

1 Application Details

Council Reference:	2250414-RMACOM
Applicant:	Nags Head Horse Hotel Limited
Property Address:	Lot 2, Kerikeri Inlet Road, Kerikeri 0230
Legal Description:	LOT 2 DP 442820 HAVING 1/3 SH IN LOT 4 DP 167657
Description of Application:	Activity A: Subdivision to create four lots in the South Kerikeri Inlet Zone a non-complying activity. Activity B: Subdivision resulting in breach of Stormwater Management, Setback from Smaller Lakes, Rivers and Wetlands, Private Accessway in all Zones in the South Kerikeri Inlet Zone as a discretionary activity.
Reporting Planner:	Nick Eagle
Operative District Plan Zoning:	South Kerikeri Inlet Zone
Operative District Plan Notations:	South Kerikeri Inlet Zone Sensitive Area
Other Notations of Relevance:	N/A
Proposed District Plan Zoning:	Rural Lifestyle Zone
Proposed District Plan Overlays:	Coastal Environment Partial River Flood Hazard Zone (10 & 100- year ARI event)
Proposed District Plan Designations:	N/A

2 Procedural Details

Date Received:	15-May-2025
Date of Site Visit:	23-May-2025
Extension Pursuant to section 37:	Doubled timeframes, 5/06/2025

Locality Plan



Figure 1: The location of the site

3 Description of Site

The site is as described in the application documents being the Assessment of Environmental Effects (AEE) titled “Proposed Subdivision including Property Access, Earthworks & Impermeable Surfaces” prepared by Williams & King, dated 13 May 2025.

I concur with this description and summarise as follows:

The site is located at Kerikeri Inlet Road, approximately 4.5km north east of central Kerikeri. The subdivision site is positioned between Kerikeri Inlet Road to the south and a Marginal Strip to the north, which separates the land from Kerikeri Inlet to the north.

Existing land use and structures

The subject site is a vacant rural site, used for low-density stock grazing. Existing fence lines are located along the eastern boundary, either side of the metalled access through Lot 4, and through Lot 3 to form existing paddocks. A small-scale rock quarry is located at the western end of Lot 4 to the north-west of the existing right of way and services easement ‘D’ and partly encroaching into the adjoining Marginal Strip.

Overhead power lines cross Lot 3 together with the supporting power poles. Top Energy has advised that this power supply is privately and collectively owned by those connected to it.

Lot 4 DP 167657, of which the subject Record of Title includes a one-third share, is occupied by a pond (described as a “constructed freshwater wetland”), which was

constructed in the 1960s. A small pump shed is located on the margin of the pond, adjacent to proposed Lot 3.

Natural and recorded features

The topographical characteristics, geological setting and ground conditions are described in detail in the Engineering Assessments by Haigh Workman Civil and Structural. The Wetland Determination describes the natural inland wetland areas, their hydrological sources and hydric indicators, as well as primary wetland associations and other frequent species within the wetlands. Wetlands within the site have been identified as swamp, shallow water (emergent) and fen wetland types.

The land has a predominant pasture cover, which covers all parts of the site outside of the areas of formed access. The northern part of the subject land encompassing Lots 3 and 4, and part of Lot 2, is within the coastal environment. The site does not include any areas of high or outstanding natural character, or outstanding natural landscapes or features as recorded in the Regional Policy Statement.

Lots 1 – 4 are not part of any ecological unit recorded in the Department of Conservation Protected Natural Area (“PNA”) mapping, however the pond and its margins within Lot 4 DP 167657 is PNA Unit P05/083 “Kerikeri Inlet Road Pond” and is also mapped by the Northland Regional Council mapping as being a known wetland.

The land is not mapped as being within a kiwi habitat in Far North Maps “Species Distribution (DoC)”. The site is mapped as comprising Land Use Capability (“LUC”) unit 4e7. This LUC Unit does not meet the definition of ‘highly versatile soils’ as per the Regional Policy Statement or the definition of ‘highly productive land’ in the National Policy Statement for Highly Productive Land.

Zoning

The subject site is in the ‘South Kerikeri Inlet Zone’ in the Operative Far North District Plan with Lots 2-4 including land within a ‘Sensitive Area’.

Subdivision is not a controlled activity in this zone, in order to be Restricted Discretionary the minimum lot size is 4ha in non-sensitive areas. Lots 2 – 4 include sensitive land, and this rule is not met. Discretionary subdivision is via a management plan which is not provided. As such the proposal has been assessed as a non-complying activity.

Under the Proposed Far North District Plan, the site is zoned ‘Rural Lifestyle’, with areas of ‘Coastal Environment’, ‘River Flood’ and ‘Coastal Flood Hazard’ Overlays. Relevant rules with legal effect under the Proposed District Plan can be met as permitted activities.

Vehicle Access

The subject land has legal frontage to Kerikeri Inlet Road via existing appurtenant easements over Lot 2 DP 210733. The previous culverted crossing from Kerikeri Inlet Road has been washed out, and the subdivision site is currently inaccessible from its legal access point. The site does not have any alternative legal frontage to a public road.

A metalled accessway crosses the northern part of the site within Lot 4, providing access to Lot 1 DP 172860, Lot 1 DP 143682 and Lot 1 DP 132850 to the west. It is generally covered by existing easements.

Surrounding land

There is an archaeological site P05/463 on Lot 4, where subsurface midden on and adjacent to at least four terraces remain on the north facing slope of the hill below the trig point. The site does not appear to extend southwest towards the quarry and the proposed building area. Archaeological site P05/1079 is a shell midden adjacent to the pond, within Lot 4 DP 167657. It is not affected by the works associated with the current proposal.

Record of Title

The Record of Title has a number of interests registered on the title as detailed in the applicants AEE.

Of particular note are Easement Certificate C871824.10 and Transfer D587086.3, which benefit Lot 2 DP 442820 with appurtenant right of way and telecommunications and electricity rights over Lot 2 DP 210733 as the burdened land. The were first shown as areas 'C', 'D' and 'J' on DP 167657 and area 'Z' on DP 180325. Land covenant in deed D088754.3 relates to management of the jointly owned Lot 4 DP 167657, using a management committee comprising a representative of each of the titles with a share in Lot 4 DP 167657.

4 Description of Proposed Activity

The activity is as described in the application documents being the Assessment of Environmental Effects (AEE) titled "Proposed Subdivision including Property Access, Earthworks & Impermeable Surfaces" prepared by Williams & King, dated 13 May 2025. The proposal is summarised as follows:

The purpose of the proposal is to subdivide the subject land to create three additional Records of Title through subdivision of Lot 2 DP 442820. The site includes a one-third share in Lot 4 DP 167657, and this share will be divided equally between the four resultant lots producing a one-twelfth share each with a proposed amalgamation condition.

Lot Description	Area (Subject to Survey)	Proposed Use
Lot 1	2.0720ha + 1/12 Share in Lot 4 DP 167657 (1/12 5.2350ha = 4363m ²)	Rural lifestyle site
Lot 2	2.4820ha + 1/12 Share in Lot 4 DP 167657 (1/12 5.2350ha = 4363m ²)	Rural lifestyle site
Lot 3	6.7465ha + 1/12 Share in Lot 4 DP 167657 (1/12 5.2350ha = 4363m ²)	Rural lifestyle site
Lot 4	3.0740ha + 1/12 Share in Lot 4 DP 167657 (1/12 5.2350ha = 4363m ²)	Rural lifestyle site

The Memorandum of Easements on the Scheme Plan includes areas 'A', 'B', and 'C' over Lots 1, 2 and 3 respectively, for the purpose of Right of Way and the Right to Convey Electricity, Water & Telecommunications. Areas 'AA', 'AB' and 'AC' are shown on the Scheme Plan as Land Covenants for the purpose of wetland protection. These areas will be enhanced through revegetation planting.

Access

Vehicle access will be formed to the boundary of each lot from Kerikeri Inlet Road via the existing appurtenant easements over Lot 2 DP 210733 and Easements 'A', 'B' and 'C'.

The options to replace the washed-out culvert are either a bridge or a new culvert.

A metalled private accessway will be formed over the existing appurtenant easements. Excluding the bridge or culvert crossing from Kerikeri Inlet Road, the proposed formation will create a five-metre-wide carriageway with stormwater control, dropping to 3m width with

passing bays for the last section of appurtenant easement (shown as easement 'I' on DP 210733 or referred to as "C (existing appurtenant easement over Lot 2 DP 210733" in Table 4 of the Engineering Assessment).

Earthworks

Earthworks will be required to form property access to the boundary of each allotment and will involve topsoil stripping, excavation of unsuitable soils, filling and cuts, and laying aggregate. Estimated earthworks volumes are specified in the Engineering Assessment as involving a total of approximately 1,737m³ of cut over Lot 2 DP 442820 and Lot 2 DP 210733, with approximately 1,386m³ to be used for filling to form the access. Excess excavated material (approximately 350m³) will be used on site (the private accessway is generally at the toe of the steeper slope, where fill could be extended to lose excess cut with contours blended), producing a total volume of approximately 3,474m³ of cut and fill plus approximately 1,205m³ of aggregate. Cut and filled depths and heights are specified as up to 200mm of topsoil stripping, excavation of unsuitable soils, filling and cuts and laying approximately 250mm of roading aggregate. It is not anticipated that cut or fill heights will exceed 1.5m.

It is noted that earthworks are being applied for under rule 13.6.8 Subdivision Consent Before Works Commence, which allows as follows:

"When the subdivision consent is granted, provided all the necessary calculations and assessment of effects is provided with the application, the subdivision consent application shall be deemed to include consent to excavate or fill land, and clear vegetation to the extent authorised by the consent and subject to any conditions in the consent."

Landscape

The proposed planting and building design guidelines are described in detail in the L&VEA. Within the proposed wetland covenants, riparian revegetation using suitable plant species will be established to provide an enhanced wetland buffer, and to contribute to improved biodiversity and landscape amenity values. Landscape integration planting will also be introduced in strategic positions around the proposed BDZs. In addition to the defined BDZs, building design guidelines are proposed, to ensure that future built form is of an appropriate size, bulk, and form. These include recessive colour controls and a building height restriction of 6m on Lot 4 to avoid adverse effects upon the ridgelines and sensitive locations.

Impermeable Surfaces

Estimated proposed impermeable surfaces on Lots 1 – 4 and Lot 2 DP 210733 are as follows:

Table 2: Summary of proposed impermeable surfaces.

Lot Description	Estimated Existing & Proposed Impermeable Surface Area (ROW, Driveway & Roof Areas) (m ²)	Percentage Cover (%)
Lot 1	1320	6.4
Lot 2	1560	6.3
Lot 3	1800	2.7
Lot 4	1950	6.3
Lot 2 DP 210733	3896	1.9

5 Distribution and Correspondence

Internal Specialists

The proposal has been reviewed and assessed by the following Council specialist and the matters within the scope of this application have been taken into account in the assessment below.

Internal Specialist	Date Sent	Date Received
RC Engineer	19/05/2025	04/05/2025

External Party

Correspondence has been received from the following external parties, and the matters within the scope of this application have been considered in this assessment below.

External Party	Date Sent	Date Received
Iwi	19/05/2025	N/A
Heritage New Zealand Pouhere Taonga	19/05/2025	N/A

6 Reasons for the Application

Rule Assessment

The proposal requires resource consent(s) for the following reasons:

Operative Far North District Plan

section 9(3) – Land use

Rule Number and Name	Non Compliance Aspect	Activity Status
10.10.5.3.8 Stormwater Management	This rule limits the maximum proportion of the gross site area which may be covered by buildings and other impermeable surfaces to the lesser of 15% or 1,500m ² . Anticipated impermeable surface coverage on Lot 1 will comply, Lots 2 – 4 and Lot 2 DP 210733 will not.	Restricted Discretionary – Does not comply.
10.10.5.1.7 Setback from Boundaries	Building consent will be required for either crossing option. The 'structure' will be within 10m of the lot boundary	Permitted Activity – Does not comply.
12.7.6.1.2 Setback from Smaller Lakes, Rivers and Wetlands	This rule does not apply to river crossings, including but not limited to, fords, bridges, stock crossings and culvert crossings, or activities related to the construction of river crossings; therefore, the proposed	Permitted Activity – Does not comply.

	bridge / culvert crossing and existing wetland crossing within easement 'A' can be excluded. Beyond those areas, the new accessway within Lot 2 will be within 30m of individual wetland covenant 'AB'. Individually, this covenant area is less than 1ha in area, however if measured as part of the wider wetland feature surrounding the lake, it would exceed 1ha.	
15.1.6C.1.1 Private Accessway in all Zones	Excluding the crossing structure, which will have a 4m width, shared access will be formed as a metalled access over existing appurtenant easements over Lot 2 DP 210733 and over easements 'A', 'B' and 'C' to comply with this rule, i.e. 3m plus passing bays where required, within a legal width exceeding 7.5m in all locations.	Does not comply (minor dispensation required for crossing structure)

section 11 – Subdivision

Rule Number and Name	Non Compliance Aspect	Activity Status
13.11(a) Non-Complying (Subdivision) Activities	<p>Subdivision is not a controlled activity in this zone.</p> <p>Restricted Discretionary - The minimum lot size is 4ha in non-sensitive areas. Lots 2 – 4 include sensitive land, and this rule is not met.</p> <p>Discretionary - Subdivision via a management plan is not provided.</p> <p>The proposal has been assessed as a non-complying activity</p>	Non-complying activity

Proposed Far North District Plan

The Proposed Far North District Plan (PDP) was notified on 27 July 2022. A summary of submissions and further submissions to the Proposed District Plan (PDP) as originally notified has been released and is available on Council's website.

Proposed Plan Variation 1 (Minor Corrections and Other Matters) to the PDP was notified on 26 November 2024, with the submission period closing on 10 December 2024. These provisions replace the corresponding provisions in the PDP as originally notified.

Due to the breadth of submissions received, the FNDC District Plan team has advised that no rules can currently be considered operative under section 86F of the Resource Management Act 1991 (the Act). While hearings are progressing, no decisions have yet been released. Decisions are anticipated by mid-2026.

Rules in the PDP that have immediate legal effect under section 86B(3) of the Resource Management Act remain relevant to the assessment of proposals. Although not operative, these rules must be considered, as they carry legal effect. In the PDP, such rules are identified by an orange 'gavel' symbol. Rules without immediate legal effect (i.e. no gavel symbol) do not apply.

An assessment of the proposal against the rules with immediate legal effect has been undertaken. In this case there are none that are relevant to the proposal. Therefore, no consideration needs to be given to any of the rules under the PDP.

Relevant rules with immediate effect are EW-R12 Earthworks and the discovery of suspected sensitive material and EW-R13 Earthworks and erosion and sediment control, both of which can be satisfied as a permitted activity via consent conditions and an advice note.

Bundling

Where a proposal requires more than one type of resource consent or requires more than one resource consent and the activities for which consents are being sought overlap to such an extent that they cannot be realistically or properly separated it is appropriate to bundle the consents. Therefore, they are considered together in a holistic manner with the most restrictive activity classification applying.

In this instance I consider that the activities overlap and cannot be separated and therefore the consents will be assessed on a bundled basis.

Overall Activity Status

Overall, the application is a Non-Complying activity.

7 National Environmental Standards

The following National Environmental Standards are considered relevant to the site; however, resource consent is not required under the standard as addressed below.

National Environmental Standard for Assessing and Managing Contaminants in Soils to Protect Human Health 2011 (NESCS)

The subject land is not recorded on the Northland Regional Council Selected Land-use Register as a site that has been used for any activity included in the Ministry for the Environment's Hazardous Activities and Industries List ("HAIL").

Review of historic aerial imagery using Retrolens (aerial image from years 1951, 1965, 1968, 1971, 1978 and 1980), and more recent aerial and satellite photography indicates that the property was in pasture and scrub in 1951. By 1965, the pond within Lot 4 DP 167657 was formed, scrub was cleared to form pasture, the quarry had been established, and access had been formed over the northern part of the site (along the alignment of existing easement 'D') and into the property from Kerikeri Inlet Road via the existing appurtenant easements. Subsequently there has been little change to the land use and site conditions. There is no apparent evidence that the site has been used for any of the activities listed as HAIL.

The small-scale farm quarry at the south-western end of Lot 4 is for extraction of brown rock and is not considered to be included in the HAIL activity E.7: Mining industries (excluding gravel extraction) including exposure of faces or release of groundwater containing hazardous contaminants, or the storage of hazardous wastes including waste dumps or dam tailings, as there is no likelihood of soil contamination from the rock material, and the extracted material is benign. In any event, the quarry area is not going to be used for residential purposes and will not experience a change of use.

As such, using the method set out in Section 6(2) of the above Regulations, the subject site is not considered to be a 'piece of land' in terms of the above regulations and the NESCS does not apply.

National Environmental Standards for Freshwater 2020 (NESFW)

While the NESFW is enforced by the regional council, it is still relevant to consider whether the activities subject of this application may have implications in terms of the NESFW regulations.

The applicant has provided a Wetland Determination as part of the application which identifies the location of natural inland wetland and assesses subdivision and future land use activities in terms of their compliance with the above Regulations. The report notes that:

- Recognition of natural inland wetland onsite promotes avoidance of effects through adherence to protective measures as per the NES –F in design. Bunded crossing and culvert A traverses a wetland over proposed Lot 1 descending from east offsite Lot 1 DP 442820. It is considered other infrastructure under the NPS-FM and its upgrade is a Restricted Discretionary activity requiring consideration of matters in REG 56 and resource consent application to NRC once detailed design is finalised.
- Other than Crossing A, the building platforms and the majority of associated infrastructure are potentially within 100m of natural inland wetland but do not occupy critical source areas, seepage or overland flow path that through their formation may change the water level range or hydrological function of the wetland. Diversion of diffuse natural discharge naturally permeating or sheetflow downslope through the building sites or ROW across pasture will not cause drainage of all or part of the wetlands or likely change the water level range or hydrological function of the wetland in any measurable way in reference to Reg 52(i);(ii) & Reg 54 (c) & (d).
- Likewise, earthworks within 100m or 10m will not result in complete or partial drainage of all or part of the wetland or likely change the water level range or hydrological function of the wetlands as per Reg 52(i);(ii) & Reg 54 (c) & (d) if they do not occupy or intersect with the wetlands.
- Revegetation <10m of natural inland wetland is a permitted activity subject to general principles within NES-F REG 55.

Consent for the upgrade of the existing crossing within easement 'A' will require consent from Northland Regional Council as a restricted discretionary activity and an application will be lodged once detailed design is finalised, while all other aspects of the proposed activity will meet the permitted activity standards of the above regulations.

8 Notification Assessment

Section 95A – Public Notification Assessment

Section 95A requires a decision on whether or not to publicly notify an application and sets out a step by step process by which to make this decision.

Step 1: Mandatory public notification in certain circumstances

s95A(3)(a)	Has the applicant requested that the application be publicly notified?	No
s95A(3)(b)	Is public notification required under section 95C?	No
s95A(3)(c)	Has the application been made jointly with an application to exchange recreation reserve land under section 15AA of the Reserves Act 1977?	No

Step 2: If not required by step 1, public notification in certain circumstances.

s95A(5)(a)	Is the application for a resource consent for one or more activities and each activity is subject to a rule or national environmental standard that precludes public notification?	No
s95A(5)(b)	Is the application for a resource consent for 1 or more of the following, but no other, activities; a controlled activity; a restricted discretionary, discretionary, or non-complying activity, but only if the activity is a boundary activity?	No

Step 3: If not precluded by step 2, public notification required in certain circumstances not

s95A(8)(a)	Is the application for a resource consent for one or more activities, and any of those activities is subject to a rule or national environmental standard that requires public notification?	No
s95A(8)(b)	In accordance with section 95D, will the activity have, or is it likely to have, adverse effects on the environment that are more than minor? The assessment below addresses this matter.	No

Assessment of Environmental Effects

To determine whether the activity will have or will be likely to have adverse effects on the environment that are more than minor, an assessment of environmental effects carried out in accordance with section 95D of the Act is required.

The assessment of effects in the AEE is comprehensive and considered to address all relevant matters. I agree and adopt this assessment for the purposes for this assessment.

Effects that must be Disregarded

Adjacent Land

Pursuant to section 95D(a) the consent authority must disregard any effects on the land in, on, or over which the activity will occur, and on persons who own or occupy any adjacent land.

The land adjacent to the subject site is identified in Table 1 and Figure 1 below.

Table 1: Adjacent Land

Legal Description

Lot 1 DP172860
Lot 1 DP442820
Lot 1 DP109734
Lot 2 DP 210733
Section 64 Blk Kerikeri SD
Lot 4 DP 167657
Lot 1 DP 210733
Section 41 Blk XI Kerikeri SD
Lot 1 DP579108
Lot 2 DP579108
Lot 3 DP579108
Lot 4 DP579108
Lot 5 DP579108
Lot 6 DP579108
Lot 7 DP579108

Figure 2: Adjacent Land



Restricted Discretionary Activities

Pursuant to section 95D(c) in the case of a restricted discretionary activity, the consent authority must disregard an adverse effect of the activity that does not relate to a matter for which a rule or national environmental standard restricts discretion.

The application is not for a restricted discretionary activity and therefore the consent authority can take into account any relevant matter when assessing the environmental effects.

Written Approvals

Pursuant to section 95D(e) the consent authority must disregard any effect on a person who has given written approval.

In this instance, no written approvals have been provided.

Trade Competition

Pursuant to section 95D(e) the consent authority must disregard trade competition and the effects of trade competition.

There are no trade competition matters.

Effects that may be Disregarded

Permitted Baseline

Pursuant to section 95D(b) the Council has the discretion to disregard effects of an activity if a rule or national environmental standard permits an activity with that effect, this is known as the permitted baseline.

The permitted baseline is relevant to the application as rule 10.10.5.1.2 residential intensity allows for one residential unit per 4ha of land with 3,000m² of exclusive use area surrounding the dwelling plus a minimum of 3.7ha elsewhere on the property is permitted. This could accommodate 3 dwellings on the site under the permitted threshold.

Furthermore, excavation and filling in SKIZ is permitted, provided that it does not exceed 300m³ in any 12-month period per site.

There is no relevant permitted baseline as all subdivision activities require resource consent under the Operative District Plan.

Assessment

Receiving Environment

The receiving environment beyond the subject site includes permitted activities under the relevant plans, lawfully established activities (via existing use rights or resource consent) and any unimplemented resource consents that are likely to be implemented. The effects of any unimplemented consents on the subject site that are likely to be implemented (and which are not being replaced by the current proposal) also form part of this reasonably foreseeable receiving environment. This is the environment within which the adverse effects of the application must be assessed.

In this case the receiving environment is characterised by varying coastline to the north, the Waitangi wetlands to the east, large rural forestry blocks to the south, and denser urban

development to the west. The nearby land parcels vary in size from 3,500m² to 50 hectares, forming a rural-residential/lifestyle environment.

Adverse Effects Assessment

Taking into account the above, the following assessment determines whether the proposed activity will have, or is likely to have, adverse effects on the environment that are more than minor.

Allotment sizes and dimensions

The proposed lots are of a sufficient size to provide for the intended land use. Sufficient area for future buildings as well as onsite servicing is available, as detailed in the Engineering Assessment. This advises that the four development platforms investigated are stable and generally suitable for residential development. The lot sizes are summarised as follows:

Lot Description	Area (Subject to Survey)
Lot 1	2.0720ha + 1/12 Share in Lot 4 DP 167657 (1/12 5.2350ha = 4363m ²)
Lot 2	2.4820ha + 1/12 Share in Lot 4 DP 167657 (1/12 5.2350ha = 4363m ²)
Lot 3	6.7465ha + 1/12 Share in Lot 4 DP 167657 (1/12 5.2350ha = 4363m ²)
Lot 4	3.0740ha + 1/12 Share in Lot 4 DP 167657 (1/12 5.2350ha = 4363m ²)

Rule 10.10.5.1.2 of the South Kerikeri Inlet Zone limits residential development to one unit per 4ha of land as a permitted activity, with the additional provisos that the land shall be developed in such a way that each unit shall have at least 3,000m² for its exclusive use surrounding the unit plus a minimum of 3.7ha elsewhere on the property. This would allow three dwellings as a permitted activity on site. It is noted that a proposal for four dwellings could comply with the Discretionary status for rule 10.10.5.4.1 Residential Intensity where residential development shall be limited to one unit per 2ha of land.

In all cases the land is to be developed in such a way that each unit shall have at least 3,000m² for its exclusive use surrounding the unit, plus a minimum of 1.7 ha elsewhere on the property.

Detailed building design guidelines have been volunteered to integrate future built development into the landscape, and the establishment of landscape integration planting will be completed at subdivision stage. A reduced building height of 6m above existing ground level, with the top of the roofline to be below the 29m asl contour, is proposed for Lot 4, so that a future building does not protrude above the highest contours of this lot.

Although the proposed subdivision layout will increase the density of built development on the land, the overall it is considered that the intensity remains low, and in accordance with the nature of nearby rural lifestyle development. Further, policy 10.10.4.1(a) supports the clustering of development which is considered in keeping with the proposed.

The L&VEA states that "The wider setting of the site is characterised by mixed land uses including pastoral farms, forestry blocks, scattered rural residential development and pockets of indigenous vegetation. The repeated occurrence of houses along the coastline within this area in the South Kerikeri Inlet zone is a characteristic element within this landscape setting. This modification of the landscape and proximity of the site within an area that contains a similar settlement pattern to that proposed reduces the sites sensitivity to change. This

landscape is more accommodating of change due to the existing land uses and present levels of development.”

Further, it notes that “Due to the current settlement patterns surrounding the site any future built development upon the proposed lots will be in context with the existing character of the surrounding landscape. The receiving environment within which the development is located exhibits very similar characteristics to the proposed development. The nature and scale of the proposal will not change the key features and attributes of the landscape which currently provide the existing landscape character for this zone.”

Overall, it is considered that any adverse effects in relation to allotment sizes and dimensions on the wider environment will be less than minor.

Natural and other hazards

The Engineering Assessment states that there is no significant risk from natural hazards that would cause Section 106 of the Resource Management Act to apply. In particular, it notes that the nominated building platforms are well elevated, and not within the mapped flood hazard areas. The Geotechnical Assessment Report outlines that the proposed building platforms are sufficiently set back from steep slopes and makes recommendations for foundations and earthworks to be further considered at building consent stage via specific engineering investigation.

In summary, each lot has a suitable building platform subject to specific geotechnical assessment and foundation design due to the presence of soils with expansive characteristics that typically fail to meet the "good ground" criteria defined in NZS3604(2011) i.e., soil that does not have an ultimate bearing pressure of 300 kPa or greater, as well as sloping ground. The proposed subdivision and associated earthworks do not have any known adverse effects related to soil contamination as addressed in section 7 of this report

Lots 1 – 4 include areas of open pasture and future residential dwellings can be sited to be set back from any large tracts of existing or proposed vegetation that may present a fire hazard. On site collection of roof water will supply tanks, which will need to be used for firefighting water supply, given the absence of public reticulated water supply and fire hydrants in the vicinity. Suitable water supply for this purpose can be designed and provided at the building consent stage for any residential dwelling on Lots 1 – 4. Vehicle access will be suitable for firefighting appliances, and the nearest fire station is located approximately 5km from the site, allowing quick emergency response time in the event of a fire occurring.

Overall, natural or other hazards are considered to be less than minor.

Water supply

Potable water will be supplied within each vacant lot via collection and storage of rainwater. The typical consent notice condition, which requires onsite water supply to be designed to be adequate for firefighting purposes, can be applied to Lots 1 - 4. The proposal will not result in any adverse effects in terms of water supply. This has been reviewed by Councils engineer who supports the application regarding water supply.

Stormwater disposal

The impermeable surfaces established on Lot 2 DP 442820 (and subsequently Lots 2 – 4) and on Lot 2 DP 210733 will each exceed the restricted discretionary activity standard for the South Kerikeri Inlet Zone. Given the length of access required to service the subdivision, it is reasonable to expect that compliance with the permitted baseline threshold for

stormwater management would be difficult. An assessment is provided within the Engineering Assessment.

Stormwater management within the proposed subdivision is designed to control stormwater flows, reduce scour and ensure compliance. At subdivision stage, stormwater management will comprise controlling water from the new shared accessway to Lots 1 - 4, with detailed drainage design to be provided as part of the engineering plan approval, including the positioning of culverts where existing natural flow paths cross the proposed rights of way, and culvert dimensions and discharge points.

The Engineering Assessment recommends grass lined swales, with crossroad culverts at low points, where existing natural flow paths cross the proposed ROW. Culverts will drain to natural flow paths on site, and where grades are steeper than 10%, flow paths should be armoured. Long term stormwater management on the individual lots will require further refinement at the building consent stage, depending on the final design and extent of impermeable surfaces.

The Engineering Assessment notes that “stormwater attenuation is not considered necessary. Runoff from developed surfaces will be discharged to ground on gentle slopes in a dispersive manner where it will be absorbed by the soils. During large rainfall events surplus runoff will drain as sheet flow, congregating in the natural gully features before entering the wetlands present on site and into the pond on the property to the west of the site”.

With the proposed stormwater management conditions, it is considered that the proposal will avoid and mitigate potential adverse stormwater effects arising from the proposed impermeable surface areas, such that effects will be less than minor. This has been reviewed by Councils engineer who supports the application regarding stormwater.

Sanitary sewage disposal

On-site treatment and disposal of wastewater is addressed in the Engineering Assessment, which states that:

“It is not likely that any detectable environmental effects will arise from utilising dripper irrigation greater than 3.0 m from the disposal field. Use of the secondary treated effluent for dripper irrigation would enhance landscape vegetation growth particularly during the drier summer months. Considering the size of the assessed lots and the vegetation coverage, there is a negligible risk of off-site effects and cumulative effects. This includes the wetland reserve area to the west of the property, as all disposal fields will be located at a greater set back distance from overland flow paths than the minimum required. To minimise any potential issues, regular inspections and servicing of the treatment plant and disposal field should be completed. Along with the appropriate inspections and approvals prior to plant commissioning. The disposal field locations indicated by the appended drawings have taken into account the appropriate separation distances. Effects on the environment can be further mitigated by the planting of suitable plant species in the disposal field.”

Each of the proposed lots have sufficient area available, including setbacks specified in the Proposed Regional Plan, for an on-site wastewater treatment system, with final design to be submitted at building consent stage. As the site conditions have been deemed to be suitable for onsite wastewater treatment and disposal in accordance with the relevant permitted activity Proposed Regional Plan rules, it is considered that the proposal avoids adverse effects in relation to sanitary sewage disposal with effects less than minor. This has been reviewed by Councils engineer who supports the application regarding waste water.

Energy and telecommunications supply

Top Energy has advised that the existing overhead power supply crossing Lot 3 is privately and collectively owned by those connected to it. They recommend the creation of a private reciprocal easement for this overhead line over proposed Lot 3.

Power or telecommunications connections will not be installed as part of this subdivision as these are not required by Rule 13.7.3.7 given that the subdivision does not create urban allotments. The consent holder may choose to supply power and telecommunications to the lot boundaries of their own volition. The standard consent notice condition, advising that electricity and telecommunications have not been made a condition of the subdivision consent, is suggested to be applied to Lots 1 - 4.

Property access

The additional traffic generated by the proposal is in the order of thirty daily one-way traffic movements based on the increase in the overall number of sites and future anticipated household equivalents. Private vehicle access is addressed within the Engineering Assessment, which recommends that detailed design be provided at engineering plan approval stage.

Vehicle access to Lots 1 - 4 will be formed in accordance with the permitted standards of the District Plan and Council's Engineering Standards and Guidelines, with the exception that the bridge or culvert crossing from Kerikeri Inlet Road will be less than 5m in width. Sufficient waiting area will be included either side of the crossing to ensure that there is a safe space for vehicles to give way to an opposing vehicle. This minor width reduction is not considered to cause any significant risks to traffic or road safety, due to the low traffic volume that will use it.

In summary, the proposed access arrangements represent the best practicable option for providing legal and physical access to the boundary of each lot. Adverse effects are avoided and mitigated through the shared use of private access, location of the access to minimise earthworks, careful design where access will be formed in close proximity to waterways, and selecting the best option for vehicle access off Kerikeri Inlet Road to future proof continued physical access.

Overall, effect with regard to access are considered to be less than minor.

Earthworks

Earthworks are required to complete the proposal, being those associated with formation of access to the boundary of Lots 1 - 4. For the subdivision stage of development, detailed erosion and sediment control measures will be complied with to ensure that adverse environmental effects on water quality and stability are avoided. This has been reviewed by Councils engineer who supports the application with regard to earthworks, as such associated effects are considered to be less than minor.

Building locations

Suitable building sites on the lots have been identified, as outlined in the Engineering Assessment. The L&VEA describes the location of the BDZs within the context of the South Kerikeri Inlet Zone as follows.

"The proposal is for a rural residential subdivision, with the appropriate placement of BDZ's so that they can be absorbed into the landscape setting with minimal adverse effects upon coastal natural character and rural and visual amenity values. The location of the BDZ's on

the lower contours, which are not readily visible from the coast will keep a large proportion of the site with an open rural character. The design guidelines and the landscape integration plantings will minimise potential visual effects. There will be no native vegetation clearance, and earthworks will be either screened by planting or revegetated.

The proposed wetland revegetation plantings will restore and rehabilitate the degraded landscape areas. The native plantings proposed, and exclusion of stock will create habitat for native fauna. As these areas are within the coastal environment, they will assist with enhancing natural character values. The areas of high sensitivity along the ridgeline on Lots 1-3 have been avoided, with the BDZ located on the lower contours close to the pond. The BDZ on Lot 4 will be located within the defined sensitive area, however, will not be located on the highest contours of the lot, and will be developed with building design guidelines, height restrictions and landscape integration plantings to ensure that there will be minimal adverse effects upon the sensitive area and natural character values of the coastal environment.

There are eight other houses located in a similar manner to the proposed BDZ on Lot 4. They are positioned along the coastal edge of this zone and are subsequently located within this sensitive area. The nearest house to the east of the proposed BDZ on Lot 4 is 500m away, and the nearest to the west is 250m away. This creates a 750m long “gap” along the coastal edge where there are no dwellings present. The proposal for one dwelling to be located within this area will result in a dwelling density along this part of the coastline that is not intensive and will still retain the undeveloped nature of the maritime gateway to Kerikeri and the existing character of this zone.

Development on the site will be managed to protect coastal natural character, rural amenity values, and the visually sensitive areas of the South Kerikeri Inlet zone. This will protect the maritime entrance to Kerikeri.”

Further comment is made in terms of the South Kerikeri Inlet Zone visual amenity criteria: “The BDZ’s have been positioned on the gentler contours on Lots 1-3 close to the pond. The BDZ on Lot 4 has been positioned off the highest contours of the knoll, and will be dug into the landform to minimise potential visibility.”

In summary, the proposed building locations are considered to be appropriately positioned to minimise adverse effects upon the sensitive area and natural character values of the coastal environment, provide safe and stable building platforms, and avoid adverse ecological impacts, with effects considered to be less than minor.

Archaeological and cultural effects

The Archaeological Assessment states that:

“With regard to the recorded archaeological sites on or in the immediate vicinity of the subject property, none of the sites will be affected by the proposed new lot boundaries, building areas or access.

In general, and away from the recorded or possible features described..., the potential for additional, significant archaeological features on Lot 2 DP 442820 is low. However other small, subsurface midden deposits of low archaeological significance are likely to be present but would be difficult to identify and avoid proactively.

Extensive topsoil stripping for sediment control/bunds, access and building areas may reveal such subsurface archaeological features prior to bulk earthworks. Mitigating effects on such features usually takes the form of identifying such features in the course of stripping by

archaeological monitoring and on-call procedures, investigating features, and then allowing them to be destroyed or where possible, avoided and left in-situ.

The archaeological effects of the proposal are therefore assessed as none too low.”

Further, it notes that:

“That there are no effects on broader historic heritage under the Far North District Plan and that there are no scheduled Sites of Significance to Māori, or Historic Heritage items in the Far North District Plan affected by the proposed development. There are no wāhi tapu or other sites of significance identified in any iwi/hapu environmental management plan covering the project area which the Far North District Plan might give regard to.”

It is noted that Iwi have been consulted as part of the initial consultation process, however currently no response has been received.

The historic heritage effects of the proposal are therefore assessed as less than minor.

In summary, a number of archaeological sites or features are identified on the property, but the proposed subdivision and development will not affect the recorded features, and the archaeological and historic heritage effects of the proposal are assessed as being none too low, or less than minor.

There is a possibility that topsoil stripping for access and services and building areas on the new lots will uncover subsurface archaeological features. These are most likely to be small shell midden in poor condition due to erosion and stock trampling, and of low archaeological significance. These features are difficult to identify in advance of large-scale topsoil stripping, and such features would need to be investigated as they are uncovered or avoided if practical.

Therefore, an archaeological authority will be sought on a precautionary basis, with mitigation by monitoring and investigation as required. The Archaeological Assessment makes further recommendations as to the future management of archaeological features recorded as part of P05/463 on Lot 4, and P05/1079 on the edge of the lake within Lot 4 DP 167657. No specific works are intended within the location of these features, and it is suggested that the recommendations are included as advisory notes to the consent.

As such effects are considered less than minor.

Preservation and enhancement of vegetation and fauna

Lot 2 DP 442820 does not include any mapped areas of significant indigenous vegetation, however the adjacent pond within Lot 4 DP 167657 is a recorded protected natural area wetland, as described in the Wetland Determination.

Additional wetland areas are to be enhanced through wetland revegetation, and then permanently protected by way of consent notice condition. Enhancement of the wetland areas will result in a positive effect on habitat and biodiversity. The BDZs and proposed access do not occupy any of these wetland areas so as to avoid altering water level range or hydrological function of any wetland areas. Upgrade of vehicle access over the existing crossing within Easement ‘A’ will be subject to detailed design in accordance with the NES-F Regulations to achieve an acceptable level of effect and will involve a separate application to Northland Regional Council. Modifications to the culvert, whether they are a permitted activity or otherwise, are subject to the NES-F regulations Subpart 3, including emphasis on the passage of fish.

The site adjoins the Okura Rier Marginal Strip, being conservation land under the Section 24(3) of the Conservation Act 1987 (Fixed Marginal Strip). This land is administered by the Department of Conservation, who as a result of consultation, have not raised any issues with regards to their ability to ability to administer this Marginal Strip.

The subject land is not recorded as being a kiwi habitat area in Far North Maps. Nevertheless, fauna species recorded for the Kerikeri Inlet Road Pond Protected Natural Area Unit P05/083 includes “water-related native bird species” including Australasian bittern, spotless crane, white-faced heron, pukeko, black shag, pied shag, little black shag, mallard and grey duck, paradise duck, pied stilt, black swan and the threatened brown teal up to 1981. The jointly owned Lot 4 DP 167657 is subject to a covenant binding the owners of this land, and includes management provisions including use of the lake, water takes, shooting, trapping of wildlife, and structures. Refer to interest D088754.3.

Potential adverse ecological effects arising from the subdivision will arise from future residential development on the lots, and the potential introduction of domestic animals, such as cats and dogs, which may present a threat to indigenous wildlife. A consent notice condition banning the introduction of cats and requiring dogs to be kept under control at all times will appropriately mitigate potential adverse effects on wildlife.

Other potential ecological effects of the subdivision and future development on the vacant lots are able to be controlled through standard mitigation, as outlined in the Wetland Determination, this includes adherence to the fish passage requirements of the National Environmental Standard for Freshwater (see Section 6.1.2), avoidance of the introduction of exotic vegetation that is an environmental weed or on the National Pest Plant Accord, and controlled management of stormwater and wastewater discharge to avoid sediment input.

Given the above, effects on vegetation and fauna are considered to be less than minor.

Landscape and visual effects

Landscape and visual effects are evaluated in the L&VEA, which notes that the proposed development creates appropriately placed BDZs, with building design guidelines to ensure that future built form is of an appropriate size, bulk and form. Together with proposed wetland and landscape integration planting, adverse visual and landscape effects are avoided, mitigated and remediated by the proposal. The assessment of character, visual and amenity effects is summarised below.

- Planting of 4863m² landscape integration planting and 1.0493ha of wetland restoration planting will have an overall positive effect on landscape amenity values.
- Remediation of earthworks will ensure adverse visual or landscape effects are avoided.
- Potential landscape and visual effects on surrounding landowners will be less than minor.
- Lots 1 – 3 BDZs and roading ensure no adverse effects upon the sensitive area of the zone or the natural character values of the site and wider coastal environment.
- Lot 4 BDZ will be subject to location and design controls to ensure that development in this area will result in less than minor potential adverse effects upon natural character values of the coastal environment.
- Landscape enhancement and integration plantings and building design guidelines will enable the site to visually absorb the proposed development, ensuring that the proposal will generate less than minor potential adverse effects upon rural character values.

- Potential adverse visual effects on key viewpoints including the eastern facing side of Reinga Road, passing motorists on Kerikeri Inlet Road, Skudders Beach area, Blue Penguin Drive area, Rangitane Loop Road, nearby surrounding properties, and various viewing positions within the Kerikeri Inlet are all assessed as being less than minor. Visual effects from existing dwellings surrounding the site will be less than minor.

Soil

Soils on the subject site are not mapped as being Class I, II or III in the NZ Land Resource Inventory Worksheets. The mapped Land Use Capability class is IV, which does not meet the definition of 'highly productive land' under the National Policy Statement for Highly Productive Land or of 'highly versatile soils' in the Regional Policy Statement. The proposed subdivision is located on soils which are not considered to be a scarce resource, and the proposal is considered to be an efficient use of soil resources.

The proposed subdivision layout creates rural lifestyle sites within a proposed framework of revegetation and landscape integration planting. The wetland revegetation areas are naturally located in the eroding overland flow paths, and will be retired from grazing, to support enhancement of the wetland ecosystems and erosion prevention. In this way, the proposal is considered to contribute to the protection of the life supporting capacity of soils.

Access to reserves and waterways

There are no identified Esplanade Priority Areas within or adjacent to the subject land. An existing Crown-owned Marginal Strip is located to the north of Lot 4; this separates the subject land from Kerikeri Inlet. The proposed activity has no implications in terms of public access to reserves or waterways.

Land use compatibility

The intended use of Lots 1 – 4 is rural lifestyle, in accordance with the zoning in this part of the South Kerikeri Inlet. Given the surrounding pattern of lifestyle development and pastoral use, no issues have been identified in terms of reverse sensitivity or land use incompatibility.

Adverse Effects Conclusion

In conclusion, I consider that the proposal will not have and is not likely to have more than minor adverse effects on the wider environment.

Step 4: Public notification in special circumstances

s95A(9)	Do special circumstances exist in relation to the application that warrant the application being publicly notified? The assessment below addresses this matter.	No
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Special circumstances are those that are:

- Exceptional or unusual, but something less than extraordinary;
- Outside of the common run of applications of this nature, or;
- Circumstances which make notification desirable, notwithstanding the conclusion that the adverse effects will be no more than minor.

In this instance there is nothing exceptional or unusual about the application, and the proposal has nothing out of the ordinary to suggest that public notification should occur.

Section 95B – Limited Notification Assessment

Where an application is not publicly notified under section 95A, section 95B requires a decision on whether there are any affected persons (under section 95E) and sets out a step by step process by which to make this decision.

Step 1: Certain affected groups and affected persons must be notified

s95B(2)(a)	Are there any affected protected customary rights groups?	No
s95B(2)(b)	Are there any affected customary marine title groups (in the case of an application for a resource consent for an accommodated activity)?	No
s95B(3)(a)	Is the proposed activity on or adjacent to, or may affect, land that is the subject of a statutory acknowledgement made in accordance with an Act specified in Schedule 11?	No
s95B(3)(b)	Is the person to whom the statutory acknowledgement is made is an affected person under section 95E?	No

Step 2: If not required by step 1, limited notification precluded in certain circumstances

s95B(6)(a)	The application is for a resource consent for 1 or more activities, and each activity is subject to a rule or national environmental standard that precludes limited notification.	No
s95B(6)(b)	The application is for a controlled activity (but no other activities) that requires a resource consent under a district plan (other than a subdivision of land).	No

Step 3: If not precluded by step 2, certain other affected persons must be notified

s95B(7)	In the case of a boundary activity, determine in accordance with section 95E whether an owner of an allotment with an infringed boundary is an affected person.	No
s95B(8)	In the case of any other activity, determine whether a person is an affected person in accordance with section 95E.	No

Affected Persons Assessment

The following assessment addresses whether there are any affected persons that the application is required to be limited notified to, pursuant to s95B(7) or (8), in accordance with 95E. A person is affected if the activity's adverse effects on a person are minor or more than minor (but not less than minor).

Pursuant to section 95E(2)(c) the consent authority must have regard to every relevant statutory acknowledgement made in accordance with an Act specified in Schedule 11.

Effects that must be Disregarded

Controlled or Restricted Discretionary Activities

Pursuant to section 95E(2)(b) the activity is a restricted discretionary activity and the consent authority must disregard any adverse effect of the activity on the person if the effect does not relate to a matter for which a rule or a national environmental standard restricts discretion.

The application is for a Non-complying activity and therefore a full consideration of effects can be made.

Written Approvals

Pursuant to section 95E(3)(a) a person is not an affected person if they have given written approval to the application (and not withdrawn it).

No persons have given their written approval.

Effects that may be Disregarded

Permitted Baseline

Pursuant to section 95D(b) the permitted baseline may be taken into account and the Council has the discretion to disregard those effects.

The permitted baseline has been taken into account as addressed in the section 95A Assessment above.

Assessment

Step 4: Further notification in special circumstances

s95B(10)	Do special circumstances exist in relation to the application that warrant notification of the application to any other persons not already determined to be eligible for limited notification under this section (excluding persons assessed under section 95E as not being affected persons)?	No
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Section 13.9 of the District Plan:

Applications for discretionary and non-complying activities within the South Kerikeri Inlet Zone will require notification of all property owners within the Zone and DH Ellis (being the property owner of Lot 2 DP 114410) at least.

As indicated in the rule above, this non-complying subdivision within the South Kerikeri Inlet Zone will require notification of all property owners within the Zone and DH Ellis (being the property owner of Lot 2 DP 114410) at least. Therefore, it is concluded that the subdivision proposal will require limited notification of all property owners within the SKIZ, excluding DH Ellis, the property owner of Lot 2 DP 114410, as this party no longer owns this property.

9 Notification Recommendation

Based on the assessment above under section 95A of the Act, I recommend that this application be processed without public notification. In addition, under section 95B of the Act, limited notification is required to the following persons:

Legal Description	Address
Lot 1 DP 132850	405E Kerikeri Inlet Road, Kerikeri
Lot 1 DP 143682	405C Kerikeri Inlet Road, Kerikeri
Lot 1 & 2 DP 442820	481 Kerikeri Inlet Road, Kerikeri

Lot 3 DP 335522	405F Kerikeri Inlet Road, Kerikeri
Lot 2 DP 415301	144B Edmonds Road, Kerikeri
Lot 1 DP 415301	144C Edmonds Road, Kerikeri
Lot 1 DP 210093	144A Edmonds Road, Kerikeri
Lot 4 DP 210093	144A Edmonds Road, Kerikeri
Lot 1 DP 550862	505E Kerikeri Inlet Road, Kerikeri
Lot 2 DP 335522	505G Kerikeri Inlet Road, Kerikeri
Lot 1 DP 194392	505C Kerikeri Inlet Road, Kerikeri
Lot 2 DP 194392	505D Kerikeri Inlet Road, Kerikeri
Lot 1 DP 109734	405A Kerikeri Inlet Road, Kerikeri
Lot 2 DP 210733	NA
Lot 1 DP 210733 and Lot 4 DP 167657	405B Kerikeri Inlet Road, Kerikeri
Lot 1 DP 172860	405D Kerikeri Inlet Road
Lot 4 DP 579108	NA
Lot 2 DP 442820	NA
Lot 3 DP 210093	Lot 3 Edmonds Road
Section 64 Blk XII Kerikeri SD	431 Kerikeri Inlet Road
Lot 1 DP 368104	445 Kerikeri Inlet Road
Lot 3 DP 579108	NA

In addition the following external parties, as indicated in the application, are also recommended to be notified of the application: Iwi, who have expressed interest in previous applications in this vicinity, Heritage NZ, in view of the potential for uncovering additional archaeological sites on the property, and DOC as owner and custodian of the adjoining marginal strip."

External Party
Iwi
Heritage New Zealand Pouhere Taonga
Department of Conservation

10 Notification Determination

Acting under delegated authority, and for the reasons set out in the above assessment and recommendation, under sections 95A and 95C to 95D, and 95B and 95E to 95G of the RMA this application shall be limited notified to the parties listed in section 9 above.

P. G. Killalea

Name: Pat Killalea

Date: 12/06/2025

Title: Independent Commissioner