

Our Reference: 9866.1 (FNDC)

14 August 2024

Resource Consents Department
Far North District Council
JB Centre
KERIKERI

Dear Sir/Madam

RE: Proposed re-development of house & garage and use of studio building as residential unit – 456 Wharau Road, Kerikeri – G Quigley & M Kirkpatrick

I am pleased to submit application on behalf of G Quigley & M Kirkpatrick, for a proposed re-development of their buildings on land at Wharau Road, Kerikeri, zoned General Coastal. The application is a non complying activity.

The application fee of \$2,558 has been paid separately via direct credit.

Regards



Lynley Newport
Senior Planner
THOMSON SURVEY LTD

Private Bag 752, Memorial Ave
 Kōkohe 0440, New Zealand
 Freephone: 0800 920 029
 Phone: (09) 401 5200
 Fax: (09) 401 2137
 Email: ask.us@fnhc.govt.nz
 Website: www.fnhc.govt.nz

APPLICATION FOR RESOURCE CONSENT OR FAST-TRACK RESOURCE CONSENT

(Or Associated Consent Pursuant to the Resource Management Act 1991 (RMA))

(If applying for a Resource Consent pursuant to Section 87AAC or 88 of the RMA, this form can be used to satisfy the requirements of Form 9)

Prior to, and during, completion of this application form, please refer to Resource Consent Guidance Notes and Schedule of Fees and Charges – both available on the Council's web page.

1. Pre-Lodgement Meeting

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

2. Type of Consent being applied for (more than one circle can be ticked):

<input checked="" type="checkbox"/> Land Use	<input type="checkbox"/> Fast Track Land Use*	<input type="checkbox"/> Subdivision	<input type="checkbox"/> Discharge
<input type="checkbox"/> Extension of time (s.125)	<input type="checkbox"/> Change of conditions (s.127)	<input type="checkbox"/> Change of Consent Notice (s.221(3))	
<input type="checkbox"/> Consent under National Environmental Standard (e.g. Assessing and Managing Contaminants in Soil)			
<input type="checkbox"/> Other (please specify)			
<small>*The fast track for simple land use consents is restricted to consents with a controlled activity status and requires you provide an electronic address for service.</small>			

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

4. Applicant Details:

Name/s:

Graeme Quigley & Marian Kirkpatrick

Electronic Address for

Service (E-mail): *→ Graeme@one-roa-beach.com*

Phone Numbers: Work: *0275 727 479* Home:

Postal Address: *P. O. Box 37 882, Parnell, Auckland*

(or alternative method of service under

section 352 of the Act)

Post Code: _____

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

Name/s: *Lynley Newport; Thomson Survey Ltd*

Electronic Address for *lynley@survey.co.nz*

Service (E-mail):

Phone Numbers: Work: 4077360 Home:

Postal Address: P O Box 372

(or alternative method

of service under KERIKERI

section 352 of the Act)

Post Code: 0245

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

6. Details of Property Owner/s and Occupier/s: Name and Address of the Owner/Occupiers of the land to which this application relates (where there are multiple owners or occupiers please list on a separate sheet if required)

Name/s: Graeme Quigley & Marian Kirkpatrick

Property Address/: as per item 4 Location

7. Application Site Details:

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

Site Address/ 456 Wharau Road

Location:

KERIKERI

Legal Description: Pt Lot 6 DP 61328

Record of Title: NA26A/769

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 Occasionally
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.

↳ Recommend call/make time in advance before visiting

8. Description of the Proposal:

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

Re-Development of dwelling & carport and consent to use studio/workshop as a second residential unit, in the General Coastal Zone, breaching Visual Amenity; Residential Intensity; and Excavation/Filling rules.

If this is an application for an Extension of Time (s.125); Change of Consent Conditions (s.127) or Change or Cancellation of Consent Notice conditions (s.221(3)), please quote relevant existing Resource Consents and Consent Notice identifiers and provide details of the change(s) or extension being sought, with reasons for requesting them.

9. Would you like to request Public Notification? Yes/No

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

Building Consent (BC ref # if known) Regional Council Consent (ref # if known)

National Environmental Standard consent Other (please specify) General Authority

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

The site and proposal may be subject to the above NES. In order to determine whether regard needs to be had to the NES please answer the following (further information in regard to this NES is available on the Council's planning web pages):

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

Is the proposed activity an activity covered by the NES? (If the activity is know any of the activities listed below, then you need to tick the 'yes' circle). yes no don't

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

12. Assessment of Environmental Effects:

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

Please see attached AEE.

13. Billing Details:

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

Name/s: (please write all names in full) Graeme Quigley

Email: Graeme@overoabeach.com
Postal Address: P.O. Box 37882, Panell, Auckland

Post Code: _

Phone Numbers:

Work:

Home:

Fax:

→ 0275 727 479

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 print)

Araeme Quigley
Carm Cery

Signature:

(signature of bill payer - mandatory)

Date:

12/8/24

14. Important Information:

Note to applicant

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

You may apply for 2 or more resource consents that are needed for the same activity on the same form.

You must pay the charge payable to the consent authority for the resource consent application under the [Resource Management Act 1991](#).

Fast-track application

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

Privacy Information:

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

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

Name:

(please print)

Araeme Quigley
Carm Cery

Signature:

(signature)

Date:

12/8/24

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

Checklist (please tick if information is provided)

- Payment (cheques payable to Far North District Council)
- A current Certificate of Title (Search Copy not more than 6 months old)
- Copies of any listed encumbrances, easements and/or consent notices relevant to the application
- Applicant / Agent / Property Owner / Bill Payer details provided
- Location of property and description of proposal
- Assessment of Environmental Effects
- Written Approvals / correspondence from consulted parties
- Reports from technical experts (if required)
- Copies of other relevant consents associated with this application

- Location and Site plans (land use) AND/OR
- Location and Scheme Plan (subdivision)
- Elevations / Floor plans
- Topographical / contour plans

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

**Digital Applications may be submitted via E- mail to:
Planning.Support@fndc.govt.nz**

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

**UNBOUND SINGLE SIDED NO LARGER THAN A3 in
SIZE**

Appendix 1

Architectural and Site Plans

PHYSICAL ADDRESS:
456 W. Main Road
Kerikeri
0293

PARCEL ID:
517547

PARCEL INTENT:
DCDB

TITLE:
NA2EA/769

LEGAL DESCRIPTION:
FLot 1
DP 61228

AREA:
3.9256 ha

DISTRICT PLAN ENVIRONMENT
General Coastal

ZONES:
EARTHQUAKE ZONE: ZONE 1
EXPOSURE ZONE: ZONE D
CLIMATE ZONE: ZONE 1
WIND REGION: A
LEE ZONE: NO
WIND ZONE: HIGH

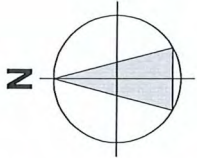
PROPOSED FLOOR AREAS

- 1. PROPOSED HOUSE GROSS AREA: 400.08m²
PROPOSED HOUSE DECK AREA: 187.86m²
TOTAL: 587.94m²
Note: New grass area
- 2. COTTAGE GROSS AREA: 255.16m²
COTTAGE DECK AREA: 27.54m²
TOTAL: 282.7m²
- 3. DRIVEWAY : 565.29m²
- 4. STRUCTURE 1 : 55.01m²
- 5. STRUCTURE 2 : 9.24 m²

TOTAL IMPERMEABLE AREA = 1498.96 m² (3.82%)
TOTAL PERMEABLE AREA = 3774.29532 m²
TOTAL SITE AREA = 5273.25532 m²

PROPOSED FLOOR AREAS (BUILDING ONLY)

PROPOSED HOUSE: 587.94 m²
COTTAGE: 282.7 m²
TOTAL: 870.64 m²



Date	Issue No	Description
27/03/20	01	CHKD
27/03/20	02	CHKD (color changes to legend)
29/03/20	03	CHKD (update area, title, or materials)

- NOTES:
- IF IN DOUBT ASK.
 - THE CONTRACTOR SHALL CONFIRM ALL DIMENSIONS ON SITE.
 - THE CONTRACTOR SHALL CONFIRM ALL MATERIALS AND PRODUCTS IN ACCORDANCE WITH THE DISTRICT PLAN REQUIREMENTS AND INSTALLATION DOCUMENTATION.
 - THE CONTRACTOR SHALL CONFIRM ALL WORKMANSHIP AND FINISHES TO THE ARCHITECT'S SATISFACTION. THE ARCHITECT SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY LOCAL, DISTRICT, REGIONAL, NATIONAL AND INTERNATIONAL APPROVALS.
 - THE ARCHITECT WILL NOT BE LIABLE FOR ANY CONSTRUCTION COSTS INCURRED AS A RESULT OF THE CONTRACTOR'S FAILURE TO OBTAIN NECESSARY APPROVALS OR TO COMPLY WITH ALL RELEVANT DISTRICT PLAN REQUIREMENTS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY APPROVALS WITHOUT DELAY AND WITHOUT THE ARCHITECT'S WRITTEN APPROVAL.

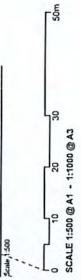
HB ARCHITECTURE
100 W. Main Road
Kerikeri 0293
0293 844 844
www.hbarchitecture.co.nz

INFORMATION
20/03/2023

G. QUIGLEY & M. KIRKPATRICK
QUIGLEY & KIRKPATRICK
HOUSE

LOCATION PLAN - PROPOSED
RC
5444
RC 011 03
5444

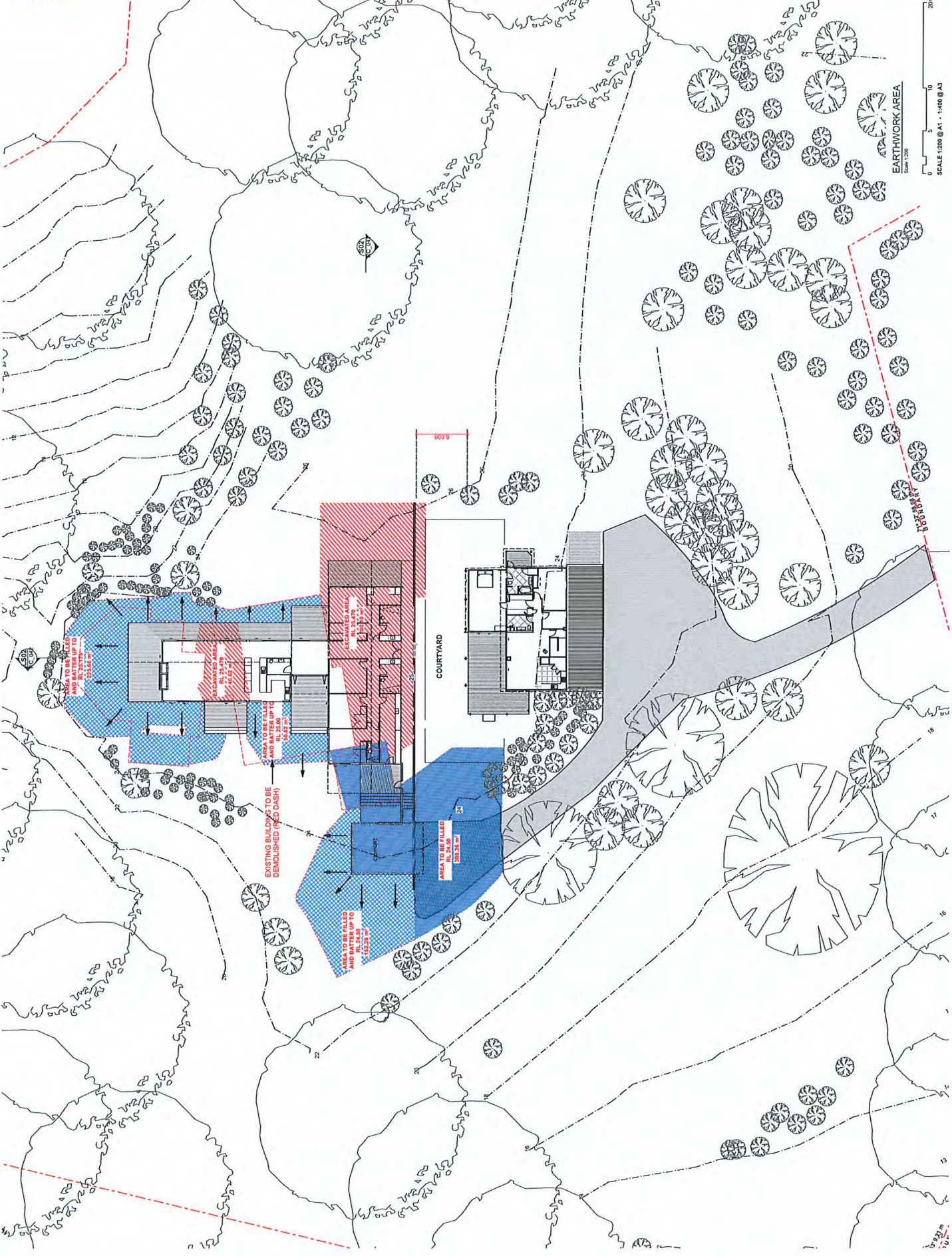
LOCATION PLAN - PROPOSED



APPROXIMATE VOLUMES

CUT	PROPOSED HOUSE	+450 m ³
FILL	LANDSCAPE	+500 m ³
TOTAL		+950 m ³

DATE: 01/27/24



Date	Issue ID	Description
10/10/22	01	Update numbers, cut and fill
11/01/23	02	CUT FILL QUANTITIES ADJUSTED

NOTES:

- IF IN DOUBT, ASK.
- THE CONTRACTOR SHALL CONFIRM ALL DIMENSIONS AND LOCATIONS WITH THE LAND PRODUCED PHOTOGRAPHIC AND INSTALLATION DOCUMENTATION.
- THE CONTRACTOR SHALL INSTALL ALL DIMENSIONS AND LOCATIONS WITH THE LAND PRODUCED PHOTOGRAPHIC AND INSTALLATION DOCUMENTATION.
- THE ARCHITECT WILL NOT BE LIABLE FOR ANY CONSEQUENCE OF ANY CHANGES THAT YOU MAKE TO THE CONTRACT WORK FROM THE RESOURCE CONSENT OR BUILDING CONSENT WITHOUT OUR PRIOR WRITTEN APPROVAL.

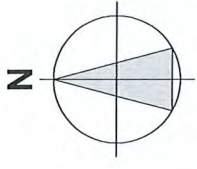
HB ARCHITECTURE
 1000 BROADWAY, 14th FLOOR
 NEW YORK, NY 10013
 TEL: (212) 693-1100
 WWW.HBARCHITECTURE.COM

INFORMATION
 PROJECT NO: 241024

G. DUGLEY & M. KIRKPATRICK
 HOUSE

RESOURCE CONSENT
 SITE EXCAVATION PLAN
 5444 RC.012.03
 DATE: 01/27/24

SCALE 1:300 @ A1 - 1:100 @ A3



LEGEND:

- HOUSE TO BE DEMOLISHED
- NEW PROPOSED HOUSE
- EXISTING BUILDING TO REMAIN (MINOR CHANGE INTERNAL LAYOUT)

EXISTING FLOOR AREAS

1. OCTAGON GROSS AREA: 198.38m²
OCTAGON DECK AREA: 66.61m²
TOTAL: 265.00 m²
2. LINK: 9.16m²
3. LOCKWOOD GROSS AREA: 185m²
LOCKWOOD DECK AREA: 62.47m²
TOTAL: 247.47
4. GARAGE: 41.09m²
5. COTTAGE GROSS AREA: 265.16m²
COTTAGE DECK AREA: 27.54m²
TOTAL: 292.70m²
6. DRIVEWAY: 988.42m²

Date	Issue No.	Description
27/05/22	01	Issue
	02	Change (Update layout - Colour and scale)

NOTES:

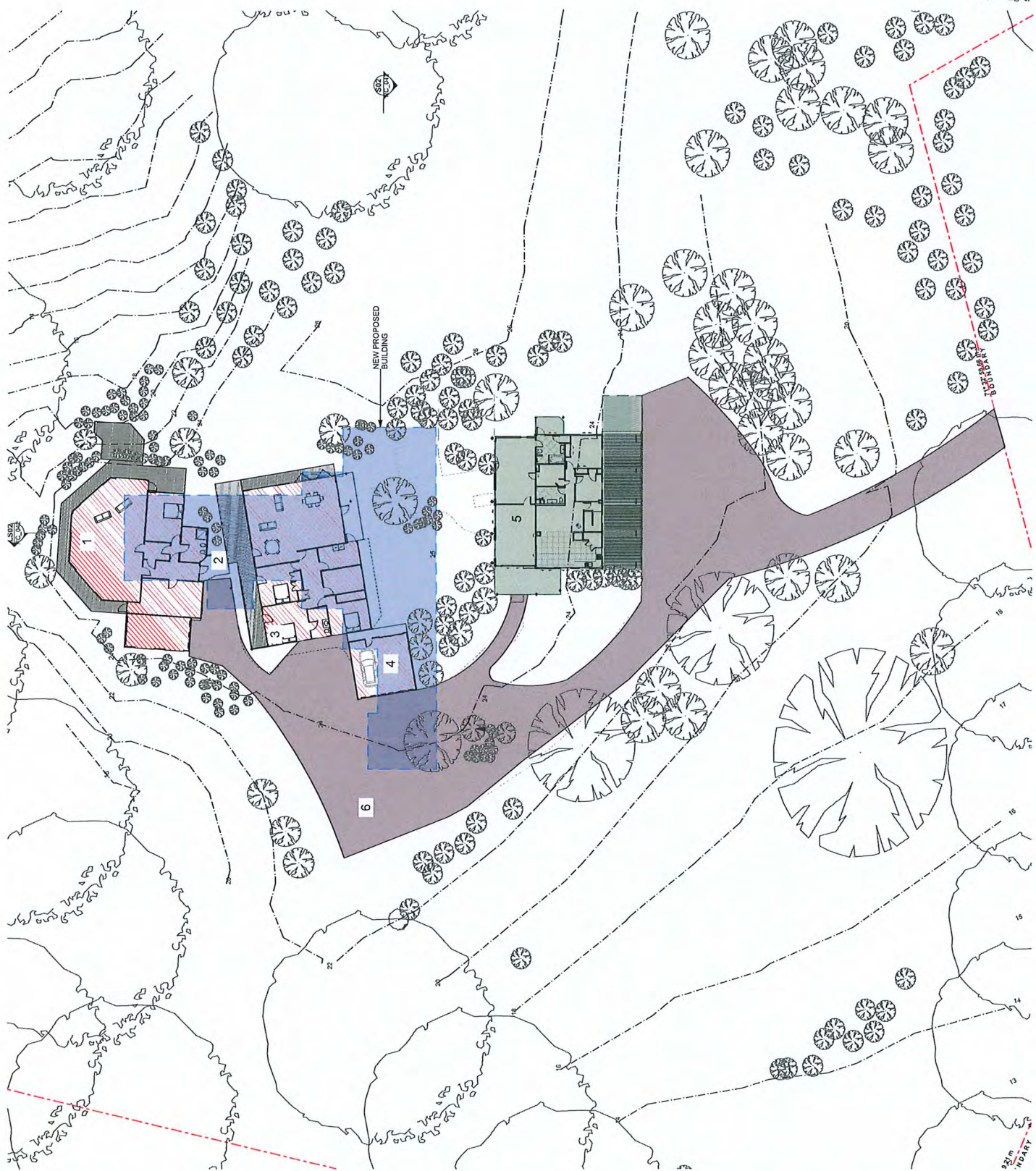
1. IF IN DOUBT ASK.
2. THE CONTRACTOR SHALL CONFIRM ALL THE EXISTING DIMENSIONS.
3. THE CONTRACTOR SHALL INSTALL ALL MATERIALS AND PRODUCTS IN ACCORDANCE WITH THE MANUFACTURER'S RECOMMENDATIONS AND INSTALLATION DOCUMENTATION.
4. UNDER THE BUILDING ACT 2004, PEOPLE WHO ARE RESPONSIBLE FOR THE DESIGN AND CONSTRUCTION OF A BUILDING ARE RESPONSIBLE FOR THE DESIGN OCCUPATIONAL SAFETY AND SOUNDNESS OF THE BUILDING. THE ARCHITECT WILL NOT BE LIABLE FOR ANY CLAIM, DAMAGES, OR OTHER LOSSES INCURRED AS A RESULT OF THE CONTRACTOR'S NEGLIGENCE OR OTHERWISE IN CONNECTION WITH THE PROJECT. THESE DOCUMENTS ON THE PROJECT ARE PROVIDED AS A GUIDE ONLY AND SHOULD NOT BE USED WITHOUT OUR PRIOR WRITTEN APPROVAL.

104 AUCKLAND STREET
AUCKLAND 1010
PH: 09 308 6888
WWW.HBARCHITECTURE.CO.NZ

HB ARCHITECTURE
TRADE MARK

G. QUIGLEY & M. KIRKPATRICK
QUIGLEY & KIRKPATRICK
HOUSE

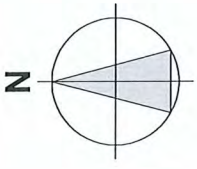
PROJECT NO.	EXISTING FLOOR PLANS
54444	RC 020 02



EXISTING GROUND FLOOR PLANS



20m
10m
5m
0m



LEGEND:

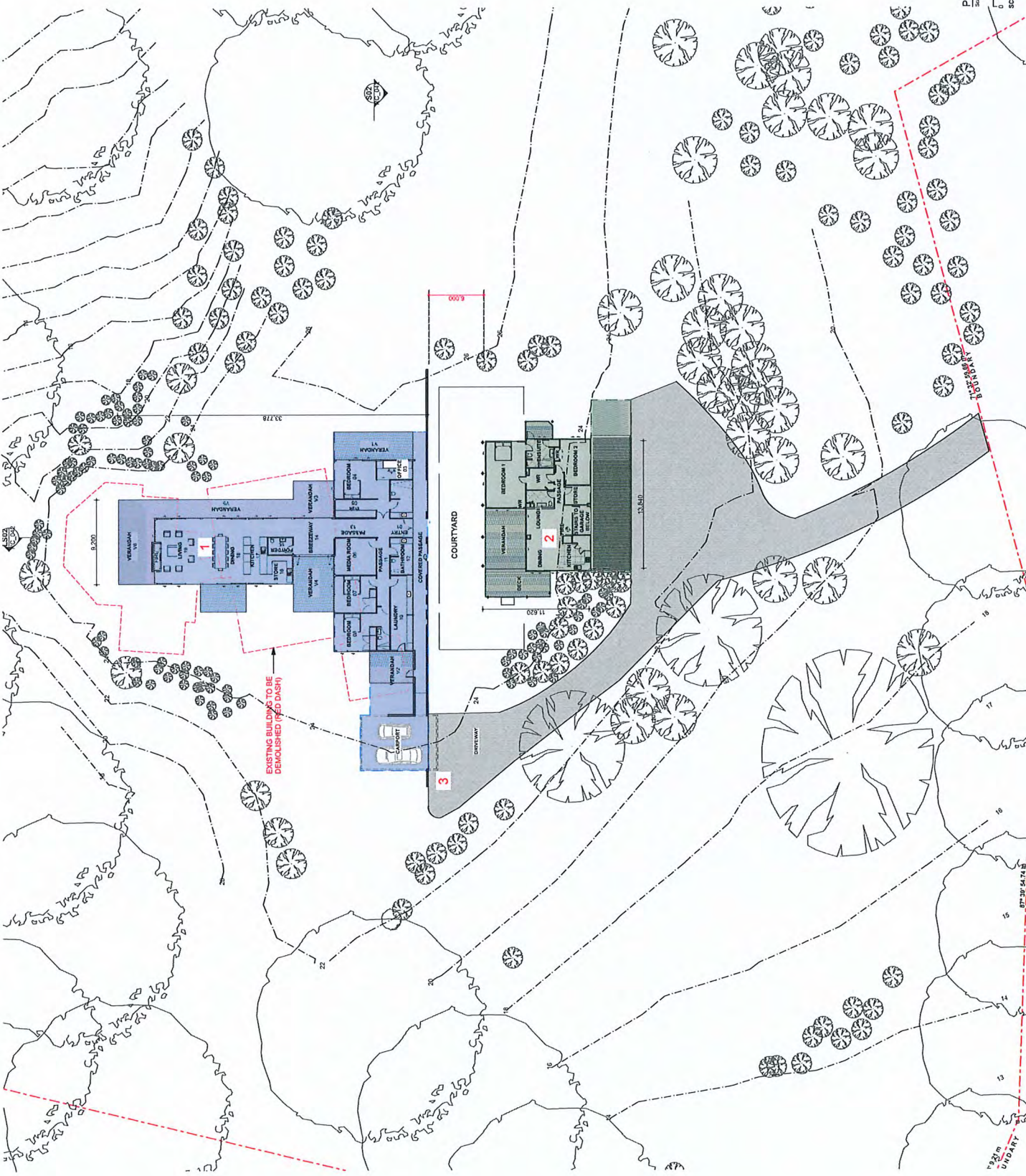
- NEW PROPOSED HOUSE
- EXISTING BUILDINGS TO REMAIN (AND/OR CHANGE INTERNAL LAYOUT)

LEGEND:

- EXISTING BUILDING TO BE DEMOLISHED

PROPOSED FLOOR AREAS

1. PROPOSED HOUSE GROSS AREA: 400.08m²
PROPOSED HOUSE DECK AREA: 187.66m²
Notes: New grass 8000
2. COTTAGE GROSS AREA: 285.16m²
COTTAGE DECK AREA: 27.94m²
TOTAL: 282.7m²
3. DRIVEWAY: 565.28m²



Date	Issue	Ch. No.	Description
27/06/20	01	01	01/01
27/06/20	01	02	02/01
27/06/20	01	03	03/01
27/06/20	01	04	04/01
27/06/20	01	05	05/01
27/06/20	01	06	06/01
27/06/20	01	07	07/01
27/06/20	01	08	08/01
27/06/20	01	09	09/01
27/06/20	01	10	10/01
27/06/20	01	11	11/01
27/06/20	01	12	12/01
27/06/20	01	13	13/01
27/06/20	01	14	14/01
27/06/20	01	15	15/01
27/06/20	01	16	16/01
27/06/20	01	17	17/01
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27/06/20	01	19	19/01
27/06/20	01	20	20/01

NOTES:

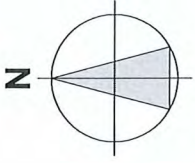
1. IF IN DOUBT ASK.
2. THE CONTRACTOR SHALL CONFIRM ALL MATERIALS AND PRODUCTS IN ACCORDANCE WITH THE SPECIFICATIONS AND INSTALLATION DOCUMENTATION.
3. THE CONTRACTOR SHALL INSTALL ALL MATERIALS AND PRODUCTS IN ACCORDANCE WITH THE SPECIFICATIONS AND INSTALLATION DOCUMENTATION.
4. THE CONTRACTOR SHALL OBTAIN ALL NECESSARY PERMITS AND APPROVALS FROM THE RELEVANT AUTHORITIES BEFORE COMMENCING WORK.
5. THE ARCHITECT WILL NOT BE LIABLE FOR ANY CONSEQUENCES OF ANY CHANGES THAT MAY BE MADE TO THE DESIGN OR SPECIFICATIONS WITHOUT THE WRITTEN APPROVAL OF THE ARCHITECT.

HB ARCHITECTURE
 100 WILSON STREET
 SUITE 101
 SYDNEY NSW 1588
 PH: 02 9551 4444
 WWW.HBARCHITECTURE.COM.AU

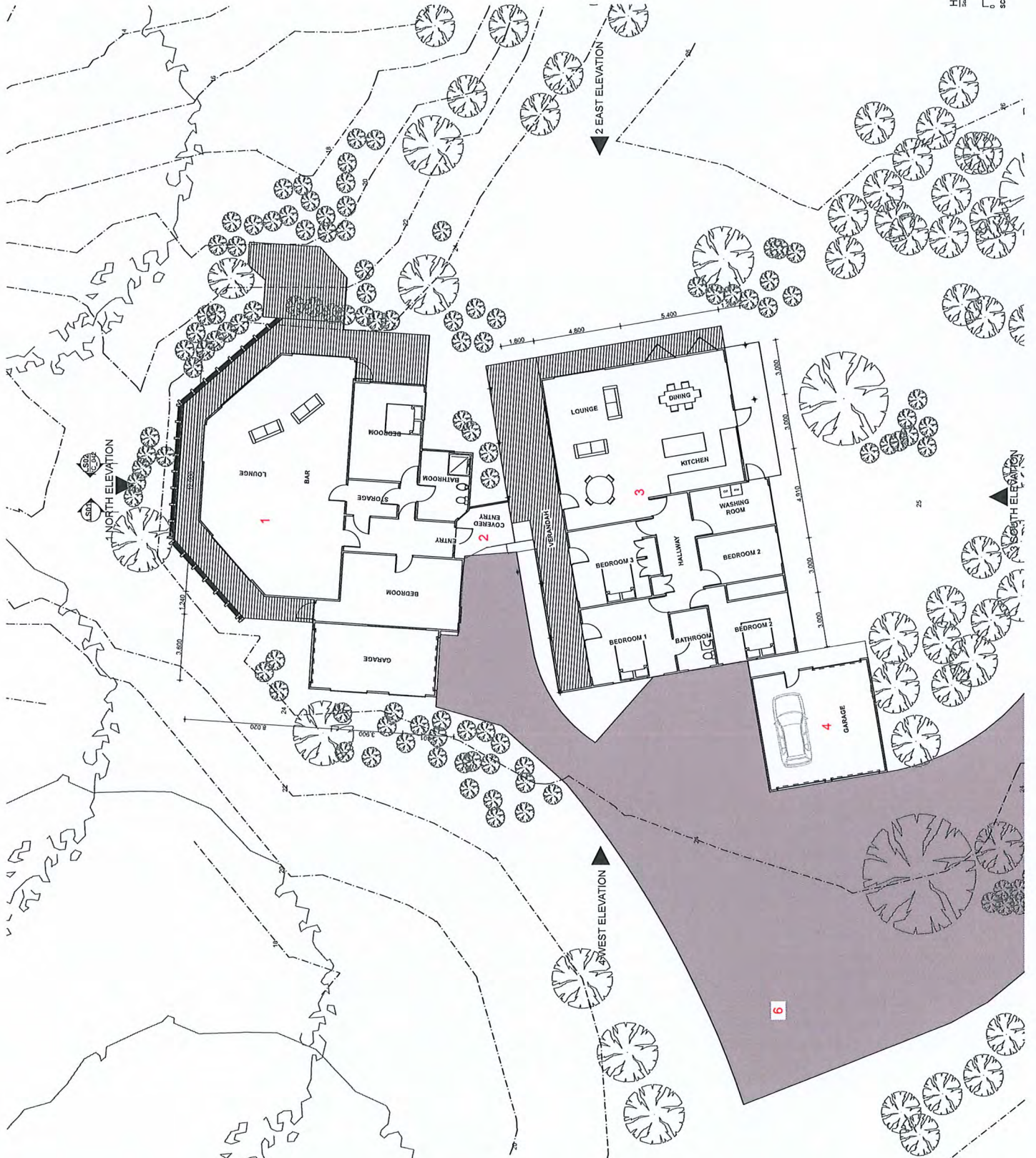
G. QUIGLEY & M. KIRKPATRICK
 QUIGLEY & KIRKPATRICK
 HOUSE

PROPOSED FLOOR PLANS
PROJECT NO: 5444
DATE: 27/06/20
SCALE: 1:300
DRAWN BY: RC 021
CHECKED BY: 02

PROPOSED GROUND FLOOR PLANS
 Scale 1:300
 0 5 10 20m
 SCALE 1:300 @ A1 - 1:400 @ A3



EXISTING FLOOR AREAS (BUILD)
 OCTAGON: 922.89 m²
 LINK: 91.61 m²
 LOCKWOOD: 247.47 m²
 GARAGE: 41.09 m²
 COTTAGE: 232.79 m²
 TOTAL: 843.41 m²



Date	Issue	Chg. ID	Description
	1	01	Issue
	2	02	Issue
	3	03	Issue
	4	04	Issue
	5	05	Issue
	6	06	Issue
	7	07	Issue
	8	08	Issue
	9	09	Issue
	10	10	Issue
	11	11	Issue
	12	12	Issue
	13	13	Issue
	14	14	Issue
	15	15	Issue
	16	16	Issue
	17	17	Issue
	18	18	Issue
	19	19	Issue
	20	20	Issue

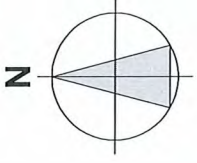
NOTES:
 1. IF IN DOUBT ASK.
 2. THE CONTRACTOR SHALL CONFIRM ALL DIMENSIONS AND LEVELS.
 3. THE CONTRACTOR SHALL INSTALL ALL MATERIALS AND PRODUCTS IN ACCORDANCE WITH THE MANUFACTURER'S RECOMMENDATIONS AND INSTALLATION DOCUMENTATION.
 4. UNDER THE BUILDING ACT 2004 AND THE BUILDING REGULATIONS 2006, THE ARCHITECT HAS A DUTY TO REPORT TO THE LOCAL AUTHORITY ANY BREACHES OF THE BUILDING REGULATIONS THAT HE OR SHE HAS OBSERVED OR THAT ARE APPARENT TO HIM OR HER FROM THE INFORMATION PROVIDED IN THE DESIGN DOCUMENTATION.
 5. THE ARCHITECT WILL NOT BE LIABLE FOR ANY CLAIM, DAMAGE OR OTHER LOSS INCURRED AS A RESULT OF THE CONTRACTOR'S FAILURE TO OBTAIN OTHER PERMISSIONS IN RELATION TO THE WORKS TO BE UNDERTAKEN UNDER THESE DOCUMENTS OF THE PROJECT FROM ANY OTHER AUTHORITY, WITHOUT OUR PRIOR WRITTEN APPROVAL.

HB ARCHITECTURE
 100 KILBURN STREET
 2ND FLOOR
 KILBURN
 LONDON N15 1UR
 TEL: 020 7434 8844
 FAX: 020 7434 8845
 WWW.HBARCHITECTURE.COM

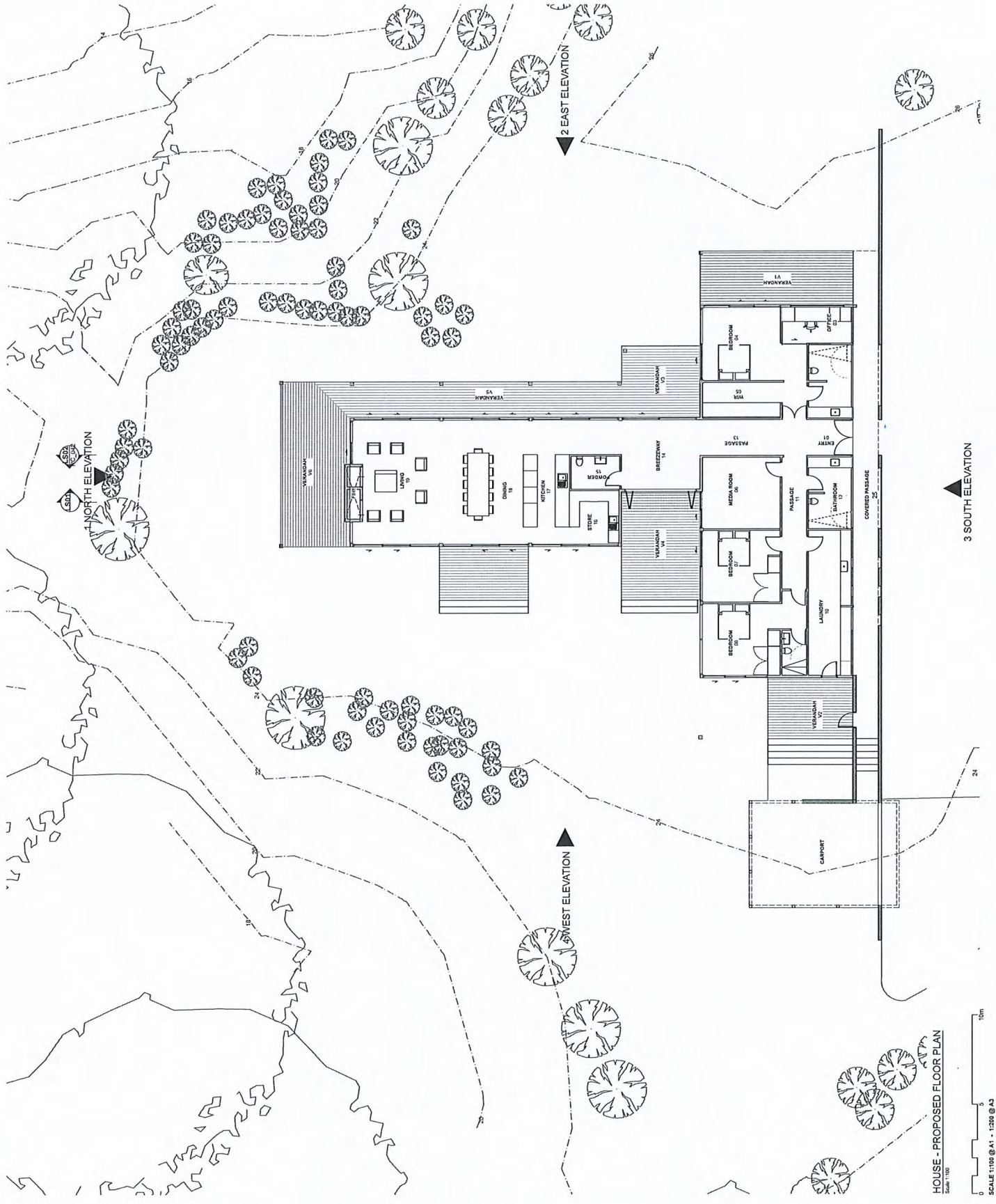
G. QUIGLEY & M. KIRKPATRICK
 QUIGLEY & KIRKPATRICK
 HOUSE

PROJECT NAME	HOUSE - EXISTING BUILDING FLOOR PLAN
CLIENT	QUIGLEY & KIRKPATRICK
DATE	10/02/2023
SCALE	RC 022 @ 1:200
NO.	5444
DATE	10/02/2023

HOUSE - EXISTING FLOOR PLAN
 Scale 1:200
 0 5 10m
 SCALE 1:100 @ A1 - 1:200 @ A3



PROPOSED FLOOR AREAS
 1. PROPOSED HOUSE GROSS AREA : 400.08m²
 PROPOSED HOUSE DECK AREA : 187.66m²
 TOTAL: 587.74m²
 Note: New grass area



Date	Issue No.	Description
27/03/20	01	CONTRACT
27/03/20	02	CONTRACT
27/03/20	03	CONTRACT
27/03/20	04	CONTRACT
27/03/20	05	CONTRACT
27/03/20	06	CONTRACT
27/03/20	07	CONTRACT
27/03/20	08	CONTRACT
27/03/20	09	CONTRACT
27/03/20	10	CONTRACT
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27/03/20	12	CONTRACT
27/03/20	13	CONTRACT
27/03/20	14	CONTRACT
27/03/20	15	CONTRACT
27/03/20	16	CONTRACT
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27/03/20	19	CONTRACT
27/03/20	20	CONTRACT

NOTES:

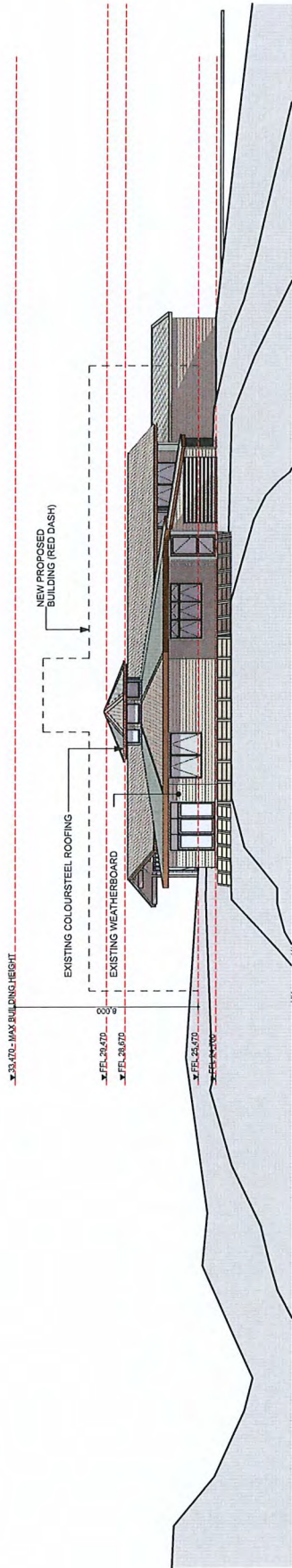
1. IF IN DOUBT ASK.
2. THE CONTRACTOR SHALL CONFIRM ALL MATERIALS AND PRODUCTS TO BE USED IN ACCORDANCE WITH THE SPECIFICATIONS AND INSTALLATION DOCUMENTATION.
3. THE CONTRACTOR SHALL INSTALL ALL MATERIALS AND PRODUCTS IN ACCORDANCE WITH THE SPECIFICATIONS AND INSTALLATION DOCUMENTATION.
4. THE ARCHITECT SHALL BE RESPONSIBLE FOR ANY CHANGES OR ADDITIONS TO ANY PERSON WHO CHANGES OR ADDS TO ANY ASSUMED LOCAL LIABILITY AS THE DESIGNAL.
5. THE ARCHITECT WILL NOT BE LIABLE FOR ANY CONSEQUENCE OF ANY CHANGES THAT YOU MAKE TO THE CONTRACT DOCUMENTS FROM ANY VARIATION TO THE CONTRACT DOCUMENTS WITHOUT OUR PRIOR WRITTEN APPROVAL.

HB ARCHITECTURE
 10/100 STREET
 AUCKLAND 1011
 PH: 09 254 8844
 FAX: 09 254 8845
 www.hbarchitecture.co.nz

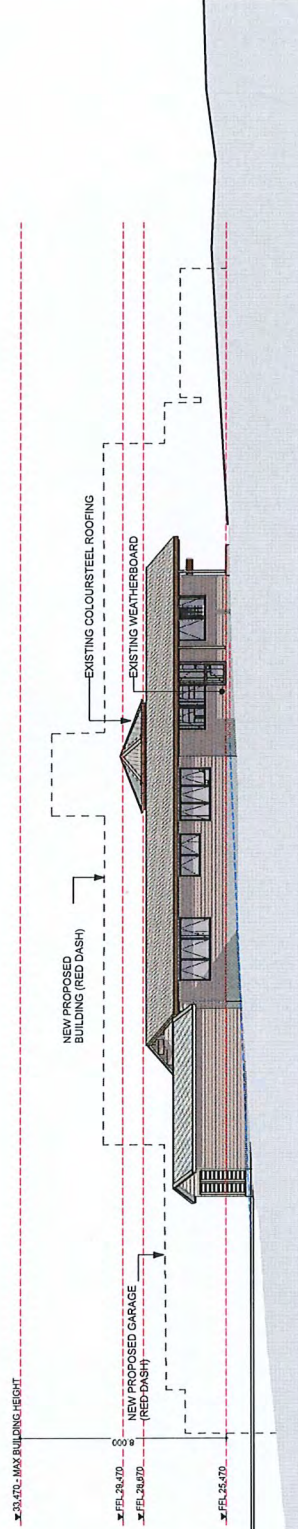
G. QUIGLEY & M. KIRKPATRICK
 QUIGLEY & KIRKPATRICK
 HOUSE

HOUSE - PROPOSED FLOOR PLANS
 RC.023 02
 5444

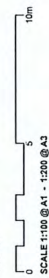
HOUSE - PROPOSED FLOOR PLAN
 Scale: 1:100
 SCALE 1:100 @ A1 • 1:250 @ A3



EXISTING NORTH ELEVATION
Scale 1:100



EXISTING SOUTH ELEVATION
Scale 1:100



Date	Issue	Chg. ID	Description
27/06/20	01	01001	
28/07/20	02	01002	Non-binding height adjust
28/07/20	03	01003	Update email, IT, & materials

- NOTES:**
1. IF IN DOUBT ASK.
 2. THE CONTRACTOR SHALL COVER ALL THE ROOFING OF THE BUILDING WITH A MINIMUM 10% OVERLAP OF THE ROOFING MATERIALS TO BE USED TO COVER THE ROOFING AND INSULATION DOCUMENTATION.
 3. THE CONTRACTOR SHALL COVER ALL THE ROOFING OF THE BUILDING WITH A MINIMUM 10% OVERLAP OF THE ROOFING MATERIALS TO BE USED TO COVER THE ROOFING AND INSULATION DOCUMENTATION.
 4. THE CONTRACTOR SHALL COVER ALL THE ROOFING OF THE BUILDING WITH A MINIMUM 10% OVERLAP OF THE ROOFING MATERIALS TO BE USED TO COVER THE ROOFING AND INSULATION DOCUMENTATION.
 5. THE ARCHITECT WILL NOT BE LIABLE FOR ANY CLAIM, DAMAGES OR OTHER LOSSES ARISING FROM OR IN CONNECTION WITH THE PROJECT OR ANY PART OF THE PROJECT OR ANY PART OF THE PROJECT OR ANY PART OF THE PROJECT WITHOUT OUR PRIOR WRITTEN APPROVAL.

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HB ARCHITECTURE
 2022/23

INFORMATION
 2022/23

G. OUGLEY & M. KIRKPATRICK
 OUGLEY & KIRKPATRICK
 HOUSE

CLIENT NAME	RC
EXISTING ELEVATIONS	RC

PROJECT NO.	RC	DATE
5444	03	2022/23

Appendix 2

Location Map

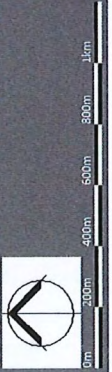


QUIGLEY & KIRKPATRICK LAND USE CONSENT

FIGURE 1 - Landscape context and topography



The Site



Appendix 3

Record of Title and Relevant Instruments



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




R. W. Muir
Registrar-General
of Land

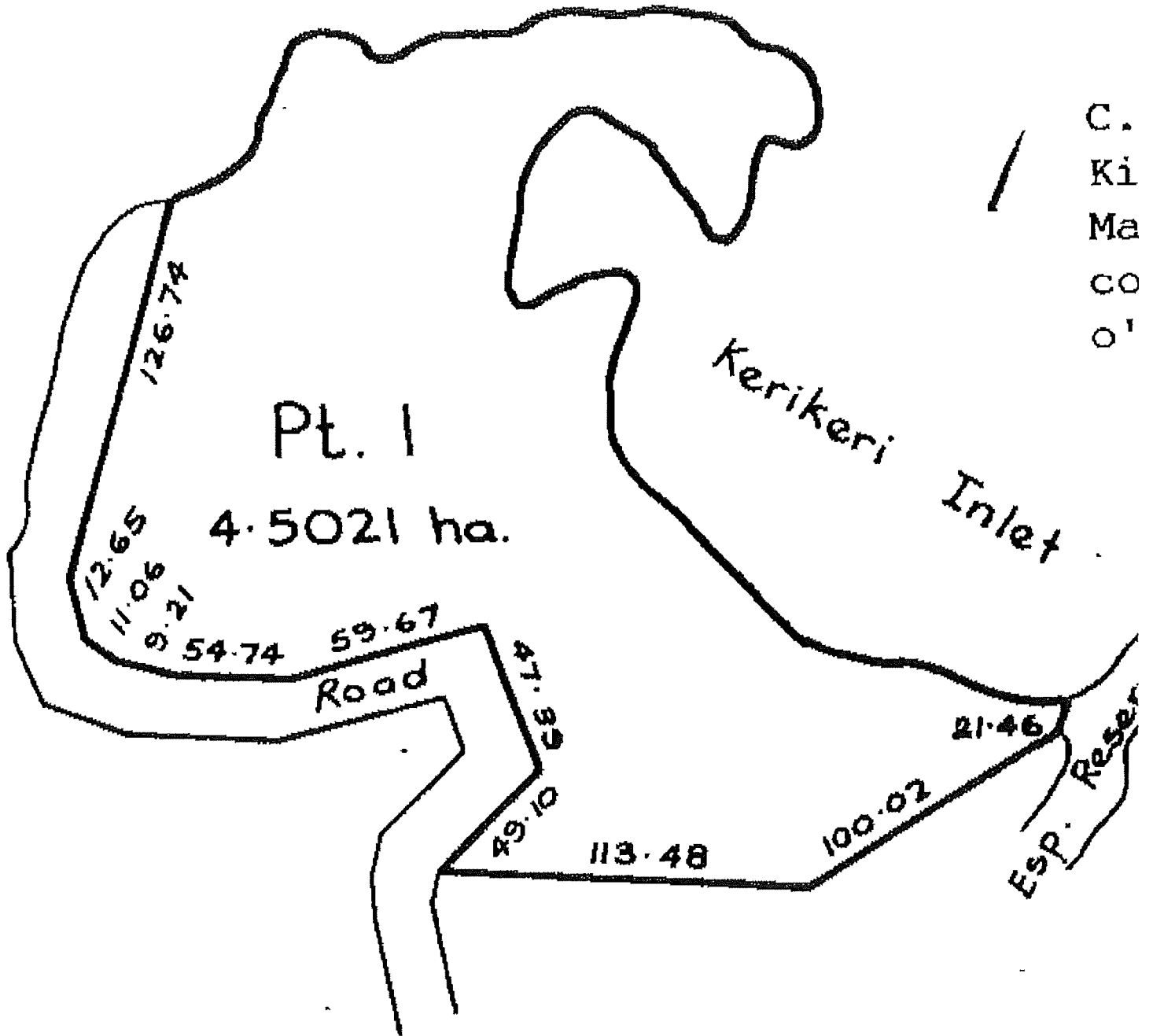
Identifier **NA26A/769**
Land Registration District **North Auckland**
Date Issued 05 April 1973

Prior References
NA2D/608

Estate Fee Simple
Area 4.5021 hectares more or less
Legal Description Part Lot 1 Deposited Plan 61328

Registered Owners
Graeme David Quigley, Marian Vera Kirkpatrick and KQT Trustees Limited

Interests



C.
Ki
Ma
co
o'

Appendix 4

Landscape Assessment

G. QUIGLEY & M. KIRKPATRICK

**Land use consent for proposed dwelling
Wharau Road, Kerikeri**

landscape assessment

22 May 2024
23090_01
FINAL



Document Quality Assurance

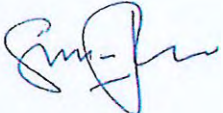
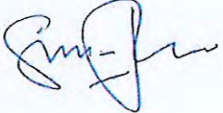
<p>Bibliographic reference for citation:</p> <p>Simon Cocker Landscape Architecture Limited. 2024. QUIGLEY & KIRKPATRICK LAND USE CONSENT, Wharau Road, Kerikeri - <i>Landscape assessment</i>.</p>		
Prepared by	Simon Cocker Landscape Architect Principal SCLA	
Reviewed by	Simon Cocker Landscape Architect Principal SCLA	
Ref.	23090_01	
Status. [DRAFT]	Revision / version -	Issue Date: 22 May 2024
<p>Use and Reliance</p> <p>This report has been prepared by Simon Cocker Landscape Architecture Limited (SCLA) on the specific instructions of our Client. It is solely for our Client's use for the purpose for which it is intended in accordance with the agreed scope of work. SCLA does not accept any liability or responsibility in relation to the use of this report contrary to the above, or to any person other than the Client. Any use or reliance by a third party is at that party's own risk. Where information has been supplied by the Client or obtained from other external sources, it has been assumed that it is accurate, without independent verification, unless otherwise indicated. No liability or responsibility is accepted by SCLA for any errors or omissions to the extent that they arise from inaccurate information provided by the Client or any external source.</p>		

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1.0 INTRODUCTION

Simon Cocker Landscape Architecture has been engaged by the applicant to prepare a landscape assessment for inclusion in a land use consent for a new dwelling. The proposed dwelling will replace an existing dwelling located at 456 Wharau Road, Kerikeri (Part Lot 1 DP 61328). The subject property has an area of 3.9258ha.

This assessment will describe the proposal, describe the existing environment and provide an analysis of the landscape and its values. It will assess landscape (including natural character and visual amenity) effects of the proposed activity.

The proposal is a non-complying activity due to the Change of Use of the 'cottage'.

activity under the Operative Far North District Plan, and is located within the General Coastal Zone, (and Rural Production Zone and Coastal Environment in the Proposed District Plan). The property is overlain by an a High Natural Character Area (as identified within the Regional Policy Statement and Proposed District Plan).

Assessment methodology

The assessment has been prepared by a Registered Landscape Architect with reference to the Te Tangi a Te Manu (Aotearoa New Zealand Landscape Guidelines)¹. The assessment methodology is detailed in [Appendix 2](#). In addition, this report has been prepared in accordance with the NZILA (New Zealand Institute of Landscape Architects) Code of Conduct².

Effects Ratings and Definitions

The significance of effects identified in this assessment are based on a seven-point scale which includes very low; low; moderate-low; moderate, moderate-high, high, and very high. For the purpose of this assessment, low-moderate equates to minor in RMA terminology.

Desktop study and site visits

In conducting this assessment, a desktop study was completed which included a review of the relevant information relating to the landscape and visual aspects of the project. This information included:

- Northland Regional Policy Statement (2016);
- The Operative Far North District Plan;
- Plan set prepared by HB Architecture, dated 20/12/23;
- AEE and Statutory analysis prepared by Thomson Survey Ltd. dated May 2024;
- Aidan J. Challis. Science and Research Series No.68. Edmonds Ruins, Kerikeri Inlet, Bay of Islands: The stone structure and the artifact assemblage. DoC. 2011;
- Time Depth Enterprises. Proposed redevelopment of 456 Wharau Road. Archaeological survey and assessment of effects. November 2023
- Time Depth Enterprises. 456 Wharau Road. Archaeological Management Plan. November 2023;
- Linda Conning and Nigel Miller. *Natural areas of Kerikeri Ecological District : reconnaissance survey report for the Protected Natural Areas Programme*. Dept. of Conservation, Northland Conservancy, 1999;
- GNS Science Geology Web Map Client;
- Aerial photography, Far North District Council GIS mapping, and Google Earth.

¹ https://nzila.co.nz/media/uploads/2022_09/Te_Tangi_a_te_Manu_Version_01_2022_.pdf

² Contained in Appendix 1 of: http://www.nzila.co.nz/media/50906/registered_membership_guide_final.pdf

A visit was undertaken on the late afternoon of 28 October 2023. The weather conditions during the visit were bright with sunny intervals and light to moderate winds.

2.0 THE PROPOSAL

The proposal is described in the AEE and illustrated on [Figures 2a and 2k](#).

It is proposed that the existing main dwelling be removed (refer to [Figure 2a](#)), and that a new dwelling be constructed in a location which is slightly to the south of the existing footprint (refer to [Figure 2b and 2e](#)).

The proposed earth worked area will be confined to the existing modified building platform and curtilage (including the parking areas and garden (refer to [Figure 2c](#)). [Figure 2c](#) indicates that the approximate earthwork volume will be a total of 668m³ over an area of 1,065m².

The floor area of the existing dwelling (to be demolished, including garage and deck areas) is 551.55m². [Figure 2e](#) shows that the floor area of the proposed dwelling (including decks) will be 587.74m².

The proposed building will have a long and low linear form such that it will reflect the linearity of the ridge crest. The pitched roof (15° pitch) will be clad with black Colorsteel roofing (Flaxpod or similar), and (with the exception of the southern façade), the walls will be clad with timber weatherboard. The southern façade will be constructed from rendered block work (colour to be mid-grey), with climber trained along the entirety of its length.

The building will exceed the height of the existing dwelling by some 1.480m, when comparing the existing Lockwood / octagon extension and the ridge of the proposed building, and 2.8m when comparing the existing with the proposed chimney.

The apex of the roof will be 3.32m below the allowable height limit.

The existing vegetation on the western, north western, northern, north eastern and eastern sides of the proposed building will not be affected by the construction works and will be retained.

The archaeological assessment and management plan propose a number of measures to ensure the protection of the Panenawe pa.

3.0 EXISTING ENVIRONMENT

3.1 The site context

The Site occupies a headland at the end of Wharau Road, on the southern entrance to Kerikeri Inlet.

The property currently contains a substantial dwelling, comprising a Lockwood dwelling, a building to the north of this identified as the 'Octagon', and a cottage located to the south. The existing Lockwood and Octagon are illustrated in [photo 1](#), and this image evidences that the former building is finished with a pale yellow colour both on its wall and roof. The Octagon is clad with timber and has a pale green clad roof. The buildings are constructed on the ridge crest, which has a maximum height of some 24m.

As can be seen from [Figure 2b](#), the existing built development is integrated within a robust vegetative framework, with native shrubs and trees largely enclosing the northern, north western and north eastern faces of the Octagon, and occupying the flanks of the ridge up to the crest. The ridge crest has been largely retained in lawn, or parking / manoeuvring areas. As can be seen from [photos 2 and 3](#), the vegetation on the flanks of the ridge serves to soften and partially screen the existing building, whilst retaining views from the building to the Bay and Inlet.

The name 'Wharau' refers to a hill, located to the south of the Site which rises to a high point of 87m. The headland itself is elevated some 20 – 30m above sea level, and with steep flanks and rock shelves at its foot, offers expansive views to the east to the outer Bay, and to the west 'up' Kerikeri Inlet.

Being at the entrance to the Inlet, the coastline is influenced by the more exposed seas of the outer Bay, and the coastline is characterised by a series of small to moderate sized beaches which are defined by stretches of rocky coastline and the rugged profile and convoluted alignment of the coast is evident in [Figure 1](#). Most of the beaches tend to be inverted into the rocks, leaving prominent headlands which define the beach in a cove-like character. Parts of the rocky portions of the coast feature reefs, or small islets which extend the craggy profile of the shore out into the sea, whilst low rocky cliff lines or extremely steep coastal banks are often in evidence.

Because this shoreline is located in open and semi open sections of the coast, it is periodically battered by moderate seas, but generally lapped by more placid sea conditions. In such calm conditions the colour and clarity of the water are an alluring aspect to the coast's character.

Much of this open coastline displays strong vegetation patterns with pōhutukawa as a recurring theme. These dominate the headlands and steepest cliffed portions of the coast, and frequently providing a backdrop to the beaches. Coastal scrubland dominated by mānuka predominantly runs inland from the cliff edge. Over the last 30 – 50 years, on land where grazing has ceased, or has been destocked, large areas of the landward backdrop to the coast have gradually regenerated to indigenous shrubland.

To the west, and within the Hauparua Inlet, the character of the coastline is more sheltered. Mangrove is a feature of the coastal edge and the landscape is characterised by a sense of detachment from the open coastline with a strong degree of shelter and enclosure and a serene quality.

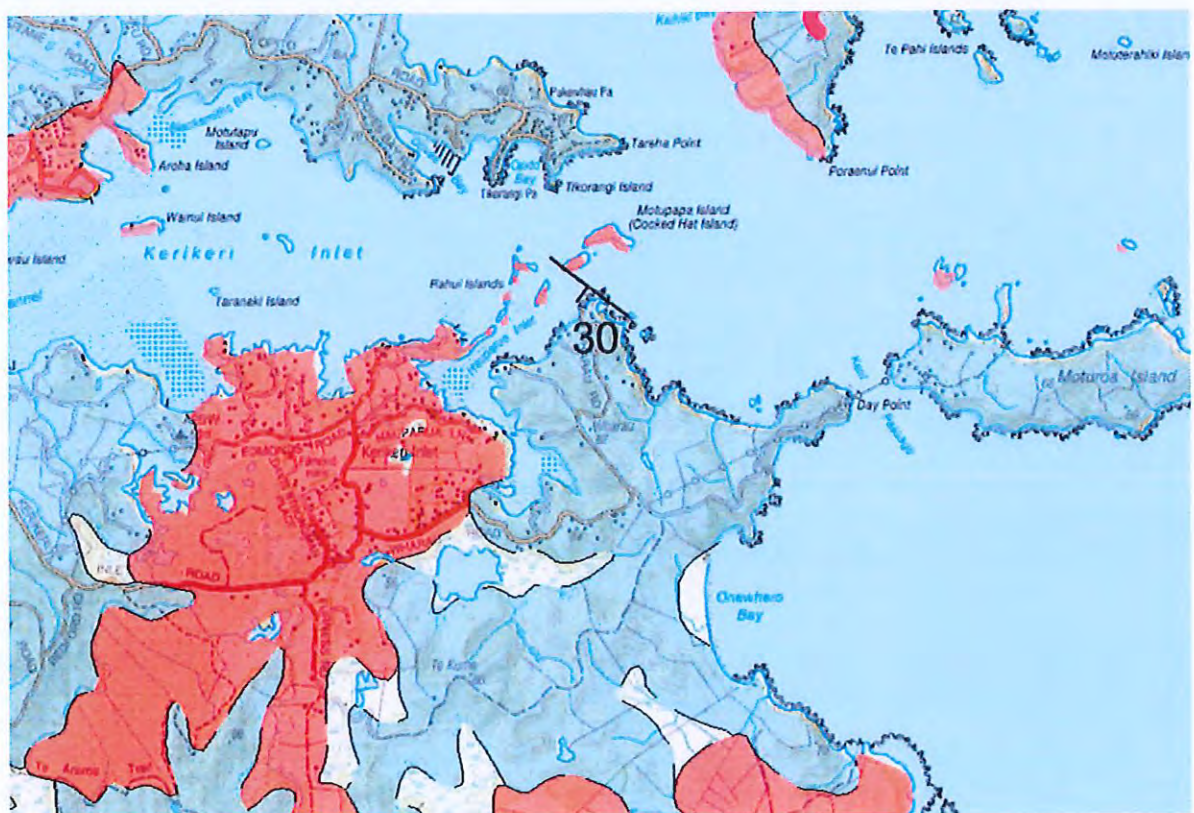


Plate 1: Geology

The dramatic forested headland to the south, with its rock outcrops projecting from the vegetation, dominates the Bay and imparts a strong sense of drama. As can be seen from [Plate 1](#) above, the coastline to the west of Hauparua Inlet was formed at the margin of a lava flow from Te Puke, which last erupted some 700 years ago. The lava (shown as the red overlay-wash in plate 1), formed numerous large inlets and small "finger" inlets on the coast, most of which are now filled with mangroves.

The low-lying terrain associated with this volcanic geology is characterised by the presence of rock, pockets of wetland and low scrubby vegetation. In contrast, to the east of Hauparua Inlet, the terrain (underlain by a sandstone geology), is more elevated, and dissected by watercourses within steep sided gullies.

The entire area has historically been, and is, inhabited by Maori, and the site is within the rohe of Te Uri Taniwha and the rocky coastline has provided strategic bastions in earlier times, with many of these displaying the remains of pā formations. This includes an identified pa site on the subject Site to the north of the existing dwelling.

The coastal edge along the south side of the Inlet is rich in identified archaeological sites. These sites include evidence of European historical habitation, the most notable being the Edmonds Ruins which are the remains of a homestead and farm constructed ((between 1840 – 1858) by the first settler family on the south side of the Inlet.

The archaeological assessment states that Panenawe pa (P05/52) is the sole known site in the proximity of the current proposal with its outer or southwestern defensive feature, a ditch and bank, immediately adjacent to the existing dwelling

The assessment explains that examination of the 1976 sketch plan of Panenawe pa suggests that the retaining wall and decks of the existing dwelling are possibly constructed within the defensive feature. In reporting a number of other sites within, or close to the property (including a two middens and a second pa site), the assessment opines that the property is located within an area of moderate archaeological density that may be attributed to a lack of archaeological survey rather than a paucity of sites.

Beyond the visual and physical manifestations of the coastal landscape, Kerikeri Inlet and the Bay of Islands has long been regarded as a place that Northlanders and their families can escape to on weekends and at holidays.

The beaches associated with this coastline display many moods. They can be bright and suffused with colours that are deeply saturated on a hot summer's day. At other times, it can be bleak, rain lashed and turbulent – with surf that is grey and wind-whipped amid a wider landscape that is largely bleached of its colour. However, it is not a place that is imbued with feelings of remoteness, given the easy access and nearby areas of settlement.

Settlement remains scattered in the vicinity of the Site. A number of dwellings have established in the small embayment to the south west of the headland, and a small number of dwellings have been integrated into the shrubland vegetation overlooking Hauparua Inlet to the west.

3.2 Statutory Matters

Northland Regional Policy Statement (2016)

The RPS identifies the coastal environment and a number of High and Outstanding Natural Character Areas within the vicinity of the Site. The Site is within the Coastal Environment, but is overlain by a High Natural Character Area. There are no Outstanding Natural Landscapes or Features overlaying the Site. The HNCA overlays are shown on [Plate 2](#) below, and this plan evidences how the overlays have been defined such that they exclude the existing buildings, the curtilage and the associated gardens.

The most relevant Objective for this application is Objective 3.14.

Identify and protect from inappropriate subdivision, use and development;

- (a) *The qualities and characteristics that make up the natural character of the coastal environment, and the natural character of freshwater bodies and their margins;*
- (b) *.....;*
- (c) *.....*

The RPS also introduces a number of policies which aim to bring the RPS in line with the NZCPS under Part 4 of the RPS. Section 4.6.1 outlines the policy relevant to managing effects on natural character, features / landscapes and heritage.

Whilst noting that the site is not within an area overlain by either an Outstanding Natural Landscape, or an Outstanding Natural Feature, the following provisions are of relevance:



Plate 2: Extract from RPS GIS maps

(1) In the coastal environment:

- (a) *Avoid adverse effects of subdivision use, and development on the characteristic and qualities which make up the outstanding natural features and outstanding natural landscapes.*
- (b) *Where (a) does not apply, avoid significant adverse effects and avoid, remedy or mitigate other adverse effects of subdivision, use and development on natural character, natural features and natural landscapes. Methods which may achieve this include:*
 - (i) *Ensuring the location, intensity, scape and form of subdivision and built development in appropriate having regard to natural elements, landforms and processes, including vegetation patterns, ridgelines, headlands, peninsulas, dune systems, reefs and freshwater bodies and their margins; and*
 - (ii) *In areas of high natural character, minimising to the extent practicable indigenous vegetation clearance and modification (including earthworks / disturbance, structures, discharges and extraction of water) to natural wetlands, the beds of lakes, rivers and the coastal marine area and their margins; and*

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

When considering whether there are any adverse effects on the characteristics and qualities of the natural character, natural features and landscape values in terms of (1)(a), whether there are any significant adverse effects and the scale of any adverse effects in terms of (1)(b) and (2), and in determining the character, intensity and scale of the adverse effects:

- a) Recognise that a minor or transitory effect may not be an adverse effect;*
- b) Recognise that many areas contain ongoing use and development that:
 - (i) Were present when the area was identified as high or outstanding or have subsequently been lawfully established*
 - (ii) May be dynamic, diverse or seasonal;**
- c) Recognise that there may be more than minor cumulative adverse effects from minor or transitory adverse effects; and*

Have regard to any restoration and enhancement on the characteristics and qualities of that area of natural character, natural features and/or natural landscape.

Operative Far North District Plan

As noted previously, the activity status of the proposal is non-complying under the Operative Far North District Plan, due to a failure to comply with rules 10.6.5.1.2, and 10.6.5.4.1. The Site is located within the General Coastal Zone, (and Rural Production Zone in the Proposed Plan).

Within the Proposed Plan, the Site is overlain by the Coastal Environment, and High Natural Character Area overlay.

The objectives and policies of relevance are as follows”:

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.

10.6.4.1

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

10.6.4.2

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

10.6.4.3

Subdivision, use and development shall preserve and where possible enhance, restore and rehabilitate the character of the zone in regards to s6 matters, and shall avoid adverse effects as far as practicable by using techniques including:

- (a) *clustering or grouping development within areas where there is the least impact on natural character and its elements such as indigenous vegetation, landforms, rivers, streams and wetlands, and coherent natural patterns;*
- (b) *minimising the visual impact of buildings, development, and associated vegetation clearance and earthworks, particularly as seen from public land and the coastal marine area;*
- (c) *providing for, through siting of buildings and development and design of subdivisions, legal public right of access to and use of the foreshore and any esplanade areas;*
- (d) *through siting of buildings and development, design of subdivisions and provision of access, that recognise and provide for the relationship of Maori with their culture, traditions and taonga including concepts of mauri, tapu, mana, wehi and karakia and the important contribution Maori culture makes to the character of the District. (Refer Chapter 2 and in particular Section 2.5 and Council's "Tangata Whenua Values and Perspectives (2004)";*
- (e) *providing planting of indigenous vegetation in a way that links existing habitats of indigenous fauna and provides the opportunity for the extension, enhancement or creation of habitats for indigenous fauna, including mechanisms to exclude pests;*
- (f) *protecting historic heritage through the siting of buildings and development and design of subdivisions.*

10.6.4.4

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

10.6.4.5

Maori are significant 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.

The objectives and policies from the Coastal Environment chapter that are of relevance are as follows:

10.3.1

To manage coastal areas in a manner that avoids adverse effects from subdivision, use and development. Where it is not practicable to avoid adverse effects from subdivision use or development, but it is appropriate for the development to proceed, adverse effects of subdivision use or development should be remedied or mitigated.

10.3.4

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

- a. *the natural character of the coastline and coastal environment;*
- b. *areas of significant indigenous vegetation and significant habitats of indigenous fauna;*
- c. *outstanding landscapes and natural features;*
- d. *the open space and amenity values of the coastal environment;*
- e. *water quality and soil conservation (insofar as it is within the jurisdiction of the Council).*
- f. *To maintain and enhance public access to and along the coast whilst ensuring that such access does not adversely affect the natural and physical resources of the coastal environment, including Maori cultural values, and public health and safety.*

- g. To secure future public access to and along the coast, lakes and rivers (including access for Maori) through the development process and specifically in accordance with the Esplanade Priority Areas mapped in the District Plan.*
- h. To minimise adverse effects from activities in the coastal environment that cross the coastal marine area boundary.*

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

10.4.1

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

10.4.2

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

10.4.3

That the ecological values of significant coastal indigenous vegetation and significant habitats are maintained in any subdivision, use or development in the coastal environment.

10.4.4

That public access to and along the coast be provided, where it is compatible with the preservation of the natural character and amenity, cultural, heritage and spiritual values of the coastal environment, and avoids adverse effects in erosion prone areas.

10.4.12

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

- (a) the siting of buildings relative to the skyline, ridges, headlands and natural features;*
- (b) the number of buildings and intensity of development;*
- (c) the colour and reflectivity of buildings;*
- (d) the landscaping (including planting) of the site;*

- (e) *the location and design of vehicle access, manoeuvring and parking areas.*

10.6.5.3.1 VISUAL AMENITY

The following are restricted discretionary activities in the General Coastal Zone:

- (a) *any new building(s); or*
- (b) *alteration/addition to an existing building that do not meet the permitted activity standards in Rule 10.6.5.1.1 where the new building or building alteration/addition is located partially or entirely outside a building envelope that has been approved under a resource consent.*

When considering an application under this provision the Council will restrict the exercise of its discretion to matters relating to:

- (i) *the location of the building;*
- (ii) *the size, bulk, and height of the building in relation to ridgelines and natural features;*
- (iii) *the colour and reflectivity of the building;*
- (iv) *the extent to which planting can mitigate visual effects;*
- (v) *any earthworks and/or vegetation clearance associated with the building;*
- (vi) *the location and design of associated vehicle access, manoeuvring and parking areas;*
- (vii) *the extent to which the building and any associated overhead utility lines will be visually obtrusive;*
- (viii) *the cumulative visual effects of all the buildings on the site;*
- (ix) *the degree to which the landscape will retain the qualities that give it its naturalness, visual and amenity values;*
- (x) *the extent to which private open space can be provided for future uses;*
- (xi) *the extent to which the siting, setback and design of building(s) avoid visual dominance on landscapes, adjacent sites and the surrounding environment;*
- (xii) *the extent to which non-compliance affects the privacy, outlook and enjoyment of private open spaces on adjacent sites.*

11.5 Assessment criteria. Visual Amenity In The General Coastal, South Kerikeri Inlet And Coastal Living Zones

- (a) *The size, bulk, height and siting of the building or addition relative to skyline, ridges, areas of indigenous vegetation and habitat of indigenous fauna, or outstanding landscapes and natural features.*
- (b) *The extent to which landscaping of the site, and in particular the planting of indigenous trees, can mitigate adverse visual effects.*
- (c) *The location and design of vehicle access, manoeuvring and parking areas.*
- (d) *The means by which permanent screening of the building from public viewing points on a public road, public reserve, or the foreshore may be achieved.*
- (e) *The degree to which the landscape will retain the qualities that give it naturalness and visual value as seen from the coastal marine area.*
- (f) *Where a building is in the coastal environment and it is proposed to be located on a ridgeline, whether other more suitable sites should be used and if not, whether landscaping, planting or other forms of mitigation can be used to ensure no more than minor adverse visual effects on the coastal environment.*
- (g) *The extent to which the activity may cause or exacerbate natural hazards or may be adversely affected by natural hazards, and therefore increase the risk to life, property and the environment.*
- (h) *the extent to which private open space can be provided for future uses ;*
- (i) *the extent to which the siting, setback and design of building(s) avoid visual dominance on landscapes, adjacent sites and the surrounding environment;*
- (j) *the extent to which non-compliance affects the privacy, outlook and enjoyment of private open spaces on adjacent sites.*

3.3 Visual catchment

The visual catchment of the proposed structure is defined by the rising landform of Wharau to the south, and by landform and vegetation on the northern part of the headland to the north.

Public and private viewpoints to the south are very limited, with the only potential viewpoint being from Wharau Road (refer to [photo 4](#)). To the north east and east (within the outer Bay), and north west and west (within the Kerikeri Inlet), the potential visual catchment is extensive. Vegetation on the western and eastern flanks of the headland do however, provide some softening to the existing buildings. The existing building is visible from proximate and mid-range (up to 500m) locations on the water (refer to [photos 2, 3, and 5 – 10](#)), but when viewed from more distant positions, the existing building is difficult to detect.

Limited views of the cottage are possible from the beach to the south west of the Site (refer to photo 11).

The existing dwelling is not visible from any buildings within the immediate vicinity, or within the 'mid-range'.

4.0 IDENTIFIED LANDSCAPE VALUES

Landscape Values

The Far North District Landscape Assessment identifies the coastal margin as Outstanding Landscape (Moturoa Island – Unit C11)³. The assessment lists the following attributes contribute to the character of the landscape:

- A varied and interesting coastal alignment, imparting a strong sense of drama;
- Strong vegetation patterns, dominated by pohutukawa and frequently reinforced by coastal shrubland associations;
- The variety provided by rocky coast and sandy bays;
- The extreme sensitivity of the headlands, cliffs and coastal ridgelines;
- The visible remains of cultural sites, often on the prominent coastal headlands;
- Social and associative connections to this frequently visited and valued, publicly accessible part of the Northland coast, and;
- Strong cultural associations and remaining archaeological features.

As noted previously, the archaeological assessment has described that the property and its prominent headlands are strategically located overlooking the entrance to the Kerikeri Inlet and have been extensively modified by pre-contact Maori as defensive pa with ditch and banks, scarps and terraces. Additional to the two pa, shell midden and cooking features can be seen eroding out in front of the western and eastern beaches.

Natural character values

The Northland Regional Policy Statement identified the coastal margin of the headland, including the vegetated flanks within the subject Site as being overlain by a High Natural Character Area (07/36 Wharau).

This HNCA is described as:

Fringing coastal faces with kanuka dominant shrubland & low forest; mature pohutukawa forest & trees ; and some areas of forest and shrubland dominated by alien species

³ Although this coast isn't identified as Outstanding landscape in the Operative Far North District Plan
12

Largely indigenous vegetation with few pest plants. Includes some mature pohutukawa forest & trees. Part of community pest control area. Minimal human-mediated hydrological or landform change. Few obvious human structures.

To the east, the waters of the outer Bay are identified as a High Natural Landscape Area (Outer Bay of Islands) and is described as:

Subtidal reefs, channels & flats and intertidal flats in the outer Bay of Islands. Good flushing by oceanic waters and winds. Some water quality impacts from catchment of Bay of Islands, but a relatively low level of deposition of sediment as most of this drops out in the more sheltered and deeper waters of the Rawhiti Basin (which is ranked as less than high, and defines the southern boundaries of this unit.)

Relatively high level of restriction of fishing activity and impacts, but offset in part by accessibility and shelter. Water quality relatively high compared to natural state, and to inner waters. Relatively large area of indigenous benthic biota, including subtidal seagrass in sheltered shallows. Relatively few pest species. Few obvious human structures within boundary. Zoned for highest level of habitat protection MM1 in Regional Coastal Plan

As can be seen from [Plate 2](#) above, those parts of the Site that have been subject to development are not overlain by a natural character area. Modified as a result of the construction of the various buildings and the development of gardens, the level of natural character of this area is considered to be – at most – moderate.

Day Point and Wharau Shrublands (P04/080) is identified in the PNAP report as a Level 1 ecological site, and described as being a representative example of coastal pohutukawa forest and the only example of manuka-Gleichenia association recorded in the Ecological District.

5.0 ASSESSMENT OF LANDSCAPE EFFECTS

Landscape effects are described in the methodology, contained in [Appendix 2](#). In summary, landscape effects derive from changes in the physical landscape, which may give rise to changes in its character and how this is experienced. This may in turn affect the perceived value ascribed to the landscape and includes visual amenity effects under the ambit of 'experiential attributes'.

Change in a landscape does not, of itself, necessarily constitute an adverse landscape or natural character effect. Landscape is dynamic and is constantly changing over time in both subtle and more dramatic transformational ways, these changes are both natural and human induced. What is important in managing landscape change is that adverse effects are avoided or sufficiently mitigated to ameliorate the effects of the change in land use. The aim is to provide a high amenity environment through appropriate design outcomes, including planting that can provide an adequate substitution for the currently experienced amenity.

5.1 Biophysical abiotic attributes

The key abiotic attributes of the site include the landform, its geology, and hydrology. The proposed dwelling will be constructed within an area that has been previously occupied by the existing buildings. A limited volume of earthworks are proposed (of some 660m³) and the existing form of the ridge will be unaffected and will remain legible.

5.2 Biophysical biotic attributes

The biotic attributes of the Site are the living organisms which shape an ecosystem. The works facilitated by the consent will be confined to the footprint of the existing buildings, existing lawn areas or existing garden and will not affect any native vegetation.

5.3 Experiential attributes

Experiential attributes comprise the interpretation of human experience of the landscape. This includes visible changes in the character of the landscape – its naturalness as well as its sense of wildness and remoteness including effects on natural darkness of the night sky.

The proposed building will be located on a ridge crest that is currently occupied by a dwelling, and this dwelling has been present on the Site for several decades.

Photos 3 and 9 illustrate the existing situation and demonstrate that, although the building is reasonably well integrated into its setting, being softened by native vegetation on the ridge flanks, and screened from some views either by landform, or by vegetation, the external finishes of the buildings are pale and tend to draw the attention of the viewer on the waters of the Bay or Inlet. Views from the south are limited to the cottage.

The coastal landscape of the ridge flanks has a high level of naturalness (as is evidenced by Plate 2), but the naturalness of the ridge crest has been diminished by the presence of the buildings and contextual curtilage development and gardens. This area has a moderate level of naturalness.

The proposal will be located within an area that is – as described above – already modified and is characterised by a grouping of building and structures. Although taller than the existing dwelling and Octagon, the proposed dwelling will occupy a position further to the south of the existing buildings (where a greater level of screening is provided by existing vegetation, when viewed from the Bay and Inlet), and will be constructed from more recessive materials.

As such, the change from the existing situation will be moderated, and although perceptible, will not be stark. The roof line of the building will continue to be lower than the skyline silhouette of vegetation to ‘either side’ when viewed from locations on the water such as those depicted in photos 2, 3, 7, 9 and 10, or will be additionally backdropped by vegetation (as illustrated by photos 5 and 8). The headland will retain its ‘natural’ character – imparted by the contiguity of the native vegetation clothing its flanks, whilst the building – although visible – will be subservient to the vegetation and in the opinion of the author, the change in the experiential attributes of the landscape will be small.

Turning to the potential adverse visual amenity effect of the proposal, the various individuals within the catchment have been discussed above, potentially affected individuals are as follows⁴:

- Users of Wharau Road;
- Occupants of boats on the Bay, or on the Inlet;
- Occupants of neighbouring dwellings to the south west and south.

Users of Wharau Road will have the potential to gain a momentary glimpse of the future dwelling as they travel north along the road. A representative view is included as photo 4, and this image illustrates that the ‘peak’ of the Octagon is just visible above the cottage. The proposed dwelling will be of a slightly greater height than the existing buildings, and so will be more visible from this location, however, the composition of the view will only change slightly, with the cottage remaining the dominant element, and the black roof of the dwelling being backdropped by distant vegetated hills.

It is the opinion of the author that the potential adverse visual amenity effect experienced by these individuals is very low, and no greater than the existing situation.

⁴ The determination of the level of effect takes into account the sensitivity of different ‘types’ of receptor. Users of the road, or occupants of boats on the Inlet or on the Bay are transient viewers and have a lower sensitivity than occupants of dwellings.

The second viewer groups – occupants of boats on the Bay, or on the Inlet – has been discussed previously and it has been determined that the change from the existing situation for these individuals will be small, and the proposed building will be subservient to the headland vegetation.

It is the opinion of the author that the potential adverse visual amenity effect experienced by these individuals is very low, and no greater than the existing situation.

Dwellings in the vicinity tend to be designed such that their focus is on the water rather than toward the subject Site. Furthermore, the existing dwellings are largely screened from neighbours, with only glimpses of the cottage possible from properties on the edge of the bay to the south west. As such, it is the opinion of the author that the potential adverse visual amenity effect experienced by these individuals is very low, and no greater than the existing situation.

5.4 Landscape effects – Social, cultural and associative attributes

Social, cultural and associative values are linked with individual's relationship with the landscape, their memories, the way they interact with and use the landscape and the historical evidence of that relationship.

It is understood that the proposed Site does not affect any specific archaeological sites. In addition, it is understood that consultation with mana whenua is ongoing.

In addition, the proposed location of the building – to the south of the existing building footprint – will increase the separation distance of the built form from the archaeological site / pa to the north. The assessment notes that there is a likelihood that subsurface features exist under the dwelling and that it is not possible to give an absolute assurance that works associated with the current proposal will not encounter undetected subsurface archaeological features. The Archaeological Management Plan recommends measures to avoid or mitigate damage to any features.

Although the proposed structure will result in a perceptible change to its immediate environs, it is the opinion of the author that it will not detract from the wider social and associative values and as such, it is the opinion of the author that the social, cultural, archaeological and associative attributes of the landscape of the Site will not be affected to a very small degree.

5.5 Summary of landscape effects

In summary, any landscape effects would be limited to an existing area that has been previously modified and these changes have resulted in a lowering of the sensitivity of the Site in terms of its abiotic, and biotic attributes. The proposal will result a negligible in the abiotic and biotic attributes.

The proposed structure – as with the existing buildings – will be visible from the visual catchment on the Bay and Inlet to the east and west, but those affected will be transitory individuals, the change from the existing situation for these individuals will be small, and the proposed building will be subservient to the headland vegetation.

It is the opinion of the author that the proposal will not further detract from the landscape character of the Site and its immediate context. In addition, the proposal will not detract from the visual amenity of receptors in the immediate or wider visual catchment.

Overall it is the opinion of the author that the potential adverse landscape effects will be low and no greater than the existing situation.

6.0 ASSESSMENT OF NATURAL CHARACTER EFFECTS

Appendix 1 of the Northland Regional Policy Statement lists natural character attributes as follows:

- a) Natural elements, processes and patterns;
- b) Biophysical, ecological and geomorphological aspects;
- c) Natural landforms such as headlands, peninsulas, cliffs, dunes, wetlands, reefs, freshwater springs and surf breaks;
- d) The natural movement of water and sediment;
- e) The natural darkness of the night sky;
- f) Places or areas that are wild or scenic; and
- g) Experiential attributes, including the sounds and smell of the sea; and their context or setting.

Of the above, natural elements, processes and patterns, biophysical, ecological and geomorphological aspects, natural landforms such as headlands, peninsulas, cliffs, dunes, wetlands, reefs, freshwater springs and surf breaks and the natural movement of water and sediment fall into the previously discussed biophysical (biotic and abiotic) categories.

The natural darkness of the night sky, places or areas that are wild or scenic and experiential attributes, including the sounds and smell of the sea; and their context or setting have been previously addressed under experiential attributes.

In summary therefore, the proposal will result a very small change in the abiotic and biotic attributes, and will be most visible from proximate locations within the visual catchment. Those affected will be transitory individuals, and it is likely that positive associations will be attributed to the structure. Viewed from more spatially separated locations, the structure will be viewed in the immediate context of existing vegetation and, although forming a skyline elements, its prominence will be fully mitigated by this contextual vegetation.

Overall it is considered that the adverse natural character effects of the proposal will be low, and no greater than the existing situation.

7.0 AFFECT ON THE STATUTORY FRAMEWORK

The objectives and policies of the Regional Policy Statement focus on the protection and enhancement of landscape and natural character values. These cascade down to the General Coastal Zone.

The objectives and policies for this Zone seek ensure that the area is used and developed in a way which will ensure that any adverse effects on the surrounding area are avoided, remedied or mitigated. The objectives and policies of the Coastal Environment seek the avoidance, remedying or mitigation of adverse effects on the natural character, natural features and natural landscapes of the Coastal Environment, protection and enhancement of natural, ecological, landscape, cultural and heritage values where open spaces are managed primarily for conservation and have high natural, ecological, landscape, cultural and heritage values.

The proposal will not adversely effect neighbouring properties or areas, and will not detract from the natural character and landscape values of the area, nor will it adversely affect the open space and amenity values of, or access to the coastal environment. The proposal will not be viewed as a skyline element and is not situated on a ridge or headland.

The proposed structure will be a non-complying activity under the ODP, with the following discretionary infringements:

10.6.5.1.1 (permitted) **Visual Amenity**; and controlled activity rule 10.6.5.2.2;

10.6.5.1.2 (permitted) **Residential Intensity**; and discretionary activity rule 10.6.5.4.1, and;

12.3.6.1.2 Excavation/Filling in the General Coastal Zone (a)

With regards to 10.6.5.1.1, the proposed new dwelling has a slightly larger overall footprint and in places a higher profile and therefore existing use rights therefore do not apply and the proposal does not comply with part (a). The proposal complies with part (b).

Under activity standard 10.6.5.1.2, the proposal does not comply since consent is sought to use a garage/workshop for residential use. This will mean there will be two residential units on a 3.9256ha property

Turning to 12.3.6.1.2, since the estimated volume of cut and fill is 768m³, the proposal cannot comply with part (a).

In the opinion of the author, the change in the overall footprint is very limited in magnitude, and the change will result in an increasing in the separation distance between the building and the pa site. The garage / workshop is an existing structure and its use as a residential unit will not result in a change which affects the landscape or natural character values.

The proposed earthworks will not result in a reduction in the abiotic attributes of the Site and will not detract from the integrity of the headland landform. In terms of the landscape, natural character and visual amenity effect of the proposal, the resulting effect of the proposal will be low, and no greater than the level of effect generated by the existing situation. The potential adverse visual amenity effect will be (at most) low for all individuals, and also no greater than the level of effect generated by the existing situation.

11.5 Assessment criteria. Visual Amenity In The General Coastal, South Kerikeri Inlet And Coastal Living Zones

- (a) *The size, bulk, height and siting of the building or addition relative to skyline, ridges, areas of indigenous vegetation and habitat of indigenous fauna, or outstanding landscapes and natural features.*
- (b) *The extent to which landscaping of the site, and in particular the planting of indigenous trees, can mitigate adverse visual effects.*
- (c) *The location and design of vehicle access, manoeuvring and parking areas.*
- (d) *The means by which permanent screening of the building from public viewing points on a public road, public reserve, or the foreshore may be achieved.*
- (e) *The degree to which the landscape will retain the qualities that give it naturalness and visual value as seen from the coastal marine area.*
- (f) *Where a building is in the coastal environment and it is proposed to be located on a ridgeline, whether other more suitable sites should be used and if not, whether landscaping, planting or other forms of mitigation can be used to ensure no more than minor adverse visual effects on the coastal environment.*
- (g) *The extent to which the activity may cause or exacerbate natural hazards or may be adversely affected by natural hazards, and therefore increase the risk to life, property and the environment.*
- (h) *the extent to which private open space can be provided for future uses ;*
- (i) *the extent to which the siting, setback and design of building(s) avoid visual dominance on landscapes, adjacent sites and the surrounding environment;*
- (j) *the extent to which non-compliance affects the privacy, outlook and enjoyment of private open spaces on adjacent sites.*

The proposed building will be located on the crest of a headland that is currently occupied by an existing dwelling, an accompanying building and a cottage. The existing dwelling, an accompanying building will be removed and a new dwelling will be constructed in a location slightly to the south of the existing footprint.

Existing native vegetation will be retained.

Although the proposed building will be slightly taller than the existing, it will still be 'bookended' by existing vegetation such that the roofline will be below the skyline silhouette and its prominence will therefore be moderated and the

visibility of the building will be softened by vegetation. The vehicle access, manoeuvring and parking areas will be largely unchanged from the existing situation where these lie outside of the building footprint.

The visual catchment of the proposed building will be largely screened from land based locations however the building will be visible from locations on the Bay (to the east) and Inlet (to the west). As described above, the prominence of the building will be moderated from these locations by virtue of the existing vegetation, and also by the sympathetic design of the building, and the natural and recessive finish proposed for the external surfaces.

The proposed building will result in a similar level of landscape, natural character and visual amenity effects as the existing situation.

Overall it is considered that the proposal is consistent with the provisions of the relevant documents, where these relate to landscape and visual matters.

8.0 CONCLUSION

The applicant proposes the removal of an existing dwelling and the construction of a new dwelling at Wharau Road in Kerikeri. The property is zoned General Coastal in the operative plan, and is partially overlain by a High Natural Character Area.

The existing built form within the property is integrated within a robust vegetative framework, with native shrubs and trees largely enclosing the northern, north western and north eastern faces of the building footprint, and occupying the flanks of the ridge up to the crest. The ridge crest has been largely retained in lawn, or parking / manoeuvring areas. The vegetation on the flanks of the ridge serves to soften and partially screen the existing building, whilst retaining views from the building to the Bay and Inlet.

Any landscape effects generated by the proposal would be limited to an existing area that has been previously modified

The proposed structure – as with the existing buildings – will be visible from the visual catchment on the Bay and Inlet to the east and west , but those affected will be transitory individuals, the change from the existing situation for these individuals will be small, and the proposed building will be subservient to the headland vegetation.

It is the opinion of the author that the proposal will not further detract from the landscape character of the Site and its immediate context. In addition, the proposal will not detract from the visual amenity of receptors in the immediate or wider visual catchment.

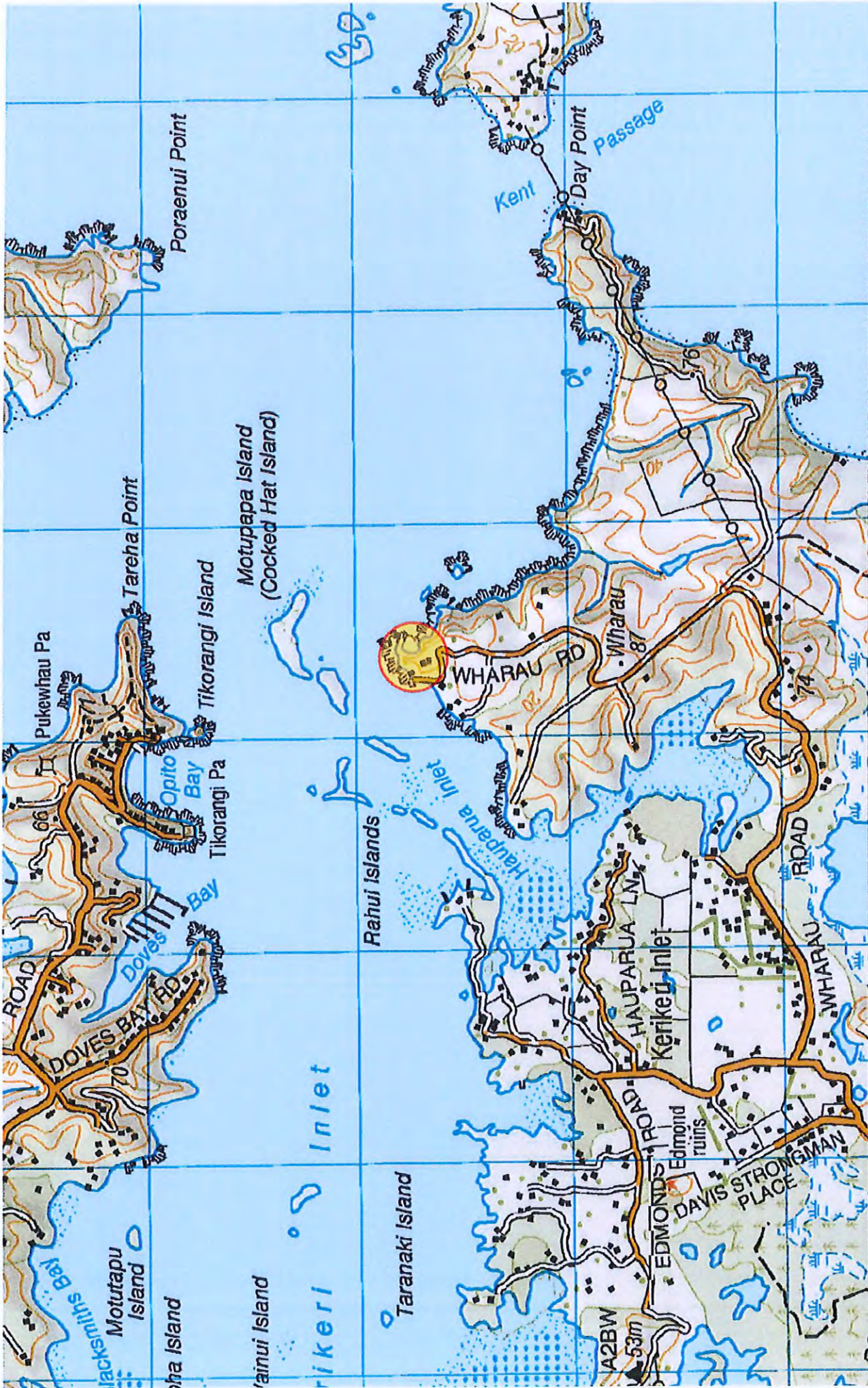
It is the opinion of the author that the resulting landscape and natural character effect of the proposal will be low, and no greater than the level of effect generated by the existing situation. The potential adverse visual amenity effect will be (at most) low for all individuals, and also no greater than the level of effect generated by the existing situation.

The proposal will be consistent with the provisions of the statutory instruments where they apply to the scope of this report, and the proposal is considered to be appropriate from a landscape and visual perspective.

Simon Cocker



APPENDIX 1: Figures



QUIGLEY & KIRKPATRICK LAND USE CONSENT

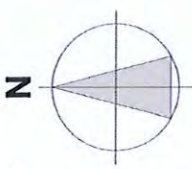
FIGURE 1 - Landscape context and topography

The Site



QUIGLEY & KIRKPATRICK LAND USE CONSENT

FIGURE 2a - The Proposal



PHYSICAL ADDRESS:
458 Wharua Road
Wharua
0293

PARCEL ID:
5107347

PARCEL INTENT:
DCDB

TITLE:
N62M709

LEGAL DESCRIPTION:
Pt Lot 1
DP 61328

AREA:
3.9256 ha

DISTRICT PLAN ENVIRONMENT
General Coastal

ZONES:
EARTHQUAKE ZONE: ZONE 1
EXPOSURE ZONE: ZONE D
CLIMATE ZONE: ZONE 1
WIND REGION: A
LEE ZONE: N/A
WIND ZONE: HIGH

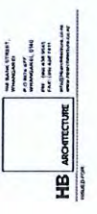
- EXISTING FLOOR AREAS**
- OCTAGON GROSS AREA: 196.20m²
OCTAGON DECK AREA: 66.6 m²
TOTAL: 262.80 m²
 - LINK: 9.18m²
 - LOCKWOOD GROSS AREA: 185m²
LOCKWOOD DECK AREA: 62.47m²
TOTAL: 247.47
 - GARAGE: 41.09m²
 - COTTAGE GROSS AREA: 255.16m²
COTTAGE DECK AREA: 21.24m²
TOTAL: 282.7m²
 - DRIVEWAY: 988.42m²
 - STRUCTURE 2: 9.24 m²

TOTAL IMPERMEABLE AREA = 1676.18 m² (4.79%)
TOTAL PERMEABLE AREA = 3779.82 m²
TOTAL SITE AREA = 3956.00 m²

Date	Issue	Co. ID	Description
22/09/22	01	00001	Initial Client Request
02/10/22	02	00002	Revised Client Request

NOTES:

- FOR CONTRACTOR USE
- THE CONTRACTOR SHALL OBTAIN ALL NECESSARY PERMITS AND APPROVALS FROM THE RELEVANT AUTHORITIES.
- THE CONTRACTOR SHALL OBTAIN ALL NECESSARY PERMITS AND APPROVALS FROM THE RELEVANT AUTHORITIES.
- UNDER THE BUILDING ACT 2004 PEOPLE WHO HOLD A PROFESSIONAL TITLE, THIS PLANNING AND ARCHITECTURAL DOCUMENTATION IS A PROFESSIONAL DOCUMENTATION. THE CONTRACTOR SHALL OBTAIN ALL NECESSARY PERMITS AND APPROVALS FROM THE RELEVANT AUTHORITIES.
- THE CONTRACTOR SHALL OBTAIN ALL NECESSARY PERMITS AND APPROVALS FROM THE RELEVANT AUTHORITIES.
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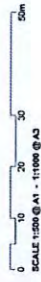


G. QUIGLEY & M. KIRKPATRICK
QUIGLEY & KIRKPATRICK HOUSE

LOCATION PLAN - EXISTING

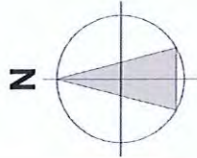
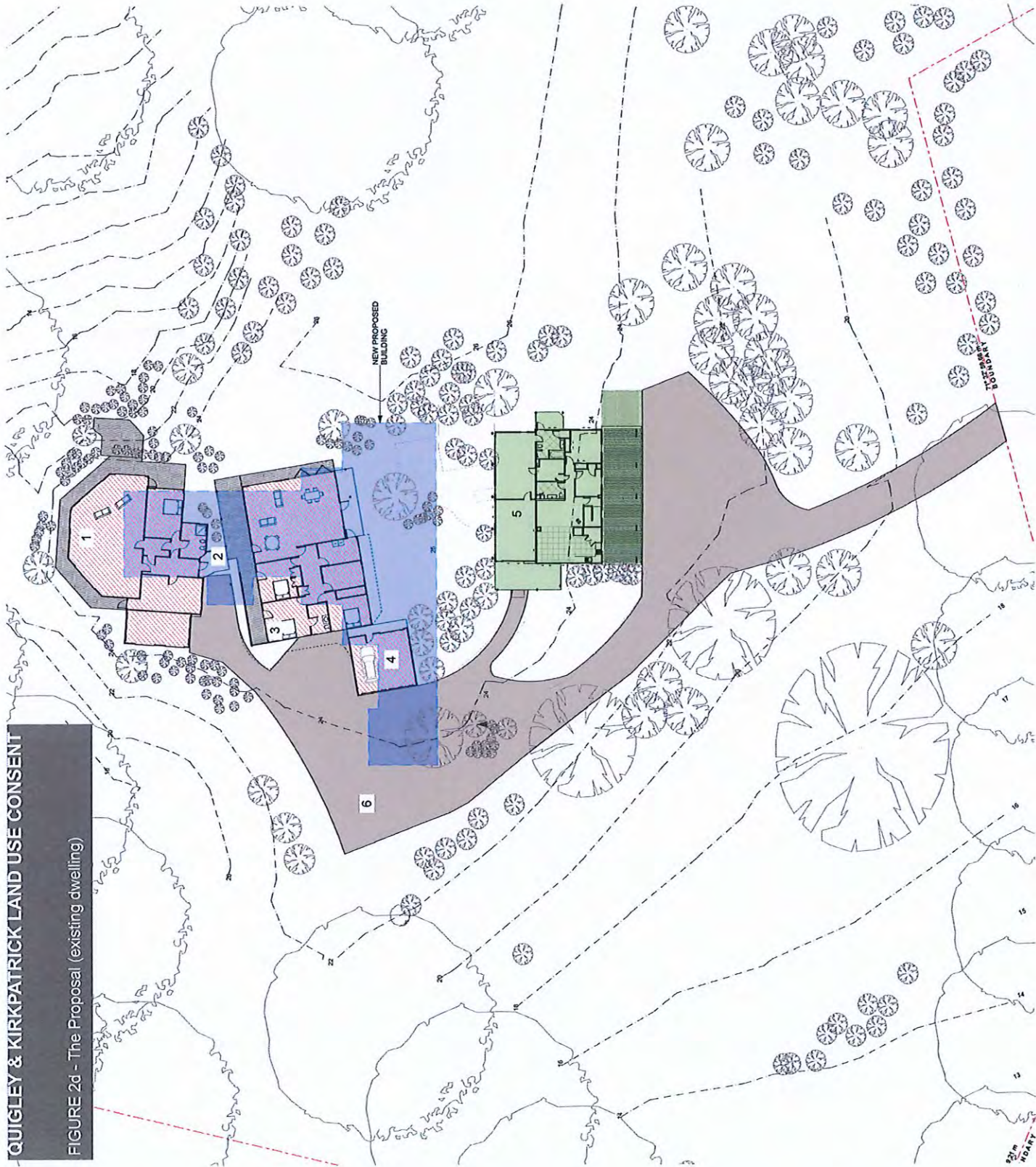
5444 RC 010 02

LOCATION PLAN - EXISTING
SCALE 1:1500 @ A1 - 1:11000 @ A3



QUIGLEY & KIRKPATRICK LAND USE CONSENT

FIGURE 2d - The Proposal (existing dwelling)



LEGEND:

- HOUSE TO BE DEMOLISHED
- NEW PROPOSED HOUSE
- EXISTING BUILDING TO REMAIN (MINOR CHANGE INTERNAL LAYOUT)

EXISTING FLOOR AREAS

1. OCTAGON GROSS AREA: 198.39m²
OCTAGON DECK AREA: 66.61m²
TOTAL: 265.00 m²
2. LINK: 9.16m²
3. LOCKWOOD GROSS AREA: 115m²
LOCKWOOD DECK AREA: 62.47m²
TOTAL: 177.47
4. GARAGE: 41.07m²
5. COTTAGE GROSS AREA: 264.16m²
COTTAGE DECK AREA: 27.24m²
TOTAL: 291.40m²
6. DRIVEWAY: 988.42m²

Date	Issue	Drawn	Description
27/09/20	01	CH001	
	02	CH008	Update layout, Color and Size

NOTES:

1. IF IN DOUBT ASK.
2. THE CONTRACTOR SHALL COMPLY WITH ALL RELEVANT BUILDING REGULATIONS AND STANDARDS.
3. THE CONTRACTOR SHALL INSTALL ALL MATERIALS AND PRODUCTS IN ACCORDANCE WITH THE MANUFACTURER'S RECOMMENDATIONS AND INSTALLATION DOCUMENTATION.
4. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE RELEVANT AUTHORITIES.
5. THE ARCHITECT WILL NOT BE LIABLE FOR ANY DAMAGE TO EXISTING STRUCTURES OR UTILITIES CAUSED BY THE PROPOSED WORK UNLESS IT IS SHOWN IN THESE DOCUMENTS OR THE PROJECT HAS BEEN APPROVED BY THE RELEVANT AUTHORITIES WITHOUT OUR PREVIOUS WRITTEN APPROVAL.

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**C. QUIGLEY & M. KIRKPATRICK
 QUIGLEY & KIRKPATRICK
 HOUSE**

EXISTING FLOOR PLANS
 PROJECT NO: 5444
 RC 020 02
 DATE: 27/09/20

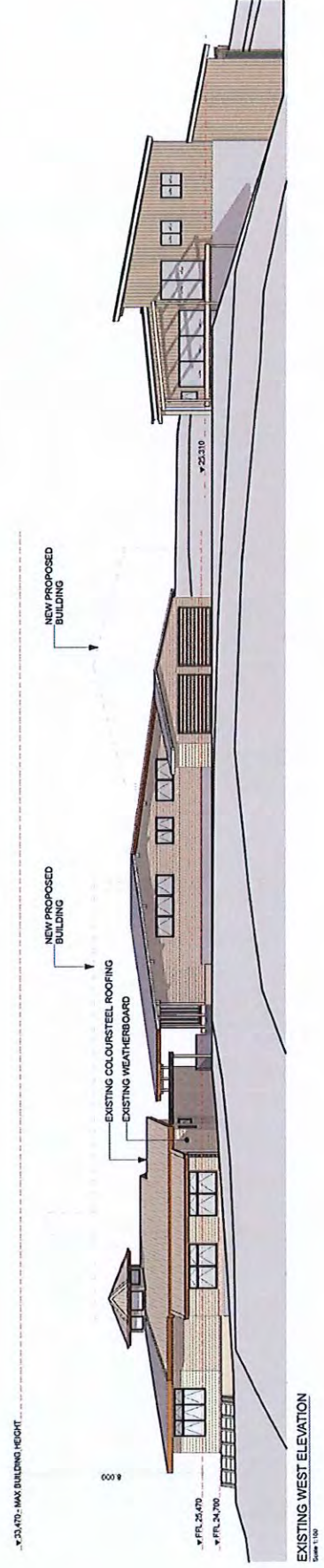
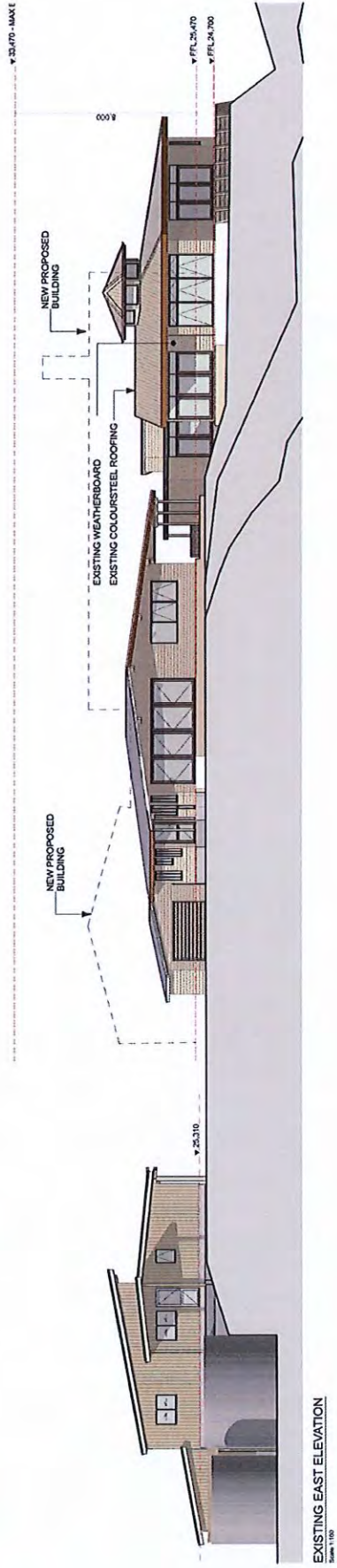
EXISTING GROUND FLOOR PLANS
 Scale: 1:200



92m PROPERTY BOUNDARY

QUIGLEY & KIRKPATRICK LAND USE CONSENT

FIGURE 2g - The Proposal (existing dwelling)



0 5 10m
SCALE 1:100 @ A1 - 1:200 @ A3

Date	Issue	Ch. ID	Description
27/09/20	01	0001	Issue
	02	0002	Issue
	03	0003	Issue
	04	0004	Issue
	05	0005	Issue
	06	0006	Issue
	07	0007	Issue
	08	0008	Issue
	09	0009	Issue
	10	0010	Issue
	11	0011	Issue
	12	0012	Issue
	13	0013	Issue
	14	0014	Issue
	15	0015	Issue
	16	0016	Issue
	17	0017	Issue
	18	0018	Issue
	19	0019	Issue
	20	0020	Issue

NOTE:
 1. THE CONTRACTOR SHALL COMPLY WITH ALL DIMENSIONS ON SITE.
 2. MATERIALS AND PRODUCTS TO BE USED SHALL BE APPROVED BY THE ARCHITECT AND SHALL COMPLY WITH ALL RELEVANT STANDARDS AND REGULATORY REQUIREMENTS.
 3. UNDER THE BUILDING ACT 2004 PEOPLE WHO HOLD A RESPONSIBILITY FOR THE DESIGN OR CONSTRUCTION OF A BUILDING ARE RESPONSIBLE FOR THE DESIGN DOCUMENTATION AND FOR THE QUALITY OF THE DESIGN DOCUMENTATION.
 4. THE ARCHITECTURAL LIABILITY FOR THE DESIGN DOCUMENTATION IS NOT TRANSFERRED TO THE CONTRACTOR OR ANY OTHER PERSON UNLESS IT IS SPECIFICALLY STATED IN THESE DOCUMENTS OR THIS PROJECT.
 5. THESE DOCUMENTS ARE THE PROPERTY OF HB ARCHITECTURE AND SHALL BE KEPT IN A SAFE PLACE FOR THE LIFE OF THE PROJECT. WITHOUT OUR PRIOR WRITTEN APPROVAL, YOU SHALL NOT REPRODUCE, COPY, DISTRIBUTE, OR OTHERWISE MAKE AVAILABLE TO ANY OTHER PERSON THESE DOCUMENTS OR THIS PROJECT.

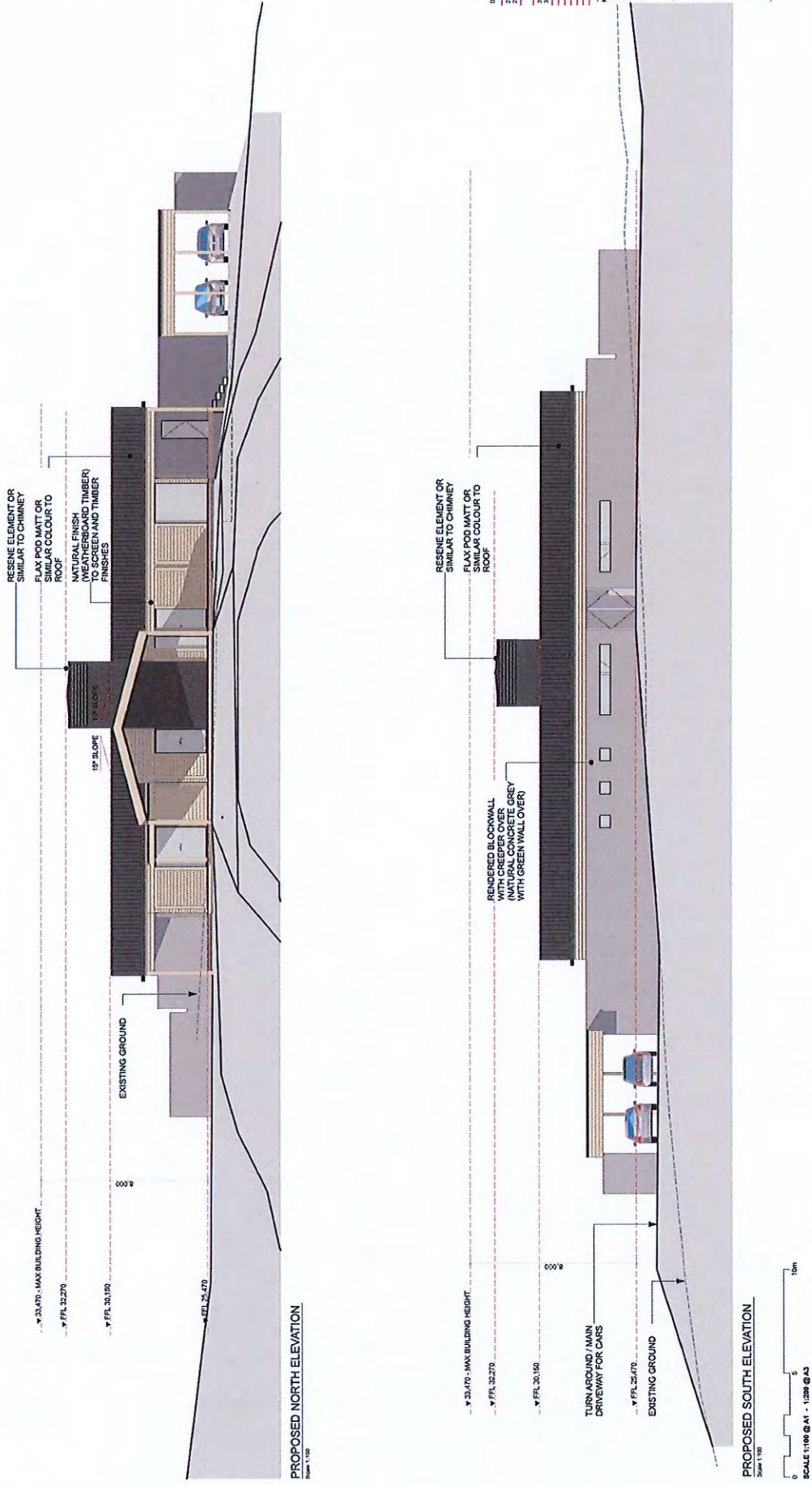
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 100 RIVER STREET
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Project No.	Revision	Date
5444	RC_031	02

QUIGLEY & KIRKPATRICK LAND USE CONSENT

FIGURE 2h - The Proposal



Date	Issue No.	Description
21/09/23	01	Issue 1
	02	Issue 2
	03	Issue 3
	04	Issue 4
	05	Issue 5
	06	Issue 6
	07	Issue 7
	08	Issue 8
	09	Issue 9
	10	Issue 10

NOTES:

- THE CONTRACTOR SHALL CONFIRM ALL DIMENSIONS ON SITE.
- THE CONTRACTOR SHALL CONFIRM ALL DIMENSIONS ON SITE.
- THE CONTRACTOR SHALL CONFIRM ALL DIMENSIONS ON SITE.
- UNDER THE BUILDING ACT 2004, THE ARCHITECT HAS A DUTY OF CARE TO THE CLIENT AND TO THE PUBLIC. THE ARCHITECT'S RESPONSIBILITY IS LIMITED TO THE DESIGN DOCUMENTATION PROVIDED AND DOES NOT EXTEND TO THE CONSTRUCTION OF THE PROJECT. THE ARCHITECT DOES NOT ASSUME LIABILITY AS THE DESIGNER FOR ANY DAMAGE OR OTHER LOSS INCURRED AS A RESULT OF THE CONTRACTOR'S NEGLIGENCE OR ANY OTHER BREACH OF THE CONTRACT. THE ARCHITECT'S LIABILITY IS LIMITED TO THE DESIGN DOCUMENTATION PROVIDED AND DOES NOT EXTEND TO THE CONSTRUCTION OF THE PROJECT. THE ARCHITECT DOES NOT ASSUME LIABILITY AS THE DESIGNER FOR ANY DAMAGE OR OTHER LOSS INCURRED AS A RESULT OF THE CONTRACTOR'S NEGLIGENCE OR ANY OTHER BREACH OF THE CONTRACT.

HB ARCHITECTURE
 100 RIVER STREET
 AUCKLAND 1010
 TEL: 09 308 1911
 WWW.HBARCHITECTURE.CO.NZ

INFORMATION
 20/11/2023

G. QUIGLEY & M. KIRKPATRICK
QUIGLEY & KIRKPATRICK HOUSE

RC

PROPOSED ELEVATIONS - OPEN SHUTTERS

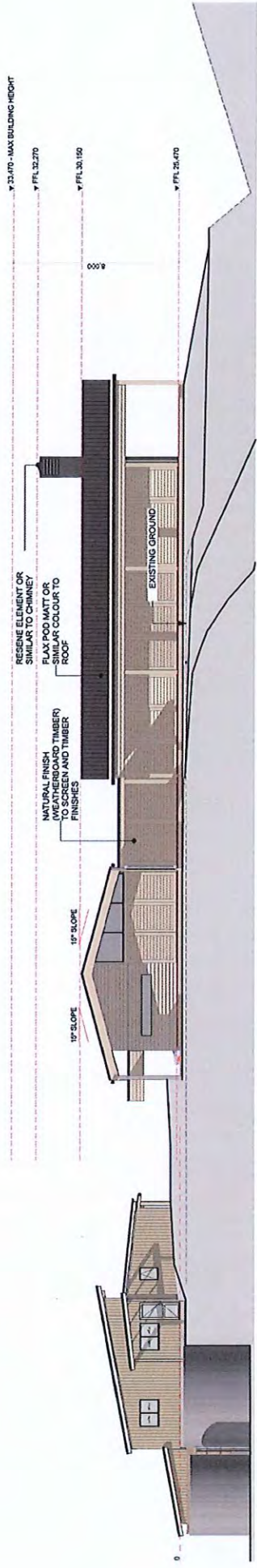
PROJECT No: **5444** RC_02 | 03

DATE: 20/11/2023

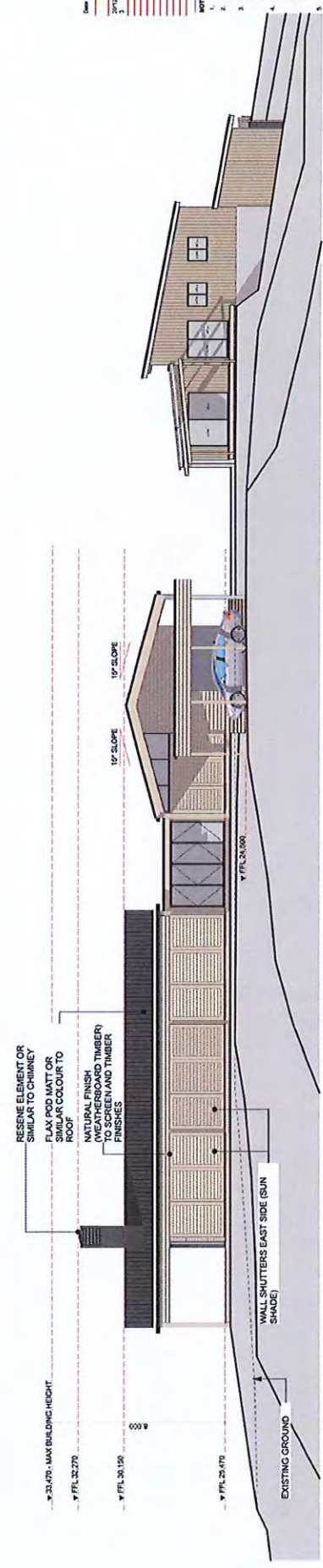
SCALE: 1:100 @ A1

QUIGLEY & KIRKPATRICK LAND USE CONSENT

FIGURE 2k - The Proposal



PROPOSED EAST ELEVATION - CLOSED SHUTTERS
Scale 1:100



PROPOSED WEST ELEVATION - CLOSED SHUTTERS
Scale 1:100



Date	Issue	Cl. ID	Description
20/02/21	01		
20/02/21	02	01015	Update area, RL of materials

- NOTES**
- IF ALL COURT TASK
 - THE CONTRACTOR SHALL CONFIRM ALL MATERIALS AND PRODUCTS TO BE USED IN ACCORDANCE WITH THE SPECIFICATIONS AND INSTALLATION DOCUMENTATION.
 - THE CONTRACTOR SHALL CONFIRM ALL MATERIALS AND PRODUCTS TO BE USED IN ACCORDANCE WITH THE SPECIFICATIONS AND INSTALLATION DOCUMENTATION.
 - THE CONTRACTOR SHALL CONFIRM ALL MATERIALS AND PRODUCTS TO BE USED IN ACCORDANCE WITH THE SPECIFICATIONS AND INSTALLATION DOCUMENTATION.
 - THE ARCHITECT SHALL NOT BE LIABLE FOR ANY CLAIMS OR DAMAGES OF ANY KIND ARISING FROM THE USE OF THE PRODUCT OR THE FAILURE OF THE PRODUCT OR THE FAILURE OF THE PRODUCT OR THE FAILURE OF THE PRODUCT WITHOUT OUR PRIOR WRITTEN APPROVAL.

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TEL: 09 308 6500
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INFORMATION
20/02/21

C. QUIGLEY & M. KIRKPATRICK
QUIGLEY & KIRKPATRICK HOUSE

RC
PROPOSED SHUTTERS - CLOSED SHUTTERS

5444 RC 03 02

Scale 1:100
Scale 1:200



QUIGLEY & KIRKPATRICK LAND USE CONSENT

Photo locations



FIGURE 3 - Landscape Context of the Site



QUIGLEY & KIRKPATRICK LAND USE CONSENT

Photo 1. View to existing dwelling and Octagon

Photo date - 28 October 2023

Photos

(Photographs taken with digital equivalent of 50mm focal length unless otherwise specified)



Simon Cocker
Landscape Architecture



Existing Octagon



QUIGLEY & KIRKPATRICK LAND USE CONSENT

Photo 2: View from Inlet to west

Photo date - 28 October 2023

Photos

(Photographs taken with digital equivalent of 50mm focal length unless otherwise specified)



Simon Cocker
Landscape Architecture



Existing Octagon

Photo 3: View from Bay to east

Photo date - 28 October 2023

QUIGLEY & KIRKPATRICK LAND USE CONSENT

Photos

(Photographs taken with digital equivalent of 50mm focal length unless otherwise specified)



Top of existing Octagon

QUIGLEY & KIRKPATRICK LAND USE CONSENT

Photo 4: View from Wharau Road to south

Photo date - 28 October 2023



Existing dwelling

QUIGLEY & KIRKPATRICK LAND USE CONSENT

Photo 5: View from Inlet to north west

Photo date - 28 October 2023

Photos

(Photographs taken with digital equivalent of 50mm focal length unless otherwise specified)



Existing Octagon

QUIGLEY & KIRKPATRICK LAND USE CONSENT

Photo 6: View from bay on eastern side of headland

Photo date - 28 October 2023

Photos

(Photographs taken with digital equivalent of 50mm focal length unless otherwise specified)



Simon Cocker
Landscape Architecture



Existing Octagon

QUIGLEY & KIRKPATRICK LAND USE CONSENT

Photo 7: View from Inlet to north west

Photo date - 28 October 2023

Photos

(Photographs taken with digital equivalent of 50mm focal length unless otherwise specified)



Existing dwelling

QUIGLEY & KIRKPATRICK LAND USE CONSENT

Photo 8: View from Inlet to north west

Photo date - 28 October 2023

Photos

(Photographs taken with digital equivalent of 50mm focal length unless otherwise specified)



Existing Octagon

QUIGLEY & KIRKPATRICK LAND USE CONSENT

Photo 9 View from Bay to east

Photo date - 28 October 2023

Photos

(Photographs taken with digital equivalent of 50mm focal length unless otherwise specified)



Existing Octagon

Photo 10: View from Bay to east

Photo date - 28 October 2023

QUIGLEY & KIRKPATRICK LAND USE CONSENT

Photos

(Photographs taken with digital equivalent of 50mm focal length unless otherwise specified)



Simon Cocker
Landscape Architecture



Cottage within property

QUIGLEY & KIRKPATRICK LAND USE CONSENT

Photo 11 View from beach to south west

Photo date - 28 October 2023

Photos

(Photographs taken with digital equivalent of 50mm focal length unless otherwise specified)



Simon Cocker
Landscape Architecture

APPENDIX 2: Landscape and Visual Effects Assessment Methodology

Landscape and Visual Effects Assessment Methodology

Introduction

The landscape and visual effects assessment process provides a framework for assessing and identifying the nature and level of likely effects that may result from a proposed development. Such effects can occur in relation to changes to physical elements, the existing character of the landscape and the experience of it. In addition, the landscape assessment method may include an iterative design development processes which includes stakeholder involvement. The outcome of any assessment approach should seek to avoid, remedy or mitigate adverse effects. A separate assessment is required to assess changes in natural character in coastal areas and other waterbodies.

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

While landscape and visual effects assessments are closely related, they form separate procedures. The assessment of the potential effect on the landscape forms the first step in this process and is carried out as an effect on an environmental resource (i.e. landscape elements, features and character). The assessment of visual effects considers how changes to the physical landscape affect the viewing audience. The types of effects can be summarised as follows:

Landscape effects:

Change in the physical landscape, which may change its characteristics or qualities.

Visual effects:

Change to views which may change the visual amenity experienced by people.

The policy context, existing landscape resource and locations from which a development or change is visible all inform the 'baseline' for landscape and visual effects assessments. To assess effects, the landscape must first be described, including an understanding of the key landscape characteristics and qualities. This process, known as landscape characterisation, is the basic tool for understanding landscape character and may involve subdividing the landscape into character areas or types. The condition of the landscape (i.e. the state of an individual area of landscape or landscape feature) should also be described alongside a judgement made on the value or importance of the potentially affected landscape.

This outline of the landscape and visual effects assessment methodology has been undertaken with reference to the Quality Planning Landscape Guidance Note¹ and its signposts to examples of best practice which include the UK guidelines for landscape and visual impact assessment² and Te Tangi a te Manu³.

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

Nature of the landscape resource

Assessing the nature of the landscape resource considers both the susceptibility of an area of landscape to change and the value of the landscape. This will vary upon the following factors:

- Physical elements such as topography / hydrology / soils / vegetation;
- Existing land use;
- The pattern and scale of the landscape;
- Visual enclosure / openness of views and distribution of the viewing audience;

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

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

³ Te Tangi a te Manu (Aotearoa New Zealand Landscape Guidelines), NZILA July 2022.

- The zoning of the land and its associated anticipated level of development;
- The value or importance placed on the landscape, particularly those confirmed in statutory documents; and
- The scope for mitigation, appropriate to the existing landscape.

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

Landscape value derives from the importance that people and communities, including tangata whenua, attach to particular landscapes and landscape attributes. This may include the classification of Outstanding Natural Landscape (RMA s.6(b)) based on important biophysical, sensory/ aesthetic and associative landscape attributes, which have potential to be affected by a proposed development.

Magnitude of Landscape Change

The magnitude of landscape change judges the amount of change that is likely to occur to existing areas of landscape, landscape features, or key landscape attributes. In undertaking this assessment, it is important that the size or scale of the change is considered within the geographical extent of the area influenced and the duration of change, including whether the change is reversible. In some situations, the loss /change or enhancement to existing landscape elements such as vegetation or earthworks should also be quantified.

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

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

Table 1: Determining the level of landscape effects

Visual Effects

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

The viewing audience comprises the individuals or groups of people occupying or using the properties, roads, footpaths and public open spaces that lie within the visual envelope or 'zone of visual influence' of the site and proposal. Where

possible, computer modelling can assist to determine the theoretical extent of visibility together with field work undertaken to confirm this. Where appropriate, key representative viewpoints should be agreed with the relevant local authority.

Nature of the viewing audience

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

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

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

Magnitude of Visual Change

The assessment of visual effects also considers the potential magnitude of change which will result from views of a proposed development. This takes account of the size or scale of the effect, the geographical extent of views and the duration of visual change which may distinguish between temporary (often associated with construction) and permanent effects where relevant. Preparation of any simulations of visual change to assist this process should be guided by best practice as identified by the NZILA⁴.

When determining the overall level of visual effect, the nature of the viewing audience is considered together with the magnitude of change resulting from the proposed development. Table 2 has been prepared to help guide this process:

Contributing factors		Higher	Lower
Nature of Landscape Resource	Susceptibility to change	Views from dwellings and recreation areas where attention is typically focussed on the landscape..	Views from places of employment and other places where the focus is typically incidental to its landscape context. Views from transport corridors.
	The value of the landscape	Viewpoint is recognised by the community such as an important view shaft, identification on tourist maps or in art and literature. High visitor numbers.	Viewpoint is not typically recognised or valued by the community. Infrequent visitor numbers..
Magnitude of Change	Size or scale	Loss or addition of key features in the view. High degree of contrast with existing landscape elements (i.e. in terms of form scale, mass, line, height, colour and texture). Full view of the proposed development	Most key features of view retained. Low degree of contrast with existing landscape elements (i.e. in terms of form scale, mass, line, height, colour and texture). Glimpse / no view of the proposed development.
	Geographical extent	Front on views. Near distance views; Change visible across a wide area.	Oblique views. Long distance views. Small portion of change visible.
	Duration and reversibility	Permanent. Long term (over 15 years).	Transient / temporary. Short Term (0-5 years).

Nature of Effects

⁴ Best Practice Guide: Visual Simulations BPG 10.2, NZILA

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

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

This assessment of the nature effects can be further guided by Table 3 set out below:

Nature of effect	Use and definition
Adverse (negative):	The proposed development would be out of scale with the landscape or at odds with the local pattern and landform which results in a reduction in landscape and / or visual amenity values
Neutral (benign):	The proposed development would complement (or blend in with) the scale, landform and pattern of the landscape maintaining existing landscape and / or visual amenity values
Beneficial (positive):	The proposed development would enhance the landscape and / or visual amenity through removal of restoration of existing degraded landscapes uses and / or addition of positive elements or features

Table 3: Determining the Nature of Effects

Cumulative Effects

During the scoping of an assessment, where appropriate, agreement should be reached with the relevant local authority as to the nature of cumulative effects to be assessed. This can include effects of the same type of development (e.g. wind farms) or the combined effect of all past, present and approved future development⁵ of varying types, taking account of both the permitted baseline and receiving environment. Cumulative effects can also be positive, negative or benign.

Cumulative Landscape Effects

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

Cumulative Visual Effects

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

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

Determining the Overall Level of Effects

The landscape and visual effects assessment concludes with an overall assessment of the likely level of landscape and visual effects. This step also takes account of the nature of effects and the effectiveness of any proposed mitigation.

⁵ The life of the statutory planning document or unimplemented resource consents

This step informs an overall judgement identifying what level of effects are likely to be generated as indicated in Table 4 below. This table which can be used to guide the level of landscape and visual effects uses an adapted seven-point scale derived from Te Tangi a te Manu (Aotearoa New Zealand Landscape Guidelines)

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

Table 4: Determining the overall level of landscape and visual effects

Determination of “minor”

Decision makers determining whether a resource consent application should be notified must also assess whether the effect on a person is less than minor⁶ or an adverse effect on the environment is no more than minor⁷. Likewise, when assessing a non-complying activity, consent can only be granted if the s104D 'gateway test' is satisfied. This test requires the decision maker to be assured that the adverse effects of the activity on the environment will be 'minor' or not be contrary to the objectives and policies of the relevant planning documents.

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

⁶ RMA, Section 95E

⁷ RMA Section 95D

Appendix 5

Archaeological Survey and Assessment

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**PROPOSED RE-DEVELOPEMNT OF 456
WHARAU ROAD, TE WHARAU POINT,
KERIKERI.**

**ARCHAEOLOGICAL
SURVEY AND ASSESSMENT OF EFFECTS**

Prepared for

Thomson Survey Ltd

by

Don Prince

November 2023

PROPOSED RESIDENTIAL RE-DEVELOPMENT OF 456 WHARAU ROAD, TE WHARAU POINT, KERIKERI

ARCHAEOLOGICAL SURVEY AND ASSESSMENT OF EFFECTS

Introduction

This archaeological survey of rural residential land was carried out at the request of Lynley Newport of Thomson Survey Ltd on behalf of the owners, G. Quigley and M. Kirkpatrick, in order to determine if archaeological sites are affected by the proposed residential re-development at 456 Wharau Road, Kerikeri. The 3.9258-hectare property is spread over the northern extent of Te Wharau peninsula bounded by Wharau Rd to the south and Kerikeri Inlet to the north, east and west (Figure 1). This survey is part of the required assessment of effects in support of a resource consent application for the re-development of an existing dwelling on the property. The property is legally described as Part Lot 1 DP 61328 and is generally referred to as “the property” in this report.

Iwi consultation does not form part of this report.

Statutory Requirements

The statutory requirements relating to the archaeological and other heritage values of the project area are outlined below.

Two major Acts govern the management of heritage sites in NZ:

- The Resource Management Act 1991 (RMA)
- The Heritage NZ Pouhere Taonga Act 2014 (HNZPTA)

Under the RMA archaeological and other historic heritage sites are resources that should be sustainably managed by “avoiding, remedying or mitigating any adverse effects of activities on the environment” (Section 5 (2) (c)).

Under Section 6 of the RMA 1991 it is recognised as a matter of national importance that “all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall recognise and provide for the following matters of national importance: (e) relationship of Maori and their culture and traditions with their ancestral lands, water, wahi tapu and other taonga [and] (f) the protection of historic heritage from inappropriate subdivision, use and development”.

The RMA defines historic heritage as “those natural and physical resources that contribute to an understanding and appreciation of New Zealand’s history and cultures, deriving from any of the following qualities: (i) archaeological; (ii) architectural; (iii) cultural; (iv) historic; (v) scientific; (vi) technological” (RMA Section S2).

Historic heritage includes: (i) historic sites, structures, places and areas; (ii) archaeological sites; (iii) sites of significance to Maori, including wahi tapu; (iv) surroundings associated with the natural and physical resources”.

The archaeological remains within the study area constitute historic heritage as defined under the RMA, and their protection should be recognised and provided for when managing the proposed project.

In addition to the requirements of the RMA (1991), the Heritage NZ Pouhere Taonga Act 2014 (HNZPTA) protects all archaeological sites whether recorded or not, and they may not be damaged or destroyed unless an Authority to modify an archaeological site has been issued by the Heritage NZ Pouhere Taonga (HNZPT).

An archaeological site, as defined by the HNZPTA (2014) is, a place associated with pre-1900 human activity, where there may be evidence relating to the history of New Zealand. A place associated with post-1900 human activity may be declared by gazettal as an archaeological site under the Act. Archaeological sites may not be destroyed damaged or modified except pursuant to an authority granted under the HNZPTA (2014).

Authorities to modify archaeological sites can be applied for under a general authority, in respect to a particular site or sites, or for all sites that may be present within a specific area. Applications made under a general authority may require approval by the Maori Heritage Council of the HNZPT. The tangata whenua should

be consulted regarding applications to modify or destroy archaeological sites which have Maori cultural associations.

Note that 20 or 40 working days should be allowed for the processing of authorities, which include a statutory stand down period of 15 working days before an authority may be exercised.

All archaeological remains and historic places within NZ are protected under the provisions of the HNZPTA and may not be damaged, modified or destroyed without an Authority from HNZPT.

There are no registered wahi tapu within the project area.

Implementation of the RMA in relation to the property is undertaken by the Far North District Council.

Other Legislation:

- Coroners Act 2006, requires that “a person who finds a body in NZ must report that finding to a member of the police as soon as practicable”.
- Burial and Cremation Act 1964, controls the burial, cremation, and exhumation of bodies as well as the management of burial grounds and cemeteries. Conditions of the Act make it an offence to “remove any body or the remains of any body buried in a cemetery, Maori burial ground or other burial ground or place of burial without licence under the hand of the Minister [Health]”.
- The Protected Objects Act 1975 is administered by the Ministry for Culture and Heritage and regulates:
 1. Export of protected NZ objects
 2. Illegal export and import of protected NZ and Foreign objects
 3. Sale, trade and ownership of taonga tuturu.

Any taonga tuturu (Maori artefacts) discovered must be notified to the Ministry which will determine their custody in consultation with tangata whenua. The Act also covers goods or samples associated with burials.

Summary

The owners currently proposed to demolish the existing northern dwelling and rebuild predominantly within the existing footprint while pulling back to south (Figure 1). The demolition includes the removal of the concrete slab and other foundations of the existing dwelling. Vehicle access and utilities already exist and will form part of the new dwelling. At the time of assessment the property's landscape was a mix of managed lawn with regenerating native bush and mature pohutukawa on the steep coastal scarps and headlands. Reconstruction will largely be confined to the footprint of the existing building with limited extensions outside the existing in the southeast and southwest (Figure 1).

The property and its prominent headlands are strategically located overlooking the entrance to the Kerikeri Inlet and have been extensively modified by pre-contact Maori as defensive pa with ditch and banks, scarps and terraces. Additional to the two pa, shell midden and cooking features can be seen eroding out in front of the western and eastern beaches.

Of the property's cultural sites Panenawe pa (P05/52) is the sole known site in the proximity of the current proposal with its outer or southwestern defensive feature, a ditch and bank, immediately adjacent to the existing dwelling and has been previously modified. As can be seen in Figure 4 (left image) a section of the internal bank has been removed and the ditch partially infilled to allow access into the western section of the pa. In addition, an examination of the 1976 sketch plan of Panenawe pa suggests that the retaining wall and decks of the existing dwelling are possibly constructed within the defensive feature. While no archaeological features/sites have been detected, or were during the current inspection, within the areas of ground disturbance outside the current dwelling footprint, the proximity and significance of the property's identified cultural resources indicates a potential that undetected subsurface features exist.

A search of the NZ Archaeological Association's (NZAA) digital database (ArchSite) identified four previously recorded archaeological site within the property (Table 1 & Figure 2). The sites were recorded in 1976 by T & J Nugent and there is no record of the sites being archaeologically re-visited. During the current inspection all five sites were re-located and their locations and current state and condition updated within ArchSite. No previously unrecorded archaeological sites were identified.

As the majority of the land effected by the current proposal is current covered by the existing dwelling it is not possible to accurately estimate the direct impact on the property's archaeological resources. However, the proximity of features in particular, the outer ditch and bank of P05/53 Panenawe pa (Figure 4), there is a likelihood that subsurface features exist under the dwelling. Therefore, it is not possible to give an absolute assurance that works associated with the current proposal will not encounter undected subsurface archaeological features.

Therefore, it is the opinion of the author that it is necessary for the owners to seek and obtained an authority to modify or destroy archaeology from Heritage NZ Pouhere Taonga prior to the commencement of works.

Constraints and Limitations

The current assessment was limited to a visual survey with limited subsurface testing and research. Such archaeological survey techniques cannot provide evidence for the absence of archaeology, past experience has shown that this can only be achieved through extensive topsoil removal.

It should also be noted that as an assessment of cultural values can only be competently made by the effected tangata whenua, this report does not address cultural values.

Methodology

The New Zealand Archaeological Association's Digital Site File (ArchSite), historic literature, early survey plans and archival aerial photography (Retrolens) were searched for archaeological sites and historic evidence for or in the vicinity of the property. Thomson Survey Ltd provided plans detailing current proposal and early survey plans relevant to the project. A visual inspection with limited subsurface testing was conducted throughout the property. Soil profiles were examined for evidence of earlier modification such as modified soils, storage pits or the presence of shell midden and hangi. It should be recognised that standard archaeological survey techniques cannot provide evidence for the absence of archaeological features or deposits.

At the time of inspection surface visibility was restricted in places by dense vegetation that may have obscured archaeological surface features.



Figure 1: Layout plan for the proposed subdivision of Lot 2 DP 375818, Wharau Rd, Kerikeri (Thomson Survey Ltd 2019). Location and extent of archaeological sites indicative only.

Results

Cultural Setting

An assessment of the cultural significance can only competently be made by the effected tangata whenua. Since archaeological survey cannot necessarily detect sites of traditional significance to Maori, or wahi tapu, the effected tangata whenua should

be consulted regarding the possible existence of such sites. It should be noted that an assessment of cultural significance might not necessarily correspond with an assessment of archaeological significance.

Physical Setting

The soils of the property are derived from the Late Triassic to Early Jurassic Waipapa Group comprised of sedimentary basement rocks (Edbrooke 2001:12 & Ferrar 1928). The property consists of a ridge knoll north of Wharau Rd overlooking the entrance to the Kerikeri Inlet to the north. The knoll is flanked by very steep, bush clad coastal cliffs to west, north and east while the location of the dwellings is relatively level. Small beaches lie at the base of the cliffs to the northwest and east along with prominent headlands to the north and east.

Background

Previous Archaeological Research

In 1976 T & J Nugent carried out an archaeological survey of the area recording five sites within or in the property's vicinity (Table 1 & Figure 2), it appears the property has had no further archaeological inspections.

The Archaeological Landscape

The property is located within an area of moderate archaeological density that may be attributed to a lack of archaeological survey rather than a paucity of sites. It appears, from the site inventory that the only archaeological survey of the area occurred in 1976 while currently, residential development of the area is increasingly putting pressure on archaeological resources while a scarcity of mitigation in the form of archaeological investigation means archaeology is poorly understood.

Site Number	Site Type	NZTM Co-ordinates	Date Recorded	Comment
P05/50	Shell midden	E1695265/N6103705	1976 & 2023	No within property
P05/51	Shell midden	E1695290/N6103240	1976 & 2023	West beachfront
P05/52	Shell midden	E1695410/N6103770	1976 & 2023	East beach front
P05/53	Pa	E1695355/N6103775	1976 & 2023	Northern headland
P05/54	Pa	E1695620/N1693610	1976 & 2023	Southern headland

Table 1: Recorded archaeological sites within or in the vicinity of 456 Wharau Rd (ArchSite October 2023).

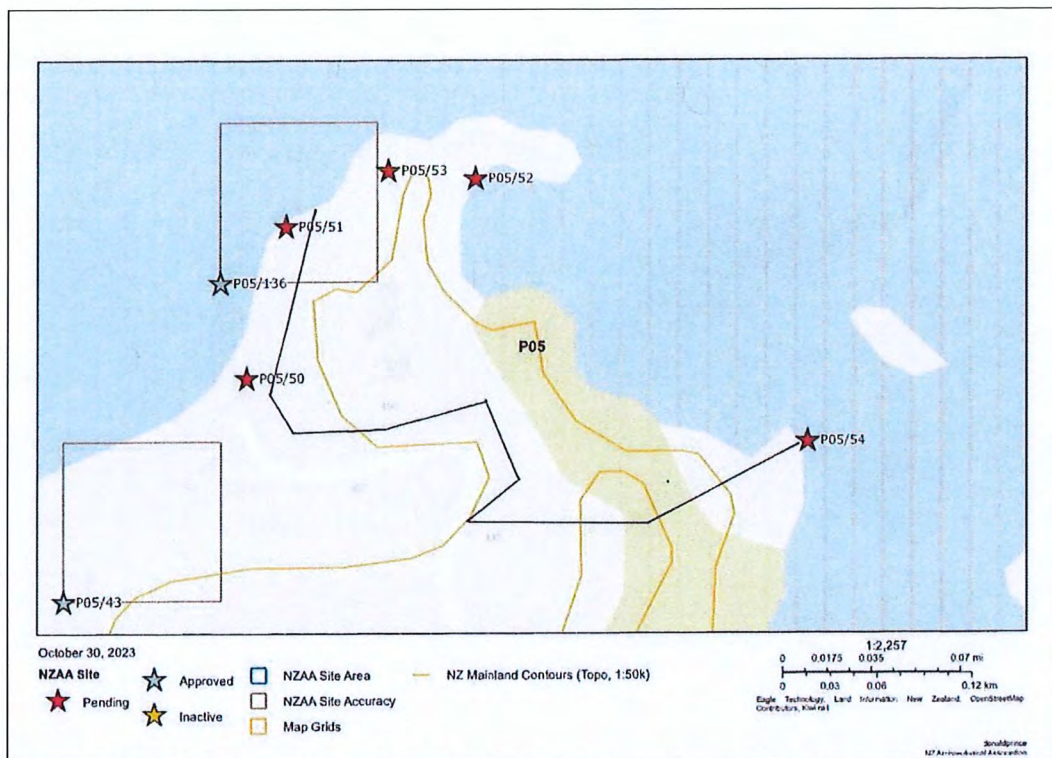


Figure 2: Spatial representation of the identified archaeological sites within or in the immediate vicinity of the 456 Wharau Rd (ArchSite October 2023). NOTE: Boundary indicative only.

Archaeological Sites within or in the Vicinity of the Property

P05/50 Shell midden

In 1976 T & J Nugent recorded a shell midden eroding out of the foreshore escarpment for 20m (SRF P05/50 1976). During the current inspection remnants of the site can be seen in the escarpment west of the boat ramp (Figure 1).

Not within the property and therefore sites integrity not threatened by current project.

P05/51 Shell midden

Shell midden can be seen eroding out of the foreshore scarp in front of the boat shed below and west of the dwellings (Figure 1). The site and boat shed are located on a natural, grassed coastal terrace. The presence of the midden in the frontal scarp indicates a strong likelihood of subsurface archaeological features such as fire hearths on the terrace.

The current project will have no impact on the site.

P05/52 Shell midden

This midden can be seen eroding out of the foreshore scarp below the boat shed toward the northern end of the beach below and east of the dwellings (Figure 1). The site consists of whole and fragmented shell (predominantly cockle with whelk), charcoal and fire hearth with hangi rocks up to 100mm thick and visible for c.10m along escarpment.

The current project does not threaten impact to the site.



Figure 3: Archaeological site P05/52 (Prince 2023).

P05/53 Panenawe pa

Features of Panenawe pa are spread over two headlands running north from immediately in front of the dwellings for c.65m then east across the saddle to the northern headland (Figure 1). Features of the site include a defensive ditch and bank protecting the southern entrance to the site (Figure 4), defensive scarps, terracing and shell midden (Figure 5). The ditch and bank has been modified with the construction of a retaining wall, partial infilling of the ditch, construction of a deck and removal of a portion of the western bank for pedestrian access. The remainder or majority of the pa appears largely as recorded in 1976 but pedestrian paths may have modified some features.

Remnant not directly affected by the proposal but works including demolition of the existing dwelling and deck along with reconstruction are immediately to south of the feature. Therefore, all ground disturbance including uplifting of existing concrete slab require monitoring by project archaeologist in order to determine whether features exist, and remnant feature temporarily fenced off to avoid accidental damage.

In addition, contractors to be briefed to significance of the site and made clearly aware of the known archaeological features.



Figure 4: At left remnant ditch and bank showing modification (Feature A Figure 5) and internal platform at right on west headland (Prince 2023).



Figure 5: Northern headland part Panenawe pa viewed from southeast (Prince 2023).

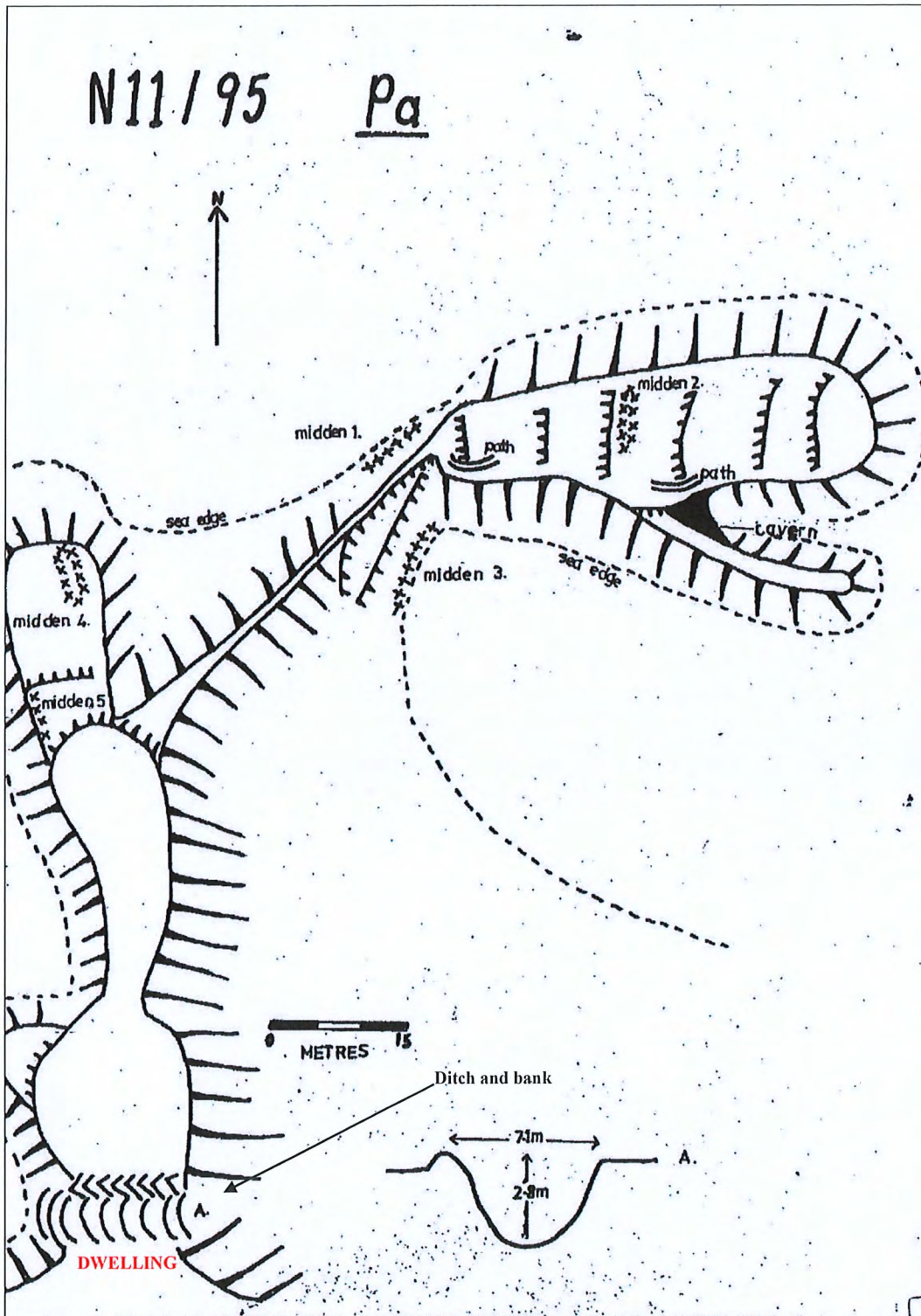


Figure 6: Sketch plan of Panenawe pa (T & J Nugent SRF P05/53 1976).

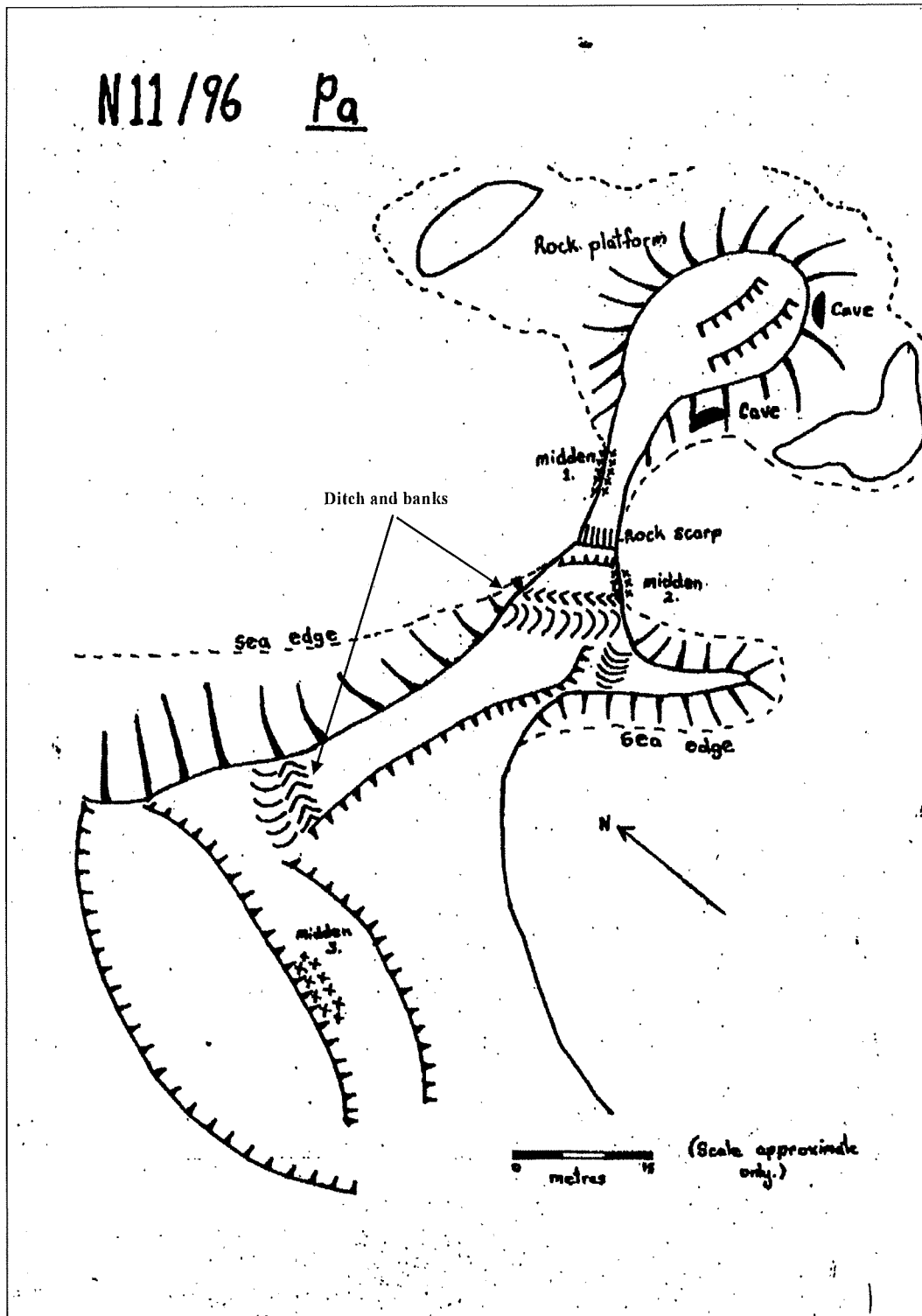


Figure 7: Sketch plan of pa P05/54 (T & J Nugent SRF P05/54 1976).

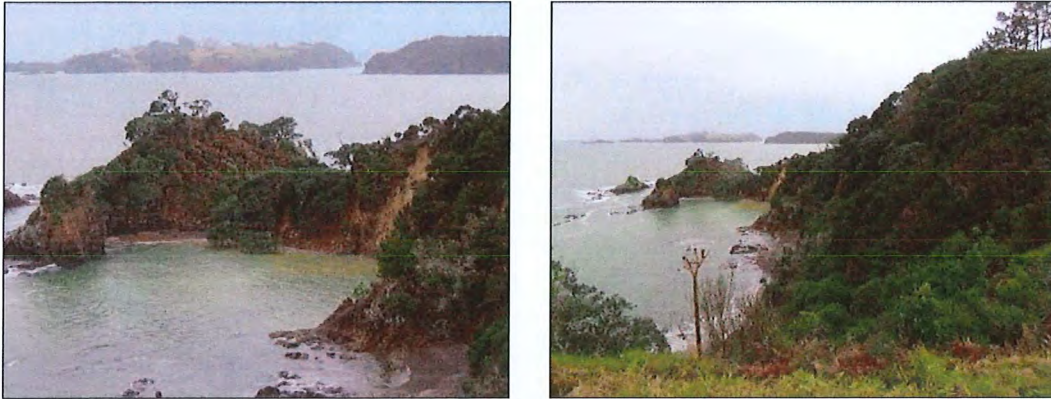


Figure 8: Headland pa P05/54 viewed from the west (Prince 2023).

Features of this site (defensive ditch and bank, terraces and scarps and midden) are spread down and along the headland that forms part of the property's southern boundary with the northern portion of the site within the survey property and southern in the adjoining property (Figure 2). Having the management of the site split over two legal parcels is not desirable but it is beyond the scope of the current project to remedy the situation.

The site is unaffected by the current proposal.

2023 Archaeological Inspection

Don Prince carried out an archaeological field inspection of the property on June 22, 2023. The inspection involved a visual inspection with limited subsurface testing of the property relocating previously recorded archaeological sites and inspecting the landscape for unidentified features.

The current inspection relocated the five previously identified archaeological sites within the property. The sites' locations were recorded by GPS and their current state and conditions noted and records updated in the NZAA's digital database (ArchSite). Features of one site, Panenawe pa (P05/53) are located in the immediate vicinity of the current proposal whilst the remaining sites are well removed and not threatened by the current proposal. Although the southern defensive ditch and bank of Panenawe pa is immediately adjacent to the proposed works, and apparently modified by the construction of the existing dwelling, the current proposal as designed will not have a direct effect on the remnant of the feature. However, there is a strong possibility that demolition and associated site clearance may reveal features related to the site such as

the inland extent of the defensive ditch, post holes along with subsurface occupation features (storage pits, whare sites, cooking features, etc) external of the pa.

The type and density of archaeological resources identified within and in the property's vicinity along with its strategic location overlooking the entrance to the Kerikeri Inlet mean that it is not possible to give an absolute assurance that sites will not be encountered during earthworks associated with the current proposal. It should also be noted that archaeological survey techniques cannot provide evidence for the absence of archaeological features. This can only be established through extensive topsoil removal. Therefore, it is recommended that a General Authority is sought and obtained from HNZPT prior to the commencement of the proposed works.

Identification and Assessment of Effects

The archaeological inspection involved a visual survey of Part Lot 1 DP 81328, 456 Wharau Rd, Kerikeri.

There are four archaeological sites recorded within the property including two pa. The the current proposal, demolition of the existing northern dwelling and rebuilding on its footprint with a small intrusions outside the footprint in the southeast and southwest (Figure 1), will have only minor effect on unmodified land. However, the decks and retaining wall of the dwelling appear to have been constructed over the outer wall of the defensive ditch of Panenawe pa (P05/53). Therefore, there is a strong possibility that demolition of those structures along with the removal of the dwellings concrete slab will reveal remains of the ditch and possibility other subsurface archaeological features related to per-European Maori occupation of the property.

The results of the current archaeological assessment indicate it is necessary to seek and obtain a General Authority to damage or destroy archaeological sites from the HNZPT under conditions contained within the HNZPT Act (2014) prior to the commencement of works.

It should be noted that archaeological survey techniques (visual inspection and minor sub-surface testing) and mitigation deals solely with the identification and recovery of the physical evidence of past human activity. Archaeological methods cannot always detect all sub-surface features or usually identify sites of traditional significance or the spiritual or cultural values of Maori. The tangata whenua should therefore be consulted regarding the possible existence of such sites.

It should also be noted that the HNZPT Act (2014) provides initial protection for all archaeological sites whether recorded or not, and they cannot be damaged, modified or destroyed unless an Authority has been issued by the New Zealand Historic Places Trust. Therefore, if it is suspected that archaeological features have been encountered during earthworks associated with the development then the Accidental Discovery Protocol included in this report should be followed.

Recommendations

The following recommendations for avoidance or mitigation are provided as points of discussion between the applicant, statutory agencies and tangata whenua.

- That a General Heritage NZ Pouhere Taonga Authority to modify or destroy an archaeological sites/features is required in order to carry out the proposed works and ground disturbance associated with the demolition of an existing dwelling and residential construction at 456 Wharau Rd, Kerikeri.
- That prior to the commencement of works the outer defensive features (remnant ditch and bank) to be temporarily fenced in order to prevent accidental damage.
- The removal of all subfloor structures including but not restricted to, concrete slab, foundation footings and piles of the existing dwelling to be monitored by the project archaeologist in order to determine whether archaeological features exist.
- All land affected by the current proposal to be topsoil stripped under supervision of the project archaeologist in order to determine whether undetected subsurface archaeological features exist.
- That if archaeological sites are encountered during ground disturbance associated with the development all work should cease in the immediate vicinity and HNZPT and iwi informed.
- That if koiwi (human remains) should be exposed during development, work should cease in the immediate vicinity and the tangata whenua and HNZPT should be contacted so that appropriate arrangements can be made.
- That since archaeological survey cannot always detect wahi tapu and sites of traditional significance to Maori, the tangata whenua should be consulted regarding the Maori values of this area and the recommendations in this report.

Bibliography

Edbrooke, S.W. 2001: *Geography of the Auckland Area*. Institute of Geological and Nuclear Sciences Ltd, Wellington.

Ferrar, H. T. 1928. *Geological Map of Whakapara and Kerikeri Survey Districts*. Lands and Survey Department, Wellington.

Lee, J. 1983. *The Bay of Islands*. Reed Books, Auckland.

Webb Sites

ArchSite

Land Information NZ survey plans

Retrolenz

Appendix 6
General Authority application
(excerpts)



HERITAGE NEW ZEALAND
POUHERE TAONGA

Form A

Application for a general or minor effects archaeological authority under section 44 of the Heritage New Zealand Pouhere Taonga Act 2014

Documents needed to complete (and accompany) this application:

- An archaeological assessment (for a general authority). Your application can include information prepared for an associated resource consent. This should be appropriate to the scale and significance of the archaeological values of the sites affected
- NZAA site record forms for any recorded site that will be affected by your proposed works
- All consultation documentation and contact details for iwi/hapū, landowners, and others if relevant
- A research strategy (if your archaeological assessment recommends an investigation)
- A site instruction or management plan (required for most applications for a general authority)
- Form E completed and signed.

Form A application

Extract the form and guide from the zipped folder and save them to your computer. This form is best completed using Adobe Acrobat Reader.

Use Guide A to complete this form.

Talk to your local Heritage New Zealand Pouhere Taonga Office before you submit, using the office numbers below.

Northland: 09 407 0470 – archaeologistNA@heritage.org.nz

Auckland, Hauraki, Thames/Coromandel: 09 307 9920 – archaeologistMN2@heritage.org.nz

Bay of Plenty, Waikato, Gisborne: 07 577 4530 – archaeologistLN@heritage.org.nz

Taranaki, Manawatū-Whanganui, Tasman, Nelson, Marlborough: 04 494 8320 – archaeologistCR1@heritage.org.nz

Chatham Islands, Hawke's Bay, Wellington: 04 494 8320 – archaeologistCR2@heritage.org.nz

West Coast, Canterbury: 03 363 1880 – archaeologistCW1@heritage.org.nz

Otago, Southland: 03 477 9871 – archaeologistOS@heritage.org.nz

Please note that all decisions will be emailed.

Form A

Application for a general or minor effects archaeological authority

An asterisk (*) indicates a mandatory field

SECTION 1: APPLICATION DETAILS

1.1. Applicant's contact details

The authority will be issued in this name:

Applicant*:	Graeme Quigley & Marian Kirkpatrick		
Contact person:	Graeme Quigley	Role in project:	Applicant and property owner
Postal address*:	N/A		
		Phone*:	0275 727 479
Email*:	graeme@oneroabeach.com	Postcode*:	N/A

1.2. If another person is acting as the authorised agent for the applicant, please provide their details

Name:	Lynley Newport		
Relationship to applicant:	Agent		
Email:	lynley@tsurvey.co.nz		
Phone number:	021 684 077		

1.3. First point of contact details (if different from above)

Name:			
Address:		Role in project:	
		Phone:	
Email:		Postcode:	

1.4 This application is for: (select one only)*

- a general authority
- works that will have only a minor effect on an archaeological site's values

If you are unsure, please consult your project archaeologist or talk to your regional Heritage New Zealand Pouhere Taonga archaeologist.

1.5 Location details*

Address/location of the site to be affected

456 Wharau Rd, Te Wharau Point, Kerikeri

Legal description (e.g. Lot, DP numbers). List here or provide as a separate document

P05/53

Local authority for land affected (e.g. Dunedin City Council)

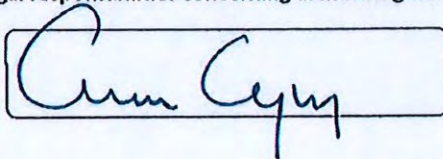
Far North District Council

SECTION 2: LANDOWNER IS APPLICANT: CONSENT

If the landowner is the applicant, please complete this section and skip section 3
If the landowner is *not* the applicant, please complete section 3 instead

I (please print name) Graeme Quigley acknowledge that I have read and understood the information on legal responsibilities concerning archaeological material provided in Guide A.

Signature of landowner or authorised agent:



Date:

23/7/24

SECTION 3: LANDOWNER IS NOT APPLICANT: CONSULTATION AND CONSENT

It is a legal requirement to provide landowner consultation and consent to Heritage New Zealand Pouhere Taonga before your proposed works can begin.

If there are many landowners, please use the table provided in Guide A.

3.1 If another person is acting as the authorised agent for the landowner, please provide their details

Name:

Relationship to landowner:

Email:

Phone number:

3.2 Landowner contact details

Name:

Address: Phone:

Email: Postcode:

If multiple landowners will be affected, provide the legal description of the land owned by each affected owner

3.3 Consultation with landowner

Please provide details of the consultation undertaken (including dates of when consultation occurred) and the views expressed.

3.4 Consent of landowner or authorised agent

I (please print name) acknowledge

- 1) that I have read and understood the description of proposed activity included in this application and I acknowledge and accept any implications the activity may have on me and my land
- 2) that I have been consulted regarding the proposed activity and give my consent to the activity being carried out
- 3) that I have read and understood the information on legal responsibilities concerning archaeological material provided in Guide A.

Signature of landowner
or authorised agent:

Date:

SECTION 4: ARCHAEOLOGICAL DETAILS

4.1 Details of recorded archaeological sites to be affected

Is there a chance that your proposed works will:

- Encounter sites that have not yet been found or recorded?* No Yes
- Affect one or more sites that are recorded?* No Yes *(please provide details below)*

NZAA archaeological site numbers	Archaeological site names (if known)	Archaeological site types
P05/53	Panenewa	Pa

Provide as a separate document if more space is needed
A New Zealand Archaeological Association site record form must be included where identified sites are involved.

4.2 Description of proposed activity*

Please provide an exact description of the proposed activity, including a list of all earthworks or ground-disturbing activities for your project. Attach related final plans, drawings, engineering specifications and/or photographs. Plans need to show the activity in relation to the location and extent (if known) of the affected archaeological sites.
Note: the authority will be granted for the activity described in this box.

The owners wish to demolish the northern of the property's two existing dwellings and re-building on the existing footprint with a minor extension to the south.

It appears the deck and retaining wall in the north of the existing dwelling have been constructed within or immediately adjacent to the outer or southern defensive ditch and bank of Panenewa pa (P05/53). There is a potential that demolition/removal of the existing dwelling's concrete slab and other foundations may reveal features of the outer ditch and other archaeological features related to pre-contact occupation of Te Wharau Point.

In addition, it is not possible to be absolutely certain that the required earthworks outside (south) of the existing footprint will not encounter undetected subsurface archaeological features.

4.3 Have any authorities been granted for this location in the past?

No Yes

If yes, please list authority numbers (please contact the relevant HNZPT office for help with this)

4.4 Does the land lie within a*

Statutory acknowledgement area? No Yes

Customary marine title? No Yes

If yes, please attach details. See our Guide A for more information.

4.5 Heritage New Zealand Pouhere Taonga recommends avoiding or protecting the archaeological site as the preferred option*.

- State the ways in which you have explored options for avoiding or protecting the archaeological site.
- If avoidance is not possible, explain why this is the case and how impacts will be offset.
- Include the archaeological site numbers of any sites to be avoided or protected.
- Indicate the extent to which protecting the archaeological site would prevent or restrict reasonable future use of the land.

The owners have re-designed their house plan in order to pull back from Panenawe pa (P05/53), in particular the defensive ditch and bank and staying as much as possible within the existing dwelling footprint. However, this has required a minor extension on unmodified land to the south of the existing footprint.

The remnant ditch and bank that form the outer defense of Panenawe pa (P05/53) to be temporarily fenced in order to prevent accidental damage during demolition and subsequent construction.

All required topsoil stripping and removal of existing foundations including but not restricted to concrete slab, strip footings and piles to be monitored by the project archaeologist.

If archaeological features are revealed during demolition of the existing dwelling they will be investigated and recorded using best accepted archaeological practice and samples removed for off-site analysis.

A final archaeological report to be produced within 12 months of the investigation/monitoring completion.

4.6 If there are any heritage values (other than archaeological or Māori or Moriori) affected by your proposed activity, please describe them here:

For example, architectural, technological, scientific, or spiritual values.

4.7 Do any of the following relate to this area? If yes, provide details below

- | | |
|---|---|
| <input type="checkbox"/> Reserve status | <input type="checkbox"/> Heritage or QEII Covenant or Heritage Order |
| <input type="checkbox"/> Inclusion in district plan schedules | <input type="checkbox"/> New Zealand Heritage list/Rārangi Kōrero entry |
| <input type="checkbox"/> Other (<i>please state below</i>) | |

SECTION 5: CONSULTATION

5.1 Have you consulted with the following parties?

- Tangata whenua or Moriori* No Yes
- Any other person likely to be affected* No Yes N/A

If you have selected no to either of these, provide an explanation below

Do not believe there to be any other affected persons.

5.3 Consultation with any other person likely to be directly affected (where relevant)

Please refer to Guide A for more information about directly affected parties.

Contact name:	<input type="text"/>		
Address:	<input type="text"/>	Phone:	<input type="text"/>
Email:	<input type="text"/>	Postcode:	<input type="text"/>

Provide details of the consultation undertaken (including dates of when consultation occurred) and the views expressed. This information can be provided below or attached as separate documents to this application.

SECTION 6: MĀORI OR MORIORI VALUES

Note: this section is not needed for minor effect authority applications

If archaeological sites of interest to Māori or Moriori are to be affected by the proposed activity, provide in the box below an assessment of the Māori or Moriori values of the archaeological sites and the effect of the proposed activity on those values. Reference can be made to a values statement or assessment provided by Māori or Moriori supplied with your application.

The assessment should be appropriate to the scale and significance of the proposed activity and the proposed modification of the archaeological sites affected. This can include information prepared for an associated resource consent if it addresses Māori or Moriori cultural values of the archaeological sites.

Refer to earlier comments and to email exchanges between applicant and Ngati Rehia and Te Uri Taniwha.

5.2 Consultation with tangata whenua or Moriori

Contact details

Iwi/ Hapū: Ngati Rohia

Contact Name: Whati Rameka

Address: 2 Aranga Road, Kerikeri

Phone: 021 076 9425

Email: whati@ngalirehia.co.nz

Postcode: 0230

Iwi/ Hapū: Te Uri Taniwha

Contact Name: Esther Horton and Ian Mitchell

Address:

Phone: 09 4078847

Email: clarrleh@outlook.com

Postcode:

Provide in the box below a description of the consultation undertaken with tangata whenua or Moriori, including dates of when consultation occurred and the views expressed. Reference can be made to relevant documents (e.g. email correspondence) supplied with your application.

Consultation should include the provision of all documentation, a discussion of the proposed works, the effects on iwi /hapū values, establishing tikanga, the availability of cultural support for the archaeologist nominated in Form E, and the production of a publicly available final report.

A number of iwi groups were contacted initially (refer Attachment 5 for Record of Consultation). Only Ngati Rehia responded with an interest in the proposed re-development.
Copy of draft application, accompanied by plans; archaeological assessment and proposed Site Management Plan, sent to Ngati Rehia on 21/11/2023.
On site meeting conducted 26/2/2024.
Further meeting between applicant, architect, archaeologist, planner and Ngati Rohia held 11/6/2024.
Email confirmation received from Ngati Rehia, dated 25/6/2024 (and attached) confirming no requirement for a CIA, but seeking the inclusion of certain requirements for ongoing Ngati Rehia involvement in the project, by way of updating the Site Management Plan.
Amendments made and sent to Ngati Rehia for comment/approval on 18/7/2024.
That approval received via email dated 21/7/2024 (attached).
Consultation carried out with Esther Horton and Ian Mitchell of Te Uri Taniwha with email received from Esther dated 6th August 2024 (attached).

SECTION 7: APPLICANT'S DECLARATION

I (please print name)* Graeme Qulgley acknowledge:

- 1) that all the information provided with this application is true and correct to the best of my knowledge
- 2) that I have read and understood the description of proposed activity included in this application and I will inform Heritage New Zealand Pouhere Taonga about any changes to the proposed activity while the application is being considered
- 3) that any reports produced as a result of this (and any related) authority application will be made publicly available via the Heritage New Zealand Pouhere Taonga Digital Library
- 4) I accept responsibility for compliance with all the conditions of the authority resulting from this application and any monetary cost this will entail, including the cost of any analysis of the archaeological material recovered and the preparation of the report.

Please tick this box if the archaeological work associated with the proposed activity is likely to exceed \$100,000.

Signature of applicant
or authorised agent*:

Graeme Qulgley

Date*:

23/7/24

Form E

Application for approval (or change) of a person to undertake an activity under an archaeological authority

SECTION 1: DETAILS OF NOMINATED PERSON TO UNDERTAKE ARCHAEOLOGICAL WORK

Name*:

Email*:

Phone*:

Postal address:

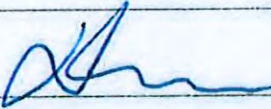
Authority Number:
(if authority granted)

SECTION 2: DECLARATION OF NOMINATED PERSON TO UNDERTAKE ARCHAEOLOGICAL WORK

I (please print name)* acknowledge:

- 1) that I agree to conform to accepted archaeological practice in undertaking the archaeological work required by the conditions of any authority granted as a result of this application
- 2) that I meet the criteria required to be an approved person to undertake an activity under the authority under section 45(2)(a) of the Heritage New Zealand Pouhere Taonga Act 2014
- 3) that for a site of interest to Māori or Moriori:
 - a) that I can provide evidence of my skill and competency in relation to recognising and respecting Māori or Moriori values; and
 - b) that I can provide evidence of cultural support from Māori or Moriori for the work that will be undertaken for this authority.

Signature of
nominated person*



Date*:

SECTION 3: APPLICANT'S DECLARATION

I (please print name)* acknowledge:

- 1) that all the information provided with this application is true to the best of my knowledge
- 2) that I have ensured all information relevant to the proposed activity has been made available to the nominated person
- 3) if this application is for a change of person to undertake an activity under the authority, that the person being replaced has been advised of the proposed change and has provided access to the necessary resources to undertake this authority.

Signature of applicant
or authorised agent*:

Date*

Form E

Application for approval (or change) of a person to undertake an activity under an archaeological authority

SECTION 1: DETAILS OF NOMINATED PERSON TO UNDERTAKE ARCHAEOLOGICAL WORK

Name*:

Email*: Phone*:

Postal address:

Authority Number:
(if authority granted)

SECTION 2: DECLARATION OF NOMINATED PERSON TO UNDERTAKE ARCHAEOLOGICAL WORK

I (please print name)* acknowledge:

- 1) that I agree to conform to accepted archaeological practice in undertaking the archaeological work required by the conditions of any authority granted as a result of this application
- 2) that I meet the criteria required to be an approved person to undertake an activity under the authority under section 45(2)(a) of the Heritage New Zealand Pouhere Taonga Act 2014
- 3) that for a site of interest to Māori or Moriori:
 - a that I can provide evidence of my skill and competency in relation to recognising and respecting Māori or Moriori values; and
 - b that I can provide evidence of cultural support from Māori or Moriori for the work that will be undertaken for this authority.

Signature of nominated person* Date*:

SECTION 3: APPLICANT'S DECLARATION

I (please print name)* acknowledge:

- 1) that all the information provided with this application is true to the best of my knowledge
- 2) that I have ensured all information relevant to the proposed activity has been made available to the nominated person
- 3) If this application is for a change of person to undertake an activity under the authority, that the person being replaced has been advised of the proposed change and has provided access to the necessary resources to undertake this authority.

Signature of applicant or authorised agent*: Date*:

QUESTIONS and SUBMISSION OF APPLICATION

If you have questions or need some advice about your authority application, please get in touch with your nearest Heritage New Zealand Pouhere Taonga office.

Applications can be submitted online, in person at one of our offices, or posted. Please do not email it.

Region	For QUESTIONS and GENERAL CORRESPONDENCE:
Northland	09 407 0470 ArchaeologistNA@heritage.org.nz
Auckland, Hauraki, Thames-Coromandel	09 307 9923 ArchaeologistLN@heritage.org.nz
Bay of Plenty, Waikato, Gisborne	07 577 4535 ArchaeologistLN@heritage.org.nz
Taranaki, Manawatū- Wanganui, Tasman, Nelson, Marlborough	04 494 8323 ArchaeologistCR1@heritage.org.nz
Chatham Islands, Hawke's Bay, Wellington	04 494 8324 ArchaeologistCR2@heritage.org.nz
West Coast, Canterbury	03 363 1884 ArchaeologistCW1@heritage.org.nz
Otago, Southland	03 470 2364 ArchaeologistOS@heritage.org.nz

Submitting your application ONLINE	Submitting your application IN PERSON
	Bring your application to your nearest Heritage New Zealand Pouhere Taonga office:
Submit your application and any related documents via our website. <ul style="list-style-type: none"> • Go to www.heritage.org.nz • Go to the archaeological authorities page • In the yellow section, select the kind of application you are making • Click <i>Submit application</i> • Complete the popup form, and load your application and any accompanying documents when prompted. • Check the Privacy box and click <i>Next</i> • An email will confirm submission including the authority application number. 	Northland Regional Office UD/21 Hobson Avenue, Kerikeri
	Northern Regional Office Level 10, SAP Tower, 151 Queen Street, Auckland
	Lower Northern Area Office 26 Wharf Street, Tauranga
	Central Regional Office Level 1, 79 Boulcott Street, Wellington
	Southern Regional Office 64 Gloucester Street, Christchurch Mail Centre, Christchurch
	Otago/Southland Area Office Level 2, 201 Princes Street, Dunedin
Submitting your application by POST Please keep in mind the likely delay in receipt of the paperwork	
Post your application to:	Heritage New Zealand Pouhere Taonga Attn: Archaeologists PO Box 2629 Wellington 6140

Attachment 3

Archaeological Site Management Plan

(Time Depth Enterprises – updated August 2024)

August 6, 2024

Page 2

Management Procedures

Pre-Works Phase

1. Prior to the commencement of works, the project archaeologist will meet representatives of the affected iwi, contractors and/or project manager on site to brief them on archaeological requirements and establish through discussion a workable process for the project.
2. As determined by affected iwi karakia/blessing will be carried out prior to the commencement of works.
3. The southwestern extent of archaeological site P05/53 to be clearly define and temporarily fenced off with a suitable buffer as defined by the project archaeologist.
4. Contractors must give 7 days notice of the commencement of works

Works Phase

5. All removal of foundations including but not restricted to concrete slab, strip footings and piles to be monitored by the project archaeologist in order to determine whether archaeological features exist.
6. Iwi monitors to be on-site during all operations requiring ground disturbance.
7. All topsoil removal associated with the project to be monitored by the project archaeologist in order to determine whether archaeological features exist.
8. The following archaeological investigation techniques to be employed in advent of discovery of archaeology:
 - If currently undetected archaeology is encountered alternative locations should be investigated to avoid damage.
 - If it is not possible avoid then all archaeological features encountered to be investigated including hand excavation of part or all of any revealed subsurface features, sampling for off-site analysis and recording of the remains (scale plan mapping, section drawings and photographs).
 - All excavated artefacts will be mapped, catalogued and analysed by an appropriate expert.
 - When archaeological features are revealed by earthworks all work in the vicinity must cease until the approved archaeologist has declared the site clear.
9. The strategy will take account of the conditions contained in the HNZPT authority these relate to standard archaeological investigation practices and should provide information regarding

August 6, 2024

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- a. the environmental context of the site
- b. economic and other activities carried out by the site's inhabitants
- c. the nature of site occupation (e.g. short term, seasonal, permanent)
- d. age of the site
- e. internal layout of the site including the activities in differing areas of the site
- f. relationships with other sites in the wider area

At the completion of iwi representatives will determine whether karakia/blessing are required to conclude the project.

HNZPT would require a detailed final report within 12 months of the investigation.



Figure 1: Layout plan for the proposed subdivision of Lot 2 DP 375818, Wharau Rd, Kerikeri (Thomson Survey Ltd 2019). Location and extent of archaeological sites indicative only.

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Monitoring
Protocols

- All ground disturbance related to the residential development to be monitored by the project archaeologist and iwi representatives.
 - The following protocols will be adhered to during the works program:
 - If significant in situ archaeological features or deposits are identified, the archaeologist will stop earthworks in their immediate vicinity and define the extent of the archaeological deposit by probing or subsurface testing.
 - Earthworks may continue in other parts of the development site provided there is an archaeologist available to monitor them.
 - If the newly discovered archaeological site can be avoided, it should be temporarily fenced off to avoid further machine damage. If avoidance is not practical, then the HNZPT and iwi representatives should be notified.
 - If unavoidable, then iwi representative(s) will at their determination, be present during excavation.
 - Additional archaeologists would be brought on site as required to assist in recording and to monitor earthworks being carried out concurrently.
 - The archaeologist(s) will excavate and record the archaeological feature(s) or deposit(s) as quickly as possible so that earthworks may resume without undue delay and will not exceed the specified stand down period (see below, E), unless permission is given by the site foreman to extend the time allowed.
 - If human bone is unearthed the protocol set out below (C) will be followed.
 - If taonga or archaeological deposits or features of Maori origin are unearthed the protocol set out below (D) will be followed.
-

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Protocols to be
Followed in the
Event that
Human Bone
(Koiwi) is
Exposed

- If bone material is identified on the excavation site that could be human, the following protocol will be adopted:
 - Earthworks/investigation should cease in the immediate vicinity while an archaeologist establishes whether the bone is human.
 - If it is not clear whether the bone is human, work shall cease in the immediate vicinity until the University's reference collection and/or a specialist can be consulted, and a definite identification made.
 - If bone is confirmed as human (koiwi tangata), the archaeologist will immediately contact iwi representatives, Heritage NZ and NZ Police.
 - The site will be secured in a way that protects the koiwi as far as possible from further damage.
 - Consultation will be undertaken with all iwi representatives as outlined in the authority, the Heritage NZ Regional Archaeologist and the authority holder to determine and advise the appropriate course of action. No further action will be taken until responses have been received from all parties, and the koiwi will not be removed until advised by Heritage NZ.
 - The iwi representatives will advise on appropriate tikanga and be given the opportunity to conduct any cultural ceremonies that are appropriate.
 - If the iwi representatives are in agreement and so request, the bones may be further analysed by a skilled bio-anthropological specialist prior to reburial, in line with the *Heritage NZ Guidelines Koiwi Tangata Human Remains* (2010).
 - Activity on site can recommence as soon the bones have been reinterred or removed and authorisation has been obtained from Heritage NZ.
-

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*D. Protocols
relating to
taonga*

There is a potential for archaeological remains of Maori origin to be exposed during earthworks such as carvings, stone adzes and greenstone objects, these are considered to be taonga. These are taonga tuturu within the meaning of the Protected Objects Act 1975. Taonga may be discovered in isolated contexts but are generally found within archaeological sites. If taonga are discovered on site, the following protocols will be adopted if encountered during works not covered by the HNZPT Authority:

- The area containing the taonga will be secured in a way that protects the taonga as far as possible from further damage, consistent with conditions of the Authority.
- The archaeologist will then inform the HNZPT and the nominated tangata whenua representative so that the appropriate actions (from cultural and archaeological perspectives) can be determined.
- These actions will be carried out within the stand down period specified below, and work may resume at the end of this period or when advised by the Heritage NZ or archaeologist.
- The archaeologist will notify the Ministry for Culture and Heritage of the find within 28 days as required under the Protected Objects Act 1975. This can be done through the Auckland War Memorial Museum.
- The Ministry for Culture and Heritage, in consultation with the tangata whenua, will decide on custodianship of the artefact. If the artefact requires conservation treatment (stabilisation), this can be carried out by the Department of Anthropology, University of Auckland (09-373-7999) and would be paid for by the Ministry. It would then be returned to the custodian or museum.

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Stand Down Protocols Depending on what is revealed by the earthworks, stand down periods may be required at various stages to allow for excavation and recording of archaeological features, or dealing with human bone (koiwi) or artefacts and archaeological remains of Maori cultural heritage significance.

Stand down will require earthworks to cease only in the immediate vicinity of the feature or find, and work may proceed in other areas of the development site. The following maximum stand down periods will apply, but earthworks may be resumed earlier if the required work has been completed.

Trigger	Stand Down Period	Requirements	Release
Archaeological feature, deposit or artefacts	Up to 2 days but work may continue in areas where no remains are identified	Sufficient time must be allowed for the archaeologist to investigate and record the remains	Work resumes when the archaeologist advises the site foreman that work is completed
Significant archaeological feature, deposit or artefacts	Up to 3 days for a response from Heritage NZ	The likely requirement is a mitigation investigation and/or recording by standard archaeological techniques, but this will be advised by Heritage NZ	Work resumes when the archaeologist advises the site foreman that work is completed
Human bone found	As agreed between the project manager, Heritage NZ and iwi	HNZPT and NZ Police to be satisfied that koiwi identification is correct. Iwi representative(s) to organise reinterment or removal of bones from site and appropriate cultural ceremonies	Work resumes following reinterment or removal of bones from site and when authorisation from Heritage NZ has been received
Taonga or archaeological remains of Maori origin found	Up to 3 working days	Heritage NZ and iwi representative(s) to be consulted on appropriate action. Archaeological recording as required	Work resumes when the archaeologist or Heritage NZ advises the site foreman that work is completed

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Authority

Holder's

Responsibilities

ies

The owners or their designated representative has the following responsibilities:

1. To advise the HNZPT of the start and finish dates of any required archaeological work (usually a requirement of the Authority).
2. To ensure that the archaeological investigations required under the HNZPT Authority are carried out and logistic support such as an excavator to assist the investigation
3. To ensure that an archaeologist monitors the preliminary earthworks, by giving 72 hours notice of these activities to the project archaeologists.
4. To provide sufficient site security to ensure that archaeological material on site is protected from unlawful excavation or removal
5. To ensure that a copy of the archaeological authority is kept on site and its contents are made known to all contractors and subcontractors.
6. To ensure that the conditions, protocols and stand down periods outlined in the authority and the strategy document are observed by contractors and subcontractors.
7. To provide a safe environment for the archaeologists to carry out their work.

Attachment 5

Record of Consultation – updated August 2024

RECORD OF IWI CONSULTATION

Pt Lot 6 DP 61328

456 Wharau Road, Kerikeri

21 November 2023

A copy of the draft Application for Authority was sent to several iwi groups:

Te Runanga o Ngati Rehia;

Te Runanga a Iwi o Ngapuhi;

Taiamai ki te Marangai Resource Management Unit;

Ngati Torehina ki Motaka Resource Management Unit;

Ngati Korohue; and

Kaire Edmonds Whanau Trust.

Ngati Torehina and Ngati Korohue confirmed the site was not in their area of interest. No response was received from Te Runanga a Iwi o Ngapuhi, Taiamai ki te Marangai Resource Management Unit or Kaire Edmonds Whanau Trust. Ngati Rehia responded expressing a wish to be consulted and involved in the proposal.

26 February 2024

Site meeting held with Ngati Rehia representative Rebecca Babcock.

11 June 2024

Meeting held at Ngati Rehia offices at Aranga Road, Kerikeri. Attendees included:

Whati Rameka (General Manager Ngati Rehia);

Graeme Quigley and Marian Kirkpatrick (applicants and property owners);

Don Prince (archaeologist);

Grant Harris (architect); and

Lynley Newport (planner and agent for applicant).

25 June 2024

Email received from Ngati Rehia General Manager Whati Rameka (copy attached), confirming that Ngati Rehia will forgo a CIA as they did not see the proposal as a new development, but rather a re-development of an existing site. Ngati Rehia sought amendments to the Archaeological Management Plan to include site blessings at beginning and end of construction, and cultural monitoring on site during earthworks.

18 July 2024

Updated Archaeological Management Plan sent to Ngati Rehia for confirmation/approval (copy of email attached)

21 July 2024

Email confirmation from Whati Rameka confirming he was happy with the content of the updated Archaeological Management Plan. He also sent a schedule of fees, which the applicant has agreed to (copy of email attached).

2 August 2024

Hand delivered copy of General Authority to Esther Horton (Te Uri Taniwha) and discussed proposal. On the days following had conversations with Ian Mitchell, also of Te Uri Taniwha.

6 August 2024

Email received from Esther Horton -- attached.

Lynley Newport

From: Whati Rameka [whati@ngatirehia.co.nz]
Sent: Sunday, 21 July 2024 9:00 PM
To: Lynley Newport
Cc: 'Graeme's Gmail Account'
Subject: RE: 456 Wharau Road

Kia Ora Lynley

I've read through your management plan and I'm happy with it's content.

Just for clarity of fees please note;
Initial consult meeting etc - \$250
Site visits/Cultural monitoring is @ \$ 150 per hour.

Can you let me know that these are acceptable?

Whati Rameka

General Manager – Te Pouahu
Phone: (09) 401 6399 | Mobile: 021 076 9425
2 Aranga Rd, Kerikeri 0230 | PO Box 202, Kerikeri 0245
Te Rūnanga o Ngāti Rēhia Trust

**NGĀTI RĒHIA**

*"Ngāti Rēhia mata mamoe, Ngāti Rēhia mata kaka,
Titiro ki ngā maunga, ngā awa, ngā moana, ngā whenua tapu o Ngāti Rēhia"*

From: Lynley Newport <lynley@tsurvey.co.nz>
Sent: Thursday, July 18, 2024 10:30 AM
To: Whati Rameka <whati@ngatirehia.co.nz>
Cc: 'Graeme's Gmail Account' <graeme@oneroabeach.com>
Subject: RE: 456 Wharau Road

Kia Ora Lynley

My turn to apologise for tardy response knee reconstruction surgery will do that to you !

Thank you very much for the thought and consideration you have given this proposal.
The Quigley's are very happy to confirm their agreement to working with Ngati Rehia around the cultural monitoring and the blessings. **The Site Management Plan has been updated (attached in word and as a pdf) to incorporate blessings and works monitoring.**

It would be much appreciated if you could confirm by return email that the content of the attached Management Plan is to your satisfaction.



Lynley Newport
Senior Planner

315 Kerikeri Road, Kerikeri 0230
PO Box 372 Kerikeri 0245
p. 09 4077360 | e. lynley@lsurvey.co.nz

From: Whati Rameka [<mailto:what@ngatirehia.co.nz>]
Sent: Tuesday, 25 June 2024 2:41 PM
To: Lynley Newport
Cc: Nora Rameka; graeme@oneroabeach.com
Subject: RE: 456 Wharau Road

Kia Ora Lynley

First of all my apologies for my tardy response.

I am writing to confirm we will forgo the CIA on this occasion, as discussed at our meeting 11 June 2024, I do not feel there is any new development rather a redevelopment of existing site. This is again set out in your email. In addition, there is due diligence of NZ Heritage over these works.

At our meeting I stated we would want Cultural Monitors on site during any earthworks and or demo. Cultural support from Ngati Rehia would include site blessing at beginning and end of construction. These will need to be included in the Management plan.

As kaitiaki and ahi kaa for this area Ngāti Rēhia takes all developments seriously to ensure our whenua tuku iho are protected. We also support development and progress whilst respecting our connection to taiao.

Please confirm you're clients agreement for Cultural Support from Ngāti Rēhia. We can then look at a plan to fit in with the development.

Whati Rameka

General Manager – Te Pouahu

Phone: (09) 401 6399 | Mobile: 021 076 9425

2 Aranga Rd, Kerikeri 0230 | PO Box 202, Kerikeri 0245

Te Rūnanga o Ngāti Rēhia Trust

NGĀTI RĒHIA

*"Ngāti Rēhia mata mamoe, Ngāti Rēhia mata kaka,
Tītiro ki ngā maunga, ngā awa, ngā moana, ngā whenua tapu o Ngāti Rēhia"*

Lynley Newport

From: Esther Horton [clarrieh@outlook.com]
Sent: Tuesday, 6 August 2024 11:14 AM
To: lynley@tsurvey.co.nz
Subject: 2025-040 Quigley Authority Application

Kia ora,

My name is Esther Horton I am a longtime resident of KeriKeri Inlet Road having been raised by my grandparents and schooled in this area.

My grandfather held extensive knowledge of the culturaly significant areas all around the south Inlet.

When any development was about to start in the south Inlet, Granddad always took it upon himself to check for significant sites in the area, as he worried that the Pa sites would be damaged by earthworks.

I don't think there was much council/govt protection for cultural areas in those days, if any!

When Granddad died in 1961 nobody else stepped up as kaitiaki in the south Inlet, to my knowledge.

I have read through the archaeological survey done by Don Prince, and am assured that the project is in good hands.

I would like to ask permission for my cousin Ian Michell and I to be on site as observers, from time to time.

Nga mihi,

Esther Horton.

06/08/2024.

Submission by Ian Mitchell,

Member of Te Uri Taniwha Hapu, Ngati Hineira, Ngati Korohue, Te Hikutu, Hapu of Ngapuhi.

RE: Application for General Authority - Quigley & Kirkpatrick, Wharau Road

Firstly, I would like to support the submission of my cousin, kaumatua and long-term resident of the Kerikeri Inlet, Esther Horton.

With her permission, I have reproduced Esthers submission here in full:

Kia ora,

My name is Esther Horton I am a longtime resident of Kerikeri Inlet Road having been raised by my grandparents and schooled in this area.

My grandfather held extensive knowledge of the culturally significant areas all around the south Inlet.

When any development was about to start in the south Inlet, Granddad always took it upon himself to check for significant sites in the area as he worried that the Pa sites would be damaged by earthworks.

I don't think there was much council /govt protection for culturaly sensitive areas in those days, if any!

When Granddad died in 1961, nobody else stepped up as kaitiaki in the south Inlet to my knowledge.

I have read through the archaeological survey done by Don Prince and am assured that the project is in good hands.

I would like to ask permission for my cousin Ian Michell and I to be on site as observers, from time to time.

Nga mihi,

Esther Horton

06/08/2024

Sent by email to Lynley Newport at Thomson Survey

I also acknowledge the input and submissions of other hapu with an interest in the site, including Ngati Rehia. To me it is unfortunate that Esther has not been acknowledged by others as the long term kaumatua, kaitiaki and ahi kaa of the Inlet. She has been doing this work as kaitiaki long before any others appeared in the area.

I also acknowledge that we were contacted earlier by Lynley at Thomson Survey. Unfortunately, this was at a time when the secretary of Kaire Edmonds Whanau Trust had passed away and things were in a state of change. I am grateful that Lynley at Thomson Survey and Heritage NZ have made the effort to reestablish contact with Esther and our whanau/hapu.

Here is my submission:

My mother Esther Tattersal was born and raised at Kerikeri Inlet, with Esther Horton's mother, Dawn Cook. They were raised on the Edmonds block as descendants of Arthur Edmonds and Erana

Kareariki on land given by Erana's whanau as chiefs of the area, prior to the signing of the Treaty of Waitangi

The ancestor Erana is known for being adamant that we are of Te Uri Taniwha hapu, ahi kaa (kept home fires burning) since the time of Kupe and that we are of the chiefly lines of Ngapuhi tuturu.

I live in Waima in Hokianga and have frequented the marae of Hokianga and Bay of Islands for more than 25 years. I have been groomed by my nannies, kaumatua of Ngapuhi in Te Reo me ona Tikanga o Ngapuhi. I have been working as a Senior Biosecurity Officer with the Ministry of Primary Industries for the past 10 years. I recently resigned and now have a research contract with Victoria University to help develop an indigenous cure to kauri dieback disease.

I have been working with Esther and the Kaire Edmonds Whanau Trust, making submissions on developments that affect the Maori cultural and environmental heritage of the Kerikeri Inlet area for the past 17 years. Esther, having been raised at the Inlet since birth and spending a lot of time with her grandfather (well-known kaitiaki of the Inlet in his time) Esther is steeped in the old knowledge of the area. She is 80 years old, has visited all the important cultural sites of the area over a lifetime, and knows most of the old residents personally. Esther represents the true meaning of Ahi Kaa and Kaitiaki.

I am nearly 60. I have spent the majority of my adult life immersed in Maori culture of Tai Tokerau. I consider I have been very fortunate to have sat with Esther over a long period to understand the home of our ancestors and Te Ukaipo o o maua mama, where our mothers were born and raised, an important part of Maori culture.

Esther knows this site, Panenawe Pa. In our oral history it was known by our ancestors as a summer camp to collect, prepare and preserve seafood. It was also an important sentry point for the hapu to oversee the passage of vessels up and down the Kerikeri Inlet to the Kerikeri River, and access to the Waimate-Taiaimai hinterland.

We are both assured by the Archaeological Report that the site will be well cared for during the redevelopment project.

Esther has asked permission for us to visit. It would be good to meet with the archaeologist and developers if that could be coordinated. As pointed out by the archaeologist, there is a possibility that cultural sites or taonga could be unearthed in the deconstruction of the concrete pad near the edge of the Pa or any other significant earthworks on site. Should such sites be unearthed we would like to be contacted immediately. Contact phone no.s and emails are at the end of this submission.

I would like to point out to the landowner the importance of the Pohutakawa trees on the cliff faces. These are likely hybrids of Pohutakawa and Rata, we call Kahika, and are often unique in character, just as the one at Cape Reinga. The recent biosecurity incursion of Myrtle Rust is a problem first found in NZ in the Kerikeri area and these trees should be checked and monitored for Myrtle Rust as they are considered to us a taonga tree.

Meeting with the archaeologist and a first visit to the site would be considered our own interest. But should we be called to the site for a cultural reason, then I would like to be able to negotiate a cost recovery for Esther and I with the developers.

Heoi ano

Ian Mitchell

Member of Te Uri Taniwha Hapu, Ahi Kaa, Kerikeri Inlet

Contacts:

Ian Mitchell Ph: 021 02989984 email: tekauri1@xtra.co.nz

Esther Horton Ph: 09 4077847 email: clarrieh@outlook.com

Appendix 7

Site Suitability Report



SUITABILITY REPORT

**456 Wharau Road
Kerikeri
(Part Lot 1 DP 61328)**

SUITABILITY REPORT

456 Wharau Road

Kerikeri

(Part Lot 1 DP 61328)

Report prepared for: Graeme Quigley

Report reference: 18556

Date: 01/02/2024

Revision: 2

Document Control

Date	Revision	Description	Prepared by:	Reviewed by:	Authorised by:
21/12/2022	1	Draft Issue	S Scott		M Jacobson
01/02/2024	2	Consent Issue	S Scott	M Jacobson	R Wright



association of
consulting and
engineering

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Appendices

A	Drawings
B	Subsurface Investigations

SUITABILITY REPORT

456 Wharau Road, Kerikeri

(Part Lot 1 DP 61328)

1.0 Introduction

RS Eng Ltd (RS Eng) has been engaged by Graeme Quigley, to investigate the suitability of his property (Part Lot 1 DP 61328) for residential construction. The purpose of this report is to assess the suitability of the building site making foundation, earthworks, stormwater and wastewater disposal recommendations.

The client proposes to construct a dwelling and make alterations to an existing cottage. The proposed dwelling is located in place of an existing dwelling.

2.0 Site Description

This 4.5ha property is located on the northern side of Wharau Road, nearing the access to Wharau Road Beach. The property is typically made up of a northwest running ridgeline with steep to very steep slopes across the eastern boundary down to the beach front, and slopes to the west generally sloping gently to moderately. The proposed dwelling is located on the northern point of the ridge.



Figure 1: Part Lot 1 DP 61328

3.0 Desk Study

3.1 Referenced/Reviewed Documents

The following documents have been referenced in this report:

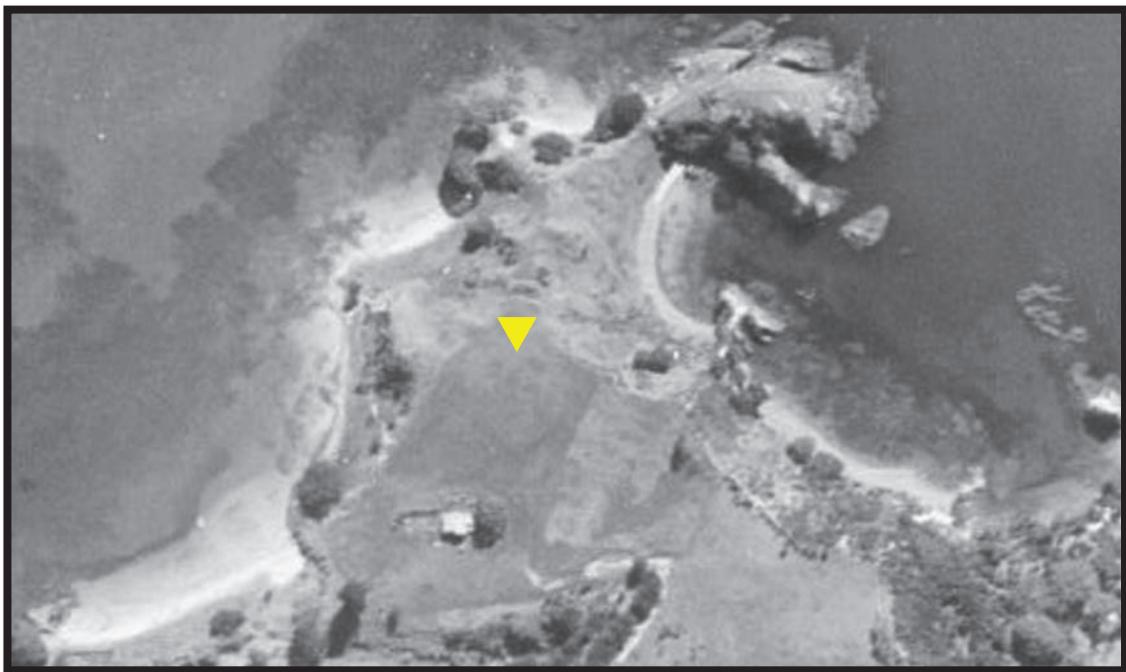
- GNS – Geology Of The Whangarei Urban Area – White & Perrin – 2003.

3.2 Site Geology

The GNS 1:250,000 scale New Zealand Geology Web Map indicates that the property is located within an area that is underlain by Waipapa Group, described as follows: *“Volcaniclastic sandstone and argillite with tectonically included basalt, chert and siliceous argillite.”*

3.3 Aerial Photography

RS Eng has undertaken a review of historical aerial photography, specifically three images, from 1951, 1968 and 1982. See Figure 2 below of the 1951 Image. Reviewing these images, it was noted that no development took place until the 1982 imagery, where the southern portion of the existing dwelling and cottage had been constructed. The formation of the coastline was observed to remain the same. Review of Google Earth imagery observed inferred shallow landslides along the eastern slope in 2012 and 2016 at two locations annotated in Figure 3. Locations of these were also noted during our walkover investigation.



**Figure 2: 1952 Aerial Image (Source: www.Retrolens.co.nz)
(Yellow marker of building site)**



Figure 3: 2016 Google Earth imagery

4.0 Field Investigation

A Technician from this office visited the property on 21 and 22 November 2022 to undertake a walkover inspection and seven hand augers.

During the walkover inspection, two locations of recent surface failures as described above were observed east of the dwelling and further south along the coastline. The larger failure, annotated as (1) above being located west of dwelling, was noted to be 10-15m wide, covered in hessian matting with regenerating vegetation. The failures were noted to be within the surface soils (approx. 1.5m deep).

Observation of an existing >3m high retaining located north of dwelling observed no signs of instability, the low height landscape wall appeared to show some signs of rotational movement. The existing buildings lacked signs of deformation.

The hand augers were dug to a maximum depth of 5.2mbgl. Shear vane readings were taken at regular intervals throughout the borehole. Soil and rock descriptions are in general accordance with the New Zealand Geotechnical Society guideline.

Geo Data Solutionz NZ Ltd (GDS Ltd) completed three Cone Penetration Tests on 23 November 2022. The depths extended to 21.3m, 23.03m and 17.73mbgl. The CPT refused due to maximum U2.

5.0 Subsoil Conditions

Interpretation of subsurface conditions are based on the investigations shown on the drawings in Appendix A. The conditions are summarised below;

- Topsoil was encountered to 0.2mbgl.
- Fill was not encountered during the investigation, based on the platform formation for the existing dwelling, fill is likely present across the northern portion of the site nearing the slopes.
- Residual soils of Waipapa Group consisted very stiff silty clays, extending between 1.2m-1.4mbgl overlying completely weathered Greywacke. In-situ Undrained Shear Strengths exceeded 195kPa.
- Completely weathered Greywacke being very weak, consisted of silty clays and clayey silts. In-situ Undrained Shear Strengths ranged from 153kPa to greater than 195kPa.
- Groundwater was not encountered during the investigation.

6.0 Geotechnical Assessment

6.1 Slope Stability

The property is underlain by Waipapa Group, consisting of 1.2m-1.4m of residual soil overlying completely weathered greywacke. The Waipapa Group is generally considered stable on slope angles up to and greater than 30°. The effects of soil creep are generally apparent on slopes greater than 15° and as slopes angles increase the common mechanism of slope instability is translational failure, where the surface clayey soils slide over the weathered rock. As outlined above, shallow translational failures were observed at this property. The proposed dwelling/deck is setback a minimum of 5m from very steep slopes (30-35°). The existing buildings showed no signs of deformation or instability.

To mitigate the effect of translational failures encroaching the building site, specific design of retaining structures should be constructed. A 25° line of influence has been taken from the base to the top of the slope to determine the extent where mitigation measures are required. Where foundations are within a horizontal distance of 8m from the crest of steep slopes, these structures will be required, specifically designed to account for a potential failure depth of 2.0m. Further details have been included in section 9.5. The client may want to consider structures that provide protection to the land for machinery access to amenity areas on property. Based on the above assessment and provided the recommendations within this report are complied with, RS Eng consider the risk of slope instability to the building work as low.

6.2 Liquefaction

The proposal is positioned on land underlain by the Waipapa group made up of cohesive and plastic material being well elevated. RS Eng considers the risk of liquefaction to be low.

6.3 Expansive Soils

The clayey soils encountered on-site are likely to be subject to volumetric change with seasonal changes in moisture content (wet winters / dry summers); this is known as expansive or reactive soils. Apart from seasonal changes in moisture content other factors that can influence soil moisture content at the include:

- Influence of garden watering and site drainage.
- The presence of large trees close to buildings. Large trees can cause variation in the soil moisture content for a distance of up to 1.5 times their mature height.
- Initial soil moisture conditions during construction, especially during summer and more so during a drought. Building platforms that have dried out after initial excavation should be thoroughly wet prior to any floor slabs being poured.
- Plumbing leaks.

Based on the results previous testing in similar material and geology, RS Eng Ltd consider the soils as being Class H1 (Highly Expansive) as per AS2870.

7.0 On-site Wastewater Disposal

7.1 Site Evaluation

The wastewater disposal system for existing dwelling and cottage was observed to be a primary treatment system being septic tank to a soakage field. The field could not be located nor could as-builts be obtained. A new and separate wastewater system has been proposed for the new dwelling only. The alterations to the existing cottage will be removing a bedroom and so further assessment of this system is not required.

The land available for effluent disposal is moderately sloped (less than 16°) and linear planar. Subsoil investigations have assessed the soil as Category 5 as per AS/NZS1547. RS Eng recommend the use of a secondary treatment system loading surface pressure compensating drip irrigation line within a planted and fenced area. These systems use lower application rates, and are easily laid around the boundary and on sloping ground when compared with conventional type soakage bed systems.

Disposal fields laid on ground slopes over 10° require a 10m vegetated buffer zone downslope of the lowest irrigation line to be included as part of the disposal field area, complying with the

relevant Northland Regional Council Regional Plan Rules for discharge of treated effluent to land. This has been indicated on Sheet 1 of Appendix A.

7.2 Design

The proposed dwelling has three bedrooms an office and media room, therefore the design will account for five bedrooms. The design calculations are presented in Table 1 below.

Table 1: Wastewater Disposal Calculations

Number of Bedrooms	5	No.
Number of Persons	8	No.
Flow Allowance	180	L/person/Day
Total Flow	1440	L/Day
Irrigation Rate (DIR)	3	L/m ² /day
Slope Reduction Factor	0	%
Irrigation Area Required	480	m ²
Irrigation Line Spacing	1	m

7.3 Northland Regional Council Discharge Compliance

Table 2 below demonstrates compliance with the Northland Regional Council’s New Regional Plan.

Table 2: NRC Permitted Discharge Compliance

Feature	Proposed Regional Plan	Available
Identified Stormwater Flow Path	5m	>5m
River, Lake, Pond, Stream, Dam or Wetland	15m	>15m
Existing Water Supply Bore	20m	>20m
Property Boundary	1.5m	>1.5m
Groundwater	0.6m	>0.6m
10m Buffer Zone	Slopes >10°	>10°
Floodplain Exclusion	5% AEP	>5% AEP
Reserve area	30%	>30%

8.0 Stormwater Assessment

The property is within a Coastal zone on FNDC maps. As per section 10.6.5.1.6 of the Operative plan, *“The maximum proportion of the gross site area covered by buildings and other impermeable surfaces shall be 10%.”* As the remaining surfaces and proposed surfaces are not expected to exceed 10% of the lot area and that stormwater discharges directly to a tidal environment, stormwater attenuation is not required.

Uncontrolled stormwater can cause significant erosion and instability. Stormwater from the buildings are currently piped to onsite storage tanks. Stormwater from the roof of the proposed dwelling should also be collected and piped to tanks with the overflow piped to a rock lined outlet at the driveway drain where stormwater follows Wharau Road, directed to the beach. On no account should stormwater be discharged in an uncontrolled manner, nor is stormwater to discharge onto or over the steep slopes.

9.0 Engineering Recommendations

9.1 Site Subsoil Class

In accordance with NZS 1170.5:2004, Section 3.12.3 the site has been assessed for its Site Subsoil Class. Based on the observation listed above, RS Eng considers the site soils lie within Site Class C *“Shallow Soil Site”*.

9.2 Earthworks

To form level access to and create a building platform for the dwelling, earthworks are proposed, the following is recommended:

- Fills are proposed beyond the northern extent of the dwelling, to a depth up to 1.1m. Where fill is placed within 5m of surrounding steep slopes retaining structures shall be incorporated to ensure the stability of the fill and avoid surcharging steep slopes.
- Cuts should be limited 1.0m without further geotechnical review.
- All remnants of the existing dwelling and any unsuitable material shall be suitably removed, and an inspection completed by RS Eng.
- Cut and fill batters should be sloped at angles less than 1V to 3H or be suitably retained.
- Site works shall generally be completed in accordance with NZS4431.

Steep temporary excavations should not be left unsupported for extended periods of time, or when impending bad weather.

9.3 Existing Timber Retaining Wall

An existing 2-3m high timber retaining wall is located along the north western side of the existing and proposed dwelling. A 1.1m high fill batter is proposed to extend to near the top of this wall. The FNDC holds no design or as-built documentation of the existing retaining wall. Given the proposed fills, and proximity of the proposed building works, creating additional surcharge on this wall, works shall be undertaken to increase the stability of the existing wall. Such works could incorporate anchoring of the existing retaining wall to soldier piles or similar, refer to Section 9.5.

9.4 Foundations

It is proposed to construct a dwelling with a timber floor on timber piled foundations. To suitably found the proposed construction, RS Eng make the following recommendations:

- All foundations should be specifically designed by a suitably experienced Chartered Professional Engineer account for Class H1 soils.
- Isolated type NZS3604 type foundations shall extend a minimum of 0.9m to account for Class H1 soils.
- Refer to Section 9.5 for specifically designed structures to account for a potential failure depth of 2.0m.

Notwithstanding the recommendations of this report, for specific design of shallow foundations RS Eng has assessed the following:

- 300kPa Ultimate Bearing Capacity (Geotechnical Ultimate)
- 150kPa Dependable Bearing Capacity (Ultimate Limit State)
- 100kPa Allowable Bearing Capacity (Serviceability Limit State)

9.5 Protection Structures

Solider piles, retaining walls or a combination of leading-edge piles or similar are required to mitigate the effects of slope instability encroaching the building site. These structures should be installed where the dwelling does not achieve the 8m setback from the crest of the slopes as outlined in Section 6.1 above.

These shall be specifically designed by a suitably Chartered Professional Engineer familiar with the contents of this report, accounting for a minimum potential evacuation depth of 2.0m below natural ground level and consider the potential future fore slope and effective retaining width spaced at no greater than 3 times the pile diameter. Assessed design parameters have been outlined in Table 3.

Table 3: Assessed Design Parameters

Parameter	Residual Soil	Completely Weathered Waipapa
Soil Density (kN/m ³)	18	18
Friction Angle (°)	28	30
Drained Cohesion (kPa)	0*	5*
Undrained Shear Strength (kPa)	60	80

*Drained cohesion should be taken as 0 on the active side.

9.6 Timber Pole Retaining Walls

Retaining walls shall be specifically designed by a suitably experienced Chartered Professional Engineer similar with the contents of this report, using the soil parameters presented in Table 3. Where walls are located on/adjacent to slopes greater than 15°-22°, 1.0m of creep should be accounted for and for slopes >22°, 2.0m of creep should be accounted for.

10.0 Drawing Review

It is recommended that RS Eng Ltd carry out a review of final development drawings prior to submittal for building consent. The review is to confirm that the recommendations outlined in this report have been applied in full and correctly to the design.

11.0 Construction Monitoring and Producer Statements

RS Eng recommend a suitably experienced Chartered Professional Engineer monitor the construction of the following works:

- Excavations of house removal to confirm subsoil conditions.
- Foundation excavations to confirm the design soil/rock strengths.

Any works not inspected will be excluded from future producer statements (PS4) to be issued by RS Eng. In any event, where doubt exists regarding inspections, this office should be contacted for advice, and provided with reasonable notice of inspections.

12.0 Conclusions

It is the conclusion of RS Eng Ltd that the building area is suitable for the proposal provided the recommendations and limitations stated within this report are adhered to.

RS Eng Ltd also concludes that subject to the recommendations of this report, in terms of Section 72 of the Building Act 2004;

(a) the building work to which an application for a building consent relates will not accelerate, worsen, or result in slippage or subsidence on the land on which the building work is to be carried out or any other property; and

(b) the land is neither subject to nor likely to be subject to slippage or subsidence.

13.0 Limitations

This report has been prepared solely for the benefit of our client. The purpose is to determine the engineering suitability of the proposed dwelling and cottage alterations, in relation to the material covered by the report. The reliance by other parties on the information, opinions or recommendations contained therein shall, without our prior review and agreement in writing, do so at their own risk.

Recommendations and opinions in this report are based on data obtained as previously detailed. The nature and continuity of subsoil conditions away from the test locations are inferred and it should be appreciated that actual conditions could vary from those assumed. If during the construction process, conditions are encountered that differ from the inferred conditions on which the report has been based, RS Eng should be contacted immediately.

Construction site safety is the responsibility of the builder/contractor. The recommendations included herein should not be construed as direction of the contractor's methods, construction sequencing or procedures. RS Eng can provide recommendations if specifically engaged to, upon request.

This report does not address matters relating to the National Environmental Standard for Contaminated Sites, and if applicable separate advice should be sought on this matter from a suitably qualified person.

Prepared by:



Sarah Scott
Engineering Technician
NZDE(Civil)

Approved by:



Rachel Wright
Director
BE(Civil), CPEng, CMEngNZ, IntPE(NZ)

Reviewed by:



Matthew Jacobson
Director
NZDE(Civil), BE(Hons)(Civil), CPEng, CMEngNZ

RS Eng Ltd

Appendix A

Drawings

NOTES:

- All services should be located on-site prior to commencement of works.
- All works to comply with all relevant local authority by-laws and council regulations where applicable.
- Contractors to confirm all dimensions on site prior to commencing any work.
- Do not scale off drawings.
- These drawings are to be read in conjunction with specifications - plans take precedence.
- If any part of these documents are unclear, please contact RSEng Ltd.
- This plan is copyright to RSEng Ltd and should not be reproduced without prior permission.

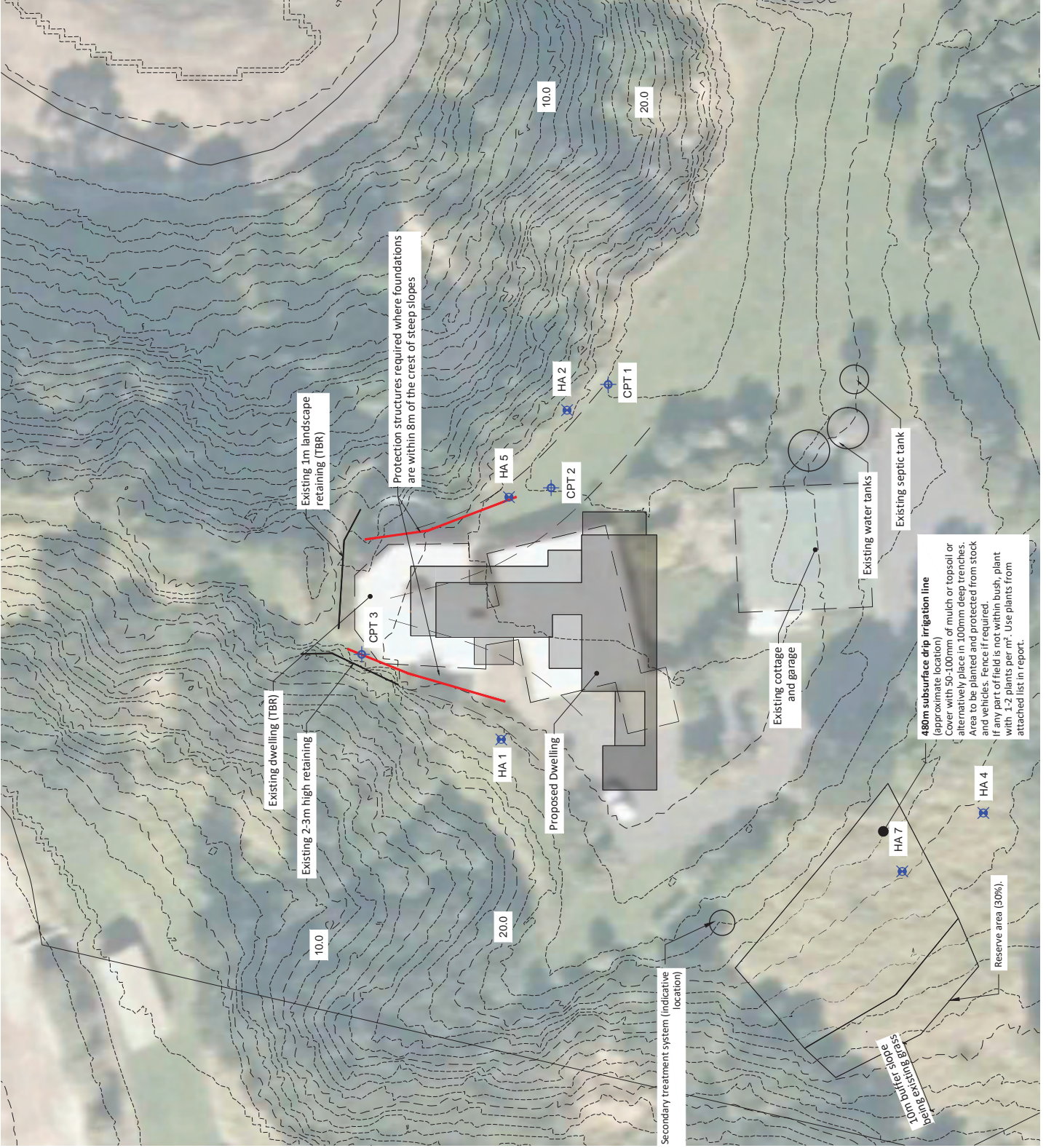


KEY

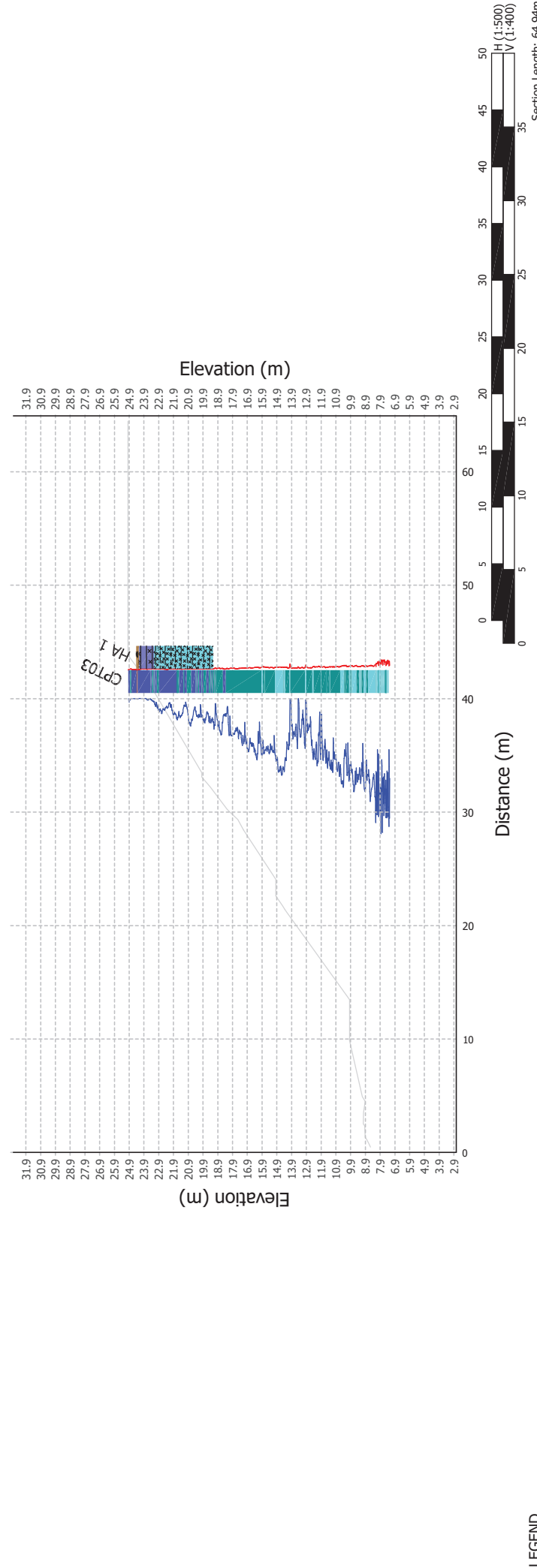
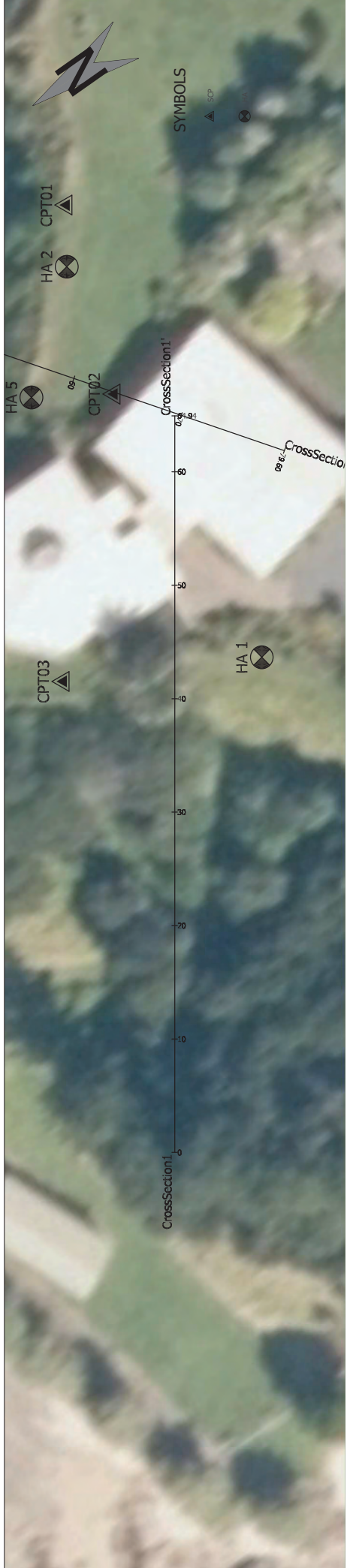
✕ Hand Auger Location

⊕ Cone Penetration Test Location

Contours are shown at 2.0m crs.
Contours are derived from LIDAR (2018)
and are shown at OTP64 Vertical Datum.



RS Eng Ltd 09 438 3273 office@rseng.co.nz 2 Seaview Road, Whangarei 0110		Title Site Plan	
Client Graeme Quijigley		Location 456 Wharau Road Kenikeri	
23/11/2023	B	Plan Change	Rev A
24/11/2022	A	Original Issue	Sheet A3
Date	Rev	Notes	File #
Scale	Original	Approved	18556
1:500	A3	SS	MJ
Drawn	Approved	File #	1



RS Eng

Geotechnical investigations

LEGEND

- Silty CLAY
- CLAY to Silty CLAY
- clayey SILT to Silty CLAY
- silty SAND to sandy SILT
- Silty CLAY
- TOPSOIL
- Clayey SILT
- CPT - Probe - qc
- CPT - Probe - u2
- Ground Surface

TITLE:

DRAWN: SS

CHECKED: MJ

SCALE: H 1:500 V 1:400

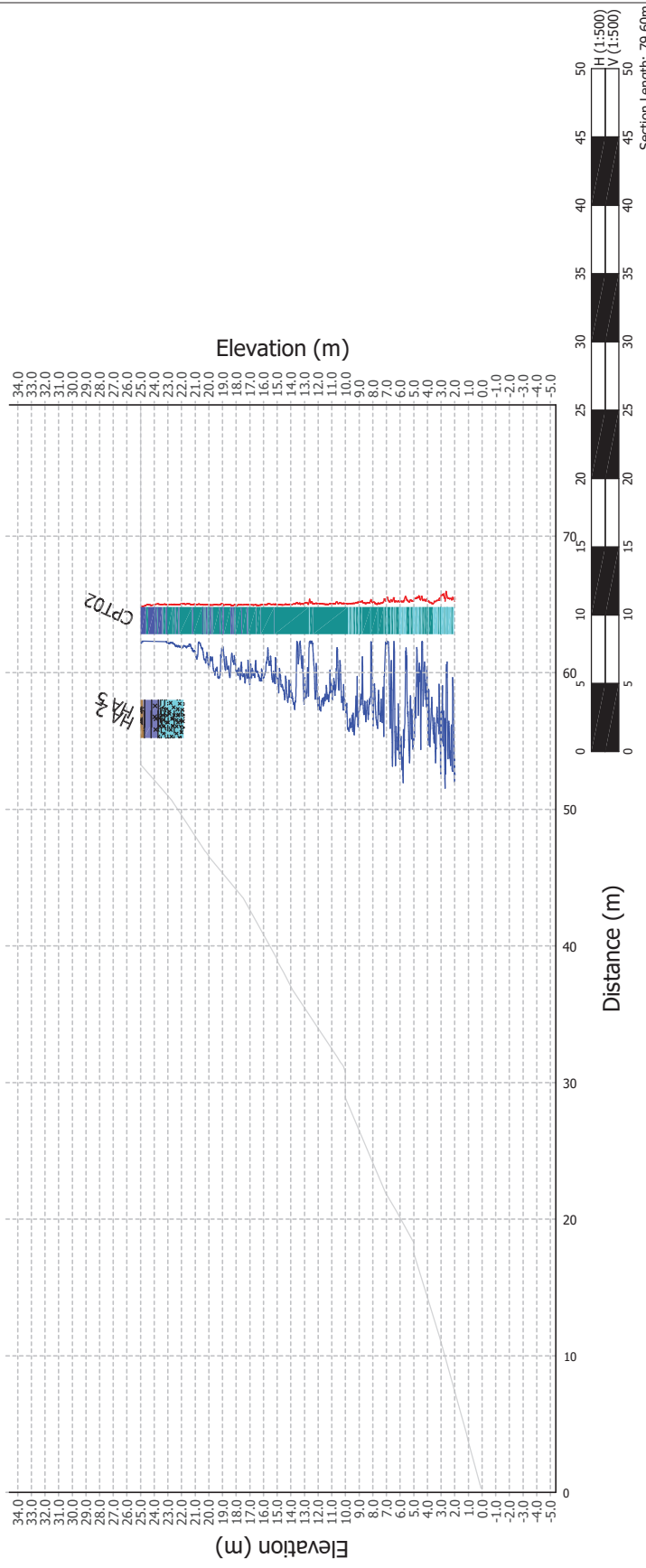
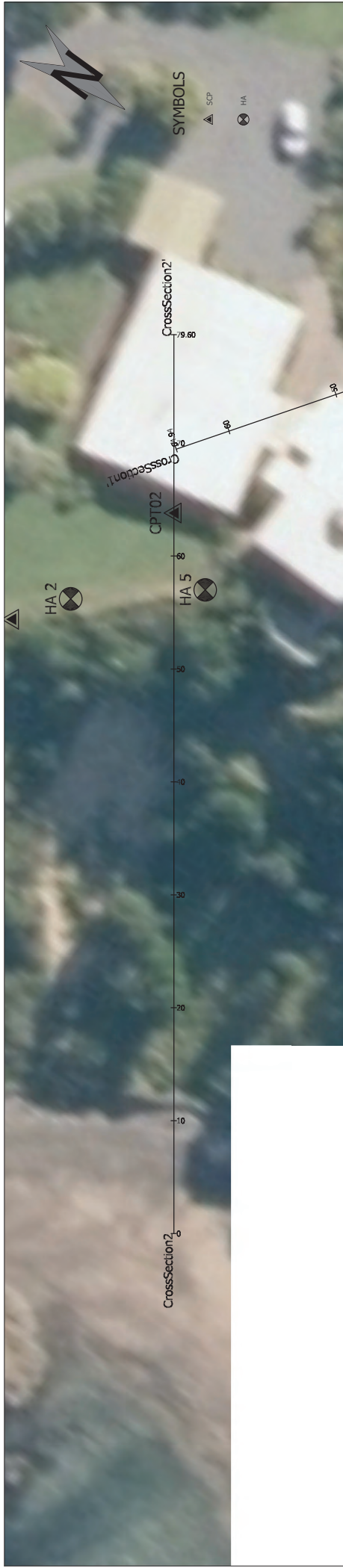
PROJECT No: 18556

FIGURE No: CrossSection1

DATE:

DATE:

A4



LEGEND

- Silly CLAY
- CLAY to Silty CLAY
- clayey SILT to Silty CLAY
- silty SAND to sandy SILT
- SILT
- Clayey SILT
- TOPSOIL
- CPT - Probe - qc
- CPT - Probe - u2
- Ground Surface

RS Eng

TITLE:

Geotechnical investigations

DRAWN: SS

CHECKED: MJ

SCALE: H 1:500 V 1:500

PROJECT No: 18556

FIGURE No: CrossSection2

DATE:

DATE:

FIGURE No: A4

Appendix B

Subsurface Investigations

HAND AUGER LOG

HOLE NO.:
HA 1

CLIENT:
PROJECT: Geotechnical Investigations

JOB NO.:
18556

SITE LOCATION: 456 Wharau Road, Kerikeri
 CO-ORDINATES: 1695337mE, 6103690mN

ELEVATION: Ground

START DATE: 21/11/2022
 END DATE:
 LOGGED BY: SS

UNIT	MATERIAL DESCRIPTION (See Classification & Symbology sheet for details)	SAMPLES	DEPTH (m)	LEGEND	SCALA PENETROMETER (Blows / 0mm)							VANE SHEAR STRENGTH (kPa) Vane: GEO415				WATER				
					2	4	6	8	10	12	14	16	18	50	100		150	200	Values	
TS	SILT; dark brown. Firm; moist.		0.2	TS																
	Silty CLAY; orange. Very stiff; moist; low plasticity.		0.4																	195+
			0.6																	-
			0.8																	
			1.0																	195+
			1.2																	-
	Completely weathered; GREYWACKE. Clayey SILT, with trace sand; orange, white yellow mottling. Very stiff; moist; dilatant.		1.4																	167
	----- Becoming reddish pink, increase moisture		1.6																	56
			1.8																	
			2.0																	153
			2.2																	42
			2.4																	
			2.6																	160
Waipapa Gr	Clayey SILT, with some gravel, with minor sand; orange and white some red. Very stiff; moist; low plasticity; gravel, fine, subangular; sand, fine.		2.8																	49
			3.0																	153
			3.2																	42
			3.4																	
			3.6																	181
			3.8																	70
			4.0																	195+
			4.2																	-
			4.4																	195+
			4.6																	-
			4.8																	
			5.0																	195+
			5.2																	-
End Of Hole: 5.20m																				

PHOTO(S)



REMARKS

WATER

- ▼ Standing Water Level
- ▽ Out flow
- ↖ In flow

INVESTIGATION TYPE

- Hand Auger
- Test Pit

HAND AUGER LOG

HOLE NO.:
HA 2

CLIENT:
PROJECT: Geotechnical Investigations

JOB NO.:
18556

SITE LOCATION: 456 Wharau Road, Kerikeri
 CO-ORDINATES: 1695375mE, 6103684mN

ELEVATION: Ground

START DATE: 21/11/2022
 END DATE:
 LOGGED BY: SS

UNIT	MATERIAL DESCRIPTION (See Classification & Symbology sheet for details)	SAMPLES	DEPTH (m)	LEGEND	SCALA PENETROMETER (Blows / 0mm)							VANE SHEAR STRENGTH (kPa) Vane: GEO415				WATER				
					2	4	6	8	10	12	14	16	18	50	100		150	200	Values	
TS	Silty; dark brown. Firm; moist.		0.2	TS																
Waipapa Gr	Silty CLAY; orange. Very stiff; moist; low plasticity.		0.4																195+	
			0.6																-	
		0.8																	195+	
		1.0																	-	
	Completely weathered; GREYWACKE. Clayey SILT, with trace sand; orange, white yellow mottling. Very stiff; moist; low plasticity.		1.4																195+	
		1.6																	-	
	Thin to thick beds of clayey SILT, white, stiff, moist and clayey SILT with minor gravels, orange, stiff, moist		1.8																	181
			2.0																	70
			2.2																	-
			2.4																	195+
	2.6																	-		
	2.8																		195+	
	3.0																		-	
	3.2																		-	
	Too dense to auger End Of Hole: 3.20m		3.4																	
			3.6																	
			3.8																	
			4.0																	
			4.2																	
			4.4																	
			4.6																	
			4.8																	
			5.0																	
			5.2																	

PHOTO(S)



REMARKS

WATER

- ▼ Standing Water Level
- ▽ Out flow
- ↖ In flow

INVESTIGATION TYPE

- Hand Auger
- Test Pit



HAND AUGER LOG

HOLE NO.:
HA 3

CLIENT:
PROJECT: Geotechnical Investigations

JOB NO.:
18556

SITE LOCATION: 456 Wharau Road, Kerikeri
CO-ORDINATES: 1695450mE, 6103578mN

ELEVATION: Ground

START DATE: 21/11/2022

END DATE:

LOGGED BY: SS

UNIT	MATERIAL DESCRIPTION (See Classification & Symbology sheet for details)	SAMPLES	DEPTH (m)	LEGEND	SCALA PENETROMETER (Blows / 0mm)										VANE SHEAR STRENGTH (kPa) Vane: GEO415				WATER			
					2	4	6	8	10	12	14	16	18	50	100	150	200	Values				
TS	Silty; dark brown. Firm; moist.		0.2	TS																		
Waipapa Gr	Silty CLAY; orange. Very stiff; moist; low plasticity.		0.4																		195+	Groundwater Not Encountered
			0.6																			
		0.8																			-	
		1.0																			195+	
		1.2																			-	
		1.4																			195+	
		1.6																			-	
		1.8																			-	
		2.0																			195+	
		2.2																			-	
	2.4																			195+		
	End Of Hole: 2.50m		2.6																	-		
			2.8																			
			3.0																			
			3.2																			
			3.4																			
			3.6																			
			3.8																			
			4.0																			
			4.2																			
			4.4																			
			4.6																			
			4.8																			
			5.0																			
			5.2																			

PHOTO(S)

REMARKS

WATER

- ▼ Standing Water Level
- ▽ Out flow
- ↖ In flow

INVESTIGATION TYPE

- Hand Auger
- Test Pit

 <p>RS Eng Ltd 09 438 3273 office@RSEng.co.nz 2 Seaview Road, Whangarei 0110</p>	<h2 style="margin: 0;">HAND AUGER LOG</h2>	HOLE NO.: <h3 style="margin: 0;">HA 4</h3>
CLIENT: PROJECT: Geotechnical Investigations		JOB NO.: <h3 style="margin: 0;">18556</h3>

SITE LOCATION: 456 Wharau Road, Kerikeri CO-ORDINATES: 1695331mE, 6103627mN	ELEVATION: Ground	START DATE: 21/11/2022 END DATE: LOGGED BY: SS
--	--------------------------	---

UNIT	MATERIAL DESCRIPTION <small>(See Classification & Symbolology sheet for details)</small>	SAMPLES	DEPTH (m)	LEGEND	SCALA PENETROMETER <small>(Blows / 0mm)</small>										VANE SHEAR STRENGTH <small>(kPa)</small>				WATER	
					2	4	6	8	10	12	14	16	18	50	100	150	200	Values		
TS	Silty; dark brown. Firm; moist.		0.2	TS																
Waipapa Gr	Silty CLAY; orange. Very stiff; moist; low plasticity.		0.4	TS											195+				Groundwater Not Encountered	
			0.6	TS											-					
			0.8	TS											-					
			1.0	TS											195+					
			1.2	TS											-					
			1.4	TS											195+					
			1.6	TS											-					
			1.8	TS											-					
			2.0	TS											195+					
			2.2	TS											-					
			2.20m		2.2	TS														
				2.4																
			2.6																	
			2.8																	
			3.0																	
			3.2																	
			3.4																	
			3.6																	
			3.8																	
			4.0																	
			4.2																	
			4.4																	
			4.6																	
			4.8																	
			5.0																	
			5.2																	

<p style="text-align: center; margin: 0;">PHOTO(S)</p>	<p style="text-align: center; margin: 0;">REMARKS</p>
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---	--



RS Eng Ltd
09 438 3273
office@RSEng.co.nz
2 Seaview Road,
Whangarei 0110

HAND AUGER LOG

HOLE NO.:
HA 5

CLIENT:
PROJECT: Geotechnical Investigations

JOB NO.:
18556

SITE LOCATION: 456 Wharau Road, Kerikeri
CO-ORDINATES: 1695367mE, 6103694mN

ELEVATION: Ground

START DATE: 21/11/2022
END DATE:
LOGGED BY: SS

UNIT	MATERIAL DESCRIPTION (See Classification & Symbology sheet for details)	SAMPLES	DEPTH (m)	LEGEND	SCALA PENETROMETER (Blows / 0mm)										VANE SHEAR STRENGTH (kPa) Vane: GEO415				WATER		
					2	4	6	8	10	12	14	16	18	50	100	150	200	Values			
TS	Silt; dark brown. Firm; moist.		0.2	TS																	
Waipapa Gr	Silty CLAY; orange. Very stiff; moist; low plasticity.		0.4																	195+	Groundwater Not Encountered
			0.6																	-	
			0.8																	-	
			1.0																	195+	
			1.2																	-	
	Completely weathered; GREYWACKE. Clayey SILT, with trace sand; orange, white yellow pink mottling. Very stiff; moist; low plasticity.		1.4																	195+	
	Some minor fine sand and gravels		1.6																	-	
			1.8																	-	
			2.0																	195+	
	SILT, with some clay, with minor sand; pink orange and white. Very stiff; moist; low plasticity; sand, fine.		2.2																	-	
		2.4																	195+		
		2.6																	-		
		2.8																	-		
		3.0																	195+		
		3.2																	-		
Too dense to auger End Of Hole: 3.20m			3.4																		
			3.6																		
			3.8																		
			4.0																		
			4.2																		
			4.4																		
			4.6																		
			4.8																		
			5.0																		
			5.2																		

PHOTO(S)



REMARKS

WATER

- ▼ Standing Water Level
- ▽ Out flow
- ↔ In flow

INVESTIGATION TYPE

- Hand Auger
- Test Pit



HAND AUGER LOG

HOLE NO.:
HA 6

CLIENT:
PROJECT: Geotechnical Investigations

JOB NO.:
18556

SITE LOCATION: 456 Wharau Road, Kerikeri
CO-ORDINATES: 1695456mE, 6103575mN

ELEVATION: Ground

START DATE: 21/11/2022

END DATE:

LOGGED BY: SS

UNIT	MATERIAL DESCRIPTION <small>(See Classification & Symbology sheet for details)</small>	SAMPLES	DEPTH (m)	LEGEND	SCALA PENETROMETER <small>(Blows / 0mm)</small>									VANE SHEAR STRENGTH <small>(kPa)</small>				WATER						
					2	4	6	8	10	12	14	16	18	Vane: 50 100 150 200 Values										
TS	SILT; dark brown. Stiff; non-plastic.		0.2	TS																				
Waipapa Gr	Silty CLAY; orange. Very stiff; moist; low plasticity.		0.4	TS																				
			0.6	TS																				
			0.8	TS																				
			1.0	TS																				
	End Of Hole: 1.20m		1.2	TS																				
			1.4																					
			1.6																					
			1.8																					
			2.0																					
			2.2																					
			2.4																					
			2.6																					
			2.8																					
			3.0																					
			3.2																					
			3.4																					
			3.6																					
			3.8																					
			4.0																					
			4.2																					
			4.4																					
			4.6																					
			4.8																					
			5.0																					
			5.2																					

PHOTO(S)

REMARKS

WATER

- Standing Water Level
- Out flow
- In flow

INVESTIGATION TYPE

- Hand Auger
- Test Pit



HAND AUGER LOG

HOLE NO.:
HA 7

CLIENT:
PROJECT: Geotechnical Investigations

JOB NO.:
18556

SITE LOCATION: 456 Wharau Road, Kerikeri
CO-ORDINATES: 1695326mE, 6103634mN

ELEVATION: Ground

START DATE: 21/11/2022
END DATE:
LOGGED BY: SS

UNIT	MATERIAL DESCRIPTION (See Classification & Symbolology sheet for details)	SAMPLES	DEPTH (m)	LEGEND	SCALA PENETROMETER (Blows / 0mm)										VANE SHEAR STRENGTH (kPa) Vane: GEO415				WATER				
					2	4	6	8	10	12	14	16	18	50	100	150	200	Values					
TS	Silt; dark brown. Firm; moist.		0.2	TS																			
Waipapa Gr	Silty CLAY; orange. Very stiff; moist; low plasticity.		0.4																		195+	Groundwater Not Encountered	
			0.6																				-
			0.8																				-
			1.0																				195+
			1.2																				-
			1.4																				195+
			1.6																				-
			1.8																				
			2.0																				
			2.2																				
			2.4																				
			2.6																				
			2.8																				
			3.0																				
	3.2																						
	3.4																						
	3.6																						
	3.8																						
	4.0																						
	4.2																						
	4.4																						
	4.6																						
	4.8																						
	5.0																						
	5.2																						

Completely weathered; GREYWACKE.
Clayey SILT, with trace sand; orange, white yellow pink mottling.
Very stiff; moist; low plasticity.
End Of Hole: 1.50m

PHOTO(S)

REMARKS

WATER

- ▼ Standing Water Level
- ▽ Out flow
- ↶ In flow

INVESTIGATION TYPE

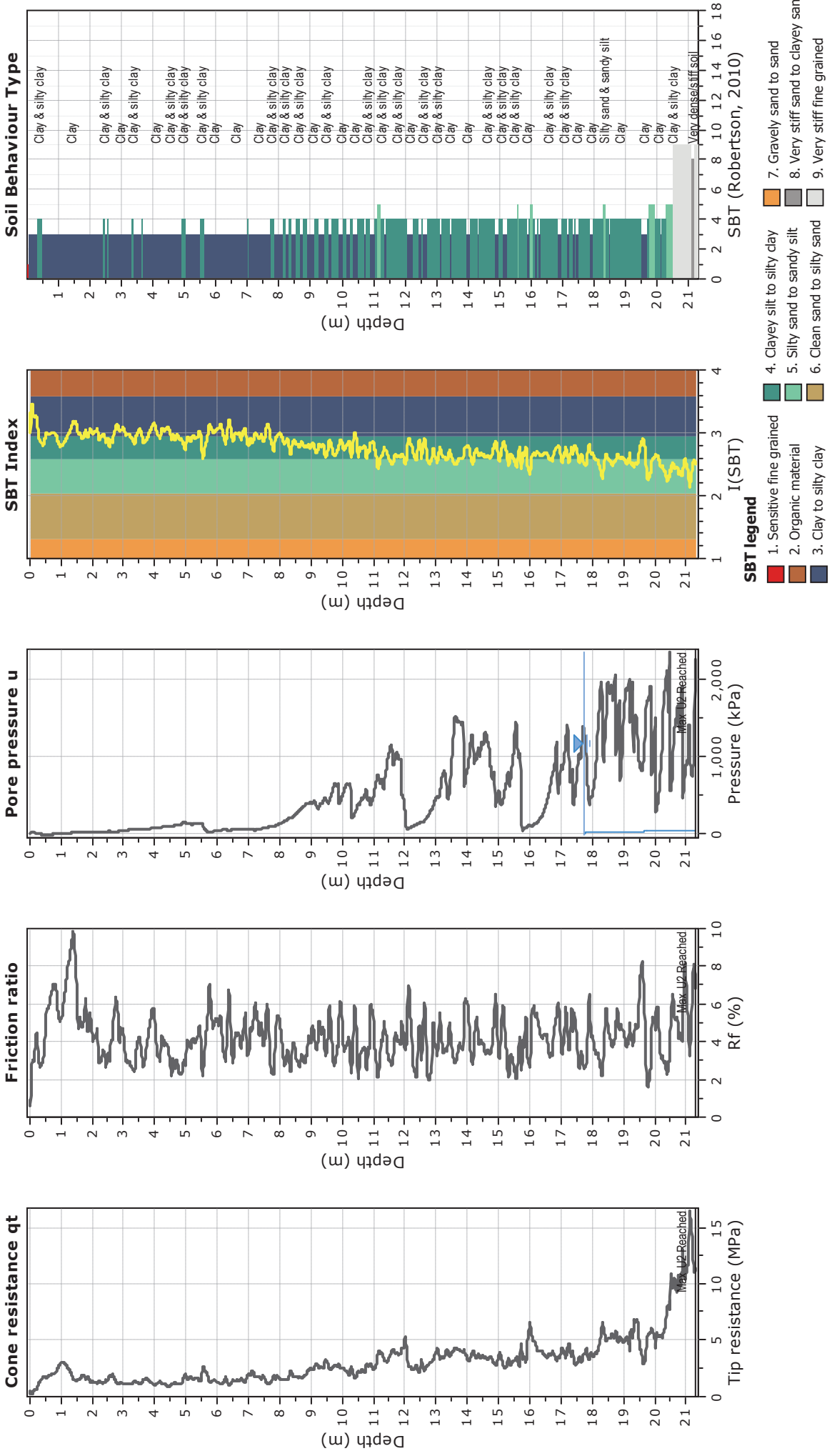
- Hand Auger
- Test Pit



Geo Data Solutions (GDS) NZ Ltd.
 Email: directors@gdsnz.co.nz
 www.gdsnz.co.nz

Project: RS Eng Ltd | RS18556 | GDS NZ Ltd.
Location: 456 Wharau Rd - Kerikeri | No Groundwater Measured - Dry

CPT: 01
 Total depth: 21.30 m, Date: 25/11/2022
 Coords: lat -35.205348° lon 174.047841°

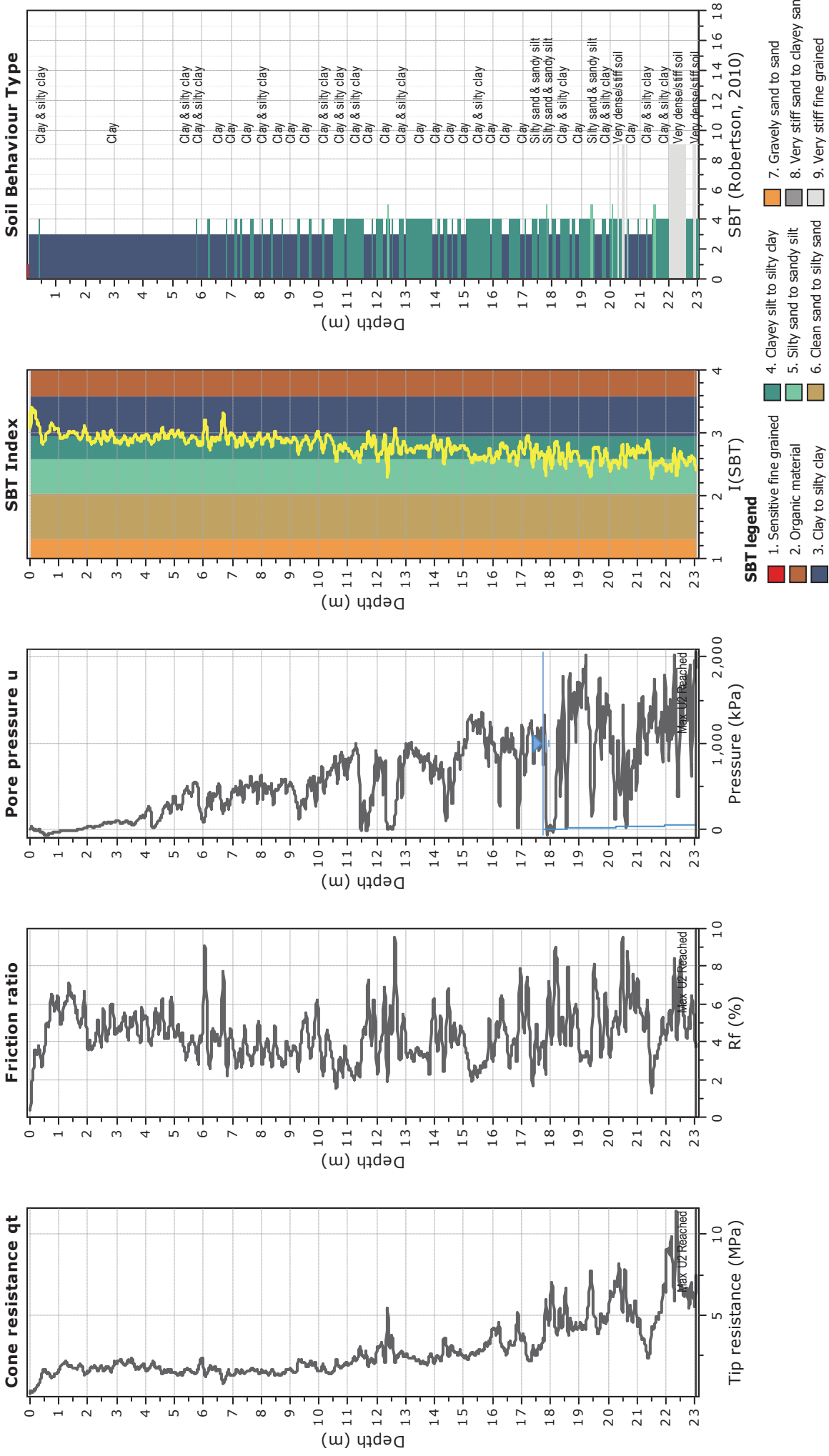




Geo Data Solutions (GDS) NZ Ltd.
 Email: directors@gdsnz.co.nz
 www.gdsnz.co.nz

Project: RS Eng Ltd | RS18556 | GDS NZ Ltd.
Location: 456 Wharau Rd - Kerikeri | No Groundwater Measured - Dry

CPT: 02
 Total depth: 23.03 m, Date: 25/11/2022
 Coords: lat -35.205294° lon 174.047664°



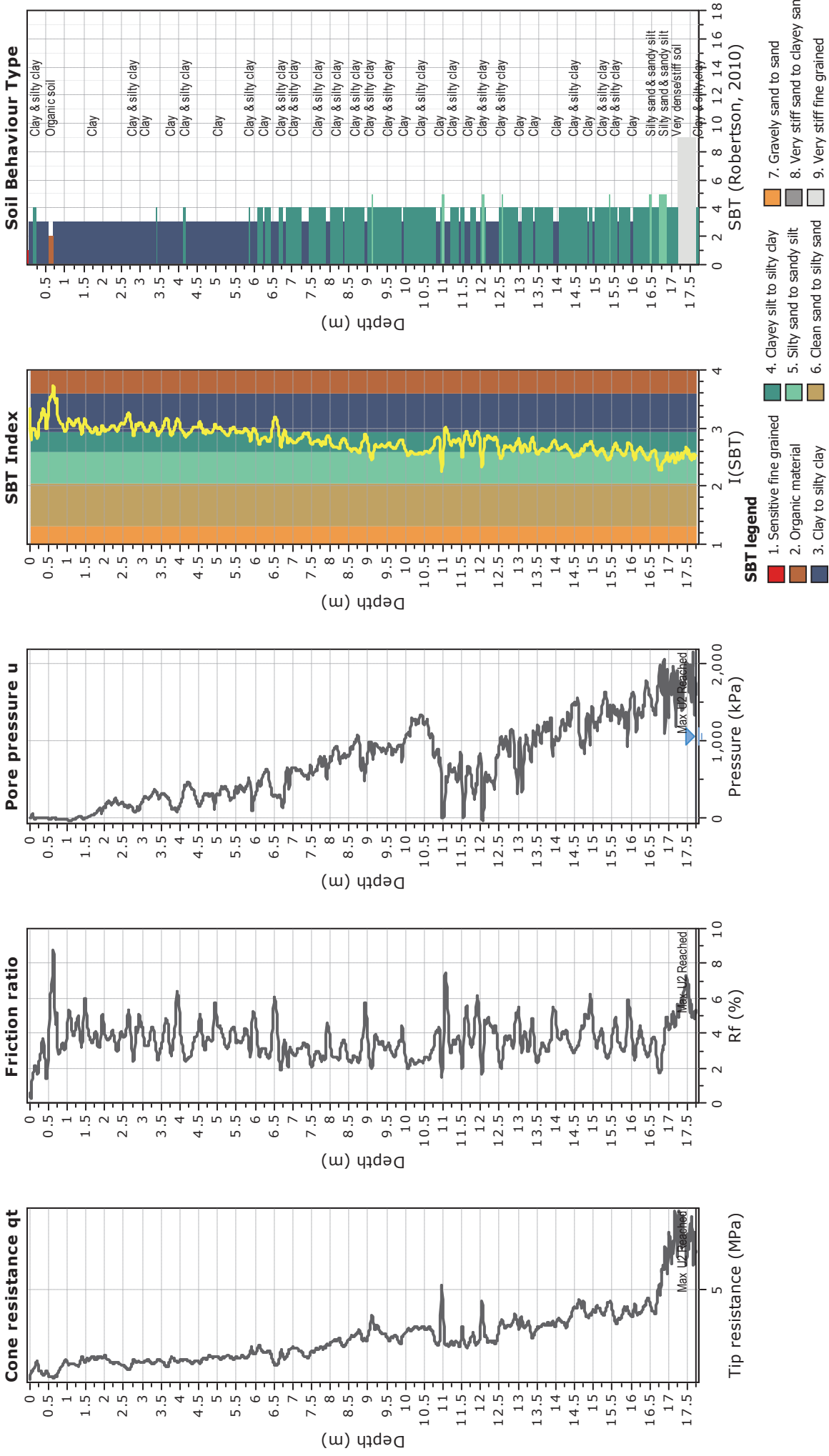


Geo Data Solutions (GDS) NZ Ltd.
 Email: directors@gdsnz.co.nz
 www.gdsnz.co.nz

CPT: 03

Total depth: 17.73 m, Date: 25/11/2022
 Coords: lat -35.205131° lon 174.047463°

Project: RS Eng Ltd | RS18556 | GDS NZ Ltd.
Location: 456 Wharau Rd - Kerikeri | No Groundwater Measured - Dry



Appendix 8

Sediment and Erosion Control Plan



File: 18556
8 February 2024
Issue: 1

SEDIMENT AND EROSION CONTROL PLAN

456 Wharau Road, Kerikeri

(Part Lot 1 DP 61328)

This control plan has been prepared for the construction of the proposed dwelling at 456 Wharau Road, Kerikeri, as shown on the attached architectural drawings. All works shall generally comply with the Far North District Council's Engineering Standards, Northland Regional Council's Water and Soil Plan and Auckland Council's guideline document GD05.

Proposal

It is proposed to removed and existing dwelling and undertake cut and fill operations for the construction of the proposed timber floored and timber piled dwelling and deck.

Proposed Earthworks

The approximate cut volume is 450m³ and fill volume is 500m³. Cuts are generally limited to levelling the building site and removal of the existing dwelling foundation and amenities and any unsuitable material. Filling is generally limited to batters extending to the finished deck level and for the driveway area, depths of fills are not expected to exceed 1.1m.

General requirements

- Contractors shall check the site conditions before commencing.
- The contractor shall verify the floor level above datum before commencing operations.
- Check position of existing services, adjacent to and on site before commencing work.
- Remove all rubbish, strip vegetation and topsoil over the building area and any areas of proposed filling, carry out all necessary bulk excavation and excavate as required for foundations.
- Temporary stockpiling of cut material shall be the responsibility of the contractor. Any such temporary stockpiling shall be located and constructed to uphold the stability of the stockpiled material and underlying ground.
- Do not place, spread, or compact fill material during or immediately following wet weather.
- The earthworks operation shall comply with the project specific requirements of the project documentation, including the project specific geotechnical or suitability report, building consent drawings and specification.



Stormwater Requirements

The site is situated atop of a ridgeline surrounded by steep sloping topography. Concentrated stormwater can cause erosion and slope instability, during construction it is vital that stormwater control measures are put in place. The site shall be shaped with cut off drains and bunds in place so that stormwater can be collected from a decanting earthbund via a Ø110 Nova coil or similar and piped to the base of the surrounding slopes and away from exposed surfaces. Refer to the attached plan.

Sediment and Erosion Control Measures

The methodology proposed is as follows:

- Establish site access and plant on site – metal access area to limit spoil transfer to road.
- Establish sediment control measures – bund topsoil around downslope edge of earthworks area.
- Stage construction – progressively excavate to design levels.
- Stockpile materials within the bounds of sediment control measures.
- Reinststate exposed surface soils as soon as practical.
- Decommission sediment control measures.
- No vehicles shall leave the site without first having any excess sediment removed, by hand tools from the tyres and tipping bodies.

Construction Monitoring

Arrange RS Eng for construction monitoring before beginning the earthworks operation. Facilitate the following construction monitoring by RS Eng;

- Following removal of existing dwelling and stripping of topsoil, organic soils, and unsuitable material as required.
- Batters and benches prior to filling.
- During the placing of fills in 0.5m intervals, or as agreed with/direct by RS Eng.
- At the completion of the earthworks operation.

Conclusion

Given the area available and the sediment and erosion control measures to be put in place prior to the commencement of works, we assess that the effects of this system will be less than minor.

Limitations

This report has been prepared solely for the benefit of our client. The reliance by other parties on the information or opinions contained therein shall, without our prior review and agreement in writing, do so at their own risk.

Prepared by:



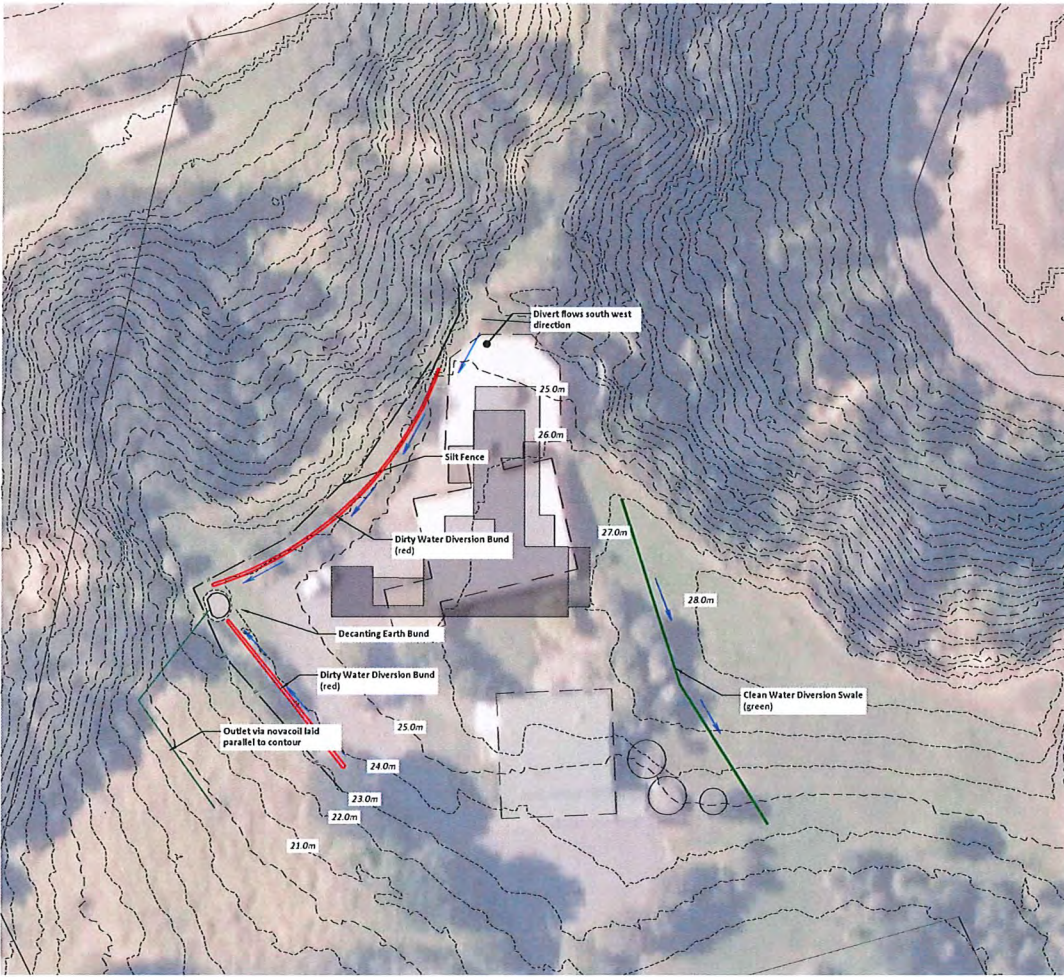
Sarah Scott
NZDE(Civil)
Technician

RS Eng Ltd

Approved by:



Matthew Jacobson
NZDE(Civil), BE(Civil)(Hons), CPEng, CMEngNZ
Director



NOTES:

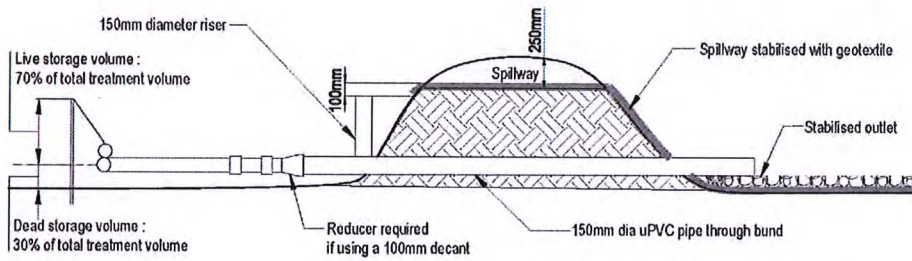
- All services should be located on-site prior to commencement of works.
- All works to comply with all relevant local authority by-laws and council regulations where applicable.
- Contractors to confirm all dimensions on site prior to commencing any work.
- Do not scale off drawings.
- These drawings are to be read in conjunction with specifications - plans take precedence.
- If any part of these documents are unclear, please contact RSEng Ltd.
- This plan is copyright to RSEng Ltd and should not be reproduced without prior permission.



LEGEND	
	Dirty Water Diversion Bund
	Clean Water Diversion Swale
	Silt Fence
	Flow direction

Contours are shown at 1.0m crs.
Contours are derived from LIDAR (2018)
and are shown at ODP64 Vertical Datum.

		RS Eng Ltd 09 438 3273 office@rseeng.co.nz 2 Seaview Road, Whangarei 0110	
		Title SEDIMENT AND EROSION CONTROL PLAN	
Client Graeme Quigley			
Location 456 Wharau Road Kerikeri			
Date 14/02/2023		Rev A Original Issue	
Scale 1:500		Rev A	
Drawn SS		Approved MU 18556	
Original A3		Sheet 1	

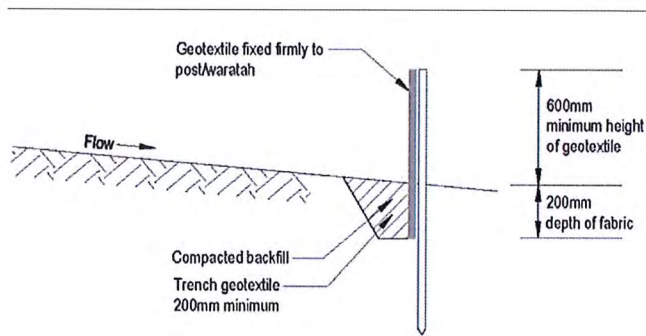


Cross - section

DECANTING EARTH BUND - TYPICAL CROSS SECTION

NOTES:

- All services should be located on-site prior to commencement of works.
- All works to comply with all relevant local authority by-laws and council regulations where applicable.
- Contractors to confirm all dimensions on site prior to commencing any work.
- Do not scale off drawings.
- These drawings are to be read in conjunction with specifications - plans take precedence.
- If any part of these documents are unclear, please contact RSEng Ltd.
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**SILT FENCE - TYPICAL SECTION
DETAIL**

		RS Eng Ltd 09 438 3773 office@rseeng.co.nz 2 Sea View Road, Whangarei 0110	
		Title SEDIMENT AND EROSION CONTROL PLAN Details	
Client		Graeme Quigley	
Location		456 Wharau Road Kerikeri	
Date	14/02/2024	Rev	A
		Notes	Original Issue
Scale	Original A3	Rev	A
Drawn SS	Approved MI	File # 18556	Sheet 2

Graeme Quigley & Marian Kirkpatrick

**RE-DEVELOPMENT OF DWELLING & CARPORT,
& CONSENT TO USE STUDIO/WORKSHOP AS
SECOND RESIDENTIAL UNIT**

456 Wharau Road, Kerikeri

**PLANNER'S REPORT &
ASSESSMENT OF ENVIRONMENTAL EFFECTS**



**Thomson Survey Ltd
Kerikeri**

1.0 INTRODUCTION

1.1 The Proposal

The applicant owns property at the end of Wharau Road, on a headland overlooking Kerikeri Inlet and out to the Bay of Islands. The property was developed many years ago with a dwelling, subsequent additions, a workshop/studio building, and boat shed. The workshop/

studio has been utilised for residential living and this is an aspect of site usage that the owner now seeks to legitimise by gaining consent for a second, albeit minor, residential unit.

The owner is keen to re-vitalise and update the design of the existing dwelling on the site, using the same basic footprint. They have worked hard with a designer to come up with a design that suits the site and 'fits' well within the setting. Whilst overall slightly larger in footprint, the new design will have less visual impact overall than the existing dwelling. It has moved back (southwards) from the edge of the steep coastal hill face to lessen the impact on those hill faces and reduce geotechnical requirements. The re-development results in a reduction in impermeable surface coverage.

The grounds are well kept and further plantings are currently underway in some areas of the site. Landscape planting mitigates visual impact of any building in this location. Plantings have helped mitigate the visual effect of the current structure, and will continue to be utilised in mitigating the visual impact of the new. A Landscape Assessment has been carried out by *Simon Cocker Landscape Architect*. This supports the application and is contained as part of Appendix 4.

The site contains archaeological sites and an archaeological survey and assessment has been undertaken by *TimeDepth Enterprises* as part of the preparation of this application. The Archaeological Survey and Assessment is attached in Appendix 5. Some demolition works required to enable re-development are potentially within one of the archaeological sites and for this reason a General Authority to Modify is required. Application for this has been made, lodged 7th August 2024.

As part of the General Authority process, consultation with "affected" iwi has been carried out. A record of that consultation is contained within the General Authority application and summarised in Section 10 of this planning report. Excerpts of the General Authority application can be found in Appendix 6.

Engineering input in regard to a Site Suitability Report and Sediment and Erosion Control Plan, has been provided by *RSEngineering* of Whangarei. Their reports are attached in Appendices 7 & 8.

The design of the redevelopment has been done by *hbarchitecture*. A full set of plans is contained in Appendix 1.

A location map for the development site is attached as Appendix 2. Title information is in Appendix 3.

1.2 Scope of this Report

This assessment and report accompanies the Resource Consent Application, and is provided in accordance with Section 88 and Schedule 4 of the Resource Management Act 1991. The application seeks consent to re-develop a dwelling and associated earthworks, and consent for a workshop/studio building to be used as a residential cottage. The overall category of activity is non complying under the Operative District Plan.

The information provided in this assessment and report is considered commensurate with the scale and intensity of the activity for which consent is being sought. The name and address of the owner of the property is contained in the Form 9 Application form.

2.0 PROPERTY DETAILS

Location: 456 Wharau Road, Kerikeri – refer Appendix 2 for Location Map

Legal description: Pt Lot 6 DP 61328, contained in Record of Title NA26A/769 with an area of 3.9258ha. A copy of the Record of Title is attached in Appendix 3.

3.0 SITE DESCRIPTION

3.1 Physical characteristics

The application site is at the end of Wharau Road, on the headland that overlooks the entrance into the Kerikeri Inlet from the Bay of Islands. The site has supported built development for many years now, consisting of a dwelling and second building behind that, consented as a workshop/studio. There is also a small boat shed on the lower portion of the site near the small area of beach at the culmination of Wharau Road.

Access is off Wharau Road via a driveway into the site and buildings. The site does not have access to any Council reticulated services and is reliant on on-site wastewater and stormwater management, and water supply. The site has power connection.

The site features the headland with sloping flanks. The land rises up behind the existing structures to the back of the property. The headland drops sharply down to beach and rocks to the east of the dwelling site, and slopes more gently on the western side down to the coastal marine area. In front of the dwelling cleared grassways have been created to enable pedestrian access to the edge of the headland (north of the dwelling) and there are also pathways down to small beach areas.

A more detailed description of the site and its environs is contained in the Landscape Assessment contained in Appendix 4. This Assessment also contains a full suite of site photographs.

3.2 Mapped features relevant to the site

The site is zoned General Coastal in the Operative District Plan (ODP) and zoned Rural Production with Coastal Environment Overlay in the Proposed District Plan (PDP). A part of the site is identified as High Natural Character overlay in the PDP (as well as the Regional Policy Statement), and the fringes of the property, at sea level, are identified as Coastal Hazard overlay. This is only a narrowly defined area right at the MWHS interface, with the site then rising steeply away up slope. The area of the site to be subject to any redevelopment works is not within any mapped hazard area.

The land is not mapped as erosion prone on the Regional Council's online maps. Soils on the site are mapped as LUC Class 6e9.

The site is identified on the FNDC's Far North Maps, Species Distribution layer, as being within a high density kiwi area. There are several NZAA recorded archaeological sites identified (mapped) on the site.

The site is not within any Treaty Settlement Statutory Acknowledgement Area (Source: NRC on-line maps, Treaty Settlement layer).

3.3 Legal Interests

There are no legal interests registered against the Title.

3.4 Consent History

The property file shows the following consent history associated with the site.

Table 1:
Consent History:

A	CU 482 (conditional use)	Issued 1975	Erect and occupy dwelling house (and possible ancillary garage/workshop)
A	BP 806463	Issued 1976	Dwelling
B	BP 806521	Issued 1976	Implement Shed
B	BP 864021	Issued 1977	Garage/workshop replace supersede BP 806521
C	BP 3058950	Issued 1985	Ideal Double Garage
D	BP 5068240	Issued 1987	Boat Shed
E	BP 1038555	Issued 1991	Extension to master bedroom and studio



I have aligned the consents listed in the above Table with the existing structures on the site. The current re-development project focuses on areas A, C and E. Building B is consented as a workshop and consent is being sought to use this as a second residential unit. Building D is a consented boatshed and is not affected by, or part of, this application.

4.0 THE PROPOSAL IN DETAIL

Consent under Operative District Plan

This planning report assesses the proposed re-development against Operative District Plan (ODP) zone and district wide rules - see Section 6.1 below. It also assesses the proposal against any rules with legal effect in the Proposed District Plan (PDP) in Section 6.2.

It is intended to 'retire' some of the existing driveway area from impermeable coverage. This leads to an overall decrease in impermeable surface coverage on the site from the existing 4.78% coverage to a proposed 3.82% coverage, well within the permitted activity threshold for the zone, which is 10%.

The re-development works will involve excavation and filling of approximately 950m³, including the remediation of the site around and under the existing building (which is to be removed). Consent is required pursuant to the relevant rule in Chapter 12.3 of the Operative District Plan. The area of earthworks will be approximately 1065m², with a lot of the earthworks being fill to restore the site to a gentle gradient around the house. It will be earth moved from elsewhere within the site (as opposed to imported). The maximum height of any cut/fill face will not exceed 1.5m.

The existing floor areas (buildings) total 843.41m². The proposed re-development will result in total floor areas (buildings) of 870.45m², an increase of 27m².

The new dwelling remains easily within the permitted height threshold applying to the zone, being generally 4.65m above ground level, measured from the floor level to the ridge of the roof. The chimney is approximately 6.8m high overall. The new dwelling is located further back from steep faces, with the existing deck that goes out over the rock face to be removed.

Further detail of the proposal is contained in the Landscape Assessment and in the Civil Engineering report supporting the application.

The presence of archaeological sites on the property resulted in the commissioning of an Archaeological Survey & Assessment – refer Appendix 5. Whilst the development is clear of any identified archaeological sites, demolition works associated with the removal of the existing dwelling is close to, and potentially within, one archaeological site. This resulted in a recommendation to apply for a General Authority pursuant to the Heritage NZPT Act. This application has been lodged and included consultation with local tangata whenua.

The proposal does not involve the clearance of indigenous vegetation, other than minor trimming and tidying.

Related Consent / Approval Required

Due to demolition works being within a recorded Archaeological Site, a General Authority to Modify is required under Heritage NZ Pouhere Taonga legislation. This application has been lodged. It is supported by an Archaeological Survey and Assessment; an Archaeological Site Management Plan and a Record of Consultation with local iwi. Excerpts from the General Authority application are contained in Appendix 6. To avoid duplication some Attachments of the application are not included as they are duplicated in other Appendices forming part of this application – specifically:

Record of Title (Appendix 3 of this report);
Location Map (Appendix 2 of this report);
Archaeological Survey & Assessment (Appendix 5 of this report); and
Set of Plans (Appendix 1 of this report).

Iwi consultation and General Authority application are discussed in more detail in the AEE section of this planning report (section 7).

5.0 SCHEDULE 4 – INFORMATION REQUIRED IN AN APPLICATION

Clauses 2 & 3: Information required in all applications

<i>(1) An application for a resource consent for an activity must include the following:</i>	
<i>(a) a description of the activity:</i>	Refer Sections 1 and 4 of this Planning Report.
<i>(b) an assessment of the actual or potential effect on the environment of the activity:</i>	Refer to Section 7 of this Planning Report.
<i>(b) a description of the site at which the activity is to occur:</i>	Refer to Section 3 of this Planning Report.
<i>(c) the full name and address of each owner or occupier of the site:</i>	This information is contained in the Form 9 attached to the application.
<i>(d) a description of any other activities that are part of the proposal to which the application relates:</i>	The activity for which consent is being sought is the only activity on the site.
<i>(e) a description of any other resource consents required for the proposal to which the application relates:</i>	Consent is being sought pursuant to the Far North Operative District Plan.
<i>(f) an assessment of the activity against the matters set out in Part 2:</i>	Refer to Section 8 of this Planning Report.

<p><i>(g) an assessment of the activity against any relevant provisions of a document referred to in section 104(1)(b), including matters in Clause (2):</i></p> <p><i>(a) any relevant objectives, policies, or rules in a document; and</i> <i>(b) any relevant requirements, conditions, or permissions in any rules in a document; and</i> <i>(c) any other relevant requirements in a document (for example, in a national environmental standard or other regulations).</i></p>	<p>Refer to Sections 7 & 8 of this Planning Report.</p>
<p><i>(3) An application must also include any of the following that apply:</i></p>	
<p><i>(a) if any permitted activity is part of the proposal to which the application relates, a description of the permitted activity that demonstrates that it complies with the requirements, conditions, and permissions for the permitted activity (so that a resource consent is not required for that activity under section 87A(1)):</i></p> <p><i>(b) if the application is affected by section 124 or 165ZH(1)(c) (which relate to existing resource consents), an assessment of the value of the investment of the existing consent holder (for the purposes of section 104(2A)):</i></p> <p><i>(c) if the activity is to occur in an area within the scope of a planning document prepared by a customary marine title group under section 85 of the Marine and Coastal Area (Takutai Moana) Act 2011, an assessment of the activity against any resource management matters set out in that planning document (for the purposes of section 104(2B)).</i></p>	<p>The site supports an existing residence, garage and boatshed, all consented. The site also contains a building consented as a garage/workshop but used as a guest cottage. This aspect forms part of the application. A compliance assessment is contained within Section 6 of this Planning Report.</p> <p>There is no existing resource consent. Not applicable.</p> <p>The site is not within an area subject to a customary marine title group. Not applicable.</p>
<p><i>(4) An application for a subdivision consent must also include information that adequately defines the following:</i></p>	
<p><i>(a) the position of all new boundaries:</i> <i>(b) the areas of all new allotments, unless the subdivision involves a cross lease, company lease, or unit plan:</i> <i>(c) the locations and areas of new reserves to be created, including any esplanade reserves and esplanade strips:</i> <i>(d) the locations and areas of any</i></p>	<p>N/A – proposal is not a subdivision</p>

<p>existing esplanade reserves, esplanade strips, and access strips: (e) the locations and areas of any part of the bed of a river or lake to be vested in a territorial authority under section 237A: (f) the locations and areas of any land within the coastal marine area (which is to become part of the common marine and coastal area under section 237A): (g) the locations and areas of land to be set aside as new roads.</p>	
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Clause 6: Information required in assessment of environmental effects

<p>(1) An assessment of the activity's effects on the environment must include the following information:</p>	
<p>(a) if it is likely that the activity will result in any significant adverse effect on the environment, a description of any possible alternative locations or methods for undertaking the activity:</p>	<p>Refer to Section 7 of this planning report. The activity will not result in any significant adverse effect on the environment.</p>
<p>(b) an assessment of the actual or potential effect on the environment of the activity:</p>	<p>Refer to Section 7 of this planning report.</p>
<p>(c) if the activity includes the use of hazardous installations, an assessment of any risks to the environment that are likely to arise from such use:</p>	<p>Not applicable as the application does not involve hazardous installations.</p>
<p>(d) if the activity includes the discharge of any contaminant, a description of— (i) the nature of the discharge and the sensitivity of the receiving environment to adverse effects; and (ii) any possible alternative methods of discharge, including discharge into any other receiving environment:</p>	<p>The proposal does not involve any discharge of contaminant.</p>
<p>(e) a description of the mitigation measures (including safeguards and contingency plans where relevant) to be undertaken to help prevent or reduce the actual or potential effect:</p>	<p>Refer to Section 7 of this planning report and appendices.</p>
<p>(f) identification of the persons affected by the activity, any consultation undertaken, and any response to the views of any person consulted:</p>	<p>Refer to Section 10 of this planning report.</p>
<p>g) if the scale and significance of the</p>	<p>No monitoring is required as the scale and significance of the</p>

<p><i>activity's effects are such that monitoring is required, a description of how and by whom the effects will be monitored if the activity is approved:</i></p>	<p>effects do not warrant it.</p>
<p><i>(h) if the activity will, or is likely to, have adverse effects that are more than minor on the exercise of a protected customary right, a description of possible alternative locations or methods for the exercise of the activity (unless written approval for the activity is given by the protected customary rights group).</i></p>	<p>No protected customary right is affected.</p>

Clause 7: Matters that must be addressed by assessment of environmental effects (RMA)

<p><i>(1) An assessment of the activity's effects on the environment must address the following matters:</i></p>	
<p><i>(a) any effect on those in the neighbourhood and, where relevant, the wider community, including any social, economic, or cultural effects:</i></p>	<p>Refer to Sections 7 and 10 of this planning report and also to the assessment of objectives and policies in Section 8.</p>
<p><i>(b) any physical effect on the locality, including any landscape and visual effects:</i></p>	<p>Refer to Section 7. The site has no outstanding landscape or natural character values. It does have high natural character values and the re-development of the site stays clear of those areas mapped as having such values.</p>
<p><i>(c) any effect on ecosystems, including effects on plants or animals and any physical disturbance of habitats in the vicinity:</i></p>	<p>Refer to Section 7. The proposal has no effect on ecosystems or habitat.</p>
<p><i>(d) any effect on natural and physical resources having aesthetic, recreational, scientific, historical, spiritual, or cultural value, or other special value, for present or future generations:</i></p>	<p>Refer to Section 7.</p>
<p><i>(e) any discharge of contaminants into the environment, including any unreasonable emission of noise, and options for the treatment and disposal of contaminants:</i></p>	<p>The proposal will not result in the discharge of contaminants, nor any unreasonable emission of noise.</p>
<p><i>(f) any risk to the neighbourhood, the wider community, or the environment through natural hazards or hazardous installations.</i></p>	<p>The proposed building site is not subject to natural hazards and does not involve hazardous installations.</p>

6.0 COMPLIANCE ASSESSMENT

6.1 Operative District Plan

The property is zoned General Coastal in the Far North District Plan but has no Outstanding Landscape, Outstanding Landscape Feature or Outstanding Natural Feature overlay applying. In summary, the proposal requires consent for breaches of rules in Chapters 10.6 (General Coastal Zone) and Chapter 12.3 (Soils and Minerals - Excavation/Filling) of the ODP.

I have not considered it necessary to carry out a comprehensive assessment of the proposal against rules in Chapter 15.1 Traffic, Parking and Access. This is because the site is already developed and has existing access in place. Although we are seeking consent for two residential units, one is a guest cottage, and one residential unit is exempt from traffic intensity rules in any event. The proposal is therefore deemed to only generate 10 daily one way traffic movements (or less), well within the permitted activity threshold for traffic intensity. The crossing is to standard. The internal driveway is well formed and to standard. Wharau Road is unsealed metal public road, maintained by the Council. As far as I am aware it is to the appropriate standard. The application is not a subdivision.

Compliance assessment follows:

Table 2:
Far North Operative District Plan:

GENERAL COASTAL ZONE RULES:		
Permitted Standards	Comment	Compliance Assessment
<p><u>10.6.5.1.1 VISUAL AMENITY</u> The following are permitted activities in the General Coastal Zone: (a) any new building(s) not for human habitation provided that the gross floor area of any new building permitted under this rule, does not exceed 50m² or for human habitation provided that the gross floor area does not exceed 25m² ; and (b) the exterior is coloured within the BS5252 standard colour palette range with a reflectance value of 30% or less or are constructed of natural materials which fall within this range; or (c) any alteration/addition to an existing building or (d) renovation or maintenance</p>	<p>There is an existing dwelling on the site and if the re-development of that dwelling was to remain within the same bulk and location 'envelope' there would be an existing use right applying.</p> <p>However, the new structure has a slightly larger overall footprint and in places a different profile (elevations). Existing use rights therefore cannot be relied upon.</p> <p>The dwelling exceeds 25m² in area and cannot comply with part (a).</p> <p>I understand the exterior colours will be within the BS5252 standard colour palette range</p>	<p>Cannot comply with part (a).</p>

<p>of any building.</p>	<p>with a reflectance value of 30% of less; or constructed of natural materials which fall within this range – therefore compliant with part (b).</p> <p>I believe the changes to be too extensive to be regarded as additions/ alterations of renovation works, so (c) and (d) do not apply</p>	
<p><u>10.6.5.1.2 RESIDENTIAL INTENSITY</u> Residential development shall be limited to one unit per 20ha of land. In all cases the land shall be developed in such a way that each unit shall have at least 3,000m² for its exclusive use surrounding the unit plus a minimum of 19.7ha elsewhere on the property. Except that this rule shall not limit the use of an existing site or a site created pursuant to Rule 13.7.2.1 (Table 13.7.2.1) for a single residential unit for a single household.</p>	<p>Consent is sought to formalise the use of the building consented as a garage/workshop for use as a guest cottage.</p> <p>The ODP defines a 'residential unit' as: <i>A building, a room or a group of rooms, used, designed or intended to be used by one or more persons as a self contained single, independent and separate household. Any accessory building providing sleeping accommodation and bathroom facilities but no cooking or dishwashing or laundry facilities will be treated as forming part of a residential unit / dwelling.</i></p> <p>The guest cottage contains cooking facilities so falls within the definition of 'residential unit'. This will mean there will be two residential units on a 3.9256ha property.</p>	<p>Cannot comply.</p>
<p><u>10.6.5.1.3 SCALE OF ACTIVITIES</u></p>	<p>The activity involves residential or residential type use.</p>	<p>N/A</p>
<p><u>10.6.5.1.4 BUILDING HEIGHT</u> The maximum height of any building shall be 8m.</p>	<p>The buildings are less than 8m above ground level.</p>	<p>Permitted.</p>
<p><u>10.6.5.1.5 SUNLIGHT</u> No part of any building shall project beyond a 45 degree recession plane as measured inwards from any point 2m vertically above ground level on any site boundary</p>	<p>The buildings are well over 10m from boundaries and internalised within the site.</p>	<p>Permitted.</p>
<p><u>10.6.5.1.6 STORMWATER MANAGEMENT</u> The maximum proportion of the gross site area covered by</p>	<p>Estimated total impermeable surface coverage is 3.82%.</p>	<p>Permitted.</p>

buildings and other impermeable surfaces shall be 10%.		
<p><u>10.6.5.1.7 SETBACK FROM BOUNDARIES</u> (a) no building shall be erected within 10m of any site boundary, except that on any site with an area of less than 5,000m², this setback shall be 3m from any site boundary; (b) no building for residential purposes shall be erected closer than 100m from the boundary of the Minerals Zone.</p>	Buildings are more than 10m from any site boundary.	Permitted.
<u>10.6.5.1.9 KEEPING OF ANIMALS</u>	N/A – the proposal does not involve the keeping of animals.	N/A
<p><u>10.6.5.1.10 NOISE</u> All activities shall be so conducted as to ensure that noise from the site shall not exceed the following noise limits at or within the boundary of any other site in this zone, or at any site zoned Residential, Russell Township or Coastal Residential, or at or within the notional boundary of any dwelling in any other rural or coastal zone: 0700 to 2200 hours 55 dBA L10 2200 to 0700 hours 45 dBA L10 and 70 dBA Lmax</p>	Residential activity. Not expected to breach any noise rule requirements.	Permitted
<p><u>10.6.5.1.11 HELICOPTER LANDING AREA</u> A helicopter landing area shall be at least 200m from the nearest boundary of any of the Residential, Coastal Residential, Russell Township or Point Veronica Zones.</p>	No helicopter landing area proposed in this application.	N/A
Controlled Activity Standards		
<p><u>10.6.5.2.2 VISUAL AMENITY</u> Any new building(s) or alteration/additions to an existing building that does not meet the permitted activity standards in Rule 10.6.5.1.1 are a controlled activity where the new building or building alteration/addition is located entirely within a building envelope that has been approved under a resource consent.</p>	There is no pre approved building envelope.	Cannot comply.

Restricted discretionary standards		
<p><u>10.6.5.3.1 VISUAL AMENITY</u> The following are restricted discretionary activities in the General Coastal Zone: (a) any new building(s); or (b) alteration/addition to an existing building that do not meet the permitted activity standards in Rule 10.6.5.1.1 where the new building or building alteration/addition is located partially or entirely outside a building envelope that has been approved under a resource consent.</p>		Complies - consent required under 10.6.5.3.1.
Discretionary standards		
<p><u>10.6.5.4.1 RESIDENTIAL INTENSITY</u> Residential development shall be limited to one unit per 6ha of land. In all cases the land shall be developed in such a way that each unit shall have at least 2,000m² for its exclusive use surrounding the unit, plus a minimum of 5.8ha elsewhere on the property.</p>		Cannot comply. Consent required as non complying activity
DISTRICT WIDE RULES		
Landscape & Natural Features		
No rules in Chapter 12.1 apply as the site has no Outstanding Landscape, Outstanding Land Feature or Outstanding Natural Features as mapped in the ODP.		N/A
Indigenous vegetation		
No indigenous vegetation clearance proposed.		Permitted.
Soils and Minerals		
<p><u>12.3.6.1.2 EXCAVATION AND/OR FILLING, INCLUDING OBTAINING ROADING MATERIAL BUT EXCLUDING MINING AND QUARRYING, IN THE GENERAL COASTAL ZONES</u> Excavation and/or filling, excluding mining and quarrying, on any site in the</p>	<p>Estimated volume of cut and fill is 950m³. Cannot comply with part (a). Maximum cut/fill face height will not exceed 1.5m.</p>	Cannot comply with part (a). 12.3.6.2.1 restricted discretionary volume threshold is 2,000m ³ , and this can be complied with.

<p>General Coastal Zones is permitted, provided that: (a) it does not exceed 300m³ in any 12 month period per site; and (b) it does not involve a cut or filled face exceeding 1.5m in height i.e. the maximum permitted cut and fill height may be 3m.</p>		
Natural Hazards		
<p><u>12.4.6.1.2 FIRE RISK TO RESIDENTIAL UNITS</u> (a) Residential units shall be located at least 20m away from the drip line of any trees in a naturally occurring or deliberately planted area of scrub or shrubland, woodlot or forest; (b) <i>Any trees in a deliberately planted woodlot or forest [not relevant]</i></p>	<p>The existing residence has an existing use right. The new dwelling is further away from any areas of trees with continuous canopy. I believe a 20m separation distance is achieved. The building to be used as a cottage can also achieve a 20m setback from areas of trees. I do not consider the individually planted (and now mature) garden trees to constitute an 'area of trees'.</p>	<p>Permitted.</p>

Whilst the site contains NZAA recorded archaeological sites, there are no rules in Chapter 12.5 Heritage relating to NZAA recorded sites, only registered archaeological sites, of which there are none listed in the ODP's schedules.

No indigenous vegetation clearance is required (12.2); buildings, impermeable surfaces and proposed on site wastewater system will all more than 30m from the coastal marine area (12.7).

In summary, in terms of Part 2 Zone rules, the proposal breaches the following General Coastal Zone rules:

10.6.5.1.1 (permitted) **Visual Amenity**; and controlled activity rule 10.6.5.2.2;

10.6.5.1.2 (permitted) **Residential Intensity**; and discretionary activity rule 10.6.5.4.1.

In terms of District Wide rules in Part 3 of the District Plan, the proposal breaches the following rules:

12.3.6.1.2 **Excavation/Filling in the General Coastal Zone (a)**.

In summary, because of the breach of 10.6.5.4.1, the activity is considered to be a **non complying activity** under the ODP.

6.2 Proposed District Plan (PDP)

The FNDC publicly notified its PDP on 27th July 2022. Whilst the majority of rules in the PDP will not have legal effect until such time as the FNDC publicly notifies its decisions on submissions, there are certain rules that have been identified in the PDP as having immediate legal effect and that may therefore need to be addressed in this application and may affect the category of activity of the application under the Act.

The site is zoned Rural Production with a Coastal Environment overlay. The property is mapped as having areas of High Natural Character, however the area proposed for re-development is outside of any such area. There are no areas of Outstanding Landscape, Outstanding Natural Features or Outstanding Natural Character on the site, as mapped in the PDP.

Small areas of the coastal (beach front) fringes of the overall site are mapped as being prone to coastal hazard (river and coastal), but these areas are well clear of the area to be subject to any re-development.

Rules identified by the Council as having legal effect immediately upon notification of the PDP include:

Rules HS-R2, R5, R6 and R9 in regard to hazardous substances on scheduled sites or areas of significance to Maori, significant natural areas or a scheduled heritage resource.

As the application site and proposal does not involve hazardous substances, these rules are not relevant to the proposal.

Heritage Area Overlays – N/A as none apply to the application site.

Historic Heritage rules and Schedule 2 – N/A as the site does not have any identified (scheduled) historic heritage values.

Notable Trees – N/A – no notable trees on the site.

Sites and Areas of Significance to Maori – N/A – the site does not contain any site or area of significance to Maori.

Ecosystems and Indigenous Biodiversity – Rules IB-R1 to R5 inclusive.

IB-R1 is entitled *Indigenous vegetation pruning, trimming and clearance and any associated land disturbance for specified activities within and outside a Significant Natural Area* and applies to all zones. It sets out what indigenous vegetation is permitted. PER-1 item 6 states:

To create or maintain a 20m setback from a building used for a vulnerable activity (excluding accessory buildings) to the edge of the indigenous vegetation area;

Interpretation of the above is not clear cut. The use of the wording “from a building used” infers a building already in existence. This rule would entitle the applicant to trim indigenous vegetation 20m back from the existing residence as of right.

IB-R2 is not relevant as it only applies to clearance required for papakainga housing.

IB-R3 provides for up to 100m² clearance in any one calendar year of indigenous vegetation within a Significant Natural Area. None of the indigenous vegetation in within the site has been assessed for its significance but there will not be more than 100m² clearance in any event.

IB-R4 provides for up to 5,000m² of indigenous vegetation clearance in the Rural Production Zone (which is the application site's zoning under the PDP) but only where a report has been obtained from a suitably qualified and experienced ecologist confirming the indigenous vegetation does not meet the criteria for a Significant Natural Area. If a report is not provided confirming that, then the amount of clearance is restricted back to 100m². Refer to above comment. This threshold is readily complied with in regard to any minor trimming that might be carried out.

IB-R5 relates only to plantation forestry and activities and is therefore not relevant.

Subdivision (specific parts) – N/A as the proposal is not a subdivision.

Activities on the surface of water – N/A as no such activities are proposed.

Earthworks – Only some rules and standards have legal effect. These are Rules EW-R12 and R13 and related standards EW-S3 and ES-S5 respectively. EW-R12 and associated EW-S3 relate to the requirement to abide by Accidental Discovery Protocol if carrying out earthworks any artefacts are discovered. This requirement can be met and is a requirement under heritage legislation in any event. A part of the area of re-development is the subject of a General Authority application lodged on 7th August 2024.

EW-13 and associated EW-S5 relate to ensuring Erosion and Sediment Control measures are in place during earthworks. They cite compliance with GD05. This will likely be a requirement of any consent issued. A Sediment and Erosion Control Plan supports the application.

Signs – N/A – signage does not form part of this application.

Orongo Bay Zone – N/A as the site is not in Oronga Bay Zone.

There are no zone rules within the Rural Production Zone with immediate legal effect, nor any rules applying to the Coastal Environment; or High Natural Character overlays.

7.0 ASSESSMENT OF ENVIRONMENTAL EFFECTS

The potential effects can be broadly summarised as follows:

- Positive Effects;
- Landscape and Visual Effects;
- Effects on Indigenous vegetation and habitat;
- Earthworks and construction effects;
- Land Stability Effects;
- Potential for hazards;
- Stormwater, wastewater and water supply;
- Archaeological/cultural Effects;
- Access to the Coastal Marine Area; and
- Precedent and cumulative effects.

7.1 Positive Effects

The property supports an older style residential home. The owners seek to modernise that home for more permanent living. In doing so they have worked hard to design something that fits well on the site. The existing Lockwood and Octagon structures are finished in pale yellow, with the Octagon clad with timber and pale green clad roof. The buildings are on a ridge crest. The buildings are well integrated within a vegetative framework.

The proposed new building will have a long and low linear form reflecting the linearity of the ridge crest. It will feature black *Colorsteel* roofing, with all but the southern facade being clad with natural finished timber. Overall, I believe the proposed new building to be an improvement on the existing built environment in terms of visual and landscape effects.

The current situation sees regular visits by the owners and occasional use of the guest cottage. The applicants intend to spend more time on site in the future. The site is attractively set out, with the building to be utilised as a guest cottage, in reasonably close proximity to the main house so as to give the impression of being part of the one development.

The application provides an opportunity to reduce the visual impact of the buildings on the site and to continue to use the site for residential purposes.

7.2 Landscape, natural character and visual amenity

The application is supported by a Landscape Assessment by *Simon Cocker Landscape Architecture* – refer Appendix 4. This contains an assessment of landscape and natural character effects as well as an assessment against statutory provisions. I will not repeat the full content of the Assessment in this planning report.

The report concludes that *“The existing built form within the property is integrated within a robust vegetative framework, with native shrubs and trees largely enclosing the northern,*

north western and north eastern faces of the building footprint, and occupying the flanks of the ridge up to the crest. The ridge crest has been largely retained in lawn, or parking and manoeuvring areas. The vegetation on the flanks of the ridge serves to soften and partially screen the existing building, whilst retaining views from the building to the Bay and Inlet.

"Any landscape effects generated by the proposal would be limited to an existing area that has been previously modified.

"The proposed structure – as with the existing buildings – will be visible from the visual catchment on the Bay and Inlet to the east and west, but those affected will be transitory individuals, the change from the existing situation for these individuals will be small, and the proposed building will be subservient to the headland vegetation.

"It is the opinion of the author that the proposal will not further detract from the landscape character of the Site and its immediate context. In addition, the proposal will not detract from the visual amenity of receptors in the immediate or wider visual catchment.

"It is the opinion of the author that the resulting landscape and natural character effect of the proposal will be low, and no greater than the level of effect generated by the existing situation. The potential adverse visual amenity effect will be (at most) low for all individuals, and also no greater than the level of effect generated by the existing situation.

"The proposal will be consistent with the provisions of statutory instruments where they apply to the scope of this report, and the proposal is considered to be appropriate from a landscape and visual perspective."

7.3 Effects on Indigenous vegetation and habitat

Because the application is primarily the re-development of existing built structures as opposed to new structures, only minimal vegetation trimming/clearance is required to form an amended building platform. It is my understanding that existing native vegetation will be retained. The re-development will have a less than minor impact on indigenous vegetation.

The site is within a high density kiwi area. There is no restriction on the title in regard to the keeping of cats and dogs. The applicants have one dog, kept under strict control when they are on the site.

It is proposed that a condition of consent include a requirement that contractors working on the site cannot bring dogs onto the site.

7.4 Earthworks and Construction Effects

The proposal is supported by a Suitability Report prepared by RS Engineering, Consultant Engineers – refer to Appendix 7; and a Sediment and Erosion Control Plan, also prepared by RS Engineering – refer to Appendix 8.

Section 9 of the Suitability Report contains recommendations in regard to site sub-soil class; earthworks; existing timber retaining walls; foundations; protection structures and timber pole retaining walls. The report also contains Construction Monitoring and Producer Statements.

The site geology is described as '*volcaniclastic sandstone and argillite with tectonically included basalt, chert and siliceous argillite*'.

Earthworks are proposed to form level access to, and to create, a building platform for the re-development of the dwelling. Section 9.2 of the RS Engineering Report contains a series of recommendations in regard to earthworks to be required on the site. Provided the recommendations are followed, RS Engineering concludes the building area is suitable for the proposed re-development.

A Sediment and Erosion Control Plan has been prepared for the construction of the proposed replacement dwelling. All works shall generally comply with the FNDC's Engineering Standards, Northland Regional Council's Regional Plan and Auckland Council's guideline document GD05.

In terms of the visual impact of earthworks, the Landscape Assessment supporting the application comments that "*the proposed earth worked area will be confined to the existing modified building platform and curtilage (including the parking areas and garden)*". Any bare faces, not covered by building or driveway, will be re-vegetated.

7.5 Land Stability Effects & Potential Hazards

The RS Engineering Suitability Report contains the results of field investigations and a geotechnical assessment, covering slope stability, liquefaction and expansive soils. Its engineering recommendations include several aspects relating to site stability (refer section 9 of the RS Engineering report). These relate to earthworks (refer to above section 7.4), increasing the stability of the existing timber retaining wall, the need for specifically designed foundations, additional protection structures such as soldier piles, retaining walls or combination thereof (to be installed where the dwelling does not achieve a 8m setback from the crest of the slopes). Any additional timber pole retaining walls should be designed by a suitably experienced Chartered Professional Engineer. The RS Engineering report also recommends that a suitably experienced CPE monitor the excavations of house removal to confirm subsoil conditions, and foundation excavations to confirm the design soil/rock strengths.

The report concludes that, subject to the recommendations in the report, in terms of s72 of the Building Act 2004:

- (a) The building work to which an application for a building consent relates will not accelerate, worsen, or result in slippage or subsidence on the land on which the building work is to be carried out or any other property; and
- (b) The land is neither subject to, nor likely to be subject to, slippage or subsidence.

The existing water storage tanks already allow for tanks dedicated to a fire fighting water supply.

7.6 Stormwater, wastewater and water supply

Refer to the RS Engineering Suitability Report.

Stormwater

The zone provides for up to 10% impermeable coverage over a site. The anticipated impermeable surface coverage post re-development, is 3.82% coverage, which is less than the existing coverage. The RS Engineering report concludes that stormwater attenuation is therefore not required.

Stormwater from the buildings is currently piped to onsite storage tanks. Stormwater from the new dwelling roof should similarly be collected and piped to tanks, with the overflow piped to a rock lined outlet at the driveway drain where stormwater follows Wharau Road, directed to the beach. Stormwater should not be discharged in an uncontrolled manner, nor onto or over any steep slopes.

Waste water

The existing dwelling and cottage wastewater disposal system is primary treatment (septic tank) to a soakage field. The re-development includes a new and separate wastewater system for the new dwelling, leaving the 'cottage' to use the existing system.

The land available for effluent disposal is moderately sloped (less than 16°) and soils have been assessed as Category 5 as per AS/NZS1547. RS Engineering recommends the use of secondary treatment system loading surface pressure compensating trip irrigation line within a planted and fenced area. Any disposal fields laid on ground over 10° slope require a 10m vegetated buffer zone down slope of the lowest irrigation line.

Water Supply

The site is not reticulated. As such water supply will be via roof catchment into storage tanks.

7.7 Archaeological/cultural Effects

An Archaeological Survey and Assessment was carried out and the report is attached in Appendix 5. Whilst there are four previously recorded archaeological sites within the property, only one (Panenawe pa, P05/52) is in proximity to the proposed re-development works, with its outer or southwestern defensive features, a ditch and bank, immediately adjacent to the existing dwelling. The construction of the existing dwelling and decks has modified the feature, with the retaining wall and decks of the existing dwelling possibly constructed within the defensive structure of the pa.

During the survey and assessment, no archaeological features / sites were detected within the areas of ground disturbance outside the current building footprint. However, the proximity and significance of the property's identified cultural resource indicates a potential that undetected subsurface features exist.

The report recommended that a General Authority to modify or destroy an archaeological site be obtained in order to carry out the proposed works and ground disturbance associated with the demolition of the existing dwelling and replacement construction. The survey assessment report recommends several other measures to be implemented before and during works. These include:

- Prior to the commencement of works the outer defensive features (remnant ditch and bank) are to be temporarily fenced in order to prevent accidental damage;
- The removal of all subfloor structures, including but not restricted to, concrete slab, foundation footings and piles of the existing dwelling to be monitored by the project archaeologist in order to determine whether archaeological features exist; and
- All land affected by the proposal to be topsoil stripped under supervision of the project archaeologist in order to determine whether undetected subsurface archaeological features exist.

General Authorities are applied for, and granted (subject to conditions), pursuant to the Heritage NZ Pouhere Taonga Act. The FNDC is not the consenting authority and there is no need for the Council to include any conditions in the resource consent in regard to soil disturbance/ earthworks within an archaeological site in relation to archaeological values. The Authority, when issued, will contain any relevant conditions.

The excerpts from the General Authority application in Appendix 6 of this planning report include an Archaeological Management Plan, to be adhered to/ followed when carrying out the earthworks. These relate to the archaeologist's role and outlines the procedures to be followed during earthworks, including operational guidelines and procedures for day-to-day activities.

The applicants consulted extensively with local iwi (Te Uri Taniwha and Ngati Rehia) in preparing the General Authority application. The Archaeological Management Plan incorporates karakia/ blessing prior to the commencement of works and again at the conclusion of works. It also incorporates monitoring by iwi onsite during all operations requiring ground disturbance.

The applicants have followed appropriate processes to ensure the impact of their proposed re-development on heritage and cultural values, is minimised and that iwi involvement is assured.

7.8 Access to the Coastal Marine Area

The property has riparian rights on northern and eastern coastal boundaries. The property's western boundary is with Council maintained public road that allows public access to the beach on the site's western side. The public can then access further north along the beach / rock edge up to the point where the tide prevents further progress. This is an existing situation

and there is no requirement, or justification, for the provision of public access as part of this application. Neither would it be physically practical or safe.

7.9 Precedent & Cumulative Effects

The activity is a non complying activity solely because of the residential intensity component. Because the proposal is bundled as one project, the overall category of activity defaults to the most restrictive, namely non complying. An assessment of the proposal against the relevant objectives and policies in the Operative and Proposed District Plans follows in Section 8 of this report. I believe the proposal to be consistent with those objectives and policies, noting the existing site's size, physical attributes, and the development already on the site. I do not consider that the granting of this consent will set a precedent that threatens the integrity of the Operative or Proposed District Plan's objectives and policies.

There will be less than minor adverse cumulative visual effects given that the proposal is a re-development as opposed to a new development. No additional separate buildings are proposed. There will not be any cumulative effects of a more than minor nature in terms of traffic generation either. The site can readily and comfortably absorb the proposed re-development.

8.0 STATUTORY ASSESSMENT

8.1 Operative District Plan Objectives and Policies

Objectives and policies relevant to this proposal are predominantly those listed in Chapter 10 and in particular 10.6 General Coastal Zone. These are discussed below where particularly relevant to this proposal. Also of relevance are objectives and policies in Chapter 12.3.

10.3 OBJECTIVES

10.3.1 To manage coastal areas in a manner that avoids adverse effects from subdivision, use and development. Where it is not practicable to avoid adverse effects from subdivision use or development, but it is appropriate for the development to proceed, adverse effects of subdivision use or development should be remedied or mitigated.

I believe the reports supporting the application provide confirmation that the re-development is appropriate for the site and that adverse effects are able to be remedied or mitigated.

10.3.2 To preserve and, where appropriate in relation to other objectives, to restore, rehabilitate protect, or enhance: (a) the natural character of the coastline and coastal environment; (b) areas of significant indigenous vegetation and significant habitats of indigenous fauna; (c) outstanding landscapes and natural features; (d) the open space and amenity values of the coastal environment; (e) water quality and soil conservation (insofar as it is within the jurisdiction of the Council).

The owners of the property have always taken pride in maintaining high amenity values within the site and the wider environs. This section of the south side of the Kerikeri Inlet supports a number of existing buildings, along with roads and accessways, i.e. it is not completely 'natural'. It is low density development with buildings situated amongst

vegetation to mitigate/reduce visual impact. The proposed re-development is consistent with this existing character.

The site features areas of indigenous vegetation and none of this is to be cleared. The site is not mapped as containing either outstanding landscape or outstanding natural features.

I believe the proposal to be consistent with Objective 10.3.2.

10.3.3 To engage effectively with Maori to ensure that their relationship with their culture and traditions and taonga is identified, recognised, and provided for.

Local tangata whenua have been consulted as part of the General Authority process and in regard to the overall redevelopment.

10.3.4 To maintain and enhance public access to and along the coast whilst ensuring that such access does not adversely affect the natural and physical resources of the coastal environment, including Maori cultural values, and public health and safety; and

10.3.5 To secure future public access to and along the coast, lakes and rivers (including access for Maori) through the development process and specifically in accordance with the Esplanade Priority Areas mapped in the District Plan.

The application site has riparian rights and will continue to do so. Public access to the coastline is provided via public road maintained by Council, down to a small parking area and beach/ foreshore area. There is no need to provide additional access, nor is it physically practical, or safe. The application is not a subdivision.

10.3.8 To ensure provision of sufficient water storage to meet the needs of coastal communities all year round.

The site is, and will continue to be, reliant on catchment and storage to water tanks.

10.4 POLICIES

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

(a) recognises and provides for those features and elements that contribute to the natural character of an area that may require preservation, restoration or enhancement; and

(b) is in a location and of a scale and design that minimises adverse effects on the natural character of the coastal environment; and (c) has adequate services provided in a manner that minimises adverse effects on the coastal environment and does not adversely affect the safety and efficiency of the roading network; and

(d) avoids, as far as is practicable, adverse effects which are more than minor on heritage features, outstanding landscapes, cultural values, significant indigenous vegetation and significant habitats of indigenous fauna, amenity values of public land and waters and the natural functions and systems of the coastal environment; and

(e) promotes the protection, and where appropriate restoration and enhancement, of areas of significant indigenous vegetation and significant habitats of indigenous fauna; and

(f) recognises and provides for the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu and other taonga; and

(g) where appropriate, provides for and, where possible, enhances public access to and along the coastal marine area; and

(h) gives effect to the New Zealand Coastal Policy Statement and the Regional Policy Statement for Northland.

All relevant aspects of the above Policy have been considered in the proposed re-development and, in particular, the Landscape Assessment. The proposal is considered "appropriate" and therefore consistent with the Policy. I am of the view that the proposal gives effect to both the NZ Coastal Policy Statement and Regional Policy Statement. Refer to Section 8.4 and 8.6 below and to the Landscape Assessment.

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

The proposal is for the re-development of existing development within the site and does not create any sprawling or sporadic development.

10.4.3 That the ecological values of significant coastal indigenous vegetation and significant habitats are maintained in any subdivision, use or development in the coastal environment.

The proposal does not impact on any existing ecological values.

10.4.4 That public access to and along the coast be provided, where it is compatible with the preservation of the natural character and amenity, cultural, heritage and spiritual values of the coastal environment, and avoids adverse effects in erosion prone areas.

Refer to commentary under Objectives 10.3.4 and 10.3.5.

10.4.5 That access by tangata whenua to ancestral lands, sites of significance to Maori, mahinga mataitai, taiapure and kaimoana areas in the coastal marine area be provided for in the development and ongoing management of subdivision and land use proposals and in the development and administration of the rules of the Plan and by non-regulatory methods. Refer Chapter 2, and in particular Section 2.5, and Council's "Tangata Whenua Values and Perspectives (2004)".

See above comments. Access to the beach front and foreshore area is not restricted.

10.4.8 That development avoids, remedies or mitigates adverse effects on the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu and other taonga.

See above comments. Local tangata whenua are involved in the General Authority application process and the re-development proposal has been discussed.

10.4.9 That development avoids, where practicable, areas where natural hazards could adversely affect that development and/or could pose a risk to the health and safety of people.

The proposal is supported by specialist technical reports that confirm the development can occur without posing a risk due to hazard.

10.4.10 To take into account the need for a year-round water supply, whether this involves reticulation or on-site storage, when considering applications for subdivision, use and development.

The site will continue to be reliant on storage via tanks. Sufficient capacity will be provided for.

10.4.11 To promote land use practices that minimise erosion and sediment run-off, and storm water and waste water from catchments that have the potential to enter the coastal marine area.

Sediment and erosion control measures will be implemented when carrying out site works. Supporting reports contain other recommended measures to address the matters raised in Policy 10.4.11.

10.4.12 That the adverse effects of development on the natural character and amenity values of the coastal environment will be minimised through: (a) the siting of buildings relative to the skyline, ridges, headlands and natural features; (b) the number of buildings and intensity of development; (c) the colour and reflectivity of buildings; (d) the landscaping (including planting) of the site; (e) the location and design of vehicle access, manoeuvring and parking areas.

All of the above matters have been considered in the design of the proposed activity. A Landscape Assessment accompanies the application.

General Coastal Zone: Refer to commentary provided in the Landscape Assessment. This identifies the relevant objectives and policies within Chapter 10.6. Section 7 of the Landscape Assessment addresses the effect of the proposal on the statutory framework. In summary the Assessment states that "the proposal will not adversely affect neighbouring properties or areas, and will not detract from the natural character and landscape values of the area, nor will it adversely affect the open space and amenity values of, nor access to the coastal environment. The proposal will not be viewed as a skyline element and is not situated on a ridge or headland".

Overall the proposal is considered consistent with the relevant objectives and policies applying to the coastal zone and environment.

Also relevant, in regard to breaches of Part 3 (District Wide rules), are the following objectives and policies (relating to Chapters 12.3 Soils and Minerals)

Objectives

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.

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.

12.3.4.4 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.

The volume of earthworks is small in relation to the total site area and involves the spreading of soil rather than cutting and filling new areas. The activity is the re-development of a site as opposed to being a new development. There will be minimal, if any adverse effects associated with earthworks, and these can be easily mitigated through appropriate Erosion and Sediment Control measures and appropriate retaining.

Although no rules in the ODP in regard to heritage/cultural values are breached, regard has also been had to objectives and policies in the ODP's Chapter 12.5.

The site is mapped as containing several archaeological sites (as recorded on the NZAA's database) in whole or in part. An archaeological assessment carried out in support of this application, confirmed location of these sites within the application property. Only one of the sites is potentially impacted by the re-development. This is part of a pa/headland site and it is in the immediate proximity of demolition works of the existing building. A General Authority had been applied for. Where outside the area of re-development this site is unaffected and will continue to be protected under the Heritage NZPT Act (objectives 12.5.3.1, 12.5.3.2, 12.5.3.4; 12.5.3.6; and policies 12.5.4.2; 12.5.4.7; 12.5.4.9).

8.2 Proposed District Plan Objectives and Policies

The property is proposed to have a Rural Production Zone under the Proposed District Plan (PDP), with a coastal environment overlay. The objectives and policies applying to the Rural Production Zone are of limited value or relevance when one considers the location, physical characteristics and size of the site. In summary the proposal cannot be entirely consistent with the PDP's Rural Production Zone objectives and policies because the application site is not, and will never be, available for rural production use. Neither does it contain any LUC class 1, 2 or 3 soils.

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-O4

The rural character and amenity associated with a rural working environment is maintained.

As stated above, given that the application site was retired from any rural production use a very long time ago and will never return to such use; and noting the lack of good quality soils on the site, it is simply not possible for the proposed development to be consistent with the above Objectives. The Council must be mindful of this scenario when finalising objectives and policies applying to a 'zone' that is clearly not applicable to a site, i.e. where the site is wholly incapable of being utilised for rural productive use.

In regard RPROZ-O3 parts (d) and (e), the site can be re-developed without exacerbating natural hazards, and is able to continue to be serviced by on-site infrastructure.

Policies**RPROZP1**

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.

RPROZP2

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.*

Neither of the above policies are relevant to the proposal given that no primary production activity exists now and none is proposed.

RPROZP3

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.

The proposal is consistent with this policy. No new sensitive activity is proposed and because there is no primary production activity anywhere else within the site or adjacent area, reverse sensitivity effects are avoided.

RPROZP4

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.*

The site has limited rural character, but does have a high level of amenity. This will be maintained if not enhanced. The proposal is a re-development as opposed to new development and does not increase the level of density in regard to built environment.

RPROZP5

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.

The proposed use is compatible with the surrounding area, and is not a 'new' type of activity. It is not entirely incompatible with the purpose of the Zone because residential homes are an expected part of the rural production environment. Productive use of the site is not feasible or realistically envisaged. The proposal does not result in the loss of any productive capacity of highly productive land. The proposal does not exacerbate natural hazards and onsite infrastructure can be provided. I believe the proposal to be more consistent than not with RPROZP5.

RPROZP6

Avoid subdivision that:.....

Not relevant as it relates solely to subdivision.

RPROZP7

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.

The activity does not require any consent under the PDP. The proposal will not increase the production potential of the zone because the site cannot be used for rural production use and has no highly productive soils in any event. The activity does not rely on the productive nature of the soil. The level of development is consistent with the scale and character of some parts of the District's Rural Production Zone. The location, scale and design of buildings is considered appropriate for the site, no reverse sensitivity effects arise, and there will be no loss of highly productive land or fragmentation. Onsite infrastructure can be provided.

Effects on historic heritage and cultural values have been considered and the application has also carefully considered effects on natural features, landscapes and indigenous vegetation. Consultation with affected tangata whenua has been undertaken.

Of relevance in assessing this proposal are objectives and policies in the PDP relevant to the coastal nature of the site. The site has the following features applying to it in the PDP:

- Coastal environment overlay;
- Natural features and landscapes overlay (high natural character) – area of re-development outside of any such overlay;
- Mapped as containing recorded archaeological sites (historical & cultural values objectives and policies have relevance accordingly);
- Fringes mapped as being subject to coastal flooding – area of re-development outside of any such area.

Relevant objectives and policies in regard to the above are addressed below:

Coastal Environment Objectives and Policies:

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.*

The site is already built on and the proposed re-development is not markedly different in terms of bulk and location. The natural character values that currently exist are not compromised or adversely affected by the re-development. The proposal will see development on the site that is consistent with surrounding land use. Urban sprawl does not occur. Consultation with tangata whenua has been carried out.

Only some policies applying to the coastal environment have relevance to the application site and proposal. Policy CE-P1 is not relevant to a specific development within a specific site. Policy CE-P5 applies to urban zones, which the application site is not. Policy CE-P6 relates

to enabling farming activities and for the reasons outlined earlier, is not considered a relevant policy to this development. Policy CE-P7 refers to Maori Purpose and Treaty Settlement land only and is not relevant to this proposed development. Policy CE-P9 refers to areas of outstanding natural character value of which there are none in the area proposed for re-development (PDP maps show high natural character on parts of the site other than the area being re-developed).

CE-P2 Avoid adverse effects of land use and subdivision on the characteristics and qualities of the coastal environment identified as:

- a. outstanding natural character;
- b. ONL;
- c. ONF.

CE-P3 Avoid significant adverse effects and avoid, remedy or mitigate other adverse effects of land use and subdivision on the characteristics and qualities of the coastal environment not identified as:

- a. outstanding natural character;
- b. ONL;
- c. ONF.

CE-P4 Preserve the visual qualities, character and integrity of the coastal environment by:

- a. consolidating land use and subdivision around existing urban centres and rural settlements;
and
- b. avoiding sprawl or sporadic patterns of development.

CE-P8 Encourage the restoration and enhancement of the natural character of the coastal environment.

CE-P10 Manage land use and subdivision to preserve and protect the natural character of the coastal environment, and to address the effects of the activity requiring resource consent, including (but not limited to) consideration of the following matters where relevant to the application:

- 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.

The property is not identified as containing any of the features listed in CE-P2 & CE-P3. The proposed re-development is consistent with the local area character and will preserve the visual qualities, character and integrity of the coastal environment (CE-P4).

The proposal might require a very small amount of clearance (trimming) of vegetation to accommodate the re-development, but no clearance of indigenous vegetation is intended.

I believe the proposed re development will not adverse impact on natural character values (CEP8).

Given that no resource consent is required under the PDP, Policy CE-P10 is of limited relevance. Notwithstanding this:

- Buildings and structures will be integrated into the surrounding environment which has the ability to absorb change of the level being proposed.
- There may be minor temporary adverse effects during construction works, but no long term adverse effects are anticipated.
- A development of the size and scale proposed will require a degree of earthworks. These will be carried out in accordance with Erosion and Sediment Control mitigation measures to minimise effects on water quality. Re-vegetation and maintenance of existing vegetation on the site will mitigate any ongoing visual effects.
- The proposal will not exacerbate natural hazards.
- Historical, spiritual and cultural values have been addressed through the General Authority process;
- There is no opportunity, or need, to enhance public access and recreation in this instance.

In summary I believe the proposed development to be consistent with the PDP's coastal environment objectives and policies where these are relevant.

Objectives and Policies in the Natural Character section of the PDP are addressed below. Refer also to the Landscape Assessment's Section 6.0 – assessment of natural character effects.

Objectives

NATC-O1

The natural character of wetland, lake and river margins are managed to ensure their long-term preservation and protection for future generations.

NATC-O2

Land use and subdivision is consistent with and does not compromise the characteristics and qualities of the natural character of wetland, lake and river margins.

No re-development works is taking place within any area mapped as high natural character. The characteristics and qualities of the natural character within the site are not compromised.

Policies

NATC-P1

Avoid significant adverse effects and avoid, remedy or mitigate other adverse effects of land use and subdivision on the natural character of wetland, lake and river margins.

NATC-P2

Identify or assess the natural character of wetland, lake and river margins in accordance with the natural character assessment criteria in APP1- Mapping methods and criteria.

NATC-P3

Enable indigenous vegetation removal and/or earthworks within wetland, lake and river margins where:

- a. it is for the repair or maintenance of lawfully established activities;
- b. it is for safe and reasonable clearance for existing overhead powerlines;
- c. it is for health and safety of the public;
- d. it is for biosecurity reasons; and
- e. it is for the sustainable non-commercial harvest for rongoā Māori.

NATC-P4

Provide for buildings or structures, and extensions to existing buildings or structures on wetland, lake and river margins where:

- a. there is a functional or operational need for a building or structures location;
- b. public access, customary access and recreational use can be protected or enhanced;
- c. the protection of natural character is preserved; and
- d. natural hazard risk will not be increased, taking into account the likely long term effects of climate change.

NATC-P5

Encourage the restoration and enhancement on wetland, lake and river margins where it will achieve improvement in natural character values.

NATC-P6

Manage land use and subdivision to preserve and protect the natural character of wetland, lake and river margins, and 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 water quality; and
- m. any positive contribution the development has on the characteristics and qualities.

The above objectives and policies all deal with high natural character values attributed to the margins of wetlands, lakes and rivers. The site contains no wetlands, lakes or rivers which renders most, if not all, the objectives and policies irrelevant.

Historic Heritage Objectives and Policies

The PDP maps show notable trees, heritage items, heritage areas and Site and Areas of Significance to Maori where these have been identified around the District. The application site has none of these mapped and/or scheduled "Heritage Resources". All of the objectives

and policies in the Historic Heritage section of the PDP, except one, only apply to Heritage Resources, so are not relevant to the proposal.

The exception is Policy HH-P12 which states:

Protect archaeological sites where there is a reasonable cause to suspect they are present, by ensuring land and subdivision activities have regard to:

- a. *the outcomes of any consultation undertaken with tangata whenua and the need to undertake a Cultural Impact Assessment;*
- b. *any assessments or advice from a suitably qualified and experienced archaeological expert; and*
- c. *the outcomes of any consultation undertaken with Heritage New Zealand Pouhere Taonga and the Department of Conservation.*

A comprehensive archaeological survey was carried out as part of this proposal. The NZAA's digital database indicated several archaeological sites within or partially within the property. The archaeologist relocated these on-site and found only one site to be potentially affected by the proposed re-development. The archaeologist concluded that because of the proximity of works to this one site, a General Authority should be applied for. This has been done.

The archaeological assessment forms part of this application. The proposal is considered to be consistent with HH-P12.

Ecosystems and indigenous biodiversity Objectives and Policies

The building re-development area is already cleared and the proposal does not necessitate any significant clearance of indigenous vegetation, nor any removal or damage/destruction to habitat. A very small amount of clearance/trimming of some individual trees may be required for the construction works.

Some objectives and policies in the Ecosystems and Indigenous Biodiversity section of the PDP are relevant.

IB-O2 *Indigenous biodiversity is managed to maintain its extent and diversity in a way that provides for the social, economic and cultural well-being of people and communities.*

IB-O5 *Restoration and enhancement of indigenous biodiversity is promoted and enabled.*

Indigenous biodiversity within the site is not adversely affected by the proposed re-development.

Policies

IB-P2 *Within the coastal environment:*

- a. *avoid adverse effects of land use and subdivision on Significant Natural Areas; and*
- b. *avoid significant adverse effects and avoid, remedy or mitigate other adverse effects of land use and subdivision on areas of important and vulnerable indigenous vegetation, habitats and ecosystems.*

IB-P7 *Encourage and support active management of pest plants and pest animals.*

IB-P8 Promote the protection of species that are endemic to Northland by eco-sourcing plants from within the ecological district.

IB-P9 Require landowners to manage pets and pest species, including dogs, cats, possums, rats and mustelids, to avoid risks to threatened indigenous species, including avoiding the introduction of pets and pest species into kiwi present or high-density kiwi areas.

IB-P10 Manage land use and subdivision to address the effects of the activity requiring resource consent for indigenous vegetation clearance and associated land disturbance, including (but not limited to) consideration of the following matters where relevant to the application:

- a. the temporary or permanent nature of any adverse effects;
- b. cumulative effects of activities that may result in loss or degradation of habitats, species populations and ecosystems;
- c. the extent of any vegetation removal and associated land disturbance;
- d. the effects of fragmentation;
- e. linkages between indigenous ecosystems and habitats of indigenous species;
- f. the potential for increased threats from pest plants and animals;
- g. any downstream adverse effects on waterbodies and the coastal marine area;
- h. where the area has been mapped or assessed as a Significant Natural Areas:
 - i. the extent to which the proposal will adversely affect the ecological significance, values and function of that area;
 - ii. whether it is appropriate or practicable to use biodiversity offsets or environmental biodiversity compensation to address more than minor residual adverse effects;
- i. the location, scale and design of any proposed development;
- j. the extent of indigenous vegetation cover on the site and whether it is practicable to avoid or reduce the extent of indigenous vegetation clearance;
- k. the functional or operational needs of regionally significant infrastructure;
- l. any positive contribution any proposed biodiversity offsets or environmental biodiversity compensation will have on indigenous biodiversity; and
- m. any historical, spiritual or cultural association held by tangata whenua, with regard to the matters set out in Policy TW-P6.

Adverse effects are avoided; existing landscape plantings will continue to mitigate visual impact. The last policy is only applicable where a resource consent is required under the PDP. No consent is required in relation to vegetation clearance.

Natural Hazards

The very base of the site, by the water's edge, is mapped as coastal flood hazard. The re-development site is some distance from, and well elevated above, any hazard area. Objectives and Policies in the PDP related to coastal hazard are therefore of limited relevance given that the proposal avoids coastal hazard areas.

Objectives

NH-O1

The risks from natural hazards to people, infrastructure and property are managed, including taking into account the likely long-term effects of climate change, to ensure the health, safety and resilience of communities.

NH-O2

Land use and subdivision does not increase the risk from natural hazards or risks are mitigated, and existing risks are reduced where there are practicable opportunities to do so.

NH-O3

New infrastructure is located outside of identified natural hazard areas unless:

- a. it has a functional or operational need to be located in that area;
- b. it is designed to maintain its integrity and function, as far as practicable during a natural hazard event and
- c. adverse effects resulting from that location on other people, property and the environment are mitigated.

NH-O4

Natural defences, such as natural systems and features, and existing structural mitigation assets are protected to maintain their functionality and integrity and used in preference to new structural mitigation assets to manage natural hazard risk.

The re-development site is well elevated and outside mapped coastal hazard areas. No new infrastructure is required inside the mapped hazard area and no "defences" are proposed. There is no additional risk of fire hazard to residential unit.

General Policies**NH-P1**

Map or define areas that are known to be subject to the following natural hazards, taking into account accepted estimates of climate change and sea level rise:

- a. flooding;
- b. coastal erosion;
- c. coastal inundation; and
- d. land instability.

The PDP's maps show the areas potentially subject to coastal flooding or erosion.

NH-P2

Manage land use and subdivision so that natural hazard risk is not increased or is mitigated, giving consideration to the following:

- a. the nature, frequency and scale of the natural hazard;
- b. not increasing natural hazard risk to other people, property, infrastructure and the environment beyond the site;
- c. the location of building platforms and vehicle access;
- d. the use of the site, including by vulnerable activities;
- e. the location and types of buildings or structures, their design to mitigate the effects and risks of natural hazards, and the ability to adapt to long term changes in natural hazards;
- f. earthworks, including excavation and fill;
- g. location and design of infrastructure;
- h. activities that involve the use and storage of hazardous substances;
- i. aligning with emergency management approaches and requirements;
- j. whether mitigation results in transference of natural hazard risk to other locations or exacerbates the natural hazard; and
- k. reduction of risk relating to existing activities.

Risk from natural hazards is not increased by this proposal noting that the site can be developed with no part of that development being within the area potentially subject to

coastal flooding. In addition, on site wastewater disposal areas can be well clear of any area subject to coastal flooding.

NH-P3

Take a precautionary approach to the management of natural hazard risk associated with land use and subdivision.

I believe the proposal has taken an appropriate precautionary approach.

NH-P5

Require an assessment of risk prior to land use and subdivision in areas that are subject to identified natural hazards, including consideration of the following:

- a. the nature, frequency and scale of the natural hazard;
- b. the temporary or permanent nature of any adverse effect;
- c. the type of activity being undertaken and its vulnerability to an event, including the effects of climate change;
- d. the consequences of a natural hazard event in relation to the activity;
- e. any potential to increase existing risk or creation of a new risk to people, property, infrastructure and the environment within and beyond the site and how this will be mitigated;
- f. the design, location and construction of buildings, structures and infrastructure to manage and mitigate the effects and risk of natural hazards including the ability to respond and adapt to changing hazards;
- g. the subdivision/site layout and management, including ability to access and exit the site during a natural hazard event; and
- h. the use of natural features and natural buffers to manage adverse effects.

Refer to RSEng Site Suitability Report supporting the application.

Coastal Hazard Policy NH-P7

Manage new land use and subdivision in coastal hazard areas so that:

- a. new subdivision avoids locating building platforms within High Risk Coastal Hazard areas and building platforms should be located outside other coastal hazard areas where alternative locations are available and it is practicable to do so;
- b. new buildings containing vulnerable activities are not located within High Risk Coastal Hazard areas unless:
 - i. there is no other suitable location available on the existing site;
 - ii. hazard risks can be mitigated without the need for hard protection structures.
- c. where a building or building platform is located with a coastal hazard area, it should be designed and constructed such that:
 - i. the building platform will not be subject to inundation and / or material damage (including erosion) over a 100-year timeframe; and either
 - ii. the finished floor level of any building accommodating a vulnerable activity must be at least 500mm above the maximum water level in a 1 percent AEP flood event plus 1m sea level rise; or
 - iii. the finished floor level of any other building must be at least 300mm above the maximum water level in a 1 percent AEP flood event plus 1m sea level rise.
- d. hazard risk is not transferred to, or increased on, other properties;
- e. buildings, building platforms, access and services are located and designed to minimise the need for hard protection structures;
- f. safe vehicle access within the site is provided; and

g. services are located and designed to minimise the risk of natural hazards.

All of the above matters have been adequately taken into account in this proposal.

In overall summary I believe the proposal to be consistent with relevant objectives and policies in the PDP.

8.3 Part 2 Matters

5 Purpose

- (1) The purpose of this Act is to promote the sustainable management of natural and physical resources.
- (2) In this Act, sustainable management means managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural well-being and for their health and safety while—
 - (a) sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and
 - (b) safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and
 - (c) avoiding, remedying, or mitigating any adverse effects of activities on the environment.

The proposal is considered to provide for the sustainable management of natural and physical resources. It provides for residential development on a single lot, within an existing consented building area.

6 Matters of national importance

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

- (a) the preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use, and development;
- (b) the protection of outstanding natural features and landscapes from inappropriate subdivision, use, and development;
- (c) the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna;
- (d) the maintenance and enhancement of public access to and along the coastal marine area, lakes, and rivers;
- (e) the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga;
- (f) the protection of historic heritage from inappropriate subdivision, use, and development;
- (g) the protection of protected customary rights;
- (h) the management of significant risks from natural hazards.

I consider the proposal to be an appropriate level of development for a site of this nature in the coastal environment, and with no Outstanding Natural Landscape values. Apart from

some very minor clearance around the building site, within permitted activity thresholds, no clearance of any significant indigenous vegetation or habitat is required by the proposal. The proposal has had regard to the relationship of Maori with their ancestral lands, water and sites. Whilst there is potential for one archaeological site to be affected, this will only arise as a result of demolition works in relation to any existing dwelling. Works will only proceed once the appropriate General Authority has been obtained. There are no significant risks from natural hazards associated with the development.

7 Other matters

In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall have particular regard to—

- (a) kaitiakitanga:*
- (aa) the ethic of stewardship:*
- (b) the efficient use and development of natural and physical resources:*
- (ba) the efficiency of the end use of energy:*
- (c) the maintenance and enhancement of amenity values:*
- (d) intrinsic values of ecosystems:*
- (e) [Repealed]*
- (f) maintenance and enhancement of the quality of the environment:*
- (g) any finite characteristics of natural and physical resources:*
- (h) the protection of the habitat of trout and salmon:*
- (i) the effects of climate change:*
- (j) the benefits to be derived from the use and development of renewable energy.*

Although the property is zoned General Coastal, it has no Outstanding Landscape or Landscape Features. The development is a re-development of existing built development as opposed to new development. Regard has been had to any relevant parts of Section 7 of the RMA, "Other Matters". Maintenance of amenity values, and quality of the environment have been considered and the proposed development design has had regard to these aspects.

8 Treaty of Waitangi

In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi).

The principles of the Treaty of Waitangi have been considered and it is believed that this proposal does not offend any of those principles.

In summary, it is considered that all matters under s5-8 inclusive have been adequately taken into account.

8.4 NZ Coastal Policy Statement

The NZ Coastal Policy Statement (NZCPS) has relevance to this proposal due to the property's location. It is currently zoned General Coastal in the Far North District Plan, and is shown as being within the "coastal environment" on the Regional Policy Statement for Northland's maps as well as the district council's PDP maps. The following objectives and policies are considered relevant to the proposal.

Objective 2: *To preserve the natural character of the coastal environment and protect natural features and landscape values through.....*

The subject site contains areas of high natural character, but no areas mapped as outstanding natural landscape. The site supports existing built environment, to be re-developed with very little change in visual impact. The re-development does not extend into any area mapped as high natural character.

Objective 6: *To enable people and communities to provide for their social, economic, and cultural wellbeing and their health and safety, through subdivision, use, and development, recognising that:*

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

I consider the development to be an appropriate use of the site that provides for people's social and economic wellbeing.

Policy 6: *Activities in the coastal environment*

(1) In relation to the coastal environment:

.....(h) consider how adverse visual impacts of development can be avoided in areas sensitive to such effects, such as headlands and prominent ridgelines, and as far as practicable and reasonable apply controls or conditions to avoid those effects;

(i) set back development from the coastal marine area and other water bodies, where practicable and reasonable, to protect the natural character, open space, public access and amenity values of the coastal environment; and.....

I believe that the proposed development is consistent with both of parts (h) and (i) above. The design is sympathetic and 'in tune' with the site's physical characteristics and existing vegetation will continue to mitigate visual effects. There will be no built development on any headland. The buildings are set well back from the coastal marine area boundary.

Policy 13: *Preservation of natural character*

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

(a) avoid adverse effects of activities on natural character in areas of the coastal environment with outstanding natural character; and

(b) avoid significant adverse effects and avoid, remedy or mitigate other adverse effects of activities on natural character in all other areas of the coastal environment;

Policy 14 *Restoration of natural character*

Promote restoration or rehabilitation of the natural character of the coastal environment, including by :

....

And

Policy 15 Natural features and natural landscapes

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

(a) avoid adverse effects of activities on outstanding natural features and outstanding natural landscapes in the coastal environment; and

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

The above three policies are all relevant to the proposal. The site does not display any outstanding natural character values, and the areas of high natural character value on the application site are avoided. The proposal is intended to re-develop an existing dwelling in a design, size and shape that will have same or less visual impact than the existing. Indigenous biodiversity and natural character values are not adversely affected.

I believe the proposal gives effects to the relevant objectives and policies in the NZ Coastal Policy Statement.

8.5 Other National Policy Statements and National Environmental Standards

The National Policy Statement (NPS) for Indigenous Biodiversity is relevant only insofar as there is existing indigenous vegetation and habitat within the site. The re-development does not impact on this. The site is within an area mapped as high density kiwi. A condition of consent is offered such that no contractors working on the project can bring any dogs onto the site.

The NPS for Highly Productive Land is not relevant given that there are no LUC class 1, 2 or 3 soils within the site. The National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health is not considered relevant given that the site is not mapped as either a HAIL or a Selected Land Use (SLU) site by the district or regional council and there is no evidence that any HAIL activity has ever taken place on the site.

8.6 Regional Policy Statement for Northland

In preparing this application, the Regional Policy Statement for Northland has been considered, in particular those Objectives and Policies relevant to land identified as being within the "coastal environment" but having no outstanding landscape or natural values. Commentary is also provided in the Landscape Assessment.

The site's heritage and cultural values have been assessed in the Archaeological Survey and Assessment accompanying this application and in the General Authority application. I believe the proposal to be consistent with any relevant objectives and policies in the Regional Policy Statement relating to these matters.

None of the land in the application site is considered to contain "highly versatile soils" and productive potential is low in this regard.

Relevant objectives and policies are discussed below.

Objective 3.5 Enabling economic wellbeing

Northland's natural and physical resources are sustainably managed in a way that is attractive for business and investment that will improve the economic wellbeing of Northland and its communities.

I believe the proposed development is a sustainable use of the site and provides for the property owners' social and economic wellbeing.

3.12 Regional form

Northland has sustainable built environments that effectively integrate infrastructure with subdivision, use and development, and have a sense of place, identity and a range of lifestyle, employment and transport choices.

The site is within an area supporting existing low density housing. The re-development will be consistent with the local character.

4.6.1 Policy – Managing effects on the characteristics and qualities natural character, natural features and landscapes

(1) In the coastal environment:

a) Avoid adverse effects of subdivision use, and development on the characteristics and qualities which make up the outstanding values of areas of outstanding natural character, outstanding natural features and outstanding natural landscapes.

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

Methods which may achieve this include:

- (i) Ensuring the location, intensity, scale and form of subdivision and built development is appropriate having regard to natural elements, landforms and processes, including vegetation patterns, ridgelines, headlands, peninsulas, dune systems, reefs and freshwater bodies and their margins; and
- (ii) In areas of high natural character, minimising to the extent practicable indigenous vegetation clearance and modification (including earthworks / disturbance, structures, discharges and extraction of water) to natural wetlands, the beds of lakes, rivers and the coastal marine area and their margins; and
- (iii) Encouraging any new subdivision and built development to consolidate within and around existing settlements or where natural character and landscape has already been compromised.

I believe the proposal will have no adverse effects on the characteristics and qualities which make up the values of the natural character area within a part of the site. The site does not contain any 'outstanding natural character' areas, and the design itself will have no additional impact on natural character values when compared to the existing built development.

Policies in section 7 of the Regional Policy Statement relate to natural hazards. The site can be developed without increasing risk of instability, and no minimum floor level is required given the site's elevation above sea level.

8.7 Proposed Regional Plan (Appeals Version)

I have not identified any rule breaches in regard to the above referenced Regional Plan.

9.0 SECTION 104D GATEWAY TEST

104D Particular restrictions for non-complying activities

(1) Despite any decision made for the purpose of section 95A(2)(a) in relation to adverse effects, a consent authority may grant a resource consent for a non-complying activity only if it is satisfied that either—

(a) the adverse effects of the activity on the environment (other than any effect to which section 104(3)(a)(ii) applies) will be minor; or

(b) the application is for an activity that will not be contrary to the objectives and policies of—

(i) the relevant plan, if there is a plan but no proposed plan in respect of the activity; or

(ii) the relevant proposed plan, if there is a proposed plan but no relevant plan in respect of the activity; or

(iii) both the relevant plan and the relevant proposed plan, if there is both a plan and a proposed plan in respect of the activity.

In regard to the above, I am of the opinion that, whilst a non complying activity, it is nonetheless a development that will achieve a sustainable result and is an efficient use of the land. The proposal is generally consistent with the level and type of development in the immediate area.

Subject to conditions of consent, I believe that overall adverse effects on the wider environment will be minor, thereby meeting the threshold in part (a) of s104D. I also believe the proposal to not be contrary to the relevant objectives and policies in both the Operative or Proposed District Plans, thereby meeting the threshold in part (b) of s104D.

10.0 CONSULTATION & S95 ASSESSMENT

Tangata Whenua

Tangata whenua have been consulted as part of the General Authority process. A copy of the proposal and draft General Authority application was sent to several iwi identified as being potentially affected:

Te Runanga o Ngati Rehia;

Te Runanga a Iwi o Ngapuhi;

Taiamai ki te Marangai Resource Management Unit;

Ngati Torehina ki Motaka Resource Management Unit;
Ngati Korohue;
Kaire Edmonds Whanau Trust; and
Te Uri Taniwha.

Of the above, two confirmed the site was not in their area of interest. Only two of the remaining groups responded as having an interest and seeking further consultation and involvement – Te Runanga o Ngati Rehia and Te Uri Taniwha. A site meeting was held with a representative of Ngati Rehia and then a meeting was held at Ngati Rehia offices in Kerikeri. Ngati Rehia confirmed no Cultural Impact Assessment was required given that the site was already developed and the proposal was a re-development as opposed to new development. Ngati Rehia sought amendments to the Archaeological Management Plan to ensure their ongoing involvement and role moving forward. Discussions were held with representatives of Te Uri Taniwha and email responses received.

Excerpts from the General Authority application are attached in Appendix 6. It is abridged simply to avoid duplication, however, the record of consultation with iwi is part of the excerpts included in Appendix 6.

Heritage NZPT

Heritage NZPT has been consulted via the General Authority process.

10.1 S95A Public Notification Assessment

A consent authority must follow the steps set out in s95A to determine whether to publicly notify an application for a resource consent. Step 1 specifies when public notification is mandatory in certain circumstances. No such circumstance exists and therefore public notification is not mandatory.

Step 2 of s95A specifies the circumstances that preclude public notification. None of these circumstances exist and therefore public notification is not precluded. This means that Step 3 of s95A must be considered. This specifies that public notification is required in certain circumstances. These include:

- (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.*

The application is not subject to a rule or national environmental standard that requires public notification. This report and AEE concludes that the activity will not have, nor is it likely to have, adverse effects on the environment that are more than minor. In summary public notification is not required pursuant to Step 3 of s95A.

Step 4 of s95A states that the consent authority is to determine if there are any special circumstances under which public notification may be warranted. Such circumstances are not defined. I do not consider any such circumstances exist.

10.2 S95B Limited Notification Assessment

A consent authority must follow the steps set out in s95B to determine whether to give limited notification of an application for a resource consent, if the application is not publicly notified pursuant to s95A. Step 1 identifies certain affected groups and affected persons that must be notified. No such group of persons exist and limited notification is therefore not mandatory.

Step 2 of s95B specifies the circumstances that preclude limited notification. Neither circumstance exists and limited notification is not precluded. Step 3 of s95B must be considered. This specifies that certain other affected persons must be notified, specifically:

- (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.*

The application is not for a boundary activity. The s95E assessment below concludes that there are no affected persons to be notified.

Step 4 of s95B states that the consent authority is to determine if there are any special circumstances under which limited notification may be warranted. Such circumstances are not defined. I do not consider any such circumstances exist.

10.3 S95D Level of Adverse Effects

The AEE in this report assesses effects on the environment and concludes that these will be no more than minor.

10.4 S95E Affected Persons

A person is an 'affected person' if the consent authority decides that the activity's adverse effects on the person are minor or more than minor (but are not less than minor). A person is not an affected person if they have provided written approval for the proposed activity.

The activity is for the re-development of a site rather than new development. I believe the visual effects of the re-development are less than minor in regard to adjacent properties. Traffic levels will be marginally increased during construction activities but once completed the level of traffic associated with the consented activities will be well within permitted activity levels. Noise emanating from the site will similarly increase over the construction

period but will be temporary and within construction noise standards. Sediment and Erosion Control measures will be in place during all earthworks.

In summary, I have not identified any adjacent properties as affected persons. No Written Approval from adjacent property owners has been considered necessary. Consultation has been carried out with Tangata Whenua and with Heritage NZ.

11.0 CONCLUSION

The site is considered suitable for the proposed re-development, and effects on the wider environment are no more than minor. The proposal is consistent with the relevant objectives and policies of the Operative and Proposed District Plans, the NZ Coastal Policy Statement, other relevant National Policy Statements, and the Regional Policy Statement, as well as Part 2 of the Resource Management Act.

There is no District Plan rule or national environmental standard that requires the proposal to be publicly notified and no persons have been identified as adversely affected by the proposal. No special circumstances have been identified that would suggest notification is required.

It is therefore requested that the Council grant approval to consent on a non notified basis, subject to appropriate conditions.



Lynley Newport
Senior Planner
Thomson Survey Ltd

Date

13th August 2024

12.0 APPENDICES

Appendix 1	Architectural and Site Plans
Appendix 2	Location Map
Appendix 3	Record of Title and Relevant Instruments
Appendix 4	Landscape Assessment
Appendix 5	Archaeological Survey and Assessment
Appendix 6	General Authority application (excerpts)
Appendix 7	Site Suitability Report
Appendix 8	Sediment and Erosion Control Plan