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6 April 2022

District Services Department  
Far North District Council  
John Butler Centre  
Kerikeri

Attention: Ms Hannah Kane.

Dear Hannah,

Re: Proposed retaining wall – 1 A Seaview Road, Paihia

I refer to your Section 92 Request and message of 18 March 2022 regarding our client's application to establish a retaining wall. For completeness we have updated the AEE to address the matters raised along with the revised design and methodology to remedy the situation.

Our client, Jane Banfield, seeks resource consent to establish two retaining walls to strengthen the foundations of her dwelling house at 1A Seaview Road, Paihia. Strengthening the foundations is required because the original structure was designed inappropriately for the location as noted within the NGS Report ... "*foundations of the lower level adjacent to the slip area are typically shallow and not designed to resist slope movement, except for the single 3m deep underpinning pile shown under the terrace [2000 alterations]. To the south-west, where there is no lower level adjacent to the slope, a cantilevered concrete slab dating from approximately 1978 exists with plans showing it is supported by approx 1200 deep piles*".

The retaining walls will give support to the foundations. One section of the lower wall cross the common boundary of land owned by the Far North District Council. Janes property is located within the 'the **Residential Zone**' and the adjoining land vested as Esplanade Reserve is zoned **Conservation.**

Consent is required for the following reasons.

- Setback from Boundaries;
- Sunlight;
- Water setback.

Overall, the application is a **Discretionary Activity**.

With regard to the application itself the issue of stabilising the dwelling house has become critical. EQC have assessed the damage culminating in an approved claim which is indicative of the seriousness and urgency of the situation. Resolution of the situation which Council began over 12 months ago following heavy rain. Further heavy rain this winter , which is very common , may precipitate the side of the home being undermined and breaking away. As detailed within the application and supporting documents any further delay in undertaking the work will more than likely have disastrous consequences. As such we ask that the application be processed expeditiously.

Please do not hesitate to contact me should you require any further information. Communications with Mr Rob Stewart, Assets Department, have been undertaken in working through this project by reason of work being undertaken in Councils reserve land.

Yours faithfully,



Jeff Kemp  
Principal Consultant

## 1. INTRODUCTION

The applicant, Jane Banfield, seeks resource consent to strengthen the foundations of The Banfield family's dwelling house, on their property located at 1A Seaview Road, Paihia. The proposed retaining walls will provide support to foundations. The existing foundations were the subject of an approved Building Permit, yet have been assessed by the Geotech engineers as ... *not of a type and standard appropriate for a dwelling on the crest of a coastal cliff*.

The application site is legally described as Lot 2 DP 124280 with an area of 1106m<sup>2</sup> and the adjoining Council property, Lot 3 DP 124280, vested as Esplanade Reserve. A copy of the Certificate of Title for Lot 2 is attached within **Appendix A**.

The residential site contains an existing dwelling which is located at the end of a small promontory and enjoys elevated views across the Te Haumi estuary and the waters of the Kawakawa River. Access is attained via an existing concrete drive which extends from State Highway 11.

The site adjoins an Esplanade Reserve along the eastern and southern boundaries, which separates the site from the Coastal Marine Area. This Reserve, Lot 3 DP 124280, is covered in coastal vegetation and has received spoil as a result of the ground slippage.



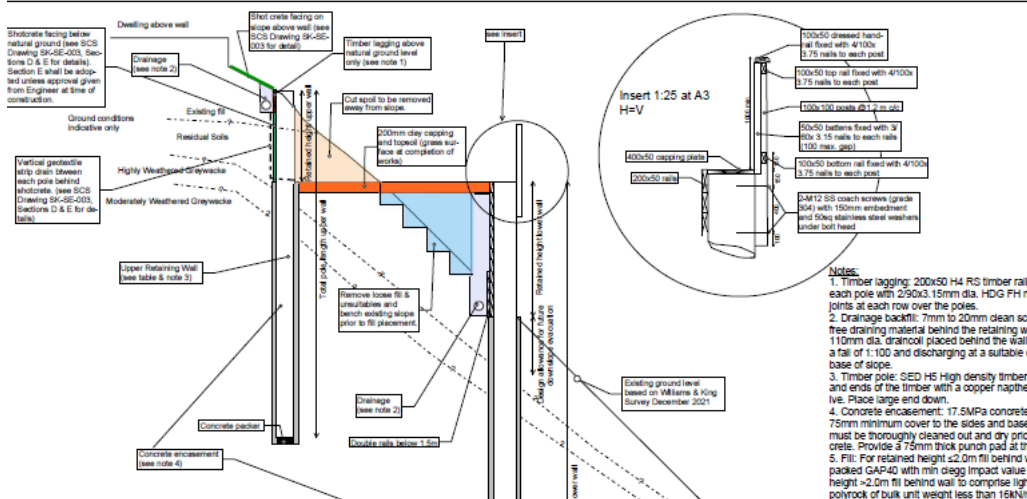
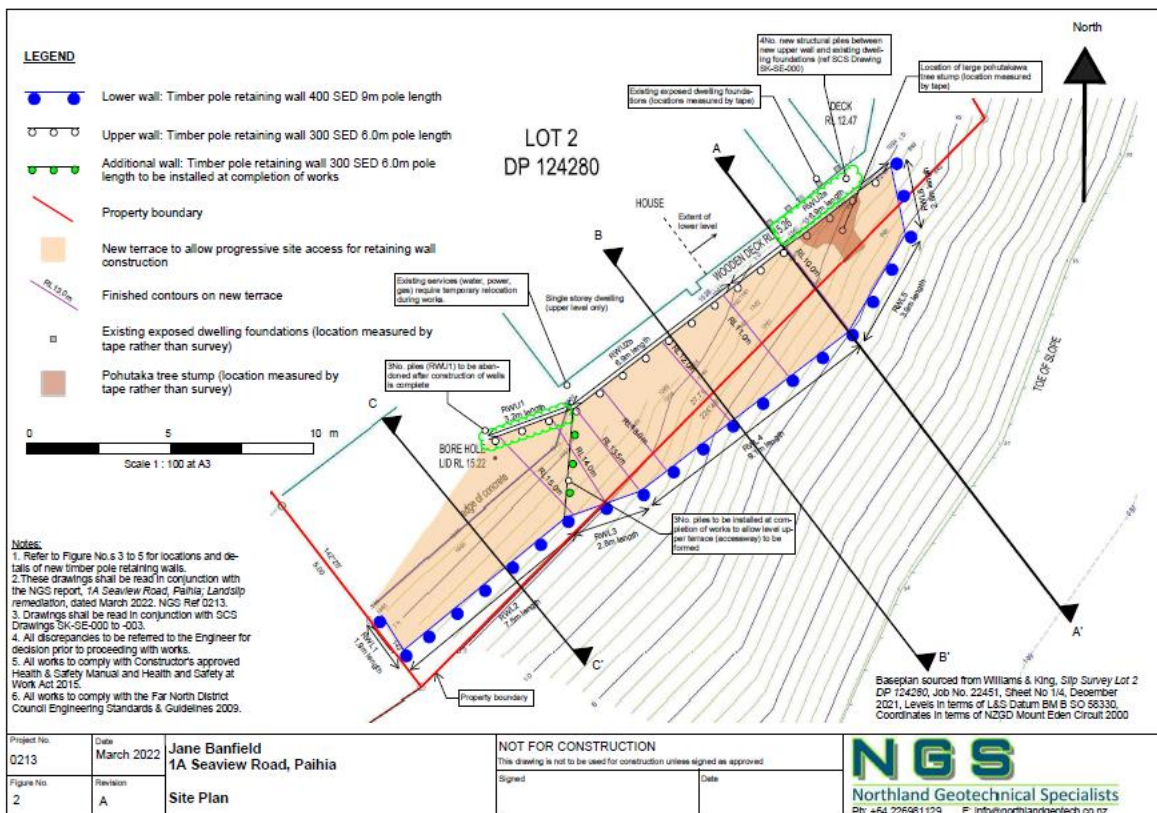
Figure 1 – Prover Aerial

## 2. RECORD OF TITLE

The site Record of Title is attached at **Appendix A**. There are a number of easements which are not affected by this application.

### 3. DESCRIPTION OF THE PROPOSAL

The supporting documents from Northland Geotechnical Specialists, Cook Costello Limited and WSP provide substantive engineering information on the proposal which can be summarised as the construction of two retaining walls. The upper wall runs parallel close to the dwelling house at a maximum height of 2.2m, and the lower wall is set away from the dwelling and for part of its length crosses over the common boundary [ the lower wall ] into land owned by Council, at a maximum height of 2.6m. The upper wall adjoining the dwelling is 17.0m long and the lower wall is 19.81m in length. A balustrade is proposed along the outer edge of the lower retaining wall.



Minimal earthworks associated with the building foundations are required for the proposal as these are set into the existing ground. Within the Banfield property, the volume of earthworks is 52.9m<sup>3</sup> fill and 12/7m<sup>3</sup> of cut. Within Council’s reserve there is 23.0m<sup>3</sup> of fill and no cut. These volumes sit well below the thresholds within both zones.

#### 4. REASONS FOR CONSENT

The Far North District Plan Zone Maps depict Janes site as **Residential** and the Esplanade Reserve as **Conservation**. No other special resource features apply to the two properties.



Figure 2 - Zoning of the site (FN Maps)

The following Table assesses the proposed retaining walls against the relevant District Plan standards.

**Table 1 – Residential / Conservation Zone Performance Standards**

Performance Standard	Residential Zone Comment	Conservation Zone Comment	
Rule 7.6.5.1.1 Relocated Buildings	Not a relocated building. <b>Permitted Activity</b>	9.7.5.1.1 Purpose of Buildings	The installation of the retaining wall assists with maintaining the integrity of the steep slope and the vegetation cover which contribute to the conservation values of site. The establishment of the retaining wall will allow the replanting of the area to complement the surrounding coastal

			vegetation. The applicant has offered this to Council in communications to date. The wall is of the same elk as retaining walls along the Paihia to Opuia walkway. These walls sustain the land to limit the slipping of the bank areas. <b>Permitted Activity</b>
Rule 7.6.5.1.2 Residential Intensity	N/a.	N/a	
Rule 7.6.5.1.3 Scale of Activities	N/a.	9.7.5.1.2	N/a
Rule 7.6.5.1.4 Building Height	The proposed building height is less than the 8m permitted maximum height. <b>Permitted Activity</b>	9.7.5.1.3	The wall is less than 8m in height. <b>Permitted Activity</b>
Rule 7.6.5.1.5 Sunlight	The proposed retaining wall is within the threshold and does not comply as a Permitted Activity, but will comply with the 3.0m threshold. <b>Restricted Discretionary Activity</b>	9.7.5.1.4	At the common boundary [ RWL3] the retaining wall is approximately 2.6m in height. <b>Restricted Discretionary Activity</b>
Rule 7.6.5.1.6 Stormwater Management	Total proposed retaining wall is sitting under the curtilage of the dwelling foundations and overhangs. <b>Permitted Activity</b>	9.7.5.1.5	The surface area of the wall is less than 10% of the site area [ 2717m2] <b>Permitted Activity</b>
Rule 7.6.5.1.7 Setback from Boundaries	The proposed retaining wall will be within the 1.2m setback from the other property boundaries. <b>Restricted Discretionary Activity</b>	9.7.5.1.10	There is no applicable setback rule.
Rule 7.6.5.1.8 Screening for Neighbours – Non-Residential Activities	N/a	9.7.5.1.6	N/a.
Rule 7.6.5.1.9 Outdoor Activities	N/a.		
Rule 7.6.5.1.10 Visual Amenity	N/a.		
Rule 7.6.5.1.11 Transportation	N/a.		N/a.
Rule 7.6.5.1.12 Site Intensity – Non-Residential Activities	N/a.		



Rule 7.6.5.1.13 Hours of Operation – Non-Residential Activities	N/a.		
Rule 7.6.5.1.14 Keeping of Animals	N/a.	9.7.5.1.7	N/a.
Rule 7.6.5.1.15 Noise	N/a.	9.7.5.1.8	N/a.
Rule 7.6.5.1.16 Helicopter Landing Area	N/a.	9.7.5.1.9	N/a.
Rule 7.6.5.1.17 Building Coverage	The retaining wall is with the curtilage of the existing dwelling house. <b>Permitted Activity</b>	9.7.5.1.11	The wall surface area is less than the 8% threshold.  <b>Permitted Activity</b>

**Table 2 – District Wide Performance Standards**

Section 12.3 Soils and Minerals		
12.3.6.1.1	Excavation and/or filling, excluding mining and quarrying, in the Rural Production zone or Kauri Cliffs zone	N/a.
12.3.6.1.2	<b>Permitted Standard (Residential)</b> Excavation, and/or filling, excluding mining and quarrying, on any site in the Residential, Industrial, Horticultural Processing, Coastal Residential and Russell Township Zones is permitted, provided that: a. Does not exceed 200m <sup>3</sup> in any 12-month period per site; and b. It does not involve a cut or filled face exceeding 1.5m in height i.e. the maximum permitted cut and fill height may be 3m. <b>(Conservation)</b> 300m <sup>3</sup> .	Minimal earthworks associated with the construction of the retaining walls and both are engineered designed. The limits are less than 200m <sup>3</sup> and 300m <sup>3</sup> .  <b>Permitted Activity</b>
12.7.6.1.1	<b>Setback from CMA – 30m setback</b>	Both retaining walls sit within the 30.0m setback.

The proposal exceeds the sunlight rule within the Conservation Zone rules and exceeds the setback from boundary and sunlight rules as a Restricted Discretionary Activity with the Residential Zone. In addition, the walls are within 30.0m of the CMA requiring consent as a Discretionary Activity. Overall, the proposal falls to be considered as a '**Discretionary Activity**' by reason of the transgression of these rules.

## 5. STATUTORY CONSIDERATIONS

Section 104B of the Resource Management Act (RMA) governs the determination of applications for discretionary activities:

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

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

- (a) may grant or refuse the application; and
- (b) if it grants the application, may impose conditions under section 108.

Applications for Discretionary Activities may be granted or refused and if granted, may be subject to conditions of consent. A decision on a Discretionary Activity application is subject to the matters set out in Section 104.

Section 104 specifies that subject to Part 2, consent authorities have regard to the following matters when considering whether to grant or refuse an application for resource consent.

- (a) *any actual and potential effects on the environment of allowing the activity; and*
  - (ab) *any measure proposed or agreed to by the applicant for the purpose of ensuring positive effects on the environment to offset or compensate for any adverse effects on the environment that will or may result from allowing the activity; and*
- (b) *any relevant provisions of –*
  - (i) *a national environment standard:*
  - (ii) *other regulations:*
  - (iii) *a national policy statement: and*
  - (iv) *a New Zealand Coastal Policy Statement:*
  - (v) *a regional policy statement or proposed regional policy statement:*
  - (vi) *a plan or proposed plan; and*
- (c) *any other matter the consent authority considers relevant and reasonably necessary to determine the application.”*

In the determination of this application, those considerations include the actual and potential effects of an activity on the environment, the relevant provisions of the New Zealand Coastal Policy Statement (NZCPS), the Northland Regional Policy Statement (or other relevant statutory document), the Far North District Plan and any other matter the consent authority considers relevant and reasonably necessary to determine the application.

The National Environmental Standard for Assessing and Managing Contaminates in Soil to Protect Human Health is not considered to be applicable, as the site is bush covered and has not been previously developed. The National Environmental Standard for Freshwater is also not considered applicable as the matters covered by this document are not affected by the proposal.

The following assessment addresses all of the relevant considerations under s104 of the RMA.



## 6.2 ASSESSMENT OF EFFECTS ON THE ENVIRONMENT

1. The RMA definition of 'Environment' includes:
  - (a) *Ecosystems and the 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) of this definition or which are affected by those matters.*

The definition of 'Environment' also includes the concept of a 'future state of the environment' where the environment as it currently exists might be modified by permitted activities and by resource consents that have been granted, and where it appears likely that those consents will be implemented. In respect of this application, the existing environment is a bush covered vacant lot within a predominantly invisible coastal location, within the coastal environment as defined in the NZCPS and the Northland Regional Policy Statement. The Residential Zone enables high density residential activity that includes dwellings subject to specific building design criteria, associated vehicle access, and car parking. This property and the surrounding residential area can be serviced by Councils reticulated infrastructure.

The RMA meaning of 'effect' includes:

### 3 Meaning of effect

In this Act, unless the context otherwise requires, the term **effect** includes—

- (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.

For this application, the potential adverse effects to be assessed are those both temporary and permanent that arise from aspects of the proposal that have been identified as requiring resource consent, and broadly captured under Part 2 of the RMA. Positive effects also require consideration. In respect of this application, positive effects include the wellbeing of the applicant to ensure the existing dwelling avoids any future damage through ground subsidence.

### ***Setback from Boundary Effects***

The retaining wall is a building by definition and is required to sit at the property boundary due to the physical constraints along with being able to attain the necessary engineering design parameters. The wall is engineered designed and is effectively a large fence along a common boundary. The proposed

retaining wall is screened by vegetation on the adjoining Esplanade Reserve, and this will be enhanced through planting offered by the applicant. The wall is located in an elevated position and not visible from the street or whilst walking along the edge of the CMA. The existing character and form of the locale will be maintained, and the wall has no effect upon the outlook and privacy of adjacent properties. Overall adverse effects associated with this breach are considered minimal to non-existent.

### ***Sunlight Effects***

The affected parties are assessed as the applicant and Council. Given the ownership of the land, the topographical features, and in ability to access the immediate area of the retaining walls it is considered there will be no effects off site or on either property owner. Both parties are considered to benefit from the establishment of the retaining walls with mitigation of effects readily attained through planting offered by the applicant.

### ***CMA setback***

Both retaining walls sit within 30.0m of the CMA. This in its own account has no effect upon the functioning of the CMA and cannot be avoided by reason of the presence of the existing dwelling house. There is nothing to suggest the walls in the location sought has any effect beyond the property boundary.

Overall it is considered, given the context of the activity, the location and the existing environment the effects created through a breach of the setback and sunlight rule are internalised and of benefit to the applicant and Council.

## **STATUORY PLAN CONSIDERATIONS**

### **New Zealand Coastal Policy Statement 2010**

The New Zealand Coastal Policy Statement 2010 [NZCPS 2010] contains objectives and policies designed to achieve the sustainable management purpose of the Resource Management Act in respect of New Zealand's coastal environment. It is relevant to this application to the extent that the lower order regional and district plans must give effect to the NZPCS where any subdivision, use or development of land or coastal areas involving the coastal environment is proposed.

As the activity involves the use of land for residential purposes that is within the regionally identified coastal environment, it is subject to any regulatory provisions relevant to the management of that environment. Even though the site is partially within an area defined as 'High Natural Character' the proposed development is outside this area. The size and scale of the proposal is such that it does not require any further consideration of the NZCPS and can be adequately managed in terms of district level regulations.

### **Northland Regional Policy Statement**

The subject site is within the Northland region and is subject to the governing objectives and policies of the operative Northland Regional Policy Statement (operative May 2016). With respect to any identified features, the site is within the Coastal Environment boundary.



Figure 5 – Northland Regional Policy Statement Maps

Of statutory relevance to this proposal are regional objectives and policies relating to water quality (particularly coastal water) and the protection of the coastal environment's natural character.

With respect to the water quality, stormwater is managed to ensure coastal water quality in this area will not be adversely affected during the construction period.

Overall, it is considered that the proposal would not be inconsistent with the Northland Regional Policy Statement.

### **Operative Far North District Plan**

The District Plan provisions of relevance to this application are the objectives and policies for the Urban environment and Residential zone.

The District Plan Urban Environment is comprised of three urban sub-zones that includes the Residential Zone, the Commercial Zone, and the Industrial Zone. These zones provide for distinctively different urban environments, the Residential Zone provides for the most intensive residential development within the urban environment. The application site is located within an established residential environment near the coast on site sizes enabled by the Residential Zone.

### **District Plan Objectives and Policies**

The relevant objectives and policies of the Plan are those related to the Urban Environment, Residential Zone, Conservation Zone and District Wide matters including natural and physical resources.

The proposed activity is not altering the density to those prevailing at present within this area (Objective 7.6.3.1). The proposed development is facilitating the presence of an existing residential dwelling, ensuring the anticipated effects are anticipated and comparable with other properties within this zone (Objective 7.6.3.2).

The proposal also complies with the relevant residential zone policies and has no demand on Council's reticulated services (Policy 7.6.4.2, 7.6.4.3). The proposed retaining wall enables safe occupation of the dwelling which provides housing in an effective and efficient manner along with creating effects associated with a typical single residential unit (Policy 7.6.4.4 and 7.6.4.6). The proposed retaining wall ensures adequate access to sunlight and daylight on adjoining sites and has no influence on the privacy for the inhabitants of adjoining properties.

The retaining wall is considered to facilitate the protection of conservation values and the physical and natural resources [ Objective 9.7.3.1] and sustains the conservation values of the site without adverse effects on the surrounding environment prescribed under Objective 9.7.3.2. The installation of the wall maintains and enhances the existing conservation values through mitigating the acceleration of the coastal slope slipping into the CMA [ Policy 9.7.4.1 ] . There are no adverse effects on the conservation values of the site, and it has no adverse effects on the surrounding area as prescribed by Policy 9.4.4.2. The establishment of the wall attains Policy 9.7.4.5 by reason it does not degrade nor diminish total biodiversity or ecological functioning of the values in the site. In the contrary it will ensure the biodiversity and ecological values are not going to be lost through the land and vegetation slipping away.

Overall, it is considered the proposal gives effect to the applicable objectives and policies.

### **Applicable Assessment Criteria**

Assessment criteria within the District Plan are assessed below.

#### **11.2 Building Height, Scale and Sunlight Assessment Criteria**

- (a) The extent to which adjacent properties will be adversely affected in terms of visual domination, overshadowing, loss of privacy and loss of access to sunlight and daylight.*

The affected adjoining property on the southern boundary is reserve and covered in vegetation. It is considered that in the context of the activity and the location, there will be no adverse effects associated with the proposal.

- (b) The ability to mitigate any adverse effects by way of increased separation distances between buildings or the provision of landscaping and screening.*

Mitigation of the wall will be attained through the replanting of the area as offered by the applicant. This will increase the biodiversity and ecological values which have been lost to date though the land slipping.

- (c) The extent of the building area and the scale of the building and the extent to which they are compatible with both the built and natural environments in the vicinity.*

The proposed retaining wall has been designed to meet the engineering parameters to ensure stability of the ground. The proposal will fit within the vegetated environment and is a common activity found in the both zones.

- (d) The spatial relationship between the new building and adjacent residential units, and the outdoor space used by those units.*

As previously mentioned, the proposed retaining wall is located on the southern boundary which is shared with a vacant bush covered property. There are no residential units adjoining.

- (e) The nature of the activity to be carried out within the building and its likely generated effects.*

The proposed retaining wall will provide support to the existing dwelling house. The likely effects centre on the construction methodology and control of storm water during construction. These effects are embodied within the supporting information.

#### **7.6.5.3.7 Setback from Boundaries Assessment Criteria**

- (a) the extent to which the proposal is in keeping with the existing character and form of the street or road, in particular with the external scale, proportions and buildings on the site and on adjacent sites;*

The retaining wall is unlikely to be visible from public locations save the adjoining Esplanade Reserve , which is in real terms inaccessible.

- (b) the extent to which the building(s) intrudes into the street scene or reduces outlook and privacy of adjacent properties;*

As previously mentioned, the nature of the proposed retaining wall will not adversely effect the street scene or outlook and privacy of adjacent properties.

- (c) the extent to which the buildings restrict visibility for vehicle manoeuvring;*

The proposed retaining wall does not effect this.

- (d) the ability to mitigate any adverse effects on the surrounding environment, for example by way of street planting;*

The applicant has offered to plant and landscape the area around the two retaining walls. This will assist with water containment along with creating a natural appearance.

- (e) for Lot 1 DP 28017, Lot 1 DP 46656, Lot 1 DP 404507, and Lot 1 DP 181291, Lot 2 DP 103531, Lot 1 DP 103531, Lot 2 DP 58333 and Pt Lot 1 DP 58333 (and any sites created as a result of a subdivision of these lots) and sites having frontage with Kerikeri Road between its intersection with SH10 and Cannon Drive:*

- i. the scale of the buildings;*
- ii. the extent of setback from Kerikeri Road and Cobham Road;*

- iii. *the visual appearance of the site from the Kerikeri Road and Cobham Road frontage;*
- iv. *the extent to which the building(s) are in harmony with landscape plantings and shelter belts;*

N/A.

- (f) *the extent to which the buildings and their use will impact on the public use and enjoyment of adjoining esplanade reserves and strips and adjacent coastal marine areas.*

The retaining walls will not affect the public use and enjoyment of the reserve given the area is not accessible to the public. The use of the esplanade will in fact be enhanced by reason it will mitigate the propensity for the slip to increase in size and slide into the CMA. In such event it will affect the ability for the public to gain access along the CMA.

### **12.7.7 Setback from CMA**

- (a) *the extent to which the activity may adversely affect cultural and spiritual values;*

There is nothing to suggest the retaining wall would effect these values.

- (b) *the extent to which the activity may adversely affect wetlands;*

N/a.

- (c) *the extent to which the activity may exacerbate or be adversely affected by natural hazards;*

The retaining walls will be sustaining the stability of the slope to reduce the likelihood of the house subsiding and reserve land slipping into the CMA.

- (d) *the potential effects of the activity on the natural character and amenity values of lakes, rivers, wetlands and their margins or the coastal environment;*

Given the context of this location it is not considered the retaining walls will cause any adverse effect upon these values.

- (e) *the history of the site and the extent to which it has been modified by human intervention;*

This has been discussed in the attached reports.

- (f) *the potential effects on the biodiversity and life supporting capacity of the water body or coastal marine area or riparian margins;*



The establishment of the retaining walls is anticipated to enhance these factors and will improve the quality of the coastal water and access along the CMA .

*(g) the potential and cumulative effects on water quality and quantity, and in particular, whether the activity is within a water catchment that serves a public water supply;*

Water within the CMA will be improved through the reduction of silt being received.

*(h) the extent to which any proposed measures will mitigate adverse effects on water quality or on vegetation on riparian margins;*

Landscaping and planting is proposed around the retaining walls.

*(i) whether there are better alternatives for effluent disposal;*

N/a.

*(j) the extent to which the activity has a functional need to establish adjacent to a water body;*

The technical reports clearly demonstrate the need for the retaining walls.

*(k) whether there is a need to restrict public access or the type of public access in situations where adverse safety or operational considerations could result if an esplanade reserve or strip were to vest.*

There is no need to restrict public access except at the time of construction. However it is considered impractical for the public to access the reserve at this location.

## 6. PART 2

### **Purpose**

The proposal can promote the sustainable management of natural and physical resources on site, as current and future owners and users of the land are able to provide for their social, cultural and economic wellbeing and their health and safety. It will maintain the reserve as a vegetated slope and enable the continued access along the foreshore within the CMA.

The proposal will sustain the presence of the dwelling house on the property and the land within the esplanade reserve. Air, water, soil, and ecosystems are not assessed as being adversely affected by this development whereupon the effects on the environment are not anticipated to be more than minor.

### **Matters of National Importance**

There is nothing to suggest the activity would be in conflict with the matters of National Importance.

## Other Matters

The development will result in an efficient use of resources with no effects beyond the property boundaries and there will be no adverse impacts on local ecosystems.

Council has sought response to issues which may arise in allowing the retaining wall to be established in the reserve. These items relate to the following as underlined. The comments in *italics* have been provided by the consulting engineer.

- That structure does not benefit the public use of the reserve – noting the reserve is essentially a bush covered cliff.

The preceding information has demonstrated the presence of the wall is in fact attaining the purpose of the conservation zone. The consulting engineer has also added *-We consider these works to be for the most part entirely neutral – neither providing public benefit or cost. This slope is not an area that people tend to access. The bush covered cliff is of low quality scrubby bush. With appropriate planting the style of vegetation could be improved and benefit public use.*

To place into perspective Jane Banfield has provided the following observations and comments as follows - " The current vegetation cover in the subject area is predominately weed species including Chinese Privet, Wild Ginger, Jasmine and Japanese Cherry. The Banfield family proposes to replant the remediated area with native species including Pohuehue, Kowhai ( winter food for kereru, caterpillars for shining cuckoo), Pohututkawa, Ngaio as well as Harakeke. If approved by the Council, we would like to offer to extend this revegetation to include the Reserve area below, interplanting with further native species. Once well established, this could allow for the gradual removal of privet and other weed spp. Furthermore, the intent is for pest control to be commenced by our family across this area as part of a wider neighbourhood initiative to interconnect this Seaview coastal lowland zone with the pest control work done in the Opuia State Forest.

- If this is allowed to occur, then where does the liability fall:
- For future maintenance of the retaining wall structure and associated drainage?

This would become the responsibility of the applicant and can be sanctioned via a Licence to Occupy and the appropriate legal documents. Alternatively as was suggested by Rod Stewart it would be more appropriate if a boundary adjustment was undertaken which then would make the applicant responsible by reason of land ownership.

- If the house suffers subsidence in the future.

*Works are being completed to prevent any damage to the house. Also, the terraced construction will provide easy access to leading edge foundations should any maintenance be required in the future.*

- For remediation of the balance of the reserve area that will be affected during construction e.g. temporary construction access area?

*The lower piles form the boundary of the construction area. Works have been deliberately designed to have access through the property rather than through the reserve and so the balance of the reserve area will not be affected.*

- Will drilling or thumping a row of new piles in that location de-stabilise the rest of the foreshore cliff and Council ends up with a similar issue faced by Auckland Council with those Northshore cliffs collapsing and endangering the public?

*Of note – this is not a cliff, it is a slope of a much lower height and gradient than those referenced on the North Shore and with no public walkway at the base (wider foreshore) so the risk is inherently lower to start with. The proposed works will further reduce public risk as their purpose is to stabilise the slope and dwelling.*

## 7. CONCLUSION

This application seeks a Discretionary resource consent to construct two retaining walls within the Residential and Conservation Zone. The assessment of effects on the environment concludes that for the reasons outlined in the application, the effects of undertaking this proposal will be no more than minor on the surrounding environment.

The proposal was considered to be consistent with the purpose of the National Environmental Standard for Assessing and Managing Contaminates in Soil to Protect Human Health and the National Environmental Standard for Freshwater.

No currently gazetted National Policy Statements including the NZ Coastal Policy Statement were considered to be undermined by this development

The Regional Policy Statement for Northland was also reviewed as part of this application. The proposal was considered to be consistent with the aims of this document.

In terms of the operative Far North District Plan, the proposal was assessed against the objectives and policies for the Urban Environment in general, the Residential and Conservation Zone, with the conclusion that it is generally compatible with the aims of the District Plan as expressed through those relevant objectives and policies.

The relevant assessment criteria within the District Plan were also considered, the conclusions reached being that the proposal fulfilled the relevant criteria when assessed within the context of the outcomes the rules aim to achieve.

In terms of the potential adverse effects being minor or more than minor, it is considered that there are no directly affected parties to this proposal as all effects can be adequately mitigated.

An assessment of Part II of the Act has also been completed with the proposal generally able to satisfy this higher order document also.

We look forward to receiving acknowledgment of the application and please advise if any additional information is required.



Jeff Kemp  
Principal Consultant