

# **AGENDA**

## **RĀRANGI TAKE**

**Huihuinga O Te Poari O  
Te Oneroa-A-Tōhē  
Te Oneroa-a-Tōhe Board  
Friday 18 February 2022 at 10.00am**



## **Rārangi Take O Te Poari (Te Oneroa-a-Tōhe Board Agenda)**

Meeting to be held remotely  
on Friday 18 February 2022, commencing at 10.00am

**Recommendations contained in the agenda are NOT decisions of the meeting. Please refer to minutes for resolutions.**

### **NGĀ MANA WHAKAHAERE (MEMBERSHIP OF THE TE ONEROA-A-TŌHE BOARD)**

Chair, Te Rūnanga o Te Rarawa, Haami Piripi

Deputy Chair, Far North  
District Council, Mate Radich

Far North District Council  
Mayor John Carter

NRC Councillor Marty  
Robinson

NRC Councillor Colin Kitchen

Ngāti Kuri Trust Board Graeme  
Neho

NgaiTakato Wallace Rivers

Te Runanga Nui o Te Aupouri  
Trust Waitai Petera

### **KARAKIA/WHAKATAU RĪMITI (Item)**

**Page**

#### **1.0 NGĀ MAHI WHAKAPAI/HOUSEKEEPING**

#### **2.0 NGĀ WHAKAPAHĀ/APOLOGIES**

**That the apologies of Colin Kitchen, Wallace Rivers, Waitai Petera be received.**

#### **3.0 NGA WHAKAPUAKANGA/DECLARATIONS OF CONFLICTS OF INTEREST**

#### **4.0 WHAKĀE NGĀ MINITI (CONFIRMATION OF MINUTES)**

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#### **5.0 NGĀ RĪMITI (ITEMS)**

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**5.5** Te Araroa Northern Trust meeting update 58

**5.6** Sandhills Road development 59

### **KARAKIA WHAKAMUTUNGA**

**TITLE:** Confirmation of Minutes - 17 December 2021

**From:** Meloney Tupou, Maori Governance and Engagement Support Admin

**Authorised by** Meloney Tupou, Maori Governance and Engagement Support Admin, on 15  
**Group Manager/s:** February 2022

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### Ngā mahi tūtohutia / Recommendation

That the minutes of Te Oneroa A Tōhē Board Minutes meeting held on 17 December 2021 be confirmed as a true and correct record.

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### Attachments/Ngā tapirihanga

Attachment 1: Te Oneroa-A-Tōhē Board Minutes [!\[\]\(cbe2492b119e39e02a1dab2af4a4b296\_img.jpg\) !\[\]\(2f36c159ea3670f7a62f64a4f1cf5c05\_img.jpg\)](#)

Te Oneroa-a-Tōhe Board  
17 December 2021

## **Ngā Minitī O Te Poari O Te Oneroa-A-Tōhē** **Te Oneroa-A-Tōhē Board Minutes**

Meeting held via Zoom video and teleconferencing  
on Friday 17 December 2021, commencing at 10.00am

### **Tuhinga (Present):**

Haami Piripi	Te Rūnanga o Te Rarawa	(Chair)
Cr Marty Robinson	Northland Regional Council	
Colin Kitchen	NRC Councillor	
Graeme Neho	Ngāti Kuri Trust Board	
George Riley	Te Rūnanga o Te Rarawa	
Kerry Shanta	Te Araroa Northland Trust	
Theresa Burkhardt	FNDC - Policy Planner	
Auriolē Ruka	Pou Manawhakahaere – Group Manager,	
	Governance & Engagement	
Ben Lee	NRC - GM, Strategy, Governance & Engagement	
Sheila Taylor	NRC - Kaiārahi Kaupapa Māori	
Meloney Tupou	NRC - Kaiāwhina Tari (minutes)	

### **I Tae Mai (In Attendance):**

#### **Huihuinga i te wahanga (Part Meeting)**

Mayor John Carter	Far North District Council
Gary Hooper	Chief Executive - Aquaculture New Zealand
Darren Edwards	

The Chair declared the meeting open at 10.10am.

### **Karakia Timatanga and Whakatau**

Graeme Neho – karakia

Haami Piripi – mihi

John Carter – mihi

- Haami Piripi acknowledged all the members and opened the floor for members to mihi
- Graeme Neho, John Carter, Marty Robinson and Colin Kitchen – mihi to the committee



Te Oneroa-a-Tōhe Board  
17 December 2021

## **Ngā whakapahā/Apologies (Item 1.0)**

### **Recommendation**

That the apology from Mate Radich (Dep Chair) and Wallace Rivers for non-attendance be received.

**Carried**

## **Nga whakapuakanga (Declarations of Conflicts of Interest)**

It was advised that members should make declarations item-by-item as the meeting progressed.

## **Confirmation of Minutes (Item 4.1)**

**Moved Marty Robinson/Colin Kitchen**

**Report from Rachael King, Planning and Policy Administrator**

- The Mauri Model – council is working on the structure of the report

### **Ngā mahi tūtohutia | Recommendation**

That the minutes of the Te Oneroa-a-Tōhe Board meeting held on 15 October 2021 be confirmed as a true and correct record.

**Carried**

## **Financial Report (Item 5.1)**

**Moved (Marty Robinson/Graeme Neho)**

**Report from Rachael King, Planning and Policy Administrator**

### **Ngā mahi tūtohutia | Recommendation**

THAT the report 'Financial Report' by Rachael King, Planning and Policy Administrator and dated 10 December 2021, be received.

**Carried**

## **Correspondence Received by the Board (Item 5.2)**

**Marty Robinson/Haami Piripi)**

**Report from Sheila Taylor, Kaiārahi Kaupapa Māori**

### **Ngā mahi tūtohutia | Recommendation**

That the report 'Correspondence Received by the Board' by Sheila Taylor, Kaiārahi Kaupapa Māori and dated 9 December 2021, be received.

**Carried**

Te Oneroa-a-Tōhe Board  
17 December 2021

- Gary Hooper and Laws Lawson to join us for a presentation it was agreed we continue the livestream in order to educate and inform the public
- 11am – John Carter left the meeting.

**Unable to formally receive the paper, as the Board no longer has a quorum.**

### **Speed Limits Bylaw 2021 update (Item 5.3)**

**Report from Sheila Taylor, Kaiārahi Kaupapa Māori**

#### **Ngā mahi tūtohutia | Recommendation**

That the report 'Speed Limits Bylaw 2021 update' by Shawn Baker, NTA and dated 7 December 2021, be received.

- Board would like confirmation and timeline around speed limits
- 90 km per hour looking at reducing to 60km
- June 2022 is the proposed time line

### **Update on 2021 Beach Collecting and Loader Driving Code of Practice (Item 5.4)**

**Report from Sheila Taylor, Kaiārahi Kaupapa Māori**

#### **Ngā mahi tūtohutia | Recommendation**

That the report 'Update on 2021 Beach Collecting and Loader Driving Code of Practice' by Sheila Taylor, Kaiārahi Kaupapa Māori and dated 8 December 2021, be received.

- Fishing year starts 1 October finishes 30 September. People would work with nature better if there was a legislative change eg 1 April to 31 March. There is a misalignment with financial and nature
- This task can be assigned to TSG and they can provide information back to the board

### **Wild Dogs Update (Item 5.5)**

**Report from Sheila Taylor, Kaiārahi Kaupapa Māori**

#### **Ngā mahi tūtohutia | Recommendation**

That the report 'Wild Dogs Update' by Sheila Taylor, Kaiārahi Kaupapa Māori and dated 9 December 2021, be received.

- Doc website for concerns on dogs
- 18/20 wild dogs have been culled
- Signs will go up to notify public that dogs are being eradicated

### **December 2021 Technical Steering Group Update (Item 5.6)**

**Report from Sheila Taylor, Kaiārahi Kaupapa Māori**

#### **Ngā mahi tūtohutia | Recommendation**

Te Oneroa-a-Tōhe Board  
17 December 2021

That the report 'December 2021 Technical Steering Group Update' by Sheila Taylor, Kaiārahi Kaupapa Māori and dated 3 December 2021, be received. **(quorum)**

- Four items assigned to TSG
  1. Scattering of ashes - letter has been drafted and will go out next week.  
Discussions with Tipene Funeral Home in supporting information around whānau who bring ashes home to Te Tai Tokerau
  2. Speed limits – will be adopted June 2022 as previously discussed
  3. Resource Consent – work in progress. Pre application with the board to be encouraged.
- Concerns over managing the beach with dogs and the danger they present to the public
- 15 December – 31 January and all public holidays dogs need to be on a leash at Ahipapa it does not however extend to the whole of Te Oneroa-A-Tōhē
- 4. Snapper Bonanza - they have managed to get funding from Northland Inc
- Agreed that the relationship with Snapper Bonanza moving forward is a great opportunity for the Beach Board. Forming a partnership is a positive move for TOATB kaupapa

Auriole Ruka spoke to the Committee and announced her new position within NRC. Auriole is the Pou Manawhakahaere – Group Manager, Governance & Engagement

**Karakia Mutunga**

**Graeme Neho**

**Whakamutunga (Conclusion)**

**The meeting concluded at 12.00pm**

**TITLE: Meeting Schedule for 2022**

**From:** Sheila Taylor, Kaiārahi Kaupapa Māori

**Authorised by** Auriole Ruka, Pou Manawhakahaere - GM Governance and Engagement, on  
**Group Manager/s:** 15 February 2022

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**Executive summary/Whakarāpopototanga**

The purpose of this report is to confirm the meeting frequency and dates of Te Oneroa-a-Tōhe Beach Board (the Board), for the 2022 calendar year.

The Board will need to consider its work plan for the 2022 calendar year. This meeting will be used by the Board to agree its focus and workplan for the 2022 calendar year.

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**Recommendation(s)**

1. That the report 'Meeting Schedule for 2022' by Sheila Taylor, Kaiārahi Kaupapa Māori and dated 26 January 2022, be received.
2. That the Board:
  - a. Defer setting the Board calendar until the March 2022 Board meeting  
or
  - b. Set the frequency of the 2022 Board meetings, **commencing February 2022**, to either:
    - i. Monthly
    - ii. Bi-monthly
    - iii. Quarterly
  - c. Contingent on recommendation 2.b.i, 2.b.ii or 2.b.iii being approved, the Board set the meeting dates for 2022 to the third Friday of the month in which the Board shall meet.
    - i. 18 March
    - ii. 22 April
    - iii. 20 May
    - iv. 17 June
    - v. 22 July
    - vi. 19 August
    - vii. 23 September

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**Attachments/Ngā tapirihanga**

Nil

**TITLE:** **Correspondence received by the Board**

**From:** Sheila Taylor, Kaiārahi Kaupapa Māori

**Authorised by** Auriole Ruka, Pou Manawhakahaere - GM Governance and Engagement, on  
**Group Manager/s:** 15 February 2022

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### **Whakarāpopototanga / Executive summary**

During the month of December 2022, no correspondence was received by the Board via it's email address.

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### **Ngā mahi tūtohutia / Recommendation**

That the report 'Correspondence received by the Board' by Sheila Taylor, Kaiārahi Kaupapa Māori and dated 26 January 2022, be received.

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### **Background/Tuhinga**

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### **Attachments/Ngā tapirihanga**

Nil

**TITLE:** Wild dogs update

**From:** Sheila Taylor, Kaiārahi Kaupapa Māori

**Authorised by** Auriole Ruka, Pou Manawhakahaere - GM Governance and Engagement, on  
**Group Manager/s:** 15 February 2022

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### **Whakarāpopototanga / Executive summary**

Since early 2021, attacks by packs of wild dogs have been causing concern for the safety of beach users and owners of properties adjacent to Te Oneroa-a-Tōhe. Te Hiku o te Ika Iwi, Northland Regional Council, Far North District Council and Department of Conservation have been working to resolve the situation.

This paper is to provide an update to the Board on the current situation. The update will be provided by Graeme Noho.

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### **Ngā mahi tūtohutia / Recommendation**

That the report 'Wild dogs update' by Sheila Taylor, Kaiārahi Kaupapa Māori and dated 26 January 2022, be received.

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### **Attachments/Ngā tapirihanga**

Nil

**TITLE: February 2022 Technical Steering Group update**

**From:** Sheila Taylor, Kaiārahi Kaupapa Māori

**Authorised by** Auriole Ruka, Pou Manawhakahaere - GM Governance and Engagement, on  
**Group Manager/s:** 15 February 2022

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**Whakarāpopototanga / Executive summary**

This report is to receive information from the Technical Steering Group (TSG) on the progress of:

1. priority action items from Te Rautaki o Te Oneroa-a-Tōhe; and
2. other matters assigned to the TSG.

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**Ngā mahi tūtohutia / Recommendation**

That the report 'February 2022 Technical Steering Group update' by Sheila Taylor, Kaiārahi Kaupapa Māori and dated 26 January 2022, be received.

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**Background/Tuhinga**

**1. Progress of priority action items from Te Rautaki o Te Oneroa-a-Tōhe:**

**1.1 Scattering of ashes**

A11. Provide information to the public explaining that the scattering of human ashes in the sea, on the beach, on sand dunes and in waterways is inappropriate. Share information via:

1. the Board's website; and
2. local funeral providers.

**Update:** A letter has been distributed to local funeral providers. Information will be loaded onto the Board's website in February 2022 (attachment 1).

**1.2 Resource consent process**

A16. Formalise the process by which the Board is notified and receives all applications for resource consents relating to Te Oneroa-a-Tōhe Management Area for consideration.

A22. Establish a process for the Board to receive and review resource consent applications relating to Te Oneroa-a-Tōhe.

**Update:** Currently on hold.

**1.3 Sites of significance**

A6. Provide GIS mapping expertise and templates to support Iwi, Hapū and whānau to identify wāhi tapu and sites of significance in the Te Oneroa-a-Tōhe Management Area, for the purposes of including these for protection in the district and/or regional plans.

**Update:** Action item 6 is a predecessor to the following action items contained in the beach management plan:

- A7. Include sites identified in A6 in the regional and district plans for protection as relevant.
- A8. Prepare the information necessary for explaining the values and significance of Te Oneroa-a-Tōhe and Te Ara Wairua as a culturally significant landscape, and the activities that may have adverse effects on them, for the purposes of this information going into the regional and district plans as outlined in A9.

The TSG are currently developing options as to how to identify wāhi tapu and sites of significance. The TSG currently have a small budget to develop this information alongside Iwi, hapū and whanau (funding provided by NRC and FNDC). A formal paper as to how the TSG recommend this be undertaken will be presented at the next board meeting (if necessary).


## 2. Other matters assigned to the TSG

### 2.1 *Re-print of Te Rautaki o Te Oneroa-a-Tōhe*

**Update:** A print run has been approved of up to \$800. Grammatical changes have been made to the plan and a revised quote has been received from the printer. Once printed, these will be couriered to Graeme Neho for distribution.

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## Attachments/Ngā tapirihanga

Attachment 1: Sample letter to funeral providers [↓](#) 



Te Oneroa-a-Tōhē



Geards Funerals  
13 Pukepoto Road  
Kaitaia 0410

**RE: Scattering of human ashes/cremated remains on Te Oneroa-a-Tōhe / Ninety Mile Beach.**

E nga Rangatira I noho nei ki te whakarite o tatou tupaapaku, tena koutou. Me mihi ka tika. Kiaora.

My name is Haami Piripi of Te Rarawa, and I am writing this letter in my capacity as Chairperson of the Te Oneroa-a-Tōhe Beach Board (Ninety Mile Beach Board). The Board is a statutory co-governance partnership created by the 2015 Te Hiku Treaty Settlements Act between local government and the iwi of Te Rarawa, Ngāi Takoto, Te Aupōuri and Ngāti Kuri. Each are represented on the board, along with representatives from both the Far North District Council and Regional Council who administer the board as a committee of council. The establishment of the board and its increased role in beach management was a breakthrough for Treaty partnership and the various parties associated with Te Oneroa a-Tōhe, enabling the active participation of the iwi affiliated to the beach and its environs.

Our primary function is to work collectively and collaboratively to provide governance and direction for all people using the beach. Our purpose is to protect and enhance the environmental, economic, social, cultural and spiritual well-being of the Te Oneroa-a-Tōhe. This includes areas both landward and seaward (management area attached to this letter) for now and into the future.

In January 2021, the board approved Te Rautaki o Te Oneroa-a-Tōhe (beach management plan). The plan outlines aspirations for Te Oneroa-Tōhe and includes desired outcomes, objectives and actions for the board to achieve those aspirations. Of significance was the inclusion of the following desired outcomes associated with Ngā ture Wairua (spiritual value):

- The culturally significant pathway of Te Ara Wairua is protected.
- Wāhi tapu, sites of significance and other heritage are protected.
- Te Oneroa-a-Tōhe is treated by everyone as a taonga tuku iho – a treasure handed down through the generations.

To convert these desired outcomes into action, the board agreed to:

## Te Oneroa-a-Tōhē



- include rules in the regional plan prohibiting the scattering of human ashes in the sea, on the beach, on sand dunes and in waterways; and
- provide information to the public explaining that the scattering of human ashes in the sea, on the beach, on sand dunes and in waterways is inappropriate. The remainder of Following is information we would like you to be aware of.

Attached to this letter is information explaining the significance of Te Ara Wairua and why it is therefore inappropriate to scatter ashes in the beach management area. We are sharing this information with you, with an expectation that you will also share this information with your clients and their whanau/families to ensure they are aware of the tikanga and the rules that have been established by the board.

No reira he mana anō tō te Poari nei ki te tiaki tēnei taonga mo te katoa.  
Whakapiri whakatata mai kia oho ake te tupuna nei a Tōhe  
Kia pihi ake ngā taringa o te tamaiti ki te karanga o Hinemoana e pāpaki mai ra i te ao, i te po.

Nāku noa, nā

Haami Piripi ONZM  
Chairman

P: 0800 002 004

E: [info@teoneroa-a-tohe.nz](mailto:info@teoneroa-a-tohe.nz)

## Te Oneroa-a-Tōhē



### Te Ara Wairua – The Spirits Pathway

Life after death is a fundamental spiritual notion of human communities all over the world.

In Aotearoa the indigenous world view is rooted in 6,000 years of Polynesian and Pacific history, which converges at a common destination – the Polynesian home of origin known intimately in Aotearoa as Hawaiki.

Before the intrepid voyager Kupe returned to Hawaiki (after having named and circumnavigated Aotearoa), he established the sacred pathway enabling the spirits of his descendants to make their return home after death. He named the pathway Te Ara Wairua, which traverses Te Oneroa-a-Tōhē and is generally known to be between low and high tide.

There are other places along Te Ara Wairua that are significant to some iwi, providing opportunities for a final farewell to the deceased, where spirits may rest under a tree or drink from a special running stream. The kaitiaki (guardians) of the pathway's cultural integrity are local tangata whenua who live in communities close by. They know and are familiar with these places and remain the repository of this cultural and intellectual knowledge.

Since then, the stories of Te Ara Wairua have been recounted and remain a commonly held belief throughout all Māori communities. In theological terms, it is a pillar of Māori culture and an integral aspect of our holistic world view.

It is this holistic world view that has been of great interest to European scholars and academics, due to its complex and comprehensive nature as a paradigm of religious ideology. Having heard about the journey of Māori souls following this spirit trail, it became the mission of evangelists to understand Māori customs to convert them, replacing their own (Māori) beliefs with Christian theology. It is perhaps for this reason that the significance of the spiritual pathway's cultural importance has been challenged over time, risking its relegation to mere legend and fable.

Iwi of Te Hiku o Te Ika have for decades voiced concerns about the importance of Te Ara Wairua, the beach and its environs, proactively seeking opportunities to be more involved in their management and protection. The pathway was included in the suite of conservation redress mechanisms and is contained in the settlement legislation of Te Hiku o Te Ika iwi. One such mechanism was the establishment of the Board, who are required to include within the auspices of this plan the ongoing recognition and protection of the spiritual wellbeing of Te Oneroa-a-Tōhē and by extension Te Ara Wairua.

There are other significant cultural phenomena associated with the beach management area that are of importance to Te Hiku o Te Ika iwi. These phenomena remain unseen by the naked eye. However, iwi of the area has their own methods of noting their presence through stories that recount the chronology of events and circumstances that have created and maintained the persona, traits and signs that define them. An example is the Taniwha Paraweta who patrols parts of the most southern end of the beach.

Te Oneroa-a-Tōhē



Geards Funerals  
13 Pukepoto Road  
Kaitaia 0410

**RE: Scattering of human ashes/cremated remains on Te Oneroa-a-Tōhe / Ninety Mile Beach.**

E nga Rangatira I noho nei ki te whakarite o tatou tupaapaku, tena koutou. Me mihi ka tika. Kiaora.

My name is Haami Piripi of Te Rarawa, and I am writing this letter in my capacity as Chairperson of the Te Oneroa-a-Tōhe Beach Board (Ninety Mile Beach Board). The Board is a statutory co-governance partnership created by the 2015 Te Hiku Treaty Settlements Act between local government and the iwi of Te Rarawa, Ngāi Takoto, Te Aupōuri and Ngāti Kuri. Each are represented on the board, along with representatives from both the Far North District Council and Regional Council who administer the board as a committee of council. The establishment of the board and its increased role in beach management was a breakthrough for Treaty partnership and the various parties associated with Te Oneroa a-Tōhe, enabling the active participation of the iwi affiliated to the beach and its environs.

Our primary function is to work collectively and collaboratively to provide governance and direction for all people using the beach. Our purpose is to protect and enhance the environmental, economic, social, cultural and spiritual well-being of the Te Oneroa-a-Tōhe. This includes areas both landward and seaward (management area attached to this letter) for now and into the future.

In January 2021, the board approved Te Rautaki o Te Oneroa-a-Tōhe (beach management plan). The plan outlines aspirations for Te Oneroa-Tōhe and includes desired outcomes, objectives and actions for the board to achieve those aspirations. Of significance was the inclusion of the following desired outcomes associated with Ngā ture Wairua (spiritual value):

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To convert these desired outcomes into action, the board agreed to:

## Te Oneroa-a-Tōhē



- include rules in the regional plan prohibiting the scattering of human ashes in the sea, on the beach, on sand dunes and in waterways; and
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## Te Oneroa-a-Tōhē



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Te Oneroa-a-Tōhē



Geards Funerals  
13 Pukepoto Road  
Kaitaia 0410

**RE: Scattering of human ashes/cremated remains on Te Oneroa-a-Tōhe / Ninety Mile Beach.**

E nga Rangatira I noho nei ki te whakarite o tatou tupaapaku, tena koutou. Me mihi ka tika. Kiaora.

My name is Haami Piripi of Te Rarawa, and I am writing this letter in my capacity as Chairperson of the Te Oneroa-a-Tōhe Beach Board (Ninety Mile Beach Board). The Board is a statutory co-governance partnership created by the 2015 Te Hiku Treaty Settlements Act between local government and the iwi of Te Rarawa, Ngāi Takoto, Te Aupōuri and Ngāti Kuri. Each are represented on the board, along with representatives from both the Far North District Council and Regional Council who administer the board as a committee of council. The establishment of the board and its increased role in beach management was a breakthrough for Treaty partnership and the various parties associated with Te Oneroa a-Tōhe, enabling the active participation of the iwi affiliated to the beach and its environs.

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## Te Oneroa-a-Tōhē



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Haami Piripi ONZM  
Chairman

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## Te Oneroa-a-Tōhē



### Te Ara Wairua – The Spirits Pathway

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Geards Funerals  
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There are other significant cultural phenomena associated with the beach management area that are of importance to Te Hiku o Te Ika iwi. These phenomena remain unseen by the naked eye. However, iwi of the area has their own methods of noting their presence through stories that recount the chronology of events and circumstances that have created and maintained the persona, traits and signs that define them. An example is the Taniwha Paraweta who patrols parts of the most southern end of the beach.



Te Oneroa-a-Tōhē



Geards Funerals  
13 Pukepoto Road  
Kaitaia 0410

**RE: Scattering of human ashes/cremated remains on Te Oneroa-a-Tōhe / Ninety Mile Beach.**

E nga Rangatira I noho nei ki te whakarite o tatou tupaapaku, tena koutou. Me mihi ka tika. Kiaora.

My name is Haami Piripi of Te Rarawa, and I am writing this letter in my capacity as Chairperson of the Te Oneroa-a-Tōhe Beach Board (Ninety Mile Beach Board). The Board is a statutory co-governance partnership created by the 2015 Te Hiku Treaty Settlements Act between local government and the iwi of Te Rarawa, Ngāi Takoto, Te Aupōuri and Ngāti Kuri. Each are represented on the board, along with representatives from both the Far North District Council and Regional Council who administer the board as a committee of council. The establishment of the board and its increased role in beach management was a breakthrough for Treaty partnership and the various parties associated with Te Oneroa a-Tōhe, enabling the active participation of the iwi affiliated to the beach and its environs.

Our primary function is to work collectively and collaboratively to provide governance and direction for all people using the beach. Our purpose is to protect and enhance the environmental, economic, social, cultural and spiritual well-being of the Te Oneroa-a-Tōhe. This includes areas both landward and seaward (management area attached to this letter) for now and into the future.

In January 2021, the board approved Te Rautaki o Te Oneroa-a-Tōhe (beach management plan). The plan outlines aspirations for Te Oneroa-Tōhe and includes desired outcomes, objectives and actions for the board to achieve those aspirations. Of significance was the inclusion of the following desired outcomes associated with Ngā ture Wairua (spiritual value):

- The culturally significant pathway of Te Ara Wairua is protected.
- Wāhi tapu, sites of significance and other heritage are protected.
- Te Oneroa-a-Tōhe is treated by everyone as a taonga tuku iho – a treasure handed down through the generations.

To convert these desired outcomes into action, the board agreed to:



## Te Oneroa-a-Tōhē



- include rules in the regional plan prohibiting the scattering of human ashes in the sea, on the beach, on sand dunes and in waterways; and
- provide information to the public explaining that the scattering of human ashes in the sea, on the beach, on sand dunes and in waterways is inappropriate. The remainder of Following is information we would like you to be aware of.

Attached to this letter is information explaining the significance of Te Ara Wairua and why it is therefore inappropriate to scatter ashes in the beach management area. We are sharing this information with you, with an expectation that you will also share this information with your clients and their whanau/families to ensure they are aware of the tikanga and the rules that have been established by the board.

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Whakapiri whakatata mai kia oho ake te tupuna nei a Tōhe  
Kia pihi ake ngā taringa o te tamaiti ki te karanga o Hinemoana e pāpaki mai ra i te ao, i te po.

Nāku noa, nā

Haami Piripi ONZM  
Chairman

P: 0800 002 004

E: [info@teoneroa-a-tohe.nz](mailto:info@teoneroa-a-tohe.nz)

## Te Oneroa-a-Tōhē



### Te Ara Wairua – The Spirits Pathway

Life after death is a fundamental spiritual notion of human communities all over the world.

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**TITLE:** **Te Araroa Northern Trust meeting update**

**From:** Sheila Taylor, Kaiārahi Kaupapa Māori

**Authorised by** Auriole Ruka, Pou Manawhakahaere - GM Governance and Engagement, on  
**Group Manager/s:** 15 February 2022

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### **Whakarāpopototanga / Executive summary**

On behalf of Te Araroa Northern Trust (the Trust), this report provides an update to Te Oneroa-a-Tōhe Beach Board (the Board) from the Trust's last meeting. This report will be supported by a verbal update on the following matters:

1. New Executive Director for Te Araroa Trust:
  - a. Mark Weatherall has resigned. Matt Claridge our new Executive Director as from 1<sup>st</sup> February 2022.
2. Feedback from Te Araroa walkers on Feral Dogs in Far North.
  - a. The Trust has received no comments nor any information regarding any sightings of feral dogs from Te Araroa walkers since our last meeting on 17<sup>th</sup> December 2021. Warnings to be careful and aware of feral dogs remain posted on our trail alert webpage.
3. Number of Te Araroa Registered Walkers this Season.
  - a. There have been 600 registered Te Araroa walkers this season but due to lockdown restrictions and Covid 19; numbers are likely to be much less. Our estimate of the number of walkers on Te Oneroa-a-Tōhe this season is more likely to be around 100 to 200 walkers.
4. Need for more Toilet Facilities on Te Oneroa-a-Tōhe?
  - a. Te Oneroa-a-Tōhe may be better served by the provision of more toilet facilities particularly over the summer season (options to consider include a portaloos serviced regularly by council).
  - b. The Trust would like some guidance from the Board as to how to approach Far North District Council or other options that could be considered).

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### **Ngā mahi tūtohutia / Recommendation**

1. That the report 'Te Araroa Northern Trust meeting update' by Kerry Shanta, Kaiārahi Kaupapa Māori and dated 26 January 2022, be received.

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### **Attachments/Ngā tapirihanga**

Nil

**TITLE:** Sandhills Road development

**From:** Sheila Taylor, Kaiārahi Kaupapa Māori

**Authorised by** Auriole Ruka, Pou Manawhakahaere - GM Governance and Engagement, on  
**Group Manager/s:** 15 February 2022

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### Whakarāpopototanga / Executive summary

1000 Sandhills Limited (the Applicant) has acquired the property formally owned by Ahipara Land Company Limited. The Applicant is seeking approval from the Far North District Council and Northland Regional Council to realign some of the internal access and to adjust some of the building platform locations. These adjustments do not change the number of approved lots and do not provide for any access directly onto 90 Mile Beach.

This paper has been prepared in advance of the Applicant seeking approval from the Territorial Authorities to ensure the Te Oneroa-a-Tōhe Beach Board are aware of the upcoming lodgement.

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### Ngā mahi tūtohutia / Recommendation

That the report 'Sandhills Road development' by Sheila Taylor, Kaiārahi Kaupapa Māori and dated 11 February 2022, be received.

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### Background/Tuhinga

The subdivision of the land was granted by the Northland Regional Council on 5 November 2015 which expire in October 2025 (attachment 1) and the Far North District Council on 26 September 2107 (attachment 2). The District Council approval has been granted for a period of 10 years (copies of the approved Northland Regional Council and Far North District Council approvals are attached to this paper).

Drawings of the proposed alignment amendments and access route realignment (attachment 3).

The diagram in attachment 3 presents an overview for the access and building sites for the proposed development at 1000 Sand Hills Rd. As per the Legend the yellow lines represent the consented access way, the blue lines the current access alignment and the pink sets out the proposed access way. Where the pink lines deviate from the yellow lines represents a variation to the consented access way. In addition, 1000 SHL are looking to move the building platforms for lots 6 and 7 slightly to better accommodate the access way and avoid erosion prone areas. 1000 SHL have engaged Mike Farrow of Littoralis landscape architects to assist with finalising the alignment to ensure it avoids erosion prone areas and maintains the current aesthetics of the land formation while providing an access to each lot.

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### Attachments/Ngā tapirihanga

Attachment 1: NRC resource consent approval [↓](#) 

Attachment 2: FNDC resource consent approval [↓](#) 

Attachment 3: Drawings of the proposed alignment amendments and access route realignment [↓](#) 





FILE: 16401  
(01 to 05)  
Replacement 01 and 02  
New 03 to 05

Document Date: 05.11.2015

# *Resource Consent*

*Pursuant to the Resource Management Act 1991, the Northland Regional Council  
(hereinafter called "the Council") does hereby grant a Resource Consent to:*

**AHIPARA LAND CO LIMITED, PO BOX 91441, AUCKLAND MAIL CENTRE,  
AUCKLAND 1142**

To carry out the following activities associated with subdivision development at Sandhills Road, Ahipara on Pt Lot 3 DP 49057 at or about location co-ordinates 1616180E 6112890N:

*Note: All location co-ordinates in this document refer to Geodetic Datum 2000, New Zealand Transverse Mercator Projection.*

**AUT.016401.01.02 Land Use Consent:** Undertake up to 10,000 m<sup>3</sup> of earthworks, including on erosion prone land, for the creation of subdivision access and building platforms.

**AUT.016401.02.02 Water Permit:** Dam water within significant indigenous wetlands for the purpose of wetland enhancement.

**AUT.016401.03.01 Land Use Consent:** Construct weirs within the beds of significant indigenous wetlands.

**AUT.016401.04.01 Discharge Permit:** Discharge stormwater to land from land disturbance activities.

**AUT.016401.05.01 Water Permit:** Divert stormwater associated with land disturbance activities.

Subject to the following conditions:

- 1 The Consent Holder shall ensure that the works are constructed generally in accordance with the following **attached** plans entitled:
  - (a) "Lots 1-21 being a Proposed Subdivision of Pt Lot 3 DP 49057", by Von Sturmiers; Ref: 11127; Revision TY; Dated 02/10/15;
  - (b) "Landscape Integration Concept 2015", by Littoralis Landscape Architecture, detailing location of adjustable weirs;
  - (c) "Ahipara Land Co – Schematic of Timber Weir".



- 2 The Consent Holder shall notify the Council's Monitoring Manager in writing of the date that earthworks are intended to commence, at least two weeks beforehand. The Consent Holder shall arrange for a site meeting between the Consent Holder's principal earthmoving contractor and the Council's assigned monitoring officer, which shall be held on site prior to any earthworks commencing.

**Advice Note:** Notification of the commencement of works may be made by email to [mailroom@nrc.govt.nz](mailto:mailroom@nrc.govt.nz).

- 3 The Consent Holder's operations shall not give rise to any discharge of contaminants (eg. dust), at or beyond the property boundary, which is noxious, dangerous, offensive or objectionable to such an extent that it has, or is likely to have, an adverse effect on the environment. Dust control measures shall be available on site, to ensure compliance with this condition.

**Advice Note:** To reduce the potential for wind erosion of sand during dry summer conditions, earthworks should preferably be carried out between 1 May and 30 October.

- 4 Refuelling and servicing of machinery shall not be carried out in such a way that soil or water at the site is contaminated. Where an accidental spillage to land occurs all contaminated soil shall be collected and removed to a suitable disposal site.

- 5 All bare areas of land shall be covered with aggregate, or covered with topsoil and established with a suitable grass/legume mixture to achieve a 50% groundcover within one month of the completion of earthworks. Temporary mulching or other suitable ground cover material shall be applied to achieve total ground cover of any areas unable to achieve the above requirements.

- 6 Weir crest levels shall be set no higher than the invert level of the relevant drain at the boundary of the relevant adjoining upstream property. Notwithstanding, water in the reservoir created by the timber weirs shall not encroach on any adjoining land owned or occupied by another person without that person's consent.

- 7 The Consent Holder shall notify the Council's Monitoring Manager in writing of the date that timber weirs are intended to be first installed within wetland areas, at least one week beforehand. A plan of the property showing the location of each weir and the extent of flooding upstream of each weir, together with photographic evidence of that extent, shall be provided to the Council's Monitoring Manager within six months following the date of installation of the first weir. Similar details of any subsequently installed weirs (not installed within the initial six month period) shall be provided to the Council's Monitoring Manager within one month following each weir installation.

- 8 Prior to the commencement of earthworks, all midden areas (including identified sites NO4/57, NO4/58, NO4/59, NO4/60, NO4/61), shall be identified and protected with Hi-Viz or other suitable fencing, to ensure that they are not disturbed during the period of earthworks, except as otherwise authorised by the Heritage New Zealand.

- 9 In the event of any other archaeological sites or koiwi being uncovered, activities in the vicinity of the discovery shall cease and the Consent Holder shall contact Heritage New Zealand Pouhere Taonga. Work shall not recommence in the area of the discovery until the relevant Heritage New Zealand Pouhere Taonga approval has been obtained.
- 10 The Consent Holder shall, for the purposes of adequately monitoring the consent as required under Section 35 of the Act, on becoming aware of any contaminant associated with the Consent Holder's operations escaping otherwise than in conformity with this consent:
- (a) Immediately take such action, or execute such work as may be necessary, to stop and/or contain such escape; and
  - (b) Immediately notify the Council by telephone of an escape of contaminant; and
  - (c) Take all reasonable steps to remedy or mitigate any adverse effects on the environment resulting from the escape; and
  - (d) Report to the Council's Monitoring Manager in writing within one week on the cause of the escape of the contaminant and the steps taken or being taken to effectively control or prevent such escape.

With regard to telephone notification, during the Council's opening hours the Council's assigned monitoring officer for these consents shall be contacted. If that person cannot be spoken to directly, or it is outside of the Council's opening hours, then the Environmental Emergency Hotline shall be contacted.

**Advice Note:** *The Environmental Emergency Hotline is a 24 hour, seven day a week, service that is free to call on 0800 504 639.*

- 11 The Council may, in accordance with Section 128 of the Resource Management Act 1991, serve notice on the Consent Holder of its intention to review the conditions annually during the month of November for any one or more of the following purposes:
- (a) To deal with any adverse effects on the environment that may arise from the exercise of the consent and which it is appropriate to deal with at a later stage; or
  - (b) To require the adoption of the best practicable option to remove or reduce any adverse effect on the environment.

The Consent Holder shall meet all reasonable costs of any such review.

**Advice Note:** *The Council may, in accordance with Section 128 of the Resource Management Act 1991, serve notice on the Consent Holder of its intention to review the conditions any time for the following purposes:*

- (i) *To provide for compliance with rules relating to minimum standards of water quality in any regional plan that has been made operative since the commencement of the consent; or*

- (ii) *To provide for compliance with any relevant national environmental standards that have been made; or*
- (iii) *Where there are inaccuracies in the information made available with the application that materially influenced the decision on the application and where the effects of the exercise of consent are such that it is necessary to apply more appropriate conditions.*

12 These consents shall not lapse until their expiry.

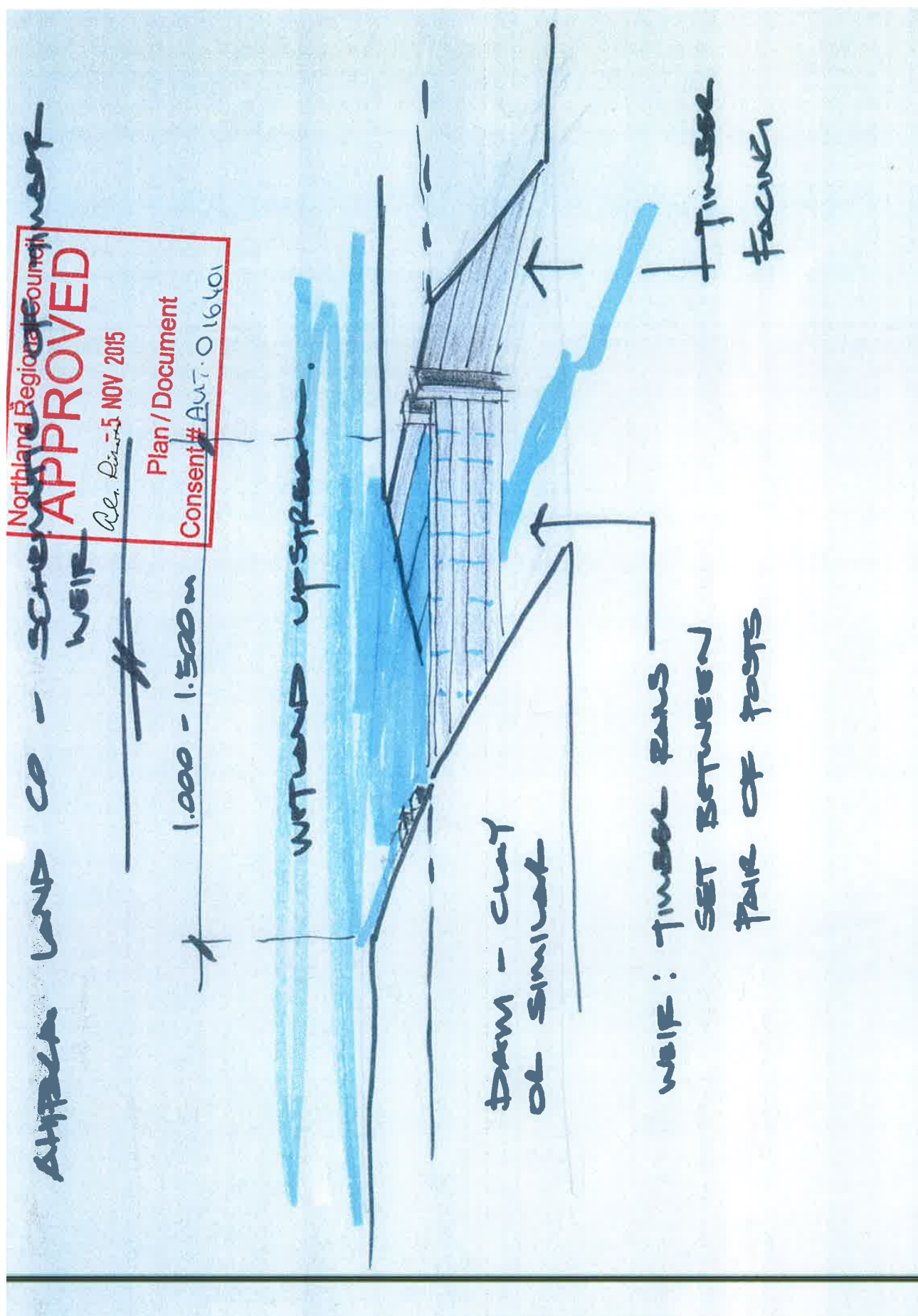
**EXPIRY DATE: 31 OCTOBER 2025**

These consents are granted this Fifth day of November 2015 under delegated authority from the Council by:

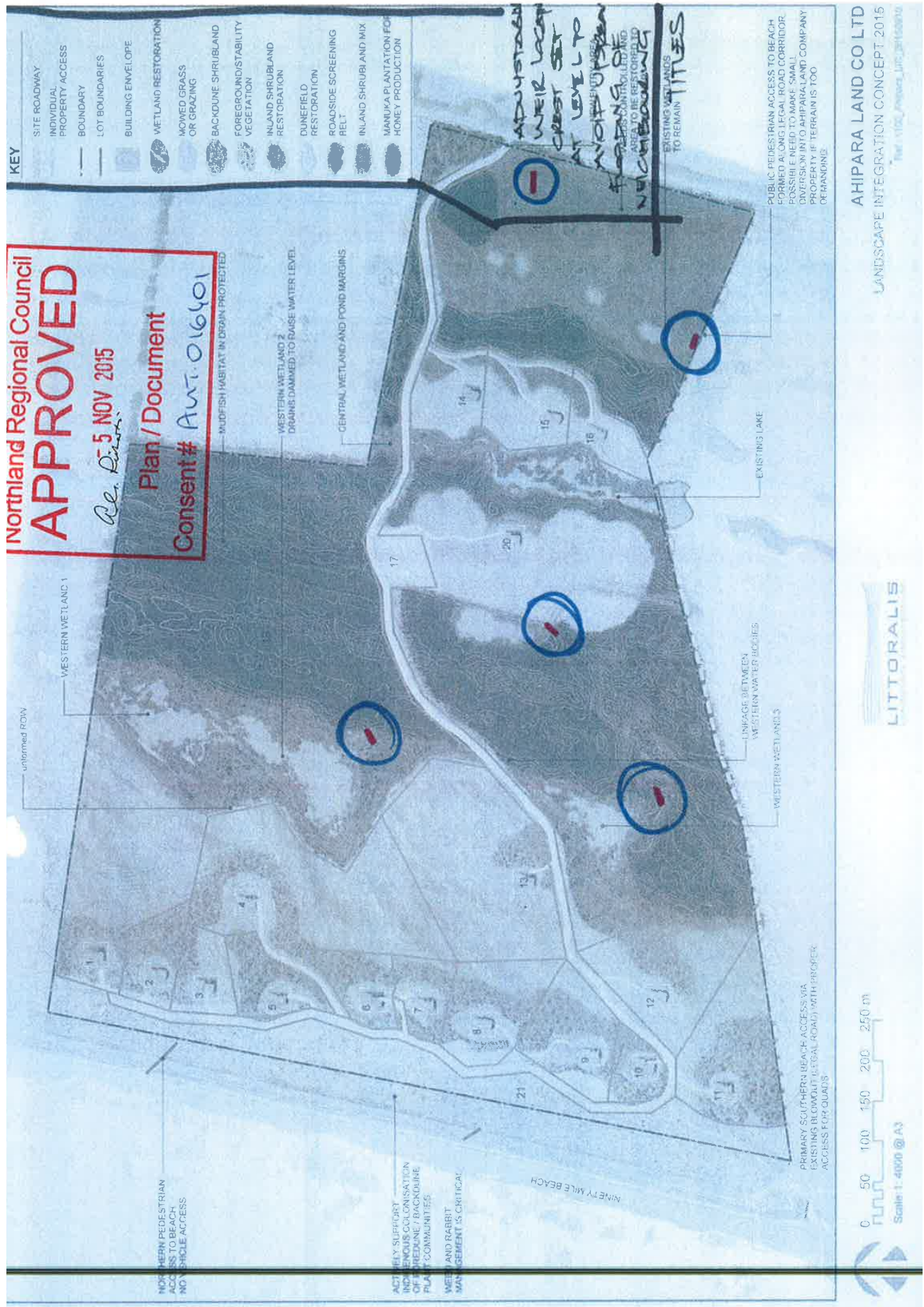


\_\_\_\_\_  
Allan Richards  
Coastal and Works Consents Manager

**Note:** *The plans attached to this consent are reduced copies and therefore may not be to scale and may be difficult to read. In the event that compliance and/or enforcement action is to be based on compliance with the attached plans, it is important that the original plans, are sighted and used. Originals of the plans referred to are available for viewing at the Council's Whāngārei office.*













Far North  
District Council

Private Bag 752, Memorial Ave  
Kaitake 0440, New Zealand  
Freephone: 0800 920 029  
Phone: (09) 401 5200  
Fax: (09) 401 2137  
Email: [ask.us@fndc.govt.nz](mailto:ask.us@fndc.govt.nz)  
Website: [www.fndc.govt.nz](http://www.fndc.govt.nz)

**Application No: 2160143-RMACOM**

26 September 2017

Ahipara Land Company Limited  
C/- Bay of Islands Planning  
PO Box 795  
Kerikeri 0245

*Te Kaunihera o Tai Tokerau Ki Te Raki*

*Hei tāngi whakamārama  
mō te whakamārama*

Dear Sir / Madam,

**Re: RESOURCE CONSENT APPLICATION BY Ahipara Land Co**

I am pleased to inform you that your application for resource consent has been approved. The decision is enclosed for your information. The application was considered and determined under authority delegated to the Team Leader Resource Consents of the Far North District Council, pursuant to Section 34A of the Resource Management Act 1991.

It is very important that you understand and comply with any conditions of consent. If you have any questions or concerns about any aspect of your consent or its conditions, please contact the planner who prepared the decision.

Please note, that you will be sent either an invoice or credit note depending on the actual cost of processing your application. Any additional costs shown on an invoice need to be paid by the 20<sup>th</sup> of the month following the date of the invoice. If you receive a credit note, you have the option of requesting a refund by bank transfer, or transferring the amount to any other Council account. Please advise and supply a printed bank deposit slip and allow 10 working days for the refund to be processed.

If you have any further queries regarding this matter, please contact the reporting Planner.

Yours faithfully

Natasha Reihana  
Planning Support  
**Resource Consents Department**





**FAR NORTH DISTRICT COUNCIL**

**FAR NORTH OPERATIVE DISTRICT PLAN  
DECISION ON RESOURCE CONSENT APPLICATION (SUBDIVISION)**

**Resource Consent Number: 2160143-RMACOM**

**Pursuant to sections 104B, 104D and 220 of the Resource Management Act 1991 (the Act), the Far North District Council hereby grants resource consent to:**

**Ahipara Land Co**

**to subdivide Part Lot 3 DP 49057 via a management plan to create 16 lifestyle lots ranging in size from 6,190 m<sup>2</sup> to 6.69 hectares (Lots 1 to 16), a jointly owned access lot of 2.44 hectares (Lot 17) and four sites ranging in size from 1.78 hectares to 17.89 hectares (Lots 18-21 balance lot which will be held as one title).**

**Land use consent is granted as a discretionary activity for vehicle access –**

- waiving the restriction that private access may serve up to eight residential units (right of way G will serve 16 lifestyle lots and the balance area, and it shall not vest as road), and**
- reducing the standard of access (with the carriageway width to be narrower than that prescribed in Council's engineering standards and guidelines).**

**Subject Site Details**

Address: 1000 Sandhills Road, Awanui 0486  
Legal Description: PT LOT 3 DP 49057 BLK II AHIPARA SD  
Certificate of Title reference: NA-78D/2

**Pursuant to Section 108 of the Act, this consent is issued subject to the following conditions:**

- 1. That subject to incorporating any changes necessitated by the following conditions of consent, the subdivision shall be carried out in general accordance with the application documents, further information and the approved plan of subdivision prepared by Von Sturmers, reference 11127, dated 23 June 2016, and attached to this consent with the Council's "Approved Stamp" affixed to it.**
- 2. The survey plan, submitted for approval pursuant to Section 223 of the Act shall show:**
  - (a) All easements on the memorandum, including those required for access, telecommunications and electricity, to be duly granted and reserved**
  - (b) Areas to be subject to land and building covenants**



- (c) Identified building envelopes on each title area
- (d) That the following conditional amalgamation be endorsed, pursuant to section 220(1)(b)(iii) of the Resource Management Act 1991;

*THAT Lots 18, 19, 20 and 21 hereon are to be held in one certificate of title.*

[Request number 2160143]

- (e) That the following conditional amalgamation be endorsed, pursuant to section 220(1)(b)(iv) of the Resource Management Act 1991;

*THAT Lot 17 hereon (legal access) be held as to seventeen 1/17<sup>th</sup> shares by the owners of Lots 1-16 hereon and Lots 18, 19, 20 and 21 together hereon as tenants in common in the said shares and that individual certificates of title be issued in accordance therewith.*

[Request number 2160143]

- 3. Prior to the approval of the survey plan pursuant to Section 223 of the Act, the consent holder shall:

- (a) Provide to Council's duly delegated officer finalised management plan documents consistent with the draft 'Sandhills Estate Master Plan' document and indicative 'Allotment Management Plan' document submitted to Council in October 2015 in support of RC2160143 and which adopts the matters, requirements, information and recommendations prepared through the various reports supporting the application together with the plans required under conditions 2(b) and (d) below.

The 'Sandhills Estate Master Plan' which relates to the balance area of Lots 18 – 21 shall incorporate the following amendments:

- Any revisions necessary to address the revised access layout and amendments to building envelopes.
- The master plan shall be amended to incorporate any relevant matters included in the cultural impact assessment submitted in support of RC2160143.
- Any specific reference to District Plan rules or resource consent requirements shall be amended as more generic statements may be appropriate, particularly given the upcoming District Plan review. This includes reference that roof reflectivity should comply with District Plan (this should state the reflectance value).
- Reference to area of glazing in 'roof material' Section 7.9.3 is to be removed.
- All reference to access points over the adjacent scenic reserve shall be deleted and any reference to the Department of Conservation with respect to management initiatives within the adjacent scenic reserve shall be removed.
- Where any technical reports are referred to, they shall be adequately referenced and any plans of direct relevance attached for ease of reference (i.e. recorded archaeological sites). For ease of reference, attachment 3 should include a plan showing respective areas.
- Section 11.3 shall be updated to have regard to Council's revised wording regarding water supply.
- Section 8 of the master plan relates to public access on the paper road. Sections 1.1 and 2 also refer to improving public access to the coastal environment. These sections shall be deleted as they no longer form part of the proposal.

- Section 4.3.3 relates to grass area management and section 4.3.4 relates to light grazing management, the revised subdivision plan does not appear to incorporate these areas and should be amended accordingly.
- The plan places considerable emphasis upon Far North District Council to approve building design and scale, landscape plan for planting around the house sites, colours and finishes around driveways, and all exterior lighting. Where this extends beyond resource consent or building consent requirements, the plan shall reflect that landowners accept that Council has the discretion to charge reasonable costs associated with assessing and approving, reimbursing Council accordingly.
- Section 12.1 to be updated to refer to final consent conditions and to be attached accordingly.
- There shall be no dogs and cats.

The '*Sandhills Estate Master Plan*' shall include an overview of the principles and measures for achieving:

- Pest and weed management
- Planting for landscape integration, amenity, habitat reasons and roadside/boundary screening.
- Protection of archaeological sites, including reference to Te Runanga o Te Rarawa protocols on finds of archaeological evidence as included as Appendix 1 to the '*Cultural Impact Assessment, Sandhills Estate*' submitted in support of RC2160143
- Areas to be retired from pastoral activities
- Site management during construction
- Bonds
- Consent notices prohibiting further subdivision
- Consent notice limiting residential development on the amalgamated area of Lots 18, 19, 20 and 21 to a single residential unit and a workers' cottage. (Lot 20 includes a proposed building envelope for the residential unit, and there are no such envelopes shown on Lots 18, 19 and 21. The workers' cottage is to be subject to the future approval of Council where it falls outside of the building envelope on Lot 20, particularly as may relate to any covenant area that is to be affected.)
- Protection of wetlands
- Building height and material controls
- Any other matters relevant to the management of the estate

The '*Allotment Management Plan*' shall incorporate the following amendments:

- Any revisions necessary to address the revised access layout and amendments to building envelopes.
- The allotment management plan shall be amended to incorporate any relevant matters included in the cultural impact assessment.
- Any specific reference to District Plan rules or resource consent requirements shall be amended as more generic statements may be appropriate, particularly given the upcoming District Plan review.

- Para 19 – reference to additional 300mm appears contrary to overall height limit. Where the land is not raised through the subdivision process i.e. prior to title issuing, there is no future provision to increase the building height beyond the recommendations of the landscape architect through subsequent earthworks. Section 1.9.1 also refers to building heights of 5.3 metres and 6.3 metres. This would appear inconsistent with the master plan.
- Reference to area of glazing in 'roof material' in Section 1.9.3 is to be removed.
- Where any technical reports are referred to, they shall be adequately referenced and any plans of direct relevance attached for ease of.
- The plan places considerable emphasis upon Far North District Council to approve building design and scale, landscape plan for planting around the house sites, colours and finishes around driveways, and all exterior lighting. Where this extends beyond resource consent or building consent requirements, the plan shall reflect that landowners accept that Council has the discretion to charge reasonable costs associated with assessing and approving, reimbursing Council accordingly.
- Sections 3.2.3 and 3.2.4 shall be updated to have regard to Council's revised wording regarding water supply
- Reference to the Department of Conservation in para 63 and access to reserve in paras 64 and 65 is to be removed.
- There shall be no dogs and cats.

The '*Allotment Management Plan*' documents shall include, where relevant:

- Plan of allotment showing location of building envelope and covenanted areas
- Finalised engineering requirements for each building site
- Design building controls applicable to each building site
- Details of planting requirements applicable to each covenanted area
- Pest and weed control requirements
- Requirements for amenity planting
- Fencing obligations
- Light grazing management conditions
- Protection of archaeological sites, including the requirement that any work being undertaken which could result in discovery require that the person undertaking or supervising the works shall contact Heritage New Zealand Pouhere Taonga, Northern Archaeological Survey (or other equivalent organisation with archaeological experience), Far North District Council, Northland Regional Council and Te Runanga O Te Rarawa. It shall refer to Te Runanga o Te Rarawa protocols on finds of archaeological evidence as included as Appendix 1 to the '*Cultural Impact Assessment, Sandhills Estate*' submitted in support of RC2160143
- Any other matters relevant to the management of the allotment

In particular each '*Allotment Management Plan*' shall also contain the following conditions:

- (i) Prior to seeking resource consent for any building on an allotment the lot owner shall have prepared, by a suitably qualified person, individual building and landscape plans for the areas subject to indigenous foreground/stability vegetation treatment as specified in the '*Allotment Management Plan*'.
- (ii) Building foundations shall comply with the foundation design requirements set out in the report by PK Engineering dated February 2008, as updated by its letter dated 18 March 2016, or as detailed in advice from a suitably qualified chartered professional engineer as to foundation design.
- (iii) All buildings and structures on a lot to be located within the identified building envelope.
- (iv) All buildings and structures to be limited to a maximum height of 6 metres above the ground level existing at the time the certificates of title issue, other than Lots 4 and 13 which shall be limited to a maximum height of 5 metres above such ground level.
- (v) The exterior of all dwellings and other structures shall have a reflectance value of not more than 35% according to the BS5252 colour chart.
- (vi) Roof pitch should not exceed 25° and roof design should avoid large unbroken expanses or areas of glazing and must comply with requirements for colour and reflectivity.
- (vii) Waste water disposal shall comply with the waste water disposal requirements set out in the report by PK Engineering dated February 2008. Without limiting the type of wastewater disposal system installed on any of the approved lots, no system shall be installed or operated in a manner which does not result in the final discharge to ground at the same or better than that which can be attained using the Biolytix wastewater treatment system.
- (viii) In conjunction with the construction of any dwelling, and in addition to a potable water supply, a water collection system with sufficient supply for fire fighting purposes is to be provided by way of tank or other approved means and to be positioned so that it is safely accessible for this purpose. These provisions shall be in accordance with the New Zealand Fire Fighting Water Supply Code of Practice SNZ PAS 4509.

The management plans are based upon investigations/assessments undertaken by Wildlands Consultants, PK Engineering, Littoralis Landscape Architecture, and Clough and Associates Ltd. The final documents shall be supported by written statements from these companies (or other similarly qualified and experienced consultants) that the document is consistent with the recommendations and associated mitigation measures.

- (b) Provide to Council's duly delegated officer a detailed planting plan for all areas shown as being subject to wetland restoration covenants, backdune shrub land covenants, natural restoration covenants, roadside screening belt covenants, inland shrubland mix covenants and manuka plantation for honey production covenants, as shown on the Von Sturmer scheme plan dated June 2016 prepared by a suitably qualified person. Planting shall also include a strip of planting to a minimum width of 10 metres along the southern boundary of Lot 1 DP 130579, capable of softening the visual effects of built development on Lots 14 – 16, and mitigating dust nuisance from the access. The plan shall be based on the subdivision integration concept plan reference

1100\_Ahipara\_LIC\_RevDuneLots 2010605 prepared by Littoralis Landscape Architecture submitted to Council in June 2016. It shall provide details on the following:

- (i) Location and extent of existing waterbodies, features and native vegetation to be retained
- (ii) Location and extent of proposed planting
- (iii) Size, numbers and species of proposed stock for planting (as volunteered, the consent holder shall consult with Te Runanga o Te Rarawa and the Department of Conservation in finalising the species selected in the landscape plan)
- (iv) Sources of proposed species
- (v) Planting methods, details of staking of trees, proposed plant spacings etc.
- (vi) Details of proposed maintenance
- (vii) Details of proposed mulch, type, depth etc.

Implementation of the above landscape plan is the responsibility of the consent holder.

All above planting shall be undertaken by the consent holder prior to the approval of the subdivision plan and to the satisfaction of Council's duly delegated officer. The '*Cultural Impact Assessment, Sandhills Estate*' submitted in support of RC2160143 encourages the employment of local marae members to assist and the applicant has indicated that they will undertake to employ marae members where they are available and price competitive.

The planting is to be maintained by the consent holder for a period of five years from the date of Council's approval of the planting, all to the satisfaction of Council's duly delegated officer.

Following approval of the planting, a five year bond shall be prepared for the replacement and maintenance of the planting the responsibility of the consent holder. The amount of the bond shall be 150% of the total value of the planting works outstanding and being the responsibility of the consent holder. At each anniversary of the giving of the bond it is to be recalculated by a suitably qualified person at the consent holder's expense and shall be to the satisfaction of Council. The bond shall be to the satisfaction of Council and the costs of preparing, executing and registering the bond shall be met by the consent holder.

- (c) As volunteered by the applicant, the consent holder shall provide evidence that \$10,000 has been paid to the local Marae, with the sum donated to assist iwi in replanting the dunes outside of the site. This payment shall be made prior to the consent holder undertaking the plantings on the subject site.
- (d) Provide to Council's duly delegated officer a '*Weed and pest management strategy*' for each lot prepared by a suitably qualified person. Compliance with the '*Weed and pest management strategy*' shall be a requirement of the '*Allotment Management Plan*' for each lot.
- (e) Submit for the approval of Council's duly delegated officer plans and details of all works required to construct the internal roads and building platforms in accordance with the report by PK Engineering dated February 2008, as updated by its letter dated 18 March 2016. Access Lot 17 shall also include traffic calming devices to slow traffic adjacent to Lot 1 DP 130579, with such devices to be subject to the approval of Council's duly delegated officer.

- (f) Prior to construction works commencing, the consent holder shall submit for the approval of Council plans and details of all works on legal road and works which are to vest in Council. Such works shall be designed in accordance with Council's current engineering standards and NZS4404:2004. In particular, the plans shall show:
- The Sandhills Road carriageway upgraded and sealed along the road frontage of the property (414 metres) to provide a 6.5 metre wide sealed carriageway
  - The upgraded section sealed with a 2 coat (grade 3 and grade 5) chip seal
  - Construction of the new intersection
  - Road markings on the upgraded section of Sandhills Road
  - The proposed stormwater control works to be in place prior to and during construction
  - Earthworks including proposed erosion and sediment control measures required to undertake the development
- (g) Prior to commencement of work, provide to Council's duly delegated officer a copy of the consent that has been obtained from Northland Regional Council and an '*Erosion and sedimentation control plan*' based strictly upon the following protocol:
- (i) The length of surface to be disturbed each day should be limited to the length that can be shaped and recovered with road metal within the same or following work day.
  - (ii) Watering of the metal should be undertaken to aid optimum compaction (if moisture content is low). This will also aid dust control.
  - (iii) Excavated sand should be placed as controlled fill within the roadway or at designated "waste fill" areas, not spread loosely along the road edge or elsewhere.
  - (iv) Waste fill areas should be protected by windbreak fencing until revegetated or otherwise secured.
  - (v) The finished surface of the fill areas should be progressively covered mulch.
  - (vi) Revegetation of exposed surfaces not required for building construction shall be revegetated within one month of completion using appropriate species for the locality.
  - (vii) The total volume of cut and fill shall not exceed 25,500 m<sup>3</sup>.
- (h) Prior to works commencing on site, the consent holder shall clearly mark the five recorded archaeological sites identified in the '*Archaeological assessment*' prepared by Clough and Associates Ltd, dated March 2006. These sites shall be clearly identified during site works to protect them from accidental damage from heavy machinery during earthworks and construction.
4. Prior to the issuing of a certificate pursuant to Section 224(c) of the Act, the consent holder shall:
- (a) Following approval of the plans required by conditions 2(e) and 2(f) above and the selection of the contractor, provide to Council's duly delegated officer:
- (i) Details of the successful roading contractor
  - (ii) Submit plans and details of the planned start date and the duration of the contract

- (iii) Details of the supervising engineer
- (iv) A traffic management plan (TMP) and an application for a Corridor Access Request (CAR)
- (v) Details of the supervising landscape architect
- (b) Complete all work required to service the development pursuant to conditions 2(e) and 2(f), and provide certification from a chartered professional engineer and landscape architect that all works have been completed in accordance with the approved plans.
- (c) Provide three copies of as-built plans complying with schedule 1D of NZS 4404:2004 and section 1.5.2.5 of Council's engineering standards and guidelines which are to include the following information:
  - (i) Drawings, showing the location of all underground services. This information is also to be provided in a digital format to enable it to be added to Council's GIS data base.
  - (ii) Stormwater overland flow paths including the extent and level of the 1:50 year ARI.
- (d) Upon completion of the engineering works specified in the above conditions, the consent holder shall provide certification of the work from a chartered professional engineer that all work has been completed in accordance with the approved plans.
- (e) Provide for Council's approval a preferred road name and two alternatives for the new road on Lot 17. (As per Community Board policy, road names should reflect the history of the area.)
- (f) Reimburse Council the cost of purchasing and installing a road name sign for the new roadway.
- (g) Provide evidence that electricity been reticulated underground to the boundary of each lot.
- (h) Provide documentation that the service provider of electric power is satisfied with the arrangements made for the provision of this service.
- (i) Provide to the Council a legal undertaking from the consent holder's solicitor (as per Rule 14.1.6.1.2(q) of the District Plan (July 2003)) that:
  - legal land easements will, if required by Council, be prepared and registered against the subdivision's titles at the time of deposit, for perpetual ownership, management and maintenance of the jointly owned access lot, and;
  - that such easements shall make provision for the provisions of the Fourth Schedule of the Land Transfer Regulation 2002 and the Fifth Schedule of the Property Law Act 2007 to apply to the access lot, and;
  - such easement shall further make adequate provision, and specific controls, as relevant to circumstances, as to utilities, dispute resolution, weight, size and speed of vehicles, individual apportionment of cost and any other matter as may be appropriate.

The costs of preparing, executing and registering the easement shall be met by the consent holder.

- (j) Provide a solicitor's undertaking that the instrument for easement G shall restrict its use to pedestrians and quad bikes/side-by-side vehicles only, with any formed carriageway to be limited to 2 metres in width. No other motorised vehicles shall be permitted.
- (k) The consent holder shall enter into and register a fencing covenant in perpetuity against Lots 1 and 21, pursuant to sections 5 and 6(2) of the Fencing Act 1978 which indemnifies the landowner of Sec 1 SO 469396 from contribution to the costs of fencing the adjacent scenic reserve.

A solicitor's undertaking shall be provided that the fencing covenant shall be registered against the title of the new lots within two months of title issuing or prior to such lots being sold (whichever occurs first).

All costs involved with the preparation and registration of the fencing covenant shall be borne by the consent holder.

- (l) The consent holder shall provide to the Council a restrictive land covenant which shall provide for the implementation of the provisions of the '*Sandhills Estate Master Plan*' through the individual '*Allotment Management Plans*' for Lots 1 to 16, 18, 19 and 20 generally in accordance with the draft and sample documents submitted to Council in October 2015. The documents shall be approved by the Council's duly delegated officer and secured by way of a consent notice under section 221 of the Act. The costs of preparing, checking and executing the notice shall be met by the consent holder. The consent notice shall state that:
  - (i) The property is subject to an '*Allotment Management Plan*' which addresses scale, siting and design of buildings, landscape development and planting, activities in covenanted areas, revegetation, weed and pest management, stormwater and wastewater management.
  - (ii) The management plans shall be observed and continued and shall not cease without the express permission of Council.
- (m) That the following condition shall be complied with by the consent holder and/or their successor in title to Lots 1 to 12 inclusive on a continuing basis and shall be the subject of a consent notice pursuant to section 221 of the Resource Management Act 1991 to be prepared at the consent holders cost and registered on the titles to the relevant allotments:
  - (i) A 'Coastal hazard assessment' prepared by Tonkin and Taylor, job number 31461.v1, dated April 2016 (submitted in support of RC2160143), considers the effects of coastal inundation, coastal erosion and tsunami on the lot. The report sets minimum floor levels at 4.8 metres One Tree Point Vertical Datum 1964. No habitable building shall be constructed with finished floor levels below this.
- (n) Provide evidence that all other land covenant documents have been prepared and will be registered upon the respective titles.
- (o) The consent holder shall, in consultation with tangata whenua, prepare a document including information regarding the cultural significance of the sites identified in the '*Cultural Impact Assessment, Sandhills Estate*' submitted in support of RC2160143. This intent of this document shall be to inform future land owners about the importance of respecting and acknowledging the cultural values and the purpose of the adjoining conservation reserve to protect the waahi tapu and to avoid accidental transgressions on any tapu. A copy shall be provided to tangata whenua and a consent notice registered against the titles requiring lot owners to provide a copy of the document to



future owners of the respective lot, with land owners required to give effect to any requirements outlined in the document.

### Further resolution

THAT pursuant to sections 37 and 37A of the Resource Management Act 1991 (the Act), Far North District Council hereby more than doubles the timeframe for processing RC2160143 to 26 September 2017 for the following reasons:

- i. The applicant agreed to more than doubling the timeframe given the complexity of issues requiring staff assessment, and the time incurred in obtaining a cultural impact assessment and finalising the mitigation measures volunteered by the applicant.
- ii. In extending the timeframe, Council has had regard to the interests of those persons who may be directly affected by the proposal and the interests of the community in achieving an adequate assessment of effects.

### Council also resolves -

THAT as sought by the applicant, the period of consent shall be ten years. Given the mitigation measures volunteered by the applicant and to be undertaken prior to titles issuing, Council regards the timeframe as reasonable for the purposes of giving effect to the consent.

### Advice Notes

1. Any reasonable costs associated with assessing and finalising the above management plans and '*Weed and pest management strategy*' will be on-charged to the consent holder.
2. On 5 November 2015 Northland Regional Council issued the following consents for activities associated with the subdivision development:
  - (i) Land use consent to undertake up to 10,000 m<sup>3</sup> of earthworks (including on erosion prone land) for the creation of subdivision and building platforms
  - (ii) Water permit to dam water within significant indigenous wetlands for the purpose of wetland enhancement
  - (iii) Land use consent to construct weirs within the beds of significant indigenous wetlands
  - (iv) Discharge permit for stormwater to land from land disturbance activities
  - (v) Water permit to divert stormwater associated with land disturbance activities

In terms of the realignment of the internal access and the revised volume of cut (14,160 m<sup>3</sup>), because the volume of earthworks is likely to be similar to that already consented by the regional council and the revised road alignment is further from the coast with negligible sediment control issues, the regional council is reasonably satisfied that the activity is still in 'general accordance' with Condition 1(a) of the consent. On this basis, the regional council confirmed that no variation to the above consent is likely to be required.

3. Rule 13.6.8 of the District Plan, subdivision consent before work commences, provides that except where prior consent has been obtained to excavate or fill land pursuant to rules under Section 12.3 and/or relevant consents have been obtained from the Regional Council, no work, other than investigatory work, involving the disturbance of the land shall be undertaken until a subdivision consent has been obtained.

When the subdivision consent is granted, provided that all necessary calculations and assessment of effects is provided with the application, it shall be deemed to include consent to excavate or fill land to the extent authorised by the consent and subject to any conditions in the consent. Alternatively, an applicant may apply to add a land use consent application to the subdivision consent application. This does not exempt a consent holder from also obtaining any relevant resource consent or approvals from the Regional Council or the New Zealand Historic Places Trust for earthworks, vegetation clearance or disturbance of an archaeological site.

Whilst no such assessment has been submitted in support of the alternative alignment of the access, Council's resource consents engineer is satisfied that Rule 13.6.8 can be applied as the original alignment of the access was supported by engineering assessments, including a coastal hazard assessment prepared by Tonkin and Taylor, dated April 2016. Council's resource consents engineer is satisfied that no further assessment is required, with the assessment/recommendations regarded as relevant to the current proposal. Hence there is no requirement for land use consent for earthworks. (The regional council has also advised that because the volume of earthworks is likely to be similar to that already consented by the regional council and the revised road alignment is further from the coast with negligible sediment control issues, the activity is considered in 'general accordance' with the regional council's consents which were granted 5 November 2015.)

4. In order to assess the risk of coastal flood hazards, erosion and tsunami upon the coastal lots, it is recommended that the consent holder make prospective purchasers aware of the 'Coastal hazard assessment' prepared by Tonkin and Taylor, job number 31461.v1, dated April 2016.
5. Based upon the proposed building envelopes and the consent notice restrictions volunteered by the applicant, Council is satisfied that for the purposes of the District Plan rule currently relating to visual amenity in the General Coastal zone, approval of the subdivision and creation of the titles in accordance establishes building envelopes approved under resource consent for the associated lots. On this basis, future building development within these envelopes on the lots within the General Coastal zone is expected to be a controlled activity. This will not apply where a workers' cottage is established elsewhere on the larger balance area of Lots 18, 19, 20 and 21.
6. Archaeological sites are protected pursuant to the Heritage New Zealand Pouhere Taonga Act 2014. It is an offence, pursuant to the Act, to modify, damage or destroy an archaeological site without an archaeological authority issued pursuant to that Act. Should any site be inadvertently uncovered, the procedure is that work should cease, with the Trust and Te Runanga o Te Rarawa consulted immediately. The advice of a kaumatua (Senior Elder) nominated by Kahui Kaumatua o Te Rarawa should be followed in respect of further actions. Kaumatua should be given the opportunity to undertake such ceremonies and activities at the site as may be considered appropriate in accordance with Te Rarawatanga (Tikanga Maori). The New Zealand Police should also be consulted if the discovery includes koiwi (human remains). Heritage New Zealand Pouhere Taonga is satisfied that archaeological issues have been addressed and works can proceed using a standard 'Archaeological discovery protocol'. A copy is attached to this decision.

#### Reasons for the Decision

1. The activity, District Plan rules/reasons for consent, and the principal issues in contention are addressed in Council's earlier notification assessment which concluded that subject to the mitigation measures and conditions volunteered by the applicant the actual and potential effects upon the environment of allowing the activity were no more than minor. The primary

issues taken into consideration included effects upon access (internal and road standard/upgrade), servicing, earthworks, coastal hazards, landscape/visual amenity and natural character, archaeological and cultural/spiritual impacts, and flora and fauna. In summary, the Council has determined (by way of an earlier report and resolution) that the adverse environmental effects associated with the proposed activity are no more than minor and that there are no affected persons or affected customary rights group or customary marine title group.

2. The following assessment focuses upon sections 104(1)(b) and (c) and Part 2 of the Act. It addresses those matters considered relevant to this application - including the New Zealand Coastal Policy Statement 2010, the Regional Policy Statement for Northland, regional plans, and an analysis of the proposal against the objectives and policies of the operative Far North District Plan in order to reach a conclusion as to whether the application should be granted or declined pursuant to section 104D of the Resource Management Act 1991.

3. Far North District Plan objectives and policies

The proposal is considered to have adequately taken into account, and be consistent with, relevant statutory provisions, including the following objectives and policies from the Operative Far North District Plan.

Objectives -

- *13.3.1 To provide for the subdivision of land in such a way as will be consistent with the purpose of the various zones in the Plan, and will promote the sustainable management of the natural and physical resources of the District, including airports and roads and the social, economic and cultural wellbeing of people and communities.*

*13.3.2 To ensure that subdivision of land is appropriate and is carried out in a manner that does not compromise the life-supporting capacity of air, water, soil or ecosystems, and that any actual or potential adverse effects on the environment which result directly from subdivision, including reverse sensitivity effects and the creation or acceleration of natural hazards, are avoided, remedied or mitigated.*

*13.3.6 To encourage innovative development and integrated management of effects between subdivision and land use which results in superior outcomes to more traditional forms of subdivision, use and development, for example the protection, enhancement and restoration of areas and features which have particular value or may have been compromised by past land management practices.*

Comment: Whilst the proposal is a non-complying activity, on the basis of the mitigation measures proposed by the applicant, Council has accepted that it has the ability to produce a better environmental outcome, promoting the sustainable management of natural and physical resources in the District.

- *13.3.4 To ensure that subdivision does not adversely affect scheduled heritage resources through alienation of the resource from its immediate setting/context.*

*13.3.7 To ensure the relationship between Maori and their ancestral lands, water, sites, waahi tapu and other taonga is recognised and provided for.*

*13.4.11 That subdivision 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 shall take into account the principles of the Treaty of Waitangi.*

Comment: The application is supported by an 'Archaeological assessment' prepared by Clough and Associates Ltd, dated March 2006. As a result of the archaeological survey, five sites (midden, partly eroding and partly buried) were recorded. The proposed building envelopes are each located away

from the midden sites. Subject to five recommendations as outlined on page 15, the assessment concludes that the development will have no known effects on archaeological values.

The application is supported by a 'Cultural Impact Assessment, Sandhills Estate' prepared by Nga Marae o Ahipara – Tui Qauqau Te Paa (Roma Marae), Rose Graham and Danny Graham (Wainui Marae), and Susan Duncan and Aorangi Logan (Korou Kore Marae) with support from Te Hauauru Consultancy. The applicant has volunteered mitigation measures to give effect to the recommendations included within the assessment.

- 13.3.5 To ensure that all new subdivisions provide a reticulated water supply and/or on-site water storage and include storm water management sufficient to meet the needs of the activities that will establish all year round.

13.3.8 To ensure that all new subdivision provides an electricity supply sufficient to meet the needs of the activities that will establish on the new lots created

13.3.9 To ensure, to the greatest extent possible, that all new subdivision supports energy efficient design through appropriate site layout and orientation in order to maximise the ability to provide light, heating, ventilation and cooling through passive design strategies for any buildings developed on the site(s).

13.3.10 To ensure that the design of all new subdivision promotes efficient provision of infrastructure, including access to alternative transport options, communications and local services.

Comment: Although the lot sizes do not comply with the minimum sizes expected for the zone, Council's resource consents engineer is satisfied that there is no engineering impediment to the proposal. The applicant has addressed the servicing requirements to the satisfaction of Council's resource consents engineer.

#### Policies –

- 13.4.1 That the sizes, dimensions and distribution of allotments created through the subdivision process be determined with regard to the potential effects including cumulative effects, of the use of those allotments on:
  - (a) natural character, particularly of the coastal environment;
  - (b) ecological values;
  - (c) landscape values;
  - (d) amenity values;
  - (e) cultural values;
  - (f) heritage values; and
  - (g) existing land uses.

Comment: On the basis of the mitigation measures proposed by the applicant, Council has accepted that the subdivision has the ability to produce a better environmental outcome, promoting the sustainable management of natural and physical resources in the District. On the basis of the technical assessments provided, any cumulative effects relating to the above are regarded as no more than minor.

- 13.4.2 That standards be imposed upon the subdivision of land to require safe and effective vehicular and pedestrian access to new properties.

*13.4.5 That access to, and servicing of, the new allotments be provided for in such a way as will avoid, remedy or mitigate any adverse effects on neighbouring property, public roads (including State Highways), and the natural and physical resources of the site caused by silt runoff, traffic, excavation and filling and removal of vegetation.*

Comment: Council's resource consents engineer is satisfied that the site can be developed as proposed, with any adverse regarded as no more than minor in terms of traffic safety and efficiency, particularly given the requirement to upgrade Sandhills Road.

- *13.4.3 That natural and other hazards be taken into account in the design and location of any subdivision.*

Comment: On the basis of the technical information submitted by the applicant, Council's resource consents engineer is satisfied that any effects associated with coastal hazards will be no more than minor.

- *13.4.4 That in any subdivision where provision is made for connection to utility services, the potential adverse visual impacts of these services are avoided.*

Comment: Services will be placed underground.

- *13.4.8 That the provision of water storage be taken into account in the design of any subdivision.*

Comment: A consent notice condition requires an adequate supply of potable water and a collection system with sufficient supply for fire fighting purposes.

- *13.4.6 That any subdivision proposal provides for the protection, restoration and enhancement of heritage resources, areas of significant indigenous vegetation and significant habitats of indigenous fauna, threatened species, the natural character of the coastal environment and riparian margins, and outstanding landscapes and natural features where appropriate.*

*13.4.13 Subdivision, use and development shall preserve and where possible enhance, restore and rehabilitate the character of the applicable zone in regards to section 6 matters. In addition subdivision, use and development 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.*

- (g) *achieving hydraulic neutrality and ensuring that natural hazards will not be exacerbated or induced through the siting and design of buildings and development.*

Comment: These matters have been addressed in detail in Council's notification assessment, with the proposal taking these matters into consideration where relevant.

The District Plan includes the following objectives and policies relating to the General Coastal zone:

Objectives -

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

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

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

Comment: Whilst the proposal is a non-complying activity, on the basis of the mitigation measures proposed by the applicant and the assessment undertaken by Council's consultant landscape architect, Council has accepted that any adverse effects upon natural character will be no more than minor.

The subdivision has the ability to produce a better environmental outcome, promoting the sustainable management of natural and physical resources in the District.

Policies –

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

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

Comment: Whilst the proposal is a non-complying activity, on the basis of the mitigation measures proposed by the applicant and the assessment undertaken by Council's consultant landscape architect, Council has accepted that any adverse effects upon natural character will be no more than minor.

The subdivision has the ability to produce a better environmental outcome, promoting the sustainable management of natural and physical resources in the District.

- 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 section 6 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.*

Comment: These matters have been addressed in detail in Council's notification assessment, with the proposal taking these matters into consideration where relevant.

- *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.*

Comment: The application is supported by an 'Archaeological assessment' prepared by Clough and Associates Ltd, dated March 2006. As a result of the archaeological survey, five sites (midden, partly eroding and partly buried) were recorded. The proposed building envelopes are each located away from the midden sites. Subject to five recommendations as outlined on page 15, the assessment concludes that the development will have no known effects on archaeological values.

The application is supported by a 'Cultural Impact Assessment, Sandhills Estate' prepared by Nga Marae o Ahipara – Tui Qauqau Te Paa (Roma Marae), Rose Graham and Danny Graham (Wainui Marae), and Susan Duncan and Aorangi Logan (Korou Kore Marae) with support from Te Hauauru Consultancy. The applicant has volunteered mitigation measures to give effect to the recommendations included within the assessment.

- *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.*

Comment: Earthworks associated with the subdivision will be limited, with any effects upon natural character considered no more than minor.

The District Plan includes the following objectives and policies relating to the Rural Production zone:

Objectives -

- *8.6.3.1 To promote the sustainable management of natural and physical resources in the Rural Production Zone.*
- 8.6.3.2 To enable the efficient use and development of the Rural Production Zone in a way that enables people and communities to provide for their social, economic, and cultural well being and for their health and safety.*
- 8.6.3.3 To promote the maintenance and enhancement of the amenity values of the Rural Production Zone to a level that is consistent with the productive intent of the zone.*
- 8.6.3.4 To promote the protection of significant natural values of the Rural Production Zone.*

*8.6.3.7 To avoid remedy or mitigate the adverse effects of incompatible use or development on natural and physical resources.*

*8.6.3.8 To enable the efficient establishment and operation of activities and services that have a functional need to be located in rural environments.*

*8.6.3.9 To enable rural production activities to be undertaken in the zone.*

Comment: The matters raised in the majority of these objectives are addressed above. In terms of productivity, the applicant has established to the satisfaction of Council that retiring a large portion of the site from pastoral farming activities and introducing honey production from manuka is a more sustainable productive use which is also compatible with the initiatives for habitat restoration.

#### Policies -

- *8.6.4.1 That the Rural Production Zone enables farming and rural production activities, as well as a wide range of activities, subject to the need to ensure that any adverse effects on the environment, including any reverse sensitivity effects, resulting from these activities are avoided, remedied or mitigated and are not to the detriment of rural productivity.*

*8.6.4.4 That the type, scale and intensity of development allowed shall have regard to the maintenance and enhancement of the amenity values of the Rural Production Zone to a level that is consistent with the productive intent of the zone.*

*8.6.4.5 That the efficient use and development of physical and natural resources be taken into account in the implementation of the Plan.*

*8.6.4.7 That although a wide range of activities that promote rural productivity are appropriate in the Rural Production Zone, an underlying goal is to avoid the actual and potential adverse effects of conflicting land use activities.*

Comment: The matters raised in these policies are addressed above.

Although it could be reasoned that the proposal is not consistent with all objectives and policies by virtue of their generality, taking a holistic approach, overall the proposal is not regarded as contrary to the general intent of the objectives and policies. When analysed together, the objectives and policies of the District Plan seek to manage subdivision in the General Coastal zone and the Rural Production zones in such a way that it is enabled in some circumstances, and not in others. They set a clear direction to encourage innovative development and integrated management of effects, whilst preserving the natural character, and visual and landscape qualities of the coastal environment.

4. Relevant national planning provisions include the New Zealand Coastal Policy Statement.

The NZCPS is a national policy statement under the Resource Management Act 1991. Its purpose is to state policies in order to achieve the purpose of the Act, to promote the sustainable management of natural and physical resources, in relation to the coastal environment.

The NZCPS is of primary relevance to the proposal due to its location within the coastal environment. One of the objectives of the Statement is to safeguard the integrity, form, functioning, and resilience of the coastal environment and sustain its ecosystems. The Statement seeks to preserve the natural character of the coastal environment and protect natural features and landscapes. It recognises that the protection of values of the coastal environment does not preclude use and development in appropriate places and forms, and within appropriate limits. It seeks to consolidate existing coastal settlements and urban areas where this will contribute to the avoidance or mitigation of sprawling or sporadic patterns of settlement. The NZCPS encourages development that maintains the character



of the existing built environment, and where development resulting in change in character would be acceptable. In terms of preserving natural character, the NZCPS also places emphasis upon avoiding significant adverse effects and preserving natural character and protecting it from inappropriate subdivision, use and development.

Council's consultant landscape architect, Simon Cocker of Simon Cocker Landscape Architecture has had regard to the level of development and the proposed mitigation measures involving on-site landscaping and restricting the scale/appearance of built development, with the associated effects upon the coastal environment considered no more than minor. Therefore the development is regarded as meeting the overall intent of the NZCPS.

5. Regional Water and Soil Plan for Northland (RWSP)

The RWSP covers the land and water resources of the Northland region, it controls discharges and land disturbance activities. The Plan aims to prevent activities occurring which would result in unacceptable adverse effects. Council's resource consents engineer has considered matters relating to site servicing, and is satisfied that with appropriate conditions of consent, combined with the requirements of the RWSP, future development will likely achieve the environmental results anticipated by the RWSP.

6. Regional Policy Statement for Northland (RPS)

A principal purpose of the RPS is to provide for policies and methods which achieve integrated management of the Region's natural and physical resources.

Section 2.1 'Fresh and coastal water' (Part 2 'Issues') indicates a key pressure on Northland's coastal water resource as *"Elevated levels of fine sediments, nutrients, and faecal pathogens in freshwater bodies, estuaries, and harbours, mainly from diffuse run-off and leaching from land used for primary production, eroding beds and banks of streams and rivers, historical human induced erosion, and in some areas discharges of untreated and poorly treated wastewater and stormwater"*.

Section 2.2 'Indigenous ecosystems and biodiversity' (Part 2 'Issues') indicates key pressures on Northland's indigenous terrestrial, freshwater, and coastal marine ecosystems and species as including:

- *Elevated levels of fine sediments, nutrients, and faecal pathogens in freshwater bodies, estuaries, and harbours, mainly from diffuse run-off and leaching from land use for primary production, eroding beds and banks of streams and rivers, historical human induced erosion, and in some areas discharges of untreated and poorly treated wastewater and stormwater.*
- *Pest species, including terrestrial, aquatic and marine pest plants, animals and organisms, and some domestic cats and dogs.*
- *Fragmentation, loss and isolation of populations and communities of indigenous species due to habitat loss, land use changes and vegetation clearance.*

Section 2.6 'Issues of significance to tangata whenua – natural and physical resources' (Part 2 'Issues') highlights the following which has been identified by iwi authorities as regionally significant as it relates to the state of, and pressure on, natural and physical resources - *The decline of the mauri of natural resources (in particular water and land).*

Section 2.8 'Natural character, features/landscapes and historic heritage' (Part 2 'Issues') highlights that many of Northland's natural features and landscapes, natural character, and historic heritage have been compromised and remain at risk as a result of:

- (a) *The impacts of inappropriate subdivision, use and development. The primary activities of concern are built development, earthworks, significant water extractions / discharges to water, vegetation clearance and coastal structures;*
- (b) *A lack of active management; and*
- (c) *Inconsistent identification and protection.*

The above issues are addressed in Part 3 'Objectives', and Parts 4 to 8 'Policies and methods' of the RPS. These matters have been addressed previously in Council's notification assessment, where it was concluded that the associated effects would be no more than minor. On the basis of this assessment, the application is regarded as achieving the relevant issues, objectives and policies of the RPS.

7. Other matters considered relevant in making this decision

Cumulative effects

There is the potential that the proposal could have adverse cumulative effects on the fragmentation of land and on local character in the coastal environment that is more than minor through the on-going intensification of subdivision and development in this locality. Given the subdivision layout and mitigation measures offered by the applicant, the subdivision offers the opportunity for future site development to be successfully integrated within the existing landscape. On this basis, there are unlikely to be any significant adverse cumulative effects that will result from the intensity of subdivision proposed, either in terms of the existing landscape, natural character, the local traffic environment or factors contributing to the local amenity (i.e. noise and privacy).

Precedent effects

There is a concern that the application may have wider implications in undermining the future development pattern anticipated by the District Plan in the General Coastal and Rural Production zones. These concerns extend to the likelihood that granting consent to the subdivision layout as proposed may lead to further dispersed and uncoordinated growth via the lodgment of similar applications. Given the mitigation measures volunteered by the applicant it is not considered that approval of the application would set a precedent which could be convincingly applied to dissimilar sites elsewhere within the Zone.

8. Part 2 Matters

Part 2 of the Resource Management Act 1991

Section 5 sets out the Act's purpose, whilst sections 6, 7 and 8 include principles to assist in achieving that purpose.

The purpose of the Act as outlined in section 5(1) is to promote the sustainable management of natural and physical resources. As outlined in section 5(2), "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."*

Comment: The applicant has offered environmental compensation/offsets in the form of:

- Wetland enhancement covenants over Lots 18 and 20
- Inland shrubland mix covenant over Lots 4, 13 to 16, 18 and 19
- Manuka restoration covenants over Lots 18 to 20
- Managed natural recolonisation covenants over Lot 19

In *JF Investments Ltd v Queenstown Lakes District Council, Decision 48/2006* the Environment Court considered section 5 and whether the concept of 'environmental compensation' is considered by the Act. It concluded that the 'enabling' concept of section 5 suggests that landowners should be allowed to volunteer environmental compensation as a set-off for creating some adverse effects and if compensation is inadequate then resource consent would be declined. The Court goes on to advise that the use of the word 'remedy' in section 5 means that adverse effects of an activity may be allowed to occur as part of sustainable management if redress or reparation for those effects is later given. In terms of avoiding, remedying, or mitigating any adverse effects of activities on the environment, the Court commented "*In every decision under the Act a choice or compromise is almost always made between limiting the economic and social conditions of people by avoiding the adverse effects of their activities or enabling individuals wellbeing by allowing some adverse environmental effects to occur, duly remedied or mitigated to the appropriate extent. Environmental compensation is one type of choice or compromise*".

Environmental compensation can include 'restoration' compensation where in-kind compensation is proposed or 'replacement' compensation where out-of-kind compensation is proposed. The applicant is proposing out-of-kind compensation in the form of the revegetation which will establish ecological benefits.

The current proposal involves the concept of compensation for dissimilar values, i.e. landscape and visual amenity with ecological enhancement. Unfortunately there doesn't appear to be any clear means of establishing an overall weighting that would have regard to these factors. This is recognised in *PH, KM and FM Stapylton-Smith and Others v Banks Peninsular District Council, Decision 191/2004*, where the following comments were made with respect to the concept of environmental compensation:

*"This Court has some difficulty with the concept of environmental compensation and notes the matter has been usefully examined in a recent monograph 'An International Perspective on Environmental Compensation: Lessons for New Zealand's Resource Management Regime'. The fundamental difficulty with the concept is how one translates the adverse effect on natural character, outstanding landscape and visual amenity into the benefits that are achieved ... to possible native revegetation. The equation can be more readily understood in respect of a replacement on the same site by compensation of the same kind... However the concept of compensation for out of kind (dissimilar) values is far more difficult. As this Court has commented on numerous occasions, it is not possible to directly equate one particular value with another, i.e. the*

*loss of natural character with ... Although both matters are ones recognised under section 6 of the Act, this cannot in itself mean that they are always equivalent. There is no accounting process that can be adopted to measure some form of economic equivalence, i.e. 1000 trees for one hectares of access. Non-market valuation does not achieve a value-free decision."*

In considering issues relating to 'environmental compensation', it is important to recognise that this mechanism generally applies after all reasonable avoidance and mitigation measures have been considered. In this instance, the applicant has however demonstrated to the satisfaction of Council's consultant landscape architect that the effects upon local landscape and natural character will be no more than minor and hence the issue of environmental compensation/offset is not regarded as critical to Council's decision making. The positive environmental measures as outlined in the application will however further offset the adverse effects of the subdivision. On this basis the proposal is regarded as promoting the sustainable management of natural and physical resources.

Overall therefore, the proposal is regarded as consistent with the purpose of the Act.

Section 6 of the Act, 'Matters of national importance', lists seven matters of national importance. The site is not located in an Outstanding Landscape Area and therefore the matters regarded as most relevant to the proposal relate to subsection (a), (e) and (h):

- (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;*
- (e) *the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga;*
- (h) *the management of significant risks from natural hazards.*

Comment: These matters have been discussed in the notification assessment. The proposal incorporates mitigation measures addressing the above matters.

In achieving the purpose of the Act, section 7 imposes eleven matters for Council to have regard to in managing the use, development, and protection of natural and physical resources. These matters include the efficient use and development of natural and physical resources; the maintenance and enhancement of amenity values; and the intrinsic values of ecosystems; and the maintenance and enhancement of the quality of the environment.

Comment: In terms of the intrinsic value of ecosystems, the applicant proposes to enhance the ecological value of the site via the above covenants.

As the site is not part of an Outstanding Landscape; section 7(c) relating to the maintenance and enhancement of amenity values and section 7(f) relating to the maintenance and enhancement of the quality of the environment, are regarded as most relevant to the proposal. Based upon the issues as addressed in Council's notification assessment, the application and supporting documentation are considered consistent with section 7 of the Act.

Section 8 of the Act requires that all persons exercising functions and powers under the Act take into account the principles of the Treaty of Waitangi in managing the use, development and protection of natural and physical resources.

The application is supported by an 'Archaeological assessment' prepared by Clough and Associates Ltd, dated March 2006. As a result of the archaeological survey, five sites (midden, partly eroding and partly buried) were recorded. The proposed building envelopes are each located away from the midden sites. Subject to five recommendations as outlined on page 15, the assessment concludes that the development will have no known effects on archaeological values.

The application is supported by a 'Cultural Impact Assessment, Sandhills Estate' prepared by Nga Marae o Ahipara – Tui Qauqau Te Paa (Roma Marae), Rose Graham and Danny Graham (Wainui Marae), and Susan Duncan and Aorangi Logan (Korou Kore Marae) with support from Te Hauauru Consultancy. The applicant has volunteered mitigation measures to give effect to the recommendations included within the assessment.

Based upon these assessments and consultation undertaken, the proposal is considered to satisfy section 8.

In summary it is considered that the activity is consistent with the sustainable management purpose of the Act.

9. Overall evaluation

Given its non-complying activity status, in order for Council to consider granting consent the application must pass one of the thresholds under section 104(D) of the Resource Management Act 1991. The two limbs of section 104(D) require Council to assess whether the effects of the proposal will be no more than minor, or whether the proposal will not be contrary to the relevant objectives and policies of the operative Far North District Plan. The application has been assessed as satisfying each of these limbs and therefore Council can consider granting consent to the proposal.

Having considered the application against the relevant provisions of the Act, it is therefore recommended that this application be granted, subject to conditions as addressed in the notification assessment which will avoid, remedy or mitigate any adverse effects of the activity on the environment.

**Approval**

This resource consent has been prepared by Liz Searle [consultant planner] and is granted under delegated authority (pursuant to section 34A of the Resource Management Act 1991) from the Far North District Council by:

  
**Wayne Smith, Team Leader Resource Consents**

26<sup>th</sup> September 2017  
Date

**Right of Objection**

If you are dissatisfied with the decision or any part of it, you have the right (pursuant to section 357A of the Resource Management Act 1991) to object to the decision. The objection must be in writing, stating reasons for the objection and must be received by Council within 15 working days of the receipt of this decision.

### **Lapsing Of Consent**

Pursuant to section 125 of the Resource Management Act 1991, this resource consent will lapse 10 years after the date of commencement of consent unless, before the consent lapses;

- (i) The consent is given effect to; or
- (ii) An application is made to the Council to extend the period of consent, and the council decides to grant an extension after taking into account the statutory considerations, set out in section 125(1)(b) of the Resource Management Act 1991.





Attachment 3: Drawing of the proposed alignment amendments and access route realignment.

