

TO: THE FAR NORTH DISTRICT COUNCIL

Proposed District Plan 2022 – Notice of Submission

Form 5, Clause 6 of Schedule 1, Resource Management Act 1991

This is a submission on the Proposed District Plan 2022 (“the PDP”) for the Far North District.

Submitter's Full Name	André Galvin, Owner
Contact Person:	Brian Putt, Metro Planning Limited
Full Postal Address:	P: O Box 90273, Victoria Street West, Auckland 1011
Phone Contact:	021 902744 or (09) 3033 457
Email:	brian@metroplanning.co.nz

The submitter confirms that he cannot gain an advantage in trade competition through this submission.

The submitter is directly affected by an effect of the subject matter of the submission that:

- (a) Adversely affects the environment; and
- (b) Does not relate to trade competition or the effects of trade competition.

1. **The specific provisions of the Plan** that this submission relates to are:

- (a) The zone provisions imposed on **Lot 1, D.P. 53506, Puketona Road, Haruru Falls.**
- (b) The PDP imposes the **Rural Production Zone** over the subject land in addition to a **High Natural Character Overlay (HNC409)** and confirms that the subject site is in the **Coastal Environment.**

2. **The submitter's submission is:**

- (a) That the Rural Production Zone is inconsistent with the location of the subject site adjacent to and contiguous with the Residential Zone imposed over the urban settlement of Haruru Falls.
- (b) The subject site has 14 Residential Zone neighbours.
- (c) It is acknowledged that the site contributes to the High Natural Character of the coastal setting which is acknowledged through the imposition of overlay HNC409.
- (d) The submitter has, relying on the operative zone for the site, which is General Coastal, taken significant steps to the preparation of a development plan in keeping with the management plan opportunities under the operative zone. The submitter wishes to continue this environmental development opportunity which has a high public benefit through the provision of access to the coastal edge in an enhanced vegetated coastal setting at this upper reach of the Waitangi River estuary.

3. **The submitter seeks** the following decision from the Council:

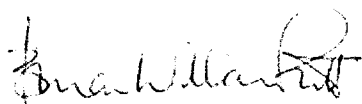
- (a) Zone the submitter's subject land being Lot 1, D.P. 53506 with frontage to Puketona Road, Haruru Falls, with the **Settlement Zone**.

S567.001

The submitter wishes to be heard in support of this submission.

If others make a similar submission the submitter will consider presenting a joint case with them at a hearing.

Signature:



Brian William Putt for and on behalf of the Submitter – Andre Galvin

Date: 19 October 2022

Liz Searle

From: Proposed District Plan <pdp@fndc.govt.nz>
Sent: Wednesday, 19 July 2023 8:23 AM
To: Brian Putt
Cc: Andre Galvin; Proposed District Plan
Subject: RE: Revised Submission #530 on Proposed District Plan - Lot 1 DP 53506, Puketona Road, Haruru Falls
Attachments: RE: Revised Submission #530 on Proposed District Plan - Lot 1 DP 53506, Puketona Road, Haruru Falls

Kia ora Brian,

Thank you for your further comment below.

I can confirm that Council has had regard to your email of 4 April. The team discussed your response and following that I sought independent legal advice which subsequently confirmed our opinion. Tammy's response to you on 6 April reflected this advice, as attached.

Tammy's advice confirmed that Council would be considering your client's later request to change the zoning to Settlement as a late submission.

I will attach the various email correspondence to your submission and when the Independent Hearing Panel for the Proposed District Plan is appointed, they will have regard to your opinion when determining the status of the 'submission' forwarded on 13 March 2023. We will let you know the outcome of this decision when it is made.

Management has confirmed that at the end of the month Council will notify the summary of submissions and invite further submissions.

Ngā mihi



Liz Searle
Policy Planner

Planning and Policy, Far North District Council | 24-hour Contact Centre 0800 920 029
DDI 6494070357 | M 64272457555 | Liz.Searle@fndc.govt.nz

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Please consider the environment before printing this email.

From: Brian Putt <brian@metroplanning.co.nz>
Sent: Monday, 17 July 2023 1:12 PM
To: Proposed District Plan <pdp@fndc.govt.nz>
Cc: Andre Galvin <andregalvin@yahoo.co.uk>
Subject: RE: Revised Submission #530 on Proposed District Plan - Lot 1 DP 53506, Puketona Road, Haruru Falls

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Kia ora Liz,

I've been through these issues with you in my email dated 04 April 2023 the text of which is below

Kia ora Liz,

There are three questions in your reply to me dated 16 March 2023. On behalf of Submitter #530 I reply as follows:

- 1. Should the relief in the Revised Submission for #530 match the original? By re-formatting Submission # 530 for the submitter, I have changed the relief to meet the purpose of the Proposed District Plan (PDP). The Residential zone selected in the relief by the lay submitter acting without guidance, does not align with the purpose of the PDP because the subject land is not serviced with wastewater infrastructure. The Settlement zone on the other hand is a less intensive living environment relying on wastewater disposal self-sufficiency. It is the appropriate zone selection.*
- 2. Is it appropriate to change the relief sought to a less intensive zone? The answer is **Yes** because the legal principle of the 'greater implies the lesser' applies. In this case the original relief was the Residential zone which in PDP terms is a more intensive zone and is therefore the 'greater' in this setting. The requested alternative Settlement zone is the 'lesser' being a less intensive living environment zone than the Residential zone.*
- 3. Should the Council treat the re-formatted and revised submission as a late submission? The answer is **No** because the revised submission simply makes the submitter's point clearer and easier to evaluate in the future hearings process. It is not a late submission.*

Please let me know if you have any issue with the response set out above. I assume the Notice of Submissions open for Further Submission will be notified soon.

The original submitters have decided to keep both options open – that is, either **Rezone Residential Zone**; or the lesser intensive option of **Rezone Settlement Zone**. This was the point I explained above in my 4 April email to you.

To clarify matters, I can reinforce the Submission #530 reformatted addendum by submitting it during the Further Submission period which I hear will be notified in August 2023.

Let me know what you think,

Cheers me nga mihinui,

Brian Putt
Metro Planning Ltd
P O Box 90273 Victoria Street
AUCKLAND 1142
P: 09 303 3457
M: 021 902 744
E: brian@metroplanning.co.nz

From: Proposed District Plan <pdp@fndc.govt.nz>

Sent: Sunday, July 2, 2023 11:51 AM

To: Brian Putt <brian@metroplanning.co.nz>

Cc: Andre Galvin <andregalvin@yahoo.co.uk>

Subject: RE: Revised Submission #530 on Proposed District Plan - Lot 1 DP 53506, Puketona Road, Haruru Falls

Kia ora,

Thank you for your submission that was received 13 March 2023.

Because your submission was received after the closing date for submissions (5pm, Friday 21 October 2022):

- Your submission will be summarised and made available on Council's website, alongside all other submissions, but will be labelled as a 'late submission'.
- When the Independent Hearing Panel for the Proposed District Plan is appointed, they will make a procedural decision on whether to accept late submissions. **To assist the hearing panel with their decision can you please advise, via response email by 7 July, the reasons why your submission was submitted late.** We will let you know the outcome of this decision when it is made.

If your submission is accepted and you have indicated that you would like to speak to your submission at a hearing, you will be contacted directly when hearings are being scheduled for the topics relevant to your submission. For more information and next steps please visit: <https://pdp.fndc.govt.nz>.

If you require any further information, please feel free to contact the District Planning Team on email pdp@fndc.govt.nz or 0800 920 029.

Ngā mihi



Liz Searle
Policy Planner

Planning and Policy, Far North District Council | 24-hour Contact Centre 0800 920 029

DDI 6494070357 | M 64272457555 | Liz.Searle@fndc.govt.nz

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Please consider the environment before printing this email.

From: Proposed District Plan <pdp@fndc.govt.nz>

Sent: Thursday, April 6, 2023 6:48 PM

To: Brian Putt <brian@metroplanning.co.nz>

Cc: Andre Galvin <andregalvin@yahoo.co.uk>

Subject: RE: Revised Submission #530 on Proposed District Plan - Lot 1 DP 53506, Puketona Road, Haruru Falls

Good Afternoon Brian

Thank your for feedback.

We have further reviewed the two documents and the points you have raised on behalf of your client, who had previously submitted a submission. We can advise the following:

- Council will be considering this as a late submission, due to it being a substitution for the original submission

Your client has the option to "indicate conditional withdrawal of the original submission should the new submission be accepted"

As advised in the earlier email can you please provide information as to why a late submission has been made. This will help the hearing panel decision in whether to accept it. Your client (submitter) can still pursue the less intensive Settlement zoning if only the original submission is accepted and its within scope as part of the hearing process.

We anticipate the summary of submissions will be released in early May. Therefore it is recommended that you provide the requested information as soon as possible to enable Council to have this form part of the new submission.

Kind Regards



Tammy Wooster

Senior Policy Planner

Planning and Policy, Far North District Council | **24-hour Contact Centre** 0800 920 029

DDI +6494070447 | M +6421406549 | Tammy.Wooster@fndc.govt.nz

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From: Brian Putt <brian@metroplanning.co.nz>

Sent: Tuesday, 4 April 2023 12:14 pm

To: Proposed District Plan <pdp@fndc.govt.nz>

Cc: Andre Galvin <andregalvin@yahoo.co.uk>

Subject: RE: Revised Submission #530 on Proposed District Plan - Lot 1 DP 53506, Puketona Road, Haruru Falls

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Kia ora Liz,

There are three questions in your reply to me dated 16 March 2023. On behalf of Submitter #530 I reply as follows:

1. *Should the relief in the Revised Submission for #530 match the original?* By re-formatting Submission # 530 for the submitter, I have changed the relief to meet the purpose of the Proposed District Plan (PDP). The *Residential* zone selected in the relief by the lay submitter acting without guidance, does not align with the purpose of the PDP because the subject land is not serviced with wastewater infrastructure. The *Settlement* zone on the other hand is a less intensive living environment relying on wastewater disposal self-sufficiency. It is the appropriate zone selection.
2. *Is it appropriate to change the relief sought to a less intensive zone?* The answer is **Yes** because the legal principle of the 'greater implies the lesser' applies. In this case the original relief was the *Residential* zone which in PDP terms is a more intensive zone and is therefore the 'greater' in this setting. The requested alternative *Settlement* zone is the 'lesser' being a less intensive living environment zone than the *Residential* zone.
3. *Should the Council treat the re-formatted and revised submission as a late submission?* The answer is **No** because the revised submission simply makes the submitter's point clearer and easier to evaluate in the future hearings process. It is not a late submission.

Please let me know if you have any issue with the response set out above. I assume the Notice of Submissions open for Further Submission will be notified soon.

Nga mihiui,

Brian Putt

Metro Planning Ltd

P O Box 90273 Victoria Street

AUCKLAND 1142

P: 09 303 3457

M: 021 902 744

E: brian@metroplanning.co.nz

From: Proposed District Plan <pdp@fndc.govt.nz>
Sent: Thursday, 16 March 2023 3:56 pm
To: Brian Putt <brian@metroplanning.co.nz>
Subject: RE: Revised Submission on Proposed District Plan - Lot 1 DP 53506, Puketona Road, Haruru Falls

Kia ora Brian,

Thank you for the attached submission for Andr  Galvin, received 13 March 2023. We have considered your comment below and reviewed Victoria Yorke and Andr  Galvin's initial submission that was handed in to the Kerikeri service centre on 21 October 2022 (submission 530 as attached, including marked submission points).

We have compared the submission points in the two documents and as the recent submission seeks different relief (i.e. in terms of alternative zonings), we are unable to attach it as part of submission 530.

Can you please advise if you wish to revise the recent form to match the relief already sought or if you wish Council to treat it as a separate new late submission. If the later is the case, can you please forward additional comment providing justification for the hearings' panel to consider at the beginning of the hearing process when they look at accepting late submissions.

I look forward to hearing from you and entering the recent submission accordingly.

Ng  mihi



Liz Searle
Policy Planner

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From: Brian Putt <brian@metroplanning.co.nz>
Sent: Monday, 13 March 2023 10:11 pm
To: Proposed District Plan <pdp@fndc.govt.nz>
Subject: Revised Submission on Proposed District Plan - Lot 1 DP 53506, Puketona Road, Haruru Falls

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Kia ora Administrator

I have been asked by the property owner at the above address to review the submission that was lodged on his behalf by his agent, Creative Intentions Ltd, and was sent to the Council in a letter form dated 09 September 2022.

I have advised my client, Mr Andre Galvin, that the submission form contains useful information in respect of his submission on the Proposed District Plan but would be assisted if it was converted into a standard Notice of Submission format.

Accordingly, I attach for you to enter into the Proposed District Plan submission file, the attached Notice of Submission for Andre Galvin relating to Lot 1, D.P. 53506, Puketona Road, Haruru Falls.

The submission already lodged in his name should be attached to this Notice of Submission form.

My client, Mr Galvin, is unaware of any response or any submission number that was attached to his original submission. If a letter of acknowledgement was sent it would be helpful if you could forward a copy of it with the submission number to my email address.

Please contact me directly if you require any further information.

Nga mihi nui

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Liz Searle

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Accordingly, I attach for you to enter into the Proposed District Plan submission file, the attached Notice of Submission for Andre Galvin relating to Lot 1, D.P. 53506, Puketona Road, Haruru Falls.

The submission already lodged in his name should be attached to this Notice of Submission form.

My client, Mr Galvin, is unaware of any response or any submission number that was attached to his original submission. If a letter of acknowledgement was sent it would be helpful if you could forward a copy of it with the submission number to my email address.

Please contact me directly if you require any further information.

Nga mihi nui

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Kerikeri Service Centre
21 OCT 2022

Remember
submissions
close at 5pm,
Friday 21
October 2022

Proposed District Plan submission form

Clause 6 of Schedule 1, Resource Management Act 1991

Feel free to add more pages to your submission to provide a fuller response.

Form 5: Submission on Proposed Far North District Plan

TO: Far North District Council

This is a submission on the Proposed District Plan for the Far North District.

1. Submitter details:

Full Name:	Victoria Yorke + Andre Galvin		
Company / Organisation Name: (if applicable)			
Contact person (if different):			
Full Postal Address:	42 GOFFE DRIVE HARURU		
Phone contact:	Mobile: 0211952061	Home: 0211952080	Work:
Email (please print):			

2. (Please select one of the two options below)

- I could not gain an advantage in trade competition through this submission
 I could gain an advantage in trade competition through this submission

If you could gain an advantage in trade competition through this submission, please complete point 3 below

3. I am directly affected by an effect of the subject matter of the submission that:
(A) Adversely affects the environment; and
(B) Does not relate to trade competition or the effect of trade competition
- I am not directly affected by an effect of the subject matter of the submission that:
(A) Adversely affects the environment; and
(B) Does not relate to trade competition or the effect of trade competition

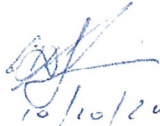
Note: if you are a person who could gain advantage in trade competition through the submission, your right to make a submission may be limited by clause 6(4) of Part 1 of Schedule 1 of the Resource Management Act 1991

The specific provisions of the Plan that my submission relates to are:

(please provide details including the reference number of the specific provision you are submitting on)

The provisions within the chapter on
Rural Production.



Confirm your position: <input type="checkbox"/> Support <input type="checkbox"/> Support In-part <input checked="" type="checkbox"/> Oppose (please tick relevant box)
My submission is: (Include details and reasons for your position) See attached documentation.
I seek the following decision from the Council: (Give precise details. If seeking amendments, how would you like to see the provision amended?) HN/C409 boundary redrawn - see attached. Part rezone to residential - see attached. from Rural Production.
<input checked="" type="checkbox"/> I wish to be heard in support of my submission <input type="checkbox"/> I do not wish to be heard in support of my submission (Please tick relevant box)
If others make a similar submission, I will consider presenting a joint case with them at a hearing <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Do you wish to present your submission via Microsoft Teams? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Signature of submitter: (or person authorised to sign on behalf of submitter) Date: 10-10-22  10/10/2022 (A signature is not required if you are making your submission by electronic means)

Important information:

1. The Council must receive this submission before the closing date and time for submissions (5pm 21 October 2022)
2. Please note that submissions, including your name and contact details are treated as public documents and will be made available on council's website. Your submission will only be used for the purpose of the District Plan Review.
3. Submitters who indicate they wish to speak at the hearing will be emailed a copy of the planning officers report (please ensure you include an email address on this submission form).



Send your submission to:

Post to: Proposed District Plan
Strategic Planning and Policy, Far North District Council
Far North District Council,
Private Bag 752
KAIKOHE 0400

Email to: pdp@fndc.govt.nz

Or you can also deliver this submission form to any Far North District Council service centre or library, from 8am – 5pm Monday to Friday.

Submissions close 5pm, 21 October 2022

Please refer to pdp.fndc.govt.nz for further information and updates.

Please note that original documents will not be returned. Please retain copies for your file.

Note to person making submission

Please note that your submission (or part of your submission) may be struck out if the authority is satisfied that at least one of the following applies to the submission (or part of the submission):

- It is frivolous or vexatious
- It discloses no reasonable or relevant case
- It would be an abuse of the hearing process to allow the submission (or the part) to be taken further
- It contains offensive language
- It is supported only by material that purports to be independent expert evidence but has been prepared by a person who is not independent or who does not have sufficient specialised knowledge or skill to give expert advice on the matter.

SUBMISSION NUMBER

567

Victoria and Andre Galvin
42 Goffe Drive
Haruru
Northland
0204

10/10/2022

Proposed District Plan
Strategic Planning and Policy
Far North District Council
5 Memorial Ave
Kaikohe
Northland
0405

Re Address:

- Property - Lot 1 Puketona Rd, Paihia 0271
- Rate Account - 2415909-7
- Valuation Number - 00223-01000
- Lot 1 DP53506

To Whom It May Concern,

Attached is our submission for Lot 1 DP53506. In the Proposed District Plan (PDP) this lot is proposed to be rezoned to rural production which we counter. This submission covers the following three areas.

- | | | |
|----------|---|----------|
| S530.002 | 1. Move the boundary lines of the High Natural Characters (HNC409) to accurately reflect the landscape and history of the whenua. | S567.002 |
| S530.001 | 2. Move the boundary lines of the proposed Significant Natural Area (SNA) to accurately reflect the landscape and history of the whenua | S567.003 |
| S530003 | 3. Rezone to residential the portion of the property that has had extensive human mediated activity over the past 50 years which also borders an existing residential zone. | S567.004 |

Background:

We purchased this property in 2003 during the last district plan change. In the transitional plan the entire property was approved by the FNDC to be zoned residential. During the sale and before the district plan was finalised, Department of Conservation (DOC) put in a submission to have this plot of land zoned General Coastal. We were not notified of the change, no one counter claimed the DOC submission, and the plot was rezoned General Coastal.

Between 2003 - 2008 we engaged with Williams and King surveyors to see what could be achieved given the change in zoning to General Coastal. We had an archaeological survey and assessment done (attached), Engineering and Landscape

architect input into Williams and King preparing a sensitive subdivision scheme. We had regular contact with both FNDC and DOC about the changes who were both supportive of a sensitive scheme. Unfortunately, due to complications post our second child's birth in 2006, living in the UK, and with a worldwide recession happening, we decided to not pursue the project any further post 2008.

As per the attached submission from Creative Intentions, there is approximately 3ha of remnant forest, and 3.9ha of previously 'Human mediated' land where the property was once used as a quarry. The 3.9ha, is the area we would like the HNC409 restrictions removed, and that part of the lot be rezoned Residential.

As per the overview for General Residential in the PDP below, this plot of land borders an existing residential area. As the Haruru area is predominantly a Residential area, a part rezoning of this plot 'for more intensive residential use in areas where there is adequacy' would 'consolidate growth around Urban centres.' It would also allow purchasers the opportunity for coastal living, which is something that residents of the Far North have asked for in the "Have Your Say" portion of the new district plan.

Overview

The Far North District contains a mix of diverse communities and urban centres, a number of which are located within the coastal environment and/or have identified cultural and historic heritage values. The General Residential zone represents those areas where there is an expectation of higher density residential development, where compared to the rural environments, and that generally provide adequacy and capacity of available or programmed development infrastructure.

To support urban sustainability and affordable infrastructure the General Residential zone will seek to consolidate growth where it can around urban centres. The aim is to provide for a variety of housing typologies and sizes that contribute to the vibrancy and viability of those centres, as well as ensuring efficient use of the investment Council makes in infrastructure and services.

In providing for growth over the medium term, and looking out to the longer term, the District Plan will provide for a combination of increased density within the existing General Residential zone as well as re-zoning for more intensive residential use in areas where there is adequacy and capacity of available development infrastructure or where it is programmed in the Long Term Plan or 30 Year Infrastructure Strategy.

Council has a responsibility under the RMA, and takes direction from the RPS, to ensure that there is sufficient land available for housing to meet the future demands of the District, that development is in the right location and there is adequacy and capacity of available or programmed development infrastructure."

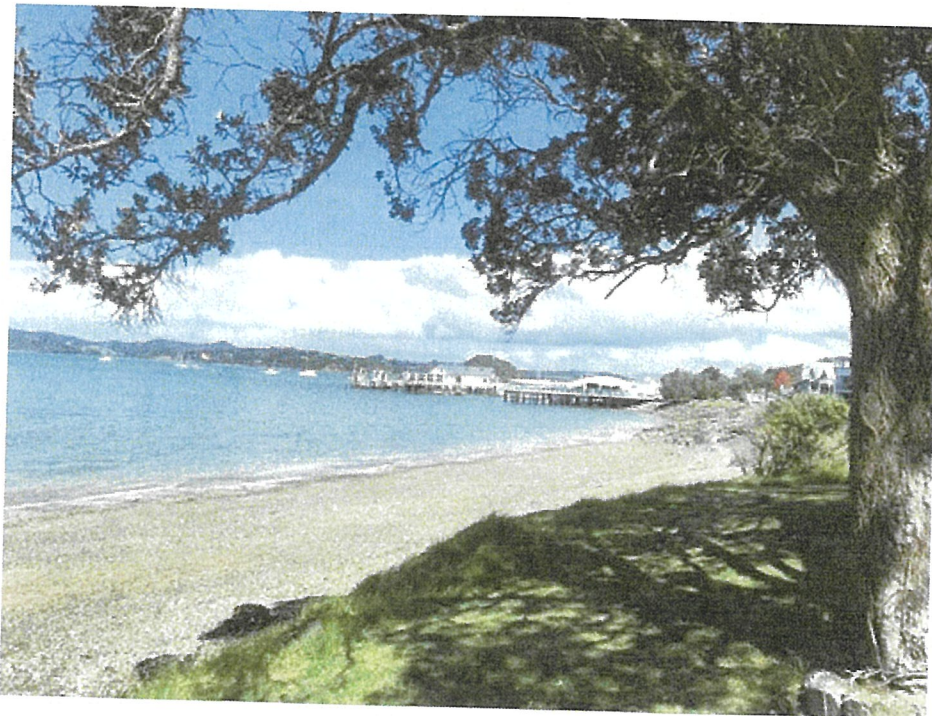
In terms of infrastructure, we hope that the award winning upgrade of the Paihia Wastewater Treatment Plant, should be adequate to cope with a small rezone and subdivision, but if not, the properties could be designed to be completely off grid.

With regards to traffic, we have engaged with Waka Kotahi to understand the infrastructure needed in allowing traffic on and off SH11. Dependent on the final plan, all needs will be met for road and pedestrian safety.

Also included in the submission from Creative Intentions, is an indicative plan for potential house sites, and for the greater community, a public boardwalk that leads to an Eco centre/village. This Eco centre could potentially become an education centre, with the focus on Māori science. Boardwalks throughout the indigenous forest would be informative and educational and would provide a coastal walkway that leaves SH11 at Kaipatiki bridge. If DOC and the FNDC would agree, this walkway could potentially link through the Natural Open Spaces of Lot 5 DP 116897, and Lot 8, Causeway road, as an alternative option to walking along SH11. This would only enhance the Waitangi – Haruru Falls – Paihia loop, and make the walk safer and much more enjoyable. This could become a community project with a submission for funding from council, as per the article below.

\$4 million fund inspires creative community ideas

Published on 05 October 2022



A heated swimming pool, beach erosion protection, and an alternative fuel plant are some of the projects Paihia residents say \$4.1 million in unallocated funding could be spent on to improve the beachfront community.

A wish-list of more than 20 projects was created during a public meeting held last month to discuss how the council could spend funding previously earmarked for a \$13.84 million breakwater and beach restoration project. The council cancelled the project in June after rapidly escalating construction costs had made it unaffordable.

That decision meant that \$8 million in COVID-19 Response and Recovery funding was withdrawn by the government, leaving a \$5.8 million capital contribution in the council's Long Term Plan to be reassigned. Of that, \$1.7 million has been committed to a project to beautify Paihia waterfront in collaboration with the community. The remaining \$4.1 million in council funding is still to be reallocated.

At the time that the council cancelled the waterfront project, Mayor John Carter asked that a public meeting be held with Paihia residents, mana whenua, and businesses and community leaders to canvass options on how the remaining funds could be spent. That meeting was held on 8 September and was attended by around 150 people.

Some project suggestions borrowed from work previously investigated, such as stormwater mitigation, beach erosion protection, creation of intertidal steps, and the installation of a series of history boards ahead of the 200-year Paihia anniversary. Other suggestions looked beyond Paihia and asked that public transport and roading be improved, that footpaths be built from Te Haumi to Paihia, and that walking and cycling tracks link Haruru to Waimate North.

Recreational options were also popular with suggestions that Bledisloe Domain be upgraded, an indoor sports hub and community centre be built, and that a heated swimming pool be constructed. Buying back land at Puketiti in Ōpua, and building an alternative fuel plant to develop alcohol as an alternative fuel source were also suggested.

The council will consider all the suggestions when it develops the Annual Plan 2023-24.

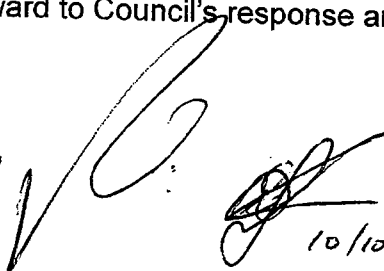
Our ultimate goal and desire is to design a space that protects and enhances this bio-diverse asset. By allowing a part rezone of the property, we have the potential to create a carefully designed and sensitive Urban expansion, and a much wider community asset.

'Ehara Taku toa I te toa takitahi, engari he toa takitini'

'My success is not mine alone, but the greatest success we will have is from working together'

We look forward to Council's response and engaging further on this matter.

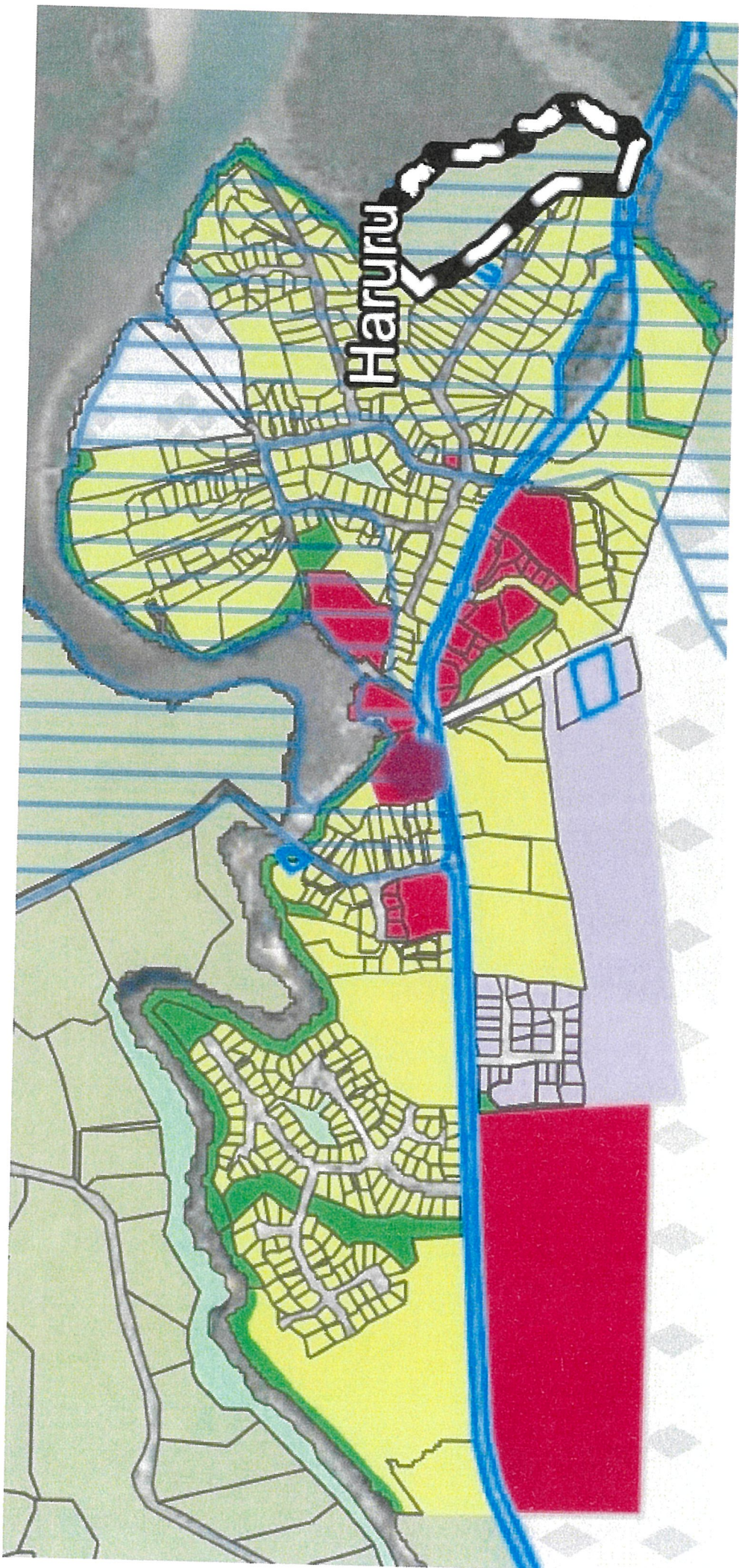
Nga mihi nui,



10/10/2022

Victoria Yorke and Andre Galvin

0211952061 / 0211952060



Proposed District Plan
Strategic Planning and Policy, Far North District Council
Far North District Council,
Private Bag 752
KAIKOHE 0400

09/09/2022

Submission for Lot 1 DP53506

We wish to submit against the 'broad brush' application of the Rural Production Zone and High Natural Character overlay of Lot 1 DP53506 in Haruru.

Whilst we understand the desktop study approach required to deliver these designations this lot will suddenly become unproductive and unviable.

Currently the land is designated Coastal Environment, General Coastal, under the Proposed plan this will now become Rural Zone, Coastal Environment & High Natural Character and it is our summation that there are a number of inconsistencies with these designations that only come to light with a more detailed analysis of the Landscape.

1.0 High Natural Character Overlay (HNC409)

- 1.1 The High Natural Character Area is not only highly restrictive but also requires the Landscape to be "Natural".
- 1.2 "Contributing Values – Largely indigenous vegetation with *relatively* few pest plants. *Minimal human-mediated hydrological or landform changes*".
- 1.3 The two issues here are;
 - I. "Relatively" hard to quantify as you need to also be given a benchmark as to assess your quantity to be relative to.
 - II. Minimal human-mediated hydrological or landform changes.
- 1.4 Issue i just requires a quantifiable statement that allows the onlooker to identify the policy on site.
- 1.5 The attached plans using aerial Photography since 1951 clearly identify over half of the lot has consistently been cleared, worked and "Human-Mediated" since 1951 rendering it inconsistent with the zoning.
- 1.6 This anomaly would only be identified by either going through historic aerial photos (which the council has no reason to do) or visit site for a walk through-which reveals the machining of the Landform.
- 1.7 The quantity of Landform that has been "Human-Mitigated" outweighs the land that appears not to have been touched.
- 1.8 However, we are certain that now this anomaly has been brought to your attention the relevant adjustments will be made.
- 1.9 Feel free to contact Creative Intentions who will be happy to issue you with an adjusted boundary that shows the "Natural Zone" excluding the "Human Mitigated" area.

2.0 Rural Production Zone.

- 2.1 "The purpose of this zone is to provide for primary production activities including,
 - I. non-commercial quarrying,
 - II. farming,
 - III. intensive indoor primary production,
 - IV. plantation forestry activities, and;
 - V. horticulture"

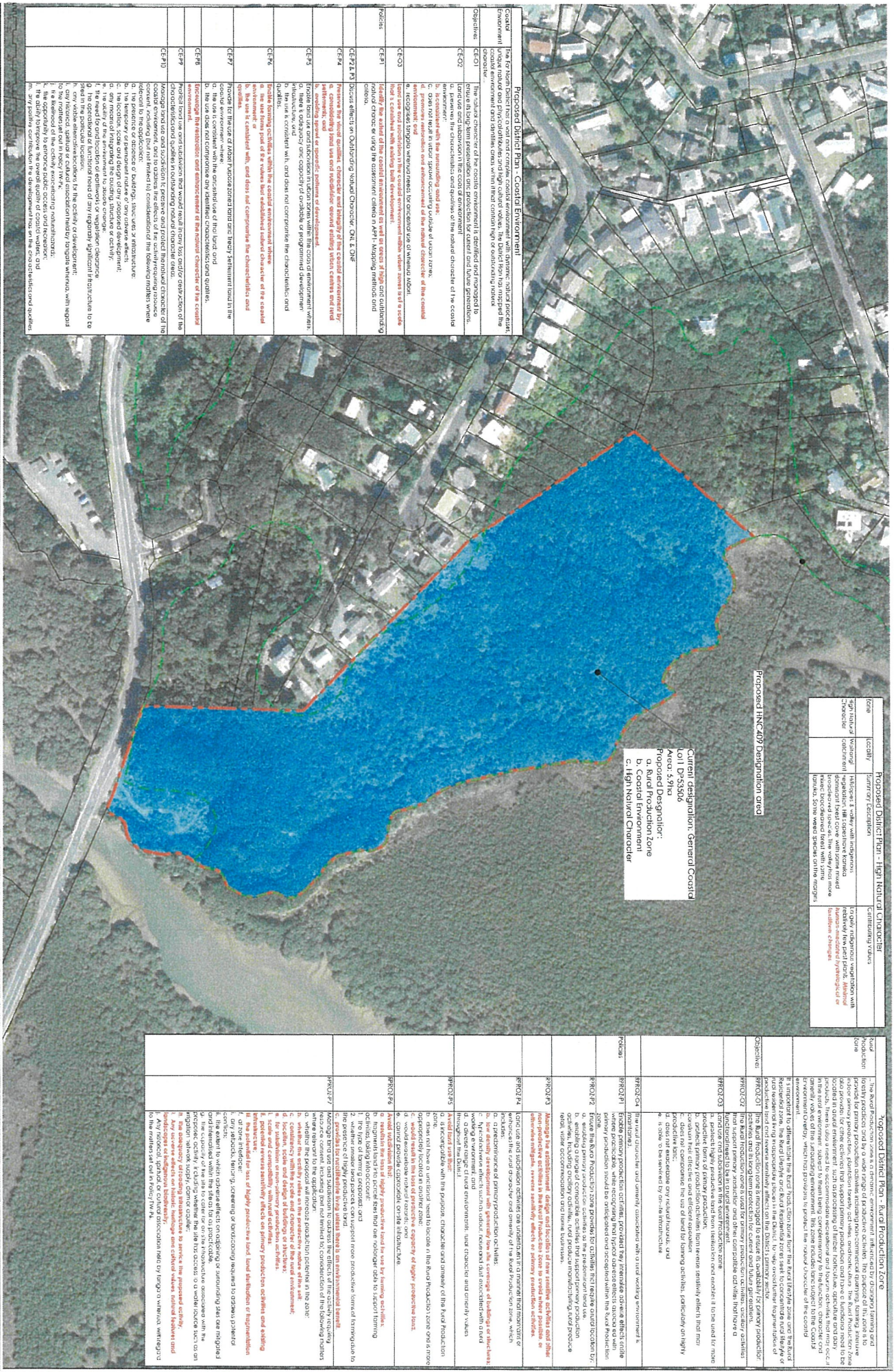
- 2.2 Whilst this is likely consistent with the current General Coastal zoning and would invariably provide some economic return from the land, it seems to be inconsistent with the coastal zoning in this place due to its topography.
- 2.3 The coastal Environment zone appears to heavily restrict any productive Rural activity on this land. (Clause CE-P6)
- 2.4 Whilst we welcome the option and potential that a Rural Production zoning gives the land we struggle to contemplate what Rural Production activity would give a significant enough return on the land given its topography and coverage.
- 2.5 We would seek some guidance from council as to how this land holding was analysed to come up with this conclusion prior to acquiescing to this designation.

3.0 Coastal Environment

- 3.1 The Far North District has a vast and complex coastal environment with dynamic natural processes, unique natural and physical attributes and high cultural values. The District Plan has mapped the coastal environment and identifies areas within it that contain high or outstanding natural character....
- 3.2 This Overlay is the most consistent with the current General Coastal Zoning and does offer the most opportunity for Landowner and Council to sustainably protect, manage and develop this Lot, which is the Landowners ultimate desire.

4.0 Conclusion

- 4.1 The current proposed changes to the District Plan would severely restrict the opportunities for the Landowner to economically manage and maintain this Lot.
- 4.2 Understanding the topography, current Land Use and history of this land is intrinsic in any future zoning and designation.
- 4.3 Whilst we understand the methodology of the designations and even agree with many of the objectives we feel that it may be a little heavy handed and may even be counterproductive to the protection of the part of the Lot that seems not to have been touched since 1951.
- 4.4 It is the Landowners intent to protect the intrinsic value of this land, its flora and fauna and the natural character. However, in order to do so the remaining land, that is not "Natural" must be either released of restriction or at least restrictions should be reduced to allow the land to be economically viable.
- 4.5 The topography of the land means that whilst farming it would be permitted, this would not be a desirable outcome for either the landowner or FNDC.
- 4.6 We believe there is a better method of protecting this small parcel of Land that would work for FNDC, Community and Landowner, and we are willing to discuss options should these restrictions not be imposed on the Landowner.
- 4.7 Creative Intentions drawing 22027-01-015 (attached) shows a new HNC409 boundary line that would possibly qualify for an HNC designation under FNDC's criteria after analysing aerial photography since 1951.



Zone	Locality	Inventory Description	Commentary Status
High Natural Character	Wairangi	Hilltops: 1. rocky with indigenous vegetation. 2. some native forest with some broad leaved trees. The valley floor more forested. Some weed species in the margins.	Highly indigenous vegetation with some native forest. Preserved or enhanced by proposed development changes.

Proposed HNC409 Designation and

Current Designation: General Coastal
 Area: 331ha
 Proposed Designation:
 b. Coastal Environment
 c. High Natural Character

Code	Policy	Objective
CEP1	Protect the natural character of the coastal environment and provide for the sustainable use of coastal resources.	Protect the natural character of the coastal environment and provide for the sustainable use of coastal resources.
CEP2	Protect the natural character of the coastal environment and provide for the sustainable use of coastal resources.	Protect the natural character of the coastal environment and provide for the sustainable use of coastal resources.
CEP3	Protect the natural character of the coastal environment and provide for the sustainable use of coastal resources.	Protect the natural character of the coastal environment and provide for the sustainable use of coastal resources.
CEP4	Protect the natural character of the coastal environment and provide for the sustainable use of coastal resources.	Protect the natural character of the coastal environment and provide for the sustainable use of coastal resources.
CEP5	Protect the natural character of the coastal environment and provide for the sustainable use of coastal resources.	Protect the natural character of the coastal environment and provide for the sustainable use of coastal resources.
CEP6	Protect the natural character of the coastal environment and provide for the sustainable use of coastal resources.	Protect the natural character of the coastal environment and provide for the sustainable use of coastal resources.
CEP7	Protect the natural character of the coastal environment and provide for the sustainable use of coastal resources.	Protect the natural character of the coastal environment and provide for the sustainable use of coastal resources.
CEP8	Protect the natural character of the coastal environment and provide for the sustainable use of coastal resources.	Protect the natural character of the coastal environment and provide for the sustainable use of coastal resources.
CEP9	Protect the natural character of the coastal environment and provide for the sustainable use of coastal resources.	Protect the natural character of the coastal environment and provide for the sustainable use of coastal resources.
CEP10	Protect the natural character of the coastal environment and provide for the sustainable use of coastal resources.	Protect the natural character of the coastal environment and provide for the sustainable use of coastal resources.

Code	Policy	Objective
PRP1	Protect the natural character of the rural production zone and provide for the sustainable use of rural resources.	Protect the natural character of the rural production zone and provide for the sustainable use of rural resources.
PRP2	Protect the natural character of the rural production zone and provide for the sustainable use of rural resources.	Protect the natural character of the rural production zone and provide for the sustainable use of rural resources.
PRP3	Protect the natural character of the rural production zone and provide for the sustainable use of rural resources.	Protect the natural character of the rural production zone and provide for the sustainable use of rural resources.
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PRP6	Protect the natural character of the rural production zone and provide for the sustainable use of rural resources.	Protect the natural character of the rural production zone and provide for the sustainable use of rural resources.
PRP7	Protect the natural character of the rural production zone and provide for the sustainable use of rural resources.	Protect the natural character of the rural production zone and provide for the sustainable use of rural resources.
PRP8	Protect the natural character of the rural production zone and provide for the sustainable use of rural resources.	Protect the natural character of the rural production zone and provide for the sustainable use of rural resources.
PRP9	Protect the natural character of the rural production zone and provide for the sustainable use of rural resources.	Protect the natural character of the rural production zone and provide for the sustainable use of rural resources.
PRP10	Protect the natural character of the rural production zone and provide for the sustainable use of rural resources.	Protect the natural character of the rural production zone and provide for the sustainable use of rural resources.

Proposed District Plan Designation
 L01 D33306 Samsamoni
 Avire & Victoria Square
 2022-01-01
 3801 6022
 11253
 Creative Intentions
 100 The Esplanade, Auckland
 09 300 9700
 www.creativeintentions.co.nz

Zone	Category	Summary Description	Compliance Notes
Zone 1	High Natural Character	Highly vegetated, rugged terrain with steep slopes and scattered buildings. The zone is characterized by its natural beauty and scenic views.	Highly vegetated, rugged terrain with steep slopes and scattered buildings. The zone is characterized by its natural beauty and scenic views.

Proposed HILC-07 Designation area

Current designation: General Coastal
 Lot 1 DF53506
 Area: 6.9ha
 Proposed Designation:
 a. Rural Production Zone
 b. Coastal Environment
 c. High Natural Character

Zone	Category	Summary Description	Compliance Notes
Zone 1	High Natural Character	Highly vegetated, rugged terrain with steep slopes and scattered buildings. The zone is characterized by its natural beauty and scenic views.	Highly vegetated, rugged terrain with steep slopes and scattered buildings. The zone is characterized by its natural beauty and scenic views.

Zone	Category	Summary Description	Compliance Notes
Zone 1	High Natural Character	Highly vegetated, rugged terrain with steep slopes and scattered buildings. The zone is characterized by its natural beauty and scenic views.	Highly vegetated, rugged terrain with steep slopes and scattered buildings. The zone is characterized by its natural beauty and scenic views.

Proposed District Plan Designations
 Lot 1 DF53506 Suburban
 Andre A. Klokas SAWS
 2007-01-001

CREALITE CONSULTANTS

1000-1000
 1000-1000
 1000-1000

1000-1000



Line of Proposed LINC 09

Line of Native Bush

Grazing Land

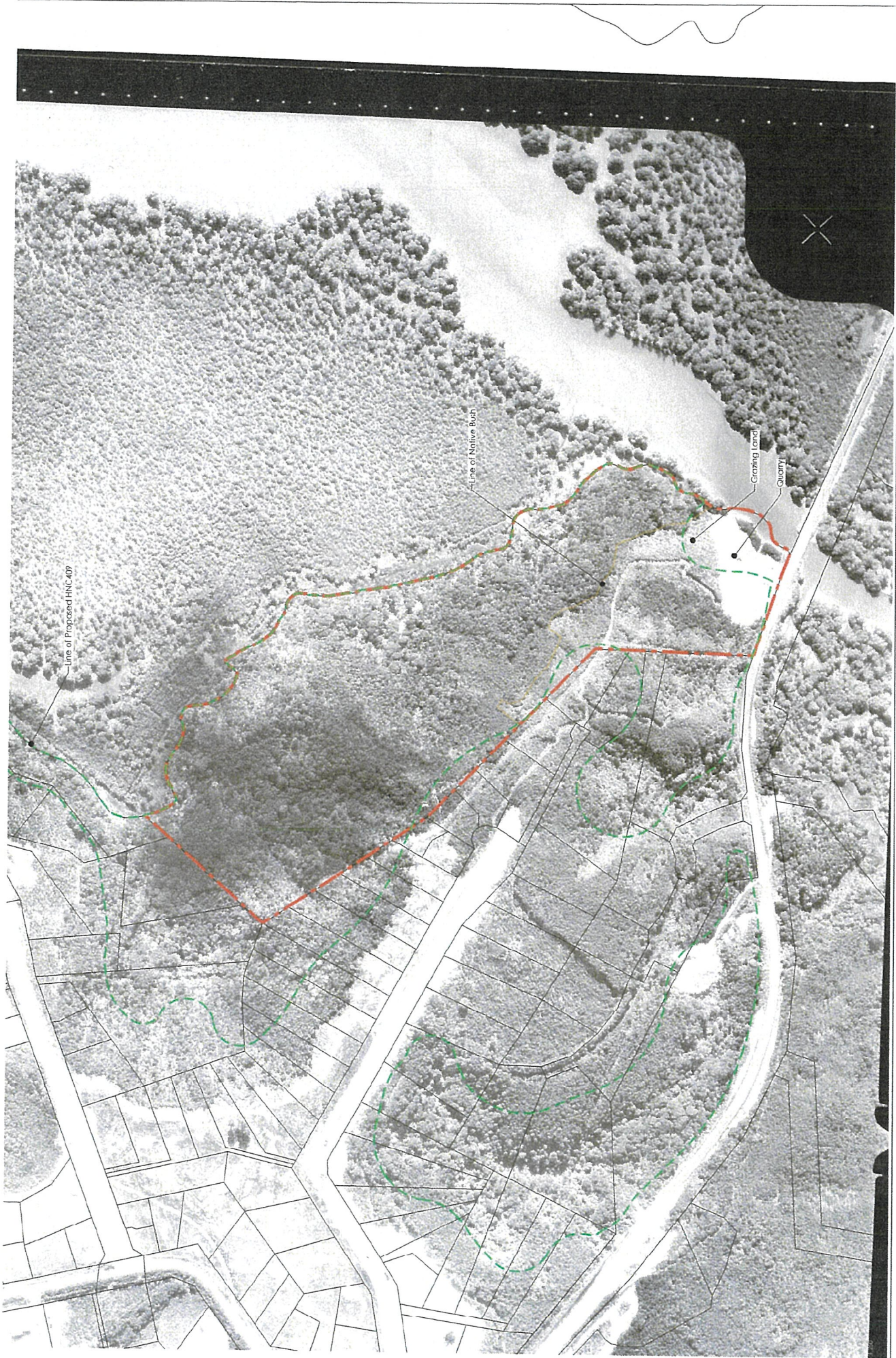


Scale: 1:5000
 Date: 11/2022
 Author: [Name]
 Project: [Name]



Project: Building Lot 1 DP553506 over 1981 Aerial
 Lot 1 DP553506 Submission
 Ashke & Victoria Cairn
 22/22-01-002





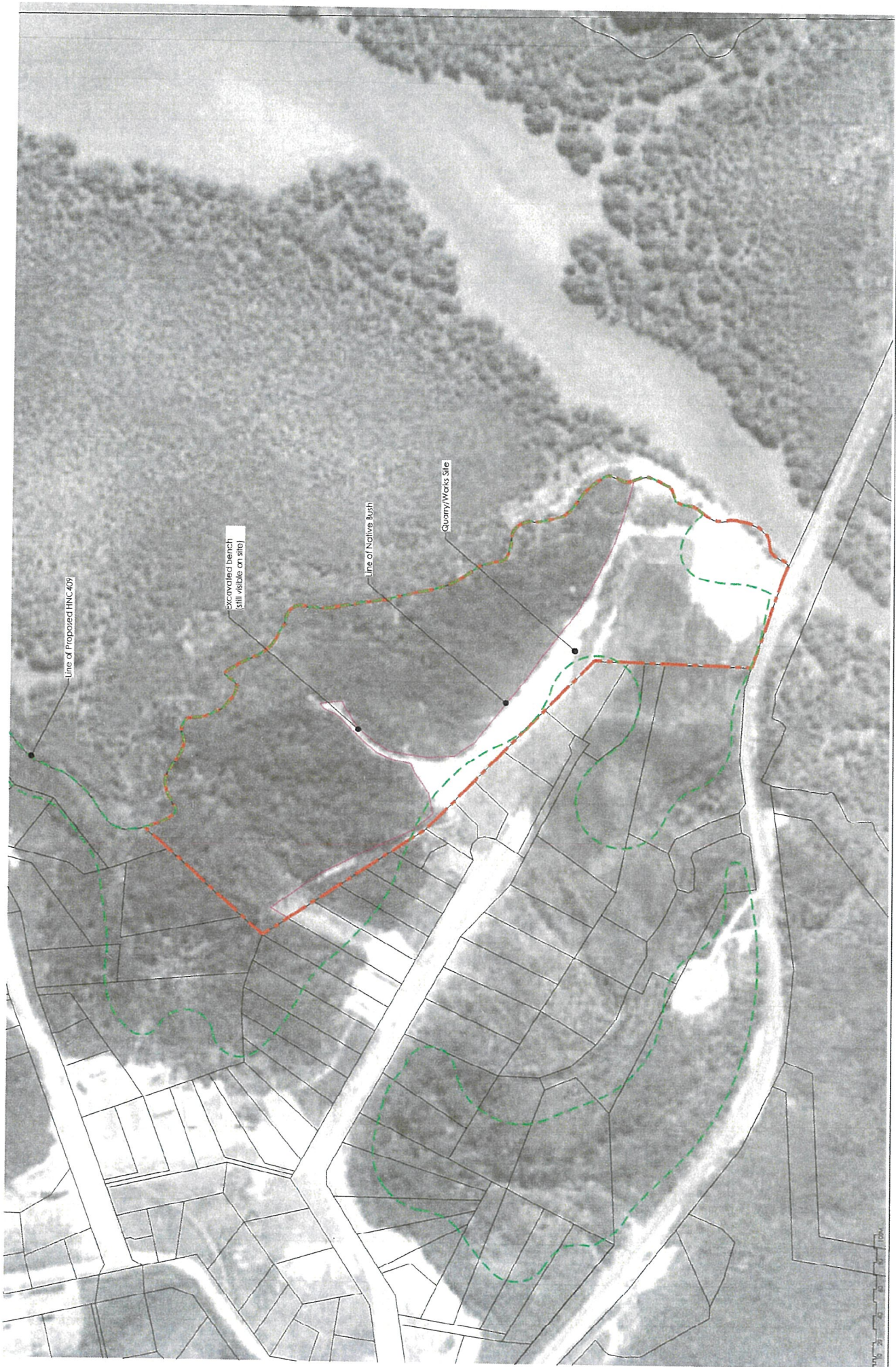
creative
 mentions
 Landscape Architecture

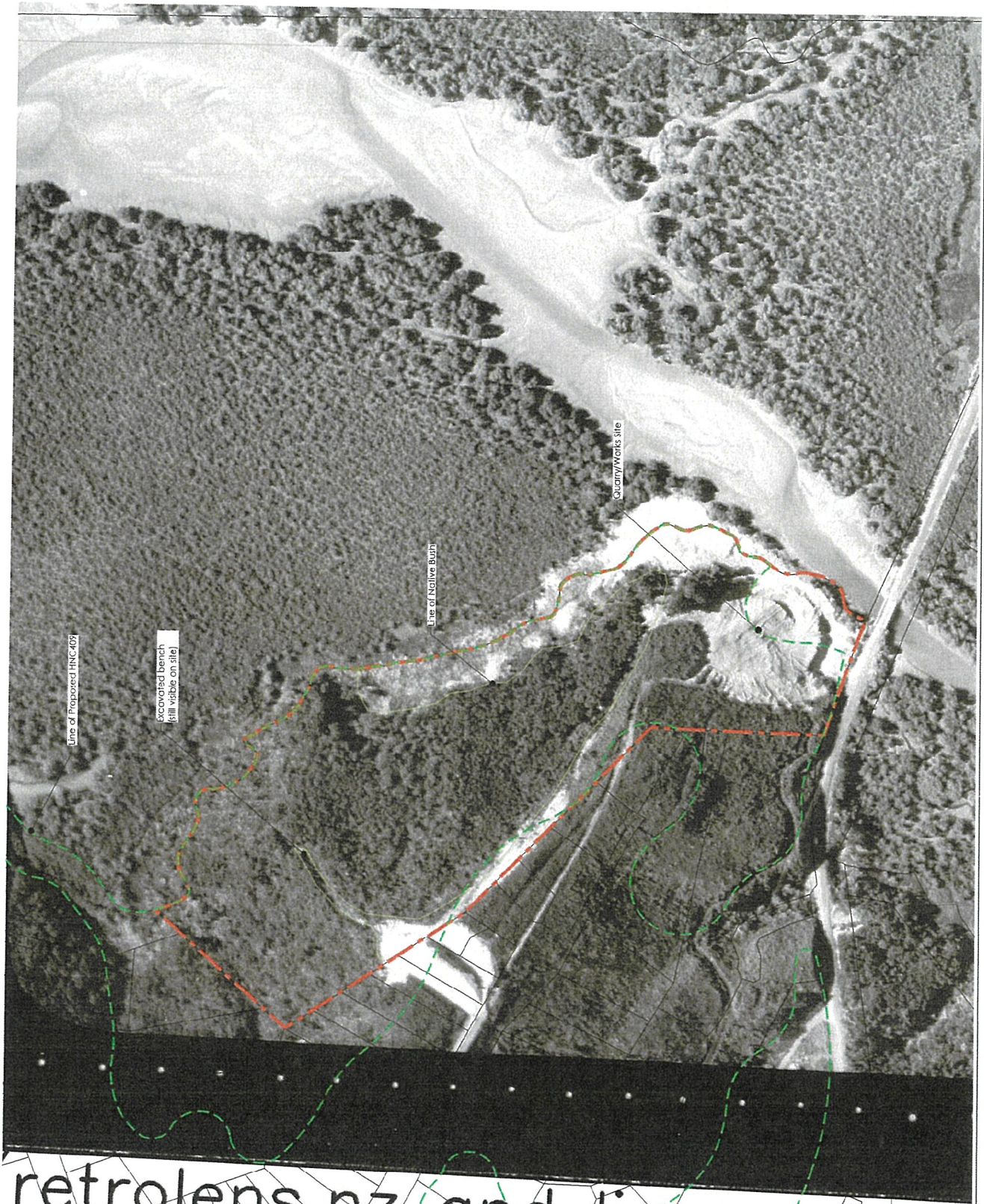
Project: Feilung 10 | DP35286 over 146 Acres
 Location: DP35286 over 146 Acres
 Client: ARIBA VICTORIA CAPITAL
 Date: 2022
 Scale: 1:150
 Drawing No: 2207-01-003

Prepared by: [Name]
 Checked by: [Name]
 Approved by: [Name]

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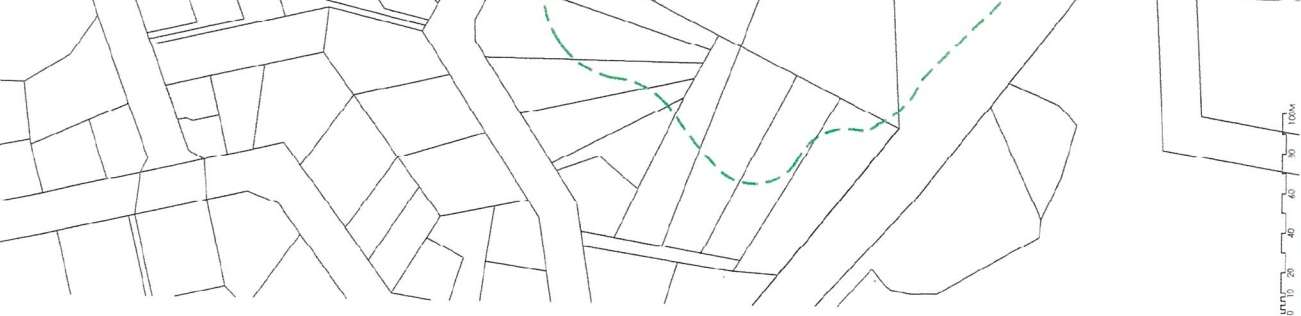


creative
 HIGHLIGHTS
 CONSULTANTS
 11-1796
 22/02/2022-01-005
 Approval



Existing Lot 1 DMS306 over 1972 Aerial
 Lot 1 DMS306 Submission
 Andre & Victoria Gilkin
 22/02/2022-01-005

retrolens.nz and licensed by



0 10 20 40 60 80 100m
 1:1000
 2022/01/05



Line of Proposed HMC 40%

Excavated bench
(fill visible on site)

Line of Native Bush

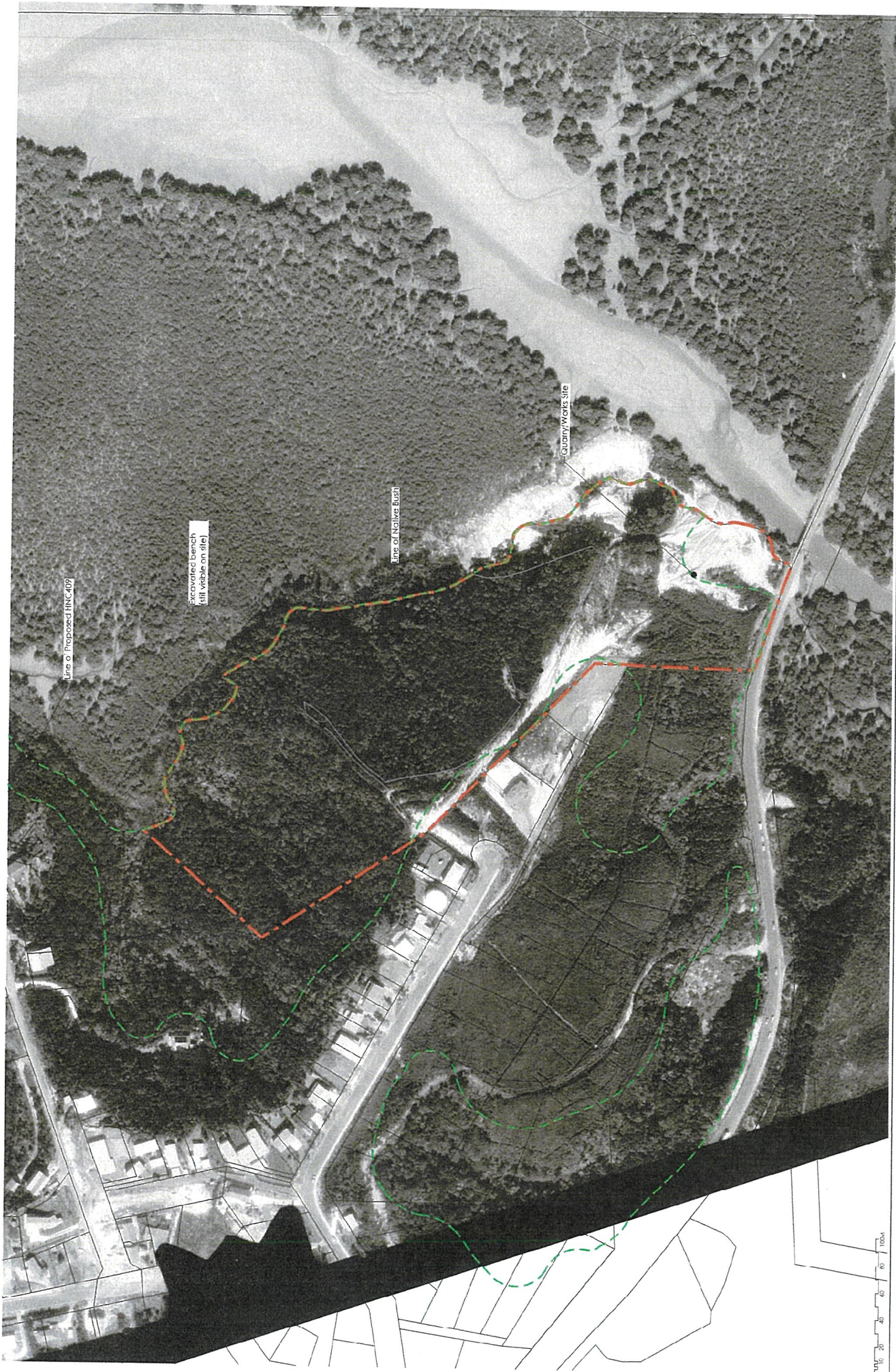
Quality/Works site

PLANNING
 PREPARED BY: CREATIVE INTENTIONS
 PROJECT NO: 22027-01-1006
 DATE: 15/01/2022
 SCALE: 1:150
 DRAWN BY: ANDREW COLEMAN
 CHECKED BY: ANDREW COLEMAN
 APPROVED BY: ANDREW COLEMAN
 PROJECT NO: 22027-01-1006



Project: Biting Lot DPO32025 over 1999 Avial
 Submission: Lot 1 DPO32025 submission
 Applicant: Andrew & Victoria Coleyn
 Project No: 22027-01-1006
 Date: 15/01/2022
 Scale: 1:150
 Drawn by: Andrew Coleman
 Checked by: Andrew Coleman
 Approved by: Andrew Coleman







Line of Proposed HMC-409

Line of Native Bush

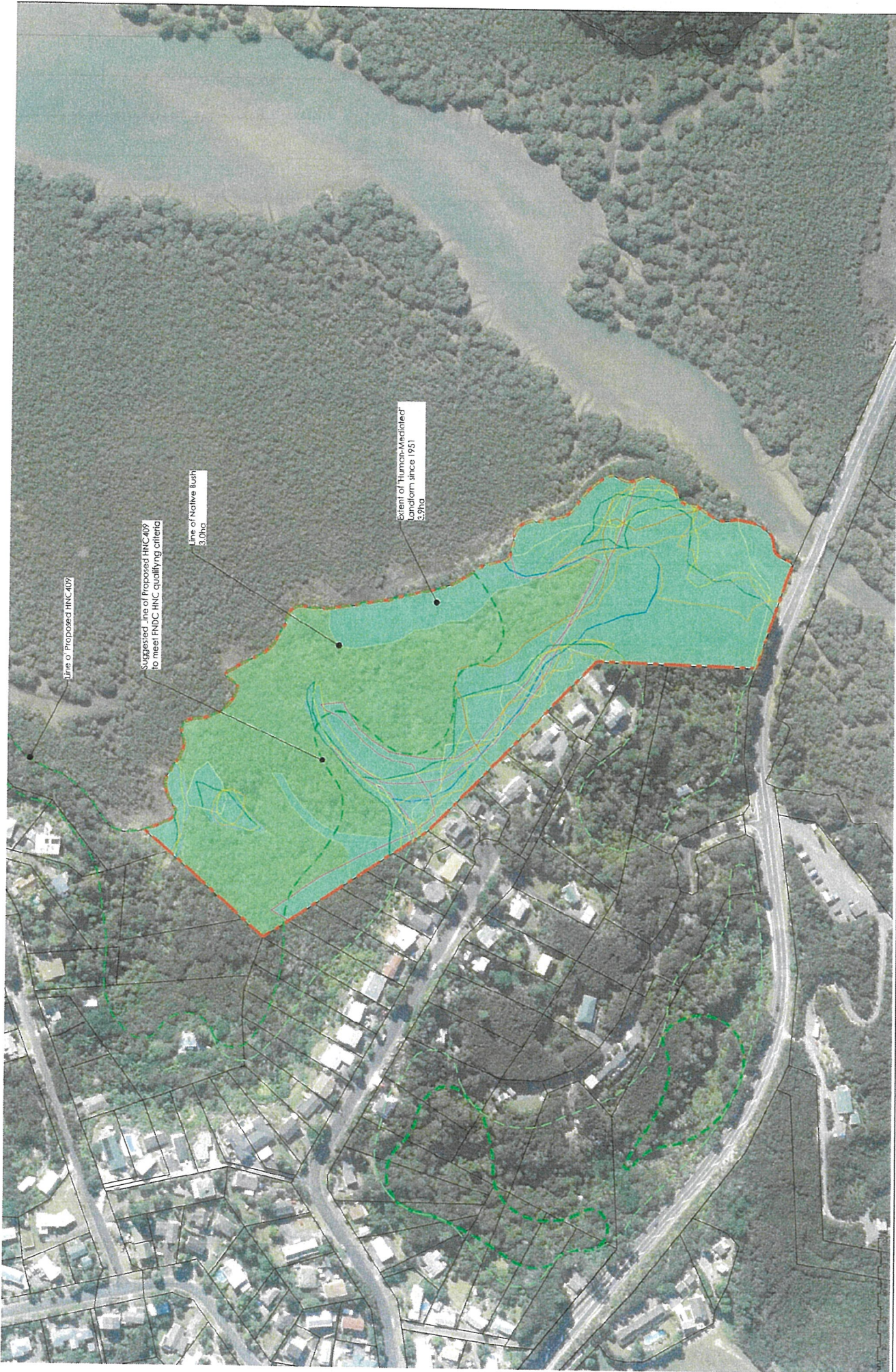
Quarry/Works Site

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Project: Existing Lot 1 DP53066 over 2019 Aerial
 Lot 1 DP53066 Submission
 Andre & Victoria Calder
 Date: 22/02/2022
 Version: 01/013





Line of Proposed HNC 40%

Suggested Line of Proposed HNC 40%
to meet FNDC HNC qualifying criteria

Line of Native Bush
3.0ha

Extent of "Human-Mediated"
Landform since 1951
3.9ha

DATE: 2022-01-15
 DRAWN BY: [Name]
 CHECKED BY: [Name]
 APPROVED BY: [Name]
 PROJECT: [Name]



Area of Human Mediated Landform over Aerial
 (a) 1:2500 Submission
 Andre & Victoria Goh
 2022-01-015





Suggested Line of Proposed HNC(10P) to meet PND C HNC qualifying criteria

Public boardwalk

Maintain all views of Waitangi. Proposed homes will be at a lower elevation to mitigate any effects on neighbours.

Eco Centre

Community Storage Space

Private Road with Pedestrian ROW

DATE: 2022-01-16
 DRAWN BY: [Name]
 CHECKED BY: [Name]
 APPROVED BY: [Name]
 PROJECT NO: 23027-01-016



Project Name	Semi 2022
Project No	11220
Client	Conceptual Proposed Development
Design Team	Paul & Associates Ltd, Auckland Audrie & Victoria Corbin
Project Manager	[Name]
Approval	[Name]



NORTHERN ARCHAEOLOGICAL RESEARCH

**ARCHAEOLOGICAL SURVEY AND ASSESSMENT
OF THE PROPOSED SUBDIVISION OF THE
HARURU FALL DEVELOPMENTS PROPERTIES,
HARURU FALLS, BAY OF ISLANDS**



Prepared for
Haruru Falls Development Ltd
Paihia

Northern Archaeological Research
67 Church Street, Devonport, Auckland

November 2005

**ARCHAEOLOGICAL SURVEY AND ASSESSMENT OF
THE PROPOSED SUBDIVISION OF THE HARURU FALL
DEVELOPMENTS PROPERTIES, HARURU FALLS, BAY
OF ISLANDS**

*By
Ivan Bruce*

Introduction

Haruru Falls Development Ltd is seeking to subdivide Lot 1 DP 196213, Pt Lot 1 DP 5306⁵ and easements over Lot 2 DP 196213, at Haruru Falls in the Bay of Islands. Northern Archaeological Research was commissioned by Williams and King Surveyors, on behalf of the owners, to undertake an archaeological survey and assessment of the entire area affected by the development. This work was undertaken to locate and record any archaeological material and to advise the client of their obligations under the Historic Places Act, 1993. Ivan Bruce undertook this work on the 2nd of November, 2005. This report outlines the result.

Location



FIGURE 1. LOCATION OF THE PROPOSED SUBDIVISION, OUTLINED IN RED (P05)

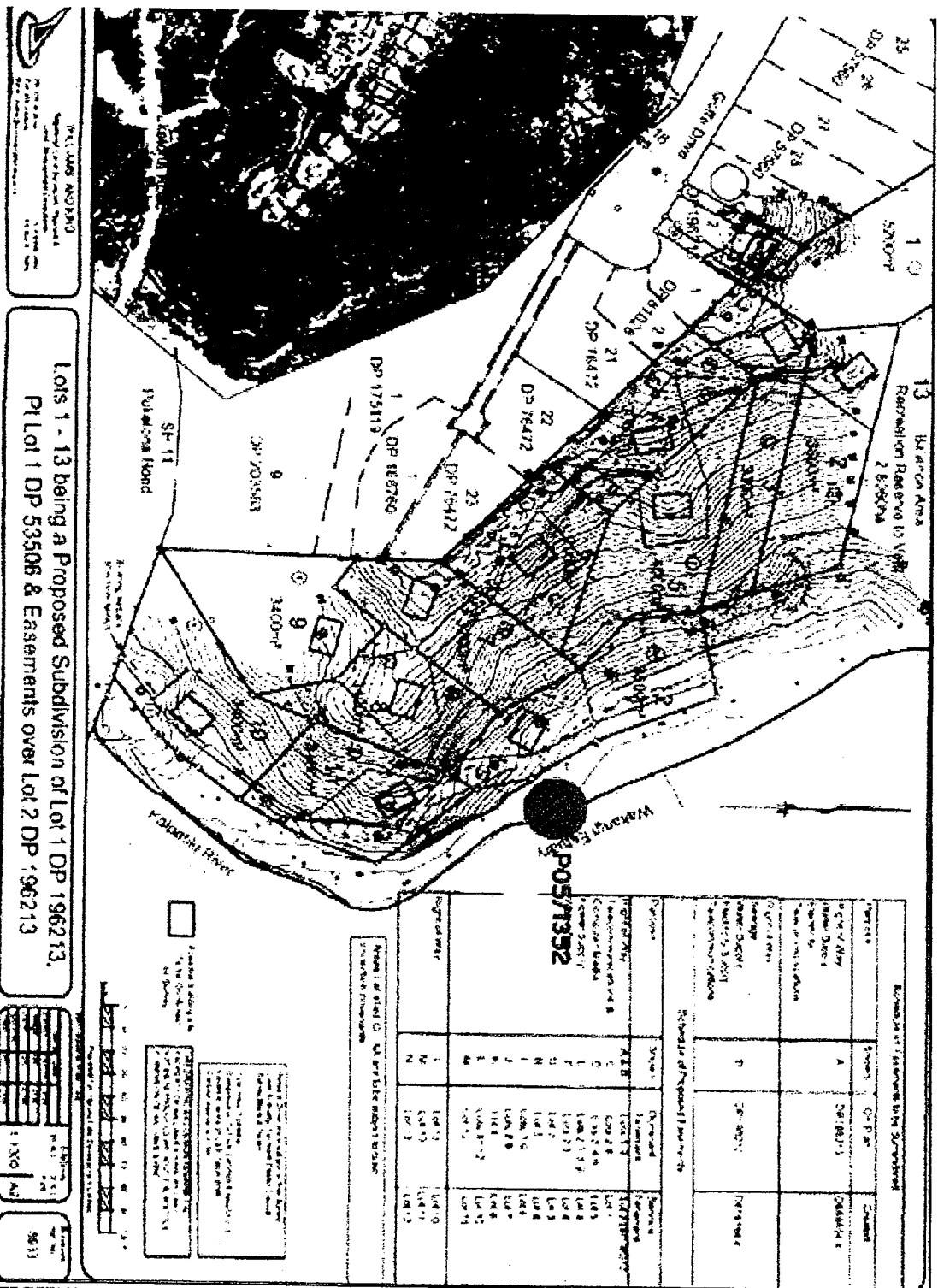


FIGURE 2. PLAN OF THE PROPOSED SUBDIVISION, APPROXIMATE POSITION OF RECORDED ARCHAEOLOGICAL SITE P05/1352 INDICATED IN RED

The affected lot is situated on the northern side of the Waitangi estuary on the northern bank of the Kaipatiki River. The property is adjacent to Puketona Road, and accessed via a dilapidated wooden gate beside the Kaipatiki River Road Bridge. Another access to the property has will be created from Goffe Drive, between Lots 1 and 2 DP 196213, also owned by Haruru Falls Development Ltd. The property has been extensively modified by quarrying on Lots 7, 8, 11 and 12 is presently in thick regenerating manuka scrub on the steep hill slopes and toitoi and gorse on the low lying flats above the estuary.

The geology of the area is dominated by Waipapa group greywackes and argillites (Kear and Hay 1961). The predominant soil type is Hukerenui silt loam with underlying yellow sub soils (Sutherland et al 1980).

Proposed Activity

It is the intention of the client to subdivide the property into 12 individual lots, with three lots being accessed from Puketona Road, another from northwest drive at Goffe Road and the remaining eight lots accessed from the south west drive. This project is presently at the planning stage and the layout of the development and associated access ways have not been finalised, however it is clear from the proposal that existing tracks will have to be upgraded and at least two new access ways will have to be put in place. All services and amenities are expected to follow the proposed access ways.

Survey Method

Background research into the archaeology and subsequent history of the property included the examination of late 19th and early 20th century land plans and survey reports held by Land Information NZ, Auckland. New Zealand Archaeological Association (NZAA) site record forms were checked for previously recorded archaeological sites, and a review of regional archaeological publications relating to the area was undertaken.

The archaeological assessment involved a survey of the proposed subdivision and the associated access roading on foot. Areas known to, or considered likely to contain archaeological remains were probed and the likelihood of sites occurring undetected subsurface were taken into consideration.

The archaeological survey of the area of proposed development was conducted specifically to locate and record existing surface archaeological remains. The survey and report do not necessarily include the location or the assessment of wahi-tapu or sites of spiritual and cultural significance to the local Maori community who should be independently approached for any information or concerns they may have.

Archaeological Background

An examination of the NZAA database indicates that no archaeological sites have been located either on the property in question or in the immediate vicinity.

An early survey plan OLC 245, outlining the lands granted to Henry Williams in 1851, details an early road or track in the position of the present causeway road, north of the client's property. A causeway across the estuary is also indicated in this plan the remnants

of which can still be seen today. This is a traditional main route between the Bay of Islands and the Hokianga, originally part of the extensive network of native tracks in the region, used and later improved into roads by Europeans. The stone paved causeway may have been created by the 58th regiment, stationed in the Bay until 1854, as part of Governors Greys "passion for building strategic military roads" (Lee 1972). The old plan does not indicate Maori settlement in the vicinity of the proposed subdivision. No significant information is shown in Farrar's early geological map, except the name of "Cannon Hill" bequeathed to the summit of the ridge above this subdivision, the origin of which is not explained and presumably alludes to the military occupation of the 1850s.

Survey Results

One new site was recorded. The grid reference was recorded with a Garmin 12 GPS unit.

P05/1352, Midden, 2607714 6657086 +/- 5.7m, 13 asl

This site is situated on Lot 12 of the proposed subdivision of Lot 1 DP 53506. The midden can be seen on the tidal exposure at the edge of the Kaipatiki River estuary. At present the site exists within a small clearing in the surrounding scrub.

The site consists of a small exposure of fragmented and charcoal stained shell midden, composed of a mix of cockle (*Austrovenus stutchburyi*) and pipi (*Paphies australe*) shells, with occasional examples of mud whelk (*Cominella glandiformis*). Fragments of fire cracked rock, small flakes of charcoal and charcoal stained soil testify to a cooking process, and are all that differentiate the exposure from a natural sub fossil deposit. The feature is deflated and is dispersed over an area of five metres in diameter, very little of which remains in situ.

This site remains in very poor condition and is itself situated in an area that has been heavily modified by quarrying. While it is unlikely that subdivision planned in the vicinity will affect the site, tidal erosion will erase it before long.

Archaeological Significance

There are no statutory criteria yet created for the assessment of archaeological values in New Zealand and any established method may be employed, so long as it is clearly stated and acceptable to the NZHPT. The criteria used in an assessment of significance employed by this author are those suggested by Walton (2002), generally accepted as standard text for archaeological assessment, including eight non-statutory criteria for assessing significance. These are: period, rarity, documentation, group value, survival/condition, fragility/vulnerability, diversity, and potential.

Only one site was located on the area of this subdivision and the likelihood of significant archaeological material being situated subsurface elsewhere on the property is very low. The steep slopes that predominate on this property offer limited potential for prehistoric settlement, usually normally sited on ridge lines or level areas. Furthermore the leading spurs and the crest of the main ridge have all been extensively modified by bulldozing and tracks have been in place for some time, possibly as a result of the quarrying that occurred on the property in the past; the main ridge above this property has already been extensively

developed and is now marked by Goffe Road. The small leading spurs situated on the property that may have offered suitable terrain for Maori housing were extensively surveyed and probed as a part of this assessment, without recovering either visible surface evidence of subsurface material. The steep scrub covered flanks of the hills were walked, again without recovering archaeological material.

The recorded site consists of one poorly preserved midden exposed on the foreshore, that represents traditional Maori seafood gathering and consumption, extensively documented in the Bay of Islands area (Nevin, G. 1984). This particular midden is highly fragmented with little remaining as an in situ deposit and is unlikely to provide any further information of any significance to studies pertaining to the local prehistory other than the spatial and dietary information gleaned thus far.

Assessment of Effects

The developers should be aware that Part 1, Section 10a of the Historic Places Act, 1993, states that it is not lawful for any person to destroy, damage or modify, or cause to be destroyed, damaged or modified, the whole or any part of any archaeological site, knowing or having any reasonable cause to suspect it is an archaeological site. These sites can only be modified with the written permission of the New Zealand Historic Places Trust (NZHPT). Specific penalties for damage or destruction of archaeological remains can be imposed.

The existing plans proposed for the development of this subdivision will not impact upon any recorded archaeological sites. The recorded site P05/1352 is situated on the high tide mark and will not be affected by any building constructed on Lot 12. As the likelihood of any further remains being located on the property appears to be very low, Northern Archaeological Research can advise this client that there is no reason for the proposed subdivision to continue as planned. However in the unlikely event that any subsurface archaeological material is uncovered during any earthworks related to the development of this subdivision work uncovered during the development of this subdivision then any earthworks must halt until such time as Northern Archaeological Research and the Historic Places Trust have been notified and the appropriate action undertaken.

Conclusion

Northern Archaeological Research was commissioned by Williams and King Surveyors, on behalf of Haruru Falls Development Ltd to undertake an archaeological survey and assessment of the proposed subdivision of their property at Lot 1 DP53506, Pt Lot 1 DP 5306 and easements over Lot 2 DP 196213 at Haruru Falls in the Bay of Islands. One archaeological site was recorded as a result. Recommendations are made in relation to any subsurface archaeological remains that may occur during the development of the property.

References

- OLC 245. 1851. Pukeawa Plan
Ferrar, H. T. 1925. The geology of the Whangarei-Bay of Islands Subdivision, Kaipara Division, *Bulletin No 27*, Geological Survey Branch of the Department of Mines,

Government Printer, Wellington

- Kear, D. and R.F. Hay, 1961. Sheet 1 North Cape (1st Edition), Geological Map of New Zealand, 1:250 000. Department of Scientific and Industrial Research, Wellington
- Lee, J. 1972. Historical Maps of the Bay of Islands. Unpublished Manuscript
- Nevin, G. 1984. Bay of Islands: Archaeological Survey of the Coastal Region between Te Tii and Tapeka Point (including Mangonui, Kerikeri, Kawakawa, Waikino and Waikare Inlets) and Technical Report on the Archaeological and Historical Aspects of the Bay of Islands written for the Bay of Islands Harbour Study.
- Sutherland, C.F.; Cox, J.E.; Taylor, N.H.; Wright, A.C.S. 1980, Soil Map of Bay of Islands (Sheets QO4/5). North Island. Scale 1:100 000, *NZ Soil Bureau Map 184* Archaeological Association Site Record Forms
- Walton, T. 2002. Guidelines for Archaeological Evaluations and Assessments of Effects

Recommendations

1. Should unrecorded subsurface archaeological remains be unearthed elsewhere on the property during the development of this subdivision, earthworks should cease immediately and Northern Archaeological Research and the New Zealand Historic Places Trust be notified.



PLATE 1. P05/1352 ERODED MIDDEN ON THE BANK OF THE KAIPATIKI ESTUARY



PLATE 2. P05/1352



PLATE 3. BULLDOZED TRACKS AMONGST THICK SCRUB, CREST OF THE MAIN RIDGE LOT 1 DP 53506



PLATE 4. THE STONE PAVED CAUSEWAY ACROSS THE ESTUARY, NORTH OF LOT 1 DP 53506

APPENDIX
NEW ZEALAND ARCHAEOLOGICAL ASSOCIATION SITE
RECORD FORMS

NEW ZEALAND ARCHAEOLOGICAL ASSOCIATION METRIC SITE RECORD NUMBER: P05/1352

SITE RECORD FORM (METRIC)

METRIC MAP NUMBER : P05 (KAIKOHE)

METRIC MAP EDITION : MS-260

DATE VISITED: 2/11/2005

SITE TYPE : Midden

SITE NAME: MAORI-
OTHER

GRID REFERERENCE : EASTING 2607714 NORTHING 6657086 +/- 5.7m, 13 asl

1. Aids to relocation of the site:

This site is situated on Lot 12 of the proposed subdivision of Lot 1 DP 53506. The midden can be seen on the tidal exposure at the edge of the Kaipatiki River estuary. At present the site exists within a small clearing in the surrounding scrub.

2.State of site and possible future damage:

This site remains in very poor condition and is itself situated in an area that has been heavily modified by quarrying. While it is unlikely that subdivision planned in the vicinity will affect the site, tidal erosion will erase it before long.

3. Description of site:

The site consists of a small exposure of fragmented and charcoal stained shell midden, composed of a mix of cockle (*Austrovenus stutchburyi*) and pipi (*Paphies australe*) shells, with occasional examples of mud whelk (*Cominella glandiformis*). Fragments of fire cracked rock, small flakes of charcoal and charcoal stained soil testify to a cooking process, and are all that differentiate the exposure from a natural sub fossil deposit. The feature is deflated and is dispersed over an area of five metres in diameter, very little of which remains in situ.

4. Owner : Haruru Falls Development Ltd
Address: Paihia

Tenant/Manager:
Address:

5. Nature of information : Brief Visit/ Survey

6. Reported by: Northern Archaeological Research
Address:67 Church St
Devonport

File keeper:
Date:

7. NZHPT (for office use)

Type of Site
Local environment today
Land Classification

Present condition and future
Local Body