character of the site and the surrounding area. The proposed horse arena will complement the existing activities on the site and the natural character of the Island. The proposal is considered to be consistent with the objectives and policies of the Plan.

### Assessment of the objectives and policies within the General Coastal Zone

#### Objectives

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

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

*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;*

- 7.13 The proposal is considered to be consistent with the existing activities on the site and is not considered to adversely impact the natural character of the Island. As mentioned, cut/fill faces will be battered and landscaped to complement the surrounding environment. The proposed horse arena will enable the applicant to train their horses on site, therefore enhancing the existing use of the site. Natural and physical resources will not be impacted. The site is over 27 hectares in area and the proposed horse arena is only 800m<sup>2</sup>.

#### 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 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 land owners 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.*

- 7.14 The proposal results in a breach of excavation volume and height of the proposed fill face. The proposal will result in preservation of the natural character as the arena will be designed to blend into the natural environment, complementing the existing activities on the site and the Island in general. As mentioned, the proposal is not subject to the design and landscape controls and guidelines for the Island, as it is not defined as a building. This has been confirmed by the Design Committee for the Island. As such, visual and landscape qualities will be maintained by ensuring that cut and fill faces as well as any excavations are not left exposed. The proposal is to be located in an area of open pasture, which is considered to have the least



impact on natural character. No vegetation clearance is proposed. Excavations will not be left exposed. Historic heritage will not be impacted. No adverse effects are anticipated. Erosion and sediment controls will be imposed during the construction phase. Iwi have been contacted as part of this application process with no response received to date. As mentioned, the proposed location is outside of the protected vegetation areas and will be located on an open area of pasture. The proposal is located a significant distance from the CMA. No adverse effects are anticipated.

## **Assessment of the objectives and policies within Chapter 12.3 Soils and Minerals**

### **Objectives**

*12.3.3.1 To achieve an integrated approach to the responsibilities of the Northland Regional Council and Far North District Council in respect to the management of adverse effects arising from soil excavation and filling, and minerals extraction.*

*12.3.3.2 To maintain the life supporting capacity of the soils of the District.*

*12.3.3.3 To avoid, remedy or mitigate adverse effects associated with soil excavation or filling.*

*12.3.3.4 To enable the efficient extraction of minerals whilst avoiding, remedying or mitigating any adverse environmental effects that may arise from this activity.*

- 7.15 No adverse effects are anticipated. The site is over 27 hectares in area and the proposed excavations will result in a horse arena which will be carefully designed to blend into the natural environment. Life supporting capacity of soils are anticipated to be maintained. Erosion and sediment control measures will be in place, with cut and fill slopes battered and landscaped to ensure stability. Extraction of minerals is not proposed.

### **Policies**

*12.3.4.1 That the adverse effects of soil erosion are avoided, remedied or mitigated.*

*12.3.4.2 That the development of buildings or impermeable surfaces in rural areas be managed so as to minimise adverse effects on the life supporting capacity of the soil.*

*12.3.4.3 That where practicable, activities associated with soil and mineral extraction be located away from areas where that activity would pose a significant risk of adverse effects to the environment and/or to human health. Such areas may include those where:*

*(a) there are people living in close proximity to the site or land in the vicinity of the site is zoned Residential, Rural Living, Coastal Residential or Coastal Living;*

*(b) there are significant ecological, landscape, cultural, spiritual or heritage values;*

*(c) there is a potential for adverse effects on lakes, rivers, wetlands and the coastline;*

*(d) natural hazards may pose unacceptable risks.*

*12.3.4.4 That soil excavation and filling, and mineral extraction activities be designed, constructed and operated to avoid, remedy or mitigate adverse effects on people and the environment.*

*12.3.4.5 That soil conservation be promoted.*

*12.3.4.6 That mining tailings that contain toxic or bio-accumulative chemicals are contained in such a way that adverse effects on the environment are avoided.*



*12.3.4.7 That applications for discretionary activity consent involving mining and quarrying be accompanied by a Development Plan.*

*12.3.4.8 That as part of a Development Plan rehabilitation programmes for areas no longer capable of being actively mined or quarried may be required.*

*12.3.4.9 That soil excavation and filling in the National Grid Yard are managed to ensure the stability of National Grid support structures and the minimum ground to conductor clearances are maintained.*

*12.3.4.10 To ensure that soil excavation and filling are managed appropriately, normal rural practices as defined in Chapter 3 will not be exempt when determining compliance with rules relating to earthworks, except if the permitted standards in the National Grid Yard specify that activity is exempt.*

- 7.16 Adverse effects are considered to be mitigated via erosion and sediment control measures as well as battering of slopes to ensure stability. The applicant has a vision in mind, which has been provided with this application, which provides an idea of what the final outcome will be. The arena is defined as an impermeable surface due to the crushed metal base, however the life supporting capacity of soils is considered to remain unaffected on this 27 hectare site. Soil and mineral extraction are not considered applicable. No adverse effects on people or the environment are anticipated. No mining tailings will be produced. Mining and quarrying is not applicable to this proposal. The site is not within the National Grid Yard. The proposed excavations and filling are required to construct the horse arena, no adverse effects are anticipated.

## Proposed District Plan Objectives and Policies

- 7.17 Under the Proposed District Plan, the site is zoned Rural Production with the Coastal Environment overlay therefore an assessment of the objectives and policies within these chapters have been included below. The proposal is considered to create no more than minor adverse effects on the environment. The proposal is considered to be consistent with the objectives and policies of the Proposed District Plan.

### **Rural Production Zone**

#### **Objectives**

*RPROZ-O1 - The Rural Production zone is managed to ensure its availability for primary production activities and its long-term protection for current and future generations.*

*RPROZ-O2 - The Rural Production zone is used for primary production activities, ancillary activities that support primary production and other compatible activities that have a functional need to be in a rural environment.*

*RPROZ-O3 - 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*

7.17.1 The proposal will enable sufficient land onsite for the existing productive activities. As mentioned, the arena will complement the existing activities, enabling the applicants to train their horses on site. The arena is considered to have a functional need to be located within the rural environment, as the horses reside on site and therefore, ease of access is provided by having the arena within the same site, reducing the need for transportation of the horses to an arena on another site. The Island is not known to be classified as HPL. Reverse sensitivity effects are not anticipated as the arena will complement the existing productive activities on site. Natural hazards will not be exacerbated. Onsite infrastructure is not applicable for the arena. The rural character and amenity will be maintained and enhanced.

#### **Policies**

*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:
  - 1. the type of farming proposed; and*
  - 2. 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*





7.17.2 The proposal will enable and enhance the existing production activities on the site to continue. The proposed arena is not considered to be a sensitive activity. The proposal will maintain the low density development on the site with impermeable surface coverage of the site being less than 2%. Consent is required for a breach of the permitted thresholds for excavations and fill height. The proposal is considered to be compatible with the purpose, character and amenity of the RP zone and is considered to have a functional need to be located in the zone. The Island is not classified as HPL. The proposal will not exacerbate natural hazards. Onsite infrastructure is not required. The proposal will enhance the use of the site by enabling the applicant to train their horses onsite. The proposal does not rely on the productive nature of the soil. The proposal will increase the impermeable surface coverage by a minimal amount for the lot size. The site is not located at a zone interface. Onsite infrastructure is not required. Roading infrastructure will not be impacted. No adverse effects on historic heritage, cultural values, natural features, landscapes or indigenous biodiversity are anticipated. Heritage NZ have been contacted as part of the application process who advised the proposal shall proceed under the guidance of an ADP. Iwi have been contacted with no response received to date.

### **Coastal Environment**

#### **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.*

7.17.3 The natural character of the coastal environment will be maintained. The proposal is considered to enhance and be consistent with the character of the Island. Iwi have been contacted as part of the proposal, with no response received to date. The site is not located 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.*

*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*

7.17.4 The site is located within the coastal environment but not within an area of high or outstanding natural character. No adverse effects on the characteristics and qualities of the coastal environment are anticipated. The proposal is not for built development and the proposed location has been determined to be the most suitable. The proposal will be ancillary to the existing farming activities established on the site. All exposed faces will be covered as part of the final design such that visual effects from exposed faces would be temporary. The existing environment is considered to be able to adequately absorb the proposed arena, and the battering and landscaping of the faces will ensure this. No vegetation clearance is proposed. The excavations are considered necessary to complete the arena.

### Summary

7.18 The above assessment of the relevant policy documents demonstrates that the proposal will be consistent with the relevant objectives and policies of those statutory documents.

## 8.0 NOTIFICATION ASSESSMENT – SECTIONS 95A TO 95G OF THE ACT

### Public Notification Assessment

8.1 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

*(2) Determine whether the application meets any of the criteria set out in subsection (3) and, —*

*(a) if the answer is yes, publicly notify the application; and*

*(b) if the answer is no, go to step 2.*

*(3) The criteria for step 1 are as follows:*

*(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.*



- 8.1.1 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]*

- 8.1.2 Public Notification is not precluded as the proposal is a discretionary activity and is not 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.*

- 8.1.3 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**

- (9) Determine whether special circumstances exist in relation to the application that warrant the application being publicly notified and,—*  
*(a) if the answer is yes, publicly notify the application; and*  
*(b) if the answer is no, do not publicly notify the application, but determine whether to give limited notification of the application under section 95B.*

- 8.1.4 There are no special circumstances that exist to justify public notification of the application because the proposal is not considered to be controversial or of significant public interest, particularly given that it is private land, and the application is to enable the construction of a horse arena. The application is neither exceptional or unusual.



## Public Notification Summary

8.1.5 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

8.2 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).*

8.2.1 The site does adjoin the Mangonui Harbour which is a Statutory Acknowledgement Area. The relevant Iwi have been contacted as part of this application process with no response received to date. We request that Council make contact as part of this application. 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).*

8.2.2 There is no rule in the plan or national environmental standard that precludes notification. The application is not solely 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*

8.2.3 The proposal is not for a boundary activity.



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.*

8.2.3.1 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.

8.2.3.2 In this case, no written approvals have been obtained. The applicant has discussed the proposal with the Design Committee for the Island as well as neighbouring properties, all of which had no objections to the proposal and were supportive. Formal written approvals have not been sought as these are not considered necessary for the application, however we can arrange this if required.

8.2.3.3 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 6 of this report, which found that the potential adverse effects on the environment will be less than minor. In regard to effects on persons, the assessment in Sections 5, 6 & 7 are also relied on and the following comments made:

- The proposal will result in a horse arena, which is not defined as a building and is therefore not subject to the design and landscape controls and guidelines for the Island. The applicant has received written confirmation from the Design Committee and the closest neighbours that they have no objections to the proposal.
- The arena is located a significant distance from the CMA, with ample area on the site for the existing use to remain. The arena will be complimentary to the existing use of the site.
- Excavations and cut and fill faces will be controlled and remedied to ensure no adverse effects are created. Erosion and sediment measures will be in place to ensure no downstream effects.
- No vegetation clearance is proposed and it is anticipated that the arena will be easily absorbed into the existing environment.
- The proposal is not considered to be contrary to the objectives and policies under the District Plan, NZCPS and Regional Policy Statement.

8.2.3.4 Therefore, no other persons will be affected to a minor or more than minor degree.

8.2.3.5 Overall, the adverse effects on any persons are considered to be less 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),*

8.2.4 The proposal is to construct a horse arena on the site. It is considered that no special circumstances exist in relation to the application.

#### **Limited Notification Assessment Summary**

8.3 Overall, from the assessment undertaken Steps 1 to 4 do not apply and there are no affected persons.

#### **Notification Assessment Conclusion**

8.4 Pursuant to sections 95A to 95G it is recommended that the Council determine the application be non-notified for the above-mentioned reasons.

### **9.0 PART 2 ASSESSMENT**

9.1 The application must be considered 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.

9.2 The proposal will meet Section 5 of the RMA as the proposal will sustain the potential of natural and physical resource whilst meeting the foreseeable needs of future generations as the site is being used for its intended use. In addition, the proposal will avoid adverse effects on the environment and will maintain the character of the site and surrounding environment.

9.3 Section 6 of the Act sets out a number of matters of national importance. The subject site is located within the coastal environment under the RPS. The proposed horse arena will be complementary to the existing activities on the site and will not have adverse effects on the natural environment values. Public access is not considered relevant to this application. The proposal has taken into account the relationship of Māori and their culture and traditions, and it is considered that the proposal will not create any adverse effects on Māori and their relationships with their ancestral lands, water, sites, waahi tapu and other taonga. Consultation has been had with Heritage NZ and Iwi, with Heritage NZ advising that the proposal is to proceed under the guidance of an ADP. No response from Iwi has been received. The proposed horse arena location is not known to be subject to any natural hazards.

9.4 Section 7 identifies a number of “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 amenity values in the area as the proposal is in keeping with the existing character of the surrounding environment. The proposal also maintains and enhances the quality of the environment. Amenity values will be maintained by the battering and landscaping of the cut and fill faces.



9.5 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. Mangonui Harbour is shown to be a Statutory Acknowledgement Area. The proposal has been sent to the relevant Iwi with no response received to date. As such, we ask that Council also make contact to receive comments on the proposal. The proposal has taken into account the principals of the Treaty of Waitangi; and is not considered to be contrary to these principals.

9.6 Overall, the application is considered to be 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.

## 10.0 CONCLUSION

- 10.1 The proposed horse arena is suitable in the context of the site and surrounding environment. The development will result in no more than minor adverse effects on the coastal environment and less than minor effects on any person or party.
- 10.2 No significant adverse effects are anticipated to arise from the activity included in the application and no consideration of alternatives has been undertaken. All effects of the activity are being managed within the property boundaries. Overall, it is considered that the proposal will result in no more than minor effects on the environment.
- 10.3 In terms of section 104(1)(a) of the Act, the actual and potential effects of the proposal will be less than minor. The relevant provisions within Part 2 of the Act have been addressed as part of this application. The overall conclusion from the assessment of the statutory considerations is that the proposal is considered to be consistent with the sustainable management purpose of the Resource Management Act 1991.
- 10.4 It is also considered that the proposal will have less than minor adverse effects on the wider environment; no persons will be adversely affected by the proposal and there are no special circumstances.
- 10.5 In terms of section 104(1)(b) of the Act, the proposal is found to be generally consistent with the objectives, policies and assessment criteria of the relevant statutory documents as set out in this report.
- 10.6 As a Discretionary Activity, the application has been assessed under the matters specified under Section 104 and 104B of the Resource Management Act 1991. It is considered that the proposal results in no more than minor effects on the environment. It is considered appropriate for consent to be granted on a non-notified basis, subject to fair and reasonable conditions.





## 11.0 LIMITATIONS

- 11.1 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.
- 11.2 Copyright of Intellectual Property remains with Northland Planning and Development 2020 Limited, and this report may NOT be used by any other entity, or for any other proposals, without our written consent. Therefore, no liability is accepted by this firm or any of its directors, servants or agents, in respect of any information contained within this report.
- 11.3 Where other parties may wish to rely on it, whether for the same or different proposals, this permission may be extended, subject to our satisfactory review of their interpretation of the report.
- 11.4 Although this report may be submitted to a local authority in connection with an application for a consent, permission, approval, or pursuant to any other requirement of law, this disclaimer shall still apply and require all other parties to use due diligence where necessary.





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



  
R.W. Muir  
Registrar-General  
of Land

**Identifier** 900319  
**Land Registration District** North Auckland  
**Date Issued** 30 March 2020

**Prior References**  
434339

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**Estate** Fee Simple  
**Area** 27.7307 hectares more or less  
**Legal Description** Lot 8 Deposited Plan 538982  
**Registered Owners**  
Robert Paton Moffat and Fay Moffat

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**Estate** Fee Simple - 1/585 share  
**Area** 2.4686 hectares more or less  
**Legal Description** Lot 40 Deposited Plan 340983  
**Registered Owners**  
Robert Paton Moffat and Fay Moffat

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**Interests**

Subject to Section 5 Coal Mines Act 1979 (affects part Lot 8 DP 538982 and part Lot 40 DP 340983 both formerly contained within Allotment 212 Parish of Mangonui)

Subject to Section 3 Geothermal Energy Act 1953 (affects part Lot 8 DP 538982 and part Lot 40 DP 340983 both formerly contained within Allotment 212 Parish of Mangonui)

Subject to Section 8 Atomic Energy Act 1945 (affects part Lot 8 DP 538982 and part Lot 40 DP 340983 both formerly contained within Allotment 212 Parish of Mangonui)

Subject to Section 3 Petroleum Act 1937 (affects part Lot 8 DP 538982 and part Lot 40 DP 340983 both formerly contained within Allotment 212 Parish of Mangonui)

Subject to Section 8 Mining Act 1971 (affects part Lot 8 DP 538982 and part Lot 40 DP 340983 both formerly contained within Allotment 212 Parish of Mangonui)

K85278 Compensation Certificate by The Minister of Works - 5.12.1960 at 2.45 pm (affects part Lot 8 DP 538982 and part Lot 40 DP 340983 both formerly contained within RT NA599/258)

821529.1 Compensation Certificate by The Minister of Works - 8.4.1980 at 9.05 am (affects part Lot 8 DP 538982 and part Lot 40 DP 340983 both formerly contained within RT NA599/258)

6498011.4 Consent Notice pursuant to Section 221 Resource Management Act 1991 - 15.7.2005 at 9:00 am (affects Lot 8 DP 538982)

6554404.1 Encumbrance to Paewhenua Island Residents Society Incorporated - 31.8.2005 at 9:00 am

7939738.1 Consent Notice pursuant to Section 221 Resource Management Act 1991 - 18.9.2008 at 9:00 am (affects Lot 8 DP 538982)

Fencing Covenant in Transfer 7971690.2 - 24.10.2008 at 11:58 am

11706815.4 Variation of Consent Notice 7939738.1 pursuant to Section 221(5) Resource Management Act 1991 - 30.3.2020 at 2:06 pm

11706815.5 Variation of Consent Notice 6498011.4 pursuant to Section 221(5) Resource Management Act 1991 - 30.3.2020 at 2:06 pm

Subject to Section 241(2) Resource Management Act 1991 (affects DP 538982)

11706815.13 Consent Notice pursuant to Section 221 Resource Management Act 1991 - 30.3.2020 at 2:06 pm (affects Lot 8 DP 538982)

Subject to a right (in gross) to convey telecommunications over part Lot 8 DP 538982 marked B and C on DP 538982 in favour of Chorus New Zealand Limited created by Easement Instrument 11706815.15 - 30.3.2020 at 2:06 pm

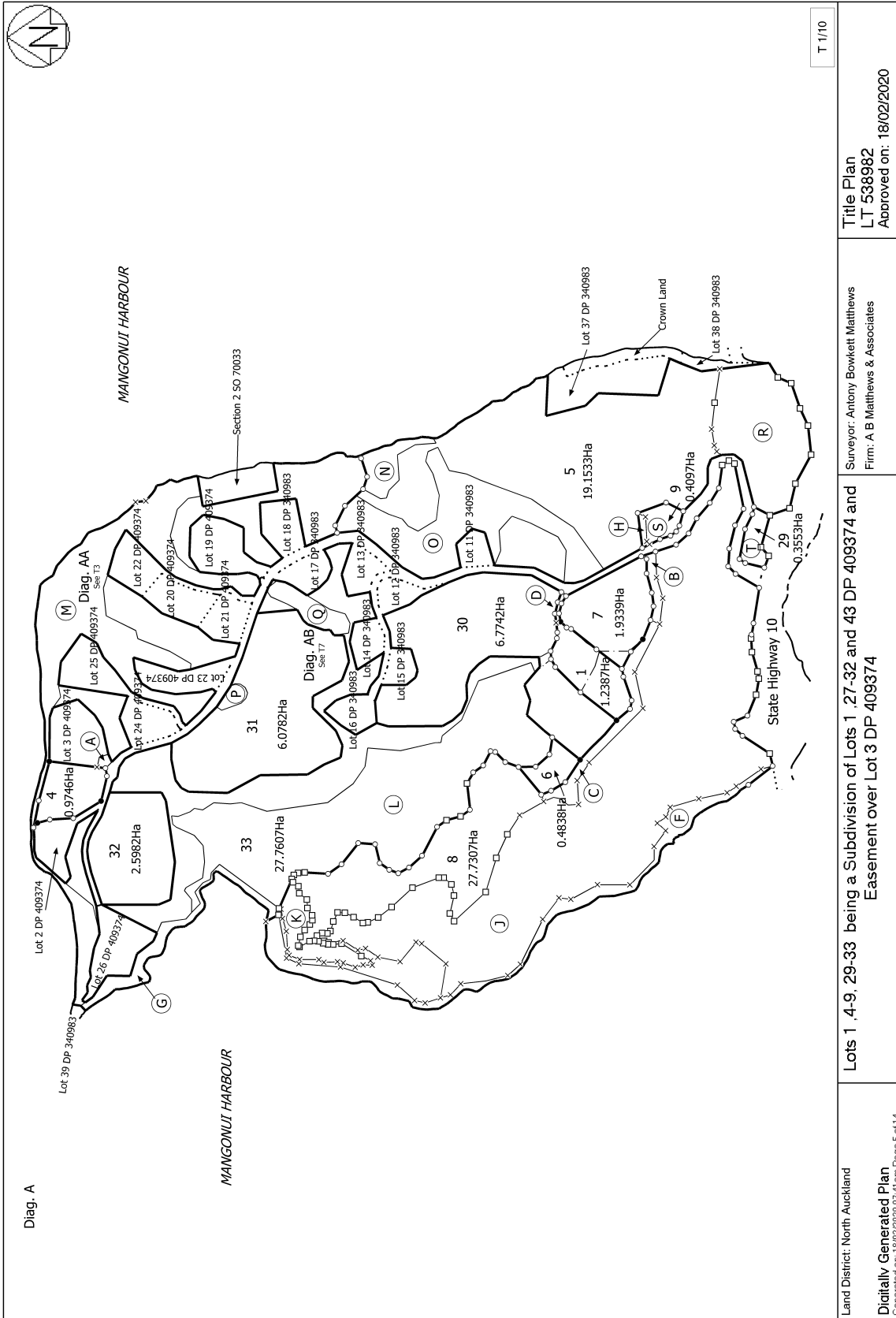
Subject to a right of way and a right to convey power and telecommunications over part marked B and C on DP 538982 created by Easement Instrument 11706815.16 - 30.3.2020 at 2:06 pm

The easements created by Easement Instrument 11706815.16 are subject to Section 243 (a) Resource Management Act 1991

Subject to a right (in gross) to a public walkway easement over part Lot 8 DP 538982 marked F on DP 538982 in favour of Far North District Council created by Easement Instrument 11706815.17 - 30.3.2020 at 2:06 pm

The easements created by Easement Instrument 11706815.17 are subject to Section 243 (a) Resource Management Act 1991

Land Covenant (in gross) in favour of Paewhenua Estates Limited created by Covenant Instrument 12145412.1 - 22.6.2021 at 3:10 pm (affects Lot 8 DP 538982)



T 1/10

Land District: North Auckland	Surveyor: Antony Bowkett Matthews Firm: A B Matthews & Associates	Title Plan LT 538982 Approved on: 18/02/2020
Lots 1, 4-9, 29-33 being a Subdivision of Lots 1, 27-32 and 43 DP 409374 and Easement over Lot 3 DP 409374		
Digitally Generated Plan Generated on: 18/02/2020 07:41 am Page 5 of 14		





Unit 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100

*Te Kaitiaki o Tei Tokerau ki Te Raki*

## THE RESOURCE MANAGEMENT ACT 1991

### SECTION 221: CONSENT NOTICE

REGARDING RC2040213-RMAVAR/A (Stage III)

RC2040213-RMAVAR/B (Stage III)

RC2150130

Being the subdivision of Lots 1, 27-32 and 43 of DP 409374  
North Auckland Registry

PURSUANT to Section 221 and for the purpose of Section 224 (c) (ii) of the Resource Management Act 1991, this Consent Notice is issued by the **FAR NORTH DISTRICT COUNCIL** to the effect that conditions described in the schedule below are to be complied with on a continuing basis by the subdividing owner and the subsequent owners after the deposit of the survey plan, and these are to be registered on the titles of the allotments specified below.

### SCHEDULE

#### Lot 4 DP 538982

- a) Prior to the issuing of a building consent for any dwelling on the site the owner shall commission a registered archaeologist to provide a report demonstrating that the proposed house site and adjacent construction works are able to be undertaken in such a way as to avoid any archaeological sites. Alternatively if identified archaeological sites cannot be avoided, the owner shall provide evidence that an appropriate authorization has been obtained from Heritage New Zealand Pohere Taonga for the destruction, damage or modification of the site prior to the commencement of any works or making an application for any building consent, whichever occurs first.

#### Lot 7 DP 538982

- b) That upon construction of any habitable building the building shall have a roof water collection system with minimum tank storage of 45,000 litres. The tank(s) shall be positioned so that they are accessible (safely) for fire fighting purposes and fitted with an outlet compatible with rural fire service equipment. Where more than one tank is utilised they shall be coupled together and at least one tank fitted with an outlet compatible with rural fire service equipment. Alternatively, the dwelling can be fitted with a fire sprinkler system approved by Council.



P.O. Box 757, Whangarei  
 Tairāroa, New Zealand  
 Telephone: 0909 409 000  
 Fax: 09 409 401 000  
 Email: info@fndc.govt.nz  
 Website: www.fndc.govt.nz

*Te Kaitiaki o Tei Takekuru Ki Te Kaiti*

- c) That all on-site activities are to be conducted in accordance with the farm park management plan approved in accordance with condition 2 of the land use consent (RC2020581), including the establishment and use of communal facilities as described in the land use application.

Lots 4, 5, 6 and 8 DP 538982

- d) All dwellings shall be located a minimum of 40 metres from mean high water springs.

Lots 4, 5, 6, 7 and 8 DP 538982

- e) That prior to the issue of building consents for any dwelling, an individual site landscape plan shall be submitted to the satisfaction of Council's duly delegated officer. The plan shall show proposed native plantings to minimise the visual effect of the dwelling and be prepared by a qualified landscape architect. This plan shall have regard to the intent of the approved landscape enhancement plan referred to in condition 2(e) of Stage 1 of subdivision consent RC2040213. The plan shall be implemented within the first planting season following completion of the exterior of the dwelling and maintained thereafter.
- f) Any building consent application shall include a TP58 report detailing on-site wastewater disposal.
- g) All building development shall be limited to a maximum 450 m<sup>2</sup> ground coverage situated within the areas marked as "Newly Designated House Sites" on the approved plan 'Proposed subdivision of Stage 3 (revised) of Paewhenua Estates Limited being a subdivision of Lots 1 and 43 and Lots 27-32 (amalgamated) DP 409374' prepared by AB Matthews and Associates dated 13 October 2019. It shall be in accordance with the design criteria as specified (pages 14-15, subject to any amendments required as a result of lot renumbering) in the report prepared by DJ Scott Associates Ltd and Metro Planning Ltd as part of the resource consent application (reference RC2020581) titled 'The Island – proposed Farm Park report 01' dated January 2002. Any resource consent or building consent application shall be accompanied by a report by a registered architect confirming that the building is in accordance with the design criteria including the 5 metre maximum height requirement.



Heretape 537, Auckland  
 Telephone 09 408 2400  
 Facsimile 0900 739 209  
 Email: 0900 408 2400  
 Website: www.fnc.govt.nz

*Te Kaunihara o Tai Tokerau Ki Te Raki*

- h) All known archaeological sites identified on the property in the V Hensley January 2000 and the Clough and Associates September 2002 archaeological assessments shall be protected unless authorisation is obtained from Heritage New Zealand Pouhere Taonga for their destruction, damage, or modification. In the event of other archaeological sites or koiwi being uncovered, activities in the vicinity of the discovery shall cease. The consent holder or subsequent land owner shall then consult with Kenana Marae, Te Runanga a Iwi o Ngati Kahu and Heritage New Zealand Pouhere Taonga, and shall not recommence works in the area of the discovery until and unless the relevant Heritage New Zealand Pouhere Taonga approvals have been obtained.

Lots 4, 5, 6, 8, 29 and 33 DP 538982

- i) That the landscape plan approved in accordance with condition 3 of land use consent RC2020581 is to be undertaken within the next planting season following the completion of site works or the commencement of the construction of any dwellings or community facilities or sooner and maintained to the satisfaction of Council's duly delegated officer.
- j) That all on-site activities are to be conducted in accordance with the farm park management plan approved in accordance with condition 2 of the land use consent (RC2020581), including the establishment and use of communal facilities as described in the land use application.

Lots 5, 8 and 33 DP 538982

- k) The registered proprietors of the covenant areas identified on the survey plan as per condition 2(e) of RC2040213-RMAVAR/A are responsible to manage the land so as to preserve the natural environment or landscape amenity or wildlife or fresh water life or marine life habitat including the protection and enhancement of the native vegetation in accordance with section 77 of the Reserves Act 1977.

Lots 9, 30, 31 and 32 DP 538982

- l) No residential buildings or other activities of a residential nature shall be permitted.
- m) That all on-site activities are to be conducted in accordance with the farm park management plan approved in accordance with condition 2 of the land use consent (RC2020581).







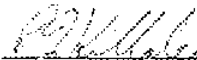
Fax: 09 438 7593  
Email: 2008 700 1000  
Website: 2008 700 1000  
Tel: 09 438 1111  
Web: 2008 700 1000  
2008 700 1000

Te Kaitiaki o Te Tokerau ki Te Raki

Lots 29 and 33 DP 538982

- n) Any buildings associated with the residents' community facility shall be designed in accordance with the design criteria specified on pages 16 and 17 of the land use consent (RC2020581) application document titled "The Island - The Proposed Farm Park, Paewhenua Island, Mangonui Harbour" and prepared by DJ Scott Associates Ltd and Metro Planning Ltd, report 01, January 2002. The consent holder or subsequent owner shall submit in conjunction with any building consent application a report from a registered architect outlining the design and confirming its compliance with the design criteria. The five metre height limit shall be calculated by the definition of height within the District Plan.
- o) Any site development is to be in accordance with land use consent (RC 2020581), including preventing the development of any house sites or similar activities on the lots and including the establishment and use of communal facilities as described in the land use application for the benefit of the lifestyle lots.

SIGNED:

  
 Mr Patrick John Killalea - Authorised Officer  
 By the FAR NORTH DISTRICT COUNCIL  
 Under delegated authority:  
 PRINCIPAL PLANNER – RESOURCE MANAGEMENT

DATED at KERIKERI this 13<sup>th</sup> day of December 2019





# View Instrument Details

**Instrument No.** 11706815.4  
**Status** Registered  
**Date & Time Lodged** 30 Mar 2020 14:06  
**Lodged By** Tolich, Sebastian Joseph Mark  
**Instrument Type** Variation of Consent Notice Condition under s221(5) Resource Management Act 1991

Toitu te  
**Land whenua**  
**Information**  
New Zealand



---

<b>Affected Records of Title</b>	<b>Land District</b>
434339	North Auckland

---

<b>Affected Instrument</b>	Consent Notice under s221(4)(a) Resource Management Act 1991 7939738.1
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**Annexure Schedule** Contains 1 Pages.

---

## Signature

Signed by Sebastian Joseph Mark Tolich as Territorial Authority Representative on 16/04/2020 01:58 PM

\*\*\* End of Report \*\*\*



**THE RESOURCE MANAGEMENT ACT 1991**

**SECTION 221 (3) CANCELLATION OF CONSENT NOTICE**

**PURSUANT** to section 221 (3) of the Resource Management Act 1991, the **FAR NORTH DISTRICT COUNCIL** hereby consents to the cancellation of:

- Conditions 1 to 4 of consent notice 7939738.1 as registered against Lot 43 DP 409374 (RT 434339).
- Conditions (a) to (i) of consent notice 6498011.4 as registered against Lot 43 DP 409374 (RT 434339).

**PURSUANT** to section 221 (3) of the Resource Management Act 1991, the **FAR NORTH DISTRICT COUNCIL** also hereby consents to the variation of condition (j) of consent notice 6498011.4 as registered against Lot 43 DP 409374 (RT 434339). Condition (j) shall be amended to remove reference to Areas "C", "E", "F" and "G". It shall be reworded as follows:

*The registered proprietors of the land containing Areas "B", "H", "I" and "J" are responsible to manage the land so as to preserve the natural environment or landscape amenity or wildlife or fresh water life or marine life habitat including the protection and enhancement of the native vegetation in accordance with section 77 of the Reserves Act 1977.*

SIGNED:

A handwritten signature in black ink, appearing to read 'Pat Killalea', written over a horizontal line.

Mr Pat Killalea - Authorised Officer

By the FAR NORTH DISTRICT COUNCIL

Under delegated authority:

PRINCIPAL PLANNER – RESOURCE MANAGEMENT

DATED at KERIKERI  March 2020





# View Instrument Details

**Instrument No.** 11706815.5  
**Status** Registered  
**Date & Time Lodged** 30 Mar 2020 14:06  
**Lodged By** Tolich, Sebastian Joseph Mark  
**Instrument Type** Variation of Consent Notice Condition under s221(5) Resource Management Act 1991




---

Affected Records of Title	Land District
434339	North Auckland

---

<b>Affected Instrument</b>	Consent Notice under s221(4)(a) Resource Management Act 1991 6498011.4
----------------------------	--

---

**Annexure Schedule** Contains 1 Pages.

---

## Signature

Signed by Sebastian Joseph Mark Tolich as Territorial Authority Representative on 30/03/2020 02:00 PM

\*\*\* End of Report \*\*\*



**THE RESOURCE MANAGEMENT ACT 1991**

**SECTION 221 (3) CANCELLATION OF CONSENT NOTICE**

**PURSUANT** to section 221 (3) of the Resource Management Act 1991, the **FAR NORTH DISTRICT COUNCIL** hereby consents to the cancellation of:

- Conditions 1 to 4 of consent notice 7939738.1 as registered against Lot 43 DP 409374 (RT 434339).
- Conditions (a) to (i) of consent notice 6498011.4 as registered against Lot 43 DP 409374 (RT 434339).

**PURSUANT** to section 221 (3) of the Resource Management Act 1991, the **FAR NORTH DISTRICT COUNCIL** also hereby consents to the variation of condition (j) of consent notice 6498011.4 as registered against Lot 43 DP 409374 (RT 434339). Condition (j) shall be amended to remove reference to Areas "C", "E", "F" and "G". It shall be reworded as follows:

*The registered proprietors of the land containing Areas "B", "H", "I" and "J" are responsible to manage the land so as to preserve the natural environment or landscape amenity or wildlife or fresh water life or marine life habitat including the protection and enhancement of the native vegetation in accordance with section 77 of the Reserves Act 1977.*

SIGNED:

A handwritten signature in cursive script, appearing to read 'Pat Killalea', written over a horizontal line.

Mr Pat Killalea - Authorised Officer

By the FAR NORTH DISTRICT COUNCIL

Under delegated authority:

PRINCIPAL PLANNER – RESOURCE MANAGEMENT

DATED at KERIKERI  March 2020





# View Instrument Details

**Instrument No.** 11706815.13  
**Status** Registered  
**Date & Time Lodged** 30 Mar 2020 14:06  
**Lodged By** Tolich, Sebastian Joseph Mark  
**Instrument Type** Consent Notice under s221(4)(a) Resource Management Act 1991




---

Affected Records of Title	Land District
900313	North Auckland
900314	North Auckland
900315	North Auckland
900316	North Auckland
900318	North Auckland
900319	North Auckland
900320	North Auckland
900321	North Auckland
900322	North Auckland
900323	North Auckland

---

**Annexure Schedule** Contains 4 Pages.

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## Signature

Signed by Sebastian Joseph Mark Tolich as Territorial Authority Representative on 27/03/2020 05:05 PM

\*\*\* End of Report \*\*\*



THE RESOURCE MANAGEMENT ACT 1991

SECTION 221 : CONSENT NOTICE

SCHEDULE

**FAR NORTH DISTRICT COUNCIL RESOURCE CONSENT RC 2040213  
PAEWHENUA ISLAND**

**PAEWHENUA ESTATES LIMITED** at Auckland (hereinafter called "the Owner" being the registered proprietor of an estate in fee simple in the North Auckland Land Registry Office of those pieces land comprised in Certificate of Title Identifier 168379

**FAR NORTH DISTRICT COUNCIL** hereby gives notice pursuant to Section 221 of the Resource Management Act 1991 and the subdivision consent in respect of Plan ~~400646~~ 409374 being a subdivision of that piece of land comprised in Certificates of Title Identifier 168379 was granted subject to the following further conditions being complied with on a continuing basis

1. **THAT** the following consent notice conditions shall be registered against the titles for Lots 1, 2, 3, 19, 20, 21, 22, 23, 24, 25 and 26

(a) all dwellings with the exception of Lot 2 Deposited Plan ~~400646~~ 409374 shall be located a minimum of 40 metres from mean high water springs

(b) that prior to the issue of building consents for any dwelling, an individual site landscape plan shall be submitted to the satisfaction of the Resource Consents Manager. The Plan shall show proposed native plantings to minimize the visual effect of the dwelling and be prepared by a qualified landscape architect. This plan shall have regard to the approved landscape enhancement plan referred to in condition 2(e) of Stage 1 of this consent. The plan shall be implemented within the first planting season following completion of the exterior of the dwelling and maintained thereafter

(c) any building consent application shall include a TP 58 report detailing on-site wastewater disposal

(d) all building development shall be limited to a maximum of 450 square metres ground coverage and be situated within the "buildable area" as shown on the plans titled "Building Restriction Areas" prepared by DJ Scott Associates Limited dated 28/2/08 as submitted with the change of consent conditions application Council reference RC2080167. The building development shall be in accordance with the design criteria as specified (pages 14 - 15 subject to any amendments required as a result of lot re-numbering) in the report prepared by DJ Scott Associates Limited and Metro Planning Limited as part of the resource consent application (reference RC 2020581) titled The Island-Proposed Farm Park Report 01, January 2002.

Any resource consent or building consent application shall be accompanied by a report by a registered architect confirming that the building is in accordance with the design criteria including the 5 metre maximum height requirement

2. **THAT** the following consent notice condition shall be registered against the titles of Lots 3 & 26

(a) that prior to the issue of building consents for any dwelling on the site the owner shall commission a registered archaeologist to provide a report demonstrating that the proposed house site and adjacent construction works are able to be undertaken in such a way as to avoid any archaeological sites. Alternatively if identified archaeological sites cannot be avoided, the owner shall provide evidence that an appropriate authorisation has been obtained from the New Zealand Historic Places Trust for the destruction, damage or modification of the site prior to the commencement of any works or the granting of any building consent

3. **THAT** the following consent notice condition shall be registered against the titles of Lots 2 and 19 to 25

(a) all known archaeological sites identified on Lots 2 and 19 to 25 in the V Hensley January 2000 and the Clough and Associates September 2002 archaeological assessments shall be protected unless authorisation is obtained from the New Zealand Historic Places Trust for their destruction, damage or modification. In the event of other archaeological sites or koiwi being uncovered, activities in the vicinity of the discovery shall cease. The consent holder or subsequent landowner shall then consult with Kenana Marae, Te Runanga a Iwi o Ngati Kahu and the New Zealand Historic Places Trust and shall not recommence works in the area of the discovery until and the relevant Historic Places Trust approvals have been obtained

4. **THAT** the following consent notice condition shall be registered against the title of Lot 43 and Lot 31

~~and Area "F" on Lot 33 DP 340983~~

(g) the registered proprietors of the land containing Areas "B" "C" "E" "F" "G" "H" "I" and "J" are responsible to manage the land so as to preserve the natural environment or landscape amenity or wildlife or fresh water life or marine life habitat including the protection and enhancement of the native vegetation in accordance with Section 77 of the Reserves Act 1977

SIGNED:

  
Mr Pat Killalea  
By the FAR NORTH DISTRICT COUNCIL  
Under delegated authority:  
RESOURCE CONSENTS MANAGER

DATED at KAIKOHE this 5<sup>th</sup> day of June 2008





**FAR NORTH DISTRICT COUNCIL**

**CONSENT NOTICE UNDER SECTION 221 RESOURCE MANAGEMENT ACT 1991**

**FAR NORTH DISTRICT COUNCIL PLAN RC 2040213  
PAEWHENUA ISLAND**

**PAEWHENUA ESTATES LIMITED** at Auckland (hereinafter called "the Owner" being the registered proprietor of an estate in fee simple in the North Auckland Land Registry Office of those pieces land comprised in Certificates of Title NA52B/739, NA52B/740, NA75B/545, NA75B/546, NA596/120, NA599/258, NA2B/849 and NA53/7

**FAR NORTH DISTRICT COUNCIL** hereby gives notice pursuant to Section 221 of the Resource Management Act 1991 and the subdivision consent in respect of Plan 340983 being a subdivision of those pieces of land comprised in Certificates of Title NA52B/739, NA52B/740, NA75B/545, NA75B/546, NA596/120, NA599/258, NA2B/849 and NA53/7 was granted subject to the following further conditions being complied with on a continuing basis

1. **THAT** the following consent notice shall be registered against the titles for Lots 1, 12, 13, 14, 15, 16, 17 and 18
  - (a) all dwellings shall be located a minimum of 40 metres from mean high water springs
  - (b) that prior to the issue of building consents for any dwelling, an individual site landscape plan shall be submitted to the satisfaction of the Environmental Services Manager. The Plan shall show proposed native plantings to minimize the visual effect of the dwelling and be prepared by a qualified landscape architect. This plan shall have regard to the approved landscape enhancement plan referred to in condition 2(e) of Stage 1 of this consent. The plan shall be implemented within the first planting season following completion of the exterior of the dwelling and maintained thereafter
  - (c) any building consent application shall include a TP 58 report detailing on-site wastewater disposal
  - (d) all building development shall be restricted to the approved house sites shown on the survey plan
  - (e) all known archaeological sites identified on the property in the V Hensley January 2000 and the Clough and Associates September 2002 archaeological assessments shall be protected unless authorisation is obtained from the new Zealand Historic Places Trust for their destruction, damage or modification. In the event of other archaeological sites or koiwi being uncovered, activities



in the vicinity of the discovery shall cease. The consent holder or subsequent land owner shall then consult with Kenana Marae, Te Runanga a Iwi o Ngati Kahu and the New Zealand Historic Places Trust and shall not recommence works in the area of the discovery until and unless the relevant Historic Places Trust approvals have been obtained

The following consent notice shall be registered against the balance Lot (including Lots 27-32)

- (f) any buildings associated with the residents' community facility shall be designed in accordance with the design criteria specified on pages 16 and 17 of the Land use Consent (RC2020581) application document titled "the Island – Proposed Farm Park, Paewhenua Island, Mangonui Harbour" and prepared by DJ Scott Associates Limited and Metro Planning Limited, Report 01, January 2002. The consent holder or subsequent owner shall submit in conjunction with any building consent application a report from a registered architect outlining the design and confirming its compliance with the design criteria. The five metre height limit shall be calculated by the definition of height within the District Plan
- (g) any site development is to be in accordance with Land Use Consent (RC 2020581) including restricting any house sites to those as approve under the land use consent

The following consent notice shall be registered against each of the Lots excluding access and reserve lots

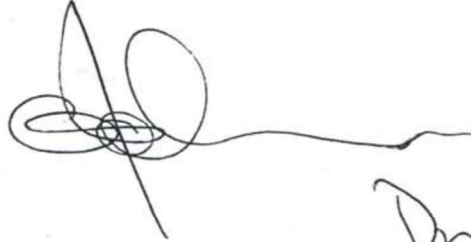
- (h) that the landscape plan approved in accordance with Condition 3 of Land Use Consent (RC 2020581) is to be undertaken within the next planting season following the completion of site works or the commencement of the construction of any dwellings or community facilities or sooner and maintained to the satisfaction of the Council's Environmental Services Manager
- (i) that all on-site activities are to be conducted in accordance with the farm park management plan approved in accordance with Condition 2 of Land use Consent (RC 2020581) including the establishment and use of communal facilities as described in the land use application
- (j) the registered proprietors of the land containing Areas "B" "C" "E" "F" "G" "H" "I" and "J" are responsible to manage the land so as to preserve the natural environment or landscape amenity or wildlife or fresh water life or marine life habitat including the protection and enhancement of the native vegetation in accordance with Section 77 of the Reserves Act 1977

  
  
DATED at Kaikohe this 27 day of May 2005

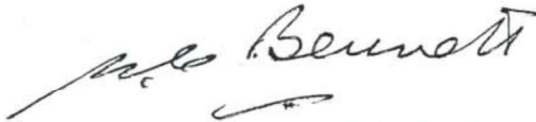
**SIGNED** by an Authorised Officer  
of the **FAR NORTH DISTRICT  
COUNCIL** under delegated authority  
given pursuant to Section 716 of the  
Local Government Act 1974

  
CHIEF EXECUTIVE

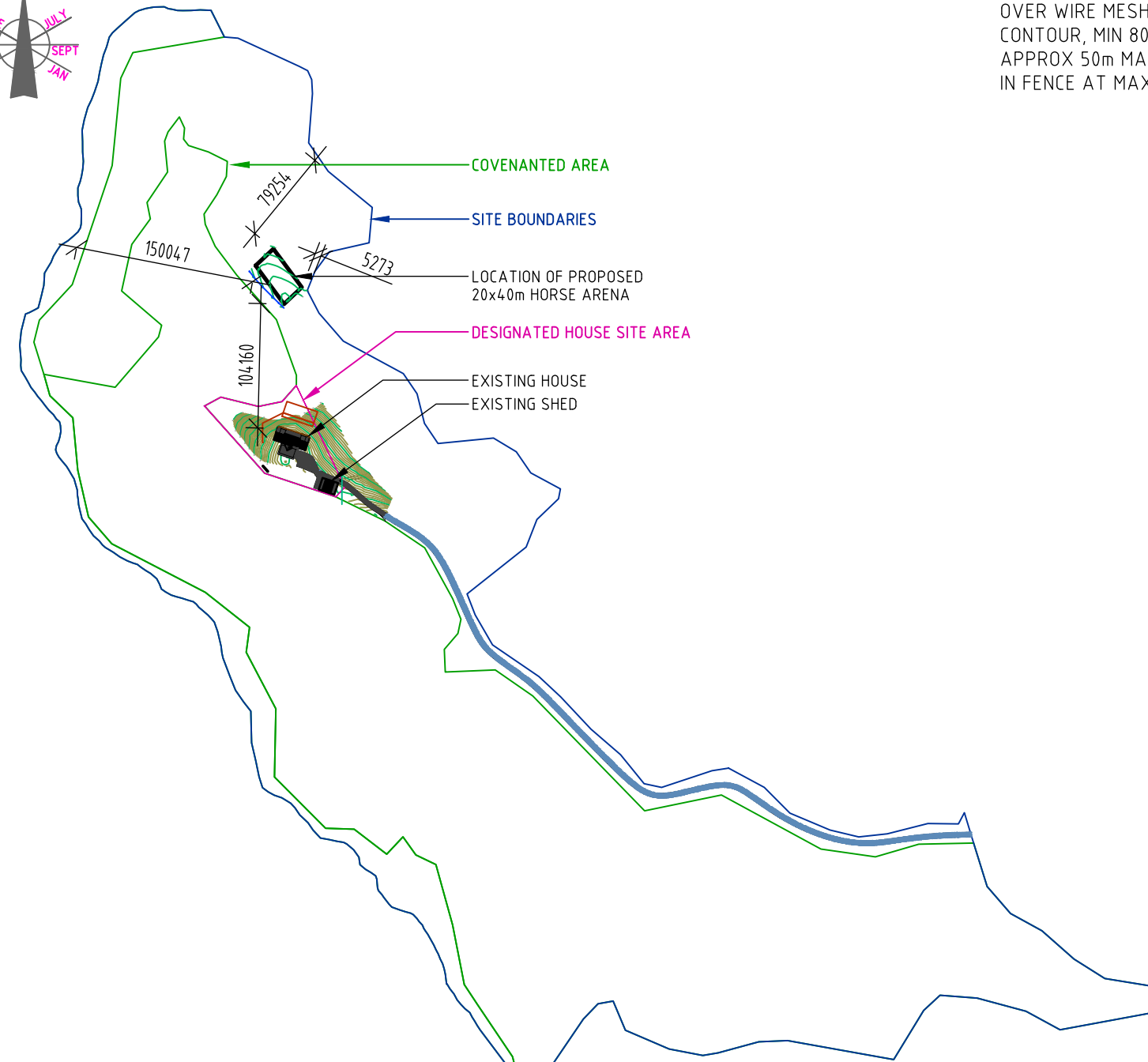
**SIGNED** by the Owner **PAEWHENUA  
ESTATES LIMITED** by its Director  
**Clive Ashley Johnson** in the presence of:-







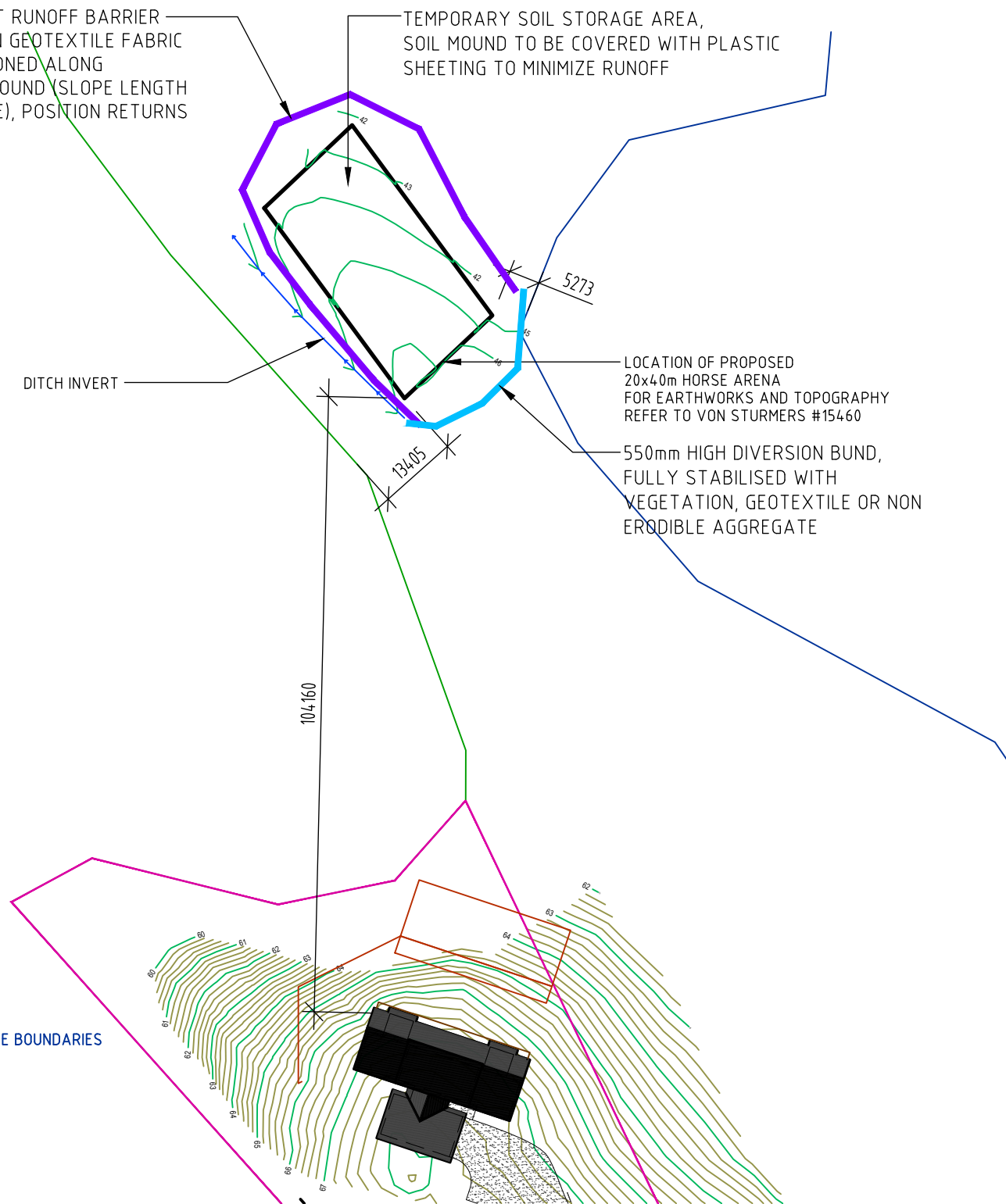
**G. C. Bennett**  
**Solicitor**  
**Auckland**



# LOCATION PLAN

SCALE 1:5000

PURPLE LINE DENOTES SEDIMENT RUNOFF BARRIER SUPER SILT FENCE, WITH WOVEN GEOTEXTILE FABRIC OVER WIRE MESH FENCE, POSITIONED ALONG CONTOUR, MIN 800mm ABOVE GROUND (SLOPE LENGTH APPROX 50m MAX, 0-13% SLOPE), POSITION RETURNS IN FENCE AT MAX 45m



# LOCATION PLAN

SCALE 1:1000

### SITE INFORMATION:

PLANNING ZONE	FNDC, GENERAL COASTAL
LEGAL DESCR.	LOT 8, DP 538982
SITE AREA	277307sq/m
BUILD AREA	80sq/m
COVERAGE	<0.1%
WIND	EXTRA HIGH
SNOW	1.0 kPa
EARTHQUAKE	ZONE 1

### STEPS & PATHS

A STEP/S OR APPROPRIATE LANDSCAPING IS TO BE PROVIDED IF DROP FROM EXTERNAL DOORS IS GREATER THAN 190mm FROM FFL TO FGL.

ALL ACCESS ROUTES MUST PROVIDE A NON-SLIP SURFACE IN ACCORDANCE WITH NZBC D1/AS TABLE 2

### SEDIMENT CONTROL

RUMBLE PAD TO BE CREATED AT POINT OF ENTRY AND EXIT ON SITE (REMOVED ON COMPLETION OF FORMED DRIVEWAY). ALL GROUND COVER/VEGETATION OUTSIDE OF IMMEDIATE BUILD AREA TO BE MAINTAINED THROUGHOUT PERIOD OF HOUSE CONSTRUCTION. THIS INCLUDES GRASS VERGES ON STREET FRONTAGE.

FAT HIPPO DESIGN GROUP LTD, LBP 100369

WWW.FATHIPPO.ORG

MARTIN GVARDIJANCIC	NATHAN SHEARING
113 PURIRI DALE WAY	OFFICE 614, 61 LEET STREET
WAIKAPA RD2, KERIKERI	INVERCARGILL
MARTIN@FATHIPPO.ORG	NATHAN@FATHIPPO.ORG
PH 021 887314	PH 027 2131158   03 2131158

DRAWING PROTECTED BY COPYRIGHT | DO NOT SCALE, IF IN DOUBT ASK (A3 SHEET)

PROBUILD MANGONUI LTD  
25 PEKAMA DRIVE  
CABLE BAY 0420

CLIENT



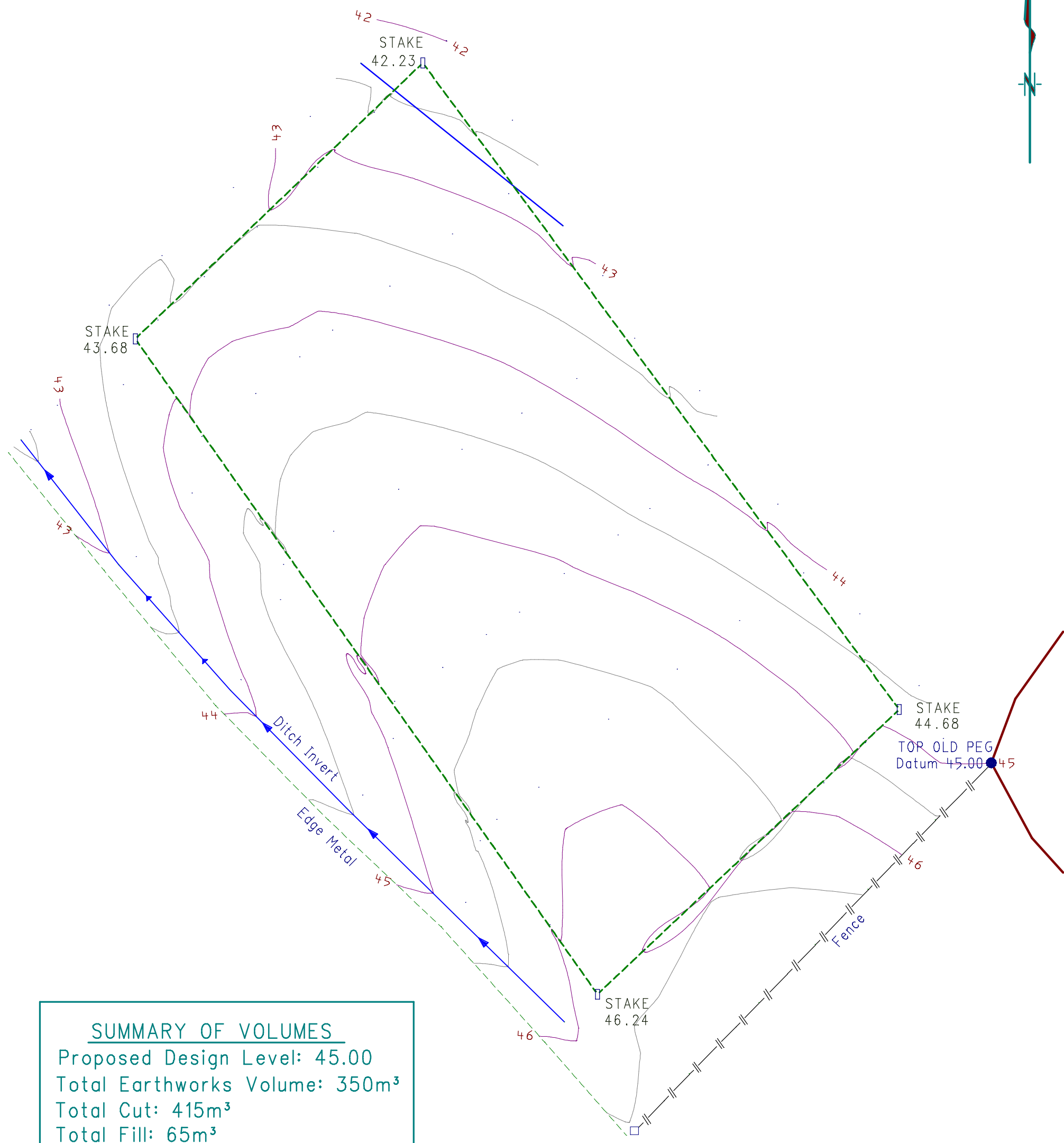
PROPOSED NEW HORSE ARENA  
LOT 8, BUTTERFISH EST., PAEWHENUA ISLAND  
SITE PLAN

DRAWING TITLE



FAT HIPPO  
DESIGN GROUP LTD

rev A  
02/10/24  
REVISION  
00  
DRAWING NUMBER



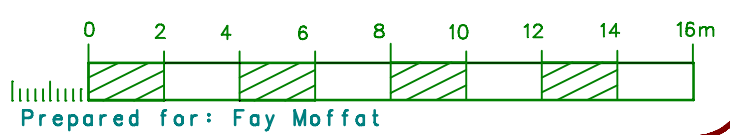
**SUMMARY OF VOLUMES**  
 Proposed Design Level: 45.00  
 Total Earthworks Volume: 350m<sup>3</sup>  
 Total Cut: 415m<sup>3</sup>  
 Total Fill: 65m<sup>3</sup>

THIS DRAWING AND DESIGN REMAINS THE PROPERTY OF VON STURMERS AND MAY NOT BE REPRODUCED WITHOUT THE WRITTEN PERMISSION OF VON STURMERS.

This plan and accompanying report(s) have been prepared for the purpose of obtaining a Resource Consent only and for no other purpose. Use of this plan and/or information on it for any other purpose is at the user's risk.

Local Authority: Far North District Council  
 Total Area: 27.7307ha  
 Comprised in: RT 900319  
 Levels in terms of: MSL - Mean Sea Level  
 Contour interval is: 0.50m

AREAS AND MEASUREMENTS SUBJECT TO FINAL SURVEY



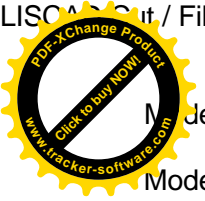
**VON STURMERS**  
 Registered Land Surveyors, Planners &  
 Land Development Consultants  
 Ph: (09) 408 6000 131 Commerce St,  
 Kaitiaki  
 Email: kaitiaki@saps.co.nz

Topographical Survey of  
 Proposed Horse Arena  
 on Lot 8 DP 538982

Rev	Name	Date
Survey	TY	Aug 24
Design		
Drawn	TY	Sept 24
Rev		

ORIGINAL SCALE SHEET SIZE  
 1:200 A3

15460



Model Name: TOPO 1

Model Name: DESIGN 2

Volumes and areas are based on Grid co-ordinates

**CUT**

Planimetric Area: 888 Sq. Metres  
Volume: 415.114 Cubic Metres

**FILL**

Planimetric Area: 324 Sq. Metres  
Volume: 64.664 Cubic Metres

**UNAFFECTED**

Planimetric Area: 106 Sq. Metres

**SUMMARY**

Excess of cut: 350.451 Cubic Metres  
Total cut and fill area: 1213 Sq. Metres  
Total area: 1319 Sq. Metres

## Northland Planning Development

---

**From:** Mike Butler <MButler@heritage.org.nz>  
**Sent:** Tuesday, 15 October 2024 11:24 am  
**To:** Northland Planning Development  
**Subject:** RE: Request for comment - proposed horse arena Paewhenua Island  
**Attachments:** Heritage New Zealand Northland ADP modified 081018.pdf

Kia ora,

Thank you for consulting with Heritage New Zealand Pouhere Taonga on this proposal.

Heritage New Zealand Pouhere Taonga (HNZPT) is an autonomous Crown Entity with statutory responsibility under the Heritage New Zealand Pouhere Taonga Act 2014 (HNZPTA) for the identification, protection, preservation, and conservation of New Zealand's historical and cultural heritage. HNZPT is New Zealand's lead agency for heritage protection.

Historic heritage is a matter of national importance under Section 6(f) of the Resource Management Act 1991 (the RMA). The definition of historic heritage under Part 2 of the RMA includes archaeology. Under section 104(1) of the RMA, a territorial authority must consider Part 2 matters (which includes section 6(f)) when making a decision on an application. Therefore, effects on archaeological sites must be taken into account by council when assessing a consent application.

The proposal has been discussed with our Northland Area Office who have undertaken a desktop study and we recommend that if any unexpected archaeological material is uncovered during the development of the subject site that the attached Accidental Discovery Protocol (ADP) is actioned.

Ngā mihi | Kind regards,

Mike Butler | Kaiwhakamāhere | Planner – Northern Regional Team | Heritage New Zealand Pouhere Taonga | for Area Manager Bill Edwards UD/21 Hobson Avenue, Kerikeri 0245 | PO Box 836, Kerikeri 0245 | DDI: (64 9) 407 0470 email [infnorthland@heritage.org.nz](mailto:infnorthland@heritage.org.nz) <<mailto:infnorthland@heritage.org.nz>> I visit [www.heritage.org.nz](http://www.heritage.org.nz) <<http://www.heritage.org.nz>> and learn more about NZ's heritage places.

Tairangahia a tua whakarere; Tatakihia nga reanga o amuri ake nei – Honouring the past; Inspiring the future  
This communication may be a privileged communication. If you are not the intended recipient, then you are not authorised to retain, copy or distribute it. Please notify the sender and delete the message in its entirety.

---

**From:** James Robinson <jrobinson@heritage.org.nz>  
**Sent:** Tuesday, 15 October 2024 11:11 am  
**To:** Mike Butler <MButler@heritage.org.nz>  
**Subject:** FW: Request for comment - proposed horse arena Paewhenua Island

---

Dr James Robinson | Senior Archaeologist Northland | Heritage New Zealand Pouhere Taonga | PO Box 836, 21 Hobson Ave, Kerikeri 0245 | Ph: 0272490864 [www.heritage.org.nz](http://www.heritage.org.nz)

*Tairangahia a tua whakarere; Tātākihia ngā reanga o āmuri ake nei | Honouring the past; Inspiring the future*

This communication may be a privileged communication. If you are not the intended recipient, then you are not authorised to retain, copy or distribute it. Please notify the sender and delete the message in its entirety.

---

**From:** Northland Planning Development <[info@northplanner.co.nz](mailto:info@northplanner.co.nz)>  
**Sent:** Friday, 11 October 2024 1:47 pm  
**To:** Bill Edwards <[BEwards@heritage.org.nz](mailto:BEwards@heritage.org.nz)>; James Robinson <[jrobinson@heritage.org.nz](mailto:jrobinson@heritage.org.nz)>  
**Subject:** Request for comment - proposed horse arena Paewhenua Island

Good afternoon,

We have been engaged by our client to complete a land use resource consent application at Lot 8 DP538982 - 8/2958 State Highway 10, Mangonui (Paewhenua Island). The land use resource consent application is for excavations to construct a horse arena for use of the applicants. The horse arena will be located in an area of the site which is currently utilised as a paddock for grazing of livestock. Please find attached the site plan, excavation details and topo of the proposal. Below is also a concept image of what the horse arena is envisioned to look like.



The NZAA maps indicate that there are some archaeological sites within the allotment, however there do not seem to be any located near the proposed horse arena.

Can you please provide comment on the proposal and if any further input will be required to accompany our application.

If you require any further information, please do not hesitate to contact me. Iwi will also be contacted as part of our pre-application process.

Thanks.

Kind regards,

**Alex Billot**





Resource Planner

Offices in Kaitaia & Kerikeri

☎ 09 408 1866

Northland Planning & Development 2020 Limited

*My office hours are Monday, Thursday &  
Friday 9am – 2pm*

## Alex Billot

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**From:** Te Hono Support <tehonosupport@fndc.govt.nz>  
**Sent:** Tuesday, 15 October 2024 1:09 pm  
**To:** Alex Billot; Te Hono Support  
**Cc:** Dena-Maree Hemara  
**Subject:** MŌ: Iwi contact -Paewhenua Island

Kia Ora Alex,

Please contact:  
Dee-ann [Dee-ann@ngatikahu.iwi.co.nz](mailto:Dee-ann@ngatikahu.iwi.co.nz),  
Bree Davis [Bree.Davis@whaingaroa.iwi.nz](mailto:Bree.Davis@whaingaroa.iwi.nz)

If you have any further questions please feel free to contact:  
Kaiārahi Kaupapa Māori:  
Dena-Maree Hemara [Dena-Maree.Hemara@fndc.govt.nz](mailto:Dena-Maree.Hemara@fndc.govt.nz)

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**Mai:** Alex Billot <Alex@northplanner.co.nz>  
**I Tukua:** Rāhina, 14 Whiringa ā-nuku, 2024 8:49 p.m.  
**Ki:** Te Hono Support <tehonosupport@fndc.govt.nz>  
**Marau:** Iwi contact -Paewhenua Island

You don't often get email from [alex@northplanner.co.nz](mailto:alex@northplanner.co.nz). [Learn why this is important](#)

**CAUTION:** This email originated from outside Far North District Council.  
Do not click links or open attachments unless you recognise the sender and know the content is safe.

Kia ora,

We are completing a resource consent application for a breach of excavations to construct a horse arena at 8/2958 State Highway 10, Mangonui (Paewhenua Island).

The site adjoins the Mangonui Harbour which is noted as a Statutory acknowledgment area.

Could you please advise the contact details for the relevant Iwi groups?

Thanks in advance.

Kind regards,



**Alex Billot**  
Resource Planner

Offices in Kaitaia & Kerikeri  
☎ 09 408 1866  
Northland Planning & Development 2020 Limited

*My office hours are Monday, Thursday &  
Friday 9am – 2pm.*

## Northland Planning Development

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**From:** Northland Planning Development  
**Sent:** Friday, 18 October 2024 10:49 am  
**To:** Eljon Fitzgerald; sandra heihei; Dee-ann@ngatikahu.iwi.co.nz; Bree.Davis@whaingaroa.iwi.nz  
**Subject:** Request for comment - proposed horse arena Paewhenua Island.  
**Attachments:** 15460 Fay Moffat - TOPO HORSE ARENA.pdf; DESIGN 45.00 REPORT.pdf; probuild - paewhenua moffat 24 - horse arena-00 site.pdf

Tēnā koutou,

We are preparing a land use resource consent application for a proposed horse arena at Lot 8 DP538982 - 8/2958 State Highway 10, Mangonui (Paewhenua Island). The horse arena will be located in an area of the site which is currently utilised as a paddock for grazing purposes. No vegetation clearance will be required. Land use consent is required for excavations. The cut and fill slopes will be battered, with landscaping provided to promote stability as well as to mitigate visual effects. The arena is for use of the applicants only so that they can train their horses onsite.

The site adjoins Mangonui Harbour which is a Statutory Acknowledgement Area.

Please find attached the site plan, excavation details and a topo of the proposal. Below is a concept image of what the horse arena is envisioned to look like.



Heritage NZ have also been contacted who have advised that the proposal is to proceed under the guidance of an Archaeological Discovery Protocol (ADP).

It would be appreciated if you could please provide comment on the proposal and advise if any further input will be required to accompany our resource consent application.

If you require any further information, please do not hesitate to contact our office.

Kind regards,



**Alex Billot**  
Resource Planner

Offices in Kaitaia & Kerikeri

☎ 09 408 1866

Northland Planning & Development 2020 Limited

*My office hours are Monday, Thursday &  
Friday 9am – 2pm*

## Northland Planning Development

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**From:** Robert Moffat <[robert4moffat@gmail.com](mailto:robert4moffat@gmail.com)>  
**Sent:** Wednesday, 2 October 2024 7:27 am  
**To:** Northland Planning Development  
**Subject:** Fwd: Outdoor Horse Arena

----- Forwarded message -----

**From:** <[russgreen53@gmail.com](mailto:russgreen53@gmail.com)>  
**Date:** Mon, Jun 17, 2024 at 4:15 PM  
**Subject:** RE: Outdoor Horse Arena  
**To:** Robert Moffat <[robert4moffat@gmail.com](mailto:robert4moffat@gmail.com)>, David Jones <[david@davidjonesdesign.co.uk](mailto:david@davidjonesdesign.co.uk)>, John Mai <[johnmai2580@gmail.com](mailto:johnmai2580@gmail.com)>

Robert

No it doesn't, under the Land Covenants design approvals are only needed for dwellings and ancillary buildings.

That would be impressive!!

Cheers

Russell

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**From:** Robert Moffat <[robert4moffat@gmail.com](mailto:robert4moffat@gmail.com)>  
**Sent:** Sunday, June 16, 2024 1:01 AM  
**To:** David Jones <[david@davidjonesdesign.co.uk](mailto:david@davidjonesdesign.co.uk)>; John Mai <[johnmai2580@gmail.com](mailto:johnmai2580@gmail.com)>; Russell Green <[russgreen53@gmail.com](mailto:russgreen53@gmail.com)>  
**Subject:** Outdoor Horse Arena

Good morning Russell, John and David

Fay and I are contemplating having an outdoor horse arena constructed in one of the paddocks similar to the picture below (without the trees)



Does this need to come through design committee?

Many thanks

Kind regards  
Robert