

BEFORE THE INDEPENDENT HEARING PANEL

UNDER

the Resource Management Act 1991 ("**RMA**")

IN THE MATTER OF

Proposed Far North District Plan ("**PDP**")

**ADDITIONAL STATEMENT BY ALVIN JUNG AND MAKARENA EVELYN TE PAEA
ON BEHALF OF NGĀTI HINE**

PLANNING

4 December 2025

1. INTRODUCTION

- 1.1 Our full names are Alvin Ki Chan Jung and Makarena Evelyn Te Paea Dalton. A full statement of our qualifications and experience is set out in our Evidence in Chief ("EiC") dated 15 September 2025 on behalf of Ngā Kaingamaha o Ngāti Hine Health Trust ("Ngāti Hine") as it relates to its submission (S555 and FS307) on the PDP – Hearing Stream 15C.
- 1.2 We attended the hearing for this topic in-person on 2 October 2025 and presented evidence alongside Ngāti Hine representative, Mr Peter White.

Summary of Request by the Hearing Panel

- 1.3 This additional evidence statement has been prepared in response to residual concerns raised by Council Officer Mr James Witham and Reporting Officer Ms Sarah Trinder, noting that were not raised in the s42A Report for this topic. The concerns were in relation to potential ecological features present and stability issues due to topography that may otherwise impede the use of the site for residential activities as provided for within the PDP's General Residential Zone ("GRZ").
- 1.4 In relation to site stability, Mr White confirmed during the hearing that preliminary Geotechnical investigations had been undertaken, advising this report could be provided if helpful.
- 1.5 The Hearings Panel ("Panel") suggested that further discussions could be undertaken between the Ngāti Hine and Councils experts to discuss the residual matters, including a potential scope of additional information to understand the existing ecological

features, values and stability constraints of the site, noting that this should be *reasonable and correspond scale of the issue*.

Post-Hearing Discussion

1.6 On 31 October 2025, we met with Council Officers to discuss and clarify the residual concerns, agree (where possible) on a process to provide and exchange additional expert information and report back to the Panel. The following was generally agreed, which we understand was reported back to the Panel at Hearing 17 – General / Miscellaneous / Sweep Up & Tangata Whenua Matters:

- (a) Ngāti Hine to engage an ecologist to undertake a brief ecological assessment that identifies and assesses any ecological features within the site;
- (b) An additional statement of planning evidence would be prepared and submitted alongside any technical reports; and
- (c) That the information would be submitted to Council via the Hearing's Administrator.

Scope of Additional Evidence

This additional statement of evidence addresses the following matters:

- (a) Significant Risks of Natural Hazards
- (b) Ecological Features
- (c) Statutory Policy Framework
- (d) Consequential Amendments
- (e) Recognising Māori Cultural Values and Managing Effects on Ecological Values
- (f) Section 32AA Evaluation
- (g) Conclusion

2. SIGNIFICANT RISKS OF NATURAL HAZARDS

2.1 **Attachment 1** contains a Geotechnical Investigation Report ("GIR") prepared by Soil & Rock dated February 2023. We note the scope of the GIR was based on an earlier

masterplan and site layout, however, the findings in relation to ground condition are still relevant when considering land instability risk and the suitability of a site for re-zoning.

- 2.2 A qualitative slope stability assessment is provided at Section 10 of Soil & Rock's GIR and notes as it relates to the site (referred within the GIR as stages 2 and 3), that there are slopes between 5° and 40° with the steepest areas localised in the southeastern portion of the site, nearest State Highway 1, noting the following visual observations:

“At the time of our investigation no visual evidence of major, deep-seated instability was identified within the site, however the steeply inclined slope beyond the south-eastern site boundary could not be safely accessed during our investigation.”¹

- 2.3 The geotechnical assessment is preliminary only, and further investigations would be required, with additional stability analysis required at the time of future development.
- 2.4 Overall, it is our view that the GIR confirms that the site is not subject to significant natural hazards risk or significant land instability constraints that would render the site unsuitable for development anticipated by the GRZ. For these reasons, we maintain the view², that there is nothing noteworthy from a stability or natural hazards perspective that should reasonably hinder the rezoning of this site that could not otherwise be addressed at the time of future development.

3. ECOLOGICAL FEATURES

- 3.1 Dr Gary Bramley of Ecological Solutions has undertaken a site visit and prepared an Ecological Memo enclosed as **Attachment 2**, which confirms the presence of natural inland wetlands as defined under clause 3.21 of the National Policy Statement for Freshwater Management (“NPS-FM”) as well as mixed indigenous and exotic indigenous vegetation, as described below:

*“... **indigenous vegetation and natural inland wetlands** in the form of gumland, as well as areas dominated by exotic species (*Eucalyptus* spp.). The **vegetation throughout is severely compromised by the presence of a variety of weed species**, but particularly Sydney golden wattle (*Acacia longifolia*). The area is bisected by powerlines and mowing beneath the cables to allow access to the poles has also*

¹ Refer to page 18.

² Refer to paragraphs 5.9 and 5.10 of our EiC.

*adversely affected the vegetation and likely allowed weeds such as giant reed (*Arundo donax*), gorse (*Ulex europaeus*) and aristeia (*Aristea ecklonii*) to establish and spread across the site. **Sydney golden wattle is now the dominant canopy species...***

*The gumland vegetation comprises a canopy comprising mānuka, with an understorey with variably present carrier tangle fern (*Gleichenia microphylla*), kauri sedge (*Schoenus tendo*), tāmingi (*Epacris pauciflora*), mingimingi (*Leptecophylla juniperina*) and sword sedge (*Lepidosperma laterale*). Sydney golden wattle and gorse are widespread and substantially reduce the ecological value of the vegetation present.”³*

- 3.2 Dr Bramley considers that the gumland wetland, while impacted by pervasive weeds, would meet the criteria for ecological significance set out in Appendix 5 of the Proposed Regional Plan for Northland (“PRP”), although considered the ecological value to be ‘low’. In relation to the broader vegetation cover, Dr Bramley considered this was not meet the relevant significance criteria.⁴ Further to this, the memo also confirms the site is not identified as a protected natural area (“PNA”) in the Whangaruru Ecological District assessments and was not mapped by Wildlands as a Significant Natural Area (“SNA”) when Council’s identification exercise was undertaken.
- 3.3 Overall, the assessment confirms that the NPS-FM and NPS-IB are relevant, with the existing protections in place to manage development in relation to these features and values at a national, regional and district level. These matters are assessed in more detail below.

4. STATUTORY POLICY FRAMEWORK

National Policy Statement for Indigenous Biodiversity (“NPS-IB”)

- 4.1 Dr Bramley’s Ecological Assessment confirms there is mixed exotic and indigenous vegetation within the site. On this basis, the National Policy Statement for Indigenous Biodiversity (“NPS-IB”) applies and is relevant. The Ecological Assessment considers the ecological value of this vegetation to be ‘low’ in parts due to the domination of exotic weed species including wattle and wilding pine. Further, Dr Bramley confirms the site was not mapped as an SNA as part of Council’s mapping exercise and considered the broader indigenous vegetation would not meet the significance criteria as set out in Appendix 5 of the PRP for Northland.

³ Refer to page 2 of Dr Bramley’s Ecological Memo at Attachment 2.

⁴ Refer to page 4 of Dr Bramley’s Ecological Memo at Attachment 2

- 4.2 Objective 1 of the NPS-IB seeks to maintain indigenous biodiversity so that there is no loss overall. It also recognises the mana of tangata whenua as kaitiaki, people, communities and landowners as stewards, and that protection and restoration is required to achieve the overall maintenance of indigenous biodiversity while providing for the social, economic and cultural wellbeing of people.
- 4.3 We do not provide a full analysis of the NPS-IB policies, acknowledging that hearings on this topic have concluded. As such, we note the following policies that we consider to be the most relevant to Ngāti Hine's re-zoning request:
- (a) Policy 1: requires that indigenous biodiversity be managed in a way that gives effect to the decision-making principles and takes into account the principles of the Treaty of Waitangi.
 - (b) Policy 2: directs that, in exercising kaitiakitanga within their rohe, tangata whenua be involved in managing indigenous biodiversity on their land and that they be actively involved in other decision-making about indigenous biodiversity.
 - (c) Policy 5: requires indigenous biodiversity be managed in an integrated way.
 - (d) Policy 10: that certain activities that contribute to social, economic, cultural, and environmental wellbeing are recognised and provided for. For example, activities on specified Māori Land.
 - (e) Policy 13: promotes the restoration of indigenous biodiversity.
 - (f) Policy 17: that there is improved information and regular monitoring of indigenous biodiversity.
- 4.4 In implementing the NPS-IB, local authorities **must** when developing plans, objectives, policies and methods achieve the following in accordance with clause 3.18 (our **emphasis** added):
- (a) enable the new occupation, use and development of specified Māori land to support the social, cultural and economic wellbeing of tangata whenua;
 - (b) **enable the provision of new papakānga, marae and acillary community facilities, dwellings, and associated infrastrucure;**

- (c) **enable alternative approaches to, or locations for, new occupation, use, and development that avoid, minimise, or remedy adverse effects on SNAs, and enable options for offsetting and compensation;**
- (d) **recognise and be responsive to the fact that there may be no or limited alternative locations for tangata whenua to occupy, use, and develop their lands; and**
- (e) **recognise that there are circumstances where development will prevail over indigenous biodiversity; and**
- (f) **recognise and be responsive to any recognised historical barriers tangata whenua have faced in occupying, using, and developing their ancestral lands.**

4.5 The NPS-IB defines specified Māori land to mean (*our **emphasis** added*):

“(a) Māori customary land and Māori freehold land (as defined in Te Ture Whenua Māori Act 1993):

(b) land set apart as a Māori reservation under Part 17 of Te Ture Whenua Māori Act 1993 or its predecessor, the Māori Affairs Act 1953:

*(c) **land held by or on behalf of an iwi or a hapū if the land was transferred from the Crown, a Crown body, or a local authority with the intention of returning the land to the holders of mana whenua over the land:***

...”

4.6 As set out in Ngāti Hine’s corporate evidence statements provided an Attachment’s 1 and 2 of our EiC, this land is being returned to Ngāti Hine by Health NZ on behalf of the Crown, recognising they are Mana Whenua over the land. As such, we consider the site to be specified Māori land in accordance with criterion (c) above.

4.7 In our opinion, the above provides the statutory backdrop through which indigenous biodiversity must be managed and considered when assessing the appropriateness and suitability of this rezoning request as it relates to indigenous biodiversity on specified Māori land. In particular, planning documents must recognise that there are circumstances where development will prevail over indigenous vegetation and be responsive to the recognised barriers tangata whenua face when occupying, using and developing ancestral lands.

- 4.8 As notified, the PDP does not recognise this unique situation. This is likely due to the unfortunate timing of negotiations to return the land as well as the arduous and prolonged Treaty Settlement process, meaning the PDP does not apply either a Treaty Settlement Overlay or Māori Purpose Zoning to the site. Regardless, it is our opinion that the NPS-IB does recognise and provide for development of a range of specified activities, including dwellings, on specified Māori land and that in giving effect to clause 3.18, Council must in the making of the PDP, account for the above.
- 4.9 When considering the outcomes of Objective 1, balanced against Policies 1, 2, 5, 10, 13, 17 and implementation of clause 3.18, it is our opinion that the presence of ecological features, including indigenous vegetation do not pose sufficient or reasonable justification to hinder the re-zoning of the site to GRZ.
- 4.10 Overall and for the reasons outlined above, we maintain the view that the site is suitable for rezoning when accounting for Ngāti Hine's relationship to the land and the process underway for the land to be returned to them, as Mana Whenua. Notwithstanding, we acknowledge there is a gap in the notified PDP Indigenous Biodiversity Chapter, the relief sought by Ngāti Hine and the specifics of the site that enable it to be considered specified Māori land under the NPS-IB. We address this below at section 5 of this statement.

National Policy Statement for Freshwater Management (NPS-FM) and National Environmental Standard for Freshwater (NES-F)

- 4.11 The Ecological Assessment prepared by Dr Bramley confirms that there are natural inland wetlands present within the site. As such, the NPS-FM is relevant to Ngāti Hine's rezoning request. Objective 2.1 and Policies 1 and 3 of the NPS-FM seek that wetland health is protected, and that land and freshwater are managed in an integrated way, and that any development does not undermine the ecological function and hydrology of the wetland system.
- 4.12 Policy 6 of the NPS-FM is of particular importance, requiring that there is **no further loss of the extent** of natural inland wetlands, their values are protected, and their restoration is promoted. This is a directive policy with nationally consistent methods to manage effects on natural inland wetlands prescribed in the National Environmental Standard for Freshwater ("NES-F"). While Policy 6 directs that there be 'no loss of extent' and 'ecological values be protected', this does not mean in practice, that activities cannot be undertaken within or in proximity to wetlands. Rather, that there is

a nationally consistent framework that affords general protection to all natural inland wetlands and that the 'effects management hierarchy' must be employed to manage the adverse effects of an activity on the extent and values of all natural inland wetland features.

Effects Management Hierarchy

4.13 Clause 3.21 of the NPS-FM defines the 'effects management hierarchy' in relation to natural inland wetlands, and in our experience through the application of this assessment within the resource consenting process can be summarised as follows:

- (a) Avoidance: adverse effects on the extent and values are avoided where practicable;
- (b) Minimisation: If effects cannot be avoided, they are minimised where practicable.
- (c) Remediation: If effects cannot be minimised, they are remedied where practicable.
- (d) Offsetting: If more than minor residual effects remain after avoidance, minimisation, and remediation, they are offset where possible.
- (e) Compensation: If offsetting is not possible, compensation is provided as the final step.

4.14 In our opinion, the established process above demonstrates that there is already a nationally consistent framework to assess the effects of use, development and subdivision on natural inland wetlands. NPS-FM specifically provides for the management of adverse effects through the application of the 'effects management hierarchy' which in practice, is given effect through the implementation of NES-F, regional policy statements and regional plans and in our opinion does not render the site unsuitable for rezoning.

Urban Development Under the NES-F and Relationship to the National Policy Statement for Urban Development

4.15 Our EiC sought the site and the wider Kawakawa area should be considered an "urban environment" under the National Policy Statement for Urban Development ("NPS-UD"). It was confirmed at the hearing that Kawakawa is considered an "urban

environment” which was addressed in an earlier hearing stream. We confirm we have reviewed the Section 42Aa Report – Urban and agree with conclusions that the Far North District Council qualifies as a Tier 3 Local Authority⁵.

4.16 Regulation 45C of the NES-F specifically provides for earthworks, vegetation clearance, and the taking, use, damming, diversion of water within or within proximity to natural inland wetlands as a restricted discretionary activity resource consent where it is for the purpose of urban development meets the following criteria:

- (a) it will contribute to a well-functioning urban environment;
- (b) will provide significant national, regional, or district benefits;
- (c) there is no practicable alternative location for the activity within the area or every other practicable alternative location would have equal or greater adverse effects on a natural inland wetland;
- (d) the effects management hierarchy is applied; and
- (e) is undertaken on land that is identified for urban development in an operative regional or district plan; and
- (f) is not undertaken on general rural, rural production, or rural lifestyle land.

4.17 While we acknowledge that this is not a resource consent process, the above, in our opinion is another example that demonstrates the NPS-FM and NES-F does not prevent development within and in proximity to natural inland wetlands while continuing to manage effects and giving effect to Policy 6 of the NPS-FM.

4.18 For the reasons outlined above, it is our opinion, that the presence of natural inland wetlands does not reasonably render the site to be unsuitable for rezoning and that future development anticipated by the PDP GRZ can be undertaken in accordance with Policy 6 provided the effects management hierarchy is employed.

⁵ Refer to paragraph 82 of the s42A Urban Report.

5. CONSEQUENTIAL AMENDMENTS

- 5.1 As set out in our EiC, Ngāti Hine sought revised relief to only re-zone 3.7ha of the site from the as notified Rural Residential Zone (“RRZ”) to GRZ as shown in **Figure 1** below.
- 5.2 We maintain that the relief sought to rezone the site to GRZ is appropriate, however, to account for the ecological features and to address the identified gap in the PDP (as set out in paragraphs 4.3 – 4.10 above), we consider additional consequential amendments are required to support the rezoning request and give effect to clause 3.18 of the NPS-IB. **Attachment 3** recommends site specific precinct provisions be applied, in combination with GRZ to account for the ecological features, Māori cultural values, relationship of Ngāti Hine to the site that is not otherwise recognised or provided for by the PDP and to give effect to the relevant higher order national direction. The recommendation applies in combination with the PDP’s GRZ and District-Wide chapters with discreet site specific objectives, policies and methods to recognise and provide for the relationship of Ngāti Hine to the site while managing potential adverse effects of development on the ecological values present at the site.

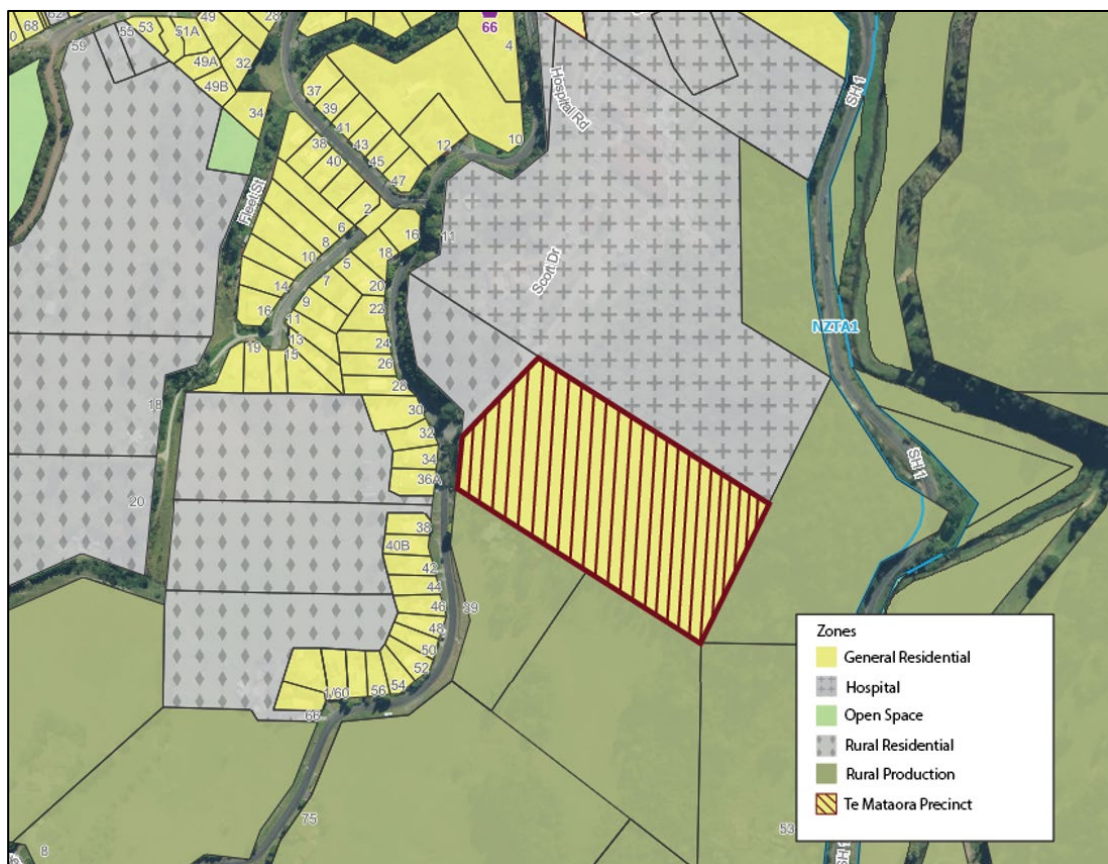


Figure 1: Extent of Rezoning and Te Mataora Precinct.

6. RECOGNISING MĀORI CULTURAL VALUES AND MANAGING EFFECTS ON ECOLOGICAL VALUES

Ngāti Hine's Relationship to the Site

6.1 As set out in the corporate evidence statements of Ngāti Hine Mr White and Shepherd-Wipiiti, Ngāti Hine have a longstanding and enduring relationship to the site and wider Kawakawa area. Our recommended Te Mataora Precinct (the Precinct) seeks to recognise, provide for and respect this relationship and associations through the following:

- (a) Objective PRExx-O1: Specifically acknowledges Ngāti Hine as mana whenua of the Kawakawa area and land, ensuring their enduring relationship and association to the land within the precinct is recognised, provided for and respected.
- (b) Objective PRExx-O3: Provides for Ngāti Hine-led residential development and community facilities while maintaining and enhancing cultural and ecological values.
- (c) Policy PRECxx-P5: Requires that the relationship of Ngāti Hine is recognised, enabling iwi-led development while enabling the restoration, monitoring, and management of the natural inland wetlands incorporating Te ao Māori design and implementation of development and ecological enhancement.

6.2 In our view, our recommended approach ensures the PDP accords with objectives and policies of the NPS-IB and importantly implements the 'must' criteria in clause 3.18 as it applies to Specified Māori Land. The recommended precinct and provisions also ensures Ngāti Hine's relationship to the site is appropriately recognised and provided for, enabling the efficient use and development of the site, while managing potential adverse effects on indigenous biodiversity in accordance with the sustainable management purpose of the Resource Management Act 1991 ("RMA") as set out in section's 5, 6 and 7.

Ecological Values

6.3 To respond to the identified ecological features, the recommended Precinct seeks to manage the effects of urban development anticipated by the GRZ by proposing discreet and targeted provisions that require appropriate identification and assessment of ecological values and features that gives effect to the NPS-IB and NPS-FM by

avoiding, minimising, remedying, offsetting and compensating loss of extents and values where practicable in line with the effects management hierarchy.

6.4 The recommended precinct objectives and provisions relevant to ecological values are included in **Attachment 3** and are summarised as follows:

- (a) Objective PRECxx-02: enables development while ensuring long term protection and enhancement, where practicable.
- (b) Objective PRECxx-03: ecological features, including wetlands and significant natural areas and their associated values within the precinct are protected and adverse effects are managed.
- (c) Objective PRECxx-04: Ecological features are protected, restored and enhanced.
- (d) Policy PRECxx-P1: Identify areas suitable for development, protect ecological features in a manner that avoids, minimises, remedies or mitigates the adverse effects of development through the application of the effects management hierarchy, where practicable.
- (e) Policy PRECxx-P2: Manage subdivision, use and development to ensure there is no net loss of extent and ecological values of ecological features within the precinct, where practicable.
- (f) Policy PRECxx-P3: Require restoration and enhancement of indigenous biodiversity at the time of subdivision, use and development.
- (g) Policy PRECxx-P5: Requires that the relationship of Ngāti Hine is recognised, enabling iwi-led development while enabling the restoration, monitoring, and management of the natural inland wetlands incorporating Te ao Māori design and implementation of development and ecological enhancement.
- (h) Rule PRECxx-R1: proposes a permitted activity rule to the clearance of indigenous biodiversity associated with land disturbance enabling up to 1,000m² of vegetation clearance. Where compliance with the permitted standard is not achieved, a discretionary activity resource consent is required.

- (i) Special Information Requirement Rule: Requires that an ecological report prepared by a suitably qualified and experienced ecologist be submitted with any resource consent application.

6.5 In our opinion, this approach ensures the relationship of Ngāti Hine is recognised and provided for, while ensuring the management of adverse effects in relation to ecological features aligns with the effects management hierarchy, beginning with avoidance and supported by further measures such as restoration, rehabilitation, and if necessary, offsetting.

6.6 Overall, our recommended provisions are considered to ensure indigenous biodiversity and ecological values are safeguarded while providing for the relationship of Ngāti Hine's to the site and enabling their housing aspirations in manner that is consistent with and gives effect to the relevant statutory context.

7. SECTION 32AA EVALUATION

7.1 Section 32AA of the RMA requires that a further evaluation must be undertaken for any changes to a proposed plan that are proposed since the original s 32 evaluation was completed. Our EiC was supported by s32AA analysis which in our view is still applicable and relevant.

7.2 Additional s32AA evaluation of our recommended amendments to the PDP are enclosed in **Attachment 4** to this evidence. Several reasonably practicable options for the site have been evaluated.

7.3 Overall, it is our opinion that the GRZ zoning in combination with our recommended Precinct and PDP district-wide chapters is the most appropriate way to achieve objectives of the PDP, being more efficient and effective, with less costs and more benefits, than the proposed RRZ.

8. CONCLUSION

8.1 In conclusion, we consider that rezoning the site to GRZ continues to be the most appropriate to enable the sustainable management and use of natural and physical resources of the site for the reasons set out in our EiC and above, which are summarised below:

- (a) The site is a logical extension to the existing urban environment, being adjacent to the Bay of Islands Hospital and land zoned GRZ north of Greenacres Drive;

- (b) The site can be serviced by urban infrastructure, notably reticulated wastewater services provided the site is rezoned to GRZ via this plan review process;
- (c) Preliminary technical reports provided in support of Ngāti Hine's original submission and as attachments to our EiC confirms development anticipated by the GRZ could be serviced;
- (d) There are no sensitive environment overlays, such as outstanding natural landscapes, natural features that apply to the site; and
- (e) There are no mapped natural hazards that pose a risk that should reasonably restrict development anticipated under the GRZ.
- (f) The ecological features, including indigenous vegetation and natural inland wetlands and their associated values can be managed while enabling development in a manner that is consistent with the NPS-IB and NPS-FM.

8.2 For the reasons set out in this statement of evidence and supporting attachments, rezoning the site in our opinion to GRZ along with a precinct is a balanced and defensible method for managing both the opportunities and constraints of the site

Alvin Jung and Makarena Dalton

Date: 4 December 2025

LIST OF ABBREVIATIONS USED IN THIS STATEMENT OF EVIDENCE:

Council	Far North District Council
RPS	Northland Regional Policy Statement
RMA	Resource Management Act 1991
S32	Section 32 of the RMA / Council's Section 32 Evaluation Report
S42A	Section 42A of the RMA / Council's Section 42A Report
PDP	Far North Proposed District Plan
GRZ	General Residential Zone
RRZ	Rural Residential Zone
NPS-FM	National Policy Statement for Freshwater Management
NPS-HPL	National Policy Statement for Highly Productive Land
NPS-UD	National Policy Statement on Urban Development
NRC	Northland Regional Council