

18 November 2024

Hearing Panel
C/- Alicia-Kate Taihia
Submissions & Hearings Administrator
Far North District Council
Private Bag 752
KAIKOHE 0440

by email

Kia ora kotou,

PROPOSED FAR NORTH DISTRICT PLAN – HEARING 9 – RURAL, HORTICULTURE, AND HORTICULTURE PROCESSING

We act for Neil Construction Limited (**NCL**).

NCL made a submission (Council Reference ID S349) on the Far North District Council's Proposed District Plan. We refer to the Hearing 9 notification letter from the Panel dated 21 October 2024 and advise that NCL does not intend to present evidence for Hearing 9, given that the s42A report confirms that NCL's rezoning request will now be considered under Hearing 15D in October 2025.

While NCL's submission raises several matters, the primary relief relates to the rezoning of the land known as Tubbs Farm from Rural Lifestyle Zone to Rural Residential Zone. This relief simply seeks to align the site zoning with the development outcome anticipated for the site.

That development outcome has been confirmed by a recent decision of the Environment Court (see **Attachment A**). The Court's decision allows the appeal of NCL, with the Court being satisfied that resource consent can be granted. The development enables subdivision of the site into 119 lots ranging from 3,000m² to 5,380m² with associated recreational reserves.

Although conditions are yet to be confirmed, a commencement order for earthworks was issued by the Court on 7 November 2024 (see **Attachment B**) and provides for the commencement of site preparation and bulk earthworks during this summer construction season.

In light of the Court's decisions, NCL considers that it is no longer necessary to put forward evidence

on the other submission points at Hearing 9 with the consented development already providing the development outcomes required.

Nga mihi

A handwritten signature in blue ink, appearing to read 'Philip Brown', with a stylized, cursive script.

Philip Brown
Director
Campbell Brown Planning Limited

Attachment A: ENV-2022-AKL-000165 - Neil Construction Limited v Far North District Council - Decision

**IN THE ENVIRONMENT COURT
AT AUCKLAND**

**I TE KŌTI TAIAO O AOTEAROA
KI TAMAKI MAKAUROA**

Decision [2024] NZEnvC 142

IN THE MATTER OF	an appeal under s 120 of the Resource Management Act 1991
BETWEEN	NEIL CONSTRUCTION LIMITED (ENV-2022-AKL-165) Appellant
AND	FAR NORTH DISTRICT COUNCIL Respondent

Court: Environment Judge J A Smith
Environment Judge K G Reid
Environment Commissioner S Myers
Environment Commissioner G Paine

Hearing: 11 – 15 March 2023

Last case event: 15 March 2023

Appearances: R E Bartlett KC and V J Toan for Neil Construction Limited (**Neil**)
B S Carruthers KC for Far North District Council (**the Council**)
S T Shaw for Friends of Rangitane Stream and Vision Kerikeri
(**s 274 parties**)

Date of Decision: 21 June 2024

Date of Issue: 21 June 2024

DECISION OF THE ENVIRONMENT COURT

A: The appeal is allowed. The Court is satisfied a resource consent can be granted and will achieve the objectives and policies of the relevant documents and the purpose of the Act.



B: The Court directs:

- (1) the applicant is to provide amended plans and conditions for the development to all parties with 30 working days;
- (2) the parties are to provide any amendments they seek with brief reasons within 20 working days;
- (3) where parties agree on provisions they are to be identified. If the issues are resolved the parties may file a joint memorandum within a further 10 working days;
- (4) in respect of any provisions in dispute the applicant is to provide its preferred wording and plans and file and serve those within a further five working days;
- (5) the Court will then issue directions or convene a Judicial Conference to address the method for finalisation; and
- (6) costs applications are not encouraged. Any application is to be filed within 40 working days, any reply is to be filed within a further 10 working days, and a final reply (if any) by any costs applicant is to be filed within a further five working days.

REASONS

Introduction

[1] Neil Construction Limited (**Neil**) seeks subdivision consent for a 119-lot rural residential subdivision and land use for post-subdivision earthworks and impervious areas at Lot 1001 Kapiro Road, Kerikeri. The application was considered by the Council as a non-complying activity.

[2] The application for consent was refused in July 2022. Since that time there have been discussions between the parties and there was a modified proposal before the Court at this hearing.

The Commissioners' decision

[3] At the Council level hearing, the independent Commissioners found that the proposal failed both the s 104 gateway tests.

[4] The Commissioners also found, in summary, that:

- (a) the application would have more than minor adverse effects on:
 - (i) the rural landscape and character;
 - (ii) the visual amenity; and
 - (iii) productive soils;
- (b) the applicants did not establish that there would be no more than minor adverse effects on Māori values and interests, natural character and reverse sensitivity effects on adjoining horticulture land; and
- (c) the application was contrary to a number of objectives and policies of the operative plan including those with an avoid imperative.

[5] The Commissioners also concluded that the proposal would have no more than minor adverse effects on ecological values and roading infrastructure.

[6] Ms Carruthers KC for the Council says the proposed density would have a distinctly urban character that would not maintain or enhance the existing rural quality of the environment and /or would have more than minor adverse effects on visual amenity contrary to the policy intended for the zone.

Changes to the proposal

[7] Neil has reduced the number of lots from 124 to 119 and proposes a total of 18.85 hectares of recreational reserve (Lots 701 and 702) to be vested with the Council. The current proposal would increase the extent of landscape planting and controls on the future built development.

[8] The Council acknowledges that their advice at the time on landscape issues was received from Mr Cocker. He was largely satisfied with the post-hearing changes to the proposal, and he was called at our hearing by the applicant.

[9] The Council defends the decision of the Commissioners and has called evidence from Ms Absolum on landscape matters and Mr Hartstone on planning matters in support of the decision refusing consent.

The core issue

[10] Ms Carruthers KC fairly summarises the core issue for this Court as the density of development. She opines that the level of density of the existing rural residential development retains the character and amenity of the area and would be appropriate across the remainder of the site. Council says this is not achieved by the Neil proposal with its 3,000m² lots. Council maintains its position and supports the refusal of consent.

The existing site

[11] This site is the remainder of a property known as Tubbs Farm. The farm originally had its boundary on the shore of the nearby Kerikeri Inlet / Pickmere Channel where the Rangitane River exits to the coast. The former farmland rises from the inlet, with previous Stages 1 and 2 of the development of the area bounding the inlet and rising to the crest, adjoining the east of the subject site of this application. We annex an area map hereto, marked as “A”. We shall call the application site before us **the Subject Site**.

[12] The Subject Site is approximately four kilometres north of Kerikeri town centre and comprises 68.2490 hectares with boundaries defined by Kapiro Road to the south, Redcliffs Road to the west, the Crown Grant Road adjacent to the southern side of the Rangitane River on the north, and previous development (Stages 1-2) to the east and south-east.

[13] The previous development (which we shall call **Rangitane River Park**) has been developed as a rural subdivision with lots around two hectares in area. As the

land rises from the inlet, the land crests about the boundary between the existing subdivision and the Subject Site, with high points around Fantail Rise and Spoonbill Drive.

[14] The Rangitane River Park properties are all generally overlooking the inlet area and fit the zoning of Coastal Living. To the west of the existing development, on the Subject Site, the inlet goes out of view due to the topography of the intermediate ridge and the fact that part of the Subject Site falls down towards the Rangitane River, Kapiro Road and Redcliffs Road.

[15] We agree with the witnesses that the Coastal Living zoning of the Subject Site was because the zoning applied to the whole of Tubbs farm. If the site had been two properties at the ridge crest the Subject Site would in all probability be zoned Rural Living rather than Coastal Living, which would apply only to the western part of Tubbs Farm.

The surrounding area

[16] To the south of the Subject Site on Kapiro Road, the zoning is split along the road boundary with the Subject Site with about half in the Rural Production zone and half within the Rural Living zone. The Subject Site itself is currently zoned as Coastal Living zone.

[17] To the west of Redcliffs Road, for some distance, the land is Rural Production zone. Accordingly, Redcliffs Road forms the boundary north of Kapiro Road between the Rural Production zone and the Coastal Living zone. The boundary between the Rural Production and the Rural Living zones is less clear, although to the south it appears to follow another river. To the east of Redcliffs Road and to the north of the Subject Site, there are several other zones, including General, Coastal and Mineral.

[18] We note that there is relatively strong development along Redcliffs Road, including a number of more recent subdivisions. This includes the further area of Coastal Living zones at Waitete Heights and Wairangi Road. There are also several coastal settlements and further Coastal Living zones situated to the east of the Subject

Site such as Rangitane Loop Road.

[19] Even within the Rural Production zone on Kapiro Road we noted quite a number of businesses and homes situated relatively close to the road. Many of these were partially or fully screened by planting but nevertheless this area has a relatively developed feel, somewhat similar to that within the Tauranga rural district. Some of the development seems to be related to horticulture and other primary uses. Other sites are an eclectic mix of businesses and activities including residential.

[20] It is not possible for us to identify the size of the existing separate lots within the Rural Production zone and whether this includes residential housing but that would have been our impression from travelling through the area. Broadly, the impression was of lots somewhere between one and ten hectares.

[21] The Rural Living zone to the immediate south of Kapiro Road, opposite the Subject Site, is also an eclectic mix of paddocks surrounded by trees and also some relatively densely developed sites with a number of houses on them. This pattern also travels along Landing Road from Kapiro Road south. The overall impression is one of rural residential. Again, the exact size of sites is not easily evident from travelling through the area, nor were we given details.

[22] The existing development to the immediate east of the Subject Site, (the balance of Tubbs Farm), is even less clear in terms of its intent. Although there are relatively large sections, the houses are prominent on them. We understand there are controls over the heights of plants and trees. The overall impression we gained is of a residential development overlooking the sea on large, grassed sections.

[23] A number of the sections seem to have been developed in anticipation that further houses could be placed on them in due course. But there was no evidence at the time of our visit that this could occur on any sites. Nevertheless, many of the sites are still not developed. Housing continues to be built on the Rangitane River Park subdivision, as at the time of our site visit.

The Subject Site

[24] The Subject Site is currently rolling farmland. As already noted it rises from the Rangitane River and also from Kapiro Road to a soft ridge east of the flatter land on Redcliffs Road. On the west of the Subject Site it falls down onto a flat area, while to the north of the ridge it follows minor ridges and valleys falling to the Rangitane River.

[25] On the north-east of the Subject Site there is a large area, formerly used as a quarry, currently consisting of scrubby regrowth. The land then follows down to a river terrace alongside the Rangitane River. There are a number of stands of native trees and other forest species which form an attractive edge to the river which appears to have been relatively well protected and fenced. The Subject Site currently operates as a farm unit, although there are no substantial buildings on this site.

The subdivision proposal

[26] The proposal did change during the course of this hearing. We were told in opening that it consisted of Stages 3 to 6 of the Rangitane River Park development.

[27] The scheme plan for the Subject Site is annexed hereto and marked as “**B**”.

[28] The intention is to create another 119 rural residential lots ranging in area from 3,000m² to 5,380m², with an average lot size of 3,679m², excluding roads and reserves to vest (Lots 60 – 178).

[29] There are four roads to vest (Lots 600 – 605) and two recreation reserve lots to vest totalling 18.845 hectares (Lots 701 and 702). These recreation reserves follow the river and include the former quarry area. The proposal includes a further local purpose reserve of 10m² to vest (Lot 700), and 11 jointly owned access lots (Lots 502 – 512).

[30] The site works associated with the subdivision are limited to:

- (a) the remediation of contamination over approximately 2,000m² in the

vicinity of the former gun club;

- (b) the earthworks for road formation; and
- (c) the installation of underground power and telecommunication services to the boundaries of each rural residential lot.

[31] Ecological enhancements include:

- (a) removal of stock from streams and wetlands;
- (b) the creation of a buffer between rural residential development and the Crown Grant Road/Rangitane River in the form of the recreation reserve to vest; and
- (c) the fencing and protection of the existing native vegetation on the site.

[32] As we will discuss in due course, the removal of stock from streams and wetlands is a statutory requirement already and we disregard that for current purposes.

[33] It is intended that planting would include:

- (a) street trees;
- (b) framework planting within the rural residential lots to be protected by land covenant or consent notice; and
- (c) ecological restoration planting around the wetlands within the reserves to vest over an area of 2.82 hectares and revegetation planting within the reserves to vest over an area of 1.978 hectares.

[34] Land use consent for up to 600m³ of earthworks per rural residential lot and 600m² of impermeable surfaces per rural residential lot is also sought and has been taken into account in the design and assessment of the stormwater arrangements for the Subject Site.

[35] The suite of consent conditions proposed are annexed hereto as “C”.

[36] Key features of the proposed conditions are:

- (a) a limit on the building heights in Stage 3 to a maximum of six metres;
- (b) buildings to be set back from the boundaries with Kapiro Road and Redcliffs Road by 10, 20 or 25 metres;
- (c) bespoke yard requirements for some lots in Stage 3;
- (d) design controls in all buildings in respect of colour, reflectivity, location, retaining walls, fences, and the appearance of impermeable surfaces;
- (e) requirement for lot planting plans to be approved at building consent stage;
and
- (f) prohibition on the keeping of cats, dogs and mustelids on any lot

to address potential landscape and visual and ecological effects.

[37] Bonds are proposed for civil works (one year), street trees (two years), and planting in the reserve to vest for a period of 60 months (five years).

Change in density

[38] The increase in density compared with Rangitane River Park (the existing development) is clear from inspection of the scheme plan and our site visit. The Subject Site proposal includes smaller lots than those within the earlier stages, particularly because nearly 19 hectares of reserves are not part of the individual property boundaries.

[39] In particular, parties and witnesses were concerned about the increased intensity along Kapiro Road which does not have the large protected areas that are on the Subject Site next to the Rangitane River.

[40] Whether or not the approach to this subdivision is appropriate in this case is at the heart of this case: in particular whether the values of the Rangitane Stream are supported by the reserve and ecological regime envisaged.

[41] In essence the applicant argues that the achievement of s 6 of the Resource Management Act 1991 (**RMA**) benefits relating to indigenous biodiversity and public access to the areas adjacent to the Rangitane River creates a true exception to the general provisions of the plan in relation to the Coastal Living and even the Rural Living zones.

[42] Although there is a proposed entry near the gun club on Redcliffs Road next to the stream, the opposing parties suggest the benefits of the reserve will be largely enjoyed by those who have properties adjacent to them or those who access the reserve areas after leaving Kapiro Road and entering the subdivision. The Rangitane River is not immediately evident when driving down either Redcliffs or Kapiro Road.

[43] Whether the increase in density is justified by these benefits is at the heart of this case. As is to be expected, the outcomes under the existing provisions and those under this proposal are seen and valued differently by the parties and to a lesser extent the expert witnesses. In part this involves the setting aside of nearly 19 hectares of reserve compared with achieving larger section sizes.

Status of the application

[44] This is an application for non-complying consent which was refused by the Commissioners at first instance. It must pass one of the gateway tests in s 104D RMA, either that:

- (a) the adverse effects of the activity on the environment will be minor; or
- (b) it will not be contrary to the objectives and policies of the relevant Regional or District Plan or Proposed Plan/s.

[45] As we have already noted, the Commissioners have found that the proposal had more than minor effects on rural landscape character, visual amenity and

productive soils, but also noted that it was contrary to a number of objectives and policies of the Operative Plan including those with an **avoid** imperative.

[46] It does not appear that the Commissioners in the end reached a conclusion as to whether or not the application was contrary to the plan as a whole, having regard to those factors.

[47] Nevertheless, it is clear that the Commissioners had concerns in a number of areas including in relation to Māori values and interests, natural character, and reverse sensitivity effects on horticultural land.

[48] The Commissioners exercised their discretion against the grant of consent even if it passed those threshold tests.

[49] As this Court has discussed on a number of occasions, the gateway test in s 104D RMA can be either seen as an exit or an entry test. In the circumstances of this case, we need to understand the scope of the concerns and the values in relation to the various matters raised. We have concluded it is better to regard s104D RMA as an exit test so we can fully assess the various matters before reaching a conclusion as to whether the activity is contrary to the plan/s or whether the effects are more than minor.

[50] We intend to examine the matters under the following categories:

- (a) natural and rural character;
- (b) visual amenity;
- (c) Māori values and interests;
- (d) reverse sensitivity on adjoining horticultural land; and
- (e) provisions of the District Plan, particularly relating to density and approach to subdivisional matters.

[51] The parties also raised questions as to the rural and natural landscape and its

relationship to ecological values.

Coastal environment

[52] Some of the parties also raised the coastal context. Although this site has been identified as Coastal Living, it has no direct contact with the coast. This length of Rangitane River is beyond the influence of the inlet or sea.

[53] We have concluded that the coastal environment ceases before the beginning of this subdivision and therefore the site is not subject to the New Zealand Coastal Policy Statement (**NZCPS**) or the coastal provisions of the Plan. The identification of the site as Coastal Living is historical relating to the entire farm being zoned as Tubbs Farm.

[54] Given the significant similarity of the provisions relating to Rural Residential and Coastal Living we do not consider anything particular turns on this, although when we deal with any plan provisions we will be relying upon the Coastal Living zone provisions in the first instance.

[55] We note that a number of plan provisions the application is said to offend (by the opposing parties and the Council) deal with the coastal environment. The Coastal Environment and Coastal Living zone objectives and policies dealing with coastal matters apply to the application because of the Coastal Living zoning. However, as we discuss below, we have not found them helpful in assessing the application.

Cultural concerns of Ngāti Rēhia

[56] Te Rūnanga o Ngāti Rēhia (**TRONR**) represents the hapū of Ngāti Rēhia as the recognised tangata whenua, ahi-kā and kaitiaki within its rohe moana and whenua. The main objective of TRONR is to develop a sustainable economic, social, and cultural base for the continued growth of Ngāti Rēhia. The Ngāti Rēhia rohe is in the general area of Tākau Bay, Rāhiri, Omapere, Waitangi, Purerua Peninsula and Kerikeri.

[57] While Ngāti Rehia witnesses did not appear at this hearing they had been consulted and provided a Cultural Impact Assessment. In order to appreciate the relationship and cultural concerns of Ngāti Rēhia arising from this application, it is necessary to understand the cultural landscape of the Subject Site and the surrounding area within both a historical and contemporary context.

[58] The proposed subdivision is in the vicinity of Rangitane Pā and Parengaroa, an area that was once heavily occupied by Ngāti Rēhia. Ngāti Rēhia have expressed their relationship with the area saying:¹

Our Tūpuna knew all our rohe – be these homes, gardens, trails, ceremonial areas, landing sites, fishing sites, battle sites, urupa, places where whenua was buried or tūpāpaku prepared for burial. All these places were named by our Tūpuna and in naming them they tied those places to our culture and our heritage forever.

[59] The pepeha below outlines the relationship of Ngāti Rēhia to its mountains, rivers and the land:²

Ka ruku atu hau ki roto i Te Awa o Nga Rangatira:

E tu ake ra a Rangitane te Kaitiaki i a Kororipo

Ka huri taku titiro ki te hau tonga,

ko maunga Pokaaka tera

Ki te awa o Waitangi e haruru mai ra

I dive headfirst into the River of the Chiefs (Kerikeri Inlet)

Past Rangitane the guardian of Kororipo Pā

I gaze southwards

Toward Mount Pokākā

And onwards to the Waitangi River

¹ Rogers, EIC, at Annexure 3, CIA, page 85 (EB 0105).

² Rogers, EIC, at Annexure 3, CIA, pages 58 – 59 (EB 0078 – 0079).

Cultural Impact Assessment development

[60] We heard from Ms Rogers that the applicant engagement with Ngāti Rēhia began in 2018 during the design phase of its initial subdivision proposal. This engagement comprised several site visits and meetings. Ms Rogers advised us that the original Cultural Impact Assessment (**CIA**) (dated 31 January 2020) provided by Ngāti Rēhia informed the iterative design changes that have occurred since the original 2020 application.

[61] As a result of this engagement, the CIA included an assessment of the National and Local government policy framework, the Ngāti Rēhia Hapū Environmental Management Plan (HEMP), the level of cultural effects, and recommendations on how any impacts of the application should be avoided, remedied or mitigated.

[62] The original CIA considered a larger number of residential lots (133) and other site features including a central through road that would have required filling a stream and wetland gully system. No recreation reserves were proposed at that time. Land adjacent to the Rangitane River would have remained in private lot ownership, as large lots ranging between 8,000m² to four hectares in size.

[63] Currently, the proposal sees a reduction of the overall number of residential lots proposed (from 133 to 119), the addition of a reserve (Lot 701) to be vested in Council, and changes to the road layout. The central through road was truncated to avoid the wetland and stream environment.

Timelines for the CIA

[64] The original CIA was developed in 2020 and in response to changes to the initial application, in June 2022 Ngāti Rēhia wrote to Ms Rogers regarding Stages 3 – 6 of the development. The hapū considered a subdivision of this size and scale is not what they would consider as Rural Residential or preferred for this location, citing the loss of class 2 soils, and the continued degrading of Rangitane River and Te Awa o ngā Rangatira (Kerikeri Inlet): the food basket of the hapū.

[65] Further to this, Ngāti Rēhia considered the recommendations set out in the original CIA still stand. These are set out below, minus those recommendations the hapū considered were relationship-based recommendations:

- (a) natives that are significant to Ngāti Rēhia are used;
- (b) a Pest Management Plan (fauna and flora) is continued and monitored to establish success, and opportunities to work in conjunction with Ngāti Rēhia are explored;
- (c) opportunities are investigated that increase food sovereignty of traditional crops;
- (d) that wherever possible all areas of native vegetation created be linked together. This increases the sustainability of each patch and promotes wildlife and seed movement. It also reduces the amount of colonisation by weeds;
- (e) public walking access along the Rangitane River is promoted and where possible tall native tress be established;
- (f) removal of exotic plants along all watercourses to prevent the spread of exotic weeds;
- (g) a DSI completed for Rangitane River Park Stages 3 to 6 is shared with Ngāti Rēhia;
- (h) a remediation plan is developed and implemented in conjunction with Ngāti Rēhia for area of land used by the Kerikeri Pistol Club;
- (i) an Eco-Cultural Marine Assessment is completed in conjunction with Ngāti Rēhia as part of the application;
- (j) macroinvertebrate survey and fish survey is completed in conjunction with Ngāti Rēhia as part of the application;
- (k) cultural monitoring opportunities are investigated for the Rangitane River for fauna biodiversity;

- (l) any ecological monitoring includes mātauranga Māori as a condition of consent;
- (m) the applicant supports and assists Ngāti Rēhia to build relationships with neighbouring landowners on the opposite bank and upstream of Rangitane River regarding riparian planting and stock management along the river;
- (n) that the old quarry be rehabilitated for wildlife and to reduce sedimentation from entering Rangitane River; and
- (o) Erosion Control Plan and Sedimentation Plans are agreed with Ngāti Rēhia to minimise adverse cultural impacts on water quality.

Applicant Response

[66] In response, Ms Rogers opined that in her view, the identified cultural values within the site will be protected by:³

- Avoiding development works and land use activities within identified stream and wetland environments as protected by the NPS-F and the NES-FM;
- Actively protecting stream and wetlands environments in perpetuity and undertaking restoration works including weed management, and restoration planting;
- Avoiding development adjacent to the Rangitane River and protecting water quality through well designed stormwater management systems and careful remediation of existing contamination associated with the former Kerikeri Pistol Club
- Protecting existing indigenous vegetation and existing fauna habitat, including kiwi and other native species;
- Providing extensive public access to the Rangitane River margin in the form of a public recreation reserve to be vested in Council;
- Involving Ngāti Rēhia in the overseeing of land and subdivision development works, including accidental discovery protocol and careful erosion and sediment control management;

³ Rogers, EIC, at [9.9].

- Involving Ngāti Rēhia in the development of final landscape planting plans and where possible the supply of eco-sourced indigenous plants from local hapu nurseries; and
- Including hapu cultural references within the development including street names and storyboard information.

Engagement with Ngāti Rēhia

[67] In December 2022, Ngāti Rēhia again wrote to the applicant reiterating support for housing development in the Kerikeri and Waipapa area, however, they considered this development was not in the affordable price range for Ngāti Rēhia people. The hapū confirmed that the recommendations identified in the CIA and the June 2022 correspondence still stand.

[68] We heard evidence that the Subject Site has no identified sites of cultural significance to Maori.

[69] The following excerpt from an assessment in Ms Rogers evidence is helpful in clarifying the measures the applicant considers would address Ngāti Rēhia concerns:⁴

... the archaeological report found little evidence of pre-European settlement features such as middens, shell deposits, terraces etc and that settlement was more likely to have been on the northern side of the river, NCL accepts that the application site was part of a wider rohe that was regularly traversed and used as a food source by Ngāti Rēhia. This is evidenced in the kohatu artefact found on the site and removed to the nearby Rewa's village. Ngāti Rēhia desire to oversee earthworks, particularly in the vicinity where the kohatu was found is understandable and will be agreed to as a condition of consent and in terms of the good faith relationship NCL has developed with Ngāti Rēhia over the past five years.

[70] We also heard evidence that a kohatu (a stone used for sharpening tools) was discovered during an early site visit. This kohatu was subsequently returned to Ngāti Rēhia who acknowledged return of this taonga was a positive cultural effect.

[71] We heard evidence that engagement with Ngāti Rēhia continued and focussed on changes to the proposal and Ngāti Rēhia's CIA. Mr Rigg and Ms Rogers met Mrs

⁴ Rogers, EIC, at Annexure 5 – Assessment of the Revised (2023) Rangitane River Park Stages 3 – 6 Proposal against the Te Runanga o Ngāti Rēhia Hapū Environmental Management Plan Policies and Recommendations, page 1010 (EB 0121).

Nora Rameka, a Ngāti Rēhia Trustee, and her consultant on 23 September 2022 at their offices in Kerikeri. On 19 October 2022, Mr Rigg and Mrs Rameka carried out a site visit which included walking over the Subject Site.

[72] It was apparent the last engagement between the applicant and Ngāti Rēhia, was in October 2022, some 17 months prior to this hearing. The applicant was unable to explain why there had been no further contact between themselves and Ngāti Rēhia. Despite this, in closing submissions Mr Bartlett KC assured us that the engagement with Ngāti Rēhia was not a tick box exercise, and it is for the applicant genuine engagement. He acknowledged the engagement had not been continuous between the two parties post the CIA. Nevertheless, he submitted this lapse in engagement was not through any desire on his client's part to cease contact, and his client understood the need to do better. We heard no evidence to the contrary.

[73] From the evidence we could determine the hapū was supportive of housing initiatives but considered this development would not benefit their people. The CIA was comprehensive in setting out the hapū position as were the two letters to the applicant from Ngāti Rēhia, dated 10 June 2022 and 6 December 2022 respectively. Ngāti Rēhia did identify that if the recommendations of the CIA were implemented by the applicant, then that may be a positive cultural effect on the hapū.

[74] We acknowledge the comprehensive CIA put forward by Ngāti Rēhia and the information the hapū has provided. Having said that, Ngāti Rēhia did not appear at the hearing and consequently we were unable to determine whether, from their perspective, the conditions put forward by the applicant addressed their concerns or not. Nevertheless, we have considered the evidence before us and conclude the current proposal and conditions go some way to addressing some, if not all, of Ngāti Rēhia cultural concerns.

Ecology

[75] Expert ecological evidence was provided by Mr Delaney, a Director and Lead Ecologist at Viridis Limited, on behalf of Neil Construction; and Dr Cockrem, a Director of Kororā Ornithology Ltd and a Professor Emeritus at Massey University, on behalf of the Friends of Rangitane Stream and Vision Kerikeri.

Existing vegetation and ecological values

[76] Indigenous vegetation on the site includes areas of riparian tōtara forest along the margin of the Rangitane River and an area of scrub in the south-west corner of the site, dominated by *Coprosma rigida*. The Rangitane River flows eastwards along the northern boundary of the site before discharging into the Kerikeri Inlet approximately 1.5km downstream.

[77] The river margins are recognised as having high ecological values, with large areas including in the upper half of the river and opposite the site protected by a QEII covenant and Department of Conservation (DOC) conservation land.

[78] The riparian tōtara forest on the site forms part of an ecological corridor between the estuarine environment of the Kerikeri Inlet and the coastal forest on the Rangitane River and Rangitane Peninsula, where predator trapping and ecological restoration programmes are taking place by local community groups.

[79] The section of Rangitane River bordering the Subject Site contains four tributaries with a series of stream and wetland sequences with native and exotic vegetation. The wetlands are likely to provide habitat for shortfin eel. The wetland in an old quarry area beside the river at the eastern end of the site is buffered by dense gorse and pampas and provides habitat for kiwi and is also suitable for Australasian bittern.

[80] Another small wetland area that had not been mapped lies in the north-west corner of the Subject Site by the gun club. It was agreed by the parties at the hearing that it has similar characteristics to other areas identified as natural wetlands and should be protected.

Fauna values

[81] The Subject Site and adjacent riverbank provides or is likely to provide habitat for threatened and at risk species including:

- (a) five species of lizard classified as ‘At Risk – Declining’;
- (b) wetland bird species including Australasian bittern classified as ‘Threatened – Nationally Critical’;
- (c) long-finned eel and īnanga, both classified as ‘At Risk – Declining’;
- (d) long-tailed bats, pekapeka (*Chalinolobus tuberculatus*) classified as ‘Threatened – Nationally Critical; and
- (e) North Island brown kiwi (*Apteryx mantelli*), recently re-classified as ‘Not Threatened (conservation dependent)’.⁵

[82] The full suite of common native bird species is likely to utilise habitats within the site particularly the tōtara forest which provides good quality foraging and nesting habitat for a range of species. The reach of Rangitane River that flows through the site is likely to provide habitat for longfin and shortfin eel, īnanga, freshwater mussels, kōura and freshwater shrimp, and potentially banded kokopu.

Northland brown kiwi

[83] The presence of Northland brown kiwi (*Apteryx mantelli*)⁶ in the area is significant and they are likely to utilise the Subject Site including the tōtara forest, wetlands and rough pasture for foraging and nesting. Habitat for kiwi includes damp gullies in indigenous and plantation forest, and dense shrubland, and they also commonly utilise wetlands, gorse-dominant shrubland, and rough pasture. Northland brown kiwi are nocturnal, and daytime shelters can be burrows, fallen nīkau fronds, hollow logs, and dense vegetation. Rough pasture within the site is generally restricted to the edges of the wetland and the tōtara forest.

⁵ Northland kiwi are classified as ‘Not threatened’ subject to three qualifiers (Conservation Dependent, Partial Decline, Recruitment Failure).

⁶ The North Island brown kiwi is one of five species of kiwi. There are four geographical forms based on genetic differences (four taxa) recognised for the North Island brown kiwi (Colbourne et al., 2020). These forms are the Northland, Coromandel, Eastern and Western brown kiwi. The Northland brown kiwi is slightly larger and heavier than the other brown kiwi taxa, and differs in its genetic makeup, behaviour and ecology.

[84] The results from various kiwi surveys undertaken by the community within the area of Rangitane River adjacent to the Subject Site were provided. As part of the Department of Conservation's annual kiwi call scheme, monitoring has been undertaken by the Kerikeri Peninsula Charitable Conservation Trust on the east side of the site (towards the ends of Blue Penguin Drive and Fernbird Grove) since 2020.⁷

[85] Kiwi burrows occur on and adjacent to the site, in forest beside the Rangitane River in the northwest and northeast of the farm. A search undertaken in January 2024 found eleven kiwi burrows, in forest on the south side of the Rangitane River in the northwest and northeast of the farm. Trail camera video results from two locations in 2024 show kiwi are present at the western and eastern ends of the tōtara forest area along the Rangitane River on the north side opposite the Subject Site.

[86] A kiwi survey of the Subject Site in November 2023 undertaken with a kiwi dog located kiwi burrows in the tōtara riparian area. This survey covered the entire tōtara forest, the edge of the wetlands and some of the open pasture. One kiwi was detected in an area of scrub on the edge of the gun club area.

[87] Dr Cockrem was of the view that the kiwi habitat on the Subject Site is within a high-density kiwi zone. Mr Delaney agreed kiwi utilise the site at times but disagreed that it is within a high-density zone as the majority of kiwi calls came from the north side of the river. Mr Delaney considered the higher value kiwi habitat being the tōtara forest and wetlands, with Dr Cockrem considering pasture on the farm may also be seasonally important habitat.

Summary comments - kiwi

[88] While there is some disagreement between the ecologists regarding the habitat provided for kiwi on the Subject Site, we know that kiwi burrows are present within the riparian forest on the site, and with long-term kiwi call monitoring results showing kiwi at high density on the north side of the river opposite the Subject Site. Kiwi are likely to be present or visiting the Subject Site at times and with potential to utilise

⁷ Five or more calls per hour.

habitat on both sides of the river. The presence of kiwi is significant in the Rangitane River area, and protection and enhancement of habitat for this species should be supported and encouraged.

Lizards

[89] The riparian vegetation on the Subject Site is potential habitat for a range of indigenous lizard species, including copper skink, Northland green gecko, Pacific gecko, Raukawa gecko, Ornate skink, Elegant gecko and Forest gecko. All except copper skink and Raukawa gecko are classified as ‘nationally at risk’. Mr Delaney considers the site contains moderate to high habitat values for skinks and geckos but that this is limited to the tōtara, *C. rigida* area, rough pasture surrounding the wetlands and patches of gorse and pampas.

Bats

[90] Long-tailed bats (pekapeka; *Chalinolobus tuberculatus*) are classified as ‘threatened – nationally critical’. There have been no surveys of the Subject Site, however the ecologists agree that the site contains trees within the tōtara forest that provide good roosting sites for long-tailed bats. Bats will also use wetlands and stream margins to travel and feed. Long-tailed bats are found in Puketi Forest, 15km from the site, and there are records from Tākou Bay 10km to the north, and 9.5km to the southwest of Tubbs Farm.

Ecological effects of the proposal

[91] The project proposes to enhance the existing native vegetation on the Subject Site through native restoration planting and landscape planting. The proposed 18.8545-hectare reserve adjacent to Rangitane river connects the habitat corridor of streams, wetlands and tōtara forest on the site. Revegetation and enhancement planting is proposed including weed and pest control within the reserve. The applicant proposes a ban on cats, dogs and mustelids in the subdivision and a lizard management plan to mitigate any potential impacts on native skinks.

[92] Mr Delaney considers the proposed ecological enhancement and protection will lead to an overall increase in indigenous vegetation, and quality of fauna habitat as well as improve freshwater functions and mitigate effects of noise and light disturbance.

[93] Works within 10m of any wetland or stream have been avoided, however, earthworks and the use, diversion and discharge of water are proposed within 10m of wetlands. As we will discuss further, Stock Exclusion Regulations and rules in the Northland Regional Plan already require fencing for stock exclusion from wetlands and waterways. The proposed buffer planting of the wetlands and streams and connecting them up with riparian enhancement and protection will be beneficial for habitat values and water quality.

[94] Concern was raised by Dr Cockrem that the proposed recreation reserve adjacent to Rangitane River would allow for public access, including dogs off leash, disturbing native birds and other wildlife. There was concern that public access would bring dogs directly into the proposed reserve and areas that are rich with kiwi burrows, nesting and roosting sites. And that the introduction of dogs into areas where there are kiwi or vulnerable wetland birds would bring substantial adverse effects, including death of kiwi.

[95] There was also concern that the proposed subdivision would lead to loss of pasture habitats for indigenous lizards; that artificial light at night could adversely affect long-tailed bats using the river areas for feeding and roosting; and there would be a reduction in water quality adversely impacting freshwater fish and invertebrates.

[96] The main threats to Northland brown kiwi were described by Dr Cockrem as habitat loss and predation by introduced mammals, especially dogs, ferrets, stoats, and cats. Predation by dogs is described as “*the largest issue for Northland brown kiwi (Colbourne et al., 2020; Craig et al., 2011; Germano et al., 2018), especially in areas where kiwi habitat overlaps with or is close to human populations*”, with frequent reports of kiwi killed by dogs in Northland.⁸

⁸ Cockrem, at [33].

[97] Mr Delaney recommended a bylaw against dogs in public areas. However the option of a bylaw to restrict dogs had not been discussed with the Council and would not be able to be secured by condition of any resource consent. There was concern that despite any signage, dogs would be brought onto the site by visitors and would likely be allowed to run off leash leading to disturbance of kiwi habitat and burrows and to kiwi deaths.

Pest management

[98] As part of the mitigation and ecological enhancement activities proposed across the site Mr Delaney described this as including pest management within vegetated habitat areas to further minimise the risk of predators. As we have already discussed Ngāti Rēhia have also recommended that a Pest Management Plan (for fauna and flora) be established and monitored to establish success.

[99] Proposed consent conditions require a ban on cats, dogs and mustelids, and a revegetation strategy requires weed control and pest control to protect plants. However as discussed at the hearing there is no specific consent condition requiring a Pest Management Plan to be prepared. In answers to questions at the hearing Ms Rogers is not opposed to a condition requiring the applicant to prepare a Pest Management Plan. Predator control to protect kiwi habitat and other indigenous fauna should be a requirement of the reserve management.

Summary as to ecological matters

[100] In summary, there are high ecological values relating to the riparian tōtara forest on the Subject Site and the potential to link up and improve connectivity between habitats on the left and right banks of the Rangitane River and upstream and downstream. In our view, this River area has high ecological values and the protection and enhancement of streams, wetlands and riparian forest on the true right bank will strengthen the existing restoration and predator control work being done on the true left bank of the stream and enable restoration of a habitat corridor with enhancement of existing vegetation along the true right bank. With predator control this will enhance wildlife habitat for birds, bats, lizards and other species.

[101] This will also involve the quarry wetland area which will be allowed to naturally revegetate. We are confident that over time and with minimal intervention (to take out dominant weedy species), the quarry area will regenerate and restore ecological connections to the river. The riverine forest, streams and wetlands form ecological sequences and ecotones upstream and across from bank to bank.

[102] We acknowledge the concerns regarding threats to kiwi and wildlife habitat from public access into the reserve and with dogs off leash raised by the Interested Parties. This could be addressed through amendments to conditions and/or further consultation between the parties. An option that could be explored is for scientific reserve status to be created for the areas of riparian tōtara, kiwi habitat, wetlands and quarry area. It would need to be fenced off from public access and be separated from the proposed open space recreation area.

[103] We heard about the extensive predator control work being undertaken by the residents and community in the catchment of Rangitane River. This work is important for protecting habitat for birds, lizards, bats and other wildlife. A Pest Management Plan should be included as part of the conditions of consent, working in conjunction with the community and Ngāti Rēhia on predator control.

Fencing

[104] Appropriate fencing in the subdivision for protecting kiwi habitat was raised. Fences need to be permeable for kiwi to move through fenced boundaries but also able to keep people out of sensitive kiwi areas.

[105] Dr Millar, a trustee of the Kapiro Conservation Trust explained that the trust raised funding, and with permission of the tenant farmer has fenced the riparian tōtara forest to protect the ecological features of the area. She explained that a simple post and wire electric fence was installed which starts from the eastern end shortly after the wet area in the north-west corner by the gun club and follows along the edge of the river and the edge of the existing tōtara forest to about the north-west corner of lot 127 and joins the existing fence. They ran out of money to continue and are still fundraising.

[106] This fencing should be completed to ensure protection of a continuous linkage of tōtara forest alongside the river, with restoration planting, and connecting to the wetlands and quarry area.

Natural character

[107] Landscape architecture experts provided evidence on the landscape, natural character and visual amenity effects of the proposed subdivision (Ms Davis and Mr Goodwin on behalf of the applicant, Mr Cocker who had provided advice to Council in 2021 and at the Council hearing in 2022, and Ms Absolum on behalf of Vision Kerikeri and Friends of Rangitane Stream). They agreed that positive effects of the proposal include protection of wetlands, restoration and amenity planting and the large reserve areas along the Rangitane River.

[108] The landscape experts agreed the site is not within the coastal environment and has an open pastoral rural character. Mr Goodwin describes the application as lacking the coastal aspect of Stages 1 and 2, “*with the land falling to the south, west and north from an elevated area around 55 m above sea level at the end of Fantail Rise*”.⁹

[109] The low broad ridge is a dominant landform within the southern section of the Subject Site with the highest elevation at 55m above sea level, the location for the connecting road at Fantail Drive for Stage 2. Narrower spurs highlight the moderate to steeper sided slopes of the lower portion of the site.

[110] The landscape architects disagreed as to the level of landscape, natural character and visual amenity effects of the proposed development.

[111] Design controls and landscape requirements were outlined in the evidence of Ms Davis and Mr Goodwin and in the proposed conditions, and included:

- (a) limiting the height of buildings to six metres in Stage 3;
- (b) requiring ancillary buildings and structures to be constructed with the

⁹ Goodwin, EIC, at [16].

same or similar materials and style as the main dwelling, and located no more than 15m from the main dwelling;

- (c) requiring water tanks to be buried or screened;
- (d) restricting building materials and colour to recessive hues;
- (e) restricting retaining walls to a maximum height of 1.5m, and finished with natural materials;
- (f) planted building setbacks of 10 – 20m along Kapiro Road frontage;
- (g) streetscape planting within road reserves to provide visual amenity;
- (h) planting strips between a number of lots to visually separate buildings and create vegetative linkages through the development and to the reserve; and
- (i) additional planted setbacks in more elevated areas within Stage 3 of between 10m and 20m to cluster the lots within permanent vegetation.

[112] Ms Absolum considered the positive features of the proposal will not offset for the loss of open space and the large area of smaller lots along both sides of Fantail Rise.

[113] Mr Goodwin and Ms Davis considered the effects on natural character would be mitigated through the development pattern located within the rolling landform with river, wetlands and gullies protected in a reserve, and that this will create a landscape framework where open space and vegetation reinforce the natural patterns of the site. Mr Goodwin was of the view that the site characteristics enable low intensity residential living subdivision to be integrated with the surrounding landscape character.

[114] Proposed planting including street trees, shelterbelts and revegetation would create a linked vegetative framework to provide habitat connections and visual integration. Interconnected areas of vegetation through much of Stage 3 would

provide separation between dwellings.

[115] Mr Cocker supports the current proposal due to the reduction in lots along the ridge, screen plantings, and the vegetation framework. Planting is proposed as one of the key measures for mitigating the effects of ridge top lots. Mr Cocker considered that the entirety of this framework planting should be completed as part of Stage 3. It was confirmed at the hearing that in the conditions there is a requirement for Stage 3 to be undertaken first which would include vesting of the reserve and Stage 3 planting.

Layout of lots – landscape effects

[116] The layout of lots in the proposed subdivision plan, in particular the arrangement of lots along the ridge at Fantail Rise, was discussed. Ms Absolum was concerned about the small size of lots in this area, and the landscape effects of this despite the planting along Kapiro Road frontage and more extensive planting along lot boundaries across the southern and northern faces of Fantail Rise ridge.

[117] Mr Goodwin considered that the lot layout and grouping of houses separated by planting, within the Stage 3 development, has been cognisant of this ridge which follows a westerly extension of Fantail Rise.

[118] At the hearing, in answering questions from the Court, Ms Rogers agreed that the lots that can be seen from the road would appear stacked. It was discussed that there could be a reconfiguration of these lots (Lots 62 – 65 and Lots 82 – 85) to make all of the sections more spacious here.

[119] In response to questions raised at the hearing Mr Cocker agreed in theory that there could be an amalgamation of lots along Spoonbill Drive (Lots 171 and 170 and 176, 177 and 178). This would reduce density adjacent to the larger lot here.

Landscape and natural character values – Ngāti Rēhia

[120] The landscape experts did not offer an opinion on specific landscape values that local hapū (or iwi) hold for the site. However, Mr Goodwin re-iterated it was clear

that the key landscape features on the site i.e., the Rangitane River, wetlands and the indigenous vegetation, hold special value for Ngāti Rēhia. It was his understanding the applicant is willing to incorporate mana whenua cultural values in landscape design process wherever practicable. We understand there is a proposed condition relating to this which should be revised and updated if consent is otherwise appropriate.

[121] From a Ngāti Rēhia perspective the hapū had and continues to have a relationship with the site and its environs. This is evidenced in the CIA, the whakapapa, and pepeha of Ngāti Rēhia. Ngāti Rēhia consider the native vegetation, the stream health and cultural history of this site are of significance to the hapū.

[122] Mr Goodwin was clear, saying in relation to the proposal the following are, in his opinion, important and meet the desired positive landscape outcomes outlined in the CIA:

- (a) revegetation of watercourses, wetlands and steep slopes to create connected habitat;
- (b) vesting of an esplanade reserve to protect the land and river; and
- (c) rehabilitation of the disused quarry for wildlife and to reduce sedimentation entering the river.

[123] We understand the landscape design plans have been cognisant of the Ngāti Rēhia hapū indigenous planting species listed in the CIA.

Assessment

[124] It follows as a consequence of our findings on ecology that the natural character of this area is focussed around the Rangitane River, the riparian tōtara forest, the lower gully system with wetlands and streams including the quarry area. The balance of the Subject Site is largely open farmland, to date, with rolling land to the ridge and the eastern part of the site. There are several few small areas of vegetation (such as that at the corner of Redcliffs and Kapiro Roads). These features are

proposed to be enhanced through restoration and mitigation planting.

[125] We heard the measures contained in the CIA have been included within the current proposal, with revegetation of the wetlands, associated watercourses and steep slopes, and incorporation of these areas into a reserve to be vested with Council. With respect to terrestrial vegetation and fauna habitat, the existing stands of tōtara would be protected by way of a covenant. Furthermore, the revised proposal prohibits, by way of a condition of consent, any cats, dogs, mustelids, and other predators that may threaten kiwi.

[126] Overall, the natural character (beyond the river edge) of the Subject Site is similar to the character of the productive land and the rural residential land, both to the west and south of the site. Trees tend to be introduced species for the most part and the overall view is one of the cultured residential landscapes but with trees and horticulture.

[127] Current views from Redcliffs Road to the Rangitane River are screened by shrubby native and introduced vegetation along the road reserve presently. Nevertheless, there is no doubt as to the value of the Rangitane River and that it represents a strong element of natural character within a largely pastoral rural and residential area.

[128] We wish to acknowledge the significant work done by the local residents, including some of those before us, to retain the natural character and ecological values of this river and control noxious species, particularly fauna, rats, stoats and the like. We heard that community effort is going into the creation of a continuous wildlife corridor along the Rangitane River protecting the habitat of vulnerable native species including kiwi, and this effort highlights the special value of the river and its margins to the local community.

[129] In that regard, we acknowledge that whether kiwi are currently occupying this area or not, this would represent a strong area for kiwi to cross from the true left bank and inhabit or utilise this area in the future. We also recognise a wide range of other native species including birds, fish, lizards and bats which could utilise the river if it

was adequately protected.

[130] Our own conclusion, from the brief oversight of this area and involvement in other areas in the past, is that ecological sequences with riparian forest and ecotones from bank to bank and up and downstream are becoming rarer in this part of Northland but they are particularly valuable resource. We therefore see the natural character values of the river flat area as high and with significant potential to improve its naturalness and values.

[131] For the balance of the site, the former quarry onsite clearly has the potential to be improved and form part of this network. The rest of this site has been in pasture for such a significant period that it has relatively low values.

Productive soils

[132] This naturally brings us to the question of productive soils on the site. There was some difference between the parties as to the quantity of productive soils on the site. Ngāti Rēhia supported community concerns regarding the loss of class 2 soils.

[133] Expert soil science evidence was provided by Dr Hill, a Principal Soil Consultant called by the applicant and by Mr Hanmore, a soil and land use mapping specialist called on behalf of Vision Kerikeri and Friends of Rangitane Stream

[134] Mr Hanmore, using information from the New Zealand Land Resource Inventory (**NZLRI**), concluded that the site includes substantial area of highly versatile Kerikeri friable clay soil. He says that this is able to support year-round cropping for a range of horticultural crops and that it represents one of the few remaining large blocks of undeveloped versatile land in the district.

[135] Dr Hill, a Principal Soil Consultant called by the applicant, undertook an on-site land use capability assessment (mapping) in October 2022, the commonly used system for classifying land according to its limitations for arable use in New Zealand. He found that the area of land use capability class 2 on the site is 27.3ha of which 25.7ha is land use capability 2s1 land which is less than the estimate provided by NZLRI. He

concluded the site does contain land use capability class LUC 1, 2 and 3 land but is not zoned General Rural or Rural Production and is not subject to the National Policy Statement for Highly Productive Land (**NPS-HPL**).

[136] The planners agreed the NPS-HPL did not apply to the site because the site falls outside of the NPS-HPL definition of highly productive land, as it is not within a General Rural Zone or Rural Production zone under the Operative District Plan (**ODP**) (NPS-HPL clause 3.5(7)(a)).

[137] Mr Brown's evidence was that the NPS-HPL has clarified that the loss of productive land is not relevant to the proposal. The site is not in a General Rural zone or Rural Production zone that must, under the NPS-HPL, be mapped as highly productive land if it is categorised as predominantly LUC 1, 2 or 3 land.

[138] Mr Williamson believed irrespective of the NPS-HPL mapping, the proposed subdivision has substantive adverse effects on versatile soils that he considered to be more than minor based on the ODP assessment criteria.

[139] We also heard evidence from Mr Hanmore that the proposal fails to meet the Assessment Criteria for subdivision stated in the ODP (section 13.10.14). Mr Hanmore did not consider that amendments can be made to the application to address the overall adverse effects of the subdivision with respect to soil or reverse sensitivity.

Soil Assessment

[140] We accept the analysis undertaken by the soil experts however it bears little relevance to this application. While the site does contain land use capability class LUC 1, 2 and 3 land it is not zoned General Rural or Rural Production and is not subject to the NPS-HPL.

[141] The site has for some considerable time been identified for Coastal Living. It is clear to us from the other sites in the subdivision, and other subdivisions nearby, that larger section sites have not devolved to widespread productive use of the land. To the extent there is some use, this appears to be remnants from earlier horticultural

use (small orchard areas) or home gardens.

[142] In respect of the Rangitane River Park project as it relates to the coastal area (to the east of the Subject Site and to the inlet), the limitation on the size of trees and pre-eminence of grass has led to a relatively open and we would suggest “sanitised” development. We would not have described this as a rural subdivision as much as large residential lot subdivision where the houses are predominant and set in large grass areas. Even in other areas not controlled for trees, the aspects of views and sun seem to predominate the planting decisions and use of the sites.

[143] We appreciate that this is a generalisation and there are clear exceptions throughout the area. We are unable to conclude that the previous form of development or other coastal living areas we had seen nearby with lot sizes of two hectares or more have yielded a better outcome in terms of retaining naturalness or use of productive soils.

[144] The question of rural character is of course one governed largely by the wording of the operative plan. Rural character is itself a construct that takes its meaning from the plan provisions.

National documents

NZCPS

[145] The expert planners for the applicant (Mr Brown and Ms Rogers) and for the Council (Mr Hartstone) agreed that the NZCPS does not require consideration on the basis that the site does not fall within an area defined as being within the coastal environment under the Northland Regional Policy Statement (**RPS**). It was concluded that the NZCPS has been given effect to under the RPS and has spatially defined the extent of the coastal environment by reference to Policy 1 of the NZCPS.

[146] Mr Williamson, expert planner on behalf of the Vision Kerikeri and Friends of Rangitane Stream considered the NZCPS was relevant. It was argued by Ms Shaw that the site is subject to ‘coastal context’ and that some of the NZCPS policies are relevant

as they not limited to the coastal environment. Her submission is that this includes NZCPS Policy 11(b)(v) and (vi) which reference habitats important for migratory species and ecological corridors, and that these should have been assessed given the likely presence of migratory species such as longfin eels and īnanga.

[147] We conclude that the site is located entirely outside of the coastal environment identified in the RPS and that means the site is beyond the NZCPS. The protection and enhancement of the riparian corridor, streams and wetlands will enhance habitat for these species.

NPS-IB

[148] It was agreed by the planners that the National Policy Statement on Indigenous Biodiversity (**NPS-IB**) applies to the proposal. The following NPS-IB policies are considered as relevant:

Policy 8: The importance of maintaining indigenous biodiversity outside SNAs is recognised and provided for.

Policy 13: Restoration of indigenous biodiversity is promoted and provided for.

Policy 14: Increased indigenous vegetation cover is promoted in both urban and non-urban environments.

[149] There was disagreement as to whether the NPS-IB policies are met by the proposal. It is considered by Mr Brown that the proposal gives effect to these policies. Existing vegetation is maintained on the site including the stands of tōtara and natural wetlands are to be restored and enhanced. Overall, the proposed planting would result in a significant increase in indigenous vegetation cover across the site.

[150] Mr Williamson considered it does not provide for maintenance of biodiversity, and that the proposed scale and density of development, earthworks, and human disturbance poses risks to indigenous species that are not adequately avoided, minimised or mitigated.

[151] We consider that the NPS-IB policies have been met by the proposal, as it will result in enhancement and improved connectivity through linking up of forest habitat,

wetlands and streams in this section of the riparian corridor on the Rangitane River. This will enhance fauna habitat which links to extensive habitat across the river and connecting upstream and downstream. We are of the view that the identification of 18ha of reserve along the Rangitane River is preferable to alternative proposals that would not result in this level of protection.

National Policy Statement for Freshwater Management (NPS-FM) / National Environmental Standards for Freshwater Regulations 2020 (NES-FW)

[152] The NES-FW implements the policy framework within the NPS-FM. It was considered that the provisions of the NPS-FM have been given effect to as resource consents have been granted by Northland Regional Council in April 2022 under the NES-FW for matters relating to the discharge of stormwater to the natural wetlands identified on the site.

[153] We heard that during the processing of the application the NES-FW came into effect and resulted in amendments to the proposal to avoid identified natural wetlands with additional consents sought and obtained from the Northland Regional Council.

Stock Exclusion Regulations

[154] The Resource Management (Stock Exclusion) Regulations 2020 and recent livestock exclusion rules in section of C.8.1 of the Proposed Northland Regional Plan were not addressed in evidence. It was discussed at the hearing that the Regulations and rules in the Regional Plan require stock to be fenced out of streams and wetlands. As the removal of stock from streams and wetlands is a statutory requirement already, we disregard it in our assessment of enhancements proposed as part of the application.

NESCS Contaminated Soil

[155] The site contains an area of contaminated land at the gun club which is contaminated with lead and arsenic derived from discharged ammunition. This exceeds the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (**NESCS**) criteria for residential land use and requires remediation. It is proposed to remove the contaminated soil from

the site and dispose of it at a landfill site that is licensed to accept such material, to achieve compliance with the NZESC.

National Policy Statement Highly Productive Land (NPS-HPL)

[156] Provision 3.5(7) of the NPS-HPL notes that until a regional policy statement containing maps of highly productive land in the region is operative, each relevant territorial authority and consent authority must apply this National Policy Statement as if references to highly productive land were references to land that, as at the commencement date:¹⁰

- (a) is:
 - (i) zoned general rural or rural production;
 - (ii) LUC 1, 2, or 3 land; but
- (b) is not:
 - (i) not identified for future urban development; or
 - (ii) subject to a Council initiated, or adopted, notified plan change to rezone it from general rural or rural production to urban or rural lifestyle.

[157] As we have discussed in this decision above, accordingly, we must conclude on the wording of the National Policy Statement that it does not apply to the subject land as it is zoned Coastal Living and therefore is neither General Rural or Rural Production.

NPS-UD

[158] The planning witnesses also agreed that the National Policy Statement on Urban Development 2020 (**RPS-UD**) does not apply because the site falls outside that instrument's definition of "urban environment".

Regional Policy Statement for Northland (RPSN)

[159] The RPSN is relevant to our assessment. The RPSN contains policies and

¹⁰ NPS-HPL, 3.5(7).

objectives that are relatively high level but are relevant given that the Operative Far North District Plan (**OFNDP**) provisions have yet to be reviewed in order to be consistent with the RPSN in accordance with s 74(3) RMA.

[160] Mr Hartstone identifies policy 5.1.1 of the RPSN as relevant. He considers that the proposal is contrary to policy 5.1.1(g), which provides that subdivision, use and development should be located, designed and built in a planned and coordinated manner which:

Maintains or enhances the sense of place and character of the surrounding environment except where changes are anticipated by approved regional or district council growth strategies and / or district or regional plan provisions.

[161] Mr Hartstone points to the evidence of Ms Absolum considering the landscape character and visual amenity effects of the proposal. Ms Absolum's opinion is that the proposal would be out of character with the open spaciousness anticipated by the local community. Mr Hartstone considers that the changing character resulting from the proposal is not anticipated by the operative or proposed district plans at this time.

[162] We have reached a different conclusion on the issue of landscape character and visual amenity. We find that, subject to appropriate amendments occurring to the proposal as identified in this decision, the landscape and visual character effects of the proposal are minor. We therefore find that the proposal does not conflict with Policy 5.1.1(g) RPSN.

[163] There are a number of RPSN provisions relating to natural character in the coastal environment. The RPSN maps areas of high and outstanding natural character and the extent of the coastal environment (by reference to s 6(a) RMA). No part of the site is located within the mapped coastal environment and there are no areas of high or outstanding natural character on the site.

[164] We find that there are no other RPSN provisions that are relevant or that assist with the determination of this appeal.

District Plan provisions

[165] The relevant District Plan is the OFNDP.

[166] This land is zoned as rural Coastal Living zone as one of the residential zones for the rural area. In the Introduction, 1.1.4 Coastal Protection, the Plan notes that:

The preservation of the natural character of the coastal environment and its protection from inappropriate subdivision, use and development is achieved by enabling settlements and low density living in parts of the coast that are suited for this purpose, and by adopting higher environmental standards relative to the Rural Production zone. ...

[167] Statements of Principle 1.2.8 also notes:

... that promotion and encouragement of sustainable management of the natural and physical resources of the district requires an integrated approach. The rules in the Plan are some of a number of ways to achieve sustainable management.

[168] It is clear from this wording that the Plan anticipates that there is a degree of flexibility within the Plan as it relates both to the achieving of the coastal outcomes and also its to amenity and character outcomes generally under the Plan.

[169] Section 10.7 of the Plan relates to the Coastal Living zone and notes immediately that it is similar in purpose to the Rural Living zone. The Plan then notes:

It is distinguished from the Rural Living Zone by its coastal location. The zone provides an area of transition between residential settlement on the coast and the General Coastal Zone.

[170] In applying this provision, we note that the activity on this site does not present a transition between the General Coastal zone. In fact, it is bounded to the south by Rural Residential and to the west by Rural Production. We see this supporting our general proposition that the major influences on the Subject Site are those rural zones rather than the coastal zone to the east on the other side of the ridge.

[171] Objective 10.7.3 focuses on enabling people to live at low density residential development where the adverse effects on the environment are able to be avoided, remedied or mitigated. Importantly, 10.7.3.2 seeks to preserve the overall natural

character of the coastal environment by providing for an appropriate level of subdivision and development of the zone.

[172] Under policies, there are those that generally reflect the avoidance remediation and mitigation principles but 10.7.4.3 is of assistance:

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

- (a) clustering and grouping development within areas where there is the least impact on natural character and its elements such as indigenous vegetation, land forms, 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 provisions 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 [reference to the other chapters of the plan];
- (e) providing planting 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.

[173] While we must treat the references to the foreshore with some caution given the site is not coastal in this case, it can be seen that there is an emphasis upon the matters in those policies and avoiding, remedying or mitigating the adverse effects.

[174] Section 10.7.5.1.2 indicates:

Residential development shall be limited to one unit per 4ha of land. In all cases the land should be developed in such a way that each unit shall have at least 3,000m² for its exclusive use surrounding the unit plus a minimum of 3.7ha elsewhere on the property.

[175] There are then a series of controls, many of which are common to us from experience with many other plans relating to the types of controls over boundaries, areas, noise, animals, helicopters and the like.

[176] 10.7.5.4 deals with discretionary activities and we can see there is a move at 10.7.5.4.1 to a change in density. This is only for a full discretionary activity and 10.7.5.4.1 provides as follows:

Residential development shall be limited to one unit per 5,000m² of land. In all cases the land should be developed in such a way that each unit shall have at least 2,000m² for its exclusive use surrounding the unit, plus a minimum of 3,000 m² elsewhere on the property.

Except that this rule shall not limit the use of an existing site for a single residential unit for a single household.

[177] It goes on to discuss at 10.7.5.4.2 integrated development in relation to Māori freehold land.

[178] We agree with Mr Bartlett KC that, for the purposes of this case, rules 10.7.5.1.2 and 10.7.5.4.1 seem to indicate that the plan envisaged that the density requirement might be met by a mix of curtilage areas for housing and a joint or common area which provides the balance of the lot area for the sites.

[179] We note the provisions of the Rural Living zone allow for residential lot size of 3,000m² as a minimum and also as an average.

[180] Under this proposal the lot sizes vary between 3,000m² and 5,380m² with an average lot size of 3,679m². With the proposed reserve lands to vest added back, 18.45ha of the subdivision, the addition back of the area of each lot would yield a higher average of around 5,200m². On that basis, at least on a density approach, the proposal might be comparable with a balance lot or discretionary proposal. However, this approach is not available because the area to vest is not a balance lot.

[181] It is this issue which is at the heart of this case. Does this proposal constitute another method that would achieve a similar outcome to that provided for in a discretionary outcome under the Plan even though it is non-complying activity?

[182] This issue of density is reflected in the proposals provision of denser development towards Kapiro Road and less dense development as it approaches the eastern and river margins.

[183] A copy of the subdivision plan is annexed hereto as “B”. It can be seen that the development on the flat land on the corner of Redcliffs and Kapiro Roads and also that on the rising land for Kapiro Road to the east of the junction with Redcliffs Road is for relatively dense development, with the potential for buildings to be seen over the top of one another.

[184] This issue has been approached on a landscape basis by proposing a strategic planting of trees to interrupt these views and minimise their impact upon the rural residential area to the south and to passing traffic on Kapiro Road. The question which then arises in regard to the rural residential area to the south is what is the outcome predicted for that area? Does this involve greater intensification?

[185] Overall, the policies and objectives for the natural and physical resources in Chapter 12 indicate expected environmental outcomes:

12.1.2.3 Land uses and buildings that are planned and designed to complement landscape character.

12.1.2.4 The relationship of Maori cultural values associated with landscapes are recognised and provided for.

...

12.1.3.1 To protect outstanding landscapes and natural features from inappropriate, subdivision use and development.

...

12.1.4.8 The trend is towards the enhancement rather than the deterioration of landscape values, including the encouragement of the restoration of the degraded landscapes.

[186] In Policy 12.1.4.10, landscape values are to be protected by encouraging development that takes into account:

- (a) the rarity or value of the landscape and/or landscape features;
- (b) the visibility of the development;

- (c) important views as seen from public vantage points on a public road, public reserves, the foreshore and the coastal marine area;
- (d) the desirability of avoiding adverse effects on the elements that contribute to the distinctive character of the coastal landscapes, especially outstanding landscapes and natural features, ridges and headlands or those features that have significant amenity value;
- (e) the contribution of natural patterns, composition and extensive cover of indigenous vegetation to landscape values;
- (f) Māori cultural values associated with landscapes;
- (g) the importance of the activity in enabling people and communities to provide for their social, economic and cultural well-being.

[187] This approach is reinforced in the provisions relating to subdivisions provided for in Chapter 13. The key objectives are:

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 the people and communities.

13.3.2 To ensure the 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.

...

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

[188] It is this provision that the applicant is focussing on for this case. The basic thesis for the applicant is that by improving the natural values and character of the Rangitane River and its environment, the stands of trees, wetlands and the quarry area itself, will result in a superior outcome to a traditional form of subdivision.

[189] The policies include:

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

...

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.

[190] Mr Hartstone, expert planning witness for the Council, says that policy 13.4.12 provides for more intensive and innovative development solely by way of the management plan rule. The proposal cannot utilise the more innovative management plan subdivision pathway because those provisions only apply where an average lot size of 5000 m² (excluding reserves) is achieved.

[191] Mr Brown describes the non-compliance with the average lot size requirements of the management plan process as a “technicality”. We agree with that description. In our assessment the principal reason the proposal was not able to be assessed as a discretionary activity via the management plan framework in 13.9.2 is that the proposal involves the vesting of 18ha of reserve. The narrative being this land could likely have been treated as a balance lot. If the development had been approached in that way the average lot size applicable would have been greater than 5000m² (13.9.2.2), and the assessment criteria in 13.9.2.3 may have applied. We see significant benefits in the creation of a large area of reserve land adjacent to Rangitane River. Approaching the development in the way proposed is in our view clearly preferable to an alternative which would treat the 18ha area as a balance lot.

[192] The proposal, as it is as a non-complying activity, must be assessed on that basis.

However, we see the overall direction of the current proposal as consistent with the provisions of the Plan encouraging innovative developments with superior environmental outcomes. In Policy 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 Māori 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; and
- (g) achieving hydraulic neutrality and ensuring that natural hazards will not be exacerbated or induced through the siting and design of buildings and development.

[193] Interestingly, the plan also includes assessment criteria 13.9.2.3 and we attach this as "D". Common themes through this are the fact that it allows for some flexibility around the method of achieving the outcomes, notable for example is:

- (f) the degree to which the proposal represents better sustainable management of natural and physical resources of the land and surrounding environment; (and protects the productive potential of the land);

[194] The Plan also contains assessment criteria in 13.10 which are to be applied when

considering whether or not to grant consent or impose conditions on a discretionary (subdivision) application. Unusually, under 13.11 these criteria are also to be applied as a guide when assessing non-complying subdivision activities, in conjunction with the matters set out in ss 104, 104B, 104D and 106 of the Act. Rule 13.11 makes the assessment criteria in 13.10 directly relevant to the current application.

Evaluation of the planning provisions

[195] From the foregoing, it can be seen that the Plan explicitly acknowledges that there may be other ways of achieving the objectives and policies of the Plan. In Chapter 12 and elsewhere there is an emphasis upon the enhancement and retention of natural areas. We are in no doubt that this includes the Rangitane River.

[196] We are also satisfied that the question of the amount of land to be provided is not to be looked at on a single lot basis i.e., each lot but rather on the basis of the whole of the subdivision and what land is set aside for public or other uses or values including, particularly, for natural enhancement.

[197] The Council urged on us a narrow interpretation of Plan provisions whereby the more intense and innovative development which achieves superior outcomes (refer objective 13.3.8 and policy 13.4.12) are only contemplated through management plans. We are satisfied that this would be an unduly technical approach, at odds with the flexibility referred to in Plan provisions such as 1.2.8.

[198] In this case the present subdivision could potentially have been dealt with as a discretionary consent through the management plan process if the 18ha of reserve land to vest had instead been a balance lot. As we have said we take the view that the approach the applicant has taken in identifying 18ha of reserve land is preferable (superior) to the alternative (potentially discretionary) management plan mechanism.

[199] As we have already noted, we have heard evidence given by a number of people who have been intimately involved with protecting the river margins and the river itself for a number of years. We acknowledge their hard work in seeking to maintain the values of this area. Their concerns are that the introduction of more

population may derogate from those values.

[200] The Act itself sees the access for the public as a direct benefit but it does acknowledge that there will be circumstances in which some areas should not be accessible to the public because of their scientific or natural values. In our view, the values of this area are significant and they have public benefit values as well as scientific and natural values.

[201] It is possible that different areas might be addressed by different controls to ensure that the natural character purposes and values are enhanced while still allowing the public to enjoy this particular area as well as the residence.

[202] Those matters are of some importance under s 6 and we are in no doubt these outcomes would be ones of value to tangata whenua also. The reports that have been received indicate the tangata whenua have interests in the river itself, its environs and the improvement to mauri which might occur if there was enhancement of the river ecosystem.

[203] Again, we see these values as similar to those for recognition under provisions of s 6 in terms of natural values and public access. We acknowledge the concerns of the residents from the various interest groups as to the potential introduction of more dogs giving rise to threats to kiwi and other bird life and also the potential of introduction of pests, in particular mustelids through the introduction of human residences.

[204] Given the particular design of this subdivision, we think that issues in relation to bats, fish and bird life generally are likely to be relatively minimal. There is also established bush on the true left bank of the river and that is likely to be further enhanced in the coming years given the work done by the interest groups in improving that. If the same approach is taken to the true right bank of the river in this area, we have concluded as a fact this would enable a stronghold to occur provided that there is control over dogs, cats and mustelids. While we can understand there is a strong imperative to control cats and mustelids, the concerns in relation to dogs relate mainly to kiwi and it may be possible that areas for public access could be provided that are

separated from the more important natural areas. Nevertheless, we accept that one simple conclusion is to control the presence of pets including dogs, cats and mustelids on the site.

[205] We appreciate the difficulties described to us by the interest groups of people who disobey the ‘dogs on leashes’ signs (and the like) and allow free roaming of dogs. While we could preclude purchasers from having cats, dogs and mustelids we acknowledge that controls over the public are more difficult.

Are the effects more than minor?

[206] Our conclusion is that the effects in this case can be controlled with relatively strict but acceptable conditions in relation to pet ownership and control, and the reemphasising of the range of targets to achieve outcomes in respect of the strengthening of the river margin of the Subject Site. We conclude that the effects in such a case would be no more than minor on the natural character areas.

[207] In relation to the rural character and visual amenity issues, we have concluded that with appropriate planting effects would be relatively minor for those who live in the area or are otherwise familiar with the reserves. Provided there was some reduction in lot numbers seen from the limited views from Kapiro Road the remaining effects would be minor. For those who do not know the area, it would largely appear similar to that on the southern side of Kapiro Road. This would compare with the significant benefits of the public areas to the north of the ridge.

[208] In the area where the Rural Production zone continues to the south of Redcliffs Road and to the west of Redcliffs Road, the issues in that case largely relate to the potential for a significant change in view. We have concluded that these are no more than minor effects.

[209] We travelled through areas of Rural Production zone, Rural Living zone, Coastal Living zone and then into coastal settlements. The zone changes are not immediately evident to a traveller and there appear to be constant changes in concentration of housing, horticultural and other activities within the whole area. For

example, on driving through the Rural Production zone to the west of the site on Kapiro Road, there are a number of features which would tend to indicate a higher density of development and business activity than in some of the areas further to the east.

[210] These type of eclectic zones and environments are not evaluated by a simple count of density in terms of houses per hectare. For the most part, this density is unable to be discerned to a casual observer.

[211] Even with an overhead map, the Court was somewhat perplexed as to what particular zone was seen based on the level of development shown in the overhead photographs. We conclude zoning is difficult to determine based only on the existing development, having regard to overhead photographs.

The discretionary assessment criteria in 13.10

[212] The discretionary assessment criteria are made relevant to non-complying activities by 13.11. We have described the approach in the Plan as “unusual” because in our experience assessment criteria such as those contained in 13.10 are seldom used in plans for the purposes of assessing non-complying applications.

[213] The approach in the Far North District Council to these rules is consistent with a more flexible approach to subdivision, to which we have already referred.

[214] The wording of 13.10 states:

In considering whether or not to grant consent or impose conditions on applications for discretionary (subdivision) activities, the Council will have regard to s104, s105, and s106 of the Act, the objectives and policies of the Plan and to the assessment criteria set out below.

[215] The provision then sets out various matters against which applications are to be assessed. We conclude the opening words of 13.10 indicate that the subsequent criteria are intended to guide and provide particular focus to the assessment of applications, in addition to the usual matters in the Act and objectives and policies of the Plan.

[216] Criteria 13.10.1 addresses allotment sizes and dimensions. This is the only assessment criterion which deals, albeit indirectly, with density. Mr Hartstone, the Council's planning witness, gave evidence that 13.10.1 (a) and (c) were both relevant and that the proposal was inconsistent with these provisions. We comment on these criteria as follows.

[217] 13.10.1 provides:

13.10.1 Allotment Sizes and Dimensions

- (a) Whether the allotment is of sufficient area and dimensions to provide for the intended purpose or land use, having regard to the relevant zone standards in any District wide rules for land uses.
- (b) Whether the proposed allotment sizes and dimensions are sufficient for operational and maintenance requirements.
- (c) The relationship of the proposed allotments and their compatibility with the pattern of the adjoining subdivision and land use activities, and access arrangements.

[218] Dealing first with (a), Mr Hartstone's evidence was that the proposed average lot sizes of 3679m² is neither of sufficient area nor dimensions to provide the intended purpose of the Coastal Living zone. We conclude that 13.10.1(a) is directed at the intended purpose or land use for which the allotment is to be used. We do not see the rule as referring back to the "purpose of the zone". Incorporating the purpose of the zone into (a) would be to read additional and un-needed words into that provision.

[219] The intended purpose and use to which the allotments to be created by the subdivision would be put is essentially residential. We consider that proposed lots can comfortably accommodate dwellings and associated development.

[220] Assessment criterion 13.10.1(c) brings into focus the compatibility of the proposed allotments with the pattern of adjoining subdivision and land use activities.

[221] As we have previously discussed, the pattern of adjoining subdivision is mixed. From a zoning perspective the site adjoins the Rural Production and Rural Living zone to the south of Kapiro Road, Rural Production to the west of Redcliffs Road and Coastal Living to the east on the balance of Tubbs Farm.

[222] Leaving aside zoning, we have previously noted the relatively densely developed sites with a number of houses on them to the south of Kapiro Road. The pattern of development within Tubbs Farm has a rural residential feel (albeit on larger sites) due to the prominence of the houses and the restrictions on plantings we have previously discussed.

[223] We conclude the proposed lot layout is broadly consistent with the pattern of development on the south-east of Kapiro Road and the adjoining Tubbs farm. This takes into account the large reserve area which balances the smaller section sizes.

[224] However, we have some concerns about the proposed lot layout along the south-western end of Kapiro Road. There is clear likelihood that buildings will appear stacked, and we conclude there should be adjustments to the lot layout to address this issue.

[225] While not identified as relevant by the planning witnesses, in our view the following assessment criteria 13.10.13 and 13.10.15 are worthy of comment:

13.10.13 Preservation and enhancement of heritage resources, vegetation, fauna and landscape, and land set aside for conservation purposes

(a) Whether any vegetation, habitats of indigenous fauna, heritage resources and landscape features are of sufficient value in terms of the objectives and policies in Chapter 12 of the Plan, that they should be protected.

...

(e) Whether any measures are proposed to protect known high density kiwi habitats from predation by dogs, cats, rats, mustelids, pigs, and other animal pests.

...

(h) Whether the subdivision will result in the significant enhancement of biodiversity values through planting of native flora (preferably those species that naturally grown in the area) and ongoing management (including pest animal and plant control, fencing and replacement of failed plantings, stream enhancement and waterway protection).

...

13.10.15 Access to water bodies

(a) Whether the subdivision provides public access to and along the coastal

marine area or to and along banks of lakes or rivers, and whether the access is appropriate, given the nature of the land subject to the subdivision application and the sensitivity of the waterbody to environmental effects result from the use of that access by the public.

[226] The applicant's proposal would manage and improve the natural values and character of the Rangitane River and its environment, trees and the quarry area itself align well with 13.10.13.

[227] Assessment criteria 13.10.15(a) directs us to the issue of public access along the Rangitane River. We find that the application provides the opportunity for appropriate access to and along the Rangitane River to be provided for. We bear in mind the submissions of Vision Kerikeri and Friends of Rangitane Stream.

[228] Public access to this area does not come without potential risks, in particular so far as access by walkers with dogs (uncontrolled) is concerned. This potential downside risk is echoed 13.10.13(e), although we would not, on the evidence before us, regard the application area as a "high density kiwi habitat". Overall, we are satisfied that appropriate public access can be provided for through this application in a way that enhances access while recognising and managing the potential vulnerability of the kiwi habitat.

[229] Assessment criterion 13.10.14(a) directs our consideration to the extent to which the subdivision will contribute to or affect the ability to safeguard the life supporting capacity of the soil. 13.10.14(b) refers to the degree to which the life supporting capacity of soil may be adversely affected by subdivision including soils classified as I, II or III in the NZ Land Resource Inventory Worksheets.

[230] The approach we take here aligns with our previous discussion of rural character and productive soils where we assess these matters in light of the adjoining rural subdivision of the balance of the Tubbs Farm. The balance of Tubbs farm appears to us as a large residential lot subdivision. We are unable to conclude that this previous development yielded a greater outcome in terms of naturalness or the use of productive soils than currently proposed.

[231] 13.10.16 deals with land use incompatibility and directs our assessment to the issue of potential sensitivity of lot owners to spray from nearby horticultural activities. In each case this site is separated by an existing public road. Spray drift requirement would be managed at the public road boundary. This criterion was a matter that Mr Hartstone commented on. We note even a subdivision on a controlled basis under the Coastal Living zone (5000m²) would have an element of reverse sensitivity. In any event we find that these matters can appropriately be managed by conditions.

[232] In summary we find the current application is comfortably aligned with most of assessment criteria 13.10. The layout of proposed lots has some tensions with the pattern of adjoining subdivision in terms of density particularly along the south-western end of Kapiro Road. We conclude that there should be amendments to the lot layout and density in this area to address this issue.

Section 104D – Threshold Test

[233] We have treated s 104D as an exit test in this case. All relevant matters have therefore been set out in the foregoing discussion. For clarity, as applicable in this case, s 104D provides that an application for a non-complying activity may only be granted if:

- (a) the adverse effects of the activity on the environment ([not applicable]) will be minor; or
- (b) the application is for an activity that will not be contrary to the objectives and policies of–
 - ...
 - (iii) both the relevant plan and the relevant proposed plan, if there is both a plan and a proposed plan in respect of the activity.

[234] For the reasons we have discussed we conclude that the effects of the proposal **on the environment** are no more than minor. While greater density may have ramifications in planning terms we conclude the amenity effects can be controlled. More importantly the reserve and its enhancements would maintain and enhance some important ecological and natural values of the environment.

[235] Additionally, we also consider that the activity is not contrary to the objectives and policies of both the OFNDP and the Proposed District Plan. The meaning of “contrary to” has been well discussed in the cases. In *NZ Rail Ltd v Marlborough District Council* the High Court held that the expression contemplates being “... *opposed to in nature different to or opposite*. *The Oxford English Dictionary in its definition of “contrary” refers also to repugnant and antagonistic*”.¹¹ A proposal which simply fails to satisfy, or meet a policy is not necessarily contrary to it.

[236] The test of whether a proposal is contrary to objectives and policies requires a “fair appraisal of the objectives and policies read as a whole”.¹²

[237] We have had the benefit of evidence from four expert planning witnesses: Mr Brown and Ms Rogers for the appellant, Mr Williamson for Vision Kerikeri and Friends of Rangitane Stream, and Mr Hartstone for the Council. These witnesses reached widely differing views as to whether the proposal is contrary to the objectives and policies of the OFNDP and Proposed District Plan in terms of s 104D(b)(iii). We consider that the policies and objectives of both the OFNDP and Proposed District Plan, so far as relevant in this case, are capable of being interpreted in different ways by experienced, well-qualified and reasonable expert planning witnesses.

[238] The planners’ various interpretations are informed, firstly by the view that each has taken of the evidence on effects on the environment, and secondly by the view each takes on the relevance of the provisions concerning the “coastal” environment.

[239] We interpret the plan provisions in the light of our finding that the effects on the environment are minor. We also have reservations, as we have expressed above, as to the applicability of policies and objectives which deal with the coastal matters. As indicated the site is removed from the coastal environment, coastal influences are not present.

[240] The Council points to a number of objectives and policies in chapters 10 and

¹¹ *NZ Rail Ltd v Marlborough District Council* [1994] NZRMA 70 (HC), at page 11.

¹² *Dye v Auckland Regional Council* [2002] 1 NZLR 337 (CA), at [25]; confirmed in *RJ Davidson Family Trust v Marlborough District Council* [2018] NZCA 316, at [73].

13 which they submit the application offends (to the extent of being contrary to). We discuss these below:

Coastal Living Zone Chapter

- (a) objectives 10.7.3.1 and 10.7.3.2 – these objectives are focused on adverse effects on the coastal environment. Objective 10.7.3.1 provides for low-density residential development to locate in coastal areas where any adverse effects on the environment are able to be avoided remedied or mitigated. The objective does not define “low-density”;
- (b) zone rules provide for one unit per four hectares as a controlled activity, a minimum lot size of 8000m² as a restricted discretionary activity, and a lot size of 5000m² as a discretionary activity. Rule 10.7.5.4.1, to which we have already referred, provides that residential development is limited to one unit per 5000m² of land, developed in such a way that each unit shall have at least 2000m² for its exclusive use surrounding the unit and 3000m² elsewhere;
- (c) a development where lot sizes are as low as 3000m² is not consistent with this rule. However, the Plan provides for subdivisions with lot sizes of less than 5000m² to occur provided that a balance lot as provided for in terms of 10.7.5.4.1. On that basis, the words “lower density” in objective 10.7.3.1 can mean that subdivisions with lots of less than 5000m² can be consented as a discretionary activity in limited circumstances where adverse effects are able to be avoided remedied or mitigated;
- (d) objective 10.7.3.2 is to preserve the overall natural character of the coastal environment by providing for an appropriate level of subdivision and development in the Coastal Living zone. It follows from our finding that the site is not influenced by the coastal environment, that subdivision of the site could not realistically undermine the natural character of the coast;
- (e) policy 10.7.4.2 – this policy is directed at ensuring that standards are set

so that subdivision, use and development provides adequate infrastructure and services, and maintains and enhances amenity values and the quality of the environment. Witnesses for the Council interpret this policy on the basis that the “standards” that are being referred include the rules of density;

- (f) for the applicant, Mr Brown’s evidence was that this policy is directed at infrastructure and servicing matters, such as the need to be consistent with appropriate engineering standards, rather than matters such as density. We accept that appropriate infrastructure is more likely the issue this policy is addressing. In any event, it follows from the findings on effects that amenity values and the quality of the environment would not be adversely affected by the proposal;
- (g) policy 10.7.4.3(a) and (b) – policy 10.7.4.3 is a lengthy policy directed at the preservation (and where possible enhancement, restoration and rehabilitation) of natural character of the Coastal Living zone in regard to s 6 matters by using several identified techniques. The first of these in (a) is “clustering or grouping development”. Again, it follows from our findings on effects and the relevance of the coastal environment to this site that these policies will not be offended by the current application;
- (h) Mr Brown gave evidence that the proposal has been designed using clustering and grouping of residential lots focused more on suitable land away from natural wetlands, galleys, vegetation, watercourses and the Rangitane River riparian areas. We agree with this general proposition. However, there are areas where improvements could be made as we have identified. The proposal as currently formulated is not entirely consistent with policy 10.7.4.3(a);
- (i) as to 10.7.4.3(b) the policy is directed at minimising the visual impact of buildings, development, and associated vegetation clearances and earthworks seen from public land and the coastal marine area. From our site visit none of the proposed development will be visible from the

coastal marine area so the relevance of this policy is to views from public land. There will be public views of the development from Kapiro Road and Redcliffs Road. Various screening is proposed so as to minimise the visual impact. However, we conclude there are areas where visual impact can be improved and mitigated particularly as to density as viewed from Kapiro Road;

Coastal environment chapter

- (j) objective 10.3.9 – this objective refers to achieving superior outcomes to more traditional forms of subdivision use and development through management plans and integrated development. As previously discussed, we see this provision as with other similar provisions, as encouraging rather than limiting flexibility;
- (k) policies 10.4.1 and 10.4.2 – these policies are clearly directed at addressing inappropriate subdivision use and development of the coastal environment. It follows from our finding that the site is not “coastal” that this policy will not be offended by the development;

District wide subdivision chapter

- (l) objective 13.3.2 – this high level, general objective is directed at ensuring subdivision of land is appropriate and carried out in a manner that does not compromise the life supporting capacity of air, water, soil or ecosystems, and that actual potential adverse effects on the environment are avoided, remedied or mitigated. Again, it follows from our previous findings that we do not see this objective is offended by the current proposal;
- (m) policy 13.4.1 – by this policy the sizes, dimensions and distribution of allotments created through the subdivision process are determined with regard to potential effects including effects of the use of those allotments on a range of environmental values (natural character, ecological values etc). Aspects of the proposed lot layout have the potential to adversely

affect landscape values particularly as viewed from Kapiro Road. We have determined that there should be appropriate amendments to the lot layout to address this issue as we discussed;

- (n) policy 13.4.12 – we have previously discussed this policy under a general evaluation of planning provisions. We have previously said that we do not accept the Council’s submission that more intense and innovative developments can only be authorised by the management plan rule. Consequently, we find that the proposal does not offend this policy, rather in our view the proposal is consistent with the tenor of this policy and objective 13.3.6; and
- (o) policy 13.4.13 – this policy repeats policy 10.7.4.3 in the Coastal Living zone chapter, as discussed. We find that the proposal does not offend this policy.

Summary on objectives and policies of the OFNDP

[241] The foregoing discussion addresses those objectives and policies the Council says the proposal offends. We find that of these objectives and policies there are a small number of policies where there is a tension with the proposal as it was presented to us, particularly as to the layout of lots. These are however matters that we conclude can largely be addressed by modest amendment to the proposal and conditions.

[242] As set out in our more general evaluation of planning provisions, in our view the proposal is broadly consistent with the direction of the objectives and policies of the Plan. Specifically, the objectives and policies and other plan provisions which incorporate an element of flexibility to achieve superior outcomes. In our view this proposal, with certain modifications, is consistent with this approach.

[243] Overall, and bearing in mind the definition of “contrary to” discussed in the cases, we are satisfied the proposal is not repugnant to the relevant Plan provisions as a whole and inconsistencies are addressed by benefits from the reserve in particular.

[244] The Proposed District Plan is in the early stage of the Schedule 1 process.

None of the rules relevant to this application currently have legal effect. Nevertheless the Proposed District Plan is relevant in terms of s 104D(b)(iii).

[245] Mr Hartstone's opinion was that the relevant objectives and policies of the Proposed District Plan quite largely echo the policies of the OFNDP. We agree with that assessment. As we have determined that the proposal was not contrary to the objectives and policies of the OFNDP, we find that this is equally so for the Proposed District Plan.

Conclusions

[246] We conclude that this proposal, with certain modifications, is broadly consistent with the direction of the objectives and policies of the operative and proposed plans. However there are issues that we conclude can be addressed by modest amendments to the proposal and conditions.

[247] There is a tension with the proposal as it was presented to us particularly as to the layout of lots and with the pattern of adjoining subdivision, particularly along the south-western end of Kapiro Road. We find that there should be amendments to the lot layout to address this issue:

- (a) there could be a reconfiguration of lots along Kapiro Road/Fantail Rise (Lots 62 – 65 and Lots 82 – 85) to make key views from Kapiro Road of the sections more spacious here;
- (b) amendments to the layout adjacent to existing development at Spoonbill Drive could be made to provide a transition between the larger lots: e.g., amalgamate Lots 171 and 170 to single lot of 6,000m²; rearrange the three lots above totalling 9000m² to a 5,000m² and a 4,000m²;
- (c) further discussions between parties are to be undertaken regarding scientific reserve status for the riverbank, tōtara forest habitat, streams, wetlands, and the quarry area, which provide habitat for kiwi and other native species, to restrict public access;
- (d) reserve vesting and restoration planting and Stage 3 framework planting

to be undertaken up front as part of Stage 3; and

- (e) requirements for a Pest Management Plan to protect indigenous flora and fauna be included in conditions.

[248] We acknowledge the predator control and restoration work being undertaken by the community and their strong interest in protecting the biodiversity of the area. As we stated at the hearing, we find that the best outcomes are achieved where parties work together, and we encourage the parties to try and do this.

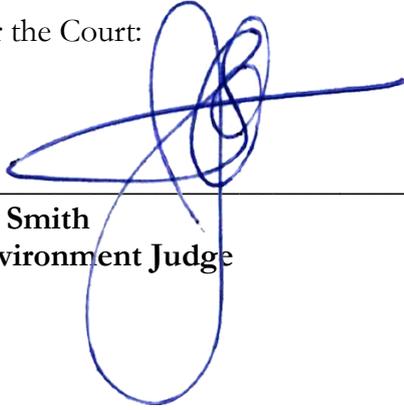
[249] We conclude that the proposal with amendments satisfies us that it meets the objectives and policies of the relevant documents, with appropriate conditions and amendments discussed in the decision. As such it will meet the purpose of the Act in providing homes in an appropriate area while minimising adverse effects and providing some real ecological and public benefits.

[250] We direct:

- (a) the applicant is to provide amended plans and conditions for the development to all parties with 30 working days;
- (b) the parties are to provide any amendments they seek with brief reasons within 20 working days;
- (c) where parties agree on provisions they are to be identified. If the issues are resolved the parties may file a joint memorandum within a further 10 working days;
- (d) in respect of any provisions in dispute the applicant is to provide its preferred wording and plans and file and serve within a further five working days;
- (e) the Court will then issue directions or convene a Judicial Conference to address the method for finalisation; and
- (f) costs applications are not encouraged. Any application is to be filed within

40 working days, any reply is to be filed within a further 10 working days, and a final reply (if any) by any costs applicant is to be filed within a further five working days.

For the Court:



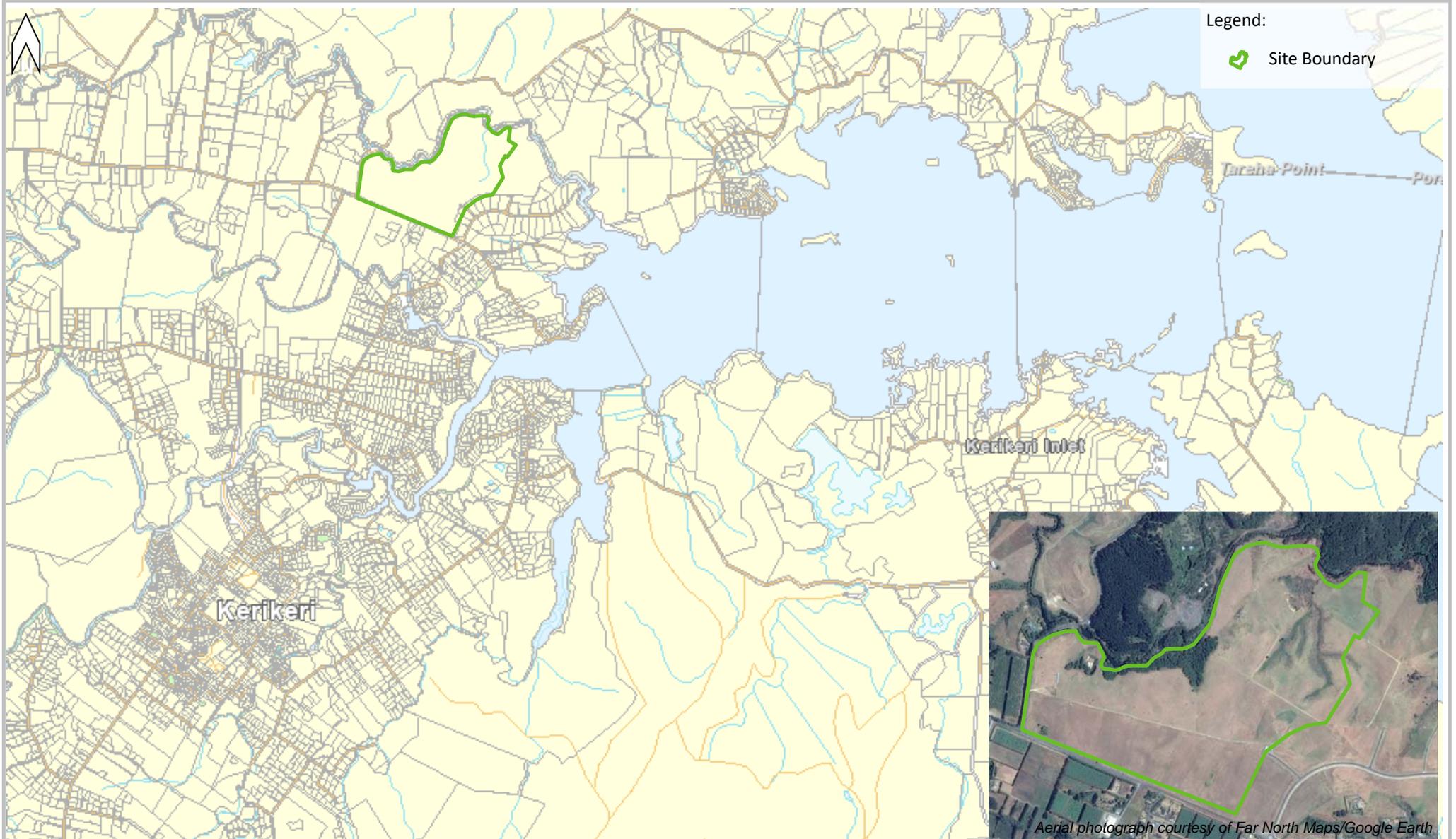
J A Smith
Environment Judge



K G Reid
Environment Judge



"A"



geosciences Ltd
ENVIRONMENTAL

Title:

Figure 1 - Site Location

Reference: J1271

Date: 29 Dec 2023

Level 1, 47 Clyde Road, Browns Bay, 0630
Tel: (09) 475 0222

Project name:

Ranigtane Riverpark, Kerikeri

Drawn: BR

Approved: JF

RANGITANE RIVER PARK (STAGES 3-6) – DRAFT PROPOSED CONDITIONS

Resource Consent Number: 2200416-RMACOM

For Lot 1001, Kapiro Road, Kerikeri 0294

Pursuant to sections 104B and 104C of the Resource Management Act 1991 (the Act), the Far North District Council hereby grants resource consent to:

Neil Construction Limited

The activities to which this decision relates are listed below:

Activity A – Subdivision

To subdivide Lot 1001 DP 532487 to create 119 residential lots, two recreation reserve lots, public roads to vest and JOALS over four stages. The application includes earthworks and landscape planting required for the subdivision.

Activity B – Landuse:

Land use consent to construct up to 600m² of impermeable surface and up to 600m³ of earthworks within each lot (created under Decision A).

Activity C – National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health Regulations 2011 (NESCS)

To undertake subdivision, change of use and soil disturbance of 50m³ under the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health Regulations 2011.

Activity D – Cancellation of Consent Notice

In accordance with s221(3) to cancel consent notice 10388614.2 as it applies to Lot 1001 DP 532487.

Subject Site Details:

Address: Kapiro Road, Kerikeri

Legal Description: Lot 1001, DP 532494

Certificate of Title Reference: 871601

Decision A – Subdivision - conditions

All Stages

- A. Under section 125 of the Resource Management Act 1991, this subdivision consent shall lapse 10 years after the date of commencement unless:
- a. a survey plan for each stage or for all stages is approved under section 223 of the Resource Management Act 1991; or
 - b. an application to extend the lapse period under section 125 of the Resource Management Act 1991 is granted by the consent authority.
- B. This consent may be given effect to in stages where each stage may be developed concurrently or separately commencing with Stage 3.
- C. The consent holder may commence work required to comply with conditions under section 224 of the Resource Management Act 1991 under any stage at any time so that the work is completed on a stage-by-stage basis or across more than one stage.

Pursuant to Section 108 of the Act, this consent, which includes earthworks required for subdivision is issued subject to the following conditions:

STAGE 3 (Lots 60-69, 70-79, 80-89, 90-95, 114 and 168-169)

1. The subdivision shall be carried out in accordance with the approved plan of subdivision prepared by Neil Construction Ltd, referenced *'Rangitane River Park Kerikeri – Scheme Plan Road Frontages Stages 3-6 Proposed Subdivision of Lot 1001 DP 532487, Drawing No. 420-03-SP-00-MRF* dated June 30, 2023 and *Stage 3 Proposed Subdivision of Lot 1001 DP 532487, Drawing Number 420-03-SP-01-MRF* dated June 30 2023 and attached to this consent with the Council's "Approved Stamp" affixed to it.
2. The survey plan, submitted for approval pursuant to Section 223 of the Act shall show:
 - (a)
 - i Lot 600 (Fantail Rise) as road to vest
 - ii All Jointly Owned Access Lots (Lots 502, 503 and 504)
 - iii Easements in gross for right to drain water from JOAL Lots 502, 503 and 504
 - iv All required easements for right of way and underground services
 - v Lot covenanted planted areas
 - vi Balance Lot 1002
 - vii The following amalgamation conditions:

- That Lot 502 (Jointly Owned Access Lot) be held as twelve, one-twelfth shares by the owners of Lots 60-71.
- That Lot 503 (Jointly Owned Access Lot) be held as two, one-half shares by the owners of Lots 72 & 73.
- That Lot 504 (Jointly Owned Access Lot) be held as two, one-half shares by the owners of Lots 74 & 75.

3. That prior to approval under **Section 223** of the Act, the consent holder shall:

- (a) Submit plans and details of all works on legal roads and works which are to vest in Council for the approval of Council's Development Engineer or designate prior to commencing construction. Such works shall be designed in accordance with Council's Engineering Standards 2009 and NZS4404:2004.

In particular the plans and details shall show:

- Details of the road to vest in Council constructed, formed and sealed to comply with the following:
 - 6.5m wide sealed carriageway
 - Mountable Kerb & channel and berm on each side
 - Stormwater collection system
 - Footpath on one side
 - Flag lighting at intersections and cul-de-sac heads
- Details of the intersection of Road A and Kapiro Road including a right turn bay and left turn slip lane in accordance with NZTA standards.
- Details of a 1.5m wide footpath along Kapiro Road from Road A to the existing footpath on Landing Road.
- Pavement and seal design.
- Road markings, furniture and intersection street lighting on the roads to vest.
- All no-exit roads to have temporary turning heads until the completion of the next stage.
- The formation of all Jointly Owned Access Lots (JOALS) and associated vehicle crossings.
- Evidence that a vehicle crossing to each lot can be constructed to FNDC/S/2 standards.
- Details for stormwater management system for road development.
- Permanent stormwater control structures and scour protection at discharge points.
- PS1 (Schedule 1A) certificate signed by a suitable IQP to be submitted for the design of the road pavement and stormwater system.
- Specifications for construction, construction monitoring and as-built records in accordance with FNDC Engineering Standards and Guidelines 2009.
- Bulk earthworks shall be designed in general accordance with NZS4431:2022 by a Chartered Professional Engineer. No earthworks involving fills or unsupported cuts in excess of 1 m shall take place unless endorsed by a suitable design undertaken by a Chartered Professional Engineer with a geotechnical practice area.
- Details of road boundary fencing adjacent to Kapiro road frontage as illustrated on the 4Sight Consulting – Part of SLR *Stage 3 Fence Typologies Plan LA05*, dated 23 June 2023.

- Details of proposed street planting plan as illustrated on the 4Sight Consulting – Part of SLR ‘*Stage 3 Street Trees – LAS01*’, dated 23 June 2023.
- (b) Following approval of the plans and selection of the contractor, provide to Council;
- (i) Details of the successful contractor.
 - (ii) Details of the planned commencement date and duration of the contract.
 - (iii) Details of the supervising engineer.
 - (iv) A traffic management plan and Corridor Access Request.
 - (v) A copy of the Construction Environmental Management Plan approved by Northland Regional Council under NRC Consent 43510 condition 5.

(c) Landscape Concept Plan

That prior to approval under section 223 of the Act, the consent holder shall submit a detailed landscape plan prepared by suitably qualified person that shows the proposed covenanted planting in Stage 3 as indicated on the 4Sight Consulting – Part of SLR *Stage 3 Concept Plan* LA04, dated June 23, 2023, and with reference to the ‘Summary of Species Schedule’ and ‘Revegetation Strategy’ LA13-LA15 for approval by Council’s Resource Consents Manager or designate.

(d) Construction Management Plan

That prior to the commencing of any physical site works, a construction management plan shall be submitted to and approved by the Council’s Resource Consent Engineer or their designate.

The plan shall contain information on, and site management procedures, for the following:

- (i) The timing of site works, earthworks, and construction works, including hours of work, and the key project and site management personnel.
- (ii) Consultation with Ngati Rehia about the timing and supervision interest for earthworks.
- (iii) Bulk earthworks plan (showing cut and fill and their related quantities).
- (iv) The transportation of fill and construction materials from and to the site and associated controls on vehicles through sign-posted site entrances/exits and the loading and unloading of materials.
- (v) The extent of excavation works, including retaining structures and any necessary dewatering facilities, prepared by a suitably qualified Geotechnical Engineer.
- (vi) Control of dust and noise on-site and necessary avoidance or remedial measures.
- (vii) Prevention of soil or other material being deposited on surrounding roads from vehicles working within the subdivision and the proposed remedial actions should it occur.
- (viii) Proposed publicity and safety measures, including signage, to inform adjacent landowners and occupiers, pedestrians, and other users of the road.

All construction works within the site are to be undertaken in accordance with the approved construction management plan.

- (e) Provide for Council consideration and approval preferred road names for Road A and JOAL 502, 503 and 504, including two alternative names. The consent holder is advised that in

accordance with the community board policy road names should reflect the history of the area and be no longer than 10 characters in length.

4. That before a certificate is issued pursuant to **Section 224** of the Act, the applicant shall:
- (a) Provide to Council As-built Plans complying with Schedule 1D of NZS 4404:2004 and Section 1.5.2.5 of Council's Engineering Standards and Guidelines.
 - (b) Complete all works specific in condition (3)(a) above except for vehicle crossings for each lot which is deferred until the construction of any dwelling. For the works completed provide certification (PS3/Schedule 1b) of the work from contractor(s), that all work has been completed in accordance with approved plans.
 - (c) Upon completion of the works specified in condition 3(a) above (except for vehicle crossings for each lot which is deferred until the construction of any dwelling), provide certification (PS4/Schedule 1C) of the work from a Chartered Professional Engineer that all work has been completed in accordance with approved plans.

A geotechnical completion report shall be provided upon the completion of the earthworks to confirm the geotechnical recommendations and document the work undertaken, e.g. earthworks compaction certification. The completion report shall include certification of the engineered fill and as-built plans in accordance with the requirements of NZS4431:2022 and NZS4404:2010.

- (d) Provide evidence that JOALs 502 and 503 and their vehicle crossings onto Kapiro Road and JOAL 504 have been constructed in accordance with Condition 3(a).
- (e) Provide evidence that a maintenance agreement has been entered into with the contractor who is to maintain the work which is to vest in Council for a minimum of 12 months. The minimum value of the bond, or retention money held in lieu of a bond, shall be 10% of the construction cost.
- (f) Where required, provide evidence that consent has been issued by the Northland Regional Council for the discharge of stormwater from the vested road and as required by the 'Resource Management Act - National Environmental Standard for the Management of Freshwater 2020'.
- (g) Provide evidence to Council that the Stage 3 covenant planting indicated on the Landscape Concept Plan approved in Condition (3)(c) has been undertaken.
- (h) Provide documentation that the service providers of electric power and telecommunications to the sites are satisfied with the arrangements made for the provision of these services.
- (i) Pay for the costs of providing and erecting any new road signs and any signage required for Kiwi awareness.

The consent holder shall ensure for the duration of bulk subdivision earthworks construction operation that the works are carried out in accordance with the approved drawings and document approved under Condition 3(d).

- (j) The consent holder shall over the duration of the subdivision earthworks construction operation ensure that no bulk earthworks are carried out between 1st May and 30th September in any year unless the prior written agreement of the councils Resource Consents Engineer or designate is obtained.
- (k) The consent holder shall ensure during and on completion of bulk subdivision earthworks construction that all exposed surfaces are covered with topsoil or mulch to suppress dust or erosion, with no more than 50,000m² left or exposed at any one time. Within 6 months of completing the earthworks, re-establish vegetation cover on all exposed cut surfaces.
- (l) The consent holder shall, over the duration of the subdivision earthworks construction operation, ensure that any debris deposited on the public road as a result of the earthworks is removed as soon as possible. This should be at least on a daily basis and at the expense of the consent holder and to the satisfaction of Council's Roading Engineer or their designate. If the consent holder does not remove debris or spoil the Council may engage a contractor to remove the debris and spoil and recover the costs and expenses for removal from the consent holder.
- (m) The consent holder shall ensure over the duration of the subdivision earthworks construction operation that all consented subdivision earthworks to be undertaken on the site is monitored by a Chartered Professional Engineer that is engaged by the consent holder.
- (n) The consent holder shall prior to the bulk subdivision earthworks commencing establish and mark the location of the boundary pegs and mark all property boundaries adjacent to the proposed subdivision earthworks. No authorisation is given for works on legal road other than Kapiro Road or Redcliffs Road, or on private property other than the lot subject to the land use consent. Where the consent holder is not the lot owner, the consent holder is responsible for obtaining approval from the lot owner prior to commencing work.
- (o) The consent holder is to ensure that stormwater diversion and silt control measures are in place prior to the commencement of bulk subdivision earthworks.
- (p) The consent holder is responsible for arranging for buried services to be located and marked prior to commencing bulk subdivision earthworks and is also responsible for the repair and reinstatement of any underground services damaged as a result of the earthworks.
- (q) The consent holder is responsible over the duration of the subdivision earthworks construction operation for the repair and reinstatement of the road carriageway, the kerb and footpath damaged as a result of the earthworks. Such works, where required, will be completed to the satisfaction of the Council's Roading Manager.

- (r) The consent holder shall prior to the commencement of bulk subdivision earthworks construction, provide a stabilised construction entrance to minimise the tracking of spoil and debris onto public road surfaces. The stabilised construction entrance shall be constructed in accordance with GD05 and be maintained throughout the duration of the earthworks operations. A wheel wash may be required if excessive debris or spoil is tracked onto road.
- (s) The consent holder shall prior to the commencement of bulk subdivision earthworks construction for the internal roading and stormwater drainage, provide evidence to Council's Resource Consents Monitoring Officer or their designate that a silt and sediment control plan has been approved or deemed not required by the Northland Regional Council.
- (t) In the event of archaeological sites or koiwi being uncovered, activities in the vicinity of the discovery shall cease and the Consent Holder shall contact Heritage New Zealand Pouhere Taonga and Ngāti Rēhia iwi. Work shall not recommence in the area of the discovery until the relevant Heritage New Zealand Pouhere Taonga approval has been obtained.

Advice note: The Heritage New Zealand Pouhere Taonga Act 2014 makes it unlawful for any person to destroy, damage or modify the whole or any part of an archaeological site without the prior authority of Heritage New Zealand Pouhere Taonga.

- (u) Prior to the completion of Stage 3, the consent holder shall construct a boundary fence along the Kapiro Road frontage as shown on the *Stage 3 Landscape Fence Typologies Plan*, LA05 dated 23 June 2023 prepared by 4Sight Consulting – Part of SLR (ref 7949).
 - (v) Prior to the completion of Stage 3, the consent holder shall undertake all street planting within the stage boundary as detailed on the approved 4Sight Consulting – Part of SLR Stage 3 Street Trees plan page LAS01 dated 23 June 2023 (ref 7949).
 - (w) Within the planting season prior to the completion of Stage 3, the consent holder shall plant within Lots 60 – 76, 78-79, 80 – 95, and 114, as detailed on the 4 Sight Consulting Stage 3 'Concept Plan, LA04, dated 23 June 2023, (ref 7949). The consent holder shall maintain the planting until such time as these lots are sold. Responsibility for maintaining this planting in perpetuity thereafter shall be the lot owner in accordance with consent notice condition 4(w)(xv) below.
5. Secure the following conditions by way of a consent notice issued under **section 221** of the Act, to be registered against the titles of the affected allotment(s). The consent holder shall meet the costs of preparing, checking and executing the consent notices:

Vehicle Crossing (All Lots except lots accessed from a JOAL)

- i. That upon construction of the dwelling, that the vehicle entrance crossing be constructed in accordance with the 2009 FNDC engineering standards.

On-site Wastewater (All lots)

- ii. In conjunction with the construction of any building which includes a wastewater treatment and effluent disposal system, the applicant shall submit for Council approval an on-site wastewater report prepared by a Chartered Professional Engineer or a Council approved report writer having regard to the "Engineering Report" dated June 2, 2023, prepared by Haigh Workman, ref 18 295. The report shall identify a suitable method of wastewater treatment for the proposed development along with an identified effluent disposal area plus a reserve disposal area.

Water Supply (All lots)

- iii. In conjunction with the construction of any dwelling, sufficient water storage shall be provided on the lot for potable water supply. The storage volume shall be at least 50,000 litres per dwelling unless a report by a suitable qualified person demonstrates to Council's satisfaction that a lesser storage capacity is adequate. In addition to a potable water supply, a dedicated water collection system with sufficient supply for fire-fighting purposes is to be provided by way of tank or other approved means and to be positioned so that it is safely accessible for this purpose. These provisions will be in accordance with the New Zealand Fire Fighting Water Supply Code of Practice SNZ PAS 4509 2008.

Foundation Design (All lots)

- iv. All building that requires building consent will require an assessment of foundations and ground suitability by a suitably qualified and experienced practitioner (i.e Chartered Professional Engineer). The assessment shall reference especially geotechnical recommendations of the Rangitane River Park Stages 3-6 Geotechnical Assessment Report, dated 3 July 2023 prepared by Haigh Workman.

Foundation Building Restriction Line (Lots 86, 87, 88 and 89)

- v. Building restriction lines as indicated on the Haigh Workman Engineering Plans - *Geotechnical Site Plan – Stages 3-& 4 (Rev G) dated 3 July 2023*, apply to these lots. Building beyond the restriction line is possible but will be subject to site-specific geotechnical investigation and slope stability analysis to either demonstrate the land beyond the restriction line is stable, or otherwise providing ground improvement to stabilise the land, e.g. a soldier pile wall. The geotechnical investigation is to be undertaken by a Chartered Professional Engineer with a geotechnical practice area.

Stormwater Management (All lots)

- vi. The subdivision provides a resource consent for up to a maximum of 600m² impermeable surfaces coverage on each Lot, plus impermeable surfaces on Jointly Owned Access Lots. If at

any stage, the proposed area of impermeable surfaces exceeds 600m² (excluding JOALs), a stormwater management system shall be designed, for the approval of Council, and implemented for that Lot to ensure peak stormwater runoff from the developed lot does not exceed the runoff anticipated from the consent notice during a design 10% annual exceedance probability storm event with a recognised allowance for climate change.

- vii. Without the prior approval of the Council, no building shall be erected, nor any works which increase impermeable surfaces be undertaken, nor any planting or structure placed which may create a flow obstruction, on any area of the site which has been proposed or identified as a secondary / overland (Q100) flow path described in the Haigh Workman "Engineering Report" dated 3 July 2023, and Stormwater Management Plans, Sheets 1-4 (Rev G) dated 3 July, 2023), ref 18 295.

Kiwi Protection (All lots)

- viii. No owners or occupiers of or visitors to any of the lots shall keep or introduce onto the land any carnivorous animal (such as cats, dogs or mustelids) which have the potential to be Kiwi predators. This includes the bringing of any such animals onto site by visitors and contractors.

Building Height (Lots 60-62, 63-67, 68-71,72-76,77-85 & 95)

- ix. No building shall exceed 6m using the rolling height method (as defined in the operative Far North District Plan 2009).

Building Location and Landscaping

- x. No lot owner(s) of Lots 60, 67, 68, 71,72, 73, 74, 75, 76 and 95 shall construct any building within a 10m setback from the Kapiro Road, road boundary.
- xi. No owner(s) of Lot 95 shall construct any building within a 25m setback from the Kapiro Road, road boundary.
- xii. All buildings (excluding wastewater systems) shall be located outside of the covenanted planted areas and behind any building restriction lines as indicated on the 4Sight Consulting – Part of SLR *Stage 3 'Concept Plan'* dated 23 June, 2023 LA04 and the '*Stage 3 Lots Setbacks Table'* dated 3 July 2023.
- xiii. The lot owner(s) shall ensure on an ongoing basis that the covenanted planting area, planted in accordance with the 4Sight Consulting – Part of SLR '*Stage 3 Concept Plan, LA04*, dated 23 June 2023, (ref 7949), is maintained and kept weed free.
- xiv. That lot owner(s) shall ensure on an ongoing basis that the Kapiro Road boundary fencing required by Condition (4)(t) above is maintained.
- xv. When Building Consent is sought for a dwelling or any building over 50m², the applicant must submit a Building Development Landscape Plan which manages the landscaping within the site boundary to the Council for certification against the requirements of these conditions (xv) and (xvi). The plan shall detail planting for the purposes of visual mitigation

and integration of the built development, its access, buildings and other built elements (e.g. pergolas, gazebos), retaining walls, pools and water features, and landform modifications. The plan shall show details of re-vegetation of any exposed cut faces associated with works required for the building or access or landscaping. The plan shall contain the following information:

- Location and extent of any proposed buildings, access, retaining walls and extent of earthworks.
- Names of proposed species.
- Size of proposed stock for planting.
- Locations and spacing of proposed plants, positioned (where appropriate) so as to achieve canopy closure within 3-5 years.
- Details of staking and other means of support for large trees.
- Details of proposed maintenance.
- Details of proposed mulch, type, depth etc

xvi. The Building Development Landscape Plan shall be formulated in accordance with the following principles, standards and conditions:

- On-site landscaping is intended to enhance the amenity of the area and be appropriate to its rural surrounds. The objective is to maintain this to a standard commensurate with a high quality rural-residential housing development for the life of the subdivision and the zoning.
- Indigenous species found in the locality should **predominate** within the species mix used for landscaping around the built development.
- Fencing, drains or other potential hazards for Kiwi should be designed to allow safe movement of Kiwi.
- To construct any Road boundary fence (except Kapiro Road or Redcliffs Road) in local stone, post and rail, post and wire, post, wire and batten.
- To retain and maintain any Road boundary fence on Kapiro Road or Redcliffs Road in post and rail or post wire and batten as shown in the 4Sight Consulting – Part of SLR Stage 3 Fencing Typologies page LA05, dated 23 June 2023 (ref 7949).
- For lots without covenanted planting areas, a minimum of five specimen trees shall be included in the planting proposal. These can be selected from the Summary Species Schedule, Pages LA13-LA14 dated 23 June 2023, prepared by 4Sight Consulting – Part of SLR – Part of SLR (ref 7949) attached to this consent.
- No tree species shall be selected from plantation forestry or coppicing species.
- All planting within 5 metres of the residential unit shall be designed to prevent the creation of fire hazards and utilise species identified as suitable in the 4Sight Consulting – Part of SLR Summary Species Schedule, pages LA13-LA14 dated 23 June 2023, (ref 7949).
- Outdoor parking areas shall be screened to a minimum of 1m high to partially obscure these areas from offsite locations.

The Building Development Landscape Plan is to be implemented within the first planting season following completion of the exterior of the building (approximately April-August) and maintained in perpetuity, with allowance made within the landscaping areas for the maintenance, trimming and replacement planting of trees as required.

Built design and site layout (All lots)

xvii. All built development on lots must be constructed in accordance with the following standards and conditions:

- Each house lot shall have a garage with space for a minimum of two vehicles;
- Water tanks shall be screened and/or buried so they are not visible from beyond the boundary of the lot;
- The glazing of windows are to be non-reflective and not mirrored glass;
- Colour schemes for exterior walls and roofs are to use medium to dark shades of recessive colours which are neutral, sympathetic to the adjacent landscape, and not a dominating visual element. The exterior walls shall have a reflectivity value no greater than 35% and a maximum of 30% for roofs. The restriction does not apply to window joinery or regular domestic doors;
- A freestanding garage or other ancillary domestic structure can be erected on any lot provided it is constructed in the same or similar materials and style to the primary dwelling. Any freestanding garage or ancillary domestic structure shall be located no more than 15m from main dwelling;
- External retaining walls shall be a maximum of 1.5m in height, finish to be of natural materials, ie timber or stone. Other materials such as brick or plaster are discouraged. Open rail style fencing on top of retaining walls over 900mm in height, close boarded fences are not permitted;
- Side boundary fencing shall be limited to 1.2m height post and rail or post and wire fencing;
- Where the access, vehicle parking, and manoeuvring area surfaces are constructed of concrete then a dark (black) oxide shall be applied at the rate of 2.5kg per 1m³ of concrete. In addition, all block work or paving shall be completed in recessive tones;
- One vehicle crossing permitted on any lot;

STAGE 4 (Lots 96-109, 110-119, 120-123, 164-167)

1. The subdivision shall be carried out in accordance with the approved plan of subdivision prepared by Neil Construction Ltd, referenced '*Rangitane River Park Kerikeri – Scheme Plan Road Frontages Stages 3-6 Proposed Subdivision of Lot 1001 DP 532487, Drawing No. 420-03-SP-00-MRF*' dated June 30, 2023 and '*Stage 4 Proposed Subdivision of Lot 1001 DP 532487, Drawing Number 420-04-SP-04-MRF*' dated June 30 2023 and attached to this consent with the Council's "Approved Stamp" affixed to it.

2. The survey plan, submitted for approval pursuant to Section 223 of the Act shall show:
 - (a)
 - i Road Lot 601(Fantail Rise extension) as road to vest.
 - ii Road A (Lot 602) and Redcliffs Road Lot 605 as road to vest.
 - iii All Jointly Owned Access Lots (Lots 505, 506, 507 & 508)
 - iv Lot 700 Local Purpose Reserve (Spite Strip)
 - v Lot 701 Recreation Reserve to Vest
 - vi Easements in gross D, E F, G, M & N for the discharge of stormwater as indicated in the memorandum of easements shown on the Council stamped Plan *Stage 4 Proposed Subdivision of Lot 1001 DP 532487, Drawing Number 420-04-SP-01-MRF*' dated June 30, 2023.
 - vii Easements D, E, F, G for right of way and underground services as indicated in the memorandum of easements shown on the Council stamped Plan *Stage 4 Proposed Subdivision of Lot 1001 DP 532487, Drawing Number 420-04-SP-01-MRF*' dated June 30, 2023.
 - viii Balance Lot 1003
 - ix The endorsement of the following amalgamation conditions:
 - That Lot 506 (Jointly Owned Access Lot) be held as three, one-third shares by the owners of Lots 109, 110 and 111.
 - That Lot 507 (Jointly Owned Access Lot) be held as three, one-third share by the owners of Lots 115, 116 and 117.
 - That Lot 508 (Jointly Owned Access Lot) be held as two one-half shares by the owners of Lots 121 and 122.

3. That prior to approval under **section 223** of the Act, the consent holder shall:
 - (a) Submit plans and details of all works on legal roads and works, which are to vest in Council for the approval of Council's Development Engineer or designate prior to commencing construction. Such works shall be designed in accordance with Council's Engineering Standards 2009 and NZS4404:2004.

In particular the plans and details shall show:

- Details of the road to vest in Council constructed, formed and sealed to comply with the following:
 - 6.5m wide sealed carriageway
 - Mountable Kerb & channel and berm on each side
 - Stormwater collection system
 - Footpath on one side
 - Flag lighting at intersections and cul-de-sac heads
 - Details of a residential road cul-de-sac head on Road to Vest 601 (Fantail Rise).
 - Road markings, furniture and street lighting on the roads to vest.
 - All no-exit roads to have temporary turning heads until the completion of the next stage.
 - The formation of all Jointly Owned Access Lots (JOALS) and associated vehicle crossings
 - Evidence that a vehicle crossing to each lot can be constructed to FNDC/S/2 standards.
 - Details for the formation of an all-weather surface pedestrian walking track and carpark within Recreation Reserve 701 and as indicated on the approved 4Sight Consulting – Part of SLR *Recreation Reserve 701 & 702 Concept Plan LAR01*, *'Recreation Reserve Zoom in Plan Stage 4 Plan LAR02*, and *'Waterhole Carpark Plan' LAR04* dated 23 June, 2023 and the Haigh Workman Proposed Development Plan P2, dated July 2023.
 - Details for a stormwater management system for road development.
 - Permanent stormwater control structures and scour protection at discharge points.
 - PS1 (Schedule 1A) certificate signed by a suitable IQP to be submitted for the design of the road pavement and stormwater system.
 - Specifications for construction, construction monitoring and as-built records in accordance with FNDC Engineering Standards and Guidelines 2009.
 - Bulk earthworks shall be designed in general accordance with NZS4431:2022 by a Chartered Professional Engineer. No earthworks involving fills or unsupported cuts in excess of 1 m shall take place unless endorsed by a suitable design undertaken by a Chartered Professional Engineer with a geotechnical practice area.
 - Details of proposed street planting plan as illustrated on the approved 4Sight Consulting – Part of SLR *'Street Trees Stage 4 Plan' LASO2*, dated 23 June 2023.
- (b) Following approval of the plans and selection of the contractor, provide to Council;
- (i) Details of the successful contractor.
 - (ii) Details of the planned commencement date and duration of the contract.
 - (iii) Details of the supervising engineer.
 - (iv) A traffic management plan and Corridor Access Request.
 - (v) A copy of the Construction Environmental Management Plan approved by Northland Regional Council under NRC Consent 43510 condition 5.
- (c) Landscape Concept Plan
- (i) That prior to approval under section 223 of the Act, the consent holder shall submit a detailed landscape plan prepared by suitably qualified person that shows the proposed covenanted planting in Stage 4 as indicated on the approved 4Sight Consulting – Part of

SLR *Stage 3 Concept Plan* LA06, dated June 23, 2023, and with reference to the 4Sight Consulting – Part of SLR ‘Summary of Species Schedule’ and ‘Revegetation Strategy’ LA13-LA15 for approval by Council’s Resource Consents Manager or designate.

(d) Recreation Reserve Plan(s) (Lot 701)

- (i) That prior to approval under Section 223, the consent holder shall submit a detailed ‘Recreation Reserve Layout Plan’ for Reserve Lot 701 in general accordance with the approved 4Sight Consulting – Part of SLR Reserve 701 & 702 Concept Plans, LAR01-LAR04, LAR06, LAR07-LAR08 and the Stage 4 Fence Typologies Plan LA07 dated 23 June 2023, that shows the vehicle access, carpark, reserve furniture, bollards, pedestrian walking tracks, proposed revegetation and ecological restoration planting and reserve boundary fencing. The consent holder shall provide evidence that the Recreation Reserve Layout Plan has been prepared in consultation with Ngati Rehia and with reference to the approved 4Sight Consulting – Part of SLR Summary of Species Schedule LA13 -LA15 dated 23 June, 2023.
- (ii) That prior to approval under section 223, the consent holder shall submit a detailed engineering plan for the ‘Waterhole Access and Carpark’ Plan in general accordance with the Haigh Workman Proposed Development Plan (P2) dated June 2, 2023 that shows that shows the layout and construction design surface of the proposed access from Redcliffs Road and carparks.

(e) Construction Management Plan

That prior to the commencing of any physical site works, a construction management plan shall be submitted to and approved by the Council’s Resource Consent Engineer or their designate.

The plan shall contain information on, and site management procedures, for the following:

- (i) The timing of site works, earthworks, and construction works, including hours of work, and the key project and site management personnel.
- (ii) Consultation with Ngati Rehia about the timing and supervision interest for earthworks.
- (iii) Bulk earthworks plan (showing cut and fill and their related quantities).
- (iv) The transportation of fill and construction materials from and to the site and associated controls on vehicles through sign-posted site entrances/exits and the loading and unloading of materials.
- (v) The extent of excavation works, including retaining structures and any necessary dewatering facilities, prepared by a suitably qualified Geotechnical Engineer.
- (vi) Control of dust and noise on-site and necessary avoidance or remedial measures.
- (vii) Prevention of soil or other material being deposited on surrounding roads from vehicles working within the subdivision and the proposed remedial actions should it occur.
- (viii) Proposed publicity and safety measures, including signage, to inform adjacent landowners and occupiers, pedestrians, and other users of the road.

All construction works within the site are to be undertaken in accordance with the approved construction management plan.

- (f) Provide Council consideration and approval preferred road names for JOAL 505, 506, 507, 508 and any unnamed roads to vest including two alternative names. The consent holder is advised that in accordance with the community board policy road names should reflect the history of the area and be no longer than 10 characters in length.

4. That before a certificate is issued pursuant to **Section 224** of the Act, the applicant shall:

- (a) Provide to Council As-built Plans complying with Schedule 1D of NZS 4404:2004 and Section 1.5.2.5 of Council's Engineering Standards and Guidelines.
- (b) Complete all works specific in condition (3)(a) above with the exception of vehicle crossings for each lot which is deferred until the construction of any dwelling. For the works completed provide certification (PS3/Schedule 1b) of the work from contractor(s), that all work has been completed in accordance with approved plans.
- (c) Complete all landscape planting and fencing works specified in condition 3(c) above to the satisfaction of Council.
- (d) Complete all Lot 701 Recreation Reserve works including the construction of the proposed Waterhole vehicle access, carpark, furnishing, landscape planting, construction of the walkway and fencing specified in Condition 3(d) above to the satisfaction of the Council.
- (e) Upon completion of the works specified in condition 2(a) above (with the exception of vehicle crossings for each lot which is deferred until the construction of any dwelling), provide certification (PS4/Schedule 1C) of the work from a Chartered Professional Engineer that all work has been completed in accordance with approved plans. A geotechnical completion report shall be provided upon the completion of the earthworks to confirm the geotechnical recommendations and document the work undertaken, e.g. earthworks compaction certification. The completion report shall include certification of the engineered fill and as-built plans in accordance with the requirements of NZS4431:2022 and NZS4404:2010.
- (f) Provide evidence that a maintenance agreement has been entered into with the contractor who is to maintain the work which is to vest in Council for a minimum of 12 months. The minimum value of the bond, or retention money held in lieu of a bond, shall be 10% of the construction cost.
- (g) Provide documentation that the service providers of electric power and telecommunications to the sites are satisfied with the arrangements made for the provision of these services.
- (h) Pay for the costs of providing and erecting new road signs and any signage required for Kiwi awareness.

- (i) Provide confirmation that a fencing covenant pursuant to Section 5 of the Fencing Act 1978 over all lots which adjoin the Recreation Reserve to be vested in Council has been prepared and will be registered on the title of the respective lots. The covenant shall indemnify the Far North District Council from any liability to contribute towards any construction, maintenance or upgrading work on any fence between the Reserve and the specified adjoining lot. The covenant is to be prepared to the Council's satisfaction and registered on the relevant title at the applicant's expense. The applicant shall provide a solicitor written undertaking to register the document on the affected titles.
- (j) The consent holder shall ensure for the duration of bulk subdivision earthworks construction operation that the works are carried out in accordance with the approved drawings and document approved under Stage 4 Condition 3(a).
- (k) The consent holder shall over the duration of the subdivision earthworks construction operation ensure that no bulk earthworks are carried out between 1st May and 30th September in any year unless the prior written agreement of the Council's Resource Consents Engineer or designate is obtained.
- (l) The consent holder shall ensure during and on completion of bulk subdivision earthworks construction that all exposed surfaces are covered with topsoil or mulch to suppress dust or erosion, with no more than 50,000m² left or exposed at any one time. Within 6 months of completing the earthworks, re-establish vegetation cover on all exposed cut surfaces.
- (m) The consent holder shall, over the duration of the subdivision earthworks construction operation, ensure that any debris deposited on the public road as a result of the earthworks is removed as soon as possible. This should be at least on a daily basis and at the expense of the consent holder and to the satisfaction of Council's Roading Engineer or their designate. If the consent holder does not remove debris or spoil the Council may engage a contractor to remove the debris and spoil and recover the costs and expenses for removal from the consent holder.
- (n) The consent holder shall ensure over the duration of the subdivision earthworks construction operation that all consented subdivision earthworks to be undertaken on the site is monitored by a Chartered Professional Engineer that is engage by the consent holder.
- (o) The consent holder shall prior to the bulk subdivision earthworks commencing establish and mark the location of the boundary pegs and mark all property boundaries adjacent to the proposed subdivision earthworks. No authorisation is given for works on legal road or on private property other than the lot subject to the land use consent. Where the consent holder is not the lot owner, the consent holder is responsible for obtaining approval from the lot owner prior to commencing work.
- (p) The consent holder is to ensure that stormwater diversion and silt control measures are in place prior to the commencement of bulk subdivision earthworks.

- (q) The consent holder is responsible for arranging for buried services to be located and marked prior to commencing bulk subdivision earthworks and is also responsible for the repair and reinstatement of any underground services damaged as a result of the earthworks.
- (r) The consent holder is responsible over the duration of the subdivision earthworks construction operation for the repair and reinstatement of the road carriageway, the kerb and footpath damaged as a result of the earthworks. Such works, where required, will be completed to the satisfaction of the Council's Roading Manager.
- (s) The consent holder shall prior to the commencement of bulk subdivision earthworks construction, provide a stabilised construction entrance to minimise the tracking of spoil and debris onto public road surfaces. The stabilised construction entrance shall be constructed in accordance with GD05 and be maintained throughout the duration of the earthworks operations. A wheel wash may be required if excessive debris or spoil is tracked onto road.
- (t) The consent holder shall prior to the commencement of bulk subdivision earthworks construction for the internal roading and stormwater drainage, provide evidence to Council's Resource Consents Monitoring Officer or their designate that a silt and sediment control plan has been approved or deemed not required by the Northland Regional Council.
- (u) In the event of archaeological sites or koiwi being uncovered, activities in the vicinity of the discovery shall cease and the Consent Holder shall contact Heritage New Zealand Pouhere Taonga and Ngāti Rēhia iwi. Work shall not recommence in the area of the discovery until the relevant Heritage New Zealand Pouhere Taonga approval has been obtained.

Advice note: The Heritage New Zealand Pouhere Taonga Act 2014 makes it unlawful for any person to destroy, damage or modify the whole or any part of an archaeological site without the prior authority of Heritage New Zealand Pouhere Taonga.

- (v) Prior to the completion of Stage 4, the consent holder shall construct a boundary fence along the Kapiro Road and Redcliffs Road frontage (that extends to the northern boundary of Lot 107) as shown on the approved 4Sight Consulting – Part of SLR Stage 4 Fence Typologies plan, LA07 dated 23 June 2023.
- (w) Prior to the completion of Stage 4, the consent holder shall construct the Reserve Lot 701 boundary fence as shown on the approved 4Sight Consulting – Part of SLR Stage 4 Fence Typologies Plan LA07, dated 23 June 2023.
- (x) Prior to the completion of Stage 4, the consent holder shall undertake all street planting within the stage boundary as detailed on the approved 4Sight Consulting – Part of SLR Stage 4 Street Trees plan page LAS02 dated 23 June 2023 (ref 7949).
- (y) Within the planting season prior to the completion of Stage 4, the consent holder shall plant within Lots 97-105, 107-109, 110-119, 121-123, 164-167, 'as detailed on the approved 4Sight Consulting – Part of SLR 'Stage 4 Concept Plan pages LA06. LA13-LA14 dated 23 June 2023.

The consent holder shall maintain the planting until such time as these lots are sold. Responsibility for maintaining this planting in perpetuity thereafter shall be the lot owner in accordance with consent notice condition (5)(x) below.

- (z) Provide evidence with a certification from a suitably qualified person that planting and fencing as shown on the approved 4Sight Consulting – Part of SLR Recreation Reserve 701 & 702 Concept Plan LAR01, LAR02, LAR07-08 and Stage 4 Fence Typologies Plan LA07 dated 23 June 2023 approved in Condition 3(c) above has been implemented to the satisfaction of the Resource Consents Manager or designate.

- 5. Secure the following conditions by way of a consent notice issued under section 221 of the Act, to be registered against the titles of the affected allotment(s). The consent holder shall meet the costs of preparing, checking and executing the consent notices.

Vehicle Crossing (All lots except lots accessed from a JOAL)

- i. That upon construction of the dwelling, that the vehicle entrance crossing be constructed in accordance with FNDC engineering standards 2009.

On-site Wastewater (All lots)

- ii. In conjunction with the construction of any building which includes a wastewater treatment and effluent disposal system, the applicant shall submit for Council's approval an on-site wastewater report prepared by a Chartered Professional Engineer or a Council approved report writer having regard to the "Engineering Report" dated July 3, 2023, prepared by Haigh Workman, ref 18 295. The report shall identify a suitable method of wastewater treatment for the proposed development along with an identified effluent disposal area plus a reserve disposal area.

Water Supply (All lots)

- iii. In conjunction with the construction of any dwelling, sufficient water storage shall be provided on the lot for potable water supply. The storage volume shall be at least 50,000 litres per dwelling unless a report by a suitable qualified person demonstrates to Council's satisfaction that a lesser storage capacity is adequate. In addition to a potable water supply, a dedicated water collection system with sufficient supply for fire-fighting purposes is to be provided by way of tank or other approved means and to be positioned so that it is safely accessible for this purpose. These provisions will be in accordance with the New Zealand Fire Fighting Water Supply Code of Practice SNZ PAS 4509 2008.

Foundation Design (All lots)

- iv. All buildings that require a building consent will require an assessment of foundations and ground suitability by a suitably qualified and experienced practitioner (i.e Chartered Professional Engineer). The assessment shall reference especially geotechnical recommendations of the approved Haigh Workman Rangitane River Park – Stages 3-6 Geotechnical Assessment Report dated 3 July, 2023.

Stormwater Management (All lots)

- v. Without the prior approval of the Council, no building shall be erected, nor any works which increase impermeable surfaces be undertaken, nor any planting or structure placed which may create a flow

obstruction, on any area of the site which has been proposed or identified as a secondary / overland (Q100) flow path described in the "Engineering Report" and plans prepared by Haigh Workman Ltd, dated 3 July, 2023, ref 18 295.

Stormwater Management (Lot 115)

vi. All planting within overland paths shall be maintained.

Stormwater Management (All lots)

vii. The subdivision provides a resource consent for up to a maximum of 600m² impermeable surfaces coverage on each Lot, plus impermeable surfaces on Jointly Owned Access Lots. If at any stage, the proposed area of impermeable surfaces exceeds 600m² (excluding JOALs), a stormwater management system shall be designed, for the approval of Council, and implemented for that Lot to ensure peak stormwater runoff from the developed lot does not exceed the runoff anticipated from the consent notice during a design 10% annual exceedance probability storm event with a recognised allowance for climate change.

Kiwi Protection (All lots)

viii. No owners or occupiers of or visitors to any of the lots shall keep or introduce onto the land any carnivorous animal (such as cats, dogs or mustelids) which have the potential to be Kiwi predators. This includes the bringing of any such animals onto site by visitors and contractors.

Building Location and Landscaping

- ix. No owner(s) of Lots 96-103 shall construct any building within a 25m setback from the Kapiro Road and Redcliffs Road boundaries.
- x. The lot owner(s) shall ensure on an ongoing basis that the covenanted planting area within Lots 97-105, 107-109, 110-119, 121-123, 164-167, planted in accordance with the approved 4Sight Consulting – Part of SLR *Stage 4 Concept Plan*, LA06, dated 23 June 2023, ref 7949, is maintained and kept weed free.
- xi. The owner(s) of Lots 96-193 shall ensure on an ongoing basis that the Kapiro Road and Redcliffs Road, road reserve boundary fencing required under Condition 4(u) above is maintained.
- xii. That the owner(s) of Lots 104-107, 110-111, 115-118, and 121-123 shall ensure on an ongoing basis that the boundary fencing with the Lot 701 Recreation Reserve required by Condition (4)(u) and (4)(v) above is maintained.
- xiii. When Building Consent is sought for a dwelling or any building over 50m², the applicant must submit a Building Development Landscape Plan which manages the landscaping within the site boundary to the Council for certification against the requirements of this condition (xiii). The plan shall detail planting for the purposes of visual mitigation and integration of the built development, its access, buildings and other built elements (e.g. pergolas, gazebos), retaining walls, pools and water features, and landform modifications. The plan shall show details of re-vegetation of any exposed cut faces associated with works required for the building or access or landscaping. The plan shall contain the following information:
- Location and extent of any proposed buildings, access, retaining walls and extent of earthworks.

- Names of proposed species.
- Size of proposed stock for planting.
- Locations and spacing of proposed plants, positioned (where appropriate) so as to achieve canopy closure within 3-5 years.
- Details of staking and other means of support for large trees.
- Details of proposed maintenance.
- Details of proposed mulch, type, depth etc

The Building Development Landscape Plan shall be formulated in accordance with the following principles, standards and conditions:

- On-site landscaping is intended to enhance the amenity of the area and be appropriate to its rural surrounds. The objective is to maintain this to a standard commensurate with a high quality rural-residential housing development for the life of the subdivision and the zoning.
- Indigenous species found in the locality should **predominate** within the species mix used for landscaping around the built development.
- Fencing, drains or other potential hazards for Kiwi should be designed to allow safe movement of Kiwi.
- To construct any Road boundary fence (except Kapiro Road or Redcliffs Road) in local stone, post and rail, post and wire, post, wire and batten.
- To retain and maintain any Road boundary fence on Kapiro Road or Redcliffs Road in post in rail or post wire and batten as shown in the 4Sight Consulting – Part of SLR Stage 4 Fencing Typologies Plan, LA07, dated 23 June 2023 (ref 7949).
- For lots without covenanted planting areas, a minimum of five specimen trees shall be included in the planting proposal. These can be selected from the 4Sight Consulting – Part of SLR Summary Species Schedule, Pages LA13-LA14 dated 23 June 2023, (ref 7949).
- No tree species shall be selected from plantation forestry or coppicing species.
- All planting within 5 metres of the residential unit shall be designed to prevent the creation of fire hazards and utilise species identified as suitable in the 4Sight Consulting – Part of SLR Summary Species Schedule, Pages LA13-LA14 dated 23 June 2023, (ref 7949).
- Outdoor parking areas shall be screened to a minimum of 1m high to partially obscure these areas from offsite locations.
- The Landscape Plan to be designed to integrate all structures with their natural surroundings.

The Building Development Landscape Plan is to be implemented within the first planting season following completion of the exterior of the building (approximately April-August) and maintained on an ongoing basis, with allowance made within the landscaping areas for the maintenance, trimming and replacement planting of trees as required.

- xiv. The existing indigenous vegetation on Lot 100 shall be retained in perpetuity.

Built form and site layout

xv. The built development on all lots must be constructed in accordance with the following standards and conditions:

- Each house lot shall have a garage with space for a minimum of two vehicles;
- Water tanks shall be screened and/or buried so they are not visible from beyond the boundary of the lot;
- The glazing of windows are to be non-reflective and not mirrored glass;
- Colour schemes for exterior walls and roofs are to use medium to dark shades of recessive colours which are neutral, sympathetic to the adjacent landscape, and not a dominating visual element. The exterior walls shall have a reflectivity value no greater than 35% and a maximum of 30% for roofs. The restriction does not apply to window joinery or regular domestic doors;
- A freestanding garage or other ancillary domestic structure can be erected on any lot provided it is constructed to a design complimenting the primary dwelling and using similar materials. Any freestanding garage or ancillary domestic structure shall be located no more than 10m from main dwelling;
- External retaining walls shall be a maximum of 1.5m in height, finish to be of natural materials, ie timber or stone. Other materials such as brick or plaster are discouraged. Open rail style fencing on top of retaining walls over 900m in height, close boarded fences are not permitted;
- Side boundary fencing shall be limited to 1.2m height post and rail or post and wire fencing;
- Where the access, vehicle parking, and manoeuvring area surfaces are constructed of concrete then a dark (black) oxide shall be applied at the rate of 2.5kg per 1m³ of concrete. In addition, all block work or paving shall be completed in recessive tones;
- One access permitted on any lot;

STAGE 5 (Lots 124-140, 141-150, 151-163)

1. The subdivision shall be carried out in accordance with the approved plan of subdivision prepared by Neil Construction Ltd, referenced '*Rangitane River Park Kerikeri – Scheme Plan Road Frontages Stages 3-6 Proposed Subdivision of Lot 1001 DP 532487, Drawing No. 420-03-SP-00-MRF*' dated June 30, 2023 '*Rangitane River Park Kerikeri – Stage 5 Proposed Subdivision of Lot 1003 DP xxx, Drawing No. 420-05-SP-01 (Rev 3), dated 30 June 2023*, and attached to this consent with the Council's "Approved Stamp" affixed to it.

2. The survey plan, submitted for approval pursuant to Section 223 of the Act shall show:
 - (a)
 - i Road A (in part), Road 5 and Road 6 as road(s) to vest
 - ii All Jointly Owned Access Lots (Lots 509, 510 & 511)
 - iii Lot 603 as road to vest
 - iv Lot 702 Recreation Reserve to Vest
 - v All required easements in gross shown as 'K', 'H' and 'J' for the discharge of stormwater from roads onto Lot 509, 510 and 511
 - vi Easements in gross H, J, and K for the discharge of stormwater as indicated in the memorandum of easements shown on the Council stamped Plan *Stage 5 Proposed Subdivision of Lot 1001 DP 532487, Drawing Number 420-05-SP-01-MRF'* dated June 30, 2023.
 - vii Easements H, J and K for right of way and underground services as indicated in the memorandum of easements shown on the Council stamped Plan *Stage 4 Proposed Subdivision of Lot 1001 DP 532487, Drawing Number 420-04-SP-04-MRF'* dated June 30, 2023.
 - viii Balance Lot 1004
 - ix The endorsement of the following amalgamation conditions:
 - That Lot 509 (Jointly Owned Access Lot) be held as four undivided one-fourth shares by the owners of Lots 141-144.
 - That Lot 510 (Jointly Owned Access Lot) be held as four undivided one-fourth shares by the owners of Lots 151-154.
 - That Lot 511 (Jointly Owned Access Lot) be held as two undivided one-half share by the owners of Lots 160 & 161.

3. That prior to approval under **section 223** of the Act, the consent holder shall:

- (a) Submit plans and details of all works on legal roads and works, which are to vest in Council for the approval of Council's Development Engineer or designate prior to commencing construction. Such works shall be designed in accordance with Council's Engineering Standards 2009 and NZS4404:2004.

In particular the plans and details shall show:

- Details of the road to vest in Council constructed, formed and sealed to comply with the following:
 - 6.5m wide sealed carriageway
 - Mountable kerb & channel and berm on each side
 - Stormwater collection system
 - Footpath on one side
 - Flag lighting at intersections and cul-de-sac heads
- Details of a residential road cul-de-sac head on Road to Vest 603.
- Road markings, furniture and street lighting on the roads to vest.
- All no-exit roads to have temporary turning heads until the completion of the next stage.
- The formation of all Jointly Owned Access Lots (JOALS) and associated vehicle crossings
- Evidence that a vehicle crossing to each lot can be constructed to FNDC/S/2 standards.
- Details for the formation of an all-weather surface pedestrian walking track within Recreation Reserve 702 and as indicated on the approved 4Sight Consulting – Part of SLR *Reserve 701 & 702 Concept Plan LAR01, 'Recreation Reserve 702 Zoom in Plan Stage 5 Plan LAR03, dated 23 June 2023.*
- Details of the playground construction within Recreation Reserve 702 located at the cul-de-sac end of Road 603 as indicated on the approved 4Sight Consulting – Part of SLR *Indicative Playground Items Plan LAR05 dated 23 June, 2023*
- Details of on-street carparking located within Roads A and Road 6
- Details for stormwater management system for road development.
- Permanent stormwater control structures and scour protection at discharge points.
- PS1 (Schedule 1A) certificate signed by a suitable IQP to be submitted for the design of the road pavement and stormwater system.
- Specifications for construction, construction monitoring and as-built records in accordance with FNDC Engineering Standards and Guidelines 2009.
- Bulk earthworks shall be designed in general accordance with NZS4431:2022 by a Chartered Professional Engineer. No earthworks involving fills or unsupported cuts in excess of 1m shall take place unless endorsed by a suitable design undertaken by a Chartered Professional Engineer with a geotechnical practice area.
- Details of proposed street planting plan as indicated on the approved 4Sight Consulting – Part of SLR *Stage 5-6 Street Trees Plan, LAS03 dated 23, June 2023*

- (b) Following approval of the plans and selection of the contractor, provide to Council;

- (i) Details of the successful contractor
 - (ii) Details of the planned commencement date and duration of the contract
 - (iii) Details of the supervising engineer
 - (iv) A traffic management plan and Corridor Access Request.
 - (v) A copy of the Construction Environmental Management Plan approved by Northland Regional Council under NRC Consent 43510 condition 5.
- (c) Landscape Concept Plan (Lots 146,144, 156, 157, 158, 160, 161, 163)
- (i) Provide a detailed landscape plan prepared by suitably qualified person that shows the Covenanted Planting within Lots 146,144, 156, 157, 158, 160, 161, 163 for Stage 5 as indicated on the approved 4Sight Consulting – Part of SLR Stage 5-6 *Concept Plan* LA08 and the Summary Species Schedule pages LAR13-14 dated 23 June 2023, for approval by the Council’s Resource Consents Manager or their designate.
- (d) Recreation Reserve Plan(s) (Lot 702)
- (i) That prior to approval under Section 223, the consent holder shall submit a detailed ‘*Recreation Reserve Layout Plan*’ for Reserve Lot 701 in general accordance with the approved 4Sight Consulting – Part of SLR Reserve 701 & 702 Concept Plans, LAR01-LAR04, LAR06, LAR07-LAR08 and the Stage 4 Fence Typologies Plan LA07 dated 23 June 2023, that shows pedestrian walking tracks, proposed revegetation and ecological restoration planting and reserve boundary fencing. The consent holder shall provide evidence that the *Recreation Reserve Layout Plan* has been prepared in consultation with Ngati Rehia and with reference to the approved 4Sight Consulting – Part of SLR Summary of Species Schedule LA13 -LA15 dated 23, June 2023.
 - (ii) Provide details of landscaping and playground furnishing within Recreation Reserve 702 prepared by a suitably qualified person as indicated on the approved 4Sight Consulting – Part of SLR *Indicative Playground Items Plan* page LAR05 dated 23 June 2023.
- (d) Construction Management Plan

That prior to the commencing of any physical site works, a construction management plan shall be submitted to and approved by the Council’s Resource Consent Engineer or their designate.

The plan shall contain information on, and site management procedures, for the following:

- (i) The timing of site works, earthworks, and construction works, including hours of work, and the key project and site management personnel.
- (ii) Consultation with Ngati Rehia about the timing and supervision interest for earthworks.
- (iii) Bulk earthworks plan (showing cut and fill and their related quantities).
- (iv) The transportation of fill and construction materials from and to the site and associated controls on vehicles through sign-posted site entrances/exits and the loading and unloading of materials.

- (v) The extent of excavation works, including retaining structures and any necessary dewatering facilities, prepared by a suitably qualified Geotechnical Engineer.
- (vi) Control of dust and noise on-site and necessary avoidance or remedial measures.
- (vii) Prevention of soil or other material being deposited on surrounding roads from vehicles working within the subdivision and the proposed remedial actions should it occur.
- (viii) Proposed publicity and safety measures, including signage, to inform adjacent landowners and occupiers, pedestrians, and other users of the road.

All construction works within the site are to be undertaken in accordance with the approved construction management plan.

- (e) Provide Council consideration and approval preferred road names for JOAL 509, 510, 511 and any unnamed roads to vest including two alternative names. The consent holder is advised that in accordance with the community board policy road names should reflect the history of the area and be no longer than 10 characters in length.

4. That before a certificate is issued pursuant to **Section 224** of the Act, the applicant shall:

- (a) Provide to Council As-built Plans complying with Schedule 1D of NZS 4404:2004 and Section 1.5.2.5 of Council's Engineering Standards and Guidelines.
- (b) Complete all works specific in condition (3)(a) above except for vehicle crossings for each lot which is deferred until the construction of any dwelling. For the works completed provide certification (PS3/Schedule 1b) of the work from contractor(s), that all work has been completed in accordance with approved plans.
- (c) Upon completion of the works specified in condition 3(a) above (except for vehicle crossings for each lot which is deferred until the construction of any dwelling), provide certification (PS4/Schedule 1C) of the work from a Chartered Professional Engineer that all work has been completed in accordance with approved plans. A geotechnical completion report shall be provided upon the completion of the earthworks to confirm the geotechnical recommendations and document the work undertaken, e.g. earthworks compaction certification. The completion report shall include certification of the engineered fill and as-built plans in accordance with the requirements of NZS4431:2022 and NZS4404:2010.
- (d) Provide evidence that a maintenance agreement has been entered into with the contractor who is to maintain the work which is to vest in Council for a minimum of 12 months. The minimum value of the bond, or retention money held in lieu of a bond, shall be 10% of the construction cost.
- (e) Provide documentation that the service providers of electric power and telecommunications to the sites are satisfied with the arrangements made for the provision of these services.
- (f) Pay for the costs of providing and erecting new road name signs to vest and any signage required for Kiwi awareness.

- (g) Provide confirmation that a fencing covenant pursuant to Section 5 of the Fencing Act 1978 over all lots which adjoin the reserve to be vested in Council has been prepared and will be registered on the title of the respective lots. The covenant shall indemnify the Far North District Council from any liability to contribute towards any construction, maintenance or upgrading work on any fence between the reserve and the specified adjoining lot. The covenant is to be prepared to the Council's satisfaction and registered on the relevant title at the applicant's expense. The applicant shall provide a solicitor written undertaking to register the document on the affected titles.
- (h) The consent holder shall ensure for the duration of bulk subdivision earthworks construction operation that the works are carried out in accordance with the approved drawings and document approved under Stage 4 Condition 3(d).
- (i) The consent holder shall over the duration of the subdivision earthworks construction operation ensure that no bulk earthworks are carried out between 1st May and 30th September in any year unless the prior written agreement of the councils Resource Consents Engineer or designate is obtained.
- (j) The consent holder shall ensure during and on completion of bulk subdivision earthworks construction that all exposed surfaces are covered with aggregate or mulch to suppress dust or erosion, with no more than 50,000 m² left or exposed at any one time. Within 6 months of completing the earthworks, re-establish vegetation cover on all exposed cut surfaces.
- (k) The consent holder shall, over the duration of the subdivision earthworks construction operation, ensure that any debris deposited on the public road as a result of the earthworks is removed as soon as possible. This should be at least on a daily basis and at the expense of the consent holder and to the satisfaction of Council's Roading Engineer or their designate. If the consent holder does not remove debris or spoil the Council may engage a contractor to remove the debris and spoil and recover the costs and expenses for removal from the consent holder.
- (l) The consent holder shall ensure over the duration of the subdivision earthworks construction operation that all consented subdivision earthworks to be undertaken on the site is monitored by a Chartered Professional Engineer that is engage by the consent holder.
- (m) The consent holder shall prior to the bulk subdivision earthworks commencing establish and mark the location of the boundary pegs and mark all property boundaries adjacent to the proposed subdivision earthworks. No authorisation is given for works on legal road or private property other than the lot subject to the land use consent. Where the consent holder is not the lot owner, the consent holder is responsible for obtaining approval from the lot owner prior to commencing work.
- (n) The consent holder is to ensure that stormwater diversion and silt control measures are in place prior to the commencement of bulk subdivision earthworks.

- (o) The consent holder is responsible for arranging for buried services to be located and marked prior to commencing bulk subdivision earthworks and is also responsible for the repair and reinstatement of any underground services damaged as a result of the earthworks.
- (p) The consent holder is responsible over the duration of the subdivision earthworks construction operation for the repair and reinstatement of the road carriageway, the kerb and footpath damaged as a result of the earthworks. Such works, where required, will be completed to the satisfaction of the Council's Roading Manager.
- (q) The consent holder shall prior to the commencement of bulk subdivision earthworks construction, provide a stabilised construction entrance to minimise the tracking of spoil and debris onto public road surfaces. The stabilised construction entrance shall be constructed in accordance with GD05 and be maintained throughout the duration of the earthworks operations. A wheel wash may be required if excessive debris or spoil is tracked onto road.
- (r) The consent holder shall prior to the commencement of bulk subdivision earthworks construction for the internal roading and stormwater drainage, provide evidence to Council's Resource Consents Monitoring Officer or their designate that a silt and sediment control plan has been approved or deemed not required by the Northland Regional Council.
- (s) In the event of archaeological sites or koiwi being uncovered, activities in the vicinity of the discovery shall cease and the Consent Holder shall contact Heritage New Zealand Pouhere Taonga and Ngāti Rēhia iwi. Work shall not recommence in the area of the discovery until the relevant Heritage New Zealand Pouhere Taonga approval has been obtained.

Advice note: The Heritage New Zealand Pouhere Taonga Act 2014 makes it unlawful for any person to destroy, damage or modify the whole or any part of an archaeological site without the prior authority of Heritage New Zealand Pouhere Taonga.

- (t) Prior to the completion of Stage 5, the consent holder shall undertake all street planting within the stage boundary as detailed on the approved 4Sight Consulting – Part of SLR Stage 5-6 *Street Trees Plan* page LAS03 dated 23 June 2023 (ref 7949) to the satisfaction of the Resource Consents manager or designate.
- (u) Prior to the completion of Stage 5, the consent holder shall construct all boundary fencing with Reserve Lot 702 required under Condition 3(d)(i) above to the satisfaction of the Resource Consents manager or designate. Responsibility for maintaining this fencing in perpetuity thereafter shall be the lot owner in accordance with consent notice condition 5(xii) below.
- (v) Within the planting season prior to the completion of Stage 5, the consent holder shall plant within Lots 146, 144, 156, 157, 158, 160, 161, 163, 'as detailed on the approved 4Sight Consulting – Part of SLR Stage 5-6 Concept Plan pages LA08 and the Summary of Species Schedule LA13-LA14 dated 23 June 2023 to the satisfaction of the Resource Consents manager

or designate. The consent holder shall maintain the planting until such time as these lots are sold. Responsibility for maintaining this planting in perpetuity thereafter shall be the lot owner in accordance with consent notice condition 5(xi) below.

(w) Provide evidence with a certification from a suitably qualified person that planting and fencing as shown on the approved 4Sight Consulting – Part of SLR Recreation Reserve 701 & 702 Concept Plan LAR01, LAR03, LAR07-08 and Stage 5 Fence Typologies Plan LA09 dated 23 June 2023 approved in Condition 3(c) above has been implemented to the satisfaction of the Resource Consents Manager or designate.

(x) Provide evidence that all street planting within the stage boundary as detailed on Stage 5-6 Street Trees page LAS03 dated 23 June 2023 as prepared by 4 Sight Consulting (7949) has been implemented to the satisfaction of the Resource Consents Manager or designate.

5. Secure the following conditions by way of a consent notice issued under section 221 of the Act, to be registered against the titles of the affected allotment(s). The consent holder shall meet the costs of preparing, checking and executing the consent notices.

Vehicle Crossing (All lots)

i. That upon construction of the dwelling, that the vehicle entrance crossing be constructed in accordance with Council's engineering standards.

On-site Wastewater (All lots)

ii. In conjunction with the construction of any building which includes a wastewater treatment and effluent disposal system, the applicant shall submit for Council's approval an on-site wastewater report prepared by a Chartered Professional Engineer or a Council approved report writer having regard to the "Engineering Report" dated 3 July, 2023, prepared by Haigh Workman, ref 18 295. The report shall identify a suitable method of wastewater treatment for the proposed development along with an identified effluent disposal area plus a reserve disposal area.

Water Supply (All lots)

iii. In conjunction with the construction of any dwelling, sufficient water storage shall be provided on the lot for potable water supply. The storage volume shall be at least 50,000 litres per dwelling unless a report by a suitable qualified person demonstrates to Council's satisfaction that a lesser storage capacity is adequate. In addition to a potable water supply, a dedicated water collection system with sufficient supply for fire-fighting purposes is to be provided by way of tank or other approved means and to be positioned so that it is safely accessible for this purpose. These provisions will be in accordance with the New Zealand Fire Fighting Water Supply Code of Practice SNZ PAS 4509 2008.

Foundation Design (All lots)

iv. All buildings that require a building consent will require an assessment of foundations and ground suitability by a suitably qualified and experienced practitioner (i.e. Chartered

Professional Engineer). The assessment shall reference especially geotechnical recommendations of the Haigh Workman Rangitane River Park Stages 3-6 Geotechnical Assessment Report dated 3 July, 2023.

Foundation Building Restriction Lines [Lots 132, 133, 141, 151, and 160]

- v. Building restriction lines apply to these lots as indicated on the Haigh Workman Engineering Plans - *Geotechnical Site Plan – Stages 4-& 6 (Rev G) dated 3 July 2023*. Building beyond the restriction line may be possible but will be subject to site-specific geotechnical investigation and slope stability analysis to either demonstrate the land beyond the restriction line is stable, or otherwise providing ground improvement to stabilise the land, e.g. a soldier pile wall. The geotechnical investigation is to be undertaken by a Chartered Professional Engineer with a geotechnical practice area.

Stormwater Management (All lots)

- vi. Without the prior approval of the Council, no building shall be erected, nor any works which increase impermeable surfaces be undertaken, nor any planting or structure placed which may create a flow obstruction, on any area of the site which has been proposed or identified as a secondary / overland (Q100) flow path described in the “Engineering Report” and plans prepared by Haigh Workman Ltd, dated June 2, 2023, ref 18 295.

Stormwater Management (All lots)

- xii. The subdivision provides a resource consent for up to a maximum of 600m² impermeable surfaces coverage on each Lot, plus impermeable surfaces on Jointly Owned Access Lots. If at any stage, the proposed area of impermeable surfaces exceeds 600m² (excluding JOALs), a stormwater management system shall be designed, for the approval of Council, and implemented for that Lot to ensure peak stormwater runoff from the developed lot does not exceed the runoff anticipated from the consent notice during a design 10% annual exceedance probability storm event with a recognised allowance for climate change.

Stormwater Management (Lot 128)

- xiii. All planting within overland paths shall be maintained.

Kiwi Protection (All lots)

- xiv. No owners or occupiers of or visitors to any of the lots shall keep or introduce onto the land any carnivorous animal (such as cats, dogs or mustelids) which have the potential to be Kiwi predators. This includes the bringing of any such animals onto site by visitors and contractors.

Landscaping and Fencing

- xv. The owner(s) of Lots 146, 144, 156, 157, 158, 160, 161, 163 shall ensure on an ongoing basis that the covenanted planting area planted in accordance with Condition 4(t) above and the approved 4Sight Consulting – Part of SLR ‘*Stage 4 Concept Plan, LA06*, dated 23 June 2023, ref 7949, is maintained and kept weed free.

- xvi. The owner(s) of Lots 124-137, 140, 141-144, 151-154 shall ensure on an ongoing basis that the boundary fencing with Lot 702 Recreation Reserve required under Condition above 4(u) is maintained.
- xvii. When Building Consent is sought for a dwelling or any building over 50m², the applicant must submit a Building Development Landscape Plan which manages the landscaping within the site boundary to the Council for certification against the requirements of this condition (xvii). The plan shall detail planting for the purposes of visual mitigation and integration of the built development, its access, buildings and other built elements (e.g. pergolas, gazebos), retaining walls, pools and water features, and landform modifications. The plan shall show details of re-vegetation of any exposed cut faces associated with works required for the building or access or landscaping. The plan shall contain the following information:
- Location and extent of any proposed buildings, access and extent of earthworks.
 - Names of proposed species.
 - Size of proposed stock for planting.
 - Locations and spacing of proposed plans, positioned (where appropriate) so as to achieve canopy closure within 3-5 years.
 - Details of staking and other means of support for large trees.
 - Details of proposed maintenance.
 - Details of proposed mulch, type, depth etc

The Building Development Landscape Plan shall be formulated in accordance with the following principles, standards and conditions:

- On-site landscaping is intended to enhance the amenity of the area and be appropriate to its rural surrounds. The objective is to maintain this to a standard commensurate with a high quality rural-residential housing development for the life of the subdivision and the zoning.
- Indigenous species found in the locality should **predominate** within the species mix used for landscaping around the built development.
- Fencing, drains or other potential hazards for Kiwi should be designed to allow safe movement of Kiwi.
- To construct any Road boundary fence (except Kapiro Road or Redcliffs Road) in local stone, post and rail, post and wire, post, wire and batten.
- For lots without covenanted planting areas, a minimum of five specimen trees shall be included in the planting proposal. These can be selected from the Summary Species Schedule, Pages LA13-LA14 dated 23 June 2023, prepared by 4Sight Consulting – Part of SLR – Part of SLR (ref 7949) attached to this consent.
- No tree species shall be selected from plantation forestry or coppicing species.
- All planting within 5 metres of the residential unit shall be designed to prevent the creation of fire hazards and utilise species identified as suitable in the 4Sight Consulting – Part of SLR Summary Species Schedule, Pages LA13-LA14 dated 23 June 2023, (ref 7949).

- Outdoor parking areas shall be screened to a minimum of 1 m high to partially obscure these areas from off site locations.
- The Landscape Plan to be designed to integrate all structures with their natural surroundings.

The Building Development Landscape Plan is to be implemented within the first planting season following completion of the exterior of the building (approximately April-August) and maintained in perpetuity, with allowance made within the landscaping areas for the maintenance, trimming and replacement planting of trees as required.

Built form and site layout

- xvi. The built development on all lots must be constructed in accordance with the following standards and conditions:
- Each house lot shall have a garage with space for a minimum of two vehicles;
 - Water tanks shall be screened and/or buried so they are not visible from beyond the boundary of the lot;
 - The glazing of windows are to be non-reflective and not mirrored glass;
 - Colour schemes for exterior walls and roofs are to use medium to dark shades of recessive colours which are neutral, sympathetic to the adjacent landscape, and not a dominating visual element. The exterior walls shall have a reflectivity value no greater than 35% and a maximum of 30% for roofs. The restriction does not apply to window joinery or regular domestic doors;
 - A freestanding garage or other ancillary domestic structure can be erected on any lot provided it is constructed to a design complimenting the primary dwelling and using similar materials. Any freestanding garage or ancillary domestic structure shall be located no more than 10m from main dwelling;
 - External retaining walls shall be a maximum of 1.5m in height, finish to be of natural materials, ie timber or stone. Other materials such as brick or plaster are discouraged. Open rail style fencing on top of retaining walls over 900mm in height, close boarded fences are not permitted;
 - Side boundary fencing shall be limited to 1.2m height post and rail or post and wire fencing;
 - Where the access, vehicle parking, and manoeuvring area surfaces are constructed of concrete then a dark (black) oxide shall be applied at the rate of 2.5kg per 1m³ of concrete. In addition, all block work or paving shall be completed in recessive tones;
 - One access permitted on any lot.

STAGE 6 (Lots 170-178)

1. The subdivision shall be carried out in accordance with the approved plan of subdivision prepared by Neil Construction Ltd, referenced '*Rangitane River Park Kerikeri – Scheme Plan Road Frontages Stages 3-6 Proposed Subdivision of Lot 1001 DP 532487, Drawing No. 420-03-SP-00-MRF*' dated June 30, 2023 '*Rangitane River Park Kerikeri – Stage 6 Proposed Subdivision of Lot 1003 DP xxx, Drawing No. 420-06-SP-01 (Rev 3), dated 30 June 2023*, and attached to this consent with the Council's "Approved Stamp" affixed to it.

2. The survey plan, submitted for approval pursuant to Section 223 of the Act shall show:
 - (a) i Jointly Owned Access Lot (Lot 512)

 - ii Lot 604 as road to vest

 - iii All required easements in gross shown as 'L' for the discharge of stormwater from roads onto JOAL Lot 512

 - iv All required easements shown as 'L' for right of way and underground services

 - v The endorsement of the following amalgamation conditions:
 - That Lot 512 (Jointly Owned Access Lot) be held as to one undivided one-quarter share by the owners of Lots 172-175 hereon as tenants in common in the said shares and that individual certificates of title be issued in accordance therewith DLR Ref xxx

3. That prior to approval under section 223 of the Act, the consent holder shall:
 - (a) Submit plans and details of all works on legal roads and works, which are to vest in Council for the approval of Council's Development Engineer or designate prior to commencing construction. Such works shall be designed in accordance with Council's Engineering Standards 2009 and NZS4404:2004.

In particular the plans and details shall show:

- Details of the road to vest in Council constructed, formed and sealed to comply with the following:
 - 6.5m wide sealed carriageway
 - Mountable kerb & channel and berm on each side
 - Stormwater collection system
 - Footpath on one side
 - Flag lighting at intersections and cul-de-sac heads
- Details of a residential road cul-de-sac head on Road to Vest 605 and 606.
- Road markings, furniture and street lighting on the roads to vest.
- All no-exit roads to have temporary turning heads until the completion of the next stage.
- The formation of all Jointly Owned Access Lots (JOALS) and associated vehicle crossings

- Evidence that a vehicle crossing to each lot can be constructed to FNDC/S/2 standards.
- Details for stormwater management system for road development.
- Permanent stormwater control structures and scour protection at discharge points.
- PS1 (Schedule 1A) certificate signed by a suitable IQP to be submitted for the design of the road pavement and stormwater system.
- Specifications for construction, construction monitoring and as-built records in accordance with FNDC Engineering Standards and Guidelines 2009.
- Bulk earthworks shall be designed in general accordance with NZS4431:2022 by a Chartered Professional Engineer. No earthworks involving fills or unsupported cuts in excess of 1 m shall take place unless endorsed by a suitable design undertaken by a Chartered Professional Engineer with a geotechnical practice area.
- Details of proposed street planting plan as indicated on the approved 4Sight Consulting – Part of SLR *Stage 5-6 Street Trees Plan*, LAS03, dated 23 June, 2023

(b) Following approval of the plans and selection of the contractor, provide to Council;

- (i) Details of the successful contractor.
- (ii) Details of the planned commencement date and duration of the contract.
- (iii) Details of the supervising engineer.
- (vi) A traffic management plan and Corridor Access Request.
- (iv) A copy of the Construction Environmental Management Plan approved by Northland Regional Council under NRC Consent 43510 condition 5.

(c) Landscape Concept Plan

Provide a detailed landscape plan prepared by suitably qualified person that shows the covenanted planting within Lots 172 173, 174, 175 176, 177, 178 for **Stage 6** as indicated on the approved 4Sight Consulting – Part of SLR Stage 5-6 Concept Plan LA08, and the Summary Species Schedule pages LAR13-14 dated 23 June 2023, for approval by the Council's Resource Consents Manager or their designate.

(d) Construction Management Plan

That prior to the commencing of any physical site works, a construction management plan shall be submitted to a and approved by the Council's Resource Consent Engineer or their designate.

The plan shall contain information on, and site management procedures, for the following:

- (i) The timing of site works, earthworks, and construction works, including hours of work, and the key project and site management personnel.
- (ii) Consultation with Ngati Rehia about the timing and supervision interest for earthworks.
- (iii) Bulk earthworks plan (showing cut and fill and their related quantities).
- (iv) The transportation of fill and construction materials from and to the site and associated controls on vehicles through sign-posted site entrances/exits and the loading and unloading of materials.

- (v) The extent of excavation works, including retaining structures and any necessary dewatering facilities, prepared by a suitably qualified Geotechnical Engineer.
- (vi) Control of dust and noise on-site and necessary avoidance or remedial measures.
- (vii) Prevention of soil or other material being deposited on surrounding roads from vehicles working within the subdivision and the proposed remedial actions should it occur.
- (viii) Proposed publicity and safety measures, including signage, to inform adjacent landowners and occupiers, pedestrians, and other users of the road.

All construction works within the site are to be undertaken in accordance with the approved construction management plan.

- (e) Provide Council consideration and approval preferred road names for any unnamed roads to vest, including two alternatives for each road to vest. The consent holder is advised that in accordance with the community board policy that road names should reflect the history of the area and be no longer than 10 characters in length.

4. That before a certificate is issued pursuant to Section 224 of the Act, the consent holder shall:

- (a) Provide to Council As-built Plans complying with Schedule 1D of NZS 4404:2004 and Section 1.5.2.5 of Council's Engineering Standards and Guidelines.
- (b) Complete all works specific in condition (3)(a) above with the exception of vehicle crossings for each lot which is deferred until the construction of any dwelling. For the works completed provide certification (PS3/Schedule 1b) of the work from contractor(s), that all work has been completed in accordance with approved plans.
- (c) Upon completion of the works specified in condition 3(a) above (with the exception of vehicle crossings for each lot which is deferred until the construction of any dwelling), provide certification (PS4/Schedule 1C) of the work from a Chartered Professional Engineer that all work has been completed in accordance with approved plans. A geotechnical completion report shall be provided upon the completion of the earthworks to confirm the geotechnical recommendations and document the work undertaken, e.g. earthworks compaction certification. The completion report shall include certification of the engineered fill and as-built plans in accordance with the requirements of NZS4431:2022 and NZS4404:2010.
- (d) Provide evidence that a maintenance agreement has been entered into with the contractor who is to maintain the work which is to vest in Council for a minimum of 12 months. The minimum value of the bond, or retention money held in lieu of a bond, shall be 10% of the construction cost.
- (e) Where required, provide evidence that consent has been issued by the Northland Regional Council for the discharge of stormwater from the vested road and as required by the 'Resource Management Act - National Environmental Standard for the Management of Freshwater 2020'.

- (f) Provide documentation that the service providers of electric power and telecommunications to the sites are satisfied with the arrangements made for the provision of these services.
- (g) Pay for the costs of providing and erecting road sign for the new road(s) to vest and any signage required for Kiwi awareness.
- (h) Provide confirmation that a fencing covenant pursuant to Section 5 of the Fencing Act 1978 over all lots which adjoin the reserve to be vested in Council has been prepared and will be registered on the title of the respective lots. The covenant shall indemnify the Far North District Council from any liability to contribute towards any construction, maintenance or upgrading work on any fence between the reserve and the specified adjoining lot. The covenant is to be prepared to the Council's satisfaction and registered on the relevant title at the applicant's expense. The applicant shall provide a solicitor written undertaking to register the document on the affected titles.
- (i) The consent holder shall ensure for the duration of bulk subdivision earthworks construction operation that the works are carried out in accordance with the approved drawings and document approved under Condition 3(d).
- (j) The consent holder shall over the duration of the subdivision earthworks construction operation ensure that no bulk earthworks are carried out between 1st May and 30th September in any year unless the prior written agreement of the councils Resource Consents Engineer or designate is obtained.
- (k) The consent holder shall ensure during and on completion of bulk subdivision earthworks construction that all exposed surfaces are covered with topsoil or mulch to suppress dust or erosion, with no more than 50,000m² left or exposed at any one time. Within 6 months of completing the earthworks, re-establish vegetation cover on all exposed cut surfaces.
- (l) The consent holder shall, over the duration of the subdivision earthworks construction operation, ensure that any debris deposited on the public road as a result of the earthworks is removed as soon as possible. This should be at least on a daily basis and at the expense of the consent holder and to the satisfaction of Council's Roading Engineer or their designate. If the consent holder does not remove debris or spoil the Council may engage a contractor to remove the debris and spoil and recover the costs and expenses for removal from the consent holder.
- (m) The consent holder shall ensure over the duration of the subdivision earthworks construction operation that all consented subdivision earthworks to be undertaken on the site is monitored by a Chartered Professional Engineer that is engage by the consent holder.
- (n) The consent holder shall prior to the bulk subdivision earthworks commencing establish and mark the location of the boundary pegs and mark all property boundaries adjacent to the proposed subdivision earthworks. No authorisation is given for works on legal road or private property other than the lot subject to the land use consent. Where the consent holder is not the lot owner,

the consent holder is responsible for obtaining approval from the lot owner prior to commencing work.

- (o) The consent holder is to ensure that stormwater diversion and silt control measures are in place prior to the commencement of bulk subdivision earthworks.
- (p) The consent holder is responsible for arranging for buried services to be located and marked prior to commencing bulk subdivision earthworks and is also responsible for the repair and reinstatement of any underground services damaged as a result of the earthworks.
- (q) The consent holder is responsible over the duration of the subdivision earthworks construction operation for the repair and reinstatement of the road carriageway, the kerb and footpath damaged as a result of the earthworks. Such works, where required, will be completed to the satisfaction of the Council's Roading Manager.
- (r) The consent holder shall prior to the commencement of bulk subdivision earthworks construction, provide a stabilised construction entrance to minimise the tracking of spoil and debris onto public road surfaces. The stabilised construction entrance shall be constructed in accordance with GD05 and be maintained throughout the duration of the earthworks operations. A wheel wash may be required if excessive debris or spoil is tracked onto road.
- (s) The consent holder shall prior to the commencement of bulk subdivision earthworks construction for the internal roading and stormwater drainage, provide evidence to Council's Resource Consents Monitoring Officer or their designate that a silt and sediment control plan has been approved or deemed not required by the Northland Regional Council.
- (t) In the event of archaeological sites or koiwi being uncovered, activities in the vicinity of the discovery shall cease and the Consent Holder shall contact Heritage New Zealand Pouhere Taonga and Ngāti Rēhia iwi. Work shall not recommence in the area of the discovery until the relevant Heritage New Zealand Pouhere Taonga approval has been obtained.

Advice note: The Heritage New Zealand Pouhere Taonga Act 2014 makes it unlawful for any person to destroy, damage or modify the whole or any part of an archaeological site without the prior authority of Heritage New Zealand Pouhere Taonga.

- (y) Within the planting season prior to the completion of Stage 6, the consent holder shall plant within Lots 172 173, 174, 175 176, 177, 178, 'as detailed on the approved 4Sight Consulting – Part of SLR Stage 5-6 Concept Plan LA08 and the Summary of Species Schedule LA13-LA14 dated 23 June 2023. The consent holder shall maintain the planting until such time as these lots are sold. Responsibility for maintaining this planting in perpetuity thereafter shall be the lot owner in accordance with consent notice condition 5((xiv) below.
- (u) Provide evidence that all street planting within the stage boundary as detailed on the 4Sight Consulting – Part of SLR Stage 5-6 Street Trees Plan, page LAS03 dated 23 June 2023 has been implemented.

- (v) Provide evidence with a certification from a suitably qualified person that planting and fencing as shown on the approved 4Sight Consulting – Part of SLR Recreation Reserve 701 & 702 Concept Plan LAR01, LAR03, LAR07-08 and Stage 6 Fence Typologies Plan LA09 dated 23 June 2023 approved in Condition 3(c) above has been implemented to the satisfaction of the Resource Consents Manager or designate.
5. Secure the following conditions by way of a consent notice issued under section 221 of the Act, to be registered against the titles of the affected allotment(s). The consent holder shall meet the costs of preparing, checking and executing the consent notices.

Vehicle Crossing (All lots except lots accessed from a JOAL)

- i. That upon construction of the dwelling, that the entrance (as detailed within the approved engineering plans), be constructed in accordance with the approved plans.

On-site Wastewater (All lots)

- ii. In conjunction with the construction of any building which includes a wastewater treatment and effluent disposal system, the applicant shall submit for Council's approval an on-site wastewater report prepared by a Chartered Professional Engineer or a Council approved report writer having regard to the "Engineering Report" dated 3 July 2023, prepared by Haigh Workman, ref 18 295. The report shall identify a suitable method of wastewater treatment for the proposed development along with an identified effluent disposal area plus a reserve disposal area.

Water Supply (All lots)

- iii. In conjunction with the construction of any dwelling, sufficient water storage shall be provided on the lot for potable water supply. The storage volume shall be at least 50,000 litres per dwelling unless a report by a suitable qualified person demonstrates to Council's satisfaction that a lesser storage capacity is adequate. In addition to a potable water supply, a dedicated water collection system with sufficient supply for fire-fighting purposes is to be provided by way of tank or other approved means and to be positioned so that it is safely accessible for this purpose. These provisions will be in accordance with the New Zealand Fire Fighting Water Supply Code of Practice SNZ PAS 4509 2008.

Foundation Design (All lots)

- iv. All buildings that require a building consent will require an assessment of foundations and ground suitability by a suitably qualified and experienced practitioner (i.e. Chartered Professional Engineer). The assessment shall reference especially geotechnical recommendations of the Geotechnical Completion Report prepared for subdivision works completed under RC 2200416 RMACOM.

Stormwater Management (All lots)

- v. Without the prior approval of the Council, no building shall be erected, nor any works which increase impermeable surfaces be undertaken, nor any planting or structure placed which may create a flow obstruction, on any area of the site which has been proposed or identified as a secondary / overland (Q100) flow path described in the "Engineering Report" and Plans prepared by Haigh Workman Ltd, dated 3 July,2023, ref 18 295,

Stormwater Management (All Lots)

- vi. The subdivision provides a resource consent for up to a maximum of 600m² impermeable surfaces coverage on each Lot, plus impermeable surfaces on Jointly Owned Access Lots. If at any stage, the proposed area of impermeable surfaces exceeds 600m² (excluding JOALs), a stormwater management system shall be designed, for the approval of Council, and implemented for that Lot to ensure peak stormwater runoff from the developed lot does not exceed the runoff anticipated from the consent notice during a design 10% annual exceedance probability storm event with a recognised allowance for climate change.

Stormwater Management (Lot 179)

- vii. All planting within overland paths shall be maintained.

Kiwi Protection (All lots)

- viii. No owners or occupiers of or visitors to any of the lots shall keep or introduce onto the land any carnivorous animal (such as cats, dogs or mustelids) which have the potential to be Kiwi predators. This includes the bringing of any such animals onto site by visitors and contractors.

Landscaping and Fencing

- ix. The owner(s) of Lots 170, 171, 172, 173, 174, 175, 176, 177, 178 shall ensure on an ongoing basis that the recreation reserve boundary fencing required under Condition 4(u) is maintained.
- x. When Building Consent is sought for a dwelling or any building over 50m², the applicant must submit a Building Development Landscape Plan which manages the landscaping within the site boundary to the Council for certification against the requirements of this condition (x). The plan shall detail planting for the purposes of visual mitigation and integration of the built development, its access, buildings and other built elements (e.g. pergolas, gazebos), retaining walls, pools and water features, and landform modifications. The plan shall show details of re-vegetation of any exposed cut faces associated with works required for the building or access or landscaping. The plan shall contain the following information:
 - Location and extent of any proposed buildings, access, retaining walls and extent of earthworks.
 - Names of proposed species.
 - Size of proposed stock for planting.
 - Locations and spacing of proposed plants, positioned (where appropriate) so as to achieve canopy closure within 3-5 years.
 - Details of staking and other means of support for large trees.
 - Details of proposed maintenance.
 - Details of proposed mulch, type, depth etc

The Building Development Landscape Plan shall be formulated in accordance with the following principles, standards and conditions:

- On-site landscaping is intended to enhance the amenity of the area and be appropriate to its rural surrounds. The objective is to maintain this to a standard commensurate with a high quality rural-residential housing development for the life of the subdivision and the zoning.
- Indigenous species found in the locality should **predominate** within the species mix used for landscaping around the built development.
- Fencing, drains or other potential hazards for Kiwi should be designed to allow safe movement of Kiwi.
- To construct any Road boundary fence (except Kapiro Road or Redcliffs Road) in local stone, post and rail, post and wire, post, wire and batten.
- To retain and maintain any reserve boundary fence post and wire as shown in the 4Sight Consulting – Part of SLR Stage 5-6 Fencing Typologies Plan, page LA09, dated 23 June 2023 prepared by 4Sight Consulting – Part of SLR – Part of SLR (ref 7949).
- For lots without covenanted planting areas, a minimum of five specimen trees shall be included in the planting proposal. These can be selected from the 4Sight Consulting – Part of SLR Summary Species Schedule, Pages LA13-LA14 dated 23 June 2023, (ref 7949).
- No tree species shall be selected from plantation forestry or coppicing species.
- All planting within 5 metres of the residential unit shall be designed to prevent the creation of fire hazards and utilise species identified as suitable in Summary Species Schedule, Pages LA13-LA14 dated 23 June 2023, prepared by 4Sight Consulting – Part of SLR – Part of SLR (ref 7949).
- Outdoor parking areas shall be screened to a minimum of 1 m high to partially obscure these areas from off site locations.
- The Landscape Plan to be designed to integrate all structures with their natural surroundings.

The Building Development Landscape Plan is to be implemented within the first planting season following completion of the exterior of the building (approximately April-August) and maintained in perpetuity, with allowance made within the landscaping areas for the maintenance, trimming and replacement planting of trees as required.

Built form and site layout

- xi. The built development on all lots must be constructed in accordance with the following standards and conditions:
 - Each house lot shall have a garage with space for a minimum of two vehicles;
 - Water tanks shall be screened and/or buried so they are not visible from beyond the boundary of the lot;
 - The glazing of windows are to be non-reflective and not mirrored glass;

- Colour schemes for exterior walls and roofs are to use medium to dark shades of recessive colours which are neutral, sympathetic to the adjacent landscape, and not a dominating visual element. The exterior walls shall have a reflectivity value no greater than 35% and a maximum of 30% for roofs. The restriction does not apply to window joinery or regular domestic doors;
- A freestanding garage or other ancillary domestic structure can be erected on any lot provided it is constructed to a design complimenting the primary dwelling and using similar materials. Any freestanding garage or ancillary domestic structure shall be located no more than 10m from main dwelling;
- External retaining walls shall be a maximum of 1.5m in height, finish to be of natural materials, ie timber or stone. Other materials such as brick or plaster are discouraged. Open rail style fencing on top of retaining walls over 900mm in height, close boarded fences are not permitted;
- Side boundary fencing shall be limited to 1.2m height post and rail or post and wire fencing;
- Where the access, vehicle parking, and manoeuvring area surfaces are constructed of concrete then a dark (black) oxide shall be applied at the rate of 2.5kg per 1m³ of concrete. In addition, all block work or paving shall be completed in recessive tones;
- One access permitted on any lot.

DECISION B – LAND USE CONSENT – Conditions –

STAGE 3 lots (approved under Decision A)

Pursuant to Sections 104B and 108 of the Act, this consent is granted to Neil Construction Limited for the construction of an area of impermeable surfaces totalling not more than 600m², and for undertaking associated earthworks with a maximum volume of 600m³ subject to the conditions set out below:

Earthworks

- 1) Earthworks required for internal access and the development and servicing of the dwelling shall not exceed a volume of 600m³ for each individual lot within a 12-month period. Appropriate erosion and sediment control measures must be in place to control runoff and provide mitigation of any exposed soil.

Note: Although this consent authorises the volume of earthworks, an Earthworks Permit may still be required from Council.

(Advice Note)

Earthworks within 100m of a wetland is authorised in accordance with NRC consent xxx

- 2) The lot owner(s) shall in conjunction with submitting a formal application (i.e. Earthworks permit) provide an earthworks and sediment control plan for the approval of Council's Resource Consents Engineer or their designate.

The lot owner(s) will be permitted to complete up to 600m³ of earthworks and a maximum cut/fill depth of 1.5m without obtaining land use consent for earthworks for each individual lot within a 12-month period.

All earthworks undertaken on site shall be in accordance with the approved earthworks and sediment control plan.

Foundation Design

- 3) Foundation soils on all lots lie outside the definition of good ground in NZS3604:2011 due to the presence of expansive clay soils. On some lots, slope strength will require specific foundation design. No building shall be erected or relocated onto the lot without the prior approval of the Council to specific designs for foundations prepared by a Chartered Professional Engineer (CPEng) with geotechnical expertise and as recommended in the 'Geotechnical Assessment Report – Rangitane River Park – Stages 3-6 Kapiro Road, Kerikeri prepared for Neil Construction Ltd, 18 295, dated 3 July, 2023.

A minimum 5 metre setback from the crest of a slope building restriction line applies to Lots 86-90 as indicated on the approved engineering plan 'Geotechnical Site Plan Stages 3 and 4 (G3) – Rangitane River Park Stage 3-6', 18 295, dated July 3, 2023 Rev G.

Impermeable Surfaces

- 4) The maximum total area of all impermeable surfaces (as defined in the Far North District Plan) on the lot shall not exceed 600m².

Note: The diversion of water from up to a maximum of 600m² of impermeable surfaces on lots xxxx within 100m of a wetland is authorised by NRC consent xxxx. (Advice Note)

Services

- 5) When building consent is sought for the dwelling, the lot owners must demonstrate to the satisfaction of the Council the provision and on-going management of water supply, stormwater management and wastewater treatment and disposal based on the following standards and conditions:
 - (i) That all services, including power and phone connections shall be installed underground along the alignments of access ways.
 - (ii) In conjunction with the construction of any dwelling, and in addition to a potable water supply, a water collection system with sufficient supply for fire fighting purposes is to be provided by way of tank or other approved means and to be positioned so that it is safely accessible for this purpose. These provisions will be in accordance with the New Zealand Fire Fighting Water Supply Code of Practice SNZ PAS 4509.
 - (iii) The wastewater treatment system is to be designed by a Chartered Professional Engineer in accordance with the conditions detailed within the s221 Consent Notice registered on the title of the property.
 - (iv) The details of the layout and capacity of the effluent disposal areas, including reserve areas must be provided and compliant with all relevant setback requirements.
 - (v) All servicing and maintenance of the treatment system is to be undertaken through a maintenance agreement with the system supplier or their agent if a secondary treatment system is required.
 - (vi) Any stormwater management system is to be designed by a suitably qualified Engineer in accordance with the conditions detailed within the s221 Consent Notice registered on the title of the property.

Heritage Resources

- 6) All earthworks undertaken on the lot shall be undertaken in accordance with the following accidental discovery protocols in respect of cultural and archaeological values:
 - (i) If sub-surface archaeological evidence relating to Maori or European occupation should be unearthed during construction (e.g. intact shell midden, hangi, storage pits, cobbled floors, brick or stone foundation, or rubbish pits), work must cease in the immediate vicinity and Heritage New Zealand and tangata whenua must be contacted. Work in the area of the discovery shall not recommence without the prior written approval of Heritage New Zealand.

- (ii) If the discovery warrants obtaining an Authority to modify or destroy an archaeological site, an application must be made under Section 11 of the Historic Places Act 1993 and further work suspended until it is granted.
- (iii) In the event of koiwi (human remains) being uncovered, work must cease immediately and the area made secure from further disturbance. Tangata whenua, Heritage New Zealand and the NZ Police must be contacted so that appropriate arrangements can be made. The advice of a Kaumatua nominated by tangata whenua shall be followed in respect of further actions. The Kaumatua will be given the opportunity to undertake such ceremonies and activities at the site as may be considered appropriate in accordance with tikanga Maori. Work in the area of the discovery shall not recommence without the prior approval of Heritage New Zealand.

DRAFT

STAGE 4 (Lots 96-113, 115-123 and 164-167) (approved under Decision A)

Pursuant to Sections 104B and 108 of the Act, this consent is granted to Neil Construction Limited for the construction of an area of impermeable surfaces totalling not more than 600m² and for undertaking associated earthworks with a maximum volume of 600m³ subject to the conditions set out below:

Built Development

- 1) Earthworks required for internal access and the development and servicing of the dwelling shall not exceed a volume of 600m³ for each individual lot within a 12-month period. Appropriate erosion and sediment control measures must be in place to control runoff and provide mitigation of any exposed soil.

Note: Although this consent authorises the volume of earthworks, an Earthworks Permit may still be required from Council.

(Advice Note) Earthworks within 100m of a wetland is authorised in accordance with NRC consent xxx.

- 2) The lot owner(s) shall in conjunction with submitting a formal application (i.e. Earthworks permit) provide an earthworks and sediment control plan for the approval of Council's Resource Consents Engineer or their designate.

The lot owner(s) will be permitted to complete up to 600m³ of earthworks and a maximum cut/fill depth of 1.5m without obtaining land use consent for earthworks for each individual lot within a 12-month period.

All earthworks undertaken on site shall be in accordance with the approved earthworks and sediment control plan.

Foundation Design

- 3) Foundation soils on all lots lie outside the definition of good ground in NZS3604:2011 due to the presence of expansive clay soils. On some lots, slope strength will require specific foundation design. No building shall be erected or relocated onto the lot without the prior approval of the Council to specific designs for foundations prepared by a Chartered Professional Engineer (CPEng) with geotechnical expertise and as recommended in the 'Geotechnical Assessment Report – Rangitane River Park – Stages 3-6 Kapiro Road, Kerikeri prepared by Haigh Workman, ref 18 295, dated July 3, 2023.

Services

- 4) When building consent is sought for the dwelling, the applicant must demonstrate the provision and on-going management of water supply, stormwater management and wastewater treatment and disposal based on the following standards and conditions:
- (i) That all services, including power and phone connections shall be installed underground along the alignments of access ways.
 - (ii) In conjunction with the construction of any dwelling, and in addition to a potable water supply, a water collection system with sufficient supply for firefighting purposes is to be provided by way of tank or other approved means and to be positioned so that it is safely accessible for this purpose. These provisions will be in accordance with the New Zealand Fire Fighting Water Supply Code of Practice SNZ PAS 4509.
 - (iii) The wastewater treatment system is to be designed by a Chartered Professional Engineer in accordance with the conditions detailed within the s221 Consent Notice registered on the title of the property.
 - (iv) The details of the layout and capacity of the effluent disposal areas, including reserve areas must be provided and compliant with all relevant setback requirements.
 - (v) All servicing and maintenance of the treatment system is to be undertaken through a maintenance agreement with the system supplier or their agent if a secondary treatment system is required.
 - (vi) Any stormwater management system is to be designed by a suitably qualified Engineer in accordance with the conditions detailed within the s221 Consent Notice registered on the title of the property.

Impermeable Surfaces

- 7) The maximum total area of all impermeable surfaces (as defined in the Far North District Plan) on the lot shall not exceed 600m².

Note: The diversion of water from up to a maximum of 600m² of impermeable surfaces on lots xxxx within 100m of a wetland is authorised by NRC consent xxxx. (Advice Note)

Heritage Resources

- 8) All works undertaken on the lot shall be undertaken in accordance with the following accidental discovery protocols in respect of cultural and archaeological values:
- (i) If sub-surface archaeological evidence relating to Maori or European occupation should be unearthed during construction (e.g. intact shell midden, hangi, storage pits, cobbled floors, brick or stone foundation, or rubbish pits), work must cease in the immediate vicinity and Heritage New Zealand and tangata whenua must be contacted. Work in the area of the discovery shall not recommence without the prior written approval of Heritage New Zealand.
 - (ii) If the discovery warrants obtaining an Authority to modify or destroy an archaeological site, an application must be made under Section 11 of the Historic Places Act 1993 and further work suspended until it is granted.

- (iii) In the event of koiwi (human remains) being uncovered, work must cease immediately and the area made secure from further disturbance. Tangata whenua, Heritage New Zealand and the NZ Policy must be contacted so that appropriate arrangements can be made. The advice of a Kaumatua nominated by tangata whenua shall be followed in respect of further actions. The Kaumatua will be given the opportunity to undertake such ceremonies and activities at the site as may be considered appropriate in accordance with tikanga Maori. Work in the area of the discovery shall not recommence without the prior approval of Heritage New Zealand.

DRAFT

STAGE 5 (Lots 124-140, 141-150, 151-162) (approved under Decision A)

Pursuant to Sections 104B and 108 of the Act, this consent is granted to Neil Construction Limited for the construction of an area of impermeable surfaces totalling not more than 600m² and for undertaking associated earthworks with a maximum volume of 600m³ subject to the conditions set out below:

Earthworks

- 1) Earthworks required for internal access and the development and servicing of the dwelling shall not exceed a volume of 600m³ for each individual lot within a 12-month period. Appropriate erosion and sediment control measures must be in place to control runoff and provide mitigation of any exposed soil.

Note: Although this consent authorises the volume of earthworks, an Earthworks Permit may still be required from Council.

Earthworks within 100m of a wetland is authorised in accordance with NRC consent xxx. (Advice Note)

- 2) The lot owner(s) shall in conjunction with submitting a formal application (i.e. Earthworks permit) provide an earthworks and sediment control plan for the approval of Council's Resource Consents Engineer or their designate.

The lot owner(s) will be permitted to complete up to 600m³ of earthworks and a maximum cut/fill depth of 1.5m without obtaining land use consent for earthworks for each individual lot within a 12-month period.

All earthworks undertaken on site shall be in accordance with the approved earthworks and sediment control plan.

Foundation Design

- 3) Foundation soils on all lots lie outside the definition of good ground in NZS3604:2011 due to the presence of expansive clay soils. On some lots, slope strength will require specific foundation design. No building shall be erected or relocated onto the lot without the prior approval of the Council to specific designs for foundations prepared by a Chartered Professional Engineer (CPEng) with geotechnical expertise and as recommended in the 'Geotechnical Assessment Report – Rangitane River Park – Stages 3-6 Kapiro Road, Kerikeri, 18 295, prepared by Haigh Workman dated 3 July 2, 2023.

A minimum 10m setback from the crest of a slope building restriction line applies to Lot 160 as indicated on the approved Haigh Workman engineering plan 'Geotechnical Site Plan' (G5) Stages 3 and 4 – Rangitane River Park Stage 3-6, 18 295, Rev F dated 3 July, 2023.

Impermeable Surface

- 4) The maximum total area of all impermeable surfaces (as defined in the Far North District Plan) on the lot shall not exceed 600m².

Note: The diversion of water from up to a maximum of 600m² of impermeable surfaces on lots xxxx within 100m of a wetland is authorised by NRC consent xxxx. (Advice Note)

Services

- 5) When building consent is sought for the dwelling, the applicant must demonstrate the provision and on-going management of water supply, stormwater management and wastewater treatment and disposal based on the following standards and conditions:
 - (i) That all services, including power and phone connections shall be installed underground along the alignments of access ways.
 - (ii) In conjunction with the construction of any dwelling, and in addition to a potable water supply, a water collection system with sufficient supply for fire-fighting purposes is to be provided by way of tank or other approved means and to be positioned so that it is safely accessible for this purpose. These provisions will be in accordance with the New Zealand Fire Fighting Water Supply Code of Practice SNZ PAS 4509.
 - (iii) The wastewater treatment system is to be designed by a Chartered Professional Engineer in accordance with the conditions detailed within the s221 Consent Notice registered on the title of the property.
 - (iv) The details of the layout and capacity of the effluent disposal areas, including reserve areas must be provided and compliant with all relevant setback requirements.
 - (v) All servicing and maintenance of the treatment system is to be undertaken through a maintenance agreement with the system supplier or their agent if a secondary treatment system is required.
 - (vi) Any stormwater management system is to be designed by a suitably qualified Engineer in accordance with the conditions detailed within the s221 Consent Notice registered on the title of the property.

Heritage Resources

- 8) All works undertaken on the lot shall be undertaken in accordance with the following protocols in respect of cultural and archaeological values:
 - (i) If sub-surface archaeological evidence relating to Maori or European occupation should be unearthed during construction (e.g. intact shell midden, hangi, storage pits, cobbled floors, brick or stone foundation, or rubbish pits), work must cease in the immediate vicinity and Heritage New Zealand and tangata whenua must be contacted. Work in the area of the discovery shall not recommence without the prior written approval of Heritage New Zealand.
 - (ii) If the discovery warrants obtaining an Authority to modify or destroy an archaeological site, an application must be made under Section 11 of the Historic Places Act 1993 and further work suspended until it is granted.

- (iii) In the event of koiwi (human remains) being uncovered, work must cease immediately and the area made secure from further disturbance. Tangata whenua, Heritage New Zealand and the NZ Policy must be contacted so that appropriate arrangements can be made. The advice of a Kaumatua nominated by tangata whenua shall be followed in respect of further actions. The Kaumatua will be given the opportunity to undertake such ceremonies and activities at the site as may be considered appropriate in accordance with tikanga Maori. Work in the area of the discovery shall not recommence without the prior approval of Heritage New Zealand.

DRAFT

STAGE 6 (Lots 170-178)

Pursuant to Sections 104B and 108 of the Act, this consent is granted to Neil Construction Limited for the construction of an area of impermeable surfaces totalling not more than 600m² and for undertaking associated earthworks with a maximum volume of 600m³ subject to the conditions set out below:

Earthworks

- 1) Earthworks required for internal access and the development and servicing of the dwelling shall not exceed a volume of 600m³ for each individual lot within a 12-month period. Appropriate erosion and sediment control measures must be in place to control runoff and provide mitigation of any exposed soil.

Note: Although this consent authorises the volume of earthworks, an Earthworks Permit may still be required from Council.

Earthworks within 100m of a wetland is authorised in accordance with NRC consent xxx. (Advice Note)

- 2) The lot owner(s) shall in conjunction with submitting a formal application (i.e. Earthworks permit) provide an earthworks and sediment control plan for the approval of Council's Resource Consents Engineer or their designate.

The lot owner(s) will be permitted to complete up to 600m³ of earthworks and a maximum cut/fill depth of 1.5m without obtaining land use consent for earthworks for each individual lot within a 12-month period.

All earthworks undertaken on site shall be in accordance with the approved earthworks and sediment control plan.

Foundation Design

- 3) Foundation soils on all lots lie outside the definition of good ground in NZS3604:2011 due to the presence of expansive clay soils. On some lots, slope strength will require specific foundation design. No building shall be erected or relocated onto the lot without the prior approval of the Council to specific designs for foundations prepared by a Chartered Professional Engineer (CPEng) with geotechnical expertise and as recommended in the 'Geotechnical Assessment Report – Rangitane River Park – Stages 3-6 Kapiro Road, Kerikeri prepared by Haigh Workman, 18 295, dated 3 July, 2023.
- 4) The built development must be constructed in accordance with the following standards and conditions:

Impermeable Surface

- 5) The maximum total area of all impermeable surfaces (as defined in the Far North District Plan) on the lot shall not exceed 600m².

Note: The diversion of water from up to a maximum of 600m² of impermeable surfaces on lots xxxx within 100m of a wetland is authorised by NRC consent xxxx. (Advice Note)

Services

- 6) When building consent is sought for the dwelling, the applicant must demonstrate the provision and on-going management of water supply, stormwater management and wastewater treatment and disposal based on the following standards and conditions:
- (i) That all services, including power and phone connections shall be installed underground along the alignments of access ways.
 - (ii) In conjunction with the construction of any dwelling, and in addition to a potable water supply, a water collection system with sufficient supply for fire-fighting purposes is to be provided by way of tank or other approved means and to be positioned so that it is safely accessible for this purpose. These provisions will be in accordance with the New Zealand Fire Fighting Water Supply Code of Practice SNZ PAS 4509.
 - (iii) The wastewater treatment system is to be designed by a Chartered Professional Engineer in accordance with the conditions detailed within the s221 Consent Notice registered on the title of the property.
 - (iv) The details of the layout and capacity of the effluent disposal areas, including reserve areas must be provided and compliant with all relevant setback requirements.
 - (v) All servicing and maintenance of the treatment system is to be undertaken through a maintenance agreement with the system supplier or their agent if a secondary treatment system is required.
 - (vi) Any stormwater management system is to be designed by a suitably qualified Engineer in accordance with the conditions detailed within the s221 Consent Notice registered on the title of the property.

Heritage Resources

- 7) All works undertaken on the lot shall be undertaken in accordance with the following protocols in respect of cultural and archaeological values:
- (i) If sub-surface archaeological evidence relating to Maori or European occupation should be unearthed during construction (e.g. intact shell midden, hangi, storage pits, cobbled floors, brick or stone foundation, or rubbish pits), work must cease in the immediate

vicinity and Heritage New Zealand and tangata whenua must be contacted. Work in the area of the discovery shall not recommence without the prior written approval of Heritage New Zealand.

- (ii) If the discovery warrants obtaining an Authority to modify or destroy an archaeological site, an application must be made under Section 11 of the Historic Places Act 1993 and further work suspended until it is granted.
- (iii) In the event of koiwi (human remains) being uncovered, work must cease immediately and the area made secure from further disturbance. Tangata whenua, Heritage New Zealand and the NZ Policy must be contacted so that appropriate arrangements can be made. The advice of a Kaumatua nominated by tangata whenua shall be followed in respect of further actions. The Kaumatua will be given the opportunity to undertake such ceremonies and activities at the site as may be considered appropriate in accordance with tikanga Maori. Work in the area of the discovery shall not recommence without the prior approval of Heritage New Zealand.

DECISION C – NES – Conditions –

To be drafted by Council

DECISION D – Cancellation of Consent Notice Condition

To be drafted by Council

13.9.2.3 ASSESSMENT CRITERIA

In assessing an application for discretionary subdivision and development in accordance with a management plan, the Council may require more detail to be provided and will have regard to the following matters (to the extent that these are relevant to the proposal) in addition to other relevant matters set out in **Rule 13.10**:

- (a) the adequacy of the management plan;
 - (b) the degree to which the management plan gives effect to the NZ Coastal Policy Statement;
 - (c) the degree to which the management plan gives effect to the Regional Policy Statement for Northland and is consistent with the Regional Coastal Plan for Northland;
 - (d) the District-wide objectives and policies the objectives and policies of this chapter and those for the particular zone or zones affected by the application; including, where relevant, the objectives and policies applying generally to the coastal environment set out in **Sections 10.3** and **10.4** and the rural environment set out in **Sections 8.3** and **8.4**;
 - (e) the degree to which potential adverse effects on the environment have been identified and avoided as far as practicable, and where it is not practicable to avoid any adverse effects, those have been remedied or mitigated;
 - (f) the degree to which the proposal represents better sustainable management of natural and physical resources of the land and surrounding environment; (and protects the productive potential of the land);
 - (g) where the subdivision is all or partly within the coastal environment (and acknowledging that the management plan provisions also apply elsewhere in the District) the degree to which the proposal preserves the natural character of the coastal environment, wetlands, and lakes and rivers and their margins and protects them from inappropriate subdivision, use and development and enhances the natural character of the coastal environment;
 - (h) whether landscape, visual and amenity value characteristics of the site are maintained, protected or enhanced and the degree to which regard is had of the LA4 Landscape Assessment report (1995);
 - (i) whether the proposals to ensure long-term protection and enhancement of indigenous flora and fauna are adequate and the need for conditions to ensure ongoing compliance with such proposals;
 - (j) the adequacy of proposals for rehabilitation or re-establishment of areas of indigenous flora, including the extent to which land which is steep or has stability issues or is of low value for food production is set aside for revegetation;
 - (k) the extent to which planting proposals utilise indigenous flora appropriate to the locality and the extent to which local genetic stock is used;
 - (l) where relevant, measures to provide public access through the property to and along the coastal marine area, lakes and rivers;
 - (m) the proposals to recognise and provide for the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu and other taonga;
 - (n) the adequacy of any areas proposed to be vested as open space reserve(s) using mechanisms identified in **Rule 13.7.3.9 (i – v)**;
 - (o) the degree to which the proposal protects life supporting capacity of soils and provides for continued productive use of the land;
 - (p) whether the subdivision proposed by the management plan is likely to have more than a minor adverse effect on the options for a future road network to serve the area, or for water supply, sewerage, and stormwater reticulation, or for reserves or community facilities or for any other utility service;
 - (q) effects of the subdivision on the use and management of public land in the vicinity of the site;
 - (r) the degree to which the proposal avoids natural hazards including fire hazards;
 - (s) whether the proposal has the potential to cause reverse sensitivity issues for existing activities or uses;
 - (t) the degree to which the application complies with the Other Matters set out in **Rule 13.7.3**;
-

- (u) the provisions of any structure plan or other management plan on an adjoining property that has been prepared for the locality;
- (v) whether bonds are necessary to assist in achieving the management plan;
- (w) the extent to which information and proposed management measures are provided by suitably qualified persons;
- (x) the extent to which the proposal creates a large balance lot and protects and, if appropriate, restores it;
- (y) the appropriateness of the location of building platforms and the associated building envelopes;
- (z) the extent to which the application promotes energy efficiency and renewable energy development and use as provided for in Policy 13.4.15 through incorporating the following initiatives:
 - (i) ability to develop energy efficient buildings and structures (e.g. by providing a north-facing site with the ability to place a building on an east/west axis);
 - (ii) reduced travel distances and car usage by designing a layout with as many links to adjacent sites and surrounding roads as practicable;
 - (iii) encouragement of pedestrian and cycle use by designing a layout that allows easy direct access to and from, shops, schools, work places, reserves and other amenities;
 - (iv) access to alternative transport facilities;
 - (v) domestic or community renewable electricity generation;
 - (vi) solar street lighting;
- (aa) any other matter which is determined to be relevant to the application; and in particular:
 - (i) whether further subdivision of all lots within the management plan is prohibited through the use of relevant legal instruments.

Attachment B: ENV-2022-AKL-000165 - Neil Construction Limited v Far North District Council – Commencement Order

**IN THE ENVIRONMENT COURT
AT AUCKLAND**

**I TE KŌTI TAIAO O AOTEAROA
KI TĀMAKI MAKĀURAU**

Decision [2024] NZEnvC 278

IN THE MATTER OF

an appeal under s 120 of the Resource
Management Act 1991

BETWEEN

NEIL CONSTRUCTION LIMITED

(ENV-2022-AKL-165)

Appellant

AND

FAR NORTH DISTRICT COUNCIL

Respondent

Court: Environment Judge J A Smith sitting alone under s 279 of the
Act

Hearing: On the papers
Last case event: 5 November 2024

Counsel: R E Bartlett KC and V J Toan for Neil Construction Ltd
B S Carruthers KC for Far North District Council
S T Shaw for Vision Kerikeri and Friends of Rangitane Stream

Date of Decision: 7 November 2024

Date of Issue: 7 November 2024

DECISION OF THE ENVIRONMENT COURT

A: Under section 116(1) of the Resource Management Act 1991, the Environment Court orders that the parts of the proposal that relate to site preparation and bulk earthworks that are covered by a separate resource consent issued by the Northland Regional Council may commence from the date of this decision subject to the conditions set out in Annexure A of this decision.



B: Under section 285 of the Resource Management Act 1991, there is no order as to costs.

REASONS

Introduction

[1] This is an appeal by Neil Construction Limited seeking subdivision consent for a 119-lot rural residential subdivision and land use for post-subdivision earthworks and impervious areas at Lot 1001 Kapiro Road, Kerikeri.

[2] On 21 June 2024 the Court issued a decision allowing the appeal.¹ The Court was satisfied a resource consent could be granted.

Conditions of consent

[3] Discussions between the parties to agree amended plans and conditions are well advanced.

[4] The remaining matters of disagreement between the parties are discrete and confined to:

- (a) the layouts of lots along Kapiro Road/Fantail Rise (Lots 62-65 and Lots 82-85) to make key views from Kapiro Road of the sections more spacious between the appellant and the respondent;²
- (b) the classification, fencing and management of reserve(s) to vest;³ and
- (c) the wording and inclusion of specific conditions raised by the Interested Parties.

Application to commence under s 116 RMA

[5] By Minute dated 22 October 2024, the Court directed the parties to advise whether the Court has grounds for a s 116 interim decision by 4 November 2024.

¹ *Neil Construction Limited v Far North District Council* [2024] NZEnvC 142. Correction issued 4 July 2024 – *Neil Construction Limited v Far North District Council* [2024] NZEnvC 159.

² *Neil Construction Ltd v Far North District Council* [2024] NZEnvC 142, at [247](a).

³ *Neil Construction Ltd v Far North District Council* [2024] NZEnvC 142, at [247](c).

[6] By joint memorandum of counsel dated 5 November 2024, the Court was advised that the parties have conferred and agree that site preparation works (bulk earthworks) may commence ahead of final agreement on amended plans and conditions because:

- (a) bulk earthworks have been separately approved by the Northland Regional Council;⁴
- (b) the appellant is ready to proceed with bulk earthworks this construction season (October 2024 to April 2025);
- (c) if bulk earthworks start this construction season, the appellant will be in a position to proceed with revegetation planting in the next planting season (May to September 2025), subject to resolution of the relevant plans and conditions;
- (d) bulk earthworks include the remediation of contaminated land in the vicinity of the former gun club;
- (e) works within the reserve(s) to vest are limited to:
 - (i) remediation of contaminated land in the vicinity of the former gun club; and
 - (ii) removal of a car carcass;
- (f) no other works will be undertaken unless authorised by the separate determination of the Environment Court.

Section 116 RMA

[7] Section 116 of the RMA states:

- (1) Except as provided in subsections (1A), (2), (4), and (5), or sections 116A and 116B, every resource consent that has been granted

⁴ Northland Regional Council resource consents referenced APP.043510.01.02-APP.043510.02.07.02.

commences—

- (a) when the time for lodging appeals against the grant of consent expires and no appeals have been lodged; or
- (b) when the Environment Court determines the appeals or all appellants withdraw their appeals—

unless the resource consent states a later date or a determination of the Environment Court states otherwise.

[8] In *Walker v Manukau City Council* it was confirmed that there are two tests under s 116(1).⁵ The first is whether allowing the consent to commence pending an appeal will serve the purpose of the RMA. The second is whether prejudice arises from either allowing or disallowing the consent to commence.

[9] The Court is able to authorise a limited exercise of a consent, which is still subject to appeal, provided those parts of the consent that commence do not go to the core of the matter to be determined by the Court.⁶

[10] As to whether granting the application would prejudice the consideration of the appeal, the question that must be asked is whether commencement of the consent would make the appeal a waste of time.⁷

Evaluation

[11] The Court understands that all parties to the proceedings agree to the commencement of site preparation works (bulk earthworks) subject to the conditions set out in Annexure A to this decision. I am satisfied that there is no prejudice to any party.

[12] I am also satisfied that the commence of the site preparation works (bulk earthworks) ahead of the final agreement on amended plans and conditions will serve the purpose of the RMA:

⁵ EnvC Chch, C106/99, 14 June 1999.

⁶ *Armstrong v Central Otago District Council*, EnvC Chch, C132/09, 23 December 2009.

⁷ *Delegat's Wine Estate Ltd v Marlborough District Council* [2010] NZEnvC 242, at [12] referring to *Kawarau Jet Services Holdings Limited v Queenstown Lakes District Council* EnvC Chch, C126/2009, 11 December 2009, at [24].

- (a) the appeal has been allowed by decision of the Court;
- (b) the parts of the proposal relating to site preparation and bulk earthworks are covered by a separate resource consent issued by the Northland Regional Council;
- (c) The parties have agreed conditions applicable to site preparation and bulk earthworks including the areas of the site where earthworks are approved ahead of final agreement on plans and conditions for the proposal as a whole; and
- (d) the parts of the proposal relating to site preparation and bulk earthworks do not relate to the issues that are the subject of ongoing discussions between the parties in respect of reserve classification and the subdivision layout in the corner of Stage 3 between Kapiro Road and Fantail Rise.

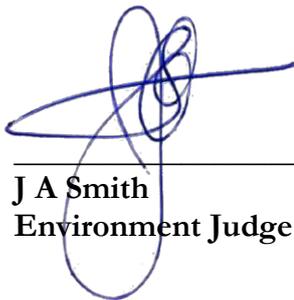
[13] Site preparation and bulk earthworks will not impinge on the resolution of this appeal, nor will it impact the outcome.

Order

[14] Under section 116(1) of the Resource Management Act 1991, the Court orders that the resource consent for the following activities commences at the date of this decision:

- (a) bulk earthworks comprising 74,000 m³ of cut to fill over 14.46 ha and 7,000 m³ of cut to waste, 7,000 m³ of fill from a borrow site and 28,910 m³ of topsoil stripping and replacement under the Operative Far North District Plan; and
- (b) soil disturbance of 50 m³ under the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect human Health Regulations 2011.

[15] Under section 285 of the Resource Management Act 1991, there is no order as to costs.



J A Smith
Environment Judge



Annexure A

Conditions applicable to site preparation works (bulk earthworks) at Lot 1001 Kapiro Road, Kerikeri (Lot 1001 DP 532494 held in RT 871601)

Activities

Activities authorised by this consent are:

- A. Bulk earthworks comprising 74,000 m³ of cut to fill over 14.46 ha and 7,000 m³ of cut to waste, 7,000 m³ of fill from a borrow site and 28,910 m³ of topsoil stripping and replacement under the Operative Far North District Plan.
- B. Soil disturbance of 50 m³ under the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect human Health Regulations 2011.

Lapse Date

[1] Under section 125 of the Resource Management Act 1991 (**RMA**), this consent shall lapse 10 years after the date of commencement unless an application to extend the lapse period under section 125 of the RMA is granted by the Far North District Council (**Council**).

Staging

[2] This consent may be given effect to in stages where each stage may be developed concurrently or separately commencing with Stage 3.

[3] The consent holder may commence work required to comply with conditions under section 224 of the RMA for any stage at any time so that the work is completed on a stage-by-stage basis or across more than one stage provided such works are undertaken in accordance with all relevant conditions of this consent.

Plans – General

[4] The activities shall be carried out in accordance with the approved plans listed in Table 1 and the information lodged and presented in support of the application

with the Council and the Environment Court. In the event that the approved plans or application documents conflict with these conditions, these conditions take priority. Road B (adjacent to the bridge on Redcliffs Road) including carparking and related works at the west end of Lot 701 (reserve to vest) that appear on some of the plans listed in Table 1 no longer form part of the proposal. The areas within which works under this consent are approved are shown on the plan prepared by Neil Construction Limited titled “No Earthworks Zones for Consent Clarification Oct 2024” referenced 4203-GN-100 dated 18 October 2024.

Table 1

Author	Title	Reference	Date
Neil Construction Limited	No Earthworks Zones for Consent Clarification Oct 2024	4203-GN-100	18 October 2024
Haigh Workman	Site Features Plan	SP	25 July 2024
Haigh Workman	Overall Proposed Development Plans	OP	25 July 2024
Haigh Workman	Proposed Development Plans	P1-P4	25 July 2024
Haigh Workman	Proposed Earthworks Key Sheet – Design Contours	EW KE1	25 July 2024
Haigh Workman	Earthworks Design Contours	EW E1-E4	25 July 2024
Haigh Workman	Proposed Earthworks – Cut/Fill Depths	EW KP1	25 July 2024
Haigh Workman	Earthworks – Cut-Fill Depths	EW P1-P4	25 July 2024
Haigh Workman	Erosion and Sediment Control Plan Key Sheet	ESCP	25 July 2024
Haigh Workman	Erosion and Sediment Control Plans	ESCP1-4	25 July 2024

Haigh Workman	Site Exploratory Hole Location Plans	G1-G3	25 July 2024
Haigh Workman	Geotechnical Site Plans	G4-G5	25 July 2024
Haigh Workman	Geotechnical Cross Sections	GEO CS1-5	2 June 2023

Note: Reference may be had to the following plans listed in Table 2 for information purposes, including information as to lot numbering and staging.

Table 2

Author	Title	Reference	Date
<i>Haigh Workman</i>	<i>Road Longitudinal Sections</i>	<i>LS1-LS5, LS7, LS10</i>	<i>4 November 2022</i>
<i>Haigh Workman</i>	<i>Road Longitudinal Sections</i>	<i>LS6, LS8-9</i>	<i>2 June 2023</i>
<i>Haigh Workman</i>	<i>Road Longitudinal Sections</i>	<i>LS11</i>	<i>31 May 2023</i>
<i>Haigh Workman</i>	<i>Road Typical Cross Sections and Outfall Details</i>	<i>DE1</i>	<i>2 June 2023</i>
<i>Haigh Workman</i>	<i>Erosion and Sediment Control Typical Details</i>	<i>DE2-DE5</i>	<i>18 October 2019</i>
<i>Neil Construction Ltd</i>	<i>Stages 3-6 Proposed Subdivision of Lot 1001 DP 532487</i>	<i>420-03-SP-00-PEC</i>	<i>10 September 2024</i>
<i>Neil Construction Ltd</i>	<i>Stage 3 Proposed Subdivision of Lot 1001 DP 532487</i>	<i>420-03-SP-01-PEC Sheets 1 and 2 of 2</i>	<i>10 September 2024</i>
<i>Neil Construction Ltd</i>	<i>Stage 4 Proposed Subdivision of Lot 1004 DP XXXXXX</i>	<i>420-04-SP-01-PEC Sheets 1 and 2 of 2</i>	<i>10 September 2024</i>
<i>Neil Construction Ltd</i>	<i>Stage 5 Proposed Subdivision of Lot 1005 DP XXXXXX</i>	<i>420-05-SP-01-PEC Sheets 1 and 2 of 2</i>	<i>10 September 2024</i>
<i>Neil Construction Ltd</i>	<i>Stage 6 Proposed Subdivision of Lot 1006 DP XXXXXX</i>	<i>420-06-SP-01-PEC Sheets 1 and 2 of 2</i>	<i>10 September 2024</i>

Accidental Discovery

[5] During all construction works to be undertaken as approved under this consent, in the event of an “accidental discovery” of archaeological material, the following steps must be taken:

- (a) All work on the site will cease immediately. The contractor/works supervisor will shut down all equipment and activity.
- (b) The contractor/works supervisor/owner will take immediate steps to secure the site (tape it off) to ensure the archaeological remains are undisturbed and the site is safe in terms of health and safety requirements. Work may continue outside of the site area.
- (c) The contractor/works supervisor/owner will notify the Area Archaeologist of Heritage New Zealand – Pouhere Taonga (Northland Office), tangata whenua and any required statutory agencies (such as the NZ Police if human remains/koiwi tangata are found) if this has not already occurred.
- (d) Heritage New Zealand – Pouhere Taonga advise the use of a qualified archaeologist who will confirm the nature of the accidentally discovered material.
- (e) If the material is confirmed as being archaeological, under the terms of the Heritage New Zealand Pouhere Taonga Act 2014, the landowner will ensure that an archaeological assessment is carried out by a qualified archaeologist, and if appropriate, an archaeological authority is obtained from Heritage New Zealand – Pouhere Taonga before work resumes.
- (f) If burials, human remains/koiwi tangata are uncovered, steps in conditions (a) to (c) above must be taken and the Area Archaeologist of Heritage New Zealand – Pouhere Taonga, the New Zealand Police and the Iwi representative for the area must be contacted immediately. The area must be treated with discretion and respect and the koiwi tangata/human remains dealt with according to law and tikanga; and

- (g) Works at the site area shall not recommence until an archaeological assessment has been made, all archaeological material has been dealt with appropriately, and statutory requirements met. All parties will work towards work recommencement in the shortest possible timeframe while ensuring that archaeological and cultural requirements are complied with.

Before Construction

[6] Prior to the commencement of works authorised by this consent the consent holder shall:

- (a) Submit a Construction Management Plan (**CMP**) to the Council's Resource Consents Engineer or delegate for certification. The CMP shall contain information about and site management procedures for:
 - (i) the timing of site works, earthworks, and construction works, including hours of work, and the key project and site management personnel
 - (ii) consultation with Ngāti Rēhia about the timing and supervision interest for earthworks
 - (iii) bulk earthworks plan (showing cut and fill and their related quantities)
 - (iv) the transportation of fill and construction materials from and to the site and associated controls on vehicles through sign-posted site entrances/exits and the loading and unloading of materials
 - (v) the extent of excavation works, including retaining structures and any necessary dewatering facilities, prepared by a suitably qualified geotechnical engineer
 - (vi) control of dust and noise on-site and necessary avoidance or remedial measures
 - (vii) prevention of soil or other material being deposited on surrounding roads from vehicles working within the subdivision and the proposed remedial actions should it occur;
 - (viii) the exclusion of dogs from site at all times;

- (ix) bringing awareness to the presence of kiwi on the site, including through signage, at entrances to the site
- (x) avoidance of works within the area of *Coprosma rigida* on Lot 100 and within Lot 701 including the areas of totara and wetlands, except for those areas affected by remediation and earthworks in the vicinity of the gun club and where car carcasses are to be removed; and
- (xi) proposed publicity and safety measures, including signage, to inform adjacent landowners and occupiers, pedestrians, and other users of the road.

The CMP shall also include information as to:

- (xii) the identity and contact details of the successful contractor;
- (xiii) the planned commencement date and duration of the contract;
- (xiv) the identity and contact details of the supervising engineer;
- (xv) a copy of the corridor access request (if required); and
- (xvi) a copy of the Construction Environmental Management Plan approved by the Northland Regional Council.

All physical works on site shall be undertaken in accordance with the approved CMP.

- (b) Submit a Construction Traffic Management Plan (**CTMP**) to the Council's Resource Consents Engineer or delegate for certification. The CTMP shall contain information about site management procedures for:
 - (i) establishing a parking management plan for construction traffic
 - (ii) measures to address the transportation and parking of oversize vehicles (if any)
 - (iii) identifying the proposed number and timing of heavy vehicles throughout the day

- (iv) identifying the location of heavy vehicle and construction machinery access to the site off Redcliffs Road and/or Kapiro Road; and
- (v) requiring and ensuring wide loads and vehicles with Gross Vehicle Mass over 3500kg⁵ to avoid using Landing Road and access and depart the site via Kapiro Road and State Highway 10.

All physical works on site shall be undertaken in accordance with the approved CTMP.

- (c) Notify Council, in writing, of their intention to begin works, a minimum of seven days prior to commencing works. Such notification shall be sent to the Resource Consent Engineer and include the following details:
 - (i) Name and telephone number of the project manager;
 - (ii) Site address to which the consent relates;
 - (iii) Activities to which the consent relates; and
 - (iv) Expected duration of works.
- (d) Request a pre-start meeting to be undertaken with the consent holder's representative, contractor(s) or agents for the consent holder and the Resource Consent Engineer a minimum of 10 working days prior to any works being undertaken on the site, to the satisfaction of the Resource Consent Engineer or delegated representative.

Before Remediation and Earthworks in Vicinity of Former Gun Club

- [7] Prior to the commencement of remediation and associated earthworks in the vicinity of the former gun club, the consent holder shall:

⁵ As defined by NZTA under Land Transport Act 1998:
Light rigid vehicles are those with maximum Gross Vehicle Mass (GVM) of 3500kg or less (<https://www.nzta.govt.nz/vehicles/vehicle-types/vehicle-classes-and-standards/vehicle-dimensions-and-mass/light-rigid-vehicles/>).
Heavy rigid vehicles are those with GVM above 3500kg (<https://www.nzta.govt.nz/vehicles/vehicle-types/vehicle-classes-and-standards/vehicle-dimensions-and-mass/heavy-rigid-vehicles/>)

(a) Submit a Remediation Action Plan (**RAP**) and a Site Management Plan (**SMP**) prepared by a suitably qualified and experienced person in accordance with the Remediation Action Plan prepared by Geosciences Limited titled Remediation Action Plan Rangitane River Park Lot 1000, Kapiro Road, Kerikeri, referenced Rep-1271A/RAP/Dec23 dated December 2023 and Contaminated Land Management Guideline No. 1 to the Council's Resource Consents Manager or delegate for certification.

(b) Submit a Lizard Management Plan (**LMP**) to the Council's Resource Consents Manager or delegate for certification. The LMP shall be prepared by a suitably qualified and experienced ecologist and shall apply during any works in the vicinity of the former gun club and other potential lizard habitat. The LMP shall:

- (i) identify the area of works the LMP shall apply to;
- (ii) how monitoring shall be undertaken; and
- (iii) methods that may be used to salvage and relocate lizards.

Prior to submitting the LMP, the consent holder must provide the LMP to Vision Kerikeri and Friends of Rangitane Stream for comment and allow at least 5 working days for comments. The consent holder must consider any comments received from Vision Kerikeri and Friends of Rangitane Stream and may incorporate the comments into the LMP. The LMP will be submitted to the Council with a copy of the comments that were provided by Vision Kerikeri and Friends of Rangitane Stream.

(c) Submit a Kiwi Management Plan (**KMP**) to the Council's Resource Consents Manager or delegate for certification. The KMP shall be prepared by a suitably qualified and experienced ecologist and shall apply during any works in the vicinity of the former gun club and types of vegetation where kiwi might be sheltering during the daytime. The KMP shall:

- (i) identify the area of works the KMP shall apply to;
- (ii) how monitoring shall be undertaken; and

(iii) methods that may be used to salvage and relocate kiwi.

Prior to submitting the KMP, the consent holder must provide the KMP to Vision Kerikeri and Friends of Rangitane Stream for comment and allow at least 5 working days for comments. The consent holder must consider any comments received from Vision Kerikeri and Friends of Rangitane Stream and may incorporate the comments into the KMP. The KMP will be submitted to the Council with a copy of the comments provided by Vision Kerikeri and Friends of Rangitane Stream.

During Construction

[8] During construction, the consent holder shall:

- (a) Adhere to the certified CMP, CTMP, and all resource consent conditions, and these documents are to be held onsite at all times during construction. During remediation works in the vicinity of the former gun club, the consent holder shall adhere to the certified RAP, SMP, LMP and KMP, and these documents are to be held onsite at all times during remediation works. All personnel working on the site shall be made aware of and have access to the resource consent and accompanying documentation.
- (b) Keep clear of and avoid:
 - (i) the area of *Coprosma Rigida* in Lot 100; and
 - (ii) Lot 701 except as required to complete the remediation and associated earthworks in the vicinity of the gun club and the removal of the car carcass.
- (c) Remove the remaining car carcass from Lot 701.

After Completion of Remediation and Earthworks in Vicinity of Former Gun Club

[9] Within 40 working days of the completion of remediation and earthworks in the vicinity of the former gun club, the consent holder shall submit to Council's Resource Consents Manager or delegate:

(a) Confirmation by way of a Site Validation Report (**SVR**) prepared by a suitably qualified and experienced person to the Council's Resource Consents Manager to confirm that all actions identified in the RAP and SMP certified under Condition [7](a) have been completed. The SVR shall confirm contaminant levels within Lot 701 are compliant with the relevant Contaminant Scenario Standards for use as parks/recreation. All testing shall be undertaken in accordance with the guidelines set out within Contaminated Land Management Guideline No.5. The SVR shall include information detailing:

- (i) conditions of the final site ground surface
- (ii) volume and nature of any soil removed from the site, including disposal docket to confirm it has been removed to a suitably licensed facility
- (iii) any complaints or incidences during works
- (iv) a log of any unknown or suspicious materials encountered during the works; and
- (v) full analytical results for residual soil contamination.

(b) Confirmation by way of written statement from a suitably qualified and experienced ecologist that on-site monitoring has been undertaken and completed during any vegetation clearance of areas where potential lizard habitat exists in accordance with the LMP certified under Condition [7](b). Following the completion of any vegetation clearance activities authorised by this consent, the ecologist/herpetologist shall prepare and submit a Lizard Monitoring Report (**LMR**) to the Council's Resource Consents Manager. A copy of the LMR will be provided to Vision Kerikeri and Friends of Rangitane Stream for information. The LMR shall include information relating to:

- (i) the monitoring undertaken;
- (ii) any lizards identified (species and number);
- (iii) the salvage and relocation of lizards (including where any lizards were relocated to); and

(iv) the methods used.

Note: This condition may be met by way of provision of plans and documentation associated with any Authority approved by the Department of Conservation under the Wildlife Act 1953.

(c) Confirmation by way of written statement from a suitably qualified and experienced ecologist that on-site monitoring has been undertaken and completed during any vegetation clearance of areas where potential kiwi habitat exists in accordance with the KMP certified under Condition [7](c). Following the completion of any vegetation clearance activities in the vicinity of the remediation area that are authorised by this consent, the ecologist shall prepare and submit a Kiwi Monitoring Report (**KMR**) to the Council's Resource Consents Manager. A copy of the KMR will be provided to Vision Kerikeri and Friends of Rangitane Stream for information. The KMR shall include information relating to:

(i) the monitoring undertaken;

(ii) any kiwi identified (number);

(iii) the salvage and relocation of kiwi (including where any kiwi were relocated to); and

(iv) the methods used.

Note: This condition may be met by way of provision of plans and documentation associated with any Authority approved by the Department of Conservation under the Wildlife Act 1953.

Advice Notes

[1] Although this consent authorises a volume of earthworks, an earthworks permit may still be required from the Far North District Council. Any application for an earthworks permit should be accompanied by an erosion and sediment control plan.

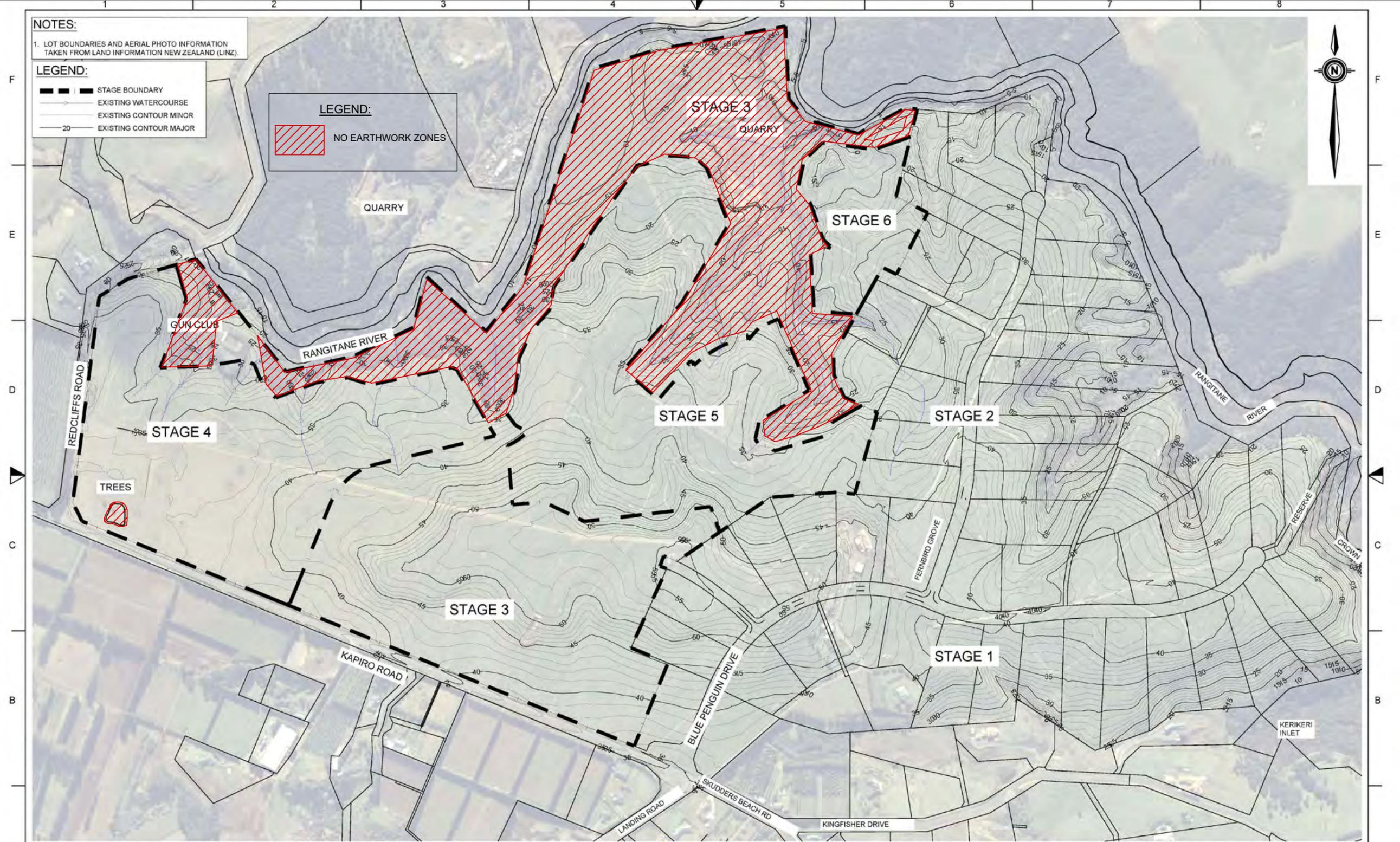
[2] Subdivision earthworks within 100 m of a wetland is authorised by the Northland Regional Council under a separate resource consent.

- [3] The consent holder is required to comply with the requirements of all relevant requirements associated with the development that fall outside this consent, including compliance with Northland Regional Council consents, any relevant requirements of the Wildlife Act 1952, Reserves Act 1977, and any other relevant provisions.
- [4] The consent holder shall pay all charges set by Council under Section 36 of the Resource Management Act 1991, including any administration, monitoring, inspection and supervision charges relating to the conditions of this resource consent. The applicant will be advised of the charges as they fall.
- [5] Any work activity, excavation and non- excavation carried out in the road reserve, must lodge formal notice if intention to carry out Works, in the form of a Corridor Access Request, submitted to the Corridor Manager for Approval. A Corridor Access Request (**CAR**) is an application for a permit to carry out works within the road reserve, this is defined in the National Code of Practice for Utilities access to the transport Corridors and has been adopted by Council. A Traffic Management Plan (**TMP**) must be uploaded with the CAR submission, describing the proposed works, design, setup, and removal of any activity being carried out within the road Reserve. A Work Access Permit (**WAP**) and reasonable conditions will be issued once TMP is approved. Enquiries as to its use may be directed to Council's Road Corridor Co-ordinator, corridor.access@nta.govt.nz.
- [6] Building Consents may be required for retaining structures.

NOTES:
 1. LOT BOUNDARIES AND AERIAL PHOTO INFORMATION TAKEN FROM LAND INFORMATION NEW ZEALAND (LINZ).

LEGEND:
 - - - STAGE BOUNDARY
 - - - EXISTING WATERCOURSE
 - - - EXISTING CONTOUR MINOR
 - - - 20 EXISTING CONTOUR MAJOR

LEGEND:
 [Red Hatched Box] NO EARTHWORK ZONES



<table border="1"> <thead> <tr> <th>Issue</th> <th>Date</th> <th>Revision</th> </tr> </thead> <tbody> <tr> <td>C</td> <td>20/12/2021</td> <td>REVISED SCHEME PLAN</td> </tr> <tr> <td>D</td> <td>04/11/2022</td> <td>REVISED SCHEME PLAN</td> </tr> <tr> <td>E</td> <td>19/06/2024</td> <td>REVISED SCHEME PLAN</td> </tr> <tr> <td>F</td> <td>08/07/2024</td> <td>REVISED SCHEME PLAN</td> </tr> <tr> <td>G</td> <td>25/07/2024</td> <td>REVISED SCHEME PLAN</td> </tr> </tbody> </table>			Issue	Date	Revision	C	20/12/2021	REVISED SCHEME PLAN	D	04/11/2022	REVISED SCHEME PLAN	E	19/06/2024	REVISED SCHEME PLAN	F	08/07/2024	REVISED SCHEME PLAN	G	25/07/2024	REVISED SCHEME PLAN	DWG Site Features Plan Scale 1:5000 @A3 Date 04/11/2022 Drawn JT Checked JM Approved JM		3 Elizabeth Street Warkworth T: 09 425 9422 F: 09 425 9431 E: info@haighworkman.co.nz <small>DIMENSIONS MUST NOT BE SCALE MEASURED FROM THESE DRAWINGS. THE CONTRACTOR SHALL CHECK & VERIFY ALL DIMENSIONS INCLUDING SITE LEVELS, HEIGHTS AND ANGLES ON SITE PRIOR TO COMMENCING ANY WORK. THE COPYRIGHT TO THESE DRAWINGS AND ALL PARTS THERE OF REMAIN THE PROPERTY OF HAIGH WORKMAN LTD. ©2006</small>		Project Rangitane River Park Stage 3 - 6 Kapiro Road, Kerikeri Client Neil Construction Ltd. Project No. 18 295 RC no. rc no		DWG No. SP Sheet No. 1 of 1	
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G	25/07/2024	REVISED SCHEME PLAN																										

Rev	Description	By	Date
A	FOR INFORMATION	CK	10/24

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 NEW ZEALAND. www.neilgroup.co.nz

Job Title
**RANGITANE RIVER PARK
 STAGE 3-6**

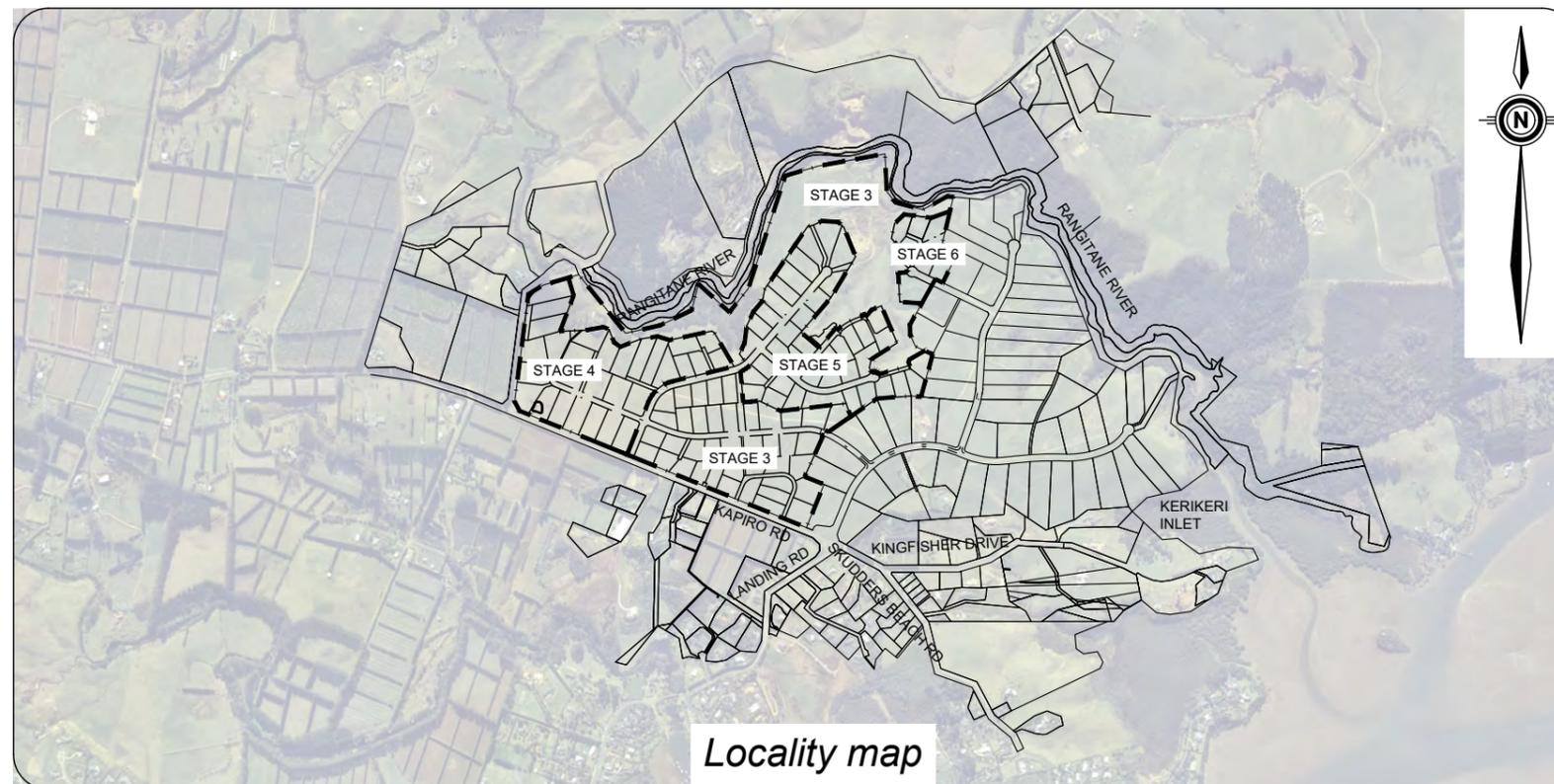
Drawing Title
**NO EARTHWORK ZONES
 FOR CONSENT CLARIFICATION
 OCT 2024**

By	Date	Scale	Job No.	4203	
Surveyed: -	-	NTS	Drawing No.	4203-GN-100	
Designed: CK	10/24		Rev		
Drawn: CK	10/24				A
Approved: CK	10/24				
CAD FILE					

Rangitane River Park Stage 3 - 6

Kapiro Road, Kerikeri

For Neil Construction Ltd.



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3 Elizabeth Street
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Job No. 18 295

For Consent

July 2024

NOTES:
 1. LOT BOUNDARIES AND AERIAL PHOTO INFORMATION TAKEN FROM LAND INFORMATION NEW ZEALAND (LINZ).

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G	25/07/2024	REVISED SCHEME PLAN

DWG **Site Features Plan**

Scale 1:5000 @A3

Drawn JT Checked JM Approved JM

Date 04/11/2022

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 Kapiro Road, Kerikeri

Client **Neil Construction Ltd.**

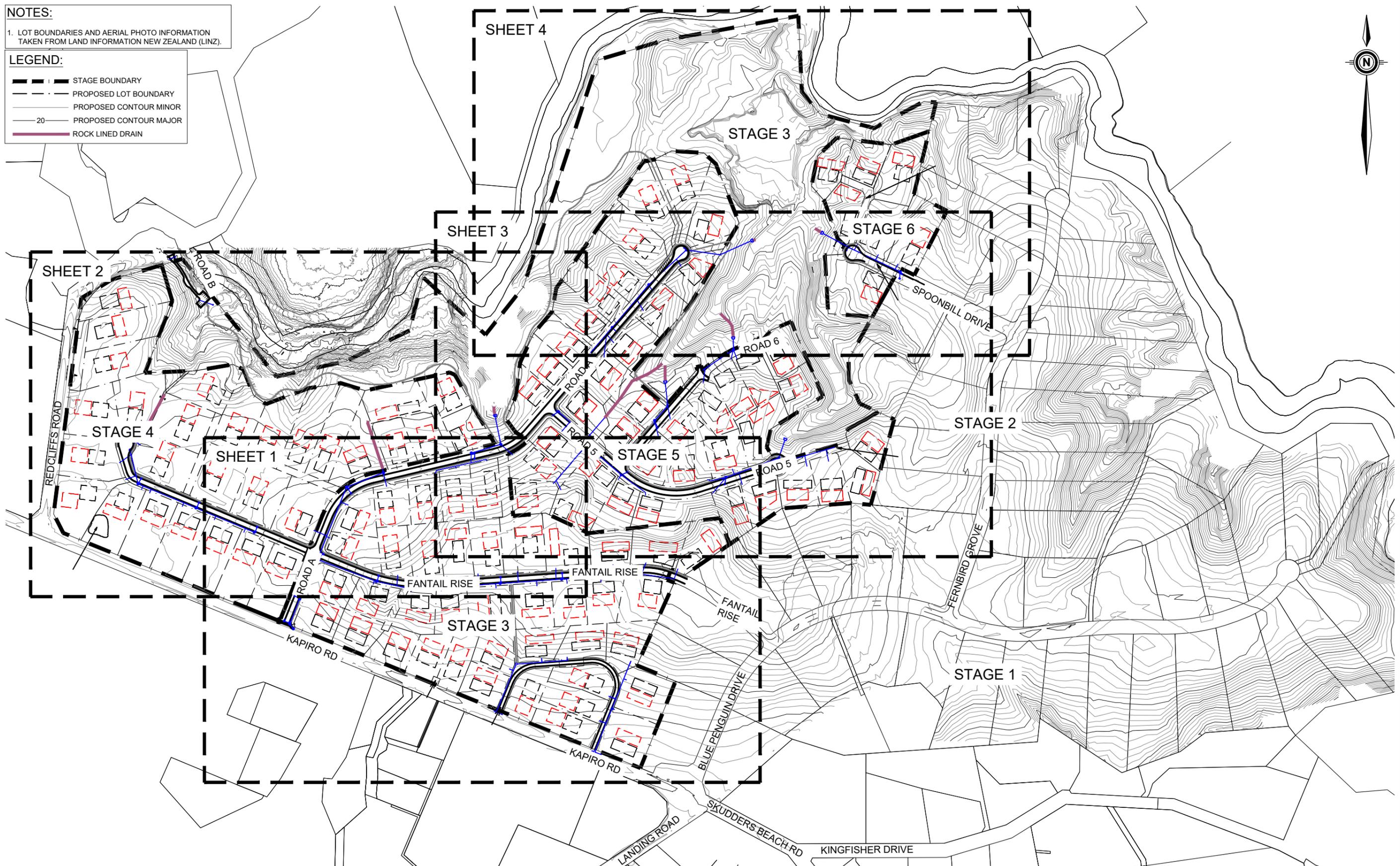
Project No. 18 295 RC no. rc no

DWG No. **SP**

Sheet No. **1 of 1**

NOTES:
 1. LOT BOUNDARIES AND AERIAL PHOTO INFORMATION TAKEN FROM LAND INFORMATION NEW ZEALAND (LINZ).

LEGEND:
 - - - STAGE BOUNDARY
 - - - PROPOSED LOT BOUNDARY
 - - - PROPOSED CONTOUR MINOR
 - - - PROPOSED CONTOUR MAJOR
 - - - ROCK LINED DRAIN



Issue	Date	Revision
F	02/06/2023	REVISED SCHEME PLAN
G	30/06/2023	LOT 173 BUILDING AREA AND WASTEWATER FIELD UPDATED
H	19/06/2024	REVISED SCHEME PLAN
I	08/07/2024	REVISED SCHEME PLAN
J	25/07/2024	REVISED SCHEME PLAN

DWG Overall Proposed Development Plan
 Key Sheet

Scale 1:5000 @A3

Drawn JT Checked JM Approved JM

Date 04/11/2022

File T:\CLIENTS\NEIL CONSTRUCTION LTD\JOBS\118 295 - RANGITANE RIVER PARK STAGE 3\ENGINEERING\DRAWINGS\118 295 - 2019\1218 RESOURCE CONSENT AS 12.DWG

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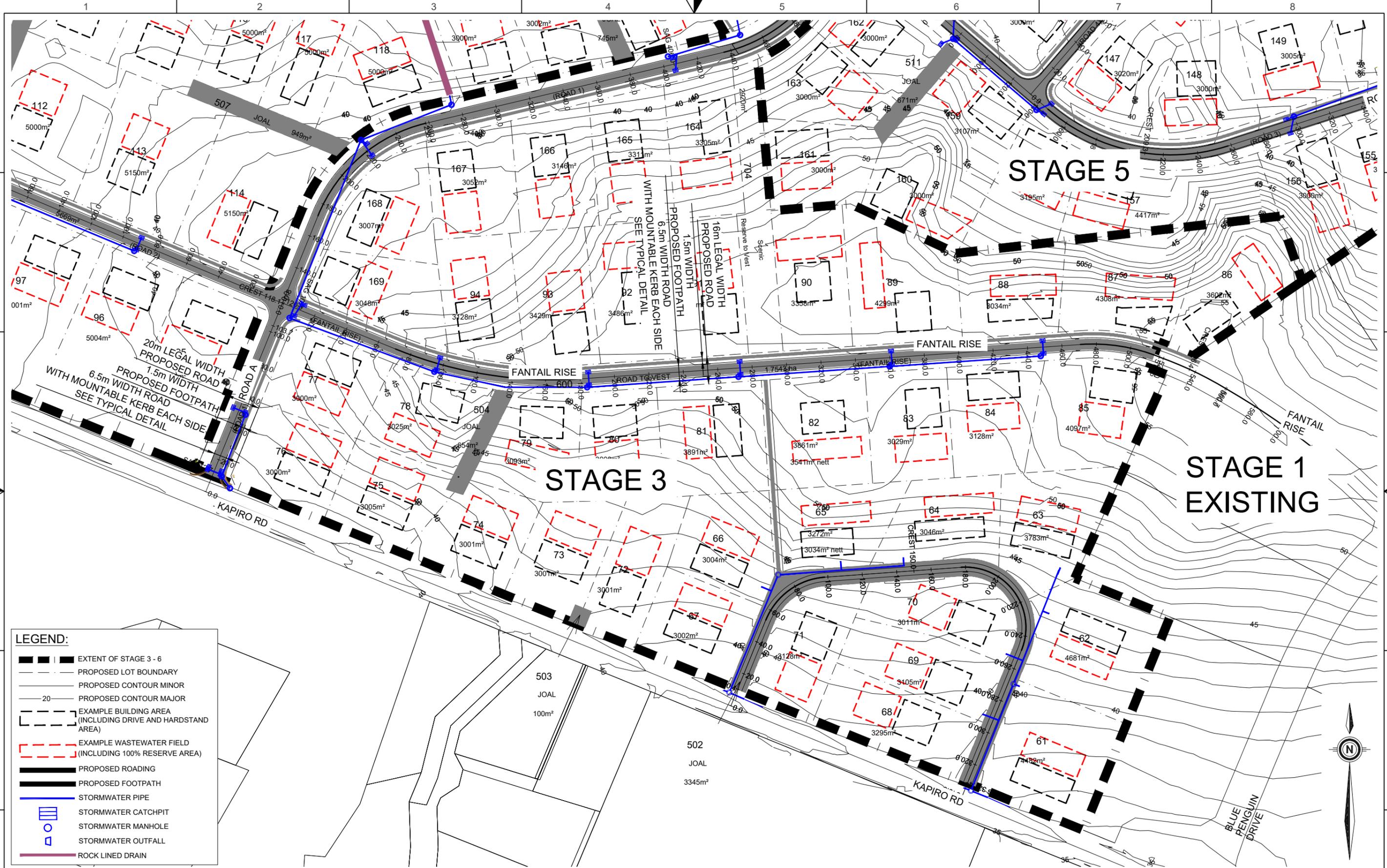
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Client	Neil Construction Ltd.
Project No.	18 295
RC no.	rc no

DWG No.	OP
Sheet No.	1 of 1



LEGEND:

- EXTENT OF STAGE 3 - 6
- PROPOSED LOT BOUNDARY
- PROPOSED CONTOUR MINOR
- PROPOSED CONTOUR MAJOR
- EXAMPLE BUILDING AREA (INCLUDING DRIVE AND HARDSTAND AREA)
- EXAMPLE WASTEWATER FIELD (INCLUDING 100% RESERVE AREA)
- PROPOSED ROADING
- PROPOSED FOOTPATH
- STORMWATER PIPE
- STORMWATER CATCHPIT
- STORMWATER MANHOLE
- STORMWATER OUTFALL
- ROCK LINED DRAIN

Issue	Date	Revision
E	04/11/2022	REVISED SCHEME PLAN
F	02/06/2023	REVISED SCHEME PLAN
G	19/06/2024	REVISED SCHEME PLAN
H	08/07/2024	REVISED SCHEME PLAN
I	25/07/2024	REVISED SCHEME PLAN

DWG Proposed Development Plan - Stage 3
Sheet 1

Scale 1:2000 @A3
20
10
0
20
40
60
m
 Date 04/11/2022

Drawn JT Checked JM Approved JM

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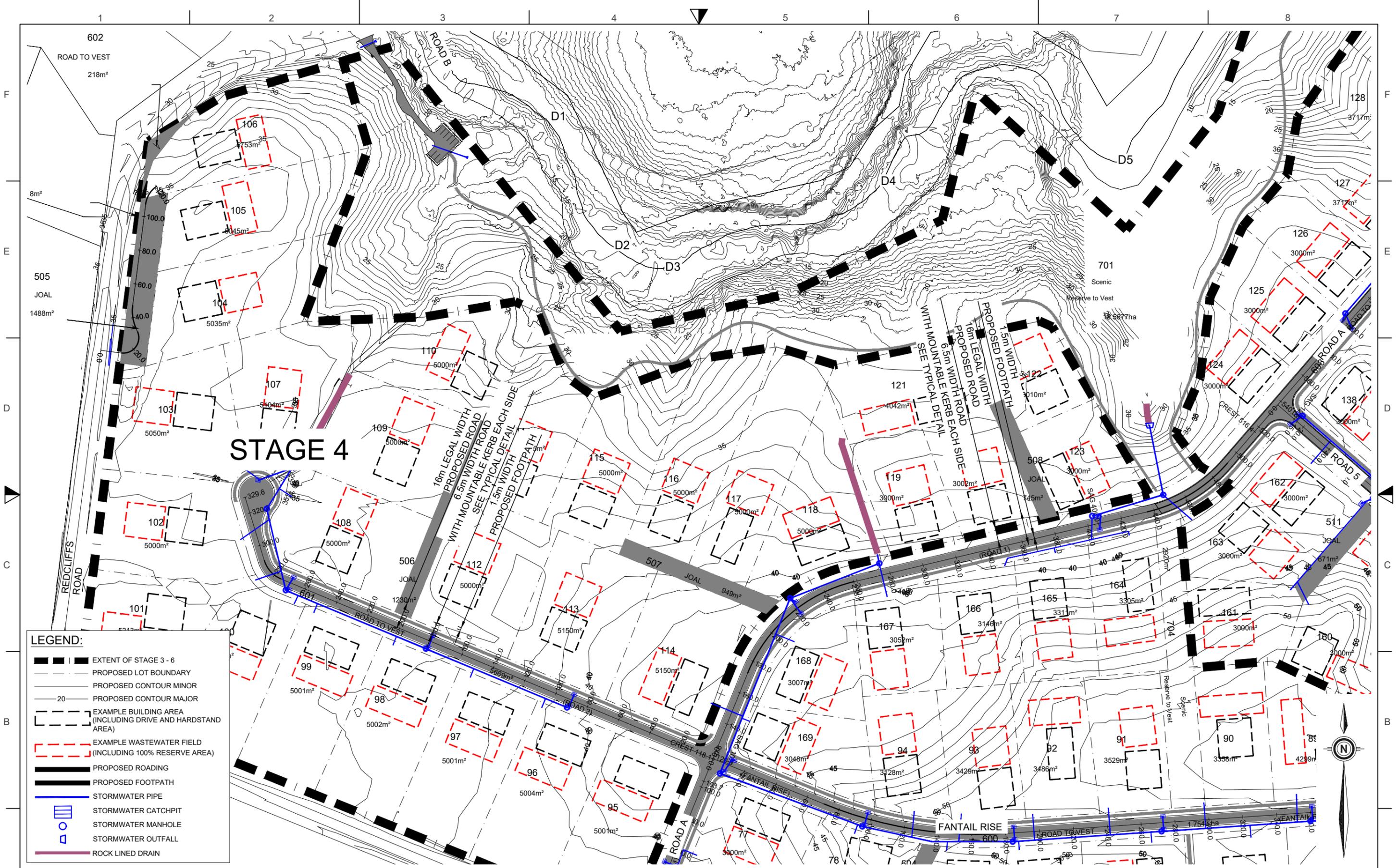
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Client	Neil Construction Ltd.	
Project No.	18 295	RC no. rc no

DWG No.	P1
Sheet No.	1 of 4



LEGEND:

- EXTENT OF STAGE 3 - 6
- PROPOSED LOT BOUNDARY
- PROPOSED CONTOUR MINOR
- PROPOSED CONTOUR MAJOR
- EXAMPLE BUILDING AREA (INCLUDING DRIVE AND HARDSTAND AREA)
- EXAMPLE WASTEWATER FIELD (INCLUDING 100% RESERVE AREA)
- PROPOSED ROADING
- PROPOSED FOOTPATH
- STORMWATER PIPE
- STORMWATER CATCHPIT
- STORMWATER MANHOLE
- STORMWATER OUTFALL
- ROCK LINED DRAIN

Issue	Date	Revision
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G	19/06/2024	REVISED SCHEME PLAN
H	08/07/2024	REVISED SCHEME PLAN
I	25/07/2024	REVISED SCHEME PLAN

DWG Proposed Developmet Plan - Stage 4
Sheet 2

Scale 1:2000 @A3

Drawn JT Checked JM Approved JM

Date 04/11/2022

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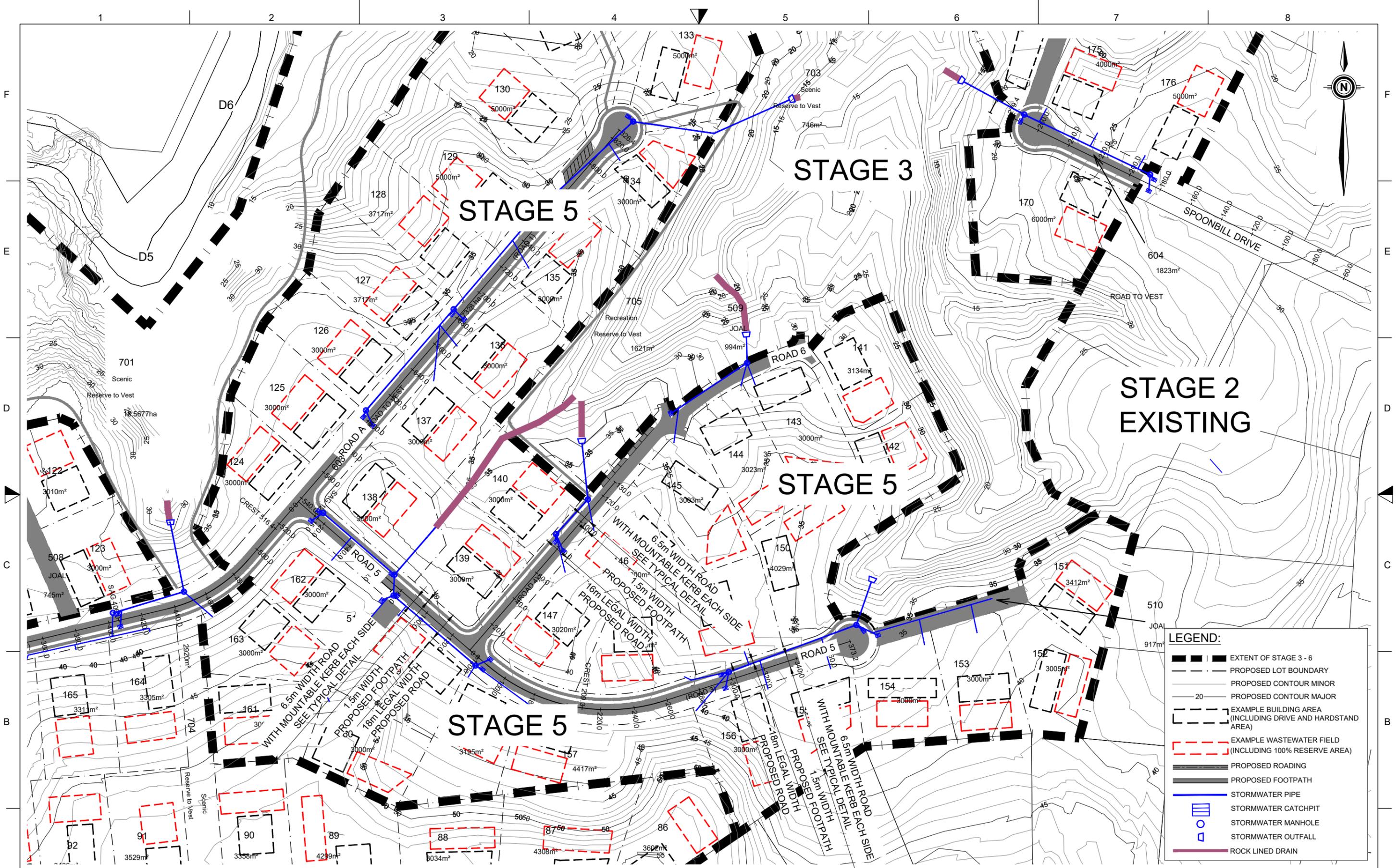
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Kapiro Road, Kerikeri

Client Neil Construction Ltd.

Project No. 18 295 RC no. rc no

DWG No. P2

Sheet No. 2 of 4



Issue	Date	Revision
E	04/11/2022	REVISED SCHEME PLAN
F	02/06/2023	REVISED SCHEME PLAN
G	19/06/2024	REVISED SCHEME PLAN
H	08/07/2024	REVISED SCHEME PLAN
I	25/07/2024	REVISED SCHEME PLAN

DWG Proposed Development Plan - Stage 5
Sheet 3

Scale 1:2000 @A3

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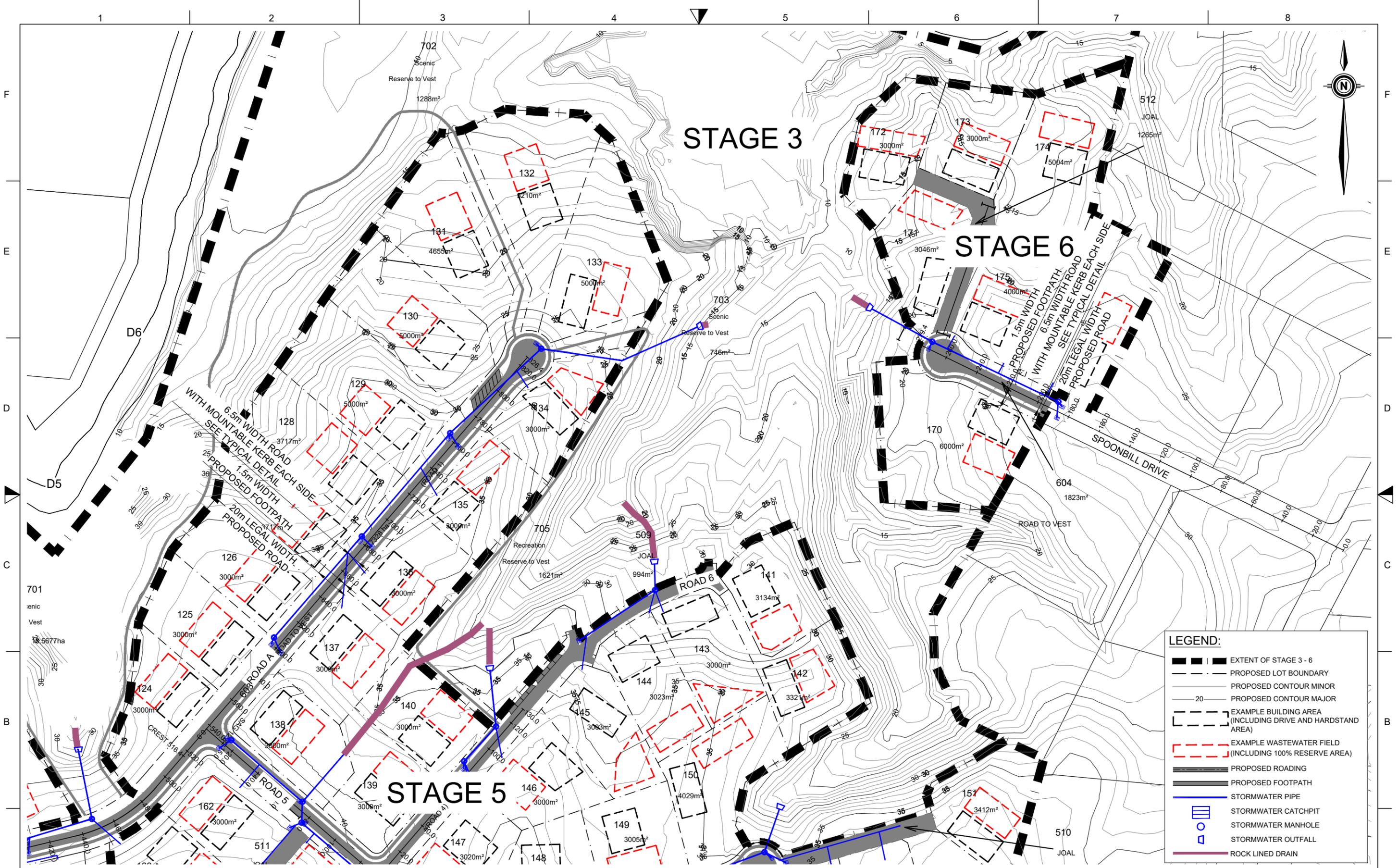
Project Rangitane River Park Stage 3 - 6
Kapiro Road, Kerikeri

Client Neil Construction Ltd.

Project No. 18 295 RC no. rc no

DWG No. **P3**

Sheet No. **3 of 4**



Issue	Date	Revision
F	02/06/2023	REVISED SCHEME PLAN
G	30/06/2023	LOT 173 BUILDING AREA AND WASTEWATER FIELD UPDATED
H	19/06/2024	REVISED SCHEME PLAN
I	08/07/2024	REVISED SCHEME PLAN
J	25/07/2024	REVISED SCHEME PLAN

DWG Proposed Development Plan - Stage 6
Sheet 4

Scale 1:2000 @A3

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Client Neil Construction Ltd.

Project No. 18 295 RC no. rc no

DWG No. **P4**

Sheet No. **4 of 4**

STAGE3-6 EARTHWORKS:

CUT	= 74000m ³
FILL	= 74000m ³
CUT TO WASTE	= 7000m ³
BORROW TO FILL	= 7000m ³
TOPSOIL	= 28910m ³
AREA	= 144600m ² (14.5Ha)

LEGEND:

	EXTENT OF STAGE 3 - 6
	LOT BOUNDARY
	PROPOSED MINOR CONTOUR
	PROPOSED MAJOR CONTOUR
	EXISTING MINOR CONTOUR
	EXISTING MAJOR CONTOUR
	10 m SETBACK FROM WETLAND
	30 m SETBACK FROM WETLAND
	100 m SETBACK FROM WETLAND
	ROCK LINED DRAIN



Issue	Date	Revision
F	02/06/2023	REVISED SCHEME PLAN
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H	19/06/2024	REVISED SCHEME PLAN
I	08/07/2024	REVISED SCHEME PLAN
J	25/07/2024	REVISED SCHEME PLAN

DWG Proposed Earthworks Key Sheet
Design Contours

Scale 1:5000 @A3 Date 04/11/2022

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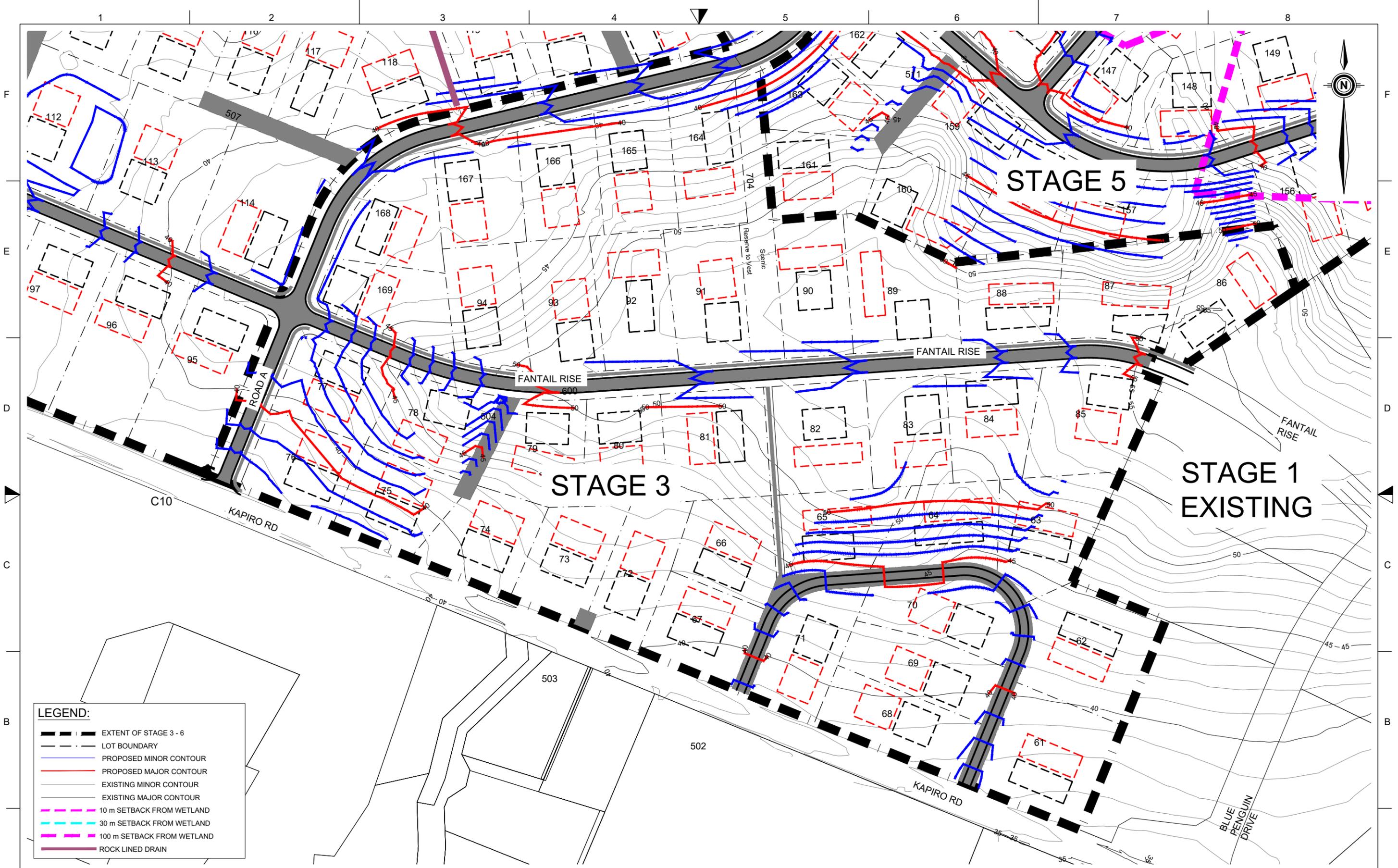
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Client	Neil Construction Ltd.
Project No.	18 295
RC no.	rc no

DWG No.	EW KE1
Sheet No.	1 of 1



Issue	Date	Revision
D	04/11/2022	REVISED SCHEME PLAN
E	02/06/2023	REVISED SCHEME PLAN
F	19/06/2024	REVISED SCHEME PLAN
G	08/07/2024	REVISED SCHEME PLAN
H	25/07/2024	REVISED SCHEME PLAN

DWG **Earthworks Sheet 1**
Stage 3 Design Contours

Scale 1:2000 @A3

Drawn JT Checked JM Approved JM

Date 04/11/2022

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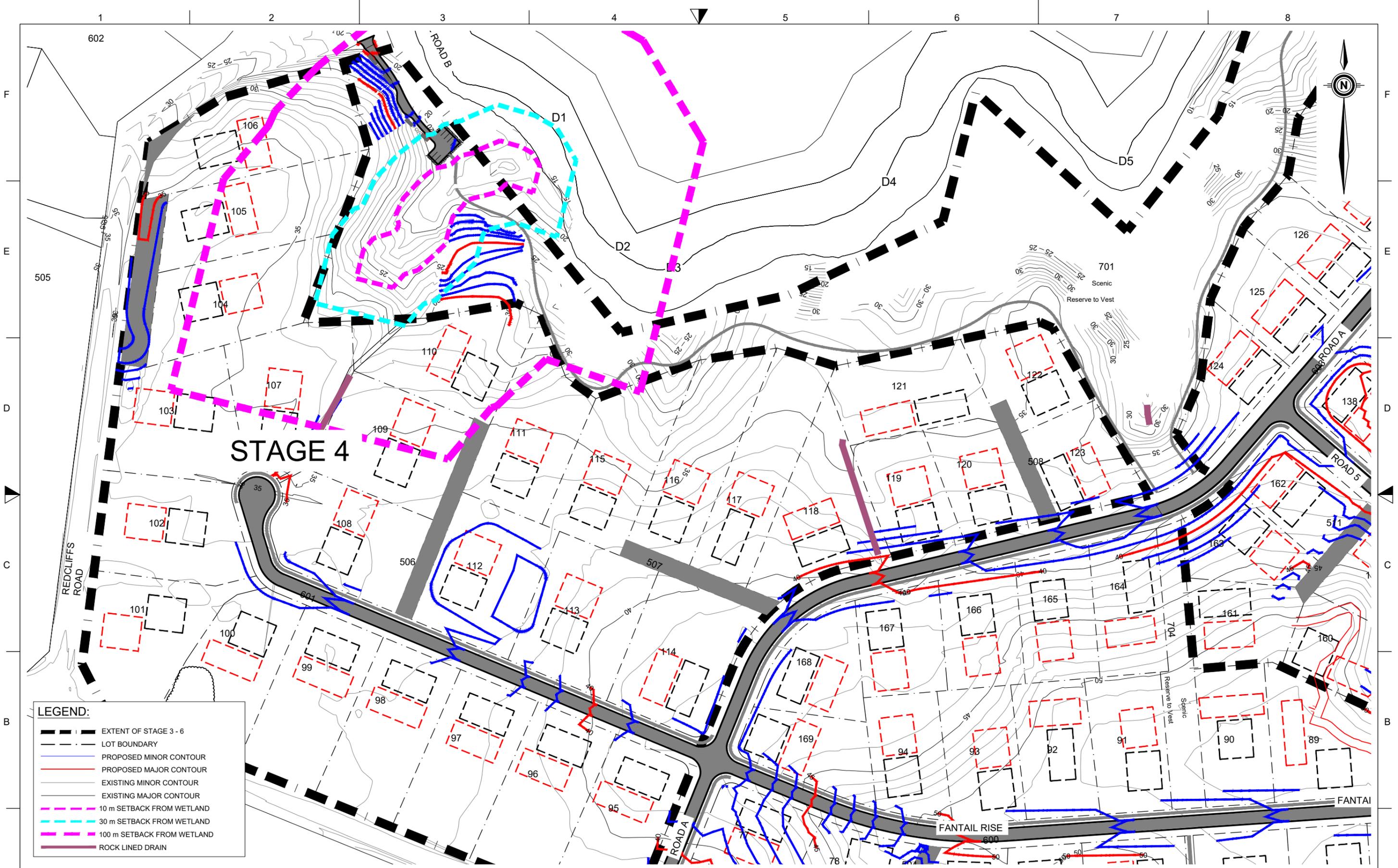
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 Kapiro Road, Kerikeri

Client **Neil Construction Ltd.**

Project No. 18 295 RC no. rc no

DWG No. **EW E1**

Sheet No. **1 of 4**



LEGEND:

- EXTENT OF STAGE 3 - 6
- LOT BOUNDARY
- PROPOSED MINOR CONTOUR
- PROPOSED MAJOR CONTOUR
- EXISTING MINOR CONTOUR
- EXISTING MAJOR CONTOUR
- 10 m SETBACK FROM WETLAND
- 30 m SETBACK FROM WETLAND
- 100 m SETBACK FROM WETLAND
- ROCK LINED DRAIN

Issue	Date	Revision
D	04/11/2022	REVISED SCHEME PLAN
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F	19/06/2024	REVISED SCHEME PLAN
G	08/07/2024	REVISED SCHEME PLAN
H	25/07/2024	REVISED SCHEME PLAN

DWG **Earthworks Sheet 2**
Stage 4 Design Contours

Scale 1:2000 @A3
20
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m
Date 04/11/2022

Drawn JT Checked JM Approved JM

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Client **Neil Construction Ltd.**

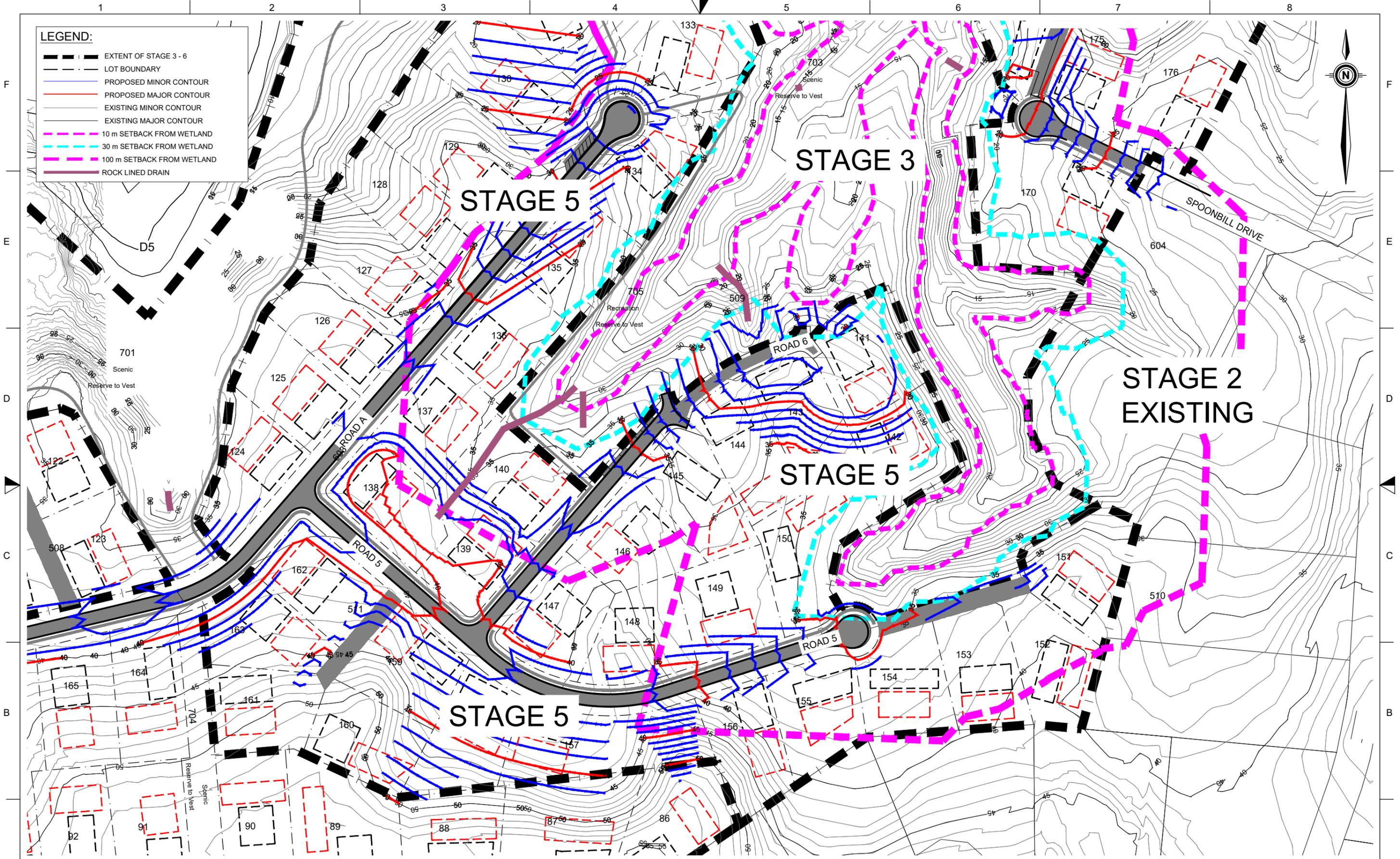
Project No. 18 295 RC no. rc no

DWG No. **EW E2**

Sheet No. **2 of 4**

LEGEND:

-  EXTENT OF STAGE 3 - 6
-  LOT BOUNDARY
-  PROPOSED MINOR CONTOUR
-  PROPOSED MAJOR CONTOUR
-  EXISTING MINOR CONTOUR
-  EXISTING MAJOR CONTOUR
-  10 m SETBACK FROM WETLAND
-  30 m SETBACK FROM WETLAND
-  100 m SETBACK FROM WETLAND
-  ROCK LINED DRAIN



Issue	Date	Revision
D	04/11/2022	REVISED SCHEME PLAN
E	02/06/2023	REVISED SCHEME PLAN
F	19/06/2024	REVISED SCHEME PLAN
G	08/07/2024	REVISED SCHEME PLAN
H	25/07/2024	REVISED SCHEME PLAN

DWG Earthworks Sheet 3
Stage 5 Design Contours

Scale 1:2000 @A3

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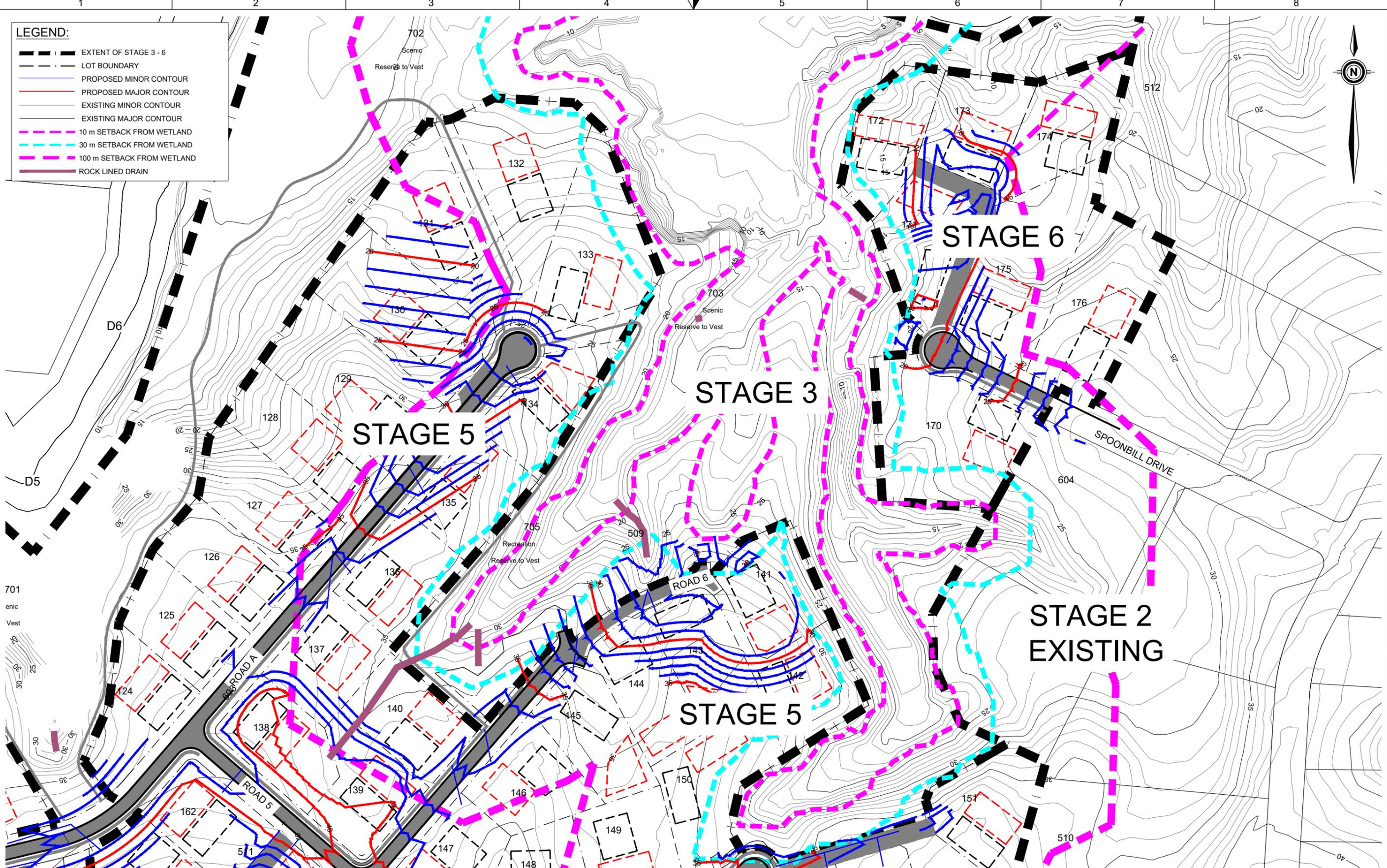
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Client	Neil Construction Ltd.
Project No.	18 295
RC no.	rc no

DWG No.	EW E3
Sheet No.	3 of 4

LEGEND:

	EXTENT OF STAGE 3 - 6
	LOT BOUNDARY
	PROPOSED MINOR CONTOUR
	PROPOSED MAJOR CONTOUR
	EXISTING MINOR CONTOUR
	EXISTING MAJOR CONTOUR
	10 m SETBACK FROM WETLAND
	30 m SETBACK FROM WETLAND
	100 m SETBACK FROM WETLAND
	ROCK LINED DRAIN



Issue	Date	Revision
E	02/06/2023	REVISED SCHEME PLAN
F	30/06/2023	LOT 173 BUILDING AREA AND WASTEWATER FIELD UPDATED
G	19/06/2024	REVISED SCHEME PLAN
H	08/07/2024	REVISED SCHEME PLAN
I	25/07/2024	REVISED SCHEME PLAN

DWG	Earthworks Sheet 4 Stage 6 Design Contours		
Scale	1:2000 @A3	Date	04/11/2022
Drawn	JT	Checked	JM
Approved	JM		
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Client	Neil Construction Ltd.	
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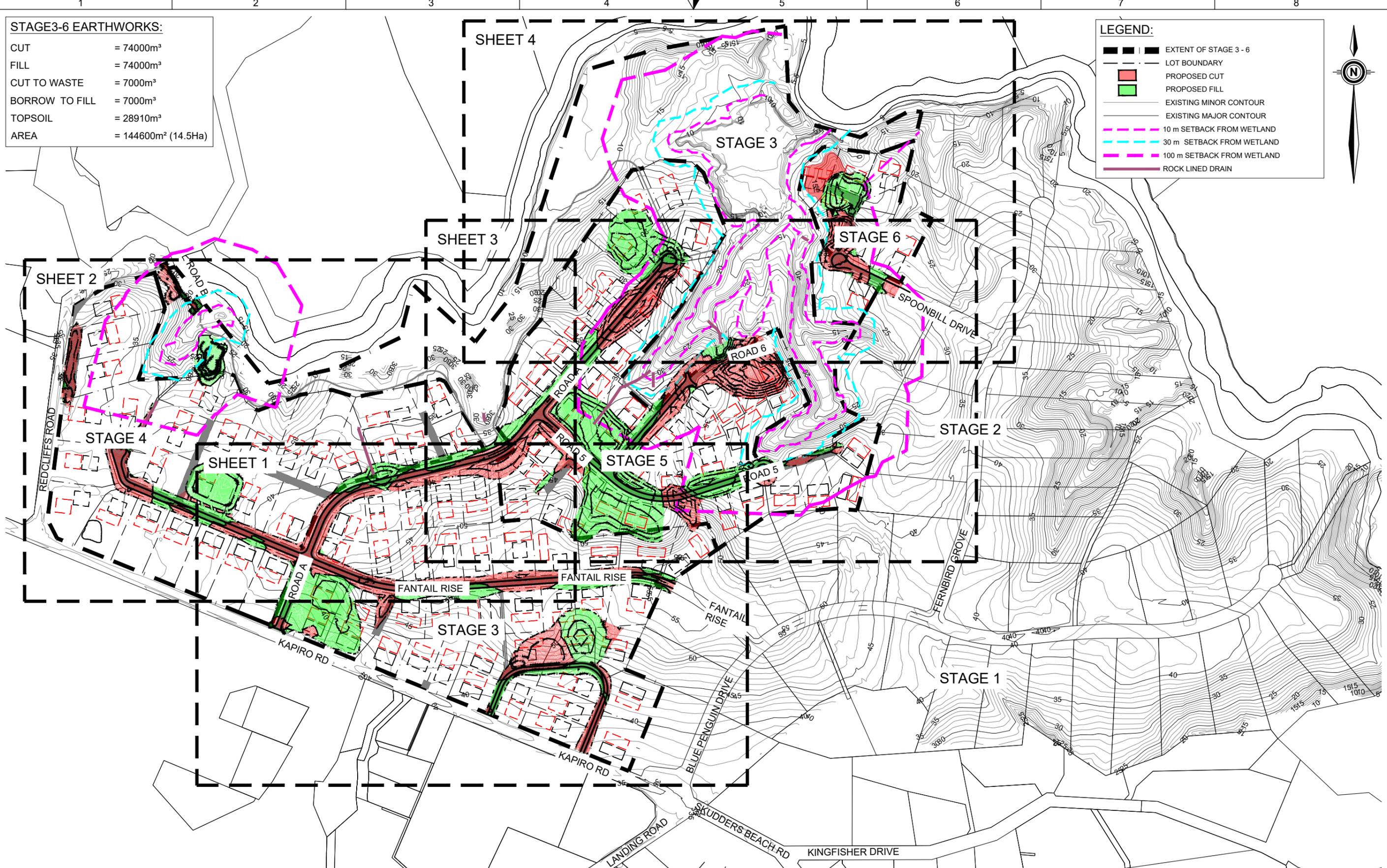
DWG No.	EW E4
Sheet No.	4 of 4

STAGE3-6 EARTHWORKS:

CUT	= 74000m ³
FILL	= 74000m ³
CUT TO WASTE	= 7000m ³
BORROW TO FILL	= 7000m ³
TOPSOIL	= 28910m ³
AREA	= 144600m ² (14.5Ha)

LEGEND:

	EXTENT OF STAGE 3 - 6
	LOT BOUNDARY
	PROPOSED CUT
	PROPOSED FILL
	EXISTING MINOR CONTOUR
	EXISTING MAJOR CONTOUR
	10 m SETBACK FROM WETLAND
	30 m SETBACK FROM WETLAND
	100 m SETBACK FROM WETLAND
	ROCK LINED DRAIN



Issue	Date	Revision
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J	25/07/2024	REVISED SCHEME PLAN

DWG Proposed Earthworks Key Sheet
Cut/Fill Depths

Scale 1:5000 @A3

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Date 04/11/2022

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Client	Neil Construction Ltd.
Project No.	18 295
RC no.	rc no

DWG No.	EW KP1
Sheet No.	1 of 1



LEGEND:

- EXTENT OF STAGE 3 - 6
- LOT BOUNDARY
- PROPOSED CUT
- PROPOSED FILL
- EXISTING MINOR CONTOUR
- EXISTING MAJOR CONTOUR
- 10 m SETBACK FROM WETLAND
- 30 m SETBACK FROM WETLAND
- 100 m SETBACK FROM WETLAND
- ROCK LINED DRAIN

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H	25/07/2024	REVISED SCHEME PLAN

DWG Earthworks Sheet 1
Stage 3 Cut/Fill Depths

Scale 1:2000 @A3 Date 04/11/2022

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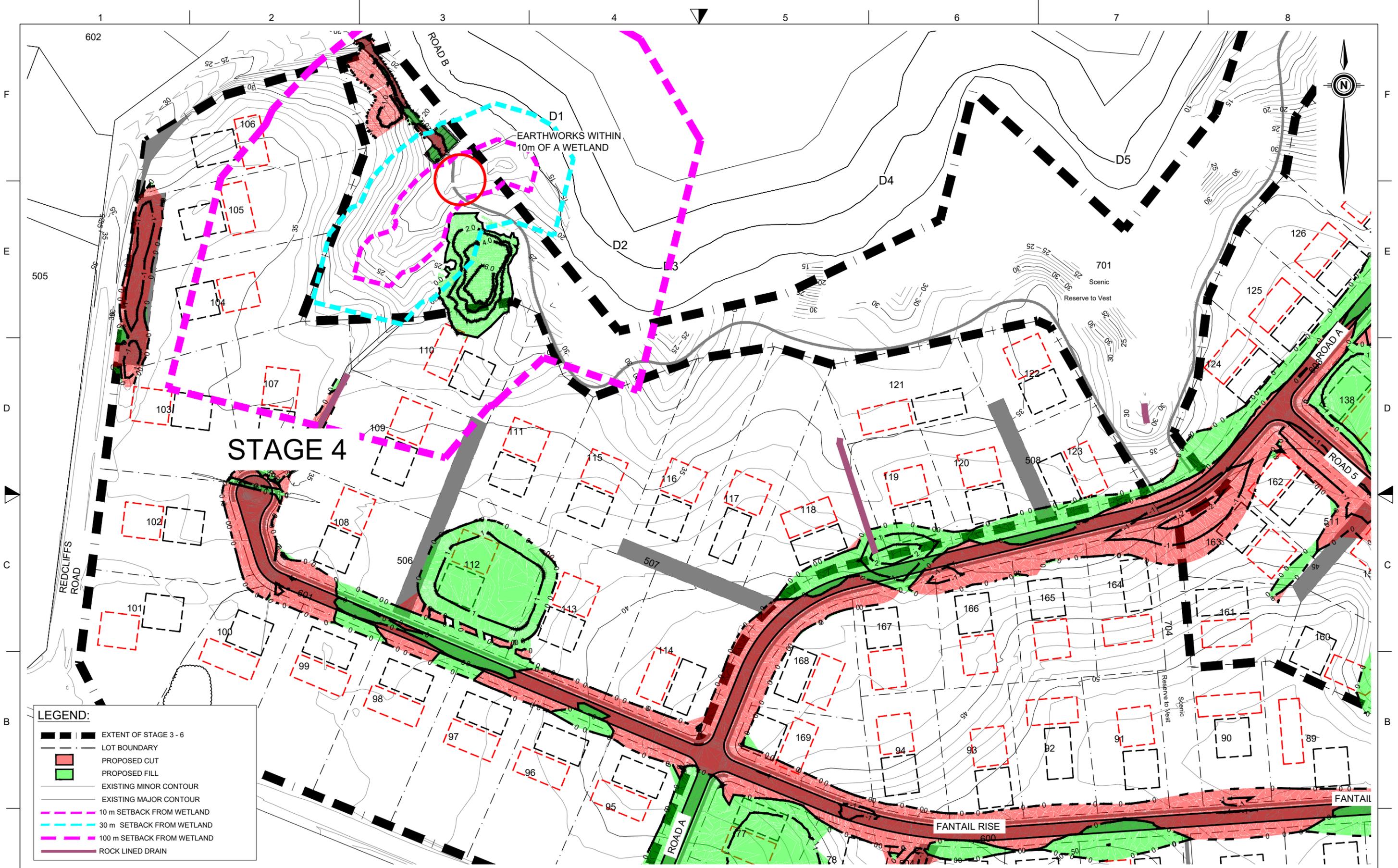
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Project No.	18 295
RC no.	rc no

DWG No.	EW P1
Sheet No.	1 of 4



LEGEND:

- EXTENT OF STAGE 3 - 6
- LOT BOUNDARY
- PROPOSED CUT
- PROPOSED FILL
- EXISTING MINOR CONTOUR
- EXISTING MAJOR CONTOUR
- 10 m SETBACK FROM WETLAND
- 30 m SETBACK FROM WETLAND
- 100 m SETBACK FROM WETLAND
- ROCK LINED DRAIN

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G	08/07/2024	REVISED SCHEME PLAN
H	25/07/2024	REVISED SCHEME PLAN

DWG **Earthworks Sheet 2**
Stage 4 Cut/Fill Depths

Scale 1:2000 @A3
20
10
0
20
40
60
m
 Date 04/11/2022

Drawn JT Checked JM Approved JM

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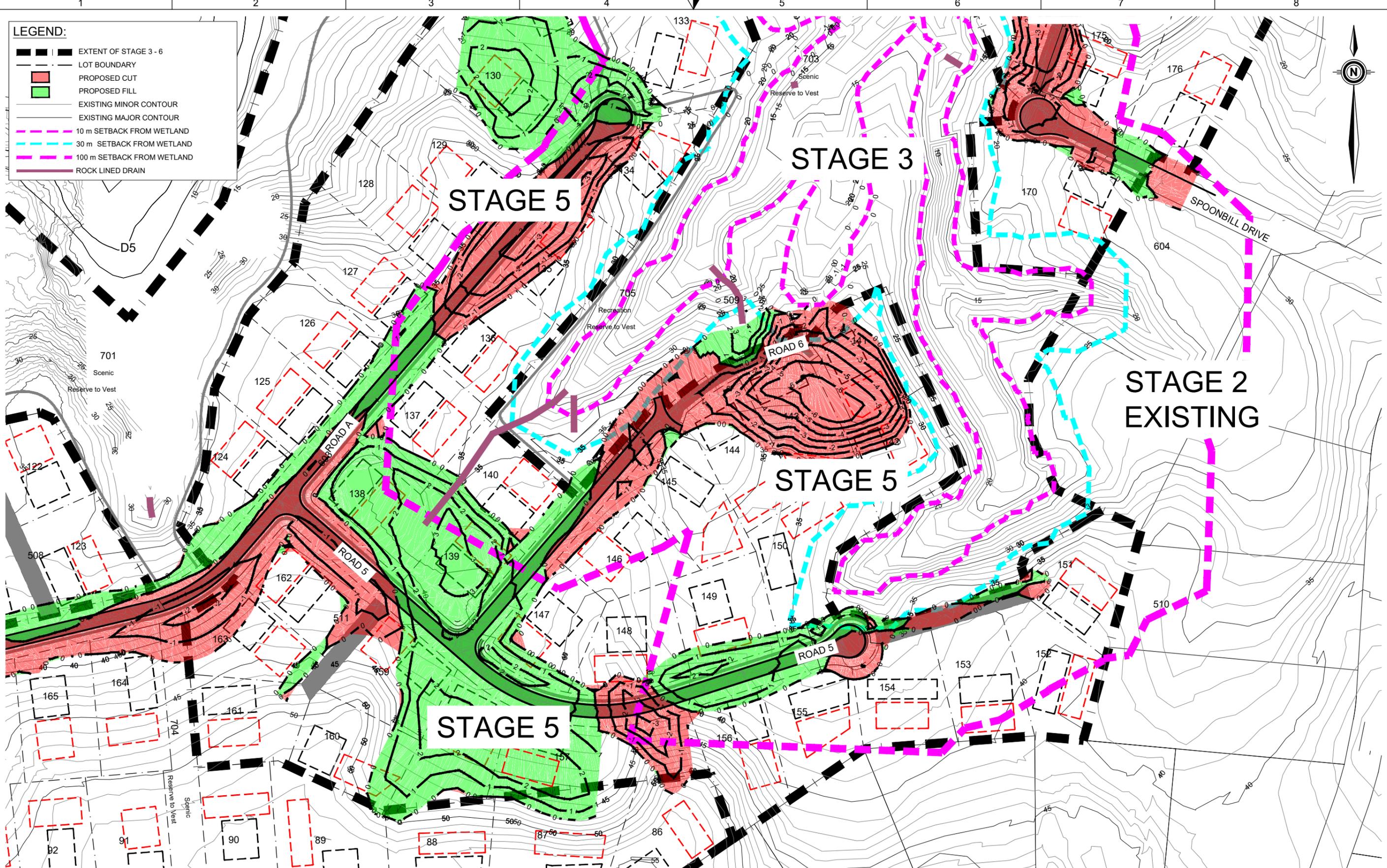
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DWG No. EW P2
Sheet No. 2 of 4



Issue	Date	Revision
D	04/11/2022	REVISED SCHEME PLAN
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H	25/07/2024	REVISED SCHEME PLAN

DWG Earthworks Sheet 3
Stage 5 Cut/Fill Depths

Scale 1:2000 @A3

Drawn JT Checked JM Approved JM

Date 04/11/2022

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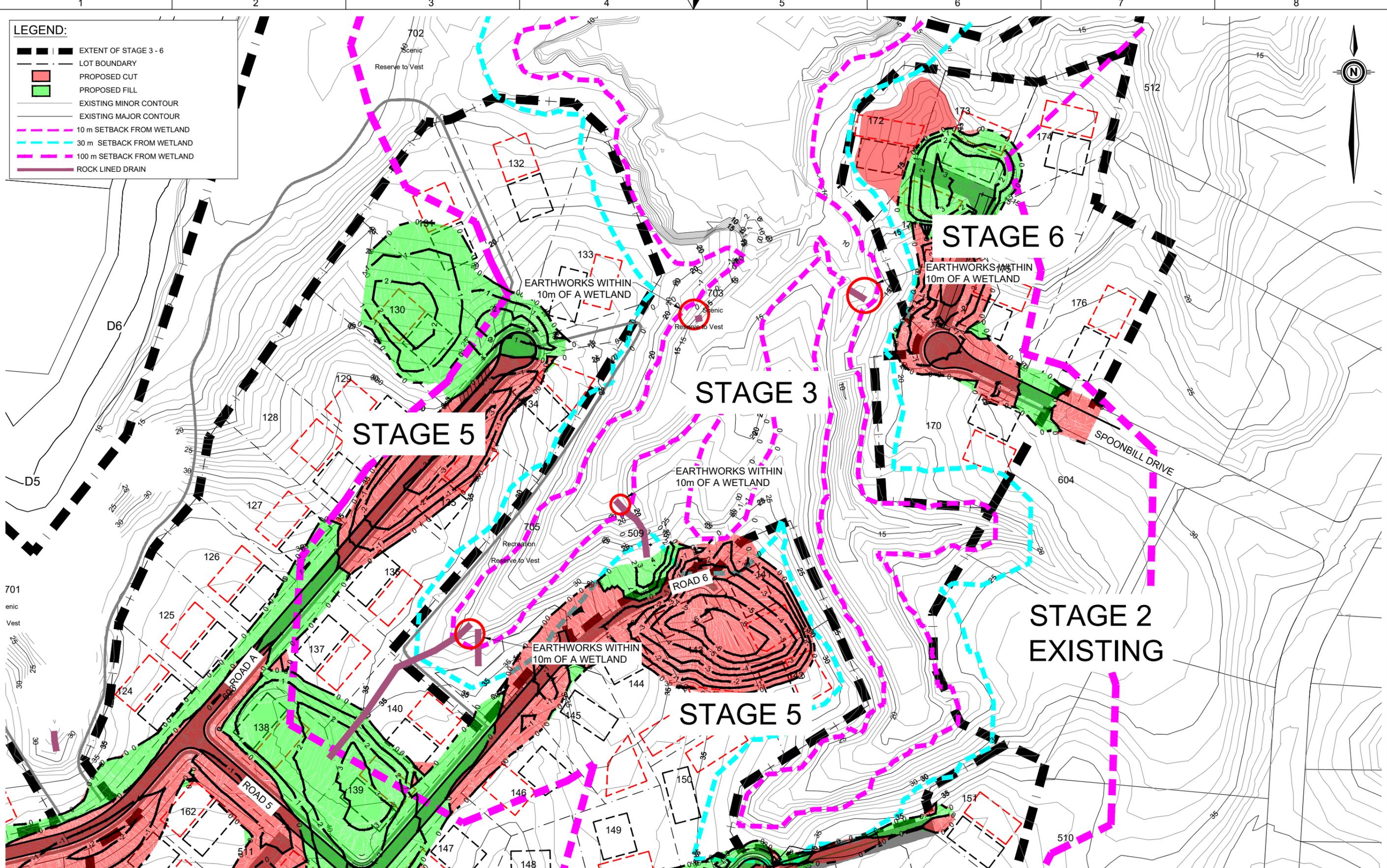
Project Rangitane River Park Stage 3 - 6
Kapiro Road, Kerikeri

Client Neil Construction Ltd.

Project No. 18 295 RC no. rc no

DWG No. **EW P3**

Sheet No. **3 of 4**



LEGEND:

- EXTENT OF STAGE 3 - 6
- LOT BOUNDARY
- PROPOSED CUT
- PROPOSED FILL
- EXISTING MINOR CONTOUR
- EXISTING MAJOR CONTOUR
- 10 m SETBACK FROM WETLAND
- 30 m SETBACK FROM WETLAND
- 100 m SETBACK FROM WETLAND
- ROCK LINED DRAIN



Issue	Date	Revision
E	02/06/2023	REVISED SCHEME PLAN
F	30/06/2023	LOT 173 BUILDING AREA AND WASTEWATER FIELD UPDATED
G	19/06/2024	REVISED SCHEME PLAN
H	08/07/2024	REVISED SCHEME PLAN
I	25/07/2024	REVISED SCHEME PLAN

DWG	Earthworks Sheet 4 Stage 6 Cut/Fill Depths		
Scale	1:2000 @A3	Date	04/11/2022
Drawn	JT	Checked	JM
Approved	JM		
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Client	Neil Construction Ltd.	
Project No.	18 295	RC no. rc no

DWG No. EW P4
Sheet No. 4 of 4

LEGEND:

- EXTENT OF STAGE 3 - 6
- LOT BOUNDARY
- FLOW PATH
- SILT FENCE
- CLEAN WATER DIVERSION CHANNEL
- DIRTY WATER DIVERSION CHANNEL
- DECANTING EARTH BUND
- TOPSOIL BUND FOR REQUIRED TO BATTERS
- STABILISED ENTRANCE
- PIPED CLEAN WATER DIVERSION
- ROCK LINED DRAIN



STAGE3-6 EARTHWORKS:

CUT	= 74000m ³
FILL	= 74000m ³
CUT TO WASTE	= 7000m ³
BORROW TO FILL	= 7000m ³
TOPSOIL	= 28910m ³
AREA	= 144600m ² (14.5Ha)

Issue	Date	Revision
E	04/11/2022	REVISED SCHEME PLAN
F	02/06/2023	REVISED SCHEME PLAN
G	19/06/2024	REVISED SCHEME PLAN
H	08/07/2024	REVISED SCHEME PLAN
I	25/07/2024	REVISED SCHEME PLAN

DWG **Erosion and Sediment Control Plan**
Key Sheet

Scale 1:5000 @A3

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Date 04/11/2022

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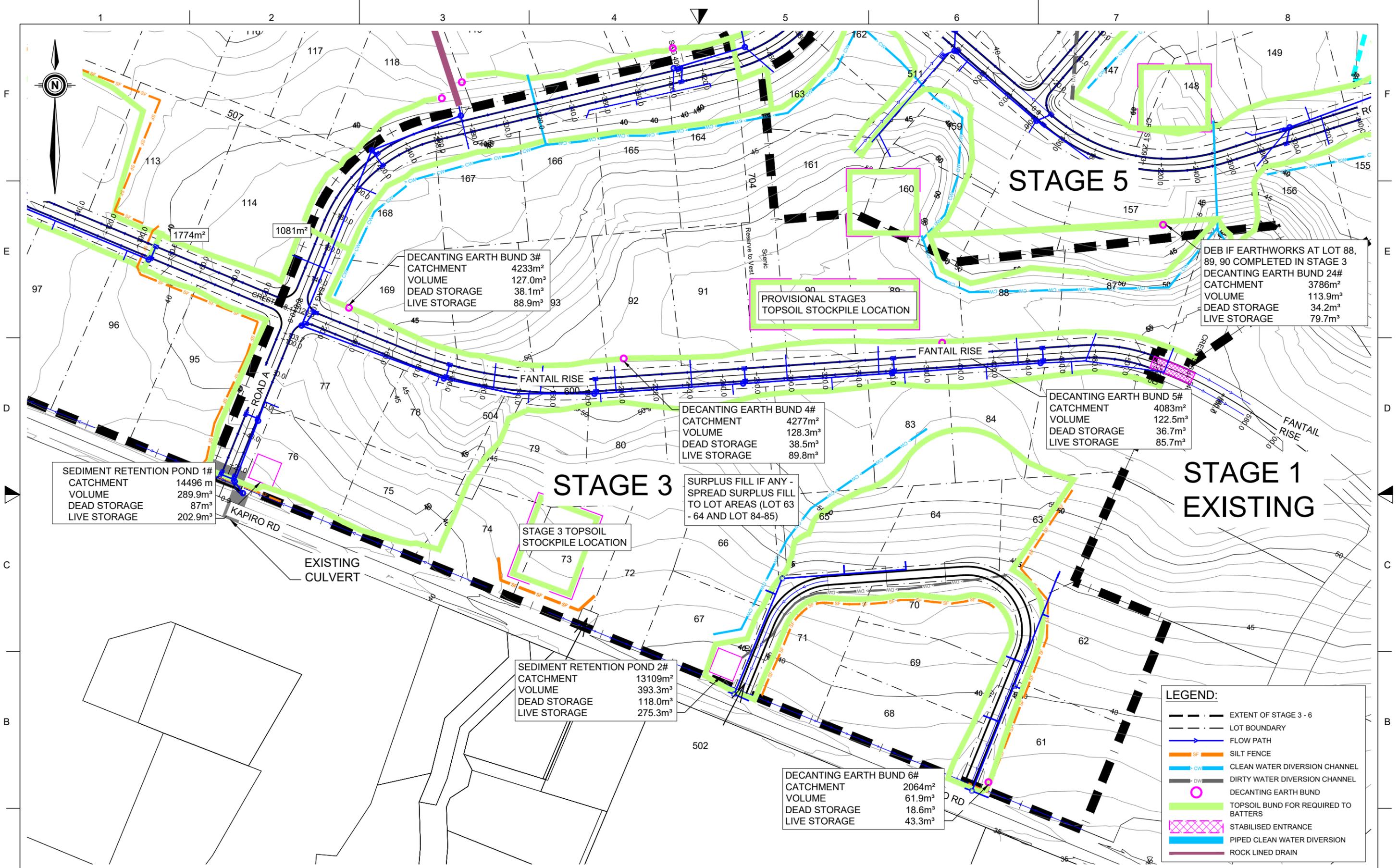
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Client	Neil Construction Ltd.	
Project No.	18 295	RC no. rc no

DWG No.	ESCP
Sheet No.	1 of 1



SEDIMENT RETENTION POND 1#
 CATCHMENT 14496 m
 VOLUME 289.9m³
 DEAD STORAGE 87m³
 LIVE STORAGE 202.9m³

DECANTING EARTH BUND 3#
 CATCHMENT 4233m²
 VOLUME 127.0m³
 DEAD STORAGE 38.1m³
 LIVE STORAGE 88.9m³

SEDIMENT RETENTION POND 2#
 CATCHMENT 13109m²
 VOLUME 393.3m³
 DEAD STORAGE 118.0m³
 LIVE STORAGE 275.3m³

DECANTING EARTH BUND 4#
 CATCHMENT 4277m²
 VOLUME 128.3m³
 DEAD STORAGE 38.5m³
 LIVE STORAGE 89.8m³

DECANTING EARTH BUND 6#
 CATCHMENT 2064m²
 VOLUME 61.9m³
 DEAD STORAGE 18.6m³
 LIVE STORAGE 43.3m³

DECANTING EARTH BUND 5#
 CATCHMENT 4083m²
 VOLUME 122.5m³
 DEAD STORAGE 36.7m³
 LIVE STORAGE 85.7m³

DEB IF EARTHWORKS AT LOT 88, 89, 90 COMPLETED IN STAGE 3
 DECANTING EARTH BUND 24#
 CATCHMENT 3786m²
 VOLUME 113.9m³
 DEAD STORAGE 34.2m³
 LIVE STORAGE 79.7m³

LEGEND:

- EXTENT OF STAGE 3 - 6
- - - LOT BOUNDARY
- FLOW PATH
- SF — SILT FENCE
- CW — CLEAN WATER DIVERSION CHANNEL
- DW — DIRTY WATER DIVERSION CHANNEL
- DECANTING EARTH BUND
- TOPSOIL BUND FOR REQUIRED TO BATTERS
- ▨ STABILISED ENTRANCE
- PIPED CLEAN WATER DIVERSION
- ROCK LINED DRAIN

Issue	Date	Revision
D	04/11/2022	REVISED SCHEME PLAN
E	02/06/2023	REVISED SCHEME PLAN
F	19/06/2024	REVISED SCHEME PLAN
G	08/07/2024	REVISED SCHEME PLAN
H	25/07/2024	REVISED SCHEME PLAN

DWG **Erosion and Sediment Control Plan - Stage 3**
 Sheet 1

Scale 1:2000 @A3

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Date 04/11/2022

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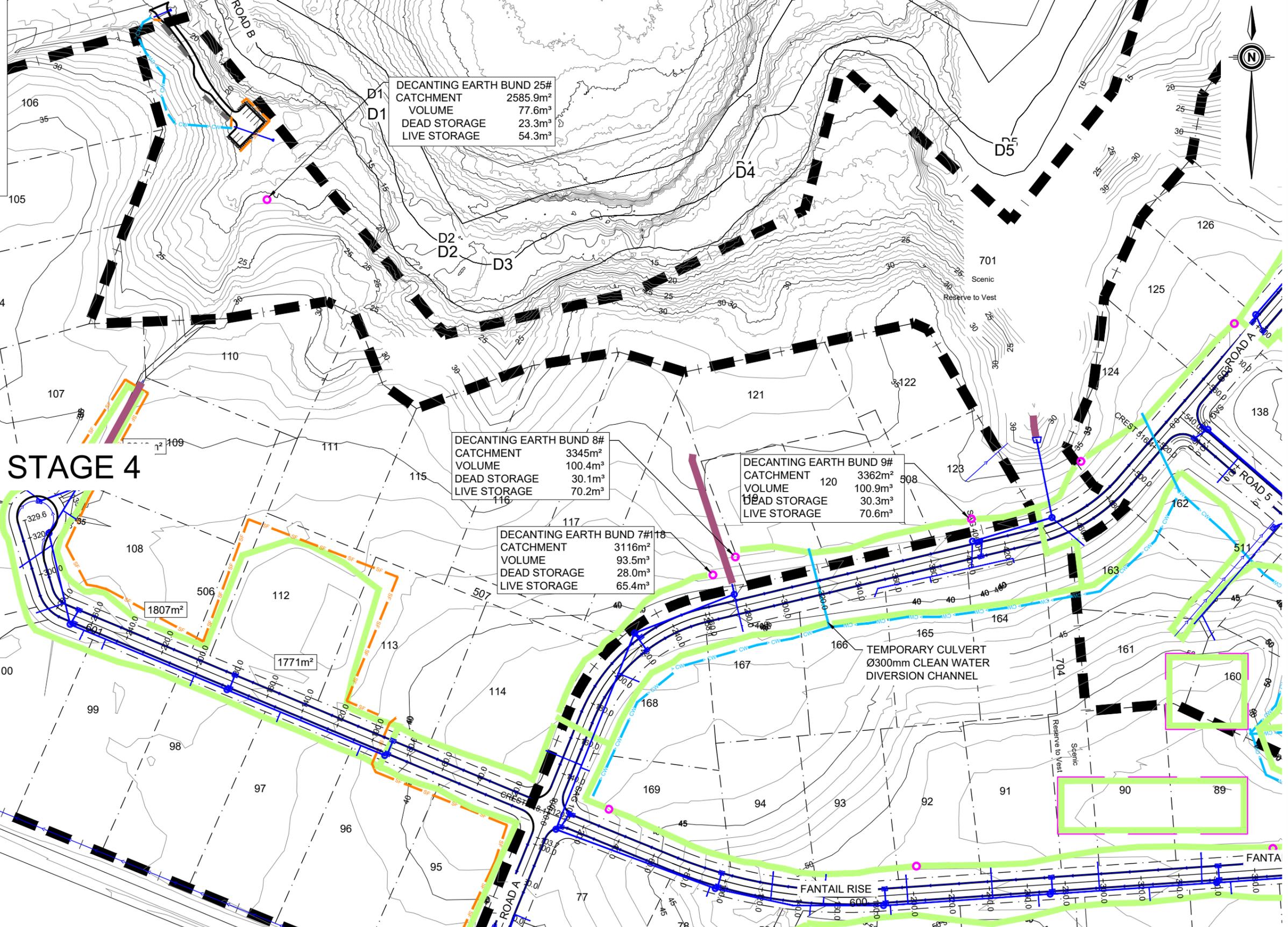
Project No. 18 295 RC no. rc no

DWG No. **ESCP1**

Sheet No. **1 of 4**

LEGEND:

- EXTENT OF STAGE 3 - 6
- - - LOT BOUNDARY
- FLOW PATH
- SF SILT FENCE
- CW CLEAN WATER DIVERSION CHANNEL
- DW DIRTY WATER DIVERSION CHANNEL
- DECANTING EARTH BUND
- TOPSOIL BUND FOR REQUIRED TO BATTERS
- STABILISED ENTRANCE
- PIPED CLEAN WATER DIVERSION
- ROCK LINED DRAIN



Issue	Date	Revision
D	04/11/2022	REVISED SCHEME PLAN
E	02/06/2023	REVISED SCHEME PLAN
F	19/06/2024	REVISED SCHEME PLAN
G	08/07/2024	REVISED SCHEME PLAN
H	25/07/2024	REVISED SCHEME PLAN

DWG **Erosion and Sediment Control Plan - Stage 4**
Sheet 2

Scale 1:2000 @A3

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DWG No. **ESCP2**

Sheet No. **2 of 4**