

Application for resource consent or fast-track resource consent

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

1. Pre-Lodgement Meeting

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

2. Type of Consent being applied for

(more than one circle can be ticked):

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

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

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

Yes No

4. Consultation

Have you consulted with Iwi/Hapū? Yes No

If yes, which groups have you consulted with?

Who else have you consulted with?

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

5. Applicant Details

Name/s:

Landcorp Farming Limited - Matt Hayward - Horticulture Business manager

Email:

Phone number:

Postal address:

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

6. Address for Correspondence

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

Name/s:

Bay of Islands Planning (2022) Limited - Steve Sanson

Email:

Phone number:

Postal address:

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

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

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

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

Name/s:

Landcorp Farming Limited

**Property Address/
Location:**

422 Stanners Road, Kerikeri

Postcode

8. Application Site Details

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

Name/s:

Site Address/
Location:

422 Stanners Road Kerikeri

Postcode

Legal Description:

Lot 2 DP 209464

Val Number:

Certificate of title:

NA135D/781

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

Site visit requirements:

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

Is there a dog on the property? Yes No

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

Gate is only locked outside of normal working hours.

9. Description of the Proposal:

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

Earthworks to support a proposed increase in Horticulture development.

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

10. Would you like to request Public Notification?

Yes No

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

(more than one circle can be ticked):

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

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

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

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

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

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

13. Assessment of Environmental Effects:

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

Your AEE is attached to this application Yes

13. Draft Conditions:

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

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

14. Billing Details:

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

Name/s: (please write in full) Landcorp Farming Limited

Email:

Phone number:

Postal address:

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

Fees Information

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

Declaration concerning Payment of Fees

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

Name: (please write in full)

Matthew Hayward

Signature:

(signature of bill payer)

Date 15-Jan-2025

MANDATORY

15. Important Information:

Note to applicant

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

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

Fast-track application

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

Privacy Information:

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

15. Important information continued...

Declaration

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

Name: (please write in full)

Matthew Hayward

Signature:

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

Date 15-Jan-2025

Checklist (please tick if information is provided)

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

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

BAY OF ISLANDS PLANNING (2022) LIMITED

**Kerikeri House
Suite 3, 88 Kerikeri Road, Kerikeri**

Email – office@bayplan.co.nz Website - www.bayplan.co.nz

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17 January 2025

Application for Resource Consent – Landcorp Farming Limited

Landcorp Farming Limited seek ongoing consents for the development and management of horticultural uses at their site at Stanners Road, Kerikeri.

Overall, the application is a **Discretionary Activity**.

Should you require any further information please do not hesitate to contact me.

Yours sincerely,



Steven Sanson
Consultant Planner

1. APPLICANT & PROPERTY DETAILS

Applicant	Landcorp Farming Limited
Address for Service	Bay of Islands Planning [2022] Limited PO Box 318 PAIHIA 0247 C/O - Steven Sanson steve@bayplan.co.nz 021-160-6035
Legal Description	Lot 2 DP 209464
Certificate Of Title	NA135D/781
Physical Address	422 Stanners Road, Kerikeri
Site Area	2,095.8400ha
Owner of the Site	Landcorp Farming Limited
District Plan Zone / Features	Rural Production Zone [ODP] Rural Production [PDP]
Archaeology	Nil At Development Site
NRC Overlays	Nil at Development Site
Soils	Class 5
Protected Natural Area	Nil
HAIL	No

Schedule 1

2. SUMMARY OF PROPOSAL

Proposal	<p>The proposal is for a land use application to support the ongoing development of horticultural uses at 422 Stanners Road, Kerikeri.</p> <p>Consent is required under Rule 12.3.6.1.1 for works in the Rural Production Zone exceeding 20,000m³ and for potential cut / fill batters in excess of 1.5m in height.</p>
Reason for Application	<p>The proposal is considered to breach the following rules of the Operative Far North District Plan:</p> <ul style="list-style-type: none"> • 12.3.6.1.1 Excavation and Filing in the Rural Production Zone – <u>Discretionary</u>; <p>The proposal is a <i>Discretionary Activity</i> as per the Operative Far North District Plan. There are no consents required under the Proposed District Plan.</p>
Appendices	<p><u>Appendix 1</u> – Record of Title & instruments <u>Appendix 2</u> – Area of Proposed Works <u>Appendix 3</u> – Northland Regional Council Consent Application <u>Appendix 4</u> – Consultation</p>
Consultation	<p>FNDC and NRC Consent Managers – See <u>Appendix 4</u>.</p>
Pre Application Consultation	<p>The applicant has contacted Ngati Rehia for comment.</p>

3. INTRODUCTION & PROPOSAL

3.1 Report Requirements

This report has been prepared for Landcorp Farming Ltd in support of a landuse consent application at 422 Stanners Road, Kerikeri.

The application has been prepared in accordance with the provisions of Section 88 and the Fourth Schedule of the Resource Management Act 1991. This report serves as the Assessment of Environmental Effects required under both provisions.

The report also includes an analysis of the relevant provisions of the Far North District Plan, relevant Regional Planning documents, National Policy Statements and Environmental Standards, as well as Part 2 of the Resource Management Act 1991.

3.2 Proposal

Application Site: A range of details regarding the site are outlined in Schedule 1 of this report. These details are supplemented by the Record of Title and relevant instruments located in Appendix 1.

Land Use Consent:

The proposal seeks to undertake land disturbance activities on the site to support the extension of the existing berry farm for ongoing horticultural uses. This will mean the conversion of further land from dairy farming into horticultural activities. The development area is 45ha in size overall, but each stage will be considerably smaller and only worked following Landcorp Board Approvals.

RC 2240102 approved bulk earthworks to promote the initial berry farm conversion. Landcorp now seek to promote further areas of land to convert into horticulture. The location of the proposed area vs existing area is provided in Figure 1 below. This is also provided in Appendix 2.



Figure 1 – Development Area (Source: Google Earth)

Similar to the previous application, consents are also required from the Northland Regional Council and the corresponding application is provided in [Appendix 3](#).

In consultation with both FNDC and NRC consent managers [refer [Appendix 4](#)], there was general agreement to allow consents for the progressive opening up of the site for horticultural conversion, subject to the provision of detailed design for each stage.

For example, the details prior to undertaking any works can include:

- Pre-start meetings / notification to FNDC / NRC monitoring staff.
- Submission of an Erosion and Sediment Control Plan, which includes:
 - Timing and staging of earthworks, detailed of location of disposal sites, and clean water diversions.
 - Details of all erosion and sediment controls and diagrams / plans in accordance with GD05.
 - Commencement and completion dates for implementation of controls.
 - Details of revegetation on completion of works.
 - Measures to minimise sediment on public roads.

- Measures to minimise dust discharge.
 - Measures to prevent spillage of fuel, oil, or other contaminants and associated clean up measures.
 - Means of ensuring contractor compliance with the Plan.
 - Names and contact details of relevant persons.
 - Provision / contingency within Plan and devices for large / high intensity rainfall events.
- Ensuring that controls are installed as per the Plan and to the satisfaction of Council officers. The installation must be supervised by an appropriately qualified and experienced person.
 - Provision of a stabilized construction entrance prior to works beginning.
 - No works between 1 May and 30 September unless by written agreement by FNDC / NRC.
 - Drains and cut offs being able to convey no less than 1:20 year event. All channels greater than 2% must be protected to avoid scouring.
 - All offsite stormwater to be directed away from the earthworks area. No drainage pathways to be constructed or allowed to flow over fill area that creates erosion.
 - Slash, soil, debris and detritus to be placed away from positions where they could enter into any water body.
 - Holding a copy of the consent approval on site.
 - Ensuring minimum standards for water quality at unnamed tributaries of the Tahoranui River [i.e no causing production of oil, grease, scums, foams, floatable or suspended material, change in colour or visual clarity, objectionable odour, or increase in suspended solids greater than 100 grams per m³.
 - Take actions to stop or contain discharges not authorized by consents and notify relevant authorities.

With these conditions in place [typical conditions from NRC] as well as the detailed locations and scale of works required for each stage to refer to [“approved plans”] it

is considered that the effects can be appropriately mitigated without the need for numerous and ongoing consent applications.

In that sense, this application seeks that global approval / consent and provides necessary assessment to confirm the appropriateness of approach sought.

The proposed development area is different from the previous location. The 'site' is subject to flooding and there are areas where works have been undertaken and man-made drains have been developed. Some areas have been stockpile areas for rocks found on the farm and gorse now appears around / near them.



Figure 2 – Aerial w Notes (Source: NRC)

The first stage will likely comprise ~8ha of land, located to the far east of the development area which will intersect with flooding areas, but will be outside of those areas noted in [Figure 2](#). When further stages intersect / intersect with the drain areas, details / consents will be provided / sought, but the intention is to not encroach on the drainage areas. Detailed plans prior to works being undertaken will ensure that works areas are known in full, and those drainage areas avoided unless additional consents are sought.

Existing approvals for previous works are found in [Appendix 5](#).

The proposal, when bundled, is a *Discretionary Activity* under the rules of the Operative District Plan.

There are no consents required under the Proposed District Plan rules that have legal effect.

4. SITE & SURROUNDING ENVIRONMENT

4.1 Zoning, Overlays, & Instruments

At the development location, the site is zoned Rural Production under both the ODP and PDP.

There are no resource features identified at the development location. Part of the new area subject to conversion is identified within the flooding hazard shown in [Figure 3](#).

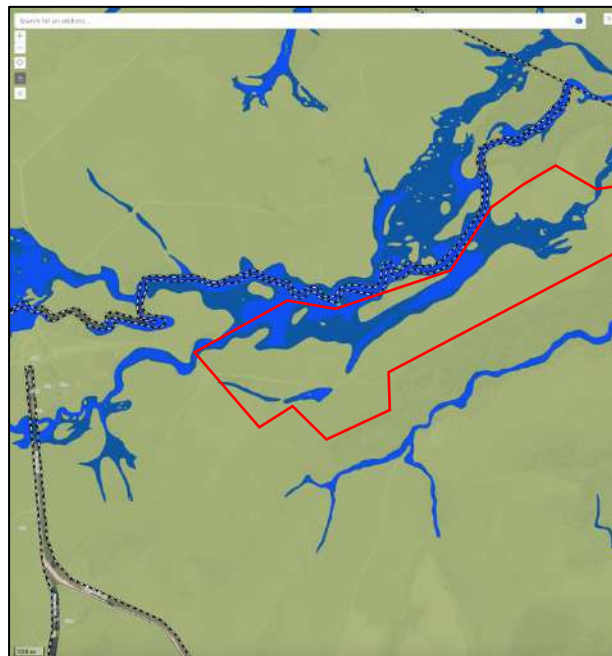


Figure 3 – Site Zoning (Source: Far North Maps)

The site is not located within the Coastal Environment.

Soils vary across the site however within the development location are not considered versatile being Class 5 as mapped by NZLRI – refer [Figure 4](#).

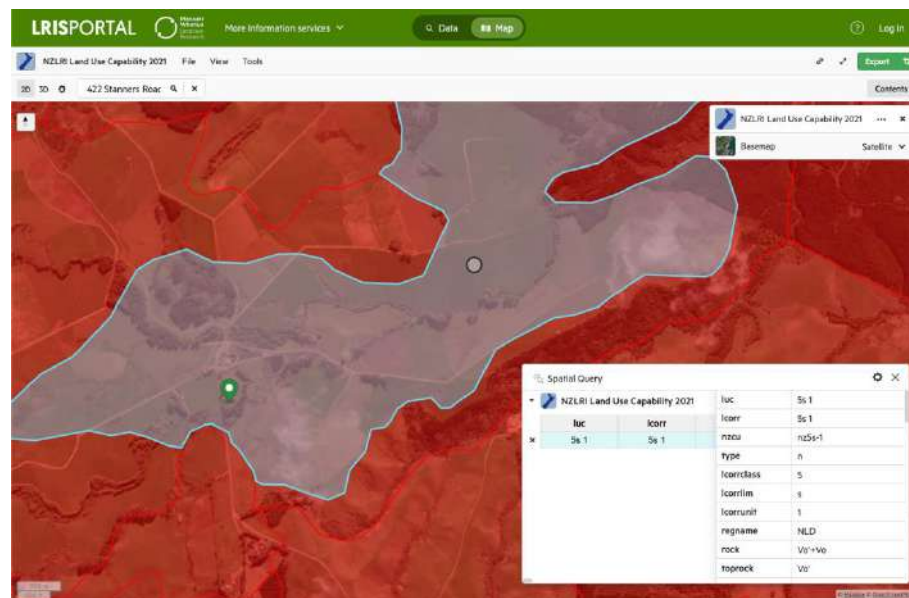


Figure 4 – Development Area Soils (Source: NZLRI)

In terms of instruments on the Record of Title. These instruments relate to the following matters:

- 7163683.1 – QEII Open Space Covenant (Areas A and B).
- 7317815.1 – QEII Open Space Covenant (Areas C to G).
- 7317878.1 – QEII Open Space Covenant (Area H).
- 7317869.1 – QEII Open Space Covenant (Area I).
- 7473540.1 – QEII Open Space Covenant (Area J).
- 7710353.1 – QEII Open Space Covenant (Areas L to N).
- 8508136.1 – QEII Open Space Covenant (Area A on DP 431350).
- 10177083.1.1 – QEII Open Space Covenant (Area A on DP 488927).
- 11086391.1.1 – QEII Open Space Covenant (Area A on DP 521816).
- 8450062.14 & 9168904.1 – s195 Climate Change Response Act 2002.
- 11929169.1 Sustainable Forest Management Plan.
- 12689122.1 Right of Way in Gross – Top Energy.
- C860159.1 Right of Way in Gross – Kerikeri Irrigation Limited.

The QEII Open Space Covenants do not impact the development location (Refer [Figure 5](#) below). The development area is adjacent to one protected area.

The Rights of Way and Sustainable Forest Management Plan also do not implicate the proposal and can be adhered to.



Figure 5 – Site Open Space Covenants (Source: Far North Maps)

4.2 Location

The application site is located at the end of Stanners Road, Kerikeri. The specific development location is outlined in [Figure 1](#) and in [Appendix 2](#).

4.3 Topography & Natural Features

The development area is largely in pasture and includes the central race track running through its centre. The topography of the site is mixed with areas subject to flooding being lower lying [generally to the north of the central race track] whereas to the south the topography rises to the covenant area.

The broader site is in a mixture of pasture, open space covenant areas and forestry.

4.4 Built Form, Access, & Existing Activities

The development location is undeveloped. Access to the area is by way of existing farm tracks and internal private access once Stanners Road terminates at the site. The predominant activity on the site is rural production.

4.5 Surrounding Environment

The site is predominantly surrounded by rural production activities and a mixture of allotment sizes – all largely smaller than the application site. Given the sites size it has general proximity to the coastal areas of Te Tii / Purerua on its eastern flank. To the north the site is adjoined by a large forestry unit. Stanners Road to the south is emerging as containing a mixture of uses including rural residential uses located alongside orchards, quarries, and other rural production activities.

5. ASSESSMENT OF RELEVANT RULES

5.1 Far North District Plan

An assessment of the relevant rules of the Far North District Plan has been undertaken below:

Table 1 – Assessment of the Rural Production Zone Rules

Rule # & Name	Status	Evidence / Comment
Chapter 8 – Rural Environment Rules: Rural Production Zone		
8.6.5.1.1 Residential Intensity	Permitted	No residential units proposed.
8.6.5.1.2 Sunlight	Permitted	No buildings proposed.
8.6.5.1.3 Stormwater Management	Permitted	Whilst access tracks are likely, these are not going to implicate a site that is ~2,000ha in size.
8.6.5.1.4 Setback From Boundaries	Permitted	No buildings proposed.
8.6.5.1.5 Transportation	Permitted	Refer assessment below.
8.6.5.1.6 Keeping of Animals	Permitted	Not relevant.
8.6.5.1.7 Noise	Permitted	Not expected to be breached.
8.6.5.1.8 Building Height	Permitted	No buildings proposed.
8.6.5.1.9 Helicopter Landing Area	Permitted	Not relevant.
8.6.5.1.10 Building Coverage	Permitted	No buildings proposed.
8.6.5.1.11 Scale of Activities	Permitted	Earthwork activities are exempt.

Chapter 12 – Natural and Physical Resources Rules		
12.1 Landscape & Natural Features	Permitted	The site is not implicated by ‘outstanding’ overlays or features.
12.2 Indigenous Flora and Fauna	Permitted	The proposal will not require vegetation clearance.
12.3 Soils and Minerals	Non-Compliance	The proposal will exceed 5,000m ³ in any 12 month period. The proposal is likely to have cut / fill faces in excess of 1.5m in height. The proposal will exceed 20,000m ³ in any 12 month period. <u>Discretionary Activity.</u>
12.4 Natural Hazards	Permitted	No buildings proposed.
12.5 Heritage & 12.5A Heritage Precincts	Permitted	Not relevant. There are no mapped heritage features / precincts that apply to the site.
12.7 Lakes, Rivers, Wetlands and the Coastline	Permitted	No impervious surfaces are proposed 30m from a natural lake, river, wetland or coastline.
12.8 Hazardous Substances	Permitted	Not relevant.
12.9 Renewable Energy	Permitted	Not relevant.
Chapter 14 – Financial Contributions		
14.6.1 Esplanade Areas	Permitted	Not relevant.
14.6.2 Car Parking Contributions	Permitted	Not relevant.
14.6.3 Waivers and Reduction	Permitted	Not relevant.
Chapter 15 - Transportation		

15.1.6A.2.1 Traffic Intensity	Permitted	Earthworks for farming activities are exempt.
15.1.6B.1.1 On Site Car Parking Spaces	Permitted	No car parks are required for the activity.
15.1.6B.1.4 Accessible Car Parking Spaces	Permitted	Not relevant.
15.1.6C.1.1 Private Accessway in All Zones	Permitted	The proposal doesn't generate any additional household equivalents on the private accessway.
15.1.6C.1.2 Private Accessways in Urban Zones	Permitted	Not relevant.
15.1.6C.1.3 Passing Bays on Private Accessways in All Zones	Permitted	Not relevant for the proposal to construct the platforms.
15.1.6C.1.4 Access over Footpaths	Permitted	Not relevant.
15.1.6C.1.6 Vehicle Crossing Standards in Urban Zones	Permitted	Not relevant.
15.1.6C.1.7 General Access Standards	Permitted	Not relevant for the proposal to construct the platforms.
15.1.6C.1.8 Frontage to Existing Roads	Permitted	Not relevant for the proposal to construct the platforms.
Chapter 16 – Signs and Lighting		
16.6.1 Permitted Activities	Permitted	Not relevant.

Chapters 17-19 were not considered relevant to assess in the context of the proposal and application.

5.2 Far North District Plan Consent Summary

In summary:

- In terms of the Rural Production Zone:
 - There are no breaches to the ODP rules.
- In terms of the District Wide Rules, the proposal breaches:
 - 12.3.6.1.1 Excavation and Filling in the Rural Production Zone

Overall, the proposal is considered to be a Discretionary Activity.

Clause 2(1)(d) of Schedule 4 of the RMA requires applicants to identify other activities of the proposal with the intention of capturing activities which need permission or licensing under other enactments. These are considered below.

5.3 Northland Regional Council Requirements

The relevant matter to consider in terms of the proposal is earthworks with respect to the matters under management of the Northland Regional Council.

The proposal has been assessed against the Proposed Regional Plan for Northland and consent is required for the proposed earthworks.

The proposal does not meet Rule C.8.3.1 as more than 5,000m² of exposed earth at any one time is anticipated and as such resource consent is also required from the Northland Regional Council.

An application will be made concurrently to the Northland Regional Council and a copy of the decision depending on timing will be provided to FNDC (either during processing or suggested as a condition of consent).

The application to the Northland Regional Council is located at Appendix 3.

5.4 Proposed Far North District Plan 2022

The PDP has rules which have immediate legal effect for the following chapters:

Table 2 – Assessment of the PDP Rules

Matter	Rule/Std Ref	Evidence
Hazardous Substances	<p>Rule HS-R2 has immediate legal effect but only for a new significant hazardous facility located within a scheduled site and area of significance to Māori, significant natural area or a scheduled heritage resource.</p> <p>HS-R5, HS-R6, HS-R9</p>	Not relevant as no such substances proposed.
Heritage Area Overlays	<p>All rules have immediate legal effect (HA-R1 to HA-R14)</p> <p>All standards have immediate legal effect (HA-S1 to HA-S3)</p>	Not indicated on Far North Proposed District Plan
Historic Heritage	<p>All rules have immediate legal effect (HH-R1 to HH-R10)</p> <p>Schedule 2 has immediate legal effect</p>	Not indicated on Far North Proposed District Plan

<p>Notable Trees</p>	<p>All rules have immediate legal effect (NT-R1 to NT-R9)</p> <p>All standards have legal effect (NT-S1 to NT-S2)</p> <p>Schedule 1 has immediate legal effect</p>	<p>Not indicated on Far North Proposed District Plan</p>
<p>Sites and Areas of Significance to Māori</p>	<p>All rules have immediate legal effect (SASM-R1 to SASM-R7)</p> <p>Schedule 3 has immediate legal effect</p>	<p>Not indicated on Far North Proposed District Plan</p>
<p>Ecosystems and Indigenous Biodiversity</p>	<p>All rules have immediate legal effect (IB-R1 to IB-R5)</p>	<p>Not indicated on Far North Proposed District Plan (as an SNA). No clearance is envisioned.</p>
<p>Activities on the Surface of Water</p>	<p>All rules have immediate legal effect (ASW-R1 to ASW-R4)</p>	<p>Not indicated on Far North Proposed District Plan</p>
<p>Earthworks</p>	<p>The following rules have immediate legal effect:</p> <p>EW-R12, EW-R13</p>	<p>Proposed earthworks will be in accordance with the relevant standards including</p>

	The following standards have immediate legal effect: EW-S3, EW-S5	GD-05 and an ADP can be applied.
Signs	The following rules have immediate legal effect: SIGN-R9, SIGN-R10 All standards have immediate legal effect but only for signs on or attached to a scheduled heritage resource or heritage area	Not indicated on Far North Proposed District Plan
Orongo Bay Zone	Rule OBZ-R14 has partial immediate legal effect because RD-1(5) relates to water	Not indicated on Far North Proposed District Plan
Subdivision	Certain subdivision activities have legal effect	No subdivision proposed.

No consents are required under the PDP.

6. NOTIFICATION ASSESSMENT

6.1 Public Notification

The table below outlines the steps associated with public notification insofar as it relates to s95 of the Act.

Table 3 – s95 Assessment

Step 1	Mandatory public notification in certain circumstances	
S95A(3)(a)	Has the applicant requested that the application be publicly notified?	No
S95A(3)(b)	Is public notification required under section 95C? (after a request for further information)	TBC
S95A(3)(c)	Has the application been made jointly with an application to exchange recreation reserve land under section 15AA of the Reserves Act 1977.	No
Step 2	if not required by step 1, public notification precluded in certain circumstances	
S95A(5)(a)	Is the application for a resource consent for 1 or more activities and each activity is subject to a rule or national environmental standard that precludes public notification?	No
S95A(5)(b)	Is the application for a resource consent for 1 or more of the following, but no other, activities. (i) a controlled activity. (ii) a restricted discretionary, discretionary, or non-complying activity, but only if the activity is a boundary activity.	No

The proposed development does not meet the tests for mandatory public notification, nor does it meet the tests for precluding public notification.

Therefore, an assessment of environmental effects is required to consider whether these matters should be further explored.

7. EFFECTS ON THE ENVIRONMENT

7.1 Effects That Must Be Disregarded

Effects on persons who are owners and occupiers of the land in, on, or over which the application relates, or of adjacent land must be disregarded when considering effects on the environment (s 95D(a)).

7.2 Written Approvals

No written approvals have been sought or considered required.

7.3 Effects That May Be Disregarded

Sections 95D(b) and 95E(2)(a) provide that when determining the extent of the adverse effects of an activity or the effects on a person respectively, a council 'may disregard an adverse effect if a rule or national environmental standard permits an activity with that effect'. This is known as the permitted activity baseline test.

The purpose of the permitted baseline test is to isolate and make effects of activities on the environment that are permitted by a plan or NES, irrelevant.

When applying the permitted baseline such effects cannot then be taken into account when assessing the effects of a particular resource consent application.

The baseline has been defined by case law as comprising non-fanciful (credible) activities that would be permitted as of right by the plan in question.

In terms of the development site and proposal at hand, the following is considered relevant:

- The proposal could undertake up to 5,000m³ per any 12-month period (i.e 5,000m³).

It is contended that the above effects should be isolated from consideration of the overall effects of the development in terms of s95D, s95E and 104(1)(a) of the RMA.

7.4 Existing Environment

The receiving environment is the environment upon which a proposed activity might have effects. It is permissible (and often desirable or necessary) to consider the future state of the environment upon which effects will occur, including:

- the future state of the environment as it might be modified by the utilization of rights to carry out permitted activities (refer above).
- the environment as it might be modified by implementing resource consents that have been granted at the time a particular application is considered, where it appears likely that those resource consents will be implemented.

It is shown above that from a land use perspective, the majority of the Rural Production Zone Rules are not applicable to the development or are otherwise permitted. The only rules of concern relate to the limited scope of the proposal to form the platforms for horticultural use i.e earthworks and land disturbance.

There are no known unimplemented consents in the environment.

7.5 Effects Assessment

The following assessment (refer [Table 4](#)) has been prepared in accordance with Section 88 and Schedule 4 of the Act which specifies that the assessment of effects provided should correspond with the scale and significance of the proposal.

The effects assessment is largely linked to the rules breached as well as any other matter that is considered relevant to the scope and context of the overall development.

Table 4 – Effect Assessment (Environment)

Item	Assessment Criteria	Comments
Positive Effects	Nil	<ul style="list-style-type: none"> • The proposal seeks global consent for the ongoing conversion of dairy land for horticultural use. This activity could have significant economic effects to the Far North District and Northland. • The proposal, from application through to construction, employs a number of service providers and sellers of goods. This will promote a range of economic growth and employment benefits for the Far North District and Northland. • The proposal seeks to continue to promote and use the underlying soil resource to support rural production activities. This is a current central government driver to protect and use these soils / land appropriately. <p>Considering the matters above, the proposal exhibits a number of positive effects for the Far North District and its communities.</p>
Land Disturbance / Earthworks	Derived from Chapter 12.3.7 Assessment Criteria.	<ul style="list-style-type: none"> • As each stage becomes developed in terms of detailed design, this can be provided to Council, assessed and then approved. This is no different to an Engineering Plan Approval type condition. <p>The NRC consent decisions provide an appropriate framework by allowing the proposal in principle subject to approving the relevant Erosion and Sediment Control Plan at a later date.</p>

		<p>This Plan will have the necessary detail as the applicant works with the contractor to come up with the most appropriate and cost effective approach to the works and desired end state being the proposed horticultural use.</p> <p>The plans will include necessary sediment and control measures relative to the works being proposed, their location, scale and potential effects. It is likely that all works will have an appropriate solution contained within GD05, tailored where required to meet specific on site issues.</p> <p>In terms of Section 12.3.7:</p> <ul style="list-style-type: none"> • There are no specific concerns from the proposed activity in relation to the life supporting capacity of the soil. The nature of soils are not versatile where the development location is concerned. • Stormwater flows can / are specifically conditioned through the existing approval [NRC]. Again this can be conditions to ensure that neighbours or public land is affected. Given the size and nature of the site this is not a readily identified issue. • Water quality is also managed through NRC consent conditions. There are parameters that are set to ensure that the works do not result in environmental effects of this nature. • The site is not within the coastal environment, therefore the visual effects / amenity effects are not readily apparent noting that works
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		<p>within an existing farm and associated with farming is a typical activity in the rural production zone.</p> <ul style="list-style-type: none"> • The development area does not contain or is overlain by any outstanding natural landscapes or features, archaeological sites, areas of significant vegetation or habitats, or sites of cultural significance to maori. • Cumulative effects can be considered prior to any works being undertaken as the nature of the approval sought is for Council to approve the detailed design and mitigation packages prior to works commencing. • The effectiveness of the mitigation package whilst general in nature as provided has stood the test of time as NRC actively relies on this approach when considered bulk earthwork activities. • The approach is engrained with numerous mechanisms for the activity to be monitored and for remedial actions to be undertaken.
<p><u>Concluding Statement:</u></p> <p>Having considered the relevant actual and potential effects associated with the development, it is considered that the proposed land use promotes effects that are no more than minor on the environment.</p>		

8. EFFECTS TO PEOPLE

8.1 Limited Notification

The table below outlines the steps associated with limited notification insofar as it relates to s95 of the Act.

Table 5 – s95 Assessment

Step 1	certain affected groups and affected persons must be notified	
S95B(2)(a)	Are there any affected protected customary rights groups?	No
S95B(2)(b)	Are there any affected customary marine title groups (in the case of an application for a resource consent for an accommodated activity)?	No
S95B(3)(a)	Is the proposed activity on or adjacent to, or may affect, land that is the subject of a statutory acknowledgement made in accordance with an Act specified in Schedule 11?	No
S95B(3)(b)	Is the person to whom the statutory acknowledgement is made is an affected person under section 95E?	No
Step 2	if not required by step 1, limited notification precluded in certain circumstances	
S95B(6)(a)	the application is for a resource consent for 1 or more activities, and each activity is subject to a rule or national environmental standard that precludes limited notification:	No
S95B(6)(b)	the application is for a controlled activity (but no other activities) that requires a resource consent under a district plan (other than a subdivision of land)	No

8.2 Affected Person Determination

As the proposed activity does not trigger mandatory limited notification, nor is it precluded, an assessment of potential affected persons must be undertaken.

The consent authority has discretion to determine whether a person is an affected person. A person is affected if an activity's adverse effects are minor or more than minor to them.

The potential effects of the proposal on adjacent landowners has been undertaken below in context of those parties outlined earlier in Section 7.

8.3 Effects on Persons Assessment

Table 6 – Effects on Persons

Site	Comments
Adjoining Neighbours	<ul style="list-style-type: none"> The application site is large, and the proposed development location extension is situated internal to the site – typically well setback from any of the adjoining neighbours. The development area cannot be seen by other properties and is approximately 1-2 km from the nearest neighbouring dwelling. Perhaps the most potentially affected by the proposal is the neighbour to the north who is located closer to the development location than any other neighbour. However, the activity proposed is consistent with the Rural Production Zone and the expected extension is not inconsistent with what could or should be seen in this environment. There are no reverse sensitivity issues or effects associated between these two parcels, where forestry activities exist alongside the current farming operation currently.
Tangata Whenua	<ul style="list-style-type: none"> Based on the information available in public sources (i.e FNDC and NRC Maps, we do not consider there to be substantial effects to tangata whenua arising. Water quality matters are to be managed by sediment and erosion controls, the archaeological report provided in the previous application contextualises sites closer to the coast, not in / near the middle of the site where the development is proposed, and an ADP can be readily applied in case that any resources are found.
<p><u>Concluding Statement:</u></p> <p>Having considered the relevant actual and potential effects associated with the development, it is considered that the proposed land use promotes effects that are less than minor to relevant persons.</p>	

9. STATUTORY CONTEXT

9.1 Far North District Plan Assessment

An assessment of the relevant objectives and policies associated with the Far North District Plan has been undertaken:

Table 7 – ODP Rural Environment Assessment

Objectives	Assessment
8.3.1 To promote the sustainable management of natural and physical resources of the rural environment.	Given the size of the site and mitigation measures proposed, the approach is considered to meet the objective.
8.3.2 To ensure that the life supporting capacity of soils is not compromised by inappropriate subdivision, use or development.	Soils are not proposed to leave the site, but remain in situ. The proposed extension is not considered inappropriate, particularly where soils can be repurposed to provide for this rural production activity.
8.3.3 To avoid, remedy or mitigate the adverse and cumulative effects of activities on the rural environment.	The proposal includes measures which ensures that adverse and cumulative effects are mitigated.
8.3.4 To protect areas of significant indigenous vegetation and significant habitats of indigenous fauna.	These are not present at the development location.
8.3.5 To protect outstanding natural features and landscapes.	These are not present at the development location.
8.3.6 To avoid actual and potential conflicts between land use activities in the rural environment.	The location of the proposal avoids the potential for conflicts.
8.3.7 To promote the maintenance and enhancement of amenity values of the rural environment to a level that is consistent with the productive intent of the zone.	Across such a large site such as this, the proposed development area will contain some temporal effects to amenity (for those viewers who may see the site) however these will subside over time and will promote productive horticultural use which is expected in the environment.

<p>8.3.8 To facilitate the sustainable management of natural and physical resources in an integrated way to achieve superior outcomes to more traditional forms of subdivision, use and development through management plans and integrated development.</p>	<p>This approach is not required or proposed.</p>
<p>8.3.9 To enable rural production activities to be undertaken in the rural environment.</p>	<p>The objective accepts that earthworks (and other similar activities) are often required to allow for rural production activities to occur.</p>
<p>8.3.10 To enable the activities compatible with the amenity values of rural areas and rural production activities to establish in the rural environment.</p>	<p>Addressed above in 8.3.7.</p>
<p>Policies</p>	<p>Assessment</p>
<p>8.4.1 That activities which will contribute to the sustainable management of the natural and physical resources of the rural environment are enabled to locate in that environment.</p>	<p>The proposed activity is considered to meet this objective by reason that it has been designed to mitigate effects and support future rural production activities.</p>
<p>8.4.2 That activities be allowed to establish within the rural environment to the extent that any adverse effects of these activities are able to be avoided, remedied or mitigated and as a result the life supporting capacity of soils and ecosystems is safeguarded and rural productive activities are able to continue.</p>	<p>The proposal meets the requirements of the policy through mitigation measures provided above.</p>
<p>8.4.3 That any new infrastructure for development in rural areas be designed and operated in a way that safeguards the life supporting capacity of air, water, soil and</p>	<p>The proposal largely avoids effects to these matters as they simply do not apply to the site.</p>

<p>ecosystems while protecting areas of significant indigenous vegetation and significant habitats of indigenous fauna, outstanding natural features and landscapes.</p>	
<p>8.4.4 That development which will maintain or enhance the amenity value of the rural environment and outstanding natural features and outstanding landscapes be enabled to locate in the rural environment.</p>	<p>The policy is not relevant as it links the rural environment with outstanding landscapes and this does not apply to the site.</p>
<p>8.4.5 That plan provisions encourage the avoidance of adverse effects from incompatible land uses, particularly new developments adversely affecting existing land-uses (including by constraining the existing land-uses on account of sensitivity by the new use to adverse affects from the existing use – i.e. reverse sensitivity).</p>	<p>Plan provisions such as setbacks are adhered to and are the strongest management technique in this instance to manage incompatibility. Setbacks are not breached in this instance.</p>
<p>8.4.6 That areas of significant indigenous vegetation and significant habitats of indigenous fauna habitat be protected as an integral part of managing the use, development and protection of the natural and physical resources of the rural environment.</p>	<p>These are not known to be located on the site.</p>
<p>8.4.7 That Plan provisions encourage the efficient use and development of natural and physical resources, including consideration of demands upon infrastructure.</p>	<p>The policy is noted. The owners of the site have determined that the most efficient use of part of the site is to change from farming to horticulture.</p>
<p>8.4.8 That, when considering subdivision, use and development in the rural environment, the Council will have particular regard to ensuring that its intensity, scale and type is controlled to ensure that adverse effects on habitats (including freshwater habitats), outstanding natural features and landscapes on the amenity value of the rural</p>	<p>The proposed intensity and scale of the earthworks is not considered to be out of context of the rural environment. Effects can be mitigated and the proposed extension is best situated (in context of other environments) in the Rural Production Zone.</p>

<p>environment, and where appropriate on natural character of the coastal environment, are avoided, remedied or mitigated. Consideration will further be given to the functional need for the activity to be within rural environment and the potential cumulative effects of non-farming activities.</p>	
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Table 8 – ODP Rural Production Zone Assessment

Objectives	Assessment
<p>8.6.3.1 To promote the sustainable management of natural and physical resources in the Rural Production Zone.</p>	<p>Addressed in 8.3.1 above.</p>
<p>8.6.3.2 To enable the efficient use and development of the Rural Production Zone in a way that enables people and communities to provide for their social, economic, and cultural well being and for their health and safety.</p>	<p>The proposal is considered to represent an efficient use of land.</p>
<p>8.6.3.3 To promote the maintenance and enhancement of the amenity values of the Rural Production Zone to a level that is consistent with the productive intent of the zone..</p>	<p>Addressed in 8.3.7 above.</p>
<p>8.6.3.4 To promote the protection of significant natural values of the Rural Production Zone.</p>	<p>There are no known significant natural values that apply to the site.</p>

<p>8.6.3.5 To protect and enhance the special amenity values of the frontage to Kerikeri Road between its intersection with SH10 and the urban edge of Kerikeri.</p>	<p>Not relevant.</p>
<p>8.6.3.6 To avoid, remedy or mitigate the actual and potential conflicts between new land use activities and existing lawfully established activities (reverse sensitivity) within the Rural Production Zone and on land use activities in neighbouring zones.</p>	<p>Addressed in 8.4.5 above.</p>
<p>8.6.3.7 To avoid remedy or mitigate the adverse effects of incompatible use or development on natural and physical resources.</p>	<p>Addressed in 8.4.5 above.</p>
<p>8.6.3.8 To enable the efficient establishment and operation of activities and services that have a functional need to be located in rural environments.</p>	<p>The proposal is considered to have a functional need to be located in the rural environment.</p>
<p>8.6.3.9 To enable rural production activities to be undertaken in the zone.</p>	<p>The proposal attains this objective.</p>
<p>Policies</p>	<p>Assessment</p>
<p>8.6.4.1 That the Rural Production Zone enables farming and rural production activities, as well as a wide range of activities, subject to the need to ensure that any adverse effects on the environment, including any reverse sensitivity effects,</p>	<p>Mitigation measures are proposed which meet the policy.</p>

<p>resulting from these activities are avoided, remedied or mitigated and are not to the detriment of rural productivity.</p>	
<p>8.6.4.2 That standards be imposed to ensure that the off site effects of activities in the Rural Production Zone are avoided, remedied or mitigated.</p>	<p>There are no known off site effects resulting.</p>
<p>8.6.4.3 That land management practices that avoid, remedy or mitigate adverse effects on natural and physical resources be encouraged.</p>	<p>GD05 measures proposed meet the intent of this policy.</p>
<p>8.6.4.4 That the type, scale and intensity of development allowed shall have regard to the maintenance and enhancement of the amenity values of the Rural Production Zone to a level that is consistent with the productive intent of the zone.</p>	<p>Address above.</p>
<p>8.6.4.5 That the efficient use and development of physical and natural resources be taken into account in the implementation of the Plan.</p>	<p>The proposal is considered to represent an efficient use of land.</p>
<p>8.6.4.6 That the built form of development allowed on sites with frontage to Kerikeri Road between its intersection with SH10 and Cannon Drive be maintained as small in scale, set back from the road, relatively</p>	<p>Not relevant.</p>

inconspicuous and in harmony with landscape plantings and shelter belts.	
8.6.4.7 That although a wide range of activities that promote rural productivity are appropriate in the Rural Production Zone, an underlying goal is to avoid the actual and potential adverse effects of conflicting land use activities.	There are no direct conflicting uses in the surrounds.
8.6.4.8 That activities whose adverse effects, including reverse sensitivity effects, cannot be avoided remedied or mitigated are given separation from other activities	There are no direct conflicting uses in the surrounds.
8.6.4.9 That activities be discouraged from locating where they are sensitive to the effects of or may compromise the continued operation of lawfully established existing activities in the Rural Production zone and in neighbouring zones.	There are no direct conflicting uses in the surrounds.

Table 9 – ODP Soils and Minerals Assessment

Objectives	Assessment
12.3.3.1 To achieve an integrated approach to the responsibilities of the Northland Regional Council and Far North District Council in respect to	The proposal seeks approvals from both authorities.

the management of adverse effects arising from soil excavation and filling, and minerals extraction.	
12.3.3.2 To maintain the life supporting capacity of the soils of the District.	This is considered achieved as all soil will remain on site and the ultimate end use seeks to utilise soils for rural production.
12.3.3.3 To avoid, remedy or mitigate adverse effects associated with soil excavation or filling.	These mitigation measures are outlined above.
12.3.3.4 To enable the efficient extraction of minerals whilst avoiding, remedying or mitigating any adverse environmental effects that may arise from this activity.	Not relevant.
Policies	Assessment
12.3.4.1 That the adverse effects of soil erosion are avoided, remedied or mitigated.	Refer above for approach to utilise NRC standard consent conditions to promote staging of works.
12.3.4.2 That the development of buildings or impermeable surfaces in rural areas be managed so as to minimise adverse effects on the life supporting capacity of the soil.	Not proposed.
12.3.4.3 That where practicable, activities associated with soil and mineral extraction be located away from areas where that activity would	The proposal is located internal to a large site where these matters do not exist.

<p>pose a significant risk of adverse effects to the environment and/or to human health. Such areas may include those where:</p> <p>(a) there are people living in close proximity to the site or land in the vicinity of the site is zoned Residential, Rural Living, Coastal Residential or Coastal Living;</p> <p>(b) there are significant ecological, landscape, cultural, spiritual or heritage values;</p> <p>(c) there is a potential for adverse effects on lakes, rivers, wetlands and the coastline;</p> <p>(d) natural hazards may pose unacceptable risks.</p>	
<p>12.3.4.4 That soil excavation and filling, and mineral extraction activities be designed, constructed and operated to avoid, remedy or mitigate adverse effects on people and the environment</p>	<p>Refer report above.</p>
<p>12.3.4.5 That soil conservation be promoted.</p>	<p>Soil is proposed to remain on site.</p>
<p>12.3.4.6 That mining tailings that contain toxic or bio-accumulative</p>	<p>Not relevant.</p>

<p>chemicals are contained in such a way that adverse effects on the environment are avoided.</p>	
<p>12.3.4.7 That applications for discretionary activity consent involving mining and quarrying be accompanied by a Development Plan.</p>	<p>Not relevant.</p>
<p>12.3.4.8 That as part of a Development Plan rehabilitation programmes for areas no longer capable of being actively mined or quarried may be required.</p>	<p>Not relevant.</p>
<p>12.3.4.9 That soil excavation and filling in the National Grid Yard are managed to ensure the stability of National Grid support structures and the minimum ground to conductor clearances are maintained.</p>	<p>Not relevant.</p>
<p>12.3.4.10 To ensure that soil excavation and filling are managed appropriately, normal rural practices as defined in Chapter 3 will not be exempt when determining compliance with rules relating to earthworks, except if the permitted standards in the National Grid Yard specify that activity is exempt.</p>	<p>Not relevant.</p>

On review of the relevant objectives and policies of the Operative District Plan, the proposal is not considered inconsistent with the ODP.

9.2 Regional Policy Statement for Northland

Table 10 – NRC Regional Policy Statement Assessment

Objective / Policy	Comment
Integrated Catchment Management	Not relevant
Region Wide Water Quality	Mitigation measures proposed above address water quality.
Ecological Flows and Water Quality	Not relevant
Indigenous Ecosystems & Biodiversity	There are no SNAs at the development location
Enabling Economic Wellbeing	The proposal allows for various goods/services in the land development sector in the Far North. The proposal will generate economic wellbeing and employment for Kerikeri.
Economic Activities – Reverse Sensitivity and Sterilization	The proposal does not result in any reverse sensitivity or sterilization effects given the design of the proposal which promotes rural production end use in a zone which enables such use.
Regionally Significant Infrastructure	The proposal does not impact any regionally significant infrastructure.
Efficient and Effective Infrastructure	The proposal seeks to use existing FNDC infrastructure where appropriate or is otherwise serviced appropriately.
Security of Energy Supply	Power is already provided to the boundary of the site.
Use and Allocation of Common Resources	Not relevant.

Regional Form	The proposal does not result in any reverse sensitivity effects, or a change in character or sense of place. Versatile soils are not adversely affected.
Tangata Whenua Role in Decision Making	FNDC may send this application to relevant hapū or iwi.
Natural Hazard Risk	Natural hazards associated with flooding can be considered prior to works being undertaken.
Natural Character, Outstanding Natural Features, Outstanding Natural Landscapes and Historic Heritage	Not relevant.

Having considered the relevant components of the RPS, it is concluded that the proposal is not inconsistent with the relevant objectives and policies.

9.3 National Policy Statements & Plans

In terms of NPS' and NES' the following is provided:

- With respect to the National Environmental Standard – Soil Contamination, the site is not changing use and is currently in pasture, therefore the NES is not relevant.
- The site is not Coastal as per the Regional Policy Statement and therefore the New Zealand Coastal Policy Statement is not relevant.
- The site is not within an urban area and the NPS – Urban Development is not relevant.
- The development location has no wetlands attributed to it as defined in various planning documents. The NPS for Freshwater Management is not considered relevant.

- In terms of the NPS-HPL, the development area has soils which are Class 5.
- In terms of the NPS-IB, the development location is devoid of an SNA and requires no vegetation clearance. The aims and intent of the NPS-IB is directed towards local and regional council to produce and implement appropriate rules and regulation the majority of which have yet to be produced. The PDP rules are perhaps the most relevant and these are adhered to as assessed above.

Overall, no consents are required under any NPS / NES and the proposal is considered consistent with their aims and intents without any known conflict.

9.4 Proposed Far North District Plan

Section 88A(2) provides that “any plan or proposed plan which exists when the application is considered must be had regard to in accordance with section 104(1)(b).” This requires applications to be assessed under both the operative and proposed objective and policy frameworks from the date of notification of the proposed district plan.

In the event of differing directives between objective and policy frameworks, it is well established by case law that the weight to be given to a proposed district plan depends on what stage the relevant provisions have reached, the weight generally being greater as a proposed plan moves through the notification and hearing process. In *Keystone Ridge Ltd v Auckland City Council*, the High Court held that the extent to which the provisions of a proposed plan are relevant should be considered on a case by case basis and might include:

- The extent (if any) to which the proposed measure might have been exposed to testing and independent decision making;

- Circumstances of injustice; and
- The extent to which a new measure, or the absence of one, might implement a coherent pattern of objectives and policies in a plan.

In my view the PDP has not gone through the sufficient process to allow a considered view of the relevant objectives and policies. However, for fullness the relevant objectives and policies have been assessed below.

Table 11 – PDP Rural Production Zone Assessment

Objective	Assessment
RPROZ-O1 The Rural Production zone is managed to ensure its availability for primary production activities and its long-term protection for current and future generations.	The proposal adheres to this objective as it seeks an extension of rural production uses on the site.
RPROZ-O2 The Rural Production zone is used for primary production activities, ancillary activities that support primary production and other compatible activities that have a functional need to be in a rural environment.	The expected extension and propose use meets the objective.
RPROZ-O3 Land use and subdivision in the Rural Production zone: (a) protects highly productive land from sterilisation and enables	The proposal does not affect these matters.

<p>it to be used for more productive forms of primary production;</p> <p>(b) protects primary production activities from reverse sensitivity effects that may constrain their effective and efficient operation;</p> <p>(c) does not compromise the use of land for farming activities, particularly on highly productive land;</p> <p>(d) does not exacerbate any natural hazards; and</p> <p>(e) is able to be serviced by on-site infrastructure.</p>	
<p>RPROZ-O4 The rural character and amenity associated with a rural working environment is maintained.</p>	<p>The extension for horticultural purposes is an expected use within the proposed Zone.</p>
<p>Policy</p>	<p>Assessment</p>
<p>RPROZ-P1 Enable primary production activities, provided they internalise adverse effects onsite where practicable, while recognising that typical adverse effects associated with primary production should be anticipated and accepted within the Rural Production zone.</p>	<p>The proposal supports primary production activities.</p>

<p>RPROZ-P2 Ensure the Rural Production zone provides for activities that require a rural location by:</p> <p>(a) enabling primary production activities as the predominant land use;</p> <p>(b) enabling a range of compatible activities that support primary production activities, including ancillary activities, rural produce manufacturing, rural produce retail, visitor accommodation and home businesses.</p>	<p>The policy is met via the proposal for the reasons previously provided in assessment above.</p>
<p>RPROZ-P3 Manage the establishment, design and location of new sensitive activities and other non-productive activities in the Rural Production Zone to avoid where possible, or otherwise mitigate, reverse sensitivity effects on primary production activities</p>	<p>No new sensitive activities are proposed.</p>
<p>RPROZ-P4 Land use and subdivision activities are undertaken in a manner that maintains or enhances</p>	<p>The policy is met via the proposal for the reasons previously provided in assessment above.</p>

<p>the rural character and amenity of the Rural Production zone, which includes:</p> <ul style="list-style-type: none"> (a) a predominance of primary production activities; (b) low density development with generally low site coverage of buildings or structures; (c) typical adverse effects such as odour, noise and dust associated with a rural working environment; and (d) a diverse range of rural environments, rural character and amenity values throughout the District. 	
<p>RPROZ-P5 Avoid land use that:</p> <ul style="list-style-type: none"> (a) is incompatible with the purpose, character and amenity of the Rural Production zone; (b) does not have a functional need to locate in the Rural Production zone and is more appropriately located in another zone; (c) would result in the loss of productive capacity of highly productive land; 	<p>The proposed use is considered to be appropriate and not need to be avoided.</p>

<p>(d) would exacerbate natural hazards; and cannot provide appropriate on-site infrastructure.</p>	
<p>RPROZ-P6 Avoid subdivision that:</p> <p>(a) results in the loss of highly productive land for use by farming activities;</p> <p>(b) fragments land into parcel sizes that are no longer able to support farming activities, taking into account:</p> <p style="padding-left: 40px;">a. the type of farming proposed; and</p> <p style="padding-left: 40px;">b. whether smaller land parcels can support more productive forms of farming due to the presence of highly productive land.</p> <p>(c) provides for rural lifestyle living unless there is an environmental benefit.</p>	<p>No subdivision is proposed.</p>
<p>RPROZ-P7 Manage land use and subdivision to address the effects of the activity requiring resource consent, including (but not limited to) consideration</p>	<p>The proposal seeks to increase primary production. It relies on the underlying soil resource. It is of a scale relative to the sites size that is</p>

<p>of the following matters where relevant to the application:</p> <ul style="list-style-type: none"> (a) whether the proposal will increase production potential in the zone; (b) whether the activity relies on the productive nature of the soil; (c) consistency with the scale and character of the rural environment; (d) location, scale and design of buildings or structures; (e) for subdivision or non-primary production activities: <ul style="list-style-type: none"> a. scale and compatibility with rural activities; b. potential reverse sensitivity effects on primary production activities and existing infrastructure; c. the potential for loss of highly productive land, land sterilisation or fragmentation (f) at zone interfaces: <ul style="list-style-type: none"> a. any setbacks, fencing, screening or landscaping required to address potential conflicts; 	<p>consistent with the character of the particular rural environment. There are no issues at the zone interface given the site size. There are no effects in terms of heritage cultural values or natural features.</p>
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<p>b. the extent to which adverse effects on adjoining or surrounding sites are mitigated and internalised within the site as far as practicable;</p> <p>(g) the capacity of the site to cater for on-site infrastructure associated with the proposed activity, including whether the site has access to a water source such as an irrigation network supply, dam or aquifer;</p> <p>(h) the adequacy of roading infrastructure to service the proposed activity;</p> <p>(i) Any adverse effects on historic heritage and cultural values, natural features and landscapes or indigenous biodiversity;</p> <p>(j) Any historical, spiritual, or cultural association held by tangata whenua, with regard to the matters set out in Policy TW-P6.</p>	
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Table 12 – PDP Earthworks Assessment

Objective	Assessment
<p>EW-O1 Earthworks are enabled where they are required to facilitate the efficient subdivision and development of land, while managing adverse effects on waterbodies, coastal marine area, public safety, surrounding land and infrastructure.</p>	<p>The proposal adheres to this objective as it seeks to extend rural production activities.</p>
<p>EW-O2 Earthworks are appropriately designed, located and managed to protect historical and cultural values, natural environmental values, preserve amenity and safeguard the life-supporting capacity of soils.</p>	<p>The location is devoid of these features. Soils are to be retained on site.</p>
<p>EW-O3 Earthworks are undertaken in a manner which does not compromise the stability of land, infrastructure and public safety.</p>	<p>Refer to the approach re conditions which will consider these matters.</p>
Policy	Assessment
<p>EW-P1 Enable earthworks necessary to provide for the District’s social, economic and cultural well-being, and their health and safety where they provide for: urban land uses and development within urban zones;</p>	<p>The proposal is consistent with providing for rural land uses.</p>

<p>rural land uses and development including, farm tracks, land drainage, and other farming activities within the Rural zones;</p> <p>conservation and recreation activities;</p> <p>land drainage and flood control works;</p> <p>and</p> <p>installation, upgrade and maintenance of infrastructure.</p>	
<p>EW-P2 Ensure earthworks are managed, when it has the potential to:</p> <p>create new or exacerbate existing natural hazards, including but not limited to flooding, instability, and coastal hazards;</p> <p>result in adverse effects on the amenity, characteristics and qualities of outstanding natural landscapes, outstanding natural features, historic heritage, cultural values, indigenous biodiversity and significant natural areas and features; and</p> <p>adversely affect waterbodies and the coastal marine area due to inadequate setbacks.</p>	<p>Refer to the approach re conditions which will consider these matters.</p>

<p>EW-P3 Ensure earthworks are located and designed appropriately to manage the effects of the activity by:</p> <ul style="list-style-type: none"> a. controlling maximum depth and height and maximum area or volume of earthworks; b. requiring appropriate setbacks are maintained from adjoining property boundaries, waterbodies and the coastal environment; c. managing the location and design of infrastructure; d. managing impacts on natural drainage patterns and overland flow paths; and e. controlling the movement of dust and sediment beyond the area of development to avoid: <ul style="list-style-type: none"> i. nuisance effects and/or amenity effects on surrounding sites, or ii. silt and sediment entering stormwater systems or waterbodies and the coastal marine area. 	<p>Refer to the approach re conditions which will consider these matters. In many respects the location of the development area means that these are not relevant.</p>
--	--

<p>EW-P4 Require earthworks to be of a type, scale and form that is appropriate for the location having regards to the effects of the activity, and:</p> <p>existing site constraints, opportunities and specific engineering requirements;</p> <p>the impact on existing natural landforms, features, historic heritage and indigenous biodiversity;</p> <p>compatibility with the visual amenity and character values of the area;</p> <p>changes in the natural landform that will lead to instability, erosion and scarring;</p> <p>impacts on natural drainage patterns and overland flow paths;</p> <p>using materials for retaining structures that are compatible with the visual amenity and the characteristics and qualities of the surrounding area;</p> <p>minimising adverse visual effects associated with any exposed cut faces or retaining structures, including with the use of screening, landscaping and/or planting; and</p>	<p>These matters have been considered in the development and design of the proposal.</p>
--	--

<p>loss of flood storage within flood hazard areas.</p>	
<p>EW-P5 Manage effects on historic heritage and cultural values that may be discovered when undertaking earthworks by: requiring a protocol for the accidental discovery of archaeology, kōiwi and artefacts of Māori origin; and undertaking appropriate actions in accordance with mātauranga and tikanga Māori when managing effects on cultural values.</p>	<p>Considered in the previous application with no concerns.</p>
<p>EW-P6 Require that all earthworks are designed and undertaken in a manner that ensures the stability and safety of surrounding land, buildings or structures.</p>	<p>To be confirmed at detailed design.</p>
<p>EW-P7 Ensure all earthworks associated with land development are designed and assessed in a coordinated and integrated manner at the time of subdivision, by: controlling earthworks associated with subdivision, including for the</p>	<p>No subdivision proposed.</p>

<p>purpose of site preparation, creating roads or access to/within the subdivision, and for the provision of infrastructure; and considering the appropriateness of earthworks in conjunction with site design and layout of future subdivision and/or development of land, particularly for future infill or greenfield subdivision.</p>	
<p>EW-P8 Manage earthworks to address the effects of the activity requiring resource consent, including (but not limited to) consideration of the following matters where relevant to the application:</p> <ul style="list-style-type: none"> the location, scale and volume; depth and height of cut and fill; the nature of filling material and whether it is compacted; the extent of exposed surfaces or stockpiling of fill; erosion, dust and sediment controls; the risks of natural hazards, particularly flood events; stormwater controls; 	<p>Considered at detailed design.</p>

<p>flood storage, overland flow paths and drainage patterns;</p> <p>impacts on natural coastal processes;</p> <p>the stability of land, buildings and infrastructure;</p> <p>visual amenity, natural character and landscape values,</p> <p>historic heritage values, and whether any assessment or advice from a suitably qualified and experienced heritage expert is required;</p> <p>any historical, spiritual, or cultural association held by tangata whenua, with regard to the matters set out in Policy TW-P6;</p> <p>the life-supporting capacity of soils;</p> <p>the extent of indigenous biodiversity clearance and its effect on biodiversity values;</p> <p>outstanding natural character, outstanding natural landscapes and outstanding natural features;</p> <p>riparian margins;</p> <p>the location, operational and functional needs and use of infrastructure;</p> <p>temporary or permanent nature of any adverse effect; and</p> <p>traffic and noise effects.</p>	
--	--

Overall, and considering the above, the proposal is considered to be consistent with the objectives and policies of all relevant statutory documents. In the context of the PDP, the appropriate weighting to give those objectives and policies are nil as they have yet to go through sufficient public scrutiny to determine the application at hand.

10 PART 2 ASSESSMENT

10.1 Section 5 – Purpose of The Act

Section 5 in Part 2 of the Act identifies the purpose as being the sustainable management of natural and physical resources. This means managing the use of natural and physical resources in a way that enables people and communities to provide for their social, cultural and economic well-being which sustain those resources for future generations, protecting the life supporting capacity of ecosystems, and avoiding remedying or mitigating adverse effects on the environment.

It is considered that proposal represents a sustainable use of existing resources that allow people and the community to provide for its social and economic wellbeing in a manner that mitigates adverse effects on the environment.

10.2 Section 6 – Matters of National Importance

In achieving the purpose of the Act, a range of matters are required to be recognised and provided for. This includes:

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

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

In context, the relevant items to the proposal and have been recognised and provided for in the design of the development.

10.3 Section 7 – Other Matters

In achieving the purpose of the Act, a range of matters are to be given particular regard. This includes:

- (a) kaitiakitanga:
 - (aa) the ethic of stewardship:
 - (b) the efficient use and development of natural and physical resources:
 - (ba) the efficiency of the end use of energy:
 - (c) the maintenance and enhancement of amenity values:
 - (d) intrinsic values of ecosystems:
 - (e) [Repealed]
 - (f) maintenance and enhancement of the quality of the environment:
 - (g) any finite characteristics of natural and physical resources:
 - (h) the protection of the habitat of trout and salmon:

- (i) the effects of climate change:
- (j) the benefits to be derived from the use and development of renewable energy.

These matters have been given particular regard through the design of the proposal.

10.4 Section 8 – Treaty of Waitangi

The Far North District Council is required to take into account the principles of the Treaty of Waitangi when processing this consent. This consent application may be sent to local iwi and hapū who may have an interest in this application.

10.5 Section 8 – Part 2 Conclusion

Given the above, it is considered that the proposal meets the purpose of the Act.

11. CONCLUSION

Discretionary Activity resource consent is sought from the Far North District Council to carry out the proposed development.

The proposal is not precluded from public notification and is considered to have less than minor effects on the wider environment. Through assessment, there are considered to be no affected persons.

The proposal is consistent with the objectives and policies of the Far North District Plan (operative and proposed), the Regional Policy Statement for Northland, and achieves the purpose of the Act.

Given the assessment carried out in this report, it is considered that this proposal can be determined non-notified under the RMA 1991. We would appreciate the review of draft conditions when available.

Regards,



Steven Sanson BPlan (Hons)

Consultant Planner

NZPI Member No 4230



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

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




R.W. Muir
Registrar-General
of Land

Identifier **NA135D/781**
Land Registration District **North Auckland**
Date Issued 21 January 2002

Prior References

NA100C/244

Estate Fee Simple
Area 2095.8400 hectares more or less
Legal Description Lot 2 Deposited Plan 209464

Registered Owners

Landcorp Farming Limited

Interests

Subject to a drainage right over part marked C on DP 209464 created by CT NA47A/722

Subject to Section 27B State-Owned Enterprises Act 1986 (which provides for the resumption of land on the recommendation of the Waitangi Tribunal and which does not provide for third parties, such as the owner of the land, to be heard in relation to the making of any such recommendation)

Subject to Part IV A Conservation Act 1987

Subject to Section 3 Petroleum Act 1937

Subject to Section 8 Atomic Energy Act 1945

Subject to Section 3 Geothermal Energy Act 1953

Subject to Section 6 and 8 Mining Act 1971

Subject to Section 5 and 261 Coal Mines Act 1979

Subject to a right (in gross) to convey water over part B on DP 209464 in favour of Kerikeri Irrigation Company Limited created by Transfer C860159.1 - 30.6.1995 at 3.04 pm

7163683.1 Open Space Covenant pursuant to Section 22 Queen Elizabeth The Second National Trust Act 1977 - 15.12.2006 at 9:00 am.

7317815.1 Open Space Covenant pursuant to Section 22 Queen Elizabeth The Second National Trust Act 1977 - 13.4.2007 at 9:00 am.

7317878.1 Open Space Covenant pursuant to Section 22 Queen Elizabeth The Second National Trust Act 1977 - 13.4.2007 at 9:00 am.

7317869.1 Open Space Covenant pursuant to Section 22 Queen Elizabeth The Second National Trust Act 1977 - 13.4.2007 at 9:00 am.

7473540.1 Open Space Covenant pursuant to Section 22 Queen Elizabeth The Second National Trust Act 1977 - 24.7.2007 at 9:00 am.

7710353.1 Variation of Covenant 7473540.1 - 12.2.2008 at 9:00 am

8450062.14 Notice pursuant to Section 195(2) Climate Change Response Act 2002 - 24.3.2010 at 9:00 am

8508136.1 Open Space Covenant pursuant to Section 22 Queen Elizabeth The Second National Trust Act 1977 - 1.6.2010 at 9:00 am.

9168904.1 Notice pursuant to Section 195(2) Climate Change Response Act 2002 - 31.8.2012 at 4:52 pm

10177083.1 Open Space Covenant pursuant to Section 22 Queen Elizabeth The Second National Trust Act 1977 - 2.9.2015 at 4:16 pm.

11086391.1 Open Space Covenant pursuant to Section 22 Queen Elizabeth The Second National Trust Act 1977 - 16.4.2018 at 10:46 am.

11929169.1 Sustainable Forest Management Plan to Landcorp Farming Limited pursuant to Section 67K Forests Act 1949 with term commencing 18.11.2020 - 18.11.2020 at 10:22 am

Subject to a right (in gross) to convey electricity over part marked A on DP 580527 in favour of Top Energy Limited created by Easement Instrument 12689122.1 - 17.4.2023 at 2:28 pm



Taboranui River

Blueberries

Taboranui River

Taboranui River

Image © 2024 Maxar Technologies
Image © 2024 CNES / Airbus
Image © 2024 Airbus

Google Earth

Imagery Date: 11/12/2023 35°08'35.71" S 173°55'07.35" E elev. 113 m eye at: 1.63 km

1985




Subject: RE: Pamu Landcorp - Staging of Berry Farm
Date: Friday, 20 December 2024 at 1:40:33 PM New Zealand Daylight Time
From: Trish Routley
To: Steve Sanson, Paul Maxwell, Matthew Hayward
Attachments: hfykje6b6i3b6nosimg_PV1evpCTVsENHJajv6.jpg, hfykje6b6i3b6nosimg_PV1evpCTVsENHJajv6.jpg, hfykje6b6i3b6nosimg_PV1evpCTVsENHJajv6.jpg, image001.png, image002.png, image003.png, image004.png, image005.png, image006.png, image007.jpg, image008.png, hfykje6b6i3b6nosimg_PV1evpCTVsENHJajv6.jpg, hfykje6b6i3b6nosimg_PV1evpCTVsENHJajv6.jpg, hfykje6b6i3b6nosimg_PV1evpCTVsENHJajv6.jpg

Kia ora Steve and Paul,

We would generally be happy with this approach. It would always depend on the level of detail in the application at the time of lodgement. But in principle this would be accepted.

Wishing NRC and Bay of Islands Planning a Merry Christmas, Happy New Year and a great break.

Ngā mihi

 **Trish Routley**
Manager - Resource Consents
M 0272425935 | P +6494015772 | Trish.Routley@fndc.govt.nz
Te Kaunihera o Te Hiku o te Ika | Far North District Council

Pokapū Kōrero 24-hāora | 24-hour Contact Centre 0800 920 029
fndc.govt.nz



From: Steve Sanson <Steve@bayplan.co.nz>
Sent: Monday, 16 December 2024 4:18 pm
To: Paul Maxwell <PaulM@nrc.govt.nz>; Trish Routley <Trish.Routley@fndc.govt.nz>; Matthew Hayward <haywardm@landcorp.co.nz>
Subject: Pamu Landcorp - Staging of Berry Farm

CAUTION: This email originated from outside Far North District Council.
Do not click links or open attachments unless you recognise the sender and know the content is safe.

Kia ora Paul, Trish,

Our client has existing consents from both authorities [RC 2240102 and 45337] to carry out large scale earthworks for a Berry Farm at their Stanners Road property, Kerikeri.

The next stage is to progressively open up the area in red on the farm below, again for Berry Development. The area consented is in yellow.

Our client wishes to explore an approach where Council considers this acceptable in principal, and our clients provides details of each Stage prior to works being undertaken [as opposed to having to come in for numerous consents year after year]. The consent conditions would all remain the same.

There are similarities to an annual earthworks plan for forestry activities.

Can you see any reasons why this could not work for all parties / persons involved? If not we would lodge variations to the original applications [or new approvals if this is preferred] to allow this overall area to be approved, with details following prior to development.

Look forward to hearing from you



Subject: RE: Pamu Landcorp - Staging of Berry Farm
Date: Friday, 20 December 2024 at 12:56:53 PM New Zealand Daylight Time
From: Paul Maxwell
To: Steve Sanson, Trish Routley, Matthew Hayward
Attachments: image009.jpg, image010.jpg, image011.png, image012.png, image013.png, image014.png, image015.png, image016.png, image017.png

Kia ora Steve,

Thanks for your email. All the very best, wishing you and your team a great Xmas and holiday break.

Ngā mihi

Paul Maxwell
Coastal & Works Consents Manager
Northland Regional Council - Te Kaunihera ā rohe o Te Taitokerau
Ph 0800 002 004



Disclaimer
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From: Steve Sanson <Steve@bayplan.co.nz>
Sent: Friday, 20 December 2024 9:17 am
To: Paul Maxwell <PaulM@nrc.govt.nz>; Trish Routley <Trish.Routley@fnrc.govt.nz>; Matthew Hayward <haywardm@landcorp.co.nz>
Subject: Re: Pamu Landcorp - Staging of Berry Farm

Hi Paul,

Many thanks for the response and enjoy the break. We will get something together on our side and provide back to you.

Steve



Steve Sanson
Director | Consultant Planner
Bay of Islands Planning (2022) Ltd



021 160 6035
steve@bayplan.co.nz
<https://www.bayplan.co.nz>
Kerikeri House, Suite 3, 88
Kerikeri Road, Kerikeri 0295

From: Paul Maxwell <PaulM@nrc.govt.nz>
Date: Monday, 16 December 2024 at 5:03 PM
To: Steve Sanson <Steve@bayplan.co.nz>, Trish Routley <Trish.Routley@fnrc.govt.nz>, Matthew Hayward <haywardm@landcorp.co.nz>
Subject: RE: Pamu Landcorp - Staging of Berry Farm

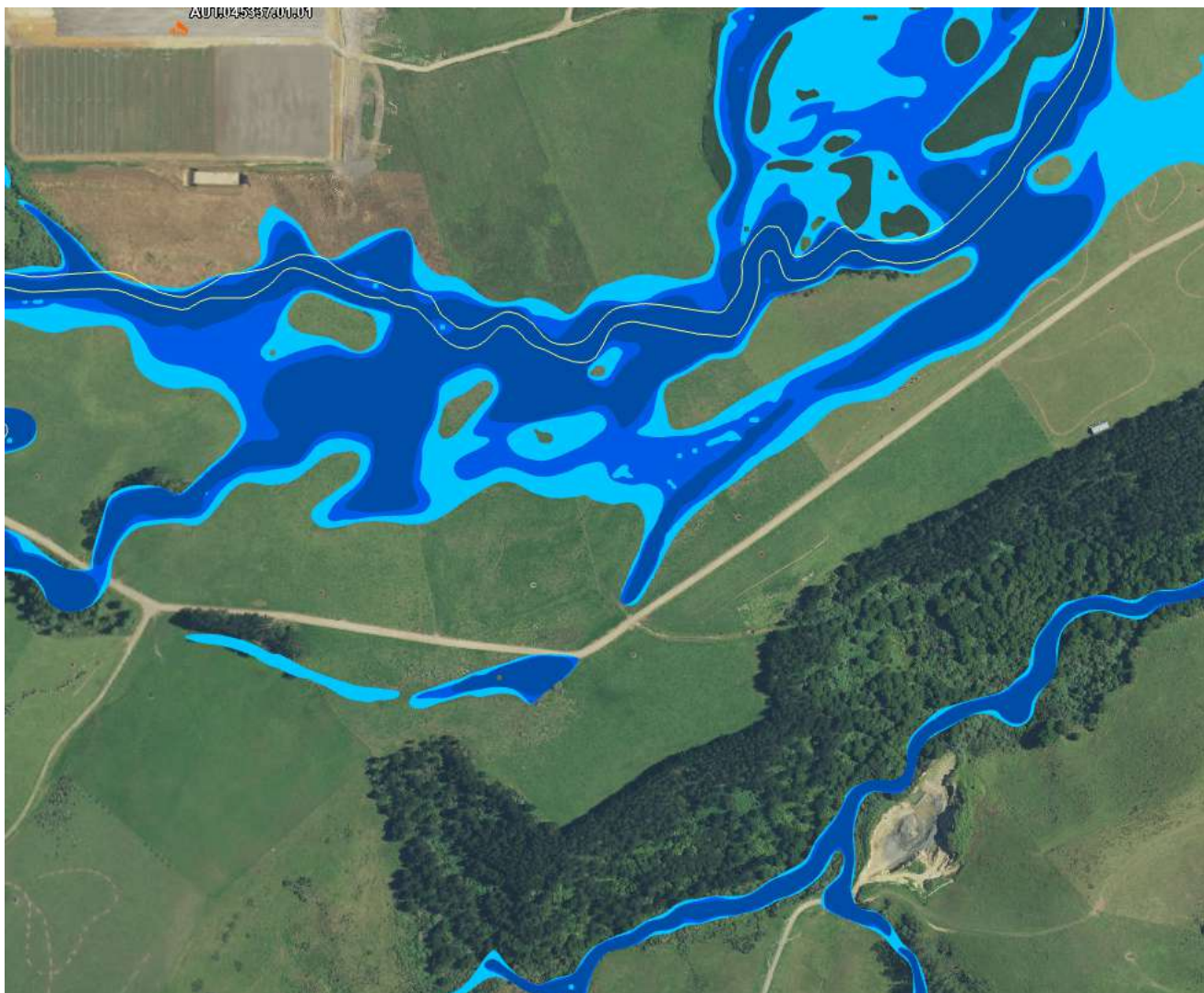
Hi Steve,

Also Note flood hazard areas in image below.

Your Client might also like to run the ruler across the farm quarry- starting to look like a sizable operation. Currently doesnt have a resource consent with NRC and open areas in this image from late last year indicate that probably exceed permitted thresholds.



Also Note flood hazard areas



From: Steve Sanson <Steve@bayplan.co.nz>

Sent: Monday, 16 December 2024 4:18 pm

To: Paul Maxwell <PaulM@nrc.govt.nz>; Trish Routley <Trish.Routley@fndc.govt.nz>; Matthew Hayward <haywardm@landcorp.co.nz>

Subject: Pamu Landcorp - Staging of Berry Farm

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There are similarities to an annual earthworks plan for forestry activities.

Can you see any reasons why this could not work for all parties / persons involved? If not we would lodge variations to the original applications [or new approvals if this is preferred] to allow this overall area to be approved, with details following prior to development.

Look forward to hearing from you



DECISION ON LAND USE CONSENT APPLICATION UNDER THE RESOURCE MANAGEMENT ACT 1991

Decision

Pursuant to section 34(1) and sections 104, 104B and Part 2 of the Resource Management Act 1991 (the Act), the Far North District Council grants land use resource consent for a Discretionary activity, subject to the conditions listed below, to:

Applicant:	Landcorp Farming Limited
Council Reference:	2240102-RMALUC
Property Address:	432A-432C Stanners Road, Kerikeri 0294
Legal Description:	Lot 2 DP 209464

The activities to which this decision relates are listed below:

To undertake earthworks in order to establish a proposed berry farm in the Rural Production zone breaching the excavation and filing rule as a discretionary activity.

Conditions

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

1. The activity shall be carried out in general accordance with the approved plans prepared by Haigh Workman Ltd, referenced Berry Farm – 422 Stanners Road, Kerikeri, dated 28/08/2023, and attached to this consent with the Council’s “Approved Stamp” affixed to them.
2. The consent holder must ensure that the works are carried out in accordance with the Earthworks Management Plan for Proposed Development at 422 Stanners Road, Kerikeri for Landcorp Farming Limited, prepared by Haigh Workman Ltd, referenced #23144, dated 28 August 2023 and provided with the application (RC2240102 – RMALUC).
3. The consent holder must ensure that the works are carried out in accordance with the Geotechnical Assessment Report at 422 Stanners Road, Kerikeri for Landcorp Farming Limited, prepared by Haigh Workman Ltd, referenced #23144, dated October 2023 and provided with the application (RC2240102 – RMALUC).
4. Within 6 months of completing the earthworks, the consent holder must provide to Council, certification or a completion report from a chartered professional engineer which confirms that the works have been completed in accordance with the above Condition 1, Condition 2, and Condition 3.
5. Northland Regional Council Resource Consent has issued Resource Consent AUT.045337.01.01, AUT.045337.02.01 and AUT.045337.03.01 in relation to establishing the berry farm. The consent holder shall include Far North District Council’s

Resource Consents Monitoring Officers in all correspondence with Northland Regional Council. This correspondence should be sent to rcmonitoring@fndc.govt.nz

6. For the duration of the earthworks, the consent holder must:
 - Cover all exposed surfaces with aggregate or mulch to suppress dust or erosion.
 - Retain all existing vegetation cover down slope of the proposed earthworks to facilitate the filtering of silt from the stormwater runoff.
7. Within 6 months of completing the earthworks, the consent holder must provide an as-built survey of the earthworks to Council. This as-built survey must be prepared by a suitably qualified person or chartered professional engineer and must confirm the location, extent and volume of earthworks carried out.
8. Within 6 months of completing the earthworks, the consent holder must re-establish vegetation cover on all exposed cut surfaces.

Advice Notes

Lapsing of Consent

1. Pursuant to section 125 of the Act, this resource consent will lapse 5 years after the date of commencement of consent unless, before the consent lapses;
 - a) The consent is given effect to; or
 - b) An application is made to the Council to extend the period of consent, and the council decides to grant an extension after taking into account the statutory considerations, set out in section 125(1)(b) of the Act.

Right of Objection

2. If you are dissatisfied with the decision or any part of it, you have the right (pursuant to section 357A of the Act) to object to the decision. The objection must be in writing, stating reasons for the objection and must be received by Council within 15 working days of the receipt of this decision.

Archaeological Sites

3. Archaeological sites are protected pursuant to the Heritage New Zealand Pouhere Taonga Act 2014. It is an offence, pursuant to the Act, to modify, damage or destroy an archaeological site without an archaeological authority issued pursuant to that Act. Should any site be inadvertently uncovered, the procedure is that work should cease, with the Trust and local iwi consulted immediately. The New Zealand Police should also be consulted if the discovery includes koiwi (human remains). A copy of Heritage New Zealand's Archaeological Discovery Protocol (ADP) is attached for your information. This should be made available to all person(s) working on site.

General Advice Notes

4. The consent holder is advised that any development and any earthworks undertaken as a result of this activity, or the consent conditions need to be undertaken in accordance with the relevant permitted rules and standards of the Proposed District Plan which was notified on the 27th of July 2022.
5. The conditions of this consent will be monitored by Far North District Council's Resource Consents Monitoring Officers. Any documentation relating to compliance with the above conditions of consent should be sent to rcmonitoring@fndc.govt.nz

Reasons for the Decision

1. By way of an earlier report that is contained within the electronic file of this consent, it was determined that pursuant to sections 95A and 95B of the Act the proposed activity will not have, and is not likely to have, adverse effects on the environment that are more than minor, there are also no affected persons and no special circumstances exist. Therefore, under delegated authority, it was determined that the application be processed without notification.
2. The application is for a Discretionary activity resource consent as such under section 104 the Council can consider all relevant matters. In particular the matters listed in 12.3.7 Assessment Criteria of the Operative District Plan are of particular relevance.
3. In regard to section 104(1)(a) of the Act the actual and potential effects of the proposal will be acceptable as:
 - a. The establishment of a berry farm within a site which has established mixed productive use is consistent with the surrounding environment and is not anticipated to have reverse sensitivity issues on the operational production activities within the immediate surrounding environment. The proposed earthworks to establish the berry farm are occurring more than 1km away from the nearest allotment and is not considered to be visible.
 - b. The effects of the proposal will be managed within the site boundaries and are not contrary to the objectives and policies of the District Plan.
 - c. Any effects associated with earthworks will be effectively managed using Council's accepted GD05 standards for Erosion and Sediment Control for Land Disturbing Activities.
4. In regard to section 104(1)(ab) of the Act there are no offsetting or environmental compensation measures proposed or agreed to by the applicant for the activity.
5. In regard to section 104(1)(b) of the Act the following statutory documents are considered to be relevant to the application:
 - a. National Policy Statement for Highly Productive Land
 - b. National Policy Statement for Indigenous Biodiversity.
 - c. Northland Regional Policy Statement 2016,
 - d. Operative Far North District Plan 2009,
 - e. Proposed Far North District Plan 2022

The activity is consistent with these documents for the reasons set out in pages 31-45 of the Assessment of Environmental Effects submitted with the application. In particular:

National Policy Statement for Highly Productive Land

The objectives and policies of the National Policy Statement for Highly Productive Land aim to protect and manage highly productive land within New Zealand to ensure that highly productive land is retained to nourish future generations. The proposal to undertake 67,878.7m³ of earthworks in order to establish a proposed berry farm is a land based primary production activity considered acceptable under the National Policy Statement for Highly Productive Land.

National Policy Statement for Indigenous Biodiversity

The activity is consistent with the relevant objectives and policies of the Indigenous Biodiversity Statement because:

The objectives and policies of the Indigenous Biodiversity Statement recognises the importance of indigenous biodiversity within New Zealand therefore aims to promote resilience through maintaining indigenous biodiversity across the country in such a way that loss of indigenous biodiversity is avoided. In this instance 67,878.7m³ of earthworks is proposed with suitable silt and sediment control measures. These earthworks are required to be undertaken in order to establish a proposed berry farm which is considered compatible with the surrounding environment. This proposal retains the existing indigenous biodiversity ecosystem on site.

Northland Regional Policy Statement 2016

The Northland Regional Policy Statement provides a framework to promote the sustainable management of Northland's natural and physical resources by providing an overview of the regions resource management issues and setting out policies and methods to achieve integrated management of Northland's natural and physical resources. In this instance 67,878.7m³ of earthworks is proposed with suitable silt and sediment control measures. These earthworks are required to be undertaken in order to establish a proposed berry farm which is compatible with the intent of the Regional Policy Statement for Northland because it is not considered to be objectionable with the surrounding environment. Furthermore, the stormwater run-off from the proposal is being managed to mitigate adverse effects on the nearby tributary stream.

Operative Far North District Plan

The activity is consistent with the relevant objectives, policies and assessment criteria of the Operative District Plan because:

The objectives and policies of the Rural Production zone promotes the sustainable management of natural and physical resources while enabling the efficient use and development of the Rural Production zone, in a way that enables people and their communities to provide for their social, economic and cultural wellbeing and for their health and safety, along with promoting the maintenance and enhancement of the amenity values to a level that is consistent with the productive intent of the Rural Productive zone.

The objectives and policies of Soils and Minerals seek to ensure that earthworks and extraction activities are managed appropriately to avoid adverse effects on public safety, historical values, cultural values and the environment.

67,878.7m³ of earthworks is proposed with suitable silt and sediment control measures. These earthworks are required to be undertaken in order to establish a proposed berry farm which is an efficient use of this zone and is not incompatible with the intent of the Soils and Minerals Chapter of the Operative District Plan.

Proposed Far North District Plan

The activity is consistent with the relevant objectives, policies and assessment criteria of the Proposed District Plan because:

The objectives and policies of the Rural Production zone promotes the sustainable management of natural and physical resources while enabling the efficient use and development of the Rural Production zone, in a way that enables people and their

communities to provide for their social, economic and cultural wellbeing and for their health and safety, along with promoting the maintenance and enhancement of the amenity values to a level that is consistent with the productive intent of the Rural Productive zone to nourish current and future generations.

Objectives and policies of Earthworks seek to manage the design of earthworks to ensure that earthworks are being carried out in a manner that does not adversely affect public safety, historical values, cultural values, surrounding land, infrastructure, waterbodies and the coastal marine area.

Suitable silt and sediment control measures will be implemented to support 67,878.7m³ of earthworks being carried out to establish a proposed berry farm. The proposed activity is an efficient use of this zone and is not incompatible with the intent of the Proposed District Plan.

For this resource consent application, the relevant provisions of both an operative and any proposed plan must be considered. Weighting is relevant if different outcomes arise from assessments of objectives and policies under both the operative and proposed plans.

As the outcomes sought are the same under the operative and the proposed plan frameworks, no weighting is necessary.

6. Based on the assessment above the activity will be consistent with Part 2 of the Act.

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

7. Overall, for the reasons above it is appropriate for consent to be granted subject to the imposed conditions.

Approval

This resource consent has been prepared by Aroha Chase, Resource Planner. I have reviewed this and the associated information (including the application and electronic file material) and for the reasons and subject to the conditions above, and under delegated authority, grant this resource consent.

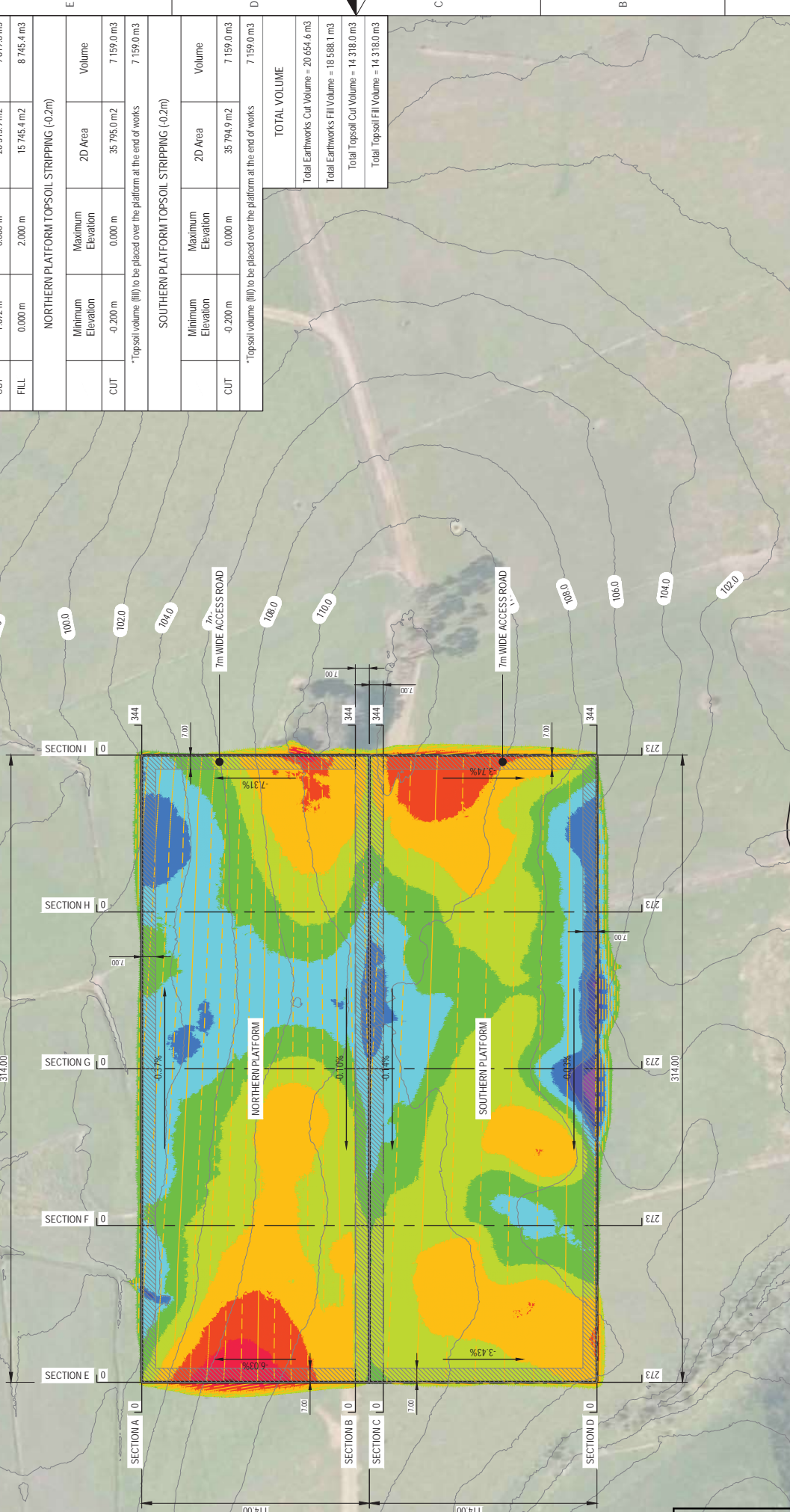


Trish Routley

Date: 14 November 2023

Manager Resource Consents

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



NORTHERN PLATFORM EARTHWORKS			
	Minimum Elevation	Maximum Elevation	2D Area
CUT	-2.182 m	0.000 m	17 919.5 m ²
FILL	0.000 m	2.000 m	17 710.9 m ²
			Volume
			10 834.8 m ³
			9 842.7 m ³

SOUTHERN PLATFORM EARTHWORKS			
	Minimum Elevation	Maximum Elevation	2D Area
CUT	-1.672 m	0.000 m	20 313.9 m ²
FILL	0.000 m	2.000 m	15 745.4 m ²
			Volume
			9 819.8 m ³
			8 745.4 m ³

NORTHERN PLATFORM TOPSOIL STRIPPING (0.2m)			
	Minimum Elevation	Maximum Elevation	2D Area
CUT	-0.200 m	0.000 m	35 795.0 m ²
			Volume
			7 159.0 m ³

SOUTHERN PLATFORM TOPSOIL STRIPPING (0.2m)			
	Minimum Elevation	Maximum Elevation	2D Area
CUT	-0.200 m	0.000 m	35 794.9 m ²
			Volume
			7 159.0 m ³

TOTAL VOLUME			
Total Earthworks Cut Volume	= 20 654.6 m ³		
Total Earthworks Fill Volume	= 18 588.1 m ³		
Total Topsoil Cut Volume	= 14 318.0 m ³		
Total Topsoil Fill Volume	= 14 318.0 m ³		

*Topsoil volume (fill) to be placed over the platform at the end of works
 7 159.0 m³

*Topsoil volume (fill) to be placed over the platform at the end of works
 7 159.0 m³

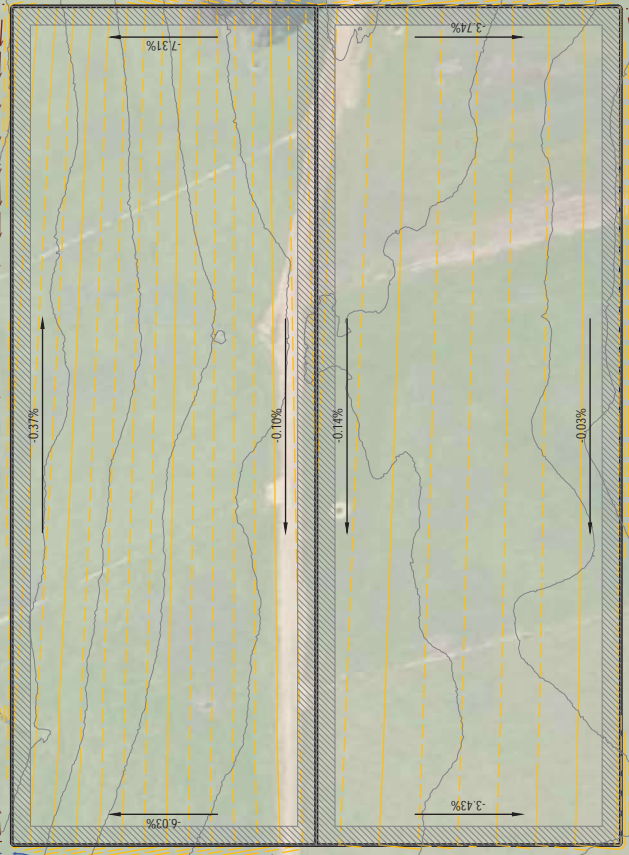
Project	BERRY FARM 422 STANNERS ROAD, KERIKERI
Client	LANDCORP FARMING LTD
Project No.	23 144
RC no.	
Stage	
Dwg No.	RDP01
Sheet No.	1 of 1

Drawn	JT
Checked	JC
Approved	
Date	28/08/2023

DWG	EARTHWORKS PLAN
Scale	A3 SCALE 1:2000
By	JT
Check	JC
Scale	100m
Scale	40m
Scale	100m

APPROVED PLAN
 Planner: troutley
 RC: 2240102RMALUC
 Date: 14/11/23

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



APPROVED PLAN
Planner: troutley
RC: 2240102RMALUC
Date: 14/11/23



Rev	Date	Description	By	Checked
1	28/08/2023	FORM ISSUE	JT	JC

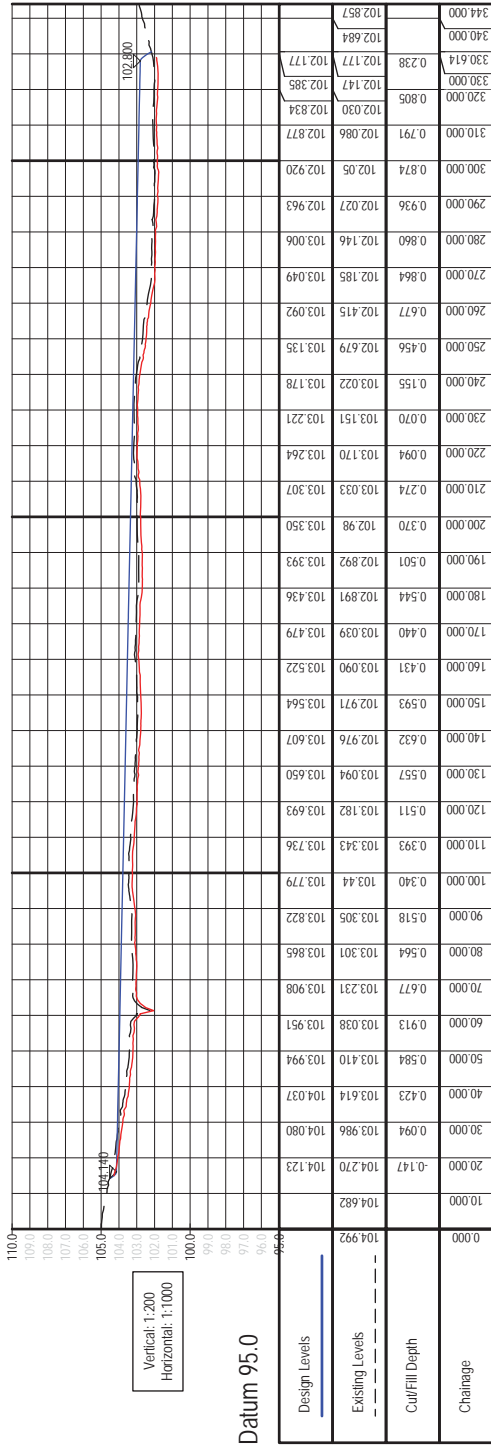
DWG	EROSION AND SEDIMENT CONTROL PLAN
A3 SCALE	1:2000
Drawn	JT
Checked	JC
Approved	[Signature]
Date	28/08/2023

Project	BERRY FARM 422 STANNERS ROAD, KERIKERI
Client	LANDCORP FARMING LTD
Project No.	23 144
RC no.	

Stage	
Dwg No.	ESP01
Sheet No.	1 of 1

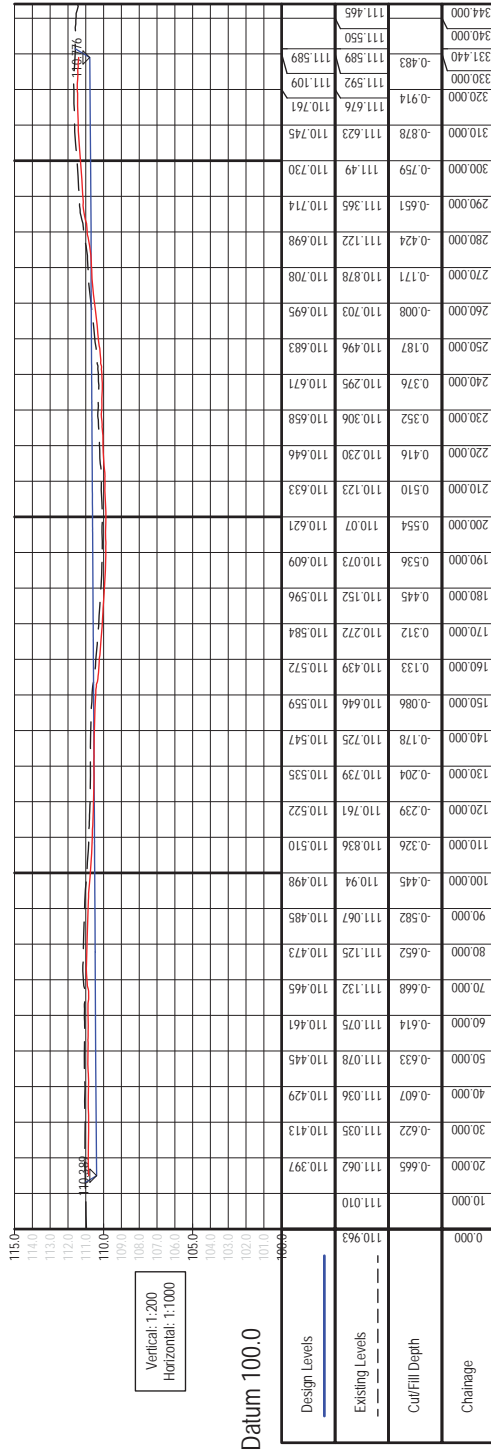
HAIGH WORKMANS
 CIVIL ENGINEERING LTD
 6 Whangarei Drive
 Whangarei, 601
 T: 09 407 8855
 F: 09 407 8857
 E: info@haighworkmans.co.nz

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SECTION A

Scale: Horizontal 1:1000, Vertical 1:200



SECTION B

Scale: Horizontal 1:1000, Vertical 1:200

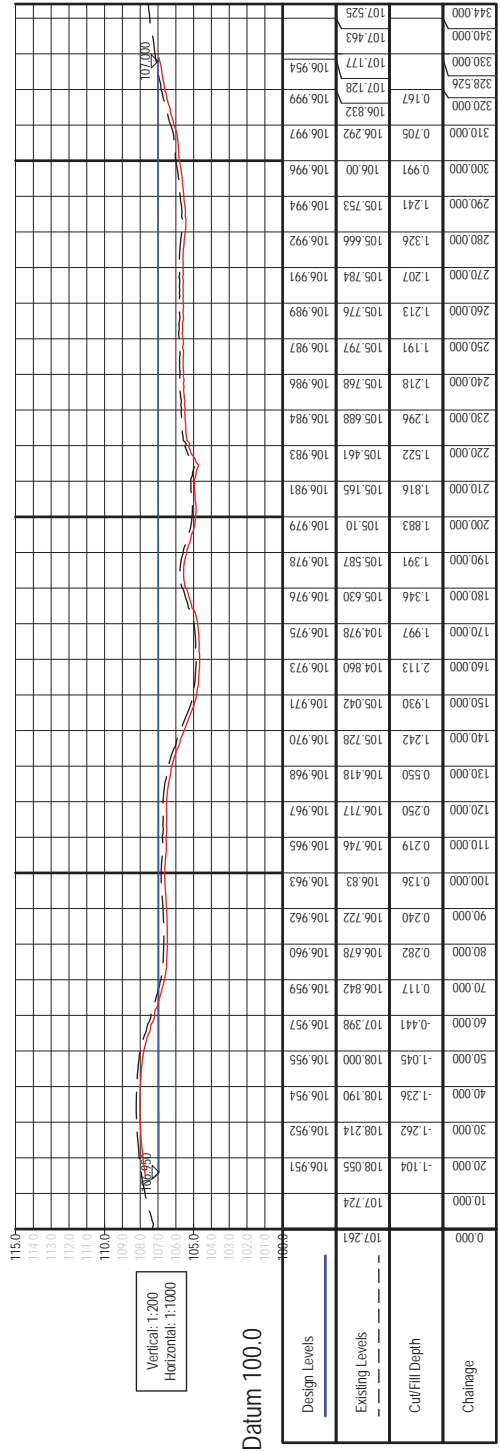
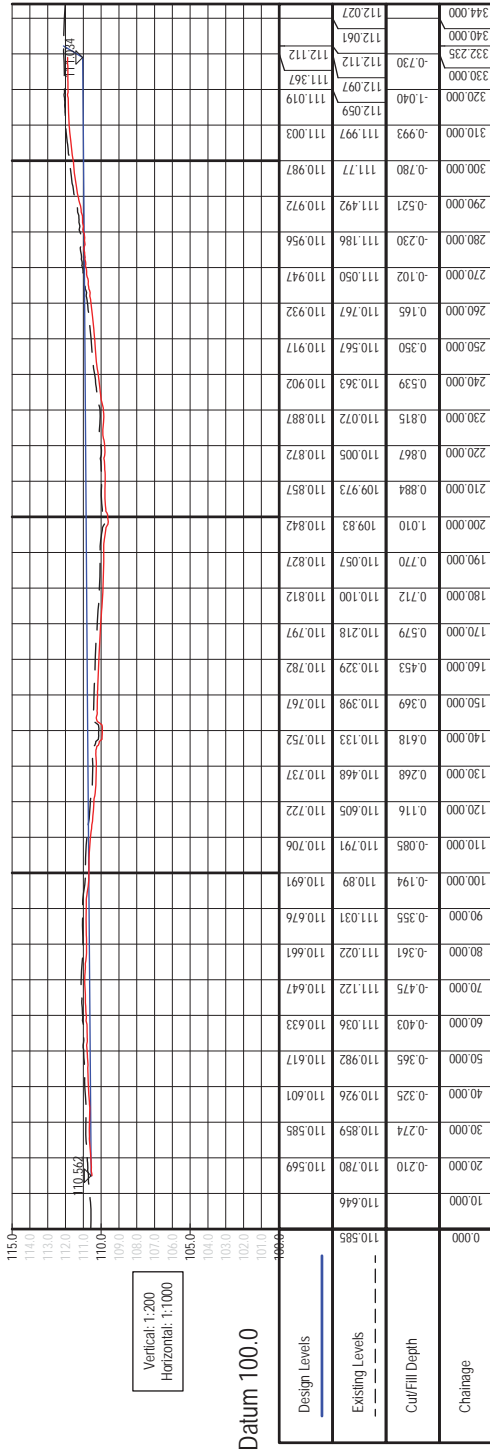
APPROVED PLAN

Planner: troutley
RC: 2240102RMALUC
Date: 14/11/23

Rev	Date	Description	By	Checked	Approved	Date
1	28/08/2023	FOR ISSUE	JT	JC	JC	28/08/2023
Project			BERRY FARM 422 STANNERS ROAD, KERIKER			
Client			LANDCORP FARMING LTD			
Project No.			23 144			
Stage			RC no.			
Dwg No.			RD001			
Sheet No.			1 of 5			

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 Havelock Bay
 E: info@haighworkmans.co.nz
 F: 09 407 8857

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APPROVED PLAN

Planner: troutley
RC: 2240102RMALUC
Date: 14/11/23

Rev	Date	Description	By	Checked
1	28/08/2023	FOR ISSUE	JT	JC

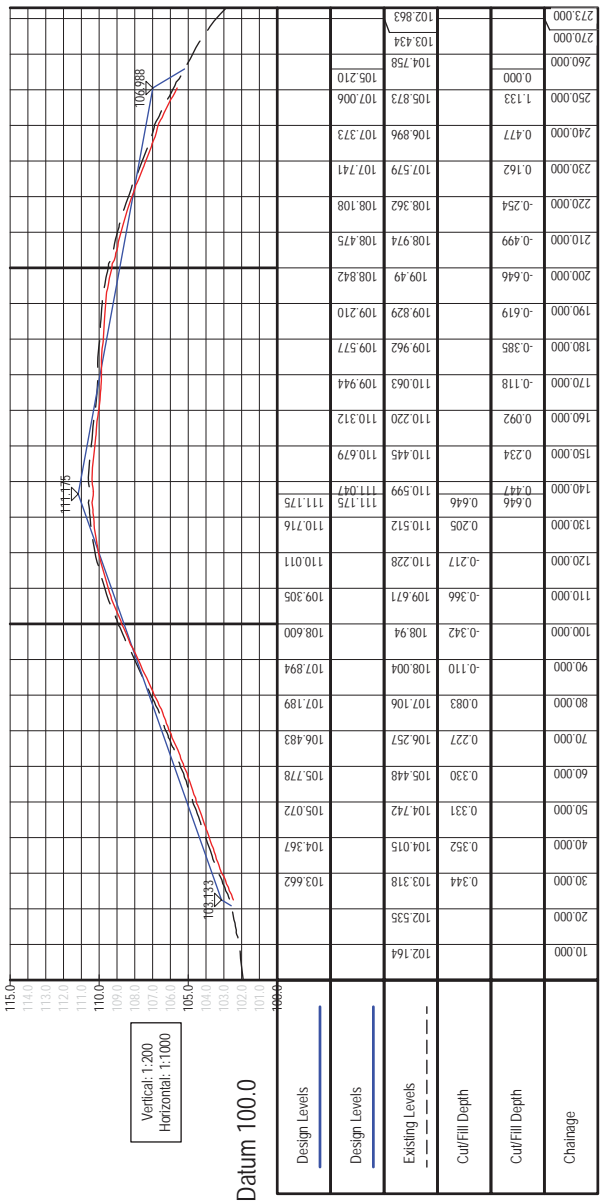
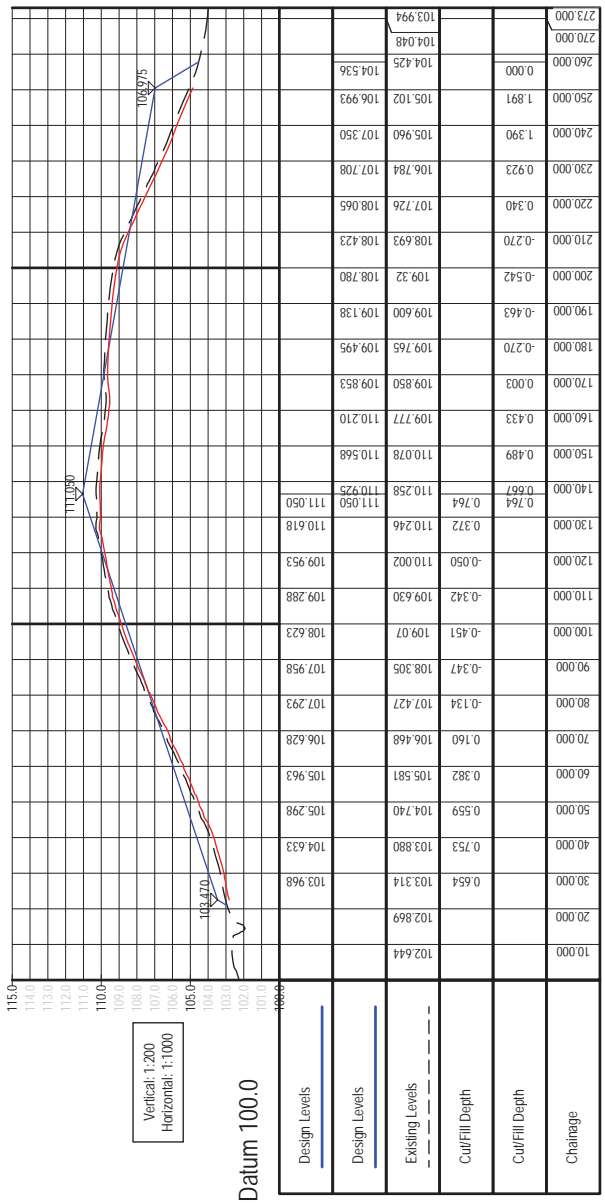
DWG	EARTHWORKS CROSS SECTIONS
Scale	A3 SCALE 1:1500
Drawn	JT
Checked	JC
Approved	[Signature]
Date	28/08/2023

Project	BERRY FARM 422 STANNERS ROAD, KERIKI
Client	LANDCORP FARMING LTD
Project No.	23 144
RC no.	

Stage	
Dwg No.	RDP02
Sheet No.	2 of 5

H-VAUGHAN
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APPROVED PLAN
Planner: troutley
RC: 2240102RMALUC
Date: 14/11/23

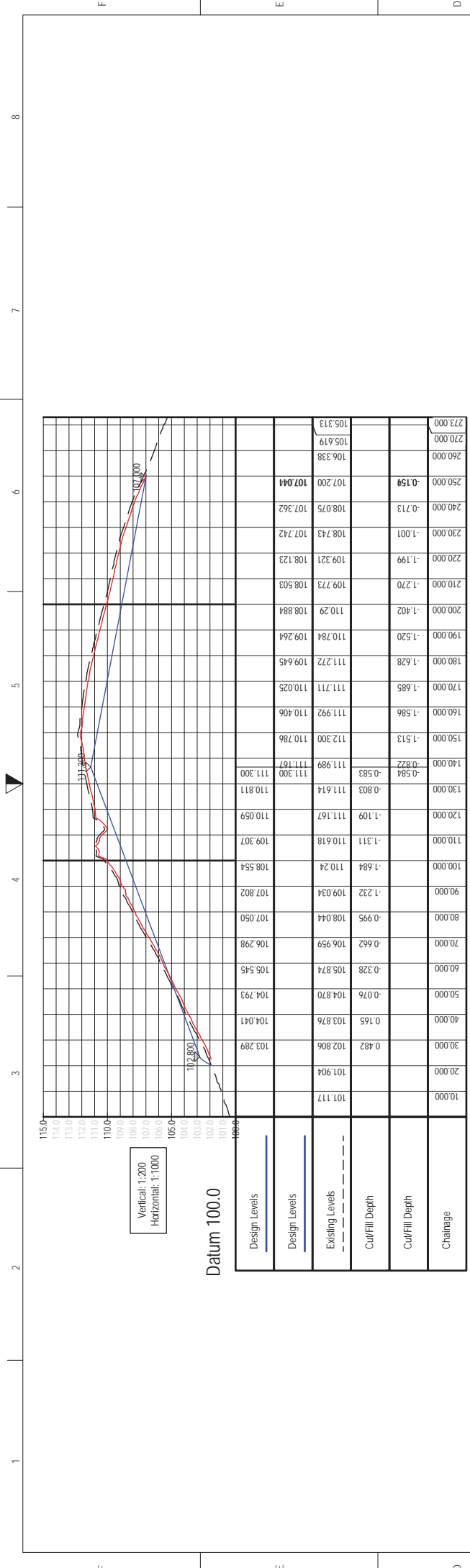
Rev	Date	Description	By	Checked
1	28/08/2023	FOR ISSUE	JT	JC

DWG: EARTHWORKS CROSS SECTIONS
A3 SCALE: 1:1500
Drawn: JT
Checked: JC
Date: 28/08/2023

Project: BERRY FARM
422 STANNERS ROAD, KERIKI
Client: LANDCORP FARMING LTD
Project No. 23 144

Stage: RDP04
Dwg No. 4 of 5
Sheet No. 4 of 5

6 Pruning Ave
Meadow Flat
100 401 850
E: info@haighworkmans.co.nz
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Civil & Structural Engineers
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Chainage	Existing Level	Design Level	Cut/Fill Depth
101.117	101.904	103.876	0.165
101.904	104.870	104.793	-0.076
102.806	104.870	104.041	0.482
103.876	104.793	103.289	0.165
104.870	104.793	104.041	-0.076
105.874	105.545	106.298	-0.328
106.959	106.298	107.050	-0.662
108.044	107.050	107.802	-0.995
109.034	107.802	108.554	-1.232
110.24	108.554	109.307	-1.684
110.618	109.307	110.059	-1.311
111.167	110.059	110.811	-1.109
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112.300	111.67	112.300	-0.827
112.300	111.986	112.300	-1.513
111.922	110.406	111.922	-1.586
117.711	110.025	111.272	-1.685
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111.272	109.645	110.784	-1.520
110.784	109.264	110.29	-1.402
110.29	108.884	109.773	-1.402
109.773	108.503	109.321	-1.199
108.743	107.742	108.321	-1.001
108.075	107.362	107.200	-0.713
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270.000	106.338	105.313	0.000
273.000	105.313	105.313	0.000

SECTION I
Scale: Horizontal 1:1000, Vertical 1:200

APPROVED PLAN
Planner: troutley
RC: 2240102RMALUC
Date: 14/11/23

Rev	Date	Description	By	Checked
01	28/08/2023	FOR ISSUE	JT	JC

DWG	EARTHWORKS CROSS SECTIONS
A3 SCALE	1:1500
Drawn JT	Checked JC
Date	28/08/2023
Approved	[Signature]

Project	BERRY FARM 422 STANNERS ROAD, KERIKERI
Client	LANDCORP FARMING LTD
Project No.	23 144
RC no.	

Stage	
Dwg No.	RDP05
Sheet No.	5 of 5

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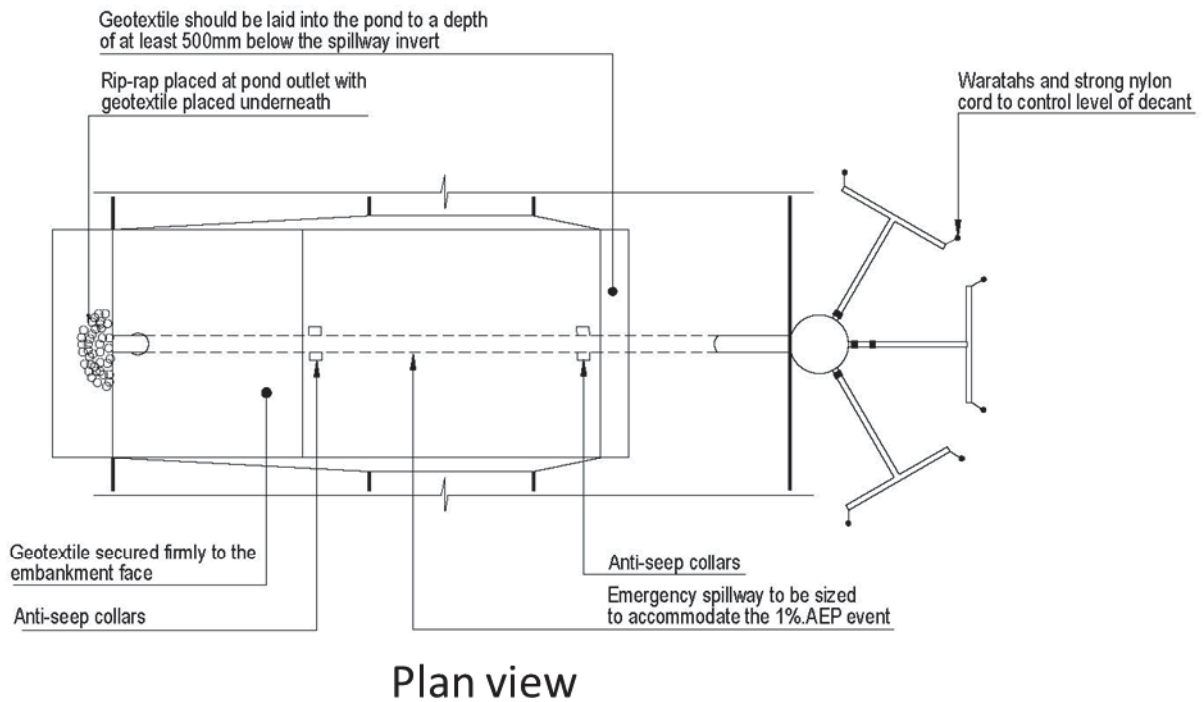
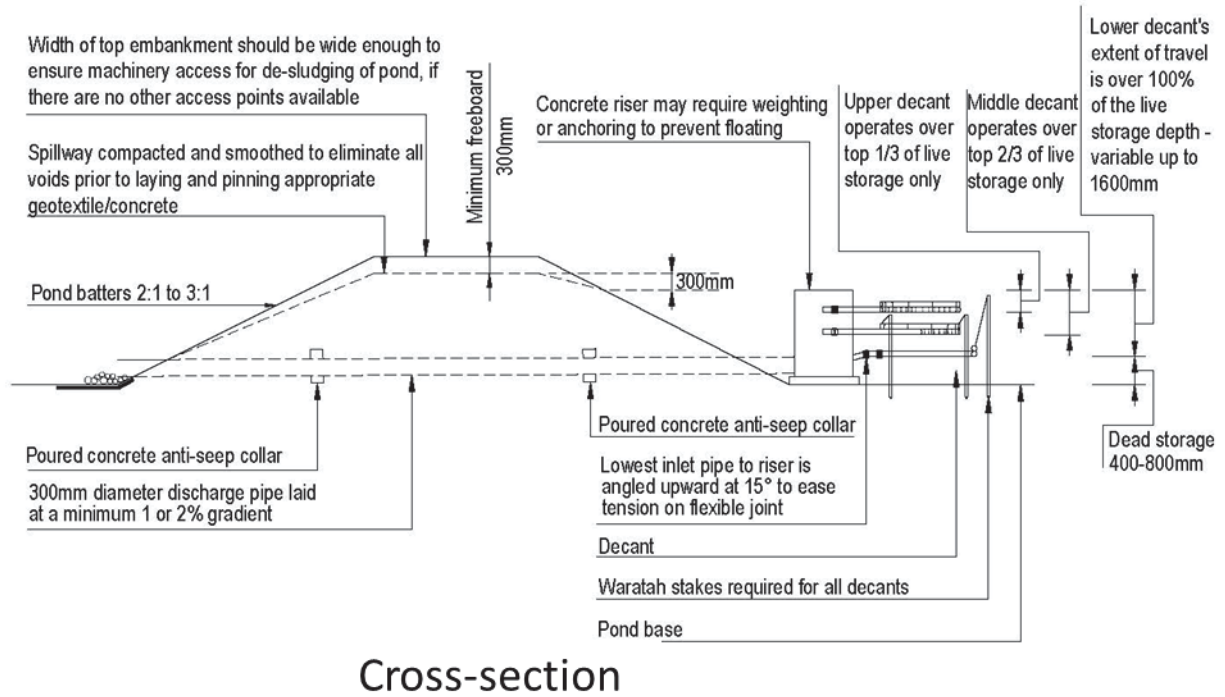


Figure 74: Sediment retention pond for 3 to 5 ha catchment

APPROVED PLAN

Planner: troutley
RC: 2240102RMALUC
Date: 14/11/23

Resource Consent

Document Date 03.10.2023

*Pursuant to the Resource Management Act 1991, the Northland Regional Council
(hereinafter called "the council") does hereby grant a Resource Consent to:*

LANDCORP FARMING LIMITED

To undertake the following activities on Lot 2 DP 209464 (422 Stanners Road, Kerikeri), at or about location co-ordinates 1683895E 6110757N:

Note: All location co-ordinates in this document refer to Geodetic Datum 2000, New Zealand Transverse Mercator Projection.

- AUT.045337.01.01** **Earthworks for land preparation for a berry farm.**
- AUT.045337.02.01** **Divert stormwater during land disturbance activities.**
- AUT.045337.03.01** **Discharge stormwater to land during land disturbance activities.**

Subject to the following conditions:

- 1 At least two weeks prior to the commencement of any works authorised by these consents on-site, the Consent Holder must notify the council's assigned monitoring officer in writing of the date that the works are intended to commence. The Consent Holder must arrange for a site meeting between the Consent Holder's principal earthworks contractor and the council's assigned monitoring officer, which must be held on site prior to any earthworks commencing.

Advice Note: Notification to the council may be made by email to info@nrc.govt.nz.

- 2 The exercise of these consents must be undertaken in general accordance with the **attached** Haig Workman Ltd drawings referenced as Northland Regional Council Plan Numbers **5260/1** and **5260/2**. However, if there are any differences or apparent conflict between these drawings and any conditions of these consents, then the conditions of consent must prevail.
- 3 Sediment control measures must be constructed and maintained in accordance with the principles and practices contained within the Auckland Council document titled "2016/005: Erosion and Sediment Control Guide for Land Disturbing Activities in the Auckland Region" (GD05). Where there are inconsistencies between any part of GD05 and the conditions of these consents, then the conditions of these consents must prevail.
- 4 As part of the written notice required by Condition 1, the Consent Holder or its agent/contractor must submit an Erosion and Sediment Control Plan (ESCP) to the council for certification by the council's assigned monitoring officer. As a minimum, the ESCP must include the following:
 - (a) The expected duration (timing and staging) of earthworks, and details of locations of disposal sites for unsuitable materials, and clean water diversions if required;

- (b) Details of all erosion and sediment controls including diagrams and/or plans, of a scale suitable for on-site reference, showing the design and locations of the erosion and silt control structures/measures;
 - (c) The commencement and completion dates for the implementation of the proposed erosion and sediment controls;
 - (d) Details of surface revegetation of disturbed sites and other surface covering measures to minimise erosion and sediment runoff following construction;
 - (e) Measures to minimise sediment being deposited on public roads;
 - (f) Measures to ensure dust discharge from the earthwork's activity does not create a nuisance on neighbouring properties;
 - (g) Measures to prevent spillage of fuel, oil and similar contaminants;
 - (h) Contingency containment and clean-up provisions in the event of accidental spillage of hazardous substances;
 - (i) Means of ensuring contractor compliance with the ESCP;
 - (j) The name and contact telephone number of the person responsible for monitoring and maintaining all erosion and sediment control measures;
 - (k) Contingency provisions for the potential effects of large/high intensity rain storm events.
- 5 As a minimum, the erosion and sediment control measures must be constructed and maintained in accordance with the ESCP prepared in accordance with Condition 4. The Consent Holder may, in consultation with the council's assigned monitoring officer, amend the ESCP at any time and submit the amended plan to the council's assigned monitoring officer for review and certification. The most recent certified version of the ESCP must be used for compliance purposes.
- 6 Prior to the commencement of earthworks on-site, a stabilised construction entrance to the site must be installed to minimise the tracking of spoil or debris onto off-site public road surfaces. All material tracked onto off-site surfaces as a result of the exercise of these consents must be removed as soon as possible, but at least daily. The stabilised construction entrance must be maintained throughout the duration of earthworks operations.
- 7 Erosion and sediment controls must be installed prior to the commencement of earthworks (other than those required for the erosion and sediment controls) within an area of works.
- 8 The installation of all erosion and sediment controls must be supervised by an appropriately qualified and experienced person. The Consent Holder must provide to the council's assigned monitoring officer certification from the appropriately qualified and experienced person who supervised the installation of the erosion and sediment controls that they have been installed in accordance with the requirements of GD05.
- 9 No works may be carried out between 1 May and 30 September in any year unless the prior written agreement of the council's Compliance Manager has been obtained.
- 10 Any request to undertake works between 1 May and 30 September in any year must be in writing and must be made at least two weeks prior to the proposed date that the works are required to be undertaken. This written request must include an amended ESCP for the works that has been prepared in accordance with Condition 4.
- 11 Drains and cut-offs constructed to divert stormwater must be capable of conveying stormwater during not less than the estimated 1 in 20 year rainfall event. All channels on grades greater than 2% must be protected to avoid erosion occurring.

- 12 All offsite stormwater must be directed away from earthworks areas and no drainage pathways must be constructed, or permitted to flow, over fill areas in a manner that creates erosion of the fill material.
- 13 Slash, soil, debris and detritus associated with the exercise of these consents must not be placed in a position where it may be washed into any water body.
- 14 All bare areas of land and fill must be sealed, covered with aggregate, mulched or topsoiled and established with a suitable grass/legume mixture to achieve an 80% groundcover within one month of the completion of earthworks. Temporary mulching or other suitable groundcover material must be applied to achieve total groundcover of any areas unable to achieve the above requirements.
- 15 The exercise of these consents must not give rise to any discharge of contaminants, including dust, which in the opinion of a monitoring officer of the council is noxious, dangerous, offensive or objectionable at or beyond the property boundary.
- 16 A copy of these consents must be provided to every person who is to carry out the works authorised by these consents, prior to any work commencing.
- 17 The exercise of these consents must not cause any of the following effects on the water quality of the unnamed tributary of the Tahoranui River, as measured approximately 10 metres downstream of a discharge point into the tributary, when compared to a site upstream of all land disturbance activities during the same sampling event:
 - (a) The production of any conspicuous oil or grease films, scums or foams, floatable or suspended materials;
 - (b) A conspicuous change in colour or visual clarity;
 - (c) An emission of objectionable odour;
 - (d) An increase in suspended solids concentration greater than 100 grams per cubic metre.
- 18 These consents will not lapse until their expiry.
- 19 The Consent Holder must, on becoming aware of any discharge associated with the Consent Holder's operations that is not authorised by these consents:
 - (a) Immediately take such action, or execute such work as may be necessary, to stop and/or contain the discharge; and
 - (b) Immediately notify the council by telephone of the discharge; and
 - (c) Take all reasonable steps to remedy or mitigate any adverse effects on the environment resulting from the discharge; and
 - (d) Report to the council's Compliance Manager in writing within one week on the cause of the discharge and the steps taken, or being taken, to effectively control or prevent the discharge.

For telephone notification during the council's opening hours, the council's assigned monitoring officer for these consents must be contacted. If that person cannot be spoken to directly, or it is outside of the council's opening hours, then the Environmental Hotline must be contacted.

Advice Note: *The Environmental Hotline is a 24 hour, seven day a week, service that is free to call on 0800 504 639.*

20 The council may, in accordance with Section 128 of the Resource Management Act 1991, serve notice on the Consent Holder of its intention to review the conditions annually during the month of July for any one or more of the following purposes:

- (a) To deal with any adverse effects on the environment that may arise from the exercise of these consents and which it is appropriate to deal with at a later stage; or
- (b) To require the adoption of the best practicable option to remove or reduce any adverse effect on the environment.

The Consent Holder must meet all reasonable costs of any such review.

EXPIRY DATE: 31 AUGUST 2028

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.*

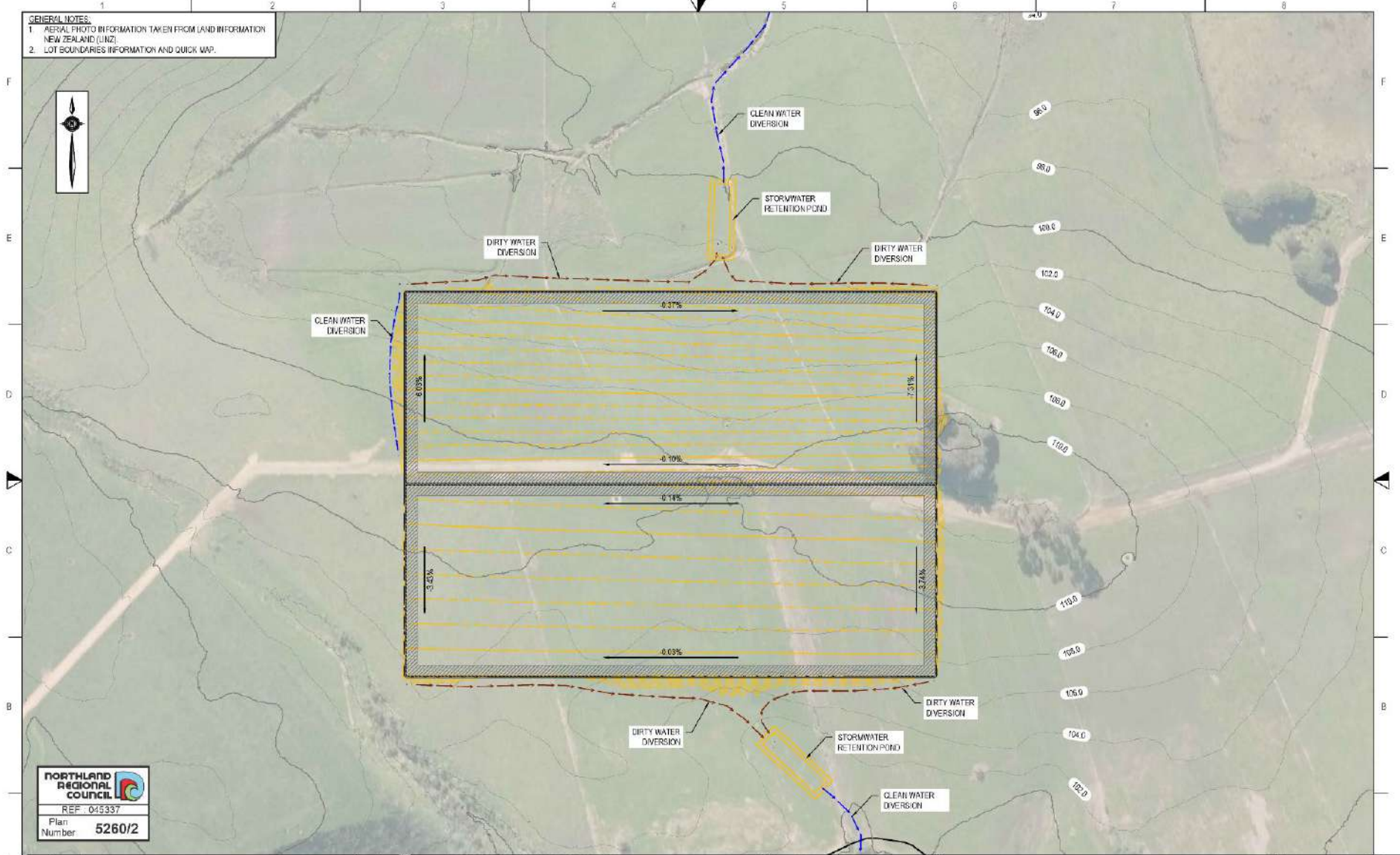
These consents are granted this Third day of October 2023 under delegated authority from the council by:



Paul Maxwell
Coastal and Works Consents Manager

Note: *The plans attached to this consent are reduced copies and therefore may not be to scale and may be difficult to read. In the event that compliance and/or enforcement action is to be based on compliance with the attached plans, it is important that the original plans, are sighted and used. Originals of the plans referred to are available for viewing at the council's Whangārei office.*

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



NORTHLAND REGIONAL COUNCIL
 REF: 043337
 Plan Number **5260/2**

Rev	Date	Description	By	Checked
1	28/08/2021	Initial Issue	JT	JC

DWG EROSION AND SEDIMENT CONTROL PLAN
 A3 SCALE 1:2000
 Date 28/08/2021
 Drawn JT Checked JC Approved
 File: C:\Users\jtc\OneDrive\Documents\Projects\5260\5260_01_01_2021\5260_01_01_2021.dwg

HIGH WORKMAN
 Civil & Structural Engineers
 10 Railway Street, Auckland 1010
 Phone: 09 467 8070
 Fax: 09 467 8078
 Email: info@highworkman.co.nz
 Website: www.highworkman.co.nz

Project: BERRY FARM
 422 STANNERS ROAD, KERIKERI
 Client: LANDCORP FARMING LTD
 Project No. 23 144
 RC no.

Stage
 Draw No: ESP01
 Sheet No: 1 of 1

Application Number: APP.045337.01.01

Application Type: Non-notified New

Applicant Name: Landcorp Farming Limited

Note: *In this decision document, “application”, “activity” and “consent” refer to all activities that are part of the consent application.*

REASONS FOR THE DECISION

This consent is granted pursuant to Section 104A of the Resource Management Act 1991 (the Act). In reaching this decision, the council has considered the matters outlined in Part 2 and Section 104 of the Act. It has been determined that:

- (1) The adverse effects of the proposed activity on the environment will be no more than minor.
- (2) The proposed activity is consistent with the relevant statutory planning documents and regulations.
- (3) The granting of this resource consent achieves the purposes of the Act.

Summary of Activity

This application is for resource consent for earthworks and associated diversion and discharge of stormwater during earthworks on a property (Lot 2 DP 209464) at 422 Stanners Road, Kerikeri.

The earthworks are required to create two gently sloping 3 hectare platforms and associated access tracks that will be used as a berry farm. The proposal will require a total of 67,879 cubic metres (m³) of earthworks across the site with 20,645 m³ of cut, 18,5881 m³ of fill and 14,318 m³ of topsoil strip. Stripped topsoil will be replaced on the platforms onsite following the completion of earthworks. Earthworks are expected to be completed in the 2023/2024 earthworks season.

Regional Plan Rule(s) Affected

Earthworks and associated diversion and discharge of stormwater during works are deemed to be controlled activities in accordance with Section Rule C.8.3.2 of the Proposed Regional Plan for Northland (PRP).

The matters subject to the council’s control are:

- 1 The design and adequacy of erosion and sediment control measures with reference to good management practice guidelines, equivalent to those set out in the Erosion and Sediment Control Guidelines for Land Disturbing Activities in the Auckland Region 2016 (Auckland Council Guideline Document GD2016/005).
- 2 The location, extent, timing, and duration of earthworks.
- 3 The adequacy of site rehabilitation and revegetation measures to control erosion and sediment discharges.

- 4 Adverse effects on water bodies and coastal water.
- 5 Management of flooding effects and avoiding increased natural hazard risks on other property.
- 6 Adverse effects on regionally significant infrastructure.
- 7 Adverse effects on the following, where present in adjacent fresh waterbodies or the coastal marine area:
 - (a) wāhi tapu, and
 - (b) the identified values of mapped Sites and Areas of Significance to tāngata whenua.

Actual and Potential Effects (Section 104(1)(a) of the Act)

The adverse effects on the environment of this activity have been determined to be no more than minor for the following reasons:

The closest water course to the area of the proposed works is a tributary of the Tahoranui River. Effects on downstream water quality arising from stormwater discharges will be minimised by timing of works during the drier part of the year and installation of appropriate sediment control measures in accordance with the principles and practices set out in the Auckland Council technical publication “2016/005: *Erosion and Sediment Control Guide for Land Disturbing Activities in the Auckland Region*” (GD05).

Proposed erosion and sediment control measures were detailed in the Haigh Workman Earthworks Management Plan for the Proposed development included with the application documentation. Sediment control measures include the installation of dirty water diversion bunds, clean water diversion channels and sediment retention ponds. These measures will minimise sediment loss from the site during works. The applicant will be required to provide a comprehensive erosion and sediment control plan (ESCP) prior to commencing works. Following completion of the earthworks all areas of bare land will be top soiled and revegetated to stabilise open areas.

Windy and dry weather conditions have the potential to create dust nuisance beyond the property boundary. Wetting bare areas during works when required and stabilising open areas with mulch and replanting bare areas following works will assist to minimise the risk of wind erosion and dust nuisance.

Cultural Effects

The application has been circulated to tāngata whenua who have registered with council as having an interest in resource consent applications within the area of the activity. No response has been received by council from tāngata whenua.

Relevant Statutory Provisions (Section 104(1)(b) of the Act)

The council has determined that the granting of this resource consent is consistent with the objectives and policies contained in Sections D.1, D.2, D.4 and F of the PRP.

The proposed activity contravenes Section 15 of the Act, and therefore the council has also had regard to the matters outlined in Section 105 of the Act. The council is satisfied that the activity will not give rise to the effects outlined in Section 107 of the Act after reasonable mixing.

Te Rūnanga o Ngāti Rēhia and Te Rūnanga o Whaingaroa each have an iwi/hapū environmental management plan relevant to the location of this activity. These plans have been taken into account during the processing of the application and the granting of this consent is not considered to be contrary to the objectives and policies contained within Section 11 (Wai – Water) of Ngāti Rēhia Environmental Management Plan 2007 and The Land, Hill and Mountain Environments section of the Te Rūnanga o Whaingaroa Te Ūkaipō Iwi Environmental Management Plan 2022 – 2027.

Duration of the Consent

No duration of consent was requested by the applicant. A period of five years has been determined to be appropriate in the circumstances of the proposal. In determining duration, regard has also been had to Policy D.2.14 of the PRP.

**Name and Signature of
Authorised Person:**

A handwritten signature in blue ink, appearing to read 'Paul Maxwell', is written over a horizontal dotted line.

Paul Maxwell
Coastal and Works Consents Manager

3 October 2023