



Our Reference: 10686.1 (FNDC)

5 March 2025

Resource Consents Department
Far North District Council
JB Centre
KERIKERI

Dear Sir/Madam

RE: Proposed Subdivision at 299 Kapiro Road, Kerikeri – Karioi Limited

I am pleased to submit application on behalf of Karioi Limited, for a proposed subdivision on land at 299 Kapiro Road, Kerikeri, zoned Rural Production. The subdivision proposes the creation of three lots (two additional). The subdivision will result in a breach of the permitted activity stormwater management rule because of existing impermeable surfaces to be within one of the lots. The application is a restricted discretionary activity.

The application fee of \$5,013 has been paid separately via direct credit.

Regards

Lynley Newport
Senior Planner
THOMSON SURVEY LTD

Application for resource consent or fast-track resource consent

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

1. Pre-Lodgement Meeting

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

2. Type of Consent being applied for

(more than one circle can be ticked):

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

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

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

Yes No

4. Consultation

Have you consulted with Iwi/Hapū? Yes No

If yes, which groups have you consulted with?

Who else have you consulted with?

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

5. Applicant Details

Name/s:

Lynn Randall (Karioi Limited)

KARIOI LIMITED

Email:

Phone number:

Postal address:

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

6. Address for Correspondence

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

Name/s:

Lynley Newport

Email:

Phone number:

Postal address:

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

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

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

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

Name/s:

as per item 5

**Property Address/
Location:**

Postcode

8. Application Site Details

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

Name/s:

as per item 5

**Site Address/
Location:**

299 Kapiro Road

KERIKERI

Postcode

0294

Legal Description:

Lot 1 DP 172406

Val Number:

Certificate of title:

NA102A/977

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

Site visit requirements:

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

Is there a dog on the property? Yes No

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

Please contact the applicant prior to any site visit.

9. Description of the Proposal:

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

Subdivision of land zoned Rural Production, as a restricted discretionary activity, creating two additional lots; land use consent for breach of the permitted activity stormwater management threshold in order to provide for the existing impermeable surface coverage to be within new Lot 1.

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

10. Would you like to request Public Notification?

Yes No

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

(more than one circle can be ticked):

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

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

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

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

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

- Subdividing land
- Changing the use of a piece of land
- Disturbing, removing or sampling soil
- Removing or replacing a fuel storage system

13. Assessment of Environmental Effects:

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

Your AEE is attached to this application Yes

13. Draft Conditions:

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

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

14. Billing Details:

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

Name/s: (please write in full)

KARIOI LIMITED

Email:

Phone number:

Postal address:

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

Fees Information

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

Declaration concerning Payment of Fees

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

Name: (please write in full)

LYNN RANDALL

Signature:

(signature of bill payer)

Date 3/3/25

MANDATORY

15. Important Information:

Note to applicant

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

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

Fast-track application

Under the fast-track resource consent process, notice of the decision must be given within 10 working days after the date the application was first lodged with the authority, unless the applicant opts out of that process at the time of lodgement. A fast-track application may cease to be a fast-track application under section 87AAC(2) of the RMA.

Privacy Information:

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

15. Important information continued...

Declaration

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

Name: (please write in full)

LYNN RANDALL

Signature:

[Redacted Signature]

Date 3/3/25

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

Checklist (please tick if information is provided)

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

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

Karioi Limited

**PROPOSED SUBDIVISION PURSUANT TO
FNDC OPERATIVE DISTRICT PLAN**

299 Kapiro Road, Kerikeri

**PLANNER'S REPORT &
ASSESSMENT OF ENVIRONMENTAL EFFECTS**



**Thomson Survey Ltd
Kerikeri**

1.0 THE PROPOSAL

1.1 Subdivision

The applicant proposes to subdivide property at Kapiro Road, Kerikeri, to create a total of three lots (two additional), with lot areas as follows:

- Lot 1 6396m² (containing existing residential dwelling);
- Lot 2 8.497ha (vacant of built environment);
- Lot 3 3.969ha (also vacant of built development).

The Scheme Plan(s) are presented in Appendix 1:

The land is highly productive land by definition and is entirely in horticulture, with the exception of the existing dwelling, to be within Lot 1, and packhouse/storage building, to be within the larger Lot 2. The intent of the subdivision is to allow the owner to 'retire' from working a large horticultural block. The other two lots are to be sold as horticultural blocks, not for residential development (consent notice proposed), either for overseas buyers, or New Zealand buyers. The land currently in productive use (kiwifruit) will remain in productive use. Essentially the proposed subdivision represents a 'no change' scenario in terms of land cover/use.

Access to the property is via Kapiro Road (Council legal road, sealed surface). A shared right of way (metal surface) will then provide access to the lots internally. Lot 3 has alternative access directly onto Kapiro Road, at the property's western end. Service easements will also be provided where necessary.

The proposed lots do not have access to any Council reticulated services, but will be able to utilise existing (and potentially additional) connections to the Kerikeri Irrigation Company for irrigation purposes. The existing development to be in Lot 1 has existing on-site water supply, on-site wastewater treatment and disposal; and on site stormwater management.

1.2 Land Use

Lot 1 will accommodate existing impermeable surface associated with house, swimming pool and driveway/turning area. It is estimated that this comes to approximately 17% of new proposed Lot 1's area, but no more than 20%. This results in land use consent being required as a controlled activity.

1.3 Duration of Consent

This is a long term project for the applicant and the maximum duration period possible is therefore sought for the consent, both subdivision and land use components. **We request a 10 year lapse period.**

1.4 Scope of this Report

This assessment and report accompanies the Resource Consent Application made by the applicant, and is provided in accordance with Section 88 and Schedule 4 of the Resource Management Act 1991. The application seeks consent to subdivide an existing site to create a total of three lots (two additional), as a restricted discretionary activity. The information provided in this assessment and report is considered commensurate with the scale and intensity of the activity for which consent is being sought. Applicant details are contained within the Application Form 9.

2.0 PROPERTY DETAILS

Location: 299 Kapiro Road, Kerikeri (Location Map in Appendix 2)

Legal description: Lot 1 DP 172406

Record of Title: NA102A/977, 13.1056ha in area. Copy attached in Appendix 3.

3.0 SITE DESCRIPTION

3.1 Site Characteristics

The site is zoned Rural Production in the Operative District Plan (ODP) and Horticulture in the Proposed District Plan (PDP). No resource features apply in either the ODP or PDP. The site is almost entirely in horticulture, with the exception of the applicant's dwelling and pack house building, both to be in Lot 1.

There is an existing entrance off Kapiro Road, with metal driveway running along the eastern boundary to the house and beyond. The site exhibits internal and perimeter shelter plantings and access tracks to assist in orchard operations. As stated earlier, the site uses Kerikeri Irrigation Water for its operational needs.



Existing access into the site, looking north



Existing storage and packing shed – to be within Lot 2

The overall site is generally level with some undulation through the site, before sloping downwards to the north at the very northern part of the property. This northern finger, contrary to the image on the scheme plan, is now planted in crops. In addition there are no crop cover canopies in place any more, albeit the framework structures are still in place.

The site is highly productive land by definition. It is not subject to any natural hazards. It does not contain any heritage or cultural features or objects. It has no water boundaries. The site is not currently identified as a HAIL site due to none of the activities listed in NES-CS having been carried out on the site to date. The site is within a large expanse of land mapped as 'kiwi present'.

3.2 Legal Interests on Titles

The title is subject to existing right of way, power and telecommunication rights in favour of one adjacent title (D040347.2 – refer Appendix 3).

3.3 Consent History

Building Consents:

BP1144397	1965	Carport
BP503516	1972	Implement shed
BP822433	1976	Re-erect dwelling
BP822551	1976	Carport
BP822552	1976	Implement shed
BP1054668	1981	Additions to dwelling
BP236986	1984	Implement shed
BP4025502	1986	Parking shed and loading bay
BC-1997-1208	1997	Additions to existing dwelling
BC-2013-133	2012	Conversion of room into en suite bathroom

Resource Consents:

78541-RCPLUC	1976	Re-location of dwelling
781655-RCPPA	1985	To erect a fruit packing shed, and coolstore
2010149-RMALUC	2000	To construct a garage within side yard setback
2140270-RMALUC	2014	To erect covered canopies over kiwifruit

4.0 SCHEDULE 4 – INFORMATION REQUIRED IN AN APPLICATION

Clauses 2 & 3: Information required in all applications

(1) An application for a resource consent for an activity must include the following:

(a) a description of the activity:	Refer Sections 1 above and 5 of this Planning Report.
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<i>(b) an assessment of the actual or potential effect on the environment of the activity:</i>	Refer to Section 6 of this Planning Report.
<i>(b) a description of the site at which the activity is to occur:</i>	Refer to Section 3 of this Planning Report.
<i>(c) the full name and address of each owner or occupier of the site:</i>	This information is contained in the Form 9 attached to the application.
<i>(d) a description of any other activities that are part of the proposal to which the application relates:</i>	Refer to Section 3 of this Planning Report for existing activities within the site. The application is for subdivision & land use pursuant to the FNDC's ODP.
<i>(e) a description of any other resource consents required for the proposal to which the application relates:</i>	Consent is being sought for subdivision, pursuant to the Far North Operative District Plan.
<i>(f) an assessment of the activity against the matters set out in Part 2:</i>	Refer to Section 7 of this Planning Report.
<i>(g) an assessment of the activity against any relevant provisions of a document referred to in section 104(1)(b), including matters in Clause (2):</i> <i>(a) any relevant objectives, policies, or rules in a document; and</i> <i>(b) any relevant requirements, conditions, or permissions in any rules in a document; and</i> <i>(c) any other relevant requirements in a document (for example, in a national environmental standard or other regulations).</i>	Refer to Sections 5 and 7 of this Planning Report.
<i>(3) An application must also include any of the following that apply:</i>	
<i>(a) if any permitted activity is part of the proposal to which the application relates, a description of the permitted activity that demonstrates that it complies with the requirements, conditions, and permissions for the permitted activity (so that a resource consent is not required for that activity under section 87A(1)):</i>	Refer to section 5.
<i>(b) if the application is affected by section 124 or 165ZH(1)(c) (which relate to existing resource consents), an assessment of the value of the investment of the existing consent</i>	There is no existing resource consent. Not applicable.

<p>holder (for the purposes of section 104(2A)):</p> <p>(c) if the activity is to occur in an area within the scope of a planning document prepared by a customary marine title group under section 85 of the Marine and Coastal Area (Takutai Moana) Act 2011, an assessment of the activity against any resource management matters set out in that planning document (for the purposes of section 104(2B)).</p>	<p>The site is not within an area subject to a customary marine title group. Not applicable.</p>
<p>(4) An application for a subdivision consent must also include information that adequately defines the following:</p>	
<p>(a) the position of all new boundaries: (b) the areas of all new allotments, unless the subdivision involves a cross lease, company lease, or unit plan: (c) the locations and areas of new reserves to be created, including any esplanade reserves and esplanade strips: (d) the locations and areas of any existing esplanade reserves, esplanade strips, and access strips: (e) the locations and areas of any part of the bed of a river or lake to be vested in a territorial authority under section 237A: (f) the locations and areas of any land within the coastal marine area (which is to become part of the common marine and coastal area under section 237A): (g) the locations and areas of land to be set aside as new roads.</p>	<p>Refer to Scheme Plans in Appendix 1.</p>

Clause 6: Information required in assessment of environmental effects

<p>(1) An assessment of the activity's effects on the environment must include the following information:</p>	
<p>(a) if it is likely that the activity will result in any significant adverse effect on the environment, a description of any possible alternative locations or methods for undertaking the activity:</p>	<p>Refer to Section 6 of this planning report. The activity will not result in any significant adverse effect on the environment.</p>
<p>(b) an assessment of the actual or potential effect on the environment of the activity:</p>	<p>Refer to Section 6 of this planning report.</p>
<p>(c) if the activity includes the use of hazardous installations, an assessment of any risks to the environment that are likely to arise from such use:</p>	<p>Not applicable.</p>

<i>(d) if the activity includes the discharge of any contaminant, a description of— (i) the nature of the discharge and the sensitivity of the receiving environment to adverse effects; and (ii) any possible alternative methods of discharge, including discharge into any other receiving environment:</i>	The subdivision does not involve any discharge of contaminant.
<i>(e) a description of the mitigation measures (including safeguards and contingency plans where relevant) to be undertaken to help prevent or reduce the actual or potential effect:</i>	Refer to Section 6 of this planning report.
<i>(f) identification of the persons affected by the activity, any consultation undertaken, and any response to the views of any person consulted:</i>	Refer to Section 8 of this planning report. No affected persons have been identified.
<i>g) if the scale and significance of the activity's effects are such that monitoring is required, a description of how and by whom the effects will be monitored if the activity is approved:</i>	No monitoring is required as the scale and significance of the effects do not warrant it.
<i>(h) if the activity will, or is likely to, have adverse effects that are more than minor on the exercise of a protected customary right, a description of possible alternative locations or methods for the exercise of the activity (unless written approval for the activity is given by the protected customary rights group).</i>	No protected customary right is affected.

Clause 7: Matters that must be addressed by assessment of environmental effects (RMA)

<i>(1) An assessment of the activity's effects on the environment must address the following matters:</i>	
<i>(a) any effect on those in the neighbourhood and, where relevant, the wider community, including any social, economic, or cultural effects:</i>	Refer to Sections 6 and 8 of this planning report and also to the assessment of objectives and policies in Section 7.
<i>(b) any physical effect on the locality, including any landscape and visual effects:</i>	Refer to Section 6. The site has no high or outstanding landscape or natural character values.
<i>(c) any effect on ecosystems, including effects on plants or animals and any physical disturbance of habitats in the vicinity:</i>	Refer to Section 6. The subdivision has no effect on ecosystems or habitat.

<i>(d) any effect on natural and physical resources having aesthetic, recreational, scientific, historical, spiritual, or cultural value, or other special value, for present or future generations:</i>	Refer to Section 6. The site has no aesthetic, recreational, scientific, historical, spiritual or cultural values that I am aware of, that will be adversely affected by the proposal.
<i>(e) any discharge of contaminants into the environment, including any unreasonable emission of noise, and options for the treatment and disposal of contaminants:</i>	The subdivision will not result in the discharge of contaminants, nor any unreasonable emission of noise.
<i>(f) any risk to the neighbourhood, the wider community, or the environment through natural hazards or hazardous installations.</i>	The site is not subject to hazard. The proposal does not involve hazardous installations.

5.0 ACTIVITY STATUS

5.1 Operative District Plan

The site is zoned Rural Production and has no resource features.

Table 13.7.2.1: Minimum Lot Sizes

(i) RURAL PRODUCTION ZONE

Controlled Activity Status (Refer also to 13.7.3)	Restricted Discretionary Activity Status (Refer also to 13.8)	Discretionary Activity Status (Refer also to 13.9)
The minimum lot size is 20ha.	1. The minimum lot size is 12ha; or 2. The minimum lot size is 12ha; or 3. A maximum of 3 lots in any subdivision, provided that the minimum lot size is 4,000m² and there is at least 1 lot in the subdivision with a minimum lot size of 4ha, and provided further that the subdivision is of sites which existed at or prior to 28 April 2000, or which are amalgamated from titles existing at or prior to 28 April 2000; or 4. A maximum of 5 lots in a subdivision (including the parent lot) where the minimum size of the lots is 2ha, and where the subdivision is created from a site that existed at or prior to 28 April 2000; Option 5. N/A as the proposal does not utilise remaining rights.	1. The minimum lot size is 4ha; or 2. A maximum of 3 lots in any subdivision, provided that the minimum lot size is 2,000m ² and there is at least 1 lot in the subdivision with a minimum size of 4ha, and provided further that the subdivision is of sites which existed at or prior to 28 April 2000, or which are amalgamated from titles existing at or prior to 28 April 2000; or 3. A subdivision in terms of a management plan as per Rule 13.9.2 may be approved. Option 4 N/A

The lots are greater than 4000m² in area, with one lot greater than 4ha in area; and the title is older than April 2000, being dated 1996. The subdivision is a **restricted discretionary** subdivision activity.

Other Rules:

Zone Rules:

The proposal places some existing built development, including driveway, parking and manoeuvring areas associated with the dwelling to be within proposed Lot 1. The impermeable surface coverage is estimated at 17% of new proposed lot area. This will result in a breach of Rule 8.6.5.1.3 which only provides for 15% coverage. The coverage will meet the controlled activity threshold of 20% specified in Rule 8.6.5.2.1. This does not alter the overall activity category.

There is no breach of any other zone rule. Building coverage is well within the permitted threshold of 12.5%. There are no setback from boundary or sunlight breaches.

District Wide Rules:

Chapter 12.1 Landscapes and Natural Features does not apply as there is no landscape or natural feature overlay applying to the site.

Chapter 12.2 Indigenous Flora and Fauna does not apply as no clearance of indigenous vegetation is proposed.

Chapter 12.3 Soils and Minerals does not apply/ is complied with. Subdivision earthworks will be minimal given the access is existing and there is no built development associated with the application.

Chapter 12.4 Natural Hazards does not apply as the site is not subject to any coastal hazard as currently mapped in the Operative District Plan (the only hazards with rules). There are no areas of bush from which a 20m buffer is required, nor any new residential unit proposed in any event.

Rules in Chapters 12.5, 5A and 5B Heritage do not apply as the site contains no heritage values or sites, no notable trees, no Sites of Cultural Significance to Maori and no registered archaeological sites. The site is not within any Heritage Precinct.

Chapter 12.7 Waterbodies does not apply as the application site is not adjacent to, nor contain, any waterbodies.

Chapter 12.8 Hazardous Substances does not apply as the activity being applied for is not a hazardous substances facility.

Chapter 12.9 does not apply as the activity does not involve renewable energy.

Chapter 14 Financial Contributions (esplanade reserve) is not relevant as the site does not adjoin a water body.

Chapter 15.1 Traffic, Parking and Access

Rules in Chapter 15.1.6A are not considered relevant to the proposal. This is because the traffic intensity rules apply to land use activities, not subdivisions. In any event both a single residential dwelling and 'farming' are exempt from traffic intensity rules. Similarly rules in Chapter 15.1.6B (parking requirements) also relate to proposed land use activities, not subdivisions. Notwithstanding this, no breaches of parking rules have been identified.

Chapter 15.1.6C (access) is the only part of Chapter 15.1 relevant to a subdivision. A brief assessment of the rules in 15.1.6C.1.1-11 follows.

Part (a) of Rule 15.1.6C.1.1 requires private accessway to be undertaken in accordance with Appendix 3B-1. ROW's A and B will serve three and two lots respectively. The access is already to a high standard and can readily meet the appropriate standard for the zone as it applies to each section of ROW, either already or by way of a condition of consent. The shared access has been drawn to the required legal width.

Part (b) of Rule 15.1.6C.1.1 only applies to urban zones. 15.1.6C.1.1(c) and (d) are both complied with. No section of the private access will serve more than 8 household equivalents or 9 or more titles. All parts of (e) are also complied with.

15.1.6C.1.2 only applies to urban zones. Rule 15.1.6C.1.3 states that where passing bays are required, they be 15m long and 5.5m wide. Part (b) requires passing bays every 100m and on blind corners and brows. Appendix 3B-1 requires passing bays where 3 or more household equivalents are served. A passing bay would therefore only be required on easement A and could readily be formed.

There is no footpath (15.1.6C.1.4).

Rule 15.1.6C.1.5 applies to rural and coastal zones. In regard to part (a), crossings to each lot can be formed to the required standard, if not already to that standard. Parts (b) and (c) are not applicable.

Rule 15.1.6C.1.6 only applies to urban zones.

Rule 15.1.6C.1.7 addresses various general access standards.

- There is no need for vehicles to reverse off a site (part (a));
- There are no 'bends' within existing access alignment (part (b));
- There is no excess legal width (part (c));
- Runoff is already / will be directed to swale drains (part (d)).

Rule 15.1.6C.1.8 addresses frontage to existing roads. Kapiro Road is the required legal width (20m); and is to the required public road standard. The new lots only have one frontage and there is no encroachment.

None of the rest of the rules in Chapter 15.1.6C are applicable and there are no other district wide rules in the Operative District Plan that are applicable.

In summary, the application remains a **restricted discretionary** activity.

5.2 Proposed District Plan

The FNDC publicly notified its PDP on 27th July 2022. Whilst the majority of rules in the PDP will not have legal effect until such time as the FNDC publicly notifies its decisions on submissions, there are certain rules that have been identified in the PDP as having immediate legal effect and that may therefore need to be addressed in this application and may affect the category of activity under the Act. These include:

Rules HS-R2, R5, R6 and R9 in regard to hazardous substances on scheduled sites or areas of significance to Maori, significant natural areas or a scheduled heritage resource.

There are no scheduled sites or areas of significance to Maori, significant natural areas or any scheduled heritage resource on the site, therefore these rules are not relevant to the proposal.

Heritage Area Overlays – N/A as none apply to the application site.

Historic Heritage rules and Schedule 2 – N/A as the site does not have any identified (scheduled) historic heritage values.

Notable Trees – N/A – no notable trees on the site.

Sites and Areas of Significance to Maori – N/A – the site does not contain any site or area of significance to Maori.

Ecosystems and Indigenous Biodiversity – Rules IB-R1 to R5 inclusive.

No indigenous vegetation clearance is proposed.

Subdivision (specific parts) – only subdivision provisions relating to land containing Significant Natural Area or Heritage Resources have immediate legal effect. The site contains no scheduled or mapped Significant Natural Areas or Heritage Resources.

Activities on the surface of water – N/A as no such activities are proposed.

Earthworks – Only some rules and standards have legal effect. These are Rules EW-R12 and R13 and related standards EW-S3 and ES-S5 respectively. EW-R12 and associated EW-S3

relate to the requirement to abide by Accidental Discovery Protocol if carrying out earthworks and artefacts are discovered. EW-R13 and associated EW-S5 refer to operating under appropriate Erosion and Sediment Control measures. The only earthworks required to give effect to the subdivision is the formation of access to the boundary of the proposed new lots. This can be carried out in compliance with the above referenced rules/standards.

Signs – N/A – signage does not form part of this application.

Orongo Bay Zone – N/A as the site is not in Oronga Bay Zone.

There are no zone rules in the PDP with immediate legal effect that affect the proposal's activity status.

5.3 National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (NES-CS)

The application site has a land use history including kiwifruit orcharding. However, orcharding has not taken place on land in Lot 1 (the lot to contain the existing residential unit) and none of the proposed Lot 1 area would be assessed as a HAIL "piece of land". The Preliminary Site Investigation (PSI) attached in Appendix 4 considered the appropriate HAIL category to be:

I – Any other land that has been subject to the intentional or accidental release of a hazardous substance in sufficient quantity that it could be a risk to human health or the environment.

The results of the PSI indicate that it is highly unlikely there will be a risk to human health if the proposed subdivision is carried out with continued residential land use on proposed new Lot 1. No consent under the NES-CS is required.

6.0 ASSESSMENT OF ENVIRONMENTAL EFFECTS

The assessment of environmental effects below includes such detail as corresponds with the scale and significance of the effects that the activity may have on the environment, as required by Clause 2(3)(c) of Schedule 4 of the Act.

A restricted discretionary activity is described in s87A of the Act, clause (3).

If an activity is described in this Act, regulations (including any national environmental standard), a plan, or a proposed plan as a restricted discretionary activity, a resource consent is required for the activity and—

(a) the consent authority's power to decline a consent, or to grant a consent and to impose conditions on the consent, is restricted to the matters over which discretion is restricted (whether in its plan or proposed plan, a national environmental standard, or otherwise); and

(b) if granted, the activity must comply with the requirements, conditions, and permissions, if any, specified in the Act, regulations, plan, or proposed plan.

It is also subject to s104C of the Act:

- (1) When considering an application for a resource consent for a restricted discretionary activity, a consent authority must consider **only** those matters over which-
- (a) A discretion is restricted in national environmental standards or other regulations;
- (b) It has restricted the exercise of its discretion in its plan or proposed plan;
- (3) if it grants the application, the consent authority may impose conditions under section 108 **only** for those matters over which –
- (a) A discretion is restricted in national environmental standards or other regulations;
- (b) It has restricted the exercise of its discretion in its plan or proposed plan.

The subdivision meets the restricted discretionary number/size of lots specified in Table 13.7.2.1. Far North District Plan lays out in 13.8.1, the matters to which it restricts its discretion in determining whether to grant consent to a restricted discretionary activity, and then lays out the matters to which it will restrict its discretion when considering whether to impose conditions.

13.8.1 SUBDIVISION WITHIN THE RURAL PRODUCTION ZONE

..... In considering **whether or not to grant consent** on applications for restricted discretionary subdivision activities, the Council will restrict the exercise of its discretion to the following matters:

- (i) for applications under 13.8.1(a):
- effects on the natural character of the coastal environment for proposed lots which are in the coastal environment.
- (ii) for applications under 13.8.1(b) or (c):
- effects on the natural character of the coastal environment for proposed lots which are in the coastal environment;
 - effects of the subdivision under (b) and (c) above within 500m of land administered by the Department of Conservation upon the ability of the Department to manage and administer its land;
 - effects on areas of significant indigenous flora and significant habitats of indigenous fauna;
 - the mitigation of fire hazards for health and safety of residents.

In considering **whether or not to impose conditions** on applications for restricted discretionary subdivision activities the Council will restrict the exercise of its discretion to the following matters:

- (1) the matters listed in 13.7.3;
- (2) the matters listed in (i) and (ii) above

In the case of this application, the application is lodged pursuant to 13.8.1(b), and therefore clause (ii) applies:

- effects on the natural character of the coastal environment for proposed lots which are in the coastal environment;

The property is not within the coastal environment.

- effects of the subdivision under (b) and (c) above within 500m of land administered by the Department of Conservation upon the ability of the Department to manage and administer its land;

The very northern tip of the application site abuts a marginal strip of Crown Land reserved from sale. This marginal strip can be accessed elsewhere and there is no need to provide access to it through the application site. The subdivision does not impact on the ability of the Crown (through its agent, DoC) to manage and administer the land.

- effects on areas of significant indigenous flora and significant habitats of indigenous fauna;

There are no areas of significant indigenous flora or significant habitats of indigenous fauna on the application site.

- the mitigation of fire hazards for health and safety of residents.

There no new or additional residential units proposed.

In summary, there are no grounds for the Council to refuse consent.

To assist in determining conditions of consent, the following AEE is offered.

6.1 Allotment Sizes and Dimensions

No new residential units (with associated on site services) are proposed. Lot 1 contains existing development. The proposed vacant lots are both large and can easily accommodate 30m x 30m square building envelopes.

6.2 Natural and Other Hazards

The site is not subject to erosion, inundation, landslip, rockfall, alluvion, avulsion, unconsolidated fill, subsidence, fire hazard, or sea level rise. The only potential hazard is contaminated soils and the PSI supporting the application concludes that the proposal will not create a risk to human health.

In summary there is no reason pursuant to s106 of the Act as to why this application should not be granted.

6.3 Water Supply

There is no Council reticulated water supply to the site. The property has irrigation supply from the Kerikeri Irrigation Company for the horticulture operations on the site. The existing residential dwelling is reliant on water storage from roof catchment from the adjacent pack house/storage shed. There is also a swimming pool to supplement fire fighting water supply.

At time of preparation of the survey plan, an appropriate water supply easements will be put in place should the applicant wish to continue the current arrangements, for both potable/fire fighting supply and Kerikeri irrigation supply. This should be left optional, however, noting the requesting longer duration of consent and unknown needs or preferences of the applicant or future lot owners.

Lot 1 has existing residential use and I do not believe it is necessary for the Council to impose its standard consent notice on the new title for that lot in terms supplying sufficient water for potable and fire fighting purposes. No residential dwelling is proposed for either Lot 2 or 3. Lot 2 will accommodate the packing/storage shed with existing roof catchment water supply; and both lots will continue using Kerikeri Irrigation water for crop irrigation purposes. I do not believe it necessary for the Council to impose the standard consent notice clause requiring a fire fighting water supply.

6.4 Energy Supply & Telecommunications

Power and phone is not a requirement for rural subdivision. Notwithstanding that, existing facilities within the site have power and telecommunication connections. At time of survey, alignment of these services (to the house) will be ascertained and easement provided.

6.5 Stormwater Disposal

The application includes a land use component to allow for the existing impermeable surfaces to be within new Lot 1's boundaries, up to the controlled activity threshold of 20% of lot area. Roof runoff is already captured. Hardstand areas have abundant area adjacent to them to satisfactorily absorb and diffuse runoff without off-site effects. The existing access has drainage in place. In short, stormwater from the existing coverage is appropriately and adequately managed.

Stormwater management within Lot 1 does not, and will not, interfere with the existing on site wastewater system for the house. The lot is attractively landscaped with generous open space to built environment ratio.

Future impermeable surfaces on the vacant lots are unknown, but can be quite substantial without triggering the need for resource consent, noting the area of those lots. I do not believe it necessary for any consent notice to be imposed on any lot in regard to future stormwater management.

6.6 Sanitary Sewage Disposal

Both the house and the packhouse have existing on site wastewater treatment and disposal systems (separate). It is suggested that a s223 condition can be imposed requiring the consent holder to confirm that the systems are totally within the respective lots' new boundaries.

6.7 Easements for any purpose

The existing easement along the rear western boundary (to be in Lot 2), providing for an adjacent site's access and services, will remain. New rights of way and services easements are proposed as shown on the Scheme Plan in Appendix 1. Additional easements for water supply (and services, if not within the easements shown on the Scheme Plan) can be added as part of survey plan approval (s223).

6.8 Property Access

It is proposed that access to all lots be via the existing access road into the site, immediately adjacent to the Orangewood packhouse. This is an expansive crossing, with concrete apron extending across both the packhouse and application site crossings. Visibility is excellent in both directions.

In the future, an owner of Lot 3 may seek to construct a second crossing further west along Kapiro Road, something that can be done via a vehicle crossing permit process.



Existing entrance into site, off Kapiro Road

Internal to the site, the existing orchard access runs right along the eastern boundary. It is metal surface and generally 3m carriageway width or wider. A passing bay could be readily installed within 100m of the road crossing, within easement A. This is the only passing bay required, and only because of distance, not because of any restriction on visibility.



Existing access at northern end of ROW B

6.9 Earthworks & Utilities

Subdivision works will be restricted to minor access works, on level ground. No new utilities are required to be installed as part of subdivision works.

6.10 Building Locations

There are no restrictions in regard to natural hazard as to where dwellings/buildings can be located, therefore no need to impose minimum floor levels. Lot 1's dwelling is existing and it is proposed to restrict residential development from occurring on Lots 2 & 3.

6.11 Preservation and enhancement of heritage resources (including cultural), vegetation, fauna and landscape, and land set aside for conservation purposes

Vegetation, fauna and landscape

The site has no resource feature overlays. It contains no features mapped in the Regional Policy Statement as having any high or outstanding landscape or natural values and no mapped biodiversity wetlands. The site does not contain any areas of significant indigenous vegetation and, although mapped as being within a kiwi present area, is located within an active horticultural orchard area with very little in the way of kiwi habitat in the vicinity.

The subdivision will not have any adverse effect on indigenous flora and fauna, habitat, or landscape values. I do not believe it necessary, or justified to impose any restriction on the keeping of dogs or cats, bearing in mind that no additional residential development will occur as a result of the creation of additional lots.

Heritage/Cultural

The site does not contain any historic sites, nor any archaeological sites. Neither does the site contain any Sites of Cultural Significance to Maori (as scheduled in the ODP or PDP).

6.12 Soil

The proposal does not remove any soils from productive use that haven't already been removed from such use. I do not consider the proposal to adversely affect the life supporting capacity of soils.

6.13 Access to, and protection of, waterbodies

There is no qualifying water body along which, or around which, public access is required to be provided.

6.14 Land use compatibility (reverse sensitivity)

The proposal is to subdivide a single operating kiwifruit orchard, with residential unit, into three separate blocks, one of which will be retired from all horticultural operations and

accommodate a dwelling only. This is an existing dwelling. The intent is to not introduce more residential activity into an active horticultural area. Instead it is proposed to market the two horticultural lots as productive units only, with no residential development allowed without the further written consent of the consent authority. It is important to provide a future opportunity to seek such consent from the consent authority because planning provisions change over time, as do reverse sensitivity / land use incompatibility concerns.

6.15 Proximity to Airports

The site is outside of any identified buffer area associated with any airport.

6.16 Natural Character of the Coastal Environment

The site is not within the coastal environment.

6.17 Energy Efficiency and renewable Energy Development/Use

The proposal has not considered energy efficiency. This is an option for future lot owners

6.18 National Grid Corridor

The National Grid does not run through the application site.

6.19 Effects on Rural Character and Amenity

With no new built environment proposed, the subdivision simply puts lines on a land transfer plan. There is no additional visual effect as a result of the proposal. Effects on rural character and are nil.

6.20 Cumulative and Precedent Effects

The proposal will create two additional lots, however, no change of use. I do not foresee any adverse cumulative effects resulting.

Precedent effects are a matter for consideration when a consent authority is considering whether or not to grant consent and are generally reserved for the consideration of non complying activities, which this is not. Whilst it is acknowledged that the National Policy Statement - Highly Productive Land is a key consideration to this proposal, the Council's discretion is limited to the consideration of reverse sensitivity effects, which I believe have been shown to be able to be satisfactorily mitigated. It is difficult to contemplate that any adverse precedent effect could result from granting this consent.

7.0 STATUTORY ASSESSMENT

7.1 Operative District Plan Objectives and Policies

Objectives and policies relevant to this proposal are considered to be primarily those listed in Chapter 8.6 (Rural Production Zone); and 13 (Subdivision), of the District Plan. These are listed and discussed below where relevant to this proposal.

Subdivision Objectives & Policies*Objectives*

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

This is an enabling objective. The Rural Production Zone is predominantly, but not exclusively, a working productive rural zone. The site is currently used as a kiwifruit unit and will continue to be so. The site supports a single residential unit and will continue to do so. The proposal is considered a sustainable use of the land.

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

The Assessment of Environmental Effects and supporting report conclude that the proposed subdivision is appropriate for the site and that the subdivision can avoid, remedy or mitigate any potential adverse effects.

Objectives 13.3.3 and 13.3.4 refer to outstanding landscapes or natural features; and scheduled heritage resources; and to land in the coastal environment. The site exhibits none of these features.

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

The existing development within the site is self sufficient in terms of on-site water storage and appropriate stormwater management. No additional development is proposed in this subdivision.

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

This objective is likely intended to encourage Management Plan applications, and does not have a lot of relevance to this proposal.

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

And related Policy

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

The site is not known to contain any sites of cultural significance to Maori, or wahi tapu. The subdivision will have minimal, if any, impact on water quality. I do not believe that the proposal adversely impacts on the ability of Maori to maintain their relationship with ancestral lands, water, sites, wahi tapu and other taonga.

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

The provision of power is not a requirement for rural allotments. Notwithstanding this, the site has existing power connection(s).

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

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

The subdivision has not considered energy efficiency.

Objective 13.3.11 is not discussed further as there is no National Grid on or near the subject site.

Policies

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

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

The values outlined above, where relevant to the proposal, have been discussed earlier in this report. I believe regard has been had to items (a) through (g) (where relevant) in the design of the subdivision.

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

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

Access to the property is off public road, and then internal to the site, via existing crossing and private internal accessway. I believe access already is, or can be upgraded, to an

appropriate standard for the level of development being proposed, without adversely affecting natural and physical resources.

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

The site is not mapped as containing any natural hazards.

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

Power and telecommunications are not a requirement for rural allotments.

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

The site does not contain any heritage resources. Nor does it contain any significant areas of indigenous vegetation or habitat. The site is not in the coastal environment. There are no riparian margins within the site. The site contains no outstanding landscape or natural features.

Policy 13.4.7 is not relevant as there is no qualifying water body to which esplanade requirements apply.

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

This is discussed earlier.

Policies 13.4.9 and 13.4.10 are not discussed further. The former relates to bonus development donor and recipient areas, which are not contemplated in this proposal; whilst the latter only applies to subdivision in the Conservation Zone.

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

The application is not lodged as a Management Plan application.

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

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

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

(c) providing for, through siting of buildings and development and design of subdivisions, legal public right of access to and use of the foreshore and any esplanade areas;

(d) through siting of buildings and development, design of subdivisions, and provision of access that recognise and provide for the relationship of Maori with their culture, traditions and taonga including

concepts of mauri, tapu, mana, wehi and karakia and the important contribution Maori culture makes to the character of the District (refer Chapter 2 and in particular Section 2.5 and Council's "Tangata Whenua Values and Perspectives" (2004);

(e) providing planting of indigenous vegetation in a way that links existing habitats of indigenous fauna and provides the opportunity for the extension, enhancement or creation of habitats for indigenous fauna, including mechanisms to exclude pests;

(f) protecting historic heritage through the siting of buildings and development and design of subdivisions.

(g) achieving hydraulic neutrality and ensuring that natural hazards will not be exacerbated or induced through the siting and design of buildings and development.

S6 matters (National Importance) are addressed later in this report.

In addition:

- (a) The proposal subdivides off two vacant horticultural blocks, to continue to support horticultural activity;
- (b) The proposal provides for an appropriate type and scale of activity for the zone;
- (c) The proposal is in an area not displaying high or outstanding natural values;
- (d) The site contains no significant indigenous vegetation;
- (e) The site is not within the coastal environment;
- (f) The proposal enables the maintenance of amenity and rural character values;
- (g) The proposal is not believed to negatively impact on the relationship of Maori with their culture;
- (h) There are no identified heritage values within the site; and
- (i) The site is not subject to any significant natural hazards.

I consider the proposal to be consistent with Policy 13.4.13.

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

The subdivision has had regard to the underlying zone's objectives and policies – see below.

13.4.15 That conditions be imposed upon the design of subdivision of land to require that the layout and orientation of all new lots and building platforms created include, as appropriate, provisions for achieving the following: (a) development of energy efficient buildings and structures; (b) reduced travel distances and private car usage; (c) encouragement of pedestrian and cycle use; (d) access to alternative transport facilities; (e) domestic or community renewable electricity generation and renewable energy use

Given the absence of any change resulting from this proposal, in terms of land use, it has not taken into account any of the matters of 13.4.15. Policy 13.4.16 is not considered relevant as it only relates to the National Grid.

In summary, I believe the proposal to be consistent with the above Objectives and Policies.

Rural Production Zone Objectives and Policies

Objectives:

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

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

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

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

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

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

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

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

And policies

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

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

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

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

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

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

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

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

Objective 8.6.3.5 and Policy 8.6.4.6 are not considered relevant as they are solely related to Kerikeri Road.

The proposed subdivision promotes an efficient use and development of the land (Objective 8.6.3.2). Amenity values can be maintained (8.6.3.3). Reverse sensitivity effects are not considered to be a significant risk (Objectives 8.6.3.6-8.6.3.9 inclusive and Policies 8.6.4.8 and 8.6.4.9).

Policy 8.6.4.7 anticipates a wide range of activities that promote rural productivity, and that the underlying goal is to avoid any actual and potential adverse effects of conflicting land use activities. I believe in the case of this proposal, additional adverse reverse sensitivity effects are unlikely.

The proposal provides for sustainable management of natural and physical resources (8.2.4.1). Off site effects can be avoided, remedied or mitigated (8.6.4.2 and 8.6.4.3). Amenity values can be maintained and enhanced (8.6.4.4). The proposal enables the efficient use and development of natural and physical resources (8.6.4.5).

In summary, I believe the proposal to be consistent with the objectives and policies as cited above.

7.2 Proposed District Plan Objectives and Policies

An assessment against the relevant objectives and policies in the Subdivision section of the Proposed District Plan (PDP) follows:

SUB-O1

Subdivision results in the efficient use of land, which:

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

SUB-O2

Subdivision provides for the:

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

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

- a. there is existing infrastructure connection, infrastructure should provided in an integrated, efficient, coordinated and future-proofed manner at the time of subdivision; and*

b. where no existing connection is available infrastructure should be planned and consideration be given to connections with the wider infrastructure network.

SUB-O4

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

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

I consider the subdivision achieves the objectives of the relevant zone, and district wide provisions. Local character is not affected; reverse sensitivity issues will not result; and risk from natural hazards will not be increased. Adverse effects on the environment are considered to be less than minor and not requiring mitigation (SUB-O1).

The site contains land that meets the definition of 'highly productive land', but its use can and will remain horticultural. The site contains no ONF's or ONL's, nor any areas of high or outstanding natural character. There are no 'natural inland wetlands'. There are no lakes or rivers, no Sites and Areas of Significance to Maori and no Historic Heritage. There are no areas of indigenous vegetation (SUB-O2).

The proposal is consistent with SUB-O3 and SUB-O4 does not apply.

SUB-P1

Enable boundary adjustments that:

Not relevant – application is not a boundary adjustment.

SUB-P2

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

Not relevant – application does not involve public works, infrastructure, reserves or access lots.

SUB-P3

Provide for subdivision where it results in allotments that:

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

The subdivision results in vacant lots that are generally consistent with the minimum lot sizes proposed for the Horticulture Zone, either as a controlled (8ha) or discretionary (4ha) activity. Lot 1 is the exception, however it supports existing residential use only. The allotments will be consistent with the purpose, characteristics and qualities of the zone. The lots have legal and physical access.

SUB-P4

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

The subdivision has had regard to all the matters listed, where relevant.

SUB-P5

Manage subdivision design and layout in the General Residential, Mixed Use and Settlement zone...

Not applicable.

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

The subdivision is rural with no nearby Council administered or operated infrastructure except for the road.

SUB- P7

Require the vesting of esplanade reserves when subdividing land adjoining the coast or other qualifying water bodies.

No qualifying water body.

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

The subdivision is not for rural lifestyle, and will not result in the loss of versatile soils, so is consistent with this policy.

SUB-P9

Avoid subdivision [sic] rural lifestyle subdivision in the Rural Production zone and Rural residential subdivision in the Rural Lifestyle zone unless the development achieves the environmental outcomes required in the management plan subdivision rule.

The subdivision is not a Management Plan subdivision.

SUB-P10

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

Not relevant. No minor residential units exist.

SUB-P11

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

All of the above have been considered in the layout and number of lots being proposed, albeit the policy is not overly relevant given the subdivision does not require resource consent under the PDP.

In summary I believe the proposed subdivision to be consistent with the PDP's objectives and policies in regard to subdivision.

The site is proposed to be zoned Horticulture in the Proposed District Plan.

Objectives

HZ-O1

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

HZ-O2

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

HZ-O3

Land use and subdivision in the Horticulture zone:

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

The subdivision is consistent with all aspects of the above objective. With the 'no residential unit' restriction applying, there will be no land sterilisation, no fragmentation that compromises the use of the land for horticultural activities, and no reverse sensitivity effects. The property is not subject to natural hazard, the lots are to be serviced by on-site infrastructure, and the subdivision does not adversely affect the rural character and amenity of the area.

Policies

HZ-P1

Identify a Horticulture zone in the Kerikeri/Waipapa area using the following criteria:

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

Not a responsibility of the individual property owner.

HZ-P2

Avoid land use that

Not applicable, the proposal is a subdivision, not a land use. Notwithstanding this the proposal includes a no residential unit restriction on lots to be used solely for horticulture.

HZ-P3

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

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

The site will be able to continue to support horticulture.

HZ-P4

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

No new residential activities are proposed.

HZ-P5

Manage the subdivision of land in the Horticulture zone to:

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

The subdivision does not result in the loss of highly productive land for use by horticulture and will ensure the long term viability of highly productive land. No additional residential units are proposed.

HZ-P6

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

Not applicable.

HZ-P7

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

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

-
- ii. potential reverse sensitivity effects on primary production activities and existing infrastructure;
 - iii. the potential for loss of highly productive land, land sterilisation or fragmentation
- f. at zone interfaces:
- i. any setbacks, fencing, screening or landscaping required to address potential conflicts;
 - ii. the extent to which adverse effects on adjoining or surrounding sites are mitigated and internalised within the site as far as practicable;
- g. the capacity of the site to cater for on-site infrastructure associated with the proposed activity, including whether the site has access to a water source such as an irrigation network supply, dam or aquifer;
- h. the adequacy of roading infrastructure to service the proposed activity;
- i. Any adverse effects on historic heritage and cultural values, natural features and landscapes or indigenous biodiversity;
- j. Any historical, spiritual, or cultural association held by tangata whenua, with regard to the matters set out in Policy TW-P6.

The subdivision does not require any consent under the PDP and the above policy is therefore of limited relevance. I consider the subdivision to maintain rural character and amenity and the lots are suitable for their intended use.

7.3 Part 2 Matters

5 Purpose

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

The proposal provides for peoples' social and economic well being, and for their health and safety, while sustaining the potential of natural and physical resources, safeguarding the life-supporting capacity of air, water, soil and the ecosystems; and avoiding, remedying or mitigating adverse effects on the environment.

6 Matters of national importance

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

- (a) the preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use, and development;
- (b) the protection of outstanding natural features and landscapes from inappropriate subdivision, use, and development;

-
- (c) the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna:
 - (d) the maintenance and enhancement of public access to and along the coastal marine area, lakes, and rivers:
 - (e) the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga:
 - (f) the protection of historic heritage from inappropriate subdivision, use, and development:
 - (g) the protection of protected customary rights:
 - (h) the management of significant risks from natural hazards.

The site does not contain any of the features listed in (a)-(c) inclusive. There is no adjacent water body, nor any within the site (part (d)). The proposal results in the status quo in terms of current land use and does not adversely impact the relationship of Maori and their culture and traditions and there are no protected customary rights (parts (e) & (g)). There are no historic heritage values associated with the site (part (f)). The site is not subject to hazard (h).

7 Other matters

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

- (a) *kaitiakitanga:*
 - (aa) *the ethic of stewardship:*
 - (b) *the efficient use and development of natural and physical resources:*
 - (ba) *the efficiency of the end use of energy:*
 - (c) *the maintenance and enhancement of amenity values:*
 - (d) *intrinsic values of ecosystems:*
 - (e) *[Repealed]*
 - (f) *maintenance and enhancement of the quality of the environment:*
 - (g) *any finite characteristics of natural and physical resources:*
 - (h) *the protection of the habitat of trout and salmon:*
 - (i) *the effects of climate change:*
 - (j) *the benefits to be derived from the use and development of renewable energy.*

Regard has been had to any relevant parts of Section 7 of the RMA, "Other Matters". These include 7(b), (c) and (g). The subdivision represents an efficient use and development of natural and physical resources and takes into account the finite characteristics of those resources. The proposed layout and lot size will not adversely impact on amenity values.

8 Treaty of Waitangi

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

The principles of the Treaty of Waitangi have been considered and it is believed that this proposed subdivision does not offend any of those principles.

In summary, it is considered that all matters under s5-8 inclusive have been adequately taken into account.

7.4 National Policy Statements and National Environmental Standards

NPS Highly Productive Land

The application site consists of highly productive land and is subject to consideration of the National Policy Statement – Highly Productive Land (NPS-HPL).

Objective: *Highly productive land is protected for use in land-based primary production, both now and for future generations.*

The proposal sees the subdivision of an existing horticultural unit (kiwifruit) into three separate blocks, one of which will contain the existing residential development and be retired from horticultural use. The other two are intentionally of a size that can continue to operate as a productive kiwifruit unit. One block, being less than 5ha, may be purchased by an overseas investor. It is proposed to prevent the use of the blocks for residential purposes. In summary, the proposal is consistent with the HPS-HPL's Objective.

The matters over which the Council's discretion is restricted do not include the fragmentation or sterilisation of highly productive land. As such only a limited number of policies and provisions in the NPS-HPL need/can be considered by Council.

Policy 1: *Highly productive land is recognised as a resource with finite characteristics and longterm values for land-based primary production.*

Policy 2: *The identification and management of highly productive land is undertaken in an integrated way that considers the interactions with freshwater management and urban development.*

Policy 3: *Highly productive land is mapped and included in regional policy statements and district plans.*

Policy 4: *The use of highly productive land for land-based primary production is prioritised and supported.*

Policy 5: *The urban rezoning of highly productive land is avoided, except as provided in this National Policy Statement.*

Policy 6: *The rezoning and development of highly productive land as rural lifestyle is avoided, except as provided in this National Policy Statement.*

The above policies are all high level over-arching policies, aimed at territorial authorities and how they address highly productive land in their planning instruments. The application does not dispute the productive capacity of the site and proposes to ensure this is retained. This is consistent with the intent of Policy 4 above.

Policy 7: *The subdivision of highly productive land is avoided, except as provided in this National Policy Statement.*

Policy 8: *Highly productive land is protected from inappropriate use and development.*

Policy 9: *Reverse sensitivity effects are managed so as not to constrain land-based primary production activities on highly productive land.*

The above three policies are aimed at individual properties and their owners, however as stated earlier, the subdivision of highly productive land, and the protection of highly productive land are not matters to which the Council has restricted its discretion. As such there is no need to have regard to them. Be that as it may, given the characteristics of this proposed subdivision, I believe it to be entirely appropriate and as such consistent with Policy 8.

The council does include reverse sensitivity in the matters to which it restricts its discretion. In offering a 'no residential unit' restriction on the vacant lots, the proposal is consistent with Policy 9 above.

The provisions within the NPS are not rules (legislation makes that clear). National Policy Statements are, by design, intended to provide guidance to territorial authorities, and a consent authority must make decisions consistent with an NPS.

Section 3.8 Avoiding Subdivision of highly productive land reads:

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

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

(b) the subdivision is on specified Māori land:

(c) the subdivision is for specified infrastructure, or for defence facilities operated by the New Zealand Defence Force to meet its obligations under the Defence Act 1990, and there is a functional or operational need for the subdivision.

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

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

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

It is only the highlighted 3.8(2)(b) that Council has an ability to consider given the restricted discretionary status of the application. Notwithstanding this, the proposal meets the threshold set in (1) (a) in that it retains the overall productive capacity of the subject land over the long term. The proposal creates a 'no change' scenario.

In regard to (2)(b) above, actual or potential reverse sensitivity effects are mitigated by way of the restriction on residential use of the two additional vacant lots, with the further written consent of the Council.

NES Assessing and Management Contaminants in Soil to Protect Human Health

Refer to PSI in Appendix 4. This concludes that it is highly unlikely there will be a risk to human health if the proposed subdivision is carried out with continued residential use on the proposed new Lot 1. No consent under the NES-CS is required (permitted activity).

7.5 Regional Policy Statement

The Regional Policy Statement for Northland contains objectives and policies related to infrastructure and regional form and economic development. These are enabling in promoting sustainable management in a way that is attractive for business and investment. The proposal is consistent with these objectives and policies.

Objective 3.6 Economic activities – reverse sensitivity and sterilisation

The viability of land and activities important for Northland's economy is protected from the negative impacts of new subdivision, use and development, with particular emphasis on either:

(a) Reverse sensitivity for existing:

(i) Primary production activities;

The associated Policy to the above Objective is **Policy 5.1.1 – Planned and coordinated development**.

Subdivision, use and development should be located, designed and built in a planned and co-ordinated manner which:

(c) Recognises and addresses potential cumulative effects of subdivision, use, and development, and is based on sufficient information to allow assessment of the potential long-term effects; ...

(e) Should not result in incompatible land uses in close proximity and avoids the potential for reverse sensitivity;

(f) Ensures that plan changes and subdivision to / in a primary production zone, do not materially reduce the potential for soil-based primary production on land with highly versatile soils, or if they do, the net public benefit exceeds the reduced potential for soil-based primary production activities; and ...

Policy 5.1.1 seeks to ensure that subdivision in a primary production zone does not "materially reduce the potential for soil-based primary production on land with highly versatile soils, or if they do, the net public benefit exceeds the reduced potential for soil-based primary production activities".

This has been discussed at length elsewhere in this planning report. The subdivision does not "materially reduce the potential for soil-based primary production on land with highly

versatile soils". In any event, this is not a matter to which the Council has restricted its discretion.

5.1.3 Policy – Avoiding the adverse effects of new use(s) and development

Avoid the adverse effects, including reverse sensitivity effects of new subdivision, use and development, particularly residential development on the following:

(a) Primary production activities in primary production zones (including within the coastal marine area);.....

In regard to this subdivision, it is considered that no significant additional reverse sensitivity issues arise as a result.

8.0 s95A-E ASSESSMENT & CONSULTATION

8.1 S95A Public Notification Assessment

A consent authority must follow the steps set out in s95A to determine whether to publicly notify an application for a resource consent. Step 1 specifies when public notification is mandatory in certain circumstances. No such circumstances exist. Step 2 of s95A specifies the circumstances that preclude public notification. No such circumstance exists and Step 3 of s95A must be considered. This specifies that public notification is required in certain circumstances, neither of which exists. There are no special circumstances. In summary public notification is not required pursuant to Step 3 of s95A.

8.2 S95B Limited Notification Assessment

A consent authority must follow the steps set out in s95B to determine whether to give limited notification of an application for a resource consent, if the application is not publicly notified pursuant to s95A. Step 1 identifies certain affected groups and affected persons that must be notified. None exist in this instance. Step 2 of s95B specifies the circumstances that preclude limited notification. No such circumstance exists and Step 3 of s95B must be considered. This specifies that certain other affected persons must be notified, specifically:

- (7) In the case of a boundary activity, determine in accordance with section 95E whether an owner of an allotment with an infringed boundary is an affected person.*
- (8) In the case of any other activity, determine whether a person is an affected person in accordance with section 95E.*

The application is not for a boundary activity. The s95E assessment below concludes that there are no affected persons to be notified. There are no special circumstances.

8.3 S95D Level of Adverse Effects

The AEE in this report assesses effects on the environment and concludes that these will be no more than minor.

8.4 S95E Affected Persons

A person is an 'affected person' if the consent authority decides that the activity's adverse effects on the person are minor or more than minor (but are not less than minor). A person is not an affected person if they have provided written approval for the proposed activity.

The activity is a restricted discretionary activity and as such an expected outcome. I have not identified any affected persons.

The site does not contain any heritage or cultural sites or values nor any areas of indigenous vegetation. The site is not accessed directly off state highway. No pre lodgement consultation has been considered necessary with tangata whenua, Heritage NZ, Department of Conservation or NZTA.

9.0 CONCLUSION

The site is considered suitable for the proposed subdivision. Effects on the wider environment are no more than minor. The proposal is not considered contrary to the relevant objectives and policies of the Operative and Proposed District Plans, and is considered to be consistent with relevant objectives and policies of National and Regional Policy Statements. Part 2 of the Resource Management Act has been had regard to.

There is no District Plan rule or national environmental standard that requires the proposal to be publicly notified. No affected persons have been identified.

It is requested that the Council give favourable consideration to this application and grant consent under delegated authority.



Signed
Lynley Newport,
Senior Planner
Thomson Survey Ltd

Dated 5th March 2025

10.0 LIST OF APPENDICES

- Appendix 1** Scheme Plan(s)
- Appendix 2** Location Plan
- Appendix 3** Record of Title & Relevant Instruments
- Appendix 4** PSI Report

Appendix 1

Scheme Plan(s)



EXISTING EASEMENTS

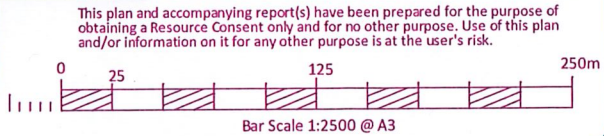
PURPOSE	SHOWN	SERVIENT TENEMENT	CREATED BY
RIGHT OF WAY, TELECOMMUNICATIONS & ELECTRICITY	(C)	LOT 2 HEREON	D040347.2

MEMORANDUM OF EASEMENTS

PURPOSE	SHOWN	SERVIENT TENEMENT	DOMINANT TENEMENT
RIGHT OF WAY, TELECOMMUNICATIONS & ELECTRICITY	(A)	LOT 3 HEREON	LOTS 1 & 2 HEREON
	(B)	LOT 2 HEREON	LOT 1 HEREON

THIS DRAWING AND DESIGN REMAINS THE PROPERTY OF THOMSON SURVEY LTD AND MAY NOT BE REPRODUCED WITHOUT THE WRITTEN PERMISSION OF THOMSON SURVEY LTD
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 TOPOGRAPHICAL DETAIL IS APPROXIMATE ONLY AND SCALED FROM AERIAL PHOTOGRAPHY

Local Authority: Far North District Council
 Comprised in: NA102A/977
 Total Area: 13.1056ha
 Zoning: Rural Production
 Resource features: NIL



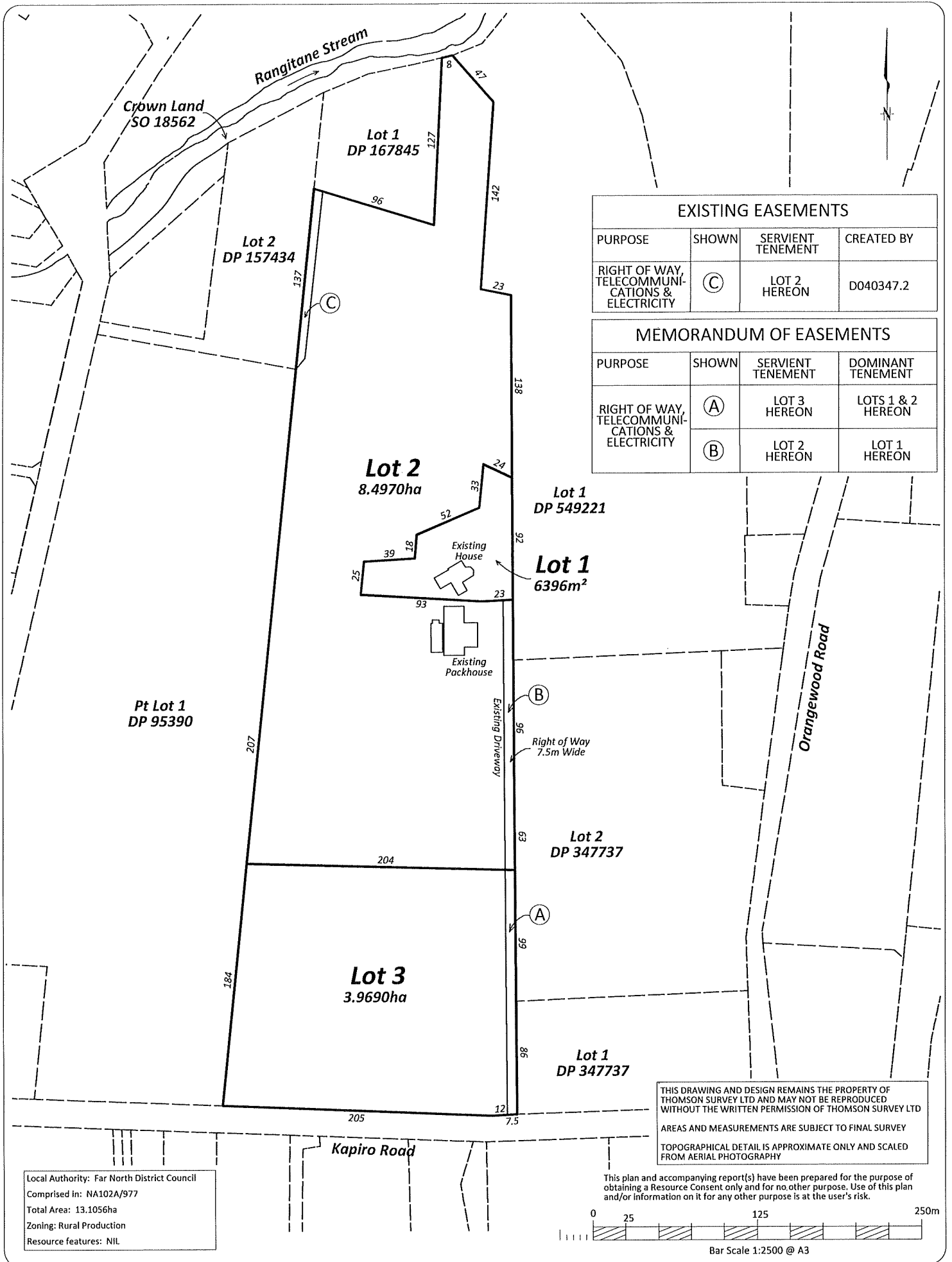
315 Kerikeri Rd
 P.O. Box 372 Kerikeri
 Email: kerikeri@tsurvey.co.nz
 Ph: (09) 4077360
 www.tsurvey.co.nz

Registered Land Surveyors, Planners & Land Development Consultants

PROPOSED SUBDIVISION OF LOT 1 DP 172406
 299 KAPIRO ROAD, WAIPAPA
 PREPARED FOR: L. RANDALL

Name	Date	ORIGINAL SCALE	SHEET SIZE
Survey		1:2500	A3
Design			
Drawn	KY 19.09.24		
Approved			
Rev	KY 17.01.25		
10686 Scheme 20250117			

Surveyors Ref. No:
10686
 Sheet 1 of 1



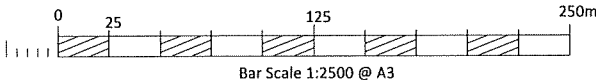
EXISTING EASEMENTS			
PURPOSE	SHOWN	SERVIENT TENEMENT	CREATED BY
RIGHT OF WAY, TELECOMMUNICATIONS & ELECTRICITY	(C)	LOT 2 HEREON	D040347.2

MEMORANDUM OF EASEMENTS			
PURPOSE	SHOWN	SERVIENT TENEMENT	DOMINANT TENEMENT
RIGHT OF WAY, TELECOMMUNICATIONS & ELECTRICITY	(A)	LOT 3 HEREON	LOTS 1 & 2 HEREON
	(B)	LOT 2 HEREON	LOT 1 HEREON

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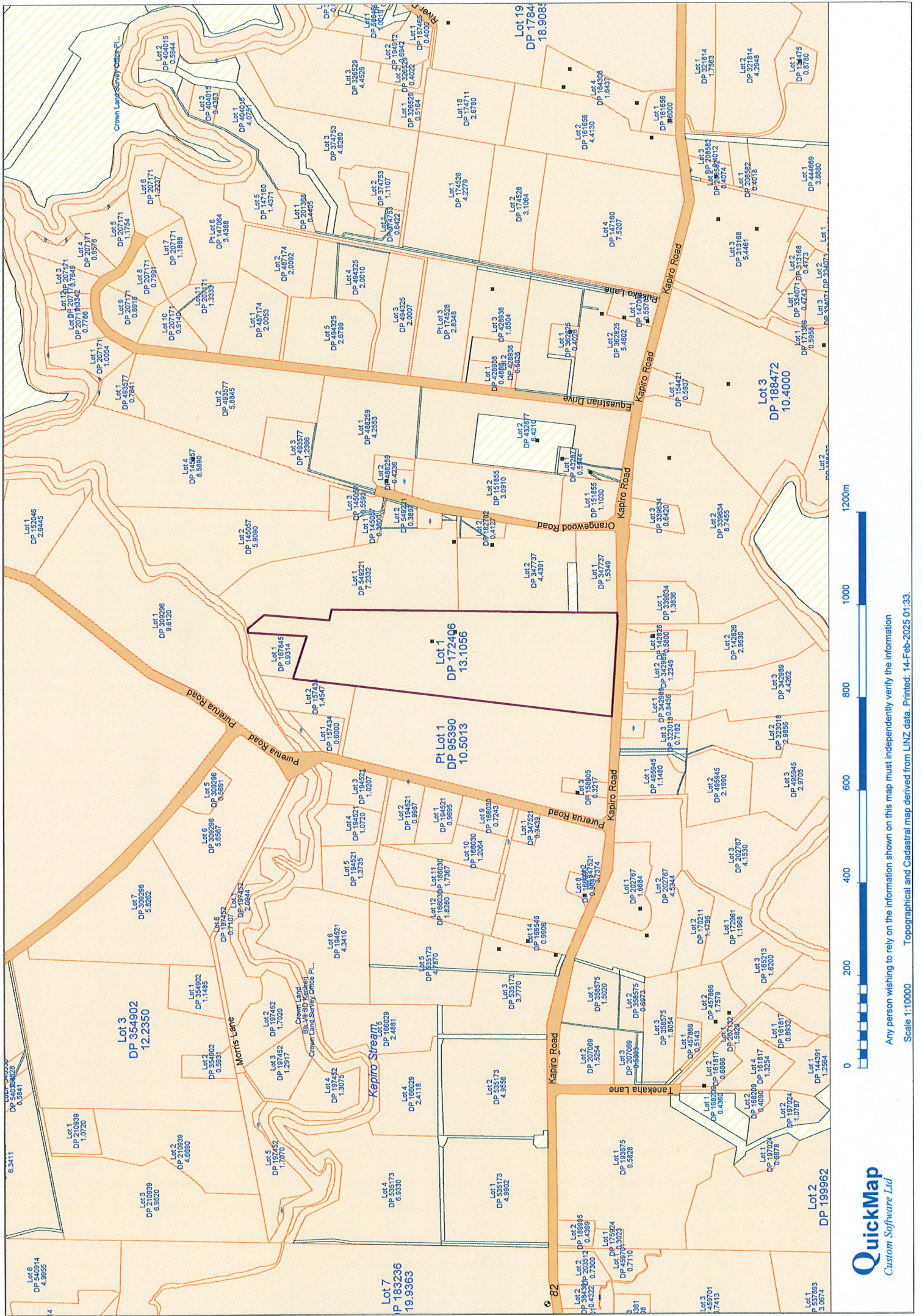
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This plan and accompanying report(s) have been prepared for the purpose of obtaining a Resource Consent only and for no other purpose. Use of this plan and/or information on it for any other purpose is at the user's risk.



Appendix 2

Location Plan



Any person wishing to rely on the information shown on this map must independently verify the information
 Scale 1:10000 Topographical and Cadastral map derived from LINZ data. Printed: 14-Feb-2025 01:33.



Appendix 3
Record of Title &
Relevant Instruments



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




R. W. Muir
Registrar-General
of Land

Identifier NA102A/977
Land Registration District North Auckland
Date Issued 11 January 1996

Prior References
NA36B/123

Estate	Fee Simple
Area	13.1056 hectares more or less
Legal Description	Lot 1 Deposited Plan 172406

Registered Owners
Karioi Limited

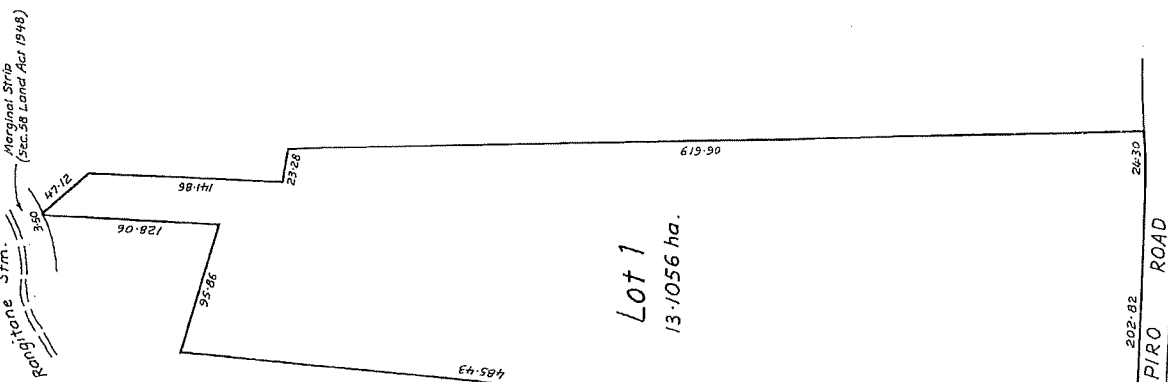
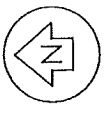
Interests

Subject to Section 59 Land Act 1948

Subject to a right of way and telecommunications and electricity rights over part marked B on Plan 167845 created by Transfer D040347.2 - 2.9.1996 at 3.05 pm

The easements created by Transfer D040347.2 are subject to Section 243 (a) Resource Management Act 1991

NEW C'ST ALLOCATED
Lot 1 - 102A/977



Lot 1
13.1056 ha.

KAPIRO ROAD

PARCEL	FORMERLY	CT REF
Lot 1	Pt. Lot 1 DP 79399	368/123

TOTAL AREA
13.1056 ha.

APPROVED FOR CT DIAGRAM PURPOSES
23/1/96
Chief Surveyor

DEPOSITED FOR CT DIAGRAM PURPOSES
25/1/96
District Land Registrar

DP 172406

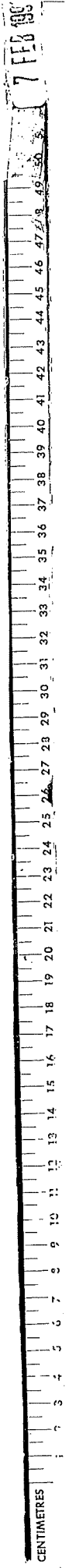
LOCAL AUTHORITY FAR NORTH DISTRICT
Prepared by
SCALE - Proportional

Date

22 JAN 1996

Plan of Lot 1
for CT Diagram Purposes

NORTH AUCKLAND LAND DISTRICT
SURVEY DISTRICT VII KERIKERI
NZMS 261 SHEET No P05/61



641 00

CT 102A/977
D040347.2 TE

MEMORANDUM OF TRANSFER

WHEREAS PAIHIA TOURIST PARK LIMITED (hereinafter called "the Transferor") is registered as a proprietor of an estate in fee simple in that piece of land containing 9314m² more or less being Lot 1 on Deposited Plan 167845 being all the land in Certificate of Title 101D/490 (North Auckland Registry) (hereinafter called the first land") and ~~part~~ Lot 1 Deposited Plan 172406 being part of the land in Certificate of Title Volume 102A Folio 977 (North Auckland Registry) (hereinafter called "the second land")

elf
44.
NS
dm
gnt

* NELSON

dm NS s/gnt

AND WHEREAS the Transferor has agreed to sell the first land to NEIL GRANT SUTHERLAND company director and ANGELA MARGARET SUTHERLAND Married Woman, both of Auckland (hereinafter called "the Transferee") subject to the covenants hereinafter appearing and together with the easements hereinafter appearing NOW THEREFORE in pursuance of the premises and consideration of the sum of \$55,000.00 paid to the Transferor by the Transferee (the receipt of which sum is hereby acknowledged) the Transferor DOTH HEREBY TRANSFER to the Transferee all it's estate and interest in the first land TOGETHER with a right-of-way and rights to convey electricity and telecommunications as set out in the First Schedule hereto over that part of the second land shown marked "B" on Deposited Plan 167845 to the end and intent that these easements shall be forever appurtenant to the first land AND IN FURTHER PURSUANCE OF THE SAID PREMISES the Transferee so as to bind the first land DOTH HEREBY COVENANT AND AGREE with the Transferor for the benefit of the second land that the Transferee will henceforth and at all times hereafter observe all of the covenants, stipulations and restrictions contained in the Second Schedule hereto to the end and intent that each of the said stipulations and restrictions shall enure to the benefit of the second land and every part thereof.

FIRST SCHEDULE

1. Rights and Powers

1015dc1 13:53:04 10/07/1996 0000064081
New Zealand Stamp Duty - Duty:
Assessed by dept \$48,888.641.00

Right-Of-Way.

The rights and powers shall be those set out in the Seventh Schedule to the Land Transfer Act 1952 and the Ninth Schedule to the Property Law Act 1952.

Right To Transmit Electricity And Telephone.

A full, free, uninterrupted and unrestricted right, liberty and privilege for the Transferee and his tenants (in common for Transferor and his tenants and any other person lawfully entitled so to do) to lay electric power transmission cables and telephone cables under the land over which the easement is granted or created and along the line defined for the purpose and to convey electrical energy and telephonic communications

therethrough including the right to use any electric power transmission cables and/or telephone cables already laid in the position aforesaid and including the further right for the Transferee, his tenants, servants, agents and workmen with any tools, implements, machinery, vehicles or equipment of whatsoever nature necessary for the purpose to enter upon the land over which the easement is granted or created and to remain there for any reasonable time for the purpose of laying, inspecting, repairing, maintaining and renewing such electric power transmission cables and/or telephone cables or any part thereof and of opening up the soil of that land to such an extent as may be necessary and reasonable in that regard subject to the condition that as little disturbance as possible is caused to the surface of the land of the Transferor and that the surface is restored as nearly as possible to it's original condition.

2. Terms Conditions, Covenants and Restrictions in respect of any of the above easements:

- (a) The costs of maintaining and repairing the right-of-way and the transmitting of electricity and telecommunications easements and the costs of installing those services shall be borne by the registered proprietors of the time being of the dominant and servient tenements concerned on a fair and reasonable basis having regard to user and in the event that there should be any dispute as to what constitutes a fair and reasonable basis then such dispute shall be referred to arbitration in accordance with clause 2(b) hereof.
- (b) Any dispute referred to in clause 2(a) hereof shall be referred to the decision of a single arbitrator where the parties can agree upon one and in the case where parties cannot agree upon the appointment of such an arbitrator then by two arbitrators, one to be appointed by each party to this dispute and an umpire to be selected by the two arbitrators and reference of such dispute shall be deemed to be a submission to arbitration within the meaning of the Arbitration Act 1908 or the then subsisting statutory provisions relating to the arbitration.

3. Shelter

- (a) The Transferor and his tenants together with any other person lawfully entitled so to do shall have the full, free, uninterrupted and unrestricted right, liberty and privilege from time to time and at all times to plant and maintain trees of any of the species commonly used in the area in which the first land and the second land are situated on the ^{land} marked "B" on Deposited Plan 167845.
- (b) The Transferor and his tenants together with any other person lawfully entitled so to do shall have the full, free, uninterrupted and unrestricted right, liberty and privilege for the purpose of the easement concerned;

* western boundary of the

- i To use any trees of the type referred to in clause 3(a) hereof already growing on the land over which the easement is granted or created for the purpose of the shelter easement.
- ii Where no such trees exist to plant and maintain or to have planted and maintained trees of a species referred to in clause 3(a) hereof or a combination of such trees on the land over which the easement is granted or created for the purpose of the shelter easement.
- iii In order to plant or maintain or establish any such line of shelter trees the full, free, uninterrupted and unrestricted right, liberty and privilege for the Transferor, his tenants, servants, agents and workmen with any tools, implements, machinery, vehicles or equipment of whatsoever nature necessary for the purpose to enter upon the land over which the easement is granted or created and to remain there for any reasonable time for the purpose of planting, maintaining or establishing or replacing any shelter trees and of opening up the soil of that land to such extent as may be necessary and reasonable in that regard subject to the condition that as little disturbance as possible is caused to the surface of the land of the Transferee and that the surface is restored as nearly as is practicable to its original condition and any other damaged done by reason of the aforesaid operation is repaired.

DATED this 22 day of February 1995/96 *leg*

SIGNED by PAIHIA TOURIST PARK LIMITED as Transferor in the presence of:

W. M. Flowers BRIAN JAMES FLOWERS DIRECTOR
M. M. Flowers JANICE MARGARET FLOWERS DIRECTOR

att
NS
April
2007

SIGNED by NEIL GRANT SUTHERLAND)
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Appendix 4

PSI Report



Prepared for L Randall

Preliminary Site Investigation 299 Kapiro Road

Report NZEM114.2025.02.Rev02_Final

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1. Executive Summary

The property is located at 299 Kapiro Road, Kerikeri and is legally described as Lot 1 DP 172406, with an area of 13.1056 hectares.

The property has a land use history of pastoral farming, kiwifruit orcharding and residential.

This report goes in support of a subdivision consent application and to inform subsequent building or earthworks consent requirements.

The current owner proposes to subdivide the property into three (3) new lots. The proposed Lot 1 (6,396 m²) will include the existing residential dwelling and associated features, such as the deck, swimming pool, concrete driveway, and residential gardens. Orchardling and/or orchard related sheds have not been undertaken or located on proposed Lot 1.

The remaining area of the original Lot 1 DP 172406 (proposed Lot 2 and proposed Lot 3) will remain in rural production (kiwifruit production) and, therefore, is not subject to the requirements of the NESCS¹.

The HAIL² category considered in this Preliminary Site Investigation was:

I - Any other land that has been subject to the intentional or accidental release of a hazardous substance in sufficient quantity that it could be a risk to human health or the environment.

Judgemental sampling was carried out on the proposed new Lot 1.

Our current understanding is that no earthworks will be required for the subdivision.

A review of conceptual site model shows the source – pathway – receptor linkage to be incomplete as no source contamination was identified.

None of the proposed Lot 1 area would be assessed as a HAIL 'Piece of Land'.

The results of the PSI indicate that it is *highly unlikely* there will be a risk to human health if the proposed subdivision is carried out with continued residential land use on the proposed new lot 1.

¹ New Zealand Government. (2011). National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (NESCS). Retrieved from: <https://www.legislation.govt.nz>

² Hazardous Activities and Industry List

2. Introduction

2.1 Investigation Objectives

NZ Environmental Management Ltd (NZEM) was engaged by Lynn Randall to undertake a Preliminary Site Investigation (PSI) at 299 Kapiro Road, Kerikeri to support a proposed subdivision.

The PSI seeks to assess whether past or present land use activities may have resulted in soil contamination that could pose a risk to human health or the environment in accordance with the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (NESCS, 2011).

Specifically, the investigation aims to:

- Identify past and present land uses to determine the likelihood of hazardous activities and industries (HAIL activities) occurring on-site.
- Assess the presence and potential sources of contaminants of interest (COI) related to historical and current chemical use.
- Characterize the location, nature, extent, and potential risk of any contamination.
- Assess whether the site is suitable for its intended future within the context of the NESCS guidelines.
- Evaluate whether further investigation, remediation, or management measures (e.g., Detailed Site Investigation (DSI) or Site Management Plan (SMP)) are necessary.

2.2 Investigation Scope

To achieve the objectives, the scope of this investigation comprised the following:

- Review of historical records: Examination of available aerial photographs and property records to identify potential HAIL activities.
- Regulatory database review: Checking the Far North Selected Land Use Register (SLR) and other publicly available sources for records of possible historical contamination, soil conditions, and hydrogeological conditions.
- Site inspection and sampling: Conducting a site walkover to observe current site conditions and collecting soil samples in accordance with nationally recognized guidelines³ and the rationale outlined in this report.
- Laboratory analysis: Testing collected soil samples for contaminants of interest (COI) based on identified site history and potential contamination sources.

³ Contaminated Land Management Guidelines No. 5: Site Investigation and Analysis of Soils (MfE, 2011)

- Data evaluation: Reviewing laboratory results to determine the presence and concentration of contaminants.
- Conceptual Site Model (CSM) development: Establishing a Conceptual Site Model to assess contaminant pathways, potential receptors, and assess risk.

This PSI report is based on the proposed subdivision plan at the time of writing which can be found in Appendix A. Sampling locations were identified on the site layout plan provided by Thomson Survey Limited. If there is any change to the proposed subdivision boundaries, reassessment should be undertaken.

2.3 Site Identification

The property is legally described as Lot 1 DP 172406 and is located at 299 Kapiro Road with approximate co-ordinates of: -35.193600°S, 173.943340°E. The property has been owned by Karioi Limited since 2008.

The 13.1056 hectare site is located on the north side of Kapiro Road and is listed by the Far North District Council as having Rural Production zoning under the operative District Plan, and Horticulture zoning under the Proposed District Plan..

Aerial photographs are included in Appendix B.

Certificate of Title is given in Appendix H.

2.4 Proposed Site Use

It is proposed to subdivide the existing horticulture and residential lot into three new lots. Proposed Lot 1, Proposed Lot 2, and Proposed Lot 3 (Appendix A,

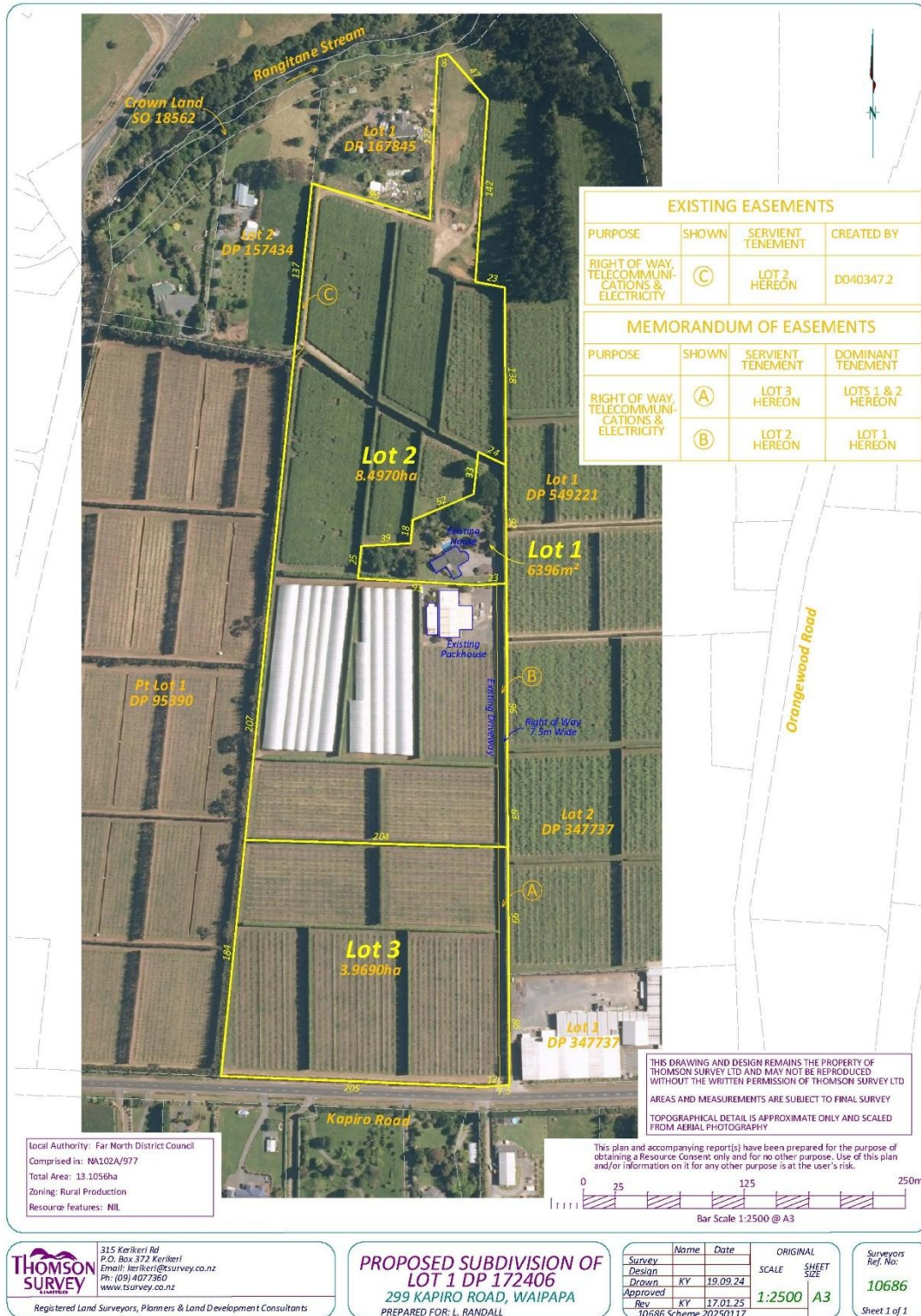


Figure 14-1).

Proposed Lot 1 (size 6396 m²) is the location of the existing residential dwelling, deck and pool, concrete driveway and residential gardens. This PSI aims to determine whether, or not, there is a HAIL 'Piece of Land' within this area.

Proposed Lot 2 (size 8.4970 Ha) is currently a kiwifruit production unit which includes orchard rows, a large packhouse shed with internal chemical storage, water tanks, office, orchard vehicle wash-down area, and covered above-ground fuel storage area. This area will remain in production/horticulture land use following the proposed subdivision and as such, the NESCS does not apply.⁴

Proposed Lot 3 (size 3.9690 Ha) is currently a kiwifruit production unit which includes orchard (kiwifruit) rows. This area will remain in production/horticulture land use following the proposed subdivision and as such, the NESCS does not apply.

⁴ Section 2.1 of the NESCS Users Guide, 2012

3. Site Description

3.1 Site Layout and Current Site Use

The property is primarily used for kiwifruit orcharding, with a centrally located residential dwelling. A plan showing the current site layout and proposed subdivision boundaries is provided in Appendix A Figure 14-1.

Lot 1 DP 172406 is a nearly rectangular property that extends from Kapiro Road northward to Rangitane River, where the northern boundary has an irregular shape.

The proposed Lot 1, which encompasses the residential dwelling and residential gardens, has an irregular shape and is located at the centre of the property. The residential gardens comprise raised vegetable garden areas constructed from untreated timber, and mulch covered garden areas with large established trees. The residential area is bordered by tall shelter hedges. The current land use of proposed Lot 1 would not be considered a HAIL Activity.

Orcharding activities are limited to the area of proposed Lot 2 and proposed Lot 3 and characterised by orchard rows (kiwifruit) and an orchard packhouse shed located to the south of the residential dwelling on proposed Lot 2. These areas of the property are remaining in production (no change in land use) and therefore the NESCS does not apply to proposed Lot 2 and proposed Lot 3.

3.2 Site Inspection and Observations

A site inspection (walkover) was conducted by Reade Bell on December 20, 2024, under clear weather conditions. The property appeared well-maintained, and photographs from the inspection are provided in Appendix D.

Within the area of proposed Lot 1 no visible staining, odours, chemical or fuel storage, fire stacks, or other potential contamination sources were identified.

However, within the adjoining proposed Lot 2 and proposed Lot 3, various horticultural activities were observed to be occurring, including:

- Chemical and fuel storage
- Pesticide spraying
- Orchard vehicle washdown
- Stacking of treated timbers used for vine supports

3.3 Surrounding Environment

The surrounding area consists mainly of kiwifruit orchards, with some residential lifestyle properties located south of Kapiro Road.

According to NRC maps, the land is not classified as erosion-prone.⁵

The rohe map on Te Puni Kokiri show the location of the property as being within the Ngāpuhi rohe.

3.4 Geology and Hydrology

Table 3-1: Site Geology and Hydrology

Parameter	Description	Source
Soil Type	Nodular Oxidic soils categorised as Okaihau gravelly friable clay. NZEM staff observed friable, brown, silt (topsoil) on the site.	<i>maps.landcareresearch.co.nz , nrcgis.maps</i>
Parent rock	Kerikeri Volcanic Group Late Miocene basalt of Kaikohe - Bay of Islands Volcanic Field.	<i>data.gns.cri.nz/geology</i>
Contour	The property is mostly level from the Kapiro Road boundary to the approximate centre of the property and then slopes moderately steeply down to a second, mostly level, alluvial cut terrace immediately north of the residential dwelling. In general, the property slopes north towards Rangitane River.	
Drinking water	Roof Collection Rainwater. There are strict weather requirements for spraying within the neighbouring kiwifruit orchard. The owner advises that water quality testing has been carried out periodically on the tank water and the owner advises that the results were acceptable.	
Aquifer	Kerikeri Aquifer	<i>nrcgis.maps</i>
Catchment	Bay of Islands Coast Catchment	<i>nrcgis.maps</i>
Closest water body	The Rangitane River is located on the northern property boundary approximately 380 m north of proposed Lot 1.	
Groundwater wells	It is estimated that groundwater flows to the north. The closest groundwater bore is 350 m to the NE of the Area of Investigation. This bore was constructed in 1983 to a depth of 53.23 m. Static water level is 5.1 m below ground level.	<i>nrcgis.maps</i>
Flood Risk	There is no flood risk on the property.	<i>nrcgis.maps</i>

⁵ <https://localmaps.nrc.govt.nz/localmapsviewer/?map=79f54a18dcae4fbd9e1cf774aa2de871#>

4. Historical Site Use

4.1 Summary of Site History

The property has a history of pastoral farming, kiwifruit orcharding, and residential use. This land use site history was determined through a review of council property files, aerial photographs, title records, and discussions with the current landowner.

Prior to the 1970's the entire property was in pasture. Orcharding activities have been undertaken on the areas of proposed Lot 2 and proposed Lot 3 since approximately 1977, with orchard rows visible on historical aerials since this time. A packhouse was constructed on proposed Lot 2 in the late 1970's.

The Area of Investigation is limited to proposed Lot 1, which includes the existing residential dwelling and associated activities that have been present at this location since approximately 1976. Prior to the 1970's, proposed Lot 1 was in pasture.

Information regarding the title information is summarised in Appendix H,



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




R. W. Muir
Registrar-General
of Land

Identifier **NA102A/977**
Land Registration District **North Auckland**
Date Issued 11 January 1996

Prior References
NA36B/123

Estate Fee Simple
Area 13.1056 hectares more or less
Legal Description Lot 1 Deposited Plan 172406
Registered Owners
Karioi Limited

Interests

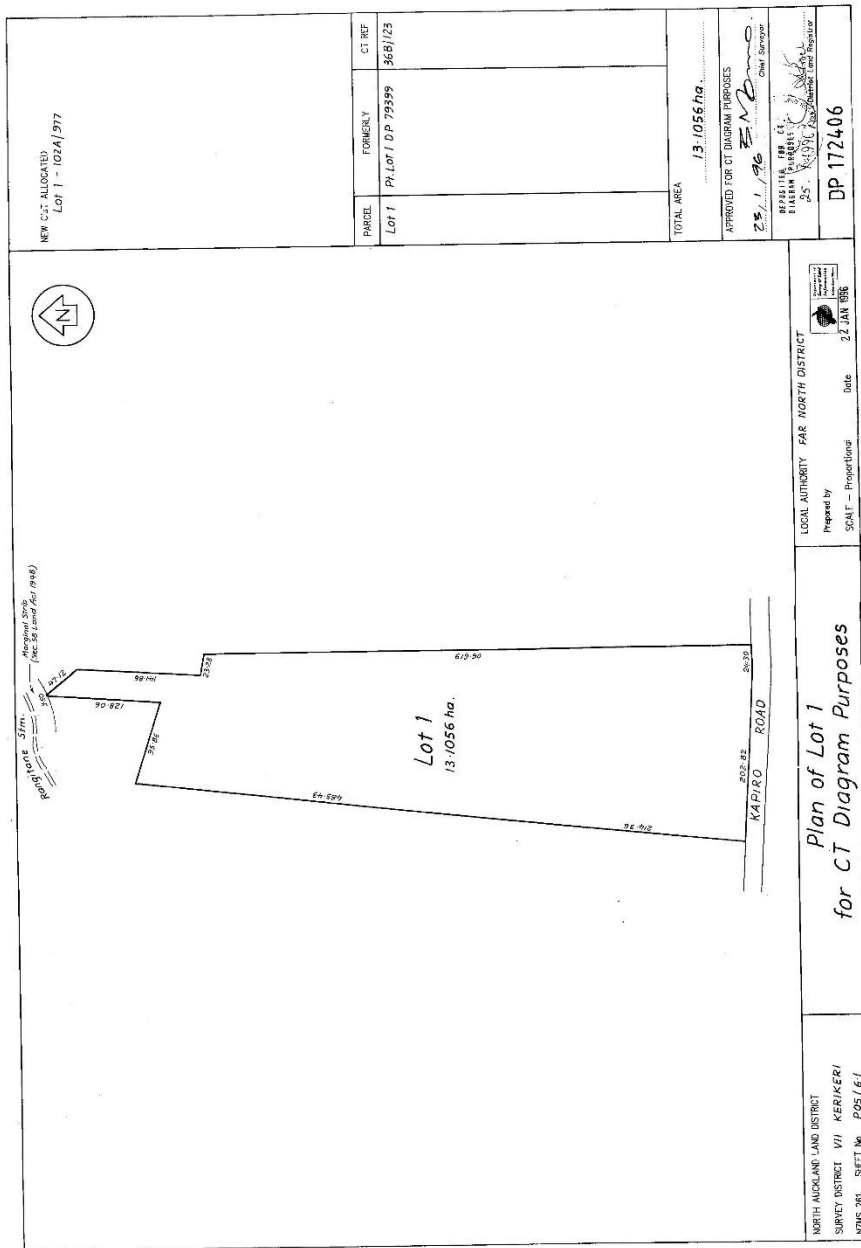
Subject to Section 59 Land Act 1948

Subject to a right of way and telecommunications and electricity rights over part marked B on Plan 167845 created by Transfer D040347.2 - 2.9.1996 at 3.05 pm

The easements created by Transfer D040347.2 are subject to Section 243 (a) Resource Management Act 1991

Identifier

NA102A/977



Transaction ID 4652268
 Client Reference

Search Copy Dated 19/12/24 2:06 pm, Page 2 of 2
 Register Only

Table 14-5 Title History Summary

Certificate of Title	From	Registered Owners	Occupation	Area
NA2054/24	6/06/1956	Noel Smith	Farmer	68.344ha
	8/02/1966	Francis Henry Wright	Farmer	
NA26C/30	6/09/1973	Francis Henry Wright	Farmer	68.8344ha
NA36B/123	8/12/1976	Francis Henry Wright	Farmer	14.0370ha
	27/09/1977	Peter Brian Rowsell and Marilyn Rowsell	Orchardists	
	27/05/1987	Peter Brian Rowsell		
	7/01/1991	Marac Properties		
	12/05/1992	Paihia Tourist Park		
NA102A/977	11/01/1996	Paihia Tourist Park		13.1056ha
	30/04/2008	Karioi Limited		

5. Aerial photographs are provided in Appendix B.

A summary of land use is provided in Appendix E, Table 14-1. A summary of the Far North District Council property file is provided in Appendix F, Table 14-4.

The Site is not listed on the NRC selected land use register and four incidents have been lodged against the Site in the property files (Appendix F). One incident was recorded in 1996 for smoke nuisance and there is limited information on Council files in relation to this. NZEM did not find any evidence of burning on the area of proposed Lot 1. Three of the four incidents were investigated by Council and found to be without issue. Of these, Council investigated reports of spray drift in 2004 and found that although wind speeds were elevated, they were within acceptable ranges. No evidence was found of off-site spray drift.

4.2 Review of Other Information

No other information or reports were identified.

4.3 Potential Historic HAIL Activity

Historically, land use on the Area of Investigation (proposed Lot 1) has been limited to pastoral farming and residential activities only. There has never been any sheds, or orchard rows on this area of land. The land uses on proposed Lot 1 would not normally be considered as a HAIL activity. However, historical horticulture activities on the greater property may have resulted in contamination of proposed Lot 1 by way of spray drift or other accidental release of chemicals. Therefore, the potential HAIL activity considered in this PSI was:

I - Any land that has been subject to the intentional or accidental release of a hazardous substance in a quantity sufficient to pose a risk to human health or the environment.

5. Sampling

5.1 Sampling Design Plan

The Area of Investigation includes all of proposed Lot 1 (Appendix A, **Error! Reference source not found.**).

Sampling and analysis of the identified contaminants of concern within surface soils was undertaken as part of the PSI. The aim of the sampling is to:

- determine the presence of and/or general extent of any soil contamination and the potential adverse impact of such contamination on human health, and
- obtain sufficient information to make an estimate of risk posed by contamination to human health.

As per NESCS 2012 requirements, standards only need to be developed for the contaminants of interest (COI) given the activities and industries that have occurred or likely to have occurred. Based on the land use summary, the following NESCS priority contaminants were considered as potential COI for the Area of Investigation (proposed Lot 1) at 299 Kapiro Road:

- Pesticides (such as organochlorines (OCP's))

There were no indications of a likely source of heavy metals or of fuel storage on the proposed Lot 1 and as such these were not considered contaminants of interest (COI).⁶

NZEM utilise a qualitative screening approach to the selection of the COI that although does not guarantee that other hazardous substances are not present in the land, it does indicate a lower probability that those contaminants will occur in the soil (MfE 2011).

The land-use history obtained as part of this investigation indicates that potential contaminants would, more likely than not, be homogeneous in distribution across the Area of Investigation.

- Judgemental sampling was utilised to inform the conceptual site model and the risk assessment.
- The Soil Investigation Design Plan is shown in Appendix I.
- Sampling was carried out using a stainless-steel spade (grab technique).
- Samples were collected from a depth of between 0-150mm.
- Field screening techniques were not utilised.
- Background samples were not collected.

⁶ Other potential COI such as BaP, dioxins and PCP were not considered applicable as orchards are not considered as one of the hazardous activities or industries such as timber treatment, coal fired power generation, chemical manufacture etc that are more normally associated with BaP, dioxins and PCP.

5.2 Field and laboratory Quality Assurance/Quality Control

To avoid cross contamination, disposable nitrile gloves were worn during sampling and changed between every sample. Sampling equipment was cleaned between each sample as per section 5.3 of MfE 2021, Contaminated Land Management Guidelines No 5.

The labelled samples were couriered to Hill Laboratories under chain of custody documentation (Appendix G). As per the contaminants of interest identified as part of the PSI, the laboratory was instructed, where applicable, to analyse the sample for NESCS Organochlorine Pesticide Residues

- Two samples were composited and analysed for OCP's to inform the conceptual site model. More OCP samples were not collected due to low risk⁷.

All samples are kept in storage for two months by the laboratory in case re-analysis of the samples is required.

Laboratory testing was carried out by Hills Laboratories Ltd. The lab is an NZS/ISO/IEC 17025:2017 accredited laboratory which incorporates the aspects of ISO 9000 relevant to testing laboratories. Original laboratory transcripts are attached to this report (Appendix G).

No duplicates were collected as part of this PSI.

⁷ Since the inception of the NESCS (2011) NZ Environmental Management has undertaken more than 650 tests for OCP's in Northland on a variety of land uses including pastoral, orchards, stock yards, market gardens and around farm sheds. Only one of those tests returned concentration of OCP above guideline values and very few were above laboratory detection limits. The one elevated result for OCP's was confined to the location of a doorway in a chemical storage shed on land with a long-term market gardening land use history.

6. Sampling Results

6.1 Soil sampling and field observations

A total of two samples were collected over the area of proposed Lot 1. Samples were collected by Reade Bell on 20 December, 2024. Samples were collected as targeted samples as per Soil Investigation Design Plan (Appendix I).

- Soils were collected as per the plan.
- Sampling information including soil descriptions is given in Appendix E, Table 14-2.

6.2 Basis for guideline values

The laboratory results are compared to the Soil Contaminant Standards, (SCS_{health}), at which exposure is judged to be acceptable because any adverse effects on human health for most people are likely to be no more than minor. The SCS_{health} , have been calculated for five generic land-use exposure types to reflect different land use scenarios.

The scenario used for assessing SCS_{health} in this PSI was: Residential 10% (NESCS 2012).

$SCS_{\text{(health)}}$, have two functions:

- 1) Health-based trigger values - SCS_{health} , represent a human health risk threshold above which:
 - a) The effects on human health may be unacceptable over time;
 - b) Further assessment of a site is required to be undertaken.
- 2) Remediation targets - SCS_{health} , represent the maximum concentrations of contaminants at or beneath which land is considered 'safe for human use' and the risk to people is considered to be acceptable.

6.3 Results

The laboratory tests undertaken show the concentrations of the selected NESCS analytes. The results for a Composite of Sample 11401 and 11402 are summarised in Table 6-1. All values are mg/kg dry weight. The laboratory report is given in Appendix G.

Table 6-1: Summary of Laboratory Results

Analyte Tested	All values reported as dry weight	Detection limit	Results	Rural Residential 10% produce
Aldrin	mg/kg	0.014	< 0.014	-
alpha-BHC	mg/kg	0.014	< 0.014	-
beta-BHC	mg/kg	0.014	< 0.014	-
delta-BHC	mg/kg	0.014	< 0.014	-
gamma-BHC (Lindane)	mg/kg	0.014	< 0.014	-
cis-Chlordane	mg/kg	0.014	< 0.014	-
trans-Chlordane	mg/kg	0.014	< 0.014	-
2,4'-DDD	mg/kg	0.014	< 0.014	-
4,4'-DDD	mg/kg	0.014	< 0.014	-
2,4'-DDE	mg/kg	0.014	< 0.014	-
4,4'-DDE	mg/kg	0.014	< 0.014	-
2,4'-DDT	mg/kg	0.014	< 0.014	-
4,4'-DDT	mg/kg	0.014	< 0.014	-
Total DDT Isomers	mg/kg	0.08	< 0.08	70
Dieldrin	mg/kg	0.014	< 0.014	2.6
Endosulfan I	mg/kg	0.014	< 0.014	-
Endosulfan II	mg/kg	0.014	< 0.014	-
Endosulfan sulphate	mg/kg	0.014	< 0.014	-
Endrin	mg/kg	0.014	< 0.014	-
Endrin aldehyde	mg/kg	0.014	< 0.014	-
Endrin ketone	mg/kg	0.014	< 0.014	-
Heptachlor	mg/kg	0.014	< 0.014	-
Heptachlor epoxide	mg/kg	0.014	< 0.014	-
Hexachlorobenzene	mg/kg	0.014	< 0.014	-
Methoxychlor	mg/kg	0.014	< 0.014	-

The laboratory results were compared to the NESCS 2012 soil contaminant standard values, at which exposure is judged to be acceptable because any adverse effects on human health for most people are likely to be no more than minor.

- A total of two samples were collected across the Area of Investigation. One composite of two samples was analysed for OCP's.
- The land use scenario applicable to this site was conservatively selected and compared to the NESCS applicable standards (NESCS 2012) for Residential with 10% produce consumption; defined as a Standard Residential Lot, for single dwelling sites with gardens, including homegrown produce consumption (10 per cent).

Soil chemistry showed all values for OCP's returned results below laboratory detection limits.

7. Soil disturbance

Soil Regulation 8(3) of the NESCS does allow for relatively small-scale soil disturbance that may occur on land, such as minor landscaping, foundation excavations, and replacement of underground services, to occur without the need for resource consent (MfE 2011). Providing the requirements around controlling exposure and disposal are met, the disturbance and removal of lower volumes of soil is considered a low-risk activity.

The NESCS requirements include:

- a) Controls are in place to minimise people's contact (for example, in dust or water) with the soil and kept in place until soil is reinstated
- b) Soil reinstated to erosion resistant state within 1 month (for example, foundations laid, access metalled, grass sown or garden mulched)
- c) Integrity of soil containing structures are not compromised
- d) Soil disturbed is less than 25 m³ (in-situ volume) per 500 m² of land per year (not including samples for lab testing)
- e) Soil removed is less than 5 m³ (in-situ volume) per 500 m² of land per year
- f) Activity duration less than 2 months.
- g) Any soil removed from site must be disposed of at a facility authorised to receive soil of that kind (regulation 8(3 e)), the closest is Puwera Landfill

For this Site:

- No earthworks would be required for the subdivision.
- Future earthworks requirements are unknown for future build, driveway, or installation of services. Appendix E, Table 14-3 outlines annual permissible soil disturbance volumes.

8. Risk Assessment

The NESCS identifies contaminants as a problem when the contaminants are at a concentration and a place where they have, or are reasonably likely to have, an adverse effect on human health and the environment (NESCS 2012). The NESCS 2012 further states that a key decider under the NESCS is whether, under the intended land-use, the exposure to soil is reasonably likely to harm human health.

8.1 Conceptual site model

A Conceptual Site Model (CSM) was developed and shown in Appendix C with a summary shown below in Table 8-1.

The CSM for 299 Kapiro Road was based on a review of available title information, aerial photographs, the site history, council records, a site inspection and soil sampling results.

Land use on the Area of Investigation (the proposed Lot 1 area) at 299 Kapiro Road comprises: Residential living

The property outside of the Area of Investigation underwent horticultural development in approximately 1977 and has been in kiwifruit production since that time.

Table 8-1: Summary of Conceptual Site Model for the Area of Investigation

Potential Sources	Contemporary Pathway	Potential Receptors
<ul style="list-style-type: none">Historic use of pesticides and herbicides associated with pastoral and orchard land use, especially on adjacent areas.	<ul style="list-style-type: none">Gardening, children's play, maintenance.	<ul style="list-style-type: none">Adult worker and playing children

The potential pathways considered are outlined in section 8.3 and Appendix C.

No Priority pathways were identified.

8.2 Contaminant probability

This PSI was undertaken to ascertain if there is any potential contamination from past HAIL land use in the soil within the Area of Investigation (proposed Lot 1).

The likelihood that the COI poses a risk to any receptor is very low.

8.3 Characterisation of potential pathways

- Pathway considered is direct dermal contact with chemicals in soil through play or contact with soil during gardening or maintenance.
- Pathway considered is crop uptake of chemicals from soil leading to ingestion.

- Pathway considered is accidental ingestion of chemicals in soil during play or maintenance.
- Pathway considered is dust inhalation associated with earthworks.

8.4 Risk summary

The risk to human health on proposed Lot 1 at 299 Kapiro Road is assessed in the context of the proposed site use: that of residential living

- There is no soil disturbance as part of subdivision. Any future excavation is low risk. Dust inhalation should be managed by workplace health and safety measures.
- The concentrations of COI were below the applicable Residential 10% produce land use scenario.
- A review of the Conceptual Site Model shows the source – pathway – receptor linkage to be incomplete as no source contamination is present.
- The soil samples collected were considered to adequately represent the soils present to inform to the CSM.

9. Discussion and conclusion

This PSI was undertaken to determine if soil on the Area of Investigation (proposed Lot 1) on Lot 1 DP 172406 is contaminated, and information contained within this report is considered appropriate to the nature of the proposed activity, the level of certainty and availability of information about the past use of the land, the contaminants present (or potentially present), and the level of risk posed.

The information collated in this PSI indicates the following results:

- The land on the Area of Investigation has a history of Residential and Pastoral Farming.
- The site is not listed on NRC Selected Land Use Register.
- The HAIL category in the Area of Interest considered was: I - Any other land that has been subject to the intentional or accidental release of a hazardous substance in sufficient quantity that it could be a risk to human health or the environment.
- There is no HAIL land identified on proposed Lot 1.
- Proposed Lot 2 and Lot 3 are to remain in kiwifruit orchard production and therefore the NESCS does not apply to those areas.
- There will be no earthworks as part of the subdivision.
- A total of two samples were collected in soils at the site. As per the identified contaminants of interest, pesticides were analysed by Hill Laboratories.
- The applicable standard is Residential - Standard residential Lot, for single dwelling sites with gardens, including homegrown produce consumption (10 per cent).
- The soil chemistry shows all results below the applicable soil guideline values.
- A review of the conceptual site model following this investigation shows that the source – exposure – receptor linkages are incomplete, with no source contamination identified.
- Pursuant to regulation 8(4)(b) - it is highly unlikely that there will be a risk to human health if the subdivision is carried out. Additionally, HAIL activities were not noted on proposed Lot 1 and it is considered that there is no HAIL 'Piece of Land'.
- The application may therefore be assessed as a permitted activity subject to proposed Lot 2 and proposed Lot 3 remaining in horticultural production.

10. Report limitations

The report was based on evidence gathered during a site walkover, by indicative soil sampling, by studying council and historic records and by interviews with past and present landowners. The information in this document is based on publicly available documents which were assumed to be accurate.

Judgemental soil sampling of surface soils was carried out to inform the conceptual site model. Sub surface sampling was not carried out as surface soils were found to be uncontaminated.

The laboratory test results are subject to the limitations inherent to the laboratory techniques used.

With time the site conditions and applicable environmental standards may change and as such the report conclusions may not apply at a future date.

Any future land use change on the area of proposed Lot 2 and proposed Lot 3 will require further investigation.

NZ Environmental Management will not be held liable for any future discovery of isolated hot spots or discharge unknown at the time of sampling, such as buried drums of chemicals.

11. SQEP certification of report

Preliminary Site Investigation Certifying Statement

I, Heather Windsor of NZ Environmental Management Ltd certify that:

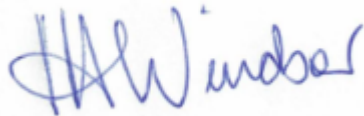
This preliminary site investigation meets the requirements of the Resource Management (National Environmental Standard for assessing and managing contaminants in soil to protect human health) Regulations 2011 because it has been:

- a. done by a suitably qualified and experienced practitioner, and
- b. reported on in accordance with the current edition of Contaminated land management guidelines No 1 – Reporting on contaminated sites in New Zealand, and
- c. the report is certified by a suitably qualified and experienced practitioner.

The activity to be undertaken as defined in R 5(5) is described in section 2.4 of this preliminary site investigation.

Evidence of the qualifications and experience of the suitably qualified and experienced practitioner(s) who have done this investigation and have certified this report is appended to the preliminary site investigation report.

Signed and dated:



24 February 2025

12. Bibliography and References

ARC Technical Publication #153, 2001. Background Concentrations of Inorganic Elements in Soils from the Auckland Region.

Gaw SK, Kim ND, Wilkin AL and Palmer GT, 2013. Contaminated Horticultural Land, a Developing Issue for New Zealand. Joint publication by Auckland District Health Board, University of Waikato, Environment Waikato.

Far North District Council Maps. <https://www.fndc.govt.nz/Our-Services/Online-maps/Far-North-Maps>

GNS Science Te Pū Ao, New Zealand Geology Web Map. <https://data.gns.cri.nz/geology/>
Land Resource Information Portal (LRIS). <https://lris.scinfo.org.nz/>

Manaaki Whenua Landcare Research. New Zealand Soil Classification. <https://soils-maps.landcareresearch.co.nz/>

Ministry for the Environment, 2011. Hazardous Activities and Industries List (HAIL). 2011. Ministry for the Environment, Wellington.

Ministry for the Environment, 2021. Contaminated Land Management Guidelines No. 5. Site Investigation and Analysis of Soils (Revised 2021). Wellington. Ministry for the Environment,

Ministry for the Environment. April 2012. Users' Guide: National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health. Wellington: Ministry for the Environment.

Ministry for the Environment. April 2011. Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011. Wellington: Ministry for the Environment.

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Ministry for the Environment, 2011. Guidelines for Assessing and Managing Petroleum Hydrocarbon Contaminated Sites in New Zealand (Revised 2011). Module 4 Tier 1 soil acceptance criteria. Wellington: Ministry for the Environment.

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NSW Environmental Protection Agency, 1995. Contaminated Sites. Sampling Design Guidelines.

Northland Regional Council, Managing Northland Soils factsheet viewer.
<https://nrcgis.maps.arcgis.com/apps/webappviewer/index.html?id=fd6bac88893049e1beae97c3467408a9>

Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to protect Human Health) Regulations 2011. Order In Council, 2011. Wellington.

Pattle Delamore Partners Ltd, 2007. Contamination of Horticultural Land in Canterbury – A Scoping Study. Retrieved from:
www.ecan.govt.nz/publications/Reports/contamination_horticultural_land_scoping_study_U0680.pdf

Pickmere Nancy, 1994. Kerikeri Heritage of Dreams. Northland Historical Publication Society Inc.

13. Glossary

Area of Interest An area or target within the piece of land identified as having hazardous substances on or in it at elevated levels or above background. Reported concentrations are below the soil contaminant standards for the applicable land use scenario with in-situ soils unlikely to pose a risk to human health. May require further investigation, management, or remediation for more conservative land use scenarios (largely applicable to soil removal offsite).

Area of Investigation Location within a piece of land upon which there is a proposed change in land use.

Control Area An investigated and defined area of contaminated soil on a piece of land, with hazardous substances in or on it that are above the soil contaminant standards for the applicable land use scenario and where the contaminants are reasonably likely to have adverse effects on the human health. The control area is reported as an area requiring remediation or management.

COI Contaminants of Interest

CSM Conceptual Site Model

DSI Detailed Site Investigation

FNDC Far North District Council

HAIL Hazardous Activities and Industries List

mg/kg Milligrams per kilogram

NES National Environmental Standard

NESCS The National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health

NZMS New Zealand Map Series

NRC Northland Regional Council

OCP Organochlorine Pesticides

Piece of Land The NESCS applies to any piece of land on which an activity or industry described in the current edition of the Hazardous Activities and Industries List (HAIL) is being undertaken, has been undertaken or is more likely than not to have been undertaken (see regulation 5(7)).

PSI Preliminary Site Investigation

RAP Remediation Action Plan

SVR Site Validation Report

Target Area An area or target within the piece of land identified as potentially having hazardous activities or industries resulting in contaminants to be present at elevated levels or above background.

UCL Upper Confidence Limit

14. Appendices

14.1 Appendix A: Site Layout

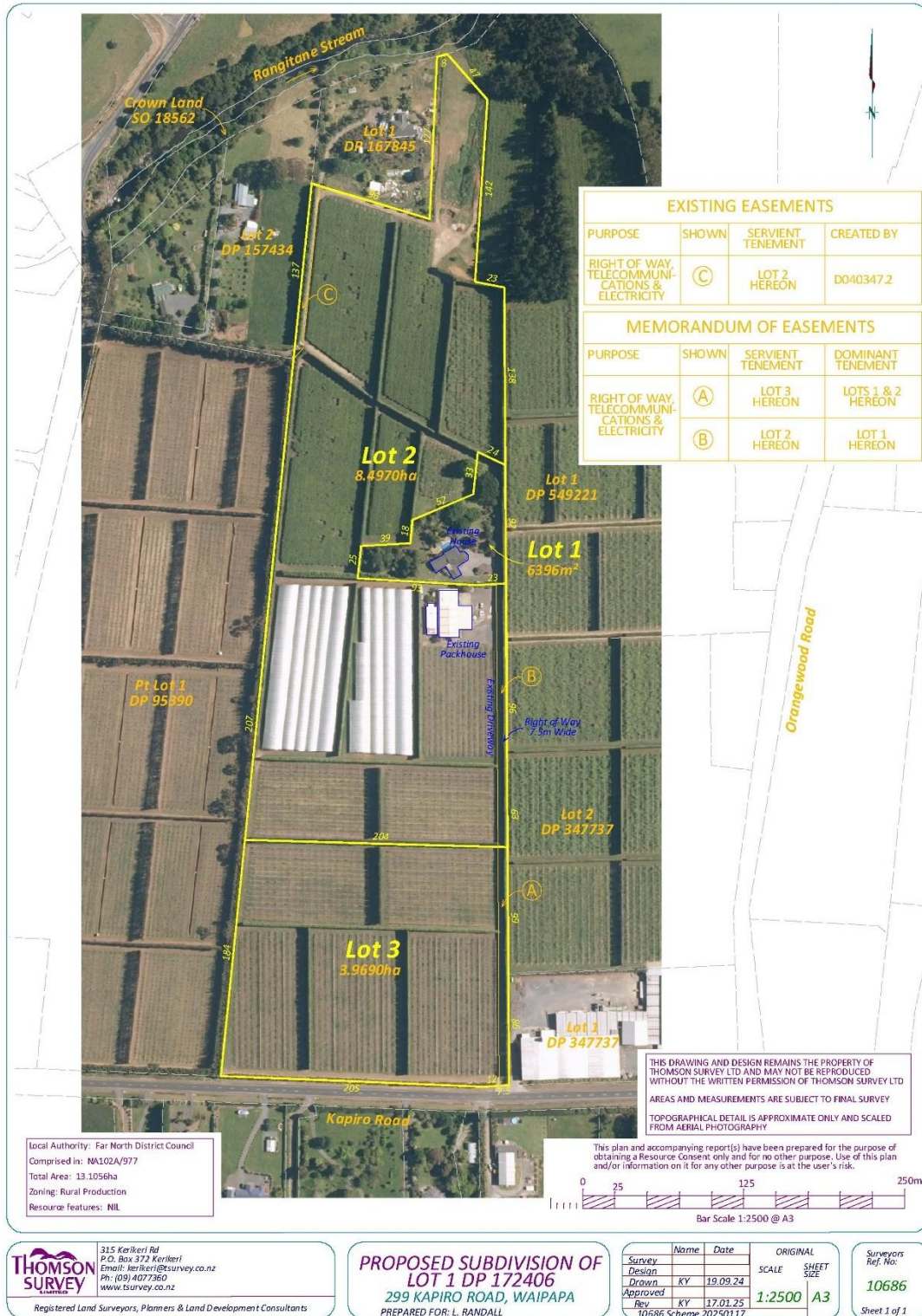


Figure 14-1 Proposed Subdivision Plan

299 Kapiro Road – L Randall
 Preliminary Site Investigation

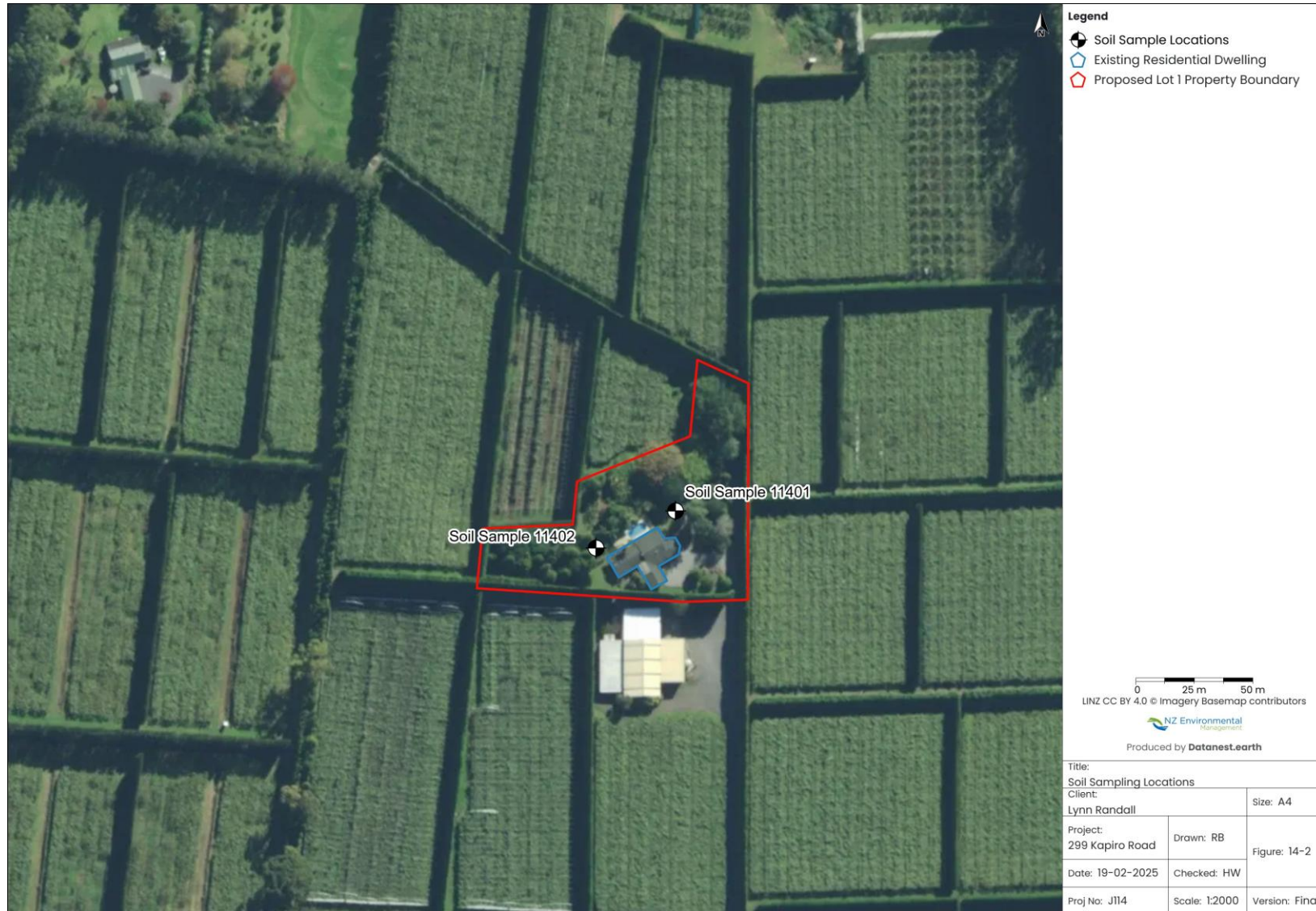
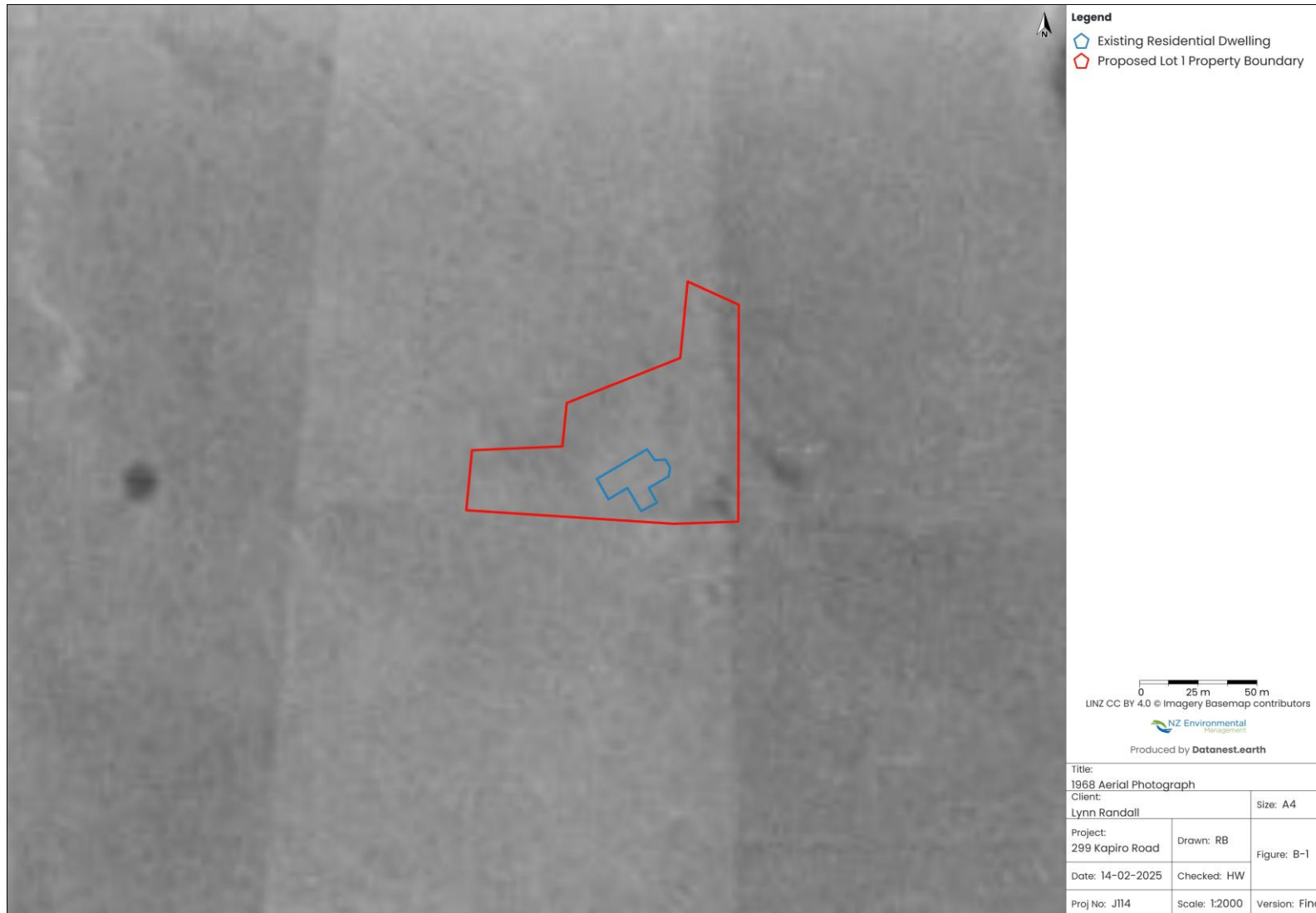


Figure 14-2 Soil Sampling Locations

14.2 Appendix B: Aerial Photographs (B-1 to B-8)



299 Kapiro Road – L Randall
 Preliminary Site Investigation



299 Kapiro Road – L Randall
 Preliminary Site Investigation



299 Kapiro Road – L Randall
Preliminary Site Investigation



299 Kapiro Road – L Randall
Preliminary Site Investigation



299 Kapiro Road – L Randall
 Preliminary Site Investigation



299 Kapiro Road – L Randall
Preliminary Site Investigation

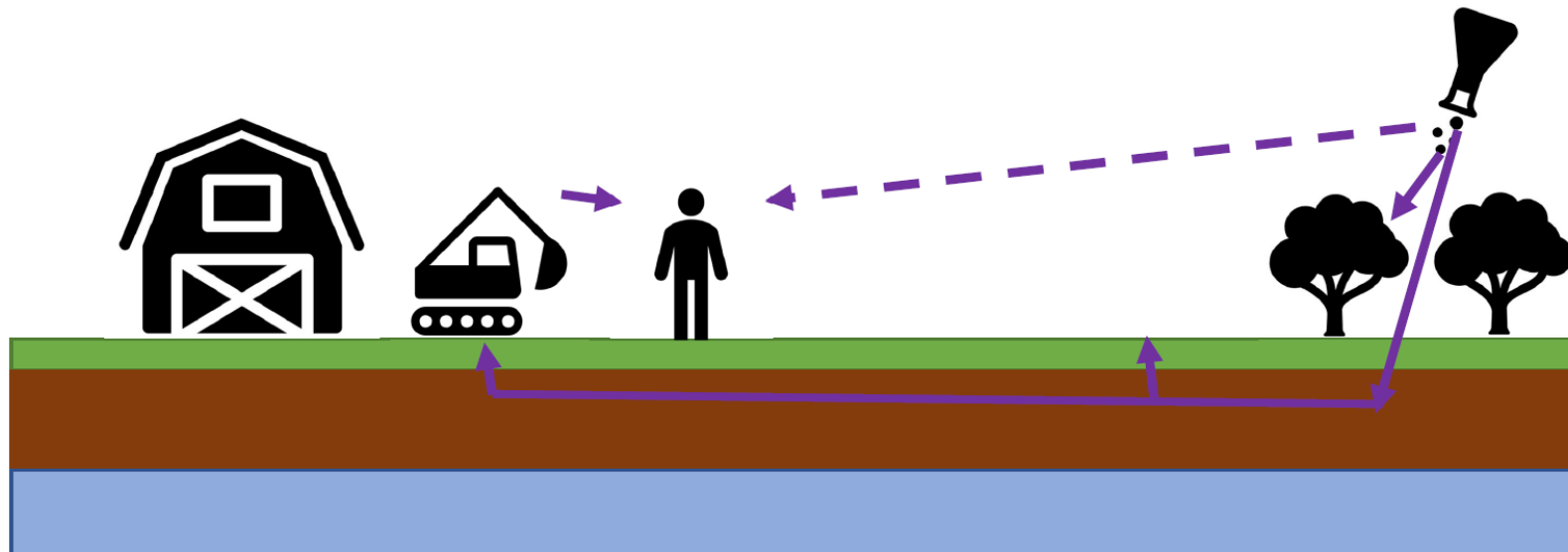


299 Kapiro Road – L Randall
Preliminary Site Investigation



14.3 Appendix C: Conceptual Site Model

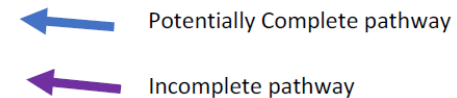
Conceptual Model – 299 Kapiro Road



- Contaminant to ground from historic orcharding chemical use*
- Crop uptake of chemicals from soil leading to ingestion
- Direct dermal or accidental ingestion of COI from contact with soil during play, gardening, or maintenance
- Dermal contact or dust inhalation associated with earthworks

- Incomplete -COI compliant with residential 10% guideline.
- Incomplete -COI compliant with residential 10% guidelines.
- Incomplete -COI compliant with residential 10% guidelines
- Incomplete - COI compliant with residential 10% guidelines. No earthworks associated with activity (subdivision)

*No historic or contemporary orchard trees, spray regime, or orchard sheds on Proposed Lot 1.



14.4 Appendix D: Contemporary Site Photographs

Figure 14-3 Photo 1

Date: 20 December 2024

Looking north on east side of residential dwelling



Figure 14-4 Photo 2

Date: 20 December 2024

Looking north towards soil sample location 11401, showing residential gardens



Figure 14-5 Photo 3

Date: 20 December 2024

Looking north on west side of residential dwelling, showing surrounding shelter hedges.



Figure 14-6 Photo 4

Date: 20 December 2024

Looking north towards soil sample location 11402, showing residential gardens



14.5 Appendix E: Supporting Tables and Documents

Table 14-1 Land Use Summary

Date Range	Landuse on Proposed Lot 1	Landuse on Proposed Lots 2 & 3	Potential HAIL category on Proposed Lot 1
Prior to - ~1977	Pastoral	Pastoral	I
1970's - present	Residential	Kiwifruit orchard, shed	I

Table 14-2 Soil Sample Description and Location

Site	Depth	Location	Description	GPS	
				Latitude	Longitude
11401	0.2 m	North east of dwelling on mown grass, approximately 6 m from deck	SILT, brown, topsoil, rootlets, friable, dry	-35.189939°	173.943168°
11402	0.2 m	North west of dwelling on mown grass north facing slope, approximately 3 m downslope of raised garden beds and 6 m west of pool decking	SILT, brown, topsoil, rootlets, friable, dry	-35.189998°	173.942919°

Table 14-3 Earthworks Volumes Under Regulation 8.3

Proposed Lot	Size of Proposed Lots (m ²)	Earthworks Disturbance Volumes Not Requiring Consent (Annual) m ³	Earthworks Removal Volumes Not Requiring Consent (Annual) m ³
Lot 1	6396	319.8	63.96
Lot 2	84970	4248.5	849.7
Lot 3	39690	1984.5	396.9

14.6 Appendix F: Selected Land Use Register and Property File

From: Contaminated Land Management Team <contamination@nrc.govt.nz>
Sent: Thursday, 19 December 2024 1:02 PM
To: Heather Windsor <Heather@nzem.co.nz>
Subject: RE: property file (NRC reference: REQ.623374)

Regarding your site query for 299 Kapiro Road, Kerikeri (Lot 1 DP 172406).

The property that you have enquired about is not listed on the NRC Selected Land-use Register (SLR) for any current or historical Hazardous Activities and Industries List (HAIL) activities. Please note that the SLR is not a comprehensive list of all sites that have a HAIL land use history. It is a live record and therefore continually being updated. Aerial imagery shows the presence of orchards and greenhouses, therefore HAIL A10. Persistent pesticide bulk storage or use including sport turfs, market gardens, orchards, glass houses or spray sheds is likely to apply.

There are 4 environmental incidents recorded on the property as detailed below. If you require any further information on any of these please let me know quoting the reference number.

Reference number	Date	Subject	Description	Further information from file
REQ.401863	24/03/1996	Burning and smoke nuisance	Smoke nuisance	Incident referred to FNDC, limited info on file.
REQ.411117	11/10/2004	Spraydrift	Spraydrift from nearby orchard	Site inspection confirmed that while wind speeds were elevated, they were within the acceptable range for spraying and there was no evidence of off-site drift.
REQ.575895	23/01/2015	Hazardous substances spills and refuse	Dumping of chemicals @ Purerua Rd, Waipapa	No evidence of chemicals were found. Clean fill was permitted activity. Drainage was a permitted activity.
REQ.608264	28/05/2021	Earthworks and vegetation clearance	Potential pollution of stream @ Kapiro Rd, Kerikeri	IR believes that discharge from the trench is preventing moss (near the outlet point from the trench into the stream) from growing back, therefore has assumed that the discharge is contaminated. NRC previously attended the site (REQ.575895) in 2015 following concerns regarding the construction of the trench, in-filling and disposal of rubbish (non-cleanfill) at the site. NRC attended and found no issues, cleanfill disposed of at the site (including concrete without reinforcing).

There are no current resource consents recorded on the property.

NRC has aerial images of the site for the following years that can be provided upon request: 2000, 2008, 2010, 2014, 2017 & 2023.

Please note, as per Rule C.6.8.1 of the Proposed Regional Plan for Northland, copies of site investigation reports, where land disturbance has occurred, must be provided to the regional council within three months of completion of the investigation.

Reports can be sent to contamination@nrc.govt.nz

If I can be of any further assistance, please do not hesitate to contact me.

Regards

Kyle Richards
Environmental Monitoring Officer – Industrial & Trade Activities
Northland Regional Council » Te Kaunihera ā rohe o Te Taitokerau

M 027 268 8938



Te Kaunihera ā rohe o Te Taitokerau

P 0800 002 004 » W www.nrc.govt.nz

Figure 14-7 NRC Property File and SLR Review

Table 14-4 Summary of FNDC file

Building/Resource Consent Number	Date	Activity	Applicable to Area of Investigation Y/N	Applicable HAIL category
BC-2014-845-0	2/2014	Canopy to cover orchard blocks	N (located on proposed Lot 2)	I
BC-2013-133-0	7/2012	Residential Home Alteration	Y	N/A
BC-1997-1208-0	3/1997	Residential Home Addition	Y	N/A
BO4025502	1/1986	Loading bay packing shed	N	N/A
781655-TCPPA	12/1985	Fruit packing shed construction	N	N/A
BP879	2/1984	Plumbing/drainlaying	N	N/A
BP1144397	2/1984	Plumbing and rdrainage for implement shed	N	N/A
BP1054668	1/1981	Additions to dwelling	Y	N/A
BP822551	6/1976	Additions to dwelling	Y	N/A
BP822552	6/1976	Orchard implement shed	N	N/A
78541-TCPLUC	4/1976	Relocation of residential dwelling	Y	N/A
BP3341	4/1976	Plumbing/drainage new dwelling	Y	N/A
BP822433	4/1976	Relocate new dwelling	Y	N/A
79687-TCPBIC	5/1975	Subdivison	N	N/A
BP503516	5/1972	Shed addition	N	N/A
BP1144397	7/1965	Construction of garage	N	N/A

14.7 Appendix G: Laboratory Results and Chain of Custody



Quote No 135389

Primary Contact Reade Bell 318302

Submitted By Reade Bell 318302

Client Name NZ Environmental Management Limited 293085

Address 460 Kerikeri Road
RD 3, Kerikeri 0293

Phone _____ **Mobile** _____

Email _____

Charge To NZ Environmental Management Limited 293085

Client Reference Kapiro House

Additional Client Ref _____

Order No _____

Results To Reports will be emailed to Primary Contact by default. Additional Reports will be sent as specified below.

Email Primary Contact Email Submitter Email Client

Email Other _____

Other _____

Dates of testing are not routinely included in the Certificates of Analysis. Please inform the laboratory if you would like this information reported.

ANALYSIS REQUEST

R J Hill Laboratories Limited
28 Duke Street Frankton 3204
Private Bag 3205
Hamilton 3240 New Zealand
☎ **0508 HILL LAB 44 555 22**
☎ +64 7 858 2000
✉ mail@hill-labs.co.nz
🌐 www.hill-labs.co.nz

Job No: _____ Date Recv: 21-Dec-24 09:28

374 6098

Received by: Maia King

CHAIN OF CUSTODY RECORD

Sent to Hill Labs Date & Time: 20.12.24 13:00
Name: R Bell
 Tick if you require COC to be emailed back
Signature: [Signature]

Received at Hill Labs Date & Time: _____
Name: _____
Signature: _____

Condition Temp: 20.8
 Room Temp Chilled Frozen

Sample & Analysis details checked
Signature: _____

ADDITIONAL INFORMATION / KNOWN HAZARDS

Priority Low Normal High
 Urgent (ASAP, extra charge applies, please contact lab first)

Requested Reporting Date: _____

Quoted Sample Types

Soil (Soil)

No.	Sample Name	Sample Date/Time	Sample Type	Tests Required
1	Composite 11401, 11402	20.12.24 0850, 0900	Soil	OCP's
2				
3				
4				
5				
6				
7				
8				
9				



R J Hill Laboratories Limited
28 Duke Street Frankton 3204
Private Bag 3205
Hamilton 3240 New Zealand

☎ **0508 HILL LAB (44 555 22)**
☎ **+64 7 858 2000**
✉ **mail@hill-labs.co.nz**
🌐 **www.hill-labs.co.nz**

Job Information Summary

Page 1 of 1

Client:	NZ Environmental Management Limited	Lab No:	3746098
Contact:	Reade Bell C/- NZ Environmental Management Limited 460 Kerikeri Road RD 3 Kerikeri 0293	Date Registered:	21-Dec-2024 12:46 pm
		Priority:	High
		Quote No:	135389
		Order No:	
		Client Reference:	Kapiro House
		Add. Client Ref:	
		Submitted By:	Reade Bell
		Charge To:	NZ Environmental Management Limited
		Target Date:	30-Dec-2024 4:30 pm

Samples

No	Sample Name	Sample Type	Containers	Tests Requested
1	11401 20-Dec-2024 8:50 am	Soil	GSoil300	
2	11402 20-Dec-2024 9:00 am	Soil	GSoil300	
3	Composite of 11401 & 11402	Soil	OrgComp	Organochlorine Pesticides Screening in Soil

Summary of Methods

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

Sample Type: Soil			
Test	Method Description	Default Detection Limit	Sample No
Organochlorine Pesticides Screening in Soil	Sonication extraction, GC-ECD analysis. Tested on as received sample. In-house based on US EPA 8081.	0.010 - 0.06 mg/kg dry wt	3
Dry Matter	Dried at 103°C for 4-22hr (removes 3-5% more water than air dry), gravimetry. (Free water removed before analysis, non-soil objects such as sticks, leaves, grass and stones also removed). US EPA 3550.	0.10 g/100g as rcvd	3
Composite Environmental Solid Samples	Individual sample fractions mixed together to form a composite fraction.	-	1-2



R J Hill Laboratories Limited
28 Duke Street Frankton 3204
Private Bag 3205
Hamilton 3240 New Zealand

0508 HILL LAB (44 555 22)
+64 7 858 2000
mail@hill-labs.co.nz
www.hill-labs.co.nz

Certificate of Analysis Page 1 of 2

Client:	NZ Environmental Management Limited	Lab No:	3746098	SPV1
Contact:	Reade Bell C/- NZ Environmental Management Limited 460 Kerikeri Road RD 3 Kerikeri 0293	Date Received:	21-Dec-2024	
		Date Reported:	24-Dec-2024	
		Quote No:	135389	
		Order No:		
		Client Reference:	Kapiro House	
		Submitted By:	Reade Bell	

Sample Type: Soil		
Sample Name:	Composite of 11401 & 11402	
Lab Number:	3746098.3	
Individual Tests		
Dry Matter	g/100g as rcvd	74
Organochlorine Pesticides Screening in Soil		
Aldrin	mg/kg dry wt	< 0.014
alpha-BHC	mg/kg dry wt	< 0.014
beta-BHC	mg/kg dry wt	< 0.014
delta-BHC	mg/kg dry wt	< 0.014
gamma-BHC (Lindane)	mg/kg dry wt	< 0.014
cis-Chlordane	mg/kg dry wt	< 0.014
trans-Chlordane	mg/kg dry wt	< 0.014
2,4'-DDD	mg/kg dry wt	< 0.014
4,4'-DDD	mg/kg dry wt	< 0.014
2,4'-DDE	mg/kg dry wt	< 0.014
4,4'-DDE	mg/kg dry wt	< 0.014
2,4'-DDT	mg/kg dry wt	< 0.014
4,4'-DDT	mg/kg dry wt	< 0.014
Total DDT Isomers	mg/kg dry wt	< 0.08
Dieldrin	mg/kg dry wt	< 0.014
Endosulfan I	mg/kg dry wt	< 0.014
Endosulfan II	mg/kg dry wt	< 0.014
Endosulfan sulphate	mg/kg dry wt	< 0.014
Endrin	mg/kg dry wt	< 0.014
Endrin aldehyde	mg/kg dry wt	< 0.014
Endrin ketone	mg/kg dry wt	< 0.014
Heptachlor	mg/kg dry wt	< 0.014
Heptachlor epoxide	mg/kg dry wt	< 0.014
Hexachlorobenzene	mg/kg dry wt	< 0.014
Methoxychlor	mg/kg dry wt	< 0.014

Summary of Methods

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

Sample Type: Soil			
Test	Method Description	Default Detection Limit	Sample No
Organochlorine Pesticides Screening in Soil	Sonication extraction, GC-ECD analysis. Tested on as received sample. In-house based on US EPA 8081.	0.010 - 0.06 mg/kg dry wt	3
Dry Matter	Dried at 103°C for 4-22hr (removes 3-5% more water than air dry) , gravimetry. (Free water removed before analysis, non-soil objects such as sticks, leaves, grass and stones also removed). US EPA 3550.	0.10 g/100g as rcvd	3



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

299 Kapiro Road – L Randall
Preliminary Site Investigation

Sample Type: Soil			
Test	Method Description	Default Detection Limit	Sample No
Composite Environmental Solid Samples*	Individual sample fractions mixed together to form a composite fraction.	-	1-2

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

Testing was completed between 21-Dec-2024 and 24-Dec-2024. For completion dates of individual analyses please contact the laboratory.

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

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



Kim Harrison MSc
Client Services Manager - Environmental

14.8 Appendix H: Property Title



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




R.W. Muir
Registrar-General
of Land

Identifier NA102A/977
Land Registration District North Auckland
Date Issued 11 January 1996

Prior References
NA36B/123

Estate Fee Simple
Area 13.1056 hectares more or less
Legal Description Lot 1 Deposited Plan 172406
Registered Owners
Karioi Limited

Interests

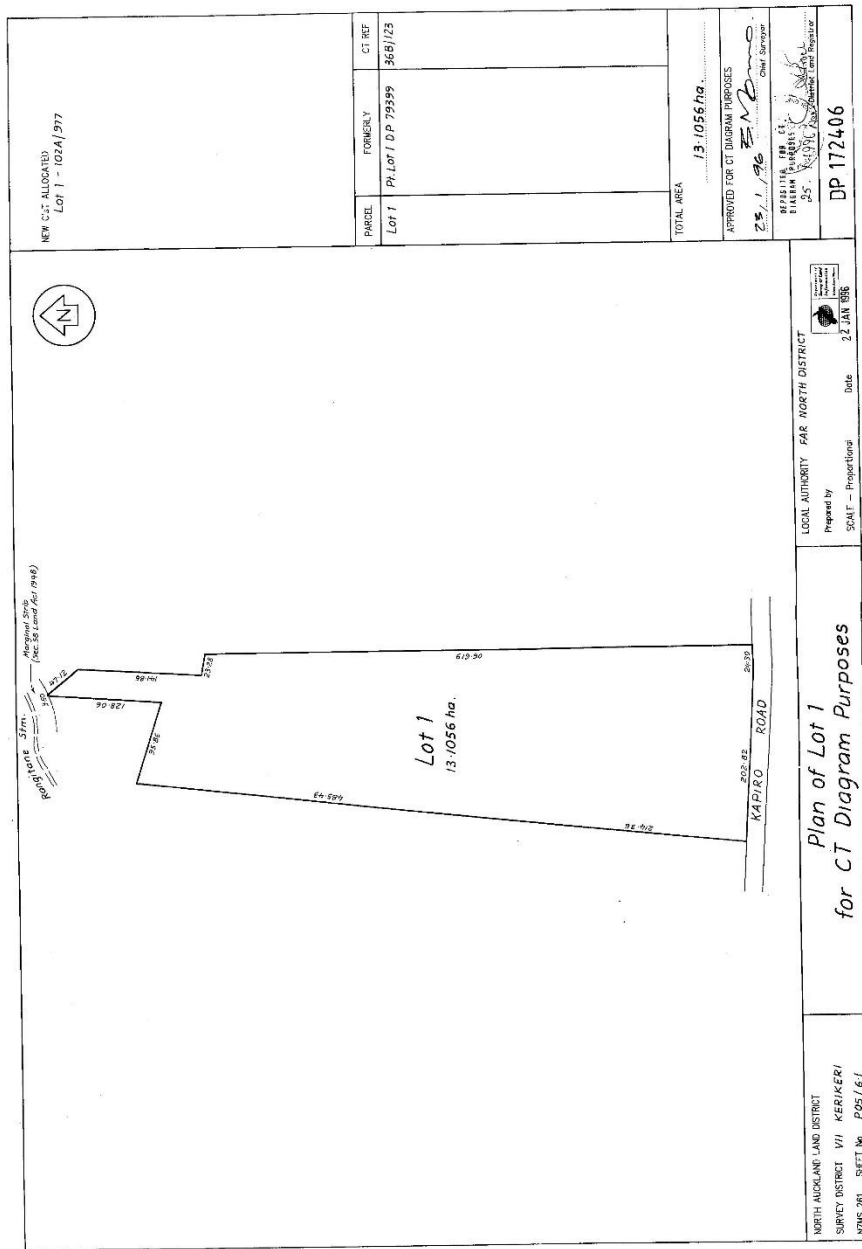
Subject to Section 59 Land Act 1948

Subject to a right of way and telecommunications and electricity rights over part marked B on Plan 167845 created by Transfer D040347.2 - 2.9.1996 at 3.05 pm

The easements created by Transfer D040347.2 are subject to Section 243 (a) Resource Management Act 1991

Identifier

NA102A/977



Transaction ID 4652268
 Client Reference

Search Copy Dated 19/12/24 2:06 pm, Page 2 of 2
 Register Only

Table 14-5 Title History Summary

Certificate of Title	From	Registered Owners	Occupation	Area
NA2054/24	6/06/1956	Noel Smith	Farmer	68.344ha
	8/02/1966	Francis Henry Wright	Farmer	
NA26C/30	6/09/1973	Francis Henry Wright	Farmer	68.8344ha
NA36B/123	8/12/1976	Francis Henry Wright	Farmer	14.0370ha
	27/09/1977	Peter Brian Rowsell and Marilyn Rowsell	Orchardists	
	27/05/1987	Peter Brian Rowsell		
	7/01/1991	Marac Properties		
	12/05/1992	Paihia Tourist Park		
NA102A/977	11/01/1996	Paihia Tourist Park		13.1056ha
	30/04/2008	Karioi Limited		

14.9 Appendix I: Soil Investigation Design Plan

Sampling and Analysis Plan - Job # J114		Date: 20/12/25		
Site Location:	Address: 299 Kapiro Road, Kerikeri	Grid Reference: -35.193600°S, 173.943340°E		
Objectives:	Investigation Objectives: To identify if any contaminant of concern at present on Proposed Lot 1 and characterise. Assess site as to disposal of soil from site re landfill acceptance criteria.			
	Sampling Objectives: Identify distribution of any COI across the site			
Site History:	Pastoral, residential, kiwifruit orchard on nearby property (not on proposed Lot 1)			
Current Landuse:	Residential			
Intended Landuse:	Residential			
CSM Summary: Refer CSM:	Source	Pathway	Receptor	
	Historic use of sprays, spray drift, accidental release of spray	Gardening, play	Adult, child	
Media investigated:	Soil			
Analytes:	Pesticides			
Reference Background Concentration:	Cavanagh, J E, 2016. User Guide: Background soil concentrations and soil guideline values for the protection of ecological receptors (Eco-SGVs) –Consultation Draft https://iris.scinfo.org.nz/layer/48470-pbc-predicted-background-soil-concentrations-new-zealand/			
Sampling Pattern:	Judgemental			
Sample Depths:	0-0.15 m, no depth samples			
Composites:	1 composite of 2 for OCP's			
Quality Assurance/Quality Control:	N/A			
Sampling Method & Decontamination:	Shovel			
	Spade:	As per section 5.3 Contaminated land management guidelines No 5, 2021		
Soil Investigation Design Plan:				
Sampling preferred order:	Numeric			
Lab Details:	Name of Lab: Hill Labs	Containers required: Glass 300	Analysis required: OCP	Other:
Courier Details:	Name of Courier: Aramex	Date sent: 20/12/24	Container used: Chillybin	Track Number:

14.10 Appendix J: Statement of Qualification as a SQEP

As per the NESCS User Guide Suitably Qualified and Experienced Practitioner requirements Heather Windsor holds a Bachelor of Science degree. She has over 10 years experience investigating and reporting on contaminated land and is a Certified Environmental Practitioner (CEnvP).



14.11 Appendix K: Checklist

Contents	Required	Required if relied on*
Introduction	✓	
- Investigation objectives	✓	
- Site Identification	✓	
- Proposed site use	✓	
Site Description	✓	
- Environmental setting	✓	
- Site layout	✓	
- Current site uses	✓	
- Surrounding land uses	✓	
- Geophysical surveys		
- Site inspection		✓
Historical Site use	✓	
- Summary of site history	✓	
review of existing investigation reports		
review of council records		✓
review of aerial photographs		✓
interviews		✓
review of other historical information		
- preliminary sampling if carried out		
description including diagram		
justification for sample location and analyte selection		
results		
comparison of results to guidelines	✓	
Sampling and Analysis Plan (can be appended)	✓	
-Contaminants of potential concern and/or analyte selection	✓	
- Media to be sampled	✓	
- background concentration levels if relevant, contaminant standard and/or environmental guideline value calculation [#] or selection [^]	✓	
- Sample design	✓	
- number of samples, including justification for number selected and potential limitations of methodology adopted in the context of investigation objectives	✓	
-sample depth	✓	
- composite samples		
- field sampling technique	✓	
- Quality Assurance/ Quality control	✓	
Sampling Results		
- summary of work undertaken with rationale for any departure from, or addition to sampling and analysis plan	✓	
- Field observations	✓	
Risk Assessment	✓	
-Conceptual Site model	✓	
- Evaluate the probability contamination exists on the site	✓	
- identify and characterise potential pathways and receptors or each exposure area through relevant site properties (eg geology, building construction, site use)	✓	
- Determine the likelihood the contamination poses a risk to identified receptors including potential receptors	✓	
- evaluate the level of that risk pursuant to regulation 8(4)(b) - <i>it is highly unlikely that there will be a risk to human health if the activity is done to the piece of land</i>	✓	
Conclusions	✓	
Recommendations if relevant to report purpose		
Report Limitations	✓	
SQEP Certificate of Report	✓	
References	✓	