

**TO : HEARINGS COMMISSIONER**

**FROM : NICK EAGLE, REPORTING PLANNER**

**APPROVED FOR RELEASE BY : NICOLA COWLEY, PRINCIPAL PLANNER – RESOURCE CONSENTS**

**SUBJECT : A LIMITED NOTIFIED RESOURCE CONSENT APPLICATION UNDER SECTION 88 OF THE RESOURCE MANAGEMENT ACT 1991 BEING AN APPLICATION FOR RESOURCE CONSENT TO:**

**ACTIVITY A: SUBDIVISION TO CREATE FOUR LOTS IN THE SOUTH KERIKERI INLET ZONE AS A NON-COMPLYING ACTIVITY.**

**ACTIVITY B: SUBDIVISION RESULTING IN BREACH OF STORMWATER MANAGEMENT, SETBACK FROM SMALLER LAKES, RIVERS AND WETLANDS, PRIVATE ACCESSWAY IN ALL ZONES IN THE SOUTH KERIKERI INLET ZONE AS A DISCRETIONARY ACTIVITY.**

**REFERENCE : RC 2250414-RMACOM**

---

***Note: This report sets out the advice of the reporting planner. This report has yet to be considered by the Hearings Commissioner delegated by the Council to determine this application. The recommendation is not the decision on this application. A decision will only be made after the Hearings Commissioner have considered the application and heard the applicant and any submitters.***

HAVING CONSIDERED THE PROPOSAL AGAINST THE RELEVANT STATUTORY CRITERIA IT IS RECOMMENDED BY THE REPORTING PLANNER THAT THE APPLICATION BE GRANTED SUBJECT TO CONDITIONS. THE REASONS FOR THIS RECOMMENDATION ARE SET OUT IN THIS REPORT.

---

Report prepared by: Nick Eagle, Senior Planner

Approved for release:



Nicola Cowley  
**Principal Planner**

Date : 30/09/2025

## REPORTING AUTHOR

This report has been prepared by Mr Nick Eagle, Senior Resource Consents Planner to Far North District Council. I hold a Bachelor of Arts in Geography and Sociology from Victoria University and a Masters with Commendation in Planning from Kingston University. I am a full member of the Royal Town Planning Institute, and associate member of the New Zealand Planning Institute. I have 20 years of professional experience as a resource management planner.

I have read and complied with the Code of Conduct for Expert Witnesses contained in the Environment Court Practice Note 2023 in preparing this report. I agree to comply with it in presenting this report and any evidence at the hearing. The opinions and assessment in this report are within my areas of expertise, except where I have stated my reliance on other identified evidence.

## EXECUTIVE SUMMARY

The proposal is a Limited Notified application for Subdivision to create four lots in the South Kerikeri Inlet Zone as a non-complying activity. Land use consent is also sought for breaches of Stormwater Management, Setback from Smaller Lakes, Rivers and Wetlands, Private Accessway in all Zones in the South Kerikeri Inlet Zone as a discretionary activity.

The subdivision proposes for lots as follows:

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

Source - Page 4 of the applicants AEE

Vehicle access will be formed to the boundary of each lot from Kerikeri Inlet Road via a metalled private accessway. The options to replace the washed-out culvert are either a bridge or a new culvert.

Excluding the bridge or culvert crossing from Kerikeri Inlet Road, the proposed formation will create a five-metre-wide carriageway with stormwater control, dropping to 3m width with passing bays for the last section of appurtenant easement.

Earthworks will be required to form property access to the boundary of each allotment and will involve topsoil stripping, excavation of unsuitable soils, filling and cuts, and laying aggregate.

Section 13.9 of the Operative District Plan required this non-complying activity within the South Kerikeri Inlet Zone to be notified to all property owners within the Zone and DH Ellis (being the property owner of Lot 2 DP 114410) at least.

It was concluded that the proposed development creates appropriately placed BDZs, with building design guidelines to ensure that future built form is of an appropriate size, bulk and form.



Together with proposed wetland and landscape integration planting, adverse visual and landscape effects are avoided, mitigated and remediated by the proposal.

The subdivision design avoids direct effects on habitats with acceptable earthworks and infrastructure controlled through engineering conditions.

The proposal avoids the need for clearance of indigenous vegetation. Existing wetland areas will be enhanced and permanently protected. A ban on cats and control of dogs can enhance indigenous biodiversity, resulting in a net positive ecological effect.

The proposal uses a single access point off Kerikeri Inlet Road, which is the only existing legal access to the subject site. Together with shared private access, this is considered to be an efficient design, which will avoid adversely affecting the safety or efficiency of Kerikeri Inlet Road and is supported by Gourav Rana, Councils Resource Consent Engineer.

## **TABLE OF CONTENTS**

<b>1. Application and Property Details .....</b>	<b>5</b>
<b>2. Background .....</b>	<b>5</b>
<b>3. The Proposal .....</b>	<b>7</b>
<b>4. Site and Surrounding Locality Description .....</b>	<b>9</b>
<b>5. Reasons for the Application .....</b>	<b>10</b>
<b>6. Notification and Submissions .....</b>	<b>12</b>
<b>7. Written Approvals .....</b>	<b>20</b>
<b>8. Pre-Hearing Meeting .....</b>	<b>20</b>
<b>9. Reports from Other Officers/Departments .....</b>	<b>20</b>
<b>10. Statutory Assessment .....</b>	<b>23</b>
<b>11. Statutory Documents (Section 104(1)(b)).....</b>	<b>33</b>
<b>12. Part 2 Assessment .....</b>	<b>39</b>
<b>13. Conclusion and Recommendation .....</b>	<b>39</b>
<b>Appendix A – Draft Conditions .....</b>	
<b>Appendix B – Proposed Plans .....</b>	
<b>Appendix C – Councils Resource Consent Engineering Memo .....</b>	
<b>Appendix D – Applicants Legal Opinion .....</b>	
<b>Appendix E – Cultural Response .....</b>	
<b>Appendix F – Submissions .....</b>	

## 1. Application and Property Details

SITE ADDRESS: Lot 2, Kerikeri Inlet Road, Kerikeri 0230

APPLICANT: Nags Head Cow Hotel Limited

LEGAL DESCRIPTIONS: LOT 2 DP 442820 HAVING 1/3 SH IN LOT 4 DP 167657

DISTRICT PLAN ZONING: South Kerikeri Inlet Zone

ACTIVITY STATUS: Non- Complying

OTHER RELEVANT CONSENTS: N/A

### CONSENT NOTICES/TITLE RESTRICTIONS:

- 1.1 The Record of Title has a number of interests registered on the title as detailed in the applicants Assessment of Environmental Effects (AEE).
- 1.2 Of particular note are Easement Certificate C871824.10 and Transfer D587086.3, which benefit Lot 2 DP 442820 with appurtenant right of way and telecommunications and electricity rights over Lot 2 DP 210733 as the burdened land. The were first shown as areas 'C', 'D' and 'J' on DP 167657 and area 'Z' on DP 180325. Land covenant in deed D088754.3 relates to management of the jointly owned Lot 4 DP 167657, using a management committee comprising a representative of each of the titles with a share in Lot 4 DP 167657.

## 2. Background

### S95 Decision

- 2.1 This application was Limited Notified under section 95 of the Resource Management Act for the following reasons:
- 2.2 Section 13.9 of the District Plan requires all applications for discretionary and non-complying activities within the South Kerikeri Inlet Zone to be notified to all property owners within the Zone and DH Ellis (being the property owner of Lot 2 DP 114410) at least.
- 2.3 As indicated in the rule above, this non- complying subdivision within the South Kerikeri Inlet Zone (SKIZ) will require notification of all property owners within the Zone and DH Ellis (being the property owner of Lot 2 DP 114410) at least. Therefore, the s95 report concluded that the subdivision proposal required limited notification of all property owners within the SKIZ, excluding DH Ellis, the property owner of Lot 2 DP 114410, as this party no longer owns this property.
- 2.4 Limited notification was made to the following persons:

Legal Description	Address
Lot 1 DP 132850	405E Kerikeri Inlet Road, Kerikeri
Lot 1 DP 143682	405C Kerikeri Inlet Road, Kerikeri
Lot 1 & 2 DP 442820	481 Kerikeri Inlet Road, Kerikeri
Lot 3 DP 335522	405F Kerikeri Inlet Road, Kerikeri
Lot 2 DP 415301	144B Edmonds Road, Kerikeri
Lot 1 DP 415301	144C Edmonds Road, Kerikeri
Lot 1 DP 210093	144A Edmonds Road, Kerikeri
Lot 4 DP 210093	144A Edmonds Road, Kerikeri
Lot 1 DP 550862	505E Kerikeri Inlet Road, Kerikeri
Lot 2 DP 335522	505G Kerikeri Inlet Road, Kerikeri
Lot 1 DP 194392	505C Kerikeri Inlet Road, Kerikeri
Lot 2 DP 194392	505D Kerikeri Inlet Road, Kerikeri
Lot 1 DP 109734	405A Kerikeri Inlet Road, Kerikeri
Lot 2 DP 210733	NA
Lot 1 DP 210733 and Lot 4 DP 167657	405B Kerikeri Inlet Road, Kerikeri
Lot 1 DP 172860	405D Kerikeri Inlet Road
Lot 4 DP 579108	NA
Lot 2 DP 442820	NA
Lot 3 DP 210093	Lot 3 Edmonds Road
Section 64 Blk XII Kerikeri SD	431 Kerikeri Inlet Road
Lot 1 DP 368104	445 Kerikeri Inlet Road
Lot 3 DP 579108	NA

- 2.5 In addition the following external parties were also notified: Ngati Rehia, who have expressed interest in previous applications in this vicinity, Heritage New Zealand Pouhere Taonga, in view of the potential for uncovering additional archaeological sites on the property, and Department of Conservation as owner and custodian of the adjoining marginal strip.

External Party
Iwi - Ngati Rehia
Heritage New Zealand Pouhere Taonga
Department of Conservation

### Relevant Planning History

- 2.6 22000263-RMACOM – This application was approved on 31st July 2020 to subdivide Lot 1 DP167657 into four lots and to undertake associated land use activities that involve development control infringements in the South Kerikeri Inlet zone.

- 2.7 2240504-RMACOM – 405D Kerikeri Inlet Road, Kerikeri. This application is currently on hold.
- Activity 1: Proposal to undertake a two-lot subdivision (Lot 1- 15.72 ha and Lot 2- 6130m<sup>2</sup>) in the South Kerikeri Inlet Zone as a non-complying activity.
  - Activity 2: Land use consent is also sought to exceed the permitted activity impervious surface coverage of 10% on Lot 2 in the South Kerikeri Inlet Zone as a restricted discretionary activity.

### 3. The Proposal

- 3.1 The activity is as described in the application documents being the Assessment of Environmental Effects (AEE) titled “Proposed Subdivision including Property Access, Earthworks & Impermeable Surfaces” prepared by Williams & King, dated 13 May 2025. The proposal is summarised as follows:
- 3.2 The purpose of the proposal is to subdivide the subject land to create three additional Records of Title through subdivision of Lot 2 DP 442820. The site includes a one-third share in Lot 4 DP 167657, and this share will be divided equally between the four resultant lots producing a one-twelfth share each with a proposed amalgamation condition.

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

**Source - taken from page 4 of the applicants AEE**

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

#### Access

- 3.4 Vehicle access will be formed to the boundary of each lot from Kerikeri Inlet Road via the existing appurtenant easements over Lot 2 DP 210733 and Easements ‘A’, ‘B’ and ‘C’.
- 3.5 The options to replace the washed-out culvert are either a bridge or a new culvert.
- 3.6 A metalled private accessway will be formed over the existing appurtenant easements. Excluding the bridge or culvert crossing from Kerikeri Inlet Road, the proposed formation will create a five-metre-wide carriageway with stormwater control, dropping to 3m width with passing bays for the last section of appurtenant easement

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

### Earthworks

- 3.7 Earthworks will be required to form property access to the boundary of each allotment and will involve topsoil stripping, excavation of unsuitable soils, filling and cuts, and laying aggregate. Estimated earthworks volumes are specified in the Engineering Assessment as involving a total of approximately 1,737m<sup>3</sup> of cut over Lot 2 DP 442820 and Lot 2 DP 210733, with approximately 1,386m<sup>3</sup> to be used for filling to form the access. Excess excavated material (approximately 350m<sup>3</sup>) will be used on site (the private accessway is generally at the toe of the steeper slope, where fill could be extended to lose excess cut with contours blended), producing a total volume of approximately 3,474m<sup>3</sup> of cut and fill plus approximately 1,205m<sup>3</sup> of aggregate. Cut and filled depths and heights are specified as up to 200mm of topsoil stripping, excavation of unsuitable soils, filling and cuts and laying approximately 250mm of roading aggregate. It is not anticipated that cut or fill heights will exceed 1.5m.
- 3.8 It is noted that earthworks are being applied for under rule 13.6.8 Subdivision Consent Before Works Commence, which allows as follows:
- 3.9 *"When the subdivision consent is granted, provided all the necessary calculations and assessment of effects is provided with the application, the subdivision consent application shall be deemed to include consent to excavate or fill land, and clear vegetation to the extent authorised by the consent and subject to any conditions in the consent."*

### Landscape

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

### Impermeable Surfaces

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

Table 2: Summary of proposed impermeable surfaces

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

Source - Page 8 of the applicants AEE

## 4. Site and Surrounding Locality Description

### 4.1 The Subject Site

- 4.2 The site is as described in the application documents being the Assessment of Environmental Effects (AEE) titled “Proposed Subdivision including Property Access, Earthworks & Impermeable Surfaces” prepared by Williams & King, dated 13 May 2025. I concur with this description and summarise as follows:
- 4.3 The site is located at Kerikeri Inlet Road, approximately 4.5km north east of central Kerikeri. The subdivision site is positioned between Kerikeri Inlet Road to the south and a Marginal Strip to the north, which separates the land from Kerikeri Inlet to the north.

#### *Existing land use and structures*

- 4.4 The subject site is a vacant rural site, used for low-density stock grazing. Existing fence lines are located along the eastern boundary, either side of the metalled access through Lot 4, and through Lot 3 to form existing paddocks. A small-scale rock quarry is located at the western end of Lot 4 to the north-west of the existing right of way and services easement ‘D’ and partly encroaching into the adjoining Marginal Strip.
- 4.5 Overhead power lines cross Lot 3 together with the supporting power poles. Top Energy has advised that this power supply is privately and collectively owned by those connected to it.
- 4.6 Lot 4 DP 167657, of which the subject Record of Title includes a one-third share, is occupied by a pond (described as a “constructed freshwater wetland”), which was constructed in the 1960s. A small pump shed is located on the margin of the pond, adjacent to proposed Lot 3.

#### *Natural and recorded features*

- 4.7 The topographical characteristics, geological setting and ground conditions are described in detail in the Engineering Assessments by Haigh Workman Civil and Structural. The Wetland Determination describes the natural inland wetland areas, their hydrological sources and hydric indicators, as well as primary wetland associations and other frequent species within the wetlands. Wetlands within the site have been identified as swamp, shallow water (emergent) and fen wetland types.
- 4.8 The land has a predominant pasture cover, which covers all parts of the site outside of the areas of formed access. The northern part of the subject land encompassing Lots 3 and 4, and part of Lot 2, is within the coastal environment. The site does not include any areas of high or outstanding natural character, or outstanding natural landscapes or features as recorded in the Regional Policy Statement.
- 4.9 Lots 1 – 4 are not part of any ecological unit recorded in the Department of Conservation Protected Natural Area (“PNA”) mapping, however the pond and its margins within Lot 4 DP 167657 is PNA Unit P05/083 “Kerikeri Inlet Road Pond” and is also mapped by the Northland Regional Council mapping as being a known wetland.



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

#### *Zoning*

- 4.11 The subject site is in the ‘South Kerikeri Inlet Zone’ in the Operative Far North District Plan with Lots 2-4 including land within a ‘Sensitive Area’.
- 4.12 Subdivision is not a controlled activity in this zone, in order to be Restricted Discretionary the minimum lot size is 4ha in non-sensitive areas. Lots 2 – 4 include sensitive land, and this rule is not met. Discretionary subdivision is via a management plan which is not provided. As such the proposal has been assessed as a non-complying activity.
- 4.13 Under the Proposed Far North District Plan, the site is zoned ‘Rural Lifestyle’, with areas of ‘Coastal Environment’, ‘River Flood’ and ‘Coastal Flood Hazard’ Overlays. Relevant rules with legal effect under the Proposed District Plan can be met as permitted activities.

#### *Vehicle Access*

- 4.14 The subject land has legal frontage to Kerikeri Inlet Road via existing appurtenant easements over Lot 2 DP 210733. The previous culverted crossing from Kerikeri Inlet Road has been washed out, and the subdivision site is currently inaccessible from its legal access point. The site does not have any alternative legal frontage to a public road.
- 4.15 A metalled accessway crosses the northern part of the site within Lot 4, providing access to Lot 1 DP 172860, Lot 1 DP 143682 and Lot 1 DP 132850 to the west. It is generally covered by existing easements.

#### *Surrounding land*

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

## **5. Reasons for the Application**

- 5.1 A resource consent is required for the following reasons:

*Table 1: Reasons for consent - Section 9(3) – Land use*

<b>Rule Number and Name</b>	<b>Non Compliance Aspect</b>	<b>Activity Status</b>
10.10.5.3.8 Stormwater Management	This rule limits the maximum proportion of the gross site area which may be covered by buildings and other impermeable surfaces to	Restricted Discretionary – Does not comply.

	the lesser of 15% or 1,500m <sup>2</sup> . Anticipated impermeable surface coverage on Lot 1 will comply, Lots 2 – 4 and Lot 2 DP 210733 will not.	
10.10.5.1.7 Setback from Boundaries	Building consent will be required for either crossing option. The 'structure' will be within 10m of the lot boundary	Permitted Activity – Does not comply.
12.7.6.1.2 Setback from Smaller Lakes, Rivers and Wetlands	This rule does not apply to river crossings, including but not limited to, fords, bridges, stock crossings and culvert crossings, or activities related to the construction of river crossings; therefore, the proposed bridge / culvert crossing and existing wetland crossing within easement 'A' can be excluded. Beyond those areas, the new accessway within Lot 2 will be within 30m of individual wetland covenant 'AB'. Individually, this covenant area is less than 1ha in area, however if measured as part of the wider wetland feature surrounding the lake, it would exceed 1ha.	Permitted Activity – Does not comply.
15.1.6C.1.1 Private Accessway in all Zones	Excluding the crossing structure, which will have a 4m width, shared access will be formed as a metalled access over existing appurtenant easements over Lot 2 DP 210733 and over easements 'A', 'B' and 'C' to comply with this rule, i.e. 3m plus passing bays where required, within a legal width exceeding 7.5m in all locations.	Does not comply (minor dispensation required for crossing structure)

*Table 2: Reasons for consent - Section 11 – Subdivision*

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

## 5.2 Proposed Far North District Plan

- 5.3 The Proposed Far North District Plan (PDP) was notified on 27 July 2022. A summary of submissions and further submissions to the Proposed District Plan (PDP) as originally notified has been released and is available on Council's website.
- 5.4 Proposed Plan Variation 1 (Minor Corrections and Other Matters) to the PDP was notified on 26 November 2024, with the submission period closing on 10 December 2024. These provisions replace the corresponding provisions in the PDP as originally notified.
- 5.5 Due to the breadth of submissions received, the FNDC District Plan team has advised that no rules can currently be considered operative under section 86F of the Resource Management Act 1991 (the Act). While hearings are progressing, no decisions have yet been released. Decisions are anticipated by mid-2026.
- 5.6 Rules in the PDP that have immediate legal effect under section 86B(3) of the Resource Management Act remain relevant to the assessment of proposals. Although not operative, these rules must be considered, as they carry legal effect. In the PDP, such rules are identified by an orange 'gavel' symbol. Rules without immediate legal effect (i.e. no gavel symbol) do not apply.
- 5.7 An assessment of the proposal against the rules with immediate legal effect has been undertaken. In this case there are none that are relevant to the proposal. Therefore, no consideration needs to be given to any of the rules under the PDP.
- 5.8 Relevant rules with immediate effect are EW-R12 Earthworks and the discovery of suspected sensitive material and EW-R13 Earthworks and erosion and sediment control, both of which can be satisfied as a permitted activity via consent conditions and an advice note.
- 5.9 **Bundling**
- 5.10 Where a proposal requires more than one type of resource consent or requires more than one resource consent and the activities for which consents are being sought overlap to such an extent that they cannot be realistically or properly separated it is appropriate to bundle the consents. Therefore, they are considered together in a holistic manner with the most restrictive activity classification applying.
- 5.11 In this instance I consider that the activities overlap and cannot be separated and therefore the consents will be assessed on a bundled basis.
- 5.12 **Overall Activity Status**
- 5.13 Overall, the application is a **Non-Complying Activity**.

## **6. Notification and Submissions**

- 6.1 The application went through a Limited Notification process. The parties who were notified of the application are listed in table 4 below:

Table 2: Parties notified under s95B

Legal Description	Address
Lot 1 DP 132850	405E Kerikeri Inlet Road, Kerikeri
Lot 1 DP 143682	405C Kerikeri Inlet Road, Kerikeri
Lot 1 & 2 DP 442820	481 Kerikeri Inlet Road, Kerikeri
Lot 3 DP 335522	405F Kerikeri Inlet Road, Kerikeri
Lot 2 DP 415301	144B Edmonds Road, Kerikeri
Lot 1 DP 415301	144C Edmonds Road, Kerikeri
Lot 1 DP 210093	144A Edmonds Road, Kerikeri
Lot 4 DP 210093	144A Edmonds Road, Kerikeri
Lot 1 DP 550862	505E Kerikeri Inlet Road, Kerikeri
Lot 2 DP 335522	505G Kerikeri Inlet Road, Kerikeri
Lot 1 DP 194392	505C Kerikeri Inlet Road, Kerikeri
Lot 2 DP 194392	505D Kerikeri Inlet Road, Kerikeri
Lot 1 DP 109734	405A Kerikeri Inlet Road, Kerikeri
Lot 2 DP 210733	NA
Lot 1 DP 210733 and Lot 4 DP 167657	405B Kerikeri Inlet Road, Kerikeri
Lot 1 DP 172860	405D Kerikeri Inlet Road
Lot 4 DP 579108	NA
Lot 2 DP 442820	NA
Lot 3 DP 210093	Lot 3 Edmonds Road
Section 64 Blk XII Kerikeri SD	431 Kerikeri Inlet Road
Lot 1 DP 368104	445 Kerikeri Inlet Road
Lot 3 DP 579108	NA

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

External Party
Iwi - Ngati Rehia
Heritage New Zealand Pouhere Taonga
Department of Conservation

Submissions closed on 23 July 2025.

- 6.3 At the close of submission period, a total of 6 submissions were received as summarised in table below.

Table 3: Summary of Submissions Received

Submission	Received	Submitter	Address	Issues raised
Objection, wishes to be heard.	21/07/25	Angela Houry	405b Kerikeri Inlet Road	<ul style="list-style-type: none"> <li>Doesn't agree the applicant is entitled to use the accessway for 4 lots.</li> <li>There has been a dispute about the access for some time.</li> <li>Roading doesn't meet Council standards.</li> <li>Visual effects- no screening.</li> <li>Application should be struck off as incorrect.</li> </ul>
Objection, wishes to be heard.	22/07/25	Kim Taylor	431 Kerikeri Inlet Road	<ul style="list-style-type: none"> <li>Defective aspects of the application, arise because there is, currently unresolved, a legal dispute pertaining to the easements / rights of way /lot allocation ("RoW dispute") related to the proposed private accessway to the application site. The application be struck out as an abuse of process and/or inherently defective. Adjourned until the RoW dispute is resolved or refused as the Committee cannot establish, and has no power to determine, how many lots are entitled to use the proposed private right of way.</li> <li><b>Non-Compliance:</b> The application is acknowledged to be non-complying in many respects, and the submitter does not accept that the cumulative effects of these non-compliances will be minor.</li> <li><b>Subdivision Issues:</b> The subdivision does not meet the minimum lot size requirement in sensitive areas (4ha), and a management plan, which is required for discretionary subdivisions, is not provided.</li> <li><b>History and Sensitivity of the Area:</b> The site is in a sensitive environmental zone</li> </ul>

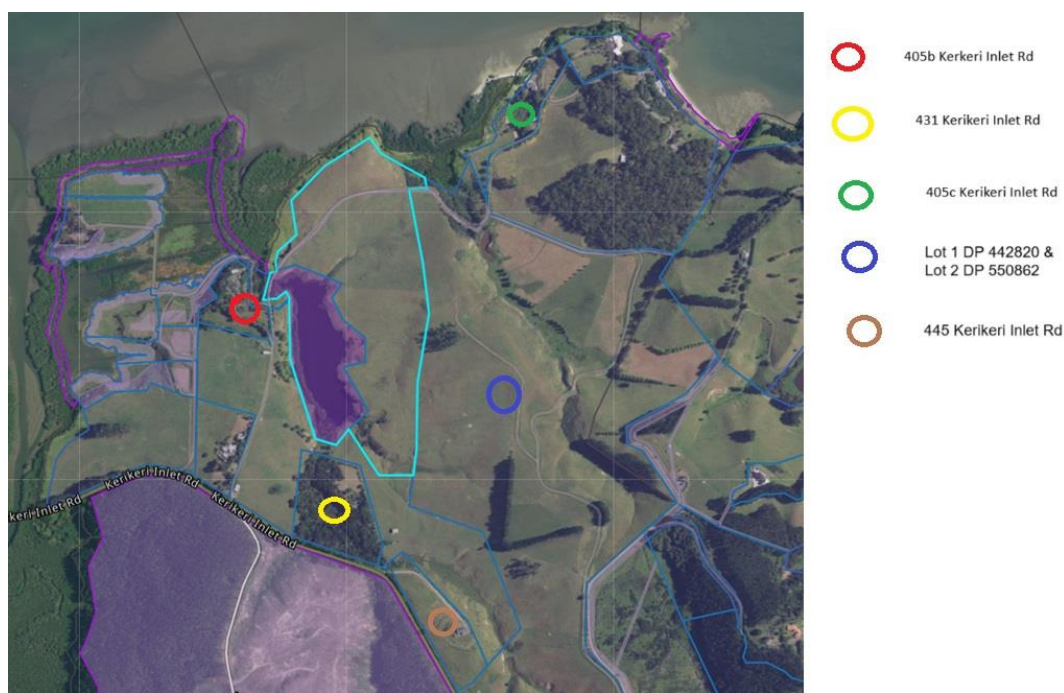
				<p>(South Kerikeri Inlet Zone). The applicant's attempt to create larger lots should be accompanied by a management plan to address the ecological and legal considerations.</p> <ul style="list-style-type: none"> <li>• <b>Environmental Risks:</b> Specific risks related to proximity to wetlands and the lake, including: <ul style="list-style-type: none"> <li>○ Proximity to significant wetlands (restricted activities within 100 meters).</li> <li>○ The effect on views from sensitive areas.</li> <li>○ Extensive earthworks for the proposed access road (14 times the permitted volume).</li> <li>○ Violations of wetland setback rules.</li> </ul> </li> <li>• <b>Building Height and Visual Impact:</b> Concern over proposed building heights (6m for Lot 4, 8m for others). A lower height limit would better minimize visual and environmental impacts.</li> <li>• <b>Visual and Ecological Impact of Buildings:</b> A proposed building on Lot 4, located near a sensitive ridge, could obstruct views and impact the surrounding landscape. The applicant is requested to provide a cross-section showing the visual impact of buildings on sensitive areas.</li> <li>• <b>Landscaping and Screening:</b> While the application suggests planting to "settle" the buildings into the landscape, the submitter criticizes this as insufficient and suggests more effective building integration, such as earth-roofed or earth-sheltered structures, to minimize visual impact.</li> </ul>
--	--	--	--	---

				<ul style="list-style-type: none"> <li>• <b>Protection of Natural Habitat:</b> The submitter raises concerns about the disturbance to wildlife habitat, particularly near the lake and wetlands. They emphasize the importance of protecting the environment for various species, such as the Dabchick, and propose a buffer zone to minimize impact on wildlife and their foraging grounds.</li> <li>• <b>Wildlife and Human Activity:</b> The proposal for buildings close to the lake would disrupt wildlife habitats. The submitter suggests a building line to protect these habitats and prevent competition between property owners for lake views, which would further harm the ecosystem.</li> <li>• <b>Domestic Animal Control:</b> The submitter supports the ban on domestic animals, especially dogs, to protect wildlife. They argue that even a few dogs could significantly harm the wildlife in the area.</li> <li>• <b>Roading and Noise:</b> The submitter requests that the proposed road be sealed, bunded, and planted for noise reduction. Given the sensitive ecological environment, noise from vehicles could disturb both residents and wildlife.</li> <li>• <b>Culvert Concerns:</b> The submitter is concerned that any future disturbance to the culvert area could result in further environmental damage, as past disturbances have caused significant soil and debris damage to their land.</li> </ul>
Objection, did not indicate if	17/07/25	Neo Family	405c Kerikeri	<ul style="list-style-type: none"> <li>• Refuse Subdivision.</li> </ul>



they wish to be heard.		Trustee Limited	Inlet Road	
Objection, wishes to be heard.	21/07/25	Peter Malcolm	Lot 1 DP 442820 & Lot 2 DP 550862	<ul style="list-style-type: none"> <li>• Non-compliance Issue - Concerns with regard to the size of the proposed lots without the required detailed management plan.</li> <li>• Easement and accessway entitlement- insufficient available accessways to allow Nags head to subdivide its titles into 4 lots.</li> <li>• Misrepresentation of existing easements thus compromising Peter Malcolm's access and property rights.</li> </ul>
Objection, does not wish to be heard.	10/07/25	Benjamin Mark	445 Kerikeri Inlet Road (Lot 1 DP 368104)	<ul style="list-style-type: none"> <li>• Any proposed subdivision of the area must enforce native planting to the South of all man made structures (houses, driveways) to protect our view as well as our privacy. The proposed planting neglects any mention of the access way and seems rather minimal around the house sites.</li> <li>• 3/4 of the proposed lots are less than the minimum required size of 4ha.</li> </ul>
Support, subject to condition.	22/07/25	Ngāti Rēhia Trust		<ul style="list-style-type: none"> <li>• The wetland that is mentioned in the report, though not mapped as a significant wetland, is still taonga in Te Ao Māori. This wetland is still mapped as a known wetland. My recommendation would be to have a setback from the wetland (around the entirety of it) of at least 100m if not more and fenced. So, there are no dogs, cats etc that will enter that area, which will also help pest management.</li> </ul>

#### 6.4 Submission Location Plan



6.5 Comments in respect of submissions lodged:

6.6 *There has been a dispute about the access for some time, don't agree the applicant is entitled to use the accessway for four lots.*

- The easement registered on the application title (C871824.10) has no restrictions as to development of that land. The easement referred to in the submissions (C871824.6) is not registered against the applicant's title.
- I consider that any dispute in respect of the RoW that has been raised cannot be resolved under the RMA. Such a dispute would be determined under the Property Law Act 2007 (PLA) and a separate application under the PLA.

6.7 *Roading doesn't meet Council standards.*

- Vehicle access to Lots 1 - 4 will be formed in accordance with the permitted standards of the District Plan and Council's Engineering Standards and Guidelines, with the exception that the bridge or culvert crossing from Kerikeri Inlet Road will be less than 5m in width. Sufficient waiting area will be included either side of the crossing to ensure that there is a safe space for vehicles to give way to an opposing vehicle. This minor width reduction is not considered to cause any significant risks to traffic or road safety, due to the low traffic volume that will use it. It is noted the access is supported by Council Resource Consent Engineer subject to "One Lane Bridge" signage installed on both approaches as well as detailed design plans for the vehicle crossing and access. As such, I consider the roading matter as described above to be acceptable.

6.8 *Visual effects, screening and minimal planting.*

- Landscape and visual effects are evaluated in the L&VEA, which notes that the proposed development creates appropriately placed BDZs, with building design guidelines to ensure that future built form is of an appropriate size, bulk and form.

Together with proposed wetland and landscape integration planting, I considered adverse visual and landscape effects are avoided, mitigated and remediated by the proposal. This is discussed further from section 10.68 of this report.

6.9 *Does not accept that the cumulative effects of these non-compliances will be minor.*

- The effects of the proposal are assessed from section 10.11 of this report and were overall found to be acceptable.

6.10 *The subdivision does not meet the minimum lot size requirement in sensitive areas (4ha), and a management plan, which is required for discretionary subdivisions, is not provided.*

- These aspects are acknowledged; however, the effects of the lot sizes were overall deemed acceptable, discussed in detail in section 10.12 Allotment sizes and dimensions.

6.11 *Specific risks related to proximity to wetlands and the lake and impact on wildlife habitat.*

- Wetland areas are to be enhanced through wetland revegetation, and then permanently protected by way of consent notice condition. Enhancement of the wetland areas will result in a positive effect on habitat and biodiversity.
- The BDZs and proposed access do not occupy any of the wetland areas so as to avoid altering water level range or hydrological function of any wetland areas. Upgrade of vehicle access over the existing crossing within Easement 'A' will be subject to detailed design in accordance with the National Environmental Standards – Freshwater (NES-F) Regulations to achieve an acceptable level of effect and will involve a separate application to Northland Regional Council. Modifications to the culvert, whether they are a permitted activity or otherwise, are subject to the NES-F regulations Subpart 3, including emphasis on the passage of fish.
- The site adjoins the Okura Rier Marginal Strip, being conservation land under the Section 24(3) of the Conservation Act 1987 (Fixed Marginal Strip). This land is administered by the Department of Conservation, who as a result of consultation, have not raised any issues with regards to their ability to administer this Marginal Strip.
- The subject land is not recorded as being a kiwi habitat area in Far North Maps. Nevertheless, fauna species recorded for the Kerikeri Inlet Road Pond Protected Natural Area Unit P05/083 includes "water-related native bird species" including Australasian bittern, spotless crane, white-faced heron, pukeko, black shag, pied shag, little black shag, mallard and grey duck, paradise duck, pied stilt, black swan and the threatened brown teal up to 1981. The jointly owned Lot 4 DP 167657 is subject to a covenant binding the owners of this land, and includes management provisions including use of the lake, water takes, shooting, trapping of wildlife, and structures. Refer to interest D088754.3.
- A consent notice condition banning the introduction of cats and requiring dogs to be kept under control at all times will appropriately mitigate potential adverse effects on wildlife.

6.12 *Any future disturbance to the culvert area could result in further environmental damage*

- Upgrade of vehicle access over the existing crossing within Easement 'A' will be subject to detailed design in accordance with the NES-F Regulations to achieve an acceptable level of effect and will involve a separate application to Northland Regional Council. Modifications to the culvert, whether they are a permitted activity or otherwise, are subject to the NES-F regulations Subpart 3, including emphasis on the passage of fish.

## 7. Written Approvals

- 7.1 The application was not supported by any written approvals.
- 7.2 It is noted that the applicant provided comments from Ian Mitchell and Esther Horton (Te Uri Taniwha hapu), which has been continuing since the application was lodged, with particular regard to the application to Heritage NZ for archaeological authority. Ian & Esther produced a Cultural consultation document which made recommendations and is included in Appendix E.
- 7.3 The report and recommendations support the inclusion of a proposed covenant area 'AD' over the archaeological site within proposed Lot 4 (P05/463). The scheme plan has been updated 18/08/2025 to reflect this covenant area which is to be referred to through a consent notice condition and is included in Appendix B.
- 7.4 Ian & Esther also recommend fencing of the archaeological site; however, this is difficult due to steep contour and may not be necessary depending on whether stock are kept within the lot in the long term. Ian & Esther are happy to defer discussions around fencing until later, but want to be on record as being mana whenua in relation to the archaeological site.

## 8. Pre-Hearing Meeting

- 8.1 No pre-hearing meeting was held.

## 9. Reports from Other Officers/Departments

### 9.1 Resource Consent Engineer

#### *Earthworks*

- 9.2 The Councils Engineering memo is contained within Appendix C; details of the memo are summarised as follows:
- 9.3 To mitigate the effects of the earthworks, the applicant proposes several measures aimed at managing environmental and cultural risks, particularly in relation to erosion, sedimentation, and archaeological sensitivity. Although the scale of earthworks exceeds both the permitted and restricted discretionary thresholds, the cut and fill heights are not anticipated to exceed 1.5 metres. Council engineer recommended a condition at the 223-certification stage requiring a construction management plan including Erosion and

Sediment Control Plan be submitted to Council for approval prior to the commencement of any earthworks which I support.

#### *Access / Right of Way*

- 9.4 The proposal is for the construction of a new bridge or culvert crossing to access the site, replacing a previously washed-out culvert. The crossing will partly be within the road reserve and partly within the ROW easements over Lot 2 DP 210733. Sight distance assessments, based on FNDC standards for an 80 km/h secondary collector road, show 145 m visibility to the northwest and over 210 m to the southeast, meeting the required standards. The proposed crossing is recommended to be built to Type 1A Rural standards with a slip bay for westbound turning traffic, a sealed 4 m-wide carriageway, and waiting areas at each end, with final positioning to be confirmed during engineering plan approval. Within easement 'A' an existing culverted crossing of a wetland will need to be improved, and this activity will require consent under the National Environmental Standards for Freshwater regulations, with consideration for the passage of fish.
- 9.5 The proposal is for a 4-meter wide carriageway for the vehicle crossing, this is non-compliant with the Far North District Council (FNDC) engineering standards and District Plan regulations. The FNDC Engineering Standards 2009 and the District Plan Appendix 3B-1 mandate a minimum carriageway width of 6 meters, while the 2023 standards require a minimum of 5.5 meters.
- 9.6 However, the applicants Engineering Report by Haigh Workman does mention "sufficient waiting areas" at both ends of the crossing, with the reduced width remaining below the required standards. To manage this non-compliance and ensure safe vehicle movements, Councils engineer recommend that "One Lane Bridge" signage be installed on both approaches to alert drivers and mitigate potential safety risks. To address this further, Councils engineer has imposed a condition at the 223-certification stage requiring that detailed design plans for the vehicle crossing and access—including the proposed culvert or bridge replacement, passing bays, stormwater controls, and improvements to the existing culverted wetland crossing within Easement 'J'—be submitted to Council for approval as part of the Engineering Plan Approval process. I support this approach. The report details the proposed site access for a new subdivision, which will be achieved through a series of existing and proposed right-of-way (ROW) easements from Kerikeri Inlet Road. The access system is designed to serve multiple lots with varying requirements for surfacing and width.
- 9.7 The key points from the summary table 4 in Haigh Workman Engineering Report relating to easements are:
- Existing Easements: There are four existing easements (J, D, and C over Lot 2 DP 210733, and D over Proposed Lot 4).
    - Easements J and D over Lot 2 DP 210733 will serve six and five proposed lots, respectively, and require a minimum 5-meter aggregate surfacing.
    - Easement C over Lot 2 DP 210733 will serve four lots with a 3-meter aggregate surfacing and passing bays at intervals not exceeding 100 meters and on blind corners.
    - The existing easement D over Proposed Lot 4 already has a 3-meter width and will continue to serve four lots without any proposed widening.
  - Proposed Easements: Three new easements are proposed to provide access to the

- new lots.
  - Easement A over Proposed Lot 1 will serve four lots and requires a 3-meter aggregate surface with passing bays.
  - Easement B over Proposed Lot 2 will serve three lots and requires a 3-meter aggregate surface with passing bays.
  - Easement C over Proposed Lot 3 will serve two lots and requires a 3-meter aggregate surface.
- 9.8 Council's Engineer notes the proposed upgrades of the access complies with the District Plan Rules and recommends a 223 condition to provide engineering plans to demonstrate compliance with this Rule and the Engineering Standards.

#### *Wastewater*

- 9.9 All lots will require onsite treatment and disposal as there is no public system available for connection.
- 9.10 An engineering site suitability report compiled by Haigh Workman dated 08 May 2025 has been submitted in support of this application, this report includes an onsite soil assessment and a general assessment of onsite effluent disposal capability for lots 1-4 including effluent field slope gradient, soil category, overland flow path separation, and recommended design options. These restrictions and recommendations will be included as part of a consent notice that will be registered on the Computer Freehold Register of the subject lots 1-4.

#### *Water Supply*

- 9.11 Onsite supply will be required as there is no public system available for connection, rainwater will be utilised from roof top collection.
- 9.12 Potable water will be supplied within each vacant lot via collection and storage of rainwater. The typical consent notice condition, which requires onsite water supply to be designed to be adequate for firefighting purposes, can be applied to Lots 1 - 4. The proposal will not result in any adverse effects in terms of water supply.

#### *Stormwater*

- 9.13 A Stormwater Report compiled by Haigh Workman dated 08 May 2025 has been submitted in support of this application.
- 9.14 Anticipated impermeable surface coverage on all lots exceed the 600m<sup>2</sup> threshold permitted by the District Plan rules.
- Lot 1 is above the permitted threshold of 600m<sup>2</sup>.
  - Lots 2,3 and 4 above the restricted discretionary threshold 1500m<sup>2</sup>.
- 9.15 Councils engineer recommended a s221 condition against all the lots [1,2,3,4] referring in the report above.

#### *Telecommunications and Power*

- 9.16 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. This will be noted as a 221 Consent Notice.

## 10. Statutory Assessment

- 10.1 Matters to be considered by the Council when assessing an application for resource consent under s104 of the Act include, subject to Part 2, any actual and potential effects on the environment, any relevant objectives, policies, rules or other provisions of a Plan or Proposed Plan and any other matters considered necessary (i.e. under s104(1)(c)).
- 10.2 Before I undertake my assessment of effects under section 104(1)(a), it is first necessary to address the permitted baseline and existing environment as these are the starting point against which the effects must be considered.
- 10.3 **Permitted Baseline**
- 10.4 Pursuant to section 95D(b) the Council has the discretion to disregard effects of an activity if a rule or national environmental standard permits an activity with that effect, this is known as the permitted baseline.
- 10.5 The permitted baseline is relevant to the application as rule 10.10.5.1.2 residential intensity allows for one residential unit per 4ha of land with 3,000m<sup>2</sup> of exclusive use area surrounding the dwelling plus a minimum of 3.7ha elsewhere on the property is permitted. This could accommodate 3 dwellings on the site under the permitted threshold.
- 10.6 Furthermore, excavation and filling in SKIZ is permitted, provided that it does not exceed 300m<sup>3</sup> in any 12-month period per site.
- 10.7 While there is no permitted baseline as all subdivision activities require resource consent under the Operative District Plan. The above outlines what could potentially be done with the site with landuse based activities.
- 10.8 **Receiving Environment**
- 10.9 The receiving environment beyond the subject site includes permitted activities under the relevant plans, lawfully established activities (via existing use rights or resource consent) and any unimplemented resource consents that are likely to be implemented. The effects of any unimplemented consents on the subject site that are likely to be implemented (and which are not being replaced by the current proposal) also form part of this reasonably foreseeable receiving environment. This is the environment within which the adverse effects of the application must be assessed.
- 10.10 In this case the receiving environment is characterised by varying coastline to the north, the Waitangi wetlands to the east, large rural forestry blocks to the south, and denser urban development to the west. The nearby land parcels vary in size from 3,500m<sup>2</sup> to 50 hectares, forming a rural-residential/lifestyle environment. It is noted the receiving environment also includes the consents outlined above in the planning history with the approved consent RC1900546 approved a four-lot subdivision which granted lots of 4 and 5 hectare in size.
- 10.11 **Section 104(1)(a) Actual and potential effects on the environment**

*Allotment sizes and dimensions*



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

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

Source -Table taken from page 4 of the applicants AEE

- 10.13 Rule 10.10.5.1.2 of the South Kerikeri Inlet Zone limits residential development to one unit per 4ha of land as a permitted activity, with the additional provisos that the land shall be developed in such a way that each unit shall have at least 3,000m<sup>2</sup> for its exclusive use surrounding the unit plus a minimum of 3.7ha elsewhere on the property. This would allow three dwellings as a permitted activity on site. It is noted that a proposal for four dwellings could comply with the Discretionary status for rule 10.10.5.4.1 Residential Intensity where residential development shall be limited to one unit per 2ha of land.
- 10.14 In all cases the land is to be developed in such a way that each unit shall have at least 3,000m<sup>2</sup> for its exclusive use surrounding the unit, plus a minimum of 1.7 ha elsewhere on the property.
- 10.15 Detailed building design guidelines have been volunteered to integrate future built development into the landscape, and the establishment of landscape integration planting will be completed at subdivision stage. A reduced building height of 6m above existing ground level, with the top of the roofline to be below the 29m asl contour, is proposed for Lot 4, so that a future building does not protrude above the highest contours of this lot.
- 10.16 Although the proposed subdivision layout will increase the density of built development on the land, the overall it is considered that the intensity remains low, and in accordance with the nature of nearby rural lifestyle development. Further, policy 10.10.4.1(a) supports the clustering of development which is considered in keeping with the proposed.
- 10.17 The L&VEA states that *“The wider setting of the site is characterised by mixed land uses including pastoral farms, forestry blocks, scattered rural residential development and pockets of indigenous vegetation. The repeated occurrence of houses along the coastline within this area in the South Kerikeri Inlet zone is a characteristic element within this landscape setting. This modification of the landscape and proximity of the site within an area that contains a similar settlement pattern to that proposed reduces the sites sensitivity to change. This landscape is more accommodating of change due to the existing land uses and present levels of development.”*
- 10.18 Further, it notes that *“Due to the current settlement patterns surrounding the site any future built development upon the proposed lots will be in context with the existing*

*character of the surrounding landscape. The receiving environment within which the development is located exhibits very similar characteristics to the proposed development. The nature and scale of the proposal will not change the key features and attributes of the landscape which currently provide the existing landscape character for this zone."*

- 10.19 Overall, I consider that any adverse effects in relation to allotment sizes and dimensions on the wider environment will be less than minor and therefore acceptable.

#### *Natural and other hazards*

- 10.20 The Haigh Workman Engineering Assessment states that there is no significant risk from natural hazards that would cause Section 106 of the Resource Management Act to apply. In particular, it notes that the nominated building platforms are well elevated, and not within the mapped flood hazard areas. The Haigh Workman Geotechnical Assessment Report outlines that the proposed building platforms are sufficiently set back from steep slopes and makes recommendations for foundations and earthworks to be further considered at building consent stage via specific engineering investigation.
- 10.21 In summary, each lot has a suitable building platform subject to specific geotechnical assessment and foundation design due to the presence of soils with expansive characteristics that typically fail to meet the "good ground" criteria defined in NZS3604(2011) i.e., soil that does not have an ultimate bearing pressure of 300 kPa or greater, as well as sloping ground. The proposed subdivision and associated earthworks do not have any known adverse effects related to soil contamination as addressed in section 7 of this report.
- 10.22 Lots 1 – 4 include areas of open pasture and future residential dwellings can be sited to be set back from any large tracts of existing or proposed vegetation that may present a fire hazard. On site collection of roof water will supply tanks, which will need to be used for firefighting water supply, given the absence of public reticulated water supply and fire hydrants in the vicinity. Suitable water supply for this purpose can be designed and provided at the building consent stage for any residential dwelling on Lots 1 – 4. Vehicle access will be suitable for firefighting appliances, and the nearest fire station is located approximately 5km from the site, allowing quick emergency response time in the event of a fire occurring.
- 10.23 Overall, natural or other hazards are considered to be less than minor and therefore acceptable.

#### *Water supply*

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

#### *Stormwater disposal*

- 10.25 The impermeable surfaces established on Lot 2 DP 442820 (and subsequently Lots 2 – 4) and on Lot 2 DP 210733 will each exceed the restricted discretionary activity standard for the South Kerikeri Inlet Zone. Given the length of access required to service the subdivision, it is reasonable to expect that compliance with the permitted baseline threshold for stormwater management would be difficult. An assessment is provided within the Engineering Assessment.
- 10.26 Stormwater management within the proposed subdivision is designed to control stormwater flows, reduce scour and ensure compliance. At subdivision stage, stormwater management will comprise controlling water from the new shared accessway to Lots 1 - 4, with detailed drainage design to be provided as part of the engineering plan approval, including the positioning of culverts where existing natural flow paths cross the proposed rights of way, and culvert dimensions and discharge points.
- 10.27 The Engineering Assessment recommends grass lined swales, with crossroad culverts at low points, where existing natural flow paths cross the proposed ROW. Culverts will drain to natural flow paths on site, and where grades are steeper than 10%, flow paths should be armoured. Long term stormwater management on the individual lots will require further refinement at the building consent stage, depending on the final design and extent of impermeable surfaces.
- 10.28 The Engineering Assessment notes that *“stormwater attenuation is not considered necessary. Runoff from developed surfaces will be discharged to ground on gentle slopes in a dispersive manner where it will be absorbed by the soils. During large rainfall events surplus runoff will drain as sheet flow, congregating in the natural gully features before entering the wetlands present on site and into the pond on the property to the west of the site”*.
- 10.29 With the proposed stormwater management conditions, it is considered that the proposal will avoid and mitigate potential adverse stormwater effects arising from the proposed impermeable surface areas, such that effects will be less than minor. This has been reviewed by Councils engineer who supports the application regarding stormwater. Overall, in terms of stormwater the proposal is considered acceptable.

#### *Sanitary sewage disposal*

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

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

*Energy and telecommunications supply*

- 10.33 Top Energy has advised that the existing overhead power supply crossing Lot 3 is privately and collectively owned by those connected to it. They recommend the creation of a private reciprocal easement for this overhead line over proposed Lot 3.
- 10.34 Power or telecommunications connections will not be installed as part of this subdivision as these are not required by Rule 13.7.3.7 given that the subdivision does not create urban allotments. The consent holder may choose to supply power and telecommunications to the lot boundaries of their own volition. The standard consent notice condition, advising that electricity and telecommunications have not been made a condition of the subdivision consent, is suggested to be applied to Lots 1 - 4. Overall, energy and telecommunication supply are acceptable.

*Property access*

- 10.35 The additional traffic generated by the proposal is in the order of thirty daily one-way traffic movements based on the increase in the overall number of sites and future anticipated household equivalents. Private vehicle access is addressed within the Engineering Assessment, which recommends that detailed design be provided at engineering plan approval stage.
- 10.36 Vehicle access to Lots 1 - 4 will be formed in accordance with the permitted standards of the District Plan and Council's Engineering Standards and Guidelines, with the exception that the bridge or culvert crossing from Kerikeri Inlet Road will be less than 5m in width. Sufficient waiting area will be included either side of the crossing to ensure that there is a safe space for vehicles to give way to an opposing vehicle. This minor width reduction is not considered to cause any significant risks to traffic or road safety, due to the low traffic volume that will use it.
- 10.37 In summary, the proposed access arrangements represent the best practicable option for providing legal and physical access to the boundary of each lot. Adverse effects are avoided and mitigated through the shared use of private access, location of the access to minimise earthworks, careful design where access will be formed in close proximity to waterways, and selecting the best option for vehicle access off Kerikeri Inlet Road to future proof continued physical access.

- 10.38 Overall, I consider the effect with regard to access to be acceptable.

*Earthworks*

- 10.39 Earthworks are required to complete the proposal, being those associated with formation of access to the boundary of Lots 1 - 4. For the subdivision stage of development, detailed erosion and sediment control measures will be complied with

to ensure that adverse environmental effects on water quality and stability are avoided. This has been reviewed by Councils engineer who supports the application with regard to earthworks, as such associated effects are considered to be less than minor and therefore acceptable.

#### *Building locations*

- 10.40 Suitable building sites on the lots have been identified, as outlined in the Engineering Assessment. The L&VEA describes the location of the BDZs within the context of the South Kerikeri Inlet Zone as follows.
- 10.41 *"The proposal is for a rural residential subdivision, with the appropriate placement of BDZ's so that they can be absorbed into the landscape setting with minimal adverse effects upon coastal natural character and rural and visual amenity values. The location of the BDZ's on the lower contours, which are not readily visible from the coast will keep a large proportion of the site with an open rural character. The design guidelines and the landscape integration plantings will minimise potential visual effects. There will be no native vegetation clearance, and earthworks will be either screened by planting or revegetated.*
- 10.42 *The proposed wetland revegetation plantings will restore and rehabilitate the degraded landscape areas. The native plantings proposed, and exclusion of stock will create habitat for native fauna. As these areas are within the coastal environment, they will assist with enhancing natural character values. The areas of high sensitivity along the ridgeline on Lots 1-3 have been avoided, with the BDZ located on the lower contours close to the pond. The BDZ on Lot 4 will be located within the defined sensitive area, however, will not be located on the highest contours of the lot, and will be developed with building design guidelines, height restrictions and landscape integration plantings to ensure that there will be minimal adverse effects upon the sensitive area and natural character values of the coastal environment.*
- 10.43 *There are eight other houses located in a similar manner to the proposed BDZ on Lot 4. They are positioned along the coastal edge of this zone and are subsequently located within this sensitive area. The nearest house to the east of the proposed BDZ on Lot 4 is 500m away, and the nearest to the west is 250m away. This creates a 750m long "gap" along the coastal edge where there are no dwellings present. The proposal for one dwelling to be located within this area will result in a dwelling density along this part of the coastline that is not intensive and will still retain the undeveloped nature of the maritime gateway to Kerikeri and the existing character of this zone.*
- 10.44 *Development on the site will be managed to protect coastal natural character, rural amenity values, and the visually sensitive areas of the South Kerikeri Inlet zone. This will protect the maritime entrance to Kerikeri."*
- 10.45 *Further comment is made in terms of the South Kerikeri Inlet Zone visual amenity criteria: "The BDZ's have been positioned on the gentler contours on Lots 1-3 close to the pond. The BDZ on Lot 4 has been positioned off the highest contours of the knoll, and will be dug into the landform to minimise potential visibility."*
- 10.46 In summary, I consider the proposed building locations are appropriately positioned to minimise adverse effects upon the sensitive area and natural character values of

the coastal environment, provide safe and stable building platforms, and avoid adverse ecological impacts, with effects overall considered to be acceptable.

*Archaeological and cultural effects*

10.47 The Archaeological Assessment by Geometria Ltd states that:

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

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

10.50 *Extensive topsoil stripping for sediment control/bunds, access and building areas may reveal such subsurface archaeological features prior to bulk earthworks. Mitigating effects on such features usually takes the form of identifying such features in the course of stripping by archaeological monitoring and on-call procedures, investigating features, and then allowing them to be destroyed or where possible, avoided and left in-situ.*

10.51 *The archaeological effects of the proposal are therefore assessed as none too low."*

10.52 Further, it notes that:

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

10.54 It is noted that the applicant provided comments from Ian Mitchell and Esther Horton (Te Uri Taniwha hapu), which has been continuing since the application was lodged, with particular regard to the application to Heritage NZ for archaeological authority. They produced a Cultural consultation document which made recommendations.

10.55 The report and recommendations support the inclusion of a proposed covenant area 'AD' over the archaeological site within proposed Lot 4 (P05/463). The scheme plan has been updated to reflect this covenant area which is to be referred to through a consent notice condition.

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

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

- 10.58 There is a possibility that topsoil stripping for access and services and building areas on the new lots will uncover subsurface archaeological features. These are most likely to be small shell midden in poor condition due to erosion and stock trampling, and of low archaeological significance. These features are difficult to identify in advance of large-scale topsoil stripping, and such features would need to be investigated as they are uncovered or avoided if practical.
- 10.59 Therefore, an archaeological authority will be sought on a precautionary basis, with mitigation by monitoring and investigation as required. The Archaeological Assessment makes further recommendations as to the future management of archaeological features recorded as part of P05/463 on Lot 4, and P05/1079 on the edge of the lake within Lot 4 DP 167657. As mentioned above (P05/463) will be a covenant area, with no specific works intended within the location of these features, and it is suggested that the recommendations are included as advisory notes to the consent.
- 10.60 As such effects are considered less than minor and therefore acceptable.

*Preservation and enhancement of vegetation and fauna*

- 10.61 Lot 2 DP 442820 does not include any mapped areas of significant indigenous vegetation, however the adjacent pond within Lot 4 DP 167657 is a recorded protected natural area wetland, as described in the Wetland Determination.
- 10.62 Additional wetland areas are to be enhanced through wetland revegetation, and then permanently protected by way of consent notice condition. Enhancement of the wetland areas will result in a positive effect on habitat and biodiversity. The BDZs and proposed access do not occupy any of these wetland areas so as to avoid altering water level range or hydrological function of any wetland areas. Upgrade of vehicle access over the existing crossing within Easement 'A' will be subject to detailed design in accordance with the NES-F Regulations to achieve an acceptable level of effect and will involve a separate application to Northland Regional Council. Modifications to the culvert, whether they are a permitted activity or otherwise, are subject to the NES-F regulations Subpart 3, including emphasis on the passage of fish.
- 10.63 The site adjoins the Okura Rier Marginal Strip, being conservation land under the Section 24(3) of the Conservation Act 1987 (Fixed Marginal Strip). This land is administered by the Department of Conservation, who as a result of consultation, have not raised any issues with regards to their ability to administer this Marginal Strip.
- 10.64 The subject land is not recorded as being a kiwi habitat area in Far North Maps. Nevertheless, fauna species recorded for the Kerikeri Inlet Road Pond Protected Natural Area Unit P05/083 includes "water-related native bird species" including Australasian bittern, spotless crane, white-faced heron, pukeko, black shag, pied shag, little black shag, mallard and grey duck, paradise duck, pied stilt, black swan and the threatened brown teal up to 1981. The jointly owned Lot 4 DP 167657 is subject to a covenant binding the owners of this land, and includes management provisions including use of the lake, water takes, shooting, trapping of wildlife, and structures. Refer to interest D088754.3.



- 10.65 Potential adverse ecological effects arising from the subdivision will arise from future residential development on the lots, and the potential introduction of domestic animals, such as cats and dogs, which may present a threat to indigenous wildlife. A consent notice condition banning the introduction of cats and requiring dogs to be kept under control at all times will appropriately mitigate potential adverse effects on wildlife.
- 10.66 Other potential ecological effects of the subdivision and future development on the vacant lots are able to be controlled through standard mitigation, as outlined in the Wetland Determination, this includes adherence to the fish passage requirements of the National Environmental Standard for Freshwater (see Section 6.1.2 of the AEE), avoidance of the introduction of exotic vegetation that is an environmental weed or on the National Pest Plant Accord, and controlled management of stormwater and wastewater discharge to avoid sediment input.
- 10.67 Given the above, effects on vegetation and fauna are considered to be less than minor and therefore acceptable.

#### *Landscape and visual effects*

- 10.68 Landscape and visual effects are evaluated in the L&VEA, which notes that the proposed development creates appropriately placed BDZs, with building design guidelines to ensure that future built form is of an appropriate size, bulk and form. Together with proposed wetland and landscape integration planting, adverse visual and landscape effects are avoided, mitigated and remediated by the proposal. The assessment of character, visual and amenity effects is summarised below.
- 10.69 Planting of 4863m<sup>2</sup> landscape integration planting and 1.0493ha of wetland restoration planting will have an overall positive effect on landscape amenity values.
- 10.70 Remediation of earthworks will ensure adverse visual or landscape effects are avoided.
- 10.71 Potential landscape and visual effects on surrounding landowners will be less than minor.
- 10.72 Lots 1 – 3 BDZs and roading ensure no adverse effects upon the sensitive area of the zone or the natural character values of the site and wider coastal environment.
- 10.73 Lot 4 BDZ will be subject to location and design controls to ensure that development in this area will result in less than minor potential adverse effects upon natural character values of the coastal environment.
- 10.74 Landscape enhancement and integration plantings and building design guidelines will enable the site to visually absorb the proposed development, ensuring that the proposal will generate less than minor potential adverse effects upon rural character values.
- 10.75 Potential adverse visual effects on key viewpoints including the eastern facing side of Reinga Road, passing motorists on Kerikeri Inlet Road, Skudders Beach area, Blue Penguin Drive area, Rangitane Loop Road, nearby surrounding properties, and various viewing positions within the Kerikeri Inlet are all assessed as being less than minor.

- 10.76 Visual effects from existing dwellings surrounding the site will be less than minor and therefore acceptable.

*Soil*

- 10.77 Soils on the subject site are not mapped as being Class I, II or III in the NZ Land Resource Inventory Worksheets. The mapped Land Use Capability class is IV, which does not meet the definition of 'highly productive land' under the National Policy Statement for Highly Productive Land or of 'highly versatile soils' in the Regional Policy Statement. The proposed subdivision is located on soils which are not considered to be a scarce resource, and the proposal is considered to be an efficient use of soil resources.
- 10.78 The proposed subdivision layout creates rural lifestyle sites within a proposed framework of revegetation and landscape integration planting. The wetland revegetation areas are naturally located in the eroding overland flow paths, and will be retired from grazing, to support enhancement of the wetland ecosystems and erosion prevention. In this way, the proposal is considered to contribute to the protection of the life supporting capacity of soils.

*Access to reserves and waterways*

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

*Land use compatibility*

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

10.81 **Matters not in contention:**

- 10.82 A number of effects were assessed in the application and were not contended in the submissions received. These are:

10.83 Archaeological and cultural effects.

10.84 Sanitary sewage disposal, stormwater disposal, water supply.

10.85 Natural and other hazards.

10.86 Energy and telecommunications supply.

10.87 **Positive effects**

- 10.88 The proposal provides four appropriately sized lots for future residential use in close proximity to Kerikeri township where effects on the environment were considered acceptable.

10.89 **S104 Actual and Potential Adverse Effects - Conclusion**

- 10.90 In conclusion I consider that the most relevant potential effects have been addressed above and I have concluded that the balance of effects on of the activity are less than minor and therefore acceptable.

## **11. Statutory Documents (Section 104(1)(b))**

- 11.1 Section 104(1)(b)(i) and (ii) relevant provisions of national environmental standards or other regulations
- 11.2 The following National Environmental Standards are considered relevant to the site; however, resource consent is not required under the standard as addressed below.
- 11.3 National Environmental Standard for Assessing and Managing Contaminants in Soils to Protect Human Health 2011 (NЕСS)
- 11.4 The subject land is not recorded on the Northland Regional Council Selected Land-use Register as a site that has been used for any activity included in the Ministry for the Environment's Hazardous Activities and Industries List ("HAIL").
- 11.5 Review of historic aerial imagery using Retrolens (aerial image from years 1951, 1965, 1968, 1971, 1978 and 1980), and more recent aerial and satellite photography indicates that the property was in pasture and scrub in 1951. By 1965, the pond within Lot 4 DP 167657 was formed, scrub was cleared to form pasture, the quarry had been established, and access had been formed over the northern part of the site (along the alignment of existing easement 'D') and into the property from Kerikeri Inlet Road via the existing appurtenant easements. Subsequently there has been little change to the land use and site conditions. There is no apparent evidence that the site has been used for any of the activities listed as HAIL.
- 11.6 The small-scale farm quarry at the south-western end of Lot 4 is for extraction of brown rock and is not considered to be included in the HAIL activity E.7: Mining industries (excluding gravel extraction) including exposure of faces or release of groundwater containing hazardous contaminants, or the storage of hazardous wastes including waste dumps or dam tailings, as there is no likelihood of soil contamination from the rock material, and the extracted material is benign. In any event, the quarry area is not going to be used for residential purposes and will not experience a change of use.
- 11.7 As such, using the method set out in Section 6(2) of the above Regulations, the subject site is not considered to be a 'piece of land' in terms of the above regulations and the NESCS does not apply.
- 11.8 National Environmental Standards for Freshwater 2020 (NESFW)
- 11.9 While the NESFW is enforced by the regional council, it is still relevant to consider whether the activities subject of this application may have implications in terms of the NESFW regulations.
- 11.10 The applicant has provided a Wetland Determination as part of the application which identifies the location of natural inland wetland and assesses subdivision and future land

use activities in terms of their compliance with the above Regulations. The report notes that:

- 11.11 *Recognition of natural inland wetland onsite promotes avoidance of effects through adherence to protective measures as per the NES –F in design. Bunded crossing and culvert A traverses a wetland over proposed Lot 1 descending from east offsite Lot 1 DP 442820. It is considered other infrastructure under the NPS-FM and its upgrade is a Restricted Discretionary activity requiring consideration of matters in REG 56 and resource consent application to NRC once detailed design is finalised.*
- 11.12 *Other than Crossing A, the building platforms and the majority of associated infrastructure are potentially within 100m of natural inland wetland but do not occupy critical source areas, seepage or overland flow path that through their formation may change the water level range or hydrological function of the wetland. Diversion of diffuse natural discharge naturally permeating or sheetflow downslope through the building sites or ROW across pasture will not cause drainage of all or part of the wetlands or likely change the water level range or hydrological function of the wetland in any measurable way in reference to Reg 52(i);(ii) & Reg 54 (c) & (d).*
- 11.13 *Likewise, earthworks within 100m or 10m will not result in complete or partial drainage of all or part of the wetland or likely change the water level range or hydrological function of the wetlands as per Reg 52(i);(ii) & Reg 54 (c) & (d) if they do not occupy or intersect with the wetlands.*
- 11.14 *Revegetation <10m of natural inland wetland is a permitted activity subject to general principles within NES-F REG 55.*
- 11.15 Consent for the upgrade of the existing crossing within easement 'A' will require consent from Northland Regional Council as a restricted discretionary activity and an application will be lodged once detailed design is finalised, while all other aspects of the proposed activity will meet the permitted activity standards of the above regulations.
- 11.16 Section 104(1)(b)(iii) relevant provisions of National Policy Statements
- 11.17 There are New Zealand Coastal Policy Statement 2010 ("NZCPS"), National Policy Statement for Highly Productive Land 2022 – Amended 2024 ("NPSHPL") and National Policy Statement for Indigenous Biodiversity ("NPSIB").
- 11.18 Highly Productive Land 2022 – Amended 2024
- 11.19 The site is mapped as comprising Land Use Capability ("LUC") unit 4e7. This LUC Unit does not meet the definition of 'highly productive land' in the NPSHPL.
- 11.20 National Policy Statement for Indigenous Biodiversity
- 11.21 There is no SNA included in the district plan or identified in a policy statement or plan.
- 11.22 Direct effects on indigenous vegetation are avoided as the subdivision does not require clearance of, or disturbance to, indigenous vegetation. Potential indirect effects arising from earthworks and future building and residential development can be avoided and mitigated through standard erosion and sediment control measures,

careful stormwater discharge and by observing suitable buffers from wetland areas. Potential adverse effects on birds can be minimised through consent notice conditions, prohibiting cats and requiring dogs to be kept under proper control. There are no adverse effects which are more than minor or require remediation or biodiversity offsetting.

- 11.23 It is therefore considered that the proposal is consistent with the above National Policy Statement
- 11.24 Section 104(1)(b)(iv) relevant provisions of the New Zealand Coastal Policy Statement
- 11.25 The NZCPS provides strategic direction as to how coastal management should be dealt with in planning documents. The most recent mapping of the 'coastal environment' is within the operative Regional Policy Statement. The northern part of the subject land is part of the coastal environment, encompassing Lots 3 and 4, as well as the northern part of Lot 2.
- 11.26 The relevant policies of the NZCPS are policy 6 (Activities in the coastal environment), 13 (Preservation of natural character), 14 (Restoration of natural character), 15 (Natural features and natural landscapes), 17 (Historic heritage identification and protection), 22 (Sedimentation), and 23 (Discharge of contaminants). These have been assessed as follows:
- 11.27 In relation to policy 6, the proposal is consistent with the character of the surrounding coastal lifestyle and rural residential development that is already located in the wider catchment. It provides for intensification of residential use in a considered way, so as to avoid detracting from the character of this part of the existing environment.
- 11.28 Policies 13 and 15, which require preservation of natural character and protection of natural character, features and landscapes from inappropriate subdivision, use and development, have been taken into account during the selection of BDZs as well as the formulation of building design guidelines and landscape integration plantings. It is further noted that the subject land is not part of a mapped area of high or outstanding natural character and is not within an Outstanding Natural Landscape or Feature. Natural character can be preserved, significant adverse effects on natural features and landscapes are avoided, while other potential adverse effects are avoided, remedied and mitigated.
- 11.29 In relation to policy 14, the proposal includes riparian restoration and landscape planting, which will result in both visual and ecological benefits, and therefore promotes restoration and rehabilitation of the natural character of the coastal environment in accordance with this policy direction.
- 11.30 In relation to policy 17, the BDZs and access alignments within the overall subdivision layout avoid recorded archaeological sites. A precautionary application for an archaeological authority will be sought.
- 11.31 In relation to policies 22 and 23, consideration of the designs for treatment and disposal of stormwater and wastewater disposal has been considered with any associated effects deemed to be acceptable.

11.32 Section 104(1)(b)(v) relevant provisions of the Regional Policy Statement for Northland (RPS)

11.33 The role of the Regional Policy Statement is to promote the sustainable management of Northland's natural and physical resources by providing an overview of the region's resource management issues and setting out policies and methods to achieve the integrated management of Northland's natural and physical resources. The northern part of the subject land is within the coastal environment. The site does not include any areas of high or outstanding natural character, or outstanding natural landscapes or features. The relevant policies include:

- Policy 4.4.1 – Maintaining and protecting significant ecological areas and habitats, Policy 4.6.1 – Managing effects on the characteristics and qualities natural character, natural features and landscapes
- Policy 5.1.2 – Development in the coastal environment
- Policy 5.1.1 – Planned and coordinated development

11.34 The subdivision does not include any areas of outstanding natural character, outstanding natural features or outstanding natural landscapes. The subdivision avoids significant adverse effects, and avoids, remedies or mitigates other adverse effects on natural character, ecological and the wider landscape. The listed methods have been taken into account in the placement of BDZs, proposed planting and by the location of the subdivision within an existing area of rural / coastal lifestyle development. Given the nature of the proposal, it will have negligible effects on the life supporting capacity of air, water, soil and ecosystems. As such, it is considered the proposal is compatible with the intent of the RPS.

11.35 Section 104(1)(b)(vi) relevant provisions of a plan or proposed plan

11.36 The Operative Far North District Plan 2009 and the Proposed Far North District Plan 2022 are relevant to the application for consent. The following assessment addresses each of these in turn.

11.37 The Operative Far North District Plan 2009

11.38 The objectives and policies of the Coastal Environment, South Kerikeri Inlet Zone and Subdivision Sections of the District Plan are relevant to this proposal. It has been concluded that the proposal is not contrary to the overall objectives and policies of the Operative District Plan and consequently, meets the test of section 104D(1)(b) of the RMA.

11.39 The adverse effects are avoided where possible through the subdivision design and avoidance of direct effects on habitat, and are otherwise mitigated through the specified measures to integrate future built form and infrastructure, as well engineering conditions in accordance with policy 10.6.4.4. The works required to implement the subdivision are separated from the coastal marine area by an existing Marginal Strip.

11.40 The proposed development creates appropriately placed BDZs, with building design guidelines to ensure that future built form is of an appropriate size, bulk and form. Together with proposed wetland and landscape integration planting, adverse visual and landscape effects are avoided, mitigated and remediated by the proposal. The

proposal is considered to be consistent with objective 10.6.3.2 and policies 10.4.12, 10.6.4.1, 10.6.4.2 and 10.6.4.6.

- 11.41 The proposal avoids the need for clearance of indigenous vegetation. Existing wetland areas will be enhanced and permanently protected. Implementation of pest and weed management, together with a ban on cats and control of dogs can enhance indigenous biodiversity, resulting in a net positive ecological effect. The proposal is considered consistent with Policy 10.4.3.
- 11.42 The proposal uses a single access point off Kerikeri Inlet Road, which is the only existing legal access to the subject site. Together with shared private access, this is considered to be an efficient design, which will avoid adversely affecting the safety or efficiency of Kerikeri Inlet Road.
- 11.43 The proposal is considered to represent a sustainable use of the land, which is already zoned for rural lifestyle use, and does not contain highly productive or versatile soils.
- 11.44 On site collection and storage of water, and onsite management of wastewater and stormwater can be achieved on the new rural lifestyle sites in such a way that avoids adverse effects on the environment. Electricity supply is available, and there are suitable building sites on the vacant lots that are able to be developed in accordance with energy efficient principles.
- 11.45 The subject site does not directly adjoin the coastal marine area, and an existing Marginal Strip provides the legal mechanism for public access to and along the coast. The proposal is not considered to have any implications in terms of the maintenance or improvement of public access to and along the coast.
- 11.46 Given the above the proposal is considered to be consistent with the objectives and policies of the Operative District Plan.
- 11.47 **The Proposed Far North District Plan 2022**
- 11.48 The relevant objectives and policies are set out under the chapters 'Rural Lifestyle Zone' 'Subdivision' and 'Coastal Environment' of the Proposed District Plan, with the proposal considered to be consistent with the relevant strategies.
- 11.49 The strategy direction for the Rural Lifestyle Zone, where relevant for this proposal, is aimed towards enabling rural lifestyle living, while avoiding activities that are incompatible with the zone, including overly intensive urban or rural activities. The intended density of residential activity resulting from the subdivision meets the permitted activity standard for the Rural Lifestyle zone, being one residential unit per 2ha, and further, the proposal has been assessed as being compatible with the existing character in the South Kerikeri Inlet area and compatible with the characteristics expected for the Rural Lifestyle Zone. As such, the proposal is considered to be in accordance with RLZ-O1, RLZ-O2 and RLZ-O3, RLZ-P1 and RLZ-P2. The strategies listed in RLZ-P4 to manage land use and subdivision effects have all been taken into account in the design of the subdivision and the suite of conditions to manage future built development.

11.50 The activity is consistent with the relevant objectives, policies and assessment criteria of the Proposed District Plan because for this resource consent application, the relevant provisions of both an operative and any proposed plan must be considered. Weighting is relevant if different outcomes arise from assessments of objectives and policies under both the operative and proposed plans. As the outcomes sought are the same under the operative and the proposed plan frameworks, no weighting is required.

11.51 **Section 104(1)(c) any other matter**

11.52 The precedent resulting from granting a resource consent is an 'other matter' that Council can have regard to in considering an application for consent for a non-complying activity. The non-complying activity status does not of itself create a precedent effect; however, a relevant consideration is whether granting this consent, and the anticipation that like cases will be treated alike, will contribute to an adverse cumulative effect that follows from this activity.

11.53 The existing pattern of rural lifestyle development in the wider area will be continued by the proposal, allowing the additional proposed lots to be accommodated without setting a wider precedent. The proposal is based on the unique circumstances of the site, including its undivided one-third share in Lot 4 DP 167657 which increases the lot area to achieve an average density not exceeding one residential unit per 4ha, and the availability of non-sensitive land allowing three out of the four BDZs to be screened from view from Kerikeri Inlet, leaving only one BDZ within the sensitive area. Taking into account the proposed building design guidelines, as well as the building location on a lower contour and a proposed building height restriction, the placement of a single residential unit within the sensitive area is considered to be a reasonable use of the site, and as attested to within the L&VEA. It is considered it will not detract from the undeveloped nature of the area and the existing character of the South Kerikeri Inlet Zone.

11.54 For these reasons, it is considered that a precedent will not be created through the granting of this application due to its distinguishing features and circumstances.

11.55 **Section 104D assessment**

11.56 The proposal has been deemed to be acceptable, based in part on the specialist wetland, archaeological, landscape and visual and engineering assessments, which address both its actual and potential effects and its relationship with the relevant provisions of the Operative and Proposed District Plans. To this end, the proposal passes both limbs of the Section 104D gateway test.

11.57 **Section 104(3)(a)**

11.58 There are no trade competition matters to be addressed.

11.59 **Section 104(3)(d)**

11.60 The application was limited notified as a requirement of the District Plan.



## **12. Part 2 Assessment**

- 12.1 The activity will avoid, remedy or mitigate any potential adverse effects on the environment while providing for the sustainable management of natural and physical resources and is therefore in keeping with the Purpose and Principles of the Act. There are no matters under section 6 that are relevant to the application. The proposal is an efficient use and development of the site that will maintain existing amenity values without compromising the quality of the environment. The activity is not considered to raise any issues in regard to Te Tiriti o Waitangi. The purpose of the Act is to promote the sustainable management of natural and physical resources.

## **13. Conclusion and Recommendation**

- 13.1 That, pursuant to Section 104 and 104B of the Resource Management Act 1991, I recommend that the application for Subdivision to create four lots in the South Kerikeri Inlet Zone as a non-complying activity and Landuse for breach of Stormwater Management, Setback from Smaller Lakes, Rivers and Wetlands, Private Accessway in all Zones in the South Kerikeri Inlet Zone as a discretionary activity be GRANTED.

### **13.2 Reasons for the Recommendation**

- 13.2 Pursuant to Section 113 of the Resource Management Act 1991, the reasons for this decision are as follows:
- 13.3 The proposed development creates appropriately placed BDZs, with building design guidelines to ensure that future built form is of an appropriate size, bulk and form. Together with proposed wetland and landscape integration planting, adverse visual and landscape effects are avoided, mitigated and remediated by the proposal.
- 13.4 The subdivision design avoids direct effects on habitats with acceptable earthworks and infrastructure controlled through engineering conditions.
- 13.5 The proposal avoids the need for clearance of indigenous vegetation. Existing wetland areas will be enhanced and permanently protected. A ban on cats and control of dogs can enhance indigenous biodiversity, resulting in a net positive ecological effect.
- 13.6 The proposal uses a single access point off Kerikeri Inlet Road, which is the only existing legal access to the subject site. Together with shared private access, this is considered to be an efficient design, which will avoid adversely affecting the safety or efficiency of Kerikeri Inlet Road and is supported by Councils engineer.
- 13.7 The proposal is considered to represent a sustainable use of the land, which is already zoned for rural lifestyle use, and does not contain highly productive or versatile soils.
- 13.8 On site collection and storage of water, and onsite management of wastewater and stormwater can be achieved on the new rural lifestyle sites in such a way that avoids adverse effects on the environment. Electricity supply is available, and there are

suitable building sites on the vacant lots that are able to be developed in accordance with energy efficient principles.

- 13.9 The subject site does not directly adjoin the coastal marine area, and an existing Marginal Strip provides the legal mechanism for public access to and along the coast. The proposal is not considered to have any implications in terms of the maintenance or improvement of public access to and along the coast.

## **Appendix A – Draft Conditions**

## **Draft Conditions**

### **Activity A - Subdivision**

Pursuant to sections 108 and 220 of the Act, this consent is granted subject to the following conditions:

1. The subdivision shall be carried out in general accordance with the approved plans attached to this consent with the Council's "Approved Stamp" affixed to them:
  - Scheme Plan - Subdivision prepared by Williams and King, referenced Proposed Subdivision of Lot 2 DP 442820, sheet 24467 dated July 2025.
  - Landscape Plans – Hawthorn Landscape Architects, Overall Landscape Plan, drawing 3.0 Rev A, Landscape Integration Plan Lot 1, drawing 4.0 Rev A, Landscape Integration Plan Lot 2, drawing 4.1 Rev A, Landscape Integration Plan Lot 3, drawing 4.2 Rev A, Landscape Integration Plan Lot 4, drawing 4.3 Rev A, Plant Schedule, Drawing 5 Rev A, Implementation + Maintenance, drawing 6.0 Rev A, dated 14/01/2025.
  - Earthworks Plan – Haigh Workman, project number 18 268, Sheets 1 – 9, date 15/04/2025.
  - Vehicle Crossing - Haigh Workman, project number 18 268, Sheets 1 – 2, date 07/08/2024.
2. This consent must be carried out in general accordance with the Application Form and Assessment of Environmental Effects prepared by William & King, dated 13 May 2025 and all documents all supporting additional information submitted with the application as listed below.

Report reference	Report title	Author	Rev	Date
18 268	Engineering Assessment	Haigh Workman Civil & Structural Engineers	A	8 May 2025
18 268	Geotechnical Assessment	Haigh Workman Civil & Structural Engineers	A	May 2025
18 268	Vehicle Crossing Design	Haigh Workman Civil & Structural Engineers	A	08/05/2025
N/A	Wetland Determination	Bay Ecological Consultancy	N/A	10 April 2025

N/A	Landscape & Visual Effects Assessment	Hawthorn Landscape Architects	N/A	9 January 2025
N/A	Archaeological Assessment	Geometria Ltd	N/A	29 November 2024

## Survey plan approval (s223) conditions

3. The survey plan, submitted for approval pursuant to Section 223 of the Act must show:
  - a. All easements in the memorandum to be duly granted or reserved in the memorandum of easements on the approved Scheme Plan.
  - b. All easements for any Council infrastructure on the subject site that are not shown on the Scheme Plan and all these easements shall be included in the memorandum of easements on the survey plan.
  - c. Areas shown AA, AB & AC are to be subject to a Land Covenant (Wetland Protection).
  - d. Area shown AD is to be subject to a Land Covenant (Archaeological).
  - e. The building development zones (BDZ) identified on the Scheme plan for each lot.

### *Amalgamation Condition*

- f. That Lot 4 DP 167657 (Legal Access) be held as to four undivided one-twelfth shares by the owner of Lot 1, 2, 3 & 4 hereon as tenants in common in the said shares and that individual Record of Title be issued in accordance therewith.
4. Prior to the approval of the survey plan pursuant to Section 223 of the Act the consent holder shall:
    - a. The consent holder must submit a detailed set of engineering plans prepared in accordance with Council's Engineering Standards. The engineering plans are to be submitted to the Resource Consent Engineer for approval at least two weeks prior to works commencing on site. All work needing design/certification by a CPEng will require completion of a producer statement (design) (EES-PS1 or similar).

### Submit plans for Engineering Plan Approval of:

- Provide detailed design plans for the proposed vehicle crossing, including the bridge or culvert replacement, carriageway width, passing bays, stormwater controls, and any improvements to the existing culverted crossing.
- Provide sufficient waiting areas at both approaches to bridge.
- One Lane Bridge signage be installed on both approaches to alert drivers and mitigate potential safety risks.
- Unsealed private accessway surface to widths specified in Table 4 of the Engineering Assessment report prepared by Haigh Workman, report reference 18 268 dated 08 May 2025.
- The culverts along the private access formation must be designed and constructed to adequately accommodate the upstream catchment.

- b. Two weeks prior to the commencing any physical site works, a construction management plan shall be submitted to [Planning\\_Technicians@fndc.govt.nz](mailto:Planning_Technicians@fndc.govt.nz) and approved by the Council. The plan shall contain information on, and site management procedures, for the following:
  - Final earthworks design and erosion and sediment control measures in accordance with GD05. In particular, the plans and details shall include:
    - Details of when and how proposed works will be carried out,
    - All Particular Hazardous Work (Notifiable work),
    - A project execution plan, as applicable for complex projects,
    - Principal contractor and, sub-contractors,
    - Names and telephone numbers of contract and supervisory staff,
    - Starting date, working days, hours of work, and estimated completion date,
    - Temporary Traffic Management Plan (TTMP),
    - Health and Safety plan,
    - Dust and sedimentation control,
    - Confirmation of all insurances, and
    - Contingency and Emergency procedures
    - Final earthworks plans including location of stockpiles and fill resulting from surplus excavated material.
- c. Provide for the approval of the Resource Consents Team Leader or other duly delegated officer, a pest and weed eradication management plan prepared by a suitably qualified and experienced person for areas 'AA', 'AB', and 'AC'. The management plan must include:
  - Pest and weed eradication measures including ongoing maintenance
  - Appropriate signage
  - Details of the mechanism / arrangement to oversee the ongoing implementation of the plan in a coordinated manner.
  - Reporting mechanisms including progress weed and pest eradication
  - Any other relevant matter for the purposes of managing the allotments.

## Section 224(c) compliance conditions

5. Prior to the issuing of a certificate pursuant to Section 224(c) of the Act, the consent holder shall:

### *Landscape*

- a. Provide certification (including photographs) by a Suitably Qualified and Experienced Person that the Landscape Integration Planting (specimen trees, backdrop screen plantings and foreground plantings) has been implemented in accordance with the approved Landscape Plans prepared by Hawthorne Landscape Architects of RC 2250414-RMACOM.

### *Archaeology.*

- b. During all construction works to be undertaken as approved under this consent, in the event of an "accidental discovery" of archaeological material, the following steps must be taken:

- i. All work on the site will cease immediately. The contractor/works supervisor will shut down all equipment and activity.
  - ii. The contractor/works supervisor/owner will take immediate steps to secure the site(tape it off) to ensure the archaeological remains are undisturbed and the site is safe in terms of health and safety requirements. Work may continue outside of the site area.
  - iii. The contractor/works supervisor/owner will notify the Area Archaeologist of Heritage New Zealand – Pouhere Taonga (Northland Office), tangata whenua and any required statutory agencies (such as the NZ Police if human remains/koiwi tangata are found) if this has not already occurred.
  - iv. Heritage New Zealand – Pouhere Taonga advise the use of a qualified archaeologist who will confirm the nature of the accidentally discovered material.
  - v. If the material is confirmed as being archaeological, under the terms of the Heritage New Zealand Pouhere Taonga Act 2014, the landowner will ensure that an archaeological assessment is carried out by a qualified archaeologist, and if appropriate, an archaeological authority is obtained from Heritage New Zealand – Pouhere Taonga before work resumes.
  - vi. If burials, human remains/koiwi tangata are uncovered, steps in conditions 5(b)(i) to (iii) above must be taken and the Area Archaeologist of Heritage New Zealand – Pouhere Taonga, the New Zealand Police and the Iwi representative for the area must be contacted immediately. The area must be treated with discretion and respect and the koiwi tangata/human remains dealt with according to law and tikanga.
  - vii. Works at the site area must not recommence until an archaeological assessment has been made, all archaeological material has been dealt with appropriately, and statutory requirements met. All parties will work towards work recommencement in the shortest possible timeframe while ensuring that archaeological and cultural requirements are complied with.
- c. All work on the approved engineering plans in Condition 4(a) is to be carried out to the approval of the Resource Consent Engineer. Compliance with this condition shall be determined by.
- (i) A PS4 Certificate of Completion and approval of supporting documentation provided by the developer's representative/s including evidence of inspections by those persons, and all other test certificates and statements required to confirm compliance of the works as required by the Council's Engineering Standards.
  - (ii) "Certificate of Completion of Resource Consent Works" from the Contractor.
  - (iii) All construction works on the site are to be undertaken in accordance with the approved construction management plan.
- d. Within 3 months of completion of earthworks activities, the consent holder must provide to the Councils Resource Consents Engineer certification from the suitably qualified and experienced person who supervised the installation of the erosion and sediment controls that they were installed in accordance with the requirements of GD05 'Erosion and Sediment Control Guide for Land Disturbing Activities in the Auckland Region' and remained in place for the duration of the earthworks approved under condition 4(b). Any exposed earthworks shall be stabilized in accordance with

GD05. Where there are inconsistencies between any part of GD05 and the conditions of this consent, then the conditions of this consent must prevail. Certification must be provided to [Planning\\_Technicians@fndc.govt.nz](mailto:Planning_Technicians@fndc.govt.nz)

- e. Provide evidence to the satisfaction of the Resource Consent Team Leader or duly delegated officer proof of implementation of the Pest and Weed eradication plan. The evidence needs to be provided by a suitably qualified and experienced person.
6. Secure the conditions below by way of a Consent Notice issued under section 221 of the Act, to be registered against the titles of the affected allotment. The costs of preparing, checking and executing the Notice shall be met by the consent holder:
- a. Prior to or in conjunction with any building consent application, the design and construction of any building or associated works, including earthworks, must be in accordance with the recommendations contained within the Engineering Assessment and Geotechnical Assessment Report prepared by Haigh Workman, report reference 18 268 dated 08 May 2025 unless an alternative engineering report prepared by a suitably experienced Chartered Professional Engineer is approved in writing by Council. Finished floor levels shall be calculated using the latest information available on the FNDC, NRC website and Ministry of Environment guidelines when applying for a Building Consent.  
**[Lot 1,2,3 & 4]**
  - b. 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 be the responsibility of the future property owner.  
**[Lot 1,2,3 & 4]**
  - c. Upon construction of any habitable building, sufficient water supply for fire fighting purposes is to be provided and be accessible by firefighting appliances in accordance with Council's Engineering Standards 2023 and more particularly with the 'FENZ Fire Fighting Code of Practice SNZ PAS 4509:2008'. An alternative means of compliance with this standard will require written approval from Fire and Emergency NZ.  
**[Lot 1,2,3 & 4]**
  - d. In conjunction with the construction of any building on the lots the lot owner shall submit, in conjunction with an application for building consent, and for the approval of Council the design of stormwater control measures. Dispensation may be given for attenuation where low-impact design measures have been proposed, and no downstream flooding is created. The report shall be prepared by a Chartered Professional Engineer or a suitably qualified and experienced practitioner and be generally in accordance with recommendations in Engineering Assessment and Geotechnical Assessment Report prepared by Haigh Workman, report reference 18 268 dated 08 May 2025.  
**[Lot 1,2,3 & 4]**



- e. In conjunction with the construction of any buildings on Lots 1 to 4 which includes a wastewater treatment & effluent disposal system, the applicant shall submit with the Building Consent application an Onsite Wastewater Report prepared by a Suitably Qualified and Experienced Person in accordance with AS/NZS 1547:2012 or TP58. The report shall identify a suitable method of wastewater treatment for the proposed development along with an identified effluent disposal area plus an appropriately sized reserve disposal area in accordance with the requirements of the Proposed Regional Plan for Northland and be generally in accordance with recommendations in Engineering Assessment and Geotechnical Assessment Report prepared by Haigh Workman, report reference 18 268 dated 08 May 2025. **[Lot 1,2,3 & 4]**

#### *Built form*

- f. All built structures on proposed Lots 1 - 3 shall be limited to a height of no greater than 8 meters above ground level. **[Lot 1-3]**
- g. All built structures on proposed Lot 4 shall be limited to a height of no greater than 6 meters above ground level. The top of the roofline shall be below the 29m asl contour so that it does not protrude above the highest contours on this lot. **[Lot 4]**
- h. Building colours from the A and B Group of the BS 5252 colour chart shall be used. The light reflectance values for the exterior roof colours shall not exceed 20% and the exterior walls shall not exceed 30% for Lot 4. **[Lot 4]**
- i. Building colours from the A and B Group of the BS 5252 colour chart shall be used. The light reflectance values for the exterior roof colours shall not exceed 30% and the exterior walls shall not exceed 40% for Lots 1-3. **[Lot 1-3]**

#### *Kiwi Protection*

- j. No occupier of, or visitor to the site, shall keep or introduce to the site carnivorous or omnivorous animals (such as dogs, cats or mustelids).

**[Lots 1-4]**

#### *Building Development Zones*

- k. All residential dwellings and associated ancillary structures (including but not limited to: sheds, minor dwellings, pool houses, sauna buildings, sleep outs) and swimming pools must be located within the identified Building Development Zone (as per condition 3e and shown on the Survey Plan) unless agreed in writing by the Team Leader Resource Consents or any duly delegated officer.

*Note – The location of residential buildings within the Building Development Zone formed an important part of the consent. If the Building Development Zone is not deemed to be suitable at Building Consent stage, a statement from a suitably qualified*

*and experienced Landscape Architect is required to support the proposed alternative Building Development Zone to ensure that the alternative location does not have any potential adverse visual, landscape or ecological effects.*

**[Lots 1-4]**

#### *Archaeology*

- I. The owners of Lot 4 are advised that a recorded archaeological site 'P05/463' is identified with area 'AD' is located within or in proximity to this site. Prior to the commencement of any earthworks, the lot owner shall submit to the Team Leader Resource Consents, evidence that they have engaged an archaeologist to undertake monitoring of the site for any topsoil stripping or earthworks associated with establishing a building platform, and will submit an application for an Archaeological Authority to Heritage New Zealand Pouhere Taonga, if advised by the archaeologist.

**[Lot 4]**

#### *Wetland*

- m. The owner shall preserve the indigenous vegetation and revegetated areas within the areas shown as 'AA', 'AB' and 'AC' on the survey plan and shall not without resource consent from 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 vegetation 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. Additionally, no built development is permitted within these areas and stock must be excluded from these areas.

**[Lots 1-3]**

- n. The pest and weed eradication management plan approved in condition 4(d) for areas 'AA', 'AB' and 'AC' to protect the native vegetation must be observed and continued by the landowners and the plan shall not cease or be amended without the express permission of Council.

**[Lots 1-3]**

- o. The lot owner is to continue the General Maintenance of landscape and revegetation plantings established under condition 5(a) for a minimum period of three years following practical completion of the landscape plantings, as specified in Drawing 6.0 ('Implementation + Maintenance') of the Hawthorn Landscape Architects Landscape & Visual Effects Assessment.

**[Lots 1-4]**

### **Activity B - Landuse**

Pursuant to sections 108 and 220 of the Act, this consent is granted subject to the following conditions:

1. The subdivision shall be carried out in general accordance with the approved plans attached to this consent with the Council's "Approved Stamp" affixed to them:
  - Scheme Plan - Subdivision prepared by Williams and King, referenced Proposed Subdivision of Lot 2 DP 442820, sheet 24467 dated July 2025.

- Landscape Plans – Hawthorn Landscape Architects, Overall Landscape Plan, drawing 3.0 Rev A, Landscape Integration Plan Lot 1, drawing 4.0 Rev A, Landscape Integration Plan Lot 2, drawing 4.1 Rev A, Landscape Integration Plan Lot 3, drawing 4.2 Rev A, Landscape Integration Plan Lot 4, drawing 4.3 Rev A, Plant Schedule, Drawing 5 Rev A, Implementation + Maintenance, drawing 6.0 Rev A, dated 14/01/2025.
- Earthworks Plan – Haigh Workman, project number 18 268, Sheets 1 – 9, date 15/04/2025.
- Vehicle Crossing - Haigh Workman, project number 18 268, Sheets 1 – 3, date 07/08/2024.

2. This consent must be carried out in general accordance with the Application Form and Assessment of Environmental Effects prepared by William & King, dated 13 May 2025 and all documents all supporting additional information submitted with the application as listed below.

Report reference	Report title	Author	Rev	Date
18 268	Engineering Assessment	Haigh Workman Civil & Structural Engineers	A	8 May 2025
18 268	Geotechnical Assessment	Haigh Workman Civil & Structural Engineers	A	May 2025
18 268	Vehicle Crossing Design	Haigh Workman Civil & Structural Engineers	A	08/05/2025
N/A	Wetland Determination	Bay Ecological Consultancy	N/A	10 April 2025
N/A	Landscape & Visual Effects Assessment	Hawthorn Landscape Architects	N/A	9 January 2025
N/A	Archaeological Assessment	Geometria Ltd	N/A	29 November 2024

3. The consent holder must pay the Council's compliance monitoring charges to cover the actual and reasonable costs incurred in monitoring compliance with the conditions of this consent, in accordance with section 36(1)(c) of the Resource Management Act.

*Advice Note:*

*Compliance monitoring charges cover the costs associated with site inspections (where required), and the review of plans, reports, and other documentation to ensure compliance with the resource consent. These charges will be calculated based on the applicable hourly rate at the time and included in a final invoice once monitoring is complete. A letter confirming compliance will be issued by the Council, upon request, only after all consent conditions have been met.*

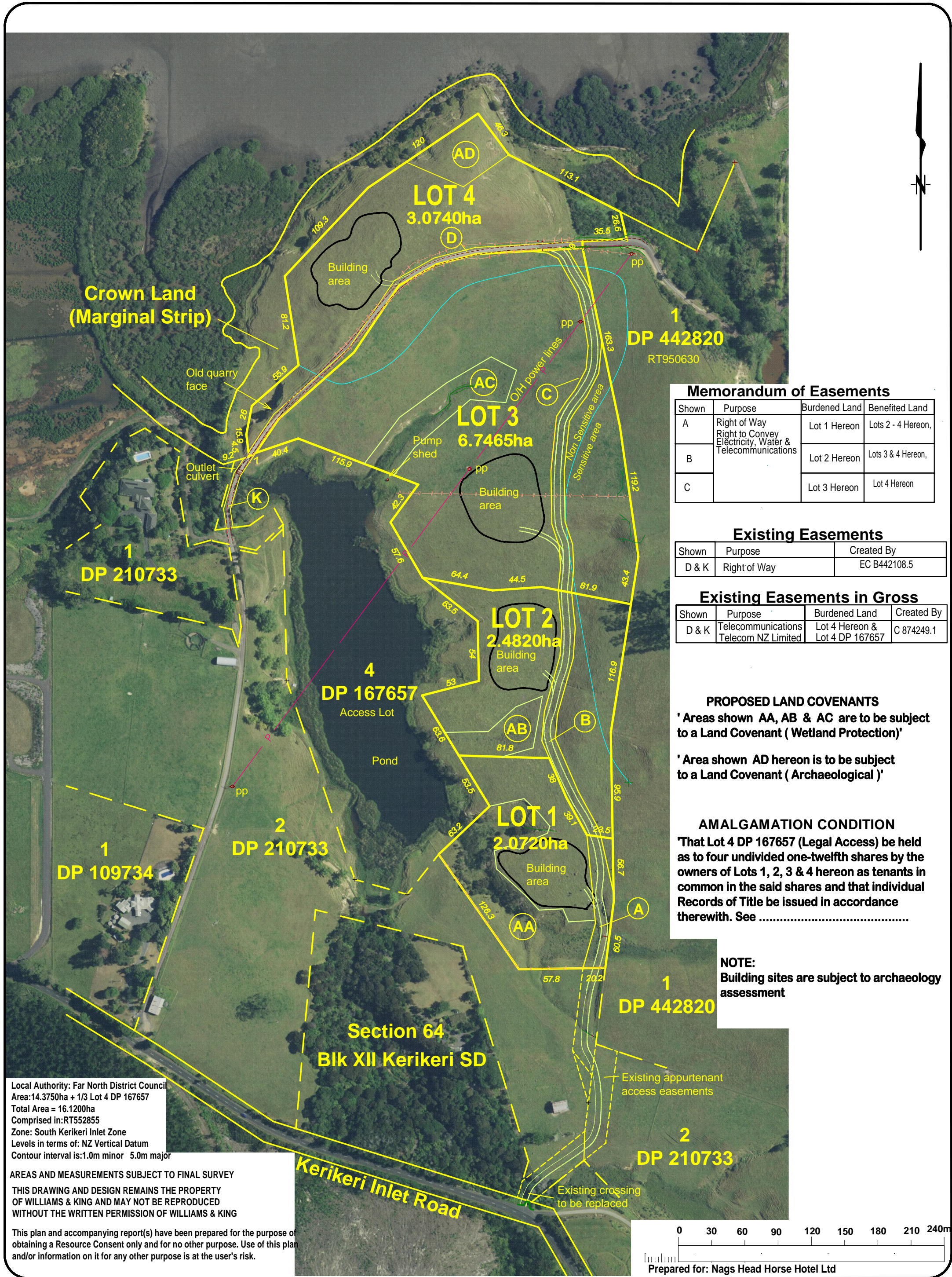
**Advise Notes**

1. The Consent Holder shall pay all charges set by Council under Section 36 of the Resource Management Act 1991, including any administration, monitoring, inspection and supervision charges relating to the conditions of this resource consent. The applicant will be advised of the charges as they fall.
2. Any work activity, excavation and non- excavation carried out in the road reserve, must lodge formal notice of intention to carry out Works, in the form of a Corridor Access Request, submitted to the Corridor Manager for Approval.  
A Corridor Access Request (CAR) is an application for a permit to carry out works within the road reserve, this is defined in the National Code of Practice for Utilities access to the transport Corridors and has been adopted by Council.  
A Traffic Management Plan (TMP) must be uploaded with the CAR submission, describing the proposed works, design, setup, and removal of any activity being carried out within the road Reserve. A Work Access Permit (WAP) and reasonable conditions will be issued once TMP is Approved. Enquiries as to its use may be directed to Council's Road Corridor Manager, [corridor.access@fndc.govt.nz](mailto:corridor.access@fndc.govt.nz).
3. Permits are required for drilling any bores in Northland. Therefore, resource consent will need to be gained from the Northland Regional Council if water is obtained in this way. If a bore is to be constructed, all areas used for sewage effluent disposal and reserve effluent disposal areas must be at least 20 metres away from any groundwater bore.
4. Building Consents may be required for retaining structures.
5. All earthworks are required to comply with the Northland Regional Council Regional Water and Soil Plan for Northland noting Erosion & sediment control and dust suppression requirements.
6. Erosion and Sedimentation Control shall be designed and carried out in accordance with GD05 "Erosion and Sediment Control Guide for Land Disturbing Activities in the Auckland Region"
7. Archaeological sites are protected pursuant to the Heritage NZ Pouhere Taonga Act 2014. It is an offence, pursuant to the Act, to modify, damage or destroy an archaeological site without an archaeological authority obtained from the Heritage New Zealand Pouhere Taonga (HNZPT). Should any site be inadvertently uncovered, the procedure is that work should cease, with the HNZPT and local iwi consulted immediately. The New Zealand Police should also be consulted if the discovery includes koiwi (human remains).

8. Attention drawn to archaeological sites P05/463 and P05/1079 and responsibilities under Heritage New Zealand Pouhere Taonga Act 2014. An archaeological authority under the Heritage New Zealand Pouhere Taonga Act 2014 may be required.
9. Prior to Commencing Earthworks, the consent holder is to establish and mark the location of the boundary pegs and mark all property boundaries adjacent to the proposed earthworks.

## **Appendix B – Proposed Plans**





Memorandum of Easements			
Shown	Purpose	Burdened Land	Benefited Land
A	Right of Way Right to Convey Electricity, Water & Telecommunications	Lot 1 Hereon	Lots 2 - 4 Hereon,
B		Lot 2 Hereon	Lots 3 & 4 Hereon,
C		Lot 3 Hereon	Lot 4 Hereon

Existing Easements		
Shown	Purpose	Created By
D & K	Right of Way	EC B442108.5

Existing Easements in Gross			
Shown	Purpose	Burdened Land	Created By
D & K	Telecommunications Telecom NZ Limited	Lot 4 Hereon & Lot 4 DP 167657	C 874249.1

**PROPOSED LAND COVENANTS**  
'Areas shown AA, AB & AC are to be subject to a Land Covenant ( Wetland Protection)'  
'Area shown AD hereon is to be subject to a Land Covenant ( Archaeological )'

**AMALGAMATION CONDITION**  
'That Lot 4 DP 167657 (Legal Access) be held as to four undivided one-twelfth shares by the owners of Lots 1, 2, 3 & 4 hereon as tenants in common in the said shares and that individual Records of Title be issued in accordance therewith. See .....

**NOTE:**  
Building sites are subject to archaeology assessment

Local Authority: Far North District Council  
Area: 14.3750ha + 1/3 Lot 4 DP 167657  
Total Area = 16.1200ha  
Comprised in: RT552855  
Zone: South Kerikeri Inlet Zone  
Levels in terms of: NZ Vertical Datum  
Contour interval is: 1.0m minor 5.0m major

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.



**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 2 DP 442820**



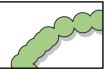


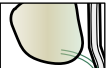
Survey	Name	Date	ORIGINAL SCALE SHEET SIZE  <b>1:3000 A3</b>
Design			
Drawn	W & K	Oct 24	
Rev	W & K	Jul 2025	

**24467**





Landscape Integration Planting  
(Refer to plant schedules)

-  Specimen trees
-  Backdrop screen plantings  
Area 4836m<sup>2</sup>
-  Foreground plantings  
Area 666m<sup>2</sup>
-  Wetland revegetation  
plantings - Area 1.0493 HA
-  Existing wetland /  
bush areas
-  Building Area -  
area that can  
accommodate built form

 **HAWTHORN**  
Landscape Architects

14/01/2025	
<b>APPENDIX 6</b> <b>Overall Landscape Plan</b> Nags Head Horse Hotel Ltd. LOT 4 DP 442820 Kerikeri Inlet Road	
Scale	Drawn By
1:3000 @ A3	Cad Design
Drawing #	Rev #
3.0	A
<small>1. This drawing is the property of Hawthorn Landscape Architects Ltd and must not be used, copied or reproduced without prior written permission. Contractors shall verify and be responsible for all dimensions on site. 2. Do not scale off this drawing. 3. Landscape Architect to be notified of any variations between on site dimensions and those shown on the plan. Hawthorn Landscape Architects accepts no liability for unauthorised changes to the details changes to the details shown in these drawings. 4. All construction work based on these plans is to comply with relevant local authority regulations and all NZ building codes and standards.</small>	










Plant Schedule - Backdrop Lot 1

Botanical name	% mix	Spacing	Total No.
Coprosma macrocarpa	10	1.5m	70
Cordyline australis	5	3m	20
Corynocarpus laevigatus	10	10m	10
Kunzea robusta	15	1.5m	115
Leptospermum scoparium	15	1.5m	115
Myoporum laetum	10	1.5m	70
Phormium tenax	10	1m	115
Pittosporum crassifolium	10	1.5m	70
Pseudopanax lessonii	15	1.5m	115


Landscape Integration Planting  
(Refer to plant schedules)

-  Specimen trees
-  Backdrop screen plantings  
Area 1164m<sup>2</sup>
-  Wetland revegetation  
plantings - Area 5554m<sup>2</sup>
-  Existing wetland /  
bush areas
-  Building Area -  
area that can  
accommodate built form



Schedule - Revegetation Plantings Lot 1

Botanical name	% mix	Spacing	Total No.
Carex secta	5	1m	270
Carex virgata	5	1m	270
Coprosma robusta	15	1.5m	555
Cordyline australis	5	3m	90
Entelea arborescens	15	1.5m	555
Isolepis nodosa	10	1m	555
Kunzea robusta	15	1.5m	555
Leptospermum scoparium	15	1.5m	555
Phormium tenax	15	1m	833

**HAWTHORN**  
Landscape Architects

14/01/2025

**APPENDIX 6**  
**Landscape Integration Plan Lot 1**  
Nags Head Horse Hotel Ltd.  
LOT 4 DP 442820  
Kerikeri Inlet Road

Scale	Drawn By
1:1250 @ A3	Cad Design
Drawing #	Rev #
4.0	A

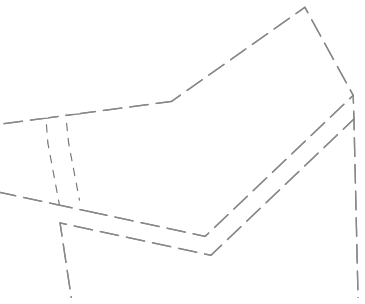
1. This drawing is the property of Hawthorn Landscape Architects Ltd and must not be used, copied or reproduced without prior written permission.

2. Contractors shall verify and be responsible for all dimensions on site.

3. Do not scale off this drawing.

4. Landscape Architect to be notified of any variations between on site dimensions and those shown on the plan. Hawthorn Landscape Architects accepts no liability for unauthorised changes to the details changes to the details shown in these drawings.

5. All construction work based on these plans is to comply with relevant local authority regulations and all NZ building codes and standards.



Plant Schedule - Backdrop Lot 2




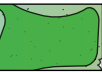
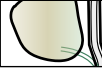
Botanical name	% mix	Spacing	Total No.
Coprosma macrocarpa	10	1.5m	55
Cordyline australis	5	3m	15
Corynocarpus laevigatus	10	10m	10
Kunzea robusta	15	1.5m	85
Leptospermum scoparium	15	1.5m	85
Myoporum laetum	10	1.5m	55
Phormium tenax	10	1m	85
Pittosporum crassifolium	10	1.5m	55
Pseudopanax lessonii	15	1.5m	85

Schedule - Revegetation Plantings Lot 2

Botanical name	% mix	Spacing	Total No.
Carex secta	5	1m	80
Carex virgata	5	1m	80
Coprosma robusta	15	1.5m	165
Cordyline australis	5	3m	25
Entelea arborescens	15	1m	165
Isolepis nodosa	10	1.5m	165
Kunzea robusta	15	1.5m	165
Leptospermum scoparium	15	1.5m	165
Phormium tenax	15	1m	250



Landscape Integration Planting  
(Refer to plant schedules)

-  Specimen trees
-  Backdrop screen plantings  
Area 855m<sup>2</sup>
-  Wetland revegetation  
plantings - Area 1652m<sup>2</sup>
-  Existing wetland /  
bush areas
-  Building Area -  
area that can  
accommodate built form

Building area

Driveway

6-Hose

4-Knex

4-Hyfl


2-List

AB

LOT 1

LOT 2

LOT 3

**HAWTHORN**  
Landscape Architects

14/01/2025

**APPENDIX 6**  
**Landscape Integration Plan Lot 2**  
Nags Head Horse Hotel Ltd.  
LOT 4 DP 442820  
Kerikeri Inlet Road

Scale	Drawn By
1:1250 @ A3	Cad Design
Drawing #	Rev #
4.1	A

1. This drawing is the property of Hawthorn Landscape Architects Ltd and must not be used, copied or reproduced without prior written permission. Contractors shall verify and be responsible for all dimensions on site.


2. Do not scale off this drawing.


3. Landscape Architect to be notified of any variations between on site dimensions and those shown on the plan. Hawthorn Landscape Architects accepts no liability for unauthorised changes to the details changes to the details shown in these drawings.


5. All construction work based on these plans is to comply with relevant local authority regulations and all NZ building codes and standards.





Landscape Integration Planting  
(Refer to plant schedules)

 Specimen trees

 Backdrop screen plantings  
Area 1498m<sup>2</sup>


 Wetland revegetation  
plantings - Area 3287m<sup>2</sup>

 Existing wetland /  
bush areas

 Building Area -  
area that can  
accommodate built form

Plant Schedule - Backdrop Lot 3			
Botanical name	% mix	Spacing	Total No.
Coprosma macrocarpa	10	1.5m	100
Cordyline australis	5	3m	25
Corynocarpus laevigatus	10	10m	15
Kunzea robusta	15	1.5m	150
Leptospermum scoparium	15	1.5m	150
Myoporum laetum	10	1.5m	100
Phormium tenax	10	1m	150
Pittosporum crassifolium	10	1.5m	100
Pseudopanax lessonii	15	1.5m	150

Schedule - Revegetation Plantings Lot 3			
Botanical name	% mix	Spacing	Total No.
Carex secta	5	1m	165
Carex virgata	5	1m	165
Coprosma robusta	15	1.5m	330
Cordyline australis	5	3m	55
Entelea arborescens	10	1.5m	150
Isolepis nodosa	5	1m	330
Kunzea robusta	10	1.5m	150
Leptospermum scoparium	10	1.5m	150
Phormium tenax	10	1.5m	500



14/01/2025

**APPENDIX 6**  
**Landscape Integration Plan Lot 3**  
Nags Head Horse Hotel Ltd.  
LOT 4 DP 442820  
Kerikeri Inlet Road

Scale	Drawn By
1:1250 @ A3	Cad Design
Drawing #	Rev #
4.2	A

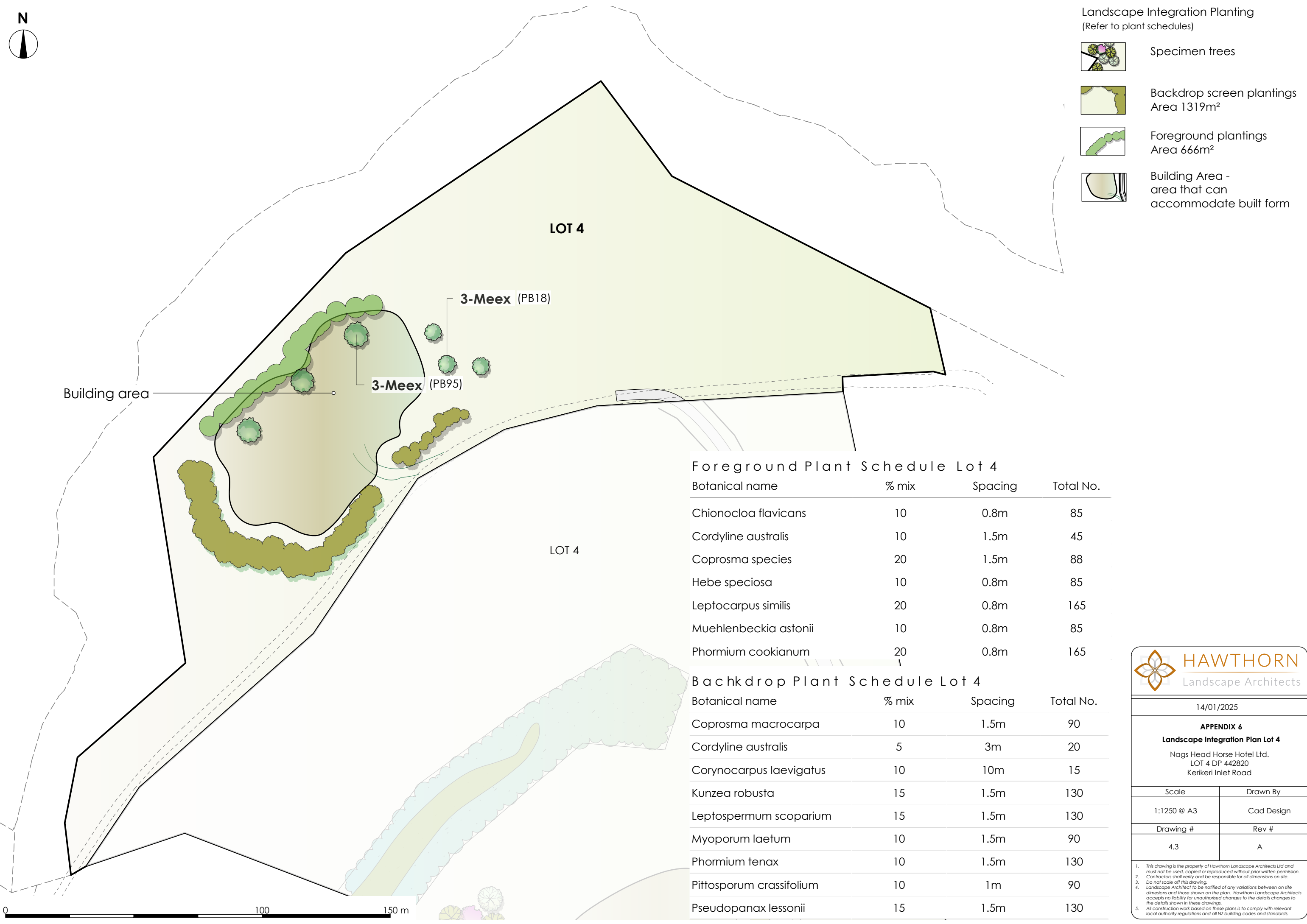
1. This drawing is the property of Hawthorn Landscape Architects Ltd and must not be used, copied or reproduced without prior written permission.

2. Contractors shall verify and be responsible for all dimensions on site.

3. Do not scale off this drawing.

4. Landscape Architect to be notified of any variations between on site dimensions and those shown on the plan. Hawthorn Landscape Architects accepts no liability for unauthorised changes to the details changes to the details shown in these drawings.

5. All construction work based on these plans is to comply with relevant local authority regulations and all NZ building codes and standards.





Specimen Trees

Fast growing tall trees planted in strategic positions to break up the view to specific building sites from the residences on the surrounding properties.

Code	Botanical name	Common name	Size	No.
Hose	Hoheria sexstylosa	Lacebark	pb18	14
Hyfl	Hymenosporum flavum	Australian frangipani tree	pb18	13
Knex	Knightea excelsa	Rewarewa	pb18	7
List	Liquidamber styraciflua	Liquidamber	pb18	11
Meex	Metrosideros excels	Pohutukawa	pb18	3
Meex	Metrosideros excels	Pohutukawa	pb95	3

Foreground Plantings

The following plants shall be planted within the area indicated to the north of the building area on proposed Lot 4. This planting shall be implemented once the building platform has been excavated. In addition to the shrubs, there shall be 3 Pohutukawa trees planted around the northern side of the building. These shall break up the northern facade of built form when viewed from the north and northwest. (Plant sizes can range from root trainers to pb5. The 3 Pohutukawa trees shall be pb95).

Botanical name	%mix	Spacing	Total No.
Chionocloa flavicans	10	0.8m	85
Cordyline australis	10	1.5m	45
Coprosma species	20	1.5m	88
Hebe speciosa	10	0.8m	85
Leptocarpus similis	20	0.8m	165
Muehlenbeckia astonii	10	0.8m	85
Phormium cookianum	20	0.8m	165

Backdrop Screen Planting


The following plants shall be planted in the areas as shown to provide a vegetated backdrop to the building areas, thus integrating built form and partially screening it from the surrounding neighbours and when viewed from off site. This planting will also enhance the rural amenity values of the subdivision and provide privacy between building sites . (Plant sizes can range from root trainers to pb5).

Botanical name	%mix	Spacing	Total No.
Coprosma macrocarpa	10	1.5m	315
Cordyline australis	5	3m	80
Corynocarpus laevigatus	10	10m	50
Kunzea robusta	15	1.5m	480
Leptospermum scoparium	15	1.5m	480
Myoporum laetum	10	1.5m	315
Phormium tenax	10	1m	480
Pittosporum crassifolium	10	1.5m	315
Pseudopanax lessonii	15	1.5m	480

Wetland Revegetation Plantings

The pasture areas that are fenced off and within the wetland covenant areas AA, AB and AC shall be revegetated with a mix of the following species. (Plant sizes can range from root trainers to pb5).

Botanical name	%mix	Spacing	Total No.
Carex secta	5	1m	515
Carex virgata	5	1m	515
Coprosma robusta	15	1.5m	1050
Cordyline australis	5	3m	170
Entelea arborescens	10	1.5m	870
Isolepis nodosa	5	1m	1050
Kunzea robusta	10	1.5m	870
Leptospermum scoparium	10	1.5m	870
Phormium tenax	10	1.5m	1583



HAWTHORN

Landscape Architects

14/01/2025

Plant Schedule

Nags Head Horse Hotel Ltd.  
LOT 4 DP 442820  
Kerikeri Inlet Road

Scale	Drawn By
No scale	Cad Design
Drawing #	Rev #
5.0	A

1. This drawing is the property of Hawthorn Landscape Architects Ltd and must not be used, copied or reproduced without prior written permission.

2. Contractors shall verify and be responsible for all dimensions on site.

3. Do not scale off this drawing.

4. Landscape Architect to be notified of any variations between on site dimensions and those shown on the plan. Hawthorn Landscape Architects accepts no liability for unauthorised changes to the details changes to the details shown in these drawings.

5. All construction work based on these plans is to comply with relevant local authority regulations and all NZ building codes and standards.

# Landscape Planting Implementation + Maintenance

## Implementation Scope

The scope of the planting is:

- i. Preparation of planting areas;
- ii. Timing of planting;
- iii. Plant material;
- iv. Siting of plants in accordance with the planting plan;
- v. Planting;
- vi. Watering in newly planted shrubs, and;
- vii. General maintenance, and;
- viii. Weed pest and disease control.

## Preparation of Planting Areas

- i. Undertake clearance of any exotic weed species.
- ii. The initial weed control should be carried out during the autumn months prior to the winter planting, when plants are still actively growing and therefore more susceptible to herbicides.
- iii. Spot spray planting areas three weeks before planting. A follow up spray should be applied if required.

For grasses spray:

- Spray 100ml glyphosate (e.g. Roundup)+ 20ml penetrant per 10litres water

## Timing of Planting

- i. Planting shall only be undertaken when there is adequate ground moisture. If planting is undertaken early or late in the season, plants should be irrigated during any dry periods.

## Plant Material

- i. Plants shall be purchased from a reputable nursery. All plants shall be best nursery stock, being healthy and vigorous. Root systems shall be well developed and in balance with the amount of foliage growth of the plant.
- ii. Root-bound plants or those with badly spiraling root systems shall not be acceptable. Plants should have a root ball of fine, fresh root growth. This should be sliced through vertically with a sharp knife when removing the planter bag.
- iii. Plants are to be planted as soon as possible after delivery and no later than 3 days after delivery.

## Siting of Plants

- i. Planting shall be in accordance with and as shown on the Landscape Plans.

## Planting

- iii. Plants should be well watered in their containers prior to planting.
  - iv. Holes for the larger (pb3 and above) plants should be dug approximately 1.5 times wider that the root ball, so that the roots are not cramped. Some loose soil should be left in the bottom of the hole to aid root growth and drainage.
  - v. Approximately one tablespoon of good quality eighteen to twenty-four month slowrelease fertiliser should be placed in the bottom of the plant hole, and mixed in with the loose soil, ensuring that the fertiliser is not sitting directly on the roots (as it may burn them).
  - vi. Soil returned around the roots should be firmed with the foot, with a small amount of loose soil left at the top of the hole.
  - vii. Holes for large plants may exceed the depth of topsoil. In these cases the subsoil is to be thoroughly broken and well mixed with topsoil, which has been added as a 100mm layer to the bottom of the planting hole. Any compacted soil pan is to be thoroughly broken by relevant measures ensuring good root penetration and drainage.
  - viii. Individual specimens should be planted approx 50mm proud of the existing ground level to prevent waterlogging.
  - ix. The base of the planting hole is to be filled and firmed with backfilling material to a level where the top of the plant root ball is level with surrounding ground.
  - x. All care shall be taken to keep the root ball of the plant intact during placement.
  - xi. Individual specimen trees shall be mulched with 70mm layer of bark mulch. The plantings with wetland covenant areas do not need to be barked mulched.
- The foreground and backdrop plantings can either be bark mulch per individual tree or whole planted area mulched.

## Specimen Tree Planting


- i. Ground preparation to take place prior to planting; consisting of a 1m3 hole for each pb95 grade tree. Integrate existing soil within this hole with a 50/50 mix of locally sourced compost and topsoil.
- ii. Trees should be planted approx 50mm proud of the existing ground level to prevent waterlogging.
- iii. Finish with a 70mm layer of locally sourced, high quality mulch to a 1m diameter around tree trunk, do not mound up around trunk.
- iv. Stake trees with appropriate wooden stakes and soft tree tie.

## Watering In

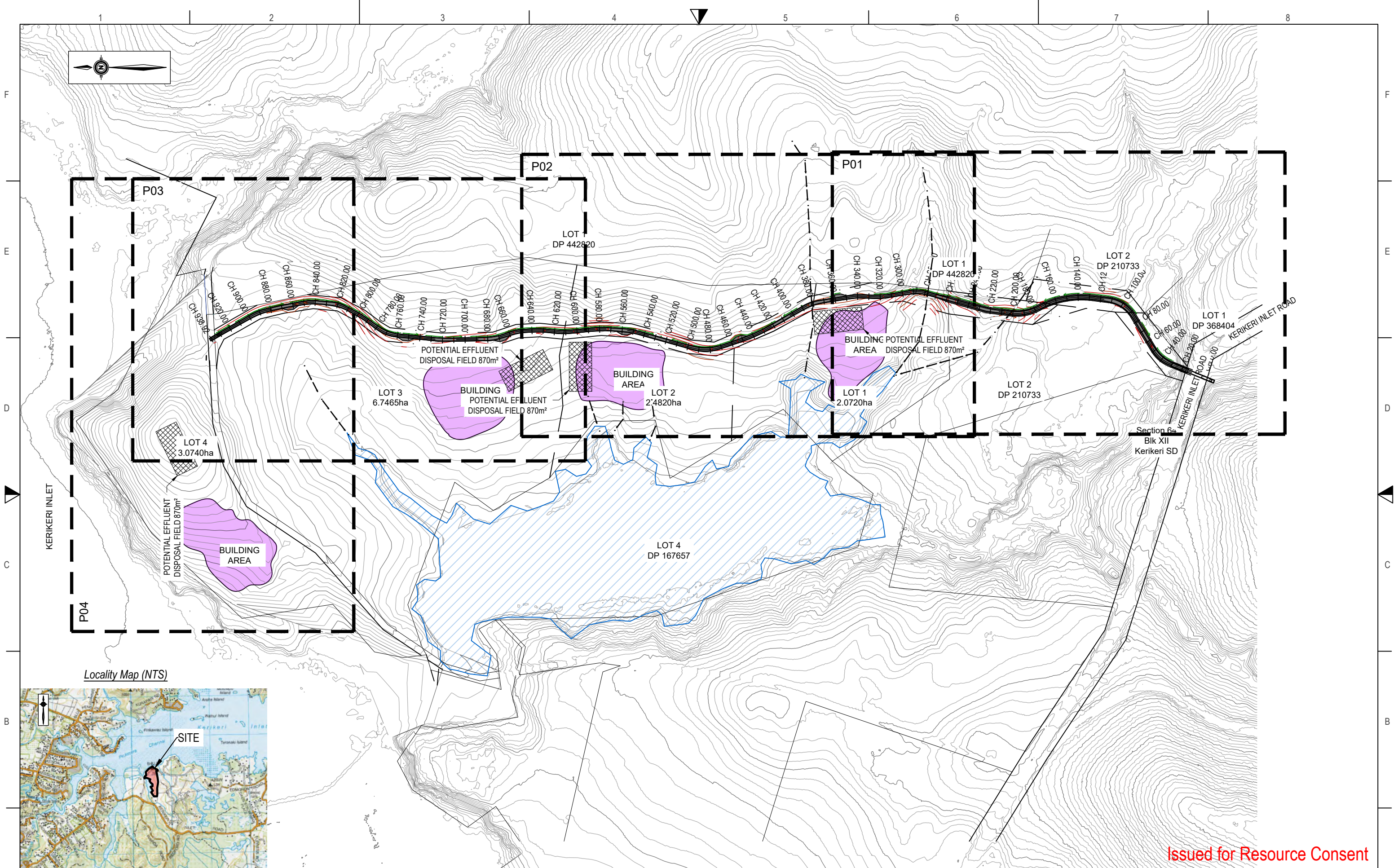
Immediately after planting all of the plants are to be thoroughly watered until the planting hole is saturated. The foliage of plants is also to be thoroughly wetted. This is to be done even if soil conditions are already wet.

## General Maintenance

- i. Maintenance weed control should commence within three months following the planting, and then twice annually
- ii. Maintenance shall be undertaken for a minimum period of 3 years following practical completion in accordance with this specification and the accompanying plan.
- iii. Care should be taken to identify and control any weeds that may have been introduced to the property in potting mix associated with the new plants.
- iv. All weeds should be cleared from the site by appropriate physical and chemical control. The majority of weeds growing close to the plant can be pulled by hand (taking care not to damage the roots of the plant) or, if appropriate, sprayed with herbicide by an experienced operator.
- v. During this three-year maintenance programme, any dead plants will need to be replaced.

 <b>HAWTHORN</b> Landscape Architects	
14/01/2025	
<b>Implementation + Maintenance</b>  Nags Head Horse Hotel Ltd. LOT 4 DP 442820 Kerikeri Inlet Road	
Scale	Drawn By
no scale	Cad Design
Drawing #	Rev #
6.0	A
<small>1. This drawing is the property of Hawthorn Landscape Architects Ltd and must not be used, copied or reproduced without prior written permission. 2. Contractors shall verify and be responsible for all dimensions on site. 3. Do not scale off this drawing. 4. Landscape Architect to be notified of any variations between on site dimensions and those shown on the plan. Hawthorn Landscape Architects accepts no liability for unauthorised changes to the details changes to the details shown in these drawings. 5. All construction work based on these plans is to comply with relevant local authority regulations and all NZ building codes and standards.</small>	





Issued for Resource Consent

A	Rev	Date	Description	By	Checked	DWG PROPOSED PLAN KEY SHEET		Project PROPOSED SUBDIVISION OF LOT 2 DP 442820 Kerikeri Inlet Road, Kerikeri		Stage	A
	A	15/04/2025	DRAFT	AS	JC	A3 SCALE 1:3000 <div><div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div></div></div>					

**HAIGH WORKMAN**  
Civil & Structural Engineers

6 Fairway Drive  
Kerikeri, BOI  
T: 09 407 8327  
F: 09 407 8378  
E: info@haighworkman.co.nz

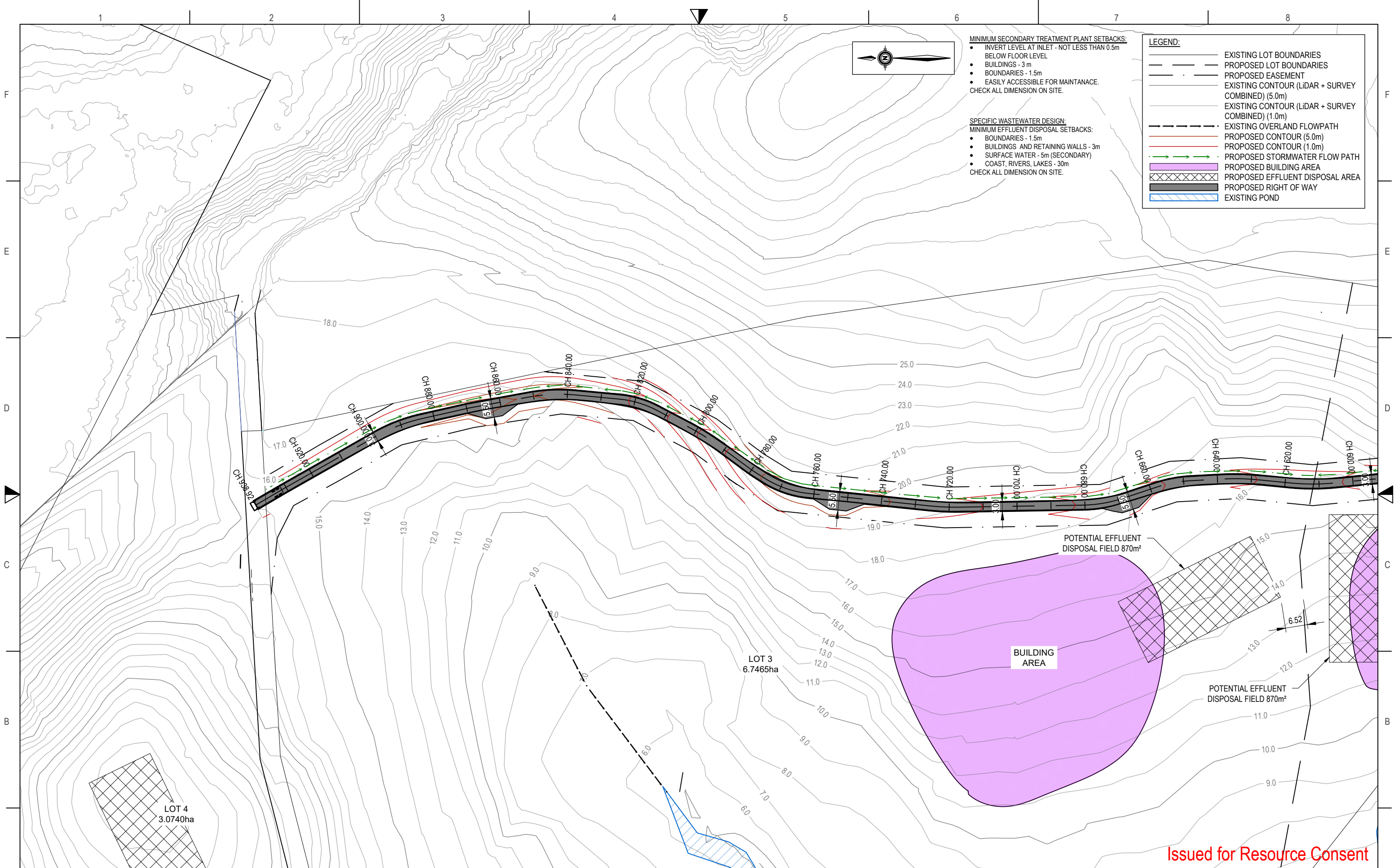
DIMENSIONS MUST NOT BE SCALE MEASURED FROM THESE DRAWINGS. THE CONTRACTOR SHALL CHECK & VERIFY ALL DIMENSIONS INCLUDING, SITE LEVELS, HEIGHTS AND ANGLES ON SITE PRIOR TO COMMENCING ANY WORK. THE COPYRIGHT TO THESE DRAWINGS AND ALL PARTS THEREOF REMAIN THE PROPERTY OF HAIGH WORKMAN LTD. ©2020














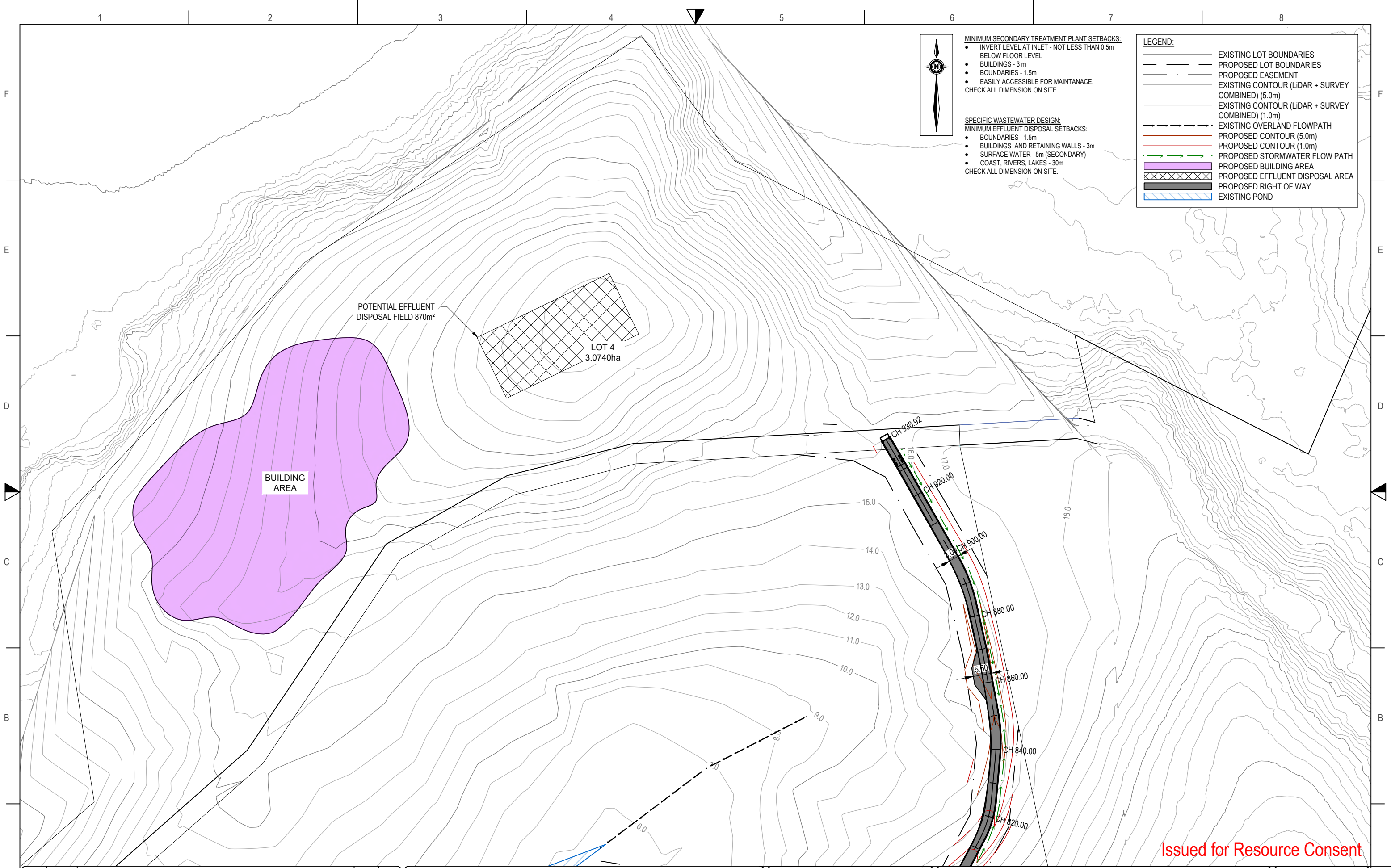
- MINIMUM SECONDARY TREATMENT PLANT SETBACKS:**
- INVERT LEVEL AT INLET - NOT LESS THAN 0.5m BELOW FLOOR LEVEL
  - BUILDINGS - 3m
  - BOUNDARIES - 1.5m
  - EASILY ACCESSIBLE FOR MAINTENANCE. CHECK ALL DIMENSION ON SITE.
- SPECIFIC WASTEWATER DESIGN:**
- MINIMUM EFFLUENT DISPOSAL SETBACKS:**
- BOUNDARIES - 1.5m
  - BUILDINGS AND RETAINING WALLS - 3m
  - SURFACE WATER - 5m (SECONDARY)
  - COAST, RIVERS, LAKES - 30m
  - CHECK ALL DIMENSION ON SITE.

- LEGEND:**
- EXISTING LOT BOUNDARIES
  - PROPOSED LOT BOUNDARIES
  - PROPOSED EASEMENT
  - EXISTING CONTOUR (LIDAR + SURVEY COMBINED) (5.0m)
  - EXISTING CONTOUR (LIDAR + SURVEY COMBINED) (1.0m)
  - EXISTING OVERLAND FLOWPATH
  - PROPOSED CONTOUR (5.0m)
  - PROPOSED CONTOUR (1.0m)
  - PROPOSED STORMWATER FLOW PATH
  - PROPOSED BUILDING AREA
  - PROPOSED EFFLUENT DISPOSAL AREA
  - PROPOSED RIGHT OF WAY
  - EXISTING POND

Issued for Resource Consent

A	Rev	Date	Description	By	Checked	DWG PROPOSED PLAN			Project PROPOSED SUBDIVISION OF LOT 2 DP 442820 Kerikeri Inlet Road, Kerikeri		Stage	A
	A	15/04/2025	DRAFT	AS	JC							
	B	08/05/2025	Issued for Resource Consent	AS	JC							
						A3 SCALE 1:1000			Date 15/04/2025			
						Drawn AS		Checked JC	Approved TMA			
						File		T:\CLIENTS\NAGS HEAD HORSE HOTEL LTD\JOBS\18 268 NAGS HEAD HORSE HOTEL CULVERT\SUBDIVISION\DRAWINGS - MARCH 2025\18_268_EARTHWORKS.DWG				
								6 Fairway Drive Kerikeri, BOI		T: 09 407 8327 F: 09 407 8378 E: info@haighworkman.co.nz		
						DIMENSIONS MUST NOT BE SCALE MEASURED FROM THESE DRAWINGS. THE CONTRACTOR SHALL CHECK & VERIFY ALL DIMENSIONS INCLUDING, SITE LEVELS, HEIGHTS AND ANGLES ON SITE PRIOR TO COMMENCING ANY WORK. THE COPYRIGHT TO THESE DRAWINGS AND ALL PARTS THEREOF REMAIN THE PROPERTY OF HAIGH WORKMAN LTD. ©2020		Client NAGS HEAD HORSE HOTEL LTD		Dwg No. P03		
								Project No. 18 268		RC no.		
										Sheet No. 4 of 9		





**MINIMUM SECONDARY TREATMENT PLANT SETBACKS:**

- INVERT LEVEL AT INLET - NOT LESS THAN 0.5m BELOW FLOOR LEVEL
- BUILDINGS - 3m
- BOUNDARIES - 1.5m
- EASILY ACCESSIBLE FOR MAINTANACE.

CHECK ALL DIMENSION ON SITE.

**SPECIFIC WASTEWATER DESIGN:**



**MINIMUM EFFLUENT DISPOSAL SETBACKS:**

- BOUNDARIES - 1.5m
- BUILDINGS AND RETAINING WALLS - 3m
- SURFACE WATER - 5m (SECONDARY)
- COAST, RIVERS, LAKES - 30m

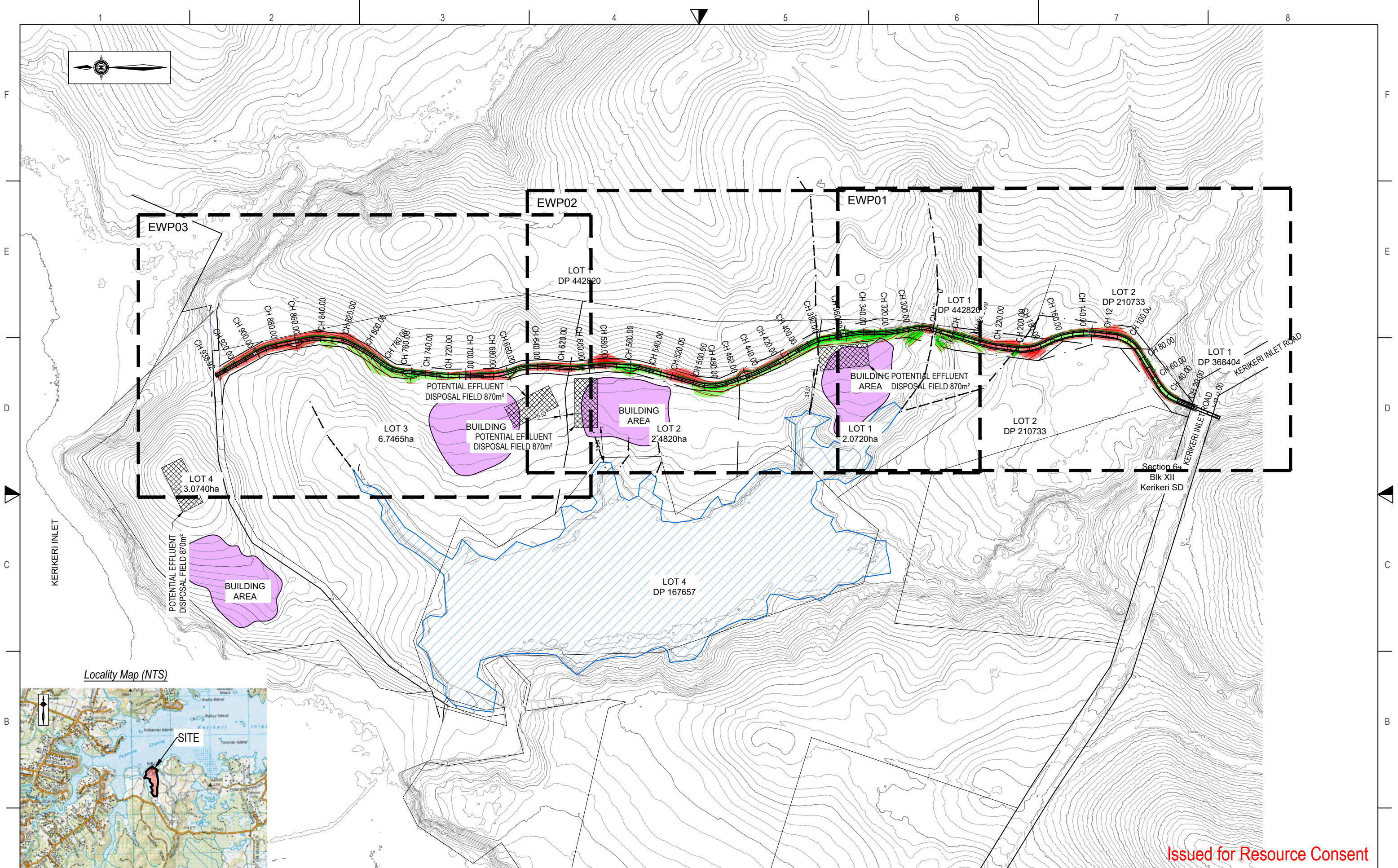
CHECK ALL DIMENSION ON SITE.

LEGEND:	
	EXISTING LOT BOUNDARIES
	PROPOSED LOT BOUNDARIES
	PROPOSED EASEMENT
	EXISTING CONTOUR (LIDAR + SURVEY COMBINED) (5.0m)
	EXISTING CONTOUR (LIDAR + SURVEY COMBINED) (1.0m)
	EXISTING OVERLAND FLOWPATH
	PROPOSED CONTOUR (5.0m)
	PROPOSED CONTOUR (1.0m)
	PROPOSED STORMWATER FLOW PATH
	PROPOSED BUILDING AREA
	PROPOSED EFFLUENT DISPOSAL AREA
	PROPOSED RIGHT OF WAY
	EXISTING POND

Issued for Resource Consent

A	Rev	Date	Description	By	Checked	DWG PROPOSED PLAN		 <div>HAIGH WORKMAN Civil &amp; Structural Engineers</div>	Project PROPOSED SUBDIVISION OF LOT 2 DP 442820 Kerikeri Inlet Road, Kerikeri		Stage	A			
	A	15/04/2025	DRAFT	AS	JC				6 Fairway Drive Kerikeri, BOI T: 09 407 8327 F: 09 407 8378 E: info@haighworkman.co.nz	Client NAGS HEAD HORSE HOTEL LTD	Dwg No. P04				
	B	08/05/2025	Issued for Resource Consent	AS	JC			A3 SCALE 1:1000					Date 15/04/2025	Sheet No. 5 of 9	
															Drawn AS
								File			T:\CLIENTS\NAGS HEAD HORSE HOTEL LTD\JOBS\18 268 NAGS HEAD HORSE HOTEL CULVERT\SUBDIVISION\DRAWINGS - MARCH 2025\18_268_EARTHWORKS.DWG				





Issued for Resource Consent

Rev	Date	Description	By	Checked
A	15/04/2025	DRAFT	AS	JC
B	08/05/2025	Issued for Resource Consent	AS	JC

DWG	PROPOSED EARTHWORKS PLAN KEY SHEET
A3 SCALE 1:3000	0 50m 150m
Drawn AS	Checked JC
Approved TMA	Date 15/04/2025
File	T:\CLIENTS\NAGS HEAD HORSE HOTEL LTD\JOBS\18 268 NAGS HEAD HORSE HOTEL CULVERT\SUBDIVISION\DRAWINGS - MARCH 2025\18_268_EARTHWORKS.DWG

**HAIGH WORKMAN**  
Civil & Structural Engineers

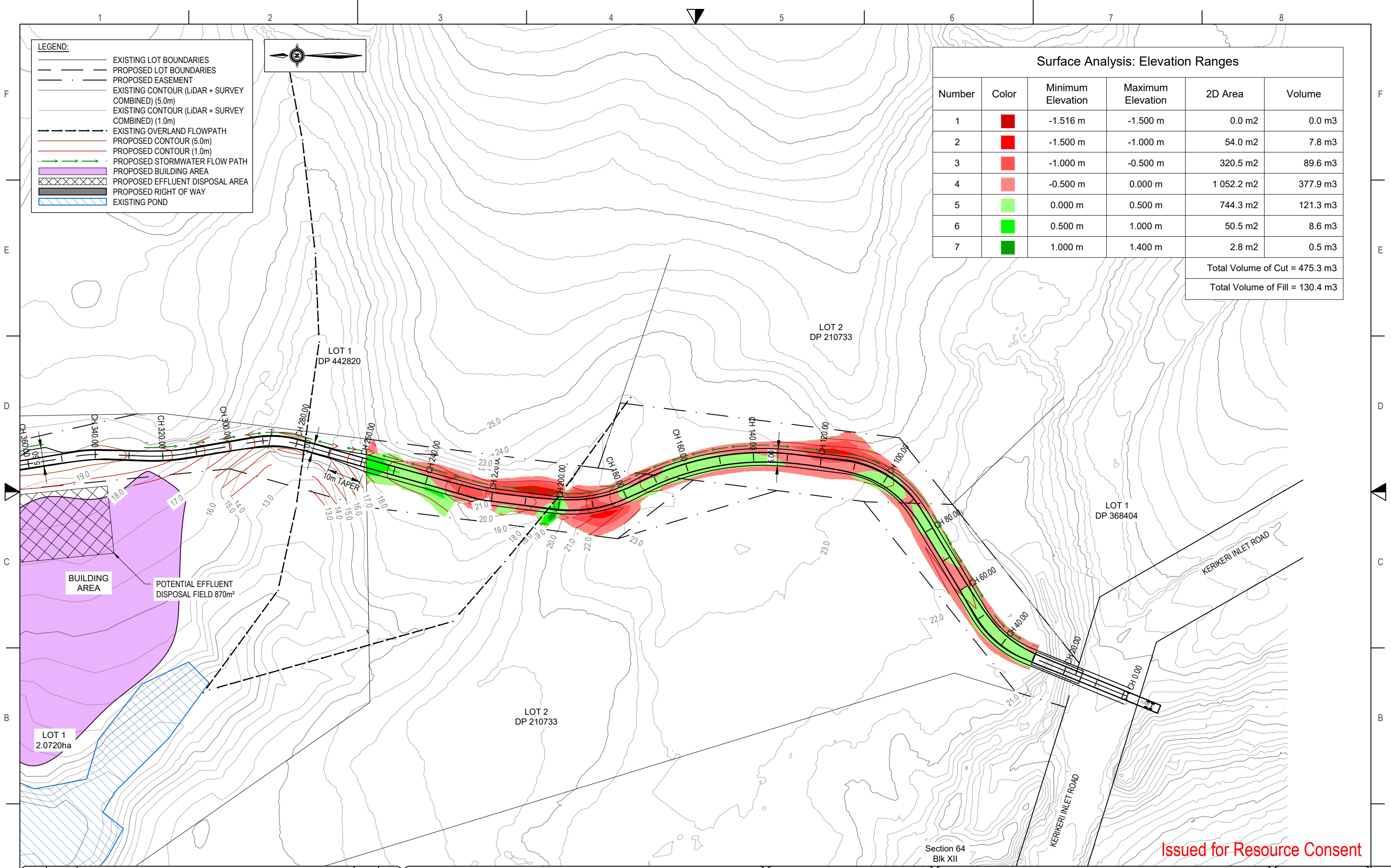
6 Fairway Drive  
Kerikeri, BOI

T: 09 407 8327  
F: 09 407 8378  
E: info@haighworkman.co.nz

DIMENSIONS MUST NOT BE SCALE MEASURED FROM THESE DRAWINGS. THE CONTRACTOR SHALL CHECK & VERIFY ALL DIMENSIONS INCLUDING, SITE LEVELS, HEIGHTS AND ANGLES ON SITE PRIOR TO COMMENCING ANY WORK. THE COPYRIGHT TO THESE DRAWINGS AND ALL PARTS THEREOF REMAIN THE PROPERTY OF HAIGH WORKMAN LTD. ©2020

Project	PROPOSED SUBDIVISION OF LOT 2 DP 442820 Kerikeri Inlet Road, Kerikeri	Stage	A
Client	NAGS HEAD HORSE HOTEL LTD	Dwg No.	EWP00
Project No. 18 268	RC no.	Sheet No.	6 of 9





- LEGEND:
- EXISTING LOT BOUNDARIES
  - PROPOSED LOT BOUNDARIES
  - PROPOSED EASEMENT
  - EXISTING CONTOUR (LIDAR + SURVEY COMBINED) (5.0m)
  - EXISTING CONTOUR (LIDAR + SURVEY COMBINED) (1.0m)
  - EXISTING OVERLAND FLOWPATH
  - PROPOSED CONTOUR (5.0m)
  - PROPOSED CONTOUR (1.0m)
  - PROPOSED STORMWATER FLOW PATH
  - PROPOSED BUILDING AREA
  - PROPOSED EFFLUENT DISPOSAL AREA
  - PROPOSED RIGHT OF WAY
  - EXISTING POND

Surface Analysis: Elevation Ranges					
Number	Color	Minimum Elevation	Maximum Elevation	2D Area	Volume
1		-1.516 m	-1.500 m	0.0 m2	0.0 m3
2		-1.500 m	-1.000 m	54.0 m2	7.8 m3
3		-1.000 m	-0.500 m	320.5 m2	89.6 m3
4		-0.500 m	0.000 m	1 052.2 m2	377.9 m3
5		0.000 m	0.500 m	744.3 m2	121.3 m3
6		0.500 m	1.000 m	50.5 m2	8.6 m3
7		1.000 m	1.400 m	2.8 m2	0.5 m3
				Total Volume of Cut = 475.3 m3	
				Total Volume of Fill = 130.4 m3	

Rev	Date	Description	By	Checked
A	15/04/2025	DRAFT	AS	JC
B	08/05/2025	Issued for Resource Consent	AS	JC

DWG PROPOSED EARTHWORKS PLAN	
A3 SCALE 1:1000	Date 15/04/2025
Drawn AS	Checked JC
Approved TMA	
File	T:\CLIENTS\NAGS HEAD HORSE HOTEL LTD\JOBS\18 268 NAGS HEAD HORSE HOTEL CULVERT\SUBDIVISION\DRAWINGS - MARCH 2025\18_268_EARTHWORKS.DWG

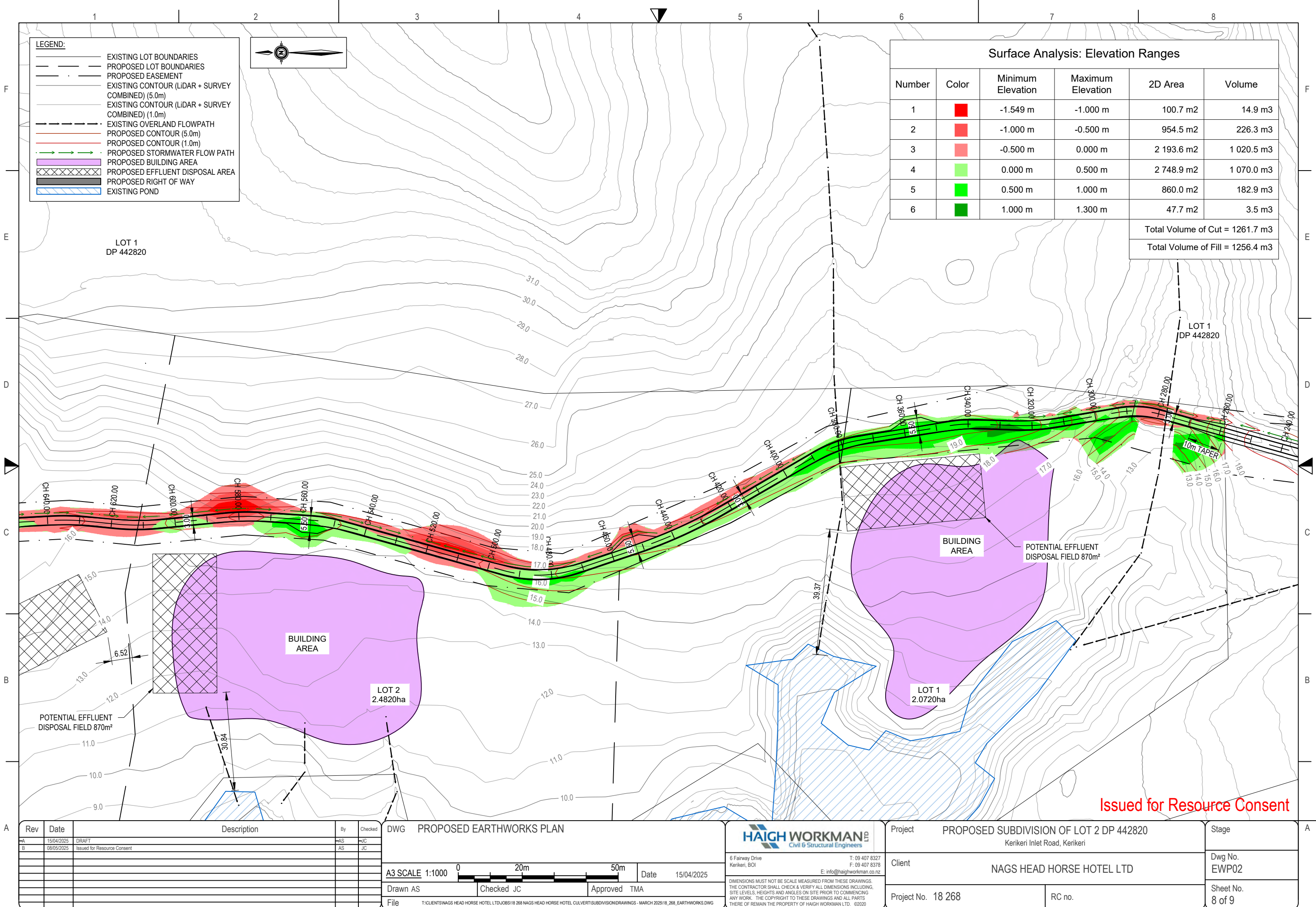
**HAIGH WORKMAN**  
Civil & Structural Engineers

6 Fairway Drive  
Kerikeri, BOI  
T: 09 407 8327  
F: 09 407 8378  
E: info@haighworkman.co.nz

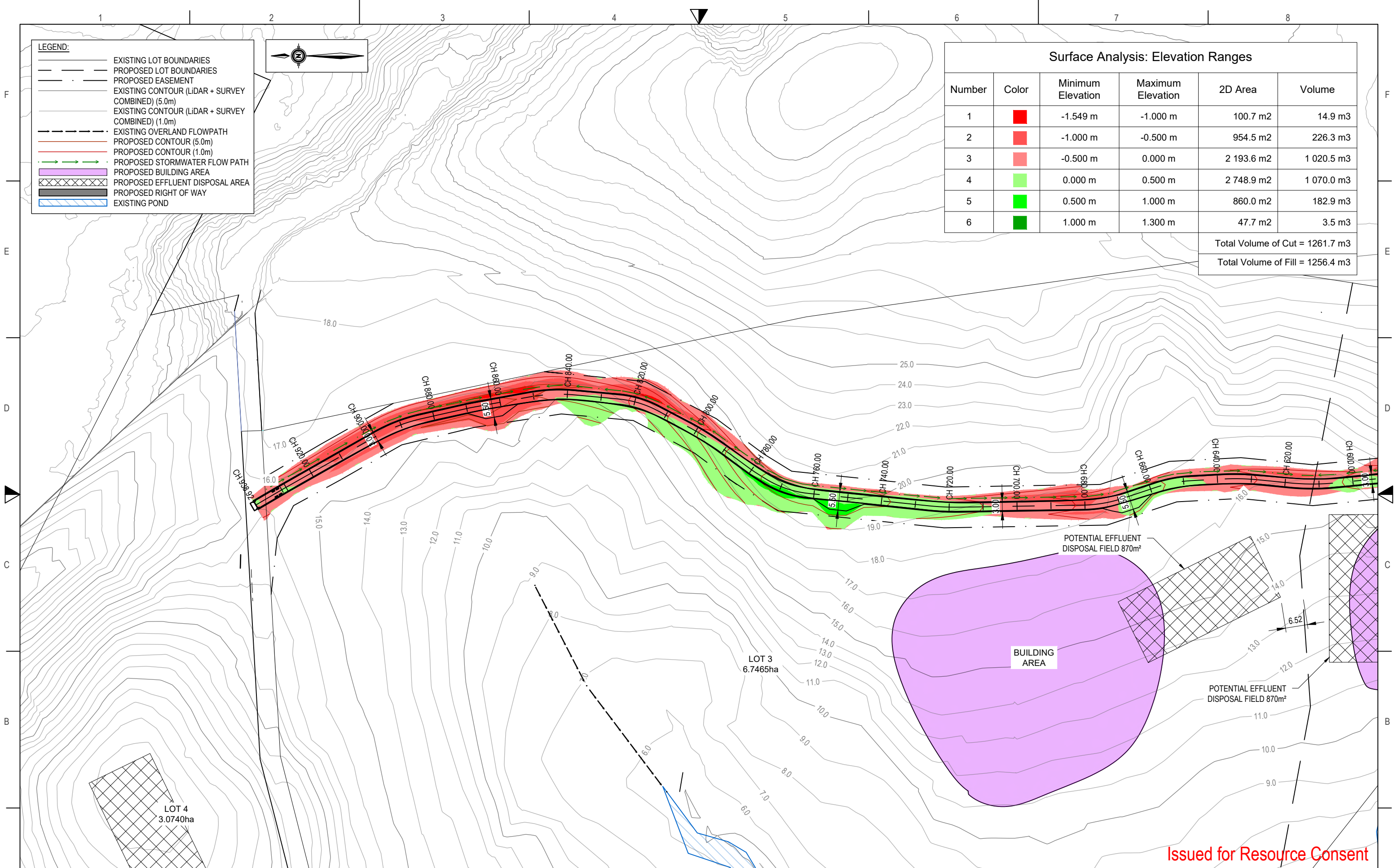
DIMENSIONS MUST NOT BE SCALE MEASURED FROM THESE DRAWINGS. THE CONTRACTOR SHALL CHECK & VERIFY ALL DIMENSIONS INCLUDING, SITE LEVELS, HEIGHTS AND ANGLES ON SITE PRIOR TO COMMENCING ANY WORK. THE COPYRIGHT TO THESE DRAWINGS AND ALL PARTS THEREOF REMAIN THE PROPERTY OF HAIGH WORKMAN LTD. ©2020

Project	PROPOSED SUBDIVISION OF LOT 2 DP 442820 Kerikeri Inlet Road, Kerikeri	Stage
Client	NAGS HEAD HORSE HOTEL LTD	Dwg No. EWP01
Project No. 18 268	RC no.	Sheet No. 7 of 9

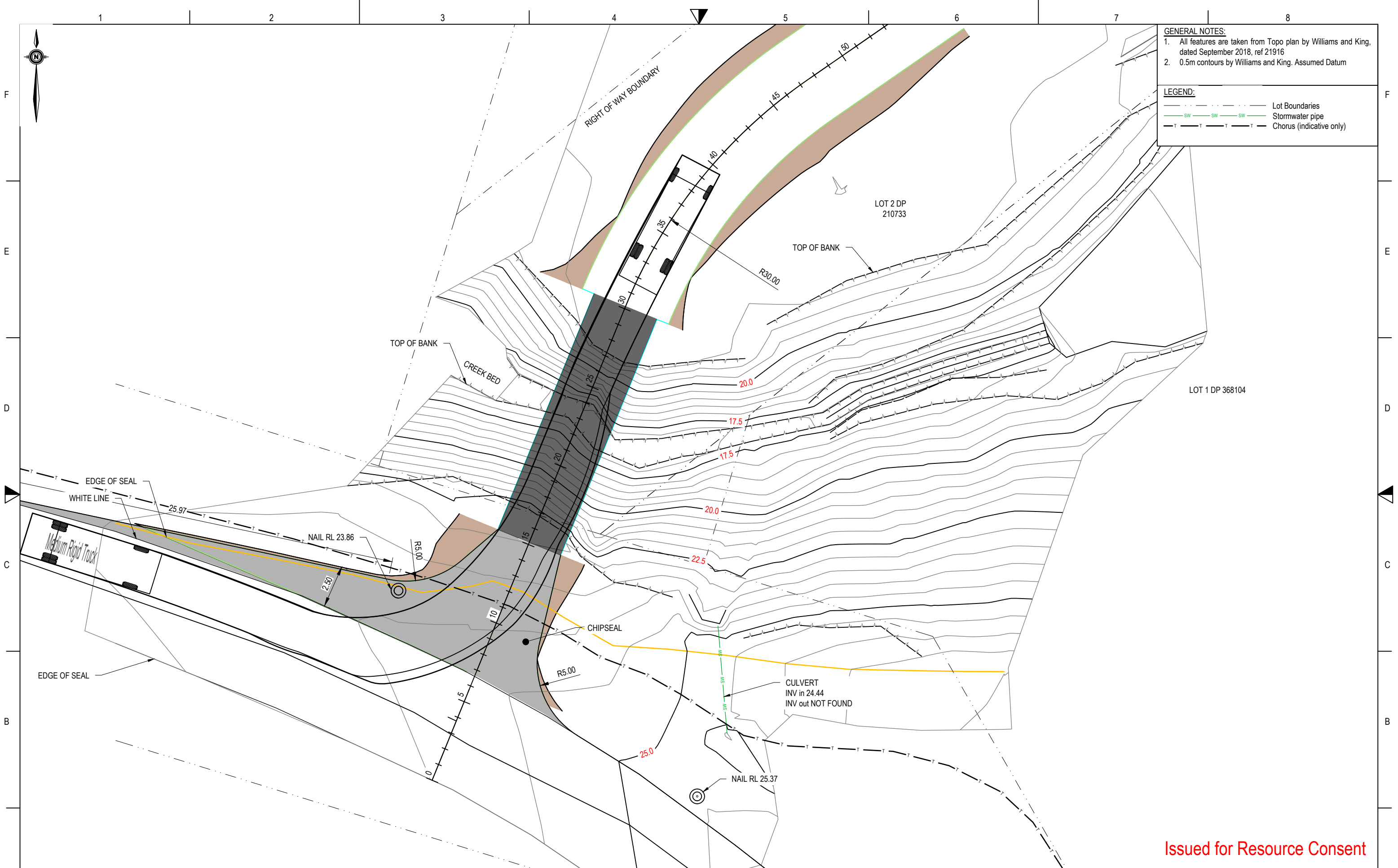
Issued for Resource Consent








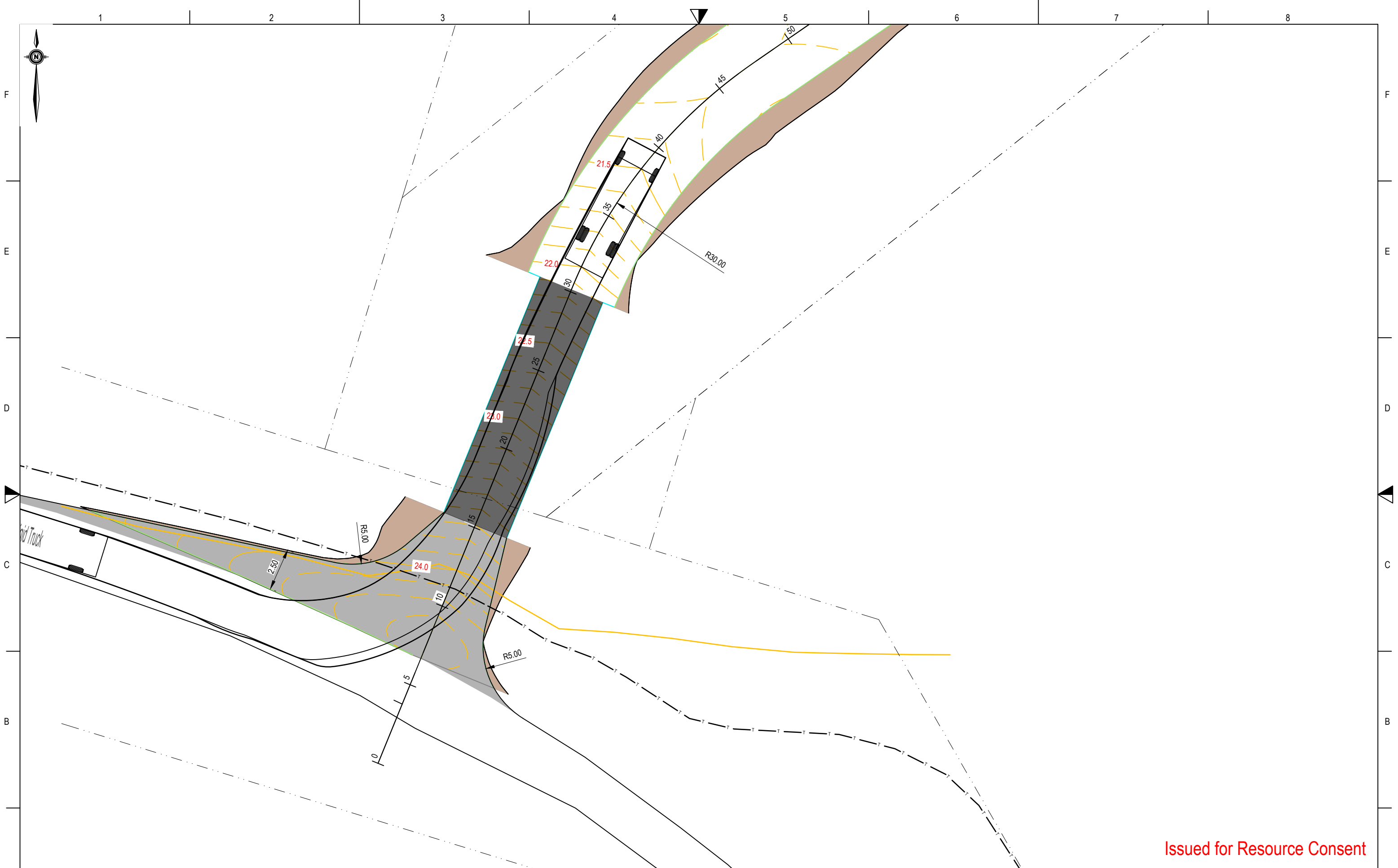
A		Rev		Date	Description	By	Checked	DWG PROPOSED EARTHWORKS PLAN		Project PROPOSED SUBDIVISION OF LOT 2 DP 442820 Kerikeri Inlet Road, Kerikeri		Stage		A	
		A		15/04/2025	DRAFT	AS	JC								
		B		08/05/2025	Issued for Resource Consent	AS	JC								
										</					



- GENERAL NOTES:**
1. All features are taken from Topo plan by Williams and King, dated September 2018, ref 21916
  2. 0.5m contours by Williams and King. Assumed Datum
- LEGEND:**
- Lot Boundaries
  - Stormwater pipe
  - Chorus (indicative only)

A	Rev	Date	Description	By	Checked	DWG PROPOSED VEHICLE CROSSING AND EXISTING CONTOURS PLAN VIEW		<div><div><div>HAIGH WORKMAN</div><div>Civil &amp; Structural Engineers</div></div><div>6 Fairway Drive Kerikeri, B01</div><div>T: 09 407 8327 F: 09 407 8378 E: info@haighworkman.co.nz</div></div> <div>DIMENSIONS MUST NOT BE SCALE MEASURED FROM THESE DRAWINGS. THE CONTRACTOR SHALL CHECK &amp; VERIFY ALL DIMENSIONS INCLUDING, SITE LEVELS, HEIGHTS AND ANGLES ON SITE PRIOR TO COMMENCING ANY WORK. THE COPYRIGHT TO THESE DRAWINGS AND ALL PARTS THERE OF REMAIN THE PROPERTY OF HAIGH WORKMAN LTD. ©2020</div>	Project PROPOSED VEHICLE CROSSING AT KERIKERI INLET ROAD (Lot 2 DP 210733), KERIKERI		Stage 00	A
	→A	07/08/2024	Issued for Information	→LP	→TMA	<div>A3 Scale 1: 200  Date 07/08/2024</div> <div>Drawn LP Checked TMA Approved JP</div> <div>File T:\CLIENTS\NAGS HEAD HORSE HOTEL LTD\JOBS\18 268 NAGS HEAD HORSE HOTEL CULVERT\2024_DRAWINGS\18 268_20240806_ACCESS.DWG</div>	Client NAGS HEAD HORSE HOTEL LTD		Dwg No. RDP01			
	B	08/05/2025	Issued for Resource Consent	AS	JC		Project No. 18 268 RC no.		Sheet No. 1 of 2			





Issued for Resource Consent

A	Rev	Date	Description	By	Checked	DWG		PROPOSED VEHICLE CROSSING AND FINAL CONTOURS PLAN VIEW		<div><div><div><div></div><div></div></div><div>HAIGH WORKMAN</div><div>Civil &amp; Structural Engineers</div></div><div><div>6 Fairway Drive Kerikeri, B01</div><div>T: 09 407 8327 F: 09 407 8378 E: info@haighworkman.co.nz</div><div>DIMENSIONS MUST NOT BE SCALE MEASURED FROM THESE DRAWINGS. THE CONTRACTOR SHALL CHECK &amp; VERIFY ALL DIMENSIONS INCLUDING, SITE LEVELS, HEIGHTS AND ANGLES ON SITE PRIOR TO COMMENCING ANY WORK. THE COPYRIGHT TO THESE DRAWINGS AND ALL PARTS THERE OF REMAIN THE PROPERTY OF HAIGH WORKMAN LTD. ©2020</div></div></div>	Project		PROPOSED VEHICLE CROSSING AT KERIKERI INLET ROAD (Lot 2 DP 210733), KERIKERI		Stage 00		A
	→A	07/08/2024	Issued for Information	LP	TMA	<div><div>A3 Scale 1: 200</div><div><div>0</div><div>4</div><div>10</div></div><div>Date07/08/2024</div></div>		Client			NAGS HEAD HORSE HOTEL LTD		Dwg No. RDP02				
	B	08/05/2025	Issued for Resource Consent	AS	JC			Project No. 18 268			RC no.		Sheet No. 2 of 2				
								Drawn LP			Checked TMA		Approved JP				
						File		T:\CLIENTS\NAGS HEAD HORSE HOTEL LTD\JOBS\18 268 NAGS HEAD HORSE HOTEL CULVERT\2024_DRAWINGS\18 268_20240806_ACCESS.DWG									

## **Appendix C – Councils Engineering Memo**

**FAR NORTH OPERATIVE DISTRICT PLAN  
ENGINEERS REPORT ON RESOURCE CONSENT APPLICATION  
(SUBDIVISION/ LANDUSE)**

<b>Reporting Engineering Officer:</b>	Gourav Rana
<b>Preamble to Planner:</b>	Nick Eagle
<b>Resource Consent Number:</b>	2250414-RMACOM
<b>Applicant:</b>	Nags Head Horse Hotel Limited
<b>Site Address:</b>	Lot 2, Kerikeri Inlet Road, Kerikeri 0230
<b>Legal Description:</b>	LOT 2 DP 442820 HAVING 1/3 SH IN LOT 4 DP 167657
<b>Zone:</b>	South Kerikeri Inlet Zone
<b>Proposal:</b>	<p>Activity A: Subdivision to create four lots in the South Kerikeri Inlet Zone a non-complying activity.</p> <p>Activity B: Subdivision resulting in breach of Stormwater Management, Setback from Smaller Lakes, Rivers and Wetlands, Private Accessway in all Zones in the South Kerikeri Inlet Zone as a discretionary activity.</p>

### **Introduction**

My full name is Gourav Rana. I hold the qualifications of Diploma in Civil Engineering (level 6) from Toi-Ohomai Institute of Technology. I have been practicing as an Engineer for 3 years.

I am a registered member of Engineering New Zealand.

I have knowledge and understanding of Far North District Councils District Plan rules and Engineering Standards.

I have a very good understanding of requirements of the Expert Witness Code of Conduct as set out in the Environment Court's Practice Note. I have complied with the Code of Conduct in preparing this evidence. Except where I place reliance on the evidence of another person, this evidence is within my area of expertise.

### **Relevant District Plan Rules under consideration**

10.10.5 ZONE RULES: 10.10.5.1.6, 10.10.5.3.8, 10.10.5.4 (Stormwater management)

12.3.6.1.2 Excavation and/or filling ... in the ... South Kerikeri Inlet ... zones

12.7.6.1.4 Setback from Smaller Lakes, Rivers and Wetlands

13.6.8 Subdivision Consent Before Work Commences

13.7.2.1 Minimum Area for Vacant New Lots

15.1.6C.1 Private Accessway in all Zones

**Relevant standard**

All engineering works forming part of this consent will be assessed under and are to comply with Far North District Council's Engineering Standards 2023 unless conditions specify otherwise. The applicant has requested the latest Engineering Standards being used.

**Hazards**

A Geotechnical Assessment report prepared by Haigh Workman dated May 2025 reference 18 268 has been provided which certifies that:

- a. A building area within each allotment is suitable to construct a building either in accordance with NZS 3604/2011; or with specific engineering design of foundations.
- b. Access to the certified building area within each allotment is suitable to construct.

**Site visit details**

Site visit was conducted on 29 May 2025.

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



*Figure 1: Site Photo*

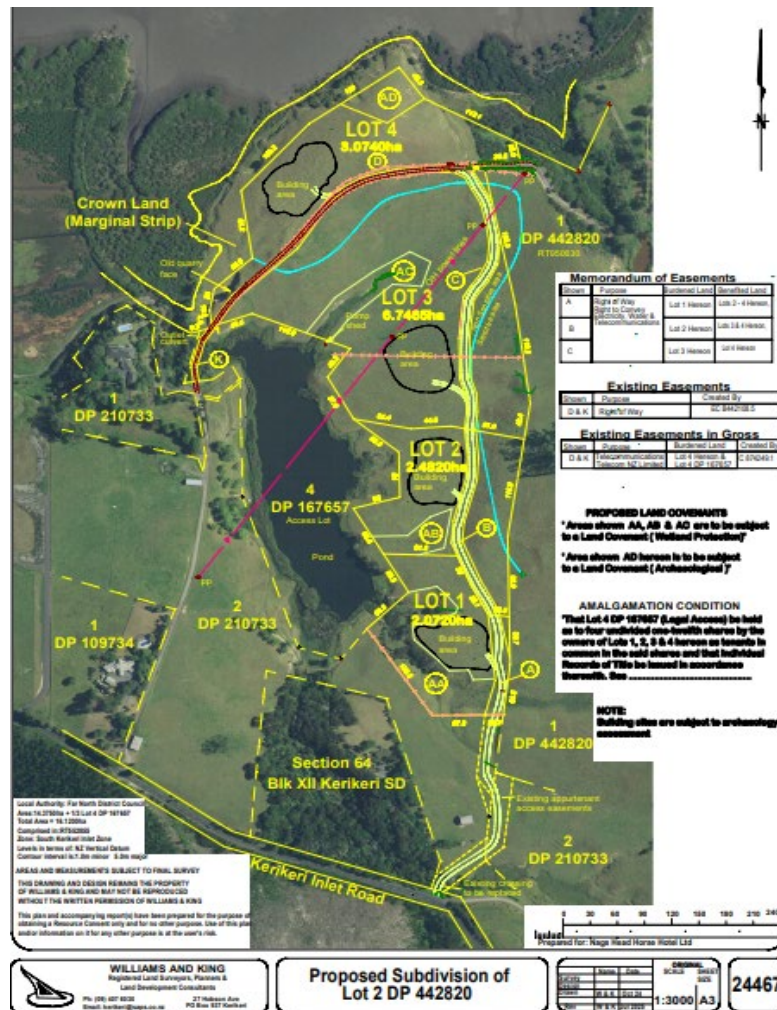


Figure 2: Scheme Plan

## Earthworks

### Operative District Plan Rule

12.3.6.1.2; Excavation and/or filling, excluding mining and quarrying, on any site in the South Kerikeri Inlet Zone is permitted, provided that:

- (a) it does not exceed 300m<sup>3</sup> in any 12-month period per site; and
- (b) it does not involve a cut or filled face exceeding 1.5m in height i.e. the maximum permitted cut and fill height may be 3m.

### Proposal

As per the applicant's report, estimated earthworks volumes are specified as involving a total of approximately 1,737m<sup>3</sup> of cut over Lot 2 DP 442820 and Lot 2 DP 210733, with approximately 1,386m<sup>3</sup> to be used for filling to form the access. Excess excavated material (approximately 350m<sup>3</sup>) will be used on site (the private accessway is generally at the toe of the steeper slope, where fill could be extended to lose excess cut with contours blended), producing a total volume of approximately 3,474m<sup>3</sup> of cut and fill plus approximately 1,205m<sup>3</sup> of aggregate. Cut and filled depths and heights are specified as up to 200mm of topsoil stripping, excavation of unsuitable soils, filling and cuts and laying approximately 250mm of roading aggregate.



To mitigate the effects of the earthworks, the applicant proposes several measures aimed at managing environmental and cultural risks, particularly in relation to erosion, sedimentation, and archaeological sensitivity. Although the scale of earthworks exceeds both the permitted and restricted discretionary thresholds, the cut and fill heights are not anticipated to exceed 1.5 metres. I have imposed a condition at the 223-certification stage requiring construction management plan including Erosion and Sediment Control plan be submitted to Council for approval prior to the commencement of any earthworks.

## **Vehicle Crossing**

### Operative Far North District Plan:

#### 15.1.6C.1.5 Vehicle crossing standards in rural and coastal zones

(a) Private access off roads in the rural and coastal zones the vehicle crossing is to be constructed in accordance with Council's "Engineering Standards and Guidelines" (June 2004 – Revised 2009). (b) Where the access is off a sealed road, the vehicle crossing plus splay shall be surfaced with permanent impermeable surfacing for at least the first 5m from the road carriageway or up to the road boundary, whichever is the lesser. (c) Where the vehicle crossing serves two or more properties the private accessway is to be 6m wide and is to extend for a minimum distance of 6m from the edge of the carriageway.

### Proposal

The report proposes constructing a new bridge or culvert crossing to access the site, replacing a previously washed-out culvert. The crossing will partly be within the road reserve and partly within the ROW easements over Lot 2 DP 210733. Sight distance assessments, based on FNDC standards for an 80 km/h secondary collector road, show 145 m visibility to the northwest and over 210 m to the southeast, meeting the required standards. In the proposal, crossing is recommended to be built to Type 1A Rural 2023 Engineering Standards with a slip bay for westbound turning traffic, a sealed 4 m-wide carriageway, and waiting areas at each end, with final positioning to be confirmed during engineering plan approval. Within easement 'A' an existing culverted crossing of a wetland will need to be improved, and this activity will require consent under the National Environmental Standards for Freshwater regulations, with consideration for the passage of fish.

### Compliance

The report proposes a 4-meter wide carriageway for the vehicle crossing, this is non-compliant with the Far North District Council (FNDC) Engineering Standards and District Plan regulations. The FNDC Engineering Standards 2009 and the District Plan Appendix 3B-1 mandate a minimum carriageway width of 6 meters, while the 2023 Engineering Standards require a minimum of 5.5 meters.

However, the report does mention "sufficient waiting areas" at both ends of the crossing, the reduced width remains below the required standards. To manage this non-compliance and ensure safe vehicle movements, I recommend that "One Lane Bridge" signage be installed on both approaches to alert drivers and mitigate potential safety risks.

To address this further, I have imposed a condition at the 223-certification stage requiring that detailed design plans for the vehicle crossing and access, including the proposed culvert or bridge replacement, passing bays, stormwater controls, and improvements to the existing culverted wetland crossing within Easement 'J'—be submitted to Council for approval as part of the

Engineering Plan Approval process.

## **Right of Way Access**

### Proposal

The report details the proposed site access for a new subdivision, which will be achieved through a series of existing and proposed right-of-way (ROW) easements from Kerikeri Inlet Road. The access system is designed to serve multiple lots with varying requirements for surfacing and width.

The key points from the summary table are:

**Existing Easements:** There are four existing easements (J, D, and C over Lot 2 DP 210733, and D over Proposed Lot 4).

- Easements J and D over Lot 2 DP 210733 will serve six and five proposed lots, respectively, and require a minimum 5-meter aggregate surfacing.
- Easement C over Lot 2 DP 210733 will serve four lots with a 3-meter aggregate surfacing and passing bays at intervals not exceeding 100 meters and on blind corners.
- The existing easement D over Proposed Lot 4 already has a 3-meter width and will continue to serve four lots without any proposed widening.

**Proposed Easements:** Three new easements are proposed to provide access to the new lots.

- Easement A over Proposed Lot 1 will serve four lots and requires a 3-meter aggregate surface with passing bays.
- Easement B over Proposed Lot 2 will serve three lots and requires a 3-meter aggregate surface with passing bays.
- Easement C over Proposed Lot 3 will serve two lots and requires a 3-meter aggregate surface.



**Table 4 - Right of ways**

Easement Identifier	Lot Burdened	Number of Lots proposed to be served	Minimum Required Surfacing Width	Surfacing required	Notes
J (existing appurtenant easement over Lot 2 DP 210733)	Lot 2 DP 210733	6	5m	Aggregate	5m width will be achieved excluding the creek crossing
D (existing appurtenant easement over Lot 2 DP 210733)	Lot 2 DP 210733	5	5m	Aggregate	
C (existing appurtenant easement over Lot 2 DP 210733)	Lot 2 DP 210733	4	3m with passing bays	Aggregate	Passing bays at spaces not exceeding 100m and on blind corners.
A (proposed easement)	Proposed Lot 1	4	3m with passing bays	Aggregate	Passing bays at spaces not exceeding 100m and on blind corners.
B (proposed easement)	Proposed Lot 2	3	3m with passing bays	Aggregate	Passing bays at spaces not exceeding 100m and on blind corners.
C (proposed easement)	Proposed Lot 3	2	3m	Aggregate	
D (existing easement)	Proposed Lot 4	4	Existing width is 3m.	Aggregate	No additional lots will use this access following subdivision than they do currently. Therefore no widening is proposed.

No change is proposed to the ROWs in easements D and K.

*Figure 3: (Table 4: Right of Ways) from Haigh Workman Report*

### Compliance

The proposed upgrades of the access complies with the District Plan Rules. I have recommended a 223 condition to provide engineering plans to demonstrate compliance with this Rule and the Engineering Standards.



## **Wastewater**

### **Onsite**

All lots will require onsite treatment and disposal as there is no public system available for connection.

An engineering site suitability report compiled by Haigh Workman dated 08 May 2025 has been submitted in support of this application, this report includes an onsite soil assessment and a general assessment of onsite effluent disposal capability for lots 1-4 including effluent field slope gradient, soil category, overland flow path separation, and recommended design options. These restrictions and recommendations will be included as part of a consent notice that will be registered on the Computer Freehold Register of the subject lots 1-4.

## **Water Supply**

### **Onsite**

Onsite supply will be required as there is no public system available for connection, rainwater will be utilised from roof top collection.

Potable water will be supplied within each vacant lot via collection and storage of rainwater. The typical consent notice condition, which requires onsite water supply to be designed to be adequate for firefighting purposes, can be applied to Lots 1 - 4. The proposal will not result in any adverse effects in terms of water supply.

## **Stormwater**

A Stormwater Report compiled by [Haigh Workman](#) dated 08 May 2025 has been submitted in support of this application.

Anticipated impermeable surface coverage on all lots exceed the 600m<sup>2</sup> threshold permitted by the District Plan rules.

Lot 1 is above the permitted threshold of 600m<sup>2</sup>.

Lots 2,3 and 4 above the restricted discretionary threshold 1500m<sup>2</sup>.

I recommend a consent notice against all the lots [1,2,3,4] referring in the report above to mitigate the effects of the rule breach.

## **Telecommunications and Power**

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. This will be noted as a 221CN.

### **Recommended Subdivision Conditions**

**That before the survey plan is certified pursuant to Section 223 of the Act, the following requirements are to be satisfied:**

1. The consent holder must submit a detailed set of engineering plans prepared in accordance with Council's Engineering Standards 2023. The engineering plans are to be submitted to the Resource Consent Engineer for approval. All work needing design/certification by a CPEng will require completion of a producer statement (design) (EES-PS1 or similar).

Engineering plan to include:

- Provide detailed design plans for the proposed vehicle crossing, including the bridge and culvert replacement, carriageway width, passing bays, stormwater controls, and any improvements to the existing culverted crossing.
    - Provide sufficient waiting areas at both approaches to bridge.
    - One Lane Bridge signage be installed on both approaches to alert drivers and mitigate potential safety risks.
  - Unsealed private accessway surface to widths specified in Table 4 of the Engineering Assessment report prepared by Haigh Workman, report reference 18 268 dated 08 May 2025.
    - The culverts along the private access formation must be designed and constructed to adequately accommodate the upstream catchment.
2. Two weeks prior to the commencing any physical site works, a construction management plan shall be submitted to [Planning\\_Technicians@fndc.govt.nz](mailto:Planning_Technicians@fndc.govt.nz) and approved by the Council. The plan shall contain information on, and site management procedures, for the following:
- Earthworks design and erosion and sediment control measures in accordance with GD05
  - Details of when and how proposed works will be carried out,
  - All Particular Hazardous Work (Notifiable work),
  - A project execution plan, as applicable for complex projects,
  - Principal contractor and, sub-contractors,
  - Names and telephone numbers of contract and supervisory staff,
  - Starting date, working days, hours of work, and estimated completion date,
  - Temporary Traffic Management Plan (TTMP),
  - Health and Safety plan,
  - Confirmation of all insurances, and
  - Contingency and Emergency procedures
- Final earthworks plans including location of stockpiles and fill resulting from surplus excavated material.

**That before a certificate is issued pursuant to Section 224(c) of the Act, the following requirements are to be satisfied:**

4. All work on the approved engineering plans in Condition 1 is to be carried out to the approval of the Resource Consent Engineer. Compliance with this condition shall be determined by. A PS4 Certificate of Completion and approval of supporting documentation provided by the developer's representative/s including evidence of inspections by those persons, and all other

test certificates and statements required to confirm compliance of the works as required by the Council's Engineering Standards.

"Certificate of Completion of Resource Consent Works" from the Contractor.

5. Within 3 months of completion of earthworks activities and prior to 224C being released, the consent holder must provide to the Councils Resource Consents Engineer certification from the suitably qualified and experienced person who supervised the installation of the erosion and sediment controls that they were installed in accordance with the requirements of GD05 'Erosion and Sediment Control Guide for Land Disturbing Activities in the Auckland Region' and remained in place for the duration of the earthworks approved under **condition 2**. Any exposed earthworks shall be stabilized in accordance with GD05. Where there are inconsistencies between any part of GD05 and the conditions of this consent, then the conditions of this consent must prevail. Certification must be provided to [Planning\\_Technicians@fndc.govt.nz](mailto:Planning_Technicians@fndc.govt.nz)

**Pursuant to Section 221 of the Resource Management Act 1991, a consent notice must be prepared and be registered on the Computer Freehold Register at the consent holder's expense, containing the following conditions which are to be complied with on a continuing basis by the subdividing owner and subsequent owners:**

1. Prior to or in conjunction with any building consent application, the design and construction of any building or associated works, including earthworks, must be in accordance with the recommendations contained within the Engineering Assessment and Geotechnical Assessment Report prepared by Haigh Workman, report reference 18 268 dated 08 May 2025 unless an alternative engineering report prepared by a suitably experienced Professional Engineer is approved in writing by Council.  
Finished floor levels shall be calculated using the latest information available on the FNDC, NRC website and Ministry of Environment guidelines when applying for a Building Consent. [Lot 1,2,3 & 4]
2. 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 be the responsibility of the future property owner. [Lot 1,2,3 & 4]
3. Upon construction of any habitable building, sufficient water supply for fire fighting purposes is to be provided and be accessible by firefighting appliances in accordance with Council's Engineering Standards and more particularly with the 'FENZ Fire Fighting Code of Practice SNZ PAS 4509:2008'. An alternative means of compliance with this standard will require written approval from Fire and Emergency NZ. [Lot 1,2,3 & 4]
4. In conjunction with the construction of any building on the lots the lot owner shall submit, in conjunction with an application for building consent, and for the approval of Council the design of stormwater control measures. Dispensation may be given for attenuation where low-impact design measures have been proposed, and no downstream flooding is created. The report shall be prepared by a Chartered Professional Engineer or a suitably qualified and experienced practitioner and be generally in accordance with recommendations in Engineering Assessment and Geotechnical Assessment Report prepared by Haigh Workman, report reference 18 268 dated 08 May 2025. [Lot 1,2,3 & 4]
5. In conjunction with the construction of any buildings on Lots 1 to 4 which includes a wastewater treatment & effluent disposal system, the applicant shall submit with the Building Consent application an Onsite Wastewater Report prepared by a Suitably Qualified and Experienced Person in accordance with AS/NZS 1547:2012 or TP58. The report shall identify a suitable method of wastewater treatment for the proposed development along with an identified effluent disposal area plus an appropriately sized reserve disposal area in accordance with the requirements of the Proposed Regional Plan for Northland and be generally in accordance with recommendations in Engineering Assessment and Geotechnical Assessment Report prepared by Haigh Workman, report reference 18 268 dated 08 May 2025. [Lot 1,2,3 & 4]

### Advisory Clauses

- 1 The Consent Holder shall pay all charges set by Council under Section 36 of the Resource Management Act 1991, including any administration, monitoring, inspection and supervision charges relating to the conditions of this resource consent. The applicant will be advised of the charges as they fall.
- 2 Any work activity, excavation and non- excavation carried out in the road reserve, must lodge formal notice if intention to carry out Works, in the form of a Corridor Access Request, submitted to the Corridor Manager for Approval.

A Corridor Access Request (CAR) is an application for a permit to carry out works within the road reserve, this is defined in the National Code of Practice for Utilities access to the transport Corridors and has been adopted by Council.

A Traffic Management Plan (TMP) must be uploaded with the CAR submission, describing the proposed works, design, setup, and removal of any activity being carried out within the road Reserve. A Work Access Permit (WAP) and reasonable conditions will be issued once TMP is Approved. Enquiries as to its use may be directed to Council's Road Corridor Manager, [corridor.access@fndc.govt.nz](mailto:corridor.access@fndc.govt.nz).

- 3 Building Consents may be required for retaining structures.
- 4 All earthworks are required to comply with the Northland Regional Council Regional Water and Soil Plan for Northland noting Erosion & sediment control and dust suppression requirements.
- 5 Erosion and Sedimentation Control shall be designed and carried out in accordance with GD05 "Erosion and Sediment Control Guide for Land Disturbing Activities in the Auckland Region"
- 6 Prior to Commencing Earthworks: The consent holder is to establish and mark the location of the boundary pegs and mark all property boundaries adjacent to the proposed earthworks. Where the consent holder is not the lot owner, the applicant is responsible for obtaining approval from the lot owner prior to commencing work. Where works are proposed on land not owned by the consent owner, written approval from the adjacent land owner must be provided to [Planning\\_Technicians@fndc.govt.nz](mailto:Planning_Technicians@fndc.govt.nz).
- 7 Archaeological sites are protected pursuant to the Heritage NZ Pouhere Taonga Act 2014. It is an offence, pursuant to the Act, to modify, damage or destroy an archaeological site without an archaeological authority obtained from the Heritage New Zealand Pouhere Taonga (HNZPT). Should any site be inadvertently uncovered, the procedure is that work should cease, with the HNZPT and local iwi consulted immediately. The New Zealand Police should also be consulted if the discovery includes koiwi (human remains).

**RC Engineer:**

**Date: 30/09/2025**

# **Appendix D – Applicants Legal Opinion**

31 July 2025

Nick Eagle  
Senior Resource Planner  
Far North District Council  
KERIKERI

By email: [Nick.Eagle@fndc.govt.nz](mailto:Nick.Eagle@fndc.govt.nz)

Dear Mr Eagle

**RC 2250414–RMACOM Nags Head – Kerikeri Inlet Road**

I have been retained by Nags Head Horse Hotel Limited in respect of the above application.

The purpose of this letter is to confirm that my client requests that the above application continue to be processed in accordance with the statutory timeframes imposed by the Resource Management Act 1991 (**RMA**) and that it does not see any basis for a pre-hearing meeting to be convened or for the processing of the application to be suspended.

I understand the suggestion for either a meeting or the suspension may have arisen based on submissions made by Mr Taylor, Mr Malcolm and/or Ms Houry and subsequent emails from them about an alleged right of way (**RoW**) dispute. In response two important matters arise.

First, I am not clear about the nature of the dispute. The easement registered on my client's title (C871824.10) has no restrictions as to development of that land. The easement referred to in the submissions (C871824.6) is not registered against my client's title. I also **attach** an updated scheme plan. The schedule of existing easements in the earlier version of the scheme plan lodged with the application had an error which has now been rectified.

Secondly, even if a legitimate dispute about my client's rights in respect of the RoW had been raised, there is no power under the RMA for the Council to resolve that dispute in the context of an application for subdivision consent. Such a dispute would be determined under the Property Law Act 2007 (**PLA**) and a separate application under the PLA (and outside the RMA consenting regime) is required. As you know, the Council's role under the RMA is to determine the application based on its assessment of effects and the planning provisions. Any alleged RoW dispute under the PLA is not a matter that can therefore legitimately delay processing the application under the RMA.

I am also bound to advise that my initial view is therefore that most of Mr Malcolm's and Mr Taylor's submission are simply not relevant to the issues the Council must consider under the RMA and nor is there any basis for Ms Houry's submission that the application should be struck out. I am also extremely concerned that the submissions include attacks on my client's

integrity in the preparation of the application. To that extent, the submissions should simply be put to one side. I will address this matter further in due course.

Please therefore confirm that the Council report under s 42A of the RMA will be provided in accordance with the statutory timeframes imposed under the RMA and confirm what date that will be. I would also be grateful if you could advise of potential dates for the hearing of this application.

I look forward to hearing from you.

Yours faithfully



**Alan Webb**

Cc: Client  
Cc: Natalie Watson



7 August 2025

Nick Eagle  
Senior Resource Planner  
Far North District Council  
KERIKERI

By email: [Nick.Eagle@fndc.govt.nz](mailto:Nick.Eagle@fndc.govt.nz)

Dear Mr Eagle

**RC 2250414–RMACOM Nags Head – Kerikeri Inlet Road**

This letter refers to information contained in the submissions of Kim and Sally Taylor, Peter Malcolm and Angela Houry relating to alleged issues around the right of way access to my client's property as follows:

- a) Kim and Sally Taylor submission – all of Part A and related emails, plans and diagrams. My client also takes strong objection to any submission that relevant matters have been misrepresented, or that there has been any abuse of the planning process.
- b) Peter Malcolm submission – all the matters addressed in paragraph (ii) of his letter dated 21 July 2025 and associated annexures.
- c) Angela Houry submission – points 1 – 5. My client once again takes strong objection to the suggestion the application is based on “false information”.

Even if the parts of the submissions referred to above do raise a legitimate dispute (denied) then such dispute is plainly outside the scope of matters relevant to determine this application for the reasons given in my 31 July letter. I therefore record my formal objection to the Council considering that information in processing the application or arranging hearing time.

Yours faithfully



**Alan Webb**

Cc: Client  
Cc: Natalie Watson

27 August 2025

Nick Eagle  
Senior Resource Planner  
Far North District Council  
KERIKERI

By email: [Nick.Eagle@fndc.govt.nz](mailto:Nick.Eagle@fndc.govt.nz)

Dear Mr Eagle

**RC 2250414–RMACOM Nags Head – Kerikeri Inlet Road**

Your letter of 18 August 2025 has been referred to me for a response. I must say that I was surprised about the nature of this request given the information contained in my letters to you dated 31 July and 7 August 2025 respectively. Those letters I thought made the position clear that any issues raised by Mr Taylor in respect of Easement Certificate C871824.6 (**Easement .6**) and Easement Certificate C871824.10 (**Easement .10**) would fall for determination under the Property Law Act 2007 and are not relevant to the assessment of the application for subdivision. They are a private property matter between the parties involved, and outside the scope of the matters for consideration under the Resource Management Act 1991 (**RMA**). The Council simply has no jurisdiction under the RMA to determine any such “dispute”.

I am however, also not surprised that you have sought “... *a detailed explanation of the situation referred to in some of the submissions...*”. As noted in my earlier letters, I am also not clear about what the dispute is. Certainly, while Mr Taylor has made some observations about Easements .6 and Easement .10, I still do not understand what the “dispute” is. However, with respect, that is a matter for Mr Taylor to explain to you, not my client, but that is not a reason to hold up processing of this application.

All of that said, and on an expressly without prejudice basis to assist so far as possible, I advise as follows. The starting point is my letter dated 31 July 2025 which says:

- *The easement registered on my client's title (C871824.10) has no restrictions as to development of that land. The easement referred to in the submissions (C871824.6) is not registered against my client's title.*
- *Secondly, even if a legitimate dispute about my client's rights in respect of the RoW had been raised, there is no power under the RMA for the Council to resolve that dispute in the context of an application for subdivision consent. Such a dispute would be determined under the Property Law Act 2007 (PLA) and a separate application under the PLA (and outside the RMA consenting regime) is required. As you know, the Council's role under the RMA is to determine the application based on its assessment of effects and the planning*

*provisions. Any alleged RoW dispute under the PLA is not a matter that can therefore legitimately delay processing the application under the RMA.*

- *I am also bound to advise that my initial view is therefore that most of Mr Malcolm's and Mr Taylor's submission are simply not relevant to the issues the Council must consider under the RMA and nor is there any basis for Ms Houry's submission that the application should be struck out.*

### **Corrected & Revised Scheme Plan**

The scheme plan submitted as Appendix 1 of application showed an incorrect Easement Certificate number on the schedule of existing easements over Lot 2 DP 442820. This has now been corrected, as shown in the attached Scheme Plan (reference Rev July 2025). The corrected schedule of existing easements and existing easements in gross over Lot 2 DP 442820 shows:

- Areas D & K on the Scheme Plan subject to Right of Way easement, created by Easement Certificate B442108.5.
- Areas D & K on the Scheme Plan subject to Telecommunications Easement in gross, in favour of Telecom NZ Limited, created by Easement Instrument C 874249.1.

This addresses Peter Malcolm's submission point (iii)(a), (c) and (d) – we apologise for this error.

An additional covenant area 'AD' has been shown over the existing archaeological associated with archaeological site P05/463 within proposed Lot 4. It is proposed that this Covenant Area will be referred to within a protective Consent Notice condition.

### **Explanation of Easement Certificates C871824.10 and C871824.6**

The Records of Title included with the application documentation in Appendix 7, are:

- 552855 (Lot 2 DP 442820 & 1/3 share in Lot 4 DP 167657)
- NA138C/239 (Lot 2 DP 210733 & 1/6 share in Lot 4 DP 167657)

Interests recorded on those Titles are summarised in Section 3.2 of the application. As I said in my 31 July 2025 letter:

- *The easement registered on my client's title (C871824.10) has no restrictions as to development of that land. The easement referred to in the submissions (C871824.6) is not registered against my client's title.*

Given that Easement .6 is not registered on Record of Title 552855 (the land to be subdivided) the limitations imposed by that Easement are not relevant to my client.

I note in passing that Easement.6 and Easement.10 were both registered simultaneously on 31<sup>st</sup> July 1995 at 2.34pm, i.e., at the exact same date and time as survey plans DP 166944 and

DP 167657 deposited. This signals both that the limitation differences were intentional and, more importantly, that the limitations from Easement .6 did not exist on any earlier Title and certainly not before survey plan DP 167657 was deposited with Easement .10 registered on Record of Title 552855. This also explains why Easement .6 was not shown as an existing Easement on DP167657 (refer Malcolm Submission at(iii)(d)(Q1)).

### **Standard of Proposed Private Access**

My client proposes at this stage to form the accessway to the standard required by the District Plan to service the subdivision for which consent is sought, albeit incorporating a dispensation request to allow the bridge to be 4m wide, as opposed to the 5m width required for 5 – 8 lots by Operative Far North District Plan Rule 15.1.6C.1.1 / Appendix 3B-1. As you know, there is no obligation to form the accessway to any higher standard. That said, if parties with access rights under Easement .6 wish to form the accessway to a higher standard now, then my client is willing to engage in discussions with them separately to discuss an equitable cost sharing arrangement for that purpose. However, that is not the current position, and no change is sought to the application. If this changes, we would of course notify you, but otherwise again, that cannot delay the processing of this subdivision application.

### **Conclusion**

I trust this adequately responds to your request under s 92 RMA, but please contact me urgently if this is not the case.

Yours faithfully



**Alan Webb**

Cc: Client

Cc: Natalie Watson/Sophie Waller

# **Appendix E – Cultural Response**

## **Cultural Consultation**

### **Proposed Subdivision of Lot 2 DP 442820**

**Application for Minor Effects Authority under Heritage NZ Act 2014 to destroy or modify known archaeological sites P05/463, P05/462 and P05/1079 and other possible sites within the proposed subdivision.**

This consultation is required under the Heritage NZ Pouhere Taonga Act 2014, specifically:

Section 44: applications where the effects are minor

Section 46: the Maori values of the site, the effect of the proposed activity on those values; and

Section 47: the significance of the site(s) in relation to historical and cultural heritage and the extent to which the proposed activity will modify or destroy sites

- See appendix for full wording of the Act

#### **Parties consulted:**

Esther Horton, Kaumatua, Te Uri Taniwha hapu, Ngapuhi iwi, Ahikaaroa; and long-term resident Kerikeri Inlet. Esther has represented mana whenua and responded to Resource Consent and Heritage NZ applications in the Kerikeri Inlet area for over 50 years.

Ian Mitchell, Kaumatua, Te Uri Taniwha hapu, Ngapuhi iwi (cousin to Esther). Has supported Esther and the whanau, represented mana whenua and responded to Resource Consent and Heritage NZ applications with Esther for over 15 years in the Kerikeri Inlet area.

We are 27 generations direct descendants of the Kupe line (of which there are 28 generations) and our bloodlines have lived as kaitiaki in the area for 900 years and more. Te Uri Taniwha is an old hapu from the time of Kupe. These whakapapa are accessible through the writings of well-known Ngapuhi scholar Ta (Sir) Patu Hohepa who passed away recently in Waima.

#### **How consultation took place:**

Jono Carpenter of Geometria (archaeological contractors) contacted Esther Horton and Ian Mitchell in April 2025, in regard to this new subdivision, and the application to Heritage NZ. Information was provided, (Archaeological Report and Archaeological Site Records) and a 'portal' to the application was made available on the Heritage NZ website in June 2025.

Following the receipt of information and its digestion, Ian and Esther requested a walk over of the sites to be affected.

#### **Site Visit**

This took place on Tues 1 July. In attendance was Ian (and his 6yo grandson Uenuku), Esther, and Georgia Kerby of Geometria.

#### **Conditions and Accessibility**

The weather was fine on the day and though there had been plenty of recent rain the conditions underfoot were dry throughout.

The farm road we drove on to get near the sites was in good condition. We stopped on the roadside beside proposed Lot 4, where we could walk to access P05/463 (N11/536) and overlook P05/462 on the coastline; and overlook P05/1079 at the edge of the man-made lake. We could not access the lake site directly as that part of the farm road required a 4WD vehicle.

We walked to the zone of the P05/463 site, following stock contour tracks from the old trig station down to the coastline, identified the terraces and viewed the small amount of cockle shell and associated black soil eroding down the hillside. Most of the shoreline in this area still contains a thin layer of cracked cockle shell and black soil visible as you walk the stock track on the coastline – see photo.

We followed the stock track along the coastline to the west toward the P05/462 site (midden), or at least the zone of the site. Clearly little of the original midden remains or could be identified but we could look over the area described in the original site record. As we walked through this zone, similarly there were thin layers of cracked cockle shell and black soil exposed in the cattle tracks on the contours of the slopes and on the shoreline.

### **Cultural Assessment of the Archaeological Sites within the proposal boundary and their present value to Mana Whenua**

Firstly, all of the recorded archaeological sites within the boundary of this development, and those nearby, and all of the sites that are not recorded on site or nearby are considered taonga by the Mana Whenua. They are the last remnants of the evidence of our numerous ancestors who lived here for a long time.

#### **Site Records and physical evidence**

The original Site Record form N11/536 (P05/463) by Niven describes the site as ‘midden, terrace obsidians’ and “Midden seen in hillslope and stretching 200m around the beachfront. A lot of fire-cracked stones have eroded onto the beach where the 3 obsidian flakes were collected. The midden is up to 1m high containing a lot of charcoal (partial logs) firecracked stones in the profile and a lot of very densely packed cockle shells, the natural terrace, that has been lived on is approximately 30x6m with 2 peach trees”

In the Geometria Archaeological Report Jono describes his site visit:

“The large natural terrace noted on the original site record form for P05/463 on the northern slope below the trig was revisited and recorded, along with three small terraces below it. The large terrace has been levelled but the edges of the feature are poorly defined due to stock trampling. Stock-trampled shell midden in black-charcoal stained soil was present in spade test pits on these smaller terraces, with probing suggesting subsurface deposits on the edges of the terraces and slopes below. Eroding midden of fragmented cockle shell and fire-cracked rock or oven stones were observed eroding out of stock tracks and slips below these terraces, to the west and northeast. Slipped and slope-washed midden was noted in the stock tracks along the fence line below, which forms the northern boundary of the esplanade reserve. The extensive shell midden originally recorded on the northern slope above the coast on the site record for P04/463 was not observed, but the area has had a farm track pushed down the eastern side of the hill and along the northern coast, and the lower slopes fronting the Kerikeri Inlet have been quarried. A number of slips and slumps were also evident across the northern slope and these along with the quarrying and track may have destroyed parts of the site as originally recorded. Further west and down on the lower ground towards quarry



there was no sign of the features associated with P04/463 extending towards that area, or midden P05/462. The shell island or sandbank that site was recorded on and which is apparent in the 1955 aerial mosaic appears to have been covered by mangroves since 1984.”

When Esther and I walked over the zone of the archaeological site, it was difficult to identify the terraces as they had been ‘rounded at the edges’ by stock trampling, and very little midden material or black soil was found compared to the 1984 record.

The “200m of shell midden at least 1m deep visible by boat near the shoreline” described by Niven has been partly quarried for use as farmtracks, etc and the rest stock trampled and slipped down from the relatively steep contour onto the shoreline. Niven noted in 1984 that it was clear much that had slipped had already washed away in the tide. The cracked oven rocks and pieces of obsidian he noted and collected were found along the shoreline. It seems likely to us that there are still taonga remains buried below the sedimentation and mangroves in the nearby tidal zone.

Very little of any of the physical evidence described on these sites in 1984 remain now, only a few cracked cockle shell and associated black soil patches remain visible along the cattle tracks in this zone, the terraces are only visible to the trained eye.

Regarding the P05/462 site, this is very similar to the P05/463 site in that the large midden described by Niven in 1984 has mainly been taken by the tide and we could find similar remains along the stock tracks in the zone.

In regard to Site Record P05/1079 at the edge of the lake, we could not view this site due to conditions. However, from the Site Records, Archeological Report and photographs we can see that the site is covered and exposed depending on high and low levels of the lake, again little seems to remain except a little bit of cracked shell and black soil exposed at the lake edge when the lake level is low enough to see it.

### **Damage of the sites over time**

The 1890 map by R Neumann shows Maori cultivations in the immediate vicinity even though the land had become Crown owned in 1858. The 1922 map by Ferrar notes 2 things about Hororoa point very nearby: “huge pipi shell middens” and “probably the original site of Kerikeri as opposed to the site selected by the missionaries” (authors note: he would be referring to the Missionary site at the Stone Store). Taro gardens are noted in the vicinity. The Crown Marginal Strip is in fact decommissioned Road Reserve, probably the first roads surveyed for the purpose of the proposed township of the Bay of Islands Settlement Act 1858. This is the site known at that time as Kerikeri. The township and the name moved upstream to the Stone Store.

Clearly there has been significant disturbance of the sites between the 1984 site record and Jono’s visit in 2024/our visit in 2025. The damage done was done by normal farming activities, mainly by cattle trampling, and associated farm fencing, farm roads and the like. Dept of Conservation who manage the Crown Marginal Strip have no obligation to fence, the landowner from the past has fenced at the bottom of the steep contour, which would have been practical at the time, which is virtually shoreline, well into the marginal strip. As time goes on and damage from farming activities continues on sites like this, the site becomes more damaged, the physical evidence slowly disappears from the landscape over time and becomes of less archaeological value according to Heritage NZ and their archaeological assessment protocols. It is also clear that these sites will continue to degrade under ongoing normal farming conditions.

Jonos report basically states that as the site is highly degraded and as the remains are ubiquitous across the south Kerikeri Inlet, these sites rank as low archaeological value. The site and its archaeological value is likely to degrade further over time under current management conditions.

**Current vegetation coverage of the archaeological site zones and relationship to present and future development/damage or protection of the site zones.**

Generally, the coverage is good quality pasture. The vegetation along the lower contours, the coastline and the banks of the transient and permanent waterways between the proposed subdivision and the Crown Marginal Strip is limited beyond pasture but comprises of native vegetation and some significant pest species including English Privet and Tobacco Weed. Both these species are problematic as they are large, storm windthrow can lift roots and soil and expose taonga; both species are problematic to residential development due to allergies and problems to human health.

There are no landscaping/planting plans (that I have seen) in the proposal for the lower slopes of the contours on the northern face of Lot 4 that may contain taonga.

**Present Cultural Value**

From a cultural point of view, its cultural and potential historical value increases in inverse proportion to its archaeological value, as these sites have become the last of the physical evidence of the footsteps and culture of our ancestors. Our histories tell us it was a thriving culture that existed here for a long time, in pre-European, pre-colonisation times. The middens and terraces here and all along this side of the Inlet are evidence that support our Maori historical knowledge.

When we walk these terraces and slopes and overlook the site from the trig station to the coastline below, the cultural landscape is very clear to the trained eye. The trig point is a sentry point, one of many along this side of the Inlet, the manmade terraces in the area include hand placed basalt rock overlain with pipi and cockle shell, overlain again with black soil and biochar for the purpose of kumara and taro growing. These are the remains scattered down the contours below the terraces and most have fallen into the tide. The cracked rock and obsidian flakes tell us these were at least seasonal if not permanent homes with associated shellfish gathering and preservation combined with seasonal gardens of the home people. We do not concur with the Heritage interpretation of midden, a random place of rubbish disposal. Our word is poka a chosen area for receiving certain taonga. Piles of shells from the live stocks immediately below, shellfish cooking and preservation leaving remains of cracked oven rocks and charcoal are those taonga, deliberately placed processed and repurposed for garden beds of taro and kumara on these north-facing sites. In the immediate area will be puna or freshwater springs, sometimes they are only visible bubbling up in the low tide. Our histories tell us our people lived here for 800 years and longer in peace prior to the coming of the white man. These remnants therefore are of huge cultural value to the Mana Whenua.

We think the site P05/463 is of significant cultural value as a remnant example of how our people lived in this area. It is of some historical value as part of the original Kerikeri. The name comes from this vicinity and denotes the extent of gardens and gardening in the zone (kerikeri means to dig). Of the 3 sites it is the most vulnerable but also it is the most worthy to be preserved as it contains all those aspects of poka (midden), taumata (terraces) and mahingakai (gardens).

Current and future technological advancements may uncover further cultural taonga and archaeological and Heritage NZ understanding of this site. We believe its value will grow over time.

## Conclusion

We concur with the archaeological report that there is likely to be little further damage of noted archaeological sites in the proposed subdivision as the proposed roading or house site earthworks are outside the zones of the 3 known sites. Of course, there is always the possibility that something turns up within these earthworks zones and that is covered under 'accidental discovery' protocols of Heritage NZ.

We do not concur with the archaeological report that this site is of limited value as it is a small example of midden ubiquitous in the area. The myth of the midden as a random rubbish site needs to be dispelled. The poka is chosen, it is purposeful, it is utilized not discarded and it is unique to the site and its purpose. Secondly, while the midden may be ubiquitous in this area, the extent of the poka pipi (middens) the taumata (man-made terraces) and the mahingakai (gardens) and the density of such archaeological sites in the area is completely unique in New Zealand. Very little of this unique cultural landscape is given protection, over-and-above the legal requirement, and we consider the legal requirements generally a low bar.

At least part of the site P05/463 is within the proposed subdivision. It is accessible to (and vulnerable to damage from) heavy cattle stock, landowner development and the public visiting from the coastline. We think this site should be offered some further protection.

## Recommendations:

Ideally this site zone - P05/463 - the terraces (taumata), the middens (poka pipi) that remain, that are located between the private land and the marginal strip, should be protected from future cattle stock, residential development damage or damage from public visitors.

We could request that the private landowner fence the private land from the marginal strip as part of the conditions of the Heritage Authority. However, that fenceline might damage the site as it lies between the two.

The best legal protection from future damage would be a Heritage or FNDC covenant on that part of the land with the support of the developer or the potential future owner and the Dept of Conservation. The best protection from physical damage would be to fence the area off, partly marginal strip, partly private land, as relevant and practical, remove the problem weeds, particularly the large privet and tobacco weed and plant low growing native coastal flora of the area. A planting/landscaping plan might include a nice viewing area seat/gazebo for the landowner above the protected area.

I believe if there was goodwill from the developer or potential future landowner, the Department of Conservation (who manage the marginal strip on behalf of the Crown), Heritage NZ with an archaeological interest, and the support of Mana Whenua, such a solution could be easily implemented.

"The value of Māori heritage to New Zealand Māori heritage is foundational and central to all New Zealand heritage. Māori heritage has largely been underestimated and undervalued by wider society. For Māori communities, it is a precious heirloom to be preserved and protected. The Māori Heritage Council believes that Māori heritage is of value both to Māori and to New Zealand as a whole. The Council wishes to replace the sense of isolation of Māori heritage as a sideline of the nation's life, culture and consciousness with an understanding of its value to New Zealand overall."

From "TAPUWAE The Māori Heritage Council Statement on Māori Heritage"

## **Appendix -Wording from relevant Acts**

### **Conservation Act 1987**

#### 24C Purposes of marginal strips

Subject to this Act and any other Act, all marginal strips shall be held under this Act—

(a) for conservation purposes, in particular—

(i) the maintenance of adjacent watercourses or bodies of water; and

(ii) the maintenance of water quality; and

(iii) the maintenance of aquatic life and the control of harmful species of aquatic life; and

(iv) the protection of the marginal strips and their natural values; and

(b) to enable public access to any adjacent watercourses or bodies of water; and

(c) for public recreational use of the marginal strips and adjacent watercourses or bodies of water.

Section 24C: inserted, on 10 April 1990, by section 15 of the Conservation Law Reform Act 1990 (1990 No 31).

#### 24H Management of marginal strips

(1) The Minister may from time to time appoint suitable persons to be managers of marginal strips.

(2) Subject to subsection (6)(c), the Minister may appoint one of the following persons to be the manager of any marginal strip:

(a) the owner for the time being of the land adjoining that strip:

(b) some other suitable person, if the Minister considers that person to be more suitable than the adjoining owner.

(3) The Crown shall manage all marginal strips around controlled lakes and reservoirs; but any costs relating to any such strip that are costs arising out of electricity generation in the area of the strip shall be payable by the person or body responsible for that electricity generation.

(4) Subject to this section, the manager of a marginal strip shall—

(a) manage the strip in a way that best serves the purposes specified in section 24C; and

(b) enable members of the public to have access along the strip.

(5) Subject to this section, the manager of a marginal strip may make improvements to the strip, and the improvements may include such planting or harvesting of crops or trees as may be provided for

in any Crown forestry licence under the Crown Forest Assets Act 1989 affecting or relating to the strip or in any agreement between the manager and the Crown.

(6) In the case of the holder of a Crown forestry licence under the Crown Forest Assets Act 1989, the following provisions shall also apply:

(a) the licence holder may manage and harvest exotic plantation trees existing at the time of the grant of the licence on any marginal strip adjoining the land to which the licence relates:

(b) the licence holder may carry out 1 replanting of such trees on the strip:

(c) the Minister may appoint either the licence holder or the Director-General to be manager of the strip, but shall not appoint any other person to be the manager.

(7) The manager of a marginal strip may request the Minister to close temporarily the strip under section 13 where any operation proposed on the strip will significantly affect public safety or where fire hazard conditions exist.

(8) The manager of a marginal strip shall comply with any reasonable requirements or restrictions imposed in respect of the strip by the Minister by notice in writing to the manager; and the Minister shall impose such requirements or restrictions, or both, as the Minister considers reasonably necessary or expedient to protect the strip, having particular regard to the maintenance of riparian vegetation, wildlife, water quality, the health of aquatic life, and to maintain access to and the recreational use of the strip.

(9) The Minister shall not require the manager of any marginal strip to fence off any part of that strip, or to undertake any other works on or relating to that strip, unless the expenses associated with such fencing or other works are borne by the Crown.

(10) The Minister shall consult the appropriate manager where—

(a) an application for a licence to mine in a marginal strip is being considered; or

(b) any complaint relating to a marginal strip is being investigated; or

(c) any requirement or restriction under subsection (8) is being proposed.

(11) The manager of a marginal strip shall obtain the written consent of the Minister before making any significant change to the management regime of the strip, and before making or erecting any significant improvements to or on the strip.

(12) Subject to subsection (9), any expense incurred by a manager under this section shall be borne by the manager.

(13) Every manager of a marginal strip commits an offence who—

(a) knowingly damages the marginal strip or causes to be damaged the strip or any part of it; or

(b) knowingly uses the marginal strip for any purpose contrary to any provision of or to any requirement imposed under this Part.

## **Heritage New Zealand Pouhere Taonga Act 2014**

### **S44 Applications**

(b) an application for an authority to undertake an activity that will or may modify or destroy a recorded archaeological site or sites, if the effects of that activity on a site or sites will be no more than minor, as assessed in accordance with section 47(5)

#### S46 Information that must be provided

2(f) a description of how the proposed activity will modify or destroy each archaeological site; and

(g) except in the case of an application made under section 44(b), an assessment of—

(i) the archaeological, Māori, and other relevant values of the archaeological site in the detail that is appropriate to the scale and significance of the proposed activity and the proposed modification or destruction of the archaeological site; and

(ii) the effect of the proposed activity on those values; and

(h) a statement as to whether consultation with tangata whenua, the owner of the relevant land (if the applicant is not the owner), or any other person likely to be affected—

(i) has taken place, with details of the consultation, including the names of the parties and the tenor of the views expressed; or

(ii) has not taken place, with the reasons why consultation has not occurred.

#### S47 Processing of Applications

(5) In the case of an application made under section 44(b), without limiting the matters that Heritage New Zealand Pouhere Taonga may have regard to for the purpose of determining whether an application meets the requirements of subsection (1)(a)(ii) of this section, it must have regard to—

(a) the significance of a site or sites in relation to evidence of the historical and cultural heritage of New Zealand; and

(b) the extent to which the proposed activity will modify or destroy the site or sites

#### **Report Written and Approved by Mana Whenua**

This report has been researched and developed by Ian and Esther, written by Ian Mitchell and approved by Esther Horton

**Date:** 8<sup>th</sup> August 2025



# **Appendix F – Submissions**



Te Kaunihera  
o Te Hiku o Te Ika  
Far North District Council

## SUBMISSION TO RESOURCE CONSENT

### SUBMISSION PURSUANT TO SECTION 96 OF THE RESOURCE MANAGEMENT ACT

TO: Far North District Council  
Private Bag 752  
KAIKOHE 0400  
Attention:

Name of Submitter  
(Full Name):

*Christopher George Houry + Angela Victoria Houry*

This is a submission on an application by Nags Head Horse Hotel Limited, 2250414-RMACOM, to undertake:

Activity A: Subdivision to create four lots in the South Kerikeri Inlet Zone a non-complying activity.

Activity B: Subdivision resulting in breach of Stormwater Management, Setback from Smaller Lakes, Rivers and Wetlands, Private Accessway in all Zones in the South Kerikeri Inlet Zone as a discretionary activity. at Lot 2, Kerikeri Inlet Road, Kerikeri 0230.

The specific parts of the application that my submission relates to are [give details]:

*It is not agreed on how many lots have the right to use the crossing*

My submission is [include whether you support or oppose the specific parts of the application or wish to have them amended; and the reasons for your view]:

*I require deferment of the application to allow me time to consult as a consultant and be properly advised.*

I seek the following decision from the Council [give precise details, including the general nature of any conditions sought]:

*I support submissions made by Kim Taylor owner of 431 Kerikeri Inlet Rd and seek a deferment to allow time for all owners to agree on the number of lots to have the right to use the crossing*

I wish/ do not wish to be heard in support of my submission (please indicate which)

If others make a similar submission, I will consider presenting a joint case with them at a hearing (delete this line if you would not consider presenting a joint case)

Signed

*By MacDonald Lewis & Co.*

Date

*16 July, 2025.*

Address for Service of submitter

*Kerikeri Inlet Road.*

*C/- MacDonald Lewis & Co., 2R/165 Teruoi's Rd, Herne Bay*

Telephone: *021-487 937*

Email:

*ahgangan@gmail.com*

Contact person:

*Angela Houry.*



Te Kaunihera  
o Te Hiku o te Ika  
Far North District Council

**SUBMISSION TO RESOURCE CONSENT****SUBMISSION PURSUANT TO SECTION 96 OF THE RESOURCE MANAGEMENT ACT**

TO: Far North District Council  
Private Bag 752  
KAIKOHE 0400  
Attention:

Name of Submitter  
(Full Name):

ANGELA VICTORIA SELWYN HOUY

This is a submission on an application by Nags Head Horse Hotel Limited, 2250414-RMACOM, to undertake:

Activity A: Subdivision to create four lots in the South Kerikeri Inlet Zone a non-complying activity.

Activity B: Subdivision resulting in breach of Stormwater Management, Setback from Smaller Lakes, Rivers and Wetlands, Private Accessway in all Zones in the South Kerikeri Inlet Zone as a discretionary activity, at Lot 2, Kerikeri Inlet Road, Kerikeri 0230.

The specific parts of the application that my submission relates to are [give details]:

Please see attached

My submission is [include whether you support or oppose the specific parts of the application or wish to have them amended, and the reasons for your view]:

Oppose

Please see attached

I seek the following decision from the Council [give precise details, including the general nature of any conditions sought]:

Refuse

Please see attached

I wish/ ~~do not wish~~ to be heard in support of my submission (please indicate which)

If others make a similar submission, I will consider presenting a joint case with them at a hearing (delete this line if you would not consider presenting a joint case)

Signed

Angela Houy

Date

20th July 2025

Address for Service of submitter

405B INLET ROAD

KERIKERI 0293

Telephone: 021 487937

Email: ahgangan@gmail.com

Contact person:

Angela Houy



Submission Nags Head Horse  
Hate Ltd 2250414 RMACOM

1. The non complying application to my land is incorrect. It allocates to my land, use of right of way C, D, I 1 lot which is incorrect. My title shows in the easement (C & D) 4.6 originally 3 lots, but now is increased to 4.8 lots. Also the same easement Mr Malcolm 3.2 lots making 8 lots.
2. I do not agree that Nags Head Horse Hate Ltd is entitled to use access way for 4 lots. If it is a total of lots 12, which I have been told requires a public road.
3. I and Mr Malcolm have been in dispute with (Sarah Lewndes) over this for some time.
4. The application is based on false information. It is an understood attempt to steamroller myself and Mr Malcolm. I believe this was all timed for me being overseas for two months. Very difficult to seek legal advice moving from country to country.
5. The roading I have been informed does not meet Council standards for 12 lots. Bridge proposed is only 4 meters wide.

- 6 Visual effects. My house is on a hill overlooking my side of the lake. Behind trees I'm not sure how and if there would be any screening from across the lake?
- 8 On my other side "Egret Way" development. One lot sold has Caravans, Containers, Pontoons and miscellaneous vehicles. I would ask the planners to review whether the "eyesore" now there amounts to a breach of planning conditions.
- 9 The lake has an abundance of wildlife with many threatened species arriving during the year.
- 10 The application should be struck out as incorrect. I then will be in the country to instruct my lawyer.



Outlook

---

**RE: RC 2250414-RMACOM - Limited Notification of resource consent application for Nags Head Horse Hotel Limited**

---

**From** kim taylor <kftuk50@gmail.com>**Date** Tue 7/22/2025 2:51 AM**To** Planning Support <Planning.Support@fndc.govt.nz>; Nick Eagle <Nick.Eagle@fndc.govt.nz>**Cc** Natalie Watson <nat@saps.co.nz>; s.waller@sellarslaw.co.nz <s.waller@sellarslaw.co.nz>; joshcumming@haighworkman.co.nz <joshcumming@haighworkman.co.nz> 4 attachments (63 KB)

Submissionformdoc.docx; PART Adoc .docx; Relevant Emails attachmentdoc .docx; PART Bdoc .docx;

[Some people who received this message don't often get email from kftuk50@gmail.com. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification> ]

CAUTION: This email originated from outside Far North District Council.

Do not click links or open attachments unless you recognise the sender and know the content is safe.

Dear all,

We attach our Submission upon the above application being :-

- 1) The Submission form
- 2) The Part A submissions upon the abuse of process and inherent defect argument
- 3) Copies of the emails relevant to the Part A submissions
- 4) The Part B submissions upon the general planning and environmental aspects.

Perhaps you will all be kind enough to acknowledge that receipt of the submission has been before the 23rd July 2025 time limit.

For those representing the Applicant, we request for the third time, agreement that the application be stayed upon the terms previously advised in our emails of 26th June and 16th July.

We also again request a response to our question of why, or on what basis, the application allocates to the applicant's land 4 lots and relegates Mrs Houry and Mr Malcolm's lands, to only 1 lot each.

Everyone knows there is a long outstanding dispute on the legal issues relating to the use/and or lot allocations in relation to RoW J, D and C.

Everyday that agreement to that stay is not forthcoming, appears to us only to compound the lack of good faith being shown here by, or on behalf of, the Applicant.

If you are unable to open any of the attachments, or otherwise have any queries, please do not hesitate to ask.



10/1/25, 9:20 AM

RE: RC 2250414-RMACOM - Limited Notification of resource consent application for Nags Head Horse Hotel Limited - Nicola Cowl...

Regards

Kim Taylor

## **SUBMISSION TO RESOURCE CONSENT**

### **SUBMISSION PURSUANT TO SECTION 96 OF THE RESOURCE MANAGEMENT ACT**

**TO:** Far North District Council

Private Bag 752

KAIKOHE 0400

Attention: Nick Eagle.

#### **Name of Submitter**

(Full Name):

**KIM FLOYD TAYLOR and SALLY ANN TAYLOR**

**This is a submission on an application by Nags Head Horse Hotel Limited, 2250414-RMACOM, to undertake:**

Activity A: Subdivision to create four lots in the South Kerikeri Inlet Zone a non-complying activity.

Activity B: Subdivision resulting in breach of Stormwater Management, Setback from Smaller Lakes, Rivers and Wetlands, Private Accessway in all Zones in the South Kerikeri Inlet Zone as a discretionary activity. at Lot 2, Kerikeri Inlet Road, Kerikeri 0230.

The specific parts of the application that my submission relates to are *[give details]*:

#### **Please refer to the detailed objections attached**

My submission is *[include whether you support or oppose the specific parts of the application or wish to have them amended; and the reasons for your view]*:

**\_that the application be refused in its entirety for each and all of the reasons in the detailed objections attached**

I seek the following decision from the Council *[give precise details, including the general nature of any conditions sought]*:

**that the application be refused for each and all of the reasons in the detailed objections attached**

**I wish to be heard in support of my submission**

**Signed** Kim Taylor

**Date** 22nd July 2025

**Address for Service of submitter**

**\_Email please as mail service is irregular but copied also to Box 695**

**Kerikeri**

**Telephone:** 0211079681

**Email:** kftuk50@gmail.com **Contact person:** Kim

#### **Note to Submitter:**

You must serve a copy of your submission on the applicant as soon as reasonably practicable after you have served your submission on the Far North District Council.

**RE: RC 2250414-RMACOM - Limited Notification  
of resource consent application for Nags Head  
Horse Hotel Limited: Kerikeri Inlet Road – Lot 2  
DP 442820**

(References to p xx are references to the page numbers of the whole application as presented. All substantive emails are set out the emails attachment)

We are the owners of 431 Kerikeri Inlet Road which is Sec64 Bk XII KK SD at the south of the lake.

We oppose the grant of resource consent for the above development which the application acknowledges to be “non complying”, on numerous grounds.

Our objection may be considered in two parts.

**PART A**

The first part is that the application is an abuse of the planning process and/or that the application is inherently inconsistent, therefore defective in that the Committee cannot know, with any certainty, particularly as to roading and earthworks, upon what basis to make its decision.

We suggest that there be a preliminary hearing on the above issues and, only if the application is still to

proceed, should PART B the second part, being the numerous other detailed environmental and planning aspects be listed for a hearing.

The abuse, and the inherently defective aspects of the application, arise because there is, currently unresolved, a legal dispute pertaining to the easements / rights of way /lot allocation (“RoW dispute”) related to the proposed private accessway to the application site.

This is to the south of the applicant site identified as C , D and J see plan DP 167657 at p 360 as The dispute is between the Applicant - Nags Head/(Mrs Lowndes) , Mrs Houry and Mr Malcolm. Until that dispute is resolved by agreement between those parties or by the appropriate land court or tribunal we suggest this application cannot be decided as the number of lots, and the allocation of lots legally entitled to use C, D and J cannot be known with the certainty necessary to determine what roading requirements will be appropriate.

### The Abuse of Process argument.

1. The application and supporting documentation makes no reference to the RoW dispute.
2. We refer to our email of 26th June 2025 to the Applicant’s planners Williams and King (WK), (or is it now SAPS ?) copied to Haigh Workman (HW) and

also to FNDC pointing out the inherent defect in the application as to the lots it attributes to Mrs Houry's and Mr Malcolm's land . We requested a response from WK and HW as to how the suggested 1 lot to each of them is derived. We also requested a stay until these issues are resolved.

3. We have no response from HW, but WK has responded by forwarding an email dated 15th July 2025 from the Applicant's solicitors , Sellars Law, (SL) which fails to disclose, and makes no reference to the ROW dispute, although they have been fully involved with such a dispute on the Applicant's behalf for many months.

4. It does not matter for this purpose what the arguments, or the strengths of those arguments, may be or whether the Applicant or her/its advisors believe that their view will, or should prevail. The fact that there is an unresolved legal dispute on lot allocations, means the experts do not know what facts as to lot entitlements to report on, nor can the Planning Committee decide.

5. If the Applicant company wishes to have the RoW dispute resolved, it should do so by issuing declaratory proceedings in the appropriate court or tribunal. The Planning Committee has no power to determine that aspect.

6. Even if the committee decides to grant a resource consent for 4 lots - unless the Applicant can get agreement from Mrs Houry and Mr Malcolm,

or a declaration from an appropriate court entitling it legally to a right of way allocation over a private right of way for 4 lots, that very expensively obtained consent is worthless, and these resource consent proceedings will prove to have been futile.

7. The specific abuses of process alleged are :-

1. that the failure to disclose the long running RoW dispute deliberately presents misleading and inaccurate information to FNDC and those notified, including ourselves
2. that such information is highly material to the determination of the application (mainly roading requirements and consequent earthworks )
3. that the Applicant company will have supplied the information for, and approved the application in its current form, well knowing of the dispute, so that the application is deliberately misleading, it is not made in good faith, is unfair, vexatious and appears to be for an improper purpose, namely an attempt to circumvent, pre-empt, ignore and/or override the RoW dispute.
4. See also paras 30 to 35 for the detail of the further abuses alleged, arising subsequent to the Application.

8. The RoW dispute turns on :-



- a) the access rights and private road lot entitlements appurtenant to Mr Malcolm's land, and therefore the burden of those rights and lot entitlement agreement appurtenant to the land now owned by Mrs Houry ( as contained in C.871824.6 registered against Mrs Houry's title and in Mr Malcolm's title ) and
- b) A right of way grant , now appurtenant to the land of the Applicant a company controlled by Mrs Lowndes (as contained in C 871824.10 also registered against Mrs Houry's title and Nags Head's title) which contains no private road lot entitlements.

9. The application helpfully contains a copy of Mrs Houry's title NA138C/239 at p. 400 which sets out the easements to which her lot 2 DP210733 is subject.

10. In summary, C. 871824.6, set out at p 409 was made by a predecessor in title to Mrs Houry, and grants a right of way over "J " and "D" (in the original grant it was identified as "B " and "C " but now in Plan DP167657 it is "J" and " D".) The terms of that grant, over what is now Mrs Houry's land, allocated to her land the right to use that part of a private road access way, now J, for 3 lots and Mr Malcolm's land, for 2 lots. (The maximum permitted at the time being 5 lots for private access to rear lots). That

easement also allowed a pro rata increase to whatever the maximum for private access to rear lots may become . It is now 8, so 3 >4.8 Houry and 2 > 3.2 Malcolm.

11. As far as we can see, a company controlled by Mrs Lowndes (as is the current applicant company) became involved in the applicant land sometime at the end of 2000.

12. C871824.6 is registered against the title out of which the applicant land title was created and would have been apparent to any purchaser or their solicitors investigating the servient title to the Applicant's land's right of way easements.

13. Around that time, Mrs Lowndes 'brother met with us and advised us that her intention for the land was "to run a few horses" which may explain why no provision was made for an apportionment of lot entitlements in respect of the right of way to the applicant land, but we also note Transfer D587086.3 registered in 2001 at p 438-9 which among other aspects, ( including adding Z to the dog leg, between the new J and D ) contains the following covenant over Mrs Houry's land for the benefit of the Applicant's land.

*"The transferor covenants with the transferee that should the specified area and the land "J", "D" and "C" on Deposited Plan 167657 be required for the*

*purpose of vesting that land as a public road then the transferor will consent to that vesting or sell the said land to the local authority for the purpose of public road without payment of any consideration. This covenant is intended to run with the servient land for the benefit of the dominant land. “*

14. One way of reconciling C 871824.6 and C871824.10 is that J, D and C should become a public road, (in which case the private road lot entitlements are of no importance). The above demonstrates that Mrs Lowndes original purchasing company appears to recognise that, but a public road is not proposed here.

15. Why are the Committee being asked to consider this private -access -way -only application when the Applicant's predecessor company (also under Mrs Lowndes control) appears to have acknowledged as far back as 2000 that a public road would be likely to be necessary for any development?

16. There is nothing in the title documentation suggesting that either Mrs Houry's land or Mr Malcolm's land has given up any of their private road lot allocation entitlement in relation to “ J ” and we now know from them that they have not done so.

17. Whatever the situation may be between Mrs Houry's land and the applicant's land as a result of

C871824.10, Mr Malcolm's land is clearly entitled to use the private access road J for 3.2 lots, and not the 1 lot assumed by the application. The applicant appears to have appropriated to itself an allocation of 4 lots to use a private access way over J although the reasoning / authority for that is not clear. Mrs Houry under C.871824.6 claims 4.8 lots making  $3.2 + 4 + 4.8 = 12$  lots, not the 6 lots assumed in the roading assessment.

12 lots would require substantially different roading standards ie the public road contemplated by Mrs Lowndes company in 2000. This would obviously involve a considerable increase in the earthworks necessary for the approx. 900 metre roading. (We note that even with the  $3 > 5$ m carriageway proposed, the engineer's estimate earthworks for the proposal to be 4328 m<sup>3</sup> ie 14+ times the permitted 300m<sup>3</sup>. If C, D and J are now to be public road that will materially increase.

18 What information does the Application contain about these aspects ? -

Next to nothing and some of what there is, is in correct and misleading.

The Application at p 17 lists the relevant documents C 871824.6 and C871824.10 so the legal issue/difficulty is clear from examination of the supporting documentation. We would have expected some discussion of why the application assumes a

private road entitlement for 4 lots, whilst relegating Mrs Houry's land and Mr Houry's land to one lot each, but there is none.

The Application plan at p11 refers to C871824.6 in the legend but then incorrectly identifies it as relevant to D and K which are at the top of the application site. Reference to the document C871824.6 at p 409 shows that it relates only to a "C" and a "B" on DP166944 (which became "J" and "D" on DP 167657 ). There is no reference to a "D" or a "K" in C871824.6. The application plan legend is therefore incorrect and misleading as to the fundamental inherent defect issue identified to WK /HW on 26th June, which is unfortunate.

19. The WK report refers at p11 at para 2.2 only to *"the access arrangements as being outlined in App 2a, and the Vehicle Crossing Design in App 2c ."* App 2a and App2c are supporting reports from expert engineering witness HW .

20. At p 59 and p 60 , that HW report states *" access is to be by existing and proposed easements"* Again no reference or consideration is given in the HW report to C871824.6 and/or C871824.10 .

21. The Table at p 59 suggests that "J " has a 6 lot proposed use, "D" - 5 lots ( both those with an aggregate 5m surfacing minimum) and "C" 4 lots



( aggregate 3m with bays) but no explanation for choosing those proposed lot numbers is given, notwithstanding C 871824.6.

At the foot of that Table appears :-

“No change is proposed to the ROWs in easements D and K.”

Which we understand to be correct . As noted above D and K are at the top of the site and refer the rights of way over the road on the boundary between Lots 3 and 4 and not, as stated on the Application plan legend, the rights created by C871824.6.

22. Later at p68 of the application is

*“4.3.2 Vehicle Crossing Standards*

*The six lots (Lots 1 – 4, Lot 2 DP 210733 & Lot 1 DP 442820) to gain access via the proposed crossings have an estimated 60 one way traffic movements per day.”*

Again no explanation given for how the “6 lots” figure is reached is, nor why Mr Malcolm’s land has been assessed as 1 lot , despite it being at least 3.2 as per C871824.6 Whatever the situation between Mrs Houry’s land and the applicant’s land, that additional 2.2 lots would increase the report’s suggested 6 to 8.2 and require a public road. (We note that even the 6 lot assessment usually requiring a 5m carriageway is proposed to be breached, as the bridge is proposed to be 4m maximum as shown at p 24 para 4.1.5 and on the plan on p 172 )

23. As mentioned above we have asked WK and HW for an explanation of how or why the application and the engineering report refers to those lot figures but we have had no response from them other than the WK forwarded email from SL of 15th July also referred to above (which fails to identify that there is a dispute which goes to the heart of the facts which must be established before the Committee can make a decision) or respond to the question) .

24. Before everyone involved is required to get into the fine planning/ environmental detail of this 463 page application, we believe it is essential for the purely legal RoW dispute first to be resolved. This is not an appropriate matter for the Planning Authority to determine and it has no jurisdiction to do so.

25. As set out in our 2nd email of 16th July 2025 made above, to WK, copied to SL and also FNDC which outlines the abuse of process argument made above, we have again suggested:-

“That the Applicant agree that this application be put on hold and the time for submissions adjourned sine die until the matter of the number of lots having the right to use “C”, “D” and “ J” identified above is either agreed between the Applicant , Mrs Houry and Mr Malcolm or otherwise determined by a court or tribunal.”

26. We have had no response at the time of submitting this objection

27. We are aware that a request from Mr Malcolm to have his time for objection submission extended (because he only received a full viewable copy of this voluminous application from FNDC on 10th July) has been refused notwithstanding that twenty working days from 10th July would be 7th August 2025

28. The RoW dispute was known to the Applicant and SL long ago , and even if not known before, identified to WK and HW by our first email of 26th June 2025

29. An applicant dealing in good faith would have acknowledged that there is RoW dispute, that it would have a highly material effect on the factual basis of the reports submitted, as well as upon the Committee's deliberations, and have agreed to our request for a stay immediately.

30. It is bad faith, and a further abuse of process, not to have done so.

31. It cannot be coincidental that the final date for submissions is Wednesday 23rd July and by

refusing the stay request, the Applicant well knows that it is forcing those opposed to this patently defective application to file objections within a time limit of 20 working days, or in the case of Mr Malcolm only 10 working days.

33. We see that the application plan was dated October 2024 -p 360. It will have been preceded by probably a number of months in contemplation of this application, which was received by FNDC on 15th May 2025

34. It took the Applicant at least 7, and may be as much as 9 months to seek advice, instruct experts and prepare the application.

35. By refusing the stay request the Applicant, in bad faith, forces a response from objectors within 20 (10 for Malcolm) working days, seeking it seems to take advantage of the inherent difficulty of getting advice and preparing such a detailed response in that short time.

36. If the Committee decides not to stay the application, and intends to proceed to consideration of the planning and environmental issues, we submit that the objectors should be granted an adjournment of an equivalent additional time to that taken by the Applicant ie 7-9 months in which to seek professional advice, instruct experts , and

prepare their final detailed objections as advised, before the Committee proceeds to hear the full application on the planning merits.

For all the reasons set out above, we submit that the Application:-

- a) be struck out as an abuse of process and/or inherently defective
- b) stayed or adjourned until the RoW dispute is resolved or
- c) refused as the Committee cannot establish, and has no power to determine, how many lots are entitled to use the proposed private right of way or
- d) that the Committee make such directions as it deems suitable in relation to the application as are fair and equitable and appropriate to do justice to the interests of all interested parties, having regard to their conduct in the course of the application.

We also apply for the wasted costs necessitated by the Applicant's refusal to act in good faith:-

- 1) in the production of the application and
- 2) its failure to agree the entirely reasonable request for stay because of the unresolved RoW dispute, of which it has been well aware for at least 6 months.

Kim and Sally Taylor 21st July 2025



## PART B

In the event that the Application is not halted as an abuse of process or inherently defective, at a preliminary hearing, we repeat the submissions in Part A , as the first part of Part B

Because the application contains so much detail , it is unreasonable to expect us to provide our objections in similar detail to that of the Application until it is certain to proceed, but at this stage we are happy to provide a summary under the following headings . If the application is to proceed, we will provide further detail/experts reports as appropriate. Our overall position is that the application should be refused but in the event that it is to be granted, we have included comments which we hope will lead to the Committee attaching appropriate conditions on that consent, to reflect our concerns

Our outline submissions are :-

- 1) The application is in many respects conceded by the applicant to be non complying. In respect of all of those we do not accept that the individual effects will be minor and the accumulation of non compliances taken as a whole will certainly not be minor.
- 2) Subdivision is not a controlled activity in this zone, in order to be Restricted Discretionary the minimum lot size is 4ha in non-sensitive areas. Lots 2 – 4 include sensitive land, and this rule is not met. Discretionary subdivision is via a management plan which is not provided.

3) The applicant company or its predecessors (also controlled by Mrs Lowndes) was represented at the Environment Court when agreement was reached by all parties as to the provisions to be applied to the then new South Kerikeri Inlet Zone including that a management plan would be required for lots of under 4ha in sensitive areas. It was agreed to be appropriate because there are so many important environmental characteristics affecting the applicant site and its surrounding area. Without measuring it, the sensitive area appears to be approx 25-30% of the applicant site.

The Applicant is seeking to use a share in the lake to reach a 16ha total and therefore 4 lots. That brings the whole ecosystem of the lake, rights, obligations, covenants and management of the lake within the compass of the application, which is not addressed in any detail. That would be best considered in a management plan.

Apart from the above general reasons, the application should be accompanied by a management plan because of the following site specific risks :-

- a) the very close proximity of the site to the lake and associated wetlands which are p 201 “significant” in the Kerikeri Ecological district and noted under PNA 05 /083 and is classified as a natural inland wetland which restricts some relevant activities often up to 100m of such a feature - see further as to preservation of natural habitat.
- b) the effect on views over the sensitive area, of buildings in close proximity to but just outside the sensitive area lines -see below
- c) The fact that the roading proposal suggests that the earthworks required for the approx 900 metre access

way will be colossal ie 4328m<sup>3</sup>, more than 14 times that permitted (300m<sup>3</sup>). For just 4 dwellings.

- d) The application contemplates breaches of the usual rules on setback when considering the crossing of the wetland at the southern end of Lot 4
- e) 4) On building heights generally, we note that a 6m limit is suggested for Lot 4, but 8m for the remainder. In the Applicant's recent development at Egret Way a 6 metre maximum height was offered for all lots and, if not similarly offered by the Applicant, we request that limit be imposed by the Committee. The majority of buildings within the local area do not exceed 6m in height and this would be consistent, as well as limiting the environmental impact. See also below.

5) The "sensitive area" which affects lots 3, 4 and to an extent lot 2 was assessed by FNDC, as we recall, taking into account various views from surrounding areas to the pasture at ground level as existing. Where the ground falls away below that sensitive area line it becomes no longer "sensitive area" in a two dimensional sense but this takes no account of a building of any height, but say 6 metres which has a footprint just outside the sensitive area line on the ground but which is then very visible and in a 3D sense obstructs the view to sensitive area. This issue would have been appropriate to have been considered under the management plan required by the zone rule see above.

6) In the absence of a management plan addressing the above point, the applicant is requested to supply a cross section of the suggested house sites

showing, from the assumed viewing points, how much of the proposed lot buildings at various heights would intrude on and be visible horizontally above the sensitive area line height. Obviously a lower maximum building height may assist in minimising this effect.

7) Much is made in the application of settling the buildings into the landscape. With respect, putting urban type dwellings into a rural landscape and then seeking to screen them with plantings is somewhat crude. Conditions as to screening plantings are easy for owners to ignore and practically impossible for local authorities to police and enforce. Where there might be a “view” from the buildings, as here across the lake, it is unrealistic to expect that screening to be maintained when it will block “the view”. There are a number of other ways of better settling buildings into the landscape, and minimising the effect on the landscape one of which is earth roofed or earth sheltered structures. If you think of it as peeling back the existing soil layer, putting a house underneath and then rolling back the soil layer you can see that it is a rather better way of settling a building into the landscape. This technique has been very successfully employed at various places in the Bay of Islands- at the world acclaimed lodge in Donkey Bay at the west end of Long Beach, Russell and on the ridge overlooking Dick’s/Jack’s Bay - come immediately to mind. Lot 4 is in the sensitive

area on a dominant undeveloped ridge on the southern edge of the Kerikeri Inlet before Reinga Heights and it is submitted warrants the utmost attention to landscape values. If minimising impact on those values is the aim, as is required, to protect general landscape values and rural views for adjoining properties, within or without the development, an earth roofed/sheltered building is a solution the Applicant may wish to consider

#### 8) Protection of natural habitat and PNA 05/083.

We are very fortunate to have lived in the “lake basin” for upwards of 25 years and have a number of personal observations which may add to the ecology report and assist on the wildlife and natural habitat issues.

a) It would have been possible to site our dwelling much further north for a better view over the ecologically significant lake and adjacent wetlands, but we deliberately sited it a long way south of our northern boundary in order to leave room and undisturbed space for the wildlife using the lake to wander and forage. They don't just sit on the lake or in the mainly raupo edge. Although our northernmost building our house is approx 150 m from the lake edge we regularly have Kingfisher / Pukeko / Spur winged Plover/ heron, and various duck at the rear and alongside of the house .

b) We have observed similar species all over the applicant land and all other lake surrounds

c) The eastern boundary of the applicant site is between approx 120-150 metres of the lake edge.

The western edges of the BDZs from the lake are approx- Lot 3 - 65 metres, Lot 2 - 65 metres and Lot 1 - 50 metres. Lot 1's BDZ is also immediately adjacent to the wetland covenant proposed at AA and it looks like less than a 10 m minimum setback .

d)The whole of the applicant site, in so far as it is part of the "lake basin" is a grazing/foraging, and for some species, a nesting area, associated with the lake.

e) We cannot see that any building to the east , south east or north east of the lake within the applicant site will not substantially adversely affect the current important ecosystem that supports or is supported by the lake. We note that on the one morning of field observations by the ecologist, there was seen a threatened Dabchick, near intended Lot 1.

e) How long would Dabchick keep coming, if there were buildings or regular human activity on the BDZ of Lot 1, or even lots 2 or 3 ? It was in part because of all these detailed and sensitive issues that a management plan was agreed to be required . Allowing building on Lots 1, 2 and 3 will be irreversible even if/when? their presence degrades the extensive lake/wetland/surroundings habitat, so the Committee need to be absolutely sure that it will not do so before granting consent for those



buildings. A management plan is the best way of doing that and is what the operative provisions of the Plan require.

f) We welcome the proposed wetland covenants, but these can never compensate for the loss of and disturbance to the wildlife habitat by having 3 buildings and associated human activity in such close proximity to the significant lake and associated wetland.

g) For Lot 3 and Lot 2 there is obviously a balance between having the BDZs further up the slope where the buildings may impinge on the views over sensitive area or further down the slope where they impinge on the wildlife foraging zone. The reality is there is probably not enough room for buildings between these constraints.

The ecology report at p 215 includes :-

“To benefit all species occupancy, a resilient buffer to the wetlands, complimented by pest control, will allow heightened functionality of habitat.”

We suggest from the observations made above, that an appropriate buffer should be at least 100 metres from the lake edge/wetlands .

h) If any buildings on Lots 1, 2 and 3 are to be permitted we would invite the applicant to suggest a “building line” from the lake/ wetland edge to protect as much as possible of the lake / wetland surrounding habitat or, if not offered, that the Committee impose one as a condition.

In the absence of this we can see there may be a “competition” between the respective future owners of plots 1, 2 and 3 to put their dwelling nearer the lake /wetland than the neighbour so that they have an uninterrupted view. A building line would be in the mutual interest of all future lot owners as well as enhancing the wildlife habitat. All permanent or temporary man made structures should also be forbidden below the building line to avoid houses on wheels, containers, artist’s studios, semi- permanent tents and awnings and the like which would also have a detrimental effect on the lake ecology. Similar restrictions will also be appropriate during any building process.

i) We note the proposal for the restriction of domestic animals and would invite the applicants to agree a complete ban on dogs. (Other than essential use only - e.g assistance dogs and then always on a lead or tethered ) .

If we had dogs which we kept in at night and let out during the day the four fluffy ducklings which were wandering south of our house the other morning would likely be dead as would the young of pretty much any other species foraging on our land.

j) No proposals are offered as to what will happen at the western boundary of the lots with the lake title’s boundary or the east /west boundaries between the lots 1, 2 and 3 . Even if there is to be a fence it will need to be guaranteed 100% dog proof to keep the

dogs from doing what dogs do ie chasing/disturbing the wildfowl around the lake but that will also prevent the foraging/nesting wildlife from continued access to their foraging and nesting areas.

k) We often hear- “My dog wouldn’t kill a kiwi/bird” etc etc, until it does. “Oh, the dog must have got loose”. Not much consolation for the dead bird. With respect, Lot 1 whilst on lower ground and therefore not particularly a visual issue, is a very substantial issue for the ecology of the lake. The BDZ here appears <10 m of the wetland and near where, on the one day visit referred to by the ecologist, a threatened species Dabchick was observed. Any building here, this close to the wetland/lake would inevitably disturb the wildlife, harming the ecology of the wetland/ lake.

l) Another factor, more than clear from our time in the lake basin, is that any sound carries loudly across the water and around the basin . We usually hear the cars travelling along the gravel roads around us long before we see them even though in part they are screened and for example the road across the north of the lake is approx 750 metres away.

In the mutual interest of any future lot owners and neighbours we would suggest all roading included in the proposal be sealed, bunded and double screen

planted for noise attenuation. This also should be applied to C D and J for the same reasons.

m) There is often quite a lot of wildlife noise at night coming from the lake/lake surrounds. A total dog ban on the development would also prevent the dogs locked up at night responding to that noise, and then to each other, setting up a round lake “barking competition “ to the mutual annoyance of the residents, but much more importantly the wildlife.

n) We are downstream of the collapsed culvert. Over the past number of years, by way of the stream, we have received very large and unwelcome deposits of culvert paraphernalia, rubbish, soil and aggregate which has caused substantial damage to our land and facilities. Our remediation work is still underway, but we are obviously concerned that any future disturbance of the former culvert area (which finally now seems stable) will again send further tons of unwanted soil and aggregate our way. We see reference in the HW report to erosion and sediment control for all earthworks but would ask for particular attention to be paid, and reliable monitoring provided, for the culvert crossing at the SW end of J where a bridge is currently proposed.

For all the above reasons we submit that the application should be refused.

Kim and Sally Taylor - 22nd July 2025

These are the substantive emails , we have excluded any simple acknowledgement type emails.

1. First email from us

From: kim taylor <kftuk50@gmail.com>

Subject: KK Inlet Road RE: RC 2250414-RMACOM - Limited Notification of resource consent application for Nags Head Horse Hotel Limited: Kerikeri Inlet Road – Lot 2 DP 442820.

Date: 26 June 2025 at 16:12:32 BST

To: kerikeri@saps.co.nz

Cc: info@haighworkman.co.nz,  
Planning.Support@fn dc.govt.nz

**RE: RC 2250414-RMACOM - Limited Notification of resource consent application for Nags Head Horse Hotel Limited: Kerikeri Inlet Road – Lot 2 DP 442820**

For Natalie Watson and Haigh Workman ref 18/268 and c.c. Planning Support at FNDC

We are the owners of 431 Kerikeri Inlet Road which is Sec64 Bk XII KK SD at the south of the lake.

We have received a copy of the Nags Head R.C. application which we are working through . We see there are quite a number of non complying aspects but note also there are mitigation proposals.

We are downstream of the collapsed culvert. Over the past number of years, by way of the stream, we have received very large and unwelcome deposits of culvert paraphernalia, rubbish, soil and aggregate which has caused substantial damage to our land and facilities. Our remediation work is still underway, but we are obviously concerned that any future disturbance of the culvert area (which finally now seems stable) will again send further tons of unwanted soil and aggregate our way .

So , we have been concerned about any proposal to reinstate the crossing and the relevant legal rights and obligations of the concerned parties.

We note that the application, and the Haigh Workman report, in so far as access to Inlet Road is concerned , suggest that the crossing and the access to the crossing (“D and J” on the right of way plan Fig 5 on page 70 of the application and see Table 4 Page 69 of the application) will serve 6 lots, that is 4 from the applicant site and one each from land belonging to Mrs Houry and Mr Malcolm.

The application helpfully contains a copy of Mrs Houry’s title NA138C/239 which sets out the easements to which her lot 2 DP210733 is subject.

In summary, it appears that the application is inherently defective for the following reason :-

1. We note from C. 871824.6 EC that a predecessor in title to Mrs Houry granted a right of way over “D “ and “J” to Mr Malcolm’s land. What is now Mrs Houry’s land was allocated the right to use the access way for 3 lots and Mr Malcolm’s land, for 2 . (The maximum permitted at the time being 5 lots for private access to rear lots) ) That easement allowed a pro rata increase to whatever the maximum for private access to rear lots may become . So , as it is now 8, that means the current entitlements would be Mrs Houry’s land 4.8 and Mr Malcolm ’s land 3.2 lots
2. This was prior to the subdivision to form the applicant land , and will therefore have been clear from the title documentation to the purchaser company (and its lawyers). That company we understood to be a company controlled by Mrs Lowndes (as is the current applicant company).
3. Around the time of that purchase Mrs Lowndes ’brother met with us and advised us that her intention for the land was “to run a few horses” which may explain why no provision was made for an apportionment of lot entitlements in respect of her right of way to the applicant land.
4. At the same time Mrs Lowndes company also acquired what is now the land the subject of the recent Egret Way development to the west and we note that there was an



apportionment of lot entitlement in connection with the right of way over another part of Mrs Houry's land.

5. There is nothing in the title documentation suggesting that either Mrs Houry's land or Mr Malcolm's land has given up any of their lot allocation in relation to "D + J"

6. We think it likely that the applicant land will be regarded as having acquired the right to the use of the right of way over Lot 2 DP 210733 "D + J" for 1 out of Mrs Houry's allocated lots but, in the absence of any specific provision in the purchase documentation, that is all.

6. If Mrs Houry's land has now an entitlement for  $(4.8 - 1) = 3.8$  lots and Mr Malcolm's 3.2, any more than 1 lot for the applicant land takes the total number of lots above the 8 currently permitted for the type of roading proposed. The application however is for 4 lots which would mean a minimum of 11 in all, requiring substantially different roading requirements.

As we have said, we believe the application to be inherently defective because it assumes 6 lots using the access to the crossing and the crossing (D + J as above) when the title documentation accompanying it clearly shows that if the applicant land seeks 4 lots, that it would be at least 11.

Before everyone involved is required to get into the fine detail of this 463 page application, we believe it is essential for this aspect first to be resolved. This is not an appropriate matter for the Planning Authority to determine.

We therefore suggest as follows :-

1. that the Applicant agrees that this application be put on hold and the time for submissions adjourned sine die until the matter of the number of lots having the right to use the crossing and the access to the crossing "J" identified above is either agreed between the Applicant, Mrs Houry and Mr Malcolm or otherwise determined by a court or tribunal.

2. In the meantime perhaps Williams and King and /or Haigh Workman will be kind enough to advise on what basis it is suggested that the Applicant company's land is entitled to use the crossing and access ways "D + J" for 4 lots, and that Mrs Houry's land and Mr Malcolm's land are now only entitled to use it for one lot each, which appears contrary to the easement rights in the relevant registered titles as set out above.

We would appreciate your early acknowledgement, and a reply to both these points within 7 working days so that we may have time to take advice, and if necessary prepare our submission, with that response in mind.

We reserve the right to refer to this correspondence on the question of costs, if 1 above is not agreed.

As it seems that this matter is fundamental to the application, a copy of this has been sent to FNDC for their information and comment or observation.

Regards

Kim and Sally Taylor  
27th June 2025

2. **SELLARS LAW** (forwarded by NW)

14th July 2025  
Natalie Watson  
Survey & Planning Solutions Limited  
By email: nat@saps.co.nz

**RE: NAGS HEAD HORSE HOTEL LIMITED: RC2250414 – KERIKERI INLET ROAD  
– LOT**

## 2 DP 442820

1. 2. 3. 4. 5. As you know, we act for Nags Head Horse Hotel Limited (**Nags Head**). You have asked us to comment upon the issues raised in the email from the owners of 431 Kerikeri Inlet Road, Kim and Sally Taylor, set out in their email to you dated 27 June 2025.

The simple point is that Nags Head's land comprised in Record of Title 552855 has the benefit of the right of way easement referred to in Easement Certificate C871824.10 dated 24 July 1995 (registered 31 July 1995). That Easement Certificate records rights

of way in favour of Lot 2 on DP 167657 (NA101C/993) over the areas shown as C, D and J on Lot 3 on Deposited Plan 167657 (NA101C/994). Nag's Head's Record of Title 552855 which issued on 8 March 2013 is derived from Record of Title NA101C/993 and, as such, receives the benefit of this easement and is subject to the terms and conditions of it. No provision for allotment allocations was provided for in this Easement Certificate.

Mr and Mrs Taylor refer to the terms of Easement Certificate C871824.6, but in Nags Heads' view the restrictions and rights contained in that Easement Certificate are a matter as between the parties to that easement and do not affect or derogate from Nags Heads' rights under Easement Certificate C871824.10. Easement Certificate C871824.6 created amongst other things, a right of way in favour of Part Lot 2 on Deposited Plan 124059 and Lot 1 on Deposited Plan 166944, owned by Peter Malcolm over Part Lot 1 on Deposited Plan 107204 (Fenton). That right of way is shown as "Area C" on DP 166944. Area C on Deposited Plan 166944 is also referred to as area J on DP 167657. Easement Certificate C871824.6 provided in respect of Area C on DP 166944 that Mr Malcolm would be entitled to subdivide his property to a maximum of two allotments serviced by right of way C and that the owner of Part Lot 1 (Fenton) could subdivide Part Lot 1 to a maximum of three allotments serviced by Area C. We trust that addresses Nags Head's position on the issue raised.

Yours faithfully

**Sophie Waller | Partner**

**Sellars Law**

09 420 9324

s.waller@sellarslaw.co.nz

[www.sellarslaw.co.nz](http://www.sellarslaw.co.nz)

3. Second email from us (to which there has been no response at the time of submitting this objection to FNDC )

**From:** kim taylor <[kftuk50@gmail.com](mailto:kftuk50@gmail.com)>

**Subject:** Nags Head - Inlet Road RC application

**Date:** 16 July 2025 at 23:33:07 BST

**To:** Natalie Watson <[nat@saps.co.nz](mailto:nat@saps.co.nz)>

**Cc:** [s.waller@sellarslaw.co.nz](mailto:s.waller@sellarslaw.co.nz),

["nick.eagle@fndc.govt.nz"](mailto:nick.eagle@fndc.govt.nz) <[nick.eagle@fndc.govt.nz](mailto:nick.eagle@fndc.govt.nz)>

Dear Natalie, cc Sellers Law and Nick Eagle.

Further to my last email, and as a result of communication with Mr Malcolm and Mrs Houry, I am aware that there has for some time been correspondence and discussions between Nags Head/Mrs Lowndes, Mr Malcolm and Mrs Houry and their advisors as to the lot allocation rights and maintenance obligations in relation to the right of way C, D and J .

I have already argued that the application is “inherently defective” in that it wrongly states the legal lot entitlement of Mrs Houry’s land and Mr Malcolm’s land as established from the title documentation.

What is more concerning is that the failure to disclose those discussions, and that dispute, in the application appear to amount to an abuse of process.

The specific abuses are :-

1. that the failure to disclose the discussions and dispute deliberately presents misleading and inaccurate information to FNDC and those notified
2. that such information is highly material to the determination of the application
3. that the applicant company presumably supplied the information for, and approved the application in its current form, well knowing of the dispute and
4. that the application is therefore not made in good faith, is unfair, vexatious and for an improper purpose.

We note that in its recent response to the legal points we earlier presented, which you copied to FNDC, Sellers Law also fails to disclose and makes no reference to the allocation/maintenance dispute, although it appears they were fully involved in it. It is obviously a matter for Sellers Law, and consideration of their professional obligations, as to whether that is an appropriate course of action.

If the applicant company wishes to have the right of way allocation / maintenance dispute resolved it should do so by issuing declaratory proceedings in the appropriate court or tribunal.

This application appears to us to have been brought for the entirely improper purpose of attempting to circumvent, pre-empt, ignore and/ or override the dispute on those issues.

We invite you again to obtain instructions to agree, by 5 pm Friday 18th July, to put a hold on , or stay the application . If this is not forthcoming by that time, we reserve the right to take such injunctive proceedings as may be appropriate, without further notice, and again reserve the right to refer to this email on the matter of costs should a failure to agree that stay result in those proceedings becoming necessary.

Regards  
Kim Taylor



Te Kaunihera  
o Te Hiku o te Ika  
Far North District Council

## SUBMISSION TO RESOURCE CONSENT

### SUBMISSION PURSUANT TO SECTION 96 OF THE RESOURCE MANAGEMENT ACT

TO: Far North District Council  
Private Bag 752  
KAIKOHE 0400  
Attention:

Name of Submitter  
(Full Name):

Neo Family Trustee Limited

This is a submission on an application by Nags Head Horse Hotel Limited, 2250414-RMACOM, to undertake:

Activity A: Subdivision to create four lots in the South Kerikeri Inlet Zone a non-complying activity.

Activity B: Subdivision resulting in breach of Stormwater Management, Setback from Smaller Lakes, Rivers and Wetlands, Private Accessway in all Zones in the South Kerikeri Inlet Zone as a discretionary activity. at Lot 2, Kerikeri Inlet Road, Kerikeri 0230.

The specific parts of the application that my submission relates to are [give details]:

Subdivision.

My submission is [include whether you support or oppose the specific parts of the application or wish to have them amended; and the reasons for your view]:

Oppose

I seek the following decision from the Council [give precise details, including the general nature of any conditions sought]:

Refuse Subdivision

I wish/ do not wish to be heard in support of my submission (please indicate which)

If others make a similar submission, I will consider presenting a joint case with them at a hearing (delete this line if you would not consider presenting a joint case)

Signed

L. Knox-Whyte

Date

17/7/25

Address for Service of submitter

405c Kerikeri Inlet Road  
Kerikeri, RD 3, Kerikeri 0293

Telephone: 021 0642349

Email: \_\_\_\_\_

Contact person:

Laura Knox-Whyte



22<sup>nd</sup> July 2025

Nags Head Horse Hotel Ltd  
Lot 2, Kerikeri Inlet Road  
Kerikeri  
Attention: Nick Eagle

Tena koe,

**Re: RC 2250414-RMACOM**

**Limited notification of resource consent application for Nags Head Horse Hotel Limited: Kerikeri Inlet Road – Lot 2 DP 442820.**

**Activity A: Subdivision to create four lots in the South Kerikeri Inlet Zone a non-complying activity.**  
**Activity B: Subdivision resulting in breach of Stormwater Management, Setback from Smaller Lakes, Rivers and Wetlands, Private Accessway in all Zones in the South Kerikeri Inlet Zone as a discretionary activity.**

Te Runanga o Ngati Rehia Trust acknowledges your effort to engage, and receipt of your application for subdivision to create four lots. Subdivision resulting in breach of the above.

- The wetland that is mentioned in the report, though not mapped as a significant wetland, is still taonga in Te Ao Māori. This wetland is still mapped as a known wetland. My recommendation would be to have a setback from the wetland (around the entirety of it) of at least 100m if not more and fenced. So, there are no dogs, cats etc that will enter that area, which will also help pest management.

We trust this confirmation will assist in the resource consent application with the Far North District Council (FNDC). We would like to ask that we are kept informed of work going forward.

Please feel free to reach out if further support from Ngati Rehia may be of help.

Naku noa, na

Jenny Rutherford  
Kaiwhakahaere  
Te Runanga o Ngati Rehia Trust













**Legend**

-  Biodiversity Management Sites (polygon)
- Biodiversity Management Sites (point)**
  -  Biosecurity Fund Area
  -  Community Pest Control Area
  -  People/Places of Interest
-  Parcel with legal description
-  Property details
-  House number





**Legend**

- Indicative Īnanga Spawning Habitat
- Parcel with legal description
- Property details
- House number





Outlook

---

**FW: (Response Requested) Submission: RC 2250414-RMACOM**

---

From Planning Support <Planning.Support@fndc.govt.nz>

Date Thu 8/21/2025 11:19 AM

To Nick Eagle <Nick.Eagle@fndc.govt.nz>; Gourav Rana <Gourav.Rana@fndc.govt.nz>

Good morning, Nick & Gourav,

As you both are allocated to process this application, please could you respond to Benjamin Mark regarding his submission below?

Please cc in [@Planning\\_Support](#)

Many thanks,  
Andrea

**Planning Support**

Resource Consents Administration

P 6494015200 |

Planning.Support@fndc.govt.nz

Te Kaunihera o Te Hiku o te Ika | Far North District  
Council

---

Pokapū Kōrero 24-hāora | 24-hour Contact

Centre 0800 920 029

[fndc.govt.nz](http://fndc.govt.nz)

**TE PAE O UTA**  
Te Ao Māori Framework

[Click to find out more](#)

TU KOTAHĪ



WHANAKE TAHI



KŌKIRI TAHI

---

**From:** Benjamin Mark <bnjmnmrk@gmail.com>

**Sent:** Wednesday, 20 August 2025 7:01 pm

**To:** Planning Support <Planning.Support@fndc.govt.nz>

**Subject:** Re: Submission: RC 2250414-RMACOM

**CAUTION:** This email originated from outside Far North District Council.

Do not click links or open attachments unless you recognise the sender and know the content is safe.

Hello,

Please can you confirm whether you received and acknowledge this submission?



Thank you.

On Thu, 10 Jul 2025 at 08:01, Benjamin Mark <[bnjmnmrk@gmail.com](mailto:bnjmnmrk@gmail.com)> wrote:

To whom it may concern,

This is a submission OPPOSING the RC application 2250414-RMACOM, sent on 10th July 2025.

We are Benjamin Mark and Sarah Flintoff owning and occupying 445 Kerikeri Inlet Road (Lot 1 DP 368104). You may contact us on my (Ben Mark) mobile 020 4070 6134.

We are the immediate neighbours to the South of and elevated above the proposed subdivision. The proposed subdivision is therefore our Northerly and primary view. Any access to the proposed subdivision would require use of an easement over part of our property. It is curious then that the landscape and visual effects assessment undertaken by Hawthorn Landscape Architects neglected to visit us to perform a visual assessment, as can be seen on page 276 of the application. You can see our house from viewpoint 9 (pp 282). We will have a clear view of at least 3/4 of the proposed lots, and importantly, also the entire accessway. It is our opinion that any proposed subdivision of the area must enforce native planting to the South of all man made structures (houses, driveways) to protect our view as well as our privacy. The proposed planting neglects any mention of the access way, and seems rather minimal around the house sites.

An additional concern would be that 3/4 of the proposed lots are less than the minimum required size of 4ha, and this is clearly marked as non complying in the application. We do not believe the application should be approved while it is non complying. This is beautiful land and should be preserved as such.

We hope the Council requires the landscape architects to visit our property and agree with our assessments of the visual impacts and proposed mitigations before the application might be approved.

Thank you for your attention to this matter.

Ben & Sarah

P.Malcolm  
PO Box 596  
Kerikeri 0245  
21.07.25

**RC 2250414 RMACOM – P.Malcolm submission (Objection)**

Hi Richard,

Could you please forward to Mr Eagle (FNDC) this letter along with my attached submission opposing the Nagshead subdivision proposal, RC 2250414 RMACOM. Unfortunately because of the short time frame (only getting this resource application from Kerikeri library on the 10.07.25) my submission is not as detailed or concise as it could be.

Not only are there non-compliance issues such as some of the proposed lots being less than 4ha without a management plan, but the proposal also compromises my property rights as defined by easement certificate C871824.6 (DP 166944), which grants me 40% of the potential accessways from Kerikeri Inlet Rd. That 40% creates a separate parcel of accessways that are unavailable to both Nagshead and Mrs Houry.

I also have additional access rights conferred / granted by easement certificate C871824.10 (DP167657).

Current FNDC planning regulations only allow a maximum of 8 accessways using a ROW before requiring it's conversion to a Public Rd.

As the easement is narrow, being only 13m (**not** 20m) at its entrance from Kerikeri Inlet, it cannot be converted to a Public Rd.

As the beneficiary of C871824.6 (DP 166944), I am entitled to 40% of the 8 potential accessways from Kerikeri Inlet Rd i.e. 3.2 of the 8 potential accessways. This parcel of accessways is unavailable to both Nagshead and Mrs Houry,

Also, as a beneficiary of easement certificate C871824.10 (DP167657), I am entitled to an additional minimum of at least 1 of the remaining 4.8 (8 minus 3.2) potential accessways from Kerikeri Inlet Rd.

However if the remaining 4.8 (8 minus 3.2) accessways were apportioned evenly among those entitled to use the ROW, (ie. Mrs Houry the owner of the land plus the two beneficiaries of easement certificate C871824.10, Nagshead and Malcolm), then each of those 3 parties would be entitled to 1.6 (20%) accessways.

Taken together, as a beneficiary of both easements, the combined effects of which mean that I am entitled to at 4.8 (3.2 plus 1.6) of the potential total of 8 accessways using this ROW from Inlet Rd.

That leaves a maximum of 3.2 of the potential 8 accessways to be shared between Nagshead and Mrs Houry. I wonder if Mrs Houry as the owner of the land, should be entitled to at least 2 of those 3.2 accessways?

Summarising the above, with the current allocation granted by the existing easements, there are

**PP 1/11**

insufficient available accessways using the current ROW to allow Nagshead to subdivide its title into 4 lots as per their RC 2250414 RMACOM application.

I am also deeply troubled by what appears to be a systemic failure following multiple subdivision / land transfer processes on neighbouring properties, whereby easement C871824.6 has been incorrectly transferred to another location far from Inlet Rd. Thus compromises both my access and property rights. The failure seems to be on the part of surveyors, local government authorities, lawyers and LINZ. For me, it undermines confidence and trust in land ownership, transfer and associated processes in NZ. It raises multiple questions:

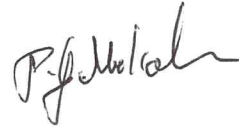
Q1. Why did the various approved Deposited Plans not show easement C871824.6 as one of the existing easements?

Q2. Why was this omission not identified by the various FNDC authorising / approving officers and sent back to the surveyors for correction? Surely a quick title check by the FNDC authorising officer would have detected all prior existing easements?

Q3. Why wasn't this detected in subsequent checks / processes by the legal profession and LINZ?

Lastly I request FNDC that I be able to personally present submissions at all FNDC hearings examining concerns about this proposed Nagshead subdivision, RC 2250414 RMACOM.

Thanks for all your help.



Regards, Peter Malcolm

pp 2/11

P.Malcolm  
PO Box 596  
Kerikeri 0245  
21.07.25

**RC 2250414 RMACOM – P.Malcolm submission (Objection)**

I am the owner of Lot 1, DP 442820 and Lot2, DP550862 (Identifier 950630). This title is the beneficiary of easements C871824.6 (DP 166944) and C871824.10 (DP167657).

I request that I be present at and personally able to present submissions at all hearings examining concerns / objections etc. to the proposed Nagshead subdivision, RC 2250414 RMACOM.

Only having a relatively short time to examine the Nagshead subdivision proposal, I have identified numerous concerns, three of which are (i) Non-compliance relating to FNDC subdivision requirements for the South Kerikeri Inlet Zone (ii) Easements and accessway entitlements.(iii) Misrepresentation of existing easements thus compromising my (Malcolm's) property rights

**(i) Non-compliance issues.**

One of the many concerning non-compliance issues regards the size of the proposed lots with some of the proposed lots being less than 4ha without having the required detailed management plan.

**(ii) Easements and accessway entitlements**

(a) There are two separate easements affecting access from Kerikeri Inlet Rd namely C871824.6 (DP 166944) and C871824.10 (DP167657). Both easements provide access from Kerikeri Inlet Rd to rear allotments. For the initial approximately 140m from Kerikeri Inlet Rd, the route of both easements overlap/coincide. Taken together, as a beneficiary of both easements, the combined effects of which mean that I am entitled to at *least* **4.2** (3.2 plus 1.0 [1.6?]) of the potential total of 8 accessways using this ROW from Inlet Rd.

(b) Easement C871824.6 (DP 166944) was present on the Fenton's title NA101B/256 (DP166944) before it was subdivided to create the predecessors to the titles currently owned by Nagshead and Mrs Houry [See attachments **1** ( NA101B/256) and **2** (DP167657)]

- This easement (C871824.6) entitled the beneficiary (P.Malcolm) to 40% of the potential accessways using that ROW from Kerikeri Inlet Rd. At the time when this easement was established FNDC rules permitted only 5 users of a ROW before its required conversion to a Public Rd.

-The ROW created by this easement (C871824.6) is only 13m wide at its entrance to Kerikeri Inlet Rd and therefore too narrow for Public Rd conversion.

-Section 1(c) of Rights and Powers on this easement (C871824.6) allows in the event of a FNDC rule change increasing the number of rear allotments serviced by this ROW, that I (P.Malcolm) the beneficiary of the easement would still retain 40% of the available accessways i.e. now 3.2 of the 8 permitted currently (See attachments **3** and **4** [easement certificate C871824.6] ).

-Note that C871824.6 creates a separate parcel / entitlement of accessways from Kerikeri Inlet Rd which are **unavailable** to either Nagshead or Mrs Houry.

(c) The effect of Easement C871824.6 (DP 166944) on Fenton's title NA101B/256 (DP166944) was that it was only entitled to 60% (3/5) of the potential accessways from Inlet Rd.

-This means that any new titles created as a result of the subdivision of Fenton's NA101B/256 title would be **collectively** entitled to 60% of the potential accessways from Kerikeri Inlet Rd i.e. under current regulations now 4.8 of the 8 currently permitted.

(d) Easement C871824.10 (DP167657) from Kerikeri Inlet Rd was created when Fentons

PP 3/11



subdivided their title NA101B/256 (DP166944) into 4 lots. These lots were the predecessors of the titles currently owned by Nagshead and Mrs Houry.

- Nagshead (CT552855; Lot2, DP442820) is a beneficiary of easement C871824.10.
- P.Malcolm (Identifier 950630; Lot 1, DP 442820 & Lot2, DP550862) is also a beneficiary of easement C871824.10.
- The beneficiaries of easement C871824.10 (Malcolm and Nagshead) and Mrs Houry (whose land the ROW transits) are **collectively** entitled to only 60% of the current 8 accessways permitted to use the ROW from Kerikeri Inlet Rd before its conversion to a Public Rd i.e. 4.8 of the currently permitted 8.
- If those 4.8 accessways were equally divided among Nagshead, Mrs Houry and Malcolm that would mean that they each would be entitled to 1.6 (20%) of the potential 8 accessways from Inlet Rd.

(e) The combined effects of both easements mean that P.Malcolm would be entitled to 4.8 (3.2 plus 1.6) of the potential accessways while Nagshead and Mrs Houry 1.6 each. In other words, with the current allocation granted by the existing easements, there are **insufficient available accessways to allow Nagshead to subdivide its title into 4 lots**. However, I wonder if because Mrs Houry is the owner of the land transited by the ROW she should be entitled to 2 of the potential accessways?

### **(iii) Misrepresentation of existing easements thus compromising P.Malcolm's access and property rights**

(a) On the Nagshead subdivision application, it shows easement C871824.6 applying to areas marked D and K – locations near the coast on Nagshead's property and well away from Kerikeri Inlet Rd. If you look at an *actual* copy of easement C871824.6 (DP 166944) you will find it applies to a portion of land coming off and adjacent to Kerikeri Inlet Rd – land currently owned by Mrs Houry (See attachment 3 [pp1, easement certificate C871824.6] & attachment 2 [DP 166944] ).

(b) Fenton's title, NA 101B/256 (see attachment 1), the predecessor of the titles currently owned by Nagshead and Mrs Houry, clearly shows the existence of easement C871824.6 on DP166944 (See attachment 1) as does Malcolm's matching title (See attachments 5 & 6)

(c) Following a series of subdivisions and boundary changes on properties neighbouring me (P.Malcolm), the area affected by easement C871824.6 has changed from being adjacent to and providing access from Kerikeri Inlet Rd to a location many 100s of meters away from Kerikeri Inlet Rd and with no direct access to it. Attachment 7 details the chronology / sequence of subdivisions, boundary & Deposited Plan changes regarding easement C871824.6.

(d) To me, there appears to be a systemic failure during multiple subdivision / land transfer processes whereby easement C871824.6 has been incorrectly transferred to another location, thus compromising my (Malcolm's) access & property rights. The failure seems to be on the part of surveyors, local government authorities, lawyers & LINZ and undermines confidence and trust in land ownership, transfer and associated processes in NZ. It raises multiple questions:

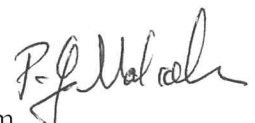
Q1. Why did the various approved Deposited Plans not show easement C871824.6 in the existing easements?

Q2. Why was this omission not detected by the various FNDC authorising / approving officers prior to survey plan approval and the plan returned to the surveyor for correction? Surely a quick title check by the FNDC authorising officer would have detected all existing easements?

Q3. Why was this issue not detected and subsequently corrected by the various legal personnel (lawyers etc.) involved in the process as well as LINZ?

Q4. Was this failure the result of incompetence, negligence or malefic intent?

Regards, Peter Malcolm



pp 4/11

## References

Prior C/T 72B/680, 61A/710

Transfer No. C.871824.5

N/C. Order No.

Land and Deeds 69



REGISTER

REGISTER ONLY

## CERTIFICATE OF TITLE UNDER LAND TRANSFER ACT

This Certificate dated the 31st day of July one thousand nine hundred and ninety five under the seal of the District Land Registrar of the Land Registration District of NORTH AUCKLAND

WITNESSETH that BRUCE GORDON FENTON of Kerikeri farmer and PAMELA FRANCES FENTON his wife are seised of an estate in fee simple as tenants in common in equal shares

~~in fee simple~~ (subject to such reservations, restrictions, encumbrances, liens, and interests as are notified by memorial underwritten or endorsed hereon) in the land hereinafter described, delineated with bold black lines on the plan hereon, be the several admeasurements a little more or less, that is to say: ~~All that part of land containing~~ All those parcels of land together containing 55.7839 hectares more or less being Section 68 and part Sections 26, 42 and 44 Block XI and part Section 14 Block XII Kerikeri Survey District the said part Section 14 and 42 being more particularly described as part Lot 1 Deposited Plan 107204 the said part Section 26 and 44 being more particularly described as Lot 1 Deposited Plan 102078 the said part Section 14 being more particularly described as Lot 2 Deposited Plan 166944 saving and excepting from the said part Sections 14, 42 and 44 all minerals within the meaning of the Land Act 1924 on or under the land and reserving always to Her Majesty the Queen and all persons lawfully entitled to work the said minerals a right of ingress, egress and regress over the said land

Attachment N°1



Assistant Land Registrar

Interests at date of issue:

Subject to Section 241(2) Resource Management Act 1991

Appurtenant to Lot 1 Plan 107204 herein is a electricity supply easement over the part Lot 1 Plan 109734 (CT 61C/1152) marked 'B' on Plan 109734

See Easement Certificate B.578021.4

Subject to a right of way over the parts marked 'A' on Plan 107204 appurtenant to part Lots 1 and 4 Plan 132850 (CsT 78B/235 and 78B/237) and to Lot 1 Plan 143682 (CT 85B/465)

See Easement Certificate B.442108.5

Subject to a right of way over the part marked 'A' on Plan 109734 appurtenant to Lot 1 Plan 109734 (CT 61C/1152)

See Easement Certificate B.578021.4

Measurements are Metric

The above easements are subject to Section 309(1)(a) Local Government Act 1974

A.L.R.  
C.871824.5 Easement Certificate affecting lots on Plan 166944

Nature	Servient Land	Dominant Land
Right of Way, electricity telecommunications herein stormwater sewage and water	part Lot 1 Plan 107204 marked 'C'	Lot 1 Plan 166944 and part Lot 2 Plan 124059 (CT 101B/255)
Right of Way, electricity telecommunications herein stormwater sewage and water	part Lot 2 Plan 166944 marked 'B'	Lot 1 Plan 166944 and part Lot 2 Plan 124059 (CT 101B/255)
- 31.7.1995 at 2.34 o'clock		

9 Aug  
A.L.R.

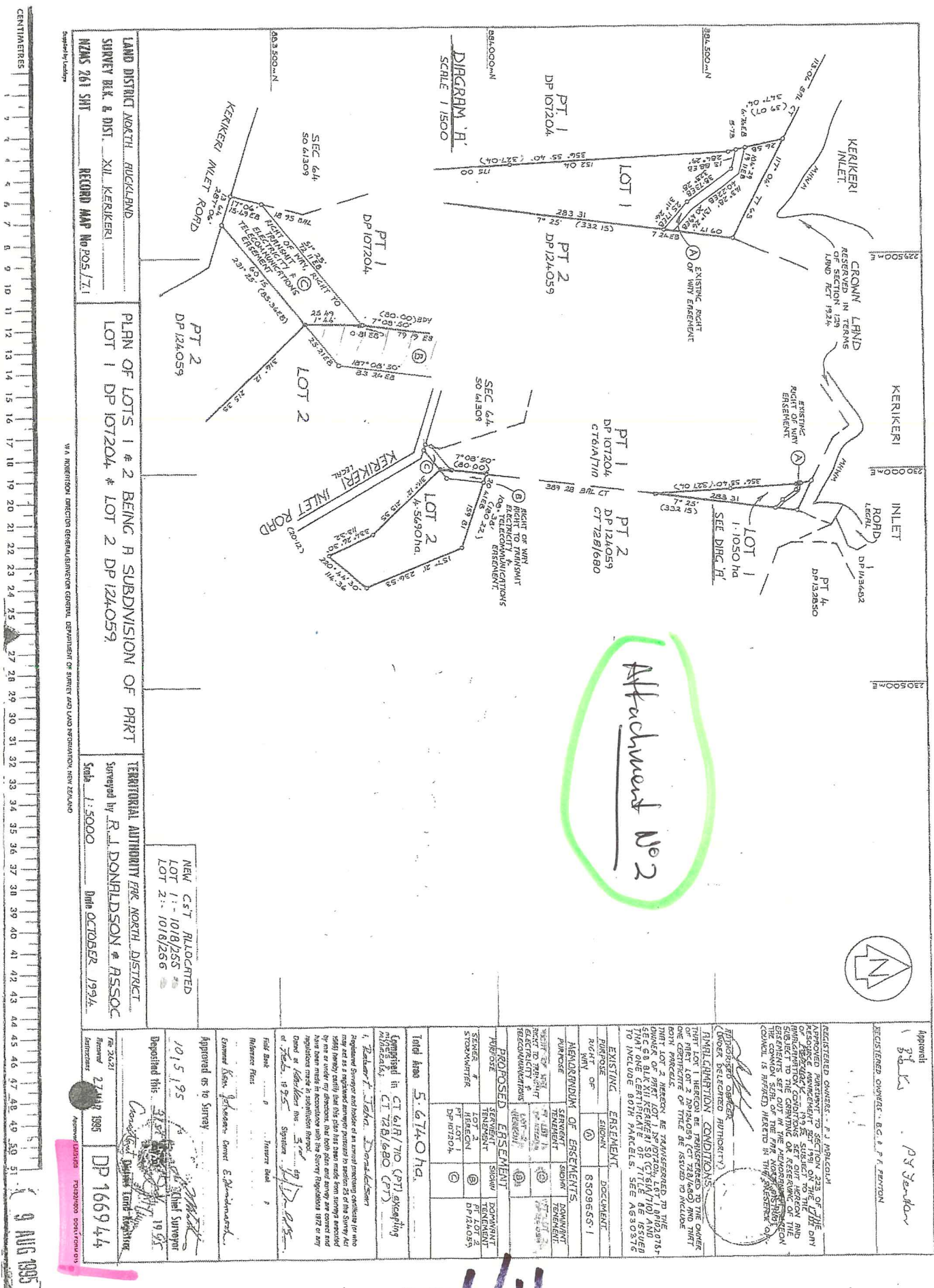
PP 5/11

No. 101B 256

No. 101B 256



CENTIMETRES



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

## EASEMENT CERTIFICATE

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

WE, BRUCE GORDON FENTON of Auckland, Manager and PAMELA FRANCES FENTON, His Wife being registered as proprietors of Lot 2 on Deposited Plan 166944 and the residue of the land in Certificate of Title 61A/710 as tenants in common in equal shares and PETER JOHN MALCOLM of Kerikeri, Horticultural Consultant being registered as proprietor of Lot 1 on Deposited Plan 166944 and the residue of the land comprised in Certificate of Title 72B/680 being the registered proprietor(s) of the land described in the Schedule hereto hereby certify that the easements specified in that Schedule, the servient tenements in relation to which are shown on a plan of survey deposited in the Land Registry Office at Auckland on the day of 19 under No. 166944 are the easements which it is intended shall be created by the operation of section 90A of the Land Transfer Act 1952.

Attachment No 3

### SCHEDULE DEPOSITED PLAN NO. 166944

Nature of Easement (e.g., Right of Way, etc.)	Servient Tenement		Dominant Tenement Lot No.(s) or other Legal Description	Title Reference
	Lot No.(s) or other Legal Description	Colour, or Other Means of Identification, of Part Subject to Easement		
Right of Way	Part Lot 1 DP 107204	C	Part Lot 2 DP 124059 and Lot 1 DP 166944	101B/255
Right of Way	Lot 2 DP 166944	B	Part Lot 2 DP 124059 and Lot 1 DP 166944	101B/255
Right to convey electricity	Part Lot 1 DP 107204	C	Part Lot 2 DP 124059 and Lot 1 DP 166944	101B/255
Right to convey electricity	Lot 2 DP 166944	B	Part Lot 2 DP 124059 and Lot 1 DP 166944	101B/255
Right to convey telecommunications	Part Lot 1 DP 107204	C	Part Lot 2 DP 124059 and Lot 1 DP 166944	101B/255
Right to convey telecommunications	Lot 2 DP 166944	B	Part Lot 2 DP 124059 and Lot 1 DP 166944	101B/255
Right to drain stormwater	Lot 2 DP 166944	B	Part Lot 2 DP 124059 and Lot 1 DP 166944	101B/255
Right to drain stormwater	Part Lot 1 DP 107204	C	Part Lot 2 DP 124059 and Lot 1 DP 166944	101B/255
Right to drain sewage	Lot 2 DP 166944	B	Part Lot 2 DP 124059 and Lot 1 DP 166944	101B/255
Right to drain sewage	Part Lot 1 DP 107204	C	Part Lot 2 DP 124059 and Lot 1 DP 166944	101B/255
Right to convey water	Lot 2 DP 166944	B	Part Lot 2 DP 124059 and Lot 1 DP 166944	101B/255
Right to convey water	Part Lot 1 DP 107204	C	Part Lot 2 DP 124059 and Lot 1 DP 166944	101B/255

pp 1 of easement certificate - C8718246.

pp 7/11



- Transfer Doc 2      Not true  
C871824.6      She.  
EC
- Approved by the District Land Registrar, South Auckland No. 351560
  - Approved by the District Land Registrar, North Auckland, No. 4380/81
  - Approved by the Registrar-General of Land, Wellington, No. 436748.1/81

## EASEMENT CERTIFICATE

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

WE, **BRUCE GORDON FENTON** of Auckland, Manager and **PAMELA FRANCES FENTON**, His Wife being registered as proprietors of Lot 2 on Deposited Plan 166944 and the residue of the land in Certificate of Title 61A/710 as tenants in common in equal shares and **PETER JOHN MALCOLM** of Kerikeri, Horticultural Consultant being registered as proprietor of Lot 1 on Deposited Plan 166944 and the residue of the land comprised in Certificate of Title 72B/680

being the registered proprietor(s) of the land described in the Schedule hereto hereby certify that the easements specified in that Schedule, the servient tenements in relation to which are shown on a plan of survey deposited in the Land Registry Office at Auckland

on the                      day of                      19                      under No. 166944  
are the easements which it is intended shall be created by the operation of section 90A of the Land Transfer Act 1952.

### SCHEDULE DEPOSITED PLAN NO. 166944

Nature of Easement (e.g., Right of Way, etc.)	Servient Tenement		Dominant Tenement Lot No.(s) or other Legal Description	Title Reference
	Lot No.(s) or other Legal Description	Colour, or Other Means of Identification, of Part Subject to Easement		
Right of way	Part Lot 1 DP 107204	C	Part Lot 2 DP 124059 and Lot 1 DP 166944	101B/255
Right of way	Lot 2 DP 166944	B	Part Lot 2 DP 124059 and Lot 1 DP 166944	101B/255
Right to convey electricity	Part Lot 1 DP 107204	C	Part Lot 2 DP 124059 and Lot 1 DP 166944	101B/255
Right to convey electricity	Lot 2 DP 166944	B	Part Lot 2 DP 124059 and Lot 1 DP 166944	101B/255
Right to convey telecommunications	Part Lot 1 DP 107204	C	Part Lot 2 DP 124059 and Lot 1 DP 166944	101B/255
Right to convey telecommunications	Lot 2 DP 166944	B	Part Lot 2 DP 124059 and Lot 1 DP 166944	101B/255
Right to drain stormwater	Lot 2 DP 166944	B	Part Lot 2 DP 124059 and Lot 1 DP 166944	101B/255
Right to drain stormwater	Part Lot 1 DP 107204	C	Part Lot 2 DP 124059 and Lot 1 DP 166944	101B/255
Right to drain sewage	Lot 2 DP 166944	B	Part Lot 2 DP 124059 and Lot 1 DP 166944	101B/255
Right to drain sewage	Part Lot 1 DP 107204	C	Part Lot 2 DP 124059 and Lot 1 DP 166944	101B/255
Right to convey water	Lot 2 DP 166944	B	Part Lot 2 DP 124059 and Lot 1 DP 166944	101B/255
Right to convey water	Part Lot 1 DP 107204	C	Part Lot 2 DP 124059 and Lot 1 DP 166944	101B/255

P.T.O. ⇒

Attachment No 4

uninterrupted and  
to convey

PP 2 of  
Easement certificate C8718246

Rights and Powers:

1. In addition to the rights and powers set out in the Seventh Schedule to the Land Transfer Act 1952 the following rights and powers shall apply to the right of way marked "C" on Deposited Plan 166944:

- (a) The costs of formation of the right of way marked "C" will be borne equally by the registered proprietors of the servient and dominant tenements. The right of way will be formed to whatever standard is necessary at the time of formation in accordance with the then prevailing local authority or territorial requirements to provide approved access to five separate Lots. A cattle stop will be provided at the Inlet Road entrance to the right of way.
- (b) After the initial formation of the right of way marked "C" either the registered proprietor of the servient tenement or the registered proprietor of the dominant tenement may further upgrade the right of way marked "C" provided that if the other party does not require the upgrading the costs thereof will be paid solely by the party desiring the upgrade.
- (c) While the local authority planning requirements restrict to five the number of rear allotments that may be served from any right of way the registered proprietor of the servient tenement will be entitled to subdivide his property to a maximum of three allotments serviced by the right of way marked "C" and the registered proprietor of the dominant tenement will be entitled to subdivide his property to a maximum of two allotments serviced by the right of way marked "C". Should the local authority requirements alter at any time in the future to increase or further restrict the number of rear allotments which may be served by a right of way each parties entitlement to further subdivision shall reciprocally increase or reduce on the same pro-rata share of three-fifths to the registered proprietor of the servient tenement and two-fifths of the registered proprietor of the dominant tenement.

2. In addition to the rights and powers set out in the Seventh Schedule to the Land Transfer Act 1952 the following rights and powers shall apply to the right of way marked "B" on Deposited Plan 166944:

- (a) The registered proprietor of the dominant tenement will be solely responsible for the formation and maintenance of the right of way marked "B". At the time of formation gates or cattle stops approved by the registered proprietor of the servient tenement will be provided at the junction between the right of ways marked "C" and "B" and the junction between the right of way marked "B" and part Lot 2 DP 124059.

PP 8/11

TLA  
S. alderman  
W. B.



## References

Prior C/T 72B/680, 61A/710

Transfer No. C.871824.4

N/C. Order No.

Land and Deeds 69



REGISTER

## CERTIFICATE OF TITLE UNDER LAND TRANSFER ACT

This Certificate dated the 31st day of July one thousand nine hundred and ninety five under the seal of the District Land Registrar of the Land Registration District of NORTH AUCKLAND

WITNESSETH that PETER JOHN MALCOLM of Kerikeri horticultural consultant

is seized of an estate in fee-simple (subject to such reservations, restrictions, encumbrances, liens, and interests as are notified by memorial underwritten or endorsed hereon) in the land hereinafter described, delineated with bold black lines on the plan hereon, be the several admeasurements a little more or less, that is to say: All that parcel of land containing All those parcels of land together containing 51.2230 hectares more or less being part Lot 2 Deposited Plan 124059 and Lot 1 Deposited Plan 166944 and being part Sections 26, 42, and 44 Block XI and part Section 14 Block XII Kerikeri Survey District saving and excepting from the said Lot 1 all minerals within the meaning of the Land Act 1924 on or under the land and reserving always to Her Majesty the Queen and all person lawfully entitled to work the said minerals a right of ingress, egress and regress over the said land

Attachment N° 5



Assistant Land Registrar

Interests at date of issue:

Subject to Section 241(2) Resource Management Act 1991

Appurtenant to Lot 1 Plan 166944 herein is electricity supply easement over the part Lot 1 Plan 107204 (CT 61C/1152) marked 'B' on Plan 107204

See Easement Certificate B.578021.4

Subject to a right of way over the parts Lot 1 Plan 166944 herein marked 'A' on Plan 166944 appurtenant to part Lots 1 and 4 Plan 132850 (CsT 78B/235 and 78B/237) and to Lot 1 Plan 143682 (CT 85B/465) See Easement Certificate B.442108.5

The above easements are subject to Section 309(1)(a) Local Government Act 1974

Subject to a right of way over the part marked 'C' and 'D' on Plan 111326 appurtenant to Lots 3 and 4 Plan 141363 (CT 83D/611-612) and Lots 1 and 2 Plan 150742 (89D/790-791) created by Transfer C.103353.3

Measurements are Metric

C.871824.6 Easement Certificate affecting lots on Plan 166944

Nature	Servient Land	Dominant Land
Right of Way, electricity	part Lot 1 Plan 107204	Herein
Telecommunications (CT 101B/256)	marked 'C'	
stormwater		
sewage and water		
Right of Way, electricity	part Lot 2 Plan 166944	Herein
Telecommunications (CT 101B/256)	marked 'B'	
stormwater		
sewage and water		
- 31.7.1995 at 2.34 o'clock		

The above rights of way, electricity and telecommunications easements when created will be subject to Section 243(a) Resource Management Act 1991

20  
DH

101B 255

No.

pp 9/11





# COMPUTER FREEHOLD REGISTER UNDER LAND TRANSFER ACT 1952

Historical Search Copy



R. W. Muir  
Registrar-General  
of Land

Identifier **NA101B/255** **Cancelled**

Land Registration District **North Auckland**

Date Issued 31 July 1995

## Prior References

NA61A/710

NA72B/680

Attachment No 6.

Estate Fee Simple  
Area 51.2230 hectares more or less  
Legal Description Part Lot 2 Deposited Plan 124059 and Lot  
1 Deposited Plan 166944

## Original Proprietors

Peter John Malcolm

## Interests

Saving and excepting from the said Lot 1 DP 166944 all minerals within the meaning of the Land Act 1924 on or under the land and reserving always to Her Majesty the Queen and all persons lawfully entitled to work the said minerals a right of ingress egress and regress over the said land

Subject to Section 241(2) Resource Management Act 1991

Subject to a right of way over part marked A on DP 166944 specified in Easement Certificate B442108.5 (affects Lot 1 DP 166944)

The easements specified in Easement Certificate B442108.5 are subject to Section 309 (1) (a) Local Government Act 1974

Appurtenant hereto is an electricity supply right specified in Easement Certificate B578021.4 (affect Lot 1 DP 166944)

The easements specified in Easement Certificate B578021.4 are subject to Section 309 (1) (a) Local Government Act 1974

Subject to a right of way over parts marked C and D on Plan 111326 created by Transfer C103353.3

Appurtenant hereto are rights of way and electricity, telecommunications, stormwater, sewage and water rights specified in Easement Certificate C871824.6 - 31.7.1995 at 2.34 pm

Some of the easements specified in Easement Certificate C871824.6 are subject to Section 243 (a) Resource Management Act 1991 (see DP 166944)

6222309.1 Certificate pursuant to Section 224(c) Resource Management Act 1991 (affects DP 342025) - 19.11.2004 at 9:00 am

6222309.2 CTs issued - 19.11.2004 at 9:00 am

Legal Description	Title
Lot 1 Deposited Plan 342025	172790
Lot 2 Deposited Plan 342025	172791

CANCELLED

pp 10/11

Attachment W<sup>o</sup> 7

## Chronology / Sequence of Easement Certificate C871824.6

- 1) – Fenton's Title NA101B/256 (DP166944) and Malcolm's title NA101B/255 (DP 166944) are affected by Easement Certificate C871824.6. (See attachments **1, 5 & 3**)
  - Fenton's title is burdened by C871824.6 in favour of Malcolm on areas marked **B and C** on DP166944 (See attachment 2).
  - **Areas B & C** on DP166944 are close to Kerikeri Inlet Rd
- 2) - Fentons subdivided NA101B/256 into 4 titles including Lot 3, DP167657 (101C/994)
  - DP167657 has the Identifier 552855.
  - Lot 3, DP167657 (101C/994) is burdened by Easement Certificate C871824.6
  - **Areas D & J** (near Kerikeri Inlet Rd) on DP167657 correspond to areas **B&C** on easement certificate C871824.6 (DP166944).
- 3) - Fentons subdivided (101C/994) into 2 titles, one of which is NA131A/353 (Lot 2, DP 203088)
  - NA131A/353 (Lot 2, DP 203088) is burdened with Easement Certificate C871824.6
  - **Area H** on DP 203088 (close to Kerikeri Inlet Rd) corresponds to areas **B&C** noted in easement certificate C871824.6
- 4) - Fentons sell NA131A/353 (Lot 2, DP 203088) to Mr and Mrs Houry.
- 5) - Hourys subdivide (boundary change) NA131A/353 creating NA138C/238 (Lot1, DP210733) and NA138C/239 (Lot 2, DP 210733)
  - NA138C/239 (Lot 2, DP 210733) is burdened with easement certificate C871824.6
  - However on title NA138C/239 there is an error whereby it **incorrectly** associates H on DP 167657 with easement certificate C871824.6
  - **Area H on DP167657 is not associated with C871824.6 and is not owned by the Hourys.** It is near the coast, on another neighbours property and, is about *a kilometer from Kerikeri Inlet Rd*
  - However **area H** (near Inlet Rd) on **DP 210733** (emphasize **NOT** DP 167657) **does** correspond to areas **B&C** on DP166944 as specified in easement certificate C871824.6
- 6) **To correct this mistake** suggest that on title 138C/239, currently owned by Mrs Houry, line 8 below Interests should read as follows “ water over part marked H on DP210733 as ~~originally specified in easement certificate C871824.6 - 31.7.1995 at 2.34pm.~~”

Which corresponds to areas B & C on DP166944 as specified in easement certificate C871824.6 - 31.7.95 @ 2.34pm  
pg 11

pg 11/11