

Kylie Flood

From: Administration Requests
Sent: Wednesday, 25 September 2019 10:36 a.m.
To: [REDACTED]
Cc: Administration Requests
Subject: FW: ID045170 LGOIMA
Attachments: 170099 O'Halloran KDC Application previously 170080.pdf; 170099 Assessment of Environmental Effects v3.pdf; 170099 Geo Tech Report.pdf; 170099 Scheme Plan Stage 2 14March2014 (5).pdf; 170099 EHL Cultural Impact Assessment 7 February 2017.pdf; RM170099 debtor information 20190917.png; Conditions of Consent.pdf

Hi Nick

Please find attached the information requested relating to RM170099. Attached is also a screen snip of the debtor information for the Council related costs of this subdivision.

Regarding the physical works carried out, all works required to be completed are outlined in the Conditions of Consent (attached). The final completion (s224) certificate has been issued. For this to be issued all consent conditions must be satisfied so it would be fair to assume all works have been carried out.

Please feel free to contact me if you have any further queries.

Regards Linda



Linda Osborne | Administration Manager
Kaipara District Council, Private Bag 1001, Dargaville 0340
Freephone: 0800 727 059 | 09 439 3123
council@kaipara.govt.nz | www.kaipara.govt.nz

From: Council
Sent: Thursday, 12 September 2019 4:26 p.m.
To: Administration Requests <administrationrequests@kaipara.govt.nz>
Subject: ID045170 LGOIMA

Kia ora

This LGOIMA request has been received in the Council inbox and forwarded to you for action and reply. Customer has been advised response is due 10 October 2019.

If you require any further assistance please contact the Kaipara District Council email council@kaipara.govt.nz, telephone 0800 727 059 or visit our website www.kaipara.govt.nz

Ngā mihi

Customer Services



Angie Hunt | Kaitiaki Kiritaki | Customer Services
Kaipara te Oranganui | Kaipara District Council, Private Bag 1001, Dargaville 0340
Freephone: 0800 727 059 | 09 439 7059
council@kaipara.govt.nz | www.kaipara.govt.nz
Dargaville Office: 42 Hokianga Road, Dargaville 0310
Mangawhai Office: Unit 6, The Hub, 6 Molesworth Drive, Mangawhai 0505
Opening Hours: Monday, Tuesday, Thursday, Friday 8am to 4.30pm and Wednesday 9am to 4.30pm

-----Original Message-----

From: Nick Wrottesley [REDACTED]
Sent: Thursday, September 12, 2019 4:03:38 PM
To: Council
Subject: Information request

[IN CONFIDENCE RELEASE EXTERNAL]

Dear Sir/ Madam

Please refer to the attached information request.

Please call or email me if you have any queries.

Regards,

Nick Wrottesley

Customer Compliance Specialist| Small & Medium Enterprises| Inland Revenue

[REDACTED]

[REDACTED]

IN CONFIDENCE

This email and any attachment may contain confidential information. If you have received this email or any attachment in error, please delete the email / attachment, and notify the sender. Please do not copy, disclose or use the email, any attachment, or any information contained in them. Consider the environment before deciding to print: avoid printing if you can, or consider printing double-sided. Visit us online at ird.govt.nz

12 September 2019

Telephone 0800 377 772

Kaipara District Council
Private Bag 1001
Dargaville 0310

Dear Sir/Madam

Customer Name: Coral Court Limited
Address: 58 Jack Boyd Drive
Mangawhai
Lot 30 DP 18060
CT 111D/898
Resource consent RM 170099

Our Reference: TNA/INV13/NW

Please forward a copy of the following information or produce the following documents relating to the above customer(s).

- A copy of the council file relating to Resource Consent RM 170099, including but not limited to.
- The application by Coral Court Limited.
- Details of the cost of the sub-division (if known).
- Details of the physical work carried out by Coral Court Limited eg road crossing, provision of services.

The above information and/or documents are required by 10 October 2019.

Please send the above information and/or documents marked to my attention at:

PO Box 33150
Takapuna
Auckland 0740

Alternatively, if you are able to provide the information requested in an electronic format, please forward this by email to Nick.Wrottesley@ird.govt.nz.

My authority for requesting the information is section 17B of the Tax Administration Act 1994.

Taxpayers have certain statutory rights of non-disclosure for documents containing tax advice. If any document required to be disclosed under this notice contains tax advice, you should seek further advice on this matter. For further information on the right to claim non-disclosure refer to the Operational Statement (OS) 18/02 *Non-disclosure right for tax advice documents* or consult your tax advisor. A copy of the OS can be found on Inland Revenue's website: www.ird.govt.nz.

If you have any queries, or if we can assist with collection of the information, please contact me on [REDACTED].

Yours faithfully

Nick Wrottesley

Customer Compliance Specialist

Proposed Easements

Purpose	Shown	Servient Tenement	Dominant Tenement
R.O.W. & Services	(A)	Lot 2 hereon	Lots 3, 4 & 5 hereon
	(B)	Lot 3 hereon	Lots 2, 4 & 5 hereon
	(C)	Lot 4 hereon	Lot 5 hereon
	(D)	Lot 5 hereon	Lot 4 hereon

Existing Land Covenant

Areas (E) to (G) are subject to existing land covenants refer to Transfer D606453.2



Total Area:	1.1225 ha
Comprised in CT:	596429

Notes:
 1. This plan is prepared for the purpose of obtaining subdivision consent and is not to be used for any other purpose.
 2. All metric measurements and areas are subject to final survey.

Original Scale:	1:750	Original Size:	A3
Date:	March 2014	Job Number:	3760

C & R SURVEYORS LTD
 Registered Professional Land Surveyors
 PO Box 564 Orewa 0946 Phone (09) 426 4051 Fax (09) 426 9087
 www.crsurveyors.co.nz

Drawing Title:
Lots 2 to 6 Being Proposed Subdivision of Lot 2 DP458411

Client:
**Coral Court Limited
 58 - 62 Jack Boyd Drive
 Mangawhai**



CPPC PLANNING
PLANNING DEVELOPMENT CONSULTANT

PO Box 550, Warkworth 0941
Phone: 09 425 9490
Mobile: 021 302 340
Email: claire.phillips1@xtra.co.nz
Web: www.cppcplanning.co.nz

**RESOURCE CONSENT APPLICATION
FOR CORAL COURT LTD AT 62 JACK
BOYD DRIVE, MANGAWHAI**

MARCH 2017

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Figure 1: Scheme Plan

APPLICANT DETAILS

Applicant: Coral Court Ltd

Site Address: 62 Jack Boyd Drive
Mangawhai

Legal Description: Lot 6 DP 476711

Address for Service: CPPC PLANNING
PO Box 55
Warkworth
Attention: Claire Phillips

Site Area: 7251m²

Zone: Operative District Plan – Residential – Harbour Overlay

Road Classification: Jack Boyd Drive is a local road.

PROPOSAL DESCRIPTION

Resource consent pursuant to section 88 of the Resource Management Act is required for a Non-Complying Activity to undertake a subdivision, creation four additional residential lots and a large balance lot at 62 Jack Boyd Drive, Mangawhai.

The property is to be subdivided as detailed on the scheme plan prepared by C & R Surveyors Ltd dated 28 November 2016, referenced 3760- Stage 3 and is located at **Appendix 2** of this report.

In particular, the subdivision is configured as follows:

- Lot 6 is to have an area of 900m² and will be a vacant site capable of containing a household unit and associated access to Jack Boyd Drive.
- Lot 7 is to have an area of 900m² and will be a vacant site capable of containing a household unit and associated access to Jack Boyd Drive.
- Lot 8 is to have an area of 900m² and will be a vacant site capable of containing a household unit and associated access to Jack Boyd Drive.
- Lot 9 is to have an area of 900m² and will be a vacant site capable of containing a household unit and associated access to Jack Boyd Drive.
- Lot 10 is to have a balance area of 3651m² and will also be vacant of buildings and will be capable of containing a household unit and associated access to Jack Boyd Drive.
- Applicant intends to do on-site fire fighting provisions for the development.

There is a consent notice relating to flooding and minimum habitable floor levels.

All building platforms will be above the minimum level and if Council consider it necessary, please vary the consent notice to allow for this pursuant to section 221.

SITE DESCRIPTION

There is currently a single certificate of title being Lot 6 DP 476711 and has an area of 7251m². The applicant has undertaken a previous subdivision creation four previous lot and the balance area subject to this consent. The balance lot is currently vacant of buildings. The majority of the site is grassed.

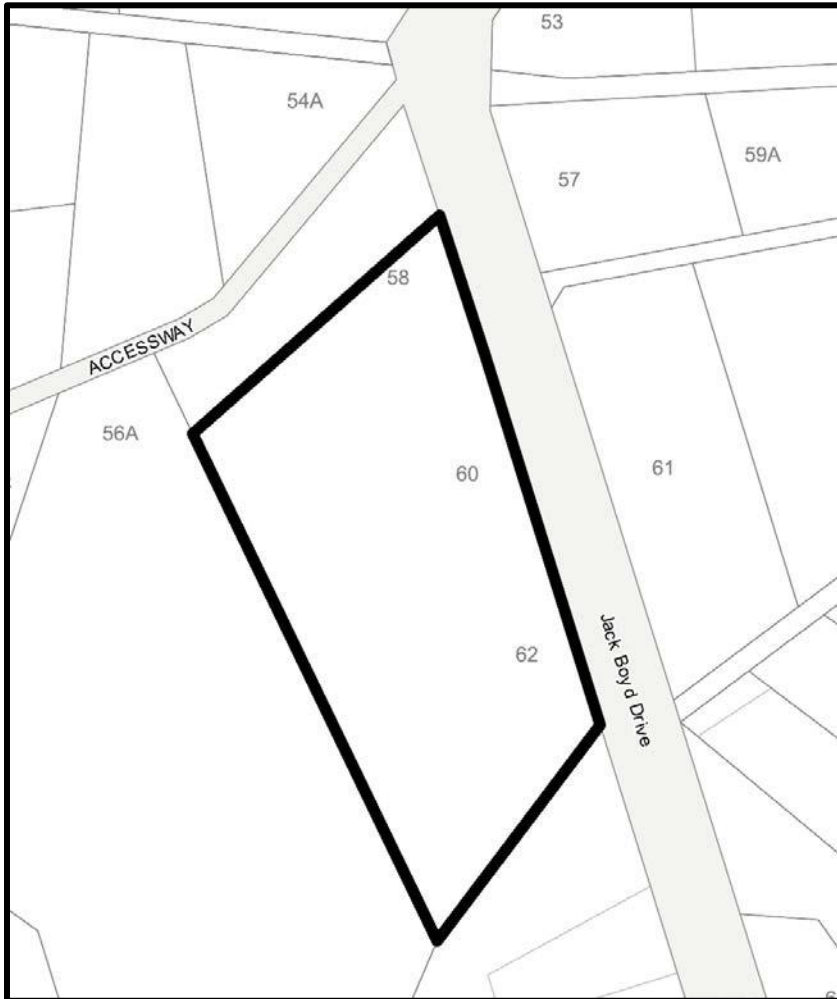


Figure 2: Cadastral Map of parent property

OPERATIVE KAIPARA DISTRICT PLAN

The subject site is zoned Residential, with Harbour overlays under this document.

Rule 13.11.1 of the Kaipara District Plan states that subdivision within the Residential – Harbour is deemed to be a **Controlled Activity** in all overlay areas provided it meets the following:

- a) *Every proposed allotment has a minimum net site area of 1,000m²; where a connection to reticulated wastewater infrastructure is available (excluding Network Utility Allotments);*
or
- b) *Every proposed allotment has a minimum net site area of 3,000m², where no connection to reticulated wastewater infrastructure is available (excluding Network Utility Allotments);*
- c) *The proposed subdivision complies with the relevant Performance Standards in Section 13.10 and 13.14 of this Chapter; and*
- d) *The proposed site is not within an Outstanding Natural Landscape, as identified in Map Series 2.*

The subdivision fails to comply with the above standards as the minimum site size 1000m². Further the development will comply with the performance standards. Accordingly the proposed subdivision is deemed to be a **Non-Complying Activity**.

17.10.3 states that development on a site listed in Schedule 17.2 'Nohoanga Areas and Areas of Significance to Maori' is deemed to be a **Restricted Discretionary Activity**.

SECTION 221

There is a consent notice relating to flooding and minimum habitable floor levels.

All building platforms will be above the minimum level and if Council consider it necessary, please vary the consent notice to allow for this pursuant to section 221. To vary a consent notice is deemed to be a **Discretionary Activity**.

SECTION 104 ASSESSMENT

The overall status of the proposal is considered to be a Non-Complying Activity. As a Non-Complying Activity the Council is required to have regard to the provisions of Section 104 and Section 104 (B and D) of the Resource Management Act 1991 when considering an application for resource consent.

- (1) *When considering an application for a resource consent and any submissions received, the consent authority must, subject to Part 2, have regard to—*
 - (a) *any actual and potential effects on the environment of allowing the activity; and*
 - (b) *any relevant provisions of—*
 - (i) *a national environmental standard;*
 - (ii) *other regulations;*
 - (iii) *a national policy statement;*
 - (iv) *a New Zealand coastal policy statement;*
 - (v) *a regional policy statement or proposed regional policy statement;*
 - (vi) *a plan or proposed plan; and*
 - (c) *any other matter the consent authority considers relevant and reasonably necessary to determine the application.*
- (2) *When forming an opinion for the purposes of subsection (1)(a), a consent authority may disregard an adverse effect of the activity on the environment if a national environmental standard or the plan permits an activity with that effect.*
- (2A) *When considering an application affected by section 124, the consent authority must have regard to the value of the investment of the existing consent holder.*
- (3) *A consent authority must not,—*
 - (a) *when considering an application, have regard to—*
 - (i) *trade competition or the effects of trade competition; or*
 - (ii) *any effect on a person who has given written approval to the application;*
 - (b) *[Repealed]*
 - (c) *grant a resource consent contrary to—*
 - (i) *section 107, 107A, 107E, or 217;*
 - (ii) *an Order in Council in force under section 152;*
 - (iii) *any regulations;*
 - (iv) *a Gazette notice referred to in section 26(1), (2), and (5) of the Foreshore and Seabed Act 2004;*

- (d) *grant a resource consent if the application should have been notified and was not.*
- (4) *A consent authority considering an application must ignore subsection (3)(a)(ii) if the person withdraws the approval in a written notice received by the consent authority before the date of the hearing, if there is one, or, if there is not, before the application is determined.*
- (5) *A consent authority may grant a resource consent on the basis that the activity is a controlled activity, a restricted discretionary activity, a discretionary activity, or a non-complying activity, regardless of what type of activity the application was expressed to be for.*
- (6) *A consent authority may decline an application for a resource consent on the grounds that it has inadequate information to determine the application.*
- (7) *In making an assessment on the adequacy of the information, the consent authority must have regard to whether any request made of the applicant for further information or reports resulted in further information or any report being available*

Section 104 B states the following when considering a decision on an application:

104B Determination of applications for discretionary or non-complying activities

After considering an application for a resource consent for a discretionary activity or non-complying activity, a consent authority—

(a) may grant or refuse the application; and

(b) if it grants the application, may impose conditions under [section 108](#).

ASSESSMENT OF ENVIRONMENTAL EFFECTS

Pursuant to section 88(4)(b) of the RMA an application for a resource consent shall include an assessment of any actual or potential effects that the activity may have on the environment, and the ways in which any adverse effects may be mitigated.

Section 88 of the RMA stipulates that an assessment of effects shall be in such detail as corresponds with the scale and significance of the actual or potential effects that the activity may have on the environment and shall be prepared in accordance with the Fourth Schedule to the Act.

The assessment of effects of a proposal can be determined by reference to:

- The matters listed in the Fourth Schedule of the RMA;
- The policies and objectives of the relevant district plan(s);
- The objectives, policies and strategies of any relevant regional planning and policy documents;
- The purpose and principles of the RMA.

THE ACTUAL AND POTENTIAL EFFECTS ON THE ENVIRONMENT

The actual and potential effects associated with allowing this application for subdivision include:

- Visual Effects
- Traffic and Access
- Character
- Amenity Values
- Infrastructure and Servicing

Each of these will be assessed individually however it is considered that subject to conditions the effects of this proposal on the environment will be minor.

PERMITTED BASELINE

RMA states that for the purposes of formulating an opinion as to whether the adverse effects on the environment will be minor or more than minor a consent authority may disregard an adverse effect of an activity on the environment if the plan permits an activity with that effect.

The permitted baseline in the case of the proposed subdivision consists of those activities which are permitted under the relevant planning document and the existing environment.

Existing Environment:

- There is currently a single certificate of title that contains an existing dwelling, accessory building and carport.
- The property is grazed

Unimplemented Consents:

There are no known unimplemented consents.

The level of effects in terms of noise, traffic movements, alterations to the landscape, amenity values and character that arise from the operation of these activities, can be disregarded in assessing the effects of the proposed 2 lot subdivision.

SITE SUITABILITY

The subject properties are located within the Residential Medium zone under the Operative District plan and Single House under Auckland Unitary Plan.

The surrounding area is characterized by residential housing consistent with the surrounding area. The development as proposed by the applicant will advance a subdivision form that suits the transitioning environment from larger residential lots to a medium density configuration.

The property has an area of 7251m² and involves the creation of 4 residential lots with a balance lot. The resulting site sizes have an average of in excess of 900m² and the overall sites sizes proposed and their intended use will be consistent with the locality.

Each of the new sites being created can comply with the overall shape factor and will be suitable for the activities proposed on them. The proposed subdivision will create sites suitable for their intended residential function.

The sites are capable of accommodating the development without creating adverse instability or causing or exacerbating instability on the natural environment.

The RMA describes amenity values as:

...those natural and physical qualities and characteristics of an area that contribute to people's appreciation of its pleasantness, aesthetic coherence, and cultural and recreational attributes.

The level of amenity values are considered to be maintained in this instance as there will be large separation distances between buildings and the density proposed is generally consistent with the intended level of development in this particular area. The proposed number and layout of residential sites are considered to be in keeping with the amenity of this area.

I consider the effect of the proposed subdivision on the character and amenity of the receiving environments consisting of existing residential development along these roads to be no more than minor. The topography and established character of the area will ensure that development will sit comfortably within the varied nature of the surrounding environment and medium intensity urban areas surrounding the property.

TRAFFIC AND ACCESS

The subject sites currently gain direct access to Jack Boyd Drive. Lot 1 will require a new crossing to be formed with Jack Boyd Drive, while Lot 2 will continue to utilise their existing crossing. Traffic from the proposed subdivision will remain the same as there is no increase in the number of lots currently existing, accordingly the effects of the proposed subdivision on the existing public road and surrounding roading network will be less than minor.

EARTHWORKS AND VEGETATION CLEARANCE

No earthworks or vegetation clearance are proposed to facilitate the proposed boundary relocation.

INFRASTRUCTURE AND SERVICING

Stability

There are no concerns in regard to stability issues. The building platform is relatively flat, ensuring that the site will not be unstable.

Natural hazards

A building platform can be accommodated within all the lots that will be free of natural hazards. There is an existing consent notice stating that no dwellings are to be constructed on land below

3.5 metres mean sea level. This consent notice will continue to be registered against the lots with each of future dwellings to be located above this level and meeting the minimum habitable floor level. If Council deem that a section 221 is necessary, please include.

Services

Stormwater Stormwater disposal will be by way of on-site methods in accordance with Auckland Council's TP10 as an appropriate guide for the site. In particular each property will contain water tanks and controlled.

Sanitary Sewer Wastewater disposal will be by connections to the reticulated services within Jack Boyd Drive, which will include a connection kit.

Water Supply Water supply will be by way of roof collection and stored in water tanks.

Power

and Telephone Power and telephone will be available to the lots.

CULTURAL HERITAGE

The applicant has undertaken consultation with Te Uri O Hau in relation to the subdivision. This iwi group has provided a Cultural Impact Assessment, confirms that iwi kaitiaki and stewardship. It is confirmed that standard archaeological discovery conditions are imposed on the consent, which is agreeable to the applicant.

It is therefore considered that the adverse cultural effects created by this application will be no more than minor.

CUMULATIVE EFFECTS

A cumulative effect is one which *...arises over time or in combination with other effects...regardless of the scale, intensity, duration or frequency of the effect...* If, therefore, the existing activities have adverse effects, and the proposed activity (the subdivision) also has an adverse effect, if likely to be more than minor, which would add to the existing effects, then regard would need to be given to the effects of the new activity. The effect to be assessed in this

regard is whether four additional sites will add to the effects of the existing development in the surrounding area.

The existing environment can be considered to have mixed character, consisting of single households on sites 900m² to 1500m², with undeveloped sites exceeding this site size. On this basis it is considered that the proposed development is in sympathy with the established local environment and result in more of an urban environment, in terms of its development pattern.

The additional lots will not alter the existing amenity and character in a way that cumulatively makes a material change to the existing amenity and character as the overall pattern and level of development is similar to that already existing, which is a mixture of medium density residential lots.

It is considered that based on the above discussion on character and amenity effects, that there will be no cumulative effects in this instance.

SUMMARY

Overall the effects of the proposed boundary relocation on the environment are deemed to be no more than minor. In particular the proposal will maintain and enhance the amenity values and the quality of the environment.

ASSESSMENT CRITERIA

Operative District Plan

The following assessment criteria are considered relevant when considering the proposed subdivision.

Rule 13.11.1 provides the relevant matters for control.

It is considered that the proposed subdivision can comply with the performance standards outline in district plan, which relates the provision of a suitable building platform. A platform has been shown which has an area of at least 150m² and is on a suitably graded area. Suitable access can be obtained directly from Jack Body Drive and through the new right of way. The subdivision will

provide for infrastructure such as power and telephone. Water will be collected on site. Effluent and stormwater are to be controlled by appropriate means within the site.

The proposal is therefore deemed to be consistent with the relevant assessment criteria as demonstrated above.

OBJECTIVES AND POLICIES

Operative District Plan

The following objectives and policies are considered relevant and it is concluded that the proposed subdivision are consistent with them:

	Objectives	Policies
Chapter 13 – Rural	13.5.1, 13.5.2, 13.5.4, 13.5.6, 13.5.7	13.6.1, 13.6.2, 13.6.3, 13.6.5, 13.6.6, 13.6.9, 13.6.12, 13.6.13, 13.6.14,

Overall it is considered that proposed subdivision is considered to be consistent with the above objectives and policies.

The matters that require consideration in assessing this application are set out in section 104 of the Resource Management Act 1991. These matters include the actual and potential effects of the allowing the activity on the environment, the relevant objectives and policies of the planning documents, and the relevant rules and assessment criteria. The provisions of section 104 are subject to the matters set out in Part II of the Act.

I have assessed this proposal in relation to the actual and potential effects on the environment as well as the assessment criteria and objectives and policies.

National Environmental Standard – s104(1)(b)(i)

There are two NES that are relevant to this proposal:

- The 'Resource Management (National Environment Standards for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011"
- Noise

It is confirmed that the proposal does not trigger any consents under the above NES documents

In summary it is concluded that this proposal satisfies the relevant matters requiring consideration under section 104.

Particular restrictions for non-complying activities - s104D

In assessing the degree of adverse effects for s104D, reliance is placed on the broad assessment and conclusion for the s95A adverse effects assessment under the respective planning frameworks. This includes:

- adoption of the conclusion for the relevant "permitted baseline", applied in the context of s104(2); and
- disregarding any adverse effects on persons who have provided written approvals.

As the adverse effects will be no more than minor, as a non-complying activity, the proposal can be considered against s104 and s104B.

PART II OF THE RESOURCE MANAGEMENT ACT

Part II of the Act sets out the Purpose and Principles. This proposal is in keeping with Part II as the effects of the proposal on the environment will be minor and the proposal will not compromise the ability of this site to be used by existing and future generations, also the life supporting capacity of air, water, soil and ecosystems will not be compromised.

Section 5 of the Resource Management Act 1991 (the Act) describes the Purpose and Principles of the Act and provides a definition of 'sustainable management' which includes reference to managing the use and development of natural and physical resources at a rate that allows people and communities to provide for their well being, whilst avoiding, remedying and mitigating any adverse effects of activities on the environment.

This involves sustaining resource potential (excluding minerals), safeguarding the life supporting capacity of air, water, soil and ecosystems and avoiding, remedying or mitigating adverse effects. The effects of this proposal on the environment have been described above.

The proposal is considered to be consistent with the Purposed and Principles outlined above as the effects on rural character and amenity will be no more than minor. Further any potential effects can be adequately avoided, remedied and mitigated.

Section 6 of the Act requires all persons exercising functions and powers under the Act to recognise and provide for matters of national importance in relation to the natural character of the coastal environment, wetlands, lakes and rivers and the protection of them from inappropriate subdivision use and development. Outstanding natural features and landscapes are also to be protected from inappropriate subdivision, use and development.

The proposal is considered to be consistent with section 6 of the Act as there are considered to be no matters of national importance on this site.

Section 7 relates to other matters that are to which regard must be had in achieving the sustainable management of natural and physical resources: The proposed subdivision is considered to be consistent with the provisions of the section of the Act.

Section 8 requires that account shall be taken of the principles of the Treaty of Waitangi. The proposal is considered to be consistent with the matters outlined in Section 8.

Overall, it is considered that the proposal is in keeping with Part II of the Resource Management Act 1991.

No parties are deemed to be adversely effected by the proposed subdivision as the subdivision will result in a development consistent with that intended by the relevant planning documents.

SECTION 95 ASSESSMENT

Section 95B of the Resource Management Act 1991 states the following:

Section 95B Limited notification of consent application

- (1) *If a consent authority does not publicly notify an application for a resource consent for an activity, it must decide (under sections 95E and 95F) if there are any affected persons or affected order holders in relation to the activity.*
- (2) *The consent authority must give limited notification of the application to any affected person unless a rule or national environmental standard precludes limited notification of the application.*
- (3) *The consent authority must give limited notification of the application to any affected order holder even if a rule or national environmental standard precludes public or limited notification of the application.*

Section 95E of the Resource Management Act 1991 states the following:

Section 95E Consent authority decides if person is affected person

- (1) *A consent authority must decide that a person is an affected person, in relation to an activity, if the activity's adverse effects on the person are minor or more than minor (but are not less than minor).*
- (2) *The consent authority, in making its decision,—*
 - (a) *may disregard an adverse effect of the activity on the person if a rule or national environmental standard permits an activity with that effect; and*
 - (b) *in the case of a controlled or restricted discretionary activity, must disregard an adverse effect of the activity on the person that does not relate to a matter for which a rule or national environmental standard reserves control or restricts discretion; and*
 - (c) *must have regard to every relevant statutory acknowledgement made in accordance with an Act specified in Schedule 11.*

- (3) *Despite anything else in this section, the consent authority must decide that a person is not an affected person if—*
- (a) *the person has given written approval to the activity and has not withdrawn the approval in a written notice received by the authority before the authority has decided whether there are any affected persons; or*
 - (b) *it is unreasonable in the circumstances to seek the person's written approval*

The application is considered to meet s95B and E of the Resource Management Act 1991 due to the fact that the effects on the environment are considered to be no more than minor and no parties are deemed to be affected by the proposal the consent can proceed on a non-notified basis and approved under section 104 of the Act.

CONCLUSION

It is concluded that the proposed 5 lots subdivision at 62 Jack Body Drive, Mangawhai will have effects that are deemed to be less than minor. Further the proposed activity is considered to be in keeping with the relevant objectives and policies and assessment criteria set out in Operative District Plan.

As a result of the above granting consent to this proposal will be in keeping with the provisions set out in Part II of the Resource Management Act 1991 and sections 104 and 104B and 104D.

Appendix 1 – Certificate of Title

Appendix 3 – Geotechnical Investigation

Appendix 4 – Cultural Impact Assessment



TE URI O HAU
ENVIRONS HOLDINGS LTD

CULTURAL IMPACT ASSESSMENT

Application for Resource Consent

Coral Court Limited

62 Jack Boyd Drive, Mangawhai

FEBRUARY 2017



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Cover Photo: Taken towards the southern end of Proposed Lot 6 DP 476711.

Source: S.Worthington

1. APPLICATION AND PROPERTY DETAILS

Applicant: Coral Court Limited

Proposal: Proposed Subdivision

Site Location: 62 Jack Boyd Drive, Mangawhai

Legal Description: Lot 6 to Lot 10 being proposed subdivision of Lot 6 DP 476711

Address for Correspondence and Invoicing Shane O'Halloran
60 Jack Boyd Drive, Mangawhai
Attention: Shane O'Halloran
skoj@slingshot.co.nz

District Plan: Operative Kaipara District Plan November 2013

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2. Introduction

In accordance with the provisions of Section 88 and the Fourth Schedule of the Resource Management Act 1991 (“the Act”), Shane O’Halloran (the “Applicant”) seeks an application for resource consent to undertake a proposed subdivision at 62 Jack Boyd Drive, Mangawhai.

This Cultural Impact Assessment (“CIA”) has been submitted as a result of Te Uri o Hau’s involvement in the resource consenting process. The applicant has engaged in consultation with Te Uri o Hau/Environs Holdings Limited (‘Environs’) to determine potential effects of the proposed subdivision on mana whenua cultural heritage and spiritual values associated with Te Uri o Hau. Additional consultation has been triggered by Environs, due to the following:

- 2.1 The subject site and activities associated with the proposed subdivision development is within Te Uri o Hau’s Estates and Territory; Statutory Area of Interest (refer to Appendix 1). Resource consent activities for subdivision, land use and development undertaken within, adjacent to or impacting directly on Te Uri o Hau’s statutory area of interest requires a level of consultation with mana whenua of Te Uri o Hau.
- 2.2 The proposed subdivision is within an area of mana whenua cultural heritage and values significant to Te Uri o Hau. This includes Te Uri o Hau’s connection to sacred (archaeological) sites and places, and the cultural landscape context in which these sites are located in Mangawhai.
- 2.3 The subject site is designated in the District Plan as within the Harbour Overlay for Mangawhai Harbour, an area of significance to Te Uri o Hau. Te Uri o Hau is recognised as having a special relationship with Mangawhai Harbour, as legislated in the Te Uri o Hau Deed of Settlement Historical Claims Schedules 2000 and the Te Uri o Hau Claims Settlement Act 2002 as Statutory Acknowledgement for Mangawhai Harbour Coastal Area”. Statutory acknowledgements with reference to mana whenua status are to be considered for the purpose of consulting under the RMA.

3. Cultural Impact Assessment

This CIA has been prepared for Coral Court Limited. It constitutes expert cultural advice on mana whenua heritage, traditional interests to sites and places of significance, cultural landscapes and spiritual values associated with Te Uri o Hau and Mangawhai.

The purpose of the CIA is to identify potential adverse effects of the proposal on Te Uri o Hau’s cultural values and if identified, provide recommendations on areas the applicant can avoid, remedy or mitigate the effects on the mana whenua of Te Uri o Hau.

Under section 64 of the Te Uri o Hau Claims Settlement Act 2002, regional and territorial authorities whose statutory boundaries are within Te Uri o Hau's Estates and Territory; Statutory Area of Interest, are required to send a summary of all resource consent applications to Te Uri o Hau/Environs. Resource consent activities undertaken within or adjacent to or impacting directly within Te Uri o Hau's Estates and Territory; Statutory Area requires a level of consultation with mana whenua of Te Uri o Hau.

4. Proposal, Site Location and Site Description

Shane O'Halloran proposes to undertake a proposed development of Lot 6 to Lot 10 being proposed subdivision of Lot 6 DP 476711, located at 62 Jack Boyd Drive in Mangawhai. According to the draft scheme plan provided below, proposed Lot 6 to Lot 9 are 900m² and Lot 10 is 3651m².

The site is relatively flat land with a gentle slope in an east to south west direction. An existing storm water drain (tidal) runs adjacent to the site at its south western boundary.



Figure 1: Scheme Plan

Source: C & R Surveyors Ltd

5. Field Investigation

On 14 December 2016, Otamatea Kaitiaki Shereen Worthington visited the subject site and undertook a field investigation, accompanied by Shane O'Halloran. Observations from the investigation took into account the following factors:

- ❖ Boundary location;
- ❖ Accessway;
- ❖ Storm Water D rain (tidal), and;
- ❖ Cultural landscape analysis.

6. Legislative Framework

6.1 Te Tiriti o Waitangi 1840: (Treaty of Waitangi Principles)

The Resource Management Act 1991 requires the Crown and regional and territorial authorities to take into account the principles of the Te Tiriti o Waitangi 1840 (Treaty of Waitangi 1840). Te Uri o Hau's inherent right as Kaitiaki includes the right to participate in the decision making process affecting natural resource management within Te Uri o Hau estates and territory: statutory area of interest, as reflected in under Article 2 of Te Tiriti o Waitangi 1840.

The principles of Te Tiriti o Waitangi 1840 are fundamental to developing relationships with government agencies, including involvement and participation in statutory policies and plans regarding the management of natural resources within Te Uri o Hau's Statutory Area of Interest.

6.2 Te Uri o Hau Claims Settlement Act 2002

Under the Te Uri o Hau Claims Settlement Act 2002¹, S64 it states: (1) distribution of consent applications to Te Uri o Hau Governance entity (Te Uri o Hau Settlement Trust), where activities are undertaken within, adjacent to or impacting directly on the statutory area of Te Uri o Hau including both the Kaipara and Mangawhai Harbour's and upper catchments leading into the harbour's, are of particular interest to Environs. This is endorsed under section 64 of the Te Uri o Hau Claims Settlement Act 2002, where Councils are required to send a summary of applications for resource consents to Environs. Resource consenting authorities whose statutory territorial boundary overlaps into Te Uri o Hau's estates and territory include; Kaipara District Council, Whangarei District Council, Northland Regional Council and Auckland Council.

Applications for resource consents are of major significance to Te Uri o Hau hapū, marae and

¹ Te Uri o Hau Claims Settlement Act 2002. New Zealand Government. Wellington, New Zealand.

whānau. For land use, subdivision and development activities requiring resource consent, a degree of consultation is anticipated between applicants and/or their representatives and Te Uri o Hau.

Table 6.1: Te Uri o Hau Environmental Effects and Activity

Environmental Effects	Activity
Māori Ancestral Natural Resources	Lands, water, sites of significance, wāhi tapu/wāhi taonga that are directly affected by a proposed activity.
Negative/Positive	Proposed applications concerning Te Uri o Hau in terms of socio-economic and cultural well-being.
Restricted Access	Te Uri o Hau ancestral lands, water, coastal marine area, sites of significance, wāhi tapu/wāhi taonga, harbours and other taonga.
Adverse Effects	Poses adverse effects to natural resources
Avoiding Adverse Effects	Remedy or mitigation of adverse effects.
Mitigate Effects	Mitigation of environmental effects addressing Te Uri o Hau's concerns
Consent Conditions	Conditions that mitigate resource consent adverse effects.
Cultural	Identification of cultural concerns.
Monitoring	Monitoring of the proposed activity
Ongoing Monitoring	Identification of the role of Te Uri o Hau in on-going monitoring of the proposed activity.

Under section 59 of Te Uri o Hau Claims Settlement Act 2002 and clause 5.2.3 of the Deed of Settlement 2002 the Crown acknowledges the statement of values by Te Uri o Hau to Mangawhai. Further Te Uri o Hau legislation values are defined within the Act as outlined in Table 6.2

Table 6.2 Te Uri o Hau Legislative Values

Part 5	Statutory Acknowledgement	Values	Purpose
Subpart 2 Section 58-65	<i>Statutory Acknowledgements Resource Management Act 1991</i>	Cultural, spiritual, historic and traditional association	(a) Consent Authorities distribution of resource consents applications to Te Uri o Hau (b) Consent Authorities, Heritage New Zealand or the Environment Court have regard to statutory acknowledgements (c) Recording of statutory acknowledgements on plans (d) Use of statutory acknowledgement with submissions
Schedule 6	<i>Mangawhai Marginal Strip</i>		
Schedule 10	<i>Mangawhai Harbour Coastal area</i>		

6.3 Te Uri o Hau Kaitiakitanga o Te Taiao (Environmental Management Plan) 2011²

Te Uri o Hau Kaitiakitanga o Te Taiao (2011) is a environmental management plan to support Te Uri o Hau kaitiakitanga (guardianship) and rangatiratanga (authority) responsibilities in natural resource management within Te Uri o Hau estates and territory: statutory area of interest. Te Uri o Hau Kaitiakitanga o te Taiao plan provides the policies that the Crown and representative agencies, resource consent practitioners, applicants and research institutions to take into account and give effect to when preparing or reviewing regional and national statements, plans, policies and strategies.

6.4 Resource Management Act 1991

The Resource Management Act 1991 requires regional and territorial authorities to recognise the relationship of Maori culture and traditions with Maori ancestral lands, waterways, wahi tapu and other taonga and is of national importance under the Act. The Act enables regional and territorial authorities to make provisions in their district plans; to make reference to a range of environmental management matters such as the requirement to consult with local hapu and iwi, and to supply certain information such as resource consent applications. Part 2 of the Act requires regional and territorial authorities to make provision for consideration of Maori perspectives in planning and the decision-making process under:

² Te Uri o Hau Kaitiakitanga o Te Taiao (2011). Environs Holdings Limited Environmental Management Plan, Whangarei

- a) Section 6(e) The relationship of Maori and their culture and traditions with their ancestral lands, water, sites, wahi tapu and other taonga;
- b) Section 7(a) Kaitiakitanga (guardianship);
- c) Section 8 the principles of the (Te Tiriti o Waitangi 1840 (Treaty of Waitangi)); and,
- d) Section 63 relating to iwi planning documents.

6.5 Heritage New Zealand Pouhere Taonga Act 2014

Heritage New Zealand Pouhere Taonga Act 2014 makes it unlawful for any person to modify, or destroy or cause to be modified or destroyed, the whole or any part of an archaeological site without the prior authority from Heritage New Zealand.

Section 4 of the Heritage New Zealand Pouhere Taonga Act 2004 recognises the relationship of Maori with and cultural traditions to, their ancestral lands, water, wahi tapu, and wahi taonga.

Section 10-20 of the Act ensures that any person undertaking work that may damage, modify or destroy an archaeological site (both known and unknown) must obtain an archaeological authority to undertake such work and prior to any work commencing.

6.6 Marine and Coastal Area (Takutai Moana) Act 2011

Part 3 sets out Maori legal rights that give expression to customary interests in the common marine and coastal area. Affected whanau or hapu means one that exercises kaitiakitanga in a part of the common marine and coastal area where a conservation process is being considered.³ Whanau and hapu affected have the right to participate in conservation processes in the common marine and coastal area,⁴ including proposals under the enactments relevant to conservation protected or extended conservation protected areas.⁵

Subpart 2 provides for protected customary rights that have been exercised since 1840; and continue to be exercised in a particular part of the common marine and coastal area in accordance with the practice of tikanga (customary protocols).⁶

A record of consultation with the relevant iwi is required as part of any application for resource consent in areas where customary title exists, or has been applied for, under the Marine and Coastal Area (Takutai Moana) Act 2011. Council cannot accept an application for resource consent in these areas unless this record of consultation is provided with the application.

³ Marine and Coastal Area (Takutai Moana) Act 2011, S47 (1). New Zealand Government. Government Print. New Zealand: Wellington.

⁴ Ibid, S47 (2).

⁵ Ibid, S47 (3) (c).

⁶ Marine and Coastal Area (Takutai Moana) Act 2011, S51 (1) (a-b).

6.7 New Zealand Coastal Policy Statement (NZCPS) 2010

The NZCPS 2010 has two main policies which address the interests of Māori in the coastal environment being Policy 2 (The Treaty of Waitangi, tangata whenua and Māori heritage) and Policy 6(d) (Activities in the coastal environment). Together these policies aim to protect the relationship of Māori with coastal resources, through recognising the cultural importance of ongoing access and use, protecting their association with cultural landscapes and providing for effective development of relationships with councils and developers (also included as part of Policy 17).

The NZCPS 2010 recognises, through Policy 2, the importance of protecting Māori cultural and heritage values through tools such as preparing landscape and cultural impact assessments. In addition, historic analysis, archaeological survey, alert layers and predictive methodologies can be used to better identify and protect areas and sites of special value to Māori.

6.8 Operative Kaipara District Plan – November 2013

The District Plan recognises that Te Uri o Hau (and Te Roroa) have traditional, historical, spiritual, and cultural associations with place and sites within the Kaipara District. The District Plan has been developed to recognise Maori issues in the northern Kaipara. In particular, Tangata Whenua values have specifically influenced the following sections of the District Plan:

Chapter 4: Overlays;

Chapter 5: Tangata Whenua Strategy;

Chapter 15(a): Maori Purposes - Maori land;

Chapter 15(b): Maori Purposes - Treaty Settlement Land;

Chapter 17: Historic Heritage.

7. Te Uri o Hau Mana Whenua

The Kaipara hapu referred to collectively as Te Uri o Hau have several lines of descent, particularly Ngati Whatua and Tainui.

With the arrival of the Tainui waka at Ngunguru on Northland's east coast around 1250 AD, came Hotunui, a principal rangatira of the waka. After a failed attempt to build a whareniui during the night, he named his three sons after this incident. The tuakana he named Tahuhu after the ridge pole, the second eldest son Tahinga, after the rafters and the potiki, Kura, after the red sunrise in the morning. Fourteen generations later, the descendants of the three sons migrated south to the Kaipara as Ngati Tahuhu under the mana of Tahu Karangarua, Ngati Tahinga under the mana of Tahinganui, and Ngati Kura under the mana of Kura Mangotini. Their migration came through Mangakahia to Marohemo

near Otamatea, where Ngati Kura decided to live on the Hukatere Peninsula. Ngati Tahinga decided to live on the southern side of the Oruawharo River around the Topuni /Wellsford area, and Ngati Tahuu decided to live in the area from Te Arai to the Waipu inlet and across to the Arapaoa River.

Approximately at the same time the Tainui waka landed at Ngunguru, the Ngati Whatua waka, Mahuhu ki te Rangī landed at Taporapora in the middle of the Kaipara. Ngati Awa was living in the Kaipara when Ngati Whatua arrived. With the death of Rongomai, the captain of the Mahuhu ke te Rangī waka, Te Po Hurihanga his son, took the waka north to Rangaunu Harbour after blaming the drowning of his father on the witchcraft of the Ngati Awa people. Ngati Whatua lived on the fertile Victoria Valley just south of Kaitaia for three centuries before migrating south to the Hokianga.

The death of Taureka was the catalyst for this migration. Ngati Whatua sought “utu” for Taureka being murdered so they attacked and defeated the Ngatu Kahu-mate-ika from the Hokianga. After living in the Hokianga area, the lack of fertile land for an expanding iwi was the cause of migrating south into the Kaihu Valley and eventually down the Pouto Peninsula, reconnecting with their Ngati Whatua relatives they had separated from 350 years previously after the drowning of Rongomai⁷. At this time, Ngai Tahuu, Ngati Kura and Ngati Tahinga were living on the eastern side of the Kaipara. Ngati Awa were living in the centre and Ngati Whatua were living on the north western side and the Kawerau-a-Maki people were living on the south western side of the Kaipara.

A Pakanga arose between Ngati Awa and Ngati Whatua over the Te Arawa, Ngati Awa princess Te Hana who lived on the Pouto Peninsula. A series of battles took place where Ngati Awa was defeated by Ngati Whatua and they eventually left the Kaipara.

Ngati Whatua rangatira, Haumoewarangi, was killed by the Kawerau-a-Maki people for raiding their kumara pits. Ngati Whatua were to eventually drive the Kawerau-a-Maki people from the Kaipara and occupied their lands for the killing of Haumoewarangi (tupuna of Te Uri o Hau), and Kawharu, the Tainui giant and great toa (warrior) who assisted Ngati Whatua inflict a number of defeats upon the Kawerau-a-Maki people.

Haukapaia II (uncle) and Nehu (nephew) were of Ngati Tahuu descent. They had a disagreement over the fishing grounds so a battle ensued in Ngati Kura rohe at Te Komiti in the battle called Puakahikatoa (the blossom of the manuka tree)⁸.

Nehu, mother of Hinewaiuru, was of Te Uri o Hau descent so he called upon his Te Uri o Hau relatives and Ranginui, Raki, More, and others to assist him defeat his Ngai Tahuu relatives. Conflict soon arose between Nehu, Ngai Tahuu people and Te Uri o Hau over land taken in the raupatu of Haukapaia II and his Ngati Tahuu people. Maungarongo marriages took place over several

⁷ Mana Whenua report, Wai 271 by Wiremu Wright.

⁸ Kaipara Minute Book 9, page 18.

generations to maintain peace⁹. Through the Maungarongo marriages, the raupatu of Ngati Tahuu by Te Uri o Hau became kore. Tainui and Ngati Whatua bloodlines were connected in arranged marriages.

In 1805, a war started between Nga Puhi and Ngati Whatua which had its origins in a love story. Nga Puhi chief Pokaia was in love with Karuru, Hongi Hika's sister, however, she married a much older chief to be rid of him. Another story suggests that Karuru was seduced by a Te Uri o Hau man. Whatever the truth is, Pokaia was so enraged that he attacked Taoho, Te Roroa chief from Kaihu and killed about twenty of his people. Taoho sought utu at Mataraua near Kaikohe and killed the same number of people.

In 1807, Pokaia mustered about 500 Nga Puhi warriors believing to make an easy conquest. Ngati Rongo, Ngati Whatua (south Kaipara), Te Uri o Hau and Te Roroa gathered at Moremonui where they defeated Pokaia invading taua. Over 150 Nga Puhi warriors were killed including Pokaia and two Hongi Hika brothers. Hongi Hika managed to escape and eventually inflicted his wrath upon Kaipara Hapu.

7.1 1825 Battle known as Te Ika a Ranganui - Ko Te Whawhai i te Waimako

On February 1825, Mangawhai and Te Hakoru (known today as Hakaru), became the site of one New Zealand's great battles, known as the Battle of Te Ika a Ranganui. A combined hapu of Nga Puhi, armed with 300 muskets, journeyed from their northern lands and landed their waka's at Mangawhai. They travelled and met a confederation of Kaipara hapu consisting of Tainui, Te Uri o Hau, Ngati Rongo, Ngati Whatua and Te Roroa at Te Hakoru at the Te Waimako stream between Mangawhai and Kaiwaka.

The following account is based on extracts taken from the combined korero (stories) of the local chiefs who fought against Nga Puhi at Te Waimako, as told to Percy Smith:

"...As Nga Puhi was expected; we met then at the head of Te Manga Kaiwaka. A hui was held to discuss the best method to meet our foes and Te Murupaenga proposed that we meet Nga Puhi at Te Mangawhai and attack them when they attempted to land. Rewharewha of Te Uri o Hau overruled this saying; "Nawai I mea pena te matenga mo Hongi Hika": What an absurd idea to suppose that Hongi Hika could be caught like that." So the plan was abandoned and we decided to meet our foe at the place we later named Te Ika a Ranganui..."

"...When the first division of Nga Puhi arrived at the right bank of the Te Maunga Waimako they met our left flank barring passage over the stream extending towards Kaiwaka. We attacked Nga Puhi by crossing Te Manga Waimako forcing Nga Puhi to retreat. We caught

⁹ Kaipara Minute Book 9, page 115-116

the first fish: "Kei au te mataika! anana! Mate rawa! Mate rawa!" Then Hongi's main division arrived and we were met with a storm of bullets which drove us back cross the Te Waimako stream to our lines..."

"...Again we charged down to the stream, only to be driven back by the guns and losing a large number of our men, but we stood our ground fighting hand to hand against Nga Puhi. We rallied, 'Korahi, Korahi!' but 120 of us fell in one heap before the guns of Nga Puhi. Seeing that the battle was lost we retreated to our waka and escaped..."

"...We would have perished that day but for the foolishness of Nga Puhi. That day the waters of Te Waimako ran red with our blood and its waters are tapu our people none of whom will drink its waters, however thirsty they may be. We later returned to the Kaipara with a "taua hiku toto" war party and surprised a taua of Te Parawhau and killed them. Hongi's army was then at Otamatea. (Te Puriri, ratou Paikea Te Hekeua, Te Toko, Tieke, Hauraki Paore me etahi atu 1860)..."

According to transcripts, the confederation of Kaipara hapu possessed only two muskets. Many of the Kaipara people were killed during that period of time and the area was declared tapu and the land unoccupied. Nga Puhi were victorious in this conflict, where Tainui survivors fled to the Waikato, Te Uri o Hau to the Tangihua ranges south west of now known town of Whangarei, Mareretu, and Waikeikei forests, Ngati Whatua fled to the Waitakere ranges, Ngati Rongo to their Parawhau relatives whilst other survivors sought refuge with their Te Roroa and Ngati Hine relatives.

For the next decade, Tāmaki and most of Kaipara remained largely unoccupied however, by the 1830's, Ngāti Whātua began moving back to the Kaipara and surrounding areas.

In memory of those who had fallen in battle, a stone monument has been erected five minutes east of Kaiwaka town, on the Kaiwaka-Mangawhai Road. The monument reads:

"...Te Ika a Ranganui – Here in 1825, Ngapuhi, under Te Whareumu and Hongi fought their last great battle against Ngati Whatua and their allies..."



Figure 3: Plaque Statement



Figure 4: Plaque Location

7.2 1854 Land Purchases

“...We have entirely given up our and wept over and bidden farewell to this land inherited from our forefathers with its rivers, its lakes, its streams, its springs, its timbers, its stone, its grass with its plains, its forest, everything above and everything beneath and everything connected to the land, we have now delivered up to the Queen of England a lasting possession for Victoria the Queen of England and for the Kings and Queens her successors forever and ever...”¹⁰

On 3 March 1854, the Crown purchased from the confederation Kaipara hapu; land in excess of 33,000 acres for European settlement at Te Mangawhai for £1060. The tribes were represented by Paikea Hekeua, Arama Kakaka (Great tupuna of the assessment writer), Te Kiri Patuparaoa, Te Urunga, Wiremu Tipene, Makoare Hawaiiiki, and several other rangatira and their whanau. The sale differed from other land sales in that, the original Deed included provision that ““10 percent of the proceeds of the sale was to be expended for the benefit of the Natives”. There was performance of this clause up to 1874. No further payments were made after this date.

Ngai Tahu claimed the Crown failed to protect Ngai Tahu / Te Uri o Hau interests in this block. They say that the Crown failed to ensure that the block was properly surveyed prior to sale, did not pay a fair price and failed to provide reserves for Ngai Tahu/Te Uri o Hau within the block, and, when it on-sell the land, failed to ensure that Ngāi Tahu / Te Uri o Hau received their share of the 10 per cent of the proceeds, as provided for in the Mangawhai deed. The alleged failure of the Crown to fulfil its obligations was one of several grievances by Te Uri o Hau. Grievance was sought that

¹⁰ Statement accompanying land sales by Te Uri o Hau, inserted into agreements by the Crown.

required redress, which led to a series of settlements between Ngati Whatua, Te Uri o Hau and the Crown.

Table 7.1: Te Uri o Hau Treaty Claims Process

1840	Signing of the Tiriti o Waitangi (Treaty of Waitangi).
1839-1841	Investigation of early “sales”. A surplus of 6,000 acres was retained by the Crown.
1842	Approximately 8000 acres at Te Kopuru was ceded to the Crown under duress.
1854	Mangawhai Block sold to the Crown with a 10% clause inserted for the benefit of Ngati Whatua but was never upheld by the Crown.
1854 - 1865	Approximately 300,000 acres was alienated from Te Uri o Hau.
1871 - 1900	Native Land Court began title investigations in the Kaipara area. Henana Whiti and his whanau are evicted from their land and their property destroyed.
1905 - 1930	Tai Tokerau District Land Board and then the Board of Maori Affairs set up to assist Te Uri o Hau, but much of the control of those lands were placed in those departments.
1940	Kaipara Development Schemes were operating in the rohe, with very little benefit received by Te Uri o Hau.
1991 - 1997	Te Uri o Hau lodged claims Wai 229 and Wai 271 with the Waitangi Tribunal, on behalf of Te Uri o Hau. Several other whanau had also lodged claims. Te Uri o Hau presented the claims to the Waitangi Tribunal at Aotearoa Marae at Otamatea and Waikaretu Marae at Pouto.
1998 – 1999	Te Uri o Hau claimants began negotiations with the Crown. The Crown recognised the mandate of Te Uri o Hau’s negotiators in June 1999 and a ‘Heads of Agreement’ was signed on the 20 th November. The Crown accepted that it had breached the Treaty of Waitangi and its principles in relation to Te Uri o Hau.
2000	On 12 th September, Te Uri o Hau and the Crown initialled a “Deed of Settlement” setting out the full settlement offer for ratification by its people. In December, Te Uri o Hau Claims Settlement, later known as the Te Uri o Hau Claims Settlement Act 2002 was enacted into legislation.

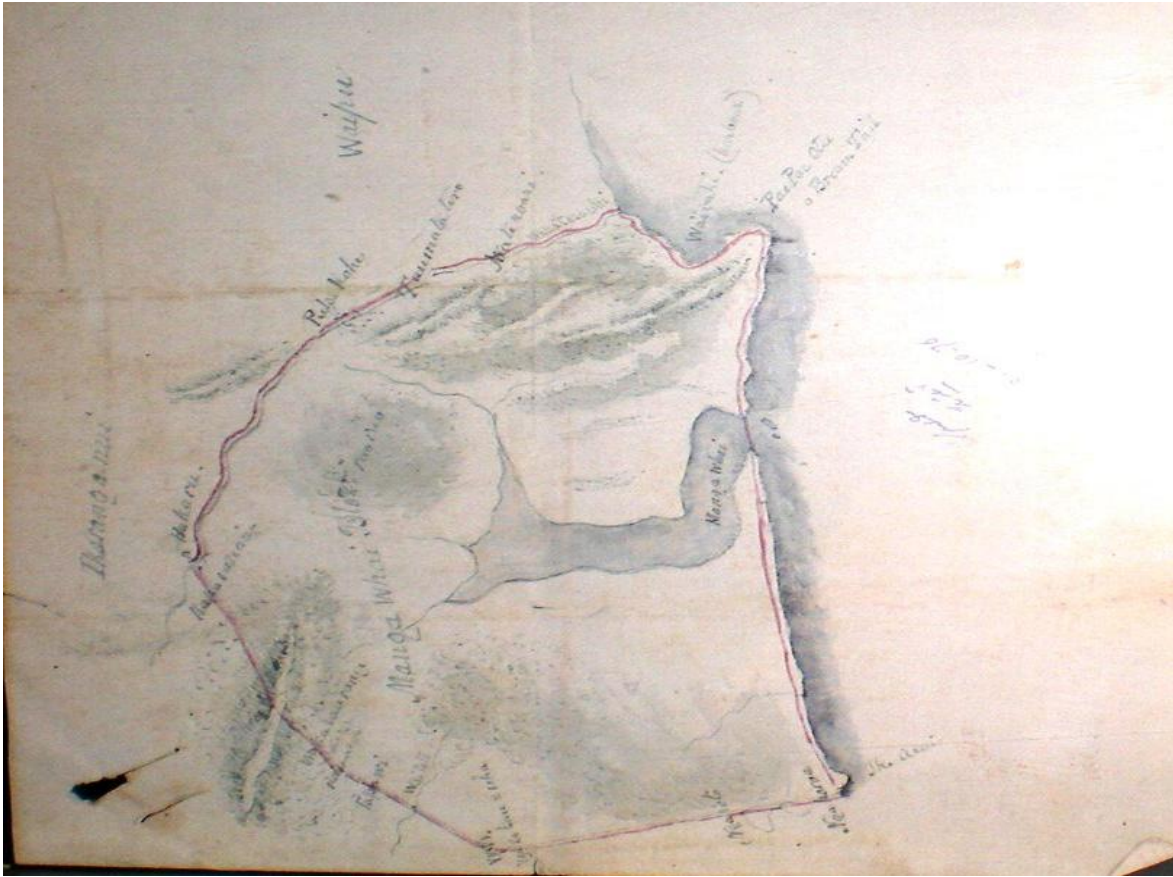


Figure 5: Copy of the Original Map from the Mangawhai Land Deed (1854)

In March 1997, Dame Augusta Wallace was appointed presiding officer for the Waitangi Tribunal's inquiry into the Kaipara district and the remaining members of this Tribunal were appointed in June 1997.¹¹ The records of inquiry of various claims relating to the Kaipara region were combined under the reference number Wai 674 in July 1997¹². The inquiry district was divided into three areas (stages 1, 2, and 3). The main Te Uri o Hau claims (Wai 229 and Wai 271) were heard by the Tribunal in stage 1.

Te Uri o Hau claimants began negotiations with the Crown. The Crown recognised the mandate of Te Uri o Hau's negotiators in June 1999, and the two parties then entered into negotiations for the settlement of Te Uri o Hau historical claims. A heads of agreement was signed in November 1999, and the proposed settlement was approved by 82.6 per cent of the participating adult members of the claimant community who were eligible to vote. On December 2000, the Crown and Te Uri o Hau signed the Te Uri o Hau Deed of Settlement Historical Claims Schedules 2000 and the Te Uri o Hau Claims Settlement Act 2002.

¹¹ Direction appointing Dame Augusta Wallace presiding officer for claims in Kaipara area, 10 March 1997 (Wai 674 ROI, paper 2.71); direction constituting Tribunal to hear Kaipara claims, 9 June 1997 (Wai 674 ROI, paper 2.84)

¹² Direction concerning consolidation and aggregation of Wai 674 record of inquiry, 21 July 1997 (Wai 674 ROI, paper 2.92)

7.3 Formation of Te Uri o Hau Settlement Trust and Environs Holdings Limited.

In 2000, Te Uri o Hau was formally acknowledged by the Crown, in recognition of the alienation of Te Uri o Hau from their native ancestral lands and loss of their natural resources dating back to 1845. In 2002, the Crown accepted Te Uri o Hau's grievances through the ratification of the "Te Uri o Hau Claims Settlement Act 2002", legally formalising Te Uri o Hau Settlement Trust. The responsibility of Te Uri o Hau Settlement Trust is to provide for the environmental, cultural, social and economic well-being of Te Uri o Hau hapū, marae and whānau.

Environs Holdings Limited (Environs) is the environmental subsidiary of Te Uri o Hau Settlement Trust whose role is to advocate, protect, maintain and preserve the kaitiakitanga and rangatiratanga rights and interests of Te Uri o Hau. Environs advises the Trust on conservation and cultural matters, including cultural monitoring, resource consent processing, providing cultural impact assessments, environmental submissions and, participation in national and regional environmental management policies and processes.

As advised previously, the Te Uri o Hau Claims Settlement Act 2002 allows for Te Uri o Hau's involvement in the resource consent process. Resource consent activities undertaken within, adjacent to or impacting directly within Te Uri o Hau's Estates and Territory; Statutory Area of Interest are of particular interest to Environs. This is endorsed under section 64 of the Te Uri o Hau Claims Settlement Act 2002, whereby territorial authorities whose statutory boundaries are within Te Uri o Hau's estates and territory; statutory area of interest are required to send a summary of all resource consent applications to Environs.

7.4 Te Uri o Hau Mandate

Te Uri o Hau is represented by approximately 7000 beneficiaries, who are the tangata whenua and Kaitiaki of its natural resources within the statutory area of Te Uri o Hau. The various whānau are versed with Ngāti Whātua and Te Uri o Hau traditional oratory which helps ensure that whakapapa is sustained for the benefit of future generations.

Te Uri o Hau is the hapū of the iwi tribe Ngāti Whātua. Te Uri o Hau's Estates and Territory; Statutory Area of Interest encompass area's north of Wellsford in the south to Te Arai taking in the Mangawhai Heads to the east, to Pikawahine in the north, across to Mahuta gap on the west coast to Pouto peninsula. Both Mangawhai and Kaipara Harbours' are inclusive of Te Uri o Hau's estates and territory: statutory area of interest, extending out to the exclusive economic zone (refer to Appendix 1).

7.5 Hapū Groups

Table 7.2: Te Uri o Hau Groups

TE URI O HAU HAPU GROUPS INCLUDE:		
Ngāi Tahu	Ngāti Tahinga	Ngāti Mauku
Ngāti Rangī	Ngāti Kauae	Ngāti Kaiwhare
Ngāti Kura		

7.6 Te Uri o Hau Tukurū and Whānau Marae

Table 7.3 shows Te Uri o Hau Ngā Marae Tukurū (ancestral marae) and their relationship to whānau marae within the statutory area of Te Uri o Hau.

Table 7.3: Nga Marae Tukurū and Whānau Marae

NGA MARAE TUTURU	WHĀNAU MARAE
Otamatea (Tanoa)	Te Pouna (Kaiwaka)
Waikaretu (Pouto)	Oturei (Dargaville), Ripia (Te Kopuru)
Oruawharo (Oruawharo)	Oruawharo
Waihaua (Arapaoa)	Ngatai Whakarongorua (Tinopai), Waiohou (Tinopai), Waiaotea (Tinopai), Naumai (Ruawai), Parirau (Matakohe), Rawhitiara (Hukatere), Te Kowhai (Ruawai)

7.7 Te Uri o Hau Core Values

Table 7.4: Te Uri o Hau Core Values and Principles

Tikanga	<i>Striving for professionalism and excellence</i>
Mātauranga	<i>Willingness to learn and share knowledge with others</i>
Whakapono	<i>Upholding integrity and honesty</i>
Tūmanako	<i>Fostering and instilling a better future</i>
Manākitanga	<i>Committed to caring for responsibilities and obligations</i>

8. Te Uri o Hau Statutory Acknowledgement Areas

8.1 Te Uri o Hau Claims Settlement Act 2002: Statutory Acknowledgement Areas

The Te Uri o Hau Claims Settlement Act 2002 provides for statutory acknowledgements related to Te Uri o Hau natural resources.¹³ Without natural resources the mana of Te Uri o Hau is unable to be sustained. Natural resources play a unique role in the traditional culture and are a taonga of Te Uri o Hau. Taonga have an inherent value that must be recognised in the event of potentially competing resources in the wider environment. Use on and around the taonga can have a drastic effect on the environment and the values Te Uri o Hau has with their natural resources.

Under Section 58(1)(a) of the Te Uri o Hau Claims Settlement Act 2002, the purpose of statutory acknowledgements are in place, requiring consent authorities to forward summaries of resource consent applications to Te Uri o Hau governance entity for activities within, adjacent to, or impacting directly on statutory areas. Section 63 requires consent authorities to record the statutory acknowledgement to all regional policy statements, regional coastal plans, other regional plans, district plans, and proposed plans as defined by section 2 of the Resource Management Act 1991.

8.2 Schedule 10: Statutory Acknowledgement for Mangawhai Harbour Coastal Area

Te Uri o Hau has an important spiritual relationship with Mangawhai Harbour due to the many wāhi tapu sites in the area. Traditionally, prior to the battle of Te Ika a Ranganui, Te Uri o Hau gathered kaimoana from the harbour. Te Uri o Hau also gathered materials for making tools for tattooing and cutting hair, flax fibres for use in certain types of weaving, and coastal grass species for tukutuku panels (woven panels) from the harbour and surrounding area.

There are many Te Uri o Hau traditional nohoanga within the Mangawhai area, where Te Uri o Hau would camp to enable them to gather what was required. Te Uri o Hau would then travel back to their kainga (villages) beside the Kaipara Harbour. The Mangawhai Harbour is on the eastern rim within the statutory area of Te Uri o Hau and played a role as a major resource kete (food basket).

Mangawhai was originally populated by Ngai Tahu, who descendants are from Tahuhunui o Te Rangi. Te Uri o Hau eventually assimilated with Ngati Tahu to control north and south Kaipara Harbour and inland areas to Mangawhai and Mangawhai Heads.

¹³ Appendix 5.

In 1825 the battle known as Te Ika Ranganui began in this area. A large proportion of Te Uri o Hau died during this battle. As a result of this battle, Te Uri o Hau consider that the area from and including the Mangawhai Harbour to Kaiwaka and beyond is tapu.

8.3 Te Mangawhai

Te Mangawhai means “***Stream of the Stingray***. The name is ancient and relates to the evil that will be returned if anyone should harm the stingrays within the harbour. In the early 1800’s Mangawhai Harbour area was the home of Rangatira Chief Te Whai. Te Whai fled from the northern tribe Nga Puhi and settled on a coastal headland Pa at the end of Estuary Drive.

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8.4 Te Arai

Te Arai is named after the prominent rocky feature known as Te Arai-o-Tahuu, the landing place of the waka Moe Kakara of the chief Tahuhunui-a-rangi who erected an altar to the gods. It formed part of the sale of the Te Mangawhai block which included part of Te Arai. In the Kaipara minute books, Anaru Wi Apo, a Rangatira from Otamatea stated that the two main chiefs of that time who sold the land were Te Kiri Patuparaoa and Arama Karaka Haututu. After the arrival of the British Government in 1840 the people returned to their lands and Ngati Manuhiri re-established Ahikaroa in the area of Te Arai and Te Mangawhai by placing the descendants of Nga Whetu on the land.

George Graham records the history of this tuahu which now rests in the vicinity of the tea kiosk at Cornwall Park, Auckland. It has a brief inscription referring to it as a ‘Kumara god’ of the Waiohua tribe. It appears that Sir John Campbell had the stone removed to Cornwall Park. Graham records that in 1909 he secured a definite account of this stone from the Kaipara chiefs assembled at a festival at

Paremoremo. At the assembly he noted down the speech made by Eru Maihi, a Ngati-Whatua chief of high rank who stated:

“...Now let me speak of one other of our ancestral canoes, Moe-kakara. Tahuhu was the chief. He landed near Te Arai, so-called because Tahuhu set up a temporary shelter (Arai). He there also set up this stone found there as a Tuahu (altar), and made the ceremonial offerings to the spirits of the land, so as to prevent offending them, as also to safeguard his folk against the witchcraft of the people of Kupe and Toi, who already lived thereabouts...”

This stone was known as Te Toka-tu-whenua and became an ururuwhenua (a place of offerings and ceremonies). Tahuhu came to Tamaki, and lived for some time at Otahuhu. His descendants were the Ngai Tahuhu. Tahuhu was killed by witchcraft at the pa at Mount Richmond, Otahuhu, and he was buried at Te Arai around 1375.

9. Mātauranga Maori - Te Ao Māori: Māori World View

Mātauranga Māori refers to the body of knowledge of one's history and whakapapa originating from the ancestors, including their worldview and perspectives. It is a key concept which defines Te Uri o Hau values and relationships to indigenous forests, flora and fauna. Indigenous forests, flora and fauna are related to Māori through whakapapa and cosmologies in the great creation of stories of the universe and all living things. As Kaitiaki of indigenous forests, flora and fauna, Te Uri o Hau seek to play a primary role in the protection and use of these natural resources.

Io, the Supreme Being and creator of the heavens and the earth created all living things of divine being. Whakapapa (genealogy) is the axis upon which the world and its inhabitants are defined. Whakapapa goes back to the beginning of time, to the very first seed that produced the entire universe. Papatuanuku is the earth mother, Ranginui is the sky father; their 70 children are the original custodians of its parts. Trees were the first born, birds the second, fish, insects and animals followed, and then finally people were born. Humans are the teen, the last born, the babies of the family as it were.

9.1 Spiritual and Cultural Connectedness

Tangata whenua are connected to both the spiritual and physical dimensions, inherent of cultural values with responsibilities abound. As tangata whenua, Te Uri o Hau Ngāti Whātua has an inherent relationship and responsibility within the natural environment and specifically, to that part of Papatuanuku who lies within their tribal area. At the heart of this relationship is the philosophy of holistic management. Holistic management demands the respect of humans to all divine creations of natural environment. The concept of mauri is essential to respecting each and all creation. All taonga possess a mauri; an intangible life force that unites all creatures and enables them to flourish. The

principles of holistic management acknowledge that human interactions with the natural environment impose a reaction to the mauri of nga taonga. The same principles are equally associated to the energy of life in an ecosystem. An ecosystem is a set of organisms living in an area, their physical environment, and the interactions between them. Likewise to te mauri o nga taonga, human interactions with one part of an ecosystem necessitates a reaction to the whole.

9.2 Tikanga: Cultural Practice

Tikanga Māori (cultural best practice) is dynamic and capable of responding to the changing world. Tikanga Māori forms the basis of how we live in a relationship with all living things and their environment, and how we manage those natural and physical resources and all things mauri. Tikanga Māori is defined under Section 2 of the Resource Management Act 1991 and Section 3 of Te Ture Whenua Māori Act 1993 as Māori customary values and practices.

9.3 Taonga: Valued Treasures

Taonga are those things considered culturally valuable to Te Uri o Hau which may be a tangible or intangible element. Article 2 of the Treaty of Waitangi acknowledges taonga as being lands, estates, forests, fisheries and other properties. Taonga represents an element of the Māori philosophical worldview and all living things representing mauri. All living and non-living things contain a life force, one cannot live without the other, all intricately living in harmony to sustain their being and existence on earth.

9.4 Kaitiakitanga: Guardianship

Te Uri o Hau as Kaitiaki, acknowledge customary lore to include the protection of all living things, natural resources, culture and people. In this regard Kaitiaki are universal. The protection of our natural resources and culture require a commitment through the whole of Māori society which is constantly evolving. Kaitiakitanga not only relates to the environment and the management of natural resources but also extends to the socio-economic well-being of future generations.

9.5 Mana Whenua and Mana Moana: Power from and Rights to the Land and the Waters

A return to ones marae is also a return to the land, to one's tūrangawaewae (place where one has rights of residence and belonging through kinship and whakapapa). After the birth of a child their pito (umbilical cord) and the whenua (afterbirth) are buried in the ground or placed up in a tree. The whenua is also the word for land and the burial of the umbilical cord and the afterbirth ensures a strong link with one's own land.

The land is also linked to the spiritual powers, to the children of Ranginui and Papatuanuku. Each Matariki/ New Year, at one place on the upper Wanganui River, hangi (earth ovens) are set aside for

Tane and Tangaroa and offerings are made to them. This recognises that Tane is responsible for the forests and its foods and Tangaroa is responsible for the sea and its foods. Te Uri o Hau continue to carry on these responsibilities within their own rohe, as taught by our ancestors.

Te Uri o Hau values ancestral land based on our responsibilities and relationships with the land. It is important that how we value land i.e. not on monetary value or productive capacity. Māori land is often considered undeveloped or underutilised and therefore considered of little value by Europeans because Māori values are not recognised or understood.

Te Uri o Hau has mana moana over their customary fishing areas. Traditional chiefs determined the harvesting of kaimoana ensuring the protection and management through traditional customary methods.

9.6 Mana Atua: Spiritual Powers

One with the people, one with the land, we also become one with the Atua (the spiritual powers). The spiritual powers are our immediate source of mana (inherited status); they are a source of our tapu.

9.7 Tapu and Noa: Sacred and Profane

Traditionally, Māori life was organised in all its aspects through the intricate interplay of two states of being, tapu and noa, which were complementary and of equal importance. In numerous contexts a person, place or thing would be said to be either tapu or noa. The word tapu indicated that the person, place or object could not be freely approached, that restrictions had been placed upon access, and in this way the term referred not only to the tapu entity but also to the restricted relationship others might have with it. In many contexts it can be translated as restricted, forbidden, or sacred. The word noa indicated unrestricted access and can generally be understood as ordinary, everyday, common, and profane.

9.8 Wairuatanga: Spirituality

In the cosmological myths of Māori, we are told that the universe was brought into being through Io, the supreme-being. It was he who willed the earth to appear; he was the primal origin of all things; everything on earth or in the heavens could be traced back to one cause, the sole origin, Io, the parent of the eternal.

In one of these curious evolutionary formulae, conception was given as the forebear of growth, who produced energy; then followed thought, mind, and desire. Various phases of Po and other conditions of chaos began, until at least one in conjunction with Atea (space) produced the heavens. The sky (personified in Ranginui), took Papatuanuku (the earth mother) as a wife, and begat seventy offspring, all males, and all supernatural beings.

Many of these personified light, the sun, moon, darkness, wind, rain, clouds, and lightning. Some were described as originating beings, tutelary beings and parents of fish, birds, stars, and stones, while yet others were denizens of the uppermost heavens. From among these offspring were selected many of the poutiriao, or guardians, appointed by the supreme being to watch over and preserve the welfare of the different realms of the universe.

The following are the best-known members of the numerous offspring of the primal parents, Ranginui (sky father) and Papatuanuku (earth mother):

- ❖ **Tane** who is the (personified form of the sun), the fertiliser, he who fertilised the earth and caused it to produce trees and herbage, and also man who was born of the earth-formed maid;
- ❖ **Rongo** who represented the moon, as shown in Hawaiian myth, was the patron of peace and the art of agriculture;
- ❖ **Tu** who is the patron of war and death, personified the setting sun;
- ❖ **Whiro** personified darkness, evil, and death;
- ❖ **Tangaroa** was the origin and personification of all marine life;
- ❖ **Tawhirimatea** personified wind;
- ❖ **Ngana** or **Uru-te-ngangana**, was the origin of stars;
- ❖ **Kiwa** was the guardian of the ocean;
- ❖ **Te Ihorangi** personified rain; and
- ❖ **Ruaumoko** was the origin of earthquakes and all volcanic disturbances.

10. Te Uri o Hau Cultural and Heritage/Values Assessment

Mana Whenua Cultural values include sacred sites and places and cultural heritage landscapes where those sites and places are located. Where applicable, Te Uri o Hau's Mana Whenua cultural heritage and values are selected based on the site, location and proposal, as follows:

Table 10.1 Te Uri o Hau Cultural Values Assessment

Cultural heritage/Values/Elements	
Wahi Tapu/ Wahi Taonga - Archaeology of Maori Origin	
<ul style="list-style-type: none"> • Koiwi (Human skeletal remains) • Pa Sites (Fortified Palisades, Trenches) • Heating Stones (Cooking/Hangi Stones) • Midden Sites (Shell Deposits) • Terraces/Landings 	<ul style="list-style-type: none"> • Adzes (Stone Tools) • Waka (Canoes) Landings. • Agriculture Pits (Kumara/Rua Pits) • Pou (Carved Poles)
Kai Moana and Mahinga Kai – Effects to Customary Food Gathering Areas	

<ul style="list-style-type: none"> • Marine Fisheries • Fresh Water Fisheries • Toheroa stocks • Scallop Beds 	<ul style="list-style-type: none"> • Oyster Reserves • Tuna (eel) Habitats • Pipi or Cockle beds
Te Wairoa – Moana Awa - Wai - Effects to/from:	
<ul style="list-style-type: none"> • Estuaries • Harbours • Coastal Marine Area • Esplanade Strips/Reserves • Seabed and Foreshore • Rivers 	<ul style="list-style-type: none"> • Natural Watercourses • Streams • From pollution • Wastewater discharges • Storm water discharges
Nga Uri a Tane Mahuta – Tangaroa - Effects to/from	
<ul style="list-style-type: none"> • Flora and Fauna • Fisheries • Mining • Contaminants to Land 	<ul style="list-style-type: none"> • Indigenous Vegetation • Biodiversity and • Ecology Systems
Te Papawhenua/Papatuanuku - Effects to/from:	
<ul style="list-style-type: none"> • Earthworks • Land Development 	<ul style="list-style-type: none"> • Roothing • Cultural Landscapes
Ko Ranginui ke Runga - Effects to Air	
<ul style="list-style-type: none"> • Contaminants to Air 	

10.1 Wāhi tapu and Wāhi Taonga: Sacred Areas and Treasures

Under the Te Uri o Hau Kaitiakitanga o Te Taiao (Environmental Management Plan) 2011¹⁴ for Wāhi tapu and Wāhi Taonga: Sacred Area and Treasures, the objectives and policies promote;

- ❖ ***The protection and preservation of all urupā, wāhi tapu and wāhi taonga and archaeological sites within the statutory area of Te Uri o Hau.***
- ❖ ***Respect is shown for Te Uri o Hau association with urupā, wāhi tapu and wāhi taonga, and archaeological sites within the statutory area of Te Uri o Hau.***

¹⁴ Te Uri o Hau Kaitiakitanga o Te Taiao (2011). Environs Holdings Limited Environmental Management Plan, Whangarei

- ❖ ***Acknowledgement of the relationship and association with Te Uri o Hau and their wāhi tapu, wāhi taonga, and archaeological sites within the statutory area of Te Uri o Hau are accurately recognised and provided for.***
- ❖ ***Wāhi tapu and wāhi taonga such as urupā or tauranga waka and areas of sites of significance are often desecrated.***
- ❖ ***Te Uri o Hau cultural and spiritual values associated with such areas are often disregarded. This is a serious offence to the mana, wairua and tino rangatiratanga of Te Uri o Hau.***

The values of Wāhi tapu and Wāhi taonga are related to those things considered culturally significant to Te Uri o Hau, in that, they are both tangible and intangible links to the past. The importance of wāhi tapu and wāhi taonga as part of Te Uri o Hau's cultural heritage is recognised by measures taken for their protection in three parliamentary Acts: Heritage New Zealand Pouhere Taonga Act 2014, the Resource Management Act 1991, and Reserves Act 1977.

Interpretation of archaeological sites within the context of traditional Maori history can provide clear evidence of traditional use of the land over many generations by particular iwi/hapu. Oral history can explain the deeper meaning of these sites and features, in terms of the people and events associated with them. Evidence of Wāhi tapu and Wāhi taonga gives substance to the stories, precise locations of specific activities and the details of daily activities not recorded among the stories of ancestors, wars and other notable events.

10.1.1 Avoid, Remedy or Mitigate Potential Effects on Tangata Whenua Cultural Values for Wahi Tapu and Wahi Taonga Archaeological Sites

For this proposal, Te Uri o Hau believes there are no known Maori heritage sites or features contained within the subject site. The field investigation confirmed no surface landforms present, and the New Zealand Archaeological Association's (NZAA) GIS database confirms no recorded archaeological sites registered on the property.

Although there were no notable archaeological sites or features present, the likelihood for undetected archaeology to be encountered during site earthworks related to the establishment of the subdivision or future site works is possible. As such, the following consent notices do apply:

- (1) All archaeological sites are protected under the provisions of the Heritage New Zealand Pouhere Taonga Act 2014. It is an offence to modify, damage or destroy an archaeological site, whether it is recorded or not. Section 10-20 of the Act ensures that any person undertaking

work that may damage, modify or destroy an archaeological site (both known and unknown) must obtain an archaeological authority to undertake such work and prior to any work commencing.

- (2) If archaeology of Maori origin (refer to Table 11.1.) is uncovered during earthwork activities, all works shall stop immediately, and Te Uri o Hau/Environs and Heritage New Zealand are informed immediately within 24 hours.
- (3) In the event Koiwi (human skeletal remains) is uncovered during earthwork activities, all work shall stop immediately, and Te Uri o Hau/Environs, New Zealand Police, and Heritage New Zealand are informed immediately within 24 hours.

10.2 Wairoa – Moana Awa, Wai (Water)

- ❖ ***Pollution of freshwater-ways, wetlands and aquifers is a continual source of concern for Te Uri o Hau.***
- ❖ ***Pollution of the Harbours, Water-ways, Wetlands and Aquifers is a continual source of concern for Te Uri o Hau.***
- ❖ ***Poor land management and use of the natural water courses and large significant water bodies such as the harbours, and estuaries within the statutory area of Te Uri o Hau.***

Careful management of land use activities including their location, design, operational arrangements, and regular maintenance of onsite waste water and storm water systems, ensures that land-based discharges do not enter into the Mangawhai Harbour.

10.2.1 Avoid, Remedy or Mitigate Potential Effects on Tangata Whenua Cultural Values for Te Wairoa – Moana Awa, Wai (Water)

Public sewerage reticulation system is available to the site. Te Uri o Hau is confident District Plans objectives, rules and policies relevant to the application provides an appropriate level of management for earthworks, geotechnical constraints and stormwater for this application, and that management levels will be undertaken in accordance with the requirements given through the appropriate consent notices and conditions of consent by Kaipara District Council.

Te Uri o Hau estimates earthworks will be minor in nature and necessary in order to construct proposed right of ways and to create driveways into each site, and for the construction of building platforms, which will likely take effect at the time of building consent. For the proposal, the applicant shall ensure all site earthworks will be undertaken to:

- a. Minimise the volume and area of site earthworks necessary to construct the proposed subdivision development.
- b. Maximise the effectiveness of erosion and sediment control measures associated with earthworks by minimising potential effects for sediment generation and sediment yield.
- c. Ensure that site earthworks shall to the extent practical, avoid, remedy or mitigate adverse effects on drainage channels within or beyond the development boundary.
- d. Ensure a full suite of appropriate erosion and sediment controls measures are installed prior to and during all construction and site earthworks, for each Lot.
- e. Ensure all earthworks to be undertaken in the summer months, to prevent silt or sediment discharging into the drainage channel on the site.

11. Conclusion

Te Uri o Hau confirms the proposal to subdivide Lot 6 DP 476711 and all associated activities, will have less than minor effects to mana whenua cultural heritage and spiritual values associated with Te Uri o Hau. Te Uri o Hau/Environs have **no objections** to the granting of subdivision consent to Coral Court Limited for Lots 6 to 12 being a proposed subdivision of Lot 6 DP 476711, 62 Jack Boyd Drive, Mangawhai.

12. Recommendations

- 12.1 All archaeological sites are protected under the provisions of the Heritage New Zealand Pouhere Taonga Act 2014. It is an offence to modify: damage or destroy an archaeological site, whether it is recorded or not. Section 10-20 of the Act ensures that any person undertaking work that may damage, modify or destroy an archaeological site (both known and unknown) must obtain an archaeological authority to undertake such work and prior to any work commencing.
- 12.2 In the event subsurface archaeological evidence is uncovered during site works associated with the proposed subdivision development or during future site works on the subject site, the Consent Holder shall stop all work immediately, and Environs and Heritage New Zealand are contacted within 24 hours of the discovery.
- 12.3 In the event Koiwi (human skeletal remains) is uncovered during site works associated with the proposed subdivision development or during future site works on the subject site, the Consent

Holder shall stop all work immediately, and Te Uri o Hau/Environs, New Zealand Police, AND Heritage New Zealand are contacted within 24 hours of the discovery.

The Consent Holder shall ensure all earthworks shall be undertaken to:

- 12.4 Minimise the volume and area of site earthworks necessary to construct the proposed subdivision development.
- 12.5 Maximise the effectiveness of erosion and sediment control measures associated with earthworks by minimising potential effects for sediment generation and sediment yield.
- 12.6 Ensure that site earthworks shall to the extent practical, avoid, remedy or mitigate adverse effects on the tidal stormwater drainage channel and Mangawhai Estuary.
- 12.7 Ensure a full suite of appropriate erosion and sediment controls measures are installed prior to and during all construction and site earthworks, for each Lot.
- 12.8 Ensure all earthworks to be undertaken in the summer months, to prevent silt or sediment discharging into the drainage channel on the site.

Heoi ano ra

Assessment Approval:



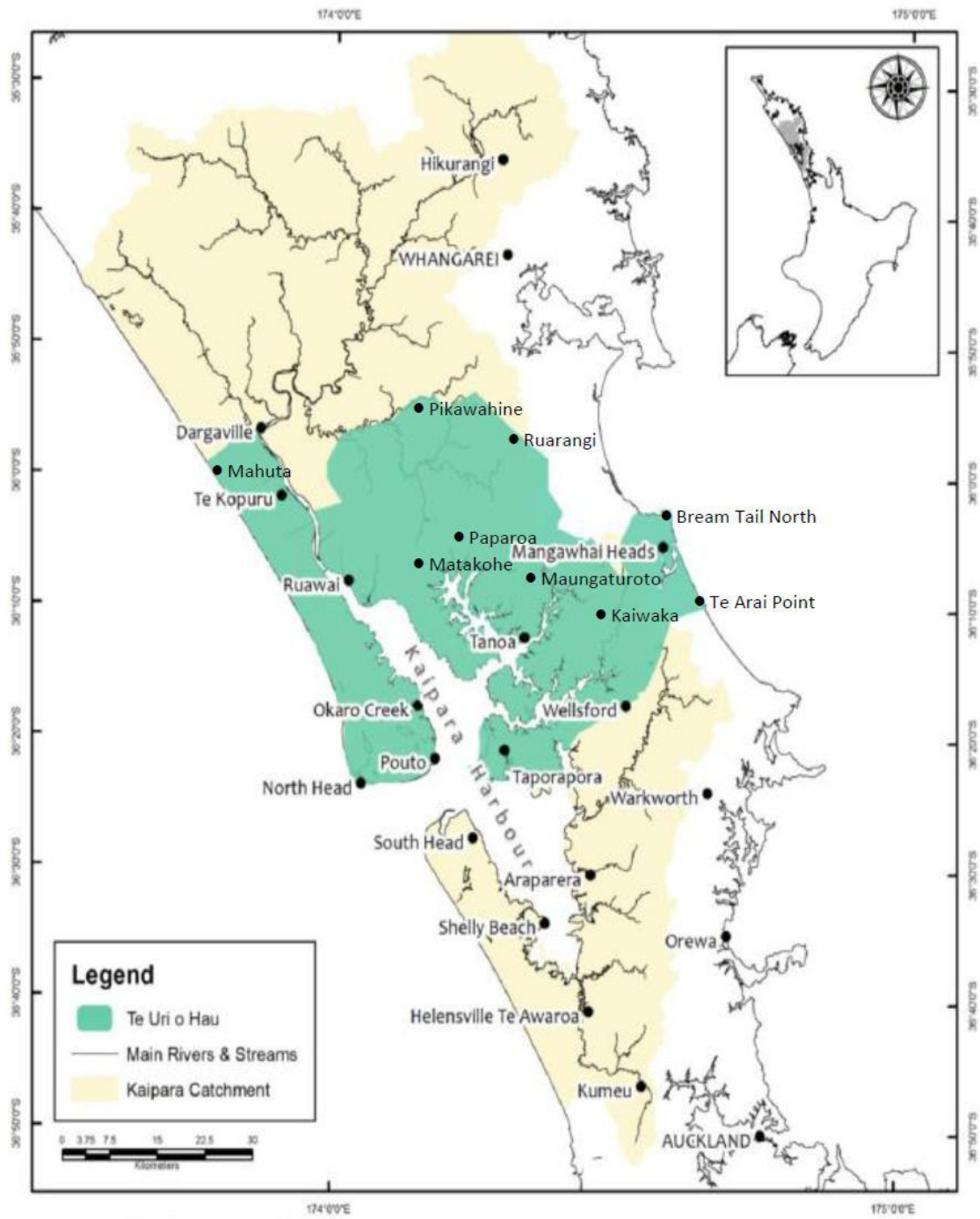
Tina Latimer
Environs Lead

Assessment Author:



Shereen Worthington
Otamatea Kaitiaki Consultant

Appendix 1: Te Uri o Hau's Statutory Area of Interest



Appendix 2: Glossary

Hapu	Sub-tribe
Haumoewaarangi	Eponymous ancestor of Te Uri o Hau
Iwi	Tribe
Iwi authority	The authority that represents an iwi or hapu
Kaitiaki	To guard; to keep guardian over
Kaitiakitanga	Exercise of guardianship; and in relation to a resource includes the ethic of stewardship based on the nature of the resource itself
Kai Moana	Seafood
Karakia	Prayer
Koiwi	Human skeletal remains
Mahinga kai	Customary food /resources
Marae	Meeting house
Pa / Paa	Fortified settlement /village/site
Papatuanuku	Mother Earth
Tiro Rangatiranga	Sovereignty, chieftainship, right to exercise authority, chiefly autonomy, self-determination, self-management, ownership
Ranginui	Sky Father
Rohe	Region of Interest
Tangata Whenua	People belonging to any particular place – indigenous people
Tane Mahuta	Guardian spirit of the forest
Tangaroa	Guardian of the sea
Te Ika a Ranganui	1825 battle between Ngapuhi and Ngati Whatua between Mangawhai and Kaipara Harbours'
Tupuna	Ancestor
Wahi Tapu	Sacred areas/reserved ground/cemetery
Wahi Taonga	Sacred treasures
Wairoa	Water body
Whanau	Family

Appendix 3: References

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18 December 2016

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RE: Geotechnical Investigation for Proposed Subdivision at 60-62 Jack Boyd Drive, Mangawhai

Wiley Geotechnical Limited (WGL) was requested by Shane O'Halloran to provide a geotechnical investigation to support an application for a 5 Lot subdivision. We understand the proposed Lot 10 is not going to be developed at this stage so no testing was undertaken in that area.

This report is to support the subdivision and it is expected that further investigations shall be required to support future Building Consent Applications. We have provided general guidance for residential development.

WGL visited the site on the 22nd and 23rd September 2016 and made the following observations:

- The site is located on a gentle south east sloping.
- The proposed Lots 6 and 9 are relatively flat. The north western areas of Lots 7 and 8 are also relatively flat with the ground sloping down to the south eastern areas of the Lots.
- The ground in the proposed Lot 10 appears to be wet and marshy.
- Six hand augers boreholes were undertaken within potentially suitable building sites to a maximum depth of 2.1 m below ground level. Two hand Scala Penetrometer tests were also carried out at the base of two of the boreholes to a maximum depth of 3.3 m.

Geology

The GNS map for the site indicates that it is underlain by alluvium of the Tauranga Group comprising "Partly consolidated mud, sand, gravel and peat or lignite of alluvial, colluvial, lacustrine, swamp and estuarine origins".

The GNS map also shows a geological boundary towards the south eastern area of the site and indicates that this area is underlain by alluvial/colluvial deposits of the Tauranga Group comprising "unconsolidated to poorly consolidated mud, sand, gravel and peat deposits of alluvial, colluvial and lacustrine origins".

Seismic Hazards

Since there are no known active faults crossing the property, it is our opinion that ground rupture is unlikely at the subject property. Granular soils, such as sand, are susceptible to liquefaction in the event of future earthquakes. This may result in settlement or lateral deformation. Based on the regional earthquake risk (discussed further below) and depth to groundwater, it is our opinion that there is a relatively low risk of liquefaction induced settlement or lateral movement such that specific liquefaction design is not required.

We recommend that the future structures and improvements are design to account for seismic shaking and ground motions. For seismic design at the site and in line with NZS 1170.5:2004 the corresponding design peak ground accelerations (PGA) for the site have been calculated from NZS 1170.5:2004 using the recommendations of the New Zealand Geotechnical Society as follows:

$$a_h = Z R C$$

In which:

Z = base PGA called "Hazard factor" and is given by Table 3.3 and Figures 3.3 and 3.4 of NZS 1170.5:2004. Z = 0.13 for areas north of Auckland.

R = "Return period factor" and is given by Table 3.5 of NZS 1170.5:2004 (R = 1.0 for 500 year return period and R = 0.25 for a 25 year return period)

C = Site response factor called "Spectral shape factor" in NZS 1170.5:2004 and is based on the seismic site classification. We consider this site to be **Class C**, based on soil depth and therefore C = 1.33.

The design PGA at the site is given as:

$$\text{ULS: } a_h = 0.13 \times 1.00 \times 1.33 = 0.17 \text{ (i.e. PGA = 0.17 g)}$$

$$\text{SLS: } a_h = 0.13 \times 0.25 \times 1.33 = 0.04 \text{ (i.e. PGA = 0.04 g)}$$

Field Exploration and Subsurface Conditions

WGL carried out a shallow subsurface investigation consisting of six hand augers with shear vane



testing within the approximate areas shown on the site plan below.

Figure 1: Approximate Subsurface Exploration Locations

The hand augers were carried out to a maximum 2.1 m. The subsurface material encountered in our hand auger investigation consisted of fill intermixed with topsoil, silty clays, underlain by moderately to highly clayey silt with occasional organics and occasional sandy layers at deeper depths. The measured undrained shear strengths ranged from 59 kPa to an inferred 200+ kPa. A Scala Penetrometer test was carried out at the base of boreholes BH4 and BH6 to depths of 3.3 and 2.9 m, respectively.

Groundwater was encountered at 1 m and 1.3 m depth in boreholes HA1 and HA5, respectively during our testing.

Based on this, it is our opinion that the material encountered in our subsurface investigation is broadly consistent with published geologic mapping. The bore log is presented as an appendix to this report and is written in general accordance with the New Zealand Geotechnical Society field classification guidelines (NZGS, 2005).

Expansive Soils

Expansive clay and silt soils are common in the wider Northland region and have the tendency to shrink and swell, particularly with seasonal fluctuations of soil water content. This behavior has implications for foundation design and surface structures and should be incorporated during foundation design.

Based on our visual and field assessment of the soils encountered onsite, and our experience in the area, we consider that the Expansive Site Class for this site is "H - highly" - in accordance with AS 2870.

Conclusions and Recommendations

It is our opinion that the proposed development is feasible from a geotechnical point of view, provided the recommendations presented in this report and standard development practices are incorporated in the design and construction of the project.

The shear vane readings and Scala test results indicate a suitable bearing capacities are available for the residential lots.

Concrete Foundations

With the extensive presence of uncertified fill material on the majority of the proposed lots, concrete slab foundations would be an expensive option with ground improvements being required. Fill material would likely have to be over excavated and replaced with engineered hardfill to create a suitable platform for future dwellings. Further settlement may also occur on these lots however the bulk of settlement is likely to have already occurred.

Deep Pile Foundations

It is our opinion that wooden piles designed in accordance with NZS3604 (2011) would provide a suitable foundation for future dwellings on the proposed Lots. Due to the uncertified fill; depth to the water table and softer material in the upper stratum we would consider driven piles to be most appropriate method

of installation. We envisage piles being driven to depths between 3 to 4 m. Specific design may also be carried out to embed piles at shallower depths and have them designed for a reduced bearing capacity.

We would expect that a geotechnical ultimate bearing capacity of 300 kPa would be available at 3 to 4 m depth; however further geotechnical investigations and design shall have to be carried out at the Building Consent stage once development plans are known.

Minimum Floor Levels

Based on the contour plan provided to us (C&R Surveyors, Ref 3760-Stage 3) we consider a minimum finished floor level of 3 m above mean sea level shall be required on the proposed Lots 7 and 8.

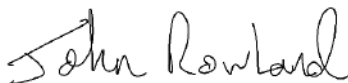
Stormwater

We recommend that stormwater overflow from newly developed dwelling water tanks is directed downslope via closed conduit to the tidal estuary to the south west of the site. The outlet of the stormwater pipe should not be positioned above sloping ground where the risk of slope instability would be increased. We recommend the outlet pipe directs water in to rip rap erosion protection. This should consist of geotextile cloth placed upon insitu soil with clean rock of 150-300 in diameter. This area should be a minimum of 1 m wide and 3 m in length.

LIMITATIONS

- (i) This report has been prepared for the use of our client, Shane O'Halloran and their professional advisers and the relevant Regional Authorities in relation to the specified project brief described in this report. No liability is accepted for the use of any part of the report for any other purpose or by any other person or entity.
- (ii) Assessments made in this report are based on the ground conditions indicated from published sources, site inspections and subsurface investigations described in this report based on accepted normal methods of site investigations. Variations in ground conditions may exist between test locations and therefore have not been taken into account in the report.
- (iii) This Limitation should be read in conjunction with the IPENZ/ACENZ Standard Terms of Engagement.

We trust that this information meets your current requirements. Please do not hesitate to contact the undersigned on 021 0399 385 or matt@wileygeotechnical.co.nz if you require any further information.



John Rowland, BEng

Geotechnical/Stormwater Engineer

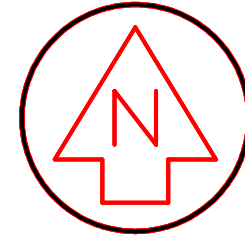


Matt Wiley, CPEng

Principal Engineer

Attachments:

- *Subdivision Plan*
- *Bore Logs*



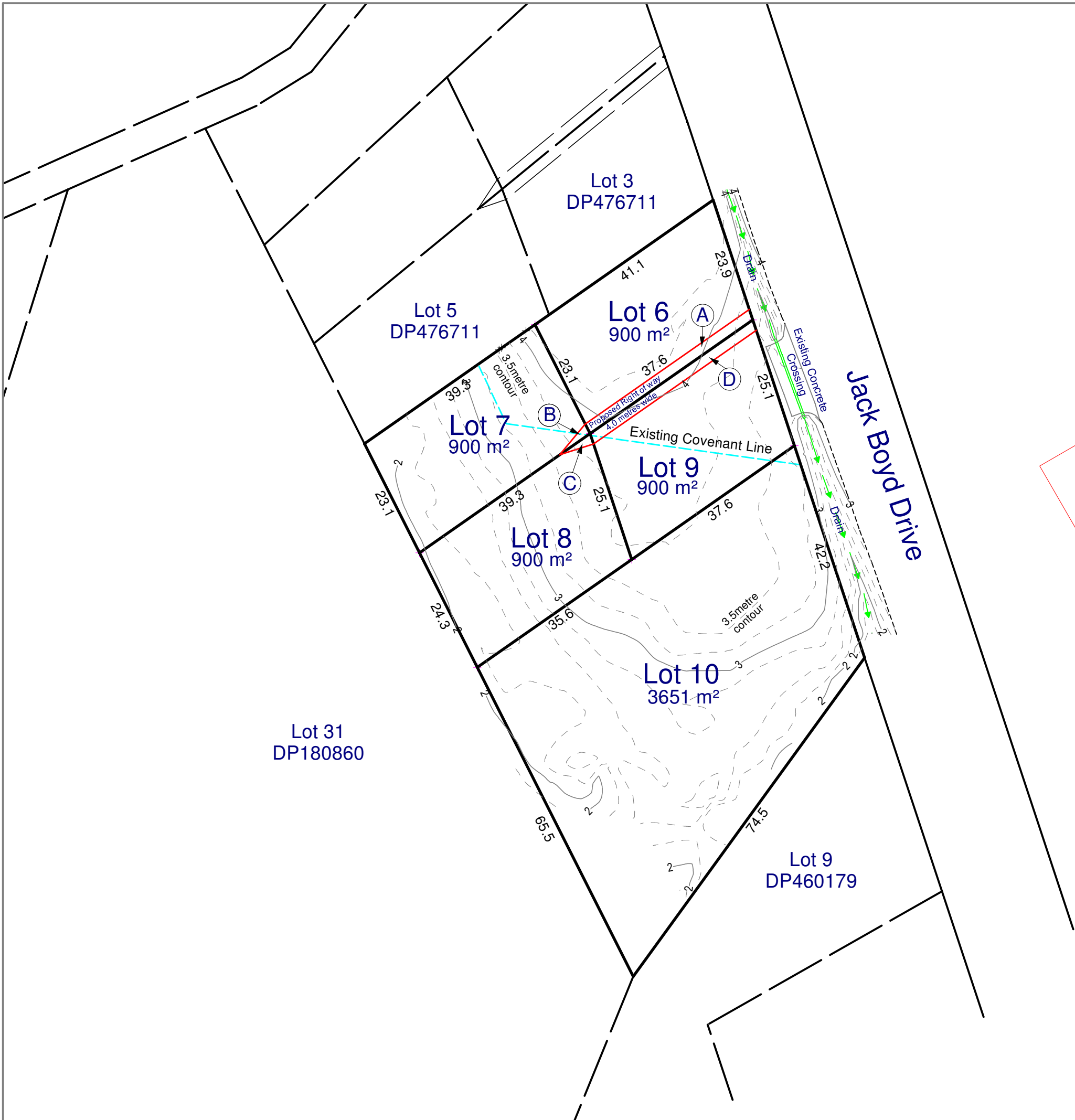
Proposed Easements

Purpose	Shown	Servient Tenement	Dominant Tenement
R.O.W.	(A)	Lot 6 hereon	Lots 7, 8, 9 hereon
Electricity, Telephone	(B)	Lot 7 hereon	Lots 8 hereon
Wastewater, Stormwater	(C)	Lot 8 hereon	Lots 7 hereon
	(D)	Lot 9 hereon	Lots 6, 7, 8 hereon

Existing Covenant to be surrendered

Consent Notice D203002.4 to be surrendered.

**Draft Plan
28 Nov. 2016**



Total Area: **7251m²**
 Comprised in: **CT 659364**

- Notes:
1. This plan is prepared for the purpose of obtaining subdivision consent and is not to be used for any other purpose.
 2. All metric measurements and areas are subject to final survey.

G & R SURVEYORS LIMITED
 REGISTERED PROFESSIONAL LAND SURVEYORS
 PHONE (09) 426 4051
 PO BOX 564, DREWA 0946
 WWW.GRSURVEYORS.CO.NZ

Client:
Coral Court Ltd
62 Jack Boyd Drive
Mangawhai

Drawing Title:
Lots 6 to 10 Being
Proposed Subdivision of
Lot 6 DP476711

Original Scale: 1:750	Original Size: A3
Date: November 2016	Job Number: 3760 - Stage 3



WILEY GEOTECHNICAL LTD

BOREHOLE No. 1

SITE: 60-62 Jack Boyd Drive

REF: 16262

Sheet 1 of 6

REDUCED LEVEL (RL) INFERRED GEOLOGY	DESCRIPTION OF SOIL	SOIL SYMBOL	DEPTH (m)	SAMPLE TYPE	WATER CONTENT (%)	WATER LEVEL	CORRECTED VANE SHEAR STRENGTH (kPa) ● Peak Field Vane ○ Remoulded Field vane 50 100 150	SCALA PENETROMETER BLOWS / 100 mm 5 10 15
FILL	FILL intermixed with topsoil							
Alluvium of the Tauranga Group	SILT organic silt, slightly sandy, brownish-grey <hr/> alluvial silts, trace organics <hr/> groundwater encountered at 1 m <hr/> hole squeezing at 1.2m <hr/> clay layer, plastic <hr/> occasional organics, light grey with orange-brown mottling		1 2			V	200 ● 27 ○ 130 ● 27 ○ 148 ● 62 ● 50 ○ 89 ● 71 ○ 112 ● 47 ○ 80 ●	
	E.O.B: 2.1 m		3 4 5					

NOTES

LOGGED BY: MW & CS
 DATE DRILLED: 22-Sep-16
 DRILL METHOD 50 mm Hand Auger



WILEY GEOTECHNICAL LTD

BOREHOLE No. 2

SITE: 60-62 Jack Boyd Drive

REF: 16262

Sheet 2 of 6

REDUCED LEVEL (RL) INFERRED GEOLOGY	DESCRIPTION OF SOIL	SOIL SYMBOL	DEPTH (m)	SAMPLE TYPE	WATER CONTENT (%)	WATER LEVEL	CORRECTED VANE SHEAR STRENGTH (kPa) ● Peak Field Vane ○ Remoulded Field vane 50 100 150	SCALA PENETROMETER BLOWS / 100 mm 5 10 15
FILL	FILL intermixed with topsoil, clay, silt, organics and occasional sand <hr/> red bricks fragments <hr/> organic rich layer		1				86 ○ 189 ● 77 ○ 148 ● 36 ○ 86 ●	
Alluvium of the Tauranga Group	SILT moderately clayey, moderate plasticity, light brown with orange-brown mottling <hr/> dark brown <hr/> organic sand SAND light brown		2				44 ○ 89 ● 30 ○ 62 ● 53 ○ 89 ● 30 ○ 62 ●	
	E.O.B: 2.1m		3 4 5					

NOTES Groundwater was not encountered

LOGGED BY: MW & CS
 DATE DRILLED: 23-Sep-16
 DRILL METHOD 50 mm Hand Auger



WILEY GEOTECHNICAL LTD

BOREHOLE No. 3

SITE: 60-62 Jack Boyd Drive

REF: 16262

Sheet 3 of 6

REDUCED LEVEL (RL) INFERRED GEOLOGY	DESCRIPTION OF SOIL	SOIL SYMBOL	DEPTH (m)	SAMPLE TYPE	WATER CONTENT (%)	WATER LEVEL	CORRECTED VANE SHEAR STRENGTH (kPa)			SCALA PENETROMETER BLOWS / 100 mm		
							● Peak Field Vane	○ Remoulded Field vane		5	10	15
FILL	intermixed topsoil, clay, silt, occasional organics, brown, grey, orange-brown <hr/> moderate clay, moderate plasticity, slightly sandy <hr/> gravel, water, wood <hr/> topsoil layer <hr/> brick		0 to 1				59 ○ 130 ●					
	SILT organic silts <hr/> SAND brown with trace organic staining SILT highly clayey <hr/> occasional organics		1 to 3				36 ○ 98 ●					
Alluvium of the Tauranga Group	E.O.B: 3.0 m		3 to 5				21 ○ 62 ●					
							180 ○ 130 ●					
							180 ○ 136 ●					
							44 ○ 92 ●					
							47 ● 7 ○					
							68 ○ 136 ●					
							65 ○ 133 ●					
							44 ○ 89 ●					

NOTES Groundwater was not encountered

LOGGED BY: MW & CS
 DATE DRILLED: 23-Sep-16
 DRILL METHOD 50 mm Hand Auger



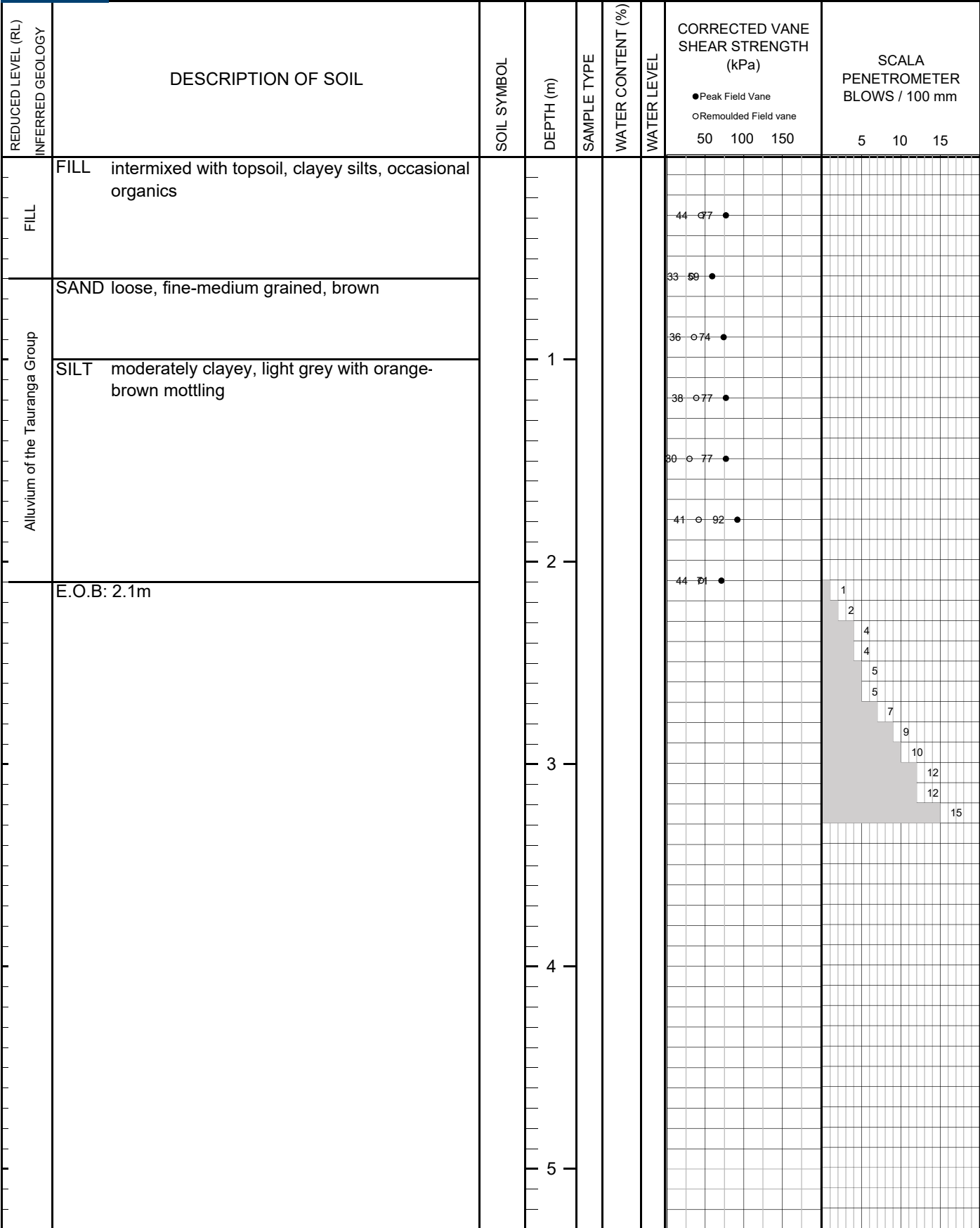
WILEY GEOTECHNICAL LTD

BOREHOLE No. 4

SITE: 60-62 Jack Boyd Drive

REF: 16262

Sheet 4 of 6



NOTES Groundwater was not encountered

LOGGED BY: MW & CS
 DATE DRILLED: 23-Sep-16
 DRILL METHOD 50 mm Hand Auger



WILEY GEOTECHNICAL LTD

BOREHOLE No. 5

SITE: 60-62 Jack Boyd Drive

REF: 16262

Sheet 5 of 6

REDUCED LEVEL (RL) INFERRED GEOLOGY	DESCRIPTION OF SOIL	SOIL SYMBOL	DEPTH (m)	SAMPLE TYPE	WATER CONTENT (%)	WATER LEVEL	CORRECTED VANE SHEAR STRENGTH (kPa) ● Peak Field Vane ○ Remoulded Field vane 50 100 150	SCALA PENETROMETER BLOWS / 100 mm 5 10 15
FILL	FILL intermixed topsoil, brick and gravel silty-clay fill, slightly sandy						33 ○ 115 ● 24 ○ 139 ●	
Alluvium of the Tauranga Group	SILT moderately sandy, light grey with orange-brown mottling groundwater encountered at 1.2 m clayey, slightly plastic, rare organics, light grey with orange-brown mottling		1			V	80 ○ 151 ● 41 ○ 121 ● 80 ○ 148 ●	200 ●
	E.O.B: 2.1m		2				71 ○ 130 ●	
			3					
			4					
			5					

NOTES

LOGGED BY: MW & CS
 DATE DRILLED: 23-Sep-16
 DRILL METHOD 50 mm Hand Auger



WILEY GEOTECHNICAL LTD

BOREHOLE No. 6

SITE: 60-62 Jack Boyd Drive

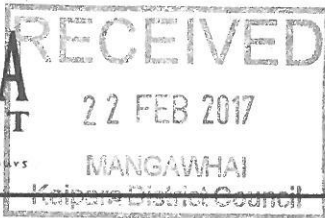
REF: 16262

Sheet 6 of 6

REDUCED LEVEL (RL) INFERRED GEOLOGY	DESCRIPTION OF SOIL	SOIL SYMBOL	DEPTH (m)	SAMPLE TYPE	WATER CONTENT (%)	WATER LEVEL	CORRECTED VANE SHEAR STRENGTH (kPa) ● Peak Field Vane ○ Remoulded Field vane 50 100 150	SCALA PENETROMETER BLOWS / 100 mm 5 10 15
FILL	<p>FILL intermixed with topsoil</p> <p>organics</p> <p>topsoil</p> <p>slightly sandy, dark grey</p>		1				27 ○ 83 ● 180 ○ 89 ● 47 ○ 121 ● 77 ○ 130 ●	
Alluvium of the Tauranga Group	<p>SILT highly clayey, highly plastic, rare organic fragments, light grey with occasional orange-brown mottling</p>		2				74 ○ 121 ● 71 ○ 133 ● 77 ○ 121 ●	3 4 4 4 6 8 8 10
	E.O.B: 2.1m		3					
			4					
			5					

NOTES Groundwater was not encountered

LOGGED BY: MW & CS
 DATE DRILLED: 23-Sep-16
 DRILL METHOD 50 mm Hand Auger



Application for Resource Consent under Section 88 of the Resource Management Act 1991

To: General Manager
Regulatory and District Planning
Kaipara District Council
Private Bag 1001
Dargaville 0340

Office use only
Application Number:
Date Received:

1 Details of Property and Site Location

Site Address/Location:	
62 JACK BOYD DRIVE, MANGAWHAI	
Valuation Number:	Legal Description: LOT 6 DP 476711

2 General Application Details

I hereby apply to Kaipara District Council for:

<input type="checkbox"/>	Land Use Consent	<input type="checkbox"/>	Subdivision Consent	<input checked="" type="checkbox"/>	Subdivision and Land Use Consent
<input type="checkbox"/>	Controlled Activity	<input type="checkbox"/>	Restricted Discretionary Activity	<input type="checkbox"/>	Discretionary Activity <input checked="" type="checkbox"/>
<input type="checkbox"/>	Non Complying Activity				

Please enter a brief description of the proposal here:
TO UNDERTAKE A FIVE LOT RESIDENTIAL SUBDIVISION.

This application also includes:

<input checked="" type="checkbox"/>	Form a right-of-way (s348 LGA)	<input type="checkbox"/>	Easement cancellation (s243)
<input type="checkbox"/>	Vary or cancel a consent notice (s221)	<input type="checkbox"/>	Amalgamation covenant/condition (s240) (s241)

Other (please specify) _____

3 Other Resource Consents

Are there any additional resource consents required for this proposal but not being applied for under this application?

Regional Council	X	No		Yes (please provide details)
National Environmental Standards	X	No		Yes (please provide details)

THERE ARE NO COMTAMINATED SOILS WITHIN THE PROPERTY

4 Other Consents/Permissions

Are there any additional Consent required for this proposal? *(Please quote reference numbers if known.)*

Is a Building Consent required?

X	No		Yes	Building Consent Number:	BC
---	----	--	-----	--------------------------	----

Is a Vehicle Crossing Permit required?

X	No		Yes	Permit Number:	BC
---	----	--	-----	----------------	----

5 Applicant Details

Name/s: <i>(please write all names in full) Note: Applicant must be a person or legal entity. Full name of Individual, Limited Liability Company or Trust is required.</i>	
Coral Court Ltd	
Or Company/Trust/Organisation:	
Coral Court Ltd	
Postal Address: 60 Sack Boyd drive	
	Postcode:
Telephone - Mobile	Work:
	Home:
Fax:	Email:

The applicant is the: *(please tick)*

Owner	X	Occupier		Lessee	
Prospective purchaser (of the site to which the application relates)					
Other (please specify)					

6 Agent Details *(if different from above)*

Name/s: <i>(please write all names in full)</i> CLAIRE PHILLIPS - CPPC PLANNING	
Postal Address: PO BOX 550, WARKWORTH 0941	
Postcode:	
Phone Number (Day): [REDACTED]	Mobile: [REDACTED]
Fax:	Email: [REDACTED]

7 Address for Correspondence/Billing *(refer to Application Fees note)*

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

Name/s: <i>(please write all names in full)</i> Shane O'Halloran (Coral Court Hdl) director	
Postal Address: 60 Saet Boyd Drive	
Postcode:	
Phone Number (Day):	Mobile: [REDACTED]
Fax:	Email: [REDACTED]

8 Site Visit Requirements

Is there a locked gate or security system restricting access by Council staff?	X	No		Yes
Is there a dog on the property	X	No		Yes

9 Kaipara District Plan

What is the zoning of your property? RESIDENTIAL - HARBOUR OVERLAY

Please list the District Plan rules that will be breached by your activity:

RULE 13.11.1 - RESIDENTIAL SUBDIVISION

10 Draft Conditions

I wish to see draft conditions for my comment before consent is granted and I agree to an extension of timeframes under section 37 of the Resource Management Act 1991 to allow this to occur.

	No	X	Yes
--	----	---	-----

11 Monitoring

To assist with setting a date for monitoring, please estimate the date of completion of the activity for which resource consent is required. If you do not specify an estimated time for completion, your resource consent, if granted, may be monitored at your cost three years from the decision date.

Approximately when will your activity commence? Feb 2017

Estimated Completion date November 2017

Applications Checklist

	<i>For Subdivisions/Earthworks</i>		<i>For all Other Resource Consents</i>
X	Completed Application Form		Completed Application Form
X	Certificate of Title (<u>full</u> current copy, should be not more than 3 months old) plus any Consent Notices and/or Encumbrances		Certificate of Title (<u>full</u> current copy, should be not more than 3 months old) plus any Consent Notices and/or Encumbrances
X	Assessment of Environmental Effects		Assessment of Environmental Effects
	Written Approval/s obtained or record of consultation undertaken		Written Approval/s obtained or record of consultation undertaken
X	Reports from technical experts (if required) e.g. engineering report, ecological report		Reports from technical experts (if required) e.g. engineering report, ecological report
X	Scaled plans and elevations		Scaled plans and elevations
X	Application fee (cheques should be made payable to the Kaipara District Council)		Application fee (cheques should be made payable to the Kaipara District Council)
X	Cultural Impact Assessment or Evidence of Correspondence from Iwi advising us there is no impact		

Failure to provide all of the information required to support your application will result in the application being rejected pursuant to Section 88 of the Resource Management Act. Please note that there is a \$440 fee associated with the rejection of an application

Note: In order to assist with the timely processing of your application please submit:

1 complete paper copy of your application PLUS **1 digital copy (PDF or Word formats ONLY)**.

Flash Drives are acceptable, please do not send in CDs.

When your application is ready to be lodged a pre-lodgement meeting may be arranged with Council's Planners. There may be a charge for this consultation. However a meeting should tell you if all the information Council requires has been submitted and this may save you time and money.

Privacy Information

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

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

Name: Shane O'Halloran

Signature:  Date: 22/2/2017

Note: Further Information Requests

If an application is not in the required form or does not include adequate information, Council can reject the application under Section 88 (2) (3) of the Resource Management Act 1991. Council may also request further information at any stage through the process where it is considered necessary to process the application under Section 92 of the Resource Management Act 1991.

Note: Application Fees

You are required to pay a fixed lodgement fee at the time of lodgement. Please refer to Council's current Fees and Charges for the relevant fee. Council may charge the applicant for all costs actually and reasonably incurred in processing this application and monitoring compliance with conditions. Subject to the applicant's rights under sections 357B and 358 of the RMA to object to any costs, the applicant undertakes to pay all and future processing costs incurred by Council. Council may issue interim invoices for applications. If any steps, including the use of debt collectors and/or lawyers, are necessary to recover unpaid processing costs, the applicant agrees to pay all collection costs. If this application is made on behalf of a trust (private or family), a society (incorporated or unincorporated) or a company, in signing this application the applicant binds the trust, society or company to pay all the above costs and guarantee to pay all the above costs in their personal capacity. Refer to Council's current schedule of Fees and Charges found on www.kaipara.govt.nz.

Note: Development and Financial Contributions

When granting consent to certain activities, Council may levy a monetary contribution. Development Contributions are levied under the Local Government Act 2002 in accordance with Council's Development Contributions Policy. Financial contributions are levied under the Resource Management Act 1991 in accordance with District Plan provisions. When such contributions become due, the consent holder is responsible for their payment. Unless otherwise advised, the name and contact address of the person responsible for payment of any contributions will be the applicant.

Mr S O'Halloran

Account Transactions Latest Month **2012** 2011 2010 2009 2008 2007 2006 2005 2004 2003

Line	Date	Reference	Type	Amount	Balance	Age	Reversal	Discount & Detail
			Opening Balance		0.00			
1923	27/03/17	730127	1 Cash	-4500.00	-4500.00	3		CORAL COURT - Trfs to RM170099
20008	3/04/17	730229	1 Cash	1344.13	-3155.87	0		TRF TO 170080
21351	25/05/17	46991	2 Invoice	3155.87	0.00	0		Subdivision Consent
21740	12/06/17	47178	2 Invoice	108.75	108.75	0		Engineering Resource Consent Monitoring
22295	29/06/17	000306	1 Cash	-5000.00	-4891.25	3		10JUNM RMA 170099 BON70099 BON
23164	26/07/17	735386	1 Cash	5000.00	108.75	0		RM170099 Bond Hold
23840	15/08/17	48171	2 Invoice	150.00	258.75	0		Inspection Fee
24492	6/09/17	48426	2 Invoice	212.50	471.25	0		Engineering Resource Consent Monitoring
25369	29/09/17	48866	2 Invoice	300.00	771.25	0		Inspection Fee
25559	9/10/17	48944	2 Invoice	255.00	1026.25	0		Engineering Resource Consent Monitoring
25803	17/10/17	000195	1 Cash	-255.00	771.25	3		10OCTA BK RM170099 in170099 in
25807	17/10/17	000266	1 Cash	-771.25	0.00	3		10OCTM RM170099 RM170099
26446	8/11/17	49323	2 Invoice	212.50	212.50	0		Engineering Resource Consent Monitoring
26630	14/11/17	000206	1 Cash	-212.50	0.00	4		10NOVM RM170099 INVOICE 49323
27501	13/12/17	742711	1 Cash	-5000.00	-5000.00	3		
27663	18/12/17	49907	2 Invoice	810.00	-4190.00	0		CERTIFICATE FEES
27664	18/12/17	49908	2 Invoice	978.71	-3211.29	0		Legal Fees
27665	18/12/17	49909	2 Invoice	56465.00	53253.71	0		Reserve Contribution
27666	18/12/17	49910	2 Invoice	100970.00	154223.71	0		Development Contribution
27721	18/12/17	000168	1 Cash	-810.00	153413.71	4		10DECM RM170099 INV 49907
27722	18/12/17	000169	1 Cash	-978.71	152435.00	4		10DECM RM170099 INV 49908
27728	18/12/17	000184	1 Cash	-56465.00	95970.00	4		10DECM S OHALLORAN RM170099 49909
27729	18/12/17	000185	1 Cash	-100970.00	-5000.00	4		10DECM S OHALLORAN RM170099 49910
1786	12/03/18	50833	2 Invoice	300.00	-4700.00	0		Inspection Fee
2660	4/04/19	756823	1 Cash	5000.00	300.00	0		RM170099 Bond

Conditions of Consent

- 1) *This consent (or any part thereof) shall not commence until such time as the following charges, which are owing at the time the Council's decision is notified, have been paid in full:*
 - (a) *All fixed charges relating to the receiving, processing, granting and monitoring of this resource consent under section 36(1) of the Resource Management Act 1991 (RMA); and*
 - (b) *All additional charges imposed under section 36(3) of the RMA to enable the Council to recover its actual and reasonable costs in respect of this application, which are beyond challenge.*
- 2) *The consent holder shall pay any subsequent further charges imposed under section 36 of the RMA relating to the receiving, processing, granting and monitoring of this resource consent within 20 days of receipt of notification of a requirement to pay the same, provided that, in the case of any additional charges under section 36(3) of the RMA that are subject to challenge, the consent holder shall pay such amount as is determined by that process to be due and owing, within 20 days of receipt of the relevant decision.*
- 3) *Prior to the sealing of the Survey Plan pursuant to Section 223 the following conditions shall be complied with:*
 - a) *The survey plan shall be generally in accordance with, the plan of subdivision prepared by C & R Surveyors Limited (Reference 3760 – Stage 3) dated November 2016 and application formally received on 9 March 2017, however showing that the width of the proposed right of way is increased to at least 6m.*
 - b) *The survey plan shall show all necessary easements for the provision of access, drainage and utility services to all lots.*

Any new or existing stormwater drainage facilities shall be protected by an easement(s) in favour of Council.
 - c) *Written confirmation shall be provided from the appropriate network utility providers that satisfactory arrangements can be made for the provision of electricity, telecommunications and wastewater services, in particular with respect to any required easements.*
 - d) *Engineering plans, specifications and calculations relating to the formation of ROW A, B, C and D and the vehicle crossing shall be prepared in accordance with the Kaipara District Council's Engineering Standards and submitted to Council for approval and approved before the construction of these works commences.*

The design shall provide for the following:

 - *Vehicle crossing in accordance with Drawing S06 in the Engineering Standards*
 - *Minimum width as listed in Table 5.1 and quality standards listed in Table 5.7*
 - *Appropriate stormwater drainage facilities shall be provided. Access geometry including longitudinal gradients and cross-falls*

- *Pavement design shall be in accordance with the Kaipara District Councils Engineering Standards 2011 clause 5.2.13 and drawing S03*
- *All design shall be certified as meeting the specified standards by a suitably qualified and experienced engineer to the approval of Council*
- *The plans shall specifically identify the extent of land required for the Right of Way.*

e) *A design for a stormwater system to serve all Lots of the subdivision shall be prepared and submitted to Council for approval, and approved prior to commencement of any works on site. The design shall be undertaken by an appropriately qualified engineer experienced in stormwater drainage. The design of the stormwater system shall be in accordance with The Kaipara District Council's Engineering Standards and the following requirements:*

- *Include recommendations outlined in the Geotechnical report provided with the application. Individual property connections shall be provided, the outlet shall be to the tidal estuary to the south west of the site.*
- *Identify design rainfall intensities and runoff coefficients;*
- *Identify existing and post-development drainage paths and soil conditions;*
- *Identify the extent of secondary flowpaths and associated flooding areas for the 100 year ARI flood;*
- *Identify minimum floor levels for the building sites at least 500 mm above any identified 100 year ARI floor level (6.2.3 Freeboard KDC Engineering Standards) or 5.0 m above mean sea level (6.2.4 Tidal Areas KDC Engineering Standards) whichever is greater;*
- *Ensure that overland drainage paths and outfall are adequately protected from scour and erosion;*
- *Determine appropriate pipe sizes for the piping of primary flow paths from the ROW;*
- *The impervious catchment area considered should comply with the Kaipara District Plan;*
Note: Any impervious surface over the percentage allowed in the Kaipara District Plan will require mitigation.
- *Identify the need for any easements or restrictive covenants to enable the discharge of*

stormwater flows via overland flow paths across the lots of the subdivision. The nature

and extent of proposed easements shall be specifically identified;

- *The design shall be supported by full design calculations, drawings and construction specifications for all recommended works.*

- f) *A design for connection to the Mangawhai Community Wastewater System serving each of the lots of the subdivision shall be prepared and submitted to Council for approval. The design shall be accompanied with a letter of from Trility stating that the proposed design will have no adverse effects on the Mangawhai Community Wastewater Scheme.*
- 4) *Before a Certificate is issued pursuant to Section 224(c) of the Act, the following conditions are to be complied with:*
- a) *Prior to the commencement of any construction work, the consent holder shall provide written verification that the person responsible for carrying out construction work holds public liability insurance to the value of \$1,000,000.00*
- b) *Prior to the commencement of any construction work, the consent holder shall provide written verification that the consent holder's engineer responsible for design and supervision of the roading works holds professional indemnity insurance to the value of \$1,000,000.00.*
- c) *Prior to the commencement of any construction work, the consent holder shall enter into a Bond to the approval of Council, guaranteeing that in the event of damage to existing Council assets or abandonment of the work by the consent holder that all existing Council assets will be returned to a condition at least equal to that which existed prior to the commencement of work. The bond shall be for the sum of \$5,000 and shall remain in full force and effect until such time as all work has been completed and any necessary remedial work completed to the satisfaction of Council*
- d) *Prior to the commencement of any earthworks, the consent holder shall prepare and submit to Council for approval an Excavation and Fill Management Plan. The Excavation and Fill Management Plan shall include:*
- (i) Proposed hours of work on site*
 - (ii) Proposed procedures for controlling Erosion, Sediment runoff and Dust generation*
 - (iii) Details of methods proposed to manage construction traffic and any proposed material storage areas*
 - (iv) Record of any consultation with any property owners or occupiers whose property is within 200m of the proposed activity;*
 - (v) Details of the location and form of earthworks proposed on a site, including volume, area affected and height;*
 - (vi) A plan showing relevant existing and proposed contours and location of any adjacent bush and wetland areas, water bodies and the Coastal Marine Area;*

- (vii) An assessment of the site's ecological, landscape amenity and heritage values and measures directed at mitigating any adverse effects on these values; and*
 - (viii) Where earthworks are within a known area of instability or flood hazard the application will be required to be accompanied by an engineering assessment.*
 - (ix) A plan showing the existing ground levels, proposed cut levels and slope gradient. Include proposed measures to stabilize slopes where the gradient is more than 20% or 1 in 5.*
 - (x) All earthworks and construction works shall be prohibited during public holidays and outside*
 - (xi) the hours of 7:00am to 6:00pm, Monday to Saturday*
- e) Rights of Way A, B, C, and D and the vehicle crossing shall be constructed in accordance with the design approved under condition 3(d) above and the Kaipara District Council's Engineering Standards This shall include as a minimum the following requirements: Council's engineers undertake suitable inspections during construction at key hold points to enable them to confirm that the certification provided by the consent holder's engineer matches the design submitted. As a minimum, hold points shall include:*
- Inspection and approval of subgrade, including review of subgrade testing (if required)*
 - Inspection and approval of compacted basecourse prior to sealing if sealing*
 - If concrete is to be used, pre- pour and boxing inspection*
- No work shall proceed beyond the above hold points until specifically approved by Council's engineers.*
- The consent holder's engineer shall be a suitably qualified competent engineer, surveyor or contractor with recent and ongoing experience in road design and construction to the specific approval of Council.*
- f) The stormwater system for the development shall be constructed in accordance with the design approved under condition 3(e) above. The consent holder shall ensure adequate construction monitoring of all stormwater construction works. This shall include as a minimum;*
- Detail day to day supervision and certification upon completion as complying with the required standards by the consent holder engineer.*
 - Provision of all contractors' quality control documentation to council's engineers for approval.*
 - Council's engineers undertaking suitable inspections during construction key holdpoints to enable them to confirm that the certification provided by the consent holders engineer matches the design submitted.*

The consent holders engineer shall be a suitably qualified competent engineer with recent and ongoing experience in drainage construction and works specific to council.

- g) *The wastewater control system for the development shall be constructed in accordance with the design approved under condition 3(f) above. The consent holder shall ensure adequate construction monitoring of all wastewater construction works. This shall include as a minimum:*
- (i) Detailed day to day supervision and certification upon completion as complying with the required standards by the consent holder's engineer.*
 - (ii) Provision of all contractor's quality control documentation to council's engineers for approval. As a minimum, quality assurance documentation shall include:*
 - Pressure test results.*
 - All pipeline pressure test shall be witnessed by a Council engineer.*
 - (iii) As-builts to be provided in accordance with KDC EES 3.6*
 - (iv) The Contractor shall supply the required As-Built details in hard copy and electronic (AUTOCAD) format.*
 - (v) For pdf files different assets should be marked using following colors :*
 - Water Assets-Blue*
 - Wastewater Assets- Red*
 - Storm water assets- Green*
 - (vi) Co-ordinates in New Zealand Transverse Mercator NZTM2000*
 - (vii) The consent holder's engineer shall be a suitably qualified competent engineer with recent and ongoing experience in drainage construction and works specific to council.*
- h) *Consent Notices pursuant to Section 221 of the Act shall be prepared for registration against the title of Lots 1 and 2 of the subdivision. The consent notices shall draw attention to and require compliance with respect to the following matters:*
- i) Earthworks, the location of buildings, building foundations and stormwater and wastewater disposal to be subject to specific engineering design by a suitably qualified Chartered Professional Engineer having regard to any soil instability/saturation issues that may exist or arise as a result of the development. Design should take into account any of the recommendations identified in the Geotechnical Report prepared by Wiley Geotechnical report dated 18 December 2016.*
 - ii) Floor levels shall be in accordance with the stormwater report prepared at the design stage of this development.*
- Note 1: While the site is considered generally suitable for subdivision, each lot will require specific foundation design at building consent stage to ensure that future dwellings are designed and constructed with due accordance paid to the uncertified fill, depth to the water table and softer material in the upper stream.*
- Note 2: No testing was undertaken on Lot 10.*

iii) At the time of application for a building consent for any dwelling on Lot 10, a vehicle crossing shall be constructed in accordance with the current Kaipara District Council's Engineering Standards.

i) Written confirmation shall be provided from the appropriate network utility providers that electricity and telecommunication services are available to the boundary of each lot of the subdivision.

j) A solicitor's undertaking shall be provided to Council confirming that all consent notices and covenants prepared for registration under the relevant conditions of this resource consent will be duly registered against the new titles to be issued for the subdivision.

All consent notices to be prepared for registration under the relevant conditions of this resource consent shall be prepared by Council's Solicitor at the consent holder's expense and shall be complied with on a continuing basis by the subdividing owner and subsequent owners after the deposit of the Survey Plan unless specifically limited in time by any conditions of this resource consent.

k) A cash contribution in lieu of reserves shall be paid based on 5 % of the assessed value of a "nominal" building site on Lots 6, 7, 8 and 9 of the subdivision, such value to be determined by a registered valuer appointed by Kaipara District Council, at the applicant's expense.

At the time of payment of the contribution, the valuation upon which the cash contribution is calculated shall be no more than 3 months old.

l) The consent holder shall pay all charges set by the Council under Section 36 of the Resource Management Act 1991, including any administration, monitoring and supervision charges relating to the conditions of this resource consent. The consent holder will be advised of the charges as they fall.