

**BEFORE THE HEARINGS PANEL OF COMMISSIONERS
FOR THE FAR NORTH DISTRICT COUNCIL**

IN THE MATTER	of the Proposed District Plan
AND	
IN THE MATTER	of submissions and further submissions under clauses 6 and 8 of Schedule 1 of the Resource Management Act 1991
SUBMITTER	Neil Construction Limited (Submitter no. 349; Further Submitter no. 445)
HEARING	15C: Rezoning General

STATEMENT OF EVIDENCE OF GEOFFREY JAMES RIGG

DATED 9 JUNE 2025

Solicitors Acting:

TOANLAW

Solicitor Acting: Vicki Toan
PO Box 42048, Ōrākei, Auckland 1745
T: + 64 21 537 547
E: vicki@toanlaw.com

STATEMENT OF EVIDENCE OF GEOFFREY JAMES RIGG

Introduction

- 1 My name is Geoffrey James Rigg. I am the Commercial Manager and a Development Manager for The Neil Group Limited and its wholly owned subsidiary, Neil Construction Limited.
- 2 I am qualified as a Quantity Surveyor, and I hold both a NZCQS and a Dip QS from Unitec Institute of Technology. I am a member of the New Zealand Institute of Quantity Surveyors.
- 3 I have 35 years' experience in construction and land development. I have worked for The Neil Group Limited for 29 years in various roles, including as Commercial Manager and Development Manager for the last 11 years
- 4 Neil Construction Limited is a major land development company having been in business for close to 70 years, operating throughout New Zealand.
- 5 Neil Construction has made both a submission and further submissions on the Proposed District Plan.¹ I am giving this evidence as the submitter's representative and as the Development Manager responsible for our Rangitane River Park project for which I have detailed knowledge.

Rangitane River Park

- 6 Our submission relates to Rangitane River Park, an area formerly known as "Tubbs Farm" comprising more than 124 hectares located north of Kerikeri Town Centre. Rangitane River Park comprises:
 - (a) 33 lots at Blue Penguin Drive known as Rangitane River Park Stage 1
 - (b) 22 lots at Fantail Rise, Fernbird Grove and Spoonbill Drive known as Rangitane River Park Stage 2; and
 - (c) Lot 1001 532487 at Kapiro Road for which subdivision consent for 115 lots has been granted known as Rangitane River Park Stages 3-6.

¹ Submitter no. 349; further submitter no. 445

- 7 Neil Construction settled its purchased of Rangitane River Park in 2008, more than 17 years ago. At the time of purchase, the property was used as a dairy farm with a share milking agreement in place. At the time, the farm was performing poorly and would have required considerable capital invested to bring it up to modern standards.
- 8 In 2008, the property was zoned Coastal Living under the Partly Operative Far North District Plan. The property's zoning and location (only a few minutes' drive from Kerikeri Town Centre) gave us confidence that the land would be suitable for residential development. We accordingly applied for resource consent under the management plan provisions of the then Partly Operative Far North District Plan. Resource consent was granted in June 2009 authorising 179 residential lots with an average lot size of 5,001 m² and with balance lots of more than 20 hectares held for further future development. An appeal to the Environment Court on reverse sensitivity conditions relating to the former Stirlings Quarry (now disestablished) was settled by consent order in June 2010.
- 9 One of the knock-on effects of the Global Financial Crisis in 2008 was that property prices fell for a number of years, which made the viability of the management plan consent marginal, because even though the consent was valid for 10 years, it required the consent holder to supply reticulated water supply (which subsequently was not available) and a wastewater disposal system to serve the entire development. We, therefore, made the decision to proceed with a different, staged form of development.
- 10 In 2013, we applied for resource consent for Rangitane River Park Stage 1. Stage 1 involved the construction of Blue Penguin Drive and the intersection into the property with Kapiro Road via a new roundabout. In Stage 1, we allowed for larger lots at the coastal or eastern end of the property which tied in with the landscaping and visual impact requirements from the management plan consent.
- 11 Stage 1 yielded 33 lots at eastern end of the property which averaged 1.1 ha. Several of the lots had steep banks to them which we landscaped with native

planting ahead of marketing, to minimise the work required for future owners in trying to maintain these areas.

- 12 In 2017, we applied for resource consent for Rangitane River Park Stage 2, which involved the construction of Fernbird Grove and a further 22 lots. These lots have an average lot area of 8,852 m².
- 13 In 2020, we applied for resource consent for Stages 3-6 on the balance of Rangitane River Park. The proposal was initially declined by the Far North District Council but subsequently approved by the Environment Court on appeal, subject to some minor modifications.
- 14 Neil Construction now holds both land use and subdivision resource consent for 115 lots, four reserve lots to vest, one local purpose reserve lot to vest, six road lots to vest, and 11 jointly owned access lots. The minimum residential lot size within the subdivision is 3,000m² and an average size of 3,789m².
- 15 The approved subdivision consent plans for the remainder of Stages 3-6 of Rangitane River Park are attached as Appendix A.
- 16 Those consents are for a comprehensive development of our remaining land holdings including the vesting of significant reserve amenity areas, providing river access to the public and protecting both native fauna and flora through substantial on-site initiatives and protective covenants.
- 17 We are now giving effect to those consents with bulk earthworks having already been substantially completed and a civil engineering contract about to be let for the construction of roading and services for stages 3 and 6 as well as the extensive planting and revegetation of the large reserve areas.
- 18 I have attached copies of the Environment Court's decisions attached as Appendix B:
 - (a) *Neil Construction Limited v Far North District Council* [2024] NZEnvC 142 dated 21 June 2024 (Interim Decision)
 - (b) *Neil Construction Limited v Far North District Council* [2024] NZEnvC 159 dated 4 July 2024 (Correction)

- (c) *Neil Construction Limited v Far North District Council* [2024] NZEnvC 278 dated 7 November 2024 (Partial Commencement Order)
- (d) *Neil Construction Limited v Far North District Council* [2025] NZEnvC 145 dated 6 May 2025 (Interim Decision 2); and
- (e) *Neil Construction Limited v Far North District Council* [2025] NZEnvC 156 dated 16 May 2025 (Final Decision).²



Figure 1: Aerial photo (May 2025) showing earthworks substantially complete.

Submission

- 19 Our submission relates to an area of approximately 156 ha between the Rangitane River, the Kerikeri Inlet, Redcliffs Road, and Kapiro Road, in Kerikeri (**Submission Land**). The Kerikeri township lies approximately 4 km to the south of the Submission Land. The Submission Land comprises:
- (a) Approximately 68.2490 hectares owned by NCL (**Our Land**)
 - (b) Existing residential development at Blue Penguin Drive and Fernbird Grove, developed by NCL, and comprising approximately 58.0518 ha; and

² Final decision attached excluding plans, plans available on request.

- (c) Existing residential development at Kingfisher Drive comprising approximately 20 ha.

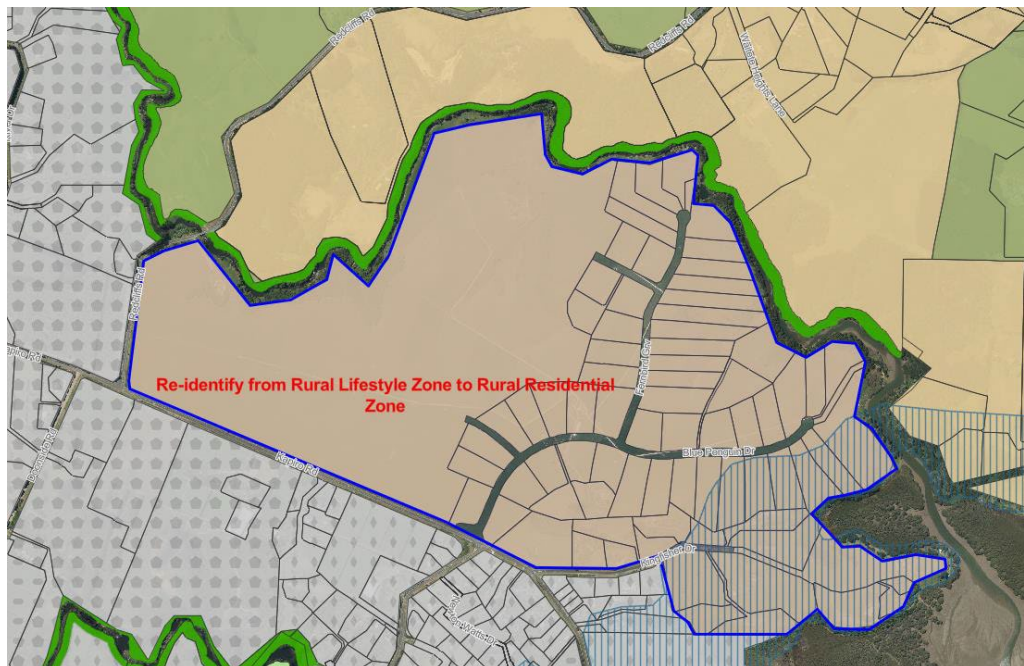


Figure 2: Area sought to be reidentified as Rural Residential Zone (blue outline)



Figure 3: Our current land holding (black & white outline)

- 20 We oppose the proposed rezoning of the Submission Land to the Rural Lifestyle Zone under the Proposed District Plan and seek instead that the land

be zoned Rural Residential Zone as a far more appropriate zoning. This evidence sets out the reasons for that position.

- 21 The Rural Residential Zone is the only current zoning that accurately reflects the nature, intent, current development, and consented form of development already enabled on Our Land and the wider Submission Land. Our Land will be subdivided into large residential lifestyle lots centred around single dwellings, in full accordance with the Environment Court's decision. The zoning applied must therefore align with the actual and intended land use outcomes.
- 22 The Rural Lifestyle Zone however would enable activities and development that are **incompatible** with the character and expectations of the consented development. The land is not rural in nature—it is residential in purpose and function, albeit with large lot sizes. Applying the Rural Lifestyle Zone risks creating land use conflicts that are not present today and undermines the residential lifestyle environment already established.
- 23 The development standards under the proposed Rural Lifestyle Zone do not correspond with the layout, density, or built environment currently under construction or indeed already enabled and lawfully developed in Stages 1 and 2 of our development or the wider Submission Land.
- 24 Applying a Rural Lifestyle Zone would create confusion and conflict between district plan provisions and the already-consented subdivision framework.
- 25 Applying the Rural Lifestyle Zone would also create unnecessary administrative complexity for both Far North District Council and lot owners. It would lead to a proliferation of resource consent requirements for activities that are already enabled by the existing subdivision resource consents. This would impose an unjustified burden on purchasers and Council alike and create uncertainty around what is or what is not permitted on each lot.
- 26 In my experience, it is highly unusual for a Council to propose a rezoning that reduces development potential that already exists under the current zoning

and where development consents have already been granted. This usually only occurs where a natural hazard has subsequently been identified, and this is not the case for our land.

- 27 Rezoning to a less intensive zone as proposed is counterintuitive and inconsistent with the consented development form. Applying a zone that does not reflect the lawful use of the land misleads purchasers and erodes confidence in the integrity of the planning process.
- 28 The only rationale that I can think of for down zoning the land to a Rural Lifestyle Zone would be for some sort of visual amenity benefit, but this specific issue was covered extensively by the Environment Court in granting our existing resource consents.
- 29 Had our recent resource consents been granted outside of the District Plan review process then I would have thought that far from down zoning the Submission Land (and in particular Our Land), Council would have been looking to retrospectively up zone the land to Rural Residential as a consequential amendment to the District Plan.
- 30 The current zoning of Coastal Living Zone already assumes that a higher level of residential development will take place than is proposed under the Rural Lifestyle Zone.
- 31 The Environment Court found that the Coastal Living Zone was no longer suitable for Our Land as it had no association with the coast and goes directly to the Court's decision to grant a land use consent for higher density of development that is more aligned with the current Rural Living Zone and the proposed Rural Residential Zone.
- 32 It is our submission therefore that our land should be rezoned through this District Plan review process to a zone which best reflects the land use activity.
- 33 That zoning is best achieved through the application of the proposed new Rural Residential Zone to our land which is best aligned to our consent and

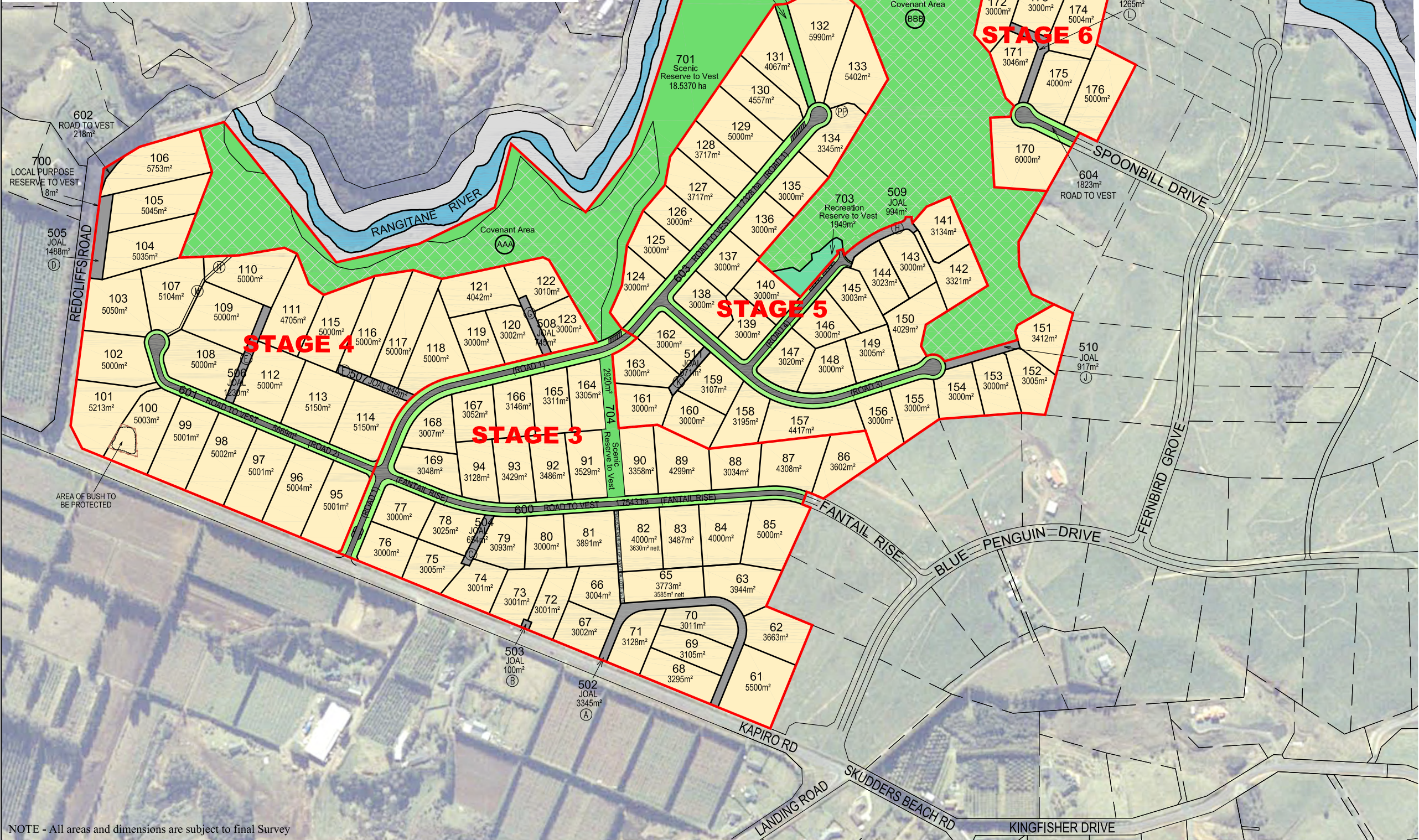
more accurately mirrors the land use which will occur and has occurred in the wider submission land area.

- 34 Applying the Rural Residential Zone would result in a coherent, logical zoning pattern that is aligned with the environment as it exists today and as intended under our current resource consents. This ensures planning consistency and reduces the likelihood of fragmented or ad hoc zoning outcomes in future.
- 35 The Submission Land is well-contained, with natural and definable boundaries that make it highly suitable for stand-alone zoning as a Rural Residential enclave. It is already contiguous with land that is zoned Rural Living and proposed to be zoned Rural Residential along Kapiro Road.
- 36 Applying a Rural Residential Zone would not result in zoning creep or pressure for further rezoning in the wider area.
- 37 Prospective purchasers have legitimate expectations that the planning framework will align with the approved development. Applying the Rural Residential Zone delivers that alignment.
- 38 As the landowner, I respectfully request that Our Land and the wider Submission Land be rezoned to a Rural Residential Zone in the Proposed District Plan. This is necessary to ensure that the planning framework reflects the lawful development that has occurred, provides certainty to landowners and purchasers, and upholds sound planning principles.

Geoffrey James Rigg
9 June 2025

APPENDIX A

Schedule of Areas			
Lot Description	Lot No's	No.of Lots	Area
Minimum 3000m² Residential Lots	62,63 & 65-84,86-111,119-128,130,131,134-169,171-173,175	84	27.6350 ha
Minimum 5000m² Residential Lots	61,85,95-110,112-118,129,132,133,170,174,176	31	15.9408 ha
JOAL's	502-512	11	1.2358 ha
Roads to Vest	600-604	5	4.2581 ha
Local Purpose Reserve (spite strip)	700	1	0.0008 ha
Scenic Reserves	701, 702 & 704	3	18.9836 ha
Recreation Reserve	703	1	0.1949 ha
Total Area = RT			68.2490 ha



Covenants

Planting Covenant Areas, P-Z & AA-EG are shown on the enlarged stage plans.

Ecological Covenant Areas are shown as areas AAA, BBB & CCC = 14.8130 ha

Stage Details			
Stage	Minimum 3000m²	Minimum 5000m²	Total
3	37	2	39
4	6	23	29
5	37	3	40
6	4	3	7
Total	84	31	115

20.00m Road Reserve		
Berm Services	6.50m Carriageway	Berm Services
6.75m		6.75m


18.00m Road Reserve		
Berm Services	6.50m Carriageway	Berm Services
5.75m		5.75m

16.00m Road Reserve		
Berm Services	6.50m Carriageway	Berm Services
4.75m		4.75m

10.0m JOAL		
Berm Services	6.00m Carriageway	Berm Services
2.00m		2.00m

NOTE - All areas and dimensions are subject to final Survey

Rev	Description	By	Date



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AUCKLAND, NEW ZEALAND
TELEPHONE: +64 9 918 6565
FACSIMILE: +64 9 918 6567
WEB: www.neilgroup.co.nz

Job Title

RANGITANE RIVER PARK

KERIKERI

SCHEME PLAN

Drawing Title

STAGES 3-6

PROPOSED SUBDIVISION OF

LOT 1001 DP 532487

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Schedule of Areas			
Lot Description	Lot No's	Number of Lots	Area
Minimum 3000m ² Residential Lots	62, 63, 65-84, 86-94 & 164-169	37	12.3467 ha
Minimum 5000m ² Residential Lots	61 & 85	2	1.0500 ha
Roads to Vest	600	1	1.7543 ha
Local Purpose Reserve (spite strip)	-	-	-
Scenic Reserves	701 & 704	2	18.8278 ha
Recreation Reserve	703	1	0.1949 ha
JOAL's	502-504	3	0.4099 ha
Stage 4 - Balance Lot	1004	1	14.7590 ha
Stage 5 - Balance Lot	1005	1	15.6926 ha
Stage 6 - Balance Lot	1006	1	3.2138 ha
Total Area			68.2490 ha



NOTE - All areas and dimensions are subject to final Survey

Covenants
Planting Covenant Areas, P-Z & AA-EG
(see sheet 2)

Ecological Covenant Areas are shown
as areas AAA, BBB & CCC.

20.00m Road Reserve		
Berm Services	6.50m Carriageway	Berm Services
6.75m		6.75m

18.00m Road Reserve		
Berm Services	6.50m Carriageway	Berm Services
5.75m		5.75m

16.00m Road Reserve		
Berm Services	6.50m Carriageway	Berm Services
4.75m		4.75m

10.0m JOAL		
Berm Services	6.00m Carriageway	Berm Services
2.00m		2.00m

Amalgamation Conditions	
Lot 502 hereon - 1/10 shares to Lots 61-63 & 65-71	
Lot 503 hereon - 1/2 shares to Lots 72 & 73	
Lot 504 hereon - 1/2 shares to Lots 74 & 75	

Stage Details			
Stage	Minimum 3000m ²	Minimum 5000m ²	Total
3	37	2	39

Memorandum of Easements in Gross			
Shown	Purpose	Servient Tenement Burdened Land	Grantee
(A)	Right to drain water	Lot 502 hereon	Far North District Council
(B)		Lot 503 hereon	
(C)		Lot 504 hereon	

Memorandum of Easements			
Shown	Purpose	Servient Tenement Burdened Land	Dominant Tenement Benefited Land
(A)	Right of way	Lot 502 hereon	Lots 61-71
(B)	Right to convey power & telecommunications	Lot 503 hereon	Lots 72 & 73 hereon
(C)		Lot 504 hereon	Lots 74 & 75 hereon
(BA)	Right of way (Pedestrian only)	Lot 65 hereon	Lots 61-63 & 66-71 hereon
(BB)		Lot 82 hereon	Lots 61-63 & 65-71 hereon

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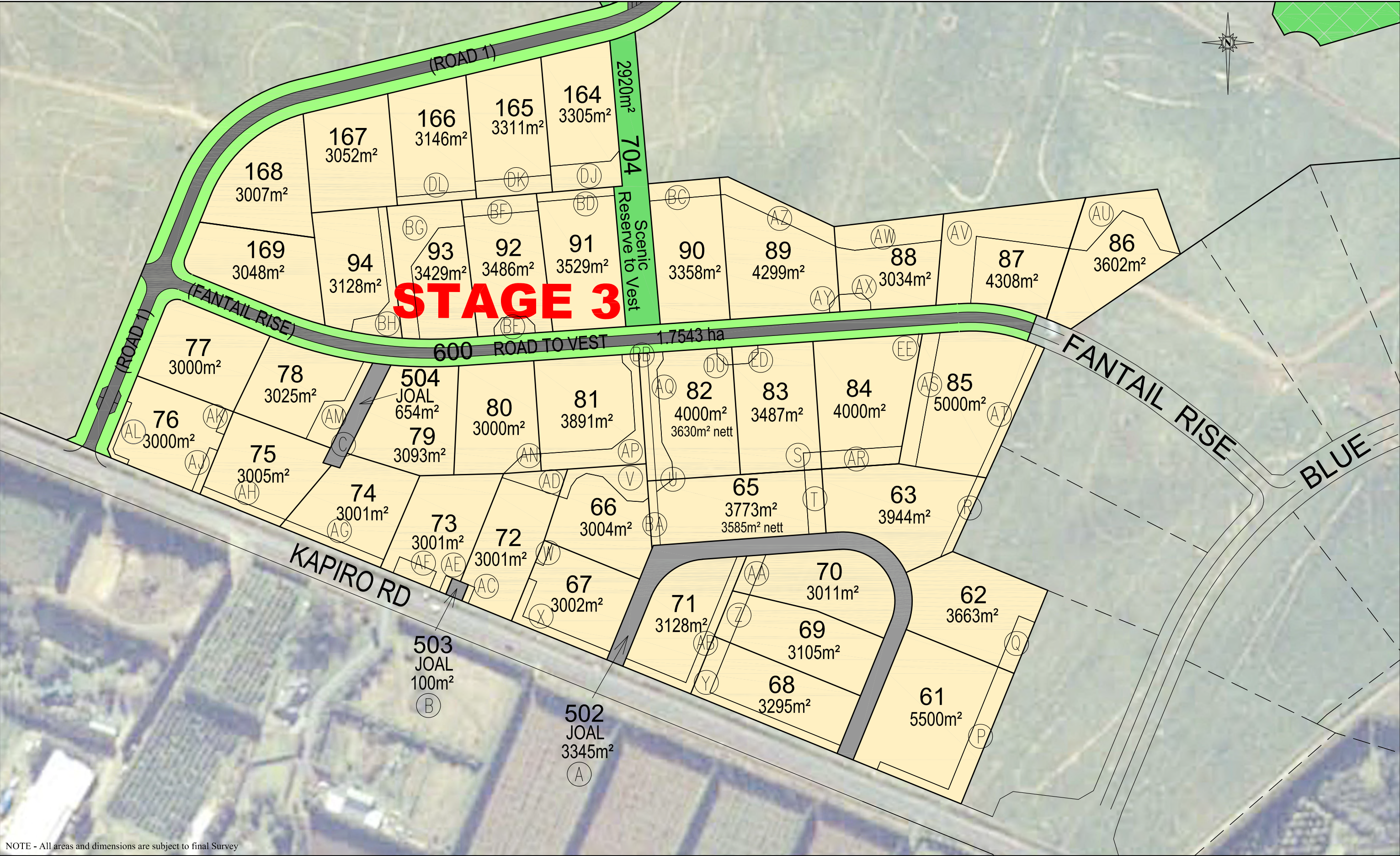
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TELEPHONE: +64 9 918 6565
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Schedule of Areas			
Lot Description	Lot No's	Number of Lots	Area
Minimum 3000m ² Residential Lots	111 & 119-123	6	2.0759 ha
Minimum 5000m ² Residential Lots	95-110 & 112-118	23	11.6519 ha
Roads to Vest	601 & 602	2	0.5887 ha
Local Purpose Reserve (spite strip)	700	1	0.0008 ha
JOAL's	505-508	4	0.4417 ha
		Total Area	14.7590 ha



Planting Covenants
Planting Covenant Areas, P-Z & AA-EG are shown on the enlarged stage plans.

20.00m Road Reserve		
Berm Services	6.50m Carriageway	Berm Services
6.75m		6.75m

18.00m Road Reserve		
Berm Services	6.50m Carriageway	Berm Services
5.75m		5.75m

16.00m Road Reserve		
Berm Services	6.50m Carriageway	Berm Services
4.75m		4.75m

10.0m JOAL		
Berm Services	6.00m Carriageway	Berm Services
2.00m		2.00m

Amalgamation Conditions	
Lot 505 hereon	- 1/3 shares to Lots 104-106
Lot 506 hereon	- 1/3 shares to Lots 109-111
Lot 507 hereon	- 1/4 shares to Lots 113 & 115-117
Lot 508 hereon	- 1/2 shares to Lots 121 & 122

Stage Details			
Stage	Minimum 3000m ²	Minimum 5000m ²	Total
4	6	23	29

Memorandum of Easements in Gross			
Shown	Purpose	Servient Tenement Burdened Land	Grantee
(D)	Right to drain water	Lot 505 hereon	Far North District Council
(E)		Lot 506 hereon	
(F)		Lot 507 hereon	
(G)		Lot 508 hereon	
(M)		Lot 107 hereon	
(N)		Lot 110 hereon	

Memorandum of Easements			
Shown	Purpose	Servient Tenement Burdened Land	Dominant Tenement Benefited Land
(D)	Right of way Right to convey power & telecommunications	Lot 505 hereon	Lots 104-106 hereon
(E)		Lot 506 hereon	Lots 109-111 hereon
(F)		Lot 507 hereon	Lots 113&115-117 hereon
(G)		Lot 508 hereon	Lots 121&122 hereon

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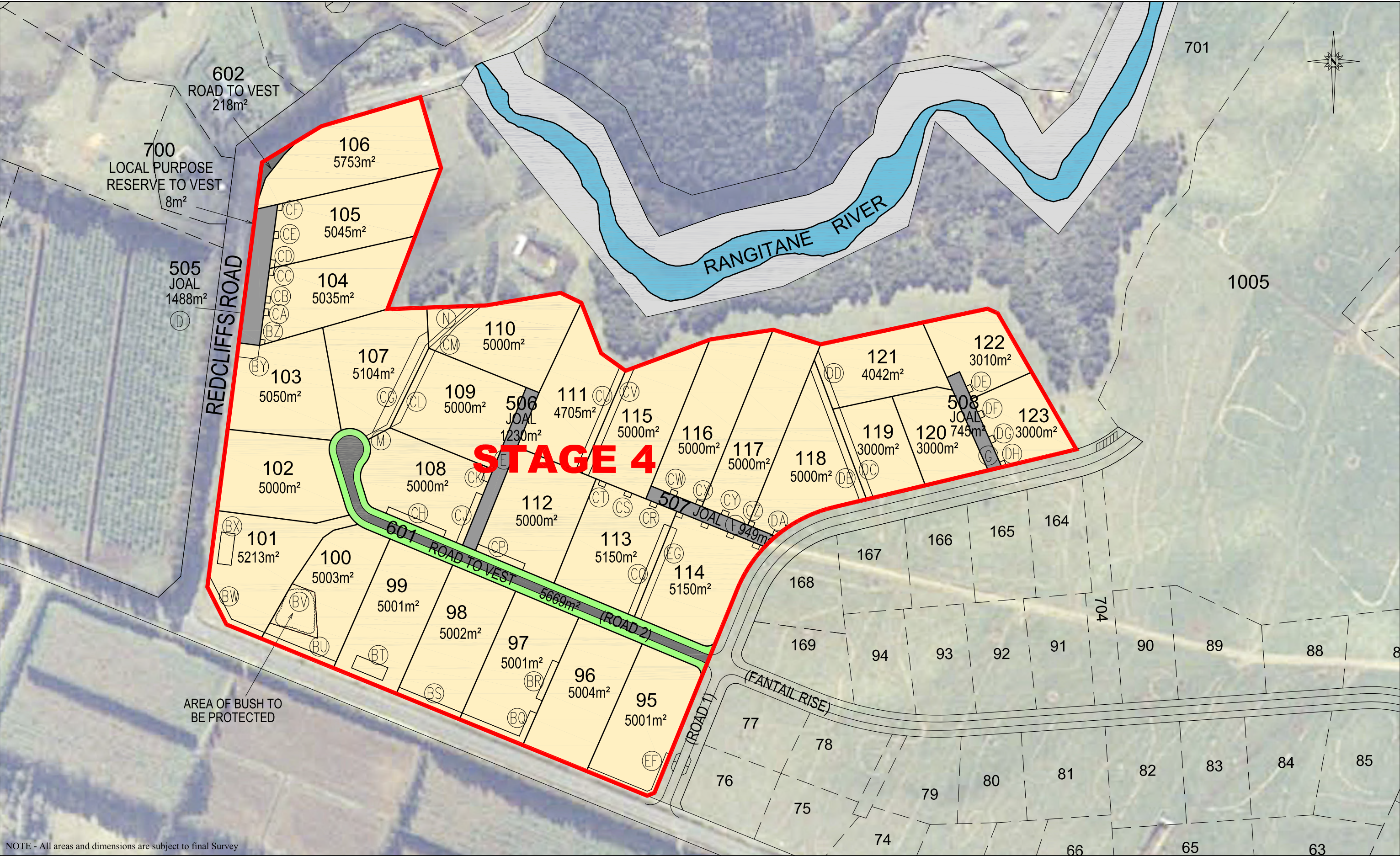
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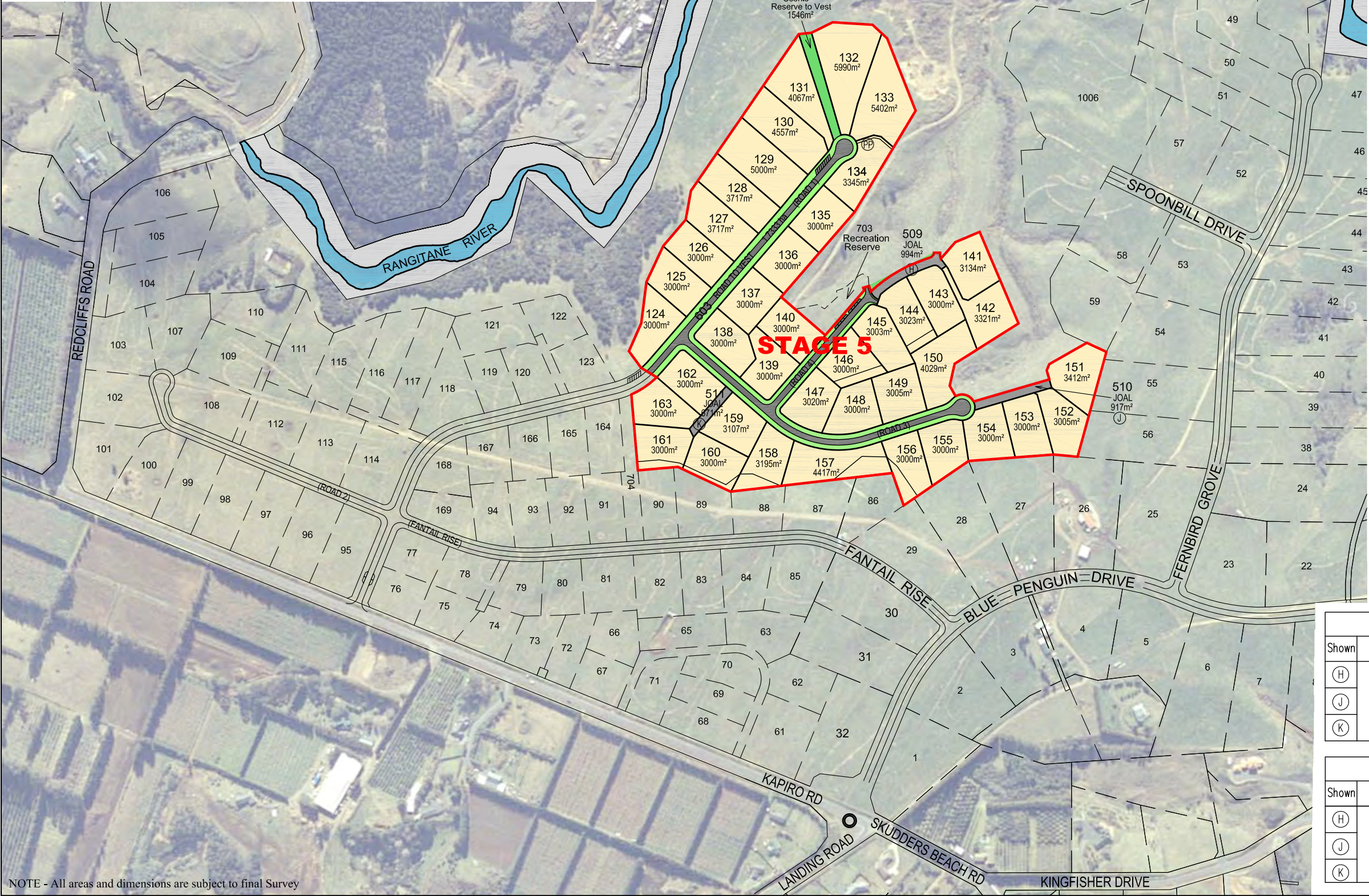
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Schedule of Areas			
Lot Description	Lot No's	Number of Lots	Area
Minimum 3000m ² Residential Lots	124-128,131 & 134-163	37	11.9073 ha
Minimum 5000m ² Residential Lots	129,130,132 & 133	3	1.6392 ha
Road to Vest	603	1	1.7333 ha
Scenic Reserve	702	1	0.1546 ha
JOAL's	509-511	3	0.2582 ha
		Total Area	15.6926 ha



Planting Covenants

Planting Covenant Areas, P-Z & AA-EG are shown on the enlarged stage plans.

20.00m Road Reserve		
Berm Services	6.50m Carriageway	Berm Services
6.75m		6.75m

18.00m Road Reserve		
Berm Services	6.50m Carriageway	Berm Services
5.75m		5.75m

16.00m Road Reserve		
Berm Services	6.50m Carriageway	Berm Services
4.75m		4.75m

Amalgamation Conditions

Lot 509 hereon - 1/4 shares to Lots 141-144
Lot 510 hereon - 1/4 shares to Lots 151-154
Lot 511 hereon - 1/3 shares to Lots 160,161 & 163

Stage Details

Stage	Minimum 3000m ²	Minimum 5000m ²	Total
5	37	3	40

Memorandum of Easements in Gross

Shown	Purpose	Servient Tenement Burdened Land	Grantee
(PP)	Right to drain water	Lot 134 hereon	Far North District Council


Memorandum of Easements in Gross

Shown	Purpose	Servient Tenement Burdened Land	Grantee
(H)	Right to drain water	Lot 509 hereon	Far North District Council
(J)		Lot 510 hereon	
(K)		Lot 511 hereon	

Memorandum of Easements

Shown	Purpose	Servient Tenement Burdened Land	Dominant Tenement Benefited Land
(H)	Right of way Right to convey power & telecommunications	Lot 509 hereon	Lots 141-144 hereon
(J)		Lot 510 hereon	Lots 151-154 hereon
(K)		Lot 511 hereon	Lots 160,161 & 163 hereon

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TELEPHONE: +64 9 918 6565
FACSIMILE: +64 9 918 6567
WEB: www.neilgroup.co.nz

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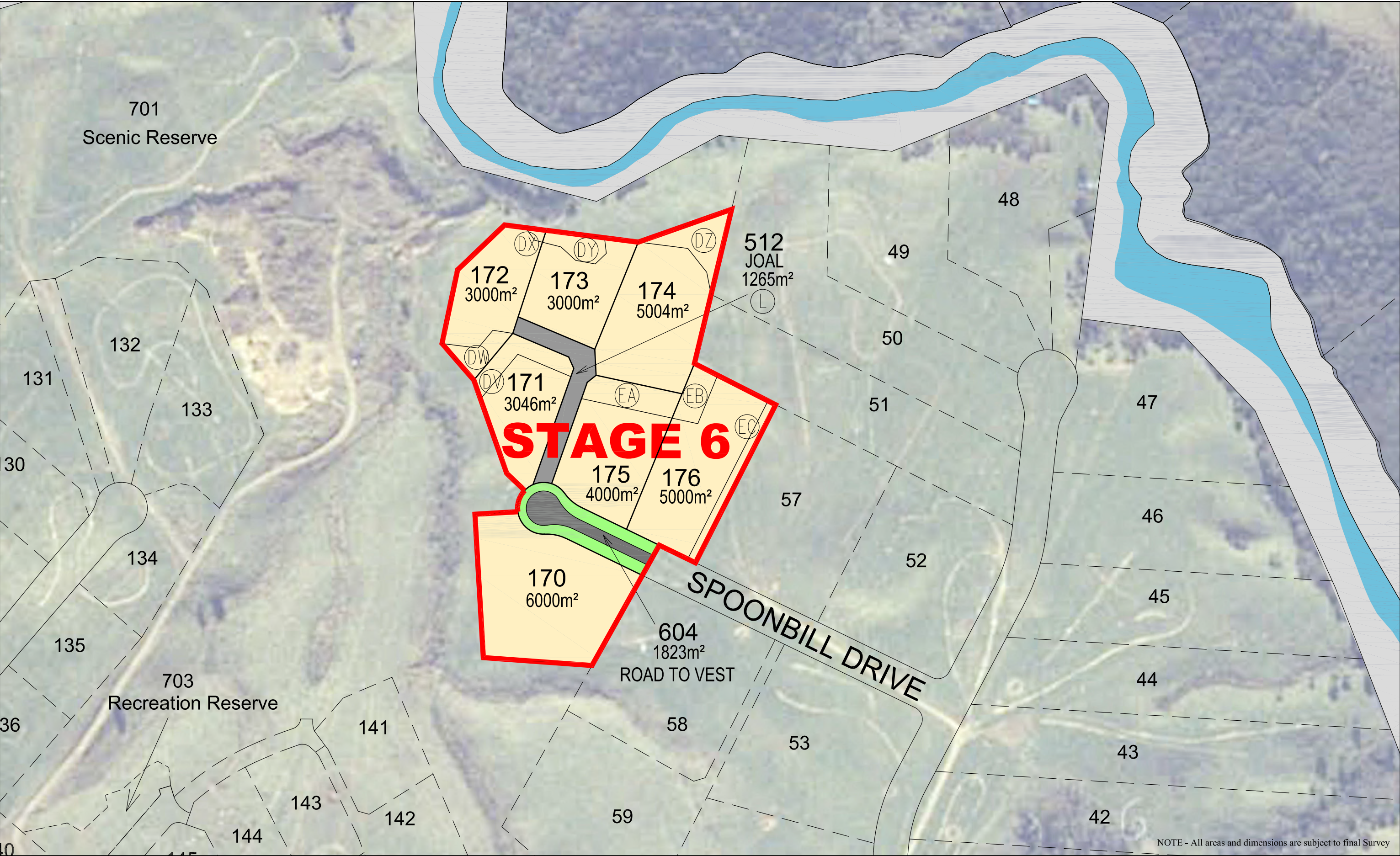
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FACSIMILE: +64 9 918 6567
WEB: www.neilgroup.co.nz

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STAGE 6 PROPOSED SUBDIVISION OF LOT 1006 DP XXXXXX

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APPENDIX B

IN THE ENVIRONMENT COURT AT AUCKLAND

I TE KŌTI TAIAO O AOTEAROA KI TAMAKI MAKAU

Decision [2024] NZEnvC 142

IN THE MATTER OF

an appeal under s 120 of the Resource
Management Act 1991

BETWEEN

NEIL CONSTRUCTION LIMITED

(ENV-2022-AKL-165)

Appellant

AND

FAR NORTH DISTRICT COUNCIL

Respondent

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

Hearing: 11 – 15 March 2023

Last case event: 15 March 2023

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

Date of Decision: 21 June 2024

Date of Issue: 21 June 2024

DECISION OF THE ENVIRONMENT COURT

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



B: The Court directs:

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

REASONS

Introduction

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

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

The Commissioners' decision

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

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

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

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

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

Changes to the proposal

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

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

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

The core issue

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

The existing site

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

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

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

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

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

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

The surrounding area

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

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

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

Site such as Rangitane Loop Road.

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

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

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

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

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

The Subject Site

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

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

The subdivision proposal

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

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

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

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

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

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

vicinity of the former gun club;

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

[31] Ecological enhancements include:

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

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

[33] It is intended that planting would include:

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

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

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

[36] Key features of the proposed conditions are:

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

to address potential landscape and visual and ecological effects.

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

Change in density

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

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

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

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

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

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

Status of the application

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

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

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

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

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

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

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

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

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

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

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

relationship to ecological values.

Coastal environment

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

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

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

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

Cultural concerns of Ngāti Rēhia

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

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

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

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

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

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

E tu ake ra a Rangitane te Kaitiaki i a Kororipo

Ka huri taku titiro ki te hau tonga,

ko maunga Pokaaka tera

Ki te awa o Waitangi e haruru mai ra

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

Past Rangitane the guardian of Kororipo Pā

I gaze southwards

Toward Mount Pokākā

And onwards to the Waitangi River

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

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

Cultural Impact Assessment development

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

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

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

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

Timelines for the CIA

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

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

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

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

Applicant Response

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

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

³ Rogers, EIC, at [9.9].

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

Engagement with Ngāti Rēhia

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

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

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

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

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

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

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

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

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

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

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

Ecology

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

Existing vegetation and ecological values

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

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

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

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

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

Fauna values

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

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

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

Northland brown kiwi

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

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

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

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

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

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

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

Summary comments - kiwi

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

⁷ Five or more calls per hour.

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

Lizards

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

Bats

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

Ecological effects of the proposal

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

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

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

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

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

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

⁸ Cockrem, at [33].

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

Pest management

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

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

Summary as to ecological matters

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

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

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

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

Fencing

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

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

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

Natural character

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

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

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

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

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

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

⁹ Goodwin, EIC, at [16].

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

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

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

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

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

provide separation between dwellings.

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

Layout of lots – landscape effects

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

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

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

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

Landscape and natural character values – Ngāti Rēhia

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

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

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

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

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

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

Assessment

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

proposed to be enhanced through restoration and mitigation planting.

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

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

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

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

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

was adequately protected.

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

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

Productive soils

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

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

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

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

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

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

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

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

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

Soil Assessment

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

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

use (small orchard areas) or home gardens.

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

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

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

National documents

NZCPS

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

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

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

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

NPS-IB

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

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

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

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

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

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

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

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

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

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

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

Stock Exclusion Regulations

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

NESCS Contaminated Soil

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

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

National Policy Statement Highly Productive Land (NPS-HPL)

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

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

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

NPS-UD

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

Regional Policy Statement for Northland (RPSN)

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

¹⁰ NPS-HPL, 3.5(7).

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

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

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

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

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

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

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

District Plan provisions

[165] The relevant District Plan is the OFNDP.

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

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

[167] Statements of Principle 1.2.8 also notes:

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

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

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

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

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

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

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

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

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

- (a) clustering and grouping development within areas where there is the least impact on natural character and its elements such as indigenous vegetation, land forms, rivers, streams and wetlands, and coherent natural patterns;
- (b) minimising the visual impact of buildings, development and associated vegetation clearance and earthworks, particularly as seen from public land and the coastal marine area;
- (c) providing for, through siting of buildings and development and design of subdivisions, legal public right of access to and use of the foreshore and any esplanade areas;
- (d) through siting of buildings and development, design of subdivisions, and provisions of access that recognise and provide for the relationship of Maori with their culture, traditions and taonga including concepts of mauri, tapu, mana, wehi and karakia and the important contribution Maori culture makes to the character of the District [reference to the other chapters of the plan];
- (e) providing planting indigenous vegetation in a way that links existing habitats of indigenous fauna and provides the opportunity for the extension, enhancement or creation of habitats for indigenous fauna, including mechanisms to exclude pests;
- (f) protecting historic heritage through the siting of buildings and development and design of subdivisions.

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

[174] Section 10.7.5.1.2 indicates:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

...

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

...

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

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

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

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

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

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

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

...

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

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

[189] The policies include:

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

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

...

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

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

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

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

However, we see the overall direction of the current proposal as consistent with the provisions of the Plan encouraging innovative developments with superior environmental outcomes. In Policy 13.4.13:

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

- (a) clustering or grouping development within areas where there is the least impact on natural character and its elements such as indigenous vegetation, landforms, rivers, streams and wetlands, and coherent natural patterns;
- (b) minimising the visual impact of buildings, development, and associated vegetation clearance and earthworks, particularly as seen from public land and the coastal marine area;
- (c) providing for, through siting of buildings and development and design of subdivisions, legal public right of access to and use of the foreshore and any esplanade areas;
- (d) through siting of buildings and development, design of subdivisions, and provision of access that recognise and provide for the relationship of Maori with their culture, traditions and taonga including concepts of mauri, tapu, mana, wehi and karakia and the important contribution Māori culture makes to the character of the District (refer **Chapter 2** and in particular **Section 2.5** and Council's "*Tangata Whenua Values and Perspectives*" (2004));
- (e) providing planting of indigenous vegetation in a way that links existing habitats of indigenous fauna and provides the opportunity for the extension, enhancement or creation of habitats for indigenous fauna, including mechanisms to exclude pests;
- (f) protecting historic heritage through the siting of buildings and development and design of subdivisions; and
- (g) achieving hydraulic neutrality and ensuring that natural hazards will not be exacerbated or induced through the siting and design of buildings and development.

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

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

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

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

Evaluation of the planning provisions

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

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

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

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

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

population may derogate from those values.

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

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

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

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

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

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

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

Are the effects more than minor?

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

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

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

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

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

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

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

The discretionary assessment criteria in 13.10

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

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

[214] The wording of 13.10 states:

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

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

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

[217] 13.10.1 provides:

13.10.1 Allotment Sizes and Dimensions

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

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

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

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

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

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

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

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

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

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

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

...

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

...

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

...

13.10.15 Access to water bodies

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

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

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

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

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

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

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

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

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

Section 104D – Threshold Test

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

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

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

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

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

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

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

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

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

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

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

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

Coastal Living Zone Chapter

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

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

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

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

Coastal environment chapter

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

District wide subdivision chapter

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

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

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

Summary on objectives and policies of the OFNDP

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

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

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

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

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

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

Conclusions

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

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

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

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

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

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

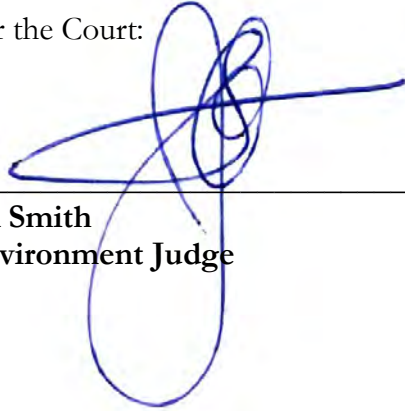
[249] We conclude that the proposal with amendments satisfies us that it meets the objectives and policies of the relevant documents, with appropriate conditions and amendments discussed in the decision. As such it will meet the purpose of the Act in providing homes in an appropriate area while minimising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

[250] We direct:

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

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

For the Court:



J A Smith
Environment Judge



K G Reid
Environment Judge



**IN THE ENVIRONMENT COURT
AT AUCKLAND**

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

Decision [2024] NZEnvC 159

IN THE MATTER OF

an appeal under s 120 of the Resource
Management Act 1991

BETWEEN

NEIL CONSTRUCTION LIMITED

(ENV-2022-AKL-165)

Appellant

AND

FAR NORTH DISTRICT COUNCIL

Respondent

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

Last case event: 21 June 2024

Date of Correction: 4 July 2024

Date of Issue: 4 July 2024

CORRECTION OF A DECISION OF THE ENVIRONMENT COURT

A: *Neil Construction Limited v Far North District Council* [2024] NZEnvC 142 is corrected to identify that the hearing occurred 11 – 15 March 2024, and the last case event was 15 March 2024.



REASONS

Introduction

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

[2] On 21 June 2024, the Court issued a decision allowing the appeal. The Court was satisfied a resource consent could be granted and will achieve the objectives and policies of the relevant documents and the purpose of the Act.

Correction required

[3] The intituling of the decision incorrectly records that the hearing occurred 11 – 15 March 2023 and the last case event was 15 March 2023. The hearing occurred 11 – 15 March 2024 and the last case event was 15 March 2024.

Legal framework

[4] In accordance with s 278 of the Resource Management Act 1991 and Rule 11.10 of the District Court Rules 2014, the Court has the power to correct errors including accidental slips or omissions.

[5] Rule 11.10 is set out as follows:

11.10 Correction of accidental slip or omission

- (1) A judgment or order may be corrected by the court or the Registrar who made it, if it–
 - (a) contains a clerical mistake or an error arising from an accidental slip or omission, whether or not made by an officer of the court; or
 - (b) is drawn up so that it does not express what was decided and intended.
- (2) The correction may be made by the court or the Registrar, as the case may be,–
 - (a) on its own or his or her own initiative; or
 - (b) on an interlocutory application.

[6] We are satisfied that making corrections is appropriate in accordance with Rule 11.10. The intituling is an inaccurate record, and a correction is necessary.

Outcome

[7] Accordingly, the decision is corrected to identify that the hearing occurred 11 – 15 March 2024, and the last case event was 15 March 2024. A corrected intituling is annexed as “A”.

For the Court:



J A Smith
Environment Judge



K G Reid
Environment Judge



“A”

**IN THE ENVIRONMENT COURT
AT AUCKLAND**

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

Decision [2024] NZEnvC 142

IN THE MATTER OF an appeal under s 120 of the Resource
Management Act 1991

BETWEEN NEIL CONSTRUCTION LIMITED
(ENV-2022-AKL-165)

Appellant

AND FAR NORTH DISTRICT COUNCIL

Respondent

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

Hearing: 11 – 15 March 2024

Last case event: 15 March 2024

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

Date of Decision: 21 June 2024

Date of Issue: 21 June 2024

DECISION OF THE ENVIRONMENT COURT

**IN THE ENVIRONMENT COURT
AT AUCKLAND**

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

Decision [2024] NZEnvC 278

IN THE MATTER OF

an appeal under s 120 of the Resource
Management Act 1991

BETWEEN

NEIL CONSTRUCTION LIMITED

(ENV-2022-AKL-165)

Appellant

AND

FAR NORTH DISTRICT COUNCIL

Respondent

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

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

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

Date of Decision: 7 November 2024

Date of Issue: 7 November 2024

DECISION OF THE ENVIRONMENT COURT

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



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

REASONS

Introduction

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

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

Conditions of consent

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

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

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

Application to commence under s 116 RMA

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

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

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

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

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

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

Section 116 RMA

[7] Section 116 of the RMA states:

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

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

commences—

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

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

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

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

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

Evaluation

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

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

⁵ EnvC Chch, C106/99, 14 June 1999.

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

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

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

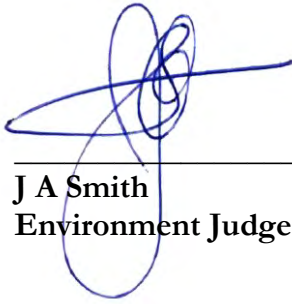
[13] Site preparation and bulk earthworks will not impinge on the resolution of this appeal, nor will it impact the outcome.

Order

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

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

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



J A Smith
Environment Judge



IN THE ENVIRONMENT COURT
AT AUCKLAND

I TE KŌTI TAIAO O AOTEAROA
KI TĀMAKI MAKĀURAU

Decision [2025] NZEnvC 145

IN THE MATTER OF

an appeal under s 120 of the Resource
Management Act 1991

BETWEEN

NEIL CONSTRUCTION LIMITED

(ENV-2022-AKL-165)

Appellant

AND

FAR NORTH DISTRICT COUNCIL

Respondent

Court: Judge J A Smith
Commissioner S Myers
Commissioner G Paine

Hearing: 14 April 2025

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

Date of Decision: 6 May 2025

Date of Issue: 6 May 2025

DECISION OF THE ENVIRONMENT COURT

A: The existing configuration for Lots 68 to 71 is not before the Court to be resolved. If it were, the Court would prefer the configuration shown in the interim decision annexed as **B** and repeated in **E**.



Neil Construction Limited v Far North District Council

- B: The Court's preferred option is **E**, but with the following comments:
- (a) Lot 61 should be slightly larger at around 5,500m², and Lot 62 smaller at around 3,600m²;
 - (b) For Lots 65, 82, 83 and 84 we adopt the lot sizes shown in **E**;
 - (c) In relation to Lots 63 and 65 we conclude these lots should be kept on the lower slopes, so they do not appear to pancake or layer with those of Lots 82 to 85; and
 - (d) Lot 85 should be increased in size to around 5,000m², and Lot 63 correspondingly decreased in size.
- C: The conditions of consent agreed between the parties and annexed as **A** are reasonable and are endorsed by the Court. This is subject to final wording amendments to incorporate this configuration decision.
- D: The appellant is to produce copies of finalised conditions and the lot plan for endorsement by the Court within 15 working days.
- E: This does not appear to be a case where costs are appropriate. However, if there are to be any applications, these are to be filed within 20 working days, reply within 15 working days, and final reply, if any, five working days thereafter.

REASONS

Introduction

[1] The Court heard the matter in March 2024, and it issued its decision on 21 June 2024.¹ This Court concluded that a resource consent could be granted for a rural

¹ *Neil Construction Limited v Far North District Council* [2024] NZEnvC 142 (**Interim Decision**). A correction issued 4 July 2024 stated that *Neil Construction Limited v Far North District Council* [2024] NZEnvC 142 was corrected to identify that the hearing occurred 11 – 15 March 2024, and the last case event was 15 March 2024 – *Neil Construction Limited v Far North District Council* [2024] NZEnvC 159.

residential subdivision and land use for post-subdivision earthworks and impervious areas at Lot 1001 Kapiro Road, Kerikeri. Directions were made regarding amending plans and conditions.

Background to further decision

[2] The parties have subsequently sought a number of adjournments to see if they could finalise the conditions and configuration issues arising from the decision.

[3] On 7 November 2024,² the Court issued a decision under s 116(1) of the Resource Management Act 1991 (**RMA**) ordering that parts of the proposal that relate to site preparation and bulk earthworks that are covered by a separate resource consent issued by the Northland Regional Council may commence from the date of the decision. This was done by consent of all parties.

[4] At that time, the issues remaining to be resolved between the parties related to:

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

Subsequent progress

[5] The parties have now reached the position that conditions are agreed, except those that relate to configuration of some Stage 3 lots in question.

[6] Attached hereto are marked **A** is a copy of the conditions consented to by all parties. The document is shown with notations indicating those areas where final wording relating to the configuration needs to be incorporated.

² *Neil Construction Limited v Far North District Council* [2024] NZEnvC 278.

[7] The matter remaining for hearing relates to the configuration of Lots 60 to 65 and 82 to 85. The other amendments relating to Lots 171 and 170 are now agreed. There also arose an issue as to whether we should consider a reconfiguration of lots 68 to 71.

The agreement reached as to conditions

[8] The conditions have addressed important matters relating to the reserve status for the riverbank, tōtara forest habitats, streams, wetlands, and quarry area. The remaining matters for discussion also involved questions relating to reserve vesting, restoration planting, the Stage 3 framework planting, and pest management.

[9] These issues have been agreed between the parties and we commend the parties on taking a constructive attitude towards a resolution of these issues. The Interested Parties are satisfied with the conditions. They sought to abide the decision of the Court as to the configuration of lots between Fantail Rise and Kapiro Road.

[10] We conclude that the conditions of consent are appropriate. The purpose of the further hearing was to decide what configuration should be inserted within the various points of the conditions to finalise them.

Remaining issues

[11] The Court in its conclusion in the Interim Decision stated:³

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

- (a) there could be a reconfiguration of lots along Kapiro Road/Fantail Rise (Lots 62 – 65 and Lots 82 – 85) to make key views from Kapiro Road of the sections more spacious here;

...

[12] A Scheme Plan showing the lots is attached hereto as **B**. This version is from

³ *Neil Construction Limited v Far North District Council* [2024] NZEnvC 142 at [247].

the Interim Decision.

[13] In response to the Court's directions the appellant made changes.

[14] The issue for the hearing was the difference of opinion between the appellant's landscape architect, Mr J Goodwin, and the respondent's landscape architect, Ms M Absolum, as to whether the changes to the scheme plan and landscape plan made by the appellant appropriately address the Court's Interim Decision.

Mr Goodwin's position

[15] It is important to address the versions now proposed. Attached as **C** is Mr Goodwin's preferred version, which shows the removal of Lot 60 and adjusted boundaries of Lots 61 – 62 to take up the land formerly contained in Lot 60. But for this change, the configuration is largely similar, with slight adjustments to boundary lines.

The remaining Lots 63 to 65 and 82 to 85

[16] Previously, Lots 60 to 62 in **B** were around 3,000m² each. As can be seen from **C**, Lots 61 and 62 are now around 4,500m² each. Lot 62 being larger than Lot 61.

[17] There has been a consequential change to the lot sizes of 63 to 65 with:

- (a) Lot 63 originally being 3,370m², and now being 3,783m²;
- (b) Lot 64 originally being 3,072m², and now being 3,046m²; and
- (c) Lot 65 originally being 3,169m², and now being 3,372m².

[18] The changes to Lots 63 – 65 in our view are relatively inconsequential.

[19] In relation to Lots 82 – 85, these have been retained in their general form but with:

- (a) Lot 82 decreased from 4,089m² to 3,861m²;

- (b) Lot 83 decreased from 3,961m² to 3,029m²;
- (c) Lot 84 increased from 3,000m² to 3,128m² ; and
- (d) Lot 85 increased from 3,007m² to 4,097m².

[20] Of these, the only significant change in our view is that to Lot 85 which has increased by around 1,000m².

Ms Absolum's position

[21] Ms Absolum's preferred version is attached as **D**.

[22] Ms Absolum does not give specific lot sizes in her revised plan but shows Lot 63 incorporating both Lots 85 and 63 and part of Lot 84. Lot 64 incorporates Lot 84 and part of Lot 64 as well as Lot 63. Lots 82 and 65 appear to remain relatively similar to that shown in **B** except the line now is wider at the frontage on Fantail Rise and about the same on Lot 65. Ms Absolum also showed Lots 60, 61 and 62 as a single lot but moving further up the property to incorporate essentially the same area as Mr Goodwin's Lots 61 and 62. The other significant difference is that Ms Absolum has reconfigured Lots 68 to 71 to three properties facing Kapiro Road.

Scope issue – Lots 68 to 71

[23] The first issue relates to scope.

[24] It is clear from the Court's decision that it did not consider that Lots 68 to 71 as in **B** needed to be reconfigured. The reconfiguration shown by Ms Absolum has a number of impacts, not the least being the direct entries to the road, but each property would be seen sequentially as one drives along the road.

[25] For current purposes, we are satisfied that this was not an issue open for review by the Court and we confirm that the Court was satisfied that Lots 68 to 71 were appropriately configured. We therefore confirm Lots 68 to 71 as now shown in Mr Goodwin's document **C** which is nearly identical that shown in **B**.

Remaining issues

[26] The remaining issues are:

- (a) Whether or not Lots 60 to 62 should be in two lots or one; and
- (b) Whether Lots 63 to 65 and Lots 82 to 85 shown in **B** should be reconfigured as suggested by Mr Goodwin or Ms Absolum.

[27] The parties signed a joint witness statement which set out clearly the differences between them. Subsequently, the parties have filed evidence as to why their configuration should be preferred. We now turn to consider the reasons for each configuration and our conclusions in respect of those.

Discussion as to landscape architect's position

[28] We have carefully considered the position of both landscape architects and can see merits in both their positions. Mr Goodwin sees the landscaping, particularly the vegetation, as a key element in the medium to long term views of this site. Ms Absolum seeks to achieve a plan density that will achieve a more open view on the ground. This is not a matter of high principle, and we accept that both the views are valid.

[29] Our core concern was to achieve a density that looked similar to Fantail Rise when viewed from the roundabout at Scudders Beach Road / Landing Road / Kapiro Road, or Fantail Rise itself. However, the main view in Lots 61 and 62 would be from Kapiro Road given that there is likely to be a house constructed on the corner of Fantail Rise and Kapiro Road. Our view is that if Lot 61 is of an adequate size, the perception of spaciousness will be achieved whether or not vegetation is planted.

[30] To this extent, following discussions with counsel, Mr Bartlett produced a map at the conclusion of the hearing which incorporated the Court's discussions. We attach this as **E**. It can be seen that Lot 61 is 5,000m² while Lot 62 is 4,163m². In our view, this goes very close to satisfying our concerns. We consider that Lot 61 should be slightly larger at around 5,500m² and Lot 62 smaller down to some 3,600m². In our

view, there will be limited views into Lot 62 from Kapiro Road or from the intersection at the roundabout. Accordingly, this will give a sense of spaciousness carrying on from Fantail Rise and into the new subdivision.

[31] As far as the balance is concerned, **E** also shows one fewer lot; a removal of Lot 64 and resulting compression of Lots 63 and 65. This is closer to what the Court had in mind. Our only comment in this regard is we would like to see Lot 85 closer to 5,000m² and Lot 63 somewhat smaller. In that regard, we would see that the line between Lots 63 and 85 could be realigned to create greater spaciousness to Lot 85 and a smaller site area to Lot 63. This would avoid Lot 63 building too far up the slope.

Reasons for Court's view

[32] We acknowledge the positions of both parties, and we acknowledge that the potential for layering is addressed to some extent by both of the parties' proposals.

[33] However, in our view, the greatest concern we have is the sense of spaciousness from the Fantail Rise area to Kapiro Road appearing to be compressed at the margins rather than transiting from one size to the other. In this regard, we consider that sites viewed from Kapiro Road at the eastern side of Stage 3 should be viewed as being more spacious from Kapiro Road. We do not have a particular problem with Lots 82 to 84 which vary between 3,500 to 4,000m², but would like to see Lot 85 slightly bigger and closer to 5,000m².

[34] In relation to Lots 63 and 65, we would like to see these lots kept out on the lower slopes so that they do not appear to pancake or layer with those of Lots 82 and 85.

[35] Finally, Lot 62 would be associated with Lots 68 to 71 and thus be mainly a part of the lower lots that front Kapiro Road further to the west.

[36] Overall, we consider there is a gradation of spaciousness that would show as one is moving towards the coastal area particularly when one reaches Lot 61.

Outcome

[37] We accept there is no matter of high principle here. The intent of the Court was to try and show a transition from Stage 3 to the earlier coastal subdivision. In viewing the alternatives of the parties, the Court's preferred option is that at **E**, produced by the appellant at the conclusion of the hearing. This, in our view, addresses most of the concerns of the Court.

[38] Compared with Mr Goodwin's **C** yield of 13 lots **E** would yield 12 lots, still significantly higher than that proposed by Ms Absolum which would yield eight lots. Overall, we consider that this fairly balances the interests of the parties and the landscape issues.

Lots 68 to 71

[39] For the reasons we have stated, we consider that the existing configuration for Lots 68 to 71 is not before the Court to be resolved. For the balance of the lots, we conclude that we prefer the approach set out at **E**.

[40] In any event, even if lots 68 to 71 were to be considered on merits, we have concluded that the **E** configuration shown within the 502JOL area towards Kapiro Road is appropriate. Given that it is largely on very shallow gradient, we do not believe that it would increase the perception of density when viewed from Kapiro Road or other nearby sites, particularly once vegetation is in place.

[41] In our view, this is not a question of law but a question of practicality. We are looking for the best outcome to achieve a visual transition between the more comprehensive rural residential development stages of the Rangitane River Park area compared to Tubbs Farm area.

[42] The core issue for the Court is the issue of stacking, in particular the visual aspect of the matter as one approaches Kapiro Road from Landing Road. We also consider there should be a visual transition as one is arriving from Kapiro Road to the intersection of Skudders Beach /Landing Roads and Blue Penguin Drive.

[43] We consider the existing configuration for Lots 68 to 71 is not before the Court to be resolved. If it were, we would still conclude that the current design as suggested by Mr Goodwin is appropriate.

Lots 61 – 65 and Lots 82 – 85

[44] We have concluded:

- (a) Lots 61 and 62 as shown in **C** (Mr Goodwin's preferred version) better meets the transition. However, we would increase the size of Lot 61 to around 5,500m², and reduce the size of Lot 62 to something in the order of 3,600m².
- (b) For Lots 65, 82, 83 and 84, we adopt the lot sizes as shown in **E**.
- (c) We would increase the size of Lot 85 to around 5000m² by extending it slightly further to the south and decrease the size of Lot 63 slightly.

[45] We conclude that this would achieve a balance in transition between Stage 3 and the existing Fantail Rise coastal allotments and avoid visual intensification when viewed from both the roundabout and along Kapiro Road. As vegetation increases, this will further decrease any impact of the development and enhance the transition.

[46] Accordingly, we are satisfied that the conditions of consent include provisions to address the issues directly. The Court concludes that the conditions of consent agreed between the parties are reasonable and should be endorsed by the Court. These need completion with the details of the lot layout, the subject of this decision as a whole. Subject only to those conditions being finalised in accordance with this decision, the Court will endorse conditions of consent when produced by the appellant together with the final lot planned for Stage 3.

[47] The appellant is to produce copies of finalised conditions and the lot plan for endorsement by the Court within 15 working days.

Costs

[48] This does not appear to be a case where costs are appropriate. However, if there are to be any applications, any applications are to be filed within 20 working days, reply within 15 working day, and final reply, if any, five working days thereafter.

For the Court



J A Smith
Environment Judge | Kaiwhakawā o te Kōti Taiao



RANGITANE RIVER PARK STAGES 3-6

Resource Consent Number: 2200416-COM

For: Lot 1001 Kapiro Road, Kerikeri 0294

The activities to which this decision relates are listed below:

Activity A – Subdivision

The subdivision of Lot 1001 DP 532487 to create 116 residential lots, four reserve lots, one local purpose reserve lot, six public road lots to vest and 11 jointly owned access lots (JOALs) over four stages. The application includes earthworks, landscape planting, revegetation enhancement planting, and fencing required for the subdivision.

Activity B – Land Use:

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

Activity C – Cancellation of Consent Notice

The cancellation of consent notice 10388614.2 under section 221(3) of the Resource Management Act 1991 (RMA) as it applies to Lot 1001 DP 532487.

Subject Site Details:

Address: Lot 1001 Kapiro Road, Kerikeri 0294

Legal Description: Lot 1001 DP 532494

Record of Title: 871601

Other Activities

A decision of the Environment Court in *Neil Construction Limited v Far North District Council* [2024] NZEnvC 278 dated 7 November 2024 separately authorised the commencement of the parts of the proposal that relate to site preparation and bulk earthworks specifically including:

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

CONDITIONS

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

All Stages

Lapse Date

- 1 Under section 125 of the Resource Management Act 1991, this subdivision consent shall lapse 10 years after the date of commencement unless:
 - (a) a survey plan for each stage or for all stages is approved under section 223 of the Resource Management Act 1991; or
 - (b) an application to extend the lapse period under section 125 of the Resource Management Act 1991 is granted by the consent authority.

Staging

- 2 This consent may be given effect to in stages where each stage may be developed concurrently or separately commencing with Stage 3.
- 3 The consent holder may commence work required to comply with conditions under section 224 of the RMA for any stage at any time so that the work is completed on a stage-by-stage basis or across more than one stage provided such works are undertaken in accordance with all relevant conditions of this consent.

Scope of Conditions

- 4 The conditions that apply to Stages 3-6 of the subdivision consent include, where appropriate, conditions that address the land use consents related to earthworks, impermeable surfaces (stormwater), and contaminated soils.
- 5 For the avoidance of doubt, this consent authorises the construction of an area of impermeable surfaces totalling not more than 600 m² and for undertaking associated earthworks with a maximum volume of 600 m³ on each of the lots created under the subdivision authorised by this consent for the purpose of residential development and listed below:

Stage	Lots
3	61-94, 164-169
4	95-123
5	124-163
6	170-176

For the purpose section 125 of the RMA, the activities described in this condition 5 and authorised under Activity B above shall commence on the date the record of title for the relevant lot is issued.

Plans – General

- 6 The activities shall be carried out in general accordance with the approved plans listed below in Table 1 and the information lodged and presented in support of the application with the Far North District Council (**Council**) and the Environment Court. In the event that the approved plans or application documents conflict with these conditions, these conditions take priority.

Table 1

Author	Title	Reference	Date
4Sight Consulting part of SLR	Subdivision & Staging Plan	LA01	1 April 2025
4Sight Consulting part of SLR	Kapiro Road Landscape Character	LA02	1 April 2025
4Sight Consulting part of SLR	Kapiro Road – Illustrative Landscape Character Elevations	LA03	1 April
4Sight Consulting part of SLR	Stage 3 West Concept Plan	LA04A	1 April 2025
4Sight Consulting part of SLR	Stage 3 West Fence Typologies	LA05A	1 April 2025
4Sight Consulting part of SLR	Stage 3 South Concept Plan	LA04B	1 April 2025
4Sight Consulting part of SLR	Stage 3 South Fence Typologies	LA05B	1 April 2025
4Sight Consulting part of SLR	Stage 3 East Concept Plan	LA04C	1 April 2025
4Sight Consulting part of SLR	Stage 3 East Fence Typologies	LA05C	1 April 2025
4Sight Consulting part of SLR	Stage 4 Concept Plan	LA06	1 April 2025
4Sight Consulting part of SLR	Stage 4 Fence Typologies	LA07	1 April 2025
4Sight Consulting part of SLR	Stage 5-6 Concept Plan	LA08	1 April 2025

4Sight Consulting part of SLR	Stage 5-6 Fence Typologies	LA09	1 April 2025
4Sight Consulting part of SLR	Typical Road Typologies – Illustrative Landscape Character Elevations	LA10	1 April 2025
4Sight Consulting part of SLR	Vegetative Mood Board 1	LA11	1 April 2025
4Sight Consulting part of SLR	Vegetative Mood Board 2	LA12	1 April 2025
4Sight Consulting part of SLR	Summary Species Schedule	LA13-LA14	1 April 2025
4Sight Consulting part of SLR	Revegetation Strategy	LA15	1 April 2025
4Sight Consulting part of SLR	Stage 3 Street Trees	LAS01	1 April 2025
4Sight Consulting part of SLR	Stage 4 Street Trees	LAS02	1 April 2025
4Sight Consulting part of SLR	Stage 5 Street Trees	LAS03	1 April 2025
4Sight Consulting part of SLR	Reserve Concept Plan	LAR01	1 April 2025
4Sight Consulting part of SLR	Reserve Zoom in Plan West	LAR02	1 April 2025
4Sight Consulting part of SLR	Reserve Zoom In Plan East	LAR03	1 April 2025
4Sight Consulting part of SLR	Indicative Playground Items	LAR04	1 April 2025
4Sight Consulting part of SLR	Walking Track Setout	LAR05	1 April 2025
4Sight Consulting part of SLR	Reserves Summary Species Schedule	LAR06-LAR07	1 April 2025
Haigh Workman	Site Features Plan	SP	3 April 2025
Haigh Workman	Overall Proposed Development Plan	OP	3 April 2025

Haigh Workman	Proposed Development Plans	P1-P4	3 April 2025
Haigh Workman	Stormwater Management Plan Key Sheet	SW KP	3 April 2025
Haigh Workman	Stormwater Management Plans	SW1-SW4	3 April 2025
Haigh Workman	Wetland Catchment	WC	3 April 2025
Haigh Workman	Stormwater Control Planting Plan	PS1	3 April 2025
Haigh Workman	Lot Stormwater Servicing Plan Key Sheet	SSP KP	3 April 2025
Haigh Workman	Lot Stormwater Servicing Plans	SSP1-SSP4	3 April 2025
Haigh Workman	Proposed Earthworks Key Sheet – Design Contours	EW KE1	3 April 2025
Haigh Workman	Earthworks Design Contours	EW E1-E4	3 April 2025
Haigh Workman	Proposed Earthworks Key Sheet – Cut/Fill Depths	EW KP1	3 April 2025
Haigh Workman	Earthworks Cut-Fill Depths	EW P1-P4	3 April 2025
Haigh Workman	Erosion and Sediment Control Plan Key Sheet	ESCP	3 April 2025
Haigh Workman	Erosion and Sediment Control Plans	ESCP1-4	3 April 2025
Haigh Workman	Road Longitudinal Sections	LS1-LS5, LS7, LS10	4 November 2022
Haigh Workman	Road Longitudinal Sections	LS6, LS8-9	2 June 2023
Haigh Workman	Road Typical Cross Sections and Outfall Details	DE1	2 June 2023

Haigh Workman	Erosion and Sediment Control Typical Details	DE2	12 February 2025
Haigh Workman	Erosion and Sediment Control Typical Details	DE3-DE5	18 October 2019
Haigh Workman	Stormwater Treatment Typical Details for Volcanic Soils Only	DE6	21 June 2023
Haigh Workman	Stormwater Treatment Typical Details for Rangiora Clays	DE7	12 February 2025
Haigh Workman	Stormwater Treatment Typical Detail for Catchpits	DE8	21 June 2023
Haigh Workman	Site Exploratory Hole Location Plans	G1-G3	3 April 2025
Haigh Workman	Geotechnical Site Plans	G4-G5	3 April 2025
Haigh Workman	Geotechnical Cross Sections	GEO CS1-5	2 June 2023
Neil Construction Limited	Stages 3-6 Proposed Subdivision of Lot 1001 DP 532487	420-03-SP-00-PEC	20 March 2025
Neil Construction Limited	Stage 3 Proposed Subdivision of Lot 1001 DP 532487	420-03-SP-01-PEC Sheet 1 of 2	20 March 2025
Neil Construction Limited	Stage 3 Proposed Subdivision of Lot 1001 DP 532487	420-03-SP-01-PEC Sheet 2 of 2	20 March 2025
Neil Construction Limited	Stage 4 Proposed Subdivision of Lot 1004 DP XXXXXX	420-04-SP-01-PEC Sheet 1 of 2	20 March 2025
Neil Construction Limited	Stage 4 Proposed Subdivision of Lot 1004 DP XXXXXX	420-04-SP-01-PEC Sheet 2 of 2	20 March 2025

Neil Construction Limited	Stage 5 Proposed Subdivision of Lot 1005 DP XXXXXX	420-05-SP-01-PEC Sheet 1 of 2	20 March 2025
Neil Construction Limited	Stage 5 Proposed Subdivision of Lot 1005 DP XXXXXX	420-05-SP-01-PEC Sheet 2 of 2	20 March 2025
Neil Construction Limited	Stage 6 Proposed Subdivision of Lot 1006 DP XXXXXX	420-06-SP-04-PEC Sheet 1 of 2	20 March 2025
Neil Construction Limited	Stage 6 Proposed Subdivision of Lot 1006 DP XXXXXX	420-06-SP-04-PEC Sheet 2 of 2	20 March 2025

Accidental Discovery

- 7 During all construction works to be undertaken as approved under this consent, in the event of an “accidental discovery” of archaeological material, the following steps must be taken:
- (a) All work on the site will cease immediately. The contractor/works supervisor will shut down all equipment and activity.
 - (b) The contractor/works supervisor/owner will take immediate steps to secure the site (tape it off) to ensure the archaeological remains are undisturbed and the site is safe in terms of health and safety requirements. Work may continue outside of the site area.
 - (c) The contractor/works supervisor/owner will notify the Area Archaeologist of Heritage New Zealand – Pouhere Taonga (Northland Office), tangata whenua and any required statutory agencies (such as the NZ Police if human remains/koiwi tangata are found) if this has not already occurred.
 - (d) Heritage New Zealand – Pouhere Taonga advise the use of a qualified archaeologist who will confirm the nature of the accidentally discovered material.
 - (e) If the material is confirmed as being archaeological, under the terms of the Heritage New Zealand Pouhere Taonga Act 2014, the landowner will ensure that an archaeological assessment is carried out by a qualified archaeologist, and if appropriate, an archaeological authority is obtained from Heritage New Zealand – Pouhere Taonga before work resumes.
 - (f) If burials, human remains/koiwi tangata are uncovered, steps in conditions 7(a) to (c) above must be taken and the Area Archaeologist of Heritage New Zealand – Pouhere Taonga, the New Zealand Police and the Iwi representative for the area must be contacted immediately. The area must be treated with discretion and respect and the koiwi tangata/human remains dealt with according to law and tikanga.
 - (g) Works at the site area shall not recommence until an archaeological assessment has been made, all archaeological material has been dealt with appropriately, and

statutory requirements met. All parties will work towards work recommencement in the shortest possible timeframe while ensuring that archaeological and cultural requirements are complied with.

Stage 3 – Lots 61 – 94 and 164 – 169, Lot 600 (road to vest), Lots 502 – 504 (JOALs), Lots 701, 703-704 (reserves to vest) and Lots 1004 – 1006 (balance lots)

Section 223 Conditions

- 8 The survey plan submitted for approval under section 223 of the RMA shall be in general accordance with the scheme plan prepared by Neil Construction Limited titled ‘Stage 3 Proposed Subdivision of Lot 1001 DP 532487’ referenced 420-03-SP-01-PEC Sheets 1 & 2 dated 20 March 2025, inclusive of the following:

- (a) The following amalgamation conditions:
- (i) ‘That Lot 502 be held in 11 equal undivided shares by the owners of Lots 61-71’
 - (ii) ‘That Lot 503 be held in two equal undivided shares by the owners of Lots 72-73’; and
 - (iii) ‘That Lot 504 be held in two equal undivided shares by the owners of Lots 74-75’.

(LINZ ref 1925917)

- (b) The consent holder must create easements over any public or private stormwater infrastructure and overland flow paths located within the residential lots as directed by the Council’s Resource Consent Engineer.

Note: Overland flow paths are to be assessed in accordance with Section 4 of Council’s Engineering Standards 2023 Edition and are to be certified by a CPEng Engineer with relevant qualifications in stormwater design.

- 9 Prior to approval of the survey plan pursuant to Section 223 of the RMA, the consent holder shall:

- (a) Submit a Construction Management Plan (“**CMP**”) to the Council’s Resource Consents Engineer or delegate for certification. The CMP shall contain information about and site management procedures for:
- (i) the timing of site works, earthworks, and construction works, including hours of work, and the key project and site management personnel
 - (ii) consultation with Ngāti Rēhia about the timing and supervision interest for earthworks
 - (iii) bulk earthworks plan (showing cut and fill and their related quantities)
 - (iv) the transportation of fill and construction materials from and to the site and associated controls on vehicles through sign-posted site entrances/exits and the loading and unloading of materials

- (v) the extent of excavation works, including retaining structures and any necessary dewatering facilities, prepared by a suitably qualified geotechnical engineer
- (vi) control of dust and noise on-site and necessary avoidance or remedial measures
- (vii) prevention of soil or other material being deposited on surrounding roads from vehicles working within the subdivision and the proposed remedial actions should it occur
- (viii) the exclusion of dogs from site at all times
- (ix) bringing awareness to the presence of kiwi on the site, including through signage, at entrances to the site; and
- (x) proposed publicity and safety measures, including signage, to inform adjacent landowners and occupiers, pedestrians, and other users of the road.

The CMP shall also include information as to:

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

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

- (b) Submit a Construction Traffic Management Plan (“**CTMP**”) to the Council’s Resource Consents Engineer or delegate for certification. The CTMP shall contain information about site management procedures for:
 - (i) establishing a parking management plan for construction traffic
 - (ii) measures to address the transportation and parking of oversize vehicles (if any)
 - (iii) identifying the proposed number and timing of heavy vehicles throughout the day
 - (iv) identifying the location of heavy vehicle and construction machinery access to the site; and
 - (v) requiring and ensuring wide loads and vehicles with Gross Vehicle Mass over 3,500 kg avoid using Landing Road and access and depart the site via Kapiro Road and State Highway 10.

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

- (c) Submit preferred road names and two alternative names for Lot 600 as road to vest and JOAL 502 to the Council's Resource Consents Engineer or delegate for certification.

Advice Note: all other JOALs do not require names as they have less than 5 houses that have access from the JOAL.

Advice Note: In accordance with the Council's and Bay of Islands-Whangaroa Community Board's road naming policies, road names should reflect the history of the area and be no longer than 10 characters in length.

- (d) Submit a set of engineering plans for all construction works and infrastructure (private and public) for Stage 3 in accordance with the Far North District Council Engineering Standards 0.6 2023 ('ES 0.6 2023') to the Council's Resource Consents Engineer or delegate for certification. The plans are to be prepared by a suitably qualified and experienced engineer in accordance with Section 1.5 of the ES 0.6 2023 and are to be generally in accordance with the set of engineering plans prepared by Haigh Workman Limited referenced as Job No. 18 295 listed in condition 6 above.

The plans are to include (but are not limited to):

- (i) Road to vest and JOAL design, where 'Road 1' shall have a 20-metre legal width and 6.5-metre carriageway, the extension of Fantail Rise shall have a 16 metre legal width with a 6.5 metre carriageway, and the JOALs shall comply with Table 3.6 of the ES 0.6 2023 or as otherwise specified in the Haigh Workman engineering plans. The plans shall include all road marking, lighting, intersection design, footpaths and other features required in accordance with Section 3.2 of the ES 0.6 2023. Where street trees are proposed (as illustrated on the 'Stage 3 Street Trees' Sheet LAS01 prepared by 4Sight Consulting part of SLR) they shall be designed and located to comply with Section 7.2.6 of the ES 0.6 2023.
- (ii) A minimum of 6 carparks to be provided within the road reserve located adjacent to Lot 701 scenic reserve to vest.
- (iii) Design details of the intersections of 'Road 1' (Lot 600) and JOAL 502 with Kapiro Road in accordance with Section 3.2.9 of the ES 0.6 2023.
- (iv) Design details of the proposed footpath to be constructed from the end of the existing footpath on Kapiro Road to Road 1 (Lot 600) fronting Lots 61, 68, 71, 67, and 72-76.
- (v) Design details of the recessed parking area and common letterbox mounting structure to be located at the intersection of Kapiro Road and Road 1 (Lot 600).

Advice Note: Future landowners shall be responsible for installing their own letterboxes on the common mounting structure constructed by the consent holder.

- (vi) Design details of temporary turning head at the northern termination of Road 1 (Lot 600).
 - (vii) Design details to confirm that a vehicle crossing to each lot can be constructed to Council residential vehicle crossing standards, noting that individual crossings are not required to be constructed as part of the approved engineering plan works.
 - (viii) Design details for stormwater management for all lots and impermeable surfaces within road reserve and JOALs in accordance with Section 4.3.5 of the ES 0.6 2023.
- (e) Lighting design brief in accordance with Section 3.2.17 of the ES 0.6 2023 and NTA Design Manual - Street Lighting Version 1, and inclusive of lighting network and categories both within and in the vicinity of the subdivision site, taking into account and providing for:
- (i) Effects on dark skies and nocturnal fauna;
 - (ii) A street light colour temperature no greater than 3,000 K
 - (iii) Minimisation of light spill (waste light);
 - (iv) A lighting intensity (brightness) set at the lowest lux level necessary for road safety; and
 - (v) Use of LEDs.
- (f) Submit a Reserve Development Plan ('RDP') to the Council's Resource Consents Manager for certification for proposed Lots 701 and 704 as scenic reserves to vest generally in accordance with Section 7.2 of the ES 0.6 2023 and Sheets LAR01 – LAR07, LA14 and LA15 contained in the Landscape Plans prepared by 4Sight Consulting part of SLR dated 1 April 2025. The RDP shall include (but is not limited to) the following:
- (i) Design details of the walking track with a minimum width of 1.8 metres and transition to connection with footpaths on road reserve, and means of vehicular access to the reserve areas for maintenance purposes where:
 - Suitable surfacing shall be in a well-graded GAP20 supplied from a local weed-free source
 - The stone particles shall be durable with at least 50% broken faces. Rounded river gravels or beach gravels are not acceptable as walkway surfacing aggregate unless these materials are crushed, and additional fines are added
 - The walkway surfacing layer shall have a range of particle size distribution including at least 3% and preferably up to 15-20% by weight portion of clay content.
 - The surfacing layer shall have a minimum compacted thickness of 50 mm. This layer shall be placed and compacted in a single layer. If additional aggregate is required after compaction to ensure the required layer

thickness is achieved, the original aggregate layer shall be scarified before placing the additional aggregate.

- Methods used to place aggregate shall be such that segregation of the aggregate is avoided. Working of the placed aggregate with rakes or blading shall be avoided as this causes segregation of particle sizes. Shovels or excavator buckets should be used to move material if this is necessary.
- The aggregate surface shall be compacted after placement with a plate compactor or other vibrating equipment to achieve a well-bound surface to match the shape of the sub-grade.
- Compaction will be deemed to be complete when a well-bound pavement surface is achieved which is free of voids or loose stone.
- Water shall be sprayed onto the surface if necessary during compaction to ensure optimum compaction is achieved.
- Side drainage channels at least 150 mm deep shall be formed along the edge of the track in all locations where required, with a crown formation and the ground is level or rises beyond the edge of the track.
- Side drains shall have a fall longitudinally of at least 1% toward side drain discharge points.
- A side drain discharge may consist of a cut out drain leading to lower ground or a 150 mm diameter smooth walled culvert pipe under the track to direct water to lower ground on the opposite side of the track.
- Discharge points shall also be provided at all low points along the track profile.
- Culvert pipes shall be installed with a minimum 3% fall to the outlet and at least 100 mm cover to the track surface.
- A 400 mm minimum depth sump shall be formed at the inlet to each culvert discharging a side drain. The invert of the sump shall be at least 75 mm below the invert of the culvert pipe.
- Culverts shall be of sufficient length to pass under the track and extend beyond any fill.
- The outlets of culvert pipes shall discharge at ground level without a free fall from the end of the pipe. Where the outlet slope is on steep loose material, a geotextile or rock apron shall be provided to prevent scour.
- All culverts shall be installed in the dry, during a period of fine weather. All excavated material shall be placed outside the flow path and subjected to appropriate sediment control measures.

- Boxed steps are to have a consistent grade, vertical rise and riser height within each flight between landings.
 - The Contactor shall construct steps to best fit the site whilst complying with all step parameters.
 - The vertical rise of each flight of steps between landings shall not exceed 2.5 m.
 - Landings are to be minimum 1,000 mm long on the centreline.
 - Any bridges are to be designed in accordance with ES 0.6 2023.
- (ii) Landscape Maintenance Schedule in accordance with Section 7.2.4 of the ES 0.6 2023, noting that the consent holder shall be responsible for all maintenance for a period of not less than 5 years from the date of vesting of Lots 701 and 703-704. The Landscape Maintenance Schedule shall also include provision for the ongoing maintenance of Lot 703 beyond the first 5 years after vesting until such time as the playground required in condition 16(n) is constructed.
- (iii) For those areas identified as subject to ecological restoration, being the areas marked “AAA”, “BBB” and “CCC” on scheme plan prepared by Neil Construction Limited titled ‘Stage 3 Proposed Subdivision of Lot 1001 DP 532487’ referenced 420-03-SP-01-PEC Sheets 1 & 2 dated 20 March 2025 which contain existing indigenous vegetation and wetlands and areas identified for revegetation and enhancement planting, a detailed restoration plan prepared by a suitably qualified and experienced ecologist that specifies the works required within the identified areas.
- (iv) A weed and pest management plan prepared by a suitably qualified and experienced ecologist to be implemented across the reserves for a period of not less than 5 years from the vesting of the reserves for the purposes of supporting the success of all indigenous revegetation and ecological restoration, and minimising mammalian pests that may present a threat to kiwi. That plan shall include a monitoring regime for a period of not less than 5 years for weed and pest management across all areas of reserve to vest, and a suitable binding undertaking requiring the consent holder to implement the certified weed and pest plan for 5 years from the date of vesting of reserves.
- (v) Stormwater drain inspection programme requiring inspection of road drains discharging into wetlands in Years 2 and 5 after the vesting of Lots 701 and 704.
- (vi) Design details of bollards to be installed at the entrances to Lots 701 and 703-704 to prevent unauthorised vehicle access into the reserve to vest.
- (g) Submit to the Resource Consents Manager for certification details of temporary and permanent signage required for kiwi awareness (“KAS”), including:
- (i) KAS will be a standard Kiwi Coast “no dogs” design

- (ii) Permanent KAS will be erected at each road entrance to the new development and entrances to the new reserves
 - (iii) Temporary KAS will also be located in any large empty grassed areas while lots are empty. The temporary signs will be removed after the area of empty lots has been reduced, or when building work has commenced on lots in each area; and
 - (iv) Prior to submitting the details of the KAS to the Council, the consent holder shall provide draft details of the KAS to Vision Kerikeri and Friends of Rangitane Stream for comment and allow at least 5 working days for comments. The consent holder must consider any comments received from Vision Kerikeri and Friends of Rangitane Stream and may incorporate the comments into the KAS details. The KAS details will be submitted to the Council with a copy of the comments that were provided by Vision Kerikeri and Friends of Rangitane Stream.
- (h) The consent holder shall facilitate the establishment of a Rangitane River Reserve Community Engagement Group (“CEG”) in accordance with the following:
- (i) Prior to the commencement of works authorised by this consent, the consent holder shall invite the following groups or entities to nominate a representative to form a CEG:
 - Vision Kerikeri
 - Friends of Rangitane Stream
 - Ngāti Rehia
 - Kapiro Conservation Trust
 - Kerikeri Peninsula Conservation Charitable Trust
 - Ngāti Hao; and
 - Far North District Council.
 - (ii) The invitation must:
 - Be sent to the group or entity’s advertised address for service
 - Include a copy of the resource consent conditions
 - Request responses within 15 working days of the date of the invitation
 - Include information as to where responses are to be sent; and
 - State what information must be provided with the response.
 - (iii) Each of the above groups of entities may nominate one representative and one alternate representative to the CEG within 15 working days of the invitation being issued. If no response is received by the consent holder within

15 working days of the invitation being issued, that group is deemed to have declined to join the CEG. Membership of the CEG is optional and voluntary. The CEG must have at least one member and a membership of the CEG cannot exceed seven members (one representing each group).

- (iv) The consent holder acknowledges that the CEG is responsible for self-determination including the name by which it is formally known, methods of communication, meeting, and decision-making, frequency of meetings, and representatives' reporting obligations back to their groups or entities. In the event the CEG does not or cannot agree methods of communication, meeting, and decision-making, the consent holder will communicate with members of the CEG separately.
- (v) The purpose of the CEG includes, but is not limited to:
 - Reviewing and commenting, as necessary, on the Reserve Development Plan, Landscape Maintenance Schedule, Ecological Restoration Plan, and Weed and Pest Management Plan required by this consent in respect of the land area comprised in Lots 701 and 703-704 ("**Rangitane River Reserve**")
 - Working collaboratively with the consent holder (for the duration of works and 5-year maintenance period) on the implementation of weed and animal pest management programmes associated with the Rangitane River Reserve; and
 - Protecting, supporting and enhancing the areas of ecological value within the Rangitane River Reserve as places where indigenous wildlife, native habitat, and ecological features are protected and valued by the community as taonga; and
 - Enhancing the parts of the Rangitane River Reserve that are outside the areas of ecological value as a place for community enjoyment of natural scenery and the native species, habitat, and ecological features protected by the Rangitane River Reserve.

Advice Note: Once the Rangitane River Reserve vests in the Far North District Council following the issue of a certificate under section 224(c) for Stage 3, the consent holder is no longer responsible for the day-to-day administration or management of the Rangitane River Reserve. Post-vesting, the consent holder is responsible for maintaining the Rangitane River Reserve for a period of 5 years from the date of the Stage 3 section 224(c) certificate only. The CEG or any successor of the CEG may continue and engage with the Far North District Council on matters relating to the purpose, use, maintenance, and enhancement of the Rangitane River Reserve should it wish to.

- (i) The consent holder's obligations in respect of the CEG are to:
 - (i) Provide written confirmation to the Council's Resource Consent Manager:
 - That invitations have been sent to the groups and entities required by this consent within 5 working days of the invitations having been sent; and

- Of the acceptances to join the CEG and the names and contact details of the representative of each group or entity within 15 working days of the invitations having been sent.
- (ii) Provide copies of the draft Reserve Development Plan, Landscape Maintenance Schedule, Ecological Restoration Plan, Weed and Pest Management Plan to the CEG for comment and allow at least 5 working days for comments. The consent holder must consider any comments received from the CEG and may incorporate the comments into the Reserve Development Plan, Landscape Maintenance Schedule, Ecological Restoration Plan, and Weed and Pest Management Plan. When the consent holder submits the Reserve Development Plan, Landscape Maintenance Schedule, Ecological Restoration Plan, and West and Pest Management Plan to the Council for certification, the consent holder shall also provide a copy of the comments from the CEG to the Council.
 - (iii) Provide copies of the Reserve Development Plan, Landscape Maintenance Schedule, Ecological Restoration Plan, and Weed and Pest Management Plan certified by the Council to the CEG within 10 working days of receipt of certification.
 - (iv) Subject to any operational health and safety constraints, provide a reasonable opportunity for members of the groups and entities that make up the CEG to view the Rangitane River Reserve prior to the commencement of works and at the completion of works prior to vesting.
 - (v) Provide updates to the CEG every three months during works to advise of:
 - Key progress milestones; and
 - The outcomes of monitoring conducted in accordance with these consent conditions.
 - (vi) Provide annual updates to the CEG during the 5-year maintenance period to advise of the maintenance work:
 - undertaken in the previous 12 months; and
 - planned for the next 12 months.
 - (vii) Request the CEG's views on future options for management and source of funding to cover maintenance costs for the areas of ecological value within the Rangitane River Reserve including fencing around the areas marked "AAA", "BBB", and "CCC" on the scheme plan prepared by Neil Construction Limited after the consent holder's 5-year maintenance period has finished and allow at least 5 working days for comments. The consent holder must consider any comments received from the CEG and, with any additional comments the consent holder chooses to make itself, forward them to the Council.
 - (j) All of the consent holder's obligations in respect of the CEG under this consent are conditional on the CEG being established with at least one member in accordance with these conditions. The consent holder is not responsible for establishment of the CEG

or its performance. In the event a CEG is not formed or all members of the CEG resign and are not replaced, the consent holder does not have to comply with conditions 9(h) to 9(i) of this consent.

Section 224 Conditions

- 10 Prior to the issue of a certificate under section 224(c) of the RMA, the consent holder shall:
- (a) Submit a Corridor Access Request application to Council's Road Corridor Co-ordinator (corridor.access@fndc.govt.nz) and receive written approval for all works to be carried out within Council's Road Reserve (refer to the advisory clause below for the definition of a Corridor Access Request).
 - (b) Notify Council, in writing, of their intention to begin works, a minimum of seven days prior to commencing works. Such notification shall be sent to the Resource Consent Engineer and include the following details:
 - (i) Name and telephone number of the project manager.
 - (ii) Site address to which the consent relates.
 - (iii) Activities to which the consent relates.
 - (iv) Expected duration of works.
 - (c) Adhere to the approved engineering plans, all management plans, and all resource consent conditions, Inspection and Test Plan, approved corridor access request at all times, and these documents are to be held onsite at all times during construction. All personnel working on the site shall be made aware of and have access to the resource consent and accompanying documentation.
 - (d) Request a pre-start meeting to be undertaken with the consent holder's representative, contractor(s) or agents for the consent holder and the Resource Consent Engineer a minimum of 10 working days prior to any works being undertaken on the site, to the satisfaction of the Resource Consent Engineer or delegated representative.
 - (e) Undertake and complete all work on the approved engineering plans in Condition 9(d), erection of road signs, and kiwi awareness signage approved under and Condition 9(g) to the approval of the Resource Consent Engineer. Compliance with this condition shall be determined by:
 - (i) Site inspections undertaken as agreed in Council's engineering plan approval letter/ Inspection and Test Plan.
 - (ii) Results of all testing, video inspection records of all wastewater and stormwater reticulation, PE pipeline pressure testing and weld data logging results.
 - (iii) PS4 and approval of supporting documentation provided by the developer's representative/s including evidence of inspections by those persons, and all other test certificates and statements required to confirm compliance of the works as required by Council's QA/QC Manual and the Council's ES 0.6 2023.

- (iv) “Certificate of Completion of Resource Consent Works” from the Contractor.
- (v) Provide evidence that the cost of purchasing and installing a road name sign for the road to vest has been paid to Council contractors:

Northern Area – Fulton Hogan (09) 408 6440 or Southern Area – Ventia (09) 407 7851.

- (f) Submit a certified and dated ‘As built’ plan of completed works and services in accordance with ES 0.6 2023. This condition shall be deemed satisfied once the as-builts have been approved by Councils’ Resource Consent Engineer or delegated representative.
- (g) Submit certified RAMM data for all new/upgraded Roding infrastructure prepared by a suitably qualified person in accordance with ES 0.6 2023 to the satisfaction of the Resource Consent Engineer or delegated representative. This data shall include COC Documents and Electrical Certificates shall be provided for street lights, and warranty documents shall be transferred to Council for all street lights installed.
- (h) Submit a geotechnical completion report upon the completion of the earthworks to confirm the geotechnical recommendations and document the work undertaken, e.g. earthworks compaction certification to the satisfaction of the Resource Consent Engineer or delegate. The completion report shall include certification of the engineered fill and as-built plans in accordance with the requirements of NZS4431:2022.
- (i) Submit to the satisfaction of the Resource Consent Engineer or delegate evidence that a maintenance agreement has been entered into with the contractor who is to maintain the road and stormwater drainage work which is to vest in Council for a minimum of 12 months from the date of issuing of the s224 certificate. The value of the bond, or retention money held in lieu of a bond, shall be 5% of the value of the vested works.
- (j) Submit evidence that a maintenance agreement has been entered into with the contractor who is to inspect the rock-lined drains at the end of the 12-month maintenance period required by condition 10(i) for erosion or scouring and remediate any damage (if any) to the satisfaction of the Council’s Resource Consent Engineer or delegate.
- (k) Submit documentation that the service providers of electric power and telecommunications to the sites are satisfied with the arrangements made for the provision of these services.
- (l) Submit written confirmation by way of a legal undertaking that a fencing covenant pursuant to Section 5 of the Fencing Act 1978 over all lots which adjoin Lots 701 & 704 has been prepared and will be registered on the title of the respective lots. The covenant shall indemnify the Council from any liability to contribute towards any construction, maintenance or upgrading work on any fence between the Reserve and the specified adjoining lot. The covenant is to be prepared to the Council’s satisfaction and registered on the relevant title at the applicant’s expense. The consent holder shall provide a solicitor’s written undertaking to register the document on the affected titles.

(m) Submit to the Council's Resource Consents Manager or delegate for certification a document that sets out all building and landscape design and maintenance controls to be complied with by way of consent notice condition/s on Lots 61 – 94 and 164 – 169, inclusive of the following:

- (i) Building envelopes defined for each lot in accordance with the 'Stage 3 South Concept Plan' and Stage 3 West Concept Plan prepared by 4Sight Consulting part of SLR referenced as LA04A LA04B dated 1 April 2025, inclusive of 6 metre rolling height building limit.
- (ii) Building design detail controls inclusive of but not limited to the following:
 - each residential lot shall have one dwelling and a garage with space for a minimum of two vehicles
 - water tanks shall be screened and/or buried so they are not visible from beyond the boundary of the lot
 - the glazing of windows are to be non-reflective and not mirrored glass
 - colour schemes for exterior walls and roofs are to use medium to dark shades of recessive colours which are neutral, sympathetic to the adjacent landscape, and not a dominating visual element. The exterior walls shall have a reflectivity value no greater than 35% and a maximum of 30% for roofs. The restriction does not apply to window joinery or regular domestic doors
 - a freestanding garage or other ancillary domestic structure can be erected on any lot provided it is constructed in the same or similar materials and style to the primary dwelling. Any freestanding garage or ancillary domestic structure shall be located no more than 15 m from main dwelling
 - external retaining walls shall be a maximum of 1.5 m in height, finish to be of natural materials, i.e., timber or stone. Other materials such as brick or plaster are discouraged. Open rail style fencing on top of retaining walls over 900 m in height are permitted, close boarded fences are not permitted
 - side boundary fencing shall be limited to 1.2 m height post and rail or post and wire fencing, except where these boundaries adjoin a JOAL or pedestrian right of way
 - where the access, vehicle parking, and manoeuvring area surfaces are constructed of concrete then a dark (black) oxide shall be applied at the rate of 2.5 kg per 1 m³ of concrete. In addition, all block work or paving shall be completed in recessive tones; and
 - one vehicle crossing permitted on any lot; and
 - private exterior lighting shall utilise LED lights. To reduce effects on dark skies and nocturnal wildlife:

- colour temperature to be no greater than 2,700 K
 - lighting to be directed to the specific area that needs lighting, and light spill (waste light) to be minimised; and
 - lights with brightness of 500 lumens maximum for motion sensor security lights and 200 lumens maximum for other outdoor lights.
- (iii) Weed and pest control requirements to be undertaken by the future owners of all affected lots within Stage 3 in accordance with the plan prepared by 4Sight Consulting part of SLR titled 'Revegetation Strategy' referenced LA15 dated 1 April 2025, to achieve long term management of the landscape planting to be provided and covenanted within the lots as required under condition 10(o)(xiii) below.
- (n) Provide suitable evidence by way of written certification and supporting documentation to confirm that the following has been completed:
- (i) Construction of boundary fences along the Kapiro Road frontage of the site and the internal Lot fencing as shown on the plan prepared by 4Sight Consulting part of SLR titled Stage 3 South Fence Typologies and Stage 3 West Fence Typologies referenced LA05A and LA05B dated 1 April 2025.
 - (ii) Completion of all street planting within the stage boundary in accordance with the plan prepared by 4Sight Consulting part of SLR titled Stage 3 Street Trees referenced LAS01 dated 1 April 2025. The consent holder shall maintain the street planting for a 2-year period commencing on the date that the section 224(c) certificate is issued.
 - (iii) Completion of all works identified in the approved Reserve Development Plan under Condition 9(f) above. Certification is to be provided in accordance with Section 7.4 of the ES 0.6 2023 to confirm completion of all works. If the planting methodology for Lot 701 requires planting to be completed in two tranches, the consent holder may enter into a bond with the Council under section 108(2)(b) of the RMA in respect of the second tranche of reserve planting to enable the issue of a certificate under section 224(c) of the RMA prior to the completion of all planting.
- Advice Note: It may be beneficial to the long-term survival of the reserve planting for it to be completed in two tranches across two or more planting seasons (May to September each year). ES 0.6 2023 anticipates and provides for a consent holder to bond arrangement with the Council in respect of the incomplete work.*
- (iv) Completion of all planting on Lots 61-76, 78, 80-94, and 164-166 in accordance with the plans prepared by 4Sight Consulting part of SLR titled Stage 3 West Concept Plan, Stage 3 South Concept Plan, and Stage 3 East Concept Plan referenced LA04A, LA04B, and LA04C respectively dated 1 April 2025. Plant species shall be in accordance with the plans prepared by 4Sight Consulting part of SLR titled Summary Species Schedule referenced LA13-LA14 dated 1 April 2025 and the planting methodology and maintenance shall be carried

out in accordance with the plan prepared by 4Sight Consulting part of SLR titled Revegetation Strategy referenced LA15 dated 1 April 2025.

- (o) The following conditions shall be complied with on an ongoing basis and recorded in consent notices under section 221 of the RMA for the specified lots. The consent notices shall be prepared by the Council's Solicitor at the consent holder's expense:
- (i) **For Lots 61 – 94 and 164 – 169**, upon construction of the dwelling, a vehicle entrance crossing must be constructed in accordance with the Council engineering standards ES 0.6 2023, noting that a Vehicle crossing permit application is required for each crossing.
 - (ii) **For Lots 61 – 94 and 164 – 169**, in conjunction with the construction of any building that includes a wastewater treatment and effluent disposal system, the applicant shall submit for Council approval an on-site wastewater report prepared by a Chartered Professional Engineer or a Council approved report writer having regard to the "Engineering Report" dated 3 July 2023 prepared by Haigh Workman, ref 18 295. The report shall identify a suitable method of wastewater treatment for the proposed development along with an identified effluent disposal area plus a reserve disposal area.
 - (iii) **For Lots 61 – 94 and 164 – 169**, in conjunction with the construction of any dwelling, sufficient water storage shall be provided on the lot for potable water supply. The storage volume shall be at least 50,000 litres per dwelling unless a report by a suitable qualified person demonstrates to Council's satisfaction that a lesser storage capacity is adequate. In addition to a potable water supply, a dedicated water collection system with sufficient supply for fire-fighting purposes, being at least 25,000 litres is to be provided by way of tank or other approved means and to be positioned so that it is safely accessible for this purpose in accordance with the New Zealand Fire Fighting Water Supply Code of Practice SNZ PAS 4509 2008.
 - (iv) **For Lots 61 – 94 and 164 – 169**, all building that requires building consent will require an assessment of foundations and ground suitability by a suitably qualified and experienced practitioner (i.e., Chartered Professional Engineer). The assessment shall reference especially geotechnical recommendations of the Haigh Workman Rangitane River Park Stages 3-6 Geotechnical Assessment Report, dated 3 July 2023.
 - (v) **For Lots 86, 87, 88 and 89**, building restriction lines as indicated on the Haigh Workman Engineering Plans - Geotechnical Site Plan – Stages 3-& 4 dated 3 April 2025, apply to these lots. Building beyond the restriction line is possible but will be subject to site-specific geotechnical investigation and slope stability analysis to either demonstrate the land beyond the restriction line is stable, or otherwise providing ground improvement to stabilise the land, e.g. a soldier pile wall. The geotechnical investigation is to be undertaken by a Chartered Professional Engineer with a geotechnical practice area.
 - (vi) **For Lots 61 – 94 and 164 – 169**, development is approved by way of resource consent for up to a maximum of 600 m² impermeable surfaces coverage on each lot. If at any stage, the proposed area of impermeable surfaces exceeds 600 m², a stormwater management system shall be designed, for the approval

of Council, and implemented for that Lot to ensure peak stormwater runoff from the developed lot does not exceed the runoff anticipated from this consent notice during a design 10% annual exceedance probability storm event with a recognised allowance for climate change.

- (vii) **For Lots 61-94 and 164-169**, without the prior approval of the Council, no building shall be erected, nor any works which increase impermeable surfaces be undertaken, nor any planting or structure placed which may create a flow obstruction, on any area of the site which has been proposed or identified as a secondary / overland (Q100) flow path described in the Haigh Workman “Engineering Report” dated 3 July 2023, and Stormwater Management Plans, Sheets 1-4 (Rev M) dated 3 April 2025, ref 18 295.
- (viii) **For Lots 61 – 94 and 164 – 169**, no owners or occupiers of or visitors to any of the lots shall keep or introduce onto the land any carnivorous animal including but not limited to any cats, dogs or mustelids that has the potential to be a Kiwi predator. This includes the bringing of any such animals onto site by visitors and contractors.
- (ix) **That lot owner(s) of Lots 61, 68, 71, 67, 72-76**, shall ensure on an ongoing basis that the Kapiro Road boundary fencing is maintained.
- (x) **For Lots 61 – 94 and 164 – 169**, any area of road reserve utilised for the purpose of letterboxes to service the development will not be subject to any maintenance by the Far North District Council.
- (xi) **For Lots 61 – 94 and 164 – 169**, when Building Consent is sought for any habitable or non-habitable building over 50 m², the applicant must submit for Council approval, a registered landscape architect certified Building Development Landscape Plan which manages the landscaping within the site boundary beyond those areas and requirements addressed in the Stage 3 design document required under Condition 10(m) of this consent. The plan shall detail planting for the purposes of visual mitigation and integration of the built development, its access, buildings and other built elements (e.g. pergolas, gazebos), retaining walls, pools and water features, and landform modifications. The plan shall show details of re-vegetation of any exposed cut faces associated with works required for the building, access, or landscaping. The plan shall contain the following information:
 - a. location and extent of any proposed buildings, access, retaining walls and extent of earthworks
 - b. names of proposed species
 - c. size of proposed stock for planting
 - d. locations and spacing of proposed plants, positioned (where appropriate) so as to achieve canopy closure within 3-5 years
 - e. details of staking and other means of support for large trees
 - f. details of proposed maintenance; and

- g. details of proposed mulch, type, depth etc.

The certified Building Development Landscape Plan shall be formulated in accordance with the following standards:

- a. indigenous species found in the locality should predominate within the species mix used for landscaping around the built development;
- b. fencing, drains or other potential hazards for Kiwi should be designed to allow safe movement of Kiwi;
- c. to construct any Road boundary fence (except Kapiro Road or Redcliffs Road) in local stone, post and rail, post and wire, post, wire and batten;
- d. to retain and maintain any Road boundary fence on Kapiro Road in post and rail, post and rail crossbuck or post, wire and batten as shown in the 4Sight Consulting part of SLR Stage 3 West and Stage 3 South, Fencing Typologies referenced LA05A and LA05B, dated 1 April 2025;
- e. for lots without covenanted planting areas, a minimum of five specimen trees shall be included in the planting proposal. These can be selected from the Summary Species Schedule, referenced LA13-LA14 dated 1 April 2025, prepared by 4Sight Consulting part of SLR.
- f. no tree species shall be selected from plantation forestry or coppicing species
- g. all planting within 5 metres of the residential unit shall be designed to prevent the creation of fires hazards and utilise species identified as suitable in the 4Sight Consulting part of SLR Summary Species Schedule, referenced LA13-LA14 dated 1 April 2025.
- h. outdoor parking areas shall be screened to a minimum of 1 m high to partially obscure these areas from offsite locations.
- i. The Landscape Plan to be designed to integrate all structures with their natural surroundings.

The certified Building Development Landscape Plan is to be implemented and completed prior to the issuing of a Code of Compliance Certificate for the building under the Building Act 2004. The owner shall confirm completion of all works by way of submission of a written statement from a suitably qualified landscape architect to the Council's Resource Consents Manager or delegated representative. Once completed all planting is to be maintained in perpetuity. Where any planting is damaged, destroyed or otherwise removed, it shall be replaced with the same or similar species as soon as practically possible.

- (xii) **For Lots 61-94 and 164-169**, At the time of lodgement of a building consent for any habitable or non-habitable buildings on Lots 61 – 94 and 164 – 169, the property owner shall provide to the Council a written statement prepared by a suitably qualified landscape architect to confirm that all necessary

requirements specified in the certified document required under Condition 10(m) above have been addressed and will be complied with. All works undertaken on the site shall be carried out, completed, and maintained in general accordance with the written statement and any supporting approved plans for the life of the building/s.

- (xiii) **For Lots 61-76, 78, 80-94, and 164-166**, all planting protected by way of covenant is to be maintained in accordance with the weed and pest plan provided under Condition 10(m)(iii) above. Where any planting is damaged, destroyed or otherwise removed, it shall be replaced with the same or similar species as soon as practically possible.
- (xiv) **For Lots 61-94 and 164-196**, there shall be no further subdivision of any lot unless the subdivision is a boundary adjustment that does not result in any additional subdivision rights under the Operative District Plan or the subdivision other than a boundary adjustment complies with the minimum lot size required for a permitted, controlled, restricted discretionary or discretionary activity by the Operative District Plan at the time of the application for resource consent.
- (p) The consent holder shall enter into a land covenant over Lots 701 and 703-704 in favour of the Far North District Council. The covenant shall be prepared by the Council's solicitor at the consent holder's expense. The covenant must require the prohibition of dogs from all parts of Lots 701 and 703-704.
- (q) The consent holder shall enter into a land covenant over the areas marked "AAA", "BBB" and "CCC" on Lot 701 on the scheme plan prepared by Neil Construction Limited drawing no. 420-03-SP-00-PEC dated 20 March 2025 in favour of the Far North District Council. The covenant shall be prepared by the Council's Solicitor at the consent holder's expense. The covenant must require, for the permanent protection of areas of ecological value:
 - (i) The maintenance, protection, and enhancement of indigenous habitat and indigenous fauna;
 - (ii) The maintenance, protection, and enhancement of ecological values, ecosystems, and biodiversity including ecological values, ecosystems, and biodiversity associated with freshwater and the Rangitane River;
 - (iii) Weed and pest control;
 - (iv) The prohibition of vehicles unless required for maintenance purposes or other purposes authorised by the Far North District Council; and
 - (v) a binding and enforceable requirement for the consent holder to undertake its maintenance obligations for a minimum period of 5 years from the date of registration and executing of the covenant as defined under Condition 9(e)(ii) of this consent.

Advice Note: The areas marked "AAA", "BBB", and "CCC" on the scheme plan prepared by Neil Construction Limited are areas of ecological value as identified by the Environment Court in Neil Construction Limited v Far North District Council [2024] NZEnvC 142 at [100], [104], [106], [125] and [128]. Condition 10(q) is a response to the Environment Court's direction at [247](c).

Stage 4 – Lots 95 - 123, Lots 601 and 602 (road to vest), Lots 505 – 508 (JOALs), and Lot 700 (reserve to vest), being a subdivision of Stage 3 Lot 1004

Section 223 Conditions

- 11 The survey plan submitted for approval under section 223 of the RMA shall be in general accordance with the scheme plan prepared by Neil Construction Limited titled 'Stage 4 Proposed Subdivision of Lot 1004 DP XXXXXX' referenced 420-04-SP-01-PEC Sheets 1 & 2 dated 20 March 2025, inclusive of the following:

- (a) The following amalgamation conditions:
 - (i) 'That Lot 505 be held as three equal undivided shares by the owners of Lots 104, 105, and 106.'
 - (ii) 'That Lot 506 be held as three equal undivided shares by the owners of Lots 109, 110 and 111.'
 - (iii) 'That Lot 507 be held as three equal undivided shares by the owners of Lots 115, 116 and 117. '
 - (iv) 'That Lot 508 be held as two equal undivided shares by the owners of Lots 121 and 122.'

(LINZ ref 1925917)

- (b) The consent holder must create easements over any public or private stormwater infrastructure and overland flow paths located within the residential lots as directed by the Resource Consent Engineer or delegate.

Note: Overland flow paths are to be assessed in accordance with Section 4 of Council's Engineering Standards 2023 Edition and are to be certified by a CPEng Engineer with relevant qualifications in stormwater design.

- 12 Prior to approval of the survey plan pursuant to Section 223 of the RMA, the consent holder shall:

- (a) Submit a Construction Management Plan ("**CMP**") to the Council's Resource Consents Engineer or delegate for certification. The CMP shall contain information about and site management procedures for:
 - (i) the timing of site works, earthworks, and construction works, including hours of work, and the key project and site management personnel
 - (ii) consultation with Ngāti Rēhia about the timing and supervision interest for earthworks
 - (iii) bulk earthworks plan (showing cut and fill and their related quantities)
 - (iv) the transportation of fill and construction materials from and to the site and associated controls on vehicles through sign-posted site entrances/exits and the loading and unloading of materials

- (v) the extent of excavation works, including retaining structures and any necessary dewatering facilities, prepared by a suitably qualified geotechnical engineer
- (vi) control of dust and noise on-site and necessary avoidance or remedial measures
- (vii) prevention of soil or other material being deposited on surrounding roads from vehicles working within the subdivision and the proposed remedial actions should it occur
- (viii) the exclusion of dogs from site at all times
- (ix) bringing awareness to the presence of kiwi on the site, including through signage, at entrances to the site; and
- (x) proposed publicity and safety measures, including signage, to inform adjacent landowners and occupiers, pedestrians, and other users of the road.

The CMP shall also include information as to:

- (vi) the identity and contact details of the successful contractor
- (vii) the planned commencement date and duration of the contract
- (viii) the identity and contact details of the supervising engineer; and
- (ix) a copy of the corridor access request (if required); and
- (x) a copy of the Construction Environmental Management Plan approved by the Northland Regional Council.

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

- (b) Submit a Construction Traffic Management Plan (“**CTMP**”) to the Council’s Resource Consents Engineer or delegate for certification. The CTMP shall contain information about and site management procedures for:
 - (i) establishing a parking management plan for construction traffic
 - (ii) measures to address the transportation and parking of oversize vehicles (if any)
 - (iii) identifying the proposed number and timing of heavy vehicles throughout the day
 - (iv) identifying the location of heavy vehicle and construction machinery access to the site; and
 - (v) requiring and ensuring wide loads and vehicles with Gross Vehicle Mass over 3,500 kg avoid using Landing Road and access and depart the site via Kapiro Road and State Highway 10.

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

- (c) Submit preferred road names and two alternative names for Lot 601 as road to vest to the Council's Resource Consents Engineer or delegate for certification.

Advice Note: In accordance with the Council's and Bay of Islands-Whangaroa Community Board's road naming policies, road names should reflect the history of the area and be no longer than 10 characters in length.

- (d) Submit a set of engineering plans for all construction works and infrastructure (private and public) for Stage 4 in accordance with the Far North District Council Engineering Standards 0.6 2023 ('ES 0.6 2023') to the Council's Resource Consents Engineer or delegate for certification. The plans are to be prepared by a suitably qualified and experienced engineer in accordance with Section 1.5 of the ES 0.6 2023, and are to be generally in accordance with the set of engineering plans prepared by Haigh Workman Limited referenced as Job No. 18 295 listed in condition 6 above. The plans are to include (but are not limited to):
 - (i) Road to vest and JOAL design, where Lot 601 shall have a 16-metre legal width and 6.5-metre carriageway, and the JOALs shall comply with Table 3.6 of the ES 0.6 2023 or as otherwise specified in the Haigh Workman engineering plans. The plans shall include all road marking, lighting, intersection design, footpaths and other features required in accordance with Section 3.2 of the ES 0.6 2023. Where street trees are proposed (as illustrated on the 'Stage 4 Street Trees' Sheet LAS02 dated 1 April 2025 prepared by 4Sight Consulting part of SLR) they shall be designed and located to comply with Section 7.2.6 of the ES 0.6 2023.
 - (ii) Design details of the vehicle crossing to service JOAL 505 onto Redcliffs Road in accordance with Section 3.2.27 of the ES 0.6 2023.
 - (iii) Design details to confirm that a vehicle crossing to each lot can be constructed to Council residential vehicle crossing standards, noting that individual crossings are not required to be constructed as part of the approved engineering plan works.
 - (iv) Design details for stormwater management for all lots and impermeable surfaces within road reserve and JOALs in accordance with Section 4.3.5 of the ES 0.6 2023
- (e) Lighting design brief in accordance with Section 3.2.17 of the ES 2023 and NTA Design Manual - Street Lighting Version 1, and inclusive of lighting network and categories both within and in the vicinity of the subdivision site, taking into account and providing for:
 - (i) Effects on dark skies and nocturnal fauna;
 - (ii) A street light colour temperature no greater than 3,000 K
 - (iii) Minimisation of light spill (waste light);
 - (v) A lighting intensity (brightness) set at the lowest lux level necessary for road safety; and

- (vi) Use of LEDs.
- (f) Submit for certification by the Resource Consents Manager details of temporary and permanent signage required for kiwi awareness ("**KAS**"), including:
 - (i) KAS will be a standard Kiwi Coast "no dogs" design
 - (ii) Permanent KAS will be erected at each road entrance to the new development and entrances to the new reserves
 - (iii) Temporary KAS will also be located in any large empty grasses areas while lots are empty. The temporary signs will be removed after the area of empty lots has been reduced, or when building work has commenced on lots in each area; and
 - (iv) Prior to submitting the details of the KAS to the Council, the consent holder shall provide details of the KAS to Vision Kerikeri and Friends of Rangitane Stream for comment and allow at least 5 working days for comments. The consent holder must consider any comments received from Vision Kerikeri and Friends of Rangitane Stream and may incorporate the comment into the KAS details. The KAS details will be submitted to the Council with a copy of the comments that were provided by Vision Kerikeri and Friends of Rangitane Stream.

Section 224 Conditions

- 13 Prior to the issue of a certificate under section 224(c) of the RMA, the consent holder shall:
- (a) Submit a Corridor Access Request application to Council's Road Corridor Co-ordinator (corridor.access@fndc.govt.nz) and receive written approval for all works to be carried out within Council's Road Reserve (refer to the advisory clause below for the definition of a Corridor Access Request).
 - (b) Notify Council, in writing, of their intention to begin works, a minimum of seven days prior to commencing works. Such notification shall be sent to the Resource Consent Engineer and include the following details:
 - Name and telephone number of the project manager.
 - Site address to which the consent relates.
 - Activities to which the consent relates.
 - Expected duration of works.
 - (c) Adhere to the approved engineering plans, all management plans, and all resource consent conditions, Inspection and Test Plan, approved corridor access request at all times, and these documents are to be held onsite at all times during construction. All personnel working on the site shall be made aware of and have access to the resource consent and accompanying documentation.
 - (d) Request a pre-start meeting to be undertaken with the consent holder's representative, contractor(s) or agents for the consent holder and the Resource

Consent Engineer a minimum of 10 working days prior to any works being undertaken on the site, to the satisfaction of the Resource Consent Engineer or delegate.

- (e) Undertake and complete all work on the approved engineering plans in Condition 12(d), erection of road signs, and kiwi awareness signage approved under Condition 12(e) to the approval of the Resource Consent Engineer or delegate. Compliance with this condition shall be determined by;
 - (i) Site inspections undertaken as agreed in Council's engineering plan approval letter/ Inspection and Test Plan.
 - (ii) Results of all testing, video inspection records of all wastewater and stormwater reticulation, PE pipeline pressure testing and weld data logging results.
 - (iii) PS4 and approval of supporting documentation provided by the developer's representative/s including evidence of inspections by those persons, and all other test certificates and statements required to confirm compliance of the works as required by Council's QA/QC Manual and the Council's ES 0.6 2023.
 - (iv) "Certificate of Completion of Resource Consent Works" from the Contractor.
 - (v) Provide evidence that the cost of purchasing and installing a road name sign for the road to vest has been paid to Council contractors:

Northern Area – Fulton Hogan (09) 408 6440 or Southern Area – Ventia (09) 407 7851.
- (f) Submit a certified and dated 'As built' plan of completed works and services in accordance with ES 0.6 2023. This condition shall be deemed satisfied once the as built have been approved by Councils' Resource Consent Engineer or delegate.
- (g) Submit certified RAMM data for all new/upgraded Roading infrastructure prepared by a suitably qualified person in accordance with ES 0.6 2023 to the satisfaction of the Resource Consent Engineer or delegated representative. This data shall include COC Documents and Electrical Certificates shall be provided for street lights, and warranty documents shall be transferred to Council for all street lights installed.
- (h) Submit a geotechnical completion report upon the completion of the earthworks to confirm the geotechnical recommendations and document the work undertaken, e.g. earthworks compaction certification to the Council's Resource Consents Engineer or delegate for certification. The completion report shall include certification of the engineered fill and as-built plans in accordance with the requirements of NZS4431:2022.
- (i) Submit evidence to the Council's Resource Consents Engineer or delegate for certification that a maintenance agreement has been entered into with the contractor who is to maintain the road and stormwater drainage work which is to vest in Council for a minimum of 12 months from the date of issuing of the s224 certificate. The value of the bond, or retention money held in lieu of a bond, shall be 5% of the value of the vested works.

- (j) Submit evidence that a maintenance agreement has been entered into with the contractor who is to inspect the rock-lined drains at the end of the 12-month maintenance period required by condition 13(i) for erosion or scouring and remediate any damage (if any) to the satisfaction of the Council's Resource Consent Engineer or delegate.
- (k) Submit documentation that the service providers of electric power and telecommunications to the sites are satisfied with the arrangements made for the provision of these services.
- (l) Submit written confirmation by way of a legal undertaking that a fencing covenant pursuant to Section 5 of the Fencing Act 1978 over all lots which adjoin Lots 700 and 701 has been prepared and will be registered on the title of the respective lots. The covenant shall indemnify the Council from any liability to contribute towards any construction, maintenance or upgrading work on any fence between the Reserve and the specified adjoining lot. The covenant is to be prepared to the Council's satisfaction and registered on the relevant title at the applicant's expense. The consent holder shall provide a solicitor's written undertaking to register the document on the affected titles.
- (m) Submit to the Council's Resource Consents Manager or delegate for certification a document that sets out all building and landscape design and maintenance controls to be complied with by way of consent notice condition/s on Lots 95 - 123, inclusive of the following:
 - (i) Definition of any building envelopes and building setbacks as defined for each lot in accordance with the 'Stage 4 Concept Plan' prepared by 4Sight Consulting part of SLR referenced as LA04B dated 1 April 2025, inclusive of a 25-metre setback from Kapiro and Redcliff Roads.
 - (ii) Building design detail controls inclusive of (but not limited to):
 - each residential lot shall have one dwelling and a garage with space for a minimum of two vehicles
 - water tanks shall be screened and/or buried so they are not visible from beyond the boundary of the lot
 - the glazing of windows are to be non-reflective and not mirrored glass
 - colour schemes for exterior walls and roofs are to use medium to dark shades of recessive colours which are neutral, sympathetic to the adjacent landscape, and not a dominating visual element. The exterior walls shall have a reflectivity value no greater than 35% and a maximum of 30% for roofs. The restriction does not apply to window joinery or regular domestic doors
 - a freestanding garage or other ancillary domestic structure can be erected on any lot provided it is constructed in the same or similar materials and style to the primary dwelling. Any freestanding garage or ancillary domestic structure shall be located no more than 15 m from main dwelling

- external retaining walls shall be a maximum of 1.5 m in height, finish to be of natural materials, i.e., timber or stone. Other materials such as brick or plaster are discouraged. Open rail style fencing on top of retaining walls over 900 m in height are permitted, close boarded fences are not permitted
 - side boundary fencing shall be limited to 1.2 m height post and rail or post and wire fencing, except where these boundaries adjoin a JOAL or pedestrian right of way
 - where the access, vehicle parking, and manoeuvring area surfaces are constructed of concrete then a dark (black) oxide shall be applied at the rate of 2.5 kg per 1 m³ of concrete. In addition, all block work or paving shall be completed in recessive tones
 - one vehicle crossing permitted on any lot; and
 - private exterior lighting shall utilise LED lights to reduce effects on dark skies and nocturnal wildlife:
 - colour temperature to be no greater than 2,700 K
 - lighting to be directed to the specific area that needs lighting, and light spill (waste light) to be minimised; and
 - lights with brightness of 500 lumens maximum for motion sensor security lights and 200 lumens maximum for other outdoor lights.
- (iii) Weed and pest control requirements to be undertaken by the future owners of all affected lots within Stage 4 in accordance with the plan prepared by 4Sight Consulting part of SLR titled Revegetation Strategy referenced LA15 dated 1 April 2025, to achieve long term management of the landscape planting to be provided and covenanted within the lots as required under condition 13(o)(xv). below.
- (n) Provide suitable evidence by way of written certification and supporting documentation to confirm that the following has been completed:
- (i) Construction of boundary fences along the Kapiro and Redcliff Road frontages of the site and the internal Lot fencing as shown on the plan prepared by 4Sight Consulting part of SLR titled 'Stage 4 South Fence Typologies' referenced LA07 dated 1 April 2025.
 - (ii) Completion of all street planting within the stage boundary in accordance with the plan prepared by 4Sight Consulting part of SLR titled 'Stage 4 Street Trees' referenced LAS02 dated 1 April 2025. The consent holder shall maintain the street planting for a 2-year period commencing on the date that the section 224(c) certificate is issued.
 - (iii) Completion of all planting on Lots 95, 97–105, 107–119, 121–123 in accordance with the plans prepared by 4Sight Consulting part of SLR titled 'Stage 4 Concept Plan' referenced LA06 dated 1 April 2025. Plant species shall be in

accordance with the plans prepared by 4Sight Consulting part of SLR titled 'Summary Species Schedule' referenced LA13-LA14 dated 1 April 2025 and the planting methodology and maintenance shall be carried out in accordance with the plan prepared by 4Sight Consulting part of SLR titled 'Revegetation Strategy' referenced LA15 dated 1 April 2025.

Consent Notices

- (o) The following conditions shall be complied with on an ongoing basis and recorded in consent notices under section 221 of the RMA for the specified lots. The consent notices shall be prepared by the Council's Solicitor at the consent holder's expense:
 - (i) **For Lots 95 – 123**, that upon construction of the dwelling, that the vehicle entrance crossing be constructed in accordance with Council engineering standards ES 0.6 2023, noting that a Vehicle crossing permit application is required for each crossing.
 - (ii) **For Lots 95 – 123**, in conjunction with the construction of any building which includes a wastewater treatment and effluent disposal system, the applicant shall submit for Council's approval an on-site wastewater report prepared by a Chartered Professional Engineer or a Council approved report writer having regard to the "Engineering Report" dated 3 July 2023, prepared by Haigh Workman, ref 18 295. The report shall identify a suitable method of wastewater treatment for the proposed development along with an identified effluent disposal area plus a reserve disposal area.
 - (iii) **For Lots 95 – 123**, in conjunction with the construction of any dwelling, sufficient water storage shall be provided on the lot for potable water supply. The storage volume shall be at least 50,000 litres per dwelling unless a report by a suitable qualified person demonstrates to Council's satisfaction that a lesser storage capacity is adequate. In addition to a potable water supply, a dedicated water collection system with sufficient supply for fire-fighting purposes is to be provided by way of tank or other approved means and to be positioned so that it is safely accessible for this purpose. These provisions will be in accordance with the New Zealand Fire Fighting Water Supply Code of Practice SNZ PAS 4509 2008.
 - (iv) **For Lots 95 – 123**, all buildings that require a building consent will require an assessment of foundations and ground suitability by a suitably qualified and experienced practitioner (i.e. Chartered Professional Engineer). The assessment shall reference especially geotechnical recommendations of the approved Haigh Workman Rangitane River Park – Stages 3-6 Geotechnical Assessment Report dated 3 July 2023.
 - (v) **For Lots 95 – 123**, without the prior approval of the Council, no building shall be erected, nor any works which increase impermeable surfaces be undertaken, nor any planting or structure placed which may create a flow obstruction, on any area of the site which has been proposed or identified as a secondary / overland (Q100) flow path described in the "Engineering Report" and plans prepared by Haigh Workman Ltd, dated 3 July 2023, ref 18 295.

- (vi) **For Lots 95 – 123**, the subdivision provides a resource consent for up to a maximum of 600m² impermeable surfaces coverage on each Lot. If at any stage, the proposed area of impermeable surfaces exceeds 600m², a stormwater management system shall be designed, for the approval of Council, and implemented for that Lot to ensure peak stormwater runoff from the developed lot does not exceed the runoff anticipated from the consent notice during a design 10% annual exceedance probability storm event with a recognised allowance for climate change.
- (vii) **For Lot 115 and 116**, all planting within and along the margins of overland paths and drains marked “D3” on the plan prepared by Haigh Workman titled “Stormwater management Plan – Stage 4 Sheet 2” referenced SW2 dated 3 April 2025 shall be maintained. Where any planting is damaged, destroyed, or otherwise removed, it shall be replaced with the same or similar species as soon as practically possible.
- (viii) **For Lots 95 – 123**, no owners or occupiers of or visitors to any of the lots shall keep or introduce onto the land any carnivorous animal (such as cats, dogs or mustelids) which have the potential to be Kiwi predators. This includes the bringing of any such animals onto site by visitors and contractors.
- (ix) **For Lots 95, 97-105, 107-119, 121-123**, the lot owner(s) shall ensure on an ongoing basis that the covenanted planting area within Lots, planted in accordance with the plan prepared by 4Sight Consulting part of SLR titled Stage 4 Concept Plan referenced LA06 dated 1 April 2025 is maintained and kept weed free.
- (x) **For Lots 95 – 106**, the owner(s) shall ensure on an ongoing basis that the Kapiro Road and Redcliffs Road reserve boundary fencing is maintained.
- (xi) **For Lots 104-107 and 110-117, 121-123**, the owner(s) shall ensure on an ongoing basis that the boundary fencing with the Lot 701 Reserve is maintained.
- (xii) **For Lots 95 – 123**, when Building Consent is sought for any habitable or non-habitable building over 50 m², the applicant must submit for approval of Council, a registered landscape architect certified Building Development Landscape Plan, which manages the landscaping within the site boundary beyond those areas and requirements addressed in the document required under Condition 13(m) above. The plan shall detail planting for the purposes of visual mitigation and integration of the built development, its access, buildings and other built elements (e.g. pergolas, gazebos), retaining walls, pools and water features, and landform modifications. The plan shall show details of re-vegetation of any exposed cut faces associated with works required for the building, access, or landscaping. The plan shall contain the following information:
 1. Location and extent of any proposed buildings, access, retaining walls and extent of earthworks.
 2. Names of proposed species.

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

The certified Building Development Landscape Plan shall be formulated in accordance with the following standards:

- (i) Indigenous species found in the locality should predominate within the species mix used for landscaping around the built development.
- (ii) Fencing drains or other potential hazards for Kiwi should be designed to allow safe movement of Kiwi.
- (iii) To construct any Road boundary fence (except Kapiro Road or Redcliffs Road) in local stone, post and rail, post and wire, post, wire and batten.
- (iv) To retain and maintain any Road boundary fence on Kapiro Road or Redcliffs Road in post and rail, post and rail crossbuck or post, wire and batten as shown in the 4Sight Consulting part of SLR titled Stage 4 Fencing Typologies Plan referenced LA07, dated 1 April 2025.
- (v) For lots without covenanted planting areas, a minimum of five specimen trees shall be included in the planting proposal. These can be selected from the plan prepared by 4Sight Consulting part of SLR titled Summary Species Schedule referenced LA13-LA14 dated 1 April 2025.
- (vi) No tree species shall be selected from plantation forestry or coppicing species.
- (vii) All planting within 5 metres of the residential unit shall be designed to prevent the creation of fires hazards and utilise species identified as suitable in the plan prepared by 4Sight Consulting part of SLR titled Summary Species Schedule referenced LA13-LA14 dated 1 April 2025.
- (viii) Outdoor parking areas shall be screened to a minimum of 1 m high to partially obscure these areas from offsite locations.
- (ix) The Landscape Plan to be designed to integrate all structures with their natural surroundings.

The certified Building Development Landscape Plan is to be implemented and completed prior to the issuing of a Code of Compliance Certificate under the Building Act 2004. The owner shall confirm completion of all works by way of submission of a written statement from a suitably qualified landscape architect to the Council's Resource Consents Manager or delegated representative. Once completed all planting is to be maintained in perpetuity.

Where any planting is damaged, destroyed or otherwise removed, it shall be replaced with the same or similar species as soon as practically possible.

- (xiii) At the time of lodgement of a building consent for any habitable or non-habitable buildings on Lots 95 – 123, the property owner shall provide to the Council a written statement prepared by a suitably qualified landscape architect to confirm that all necessary requirements specified in the certified document required under Condition 13(m) above have been addressed and will be complied with. All works undertaken on the site shall be carried out, completed, and maintained in general accordance with the written statement and any supporting approved plans for the life of the building/s.
- (xiv) **For Lot 100,** The area of indigenous vegetation including *Coprosma rigida* marked “BV” on the scheme plan prepared by Neil Construction Limited titled ‘Stage 4 Proposed Subdivision of Lot 1004 DP XXXXXX’ referenced 420-04-SP-01-PEC Sheets 1 & 2 dated 20 March 2025 which shall be protected by land covenant in perpetuity. The lot owner(s) shall ensure that indigenous vegetation is maintained and that predators and weeds are controlled on an ongoing basis in the covenanted area.
- (xv) **For Lots 95 - 123,** all planting protected by way of covenant is to be maintained in accordance with the weed and pest plan provided under Condition 13(m)(iii) above. Where any planting is damaged, destroyed or otherwise removed, it shall be replaced with the same or similar species as soon as practically possible.
- (xvi) **For Lots 95-123,** there shall be no further subdivision of any lot unless the subdivision is a boundary adjustment that does not result in any additional subdivision rights under the Operative District Plan or the subdivision other than a boundary adjustment complies with the minimum lot size for a permitted, controlled, restricted discretionary or discretionary activity required by the Operative District Plan at the time of the application for resource consent.

Stage 5 – Lots 124 - 163, Lot 603 (road to vest), Lots 509 – 511 (JOALs), and Lot 702 (reserve to vest), being a subdivision of Stage 3 Lot 1005

Section 223 Conditions

- 14 The survey plan submitted for approval under section 223 of the RMA shall be in general accordance with the scheme plan prepared by Neil Construction Limited titled ‘Stage 5 Proposed Subdivision of Lot 1005 DP XXXXXX’ referenced 420-05-SP-01-PEC Sheets 1 & 2 dated 20 March 2025, inclusive of the following:
 - (a) The following amalgamation conditions:
 - (i) ‘That Lot 509 be held in four equal undivided shares by the owners of Lots 141 – 144.’
 - (ii) ‘That Lot 510 be held in four equal undivided shares by the owners of Lots 151 – 154.’

- (iii) 'That Lot 511 be held in three equal undivided shares by the owners of Lots 160, 161 and 163.'

(LINZ Ref 1925917)

- (b) The consent holder must create easements over any public or private stormwater infrastructure and overland flow paths located within the residential lots as directed by the Resource Consent Engineer or delegate.

Note: Overland flow paths are to be assessed in accordance with Section 4 of Council's Engineering Standards 2023 Edition and are to be certified by a CPEng Engineer with relevant qualifications in stormwater design.

15 Prior to approval of the survey plan pursuant to Section 223, the consent holder shall:

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

The CMP shall also include information as to:

- (xi) the identity and contact details of the successful contractor

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

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

- (b) Submit a Construction Traffic Management Plan (“CTMP”) to the Council’s Resource Consents Engineer or delegate for certification. The CTMP shall contain information about and site management procedures for:
 - (i) establishing a parking management plan for construction traffic
 - (ii) measures to address the transportation and parking of oversize vehicles (if any)
 - (iii) identifying the proposed number and timing of heavy vehicles throughout the day
 - (iv) identifying the location of heavy vehicle and construction machinery access to the site; and
 - (v) requiring and ensuring wide loads and vehicles with Gross vehicle Mass over 3,500 kg to avoid using Landing Road and access and depart the site via Kapiro Road and State Highway 10.

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

- (c) Submit preferred road names and two alternative names for Lot 603 as road to vest, noting that three names for each of the three road branches will be required, to the Council’s Resource Consents Engineer or delegate for certification.

Advice Note: In accordance with the Council’s and Bay of Islands-Whangaroa Community Board’s road naming policies, road names should reflect the history of the area and be no longer than 10 characters in length.

- (d) Submit a set of engineering plans for all construction works and infrastructure (private and public) for Stage 5 in accordance with the Far North District Council Engineering Standards 0.6 2023 (‘ES 0.6 2023’) to the Council’s Resource Consents Engineer or delegate for certification. The plans are to be prepared by a suitably qualified and experienced engineer in accordance with Section 1.5 of the ES 0.6 2023, and are to be generally in accordance with the set of engineering plans prepared by Haigh Workman Limited referenced as Job No. 18 295 listed in condition 6 above. The plans are to include (but are not limited to):
 - (i) Road to vest and JOAL design, where Lot 603 shall have varying legal widths and formation widths in accordance with the Drawing No P3 Sheet 3 of 4 of the set of engineering plans prepared by Haigh Workman Limited referenced as Job No. 18 295 listed in condition 6, and the JOALs shall comply with Table

3.6 of the ES 0.6 2023 or as otherwise specified in the Haigh Workman engineering plans. The plans shall include all road marking, lighting, intersection design, footpaths, cul-de-sac heads and other features required in accordance with Section 3.2 of the ES 0.6 2023. Where street trees are proposed (as illustrated on the 'Stage 5 Street Trees' Sheet LAS03 prepared by 4Sight Consulting part of SLR) they shall be designed and located to comply with Section 7.2.6 of the ES 0.6 2023.

- (ii) A minimum of 8 carparks to be provided within the road reserve located adjacent to the cul-de-sac head adjoining Lot 702 reserve to vest, and a minimum of 8 carparks to be provided within the road reserve located adjacent to Lot 703 recreation reserve.
 - (iii) Design details to confirm that a vehicle crossing to each lot can be constructed to Council residential vehicle crossing standards, noting that individual crossings are not required to be constructed as part of the approved engineering plan works.
 - (iv) Design details for stormwater management for all lots and impermeable surfaces within road reserve and JOALs in accordance with Section 4.3.5 of the ES 0.6 2023.
- (e) Lighting design brief in accordance with Section 3.2.17 of the ES 2023 and NTA Design Manual - Street Lighting Version 1, and inclusive of lighting network and categories both within and in the vicinity of the subdivision site, taking into account and providing for:
- (i) Effects on dark skies and nocturnal fauna;
 - (ii) A street light colour temperature no greater than 3,000 K
 - (iii) Minimisation of light spill (waste light);
 - (v) A lighting intensity (brightness) set at the lowest lux level necessary for road safety; and
 - (vi) Use of LEDs.
- (f) Submit a Reserve Development Plan ('RDP') for certification by the Resource Consents Manager for proposed Lot 702 as scenic reserve to vest, and development plans of a playground facility on recreation reserve Lot 703, generally in accordance with Section 7.2 of the ES 0.6 2023 and Sheets LAR01 – LAR07, LA14 and LA15 contained in the Landscape Plans prepared by 4Sight Consulting part of SLR dated 1 April 2025. The RDP shall include (but is not limited to) the following:
- (i) Design details of the walking track with a minimum width of 1.8 metres and transition to connection with footpaths on road reserve, and means of vehicular access to the reserve areas for maintenance purposes where:
 - Suitable surfacing shall be in a well-graded GAP20 supplied from a local weed-free source

- The stone particles shall be durable with at least 50% broken faces. Rounded river gravels or beach gravels are not acceptable as walkway surfacing aggregate unless these materials are crushed, and additional fines are added
- The walkway surfacing layer shall have a range of particle size distribution including at least 3% and preferably up to 15-20% by weight portion of clay content.
- The surfacing layer shall have a minimum compacted thickness of 50 mm. This layer shall be placed and compacted in a single layer. If additional aggregate is required after compaction to ensure the required layer thickness is achieved, the original aggregate layer shall be scarified before placing the additional aggregate.
- Methods used to place aggregate shall be such that segregation of the aggregate is avoided. Working of the placed aggregate with rakes or blading shall be avoided as this causes segregation of particle sizes. Shovels or excavator buckets should be used to move material if this is necessary.
- The aggregate surface shall be compacted after placement with a plate compactor or other vibrating equipment to achieve a well-bound surface to match the shape of the sub-grade.
- Compaction will be deemed to be complete when a well-bound pavement surface is achieved which is free of voids or loose stone.
- Water shall be sprayed onto the surface if necessary during compaction to ensure optimum compaction is achieved.
- Side drainage channels at least 150 mm deep shall be formed along the edge of the track in all locations where required, with a crown formation and the ground is level or rises beyond the edge of the track.
- Side drains shall have a fall longitudinally of at least 1% toward side drain discharge points.
- A side drain discharge may consist of a cut out drain leading to lower ground or a 150 mm diameter smooth walled culvert pipe under the track to direct water to lower ground on the opposite side of the track.
- Discharge points shall also be provided at all low points along the track profile.
- Culvert pipes shall be installed with a minimum 3% fall to the outlet and at least 100 mm cover to the track surface.
- A 400 mm minimum depth sump shall be formed at the inlet to each culvert discharging a side drain. The invert of the sump shall be at least 75 mm below the invert of the culvert pipe.

- Culverts shall be of sufficient length to pass under the track and extend beyond any fill.
 - The outlets of culvert pipes shall discharge at ground level without a free fall from the end of the pipe. Where the outlet slope is on steep loose material, a geotextile or rock apron shall be provided to prevent scour.
 - All culverts shall be installed in the dry, during a period of fine weather. All excavated material shall be placed outside the flow path and subjected to appropriate sediment control measures.
 - Boxed steps are to have a consistent grade, vertical rise and riser height within each flight between landings.
 - The Contactor shall construct steps to best fit the site whilst complying with all step parameters.
 - The vertical rise of each flight of steps between landings shall not exceed 2.5 m.
 - Landings are to be minimum 1,000 mm long on the centreline.
 - Any bridges are to be designed in accordance with ES2023.
- (ii) Landscape Maintenance Schedule in accordance with Section 7.2.4 of the ES 0.6 2023, noting that the consent holder shall be responsible for all maintenance of Lot 702 for a period of not less than 5 years from the date of vesting of Lot 702.
- (iii) Specific design of the playground facility on Lot 703 generally in accordance with Sheet LAR05 of the Landscape Plans prepared by 4Sight Consulting part of SLR dated 1 April 2025, and Section 7.2.5.8 of the ES 0.6 2023, inclusive of any furniture, amenity lighting, and signage.
- (iv) Design details of bollards to be installed at the entrances to Lot 702 to prevent unauthorised vehicle access into the reserve to vest.
- (g) Submit for certification by the Resource Consents Manager details of temporary and permanent signage required for kiwi awareness, including:
- (i) KAS will be a standard Kiwi Coast “no dogs” design
 - (ii) Permanent KAS will be erected at each road entrance to the development and entrances to the new reserves
 - (iii) Temporary KAS will also be located in any large empty grassed areas while lots are empty. The temporary signs will be removed after the area of empty lots has been reduced, or when building work has commenced on lots in each area; and
 - (iv) Prior to submitting details of the KAS to the Council, the consent holder shall provide draft details of the KAS to Vision Kerikeri and Friends of Rangitane

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

- (h) If a Community Engagement Group was formed under conditions 9(h)(iv)-(v), conditions 9(h)(iv)-(v), 9(i) and 9(j) apply to Lot 702.

Section 224 Conditions

16 Prior to the issue of a certificate under section 224(c) of the RMA, the consent holder shall:

- (a) Submit a Corridor Access Request application to Council's Road Corridor Co-ordinator (corridor.access@fndc.govt.nz) and receive written approval for all works to be carried out within Council's Road Reserve (refer to the advisory clause below for the definition of a Corridor Access Request).
- (b) Notify Council, in writing, of their intention to begin works, a minimum of seven days prior to commencing works. Such notification shall be sent to the Resource Consent Engineer and include the following details:
 - Name and telephone number of the project manager.
 - Site address to which the consent relates.
 - Activities to which the consent relates.
 - Expected duration of works.
- (c) Adhere to the approved engineering plans, all management plans, and all resource consent conditions, Inspection and Test Plan, approved corridor access request at all times, and these documents are to be held onsite at all times during construction. All personnel working on the site shall be made aware of and have access to the resource consent and accompanying documentation.
- (d) Request a pre-start meeting to be undertaken with the consent holder's representative, contractor(s) or agents for the consent holder and the Resource Consent Engineer a minimum of 10 working days prior to any works being undertaken on the site, to the satisfaction of the Resource Consent Engineer or delegate.
- (e) Undertake and complete all work on the approved engineering plans in Condition 15(d), erection of road signs, and kiwi awareness signage approved under Condition 15(g) to the approval of the Resource Consent Engineer or delegate. Compliance with this condition shall be determined by:
 - (i) Site inspections undertaken as agreed in Council's engineering plan approval letter/ Inspection and Test Plan.
 - (ii) Results of all testing, video inspection records of all wastewater and stormwater reticulation, PE pipeline pressure testing and weld data logging results.

- (iii) PS4 and approval of supporting documentation provided by the developer's representative/s including evidence of inspections by those persons, and all other test certificates and statements required to confirm compliance of the works as required by Council's QA/QC Manual and the Council's ES 0.6 2023.
- (iv) "Certificate of Completion of Resource Consent Works" from the Contractor.
- (v) Provide evidence that the cost of purchasing and installing a road name sign for the road to vest has been paid to Council contractors:

Northern Area – Fulton Hogan (09) 408 6440 or Southern Area – Ventia (09) 407 7851.

- (f) Submit a certified and dated 'As built' plan of completed works and services in accordance with ES 0.6 2023. This condition shall be deemed satisfied once the as built has been approved by Councils' Resource Consent Engineer or delegate.
- (g) Submit certified RAMM data for all new/upgraded Roadway infrastructure prepared by a suitably qualified person in accordance with ES 0.6 2023 to the satisfaction of the Resource Consent Engineer or delegate. This data shall include COC Documents and Electrical Certificates shall be provided for street lights, and warranty documents shall be transferred to Council for all street lights installed.
- (h) Submit a geotechnical completion report upon the completion of the earthworks to confirm the geotechnical recommendations and document the work undertaken, e.g. earthworks compaction certification to the Council's Resource Consents Engineer or delegate for certification. The completion report shall include certification of the engineered fill and as-built plans in accordance with the requirements of NZS4431:2022.
- (i) Submit evidence to the Council's Resource Consents Engineer or delegate for certification that a maintenance agreement has been entered into with the contractor who is to maintain the road and stormwater drainage work which is to vest in Council for a minimum of 12 months from the date of issuing of the s224 certificate. The value of the bond, or retention money held in lieu of a bond, shall be 5% of the value of the vested works.
- (j) Submit evidence that a maintenance agreement has been entered into with the contractor who is to inspect the rock-lined drains at the end of the 12-month maintenance period required by condition 16(h) for erosion or scouring and remediate any damage (if any) to the satisfaction of the Council's Resource Consent Engineer or delegate.
- (k) Submit documentation that the service providers of electric power and telecommunications to the sites are satisfied with the arrangements made for the provision of these services.
- (l) Submit written confirmation by way of a legal undertaking that a fencing covenant pursuant to Section 5 of the Fencing Act 1978 over all lots which adjoin Lots 701, 702 and 703 has been prepared and will be registered on the title of the respective lots. The covenant shall indemnify the Council from any liability to contribute towards any construction, maintenance or upgrading work on any fence between the Reserve and the specified adjoining lot. The covenant is to be prepared to the Council's satisfaction

and registered on the relevant title at the applicant's expense. The consent holder shall provide a solicitor's written undertaking to register the document on the affected titles.

- (m) Submit evidence to the Council's Resource Consents Engineer or delegate for certification that a maintenance agreement has been entered into with the contractor who is to maintain the playground equipment on Lot 703 for a minimum of 12 months from the date of issuing of the s 224 certificate. The value of the bond, or retention of money held in lieu of a bond, shall be 5% of the value of the vested works.
- (n) Submit to the Council's Resource Consents Manager or delegate for certification a document that sets out all building and landscape design and maintenance controls to be complied with by way of consent notice condition/s on Lots 124 - 163, inclusive of the following:
 - (i) Building design detail controls inclusive of (but not limited to) the following:
 - A 6 metre rolling height limit on Lots 160 and 161
 - each residential lot shall have one dwelling and a garage with space for a minimum of two vehicles
 - water tanks shall be screened and/or buried so they are not visible from beyond the boundary of the lot
 - the glazing of windows are to be non-reflective and not mirrored glass
 - colour schemes for exterior walls and roofs are to use medium to dark shades of recessive colours which are neutral, sympathetic to the adjacent landscape, and not a dominating visual element. The exterior walls shall have a reflectivity value no greater than 35% and a maximum of 30% for roofs. The restriction does not apply to window joinery or regular domestic doors
 - a freestanding garage or other ancillary domestic structure can be erected on any lot provided it is constructed in the same or similar materials and style to the primary dwelling. Any freestanding garage or ancillary domestic structure shall be located no more than 15 m from main dwelling
 - external retaining walls shall be a maximum of 1.5 m in height, finish to be of natural materials, i.e., timber or stone. Other materials such as brick or plaster are discouraged. Open rail style fencing on top of retaining walls over 900 m in height are permitted, close boarded fences are not permitted
 - side boundary fencing shall be limited to 1.2 m height post and rail or post and wire fencing, except where these boundaries adjoin a JOAL or pedestrian right of way
 - where the access, vehicle parking, and manoeuvring area surfaces are constructed of concrete then a dark (black) oxide shall be applied at the rate of 2.5 kg per 1 m³ of concrete. In addition, all block work or paving shall be completed in recessive tones

- one vehicle crossing permitted on any lot; and
 - private exterior lighting shall utilise LED lights. To reduce effects on dark skies and nocturnal wildlife:
 - colour temperature to be no greater than 2,700 K
 - lighting to be directed to the specific area that needs lighting, and light spill (waste light) to be minimised; and
 - lights with brightness of 500 lumens maximum for motion sensor security lights and 200 lumens maximum for other outdoor lights.
- (ii) Weed and pest control requirements to be undertaken by the future owners of all affected lots within Stage 5 in accordance with the plan prepared by 4Sight Consulting part of SLR titled 'Revegetation Strategy' referenced LA15 dated February 2025. to achieve long term management of the landscape planting to be provided and covenanted within the lots as required under condition 16(p)(xii). below.
- (o) Provide suitable evidence by way of written certification and supporting documentation to confirm that the following has been completed:
- (i) Construction of boundary fences adjacent to the existing and proposed reserve frontages of the site as shown on the plan prepared by 4Sight Consulting part of SLR titled 'Stage 5 - 6 Fence Typologies' referenced LA09 dated 1 April 2025.
 - (ii) Completion of all street planting within the stage boundary in accordance with the plan prepared by 4Sight Consulting part of SLR titled 'Stage 5-6 Street Trees' referenced LAS02 dated 1 April 2005. The consent holder shall maintain the street planting for a 2-year period commencing on the date that the section 224(c) certificate is issued.
 - (iii) Completion of all planting in accordance with the plans prepared by 4Sight Consulting part of SLR titled 'Stage 5-6 Concept Plan' referenced LA08 dated 1 April 2025. Plant species shall be in accordance with the plans prepared by 4Sight Consulting part of SLR titled 'Summary Species Schedule' referenced LA13-LA14 dated 1 April 2025 and the planting methodology and maintenance shall be carried out in accordance with the plan prepared by 4Sight Consulting part of SLR titled 'Revegetation Strategy' referenced LA15 dated 1 April 2025.
 - (iv) Completion of all works identified in the approved Reserve Development Plan under Condition 15(f) above including the construction of the playground on Lot 703 in accordance with the design required by condition 15(f)(iii). Certification is to be provided in accordance with Section 7.4 of the ES 06 2023 to confirm completion of all works.
- (p) The following conditions shall be complied with on an ongoing basis and recorded in consent notices under section 221 of the RMA for the specified lots. The consent notices shall be prepared by the Council's Solicitor at the consent holder's expense:

- (i) **For Lots 124 - 163**, that upon construction of the dwelling, the vehicle entrance crossing be constructed in accordance with Council engineering ES 0.6 2023, noting that a Vehicle crossing permit application is required for each crossing.
- (ii) **For Lots 124 – 163**, in conjunction with the construction of any building which includes a wastewater treatment and effluent disposal system, the applicant shall submit for Council's approval an on-site wastewater report prepared by a Chartered Professional Engineer or a Council approved report writer having regard to the "Engineering Report" dated 3 July 2023, prepared by Haigh Workman, ref 18 295. The report shall identify a suitable method of wastewater treatment for the proposed development along with an identified effluent disposal area plus a reserve disposal area.
- (iii) **For Lots 124 – 163**, in conjunction with the construction of any dwelling, sufficient water storage shall be provided on the lot for potable water supply. The storage volume shall be at least 50,000 litres per dwelling unless a report by a suitable qualified person demonstrates to Council's satisfaction that a lesser storage capacity is adequate. In addition to a potable water supply, a dedicated water collection system with sufficient supply for fire-fighting purposes is to be provided by way of tank or other approved means and to be positioned so that it is safely accessible for this purpose. These provisions will be in accordance with the New Zealand Fire Fighting Water Supply Code of Practice SNZ PAS 4509 2008.
- (iv) **For Lots 124 – 163**, all buildings that require a building consent will require an assessment of foundations and ground suitability by a suitably qualified and experienced practitioner (i.e. Chartered Professional Engineer). The assessment shall reference especially geotechnical recommendations of the Haigh Workman Rangitane River Park Stages 3-6 Geotechnical Assessment Report dated 3 July 2023.
- (v) **For Lots 132, 133, 141, 151, and 160**, building restriction lines apply to these lots as indicated on the Haigh Workman Engineering Plans - Geotechnical Site Plan – Stages 3-6 (Rev G) dated 3 April 2025. Building beyond the restriction line may be possible but will be subject to site-specific geotechnical investigation and slope stability analysis to either demonstrate the land beyond the restriction line is stable, or otherwise providing ground improvement to stabilise the land, e.g. a soldier pile wall. The geotechnical investigation is to be undertaken by a Chartered Professional Engineer with a geotechnical practice area.
- (vi) **For Lots 124 – 163**, without the prior approval of the Council, no building shall be erected, nor any works which increase impermeable surfaces be undertaken, nor any planting or structure placed which may create a flow obstruction, on any area of the site which has been proposed or identified as a secondary / overland (Q100) flow path described in the "Engineering Report" and plans prepared by Haigh Workman Ltd, dated 3 July 2023, ref 18 295.
- (vii) **For Lots 124 – 163**, The subdivision provides the subdivision provides a resource consent for up to a maximum of 600m² impermeable surfaces

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

- (viii) **For Lots 127 and 128**, all planting within and along the margins of overland flow paths and drains marked “D6” on the plan prepared by Haigh Workman titled “Stormwater management Plan – Stage 5 Sheet 3” referenced SW3 dated 3 April 2025 shall be maintained. Where any planting is damaged, destroyed or otherwise removed, it shall be replaced with the same or similar species as soon as practically possible.
- (ix) **For Lots 124 – 163**, no owners or occupiers of or visitors to any of the lots shall keep or introduce onto the land any carnivorous animal (such as cats, dogs or mustelids) which have the potential to be Kiwi predators. This includes the bringing of any such animals onto site by visitors and contractors.
- (x) **For Lots 124 - 163**, when Building Consent is sought for any habitable or non-habitable building over 50 m², the applicant must submit for approval of Council, a registered landscape architect certified Building Development Landscape Plan, which manages the landscaping within the site boundary beyond those areas and requirements addressed in the Building Controls and Landscape Concept Plan required under Condition 16(n) above. The plan shall detail planting for the purposes of visual mitigation and integration of the built development, its access, buildings and other built elements (e.g. pergolas, gazebos), retaining walls, pools and water features, and landform modifications. The plan shall show details of re-vegetation of any exposed cut faces associated with works required for the building, access, or landscaping. The plan shall contain the following information:
 - a. Location and extent of any proposed buildings, access and extent of earthworks.
 - b. Names of proposed species.
 - c. Size of proposed stock for planting.
 - d. Locations and spacing of proposed plants, positioned (where appropriate) so as to achieve canopy closure within 3-5 years.
 - e. Details of staking and other means of support for large trees.
 - f. Details of proposed maintenance.
 - g. Details of proposed mulch, type, depth etc

The certified Building Development Landscape Plan shall be formulated in accordance with the following standards:

- a. Indigenous species found in the locality should predominate within the species mix used for landscaping around the built development.

- b. Fencing drains or other potential hazards for Kiwi should be designed to allow safe movement of Kiwi.
- c. To construct any Road boundary fence (except Kapiro Road or Redcliffs Road) in local stone, post and rail, post and wire, post, wire and batten.
- d. For lots without covenanted planting areas, a minimum of five specimen trees shall be included in the planting proposal. These can be selected from the Summary Species Schedule, referenced LA13-LA14 dated 1 April 2025, prepared by 4Sight Consulting part of SLR.
- e. No tree species shall be selected from plantation forestry or coppicing species.
- f. All planting within 5 metres of the residential unit shall be designed to prevent the creation of fires hazards and utilise species identified as suitable in the plan prepared by 4Sight Consulting part of SLR titled Summary Species Schedule, referenced LA13-LA14 dated 1 April 2025.
- g. Outdoor parking areas shall be screened to a minimum of 1 m high to partially obscure these areas from off-site locations.
- h. The Landscape Plan to be designed to integrate all structures with their natural surroundings.

The certified Building Development Landscape Plan is to be implemented and completed prior to the issuing of a Code of Compliance Certificate under the Building Act 2004. The owner shall confirm completion of all works by way of submission of a written statement from a suitably qualified landscape architect to the Council's Resource Consents Manager or delegated representative. Once completed all planting is to be maintained in perpetuity. Where any planting is damaged, destroyed or otherwise removed, it shall be replaced with the same or similar species as soon as practically possible.

- (xi) **For Lots 124-163**, At the time of lodgement of a building consent for any habitable or non-habitable buildings on Lots 124-163, the property owner shall provide to the Council a written statement prepared by a suitably qualified landscape architect to confirm that all necessary requirements specified in the certified document required under Condition 16(n) above have been addressed and will be complied with. All works undertaken on the site shall be carried out, completed, and maintained in general accordance with the written statement and any supporting approved plans for the life of the building/s.
- (xii) **For Lots 144, 146, 156-158, 160 and 161**, all planting protected by way of covenant is to be maintained in accordance with the weed and pest plan provided under Condition 16(n)(ii) above. Where any planting is damaged, destroyed or otherwise removed, it shall be replaced with the same or similar species as soon as practically possible.

- (xiii) **For Lots 124-163**, there shall be no further subdivision of any lot unless the subdivision is a boundary adjustment that does not result in any additional subdivision rights under the Operative District Plan or the subdivision other than a boundary adjustment complies with the minimum lot size for a permitted, controlled, restricted discretionary or discretionary activity required by the Operative District Plan at the time of the application for resource consent.
- (q) The consent holder shall enter into a land covenant over Lot 702 in favour of the Far North District Council. The covenant shall be prepared by the Council's solicitor at the consent holder's expense. The covenant must require the prohibition of dogs from Lots 702.

Stage 6 – Lots 170 - 176, Lot 604 (road to vest), Lots 512 (JOAL), being a subdivision of Stage 3 Lot 1006

Section 223 Conditions

- 17 The survey plan submitted for approval under section 223 of the RMA shall be in general accordance with the scheme plan prepared by Neil Construction Limited titled 'Stage 6 Proposed Subdivision of Lot 1006 DP XXXXXX' referenced 420-06-SP-01-PEC Sheets 1 & 2 dated 20 March 2025, inclusive of the following:

- (f) The following amalgamation condition:
 - (i) 'That Lot 512 be held in four equal undivided shares by the owners of Lots 171 – 174.'

(LINZ ref 1925917)
- (g) The consent holder must create easements over any public or private stormwater infrastructure and overland flow paths located within the residential lots as directed by the Resource Consent Engineer or delegate.

Note: Overland flow paths are to be assessed in accordance with Section 4 of Council's Engineering Standards 2023 Edition and are to be certified by a CPEng Engineer with relevant qualifications in stormwater design.

- 18 Prior to approval of the survey plan pursuant to Section 223, the consent holder shall:
- (a) Submit a Construction Management Plan ("**CMP**") to the Council's Resource Consents Engineer or delegate for certification. The CMP shall contain information about and site management procedures for:
 - (i) the timing of site works, earthworks, and construction works, including hours of work, and the key project and site management personnel
 - (ii) consultation with Ngāti Rēhia about the timing and supervision interest for earthworks
 - (iii) bulk earthworks plan (showing cut and fill and their related quantities)

- (iv) the transportation of fill and construction materials from and to the site and associated controls on vehicles through sign-posted site entrances/exits and the loading and unloading of materials
- (v) the extent of excavation works, including retaining structures and any necessary dewatering facilities, prepared by a suitably qualified geotechnical engineer
- (vi) control of dust and noise on-site and necessary avoidance or remedial measures
- (vii) prevention of soil or other material being deposited on surrounding roads from vehicles working within the subdivision and the proposed remedial actions should it occur
- (viii) the exclusion of dogs from site at all times
- (ix) bringing awareness to the presence of kiwi on the site, including through signage, at entrances to the site; and
- (x) proposed publicity and safety measures, including signage, to inform adjacent landowners and occupiers, pedestrians, and other users of the road.

The CMP shall also include information as to:

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

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

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

- (v) requiring and ensuring wide loads and vehicles with Gross Vehicle Mass over 3,500 kg avoid using Landing Road and access and depart the site via Kapiro Road and State Highway 10.

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

- (c) Submit a set of engineering plans for all construction works and infrastructure (private and public) for Stage 6 in accordance with the Far North District Council Engineering Standards 0.6 2023 ('ES 0.6 2023') to the Council's Resource Consents Engineer or delegate for certification. The plans are to be prepared by a suitably qualified and experienced engineer in accordance with Section 1.5 of the ES 0.6 2023, and are to be generally in accordance with the set of engineering plans prepared by Haigh Workman Limited referenced as Job No. 18 295 listed in condition 6. The plans are to include (but are not limited to):
 - (i) Road to vest and JOAL design, where Lot 604 shall have a 20-metre legal width and 6.5-metre wide carriageway, and the JOAL shall comply with Table 3.6 of the ES 0.6 2023 or as otherwise specified in the Haigh Workman engineering plans. The plans shall include all road marking, lighting, intersection design, footpaths, cul-de-sac heads and other features required in accordance with Section 3.2 of the ES 0.6 2023. Where street trees are proposed (as illustrated on the 'Stage 5-6 Street Trees' Sheet LAS03 prepared by 4Sight Consulting part of SLR) they shall be designed and located to comply with Section 7.2.6 of the ES 0.6 2023.
 - (ii) Design details to confirm that a vehicle crossing to each lot can be constructed to Council residential vehicle crossing standards, noting that individual crossings are not required to be constructed as part of the approved engineering plan works.
 - (iii) Design details for stormwater management for all lots and impermeable surfaces within road reserve and JOAL in accordance with Section 4.3.5 of the ES 0.6 2023
- (d) Lighting design brief in accordance with Section 3.2.17 of the ES 2023 and NTA Design Manual - Street Lighting Version 1, and inclusive of lighting network and categories both within and in the vicinity of the subdivision site, taking into account and providing for:
 - (i) Effects on dark skies and nocturnal fauna;
 - (ii) A street light colour temperature no greater than 3,000 K
 - (iii) Minimisation of light spill (waste light);
 - (iv) A lighting intensity (brightness) set at the lowest lux level necessary for road safety; and
 - (v) Use of LEDs.
- (e) Submit for certification by the Resource Consents Manager details of temporary and permanent signage required for kiwi awareness ("**KAS**"), including:

- (i) KAS will be a standard Kiwi Coast “no dogs” design
- (ii) Permanent Kas will be erected at each road entrance to the new development and entrances to the new reserves
- (iii) Temporary KAS will also be located in any large empty grasses areas while lots are empty. The temporary signs will be removed after the area of empty lots has been reduced, or when building work has been commenced on lots in each area; and
- (iv) Prior to submitting details of the KAS to the Council, the consent holder shall provide draft details of the KAS to Vision Kerikeri and Friends of Rangitane Stream for comment and allow at least 5 working days for comments. The consent holder must consider any comments received from Vision Kerikeri and Friends of Rangitane Stream and may incorporate the comments into the KAS details. The KAS details will be submitted to the Council with a copy of the comments that were provided by Vision Kerikeri and Friends of Rangitane Stream.

Section 224 Conditions

19 Prior to the issue of a certificate under section 224(c) of the RMA, the consent holder shall:

- (a) Submit a Corridor Access Request application to Council’s Road Corridor Co-ordinator corridor.access@fndc.govt.nz and receive written approval for all works to be carried out within Council’s Road Reserve (refer to the advisory clause below for the definition of a Corridor Access Request).
- (b) Notify Council, in writing, of their intention to begin works, a minimum of seven days prior to commencing works. Such notification shall be sent to the Resource Consent Engineer and include the following details:
 - Name and telephone number of the project manager.
 - Site address to which the consent relates.
 - Activities to which the consent relates.
 - Expected duration of works.
- (c) Adhere to the approved engineering plans, all management plans, and all resource consent conditions, Inspection and Test Plan, approved corridor access request at all times, and these documents are to be held onsite at all times during construction. All personnel working on the site shall be made aware of and have access to the resource consent and accompanying documentation.
- (d) Request a pre-start meeting to be undertaken with the consent holder’s representative, contractor(s) or agents for the consent holder and the Resource Consent Engineer a minimum of 10 working days prior to any works being undertaken on the site, to the satisfaction of the Resource Consent Engineer or delegate.
- (e) Undertake and complete all work on the approved engineering plans in Condition 18(c) and the erection of kiwi awareness signage approved under Condition 18(e) to

the approval of the Resource Consent Engineer or delegate. Compliance with this condition shall be determined by;

- (i) Site inspections undertaken as agreed in Council's engineering plan approval letter/ Inspection and Test Plan.
- (ii) Results of all testing, video inspection records of all wastewater and stormwater reticulation, PE pipeline pressure testing and weld data logging results.
- (iii) PS4 and approval of supporting documentation provided by the developer's representative/s including evidence of inspections by those persons, and all other test certificates and statements required to confirm compliance of the works as required by Council's QA/QC Manual and the Council's Engineering Standards 2023.
- (iv) "Certificate of Completion of Resource Consent Works" from the Contractor.
- (v) Provide evidence that the cost of purchasing and installing a road name sign for the road to vest has been paid to Council contractors:

Northern Area – Fulton Hogan (09) 408 6440 or Southern Area – Ventia (09) 407 7851.

- (f) Submit a certified and dated 'As built' plan of completed works and services in accordance with ES 0.6 2023. This condition shall be deemed satisfied once the as built has been approved by Councils' Resource Consent Engineer or delegate.
- (g) Submit certified RAMM data for all new/upgraded Roadway infrastructure prepared by a suitably qualified person in accordance with ES 0.6 2023 to the satisfaction of the Resource Consent Engineer or delegate. This data shall include COC Documents and Electrical Certificates shall be provided for street lights, and warranty documents shall be transferred to Council for all street lights installed.
- (h) Submit a geotechnical completion report upon the completion of the earthworks to confirm the geotechnical recommendations and document the work undertaken, e.g. earthworks compaction certification to the Council's Resource Consents Engineer or delegate for certification. The completion report shall include certification of the engineered fill and as-built plans in accordance with the requirements of NZS4431:2022.
- (i) Submit evidence to the Council's Resource Consents Engineer or delegate for certification that a maintenance agreement has been entered into with the contractor who is to maintain the road and stormwater drainage work which is to vest in Council for a minimum of 12 months from the date of issuing of the s224 certificate. The value of the bond, or retention money held in lieu of a bond, shall be 5% of the value of the vested works.
- (j) Submit evidence that a maintenance agreement has been entered into with the contractor who is to inspect the rock-lined drains at the end of the 12-month maintenance period required by condition 19(e) for erosion and scouring and remediate any damage (if any) to the satisfaction of the Council's Resource Consent Engineer or delegate.

- (k) Submit documentation that the service providers of electric power and telecommunications to the sites are satisfied with the arrangements made for the provision of these services.
- (l) Submit written confirmation by way of a legal undertaking that a fencing covenant pursuant to Section 5 of the Fencing Act 1978 over all lots which adjoin Lot 701 has been prepared and will be registered on the title of the respective lots. The covenant shall indemnify the Council from any liability to contribute towards any construction, maintenance or upgrading work on any fence between the Reserve and the specified adjoining lot. The covenant is to be prepared to the Council's satisfaction and registered on the relevant title at the applicant's expense. The consent holder shall provide a solicitor's written undertaking to register the document on the affected titles.
- (m) Submit to the Council's Resource Consents Manager or delegate for certification a document that sets out all building and landscape design and maintenance controls to be complied with by way of consent notice condition/s on Lots 170-176, inclusive of the following:
- (i) Building design detail controls inclusive of (but not limited to) the following:
- each residential lot shall have one dwelling and a garage with space for a minimum of two vehicles
 - water tanks shall be screened and/or buried so they are not visible from beyond the boundary of the lot
 - the glazing of windows are to be non-reflective and not mirrored glass
 - colour schemes for exterior walls and roofs are to use medium to dark shades of recessive colours which are neutral, sympathetic to the adjacent landscape, and not a dominating visual element. The exterior walls shall have a reflectivity value no greater than 35% and a maximum of 30% for roofs. The restriction does not apply to window joinery or regular domestic doors
 - a freestanding garage or other ancillary domestic structure can be erected on any lot provided it is constructed in the same or similar materials and style to the primary dwelling. Any freestanding garage or ancillary domestic structure shall be located no more than 15 m from main dwelling
 - external retaining walls shall be a maximum of 1.5 m in height, finish to be of natural materials, i.e., timber or stone. Other materials such as brick or plaster are discouraged. Open rail style fencing on top of retaining walls over 900 m in height are permitted, close boarded fences are not permitted
 - side boundary fencing shall be limited to 1.2 m height post and rail or post and wire fencing, except where these boundaries adjoin a JOAL or pedestrian right of way
 - where the access, vehicle parking, and manoeuvring area surfaces are constructed of concrete then a dark (black) oxide shall be applied at the rate of

2.5 kg per 1 m³ of concrete. In addition, all block work or paving shall be completed in recessive tones

- one vehicle crossing permitted on any lot; and
 - private exterior lighting shall utilise LED lights. To reduce effects on dark skies and nocturnal wildlife:
 - colour temperature to be no greater than 2,700K
 - lighting to be directed to the specific area that needs lighting, and light spill (waste light) to be minimised; and
 - lights with brightness of 500 lumens maximum for motion sensor security lights and 200 lumens maximum for other outdoor lights.
- (ii) Weed and pest control requirements to be undertaken by the future owners of all affected lots within Stage 6 in accordance with the plan prepared by 4Sight Consulting part of SLR titled Revegetation Strategy referenced LA15 5 February 2025 to achieve long term management of the landscape planting to be provided and covenanted within the lots as required under condition 19()(xi). below.
- (n) Provide suitable evidence by way of written certification and supporting documentation to confirm that the following has been completed:
- (i) Construction of boundary fences as shown on the plan prepared by 4Sight Consulting part of SLR titled Stage 5 - 6 Fence Typologies referenced LA09 dated 1 April 2025.
 - (ii) Completion of all street planting within the stage boundary in accordance with the plan prepared by 4Sight Consulting part of SLR titled Stage 5-6 Street Trees referenced LAS02 dated 1 April 2025. The consent holder shall maintain the street planting for a 2-year period commencing on the date that the section 224(c) certificate is issued.
 - (iii) Completion of all planting in accordance with the plans prepared by 4Sight Consulting part of SLR titled Stage 5-6 Concept Plan referenced LA08 dated 1 April 2025. Plant species shall be in accordance with the plans prepared by 4Sight Consulting part of SLR titled Summary Species Schedule referenced LA13-LA14 dated 1 April 2025 and the planting methodology and maintenance shall be carried out in accordance with the plan prepared by 4Sight Consulting part of SLR titled Revegetation Strategy referenced LA15 dated 1 April 2025.
- (o) The following conditions shall be complied with on an ongoing basis and recorded in consent notices under section 221 of the RMA for the specified lots. The consent notices shall be prepared by the Council's Solicitor at the consent holder's expense:
- (i) **For Lots 170 - 176**, upon construction of the dwelling, the vehicle entrance crossing be constructed in accordance with Council engineering standards ES 0.6 2023, noting that a Vehicle crossing permit application is required for each crossing.

- (ii) **For Lots 170 - 176**, in conjunction with the construction of any building which includes a wastewater treatment and effluent disposal system, the applicant shall submit for Council's approval an on-site wastewater report prepared by a Chartered Professional Engineer or a Council approved report writer having regard to the "Engineering Report" dated 3 July 2023, prepared by Haigh Workman, ref 18 295. The report shall identify a suitable method of wastewater treatment for the proposed development along with an identified effluent disposal area plus a reserve disposal area.
- (iii) **For Lots 170 - 176**, in conjunction with the construction of any dwelling, sufficient water storage shall be provided on the lot for potable water supply. The storage volume shall be at least 50,000 litres per dwelling unless a report by a suitable qualified person demonstrates to Council's satisfaction that a lesser storage capacity is adequate. In addition to a potable water supply, a dedicated water collection system with sufficient supply for fire-fighting purposes is to be provided by way of tank or other approved means and to be positioned so that it is safely accessible for this purpose. These provisions will be in accordance with the New Zealand Fire Fighting Water Supply Code of Practice SNZ PAS 4509 2008.
- (iv) **For Lots 170 - 176**, all buildings that require a building consent will require an assessment of foundations and ground suitability by a suitably qualified and experienced practitioner (i.e. Chartered Professional Engineer). The assessment shall reference especially geotechnical recommendations of the Haigh Workman Rangitane River Park Stages 3-6 Geotechnical Assessment Report dated 3 July 2023.
- (v) **For Lots 170 - 176**, without the prior approval of the Council, no building shall be erected, nor any works which increase impermeable surfaces be undertaken, nor any planting or structure placed which may create a flow obstruction, on any area of the site which has been proposed or identified as a secondary / overland (Q100) flow path described in the "Engineering Report" and plans prepared by Haigh Workman Ltd, dated 3 July 2023, ref 18 295.
- (vi) **For Lots 170 - 176**, the subdivision provides the subdivision provides a resource consent for up to a maximum of 600 m² impermeable surfaces coverage on each Lot. If at any stage, the proposed area of impermeable surfaces exceeds 600 m² (excluding JOALs), a stormwater management system shall be designed, for the approval of Council, and implemented for that Lot to ensure peak stormwater runoff from the developed lot does not exceed the runoff anticipated from the consent notice during a design 10% annual exceedance probability storm event with a recognised allowance for climate change.
- (vii) **For Lot 173**, all planting within and along the margins of overland flow paths and drains marked "D9" on the plan prepared by Haigh Workman titled "Stormwater management Plan – Stage 6 Sheet 4" referenced SW4 dated 3 April 2025 shall be maintained. Where any planting is damaged, destroyed or otherwise removed, it shall be replaced with the same or similar species as soon as practically possible.

- (viii) **For Lots 170 - 176**, no owners or occupiers of or visitors to any of the lots shall keep or introduce onto the land any carnivorous animal (such as cats, dogs or mustelids) which have the potential to be Kiwi predators. This includes the bringing of any such animals onto site by visitors and contractors.
- (ix) **For Lots 170 - 176**, when Building Consent is sought for any habitable or non-habitable building over 50 m², the applicant must submit for approval of Council, a registered landscape architect certified Building Development Landscape Plan, which manages the landscaping within the site boundary beyond those areas and requirements addressed in the document required under Condition 19(i) above. The plan shall detail planting for the purposes of visual mitigation and integration of the built development, its access, buildings and other built elements (e.g. pergolas, gazebos), retaining walls, pools and water features, and landform modifications. The plan shall show details of re-vegetation of any exposed cut faces associated with works required for the building, access, or landscaping. The plan shall contain the following information:
 - a. Location and extent of any proposed buildings, access and extent of earthworks.
 - b. Names of proposed species.
 - c. Size of proposed stock for planting.
 - d. Locations and spacing of proposed plants, positioned (where appropriate) so as to achieve canopy closure within 3-5 years.
 - e. Details of staking and other means of support for large trees.
 - f. Details of proposed maintenance.
 - g. Details of proposed mulch, type, depth etc

The certified Building Development Landscape Plan shall be formulated in accordance with the following standards:

- a. Indigenous species found in the locality should predominate within the species mix used for landscaping around the built development.
- b. Fencing drains or other potential hazards for Kiwi should be designed to allow safe movement of Kiwi.
- c. To construct any Road boundary fence (except Kapiro Road or Redcliffs Road) in local stone, post and rail, post and wire, post, wire and batten.
- d. For lots without covenanted planting areas, a minimum of five specimen trees shall be included in the planting proposal. These can be selected from the Summary Species Schedule, referenced LA13-LA14 dated 1 April 2025, prepared by 4Sight Consulting part of SLR.
- e. No tree species shall be selected from plantation forestry or coppicing species.

- f. All planting within 5 metres of the residential unit shall be designed to prevent the creation of fires hazards and utilise species identified as suitable in the plan prepared by 4Sight Consulting part of SLR titled Summary Species Schedule, referenced LA13-LA14 dated 1 April 2025.
- g. Outdoor parking areas shall be screened to a minimum of 1 m high to partially obscure these areas from off-site locations.
- h. The Landscape Plan to be designed to integrate all structures with their natural surroundings.

The certified Building Development Landscape Plan is to be implemented and completed prior to the issuing of a Code of Compliance Certificate under the Building Act 2004. The owner shall confirm completion of all works by way of submission of a written statement from a suitably qualified landscape architect to the Council's Resource Consents Manager or delegated representative. Once completed all planting is to be maintained in perpetuity. Where any planting is damaged, destroyed or otherwise removed, it shall be replaced with the same or similar species as soon as practically possible.

- (x) **For Lots 170-176**, At the time of lodgement of a building consent for any habitable or non-habitable buildings on Lots 170 - 176, the property owner shall provide to the Council a written statement prepared by a suitably qualified landscape architect to confirm that all necessary requirements specified in the certified document required under Condition 19(i) above have been addressed and will be complied with. All works undertaken on the site shall be carried out, completed, and maintained in general accordance with the written statement and any supporting approved plans for the life of the building/s.
- (xi) **For Lots 171 - 176**, all planting protected by way of covenant is to be maintained in accordance with the weed and pest plan provided under Condition 19(i)(ii) above. Where any planting is damaged, destroyed or otherwise removed, it shall be replaced with the same or similar species as soon as practically possible.
- (xii) **For Lots 170-176**, there shall be no further subdivision of any lot unless the subdivision is a boundary adjustment that does not result in any additional subdivision rights under the Operative District Plan or the subdivision other than a boundary adjustment complies with the minimum lot size for a permitted, controlled, restricted discretionary or discretionary activity required by the Operative District Plan at the time of the application for resource consent.

ADVICE NOTES:

- a. Although this consent authorises a volume of earthworks, an earthworks permit may still be required from the Far North District Council. Any application for an earthworks permit should be accompanied by an erosion and sediment control plan.
- b. Subdivision earthworks within 100 m of a wetland is authorised by the Northland Regional Council under a separate resource consent.

- c. In the event that the consent holder requires access over any portion of reserve following vesting as part of Stage 3 for construction of future stages of development under this consent, the consent holder will be required to make application to Far North District Council (as administrator under the Reserves Act 1977) for permission for access. The Council will not unreasonably withhold approval for access where it can be shown that no other suitable alternative access is available.
- d. The consent holder is encouraged to liaise with local community groups that already have pest control programmes in the area along the river beside Lot 701. The consent holder may be able to work with and support their existing programmes of pest control. Working with an existing pest control programme would be considered to be complying with this consent.
- e. The consent holder is required to comply with the requirements of all relevant requirements associated with the development that fall outside this consent, including compliance with Northland Regional Council consents, any relevant requirements of the Wildlife Act 1952, Reserves Act 1977, and any other relevant provisions.
- f. The Consent Holder shall pay all charges set by Council under Section 36 of the Resource Management Act 1991, including any administration, monitoring, inspection and supervision charges relating to the conditions of this resource consent. The applicant will be advised of the charges as they fall.
- g. Any work activity, excavation and non- excavation carried out in the road reserve, must lodge formal notice if intention to carry out Works, in the form of a Corridor Access Request, submitted to the Corridor Manager for Approval. A Corridor Access Request (**CAR**) is an application for a permit to carry out works within the road reserve, this is defined in the National Code of Practice for Utilities access to the transport Corridors and has been adopted by Council. A Traffic Management Plan (**TMP**) must be uploaded with the CAR submission, describing the proposed works, design, setup, and removal of any activity being carried out within the road Reserve. A Work Access Permit (**WAP**) and reasonable conditions will be issued once TMP is Approved. Enquiries as to its use may be directed to Council's Road Corridor Co-ordinator, corridor.access@nta.govt.nz.
- h. Building Consents may be required for retaining structures.
- i. The consent holder is advised that a further site inspection of completed works will be required if a period greater than 3 months has passed since the last Council inspection prior to Council issuing the 224(c) certificate. A Section 224 Certificate will not be issued until all Council invoices, including engineering fees and any other costs associated with the Resource Consent have been paid in full.
- j. The consent holder is responsible for arranging for buried services to be located and marked prior to commencing the vehicle crossing construction works and is also responsible for the repair and reinstatement of any underground services damaged as a result of the exercise of this consent.
- k. The consent holder is responsible for the repair and reinstatement of the road carriageway, damaged as a result of the vehicle crossing works. Such works, where required, will be required to be completed to the satisfaction of the Council's Roading Manager.

- I. The consent holder is advised that any debris deposited on the public or private road as a result of the exercise of this consent shall be removed by or at the expense of the applicant.

Rev	Description	By	Date



Job Title

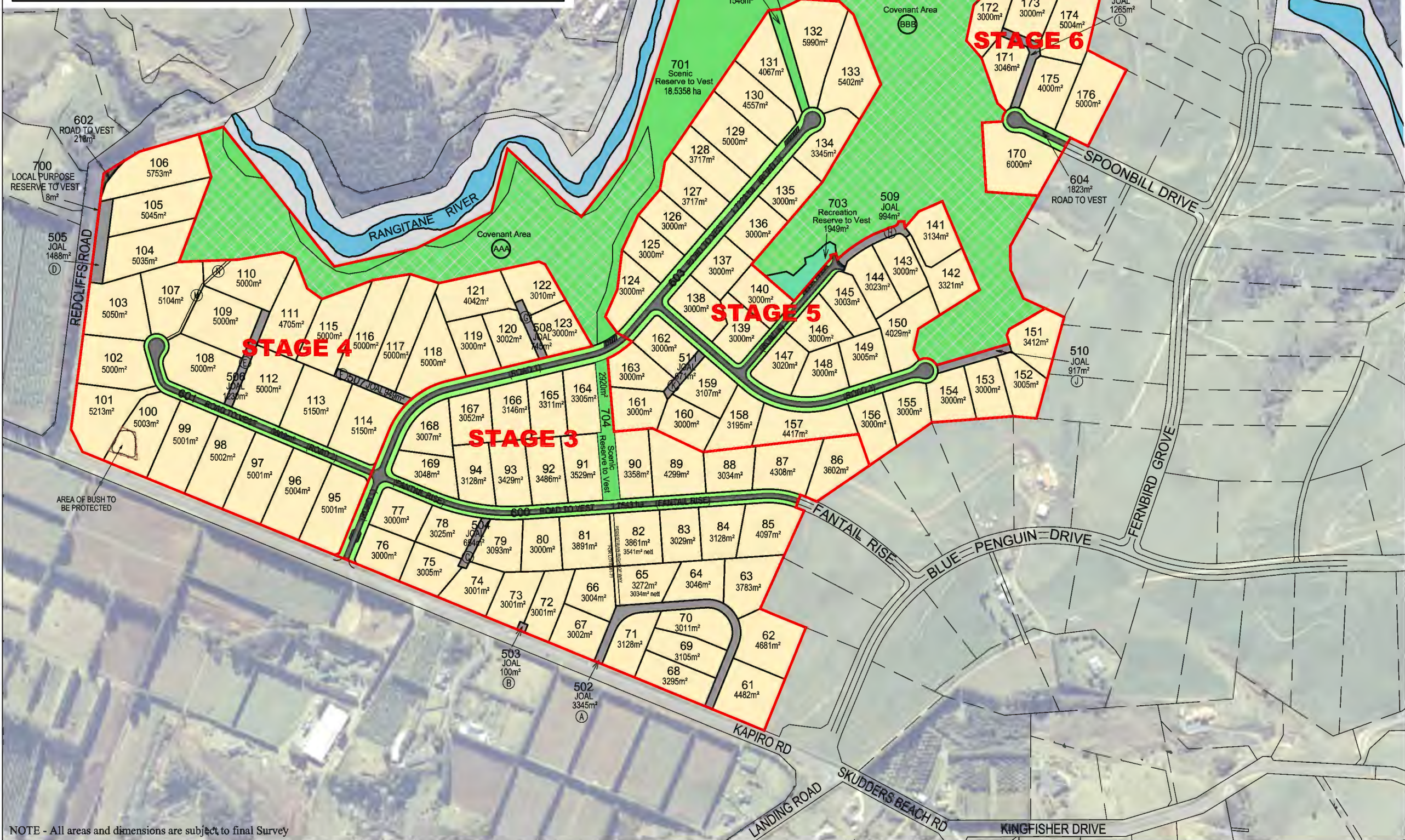
RANGITANE RIVER PARK KERIKERI SCHEME PLAN

Drawing Title

STAGES 3-6
PROPOSED SUBDIVISION OF
LOT 1001 DP 532487


	By	Date	Scale	Job No.	
Surveyed:			1:2000 @ A1	Drawing No.	Rev
Designed:			1:4000 @ A3	420-03-SP-00-MRF	1
Drawn:				12/03/2024	
Approved:					
CAD FILE					

Schedule of Areas			
Lot Description	Lot No's	Number of Lots	Area
Minimum 3000m ² Residential Lots	61-94,111,119-128,130,131,134-169,171-173,175	87	28.6862 ha
Minimum 5000m ² Residential Lots	95-110,112-118,129,132,133,170,174,176	29	14.8908 ha
JOAL's	502-512	11	1.2358 ha
Roads to Vest	600-604	5	4.2581 ha
Local Purpose Reserve (spite strip)	700	1	0.0008 ha
Scenic Reserves	701, 702 & 704	3	18.9824 ha
Recreation Reserve	703	1	0.1949 ha
Total Area = RT			68.2490 ha



NOTE - All areas and dimensions are subject to final Survey

Rev	Description	By	Date



THIS DRAWING AND DESIGN REMAINS THE PROPERTY OF

NEIL CONSTRUCTION LIMITED

LAND DEVELOPERS

THE NEIL GROUP LIMITED
LEVEL 3, BUILDING B
8 NUGENT STREET
CRAFTON

PO BOX 8750, SYMONDS STREET
AUCKLAND, NEW ZEALAND
TELEPHONE: +64 9 818 8065
FAX: +64 9 818 8067
WEB: www.neilgroup.co.nz

Job Title

**RANGITANE RIVER PARK
KERIKERI
SCHEME PLAN**

Drawing Title

**STAGES 3-6
PROPOSED SUBDIVISION OF
LOT 1001 DP 532487**

	By	Date	Scale	Job No.	Rev
Surveyed:			1:2500 @ A1	Drawing No.	
Designed:			1:5000 @ A3	420-03-SP-00-PEC	
Drawn:				20/03/2025	
Approved:					
CAD FILE					



Covenants

Planting Covenant Areas, P-Z & AA-EG are shown on the enlarged stage plans.

Ecological Covenant Areas are shown as areas AAA, BBB & CCC = 14.8130 ha

Stage Details			
Stage	Minimum 3000m ²	Minimum 5000m ²	Total
3	40	0	40
4	6	23	29
5	37	3	40
6	4	3	7
Total	87	29	116

20.00m Road Reserve		
Berm Services	6.50m Carriageway	Berm Services
6.75m		6.75m

18.00m Road Reserve		
Berm Services	6.50m Carriageway	Berm Services
5.75m		5.75m

16.00m Road Reserve		
Berm Services	6.50m Carriageway	Berm Services
4.75m		4.75m

10.0m JOAL		
Berm Services	6.00m Carriageway	Berm Services
2.00m		2.00m

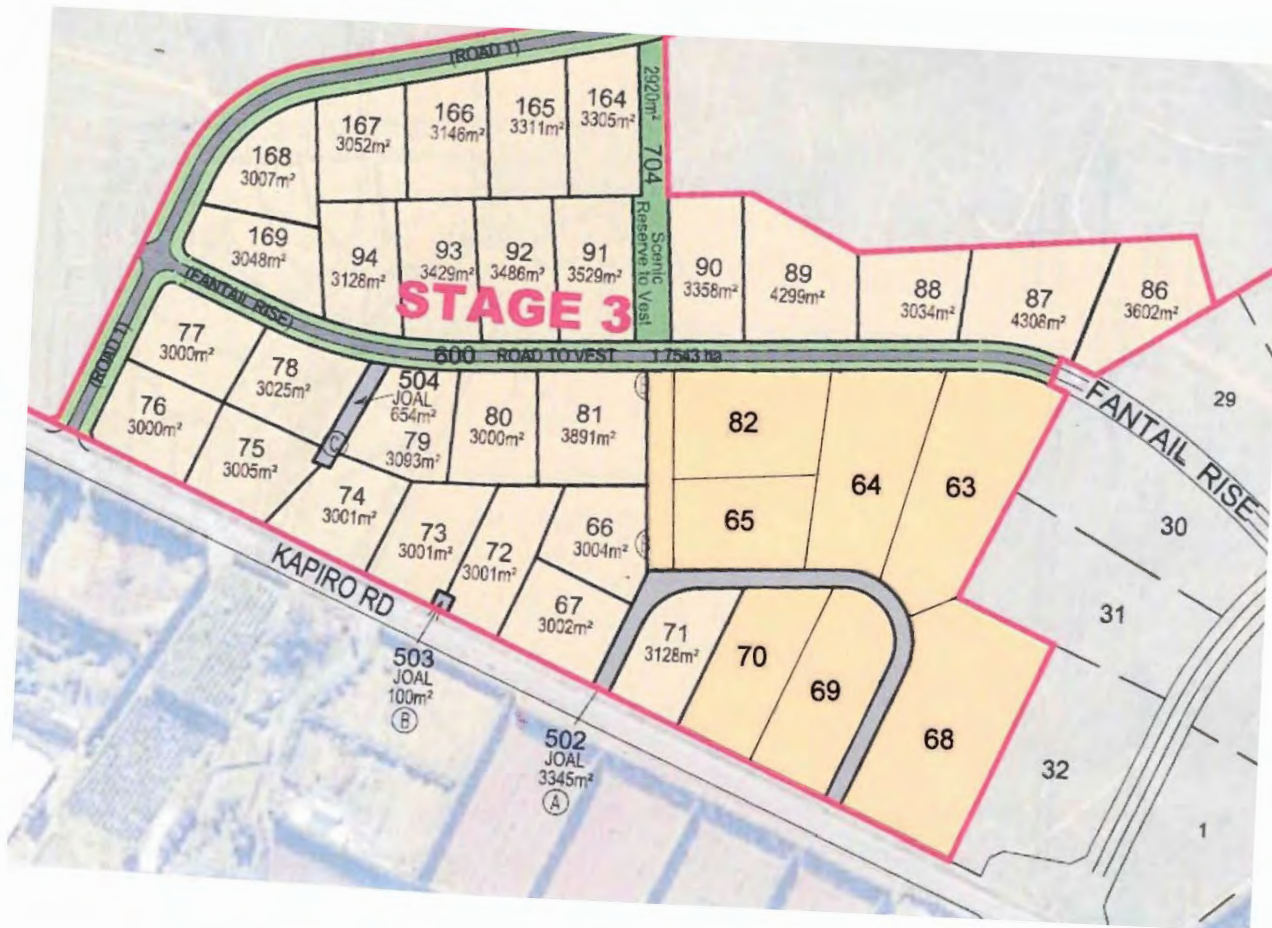
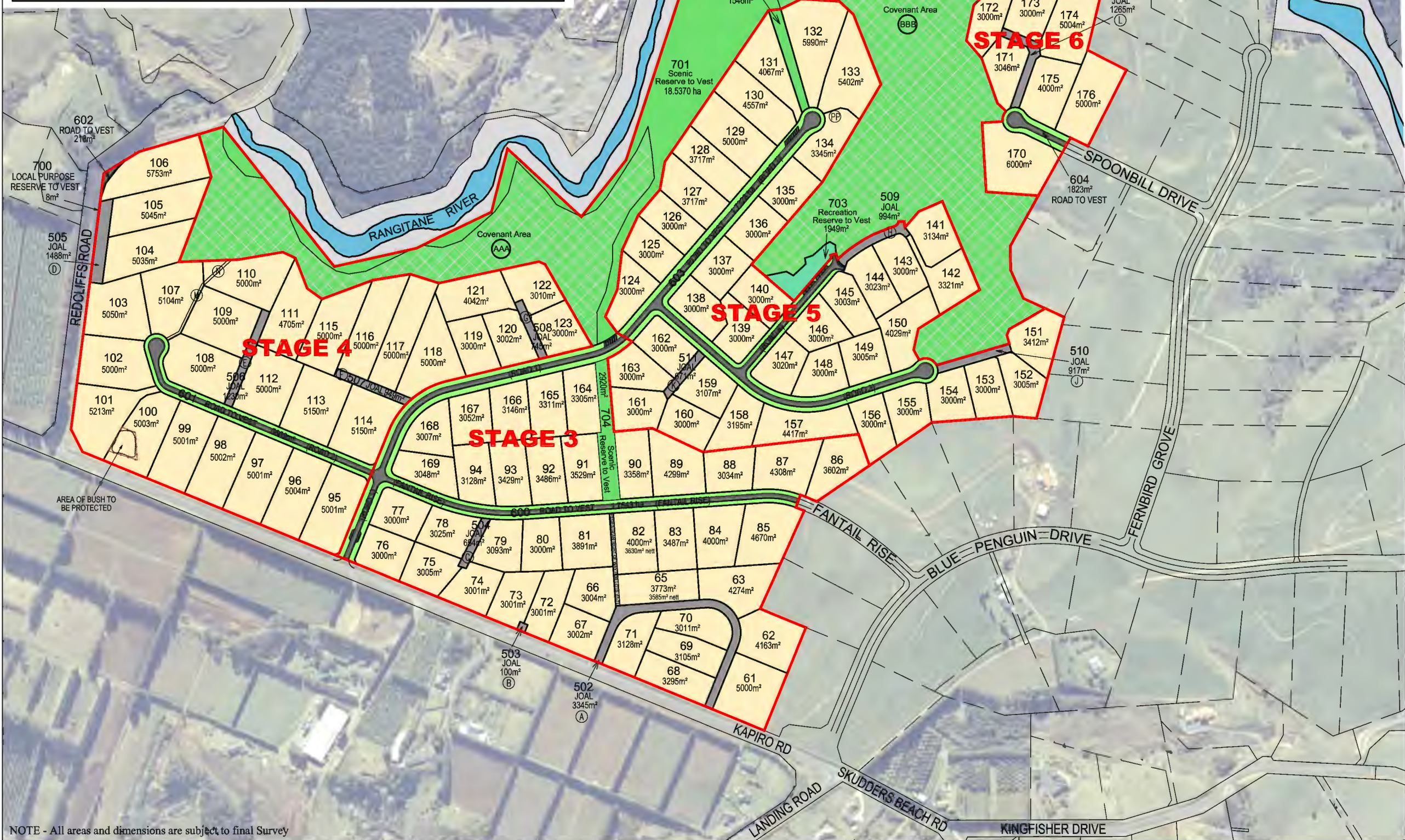


Figure 1 Proposed revised layout to the south-eastern corner of Stage 3

Schedule of Areas			
Lot Description	Lot No's	Number of Lots	Area
Minimum 3000m ² Residential Lots	62,63 & 65-94,111,119-128,130,131,134-169,171-173,175	85	28.1850 ha
Minimum 5000m ² Residential Lots	61,95-110,112-118,129,132,133,170,174,176	30	15.3908 ha
JOAL's	502-512	11	1.2358 ha
Roads to Vest	600-604	5	4.2581 ha
Local Purpose Reserve (spite strip)	700	1	0.0008 ha
Scenic Reserves	701, 702 & 704	3	18.9836 ha
Recreation Reserve	703	1	0.1949 ha
Total Area = RT			68.2490 ha



Covenants

Planting Covenant Areas, P-Z & AA-EG are shown on the enlarged stage plans.

Ecological Covenant Areas are shown as areas AAA, BBB & CCC = 14.8130 ha

Stage Details			
Stage	Minimum 3000m ²	Minimum 5000m ²	Total
3	38	1	39
4	6	23	29
5	37	3	40
6	4	3	7
Total	85	30	115


20.00m Road Reserve		
Berm Services	6.50m Carriageway	Berm Services
6.75m		6.75m

18.00m Road Reserve		
Berm Services	6.50m Carriageway	Berm Services
5.75m		5.75m

16.00m Road Reserve		
Berm Services	6.50m Carriageway	Berm Services
4.75m		4.75m

10.0m JOAL		
Berm Services	6.00m Carriageway	Berm Services
2.00m		2.00m

Rev	Description	By	Date



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PO BOX 8750, STANBURY STREET
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TELEPHONE: +64 9 818 8065
FAX: +64 9 818 8067
WEB: www.neilgroup.co.nz

Job Title

**RANGITANE RIVER PARK
KERIKERI
SCHEME PLAN**

Drawing Title

**STAGES 3-6
PROPOSED SUBDIVISION OF
LOT 1001 DP 532487**

	By	Date	Scale	Job No.	Rev
Surveyed:			1:2500 @ A1	Drawing No.	
Designed:			1:5000 @ A3	420-03-SP-00-PEC	
Drawn:				14/04/2025	
Approved:					
CAD FILE					

**IN THE ENVIRONMENT COURT
AT AUCKLAND**

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

Decision [2025] NZEnvC 156

IN THE MATTER OF

an appeal under s 120 of the Resource
Management Act 1991

BETWEEN

NEIL CONSTRUCTION LIMITED

(ENV-2022-AKL-165)

Appellant

AND

FAR NORTH DISTRICT COUNCIL

Respondent

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

Hearing: On the papers
Last case event: 13 May 2025

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

Date of Decision: 16 May 2025

Date of Issue: 16 May 2025

FINAL DECISION OF THE ENVIRONMENT COURT

A: Consent is granted for a rural residential subdivision and land use consent for post-subdivision earthworks and impervious areas at Lot 1001 Kapiro Road, Kerikeri, subject to the conditions and plans attached as A.

B: Costs applications are subject to existing directions.

NEIL CONSTRUCTION LIMITED V FAR NORTH DISTRICT COUNCIL



REASONS

Introduction

[1] By decision dated 21 June 2024,¹ the Court concluded that resource consent could be granted for a rural residential subdivision and land use consent for post-subdivision earthworks and impervious areas at Lot 1001 Kapiro Road, Kerikeri. Directions were made regarding amending plans and conditions.

[2] On 6 May 2025,² the Court issued a further decision regarding outstanding issues with the configuration of some lots. The Appellant was directed to produce finalised conditions and the lot plan for endorsement by the Court.

Finalised conditions and scheme plan

[3] By email dated 13 May 2025, counsel for the Appellants provided:

- (a) Final scheme plans incorporating changes required by the 6 May 2025 decision;
- (b) Final agreed consent conditions incorporating changes arising out of changes to the scheme plans; and
- (c) The engineering and landscape plans referred to in condition 6 of the final agreed conditions.

Evaluation

[4] Having reviewed the scheme plans and agreed consent conditions, the Court is satisfied that they reflect the matters identified in the Court's decisions.

[5] The Neil Construction Limited scheme plan set for stages 3 to 6 dated 6 May 2025 (page 94 and onwards of the plans) have been updated to reflect the Court's

¹ *Neil Construction Limited v Far North District Council* [2024] NZEnvC 142 (**Interim Decision**). A correction issued 4 July 2024 stated that *Neil Construction Limited v Far North District Council* [2024] NZEnvC 142 was corrected to identify that the hearing occurred 11 – 15 March 2024, and the last case event was 15 March 2024 – *Neil Construction Limited v Far North District Council* [2024] NZEnvC 159.

² *Neil Construction Limited v Far North District Council* [2025] NZEnvC 145.

decision. There are differences in the number and layout of lots in Stage 3 between the scheme plans and the landscape and engineering plans. This has been addressed by the parties in condition 6, which states:

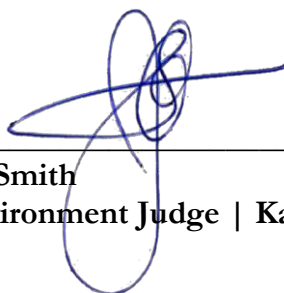
... There are differences in the number and layout of lots in Stage 3 between the scheme plans and the landscape and engineering plans as a result of the decision of the Environment Court in *Neil Construction Limited v Far North District Council* [2025] NZEnvC 145. Where there is a difference in the number and layout of lots in Stage 3, the scheme plans take priority, and the landscape and engineering plans are to be read in line with the scheme plans with all necessary modifications.

Outcome

[6] Consent is granted for a rural residential subdivision and land use consent for post-subdivision earthworks and impervious areas at Lot 1001 Kapiro Road, Kerikeri, subject to the conditions and plans attached as A.

[7] Costs applications are subject to existing directions.

For the Court:



J A Smith
Environment Judge | Kaiwhakawā o te Kōti Taiao



RANGITANE RIVER PARK STAGES 3-6

Resource Consent Number: 2200416-COM

For: Lot 1001 Kapiro Road, Kerikeri 0294

The activities to which this decision relates are listed below:

Activity A – Subdivision

The subdivision of Lot 1001 DP 532487 to create 115 residential lots, four reserve lots, one local purpose reserve lot, six public road lots to vest and 11 jointly owned access lots (JOALs) over four stages. The application includes earthworks, landscape planting, revegetation enhancement planting, and fencing required for the subdivision.

Activity B – Land Use:

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

Activity C – Cancellation of Consent Notice

The cancellation of consent notice 10388614.2 under section 221(3) of the Resource Management Act 1991 (RMA) as it applies to Lot 1001 DP 532487.

Subject Site Details:

Address: Lot 1001 Kapiro Road, Kerikeri 0294

Legal Description: Lot 1001 DP 532494

Record of Title: 871601

Other Activities

A decision of the Environment Court in *Neil Construction Limited v Far North District Council* [2024] NZEnvC 278 dated 7 November 2024 separately authorised the commencement of the parts of the proposal that relate to site preparation and bulk earthworks specifically including:

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

CONDITIONS

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

All Stages

Lapse Date

- 1 Under section 125 of the Resource Management Act 1991, this subdivision consent shall lapse 10 years after the date of commencement unless:
 - (a) a survey plan for each stage or for all stages is approved under section 223 of the Resource Management Act 1991; or
 - (b) an application to extend the lapse period under section 125 of the Resource Management Act 1991 is granted by the consent authority.

Staging

- 2 This consent may be given effect to in stages where each stage may be developed concurrently or separately commencing with Stage 3.
- 3 The consent holder may commence work required to comply with conditions under section 224 of the RMA for any stage at any time so that the work is completed on a stage-by-stage basis or across more than one stage provided such works are undertaken in accordance with all relevant conditions of this consent.

Scope of Conditions

- 4 The conditions that apply to Stages 3-6 of the subdivision consent include, where appropriate, conditions that address the land use consents related to earthworks, impermeable surfaces (stormwater), and contaminated soils.
- 5 For the avoidance of doubt, this consent authorises the construction of an area of impermeable surfaces totalling not more than 600 m² and for undertaking associated earthworks with a maximum volume of 600 m³ on each of the lots created under the subdivision authorised by this consent for the purpose of residential development and listed below:

Stage	Lots
3	61-63, 65-94, and 164-169
4	95-123
5	124-163
6	170-176

For the purpose section 125 of the RMA, the activities described in this condition 5 and authorised under Activity B above shall commence on the date the record of title for the relevant lot is issued.

Plans – General

- 6 The activities shall be carried out in general accordance with the approved plans listed below in Table 1 and the information lodged and presented in support of the application with the Far North District Council (**Council**) and the Environment Court. In the event that the approved plans or application documents conflict with these conditions, these conditions take priority. There are differences in the number and layout of lots in Stage 3 between the scheme plans and the landscape and engineering plans as a result of the decision of the Environment Court in *Neil Construction Limited v Far North District Council* [2025] NZEnvC 145. Where there is a difference in the number and layout of lots in Stage 3, the scheme plans take priority, and the landscape and engineering plans are to be read in line with the scheme plans with all necessary modifications.

Table 1

Author	Title	Reference	Date
4Sight Consulting part of SLR	Subdivision & Staging Plan	LA01	1 April 2025
4Sight Consulting part of SLR	Kapiro Road Landscape Character	LA02	1 April 2025
4Sight Consulting part of SLR	Kapiro Road – Illustrative Landscape Character Elevations	LA03	1 April 2025
4Sight Consulting part of SLR	Stage 3 West Concept Plan	LA04A	1 April 2025
4Sight Consulting part of SLR	Stage 3 West Fence Typologies	LA05A	1 April 2025
4Sight Consulting part of SLR	Stage 3 South Concept Plan	LA04B	1 April 2025
4Sight Consulting part of SLR	Stage 3 South Fence Typologies	LA05B	1 April 2025
4Sight Consulting part of SLR	Stage 3 East Concept Plan	LA04C	1 April 2025
4Sight Consulting part of SLR	Stage 3 East Fence Typologies	LA05C	1 April 2025
4Sight Consulting part of SLR	Stage 4 Concept Plan	LA06	1 April 2025
4Sight Consulting part of SLR	Stage 4 Fence Typologies	LA07	1 April 2025

4Sight Consulting part of SLR	Stage 5-6 Concept Plan	LA08	1 April 2025
4Sight Consulting part of SLR	Stage 5-6 Fence Typologies	LA09	1 April 2025
4Sight Consulting part of SLR	Typical Road Typologies – Illustrative Landscape Character Elevations	LA10	1 April 2025
4Sight Consulting part of SLR	Vegetative Mood Board 1	LA11	1 April 2025
4Sight Consulting part of SLR	Vegetative Mood Board 2	LA12	1 April 2025
4Sight Consulting part of SLR	Summary Species Schedule	LA13-LA14	1 April 2025
4Sight Consulting part of SLR	Revegetation Strategy	LA15	1 April 2025
4Sight Consulting part of SLR	Stage 3 Street Trees	LAS01	1 April 2025
4Sight Consulting part of SLR	Stage 4 Street Trees	LAS02	1 April 2025
4Sight Consulting part of SLR	Stage 5 Street Trees	LAS03	1 April 2025
4Sight Consulting part of SLR	Reserve Concept Plan	LAR01	1 April 2025
4Sight Consulting part of SLR	Reserve Zoom in Plan West	LAR02	1 April 2025
4Sight Consulting part of SLR	Reserve Zoom In Plan East	LAR03	1 April 2025
4Sight Consulting part of SLR	Indicative Playground Items	LAR04	1 April 2025
4Sight Consulting part of SLR	Walking Track Setout	LAR05	1 April 2025
4Sight Consulting part of SLR	Reserves Summary Species Schedule	LAR06-LAR07	1 April 2025
Haigh Workman	Site Features Plan	SP	3 April 2025

Haigh Workman	Overall Proposed Development Plan	OP	3 April 2025
Haigh Workman	Proposed Development Plans	P1-P4	3 April 2025
Haigh Workman	Stormwater Management Plan Key Sheet	SW KP	3 April 2025
Haigh Workman	Stormwater Management Plans	SW1-SW4	3 April 2025
Haigh Workman	Wetland Catchment	WC	3 April 2025
Haigh Workman	Stormwater Control Planting Plan	PS1	3 April 2025
Haigh Workman	Lot Stormwater Servicing Plan Key Sheet	SSP KP	3 April 2025
Haigh Workman	Lot Stormwater Servicing Plans	SSP1-SSP4	3 April 2025
Haigh Workman	Proposed Earthworks Key Sheet – Design Contours	EW KE1	3 April 2025
Haigh Workman	Earthworks Design Contours	EW E1-E4	3 April 2025
Haigh Workman	Proposed Earthworks Key Sheet – Cut/Fill Depths	EW KP1	3 April 2025
Haigh Workman	Earthworks Cut-Fill Depths	EW P1-P4	3 April 2025
Haigh Workman	Erosion and Sediment Control Plan Key Sheet	ESCP	3 April 2025
Haigh Workman	Erosion and Sediment Control Plans	ESCP1-4	3 April 2025
Haigh Workman	Road Longitudinal Sections	LS1-LS5, LS7, LS10	4 November 2022
Haigh Workman	Road Longitudinal Sections	LS6, LS8-9	2 June 2023

Haigh Workman	Road Typical Cross Sections and Outfall Details	DE1	2 June 2023
Haigh Workman	Erosion and Sediment Control Typical Details	DE2	12 February 2025
Haigh Workman	Erosion and Sediment Control Typical Details	DE3-DE5	18 October 2019
Haigh Workman	Stormwater Treatment Typical Details for Volcanic Soils Only	DE6	21 June 2023
Haigh Workman	Stormwater Treatment Typical Details for Rangiora Clays	DE7	12 February 2025
Haigh Workman	Stormwater Treatment Typical Detail for Catchpits	DE8	21 June 2023
Haigh Workman	Site Exploratory Hole Location Plans	G1-G3	3 April 2025
Haigh Workman	Geotechnical Site Plans	G4-G5	3 April 2025
Haigh Workman	Geotechnical Cross Sections	GEO CS1-5	2 June 2023
Neil Construction Limited	Stages 3-6 Proposed Subdivision of Lot 1001 DP 532487	420-03-SP-00-PEC	6 May 2025
Neil Construction Limited	Stage 3 Proposed Subdivision of Lot 1001 DP 532487	420-03-SP-01-PEC Sheet 1 of 2	6 May 2025
Neil Construction Limited	Stage 3 Proposed Subdivision of Lot 1001 DP 532487	420-03-SP-01-PEC Sheet 2 of 2	6 May 2025
Neil Construction Limited	Stage 4 Proposed Subdivision of Lot 1004 DP XXXXXX	420-04-SP-01-PEC Sheet 1 of 2	6 May 2025

Neil Construction Limited	Stage 4 Proposed Subdivision of Lot 1004 DP XXXXXX	420-04-SP-01-PEC Sheet 2 of 2	6 May 2025
Neil Construction Limited	Stage 5 Proposed Subdivision of Lot 1005 DP XXXXXX	420-05-SP-01-PEC Sheet 1 of 2	6 May 2025
Neil Construction Limited	Stage 5 Proposed Subdivision of Lot 1005 DP XXXXXX	420-05-SP-01-PEC Sheet 2 of 2	6 May 2025
Neil Construction Limited	Stage 6 Proposed Subdivision of Lot 1006 DP XXXXXX	420-06-SP-04-PEC Sheet 1 of 2	6 May 2025
Neil Construction Limited	Stage 6 Proposed Subdivision of Lot 1006 DP XXXXXX	420-06-SP-04-PEC Sheet 2 of 2	6 May 2025

Accidental Discovery

- 7 During all construction works to be undertaken as approved under this consent, in the event of an “accidental discovery” of archaeological material, the following steps must be taken:
- (a) All work on the site will cease immediately. The contractor/works supervisor will shut down all equipment and activity.
 - (b) The contractor/works supervisor/owner will take immediate steps to secure the site (tape it off) to ensure the archaeological remains are undisturbed and the site is safe in terms of health and safety requirements. Work may continue outside of the site area.
 - (c) The contractor/works supervisor/owner will notify the Area Archaeologist of Heritage New Zealand – Pouhere Taonga (Northland Office), tangata whenua and any required statutory agencies (such as the NZ Police if human remains/koiwi tangata are found) if this has not already occurred.
 - (d) Heritage New Zealand – Pouhere Taonga advise the use of a qualified archaeologist who will confirm the nature of the accidentally discovered material.
 - (e) If the material is confirmed as being archaeological, under the terms of the Heritage New Zealand Pouhere Taonga Act 2014, the landowner will ensure that an archaeological assessment is carried out by a qualified archaeologist, and if appropriate, an archaeological authority is obtained from Heritage New Zealand – Pouhere Taonga before work resumes.
 - (f) If burials, human remains/koiwi tangata are uncovered, steps in conditions 7(a) to (c) above must be taken and the Area Archaeologist of Heritage New Zealand – Pouhere Taonga, the New Zealand Police and the Iwi representative for the area must be

contacted immediately. The area must be treated with discretion and respect and the koiwi tangata/human remains dealt with according to law and tikanga.

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

Stage 3 – Lots 61 – 63, 65 – 94 and 164 – 169, Lot 600 (road to vest), Lots 502 – 504 (JOALs), Lots 701, 703-704 (reserves to vest) and Lots 1004 – 1006 (balance lots)

Section 223 Conditions

- 8 The survey plan submitted for approval under section 223 of the RMA shall be in general accordance with the scheme plan prepared by Neil Construction Limited titled ‘Stage 3 Proposed Subdivision of Lot 1001 DP 532487’ referenced 420-03-SP-01-PEC Sheets 1 & 2 dated 6 May 2025, inclusive of the following:

- (a) The following amalgamation conditions:
 - (i) ‘That Lot 502 be held in 10 equal undivided shares by the owners of Lots 61-63 and 65-71’
 - (ii) ‘That Lot 503 be held in two equal undivided shares by the owners of Lots 72-73’; and
 - (iii) ‘That Lot 504 be held in two equal undivided shares by the owners of Lots 74-75’.

(LINZ ref 1925917)

- (b) The consent holder must create easements over any public or private stormwater infrastructure and overland flow paths located within the residential lots as directed by the Council’s Resource Consent Engineer.

Note: Overland flow paths are to be assessed in accordance with Section 4 of Council’s Engineering Standards 2023 Edition and are to be certified by a CPEng Engineer with relevant qualifications in stormwater design.

- 9 Prior to approval of the survey plan pursuant to Section 223 of the RMA, the consent holder shall:

- (a) Submit a Construction Management Plan (“**CMP**”) to the Council’s Resource Consents Engineer or delegate for certification. The CMP shall contain information about and site management procedures for:
 - (i) the timing of site works, earthworks, and construction works, including hours of work, and the key project and site management personnel
 - (ii) consultation with Ngāti Rēhia about the timing and supervision interest for earthworks

- (iii) bulk earthworks plan (showing cut and fill and their related quantities)
- (iv) the transportation of fill and construction materials from and to the site and associated controls on vehicles through sign-posted site entrances/exits and the loading and unloading of materials
- (v) the extent of excavation works, including retaining structures and any necessary dewatering facilities, prepared by a suitably qualified geotechnical engineer
- (vi) control of dust and noise on-site and necessary avoidance or remedial measures
- (vii) prevention of soil or other material being deposited on surrounding roads from vehicles working within the subdivision and the proposed remedial actions should it occur
- (viii) the exclusion of dogs from site at all times
- (ix) bringing awareness to the presence of kiwi on the site, including through signage, at entrances to the site; and
- (x) proposed publicity and safety measures, including signage, to inform adjacent landowners and occupiers, pedestrians, and other users of the road.

The CMP shall also include information as to:

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

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

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

- (iv) identifying the location of heavy vehicle and construction machinery access to the site; and
- (v) requiring and ensuring wide loads and vehicles with Gross Vehicle Mass over 3,500 kg avoid using Landing Road and access and depart the site via Kapiro Road and State Highway 10.

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

- (c) Submit preferred road names and two alternative names for Lot 600 as road to vest and JOAL 502 to the Council's Resource Consents Engineer or delegate for certification.

Advice Note: all other JOALs do not require names as they have less than 5 houses that have access from the JOAL.

Advice Note: In accordance with the Council's and Bay of Islands-Whangaroa Community Board's road naming policies, road names should reflect the history of the area and be no longer than 10 characters in length.

- (d) Submit a set of engineering plans for all construction works and infrastructure (private and public) for Stage 3 in accordance with the Far North District Council Engineering Standards 0.6 2023 ('**ES 0.6 2023**') to the Council's Resource Consents Engineer or delegate for certification. The plans are to be prepared by a suitably qualified and experienced engineer in accordance with Section 1.5 of the ES 0.6 2023 and are to be generally in accordance with the set of engineering plans prepared by Haigh Workman Limited referenced as Job No. 18 295 listed in condition 6 above.

The plans are to include (but are not limited to):

- (i) Road to vest and JOAL design, where 'Road 1' (Lot 600) shall have a 20-metre legal width and 6.5-metre carriageway, the extension of Fantail Rise shall have a 16 metre legal width with a 6.5 metre carriageway, and the JOALs shall comply with Table 3.6 of the ES 0.6 2023 or as otherwise specified in the Haigh Workman engineering plans. The plans shall include all road marking, lighting, intersection design, footpaths and other features required in accordance with Section 3.2 of the ES 0.6 2023. Where street trees are proposed (as illustrated on the 'Stage 3 Street Trees' Sheet LAS01 prepared by 4Sight Consulting part of SLR) they shall be designed and located to comply with Section 7.2.6 of the ES 0.6 2023.
- (ii) A minimum of 6 carparks to be provided within the road reserve located adjacent to Lot 701 scenic reserve to vest.
- (iii) Design details of the intersections of 'Road 1' (Lot 600) and JOAL 502 with Kapiro Road in accordance with Section 3.2.9 of the ES 0.6 2023.
- (iv) Design details of the proposed footpath to be constructed from the end of the existing footpath on Kapiro Road to Road 1 (Lot 600) fronting Lots 61, 68, 71, 67, and 72-76.
- (v) Design details of the recessed parking area and common letterbox mounting structure to be located at the intersection of Kapiro Road and Road 1 (Lot 600).

Advice Note: Future landowners shall be responsible for installing their own letterboxes on the common mounting structure constructed by the consent holder.

- (vi) Design details of temporary turning head at the northern termination of Road 1 (Lot 600).
 - (vii) Design details to confirm that a vehicle crossing to each lot can be constructed to Council residential vehicle crossing standards, noting that individual crossings are not required to be constructed as part of the approved engineering plan works.
 - (viii) Design details for stormwater management for all lots and impermeable surfaces within road reserve and JOALs in accordance with Section 4.3.5 of the ES 0.6 2023.
- (e) Lighting design brief in accordance with Section 3.2.17 of the ES 0.6 2023 and NTA Design Manual - Street Lighting Version 1, and inclusive of lighting network and categories both within and in the vicinity of the subdivision site, taking into account and providing for:
- (i) Effects on dark skies and nocturnal fauna;
 - (ii) A street light colour temperature no greater than 3,000 K
 - (iii) Minimisation of light spill (waste light);
 - (iv) A lighting intensity (brightness) set at the lowest lux level necessary for road safety; and
 - (v) Use of LEDs.
- (f) Submit a Reserve Development Plan ('RDP') to the Council's Resource Consents Manager for certification for proposed Lots 701 and 704 as scenic reserves to vest generally in accordance with Section 7.2 of the ES 0.6 2023 and Sheets LAR01 – LAR07, LA14 and LA15 contained in the Landscape Plans prepared by 4Sight Consulting part of SLR dated 1 April 2025. The RDP shall include (but is not limited to) the following:
- (i) Design details of the walking track with a minimum width of 1.8 metres and transition to connection with footpaths on road reserve, and means of vehicular access to the reserve areas for maintenance purposes where:
 - Suitable surfacing shall be in a well-graded GAP20 supplied from a local weed-free source
 - The stone particles shall be durable with at least 50% broken faces. Rounded river gravels or beach gravels are not acceptable as walkway surfacing aggregate unless these materials are crushed, and additional fines are added
 - The walkway surfacing layer shall have a range of particle size distribution including at least 3% and preferably up to 15-20% by weight portion of clay content.

- The surfacing layer shall have a minimum compacted thickness of 50 mm. This layer shall be placed and compacted in a single layer. If additional aggregate is required after compaction to ensure the required layer thickness is achieved, the original aggregate layer shall be scarified before placing the additional aggregate.
- Methods used to place aggregate shall be such that segregation of the aggregate is avoided. Working of the placed aggregate with rakes or blading shall be avoided as this causes segregation of particle sizes. Shovels or excavator buckets should be used to move material if this is necessary.
- The aggregate surface shall be compacted after placement with a plate compactor or other vibrating equipment to achieve a well-bound surface to match the shape of the sub-grade.
- Compaction will be deemed to be complete when a well-bound pavement surface is achieved which is free of voids or loose stone.
- Water shall be sprayed onto the surface if necessary during compaction to ensure optimum compaction is achieved.
- Side drainage channels at least 150 mm deep shall be formed along the edge of the track in all locations where required, with a crown formation and the ground is level or rises beyond the edge of the track.
- Side drains shall have a fall longitudinally of at least 1% toward side drain discharge points.
- A side drain discharge may consist of a cut out drain leading to lower ground or a 150 mm diameter smooth walled culvert pipe under the track to direct water to lower ground on the opposite side of the track.
- Discharge points shall also be provided at all low points along the track profile.
- Culvert pipes shall be installed with a minimum 3% fall to the outlet and at least 100 mm cover to the track surface.
- A 400 mm minimum depth sump shall be formed at the inlet to each culvert discharging a side drain. The invert of the sump shall be at least 75 mm below the invert of the culvert pipe.
- Culverts shall be of sufficient length to pass under the track and extend beyond any fill.
- The outlets of culvert pipes shall discharge at ground level without a free fall from the end of the pipe. Where the outlet slope is on steep loose material, a geotextile or rock apron shall be provided to prevent scour.

- All culverts shall be installed in the dry, during a period of fine weather. All excavated material shall be placed outside the flow path and subjected to appropriate sediment control measures.
 - Boxed steps are to have a consistent grade, vertical rise and riser height within each flight between landings.
 - The Contactor shall construct steps to best fit the site whilst complying with all step parameters.
 - The vertical rise of each flight of steps between landings shall not exceed 2.5 m.
 - Landings are to be minimum 1,000 mm long on the centreline.
 - Any bridges are to be designed in accordance with ES 0.6 2023.
- (ii) Landscape Maintenance Schedule in accordance with Section 7.2.4 of the ES 0.6 2023, noting that the consent holder shall be responsible for all maintenance for a period of not less than 5 years from the date of vesting of Lots 701 and 703-704. The Landscape Maintenance Schedule shall also include provision for the ongoing maintenance of Lot 703 beyond the first 5 years after vesting until such time as the playground required in condition 16(n) is constructed.
- (iii) For those areas identified as subject to ecological restoration, being the areas marked “AAA”, “BBB” and “CCC” on scheme plan prepared by Neil Construction Limited titled ‘Stage 3 Proposed Subdivision of Lot 1001 DP 532487’ referenced 420-03-SP-01-PEC Sheets 1 & 2 dated 6 May 2025 which contain existing indigenous vegetation and wetlands and areas identified for revegetation and enhancement planting, a detailed restoration plan prepared by a suitably qualified and experienced ecologist that specifies the works required within the identified areas.
- (iv) A weed and pest management plan prepared by a suitably qualified and experienced ecologist to be implemented across the reserves for a period of not less than 5 years from the vesting of the reserves for the purposes of supporting the success of all indigenous revegetation and ecological restoration, and minimising mammalian pests that may present a threat to kiwi. That plan shall include a monitoring regime for a period of not less than 5 years for weed and pest management across all areas of reserve to vest, and a suitable binding undertaking requiring the consent holder to implement the certified weed and pest plan for 5 years from the date of vesting of reserves.
- (v) Stormwater drain inspection programme requiring inspection of road drains discharging into wetlands in Years 2 and 5 after the vesting of Lots 701 and 704.
- (vi) Design details of bollards to be installed at the entrances to Lots 701 and 703-704 to prevent unauthorised vehicle access into the reserve to vest.

- (g) Submit to the Resource Consents Manager for certification details of temporary and permanent signage required for kiwi awareness (“KAS”), including:
- (i) KAS will be a standard Kiwi Coast “no dogs” design
 - (ii) Permanent KAS will be erected at each road entrance to the new development and entrances to the new reserves
 - (iii) Temporary KAS will also be located in any large empty grassed areas while lots are empty. The temporary signs will be removed after the area of empty lots has been reduced, or when building work has commenced on lots in each area; and
 - (iv) Prior to submitting the details of the KAS to the Council, the consent holder shall provide draft details of the KAS to Vision Kerikeri and Friends of Rangitane Stream for comment and allow at least 5 working days for comments. The consent holder must consider any comments received from Vision Kerikeri and Friends of Rangitane Stream and may incorporate the comments into the KAS details. The KAS details will be submitted to the Council with a copy of the comments that were provided by Vision Kerikeri and Friends of Rangitane Stream.
- (h) The consent holder shall facilitate the establishment of a Rangitane River Reserve Community Engagement Group (“CEG”) in accordance with the following:
- (i) Prior to the commencement of works authorised by this consent, the consent holder shall invite the following groups or entities to nominate a representative to form a CEG:
 - Vision Kerikeri
 - Friends of Rangitane Stream
 - Ngāti Rehia
 - Kapiro Conservation Trust
 - Kerikeri Peninsula Conservation Charitable Trust
 - Ngāti Hao; and
 - Far North District Council.
 - (ii) The invitation must:
 - Be sent to the group or entity’s advertised address for service
 - Include a copy of the resource consent conditions
 - Request responses within 15 working days of the date of the invitation
 - Include information as to where responses are to be sent; and

- State what information must be provided with the response.
- (iii) Each of the above groups of entities may nominate one representative and one alternate representative to the CEG within 15 working days of the invitation being issued. If no response is received by the consent holder within 15 working days of the invitation being issued, that group is deemed to have declined to join the CEG. Membership of the CEG is optional and voluntary. The CEG must have at least one member and a membership of the CEG cannot exceed seven members (one representing each group).
- (iv) The consent holder acknowledges that the CEG is responsible for self-determination including the name by which it is formally known, methods of communication, meeting, and decision-making, frequency of meetings, and representatives' reporting obligations back to their groups or entities. In the event the CEG does not or cannot agree methods of communication, meeting, and decision-making, the consent holder will communicate with members of the CEG separately.
- (v) The purpose of the CEG includes, but is not limited to:
- Reviewing and commenting, as necessary, on the Reserve Development Plan, Landscape Maintenance Schedule, Ecological Restoration Plan, and Weed and Pest Management Plan required by this consent in respect of the land area comprised in Lots 701 and 704 ("**Rangitane River Reserve**")
 - Working collaboratively with the consent holder (for the duration of works and 5-year maintenance period) on the implementation of weed and animal pest management programmes associated with the Rangitane River Reserve; and
 - Protecting, supporting and enhancing the areas of ecological value within the Rangitane River Reserve as places where indigenous wildlife, native habitat, and ecological features are protected and valued by the community as taonga; and
 - Enhancing the parts of the Rangitane River Reserve that are outside the areas of ecological value as a place for community enjoyment of natural scenery and the native species, habitat, and ecological features protected by the Rangitane River Reserve.

Advice Note: Once the Rangitane River Reserve vests in the Far North District Council following the issue of a certificate under section 224(c) for Stage 3, the consent holder is no longer responsible for the day-to-day administration or management of the Rangitane River Reserve. Post-vesting, the consent holder is responsible for maintaining the Rangitane River Reserve for a period of 5 years from the date of the Stage 3 section 224(c) certificate only. The CEG or any successor of the CEG may continue and engage with the Far North District Council on matters relating to the purpose, use, maintenance, and enhancement of the Rangitane River Reserve should it wish to.

- (i) The consent holder's obligations in respect of the CEG are to:
- (i) Provide written confirmation to the Council's Resource Consent Manager:

- That invitations have been sent to the groups and entities required by this consent within 5 working days of the invitations having been sent; and
 - Of the acceptances to join the CEG and the names and contact details of the representative of each group or entity within 15 working days of the invitations having been sent.
- (ii) Provide copies of the draft Reserve Development Plan, Landscape Maintenance Schedule, Ecological Restoration Plan, Weed and Pest Management Plan to the CEG for comment and allow at least 5 working days for comments. The consent holder must consider any comments received from the CEG and may incorporate the comments into the Reserve Development Plan, Landscape Maintenance Schedule, Ecological Restoration Plan, and Weed and Pest Management Plan. When the consent holder submits the Reserve Development Plan, Landscape Maintenance Schedule, Ecological Restoration Plan, and West and Pest Management Plan to the Council for certification, the consent holder shall also provide a copy of the comments from the CEG to the Council.
- (iii) Provide copies of the Reserve Development Plan, Landscape Maintenance Schedule, Ecological Restoration Plan, and Weed and Pest Management Plan certified by the Council to the CEG within 10 working days of receipt of certification.
- (iv) Subject to any operational health and safety constraints, provide a reasonable opportunity for members of the groups and entities that make up the CEG to view the Rangitane River Reserve prior to the commencement of works and at the completion of works prior to vesting.
- (v) Provide updates to the CEG every three months during works to advise of:
- Key progress milestones; and
 - The outcomes of monitoring conducted in accordance with these consent conditions.
- (vi) Provide annual updates to the CEG during the 5-year maintenance period to advise of the maintenance work:
- undertaken in the previous 12 months; and
 - planned for the next 12 months.
- (vii) Request the CEG's views on future options for management and source of funding to cover maintenance costs for the areas of ecological value within the Rangitane River Reserve including fencing around the areas marked "AAA", "BBB", and "CCC" on the scheme plan prepared by Neil Construction Limited after the consent holder's 5-year maintenance period has finished and allow at least 5 working days for comments. The consent holder must consider any comments received from the CEG and, with any additional comments the consent holder chooses to make itself, forward them to the Council.

- (j) All of the consent holder's obligations in respect of the CEG under this consent are conditional on the CEG being established with at least one member in accordance with these conditions. The consent holder is not responsible for establishment of the CEG or its performance. In the event a CEG is not formed or all members of the CEG resign and are not replaced, the consent holder does not have to comply with conditions 9(h) to 9(i) of this consent.

Section 224 Conditions

10 Prior to the issue of a certificate under section 224(c) of the RMA, the consent holder shall:

- (a) Submit a Corridor Access Request application to Council's Road Corridor Co-ordinator (corridor.access@fndc.govt.nz) and receive written approval for all works to be carried out within Council's Road Reserve (refer to the advisory clause below for the definition of a Corridor Access Request).
- (b) Notify Council, in writing, of their intention to begin works, a minimum of seven days prior to commencing works. Such notification shall be sent to the Resource Consent Engineer and include the following details:
 - (i) Name and telephone number of the project manager.
 - (ii) Site address to which the consent relates.
 - (iii) Activities to which the consent relates.
 - (iv) Expected duration of works.
- (c) Adhere to the approved engineering plans, all management plans, and all resource consent conditions, Inspection and Test Plan, approved corridor access request at all times, and these documents are to be held onsite at all times during construction. All personnel working on the site shall be made aware of and have access to the resource consent and accompanying documentation.
- (d) Request a pre-start meeting to be undertaken with the consent holder's representative, contractor(s) or agents for the consent holder and the Resource Consent Engineer a minimum of 10 working days prior to any works being undertaken on the site, to the satisfaction of the Resource Consent Engineer or delegated representative.
- (e) Undertake and complete all work on the approved engineering plans in Condition 9(d), erection of road signs, and kiwi awareness signage approved under and Condition 9(g) to the approval of the Resource Consent Engineer. Compliance with this condition shall be determined by:
 - (i) Site inspections undertaken as agreed in Council's engineering plan approval letter/ Inspection and Test Plan.
 - (ii) Results of all testing, video inspection records of all wastewater and stormwater reticulation, PE pipeline pressure testing and weld data logging results.

- (iii) PS4 and approval of supporting documentation provided by the developer's representative/s including evidence of inspections by those persons, and all other test certificates and statements required to confirm compliance of the works as required by Council's QA/QC Manual and the Council's ES 0.6 2023.
- (iv) "Certificate of Completion of Resource Consent Works" from the Contractor.
- (v) Provide evidence that the cost of purchasing and installing a road name sign for the road to vest has been paid to Council contractors:

Northern Area – Fulton Hogan (09) 408 6440 or Southern Area – Ventia (09) 407 7851.

- (f) Submit a certified and dated 'As built' plan of completed works and services in accordance with ES 0.6 2023. This condition shall be deemed satisfied once the as-builts have been approved by Councils' Resource Consent Engineer or delegated representative.
- (g) Submit certified RAMM data for all new/upgraded Roding infrastructure prepared by a suitably qualified person in accordance with ES 0.6 2023 to the satisfaction of the Resource Consent Engineer or delegated representative. This data shall include COC Documents and Electrical Certificates for street lights, and warranty documents shall be transferred to Council for all street lights installed.
- (h) Submit a geotechnical completion report upon the completion of the earthworks to confirm the geotechnical recommendations and document the work undertaken, e.g. earthworks compaction certification to the satisfaction of the Resource Consent Engineer or delegate. The completion report shall include certification of the engineered fill and as-built plans in accordance with the requirements of NZS4431:2022.
- (i) Submit to the satisfaction of the Resource Consent Engineer or delegate evidence that a maintenance agreement has been entered into with the contractor who is to maintain the road and stormwater drainage work which is to vest in Council for a minimum of 12 months from the date of issuing of the s224 certificate. The value of the bond, or retention money held in lieu of a bond, shall be 5% of the value of the vested works.
- (j) Submit evidence that a maintenance agreement has been entered into with the contractor who is to inspect the rock-lined drains at the end of the 12-month maintenance period required by condition 10(i) for erosion or scouring and remediate any damage (if any) to the satisfaction of the Council's Resource Consent Engineer or delegate.
- (k) Submit documentation that the service providers of electric power and telecommunications to the sites are satisfied with the arrangements made for the provision of these services.
- (l) Submit written confirmation by way of a legal undertaking that a fencing covenant pursuant to Section 5 of the Fencing Act 1978 over all lots which adjoin Lots 701 & 704 has been prepared and will be registered on the title of the respective lots. The covenant shall indemnify the Council from any liability to contribute towards any construction, maintenance or upgrading work on any fence between the Reserve and the specified adjoining lot. The covenant is to be prepared to the Council's satisfaction

and registered on the relevant title at the applicant's expense. The consent holder shall provide a solicitor's written undertaking to register the document on the affected titles.

- (m) Submit to the Council's Resource Consents Manager or delegate for certification a document that sets out all building and landscape design and maintenance controls to be complied with by way of consent notice condition/s on Lots 61 – 63, 65 – 94 and 164 – 169, inclusive of the following:
- (i) Building envelopes defined for each lot in accordance with the 'Stage 3 South Concept Plan' and Stage 3 West Concept Plan prepared by 4Sight Consulting part of SLR referenced as LA04A LA04B dated 1 April 2025, inclusive of 6 metre rolling height building limit.
 - (ii) Building design detail controls inclusive of but not limited to the following:
 - each residential lot shall have one dwelling and a garage with space for a minimum of two vehicles
 - water tanks shall be screened and/or buried so they are not visible from beyond the boundary of the lot
 - the glazing of windows are to be non-reflective and not mirrored glass
 - colour schemes for exterior walls and roofs are to use medium to dark shades of recessive colours which are neutral, sympathetic to the adjacent landscape, and not a dominating visual element. The exterior walls shall have a reflectivity value no greater than 35% and a maximum of 30% for roofs. The restriction does not apply to window joinery or regular domestic doors
 - a freestanding garage or other ancillary domestic structure can be erected on any lot provided it is constructed in the same or similar materials and style to the primary dwelling. Any freestanding garage or ancillary domestic structure shall be located no more than 15 m from main dwelling
 - external retaining walls shall be a maximum of 1.5 m in height, finish to be of natural materials, i.e., timber or stone. Other materials such as brick or plaster are discouraged. Open rail style fencing on top of retaining walls over 900 mm in height are permitted, close boarded fences are not permitted
 - side boundary fencing shall be limited to 1.2 m height post and rail or post and wire fencing, except where these boundaries adjoin a JOAL or pedestrian right of way
 - where the access, vehicle parking, and manoeuvring area surfaces are constructed of concrete then a dark (black) oxide shall be applied at the rate of 2.5 kg per 1 m³ of concrete. In addition, all block work or paving shall be completed in recessive tones; and

- one vehicle crossing permitted on any lot; and
 - private exterior lighting shall utilise LED lights. To reduce effects on dark skies and nocturnal wildlife:
 - colour temperature to be no greater than 2,700 K
 - lighting to be directed to the specific area that needs lighting, and light spill (waste light) to be minimised; and
 - lights with brightness of 500 lumens maximum for motion sensor security lights and 200 lumens maximum for other outdoor lights.
- (iii) Weed and pest control requirements to be undertaken by the future owners of all affected lots within Stage 3 in accordance with the plan prepared by 4Sight Consulting part of SLR titled 'Revegetation Strategy' referenced LA15 dated 1 April 2025, to achieve long term management of the landscape planting to be provided and covenanted within the lots as required under condition 10(o)(xiii) below.
- (n) Provide suitable evidence by way of written certification and supporting documentation to confirm that the following has been completed:
- (i) Construction of boundary fences along the Kapiro Road frontage of the site and the internal Lot fencing as shown on the plan prepared by 4Sight Consulting part of SLR titled Stage 3 South Fence Typologies and Stage 3 West Fence Typologies referenced LA05A and LA05B dated 1 April 2025.
 - (ii) Completion of all street planting within the stage boundary in accordance with the plan prepared by 4Sight Consulting part of SLR titled Stage 3 Street Trees referenced LAS01 dated 1 April 2025. The consent holder shall maintain the street planting for a 2-year period commencing on the date that the section 224(c) certificate is issued.
 - (iii) Completion of all works identified in the approved Reserve Development Plan under Condition 9(f) above. Certification is to be provided in accordance with Section 7.4 of the ES 0.6 2023 to confirm completion of all works. If the planting methodology for Lot 701 requires planting to be completed in two tranches, the consent holder may enter into a bond with the Council under section 108(2)(b) of the RMA in respect of the second tranche of reserve planting to enable the issue of a certificate under section 224(c) of the RMA prior to the completion of all planting.
- Advice Note: It may be beneficial to the long-term survival of the reserve planting for it to be completed in two tranches across two or more planting seasons (May to September each year). ES 0.6 2023 anticipates and provides for a consent holder to bond arrangement with the Council in respect of the incomplete work.*
- (iv) Completion of all planting on Lots 61-63, 65-76, 78, 80-94, and 164-166 in accordance with the plans prepared by 4Sight Consulting part of SLR titled Stage 3 West Concept Plan, Stage 3 South Concept Plan, and Stage 3 East Concept Plan referenced LA04A, LA04B, and LA04C respectively dated 1 April

2025. Plant species shall be in accordance with the plans prepared by 4Sight Consulting part of SLR titled Summary Species Schedule referenced LA13-LA14 dated 1 April 2025 and the planting methodology and maintenance shall be carried out in accordance with the plan prepared by 4Sight Consulting part of SLR titled Revegetation Strategy referenced LA15 dated 1 April 2025.

- (o) The following conditions shall be complied with on an ongoing basis and recorded in consent notices under section 221 of the RMA for the specified lots. The consent notices shall be prepared by the Council's Solicitor at the consent holder's expense:
- (i) **For Lots 61 – 63, 65 – 94 and 164 – 169**, upon construction of the dwelling, a vehicle entrance crossing must be constructed in accordance with the Council engineering standards ES 0.6 2023, noting that a Vehicle crossing permit application is required for each crossing.
 - (ii) **For Lots 61 – 63, 65 – 94 and 164 – 169**, in conjunction with the construction of any building that includes a wastewater treatment and effluent disposal system, the applicant shall submit for Council approval an on-site wastewater report prepared by a Chartered Professional Engineer or a Council approved report writer having regard to the "Engineering Report" dated 3 July 2023 prepared by Haigh Workman, ref 18 295. The report shall identify a suitable method of wastewater treatment for the proposed development along with an identified effluent disposal area plus a reserve disposal area.
 - (iii) **For Lots 61 – 63, 65 – 94 and 164 – 169**, in conjunction with the construction of any dwelling, sufficient water storage shall be provided on the lot for potable water supply. The storage volume shall be at least 50,000 litres per dwelling unless a report by a suitable qualified person demonstrates to Council's satisfaction that a lesser storage capacity is adequate. In addition to a potable water supply, a dedicated water collection system with sufficient supply for fire-fighting purposes, being at least 25,000 litres is to be provided by way of tank or other approved means and to be positioned so that it is safely accessible for this purpose in accordance with the New Zealand Fire Fighting Water Supply Code of Practice SNZ PAS 4509 2008.
 - (iv) **For Lots 61 – 63, 65 – 94 and 164 – 169**, all building that requires building consent will require an assessment of foundations and ground suitability by a suitably qualified and experienced practitioner (i.e., Chartered Professional Engineer). The assessment shall reference especially geotechnical recommendations of the Haigh Workman Rangitane River Park Stages 3-6 Geotechnical Assessment Report, dated 3 July 2023.
 - (v) **For Lots 86, 87, 88 and 89**, building restriction lines as indicated on the Haigh Workman Engineering Plans - Geotechnical Site Plan – Stages 3-& 4 dated 3 April 2025, apply to these lots. Building beyond the restriction line is possible but will be subject to site-specific geotechnical investigation and slope stability analysis to either demonstrate the land beyond the restriction line is stable, or otherwise providing ground improvement to stabilise the land, e.g. a soldier pile wall. The geotechnical investigation is to be undertaken by a Chartered Professional Engineer with a geotechnical practice area.

- (vi) **For Lots 61 – 63, 65 – 94 and 164 – 169**, development is approved by way of resource consent for up to a maximum of 600 m² impermeable surfaces coverage on each lot. If at any stage, the proposed area of impermeable surfaces exceeds 600 m², a stormwater management system shall be designed, for the approval of Council, and implemented for that Lot to ensure peak stormwater runoff from the developed lot does not exceed the runoff anticipated from this consent notice during a design 10% annual exceedance probability storm event with a recognised allowance for climate change.
- (vii) **For Lots 61-63, 65-94 and 164-169**, without the prior approval of the Council, no building shall be erected, nor any works which increase impermeable surfaces be undertaken, nor any planting or structure placed which may create a flow obstruction, on any area of the site which has been proposed or identified as a secondary / overland (Q100) flow path described in the Haigh Workman “Engineering Report” dated 3 July 2023, and Stormwater Management Plans, Sheets 1-4 (Rev M) dated 3 April 2025, ref 18 295.
- (viii) **For Lots 61 – 63, 65 – 94 and 164 – 169**, no owners or occupiers of or visitors to any of the lots shall keep or introduce onto the land any carnivorous animal including but not limited to any cats, dogs or mustelids that has the potential to be a Kiwi predator. This includes the bringing of any such animals onto site by visitors and contractors.
- (ix) **That lot owner(s) of Lots 61, 68, 71, 67, 72-76**, shall ensure on an ongoing basis that the Kapiro Road boundary fencing is maintained.
- (x) **For Lots 61 – 63, 65 – 94 and 164 – 169**, any area of road reserve utilised for the purpose of letterboxes to service the development will not be subject to any maintenance by the Far North District Council.
- (xi) **For Lots 61 – 63, 65 – 94 and 164 – 169**, when Building Consent is sought for any habitable or non-habitable building over 50 m², the applicant must submit for Council approval, a registered landscape architect certified Building Development Landscape Plan which manages the landscaping within the site boundary beyond those areas and requirements addressed in the Stage 3 design document required under Condition 10(m) of this consent. The plan shall detail planting for the purposes of visual mitigation and integration of the built development, its access, buildings and other built elements (e.g. pergolas, gazebos), retaining walls, pools and water features, and landform modifications. The plan shall show details of re-vegetation of any exposed cut faces associated with works required for the building, access, or landscaping. The plan shall contain the following information:
 - a. location and extent of any proposed buildings, access, retaining walls and extent of earthworks
 - b. names of proposed species
 - c. size of proposed stock for planting
 - d. locations and spacing of proposed plants, positioned (where appropriate) so as to achieve canopy closure within 3-5 years

- e. details of staking and other means of support for large trees
- f. details of proposed maintenance; and
- g. details of proposed mulch, type, depth etc.

The certified Building Development Landscape Plan shall be formulated in accordance with the following standards:

- a. indigenous species found in the locality should predominate within the species mix used for landscaping around the built development;
- b. fencing, drains or other potential hazards for Kiwi should be designed to allow safe movement of Kiwi;
- c. to construct any Road boundary fence (except Kapiro Road or Redcliffs Road) in local stone, post and rail, post and wire, post, wire and batten;
- d. to retain and maintain any Road boundary fence on Kapiro Road in post and rail, post and rail crossbuck or post, wire and batten as shown in the 4Sight Consulting part of SLR Stage 3 West and Stage 3 South, Fencing Typologies referenced LA05A and LA05B, dated 1 April 2025;
- e. for lots without covenanted planting areas, a minimum of five specimen trees shall be included in the planting proposal. These can be selected from the Summary Species Schedule, referenced LA13-LA14 dated 1 April 2025, prepared by 4Sight Consulting part of SLR.
- f. no tree species shall be selected from plantation forestry or coppicing species
- g. all planting within 5 metres of the residential unit shall be designed to prevent the creation of fires hazards and utilise species identified as suitable in the 4Sight Consulting part of SLR Summary Species Schedule, referenced LA13-LA14 dated 1 April 2025.
- h. outdoor parking areas shall be screened to a minimum of 1 m high to partially obscure these areas from offsite locations.
- i. The Landscape Plan to be designed to integrate all structures with their natural surroundings.

The certified Building Development Landscape Plan is to be implemented and completed prior to the issuing of a Code of Compliance Certificate for the building under the Building Act 2004. The owner shall confirm completion of all works by way of submission of a written statement from a suitably qualified landscape architect to the Council's Resource Consents Manager or delegated representative. Once completed all planting is to be maintained in perpetuity. Where any planting is damaged, destroyed or otherwise removed, it shall be replaced with the same or similar species as soon as practically possible.

- (xii) **For Lots 61-63, 65-94 and 164-169**, At the time of lodgement of a building consent for any habitable or non-habitable buildings on Lots 61 – 94 and 164 – 169, the property owner shall provide to the Council a written statement prepared by a suitably qualified landscape architect to confirm that all necessary requirements specified in the certified document required under Condition 10(m) above have been addressed and will be complied with. All works undertaken on the site shall be carried out, completed, and maintained in general accordance with the written statement and any supporting approved plans for the life of the building/s.
- (xiii) **For Lots 61-63, 65-76, 78, 80-94, and 164-166**, all planting protected by way of covenant is to be maintained in accordance with the weed and pest plan provided under Condition 10(m)(iii) above. Where any planting is damaged, destroyed or otherwise removed, it shall be replaced with the same or similar species as soon as practically possible.
- (xiv) **For Lots 61-63, 65-94 and 164-196**, there shall be no further subdivision of any lot unless the subdivision is a boundary adjustment that does not result in any additional subdivision rights under the Operative District Plan or the subdivision other than a boundary adjustment complies with the minimum lot size required for a permitted, controlled, restricted discretionary or discretionary activity by the Operative District Plan at the time of the application for resource consent.
- (p) The consent holder shall enter into a land covenant over Lots 701 and 703-704 in favour of the Far North District Council. The covenant shall be prepared by the Council's solicitor at the consent holder's expense. The covenant must require the prohibition of dogs from all parts of Lots 701 and 703-704.
- (q) The consent holder shall enter into a land covenant over the areas marked "AAA", "BBB" and "CCC" on Lot 701 on the scheme plan prepared by Neil Construction Limited drawing no. 420-03-SP-00-PEC dated 6 May 2025 in favour of the Far North District Council. The covenant shall be prepared by the Council's Solicitor at the consent holder's expense. The covenant must require, for the permanent protection of areas of ecological value:
 - (i) The maintenance, protection, and enhancement of indigenous habitat and indigenous fauna;
 - (ii) The maintenance, protection, and enhancement of ecological values, ecosystems, and biodiversity including ecological values, ecosystems, and biodiversity associated with freshwater and the Rangitane River;
 - (iii) Weed and pest control;
 - (iv) The prohibition of vehicles unless required for maintenance purposes or other purposes authorised by the Far North District Council; and
 - (v) a binding and enforceable requirement for the consent holder to undertake its maintenance obligations for a minimum period of 5 years from the date of registration and executing of the covenant as defined under Condition 9(e)(ii) of this consent.

Advice Note: The areas marked “AAA”, “BBB”, and “CCC” on the scheme plan prepared by Neil Construction Limited are areas of ecological value as identified by the Environment Court in Neil Construction Limited v Far North District Council [2024] NZEnvC 142 at [100], [104], [106], [125] and [128]. Condition 10(q) is a response to the Environment Court’s direction at [247](c).

Stage 4 – Lots 95 - 123, Lots 601 and 602 (road to vest), Lots 505 – 508 (JOALs), and Lot 700 (reserve to vest), being a subdivision of Stage 3 Lot 1004

Section 223 Conditions

- 11 The survey plan submitted for approval under section 223 of the RMA shall be in general accordance with the scheme plan prepared by Neil Construction Limited titled ‘Stage 4 Proposed Subdivision of Lot 1004 DP XXXXXX’ referenced 420-04-SP-01-PEC Sheets 1 & 2 dated 6 May 2025, inclusive of the following:

- (a) The following amalgamation conditions:

- (i) ‘That Lot 505 be held as three equal undivided shares by the owners of Lots 104, 105, and 106.’
- (ii) ‘That Lot 506 be held as three equal undivided shares by the owners of Lots 109, 110 and 111.’
- (iii) ‘That Lot 507 be held as three equal undivided shares by the owners of Lots 115, 116 and 117.’
- (iv) ‘That Lot 508 be held as two equal undivided shares by the owners of Lots 121 and 122.’

(LINZ ref 1925917)

- (b) The consent holder must create easements over any public or private stormwater infrastructure and overland flow paths located within the residential lots as directed by the Resource Consent Engineer or delegate.

Note: Overland flow paths are to be assessed in accordance with Section 4 of Council’s Engineering Standards 2023 Edition and are to be certified by a CPEng Engineer with relevant qualifications in stormwater design.

- 12 Prior to approval of the survey plan pursuant to Section 223 of the RMA, the consent holder shall:

- (a) Submit a Construction Management Plan (“**CMP**”) to the Council’s Resource Consents Engineer or delegate for certification. The CMP shall contain information about and site management procedures for:
 - (i) the timing of site works, earthworks, and construction works, including hours of work, and the key project and site management personnel
 - (ii) consultation with Ngāti Rēhia about the timing and supervision interest for earthworks
 - (iii) bulk earthworks plan (showing cut and fill and their related quantities)

- (iv) the transportation of fill and construction materials from and to the site and associated controls on vehicles through sign-posted site entrances/exits and the loading and unloading of materials
- (v) the extent of excavation works, including retaining structures and any necessary dewatering facilities, prepared by a suitably qualified geotechnical engineer
- (vi) control of dust and noise on-site and necessary avoidance or remedial measures
- (vii) prevention of soil or other material being deposited on surrounding roads from vehicles working within the subdivision and the proposed remedial actions should it occur
- (viii) the exclusion of dogs from site at all times
- (ix) bringing awareness to the presence of kiwi on the site, including through signage, at entrances to the site; and
- (x) proposed publicity and safety measures, including signage, to inform adjacent landowners and occupiers, pedestrians, and other users of the road.

The CMP shall also include information as to:

- (vi) the identity and contact details of the successful contractor
- (vii) the planned commencement date and duration of the contract
- (viii) the identity and contact details of the supervising engineer; and
- (ix) a copy of the corridor access request (if required); and
- (x) a copy of the Construction Environmental Management Plan approved by the Northland Regional Council.

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

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

- (v) requiring and ensuring wide loads and vehicles with Gross Vehicle Mass over 3,500 kg avoid using Landing Road and access and depart the site via Kapiro Road and State Highway 10.

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

- (c) Submit preferred road names and two alternative names for Lot 601 as road to vest to the Council's Resource Consents Engineer or delegate for certification.

Advice Note: In accordance with the Council's and Bay of Islands-Whangaroa Community Board's road naming policies, road names should reflect the history of the area and be no longer than 10 characters in length.

- (d) Submit a set of engineering plans for all construction works and infrastructure (private and public) for Stage 4 in accordance with the Far North District Council Engineering Standards 0.6 2023 ('**ES 0.6 2023**') to the Council's Resource Consents Engineer or delegate for certification. The plans are to be prepared by a suitably qualified and experienced engineer in accordance with Section 1.5 of the ES 0.6 2023, and are to be generally in accordance with the set of engineering plans prepared by Haigh Workman Limited referenced as Job No. 18 295 listed in condition 6 above. The plans are to include (but are not limited to):

- (i) Road to vest (Lot 601) and JOAL design, where Lot 601 shall have a 16-metre legal width and 6.5-metre carriageway, and the JOALs shall comply with Table 3.6 of the ES 0.6 2023 or as otherwise specified in the Haigh Workman engineering plans. The plans shall include all road marking, lighting, intersection design, footpaths and other features required in accordance with Section 3.2 of the ES 0.6 2023. Where street trees are proposed (as illustrated on the 'Stage 4 Street Trees' Sheet LAS02 dated 1 April 2025 prepared by 4Sight Consulting part of SLR) they shall be designed and located to comply with Section 7.2.6 of the ES 0.6 2023.

- (ii) Design details of the vehicle crossing to service JOAL 505 onto Redcliffs Road in accordance with Section 3.2.27 of the ES 0.6 2023.

- (iii) Design details to confirm that a vehicle crossing to each lot can be constructed to Council residential vehicle crossing standards, noting that individual crossings are not required to be constructed as part of the approved engineering plan works.

- (iv) Design details for stormwater management for all lots and impermeable surfaces within road reserve and JOALs in accordance with Section 4.3.5 of the ES 0.6 2023

- (e) Lighting design brief in accordance with Section 3.2.17 of the ES 2023 and NTA Design Manual - Street Lighting Version 1, and inclusive of lighting network and categories both within and in the vicinity of the subdivision site, taking into account and providing for:

- (i) Effects on dark skies and nocturnal fauna;
- (ii) A street light colour temperature no greater than 3,000 K

- (iii) Minimisation of light spill (waste light);
 - (v) A lighting intensity (brightness) set at the lowest lux level necessary for road safety; and
 - (vi) Use of LEDs.
- (f) Submit for certification by the Resource Consents Manager details of temporary and permanent signage required for kiwi awareness ("**KAS**"), including:
- (i) KAS will be a standard Kiwi Coast "no dogs" design
 - (ii) Permanent KAS will be erected at each road entrance to the new development and entrances to the new reserves
 - (iii) Temporary KAS will also be located in any large empty grasses areas while lots are empty. The temporary signs will be removed after the area of empty lots has been reduced, or when building work has commenced on lots in each area; and
 - (iv) Prior to submitting the details of the KAS to the Council, the consent holder shall provide details of the KAS to Vision Kerikeri and Friends of Rangitane Stream for comment and allow at least 5 working days for comments. The consent holder must consider any comments received from Vision Kerikeri and Friends of Rangitane Stream and may incorporate the comment into the KAS details. The KAS details will be submitted to the Council with a copy of the comments that were provided by Vision Kerikeri and Friends of Rangitane Stream.

Section 224 Conditions

- 13 Prior to the issue of a certificate under section 224(c) of the RMA, the consent holder shall:
- (a) Submit a Corridor Access Request application to Council's Road Corridor Co-ordinator (corridor.access@fndc.govt.nz) and receive written approval for all works to be carried out within Council's Road Reserve (refer to the advisory clause below for the definition of a Corridor Access Request).
 - (b) Notify Council, in writing, of their intention to begin works, a minimum of seven days prior to commencing works. Such notification shall be sent to the Resource Consent Engineer and include the following details:
 - Name and telephone number of the project manager.
 - Site address to which the consent relates.
 - Activities to which the consent relates.
 - Expected duration of works.
 - (c) Adhere to the approved engineering plans, all management plans, and all resource consent conditions, Inspection and Test Plan, approved corridor access request at all times, and these documents are to be held onsite at all times during construction. All

personnel working on the site shall be made aware of and have access to the resource consent and accompanying documentation.

- (d) Request a pre-start meeting to be undertaken with the consent holder's representative, contractor(s) or agents for the consent holder and the Resource Consent Engineer a minimum of 10 working days prior to any works being undertaken on the site, to the satisfaction of the Resource Consent Engineer or delegate.
- (e) Undertake and complete all work on the approved engineering plans in Condition 12(d), erection of road signs, and kiwi awareness signage approved under Condition 12(e) to the approval of the Resource Consent Engineer or delegate. Compliance with this condition shall be determined by;
 - (i) Site inspections undertaken as agreed in Council's engineering plan approval letter/ Inspection and Test Plan.
 - (ii) Results of all testing, video inspection records of all wastewater and stormwater reticulation, PE pipeline pressure testing and weld data logging results.
 - (iii) PS4 and approval of supporting documentation provided by the developer's representative/s including evidence of inspections by those persons, and all other test certificates and statements required to confirm compliance of the works as required by Council's QA/QC Manual and the Council's ES 0.6 2023.
 - (iv) "Certificate of Completion of Resource Consent Works" from the Contractor.
 - (v) Provide evidence that the cost of purchasing and installing a road name sign for the road to vest has been paid to Council contractors:

Northern Area – Fulton Hogan (09) 408 6440 or Southern Area – Ventia (09) 407 7851.
- (f) Submit a certified and dated 'As built' plan of completed works and services in accordance with ES 0.6 2023. This condition shall be deemed satisfied once the as built has been approved by Council's Resource Consent Engineer or delegate.
- (g) Submit certified RAMM data for all new/upgraded Roadway infrastructure prepared by a suitably qualified person in accordance with ES 0.6 2023 to the satisfaction of the Resource Consent Engineer or delegated representative. This data shall include COC Documents and Electrical Certificates for street lights, and warranty documents shall be transferred to Council for all street lights installed.
- (h) Submit a geotechnical completion report upon the completion of the earthworks to confirm the geotechnical recommendations and document the work undertaken, e.g. earthworks compaction certification to the Council's Resource Consents Engineer or delegate for certification. The completion report shall include certification of the engineered fill and as-built plans in accordance with the requirements of NZS4431:2022.
- (i) Submit evidence to the Council's Resource Consents Engineer or delegate for certification that a maintenance agreement has been entered into with the contractor who is to maintain the road and stormwater drainage work which is to vest in Council

for a minimum of 12 months from the date of issuing of the s224 certificate. The value of the bond, or retention money held in lieu of a bond, shall be 5% of the value of the vested works.

- (j) Submit evidence that a maintenance agreement has been entered into with the contractor who is to inspect the rock-lined drains at the end of the 12-month maintenance period required by condition 13(i) for erosion or scouring and remediate any damage (if any) to the satisfaction of the Council's Resource Consent Engineer or delegate.
- (k) Submit documentation that the service providers of electric power and telecommunications to the sites are satisfied with the arrangements made for the provision of these services.
- (l) Submit written confirmation by way of a legal undertaking that a fencing covenant pursuant to Section 5 of the Fencing Act 1978 over all lots which adjoin Lots 700 and 701 has been prepared and will be registered on the title of the respective lots. The covenant shall indemnify the Council from any liability to contribute towards any construction, maintenance or upgrading work on any fence between the Reserve and the specified adjoining lot. The covenant is to be prepared to the Council's satisfaction and registered on the relevant title at the applicant's expense. The consent holder shall provide a solicitor's written undertaking to register the document on the affected titles.
- (m) Submit to the Council's Resource Consents Manager or delegate for certification a document that sets out all building and landscape design and maintenance controls to be complied with by way of consent notice condition/s on Lots 95 - 123, inclusive of the following:
 - (i) Definition of any building envelopes and building setbacks as defined for each lot in accordance with the 'Stage 4 Concept Plan' prepared by 4Sight Consulting part of SLR referenced as LA04B dated 1 April 2025, inclusive of a 25-metre setback from Kapiro and Redcliff Roads.
 - (ii) Building design detail controls inclusive of (but not limited to):
 - each residential lot shall have one dwelling and a garage with space for a minimum of two vehicles
 - water tanks shall be screened and/or buried so they are not visible from beyond the boundary of the lot
 - the glazing of windows are to be non-reflective and not mirrored glass
 - colour schemes for exterior walls and roofs are to use medium to dark shades of recessive colours which are neutral, sympathetic to the adjacent landscape, and not a dominating visual element. The exterior walls shall have a reflectivity value no greater than 35% and a maximum of 30% for roofs. The restriction does not apply to window joinery or regular domestic doors

- a freestanding garage or other ancillary domestic structure can be erected on any lot provided it is constructed in the same or similar materials and style to the primary dwelling. Any freestanding garage or ancillary domestic structure shall be located no more than 15 m from main dwelling
 - external retaining walls shall be a maximum of 1.5 m in height, finish to be of natural materials, i.e., timber or stone. Other materials such as brick or plaster are discouraged. Open rail style fencing on top of retaining walls over 900 mm in height are permitted, close boarded fences are not permitted
 - side boundary fencing shall be limited to 1.2 m height post and rail or post and wire fencing, except where these boundaries adjoin a JOAL or pedestrian right of way
 - where the access, vehicle parking, and manoeuvring area surfaces are constructed of concrete then a dark (black) oxide shall be applied at the rate of 2.5 kg per 1 m³ of concrete. In addition, all block work or paving shall be completed in recessive tones
 - one vehicle crossing permitted on any lot; and
 - private exterior lighting shall utilise LED lights to reduce effects on dark skies and nocturnal wildlife:
 - colour temperature to be no greater than 2,700 K
 - lighting to be directed to the specific area that needs lighting, and light spill (waste light) to be minimised; and
 - lights with brightness of 500 lumens maximum for motion sensor security lights and 200 lumens maximum for other outdoor lights.
- (iii) Weed and pest control requirements to be undertaken by the future owners of all affected lots within Stage 4 in accordance with the plan prepared by 4Sight Consulting part of SLR titled Revegetation Strategy referenced LA15 dated 1 April 2025, to achieve long term management of the landscape planting to be provided and covenanted within the lots as required under condition 13(o)(xv). below.
- (n) Provide suitable evidence by way of written certification and supporting documentation to confirm that the following has been completed:
- (i) Construction of boundary fences along the Kapiro and Redcliff Road frontages of the site and the internal Lot fencing as shown on the plan prepared by 4Sight Consulting part of SLR titled 'Stage 4 South Fence Typologies' referenced LA07 dated 1 April 2025.
 - (ii) Completion of all street planting within the stage boundary in accordance with the plan prepared by 4Sight Consulting part of SLR titled 'Stage 4 Street Trees'

referenced LAS02 dated 1 April 2025. The consent holder shall maintain the street planting for a 2-year period commencing on the date that the section 224(c) certificate is issued.

- (iii) Completion of all planting on Lots 95, 97–105, 107–119, 121–123 in accordance with the plans prepared by 4Sight Consulting part of SLR titled ‘Stage 4 Concept Plan’ referenced LA06 dated 1 April 2025. Plant species shall be in accordance with the plans prepared by 4Sight Consulting part of SLR titled ‘Summary Species Schedule’ referenced LA13-LA14 dated 1 April 2025 and the planting methodology and maintenance shall be carried out in accordance with the plan prepared by 4Sight Consulting part of SLR titled ‘Revegetation Strategy’ referenced LA15 dated 1 April 2025.

Consent Notices

- (o) The following conditions shall be complied with on an ongoing basis and recorded in consent notices under section 221 of the RMA for the specified lots. The consent notices shall be prepared by the Council’s Solicitor at the consent holder’s expense:
 - (i) **For Lots 95 – 123**, that upon construction of the dwelling, that the vehicle entrance crossing be constructed in accordance with Council engineering standards ES 0.6 2023, noting that a Vehicle crossing permit application is required for each crossing.
 - (ii) **For Lots 95 – 123**, in conjunction with the construction of any building which includes a wastewater treatment and effluent disposal system, the applicant shall submit for Council’s approval an on-site wastewater report prepared by a Chartered Professional Engineer or a Council approved report writer having regard to the “Engineering Report” dated 3 July 2023, prepared by Haigh Workman, ref 18 295. The report shall identify a suitable method of wastewater treatment for the proposed development along with an identified effluent disposal area plus a reserve disposal area.
 - (iii) **For Lots 95 – 123**, in conjunction with the construction of any dwelling, sufficient water storage shall be provided on the lot for potable water supply. The storage volume shall be at least 50,000 litres per dwelling unless a report by a suitable qualified person demonstrates to Council’s satisfaction that a lesser storage capacity is adequate. In addition to a potable water supply, a dedicated water collection system with sufficient supply for fire-fighting purposes is to be provided by way of tank or other approved means and to be positioned so that it is safely accessible for this purpose. These provisions will be in accordance with the New Zealand Fire Fighting Water Supply Code of Practice SNZ PAS 4509 2008.
 - (iv) **For Lots 95 – 123**, all buildings that require a building consent will require an assessment of foundations and ground suitability by a suitably qualified and experienced practitioner (i.e. Chartered Professional Engineer). The assessment shall reference especially geotechnical recommendations of the approved Haigh Workman Rangitane River Park – Stages 3-6 Geotechnical Assessment Report dated 3 July 2023.

- (v) **For Lots 95 – 123**, without the prior approval of the Council, no building shall be erected, nor any works which increase impermeable surfaces be undertaken, nor any planting or structure placed which may create a flow obstruction, on any area of the site which has been proposed or identified as a secondary / overland (Q100) flow path described in the “Engineering Report” and plans prepared by Haigh Workman Ltd, dated 3 July 2023, ref 18 295.
- (vi) **For Lots 95 – 123**, the subdivision provides a resource consent for up to a maximum of 600m² impermeable surfaces coverage on each Lot. If at any stage, the proposed area of impermeable surfaces exceeds 600m², a stormwater management system shall be designed, for the approval of Council, and implemented for that Lot to ensure peak stormwater runoff from the developed lot does not exceed the runoff anticipated from the consent notice during a design 10% annual exceedance probability storm event with a recognised allowance for climate change.
- (vii) **For Lot 115 and 116**, all planting within and along the margins of overland paths and drains marked “D3” on the plan prepared by Haigh Workman titled “Stormwater management Plan – Stage 4 Sheet 2” referenced SW2 dated 3 April 2025 shall be maintained. Where any planting is damaged, destroyed, or otherwise removed, it shall be replaced with the same or similar species as soon as practically possible.
- (viii) **For Lots 95 – 123**, no owners or occupiers of or visitors to any of the lots shall keep or introduce onto the land any carnivorous animal (such as cats, dogs or mustelids) which have the potential to be Kiwi predators. This includes the bringing of any such animals onto site by visitors and contractors.
- (ix) **For Lots 95, 97-105, 107-119, 121-123**, the lot owner(s) shall ensure on an ongoing basis that the covenanted planting area within Lots, planted in accordance with the plan prepared by 4Sight Consulting part of SLR titled Stage 4 Concept Plan referenced LA06 dated 1 April 2025 is maintained and kept weed free.
- (x) **For Lots 95 – 106**, the owner(s) shall ensure on an ongoing basis that the Kapiro Road and Redcliffs Road reserve boundary fencing is maintained.
- (xi) **For Lots 104-107 and 110-117, 121-123**, the owner(s) shall ensure on an ongoing basis that the boundary fencing with the Lot 701 Reserve is maintained.
- (xii) **For Lots 95 – 123**, when Building Consent is sought for any habitable or non-habitable building over 50 m², the applicant must submit for approval of Council, a registered landscape architect certified Building Development Landscape Plan, which manages the landscaping within the site boundary beyond those areas and requirements addressed in the document required under Condition 13(m) above. The plan shall detail planting for the purposes of visual mitigation and integration of the built development, its access, buildings and other built elements (e.g. pergolas, gazebos), retaining walls, pools and water features, and landform modifications. The plan shall show details of re-vegetation of any exposed cut faces associated with works

required for the building, access, or landscaping. The plan shall contain the following information:

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

The certified Building Development Landscape Plan shall be formulated in accordance with the following standards:

- (i) Indigenous species found in the locality should predominate within the species mix used for landscaping around the built development.
- (ii) Fencing drains or other potential hazards for Kiwi should be designed to allow safe movement of Kiwi.
- (iii) To construct any Road boundary fence (except Kapiro Road or Redcliffs Road) in local stone, post and rail, post and wire, post, wire and batten.
- (iv) To retain and maintain any Road boundary fence on Kapiro Road or Redcliffs Road in post and rail, post and rail crossbuck or post, wire and batten as shown in the 4Sight Consulting part of SLR titled Stage 4 Fencing Typologies Plan referenced LA07, dated 1 April 2025.
- (v) For lots without covenanted planting areas, a minimum of five specimen trees shall be included in the planting proposal. These can be selected from the plan prepared by 4Sight Consulting part of SLR titled Summary Species Schedule referenced LA13-LA14 dated 1 April 2025.
- (vi) No tree species shall be selected from plantation forestry or coppicing species.
- (vii) All planting within 5 metres of the residential unit shall be designed to prevent the creation of fires hazards and utilise species identified as suitable in the plan prepared by 4Sight Consulting part of SLR titled Summary Species Schedule referenced LA13-LA14 dated 1 April 2025.
- (viii) Outdoor parking areas shall be screened to a minimum of 1 m high to partially obscure these areas from offsite locations.
- (ix) The Landscape Plan to be designed to integrate all structures with their natural surroundings.

The certified Building Development Landscape Plan is to be implemented and completed prior to the issuing of a Code of Compliance Certificate under the Building Act 2004. The owner shall confirm completion of all works by way of submission of a written statement from a suitably qualified landscape architect to the Council's Resource Consents Manager or delegated representative. Once completed all planting is to be maintained in perpetuity. Where any planting is damaged, destroyed or otherwise removed, it shall be replaced with the same or similar species as soon as practically possible.

- (xiii) At the time of lodgement of a building consent for any habitable or non-habitable buildings on Lots 95 – 123, the property owner shall provide to the Council a written statement prepared by a suitably qualified landscape architect to confirm that all necessary requirements specified in the certified document required under Condition 13(m) above have been addressed and will be complied with. All works undertaken on the site shall be carried out, completed, and maintained in general accordance with the written statement and any supporting approved plans for the life of the building/s.
- (xiv) **For Lot 100,** The area of indigenous vegetation including *Coprosma rigida* marked "BV" on the scheme plan prepared by Neil Construction Limited titled 'Stage 4 Proposed Subdivision of Lot 1004 DP XXXXXX' referenced 420-04-SP-01-PEC Sheets 1 & 2 dated 6 May 2025 which shall be protected by land covenant in perpetuity. The lot owner(s) shall ensure that indigenous vegetation is maintained and that predators and weeds are controlled on an ongoing basis in the covenanted area.
- (xv) **For Lots 95 - 123,** all planting protected by way of covenant is to be maintained in accordance with the weed and pest plan provided under Condition 13(m)(iii) above. Where any planting is damaged, destroyed or otherwise removed, it shall be replaced with the same or similar species as soon as practically possible.
- (xvi) **For Lots 95-123,** there shall be no further subdivision of any lot unless the subdivision is a boundary adjustment that does not result in any additional subdivision rights under the Operative District Plan or the subdivision other than a boundary adjustment complies with the minimum lot size for a permitted, controlled, restricted discretionary or discretionary activity required by the Operative District Plan at the time of the application for resource consent.

Stage 5 – Lots 124 - 163, Lot 603 (road to vest), Lots 509 – 511 (JOALs), and Lot 702 (reserve to vest), being a subdivision of Stage 3 Lot 1005

Section 223 Conditions

- 14 The survey plan submitted for approval under section 223 of the RMA shall be in general accordance with the scheme plan prepared by Neil Construction Limited titled 'Stage 5 Proposed Subdivision of Lot 1005 DP XXXXXX' referenced 420-05-SP-01-PEC Sheets 1 & 2 dated 6 May 2025, inclusive of the following:
 - (a) The following amalgamation conditions:

- (i) 'That Lot 509 be held in four equal undivided shares by the owners of Lots 141 – 144.'
- (ii) 'That Lot 510 be held in four equal undivided shares by the owners of Lots 151 – 154.'
- (iii) 'That Lot 511 be held in three equal undivided shares by the owners of Lots 160, 161 and 163.'

(LINZ Ref 1925917)

- (b) The consent holder must create easements over any public or private stormwater infrastructure and overland flow paths located within the residential lots as directed by the Resource Consent Engineer or delegate.

Note: Overland flow paths are to be assessed in accordance with Section 4 of Council's Engineering Standards 2023 Edition and are to be certified by a CPEng Engineer with relevant qualifications in stormwater design.

15 Prior to approval of the survey plan pursuant to Section 223, the consent holder shall:

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

- (x) proposed publicity and safety measures, including signage, to inform adjacent landowners and occupiers, pedestrians, and other users of the road.

The CMP shall also include information as to:

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

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

- (b) Submit a Construction Traffic Management Plan (“CTMP”) to the Council’s Resource Consents Engineer or delegate for certification. The CTMP shall contain information about and site management procedures for:
 - (i) establishing a parking management plan for construction traffic
 - (ii) measures to address the transportation and parking of oversize vehicles (if any)
 - (iii) identifying the proposed number and timing of heavy vehicles throughout the day
 - (iv) identifying the location of heavy vehicle and construction machinery access to the site; and
 - (v) requiring and ensuring wide loads and vehicles with Gross vehicle Mass over 3,500 kg to avoid using Landing Road and access and depart the site via Kapiro Road and State Highway 10.

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

- (c) Submit preferred road names and two alternative names for Lot 603 as road to vest, noting that three names for each of the three road branches will be required, to the Council’s Resource Consents Engineer or delegate for certification.

Advice Note: In accordance with the Council’s and Bay of Islands-Whangaroa Community Board’s road naming policies, road names should reflect the history of the area and be no longer than 10 characters in length.

- (d) Submit a set of engineering plans for all construction works and infrastructure (private and public) for Stage 5 in accordance with the Far North District Council Engineering Standards 0.6 2023 (‘ES 0.6 2023’) to the Council’s Resource Consents Engineer or delegate for certification. The plans are to be prepared by a suitably qualified and experienced engineer in accordance with Section 1.5 of the ES 0.6 2023, and are to be generally in accordance with the set of engineering plans prepared by Haigh Workman

Limited referenced as Job No. 18 295 listed in condition 6 above. The plans are to include (but are not limited to):

- (i) Road to vest (Lot 603) and JOAL design, where Lot 603 shall have varying legal widths and formation widths in accordance with the Drawing No P3 Sheet 3 of 4 of the set of engineering plans prepared by Haigh Workman Limited referenced as Job No. 18 295 listed in condition 6, and the JOALs shall comply with Table 3.6 of the ES 0.6 2023 or as otherwise specified in the Haigh Workman engineering plans. The plans shall include all road marking, lighting, intersection design, footpaths, cul-de-sac heads and other features required in accordance with Section 3.2 of the ES 0.6 2023. Where street trees are proposed (as illustrated on the 'Stage 5 Street Trees' Sheet LAS03 prepared by 4Sight Consulting part of SLR) they shall be designed and located to comply with Section 7.2.6 of the ES 0.6 2023.
- (ii) A minimum of 8 carparks to be provided within the road reserve located adjacent to the cul-de-sac head adjoining Lot 702 reserve to vest, and a minimum of 8 carparks to be provided within the road reserve located adjacent to Lot 703 recreation reserve.
- (iii) Design details to confirm that a vehicle crossing to each lot can be constructed to Council residential vehicle crossing standards, noting that individual crossings are not required to be constructed as part of the approved engineering plan works.
- (iv) Design details for stormwater management for all lots and impermeable surfaces within road reserve and JOALs in accordance with Section 4.3.5 of the ES 0.6 2023.
- (e) Lighting design brief in accordance with Section 3.2.17 of the ES 2023 and NTA Design Manual - Street Lighting Version 1, and inclusive of lighting network and categories both within and in the vicinity of the subdivision site, taking into account and providing for:
 - (i) Effects on dark skies and nocturnal fauna;
 - (ii) A street light colour temperature no greater than 3,000 K
 - (iii) Minimisation of light spill (waste light);
 - (v) A lighting intensity (brightness) set at the lowest lux level necessary for road safety; and
 - (vi) Use of LEDs.
- (f) Submit a Reserve Development Plan ('RDP') for certification by the Resource Consents Manager for proposed Lot 702 as scenic reserve to vest, and development plans of a playground facility on recreation reserve Lot 703, generally in accordance with Section 7.2 of the ES 0.6 2023 and Sheets LAR01 – LAR07, LA14 and LA15 contained in the Landscape Plans prepared by 4Sight Consulting part of SLR dated 1 April 2025. The RDP shall include (but is not limited to) the following:

(i) Design details of the walking track with a minimum width of 1.8 metres and transition to connection with footpaths on road reserve, and means of vehicular access to the reserve areas for maintenance purposes where:

- Suitable surfacing shall be in a well-graded GAP20 supplied from a local weed-free source
- The stone particles shall be durable with at least 50% broken faces. Rounded river gravels or beach gravels are not acceptable as walkway surfacing aggregate unless these materials are crushed, and additional fines are added
- The walkway surfacing layer shall have a range of particle size distribution including at least 3% and preferably up to 15-20% by weight portion of clay content.
- The surfacing layer shall have a minimum compacted thickness of 50 mm. This layer shall be placed and compacted in a single layer. If additional aggregate is required after compaction to ensure the required layer thickness is achieved, the original aggregate layer shall be scarified before placing the additional aggregate.
- Methods used to place aggregate shall be such that segregation of the aggregate is avoided. Working of the placed aggregate with rakes or blading shall be avoided as this causes segregation of particle sizes. Shovels or excavator buckets should be used to move material if this is necessary.
- The aggregate surface shall be compacted after placement with a plate compactor or other vibrating equipment to achieve a well-bound surface to match the shape of the sub-grade.
- Compaction will be deemed to be complete when a well-bound pavement surface is achieved which is free of voids or loose stone.
- Water shall be sprayed onto the surface if necessary during compaction to ensure optimum compaction is achieved.
- Side drainage channels at least 150 mm deep shall be formed along the edge of the track in all locations where required, with a crown formation and the ground is level or rises beyond the edge of the track.
- Side drains shall have a fall longitudinally of at least 1% toward side drain discharge points.
- A side drain discharge may consist of a cut out drain leading to lower ground or a 150 mm diameter smooth walled culvert pipe under the track to direct water to lower ground on the opposite side of the track.
- Discharge points shall also be provided at all low points along the track profile.

- Culvert pipes shall be installed with a minimum 3% fall to the outlet and at least 100 mm cover to the track surface.
 - A 400 mm minimum depth sump shall be formed at the inlet to each culvert discharging a side drain. The invert of the sump shall be at least 75 mm below the invert of the culvert pipe.
 - Culverts shall be of sufficient length to pass under the track and extend beyond any fill.
 - The outlets of culvert pipes shall discharge at ground level without a free fall from the end of the pipe. Where the outlet slope is on steep loose material, a geotextile or rock apron shall be provided to prevent scour.
 - All culverts shall be installed in the dry, during a period of fine weather. All excavated material shall be placed outside the flow path and subjected to appropriate sediment control measures.
 - Boxed steps are to have a consistent grade, vertical rise and riser height within each flight between landings.
 - The Contactor shall construct steps to best fit the site whilst complying with all step parameters.
 - The vertical rise of each flight of steps between landings shall not exceed 2.5 m.
 - Landings are to be minimum 1,000 mm long on the centreline.
 - Any bridges are to be designed in accordance with ES2023.
- (ii) Landscape Maintenance Schedule in accordance with Section 7.2.4 of the ES 0.6 2023, noting that the consent holder shall be responsible for all maintenance of Lot 702 for a period of not less than 5 years from the date of vesting of Lot 702.
- (iii) Specific design of the playground facility on Lot 703 generally in accordance with Sheet LAR05 of the Landscape Plans prepared by 4Sight Consulting part of SLR dated 1 April 2025, and Section 7.2.5.8 of the ES 0.6 2023, inclusive of any furniture, amenity lighting, and signage.
- (iv) Design details of bollards to be installed at the entrances to Lot 702 to prevent unauthorised vehicle access into the reserve to vest.
- (g) Submit for certification by the Resource Consents Manager details of temporary and permanent signage required for kiwi awareness, including:
- (i) KAS will be a standard Kiwi Coast “no dogs” design
 - (ii) Permanent KAS will be erected at each road entrance to the development and entrances to the new reserves

- (iii) Temporary KAS will also be located in any large empty grassed areas while lots are empty. The temporary signs will be removed after the area of empty lots has been reduced, or when building work has commenced on lots in each area; and
- (iv) Prior to submitting details of the KAS to the Council, the consent holder shall provide draft details of the KAS to Vision Kerikeri and Friends of Rangitane Stream for comment and allow at least 5 working days for comments. The consent holder must consider any comments received from Vision Kerikeri and Friends of Rangitane Stream and may incorporate the comments into the KAS details. The KAS details will be submitted to the Council with a copy of the comments that were provided by Vision Kerikeri and Friends of Rangitane Stream.
- (h) If a Community Engagement Group was formed under conditions 9(h)(iv)-(v), conditions 9(h)(iv)-(v), 9(i) and 9(j) apply to Lot 702.

Section 224 Conditions

- 16 Prior to the issue of a certificate under section 224(c) of the RMA, the consent holder shall:
- (a) Submit a Corridor Access Request application to Council's Road Corridor Co-ordinator (corridor.access@fndc.govt.nz) and receive written approval for all works to be carried out within Council's Road Reserve (refer to the advisory clause below for the definition of a Corridor Access Request).
 - (b) Notify Council, in writing, of their intention to begin works, a minimum of seven days prior to commencing works. Such notification shall be sent to the Resource Consent Engineer and include the following details:
 - Name and telephone number of the project manager.
 - Site address to which the consent relates.
 - Activities to which the consent relates.
 - Expected duration of works.
 - (c) Adhere to the approved engineering plans, all management plans, and all resource consent conditions, Inspection and Test Plan, approved corridor access request at all times, and these documents are to be held onsite at all times during construction. All personnel working on the site shall be made aware of and have access to the resource consent and accompanying documentation.
 - (d) Request a pre-start meeting to be undertaken with the consent holder's representative, contractor(s) or agents for the consent holder and the Resource Consent Engineer a minimum of 10 working days prior to any works being undertaken on the site, to the satisfaction of the Resource Consent Engineer or delegate.
 - (e) Undertake and complete all work on the approved engineering plans in Condition 15(d), erection of road signs, and kiwi awareness signage approved under Condition 15(g) to the approval of the Resource Consent Engineer or delegate. Compliance with this condition shall be determined by:

- (i) Site inspections undertaken as agreed in Council's engineering plan approval letter/ Inspection and Test Plan.
- (ii) Results of all testing, video inspection records of all wastewater and stormwater reticulation, PE pipeline pressure testing and weld data logging results.
- (iii) PS4 and approval of supporting documentation provided by the developer's representative/s including evidence of inspections by those persons, and all other test certificates and statements required to confirm compliance of the works as required by Council's QA/QC Manual and the Council's ES 0.6 2023.
- (iv) "Certificate of Completion of Resource Consent Works" from the Contractor.
- (v) Provide evidence that the cost of purchasing and installing a road name sign for the road to vest has been paid to Council contractors:

Northern Area – Fulton Hogan (09) 408 6440 or Southern Area – Ventia (09) 407 7851.

- (f) Submit a certified and dated 'As built' plan of completed works and services in accordance with ES 0.6 2023. This condition shall be deemed satisfied once the as built have been approved by Councils' Resource Consent Engineer or delegate.
- (g) Submit certified RAMM data for all new/upgraded Roadway infrastructure prepared by a suitably qualified person in accordance with ES 0.6 2023 to the satisfaction of the Resource Consent Engineer or delegate. This data shall include COC Documents and Electrical Certificates for street lights, and warranty documents shall be transferred to Council for all street lights installed.
- (h) Submit a geotechnical completion report upon the completion of the earthworks to confirm the geotechnical recommendations and document the work undertaken, e.g. earthworks compaction certification to the Council's Resource Consents Engineer or delegate for certification. The completion report shall include certification of the engineered fill and as-built plans in accordance with the requirements of NZS4431:2022.
- (i) Submit evidence to the Council's Resource Consents Engineer or delegate for certification that a maintenance agreement has been entered into with the contractor who is to maintain the road and stormwater drainage work which is to vest in Council for a minimum of 12 months from the date of issuing of the s224 certificate. The value of the bond, or retention money held in lieu of a bond, shall be 5% of the value of the vested works.
- (j) Submit evidence that a maintenance agreement has been entered into with the contractor who is to inspect the rock-lined drains at the end of the 12-month maintenance period required by condition 16(h) for erosion or scouring and remediate any damage (if any) to the satisfaction of the Council's Resource Consent Engineer or delegate.
- (k) Submit documentation that the service providers of electric power and telecommunications to the sites are satisfied with the arrangements made for the provision of these services.

- (l) Submit written confirmation by way of a legal undertaking that a fencing covenant pursuant to Section 5 of the Fencing Act 1978 over all lots which adjoin Lots 701, 702 and 703 has been prepared and will be registered on the title of the respective lots. The covenant shall indemnify the Council from any liability to contribute towards any construction, maintenance or upgrading work on any fence between the Reserve and the specified adjoining lot. The covenant is to be prepared to the Council's satisfaction and registered on the relevant title at the applicant's expense. The consent holder shall provide a solicitor's written undertaking to register the document on the affected titles.
- (m) Submit evidence to the Council's Resource Consents Engineer or delegate for certification that a maintenance agreement has been entered into with the contractor who is to maintain the playground equipment on Lot 703 for a minimum of 12 months from the date of issuing of the s 224 certificate. The value of the bond, or retention of money held in lieu of a bond, shall be 5% of the value of the vested works.
- (n) Submit to the Council's Resource Consents Manager or delegate for certification a document that sets out all building and landscape design and maintenance controls to be complied with by way of consent notice condition/s on Lots 124 - 163, inclusive of the following:
- (i) Building design detail controls inclusive of (but not limited to) the following:
- A 6 metre rolling height limit on Lots 160 and 161
 - each residential lot shall have one dwelling and a garage with space for a minimum of two vehicles
 - water tanks shall be screened and/or buried so they are not visible from beyond the boundary of the lot
 - the glazing of windows are to be non-reflective and not mirrored glass
 - colour schemes for exterior walls and roofs are to use medium to dark shades of recessive colours which are neutral, sympathetic to the adjacent landscape, and not a dominating visual element. The exterior walls shall have a reflectivity value no greater than 35% and a maximum of 30% for roofs. The restriction does not apply to window joinery or regular domestic doors
 - a freestanding garage or other ancillary domestic structure can be erected on any lot provided it is constructed in the same or similar materials and style to the primary dwelling. Any freestanding garage or ancillary domestic structure shall be located no more than 15 m from main dwelling
 - external retaining walls shall be a maximum of 1.5 m in height, finish to be of natural materials, i.e., timber or stone. Other materials such as brick or plaster are discouraged. Open rail style fencing on top of retaining walls over 900 mm in height are permitted, close boarded fences are not permitted
 - side boundary fencing shall be limited to 1.2 m height post and rail or post and wire fencing, except where these boundaries adjoin a JOAL or pedestrian right of way

- where the access, vehicle parking, and manoeuvring area surfaces are constructed of concrete then a dark (black) oxide shall be applied at the rate of 2.5 kg per 1 m³ of concrete. In addition, all block work or paving shall be completed in recessive tones
 - one vehicle crossing permitted on any lot; and
 - private exterior lighting shall utilise LED lights. To reduce effects on dark skies and nocturnal wildlife:
 - colour temperature to be no greater than 2,700 K
 - lighting to be directed to the specific area that needs lighting, and light spill (waste light) to be minimised; and
 - lights with brightness of 500 lumens maximum for motion sensor security lights and 200 lumens maximum for other outdoor lights.
- (ii) Weed and pest control requirements to be undertaken by the future owners of all affected lots within Stage 5 in accordance with the plan prepared by 4Sight Consulting part of SLR titled 'Revegetation Strategy' referenced LA15 dated February 2025. to achieve long term management of the landscape planting to be provided and covenanted within the lots as required under condition 16(p)(xii). below.
- (o) Provide suitable evidence by way of written certification and supporting documentation to confirm that the following has been completed:
- (i) Construction of boundary fences adjacent to the existing and proposed reserve frontages of the site as shown on the plan prepared by 4Sight Consulting part of SLR titled 'Stage 5 - 6 Fence Typologies' referenced LA09 dated 1 April 2025.
 - (ii) Completion of all street planting within the stage boundary in accordance with the plan prepared by 4Sight Consulting part of SLR titled 'Stage 5-6 Street Trees' referenced LAS02 dated 1 April 2005. The consent holder shall maintain the street planting for a 2-year period commencing on the date that the section 224(c) certificate is issued.
 - (iii) Completion of all planting in accordance with the plans prepared by 4Sight Consulting part of SLR titled 'Stage 5-6 Concept Plan' referenced LA08 dated 1 April 2025. Plant species shall be in accordance with the plans prepared by 4Sight Consulting part of SLR titled 'Summary Species Schedule' referenced LA13-LA14 dated 1 April 2025 and the planting methodology and maintenance shall be carried out in accordance with the plan prepared by 4Sight Consulting part of SLR titled 'Revegetation Strategy' referenced LA15 dated 1 April 2025.
 - (iv) Completion of all works identified in the approved Reserve Development Plan under Condition 15(f) above including the construction of the playground on Lot 703 in accordance with the design required by condition 15(f)(iii). Certification is to be provided in accordance with Section 7.4 of the ES 06 2023 to confirm completion of all works.

- (p) The following conditions shall be complied with on an ongoing basis and recorded in consent notices under section 221 of the RMA for the specified lots. The consent notices shall be prepared by the Council's Solicitor at the consent holder's expense:
- (i) **For Lots 124 - 163**, that upon construction of the dwelling, the vehicle entrance crossing be constructed in accordance with Council engineering ES 0.6 2023, noting that a Vehicle crossing permit application is required for each crossing.
 - (ii) **For Lots 124 – 163**, in conjunction with the construction of any building which includes a wastewater treatment and effluent disposal system, the applicant shall submit for Council's approval an on-site wastewater report prepared by a Chartered Professional Engineer or a Council approved report writer having regard to the "Engineering Report" dated 3 July 2023, prepared by Haigh Workman, ref 18 295. The report shall identify a suitable method of wastewater treatment for the proposed development along with an identified effluent disposal area plus a reserve disposal area.
 - (iii) **For Lots 124 – 163**, in conjunction with the construction of any dwelling, sufficient water storage shall be provided on the lot for potable water supply. The storage volume shall be at least 50,000 litres per dwelling unless a report by a suitable qualified person demonstrates to Council's satisfaction that a lesser storage capacity is adequate. In addition to a potable water supply, a dedicated water collection system with sufficient supply for fire-fighting purposes is to be provided by way of tank or other approved means and to be positioned so that it is safely accessible for this purpose. These provisions will be in accordance with the New Zealand Fire Fighting Water Supply Code of Practice SNZ PAS 4509 2008.
 - (iv) **For Lots 124 – 163**, all buildings that require a building consent will require an assessment of foundations and ground suitability by a suitably qualified and experienced practitioner (i.e. Chartered Professional Engineer). The assessment shall reference especially geotechnical recommendations of the Haigh Workman Rangitane River Park Stages 3-6 Geotechnical Assessment Report dated 3 July 2023.
 - (v) **For Lots 132, 133, 141, 151, and 160**, building restriction lines apply to these lots as indicated on the Haigh Workman Engineering Plans - Geotechnical Site Plan – Stages 3-6 (Rev G) dated 3 April 2025. Building beyond the restriction line may be possible but will be subject to site-specific geotechnical investigation and slope stability analysis to either demonstrate the land beyond the restriction line is stable, or otherwise providing ground improvement to stabilise the land, e.g. a soldier pile wall. The geotechnical investigation is to be undertaken by a Chartered Professional Engineer with a geotechnical practice area.
 - (vi) **For Lots 124 – 163**, without the prior approval of the Council, no building shall be erected, nor any works which increase impermeable surfaces be undertaken, nor any planting or structure placed which may create a flow obstruction, on any area of the site which has been proposed or identified as a secondary / overland (Q100) flow path described in the "Engineering

Report” and plans prepared by Haigh Workman Ltd, dated 3 July 2023, ref 18 295.

- (vii) **For Lots 124 – 163**, The subdivision provides the subdivision provides a resource consent for up to a maximum of 600m² impermeable surfaces coverage on each Lot. If at any stage, the proposed area of impermeable surfaces exceeds 600 m², a stormwater management system shall be designed, for the approval of Council, and implemented for that Lot to ensure peak stormwater runoff from the developed lot does not exceed the runoff anticipated from the consent notice during a design 10% annual exceedance probability storm event with a recognised allowance for climate change.
- (viii) **For Lots 127 and 128**, all planting within and along the margins of overland flow paths and drains marked “D6” on the plan prepared by Haigh Workman titled “Stormwater management Plan – Stage 5 Sheet 3” referenced SW3 dated 3 April 2025 shall be maintained. Where any planting is damaged, destroyed or otherwise removed, it shall be replaced with the same or similar species as soon as practically possible.
- (ix) **For Lots 124 – 163**, no owners or occupiers of or visitors to any of the lots shall keep or introduce onto the land any carnivorous animal (such as cats, dogs or mustelids) which have the potential to be Kiwi predators. This includes the bringing of any such animals onto site by visitors and contractors.
- (x) **For Lots 124 - 163**, when Building Consent is sought for any habitable or non-habitable building over 50 m², the applicant must submit for approval of Council, a registered landscape architect certified Building Development Landscape Plan, which manages the landscaping within the site boundary beyond those areas and requirements addressed in the Building Controls and Landscape Concept Plan required under Condition 16(n) above. The plan shall detail planting for the purposes of visual mitigation and integration of the built development, its access, buildings and other built elements (e.g. pergolas, gazebos), retaining walls, pools and water features, and landform modifications. The plan shall show details of re-vegetation of any exposed cut faces associated with works required for the building, access, or landscaping. The plan shall contain the following information:
 - a. Location and extent of any proposed buildings, access and extent of earthworks.
 - b. Names of proposed species.
 - c. Size of proposed stock for planting.
 - d. Locations and spacing of proposed plants, positioned (where appropriate) so as to achieve canopy closure within 3-5 years.
 - e. Details of staking and other means of support for large trees.
 - f. Details of proposed maintenance.
 - g. Details of proposed mulch, type, depth etc

The certified Building Development Landscape Plan shall be formulated in accordance with the following standards:

- a. Indigenous species found in the locality should predominate within the species mix used for landscaping around the built development.
- b. Fencing drains or other potential hazards for Kiwi should be designed to allow safe movement of Kiwi.
- c. To construct any Road boundary fence (except Kapiro Road or Redcliffs Road) in local stone, post and rail, post and wire, post, wire and batten.
- d. For lots without covenanted planting areas, a minimum of five specimen trees shall be included in the planting proposal. These can be selected from the Summary Species Schedule, referenced LA13-LA14 dated 1 April 2025, prepared by 4Sight Consulting part of SLR.
- e. No tree species shall be selected from plantation forestry or coppicing species.
- f. All planting within 5 metres of the residential unit shall be designed to prevent the creation of fires hazards and utilise species identified as suitable in the plan prepared by 4Sight Consulting part of SLR titled Summary Species Schedule, referenced LA13-LA14 dated 1 April 2025.
- g. Outdoor parking areas shall be screened to a minimum of 1 m high to partially obscure these areas from off-site locations.
- h. The Landscape Plan to be designed to integrate all structures with their natural surroundings.

The certified Building Development Landscape Plan is to be implemented and completed prior to the issuing of a Code of Compliance Certificate under the Building Act 2004. The owner shall confirm completion of all works by way of submission of a written statement from a suitably qualified landscape architect to the Council's Resource Consents Manager or delegated representative. Once completed all planting is to be maintained in perpetuity. Where any planting is damaged, destroyed or otherwise removed, it shall be replaced with the same or similar species as soon as practically possible.

- (xi) **For Lots 124-163**, At the time of lodgement of a building consent for any habitable or non-habitable buildings on Lots 124-163, the property owner shall provide to the Council a written statement prepared by a suitably qualified landscape architect to confirm that all necessary requirements specified in the certified document required under Condition 16(n) above have been addressed and will be complied with. All works undertaken on the site shall be carried out, completed, and maintained in general accordance with the written statement and any supporting approved plans for the life of the building/s.

- (xii) **For Lots 144, 146, 156-158, 160 and 161**, all planting protected by way of covenant is to be maintained in accordance with the weed and pest plan provided under Condition 16(n)(ii) above. Where any planting is damaged, destroyed or otherwise removed, it shall be replaced with the same or similar species as soon as practically possible.
- (xiii) **For Lots 124-163**, there shall be no further subdivision of any lot unless the subdivision is a boundary adjustment that does not result in any additional subdivision rights under the Operative District Plan or the subdivision other than a boundary adjustment complies with the minimum lot size for a permitted, controlled, restricted discretionary or discretionary activity required by the Operative District Plan at the time of the application for resource consent.
- (q) The consent holder shall enter into a land covenant over Lot 702 in favour of the Far North District Council. The covenant shall be prepared by the Council's solicitor at the consent holder's expense. The covenant must require the prohibition of dogs from Lot 702.

Stage 6 – Lots 170 - 176, Lot 604 (road to vest), Lots 512 (JOAL), being a subdivision of Stage 3 Lot 1006

Section 223 Conditions

- 17 The survey plan submitted for approval under section 223 of the RMA shall be in general accordance with the scheme plan prepared by Neil Construction Limited titled 'Stage 6 Proposed Subdivision of Lot 1006 DP XXXXXX' referenced 420-06-SP-01-PEC Sheets 1 & 2 dated 6 May 2025, inclusive of the following:

- (f) The following amalgamation condition:
 - (i) 'That Lot 512 be held in four equal undivided shares by the owners of Lots 171 – 174.'

(LINZ ref 1925917)
- (g) The consent holder must create easements over any public or private stormwater infrastructure and overland flow paths located within the residential lots as directed by the Resource Consent Engineer or delegate.

Note: Overland flow paths are to be assessed in accordance with Section 4 of Council's Engineering Standards 2023 Edition and are to be certified by a CPEng Engineer with relevant qualifications in stormwater design.

- 18 Prior to approval of the survey plan pursuant to Section 223, the consent holder shall:
- (a) Submit a Construction Management Plan ("**CMP**") to the Council's Resource Consents Engineer or delegate for certification. The CMP shall contain information about and site management procedures for:
 - (i) the timing of site works, earthworks, and construction works, including hours of work, and the key project and site management personnel

- (ii) consultation with Ngāti Rēhia about the timing and supervision interest for earthworks
- (iii) bulk earthworks plan (showing cut and fill and their related quantities)
- (iv) the transportation of fill and construction materials from and to the site and associated controls on vehicles through sign-posted site entrances/exits and the loading and unloading of materials
- (v) the extent of excavation works, including retaining structures and any necessary dewatering facilities, prepared by a suitably qualified geotechnical engineer
- (vi) control of dust and noise on-site and necessary avoidance or remedial measures
- (vii) prevention of soil or other material being deposited on surrounding roads from vehicles working within the subdivision and the proposed remedial actions should it occur
- (viii) the exclusion of dogs from site at all times
- (ix) bringing awareness to the presence of kiwi on the site, including through signage, at entrances to the site; and
- (x) proposed publicity and safety measures, including signage, to inform adjacent landowners and occupiers, pedestrians, and other users of the road.

The CMP shall also include information as to:

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

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

- (b) Submit a Construction Traffic Management Plan (“CTMP”) to the Council’s Resource Consents Engineer or delegate for certification. The CTMP shall contain information about and site management procedures for:
 - (i) establishing a parking management plan for construction traffic
 - (ii) measures to address the transportation and parking of oversize vehicles (if any)

- (iii) identifying the proposed number and timing of heavy vehicles throughout the day
- (iv) identifying the location of heavy vehicle and construction machinery access to the site; and
- (v) requiring and ensuring wide loads and vehicles with Gross Vehicle Mass over 3,500 kg avoid using Landing Road and access and depart the site via Kapiro Road and State Highway 10.

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

- (c) Submit a set of engineering plans for all construction works and infrastructure (private and public) for Stage 6 in accordance with the Far North District Council Engineering Standards 0.6 2023 ('**ES 0.6 2023**') to the Council's Resource Consents Engineer or delegate for certification. The plans are to be prepared by a suitably qualified and experienced engineer in accordance with Section 1.5 of the ES 0.6 2023, and are to be generally in accordance with the set of engineering plans prepared by Haigh Workman Limited referenced as Job No. 18 295 listed in condition 6. The plans are to include (but are not limited to):
 - (i) Road to vest (Lot 604) and JOAL design, where Lot 604 shall have a 20-metre legal width and 6.5-metre wide carriageway, and the JOAL shall comply with Table 3.6 of the ES 0.6 2023 or as otherwise specified in the Haigh Workman engineering plans. The plans shall include all road marking, lighting, intersection design, footpaths, cul-de-sac heads and other features required in accordance with Section 3.2 of the ES 0.6 2023. Where street trees are proposed (as illustrated on the 'Stage 5-6 Street Trees' Sheet LAS03 prepared by 4Sight Consulting part of SLR) they shall be designed and located to comply with Section 7.2.6 of the ES 0.6 2023.
 - (ii) Design details to confirm that a vehicle crossing to each lot can be constructed to Council residential vehicle crossing standards, noting that individual crossings are not required to be constructed as part of the approved engineering plan works.
 - (iii) Design details for stormwater management for all lots and impermeable surfaces within road reserve and JOAL in accordance with Section 4.3.5 of the ES 0.6 2023
- (d) Lighting design brief in accordance with Section 3.2.17 of the ES 2023 and NTA Design Manual - Street Lighting Version 1, and inclusive of lighting network and categories both within and in the vicinity of the subdivision site, taking into account and providing for:
 - (i) Effects on dark skies and nocturnal fauna;
 - (ii) A street light colour temperature no greater than 3,000 K
 - (iii) Minimisation of light spill (waste light);
 - (iv) A lighting intensity (brightness) set at the lowest lux level necessary for road safety; and

- (v) Use of LEDs.
- (e) Submit for certification by the Resource Consents Manager details of temporary and permanent signage required for kiwi awareness ("**KAS**"), including:
 - (i) KAS will be a standard Kiwi Coast "no dogs" design
 - (ii) Permanent Kas will be erected at each road entrance to the new development and entrances to the new reserves
 - (iii) Temporary KAS will also be located in any large empty grasses areas while lots are empty. The temporary signs will be removed after the area of empty lots has been reduced, or when building work has been commenced on lots in each area; and
 - (iv) Prior to submitting details of the KAS to the Council, the consent holder shall provide draft details of the KAS to Vision Kerikeri and Friends of Rangitane Stream for comment and allow at least 5 working days for comments. The consent holder must consider any comments received from Vision Kerikeri and Friends of Rangitane Stream and may incorporate the comments into the KAS details. The KAS details will be submitted to the Council with a copy of the comments that were provided by Vision Kerikeri and Friends of Rangitane Stream.

Section 224 Conditions

- 19 Prior to the issue of a certificate under section 224(c) of the RMA, the consent holder shall:
- (a) Submit a Corridor Access Request application to Council's Road Corridor Co-ordinator corridor.access@fndc.govt.nz and receive written approval for all works to be carried out within Council's Road Reserve (refer to the advisory clause below for the definition of a Corridor Access Request).
 - (b) Notify Council, in writing, of their intention to begin works, a minimum of seven days prior to commencing works. Such notification shall be sent to the Resource Consent Engineer and include the following details:
 - Name and telephone number of the project manager.
 - Site address to which the consent relates.
 - Activities to which the consent relates.
 - Expected duration of works.
 - (c) Adhere to the approved engineering plans, all management plans, and all resource consent conditions, Inspection and Test Plan, approved corridor access request at all times, and these documents are to be held onsite at all times during construction. All personnel working on the site shall be made aware of and have access to the resource consent and accompanying documentation.
 - (d) Request a pre-start meeting to be undertaken with the consent holder's representative, contractor(s) or agents for the consent holder and the Resource

Consent Engineer a minimum of 10 working days prior to any works being undertaken on the site, to the satisfaction of the Resource Consent Engineer or delegate.

- (e) Undertake and complete all work on the approved engineering plans in Condition 18(c) and the erection of kiwi awareness signage approved under Condition 18(e) to the approval of the Resource Consent Engineer or delegate. Compliance with this condition shall be determined by;
 - (i) Site inspections undertaken as agreed in Council's engineering plan approval letter/ Inspection and Test Plan.
 - (ii) Results of all testing, video inspection records of all wastewater and stormwater reticulation, PE pipeline pressure testing and weld data logging results.
 - (iii) PS4 and approval of supporting documentation provided by the developer's representative/s including evidence of inspections by those persons, and all other test certificates and statements required to confirm compliance of the works as required by Council's QA/QC Manual and the Council's Engineering Standards 2023.
 - (iv) "Certificate of Completion of Resource Consent Works" from the Contractor.
 - (v) Provide evidence that the cost of purchasing and installing a road name sign for the road to vest has been paid to Council contractors:

Northern Area – Fulton Hogan (09) 408 6440 or Southern Area – Ventia (09) 407 7851.
- (f) Submit a certified and dated 'As built' plan of completed works and services in accordance with ES 0.6 2023. This condition shall be deemed satisfied once the as built have been approved by Councils' Resource Consent Engineer or delegate.
- (g) Submit certified RAMM data for all new/upgraded Roding infrastructure prepared by a suitably qualified person in accordance with ES 0.6 2023 to the satisfaction of the Resource Consent Engineer or delegate. This data shall include COC Documents and Electrical Certificates for street lights, and warranty documents shall be transferred to Council for all street lights installed.
- (h) Submit a geotechnical completion report upon the completion of the earthworks to confirm the geotechnical recommendations and document the work undertaken, e.g. earthworks compaction certification to the Council's Resource Consents Engineer or delegate for certification. The completion report shall include certification of the engineered fill and as-built plans in accordance with the requirements of NZS4431:2022.
- (i) Submit evidence to the Council's Resource Consents Engineer or delegate for certification that a maintenance agreement has been entered into with the contractor who is to maintain the road and stormwater drainage work which is to vest in Council for a minimum of 12 months from the date of issuing of the s224 certificate. The value of the bond, or retention money held in lieu of a bond, shall be 5% of the value of the vested works.

- (j) Submit evidence that a maintenance agreement has been entered into with the contractor who is to inspect the rock-lined drains at the end of the 12-month maintenance period required by condition 19(e) for erosion and scouring and remediate any damage (if any) to the satisfaction of the Council's Resource Consent Engineer or delegate.
- (k) Submit documentation that the service providers of electric power and telecommunications to the sites are satisfied with the arrangements made for the provision of these services.
- (l) Submit written confirmation by way of a legal undertaking that a fencing covenant pursuant to Section 5 of the Fencing Act 1978 over all lots which adjoin Lot 701 has been prepared and will be registered on the title of the respective lots. The covenant shall indemnify the Council from any liability to contribute towards any construction, maintenance or upgrading work on any fence between the Reserve and the specified adjoining lot. The covenant is to be prepared to the Council's satisfaction and registered on the relevant title at the applicant's expense. The consent holder shall provide a solicitor's written undertaking to register the document on the affected titles.
- (m) Submit to the Council's Resource Consents Manager or delegate for certification a document that sets out all building and landscape design and maintenance controls to be complied with by way of consent notice condition/s on Lots 170-176, inclusive of the following:
 - (i) Building design detail controls inclusive of (but not limited to) the following:
 - each residential lot shall have one dwelling and a garage with space for a minimum of two vehicles
 - water tanks shall be screened and/or buried so they are not visible from beyond the boundary of the lot
 - the glazing of windows are to be non-reflective and not mirrored glass
 - colour schemes for exterior walls and roofs are to use medium to dark shades of recessive colours which are neutral, sympathetic to the adjacent landscape, and not a dominating visual element. The exterior walls shall have a reflectivity value no greater than 35% and a maximum of 30% for roofs. The restriction does not apply to window joinery or regular domestic doors
 - a freestanding garage or other ancillary domestic structure can be erected on any lot provided it is constructed in the same or similar materials and style to the primary dwelling. Any freestanding garage or ancillary domestic structure shall be located no more than 15 m from main dwelling
 - external retaining walls shall be a maximum of 1.5 m in height, finish to be of natural materials, i.e., timber or stone. Other materials such as brick or plaster are discouraged. Open rail style fencing on top of retaining walls over 900 mm in height are permitted, close boarded fences are not permitted

- side boundary fencing shall be limited to 1.2 m height post and rail or post and wire fencing, except where these boundaries adjoin a JOAL or pedestrian right of way
 - where the access, vehicle parking, and manoeuvring area surfaces are constructed of concrete then a dark (black) oxide shall be applied at the rate of 2.5 kg per 1 m³ of concrete. In addition, all block work or paving shall be completed in recessive tones
 - one vehicle crossing permitted on any lot; and
 - private exterior lighting shall utilise LED lights. To reduce effects on dark skies and nocturnal wildlife:
 - colour temperature to be no greater than 2,700K
 - lighting to be directed to the specific area that needs lighting, and light spill (waste light) to be minimised; and
 - lights with brightness of 500 lumens maximum for motion sensor security lights and 200 lumens maximum for other outdoor lights.
- (ii) Weed and pest control requirements to be undertaken by the future owners of all affected lots within Stage 6 in accordance with the plan prepared by 4Sight Consulting part of SLR titled Revegetation Strategy referenced LA15 5 February 2025 to achieve long term management of the landscape planting to be provided and covenanted within the lots as required under condition 19(o)(xi). below.
- (n) Provide suitable evidence by way of written certification and supporting documentation to confirm that the following has been completed:
- (i) Construction of boundary fences as shown on the plan prepared by 4Sight Consulting part of SLR titled Stage 5 - 6 Fence Typologies referenced LA09 dated 1 April 2025.
 - (ii) Completion of all street planting within the stage boundary in accordance with the plan prepared by 4Sight Consulting part of SLR titled Stage 5-6 Street Trees referenced LAS02 dated 1 April 2025. The consent holder shall maintain the street planting for a 2-year period commencing on the date that the section 224(c) certificate is issued.
 - (iii) Completion of all planting in accordance with the plans prepared by 4Sight Consulting part of SLR titled Stage 5-6 Concept Plan referenced LA08 dated 1 April 2025. Plant species shall be in accordance with the plans prepared by 4Sight Consulting part of SLR titled Summary Species Schedule referenced LA13-LA14 dated 1 April 2025 and the planting methodology and maintenance shall be carried out in accordance with the plan prepared by 4Sight Consulting part of SLR titled Revegetation Strategy referenced LA15 dated 1 April 2025.
- (o) The following conditions shall be complied with on an ongoing basis and recorded in consent notices under section 221 of the RMA for the specified lots. The consent notices shall be prepared by the Council's Solicitor at the consent holder's expense:

- (i) **For Lots 170 - 176**, upon construction of the dwelling, the vehicle entrance crossing be constructed in accordance with Council engineering standards ES 0.6 2023, noting that a Vehicle crossing permit application is required for each crossing.
- (ii) **For Lots 170 - 176**, in conjunction with the construction of any building which includes a wastewater treatment and effluent disposal system, the applicant shall submit for Council's approval an on-site wastewater report prepared by a Chartered Professional Engineer or a Council approved report writer having regard to the "Engineering Report" dated 3 July 2023, prepared by Haigh Workman, ref 18 295. The report shall identify a suitable method of wastewater treatment for the proposed development along with an identified effluent disposal area plus a reserve disposal area.
- (iii) **For Lots 170 - 176**, in conjunction with the construction of any dwelling, sufficient water storage shall be provided on the lot for potable water supply. The storage volume shall be at least 50,000 litres per dwelling unless a report by a suitable qualified person demonstrates to Council's satisfaction that a lesser storage capacity is adequate. In addition to a potable water supply, a dedicated water collection system with sufficient supply for fire-fighting purposes is to be provided by way of tank or other approved means and to be positioned so that it is safely accessible for this purpose. These provisions will be in accordance with the New Zealand Fire Fighting Water Supply Code of Practice SNZ PAS 4509 2008.
- (iv) **For Lots 170 - 176**, all buildings that require a building consent will require an assessment of foundations and ground suitability by a suitably qualified and experienced practitioner (i.e. Chartered Professional Engineer). The assessment shall reference especially geotechnical recommendations of the Haigh Workman Rangitane River Park Stages 3-6 Geotechnical Assessment Report dated 3 July 2023.
- (v) **For Lots 170 - 176**, without the prior approval of the Council, no building shall be erected, nor any works which increase impermeable surfaces be undertaken, nor any planting or structure placed which may create a flow obstruction, on any area of the site which has been proposed or identified as a secondary / overland (Q100) flow path described in the "Engineering Report" and plans prepared by Haigh Workman Ltd, dated 3 July 2023, ref 18 295.
- (vi) **For Lots 170 - 176**, the subdivision provides the subdivision provides a resource consent for up to a maximum of 600 m² impermeable surfaces coverage on each Lot. If at any stage, the proposed area of impermeable surfaces exceeds 600 m² (excluding JOALs), a stormwater management system shall be designed, for the approval of Council, and implemented for that Lot to ensure peak stormwater runoff from the developed lot does not exceed the runoff anticipated from the consent notice during a design 10% annual exceedance probability storm event with a recognised allowance for climate change.
- (vii) **For Lot 173**, all planting within and along the margins of overland flow paths and drains marked "D9" on the plan prepared by Haigh Workman titled

“Stormwater management Plan – Stage 6 Sheet 4” referenced SW4 dated 3 April 2025 shall be maintained. Where any planting is damaged, destroyed or otherwise removed, it shall be replaced with the same or similar species as soon as practically possible.

- (viii) **For Lots 170 - 176**, no owners or occupiers of or visitors to any of the lots shall keep or introduce onto the land any carnivorous animal (such as cats, dogs or mustelids) which have the potential to be Kiwi predators. This includes the bringing of any such animals onto site by visitors and contractors.
- (ix) **For Lots 170 - 176**, when Building Consent is sought for any habitable or non-habitable building over 50 m², the applicant must submit for approval of Council, a registered landscape architect certified Building Development Landscape Plan, which manages the landscaping within the site boundary beyond those areas and requirements addressed in the document required under Condition 19(i) above. The plan shall detail planting for the purposes of visual mitigation and integration of the built development, its access, buildings and other built elements (e.g. pergolas, gazebos), retaining walls, pools and water features, and landform modifications. The plan shall show details of re-vegetation of any exposed cut faces associated with works required for the building, access, or landscaping. The plan shall contain the following information:
 - a. Location and extent of any proposed buildings, access and extent of earthworks.
 - b. Names of proposed species.
 - c. Size of proposed stock for planting.
 - d. Locations and spacing of proposed plants, positioned (where appropriate) so as to achieve canopy closure within 3-5 years.
 - e. Details of staking and other means of support for large trees.
 - f. Details of proposed maintenance.
 - g. Details of proposed mulch, type, depth etc

The certified Building Development Landscape Plan shall be formulated in accordance with the following standards:

- a. Indigenous species found in the locality should predominate within the species mix used for landscaping around the built development.
- b. Fencing drains or other potential hazards for Kiwi should be designed to allow safe movement of Kiwi.
- c. To construct any Road boundary fence (except Kapiro Road or Redcliffs Road) in local stone, post and rail, post and wire, post, wire and batten.
- d. For lots without covenanted planting areas, a minimum of five specimen trees shall be included in the planting proposal. These can be selected

from the Summary Species Schedule, referenced LA13-LA14 dated 1 April 2025, prepared by 4Sight Consulting part of SLR.

- e. No tree species shall be selected from plantation forestry or coppicing species.
- f. All planting within 5 metres of the residential unit shall be designed to prevent the creation of fires hazards and utilise species identified as suitable in the plan prepared by 4Sight Consulting part of SLR titled Summary Species Schedule, referenced LA13-LA14 dated 1 April 2025.
- g. Outdoor parking areas shall be screened to a minimum of 1 m high to partially obscure these areas from off-site locations.
- h. The Landscape Plan to be designed to integrate all structures with their natural surroundings.

The certified Building Development Landscape Plan is to be implemented and completed prior to the issuing of a Code of Compliance Certificate under the Building Act 2004. The owner shall confirm completion of all works by way of submission of a written statement from a suitably qualified landscape architect to the Council's Resource Consents Manager or delegated representative. Once completed all planting is to be maintained in perpetuity. Where any planting is damaged, destroyed or otherwise removed, it shall be replaced with the same or similar species as soon as practically possible.

- (x) **For Lots 170-176,** At the time of lodgement of a building consent for any habitable or non-habitable buildings on Lots 170 - 176, the property owner shall provide to the Council a written statement prepared by a suitably qualified landscape architect to confirm that all necessary requirements specified in the certified document required under Condition 19(i) above have been addressed and will be complied with. All works undertaken on the site shall be carried out, completed, and maintained in general accordance with the written statement and any supporting approved plans for the life of the building/s.
- (xi) **For Lots 171 - 176,** all planting protected by way of covenant is to be maintained in accordance with the weed and pest plan provided under Condition 19(i)(ii) above. Where any planting is damaged, destroyed or otherwise removed, it shall be replaced with the same or similar species as soon as practically possible.
- (xii) **For Lots 170-176,** there shall be no further subdivision of any lot unless the subdivision is a boundary adjustment that does not result in any additional subdivision rights under the Operative District Plan or the subdivision other than a boundary adjustment complies with the minimum lot size for a permitted, controlled, restricted discretionary or discretionary activity required by the Operative District Plan at the time of the application for resource consent.

ADVICE NOTES:

- a. Although this consent authorises a volume of earthworks, an earthworks permit may still be required from the Far North District Council. Any application for an earthworks permit should be accompanied by an erosion and sediment control plan.
- b. Subdivision earthworks within 100 m of a wetland is authorised by the Northland Regional Council under a separate resource consent.
- c. For the avoidance of doubt, Lot 703 is to vest in Stage 3 as recreation reserve and is to be managed in conjunction with the adjacent Lot 701, but is not subject to any physical works until Stage 5, when a playground is required to be constructed on the lot by the consent holder.
- d. In the event that the consent holder requires access over any portion of reserve following vesting as part of Stage 3 for construction of future stages of development under this consent, the consent holder will be required to make application to Far North District Council (as administrator under the Reserves Act 1977) for permission for access. The Council will not unreasonably withhold approval for access where it can be shown that no other suitable alternative access is available.
- e. The consent holder is encouraged to liaise with local community groups that already have pest control programmes in the area along the river beside Lot 701. The consent holder may be able to work with and support their existing programmes of pest control. Working with an existing pest control programme would be considered to be complying with this consent.
- f. The consent holder is required to comply with the requirements of all relevant requirements associated with the development that fall outside this consent, including compliance with Northland Regional Council consents, any relevant requirements of the Wildlife Act 1952, Reserves Act 1977, and any other relevant provisions.
- g. The Consent Holder shall pay all charges set by Council under Section 36 of the Resource Management Act 1991, including any administration, monitoring, inspection and supervision charges relating to the conditions of this resource consent. The applicant will be advised of the charges as they fall.
- h. Any work activity, excavation and non- excavation carried out in the road reserve, must lodge formal notice of intention to carry out Works, in the form of a Corridor Access Request, submitted to the Corridor Manager for Approval. A Corridor Access Request (**CAR**) is an application for a permit to carry out works within the road reserve, this is defined in the National Code of Practice for Utilities access to the transport Corridors and has been adopted by Council. A Traffic Management Plan (**TMP**) must be uploaded with the CAR submission, describing the proposed works, design, setup, and removal of any activity being carried out within the road Reserve. A Work Access Permit (**WAP**) and reasonable conditions will be issued once TMP is Approved. Enquiries as to its use may be directed to Council's Road Corridor Co-ordinator, corridor.access@nta.govt.nz.
- i. Building Consents may be required for retaining structures.
- j. The consent holder is advised that a further site inspection of completed works will be required if a period greater than 3 months has passed since the last Council inspection prior to Council issuing the 224(c) certificate. A Section 224 Certificate will not be issued until all Council invoices, including engineering fees and any other costs associated with the Resource Consent have been paid in full.

- k. The consent holder is responsible for arranging for buried services to be located and marked prior to commencing the vehicle crossing construction works and is also responsible for the repair and reinstatement of any underground services damaged as a result of the exercise of this consent.
- l. The consent holder is responsible for the repair and reinstatement of the road carriageway, damaged as a result of the vehicle crossing works. Such works, where required, will be required to be completed to the satisfaction of the Council's Roading Manager.
- m. The consent holder is advised that any debris deposited on the public or private road as a result of the exercise of this consent shall be removed by or at the expense of the applicant.