

Application for resource consent or fast-track resource consent

(Or Associated Consent Pursuant to the Resource Management Act 1991 (RMA)) (If applying for a Resource Consent pursuant to Section 87AAC or 88 of the RMA, this form can be used to satisfy the requirements of Schedule 4). Prior to, and during, completion of this application form, please refer to Resource Consent Guidance Notes and Schedule of Fees and Charges — [both available on the Council's web page](#).

1. Pre-Lodgement Meeting

Have you met with a council Resource Consent representative to discuss this application prior to lodgement? ☐ Yes ☐ No

2. Type of Consent being applied for

(more than one circle can be ticked):

- | | |
|---|---|
| <input type="radio"/> Land Use | <input type="radio"/> Discharge |
| <input type="radio"/> Fast Track Land Use* | <input type="radio"/> Change of Consent Notice (s.221(3)) |
| <input type="radio"/> Subdivision | <input type="radio"/> Extension of time (s.125) |
| <input type="radio"/> Consent under National Environmental Standard
(e.g. Assessing and Managing Contaminants in Soil) | |
| <input type="radio"/> Other (please specify) _____ | |

** The fast track is for simple land use consents and is restricted to consents with a controlled activity status.*

3. Would you like to opt out of the Fast Track Process?

☐ Yes ☐ No

4. Consultation

Have you consulted with Iwi/Hapū? ☐ Yes ☐ No

If yes, which groups have you consulted with?

Who else have you consulted with?

For any questions or information regarding iwi/hapū consultation, please contact Te Hono at Far North District Council tehonosupport@fndc.govt.nz

5. Applicant Details

Name/s:

Christopher Brown and Glenys Brown

Email:

[REDACTED]

Phone number:

Work

Home

[REDACTED]

Postal address:

(or alternative method of service under section 352 of the act)

[REDACTED]

Postcode

[REDACTED]

6. Address for Correspondence

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

Name/s:

LMD PLANNING CONSULTANCY (ATTEN: LEONARD DISSANAYAKE)

Email:

[REDACTED]

Phone number:

Home

Postal address:

(or alternative method of service under section 352 of the act)

Postcode

[REDACTED]

** All correspondence will be sent by email in the first instance. Please advise us if you would prefer an alternative means of communication.*

7. Details of Property Owner/s and Occupier/s

Name and Address of the Owner/Occupiers of the land to which this application relates (where there are multiple owners or occupiers please list on a separate sheet if required)

Name/s:

Christopher John Brown and Glenys Lorraine Brown

**Property Address/
Location:**

[REDACTED]

Postcode

[REDACTED]

8. Application Site Details

Location and/or property street address of the proposed activity:

Name/s:

Site Address/
Location:

Postcode

Legal Description:

Val Number:

Certificate of title:

Please remember to attach a copy of your Certificate of Title to the application, along with relevant consent notices and/or easements and encumbrances (search copy must be less than 6 months old)

Site visit requirements:

Is there a locked gate or security system restricting access by Council staff? ☒ Yes ☐ No

Is there a dog on the property? ☒ Yes ☐ No

Please provide details of any other entry restrictions that Council staff should be aware of, e.g. health and safety, caretaker's details. This is important to avoid a wasted trip and having to re-arrange a second visit.

PLEASE CONTACT APPLICANTS ; GLENYS BROWN (PH: 027 512 2659) OR CHRIS BROWN (PH: 027 710 2032) PRIOR TO ANY SITE VISIT.

9. Description of the Proposal:

Please enter a brief description of the proposal here. Please refer to Chapter 4 of the District Plan, and Guidance Notes, for further details of information requirements.

SUBDIVISION OF LOT 3 DP 201128 TO CREATE THREE LOTS AS A RESTRICTED DISCRETIONARY ACTIVITY IN THE RURAL PRODUCTION ZONE.

If this is an application for a Change or Cancellation of Consent Notice conditions (s.221(3)), please quote relevant existing Resource Consents and Consent Notice identifiers and provide details of the change(s), with reasons for requesting them.

10. Would you like to request Public Notification?

☐ Yes ☒ No

11. Other Consent required/being applied for under different legislation

(more than one circle can be ticked):

- ☐ **Building Consent**
- ☐ **Regional Council Consent (ref # if known)**
- ☐ **National Environmental Standard consent**
- ☐ **Other (please specify)**

12. National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health:

The site and proposal may be subject to the above NES. In order to determine whether regard needs to be had to the NES please answer the following:

Is the piece of land currently being used or has it historically ever been used for an activity or industry on the Hazardous Industries and Activities List (HAIL) ☐ **Yes** ☐ **No** ☐ **Don't know**

Is the proposed activity an activity covered by the NES? Please tick if any of the following apply to your proposal, as the NESCS may apply as a result. ☐ **Yes** ☐ **No** ☐ **Don't know**

- | | |
|--|--|
| <input type="radio"/> Subdividing land | <input type="radio"/> Disturbing, removing or sampling soil |
| <input type="radio"/> Changing the use of a piece of land | <input type="radio"/> Removing or replacing a fuel storage system |

13. Assessment of Environmental Effects:

Every application for resource consent must be accompanied by an Assessment of Environmental Effects (AEE). This is a requirement of Schedule 4 of the Resource Management Act 1991 and an application can be rejected if an adequate AEE is not provided. The information in an AEE must be specified in sufficient detail to satisfy the purpose for which it is required. Your AEE may include additional information such as Written Approvals from adjoining property owners, or affected parties.

Your AEE is attached to this application ☐ **Yes**

13. Draft Conditions:

Do you wish to see the draft conditions prior to the release of the resource consent decision? ☐ **Yes** ☐ **No**

If yes, do you agree to extend the processing timeframe pursuant to Section 37 of the Resource Management Act by 5 working days? ☐ **Yes** ☐ **No**

14. Billing Details:

This identifies the person or entity that will be responsible for paying any invoices or receiving any refunds associated with processing this resource consent. Please also refer to Council's Fees and Charges Schedule.


Name/s: (please write in full)	GLENYS BROWN	
Email:	gbrowndogs@gmail.com	
Phone number:	Work	Home 027 512 2659
Postal address: (or alternative method of service under section 352 of the act)	238 Waimate North Road KERIKERI Postcode 0293	

Fees Information

An instalment fee for processing this application is payable at the time of lodgement and must accompany your application in order for it to be lodged. Please note that if the instalment fee is insufficient to cover the actual and reasonable costs of work undertaken to process the application you will be required to pay any additional costs. Invoiced amounts are payable by the 20th of the month following invoice date. You may also be required to make additional payments if your application requires notification.

Declaration concerning Payment of Fees

I/we understand that the Council may charge me/us for all costs actually and reasonably incurred in processing this application. Subject to my/our rights under Sections 357B and 358 of the RMA, to object to any costs, I/we undertake to pay all and future processing costs incurred by the Council. Without limiting the Far North District Council's legal rights if any steps (including the use of debt collection agencies) are necessary to recover unpaid processing costs I/we agree to pay all costs of recovering those processing costs. If this application is made on behalf of a trust (private or family), a society (incorporated or unincorporated) or a company in signing this application I/we are binding the trust, society or company to pay all the above costs and guaranteeing to pay all the above costs in my/our personal capacity.

Name: (please write in full)	GLENYS BROWN
Signature: (signature of bill payer)	

MANDATORY

15. Important information:

Note to applicant

You must include all information required by this form. The information must be specified in sufficient detail to satisfy the purpose for which it is required.

You may apply for 2 or more resource consents that are needed for the same activity on the same form. You must pay the charge payable to the consent authority for the resource consent application under the Resource Management Act 1991.

Fast-track application

Under the fast-track resource consent process, notice of the decision must be given within 10 working days after the date the application was first lodged with the authority, unless the applicant opts out of that process at the time of lodgement. A fast-track application may cease to be a fast-track

Privacy Information:

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

15. Important information continued...

Declaration

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

Name: (please write in full)

LEONARD DISSANAYAKE (AGENT)

Signature:

[Redacted Signature]

Date 14-Sep-2025

A signature is not required if the application is made by electronic means

Checklist (please tick if information is provided)

- ☒ Payment (cheques payable to Far North District Council)
- ☒ A current Certificate of Title (Search Copy not more than 6 months old)
- ☐ Details of your consultation with Iwi and hapū
- ☒ Copies of any listed encumbrances, easements and/or consent notices relevant to the application
- ☒ Applicant / Agent / Property Owner / Bill Payer details provided
- ☒ Location of property and description of proposal
- ☒ Assessment of Environmental Effects
- ☒ Written Approvals / correspondence from consulted parties
- ☒ Reports from technical experts (if required)
- ☒ Copies of other relevant consents associated with this application
- ☐ Location and Site plans (land use) AND/OR
- ☒ Location and Scheme Plan (subdivision)
- ☐ Elevations / Floor plans
- ☒ Topographical / contour plans

Please refer to Chapter 4 of the District Plan for details of the information that must be provided with an application. Please also refer to the RC Checklist available on the Council's website. This contains more helpful hints as to what information needs to be shown on plans.

Proposed Subdivision of Lot 3 DP 201128

at

238, Waimate North Road, Kerikeri

Planning Report

including

Assessment of Environmental Effects

for

Resource Consent Application

by

Christopher Brown and Glenys Brown

LMD Planning Consultancy

9 Campbell Lane, Kerikeri

Ph: 027 712 2280

E-mail: imdpc@xtra.co.nz

Website: www.lmdplanning.co.nz

September 2025

1.0 INTRODUCTION

The applicants, Christopher and Glenys Brown, propose to subdivide their 10-hectare property (the Site) at 238 Waimate North Road, Kerikeri, to create three new lots.

The site is zoned Rural Production in the Far North Operative District Plan and Horticulture in the Proposed District Plan. The subdivision proposal is considered a 'restricted discretionary activity'. Therefore, on behalf of the applicants, I apply for resource consent from the Council to undertake the proposed activity.

In this report, I intend to provide the necessary information in sufficient detail as required in Schedule 4 of the Resource Management Act 1991 (RMA), including an 'Assessment of Environmental Effects' (AEE) of the proposed activity.

2.0 DESCRIPTION OF THE SITE

The application site is located at 238 on the western side of Waimate North Road, approximately 8 kilometres from Kerikeri town centre, as shown in **Fig. 1** below.

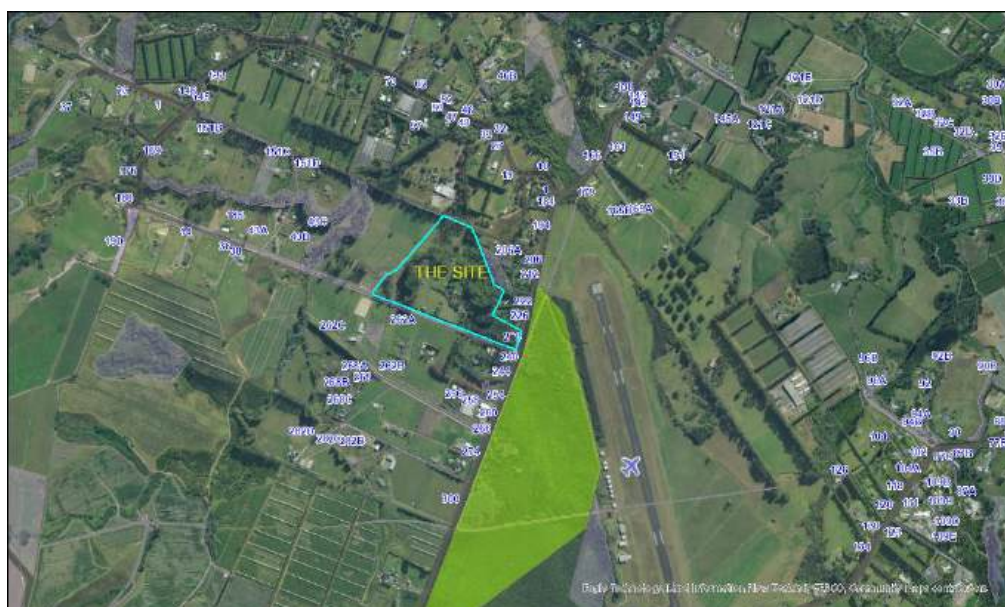


Fig. 1: Site Location Map (Source - Far North Maps)

Title Details

The site is legally described as Lot 3 DP 201128. The total area of the site is 10.1412 hectares. A copy of the Record of Title (RT) NA129B/395, dated 20 June 2000, is attached in **Appendix 1**.

The site is subject to multiple easement certificates and other legal documents as listed under 'Interests' in the RT. However, no consent notices are registered on the title.

The Record of Title is indicated as 'Part-Cancelled'. This is due to the variation of the right-of-way easement marked **F** on the Deposited Plan 201128. That easement no longer exists. An explanation regarding the background and variation of this easement is provided below.

The easement **F** is related to the provision of right-of-way (right to quarry and remove metal) to an area of an old quarry specified in Easement Certificate **C165108.3**. That area was previously identified as easement **B** in a historical Deposited Plan No. 136068. However, due to a subsequent 'Memorandum of Variation of Easement' under **C533554.5**, the right and powers relating to right-of-way easement **B** have been cancelled. Copies of the relevant easement instruments and Deposited Plan 136068 are attached in **Appendix 2**.

Existing Development and Site Features

The site contains an established residential development comprising a dwelling, garage, sheds and a gravel driveway. Access to the property is via a concrete vehicle crossing from Waimate North Road, and a metalled driveway over the right of way (ROW) marked **A** on DP 201128. The width of the driveway is estimated to be between 3.2 and 4m. It also provides access to two other recently created properties, namely Lots 1 & 2 DP 592125, on the western side of the site. An electronic gate is installed to restrict access to the driveway.

The site is undulating with a relatively flat area in the middle on the southern side. A considerable area of the site is covered by vegetation. A section of the former quarry, now containing a pond, is located in the southwest corner of the site.

According to the FNDC's Land Cover and Land Use maps, the site contains the soil type of 3s 1.

The immediate surroundings of the site primarily consist of rural residential and lifestyle properties. The Bay of Islands Airport and a reserve land managed by the Department of Conservation are situated on the eastern side of Waimate North Road.

3.0 DESCRIPTION OF THE PROPOSAL

The applicants propose to subdivide Lots 3 DP 201128 to create three lots as shown in the scheme plan prepared by Thomson Survey Ltd., which is attached in **Appendix 3**.

The proposed lot sizes are as follows;

- Lot 1 – 8.75 ha (This will include the existing residential development)
- Lot 2 - 4050 m²
- Lot 3 – 9800 m²

The existing driveway (within the right-of-way) will be upgraded to comply with the Council's Engineering standards.

Vision Consulting Engineers have undertaken an engineering assessment of the proposed subdivision, and their Site Suitability Report is attached in **Appendix 4**. (For easy reference, it will be referenced as 'Engineering Report'). This report assesses the proposal with special focus on matters such as access, land stability, foundation requirements, stormwater and wastewater disposal, and provides recommendations.

4.0 ACTIVITY STATUS

4.1 FAR NORTH OPERATIVE DISTRICT PLAN (ODP)

The site is located within the Rural Production Zone (Zone Map 28). There are no resource overlay maps or resource features impacting the site (Resource Map 28). Nonetheless, the site is situated within the 'Kerikeri Airport Buffer Area' as identified in Appendix 4B of the ODP.

4.1.1 LEGAL STATUS OF SITE CREATION DATE

Before assessing the proposal against the subdivision rules of the ODP, it is essential to clarify the legal status of the date the subject site was created.

The site was created following the subdivision consent RC 1990712, which was approved by the Council on 14. 06. 1999. The Council issued the s224(c) certificate for that subdivision consent on 29 March 2000. Refer to the copies of the RC 1990712 decision and s224 (c) certificate attached in **Appendix 5**.

The Operative District Plan defines the 'Site' and the 'Existing Site' as follows (only the relevant part is mentioned);

Site

(a) An area of land which is:

- (ii) contained in a single allotment on an approved survey plan of subdivision for which approvals under s223 and/or s224 of the Act have been obtained and for which a separate certificate of title could be issued without further consent of the Council.*

Existing Site

A site that exists on a survey plan for which a s224 Certificate has been issued by the Council.

This means that the subject site was legally created on **29 March 2000**, even though the Record of Title was issued on 20 June 2000 by the Registrar General of Land. This vital information and fact will be considered in assessing this proposal under the subdivision rules of the ODP in the following section.

4.1.2 SUBDIVISION RULES

13.7.2.1 – Minimum area for vacant new lots and new lots which already Accommodate Structures

Rule 13.7.2.1 – Table 13.7.2.1 (i) of the District Plan specifies the minimum lot sizes for subdivisions within the Rural Production Zone.

The proposal meets the criteria outlined in Clause 3, as noted below, which pertains to 'restricted discretionary activity status'.

3. A maximum of 3 lots in any subdivision, provided that the minimum lot size is 4,000m² and there is at least 1 lot in the subdivision with a minimum lot size of 4ha, and provided further that the subdivision is of sites which existed at or prior to 28 April 2000, or which are amalgamated from titles existing at or prior to 28 April 2000; or

In this instance, the site existed prior to 28 April 2000 as explained earlier. The subdivision will create 3 lots. Each of the proposed Lots 2 and 3 has an area exceeding the minimum lot size requirement of 4000m². The area of the other lot (Lot 1) is more than 4ha. Accordingly, the subdivision proposal complies with the requirements of Clause 3.

13.7.2.2 – Allotment Dimensions

Lot 1 is already developed with a dwelling and other buildings. The scheme plan illustrates a 30m x 30m building envelope for each of the proposed Lots 2 and 3, with a minimum 10m setback from their boundaries.

13.7.2.3 - 13.7.2.9

These rules do not apply to this proposal.

4.1.3 ZONE RULES AND DISTRICT WIDE RULES

Table 13.7.2.1 (Minimum Lot Sizes) further states that *"any existing development on any new lot in the subdivision must comply with all of the relevant zone rules and the rules in Part 3 of the Plan – District Wide Provisions for permitted or controlled activities."*

In this instance, proposed Lot 1, with an area of approximately 8.75 ha, will accommodate existing buildings. According to my assessment, the existing development on Lot 1 complies with all of the relevant permitted activity rules in the Rural Production Zone and Part 3 of the District Plan.

Lot 2 is vacant. Once Lot 3 is created, the existing old firewood shed on that lot will be removed.

Summary

Overall, the subdivision proposal is considered to be a '**restricted discretionary activity**' under the ODP.

4.2 FAR NORTH PROPOSED DISTRICT PLAN (PDP)

The site is zoned Horticulture under the PDP. The site is partly affected by the Airport Protection Surfaces overlay. However, it is noted that the existing house on the property and proposed Lots 2 & 3 are located outside the Airport Protection Surfaces boundary.

At the time of writing this report, there are no rules relating to subdivision in the PDP that have any legal effect. The only applicable rules, which have immediate legal effect, relate to Rules EW-R12 Earthworks and the discovery of suspected sensitive material, and EW-R13 Earthworks and erosion and sediment control. While the earthworks activities of this subdivision proposal will be limited to the upgrading of the property access, both of these rules can be achieved as a permitted activity via an advice note relating to compliance with the Accidental Discovery Protocol, and a condition requiring an erosion and sediment control to be implemented following the Erosion and Sediment Control Guidelines for Land Disturbing Activities in the Auckland Region 2016 before commencement of earthworks.

Therefore, no further assessment is required to determine the activity status of the proposal under the PDP. The restricted discretionary activity status under the ODP remains unchanged.

5.0 STATUTORY ASSESSMENT

Section 104 of the RMA establishes the statutory framework within which the Council is required to consider an application for a resource consent.

Section 104(1) outlines that, when considering an application for a resource consent, the consent authority must, subject to Part 2, have regard to –

- (a) any actual and potential effects on the environment of allowing the activity; and*
- (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 environmental standard;*
 - (ii) other regulations;*
 - (iii) a national policy statement;*
 - (iv) a New Zealand coastal policy statement;*
 - (v) a regional policy statement or proposed regional policy statement;*
 - (vi) a plan or proposed plan; and*
- (c) any other matter the consent authority considers relevant and reasonably necessary to determine the application*

Notwithstanding the foregoing, Section 104C (1) states,

- (1) When considering an application for a resource consent for a restricted discretionary activity (such as this application), a consent authority must consider only those matters over which—*
 - (a) a discretion is restricted in national environmental standards or other regulations;*
 - (b) it has restricted the exercise of its discretion in its plan or proposed plan.*

Accordingly, for the assessment required under Section 104(1)(a), I will concentrate on evaluating environmental effects based solely on the

assessment criteria specified for restricted discretionary subdivision activities in Rule 13.8.1 of the Operative District Plan.

Among the statutory documents listed in Section 104(1)(b), the most relevant provisions to consider in this instant are the objectives and policies of both the Operative District Plan and the Proposed District Plan, along with the applicable national environmental standards.

Given the nature and scale of the proposal and its restricted discretionary activity status, a detailed assessment against higher-order documents, such as national and regional policy statements, is deemed unnecessary. However, for the sake of completeness, a brief assessment of the proposal against the relevant national and regional planning documents will be included in the following sections.

6.0 ASSESSMENT OF ENVIRONMENTAL EFFECTS

[s 104(1)(a) Assessment]

As required by Rule 13.8.3 (1) of the PDP, the proposal is assessed against the matters listed in Rule 13.7.3 as follows.

13.7.3.1 Property Access

As mentioned previously, the current access to the property is via a recently upgraded vehicle crossing from Waimate North Road, and a metalled driveway over the right of way (ROW) marked **A** on DP 201128 as shown in **Fig.2** below.



Fig. 2 – Vehicle crossing and ROW entrance from Waimate North Road

The legal width of this ROW is approximately 10 metres. As stated in the Engineering Report, the width of the driveway ranges from approximately 3.2 to 4.0 m. This driveway extends to provide access to two additional lots (Lots 1 & 2 DP 592125), which were created from a recent subdivision of the former Lot 4 DP 201128, and approved under RC 2230234. A recent upgrade of the vehicle crossing has been undertaken as part of that consent.

Access to the proposed Lot 2 and Lot 3 will be via the existing ROW. This means the proposed subdivision will result in the ROW providing access to a total of 5 lots. It is proposed to widen the first section of the driveway to a width of 5 meters between Waimate North Road and the current entrance to the internal driveway that leads to the existing dwelling on proposed Lot 1.

The existing vehicle crossing is already upgraded, meeting the required Council's Engineering Standards. With the proposed upgrading of the driveway as required, the subdivision will comply with all relevant permitted activity rules relating to access (Chapter 15, Rules 15.1.6C.1.1 - 15.1.6C.1.11) and relevant private access standards specified in Appendix 3B-1 for the Rural Production zone.

As a result, the environmental impacts of the proposed subdivision concerning property access are considered to be minor.

13.7.3.2 Natural and Other Hazards

The online maps of Northland Regional Council and Far North District Council do not indicate that the site is affected by any natural hazards, especially concerning river flood risks.

Section 6 of the Engineering Report provides a detailed assessment relating to natural hazards. It confirms that the proposed building sites for Lots 2 and 3 are suitable for the intended residential development.

Regarding fire hazard, proposed Lot 1 already contains an existing dwelling. Any habitable building on proposed Lots 2 and 3 will be built with a minimum setback of 20 m from any bush areas.

The soil contamination aspect is separately addressed in this report in the assessment under NES -CS.

Overall, there will be no adverse effect from natural or other hazards on the subdivision.

13.7.3.3 Water Supply

An established domestic water supply system for collecting and storing rainwater exists within the proposed Lot 1.

The potable and firefighting water supply for Lots 2 and 3 will be provided via roof catchment and storage in standard water tanks.

Kerikeri Irrigation Company (KIC) was consulted for their feedback on this proposal due to an existing easement (in gross) that allows water to flow through Easement A in favour of the Kerikeri Irrigation Company. KIC has confirmed that it has no comment on the proposed subdivision as indicated in its email below.

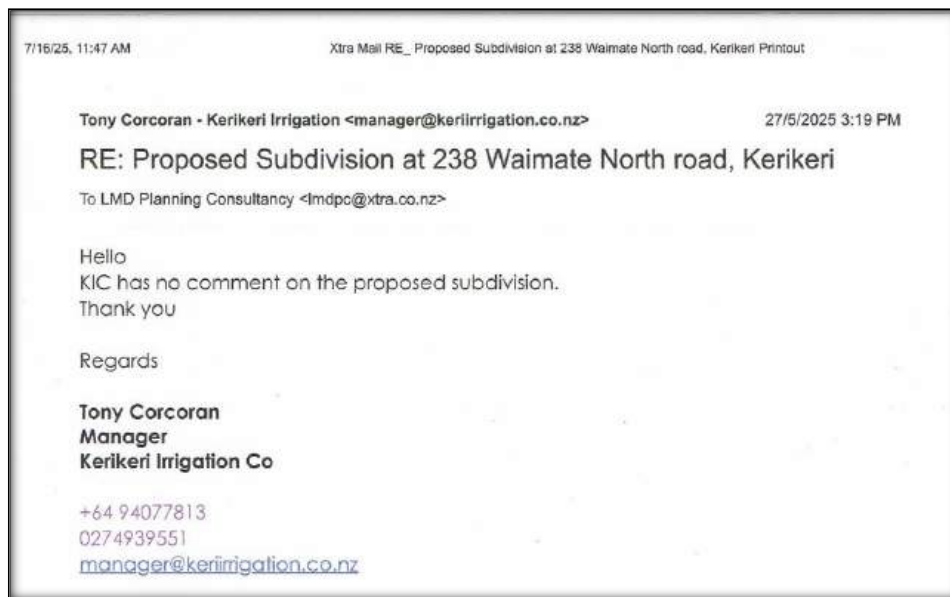


Fig 3 – Extract from Kerikeri Irrigation Company email

13.7.3.4 Stormwater Disposal

The current residential development within proposed Lot 1 has an established stormwater disposal system. Given that the area of proposed Lot 1 is approximately 8.75 ha, the impermeable surface area covering the existing dwelling, small accessory building and driveway within Lot 1 is assessed as less than 15% of the site area, which complies with the stormwater management rule.

Regarding proposed Lots 2 and 3, Section 9.2 of the Engineering Report states, *"Due to the size of the proposed lots, it is considered that stormwater attenuation is unlikely to be required as impermeable surfaces post-development are not anticipated to be greater than those permitted by the District Plan"*.

Accordingly, the environmental effects of the subdivision concerning stormwater disposal are considered to be minor.

13.7.3.5 Sanitary Sewage Disposal

An established on-site wastewater system for the residential unit is available on the proposed Lot 1. It is located at a sufficient distance from the proposed lot boundaries.

Section 10.7 of the Engineering Report states, *'Proposed Lot 2 and Lot 3 are assessed to have sufficient land available for the disposal of secondary treated effluent'*. It provides recommendations relating to onsite wastewater disposal for the consideration of the council

Subject to the recommended mitigation measures, no adverse effects are anticipated from the proposed development in respect of wastewater disposal.

13.7.3.6 Energy Supply & 13.7.3.7 Telecommunications

Proposed Lot 1 has an existing connection to a power supply and telecom services.

Since the application site is within the Rural Production zone, reticulated power supply and telecommunication services to Lots 2 and 3 are not a requirement for this subdivision.

The Council's standard consent notice condition, which states that the responsibility for providing both power supply and telecommunication services for each of Lot 2 and Lot 3 will remain with the property owner, would be appropriate for the subdivision consent.

13.7.3.6 Easements for Any Purpose

There are existing easements, including the right of way, right to drain water, right to convey water, electricity and telecommunications, as registered on the existing title. Additional Easements are proposed to benefit the proposed lots as indicated on the scheme plan.

13.7.3.9 Preservation of Heritage Resources, Vegetation, Fauna and Landscape, and Land Set Aside for Conservation Purposes

There are no heritage resources on the site. The site is not affected by any Protected Natural Area (PNA). No vegetation clearance is required to implement the subdivision proposal. The site is not located within an 'outstanding landscape' as defined in the District Plan, and it does not contain any significant landscape value.

The site is located within an area identified as 'kiwi present'. However, it is located in the vicinity of a protected area administered by the Department of Conservation, which is classified as a high-density kiwi area in the Far North Maps. In this context, the applicants are willing to accept a consent notice condition to be registered on the title of each proposed lot as a mitigation measure for the protection of the kiwi habitat in the area. The suggested wording for this consent notice condition is given below.

"Any dog kept on the Lot must be micro-chipped and have a current kiwi aversion trained certification. Any dog must be within a dog-proof fenced area on the Lot and be under effective control at all times when outside of the fenced area, e.g. on a lead. At night, any dog must be kept inside or tied up. Any cat kept on the Lot is to be neutered/spayed, microchipped and kept inside at night".

There is no statutory requirement to set aside land for conservation purposes from this proposal.

It is considered that, subject to the mitigation measure proposed relating to the protection of kiwi habitat in the area, the subdivision proposal will not cause any adverse effects on the matters referred to in 13.7.3.9.

13.7.3.10 Access to Reserves and Waterways

Not applicable as the site does not adjoin any waterways requiring any public access to an esplanade reserve or waterways.

13.7.3.11 Land Use Incompatibility

The immediate surrounding area features a blend of rural residential and rural lifestyle properties. The proposed subdivision aims to create two additional titles for rural lifestyle living that align with the existing development patterns in the area.

Land use conflicts related to the nearby airport are discussed in the section below.

13.10.17 Proximity to Airports

This assessment criterion states;

"Where applications for subdivision consent relate to land that is situated within 500m of the nearest boundary of land that is used for an airport, the airport operator will be considered by the Council to be an affected party. The written approval of the airport operator to the proposed subdivision must be obtained by the applicant. ..."

The site is located within 500 meters of the boundary of land used for the Bay of Islands Airport. Therefore, in May 2025, the applicant consulted with the airport operator, Far North Holdings Ltd (FNHL), to obtain its written approval due to potential reverse sensitivity issues related to the airport's operations and the proposed subdivision.

This led to a lengthy consultation process involving emails and phone calls with the relevant FNHL staff. The primary issue at hand was FNHL's request for the applicants to agree to register a "No Complaints" covenant on the title of their property, in accordance with the draft covenant document provided by FNHL. During this process, FNHL agreed to accommodate minor amendments to certain clauses of the draft covenant document that I proposed on behalf of the applicants.

Additionally, a copy of my draft Planning Report, which highlighted the assessment of the proposal relating to the airport and reverse sensitivity issues, was also provided to FNHL for its review.

The FNHL has now provided its written approval that requires the applicants to register the revised Covenant Document (that has been agreed by both parties) on the title of the applicant's land prior to s224(c) approval by the Council for the subdivision. A copy of the FNHL's written approval and the attached Covenant Document in the agreed form are included in **Appendix 6**.

The applicants are prepared to implement this request by Far North Holdings Ltd.

Therefore, it is proposed that the Council include the following condition in the consent decision.

- *Prior to the issuing of a certificate pursuant to section 224(c) of the Act, the consent holder shall provide evidence that the Covenant Document attached to the FNHL's written approval (dated 14.09.2025) and submitted with the resource consent application has been registered in favour of Far North Holdings Limited against the Record of Title NA129B/395 (Lot 3 DP 201128).*

The registration of the Covenant on the Applicants' land at the s224(c) stage ensures that this instrument will bind future owners of the proposed lots.

I consider the proposed covenant [No complaints covenant] to be an effective mechanism that would adequately address the reverse sensitivity concerns of the airport operator.

Additional Assessment Criteria

As required in Rule 13.8.1. (2), the proposal is also assessed against the following matters.

- **Effects on the natural character of the coastal environment for proposed lots which are in the coastal environment.**
The site is not located within the coastal environment.
- **Effects of the subdivision within 500m of land administered by the Department of Conservation upon the ability of the Department to manage and administer its land**
This matter was addressed previously.
- **Effects on areas of significant indigenous flora and significant habitats of indigenous fauna**
This matter was addressed previously.
- **The mitigation of fire hazards for health and safety of residents.**
A consent notice condition has been proposed for Lots 2 and 3 regarding the provision of an adequate water supply for fire fighting purposes.

POSITIVE EFFECTS [S104(1)(ab) assessment]

This proposal will have positive effects, including social and economic benefits from creating two additional titles for the proposed Lot 2 and Lot 3 from the parent property. It will offer a lifestyle choice for people who wish to own and live in a rural setting, while also helping to meet the demand for much-needed housing in the Kerikeri-Waipapa area.

Overall Summary

Based on the above analysis, the actual and potential adverse effects of the proposal on the environment are considered to be no more than minor. Any adverse effects can be avoided or mitigated through suitable conditions of consent to a degree that is less than minor.

7.0 NATIONAL ENVIRONMENTAL STANDARDS

[s 104(1)(b) (i) & (ii) Assessment]

7.1 National Environment Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (Resource Management Regulations 2011) - (NES-CS).

The site has historically been in horticultural use.

LDE Ltd has carried out soil investigations and prepared a Preliminary and Detailed Site Investigation Report (PSI/DSI) for this subdivision proposal, which is attached in **Appendix 7**.

The report concludes that 'As per Regulation 5(9), this investigation demonstrates that contaminants in or on the piece of land are at, or below, background concentrations. As a result, LDE consider that the NESCS Regulations do not apply to this site.

Therefore, no consent is required under NES-CS for this proposal.

7.2 National Environmental Standards for Freshwater Regulations 2020 (NES-F)

These regulations do not apply to this application because the site is not located adjacent to any water body or wetlands. In particular, no vegetation clearance and earthworks within a 10m setback, and discharge of water within a 100m setback from any stream will be undertaken in this proposal.

8.0 NATIONAL POLICY STATEMENTS/ NZ COASTAL POLICY STATEMENT

[s 104(b)(iii)&(iv) Assessment]

8.1 National Policy Statement for Highly Productive Land [NPS – HPL]

Among the National Policy Statements in place, the NPS-HPL applies to this application due to the presence of Class 3 soil, which is defined as 'highly productive land' on the site, as shown in **Fig. 3** below.



Fig. 3: Soil Type (Source: Far North Maps)

However, I consider that a detailed assessment of this proposal against the provisions of NPS-HPL is not necessary, given that the Council does not have control over matters of a national policy statement in determining a restricted discretionary activity application, such as this, under Section 104C (1) of the Act, even though the subject site is zoned Rural Production under the Operative District Plan.

Further, the productive capacity of soil is not included as a matter over which the Council has restricted the exercise of its discretion under the relevant assessment criteria for a restricted discretionary activity subdivision under the Operative District Plan.

Nevertheless, I wish to comment that the proposed subdivision complies with the single objective and relevant policies of the NPS-HPL. The proposed Lot 1 covering a large area already supports residential living, and its future owners can use the vacant land for productive uses if they wish to.

The future use of each lot is considered to be compatible with the subdivision and land use patterns in the site. Appropriate measures are embedded in the proposal addressing land use incompatibility and reverse sensitivity effects.

8.2 New Zealand Coastal Policy Statement

The NZ Coastal Policy Statement is not relevant for this application as the property is outside the coastal environment.

9.0 REGIONAL POLICY STATEMENT FOR NORTHLAND (RPS)

[s 104(1)(b)(v) Assessment]

The RPS maps do not identify the site as having any Outstanding Natural Landscapes or Features or Outstanding or High Natural Character areas. The site is not within the Coastal Environment. No issues of significance to tangata whenua, historic heritage or natural hazards have been identified as affecting the site.

RPS contains objectives and policies related to infrastructure and regional form, and economic development. These are enabling in promoting sustainable management in a way that is attractive for business and investment (Objective 3.5). It also focuses on ensuring that productive land is not subject to fragmentation and/or sterilisation, and that reverse sensitivity effects are avoided, remedied or mitigated (Objective 3.6).

It is believed that the proposal adheres to the principles of sustainable management, providing investment opportunities and enhancing economic wellbeing for both the applicants and future owners of the additional titles in the local property market.

It is acknowledged that the site is classified as having versatile soils. However, as previously mentioned in the assessment under Section 8.1 of this report, the productive capacity of the soil is not a matter over which the Council has restricted its discretion under the relevant assessment criteria for a restricted discretionary subdivision activity.

The proposed subdivision is not viewed as likely to cause land fragmentation, as it is carried out within the scope of a restricted discretionary activity.

The reverse sensitivity issues relating to the operation of the BOI Airport are addressed, and a suitable mitigation measure has been proposed.

Based on the assessments carried out and detailed previously, the development is deemed to achieve the environmental outcomes anticipated by the RPS objectives and policies.

10.0 REGIONAL PLANS

[s 104(1)(b) (vi) Assessment]

The proposal aligns with the relevant objectives, policies, and rules outlined in the operative Regional Water and Soil Plan, as well as the Proposed Regional Plan for Northland.

11.0 DISTRICT PLAN OBJECTIVES AND POLICIES

[s 104(1)(b) (vi) Assessment]

11.1 FAR NORTH OPERATIVE DISTRICT PLAN (ODP)

The objectives and policies relevant to this proposal are those listed in Chapter 8 (Rural Environment), Chapter 8.6 (Rural Production Zone) and Chapter 13 (Subdivision).

However, given the scale and the restricted discretionary activity status of this subdivision proposal, a detailed assessment against the objectives and policies of the Rural Environment has not been undertaken. It is also noted that the objectives and policies of the Rural Production Zone, which are found to be repetitive of, and share the same underlying philosophical approach as the objectives and policies in the 'Rural Environment', are considered to be more relevant in this case due to the existing rural characteristics of the area where the site is located.

Accordingly, the proposal is assessed against the relevant objectives and policies of the Rural Production Zone and Subdivision below.

RURAL PRODUCTION ZONE

8.6.3 Objectives

8.6.3.1 To promote the sustainable management of natural and physical resources in the Rural Production Zone.

This proposal would promote the 'sustainable management' of the existing and proposed rural residential lots by contributing to the social, economic and cultural well-being of future occupants and their health and safety, whilst avoiding or mitigating any adverse effects on the environment.

In this regard, it is also considered important to highlight the descriptive 'Context' for the Rural Production zone that states, "*A wide range of activities*

are carried out in this zone at present and these are generally considered to be appropriate. The zone contains environmental and amenity standards which will enable the continuation of the wide range of existing and future activities, while ensuring that the natural and physical resources of the rural area are managed sustainably"

The proposal provides for the social and economic well-being of the community by making available affordable lands to meet the current housing needs.

8.6.3.2 To enable the efficient use and development of the Rural Production Zone in a way that enables people and communities to provide for their social, economic, and cultural well being and for their health and safety.

The subdivision proposal can be considered as an efficient use and development of this particular piece of land. There will be no adverse effects on the existing infrastructure, such as the roading network and service infrastructure, as they are appropriately integrated into this subdivision.

8.6.3.3 To promote the maintenance and enhancement of the amenity values of the Rural Production Zone to a level that is consistent with the productive intent of the zone.

Given the low density of the proposed subdivision, it is considered that any future residential activities on the proposed Lots 2 and 3 would be able to maintain and enhance the amenity values to a level that is consistent with the productive intent at this particular location.

The site is largely covered with mature vegetation. The boundary of the proposed Lots 2 and 3 along the ROW is landscaped with a hedge that would adequately camouflage any future developments on these lots, reducing any adverse visual amenity effects.

8.6.3.4 To promote the protection of significant natural values of the Rural Production Zone.

The site is not recognised for possessing significant natural values.

8.6.3.5 To protect and enhance the special amenity values of the frontage to Kerikeri Road between its intersection with SH10 and the urban edge of Kerikeri.

Not applicable. The site is not on Kerikeri Road

8.6.3.6 To avoid, remedy or mitigate the actual and potential conflicts between new land use activities and existing lawfully established activities (reverse sensitivity) within the Rural Production Zone and on land use activities in neighbouring zones.

The only lawfully established activity that has some implication in terms of 'reverse sensitivity' is considered to be the operation of the Bay of Islands Airport located to the east of the site. As already commented in the preceding sections, the applicants have offered to register a 'no-complaints covenant' on the title of their land, as agreed with the Airport operator – FNHL. This will carry over to the titles of the proposed lots through the subdivision consent process.

8.6.3.7 To avoid remedy or mitigate the adverse effects of incompatible use or development on natural and physical resources.

The intended purpose of the subdivision is primarily to create two additional titles for rural lifestyle purposes. Such activities are compatible with the surrounding environment.

8.6.3.8 To enable the efficient establishment and operation of activities and services that have a functional need to be located in rural environments.

Not applicable to this proposal.

8.6.3.9 To enable rural production activities to be undertaken in the zone.

This subdivision will not completely deviate from the opportunities of undertaking rural production activities on the site.

8.6.4 Policies

8.6.4.1 That the Rural Production Zone enables farming and rural production activities, as well as a wide range of activities, subject to the need to ensure that any adverse effects on the environment, including any reverse sensitivity effects, resulting from these activities are avoided, remedied or mitigated and are not to the detriment of rural productivity.

As demonstrated in the AEE, the proposed subdivision can be carried out without causing adverse effects on the environment.

An appropriate mitigation measure has been proposed to address reverse sensitivity effects caused by airport operations in the area. As this policy allows a wide range of activities within the zone, this subdivision proposal enables compatible uses such as rural lifestyle living while reducing adverse effects on the surrounding environment, making it a suitable option.

8.6.4.2 That standards be imposed to ensure that the off site effects of activities in the Rural Production Zone are avoided, remedied or mitigated.

No adverse off-site effects have been identified. Any adverse effects of the subdivision can be managed with suitable mitigation measures and consent conditions, ensuring that such effects remain no more than minor in the wider environment.

8.6.4.3 That land management practices that avoid, remedy or mitigate adverse effects on natural and physical resources be encouraged.

The proposal will lead to better land management practices at the site without creating adverse effects.

8.6.4.4 That the type, scale and intensity of development allowed shall have regard to the maintenance and enhancement of the amenity values of the Rural Production Zone to a level that is consistent with the productive intent of the zone.

The type, scale and intensity of the proposed subdivision are appropriate for this site. It is compatible with the character of the area and does not negatively impact the overall productive intent of the zone.

8.6.4.5 That the efficient use and development of physical and natural resources be taken into account in the implementation of the Plan.

The efficient use and development of the site have already been addressed under Policy 8.6.3.2.

8.6.4.6 That the built form of development allowed on sites with frontage to Kerikeri Road between its intersection with SH10 and Cannon Drive be maintained as small in scale, set back from the road, relatively inconspicuous and in harmony with landscape plantings and shelter belts.

Not applicable. The site is not located along Kerikeri Road.

8.6.4.7 That although a wide range of activities that promote rural productivity are appropriate in the Rural Production Zone, an underlying goal is to avoid the actual and potential adverse effects of conflicting land use activities.

The surrounding rural production activities and rural lifestyle activities are compatible with the intended purpose of this subdivision. A suitable condition has been offered to mitigate any adverse effects from the Airport operation in the vicinity.

8.6.4.8 That activities whose adverse effects, including reverse sensitivity effects, cannot be avoided remedied or mitigated are given separation from other activities

Such separation is not necessary for this subdivision proposal, as any adverse effects, including reverse sensitivity effects, can be mitigated to a minor level.

8.6.4.9 That activities be discouraged from locating where they are sensitive to the effects of or may compromise the continued operation of lawfully established existing activities in the Rural Production zone and in neighbouring zones.

The subdivision is undertaken within a mixed environment of rural residential/lifestyle and rural production activities. The proposed subdivision enables residential activities that seamlessly integrate into this environment. The voluntary mechanism of 'no complaints covenant' with the Far North Holdings Ltd ensures that the proposal will not compromise the continued operation of lawfully established airport activities in the adjacent area.

SUBDIVISION

13.3 Objectives

13.3.1 To provide for the subdivision of land in such a way as will be consistent with the purpose of the various zones in the Plan, and will promote the sustainable management of the natural and physical resources of the District, including airports and roads and the social, economic and cultural well being of people and communities.

The purpose of the Rural Production zone is to establish environmental and amenity standards that will enable the continuation of a wide range of existing and future activities, while ensuring that the natural and physical resources of the rural area are managed sustainably. The earlier assessments demonstrate that sustainable management of the existing and proposed activities is within the range of uses considered appropriate within the zone and will not give rise to adverse effects on the particular environment of the site's locality.

13.3.2 To ensure that subdivision of land is appropriate and is carried out in a manner that does not compromise the life-supporting capacity of air, water, soil or ecosystems, and that any actual or potential adverse effects on the environment which result directly from subdivision, including reverse sensitivity effects and the creation or acceleration of natural hazards, are avoided, remedied or mitigated.

This aspect has also been covered in the earlier assessment. The proposed subdivision will be carried out with minimal adverse effects on the life-supporting capacity of water, soil, or ecosystems, as well as on neighbouring properties. The proposal is deemed appropriate due to the site's specific characteristics and its proximity to already developed residential or rural lifestyle lots. There are no adverse effects related to natural hazards. A suitable mitigation measure has been proposed to address reverse sensitivity issues related to airport operations in the area.

13.3.3 To ensure that the subdivision of land does not jeopardise the protection of outstanding landscapes or natural features in the coastal environment.

Not applicable as the site is not within the coastal environment.

13.3.4 To ensure that subdivision does not adversely affect scheduled heritage resources through alienation of the resource from its immediate setting/context.

There are no heritage resources within the site or in the immediate vicinity.

13.3.5 To ensure that all new subdivisions provide a reticulated water supply and/or on-site water storage and include storm water management sufficient to meet the needs of the activities that will establish all year round.

On-site water storage and adequate stormwater management systems are available on the proposed Lot 1. Consent Notice conditions have been proposed to ensure that a sufficient water supply will be secured through roof water collection for domestic use and firefighting purposes for the proposed Lots 2 and 3. No adverse effects are anticipated regarding stormwater management within the proposed lots.

13.3.6 To encourage innovative development and integrated management of effects between subdivision and land use which results in superior outcomes to more traditional forms of subdivision, use and development, for example the protection, enhancement and restoration of areas and features which have particular value or may have been compromised by past land management practices.

The nature of the site is such that the type of special forms of subdivision intended by this objective is not necessary.

13.3.7 To ensure the relationship between Maori and their ancestral lands, water, sites, wahi tapu and other taonga is recognised and provided for.

The District Plan has not identified any site of significance to Maori on the site or its vicinity.

13.3.8 To ensure that all new subdivision provides an electricity supply sufficient to meet the needs of the activities that will establish on the new lots created.

Electricity supply is already available for Lot 1. Electricity connections to the proposed Lots 2 and 3 will be made available through the proposed easements.

13.3.9 To ensure, to the greatest extent possible, that all new subdivision supports energy efficient design through appropriate site layout and orientation in order to maximise the ability to provide light, heating, ventilation and cooling through passive design strategies for any buildings developed on the site(s).

The identified building envelopes for Lots 2 & 3 ensure that they are able to support energy-efficient design to achieve the outcome of this objective.

13.3.10 To ensure that the design of all new subdivision promotes efficient provision of infrastructure, including access to alternative transport options, communications and local services.

All relevant infrastructures such as access, electricity and telecommunication are either existing or readily available to support the subdivision.

13.3.11 To ensure that the operation, maintenance, development and upgrading of the existing National Grid is not compromised by incompatible subdivision and land use activities.

The National Grid will not be affected by this subdivision.

13.4 Policies

13.4.1 That the sizes, dimensions and distribution of allotments created through the subdivision process be determined with regard to the potential effects including cumulative effects, of the use of those allotments on:

- (a) natural character, particularly of the coastal environment;*
- (b) ecological values;*
- (c) landscape values;*
- (d) amenity values;*
- (e) cultural values;*
- (f) heritage values; and*
- (g) existing land uses.*

The potential effects of the subdivision on the relevant aspects, being cumulative effects, landscape values, amenity values and existing land uses have been discussed in this planning report. These assessments do not identify any adverse effects on these factors.

13.4.2 That standards be imposed upon the subdivision of land to require safe and effective vehicular and pedestrian access to new properties.

All proposed lots will gain a ROW access off Waimate North Road. The existing driveway will be upgraded to the required standards as specified in the District Plan and Council's Engineering Standards.

13.4.3 That natural and other hazards be taken into account in the design and location of any subdivision.

The site is not subject to any area susceptible to natural hazards. The Engineering Report confirms that the site is suitable for the subdivision as depicted in the scheme plan.

13.4.4 That in any subdivision where provision is made for connection to utility services, the potential adverse visual impacts of these services are avoided.

Proposed new lots will connect to available utility services via underground connections, ensuring there are no adverse visual impacts from these services.

13.4.5 That access to, and servicing of, the new allotments be provided for in such a way as will avoid, remedy or mitigate any adverse effects on neighbouring property, public roads (including State Highways), and the natural and physical resources of the site caused by silt runoff, traffic, excavation and filling and removal of vegetation.

Access to the proposed lots is already in place, but a minor upgrade to a section of the existing driveway is needed. This upgrade will not negatively impact the neighbouring properties. The earthworks and vegetation clearance required during the subdivision stage are minimal or nil

13.4.6 That any subdivision proposal provides for the protection, restoration and enhancement of heritage resources, areas of significant indigenous vegetation and significant habitats of indigenous fauna, threatened species, the natural character of the coastal environment and riparian margins, and outstanding landscapes and natural features where appropriate.

Not applicable to this proposal

13.4.7 That the need for a financial contribution be considered only where the subdivision would:

(a) result in increased demands on car parking associated with non-residential activities; or

(b) result in increased; or

(c) involve adverse effects on riparian areas; or

(d) depend on the assimilative capacity of the environment external to the site.

The application does not trigger the threshold for these considerations. Therefore, it is not considered to warrant any financial contribution.

13.4.8 That the provision of water storage be taken into account in the design of any subdivision.

As commented under Objective 13.3.5, the provision of water storage has been taken into account in this subdivision.

13.4.9 That bonus development donor and recipient areas be provided for so as to minimise the adverse effects of subdivision on Outstanding Landscapes and areas of significant indigenous flora and significant habitats of fauna.

This policy does not apply to this proposal.

13.4.10 The Council will recognise that subdivision within the Conservation Zone that results in a net conservation gain is generally appropriate.

This is not relevant.

13.4.11 That subdivision recognises and provides for the relationship of Maori and their culture and traditions, with their ancestral lands, water, sites, waahi tapu and other taonga and shall take into account the principles of the Treaty of Waitangi.

There are no known sites of significance to Maori within the site.

13.4.12 That more intensive, innovative development and subdivision which recognises specific site characteristics is provided for through the management plan rule where this will result in superior environmental outcomes.

This is not relevant as the subdivision is not presented under the 'management plan' provision.

13.4.13 Subdivision, use and development shall preserve and where possible enhance, restore and rehabilitate the character of the applicable zone in regards to s6 matters. In addition subdivision, use and development shall avoid adverse effects as far as practicable by using techniques including:

(a) clustering or grouping development within areas where there is the least impact on natural character and its elements such as indigenous vegetation, landforms, rivers, streams and wetlands, and coherent natural patterns;

(b) minimising the visual impact of buildings, development, and associated vegetation clearance and earthworks, particularly as seen from public land and the coastal marine area;

- (c) providing for, through siting of buildings and development and design of subdivisions, legal public right of access to and use of the foreshore and any esplanade areas;*
- (d) through siting of buildings and development, design of subdivisions, and provision of access that recognise and provide for the relationship of Maori with their culture, traditions and taonga including concepts of mauri, tapu, mana, wehi and karakia and the important contribution Maori culture makes to the character of the District (refer Chapter 2 and in particular Section 2.5 and Council's "Tangata Whenua Values and Perspectives" (2004);*
- (e) providing planting of indigenous vegetation in a way that links existing habitats of indigenous fauna and provides the opportunity for the extension, enhancement or creation of habitats for indigenous fauna, including mechanisms to exclude pests;*
- (f) protecting historic heritage through the siting of buildings and development and design of subdivisions.*
- (g) achieving hydraulic neutrality and ensuring that natural hazards will not be exacerbated or induced through the siting and design of buildings and development.*

This policy is not of particular relevance as the site does not possess the values or characteristics aims to protect through the techniques described in this policy.

13.4.14 That the objectives and policies of the applicable environment and zone and relevant parts of Part 3 of the Plan will be taken into account when considering the intensity, design and layout of any subdivision.

The objectives and policies of the Rural Environment and Rural Production zone have been taken into account as described in the previous sections. The only relevant section of Part 3 is considered to be Chapter 15 relating to Traffic, Parking and Access. The proposal is consistent with the provisions and relevant standards of Chapter 15.

13.4.15 That conditions be imposed upon the design of subdivision of land to require that the layout and orientation of all new lots and building platforms created include, as appropriate, provisions for achieving the following:

- (a) development of energy efficient buildings and structures;*
- (b) reduced travel distances and private car usage;*
- (c) encouragement of pedestrian and cycle use;*
- (d) access to alternative transport facilities;*
- (e) domestic or community renewable electricity generation and renewable energy use.*

Apart from (a), other aspects are not relevant to this proposal. The subdivision makes provision by identifying suitable building envelopes for energy-efficient buildings on the proposed Lots 2 and 3.

13.4.16 When considering proposals for subdivision and development within an existing National Grid Corridor the following will be taken into account:

- (a) the extent to which the proposal may restrict or inhibit the operation, access, maintenance, upgrading of transmission lines or support structures;*
- (b) any potential cumulative effects that may restrict the operation, access, maintenance, upgrade of transmission lines or support structures; and*
- (c) whether the proposal involves the establishment or intensification of a sensitive activity in the vicinity of an existing National Grid line.*

Not Applicable.

Summary

Overall, it is considered that the proposal achieves the objectives and policies for the Rural Production Zone and Subdivision because -

- it promotes sustainable management;
- it avoids, remedies or mitigates any adverse effects;
- it is an efficient development;
- it is compatible with, and has no adverse effects on, the existing amenity and character of the area;
- it offers mitigation measures to protect indigenous fauna in the locality, and
- It effectively addresses the impact of potential reverse sensitivity issues in relation to the operation of the BOI Airport nearby.

10.2 FAR NORTH PROPOSED DISTRICT PLAN (PDP)

The site is located in the Horticulture Zone as a Special Purpose Zone. Relevant objectives and policies are set out under the chapters 'Horticulture Zone' and 'Subdivision'. The proposal is assessed against them as follows.

HORTICULTURE ZONE

Objectives

HZ-01 The Horticulture zone is managed to ensure its long-term availability for horticultural activities and its long-term protection for the benefit of current and future generations.

The horticulture potential of the land will not be unduly affected by the proposed subdivision.

HZ-02 The Horticulture zone enables horticultural and ancillary activities, while managing adverse environmental effects on site.

The proposal will be implemented while managing adverse effects on the proposed lots.

HZ-03 Land use and subdivision in the Horticulture zone:

- a. avoids land sterilisation that reduces the potential for highly productive land to be used for a horticulture activity;*
- b. avoids land fragmentation that comprises the use of land for horticultural activities;*
- c. avoids any reverse sensitivity effects that may constrain the effective and efficient operation of primary production activities;*
- d. does not exacerbate any natural hazards;*
- e. maintains the rural character and amenity of the zone;*
- f. is able to be serviced by onsite infrastructure.*

Overall, the proposal satisfies the above requirements. While the proposal will result in creating two residential lots, the land can still be used for horticultural activities if the future owners choose to.

Policies

HZ-P1 Identify a Horticulture Zone in the Kerikeri / Waipapa area using the following criteria:

- a. presence of highly productive land suitable for horticultural use;*
- b. access to a water source, such as an irrigation scheme or dam able to support horticultural use; and*

c. infrastructure available to support horticultural use

This is a matter to be done by the Council

HZ-P2 Avoid land use that:

- a. is incompatible with the purpose, function and character of the Horticulture Zone;*
- b. will result in the loss of productive capacity of highly productive land;*
- c. compromises the use of highly productive land for horticultural activities in the Horticulture Zone; and*
- d. does not have a functional need to be located in the Horticultural Zone and is more appropriately located in another zone.*

This does not apply, as the proposal pertains to a subdivision activity.

HZ-P3 Enable horticulture and associated ancillary activities that support the function of the Horticulture zone, where:

- a. adverse effects are contained on site to the extent practicable; and*
- b. they are able to be serviced by onsite infrastructure.*

This proposal does not involve the establishment of any horticulture land use activities, so this policy is not applicable.

HZ-P4 Ensure residential activities are designed and located to avoid, or otherwise mitigate, reverse sensitivity effects on horticulture activities, including adverse effects associated with dust, noise, spray drift and potable water collection.

There are no large-scale farming or commercial horticulture activities nearby. Therefore, reverse sensitivity effects on future residential activities in the proposed lots are not anticipated..

HZ-P5 Manage the subdivision of land in the Horticulture zone to:

- a. avoid fragmentation that results in loss of highly productive land for use by horticulture and other farming activities;*
- b. ensure the long-term viability of the highly productive land resource to undertake a range of horticulture uses;*
- c. enable a suitable building platform for a future residential unit; and*
- d. ensure there is provision of appropriate onsite infrastructure.*

The proposal will not lead to a significant loss of highly productive land. A variety of horticultural uses will still be possible on the proposed lots following any residential developments on Lots 2 and 3, where suitable building platforms have been identified. Additionally, the proposed lots will be equipped with the necessary on-site infrastructure.

HZ-P6 Encourage the amalgamation or boundary adjustments of Horticulture zoned land where this will help to make horticultural activities more viable on the land.

Not applicable. the proposal is not a boundary adjustment.

HZ-P7 Manage land use and subdivision to address the effects of the activity requiring resource consent, including (but not limited to) consideration of the following matters where relevant to the application:

- a. whether the proposal will increase production potential in the zone;*
- b. whether the activity relies on the productive nature of the soil;*
- c. consistency with the scale and character of the rural environment;*
- d. location, scale and design of buildings or structures;*
- e. for subdivision or non-primary production activities:*
 - i. scale and compatibility with rural activities;*
 - ii. potential reverse sensitivity effects on primary production activities and*

- existing infrastructure;*
- iii. the potential for loss of highly productive land, land sterilisation or fragmentation*
- f. at zone interfaces:*
 - i. any setbacks, fencing, screening or landscaping required to address potential conflicts;*
 - ii. the extent to which adverse effects on adjoining or surrounding sites are mitigated and internalised within the site as far as practicable;*
- g. the capacity of the site to cater for onsite infrastructure associated with the proposed activity, including whether the site has access to a water source such as an irrigation network supply, dam or aquifer;*
- h. the adequacy of roading infrastructure to service the proposed activity;*
- i. Any adverse effects on historic heritage and cultural values, natural features and landscapes or indigenous biodiversity;*
- j. Any historical, spiritual, or cultural association held by tangata whenua, with regard to the matters set out in Policy TWP6.*

The relevant matters mentioned above are addressed within this report.

SUBDIVISION

Objectives

SUB-O1 Subdivision results in the efficient use of land, which:

- a. achieves the objectives of each relevant zone, overlays and district wide provisions;*
- b. contributes to the local character and sense of place;*
- c. avoids reverse sensitivity issues that would prevent or adversely affect activities already established on land from continuing to operate;*
- d. avoids land use patterns which would prevent land from achieving the objectives and policies of the zone in which it is located;*
- e. does not increase risk from natural hazards or risks are mitigated and existing risks reduced; and*
- f. manages adverse effects on the environment.*

The proposed subdivision is consistent with SUB-O1. New lot sizes can achieve the objectives of the Horticulture zone, overlays and district-wide provisions.

New lots will still contribute to the local character and sense of place while effectively addressing any adverse reverse sensitivity issues. The proposal will not increase the risk of any natural hazard.

SUB-O2 Subdivision provides for the:

- a. Protection of highly productive land; and*
- b. Protection, restoration or enhancement of Outstanding Natural Features, Outstanding Natural Landscapes, Natural Character of the Coastal Environment, Areas of High Natural Character, Outstanding Natural Character, wetland, lake and river margins, Significant Natural Areas, Sites and Areas of Significance to Māori, and Historic Heritage.*

Highly productive land will be protected with only minimal effects on soils. All matters mentioned under (b) do not apply to this proposal.

SUB-O3 Infrastructure is planned to service the proposed subdivision and development where:

- a. there is existing infrastructure connection, infrastructure should be provided in an integrated, efficient, coordinated and future-proofed manner at the time of subdivision; and*
- b. where no existing connection is available infrastructure should be planned and consideration be given to connections with the wider infrastructure network.*

The necessary infrastructure facilities are already in place for the proposed Lot 1. The proposal includes provisions for the required infrastructure connections

and on-site facilities, such as wastewater disposal, stormwater management, and potable water supply, for the proposed Lots 2 and 3.

SUB-O4 Subdivision is accessible, connected, and integrated with the surrounding environment and provides for:

- a. public open spaces;*
- b. esplanade where land adjoins the coastal marine area; and*
- c. esplanade where land adjoins other qualifying waterbodies.*

These facilities are not available in the vicinity.

Policies

SUB-P1 Enable boundary adjustments that:

- a. do not alter:

 - i. the degree of non compliance with District Plan rules and standards;*
 - ii. the number and location of any access; and*
 - iii. the number of certificates of title; and**
- b. are in accordance with the minimum lot sizes of the zone and comply with access, infrastructure and esplanade provisions.*

Not applicable. The proposal is not for a boundary adjustment.

SUB-P2 Enable subdivision for the purpose of public works, infrastructure, reserves or access.

Not applicable.

SUB-P3 Provide for subdivision where it results in allotments that:

- a. are consistent with the purpose, characteristics and qualities of the zone;*
- b. comply with the minimum allotment sizes for each zone;*
- c. have an adequate size and appropriate shape to contain a building platform; and*
- d. have legal and physical access.*

The resulting allotments are not inconsistent with the purpose, characteristics and qualities of the proposed Horticulture Zone. The subdivision is not undertaken as a controlled activity, so obviously, it does not meet the minimum allotment sizes. Proposed new lots have adequate sizes and appropriate shapes to contain building platforms. All lots have legal and physical access to the public road via an upgraded ROW.

SUB-P4 Manage subdivision of land as detailed in the district wide, natural environment values, historical and cultural values and hazard and risks sections of the plan

The proposal is consistent with this policy.

SUB-P5 Manage subdivision design and layout in the General Residential, Mixed Use and Settlement zone to provide for safe, connected and accessible environments by:

- a. minimising vehicle crossings that could affect the safety and efficiency of the current and future transport network;*
- b. avoid cul-de-sac development unless the site or the topography prevents future public access and connections;*
- c. providing for development that encourages social interaction, neighbourhood cohesion, a sense of place and is well connected to public spaces;*
- d. contributing to a well connected transport network that safeguards future roading connections; and*
- e. maximising accessibility, connectivity by creating walkways, cycleways and an interconnected transport network.*

Not applicable. The site is in the Horticulture zone.

- SUB-P6 Require infrastructure to be provided in an integrated and comprehensive manner by:*
- a. demonstrating that the subdivision will be appropriately serviced and integrated with existing and planned infrastructure if available; and*
 - b. ensuring that the infrastructure is provided in accordance with the purpose, characteristics and qualities of the zone.*

All relevant infrastructure facilities are available for the intended purpose of the proposed lots.

- SUB-P7 Require the vesting of esplanade reserves when subdividing land adjoining the coast or other qualifying waterbodies.*

Not applicable.

- SUB-P8 Avoid rural lifestyle subdivision in the Rural Production zone unless the subdivision:*
- a. will protect a qualifying SNA in perpetuity and result in the SNA being added to the District Plan SNA schedule; and*
 - b. will not result in the loss of versatile soils for primary production activities.*

- SUB-P9 Avoid subdivision in the Rural Production zone and Rural residential subdivision in the Rural Lifestyle zone unless the development achieves the environmental outcomes required in the management plan subdivision rule.*

The two policies mentioned above are not applicable. The lots are created in the proposed Horticulture zone.

- SUB-P10 To protect amenity and character by avoiding the subdivision of minor residential units from principal residential units where resultant allotments do not comply with minimum allotment size and residential density.*

Not applicable.

- SUB-P11 Manage subdivision to address the effects of the activity requiring resource consent including (but not limited to) consideration of the following matters where relevant to the application:*
- a. consistency with the scale, density, design and character of the environment and purpose of the zone;*
 - b. the location, scale and design of buildings and structures;*
 - c. the adequacy and capacity of available or programmed development infrastructure to accommodate the proposed activity; or the capacity of the site to cater for onsite infrastructure associated with the proposed activity;*
 - d. managing natural hazards;*
 - e. Any adverse effects on areas with historic heritage and cultural values, natural features and landscapes, natural character or indigenous biodiversity values; and*
 - f. any historical, spiritual, or cultural association held by tangata whenua, with regard to the matters set out in Policy TW-P6.*

The relevant matters are addressed in this report.

10.3 WEIGHTING OF DISTRICT PLANS

The Proposed Far North District Plan (PDP) was notified on 27 July 2022. The Hearings on the submissions are underway. According to the PDP timeline, the Council's decision is to be released in May 2026. It is considered that PDP has not gone through a sufficient process to allow a considered view of the objectives and policies for the Horticulture Zone.

Nevertheless, the outcomes sought under the operative and the proposed plan frameworks were found to be the same. Therefore, no weighting is necessary.

11.0 PART 2 MATTERS

Part 2 of the Act contains Sections 5-8.

Section 5 defines the purpose of the Act, which is to promote the sustainable management of natural and physical resources. The proposed subdivision is believed to effectively use the existing site to benefit the wider community by offering affordable land and housing. This approach aims to protect the current environment while ensuring that the life-supporting capacity of air, water, soil, and ecosystems in the surrounding area is not compromised. It will also not result in any adverse effects on the receiving environment. Therefore, the proposal is seen as a means to achieve sustainable management of natural and physical resources.

Under Section 6 (Matters of National Importance), the only matter that is relevant for this application is -

(c) the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna:

In this proposal, the significant habitats of indigenous fauna in the area have been recognised and provided by proposing an appropriate consent notice condition for the protection of the kiwi habitat.

The following matters in Section 7 (Other Matters) are considered to be relevant for this application.

(b) the efficient use and development of natural and physical resources:

(c) the maintenance and enhancement of amenity values:

(f) maintenance and enhancement of the quality of the environment.

Due regard has been given to these matters as the proposed subdivision is considered to be an efficient use of the land and exciting uses. It will maintain and enhance the amenity values and the quality of this rural environment. It is at a density level specified and intended by the District Plan.

It is considered that Section 8 (Treaty of Waitangi) has no direct relevance to this proposal.

In summary, all matters of Part 2 have been taken into account, and it is considered that the proposal is consistent with the sustainable management purpose of the Act.

14.0 NOTIFICATION

In terms of s95A and s95D of the Act, it is believed that public notification of this application is not necessary. The actual and potential adverse effects of the proposal on the wider environment will not be more than minor. There are no relevant rules or national environmental standards requiring public

notification, and no special circumstances exist. Further, the applicant does not request public notification.

In terms of s95E of the Act, the adverse effects of the proposal are considered to be 'less than minor' on the environment, including all adjacent property owners. Written approval has been obtained from Far North Holdings Ltd for this proposal due to the concerns regarding reverse sensitivity issues. Therefore, the application does not require 'limited notification'.

15.0 CONCLUSION

This subdivision consent application is a 'restricted discretionary' activity. The effects of the proposal on the environment are considered to be 'less than minor'. Any potential adverse effects can be mitigated to a minor level.

The proposal is consistent with the objectives and policies of the Far North Operative District Plan and Proposed District Plan, and relevant assessment criteria.

It is consistent with the relevant National Environment Standards, National Policy Statement and the Regional Policy Statement for Northland.

The proposal does not contravene any provisions in Part 2 of the Resource Management Act.

The required written approval has been obtained from the Airport Operator. No other person is considered to be affected by this proposal.

For these reasons, I request the Council to approve this application on a non-notified basis, subject to appropriate conditions.

As requested in the Resource Consent Application Form, please provide draft conditions for my review before the release of the resource consent decision.

Leonard Dissanayake

Principal Planner

LMD Planning Consultancy

15 September 2025

.....

Appendices

Appendix 1	-	Record of Title
Appendix 2	-	Easement Instruments – C165108.3 & C5335545
Appendix 3	-	Scheme Plan by Thomson Survey Ltd.
Appendix 4	-	Site Suitability Report by Vision Consulting Engineers
Appendix 5	-	RC 1990717 Decision & s224(c) certificate
Appendix 6	-	Written approval from Far North Holdings Ltd.
Appendix 7	-	Preliminary and Detailed Site Investigation Report by LDE Ltd

APPENDIX 1

RECORD OF TITLE



RECORD OF TITLE
UNDER LAND TRANSFER ACT 2017
FREEHOLD
Search Copy



R.W. Muir
Registrar-General
of Land

Identifier **NA129B/395** **Part-Cancelled**

Land Registration District **North Auckland**

Date Issued 20 June 2000

Prior References

NA80A/949 NA93A/295

Estate Fee Simple
Area 10.1412 hectares more or less
Legal Description Lot 3 Deposited Plan 201128
Registered Owners
Christopher John Brown and Glenys Lorraine Brown

Interests

Subject to Section 59 Land Act 1948

Subject to a water supply right over part marked E on DP 201128 specified in Easement Certificate C165108.3 - 18.7.1990 at 1.56 pm

The easement specified in Easement Certificate C165108.3 is subject to Section 309 (1) (a) Local Government Act 1974

Appurtenant hereto is a right of way and a right to transmit electricity and telecommunications specified in Easement Certificate C496178.3 - 7.7.1993 at 2.25 pm

The easements specified in Easement Certificate C496178.3 are subject to Section 309 (1) (a) Local Government Act 1974

Subject to a right of way over part marked A and to a right to transmit electricity and telecommunications over part marked A on DP 201128 specified in Easement Certificate C496178.3 - 7.7.1993 at 2.25 pm

The easement created by Transfer C496178.4 is subject to Section 309 (1) (a) Local Government Act 1974

Subject to a right (in gross) to convey water over part marked A on DP 201128 in favour of Kerikeri Irrigation Company Limited created by Transfer C496178.4 - 7.7.1993 at 2.25 pm

C533554.4 Mortgage to Bank of New Zealand - 3.11.1993 at 2.39 pm

C533554.5 Variation of the conditions of the easement specified in Easement Certificate C165108.3 - 3.11.1993 at 2.39 pm

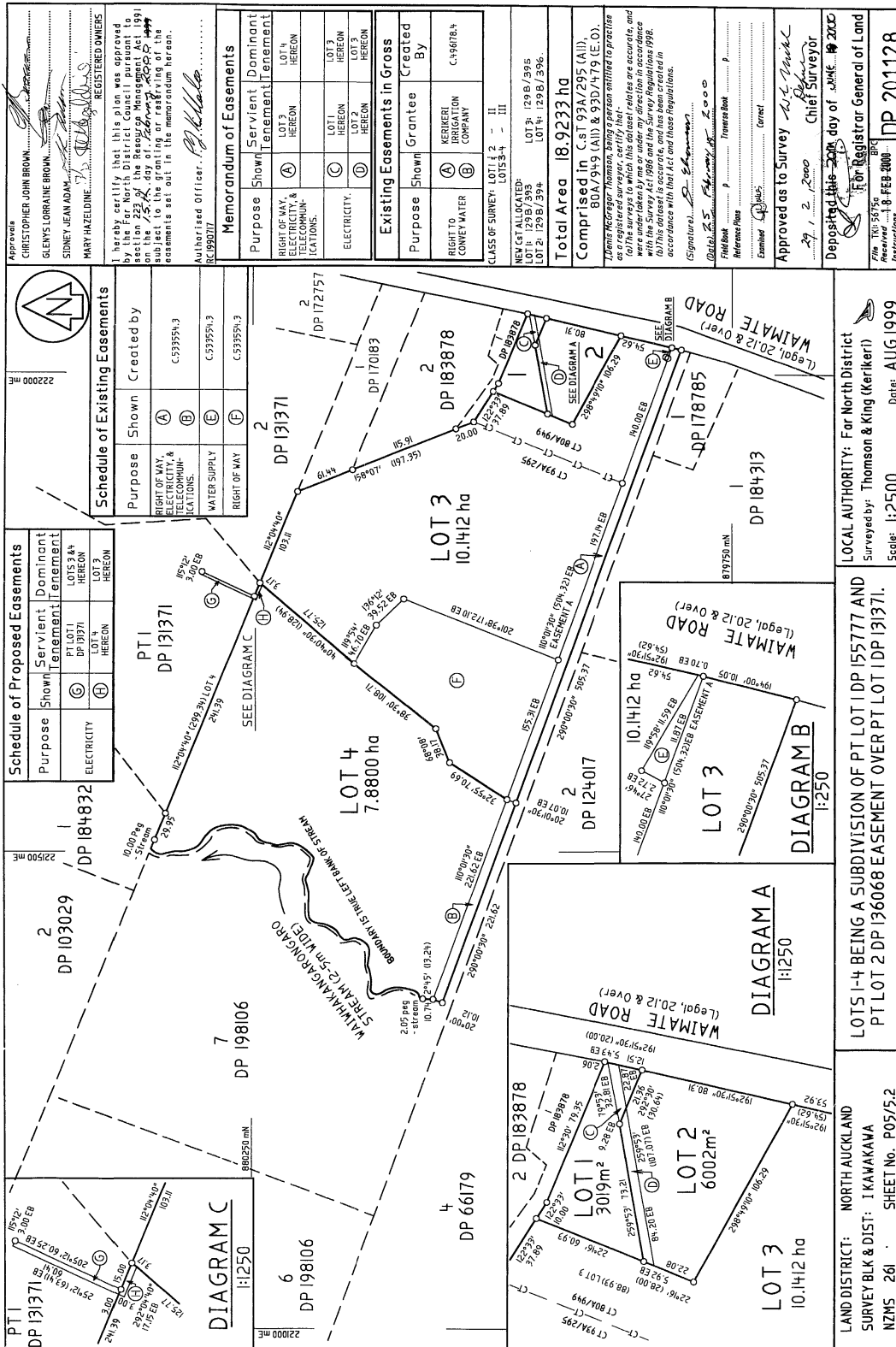
Subject to a right of way and to electricity and telecommunications rights over part marked A on DP 201128 specified in Easement Certificate D516078.5 - 20.6.2000 at 9.00 am

Appurtenant hereto are electricity rights specified in Easement Certificate D516078.5 - 20.6.2000 at 9.00 am

Some of the easements specified in Easement Certificate D516078.5 are subject to Section 243 (a) Resource Management Act 1991 (see DP 201128)

Appurtenant hereto is a right to convey electricity created by Transfer D516078.6 - 20.6.2000 at 9.00 am

D683127.1 Gazette Notice (NZ Gazette 14.2.2002 No.14 p442) declaring part (40m²) to be taken for road and vesting the same in the Far North District Council - 22.2.2002 at 9.00 am



APPENDIX 2

EASEMENT INSTRUMENTS - C165108.3 & C533554.5

C165108-3 EC

Approved by the District Land Registrar, South Auckland No. 351560
 Approved by the District Land Registrar, North Auckland, No. 4380/81
 Approved by the Registrar-General of Land, Wellington, No. 436748.1/81

EASEMENT CERTIFICATE

(IMPORTANT: Registration of this certificate does not of itself create any of the easements specified herein).

I/W PAUL MARTIN JAMES KEAN of Kerikeri, Orchardist and
CAROLINE KEAN his wife

being the registered proprietor(s) of the land described in the Schedule hereto hereby certify that the easements specified in that Schedule, the servient tenements in relation to which are shown on a plan of survey deposited in the Land Registry Office at Auckland on the day of 19 under No. 136068 are the easements which it is intended shall be created by the operation of section 90A of the Land Transfer Act 1952.

SCHEDULE DEPOSITED PLAN NO.

Nature of Easement (e.g., Right of Way, etc.)	Servient Tenement		Dominant Tenement Lot No.(s) or other Legal Description	Title Reference
	Lot No.(s) or other Legal Description	Colour, or Other Means of Identification, of Part Subject to Easement		
Right of Way	Lot 3 DP 136068	A & B	Part Section 7 Block I Kawa- kawa Survey District	80A/950
Water Supply	Lot 2 DP 136068	C	Lot 3 DP 136068	80A/949 80A/950

State whether any rights or powers set out here are in addition to or in substitution for those set out in the Seventh Schedule to the Land Transfer Act 1952.

1. Rights and powers:

I. In respect of the Right of Way over the area marked "B" referred to in the Schedule hereto ("the said easement") the following rights and powers shall apply :

- (a) The said easement shall be for a term of thirty (30) years from and inclusive of the date of this easement certificate
- (b) The registered proprietor/^{or occupier} from time to time of the dominant tenement ("the grantee") shall be entitled :
 - (i) as a profit in gross the exclusive right to quarry and take for their own use and benefit all stone and metal ("the stone") in upon and under the said easement ("the quarry") and
 - (ii) by themselves their tenants servants agents workmen or licensees from time to time :
 - A. TO enter and pass and repass upon the quarry with or without machinery vehicles and plant of all kinds and
 - 1. to win crush and dress and carry away the stone; and
 - 2. to make dig and drive upon and in the quarry any quarries pits levels drains watercourses and other works below as well as above ground necessary or convenient for working and getting the stone and for draining the quarries; and
 - 3. upon the quarry or any part of it to erect and build such buildings engines stone-crushers or other machinery and plant and conveniences as may be necessary or convenient for the purposes of this grant and to remove them at its end or sooner determination.
 - B. TO place and stack upon the quarry any stone got under this grant.
 - C. TO heap upon the quarry the waste and rubbish produced in the course of the works authorised by this grant.
 - D. GENERALLY to do whatever may be necessary or convenient for working getting making merchantable carrying away and disposing of the stone and for obtaining the full benefit of the rights and licences granted herein.

II. In respect of the Right of Way over the area marked "A" referred to in the Schedule hereto ("the said right of way") the following rights and powers shall apply

- (a) The said right of way shall be for a term of thirty (30) years from and inclusive of the date of this easement certificate TO THE INTENT that the said right of way so granted shall be appurtenant to the dominant tenement for the term of years hereinbefore referred to for the purpose of gaining access to and from the quarry for the purpose of exercising the rights referred to in subclause I. of this clause.
- (b) The grantee and their tenants servants agents workmen and visitors shall be entitled from time to time and at all times to go pass and repass with or without vehicles machinery and plant of all*

2. Terms, conditions, covenants, or restrictions in respect of any of the above easements:

Nil

*descriptions including the carrying of the metals through over and along the said right of way.

- (c) The grantee shall have the right to construct a roadway ("the roadway") over the said right of way
- (d) The roadway shall be for the exclusive use and under the sole control of the grantee save that the registered proprietor or occupier from time to time of the servient tenement may use it for normal farm useage.

Dated this 27th day of June 19 90 /

Signed by the above-named
PAUL MARTIN JAMES KEAN and
CAROLINE KEAN

Paul : /
Car. : /

in the presence of

Witness

Occupation

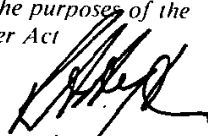
Address

[Handwritten signatures and marks]

EASEMENT CERTIFICATE

(IMPORTANT): Registration of this certificate does not of itself create any of the easements specified herein.

Correct for the purposes of the
Land Transfer Act


Solicitor for the registered proprietor

The within easements
when created will be subject
to Section 309(i)(a)
Local Government Act 1974

AHR

C.533554.5 Variation of within Easement
Certificate - 3.11.1993 at 2.39 oc.

M. E. E. W.
A.L.R.

LAW NORTH PARTNERS
SOLICITORS
KERIKERI

1.56 18 JUL 90 C-165108
PARTICULARS
LAND REGISTR
804/850
780/572
804/849
REGISTER

3F

3



CS33554'S VE

MEMORANDUM OF VARIATION OF EASEMENT

AND PROFIT A PRENDRE

The terms covenants and conditions contained or implied in the Easement and Profit a Prendre No. C165108.3 created by Memorandum of Transfer No. are hereby varied as follows:

1. Rights and Powers:

~~I. (b) is to be replaced by the following:~~

The registered proprietor or occupier from time to time of the dominant tenement ("the Grantee") shall be entitled:

(i) as a profit in gross the exclusive right to quarry and take for their own use and benefit but not for the sale or for the use of any other person all stone and metal ("the stone") in upon and under the said easement ("the quarry") and

(ii) by themselves their tenants servants agents workmen or licensees from time to time:

A. TO enter and pass and repass upon the quarry with or without machinery vehicles and plant of all kinds and

1. to win crush and dress and carry away the stone; and

2. to make dig and drive upon and in the quarry any quarries pits levels drains watercourses and other works below as well as above ground necessary or convenient for working and getting the stone and for draining the quarries; and

2.

~~3. upon the quarry or any part of it to erect such engines stone-crushers or other machinery and plant as may be necessary or convenient for the purposes of this grant and to remove them at its end or sooner determination.~~

II. In respect of the right of way over the area marked "A" referred to in the said Easement ~~Profit-a-Prendre~~ ("the right of way") the following rights and powers shall apply in addition to the existing rights and powers:

- (e) The Grantee shall maintain the roadway at his cost.
- (f) The Grantee shall fence the quarry with a sufficient fence at his cost.
- (g) The Grantee shall take all steps necessary to avoid erosion on the boundary between the quarry and the boundary of the Grantor's land.
- (h) The Grantee shall make available 50 cubic metres of metal per annum to the Grantor free of charge on the condition that the Grantee pay digger and haulage costs for the extraction and delivery of that metal and this shall not enure to subsequent purchasers of the Grantor's land.

DATED this

1st day of

1993

SIGNED by

PAUL MARTIN JAMES KEAN and
CAROLINE KEAN as Grantor in the
presence of:

) *Singh*
) *Paul*
) *Caroline*

[Signature]
[Signature]
[Signature]

3.

SIGNED by the CHRISTOPHER JOHN)
BROWN and GLENYS LORRAINE BROWN as)
Grantee in the presence of:)



M. A. RAY
SOLICITOR
KERIKERI

REGISTERED IN DUPLICATE

MEMORANDUM OF VARIATION OF EASEMENT
AND PROFTT-A-RENDRE

P.M.J. AND C. KEAN

Grantor

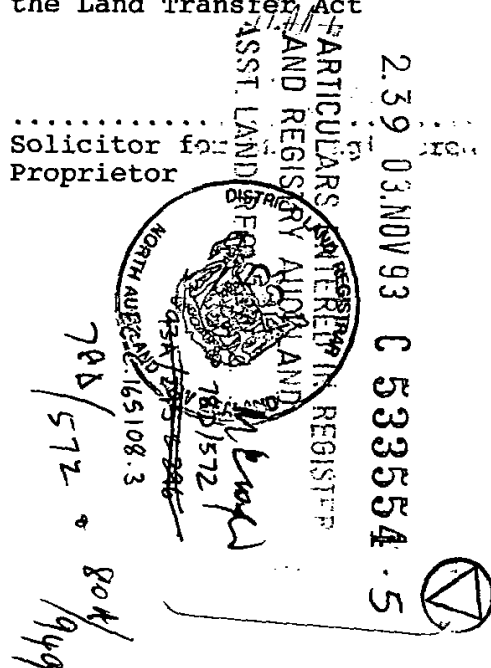
C.J. & G.L. BROWN

Grantee

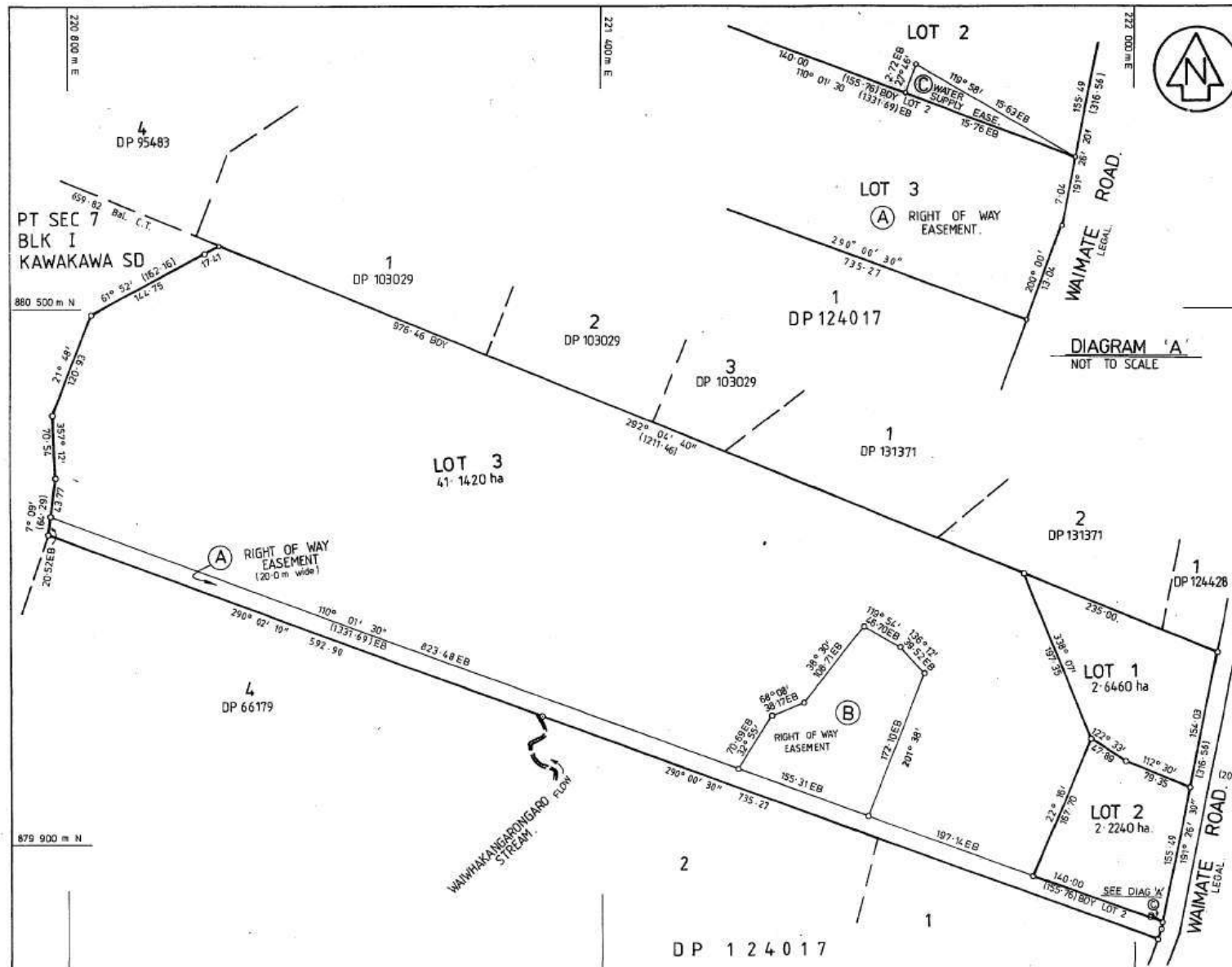
Correct for the purposes of
the Land Transfer Act

.....
Solicitor for
Proprietor

LAW NORTH PARTNERS
SOLICITORS
KERIKERI



BLK. 2331/2492



Approvals: *Rea* *Clan*

REGISTERED OWNERS

PURSUANT TO A RESOLUTION OF THE FAR NORTH DISTRICT COUNCIL, PASSED ON THE 22ND DAY OF NOVEMBER 1988 APPROVING PURSUANT TO SECTION 305 OF THE LOCAL GOVERNMENT ACT 1974 THIS SURVEY PLAN, CONDITIONAL UPON THE GRANTING OR RESERVING OF THE EASEMENTS SHOWN IN THE MEMORANDUM ENDORSED HEREON AND CERTIFYING THAT THE SURVEY PLAN IS IN ACCORDANCE WITH THE REQUIREMENTS AND PROVISIONS OF THE OPERATIVE DISTRICT SCHEME FOR THE AREA TO WHICH THE SURVEY PLAN RELATES, THE COMMON SEAL OF THE FAR NORTH DISTRICT COUNCIL WAS AFFIXED HERETO IN THE PRESENCE OF:-

CHAIRMAN: *Rea*
MAJOR COUNCILLOR: *Clan*

THE FAR NORTH DISTRICT COUNCIL
COMMON SEAL OF THE DISTRICT

MEMORANDUM OF EASEMENTS			
PURPOSE	SHOWN	SERV. TEN	DOM. TEN
RIGHT OF WAY	(A) & (B)	LOT 3 HEREOF	PT. SEC. 7 BLK. I KAWAKAWA S.D.
RIGHT TO QUARRY & RESERVE	(C)	LOT 2 HEREOF	LOT 3 HEREOF
WATER SUPPLY	(C)	LOT 2 HEREOF	LOT 3 HEREOF

NEW C'S T ALLOCATED:-
LOT 1:- 80A/948
LOT 2:- 80A/949
LOT 3:- 80A/950

Total Area 46.0120 ha.
Comprised in CT 64A | 783 (PT).

Robert John Donaldson
Registered Surveyor and holder of an annual practicing certificate for who may act as a registered surveyor pursuant to the provisions of section 23(2) of the Surveyors Act 1988 hereby certify that this plan has been made from surveys executed by me or under my directions, that both plan and survey are correct and have been made in accordance with the Survey Regulations 1972.

Dated at Kerikeri this 6th day of October 1989
Signature: *R. J. Donaldson*

Field Book p. Travers Book p.

Reference Plans

Examined: *W. J. M. Bell* Correct: *M. Bell*

Approved as to Survey

6/14/90 *Chief Surveyor*

Deposited this 18th day of July 1990

Land Registrar

File 1720 Received Instructions

DP136068

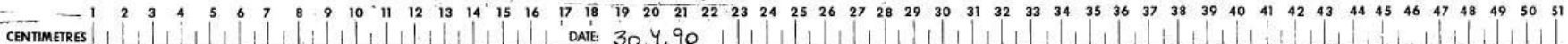
LAND DISTRICT NORTH AUCKLAND
SURVEY BLK. & DIST. I KAWAKAWA
NZMS 261 SHT RECORD MAP No PD5/5.2

PLAN OF LOTS 1-3 BEING A SUBDIVISION OF SEC. 7
BLOCK I KAWAKAWA S.D.

TERRITORIAL AUTHORITY FAR NORTH DISTRICT
Surveyed by R. J. DONALDSON & ASSOC.
Scale 1:3000 Date SEPTEMBER 1989

SURVEYOR GENERAL, DEPARTMENT OF LANDS AND SURVEY NEW ZEALAND

L & S FORM 1023



DATE 30.4.90

APPENDIX 3

SUBDIVISION SCHEME PLAN

BY THOMSON SURVEY LTD

SCHEDULE OF EXISTING EASEMENTS			
PURPOSE	SHOWN	SERVIENT TENEMENT	CREATING DOCUMENT
RIGHT OF WAY RIGHT TO TRANSMIT ELECTRICITY	(A) (D)	LOT 1	C496178.3 D516078.5
	(B)	LOT 2	
	(C)	LOT 3	
WATER SUPPLY RIGHT	(E)	LOT 3	C165108.3
RIGHT (IN GROSS) TO CONVEY WATER	(A) (D)	LOT 1	C496178.4
	(B)	LOT 2	
	(C)	LOT 3	

MEMORANDUM OF EASEMENTS			
PURPOSE	SHOWN	SERVIENT TENEMENT	DOMINANT TENEMENT
RIGHT OF WAY RIGHT TO CONVEY ELECTRICITY, WATER, TELECOMMUNICATIONS DRAIN WATER	(A)	LOT 1	LOTS 2 & 3
	(B)	LOT 2	LOTS 1 & 3
	(C)	LOT 3	LOTS 2 & 3

This drawing has been prepared solely for the use intended by the client stated on the plan, and must not be used for any other purpose. Thomson Survey Ltd accepts no responsibility for this plan, or any data contained on this plan, to be used for any other purpose.

THIS DRAWING AND DESIGN REMAINS THE PROPERTY OF THOMSON SURVEY LTD AND MAY NOT BE REPRODUCED WITHOUT THE WRITTEN PERMISSION OF THOMSON SURVEY LTD

AREAS AND MEASUREMENTS ARE SUBJECT TO FINAL SURVEY

TOPOGRAPHICAL DETAIL IS DERIVED FROM LINZ LIDAR DATA
AERIAL IMAGE IS LINZ ORTHO 0.4m CIRCA 2016

This plan and accompanying report(s) have been prepared for the purpose of obtaining a Resource Consent only and for no other purpose. Use of this plan and/or information on it for any other purpose is at the user's risk.





315 Kerikeri Rd
P.O. Box 372 Kerikeri
Email: kerikeri@tsurvey.co.nz
Ph: (09) 4077360 Fax (09) 4077322

Registered Land Surveyors, Planners & Land Development Consultants

PROPOSED SUBDIVISION OF
LOT 3 DP 201128
248 WAIMATE NORTH ROAD, KERIKERI

PREPARED FOR: BROWN

Survey	Name	Date	ORIGINAL
Design			SCALE
Drawn	SL	16.05.25	1:1750
Approved			SHEET SIZE
Rev			A3
10304 Scheme.LCD			

Surveyors
Ref. No:
10304

Series
Sheet of

APPENDIX 4

SITE SUITABILITY REPORT

BY VISION CONSULTING ENGINEERS



SITE SUITABILITY REPORT

238 Waimate North Road, Kerikeri

Prepared for



Glenys and Chris Brown

25/07/2025

Report Information Summary	
Job no.	J15868
Report Author	Dan Simmonds
Report Reviewer	Ben Perry
Version No.	1
Status	Final
Date	25/07/2025

Version No.	Date	Description
1	25/07/2025	Final issued to client.

Document Acceptance

Action	Name	Signed	Date
Author	Dan Simmonds	 Senior Engineer, MIEAust CEng, CMEngNZ	25/07/2025
Reviewer	Reviewer Name	 Managing Director, FEngNZ CEng	25/07/2025

Limitations

This report has been prepared by Vision Consulting Engineers Limited (VISION) based on the scope of our engagement. It is solely for our Client's use for the purpose for which it is intended in accordance with the agreed scope of work. VISION does not accept any liability or responsibility in relation to the use of this report contrary to the above, or to any person other than the Client. Any use or reliance by a third party is at that party's own risk. Where information has been supplied by the Client or obtained from other external sources, it has been assumed that it is accurate, without independent verification, unless otherwise indicated. No liability or responsibility is accepted by VISION for any errors or omissions to the extent that they arise from inaccurate information provided by the Client or any external source.

The nature and continuity of the subsurface materials are inferred and it must be appreciated that actual conditions could vary from that described herein.



Vision Consulting Engineers Ltd
Level 1, 62 Kerikeri Road, Kerikeri 0230
P: 09 401 6287 E: info@vce.co.nz

Contents

Section	Page
1 Introduction	1
2 Scope of Work	1
2.1 Objective	1
2.2 Scope and Exclusions	1
3 Industry Guidance.....	1
4 Site Description & Desk Study	1
4.1 Existing Site and Walkover Observations	1
4.2 Proposed Development	3
4.3 Geology and Geomorphology	3
4.4 District Planning Zone	4
4.5 Council Hazard Mapping.....	4
5 Ground Conditions.....	4
5.1 Subsurface Conditions	4
5.2 Groundwater.....	5
6 Natural Hazards	5
6.1 Erosion	6
6.2 Avulsion.....	6
6.3 Falling debris	6
6.4 Subsidence	6
6.5 Slippage.....	6
6.6 Inundation.....	7
7 Site Earthworks and Geotechnical Requirements	7
7.1 Earthworks	7
7.1.1 Site Fills	7
7.1.2 Site Cuts	7
7.2 Infrastructure	7
7.3 Land Stability.....	7
7.4 Foundations	8
8 Vehicle Access	8
8.1 Traffic Intensity Factor	8
8.2 Existing Crossing from Waimate North Road	8
8.3 Internal Access Ways	8
9 Stormwater Management	9
9.1 Far North District Plan	9
9.2 Stormwater Attenuation.....	10
10 Wastewater Disposal	10
10.1 Site Evaluation	10
10.2 Soil Survey and Analysis.....	12
10.3 Assumptions of Assessment	13
10.4 Site Constraints	13
10.5 Treatment System Selection.....	13
10.6 Land Application	13
10.7 Onsite Wastewater Recommendation and Discussion.....	13
11 Water Supply.....	14



11.1	Potable Water Supply (Water Tanks)	14
11.2	Fire Fighting (Water Tanks, rural environment)	14
12	Telecommunications	14
13	National Environmental Standard.....	14
14	Summary of Recommendations.....	15
15	Conclusions	15

Appendices

Appendix A Thomson Survey Proposed Subdivision Plan
Appendix B Onsite Wastewater Logs
Appendix C Onsite Wastewater Feasibility Plan

Tables

Table 1. Property Details
Table 2. Standards for Private Access for Rural Production
Table 3. Assessment Impermeable surfaces
Table 4. Site Evaluation
Table 5. Summary of land application area

Figures

Figure 1. Site Location Plan
Figure 2A. Site Topography
Figure 2B. Site Investigation Plan
Figure 2C. Site Investigation Plan



1 Introduction

Vision Consulting Engineers Limited (VISION) was commissioned by Glenys and Chris Brown to provide a site suitability report to accompany a Resource Consent application to the Far North District Council (FNDC) for the proposed subdivision of 238 Waimate North Road, Kerikeri, Lot 3 DP201128. It is proposed to subdivide the land into 3 lots, refer to attached Thomson Survey proposed subdivision plan included in Appendix A.

VISION's engagement is to investigate and report on proposed Lot 2 and Lot 3.

2 Scope of Work

2.1 Objective

The project objectives are to provide a site suitability report presenting our assessment addressing stormwater, wastewater, water supply, vehicle access, earthworks and natural hazards.

2.2 Scope and Exclusions

The following scope of work is proposed:

- Familiarisation with the subdivision scheme plan provided by the client
- Desk Study: Review published and unpublished information about the site
- Site walkover assessment
- Feasibility on-site wastewater assessment
 - Intrusive testing to confirm soil type (2 hand auger boreholes to a maximum depth of 1.2m)
 - Assessment of environmental site constraints and applicable systems
 - Concept design to prove feasibility (analysis field logs, calculations, design)
- Assess stormwater, vehicle access, earthworks, natural hazards and water supply
- Preparation of Site Suitability Report

3 Industry Guidance

This report has been prepared in general accordance with the requirements of the Far North District Council Engineering Standards & Guidelines 2004 - Revised March 2009 and with reference to the District Plan; Section 106 of the Resource Management Act (RMA).

4 Site Description & Desk Study

4.1 Existing Site and Walkover Observations

The proposed subdivision is located to the south-west of Kerikeri township at 238 Waimate North Road, being Lot 3 DP201128 and is 101,412 m² in size. The site is located at an elevation of 116 to 138m One Tree Point Datum (m OTP). The site is bounded by Waimate North Road and rural production lots to the east, west, and north and a right of way to the south. The Waiwhakangarongaro Stream is located approximately 200m to the west of the site. The approximate location of the site is presented below on Figure 1.



The site is currently occupied by an existing dwelling, sheds, gravel driveway and carparking areas. Access to the property is via a concrete vehicle crossing from Waimate North Road, and a gravel driveway that is approximately 3.2 to 4m in width. An electronic gate is present that restricts access to the driveway. The driveway crosses a water course, that has a plastic culvert and concrete culvert present to convey flows. The gravel driveway continues past the subject property and provides access to the west of the site.

Proposed Lot 1 contains the existing dwelling, shed, gravel driveway access for the dwelling and carparking areas. The developed areas of the lot are located on flat to gently sloping land. The remainder of the lot is moderately to steeply sloping and generally covered in vegetation. A former quarry is present in the western portion of the lot that contains a pond. A gully feature is present in the eastern portion of the property.

Proposed Lot 2 is generally covered in grass and is flat to gently sloping to the north. Trees are present along the northern boundary and along a fence line that runs approximately parallel to the gravel driveway.

Proposed Lot 3 is generally covered in grass and slopes to the north-east. Near the proposed western boundary, the land slope gently to moderately to the west. The lot contains an existing shed and cattle yard in the southern portion of the lot and a second shed in the north-western corner. Trees are present in the western portion of the lot, along the fence line that runs approximately parallel to the gravel driveway, along part of the northern boundary and in the western portion of the lot.

For the purpose of this report, the 'site' is limited to proposed Lot 2 and 3.



Figure 1. Site Location Plan

Property boundary (red) and site (yellow) are indicative only, north is up the page. Background images courtesy of LINZ



Table 1. Property Details

Specific details about the property.

Item	Description
Property Owner	Chris and Glenys Brown
Site Address	238 Waimate North Road, Kerikeri
Legal Description	Lot 3 DP201128
Certificate of Title	NA129B/395
Site Area	101,412m ²
Territorial Authority	FNDC
Zoning	Rural Production

4.2 Proposed Development

The Thomson Survey plan of the proposed subdivision included in Appendix A presents the proposed subdivision of Lot 3 DP 201128 which involves subdividing the site into 3 lots, Lots 1 to 3. Proposed Lot 1 will contain the existing dwelling and continue to be used for residential purposes; and lots 2 and 3 are to be used for residential purposes and are 4,050 and 9,800m² respectively.

Access to proposed lots will be via the existing gravel driveway and vehicle crossing from Waimate North Road as shown on the attached subdivision plan in Appendix A.

4.3 Geology and Geomorphology

The Land Use Capability Classification of the Northland Region (Harmsworth, 1996) indicates that the site is underlain by Papakauri silt loam (PK) being soils of the rolling and hilly land, well to moderately well drained.

The 1:250,000 geological map, Geology of Whangarei (Edbrooke and Brook et al 2009) indicates that the site is underlain by Kerikeri Volcanic Group comprising basalt lava, volcanic plugs and minor tuff.

The topography of the site is shown in Figure 2.

The site is located on flat to gently sloping land, that generally slopes gently to the north-east. Near the proposed western boundary of Lot 3, the land begins to slope moderately to the west. Beyond the proposed boundary, steep to very steep slopes are present down to the former quarry.





Figure 2A. Site Topography

Site boundary indicative only (yellow), higher elevations are shaded green and lower elevations blue with hillshading, north is up the page. Image is courtesy LINZ.

4.4 District Planning Zone

The site is zoned Rural Production with respect to the operative Far North District Council District Plan.

4.5 Council Hazard Mapping

The Northland Regional Council (NRC) and Far North District Council (FNDC) hazard layers have been reviewed. According to the NRC and FNDC hazard layers the site is not located in an area susceptible to:

- Landslide
- Special soils
- Erosion
- Coastal Hazards
- Flooding

5 Ground Conditions

5.1 Subsurface Conditions

Two boreholes have been put down for the purposes of confirming the soil category to demonstrate the feasibility for on-site wastewater management. Logs of the two boreholes are included in



Appendix B. The locations of these boreholes are shown on Vision's *WASTEWATER FEASIBILITY PLAN* included in Appendix C.

Borehole INV1 completed on proposed Lot 3, encountered topsoil (clayey SILT) to a depth of 200mm underlain by brown silty CLAY to a depth of 0.6 m below ground level (m bgl) and pale red-brown silty clay to a depth of 1.2m bgl.

Borehole INV2 completed on proposed Lot 2, encountered topsoil (clayey SILT) to a depth of 200mm underlain by brown silty CLAY to a depth of 0.35 m below ground level (m bgl), brown gravelly clay to a depth of 0.45m, pale red-brown silty clay to a depth of 1.0m and orangish brown clayey silt to 1.2m bgl.

Groundwater was not encountered in either of the hand augured boreholes.

As described in the Section 4.3 above, the site is expected to be underlain by clays and silts of the Kerikeri Volcanic Group.



Figure 2B. Site Investigation Plan

Site boundary indicative only (yellow), test locations show, north is up the page. Image is courtesy LINZ.

5.2 Groundwater

Groundwater was not encountered in the two boreholes put down at the site. Static groundwater level is expected to be at >3m bgl (inferred). A perched groundwater table may occur during the winter months or extended periods of wet weather.

6 Natural Hazards

Under Section 106 of the Resource Management Act (RMA), an assessment of natural hazards is required to determine if they pose a significant risk to a proposed development. VISION has undertaken a preliminary assessment of natural hazards for the site, as detailed below. Our findings indicate that identified natural hazards are either of low risk or are readily manageable, and therefore are not considered to be significant in the context of the proposed subdivision.



6.1 Erosion

The site is not mapped as being prone to erosion. It is recommended that existing vegetation is maintained wherever possible and cut slopes are protected against erosion.

6.2 Avulsion

The Waiwhakangarongo Stream is located approximately 200m to the west of the site.

Therefore the risk of avulsion at the site is considered to be low.

6.3 Falling debris

There are no natural sources of falling debris at the site, therefore the risk associated with falling debris is considered to be low.

6.4 Subsidence

The site is not anticipated to be underlain by soils prone to subsidence.

Therefore the risk associated with subsidence is considered to be low.

6.5 Slippage

Based on the initial assessment, including a desk study and site walkover observations, the majority of the site is not considered to be at significant risk of slippage due to its predominantly flat to gently sloping nature. An area of steeper topography is present near the proposed western boundary of Lot 3, sloping down towards a former quarry.

However, to manage the potential for instability associated with these steeper slopes, it is recommended that where proposed structures or filling is to take place within 15m of the proposed western boundary of Lot 3 (as indicatively shown in Figure 2C), the stability of the land in this specific area must be assessed by a Chartered Professional Engineer with experience in geotechnical engineering.

Due to this requirement, the risk of slippage at the site is considered to be low.



Figure 2C. Site Investigation Plan



6.6 Inundation

The site is not mapped as being affected by inland or coastal flooding on the FNDC and NRC Hazard maps.

7 Site Earthworks and Geotechnical Requirements

7.1 Earthworks

Earthworks will be required in portions of the site to create a new building area, driveway and proposed access.

It is recommended that earthworks undertaken at the site be carried out in accordance with Auckland Council Guidance Document 2016/005: Erosion and Sediment Control Guide for Land Disturbing Activities in the Auckland Region (GD05).

At this stage, the volume of earthworks is not able to be provided.

7.1.1 Site Fills

It is recommended that fill slopes are constructed on land sloping at less than 1V:5H at a maximum batter slope of 1V:2.5H to a maximum height of 1.0m. All fill slopes greater than 1.0m in height are to be engineer assessed by a Chartered Professional Engineer experienced in geotechnical engineering.

It is recommended that where any proposed filling is to take place within 15m of the proposed western boundary of Lot 3 that the stability is assessed by a Chartered Professional Engineer with experience in geotechnical engineering.

Where the proposed filling is to support the loads of a building it will need to be certified by a Chartered Professional Engineer in accordance with NZS4431:2022.

7.1.2 Site Cuts

It is recommended that cut slopes are constructed at a maximum slope angle of 1V:3H to a maximum height of 1.0m. All cut slopes greater than 1.0m in height are to be engineer assessed by a chartered professional engineer experienced in geotechnical engineering.

7.2 Infrastructure

It is not anticipated that there will be any geotechnical constraints associated with trenching for the buried infrastructure.

Groundwater is expected to be greater than 3m bgl. Perched water above this depth is anticipated during winter and following significant storm events. Sumps and submersible pumps are likely to be required to remove water from the base of excavations following periods of intensive rain events.

7.3 Land Stability

As discussed in Section 6.5 (Slippage), an area of steeper topography is present near the proposed western boundary of Lot 3, though the majority of the site is not considered to be at significant risk of slippage .

Specific requirements for stability assessment relating to proposed structures or filling within 15m of the proposed western boundary of Lot 3 are detailed in Section 6.5.



No further detailed intrusive stability analysis (beyond the hand augers for wastewater suitability) was carried out as part of this feasibility report. Site-specific geotechnical investigations for proposed structures, as recommended in Section 7.4, will include detailed stability assessments where required by a Chartered Professional Engineer.

7.4 Foundations

It is recommended that site specific geotechnical investigations are carried out for proposed structures, because the near surface soils do not meet the requirements of 'good ground' in accordance with NZS3604(2011) due to their expansive nature. It is anticipated that deepened foundations may be a solution to enable the construction of light weight timber framed structures at the site.

8 Vehicle Access

Access to the proposed lots will be via the existing vehicle crossing and driveway/right of way from Waimate North Road.

The existing vehicle crossing is concrete and has a concrete culvert present where it crosses an open drain.

The existing driveway/access way is gravel and ranges in width from approximately 3.2 to 4m. An electronic gate is present that restricts access to the driveway. The driveway crosses a water course, that has a plastic culvert and concrete culvert present to convey flows. The gravel driveway continues past the subject property and provides access to the west of the site.

Post subdivision, it has been advised by LMD Planning, that the driveway/access way will provide access to a total of 5 lots.

8.1 Traffic Intensity Factor

The permitted traffic threshold for a site in the rural production zone in accordance with Section 8.6.5.3.1 of the Operative District Plan is 60 daily one way movements.

The Traffic Intensity Factor (TIF) for a residential unit is 10 per unit as detailed in Appendix 3A in Part 4 of the District Plan. As each proposed new lot will have access to Waimate North Road, Traffic intensity factors for each lot will be 10 one-way movements.

8.2 Existing Crossing from Waimate North Road

The existing vehicle crossing appears to be recently upgraded and formed in general accordance with the FNDC Engineering Standards & Guidelines 2004 - Revised March 2009 Drawing FNDC/S/6 and FNDC/S/6B. It is understood that the vehicle crossing was upgraded as part of a recent subdivision and it is therefore assumed that the crossing has been approved by the FNDC.

The existing crossing has been assessed to meet the minimum sight distance requirements in both directions.

8.3 Internal Access Ways

The access way ranges in width from 3.2 to 4m. Where required, it is recommended that the internal access way is upgraded in accordance with Section 15.1.6A.2.1 and Appendix 3B of the District Plan which specifies the following minimum access details:



Table 2. Standards for Private Access for Rural Production

Part 3 District Wide Provisions, Section 15.1 Traffic, Parking and Access and Zone Maps

No. of Household Equivalents	Minimum Legal Widths (m)	Minimum Carriageway Width (m)	Maximum Gradient	
			Unsealed	Sealed
1	-	3.0	1V:5H	1V:4H
2	5	3.0	1V:5H	1V:4H
3-4	7.5	3.0 with passing bays	1V:5H	1V:4H
5-8	7.5	5.0	1V:5H	1V:4H

Notes:

- 1) All bends and corners are to be constructed to allow for the passage of Heavy Rigid Vehicles.
- 2) Passing bays on private access ways:
 - Minimum Dimensions: Passing bays on private access ways, when required, must be at least 15 metres (m) long and provide a minimum usable carriage width of 5.5 metres (m).
 - Spacing Requirements:
 - For rural accesses, passing bays may be at up to 100-metre (m) distances where visibility is available from bay to bay.
 - Additional passing bays are required on all blind corners at locations where the vertical alignment of the carriageway restricts visibility, or at a minimum 100-metre (m) spacing.
 - Conditions for Requirement:
 - All residential accesses serving 4 or more sites or potential sites must provide passing bays and vehicle queuing space at the entrance to the legal road.

9 Stormwater Management

The following observations were made during the site walkover that relate to stormwater management at the site:

- Surface water enters the site as sheetflow from the southern boundary and exit the site to the north.
- The driveway/right of way crosses a creek that has a plastic culvert and concrete culvert present to convey flows.
- An open drain is present on part of the southern side of the driveway

9.1 Far North District Plan

The Far North District Plan (DP) provides rules relating to stormwater management. The DP provides thresholds for permitted activities on a site which are deemed to have a no more than minor effect on the receiving environment. The permitted and controlled requirements for this site are defined in rule 8.6.5 and of the DP as follows:

8.6.5.1.3 STORMWATER MANAGEMENT - Permitted (Rural Production Zone)

The maximum proportion of the gross site area covered by buildings and other impermeable surfaces shall be 15%.

8.6.5.2.1 STORMWATER MANAGEMENT - Controlled (Rural Production Zone)

The maximum proportion of the gross site area covered by buildings and other impermeable surfaces shall be 20%.



Table 3 provides our assessment of the impermeable areas in relation to those permitted in the DP.

Table 3. Assessment Impermeable surfaces

Proposed Lot	Area (m ²)	Allowable impermeable surfaces (15%) (m ²)	Controlled impermeable surfaces (20%) (m ²)	Existing impermeable surfaces (m ²)
Lot 2	4,050	607.5	810	0
Lot 3	9,800	1,470	1,960	0

9.2 Stormwater Attenuation

Due to the size of the proposed lots, it is considered that stormwater attenuation is unlikely to be required as impermeable surfaces post development are not anticipated to be greater than those permitted by the District Plan.

If the proposed impermeable surfaces are greater than those permitted by the District Plan, it is recommended that stormwater attenuation design is carried out by a suitably qualified person.

10 Wastewater Disposal

The site lies outside the area currently serviced by council reticulation and is considered unlikely to become sewered in the long term. Therefore, it is proposed to dispose of wastewater via on-site wastewater disposal.

10.1 Site Evaluation

VISION undertook site investigations 26 June 2025. The weather was showers at the time of the investigation. A range of site features were assessed in terms of the degree of limitation they present for a range of on-site wastewater management systems. A summary of key features in relation to effluent management at the site are listed below in Table 4.

Table 4. Site Evaluation

Feature	Description
Site Area	101,412m ²
Lot Size	Proposed Lot 1 = 8.75 ha (not included in this assessment) Proposed Lot 2 = 4,050 m ² Proposed Lot 3 = 9,800m ²
Climate	Northland is a sub-tropical climate zone, with warm humid summers and mild winters. Typical summer temperatures range from 22°C to 26°C (maximum daytime) but seldom exceed 30°C. In winter, day temperatures are between 14°C to 17°C. Annual sunshine hours average about 2000 in many areas.
Exposure & Contour	Proposed Lot 2 and 3 are moderately exposed providing it with medium sun and wind exposure. Topographic contours and hillshading are shown in image below.

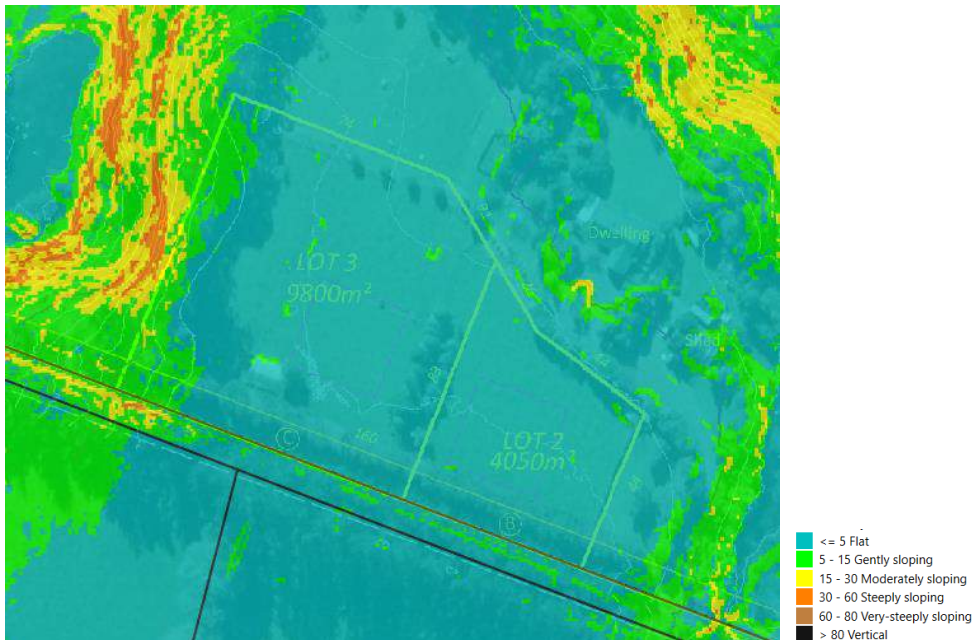




Vegetation Proposed Lot 2 is generally covered in grass. Trees are present along the northern boundary and along a fence line that runs approximately parallel to the gravel driveway.

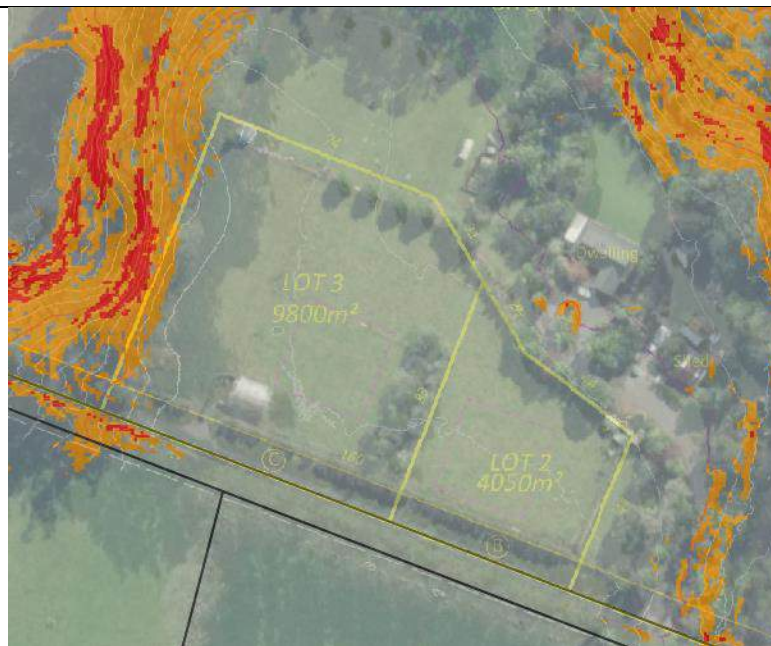
Proposed Lot 3 is generally covered in grass. Trees are present in the western portion of the lot, along the fence line that runs approximately parallel to the gravel driveway, along part of the northern boundary and in the western portion of the lot.

Slope Proposed Lot 2 is flat to gently sloping. Proposed Lot 3 is generally flat to gently sloping, with moderate slopes present near the western boundary. Slope angles are indicated in the image below.



Slope angles grouped by Northland Regional Council permitted activity requirements are indicated in the image below.





Fill	Fill is inferred to be present in the south-eastern corner of proposed Lot 2.
Erosion Potential	No obvious signs of erosion were noted on proposed Lot 2 and Lot 3 during the site walkover assessment.
Surface Water	<ul style="list-style-type: none"> • Surface water is expected to enter the lots as sheetflow from the south and exit to the north • An open drain is present on the southern side of the existing gravel driveway • A pond is present to the west of proposed Lot 3 in the former quarry base.
Flood Potential	The proposed lots are not mapped as being affected by flooding.
Stormwater run-on and upslope seepage	The proposed systems should include surface water cut-off drains where appropriate
Groundwater	Groundwater was not observed to be present in the boreholes extend to a depth of 1.2m. VISION is not aware of any water bores for domestic/commercial purposes in the vicinity of the property.
Site Drainage and Subsurface Drainage	Site drainage will need to be addressed at the time of Building Consent. At this stage no subsurface drainage is recommended.

10.2 Soil Survey and Analysis

A soil survey was undertaken at the site to determine the suitability for application of treated effluent. The soil survey was carried out based on two hand auger boreholes completed on proposed Lot 2 and Lot 3.

Borehole INV1 completed on proposed Lot 3, encountered topsoil (clayey SILT) to a depth of 200mm underlain by brown silty CLAY to a depth of 0.6 m below ground level (m bgl) and pale red-brown silty clay to a depth of 1.2m bgl.

Borehole INV2 completed on proposed Lot 2, encountered topsoil (clayey SILT) to a depth of 200mm underlain by brown silty CLAY to a depth of 0.35 m below ground level (m bgl), brown gravelly clay to a depth of 0.45m, pale red-brown silty clay to a depth of 1.0m and orangish brown clayey silt to 1.2m bgl.



Hand auger logs are included in Appendix B and the location of the hand auger boreholes is shown on the wastewater feasibility plan included in Appendix C.

10.3 Assumptions of Assessment

For the purpose of this report, it has been assumed that proposed Lot 2 and 3 will include a modern 4 bedroom dwelling (6 people). In addition the following design parameters have been assumed:

- Design flows of 160 litres/day per person (each dwelling contains dual flush toilets, low water use dishwasher and no garbage grinder)
- Design loading rates of 3 L/m²/day
- Irrigation area of 640m² (including 100% reserve) for the above design loading rates.

10.4 Site Constraints

The following site constraints have been identified for the site:

- Open drain present on the southern side of the driveway/right of way
- Localised depressions that may hold water during significant rainfall events
- Sloping topography near the proposed western boundary of Lot 3

Given these constraints, it is considered that the following system is likely to be suitable for the site as discussed in the following sections.

10.5 Treatment System Selection

For the purposes of feasibility we have considered secondary aerated wastewater treatment systems only. Detailed design during the building consent stage may consider alternatives available for each proposed lot based on the soil type, environmental constraints, location and size of the proposed dwellings.

10.6 Land Application

It is anticipated that surface mounted pressure compensating drip lines will be suitable for the proposed future activities. We have assumed a soil category of 6 (in accordance with TP58) from onsite soil testing with a loading rate of 3 litres per square meter per day and a 100% reserve area.

Table 5. Summary of land application area

Proposed Lots	Area Required for Disposal of Effluent (using the assumed proposed development with 100% Reserve) (m ²)
2 and 3	320m ² (active) + 320 m ² (reserve) = 640 m ²

It is recommended that surface mounted drip irrigation lines are covered by 150mm of mulch.

Each of the proposed lots have sufficient area available, including setbacks, for an on-site wastewater treatment system as outlined in this report and shown on the wastewater feasibility plan included in Appendix C.

10.7 Onsite Wastewater Recommendation and Discussion

Proposed Lot 2 and Lot 3 are assessed to have sufficient land available for the disposal of secondary treated effluent.

It is recommended that the proposal be given Resource Consent for the subdivision based upon the following conditions, which are intended to support the proposed on-site wastewater treatment and land application system performing to a high standard and not contributing to an accumulated adverse effect on the environment:



- The design of the on-site wastewater disposal is undertaken by an FNDC approved TP58 report writer experienced in on-site wastewater disposal at the building consent stage, who may identify a suitable alternative wastewater design. The final system design and layout will be dependent on the size and location of the building platform and associated structures (water tanks, driveways, etc.).
- A site-specific investigation and design at the Building Consent stage may identify a suitable alternative design to that assumed in this report. Such systems should be designed by a suitably qualified and experienced person.

11 Water Supply

11.1 Potable Water Supply (Water Tanks)

Water supply will be from water collected from building roofs and stored in water tanks.

11.2 Fire Fighting (Water Tanks, rural environment)

FNDC Engineering standards require that a water supply is provided that is adequate for fire fighting purposes. As discussed above the potable-water supply for the development will be via stored rainwater. The Urban and Rural Fire District maps are not formalised nor are the interim maps publically available. Given the location of the site, it has been assumed that the site is within a Rural Fire District. This means that the provisions of the New Zealand Fire Service Fire Fighting Water Supplies code of practise SNZ PAS 4509:2008 (PAS4509) are not applicable and are only provided as a guidance. The document recommends that the dwellings be fitted with sprinkler systems in rural settings where it is likely that the response time will be greater than 10 minutes.

For a single family home without a sprinkler system, PAS4509 recommends a minimum water storage capacity of 45m³ within 90m of the dwelling for firefighting purposes where water supply is from a non-reticulated system.

FNDC may accept an alternative sprinkler system designed in accordance with BRANZ document 'Cost-Effective Domestic Fire Sprinkler Systems' (BRANZ, 2000) which provides an alternative to NZS4515:1995 where fire fighting sprinkler systems are not required under the Building Code.

As the only requirement is that imposed by the rules within the FNDC's Engineering Standards, it is recommended that provision of water storage for fire fighting purposes be assessed by council at the time of a new building consent on each site.

12 Telecommunications

Telecommunication and power services are expected to access each site via the access ways from North Road.

13 National Environmental Standard

National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health Regulations 2011 (NESC; MfE, 2011a) came into effect in January 2012. The standard provides regulations to ensure that land affected by contaminants in soil is appropriately identified and assessment prior to development and if necessary remediated or the contaminants are contained to make the land safe for human use.

The Hazardous Activities and Industries List (HAIL) identify activities and industries that are considered likely to cause land contamination resulting from hazardous substance use, storage or disposal. The



intention of the HAIL is to identify land where hazardous substances could cause or may have caused land contamination.

VISION has not been engaged to assess the site in terms of the NESCS.

14 Summary of Recommendations

The following recommendations are provided for the proposed subdivision of 238 Waimate North Road:

- Existing vegetation is maintained wherever possible and cut slopes are protected against erosion.
- Earthworks at the site are to be carried out in accordance with Auckland Council Guidance Document 2016/005: Erosion and Sediment Control Guide for Land Disturbing Activities in the Auckland Region (GD05).
- Where proposed structures or filling is to take place within 15m of the proposed western boundary of Lot 3, stability is assessed by a Chartered Professional Engineer with experience in geotechnical engineering.
- Fill slopes are to be constructed on land sloping at less than 1V:5H at a maximum batter slope of 1V:2.5H to a maximum height of 1.0m. All fill slopes greater than 1.0m in height are to be engineer assessed by a chartered professional engineer experienced in geotechnical engineering.
- Cut slopes are to be constructed at a maximum slope angle of 1V:3H to a maximum height of 1.0m. All cut slopes greater than 1.0m in height are to be engineer assessed by a chartered professional engineer experienced in geotechnical engineering.
- Site-specific geotechnical investigations are carried out for proposed new structures to determine foundation design requirements.
- The access way is to be upgrade in accordance with Section 15.1.6A.2.1 and Appendix 3B of the District Plan.
- If proposed impermeable surfaces are greater than those permitted by the District Plan, stormwater attenuation design is to be carried out by a suitably qualified person.
- The design of on-site wastewater disposal is to be undertaken by an FNDC approved TP58 report writer experienced in on-site wastewater disposal at the building consent stage, which may identify a suitable alternative wastewater design. The final system design and layout will be dependent on the size and location of the building platform and associated structures (water tanks, driveways, etc.).
- The provision of water storage for fire fighting purposes be assessed by council at the time of a new building consent on each site.

15 Conclusions

Provided the recommendations given in this report are adhered to, the subject site is considered to be suitable for the proposed subdivision depicted on the attached Thomson Survey proposed Subdivision Plan.



Appendix A


Thomson Survey Proposed Subdivision Plan





Appendix B

Onsite Wastewater Logs






BOREHOLE LOG					- INV1		 VISION CONSULTING ENGINEERS	
Client: Glenys and Chris Brown			Project: Wastewater Feasibility		Project No.: J15868			
Project Location: 238 Waimate North Road, Kerikeri			Borehole Location: See Wastewater Plan		Drilled by: DS	Logged by: SW		
Hole started:		26/06/2025		Drill method: 50mm handauger				
Hole completed:		26/06/2025						
Depth (m)	Graphic	Moisture	Soil Description				Geology & other notes	
0.00 0.05 0.10 0.15		M	Clayey SILT, trace fine sand; dark brown, rootlets				TOPSOIL	
0.20 0.25 0.30 0.35 0.40 0.45 0.50 0.55		M	Silty CLAY, trace fine sand, trace gravel; brown, high plasticity with some fine gravel, trace red brown				KERIKERI VOLCANIC GROUP	
0.60 0.65 0.70 0.75 0.80 0.85 0.90 0.95 1.00 1.05 1.10 1.15		M	Silty CLAY, trace silt, trace fine sand; pale red brown, high plasticity trace fine gravel					
1.20 1.25 1.30 1.35 1.40 1.45 1.50 1.55 1.60 1.65 1.70 1.75 1.80 1.85 1.90 1.95 2.00 2.05 2.10 2.15 2.20 2.25 2.30 2.35 2.40 2.45 2.50 2.55 2.60 2.65 2.70 2.75 2.80 2.85 2.90 2.95			End of hole at 1.2 m bgl Target depth achieved Groundwater not encountered					

BOREHOLE LOG					- INV2		 VISION CONSULTING ENGINEERS	
Client: Glenys and Chris Brown			Project: Wastewater Feasibility		Project No.: J15868			
Project Location: 238 Waimate North Road, Kerikeri			Borehole Location: See Wastewater Plan		Drilled by: DS Logged by: SW			
Hole started:		26/06/2025		Drill method: 50mm handauger				
Hole completed:		26/06/2025						
Depth (m)	Graphic	Moisture	Soil Description			Geology & other notes		
0.00 0.05 0.10 0.15		M	Clayey SILT, trace fine sand; dark brown, rootlets, high plasticity			TOPSOIL		
0.20 0.25 0.30		M	Silty CLAY, trace subangular gravel; brown, high plasticity			KERIKERI VOLCANIC GROUP		
0.35 0.40 0.45		D	Gravelly CLAY, fine to medium, gravel; brown for 100 mm					
0.50 0.55 0.60 0.65 0.70 0.75 0.80 0.85 0.90 0.95		M	Silty CLAY; trace fine sand; brown; trace red, high plasticity becoming orangish brown					
1.00 1.05 1.10 1.15	M	Clayey SILT; with some fine sand; orangish brown, moderate plasticity						
1.20 1.25 1.30 1.35 1.40 1.45 1.50 1.55 1.60 1.65 1.70 1.75 1.80 1.85 1.90 1.95 2.00 2.05 2.10 2.15 2.20 2.25 2.30 2.35 2.40 2.45 2.50 2.55 2.60 2.65 2.70 2.75 2.80 2.85 2.90 2.95		End of hole at 1.2 m bgl Target depth achieved Groundwater not encountered						



**VISION
CONSULTING
ENGINEERS**

Client: Glenys and Chris Brown		Project: Wastewater Feasibility		Project No.: J15868	
Project Location: 238 Waimate North Road, Kerikeri		Borehole Location: See Wastewater Plan		Drilled by:	DS
				Logged by:	SW
Hole started:	26/06/2025	Drill method: 50mm handauger			
Hole completed:	26/06/2025				

Depth (m)	Graphic	Moisture	Soil Description	Geology & other notes
0.00		M	Clayey SILT, trace fine sand; dark brown, rootlets, high plasticity	TOPSOIL
0.05				
0.10				
0.15				
0.20		M	Silty CLAY, trace subangular gravel; brown, high plasticity	KERIKERI VOLCANIC GROUP
0.25				
0.30				
0.35		D	Gravelly CLAY, fine to medium, gravel; brown for 100 mm	
0.40				
0.45				
0.50		M	Silty CLAY; trace fine sand; brown; trace red, high plasticity	
0.55				
0.60				
0.65				
0.70				
0.75				
0.80		becoming orangish brown		
0.85				
0.90				
0.95				
1.00		M	Clayey SILT; with some fine sand; orangish brown, moderate plasticity	
1.05				
1.10				
1.15				
1.20				
1.25			End of hole at 1.2 m bgl	
1.30			Target depth achieved	
1.35			Groundwater not encountered	
1.40				
1.45				
1.50				
1.55				
1.60				
1.65				
1.70				
1.75				
1.80				
1.85				
1.90				
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2.65				
2.70				
2.75				
2.80				
2.85				
2.90				
2.95				

Appendix C

Onsite Wastewater Feasibility Plan





POSSIBLE WASTEWATER
DISPOSAL AREA INCLUDING
100% RESERVE (640m²)

DRAWN:	DS
CHECKED:	BP
DATE:	15/07/2025
PROJECT:	J15868
SHEET:	1 of 1
SCALE A3:	1:600

APPENDIX 5

RC 1990717 DECISION

AND S224(C) CERTIFICATE

FAR NORTH DISTRICT COUNCIL

FAR NORTH TRANSITIONAL DISTRICT PLAN
(Bay of Islands Section)

IN THE MATTER of the Resource
Management Act 1991

A N D

IN THE MATTER of an application
under the aforesaid Act by
CL & GL BROWN

APPLICATION

APPLICATION FOR RESOURCE CONSENT to subdivide Pt Lot 1 DP 155777 & Pt Lot 2 DP 136068 to create two horticultural allotments and two lifestyle allotments.

The property in respect of which the application is made, is situated at Waimate North Rd, Kerikeri.

Pursuant to Section 114 of the aforesaid Act, the following is the decision:

DELEGATION

Under the authority delegated to the Manager, Environmental Services of the Far North District Council, the application was considered and determined.

DECISION

THAT pursuant to Sections 105 and 220 of the Resource Management Act 1991, Council grants consent to the application being RC 1990717 by CL & GL Brown to subdivide Pt Lot 1 DP 155777 & Pt Lot 2 DP 136068 to create two horticultural allotments and two lifestyle allotments, such land being situated at Waimate North Rd, Kerikeri, subject to the following conditions:

1. That prior to the signing of the Survey Plan the consent shall provide a landscaping plan prepared by a suitable qualified landscape architect which deals with screening of Lots 1 & 2 from the roading network and which acts as a spray drift buffer. The plan shall recognise the Northland Regional Council standards for spray buffer zones, detail species of plants and a survivorship program. The plan is subject to the approval of the manager of environmental services.
2. That the survey plan shall show:
 - (a) All easements be duly granted or reserved. ✓
3. That before a Certificate is issued pursuant to Section 224(c) of the Act the subdividing owner shall:
 - a) Provide formed, metalled and culverted access to each lot in accordance with the Council Standard FNDC /S/06.

- b) Seal entrances off Waimate North Road for a minimum distance of 2m from the existing seal edge.
- c) Pay to Council a GST inclusive reserves contribution being the value of 130m² or 7½% (whichever is the lesser) of the estimated market value of Lot 2. Such a value is to be obtained by the applicant from a Registered Valuer, and a copy sent to Council in conjunction with the Section 224(c) Certificate request.
- d) Secure the conditions below by way of a Consent Notice issued under Section 221 of the act, to be registered against the titles of the affected allotments. The cost of preparing, checking and executing the notice shall be met by applicants.

The following conditions are to be imposed on Lot 1 & 2 hereon:

- (i) The operation of agricultural and horticultural equipment including sprays and chemicals (subject to compliance with any relevant legislation) may be a permitted activity. Accordingly, where rainwater is collected from exposed surfaces for human consumption in connection with any residential development on the site, the occupiers of any such dwelling shall install an approved water filtration system.
- (ii) The landowners of Lots 1 & 2 shall preserve the vegetation required to be planted as part of the approved landscaping plan and shall not without the prior written consent of the Council and then in strict compliance with any conditions imposed by the Council cut down, damage or destroy any vegetation required to be planted as part of the landscape plan. The landowners shall not be deemed to be in breach of this prohibition if any such vegetation shall die from natural causes not attributable to any act or default by or on behalf of the landowners or for which the landowner is responsible.
4. Pay to Council pursuant to Section 36(3) of the Resource Management Act 1991 the additional costs of processing and approving the application being \$326.86 within 30 days of receipt of this decision.

RIGHT OF OBJECTION

Section 357 of the Act provides the Right of Objection to the Council within 15 working days from the notice of the decision received in accordance with the Act.

REASONS FOR THE DECISION

Pursuant to Section 113 of the Act the reasons for the decision are:

The proposal is considered to be consistent with the objectives and policies of the Bay of Islands Section of the Transitional District Plan. No detrimental effect on the surrounding environment is anticipated as a result of this subdivision.

CONSENT ISSUED UNDER DELEGATED AUTHORITY:



B I Boundy
MANAGER, ENVIRONMENTAL SERVICES



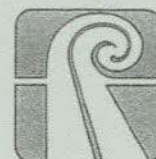
VE Smith
RESOURCE PLANNER

Date: 14-06-99

RC 1990717

CL & GL Brown

FAR NORTH DISTRICT COUNCIL



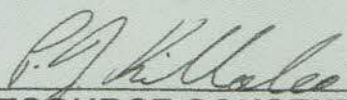
CERTIFICATE OF LOCAL AUTHORITY UNDER SECTION 224 (c) RESOURCE MANAGEMENT ACT, 1991

VALUATION NO :	227-021-00
FILE NUMBER :	1990717
APPLICANT :	CL & GL BROWN

IN THE MATTER OF LAND TRANSFER PLAN NO: 201128

And pursuant to Section 224 (c) (ii) of the Resource Management Act 1991 I hereby certify that some of the conditions shown on or referred to on the approved Subdivision Consent have been complied with to the satisfaction of the **FAR NORTH DISTRICT COUNCIL**, and that in every respect of such conditions that have not been complied with a Consent Notice has been issued in relation to such of the conditions to which Section 221 applies.

DATED at Kaikohe this 29TH day of March 2000.



RESOURCE CONSENTS MANAGER

APPENDIX 6

WRITTEN APPROVAL

FROM FAR NORTH HOLDINGS LTD

Robert Binney <robert@fnhl.co.nz>

14/9/2025 10:46 AM

**FW: RE: FW: Proposed Subdivision at 238 Waimate North Road,
Kerikeri**

To LMD Planning Consultancy <imdpc@xtra.co.nz>

Hello Leonard,

Reference your phone call on 11th September and recent emails, we attach a pdf copy of the Covenant Document in the agreed form.

In addition, we have checked the parts of your attached draft planning report in red letters and have no objection as written.

With these matters as now addressed, we provide our written approval to this application with the understanding that the applicant will register the attached Covenant Document on the title of their land prior to section 224(c) approval.

Please contact us if anything further might be required from FNHL as owner and operator of BOI Airport, Kerikeri.

Regards

Rob

Robert Binney
Chief Operating Officer



[09 402 5659](tel:094025659)

| [021 958 347](tel:021958347)



Robert@fnhl.co.nz



www.fnhl.co.nz



Covenant Instrument to note land covenant

(Section 116(1)(a) & (b) Land Transfer Act 2017)

Covenantor

Christopher John Brown and Glenys Lorraine Brown

Covenantee

Far North Holdings Limited

Grant of Covenant

The Covenantor, being the registered owner of the burdened land(s) set out in Schedule A, grants to the Covenantee (and, if so stated, in gross) the covenant(s) set out in Schedule A, with the rights and powers or provisions set out in the Annexure Schedule(s).

Schedule A

Purpose of covenant	Shown (plan Reference)	Burdened Land (Record of Title)	Benefited Land (Record of Title) or in gross
Restrictive land covenant (as set out in the Annexure Schedule)	All the land contained within the Burdened Land	Lot 3 Deposited Plan 201128 (RT NA129B/395)	Lot 1-2 Deposited Plan 344927 and Part Section 24 Block I Kawakawa Survey District (RT 184302)

Covenant provisions

The provisions applying to the specified covenants are those set out in the Annexure Schedule.

ANNEXURE SCHEDULE

TERMS OF COVENANT

Background

- A. The Covenantor is the registered owner of the Burdened Land and the Covenantee is the registered owner of the Benefited Land.
- B. The operation of Bay of Islands Airport results, and is likely to result, in environmental effects such as noise, disturbance and other usual occurrences associated with Airport Operations which extend beyond the boundaries of Bay of Islands Airport, which may affect the Burdened Land.
- C. The Covenantor and Covenantee have agreed that the Burdened Land will be subject to the covenants set out in this Instrument.

1. INTERPRETATION

- 1.1 In this Instrument unless the context otherwise requires:

"Airport Operations" means all customary commercial and leisure activities, works, uses and occupation on, at, or the vicinity of Bay of Islands Airport at any time in accordance with prevailing practices and trends for the time being whether involving the use of heavy machinery, aircraft, equipment, vehicles, or otherwise, including (without limitation):

- (a) the land and take-off of any aircraft;
- (b) the taxiing of aircraft associated with landing and take-off and other surface movements of aircraft for the purpose of taking an aircraft from one part of the Benefited Land to another;
- (c) aircraft flying along any flight path;
- (d) engine testing; and
- (e) activities ancillary to or associated with any of the above, whether conducted on the Benefited Land or elsewhere.

"Bay of Islands Airport" means the airport known as "Bay of Islands (Kerikeri) Airport" (as the same may be renamed from time to time) and includes all activities undertaken, or authorised or proposed to be undertaken, at or in association with that airport on the Benefited Land and any other land operated together with the Benefited Land as part of that airport from time to time.

"Benefited Land" means the land described as such in Schedule A.

"Burdened Land" means the land described as such in Schedule A.

"Covenantee" means the registered owner of the Benefited Land from time to time.

"Covenantor" means the registered owner of the Burdened Land from time to time.

"Instrument" means the front page of this Instrument (including all schedules).

"Planning Proposal" includes (without limitation) any resource consent application (including any variation) and/or plan change and/or notice of requirement and/or variation of any nature under the relevant District Plan or proposed District Plan, Regional Plan or proposed Regional Plan or any plan prepared under the Resource Management Act 1991 (or any replacement or successor legislation), which relates to the use or development of Bay of Islands Airport. For the avoidance of doubt, a Planning Proposal includes any application submitted under any legislation that provides for a fast-track consenting or approvals process, and includes any other approval, consent or authorisation required under any other act which relates to the use or development of the Benefited Land for Bay of Islands Airport.

2. OPERATIVE PROVISIONS

- 2.1 The Covenantor acknowledges that the Burdened Land is in close proximity to Bay of Islands Airport and that the operation of Bay of Islands Airport will necessarily involve noise and other environmental effects that extend beyond the Benefited Land.
- 2.2 The Covenantor acknowledges that the Covenantee is entitled to carry out Airport Operations and associated activities at Bay of Islands Airport (including expansion of its operations from time to time) in accordance with the provisions of any relevant plan, designation and/or resource consent under the Resource Management Act 1991 (or any subsequent replacement or successor legislation or regulation).
- 2.3 The Covenantor acknowledges that the Burdened Land, the area in the vicinity of the Burdened Land, Bay of Islands Airport and / or the area in the vicinity of Bay of Islands Airport may be subject to land use change, including through changes to the provisions of the relevant district, regional or unitary plan made under the Resource Management Act 1991 (or any replacement or successor legislation), subdivision, implementation of a resource consent or other planning approval or changes to the physical environment from time to time. The Covenantor agrees that this Instrument is intended to subsist notwithstanding any such land use changes.
- 2.4 The Covenantor will not (whether directly or indirectly by supporting or assisting another person) object to, oppose any application for, complain about, bring (or join) any proceedings about, make or lodge any submission, take any step in respect of or in any way restrict, constrain or seek to prohibit any Airport Operations or practice conducted as part of or in connection with the operations or activities of Bay of Islands Airport, whether existing or proposed (including future expansion of its operations established through any Planning Proposal), whether by the Covenantee or any other person authorised by the Covenantee.
- 2.5 Should the Covenantor breach any provision of this Instrument, the Covenantor acknowledges that damages would be an inadequate remedy and accordingly the Covenantee is entitled in those circumstances to equitable relief (which includes the right to seek specific performance by the Covenantor of its obligations under this Instrument or injunctive relief to restrain a breach or continuing breach of any of the provisions of this Instrument) and the Covenantor undertakes that it will not claim that the breach is one which may not or ought not be the subject of equitable relief or seek from the Covenantee any undertaking as to damages or other form of bond.
- 2.6 The Covenantor indemnifies the Covenantee from and against all costs, claims, damages, losses, liabilities or expenses (including legal expenses on a solicitor client basis) incurred by the Covenantee arising directly from any breach of the terms of this Instrument by the Covenantor.

- 2.7 Notwithstanding any other clause in this Instrument, each Covenantor:
- (a) who owns a portion of the Burdened Land is bound and is liable under this Instrument only in relation to that portion of the Burdened Land that is owned by that Covenantor; and
 - (b) is only liable under this Instrument for any breach that occurred while that Covenantor was the registered owner of its Burdened Land.
- 2.8 For the purposes of this Instrument, the Covenantor and Covenantee agree that this Instrument binds the Covenantor's successors in title and any tenant or occupier of the Burdened Land and benefits the Covenantee's successors in title.
- 2.9 The Covenantor covenants with the Covenantee:
- (a) not to seek to discharge, surrender, lapse, withdraw or remove in any manner whatsoever this Instrument;
 - (b) to preserve the integrity of the agreements in this Instrument; and
 - (c) always to act in good faith and do all acts and things and enter into and execute all documents and/or instruments (including any replacement covenant) whenever reasonably required by the Covenantee and otherwise obtain any necessary consents all of which may be reasonably necessary and appropriate to give full force and effect to the intentions and understandings of the Covenantor and Covenantee.
- 2.10 The Covenantee (including its successors in title) consents to the deposit of any survey plan ("**Survey Plan**") by the Covenantor or any successor in title to the Covenantor which has the effect of vesting any land within the Burdened Land in any local authority, territorial authority or the Crown. The Covenantee agrees that this Instrument shall cease to apply in respect of the land to vest upon the date of lodgement with Land Information New Zealand (or any such replacement entity) of the required documents to deposit the Survey Plan. The Covenantee covenants that this clause shall be deemed to be the written consent of the Covenantee to the deposit of the Survey Plan.
- 2.11 If it is determined that further written consent is required from the Covenantee in respect of the matters provided for under clause 2.10 (in addition to the deemed consent provided in that clause), then the Covenantee will, at the request of the Covenantor, give that written consent.
- 2.12 If any of the provisions of this Instrument is or becomes invalid, illegal, or unenforceable, the validity, legality or enforceability of the remaining provisions will not in any way be affected or impaired.
- 2.13 Notices to be given under this covenant shall be given in writing and given in accordance with the relevant provisions of the Property Law Act 2007.
- 2.14 If Airport Operations from the Benefited Land are permanently abandoned, the balance of this Instrument (excluding this clause) shall have no further effect.

APPENDIX 7

PRELIMINARY AND DETAILED SITE INVESTIGATION REPORT

BY LDE LTD






Chris & Glenys Brown

**PRELIMINARY AND DETAILED SITE INVESTIGATION
(PSI/DSI)**

238 Waimate North Road, Kerikeri

DOCUMENT CONTROL

Version	Date	Comments
A	26/06/2025	Issued for Information
B	27/06/2025	Minor corrections

Version	Issued For	Prepared By	Reviewed & Authorised By
B	Issued for Information	 Erin Gasston Environmental Scientist	  James Gladwin Environmental Group Manager SQEP

EXECUTIVE SUMMARY

A contamination preliminary and detailed site investigation (PSI & DSI) has been conducted for the site located at 238 Waimate North Road, Kerikeri. LDE understands that the site is to undergo subdivision that do not meet the permitted activity conditions (Regulation 8) of the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (NESCSCS).

This PSI is therefore required to identify if there are or were any current or historical land-use activities that could have caused soil contamination that is a risk to human health in order to determine if the NESCSCS applies to the land and whether further investigation is required to accompany the consent application for the proposed development. Soil sampling was undertaken to provide an indication of the level of contamination in the soil (if any) from contaminants commonly associated with these activities undertaken at the site.

Evidence from the PSI and site history review, indicates **HAIL A10: 'Persistent pesticide bulk storage or use including sport turfs, market gardens, orchards, glass houses or spray sheds'** is highly unlikely to have occurred at the site. Soil testing undertaken found no contamination in the site soils and the risk to human health is highly unlikely should the activity occur on the site.

As per Regulation 5(9), this investigation demonstrates that contaminants in or on the piece of land are at, or below, background concentrations. As a result, LDE consider that the NESCSCS Regulations do not apply to this site. As per Regulation 8 (4)(d) the regulatory authority must be provided a copy of this report.

CONTENTS

1	INTRODUCTION	1
1.1	Investigation Objectives	1
1.2	Site Identification	2
2	SITE DESCRIPTION	3
2.1	Environmental Setting	3
2.1.1	Geology	3
2.1.2	Hydrology	4
2.2	Proposed Development Plan	4
2.3	Site Inspection	5
3	HISTORIC SITE USE	8
3.1	Council Information	8
3.1.1	Northland Regional Council	8
3.1.2	Far North District Council	9
3.2	Historical Aerial Imagery	10
4	DETAILED SITE INVESTIGATION	14
4.1	Sampling and analysis plan	14
4.2	Quality Assurance and Quality Control	16
4.2.1	Field QA/QC	16
4.2.2	Laboratory QA/QC	16
4.3	Background Concentrations, Soil Contaminant Standards (SCSs) and Guideline Values (SGVs)	16
4.3.1	Human Health	16
4.3.2	Environmental	17
4.4	Results	18
4.4.1	Heavy Metals	18
4.4.2	Organochlorine Pesticide (OCP) Results	20
5	RISK ASSESSMENT	20
5.1	Conceptual Site Model	20
6	CONCLUSION	21
6.1	Site Investigation Certifying Statement	21
7	LIMITATIONS	22
APPENDIX A	LABORATORY RESULTS AND CHAIN OF CUSTODY DOCUMENTATION	
APPENDIX B	PROUCL OUTPUT	
APPENDIX C	QUALIFICATIONS AND EXPERIENCE OF THE SQEPS	

1 INTRODUCTION

LDE has been engaged by Chris & Glenys Brown to undertake a soil contamination Preliminary and Detailed Site Investigation (PSI & DSI) for the site legally described as 238 Waimate North Road, Kerikeri, Lot 3 DP 201128. LDE understands that the site is to undergo subdivision that may not meet the permitted activity conditions (Regulation 8) of the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (NESCSCS).

This PSI is therefore required to identify if there are or were any current or historical land-use activities that could have caused soil contamination that is a risk to human health in order to determine if the NESCSCS applies to the land and whether further investigation is required to accompany the consent application for the proposed development.

This site investigation has been prepared in accordance with the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 (updated 2021). It has been managed by a suitably qualified and experienced practitioner (SQEP); carried out in general accordance with the Contaminated Land Management Guidelines No.1- Reporting on Contaminated Sites in New Zealand (revised 2021) and Contaminated Land Management Guidelines No.5: Site Investigation and Analysis of Soils (revised 2021).

1.1 Investigation Objectives

The objectives of the investigation are to:

- Assess whether there has been (or there is more likely than not to have been) a potentially contaminating land use.
- Assess the nature and source of potential or likely contaminants.
- Identify the possible locations of contamination.
- Identify known or potential exposure pathways by which identified receptors could be exposed to the contaminants whilst undertaking the current or proposed future land use.
- Identify known or potential human and ecological receptors that could be exposed to contaminants.
- Assess if the project is covered by the NESCSCS Regulations.
- Determine if further investigation in the form of a Detailed Site Investigation (DSI) is required.
- Determine if soil contamination exceeds the applicable standard and to identify if the site is restricted discretionary or controlled under the NESCSCS.

1.2 Site Identification

The site is located at 238 Waimate North Road, Kerikeri, approximately 6.3 kms to the south-west of Kerikeri town centre. The site is zoned Rural Production under the Far North District Council (FNDC) operative district plan. The site comprises approximately 10.14 ha of land and is legally described as LOT 3 DP 201128. Figure 1 and Table 1 show the site location and land parcel details respectively.



Figure 1. Site Location and surrounding area. Source: Google Earth.

Table 1. Site Details.

Detail	Description
Site Address	238 Waimate North Road, Kerikeri
Area	10.14 ha
Appellation	Lot 3 DP 201128
Owners	Christopher and Glenys Brown
Proposed Site Use	Rural residential subdivision

2 SITE DESCRIPTION

2.1 Environmental Setting

The site is gently sloping from approximately 120m to 140m RL near Waimate North Road. The area of proposed subdivision is generally flat and level.

The surrounding land use is rural residential to the north and south, with a number of allotments between approximately 2,000 and 6,000 m² along the Waimate North Road frontage. The property is bounded to the east by Waimate North Road, and the Bay of Islands Airport runway further east. Rural property is located to the west.

2.1.1 Geology

The New Zealand Geology Web Map by GNS¹ Science identifies the site as being underlain by ‘*Kerikeri Volcanic Group Late Miocene basalt of Kaikohe – Bay of Islands Volcanic Field*’ described as ‘*Basalt.*’

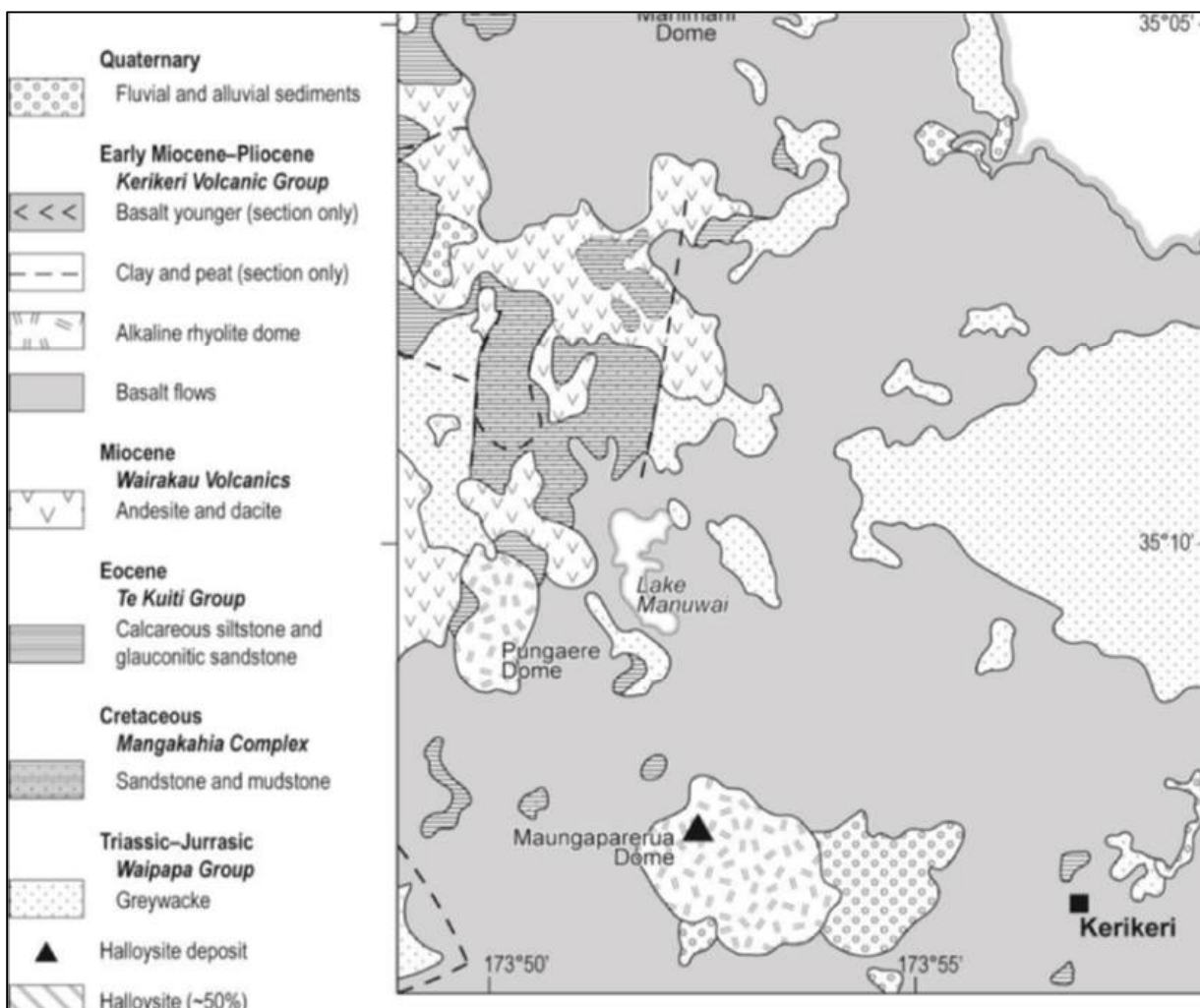


Figure 2. Extract from Wilson and Keeling (2016)² showing basalt flows beneath Kerikeri, and the surrounding area.

¹ <http://data.gns.cri.nz/geology/>. Retrieved June 2025.

² Wilson, I. and Keeling, J. (2016). *Global occurrence, geology and characteristics of tubular halloysite deposits*. Clay Minerals (51): 309-324.

2.1.2 Hydrology

The Waiwhakangararo Stream is the nearest body of water from the property and is located approximately 240 m west of the property at its closest point. Puketotara Stream is also located approximately 1.15 km north west of the site.



Figure 3. Topo map showing nearby waterbodies. Site location indicated in red. Source: MapsPast³.

2.2 Proposed Development Plan

The site is proposed to be subdivided, creating an additional two lots of between 4,050 and 9,800 m² area. The balance of the site (8.75 ha) is to be retained by the current land owner, with the existing residential dwelling and associated garage to be unchanged.

Proposed Lot 2 is currently vacant and grassed.

Proposed Lot 3 is grassed, and a shed is present close to the accessway along the southern boundary.

³ <http://www.mapspast.org.nz/>. Retrieved June 2025.

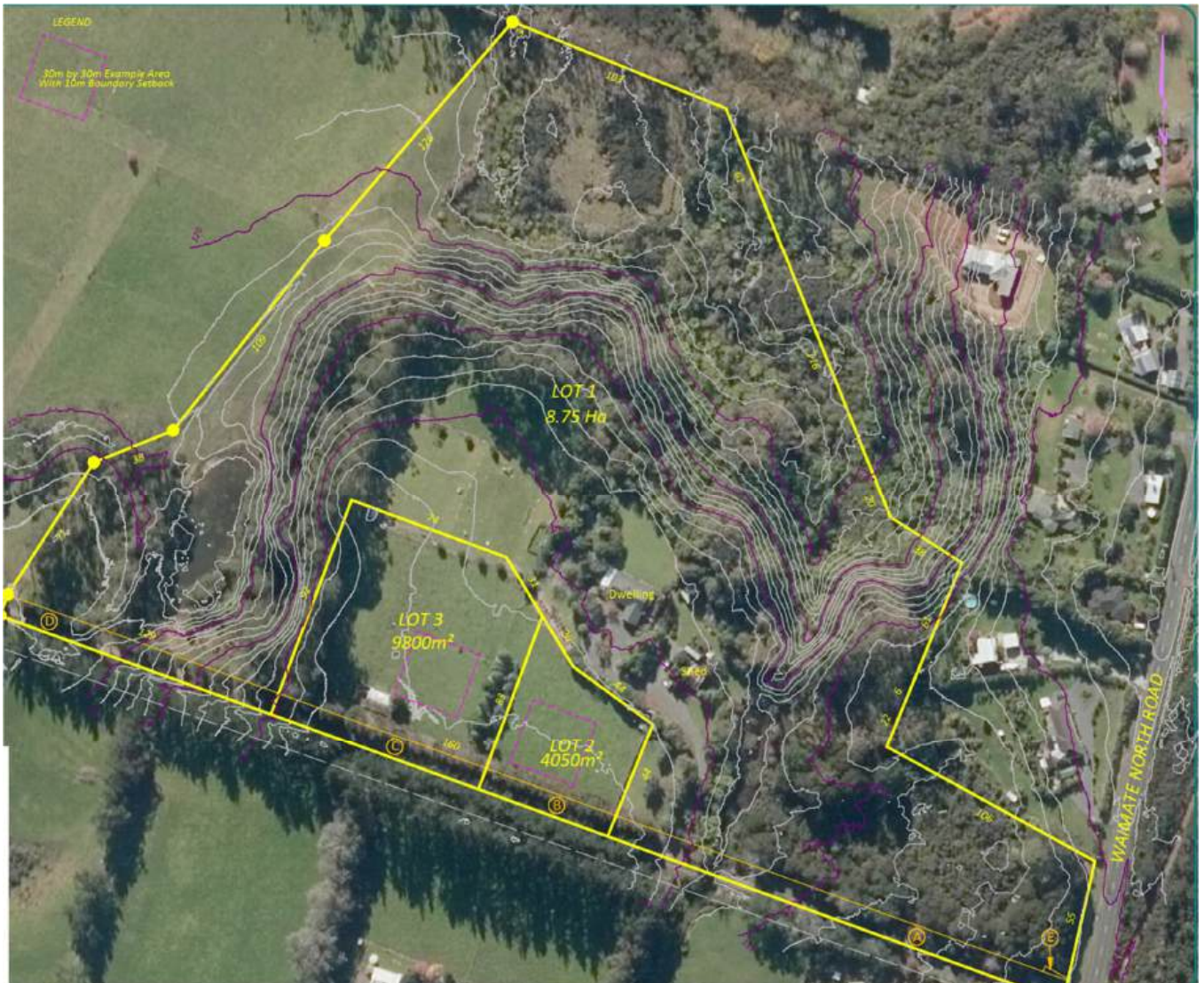


Figure 4. Subdivision plan. Source: supplied by client.

2.3 Site Inspection

A walkover assessment was undertaken at the site on 11 June 2025. The site is generally flat and grassed. Part of the site is currently utilised for cattle. A plastic covered storage area and stock yard are present within proposed Lot 3. The shed stored cut timber (untreated) and other miscellaneous items. The stock yards were noted to be used for calving, with no history of dips or spray races noted by the site owner.

The site owner noted the land was formerly part of an orchard which grew citrus and tamarillo.

No evidence of uncontrolled filling or signs of possible contamination were noted during the site visit.



Figure 5. Proposed Lot 3, looking north.



Figure 6. Proposed Lot 3, looking south, showing covered storage area and stock yards. Stock yard used for calving adjacent to site access.



Figure 7. Storage of timber (untreated) and firewood noted within shed, along with other miscellaneous items.



Figure 8. Proposed Lot 2, looking east.



Figure 9. Proposed Lot 2, looking north.

3 HISTORIC SITE USE

The following information was reviewed in order to establish the history of the site:

- Council Records
- Historical aerial photographs
- Site walkover/visual assessment
- Interview with current site owner / past site owner

3.1 Council Information

The following sections provide a summary of information held by the local councils.

3.1.1 Northland Regional Council

The Northland Regional Council Selected Land Use Register (SLUR) was reviewed on 5 June 2025. The site is not recorded on the SLUR.

Several surrounding properties are listed on the SLUR, including the property immediately west of the subject site. The available information is summarised in Table 2 below.

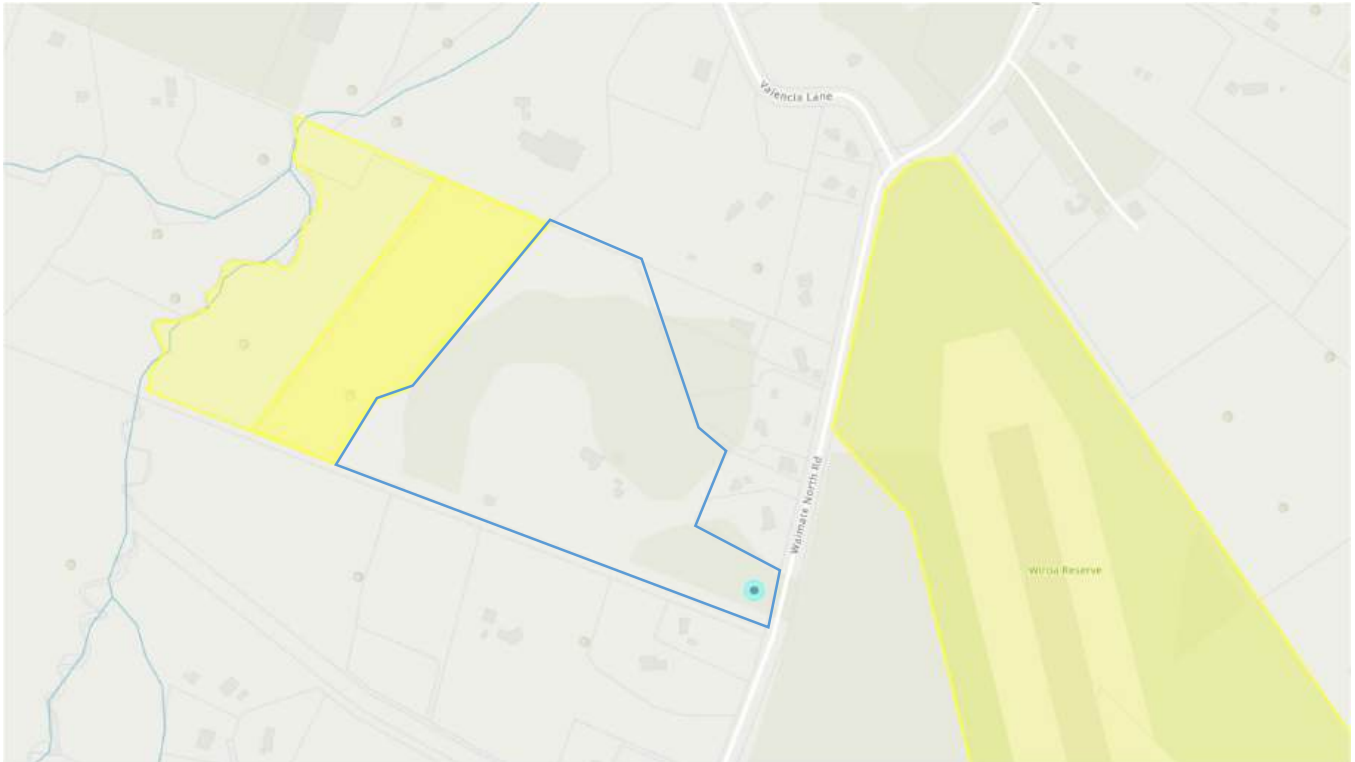


Figure 10. Extract from NRC SLUR⁴. Site location shown in blue.

Table 2. Surrounding properties recorded on the SLUR.

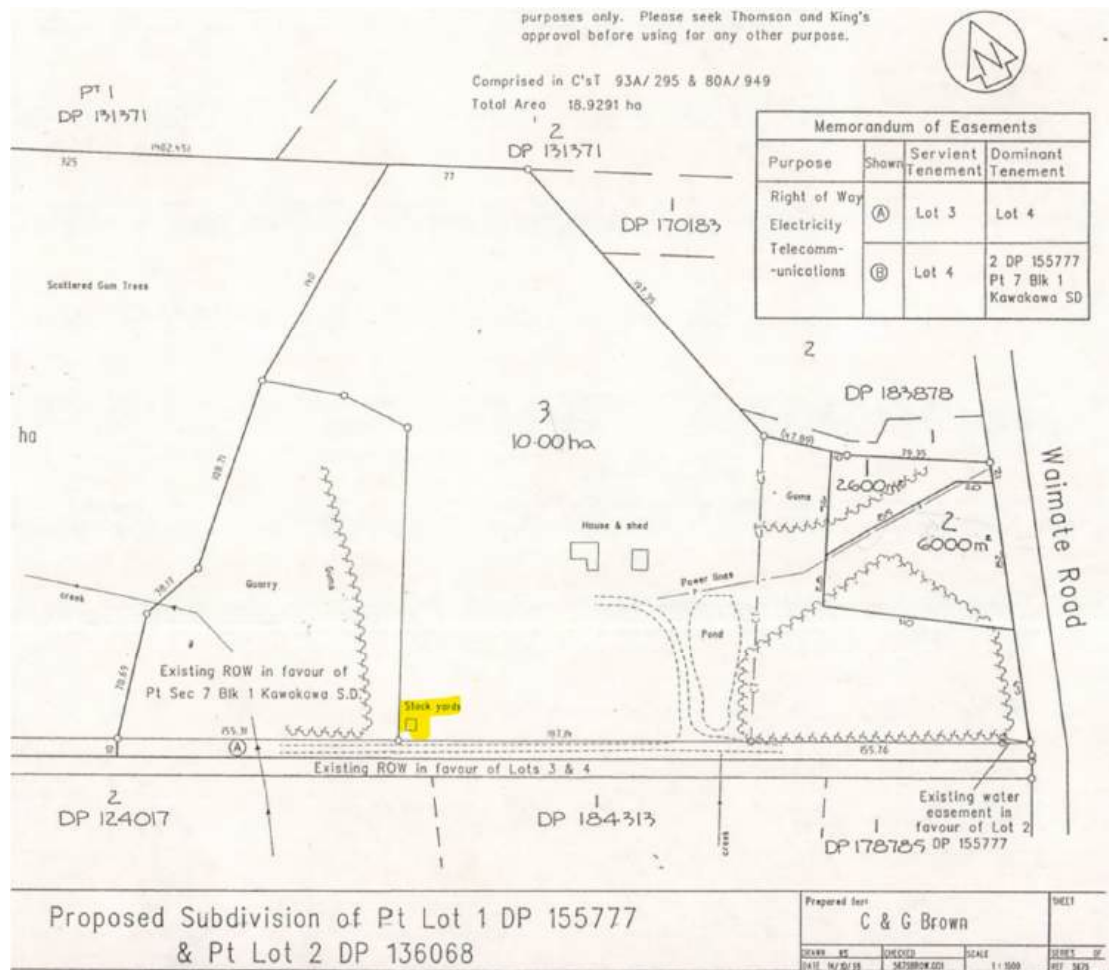
Address	HAIL Category	Comment
Lot 1 and Lot 2 DP 592125	HAIL A10 – persistent pesticide bulk storage and use. Listed as ‘Verified HAIL – Risk not quantified.’	Adjacent to subject property, however a land buffer is present between this property and the proposed area of subdivision. Migration of contaminants is not likely to affect the site.
Kerikeri Airport	HAIL F1 – Airports. Listed as ‘Verified – HAIL’	Separation between site and airport (Waimate North Road, vegetation barrier) indicates any offsite migration of contamination is unlikely.

3.1.2 Far North District Council

A search of the site property file was completed on 5 June 2025. A summary of the relevant points in relation to potentially contaminated land are as follows:

- 1998 Subdivision plan (1990717-RMASUB) showing a small square labelled as stock yards (highlighted below).

⁴ [Selected Land-use Register](#). Retrieved June 2025.



3.2 Historical Aerial Imagery

Aerial images from 1953 to 2023 have been analysed as part of this investigation. A summary of our review of these images is as follows.

1953: The site is vacant.

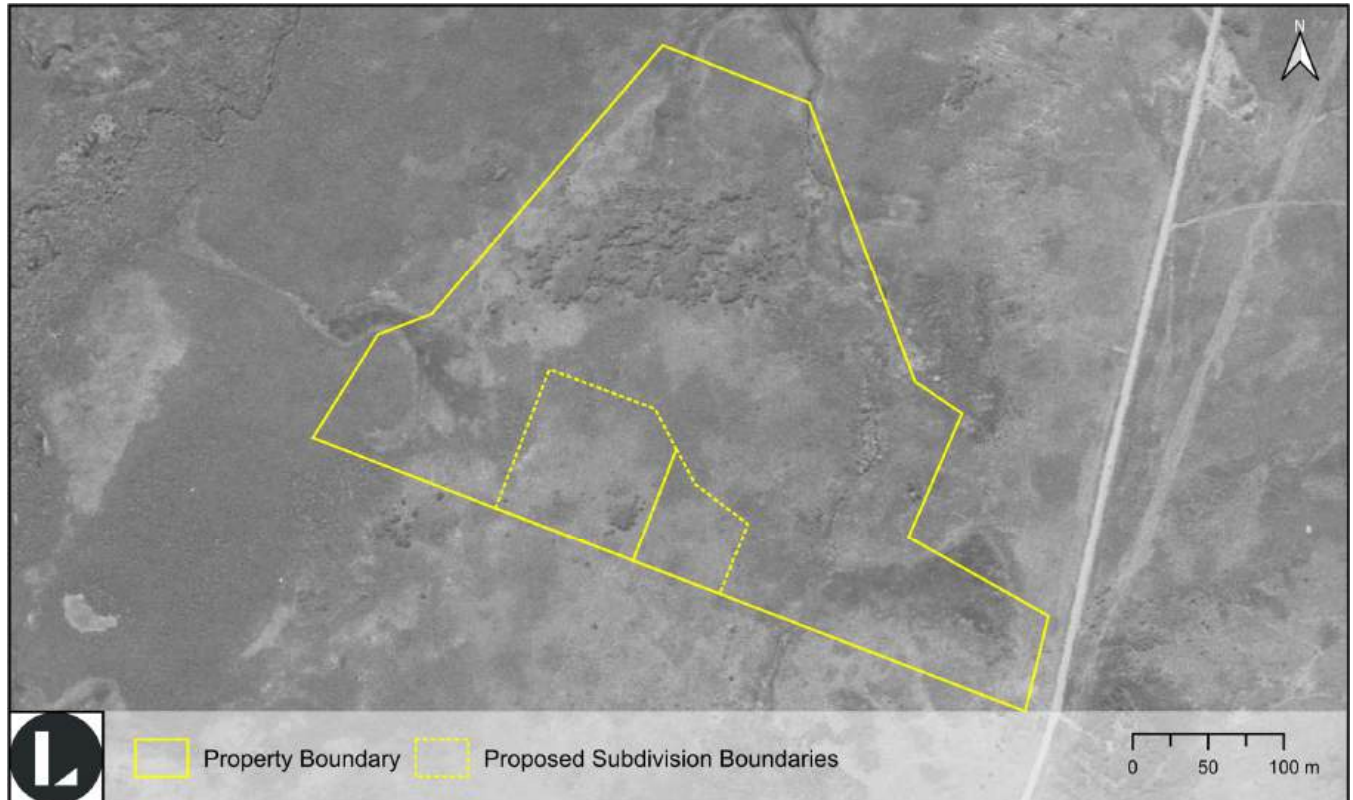


Figure 11. Aerial imagery 1953. Sourced from Retrolenz.nz and licensed by LINZ (annotated image). Approximate site boundary shown in yellow.

1968: Some vegetation clearance has occurred, and areas of the site now appear to be pasture. A dwelling is located to the east of proposed Lot 2.



Figure 12. Aerial imagery 1968. Sourced from Retrolenz.nz and licensed by LINZ (annotated image). Approximate site boundary shown in yellow.

1977: The site is unchanged.



Figure 13. Aerial imagery 1977. Sourced from Retrolenz.nz and licensed by LINZ (annotated image). Approximate site boundary shown in yellow.

1981: A portion of the site is now utilised for horticultural purposes, with crop rows and planting evident. This horticulture encompasses both proposed Lots 2 and 3.



Figure 14. Aerial imagery 1981. Sourced from Retrolenz.nz and licensed by LINZ (annotated image). Approximate site boundary shown in yellow.

2000: The small dwelling has been removed, and a dwelling is present in the location of the present-day site layout. A small shed is present on proposed Lot 3. Proposed Lot 2 is still utilised for horticulture, with crop rows visible.



Figure 15. Aerial imagery 2000. Sourced from LINZ Aerial Imagery (annotated image). Approximate site boundary shown in yellow.

2014: Proposed Lot 2 has been returned to pasture.



Figure 16. Aerial imagery 2014. Sourced from LINZ Aerial Imagery (annotated image). Approximate site boundary shown in yellow.

2025: The site is unchanged.

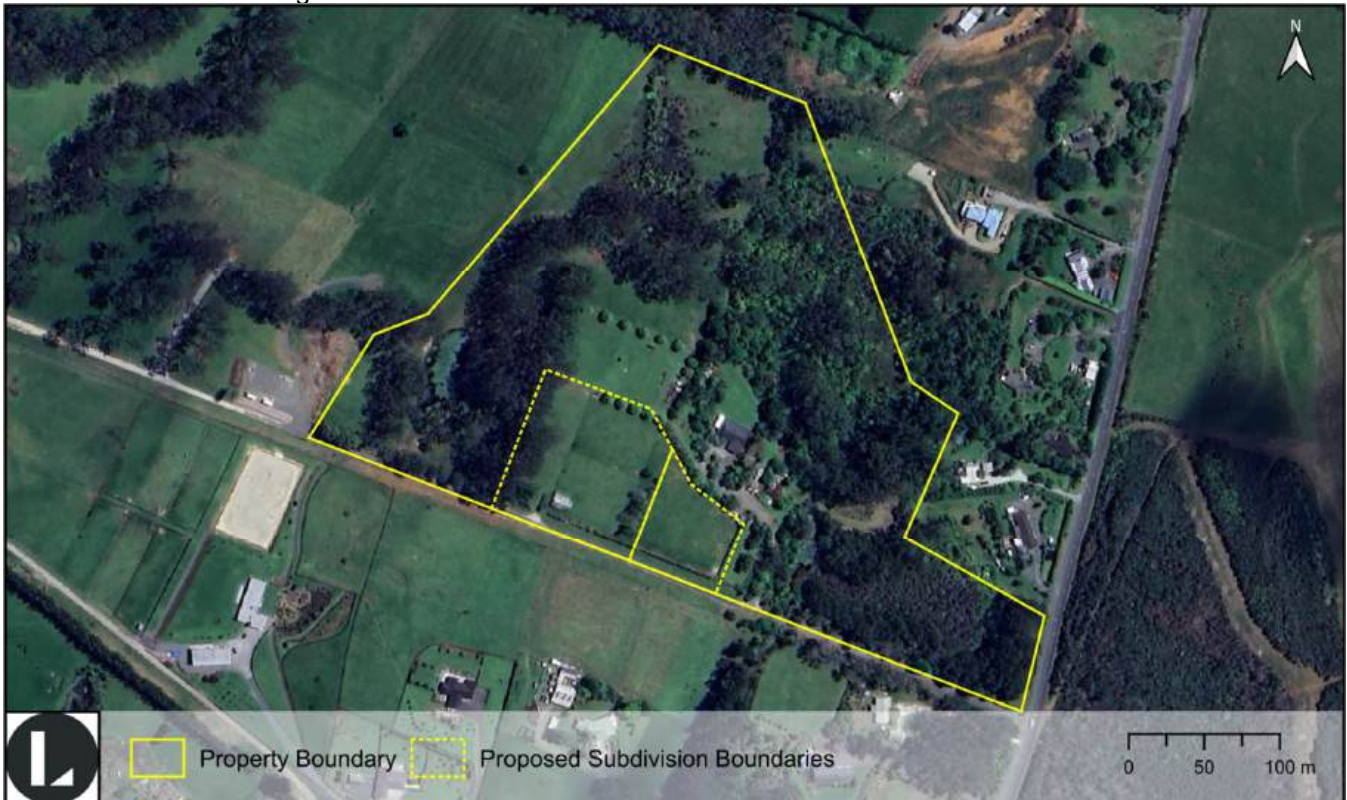


Figure 17. Aerial imagery 2025. Sourced from Google Earth (annotated image). Approximate site boundary shown in yellow.

4 DETAILED SITE INVESTIGATION

Based on the findings of the PSI, further investigation was required to establish if soil contamination exceeds the applicable standard under the NESCS. The sampling objectives are to quantify the human health risk from potentially contaminated soil associated with the HAIL Activities identified in the PSI in relation to the end use of the site.

Samples were focused on the area of proposed subdivision and were generally evenly spread given the former horticultural site activity. Contaminants of concern were heavy metals and organochlorine pesticides (OCPs).

Taking into consideration the methodology for deriving soil contaminant standards (SCS) and the proposed development at the site, our investigation was designed to establish if site soils exhibit contaminant concentrations exceeding the soils contaminant standards applicable to the '*Rural Residential/Lifestyle Block 25% Produce*' land-use scenario.

4.1 Sampling and analysis plan

The field investigation was undertaken on 11 June 2025 by an LDE contaminated land scientist. Discrete samples from locations S1 to S11 at 0-100 mm below ground level (bgl) were collected across the site. All samples were tested for heavy metals, and two composite samples (compiled of samples taken within the proposed building

platforms) were analysed for organochlorine pesticides (OCPs). The sample locations and details are shown in Figure 18.



Figure 18. Soil sampling site plan. The approximate soil sampling locations are shown in blue. Source: Google Earth (annotated image).

Table 3. Sample Details.

Test Pit / Borehole	Depth (m)	Description	Sample(s)	Analysis	Rational
S1 – S10	0 to 0.1	Topsoil	S1-S10 0-100	Heavy metals	Check for possible soil contamination as a result of past horticultural land use
S11	0 to 0.1	Topsoil	S11 0-100	Heavy metals	Check for contamination within identified shed on site.
Comp 1 & Comp 2	0 to 0.1	Topsoil	Comp 1 Comp 2	OCPs	Check for pesticide residue in site soils.

4.2 Quality Assurance and Quality Control

4.2.1 Field QA/QC

The following procedures were adopted during soil investigation works:

- All fieldwork was carried out in compliance with a project specific Health and Safety Plan prepared for the site works.
- All works were conducted by trained LDE staff with precautions including implementation of procedures for the appropriate handling of potentially contaminated material.
- Prior to sampling, and between sample locations, equipment used to retrieve samples was cleaned by washing with potable water to minimise the chance of cross contamination.
- Soil samples were collected using a hand trowel / hand auger.
- A clean pair of nitrile gloves was also used for each sample location. All samples were placed into labelled laboratory supplied sample containers.
- Additional laboratory containers were taken to the site as a contingency for grab samples (one-off samples of material or soil that are of interest and observed by the sampler during a site inspection or sampling event) including soil stains, burn patches or pits, filled areas, and treated timber stockpiles.
- Following collection, all samples were transported, under standard chain of custody procedures, to an IANZ accredited laboratory (Hills) for analysis. The chain of custody documentation is attached in Appendix A.

4.2.2 Laboratory QA/QC

Laboratory reports from Hills have been included in Appendix B. These include the analytical methods and detection limits used by the laboratory and the laboratory accreditation for analytical methods used.

All Laboratory Analysis was completed through Hills. Hills are accredited by International Accreditation New Zealand (IANZ), which represents New Zealand in the International Laboratory Accreditation Cooperation (ILAC). Through the ILAC Mutual Recognition Arrangement (ILAC-MRA) this accreditation is internationally recognised.

4.3 Background Concentrations, Soil Contaminant Standards (SCSs) and Guideline Values (SGVs)

4.3.1 Human Health

The NESCS references the Methodology for Deriving Standards for Contaminants in Soil to Protect Human Health (MfE, 2011). This is a national risk-based methodology for deriving soil contaminant concentrations protective of human health. Soil Contaminant Standards (SCS) and Soil Guideline Values (SGVs) have been selected in accordance with regulation 7.

Regulation 7 states that if the contaminant of concern is a priority contaminant⁵ and the land use fits within an exposure scenario adopted in the Methodology⁶, the applicable standard is the soil contaminant standard for the priority contaminant. If the contaminant of concern is a priority contaminant and the land use does not fit within an exposure scenario adopted in the Methodology, the applicable standard is whichever of the following is more appropriate in the circumstances:

- a) the guideline value derived in accordance with the methods and guidance on site-specific risk assessment provided in the Methodology;
- b) the soil contaminant standard for the priority contaminant of the exposure scenario adopted in the Methodology with greater assumed exposure than the actual exposure.

If the contaminant of concern is not a priority contaminant, the applicable standard is whichever of the following is more appropriate in the circumstances:

- a) the guideline value derived in accordance with the methods and guidance on site-specific risk assessment provided in the Methodology;
- b) a guideline value for the protection of human health that is chosen in accordance with the current edition of Contaminated Land Management Guidelines No. 2–Hierarchy and Application in New Zealand of Environmental Guideline.

Following the guidance, the Soil Contaminant Standards (SCS) for selected priority contaminants and for non-priority contaminants guidelines values were selected following Regulation 7 and the Contaminated Land Management Guidelines No. 2: Hierarchy and Application in New Zealand of Environmental Guideline Values (Revised 2021) as screening criteria for the risk to humans at the site and to inform on-site management actions. If exceeded, further investigation and a Tier 2 assessment would be considered.

No applicable New Zealand guideline criteria exist for some of the tested metals (i.e., nickel and zinc) and therefore Health Investigation Level (HIL) values from the Australian Guideline on the Investigation Levels for Soil and Groundwater have been used under the residential land-use scenario as outlined in the MfE document.

The soil samples were tested at the laboratory for total chromium. However, the methodology document distinguishes between the stable chromium III and the potentially toxic and less stable chromium VI. For the purposes of this analysis all total chromium results have been conservatively compared to the chromium VI.

4.3.2 Environmental

All results are compared against the Predicted Background Soil Concentrations (Landcare Research Limited)⁷ to determine if soil concentrations are anthropologically affected and the applicability of the NESCS.

⁵ a contaminant for which the Methodology derives a soil contaminant standard.

⁶ The current edition of the Methodology for Deriving Standards for Contaminants in Soil to Protect Human Health.

⁷ <https://iris.scinfo.org.nz/layer/48470-pbc-predicted-background-soil-concentrations-new-zealand/>

4.4 Results

4.4.1 Heavy Metals

Table 4 summarises the laboratory results of soil samples tested for heavy metals. The full lab results are included in Appendix A.

All metal concentrations were below the respective SCS for a 'Rural Residential/Lifestyle Block 25% Produce' land-use scenario.

The majority of soil samples report concentrations of heavy metals (excluding chromium) at or below the Predicted Background Soil Concentrations. Concentrations of chromium are slightly elevated across all analysed soil samples, which may be a result of the volcanic soils present on site. Chromium is associated with soils of volcanic mineralogy, particularly basalts, which is similarly seen within the Auckland Volcanic Field. The Auckland Council TP153 (ARC, 2001) document states: *"The 1999 survey found chromium concentrations in volcanic soils ranged from 3-286 mg/kg, and in all other soil types ranged from 2-149 mg/kg. The maximum recorded concentrations for chromium in the 1999 survey was from Ti Point Basalt (286 mg/kg). The site was resampled, and concentrations of chromium were reported at 195-260 mg/kg. When included as part of the volcanic data set, these concentrations are outliers/extremes, however the verification of the chromium concentrations in soils at this location likely reflects the Kerikeri Volcanic mineralogy."* Taken in the context of volcanic soils, the chromium is highly likely to be naturally occurring, and the concentrations observed fall within those taken from previous surveys.

One sample (S10) reports concentrations of arsenic marginally (4 parts per million) above background ranges at 13 mg/kg, however this is below the applicable SCS. The 95% upper confidence limit (UCL) was calculated for arsenic from the available dataset. The resultant value (5.75 mg/kg) is below the Predicted Background Soil Concentration for arsenic. The ProUCL output is provided in Appendix B.

Table 4. Laboratory tests (heavy metal) compared against the soil contaminant standard (SCS) for a 'Rural Residential/Lifestyle Block 25% Produce' land-use.

Sample ID	Depth (mm)	Sample Description	Arsenic	Cadmium	Chromium	Copper	Lead	Nickel	Zinc
S1 0-100	0-100	Topsoil	3	0.25	145	21	7	25	21
S2 0-100	0-100	Topsoil	4	0.37	146	21	7.6	21	40
S3 0-100	0-100	Topsoil	4	0.3	166	24	10.4	28	33
S4 0-100	0-100	Topsoil	3	0.3	195	21	7.5	28	40
S5 0-100	0-100	Topsoil	2	0.3	161	19	5.7	15	34
S6 0-100	0-100	Topsoil	2	0.35	185	25	5.2	19	33
S7 0-100	0-100	Topsoil	3	0.28	177	20	7.8	22	33
S8 0-100	0-100	Topsoil	< 2	0.36	162	29	3.3	30	38
S9 0-100	0-100	Topsoil	2	0.37	220	32	3.3	24	46
S10 0-100	0-100	Topsoil	13	0.29	157	32	4.7	16	84
S11 0-100	0-100	Topsoil	2	0.41	164	24	4	17	31
UCL 95%			5.75	-	-	-	-	-	-
Rural residential / lifestyle block 25% produce¹			17	0.8	290	10000	160	400	7400
Background soil concentrations²			8.87	0.51	128.5	108.3	56.34	77.43	295.8

Notes: All results and standard values are presented in mg/kg (dry weight). All metals tested for 'Total Recoverable' at screen level. Depths are mm below ground level.

1 Methodology for Deriving Standards for Contaminants in Soil to Protect Human Health. Ministry for the Environment, 2011.

2 [Predicted Background Soil Concentrations, New Zealand, Landcare Research Limited.](#)

4.4.2 Organochlorine Pesticide (OCP) Results

Two composite samples were analysed for organochlorine pesticides (OCPs). All OCPs were recorded below the laboratory limit of detection. The laboratory transcripts are appended in Appendix A.

5 RISK ASSESSMENT

This section uses a Conceptual Site Model (CSM) to assess the currently available information presented in this report to determine:

- whether there has been (or there is more likely than not to have been) a potentially contaminating land use.
- the nature and source of potential or likely contaminants.
- the possible locations of contamination.
- known or potential exposure pathways by which identified receptors could be exposed to the contaminants whilst undertaking the current or proposed future land use.
- known or potential human and ecological receptors that could be exposed to contaminants.

5.1 Conceptual Site Model

The site CSM is provided in Table 5. A human health risk can only occur where there is a complete pathway between contaminant source and a receptor. Building floors and paved or sealed areas will largely or completely prevent contact with underlying soils and therefore, direct exposure pathways are or will be incomplete for such areas.

Table 5. Conceptual Site Model.

HAIL, Potential Contaminants and Location	Receptors	Potential Pathways
HAIL A10 – Persistent pesticide bulk storage or use, including sports turfs, market gardens, orchards, glass houses or spray sheds. Heavy metals, organochlorine pesticides – whole site. Persistent pesticide use from likely orchard identified in aerial imagery between 1981 and 2000.	Construction workers	Incomplete - Ingestion, inhalation, dermal contact. Soil sampling indicates contaminants of concern are at or below background concentrations.
	Future site users	
	Workers at off-site soil disposal sites	
	Ecological receptors	

As per Regulation 6 (3) it is considered that it is more likely than not an activity or industry described in the HAIL has not been undertaken on the piece of land (HAIL A10). Based on soil sampling undertaken across the development area, the likelihood that the soil is contaminated and is a risk to human health as a result of activity or industry occurring is considered to be highly unlikely. As per Regulation 8(4)(b), LDE considers that it is highly unlikely that there will be a risk to human health if the activity is done to the piece of land.

6 CONCLUSION

Evidence from the PSI and site history review, indicates **HAIL A10: ‘*Persistent pesticide bulk storage or use including sport turfs, market gardens, orchards, glass houses or spray sheds*’** is highly unlikely to have occurred at the site. Soil testing undertaken found no contamination in the site soils and the risk to human health is highly unlikely should the activity occur on the site.

As per Regulation 5(9), this investigation demonstrates that contaminants in or on the piece of land are at, or below, background concentrations. As a result, LDE consider that the NESCS Regulations do not apply to this site. As per Regulation 8 (4)(d) the regulatory authority must be provided a copy of this report.

6.1 Site Investigation Certifying Statement

The document signatories of LDE certify that:

1. this preliminary and detailed site investigation meets the requirements of the Resource Management (National Environmental Standard for assessing and managing contaminants in soil to protect human health) Regulations 2011 because it has been:
 - a. done by a suitably qualified and experienced practitioner, and
 - b. done in accordance with the current edition of Contaminated land management guidelines No 5 – Site investigation and analysis of soils, and
 - c. reported on in accordance with the current edition of Contaminated land management guidelines No 1 – Reporting on contaminated sites in New Zealand, and
 - d. the report is certified by a suitably qualified and experienced practitioner.

This detailed site investigation concludes that:

- a. [For activities under Regulation 9 of the NESCS] does not exceed the applicable standard in Regulation 7 of the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations.

Evidence of the qualifications and experience of the suitably qualified and experienced practitioner(s) (SQEPs) who have done this investigation and have certified this report is included in Appendix C.

7 LIMITATIONS

This investigation presents a preliminary and detailed site investigation of the potential for ground contamination, prepared exclusively for Chris & Glenys Brown and Far North District Council with respect to the particular brief given to us. Information, opinions, and recommendations contained in it cannot be used for any other purpose or by any other entity without our review and written consent. LDE Ltd accepts no liability or responsibility whatsoever for or in respect of any use or reliance upon this report by any third party.

Opinions given in this report are based on a review of existing data, evidence gathered during a site walkover, anecdotal information, and specific soil sampling at discrete locations. There is still some possibility that contaminating activities have taken place or contamination at the site is in excess of that described in this report and we should be contacted immediately if the conditions are suspected to differ from that described.

APPENDIX A

LABORATORY RESULTS AND CHAIN OF CUSTODY DOCUMENTATION

Certificate of Analysis

Page 1 of 3

Client:	LDE Limited	Lab No:	3914381	SPv1
Contact:	Erin Gasston C/- LDE Limited 27 Hobson Avenue Kerikeri 0230	Date Received:	12-Jun-2025	
		Date Reported:	16-Jun-2025	
		Quote No:	115238	
		Order No:	28771	
		Client Reference:	28771	
		Submitted By:	Erin Gasston	

Sample Type: Soil

Sample Name:	S1 0-100 11-Jun-2025 10:00 am	S2 0-100 11-Jun-2025 10:00 am	S3 0-100 11-Jun-2025 10:00 am	S4 0-100 11-Jun-2025 10:00 am	S5 0-100 11-Jun-2025 10:00 am
Lab Number:	3914381.1	3914381.2	3914381.3	3914381.4	3914381.5

Heavy Metals, Screen Level

Total Recoverable Arsenic	mg/kg dry wt	3	4	4	3	2
Total Recoverable Cadmium	mg/kg dry wt	0.25	0.37	0.30	0.30	0.30
Total Recoverable Chromium	mg/kg dry wt	145	146	166	195	161
Total Recoverable Copper	mg/kg dry wt	21	21	24	21	19
Total Recoverable Lead	mg/kg dry wt	7.0	7.6	10.4	7.5	5.7
Total Recoverable Nickel	mg/kg dry wt	25	21	28	28	15
Total Recoverable Zinc	mg/kg dry wt	21	40	33	40	34

Sample Name:	S6 0-100 11-Jun-2025 10:00 am	S7 0-100 11-Jun-2025 10:00 am	S8 0-100 11-Jun-2025 10:00 am	S9 0-100 11-Jun-2025 10:00 am	S10 0-100 11-Jun-2025 10:00 am
Lab Number:	3914381.6	3914381.7	3914381.8	3914381.9	3914381.10

Heavy Metals, Screen Level

Total Recoverable Arsenic	mg/kg dry wt	2	3	< 2	2	13
Total Recoverable Cadmium	mg/kg dry wt	0.35	0.28	0.36	0.37	0.29
Total Recoverable Chromium	mg/kg dry wt	185	177	162	220	157
Total Recoverable Copper	mg/kg dry wt	25	20	29	32	32
Total Recoverable Lead	mg/kg dry wt	5.2	7.8	3.3	3.3	4.7
Total Recoverable Nickel	mg/kg dry wt	19	22	30	24	16
Total Recoverable Zinc	mg/kg dry wt	33	33	38	46	84

Sample Name:	S11 0-100 11-Jun-2025 10:00 am	Comp1 11-Jun-2025 10:00 am	Comp2 11-Jun-2025 10:00 am
Lab Number:	3914381.11	3914381.12	3914381.13

Individual Tests

Dry Matter	g/100g as rcvd	-	63	65
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Heavy Metals, Screen Level

Total Recoverable Arsenic	mg/kg dry wt	2	-	-
Total Recoverable Cadmium	mg/kg dry wt	0.41	-	-
Total Recoverable Chromium	mg/kg dry wt	164	-	-
Total Recoverable Copper	mg/kg dry wt	24	-	-
Total Recoverable Lead	mg/kg dry wt	4.0	-	-
Total Recoverable Nickel	mg/kg dry wt	17	-	-
Total Recoverable Zinc	mg/kg dry wt	31	-	-



This Laboratory is accredited by International Accreditation New Zealand (IANZ), which represents New Zealand in the International Laboratory Accreditation Cooperation (ILAC). Through the ILAC Mutual Recognition Arrangement (ILAC-MRA) this accreditation is internationally recognised. The tests reported herein have been performed in accordance with the terms of accreditation, with the exception of tests marked * or any comments and interpretations, which are not accredited.

Sample Type: Soil				
Sample Name:		S11 0-100 11-Jun-2025 10:00 am	Comp1 11-Jun-2025 10:00 am	Comp2 11-Jun-2025 10:00 am
Lab Number:		3914381.11	3914381.12	3914381.13
Organochlorine Pesticides Screening in Soil				
Aldrin	mg/kg dry wt	-	< 0.016	< 0.015
alpha-BHC	mg/kg dry wt	-	< 0.016	< 0.015
beta-BHC	mg/kg dry wt	-	< 0.016	< 0.015
delta-BHC	mg/kg dry wt	-	< 0.016	< 0.015
gamma-BHC (Lindane)	mg/kg dry wt	-	< 0.016	< 0.015
cis-Chlordane	mg/kg dry wt	-	< 0.016	< 0.015
trans-Chlordane	mg/kg dry wt	-	< 0.016	< 0.015
2,4'-DDD	mg/kg dry wt	-	< 0.016	< 0.015
4,4'-DDD	mg/kg dry wt	-	< 0.016	< 0.015
2,4'-DDE	mg/kg dry wt	-	< 0.016	< 0.015
4,4'-DDE	mg/kg dry wt	-	< 0.016	< 0.015
2,4'-DDT	mg/kg dry wt	-	< 0.016	< 0.015
4,4'-DDT	mg/kg dry wt	-	< 0.016	< 0.015
Total DDT Isomers	mg/kg dry wt	-	< 0.10	< 0.09
Dieldrin	mg/kg dry wt	-	< 0.016	< 0.015
Endosulfan I	mg/kg dry wt	-	< 0.016	< 0.015
Endosulfan II	mg/kg dry wt	-	< 0.016	< 0.015
Endosulfan sulphate	mg/kg dry wt	-	< 0.016	< 0.015
Endrin	mg/kg dry wt	-	< 0.016	< 0.015
Endrin aldehyde	mg/kg dry wt	-	< 0.016	< 0.015
Endrin ketone	mg/kg dry wt	-	< 0.016	< 0.015
Heptachlor	mg/kg dry wt	-	< 0.016	< 0.015
Heptachlor epoxide	mg/kg dry wt	-	< 0.016	< 0.015
Hexachlorobenzene	mg/kg dry wt	-	< 0.016	< 0.015
Methoxychlor	mg/kg dry wt	-	< 0.016	< 0.015

Summary of Methods

The following table(s) gives a brief description of the methods used to conduct the analyses for this job. The detection limits given below are those attainable in a relatively simple matrix. Detection limits may be higher for individual samples should insufficient sample be available, or if the matrix requires that dilutions be performed during analysis. A detection limit range indicates the lowest and highest detection limits in the associated suite of analytes. A full listing of compounds and detection limits are available from the laboratory upon request. Unless otherwise indicated, analyses were performed at Hill Labs, 28 Duke Street, Frankton, Hamilton 3204.

Sample Type: Soil			
Test	Method Description	Default Detection Limit	Sample No
Environmental Solids Sample Drying*	Air dried at 35°C Used for sample preparation. May contain a residual moisture content of 2-5%. (Free water removed before analysis, non-soil objects such as sticks, leaves, grass and stones also removed).	-	1-11
Heavy Metals, Screen Level	Dried sample, < 2mm fraction. Nitric/Hydrochloric acid digestion US EPA 200.2. Complies with NES Regulations. ICP-MS screen level, interference removal by Kinetic Energy Discrimination if required.	0.10 - 4 mg/kg dry wt	1-11
Organochlorine Pesticides Screening in Soil	Sonication extraction, GC-ECD analysis. Tested on as received sample. In-house based on US EPA 8081.	0.010 - 0.06 mg/kg dry wt	12-13
Dry Matter	Dried at 103°C for 4-22hr (removes 3-5% more water than air dry) , gravimetry. (Free water removed before analysis, non-soil objects such as sticks, leaves, grass and stones also removed). US EPA 3550.	0.10 g/100g as rcvd	12-13

These samples were collected by yourselves (or your agent) and analysed as received at the laboratory.

Testing was completed between 12-Jun-2025 and 16-Jun-2025. For completion dates of individual analyses please contact the laboratory.

Samples are held at the laboratory after reporting for a length of time based on the stability of the samples and analytes being tested (considering any preservation used), and the storage space available. Once the storage period is completed, the samples are discarded unless otherwise agreed with the customer. Extended storage times may incur additional charges.

This certificate of analysis must not be reproduced, except in full, without the written consent of the signatory.

A handwritten signature in blue ink, consisting of a large stylized 'K' followed by the name 'Harrison' in a cursive script.

Kim Harrison MSc
Client Services Manager - Environmental

APPENDIX B

PROUCL OUTPUT

1	UCL Statistics for Uncensored Full Data Sets									
2										
3	User Selected Options									
4	Date/Time of Computation		ProUCL 5.2 16/06/2025 4:00:42 pm							
5	From File		WorkSheet.xls							
6	Full Precision		OFF							
7	Confidence Coefficient		95%							
8	Number of Bootstrap Operations		2000							
9										
10										
11	C0									
12										
13	General Statistics									
14	Total Number of Observations			10		Number of Distinct Observations			4	
15						Number of Missing Observations			1	
16	Minimum			2		Mean			3.8	
17	Maximum			13		Median			3	
18	SD			3.327		Std. Error of Mean			1.052	
19	Coefficient of Variation			0.875		Skewness			2.844	
20										
21	Normal GOF Test									
22	Shapiro Wilk Test Statistic			0.568		Shapiro Wilk GOF Test				
23	1% Shapiro Wilk Critical Value			0.781		Data Not Normal at 1% Significance Level				
24	Lilliefors Test Statistic			0.376		Lilliefors GOF Test				
25	1% Lilliefors Critical Value			0.304		Data Not Normal at 1% Significance Level				
26	Data Not Normal at 1% Significance Level									
27										
28	Assuming Normal Distribution									
29	95% Normal UCL				95% UCLs (Adjusted for Skewness)					
30	95% Student's-t UCL			5.728		95% Adjusted-CLT UCL (Chen-1995)			6.541	
31						95% Modified-t UCL (Johnson-1978)			5.886	
32										
33	Gamma GOF Test									
34	A-D Test Statistic			1.221		Anderson-Darling Gamma GOF Test				
35	5% A-D Critical Value			0.733		Data Not Gamma Distributed at 5% Significance Level				
36	K-S Test Statistic			0.287		Kolmogorov-Smimov Gamma GOF Test				
37	5% K-S Critical Value			0.269		Data Not Gamma Distributed at 5% Significance Level				
38	Data Not Gamma Distributed at 5% Significance Level									
39										
40	Gamma Statistics									
41	k hat (MLE)			2.727		k star (bias corrected MLE)			1.976	
42	Theta hat (MLE)			1.393		Theta star (bias corrected MLE)			1.923	
43	nu hat (MLE)			54.54		nu star (bias corrected)			39.51	
44	MLE Mean (bias corrected)			3.8		MLE Sd (bias corrected)			2.704	
45					Approximate Chi Square Value (0.05)			26.11		
46	Adjusted Level of Significance			0.0267		Adjusted Chi Square Value			24.23	
47										
48	Assuming Gamma Distribution									
49	95% Approximate Gamma UCL			5.75		95% Adjusted Gamma UCL			6.196	
50										
51	Lognormal GOF Test									
52	Shapiro Wilk Test Statistic			0.762		Shapiro Wilk Lognormal GOF Test				
53	10% Shapiro Wilk Critical Value			0.869		Data Not Lognormal at 10% Significance Level				
54	Lilliefors Test Statistic			0.234		Lilliefors Lognormal GOF Test				
55	10% Lilliefors Critical Value			0.241		Data appear Lognormal at 10% Significance Level				
56	Data appear Approximate Lognormal at 10% Significance Level									
57										

	A	B	C	D	E	F	G	H	I	J	K	L
58	Lognormal Statistics											
59	Minimum of Logged Data					0.693	Mean of logged Data					1.141
60	Maximum of Logged Data					2.565	SD of logged Data					0.573
61												
62	Assuming Lognormal Distribution											
63	95% H-UCL					5.75	90% Chebyshev (MVUE) UCL					5.632
64	95% Chebyshev (MVUE) UCL					6.544	97.5% Chebyshev (MVUE) UCL					7.809
65	99% Chebyshev (MVUE) UCL					10.29						
66												
67	Nonparametric Distribution Free UCL Statistics											
68	Data appear to follow a Discernible Distribution											
69												
70	Nonparametric Distribution Free UCLs											
71	95% CLT UCL					5.53	95% BCA Bootstrap UCL					N/A
72	95% Standard Bootstrap UCL					N/A	95% Bootstrap-t UCL					N/A
73	95% Hall's Bootstrap UCL					N/A	95% Percentile Bootstrap UCL					N/A
74	90% Chebyshev(Mean, Sd) UCL					6.956	95% Chebyshev(Mean, Sd) UCL					8.385
75	97.5% Chebyshev(Mean, Sd) UCL					10.37	99% Chebyshev(Mean, Sd) UCL					14.27
76												
77	Suggested UCL to Use											
78	95% H-UCL					5.75						
79												
80	Note: Suggestions regarding the selection of a 95% UCL are provided to help the user to select the most appropriate 95% UCL.											
81	Recommendations are based upon data size, data distribution, and skewness using results from simulation studies.											
82	However, simulations results will not cover all Real World data sets; for additional insight the user may want to consult a statistician.											
83												

APPENDIX C

QUALIFICATIONS AND EXPERIENCE OF THE SQEPS

James Gladwin - BSc (Hons) Environmental Science, PgDip in Soil Science, CEnvP.

James is a Suitably Qualified and Experience Practitioners (SQEP). He has +15 years of experience in contaminated land covering a wide range of sites and contamination types, and as a result has an excellent understanding of the National Environmental Standards for Contaminated Land (NESCS) and the Contaminated Land Management Guidelines (CLMG).

James is a certified environmental practitioner (CEnvP) and has provided a wide range of contaminated land services to an array of clients. Key clients include the District and City Councils of the Bay of Plenty, the Bay of Plenty Regional Council, Christchurch City Council, Gisborne City Council, New Plymouth District Council and the NZ Transport Agency. He has been a panel member that provided technical review and guidance for the development of contaminated sites. He has also provided technical reviews for contaminated land investigations completed by third parties.

James worked on the Kopeopeo Canal Remediation Project, providing independent technical analysis for dioxin contamination in soils, sediment, water and air. He monitored and reported on the effectiveness of the dredge trial within resource consent requirements. This provided proof that the remediation methods were effective and practical so that the full-scale remediation of the canal could be completed. James continued to provide technical input through the remediation stage of the project.