

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):

- Land Use
 Discharge
 Fast Track Land Use*
 Change of Consent Notice (s.221(3))
 Subdivision
 Extension of time (s.125)
 Consent under National Environmental Standard
 (e.g. Assessing and Managing Contaminants in Soil)
 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:

Bruce Charles Baxter & Jodie Anne Baxter

Email:

Phone number:

Postal address:

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

6. Address for Correspondence

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

Name/s:

Williams & King, Attention: Natalie Watson

Email:

Phone number:

Postal address:

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

** 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:

As per applicant details.

**Property Address/
Location:**

Postcode

8. Application Site Details

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

Name/s:

Site Address/
Location:

Valencia Lane,

Kerikeri

Postcode

0293

Legal Description:

Lot 2 DP 599678 & Lot 1 DP 56423

Val Number:

00227-00128 & 00134

Certificate of title:

1166553

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 phone Jodie Baxter on 0211039175 to arrange site visit if required.

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.

Proposed subdivision to create three 12ha lots, earthworks required to form access to the boundary of each lot.

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

- Subdividing land
- Changing the use of a piece of land
- Disturbing, removing or sampling soil
- 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)

Bruce & Jodie Baxter

Email:

Phone number:

Postal address:

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

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)

Bruce & Jodie Baxter

Signature:

(signature of bill payer)

[Redacted Signature]

Date 2 May 25

TORY

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 application under section 87AAC(2) of the RMA.

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)

Bruce & Jodie Baxter

Signature:

[Redacted signature]

Date 2 May 25

A signature is not required

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.

Bruce & Jodie Baxter

Proposed Subdivision & Consent Notice Cancellation (Replacement Consent Notice Conditions Proposed)

Valencia Lane, Kerikeri

Williams & King, Kerikeri¹
5 May 2025

1.0 Overview

Bruce and Jodie Baxter propose to subdivide a property legally described as Lot 1 DP 564239 and Lot 2 DP 599678 and held in the Computer Freehold Register 1166553 to create two additional Records of Title. The subject property is located at the end of Valencia Lane in Kerikeri.

Lots 1, 2 and 3 are allotments with areas of 12.0001ha, 12.0000ha and 12.0001ha respectively. Existing protection of wetland areas and their margins applies to parts of Lots 1 and 2 via consent notice condition.

Each lot has legal access from Valencia Lane, initially via existing appurtenant rights of way, and subsequently through easements A – C over Lot 1. Private access formations will be formed to the boundary of each lot in accordance with the required standards of the Operative District Plan and the FNDC Engineering Standards. This will involve earthworks to prepare the surface and filling with aggregate.

Record of Title 1166553 is subject to a consent notice, which is proposed to be cancelled, with the relevant conditions reconfigured and reapplied as conditions of consent for the current application. This will increase clarity for future owners.

The subject site is zoned Rural Production in the Operative Far North District Plan, and the proposed subdivision complies with the restricted discretionary activity standard for subdivision in the zone, as set out in Rule 13.8.1(a), where the minimum lot size is 12ha.

Under the Proposed Far North District Plan, the site is zoned Horticulture. Relevant rules with legal effect at this time relate to earthworks, more particularly the requirement to implement erosion and sediment control and to follow an accidental discovery protocol.

This assessment accompanies the Resource Consent application made by the Applicant and is provided in accordance with Schedule 4 of the Resource Management Act 1991. It is intended to provide the necessary information, in sufficient detail, to provide an understanding of the proposal and any actual or potential effects the proposed activity may have on the environment.

¹ Williams & King - a Division of Survey & Planning Solutions (2010) Ltd
Surveyors, Planners, Resource Managers - Kerikeri and Kaitiaki
PO Box 937 Kerikeri Phone (09) 407 6030 Email: nat@saps.co.nz

2.0 Description of Proposal

2.1 Proposed Subdivision

The purpose of the proposal is to subdivide the application site to create two additional Records of Title. Lots 1, 2 and 3 are allotments with areas of 12.0001ha, 12.0000ha and 12.0001ha respectively. The Scheme Plan is attached in **Appendix 1**. All areas and dimensions are subject to final survey.

2.2 Property Access and Earthworks

Access to the lots will be from Valencia Lane, over existing appurtenant easements 'H' and 'G' on DP 564239, which are each labelled as 'Existing appurtenant Right of Way' on the Scheme Plan. Within the property, easements 'A', 'B' and 'C' are proposed over Lot 1 to provide access to the boundary of the benefitted lots (Lots 2 and 3). Easement 'A' will be used by Lots 1 – 3, easement 'B' will carry on along the southern boundary of Lot 1 until the boundary of Lot 3, and easement 'C' will veer west towards the existing crossing between the covenant areas to the boundary of Lot 2. Easement 'C' ends short of the existing crossing between the wetland areas. Resultantly, the subdivision itself will not involve any further works within 10m of the wetland (also note that Lot 2 has alternative access from the unformed legal road).

The purpose of the easements shown in the proposed memorandum of easements is for right of way, and the right to convey electricity, telecommunications and water.

Vehicle access will need to be formed to the boundary of each lot over easements 'A' – 'C'. A 3m wide unsealed carriageway is expected as being required, with passing bays where required over easement 'A'. Appropriate control of stormwater will also be required. Earthworks to complete the subdivision will therefore be required. Taking into account approximately 1,500m³ of topsoil stripping and an equal amount of imported aggregate placed to form the accessway, and assuming that the excavated volume will be retained on site, the total amount will be approximately 4,500m³. An Erosion and Sediment Control Plan can be submitted for Council's approval prior to the commencement of earthworks.

2.3 Consent Notice Cancellation / New Consent Notice Conditions

The application site is subject to conditions specified in Consent Notice 12227075.2 (refer to Section 3.2 of this Report and **Appendix 2**). Conditions (i) – (v) apply to all of the application site, however there are differing conditions relating to the keeping of cats and dogs over the two parcels that make up the application site, as contained within Record of Title 1166553. The reason for this is that there has been a subsequent boundary adjustment following RC 23000237 under which Consent Notice 12227075.2 was registered.

As the proposed subdivision would further confuse the applicability of the consent notice conditions as they relate to the proposed lots, it is proposed that the Consent Notice 12227075.2 be cancelled in full as it relates to Record of Title 1166553, and that the relevant consent notice conditions be reconfigured and reapplied to the current consent decision.

The following consent notice conditions are proposed.

- (i) No cats and no more than one dog shall be introduced or kept on the lot at any time. Any dog 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 be tied up.

Prior to the introduction or keeping of any dog on the lot, the occupier must provide to the Resource Consents Monitoring Officer of Far North District Council the following:

- i. A photograph of the dog.
- ii. Written confirmation that the dog has been microchipped
- iii. Written confirmation that the dog has current kiwi aversion training certification along with the expiry date for the certification.
- iv. A plan showing the extent to the dog proof fenced area.

[Lots 1 – 3]

- (i) In developing and managing the land the owner shall take into account the recommendations for protection and enhancement of the wetland values as described in the 'Ecological Assessment of Part of Lot 5 DP 198106 Valencia Lane, Kerikeri Prepared by Northland Ecology and dated May 2021. The report is held in the file for the 223 certificate for this subdivision (2300237-RMASUB) within Council's files.

[Lots 1 and 2]

- (ii) The owner shall preserve the indigenous vegetation within the wetland area shown on the attached diagram and shall not without the prior written consent of the Council and then only in strict compliance with any conditions imposed by the Council, cut down, damage or destroy any of such trees or bush. The owner shall be deemed to be not in breach of this prohibition if any of such trees or bush shall die from natural causes not attributable to any act or default by or on behalf of the owner or for which the owner is responsible.

[Lots 1 and 2]

- (iii) In conjunction with the construction of any dwelling, and in addition to a potable water supply, a water collection system with sufficient supply for firefighting purposes is to be provided by way of tank or other approved means and to be positioned so that it is safely accessible for this purpose. These provisions will be in accordance with the New Zealand Fire Fighting Water Supply Code of Practice SNZ PAS 4509.

[Lots 1 – 3]

- (iv) Reticulated power supply or telecommunication services are not a requirement of this subdivision consent. The responsibility for providing both power supply and telecommunication services will remain the responsibility of the property owner.

[Lots 1 – 3]

- (v) The Council assumes no responsibility toward the formation and any future maintenance of the unnamed legal road which adjoins Lot 3 and provides access to Lot 2, via right of way easement G on DP 599678; and until such time as the Council of its own volition decides to assume responsibility, the owner or occupier of the land will not request the Council to undertake such formation or maintenance.

[Lots 2 and 3]

3.0 Application Site Details and Description

3.1 Location

The subject site is located off the end of Valencia Lane, approximately six kilometres south west of Kerikeri. Refer to the Location and Cadastral Maps in **Figures 1** and **2**. The south western boundary of the site adjoins an unnamed legal road, described as 'partly formed'.

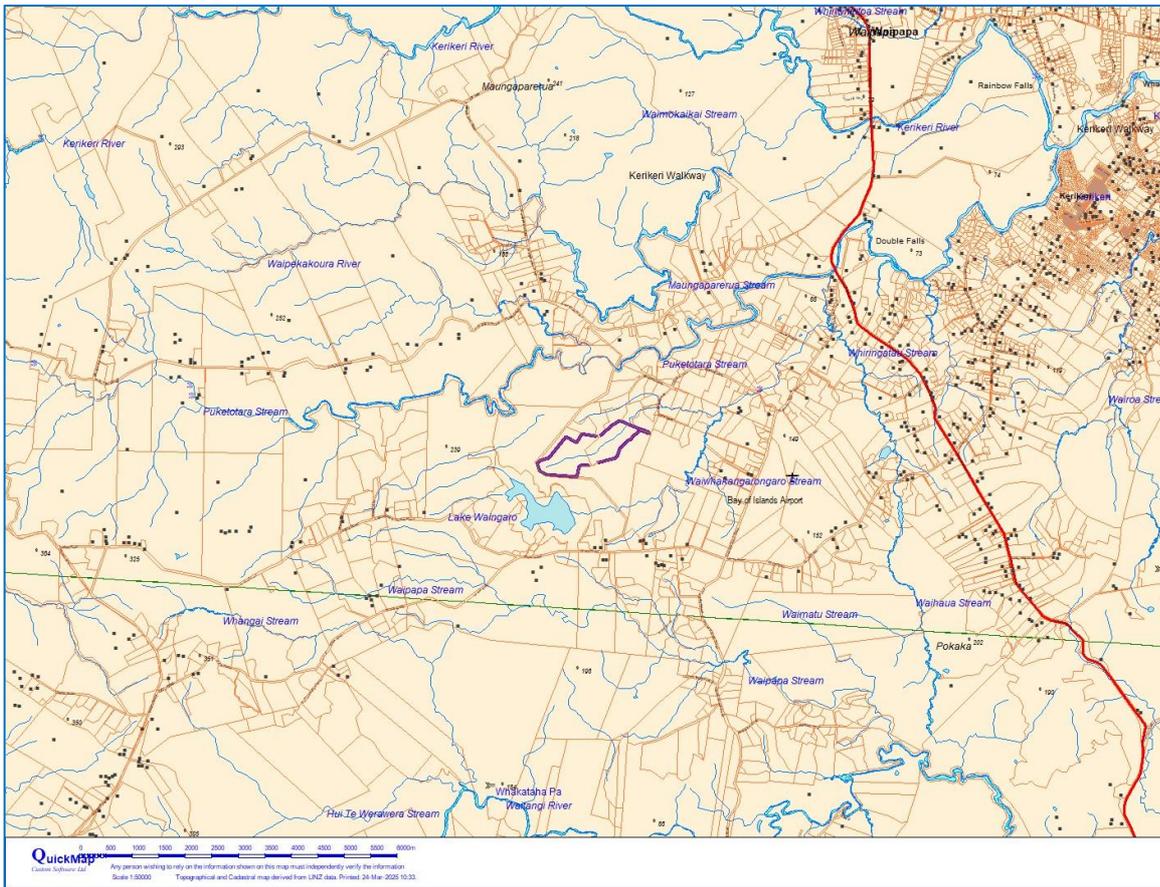


Figure 1: Location Map

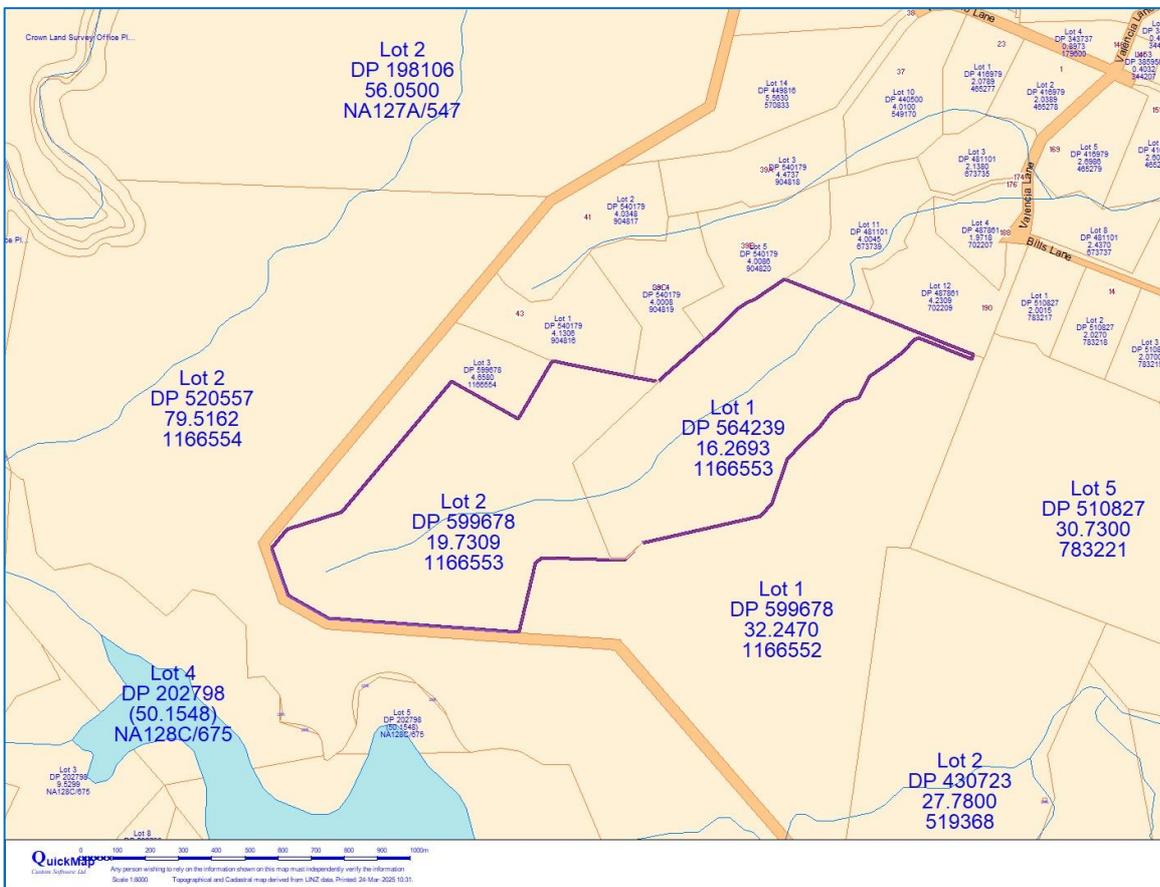


Figure 2: Cadastral Map

3.2 Legal Details

Details of the application site are provided in Table 1, below. The Record of Title is attached in **Appendix 2**.

RECORD OF TITLE	APPELLATION	PROPERTY ADDRESS	TITLE AREA
1166553	Lot 2 DP 599678 & Lot 1 DP 564239	Valencia Lane, Kerikeri	36.0002ha more or less

Relevant instruments registered on the Record of Title are listed below.

- Appurtenant to parts Lot 1 DP 564239 and Lot 2 DP 599678 formerly part Section 7 Block I Kawakawa Survey District is a right of way specified in Easement Certificate C496178.3. Subject to Section 309(1)(a) Local Government Act 1974
- Appurtenant hereto are rights of way, and water supply, telecommunications and electricity rights specified in Easement Certificate D450974.5. Some of the easements specified in Easement Certificate D450974.5 are subject to Section 243(a) Resource Management Act 1991 (see DP 198106).
- 5562514.1 Surrender of the right of way over the part Lot 3 DP 201128 marked 'F' on DP 201128 specified in Easement Certificate C496178.3.
- 9162334.1 & 9381012.1 Caveat by Top Energy Limited (both affect Lot 2 DP 599678).
- 12227075.2 Consent Notice pursuant to Section 221 Resource Management Act 1991.

Lot 1 DP 564239

No cats and no more than one dog shall be introduced or kept on the lot at any time. Any dog 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 be tied up. Prior to the introduction or keeping of any dog on the lot, the occupier must provide to the Resource Consents Monitoring Officer of Far North District Council the following:

- A photograph of the dog.*
- Written confirmation that the dog has been microchipped*
- Written confirmation that the dog has current kiwi aversion training certification along with the expiry date for the certification.*
- A plan showing the extent to the dog proof fenced area.*

Lot 2 DP 564239

No occupier of, or visitor to the site, shall keep or introduce to the site carnivorous or omnivorous animals (such as cats, dogs or mustelids). Working farm dogs as defined in the Dog Control Act 1996 are exempt from this condition if they are:

- micro-chipped,*
- within a dog proof fence area, on a lead or under effective control at all times when outside the fenced area,*
- kept in a kennel or tied up at night.*
- For any dog written confirmation that the dog has current kiwi aversion training certification along with the expiry date for the certification*

Prior to the keeping of any working dog to the site the occupier must provide the following to the Councils Resource Consent Monitoring Officer: -

- A photograph of the dog.*
- Written confirmation that the dog(s) have been micro-chipped.*
- A plan showing the extent of the dog proof fenced area.*

- (i) *A report on the ecological values of the wetland shown on the attached diagram has been provided in compliance with condition 3(b) of resource consent 2300237-RMASUB. In developing and managing the land the owner shall take into account the recommendations for protection and enhancement of the values of the wetland. The report is held in the file for the 223 certificate for this subdivision (2300237-RMASUB) within Council's files.*
 - (ii) *The owner shall preserve the indigenous vegetation within the wetland area shown on the attached diagram and shall not without the prior written consent of the Council and then only in strict compliance with any conditions imposed by the Council, cut down, damage or destroy any of such trees or bush. The owner shall be deemed to be not in breach of this prohibition if any of such trees or bush shall die from natural causes not attributable to any act or default by or on behalf of the owner or for which the owner is responsible.*
 - (iii) *In conjunction with the construction of any dwelling, and in addition to a potable water supply, a water collection system with sufficient supply for firefighting purposes is to be provided by way of tank or other approved means and to be positioned so that it is safely accessible for this purpose. These provisions will be in accordance with the New Zealand Fire Fighting Water Supply Code of Practice SNZ PAS 4509.*
 - (iv) *Reticulated power supply or telecommunication services are not a requirement of this subdivision consent. The responsibility for providing both power supply and telecommunication services will remain the responsibility of the property owner.*
 - (v) *The Council assumes no responsibility toward the formation and any future maintenance of the un-named legal road which provides access to the lot, via right of way easement F; and until such time as the Council of its own volition decides to assume responsibility, the owner or occupier of the land will not request the Council to undertake such formation or maintenance.*
- Appurtenant hereto is a right of way, right to convey telecommunications, electricity and water and a right to drain water created by Easement Instrument 12227075.3. Subject to a right of way, right to convey telecommunications, electricity and water and a right to drain water over part Lot 2 DP 599678 marked I on DP 599678 created by Easement Instrument 12227075.3. Subject to Section 243 (a) Resource Management Act 1991.
 - 11589843.3 Surrender of the right of way and a right to water supply, telecommunications and electricity rights over part marked G on DP 461681 specified in Easement Certificate D450974.5 appurtenant hereto.
 - Appurtenant to Lot 2 DP 599678 is a right of way, a right to convey water, electricity and telecommunications created by Easement Instrument 11589843.7. Subject to Section 243(a) Resource Management Act 1991.
 - Subject to Section 241(2) Resource Management Act 1991 (affects DP 599678).
 - Subject to Section 59 Land Act 1948.
 - Appurtenant to Lot 2 DP 599678 is a right of way, a right to convey electricity, water, and telecommunications created by Easement Instrument 12929636.4. Subject to Section 243(a) Resource Management Act 1991.

3.3 Existing Land Use & Site Conditions

The subject land is a rural site used for farming. The topography of the land can be described as sloping land falling to an incised gully which is vegetated in exotic weed species (pampas, gorse and tobacco weed) and areas of indigenous vegetation around the wetland areas within the existing covenant areas. Various farm tracks are formed with some areas having been metalled.

Access to the property is formed from the end of Valencia Lane, at its intersection with Bills Lane, over appurtenant easements upon Lot 12 DP 487861 and Lot 1 DP 599678 (easements 'H' and 'G' on DP 564239). The current formation is a metalled surface. This was formed to satisfy a condition of RC 2300237, which required a 3m wide finished metalled carriageway width, consisting of 200mm compacted hard fill plus a GAP 30 or GAP 40 running course, and including water table drains and culverts as required to direct and control stormwater. From there, parts of easements A – C are formed as farm tracks.

Refer to **Photographs 1** and **2** and **Figure 3** below.



Photograph 1: View south west over the property from Lot 1, facing the southern boundary of Lot 1, with the gully area and Lots 2 and 3 in the back ground.



Photograph 2: View from Lot 1 over central gully area towards Lots 2 and 3, including existing crossing over and beyond easement C. The existing crossing in the centre of the photograph is not required.

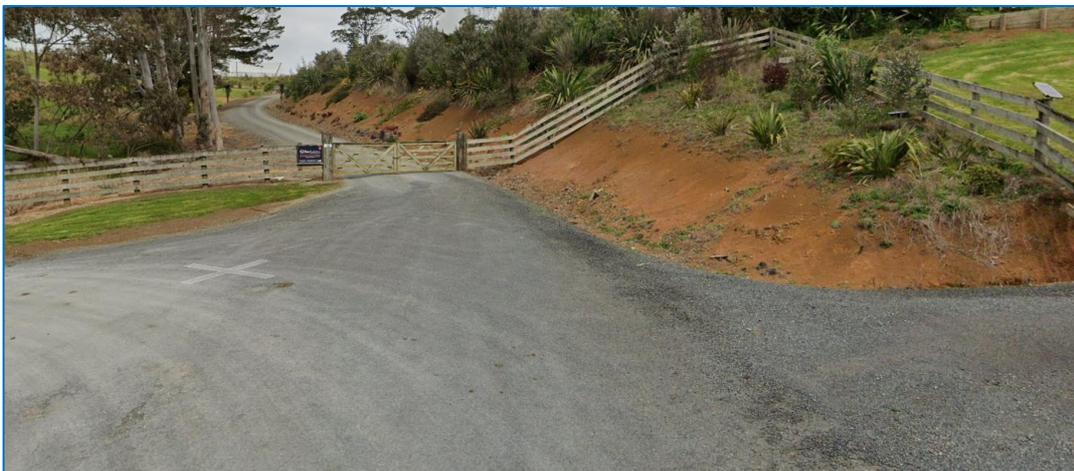


Figure 3: Existing property access over existing appurtenant easement 'H' on DP 564239 from the end of Valencia Lane, addressed as 190 Valencia Lane (Source: Google Streetview).

3.4 Natural & Recorded Features

The Operative and Proposed District Plans do not record any Outstanding Natural Features, Outstanding Landscape Features, areas of High or Outstanding Natural Character, Notable Trees, Historic Sites, Buildings and Objects, Sites of Cultural Significance to Maori or Scheduled Registered Archaeological Sites.

Far North Maps does not show any historic sites as being on the property.

The subject land is recorded as part of a wider kiwi habitat in the Far North Maps “Species Distribution (DoC)” Map (“kiwi present” zoning).² This mapping is a non-statutory document.

There are no mapped areas of ecological significance, including Department of Conservation Protected Natural Areas, in the Far North Maps ‘Reserve and protected areas’ map. The nearest area of Department of Conservation Public Conservation Land is the Puketotara Stream Marginal Strip, approximately 560m to the north.

The Northland Regional Council Natural Hazards Map does not show the land as being subject to any natural hazards.

The subject land is within two Land Use Capability Units – Unit 3s2 covers the more flat and elevated land predominantly around the outer perimeter of the lots, and is considered to comprise ‘highly versatile soils’ or ‘highly productive land’, while Unit 4e2 covers the remainder and does not meet either of the definitions. Refer to **Figure 4** below, with the darker green area being 3s2 and the lighter green being 4e2.



Figure 4: Far North Maps Land cover and land use map, showing mapped NZLRI Land Use Capability Units.

² A map showing the distribution of Northland Brown Kiwi and Northland Mudfish in the Far North District. Kiwi habitat distribution based on call count monitoring in 2019 by Department of Conservation: Craig, E. (2020): *Call count monitoring of Northland brown kiwi 2019*. Department of Conservation, Whangarei, New Zealand.

4.0 District Plan Assessment

4.1 Far North Operative District Plan

The application site is zoned Rural Production and is not subject to any Resource Features. The proposal is assessed against the relevant rules of the Operative District Plan as follows.

4.1.1 Rural Production Zone

Rule	Discussion	Compliance
8.6.5.1 PERMITTED ACTIVITIES		
8.6.5.1.1 Residential Intensity	No existing residential units on the proposed lots.	Complies
8.6.5.1.2 Sunlight	No issues.	Complies
8.6.5.1.3 Stormwater management	Existing and future impermeable surface coverage on each lot will be less than 15%.	Complies
8.6.5.1.4 Setback from Boundaries	No issues.	Complies

4.1.2 Natural & Physical Resources

Rule	Discussion	Compliance
PERMITTED ACTIVITIES		
12.3.6.1.1 Excavation and/or filling ...	Earthworks are required to form and upgrade private access, which will be within the permitted activity limits of 5,000m ³ in any 12 month period per site, and an average continuous cut or filled face of 1.5m.	Complies
12.7.6.1.2 Setback from Smaller Lakes, Rivers and Wetlands	The wetland area upstream of the existing crossing has been measured as approximately 5,650m ² , and the downstream area as approximately 4,850m ² . Upgrade of access at the end of easement C will result in an impermeable surface within 30m of the downstream wetland area. However, the rule specifies that the setbacks " <i>do not apply to river crossings, including but not limited to, fords, bridges, stock crossings and culvert crossings</i> ". Our interpretation is that this rule is not intended to apply to impermeable surfaces for this purpose.	Considered not applicable, impermeable areas within 30m of wetland will be for a river crossing.
12.7.6.1.4 Land use activities involving discharge of human sewage effluent	Each lot has sufficient area for the on-site treatment and disposal of wastewater, which can be located more than 30m from any waterbody.	Complies

4.1.3 Subdivision

Rule	Discussion	Compliance
13.6 GENERAL RULES		
13.6.5 Legal Frontage	Each lot has legal frontage to Valencia Lane via Rights of Way.	Complies
13.6.8 Subdivision Consent Before Work Commences	Earthworks required to complete the proposal are described previously, as involving works to complete vehicle access over easements A - C.	Complies
13.6.12 Suitability for Proposed Land Use	There are no significant natural hazard risks that affect the proposed lots.	Not applicable

13.7 CONTROLLED ACTIVITIES		
13.7.2.1 Minimum Area for Vacant New Lots	The areas of Lots 1 - 3 do not comply with the controlled activity minimum lot size.	Does not comply
13.7.2.2 Allotment Dimensions	Each lot includes a dimension of 30 x 30m, plus 10m boundary setbacks.	Complies
13.8 RESTRICTED DISCRETIONARY ACTIVITIES		
13.9.1 Subdivision within the Rural Production zone	The proposed lots comply with restricted discretionary activity Rule 13.8.1(a): " <i>The minimum lot size is 12ha</i> "	Complies

4.1.4 Financial Contributions

The proposal has no implications in terms of Chapter 14.

4.1.5 Transportation

The proposal has no implication in terms of District Plan rules relating to traffic or car parking.

Rule	Discussion	Compliance
15.1.6C.1 PERMITTED ACTIVITIES		
15.1.6C.1.1 Private Accessway in all Zones	Internal access will be formed to the boundary of each allotment in accordance with this Rule (3m wide metalled carriageway width, including water table drains as required to direct and control stormwater, passing bays where required over easement A).	Complies
15.1.6C.1.3 Passing Bays on Private Accessways in all Zones	Passing bays required over easement 'A'. This can be included as a condition of consent. Easements 'B' and 'C' will serve 2 lots.	Complies
15.1.6C.1.5 Vehicle crossing standards in Rural ... Zones	The vehicle entrance (currently 190 Valencia Lane) is located off the end of Valencia Lane, so that no turning splays are required. The current entrance is considered to be satisfactory for the proposal.	Complies
15.1.6C.1.7 General Access Standards	Adequate area for existing / future onsite manoeuvring is available on each lot.	Complies
15.1.6C.1.8 Frontage to Existing Roads	Valencia Lane is of sufficient legal and carriageway width.	Complies

4.1.6 Summary of Activity Status under the Far North Operative District Plan

Overall, the proposal has been assessed as a restricted discretionary activity.

4.2 Far North Proposed District Plan

The application site is zoned Horticulture in the Far North Proposed District Plan. The subdivision would achieve the controlled activity subdivision standard, with each lot exceeding the 10ha minimum lot size. The majority of the applicable rules from the Proposed District Plan do not have legal effect at this time, the exception being Rules EW-R12 Earthworks and the discovery of suspected sensitive material, and EW-R13 Earthworks and erosion and sediment control. 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 in accordance with the Erosion and Sediment Control Guidelines for Land Disturbing Activities in the Auckland Region 2016 prior to commencement of earthworks.

5.0 Assessment of Environmental Effects

Clauses 6 and 7 of Schedule 4 of the RMA indicate the information requirements and matters that must be addressed in or by an assessment of environmental effects, both of which are subject to the provisions of any policy statement or plan. This assessment of environmental effect therefore addresses the relevant matters listed in 13.7.3 of the Operative District Plan.

5.1 Property Access

The additional traffic generated by the proposal is in the order of twenty daily one-way traffic movements. Vehicle access to the boundary of Lots 1, 2 and 3 will be upgraded and/or formed over easements 'A' – 'C' in accordance with the permitted standards of the District Plan and Council's Engineering Standards and Guidelines. The subdivision uses the existing vehicle crossing at 190 Valencia Lane. Given it's position at the end of the road, there are no issues in terms of sight distances or turning or manoeuvring onto the vehicle crossing from Valencia Lane. With the formation of suitable internal access, the proposal sufficiently avoids and mitigates against any adverse effects of increased traffic movements.

The end of Easement C has been located so that it does not require any works over the existing crossing between the upstream and downstream wetland areas within the existing protected areas. Formation of a driveway to a future building site on Lot 2 may require improvements, which would be designed and completed at that stage. Lot 2 also retains legal frontage to the un-named legal road via an existing appurtenant right of way. No works are proposed over this, as access to the boundary of Lot 2 will be sufficiently provided via easements A and C.

An existing consent notice condition imposed by RC 2300237 specifies that "*The Council assumes no responsibility toward the formation and any future maintenance of the un-named legal road which provides access to the lot, via right of way easement F; and until such time as the Council of its own volition decides to assume responsibility, the owner or occupier of the land will not request the Council to undertake such formation or maintenance.*" The revised consent notice will be retained in an updated form to refer to easement G on DP 599678, noting that easements H and I on DP 599678 have been cancelled (refer to the Scheme Plan).

5.2 Natural and Other Hazards

The lots are not affected by any mapped natural hazards (Northland Regional Council Natural Hazards GIS Map). As there are no natural hazard overlays on the site there is no indication that conditions need to be imposed on this consent and there is no significant risk from natural hazards that would cause Section 106 of the Resource Management Act to apply.

The typical consent notice condition, which requires that the on-site water supply that is established at the time that a dwelling is built on Lots 1 - 3 be suitable for fire fighting use, can be reapplied. Likewise, the suitability of private vehicle access for use by fire fighting vehicles will depend on the final location and design of the dwelling and its access. Fire risk is considered to be appropriately mitigated via conditions requiring firefighting water supply to be provided in addition to potable water. Those matters aside, each lot has ample building areas that are located more than 20m from areas of vegetation, in order to avoid and minimise the risk of fire hazard to a less than minor level.

Historic aerial photography from the early 1980s shows what appears to be some linear planting or ploughing patterns on parts of Lots 1 and 2, which *may* have been part of a horticultural development - see Section 6.1.1 of this Report. The 1996 Classification for the Land Cover Database and onwards show those pieces of land as being 'high producing exotic grassland'. Therefore, part of the subject site has possibly been historically used for an activity listed on the Ministry for the Environment's Hazardous Activities and Industries List (horticultural activity comes under category A10 (*Persistent*

pesticide bulk storage or use including sports turfs, market gardens, orchards, glass houses or spray sheds)). An assessment of the proposed subdivision in terms of the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 (“NESCS”) is provided in Section 6.1.1 of this Report, which concludes that, as the land is to remain as production land for the time being, the standards do not apply to the proposed activity. Any change of use within the relevant piece of land will require further Preliminary or Detailed Site Investigation at building consent stage. It is expected that no adverse effects to human health will arise in this respect.

5.3 Water Supply

Potable water will be supplied within each lot via collection and storage of rainwater. An existing consent notice condition requires that *“In conjunction with the construction of any dwelling, and in addition to a potable water supply, a water collection system with sufficient supply for firefighting purposes is to be provided by way of tank or other approved means and to be positioned so that it is safely accessible for this purpose. These provisions will be in accordance with the New Zealand Fire Fighting Water Supply Code of Practice SNZ PAS 4509”* - this can be reapplied to the new lots.

The proposal will not result in any adverse effects in terms of water supply for domestic or firefighting purposes on the lots.

Kerikeri Irrigation water pipelines do not cross the property. Consultation with Kerikeri Irrigation Co Ltd for an earlier resource consent affecting the parent lot (RC 2300237) indicated that their pipelines pass through land further to the south of the subject site. Refer to **Figure 5**. Kerikeri Irrigation has confirmed that they have no objection to the application – see **Appendix 4**.

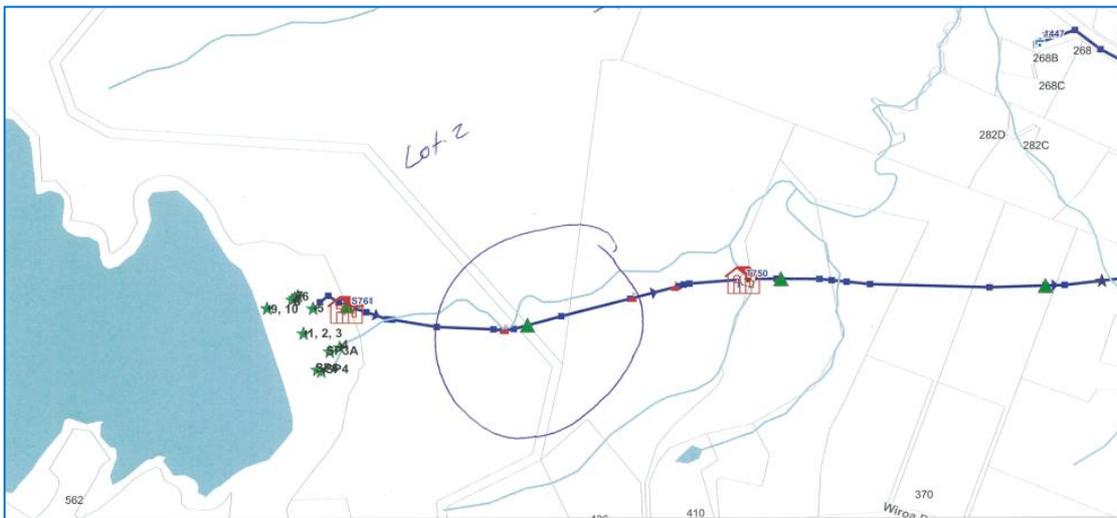


Figure 5: Kerikeri Irrigation Pipeline Location. Sourced from FNDC Property File (Email: RE: 2300237 – Invitation to comment, dated 22.10.2020).

5.4 Stormwater Disposal

Future development of Lots 1, 2 and 3 is likely to result in a small percentage of impermeable area within the sites, all of which will comply with the permitted activity standard of the Rural Production Zone of the Operative District Plan.

Given the size of the lots, they are capable of on-site stormwater disposal. Stormwater management at subdivision stage will include stormwater runoff from the accessways being managed using water table drains with cross road culverts at appropriate intervals. Drainage can be towards the existing natural flow paths and into the gully area. In very heavy rainfall events, surplus runoff will drain as a sheet flow towards natural gully features before entering wetland areas at the base of the gully.

Future developed surfaces in association with residential development can be designed to control stormwater flows, reduce scour and ensure compliance with District and Regional Plan rules. In particular, this is likely to involve rainwater collection tanks on each Lot, with overflows piped to dispersed outlets on grassed or well vegetated surfaces. Additional individual driveway areas will also require control of stormwater to avoid scour and erosion. With the proposed management of stormwater at subdivision stage (in association with the formation of impermeable access carriageways to the boundary of each lot), it is considered that the proposal will avoid adverse effects related to stormwater.

5.5 Sanitary Sewage Disposal

On-site treatment and disposal of wastewater will be subject to final design depending on the house site location and occupancy on each of the lots. Final design of the effluent treatment and disposal system will be submitted at building consent stage, including details of wastewater treatment quality, the disposal method and loading rate. There is adequate area for this to occur outside of riparian margins and setbacks as required in the relevant permitted activity District Plan and Proposed Regional Plan Rules (including a 30m setback from wetland areas, 5m setback from stormwater flow paths, and 1.5m from property boundaries). As the proposed lots have adequate area to dispose of wastewater through an on-site disposal system, it is considered that the proposal avoids adverse effects in relation to sanitary sewage disposal.

5.6 Energy & Telecommunications Supply

No new telecommunications or electricity connections will be installed as part of this subdivision as these are not required by Rule 13.7.3.7 given that the subdivision does not create urban allotments. The standard consent notice condition advising that electricity and telecommunications have not been made a condition of the subdivision consent can be reapplied to Lots 1 - 3.

5.7 Easements for any Purpose

Easements 'A' – 'C' are shown on the Scheme Plan for right of way, and the right to convey electricity, water and telecommunications. These facilitate shared access and the right to convey the listed services to the boundary of Lots 2 and 3 over Lot 1.

Existing appurtenant easements over Lot 12 DP 487861 and Lot 1 DP 599678 are also shown on the Scheme Plan. These provide legal frontage to Valencia Lane for each lot, while existing an appurtenant easement over Lot 3 DP 599678 provides alternative access to Lot 2.

5.8 Earthworks and Utilities

Earthworks to complete the subdivision will involve the upgrade and formation of vehicle access over easements 'A', 'B' and 'C'. Taking into account approximately 1,500m³ of topsoil stripping and an equal amount of imported aggregate placed to form the accessway, and assuming that the excavated volume will be retained on site, the total amount will be approximately 4,500m³. An Erosion and Sediment Control Plan can be submitted for Council's approval prior to the commencement of earthworks. Adverse effects related to earthworks are avoided by standard erosion and sediment control measures. No new above ground utilities are proposed.

5.9 Preservation of Heritage Resources

The property does not contain any archaeological sites that are listed in Appendix 1G of the Operative District Plan and no sites of cultural significance listed in Appendix 1F of the Operative District Plan. There are no other historic sites shown on Far North Maps.

Physical work required to implement the proposed activity will involve earthworks to complete access to the boundary of each lot. We suggest that the Accidental Discovery Protocol Advisory Note be applied to this consent, to outline the requirements of the Heritage New Zealand Pouhere Taonga Act 2014 in the event that there is an inadvertent discovery of any archaeological material during earthworks. This is considered to sufficiently mitigate potential adverse effects on archaeological or cultural sites.

5.10 Vegetation and Fauna

The property includes areas of indigenous vegetation surrounding wetland areas, which are currently subject to protection via consent notice condition. The protected area is limited to a narrow area of wetland at the base of the valley, with surrounding indigenous vegetation. These protected areas will be located on Lots 1 and 2, and the existing protection conferred via earlier consents will continue through the new consent conditions proposed. The upper area of the incised gully is predominantly in gorse, tobacco weed and pampas.

The above described freshwater features, which form a tributary of Waiwhakangarongaro Stream and include pond and wetland areas, are located centrally between Lots 1 and 2. In terms of the works required by the proposed subdivision, a minimum 10m buffer will be retained from the wetland areas to ensure that earthworks are not completed within close proximity. Provided that best practice erosion and sediment control and management of stormwater from the subdivision access is undertaken during subdivision earthworks, adverse effects on freshwater quality can be avoided.

Future residential development, including buildings and onsite wastewater disposal, is able to be sufficiently set back from these freshwater features. In the long term, stormwater management to avoid exacerbating erosion and prevent sediment from entering the freshwater features within the site will avoid adverse effects on freshwater quality.

The extent of the protected areas, the recommended mechanisms to protect their biodiversity value, and recommended options for enhancement of the wetland and its riparian margins, were determined through an Ecological Assessment, which focused on the area of land within Lot 1 DP 564239. The Ecological Assessment is attached in **Appendix 3**. A diagram was subsequently prepared to show the extent of wetland and indigenous vegetation, and this is attached to Consent Notice 12227075.2 – see **Figure 6**.



Figure 6: Diagram from Consent Notice 12227075.2 – Extent of Wetland and Indigenous Vegetation for Protective Covenants As per Condition 3(a) of RC 2300237.

Recommendations for riparian management include keeping stock from waterways, control of invasive weeds, native revegetation following weed control (using colonizing species such as manuka and kanuka with relatively close spacing), control of introduced mammals and legal protection (legal protection is already established via consent notice condition). The existing consent notice condition requires the owners to “take into account” these recommendations.

The subject property is more than 500m away from any land administered by the Department of Conservation as a reserve; and the proposal will not result in any adverse effects on the ability of the Department of Conservation to manage and administer their land.

Potential adverse effects on North Island brown kiwi habitat will arise through the potential intensification of residential activity over the subject site, through future residential development of Lots 1 - 3. As the land involved in this application is subject to two differing consent notice conditions relating to the keeping of pets (as a method to mitigate potential adverse effects on kiwi habitat), it is proposed to cancel the existing consent notice as it relates to the application site, and reapply a standardised consent notice condition applicable to Lots 1 - 3. This will prohibit the keeping of cats, and allow no more than one dog on the lot, provided that the dog is micro-chipped, has current kiwi aversion training certification, and is kept within a dog-proof fenced area on the lot or under effective control when outside the fenced area (for example, on a lead). At night, the dog must be kept inside or tied up.

In summary, the subdivision will retain the status quo in terms of protecting and enhancing areas of the site with biodiversity value, as well as retain kiwi habitat protections in a more consistent manner, so as to avoid actual and potential adverse effects on ecological resources.

5.11 Landscape Preservation

The proposed lots do not contain any recorded landscape features and are not part of an Outstanding Landscape or Outstanding Natural Feature. The site is not within the coastal environment and does not have high or outstanding natural character. The proposal is considered to avoid adverse effects on the existing rural landscape.

5.12 Access to Reserves and Waterways

The site does not adjoin any reserve areas. The only waterway within the site is the gully stream, which is not of any significance in terms of warranting public access.

No esplanade reserve requirements have been identified for this subdivision. As such it is considered that access to reserves or waterways is not a relevant consideration for this application.

5.13 Land Use Compatibility

Lots 1 – 3 are of sufficient size that future dwellings can achieve suitable setbacks from nearby properties, and overall, the proposed subdivision is considered to avoid adverse effects associated with land use compatibility or reverse sensitivity issues.

The site is not within the Bay of Islands airport buffer area as mapped in the Operative District Plan, and the proposed subdivision will not adversely affect airport operations.

6.0 Statutory Assessment

Section 104(1)(b) of the Resource Management Act 1991 requires the consent authority, subject to Part 2 of the Act, to have regard to any relevant provisions of a national environmental standard, other regulations, a national policy statement, a New Zealand coastal policy statement, a regional policy statement, a plan or proposed plan, and any other matter the consent authority considers relevant and reasonably necessary to determine the application. Of relevance to the proposed activity are the following documents, which are commented on in the proceeding Sections 6.1 – 6.6 of this Report. This is followed by an assessment of Part 2 of the Act.

- Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011
- Resource Management (National Environmental Standards for Freshwater) Regulations 2020
- National Policy Statement for Highly Productive Land
- National Policy Statement for Indigenous Biodiversity
- Regional Policy Statement for Northland
- Operative Far North District Plan
- Proposed Far North District Plan
- Proposed Regional Plan for Northland

6.1 National Environmental Standards

6.1.1 Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 (“NESCS”)

The subject land is not recorded on the Northland Regional Council Selected Land-use Register as a site that has been used for any activity included in the Ministry for the Environment’s Hazardous Activities and Industries List.³

Review of Retrolens historic aerial photography has been undertaken. **Figure 7** is an extract of the 1981 aerial image. This appears to have been taken not long after the Waingaro Lake Reservoir was built higher in the catchment. The identified areas are within Lots 1 and 2 of the current proposal.



Figure 7: Retrolens Aerial Image – Date Taken 3/10/1981 ⁴

³ Northland Regional Council (n.d.): Selected Land-use Register Map. Retrieved 24 March 2025 from <https://localmaps.nrc.govt.nz/localmapsviewer/?map=65b660a9454142d88f0c77b258a05f21>

⁴ Sourced from <http://retrolens.nz> and licensed by LINZ CC-BY 3.0

No aerial photography was found showing the site conditions subsequent to 1981, until the Google Earth Imagery dating from 2003 to the present, when there is no evidence of any horticultural use.

The 1996 Classification for the Land Cover Database and onwards show those pieces of land as being 'high producing exotic grassland'.

It is unclear what the linear patterns in the 1981 image are. The distance between the lines appears wider than typical horticulture or market garden rows. The areas shown in the 1981 aerial image will remain as production land for the time being. The proposal will not subdivide or change the use of the land in a way that causes the piece of land to stop being production land, as such the NES_CS does not apply to the proposed activity. If the lots are developed for residential use in the future, further consideration of the regulations may be required. A consent notice to this effect may be applied to Lots 1 and 2.

6.1.2 Resource Management (National Environmental Standard for Freshwater) Regulations 2020

The site contains wetland areas, which are located at the base of the gully within part of the existing covenant areas on Lots 1 and 2.

Section 52 of the above Regulations relates to drainage of natural inland wetlands, and give a non-complying activity status to earthworks and the taking, use, damming, or diversion of water outside, but within a 100m setback from a natural inland wetland, if it will result, or is likely to result, in the complete or partial drainage of all or part of a natural inland wetland.

- (1) Earthworks outside, but within a 100 m setback from, a natural inland wetland is a non-complying activity if it—*
 - (a) results, or is likely to result, in the complete or partial drainage of all or part of a natural inland wetland; and*
 - (b) does not have another status under any of regulations 38 to 51.*
- (2) The taking, use, damming, or diversion of water outside, but within a 100 m setback from, a natural inland wetland is a non-complying activity if it—*
 - (a) results, or is likely to result, in the complete or partial drainage of all or part of a natural inland wetland; and*
 - (b) does not have another status under any of regulations 38 to 51.*

No earthworks within a natural inland wetland are proposed, however formation of access over easement C and parts of easement B will be within 100m of the recorded wetland areas. These works are located at a higher elevation than the wetland and will not direct any water outside of the existing catchment, so are unlikely to result in drainage of any part of the wetland.

Section 54 of the above regulations gives a non-complying activity status for vegetation or earthworks within 10m of a natural inland wetland, and taking, use, damming, diversion or discharge of water into water within, or within 100m of a natural inland wetland in certain circumstances.

- (a) vegetation clearance within, or within a 10 m setback from, a natural inland wetland:*
- (b) earthworks within, or within a 10 m setback from, a natural inland wetland:*
- (c) the taking, use, damming, or diversion of water within, or within a 100 m setback from, a natural inland wetland if—*
 - (i) there is a hydrological connection between the taking, use, damming, or diversion and the wetland; and*
 - (ii) the taking, use, damming, or diversion will change, or is likely to change, the water level range or hydrological function of the wetland:*
- (d) the discharge of water into water within, or within a 100 m setback from, a natural inland wetland if—*
 - (i) there is a hydrological connection between the discharge and the wetland; and*
 - (ii) the discharge will enter the wetland; and*
 - (iii) the discharge will change, or is likely to change, the water level range or hydrological function of the wetland.*

The subdivision does not require vegetation or earthworks within a 10m setback from the wetland as per (a) and (b).

Formation of access over easement C and parts of easement B will be within 100m of the wetland. Through stormwater management associated with formed vehicle access, these works may result in the diversion and discharge of water and there will be a hydrological connection between stormwater control on the access and the wetland. However, these works are unlikely to change the water level range or hydrological function of the wetland.

Therefore, the subdivision proposal is not considered to have any implications in terms of the above regulations. Careful design of the onsite wastewater system, stormwater diversion and discharge and earthworks will be required at building consent stage and for any upgrades to access over the existing crossing between the covenant areas. These activities would require further consideration of compliance with the above Regulations, as well as requirements for fish passage where relevant.

6.2 National Policy Statements

6.2.1 National Policy Statement for Highly Productive Land 2022 Amended August 2024 (“NPSHPL”)

The subject site is zoned Rural Production under the Operative District Plan and Horticulture under the Proposed District Plan. The site includes areas of Land Use Capability (“LUC”) class 3 and 4 land, as mapped by the New Zealand Land Resource Inventory. The Class 3 land meets the definition of ‘highly productive land’ as per the NPSHPL, however the majority of the site is Class 4 land. Refer to **Figure 4**. It is considered that the proposal is compliant with the relevant policies of the NPSHPL, particularly Policy 7 (“*The subdivision of highly productive land is avoided, except as provided in this National Policy Statement*”).

Implementation of Policy 7 is guided by Section 3.8 of the NPSHPL.

3.8 Avoiding subdivision of highly productive land

(1) Territorial authorities must avoid the subdivision of highly productive land unless one of the following applies to the subdivision, and the measures in subclause (2) are applied:

(a) the applicant demonstrates that the proposed lots will retain the overall productive capacity of the subject land over the long term:

(2) Territorial authorities must take measures to ensure that any subdivision of highly productive land:

(a) avoids if possible, or otherwise mitigates, any potential cumulative loss of the availability and productive capacity of highly productive land in their district; and

(b) avoids if possible, or otherwise mitigates, any actual or potential reverse sensitivity effects on surrounding land-based primary production activities.

Comment: The minimum lot sizes and density proposed is in accordance with the restricted discretionary activity standard for subdivision in the Rural Production Zone under the Operative District Plan and the productive capacity of soil is not included as a matter over which Council has restricted the exercise of its discretion. The proposed lots are located within an environment containing a variety of property sizes, including rural lifestyle sized blocks generally 2 – 4ha in area to the north and north east of the subject site, and larger rural blocks adjoining the remaining boundaries. The future use of each lot, anticipated to be either continued grazing with a future dwelling, is considered to be compatible with the subdivision and land use patterns surrounding the site, and no adverse land use incompatibility or reverse sensitivity effects are anticipated.

The areas of highly productive land on the site are already fragmented by the topography of the site, where the incised gully separates them from each other, so that they do not form a large or cohesive area. The proposed lots remain as 12ha rural blocks so as to avoid cumulative loss of the availability and productive capacity of soils.

6.2.2 National Policy Statement for Indigenous Biodiversity (“NPSIB”)

The objective of the above policy statement is set out in 2.1, as copied below:

(1) *The objective of this National Policy Statement is:*

(a) to maintain indigenous biodiversity across Aotearoa New Zealand so that there is at least no overall loss in indigenous biodiversity after the commencement date; and

(b) to achieve this:

(i) through recognising the mana of tangata whenua as kaitiaki of indigenous biodiversity; and

(ii) by recognising people and communities, including landowners, as stewards of indigenous biodiversity; and

(iii) by protecting and restoring indigenous biodiversity as necessary to achieve the overall maintenance of indigenous biodiversity; and

(iv) while providing for the social, economic, and cultural wellbeing of people and communities now and in the future.

There is no SNA included in the district plan, or as identified in a policy statement or plan.

The 17 listed policies set out to achieve this objective, and Policy 8 is most relevant (“*The importance of maintaining indigenous biodiversity outside SNAs is recognised and provided for*”).

Part 3 guides the implementation of the NPSIB. Of relevance is the following approach to implementing the NPSIB.

3.16 Indigenous biodiversity outside SNAs

(1) If a new subdivision, use, or development is outside an SNA and not on specified Māori land, any significant adverse effects of the new subdivision, use, or development on indigenous biodiversity outside the SNA must be managed by applying the effects management hierarchy.

Effects Management Hierarchy is defined as follows:

effects management hierarchy means an approach to managing the adverse effects of an activity on indigenous biodiversity that requires that:

(a) adverse effects are avoided where practicable; then

(b) where adverse effects cannot be avoided, they are minimised where practicable; then

(c) where adverse effects cannot be minimised, they are remedied where practicable; then

(d) where more than minor residual adverse effects cannot be avoided, minimised, or remedied, biodiversity offsetting is provided where possible; then

(e) where biodiversity offsetting of more than minor residual adverse effects is not possible, biodiversity compensation is provided; then

(f) if biodiversity compensation is not appropriate, the activity itself is avoided.

Direct ecological effects are avoided as the subdivision does not necessitate any clearance of indigenous vegetation, and as future building sites are available in areas which will not disturb any indigenous vegetation or habitats. Existing protected areas will be retained, to continue to serve their preservation purpose, and likewise the existing consent notice conditions will be reapplied to the new titles. These are copied below.

Lots 1 & 2 DP 564239

(i) A report on the ecological values of the wetland shown on the attached diagram has been provided in compliance with condition 3(b) of resource consent 2300237-RMASUB. In developing and managing the land the owner shall take into account the recommendations for protection and enhancement of the values of the wetland. The report is held in the file for the 223 certificate for this subdivision (2300237-RMASUB) within Council's files.

(ii) The owner shall preserve the indigenous vegetation within the wetland area shown on the attached diagram and shall not without the prior written consent of the Council and then only in strict compliance with any conditions imposed by the Council, cut down, damage or destroy any of such trees or bush. The owner shall be deemed to be not in breach of this prohibition if any of such trees or bush shall die from natural causes not attributable to any act or default by or on behalf of the owner or for which the owner is responsible.

Potential adverse effects on kiwi habitat are also already mitigated by way of existing consent notice conditions, which can be updated to match the current subdivision layout. It is therefore considered that the proposal is consistent with the above National Policy Statement.

6.3 Regional Policy Statement for Northland (“RPS”)

The RPS provides an overview of resource management issues and gives objectives, policies, and methods to achieve integrated management of natural and physical resources of the region.

The subject site is not in the coastal environment, does not include any outstanding natural landscapes or features and does not include any areas of high or outstanding natural character.

The relevant policies from the RPS are addressed below.

4.4.1 Policy – Maintaining and protecting significant ecological areas and habitats

Existing consent notice conditions provide for the protection of kiwi habitat and riparian areas, and these will be retained in a revised form in new consent notice conditions. No direct or indirect adverse effects on ecological areas and habitats will arise, and the proposal is compatible with this policy.

Policy 5.1.1 – Planned and coordinated development, requires co-ordinated location, design and building or subdivision, use and development. Relevant matters are listed under (a), (c), (e), (f), (g) and (h). These matters have been considered in preceding sections of this report. In particular:

- Servicing with the necessary infrastructure is viable, with onsite storage of potable water and onsite wastewater disposal being feasible. Power and telecommunication connections are not expected to be made a condition of consent as they will be supplied at the time that the lot is developed, if required by the property owner.
- The site is not near any significant mineral resources;
- The new building sites are not close to any incompatible land use activities and avoids reverse sensitivity;
- The proposal does not affect any landscape or natural character values, or transport corridors;
- The proposal has no direct effect on historic or cultural heritage features and is without any detriment to the cultural and historic landscape.
- Existing areas of indigenous vegetation and wetland are protected by existing consent notice conditions, likewise adverse effects on kiwi habitat are mitigated via consent notice conditions;
- Adverse effects associated with natural hazards are avoided and downstream flooding is not exacerbated provided that stormwater is appropriately managed. Existing and future impermeable surface coverage is likely to be low.
- The site does contain areas of highly versatile soils; however, the proposal complies with the restricted discretionary activity subdivision standards under the Operative Far North District Plan and is therefore a change that is anticipated and provided for;
- Matters such as renewable energy, sustainable design technologies can be further addressed at the time that development on the vacant lots is proposed.

6.4 Objectives and Policies – Far North Operative District Plan

The objectives and policies of the Rural Environment, Rural Production Zone and Subdivision Sections of the District Plan are relevant to this proposal. As the proposal meets the restricted discretionary activity subdivision criteria, it is considered that the proposal will be consistent with the strategies of the District Plan.

6.5 Objectives and Policies - Far North Proposed District Plan

Relevant objectives and policies are set out under the chapters 'Horticulture Zone' and 'Subdivision', and are commented on below. The proposed subdivision would meet the controlled activity standards for subdivision in the Horticulture Zone, and does not have any implications in terms of the Horticulture Zone land use standards.

6.6 Regional Plans

6.6.1 Proposed Regional Plan for Northland (February 2024)

Stormwater management within the proposed subdivision can be designed to control stormwater flows, reduce scour and ensure compliance with the District and Regional Plan Rules, including Proposed Regional Plan for Northland Rule C.6.4.2. Stormwater management will include rainwater collection tanks on each Lot, with overflows piped to dispersed outlets or over grassed or well vegetated surfaces, and drainage from the rights of way to existing natural flow paths on the site.

The discharge of sewage effluent onto land is controlled by the permitted activity rules C.6.1.3 of the Regional Plan for Northland. Each lot contains adequate area to dispose of wastewater using an on-site treatment and disposal system in accordance with the relevant criteria. The design will need to be submitted for approval at building consent stage.

Earthworks are required to complete the subdivision, being the works associated with formation and upgrade of shared internal access to the boundary of each lot. These works are covered by Rule C.8.3.1. A ten metre setback will be retained from the natural wetland as per C.8.3.1 Table 15. Outside that area, the works will not result in more than 5,000m² at any time. An estimated area of exposed earth is approximately 3,400m².

No consents are considered necessary for the proposed subdivision under the Proposed Regional Plan for this proposal, although careful design of the onsite wastewater system and earthworks will be required at building consent stage and for any upgrades to access over the existing crossing between the covenant areas.

6.7 Part 2 of the Resource Management Act 1991

An assessment of the proposal in relation to the relevant purpose and principles of Part 2 of the Resource Management Act 1991 is given below.

PART 2 PURPOSE AND PRINCIPLES

5 Purpose

- (1) *The purpose of this Act is to promote the sustainable management of natural and physical resources.*
- (2) *In this Act, sustainable management means managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural wellbeing and for their health and safety while-*
 - (a) *Sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and*
 - (b) *Safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and*
 - (c) *Avoiding, remedying, or mitigating any adverse effects of activities on the environment.*

6 Matters of national importance

In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall recognise and provide for the following matters of national importance:

- (a) *The preservation of the natural character of ... wetlands, ... and their margins, and the protection of them from inappropriate subdivision, use and development.*
- (c) *the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna:*

(h) the management of significant risks from natural hazards.

7 Other matters

In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development and protection of natural and physical resources, shall have particular regard to-

- (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;*

8 Treaty of Waitangi

In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi).

The proposal is considered to promote sustainable management as per the purpose of the Act (Section 5) by creating two additional allotments while avoiding adverse effects. The proposed lots are of such sizes that they are considered to be suitable in terms of onsite servicing, and public and private access is available. The proposed subdivision represents a scale of subdivision anticipated by the District Plan as a restricted discretionary activity. It provides for the economic and social well-being of the owners of the property by creating two additional Records of Title, which are deemed suitable for their intended purpose, and can be developed in such a way that avoids and mitigates adverse effects resulting from additional traffic, property access, wastewater treatment and disposal, and stormwater disposal.

Existing consent notice conditions protect the wetland and its margin within the property, and the proposal will not result in any adverse effects on the natural character of the wetland in accordance with Matters 6(a) and (c).

There is no significant risk from natural hazards that would cause Section 106 of the Resource Management Act to apply.

The proposed subdivision is considered to be an efficient use of this land. A future building site on Lots 1, 2 and 3 can be developed without affecting overall amenity values, and the predominant rural character will be retained. The proposal will maintain amenity values and the overall quality of the environment in terms of section 7.

The proposal has no known implications in terms of the Treaty of Waitangi.

Overall, the proposal is considered to be consistent with the purpose and principles of the Resource Management Act 1991.

7.0 Consultation & Notification Assessment

7.1 Public Notification

Step 1: Public notification is not requested. Sections 95A(3)(b) and (c) do not apply.

Step 2: Public notification is not precluded in terms of Section 95A(5).

Step 3: There are no relevant rules that require public notification, and the adverse effects of the proposal have been assessed as being less than minor. As such, public notification is not considered necessary.

Step 4: No special circumstances exist to warrant public notification.

7.2 Limited Notification

Step 1: There are no affected protected customary rights groups or affected customary marine title groups, the land is not subject to a statutory acknowledgement.

Step 2: Limited notification is not precluded.

Step 3: In terms of Section 95E(2)(b), the subdivision complies with the restricted discretionary activity standard, therefore an adverse effect of the activity on a person must be disregarded if the effect does not relate to a matter for which the relevant rule restricts discretion. In this instance, the relevant rules are Operative District Plan Rule 13.8.1. These matters of discretion are all addressed within Section 5 of this Report, with comments summarised below.

The relevant matters under Rule 13.8.1 are:

- ***effects on the natural character of the coastal environment for proposed lots which are in the coastal environment***
The site is not within the coastal environment.
- ***effects of the subdivision under (b) and (c) above within 500m of land administered by the Department of Conservation upon the ability of the Department to manage and administer its land***
The subject site is not within 500m of land administered by the Department of Conservation. No effects on the ability of the Department of Conservation to manage this reserve are anticipated to arise.
- ***effects on areas of significant indigenous flora and significant habitats of indigenous fauna***
An existing consent notice protects wetland areas on the property and includes reference to management and enhancement measures, and this will continue. Likewise, kiwi habitat can be appropriately protected using consent notice conditions.
- ***the mitigation of fire hazards for health and safety of residents***
Fire risk can be mitigated using the standard consent notice condition requirement for on-site water storage / supply for fire fighting. Suitable setbacks from areas of vegetation are available on each lot to avoid and minimise fire risk.

No person is expected to suffer from adverse effects that exceed a 'less than minor' level. As such, the proposal has no adverse effects on any person, and limited notification is not required.

Step 4: There are no special circumstances to warrant notification to any other person.

7.3 Summary of Notification Assessment

As outlined above we are of the opinion that the proposal satisfies the statutory requirements for non-notification, and we respectfully request that it be processed on that basis.

8.0 Conclusion

In terms of sections 104 and 104C of the Resource Management Act 1991, we consider that:

- The adverse effects on the environment resulting from the proposed activity will be less than minor.
- The proposal is considered to be consistent with the relevant objectives and policies of the Operative District Plan;
- The proposal is consistent with the relevant objectives and policies of the Proposed District Plan;
- The Operative District Plan is considered to be afforded greater weight at this time.
- The proposal is not contrary to the Regional Policy Statement for Northland, the National Policy Statement for Highly Productive Land or the National Policy Statement for Indigenous Biodiversity.
- The proposal is in accordance with the Purpose and Principles of the Resource Management Act 1991.

We also note that:

- No written approvals have been sought as it is considered that there are no persons who will be adversely affected by the proposed activity.

For these reasons it is requested this application be considered to be a non-notified application, and that the Council grant consent to the proposal, under delegated authority, as detailed in the application and supporting information.

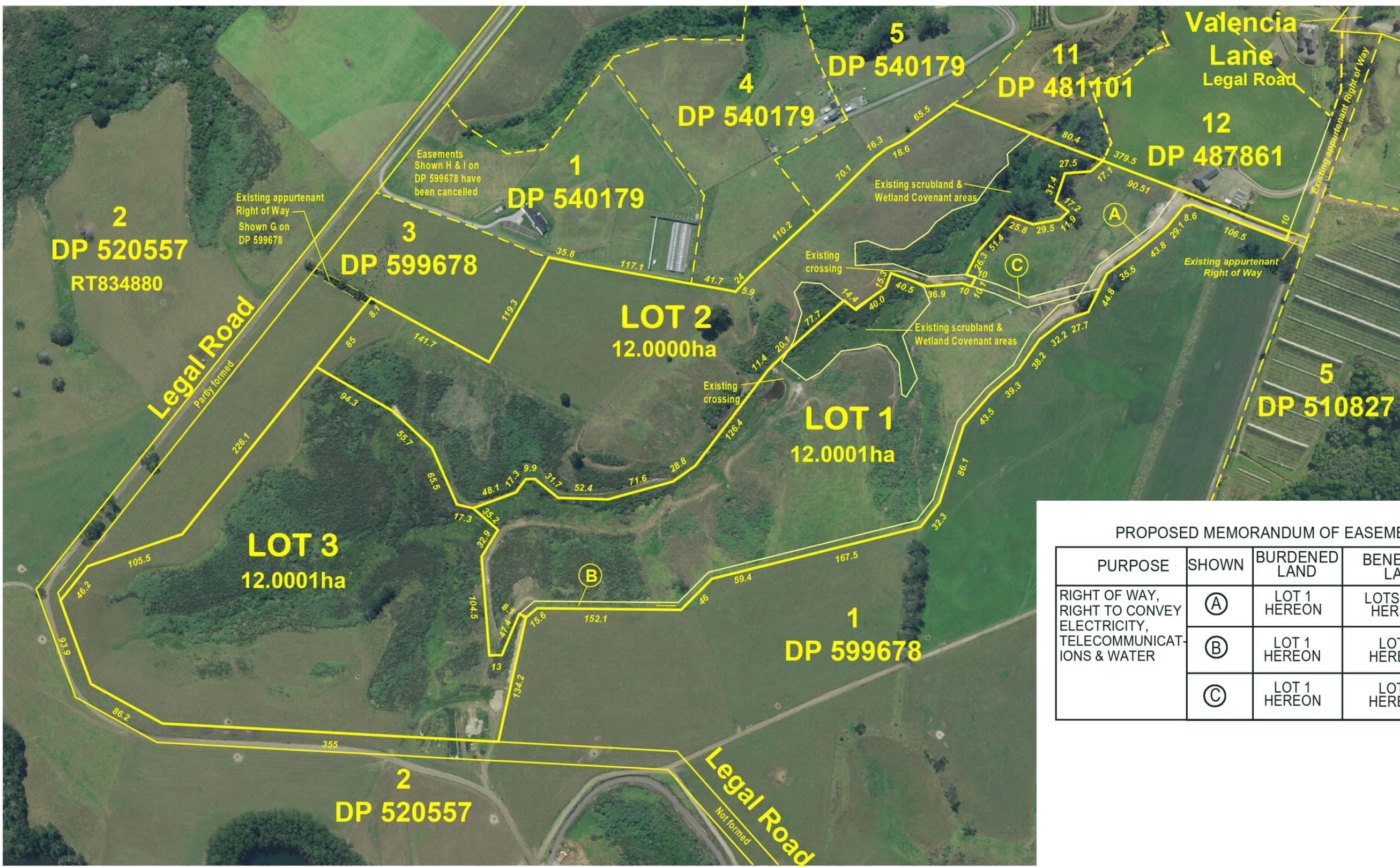


Signed
Natalie Watson,
Resource Planner

Date **5 May 2025**
WILLIAMS & KING
Kerikeri

9.0 Appendices

- Appendix 1** Scheme Plan
- Appendix 2** Record of Title
- Appendix 3** Ecological Assessment of Part of Lot 5 DP 198106 Valencia Lane, Kerikeri (For RC 2300237)
- Appendix 4** Kerikeri Irrigation Comments – No Objection



PROPOSED MEMORANDUM OF EASEMENTS

PURPOSE	SHOWN	BURDENED LAND	BENEFITED LAND
RIGHT OF WAY, RIGHT TO CONVEY ELECTRICITY, TELECOMMUNICATIONS & WATER	(A)	LOT 1 HEREON	LOTS 2 & 3 HEREON
	(B)	LOT 1 HEREON	LOT 3 HEREON
	(C)	LOT 1 HEREON	LOT 2 HEREON

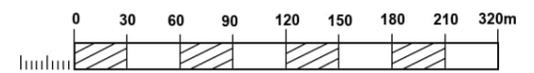
AREAS AND MEASUREMENTS SUBJECT TO FINAL SURVEY

THIS DRAWING AND DESIGN REMAINS THE PROPERTY OF WILLIAMS & KING AND MAY NOT BE REPRODUCED WITHOUT THE WRITTEN PERMISSION OF WILLIAMS & KING

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.

Local Authority: Far North District Council

Total Area: 36.0002ha
Comprised in: RT1166553



Prepared for: B C & J A Baxter

WILLIAMS AND KING
Registered Land Surveyors, Planners & Land Development Consultants
Ph: (09) 407 6030 27 Hobson Ave
Email: kerikeri@saps.co.nz PO Box 937 Kerikeri

PROPOSED SUBDIVISION OF
LOT 1 DP 564239 & LOT 2 DP 599678

Name	Date	ORIGINAL SCALE	SHEET SIZE
Survey		1:4000	A3
Design			
Drawn	W & K Feb 2024		
Rev	Rev 1 Feb 2025		

24142



**RECORD OF TITLE
UNDER LAND TRANSFER ACT 2017
FREEHOLD**



**Guaranteed Search Copy issued under Section 60 of the Land
Transfer Act 2017**


R.W. Muir
Registrar-General
of Land

Identifier **1166553**
Land Registration District **North Auckland**
Date Issued 03 April 2024

Prior References

1005096 1005097

Estate Fee Simple
Area 36.0002 hectares more or less
Legal Description Lot 2 Deposited Plan 599678 and Lot 1
Deposited Plan 564239

Registered Owners

Jodie-Anne Baxter and Bruce Charles Baxter

Interests

Subject to Section 59 Land Act 1948

Appurtenant to parts Lot 1 DP 564239 and Lot 2 DP 599678 formerly part Section 7 Block I Kawakawa Survey District is a right of way specified in Easement Certificate C496178.3 - 7.7.1993 at 2:25 pm

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

Appurtenant hereto are rights of way, and water supply, telecommunications and electricity rights specified in Easement Certificate D450974.5 - produced 11.11.1999 at 2.05 pm and entered 15.12.1999 at 9.00 am

Some of the easements specified in Easement Certificate D450974.5 are subject to Section 243 (a) Resource Management Act 1991 (see DP 198106)

5562514.1 Surrender of the right of way over the part Lot 3 DP 201128 marked 'F' on DP 201128 specified in Easement Certificate C496178.3 - 23.4.2003 at 9:00 am

9162334.1 CAVEAT BY TOP ENERGY LIMITED - 22.8.2012 at 4:19 pm (Affects Lot 2 DP 599678)

9381012.1 CAVEAT BY TOP ENERGY LIMITED - 24.4.2013 at 5:09 pm (Affects Lot 2 DP 599678)

12227075.2 Consent Notice pursuant to Section 221 Resource Management Act 1991 - 22.11.2021 at 2:32 pm

Subject to a right of way, right to convey telecommunications, electricity and water and a right to drain water over part Lot 2 DP 599678 marked I on DP 599678 created by Easement Instrument 12227075.3 - 22.11.2021 at 2:32 pm

Appurtenant hereto is a right of way, right to convey telecommunications, electricity and water and a right to drain water created by Easement Instrument 12227075.3 - 22.11.2021 at 2:32 pm

The easements created by Easement Instrument 12227075.3 are subject to Section 243 (a) Resource Management Act 1991

11589843.3 Surrender of the right of way and a right to water supply, telecommunications and electricity rights over part marked G on DP 461681 specified in Easement Certificate D450974.5 appurtenant hereto - 23.11.2022 at 4:46 pm

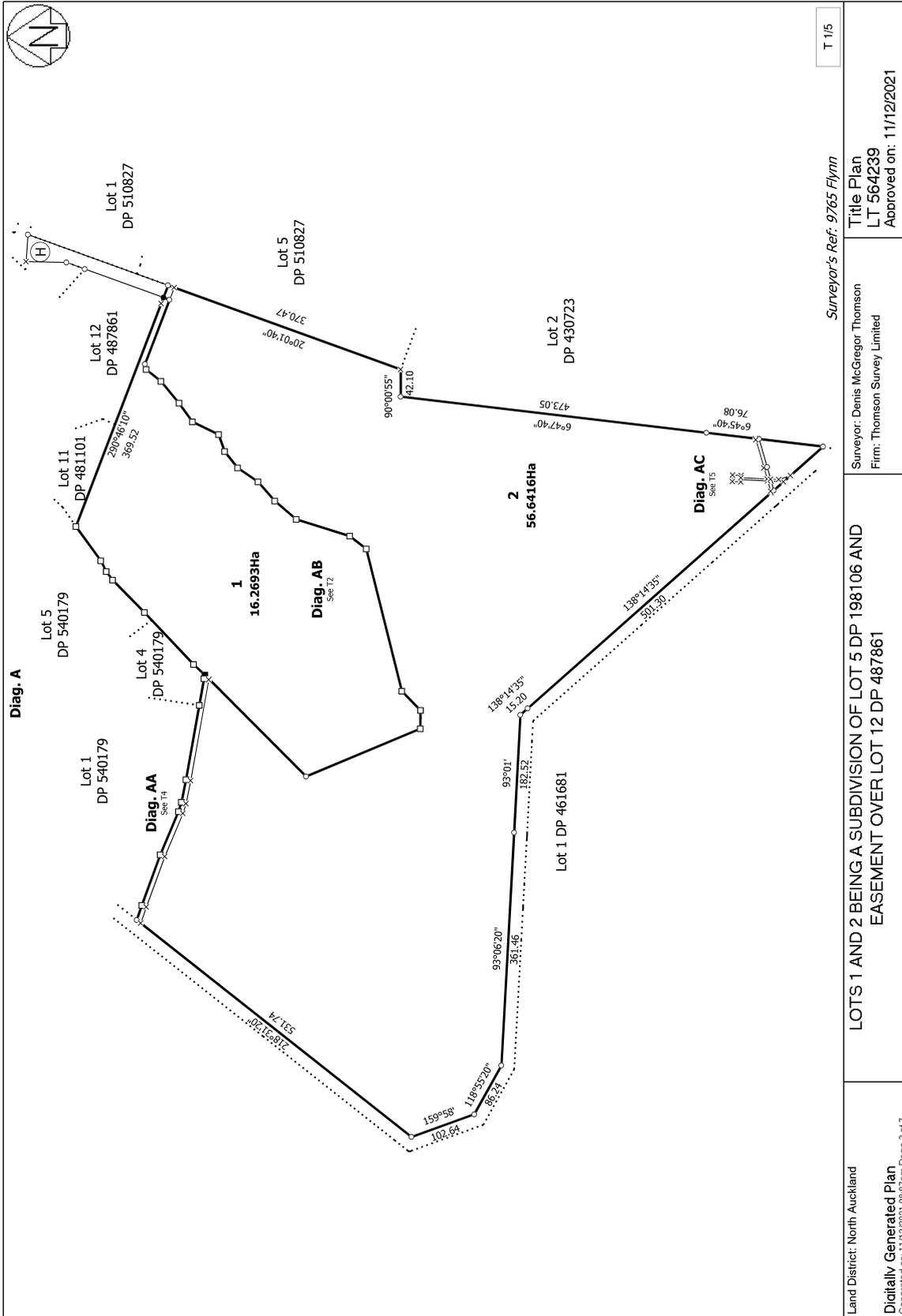
The easements created by Easement Instrument 11589843.7 are subject to Section 243 (a) Resource Management Act 1991

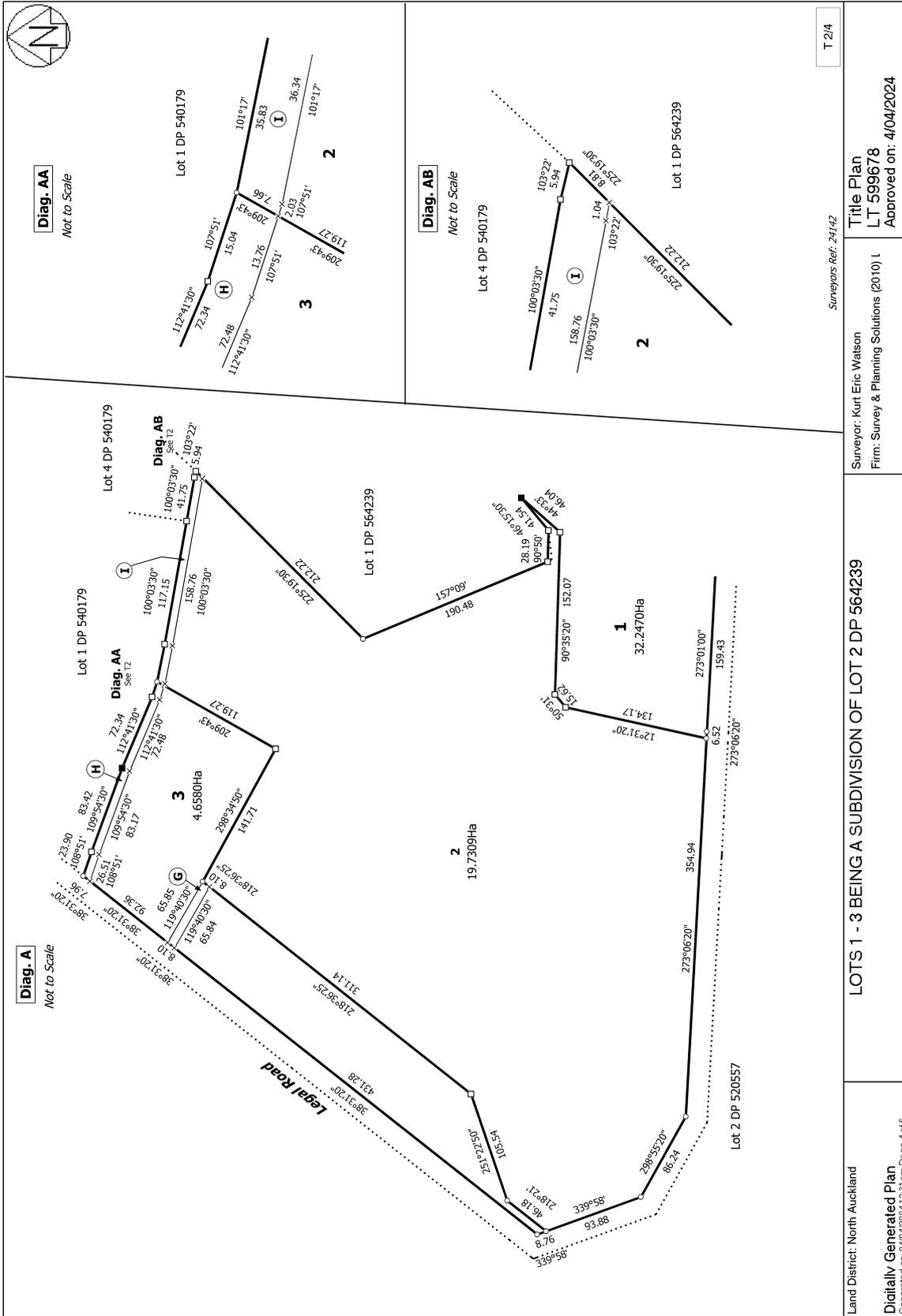
Appurtenant to Lot 2 DP 599678 is a right of way, a right to convey water, electricity and telecommunications created by Easement Instrument 11589843.7 - 23.11.2022 at 4:46 pm

Subject to Section 241(2) Resource Management Act 1991 (affects DP 599678)

Appurtenant to Lot 2 DP 599678 is a right of way, a right to convey electricity, water, and telecommunications created by Easement Instrument 12929636.4 - 3.4.2024 at 9:34 am

The easements created by Easement Instrument 12929636.4 are subject to Section 243 (a) Resource Management Act 1991





Land District: North Auckland

Digitally Generated Plan
Generated on: 04/04/2024 12:31 am Page 4 of 6

LOTS 1 - 3 BEING A SUBDIVISION OF LOT 2 DP 564239

Surveyor: Kurt Eric Watson
Firm: Survey & Planning Solutions (2010) L

Title Plan
LT 599678
Approved on: 4/04/2024

T/2/4



View Instrument Details

Instrument No. 12227075.2
Status Registered
Date & Time Lodged 22 Nov 2021 14:32
Lodged By Tonkin, Cherie Joanne
Instrument Type Consent Notice under s221(4)(a) Resource Management Act 1991



Affected Records of Title	Land District
1005096	North Auckland
1005097	North Auckland

Annexure Schedule Contains 6 Pages.

Signature

Signed by Alistair William Hammond as Territorial Authority Representative on 13/12/2021 12:00 PM

***** End of Report *****



Private Bag 752, Memorial Ave
Kakaho 0440, New Zealand
Telephone: 0800 920 029
Phone: (09) 401 5200
Fax: (09) 401 2137
E-mail: ask.us@fndc.govt.nz
Website: www.fndc.govt.nz

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THE RESOURCE MANAGEMENT ACT 1991

SECTION 221: CONSENT NOTICE

REGARDING RC-2300237

Being the Subdivision of Lot 12 DP 487861
North Auckland Registry

PURSUANT to Section 221 and for the purpose of Section 224 (c) (ii) of the Resource Management Act 1991, this Consent Notice is issued by the **FAR NORTH DISTRICT COUNCIL** to the effect that conditions described in the schedule below are to be complied with on a continuing basis by the subdividing owner and the subsequent owners after the deposit of the survey plan, and these are to be registered on the titles of the allotments specified below.

SCHEDULE

Lot 1 DP 564239

No cats and no more than one dog shall be introduced or kept on the lot at any time. Any dog 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 be tied up.

Prior to the introduction or keeping of any dog on the lot, the occupier must provide to the Resource Consents Monitoring Officer of Far North District Council the following:

- i. A photograph of the dog.
- ii. Written confirmation that the dog has been microchipped
- iii. Written confirmation that the dog has current kiwi aversion training certification along with the expiry date for the certification.
- iv. A plan showing the extent to the dog proof fenced area.

Lot 2 DP 564239

No occupier of, or visitor to the site, shall keep or introduce to the site carnivorous or omnivorous animals (such as cats, dogs or mustelids). Working farm dogs as defined in the Dog Control Act 1996 are exempt from this condition if they are:

- i. micro-chipped,
- ii. within a dog proof fence area, on a lead or under effective control at all times when outside the fenced area,
- iii. kept in a kennel or tied up at night.
- iv. For any dog written confirmation that the dog has current kiwi aversion training certification along with the expiry date for the certification



Private Bag 752, Memorial Ave
Kaitiaki 0440, New Zealand
Freephone: 0800 970 029
Phone: (09) 401 5200
Fax: (09) 401 2137
Email: ask.us@fncc.govt.nz
Website: www.fncc.govt.nz

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Prior to the keeping of any working dog to the site the occupier must provide the following to the Councils Resource Consent Monitoring Officer: -

- i. A photograph of the dog.
- ii. Written confirmation that the dog(s) have been micro-chipped.
- iii. A plan showing the extent of the dog proof fenced area.

Lots 1 & 2 DP 564239

- (i) A report on the ecological values of the wetland shown on the attached diagram has been provided in compliance with condition 3(b) of resource consent 2300237-RMASUB. In developing and managing the land the owner shall take into account the recommendations for protection and enhancement of the values of the wetland. The report is held in the file for the 223 certificate for this subdivision (2300237-RMASUB) within Council's files.
- (ii) The owner shall preserve the indigenous vegetation within the wetland area shown on the attached diagram and shall not without the prior written consent of the Council and then only in strict compliance with any conditions imposed by the Council, cut down, damage or destroy any of such trees or bush. The owner shall be deemed to be not in breach of this prohibition if any of such trees or bush shall die from natural causes not attributable to any act or default by or on behalf of the owner or for which the owner is responsible.
- (iii) In conjunction with the construction of any dwelling, and in addition to a potable water supply, a water collection system with sufficient supply for firefighting purposes is to be provided by way of tank or other approved means and to be positioned so that it is safely accessible for this purpose. These provisions will be in accordance with the New Zealand Fire Fighting Water Supply Code of Practice SNZ PAS 4509.
- (iv) Reticulated power supply or telecommunication services are not a requirement of this subdivision consent. The responsibility for providing both power supply and telecommunication services will remain the responsibility of the property owner.
- (v) The Council assumes no responsibility toward the formation and any future maintenance of the un-named legal road which provides access to the lot, via right of way easement F; and until such time as the Council of its own volition decides to assume responsibility, the owner or occupier of the land will not request the Council to undertake such formation or maintenance.



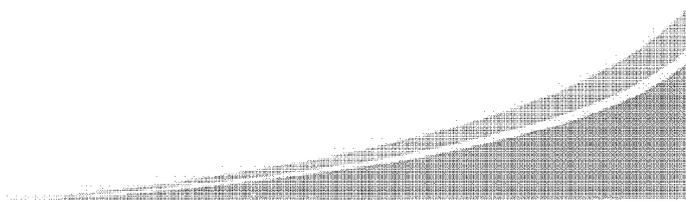
Private Bag 752, Memorial Ave
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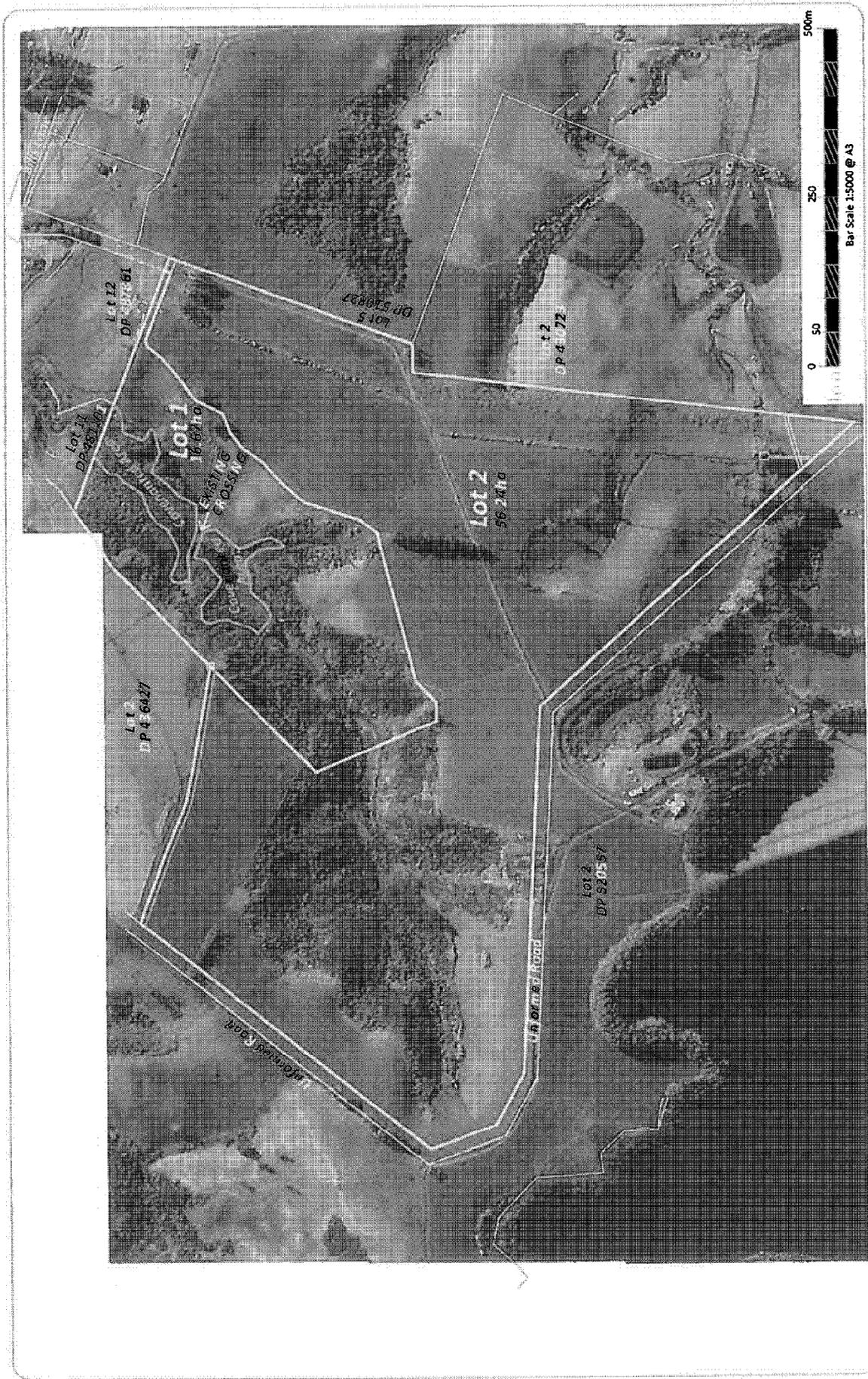
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SIGNED:  Mr Patrick John Killalea - Authorised Officer
By the FAR NORTH DISTRICT COUNCIL
Under delegated authority:
PRINCIPAL PLANNER – RESOURCE MANAGEMENT

DATED at **KERIKERI** this 16th day of November 2021





Surveyor Ref. No: 9765
Sheet 1 of 1

Survey	Date	Original Scale	Sheet Size
Drawn	21/05/21	1:5000	A3
Approved	22/05/21		

Extent of Wetland and Indigenous vegetation
for Protective Covenants
AS per Condition 3(a) of RC 2300237
BILLS LANE KERIKERI
PREPARED FOR: G. FLYNN

THOMSON SURVEY
315 Kerikeri Rd
P.O. Box 371 Kerikeri
Email: kerikeri@thomson.co.nz
Ph: (09) 4077860
www.thomson.co.nz
Registered Land Surveyors, Planners & Land Development Consultants

Form 46

ANNEXURE SCHEDULE - CONSENT FORM¹

(Regulation 6 Land Transfer Regulations 2018)

Person giving consent*Surname must be underlined***Capacity and Interest of Person giving consent***eg. Mortgagee under Mortgage no.)*

Top Energy Limited	9162334.1 9381012.1
---------------------------	--------------------------------------

Consent*Delete words in [] if inconsistent with the consent**State full details of the matter for which consent is required*

[Without prejudice to the rights and powers existing under the interest of the person giving consent,]

the **Person giving consent hereby consents** to:

1. The deposit of Title Plan - LT 564239 against record of title NA127A/550 and creation of the easements described therein.

Dated this 30th day of August 2021

AttestationSigned by its duly
appointed attorney


Paul Victor Doherty

Signed in my presence by the Person giving consent


Signature of Witness

*Witness to complete in BLOCK letters (unless legibly printed):***Witness name** Taryn Louise Collins**Occupation** Property Advisor

60 Kerikeri Road

Address Kerikeri 0245

¹ An Annexure Schedule in this form may be attached to the relevant instrument, where consent is required by the Land Transfer Regulations 2018 to enable registration under the Land Transfer Act 2017.

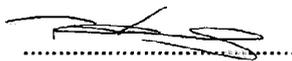
CERTIFICATE OF NON-REVOCATION OF POWER OF ATTORNEY

I, **PAUL VICTOR DOHERTY** of Kerikeri, General Manager Finance hereby certify:

1. THAT by Deed dated the 7th day of June 2019 **Top Energy Limited** appointed me its attorney on the terms and subject to the conditions set out in the said deed.

2. THAT at the date hereof I have not received any notice or information of the revocation of that appointment.

SIGNED at Kerikeri this 30th day of August 2021



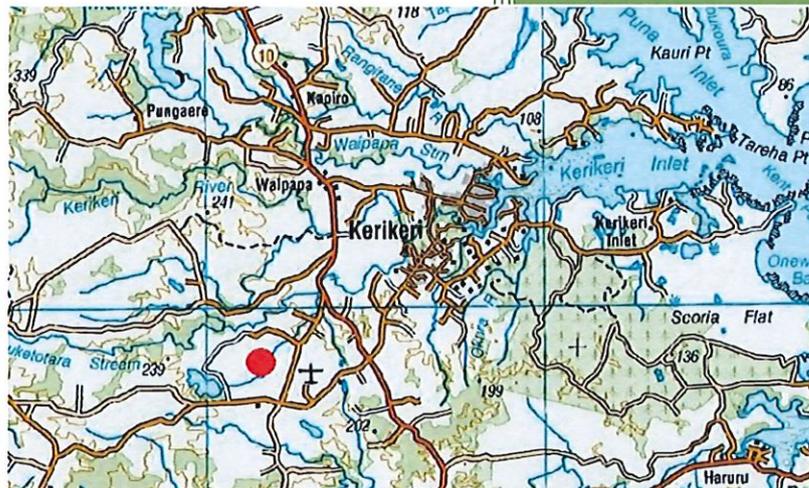
P V Doherty

Prepared for:

Gregory Flynn

May 2021

Ecological Assessment of Part of Lot 5 DP 198106, Valencia Lane, Kerikeri



Prepared by:

Lisette Collins
Principal Ecologist
Northland Ecology

lisette@northlandecology.com
www.northlandecology.com
Ph 021-134 9760

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- 2. Methods 3
- 3. Ecological Context 3
- 4. Description of Vegetation and Habitats 4
- 5. Avifauna 5
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1. Introduction

The Far North District Council has issued a Resource Consent to subdivide Lot 5 DP198106 which is situated near Valencia Lane, Kerikeri (Figure 1). The owner of the property has requested an ecological assessment of one of the proposed Lots within the subdivision (Shown as Lot 1 on Figure 2) to:

- Identify and describe areas of wetland and riparian vegetation,
- Assess the biodiversity values of these areas, and
- Identify opportunities to enhance the wetland area and its margins.

The aim of this report is to enable the landowner, in consultation with their Project Team and FNDC, to identify areas to be covenanted and agree upon management options for those areas.

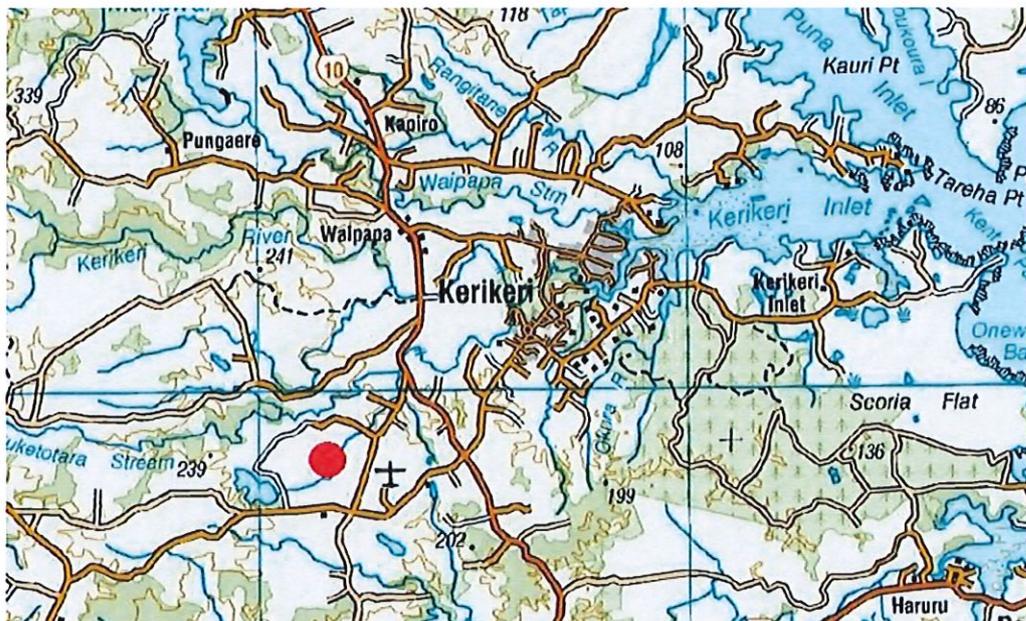


Figure 1: The approximate location of the study area, marked in red.

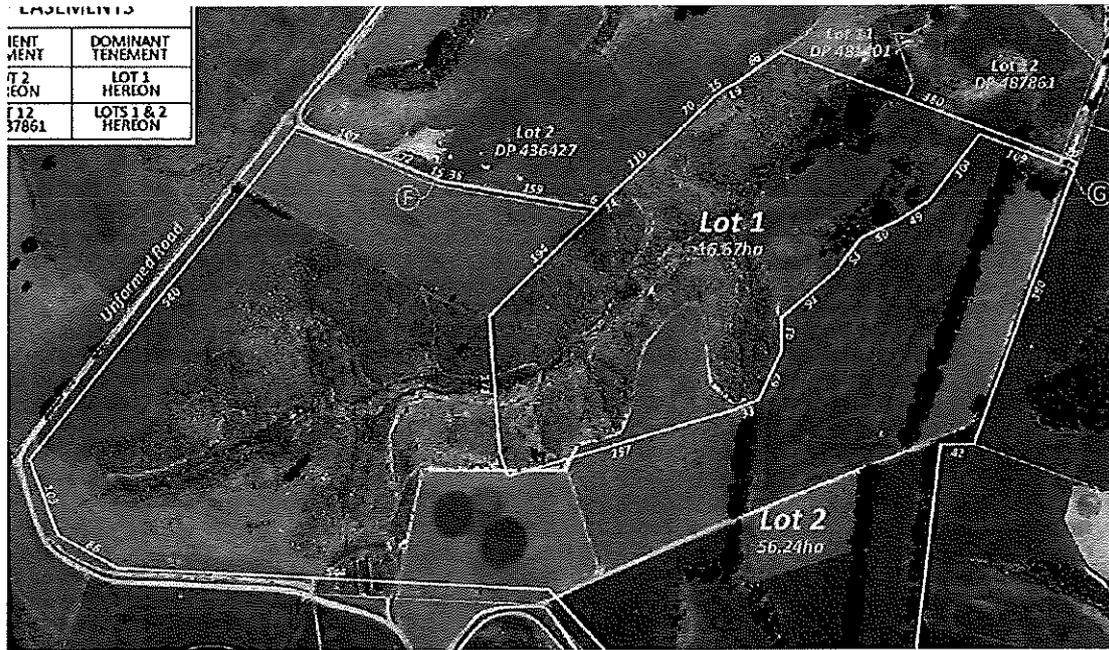


Figure 2: The study area is shown as Lot 1.

2. Methods

A site inspection was undertaken on 27 April 2021 during fine weather. The study area was traversed on foot. Descriptions of the vegetation and habitats within the wetland and along the riparian margins were compiled (refer to **Section 4**, below), photographs were taken of the site (**Appendix 1**) and flora species were recorded (**Appendix 2**).

3. Ecological Context

New Zealand is divided into Ecological Districts, with each District possessing topographical, geological, climatic, soil and biological features that result in a characteristic landscape and range of vegetation and habitat types. The subject property is situated in Kerikeri Ecological District.

A survey of Kerikeri Ecological District has been undertaken to identify natural areas and place them in two levels of significance (Conning and Miller 1999). The survey did not identify any sites on the subject property. The closest site is the Kerikeri Airport Gumlands (PO5/105), which is situated approximately 1.7 kilometres southwest of the subject property.

The Northland Regional Council has published an online map of the Region that shows wetlands, including swamps, bogs, marshes, gumlands, saltmarshes, mangroves and some river, lake and stream edges. The online map does not record any wetlands on the subject property.

The Far North District Council Online Maps provide an overlay that shows where kiwi are known to be present. The subject property is within one of these areas.

4. Description of Vegetation and Habitats

The study site comprises an incised gully with a narrow wetland at its base (Photographs are presented in **Appendix One**). Higher slopes and gentler terrain comprise pasture (on the eastern side of the gully) and rough pasture on the western side. The western side has been mulched more recently and, in addition to pasture species, weeds such as tobacco weed and pampas are establishing. Moth plant (*Araujia sericifera*), a serious environmental weed, is also emerging in places.

The vegetation on the gully slopes is exotic scrub that is dominated by gorse and tobacco weed, with pampas scattered throughout. The approximate boundary between the scrub and pasture is shown in **Figure 3**. Eucalyptus is conspicuous towards the northern boundary and flowering cherry are present near the causeway. Willow-leaved hakea (*Hakea salicifolia*) is present beneath the eucalyptus and brush wattle (*Paraserianthes lophantha*) is present in the arm that extends southeast of the main valley.

There are pockets of native regeneration with in the scrub, such as near the northern boundary and near the pond, with native species scattered elsewhere. Native species on the slopes of the gully include kanuka (*Kunzea robusta*), hangehange (*Geniostoma ligustrifolium*), mahoe (*Meliccytus ramiflorus*), kumarahou (*Pomaderris kumeraho*), wheki (*Dicksonia squarrosa*) and ponga (silverfern, *Cyathea dealbata*) (refer to **Appendix Two**).

The wetland in the base of the valley is dominated by swamp millet (*Isachne globosa*), a native grass. There is a patch of harakeke (flax, *Phormium tenax*) towards the northern boundary and scattered sedges (*Machaerina* sp.) and rushes (*Juncus* sp.). Mexican devil (*Ageratina adenophora*) is also present.

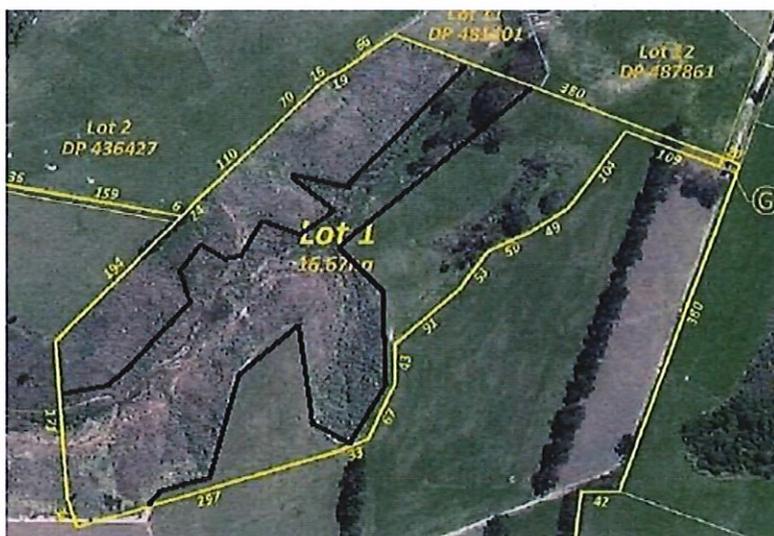


Figure 3: The approximate extent of exotic scrub within the study area.

5. Avifauna

Six (6) relatively common species of native birds were heard and/or seen during the site inspection:

- silvereye (*Zosterops lateralis*)
- fantail (piwakawaka; *Rhipidura fuliginosa*)
- pukeko (*Porphyrio porphyrio*)
- kingfisher (kotare; *Todiramphus sancta*)
- hawk (kahu, harrier hawk; *Circus approximans*)
- paradise duck (*Tadorna variegata*)

Six (6) introduced species were also recorded:

- pheasant (*Phasianus colchicus*)
- Australian magpie (*Gymnorhina tibicen*)
- brown quail (*Coturnix ypsilophora*)
- chaffinch (*Fringilla coelebs*)
- blackbird (*Turdus merula*)
- wild turkey (*Meleagris gallopavo*)

The owners of the adjacent property report hearing brown kiwi (*Apteryx mantelli*) and ruru (morepork; *Ninox novaeseelandiae*) on the subject property. Brown kiwi is classified "At Risk – Declining" (Robertson *et al.* 2017).

6. Ecological Significance

Section 12.2.5.6 of The Far North District Plan provides criteria for assessing the significance of indigenous vegetation and habitats. The criteria are as follows:

- (a) whether the area contains critical, endangered, vulnerable or rare taxa, or taxa of indeterminate threatened status (in the context of this clause, taxa means species and subspecies);
- (b) whether the area contains indigenous or endemic taxa that are threatened or rare in Northland;
- (c) whether the area contains representative examples in an ecological district of a particular habitat type;
- (d) whether the area has a high diversity of taxa or habitat types for the ecological district;
- (e) whether the area forms an ecological buffer, linkage or corridor to other areas of significant vegetation or significant habitats of indigenous fauna;
- (f) whether the area contains types that are rare in the ecological district;
- (g) whether the area supports good populations of taxa which are endemic to the Northland or Northland-Auckland regions;
- (h) whether the area is important for indigenous or endemic migratory taxa;
- (i) whether the area supports viable populations of species, which are typical of that type of habitat within an ecological district and retain a high degree of naturalness.

The site is dominated by exotic species and does not comprise “indigenous vegetation” so cannot be assessed using these criteria and does not meet the threshold for ecological significance.

However, the site is a habitat for three species that are included in the New Zealand Threat Classification Lists¹:

- Manuka (*Leptospermum scoparium*; “At Risk – Declining”) and kanuka (*Kunzea robusta*; “Threatened – Nationally Vulnerable”) are included in the list in recognition of the threat posed by the recent (2017) arrival of myrtle rust (*Austropuccinia psidii*).
- North Island brown kiwi is classified “At Risk – Declining” (Robertson *et al.* 2017)

¹ Threat classifications for flora follow de Lange *et al.* 2017.

7. Recommendations for Riparian Management

7.1 Fencing

The scrub is already partially fenced and it is recommended that this be completed to exclude stock from the waterway. Stock access across the causeway will need to be maintained so the sides of the causeway will also need to be fenced.

7.2 Weed Control

The ecological value of the riparian margins could be improved by controlling invasive weeds and allowing native species to re-establish. Priority species for control are listed in **Appendix Three**, with the exception of gorse which can act as a “nurse crop” for native plants.

Weed control can be undertaken using a combination of physical and chemical methods (e.g. with trees being felled or ringbarked and herbicide applied to the cut surfaces). Pampas can be sprayed with herbicide.

Given the abundance of weeds, it is recommended that weed control be regarded as a long-term project using a “staged approach” i.e., each year, a different part of the site is targeted for initial control while areas targeted in previous years are maintained. To prevent weed reinvasion, native plants will need to be established following weed control, either by colonising the site naturally or by revegetation planting.

7.3 Native Revegetation

In areas where weed infestations are dense and there is no existing understorey of native plants, planting is likely to be required after weed control has been achieved. The bulk of the plants used should be “colonisers”, such as manuka and kanuka, planted at relatively close spacings (1-1.5m) so they can quickly form a closed canopy that will exclude weeds. Manuka is slightly more tolerant of wet sites and kanuka is more tolerant of drought-prone sites.

On the slopes, hardy conifers and broadleaved trees and shrubs can be within the matrix of kanuka and manuka. Suitable species include ti kouka (cabbage tree; *Cordyline australis*), totara (*Podocarpus totara*), karamu (*Coprosma robusta*), mapou (*Myrsine australis*), houpara (*Pseudopanax lessonii*), rewarewa (*Knightia excelsa*) and even puriri (*Vitex lucens*).

Plants suitable for wetter sites include harakeke (*Phormium tenax*), cabbage tree and kahikatea (*Dacrydium dacrydioides*). Manuka is tolerant of damp soils, such as those on the margins of the wetland.

7.4 Introduced Mammals

The existing and re-establishing native vegetation is likely to benefit from browsing animals being controlled, particularly possums and rabbits. Stoat traps are already placed along Valencia Lane and are probably providing adequate control.

Domestic animals have the potential to predate native birds, particularly kiwi. Cats may prey upon kiwi chicks while dogs are a major cause of mortality of adult kiwi in Northland (Germano *et al.* 2018). This could be avoided by placing a covenant on the property to prevent the keeping or introduction of cats and dogs.

7.5 Legal Protection

The purchasers of Lot 1 have expressed an interest in covenanting the riparian margins and enhancing their ecological value. It is recommended that decisions about the size/extent of the covenant area and the covenant conditions be made giving regard to:

- the need to allow activities associated with the proposed enhancements, such as weed control and planting,
- the reality that ecological enhancement will be a long-term project,
- the need to maintain stock access over the existing crossing while preventing their access to the wetland, and
- the desirability of enabling foot access to the pond and a picnic area adjacent to it (if desired).

8. Conclusions

The study site comprises an incised gully with a narrow wetland at its base. The vegetation on the slopes of the gully is exotic scrub that is dominated by gorse and tobacco weed with pampas scattered throughout. There are pockets of native regeneration and native species scattered throughout at low to moderate density. The wetland in the base of the valley is dominated by swamp millet, a native grass. Higher slopes and gentler terrain comprise pasture (on the eastern side of the gully) and rough pasture on the western side.

Six relatively common species of native birds and six introduced species were heard and/or seen during the site inspection. The property is in an area where kiwi are known to be present (Far North Maps, accessed May 2021) and the neighbours report hearing brown kiwi (*Apteryx mantelli*) on the subject property.

The site does not meet the criteria for assessing the significance of indigenous vegetation and habitats in Section 12.2.5.6 of The Far North District Plan because the vegetation is not indigenous.

Options for enhancing the ecological values of the site include:

- Fencing to exclude stock
- Weed control
- Revegetation using suitable, locally-sourced indigenous species
- Controlling introduced mammals and placing a dog covenant on the property

It is recommended that the size/extent of the covenant area and the covenant conditions:

- allow for activities associated with the proposed enhancements e.g. weed control and planting,
- recognise that ecological enhancement will be a long-term project,
- maintain stock access over the existing crossing, and
- enable foot access to the pond and a picnic area adjacent to it (if desired).

References

- Conning L. and Miller N. 1999: Natural areas of Kerikeri Ecological District: Reconnaissance Survey Report for the Protected Natural Areas Programme. *New Zealand Protected Natural Areas Programme 42*. Department of Conservation, Whangarei.
- de Lange P.J. 2014: A revision of the New Zealand *Kunzea ericoides* (Myrtaceae) complex. *Phytokeys 40*: 185p doi: 10.3897/phytokeys.40.7973.
- de Lange P.J., Rolfe J.R., Barkla J.W., Courtney S.P., Champion P.D., Perrie L.R., Beadel S.M., Ford K.A., Breitwieser I., Schönberger I., Hindmarsh-Walls R., Heenan P.B, Ladley K. 2017. Conservation status of New Zealand indigenous vascular plants, 2017. *New Zealand Threat Classification Series 22*. Department of Conservation.
- Germano J., Barlow S., Castro I., Colbourne R., Cox M., Gillies C., Hackwell K., Harawira J., Impey M., Reuben A., Robertson H., Scrimgeour J., Sporle W., and Young S. 2018. Kiwi (*Apteryx* spp.) Recovery Plan 2018–2028. *Threatened Species Recovery Plan 64*. Department of Conservation, Wellington.
- Robertson H.A., Baird, K., Dowding J.E., Elliott G.P., Hitchmough R.A., Miskelly C.M., McArthur N., O'Donnell C.F.J., Sagar P.M., Scofield R.P., Taylor G.A. 2017. Conservation status of New Zealand birds, 2016. *New Zealand Threat Classification Series 19*. Wellington, Department of Conservation. 27p.

Appendix One: Site Photographs



Plate 1: A view of the property from the northern boundary, east of the gully.



Figure 2: Harakeke (flax) in the wetland.



Figure 3: Vegetation in the wetland is dominated by swamp millet, a native grass.



Figure 4: A view across the pond showing native trees and shrubs among gorse, tobacco weed and pampas. Pampas and gorse in the foreground.

Appendix Two: Indigenous Vascular Flora

*Planted specimen

Ferns and fern allies	
<i>Asplenium flaccidum</i>	
<i>Cyathea dealbata</i>	ponga, silverfern
<i>Dicksonia squarrosa</i>	wheki
<i>Doodia australis</i>	rasp fern
<i>Histiopteris incisa</i>	water fern
<i>Icarus filiformis</i>	thread fern
<i>Paesia scaberula</i>	ring fern, pig fern
<i>Parablechnum novae-zelandiae</i>	kiokio
<i>Pteridium esculentum</i>	bracken
Conifers	
* <i>Agathis australis</i>	kauri
<i>Podocarpus totara</i>	totara
Dicotyledons (including trees, shrubs, herbs and climbers)	
<i>Coprosma robusta</i>	karamu
<i>Geniostoma ligustrifolium</i> var. <i>ligustrifolium</i>	hangehange
<i>Haloragis erecta</i>	
<i>Pomaderris kumeraho</i>	kumarahou
<i>Kunzea robusta</i>	kanuka
<i>Leptospermum scoparium</i> agg.	manuka
<i>Leucopogon fasciculata</i>	mingimingi
<i>Melicytus ramiflorus</i>	mahoe
<i>Persicaria decipiens</i>	willow weed, water pepper
Monocotyledons (including sedges, rushes and grasses)	
<i>Cordyline australis</i>	ti kouka, cabbage tree
<i>Isachne globosa</i>	swamp millet
<i>Isolepis</i> sp.	
<i>Juncus</i> sp.	
<i>Machaerina</i> sp.	
<i>Phormium tenax</i>	harakeke, flax
<i>Schoenoplectus tabernaemontani</i>	

Appendix Three: Introduced Vascular Flora

Introduced vascular plants, excluding pasture species.

<i>Araujia sericifera</i>	moth plant, kapok vine
<i>Ageratina adenophora</i>	Mexican devil
<i>Cortaderia selloana</i>	pampas
<i>Eucalyptus</i> sp.	eucalyptus
<i>Hakea salicifolia</i>	willow-leaved hakea
<i>Paraserianthes lophantha</i>	brush wattle
<i>Pinus radiata</i>	radiata pine
<i>Prunus</i> sp.	flowering cherry, Taiwan cherry
<i>Solanum mauritianum</i>	tobacco weed, woolly nightshade
<i>Ulex europaeus</i>	gorse

Natalie Watson

From: Tony Corcoran - Kerikeri Irrigation <Manager@keriirrigation.co.nz>
Sent: Wednesday, 9 April 2025 12:14 pm
To: Natalie Watson
Subject: RE: Proposed subdivision off the end of Valencia Lane

Hi Natalie,
Sorry for the delay getting back to you.
Kerikeri Irrigation has no objection to the application.

Regards

Tony Corcoran
Manager

Kerikeri Irrigation Co Ltd
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E manager@keriirrigation.co.nz

From: Natalie Watson <nat@saps.co.nz>
Sent: Tuesday, 1 April 2025 11:18 am
To: Tony Corcoran - Kerikeri Irrigation <Manager@keriirrigation.co.nz>
Subject: Proposed subdivision off the end of Valencia Lane

Hi Tony,

We have clients who are applying for a subdivision off the end of Valencia Lane (see attached scheme plan). I don't believe that the subdivision affects any of the Kerikeri Irrigation Network, as I have viewed an earlier application which showed the location of the pipeline being further south on the GP Flynn Ltd Land.

Does Kerikeri Irrigation have any comments to make on this application?



Do you happen to know what the linear planting (?) pattern was on some of the land around the reservoir on the below 1981 aerial image? This looks to have been taken not long after the Waingaro reservoir was completed. It looked like it was all gone by the 90s but there are no photographs in between.



Kind regards,
Natalie

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