

17 November 2022

Kaipara District Council  
Attn: Michael Day and Paul Waanders  
Via email: [mday@kaipara.govt.nz](mailto:mday@kaipara.govt.nz); [pwaanders@kaipara.govt.nz](mailto:pwaanders@kaipara.govt.nz)

Tēnā kōrua Michael and Paul,

**Moonlight Heights Ltd, Private Plan Change Request – Further Information request, pursuant to Clause 23 of Schedule 1, RMA**

Thank you for your memorandum dated 6 July 2022 requesting further information pursuant to clause 23(1) of Schedule 1 of the RMA. The applicant taken time of comprehensively consider the information request and provide the following responses.

**1. Transport**

*Northland Transport Agency (NTA) has carried out an initial assessment of the Private Plan Change request (the request) and has found that the traffic report submitted with the application has addressed some of their concerns, but did not include the effects of active transport, mitigations, positive contributions towards improving mode shift and has addressed the crash risks to a minimal degree. NTA therefore requests the applicant to provide an ~~Independent~~ Integrated Transport Assessment (ITA), which addresses the following points/issues, which then may be subject to a peer review:*

- 1. The Traffic Impact Assessment (TIA) provided with the request does not address effects of active transport connectivity requirements with the existing network, with the schools, playground, shops, civic centre/precinct – please provide mitigation measures in the ITA.*
- 2. Provision for cyclists – will this be on-road or off-road?*
- 3. Even though recent crashes that occurred in Awakino road are minor injury crashes, the cause is mainly due to turning movements, which will increase due to this plan change and this is due to the gridline alignment of Dargaville. Mitigations are to be provided to address the additional risk due to this plan change – please address in ITA.*
- 4. Please ensure the ITA provides recommendations for locations of pedestrian/cyclists crossing facilities, which should comply with “NZ Pedestrian Planning Design Guide 2022 and associated Pedestrian Crossing Selection Tool”.*
- 5. ITA to include how safe system compliant pedestrian and cycle routes will be provided to local schools (Primary & Secondary), parks and key destinations.*
- 6. Will the existing pavement design along Awakino road be able to accommodate the additional traffic? – Please address in the ITA.*
- 7. Proposed auxiliary left turn lane at SH 12 and Awakino road intersection is not in compliance with Safe System, National Cycle Strategy, and the National Standards – Applicant to address this and propose a mitigation that is safe system compliant.*

### **Applicant Response:**

Traffic Planning Consultants have prepared a detailed response to the above information requests (**Attachment 1**), which concludes:

“Following the review of Council’s and Waka Kotahi’s comments, it has been realised that the previous Precinct Plan Provisions contained a gap within them, that failed to address the required pedestrian and cyclist improvements needed to facilitate the development within the Plan Change area. As such the Provisions have been updated to reflect this to ensure that as part of any subsequent development, the necessary upgrades to the active transport network and assessment on the Awakino Road and State Highway 12 is carried out. The provision is:

8.a.iii) Any Integrated Transport Assessment shall be commensurate to the scale and effect of the proposed development, and identify of any necessary mitigation measures that will be required to address any impacts on the transport network, including:

- Potential mitigation measures needed both within the proposed development and on the immediately adjacent transport network including any improvements, upgrades, alterations or extensions to the transport network (including at level crossings).
- Any mitigation required to achieve convenient and safe operation of access points for all users and safe and efficient pedestrian and cycle connections and crossings.
- Any recommendations and necessary mitigation to establish active transport connectivity and compliance with NZ Pedestrian Planning Design Guide 2022, including the consideration of the following:
  - Extensions of existing footpaths on Awakino Road where necessary.
  - The need to establish a shared path connecting the development to any existing shared path facilities.
  - Provision for pedestrian crossing facilities near new public road connections to Awakino Precinct.
- A summary of the Integrated Transport Assessment including key findings and implications that the development will have for transport including any proposed mitigation measures.
- Any development which requires new public road infrastructure to be constructed and vested to Council shall undergo a Safe System Approach Assessment.
- Any development which generates more than 70 vehicle movements within a peak hour (not daily) at the intersection of Awakino Road and State Highway 12, shall carry out a Safe System Approach Assessment of the intersection.”

It is considered that the above provision will trigger any appropriate and necessary mitigation works required at the time of development. A revised set of Precinct Provisions are included in **Attachment 2**.

## ***2. Infrastructure Requirements:***

### ***Clarification 1 – ~~Water~~ Wastewater Reticulation***

*A model has been designed, however growth scenarios and the network growth programme are currently being worked on with an external consultant. A preliminary draft has been recently provided to Kaipara District Council (KDC), indicating additional flow (generated by growth) to overwhelm Pump Station 13 and the downstream network.*

*An amount to upgrade the Awakino Pipeline is allocated in LTP year 2028 (6 years from now) and therefore not in alignment with the proposed development programme.*

*The applicants' views on how this matter could be addressed is appreciated.*

**Applicant Response:**

Chester have reviewed this request and provide the following response:

The proposed provisions require that written approval of Council's Asset Manager is obtained and provided with an application for resource consent. This means that regardless of the desired development program there is a mechanism to ensure that a resource consent is not granted or is granted with conditions such to ensure that actual built development does not occur ahead of the capacity being available in the existing wastewater reticulation network.

As presented in the Chester Land Development Report there are options available to service the plan change area without the need to connect to Pump Station 13 (PS13). Also, as presented in the report, it would be feasible as part of developing the plan change area to upgrade PS13 and/or divert its discharge generally along the alternate wastewater alignment presented in the report. This option provides a wider benefit as it would reduce demand on the rest of the network and could be completed at subdivision stage.

So, the Council position is understood, and the limitation is known meaning the development will either align to the council's capital works timelines, work with the council to bring works forward or propose an alternative; all of which require Council's approval.

***Clarification 2 – ~~Wastewater~~ Water Reticulation***

*It is noted on Section 8.2.1.2 Reticulation Network*

*"...The Council has advised that a network model completed by a sub-consultant exists. We have requested the results of this model as well as the provided flow scenarios to be tested in this model. At the time of this report (May 2022) this information had not been provided..."*

*KDC confirms the model has now been completed, however growth scenarios and network growth programme are currently being worked on by an external consultant. A preliminary draft has been recently provided to KDC, indicating the reticulated network to be relatively old (1950 installation) and undersized for future growth, and likely requiring replacement in the near future.*

*It should be noted there is currently no funding allocated in the LTP 2021/31 to upgrade the infrastructure due to growth. Budget is only available for renewals*

*The applicants' views on how this matter could be addressed is anticipated.*

**Applicant Response:**

Chester have reviewed this request and provide the following response:

At the time of this response (October 2022), we have not yet been provided with the report. We do confirm that coordination with Council's external consultant is underway to get the network model run with the specific growth demand inputs for this area. This will help gain a better understanding of the upgrade works required to service the plan change area.

Regardless of modelling results, the proposed provisions require that written approval of Council's Asset Manager is obtained and provided with an application for resource consent. This means that there is a mechanism to ensure that a resource consent is not granted or granted with conditions such to ensure that actual built development does not occur ahead of the existing water reticulation network being capable of servicing the growth in the plan change area.

Given the information available to date, we anticipate that upgrade works within the existing reticulated network will be required. Dependent on final development timing we anticipate that this upgrade work will be completed by the developer. A potential scenario is that the developer would facilitate upgrading the necessary pipes to service the development site and the Council would contribute the respective renewal cost of the pipes being upgraded at subdivision stage.

So, the Council position is understood, and the limitation is known meaning the development will either align to the Council's capital works timelines, work with the council to bring works forward or propose an alternative; all of which require Council's approval.

### ***Clarification 3 – Wastewater Treatment Plant***

*The work commissioned by KDC is to determine the performance and condition of the WWTP at its current state. No investigation is underway in relation to the ability of the existing WWTP to accept the additional load specifically generated by the proposed development.*

*Thus, a detailed assessment of the existing capacity of the WWTP and capability to accept the additional load generated by the proposed development is required.*

*The applicants' views on how this matter will be addressed is appreciated.*

### **Applicant Response:**

Chester have reviewed this request and provide the following response:

We have reviewed the memo completed by AWA titled 'Dargaville Wastewater Treatment Plant Capacity & Condition Assessment – Overview', dated 30 August 2022, which we understand summarises the findings of the work commissioned by KDC noted above. We acknowledge that the 'assessment has found the WWTP to lack the capacity for treating current and estimated future wastewater flows.' The estimated future wastewater flows being that outlined in 'Population Projections 2018-2051, Kaipara District Council, October 2020'.

We note that the proposed plan change area is within an area identified for residential housing in the spatial plan for Dargaville; so, the development area is not outside the area which should otherwise be included Councils' own infrastructure strategy assessments. This means that when budget is allocated in the long-term plan to investigate potential wastewater treatment plant upgrades to accommodate expect growth, the demand from the development site should be included by default.

We agree that a detailed assessment is required with respect to current and future demands on the WWTP and the associated capital works. But this does not need to happen prior to the proposed plan change being approved. This can be done in line with Councils LTP's and any additional discharge / development ahead of the WWTP's capacity can be restricted through the proposed provisions.

We note that having the plan change site zoned residential provides both the Council and perspective developers more assurance around future growth and could incentivise private developers to contribute financially to the investigation and upgrades of the WWTP where capital works can be bought forward to enable development sooner.

So, the Council position is understood and the limitation is known meaning the development will either align to the Councils capital works timelines, work with the Council to bring works forward or propose an alternative; all of which require Council's approval.

#### ***Clarification 4 – Wastewater Treatment Plant Effluent Disposal***

*The applicant suggests a potential solution is available for the future expansion of the WWTP in relation to the proposed development. However, even if land is available, this does not necessarily imply that a solution within a set timeframe and budget may be achievable. As per clarification 3 above, impact of the development and potential upgrades required are not known.*

*The applicants' views on how this matter will be addressed is appreciated.*

#### **Applicant Response:**

Chester have reviewed this request and provide the following response:

It is agreed that just because land is available, it is not implied that a solution within a set timeframe and budget is achievable. The comment in section 8.2.1.1 of the Chester Land Development Report only suggests that area availability is not a constraint. Land being available does significantly increase the likelihood that feasible solutions exist.

As noted in the response to clarification 3 above, the proposed development site is within an area identified for residential housing in the spatial plan for Dargaville.

#### ***Clarification 5 – Wastewater Treatment Plant Finances***

*In Section 8.2.2.1 ~~of the~~ Kaipara Infrastructure Strategy of the **Chester Land Development Report**, it states that \$14,75M is available for the future expansion of the WWTP. However, it should be noted that this amount is spread across 40 years (2021-2051).*

*The actual amount allocated within this current LTP is \$2M (in 2028).*

*The applicants' views on how this matter could be addressed is appreciated.*

#### **Applicant Response:**

Chester have reviewed this request and provide the following response:

Section 8.2.2.1 of the Chester Land Development Report does not state that \$14,75M is available for future expansion of the WWTP. Rather, it notes that there is a major capital expenditure allowance of \$14.75M for wastewater growth in Dargaville. This is important because it shows that there is a commitment already from council to provide for growth in Dargaville which should include the development site given the spatial mapping.

We acknowledge that timing will be a constraint with respect to the investigation and implementation of WWTP upgrades. But the WWTP does not need to be capacity ready at the time of the plan change. This is

because the proposed provisions give Council the ability to withhold asset managers approval until such time as there is sufficient capacity in the future.

So, the Council position is understood, and the limitation is known meaning the development will either align to the Council's capital works timelines, work with the council to bring works forward or propose an alternative; all of which require Councils' approval.

### **3. Mana Whenua Engagement:**

*Te Roroa are recognised as Mana Whenua in this locality and it is necessary that the application takes into account the Te Roroa Iwi Environmental Policy Document. KDC staff understand that discussions are underway with Te Roroa and a Cultural Impact Assessment is awaited.*

#### **Applicant Response:**

Te Roroa Commercial Development Company have provided a Cultural Impact Assessment (CIA) refer to **Attachment 3**.

The CIA concludes:

*"Moonlight project is located within ancestral lands of Te Roroa and Te Roroa hapu whom descend from Te Roroa tupuna Toa and maintain manawhenua and kaitiakitanga status due to their occupation and connection of the whenua for over 600 years. This association provides an intergenerational cultural connection or whakapapa to the whenua. These cultural connectors or values must be elevated and preserved by tangata whenua. Strengthening these cultural connectors is the responsibility of tangata whenua to protect, enhance and preserve our taonga and culturally significant sites."*

Section 9 of the CIA provides recommendations, **Attachment 4** provides applicants response to those recommendations. As summarised in Attachment 4 it is considered that the proposed plan change adequately addresses any concerns raised by the Cultural Impact Assessment, as such potential cultural effects of the proposed zoning will be less than minor.

I trust that this provides a comprehensive response to the information requested and the application can continue to proceed to Council for adoption to notify as soon as possible.

Yours sincerely | Nāku noa, nā

**Barker & Associates Limited**



**Melissa McGrath**

Senior Associate

Barker & Associates Limited

14 November 2022

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## **RESPONSE TO ADDITIONAL INFORMATION REQUEST – MOONLIGHT HEIGHTS, AWAKINO ROAD, DARGAVILLE**

The following is a response to the additional information requests received from Kaipara District Council (via Northland Transport Alliance) and Waka Kotahi in response to the provided Transport Assessment. This letter follows a request-comment format, where requests/suggested change comments from Council are shown in *italic blue font* and those from WK are shown in *italic green font* followed by our response. It is intended that this response be read in conjunction with the Transport Assessment dated June 2022.

### **Request 1:**

*The Traffic Impact Assessment (TIA) provided with the request does not address effects of active transport connectivity requirements with the existing network, with the schools, playground, shops, civic centre/precinct – please provide mitigation measures in the ITA.*

### **Response 1:**

This was an oversight within the reporting, as footpath provisions to connect to the wider road network was discussed within the project team, prior to Plan Change Lodgement.

A footpath is provided on the western side of Awakino Road, terminating 215 metres north of Paritai Place. As part of any resultant subdivision and road construction within the Plan Change area the existing footpath will be extended to the north connecting to the northern most boundary of the subject site. See **Figure 1** below.

To supplement this footpath extension, and subject to detailed design a pedestrian crossing facility will be included as part of the main intersection design of Awakino Road and the Awakino Precinct area.

Lastly, as the Dargaville Spatial Plan looks to utilise Awakino Road as a main North-South pedestrian/cyclist route, there is opportunity to provide a shared pathway along the site frontage (eastern side of Awakino Road), which currently is without any public footpath between Cranley Street and its northern end. Providing the shared path along this side of the Awakino Road, in conjunction with long term planning by KDC, will allow for a great number of residents to have direct access to an active mode connection. It is noted that the applicant would only provide a shared path for the extent of their development area frontage which would be completed as part of subdivision enabling works.

With respect to walking/cycling catchment area, it is considered that Dargaville High School and Dargaville Hospital are within reasonable walking distances, which will be encouraged through the supporting active transport connections as a result of subsequent subdivisions. As for connection to playgrounds, as part of a future subdivision, green space and public park area will be included, allowing for good active mode connection. For shopping areas, given the distance being ~2.5 kilometres, it is unlikely that many trips will be made by active modes, as the distance will be discouraging for many, taking approximately 30 minutes one-way. However, with the improvements made to the existing public footpath network, safe connections will be available giving individuals the option of mode choice.

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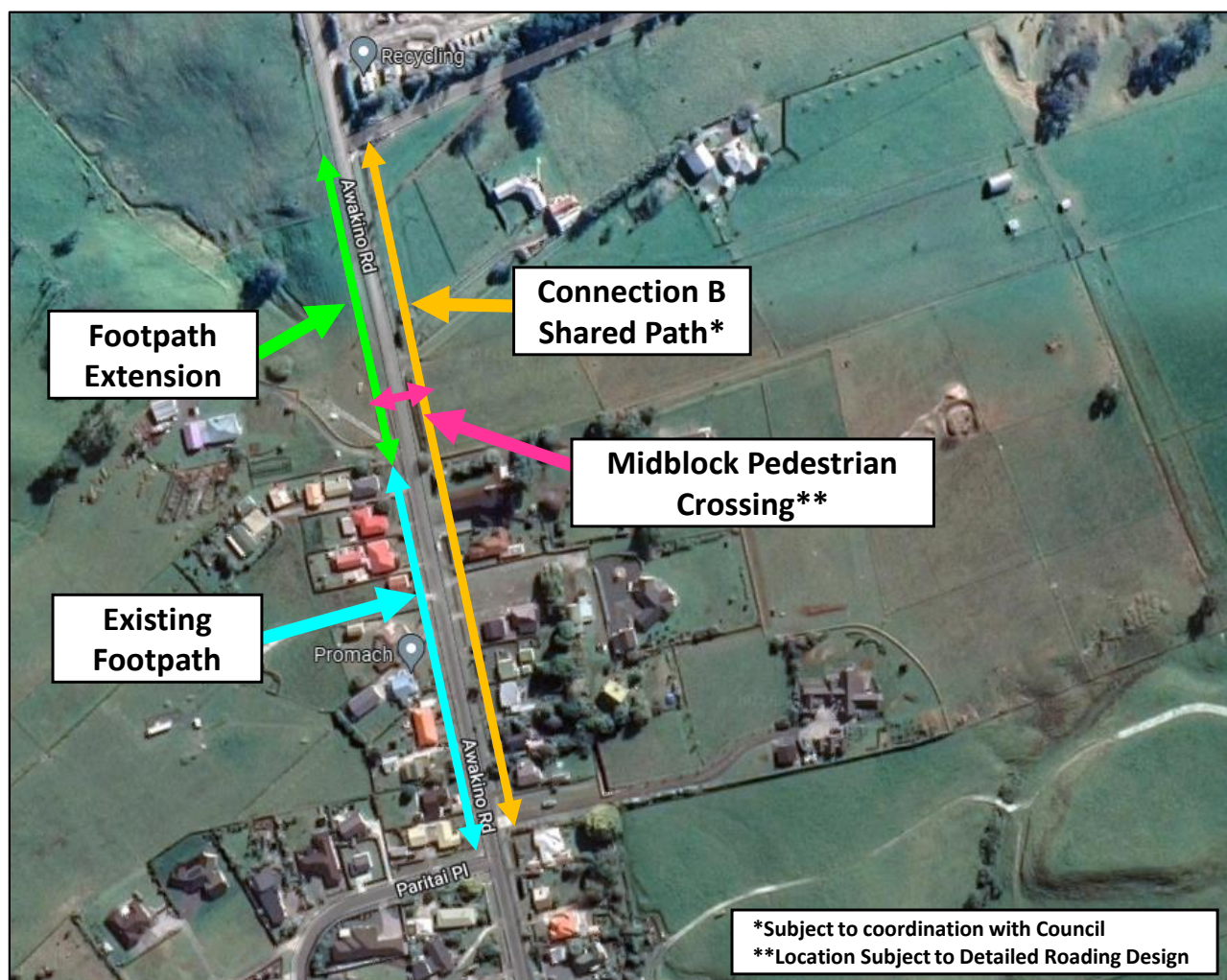


Figure 1: Awakino Precinct Existing Footpath Network Extension

#### Request 2:

*Provision for cyclists – will this be on-road or off-road?*

#### Response 2:

It is anticipated that cyclists will have the option to choose between an off-road 3 metre shared path, or cycle within the carriageway.

This matter will be investigated in greater detail at a future subdivision and road design stage, as it is considered to be a more detailed design matter.

#### Request 3:

*Even though recent crashes that occurred in Awakino road are minor injury crashes, the cause is mainly due to turning movements, which will increase due to this plan change and this is due to the gridline alignment of Dargaville. Mitigations are to be provided to address the additional risk due to this plan change – please address in ITA.*

#### Response 3:

Request 7 builds upon Request 3 and has been responded to in Response 7.



**Request 4:**

*Please ensure the ITA provides recommendations for locations of pedestrian/cyclists crossing facilities, which should comply with “NZ Pedestrian Planning Design Guide 2022 and associated Pedestrian Crossing Selection Tool”.*

**Response 4:**

At least one pedestrian/cyclist crossing facility will be provided across Awakino Road near the site’s frontage. However, as the exact location of the road network is unknown and subject to change following further engineering investigation, provided recommended locations would be of low value at this point in time.

Notwithstanding, the location of the pedestrian/cyclist facility can be investigated further at the subdivision design stage.

**Request 5:**

*ITA to include how safe system compliant pedestrian and cycle routes will be provided to local schools (Primary & Secondary), parks and key destinations.*

**Response 5:**

The site is located 1.2 kilometres from Dargaville High School and 2.0 kilometres from Selwyn Park Primary School. As identified previously, the existing public footpath network will be extended and supplemented by a robust pedestrian/cyclist network within the Plan Change Area, along with a mid-block pedestrian/cyclist facility (subject to further design at a later stage). Similarly, green space will be provided within the future area, allowing for close, well-connected access to parks.

**Request 6:**

*Will the existing pavement design along Awakino Road be able to accommodate the additional traffic? – Please address in the ITA.*

**Response 6:**

There is no reason to anticipate that Awakino Road pavement design would structurally fail as a result of the additional vehicle loading from the proposal. As the majority of traffic from the Awakino Precinct would be personal vehicle, the loading profile is fairly small, compared to that of larger trucks. If there are any as-built construction details of the road which Council could provide for Awakino Road, further investigation could be carried out. Additionally, it is noted that with the old landfill location north of the subject site and existing Transfer Station, heavy vehicles currently utilise the road regularly and this can be reasoned to have been a factor in the existing road/pavement design.

As part of the resultant intersection designs to serve the subject areas, there is opportunity to reform parts of Awakino Road near the subject site, as needed. However, a full reconstruction is not considered necessary at this stage in time. However, during construction phases with significant increases to heavy vehicle traffic, there is potential for increased wearing on the road. This can be addressed through a pre and post road survey, which will identify any existing deficiencies and any created deficiencies as a result of the construction process.

**Request 7:**

*Proposed auxiliary left turn lane at SH 12 and Awakino Road intersection is not in compliance with Safe System, National Cycle Strategy, and the National Standards – Applicant to address this and propose a mitigation that is safe system compliant.*

## Response 7:

The auxiliary left turn lane for the southbound approach was proposed to help reduce average delays experienced at this approach. By reducing delays, it is considered that drivers will have more patience when looking to turn and therefore be less likely to attempt to take an unsuitable gap within the traffic stream, which can lead to a crash. It is not clear how this proposal is not in compliance with the standards mentioned and more specifics in relation to this would be appreciated.

When examining the specifics of the reported minor injury crashes; the following is noted:

- September 2020: Driver suspected to be under the influence of alcohol, travelling at excessive speed hit a vehicle's rear end, which hit multiple other vehicles.
- July 2021: Driver failed to stop at stop sign, hitting vehicle along Jervois Street (SH12)
- September 2019: Drivers on opposite sides of Awakino Road, both went to travel through intersection at same time with northbound through vehicle being hit by southbound right-turning vehicle, which failed to give-way.
- February 2017: Truck driver failed to stop at stop sign, hitting vehicle along Jervois Street (SH12).

As part of the Safe System Approach, the goal is to eliminate deaths and serious injuries on roads within New Zealand. As there has been four minor injuries at this intersection in the past 5+ years, (five serious injuries in the past 42 years, 1980-2022), it is considered that this intersection operates at a level that is generally consistent with the objectives of the SSA.

In terms of road improvements to reduce the potential of side-on collisions at this intersection as part of a SSA, a speed hump could be installed on the north intersection approach approximately 10 metres from the stop line position. As such drivers would be required to slow in advance of the intersection, thereby reducing the potential for travelling through the intersection without stopping. However it is noted that this improvement would not address driver's making mistakes and pulling into the path of oncoming vehicles. The only realistic ways to address this would be to reduce speed limits along SH12, install a raised speed table through the intersection, or construct a roundabout.

With respect to improvements outside of the road carriageway at this intersection, the pedestrian crossing along the north approach of the intersection of Awakino Road and SH12 can have its alignment improved, such that pedestrians are able to walk in a straight line across the carriageway, as illustrated in **Figure 2**.



Figure 2: Awakino Road Pedestrian Crossing

At this stage of the development process, it is considered that greater assessment and improvement investigation can be successfully be carried out following a successful Plan Change Application. To ensure this, a provision can be included within the Awakino Precinct Plan that would call for the intersection of Awakino Road and SH12 to undergo a full SSA Assessment for the development of more than 10 lots at a subdivision stage.

#### Request 8:

*The Transport Assessment Report (dated 2 June 2022) states: At the intersection of Awakino Road and Jervois Street (SH12), the north intersection approach was forecast to result in increased average delays for all turning movements, such that the proposal would likely result in noticeable effects onto the operation to the intersection. To mitigate the effects of the proposal, an auxiliary left-turn lane, with 20 metres of storage can be constructed through road widening on the north approach to improve the intersection's capacity and reduce delays to an acceptable level. It is considered that the proposed provisions will trigger appropriate upgrading of the intersection of Awakino Road and Jervois Street (SH12) as necessary.*

- a. Can the precinct provision that would trigger this upgrade be clearly stipulated;*
- b. Can the applicant consult with Waka Kotahi in regard to any proposal resulting in works on State Highway 12 as per Chapter 11 Transport Network, Rule 11.10.2(1)(b) Road Construction and works in or on a road not undertaken by the Council or NZ Transport Agency (where Rule 11.10.1 does not apply).*
- c. In terms of the safe and efficient operation of the SH12/Awakino Road intersection, there is no discussion around a safer system treatment that would improve both the safety and efficiency of the intersection in the future for vehicles and active transportation modes.*
- d. The Transport Assessment notes that the major contributing factor for crashes at this intersection is human error and this is expected to occur to a degree within any road environment. It is highly likely that the increase in traffic using this intersection (particularly right turn movements) generated by this development will increase the safety risk. The addition of a left turn lane is targeting the efficiency of the intersection but it in no way addresses the safety performance and therefore can not be considered a safer system treatment.*
- e. Can evidence and a general arrangement plan be provided to Waka Kotahi that this is an appropriate intersection form and will provide the safest outcome for vehicle drivers, cyclists and pedestrians. The concern being that the intersection will involve three active lanes and visibility will be reduced.*
- f. In consideration of all the points above, can the applicant review the Transport Assessment and provide more detail in terms of road safety and the provision of walking and cycling facilities that would then enable Waka Kotahi to re-assess the proposal.*

#### Response 8:

Following comments from Council and WK as part of this Plan Change Application, it has been identified that implementing an auxiliary left turn lane on the north intersection approach of Awakino Road and SH12 was not a preferred outcome following preliminary investigation. As such a precinct provision to implement this is not considered necessary at this stage, rather a Precinct Provision to trigger a Safe System Approach Assessment of the existing public footpath network along Awakino Road between the subject lands and Kauri Court, and the intersection of Awakino Road and SH12. Having this a precinct provision will aid in the outcomes as the context of any proposed subdivision, its roading, number of dwellings, and other supporting active transport infrastructure can be considered as a whole.

Any works on the SH will involve consultation and approval with WK. This would be a standard condition of any subsequent consent decision.

**Request 9:**

*The applicant has stated that the plan change will be consistent with the planned urban built form anticipated for Dargaville giving effect to the Dargaville Spatial Plan. Could the following matters please be clarified:*

- a. How will this policy: PREC1-P1 Awakino Precinct Subdivision [c. Have a well-connected transportation network, including walking and cycling corridors] be achieved without wider transportation connections to the town centre or adjoining land parcels.*
- b. Will the applicant develop a portion of the walking and cycling connection along Awakino Road as shown in the Dargaville Spatial Plan, Primary Cycle/walking connection B.*
- c. There is no mention of the KDC Walking & Cycling Strategy 2017 in Section 7.4 Council Strategic Plans and Policies of the AEE. The strategy recognises that the compact size of Dargaville provides an ideal opportunity to encourage residents to walk and cycle for local trips. Could detail please be provided on how this will be addressed.*

**Response 9:**

As part of any subsequent subdivision and development, the public footpath along Awakino Road will be extended along the west side of the road to meet the subject lands and integrate with the new public footpath/cycle network within the Awakino Precinct. Following a successful plan change, Precinct Provisions can allow for both the extension of the existing footpath and a shared path to be constructed along Awakino Road (potentially on its eastern side) in aligning with the cycle/walking connection B. However, this provision will require further design investigation and coordination with Council following a successful plan change. There are no immediate concerns that implementing these changes and upgrading existing infrastructure cannot be achieved following the Plan Change.

With these new active infrastructure facilities constructed and connecting into the existing public footpath, provisions will be in place to allow resident to walk and cycle for local trips, should they so choose.

**Request 10:**

*The Draft Precinct Plan shows the internal transport loop road connection and green street connection.*

- a. Waka Kotahi considers there would be benefit in creating further connections to the north and south of the site or implementing a mechanism for broader connectivity to future subdivisions in the future.*
- b. Waka Kotahi considers there would be benefit in enforcing a mechanism (ie. easement) for future proofing of public access to the rear extent of the plan change area to provide future access for Primary Cycle/walking connection C as shown in the Dargaville Spatial Plan.*

**Response 10:**

Based on the contours of the surrounding area, no provisions for future road connects to the north and south have been made as from an engineering standpoint, they would be cost-prohibitive to build and would likely result in roads with steep gradients not appropriate for a public road.

As part of the future subdivision, provisions will be made for public walkways and can be included to connect to the future shared path along the river and stream network. This allowance would be mutually beneficial and is recommended to be provided for within the Precinct Plan provisions.



**Request 11:**

*The applicant has not proposed any changes to the KDC District Plan which will reduce the need for parking.*

*a. National Policy Statement on Urban Development 2020, Subpart 8 – Car Parking 3.38 Requires that: If the district plan of a tier 1, 2, or 3 territorial authority contains objectives, policies, rules, or assessment criteria that have the effect of requiring a minimum number of car parks to be provided for a particular development, land use, or activity, the territorial authority must change its district plan to remove that effect, other than in respect of accessible car parks.*

*b. Does the applicant intend for each residential dwelling to meet the minimum requirements as per Appendix 25C Parking, Loading and Manoeuvring Standards of 2 car parking spaces required per unit. This would amount to approx. 736 car parks within the plan change area. Can this be clarified as parking is not discussed in the AEE or Transport Assessment Report.*

**Response 11:**

Parking for the Awakino Precinct has been provided in line with the Kaipara District Plan requirements. Given the limited availability of public transport within Dargaville and the walk distances which would be required to reach the town centre/trip attractors, it is forecast that personal vehicle will form a large portion of trips to/from the site. It is noted that Dargaville the population of Dargaville, does not subject it to the removal of parking minimums and as such, parking is to still be provided in accordance with the Operative District Plan.

There is currently no parking number proposed for the development area, as first the Plan Change must be approved, followed by a Subdivision Consent. It is then anticipated that each dwelling construction will be subject to its own Resource Consent Application, where the prospective residents would be able to determine their own parking/access provisions in accordance with the Precinct Plan.

From a baseline perspective it can be expected that at least two parking spaces will be available per each developed lot, or some 696 on-site parking spaces (~348 lots). Additionally, the Precinct Plan requires indented parking to be provided, but the extent and number of on-street spaces will be subject to greater engineering design at a higher detailed stage.

**Request 12:**

*How will the plan change ensure consistency with the strategic priorities of the NPS 2021, those of relevance being: Safety: Developing a transport system where no one is killed or seriously injured; Better Travel Options: Providing people with better transport options to access social and economic opportunities; and Climate Change: Developing a low carbon transport system that supports emissions reductions, while improving safety and inclusive access.*

**Response 12:**

The development will look to provide supporting active mode transportation in the form of public shared paths. As outlined within the Precinct Plan provisions, roads serving more than six dwellings will be required to provide a 3-metre-wide shared path, on at least one side of the road. With the other side having a 1.8-metre-wide public footpath.

A provision will be included within the Precinct Plan to carryout a SSA Assessment for the existing pedestrian network along Awakino Road between the subject area and Kauri Court, along with the existing intersection of Awakino Road and SH12.

**Request 13:**

*In May 2022, the Government launched Te hau mārohi ki anamata, Aotearoa New Zealand's first emissions reduction plan. The ERP contains wide ranging actions and outcomes for multiple sectors and transport has a significant role to play, with the ERP calling for a 41% reduction in emissions for the transport sector by 2035 (from 2019 levels).*

*a. If the applicant does not provide the relevant transport infrastructure to encourage modal shift, how will this plan change reduce reliance on private vehicles and support people to walk, cycle and use public transport and in turn reduce vehicle emissions.*

**Response 13:**

The development will look to provide supporting active mode transportation in the form of public shared paths. As outlined within the Precinct Plan provisions, roads serving more than six dwellings will be required to provide a 3-metre-wide shared path, on at least one side of the road. With the other side having a 1.8-metre-wide public footpath.

As the development plan matures following the result of this Plan Change, the expectation is that greater engineering design will be carried out ensuring a safe and robust active transport network within the Awakino Precinct, which then connects to existing public roads.

**Conclusion:**

Following the review of Council's and Waka Kotahi's comments, it has been realised that the previous Precinct Plan Provisions contained a gap within them, that failed to address the required pedestrian and cyclist improvements needed to facilitate the development within the Plan Change area. As such the Provisions have been updated to reflect this to ensure that as part of any subsequent development, the necessary upgrades to the active transport network and assessment on the Awakino Road and State Highway 12 is carried out. The provision is:

8.a.iii) Any Integrated Transport Assessment shall be commensurate to the scale and effect of the proposed development, and identify of any necessary mitigation measures that will be required to address any impacts on the transport network, including:

- Potential mitigation measures needed both within the proposed development and on the immediately adjacent transport network including any improvements, upgrades, alterations or extensions to the transport network (including at level crossings).
- Any mitigation required to achieve convenient and safe operation of access points for all users and safe and efficient pedestrian and cycle connections and crossings.
- Any recommendations and necessary mitigation to establish active transport connectivity and compliance with NZ Pedestrian Planning Design Guide 2022, including the consideration of the following:
  - Extensions of existing footpaths on Awakino Road where necessary.
  - The need to establish a shared path connecting the development to any existing shared path facilities.
  - Provision for pedestrian crossing facilities near new public road connections to Awakino Precinct.
- A summary of the Integrated Transport Assessment including key findings and implications that the development will have for transport including any proposed mitigation measures.
- Any development which requires new public road infrastructure to be constructed and vested to Council shall undergo a Safe System Approach Assessment.



- Any development which generates more than 70 vehicle movements within a peak hour (not daily) at the intersection of Awakino Road and State Highway 12, shall carry out a Safe System Approach Assessment of the intersection.

We trust that the preceding provides sufficient additional information as related to your requests. However, should you have any queries or require further clarification, please contact the undersigned.

Yours faithfully

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Insert new Precinct Section into Chapter 13 – between 13.9 and 13.10

**PREC1 AWAKINO PRECINCT**

**Description of Awakino Precinct**

The Awakino Precinct enables medium density residential development for a range of allotment sizes where ecological enhancement, open space and connectivity corridors are achieved. The Awakino Precinct integrates with the Residential Zone to provide for a variety of residential intensities that promote housing and living choices whilst recognising the natural features and characteristics of the area. The Residential Zone provides for traditional suburban densities and housing forms which is currently characterised by one to two storey detached residential units on larger properties setback from boundaries with landscape gardens.

<b>Objectives</b>	
<b>PREC1-O1</b>	<b>Awakino Precinct Density</b>
Residential living opportunities and housing choice is enabled in the Awakino Precinct whilst ecological, reverse sensitivity, and character and amenity effects are managed.	

<b>Policies</b>	
<b>PREC1-P1</b>	<b>Awakino Precinct Subdivision</b>
<p>Awakino Precinct provides for a range of site sizes and densities, and subdivision layout where:</p> <ol style="list-style-type: none"> <li>1. A mixture of allotment sizes is provided that have the ability to accommodate different housing typologies.</li> <li>2. There is sufficient infrastructure to accommodate the development.</li> <li>3. The development is sympathetic to the surrounding environment and adverse effects on adjoining sites are managed, including reverse sensitivity effects.</li> <li>4. Good design of subdivision is achieved by the following: <ol style="list-style-type: none"> <li>a. Urban blocks that respond to topography, solar orientation, prevailing winds and are flexible to deliver a range of typologies.</li> <li>b. Lots are generally shaped, sized and orientated to achieve positive sunlight access, onsite amenity, privacy and outlook, with particular regard to east – west orientation.</li> <li>c. Have a well-connected transportation network, including walking and cycling corridors.</li> <li>d. Public roads, and open space networks are well connected, legible and safe.</li> <li>e. The creation of rear lots is minimised, except where there is no practicable alternative.</li> <li>f. Integration with adjacent sites to enable future development opportunities.</li> </ol> </li> </ol>	
<b>PREC1-P2</b>	<b>Awakino Precinct Residential Amenity</b>
<p>To manage adverse effects on residential amenity and character by requiring residential activities to have regard to the way the development:</p> <ol style="list-style-type: none"> <li>1. Provides street activation through: <ol style="list-style-type: none"> <li>i. Orientation of building mass towards the street;</li> <li>ii. Visual and physical connection between principle pedestrian access and the street;</li> <li>iii. Visual connection from windows overlooking the street to create passive surveillance.</li> </ol> </li> </ol>	

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<p>iv. <u>Provides landscaping and fencing treatments at the interface with the Rural Zone, natural wetland network and other open space.</u></p> <p>v. <u>Relates to neighbouring properties by employing setbacks, sensitive building orientation and design, and landscaping to mitigate dominance and privacy impacts.</u></p> <p>vi. <u>Provides safe and active interface to open space networks and road corridors onto which it fronts.</u></p> <p>vii. <u>Design to recognise the amenity and character of the street and other buildings in the vicinity, having regard to building bulk, scale and mass.</u></p>	
<b><u>PREC1-P3</u></b>	<b><u>Awakino Precinct Connectivity</u></b>
<p><u>Require land use and subdivision to achieve a connected, legible and safe open space, pedestrian and transport network in the Awakino Precinct by:</u></p> <ol style="list-style-type: none"> <li><u>1. Forming a well-connected street network, that avoids no exit roads and cul-de-sacs, except where there is no practical alternative.</u></li> <li><u>2. Establishing connections along and between the existing wetland features and open spaces.</u></li> <li><u>3. Establishing a visually distinct, high amenity road (the Green Road) providing connection within the precinct that accommodates separated cycle infrastructure with restricted vehicle access along one side and connects parks, open space and the freshwater network and terrestrial habitats.</u></li> <li><u>4. Maximising walking and cycling networks along streets, waterways and open space.</u></li> </ol>	
<b><u>PREC1-P4</u></b>	<b><u>Awakino Precinct Ecological Values</u></b>
<p><u>Protect and restore the values of all natural wetland features, intermittent and permanent streams, and indigenous vegetation within the Awakino Precinct when undertaking land use and subdivision, with particular regard to:</u></p> <ol style="list-style-type: none"> <li><u>1. Maintaining the interconnected network between the natural features.</u></li> <li><u>2. Method of enhancement and permanent protection of the natural features; and</u></li> <li><u>3. Appropriate setback of residential activities.</u></li> </ol>	
<b><u>PREC1-P5</u></b>	<b><u>Awakino Precinct Open Space</u></b>
<p><u>Require subdivision within the Awakino Precinct to provide for the recreation and amenity needs of residents by:</u></p> <ol style="list-style-type: none"> <li><u>1. Providing open spaces which are prominent and accessible and are of a quality and size in proportion to the future density of the neighbourhood.</u></li> <li><u>2. Providing for pedestrian and/or cycle linkages.</u></li> <li><u>3. Incorporate natural features, mature trees and ecological areas into the design of subdivisions through open spaces where they can contribute to recreation networks and/or maintain ecological values.</u></li> </ol>	

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Amendments to Chapter 13 – 13.10 Performance Standards Residential Land Use

Amended Rules				
Rule	Parameter	Residential Permitted Activity Performance Standard	Activity Status if the Activity does not meet the Performance Standard	Assessment Criteria
13.10.3a	Dwellings	<p>(1) Construction of a <b>dwelling</b> is a <b>Permitted Activity</b> if:</p> <p>a) After completion, it will be the only dwelling on the <b>site</b>: or</p> <p>b) It will be an additional dwelling on the site, and the minimum <b>net site area</b> associated with each additional dwelling is:</p> <ul style="list-style-type: none"> <li>– 600m<sup>2</sup> for a <b>serviced site</b> not in an Overlay Area; or</li> <li>– 1,000m<sup>2</sup> for a serviced site in an Overlay Area; or</li> <li>– 3,000m<sup>2</sup> for an un-serviced site.</li> </ul> <p>c) There is a separation distance of at least 3m from any other detached dwelling; and</p> <p>d) There is a separation distance of at least 6m where there is a private open space area located between two residential dwellings.</p> <p><b>Note 1:</b> The <b>demolition</b> and/or removal of a dwelling is a Permitted Activity except where the provisions of Chapter 17: Historic Heritage apply.</p> <p><b>Note 2:</b> Each dwelling is also required to be assessed against the relevant performance Standards contained in the Plan, including within Sections 13.10 and 13.13.</p> <p><b>Note 3:</b> For dwellings within an Outstanding Natural Landscape, Rule 13.10.3c shall also apply.</p> <p><b>Note 4:</b> There is an exemption for Rule 13.10.3 that applies to part of Lot 2 DP 73030 Cynthia Place (Baylys Beach). See Rule 13.10.29(4).</p> <p>(2) <u>Any dwelling located within a site, within the Awakino Precinct that has a road boundary shall provide:</u></p> <p>a) <u>The primary pedestrian access oriented toward a road, and</u></p> <p>b) <u>At least one habitable room with at least one clear-glazed window, at least 1m<sup>2</sup> in size which is oriented toward the road.</u></p>	Restricted Discretionary / Discretionary Activity	<p><u>Where an activity is not permitted by this Rule and is located in the Awakino Precinct, the construction of a dwelling is a Restricted Discretionary Activity if:</u></p> <p>a. <u>It will be located in the Awakino Precinct; and</u></p> <p>b. <u>It will be an additional dwelling on the site, and the minimum net site area associated with each additional dwelling is:</u></p> <ul style="list-style-type: none"> <li>i. <u>450m<sup>2</sup> for a serviced site; or</u></li> <li>ii. <u>2,500m<sup>2</sup> for an un-serviced site.</u></li> </ul> <p>c. <u>There is a separation distance of at least 3m from any other detached dwelling; and</u></p> <p>d. <u>There is a separation distance of at least 6m where there is a private open space area located between two residential dwellings.</u></p> <p><u>Council has restricted its discretion over the following matters when considering and determining an application for Resource Consent:</u></p> <ul style="list-style-type: none"> <li>i) <u>The privacy, outlook and amenity of adjacent and adjoining sites;</u></li> <li>ii) <u>Sufficient sunlight access to the outdoor living space;</u></li> <li>iii) <u>Building mass, orientation and passive surveillance of the road/street.</u></li> <li>iv) <u>Bulk and scale effects;</u></li> <li>v) <u>Effects on any natural features with respect to natural wetlands, water courses, and indigenous vegetation;</u></li> <li>vi) <u>The extent to which the activity is consistent with the purpose, character and amenity values of the Awakino Precinct; and</u></li> <li>vii) <u>The ability to accommodate incidental activities anticipated within the Awakino Precinct such as parking (if it is to be provided), manoeuvring, waste collection and landscaping.</u></li> </ul> <p>Where an activity is not permitted by this Rule, <b>Council</b> will have regard to the following matters when considering an application for Resource Consent:</p> <ul style="list-style-type: none"> <li>i) <b>Building</b> location, including alternatives considered;</li> <li>ii) Size and shape of the <b>site</b>;</li> <li>iii) Extent of visual intrusion of the building from beyond the site, particularly from the <b>road</b> and public places including the <b>Coastal Marine Area</b>, and the <b>effects</b> on skylines and ridgelines;</li> <li>iv) The extent to which proposed landscaping is consistent with the character of the area, provides screening from adjoining public places and <b>dwellings</b> and is in accordance with any Council adopted Design Guidelines;</li> <li>v) Effects on the locality, particularly residential character and <b>amenity values</b>;</li> <li>vi) If located within an Overlay, the extent to which the values identified in the Objectives and Policies for Overlays (Chapter 4) are present on the site, and the extent to which the proposal is compatible with those values;</li> <li>vii) Effects on landscape and heritage;</li> <li>viii) The extent to which the proposal will affect the values of any Outstanding Natural Landscape identified in Map Series 2;</li> <li>ix) Effects on safety and efficiency of vehicles and pedestrians using the site and affected roads and</li> </ul>

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				<p><b>private ways;</b></p> <p>x) The extent to which the activity will affect any heritage values identified in Appendix 17.1 and 17.2 of the Plan.</p> <p><b>Note 1:</b> A description of the landscapes and features is provided in Appendix 18A. The values associated with Outstanding Natural Landscapes are described in the Kaipara District Landscape Technical Report (2010).</p>
13.10.7	Setbacks	<p><b>(1) Residential Zone</b></p> <p>Any <b>building</b> is a <b>Permitted Activity</b> if it is located outside the following <b>setback</b> distances (<b>yards</b>):</p> <p>a) <b>Front yard</b> - 5m;</p> <p>b) <b>Side yards</b> – one of 1.5m and one of 3m (Residential Zone), two of 3m in Overlay Areas;</p> <p>c) <b>Rear yards</b> - 3m except on rear <b>sites</b> where one yard of 1.5m may be provided;</p> <p>d) Coast - 30m from the <b>Coastal Marine Area</b>; and</p> <p>e) <b>Lake / River</b> - 30m from the banks of: any dune lake; any other lake whose <b>bed</b> has an area of 8ha or more; any river including a <b>perennial stream</b> whose bed has an average width of 3m or more;</p> <p>f) Any building is setback 30m from a railway line where there is an intersection of road and rail (level crossing controlled by giveway signage) within 300m; and</p> <p>g) Any building is set back 300m from the intersection of the State Highway and any local road (measured from the centreline of the local road).</p> <p>Provided that an accessory building may be erected in any side or rear yard where:</p> <p>h) Vehicle access is retained to the rear of the site; and</p> <p>i) It is located at least 3m from any <b>habitable room</b> on an adjoining site; and</p> <p>j) It does not exceed 10m in length or 25% of the length of the side or rear yard, whichever is less.</p> <p>In addition to the above Performance Standards</p> <p><b>(2) Mangawhai Harbour and Kai iwi Lakes Overlays</b></p> <p>Any building is a Permitted Activity if it is located outside the following setback distances (yards):</p> <p>a) River – 6m from the banks of any river with an average bed width of between 1 to 3m.</p> <p><b>Note:</b> For clarification, if the average bed width is less than 1m this rule does not apply and if the average is greater than 3m the Rule 13.10.7(1)(e) above applies.</p> <p><b><u>(3) Awakino Precinct</u></b></p> <p><b><u>Any building is a Permitted Activity if it is located outside the following setback distances (yards):</u></b></p> <p>a) <b><u>Front yard - 3m;</u></b></p> <p>b) <b><u>Side yards – 1.5m;</u></b></p> <p>c) <b><u>Rear yards - 1.5m;</u></b></p> <p>d) <b><u>Wetlands and Rivers– 10m setback from any natural wetland; and river including a perennial stream;</u></b></p> <p>e) <b><u>Rural Zone – 3m.</u></b></p> <p><b><u>Provided that an accessory building may be erected in any side or rear yard where:</u></b></p> <p>f) <b><u>Vehicle access is retained to the rear of the site; and</u></b></p> <p>g) <b><u>It is located at least 3m from any habitable room on an adjoining site; and</u></b></p> <p>h) <b><u>It does not exceed 10m in length or 25% of the length of the side or rear yard, whichever is less.</u></b></p> <p><b>Note 1:</b> The Regional Water and Soil Plan for Northland also requires setbacks from waterways and the coast for <b>excavation</b> activities. Applicants should contact the Northland Regional Council to confirm whether or not Resource Consent is required.</p>	Restricted Discretionary Activity	<p>Where an activity is not permitted by this Rule, <b>Council</b> has restricted its discretion over the following matters when considering and determining an application for Resource Consent:</p> <p>i) The outlook and privacy of adjacent and adjoining neighbours;</p> <p>ii) Extent of visual intrusion and dominance of any <b>buildings</b> from beyond the <b>site</b>, particularly from the <b>road</b> and public places including the <b>Coastal Marine Area</b>, and the <b>effect</b> on skylines and ridgelines;</p> <p>iii) If in the Mangawhai <b>Structure Plan</b> Area, whether the proposed landscaping is in accordance with the design principles of the Mangawhai Structure Plan (pages 46 - 49) for Policy Area Three;</p> <p>iv) Effects on the locality, particularly residential and natural character and <b>amenity values</b>;</p> <p>v) If located within an Overlay, the extent to which the values identified in the Objectives and Policies for Overlays (Chapter 4) are present on the site, and the extent to which the proposal is compatible with those values;</p> <p>vi) The extent to which the proposal will affect the values of any Outstanding Natural Landscape identified in Map Series 2 and if applicable the extent to which the subdivision, use or development meets the additional assessment criteria contained in Appendix 18B;</p> <p>vii) Effects on ecological values and in particular any <b>sites of ecological significance</b> as defined by the criteria listed in Appendix 25G;</p> <p>viii) Effects on public access;</p> <p>ix) Effects on <b>natural hazards</b>, including the design and construction of hazard protection works on land adjacent to the Coastal Marine Area, <b>rivers</b> and <b>lakes</b>;</p> <p>x) Protection of the conservation, ecological, recreation, access and hazard mitigation values of <b>esplanade reserves</b> or <b>strips</b>;</p> <p>xi) Where buildings are located in close proximity to State Highways or Rail (level crossings) whether and the extent to which consultation has been undertaken with NZ Transport Agency and New Zealand Railways Corporation respectively and written approval obtained; and</p> <p>xii) The functional requirements of the building and activity.</p> <p><b>Note 1:</b> A description of the landscape features is provided in Appendix 18A. The values associated with the Outstanding Natural Landscapes are described in the Kaipara District Landscape Technical Report (2010).</p>

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		<p><b>Note 2:</b> The 300m radius referred to in relation to State Highways shall be measured from the position where the centreline of the road joins the State Highway.</p> <p><b>Note 3:</b> Any changes in land use on sites that have access onto Limited Access Road's require approval from the NZ Transport Agency under the Government Roding Powers Act 1989.</p>		
<b>13.10.7a</b>	<b>Fence and Landscaping</b>	<p><b>(1) Awakino Precinct</b></p> <p>a) <u>Any fence is a <b>permitted activity</b> where:</u></p> <p>i. <u>The fence is adjacent to any road boundary and has a maximum height of 1.2m; or</u></p> <p>ii. <u>The fence is adjacent to any neighbourhood park or wetland enhancement area and has a maximum height of 1.5m and is 50% visually permeable.</u></p> <p>b) <u>Any <b>building</b> or <b>dwelling</b> is a permitted activity where:</u></p> <p>i. <u>The site is adjacent to the green street identified on the Awkaino Precinct Plan and 60% of the site frontage shall be vegetated to a minimum depth of .5m and a maximum height of 1.2m.</u></p>	<u>Restricted Discretionary Activity</u>	<p><u>Where an activity is not permitted by this Rule, <b>Council</b> has restricted its discretion over the following matters when considering and determining an application for Resource Consent:</u></p> <p>i. <u>The extent to which the fencing and landscaping visually connects the private front yards to the wider green street.</u></p> <p>ii. <u>The extent to which privacy is provided for residential units, while enabling opportunities for passive surveillance of public places.</u></p> <p>iii. <u>The extent to which shading and visual dominance effects to immediate neighbours and the street are minimised.</u></p> <p>iv. <u>Health and safety effects.</u></p>
<b>13.10.11</b>	<b>Private Open Space</b>	<p><b>(1) Residential Zone</b></p> <p>A <b>dwelling</b> is a <b>Permitted Activity</b> if the private open space meets the following:</p> <p>a) Is equivalent to 50% of the <b>gross floor area</b> of the dwelling;</p> <p>b) Is of a usable shape of no less than 3m dimension, capable of accommodating one circle of no less than 5m in diameter;</p> <p>c) Is located on the east, north or west side of the dwelling;</p> <p>d) Has direct access from the main living area of the dwelling;</p> <p>e) Is unobstructed by vehicle access or <b>parking areas</b>; and</p> <p>f) Is adequately screened from adjoining dwellings and adjacent <b>sites</b>, except in the case of reserves.</p> <p><b>(2) Awakino Precinct</b></p> <p><u>A <b>dwelling</b> is a <b>Permitted Activity</b> if the private open space meets the following:</u></p> <p>a) <u>Is at least 20m<sup>2</sup> or equivalent to 25% of the <b>gross floor area</b> of the dwelling;</u></p> <p>b) <u>Has a minimum dimension of 4m;</u></p> <p>c) <u>Is located on the east, north or west side of the dwelling;</u></p> <p>d) <u>Has direct access from the main living area of the dwelling; and</u></p> <p>e) <u>Is unobstructed by vehicle access or <b>parking areas</b>.</u></p>	Restricted Discretionary Activity	<p>Where an activity is not permitted by this Rule, <b>Council</b> has restricted its discretion over the following matters when considering and determining an application for Resource Consent:</p> <p>i) The on-site privacy and amenity of the occupants;</p> <p>ii) The open space nature of the surrounding neighbourhood; and</p> <p>iii) The extent to which the proposal will affect the values of any Outstanding Natural Landscape identified in Map Series 2 and if applicable the extent to which the subdivision, use or development meets the additional assessment criteria contained in Appendix 18B.</p> <p><b>Note 1:</b> A description of the landscape features is provided in Appendix 18A. The values associated with the Outstanding Natural Landscapes are described in the Kaipara District Landscape Technical Report (2010).</p>
<b>13.10.12</b>	<b>Permeable Surfaces</b>	<p><b>(1) Residential Zone</b></p> <p>Any activity is a <b>Permitted Activity</b> if:</p> <p>a) The area of any <b>site</b> covered by <b>buildings</b> and other <b>impermeable surfaces</b> is less than 40% of the <b>net site area</b>.</p> <p><b>(2) Awakino Precinct</b></p> <p><u>Any activity is a <b>Permitted Activity</b> if:</u></p> <p>a) <u>The area of any site covered by buildings and other impermeable surfaces is less than 60% of the net site area; and</u></p> <p>b) <u>All stormwater management for the site shall comply with any stormwater management plan approved under rule 13.13b and performance standard 13.14.5 Stormwater Disposal.</u></p> <p><b>Note 1:</b> For the purposes of this Rule, any area regularly used by vehicles whether metalled, sealed or concreted shall be considered an impermeable surface.</p>	Restricted Discretionary Activity	<p>Where an activity is not permitted by this Rule, <b>Council</b> has restricted its discretion over the following matters when considering and determining an application for Resource Consent:</p> <p>i) Control of stormwater run-off;</p> <p>ii) The <b>effects</b> of increased stormwater flows downstream;</p> <p>iii) Methods of attenuating stormwater flows to pre-development rates,</p> <p>iv) Whether and the extent to which the activity meets the relevant Performance Standards or the Kaipara District Council Engineering Standards 2011;</p> <p>v) Effects on `water quality; and</p> <p>vi) The extent to which low impact design principles are utilised.</p> <p>vi) <u>Within the Awakino Precinct, whether the proposal utilises low impact and/or water sensitive stormwater management devices and designs, outfalls that mitigate concentrated flows and detail of any obligations for lot owners to construct and maintain such devices.</u></p> <p>vi) <u>Within the Awakino Precinct, the extent to which stormwater quality treatment has been provided to protect the environment from contaminants generated from the activity including whether the proposal includes appropriate stormwater quality monitoring associated with the design and construction stages</u></p>



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				<p><u>as well as the consent holder's maintenance obligations.</u></p> <p><b>(3) <u>Awakino Precinct Information Requirement:</u></b></p> <p><u>Any application shall be supported by a detailed stormwater assessment report prepared by a suitably qualified engineer to confirm that the proposal will achieve the following:</u></p> <ul style="list-style-type: none"> <li>i) <u>Treatment of the Water Quality Volume (WQV) or Water Quality Flow (WQF) from all <b>contaminant generating impermeable surfaces</b> by a water quality device for the relevant contaminants.</u></li> <li>ii) <u>Retention (volume reduction) of a minimum of 5mm runoff depth for all <b>impermeable surfaces</b>.</u></li> <li>iii) <u>Detention (temporary storage) with a drain down period of 24 hours for the difference between the pre-development (grassed state) and post-development runoff volumes from the 1/3 of the 2 Year ARI, 24-hour rainfall event minus any retention volume provided for all <b>impermeable surfaces</b>.</u></li> <li>iv) <u>Conveyance and discharge of primary and secondary flow in accordance with the Kaipara District Council Engineering Standards 2011.</u></li> </ul> <p><b>Note 1:</b> <u>Within the Awakino Precinct, 1/3 of the 2 Year ARI rainfall event runoff volume is to be used as the Water Quality Volume (WQV) when designing a treatment device, and 10mm/hour is to be used as the Water Quality Flow (WQF).</u></p> <p><b>Note 2:</b> <u>Within the Awakino Precinct, good management practice for stormwater management is equivalent to those set out in the guideline document, <i>Stormwater Management Devices in the Auckland Region (GD01)</i>.</u></p>
13.10.13	Building Coverage	<p><b>(1) <u>Residential Zone</u></b></p> <p>Any activity is a <b>Permitted Activity</b> if:</p> <ul style="list-style-type: none"> <li>a) <b>Building coverage</b> on a <b>site</b> is less than 35% of the <b>net site area</b>.</li> </ul> <p><b>(2) <u>Awakino Precinct</u></b></p> <p><u>Any activity is a Permitted Activity if:</u></p> <ul style="list-style-type: none"> <li>a) <u>Building coverage on a site is less than 45% of the net site area.</u></li> </ul> <p><b>Note 1:</b> For clarity, for sites within an Outstanding Natural Landscape, Rule 13.10.3c shall also apply</p>	Restricted Discretionary Activity	<p>Where an activity is not permitted by this Rule, <b>Council</b> has restricted its discretion over the following matters when considering and determining an application for Resource Consent:</p> <ul style="list-style-type: none"> <li>i) The scale and bulk of the <b>building</b> in relation to the <b>site</b>;</li> <li>ii) The existing built character of the surrounding neighbourhood;</li> <li>iii) <b>Effect</b> on the open space nature of the surrounding neighbourhood;</li> <li>iv) The availability of useable on-site outdoor living space; and</li> <li>v) The extent to which the proposal will affect the values of any Outstanding Natural Landscape identified in Map Series 2 and if applicable the extent to which the subdivision, use or development meets the additional assessment criteria contained in Appendix 18B.</li> </ul> <p><b>Note 1:</b> A description of the landscape features is provided in Appendix 18A. The values associated with the Outstanding Natural Landscapes are described in the Kaipara District Landscape Technical Report (2010).</p>

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13.10.25	Vehicle Access and Driveways	<p><b>a) <u>Residential Zone</u></b></p> <p>Any activity is permitted if:</p> <p>b) The owner or occupier of each <b>site</b> shall provide and maintain at all times adequate access for emergency vehicles and vehicles generally associated with activities on site;</p> <p>c) For new vehicle <b>crossings</b> on to State Highways, all NZ Transport Agency engineering requirements have been satisfied; or for vehicle crossings on to <b>roads</b> controlled by the Kaipara District Council, all Council engineering requirements have been satisfied (e.g. Kaipara District Council Engineering Standards 2011);</p> <p>d) Where a loading ramp is required it shall not be located within 25m of the edge of a traffic lane; and</p> <p>e) Each site shall be provided with and maintain a <b>driveway</b> to the following Standard:</p> <ul style="list-style-type: none"> <li>i) Formed with an all-weather surface;</li> <li>ii) For driveways of greater than 100m, a passing bay shall be provided no further apart than 1 per 100m;</li> <li>iii) For an accessway or driveway servicing up to 6 dwellings the minimum width of 3.0m and for between 7 and 30 dwellings a minimum width of 5.5m and for more than 30 dwellings a width of 6m;</li> <li>iv) The maximum gradient shall be 1:5 for sealed and 1:8 for gravel driveway;</li> <li>v) Shall include internal manoeuvring area sufficient that vehicles using the driveway do not need to reverse onto a road or shared driveway (in accordance with 90th percentile vehicle manoeuvring figures in Appendix 25C: Parking, Loading and Manoeuvring Standard);</li> <li>vi) Access and manoeuvring areas shall comply with the New Zealand Building Code acceptable solutions C/AS1 Part 8.1 (Fire Service Vehicular Access 2010);</li> <li>vii) Where a private driveway is gated, the gates shall be located at least 13m from the edge of the public road carriageway (with an 80 or 100km/h speed limit) where the gate opens into the site or 13m plus the gate width where it opens towards the road; unless onto a State Highway (where gate setbacks may be higher and are required to be complied with);</li> <li>viii) All gated accesses shall be provided with turning provisions, such that a 90th percentile car may enter the driveway and turn around, without passing the gates or affecting through traffic on the public road;</li> <li>ix) Stormwater drainage for at least a 10% AEP rainfall event sufficient that surface ponding does not occur and discharge from the driveway does not result in <b>adverse effects</b> to adjoining properties or roads; and</li> </ul> <p>f) The site is not within an Outstanding Natural Landscape, as identified in Map Series 2, unless the work is necessary for the maintenance of existing accesses or firebreaks.</p> <p><b>g) <u>Awakino Precinct</u></b></p> <p><u>Any activity is permitted if:</u></p> <p>h) <u>If it meets the standards in 13.10.25.1 (a) and (c):</u></p> <ul style="list-style-type: none"> <li>i) <u>New vehicle crossings on to roads controlled by the Kaipara District Council shall be designed, constructed and located in accordance with the Kaipara District Council Engineering Standards 2011, except as it relates to 5.2.10.d and 5.2.10.e, the following shall be met:</u> <ul style="list-style-type: none"> <li>i) <u>No vehicle crossing shall be situated within 10m of any road intersection (as measured from the meeting point of the main kerb alignments).</u></li> <li>ii) <u>The minimum spacing between vehicle crossings on the same side of any road shall be 2m.</u></li> <li>iii) <u>No more than one vehicle crossing is provided to each lot, except where a vehicle crossing is a double width crossing and serves more than one site, in which case the vehicle crossing width shall be a maximum of 7m.</u></li> </ul> </li> </ul> <p>j) <u>Each site shall be provided with and maintain a driveway to the following Standard:</u></p>	Restricted Discretionary Activity	<p>Where an activity is not permitted by this Rule, <b>Council</b> has restricted its discretion over the following matters when considering and determining an application for Resource Consent:</p> <ul style="list-style-type: none"> <li>i) Whether and the extent to which the vehicle access and <b>driveway</b> meets the Performance Standards in Rule 13.10.25 or the <b>Kaipara District Council Engineering Standards 2011</b>;</li> <li>ii) The provision of safe, practical access for all persons and vehicles likely to need access to the <b>site</b>, including pedestrian, cycle, disabled, vehicular;</li> <li>iii) The expected vehicle operating speeds and methods of controlling vehicle speeds;</li> <li>iv) The ease of access to and from, and within the <b>site</b>;</li> <li>v) Adequacy of sight distances at the <b>vehicle crossing</b> and along the access;</li> <li>vi) Possible measures or restrictions on vehicle movements in and out of the access;</li> <li>vii) Possible adverse <b>effects</b> on Council infrastructure or adjoining properties;</li> <li>viii) The provision made to mitigate the effects of stormwater runoff, and any impact of roading and access on waterways, ecosystems, drainage patterns or the amenities on adjoining properties;</li> <li>ix) Any traffic safety or congestion problems in the area;</li> <li>x) Any foreseeable future changes in traffic patterns in the area;</li> <li>xi) If a new access is being provided or modification of an existing access onto a State Highway, or on sites that have access over a railway line, whether the consent of the NZ Transport Agency or New Zealand Railways Corporation is obtained;</li> <li>xii) Whether and the extent to which the design of vehicle accesses and driveways meets the requirements of the NZ Building Code acceptable solutions C/AS1 Part 8.1 (Fire Service Vehicular Access); and</li> <li>xiii) The extent to which the proposal will affect the values of any Outstanding Natural Landscape identified in Map Series 2 and if applicable the extent to which the subdivision, use or development meets the additional assessment criteria contained in Appendix 18B.</li> </ul> <p><b>Note 1:</b> A description of the landscape features is provided in Appendix 18A. The values associated with the Outstanding Natural Landscapes are described in the Kaipara District Landscape Technical Report (2010).</p>
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Part B Land Use: Chapter 13 Residential: Precinct 1 – Awakino Precinct

		<div><div><div>i) <u>Formed with a sealed all-weather surface.</u></div><div>ii) <u>For an accessway or driveway servicing up to 6 dwellings the minimum width of 3.0m and for between 7 and 30 dwellings a minimum width of 5.5m and for more than 30 dwellings a width of 6m.</u></div><div>iii) <u>Shall include internal manoeuvring area sufficient that vehicles using the driveway do not need to reverse onto a road or shared where the access is located within 10m of an intersection road boundary.</u></div><div>iv) <u>Shall serve no more than four parking spaces, should vehicles be required to reverse from a site:</u></div></div><div><p><b>Note 1:</b> Any changes in land use on sites that have access over a railway line require approval from the New Zealand railways Corporation under the New Zealand Railways Corporation Act 1981.</p><p><b>Note 2:</b> Where land adjoins a limited access road under the Government Roding Powers Act 1989 access to and from that road is subject to restrictions and controlled by the NZ Transport Agency.</p><p><b>Note 3:</b> Council will confirm engineering approval for Council controlled roads, as per clause <u>13.10.25.1</u> (b) above, of the vehicle access and driveways by compliance with the Kaipara District Council Engineering Standards 2011 or by review from an independent appropriately qualified engineer.</p></div></div>		
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13.10.27	Parking	<p>Any activity is permitted if:</p> <ul style="list-style-type: none"> <li>a) The owner or occupier of each <b>site</b> provides and maintains at all times spaces for the off street parking of cars and other vehicles generally associated with activities on the site;</li> <li>b) The number of parking spaces to be provided shall meet the minimum requirements outlined in Appendix 25C: Parking, Loading and Manoeuvring Standards; and</li> <li>c) Each parking space shall be formed and maintained so that the maximum gradient on any area used for parking and manoeuvring shall be 6%; and</li> <li>d) Parking spaces may be situated within a <b>building</b> provided the <b>Council</b> is satisfied that the spaces can be clearly defined and made available for parking at all times. The area of any parking spaces and associated access within a building shall be excluded from the <b>gross floor area</b> of that building for the purposes of assessing the total number of spaces required; and</li> <li>e) Any parking spaces required under the provisions of the District Plan are to be sited at least 15m from the banks of any <b>river</b> or stream, whose <b>bed</b> has an average width of 3m or more, any <b>lake</b> with an area greater than 8ha or the <b>Coastal Marine Area</b> or any mapped waterway or <b>wetland</b> in the Valued Natural Environments of Mangawhai, except where appropriate provision is made for the collection treatment and disposal of stormwater from the areas to a Council stormwater system or other approved outlet; and</li> <li>f) Each parking space shall have adequate physical access to a road, street or service lane and the buildings or uses to which it is intended to serve. It shall be provided with such access drives and aisles as are necessary for safe and convenient movement of vehicles to and from the street or service lane for the manoeuvring of vehicles within the <b>site</b> in accordance with the Figures in Appendix 25C: Parking, Loading and Manoeuvring; and</li> <li>g) <b>Control of Access</b> - Any <b>parking area</b> associated with a Commercial or <b>Industrial Activity</b> which adjoins a street shall be provided with a fence, kerb, nib or similar non-mountable barrier not less than 0.15m high along those parts of the <b>site's frontage</b> not used for access purposes. The barrier shall be designed to prevent vehicles entering or leaving the parking area other than by the access drives or aisles provided; and</li> <li>h) <b>Control of Reversing</b> - All parking areas shall be designed so that all vehicles can enter and leave the site in a forward gear and do not have to reverse onto or off the adjacent road or street, <u>except as provided in the Awakino Precinct by 13.10.25.2</u>; and</li> <li>i) <b>Screening of Parking Areas</b> - Any parking associated with a Commercial or Industrial activity shall be screened from residential <b>sites</b> by appropriate landscaping, fencing or other suitable screening of at least 1.8m in <b>height</b>. Any landscaping is to be provided and maintained in such a manner as to create and preserve a good standard of visual amenity; and</li> <li>j) <b>Control of Stormwater</b> - Each parking area shall be provided with a stormwater drainage system that is designed for at least a 10% AEP rainfall event sufficient that surface ponding does not occur and discharge does not result in adverse <b>effects</b> to adjoining properties or roads.</li> </ul>	Restricted Discretionary Activity	<p>Where an activity is not permitted by this Rule, <b>Council</b> has restricted its discretion over the following matters when considering and determining an application for Resource Consent:</p> <ul style="list-style-type: none"> <li>i) The nature of street or service lane access available to the proposed parking and/or loading facilities;</li> <li>ii) The provision which can be made for parking and/or loading facilities for the proposed land use on an adjacent <b>site</b>;</li> <li>iii) The adequacy of public parking and/or loading facilities in the immediate vicinity of the site;</li> <li>iv) The nature of any special landscaping or pedestrian design features to be developed on the site;</li> <li>v) The hours of operation of the proposed use and number of employees on shift work if a <b>Commercial activity</b> is proposed in a Residential Zone;</li> <li>vi) The size and number of vehicles expected to use the site;</li> <li>vii) Whether and the extent to which the proposed <b>parking area</b> is designed, constructed and adequately drained in accordance with the Performance Standards in Rule 13.10.28 or the the <b>Kaipara District Council Engineering Standards 2011</b>; and</li> <li>viii) The extent to which the proposal will affect the values of any Outstanding Natural Landscape identified in Map Series 2 and if applicable the extent to which the subdivision, use or development meets the additional assessment criteria contained in Appendix 18B.</li> </ul> <p>In granting any application the Council may require as a Condition of Consent either that:</p> <ul style="list-style-type: none"> <li>i) The parking and/or loading spaces required be provided on other available <b>sites</b> in the immediate neighbourhood; or</li> <li>ii) A cash contribution is paid to the Council for the purchase of land and/or the construction of suitable parking and/or loading facilities.</li> </ul> <p><b>Note 1:</b> Any cash contribution required by the Council shall not exceed the value of a sufficient part of the <b>site</b> or <b>building</b> to accommodate the vehicles for which provision is required, and the associated cost of their construction.</p> <p><b>Note 2:</b> A description of the landscape features is provided in Appendix 18A. The values associated with the Outstanding Natural Landscapes are described in the Kaipara District Landscape Technical Report (2010).</p>
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**Part B Land Use: Chapter 13 Residential: Precinct 1 – Awakino Precinct**

**Amendments to Chapter 13 – 13.13 Performance Standards for All Residential Subdivision**

Rule	Parameter	Terms for Subdivision	Matters for Discretion
<b>13.13A</b>	<b><u>Awakino Precinct Subdivision</u></b>	<p><u>General Rules:</u></p> <ol style="list-style-type: none"> <li><u>Any subdivision within the Awakino Precinct:</u></li> <li><u>Is not subject to Residential Zone rules 13.11.1 – 3, 13.12.1, 13.13.1 and 2.</u></li> <li><u>Is subject to rules 13.13A.</u></li> <li><u>Complies with the relevant Performance Standards in Section 13.10 and 13.14 of this Chapter.</u></li> <li><u>Any subdivision within the Awakino Precinct is a Restricted Discretionary Activity where it complies with rules 8 – 13.</u></li> <li><u>Any subdivision within the Awakino Precinct is a Discretionary Activity where it does not comply with rules 5 – 13.</u></li> <li><u>Any subdivision within the Awakino Precinct shall comply with information requirements in rule 14.</u></li> </ol> <p><u>Subdivision Design Rules:</u></p> <ol style="list-style-type: none"> <li><u>Every allotment has:</u> <ol style="list-style-type: none"> <li><u>A minimum net site area of 450m<sup>2</sup> and an average net site area of 600m<sup>2</sup> where a connection to public reticulated wastewater infrastructure is available, or a private wastewater system is proposed to be established to serve all proposed allotments; or</u></li> <li><u>A minimum net site area of 2,500m<sup>2</sup> and an average net site area 3,000m<sup>2</sup> where a connection to reticulated wastewater infrastructure is not available.</u></li> <li><u>Every urban block has:</u> <ol style="list-style-type: none"> <li><u>A maximum length of 250m.</u></li> <li><u>A maximum perimeter (bounded by roads) of 750m.</u></li> </ol> </li> </ol> </li> </ol> <p><u>Open Space Rules:</u></p> <ol style="list-style-type: none"> <li><u>Any subdivision within the Awakino Precinct, where the site contains an indicative neighbourhood park shown on the Awakino Precinct Map 1 shall:</u> <ol style="list-style-type: none"> <li><u>Provide, legally establish and manage on an on-going basis as part of the subdivision, a neighbourhood park that shall:</u> <ol style="list-style-type: none"> <li><u>Be no less than 300m<sup>2</sup> in net site area for the provision of a children's play area.</u></li> <li><u>Be located in general accordance with the indicative neighbourhood park shown on the Awakino Precinct Map 1.</u></li> <li><u>Include flat open spaces suitable for a range of informal recreational.</u></li> </ol> </li> <li><u>Except where a neighbourhood park has been legally established within the Awakino Precinct.</u></li> </ol> </li> </ol> <p><u>Road Layout Rules:</u></p> <ol style="list-style-type: none"> <li><u>Any subdivision within the Awakino Precinct shall construct and establish a loop road, (to vest as public road) located in general accordance with the indicative loop road shown on the Awakino Precinct Map 1; or</u></li> <li><u>Where the full extent of the indicative loop road shown on the Awakino Precinct Map 1 is not provided, any subdivision within the Awakino Precinct shall:</u> <ol style="list-style-type: none"> <li><u>Construct and establish any part of the indicative loop road within the site boundary in general accordance with the indicative loop road shown on the Awakino Precinct Map 1; and</u></li> </ol> </li> </ol>	<p><u>Council will restrict its discretionary over the following matters when considering and determining an application for Resource Consent:</u></p> <ol style="list-style-type: none"> <li><u>The extent to which the proposal is consistent with the Awakino Precinct policies.</u></li> <li><u>The extent to which the proposal is generally in accordance with the Awakino Precinct Map 1.</u></li> <li><u>Measures to ensure the protection, restoration or enhancement of any natural features, including (but not limited to) the creation, extension or upgrading of services and systems, planting or replanting, the protection of natural wetlands and streams or any other works or services necessary to ensure the avoidance, remediation or mitigation of adverse environmental effects.</u></li> <li><u>The design, size, shape, gradient and location of any allotment, urban block or public road.</u></li> <li><u>Where any subdivision involves an identified natural wetland or stream, whether the details of ecological protection and enhancement have been provided, including 10m riparian planting to streams and wetlands, weed and pest management controls and indigenous revegetation (where appropriate), are provided and any required mechanisms for ownership and maintenance of the area. For the avoidance of doubt these areas may form parts of private lots and be held in private ownership.</u></li> <li><u>Whether the proposal utilises low impact and/or water sensitive stormwater management devices and designs, outfalls that mitigate concentrated flows and detail of any obligations for lot owners to construct and maintain such devices.</u></li> <li><u>The extent to which stormwater quality treatment has been provided to protect the environment from contaminants generated from the activity including whether the proposal includes appropriate stormwater quality monitoring associated with the design and construction stages as well as the consent holder's maintenance obligations.</u></li> <li><u>The extent to which adequate access is provided to each lot.</u></li> <li><u>The extent to which the proposal provides connections to transport networks including walking and cycling and roading function and design, including parking.</u></li> <li><u>The location of vehicle crossings, private access ways and proposed allotment boundaries so as to avoid no exit roads and cul-de-sacs.</u></li> <li><u>The nature of proposed street frontage in terms of securing effective, safe access onto a legal road.</u></li> <li><u>Where staged subdivision is proposed, whether all necessary infrastructure, roading, utilities, public spaces and connections to service the proposed development will be established.</u></li> <li><u>Where common lots are proposed, the extent to which appropriate mechanisms are provided to ensure that all infrastructure management and maintenance requirements are sustainable.</u></li> <li><u>Where there are any communally owned or managed services, infrastructure or other such assets or joint responsibilities arising from any proposal; that the nature of arrangements which are proposed ensure the on-going implementation of such arrangements whether through body corporate or similar mechanisms.</u></li> <li><u>Location of existing buildings, access and manoeuvring, and private open space.</u></li> <li><u>The location of proposed allotment boundaries and building areas so as to avoid potential conflicts between incompatible land use activities, including reverse sensitivity effects.</u></li> <li><u>The provision, location, design, capacity, connection, upgrading, staging and integration of infrastructure, and how any adverse effects on existing infrastructure are managed.</u></li> <li><u>The protection of land within the proposed allotments to allow access and linkages to adjacent allotments for future infrastructure.</u></li> <li><u>Avoidance or mitigation of natural or man-made hazards.</u></li> <li><u>The extent to which the subdivision avoids adverse effects on significant flora and fauna habitats, including methods of weed and pest management.</u></li> <li><u>The safe and efficient movement of people and vehicles including traffic manoeuvring, pedestrians and cyclists, and the potential effects on the accessibility and safety of transport networks.</u></li> <li><u>Whether the subdivision creates lots adjoining public open space (including recreation reserves and riparian/green corridors) that are designed to encourage passive surveillance of reserve areas having regard to finished contours, retaining, fencing and landscaping.</u></li> <li><u>Whether parks will be accessible to pedestrians and cyclists and located to integrate with riparian margins and the Green Road where possible.</u></li> </ol>

**Part B Land Use: Chapter 13 Residential: Precinct 1 – Awakino Precinct**

		<p>b) <u>Provide a minimum of two public road intersections with Awakino Road where those intersections are connected internally within the Awakino Precinct via a public road.</u></p> <p>12 <u>Any subdivision within the Awakino Precinct shall construct and establish a green street (to vest as public road) located in general accordance with the indicative green street shown on the Awakino Precinct Map 1, where:</u></p> <p>a) <u>A minimum of 8 locally eco-sourced indigenous trees, of a minimum planter bag size of 160L shall be planted on each side (16 in total) of the green street within the road reserve; and</u></p> <p>b) <u>A cycleway and footpath shall be established to connect to any neighbourhood park.</u></p> <p><u>Ecological Enhancement Rules:</u></p> <p>13. <u>Any subdivision within the Awakino Precinct where the site contains an indicative ecological feature shown on the Awakino Precinct Map 1 shall:</u></p> <p>a) <u>Legally protect in perpetuity and manage on an on-going basis the ecological feature in accordance with an Ecological Enhancement and Management Plan.</u></p> <p><u>Information Requirement:</u></p> <p>14. <u>When Rules 7, 8 and 10 apply the following information requirements shall be met:</u></p> <p>a) <u>Transport:</u></p> <p>i) <u>The road layout is supported by an Integrated Transport Assessment and an Urban Design Assessment.</u></p> <p>ii) <u>The green street layout indigenous planting shall be supported by a street tree planting plan.</u></p> <p>iii) <u>Any Integrated Transport Assessment shall be commensurate to the scale and effect of the proposed development, and identify of any necessary mitigation measures that will be required to address any impacts on the transport network, including:</u></p> <ul style="list-style-type: none"> <li><u>Potential mitigation measures needed both within the proposed development and on the immediately adjacent transport network including any improvements, upgrades, alterations or extensions to the transport network (including at level crossings).</u></li> <li><u>Any mitigation required to achieve convenient and safe operation of access points for all users and safe and efficient pedestrian and cycle connections and crossings.</u></li> <li><u>Any recommendations and necessary mitigation to establish active transport connectivity and compliance with NZ Pedestrian Planning Design Guide 2022, including the consideration of the following:</u> <ul style="list-style-type: none"> <li><u>Extensions of existing footpaths on Awakino Road where necessary.</u></li> <li><u>The need to establish a shared path connecting the development to any existing shared path facilities.</u></li> <li><u>Provision for pedestrian crossing facilities near new public road connections to Awakino Precinct.</u></li> </ul> </li> <li><u>A summary of the Integrated Transport Assessment including key findings and implications that the development will have for transport including any proposed mitigation measures.</u></li> <li><u>Any development which requires new public road infrastructure to be constructed and vested to Council shall undergo a Safe System Approach Assessment.</u></li> <li><u>Any development which generates more than 70 vehicle movements within a peak hour (not daily) at the intersection of Awakino Road and State Highway 12, shall carry out a Safe System Approach Assessment of the intersection.</u></li> </ul> <p>b) <u>Open Space:</u></p>	<p>(24) <u>The extent to which a green street is created, providing a connection between open space, parks in a manner that provides ecological benefit, encourages cycle and pedestrian movement between areas of open spaces.</u></p>
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Part B Land Use: Chapter 13 Residential: Precinct 1 – Awakino Precinct

		<div><div><div>i) <u>The neighbourhood park shall be supported by a plan confirming the park suitably located, sized and provides for a range of recreational opportunities.</u></div><div>c) <u>Ecological Enhancement:</u><div><div>i) <u>An Ecological and Wetland Assessment and Ecological Management Plan shall be prepared to ensure that existing natural features and ecological values on site are appropriately enhanced as a part of site development.</u></div></div></div></div><div>15. <u>Earthworks – Details of any excavation and fill associated with the subdivision, including erosion and sediment control measures in accordance with best practice.</u></div><div><b>Note 1:</b> <u>Within the Awakino Precinct, good management practice for erosion and sediment control measures is equivalent to those set out in the guideline document, 2016/05 Erosion and Sediment Control Guide for Land Disturbing Activities in the Auckland Region. Incorporating amendment 2, 2020.</u></div></div>	
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Part B Land Use: Chapter 13 Residential: Precinct 1 – Awakino Precinct

Amendments to Chapter 13 – 13.14 Performance Standards for All Residential Subdivision

Rule	Parameter	Residential Permitted Activity Performance Standard	Activity Status if the Activity does not meet the Performance Standard	Assessment Criteria
13.14.2	Road, Private Way and Property Access	<p>The design and layout of the <b>subdivision</b> provides for, and takes into account:</p> <p><b>(1) Property Access</b></p> <ul style="list-style-type: none"> <li>a) Every <b>allotment</b> within the subdivision is capable of having vehicular access to a <b>road</b>;</li> <li>b) Property access is formed where it is shared by two or more allotments;</li> <li>c) Vehicle access and <b>driveways</b> comply with Rule 13.10.25;</li> <li>d) No more than seven allotments are served by a private shared access;</li> <li>e) Driveways onto the road or <b>private ways</b> are located in a manner that will allow for the safe entry and exit from the <b>site</b> based on expected vehicle operating speeds and methods for controlling vehicle speeds;</li> <li>f) Driveways onto the road or private ways are located to provide adequate sight distances for the safe functioning of the <b>vehicle crossing</b> and access;</li> <li>g) The property access is of a suitable width to contain required services.; and</li> <li>h) For new vehicle crossings on to State Highways, all NZ Transport Agency engineering requirements have been satisfied.</li> </ul> <p><b>Note 1:</b> Any changes in land use, <b>development</b> or subdivision on sites that have access over a railway line require approval from the New Zealand Railways Corporation under the New Zealand Railways Corporation Act 1981.</p> <p><b>(2) Road, Private Way, Cycle Way and Property Access Formation</b></p> <ul style="list-style-type: none"> <li>a) Road vesting in accordance with the following requirements, <u>excluding sites within the Awakino Precinct</u>: <ul style="list-style-type: none"> <li>– Driveways serving eight or more allotments shall be by public road vested with <b>Council</b>;</li> <li>– Design and construction shall be to the satisfaction of Council's Asset Manager (in accordance with the Standards in Kaipara District Council Engineering Standards 2011); and</li> <li>– A cul-de-sac shall be provided at the end of any no-exit public road.</li> </ul> </li> <li>b) Use and construction of unformed legal roads is to the satisfaction of Council's Asset Manager (in accordance with the Standards in Kaipara District Council Engineering Standards 2011), <u>excluding sites within the Awakino Precinct</u>.</li> </ul> <p><b>(3) Awakino Precinct Road, Private way, Cycle Way and Property Access Formation</b></p> <p><u>a) Road vesting in accordance with the following requirements:</u></p> <ul style="list-style-type: none"> <li>i) <u>Driveways serving either 8 or more allotments shall be by public road vested with Council;</u></li> <li>ii) <u>Roads and Private Ways shall be designed and constructed in accordance with the Kaipara District Council Engineering Standards 2011, except as they relate to the following:</u> <ul style="list-style-type: none"> <li>– <u>The legal and construction widths as detailed in Table 5.1 of the Kaipara District Council Engineering Standards 2011 do not apply. Legal and construction widths shall meet Table 13.1.</u></li> <li>– <u>On-street car parking detailed in 5.2.10.d of the Kaipara District Council Engineering Standards 2011. On-street parking shall be provided at a rate of 1 per 4 dwellings.</u></li> </ul> </li> </ul>	Discretionary Activity	<p><b>Council</b> will have regard to the following matters when considering an application for Resource Consent under this Rule</p> <ul style="list-style-type: none"> <li>i) Whether and the extent to which the <b>road or private way</b> follows the alignment of indicative roads;</li> <li>ii) Whether and the extent to which there is a need for forming or upgrading roads in the vicinity, due to increased traffic from the <b>subdivision</b>;</li> <li>iii) Whether and the extent to which there is a the need for traffic control measures on the roads due to increased traffic from the subdivision;</li> <li>iv) Whether and the extent to which there is a the need for footpaths;</li> <li>v) Whether and the extent to which there is a need for stormwater management associated with the provision of the new road or private way;</li> <li>vi) Whether an adequate alternative access is able to be provided for the anticipated use;</li> <li>vii) Whether the access can contain required services;</li> <li>viii) The expected vehicle operating speeds and methods for controlling vehicle speeds;</li> <li>ix) Adequacy of sight distances available at the <b>vehicle crossing</b> and along the access;</li> <li>x) Possible measures or restrictions on vehicle movements in and out of the access;</li> <li>xi) Possible adverse <b>effects</b> on Council infrastructure on adjoining properties;</li> <li>xii) Any foreseeable future changes in traffic patterns in the area (including future congestion);</li> <li>xiii) The provision made to mitigate the effects of stormwater runoff and any impact on roading and access on waterways, ecosystems, drainage patterns or the amenities of adjoining properties;</li> <li>xiv) Whether and the extent to which the road, private way or property access complies with the <b>Kaipara District Council Engineering Standards 2011</b> or has been confirmed as appropriate by Council's Engineer.; and</li> <li>xv) Where a new access is being provided or an existing access onto a State Highway modified, or on sites that have access over a railway line, whether the consent of the NZ Transport Agency and/or New Zealand Railways Corporation is obtained;</li> <li>xvi) <u>Within the Awakino Precinct, the safe and efficient movement of people and vehicles including traffic manoeuvring, pedestrians and cyclists, and the potential effects on the accessibility and safety of transport networks.</u></li> <li>xvii) <u>Within the Awakino Precinct, whether the subdivision creates lots adjoining public open space (including recreation reserves and riparian/green corridors) that are designed to encourage passive surveillance of reserve areas having regard to finished contours, retaining, fencing and landscaping.</u></li> <li>xviii) <u>Within the Awakino Precinct, whether parks will be accessible to pedestrians and cyclists and located to integrate with riparian margins and the Green Road where possible.</u></li> <li>xix) <u>Within the Awakino Precinct, the extent to which a green street is created, providing a connection between open space, parks in a manner that provides ecological benefit, encourages cycle and pedestrian movement between areas of open spaces.</u></li> </ul> <p><b>Note 1:</b> General assessment of the Kaipara District Council Engineering Standards 2011 is undertaken as part of the assessment of the Subdivision Resource Consent application and conditions relating to compliance with any of these Standards may be applied to the consent as part of the engineering approval.</p>

**Part B Land Use: Chapter 13 Residential: Precinct 1 – Awakino Precinct**

13.14.5	Stormwater Disposal	<p>(1) <b>Where available all allotments are provided, within their net site area, with:</b></p> <p>a) A connection to a <b>Council</b>-maintained stormwater system, <u>excluding sites within the Awakino Precinct</u>; or</p> <p>(2) <b>Where no Council system is available:</b></p> <p>a) All <b>allotments</b> are provided with the means for the transport and disposal of collected stormwater from the roof of all potential or existing <b>buildings</b> and from all impervious surfaces, in such a way as to avoid any adverse <b>effects</b> of stormwater runoff on the receiving <b>environment</b> in accordance with the Kaipara District Council Engineering Standards 2011, <u>excluding sites within the Awakino Precinct</u>.</p> <p><b>(3) Awakino Precinct Stormwater Management</b></p> <p>a) <u>All allotments are provided with the means for the transport and disposal of collected stormwater from the roof of all potential or existing buildings and from all impervious surface, in such a way as to mitigate any adverse effects of stormwater runoff on the receiving environment by providing:</u></p> <p>i) <u>Treatment of the Water Quality Volume (WQV) or Water Quality Flow (WQF) from all contaminant generating impermeable surfaces by a water quality device for the relevant contaminants.</u></p> <p>ii) <u>Retention (volume reduction) of a minimum of 5mm runoff depth for all impermeable surfaces.</u></p> <p>iii) <u>Detention (temporary storage) with a drain down period of 24 hours for the difference between the pre-development (grassed state) and post-development runoff volumes from the 1/3 of the 2 Year ARI, 24-hour rainfall event with climate change minus any retention volume provided for all impermeable surfaces.</u></p> <p>iv) <u>Conveyance and discharge of primary and secondary flow in accordance with the Kaipara District Council Engineering Standards 2011.</u></p> <p><b>Note 1:</b> Stormwater discharges may require Resource Consent under the Regional Water and Soil Plan for Northland. Applicants should contact the Northland Regional Council to determine whether or not a Resource Consent is required.</p> <p><b>Note 2:</b> Where parallel Resource Consent for stormwater discharge is required from the Northland Regional Council, Kaipara District Council will seek to undertake joint processing of both applications, via delegated authority from the Northland Regional Council.</p> <p><b>Note 3:</b> The discharge of stormwater into the rail corridor is an offence under the Railways Act 2005 unless the written consent of the New Zealand Railways Corporation has been provided.</p> <p><u><b>Note 1:</b> Within the Awakino Precinct, 1/3 of the 2 Year ARI 24hr rainfall depth with climate change is to be used to determine the Water Quality Volume (WQV) when designing a treatment device.</u></p> <p><u><b>Note 5:</b> Good management practice for stormwater management is equivalent to those set out in the guideline document, Stormwater Management Devices in the Auckland Region (GD01).</u></p>	Discretionary Activity	<p><b>Council</b> will have regard to the following matters when considering an application for Resource Consent under this Rule:</p> <p>i) Whether there is sufficient control of water-borne <b>contaminants</b>, litter and sediment; ii) Whether there is sufficient land available for disposal of stormwater;</p> <p>ii) Whether and the extent to which the capacity of the downstream stormwater system is able to cater for increased runoff from the proposed <b>allotments</b>;</p> <p>iii) Whether and the extent to which measures are necessary in order to give <b>effect</b> to any drainage or</p> <p>iv) <b>Catchment</b> Integrated <b>Development</b> that has been prepared for the area;</p> <p>v) Whether and the extent to which measures proposed for avoiding or mitigating the effects of stormwater runoff, including low impact design principles are effective;</p> <p>vi) Whether and the extent to which the stormwater infrastructure within the <b>subdivision</b>, is able to link with existing disposal systems outside the subdivision;</p> <p>vii) Whether and the extent to which the development meets the relevant performance standards or the <b>Kaipara District Council Engineering Standards 2011</b> <u>or the Awakino Precinct Stormwater Management Plan</u>;</p> <p>viii) Whether there is a need for land to be set aside and vested in the Council as a <b>site</b> for any public utility required to be provided;</p> <p>ix) <u>Within the Awakino Precinct:</u></p> <ul style="list-style-type: none"> <li><u>The extent to which run-off from a developed catchment is discharged back into its natural catchment.</u></li> <li><u>The applicability of retention to be provided within a 72-hour period.</u></li> <li><u>The extent to which inert building materials are to be utilised (e.g., inert roof material).</u></li> </ul> <p><b>(4) Awakino Precinct Information Requirement:</b></p> <p><u>Any application shall be supported by a detailed stormwater assessment report and stormwater management plan prepared by a suitably qualified engineer to confirm that the proposal will achieve the following:</u></p> <p>i) <u>Treatment of the Water Quality Volume (WQV) or Water Quality Flow (WQF) from all contaminant generating impermeable surfaces by a water quality device for the relevant contaminants.</u></p> <p>ii) <u>Retention (volume reduction) of a minimum of 5mm runoff depth for all impermeable surfaces.</u></p> <p>iii) <u>Detention (temporary storage) with a drain down period of 24 hours for the difference between the pre-development (grassed state) and post-development runoff volumes from the 1/3 of the 2 Year ARI, 24-hour rainfall event minus any retention volume provided for all impermeable surfaces.</u></p> <p>iv) <u>Conveyance and discharge of primary and secondary flow in accordance with the Kaipara District Council Engineering Standards 2011.</u></p>
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**Table 13.1 Awakino Precinct Road, Private Way, Cycle Way and Property Access Legal and Construction Widths**

<b>URBAN</b>									
<u>Household Equivalents</u>	<u>Minimum Legal Width</u>	<u>Minimum Carriageway Width</u>	<u>Minimum Cycleway/Footpath Width</u>	<u>Surface</u>	<u>Minimum Design Speed</u>	<u>Minimum Radius (m)</u>	<u>Minimum SSD(m)</u>	<u>Minimum Cres K (m/%)</u>	<u>Maximum Grade</u>
<b>1</b>	<u>4.2m</u>	<u>3.0m</u>	<u>-</u>	<u>Seal</u>	<u>-</u>	<u>15m</u>	<u>20m</u>	<u>0.5</u>	<u>20.0%</u>
<b>2 to 3</b>	<u>6.0m</u>	<u>3.0m</u>	<u>-</u>		<u>20km/h</u>	<u>15m</u>	<u>30m*</u>	<u>0.5</u>	<u>16.7%</u>
<b>4 to 6</b>	<u>12.0m</u>	<u>5.5m</u>	<u>-</u>		<u>30km/h</u>	<u>20m</u>	<u>50m*</u>	<u>1.0</u>	<u>12.5%</u>

**Part B Land Use: Chapter 13 Residential: Precinct 1 – Awakino Precinct**

<u>7 to 30</u>	<u>18.0m</u>	<u>6.0m + indented parking bays</u>	<u>3m</u>		<u>40km/h</u>	<u>30m</u>	<u>40m</u>	<u>1.5</u>	<u>12.5%</u>
<u>31-50</u>	<u>20.0m</u>	<u>6.0m + indented parking bays</u>	<u>3m</u>		<u>40km/h</u>	<u>30m</u>	<u>40m</u>	<u>1.5</u>	<u>12.5%</u>
<u>&gt;50</u>	<u>20.0m</u>	<u>6.5m + indented parking bays</u>	<u>3m</u>		<u>40km/h</u>	<u>30m</u>	<u>40m</u>	<u>1.5</u>	<u>10.0%</u>

**Table 13.1 Notes:**

(1). The legal width shall be sufficient for the carriageway (including widening on curves), cul-de-sacs, footpaths and cycleways (where appropriate), parking (where appropriate), public utilities, drainage facilities, grassed Berms, Swale Drains, amenity planting, sight benching and street furniture. Roads to vest shall have sufficient legal width for planned future development. Refer to Kaipara District Council Engineering Standards 2011, clause 5.2.4.

(2). Carriageway width is exclusive of Berms, kerb concrete and parking. Carriageway widths should be increased by up to 1.0m where there is a high proportion of heavy traffic. Additional widening is required on curves in accordance with Kaipara District Council Engineering Standards 2011 clause 5.2.5. Passing bays are required on single lane carriageways in accordance with Kaipara District Council Engineering Standards 2011 clause 5.2.5.

(3). Carriageway surface shall be sealed in accordance with Kaipara District Council Engineering Standards 2011 clause 5.2.6.

(4). Design speeds are based on rolling terrain typical in Kaipara District. Higher design speeds should be considered in flatter terrain.

(5). Safe stopping sight distances marked \* have been increased to provide for two vehicles approaching each other on a single lane carriageway to stop before colliding. If a two lane carriageway is proposed for access ways serving 1 to 6 lots, sight distances may be reduced accordingly. K value is the length of vertical curve (m) divided by the algebraic difference in gradients (%).

(6) Where there is potential for further development under the District Plan, the horizontal and vertical geometry and legal width shall provide for the Ultimate Development.



This Cultural Vales Assessment (CVA) and Cultural Impact Assessment (CIA) has been prepared for Moonlight Heights Limited and undertaken by Te Roroa Commercial Development Ltd on behalf of Te Roroa Whatu Ora and Manawhenua Trusts (TRWO&MWT) for an application made by Moonlight Heights Limited (MHL) in support of a Private Plan Change Request to rezone and modify planning provisions on 39.2 hectares of land in Tunatahi (Dargaville) at Awakino Road. The purpose of the plan change is to rezone the location to a Residential Zone.

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# PEPEHA

**Ko Tokatoka te Maunga**  
**Ko Kaihu te Awa**  
**Ko Mahuhukiterangi te Waka**  
**Ko Te Kuihi te Hapu**  
**Ko Te Roroa te Iwi**



Photo: Tokatoka

## Document History

Date	Version	Prepared by	Reviewed by	Authorised by
21.07.2022	V1	Snow Tane	Courtney Davis	
10.10.2022	V2	Snow Tane		

## Report Structure

**Section 1 – 4: Introduction and Mana Whenua**

**Section 5: Legislative Framework**

**Section 6: Cultural Values Assessment for Moonlight Heights Limited**

**Section 7: Relationships to Moonlight Heights Limited**

**Section 8-9: Cultural Impact Assessment and Recommendations**



## Section 9: Recommendations



# TE ROROA WHATU ORA & MANAWHENUA TRUST BOARD

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## 2. Activity Details

Applicant	Moonlight Heights Limited (MHL)	
Agent	Melissa McGrath  Senior Associate B&A Urban and Environmental	
Activity	Private Plan Change application is being sought from Moonlight Heights Limited to; <ul style="list-style-type: none"> <li>• Rezone 39.2ha of land at Awakino Road, Dargaville from Rural Zone to Residential Zone, including consequential amendments to the KDP Maps;</li> <li>• The creation of a Awakino Precinct over top of the Residentially Zoned land with core provisions that protect ecological features, promote high quality urban design, provide open space and connectivity;</li> <li>• Any necessary consequential amendments to the KDP provisions.</li> </ul>	
	<b>Relevant Rule</b>	<b>Activity Description</b>
	<b>Kaipara District Plan</b>	
	<b>Chapter 3 – Land Use and Development Strategy</b>	
	3.4 Objectives	3.4.1 To encourage and establish an effective and sustainable supply of residential and business land to meet the current and future demands of the Kaipara District and enable the community to provide for their social and economic well-being.
		3.4.2 To minimise the ad hoc expansion of residential and business activities in the rural heartland, where such activities have the potential to give rise to adverse environmental effects and issues of reverse sensitivity.
		3.4.3 To restrict growth of residential and business activities in inappropriate locations where such activities have the potential to give rise to adverse effects on sensitive receiving environments.
		3.4.4 To ensure emissions, discharges and effects of residential and business development are managed so that adverse effects on the surrounding environment, including existing settlement areas, are comprehensively addressed.
		3.4.5 To provide appropriate infrastructure and servicing in advance of or alongside future residential and business development.
		3.4.6 To provide clear direction on the information, planning and management requirements considered to be required to enable future changes in land use within the identified development areas.
		3.4.7 To minimise potential conflicts between natural and physical limitations, including hazards and future residential and business areas
		Noted in Moonlight Heights AEE
		Noted in Moonlight Heights AEE
		Noted in Moonlight Heights AEE
		Noted in Moonlight Heights AEE
		Noted in Moonlight Heights AEE
		Noted in Moonlight Heights AEE
		Noted in Moonlight Heights AEE

	3.5 Policies	3.5.1 By providing for clear direction and certainty for a range of residential and business land use activities throughout the Kaipara District.	Noted in Moonlight Heights AEE
		3.5.2 By establishing standards for minimum site sizes, for each Zone in the District	Noted in Moonlight Heights AEE
		3.5.3 By providing for a diverse range of residential and business opportunities in appropriate locations that enable their effects to be effectively managed.	Noted in Moonlight Heights AEE
		3.5.4 By establishing a Land Use and Development Strategy, including nominated future Growth Areas, which ensures protection of natural character and ecological, amenity and landscape values and enables adequate opportunity for residential and business land to meet future demand.	Noted in Moonlight Heights AEE
		3.5.5 By ensuring infrastructure and servicing (e.g. transport, stormwater and sewerage reticulation and treatment systems and networks) for new development areas are designed and provided for at the outset of development, so that any adverse effects on the environment or existing systems are adequately avoided, remedied or mitigated.	Noted in Moonlight Heights AEE
		<p>3.5.6 By requiring new residential and business development to comprehensively consider (on a catchment wide basis) potential:</p> <ul style="list-style-type: none"> <li>a. Adverse effects on the natural character of the coastal environment, lakes, rivers, wetlands or their margins;</li> <li>b. Adverse effects on areas of significant indigenous vegetation or significant habitats of indigenous fauna;</li> <li>c. Adverse effects on outstanding natural features, landscapes and heritage resources;</li> <li>d. Adverse effects on the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga;</li> <li>e. Conflicts with areas where natural hazards could adversely affect the physical resources of residential and business development or pose risks to people's health and safety;</li> <li>f. Conflicts with finite resources which can reasonably be expected to be valuable for future generations (including</li> </ul>	Noted in Moonlight Heights AEE

		highly productive and versatile soils and aggregate resources). (For example, where residential and business development could adversely affect the availability of finite resources); and g. to identify mechanisms to avoid, remedy or mitigate such impacts.	
<b>Chapter 5 – Tangata Whenua</b>			
5.5 Objectives	5.5.1 To involve Tangata Whenua as partners in policy development and implementation and decision making under the District Plan.		
	5.5.2 To recognise the importance of providing for the relationship of Maori, including their culture and traditions, with their ancestral lands, water, sites, waahi tapu and other taonga.		
5.6 Tangata Whenua Policies	5.6.1 Recognising the partnership with Tangata Whenua by: 1. Consultation is undertaken with Te Roroa on those matters that may affect their taonga, or their use, development and protection of the natural and physical environment (recognising Kaitiaki); and 2. Ensuring that active consideration is given to the impacts of development on taonga. This includes Tangata Whenua involvement in consent processing / hearings.		
	5.6.2 By recognising and protecting the values of Areas of Significance to Maori		
Location	The site is located at:		
Legal Description	Address	Legal Description	Status
	163 Awakino Rd, Dargaville		Owners – Rachael Williamson and Nigel Muir.
Zoning	Rural		
Relevant Legislative and Te Roroa Associated Interests	1840 Treaty of Waitangi (Tiriti o Waitangi) Te Roroa Claims Settlement Act 2008 Heritage NZ Pouhere Taonga Act 2014 <ul style="list-style-type: none"> <li>Area of recorded and potentially unrecorded wahi tapu and wahi taonga sites and features</li> <li>Te Roroa, Te Houhanga Marae</li> <li>Kaipara District Council Operative Plan 2013 – Relevant Chapters</li> </ul>		



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### 3. Introduction

The Moonlight Heights Limited (MHL) have made an application to Kaipara District Council (KDC) for a private plan change. The purpose of the plan change is to rezone the location to a Residential Zone. The key features of the plan change are:

- Rezone 39.2ha of land in Tunatahi (Dargaville) at Awakino Road from Rural Zone to Residential Zone, including consequential amendments to the KDP Maps;
- The creation of a Awakino Precinct over top of the Residentially Zoned land with core provisions that to protect ecological features, promote high quality urban design, provide open space and connectivity;
- Any necessary consequential amendments to the KDP provisions.

For the purposes of this assessment, the area of Tunatahi (Dargaville township including Awakino Road) is recognised by TRWO&MWT as Te Roroa Cultural Lands. For clarity, Te Roroa Iwi and Hapu are recognised collectively as Mana Whenua and Tangata Whenua.

Due to the location of the proposed Awakino Rd development in Te Roroa rohe, Te Roroa Commercial Development Ltd (TRCDL) on behalf of TRWO&MWT has ensured that Te Roroa will complete a cultural values and impact assessment for the required application.

#### 3.1 Mana Enhancing Agreement

On November 5th 2020, TRWO&MWT and KDC Elected Members signed a Mana Enhancement Agreement ("MEA"). The MEA sets out the relationship objectives and guiding principles between Te Roroa and KDC. The intent of the MEA is to enable KDC and Mana Whenua to engage in a meaningful relationship that clarifies each other's roles and responsibilities and provide KDC with a clear understanding of Te Roroatanga in the Kaipara District.

#### 3.2 Cultural and Intellectual Property Rights Statement

All information contained within this document will remain the property of TRWO&MWT. Any reproduction of this document in part or whole must first meet with the written approval of the trustees of aforementioned governance entity.

#### 3.3 Site Assessment

Figure 1 shows the private plan change application area at Awakino Rd development.

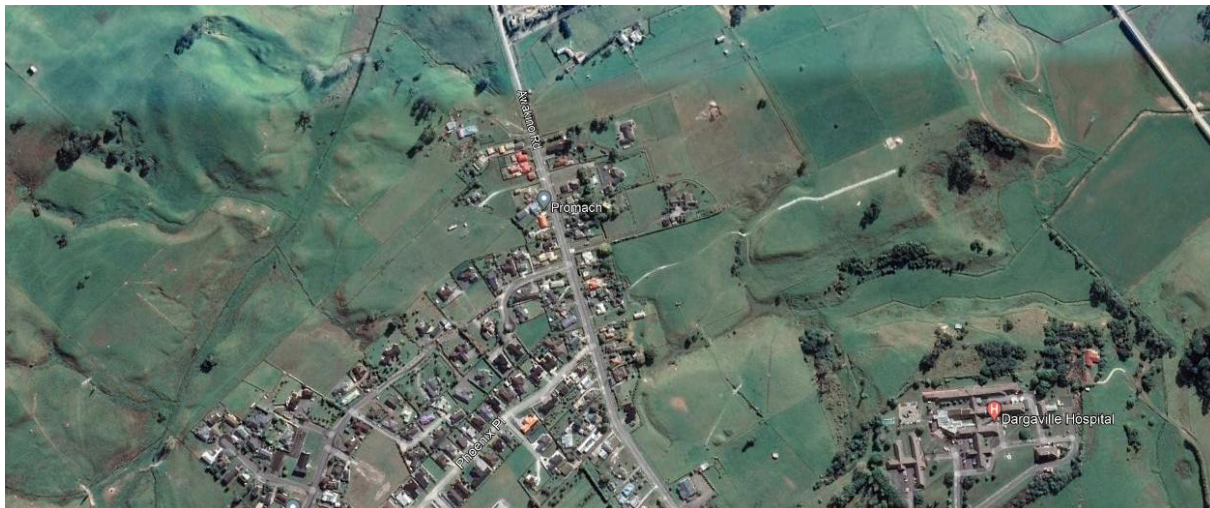


Figure 1. Google Maps Image of Awakino Rd Site

### 3.4 Purpose and Scope of Values Assessment

To provide a “Cultural Values Assessment” (section 4 & 5) to assist the applicant to meet its obligations through relevant legislative safeguards for Māori, which are underpinned by the principles of Te Tiriti o Waitangi 1840.

The scope includes:

- Expressing what Te Roroa cultural and traditional values are for MHL;
- Articulate cultural well-being in terms of any modifications on our cultural landscape and rights of access<sup>1</sup> and management of the cultural areas;
- Proposed planning recommendations to avoid, remedy and/or mitigate, offset or compensate any residual adverse effects that cannot be otherwise avoided, remediated, or mitigated.

### 3.5 Through the RMA Process

1. Identify the relationships that Te Roroa has within the area affected by the proposed MHL.
2. Identify the potential effects (biophysical, cultural, economic and social) and assess the significance of such effects of the proposal on Te Roroa and their well-being.
3. Develop recommendations regarding what MHL should do in order to adequately avoid, remedy, mitigate and/or offset any adverse effects and enhance the positive effects and opportunities of mana whenua involvement.
4. Includes statutory obligations to Māori through various legislative frameworks.

### 3.6 Methodology

The methodology undertaken includes:

- Review of relevant documents provided by the applicant (Table 1);
- Literature Review;
- Consultation with key whanau and marae within the proposed development area, in particular, Te Houhanga Marae (Te Roroa);
- Reviews on applicants reports;

A ‘Kaupapa Māori’ methodology approach has been adopted to support the assessment of mana whenua values. This approach enables mana whenua to formulate meaningful recommendations and introduce Māori planning concepts that will further enhance the outcomes of the proposed project.

<sup>1</sup> “access” in this context is socio economic access and cultural connectivity

Indigenous narratives enable Māori to return to ancient knowledge in ways of understanding the world. Smith (2000) asserts, that kaupapa Māori is:

*“a way of thinking, a way of learning, a way of storing knowledge, and a way of debating knowledge. This process is engraved in every aspect of our worldview.”*

Therefore, a ‘Kaupapa Māori’ research approach is the most appropriate framework to articulate a Māori world view. This methodology acknowledges the importance of applying tikanga and mātauranga māori which is introspective of Māori ways of knowing and doing.

Table 1

Sources	Reference	Rationale
<b>Research</b>		
Arch sites (Heritage New Zealand Pouhere Taonga) online	<a href="http://www.archsite.org.nz/">http://www.archsite.org.nz/</a>	To identify wāhi tapu sites for interpretation of cultural occupation layers
<b>Consultation</b>		
Te Roroa Development Group, Te Roroa Marae,	Consultation with TRWO&MWT representatives	Te Roroa Offices, Waipoua KDC Office, Dargaville
	Consultation with Te Houhanga Marae Representatives	Meet with Te Houhanga whanau
<b>Literature Reviews</b>		
Te Roroa Ecological and Archaeological team	Te Roroa Environmental Management Plan 2019	Provides the policies and strategies of National and Regional government.
Desktop Analysis	To assist with the data collection to analysis.	To validate the research process.
<b>Document Review</b>		
<b>When</b>		<b>Consultant</b>
Moonlight Heights Assessment of Environmental Effects	August 2022	Barker and Associates

## 4. Manawhenua

### 4.1 Te Roroa

Te Roroa people are descendants of two brothers, Manumanu I and his teina Rangitauwawaro, who are the founding tūpuna of the Te Roroa people.

Te Roroa Claims Settlement Act 2008, Part 1, Section 11 defines Te Roroa as –

(1) In this Act, **Te Roroa**—

(a) means the collective group composed of—

- (i) individuals descended from 1 or more Te Roroa tupuna; and
  - (ii) individuals who are members of the groups referred to in paragraph (c)(i);
- and

(b) means every individual referred to in paragraph (a); and

(c) includes the following groups:

- (i) Te Roroa, Ngati Kawa, Ngati Whiu, and Te Kuihi; and
- (ii) any whanau, hapu, or group of individuals composed of individuals referred to in paragraph (a).

(2) In this section and [section 12](#), **Te Roroa tupuna** means an individual who—



- (a) exercised customary rights by virtue of being descended from—
    - (i) Manumanu I or Rangitauwawaro; or
    - (ii) a recognised ancestor of any of the groups referred to in subsection (1)(c)(i); and
  - (b) exercised the customary rights predominantly in relation to the Te Roroa area of interest at any time after 6 February 1840.
- (3) In subsection (2), **customary rights** means rights according to tikanga Māori (Māori customary values and practices), including—
- (a) rights to occupy land; and
  - (b) rights in relation to the use of land or other natural or physical resources.

Te Roroa have six marae; Te Whakamaharatanga (Waimamaku), Pananawe (Waipoua), Matatina (Waipoua), Waikarā (Aranga), Waikaraka (Kaihu Valley ) and Te Houhanga (Dargaville), that are located along the west coast stemming from the Hokianga Harbour to Tokatoka on the eastern side of the Wairoa River, then across to the Te Kopuru blocks and the west coast (see Figure 2).

The Te Roroa Deed of Settlement 2008 saw the establishment of the Post Settlement Governance Entity, Te Roroa Whatu Ora and Manawhenua Trusts (TRWO&MWT). Te Roroa Manawhenua Trust (TRMWT) is the recognized authority for sites of significance within Te Roroa Rohe. Contained within Section 69.1 (a, b, c) of the Act is an acknowledgement by the Crown of Te Roroa statutory areas.



Figure 2. Te Roroa Rohe (Te Arawhiti Maps)

## 5. Legislative Framework

Legislation is the political and legal expression of how those who govern a society conceptualise an issue. Such conceptualisations are subject to change based on historical, social and cultural context, meaning that legislation can provide a temporal snapshot into how issues are understood in current contexts.

### 5.1 Te Tiriti o Waitangi 1840 – Treaty of Waitangi Principles

Te Tiriti o Waitangi (The Treaty of Waitangi) is Aotearoa's (New Zealand's) founding document. Over 500 Māori Chiefs, including approximately more than five women, signed the Treaty in 1840. It is an agreement drawn up between representatives of the British Crown and representatives of Māori, Iwi and Hapū.

While Article 1 of the Treaty enables the Crown to govern and make laws, Article 2 provides for Māori rangatiratanga over their lands and taonga (things of value). Māori values, associations and interests with their taonga applies regardless of property titles or other constructs, and the Treaty requires that the Crown actively protect these associations and interests (including through but not limited to statutes).

Like all treaties it is an exchange of promises: the promises that were exchanged in 1840 were the basis on which the British Crown acquired New Zealand. Te Tiriti o Waitangi agreed the terms by which Aotearoa would become a British Colony.

The Treaty is in two languages, Māori and English. The Treaty was intended by Great Britain to be an exchange of sovereignty to be in return for a guarantee of the authority of the chiefs and the protection of Māori land and resource rights. The Treaty also extended to Māori the same rights and privileges of British citizens.

The principles of the Te Tiriti o Waitangi being Partnership, Participation and Protection underpin the relationship between the Government and Māori. These principles are fundamental to developing relationships with government agencies, including involvement and participation in statutory policies and plans regarding the management of natural resources within the Trail area.

### 5.2 Te Roroa Settlement Act 2008

The Te Roroa Deed of Settlement 2008 saw the establishment of the Post Settlement Governance Entity, Te Roroa Whatu Ora and Manawhenua Trusts (TRWO&MWT). Te Roroa Manawhenua Trust (TRMWT) is the recognized authority for sites of significance within Te Roroa Rohe.

Contained within Section 69.1 (a, b, c) of the Act is an acknowledgement by the Crown of Te Roroa Statutory Areas.

The purpose of this Act is -

- a) to record the acknowledgements and the apology offered by the Crown to Te Roroa in the Deed of Settlement dated 17 December 2005 and signed by—
  - (i) the Minister in Charge of Treaty of Waitangi Negotiations, the Honourable Mark Burton, for the Crown; and
  - (ii) members of Te Roroa for Te Roroa; and
- b) to give effect to certain provisions of the Deed of Settlement, which is a deed that settles the Te Roroa historical claims and provides cultural and commercial redress to Te Roroa.

Section 73 - Recording of statutory acknowledgements on statutory plans

- (1) On and from the effective date, a relevant consent authority must attach information recording a statutory acknowledgement to all statutory plans that wholly or partly cover the statutory area.



- (2) The attachment of information under subsection (1) to a statutory plan—
  - (a) must include the relevant provisions of this subpart in full, the description of the statutory area, and the statement of association that relates to the statutory area; and
  - (b) is for the purpose of public information only, and the information is not—
    - (i) part of the statutory plan (unless adopted by the relevant consent authority); or
    - (ii) subject to the provisions of [Schedule 1](#) of the Resource Management Act 1991.
- (3) In this section, **statutory plan**—
  - (a) means a district plan, proposed plan, regional coastal plan, regional plan, or regional policy statement as defined in [section 2\(1\)](#) of the Resource Management Act 1991; and
  - (b) includes a proposed policy statement provided for in [Schedule 1](#) of the Resource Management Act 1991.

#### Section 74: Distribution of resource consent applications to trustees of Manawhenua Trust

- (1) A relevant consent authority must, for a period of 20 years from the effective date, forward to the trustees of the Manawhenua Trust a summary of resource consent applications received by that consent authority for activities within, adjacent to, or impacting directly on a statutory area.
- (2) The information provided under subsection (1) must be—
  - (a) the same as would be given under [section 93](#) of the Resource Management Act 1991 to persons likely to be adversely affected, or as may be agreed between the trustees of the Manawhenua Trust and the relevant consent authority; and
  - (b) provided as soon as is reasonably practicable after the application is received, and before a determination is made in accordance with [sections 93 to 94C](#) of the Resource Management Act 1991.
- (3) The trustees of the Te Roroa Manawhenua Trust may, by notice in writing to a relevant consent authority,—
  - (a) waive their rights to be notified under this section; and
  - (b) state the scope of that waiver and the period it applies for.

The Cultural Redress Relationships, Memorandums of Understanding and interaction with its Local Government representatives will be entered into between each Council and Te Roroa Manawhenua Trust.

### 5.3 Resource Management Act

With consideration of the section 5 of the RMA , in terms of sustainable management; the applicant must have regard for indigenous planning concepts which will give effect to sections 6(e), 7(a) and s8. This is supported by Jolly (2020) who states:

*“CIA reflects the aspirations of the tāngata whenua side of a treaty partnership. In this sense, CIA has the potential to contribute to a treaty-compliant resource management regime: defined by the Waitangi Tribunal (2011) as one that enables iwi/hapū to express tino rangatiratanga in their traditional territories and is capable of delivering effective influence and appropriate priority to kaitiaki interests”<sup>2</sup>*

The relationship to Tunatahi for Mana Whenua needs to be recognised as having legal standing within sections of the RMA; that being the relationships with our culture and traditions associated with sites and wahi tapu, tributaries systems and other taonga of that vicinity; coupled with our status as kaitiaki and practitioners of kaitiakitanga.

<sup>2</sup> Dyanna Jolly is from Whitebear First Nations in Canada. She has worked with iwi and hapu in Aotearoa since 2003 to prepare IMP's and CIAs. She is currently a PhD candidate with Te Whare Wananga o Otago.

- **s6(e):** As a 'matter of national importance', recognise and provide for the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, wāhi tapu, and other taonga
- **s7(a):** Have particular regard for kaitiakitanga practises; and
- **s8:** Take into account the principles of the Treaty of Waitangi

Mana Whenua have a range of relationships within Tunatahi and the MHL footprint, including kaitiakitanga, mahinga kai, ahikā, environmentalists, ecologists, educators and members of the wider community.

#### 5.4 Kaipara District Plan – November 2013 (the “District Plan”)<sup>3</sup>

The District Plan recognises that 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 Māori issues in the northern Kaipara. Tāngata Whenua cultural values are also referenced in the following chapters of the District Plan;

- Chapter 2: District Wide Resource Management Issues
- Chapter 3: Land Use and Development Strategy
- Chapter 4: Overlays (Kaipara and Mangawhai Harbour)
- Chapter 5: Tāngata Whenua Strategy
- Chapter 6: Ecological Areas
- Chapter 12: Rural
- Chapter 13: Residential
- Chapter 15(a): Māori Purposes - Māori land
- Chapter 15(b): Māori Purposes - Treaty Settlement Land
- Chapter 17: Historic Heritage
- Chapter 18: Landscapes

#### 5.5 Heritage NZ Pouhere Taonga Act 2016

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.

Relevant sections included, but not limited to are:

- (a) Section 3: the purpose of the Act is to promote the identification, protection, preservation, and conservation of historical cultural heritage of New Zealand.
- (b) Section 4: Key Principles of the Act include:
  - (i) the principle that historic places have lasting value in their own right and provide evidence of the origins of New Zealand's distinct society; and

<sup>3</sup> Kaipara District Council (2013), Kaipara District Operative Plan November 2013.  
<http://www.kaipara.govt.nz/Service++Info/District+Plan.html>.

- (ii) the principle that the identification, protection, preservation, and conservation of New Zealand's historical and cultural heritage should;
  - a. take account of all relevant cultural values, knowledge, and disciplines; and
  - b. take account of material of cultural heritage value and involve the least possible alteration or loss of it; and
  - c. safeguard the options of present and future generations; and
  - d. be fully researched, documented, and recorded, where culturally appropriate.

Section 4 of the Heritage New Zealand Pouhere Taonga Act 2004 recognises the relationship of Māori with and cultural traditions to, their ancestral lands, water, Wāhi Tapu, and Wāhi 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. Cultural Values to Mana Whenua

### 6.1 Te Ao Māori

To provide a context for assessing mana whenua values, it is useful to briefly explain the principles of the Māori world view.

Barlow (1991), explains, that to understand a Māori world view you need to understand that there are spiritual elements found in multiple places and time. This concept is intertwined with the Māori philosophical notion of mauri. According to Barlow (1991)

‘Everything has a mauri, including people, fish, animals, birds, forests, land, seas, and rivers: the mauri is the power which permits these living things to exist within their own realm and sphere. No one can control their own mauri of life existence’<sup>4</sup>

This was supported by Te Roroa Kaumatua, the late Māori Marsden who expanded on this concept and explained that “the water and the forests which are sustained by biodiversity have a mauri which is enveloped by natural phenomena such as wind, rocks, rain, and mist”<sup>5</sup>.

### 6.2 Mauri

The concept of mauri is highly relevant to the whenua in Tunatahi. The interconnectedness of all things means that the wellbeing of any part of the environment will directly impact on the wellbeing of the people.

The interconnectedness of mauri is transactional, transformative and must be managed through traditional practices of kaitiakitanga. Mauri has been loosely and inadequately translated as “life force” or “life Group”.

To assist with the concept of mauri, Mana Whenua supports the description provided earlier by Barlow (1991)

‘Everything has a mauri, including people, fish, animals, birds, forests, land, seas, and rivers: the mauri is the power which permits these living things to exist within their own realm and sphere. No one can control their own mauri of life existence’

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<sup>4</sup> Barlow, C. (1991). Tikanga whakaaro: key concepts in Māori culture.

<sup>5</sup> Maori Marsden - Woven Universe (2003)

As previously stated, this was supported by Māori Marsden (1992) who expanded on this concept and explained that “the water and the forests which are sustained by biodiversity have a mauri which is enveloped by natural phenomena such as wind, rocks, rain, and mist.”

A deeper thought process is the spiritual connectiveness. Mauri is intimate and inclusive of the physical and spiritual wellbeing of the natural environmental which all living beings are sustained from.

Mana Whenua are the kaitiaki of mauri – we have a cultural and spiritual responsibility to ensure it is maintained, protected, and enhanced. Therefore, meeting the needs and aspirations of the hapū, marae and haukainga is to protection the mauri of Tunatahi.

### 6.3 Manaakitanga

Manaakitanga is a core value of Te Ao Māori - providing sustenance and benefit to those that are in need. Te Roroa strategic plan 2018 defines manaakitanga as “Reciprocity of kindness, respect and shared abundance.

Traditionally Tunatahi was an area where Te Roroa hapu resided, collected food and grew crops. Te Roroa were known for their indigenous planning concepts and industrious nature that provided sustainable use of the resources.

Mahinga kai through water systems within this area and associated coastline was considered central to the establishment of identity for Mana Whenua; a sustaining life force that connected not only people to people but people to their resources. Serving delicacies locally for manuhiri was a key identity marker of Mana Whenua.

Use of the products, made available from the wise stewardship of the resource, allowed for maintenance of manaakitanga and whānaungatanga practices of reciprocity that governed inter-whānau, hapū and iwi relationships. Waterways and Maunga were commonly used as boundaries or reference points between whānau and hapū groupings.

Within the historic record of Mana Whenua, it is purported that upon the arrival of settlers to the Kaipara, Mana Whenua provided manaaki and protection to the various waves of emigrants, traders, and settlers. It is evident that even at the time of degradation of ngahere, kauri, tohorā, toheroa and other prized resources, the practices of manaakitanga was still maintained even as the resources of the area were stripped out and shipped away for economic gain.

Economic benefit was marginalised for Māori in industries that strip resources that sustain the various iwi, hapū, marae and whānau. Manaakitanga is a form of economic well-being. A wealthy hapū can successfully undertake manaakitanga.

### 6.4 Mana

Of all the attributes of Te Ao Māori, Mana is arguably the most highly prized and most jealously guarded. The report of the Waitangi Tribunal in 1992 on the Mohaka River discussed the right to the river through the definition of Mana.

‘The control of the river has been our Mana from way back. It came from our ancestors and down through the generations. Even though these things have been taken, we stand firm (in our belief...Our ancestors discovered the Mana. They found the Mana in the hills, in the rivers, and that is why we battle for their return. Tino Rangatiratanga can be understood as meaning ‘full authority, status, and prestige with regard to their possession and interest’. Mana is the personalisation of that authority.’

Mead (2016) enforces this concept of Mana in relation to belonging to the whenua through our identity which is imbedded in our hapū (pregnancy), whenua (placenta), the pito (umbilical cord) and iwi (bones). Furthermore, Durie (1987:78) further highlights the tikanga of what this relationship to the whenua looks like

'In the beginning land was not something that could be owned or traded. Māori did not seek to own or possess anything, but to belong. One belonged to a family, that belonged to a hapu, that belonged to a tribe. One did not own land. One belonged to the land.'

Mana is inter-generational. If this generation of decision-makers allow a decision to be made that proves detrimental to the options available to future generations will their Mana be degraded over time? If the decision made causes a long-term adverse effect on the ecosystem of the Awakino Road area it is inevitable that this will lead to adverse consequences for the Mana of this generation of kaumatua and kuia. While the potential for such effect may be considered minimal or minuscule by the applicant, it is not them that will bear a cultural cost.

## 7. Relationship to Tunatahi

The relationship to Tunatahi for Mana Whenua needs to be recognised as having legal standing within sections of the RMA; that being the relationships with our culture and traditions associated with sites and wahi tapu, tributaries systems and other taonga of that vicinity; coupled with our status as kaitiaki and practitioners of kaitiakitanga.

- s6(e): As a 'matter of national importance', recognise and provide for the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, wāhi tapu, and other taonga;
- s7(a): Have particular regard for kaitiakitanga;
- s8: Take into account the principles of the Treaty of Waitangi.

The status of Te Roroa as Mana Whenua has not been disputed by other iwi and was recognised by the crown in Te Roroa Treaty Settlement 2008.

With consideration of the s5 of the RMA in terms of sustainable management; the applicant must have regard for indigenous planning concepts which will give effect to sections 6(e), 7(a) and s8. This is supported by Jolly (2020) who states:

"...CIA reflects the aspirations of the tāngata whenua side of a treaty partnership. In this sense, CIA has the potential to contribute to a treaty-compliant resource management regime: defined by the Waitangi Tribunal (2011) as one that enables iwi/hapū to express tino rangatiratanga in their traditional territories and is capable of delivering effective influence and appropriate priority to kaitiaki interests" Mana whenua have a range of relationships in their rohe, including kaitiakitanga, mahinga kai, ahikā, Māori land ownership, foresters, fishers, educators, employees/employers and members of the wider community."<sup>6</sup>

### 7.1 Traditional Relationship

Te Roroa interests in this area is by virtue of whakapapa, take tupuna (inherited rights) and ahikāroa (long occupation). Te Roroa tikanga does not recognise that "affiliations over time" provide any basis for confirming the customary interests of Te Roroa.

There is a misconception that Te Roroa have common ancestry with Ngati Whatua. Iwi members acknowledge that individuals have whakapapa connections to Ngati Whatua and Ngapuhi throughout Taitokerau but these connections do not give those individuals their customary rights and interests in Tunatahi. The connections with Ngati Whatua is to Mahuhu-ki-te-rangi Waka.

As complex and intricate as whakapapa can be, it is the foundation of Mana Whenua, Mana Wai, and Mana Moana rights and access to resources. Te Roroa claim their rights in this area through whakapapa. The Moonlight Heights proposed development is within the recognised statutory rohe of Te Roroa.

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<sup>6</sup> Dyanna Jolly is from Whitebear First Nations in Canada. She has worked with iwi and hapu in Aotearoa since 2003 to prepare IMP's and CIAs. She is currently a PhD candidate with Te Whare Wananga o Otago.



Mana Whenua acknowledge traditional relationships derived from either whakapapa, marriage, conquest, gift, muru, social enterprise and seasonal resourcing. These traditional relationships can be described as methods of Māori 'land tenure'. But unlike Crown land tenure, Mana Whenua traditional relationships with the natural environment is intimate, transactional and transformative under the 'lore' of tikanga and kawa.

Te Kuihi hapu descend from the Te Roroa paramount chief Toa whose grandson Taramainuku adopted the hapū name Te Kuihi. Other descendants of Toa also have whakapapa to Tunatahi and have a long history of settlement in the area for over 200 years. Oral histories have been recorded in Waitangi Tribunal findings that purport occupation pre European settlement up to 1840. In the years up to 1870, it is widely understood that increasing European settlement by missionaries, gum diggers, flax and timber traders, and service people such as storekeepers placed enormous pressure on Mana Whenua and Tangata Whenua in the Kaipara area. Māori enterprise and trade was vibrant and common practice pre European settlement.

## 7.2 Wai

Mana Whenua believe that water is the very life force of our people, a basic and core element providing for our own existence. The labyrinth waters flowing together from of the many rivers are elaborated in the whaikōrero of our tūpuna.

Within Te Roroa oral histories, Te Roroa tupuna, Tuputupuwhenua was metaphorically described as a 'spring gushing from the earth' from which all the life giving waters of the land were sourced. Further, numerous whakataukī, pūrākau, taniwha and mahinga kai have been recorded through the naming of water systems and land features which establishes the depth and closeness to the land, water and resources to mana whenua.

## 7.3 Cultural Relationships

Mana Whenua hold a historic and contemporary cultural relationship with Tunatahi that continues unabated today. This relationship is affirmed through mana whenua, mana wai, and mana tāngata. Historical connection and whakapapa ahikaroa for generations with Tunatahi. Cultural relationships are ongoing and vibrant in history and in living memory and cumulative. Garth Harmsworth (2002b) asserts Māori culture and its associated values and knowledge will only be realised if:

"...an indigenous renaissance that takes traditional concepts and values and set them equally in a contemporary context next to Western concepts and values, as a basis for living"<sup>7</sup>

Culture is not adequately defined in the RMA, it is recognised as having separate, distinct, and integral role in sustainable development and is gradually emerging out of the realm of social and economic sustainability and well-being. Through this assessment cultural well-being is pivotal in measuring impacts.

Cultural landscapes or cultural sites of significance. Ensuring the protection and preservation of the landscapes for future generations is paramount to the hapū and to the wider community. These sites hold great mana therefore, the greater the mana the higher the tapu that surrounds the area which means the superior the value of these sites are for mana whenua.

## 7.4 Community Relationships

In addition to Mana Whenua cultural and traditional relationship, Mana Whenua has articulated that they also value their relationship as locals (residents), employers, landowners and members of the wider community within Tunatahi. Amongst the concerns raised were the potential socio-economic

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<sup>7</sup> Garth Harmsworth is a senior environmental scientist based in Palmerston North and has worked for Manaaki Whenua-Landcare Research since 1992. His professional career spans over 37 years in resource management, land resource assessment, national environmental databases, GIS applications, and indigenous research.

opportunities for other residents whose land can achieve benefits from the proposed development. Those being non-Māori residents.

## 7.5 Kaitiakitanga Relationships

To have 'particular regard for kaitiakitanga' under section 8 of the Resource Management Act 1991 in relation to Tunatahi, is to understand the application of kaitiakitanga. Mana Whenua advocate that the proposed Moonlight Heights development must have provision for the application of kaitiakitanga.

Kaitiakitanga is the application of indigenous planning and resource management. Unfortunately, the practise of kaitiakitanga has been suppressed, degraded, and removed from the landscape through colonised planning practices, land loss and degradation of mauri.

In particular, a major Crown mechanism was legislation that marginalised and destroy the use of Mātauranga Māori. The Tohunga Suppression Act 1907 had an enormous impact on the transference of matauranga kaitiakitanga.

Kaitiakitanga was transmitted through pūrakau, waiata, karakia, and whakatauki, to name but a few known methods. In addition, the access of use of resource through mahinga kai and creative methods, to name a few, have held vital planning discourse or 'best practice' methodology that sustained the natural environmental. However, for centuries our enculturation of resource management has been removed, diminished and 'particular regard' for kaitiakitanga and its practice has been 'pigeon-holed' to one section of the Resource Management Act.

Currently, the ability to practice kaitiakitanga for whanau, hapu, and haukainga is somewhat undermined through systematic misunderstandings of what matauranga means and its benefits to the environment. Pigeonhole to fit in a Pakeha scientific model which requires repeated justification.

Mana Whenua are committed to ensuring that today's kaitiaki will play a significant future role in the management, monitoring and protection of their environment. In the last 3 years, Mana Whenua and government agencies have been making a concerted effort and provision towards inclusive decision making which incorporates matauranga Māori.

## 7.6 Treaty Relationships

Mana Whenua have a further relationship as a Treaty partner to the Crown. Settlement for both Mana Whenua gave provision for mechanism designed to give effect to their status as a Treaty partners, part of which includes various Statutory Acknowledgement and Memorandum of Understanding/Mana Enhancement Agreements with local government bodies.

The current proposal is also a direct result of the applicant giving effect to Mana Whenua relationship to the Crown.

While the RMA fails to adequately devolve the Crown's Tiriti responsibilities to Māori, Mana Whenua still expect their status and position as Tiriti partners to be acknowledged and upheld through all resource consent application in their respective rohe.

## 7.7 Cultural Sites

For Te Roroa, the entire rohe is a cultural landscape that is entrenched with identity and significance. The character of the rohe particularly in the project area is made up of the integral parts such as Tunatahi, Parore, Waihue, Kaihu Awa, Te Wharau, Awakino Point and Northern Wairoa Awa. The land on which the Moonlight Heights Limited proposed development is significant due to its place within this landscape, as well as the proximity to the aforementioned areas.

Below is a list of specific sites and areas of cultural significance in the Tunatahi area. (Table 2)

Table 2

Name	Description	Cultural Activity	Cultural Values	Cultural Value
Te Wharau	Te Wharau is a significant place where our tupuna resided and utilised as a mahinga kai.	Kainga, Mahinga Kai	Matauranga Maori, Muri, Tikanga/Kawa	High
Awakino	Awakino is a significant place where our tūpuna passed through, gathered kai or resided.	Kainga, Mahinga Kai	Matauranga Maori, Muri, Tikanga/Kawa	High
Tunatahi	Tunatahi (Dargaville) is a significant place where our tupuna resided and utilised as a mahinga kai and meeting place where waka would arrive or depart from.	Kainga, Mahinga Kai, Wahi Tapu	Matauranga Māori, Mauri, Tikanga/Kawa	High
Parore	Parore (named after Chief Parore Te Awha) is a significant place where our tupuna resided and utilised as a mahinga kai and meeting place where waka would arrive or depart from.	Kainga, Mahinga Kai, Wahi Tapu	Matauranga Māori, Mauri, Tikanga/Kawa	High
Waihue	Waihue is a significant place where our tupuna resided and utilised as a mahinga kai and meeting place where waka would arrive or depart from.	Kainga, Mahinga Kai, Wahi Tapu	Matauranga Māori, Mauri, Tikanga/Kawa	High
Kaihu River	The Kaihu River is a living entity with its own mauri, wairua and mana. It sustains flora, fauna and human spiritual and physical wellbeing within the area.	Mahinga Kai, Wahi Tapu, Wahi Tohu, Wai Māori	Matauranga Māori, Mauri, Tikanga/Kawa,	High
Northern Wairoa River	The Northern Wairoa River is a living entity with its own mauri, wairua and mana. It sustains flora, fauna and human spiritual and physical wellbeing within the area.	Mahinga Kai, Wahi Tapu, Wahi Tohu, Wai Māori	Matauranga Māori, Mauri, Tikanga/Kawa,	High

## 8. Cultural Impact Assessment

### 8.1 Assessment Site

The following impact assessment is to identify the potential effects of the proposed development on Mana Whenua.

The proposed development footprint is approximately 39.2ha and currently privately owned land. Te Roroa Marae, Te Houhanga is situated in the Tunatahi area and is the closest Marae to the development site.

Figure 3. Te Houhanga Marae

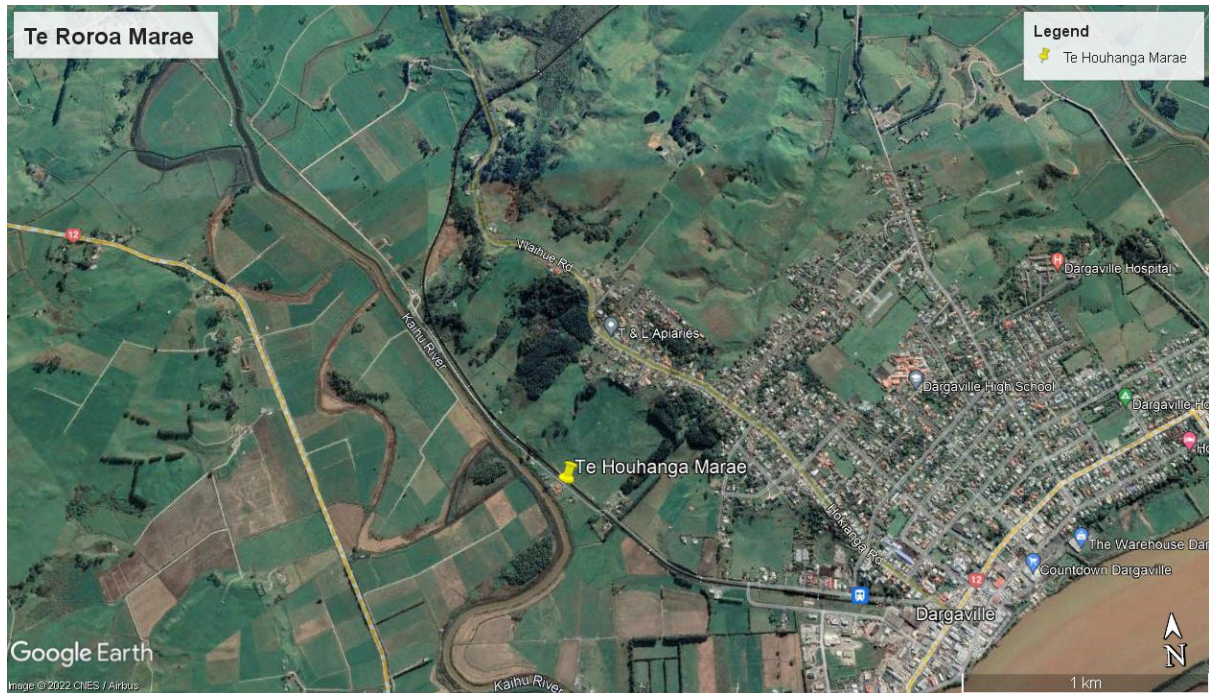


Figure 3. Te Roroa Marae in the area.

## 8.2 Purpose of Cultural Impact Assessment

The purpose of the CIA is to assess the level of effects adverse or otherwise of the proposal on Mana Whenua cultural, traditional, spiritual and heritage values, and to provide appropriate recommendations to avoid, remedy or mitigate potential or actual effects on those values. Mana Whenua key values have been expressed in section 3 with the following associated values:

- Cultural heritage sites, landmarks, landscapes and significant features (i.e. Archaeological Sites);
- Effective and efficient land use planning with positive environmental management and outcomes;
- Ecosystem health and sustainable development;
- Integrated catchment management;
- Wetland and estuary restoration;
- Sustainability of water and water quality;
- Protection of indigenous flora, fauna and indigenous vegetated areas;
- Protection of native species and ecological habitats;
- The practise of ethnobotany<sup>8</sup> ; and
- The preservation of the Māori language, stories, culture and cultural practices, as some examples.

Note: This CIA is an assessment based on cultural values. It is not intended for use as an archaeological assessment. Such assessments can only be provided by a professional and suitably qualified Archaeologist.

<sup>8</sup> The study of how people of a particular culture and region make use of indigenous (native) plants.

### 8.2.1 Effects on Mana Whenua Wellbeing

The identification of effects on Mana Whenua is framed on the definition of 'environment' (section 2 of the RMA) and 'effect' (section 3 of the RMA). Taken together these two definitions provide some general context to articulate what the effects are to Mana Whenua:

'Environment', under the RMA, includes:

- (a) ecosystems and their constituent parts, including people and communities; and
- (b) all natural and physical resources; and
- (c) amenity values; and
- (d) the social, economic, aesthetic, and cultural conditions which affect the matters stated in paragraphs (a) to (c) or which are affected by those matters

'Effects' include:

- (a) any positive or adverse effect; and
- (b) any temporary or permanent effect; and
- (c) any past, present, or future effect; and
- (d) any cumulative effect which arises over time or in combination with other effects—  
regardless of the scale, intensity, duration, or frequency of the effect, and also includes—
- (e) any potential effect of high probability; and
- (f) any potential effect of low probability which has a high potential impact.

This section addresses the requirement by the applicant to complete an 'Assessment of Environmental Effects' of the proposal. While there are well recognised tools and processes for assessing effect on most bio-physical matters as well as economic and social values, there are few recognised tools for undertaking assessment on the cultural effects.

Therefore, the assessment framework is taken from an integrated approach formulated by the Ministry of Culture and Heritage in conjunction with Local Government to explore how regional councils are approaching their obligations to cultural well-being. The extract below, taken from the report, articulates four well-beings which are fundamental concepts liken to interconnectedness of Te Ao Māori. The effects addressed below are hierarchal. The categories include; biophysical, cultural, economic and social effects.

## 8.3 Bio Physical Effects

### 8.3.1 Land Stability

Land use within the project area is primarily pastoral and urban. It was originally broadly vegetated in "kauri/taraire-kohekohe-tawa forest" and "wetlands". (Leathwick et al., 2004).

### 8.3.2 Climate Change

Climate change needs particular regard under section 7(i) of the RMA. It is important to Mana Whenua and considerations must be recognised given the direct affects to the natural environment. Climate change will influence the socio-ecological practices of mahinga kai and matauranga held by Te Roroa elders.



### 8.3.3 Waterways, Sedimentation and Biodiversity

Tunatahi is a significant cultural area. For future works, earthworks in the project area will be on a large scale. This activity may require Erosion Control Management Plan to adhere to Erosion and Sediment Control Guide for Land Disturbing Activities in the Auckland Region 2016 (GD05) and should ensure that sedimentation is managed as much as possible with works on this scale.

The health of the waterways in the project area is highly significant to Mana Whenua. Any degradation through poor sediment controls are of high concern.

### 8.3.4 Biodiversity – flora and fauna

Manuka and Kanuka and other divaricating species hold whakapapa to the area, enhance the mauri of the area, provide habitat and are significant cultural resources.

Care will need to be taken to make sure that bird species are not put at risk during the construction stage especially if birds may be nesting.

#### Planning Considerations:

- Suggested that replanting plan incorporate Matauranga to mitigate land instability with expert advice and input from Mana Whenua;
- Erosion Controls shared with Mana Whenua during the construction stage for better cultural monitoring requirements;
- Revegetation plants should be sourced from Mana Whenua owned and operated nurseries;
- To assist fulfilling plant orders, Mana Whenua should be informed as early as possible the required species needed for revegetation planting.

### 8.4 Cultural Effects – Wahi Tapu, Sites and Taonga

As discussed earlier, Tunatahi has a history of pre- European Māori settlement. There are multiple sites of significance, wahi tapu and other taonga known and not known throughout the landscape. While some of these sites are on public record (including council databases and the Archaeological Association), many are not.

It is accepted by Mana Whenua that Tunatahi is an area where koiwi (human remains) are likely to be unearthed. The footprint of the proposed development area is likely to see high volumes of earthworks.

There has been occasions in the area where known landscapes were used to hide taonga by Māori due to its preservation properties.

#### Planning Considerations

- The applicant must take a proactive approach by consulting with Mana Whenua prior to work commencing.
- That a blessing takes place before the breaking of the whenua is undertaken at the direction of Mana Whenua.
- All relevant contractors involved in the construction undergo a 'cultural induction' to ensure the significance of koiwi and other taonga are understood and the associated protocols are followed should a deposit be discovered.
- Mana Whenua Kaitiaki appointed by Te Roroa Whatu Ora and Manawhenua Trust, with the guidance of Te Houhanga kaumatua and kuia, are present at all earthworks to ensure the appropriate identification of sites of significance are undertaken.



- If remains are uncovered, work is to stop immediately, the site is to be protected and Te Roroa Whatu Ora and Manawhenua Trusts are contacted.
- In the event that a taonga or artefact is discovered in the course of this project the ownership of such artefacts or taonga will be returned to Te Roroa Manawhenua Trust. All decisions pertaining to these taonga will remain with Te Roroa Governance.
- All obligations and responsibilities of the applicant (consent holder) with regard to the above will be passed on to any contractor completing the work on their behalf.

## 8.5 Effects on Kaitiakitanga

As kaitiaki, we are responsible for both the knowledge (mātauranga) and the practice (tikanga) of kaitiakitanga in relation to the resource. Mana whenua reflect that this responsibility is not a right, but a duty bound by tikanga.

Kaitiakitanga requires the recognition and empowerment of kaitiaki as the implementers. The role of kaitiaki would traditionally belong with a particular whanau or person or where tribal processes nominate kaitiaki in relation to a particular resource. The taiapure system is one where the equivalent of a kaitiaki group is appointed to carry out management functions.

Education, training and employment are components that play an integral part of their social, cultural and economic well-being.

Cultural monitoring is necessary to track the effectiveness of incorporating Māori values, tikanga, and mātauranga Māori values for the consent application. It enables Mana Whenua to carry out its Kaitiakitanga responsibilities, integral to maintaining and effectively managing its resources and economic benefits for its people into the future.

### Planning Considerations

- Any future consent conditions are consistent with Mana Whenua Kaitiaki monitoring protocols;
- That the contractor incorporates tikanga Māori values in their Health and Safety Plan;
- Mana Whenua Kaitiaki monitors adequately resourced to undertake training to;
  - Ensure that there are sufficient numbers of kaitiaki to monitor;
  - Meet the Health and Safety requirements of the contractors;
- Kaitiaki are compensated accordingly for continued kaitiakitanga monitoring after the construction;
  - That ongoing Kaitiakitanga post construction;
  - Maintenance of the replanted vegetation;

## 8.6 Social and Economic Effects

A key focus for Mana Whenua has been the proposed development and economic benefits for Te Roroa Marae and whanau. Whilst this is a key focus for Te Roroa social and economic development, the protection of our significant cultural and environmental sites supersedes those aims.

## 8.7 Comment

Moonlight project is located within ancestral lands of Te Roroa and Te Roroa hapu whom descend from Te Roroa tupuna Toa and maintain manawhenua and kaitiakitanga status due to their occupation and connection of the whenua for over 600 years. This association provides an intergenerational cultural connection or whakapapa to the whenua. These cultural connectors or values must be elevated and preserved by tangata whenua. Strengthening these cultural connectors

is the responsibility of tangata whenua to protect, enhance and preserve our taonga and culturally significant sites.

## 9. Recommendations

### 9.1 Request for meeting between Te Roroa, Te Kuihi and the Moonlight Heights Limited to discuss the following;

- i. Moonlight Heights Project
- ii. Opportunity for local iwi/tangata whenua contractors
- iii. Cultural Acknowledgements

### 9.2 Request for Private Plan Change conditions

- i. Te Roroa requests a copy of the final Private Plan Change.

### 9.3 Construction

- i. Mana Whenua requests that any proposed development is constructed away from wetlands or with bunding measures and collection of contaminated water for treatment, disposal at an approved location or re-use facility;
- ii. Commitment to stormwater control on the proposed development area that restricts impact to waterways and wetlands;

### 9.4 Kaitiakitanga: Construction and Cultural Monitoring

- i. That the applicant engages with Mana Whenua at least 1 month prior to any works commencing with a program of works.
- ii. At least twenty (20) working days' notice, the Consent Holder (MHL) shall engage, at their full expense, Mana Whenua Kaitiaki to undertake the following:
  - a. A blessing from a Kaumatua is undertaken to ensure the 'state' of hau ora (holistic health) is maintained;
  - b. Mana Whenua Kaitiaki attend an onsite pre-works meeting with the Contractors/Consent Holder;
  - c. Cultural monitoring to be undertaken for the topsoil stripping and removal of earth to the site;
  - d. Mana Whenua will provide a formal letter to Council confirming that upon completion, cultural monitoring has been provided for to the satisfaction of Mana Whenua.

### 9.5 Northern Wairoa Awa Monitoring

- i. Any future works shall ensure that mitigation measures are robust to prevent impacts of increased runoff from entering the Northern Wairoa Awa;
- ii. An electronic copy of the Erosion and Sediment Control Plan is provided to Mana Whenua once the plan has been completed;

### 9.6 Whenua. Accidental Discovery Protocols (ADP) – Archaeological Sites

- i. If archaeological remains or buried cultural deposits are encountered at any time and Mana Whenua Kaitiaki are not present or layers of shell midden, charcoal rich or burned soils, oven stones, artefacts and an archaeologist and Mana Whenua Kaitiaki are not present, the

consent holder should cease work in the immediate vicinity and Te Roroa Whatu Ora & Manawhenua Trusts and Heritage New Zealand are contacted for advice on how to proceed.

#### 9.6.1 In cases other than suspected human remains:

- i. The contractor must shut down all machinery, immediately, secure the area and advise the Consent Holder or proponent and Kaipara District Council of the occurrence. The Consent Holder or proponent must then notify Heritage New Zealand Pouhere Taonga office so that the appropriate Consent procedure can be initiated.
- ii. The Consent Holder or proponent must consult with an iwi representative (Mana Whenua will provide contact details) to determine what further actions are appropriate to safe guard the site.

#### 9.6.2 Where human remains are suspected:

- i. The contractor must take steps immediately to secure the area in a way that ensures human remains are not further disturbed. The contractor shall advise the Consent Holder or proponent of the steps taken.
- ii. The contractor shall notify the Police, Heritage New Zealand, Te Roroa/Te Kuihi (who will in turn, notify their nominated kaumatua) and Te Roroa/Te Kuihi Kaitiaki (if not present for cultural monitoring) within 12 hours of the suspected human remains being disturbed, or otherwise as soon as practically possible.
- iii. Excavation of the site shall not resume until the Police, Heritage New Zealand and Te Roroa representatives have each given the necessary approvals for excavations to proceed.

#### 9.7 Future Consent Applications / Additional Works

- i. In the event future resource/building consent applications are applied for additional engagement and a Cultural Assessment Addendum will be required.

#### 9.8 Advice Note

- i. That any future consent holder engage Mana Whenua on the following recommendations;
  - 1. Building Capability and Capacity**
    - a. Mana Whenua should be considered for employment during the construction phase.
    - b. Mana Whenua should receive employment or contract for service opportunities for any maintenance contracts on the proposed development area.
    - c. The data collected from monitoring the proposed development area should be collated into an education format that can be delivered to local schools and marae to educate future kaitiaki about the benefits and risks associated to a large scale development.
  - 2. Supporting Mana Whenua Enterprise**
    - a. Revegetation, riparian and buffer planting - plants should be sourced from Mana Whenua-owned and operated nurseries.
    - b. To assist fulfilling plant orders, Mana Whenua should be informed as early as possible the required species needed for revegetation planting.
    - c. That Mana Whenua are instrumental in the plant selection and source of plants.
  - 3. Future Impact Assessment**
    - a. Mana Whenua need a distinct process of expressing their voice regarding the ongoing social impacts that will result from this project.

## 9.9 Conclusion

These recommendations and others will be included in the Cultural Impact Assessment for any resource and building consents for the Moonlight Development.

## 10 References

- Moonlight Ltd AEE
- Barlow, C. (1991) Tikanga whakaaro: key concepts in Maori culture. Auckland: Oxford.
- Jolly, D. PhD Candidate at Te Wananga o Otago/University of Otago.
- Marsden, M. (1992) Kaitiakitanga: A definitive introduction to the holistic world view of the Maori. A Woven Universe – Writings of Maori Marsden (2003)
- Harmsworth, G, Integrating matauranga Maori into land management, planning and decision making.
- Waitangi Tribunal 1992 Report Mohaka River
- Waitangi Tribunal 1992 Report Te Roroa

## Attachment 4 Summary of CIA Recommendations and Response

CIA Recommendation	Applicant Response
<p>9.1 Request for meeting between Te Roroa, Te Kuihi and the Moonlight Heights Limited to discuss the following:</p> <ul style="list-style-type: none"> <li>• Moonlight Heights Project.</li> <li>• Opportunity for local iwi/tangata whenua contractors.</li> <li>• Cultural Acknowledgements.</li> </ul>	<p><i>Applicant happy to meet prior to physical works commencing onsite.</i></p>
<p>9.2 Request for Private Plan Change conditions</p> <p>i. Te Roroa requests a copy of the final Private Plan Change.</p>	<p><i>Te Roroa will be supplied a copy of any Council decision.</i></p>
<p>9.3 Construction</p> <p>i. Mana Whenua requests that any proposed development is constructed away from wetlands or with bunding measures and collection of contaminated water for treatment, disposal at an approved location or re-use facility;</p> <p>ii. Commitment to stormwater control on the proposed development area that restricts impact to waterways and wetlands;</p>	<p><i>i. Proposed precinct provisions go beyond the ODP provisions to ensure protection of wetlands within the plan change area – Policy P4, Rules 13.10.7.3d) Setbacks, 13.13A Subdivision and 13.14.5 Stormwater Disposal ensure that future development will be appropriately setback and stormwater managed.</i></p> <p><i>ii. Proposed precinct provisions go beyond the ODP provisions to avoid impact to waterways and wetlands, seeking to manage stormwater in accordance with best practice, furthermore, the precinct provisions include an information requirement that all subdivision applications must be supported by a detailed stormwater assessment report and stormwater management plan.</i></p>
<p>9.4 Kaitiakitanga: Construction and Cultural Monitoring</p> <p>i. That the applicant engages with Mana Whenua at least 1 month prior to any works commencing with a program of works.</p> <p>ii. At least twenty (20) working days' notice, the Consent Holder (MHL) shall engage, at their full expense, Mana Whenua Kaitiaki to undertake the following:</p> <p>a. A blessing from a Kaumatua is undertaken to ensure the 'state' of hau ora (holistic health) is maintained;</p>	<p><i>The proposed plan change seeks to rezone the plan change area Residential Zone with a Precinct, therefore, earthworks rule 13.10.1a will apply to any future development. Assessment criteria xi provides scope to apply construction and cultural monitoring conditions to any future resource consent.</i></p>

<ul style="list-style-type: none"> <li>b. Mana Whenua Kaitiaki attend an onsite pre-works meeting with the Contractors/Consent Holder;</li> <li>c. Cultural monitoring to be undertaken for the topsoil stripping and removal of earth to the site;</li> <li>d. Mana Whenua will provide a formal letter to Council confirming that upon completion, cultural monitoring has been provided for to the satisfaction of Mana Whenua.</li> </ul>	
<p>9.5 Northern Wairoa Awa Monitoring</p> <ul style="list-style-type: none"> <li>i. Any future works shall ensure that mitigation measures are robust to prevent impacts of increased runoff from entering the Northern Wairoa Awa;</li> <li>ii. An electronic copy of the Erosion and Sediment Control Plan is provided to Mana Whenua once the plan has been completed;</li> </ul>	<ul style="list-style-type: none"> <li>i. <i>Proposed precinct provisions go beyond the ODP provisions to avoid impact to waterways and wetlands, seeking to manage stormwater in accordance with best practice, furthermore, the precinct provisions include an information requirement that all subdivision applications must be supported by a detailed stormwater assessment report and stormwater management plan.</i></li> <li>ii. <i>Applicant will provide a copy of any Erosion and Sediment Control Plan should development occur in the future.</i></li> </ul>
<p>9.6 Whenua. Accidental Discovery Protocols (ADP) – Archaeological Sites</p> <ul style="list-style-type: none"> <li>i. If archaeological remains or buried cultural deposits are encountered at any time and Mana Whenua Kaitiaki are not present or layers of shell midden, charcoal rich or burned soils, oven stones, artefacts and an archaeologist and Mana Whenua Kaitiaki are not present, the consent holder should cease work in the immediate vicinity and Te Roroa Whatu Ora &amp; Manawhenua Trusts and Heritage New Zealand are contacted for advice on how to proceed.</li> </ul> <p>9.6.1 In cases other than suspected human remains:</p> <ul style="list-style-type: none"> <li>i. The contractor must shut down all machinery, immediately, secure the area and advise the Consent Holder or proponent and Kaipara District Council of the occurrence. The Consent Holder or</li> </ul>	<p><i>The proposed plan change seeks to rezone the plan change area Residential Zone with a Precinct, therefore, earthworks rule 13.10.1a will apply to any future development. Assessment criteria xi provides scope to apply accidental discovery protocol conditions to any future resource consent.</i></p>



<p>proponent must then notify Heritage New Zealand Pouhere Taonga office so that the appropriate Consent procedure can be initiated.</p> <p>ii. The Consent Holder or proponent must consult with an iwi representative (Mana Whenua will provide contact details) to determine what further actions are appropriate to safe guard the site.</p> <p>9.6.2 Where human remains are suspected:</p> <p>i. The contactor must take steps immediately to secure the area in a way that ensures human remains are not further disturbed. The contractor shall advise the Consent Holder or proponent of the steps taken.</p> <p>ii. The contractor shall notify the Police, Heritage New Zealand, Te Roroa/Te Kuihi (who will in turn, notify their nominated kaumatua) and Te Roroa/Te Kuihi Kaitiaki (if not present for cultural monitoring) within 12 hours of the suspected human remains being disturbed, or otherwise as soon as practically possible.</p> <p>iii. Excavation of the site shall not resume until the Police, Heritage New Zealand and Te Roroa representatives have each given the necessary approvals for excavations to proceed.</p>	
<p>9.7 Future Consent Applications / Additional Works</p> <p>i. In the event future resource/building consent applications are applied for additional engagement and a Cultural Assessment Addendum will be required.</p>	<p><i>Noted</i></p>
<p>9.8 Advice Note</p> <p>i. That any future consent holder engage Mana Whenua on the following recommendations;</p> <ol style="list-style-type: none"> <li>1. Building Capability and Capacity <ol style="list-style-type: none"> <li>a. Mana Whenua should be considered for employment during the construction phase.</li> <li>b. Mana Whenua should receive employment or contract for service opportunities for any</li> </ol> </li> </ol>	<p><i>Applicant happy to engage with Te Roroa prior to physical works commencing onsite.</i></p>

<p>maintenance contracts on the proposed development area.</p> <p>c. The data collected from monitoring the proposed development area should be collated into an education format that can be delivered to local schools and marae to educate future kaitiaki about the benefits and risks associated to a large scale development.</p> <p>2. Supporting Mana Whenua Enterprise</p> <p>a. Revegetation, riparian and buffer planting - plants should be sourced from Mana Whenua-owned and operated nurseries.</p> <p>b. To assist fulfilling plant orders, Mana Whenua should be informed as early as possible the required species needed for revegetation planting.</p> <p>c. That Mana Whenua are instrumental in the plant selection and source of plants.</p> <p>3. Future Impact Assessment</p> <p>a. Mana Whenua need a distinct process of expressing their voice regarding the ongoing social impacts that will result from this project.</p>	
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