



Our Reference: 10722.1 (FNDC)

8 September 2025

Resource Consents Department
Far North District Council
JB Centre
KERIKERI

Dear Sir/Madam

RE: Proposed boundary adjustment subdivision; land use consent; change to consent notice pursuant to s221(3); for Bentzen Farms Ltd – 285 Manawaora Road, Parekura Bay

I am pleased to submit application on behalf of Bentzen Farms Limited, for a proposed boundary adjustment subdivision (no additional titles); land use (indigenous vegetation clearance); and changes to consent notice pursuant to s221(3) of the RMA, relating to land at 285 Manawaora Road, Parekura Bay, zoned General Coastal. The application is a discretionary activity.

The application fee of \$5,143 has been paid separately via direct credit.

Regards

Lynley Newport
Senior Planner
THOMSON SURVEY LTD

Application for resource consent or fast-track resource consent

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

1. Pre-Lodgement Meeting

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

2. Type of Consent being applied for

(more than one circle can be ticked):

- | | |
|---|--|
| <input checked="" type="radio"/> Land Use | <input type="radio"/> Discharge |
| <input type="radio"/> Fast Track Land Use* | <input checked="" type="radio"/> Change of Consent Notice (s.221(3)) |
| <input checked="" type="radio"/> Subdivision | <input type="radio"/> Extension of time (s.125) |
| <input type="radio"/> Consent under National Environmental Standard
(e.g. Assessing and Managing Contaminants in Soil) | |
| <input type="radio"/> Other (please specify) _____ | |

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

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

☒ Yes ☐ No

4. Consultation

Have you consulted with Iwi/Hapū? ☒ Yes ☐ No

If yes, which groups have you consulted with?

Ngati Kuta

Who else have you consulted with?

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

5. Applicant Details

Name/s:

Bentzen Farms Limited

Email:

Phone number:

Postal address:

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

6. Address for Correspondence

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

Name/s:

Lynley Newport

Email:

Phone number:

Postal address:

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

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

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

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

Name/s:

Bentzen Farm Limited

Property Address/
Location:

285 Manawaora Road

Parekura Bay

Postcode

8. Application Site Details

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

Name/s:	Bentzen Farms Limited		
Site Address/ Location:	285 Manawaora Road		
	Parekura Bay		
	RUSSELL		
	Postcode		0184
Legal Description:	Lot 11 & 18 DP 391213	Val Number:	
Certificate of title:	371331		

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

Site visit requirements:

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

Is there a dog on the property? ☐ Yes ☒ No

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

Please contact agent and Property Manager, Hamish Lewis, prior to any site visit. Hamish can be contacted via email at Hamish@omarino.co.nz

9. Description of the Proposal:

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

Boundary adjustment subdivision involving Lots 11 and 18 DP 391213, and amalgamation of land in Lot 16 DP 512589 with the adjacent Lot 15; Land Use consent for indigenous vegetation clearance in an Outstanding Landscape (ODP); and indigenous vegetation clearance (PDP); changes to consent notice 7907807.2 pursuant to s221(3). Combined activity category of discretionary.

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

10. Would you like to request Public Notification?

☐ Yes ☒ No

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

(more than one circle can be ticked):

☐ Building Consent

☐ Regional Council Consent (ref # if known)

☐ National Environmental Standard consent

☐ Other (please specify)

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

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

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

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

☒ Subdividing land

☒ Disturbing, removing or sampling soil

☐ Changing the use of a piece of land

☐ Removing or replacing a fuel storage system

13. Assessment of Environmental Effects:

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

Your AEE is attached to this application ☒ Yes

13. Draft Conditions:

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

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

14. Billing Details:

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

Name/s: (please write in full) Bentzen Farm Limited

Email:

Phone number:

Postal address:

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

Fees Information

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

Declaration concerning Payment of Fees

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

Name: (please write in full)

Signature:

(signature of bill payer)

Kallana Brown

Date 05/09/25

MANDATORY

15. Important Information:

Note to applicant

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

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

Fast-track application

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

Privacy Information:

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

15. Important information continued...

Declaration

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

Name: (please write in full)

Kallan Brown

Signature:

[Redacted Signature]

Date 05/09/25

This application is made by electronic means

Checklist (please tick if information is provided)

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

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

Bentzen Farms Limited

SUBDIVISION BY WAY OF A BOUNDARY ADJUSTMENT; LAND USE CONSENT; & CHANGE TO CONSENT NOTICE (221(3))

Involving Lots 11, 16 & 18, Manawaora Road, RUSSELL

PLANNER'S REPORT & ASSESSMENT OF ENVIRONMENTAL EFFECTS

**Thomson Survey Ltd
Kerikeri**

1.0 INTRODUCTION

1.1 The Proposal

The applicants plan to re-locate Lot 16 of the Omarino Management Plan subdivision. This involves amalgamating the current Lot 16 DP 512589 with the adjacent Lot 15, resulting in a future title of over 30ha, with a single (already approved) building envelope, shown 'BA' on the Scheme Plan in Appendix 1; cancelling the current approved building envelope on Lot 16 DP 512589, shown 'BB'; and splitting the current Lot 11 DP 391213 into a new reduced area Lot 11 of 3.262ha with its existing approved building site remaining unchanged; and **a new Lot 16 of 4.145ha with a new building platform, shown 'BI' on the Scheme Plan**. It is proposed to amalgamate the most southern part of the existing Lot 11 with the jointly owned facilities Lot 18 to better accommodate shared facilities. This part of the existing Lot 11 is physically separated from the rest of Lot 11 in any event, and has no real connectivity to the development site at the northern end.

Please note the Amalgamation Condition being requested on the face of the Scheme Plan in Appendix 1; along with the cancellation/removal of area BB on Lot 16 DP 512589, and a new BI on new proposed Lot 16.

The Omarino Management Plan & current Deposited Plans, show the existing approved building envelopes and curtilage areas for all Lots 1-17 of the Omarino subdivision. Because of the proposed change in location of Lot 16, and its building envelope to be within land currently in Lot 11, the Consent Notice, as it affects that part of Lot 11 that will become a new Lot 16, will require amending in regard to such things as building location, design & re-vegetation requirements. The main feature of that change is that the current Lot 16 DP 512589 building envelope ('BB') is to be cancelled. In addition, 'BB' is 'classified' as a "Ridge" site, with appropriate criteria and requirements applying. The new Lot 16 will create a building envelope that will be a "Coastal/Bays" site and that will therefore need to be consistent with the requirements applying to such sites.

The premise is that built development within the new Lot 16 will remain consistent with the Management Plan in that future development will meet the parameters and criteria applying to "coastal/bays" sites as already spelt out in the Management Plan. In addition the original re-vegetation requirements applying to land in Lot 11 will no longer be able to be complied with because of the creation of 'BI' (in exchange for cancelling 'BB'). Necessary changes to the Consent Notice are spelt out later in this report.

The application is also supported by:

- Planning report & AEE
- Landscape Visual Impact Assessment;
- Ecological Impact Assessment;
- Site Suitability Report.

The application is not for a specific development on a lot, so does not include any specific building design or location, or detailed engineering assessment. The purpose of this application is to approve a boundary adjustment that relocates one of the lots, and a new building envelope (replacing another), in preparation for a new lot owner to then consider their plans for the lot and their final design plans.

As such, this application includes professional input & assessment as to the suitability of the new building site in terms of geotechnical and civil engineering matters; landscape visual impact; and ecological impact. This is to show that a building, within certain specific design parameters, can be constructed in this location.

The proposal includes the clearance of vegetation to delineate the extent of an approved building envelope and curtilage area associated with the new Lot 16 (land use consent component), and the re-vegetation of a substantial area within the new Lot 16 – resulting in a net gain in terms of both quality and quantity of habitat.

Access to and within the Omarino Management Plan subdivision is unchanged by this proposed. There is existing access to and along the boundary of the proposed re-located Lot 16.

1.2 Scope of this Report

This assessment and report accompanies the Resource Consent Application, and is provided in accordance with Section 88 and Schedule 4 of the Resource Management Act 1991. The application seeks consent as a discretionary activity under the ODP & PDP; and for changes to a Consent Notice pursuant to s221(3) of the Act, also as a discretionary activity.

The information provided in this assessment and report is considered commensurate with the scale and intensity of the activity for which consent is being sought. The name and address of the owner of the property is contained in the Form 9 Application form.

2.0 PROPERTY DETAILS

Location:	Lots 11, 16 & 18 Manawaora Road, accessed via 285 Manawaora Road, Russell – refer Appendix 2 for Location Map
Legal description:	<p>Lot 11 DP 391213, with a 1/17th share in Lot 18 DP 391213, contained in Record of Title 371331.</p> <p>Lot 16 DP 512589, also with a 1/17th share in Lot 18 DP 391213, contained in Record of Title 791498.</p> <p>Lot 18 DP 391213, owned in 17 shares, contained in Record of Title 440867, and held in 'leasehold'. Copies of the Record of Titles are attached in Appendix 7, along with relevant legal interests</p>

3.0 PROPOSAL IN DETAIL

Subdivision:

Lot 16 DP 512589 is one of the Omarino subdivision lots able to be developed for residential use. It is the largest, at 24.947ha. It is owned by the applicants, Bentzen Farms. It has an approved building envelope near its highest point, quite close to Lot 15's approved building envelope.

Lot 11 DP 391213 is a 7.5ha title, on the eastern edge of the Omarino subdivision, with an approved building site at its northern end along and down a headland ridgeline. This is cleared and in grass. The proposal would see Lot 11's area reduce to 3.262ha, but no other change, i.e. building area remains the same as will re-vegetation areas.

The southern portion of Lot 11 is proposed to be a new Lot 16 of 4.145ha in area, with a proposed building envelope near the new lot's upper/northern boundary, below the ridgeline with an outlook to the north and east.

The very southern-most portion of Lot 11, land never utilised as part of Lot 11 because of being physically quite separate, is to be amalgamated with the jointly owned utilities Lot 18. That utilities lot has recently had consent for a minor boundary adjustment with Lot 15 – refer to the commentary on Related Consents below.

As stated earlier, access is unchanged.

The adjustment does not impact on the original consent's average lot requirements or category of consent. It was a Management Plan subdivision relying on average minimum lot size requirements and the average remains unchanged following the adjustments proposed in this application. No additional titles/lots are being created, and no additional development rights.

Related Consents

Council recently granted consent for a minor boundary adjustment between Lots 15 and 18 (RC 2250345-RMACOM). The proposed method of giving effect to this boundary adjustment has taken that consent into account. It is proposed to amalgamate land in Lot 16 DP 512589 with land in the adjusted Lot 15 RC 2250345, to be in one Title; to further adjust the title boundary of Lot 18; and to create an adjusted Lot 11 and re-located Lot 16 as shown on the scheme plan.

Also relevant is an earlier boundary adjustment between Lots 16 and 25 of the original Omarino development. RC 2170293, issued in 2017, substantially altered the boundaries between the two, providing for a much reduced Lot 25 area. Whilst in that instance no new building envelopes were contemplated, the consent (like RC 2250345) sets a precedent in regard to the Council's interpretation and stance in regard to the Consent Notice's first clause in regard to further subdivision of lot. This is discussed in more detail later.

Land Use

The existing Lot 16 Building Envelope (shown BB on the scheme plan) will be 'cancelled' and allowed to re-vegetate back to indigenous cover. It is proposed to clear the replacement building envelope 'BI' on new Lot 16 in a similar fashion as the existing approved building envelopes within still vacant lots in the Omarino development.

The indigenous vegetation to be cleared is in the General Coastal zone and coastal environment. The clearance complies with the Operative District Plan's (ODP's) indigenous vegetation clearance rules as they apply to the General Coastal Zone. However, the clearance is also within an Outstanding Landscape area, where clearance of the type proposed is limited to 1,000m². The proposed clearance exceeds this. There is some uncertainty as to whether the clearance will result in breaches of rules in the Proposed District Plan (PDP) given hearings have been held and staff recommendations published, however in the interests of completeness, consent is being sought under both the ODP and the PDP (discretionary activity status). A more detailed compliance assessment follows in Section 6 of this planning report.

Changes to Consent Notice 7907807.2

The change in building envelope affects the style/design parameters to be applied. Using the same descriptive terminology as that used in the Management Plan, the new site will no longer be an inland “Ridge” site, but will instead be a “Coastal/Bay” site. Its design parameters will change accordingly, to be consistent with those already applying to other “Coastal/Bay” sites in the Management Plan subdivision. Vegetation areas will also change. This results in changes to the consent notice, as outlined in section 6.3 of this planning report.

4.0 SITE DESCRIPTION

4.1 Physical characteristics

The site is located on Manawaora Road and accessed via the main Omarino entrance. Internal to the site, there is a gated entranceway controlling access. The proposed new location for Lot 16 is accessed via the access road leading to the eastern side of Omarino. The lot is predominantly in mixed species and mixed quality vegetation, sloping down towards the water in an easterly and northeasterly direction. Refer to photos in the Landscape and Visual Effects Assessment, and more detailed site descriptions in this and other supporting reports.

4.2 Mapped features relevant to the site

The site is zoned General Coastal in the Operative District Plan (ODP) with an Outstanding Landscape notation applying. Under the Proposed District Plan (PDP), the site is zoned Rural Production with a Coastal Environment Overlay. Outstanding Natural Landscape covers the site, with most, but not all, of the site also mapped as high natural character.

Part of the existing Lot 11 is mapped in the PDP as being potentially subject to Coastal Flooding. No works are proposed within any area mapped as such. The site is not mapped as being subject to coastal erosion, but is mapped by the Regional Council as being erosion prone land (terrestrial, as opposed to coastal). The soils within the site are mapped as LUC Class 6.

The site is identified on the FNDC's Far North Maps, Species Distribution layer, as being within a 'kiwi present' area. Both proposed Lot 11 and 16 are identified as being part of a Protected Natural Area (PNA) – “Russell Forest” Q05/003.

The FNDC's Far North Maps, Historic Sites layer identifies four archaeological sites in the vicinity of the proposed location of new Lot 16 and its building envelope, but not within the proposed boundaries of either. Sites Q05/335 and Q05/1300 will be within the adjusted Lot 11 boundaries and outside of any area involved in the Lot 16 relocation proposal. These sites have been subject to archaeological survey so their extent is mapped and known. Site Q05/336 is the pa headland on the adjacent Lot 10. This is not only an NZAA recorded

archaeological site but is afforded additional protection through the Omarino Management Plan. Access to this site is provided for local tangata whenua. The site, and access to it, is unaffected by the proposed re-location of Lot 16 and its building envelope. Site Q05/831 is to the south within the jointly owned utilities Lot 18 and will remain so.

The site is not within any Treaty Settlement Statutory Acknowledgement Area or Treaty Settlement Area of Interest (Source: Proposed District Plan).

4.3 Legal Interests

The title for Lot 11 has a number of legal interests, all of which will remain unchanged after the boundary adjustment with the exception that the small beach to which other Omarino lots (and the public) have access will be split between Lot 11 and new Lot 16, with both lots becoming subject to the relevant Land Covenant instrument.

The new Lot 16 will 'inherit' all relevant Lot 11 legal interests given that it is to be created from land currently within Lot 11.

Land in the existing Lot 16 DP 512589 will retain all its current legal interests given that it is not changing other than to be amalgamated with the adjacent lot, and also subject to the cancellation of area 'BB' as a building envelope.

Table 1 – existing instruments relevant to Lots 11 & 16

Instrument	Purpose
7907807.2	Consent Notice imposed by Council as part of the original subdivision
8828538.1	Variation to the above Consent Notice (none of the variation directly relevant to the application site)
7907807.4	Easement in Gross to convey telecommunications in favour of what was at that time Telecom NZ (now Chorus)
7907807.5	Easement in Gross to convey electricity in favour of Top Energy
7907807.6	Right of public access (in gross) over part marked AH on DP 391213 in favour of the FNDC (beach access referred to above).
7907807.8	Subject to walkway and riding rights over part marked AH & AX on DP 391213
7907807.9	Subject to right of way and right to convey electricity, telecoms and computer media over same part
7907807.12	Inspection and Maintenance easement in gross in favour of the Omarino Residents Association
7907807.13	Encumbrance to Omarino Residents Association
7907807.14	Lease agreement relating to Omarino Residents Association

In addition to the above instruments, Lot 11 has appurtenant right of way pursuant to an old 1977 instrument (Deed of Grant 638899.1) and appurtenant rights in relation to the use of Omarino's common facilities, including walking and riding rights; as well as appurtenant ROW, services, water conveyance and electricity; and right of use and enjoyment of reserve/open space. There is also a private Land Covenant (7907807.7) registered on the title in 2008.

4.4 Consent History

There are a host of consents (both resource consents and building consents) on the property files for lots in the Omarino development. Most apply to lots other than those involved in this change. A summary of the relevant consent history for the development is outlined below.

RC 2050323, and associated Environment Court Consent Order 20041055, created 17 lots plus a shared access and facilities lot. There was a subsequent variation to RC 2050323 in 2007 which altered some boundaries (RC 2070967-RMAVAR), but this was not given effect to. There was a further Variation issued in June 2008 (RC 2080375). The current DP 319213, containing Lots 15 and 18, is based on the RC 2080375 layout.

RC 2170293-RMASUB consented a boundary adjustment (not too dissimilar to that being proposed) between Lots 16 and 25 of the original Omarino development, creating what is now Lot 16 DP 512589.

Lot 18 has various building and land use consents associated with the construction of access and various buildings within that Lot. Lot 18 was also part of a recently consented boundary adjustment and land use for additional boat sheds, refer to RC 2250345-RMACOM, issued in April 2024.

4.5 Management Plan

The purpose/aim of the original Omarino Management Plan is described in its section 1.0 as:

- *To provide for the use and enjoyment of the Omarino residential properties for owners, their families and guests.*
- *To provide a basis for the development of resident's association rules which will give effect to the purpose and provisions of the Management Plan.*
- *To establish Design Guidelines which will ensure that the development of buildings, structures and site landscaping have design integrity, and are sympathetic to the landscape and character of the property as a whole.*
- *To provide ongoing maintenance for the native forest restoration which has been completed on the property.*
- *To provide a regime for controlling animal pests and predators on the property.*
- *To provide detailed provisions for the management of Brown Teal, an "at risk" bird species, for which the wetland on the property is a recognised habitat.*
- *To provide for the maintenance of roads, tracks, communal buildings and other utilities on the property.*
- *To provide controls and protocols to ensure the protection and maintenance of heritage sites and sites of cultural significance on the property. These include the creation of heritage covenants on the two pa sites on the property.*
- *To establish a framework to ensure that the communal facilities provided at Omarino for the use of its residents, such as the recreation room and boating facilities, are used in a manner that respects neighbours in the Bay.*

- To bring the requirements of the resource consents authorising the subdivision and development, and the New Zealand Historic Places Trust Authority, to the attention of property owners.

I believe the proposal takes these aspects into account and that the relocation of Lot 16 and its building envelope and re-vegetation proposal is entirely consistent with them.

The Management Plan establishes the Omarino Residents Association Incorporated (ORAI), of which all lot owners must be members. The Management Plan also establishes the Architecture and Landscape Review Panel to review and approve all house and curtilage area landscape designs and processes for approval as set out in the Management Plan's Design Guidelines. Any new buildings within new proposed 'BI' building envelope will be subject to such review. Design parameters best suited to the new site have been discussed with the client's architectural design team and with a Landscape Architect. As stated earlier, the new 'BI' building envelope is most readily described as a "Coastal/Bays" site and will be subject to guidelines suited for such a site.

A comprehensive Landscape Visual Effects Assessment (LVEA) supports this application – refer to Appendix 3.

The proposal will require the clearance of some indigenous vegetation replacement and enhancement plantings to offset that clearance, resulting in a net gain rather than a loss. An Ecological Impact Assessment is provided in Appendix 4. Many of the Management Plan requirements are repeated in Consent Notices and Covenants registered on the affected titles. The re-vegetation programme of previously cleared areas, along with the pest animal / predator and weed control programmes, were required to be implemented by the ORAI. Maintaining the re-vegetated areas became the responsibility of individual lot owners.

Archaeological sites were identified and subject to ongoing protection. Maori cultural values are to be recognised and respected on an ongoing basis. There are no identified archaeological sites in the vicinity of the proposed works.

In summary I consider the proposal to be generally consistent with, and to adhere to, the Management Plan. There are consent notice clauses giving effect to some of the Management Plan that the proposal needs to be assessed against. This is addressed later in this report.

5.0 SCHEDULE 4 – INFORMATION REQUIRED IN AN APPLICATION

Clauses 2 & 3: Information required in all applications

(1) An application for a resource consent for an activity must include the following:	
(a) a description of the activity:	Refer Sections 1, 3 and 6 of this Planning Report.
(b) an assessment of the actual or	Refer to Sections 7 & 8 of this Planning Report.

<i>potential effect on the environment of the activity:</i>	
<i>(b) a description of the site at which the activity is to occur:</i>	Refer to Section 4 of this Planning Report.
<i>(c) the full name and address of each owner or occupier of the site:</i>	This information is contained in the Form 9 attached to the application.
<i>(d) a description of any other activities that are part of the proposal to which the application relates:</i>	The application is for land use and boundary adjustment subdivision pursuant to the FNDC's ODP, and for changes to consent notice conditions pursuant to s221(3) of the Act.
<i>(e) a description of any other resource consents required for the proposal to which the application relates:</i>	None required.
<i>(f) an assessment of the activity against the matters set out in Part 2:</i>	Refer to Section 8 of this Planning Report.
<i>(g) an assessment of the activity against any relevant provisions of a document referred to in section 104(1)(b), including matters in Clause (2):</i> <i>(a) any relevant objectives, policies, or rules in a document; and</i> <i>(b) any relevant requirements, conditions, or permissions in any rules in a document; and</i> <i>(c) any other relevant requirements in a document (for example, in a national environmental standard or other regulations).</i>	Refer to Sections 7, 8 of this Planning Report.
<i>(3) An application must also include any of the following that apply:</i>	
<i>(a) if any permitted activity is part of the proposal to which the application relates, a description of the permitted activity that demonstrates that it complies with the requirements, conditions, and permissions for the permitted activity (so that a resource consent is not required for that activity under section 87A(1)):</i>	Refer to sections 7 & 8.
<i>(b) if the application is affected by section 124 or 165ZH(1)(c) (which relate to existing resource consents), an assessment of the value of the investment of the existing consent holder (for the purposes of section 104(2A)):</i>	Not applicable.

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

Clause 6: Information required in assessment of environmental effects

<p><i>(1) An assessment of the activity's effects on the environment must include the following information:</i></p>	
<p><i>(a) if it is likely that the activity will result in any significant adverse effect on the environment, a description of any possible alternative locations or methods for undertaking the activity:</i></p>	<p>Refer to Sections 7 & 8 of this planning report. The activity will not result in any significant adverse effect on the environment.</p>
<p><i>(b) an assessment of the actual or potential effect on the environment of the activity:</i></p>	<p>Refer to Sections 7 & 8 of this planning report.</p>
<p><i>(c) if the activity includes the use of hazardous installations, an assessment of any risks to the environment that are likely to arise from such use:</i></p>	<p>Not applicable as the application does not involve hazardous installations.</p>

<i>(d) if the activity includes the discharge of any contaminant, a description of— (i) the nature of the discharge and the sensitivity of the receiving environment to adverse effects; and (ii) any possible alternative methods of discharge, including discharge into any other receiving environment:</i>	The proposal does not involve any discharge of contaminant.
<i>(e) a description of the mitigation measures (including safeguards and contingency plans where relevant) to be undertaken to help prevent or reduce the actual or potential effect:</i>	Refer to Sections 7 & 8 of this planning report.
<i>(f) identification of the persons affected by the activity, any consultation undertaken, and any response to the views of any person consulted:</i>	Refer to Section 9 of this planning report. No affected persons have been identified.
<i>g) if the scale and significance of the activity's effects are such that monitoring is required, a description of how and by whom the effects will be monitored if the activity is approved:</i>	No monitoring is required as the scale and significance of the effects do not warrant it.
<i>(h) if the activity will, or is likely to, have adverse effects that are more than minor on the exercise of a protected customary right, a description of possible alternative locations or methods for the exercise of the activity (unless written approval for the activity is given by the protected customary rights group).</i>	No protected customary right is affected.

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

<i>(1) An assessment of the activity's effects on the environment must address the following matters:</i>	
<i>(a) any effect on those in the neighbourhood and, where relevant, the wider community, including any social, economic, or cultural effects:</i>	Refer to Sections 7, 8 and 9 of this planning report.
<i>(b) any physical effect on the locality, including any landscape and visual effects:</i>	Refer to Sections 7 & 8. The Landscape Visual Effects Assessment concludes the future development on Lot new Lot 16 will have a low level of impact upon the overall pattern of the landscape and that the development is sensitive to the coastal environment.
<i>(c) any effect on ecosystems, including effects on plants or animals and any physical disturbance of habitats in the vicinity:</i>	Refer to Sections 7 & 8. The Ecological Impact Assessment confirms that the proposed indigenous vegetation clearance will create less than minor effects.

<i>(d) any effect on natural and physical resources having aesthetic, recreational, scientific, historical, spiritual, or cultural value, or other special value, for present or future generations:</i>	Refer to Sections 7 & 8. The site has no aesthetic or scientific values that I am aware of, that will be adversely affected by the proposal. There are no archaeological sites in the vicinity of any future proposed works. The pa site on the adjacent site is not affected and retains all of its existing protection mechanisms and access rights.
<i>(e) any discharge of contaminants into the environment, including any unreasonable emission of noise, and options for the treatment and disposal of contaminants:</i>	The proposal will not result in the discharge of contaminants, nor any unreasonable emission of noise.
<i>(f) any risk to the neighbourhood, the wider community, or the environment through natural hazards or hazardous installations.</i>	The development site is not subject to hazard. The proposal does not involve hazardous installations.

6.0 COMPLIANCE ASSESSMENT

6.1 Operative District Plan (ODP)

Subdivision:

The proposal seeks to subdivide Lots 11, 16 and 18 by way of a boundary adjustment.

The relevant rule is:

13.7.1 BOUNDARY ADJUSTMENTS: ALL ZONES EXCEPT THE RECREATIONAL ACTIVITIES AND CONSERVATION ZONES

Boundary Adjustments Performance Standards Boundary adjustments to lots may be carried out as a controlled (subdivision) activity provided that:

(a) there is no change in the number and location of any access to the lots involved; and

(b) there is no increase in the number of certificates of title; and

(c) the area of each adjusted lot complies with the allowable minimum lot sizes specified for the relevant zone, as a controlled activity in all zones except for General Coastal or as a restricted discretionary activity in the General Coastal Zone (refer Table 13.7.2.1); except that where an existing lot size is already non-complying the degree of non-compliance shall not be increased as a result of the boundary adjustment; and

(d) the area affected by the boundary adjustment is within or contiguous with the area of the original lots; and

(e) all boundary adjusted sites must be capable of complying with all relevant land use rules (e.g building setbacks, effluent disposal); and

(f) all existing on-site drainage systems (stormwater, effluent disposal, potable water) must be wholly contained within the boundary adjusted sites.

Part (a) is complied with as there is no change in the number or location of access to the lots. Although the location of Lot 16 changes, existing access does not, largely because all lots are accessed via Lot 18 and will continue to be.

Part (b) is met as there is no increase in the number of titles;

Part (c) is met because the lots are already less than the restricted discretionary minimum lot size of 20ha in the General Coastal Zone and the degree of non compliance is not affected because the entire development was the subject of a management plan subdivision, containing average lot size provisions. The average does not change.

Part (d) is met in that the lots are contiguous.

Part (e) is met because the proposed new boundaries do not result in any breaches of relevant land use rules. Buildings can be established in the future complying with boundary setbacks; height in relation to boundary requirements; building height requirements; and impermeable surface coverage. On-site wastewater treatment and disposal can be located more than 30m from the CMA.

The only rule breach is related to indigenous vegetation clearance where the ODP restricts clearance an Outstanding Landscape. However, this is related to boundary location or lot size so is not a relevant consideration under part (e), which I consider complied with.

Part (f) is met as there is no existing on-site drainage system within Lot 11 or proposed Lot 16, and none in existing Lot 16. On site drainage systems within Lot 18 remain wholly within that lot, which is increasing in area in any event.

In summary, I consider the boundary adjustment component of this application to be a controlled activity subdivision, complying with Rule 13.7.1.

Land Use Component:

The application does not involve the construction of any building or impermeable surface. As such zone rules are not relevant and neither are traffic, parking and access rules. Neither does the proposal include any large volume of earthworks as no construction works are proposed. Whilst there are NZAA recorded archaeological sites in the vicinity, there are no rules in Chapter 12.5 Heritage relating to NZAA recorded sites, only registered archaeological sites, of which there are none listed in the Operative District Plan's schedules.

With no works being carried out near the coastal marine area, rules in Chapter 12.7 are met. The only relevant land use rules in the ODP are those relating to indigenous vegetation clearance (discussed above and in the table below).

Table 1:**Far North Operative District Plan:**

DISTRICT WIDE RULES		
Indigenous Vegetation Clearance in Outstanding Landscape areas		
<p><u>12.1.6.1.2 INDIGENOUS VEGETATION CLEARANCE IN OUTSTANDING LANDSCAPES</u></p> <p>Notwithstanding any rule in the Plan to the contrary but subject to Rules 12.5.6.1.1, 12.5.6.1.3 and 12.5.6.2.2 in the Heritage section of this Plan, indigenous vegetation clearance is a permitted activity in an Outstanding Landscape, as shown on the Resource Maps, where the clearance is for any of the following purposes:</p> <p>(a) to provide for a building platform for a building (where a rule in the Plan provides for this as a permitted activity), and/or access and/or construction of a boundary fence so long as the area cleared for that purpose is no more than 1,000m² per site; or</p>	<p>This rule identifies the circumstances under which the clearance of indigenous vegetation in an Outstanding Landscape is permitted. If none of the circumstances apply or can be met, then consent is required, as a discretionary activity.</p> <p>Given that the clearance is more than 1,000m², the only potential criteria under which clearance can occur – part (a) – cannot be met.</p> <p>There is provision for the clearance of dead trees – and there is some die-off and poor health within the area of proposed clearance.</p> <p>There is also provision for clearance for fire breaks – and the proposed clearance will assist in providing a future buffer between the dripline of vegetation and a future residential unit.</p>	Cannot comply – consent required.
Indigenous Flora and Fauna		
<p><u>12.2.6.1.3 INDIGENOUS VEGETATION CLEARANCE IN THE GENERAL COASTAL ZONE</u></p> <p>The clearance of indigenous vegetation is a permitted activity in the General Coastal Zone, provided that:</p> <p>(a) the vegetation is less than 6m in height or 600mm in girth (measured at a height of 1.5m); and</p> <p>(b) the clearance is not within 20m of a lake (as scheduled in Appendix 1C), coastal marine area, indigenous wetland or continually flowing river; and</p>	<p>Vegetation clearance is proposed over an area of approximately 2,710m². For the most part, the area to be cleared was historically cleared pasture, only re-vegetated through the Omarino Mangement Plan provisions.</p> <p>Part (a) - the indigenous vegetation proposed to be cleared is patchy and sparse, with heights of 2-4m and diameters of less than 600mm. Part (a) is therefore complied</p>	Permitted.

<p>(c) any clearance involving remnant forest does not exceed 500m² ; and (d) in relation to the total area of any site existing as at 1 February 2005 which has more than 50% of that area in indigenous vegetation, the total clearance does not exceed 1ha or 15% of that area, whichever is the lesser, in any 10 year period; or (e) in relation to the total area of any site existing as at 1 February 2005 which has less than 50% of that area in indigenous vegetation, the total clearance does not exceed 1,000m² of that area in any 10 year period.</p>	<p>with. Part (b) – clearance is not within 20m of any of the features listed - complies; Part (c) – clearance does not involve remnant forest - complies; In regard to parts (d) and (e), the title was not deposited until after 2005 so the 'site' did not exist as at 1 February 2005.</p>	
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Summary

The only identified land use consent requirement is for a **breach of Rule 12.1.6.1.2 – Indigenous Vegetation Clearance in Outstanding Landscapes.**

6.2 Proposed District Plan (PDP)

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

Rules identified by the Council as having legal effect include:

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

As the proposal does not involve hazardous substances, these rules are not relevant to the proposal. Neither is the site a scheduled site or area of significance to Maori, or a significant natural area, or a scheduled heritage resource.

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

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

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

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

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

IB-R1 is entitled *Indigenous vegetation pruning, trimming and clearance and any associated land disturbance for specified activities within and outside a Significant Natural Area* and applies to all zones. It sets out what indigenous vegetation is permitted. I do not believe that the indigenous vegetation clearance required to clear and delineate a future building envelope would fit within any of the permitted activities outlined in IB-R1, except perhaps to make provision for a single residential unit on the site and to ensure a 20m buffer distance between a residential unit and the dripline of any area of trees. With no residential unit proposed as part of this application, however, I do not believe those exemptions would apply even though it will likely facilitate compliance at time of building consent.

If those permitted activities do not apply, the clearance will be subject to IB-R3 and R4 below (IB-R2 not being relevant as it only applies to clearance required for papakainga housing).

IB-R3 provides for up to 100m² clearance in any one calendar year of indigenous vegetation within a Significant Natural Area. However, Significant Natural Areas are not mapped or scheduled in the PDP, and decisions on submissions to this section of the PDP has resulted in staff recommendations to delete any and all references to Significant Natural Areas. As to whether the recommended amendments to the chapter have legal effect or not, it is difficult to state with any certainty, given that any decisions made are subject to Appeal.

The area to be cleared exceeds 100m². The area to be cleared has been assessed by a suitably qualified and experienced ecologist who has concluded that the vegetation to be cleared has only a low-moderate level of significance as per the Regional Policy Statement's Appendix 5, with regard to connectivity; size; habitat and representativeness.

IB-R4 provides for up to 5,000m² of indigenous vegetation clearance in the Rural Production Zone (which is the application site's zoning under the PDP) but only where a report has been obtained from a suitably qualified and experienced ecologist confirming the indigenous vegetation does not meet the criteria for a Significant Natural Area. However, there are no longer to be any such thing as a Significant Natural Area. The EIA assesses the vegetation to be cleared as having only low-moderate significance, and in this regard I believe IB-R4 is likely complied with. However, uncertainty arises as to the staff recommended amendments to IB-R4, and whether these have legal effect. If so, clearance is limited to 500m² regardless of 'significance' of the vegetation.

Rather than enter into lengthy legal debate as to the status of staff recommended amendments, this application conservatively and in the interests of completeness, **includes a breach of the PDP's IB-R4**, now re-numbered IB-R3 as a result of staff recommendations.

IB-R5 relates only to plantation forestry and activities and is therefore not relevant.

Subdivision (specific parts) – None of the subdivision provisions relevant to the boundary adjustment have legal effect.

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

Earthworks – Only some rules and standards have legal effect. These are Rules EW-R12 and R13 and related standards EW-S3 and ES-S5 respectively. EW-R12 and associated EW-S3 relate to the requirement to abide by Accidental Discovery Protocol if carrying out earthworks any artefacts are discovered. This requirement can be met and is a requirement under heritage legislation in any event. EW-13 and associated EW-S5 relate to ensuring Erosion and Sediment Control measures are in place during earthworks. Whilst vegetation clearance is proposed, I do not believe there will be any substantive earthworks.

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

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

6.3 Assessment of Development against Consent Notice 7907807.2

This consent notice has been varied by 8828538.1. Both the original and varied versions are attached as part of Appendix 7. Variations to the consent notice have relevance insofar as it establishes a precedent of sorts. They suggest that the Council is prepared and able to consider and grant variations to site layout and design.

A boundary adjustment subdivision is being applied for, which may appear contrary to clause (i) of the Consent Notice. However, it is not without precedent - refer to RC 2170293-RMASUB, a previous boundary adjustment between the original Lots 16 and 25; and more recently RC 2250345 – another boundary adjustment subdivision between Lots 15 & 18.

The Consent Notice has a total 37 clauses, not all of which relate to or affect Lots 11 and 16. An assessment of the proposal against those clauses that are relevant follows:

1. *Further subdivision of Lots 1 through 12, 14 through 17, 19, 20, 21 and 25 on the plan is prohibited.*

In the processing of RC 2170293 and 2250345, it was accepted that the boundary adjustment did not in fact represent the subdivision of any lot, primarily because the boundary adjustment did not create any additional allotments. To quote from the Council's s95 report for 2170293:

"Boundary adjustments applications are a form of subdivision in terms of the District Plan, however, the definition of subdivision in the District Plan refers to that as defined in s218 of the Act. The definition suggests that subdivision results in the issue of a separate title, lease or cross lease of part of the title, or the creation of an additional unit title; all of which result in increased development/use rights. As indicated by the applicant, this

is not the case in this instance; no development beyond what was intended by the underlying subdivision consent will be possible as a result of the application. As such it is agreed that approving this application would not be contrary to the existing consent notice condition which it is considered was established to prohibit further development and/or increase in use so as to ensure the low density character of the development is maintained in the future".

If the above is accepted to have created a precedent, no change to clause 1 is required.

2. The maximum rolling height above ground level (using the definition in the district plan as at the 30th May 2005) of each building on Lots 7, 11 and 12 on the plan shall be no more than 4m above ground level.

This clause applies specifically to three 'ridge' sites and, if unchanged, would carry down onto land to be in the new Lot 16, which is not a 'ridge' site and where a maximum rolling height above ground level of 5m is proposed. It therefore needs to be amended to provide for the new Lot 16:

The maximum rolling height above ground level (using the definition in the district plan as at the 30th May 2005) of each building on Lots 7, 11 and 12 on the plan shall be no more than 4m above ground level; **except that for land in Lot 16 DP [.....] as consented by RC [.....], the maximum rolling height above ground level shall be more than 5m.**

Clause 3 does not apply to the application site(s), only applying to Lot 7.

Clause 4 does not apply to any of the land forming part of this proposal.

Clause 5 only applies to Lot 5; Clause 6 only applies to Lot 3; and Clause 7 only applies to Lots 19, 20 and 21. None require changing.

8. The external cladding of all buildings constructed on all lots on the plan shall be in accordance with the management plan as approved for the subdivision evidenced by the plan such management plan being entitled "Omarino Residents Association Management Plan dated October 2007" ("the management plan").

Clause 8 will not require amendment given that the clause refers to 'external cladding' only, and draws no distinction between individual lots.

9. The re-vegetation of those parts of Lots 1 through 12, 14 through 17, 19, 20, 21 and 25 on the plan that are outside of the curtilage areas of each of such lots such being
 - that part of lot 11 on the plan as is shown marked with the letters "AG";
 - That part of Lot 16 on the plan as is shown marked with the letters "BB";

shall be maintained in perpetuity.

This clause needs changing because it refers to the original re-vegetation established in the Management Plan, and to the original building envelopes and curtilages.

The clause requires amendment to delete reference to 'BB' and insert new reference to 'BI':

The re-vegetation of those parts of Lots 1 through 12, 14 through 17, 19, 20, 21 and 25 on the plan, that are outside of the curtilage areas of each of such lots such being

- ~~*That part of Lot 16 on the plan as is shown marked with the letters "BB";*~~
- ***That part of Lot 16 DP [...] as consented by RC [.....] and as shown marked with the letters 'BI'.***

10. *All the archaeological sites located within Lots 1 through 12, 14 through 17, 19, 20, 21 and 25 on the plan shall remain undisturbed.*

This will continue to be complied with.

Clause 11 only applies to Lots 3 and 10.

12. *The registered proprietors for the time being of the properties being Lots 1 through 12, 14 through 17, 19, 20, 21 and 25 on the plan, and shall ensure that the approved landscaping planting for each lot is commenced within 12 months of the landscape plan being approved and is maintained for the duration of the consent with any plants that are removed or damaged to be replaced as soon as possible or within the next planting season (being 1 May to 30 September in each calendar year).*

This clause will continue to be applicable to new Lots 11 & 16, without change required.

13. *The registered proprietors for the time being of the properties being Lots 1 through 12, 14 through 17, 19, 20, 21 and 25 on the plan shall adhere to the management plan and ensure:*
- (i) *The ongoing management of the re-vegetation, archaeological, heritage, utility and recreational areas shown on the plan;*
 - (ii) *Compliance with the design guidelines for buildings on the lots; and*
 - (iii) *All re-vegetation requirements of the re-vegetation plan approved by the Council applicable to each lot is undertaken.*

This clause will carry over automatically to land in a relocated lot 16 and because the proposal includes clearance of a small amount of "re-vegetation" shown on original plans, will require amendment. The easiest way of achieving that is to add an 'exception':

Except as provided for in RC [.....] creating Lot 16 DP [.....] and the re-vegetation plan consented as part of that RC.

Clause 14 applies to the jetty consented at Waipiro Bay. The clause will carry over to Lot 16 as being part of the original Lot 11.

15. The registered proprietors for the time being of the properties being Lots 1 through 12, 14 through 21 and 25 on the plan shall, in constructing any new buildings thereon, adhere to the design guidelines as were outlined in the AEE lodged with the application for the consent evidenced by the deposit of the plan (RC 2050363) and the management plan.

This affects all lots and will carry over onto new Lot 16. In putting forward a new building envelope for a new Lot 16, however, more nuanced design guidelines, to be read in conjunction with the original Management Plan's design guidelines as they apply to "coastal/bay" sites, have been provided. These can be referred to in an amended clause 15:

The registered proprietors for the time being of the properties being Lots 1 through 12, 14 through 21 and 25 on the plan shall, in constructing any new buildings thereon, adhere to the design guidelines as were outlined in the AEE lodged with the application for the consent evidenced by the deposit of the plan (RC 2050363) and the management plan; **and in the case of Lot 16 DP [.....], in Appendix 9 of the Landscape and Visual Effects Assessment by Hawthorn Landscape Architects provided with RC [.....].**

16. No cats and no mustelids shall be kept on or brought onto any of the lots on the plan.

No cats or mustelids will be kept or brought onto site - complies.

17. Unless authorised by a resource consent or by the district plan as a permitted activity, buildings on each lot in the plan shall be restricted to:

- (i) One residential unit;
- (ii) One caretaker's residential unit not more than 125m² in gross floor area;
- (iii) One non-residential building; and
- (iv) Water storage facilities.

With the combined size of any caretaker's unit and non-residential building not exceeding 50% of the residential unit's gross floor area.

This clause will continue to apply to all lots. No change is being sought.

18. The external appearance of all buildings constructed on lots 1 through 12, 14, 15, 16 and 25 on the plan shall be in accordance with the design details contained in the management plan and shall, in the case of buildings on Lots 17 and 18 be traditional cladding and colours.

I believe this clause can remain unchanged. A future building on new Lot 16 will remain consistent with the design details in the Management Plan as they apply to "coastal/bay" sites.

19. All electricity, telecommunication and other utility services shall be laid underground.

All services will be underground - complies.

20. All earthworks, including those required to construct accessways to building sites, shall be so designed to cause minimal impacts on the landscape and any exposed cuts shall be re-grassed or planted in native vegetation.

This will be complied with.

21. The keeping of dogs is limited to a maximum of two per lot with all dogs to be:

- (i) Confined to the cartilage area when in the company of the owner or their invitees, or otherwise enclosed in an escape proof enclosure; or
- (ii) If outside the cartilage area, then secured by way of a hand held leash.

This will be complied with on an ongoing basis.

22. The development on each buildable area on each lot is to proceed in accordance with the recommendations contained within the geotechnical report prepared by Tonkin and Taylor Limited dated September 2004 (Job No. 21778) and submitted with the application for consent, such specifically requiring that a site specific geotechnical investigation be carried out for all of the proposed building platforms, accessways and effluent fields prior to any building consent application and earthworks commencing.

This clause will require updating to enable a future lot owner to have regard to the recommendations in the PK Site Suitability report provided with this application.

The development on each buildable area on each lot is to proceed in accordance with the recommendations contained within the geotechnical report prepared by Tonkin and Taylor Limited dated September 2004 (Job No. 21778) and submitted with the application for consent, such specifically requiring that a site specific geotechnical investigation be carried out for all of the proposed building platforms, accessways and effluent fields prior to any building consent application and earthworks commencing; **or in the case of Lot 16 DP [.....], in accordance with the recommendations contained in the Site Suitability Report prepared by PK Engineering, dated 5 August 2025 (Job No: 24-022A), submitted with RC [.....]**

23. None of the non-residential ancillary buildings and water storage facilities shall be used for residential purposes without the prior written consent of the Council and no cooking or food preparation facilities are to be installed in these non-residential buildings or water storage facilities.

This clause will be complied with.

24. No part of the recreation facility on Lot 18 on the plan is to be used as a licensed restaurant/hotel/bar without further written consent from the Council.

No such activity is proposed - complies.

25. Effluent disposal on each lot shall be allocated in accordance with the recommendations contained in the Richardson Stevens Consultants (1996) Limited report dated 28 September 2004 as submitted with the AEE lodged with the application for the consent evidenced by the deposit of the plan (RC 2050363) with each effluent disposal field on lots 1 through 12, 17 and 18 on the plan to be located at least 30m from mean high water springs with the ongoing operation and maintenance of each system to be covered by a maintenance agreement undertaken by the system supplier or its authorised agent.

This clause will need to be updated in a similar fashion to clause 22:

Effluent disposal on each lot shall be allocated in accordance with the recommendations contained in the Richardson Stevens Consultants (1996) Limited report dated 28 September 2004 as submitted with the AEE lodged with the application for the consent evidenced by the deposit of the plan (RC 2050363); **and in the case of Lot 16 DP [.....], in accordance with the recommendations contained in the Site Suitability Report prepared by PK Engineering, dated 5 August 2025 (Job No: 24-022A), submitted with RC [.....];** with each effluent disposal field on lots 1 through 12, 17 and 18 on the plan to be located at least 30m from mean high water springs with the ongoing operation and maintenance of each system to be covered by a maintenance agreement undertaken by the system supplier or its authorised agent.

26. The registered proprietor(s) of each of the lots on the plan shall implement and continue to maintain and replant re-vegetation on each lot in terms of the relevant re-vegetation plan approved for each lot outside of the curtilage area, including the first 20m landward of mean high water springs.

Because this clause simply refers any 'relevant re-vegetation plan approved' I do not believe it requires amendment.

27. The registered proprietor(s) of each of the lots shall implement and continue to maintain and replant re-vegetation landscape planting as provided for in the management plan for all covenanted areas and maintain or repair any stock exclusion structures.

Minor update required to refer to new Lot 16's updated re-vegetation landscape planting which will differ from the original management plan:

The registered proprietor(s) of each of the lots shall implement and continue to maintain and replant re-vegetation landscape planting as provided for in the management plan for all covenanted areas; **and in the case of Lot 16 DP [.....], as consented in RC [.....],** and maintain or repair any stock exclusion structures.

28. The registered proprietor for the time being of the properties being lots 1 through 12, 14 through 21 and 25 on the plan acknowledge the archaeological records affecting the lots and as detailed in the report prepared by Clough & Associates Limited dated September 2004 and acknowledge that:
- (i) There is a prohibition on the destruction of any archaeological site such being in contravention of the NZ Historic Places Act 1993; and
 - (ii) There is a requirement to carry out an archaeological assessment prior to undertaking any earthworks near a recorded site.

This is acknowledged and will be complied with.

Clause 29 only applies to Lot 7.

30. All buildings on lots 1 through 12, 14 through 16, 19 through 21 and 25 on the plan and any new buildings on lots 17 and 18 on the plan erected after June 2005 shall be located at least 30m landward of mean high water springs.

Although there will be a new building site for Lot 16, it will continue to be subject to this clause, as written.

31. No construction of buildings or construction activity shall be located on any of the lots on the plan within 10m of the outer edge of any archaeological site protected by the NZ Historic Places Act 1993 in the absence of an authority to modify or destroy that site.

No activity will be taking place within 10m of any archaeological site - complies.

32. The registered proprietors for the time being of the properties being lots 14, 15, 16 and 25 on the plan shall, in constructing any buildings thereon, adhere to the design guidelines outlined in the AEE submitted with the application for the consent for the subdivision as evidenced by the plan, the draft management plan submitted to the Council on 30 May 2005 at the hearing of the application for consent, (which will include conditions that reflectivity will not exceed a maximum of 30%), and the management plan all as amended by:

- (i) The details and plans submitted with resource consent application RC2070967-RMAVAR; and
- (ii) The details and plans submitted with the resource consent application RC2080375-RMAVAR including the section 127 application dated 14 March 2008 and the Omarino Management Plan (September 2007).

Given that Lot 16 "on the plan" will no longer have a building envelope within which to build, this clause can be amended by simply deleting reference to Lot 16.

The registered proprietors for the time being of the properties being lots 14, 15, ~~16~~ and 25 on the plan shall, in constructing any buildings thereon, adhere to the design guidelines

33. The maximum rolling height above ground level (as defined in the Council's district plan as at 30 May 2005) of each building on Lots 14, 15, 16 and 25 shall be as follows:

- (a).... refers to Lot 14 only;
- (b).... refers to Lot 15 only;
- (c).... on Lot 16 no more than 4.5 metres above ground level with a maximum RL of 118 metres ASL; and
- (d).... refers to Lot 25 only

With these rolling heights being defined within the Omarino Property Architectural design guidelines (dated 2 October 2007).

As with clause 32, reference to Lot 16 can be deleted given that an earlier clause is being amended to specify the new Lot 16's maximum height at 5m.

The maximum rolling height above ground level (as defined in the Council's district plan as at 30 May 2005) of each building on Lots 14, 15, ~~16~~ and 25 shall be as follows:

- (a).... refers to Lot 14 only;
- (b).... refers to Lot 15 only;
- ~~(c).... on Lot 16 no more than 4.5 metres above ground level with a maximum RL of 118 metres ASL; and...~~

Clause 34 only applies to Lot 15 and is not relevant.

35. Prior to any development occurring on Lots 14, 15 and 16 on the plan a full assessment of visual and landscaping effects is to be undertaken by a qualified and experienced landscape architect as part of any future resource consent application to the Council such to include the provision of a landscape planting plan and specifications to be provided at the building resource consent stage for approval by the Council. This is to include all areas within these allotments not covered by the actual building and accessways.

This consent notice is specific to land in Lots 14, 15 and 16 "on the plan", and as with similar clauses, can be amended to delete reference to Lot 16:

Prior to any development occurring on Lots 14, 15 and ~~16~~ on the plan a full assessment of visual and landscaping effects....

36. Effluent disposal on lots 14, 15, 16 and 25 on the plan shall be allocated in accordance with the recommendations contained in the Soil and Rock report dated 5 September 2007 and submitted in the Assessment of Environmental Effects (RC 2080375-RMAVAR) with each effluent disposal field on lots 14, 15, 16 and 25 to be located at least 30 metres from mean high water springs and with the ongoing operation and maintenance of each system to be covered by a maintenance agreement undertaken by the system supplier or its authorised agent.

Again, reference to Lot 16 can be deleted given the suggested amendment to clause 25 and the removal of the current Lot 16 building envelope.

Effluent disposal on lots 14, 15, ~~16~~ and 25 on the plan shall be allocated in accordance with the recommendations.....

37. The development of each buildable area on lots 14, 15, 16 and 25 on the plan is to proceed in accordance with the recommendations contained within the geotechnical report prepared by Soil and Rock Consultants entitled "Geotechnical Appraisal for Additional Development Sites Bentzen Farms, Te Awhi Awhi, Bay of Islands" and dated 5 November 2007 and specifically with a site-specific geotechnical investigation to be carried out for all of the proposed building platforms, accessways and effluent fields prior to the building consent application and earthworks commencing.

As above (clause 36):

The development of each buildable area on lots 14, 15, ~~16~~ and 25 on the plan is to proceed in accordance with

Note: The premise followed with determining where changes are required, is that where a consent notice clause includes land in Lot 11 on the plan, from which new Lot 16 will be created, there is a need to amend the consent notice clause to refer to the new Lot 16 and its resource consent.

In summary, and providing Council accepts the precedent set by a previous boundary adjustment in regard to Clause 1 of the above consent notice, changes are requested to Clauses 2, 9, 13, 15, 22, 25, 27, 32, 33 and 35-37; as suggested.

7.0 ASSESSMENT OF ENVIRONMENTAL EFFECTS

7.1 Positive Effects

The property is part of the comprehensive Omarino Management Plan subdivision consent, granted following an extensive process of consultation, submissions, hearings, Appeal and Consent Order. Time has proven that the consent has successfully enabled the type of development (and management of that development) envisaged by the original applicants and considered acceptable by the community and affected persons. There are now several homes built on the lots created by the Management Plan subdivision, with every lot owner being a member of the Omarino Residents' Association Inc.

The Landscape and Visual Effects Assessment (LVEA) concludes that there are benefits in moving Lot 16 and its building site. The current Lot 16 site is on a ridge and situated between the 100-120m contour lines. It is quite close to the approved building site on adjacent Lot 15 which would have resulted in the appearance of a large built environment in one location. The current site is visible from many views, including the pa. The proposed Lot 16 building site 'BI' sits below a ridge and is between the 20-38m contour lines. It will have a height restriction of 5m and will not extend above the ridge line. It is largely obscured from view from the pa.

7.2 Landscape, natural character and visual amenity

A Landscape Visual Effects Assessment (LVEA) is contained in Appendix 3. This has been prepared by Christine Hawthorn Landscape Architect.

Buildings in the General Coastal Zone and in an Outstanding Landscape are subject to rules in the Operative District Plan. These rules are not relevant to this application given that it does not include any buildings.

The LVEA concludes that the proposed relocated building site is preferable to the existing and will have less visual impact. From a landscape and visual effects perspective, there are benefits in removing the existing building site on Lot 16 (BB), located on a ridge and adjacent to Lot 15's building site.

The proposed building site 'BI' has been defined through the assessment of the site's ecological features, and through the selection of the most visually appropriate area in relation to landscape, visual and natural character effects. In addition, the building envelope has been positioned so that it is not visible from the top of the adjacent pa site.

The proposed Lot 16 is considered a "Coastal/Bays" site due to its location close to a small bay and direct access to the water. Hard landscaping elements and planting relevant to such sites, as contained in the Management Plan, can be utilised for the new Lot 16 site. The 5m rolling height and variation in form and/or materials will reduce the scale of buildings.

Additional design guidelines, showing an example of what development on the new Lot 16 could look like, have been prepared for the new Lot 16 building site by Bossley Architects, and are contained in Appendix 9 of the LVEA.

The LVEA concludes that overall *“there is a low level of effect upon landscape values and the key attributes of the receiving environment. The potential adverse landscape effects will be less than minor”*.

The proposed re-vegetation will *“augment the existing coastal vegetation pattern on proposed Lot 16 with mature canopy species and infill of weedy open areas This will rehabilitate the coastal vegetation pattern on proposed Lot 16 and will enhance the natural character values of Lot 16 and the coastal environment”*.

7.3 Effects on Indigenous vegetation and habitat (including waterbodies)

Refer to the Ecological Impact Assessment in Appendix 4.

The summary findings of that assessment included, but are not limited to:

- Land in the vicinity of the new proposed building envelope was historically bare pasture, pine, gorse and some under-grazed kanuka;
- This has since been vegetated as part of the Omarino development;
- The area to be cleared is mostly manuka revegetation suffering mass mortality from a combination of adverse abiotic conditions – a common phenomenon in mass re-vegetation dating from the 1990's;
- There are no natural inland wetlands or waterways, including ephemeral;
- There is no seagrass; saltmarsh or mangrove in the CMA adjacent;
- The dying manuka contribution is a minimal representation of the wider site's values with negligible – low significance;
- The remainder vegetation in the clearance area has a moderate level of significance with regard to connectivity; size; habitat and representativeness.

To minimise clearance to the extent practicable, the proposed building envelope has been located closely adjacent to existing infrastructure (the road) at the upper contour. There is no foreshore interaction proposed and the building envelope is within the lower quality areas of the site, with open areas.

It is proposed to check for kiwi and herptofauna (lizards) prior to any clearance, and to relocate any kiwi or lizards if any are present. No kiwi burrows or sign were observed during a site visit, but regardless of this, it is proposed to have a kiwi dog do a run through the area of clearance prior to any works starting. In regard to lizards, no diurnal species were encountered in the clearance area despite visual survey. No nocturnal survey has been carried out.

It is proposed to retain the lower contour riparian vegetation to assist in sediment and stormwater control and protect bird habitat.

As mitigation against the effects of clearance, both restoration and enhancement planting is proposed, to the extent that there will be no net loss, and instead a net gain, in indigenous vegetation planting over the site. There will be improved density and diversity.

The EIA recommends best practice clearance methods; biosecurity measures for the introduction of plants; species selection specific to mitigatory purposes in consultation with Hawthorn Landscape Architects; and ongoing pest and weed control. A condition of any land use consent can be a requirement to provide evidence of the proposed restoration and enhancement plantings within 12 months after the issue of the consent.

7.4 Access to the Coastal Marine Area

The land within which the original Omarino subdivision was done, does not directly adjoin the coastal marine area. There is an intervening strip of land Vested in the Crown pursuant to Section 237A of the Act – Lot 22 DP 391213. The proposal does not therefore trigger any requirement for public access. The small 'beach' area that is to be partially in Lot 11 and partially within new Lot 16, is available to both the other lots in the subdivision, and to the public.

7.5 Earthworks and construction effects

This application is not for specific development or construction. It is for the identification of a new replacement building envelope for a new Lot 16. Works involved in this identification will be restricted to vegetation clearance and re-planting. Earthworks will therefore be minor and have no adverse visual effects given that there will be no bare earth faces left unvegetated. The volume of earthworks involved in vegetation removal and replanting is minimal and will not create any adverse effects in terms of erosion/sediment runoff.

When the time comes for a new lot owner to carry out development within the approved building envelope 'BI', consent will then be required for excavation/filling and effects will be assessed at that time when the details of a specific development are known. The Ecological Impact Assessment emphasises the need for appropriate sediment and stormwater control at time of development to minimise impact on habitat.

The LVEA does not specifically address the visual effects of earthworks, but does confirm that the development site is very visually contained due to the topography of the site, lack of public land based viewing positions and the presence of the surrounding bush clad hills. Adverse effects of construction earthworks will be less than minor, subject to conditions at the time of building and land use consent.

7.6 Land Stability & Natural Hazards

The Site Suitability Report by PK Engineering, in Appendix 5, confirms feasibility of the new proposed building site in terms of land stability and natural hazards. The key geotechnical features defining the site are moderate to steep hillslopes of weathered rock to residual silts and clays, with thin to moderately thick young to moderately aged native bush cover. The

soil is classed as unit "Mrh" – Marua clay loam – derived from the weathering of the underlying basement greywacke and argillite complex.

Sub surface investigations were carried out, along with slope stability modelling analysis. The results show that it will be essential to manage stormwater at time of development to avoid potential slope failure (moderate risk of occurring). The creation of stable building platforms is feasible with the utilisation of palisade walls or carefully designed retaining walls.

There are no obvious signs of current erosion or features that might indicate risks to development with respect to accelerated erosion. Care should be taken at time of development to ensure maximum ground cover and limit exposure to any cut surfaces during construction. Appropriate silt migration preventative measures should be in place prior to any construction. These are things best addressed at building consent and land use consent stage. The report provides parameters for the design of footings and piled foundations.

In summary, the relevant area of study as shown in the report, is considered a suitable and stable site for a future building envelope.

7.7 Stormwater & wastewater

Stormwater

Although this application does not involve the actual development of the site, the ability to appropriate control and manage stormwater is an important aspect of proving feasibility of the site for future development. The Suitability Report addresses stormwater management and it is also briefly discussed in the Ecological Impact Assessment.

All stormwater flows should be directed away from any future building platform. The Site Suitability Report identifies an existing culvert underneath the access track that currently discharges stormwater, from the access track swale, just below the access track. The report suggests the culvert be extended with a culvert flume to discharge onto the gentler slopes at the base of the lot. A specific analysis and design of stormwater controls will be best done at building consent stage.

Wastewater (Effluent Disposal)

The Site Suitability Report recommends a minimum treatment level of secondary, discharged via sub-surface pressure compensated irrigation lines. Adequate and suitable disposal area and reserve disposal area are available and the required 30m setback from the coastal marine area can be achieved.

7.8 Archaeological/cultural Effects

The original Omarino Management Plan subdivision was subject to a comprehensive archaeological assessment and survey. No archaeological site is identified within the area of the proposed new Lot 16 building envelope 'BI'. Two NZAA recorded sites, Q05-1300 and

Q05-335 are located to the north, within Lot 11's new proposed boundaries. The former is described as a 7m wide and 4m deep terrace (at its widest point), located within an area of naturally regenerating manuka scrub, and south of Q05-335. Q05-1300 has been quite precisely located as part of the Omarino archaeological survey as opposed to the more 'generically' located and maps archaeological sites previously identified, e.g. Q05-335.

This provides a degree of comfort / certainty that Q05-1300 is outside of the new Lot 16's boundaries, located to the north on the promontory overlooking the norther part of the beach identified as area AH on the scheme plan in Appendix 1. It will not be affected by the proposed new Lot 16's building envelope.

Q0-335 is a site identified in the 1970's and is described as a pit. It is described as being 'farmed over' with 'features obscured'. It is not located within proposed new Lot 16 and will not be affected by the proposed new Lot 16's building envelope.

A major feature within Omarino is the pa site within Lot 10 DP 391213. This is recorded as Q05/336 and is physically prominent when looking at Omarino from the sea and from inland vantage points. It is fully protected, as are the rights of access to it for local iwi.

The proposed new building envelope is positioned such that will not be visible from the top of the pa site.

Consultation with local iwi has been undertaken with no issues raised (refer to email in Appendix 6). Iwi provided the applicants with an archaeological map to assist in ensuring the avoidance of sensitive areas and have requested that Ngati Kuta whanau and hapu representatives have a monitoring role with vegetation removal and when any future Geotech work is done.

7.9 Boundary Adjustment Subdivision

This section only addresses potential effects not already covered earlier in this AEE:

7.9.1 Minimum area for vacant new lots and new lots which already accommodate structures

The adjusted lots remain large. The already approved building envelope to remain within Lot 11 is not affected and remains of a suitable size and shape to accommodate future residential development. Lot 18, to be slightly enlarged, remains of a suitable size and shape to accommodate shared facilities, including access. New proposed Lot 16 is over 4ha in area and is a suitable size and shape to accommodate future built development complying with permitted setback requirements.

7.9.2 Future Water Supply

Water supply and storage will be on-site, including sufficient and accessible fire fighting water supply.

7.9.3 Energy Supply (including transmission lines) and Telecommunications

No additional new lots are being created. The development site already has power. There are no transmission lines in the vicinity.

7.9.4 Easements for any Purpose

No new easements are proposed or required. All existing easements, including those in gross, will carry over as appropriate. Lot 16 DP 512589's approved building envelope will be cancelled, with a new approved building envelope proposed for new re-located Lot 16 – 'BI' on the scheme plan.

7.9.5 Property Access

The boundary adjustment subdivision makes no change to existing (consented) access.

7.9.6 Soil

The site consists of LUC class 6 soils (poor quality) and the subdivision is a boundary adjustment only, with nil impact on the life supporting capacity of soils.

7.9.7 Land Use Incompatibility

The Omarino development is a longstanding consented development. This proposal transfers development from one area to another with nil increase in the risk of reverse sensitivity effects arising. No additional development rights or lots will result from this proposal.

7.10 Precedent & Cumulative Effects

The precedent to make amendments to aspects of the Omarino Management Plan has already been set with other development proposals for other lots, both in terms of development within lots and boundary adjustments. The amendments in this instance do not set any adverse or negative precedent.

The proposal does not change the number of titles; does not change access; does not change the ability of the shared facilities lot to continue to accommodate those shared facilities; and does not alter the average lot size. In summary, I do not consider the proposal will create any adverse cumulative effect.

8.0 STATUTORY ASSESSMENT

8.1 Operative District Plan Objectives and Policies

Objectives and policies relevant to this proposal are predominantly those listed in Chapter 10 and in particular 10.6 General Coastal Zone. These are discussed below where particularly relevant to this proposal. Also of relevance are objectives and policies in Chapters 12.1, & 12.3 of the District Plan.

10.3 OBJECTIVES

10.3.1 To manage coastal areas in a manner that avoids adverse effects from subdivision, use and development. Where it is not practicable to avoid adverse effects from subdivision use or development, but it is appropriate for the development to proceed, adverse effects of subdivision use or development should be remedied or mitigated.

The development is on land subject to an existing management plan development consent. It transfers a development area from one part of the site to another. Requirements of the Management Plan will continue to ensure adverse effects are avoided, remedied or mitigated.

10.3.2 To preserve and, where appropriate in relation to other objectives, to restore, rehabilitate protect, or enhance: (a) the natural character of the coastline and coastal environment; (b) areas of significant indigenous vegetation and significant habitats of indigenous fauna; (c) outstanding landscapes and natural features; (d) the open space and amenity values of the coastal environment; (e) water quality and soil conservation (insofar as it is within the jurisdiction of the Council).

The proposed ecological off-set plantings will assist with enhancing and restoring the original natural character values of this stretch of coastline. The proposed relocation of a development area remains consistent with the original Management Plan's objectives and requirements.

10.3.3 To engage effectively with Maori to ensure that their relationship with their culture and traditions and taonga is identified, recognised, and provided for.

Local tangata whenua were heavily involved in the original Omarino subdivision and remain involved in any subsequent development.

10.3.4 To maintain and enhance public access to and along the coast whilst ensuring that such access does not adversely affect the natural and physical resources of the coastal environment, including Maori cultural values, and public health and safety; and

10.3.5 To secure future public access to and along the coast, lakes and rivers (including access for Maori) through the development process and specifically in accordance with the Esplanade Priority Areas mapped in the District Plan.

And Policy 10.4.4 That public access to and along the coast be provided, where it is compatible with the preservation of the natural character and amenity, cultural, heritage and spiritual values of the coastal environment, and avoids adverse effects in erosion prone areas

The application site has no public access esplanade reserve, neither is it required to.

10.4 POLICIES

10.4.1 That the Council only allows appropriate subdivision, use and development in the coastal environment. Appropriate subdivision, use and development is that where the activity generally: and

10.4.2 That sprawling or sporadic subdivision and development in the coastal environment be avoided through the consolidation of subdivision and development as far as practicable, within or adjoining built up areas, to the extent that this is consistent with the other objectives and policies of the Plan.

The original subdivision is already consented. This proposal does not increase the number of lots or level of development, and is appropriate for the site.

10.4.3 That the ecological values of significant coastal indigenous vegetation and significant habitats are maintained in any subdivision, use or development in the coastal environment.

The proposed ecological off-set plantings will assist with enhancing and restoring natural character values.

10.4.5 That access by tangata whenua to ancestral lands, sites of significance to Maori, maahinga mataitai, taiapure and kaimoana areas in the coastal marine area be provided for in the development and ongoing management of subdivision and land use proposals and in the development and administration of the rules of the Plan and by non-regulatory methods. Refer Chapter 2, and in particular Section 2.5, and Council's "Tangata Whenua Values and Perspectives (2004)".

This is provided for.

10.4.8 That development avoids, remedies or mitigates adverse effects on the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu and other taonga.

The proposal is to identify and clear an alternative development area as opposed to actual development. The site chosen is considered to enable the avoidance, remedy or mitigation of adverse effects. Iwi have been consulted.

10.4.9 That development avoids, where practicable, areas where natural hazards could adversely affect that development and/or could pose a risk to the health and safety of people.

Risk of hazard has been addressed in engineering reporting. The chosen site can be developed without exacerbating natural hazard.

10.4.11 To promote land use practices that minimise erosion and sediment run-off, and storm water and waste water from catchments that have the potential to enter the coastal marine area.

Sediment and erosion control measures in compliance with GD05 will be implemented when carrying out site works.

10.4.12 That the adverse effects of development on the natural character and amenity values of the coastal environment will be minimised through: (a) the siting of buildings relative to the skyline, ridges, headlands and natural features; (b) the number of buildings and intensity of development; (c) the colour and reflectivity of buildings; (d) the landscaping (including planting) of the site; (e) the location and design of vehicle access, manoeuvring and parking areas.

All of the above matters have been considered in the location of the proposed building envelope, and in the design guidelines that will be applied.

The objectives and policies applying to the General Coastal Zone are repetitive of those applying to the Coastal Environment, particularly to those parts of the coast that still display a degree of natural character. Consistent with my commentary under the Coastal Environmental Objectives and Policies above, I believe the proposal to be consistent with the General Coastal objectives and policies. Refer also to Section 6 of the LVEA supporting this application, which assesses the proposal against objectives in Chapter 10.6, and policies of particular relevant to landscape and natural character values. I concur with that assessment and have not repeated it here.

Also relevant, in regard to breaches of Part 3 (District Wide rules), are the following objectives and policies (relating to Chapters 12.1 (Outstanding Landscapes); and 12.3 (Soils and Minerals).

12.1.3 OBJECTIVES (Landscape and Natural Features)

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

12.1.3.3 To recognise and provide for the distinctiveness, natural diversity and complexity of landscapes as far as practicable including the complexity found locally within landscapes and the diversity of landscapes across the District.

12.1.3.4 To avoid adverse effects and to encourage positive effects resulting from land use, subdivision or development in outstanding landscapes and natural features and Maori cultural values associated with landscapes.

and

12.1.4 POLICIES

12.1.4.1 That both positive and adverse effects of development on outstanding natural features and landscapes be taken into account when assessing applications for resource consent.

12.1.4.2 That activities avoid, remedy or mitigate significant adverse effects on both the natural and the cultural values and elements which make up the distinctive character of outstanding natural features and landscapes.

12.1.4.3 That the cumulative effect of changes to the character of Outstanding Landscapes be taken into account in assessing applications for resource consent.

12.1.4.5 That the adverse visual effect of built development on outstanding landscapes and ridgelines be avoided, remedied or mitigated.

12.1.4.7 That the diversity of outstanding landscapes at a District-wide and local level be maintained and enhanced where practicable.

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

12.1.4.9 That the high value of indigenous vegetation to Outstanding Landscapes be taken into account when assessing applications for resource consents.

12.1.4.10 That landscape values be protected by encouraging development that takes in 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 reserve, 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) Maori 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.

The objectives and policies within this chapter of the District Plan were well canvassed when assessing and granting the original subdivision that created the application lot (and 17 others), and in determining appropriate building scale and location within those lots.

The Omarino Management Plan's Design & Landscape Guidelines aim to ensure that proposed buildings and related earthworks retain, conserve and enhance the character of Omarino. The proposal sees a 'ridgeline' building envelope removed and a 'coastal/bay' building envelope replacing it. The way the Management Plan is set out, design guidelines differ between the types of sites. The 'coastal/bays' guidelines already in place readily apply to the new proposed site, albeit the application contains some additional guidelines specifically appropriate for the site. The proposal remains generally consistent with the Management Plan and with the Design and Landscape Guidelines.

In regard to indigenous vegetation clearance within the outstanding landscape, the effects of this are more than off-set by proposed re-planting and enhancement planting. In summary, the proposal is considered consistent with the objectives and policies outlined above.

8.2 Proposed District Plan Objectives and Policies

The property has a Rural Production Zone under the Proposed District Plan (PDP) and has a Coastal Environmental Overlay. The objectives and policies applying to the RP Zone are of limited value or relevance when one considers that the sites were consented 15 years ago for coastal lifestyle development by way of a comprehensive management plan that effectively precludes the use of the site for rural production purposes.

In summary the proposal cannot be entirely consistent with the PDP's Rural Production Zone objectives and policies because the application site is not, and is not permitted to be, available for rural production use. Noting the inappropriateness of the zoning when compared to the only viable / allowable land uses on the site, I believe it is not a matter of being contrary to objectives and policies, but rather that those objectives and policies have no relevance to the proposal.

There is no highly productive land, and there are no productive land use activities and therefore no rural working environment. Site Suitability reporting indicates the future development of the site can occur without exacerbating natural hazards and the site can be serviced by on-site infrastructure. (Objectives O3 & O4).

There are no reverse sensitivity effects given the Omarino management plan subdivision does not support rural productive uses (P3). The site is not rural in character because of this. Coastal character predominates (P4).

Parts (a) through (c) of policy P5 are not relevant and it has been shown by supporting reports that the future development on the proposed site can occur without exacerbating natural hazards and that on-site infrastructure can be provided.

P6 is in regard to subdivision and seeks the avoidance of subdivision (fragmenting) highly productive land). This is not a consideration given (a) that there is no highly productive land; and (b) there is no rural production use in the first instance.

No consent is required under the PDP, so P7 is not relevant.

Of more relevance in assessing this proposal are objectives and policies in the PDP relevant to the coastal nature of the site.

Coastal Environment Objectives and Policies:

CE-O1 *The natural character of the coastal environment is identified and managed to ensure its long-term preservation and protection for current and future generations.*

CE-O2 *Land use and subdivision in the coastal environment:*

- a. *preserves the characteristics and qualities of the natural character of the coastal environment;*
- b. *is consistent with the surrounding land use;*
- c. *does not result in urban sprawl occurring outside of urban zones;*
- d. *promotes restoration and enhancement of the natural character of the coastal environment;*
and
- e. *recognises tangata whenua needs for ancestral use of whenua Māori.*

Supporting reports and the AEE in this planning report show that the proposal to relocate a 'lot' and its building envelope, will have less than minor effects on natural character values. It will maintain the characteristics and qualities of the coastal environment in this location. It is consistent with the surrounding land use and does not represent urban sprawl. Natural character values and tangata whenua needs continue to be maintained through the Management Plan applying to the site.

Only some policies applying to the coastal environment have relevance to the application site and proposal. Policy CE-P1 is not relevant to a specific development within a specific site. Policy CE-P5 applies to urban zones, which the application site is not. Policy CE-P6 relates to enabling farming activities and for the reasons outlined earlier, is not considered a

relevant policy to this development. Policy CE-P7 refers to Maori Purpose and Treaty Settlement land only and is not relevant to this proposed development.

CE-P2 Avoid adverse effects of land use and subdivision on the characteristics and qualities of the coastal environment identified as:

- a. outstanding natural character;
- b. ONL;
- c. ONF.

The proposed alternative building envelope has been chosen in order that will not adversely affect the characteristics of outstanding landscape or character areas.

CE-P4 Preserve the visual qualities, character and integrity of the coastal environment by:

- a. consolidating land use and subdivision around existing urban centres and rural settlements;
and
- b. avoiding sprawl or sporadic patterns of development.

Not overly relevant given the proposal is not within an existing urban centre, or adjacent to one. It is, however, within an existing consented subdivision area.

CE-P8 Encourage the restoration and enhancement of the natural character of the coastal environment.

The ongoing maintenance and enhancement of natural character is an ongoing objective of the Management Plan that the site is part of.

Policy CE-P9 is not relevant as nothing proposed is a 'prohibited' activity – which is the only thing this policy addresses.

In summary I believe the proposed development to be consistent with the PDP's coastal environment objectives and policies where these are relevant.

The proposed new development area is within outstanding landscape.

NFL-O1

ONL and ONF are identified and managed to ensure their long-term protection for current and future generations.

NFL-O2

Land use and subdivision in ONL and ONF is consistent with and does not compromise the characteristics and qualities of that landscape or feature.

NFL-O3

The ancestral relationships Tangata Whenua has with the land is recognised and provided for as a part of the characteristics and qualities of ONL and ONF.

The original Omarino management plan was designed around the long term protection of outstanding landscape values. This proposal is consistent with that objective. It will not compromise and characteristics and qualities of the outstanding landscape. Iwi have been

involved in the original management plan subdivision and any subsequent development thereafter.

NFL-P2

Avoid adverse effects of land use and subdivision on the characteristics and qualities of ONL and ONF within the coastal environment.

NFL-P6

Encourage the restoration and enhancement of ONL and ONF where it is consistent with the characteristics and qualities.

Adverse effects will be avoided. The proposed off-set planting will assist with the restoration and enhancement of outstanding landscape values.

Indigenous Biodiversity

The proposal includes the clearance of a limited amount of indigenous vegetation, of generally low significance. Mitigation of effects is proposed through off-set planting that will result in a net gain in both quantity and quality of indigenous habitat. This approach is consistent with the objectives and policies in the PDP in regard to IB (Indigenous Biodiversity). The existing consent notice requirements in regard to maintaining vegetated areas and control on the keeping of cats and dogs, is also consistent with those objectives and policies. The Ecological Impact attached in Appendix 4 contains an assessment of the proposal against relevant objectives and policies of the PDP relating to Indigenous Biodiversity. I concur with that assessment and do not repeat it here.

An assessment of the boundary adjustment aspect against relevant objectives and policies in the PDP's subdivision chapter follows:

SUB-O1

Subdivision results in the efficient use of land, which:

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

I believe that the proposed boundary adjustment will achieve the efficient use of land and contribute to local character. I do not foresee reverse sensitivity becoming an issue and the proposal will not prevent the continued use of adjacent land for its current purpose. Risk from natural hazards is not increased and adverse effects can be adequately managed.

SUB-O2

Subdivision provides for the:

- a. Protection of highly productive land; and*

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

The site contains no highly productive land. The development site contains Outstanding Natural Landscape, the values of which will be maintained. It is also mapped as an area of High Natural Character and again these values will be maintained. There is no 'significant natural area' within the site, nor any site or area of significance to Maori or archaeological site.

SUB-O3

Infrastructure is planned to service the proposed subdivision and development where:

- a. *there is existing infrastructure connection, infrastructure should provided in an integrated, efficient, coordinated and future-proofed manner at the time of subdivision; and*
- b. *where no existing connection is available infrastructure should be planned and consideration be given to connections with the wider infrastructure network.*

On-site infrastructure can be utilised for future development's wastewater, stormwater and potable water supply.

SUB-O4

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

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

The proposal involves no public open spaces, and no esplanade areas. Neither is it required to.

SUB-P1

Enable boundary adjustments that:

- a. *do not alter:*
 - i. *the degree of non compliance with District Plan rules and standards;*
 - ii. *the number and location of any access; and*
 - iii. *the number of certificates of title; and*
- b. *are in accordance with the minimum lot sizes of the zone and comply with access, infrastructure and esplanade provisions.*

The proposal does not alter the degree of non compliance with District Plan rules and standards; does not change access; and does not increase the number of titles. It is compliant with access, infrastructure and esplanade provisions. The lots are part of a consented management plan and as such minimum lot sizes as contained in the PDP, are not relevant, especially given that the average lot size across the management plan area does not change.

SUB-P2

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

Not applicable.

SUB-P3

Provide for subdivision where it results in allotments that:

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

The subdivision is a boundary adjustment only, not altering the average lot size provided for under the ODP's Management Plan provisions. The adjusted lots (11 and 16) remain of an appropriate size and shape to contain a building platform and both have legal and physical access.

SUB-P4

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

The proposal can be managed in a way that is consistent with the PDP's natural environment values, historical and cultural values, and hazards and risks.

SUB-P5

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

Not applicable.

SUB-P6

Require infrastructure to be provided in an integrated and comprehensive manner by:

- a. demonstrating that the subdivision will be appropriately serviced and integrated with existing and planned infrastructure if available; and
- b. ensuring that the infrastructure is provided is in accordance the purpose, characteristics and qualities of the zone.

No new infrastructure is required.

SUB- P7

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

Not applicable.

SUB-P8

Avoid rural lifestyle subdivision in the Rural Production zone unless the subdivision:

- a. will protect a qualifying SNA in perpetuity and result in the SNA being added to the District Plan SNA schedule; and
- b. will not result in the loss of versatile soils for primary production activities.

N/A. Boundary adjustment only.

SUB-P9

Avoid subdivision rural lifestyle subdivision in the Rural Production zone and Rural residential subdivision

in the Rural Lifestyle zone unless the development achieves the environmental outcomes required in the management plan subdivision rule.

The lots were created pursuant to a management plan subdivision, assessed under the ODP. A host of environmental benefit outcomes have been achieved. This is a boundary adjustment only.

SUB-P10

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

Not applicable. We are not subdividing off minor residential units.

SUB-P11

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

- a. consistency with the scale, density, design and character of the environment and purpose of the zone;
- b. the location, scale and design of buildings and structures;
- c. the adequacy and capacity of available or programmed development infrastructure to accommodate the proposed activity; or the capacity of the site to cater for on-site infrastructure associated with the proposed activity;
- d. managing natural hazards;
- e. Any adverse effects on areas with historic heritage and cultural values, natural features and landscapes, natural character or indigenous biodiversity values; and
- f. any historical, spiritual, or cultural association held by tangata whenua, with regard to the matters set out in Policy TW-P6.

The proposal does not require consent under the PDP so the above policy is of limited relevance. Notwithstanding this, relevant matters in SUB-P11 have been considered.

8.3 Part 2 Matters

5 Purpose

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

The proposal is considered to provide for the sustainable management of natural and physical resources.

6 Matters of national importance

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

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

I consider the proposal to be an appropriate level of development for a site of this nature in the coastal environment. The proposal, which is not additional, but an alternative instead, will preserve the natural character values of the coastal environment. Outstanding Landscape values will not be adversely affected in a minor or more than minor way. Whilst there is some indigenous vegetation clearance proposed, the vegetation is for the most part of low significance and adverse effects will be more than off-set by proposed replanting. There is no requirement for public access and the proposal has had regard to the relationship of Maori with their ancestral lands, water and sites. There are no significant risks from natural hazards associated with the development

7 Other matters

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

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

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

The overall and ongoing Omarino development is subject to ongoing consultation with local tangata whenua. The proposed development will ensure the ongoing maintenance and enhancement of amenity values and the overall quality of the environment, and respects the intrinsic values of ecosystems.

8 Treaty of Waitangi

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

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

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

8.4 NZ Coastal Policy Statement

Refer to section 6.4 of the LVEA. The NZ Coastal Policy Statement (NZCPS) has relevance to this proposal due to the property's location. The objectives and policies considered relevant to the proposal are discussed in the LVEA. Overall, the development will result in an acceptable level of change to the site, and this change will result in less than minor potential adverse effects upon the natural character of this site and surrounding coastal marine area. The development is in accord with the relevant landscape objectives and policies of the NZCPS.

8.5 Other National Policy Statements and Environmental Standards

The Ecological Impact Assessment confirms the limited indigenous vegetation clearance proposed, and subsequent off-set replanting, is consistent with the NPS Indigenous Biodiversity. There are no wetlands or waterbodies affected by the proposal or for which consent is required pursuant to any NES. There is no highly productive land and no land identified as ever having supported a HAIL activity.

I have not identified any relevant national policy statement or environmental standard.

8.6 Regional Policy Statement for Northland

Refer to section 6.5 of the LVEA. This assesses the proposal in terms of Objective 3.14 and Policy 4.6.1. I will not repeat that assessment other than to summarise that the integrity of the natural character of the coastal environment will not be adversely affected; and biodiversity values will be enhanced.

The site's heritage and cultural values were explored and assessed as part of the original Omarino (previously Bentzen Farms) subdivision. I believe the proposal to be consistent with any relevant objectives and policies in the Regional Policy Statement relating to these matters. No archaeological sites have been identified within or near the area of proposed development.

The site was part of the modified land use known as Bentzen Farms, the hub of which (homestead and woolshed) was at Waipiro Bay. Since the Omarino Management Plan subdivision was consented there has been substantial efforts made to re-establish and enhance indigenous vegetation growth over the Omarino development site. In addition, there is an ongoing requirement to manage and control plant and animal pests. This is consistent with objectives and policies in the Regional Policy Statement related to the enhancement of areas of indigenous vegetation.

None of the land in the application site is considered to contain "highly versatile soils" and productive potential is low in this regard. In any event, the Management Plan and Consent Notice requirements preclude use of the site for productive purposes.

8.7 Proposed Regional Plan (Appeals Version)

No consent is required pursuant to the Regional Plan.

9.0 s95A-E ASSESSMENT

9.1 S95A Public Notification Assessment

A consent authority must follow the steps set out in s95A to determine whether to publicly notify an application for a resource consent. Step 1 specifies when public notification is mandatory in certain circumstances. No such circumstances exist. Step 2 of s95A specifies the circumstances that preclude public notification. No such circumstance exists and Step 3 of s95A must be considered. This specifies that public notification is required in certain circumstances. The application is not subject to a rule or national environmental standard that requires public notification. This report and AEE concludes that the activity will not have, nor is it likely to have, adverse effects on the environment that are more than minor. In summary public notification is not required pursuant to Step 3 of s95A.

9.2 S95B Limited Notification Assessment

A consent authority must follow the steps set out in s95B to determine whether to give limited notification of an application for a resource consent, if the application is not publicly notified pursuant to s95A. Step 1 identifies certain affected groups and affected persons that must be notified. None exist in this instance. Step 2 of s95B specifies the circumstances that preclude limited notification. No such circumstance exists and Step 3 of s95B must be considered. This specifies that certain other affected persons must be notified. The application is not for a boundary activity (by definition in the Act). The s95E assessment below concludes that there

are no affected persons to be notified. There is no requirement to limited notify the application pursuant to Step 3.

9.3 S95D Level of Adverse Effects

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

9.4 S95E Affected Persons

A person is an 'affected person' if the consent authority decides that the activity's adverse effects on the person are minor or more than minor (but are not less than minor). A person is not an affected person if they have provided written approval for the proposed activity. No written approvals have been sought in this instance. Consultation has been undertaken with local iwi as is always the case when carrying out any development within the Omarino development – refer to Appendix 6.

The proposal is not for any additional development rights or titles. It does not affect the average lot size of titles created by the original management plan. The proposal re-locates a 'lot' and its development area. The site chosen does not contain any archaeological site. Future development will continue to adhere to design guidelines and be consistent with the Management Plan's objectives and requirements. The site is not adjacent to any land administered by the Department of Conservation and there will be a net gain in terms of both quantity and quality of indigenous vegetation habitat. I do not believe that pre lodgement consultation is required with Heritage NZ, or Department of Conservation.

10.0 CONCLUSION

The site is considered suitable for the proposed development, and effects on the wider environment are less than minor. The proposal is consistent with the relevant objectives and policies of the Operative and Proposed District Plans, the NZ Coastal Policy Statement, and the Regional Policy Statement, as well as Part 2 of the Resource Management Act.

There is no District Plan rule or national environmental standard that requires the proposal to be publicly notified and no persons have been identified as adversely affected by the proposal. No special circumstances have been identified that would suggest notification is required.

It is therefore requested that the Council grant approval to all components of this application, on a non notified basis, subject to appropriate conditions.



Lynley Newport
Senior Planner
Thomson Survey Ltd

Date 8th September 2025

11.0 APPENDICES

Appendix 1	Scheme Plan(s)
Appendix 2	Location Map
Appendix 3	Landscape & Visual Effects Assessment
Appendix 4	Ecological Impact Assessment
Appendix 5	Site Suitability Report
Appendix 6	Record of Consultation
Appendix 7	Records of Title and Relevant Instruments

Appendix 1

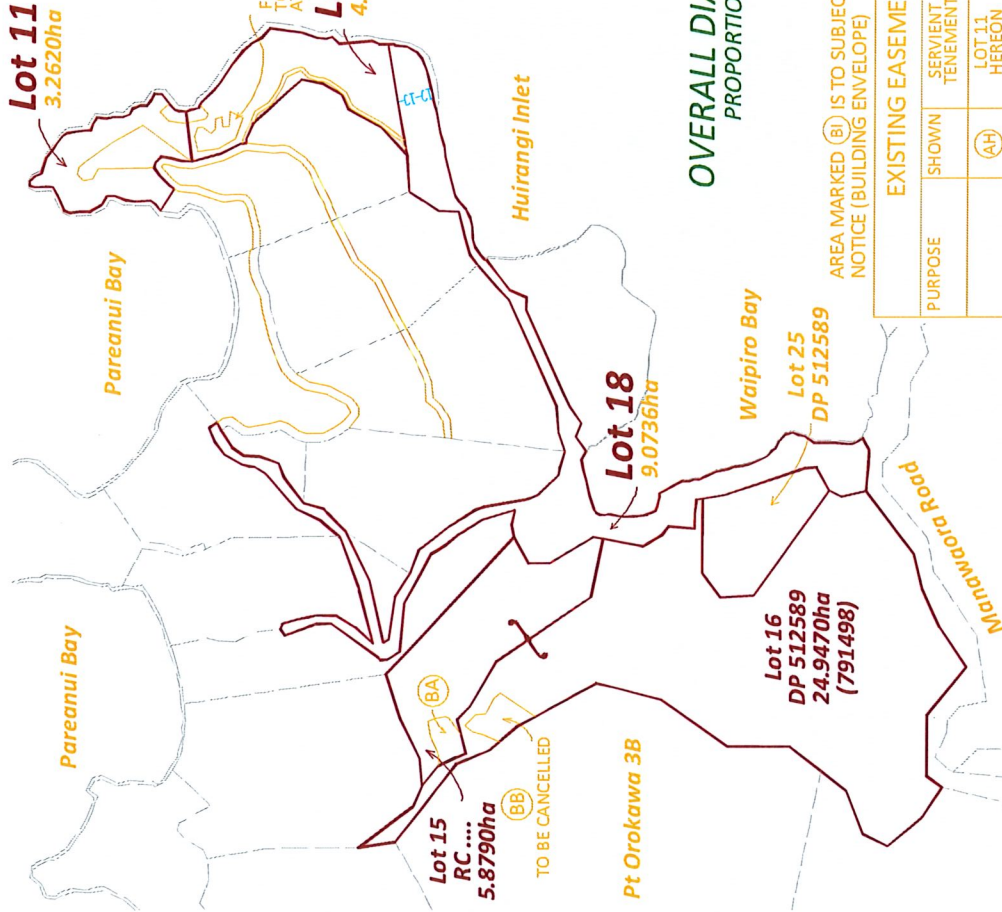
Scheme Plan(s)

EXISTING EASEMENTS IN GROSS			
PURPOSE	SHOWN	SERVIENT TENEMENT	CREATED BY
PUBLIC ACCESS	(AH)	LOT 11 HEREON	7907807.6
	(AI)	LOT 16 HEREON	
INSPECTION & MAINTENANCE WORK RIGHT	(AG)	LOTS 11 & 16 HEREON EXCLUDING	7907807.12

(BI)
FINAL DIMENSIONS
TO BE DETERMINED
AT TIME OF SURVEY

Lot 16
4.1450ha

Lot 11
3.2620ha



OVERALL DIAGRAM PROPORTIONAL

AREA MARKED (BI) IS TO BE SUBJECT TO A CONSENT
NOTICE (BUILDING ENVELOPE)

EXISTING EASEMENTS			
PURPOSE	SHOWN	SERVIENT TENEMENT	CREATED BY
WALKING & RIDING RIGHTS	(AH)	LOT 11 HEREON	7907807.8
	(AI)	LOT 16 HEREON	
	(AX)	LOT 16 HEREON	

AREAS MARKED (BA) IS SUBJECT TO EXISTING CONSENT
NOTICE CREATED BY 7908707.2 (BUILDING ENVELOPE)
AREA (BB) AS IT AFFECTS LOT 16 DP 512589 TO BE CANCELLED

Local Authority: Far North District Council
Comprised in: 371331, 791498 & 440867
Total Area: 41.2960ha
Zoning: General Coastal
Resource features: Outstanding Landscape

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TOPOGRAPHICAL DETAIL IS APPROXIMATE ONLY AND SCALED
FROM AERIAL PHOTOGRAPHY

AMALGAMATION CONDITION:
LOT 16 DP 512589 & LOT 15 RC ...
ARE TO BE HELD IN THE
SAME CERTIFICATE OF TITLE.



This plan and accompanying report(s) have been prepared for the purpose of
obtaining a Resource Consent only and for no other purpose. Use of this plan
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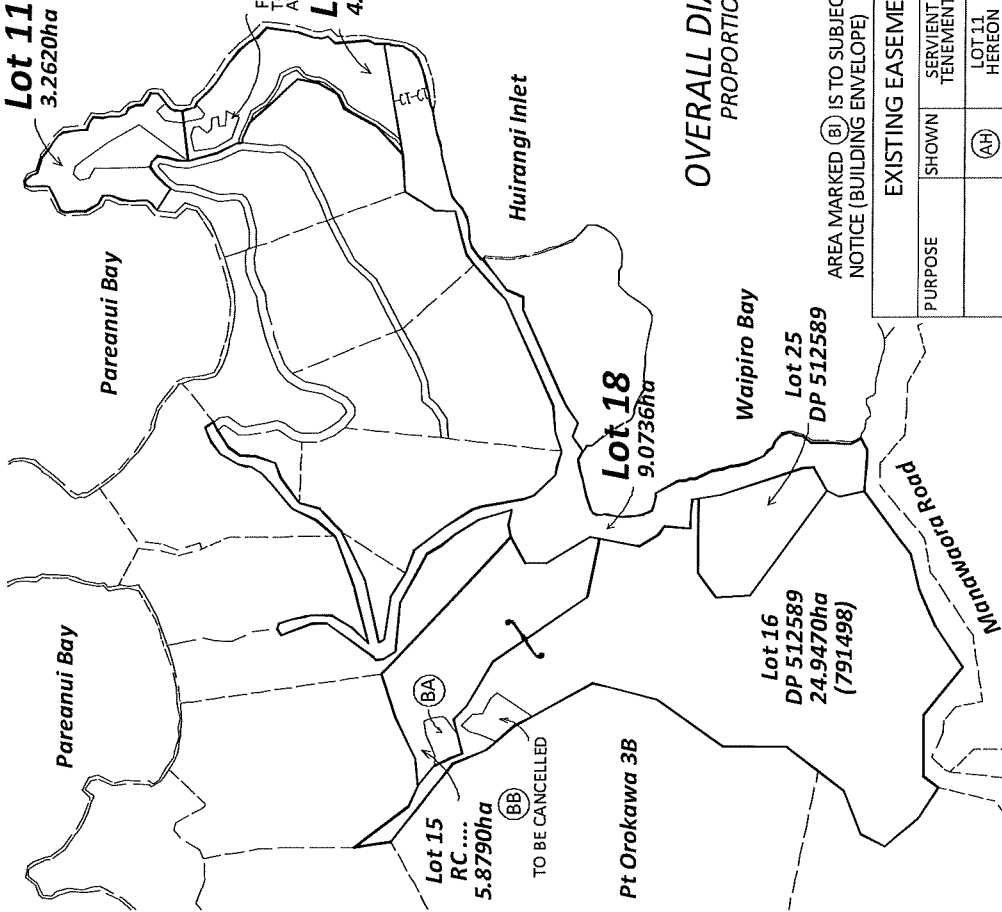


EXISTING EASEMENTS IN GROSS			
PURPOSE	SHOWN	SERVIENT TENEMENT	CREATED BY
PUBLIC ACCESS	(AH)	LOT 11 HEREON	7907807.6
INSPECTION & MAINTENANCE EXCLUDING WORK RIGHT	(AI)	LOT 16 HEREON	7907807.12
	(AG)	LOTS 11 & 16 HEREON	7907807.12

(BI)
FINAL DIMENSIONS
TO BE DETERMINED
AT TIME OF SURVEY

Lot 16
4.1450ha

Lot 11
3.2620ha



OVERALL DIAGRAM
PROPORTIONAL

AREA MARKED (BI) IS TO BE SUBJECT TO A CONSENT NOTICE (BUILDING ENVELOPE)

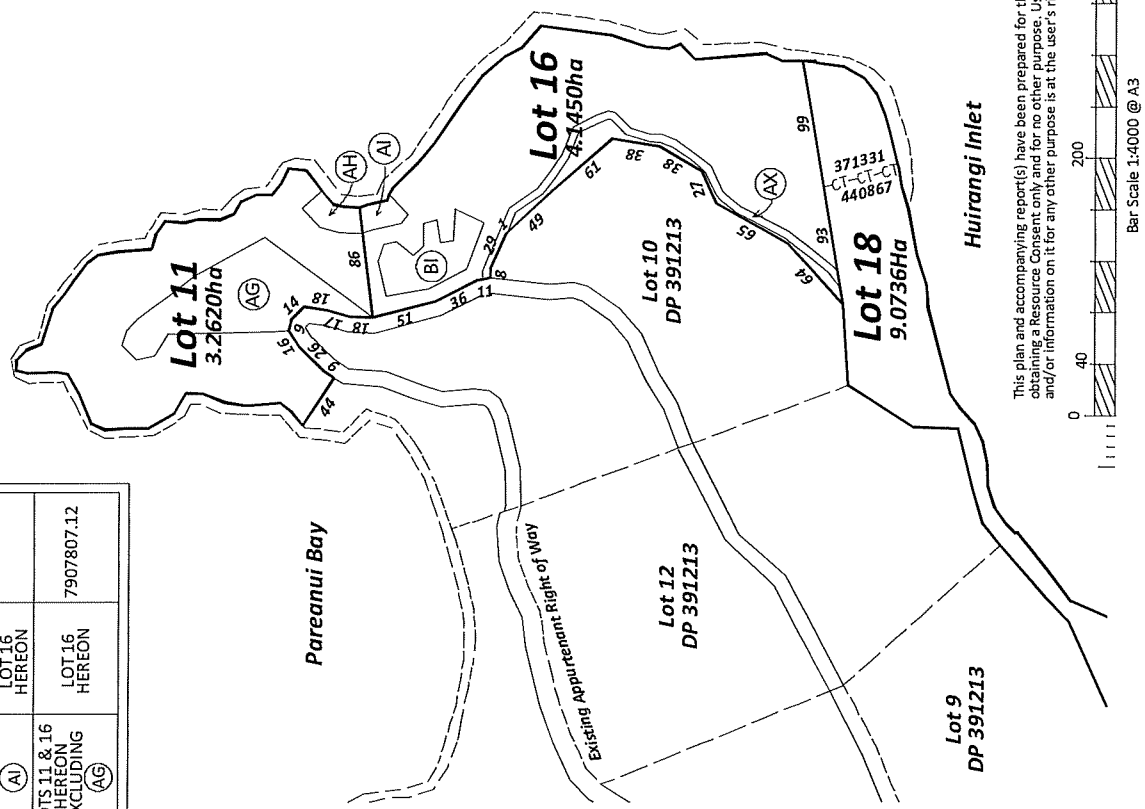
EXISTING EASEMENTS			
PURPOSE	SHOWN	SERVIENT TENEMENT	CREATED BY
WALKING & RIDING RIGHTS	(AH)	LOT 11 HEREON	7907807.8
	(AI)	LOT 16 HEREON	
	(AX)	LOT 16 HEREON	

AREAS MARKED (BA) IS SUBJECT TO EXISTING CONSENT NOTICE CREATED BY 7908707.2 (BUILDING ENVELOPE) AREA (BB) AS IT AFFECTS LOT 16 DP 512589 TO BE CANCELLED

Local Authority: Far North District Council
Comprised in: 371331, 791498 & 440867
Total Area: 41.2960ha
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Resource features: Outstanding Landscape

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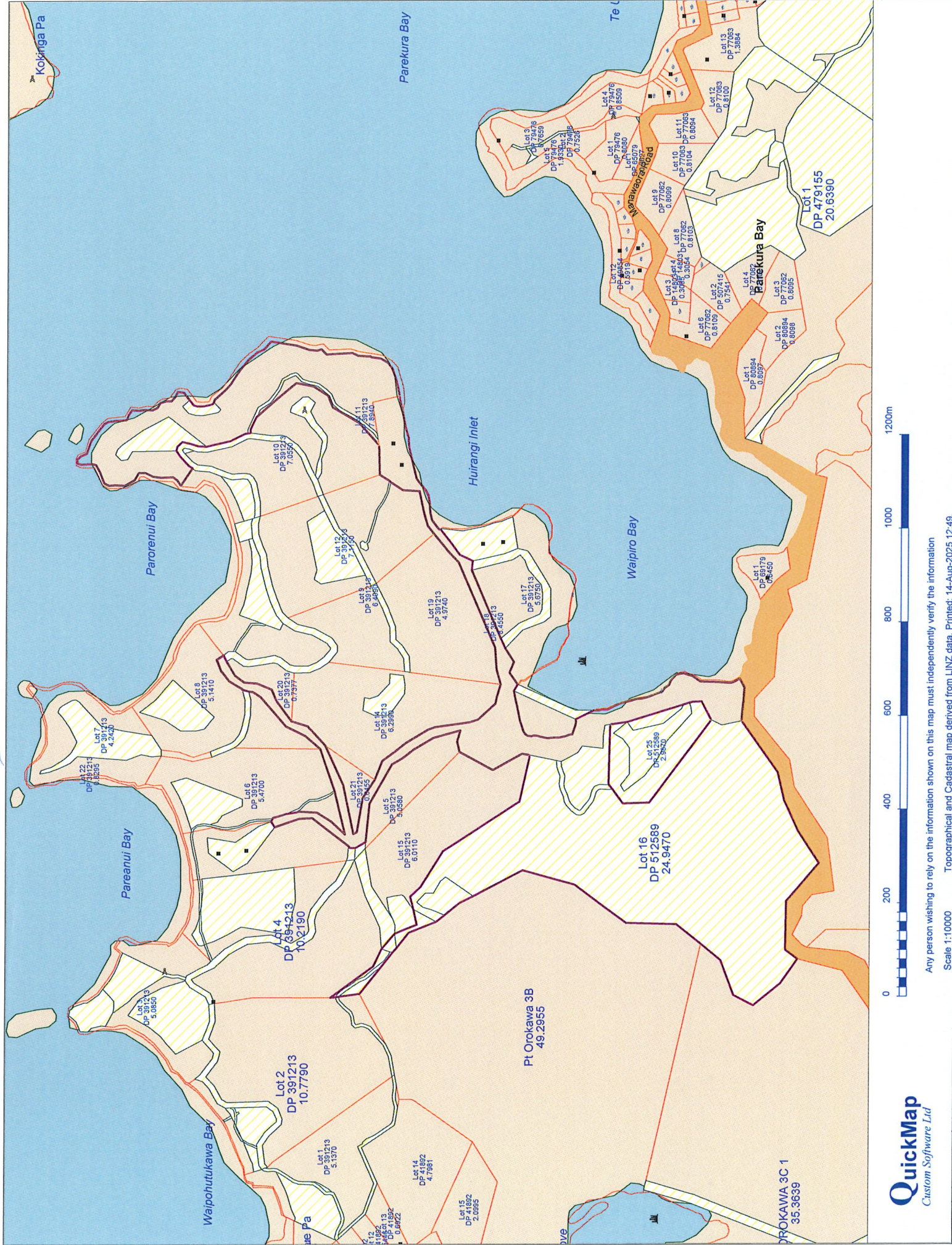
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Appendix 2

Location Map



Appendix 3

Landscape & Visual Effects Assessment



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Landscape and Visual Effects Assessment

*Proposed Relocation of Lot 16 & Replacement
Building Envelope*

Omarino, Manawaora Road, Russell



Prepared For: Bentzen Farms Ltd

Prepared By: Christine Hawthorn BLA Hons

Date: 14th August 2025



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- Appendix 2 – Development Plans
- Appendix 3 – On Site Photographs
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- Appendix 5 – Landscape & Ecological Overlay Plan
- Appendix 6 – Site Vegetation Removal and Retention Plan
- Appendix 7 – Historical Vegetation Patterns
- Appendix 8 – Aerial Views of Site
- Appendix 9 – Bossley Architects Design Example



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1. INTRODUCTION

Hawthorn Landscape Architects Ltd have been engaged by Bentzen Farms Ltd (applicant) to undertake a landscape and visual impact assessment of the proposal to relocate Lot 16 from its current inland "Ridge" site (adjacent to Lot 15) within the Omarino Management Plan (OMP) subdivision to a "Coastal/Bays" site located along the eastern flanks of the headland that separates Parorenu Bay from Parekura Bay. This land is currently part of Lot 11.

The proposed development will relocate Lot 16 and will identify a replacement building envelope within the relocated lot. This will require consent for a boundary adjustment subdivision involving Lots 11, 16 and 18.

The proposal also includes some minor changes to Lot 18 (shared facilities lot) at the southern end of the proposed new location of Lot 16. No additional titles will be created, and no additional development rights will be provided for. The average lot size within the Omarino subdivision will remain the same.

The current Lot 16 land will be amalgamated with land in Lot 15 and the approved building site within Lot 16 deleted so that there is only one building site (Lot 15) located along that elevated "Ridge" site.

In addition, as the Lot 16 building envelope is to be relocated consent will also be required for a change to the Consent Notice applying to the Omarino Management Plan subdivision. As there will be vegetation clearance associated with the proposed building envelope a land use consent will be required for this aspect. The activity will require consent as a discretionary activity.

A summary comparison of the existing and proposed Lot 16 site is as follow:

Current Lot 16 site -

- Located in the General Coastal zone and has an Outstanding Landscape overlay (OFNDP)
- Located in the Rural Production zone, Coastal Environment overlay (PFNDP)
- Is located within the Coastal Environment (RPS)
- Building envelope is situated between the 100-120m contour intervals
- Located on a "Ridge" site with a building height restriction of 4.5m maximum rolling height above existing ground level and not to extend above the 118m contour interval,
- Building site is currently covered in vegetation.

Proposed Lot 16 –

- Located in the General Coastal zone and has an Outstanding Landscape overlay (OFNDP)
- Located in the Rural Production zone with a Coastal Environment overlay, has a High Natural Character and Outstanding Natural Landscape overlay (PFNDP)
- Is located within the Coastal Environment, and has Outstanding Natural Landscape and High Natural Character overlays (RPS)



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- Building envelope is situated generally between the 20-38m contour intervals (subject to final topographical survey),
- Located on a "Coastal/Bay" site which have a building height restriction of 5m rolling height above existing ground level. In addition it is proposed not to extend above the 40m contour interval (this is the spur ridge crest – still subject to final topographical survey),
- Building site is currently covered in vegetation.

The purpose of this report is to identify and assess the potential impact of the proposal upon the landscape, visual amenity and natural character values of the site and surrounding coastal environment. In addition, the report will determine if the proposal is in accord with the provision of the Omarino Management Plan and Consent Notice.

This Landscape and Visual Impact Assessment forms part of a full Assessment of Environmental Effects (AEE) prepared by Lynley Newport from Thomson Survey Ltd.

2. METHODOLOGY

The following methodology was used in the preparation of this landscape and visual effects assessment.

- Desktop review of the relevant statutory documents (Regional and District Plan text and mapping);
- Site visits, and filed survey of the local area;
- Identification of the visual catchment and viewing audiences;
- Description of the site and existing landscape character, visual/aesthetic quality and amenity values of the surrounding environment;
- Identification and description of the nature of the proposed development;
- Assessment of anticipated character, landscape and visual effects;
- Ranking of landscape and visual effects;
- Review of the relevant planning documentation and reports

This assessment has been prepared by a qualified Landscape Architect and in accordance with the NZILA (New Zealand Institute of Landscape Architects) Code of Conduct and with reference to the Quality Planning Guidelines Note¹.

To determine the overall nature and significance of the landscape and visual effects, an understanding of the sensitivity of the landscape and viewing audience has been combined with an assessment of the magnitude of the change resulting from the proposal in order to determine the overall significance of effects.

3.0 THE SITE AND ITS LANDSCAPE CONTEXT

3.1 Location

The property is accessed at 285 Manawaora Road, through the gated development 'Omarino' at Parekura Bay in the eastern Bay of Islands. The property is located approximately 23km to the east of Russell and 3km to the west of Rawhiti.

¹ <http://qualityplanning.org.nz/index.php/planning-tools/land/landscape>



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The development site is located along the eastern flanks of the headland that separates Parorenu Bay from Waipiro and Parekura Bays. It is part of the small headland that forms the western entrance into Parekura Bay, with Kokinga Point forming the eastern headland.

The proposed Lot 16 land is currently part of the existing Lot 11 site. The boundary adjustment and relocation of the Lot 16 building site will not affect the existing building site on Lot 11 which is located on a "Headland" site. The proposed new building site on Lot 16 will be located off the crest of the headland overlooking a small bay, so will be deemed a "Coastal/Bays" site as defined in the OMP. Refer to **Appendix 1** – Location and Viewpoint Location Map, and **Appendix 2** – Development Plans.

3.2 Application Site and Neighbourhood Character

The application site is part of the Omarino property which is a 141-hectare site located at 285 Manawaora Road, Russell. It is a coastal property incorporating five bays and inlets with views into Parekura Bay and the eastern Bay of Islands as shown in **Figure 1**.

The Omarino property occupies land forming the western mouth of Parekura Bay including the western shore of Waipiro Bay, Huirangi Inlet, Parorenu Bay, Pareanu Bay, Te Korowhili Rock and Waipohutukawa Bay at the western extent.



Figure 1: Aerial view of the Omarino development

The Omarino development is a premium residential coastal subdivision containing 17 house sites. These sites have been selected to ensure that all owners have privacy and can enjoy the natural beauty of the site and connection with the coastal environment. There are designated building envelopes and curtilage areas on each of the 17 titles.



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The northern coastline of the site, in line with the character of much of the southern coastline of the Bay of Islands, comprises rocky headlands interspersed with small bays and sandy beaches. Distinct headlands form the three named bays on the northern coastline of the property.

The topography of the site is of a steeply undulating ridge, gully and basin landscape. A dominant east-west aligned ridgeline runs parallel to the northern coastline, with steep slopes to the north of this ridgeline having an exposed coastal aspect across the Bay of Islands, and land to the south having a more sheltered aspect onto Waipiro and Parekura Bay to the east. Several secondary ridges also delineate catchments or basins within the site.

Excluding the revegetation established over the last 18 years or so, the more mature indigenous vegetation within Omarino is mostly located along the coastline, in the form of pohutukawa fringed headlands and coastal slopes supporting indigenous shrubland. This is illustrated in **Figure 2** which shows the vegetation cover on the property in 2005.

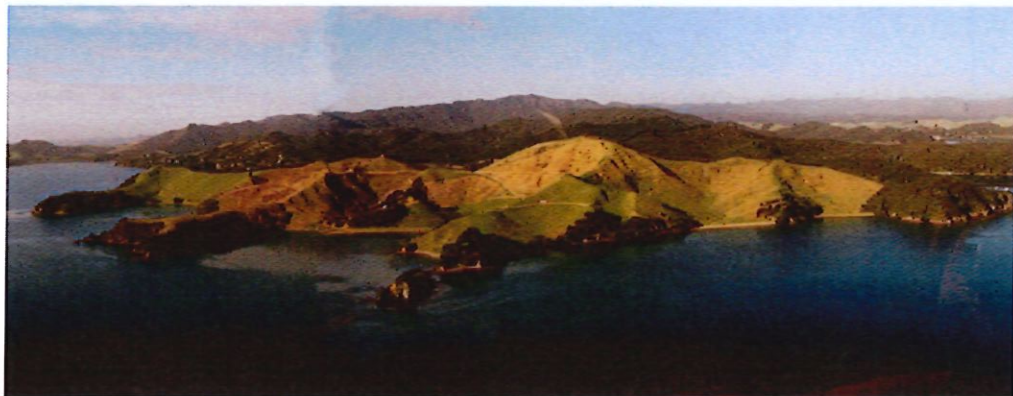


Figure 2: Aerial view of the property in 2005

The revegetation of the Omarino subdivision was undertaken originally from 2003 - 2007 following the Omarino Management Plan, the revegetation is subject to bush protection covenants. The wider Omarino development revegetation has created an expanse of cover that is contiguous with the Russell Forest PNA Q05/003 (Booth 2005).

The current Lot 16 and buildable area (labeled BB) encompasses a steep slope and head of a gully as shown in **Figure 3**. This existing buildable area on existing Lot 16 is located close to the building envelope (Area BA) on Lot 15 along the ridgeline. Vegetation clearance and development is allowable within these areas on these lots (Areas BA and BB – Refer to Appendix 2 – Development Plans).

Due to their very close proximity to each other future built development upon the building sites on Lots 15 and 16 will likely be viewed as one extended dwelling site. The maximum building height on the current Lot 16 building envelope is 4.5m above the rolling ground level. This would allow for a stepped dwelling, as shown in the cross section for Lot 16 in the OMP.

This method of height restriction allows for built form to step down the hill slope providing it does not exceed 4.5m rolling limit. Due to the steepness of the slope, this



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enables one level to be set above the next if they are dug into the ground. This can result in a built façade well over 4.5m in elevation.

From a landscape and visual effects perspective there are benefits in removing the existing building site on Lot 16 (BB) which is located on this 'ridge site' adjacent to the Lot 15 building site.

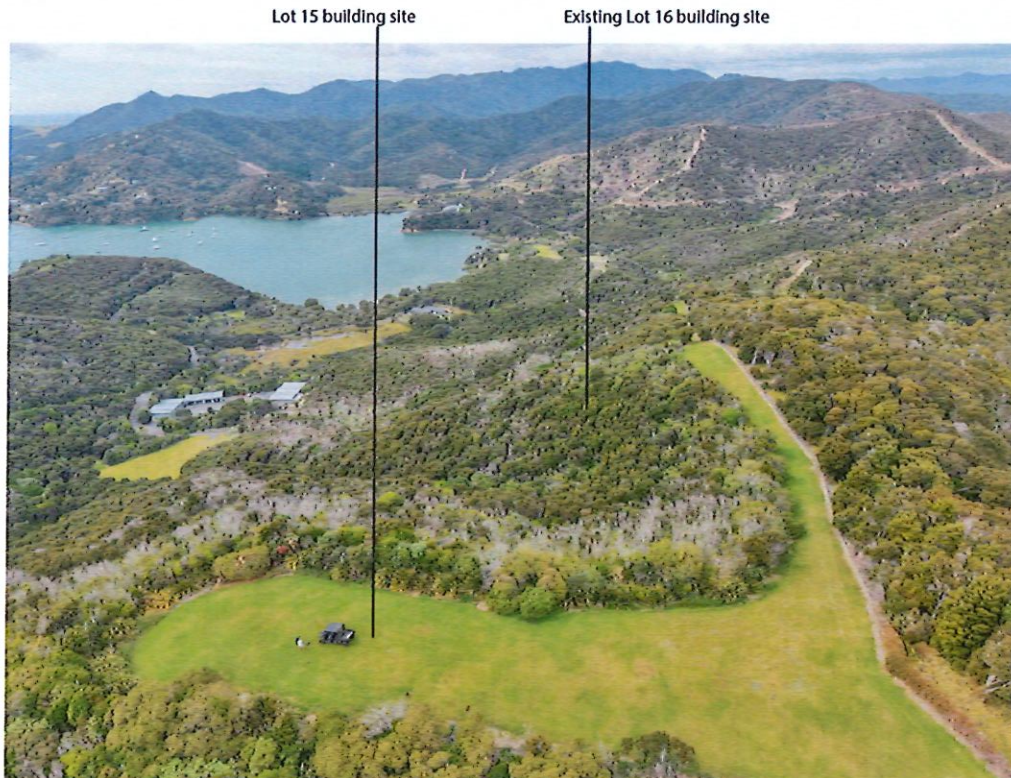


Figure 3: View of the close proximity between the building sites on Lot 15 and current Lot 16. With the allowable vegetation clearance around the building envelope, these two sites will be viewed contiguously.

The vegetation pattern found on the site proposed for the new Lot 16 is described in the Ecological Assessment prepared by Bay Ecological Consultancy Ltd. The past vegetation patterns on the proposed site are illustrated in **Appendix 7 – Historical Vegetation Patterns**, which show a scattered pattern of vegetation in 1951 and areas of pasture. Pohutukawa trees are present along the coastal edge. At least two thirds of the proposed building envelope on proposed Lot 16 is in pasture.

By 1981 the density of the areas of vegetation has consolidated, with a more defined cover, this area is mapped as ASI Kanuka with native shrubs totara. Over half of the building envelope is still in pasture.

The proposed lot is currently fully vegetated with native flora as the pasture areas were revegetated during the OMP revegetation project in the mid 2000's. It is within these areas that the vegetation is patchy and sparse with a grass understory, as shown in **Figure 4**.



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This is principally due to an issue identified with the revegetation plantings across the property. The ecological assessment noted that the Manuka revegetation areas onsite and across Omarino are suffering mass mortality from a combination of adverse abiotic conditions on a potentially unsuitable genetic ecotype. Refer to **Figure 5**.

Also refer to the On-Site Photographs contained in **Appendix 3**, and Off-Site Viewpoints within **Appendix 4**, and Aerial Views of the Site contained in **Appendix 8** which depict the current site conditions.



Figure 4: Open grassy areas within proposed Lot 16 building site



Figure 5: Manuka vegetation dieback on proposed Lot 16

The location within Omarino, and the relationship between the existing building sites on the existing Lot 15 and Lot 16, and the proposed location of the relocated Lot 16 building site is shown in **Figure 6**.



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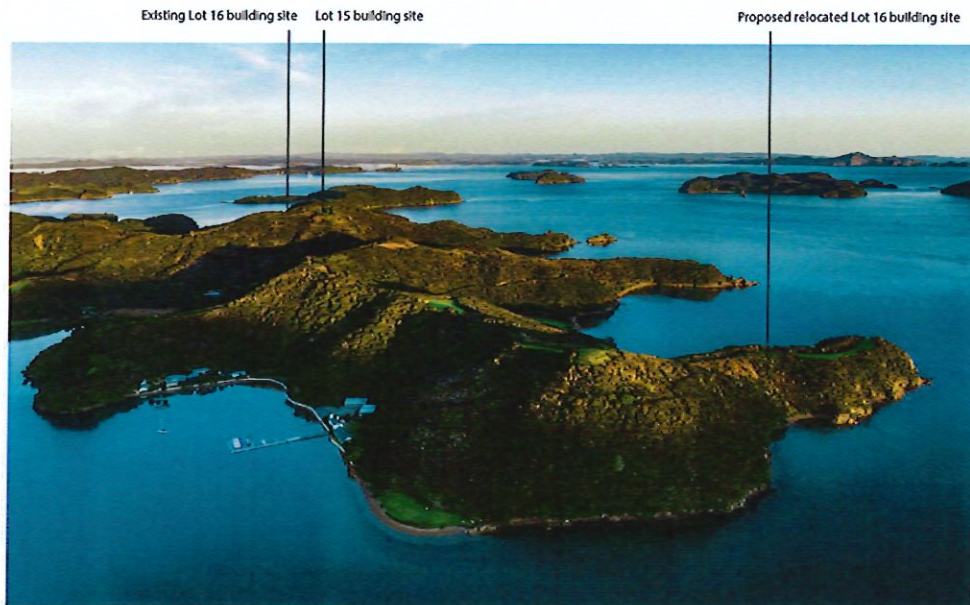


Figure 6: Aerial view of existing and proposed Lot 16 building sites

The application site is located within an area that accommodates a mix of residential development located along the coastal escarpment and within nearby bays and headlands. Development is set within a highly vegetated setting. The closest neighbouring cluster of residential settlement is found In Waipiro Bay just to the southeast, as shown in **Figure 7**. In this image the proposed building site is visible set into the vegetated flanks of the headland. The nearby pa site is visible on the ridgeline.

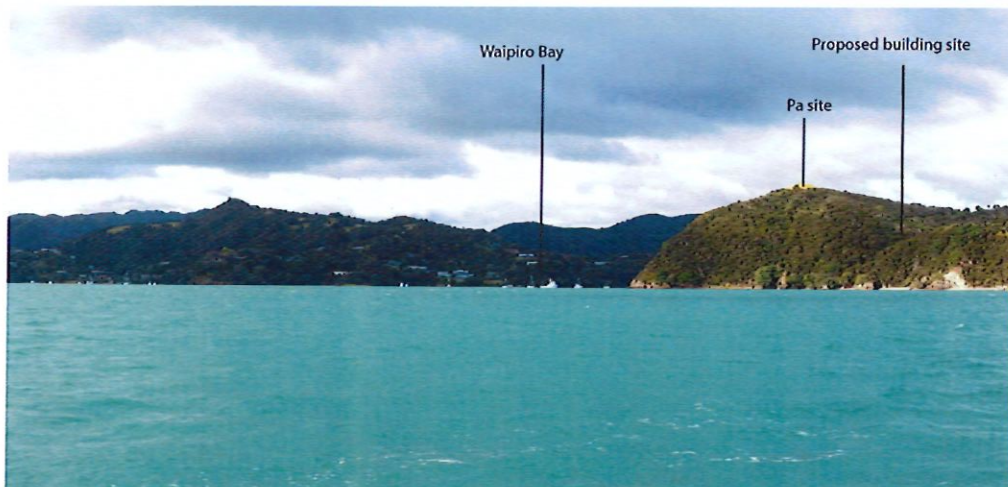


Figure 7: View of the settlement pattern and boat anchorage within Waipiro Bay, and the pa site located to the south of proposed Lot 16.



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4.0 THE APPLICATION

4.1 Proposed Development

The proposed development is for the relocation of Lot 16 from its current inland "Ridge" site (adjacent to Lot 15) to a "Coastal/Bays" site located along the eastern flanks of the headland that separates Parorenu Bay from Parekura Bay. The land that will become Lot 16 is currently part of Lot 11. Refer to **Figure 8** and **Appendix 2 – Development Plans**.

The current Lot 16 land will be amalgamated with land in Lot 15 and the approved building site within Lot 16 deleted so that there is only one building site (Lot 15) located along that elevated "Ridge" site.

A replacement building envelope within the relocated lot has been identified. This will require consent for a boundary adjustment subdivision involving Lots 11, 16 and 18.

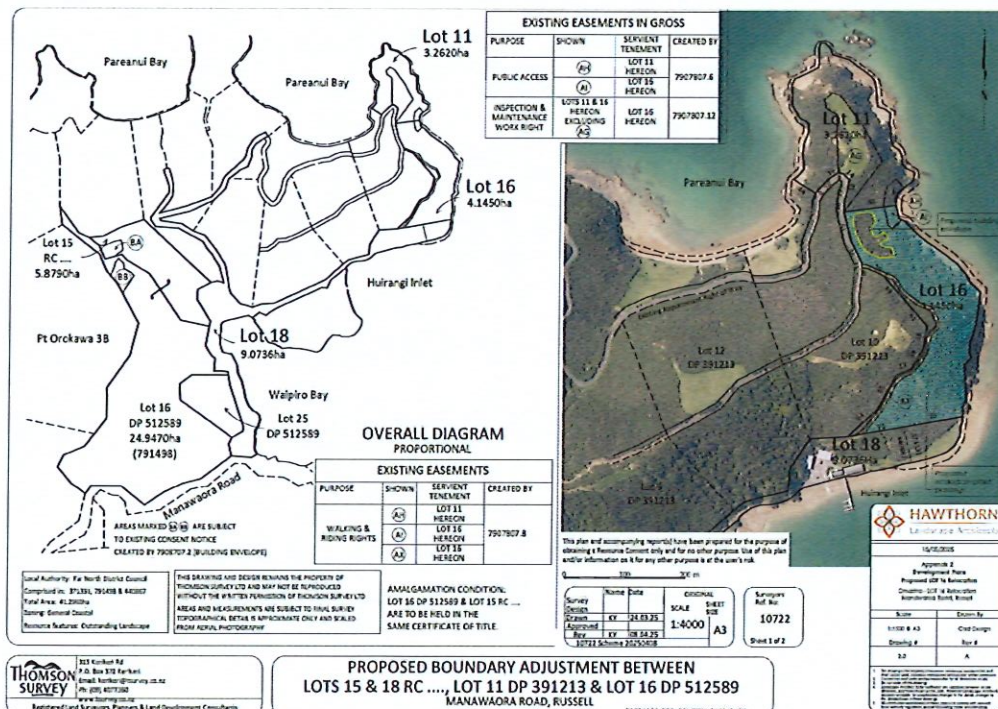


Figure 8: Development Plans

The proposal also includes some minor changes to Lot 18 (shared facilities lot) at the southern end of the proposed new location of Lot 16. No additional titles will be created, and no additional development rights will be provided for. The average lot size within the Omarino subdivision will remain the same.

In addition, as the Lot 16 building envelope is to be relocated consent will also be required for a change to the Consent Notice applying to the Omarino Management



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Plan subdivision. As there will be vegetation clearance associated with the proposed building envelope a land use consent will be required for this aspect. The proposal is described in detail within the AEE prepared by Lynley Newport of Thomson Survey Ltd.

The proposed building envelope has been defined through the assessment of the sites ecological features by Bay Ecological Consultancy, and through the selection of the most visually appropriate area in relation to landscape, visual and natural character effects (further explanation of this is provided in the following sections of this report).

The building envelope will be positioned generally between the 20-38m contour intervals (still subject to final topographical survey), with a building height restriction of 5m rolling height above existing ground level. Built structures shall be positioned within the proposed building envelope and not to extend above the 40m contour interval which is the spur ridge crest (still subject to final topographical survey).

In addition, the proposed building envelope has been positioned so that it is not visible from the top of the adjacent pa site, as shown in the view from the pa in **Figure 9**.



Figure 9: View of proposed Lot 16 from the pa site. The building envelope has been positioned so it is not visible from the pa, assisted by topography orientation and the presence of intervening vegetation.

4.2 Omarino Management Plan 2007

The Omarino Management Plan (OMP) was prepared by Boffa Miskell in 2007. The purpose of the OMP is described in its section 1.0 of the OMP and is summarised as follows:

- To provide for the use and enjoyment of the Omarino residential properties for owners, their families and guests.
- To provide a basis for the development of resident's association rules which will give effect to the purpose and provisions of the Management Plan.



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- To establish Design Guidelines which will ensure that the development of buildings, structures and site landscaping have design integrity, and are sympathetic to the landscape and character of the property as a whole.
- To provide ongoing maintenance for the native forest restoration which has been completed on the property.
- To provide a regime for controlling animal pests and predators on the property.
- To provide detailed provisions for the management of Brown Teal, an "at risk" bird species, for which the wetland on the property is a recognised habitat.
- To provide for the maintenance of roads, tracks, communal buildings and other utilities on the property.
- To provide controls and protocols to ensure the protection and maintenance of heritage sites and sites of cultural significance on the property. These include the creation of heritage covenants on the two pa sites on the property.
- To establish a framework to ensure that the communal facilities provided at Omarino for the use of its residents, such as the recreation room and boating facilities, are used in a manner that respects neighbours in the Bay.
- To bring the requirements of the resource consents authorising the subdivision and development, and the New Zealand Historic Places Trust Authority, to the attention of property owners.

The Management Plan establishes the Omarino Residents Association Incorporated (ORAI), which all lot owners must be a member of. It also establishes the Architecture and Landscape Review Panel to review and approve all house and curtilage area landscape designs and processes for approval as set out in the Management Plan's Design Guidelines.

Individual lot owners have exclusive use of the curtilage and buildable areas identified their lots. The areas outside of the exclusive use curtilage areas are to be maintained in accordance with the site rehabilitation plan. These areas are to remain free of buildings and structures, other than allowing for a driveway and wastewater disposal, unless resource consent is obtained from FNDC.

Design Guidelines for buildings and landscaping at Omarino are included as Attachment 2 to the Management Plan. The Design Guidelines seek to ensure that the development of buildings, structures and landscaping have design integrity and are sympathetic to the landscape and character of the property.

The Guidelines cover the following matters:

- The establishment of an Architecture and Landscape Review Panel to review and approve all house and curtilage area landscape designs. Processes for approval are set out in the Design Guidelines.
- Controls on building scale (including maximum height of buildings) and form tailored to each site.
- Controls specifying appropriate roof forms, walls / fences / screens, materials, colour, service courts, pools and services.
- Controls on both soft and hard landscaping elements of the curtilage areas.
- Controls on infrastructure, including signage, letterboxes and lighting.
- A description of the design approval process.
- Protocols for construction (to be read in conjunction with the protocols for site works included in Section 7.0 Māori Culture and Heritage).



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Many of the Management Plan requirements, including Design Guideline and Landscape aspects, are repeated in Consent Notices and Covenants registered on the affected titles.

Architectural Guidelines form Part 2 of the Management Plan. There are 17 house sites within the Management Plan, the current Lot 16 site is categorised as a 'Ridge' site due to its location upon an elevated ridgeline. The proposed Lot 16 building site will become a "Coastal/Bay" site due to its location close to a small bay and direct access to the water.

The Management Plan also contains Landscaping and Planting Guidelines. These include the following:

5.1 HARD LANDSCAPE ELEMENTS:

The hard landscape elements include retaining walls, road edges, gates and fences, etc.

5.1.1 Surfacing of Decks, Forecourts and Terraces

Natural materials, such as timber and stone are encouraged. Colour and finish should promote integration into the existing landscape. Concrete should have an exposed aggregate finish of approved colour and finish.

5.1.2 Internal Roothing and Driveways

To be formed with exposed aggregate finish and natural oxides added to match colour to that of the surrounding landscape.

5.1.3 Fences, Walls, Screens and Boundary Delineation

Fences, walls and screens should be used for shelter, privacy and screening associated with buildings and outdoor living areas. Fences, walls, and screens associated with living areas should read as extensions of the building and be formed of similar materials.

Solid structures should not be used for boundary delineation. Should boundary definition of house curtilages be required, visually permeable materials are to be used, including post and wire fencing or 'ha-ha' structures.

5.1.4 Retaining Walls

With the potential to be visually significant elements in the landscape, retaining walls should be detailed sensitively. Natural materials, such as timber, rammed earth and stone, with vegetation incorporated to soften the impact of the structure. Systems include:

- o vegetated gabions
- o vegetated gabion bags and poles
- o woven embankment stabilization
- o rammed cement-earth walls

5.2 PLANTING

Landscape plans within house curtilages must be submitted to the ALRP for approval.

Landscape planting within the individual house curtilages is divided into two separate categories: larger scale structural planting and more intimate domestic planting.

Structural planting should form the framework of the planting within the house curtilages, bold and simple in character and providing a visual and physical link with the balance of the vegetation within the site. Domestic planting may be more intimate in character, providing an amenity setting in the area immediately surrounding the house sites.



The treatment of these two planting types is set out in the guidelines below.

5.2.1 Structural Planting

The purpose of structural planting should be to provide a bold framework of appropriate vegetation within the house curtilages that will link with vegetation within the balance of the site. Structural planting should be used to integrate the proposed buildings into the landscape as well as providing them with an attractive outlook and environment.

Trees and shrub land can be used to integrate buildings into the landscape by:

- o providing a contrast to built forms;
- o breaking up the mass and bulk of buildings,
- o providing a foreground setting and a grounding for buildings;
- o providing a backdrop to buildings; and
- o providing full or partial screening of utility or service areas.

Within the house curtilages, structural planting should utilise native plant species and be of a character and form that will integrate with the character of the surrounding landscape and vegetation.

- o A list of recommended or preferred coastal species, for use within house sites throughout the site, is included as an appendix to these guidelines.
- o In particular, certain species should be avoided:
 - Those with a form and or colour that will not integrate with the indigenous vegetation typical to this coastline. For example: exotic species with an overly fastigiate nature, e.g. (fastigiate conifer); and exotic species with particularly bright colours that are discordant with the indigenous vegetation, e.g. uncharacteristically bright foliage, e.g. variegated, golden and purple cultivars;
 - Those species listed as environmental weeds or pest plants in documents prepared in accordance with the Biosecurity Act 1993.

5.2.2 Domestic Planting

Domestic planting can be used within the framework of structural planting, in the immediate environs of the buildings. Planting should largely follow the above guidelines for structural planting. However, being of a smaller scale and visually contained within the framework of the structural planting, the palette of species appropriate for use within domestic planting areas is less restricted and may include a range of native and exotic shrub and tree species suitable for northern coastal locations. Any species which are known or potential weeds should be avoided.

Comment:

The principals of the OMP can be applied to the proposed new ILT 16 and proposed relocated building envelope. The building envelope will move from a ridgetop location to the coastal flanks overlooking a small bay, the new building site will be classified as "Coastal/Bay" site.

Within the OMP the Coastal/Bay sites are said to lend themselves to –

"building designs which recede and integrate into this sensitive environment. Single level or split-level buildings with a maximum rolling height of 5 metres relative to original ground level are preferred. Variation in form and/ or



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materials is encouraged to reduce the scale of buildings. Forms that accentuate the horizontal identifying a connection with the ground are appropriate.

Roofs with a pitch of less than 10 degrees and which comply with the District Plan's reflectivity (less than 30% LRV) are encouraged. Generally the use of materials which age well naturally with weathering is encouraged. Bright colour is not preferred other than for architectural features. Any seaward facing wall should avoid bright colours. Pools are acceptable providing large areas of fencing are avoided.

The treatment of proposed hard and soft landscape elements, including earthworks, roading, drainage, retaining walls, surfacing and landscape planting, should complement the character of both the site, and its surroundings. Materials and species used should allow integration of elements into the landscape with limited artificial modification evident".

The Design Guidelines in the OMP will apply to the relocated building envelope on proposed Lot 16. This will ensure that the development of buildings, structures and site landscaping will have design integrity, and are sympathetic to the coastal environment and character of the property as a whole, generating less than minor potential adverse landscape, visual and natural character effects.

A design example for the proposed Lot 16 building envelope has been prepared by Bossley Architects and is contained in **Appendix 9**. The drawings have been prepared to illustrate an indicative layout of a hypothetical dwelling that could be accommodated on the proposed building envelope, whilst following the OMP design guidelines and being within the farmwork of the proposed building envelope and height restrictions.

Any future development upon the relocated Lot 16 will be assessed by the Architecture and Landscape Review Panel. They will review and approve any house and curtilage area landscape designs and processes for approval as set out in the Management Plan's Design Guidelines.

Future owners of Lot 16 will have exclusive use of the curtilage and buildable area (proposed building envelope). The areas outside of the building envelope are to be maintained in accordance with the OMP site rehabilitation plan. These areas are to remain free of buildings and structures, other than allowing for a driveway and wastewater disposal, unless resource consent is obtained from FNDC.

In addition, it is proposed that the bush areas outside of the proposed building envelope on Lot 16 will be enhanced through ecological offset plantings as detailed within the Ecological Report and shown on the Landscape and Ecological Overlay Plan in **Appendix 5**.

4.3 Vegetation Removal, Retention and Enhancement

The land that is proposed to accommodate relocated Lot 16 is currently vegetated with a mix of vegetation types as described fully within the Ecological Report.



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A building envelope of approximately 2710m² has been defined as shown in **Appendix 6 – Site Vegetation Removal and Retention Plan**, and **Figure 10** below. This area incorporates the buildable and curtilage areas, excluding a driveway which will extend from the main access Lot 18 to the west of the building envelope.

Within the building envelope the lot owner may remove vegetation to enable house development, ancillary structures, parking areas, gardens, and other associated residential living activities.

Blanket vegetation removal will be restricted to within the building envelope and a driveway leading to this. The areas of indigenous vegetation outside of the building envelope, like on other lots within the Omarino development "shall be maintained in perpetuity". To offset the removal of vegetation within the building envelope the rest of the indigenous vegetation on Lot 16 will also be enhanced through ecological offset plantings.

This proposal will augment the existing coastal vegetation pattern on proposed Lot 16 with mature canopy species at 10m intervals, and infill of weedy open areas at 2m spacings. Weed removal will also occur within this area which is approximately 3.4431ha. These proposals will rehabilitate the coastal vegetation pattern on proposed Lot 16 and will enhance natural character values of the coastal environment.



Figure 10: Site Vegetation Pattern

The retention of a strip of vegetation along the western side of the building envelope, (between the main access road on Lot 18 and the building envelope, labelled F on the Site Vegetation and Retention Plan) will ensure that future built development is



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also viewed with a vegetated backdrop. This area will be enhanced with coastal broadleaf species.

5.0 LANDSCAPE AND VISUAL IMPACT ASSESSMENT

5.1 Introduction

The landscape and visual effects assessment process provides a framework for assessing and identifying the nature and significance of potential landscape and visual effects that may result from a proposed development. Such effects can occur in relation to changes to physical elements and existing character of the landscape and impacts on viewing audiences and visual amenity.

The existing landscape and its visual context form the baseline for landscape and visual effects assessments. The assessment of visual effects considers how changes to the physical landscape affect the viewing audience.

In assessing effects on landscape there is a distinction made between landscape effects (effects on the character and amenity of a landscape, this may not be visible to the general public), and visual effects (the response of a viewing audience, principally from public viewing positions, but also surrounding privately owned properties).

These effects are assessed in terms of the degree of change brought about by a development. The degree of landscape and visual effects resulting from a development may be negative (adverse), or positive (beneficial), contributing to the visual character and quality of the environment.

The potential visual effects of this development will be generated by any visual changes to the landscape as a result of the proposal, with the significance of the effects measured by the response of a particular viewing audience.

This is influenced by the degree of visibility, whether the proposal is the focal point or part of a wider view, whether the view is transient or permanent and the degree of contrast with the surrounding environment. The visual qualities of the proposal and the ability to integrate any change within this landscape setting also influences the degree of effects.

Potential landscape effects of a development can be generated by either landform or land-cover modification or may be more subtle such as influencing the overall pattern of the landscape.

The significance of the landscape effects will be determined by the extent of the change, the sensitivity of the landscape, its context, existing levels of development surrounding the site and the contour of the land. It will also be dependent upon the presence or absence of screening and/or backdrop vegetation, and the characteristics of the future activities associated with the development on the application site.



5.2 Visual Catchment & Viewing Audience

To evaluate the extent of visibility and assess the potential landscape and visual effects of the proposed development upon the surrounding area the main public viewing areas that afford views of the site were identified.

The viewing audience that has the potential to afford views of the site and proposed development is contained within one main visual catchment that extends generally to the northeast across Parekura Bay. Their view will be constantly changing as they move across the water.

The land based representative viewing position is located on the pa site to the south of the site, and on the land mass to the north and west of the site.

Refer to the Location Map contained in **Appendix 1** for the location of the viewpoints and **Appendix 4** - Off Site Viewpoints. The photographs were taken using a camera with a 50mm lens to illustrate the view of the property and the context of its setting.

The individual frames were taken as portrait images and joined to create panorama's that generally have a 124 degree horizontal and 55 degree vertical field of view. The optimal viewing distance of the images printed on an A3 page is 500mm from the eye to the page.

This assessment will identify the current landscape character and context within which proposed Lot 16 will be located. It will determine the potential effects of relocating Lot 16 building envelope to the proposed Coastal/Bay site and determine the likely level of landscape, visual and natural character effects generated by the proposal.

5.3 Visual Impact Analysis

Viewpoint 1

This viewing position is located just off shore to the east of the proposed building site on relocated Lot 16. This view of the site and any future built development upon the building site will be afforded by passing boats that are positioned close to the shoreline. Their view will be temporary as they pass by. No other dwellings located within the Omarino development are visible from this location.

The proposed relocated building envelope will be generally positioned between the 20-38m contour intervals. The 40m contour is the backdrop ridgeline, subject to final topographical survey. A building height restriction of 5m rolling height above existing ground level is proposed. Built structures shall also be designed so as to not extend above the 40m contour interval. This enables a building to be located at the 38m contour interval, and extend 2m above this, thus being at the same level as the ridgeline. However, with the presence of the existing backdrop plantings any future built form will not be visible on the skyline.

The building site also has a vegetated foreground, which will be enhanced with additional plantings of native trees as part of the ecological off-set plantings proposed by Bay Ecological Consultancy Ltd. Weed removal is also proposed. This will enhance the ecological, visual amenity and natural character values of this part of the coastline.



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The larger specimen Kanuka trees that are located outside of the building envelope will filter the view of future development on the building site. This will be viewed in a similar manner to other dwellings that located within the vegetated coastal escarpments along the edges of Parekura Bay, in particular neighbouring Waipiro Bay as shown in the example in **Figure 11**. The four dwellings that are located within this image are visually absorbed by foreground vegetation and the use of dark recessive building colours, this method of visual integration is likewise proposed on the building site on Lot 16.



Figure 11: View of existing residential development set along the vegetated coastal escarpment of Waipiro Bay.

Any future building located upon the building envelope on relocated Lot 16 will be guided by the Design Guidelines in the OMP. This will ensure that built form is of an appropriate colour, size, form and location on the building site, with the necessary landscaping and retention of existing vegetation to ensure that future development will be recessive and subordinate to the surrounding natural landscape. This will in turn result in a development that generates less than minor potential adverse visual effects.

Viewpoints 2 & 3

These viewing positions are located a little further out into Parekura Bay, obtained whilst in a boat passing by. The relocated Lot 16 building site is located below the ridgeline and has a vegetated foreground and backdrop.

The nearby building site on Lot 11 is a "headland" site, with a height restriction of 4 meters which will result in any dwelling being viewed within and screened by the existing vegetation surrounding the open grassed areas of that building site. There will be no cumulative visual effects of future development upon Lots 11 and 16.



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The nearby pa site is located to the south of the proposed building site on Lot 16. There is enough separation between the proposed building site and the pa site so that any future built development upon Lot 16 will not distract from the significance of the pa as the dominant skyline landscape feature.

Viewpoint 4 - 6

These viewing positions are located near the entrance to Parekura Bay, looking south towards the building site on Lot 16. The viewing audience will gradually view future built development upon proposed Lot 16 as they enter Parekura Bay. Due to the intervening landform the building site will reveal itself as the viewer moves into the bay.

The presence of residential development found on the hill slopes overlooking Parekura Bay, within Waipiro and Te Uenga Bays is a noticeable and characteristic feature of coastal lifestyle living within this area. The view of development upon Lot 16 will be viewed in combination with this setting and will be in context with the existing settlement patterns found locally.

The building site on Lot 16 is separated from the more concentrated areas of houses by the vegetated headland upon which it is located. The coastal flanks of the headland (area encompassed by proposed Lot 16) will be enhanced with the ecological offset plantings. This will infill any areas that are open, grassy or weed infested, or which are affected by the kanuka die-back. The rest of the bush area will be enhanced through the planting of native trees (climax species) at 10m intervals.

This proposed ecological offset planting will have positive landscape and visual effects and will enhance the natural character values of this part of the coastline within Parekura Bay. It will also enhance the vegetation pattern that provide the foreground setting to the top of the pa which is purposefully left free of vegetation.

The relocation of Lot 16 to this coastal part of Omarino will generate less than minor adverse visual effects providing the OMP building and landscape design guidelines are implemented.

Viewpoints 7 - 9

These viewing positions are located on a boat within Parekura Bay, looking west towards the relocated building site on Lot 16, situated on the eastern facing flanks of the small headland near the entrance into Parekura Bay. The existing residence on Lot 19 and boats at Omarino's jetty in Huirangi Inlet are also visible in the distance, as are other boats anchored in Waipiro Bay.

Whilst on a boat within this part of the bay the viewers viewpoint is constantly changing as they move about. The proposed relocated building envelope will be viewed below the ridgeline and set into a setting of existing native trees. This vegetation will be enhanced through the ecological offset plantings and will enhance the overall natural character values of that part of the coastline.

The OMP and building design guidelines will ensure that any future development located upon the proposed building site is sensitive to the surrounding environment so



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that it is visually recessive so that it will generate less than minor potential adverse visual effects.

Whilst on a boat within Parekura Bay the coastal living settlement pattern found overlooking Waipiro Bay and Te Uenga Bays (as shown in **Figure 12**) will be the most noticeable built element. The rest of the bay is less developed, with only a scattering of a few residences. Any future development upon Lot 16 will be in keeping with the context of the varied settlement pattern found within Parekura bay.

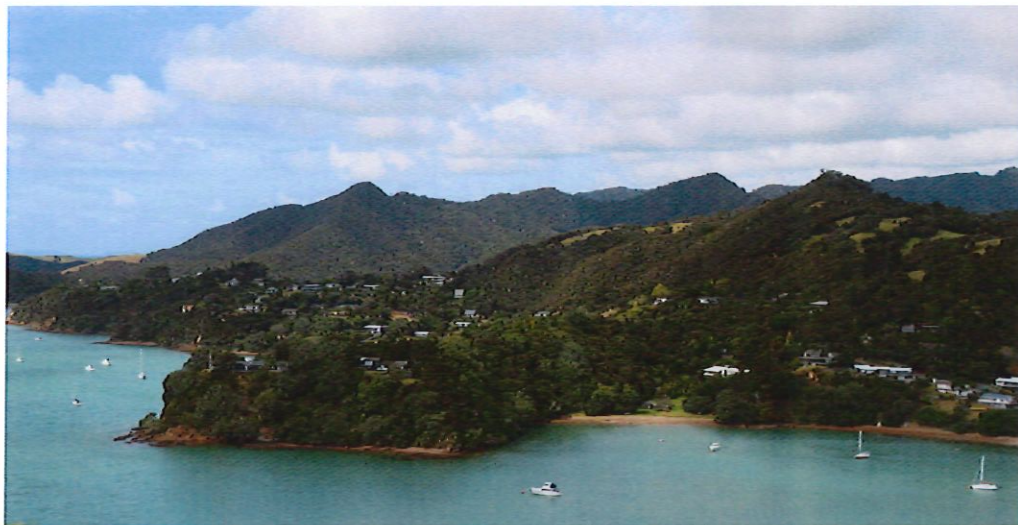


Figure 12: View of the settlement pattern overlooking Waipiro and Te Uenga bays, as viewed from the pa site.

Viewpoint 10

This viewing position is located on Hikuwai Road approximately 2.5km to the east of the site. The proposed relocated building site is visible on the lower headland overlooking Parekura Bay. The existing building site on Lot 16 is located on the skyline ridge as indicated and is adjacent to the building envelope on Lot 15, also located along the ridge.

This viewing position is afforded by a small gap in roadside vegetation, providing a momentary view of the landmass upon which Omarino is located. Due to the long focal length, the proposed relocation of Lot 16 and building envelope will generate no potential adverse visual effects.

Public views towards the site from Rawhiti Road and Kokinga Point Road are limited as they are obscured by roadside vegetation and a lack of vantage points. Some of the private residences that are scattered along this part of the Russell peninsula will have distant views towards Omarino and the proposed relocated building site, and any future development placed upon it. Providing future development follows the OMP and design guidelines the potential adverse visual effects generated by such development upon this viewer ground will be less than minor.



5.4 Landscape Effects

Landscape effects can either be a result of landform or land-cover modification or be more subtle such as influencing the overall pattern of landscape.

Landscape effects take into consideration both changes to the physical landscape (physical effects) and the impact upon amenity values. Assessments therefore investigate the likely nature and scale of changes to individual landscape elements and characteristics, the consequential effect on the landscape character, and the perceptual responses that the proposal evokes.

Assessing landscape effects requires a thorough understanding of the landscape character and the importance or value of the landscape. Using this baseline, a determination of landscape sensitivity and the magnitude of change which results from the proposed development can be made to determine the overall significance of landscape effects.

Landscape Sensitivity

The determination of the sensitivity of the landscape resource is described in terms of both the susceptibility of an area of landscape to change and the value of the landscape.

The sensitivity of the landscape depends upon the degree that a particular landscape or feature can accommodate change. This will vary upon the following factors:

- Elements such as topography hydrology soils vegetation;
- Existing land use;
- The pattern and scale of landscape;
- Visual enclosure/ openness of views and distribution of the viewing audience;
- The value or importance placed on the landscape; and
- The scope for mitigation which would be in character with the existing landscape.

The susceptibility to change takes account of both the attributes of the receiving environment and the characteristics of the proposed development.

Magnitude of Landscape Change

The magnitude of landscape change judges the amount of change that is likely to occur to existing areas of landscape, landscape features or key landscape attributes.

The proposed relocation of Lot 16 and its building envelope will result in minimal landform modification. The main access roading network within Omarino passes right next to the proposed building envelope, and as such a new driveway can simply extend off this. Any potential earthworks associated with the construction of a dwelling can be designed so that there will be minimal landscape effects, as controlled by the OMP building design guidelines. Future development upon the relocated building envelop will require the removal of an area of this native vegetation. The existing Lot 16 building site also requires this. The vegetation patterns are not dissimilar.



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The site is identified as having landscape overlays within the OFNDP and RPS due to the high values associated with this landscape. This includes High Natural Character, Outstanding Landscape and Outstanding Natural Landscape. Although the site has been identified as having these overlays, more detailed investigations has confirmed that the proposed building site can accommodate change due to the proposed positioning of the building envelope below the ridgeline, within a small bay where the contours envelope the site and restrict visibility. The building envelope is also positioned within an area where the vegetation patterns can accommodate it, due to the sparseness of the Kanuka, with grassy floor, and the dieback of the areas of vegetation, resulting in a vegetation pattern that is accommodating to change. adverse landscape effects.

To mitigate or off-set the removal of vegetation on the proposed building site, it is proposed to enhance the existing surrounding native vegetation outside of the building envelope on Lot 16 (3.4431ha) with additional native species. This will enhance ecological, landscape and amenity values.

It is considered that the assimilation of one house into this part of the Omarino development will result in less of an impact upon landscape character and pattern due to it being viewed on its own rather than in combination with another close by building site (and future dwelling). In its current location the Lot 16 building site is very close to the building site on Lot 15. These two building sites have the potential to be viewed as one large development upon the ridgeline, which has the potential for cumulative landscape and visual effects. Therefore, there are benefits in removing the current Lot 16 building site from its ridgeline location adjacent to the Lot 15 building site.

Overall, there is a low level of effect upon landscape values and the key attributes of the receiving environment. The potential adverse landscape effects will be less than minor.

5.5 Natural Character Effects

The quality a landscape portrays, and its resulting "natural" character is dependent upon the degree of cultural modification, and how well the natural processes are functioning.

Natural character is a term used to describe the naturalness of an environment. The degree or level of natural character within an area depends on:

- The extent to which natural elements, patterns and processes are functioning, and
- The nature and extent of modifications to the ecosystems and landscape/ riverscape

The highest degree of natural character occurs where there is least amount of modification. The effect of different types of modification upon the natural character of an area varies with the context and may be perceived differently by different individuals.

Natural elements relate to the presence of unmodified land and water bodies and the lack of built form, while natural patterns relate to the perceived naturalness of the appearance of a landscape, which appears to be a result of nature rather than



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being man made. Natural processes relate to the ecological workings of a landscape, and how well these processes are functioning to maintain a natural appearance to the landscape. The EIA prepared by Bay Ecological Consultancy has provided a thorough assessment of the natural elements and processes and ecological values of the site.

The development site (being the building envelope) has been historically modified from its original state through farming practices which removed most of the original forest cover, as shown in the old aerial photos contained in **Appendix 7** - Historical Vegetation Patterns.

Under the Omarino Management Plan subdivision the majority of the farmed landscape within the Omarino development has been extensively revegetated. The blanket coverage of vegetation now provides a unifying feature along the coastline linking one lot to the next so that it is not obvious where one landholding starts or finishes.

The ecological assessment noted that the Manuka revegetation areas onsite and across the Omarino property are suffering mass mortality from a combination of adverse abiotic conditions on a potentially unsuitable genetic ecotype.

Some areas of proposed Lot 16 and adjoining properties have been identified as being an Outstanding Landscape, Outstanding Natural Landscape, having High Natural Character values and part of PNA as shown on the Landscape & Ecological Overlay Plans contained in **Appendix 5**.

The proposed relocated building envelope on Lot 16 has been positioned so that there will be less than minor potential adverse landscape and visual effects. Any future built development upon the building envelope will be controlled by building design guidelines which will ensure a sensitively coloured and designed dwelling is placed upon the relocated building site. These in themselves all assist with minimising the potential adverse effects upon natural character values.

In addition, it is proposed to mitigate any potential natural character effects of the removal of vegetation within the proposed building envelope on Lot 16. This shall be achieved through the ecological offset plantings proposed by Bay Ecological Consultancy. This will include weed and pest removal as well and supplementary plantings within the area that is located outside of the building envelope on relocated Lot 16.

This area covers approximate 3.4431 hectare of coastal forest adjacent to Parekura Bay leading into Huirangi Inlet – as shown on the Development Plans contained in **Appendix 2**. This proposal will augment the existing coastal vegetation pattern on proposed Lot 16 with mature canopy species at 10m intervals, and infill of weedy open areas at 2m spacings. This will rehabilitate the coastal vegetation pattern on proposed Lot 16 and will enhance the natural character values of Lot 16 and the coastal environment.

6. STATUTORY CONTEXT

6.1 Operative Far North District Plan (OFNDP)



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Within the Operative Far North District Plan (OFNDP) the existing and proposed Lot 16 site is located within the General Coastal zone.

The whole property and surrounding landscape is contained within an Outstanding Landscape. There are no Outstanding Landscape Features or Outstanding Natural Features identified on the site.

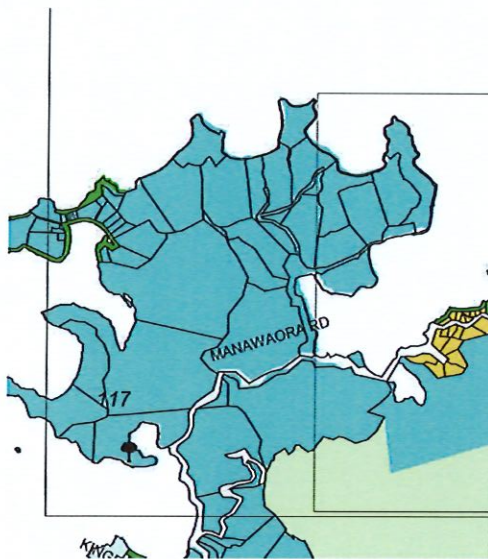


Figure 13: Zone Map



Figure 14: Resource Map

The following are the relevant objectives found in Chapter 10 Section 6 General Coastal Zone that applies to this site.

General Coastal Zone

Objective 10.6.3.1

"To provide for appropriate subdivision, use and development consistent with the need to preserve its natural character".

Objective 10.6.3.2

"To preserve the natural character of the coastal environment and protect it from inappropriate subdivision, use and development"

Objective 10.6.3.3

"To manage the use of natural and physical resources (excluding minerals) in the general coastal area to meet the reasonably foreseeable needs of future generations".

Following are the relevant landscape policy's found in Chapter 10 Section 6 General Coastal Zone.

Policy 10.6.4.1



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"That a wide range of activities be permitted in the General Coastal Zone, where their effects are compatible with the preservation of the natural character of the coastal environment".

Policy 10.6.4.2

"That the visual and landscape qualities of the coastal environment be protected from inappropriate subdivision, use and development".

Policy 10.6.4.3

"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 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;*

Policy 10.6.4.6

"The design, form, location and siting of earthworks shall have regard to the natural character of the landscape including terrain, landforms and indigenous vegetation and shall avoid, remedy or mitigate adverse effects on those features".

Comment:

The Omarino Management Plan subdivision and the Consent Notices associated with the development provide guidance to ensure that the future development on relocated Lot 16 will be implemented in a manner that will preserve the natural character of the coastal environment and protect it from inappropriate use and development.

The proposed development is in accordance with the objectives and policies of the General Coastal zone and is an appropriate use. It will not compromise the visual and landscape qualities of the coastal environment.

The proposed ecological off-set plantings will assist with enhancing and restoring the original natural character values of this stretch of coastline.

12.1.6.2.1 BUILDINGS WITHIN OUTSTANDING LANDSCAPES

The proposal is to relocate Lot 16 and its building envelope to a "Coastal/Bay" site from a "Ridge" site. This will result in the relocated building envelope being located within an Outstanding Landscape. At this stage no building plans have been provided for a dwelling on the relocated lot, however there are numerous existing and proposed building design guidelines that will control development upon the building site to ensure the values of the Outstanding Landscape are protected.

The following are restricted discretionary activities in an Outstanding Landscape.

- (a) any new building, including relocated buildings, exceeding a gross*



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floor area of 25m²; or

(b) any alteration/addition to an existing building which does not exceed 40% of the gross floor area of the building which is being altered or added to, provided that any alteration/addition does not exceed the height of the existing building.

The Council will restrict the exercise of its discretion to:

- i. the location of the building;*
- ii. the size, bulk and height of the building in relation to ridgelines, areas of indigenous vegetation and habitats of indigenous fauna, existing trees and other natural features;*
- iii. the degree to which the landscape will retain the qualities that make it outstanding, including naturalness, and visual and amenity values;*
- iv. the design of the building;*
- v. the location and design of associated vehicle access, manoeuvring and parking areas;*
- vi. the extent to which planting can mitigate visual effects;*
- vii. the means by which permanent screening of the building from public viewing points on a public road, public reserve, or the foreshore may be achieved,*

Comment:

A building envelope on the relocated lot has been chosen that ensures future built development is not located on a ridgeline or viewed on the skyline, or viewed from the nearby pa site. It is on a part of the site that enables existing surrounding vegetation and landform to visually absorb it into the landscape, thus minimising potential adverse landscape and visual effects on the Outstanding Landscape.

As small area of revegetation plantings will be permanently removed ecological offset plantings are proposed to mitigate this. The planting of native climax trees will provide a food source for local fauna and increase biodiversity.

The key landscape and natural features of the Outstanding Landscape will not be affected by the development.

The architectural style, building height and colours will be controlled so that they are complementary to this coastal setting, and will not impact the Outstanding Landscape.

The main access within Omarino passes directly next to proposed Lot 16 building envelope. Any parking and maneuvering areas for cars can be locate so they will be screened from the coastal marine area.

The existing vegetation surrounding the building site, proposed ecological offset plantings and future landscaping around the building site will all assist with visually mitigating the development.



The intent of the Omarino Management Plan subdivision and Building Design Guidelines was not to require that the buildings be permanently screened from view from public places. Proposed landscape plantings will visually soften the built form and tie it into the landscape.

12.2.6.1.3 INDIGENOUS VEGETATION CLEARANCE IN THE GENERAL COASTAL ZONE

The clearance of indigenous vegetation is a permitted activity in the General Coastal Zone, provided that:

- (a) the vegetation is less than 6m in height or 600mm in girth (measured at a height of 1.5m); and*
- (b) the clearance is not within 20m of a lake (as scheduled in **Appendix 1C**), coastal marine area, indigenous wetland or continually flowing river; and*
- (c) any clearance involving remnant forest does not exceed 500m²*

Comment:

The vegetation clearance will be less than 6m in height and less than 600mm in girth. The clearance is not within 20m of any of the listed features and will not include any remnant forest.

12.4.6.1.2 Fire Risk to Residential Units

(a) Residential units shall be located at least 20m away from the drip line of any trees in a naturally occurring or deliberately planted area of scrub or shrubland, woodlot or forest;

(b) Any trees in a deliberately planted woodlot or forest shall be planted at least 20m away from any urban environment zone, Russell Township or Coastal Residential Zone boundary, excluding the replanting of plantation forests existing at July 2003.

Comment:

The proposed building site has vegetation located right up to its edges. This presents a potential for a future dwelling to be located within 20m of this.

To minimise the potential for fire risk any dead Kanuka or Manuka trees and other debris below the native vegetation should be removed off site.

Any bare areas from this process that are located outside of the building envelope should be replanted with fire-retardant native species to maintain the values of the OL.

6.2 Proposed Far North District Plan (PFNDP)

The PFNDP was publicly notified by FNDC on 27th July 2022. The property has a Rural Production Zone under the Proposed District Plan (PFNDP) and has a Coastal Environmental Overlay, as shown in **Figure 15**.



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There are no zone rules within the Rural Production Zone with immediate legal effect, nor any rules applying to the Coastal Environment; Outstanding Natural Landscape; or High Natural Character overlays.

The site has the following features applying to it in the PDP:

- Coastal environment overlay;
- Natural character overlay (high natural character);
- Natural features and landscapes overlay (outstanding landscape);
- Whilst not an overlay or schedule in the PDP, the site contains indigenous vegetation (ecosystems & indigenous biodiversity objectives and policies have relevance).

Whilst the majority of rules in the PDP will not have legal effect until such time as the FNDC publicly notifies its decisions on submissions, there are certain rules that have been identified in the PDP as having immediate legal effect.

The Planning Report prepared by Lynley Newport addresses the relevant objectives and policies in her report, I concur fully with her assessment and conclusions.



Figure 15: PDP Map showing High Natural Character and Outstanding Natural Landscape Area.



6.3 Consent Notice 7907807.2

The Consent Notice 7907807.2 dated 4th July 2008 has a total 37 clauses, not all of which relate to or affect the proposed relocated Lot 16. An assessment of the proposal against those clauses that have landscape relevance are as follows:

4. *The maximum rolling height above ground level (using the definition in the district plan as at 30th May 2005) of each building on Lots 1, 2, 4, 6, 8, 9 and 10 on the plan shall be no more than 5 metres above ground level.*

Comment: These are the 'Coastal/Bay' sites, of which the proposed Lot 16 building site will now be grouped within this category. The proposed building height restriction is therefore set at 5m maximum rolling height above ground level.

8. *The external cladding of all buildings constructed on all lots on the plan shall be in accordance with the Management Plan as approved for the subdivision evidence by the plan such management plan being entitled "Omarino Residents Association Management Plan dated October 2007" ("the management plan").*

Comment: Any future built form placed upon relocated Lot 16 building envelope shall be designed to comply with the guidelines of the Omarino Management Plan.

9. *The re-vegetation of those parts of Lots 1 through 12, 14 through 17, 19, 20, 21 and 25 on the plan that are outside of the curtilage areas of each of such lots.....shall be maintained in perpetuity.*

Comment: The proposed relocated building envelop on Lot 16 is located within an area subject to revegetation. As is the case with the existing Lot 16 building envelope, this vegetation will need to be removed. To off-set this loss of existing re-vegetation the rest of proposed Lot 16 (3.4431ha) will be augmented with supplementary plantings of native climax tree species. This will provide a diversity of plant species and seed source that the mono-culture of Manuka would otherwise not provide. This will compensate for the removal of the vegetation on the relocated Lot 16 building envelope.

12. *..... ensure that the approved landscaping planting for each lot is commenced within 12 months of the landscape plan being approved and is maintained for the duration of the consent with any plants that are removed or damaged to be replaced as soon as possible or within the next planting season (being 1 May to 30 September in each calendar year).*

Comment: Any future landscaping as part of development upon proposed Lot 16 building site will be maintained for the duration of the consent.

- 13 *..... adhere to the management plan and ensure:*



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1. The ongoing management of the re-vegetation, archaeological, heritage utility and recreational areas shown on the plan;
2. Compliance with the design guidelines for buildings on the lots; and
3. All re-vegetation requirements of the re-vegetation plan approved by the Council applicable to each lot is undertaken.

Comment: These aspects can be complied with. In relation to the revegetation refer to item 9 above.

15. shall, in constructing any new buildings thereon, adhere to the design guidelines as were outlined in the AEE lodged with the application for the consent evidenced by the deposit of the plan (RC 2050363) and the management plan.

Comment: This can be complied with in the future when a dwelling is proposed.

17. Unless authorised by a resource consent or by the district plan as a permitted activity, buildings on each lot in the plan shall be restricted to:
 1. One residential unit;
 2. One caretaker's residential unit not more than 125m² in gross floor area;
 3. One non-residential building; and
 4. Water storage facilities.

With the combined size of any caretaker's unit and non-residential building not exceeding 50% of the residential unit's gross floor area.

Comment: This can be complied with in the future when a dwelling is proposed.

18. The external appearance of all buildings constructed on the lot shall be in accordance with the design details contained in the management plan.

Comment: This can be complied with in the future when a dwelling is proposed.

20. All earthworks, including those required to construct accessways to building sites, shall be so designed to cause minimal impacts on the landscape and any exposed cuts shall be re-grassed or planted in native vegetation.

Comment: This can be complied with in the future when a dwelling is proposed.

26. implement and continue to maintain and replant re-vegetation on each lot in terms of the relevant re-vegetation plan approved for each lot outside of the curtilage area, including the first 20m landward of mean high water springs.



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Comment: This has been addressed in the above sections of this assessment.

- 27 implement and continue to maintain and replant re-vegetation landscape planting as provided for in the management plan for all covenanted areas and maintain or repair any stock exclusion structures.

Comment: Currently being complied with.

- 33 The maximum rolling height above ground level (as defined in the Councils district plan as at 30th May 2005) of each building on lots 14, 15, 16 and 25 shall be as follows:

(c) on lot 16 no more than 4.5meters above ground level with a maximum RL of 118meters ASL.

Comment: As the relocated Lot 16 will be categorised as a Coastal/Bay site, and not a "Ridge" site anymore, the maximum rolling height of any built structure above ground level shall be 5m.

- 35 *Prior to any development occurring on Lots 14, 15 and 16 on the plan a full assessment of visual and landscape effects is to be undertaken by a qualified and experienced landscape architect as part of any future resource consent application to the Council such to include the provision of a landscape planting plan and specifications to be provided at the building resource consent stage for approval of the Council. This is to include all areas within these allotments not covered by the actual building and accessways.*

Comment: Any future development upon the relocated Lot 16 building site can comply with this request for a assessment of visual and landscape effects and landscape planting plan.

In summary the proposal is generally in accordance with the Omarino Management Plan Design Guidelines and can remain consistent with the associated Consent Notice for Coastal/Bay sites.

6.4 The New Zealand Coastal Policy Statement (NZCPS)

The NZ Coastal Policy Statement (NZCPS) has relevance to this proposal. The proposed lot and relocated building envelope is zoned General Coastal in the OFNDP and is shown as being within the "coastal environment" on the Regional Policy Statement maps as well as the district council's PFNDP maps.

The following objectives and policies have landscape relevance.

Objective 2: To preserve the natural character of the coastal environment and protect natural features and landscape values through:



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- recognising the characteristics and qualities that contribute to natural character, natural features and landscape values and their location and distribution;
- identifying those areas where various forms of subdivision, use, and development would be inappropriate and protecting them from such activities; and
- encouraging restoration of the coastal environment.

Policy 6 Activities in the coastal environment

(1) In relation to the coastal environment:

(f) consider where development that maintains the character of the existing built development should be encouraged, and where development resulting in a change in character would be acceptable;

(i) set back development from the coastal marine area and other water bodies, where practicable and reasonable, to protect the natural character, open space, public access and amenity values of the coastal environment;

Policy 13 Preservation of natural character

(1) To preserve the natural character of the coastal environment and to protect it from inappropriate subdivision, use, and development:

(a) avoid adverse effects of activities on natural character in areas of the coastal environment with outstanding natural character; and

(b) avoid significant adverse effects and avoid, remedy or mitigate other adverse effects of activities on natural character in all other areas of the coastal environment;

(2) Recognise that natural character is not the same as natural features and landscapes or amenity values and may include matters such as:

(a) natural elements, processes and patterns;

(g) a range of natural character from pristine to modified

Policy 15 Natural Features and natural landscapes

To protect the natural features and natural landscapes (including Seascapes) of the coastal environment from inappropriate subdivision, use and development:

(a) avoid adverse effects of activities on outstanding natural features and outstanding natural landscapes in the coastal environment;

Comment:

The proposal is to relocate an inland lot and building site from a vegetated ridgetop site to a vegetated coastal site adjacent to Parekura Bay.

The proposed development has recognised the characteristics and qualities that contribute to natural character, natural features and landscape values of the site and surrounding coastal environment. The proposed building envelope and subsequent vegetation clearance will be restricted to a relatively small sized building envelope of 2710m².

The rest of proposed Lot 16 will be enhanced through the proposed ecological offset plantings which will cover an area of 3.4431ha. This will assist with the natural process of revegetation and recolonisation of native climax species thus restoring the values of this part of the site and coastal environment.



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The future development of a dwelling and associated residential living activities on the relocated lot and building envelop are considered appropriate for this part of the Omarino property, and within the Parekura Bay environs. The proposed building envelope is set back from the coastal edge with an area of existing revegetation present between any future built form and the water's edge.

Overall, the development will result in an acceptable level of change to the site, and this change will result in less than minor potential adverse effects upon the natural character of this site and surrounding coastal marine area. The development is in accord with the relevant landscape objectives and policies of the NZCPS.

6.5 Regional Policy Statement for Northland (RPS)

In 2012, the Northland Regional Mapping Project ("Mapping Project") was undertaken by the Northland Mapping Group (on behalf of the NRC). The purpose of the Mapping Project was to determine the delineation of the Coastal Environment, and the natural heritage areas within the region comprising Outstanding Natural Landscapes ("ONL"), Outstanding Natural Features ("ONF") and areas of High or Outstanding Natural Character.

These are now included within the Regional Policy Statement (operative 2016) for Northland, thereby meeting the requirements under the New Zealand Coastal Policy Statement 2010 in ("NZCPS") in the Resource Management Act 1991.

Within the RPS proposed Lot 16 and relocated building site is located within the Coastal Environment and is covered by Outstanding Natural Landscape and has High Natural Character values.



Figure 16: RPS Map

The area of High Natural Character covers the coastal escarpments along the edge



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of the Omarino subdivision, as shown in **Figure 16**. This takes in part of proposed Lot 16 and the relocated building envelope.

High Natural Character area is classified as 'Omarino', and the description of this unit is "three steep rocky headlands with Pohutukawa treeland with kanuka-manuka shrubland". The contributing values are "relatively mature indigenous vegetation relative to the site conditions and natural disturbance history/regime. Minimal human-mediated hydrological or landform changes and few obvious human structures. Part of a community pest control area".

The Outstanding Natural Landscape is defined as "Parekura headland & Orokawa peninsula".

The following objective and policy within the RPS have landscape relevance.

Objective 3.14 Natural Character, outstanding natural features, outstanding natural landscapes and historic heritage

Identify and protect the integrity of;

- (a) The natural character of the coastal environment, and the natural character of freshwater bodies and their margins;*
- (b) The qualities and characteristics that make up outstanding natural features and outstanding natural landscapes;*

Policy 4.6.1 Managing effects on natural character, features/landscape and heritage.

(1) In the coastal environment:

- a) Avoid adverse effects of subdivision use, and development on the characteristics and qualities which make up the outstanding values of areas of outstanding natural character, outstanding natural features and outstanding natural landscapes.*
- b) Where (a) does not apply, avoid significant adverse effects and avoid, remedy or mitigate other adverse effects of subdivision, use and development on natural character, natural features and natural landscapes. Methods which may achieve this include:*
 - (i) Ensuring the location, intensity, scale and form of subdivision and built development is appropriate having regard to natural elements, landforms and processes, including vegetation patterns, ridgelines, headlands, peninsulas, dune systems, reefs and freshwater bodies and their margins; and*
 - (ii) In areas of high natural character, minimising to the extent practicable indigenous vegetation clearance and modification (including earthworks / disturbance, structures, discharges and extraction of water) to natural wetlands, the beds of lakes, rivers and the coastal marine area and their margins; and*
 - (iii) Encouraging any new subdivision and built development to consolidate within and around existing settlements or where natural character and landscape has already been compromised.*



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Comment:

The integrity of the natural character of the coastal environment will not be adversely affected by the proposed development as discussed in previous sections of this assessment report.

Although an area of Manuka dominated vegetation will be permanently removed to accommodate a building envelope this will be ameliorated through the supplementation and revegetation of the surrounding areas with native coastal climax species which will enhance biodiversity.

Overall, the development is in accord with the relevant landscape objectives and policies of the NRPS.

7. CONCLUSION

This assessment has provided an understanding of the existing character and quality of the site and surrounding landscape and the visual and physical components of the development proposal.

The existing Lot 16 and its consented building envelope are located on an elevated 'Ridge' site, directly adjacent to the consented building envelope on Lot 15, with both building sites being visible from within a wide visual catchment, including the pa site overlooking Parekura Bay.

The proposed building envelope on the relocated Lot 16 has been positioned in a less visually prominent position upon a Coastal/Bay site overlooking Parekura Bay. It is not on a ridgeline and has been positioned so that future built development will not be visible from the pa site. A building height of 5m above rolling contour is proposed, in keeping with the other Coastal/Bay sites. In addition, built form shall not exceed the 40m contour interval (spur ridgeline).

The development site is very visually contained due to the topography of the site, lack of public land based viewing positions and the presence of the surrounding bush clad hills. The primary visual catchment that affords views of the development is from the water generally to the northeast and east of the site. The potential adverse visual affects upon the viewing audience has been assessed as less than minor.

The proposed location and shape of the building envelope has been determined in consultation with Bay Ecological Consultancy and is responsive to the underlying landform and current vegetation patterns. The indented shape of the eastern edge of the building envelope allows for the retention of larger specimen Kanuka trees, which will assist with visually filtering views of future built form from the water.

The vegetation removal on the proposed building site will be controlled and offset by supplementing the existing coastal vegetation on proposed Lot 16 with native climax species at 10m intervals, and infill of weedy open areas at 2m spacings. Weed removal will also occur within this area which is approximately 3.4431ha.

The relocated Lot 16 and future development upon it will be subject to the Building and Landscape Design Guidelines of the Omarino Management Plan. This will ensure that potential landscape and visual effects will be less than minor. The proposed development has been assessed against Consent Notice 7907807.2 and is able to



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remain consistent with the relevant clauses as they would apply to a "Coastal / Bay" site.

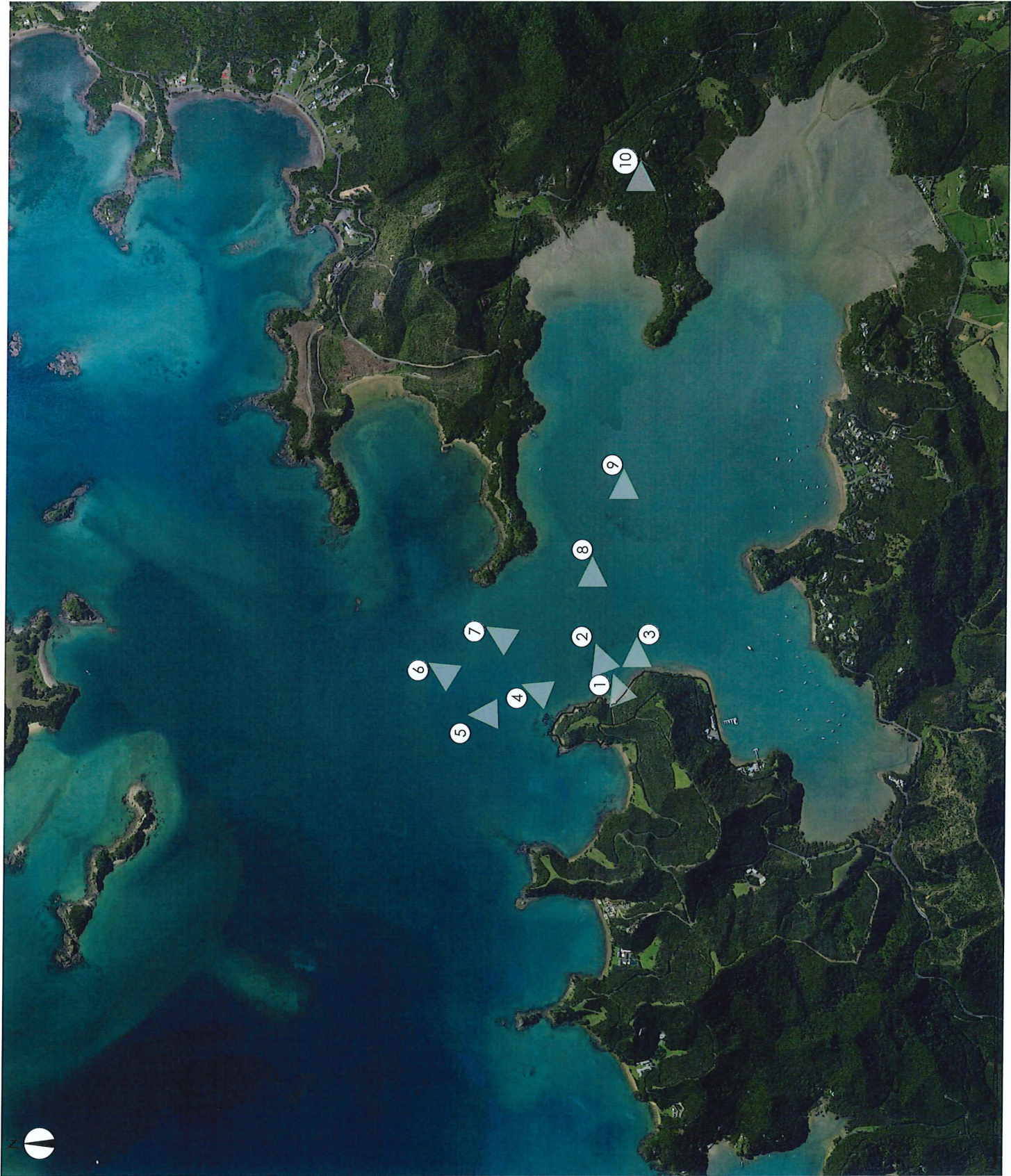
The proposed offset planting will have positive effects upon the site, and coastal natural character values of the PNA, Outstanding Natural Landscape and High Natural Character area.

The development will have a low level of impact upon the overall pattern of the landscape as the key features which contribute to the present landscape character will remain dominant.

The development is sensitive to the coastal environment it is located within and is consistent with the relevant assessment criteria, objectives and policies found within the OFNDP, PDP and NZCPS and RPS.

Yours sincerely


Christine Hawthorn
BLA (Hons.)
Hawthorn Landscape Architects Ltd.

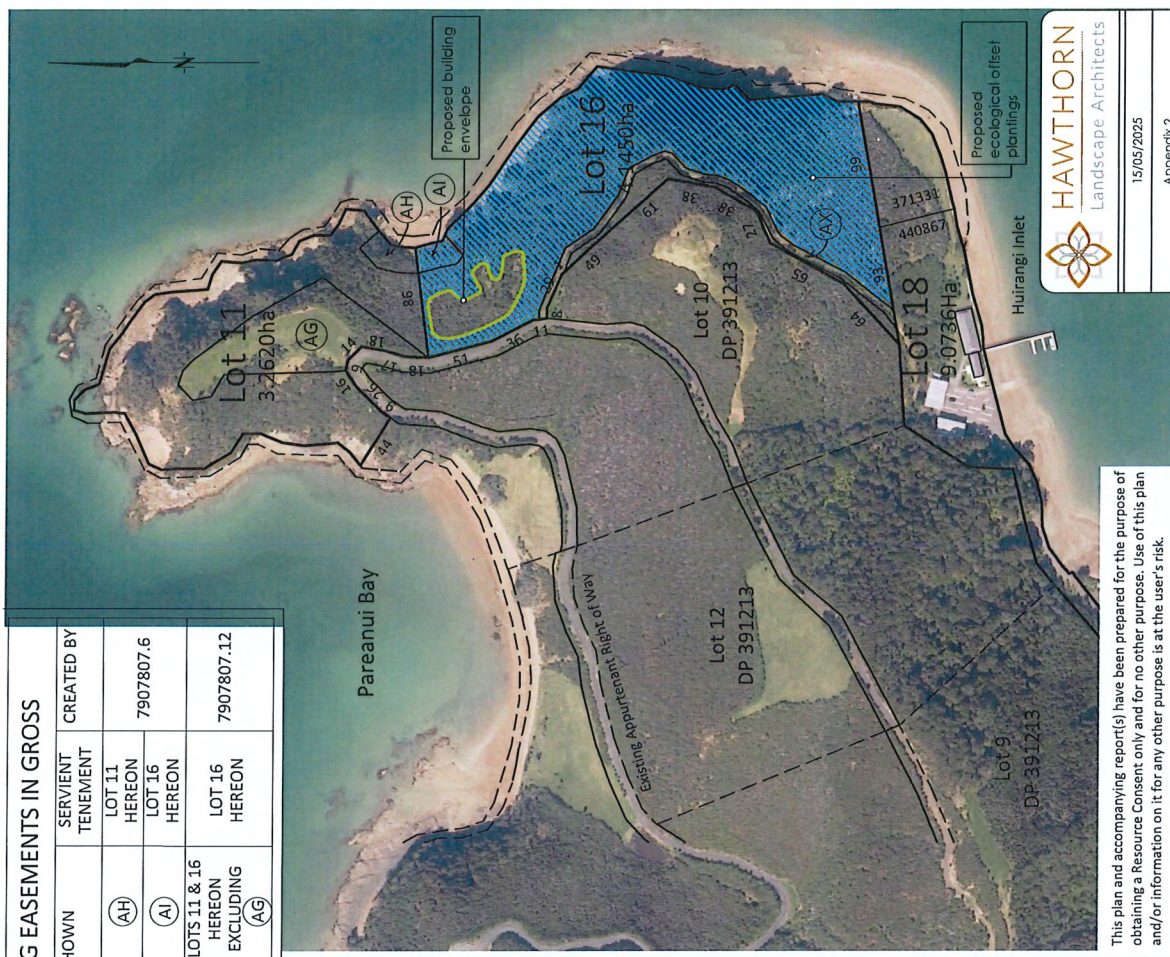


KEY



Viewpoints
1 - 10

 HAWTHORN Landscape Architects	
15/05/2025	
Appendix 1 Photo Location Map	
Ormarino - LOT 1 & Relocation Marawada Road, Russell	
Scale	Drawn By
1:15000 @ A3	Cad Design
Drawing #	Rev #
1.0	A
<small>1. This drawing is the property of Hawthorn Landscape Architects and must not be reproduced or used in any way without prior written permission. 2. This drawing is for the purpose of providing information only and does not constitute a contract. 3. The client is responsible for ensuring that all information provided is accurate and up to date. 4. Hawthorn Landscape Architects is not responsible for any errors or omissions in this drawing. 5. This drawing is for the purpose of providing information only and does not constitute a contract. 6. Hawthorn Landscape Architects is not responsible for any errors or omissions in this drawing. 7. This drawing is for the purpose of providing information only and does not constitute a contract. 8. Hawthorn Landscape Architects is not responsible for any errors or omissions in this drawing. 9. This drawing is for the purpose of providing information only and does not constitute a contract. 10. Hawthorn Landscape Architects is not responsible for any errors or omissions in this drawing.</small>	



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15/05/2025

Appendix 2
Development Plans
Proposed LOT 16 relocation
Omarino - LOT 16 Relocation
Manawaora Road, Russell

Scale	Drawn By	Cad Design	Rev #
1:1500 @ A3			

Drawing # 2.0

Rev # A

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

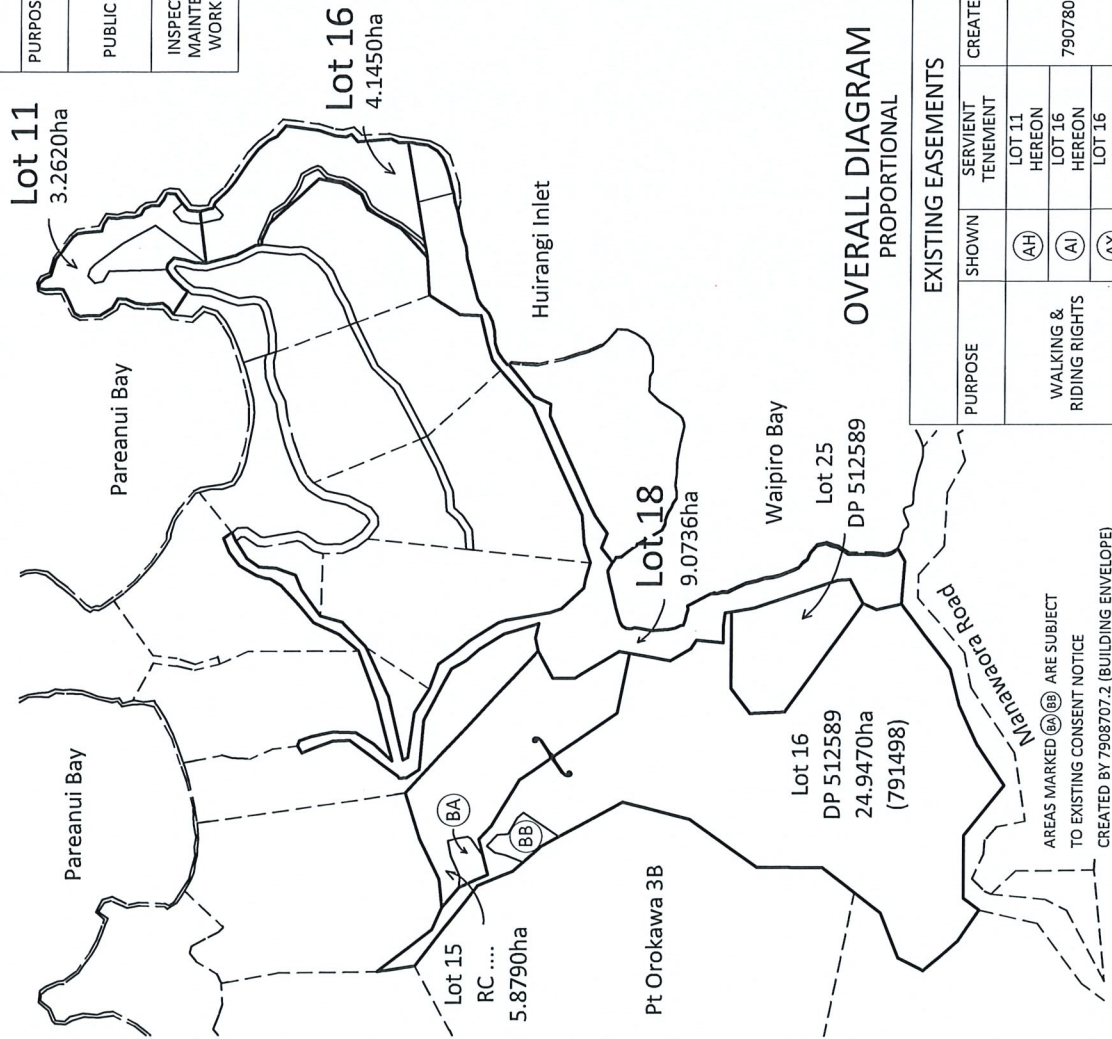
0 100 200 m

Survey	Name	Date	ORIGINAL SHEET SIZE
Design	KY	24.03.25	1:4000 A3
Drawn	KY	08.04.25	
Approved	KY	08.04.25	
Rev			

10722 Scheme 20250408

Surveyors Ref. No: 10722

Sheet 1 of 2



Local Authority: Far North District Council
Comprised in: 371331, 791498 & 440867
Total Area: 41.2960ha
Zoning: General Coastal
Resource features: Outstanding Landscape

AMALGAMATION CONDITION:
LOT 16 DP 512589 & LOT 15 RC ...
ARE TO BE HELD IN THE
SAME CERTIFICATE OF TITLE.

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

Registered Land Surveyors, Planners & Land Development Consultants

THOMSON SURVEY
LIMITED

PREPARED FOR: BENTZEN FARMS LTD

**PROPOSED BOUNDARY ADJUSTMENT BETWEEN
LOTS 15 & 18 RC ..., LOT 11 DP 391213 & LOT 16 DP 512589
MANAWAORA ROAD, RUSSELL**



Photo 1 - View of open grassed areas under sparse canopy of Kanuka



Photo 2 - View of open grassed areas under sparse canopy of Kanuka

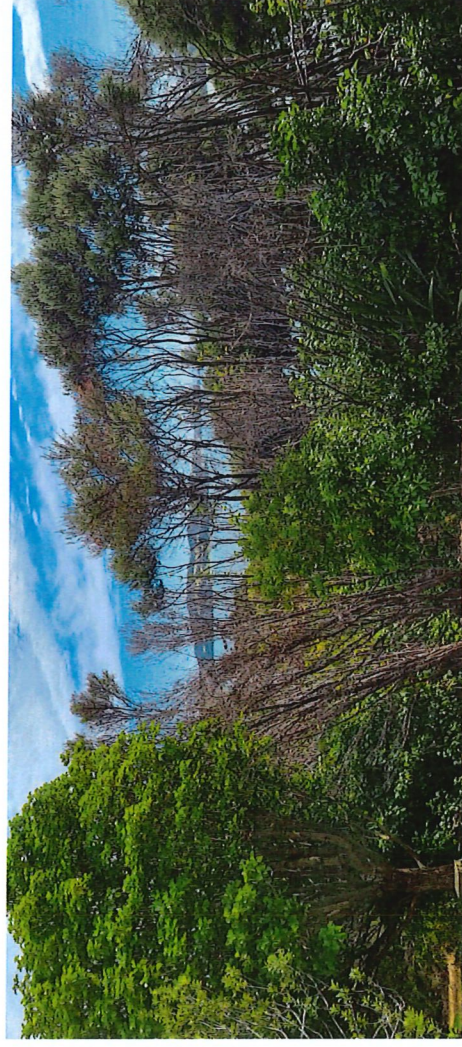


Photo 3 - View of revegetation plantings along main road verge, showing die-back

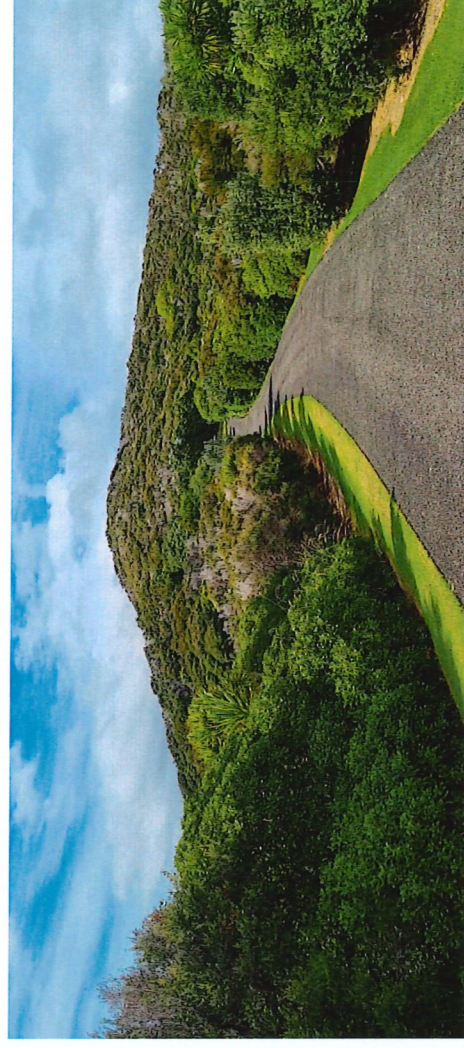


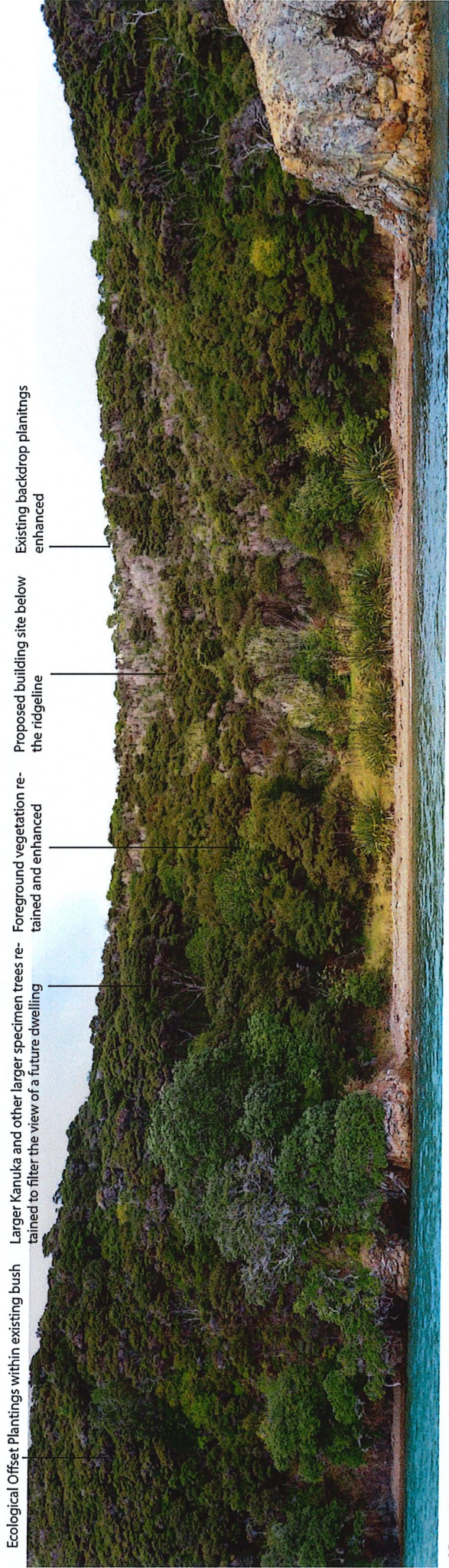
Photo 4 - View of existing vegetation along the edges of the main access road adjacent to proposed Lot 16. View of pa site on skyline.



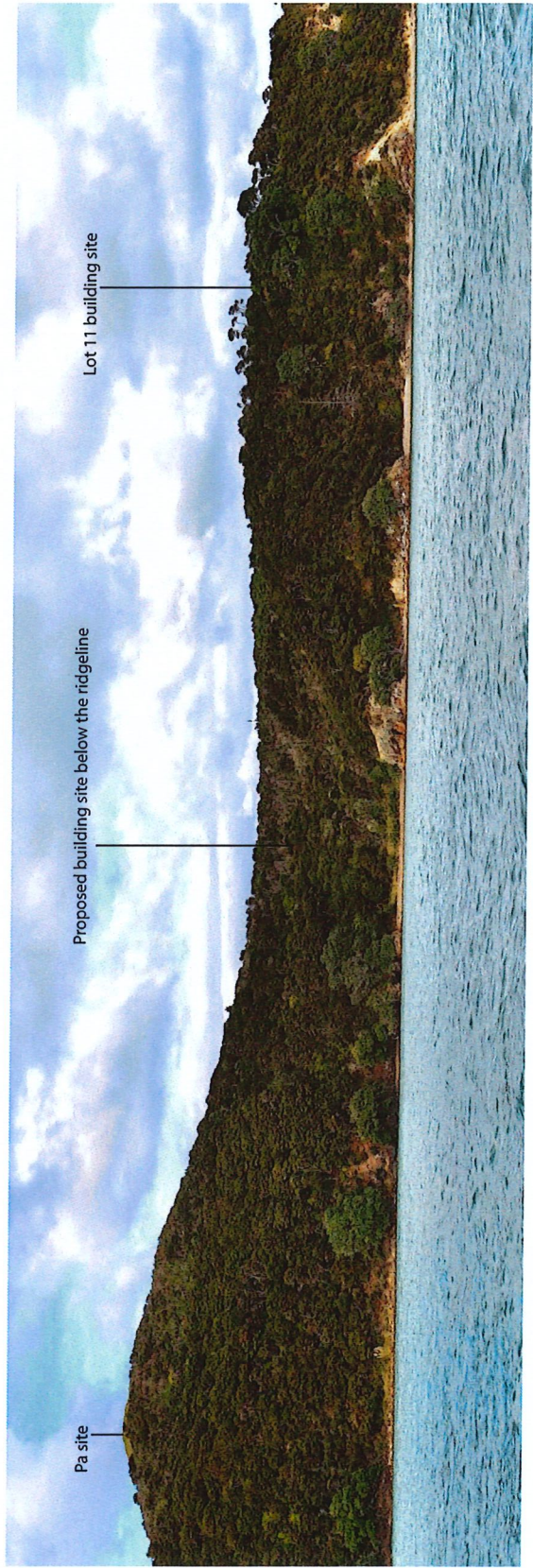
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On Site Photographs

Lot 16 Relocation
Omarino
Manawaora Road
Russell

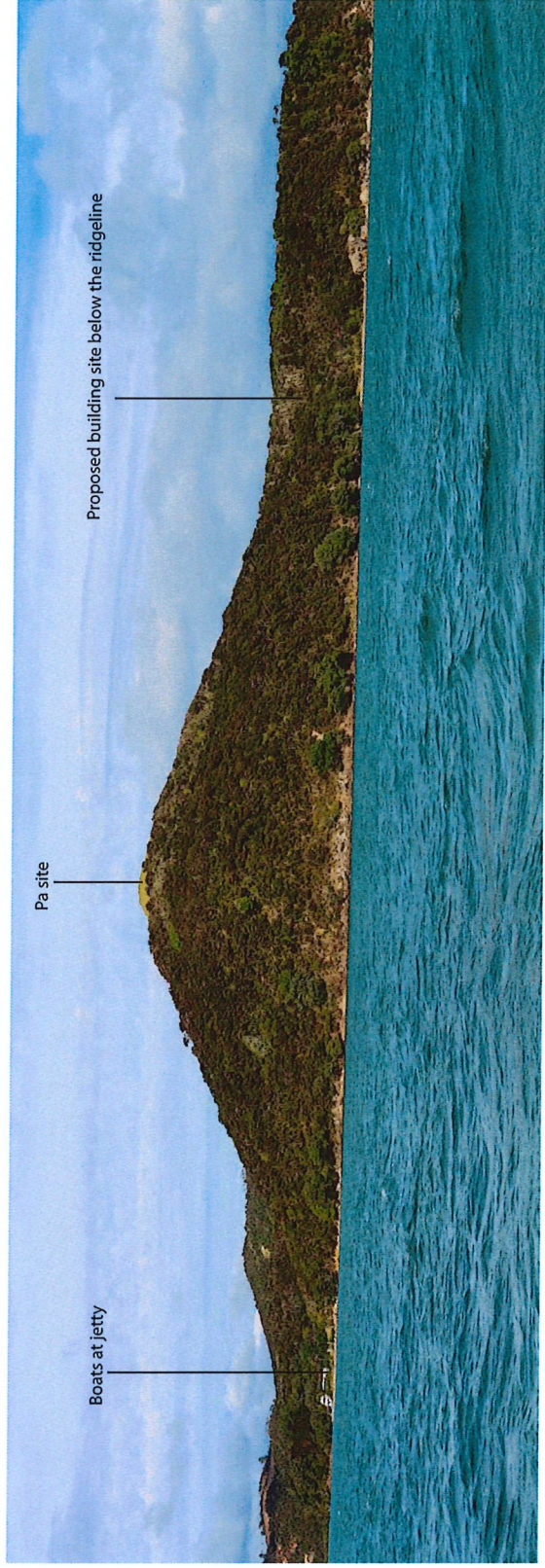


Viewpoint 1 - Located just off shore to the east of the proposed building site on relocated lot 16. The building envelop is located below the ridgeline, and weaves around the foreground vegetation.

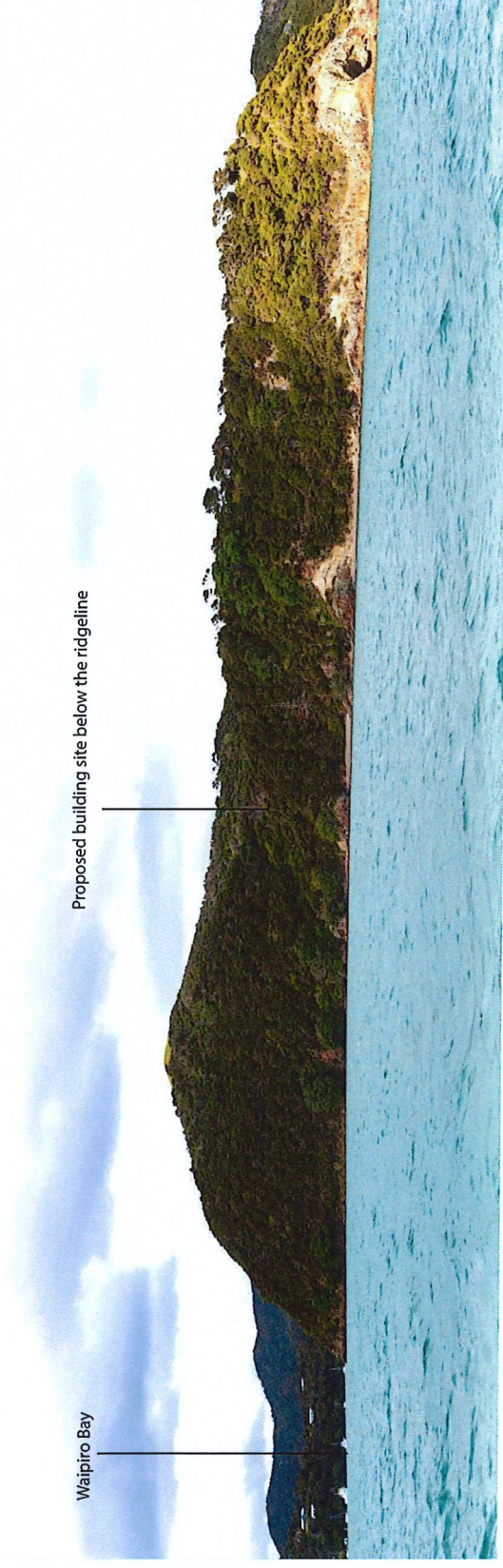


Viewpoint 2 - Located further away from the proposed building site within Parekuara Bay approximately 300m away. Proposed Lot 16 will encompass parts of the eastern facing flanks of the headland. The building site is located below the ridgeline and has a vegetated foreground and backdrop. The nearby pa site is located to the south of the building site, and is visible on the ridgeline. The nearby building site on Lot 11 is a ridgeline site, with a height restriction of 4meters which will result in any dwelling being viewed within and screened by the existing vegetation surrounding the open grassed areas of that building site.





Viewpoint 3 - Located within Parekura bay, looking west towards the building site on Lot 16, also visible are the pa site and the boats at the jetty in the Huirangi Inlet.



Viewpoint 4 - Located near the entrance to Parekura Bay, looking south towards the building site on Lot 16, also visible are houses located along the coastal slopes overlooking Waipiro Bay.



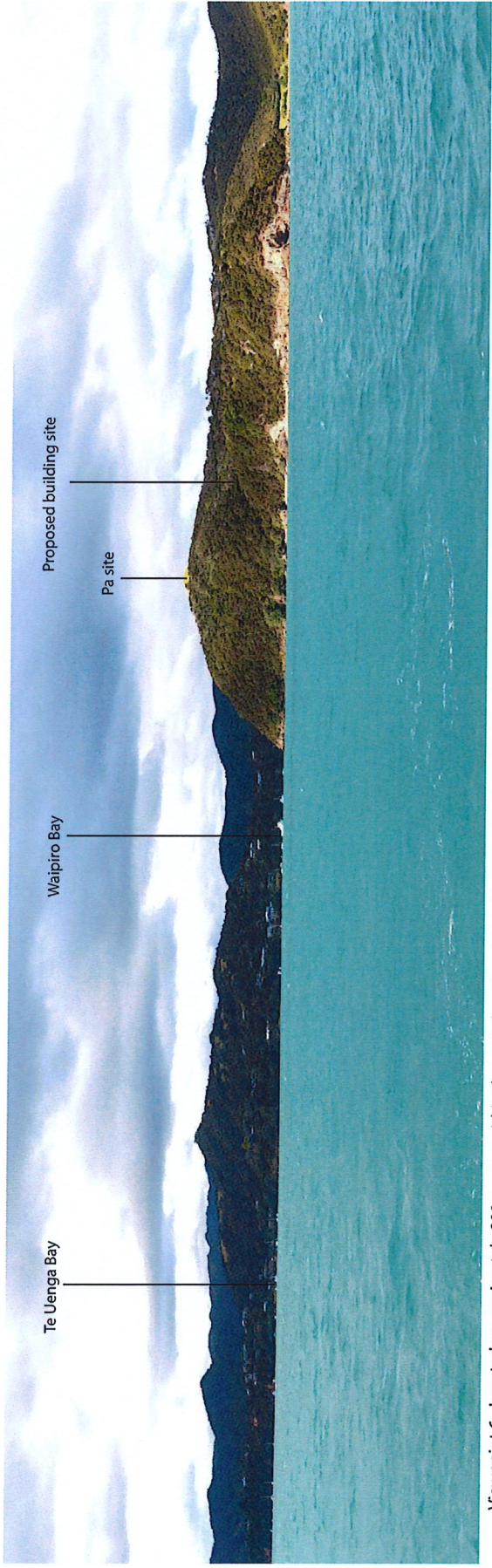
HAWTHORN
Landscape Architects

Off Site Viewpoints

Lot 16 Relocation
Omarino
Manawaara Road
Russell



Viewpoint 5 - Located within the main boating channel leading into Parekura Bay, looking south towards the building site on Lot 16, which is mostly obscured from view by the intervening landform.



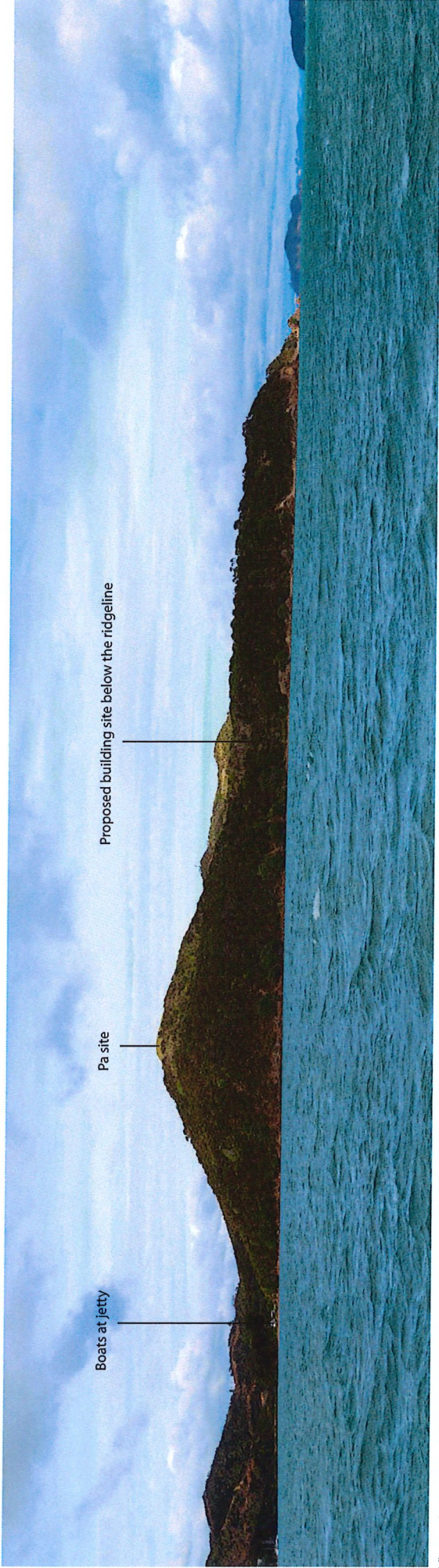
Viewpoint 6 - Located approximately 800m away within the main boating channel into Parekura Bay, looking south towards the building site on Lot 16, which is mostly obscured from view by the intervening landform. Houses overlooking Waipiro and Te Uenga Bays are visible set into the vegetated hillslopes overlooking Parekura Bay.

Off Site Viewpoints

Lot 16 Relocation
Omarino
Manawaara Road
Russell



HAWTHORN
Landscape Architects



Viewpoint 7 - Located within Parekura Bay, looking west towards the building site on Lot 16, also visible are the pa site and the boats at the jetty in the Huirangi Inlet.



Viewpoint 8 - Located within Parekura Bay, looking west towards the building site on Lot 16, approximately 900m away. The proposed building site on Lot 16 is located on the eastern facing flanks of the small headland near the entrance into Parekura Bay. The house on Lot 19 and boats at the jetty in Huirangi Inlet are visible, as are other boats anchored in Waipiro Bay.



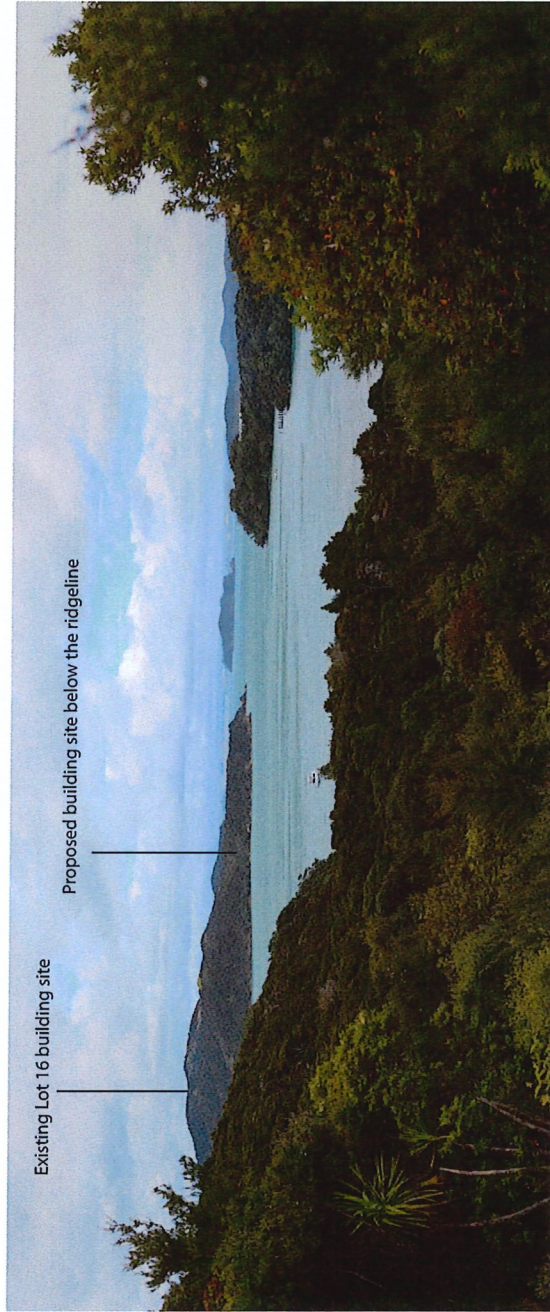
HAWTHORN
Landscape Architects

Off Site Viewpoints

Lot 16 Relocation
Omarino
Manawaara Road
Russell



Viewpoint 9 - Located within Parekura Bay approximately 1km away, looking west towards the building site on Lot 16. The proposed building site on Lot 16 is located on the eastern facing flanks of the small headland near the entrance into Parekura Bay. The house on Lot 19 and boats at the jetty in Huirangi Inlet are visible, as are other boats anchored in Waipiro Bay.



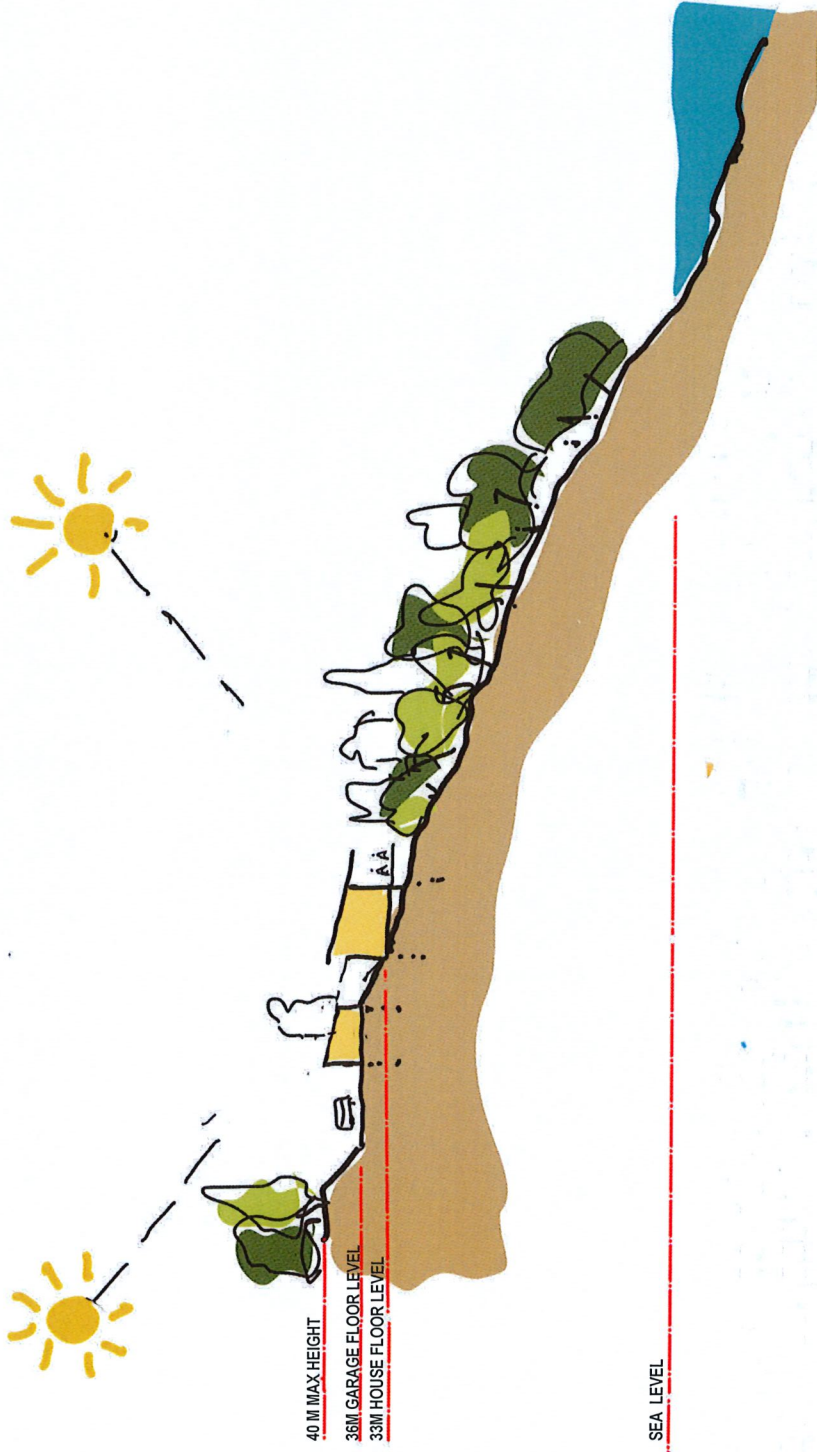
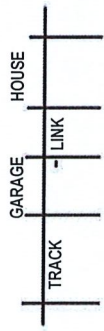
Viewpoint 10 - Located on Hikuwai Road approximately 2.5km to the east of the site. The proposed building site on relocated Lot 16 is visible on the lower headland adjacent to the water, while the existing building site on Lot 16 is located on the skyline ridge. This viewing position is afforded by a small gap in roadside vegetation, providing a momentary view of the landmass upon which Omarino is located. Parekura Bay is the water body in the foreground.





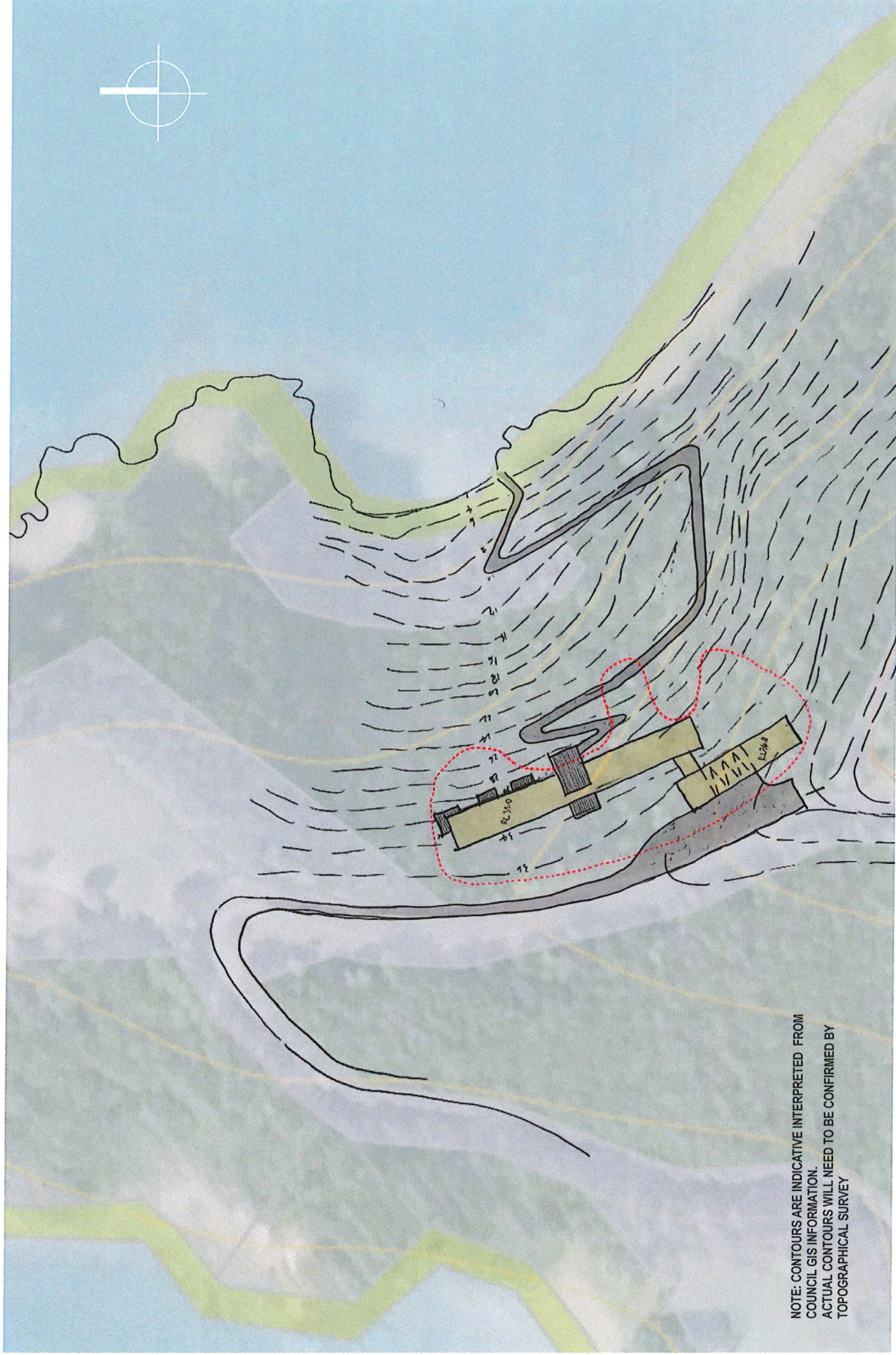
LOT 16 - ÒMARINO

Bossley
Architects





NOTE: LOCATION IS APPROXIMATE AND INDICATES
POSSIBLE EFFECT OF A HYPOTHETICAL DESIGN



Appendix 4

Ecological Impact Assessment

ECOLOGICAL IMPACT ASSESSMENT (ECIA)



**PROPOSED BOUNDARY ADJUSTMENT SUBDIVISION
LOT 11 DP 391213 MANAWAORA RD
BENTZEN FARMS LTD**



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EciA PROPOSED BOUNDARY ADJUSTMENT SUBDIVISION LOT 11 DP 391213 BAY ECOLOGICAL CONSULTANCY LTD (3/8/25)

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ECOLOGICAL IMPACT ASSESSMENT (EcIA)

PROPOSED BOUNDARY ADJUSTMENT SUBDIVISION

LOTS 11 DP 391213 & Lot 16 DP 512589 (RT 371331)

285 MANAWAORA RD, RUSSELL

3/8/25



EXECUTIVE SUMMARY

Bay Ecological Consultancy has been engaged to provide an Ecological Impact Assessment (EcIA) of the Bentzen Farms Ltd proposal to carry out boundary adjustment subdivision of Lot 11 DP 391213 in the Ōmarino estate, Manawaora Rd, Russell to accommodate the relocation of title for Lot 16 DP 512589 and a new building envelope. The former Lot 16 location is to be amalgamated with Lot 15 adjacent, retaining only the latter's designated building site in that locale. No physical works are currently proposed for that area. Delineation of the 'new' Lot 16 building envelope requires vegetation clearance and associated earthworks, as subject of this EcIA. A collaborative approach referencing landscape visual amenity; geotech and ecological constraints has resulted in allocation of the current proposed area of approx. 2710m² to accommodate development.

This report considers aspects of the proposal with potential ecological impacts including:

- Vegetation clearance & earthworks in the development footprint
- Stormwater discharge from increased impermeable surface to the CMA as receiving environment
- Common potential effects of residential occupation

A desktop review of available ecological background was followed by site visits in March 2025 to ground truth expectations and gauge the proposal against site context.

SUMMARY FINDINGS

- Like the majority of the original farm prior to the Ōmarino development, proposed Lot 16 was bare pasture, pine; gorse and an area of undergrazed kānuka dominant cover as secondary regeneration from original historic clearance.
- Historic rare ecosystem type¹ *WF4 Pōhutukawa, pūriri, broadleaved forest* on the Marua Clay Loam (MRH) soils is now only expressed as a disjunct fringe of relict pōhutukawa in the supralittoral zone adjacent the shoreline.
- The remainder of vegetation is a spectrum of *AS1 Kānuka shrubland with native shrubs* to an inferior *AS3- Kānuka with exotic grass* type, common to the local peninsulas of the Bay of Islands. It is of several cohorts-
 - remnant vegetation secondary after original farm clearance pre 1950s : kānuka dominant with scattered individuals of larger stature early successional broadleaves pūriri & rewarewa and hardy podocarps – tānekaha; tōtara; tōwai; rimu; of similar age.
 - revegetation dating from the original mass scheme across Ōmarino 2003 -2007 to uphold RC 2050323 with emphasis on mānuka dominance & shrubby *Coprosma* species & occasional pōhutukawa planted as a larger grade originally. Cabbage trees are frequent.
- The designated clearance area is AS3 type and majority mānuka revegetation suffering mass mortality from a combination of adverse abiotic conditions on a potentially unsuitable genetic ecotype. This is an increasingly common Far North phenomenon in mass revegetations dating

¹https://services2.arcgis.com/J8errK5dyxu7Xjf7/arcgis/rest/services/Northland_Biodiversity_Ranking/FeatureServer

from the 1990s. It has an open and thin understorey, without a diversity of ground cover other than exotic weeds, seral saplings, scattered *Carex*; exotic grassed areas (kikuyu)
Edge effects; wind throw; senescence and competition have resulted in natural gaps. Frequent larger stature weed species include ginger; tobacco weed and gorse

- Coastal and altitudinal expected sequence has subdued by historic pastoral use and later layer of broad revegetation of hardy species. Without intervention this is unlikely to re establish to a WF4 representative level within the foreseeable future.
- There are no kauri, planted or otherwise considered in proximity to any proposed works to invoke the relevant Biosecurity (National PA Pest Management Plan) Order 2022. No kauri are designated for planting
- There are no *natural inland wetlands* or waterways, including ephemeral.
- The site is captured in wider local and regional mapping layers that be used as a surrogate for significance values, emphasize the nearshore values:
 - *PNRP & PDP High Natural Character Unit #11/37* underscoring the rocky fringe with pōhutukawa and the near coastal portion of relatively mature vegetation with additional kānuka/ mānuka shrubland
 - *Whangaruru ED PNA # Q05/003 Russell Forest* mapping with potential shared values of shrubland and forest gecko species
 - *Kiwi Present Designation (DoC Mapping 2018)*
 - *RPS & PDP Outstanding Natural Landscapes: Parekura headland & Orokawa peninsula* with reference to the primary ecological context of rocky shoreline and supralittoral vegetation sequence to indigenous shrubland & dominance of natural patterns over residential settlement
- There is no seagrass; saltmarsh or mangrove in the CMA adjacent, which is encompassed in broad mapping layers
 - *Significant Bird Area: Bay of Islands & Northland Coastal Significant Marine Mammal & Seabird Management Area.*
 - *RPS & PDP High Natural Character Parekura Bay #12/26* incorporating the near shore CMA relatively high water quality compared to natural state & minimal human-mediated hydrological change
- The dying mānuka contribution is a minimal and depauperate representation of the wider sites values and characteristics as a part of a wider ecological unit, by virtue of presence rather than quality with *NEGLIGIBLE- LOW significance*.
- The remainder vegetation in the clearance area has a *MODERATE* level of significance with regard to connectivity; size; habitat and representativeness; physical and functional buffering to the nearshore aquatic environment as riparian vegetation e.g. erosion and hydrological control as per RPS (2018) Appendix 5.
- **Avoidance** of adverse effects has been a primary consideration, as per the Coastal Policy Statement and the EMH cascade (NPSIB 2023).
- **The proposal breaches Proposed District Plan vegetation clearance rule IB – R3 of vegetation with significance, as identified in this report.**
- To minimise clearance to the extent practicable the proposed envelope has been located closely adjacent to existing infrastructure at upper contour, with no foreshore interaction, and designated largely within the lower quality areas of the site adjacent access, with open areas, and senescing mānuka outside of the older vegetation remnant. Beyond individual kānuka no mature remnant tree species are included.
- Wildlife management is to include kiwi and herptofauna survey and relocation prior to clearance as necessary.
- Sediment and stormwater control will be primary to avoidance of effects in the CMA at the time of onsite development and once residential purpose is in effect. Retention of the lower contour riparian vegetation is also pertinent to bird values, potentially utilized by pelagic species. Lighting of this area is to be avoided in residential design.
- Despite emphasis on avoidance, removal of *MODERATE* significance vegetation cannot be mitigated completely at the point of impact as a portion is permanent.
- In response, both restoration and enhancement of *values* to provide erosive protection, habitat and amenity in the same close locale is proposed as per *Appendix 3 NPSIB (2023)* and *RPS 4.4.2*, providing no net loss, rather *net gain* and *additionality* through density and diversity. The

heightened density of vegetation concomitantly offsets the loss of minimal functionality of the former cover for sediment input and runoff to the CMA in conjunction with stormwater design.

- Success of an offset relies on methodology to ensure goals are achieved as per as *NPSIB Appendix 3 (5)*. We recommend:
 - Vegetation clearance shall not exceed the maximum areas shown in an approved Scheme Plan and positioned generally in accordance with such.
 - Best practice clearance methods to be used
 - machinery clean of soil and debris prior to site entry
 - vegetation, slash, disturbed soil or debris is not deposited in a position where it could mobilise into the CMA
 - preworks fauna check e.g. day sheltering kiwi
 - Lizard survey and Management Plan / permits as necessary for pre clearance salvage
 - Biosecurity measures for introduction of plants
 - Within twelve months of the completion of vegetation clearance provide evidence that planting plan has been implemented. Species have been selected specific to mitigatory purpose in consultation with Hawthorn Landscape Architects and aligned with the intent of the OMP original planting directives.
 - Pest and weed control is incorporated as a standard existing protection mechanism as per the OMP, ensuring success of the offset

This primary effects management is considered protective of the wider site ecological unit and significance values, including hydrological features and wetland, habitat, *High Natural Character*, aligned with aspirations of the objectives and policies of the FNDP and Coastal Policy Statement.

VIEW NORTHWEST SHOWING UPPER CONTOUR SENESCING MĀNUKA DOMINANT AREA AND TALLER OPEN KĀNUKA WITH GRASS & SPARSE COMMON LOW SHRUB UNDERSTOREY



PROPOSAL SUMMARY

The proposal area is a portion of current Lot 11 DP 391213 located on the northeastern coastline of the Ōmarino subdivision, accessed from 285 Manawaora Rd, approx. 23km east of Russell. Lot 11 is to be subdivided to accommodate the relocation of title for Lot 16 DP 512589 from its current inland ridge site within Ōmarino. The former Lot 16 location is to be amalgamated with Lot 15 adjacent, retaining only the latter's designated building site in that locale. No physical works are currently proposed for that area. Delineation of the 'new' proposed Lot 16 building envelope and curtilage requires vegetation clearance and associated earthworks. This EclA considers these initial works with additional consideration of the ultimate residential occupation of the 'new' coastal Lot 16 (4.145ha). The proposal is illustrated below in *Figs 1-4* and summarised in *Table 1*.

A collaborative approach referencing landscape visual amenity²; geotech³ and ecological constraints has resulted in allocation of a designated area of approx. 2710m² to accommodate development, set below the ridgeline distant above the beach utilising existing access.

Avoidance of the nearshore environment and mature vegetation dating prior to the 1950s has been a primary ecological consideration. The envelope occupies lower value vegetation in comparison not only to the Lot but also the wider Ōmarino extent, which is contiguous with areas of the Russell Forest PNA. The majority is comprised of mānuka monoculture dating from the 2003-2007 mass Ōmarino revegetation, now senescing irreversibly. Utilising the existing access formations and infrastructure closely adjacent above the site will minimise fragmentation and concentrate development. Potential wildlife values will be managed to avoid injury or mortality through survey to determine occupation and relocation as per standard best practice if required.

As a response to the permanent loss of *MODERATE* significance cover, an offset of approx. 3.441 ha has been proposed, which includes interplanting of remaining cover with canopy and late secondary species of predicted original forest *WF4 Pōhutukawa pūriri*. No *net loss* is achieved, rather a *net gain* and *additionality* through density and diversity, in keeping with the aspiration of *Appendix 3 NPSIB (2023) and RPS 4.4.2*.

The proposed offset planting has also been determined in consultation with Hawthorn Landscape Architects to have a positive effect on the ONL & HNC designations of the site, which will not be adversely affected overall by the development. Additionally, the future residential development of the new site will remain subject to the design guidelines of the 2007 Boffa Miskell Ōmarino Management Plan (OMP) and a recent set of site specific Architectural Guidelines which together will ensure buildings, structures and landscaping are sympathetic to the coastal environment.

Changes are required to the consent notice of the original Ōmarino Management Plan subdivision (RC 2050323). The activity has been determined to have *Discretionary* status under the ODP⁴.

² Hawthorn landscape Architects (2025) Landscape and Visual Effects Assessment- Proposed relocation of Lot 16 & Replacement Building Envelope- Omarino, Manawaora Rd. Prepared for Bentzen Farms Ltd

³ PK Engineering Ltd 14/6/24 Geotechnical report for proposed subdivision of Lot 11 DP 391213 at Manawaora Rd for Bentzen Farm

⁴ Consultant Planners - Thomsons Survey Ltd

FIG 1: SITE LOCATION

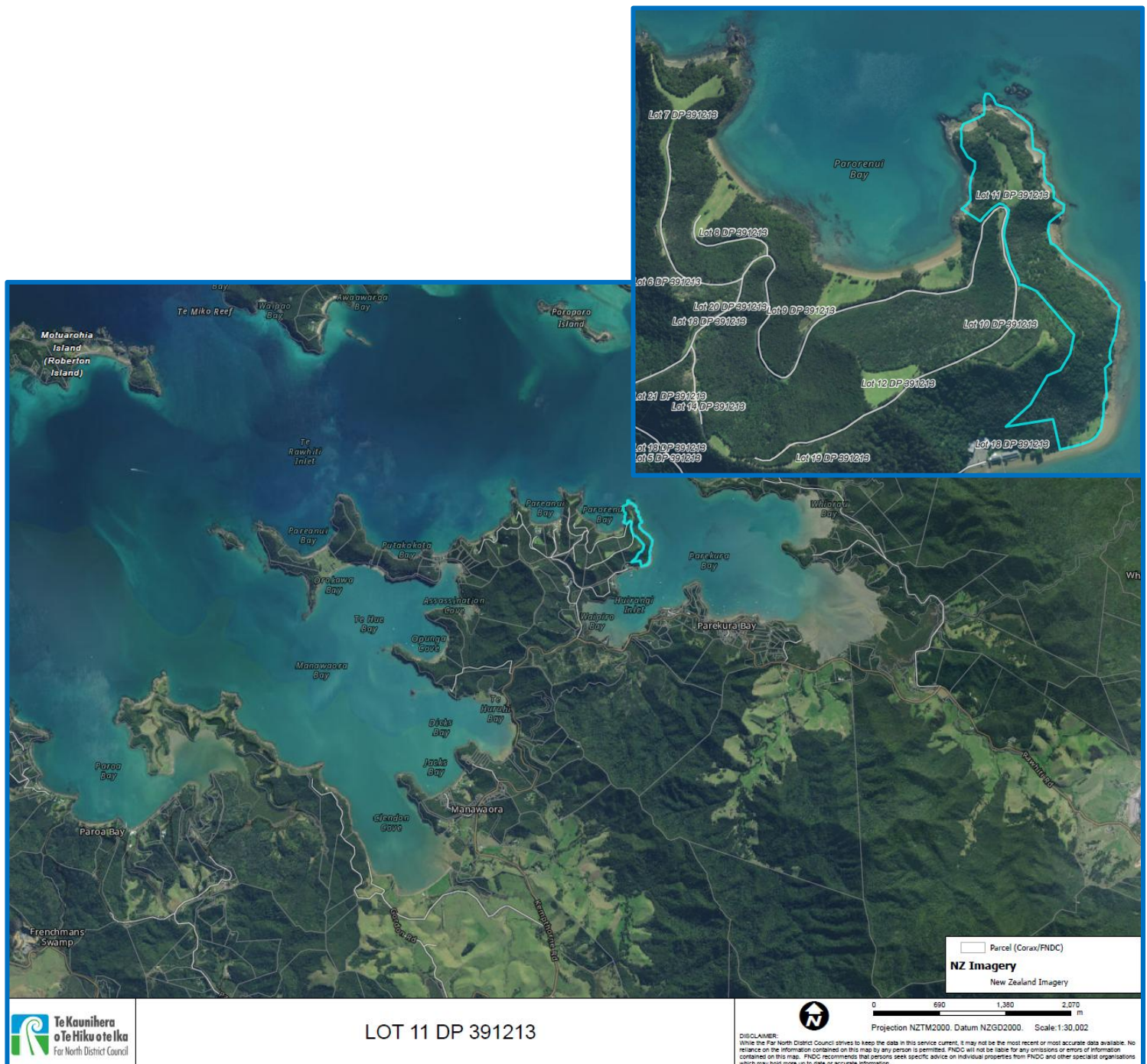


FIG 2: PROPOSED BOUNDARY ADJUSTMENT SUBDIVISION

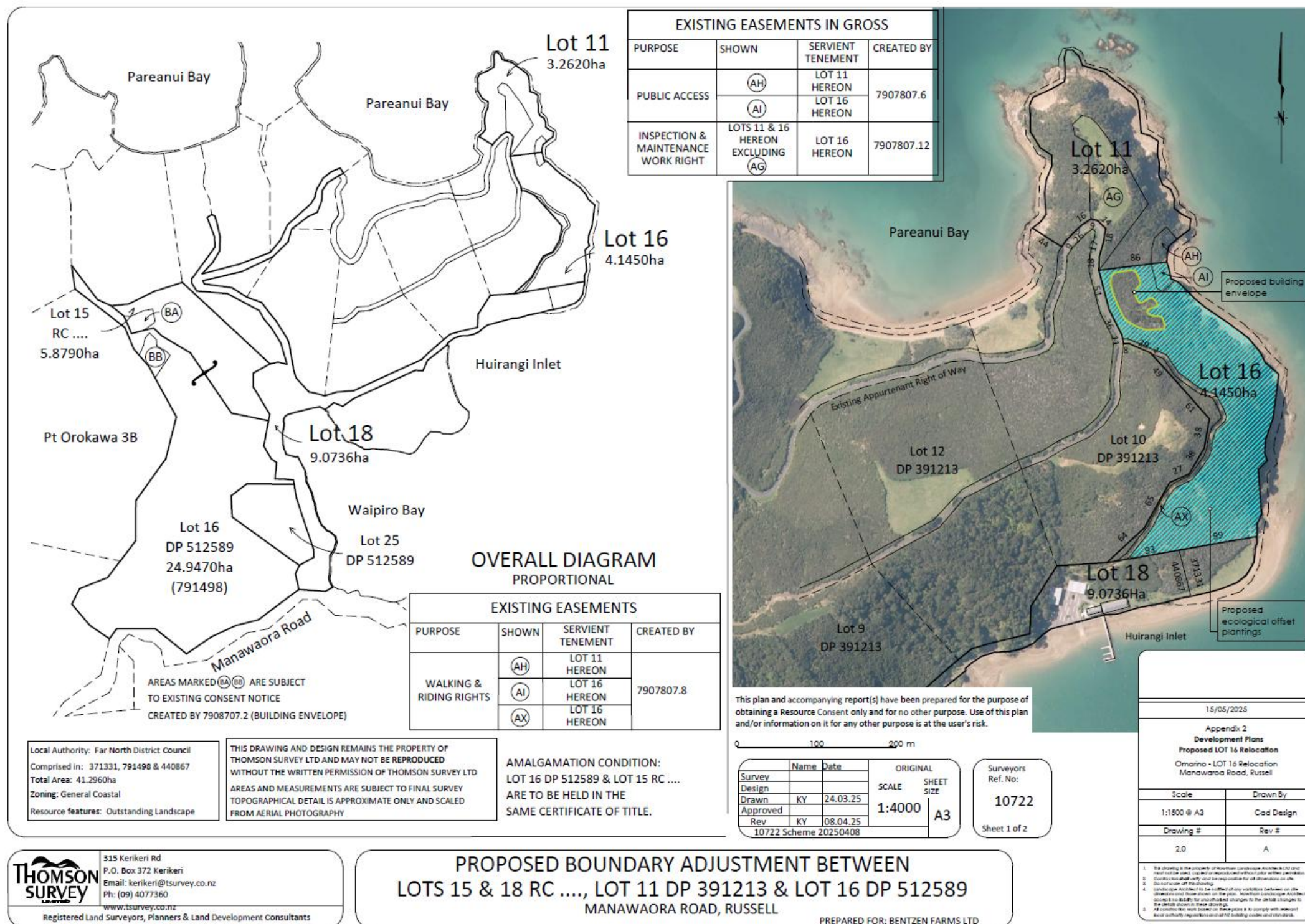


FIG 3: PROPOSAL LANDSCAPE CONTEXT

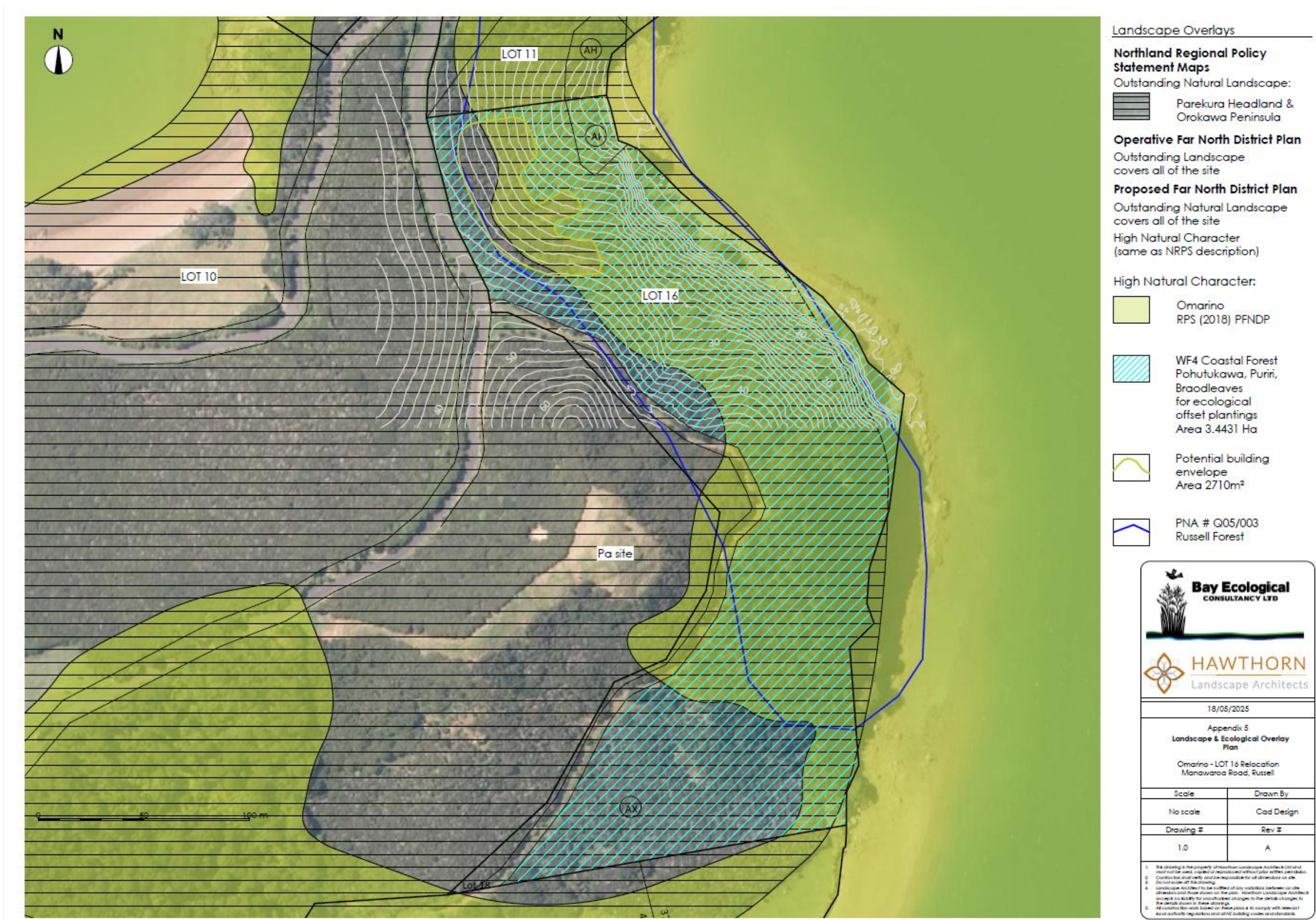


FIG 4: ECOLOGICAL CONTEXT



SITE CONTEXT

Desktop review was undertaken of the available ecological site context and surrounding area in the potential zone of influence (ZOI). This standard EclA desktop scoping phase assists in determining priorities for field work, informed assessment of significance and targeted impact management. Although generally from broad scale mapping, requiring finer ground truthing, it may suggest potential species occurrence and associations; underlying abiotic influences of soils and hydrology and extent and *values*⁵ of waterways.

TABLE 1: SITE SUMMARY

DESCRIPTION	PROPOSED LOT 16 FOCUS AREA WITHIN CURRENT LOT 11 DP 391213 (RT 371331)
OWNER	BENTZEN FARMS LTD
FNOP ZONE	GENERAL COASTAL
FNPP ZONE	RURAL PRODUCTION
RPS COASTAL	✓
AREA	4.1450 approx.
ECOLOGICAL DISTRICT	WHANGARURU
COVER	<ul style="list-style-type: none"> Area designated for clearance & periphery - mixed revegetation AS1-3 <i>Kānuka</i> dominant; large area of senescing mānuka; open grass areas Exotic component of gorse; tobacco weed; grass Sublittoral mature remnant pōhutukawa fringe – not in building envelope Scattered kānuka; large broadleaves and podocarps predating 1950s secondary after initial historic clearance – none in building envelope
SOIL TYPE ⁶	<ul style="list-style-type: none"> MRH Marua Clay Loam Erosion Prone Land⁷
POTENTIAL ECOSYSTEM ⁸	<ul style="list-style-type: none"> WF4: <i>Pōhutukawa, pūriri, broadleaved forest</i>
TEC CLASSIFICATION ⁹	<ul style="list-style-type: none"> CLASS V
RIVERS ¹⁰	NO
SITE RANKED AREAS	Site is encompassed within RUSSELL FOREST PNA Q05/003 ¹¹ <i>RPS & PDP Outstanding Natural Landscapes: Parekura Headland & Orokawa Peninsula</i> <i>RPS & PDP High Natural Character Unit #11/37; HNC341</i>
ADJACENT RANKED AREAS	Ōmarino Estate revegetation is contiguous with further area of <i>Russell Forest PNA Q05/003</i> <i>CMA Adjacent - Significant Bird area Northland Coastal Significant Marine Mammal & Seabird Management Area: RPS & PDP High Natural Character Parekura Bay #12/26</i>
NATURALLY RARE ECOSYSTEMS ¹²	NO
KIWI DENSITY DoC (2018)	Kiwi Present

⁵ Values (NPS FM 2020 Amendment No.1 (2022) (i) ecosystem health; (ii) indigenous biodiversity; (iii) hydrological function; (iv) Maori freshwater values; (v) amenity values

⁶ <https://nrcgis.maps.arcgis.com/apps/webappviewer/index.html?id=fd6bac88893049e1beae97c3467408a9>

⁷ Landcare Manaaki Whenua & NRC (2018) Erosion Prone/ Highly Erodible based on the LUC designated class.
https://nrcmaps.nrc.govt.nz/imagery/rest/services/RP_APPEALS_ErosionProneLand/MapServer/0

⁸ https://services2.arcgis.com/J8errK5dyxu7Xjf7/arcgis/rest/services/Northland_Biodiversity_Ranking/FeatureServer/0

⁹ https://ourenvironment.scinfo.org.nz/maps-and-tools/app/Habitats/lenz_tec

¹⁰ LINZ MAPPED CENTRELINES

¹¹ Booth A (2005) Natural Areas of Whangaruru Ecological District. Reconnaissance Report for the Protected Natural Areas Programme. DoC, Whangarei.

¹² Williams et al (2007) New Zealand's historically rare terrestrial ecosystems set in a physical and physiognomic framework *New Zealand Journal of Ecology* 31(2): 119-128

SOILS

In conjunction with species associations, soil characteristics provide an indication of potential wetland presence, and are useful guide for any revegetation or amenity planting.

Site soils are mapped as *Marua Clay Loam – Hill Country Variant (MRH)*

TABLE 2: MAPPED SOIL TYPE

SOIL TYPE NZRLI	SOIL TYPE FSL	DESCRIPTORS	PREDICTED FOREST TYPE
MARUA CLAY LOAM MRH – Hill Country Variant	MOTTLED ORTHIC BROWN (BOM)	<p>MARUA SUITE- Young greywacke soil</p> <ul style="list-style-type: none"> • P retention is moderate to very high • Micronutrient molybdenum creates a significant response in these soils • Good root penetration but pug and compact easily if worked when wet sealing soil surfaces • usually contain 2:1 clay minerals. • Secondary iron oxides tend to be evenly dispersed through the soil and give a yellowish brown colour to the upper part of the B horizon. • in a subhorizon of the B within 60 cm of the mineral soil surface, or at the base of the B if shallower, have matrix colour value 4 or less and moderately or strongly pedal polyhedral peds (20 mm or less in size) • Moderately to well drained occur in places in which summer dryness is uncommon and that are not waterlogged in winter • Weak or very weak soil strength to depth on Holocene land surfaces on hilly or steep slopes prone to slipping and slump terrace formation 	WF4

Site soils were inspected along tracks and cut faces during site visit and readily conformed to mapped description. However, some areas are confounded by historic site scrapes back to subsoils for roading and landscaping.

The site and surrounding headlands are mapped as *Erosion Prone*⁷. Marua suite soils on steep slopes are prone to slips during high rainfall events following dry periods when cracking allows infiltration to the slip plane. Benefit may be provided by planting density with a variety of root forms and species.

POTENTIAL ECOSYSTEM TYPE

Broad ecosystem classification¹³ shows the potential vegetation type as correlated with soil type and climate:

- **WF4 Pōhutukawa, pūriri, broadleaved forest**

TABLE 3: MAPPED POTENTIAL ECOSYSTEM TYPE

ECOSYSTEM CLASSIFICATION	TYPE DISTRIBUTION	TYPE DESCRIPTION
WF4 <i>Pōhutukawa, pūriri, broadleaved forest</i> <i>Coastal broadleaved forest</i>	<i>Warm climatic zone from the Three Kings Islands and Te Pahi south to Mahia and New Plymouth.</i>	Broadleaved forest of several variants, with pōhutukawa and pūriri, and locally with karaka, kohekohe, tītoki, mangeao, rewarewa, tawa, puka, tawāpou, ngaio, nīkau, taraire

This ecosystem, colloquially known as *coastal broadleaved forest*, predominately occurs 800 m of the shore exposed to coastal winds and salt spray.

¹³ Singers & Rogers (2014) A classification of NZs terrestrial ecosystems. DoC Wellington

Singers, N. (2018) A potential ecosystem map for the Northland Region: Explanatory information to accompany the map. Prepared for Northland Regional Council.

Very limited examples of this type remain today due to NZs coastal concentrated population distribution. Frequently the only representation remaining are pōhutukawa, as an iconic species, with scattered pūriri, kohekohe and karaka. Sizeable trees often persist in isolation, randomly protected from historic clearance by topography and amenity value.

WHANGARURU ED PNA

Remnant vegetation dating from prior to the 1950s was included in the 1995 DoC mapping of *Russell Forest PNA# Q05/003* (refer FIG 3). The wider Ōmarino Estate revegetation has created an expanse of cover that is contiguous with the remnant farm cover. Although dated, the underlying assessment is a benchmark of that time and useful surrogate for potential significance and ecological of the current ecosystems. Documented values of the far larger unit are compared with those onsite as below:

TABLE 4: RUSSELL FOREST PNA# Q05/003 DOCUMENTED VALUES

RUSSELL FOREST PNA# Q05/003	SUBJECT SITE
<p>Representative forest and scrub types including unmodified</p> <p>(a) Kānuka/mānuka-tānekaha forest on hillslope (b) Kānuka/mānuka-tōwai forest on hillslope (c) Kānuka/mānuka-rimu-tānekaha-tōtara forest on hillslope (d) Taraire-tōwai forest on hillslope (e) Tānekaha-tōwai forest on hillslope (f) Tōtara-tōwai forest on hillslope (g) Taraire-kohekohe-pūriri forest on hillslope (h) Hakea sp. scrub on hillslope (i) Kānuka/mānuka-kauri-tānekaha forest on ridges (j) Raupo-harakeke association in swamp (k) Pōhutukawa coastal forest on hillslope (l) Kānuka/mānuka-pūriri-taraire forest on alluvium</p> <p>Representative site & only record of types for types (c) kānuka/mānuka-rimu-tānekaha-tōtara forest; (g) taraire-kohekohe-pūriri forest; (i) kānuka/mānuka-kauri-tānekaha forest; (j) raupo-harakeke association, and (l) kānuka/mānuka-pūriri-taraire forest.</p>	<p>Site portion mapped as forest¹⁴ c.f. shrubland¹⁵/ scrub¹⁶, however is aligned with the latter two categories.</p> <p>Site vegetation is not representative of any of the given associations, subdued by grazing; depleted soil; lack of seed source & revegetation planting pattern</p>
Representative wetland types. Threatened & At Risk fish species in these and waterways.	No waterways on site
Sea level to 430 m asl. full altitudinal range 'mountain to sea' In places, full sequential gradients exist, from mature hill forest through to coastal riparian and marshy tones, to extensive mangrove forests within the Bay of Islands (covered by Q05/001).	Cover is present however altitudinal pattern is suppressed to a fringe of pōhutukawa at the sublittoral fringe No mangrove/ saltmarsh/ seagrass connection into the CMA
Diverse with extensive mature forest, some modified	No – shrubland and scrub matrix – modified from extensive pastoral history . Low diversity seral pioneers with individual podocarps and larger stature broadleaves – non in clearance area
Provides a significant linkage function, linking the Bay of Islands Estuary and Cape Brett to the numerous forest remnants to the east and south.	Site cover is contributory
<p>Supports large number of Threatened and At Risk flora and fauna including invertebrates; fish and birds. Near the distributional limit of 3 species of forest gecko Auckland Green; Northland Green Gecko & Forest gecko</p> <p>BIRDS INCLUDE NI weka (At Risk-Relict); visiting NI kaka (At Risk – Recovering); NI brown kiwi (Not Threatened – Conservation Dependand); kūkupa (Not Threatened- Conservation Dependand; Regionally Significant); Pateke (Threatened -Nationally Increasing); NI tomtit (Regionally Significant) redcrowned kakariki (At Risk - Relict)</p>	<p>The site is KIWI PRESENT (DoC 2018) and likely provides part of territory as part of broad peninsula cover</p> <p>Concerted search for kauri snail; paua slugs(<i>Schizoglossa</i>) ; flightless stag beetle <i>Paralissotes mangonuiensis</i> unsuccessful</p> <p>Site is part of landscape linkage for highly mobile species Ōmarino is a pateke stronghold however the subject site is not in a ZOI of their habitat, focused on the Lot 18 waterways</p> <p>Lizard management recommended although none determined during fieldwork.</p>

¹⁴ **FOREST:** A tall, predominantly closed canopy consisting mainly of tree species

¹⁵ **SHRUBLAND:** Successional vegetation dominated by seral species such as manuka, kanuka, mahoe etc or shrubs such as hangahange, bracken, kumerahou.

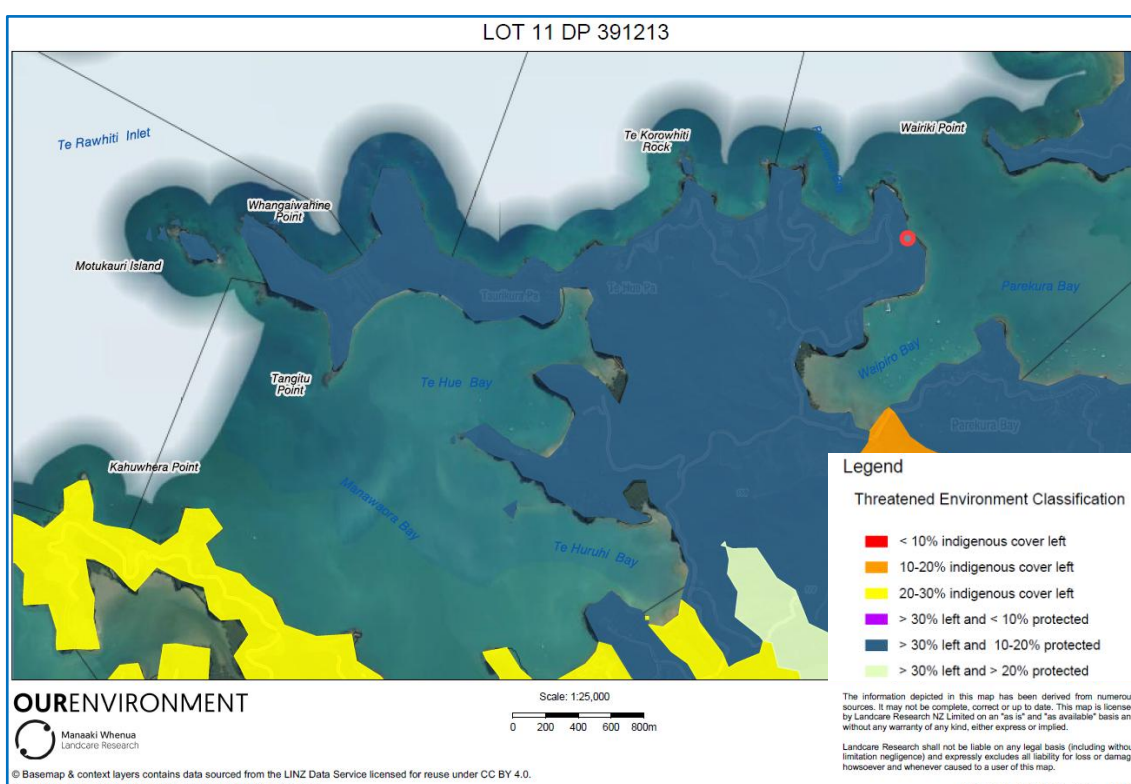
¹⁶ **SCRUB:** seral communities, often dominated by or with a large component of exotic species such as gorse, Hakea, tobacco weed, etc. and/or commonly lacking a closed canopy and in which an understorey is either absent or composed primarily of exotic species.

THREATENED ENVIRONMENT CLASSIFICATION

The first two classes of the national TEC mapping layer¹⁷ have been incorporated into national and regional policy to address biodiversity protection on private land¹⁸ and as a measure of significance of any site vegetation. Vegetation onsite is not included in these categories. The TEC is most appropriately applied to help identify priorities for formal protection against clearance and/or incompatible land-uses, and to restore lost linkages and buffers.

The site and surrounding area is classed as *Underprotected* class (> 30% left and 10-20% protected). Indigenous vegetation and habitats in these environments is considered less reduced and fragmented than the first four categories, but lacking sufficient legal protection. This is considered inaccurate in light of the Ōmarino Management Plan (OMP) and dictates of the original subdivision consent, which would not have been accounted for in the mapping classification.

FIG 5: TEC CLASSIFICATION



¹⁷ Threatened Environment Classification (2012) Landcare Research Manaaki Whenua. Based on Land Environments New Zealand (LENZ), classes of the 4th Land Cover Database (LCDB4, based on 2012 satellite imagery) and the protected areas network (version 2012, reflecting areas legally protected for the purpose of natural heritage protection).

¹⁸ Northland Regional Policy Statement 2018 Appendix 5; Land Environments New Zealand Level VI; Land Cover Database 4 (2012); Protected Areas Network (2012) **Acutely Threatened** (<10% Indigenous Cover remains); **Chronically Threatened** (10-20% Indigenous Cover remains); **At Risk** (20-30% Indigenous Cover Remains); **Critically Underprotected** (>30% cover, <10% protected); **Underprotected** (>30% Indigenous cover remains, 10-20% protected); **Better Protected** (>30 indigenous cover, >20% protected)

CHARACTER & LANDSCAPE MAPPING

The site is included in *RPS (2018) & PDP* High Natural Character mapping as *Ōmarino (Unit #11/37; HNC341)*. Additionally, it is encompassed in the larger Outstanding Natural Landscape *Parekura Headland & Orokawa Peninsula*. Ecological aspects of these designations may be considered as a proxy guide for significance assessment and the site is compared with values documented for the much wider units below.

TABLE 5: RPS (2018) & PDP HNC ŌMARINO (UNIT #11/37; HNC341)

ŌMARINO (UNIT #11/37; HNC341)	SITE
<i>Three steep rocky headlands with pōhutukawa treeland with kānuka-mānuka shrubland. Relatively mature indigenous vegetation relative to the site conditions and natural disturbance history/ regime.</i>	Present onsite in variable condition tending from AS1 – poor AS3/ open
<i>Minimal human-mediated hydrological or landform changes and few obvious human structures. Part of a community pest control area</i>	Ōmarino has site led pest control and vegetation management as per the OMP and adaptive management

TABLE 6: RPS (2018) & PDP OUTSTANDING NATURAL LANDSCAPES: PAREKURA HEADLAND & OROKAWA PENINSULA

PAREKURA HEADLAND & OROKAWA PENINSULA	SITE
<i>Identified as part of the wider Russell Forest with connecting fingers that reach the coast in this area. Whilst kānuka and mānuka dominated shrubland appear to be the prevailing species amongst the vegetation cover, there are areas where evident “pōhutukawa coastal forest on hillslope” and pockets of “taraire-kohekohe-pūriri forest on hillslope” exist. Other tree species commonly present include tōwai , tānekaha, tōtara and kauri.</i>	Kānuka dominated vegetation is present onsite in variable condition tending from AS1 – poor AS3/ open <i>No coastal forest expression. Large stature scattered trees remnant form >1950s are individuals tōtara tānekaha rewarewa pūriri (<10)</i>
<i>The area contains a significant number of threatened animal and plant species and is a representative site for 6 forest types</i>	No representative forest types are present including predicted WF4 Pōhutukawa pūriri type
<i>Associations are strongly related to this part of the Bay of Islands, but also replicated elsewhere around the eastern coast. Relatively common in the adjacent area, but less so on a wider scale Part of larger area of indigenous vegetation, with some relatively mature.</i>	The kānuka dominated canopy is common in the area. The site lacks taller mature podocarp and broadleaved canopy species save shoreline pōhutukawa and individual scattered trees e.g. tōtara; rewarewa at wide spacings throughout the original farm remnant (PNA area)
<i>Mixed broadleaved forest with pōhutukawa & tōtara on headland between Te Uenga & Waipiro Bay</i>	Site is outside this area
<i>A few obvious human structures but minimal human-mediated hydrological or landform changes.</i>	No fish habitat is present or been altered Existing infrastructure in place services the wider Ōmarino development and the proposal utilises these to minimise fragmentation.

The near shore environment and CMA includes RPS & PDP HNC *Parekura Bay (Unit #12/26)*.

TABLE 7: RPS (2018) HNC PAREKURA BAY (UNIT #12/26)

NRPS PAREKURA BAY (UNIT #12/26)	SITE
<i>Subtidal flats of Parekura Bay Less than 10m deep</i>	YES
<i>Water quality relatively high compared to natural state. Minimal human-mediated hydrological or geomorphological changes.</i>	No fish habitat is present or been altered Existing infrastructure in place services the wider Ōmarino development and the proposal utilises these to minimise fragmentation.
<i>Recovering seagrass vegetation.</i>	None mapped subtidal to this headland

The CMA adjacent is also included in the *PNRP Significant Bird Area Bay of Islands* and part of the *Te Pēwhairangi (Bay of Islands) Marine Mammal Sanctuary*¹⁹ within the *Northland Coastal Significant Marine Mammal & Seabird Management Area*. These latter layers are broad and can capture the majority of the CMA, comprising the large and diverse harbour and estuarine habitat together with many small to moderate sized islands. Ecological significance is *Moderate-High* and recorded species include pelagic; wetland and wading birds with threat status²⁰ for roosting, nesting or resting.

The predictive New Zealand Seafloor Community Classification (SCC)²¹ differentiates 75 marine subsets of typical environmental conditions and concomitant taxonomic assemblages of demersal fish, reef fish, benthic invertebrates and macroalgae. Environmental similarities²² in SCC groups are closely mirrored by their biological compositions. The subject site is Class 52²³ – a small but widespread group in the shallow coastal waters predominately found on the eastern and western North Island, typically with low concentrations of silicate, elevated productivity, low velocity current and a large annual temperature variation (4.8 °C with high temperature at depth: 16.59 °C). Benthic invertebrate assemblages are characterised by their low frequencies of echinoderms, molluscs and small crustacea. Macroalgal are characterised by several smaller brown species- e.g. flapjack *Carpophyllum flexuosum*; *C. maschalocarpum*. Search was also made of available marine records²⁴ and mapping but did not contain species indicative of vulnerable marine ecosystems²⁵ (VMEs); rhodolith beds or seagrass meadows. No seagrass or macroalgal beds are visible in aerial review.

The beach is not a documented or known seal haul out.

SITE HYDROLOGY

There are no ephemeral, intermittent or permanent waterways within Lot 16. There are no NRC *known wetlands* mapped in or within the ZOI of the site, including mangrove/ saltmarsh or seagrass²⁶ in the CMA. The site visit found no *natural inland wetland* (NPS-FM 2020). There is no freshwater fish habitat.

¹⁹ Marine Mammals Protection Act 1978 Sec 22

²⁰ Robertson, H. et al (2021) Conservation status of birds in Aotearoa New Zealand. New Zealand Threat Classification Series 36

²¹ NIWA (2020) Seafloor Community Classification: Group descriptions Prepared for the Department of Conservation (DOC)

²² E.g. depth, bottom temperature, bottom oxygen concentration; bottom silicate (sand); bottom nitrate; bottom salinity; current; turbidity; productivity; benthic disturbance; downward flux; slope; detrital absorption

²³ <https://doc-marine-data-deptconservation.hub.arcgis.com/pages/map-viewer>

²⁴ Marine biological observation data from coastal and offshore surveys around New Zealand MBIS NZ. NIWA (2016); ala.org.au

²⁵ VME - ecosystem that are highly vulnerable to one or more kinds of fishing activity or other disturbance, and are identified by the vulnerability of their components (e.g. habitats, communities or species). NIWA (2016). Vulnerable marine ecosystems in the South Pacific Ocean region. National Institute of Water and Atmospheric Research (NIWA), Wellington, New Zealand. SPRFMO has defined ten benthic invertebrate taxa that are regarded as indicators of VMEs. They are: Porifera (sponges); Actiniaria (anemones); Alcyonacea (soft corals); Gorgonacea (sea fans); Pennatulacea (sea pens); Scleractinia (stony corals); Antipatharia (black corals); Stylasteridae (hydrocorals); Crinoidea (sea lilies); and Brisingida (armless stars).

²⁶ <https://nrcgis.maps.arcgis.com/home/item.html?id=ded12f84f639404abd855186e5563a55> Seagrass habitat was hand digitised from aerial images using ArcMap 10.3.1. The layer was developed to assist with the identification of ecologically significant areas in the coastal area of Northland as part of the development of the new Regional Plan.

NATURALLY RARE ECOSYSTEMS

New Zealand's naturally rare or uncommon ecosystems²⁷ as those with an estimated maximum total area of <0.5% of New Zealand's land area before occupation (approx. AD 1280). A further subset of these have threat status due to vulnerability to further loss of area²⁸. They represent a distinct set of environmental conditions and structure, contrasting markedly to that of common ecosystems, in turn driving associations of rare and threatened endemic species. Their presence contributes to site significance assessment²⁹. In the coastal environment these may include ecosystems associated with seabird guano deposits; seabird burrowed soils; marine mammal haulouts; cliffs & caves. No associations were noted onsite.

There are no NRC Biodiversity Terrestrial Ranking Top 30% or Top 30% +5 unit³⁰ units in a ZOI of the proposal, often associated with rare/ reduced vegetation associations e.g. *WF4 Pōhutukawa pūriri* forest .

²⁷ Williams et al (2007) New Zealand's historically rare terrestrial ecosystems set in a physical and physiognomic framework *New Zealand Journal of Ecology* 31(2): 119-128

²⁸ Holdaway et al (2012) Status assessment of NZs naturally uncommon ecosystems. *Conservation Biology, Volume 26, No. 4, 619–629*

²⁹ RPS APPENDIX 5: 2(D)i-iii

³⁰ This layer identifies the top 5 % of additional High priority terrestrial sites that would potentially make the largest additional gains assuming management is applied to the top 30% of sites as identified in the ranking of terrestrial ecosystem areas derived from a ranking analysis of indigenous-dominated terrestrial ecosystems for the Northland Region.

HISTORIC AERIALS

A review of available historic photography and topographical maps was made to illustrate historic change in cover. In the initial 1951 aerial, the typical pastoral pattern of remnant areas on slopes and in gullies is visible in comparison to the grazed slopes and flatter plateaus. Pōhutukawa are visible in Fig 6 along the shore, and remain today. The eastern flank vegetated shown in FIGS 6 & 7 is the basis of the site PNA mapping. This early cover was likely canopy only, undergrazed as typical, demonstrated by the sparse canopy upper edge that has not recovered a spectrum of understorey, despite 20 years of stock exclusion. Part of the cover shown is likely gorse. Fig 11 post mass revegetation shows current extent, although a large portion of the mānuka is senescing (Fig 5).

FIG 6: RETROLENS AERIAL 1951 SITE COVER & PROPOSAL

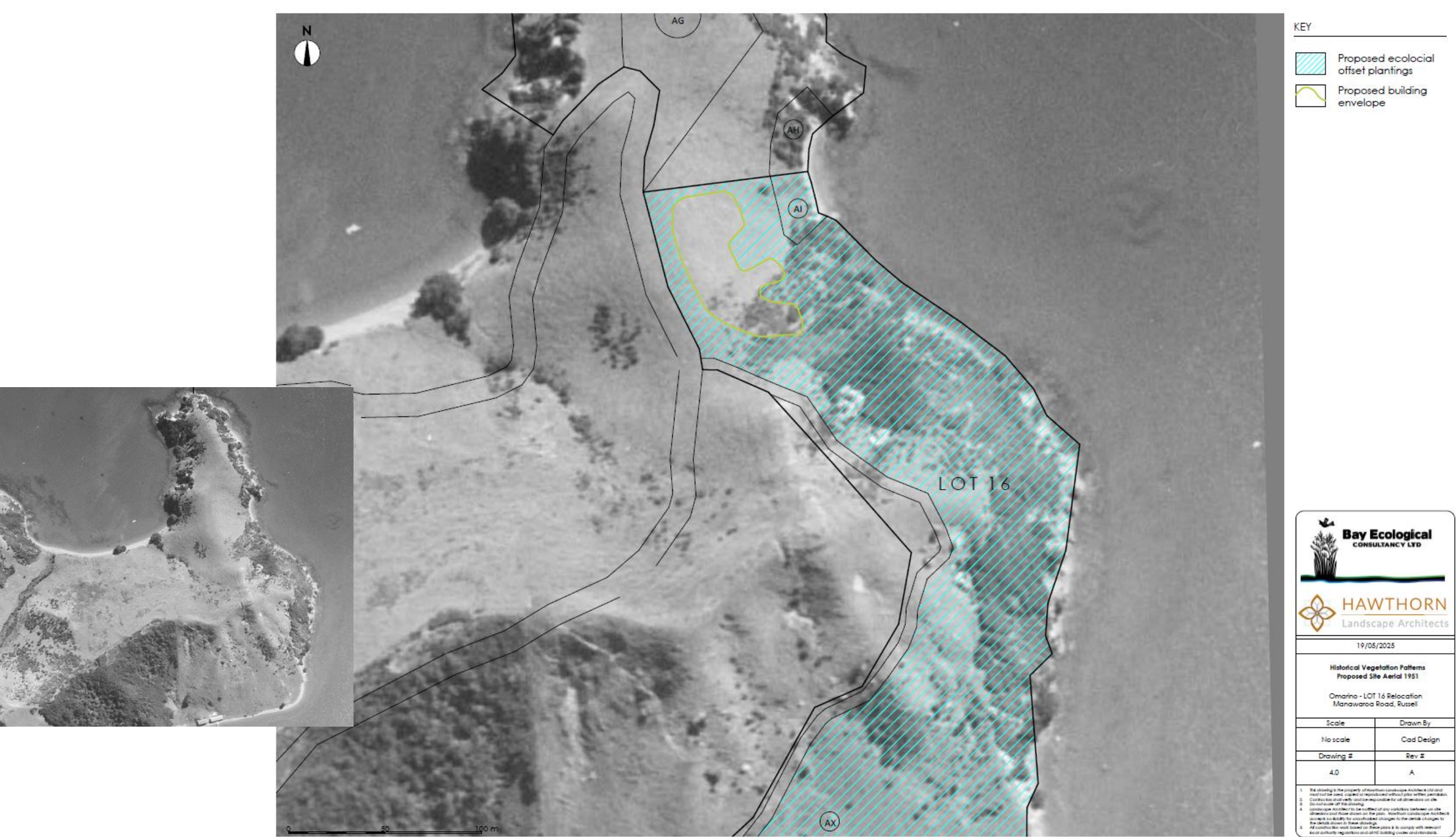


FIG 7: PROPOSED LOT 16 SITE LOCATION NZMS1/N12



FIG 8: RETROLENS³¹ 1972

Some shorter infill of the vegetation is shown, likely unpalatable species and gorse on the slope



³¹ All Retrolens aerial photography - Sourced from <http://retrolens.nz> and licensed by LINZ CC-BY 3.0

FIG 9: SITE LOCATION 1981



FIG 10: SITE LOCATION 2003

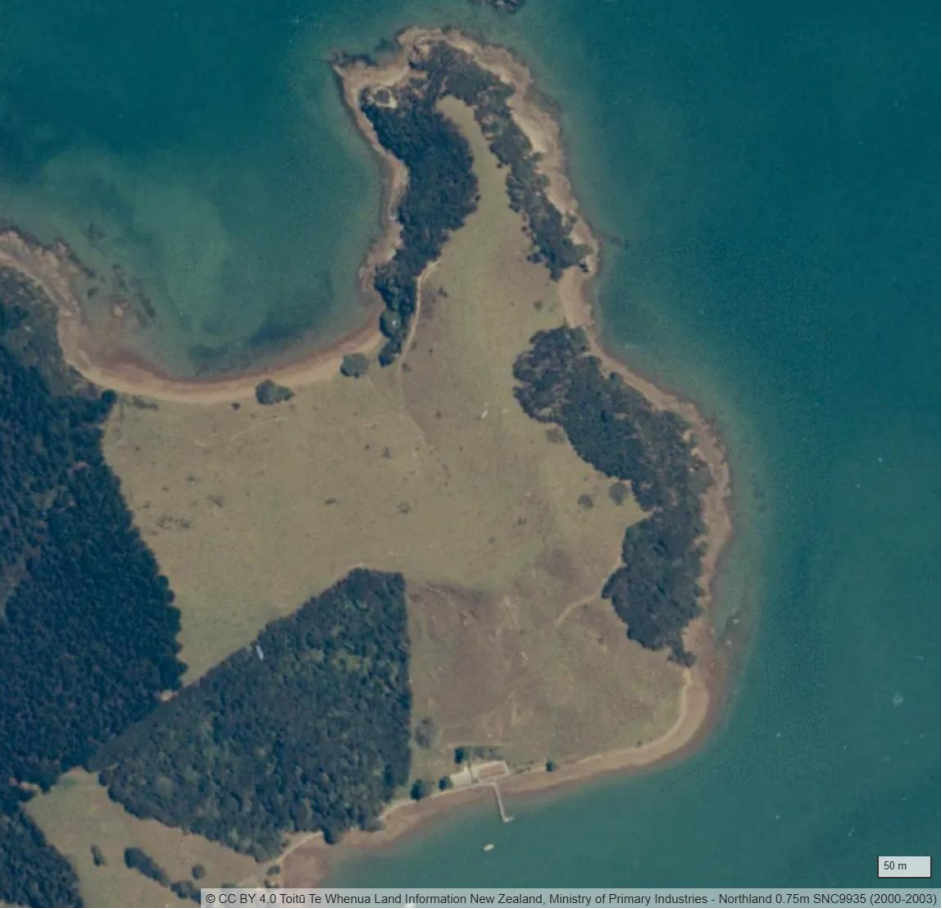


FIG 11: SITE LOCATION 2014
Post revegetation 2003-2007



SITE VISITS

Site visits were made in March 2025 with specific regard to the proposed scheme, aerial photography and desktop review. Visual survey was undertaken to determine any small waterway presence and characterise the site associations and habitat for significance and. Specific fauna methods were used to provide an indication of further requirements.

PROPOSED VEGETATION CLEARANCE

Like the majority of the farm prior to development of Ōmarino proposed Lot 16 was bare pasture and kānuka dominant remnant (> 90yrs) prior to mass revegetation 2003-2007 (RC 2050323) and subject to the Ōmarino Management Plan (OMP). Cover from this earlier cohort (>1950s) forms the site PNA area, likely viewed from the water as part of the larger Russell Forest survey (1995). Larger broadleaved and podocarp tree species, also remnant at that time, are scattered as very sparse **individuals** amongst the senescing kānuka. They include rewarewa; tanekaha; tōtara and pūriri, but not at a density sufficient to denote forest or a predominant association. They are as a group common in their ability to regenerate on coastal soils depleted by original burn offs. Although none have species threat status they are considered higher value with contribution of heightened ecosystem services e.g. soil retention through root diversity and depth; habitat height and structure heterogeneity; provisioning – food/nectar/foilage and litter contribution.

There is no distinct coastal type and predicted rare ecosystem *WF4 Pōhutukawa, pūriri, broadleaved forest* on the Marua Clay Loam (MRH) is not represented.

The OMP revegetation composition was restrained in biodiversity but effective in terms of mass cover, consisting of 3 main differentiations –

- *coastal or inland coastal* indigenous, locally appropriate associations dominated by mānuka
- wetland enhancement

The two terrestrial OMP specifications included some secondary dominants varied with location -*Phormium tenax* and kānuka or *Coprosma spp macrocarpa; repens; & robusta* and *pōhutukawa* in coastal areas. Infrequent individual revegetation *pōhutukawa* are approx. 4m in height onsite, planted as a larger grade originally.

The revegetation area of proposed Lot 16 occupation reflects the latter coastal OMP composition at best at best. The designated clearance area (approx. 2710m²) has been chosen to avoid higher value elements in terms of both cover and habitat. Its' contribution is a minimal and depauperate representation of the wider sites values and characteristics, by virtue of presence rather than biodiversity/quality.

General site cover has been refined to be a spectrum of *AS1 Kānuka shrubland* with native shrubs to *AS3- Kānuka with exotic grass*, common to the local peninsulas of the Bay of Islands. The area in general has a lower than expected diversity for *AS1 type and higher exotic content (refer FIG 3 & 4)*. A large portion in denser mānuka monoculture is suffering mass mortality from a combination of adverse abiotic conditions on a potentially unsuitable genetic ecotype. This is an increasingly common phenomenon in the Far North such revegetations dating from the 1990s. The exposed northeast facing aspect may have contributed to the open character post revegetation. The upper edge of the site contour is additionally constrained by the existing road infrastructure, which has induced edge effects over time.

TABLE 8: CURRENT REFINED LOT 16 REMNANT ECOSYSTEM TYPE

ECOSYSTEM CLASSIFICATION	TYPE DISTRIBUTION	TYPE DESCRIPTION
AS1 KĀNUKA SHRUBLAND WITH NATIVE SHRUBS	NORTHERN HALF OF THE N.I, SI NORTH OF WAITAKI RIVER Wide elevational range, from just above sea level to 1000 m Moderately low species richness average 27 species ;14 % (5 species) exotic	<ul style="list-style-type: none"> • SHORTER STATURE SHRUBLAND DRIER & LESS DIVERSE THAN OF1 • dominated by kānuka canopy <i>Kunzea ericoides</i> is the only indicator species • shrubs <i>Coprosma rhamnoides</i>, <i>Leptecophylla juniperina</i> and <i>Leucopogon fasciculatus</i> • AS3 Kānuka shrubland most degraded form or early successional with exotic grasses

The composition is simple - kānuka dominant with a contribution of *Coprosma* spp, particularly unpalatable *C. rhamnoides* & highly fecund *C. robusta* ; hangehange; infrequent mahoe, mapou, cabbage tree and flax. A broader diversity has not established within the revegetation. Cover ranges from 2 – 4m tall and is less than 600mm in diameter. It does not include remnant forest and is not within 20m of any riparian margin.

TABLE 9: PROPOSED CLEARANCE AREA

CLEARANCE AREA	COVER
	<ul style="list-style-type: none"> • 2170m² • Thin & open seral kānuka shrubland AS1-AS3 largely dating from mass revegetation in 2003-2007 • Edge character below access Understorey sparse versatile seral species common site wide & frequent exotics at all tiers • Senescing mānuka dominant area • Open exotic herbaceous & grass areas includes ginger; gorse & tobacco weed • No podocarps or large stature broadleaves in clearance area • Open AS1 Kānuka shrubland at edge of lower envelope shrubs <i>Coprosma rhamnoides</i>, silverfern and <i>Leucopogon fasciculatus</i> mapou and hangehange but understorey is open • At lower edge of envelope transition to historic vegetation pre 1950s AS1 Kānuka shrubland taller stature but still lacking biodiversity due to lack of seed source.

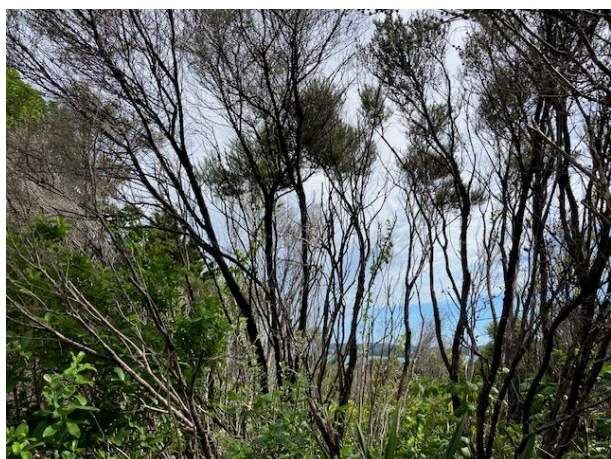
Throughout both revegetation and original cover, the canopy belies open and exotic dominated groundcover beneath, with frequent gorse and tobacco weed; individual scattered forest *Carex* spp, seral mapou and ubiquitous *Coprosma* seedlings.



Specific search for *Threatened* and *At Risk* species identified from desktop review³² and professional expectation was made, unsuccessfully. There are no kauri, planted or otherwise. None are considered in proximity to any proposed works to invoke the relevant *Biosecurity (National PA Pest Management Plan) Order 2022*.

³² Russell Forest PNA documentation; ala.org.au; inaturalist; nzpcn.org.nz

SITE COVER IS A MATRIX OF OPEN ORIGINAL KĀNUKA COVER; EXOTIC GRASS; LARGE STATURE AND COMMON LOCAL WEEDS GINGER; GORSE AND TOBACCO. WIND THROW ON THIS EXPOSED SCARP IS COMMON AMONGST THE AGING REMNANT KĀNUKA FROM THE PRE 1950s COHORT. THE MĀNUKA REVEGEATION IS EXPERIENCING MASS MORTALITY WITHOUT REGENERATION BENEATH



FAUNA

Primary observations were made in addition to consideration of vegetation, to complement characterisation of the site.

AVIFAUNA

Six 5 Minute Bird Counts (5MBC) were undertaken across the elevation range on the morning of each site visit, in the same positions under clear calm conditions. Consideration of the foreshore and canopy cover was also undertaken offshore by boat with binoculars.

Conspicuous birdlife consisted of frequent common exotic and native insectivorous generalists i.e. grey warbler; multiple fantail; kingfisher on margins of bush. None of the documented Threatened bird species with potential to be onsite were sighted, including kākūpa. These are not likely to favour the kānuka dominated vegetation in the focus area compared to the wider Ōmarino site, unable to satisfy their frugivorous and nectivorous dietary components, and generally not of height or stature preferred for nesting. The small insectivores are more versatile in their habitat occupation and the proposal area does not represent primary irreplaceable habitat.

Despite specific search no colony/roosting trees or ground burrows for pelagic birds listed in CMA mapping documentation were observed within the works area or ZOI, including species such as kororā (little blue penguin; *Eudyptula minor*; *At Risk- Declining*) or congregating shag species e.g. kāruhiruhi (pied shag; *Phalacrocorax varius*; *At Risk – Recovering*). Such areas are typically indicated by aggregation of multiple individuals, often audible at dawn and dusk, or extensive guano wash of trunks/ branches, neither present. Species that may rest or bask intermittently on the foreshore are not considered at risk by the proposal activities or future residential occupation due to the elevated location of the building. Blue spectrum or high white light LED external lighting should be avoided in the final landscape and architectural design, or any site works lighting, to avoid the risk to pelagic and nocturnal birds. In particular, petrels and shearwater species common to the *Bay of Islands Significant Seabird Area* are vulnerable. Adverse effects include collisions; disorientation and grounding.

Key birds for consideration onsite are ground dwelling. The site is designated *Kiwi Present* (DoC 2018). Although not observed, weka noted in broader PNA documentation were once common across the North Island until a suspected disease wiped out nearly all but Gisborne populations in the 1930s. Weka were rereleased into Rawhiti in the late 1960s onwards by the then national Wildlife Service, and established well, able to travel some distance.³³ Versatile in their habitat occupation, the main threats to weka are considered predation and drought,³⁴ not unlike kiwi. Due to their breeding rate they can maintain an occupancy to 2.6 birds/ ha. No burrows were found directly within or nearby the proposal areas which are regularly disturbed, however kiwi will shelter in unexpected places –tangles of tall grass; at the base of tree ferns under fronds or amongst woody forest debris. Regardless, a check/ run through with a kiwidog should be made prior to siteworks for daytime sheltering birds. A certified kiwi

³³ One of the 1967 originals lost during transit in Auckland was captured 72kms away 6 weeks later.

³⁴ Beauchamp, A.J.; Miskelly, C.M. 2013 [updated 2017]. Weka. In Miskelly, C.M. (ed.) New Zealand Birds Online. www.nzbirdsonline.org.nz

handler must move them physically if necessary, to avoid contravening the Wildlife Act (1953). A check for weka nests is also prudent at the time - woven in dense vegetation, usually under a low object or within a burrow.

Ōmarino is a stronghold for Northland pāteke (*Anas chlorotis Threatened- Nationally Increasing*). The resident population frequent the large wetland area adjacent the Manawaora Rd entrance, and are the subject of annual site counts and focused predator control by staff who possess a strong sense of kaitiakitanga. There is no preferable habitat within the Lot 16 subject site for these; other specialist wetland birds or waterfowl due to the lack of waterways. Pest control is pertinent to protect any resident bird or visiting fauna, promoted by Ōmarino management regardless of occupancy.

HERPTOFAUNA

Wider Ōmarino vegetation presents habitat for a range of lizards frequently described in local surveys and reporting³⁵- most commonly Northland green gecko (*Naultinus grayii*; *At Risk-Declining*), and the Pacific gecko (*Dactylocnemis pacificus*; *At Risk-Relict*). No diurnal species were encountered in the clearance area despite visual survey. This included disturbing longer groundcover, debris and scrutiny of taller vegetation; trunks and potential basking sites e.g. sunny trunks and open edges; banks & rocks. A nocturnal herptofauna survey was beyond the scope of this review.

VIEW SOUTH FROM BOAT TO SHORE NOTE DEAD CANOPY & GRASSY GAPS VISIBLE BEANEATH KĀNUKA CANOPY



³⁵ Whangaruru PNA documentation; Ala.org.au 2022 & 2023 local records of Pacific gecko

SIGNIFICANCE

There are currently no FNDC *Significant Natural Areas* (SNAs) as per the *National Policy Statement for Indigenous Biodiversity (2023)*, subject to *Subpart 2 Clause 3.10*. However as per *Subpart 2 Clause 3.16*, significant adverse effects on indigenous biodiversity outside of such areas in regard to new subdivision, development or use must be managed by applying the effects management hierarchy.

Appendix 5 is the standard Northland criteria for assessing significance of an ecological site, and directly reflects those contained in *Appendix 1* of the recently mandated *National Policy Statement for Indigenous Biodiversity (2023)* including consideration of *Representativeness; Diversity & Pattern; Rarity and Distinctiveness & Ecological Context* . The *ecological site* includes the wider site with comment then given on the clearance area. In particular, this ecological condition/quality is important in assessment because it contributes to the way an activity may affect a feature and may be used to focus management of effects. It is apparent the adjacent CMA has *HIGH* significance in all regards as per the desktop review, mapped values, and site observation.

TABLE 10: ASSESSMENT OF SIGNIFICANT INDIGENOUS VEGETATION AND SIGNIFICANT HABITATS OF INDIGENOUS FAUNA IN TERRESTRIAL, FRESHWATER AND MARINE ENVIRONMENTS NORTHLAND REGIONAL POLICY STATEMENT (2018) APPENDIX 5

(1) REPRESENTATIVENESS	CLEARANCE AREA
<p>(A)Regardless of its size, the ecological site is largely indigenous vegetation or habitat that is representative , typical and characteristic of the natural diversity at the relevant and recognised ecological classification and scale to which the ecological site belongs</p> <p>(i) if the ecological site comprises largely indigenous vegetation types: and</p> <p>(ii) Is typical of what would have existed circa 1840</p> <p>(iii)Is represented by the faunal assemblages in most of the guilds expected for the habitat type</p> <p>(B) The ecological site</p> <p>(i) Is a large example of indigenous vegetation or habitat of indigenous fauna</p> <p>(ii) Contains a combination of landform and indigenous vegetation and habitats of indigenous fauna that is considered to be a good example of its type at the relevant and recognised ecological classification and scale</p>	<p><i>A.i As kānuka shrubland the wider site is contiguous with larger extent on Ōmarino and of broadly mapped Russell Forest PNA Q05/003.</i></p> <p><i>ii. Clearance areas are depauperate expression open and weedy constrained by infrastructure edge effects; mānuka senescence; revegetation success. Tends to areas of AS3 kānuka (clear; open or edge with exotics) within AS1 (ii) secondary expression of WF11 kānuka dominant no distinct coastal association. tending to AS3</i></p> <p><i>(iii)common insectivourous birds ; Kiwi Present Zone; weka locally recorded no apparent herptofauna; pelargic/ seabird use in clearance zone</i></p> <p><i>B) Overall Lots as an ecological site is considered part of the wider peninsula vegetation & contiguous Russell PNA</i></p> <p><i>Focus clearance area is not representative of wider site values edge effects has subdued pattern and representativeness</i></p> <p>LOW</p>
<p>(2)RARITY/ DISTINCTIVENESS</p> <p>(A)The ecological site comprises indigenous ecosystems or indigenous vegetation types that:</p> <p>(i) Are acutely or chronically threatened land environments associated with LENZ Level 4</p> <p>(ii) Excluding wetlands, are now less than 20% original extent</p> <p>(iii) excluding man made wetlands are examples of wetland classes that either otherwise trigger Appendix 5 criteria or exceed any of the following area threshold</p> <p>(a) Saltmarsh 0.5ha</p> <p>(b) Shallow water lake margins and rivers 0.5ha</p> <p>(c) Swamp >0.4</p> <p>(d) Bog >0.2 ha</p> <p>(e) Wet heathlands>0.2 ha</p> <p>(f) Marsh; fen; ephemeral wetland or seepage/flush >0.05ha</p> <p>(B) Indigenous vegetation or habitat of indigenous fauna that supports one or more indigenous taxa that are threatened, at risk, data deficient , or uncommon either nationally or within the relevant ecological scale</p> <p>(C) The ecological site contains indigenous vegetation or an indigenous taxon that is</p> <p>(i) endemic to the Northland/ Auckland region</p> <p>(ii) At its distribution limit in the Northland region</p> <p>(D) The ecological site contains indigenous vegetation or an association of indigenous taxa that</p> <p>(i) Is distinctive of a restricted occurrence</p> <p>(ii) Is part of an ecological unit that occurs on a originally rare ecosystem</p> <p>(iii) Is an indigenous ecosystem and vegetation type that is naturally rare or has developed as a result of an unusual environmental factor(s) that occur or are likely to occur in Northland:</p>	<p>A(i) no</p> <p>(ii)No. No WF4 Pōhutukawa pūriri coastal represented in the Clearance area or on the Lot. Remnant pōhutukawa on supralittoral zone into secondary kānuka dominated derivative dating pre 1950s on lower contour –not in clearance</p> <p>Kānuka habitat common in the ED and local Peninsulas</p> <p>B) & C) Potential lizard habitat although not sighted or recorded onsite. Clearance area unlikely to provide criticial habitat NI Brown Kiwi (Not Threatened) potentially use site</p> <p>D) No.</p> <p>LOW -MODERATE</p>
<p>(3)DIVERSITY AND PATTERN</p> <p>(A) Indigenous vegetation or habitat of indigenous fauna that contains a high diversity of:</p> <p>(i) Indigenous ecosystem or habitat types; or</p> <p>(ii) Indigenous taxa</p> <p>(B) Changes in taxon composition reflecting the existence of diverse natural features or ecological gradients; or</p> <p>(C) Intact ecological sequences</p>	<p>A(i) & (ii)NO blanket AS1 with some individual trees as broader diversity in the lower contour. Clearance area exotic & diversity constrained as edge, simple habitat as cover.</p> <p>B) & C) Elevation pattern subdued by infrastructure, weeds and edge effects. Sequence of cover to coast constrained by historic clearance likely at a point for pastoral use as per wider Russell Peninsula</p> <p>LOW</p>
<p>(4) ECOLOGICAL CONTEXT</p> <p>(A) Indigenous vegetation or habitat of indigenous fauna is present that provides or contributes to an important ecological linkage or network, or provides an important buffering function: or</p> <p>(B) The ecological site plays an important hydrological, biological or ecological role in the natural functioning of a riverine, lacustrine, palustrine, estuarine, plutonic(including karst), geothermal or marine system</p> <p>(C) The ecological site is an important habitat for critical life history stages of indigenous fauna including breeding/ spawning, roosting, nesting, resting, feeding, moulting, refugia or migration staging point (as used seasonally, temporarily or permanently</p>	<p>A)B)Contributes to wider Russell PNA vegetated linkage across the Peninsula; riparian protection in gully and habitat for avifauna; erodible land. De minimus clearance footprint value compromised by edge effects, exotics, low diversity</p> <p>C)As part of wider territory the clearance areas are unlikely to provide any critical habitat for or highly mobile species or resident insectivorous birds or kiwi/ weka if present</p> <p>LOW- MODERATE</p>

The significance ratings for each of the 4 criteria in RPS *Appendix 5* are combined to give an overall single value according to *EIANZ Table 6* below. This should not however suppress any impact consideration of a single value or component, particularly if effects may extend to a wider ZOI.

TABLE 11: SCORING FOR SITES COMBINING VALUES FOR SIGNIFICANCE CRITERIA (TABLE 6 EIANZ)

VALUE	EXPLANATION
VERY HIGH	Area Rates VERY HIGH for 4 or all of the matters in Appendix 5 RPS. Likely to be nationally important and recognised as such
HIGH	Area rates HIGH for 2 of the assessment matters. Moderate and LOW for the remainder
MODERATE	Area rates HIGH for one matter, MODERATE & LOW for the remainder Area rates MODERATE for 2 or more of the criteria. LOW or very LOW for the remainder. Likely to be significant in the ED
LOW	Area rates LOW or VERY LOW for all but one MODERATE. Limited ecological value other than as habitat for local tolerant species.
NEGLIGIBLE	Area rates VERY LOW for 3 matters and MODERATE- LOW or LOW for the remainder.

The dying mānuka contribution is a minimal and depauperate representation of the wider sites values and characteristics as a part of a wider ecological unit, by virtue of presence rather than quality with *LOW* significance. The overall clearance area rates *MODERATE* as a minimal and depauperate representation of the wider ecological site values and characteristics, again contributing to contiguous cover/ extent, rather than quality or composition. Flora are *LOW* value species, common in the ED & onsite as per *Table 12 below*.

Potential fauna values contribute to its significance, although no individual or highly mobile species³⁶ are likely dependant on the areas for any part of their lifecycle. There is ***potential*** for kiwi to be present in the footprint of clearance, as part of the wider site territory, considered *MODERATE* value species as *Regionally Important; Conservation Dependant*. Although the clearance is unlikely to affect any of these species in a significant adverse way we recommend a pre works site check for daytime sheltering birds. Herptofauna recorded from the broad Russell Forest PNA and locally are also potentially in the area & are considered *HIGH* value. Survey for lizards should be instigated early in the wildlife season (Commencing Sept/ October). In the event of occupancy a Lizard Management Plan (LMP) and application for appropriate permit under the Wildlife Act for their relocation to avoid injury is required.

³⁶ NPSIB (2023) *Appendix 2: Specified highly mobile fauna*

TABLE 12: FACTORS TO CONSIDER IN ASSESSING SPECIES VALUE (TABLE 5 EIANZ 2018)

VALUE	EXPLANATION	SPECIES PRESENT IN ZOI	STATUS
VERY HIGH	Nationally Threatened species (<i>Critical, Endangered or Vulnerable</i>) found in the Zone of Influence or likely to occur there, either permanently or occasionally		
HIGH	Nationally At Risk species (<i>Declining</i>) found in the ZOI or likely to occur there, either permanently or occasionally	Potential heptofauna unconfirmed	
MODERATE-HIGH	Species listed in any other category of At Risk category (<i>Recovering, Relict or Naturally Uncommon</i>) found in the Zone of Influence or likely to occur there, either permanently or occasionally.		
MODERATE	Locally uncommon/rare species but not <i>Nationally Threatened</i> or <i>At Risk</i> .	Ni Brown Kiwi Kukupu	NOT THREATENED – CONSERVATION DEPENDANT ; REGIONALLY SIGNIFICANT NOT THREATENED- REGIONALLY SIGNIFICANT
LOW	Species <i>Not Threatened</i> nationally and common locally.	Insectivores e.g. fantail; kingfisher; grey warbler	NOT THREATENED
NEGLECTIBLE	Exotic species, including pests	e.g. magpie; skylark	INTRODUCED - NATURALISED

There are currently 10 recognised species of kānuka, some of which have a restricted ecological niche and threat status elevated in part as a precautionary measure due to potential threat posed by myrtle rust. The site species, *Kunzea robusta*, is *Not Threatened*, common and widespread in the Whangaruru Ecological District and therefore not considered significant under Appendix 5: *Criteria Rarity 2(B)* for species value alone, in accordance with regional guidance³⁷. We assign it a LOW value as per *EIANZ Table 5* criteria.

All *Myrtaceae* species are at risk of infection by myrtle rust (*Austropuccinia psidii*), however an area should not be classified as significant based purely on their presence without broader consideration. The remnant pōhutukawa onsite are outside the ZOI. They are recognized as valuable intrinsically as mature relict representative of the original WF4 coastal ecosystem. Although they have no threat status the impact of myrtle rust remains undefined in the longer term for this iconic species.

³⁷ Wildlands (2019) Guidelines for the application of ecological significance criteria for indigenous vegetation and habitats of indigenous fauna in the Northland Region. Contract Report 4899a

EIANZ METHODOLOGY

Assessment of effects follows the systematic process of the EIANZ³⁸ Guidelines as best practice.

Standard criteria are utilised in a matrix framework to determine the impact of a proposal on a habitat, incorporating a three step process:

- **ECOLOGICAL VALUES** are ranked on a scale of *Negligible, Low, Moderate, High, or Very High*.
- **MAGNITUDE OF EFFECTS** on these values is ranked on a similar scale (EIANZ TABLE 8) Magnitude is determined by a combination of scale (temporal and spatial) of effect and degree of change that will be caused in or to the ecological component. It should initially be considered in a raw or unmitigated form.
- **OVERALL LEVEL OF EFFECT** is determined by a combination of value and the magnitude of the effect. (EIANZ TABLE 10)

Pre emptive avoidance of effects has been paramount in the landscape; ecological and engineering potentials to designate the most practicable possible location to avoid the combined effects. As before the current vegetation has a **LOW –MODERATE** level of significance as per RPS (2018) Appendix 5 with regard to connectivity; size; habitat and representativeness; physical and functional buffering to the nearshore aquatic environment as riparian vegetation e.g. erosion and hydrological control

MAGNITUDE OF EFFECTS

Consideration of a raw proposal form **without any mitigation** is best practice methodology.

TABLE 13: CRITERIA FOR DESCRIBING MAGNITUDE OF EFFECT (EIANZ 2018 TABLE 8)

MAGNITUDE	DESCRIPTION
VERY HIGH	Total loss of, or very major alteration to, key elements/features/ of the existing baseline conditions, such that the post-development character, composition and/or attributes will be fundamentally changed and may be lost from the site altogether; AND/OR Loss of a very high proportion of the known population or range of the element/feature
HIGH	Major loss or major alteration to key elements/features of the existing baseline conditions such that the post-development character, composition and/or attributes will be fundamentally changed; AND/OR Loss of a high proportion of the known population or range of the element/feature
MODERATE	Loss or alteration to one or more key elements/features of the existing baseline conditions, such that the post-development character, composition and/or attributes will be partially changed; AND/OR Loss of a moderate proportion of the known population or range of the element/feature
LOW	Minor shift away from existing baseline conditions. Change arising from the loss/alteration will be discernible, but underlying character, composition and/or attributes of the existing baseline condition will be similar to pre-development circumstances or patterns; AND/OR Having a minor effect on the known population or range of the element/feature
NEGLIGIBLE	Very slight change from the existing baseline condition. Change barely distinguishable, approximating to the 'no change' situation; AND/OR Having negligible effect on the known population or range of the element/feature

The interaction of magnitude of effect and ecological value (or significance) of species and habitat gives the **unmitigated level of effect** as per EIANZs Table 10 (below). This resultant

³⁸ Environmental Institute of Australia and New Zealand

level of effects is then a guide to the extent and nature of the ecological management required to render them acceptable in the statutory framework.

In this regard we consider **unmitigated** impacts of the initial works to define the building envelope as:

- **VEGETATION CLEARANCE** - *MODERATE* as an interaction between a *MODERATE* level of effects on *MODERATE* at best value elements in terms of a change in absolute cover, incorporating the minimal flora species value and ecosystem function.
- **WILDLIFE** *VERY HIGH* effect on *HIGH* value species in terms of potential physical injury during clearance

TABLE 14: CRITERIA FOR DESCRIBING LEVEL OF EFFECTS (EIANZ TABLE 10)

		ECOLOGICAL &/OR CONSERVATION VALUE				
		VERY HIGH	HIGH	MODERATE	LOW	NEGLIGIBLE
MAGNITUDE	VERY HIGH	Very High	Very High	High	Moderate	Low
	HIGH	Very High	Very High	Moderate	Low	Very Low
	MODERATE	Very High	High	Moderate	Very Low	Very Low
	LOW	Moderate	Low	Low	Very low	Very Low
	NEGLIGIBLE	Low	Very Low	Very Low	Very Low	Very Low
	POSITIVE	Net Gain	Net Gain	Net Gain	Net Gain	Net Gain

EFFECTS MANAGEMENT

Avoidance of adverse effects has been a primary consideration, as per PNRP Policy **D.2.18 Managing Adverse Effects on Indigenous Biodiversity** and the EMH cascade (NPSIB 2023). Clearance designated largely within the lower quality areas of the site adjacent access, with open areas, and senescing mānuka beyond the footprint of the vegetation remnant as of the 1950s. Beyond individual kānuka no mature tree species are included. Wildlife management is to include kiwi and herptofauna survey and relocation prior to clearance as necessary. Sediment and stormwater control will be primary to avoidance of effects in the CMA. Lighting of this area is to be avoided in residential design.

However, in the development footprint (point of impact) the vegetation loss will be permanent with residual adverse effect. Instead an offset is proposed in accordance with the *RPS 4.4.1, NPSIB (2023) APPENDIX 3 PRINCIPALS FOR OFFSETTING* cascade, referencing best practice for offsetting in NZ³⁹.

As per regulatory requirements, application of the EMH is tabulated as below. It is considered that the mortality/ injury risk to lizards can be mitigated through appropriate and standardized wildlife management techniques. Kiwi can be relocated directly prior to clearance utilizing a certified handler/ kiwi dog. The loss of the designated area as habitat is not a significant adverse effect for wildlife as it is common and extensive elsewhere onsite.

³⁹ New Zealand Government (2014). Guidance on Good Practice Biodiversity Offsetting in New Zealand. DoC, Wellington.

TABLE 15: SEQUENTIAL APPLICATION OF THE EFFECTS MANAGEMENT HEIRARCHY TO PERMANENT LOSS

APPROACH	APPLICATION
(a) ADVERSE EFFECTS ARE AVOIDED WHERE PRACTICABLE	Ecological constraints of the site have been identified early in the design process. The site is located at the most practicable furthest distance from the original pre 1950s vegetation; beach and CMA based on ecological; landscape and geotech parameters Fauna management will be instigated to avoid adverse effect of physical harm. Relocation within the wider Lot protected by pest management and enhanced with wider diversity species is not considered an adverse effect. Exterior lighting is not to include high spectrum blue or white LED for nocturnal fauna and pelagic birds. No further species with Threat status are considered to be compromised by the clearance or future occupation. Stormwater and sediment controls will ensure no effects on CMA habitat. Designated clearance at the upper contour adjacent existing edge influence of the road to avoid fragmentation for access/ power.
(b) WHERE ADVERSE EFFECTS CANNOT BE AVOIDED, THEY ARE MINIMISED WHERE PRACTICABLE	The absolute removal of portion of vegetation in the footprint cannot be minimised at the point of impact – it is permanent
(c) WHERE ADVERSE EFFECTS CANNOT BE MINIMISED, THEY ARE REMEDIED WHERE PRACTICABLE	The absolute removal of portion of vegetation in the footprint cannot be remedied at the point of impact – it is permanent.
(d) WHERE MORE THAN MINOR RESIDUAL ADVERSE EFFECTS CANNOT BE AVOIDED, MINIMISED, OR REMEDIED, BIODIVERSITY OFFSETTING IS PROVIDED WHERE POSSIBLE	An offset is proposed in accordance with RPS 4.4.1, NPSIB Appendix 3; NPS-FM Appendix 6 & with reference to the best practice for offsetting in NZ ³⁹ It addresses identified values of the vegetation/habitat lost to provide net gain with additionality
(e) WHERE BIODIVERSITY OFFSETTING OF MORE THAN MINOR RESIDUAL ADVERSE EFFECTS IS NOT POSSIBLE, BIODIVERSITY (AQUATIC) COMPENSATION IS PROVIDED	N/A
(f) IF BIODIVERSITY (AQUATIC) COMPENSATION IS NOT APPROPRIATE, THE ACTIVITY ITSELF IS AVOIDED.	N/A

The definition of offsetting³⁹ is given as

Measurable conservation outcomes resulting from actions designed to compensate for significant residual adverse biodiversity impacts arising from project development after appropriate prevention and mitigation measures have been taken. The goal of biodiversity offsets is to achieve no net loss and preferably a net gain of biodiversity on the ground.

The offset is to be applied directly adjacent to the point of impact where the effects have occurred, with additionality measures including the remnant area. The proposed offset area represents *NO NET LOSS*⁴⁰ or “like for like” in terms of absolute extent, while the remainder of outcomes represent a *NET GAIN*⁴¹ and *ADDITIONALITY*⁴² over the current status that would not have occurred in the absence of the offset

⁴⁰ no net loss means that the measurable positive effects of actions match any loss of extent or values over space and time, taking into account the type and location of the wetland or river

⁴¹ **NET GAIN (NPSIB 2023)** means that the measurable positive effects of actions exceed the point of no net loss. Net gain is demonstrated by a like-for-like quantitative loss/gain calculation of the following, and is achieved when the indigenous biodiversity values at the offset site are equivalent to or exceed those being lost at the impact site: (a) types of indigenous biodiversity, including when indigenous species depend on introduced species for their persistence; and (b) amount; and (c) condition (structure and quality).

⁴² **ADDITIONALITY (NPSIB 2024):** A biodiversity offset achieves gains in indigenous biodiversity above and beyond gains that would have occurred in the absence of the offset, such as gains that are additional to any minimisation and remediation undertaken in relation to the adverse effects of the activity.

Value of the vegetation is seated in landscape and hydraulic connectivity as cover providing amenity; basic habitat to species with threat status and sediment/ erosion protection moderation of stormwater.

In addition to final stormwater detailed design it is considered that a concomitant offset of revegetation heightens and protects the function of the remaining extent of the vegetation to retain reduce sediment input, addressing potential residual effects on the receiving wetland and downstream CMA.

TABLE 16 : APPLICATION OF NPSIB APPENDIX 3: PRINCIPALS FOR OFFSETTING

PRINCIPAL	APPLICATION
<i>(1) Adherence to effects management hierarchy: A biodiversity offset is a commitment to redress more than minor residual adverse effects and should be contemplated only after steps to avoid, minimise, and remedy adverse effects are demonstrated to have been sequentially exhausted.</i>	Offset is appropriate in hierarchy, which has avoided effects through designation the current weedy open vegetation as the clearance footprint as preferable over other better quality Lot 16 vegetation and to minimise further infrastructure fragmentation e.g. access Loss of vegetation irreversible at point of impact
<i>(2) When biodiversity offsetting is not appropriate: Biodiversity offsets are not appropriate in situations where indigenous biodiversity values cannot be offset to achieve a net gain. Examples of an offset not being appropriate include where: (a) residual adverse effects cannot be offset because of the irreplaceability or vulnerability of the indigenous biodiversity affected: (b) effects on indigenous biodiversity are uncertain, unknown, or little understood, but potential effects are significantly adverse or irreversible: (c) there are no technically feasible options by which to secure gains within an acceptable timeframe.</i>	(a) the species cleared are largely locally common, senescing, recent; exotic; there are no rare ecosystems represented. It does represent irreplaceable habitat without obligate adaption or co occurrence or parasitic relationship to any flora or fauna species present. General habitat with lower fruiting and nectar provision than more mature diverse forest (b) Effect is known – loss of common flora local species and feeding patch able to be reintroduced in offset. (c) a highly managed offset within the Ōmarino estate will ensure the majority of species will establish quickly
<i>(3) NET GAIN: This principle reflects a standard of acceptability for demonstrating, and then achieving, a net gain in indigenous biodiversity values. Net gain is demonstrated by a like-for-like quantitative loss/gain calculation of the following, and is achieved when the indigenous biodiversity values at the offset site are equivalent to or exceed those being lost at the impact site: (a) types of indigenous biodiversity, including when indigenous species depend on introduced species for their persistence; and (b) amount; and (c) condition (structure and quality).</i>	A, B & C Achievable as given before in offset scope, as in following Table 17
<i>(4) ADDITIONALITY: A biodiversity offset achieves gains in indigenous biodiversity above and beyond gains that would have occurred in the absence of the offset, such as gains that are additional to any minimisation and remediation undertaken in relation to the adverse effects of the activity.</i>	As per 1; 2 & 3 above
<i>(5) LEAKAGE: Biodiversity offset design and implementation avoids displacing harm to other indigenous biodiversity in the same or any other location.</i>	Engineered sediment and stormwater to ensure no transfer of effects to CMA Any translocation site will be designated as suitable by herpetologist; kiwi handler- pest control is site wide
<i>(6) LONG-TERM OUTCOMES: A biodiversity offset is managed to secure outcomes of the activity that last at least as long as the impacts, and preferably in perpetuity. Consideration must be given to long-term issues around funding, location, management and monitoring.</i>	Offset Management Plan to ensure parameters include revegetation composition and success, timing, works envelopes, monitoring.
<i>(7) LANDSCAPE CONTEXT: Biodiversity offsetting is undertaken where this will result in the best ecological outcome, preferably close to the impact site or within the same ecological district. The action considers the landscape context of both the impact site and the offset site, taking into account interactions between species, habitats and ecosystems, spatial connections, and ecosystem function.</i>	Directly adjacent throughout Lot 16 Expected ecosystem type at the offset location is the same Abiotic context factors are contiguous e.g. soil type, moisture, wind direction, topography is consistent The offset will be protective of the CMA in terms of erosion
<i>(8) TIME LAGS: The delay between loss of, or effects on, indigenous biodiversity values at the impact site and the gain or maturity of indigenous biodiversity at the offset site is minimised so that the calculated gains are achieved within the consent period or, as appropriate, a longer period (but not more than 35 years).</i>	Larger grades of the key coastal canopy species are to be used to minimise maturity lag Some large stature kānuka individuals to be retained if root structure allows provide vertical heterogeneity and as visual amenity mitigation
<i>(9) SCIENCE AND MĀTAURANGA MĀORI: The design and implementation of a biodiversity offset is a documented process informed by science and mātauranga Māori.</i>	The offset design is based on professional reporting of a SQEP, with reference to desktop review of accepted qualitative data and context, best practice industry documentation. NB The application of mātauranga Māori is outside the scope of this reporting

(10) TANGATA WHENUA AND STAKEHOLDER PARTICIPATION: <i>Opportunity for the effective and early participation of tangata whenua and stakeholders is demonstrated when planning biodiversity offsets, including their evaluation, selection, design, implementation, and monitoring.</i>	It is envisioned this report and recommendations herein will be reviewed by appropriate stakeholders and may be thereafter incorporate feedback from that exercise.
(11) TRANSPARENCY: <i>The design and implementation of a biodiversity offset, and communication of its results to the public, is undertaken in a transparent and timely manner.</i>	As required

TABLE 17: OFFSET GAINS AS PER NPSIB APPENDIX 3 (3) &(4)

PARAMETER	OFFSET
AREA	The area lost (approx. 2700m ²) is to be exceeded by the replacement offset throughout the remainder of the site 2.6528ha .This includes mature canopy species at 10m spacings and infill of weedy open areas at standard 2m spacing with a combination of secondary and canopy species as per site specific areas:
DIVERSITY	A greater diversity of indigenous flora species with fidelity to coastal pattern WF4 is proposed measured as a numerical increase of appropriate canopy species not currently present in the kānuka and mānuka dominance currently
DENSITY	Planting will be at an increase density to that of the previous mass revegetation 20 years prior that required vast coverage
PATTERN	Planting of indigenous canopy species will restore coastal pattern WF4
INTEGRITY	Weed density will be removed measured in indigenous vs exotic dominance
TIMING	Successful establishment of restoration planting within offset area within first two planting seasons post clearance

Success of an offset relies on methodology to ensure goals are achieved as per as *NPSIB Appendix 3 (5)* above. We recommend:

- Vegetation clearance shall not exceed the maximum areas shown in an approved Scheme Plan and positioned generally in accordance with such.
- Best practice clearance methods to be used
- Biosecurity measures
- Within twelve months of the completion of vegetation clearance provide evidence that planting plan has been implemented.
- Pest and weed control is incorporated as a standard existing protection mechanism as per the OMP, ensuring success of the offset

Designated development earthworks envelopes are recommended to ensure contractors avoid accidental incursion and unquantified effects e.g. pushing fill back into vegetation, an unintentional communality in many such situations.

Site procedures should include contingencies in the event of

- discharge of fuels;
- clearance of undesignated areas;
- actions to take if native fauna is discovered in works area, injured or killed (contact consulting ecologist & /or DoC hotline -800 DOC HOT 0800 362 468)

Benefit may be provided by planting density with a variety of root forms and species with comparatively rapid root growth in comparison to other indigenous species ie. lemonwood; lacebark; kōhūhū; kowhai; karamu; kānuka. The majority are heart/ plate rooting with *Cordyline* an effective rapid tap/ pinning root. Selection of canopy species includes taraire as the predicted dominant, along with suitable tap rooting species kahikatea; rimu; tōtara & pūriri for long term root extension and pinning.

Within a short timeframe the offset can be enacted to confer net ecological benefit in conjunction with biodiversity and amenity value. In this manner, previously identified values will be amplified, allowing continuity of natural processes.

Designated development earthworks envelopes are recommended to ensure contractors avoid accidental incursion and unquantified effects e.g. pushing fill back into vegetation, an unintentional communality in many such situations. Best practice clearance methodology includes:

- Best practice clearance methods to be used
 - Avoidance of peak bird breeding season and LMP/fauna check prior to clearance
 - Machinery clean of soil and debris prior to site entry

Site procedures should include contingencies in the event of

- discharge of fuels;
- clearance of undesignated areas;
- actions to take if native fauna is discovered in works area, injured or killed (contact consulting ecologist & /or DoC hotline -800 DOC HOT 0800 362 468)

No salvage or translocation is expected but assistance may be requested from the consulting ecologist if unexpected values come to light. It is an offence under the Wildlife Act 1953 to harm, disturb or kill native wildlife.

In terms of avoidance of potential biosecurity impacts from mass planting:

- plants should be checked prior to import to site for Argentinian Ants, myrtle rust and other obvious invertebrate or weed species in containers.
- No kauri are designated for planting
- All machinery entering the waterway should be checked and clean to avoid accidental introduction

CONCLUSION

Reporting included review of the proposal and ecological context, the latter from aerial photography, mapping and databases, complimented by fieldwork.

In terms of the *effects management hierarchy*, offset is considered the practicable primary form of effects management, as permanent loss of extent of vegetation and pond extent at the point of impact cannot be avoided, minimised or remedied.

The designated clearance area of approx. 2710 m² is to be countervailed by a commensurate infill of approx. 3.4430 ha area in terms of absolute cover in the immediate locale, resulting in *no net loss*. Gross *net gain* and *additionality* is achieved through appropriate measurable currencies- increase in indigenous floral diversity, restoration of pattern and integrity.

Potential threats to the success of the offset include those common to any revegetation scheme -failure of plantings; weed and pest influence. These may be managed by an *Offset Management Plan* to achieve the long term functionality and resilience required, with parallel monitoring. Ōmarino has onsite management highly experienced in enacting such resource consent requirements.

Subject to stormwater design and impact management provided in this EclA, wildlife; remaining vegetation and the significant values of the CMA as receiving environment will not be subject to adverse effects. The proposal is undertaken with regard to the long term functionality and integrity of the wider environment, recognising the connectivity of the site waterways.

These integrated mechanisms will serve to commend persistent indigenous habitat and character within the proposal, with a level of effects that can be addressed through the EMH to obtain a *VERY LOW* impact (EIANZ 2018) or *less than minor* level of effects.



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APPENDIX 1: STATUTORY CONSIDERATIONS

RC 2050323 CONSENT NOTICE 7907807.2 4/7/2008

The proposal achieves the protective aspirations of the original clauses

CLAUSE	COMMENT
<i>9. The re-vegetation of those parts of Lots 1 through 12, 14 through 17, 19, 20, 21 and 25 on the plan that are outside of the curtilage areas of each of such lots.....shall be maintained in perpetuity.</i>	The proposed relocated building envelop on Lot 16 is located within an area subject to revegetation The area lost (approx2700m ²) is to be exceeded by the replacement offset throughout the remainder of the site 3.4431ha .This includes mature canopy species at 10m spacings and infill of weedy open areas at standard 2m spacing with a combination of secondary and canopy species as per site specific areas:
<i>12. ensure that the approved landscaping planting for each lot is commenced within 12 months of the landscape plan being approved and is maintained for the duration of the consent with any plants that are removed or damaged to be replaced as soon as possible or within the next planting season (being 1 May to 30 September in each calendar year).</i>	Achievable through onsite management and an Offset management Plan
<i>13 adhere to the management plan and ensure: 1. The ongoing management of the re-vegetation, archaeological, heritage utility and recreational areas shown on the plan; 2. Compliance with the design guidelines for buildings on the lots; and 3. All re-vegetation requirements of the re-vegetation plan approved by the Council applicable to each lot is undertaken.</i>	Can be modified to incorporate Offset management objectives
<i>20. All earthworks, including those required to construct accessways to building sites, shall be so designed to cause minimal impacts on the landscape and any exposed cuts shall be re-grassed or planted in native vegetation.</i>	Achievable when a detailed design for construction of the dwelling and infrastructure is proposed.
<i>Comment: 26. implement and continue to maintain and replant re-vegetation on each lot in terms of the relevant re-vegetation plan approved for each lot outside of the curtilage area, including the first 20m landward of mean high water springs.</i>	This will be included in the Offset Mangement
<i>27 implement and continue to maintain and replant re-vegetation landscape planting as provided for in the management plan for all covenanted areas and maintain or repair any stock exclusion structures.</i>	Successful establishment of restoration planting within offset area within first two planting seasons post clearance

PROPOSED DISTRICT PLAN- APPENDIX 1.1 OFFICERS RECOMMENDED ADMENDMENTS TO ECOSYSTEMS

TABLE A: PDP IB- 01 –IB-05

OBJECTIVES		PROPOSAL
IB-01	<i>Areas of significant indigenous vegetation and significant habitats of indigenous fauna (Significant Natural Areas) are identified and protected for current and future generations.</i>	The proposal maintains the values and elements that contribute to the MODERATE at best significance of the clearance area by ensuring protection of the fauna through survey and salvage as required and enhancement of remaining vegetation. This also contributes to buffering of the CMA habitats in association with engineered stormwater and sediment control to avoid effects of development and occupation. Formal pest and weed control will remedy and protect the vegetation as functional habitat.
IB-02	<i>Indigenous biodiversity is managed to maintain its extent and diversity in a way that provides for the social, economic and cultural well-being of people and communities.</i>	The clearance area is allows practicable and reasonable use of the site for residential occupation
IB-03	<i>The relationship between tangata whenua and indigenous biodiversity, including taonga species and habitats, is recognised and provided for.</i>	OUTSIDE SCOPE OF THIS REPORT
IB-04	<i>The role of tangata whenua as kaitiaki and landowners as stewards in protecting, <u>maintaining</u> and restoring <u>areas of significant indigenous vegetation and significant habitats</u>⁸ of indigenous <u>fauna natural areas</u> and indigenous biodiversity is provided for.</i>	OUTSIDE SCOPE OF THIS REPORT
IB-05	<i>Restoration and enhancement of indigenous biodiversity is promoted and enabled.</i>	Revegetation will include increased density and additionality of species, measurable positive outcomes of a variety of canopy species appropriate to WF4 predicted ecosystem type with coastal influence – currently absent

TABLE B: PDP IBP1-IBP10

POLICIES	PROPOSAL
<p>IB-P1</p> <p>Identify Significant Natural Areas by:</p> <ul style="list-style-type: none"> a. using the ecological significance criteria in Appendix 5 of the RPS or in any more recent National Policy Statement on indigenous biodiversity; b. including areas that meet the ecological significance criteria as Significant Natural Areas in Schedule 4 of the District Plan and on the planning maps where this is agreed with the landowner and verified by physical inspection where practicable; c. encouraging landowners to include identified Significant Natural Areas in Schedule 4 of the District Plan at the time of subdivision and development; d. providing assistance to landowners to add Significant Natural Areas to Schedule 4 of the District Plan; and e. requiring an assessment of the ecological significance for indigenous vegetation clearance to establish permitted activity thresholds in Rule IB R2-R4.9 <p>Ensure that the protection, maintenance and restoration of indigenous biodiversity is done in a way that:</p> <ul style="list-style-type: none"> a. recognises and values the mana of tangata whenua as kaitiaki; and b. provides specific opportunities for tangata whenua to exercise kaitiakitanga in accordance with tikanga Māori 	<p>OUTSIDE THE SCOPE OF THIS REPORT</p>
<p>IB-P2</p> <p>Within the coastal environment:</p> <ul style="list-style-type: none"> a. avoid adverse effects of land use and subdivision on: <ul style="list-style-type: none"> i. <u>Threatened and At-Risk indigenous species;</u> ii. <u>areas of significant indigenous vegetation and significant habitat of indigenous fauna Significant Natural Areas;</u> iii. <u>areas of indigenous biodiversity protected under other legislation.</u> b. avoid significant adverse effects and avoid, remedy or mitigate other adverse effects of land use and subdivision on: <ul style="list-style-type: none"> i. <u>areas of predominately indigenous vegetation; and</u> ii. <u>areas of important and vulnerable indigenous species vegetation, habitats and ecosystems that are particularly vulnerable to modification</u> 	<p><i>Adverse effects are avoided as practicable allowing reasonable use of the site and offset</i></p> <p>A(i). Fauna management will be instigated to ensure no adverse effect of physical harm on potential individuals with Threat status in the clearance area i.e herptofauna. Preclearance check with kiwidog/ certified handler Relocation within the wider Lot protected by pest management and enhanced with wider diversity species is not considered an adverse effect. The site is positioned at most practicable furthest distance from HIGH value aspects – remnant pōhutukawa and vegetation pre 1950s as part of the PNA; beach environment and CMA based on ecological; landscape and geotech parameters. Exterior lighting is not to include high blue or white spectrum LED for nocturnal fauna and pelagic birds. No further taxa with Threat status are considered to be compromised by the clearance or occupation. Enhanced density of offset planting will reduce diffuse runoff and compliment the stormwater controls</p> <p>(ii). As part of a wider ecological unit the clearance area has values including connectivity; size; habitat and representativeness; physical and functional buffering to the aquatic environment as riparian vegetation e.g. erosion and hydrological control as per RPS (2018) Appendix 5. An increase in density and diversity of remnant vegetation in conjunction with stormwater control allows these values to be maintained for the immediate area resulting in no residual adverse effect.</p> <p>The PNA has been recognised onsite and values & elements avoided B(i) an offset is proposed to provide a net gain and additionality over the current status</p> <p>(ii) Stormwater control will ensure no significant habitat in the CMA is will not be compromised</p>
<p>IB-P3</p> <p>Outside the coastal environment:</p> <ul style="list-style-type: none"> a. avoid, remedy or mitigate adverse effects of land use and subdivision on Significant Natural Areas to ensure adverse effects are no more than minor <u>on</u>; <ul style="list-style-type: none"> i. <u>Threatened and At-Risk indigenous species;</u> ii. <u>areas of significant indigenous vegetation and significant habitat of indigenous fauna;</u> iii. <u>areas of indigenous biodiversity protected under other legislation; and</u> b. avoid, remedy, or mitigate, offset or compensate adverse effects of land use and subdivision on areas of important and vulnerable indigenous vegetation, habitats and ecosystems to ensure there are no significant adverse effects <u>on</u>; <ul style="list-style-type: none"> i. <u>areas of predominately indigenous vegetation; and</u> ii. <u>indigenous species, habitats and ecosystems that are particularly</u> 	<p>N/A</p>

	<u>vulnerable to modification</u>	
IB-P4	<p><i>If adverse effects on indigenous species, habitats and ecosystems located outside of the coastal environment cannot be avoided, remedied or mitigated in accordance with IB-P3, consider whether it is appropriate to apply the following steps as an effects management hierarchy:</i></p> <p><i>a. biodiversity offsetting to address more than minor residual adverse effects to achieve a no net loss and preferably net gain in indigenous biodiversity; and</i></p> <p><i>b. environmental biodiversity compensation to address more than minor residual adverse effects where it is not practicable to achieve biodiversity offsetting.</i></p> <p><i>Where adverse effects are not otherwise avoided, remedied, mitigated, offset or compensated under IB-P2 and IB-P3 do not apply, significant adverse effects on maintain indigenous biodiversity by:</i></p> <p><i>a. must be managed by applying the effects management hierarchy to any significant adverse effects; and</i></p> <p><i>b. managing any other adverse effects on indigenous biodiversity to maintain indigenous biodiversity across the district</i></p>	<p>Adverse effects are avoided as practicable allowing reasonable use of the site and offset</p> <p>The proposed offset area represents NO NET LOSS⁴³ or “like for like” while further outcomes of net gain⁴⁴ and additionality⁴⁵ in cover and habitat is achieved through appropriate measurable currencies- increase in indigenous floral <u>diversity</u>, restoration of <u>pattern</u> and <u>integrity</u> directly adjacent to the point of impact that would not have occurred in the absence of the subdivision proposal. This primarily takes the form of active restoration to increase habitat and quality supported by pest and weed control, while providing a light and disturbance buffer to internal habitat of the remaining vegetation and creek/ wetland.</p>
IB-P5	<p>Ensure that the management of land use and subdivision to protect <u>areas of significant indigenous vegetation and significant habitat of indigenous fauna Significant Natural Areas</u> and maintain indigenous biodiversity is done in a way that:</p> <p>a. does not impose unreasonable restrictions on existing primary production activities, particularly on highly <u>productive land versatile soils</u>;</p> <p>b. recognises the operational need and functional need of some activities, including regionally significant infrastructure, to be located within <u>areas of significant indigenous vegetation and significant habitat of indigenous fauna Significant Natural Areas</u> in some circumstances;</p> <p>c. allows for maintenance, use and operation of existing structures, including <u>upgrading of regionally significant infrastructure</u>; and</p> <p>d. enables Māori land to be used and developed to support the social, economic and cultural wellbeing of tangata whenua, including the provision of papakāinga, marae and associated residential units and infrastructure.</p>	N/A
IB-PX	<p><u>Promote the restoration of indigenous biodiversity, with priority given to:</u></p> <p><u>a. areas of significant indigenous vegetation and significant habitat of indigenous fauna whose ecological integrity is degraded;</u></p> <p><u>b. threatened and rare ecosystems representative of naturally occurring and formerly present ecosystems;</u></p> <p><u>c. areas that provide important connectivity or buffering functions;</u></p> <p><u>d. natural inland wetlands where ecological integrity is degraded or these no longer retain their indigenous vegetation or habitat for indigenous fauna;</u></p> <p><u>e. areas of indigenous biodiversity on specified Māori land where restoration is advanced by the Māori landowners; and</u></p> <p><u>f. any other priorities specified in regional biodiversity strategies or any national priorities for indigenous biodiversity restoration</u></p>	<p>a. The clearance AS1-AS3 vegetation is heavily weed infested including with canopy species including hakea; wattle; privet and Taiwan cherry. The proposal includes formal pest and weed control and revegetation with diverse and dense WF4 species that are otherwise absent to restore pattern, representativeness and integrity.</p> <p>b. the adjacent CMA will benefit from a more diverse and dense riparian buffer to protect internal habitat from ingress and disturbance from residential occupation while providing joint functional purpose of aquatic function (attenuation; shade; sediment control; slope stabilization) and amenity within the landscape.</p> <p>c. as above(b) as buffer to a CMA habitat and corridor through the site and to the CMA. Located close to existing access the area is not considered to represent a significant loss of connectivity to Russell Forest, around the coast or through the Ōmarino wider vegetation</p> <p>d. n/a</p> <p>e. n/a</p> <p>f. as per NZCPS refer next section TABLE E</p>
IB-P6	<p>Encourage the protection, maintenance and restoration of indigenous biodiversity, with priority given to Significant Natural Areas, through non-regulatory methods including consideration of:</p> <p>a. assisting landowners with physical assessments by suitably qualified ecologists to determine whether an area is a Significant Natural Area;</p> <p>b. reducing or waiving resource consent application fees;</p> <p>c. providing, or assisting in obtaining funding from other agencies and trusts;</p> <p>d. sharing and helping to improve information on indigenous biodiversity;</p>	

⁴³ no net loss means that the measurable positive effects of actions match any loss of extent or values over space and time, taking into account the type and location of the wetland or river

⁴⁴ net gain means that the measurable positive effects of actions exceed the point of no net loss.

⁴⁵ **ADDITIONALITY (NPSIB 2024):** A biodiversity offset achieves gains in indigenous biodiversity above and beyond gains that would have occurred in the absence of the offset, such as gains that are additional to any minimisation and remediation undertaken in relation to the adverse effects of the activity.

	e. working directly with iwi and hapū, landowners and community groups on ecological protection and enhancement projects.	
IB-PX	Enable <u>Subdivision and associated land use is:</u> a. <u>enabled where this results in the restoration, enhancement and legal protection and/or restoration of areas of significant of indigenous biodiversity vegetation or significant habitat of indigenous fauna in accordance with SUB-R6 or SUB-R7;</u> or b. <u>considered where this will achieve positive, secure and long-term benefits for indigenous biodiversity through active and ongoing restoration and enhancement activities.</u>	b. Pest and weed control in perpetuity
IB-P7	Encourage and support active management control of pests and <u>enable a timely and efficient response to biosecurity incursions of unwanted organisms plants and pest animals</u>	Pest and weed control will allow any incursion to be noted/ reported
IB-P8	Promote Assist with the protection of species that are endemic to Northland by <u>promoting, supporting and using eco-sourced eco-sourcing plants from within the ecological district</u>	Plants will be ecosourced as appropriate
IB-P9	Require landowners to manage pets and pests <u>species within their property through consent conditions, including dogs, cats, possums, rats and mustelids</u> , where necessary to avoid risks to Threatened and At-Risk indigenous fauna threatened indigenous species including avoiding the introduction of pets and pests <u>species</u> into kiwi present or high-density kiwi areas <u>where appropriate</u>	No cats and dogs as part of Ōmarino management Plan
IB-P10	Manage land use and subdivision to address the effects of the activity requiring resource consent for Consider the following matters where relevant when assessing and managing the effects of indigenous vegetation clearance and associated land disturbance, including (but not limited to) consideration of the following matters where relevant to the application: a. the temporary or permanent nature of any adverse effects; b. cumulative effects of activities that may result in loss or degradation of habitats, species populations and ecosystems; c. the extent of any vegetation removal and associated land disturbance; d. the effects of fragmentation; e. linkages between indigenous ecosystems and habitats of indigenous species; f. the potential for increased threats from pests plants and animals; g. any downstream adverse effects on waterbodies and the coastal marine area; h. where the area has been mapped or assessed as <u>significant indigenous vegetation and significant habitat of indigenous fauna</u> a Significant Natural Areas : i. the extent to which the proposal will adversely affect the ecological significance, values and function of that area; ii. whether it is appropriate or practicable to use biodiversity offsets or environmental biodiversity compensation to address more than minor residual adverse effects; i. the location, scale and design of any proposed development; j. the extent of indigenous vegetation cover on the site and whether it is practicable to avoid or reduce the extent of indigenous vegetation clearance; k. the functional or operational needs of regionally significant infrastructure; l. any positive contribution any proposed biodiversity offsetting or environmental biodiversity compensation will have on indigenous biodiversity; and m. any historical, spiritual or cultural association held by tangata whenua, with regard to the matters set out in Policy TW-P6.; <u>n. the extent to which the proposed activity provides for the social, economic and cultural wellbeing of people and communities;</u> <u>o. adopting a precautionary approach where the effects on indigenous biodiversity are uncertain, unknown, or little understood and those effects could cause significant or irreversible damage to indigenous biodiversity;</u> <u>p. promoting the resilience of indigenous biodiversity to climate change and recognising the role of indigenous biodiversity in mitigating the effects of climate change ; and</u> <u>q. the benefits provided by the indigenous biodiversity, including ecosystem services.</u>	The Offset Management Plan will ensure success of the revegetation in the short term <5yrs. Larger grades of the key coastal canopy species are to be used to minimise maturity lag. b. None anticipated in respect of recommendations of this EclA. Positive effect from OFFSET NET GAIN & ADDITIONALITY c. The vegetation removal is to be offset to provide net gain and additionality as per Tables 16 and 217. Location is adjacent the existing access road to minimise fragmentation. Adverse effects to be avoided by engineered sediment & stormwater controls to the CMA d. located adjacent the road. Will not impact the use of the Lot as a corridor for highly mobile species and does not represent irreplaceable habitat. Does not intersect any natural inland wetland; freshwater critical source area or seepage to the CMA . Offset revegetation will prevent edge effects adjacent vegetation e. as per d. f. formal pest and weed control is included as part of Ōmarino Management Plan with site specific refinement for the planting and any fauna management relocation site as part of the Offset management Plan g. The development has been located as far away from beach and CMA as practicable with landscape and geotech constraints. Slope vegetation will be enhanced in density with stormwater and sediment control to ensure no adverse effect displaced to CMA habitat h. The proposal has been located to avoid adverse effects high value elements including remnant vegetation and pohutukawa, beach ecosystem or CMA. Fauna survey and salvage as required will ensure harm is avoided. Relocation within the Lot is not considered an adverse effect. Refined pest and weed control are a positive effect including to offsite environments. An offset is proposed for the absolute loss of the area of vegetation that has primary significance as potential habitat. i. The proposal allows for reasonable use in the most practicable area to avoid effects on high value elements. j. The entire site is vegetated in various associations. The proposal has been located to avoid the higher value elements . A large portion of clearance is dead or dying, and otherwise weedy and open k.n/a l. TABLES 16 & 17.Additionality through diversity and density. A greater diversity of indigenous flora species is proposed to include higher value canopy species in comparison to kānuka/ senescing mānuka/ exotic or open areas currently – pohutukawa and pūriri as predicted dominant WF4 kahikatea; kōwhai; kohekohe; rewarewa; karaka i .Planting will be at an increased density to that as current which is impacted by edge effects and weed presence Planting of indigenous canopy species will restore WF4 pattern & coastal character .Weed density will be removed dominance as current. m. outside the scope of this report p. density of riparian cover and regeneration of species enables resilience to weather events. g. Active restoration supported by pest and weed control will provide

		<p>heightened biodiversity to restore pattern of WF4 & coastal elements formalised pest and weed requirement. Ecosystem services include provisioning; biodiversity; riparian/ water quality protection; nutrient cycling with a more diverse litter and root diversity/ density/ and heightening the amenity value and sense of place in the near coastal environment with recognisable appropriate canopy species</p> <p>Landscape permeability value for low or ground dwelling fauna will be retained allowing natural dispersal across the wider extent of local cover and within potential meta populations.</p> <ul style="list-style-type: none"> • increase the ability of the site to accommodate the stormwater dispersal to ground protective of the CMA • visual definition of the protected areas to future owners to prevent future clearance. • Increase site seed sources for natural regeneration • Increased diversity & territorial economics for fauna over the current early successional state e.g. berries; nectar • removal of allelopathic hakea which prevents regeneration
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TABLE C: IB-R34

RULE IB—R34 INDIGENOUS VEGETATION CLEARANCE AND ANY ASSOCIATED LAND DISTURBANCE (ALL ZONES)	PROPOSAL
<p>ACTIVITY STATUS:PERMITTED</p> <p>WHERE:</p> <p>PER -1</p> <p>1. A report has been obtained from a suitably qualified and experienced ecologist confirming that the indigenous vegetation does not meet the criteria for a Significant Natural Area and it is submitted to Council 14 days in advance of the clearance being undertaken; and It does not occur in a remnant forest; and</p> <p>2. It does not exceed the following amounts per site over a calendar year 5-year period:</p> <p>i. Māori Purpose zone and Treaty Settlement Land Overlay – 1,500m²;</p> <p>ii. Rural Production zone, and Horticulture zone, Māori Purpose zone and Treaty Settlement Land Overlay — 5,000m² if not in a remnant forest, otherwise 500m² in a remnant forest; or</p> <p>iii. Rural Lifestyle Zone (250m²); or</p> <p>iv. All other zones — 5100m².</p> <p>PER-2</p> <p>1. A report has not been obtained from a suitably qualified and experienced ecologist confirming that the indigenous vegetation does not meet the criteria for a Significant Natural Area and a report has not been submitted to Council 14 days in advance of the clearance being undertaken; and</p> <p>2. It does not exceed 100m² per site in any calendar year</p>	<p>The clearance area does not occur in remnant forest</p>

NEW ZEALAND COASTAL POLICY STATEMENT (2010)

The proposal shows fidelity with primary objectives of the NZCPS to achieve sustainable management of the natural and physical resources of the coastal environment in regard to the development.

TABLE D: NZCPS OBJECTIVES 1 & 2

OBJECTIVES	
OUTCOME	PROPOSAL
<p>OBJECTIVE 1: To safeguard the integrity, form, functioning and resilience of the coastal environment and sustain its ecosystems, including marine and intertidal areas, estuaries, dunes and land, by:</p> <p>maintaining or enhancing natural biological and physical processes in the coastal environment and recognising their dynamic, complex and interdependent nature;</p> <p>protecting representative or significant natural ecosystems and sites of biological importance and maintaining the diversity of New Zealand's indigenous coastal flora and fauna; and</p> <p>maintaining coastal water quality, and enhancing it where it has deteriorated from what would otherwise be its natural condition, with significant adverse effects on ecology and habitat, because of discharges associated with human activity.</p>	<p>The introduction of a more diverse, denser and WF4 Coastal broadleaved forest emphasis will enhance the ecosystem services of the Lot beyond the current kānuka dominance which include biological processes such as diffuse runoff interception; varied litter deposition and nutrient cycling; provide seed source and attract frugivores for natural regeneration of currently absent canopy species extending beyond site boundaries.</p> <p>Increased density of cover will compliment engineered stormwater controls to the CMA</p>
<p>OBJECTIVE 2: To preserve the natural character of the coastal environment and protect natural features and landscape values through:</p> <p>recognising the characteristics and qualities that contribute to natural character, natural features and landscape values and their location and distribution; identifying those areas where various forms of subdivision, use, and development would be inappropriate and protecting them from such activities; and encouraging restoration of the coastal environment.</p>	<p>The collaboration of landscape; architecture and ecological strands of the design will enhance the natural character elements given for the local units. Beyond the remnant shoreline pōhutukawa a prominent coastal character of predicted ecosystem type WF4 Pōhutukawa pūriri is lacking. Revegetation composition has been proposed to have a combined coastal influence e.g. pōhutukawa; karaka; whau; pūriri enhancing resultant natural character. Protection and restoration are underlying motifs of Ōmarino .</p> <p>The house location is removed from the beach and remnant coastal vegetation pre 1950s to the extent practicable on upper contour</p>

Policies relating to the ecological context of the development have been considered throughout the scope of design

TABLE E: NZCPS POLICIES

POLICIES	
POLICY	PROPOSAL
<p>POLICY 1: EXTENT AND CHARACTERISTICS OF THE COASTAL ENVIRONMENT</p> <p>(1) Recognise that the extent and characteristics of the coastal environment vary from region to region and locality to locality; and the issues that arise may have different effects in different localities.</p> <p>(2) Recognise that the coastal environment includes:</p> <ul style="list-style-type: none"> (a) the coastal marine area; (b) islands within the coastal marine area; (c) areas where coastal processes, influences or qualities are significant, including coastal lakes, lagoons, tidal estuaries, saltmarshes, coastal wetlands, and the margins of these; (d) areas at risk from coastal hazards; (e) coastal vegetation and the habitat of indigenous coastal species including migratory birds; (f) elements and features that contribute to the natural character, landscape, visual qualities or amenity values; (g) items of cultural and historic heritage in the coastal marine area or on the coast; (h) inter-related coastal marine and terrestrial systems, including the intertidal zone; and (i) physical resources and built facilities, including infrastructure, that have modified the coastal environment. 	<p>The immediate coastal marine area of the Lot has a reduced expression of any coastal association, restrained by historic grazing and fire to remnant mature pōhutukawa in the supralittoral zone. The benthic environment is classed a common in the BAI and east coast Northland. There is no seagrass offshore adjacent. There are no connected waterways from the terrestrial development area. There is no frequent seal haul out or colony roost trees/ seabird burrowed ecosystem.</p> <p>Planting higher density into the adjacent Lot slope will protect from legacy effects of soil erosion and diffuse stormwater, while development aspects will be controlled through stormwater and engineering design to ensure there is no smothering of the intertidal area</p> <p>No high white/ blue spectrum LEDS are to be used in outdoor amenity lighting to avoid effects on pelagic and nocturnal birds that may intermittently utilise the foreshore or pass in flight.</p>
<p>POLICY 3: PRECAUTIONARY APPROACH</p> <p>(1) Adopt a precautionary approach towards proposed activities whose effects on the coastal environment are uncertain, unknown, or little understood, but potentially significantly adverse.</p> <p>(2) In particular, adopt a precautionary approach to use and management of coastal resources potentially vulnerable to effects from climate change, so that:</p> <ul style="list-style-type: none"> (a) avoidable social and economic loss and harm to communities does not occur; (b) natural adjustments for coastal processes, natural defences, ecosystems, habitat and species are allowed to occur; and (c) the natural character, public access, amenity and other values of the coastal environment meet the needs of future generations. 	<p>Density of planting and diversity of root types over the dry adapted kānuka will and re-instate some prior functionality in the vegetation ability to slow and intercept precipitation in regard to climate change, provide functional coastal habitat and that is resilient to loss of any species or cohort of species e.g. the senescing mānuka revegetation due to unfavourable climate and the aging uniform kānuka cohort from pre 1950s</p> <p>Management will heighten social ecosystem services for future residents and beach users such a sense of place through more pronounced coastal canopy species selection (WF4), protection of fauna e.g lowland & coastal birds and green infrastructure within the Lots.</p>
<p>POLICY 4: INTEGRATION</p> <p>Provide for the integrated management of natural and physical resources in the coastal environment, and activities that affect the coastal environment. This requires:</p> <ul style="list-style-type: none"> (a) co-ordinated management or control of activities within the coastal environment, and which could cross administrative boundaries, particularly: <ul style="list-style-type: none"> (i) the local authority boundary between the coastal marine area and land; (ii) local authority boundaries within the coastal environment, both within the coastal marine area and on land; and (iii) where hapū or iwi boundaries or rohe cross local authority boundaries; (b) working collaboratively with other bodies and agencies with responsibilities and functions relevant to resource management, such as where land or waters are held or managed for conservation purposes; and (c) particular consideration of situations where: <ul style="list-style-type: none"> (i) subdivision, use, or development and its effects above or below the line of mean high water springs will require, or is likely to result in, associated use or development that crosses the line of mean high water springs; or (ii) public use and enjoyment of public space in the coastal environment is affected, or is likely to be affected; or 	<p>The management including revegetation, pest and weed control is to be implemented as per an integrated Offset management Plan with the standing OMP measures. Omarino has a dedicated onsite management team to achieve this.</p> <ul style="list-style-type: none"> c. no development in the CMA is required ii. the coastal character viewable from the sea or beach will be heightened by the planting III. as before Policy 3 iv. to be controlled by stormwater and engineering design v. Legacy effects on vegetation will be remedied by infill of diverse coastal species

<p>(iii) development or land management practices may be affected by physical changes to the coastal environment or potential inundation from coastal hazards, including as a result of climate change; or</p> <p>(iv) land use activities affect, or are likely to affect, water quality in the coastal environment and marine ecosystems through increasing sedimentation; or</p> <p>(v) significant adverse cumulative effects are occurring, or can be anticipated.</p>	
<p>POLICY 11: INDIGENOUS BIOLOGICAL DIVERSITY (BIODIVERSITY)</p> <p>To protect indigenous biological diversity in the coastal environment:</p> <p>(a) avoid adverse effects of activities on:</p> <p>(i) indigenous taxa that are listed as threatened or at risk in the New Zealand Threat Classification System lists;</p> <p>(ii) taxa that are listed by the International Union for Conservation of Nature and Natural Resources as threatened;</p> <p>(iii) indigenous ecosystems and vegetation types that are threatened in the coastal environment, or are naturally rare;</p> <p>(iv) habitats of indigenous species where the species are at the limit of their natural range, or are naturally rare;</p> <p>(v) areas containing nationally significant examples of indigenous community types; and</p> <p>(vi) areas set aside for full or partial protection of indigenous biological diversity under other legislation; and</p> <p>(b) avoid significant adverse effects and avoid, remedy or mitigate other adverse effects of activities on:</p> <p>(i) areas of predominantly indigenous vegetation in the coastal environment;</p> <p>(ii) habitats in the coastal environment that are important during the vulnerable life stages of indigenous species;</p> <p>(iii) indigenous ecosystems and habitats that are only found in the coastal environment and are particularly vulnerable to modification, including estuaries, lagoons, coastal wetlands, dunelands, intertidal zones, rocky reef systems, eelgrass and saltmarsh;</p> <p>(iv) habitats of indigenous species in the coastal environment that are important for recreational, commercial, traditional or cultural purposes;</p> <p>(v) habitats, including areas and routes, important to migratory species; and</p> <p>(vi) ecological corridors, and areas important for linking or maintaining biological values identified under this policy.</p>	<p>Ecological constraints of the site have been identified early in the design process. The site is positioned at most practicable furthest distance from the beach based on ecological; landscape and geotech parameters in lower condition and value e.g. open and extant exotic component revegetation and senescing mānuka revegetation . It avoids the coastal fringe, pre 1950s vegetation as part of the PNA ; remnant pōhutukawa and CMA habitats.</p> <p>There are no rare indigenous vegetation types or naturally rare ecosystems in the clearance area. Designated clearance at the upper contour adjacent existing edge influence of the road to avoid fragmentation for access/ power. he clearance area is not considered to impact connectivity of the site or landscape scale Russell Forest PNA</p> <p>Within the coastal environment of the Lot significant elements potentially include fauna with threat status. The clearance area does not represent irreplaceable habitat for any fauna species, including those with threat status. Lizard management will be instigated to ensure no adverse effect of physical harm. Relocation within the wider Lot protected by pest management and enhanced with wider diversity species is not considered an adverse effect. Exterior lighting is not to include high blue or white spectrum LED for nocturnal fauna and pelagic birds including any migrating past site. No further taxa with Threat status are considered to be compromised by the clearance or occupation.</p> <p>Stormwater and control will ensure no significant habitat in the CMA will not be compromised</p>
<p>POLICY 14 RESTORATION OF NATURAL CHARACTER</p> <p>Promote restoration or rehabilitation of the natural character of the coastal environment, including by :</p> <p>(a) identifying areas and opportunities for restoration or rehabilitation;</p> <p>(b) providing policies, rules and other methods directed at restoration or rehabilitation in regional policy statements, and plans;</p> <p>(c) where practicable, imposing or reviewing restoration or rehabilitation conditions on resource consents and designations, including for the continuation of activities; and recognising that where degraded areas of the coastal environment require restoration or rehabilitation, possible approaches include:</p> <p>(i) restoring indigenous habitats and ecosystems, using local genetic stock where practicable; or</p> <p>(ii) encouraging natural regeneration of indigenous species, recognising the need for effective weed and animal pest management; or</p> <p>(iii) creating or enhancing habitat for indigenous species; or</p> <p>(iv) rehabilitating dunes and other natural coastal features or processes, including saline wetlands and intertidal saltmarsh; or</p>	<p>Opportunity for gross improvement in coastal character and resilience identified throughout the EclA process and encompassed in the Offset design to ensure functionality of wider habitat and ecosystem processes.</p> <p>Approaches will include C(i) – (vi) as appropriate</p>

<p>(v) restoring and protecting riparian and intertidal margins; or (vi) reducing or eliminating discharges of contaminants; or (vii) removing redundant structures and materials that have been assessed to have minimal heritage or amenity values and when the removal is authorised by required permits, including an archaeological authority under the Historic Places Act 1993; or (viii) restoring cultural landscape features; or (ix) redesign of structures that interfere with ecosystem processes; or (x) decommissioning or restoring historic landfill and other contaminated sites which are, or have the potential to, leach material into the coastal marine area.</p>	
<p>POLICY 21 :ENHANCEMENT OF WATER QUALITY Where the quality of water in the coastal environment has deteriorated so that it is having a significant adverse effect on ecosystems, natural habitats, or water based recreational activities, or is restricting existing uses, such as aquaculture, shellfish gathering, and cultural activities, give priority to improving that quality by:</p> <p>(a) identifying such areas of coastal water and water bodies and including them in plans; (b) including provisions in plans to address improving water quality in the areas identified above; (c) where practicable, restoring water quality to at least a state that can support such activities and ecosystems and natural habitats; (d) requiring that stock are excluded from the coastal marine area, adjoining intertidal areas and other water bodies and riparian margins in the coastal environment, within a prescribed time frame; and (e) engaging with tangata whenua to identify areas of coastal waters where they have particular interest, for example in cultural sites, wāhi tapu, other taonga, and values such as mauri, and remedying, or, where remediation is not practicable, mitigating adverse effects on these areas and values.</p>	<p>Extensive revegetation to address causal factors. Stormwater and earthworks controls outside the scope of this report</p>
<p>POLICY 22 SEDIMENTATION (1) Assess and monitor sedimentation levels and impacts on the coastal environment. (2) Require that subdivision, use, or development will not result in a significant increase in sedimentation in the coastal marine area, or other coastal water. (3) Control the impacts of vegetation removal on sedimentation including the impacts of harvesting plantation forestry. (4) Reduce sediment loadings in runoff and in stormwater systems through controls on land use activities.</p>	<p>Potential point source sedimentation source areas from development will be addressed in stormwater design Increased density of slope vegetation with varied root structure will decrease risk from diffuse run off from slope with <i>Erodible Land</i> designation</p>
<p>POLICY 26 NATURAL DEFENCES AGAINST COASTAL HAZARDS (1) Provide where appropriate for the protection, restoration or enhancement of natural defences that protect coastal land uses, or sites of significant biodiversity, cultural or historic heritage or geological value, from coastal hazards. (2) Recognise that such natural defences include beaches, estuaries, wetlands, intertidal areas, coastal vegetation, dunes and barrier islands.</p>	<p>Infill revegetation and protection of slope is a key theme of the proposal to enhance functionality to intercept and control precipitation and surface/ groundwater as natural defence .</p>

Appendix 5

Site Suitability Report



SITE SUITABILITY REPORT

FOR

**PROPOSED BOUNDARY ADJUSTMENT SUBDIVISION
OF LOT 11 DP 391213**

AT

285 MANAWAORA ROAD

FOR

BENTZEN FARM LTD

Job No: 24 – 022A
Date: 5 August 2025

Level 1 ANZ Bank Building 90 Kerikeri Road, Kerikeri, New Zealand
Telephone: 09 407 3255 Email: teampk@pkengin.co.nz

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5. SITE INVESTIGATIONS	5
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APPENDIX A

AUGER HOLE LOGS

SCALA PENETROMETER LOGS

SITE PLAN

‘SG1

CROSS SECTION A-A’

‘SG2’

CROSS SECTION B-B’

‘SG3’

1. INTRODUCTION

This report was requested by Bentzen Farm Ltd and has been prepared to assess the site suitability of a portion, (relocated Lot 16), as shown on Sheet SG1, Site Plan, Appendix A, of Lot 11- Omarino subdivision.

This report has been prepared to advise on the potential for the development of a relocated Lot 16 building envelope in regard to the geotechnical aspects – mainly the site stability. The access, stormwater and wastewater aspects have been assessed in a very preliminary manner and will require further, more detailed assessment upon the receipt of a final house concept

This report assesses the site as located on the site plan (Appendix A sheet SG1) in regard to land stability and general suitability for foundations, stormwater management and wastewater management. This report has been prepared for the sole use of our client. It shall not be used, reproduced, or copied in any manner or form without the permission of P.K Engineering Limited.

2. GENERAL SITE DESCRIPTION

The total area of the proposed relocated Lot 16 is 4.145Ha. The Lot lies within the Far North District Council General Coastal Zone and within an Outstanding landscape Zone. The site is elevated approximately 25 to 40 metres above the shoreline and is situated on the North-East facing shoulder of the main ridgeline. The North-East facing shoulder has varying gradients from 15 degrees at the upper portion to well in excess of 45 degrees on the coastal shoreline. The existing landform is covered in native bush.

The building envelope for a future dwelling is located at the mid portion of the existing lot 11, refer to sheet SG1 Appendix A. The site is accessed off a small rudimentary track off the main asphalt roading network.

The key geotechnical features that define the site are as follows:

- Moderate to steep hillslopes of weathered rock to residual silts and clays
- Thin to moderately thick young to moderately aged native bush cover.
- Located within 100m of the coastal edge, where future legal access to a small beach is proposed.
- A rudimentary accessway created which branches off from the main concrete driveway for this subdivision, which straddles the head of the ridge.

At the time of our site investigations no ground excavations had been undertaken on the site. The site features of which are as shown on the accompanying plan, are based off on-site measurements and satellite imagery. A proper survey will be required to enable a dwelling concept to be prepared.

The subsurface conditions discussed in this report have been determined at very specific locations and will not identify any variations in ground strength or composition at other locations on the site. During construction should ground conditions be found to vary significantly from those described in this report PK Engineering Ltd is to be notified immediately.

A more detailed geotechnical investigation will be required once the geometry and type of construction for the future dwelling is confirmed. This will be necessary to verify soil conditions in areas that are relevant to the future foundations. Specific slope stability modelling and foundation designs will be required for any future dwelling that will be built on the area that is covered by this report.

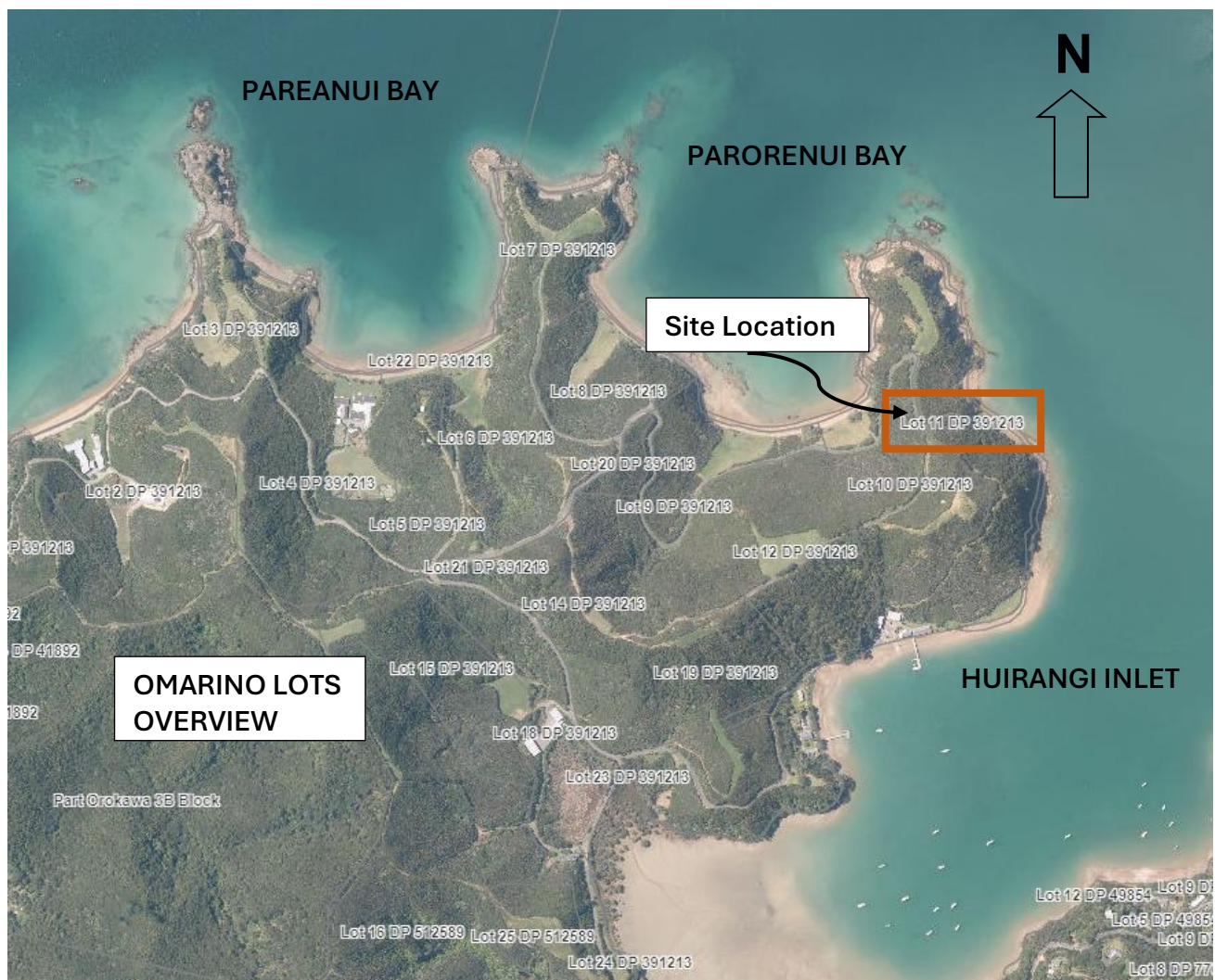


Figure 1: Site location (LINZ MAPS).

3. NATURAL HAZARDS

The Northland Regional Council Natural Hazards Map indicate no natural hazards occur in the area for development.

4. GEOLOGY

The soil in this area is classed as unit 'Mrh' "Marua clay loam" derived from the weathering of the underlying basement greywacke and argillite complex.

The local rock type has been classified as "*Sandstone and Siltstone, Lithic volcanoclastic metasandstone and argillite*": NZMS 290 Sheet Q04/05 soil and rock maps.

5. SITE INVESTIGATIONS

5.1 VISUAL INSPECTION

We carried out a thorough visual site evaluation of key features and undertook geotechnical sub-soil investigations of the proposed future building site. The area proposed has been identified as having better alignment for access and much gentler of slope compared to surrounding areas. Two cross sections were established through the middle of the proposed site. The cross sections link all the auger hole information and have been used to model the slope stability analysis portion of this report. The following sections provide the detailed information.

5.2 SUBSURFACE INVESTIGATIONS

Six subsurface exploratory auger holes were drilled at the locations shown on the attached plan as AH1-AH6. In situ undrained shear strength readings were taken at 300mm regular intervals. These holes were drilled with a 50mm hand-held auger till the soil was too difficult to penetrate at between 1.0 and 2.60m below existing ground level. Scala penetrometer tests were then undertaken from the base of all auger holes to a depth of 3.70– 4.70m below existing ground level.

All auger holes AH1- AH3 intercepted very stiff to hard silts and clays with undrained in-situ shear strength well in excess of 100kPa. All scala penetrometer tests, PT1-PT3 intercepted ground with predominantly high resistance to penetration and were terminated at varying depths below existing ground level. A summary of the results is shown in the table below and the complete logged data sheets provided in Appendix A. The auger hole logging follows the structure of NZGS 2005, "Soil and Rock Field description guidelines".

Table 1. Subsurface investigation summary.

Augerhole	Topsoil depth (m)	Thickness of Residual Clay/Silt Soil	Undrained shear strengths (kPa)	Depth to Highly weathered Rock	Depth to moderately weathered rock
AH1	0.2	3.450	200+	3.650	4.350
AH2	0.2	3.050	200+	3.200	3.250
AH3	0.2	2.250	200+	2.350	3.200
AH4	0.1	1.6	194+	1.6	2.05
AH5	0.15	1.9	200+	1.9	1.95
AH6	0.15	1.6	200+	1.9	2.1

5.3 SOAKAGE TESTS

Two soakage tests were conducted as per TP58 guidelines, and we have categorised the soil as a category 4 soil with moderate to good soakage. Refer Site Plan Sheet SG1 Appendix A for location.

6. SITE STABILITY

Two cross sections (A-A, B -B) have been provided in appendix A showing the subsoil profile and gradients around the area of interest. The contours are provided from LINZ 1m Lidar taken in 2018. It should be noted that the Lidar data, has been used to develop the stability model and a more detailed and accurate survey will have to be undertaken to verify the gradients prior to preparation of any dwelling concepts.

The slope stability of the site is governed by the following characteristics: Shallow bedrock and stiff to hard silty clays which present both positive attributes and potential challenges.

In addition to the site investigation, we have carried out slope stability modelling analysis using the latest version of (Geo-Studio 2023). We were able to model the site under saturated conditions to obtain understanding of its susceptibility to failure during heavy rainfall events or under extreme moisture contents. The results shown below indicate a Factor of safety of approximately 1.0. and 1.5 This indicates that under saturated conditions the slope will most likely fail, and in the shape which is indicated by the green slice on the slope models below in figures 2 &3.

The results reveal that if stormwater isn't managed correctly, then potential slope failure has a moderate risk of occurring. The presence of shallow rock makes it feasible to create a stable building platform by the utilisation of palisade walls or a carefully designed retaining wall which will improve the factors of safety against slippage of the upper shallow clay layer.

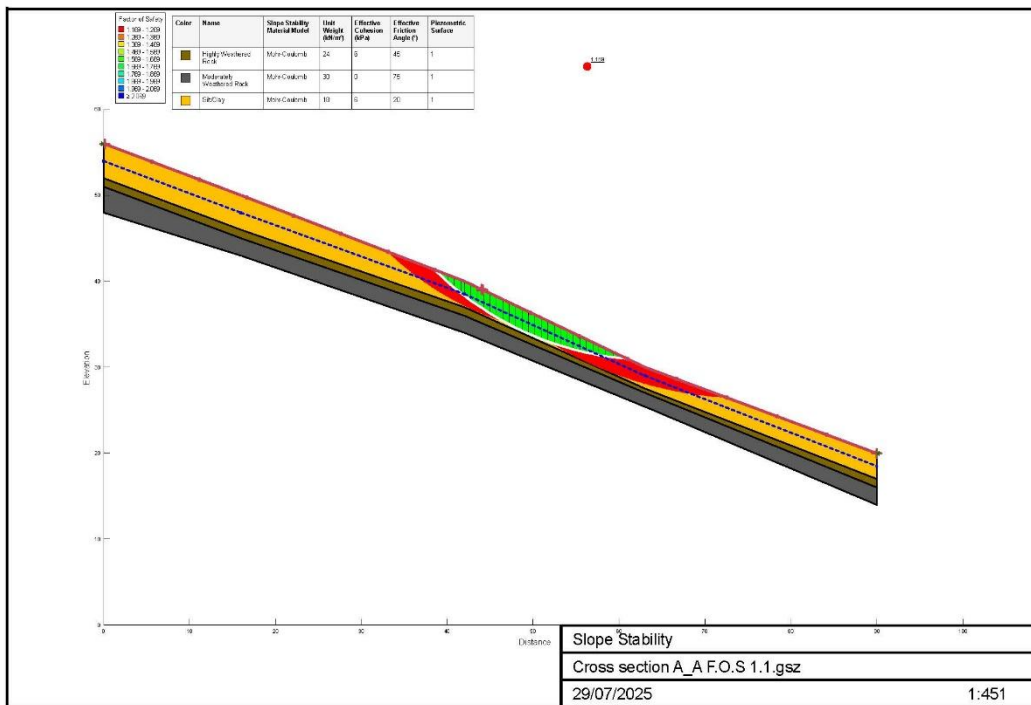


Figure2 : Geo-studio (slope/w) analysis FOS 1.1

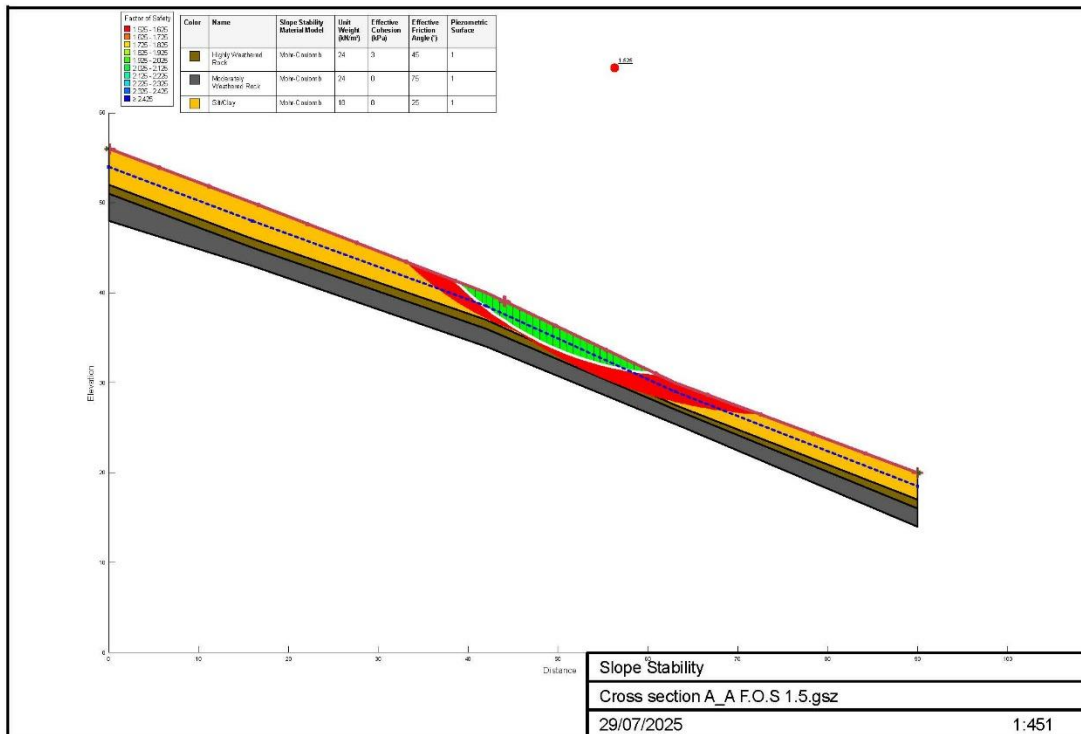


Figure 3: Geo-studio (slope/w) analysis FOS 1.5

7. EROSION/GEOMORPHOLOGY.

Features regarding Geomorphology show no obvious signs of current erosion or features that might indicate risks to development on this site with respect to accelerated erosion. The soils that exist on the site are prone to lateral creep type of behaviour when slope gradients exceed 30 degrees. The site soil is identified as Marua clay, which is also highly expansive in nature. Care must be taken to ensure maximum ground cover and limit exposure to any cut surfaces during construction. Appropriate silt migration preventative measures must be in place prior to any construction.

8. FOUNDATION AND DEVELOPMENT

This site has the several key features that make it suitable for development:

1. Rock is present at shallow depth of approximately 3.2 metres below the ground surface. Piles can be anchored into the stable rock structure to enable stabilisation of this site for a future dwelling.
2. Reasonably stable residual soils which have favourable engineering properties, of bearing, adhesion and high angles of internal friction.
3. Generally, the existing terrain lends itself to being terra-formed to provide a platform for dwellings and access.
4. Building Foundations

The following parameters should be utilized for the design of footings and piled foundations:

IN STIFF CLAY:

Bulk Density	= 18 kN/m ³
Ultimate Bearing Capacity	= 300kPa
Allowable Bearing Capacity (F.O.S = 3)	= 100kPa
Dependable Bearing Capacity ($\phi = 0.5$)	= 150kPa

IN SEMI-WEATHERED ROCK:

Bulk Density	= 25 kN/m ³
Ultimate Bearing Capacity	= 6MPa
Allowable Bearing Capacity (F.O.S = 3)	= 2MPa
Dependable Bearing Capacity ($\phi = 0.5$)	= 3MPa

9. LIQUEFACTION

This site has a low risk of liquefaction. The clay fraction ensures that the critical property of a soil that leads to liquefaction has a very low probability of occurring on this site.

10. STORMWATER

All stormwater flows should be directed away from any future building platform. There is an existing culvert underneath the access track that currently discharges stormwater, from the access track swale, just below the access track. The culvert should be extended with a culvert flume to discharge onto the gentler slopes at the base of the Lot as indicated on Sheet SG1, Site Plan, Appendix A. Stormwater runoff from any future roof area and impermeable surfaces should be directed to the culvert flume. A specific analysis and design of stormwater controls will be required for the building consent application.

11. WASTEWATER

Wastewater should be treated to a secondary level (minimum treatment) and discharged via sub-surface pressure compensated irrigation lines (PCDI) in the area indicated on Sheet SG1, Site Plan, Appendix A. A 30% reserve area is available. We have assumed a 6 person occupancy producing 180l/day each person giving a total daily flow of 1080lts and a loading rate of 3mm per meter squared per day for the design of the disposal field. An area of 360m² is required to accommodate the daily flow of effluent. A surface water diversion swale should be established up slope of the disposal field to prevent surface water entering the disposal area. A detailed wastewater disposal system will need to be designed prior to any building consent application.

12. RECCOMENDATIONS

I recommend that:

- The relevant area of study as shown on the included plan be deemed as a suitable and stable site for a future building envelope.
- Any ground retaining structure required over 1.0m retained height or subject to surcharge loading (buildings, driveways or backslope exceeding 15°) to be designed by a suitably experienced Chartered Professional Engineer
- A more detailed design for wastewater disposal, stormwater disposal and silt control measures be undertaken prior to finalising any house concept for this site.

13. CONCLUSION.

From our study of the proposed site, it is evident that a suitable building platform can be created with respect to stability. Stabilization work will be required to provide adequate factors of safety against slope failure for this chosen site. A more detailed study will be required prior to application for any building consent. The sustainable management of stormwater and wastewater flows can be accomplished provided that the recommendations in this report are diligently adhered to.



Pradeep Kumar.
B.E hons, NZCE, MIPENZ,
IntPE, CP Eng.
(Structural, Geotechnical)
Chartered Professional Engineer.

APPENDIX A

AUGER HOLE LOGS
SCALA PENETROMETER LOGS
SITE PLAN
CROSS SECTION 'A-A'
CROSS SECTION 'B-B'

'SG1'
'SG2'
'SG3'

AH1

Client: Bentzen Farm (Lot 16)

Job No: 24-002



Graphic Symbol							In situ shear vane reading	Remoulded shear vane reading
FILL	CLAY	SILT	SAND	ROCK	TOP SOIL	Organic Soil		Scale Penetrometer
Depth (mm)	Soil /Rock Graphic Log	Soil/Rock type	GWL	Field Description	Undrained Shear Strength (kPa)	Scale Penetrometer (blows/50mm)		
				[FILL] Silty Topsoil.	0 100 200 300 0 234	0 5 10 15 20		
300				Silty CLAY, light yellow brown, very stiff-hard, dry, low plasticity.	600 234			
600				brownish orange with white specks and dark reddish orange streaks.	900 234			
900				(Crumbly)	1200 234			
1200				sandy lenses	1500 234			
1500					1800 UTP			
1800	#####			Clayey SILT, light yellow brown, very stiff to hard, dry, low plasticity	2100 234			
2100	#####			minor clay, yellow white mottled, very crumbly	2400 234			
2400	#####			SILT, some fine sand, minor clay, yellow brown, very stiff to hard, dry, no plasticity.	2700			
2700	#####			E.O.H @2.60m (To difficult to auger) Scala penetrometer from 2.60m.	3000			
3000	#####				3300			
3300	#####				3600			
3600	#####				3900			
3900					4200			
4200					4500			
4500					4800			
4800					5100			
5100					5400			
					5700			

Drill Methods	50 mm hand auger	Note: All field logging made as per NZGS Guideline "Soil and Rock Field Descriptions" 1. The subsurface data described above has been determined at a specific borehole location. The data will not identify any variations away from the location. 2. UTP - Unable to penetrate.
Test Location	Refer to site plan	
Test Date	13/05/2024	
Inspector	JW/RD	

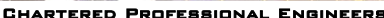
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AH2

Client: Bentzen Farm (Lot 16)

Job No: 24-002



Graphic Symbol		<div><div>@ @ @ @</div><div>.....</div><div>####</div><div>0000</div><div>████</div><div> </div><div>DDDDD</div></div>							In situ shear vane reading	
		FILL	CLAY	SILT	SAND	ROCK	TOP SOIL	Organic Soil	Remoulded shear vane reading	
									Scale Penetrometer	
Depth (mm)	Soil /Rock Graphic Log	Soil/Rock type	GWL	Field Description			Undrained Shear Strength (kPa)	Scale Penetrometer (blows/50mm)		
	|||||	Marua Clay loam weathered from siltstone/sandstone	Ground water level not intercepted	[FILL] Silty Topsoil.			0 100 200 300	0 5 10 15 20		
300	DDDDDD			Organic silty soil , minor clay			0 234			
	DDDDDD									
600	DDDDDD			Silty CLAY, light yellow brown, very stiff to hard, dry, low plasticity. (crumbly)			234			
									
900	.....								
									
1200	.....						167		
	.....						UTP		
1500	.....								
									
1800	.....						0 234		
									
2100	#####			SILT, minor clay, white mottled orange brown, very stiff to hard, dry to moist, no plasticity.			230			
	#####						0			
2400	#####			E.O.H @2.30m (To difficult to auger)						
	#####			Scala penetrometer from 2.30m.						
2700	#####									
	#####									
3000	#####									
	#####									
3300	#####									
3600	████									
3900	████									
4200	████									
4500	████									
4800	████									
5100	████									
	████									
Drill Methods		50 mm hand auger		Note: All field logging made as per NZGS Guideline "Soil and Rock Field Descriptions"						
Test Location		Refer to site plan		1. The subsurface data described above has been determined at a specific borehole location. The data						
Test Date		13/05/2024		will not identify any variations away from the location.						
Inspector		JW/RD		2. UTP - Unable to penetrate.						

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BOREHOLE LOG NO -

AH3

Project: Geotechnical Investigation and Report

Client: Bentzen Farm (Lot 16)

Job No: 24-002



Graphic Symbol		@@@	####	0000		||||	DDDD	In situ shear vane reading	Remoulded shear vane reading	Scale Penetrometer
		FILL	CLAY	SILT	SAND	ROCK	TOP SOIL	Organic Soil			
Depth (mm)	Soil /Rock Graphic Log	Soil/Rock type	GWL	Field Description			Undrained Shear Strength (kPa)		Scale Penetrometer (blows/50mm)		
	|||||	Marua Clay, weathered from siltstone/sandstone.	Ground water level not intercepted	[FILL] Silty Topsoil.			0 100 200 300		0 5 10 15 20		
300	#####						300 0 234				
	#####			SILT, some clay, light yellow brown, very stiff-hard, dry, low plasticity. (crumbly)			600 0 234				
600	#####			Clayey SILT, low plasticity.			900 0 234				
	#####			Silty CLAY, yellowish orange with darker reddish orange streaks, very stiff to hard, dry, low plasticity.			1200 0 214				
1200						1500 0 234				
						1800 UTP				
1500			very crumbly			2100 0				
			minor clay, yellow white mottled, very crumbly			2400 0				
1800			SILT, minor clay, orange, very stiff to hard, dry, no plasticity.							
			E.O.H @2.0m (To difficult to auger)							
2100	#####			Scala penetrometer from 2.0m.							
	#####										
2400	#####										
	#####										
2700	#####										
	#####										
3000	#####										
	#####										
3300											
3600											
3900											
4200											
4500											
4800											
5100											
							</				

BOREHOLE LOG NO - AH4

Project: Geotechnical Investigation and Report

Client: Bentzen Farm (Lot 16)

Job No: 24-002A



Graphic Symbol	@@@	.....	###	000		+++	DDDD	In situ shear vane reading
	FILL	CLAY	SILT	SAND	ROCK	TOP SOIL	Organic Soil	Remoulded shear vane reading
								Scale Penetrometer

Depth (mm)	Soil /Rock Graphic Log	Soil/Rock type	GWL	Field Description	Undrained Shear Strength (kPa)	Scale Penetrometer (blows/50mm)
				100mm topsoil	0 100 200 300	0 5 10 15 20
300	Marua Clay loam weathered from siltstone/sandstone		0.1-1.0m. Silty CLAY, yellow, stiff, low plasticity 1.0-1.4m. Clayey SILT, yellow, crumbly rock inclusions < 5mm abundant, no plasticity. 1.4-2.0m. silty CLAY, low plasticity. Rock inclusions <1cm EOH @ 2.0m UTP	300 194	
600				600 194	
900				900 194	
1200	####				1200 194	
1500	####				1500 194	
1800				1800 194	
2100				2100 194	
2400				2400 194	
2700				2700 194	
3000				3000 194	
3300	Ground water level not intercepted			3300 194	
3600				3600 194	
3900				3900 194	
4200				4200 194	
4500				4500 194	
4800				4800 194	
5100				5100 194	
					5400 194	
					5700 194	

Drill Methods	50 mm hand auger	Note: All field logging made as per NZGS Guideline "Soil and Rock Field Descriptions"
Test Location	Refer to site plan	1. The subsurface data described above has been determined at a specific borehole location. The data will not identify any variations away from the location.
Test Date	23/07/2025	2. UTP - Unable to penetrate.
Inspector	JW/RD	

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BOREHOLE LOG NO - AH5

Project: Geotechnical Investigation and Report

Client: Bentzen Farm (Lot 16)

Job No: 24-002A



Graphic Symbol	@@@	.....	###	000	■	||||	DDDD	In situ shear vane reading
	FILL	CLAY	SILT	SAND	ROCK	TOP SOIL	Organic Soil	Remoulded shear vane reading
								Scale Penetrometer

Depth (mm)	Soil /Rock Graphic Log	Soil/Rock type	GWL	Field Description	Undrained Shear Strength (kPa)	Scale Penetrometer (blows/50mm)
	150mm topsoil				0 100 200 300	0 5 10 15 20
300	####	Marua Clay loam weathered from siltstone/sandstone		0.2-0.5m. SILT minor sand & clay, light brown, grey, fine angular gravel intrusions. Low plasticity - no plasticity. 0.5-1.0m. SILT, brown orange mottled, moist, minor clay. Low plasticity becoming more cohesive at 0.9m. 1.0-1.2m. clayey SILT, stiff, trace fine - coarse sand no plasticity. 1.2-1.6m. SILT, Minor clay and sand no plasticity, moist EOH @ 1.6m UTP 1.6-1.8m inferred	UTP	
600	####				236	
900	####				236	
1200	####				186	
1500	####				UTP	
1800	####				UTP	
2100						
2400						
2700						
3000						
3300		Ground water level not intercepted				
3600						
3900						
4200						
4500						
4800						
5100						

Drill Methods	50 mm hand auger	Note: All field logging made as per NZGS Guideline "Soil and Rock Field Descriptions"
Test Location	Refer to site plan	1. The subsurface data described above has been determined at a specific borehole location. The data will not identify any variations away from the location.
Test Date	23/07/2025	2. UTP - Unable to penetrate.
Inspector	JW/RD	

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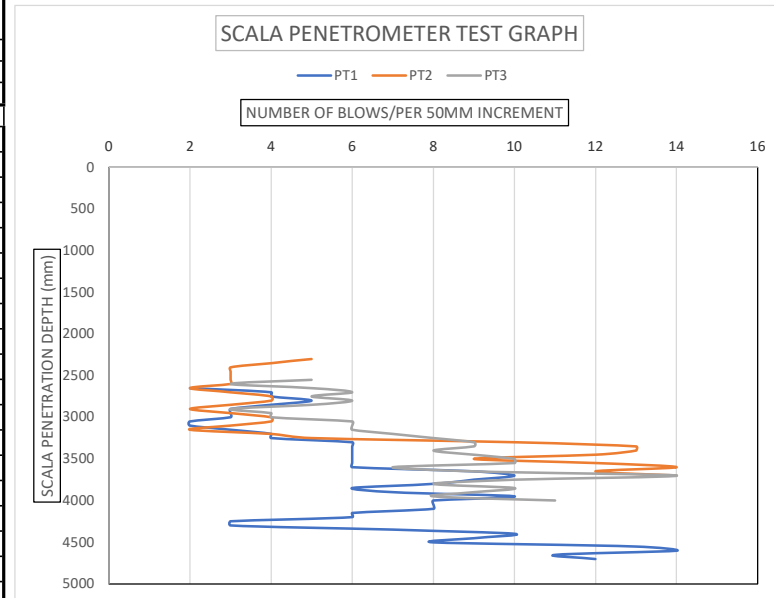
Telephone: 09 407 3255 Fax: 09 407 3256 Email: TeamPK@pkengin.co.nz

Project: Geotechnical Investigation and Report
Client: Bentzen Farm (Lot 16)
Job No: 24-002A

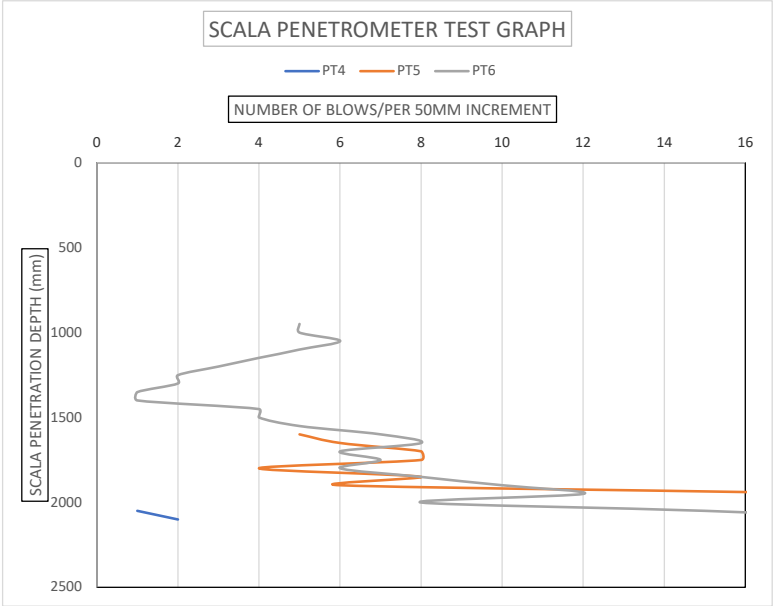


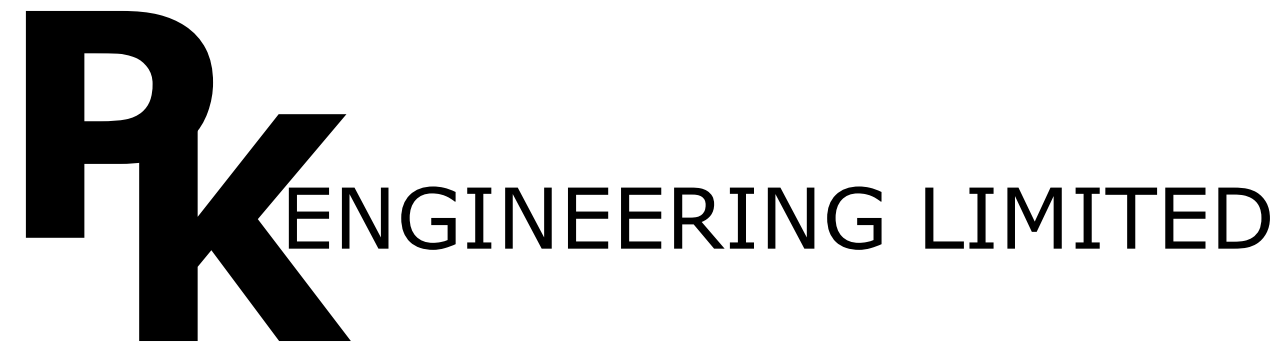
Graphic Symbol	@@@	###	000	■	+++	DDDD	<div><div></div><div><div></div><div></div></div></div>	
	FILL	CLAY	SILT	SAND	ROCK	TOP SOIL	Organic Soil	<div><div></div><div><div></div><div></div></div></div>	
Depth (mm)	Soil /Rock Graphic Log	Soil/Rock type	GWL	Field Description		Undrained Shear Strength (kPa)	Scale Penetrometer (blows/50mm)		
	+++	Marua Clay loam weathered from siltstone/sandstone	Ground water level not intercepted	150mm light brown topsoil		<div><div></div><div><div></div><div></div></div></div>	<div><div></div><div><div></div><div></div></div></div>		
300	###			0.15-05m. SILT some sand & light brown clay, crumbly, dry, low plasticity.		300	<div><div></div><div><div></div><div></div></div></div>		
600	###			0.5-0.9m. SILT, grey brown orange mottled, moist, gravel inclusions.		600	<div><div></div><div><div></div><div></div></div></div>		
900	###			0.9-1.0m. sandy SILT, light grey/brown, crumbly		900	<div><div></div><div><div></div><div></div></div></div>		
1200	###			1.0m. SILT, Minor clay and sand no plasticity, moist		1200	<div><div></div><div><div></div><div></div></div></div>		
1500	###			EOH @ 1.0m UTP		1500	<div><div></div><div><div></div><div></div></div></div>		
1800	###			1.0-1.8m inferred		1800	<div><div></div><div><div></div><div></div></div></div>		
2100	■			siltstone/sandstone			2100	<div><div></div><div><div></div><div></div></div></div>	
2400	■						2400	<div><div></div><div><div></div><div></div></div></div>	
2700	■						2700	<div><div></div><div><div></div><div></div></div></div>	
3000	■				3000	<div><div></div><div><div></div><div></div></div></div>			
3300	■				3300	<div><div></div><div><div></div><div></div></div></div>			
3600	■				3600	<div><div></div><div><div></div><div></div></div></div>			
3900	■				3900	<div><div></div><div><div></div><div></div></div></div>			
4200	■				4200	<div><div></div><div><div></div><div></div></div></div>			
4500	■				4500	<div><div></div><div><div></div><div></div></div></div>			
4800	■				4800	<div><div></div><div><div></div><div></div></div></div>			
5100	■			5100	<div><div></div><div><div></div><div></div></div></div>				
Drill Methods				50 mm hand auger	Note: All field logging made as per NZGS Guideline "Soil and Rock Field Descriptions"				
Test Location				Refer to site plan	1. The subsurface data described above has been determined at a specific borehole location. The data				
Test Date			23/07/2025	will not identify any variations away from the location.					
Inspector			JW/RD	2. UTP - Unable to penetrate.					
Level 1 ANZ Bank Building 90 Kerikeri Road, Kerikeri New Zealand									
Telephone: 09 407 3255 Fax: 09 407 3256 Email: TeamPK@pnkengin.co.nz									

P K ENGINEERING LIMITED											PENETROMETER HOLE No.								
90 KERIKERI RD				Phone (09) 4073255				EMAIL pk.engin@pkengin.co.nz			SHT. 1 of 1								
Location: Omarino Lot 11											Job No. 24-022								
Driven by: JW/RD											Date: 13/05/								
R.L at Ground Level: n/a																			
Depth	PT1	PT2	PT3	PT4	Depth	PT1	PT2	PT3	PT4	Depth	PT1	PT2	PT3	PT4	Depth	PT1	PT2	PT3	PT4
50					2550		3	5		5050					7550				
100					2600			3	3	5100					7600				
150					2650	2	2	5		5150					7650				
200					2700	4	3	6		5200					7700				
250					2750	4	4	5		5250					7750				
300					2800	5	4	6		5300					7800				
350					2850	4	3	5		5350					7850				
400					2900	3	2	3		5400					7900				
450					2950	3	3	4		5450					7950				
500					3000	3	4	4		5500					8000				
550					3050	2	4	6		5550					8050				
600					3100	2	3	6		5600					8100				
650					3150	3	2	6		5650					8150				
700					3200	4	4	7		5700					8200				
750					3250	4	5	8		5750					8250				
800					3300	6	10	9		5800					8300				
850					3350	6	13	9		5850					8350				
900					3400	6	13	8		5900					8400				
950					3450	6	12	9		5950					8450				
1000					3500	6	9	10		6000					8500				
1050					3550	6	12	10		6050					8550				
1100					3600	6	14	7		6100					8600				
1150					3650	9	12	9		6150					8650				
1200					3700	10	14	14		6200					8700				
1250					3750	9		10		6250					8750				
1300					3800	8		8		6300					8800				
1350					3850	6		10		6350					8850				
1400					3900	7		9		6400					8900				
1450					3950	10		8		6450					8950				
1500					4000	8		11		6500					9000				
1550					4050	8				6550					9050				
1600					4100	8				6600					9100				
1650					4150	6				6650					9150				
1700					4200	6				6700					9200				
1750					4250	3				6750					9250				
1800					4300	3				6800					9300				
1850					4350	7				6850					9350				
1900					4400	10				6900					9400				
1950					4450	9				6950					9450				
2000					4500	8				7000					9500				
2050					4550	13				7050					9550				
2100					4600	14				7100					9600				
2150					4650	11				7150					9650				
2200					4700	12				7200					9700				
2250					4750					7250					9750				
2300		5			4800					7300					9800				
2350		4			4850					7350					9850				
2400		3			4900					7400					9900				
2450		3			4950					7450					9950				
2500		3			5000					7500					####				



P K ENGINEERING LIMITED														PENETROMETER HOLE No.					
90 KERIKERI RD Phone (09) 4073255 EMAIL pk.engin@pkengin.co.nz														SHT. 1 of 1					
Location: Omarino Lot 11														Job No. 24-022					
Driven by: JW/RD														Date: 13/05/					
R.L at Ground Level: n/a																			
Depth	PT1	PT4	PT5	PT6	Depth	PT1	PT4	PT3	PT4	Depth	PT1	PT2	PT3	PT4	Depth	PT1	PT2	PT3	PT4
50					2550					5050					7550				
100					2600					5100					7600				
150					2650					5150					7650				
200					2700					5200					7700				
250					2750					5250					7750				
300					2800					5300					7800				
350					2850					5350					7850				
400					2900					5400					7900				
450					2950					5450					7950				
500					3000					5500					8000				
550					3050					5550					8050				
600					3100					5600					8100				
650					3150					5650					8150				
700					3200					5700					8200				
750					3250					5750					8250				
800					3300					5800					8300				
850					3350					5850					8350				
900					3400					5900					8400				
950				5	3450					5950					8450				
1000				5	3500					6000					8500				
1050				6	3550					6050					8550				
1100				5	3600					6100					8600				
1150				4	3650					6150					8650				
1200				3	3700					6200					8700				
1250				2	3750					6250					8750				
1300				2	3800					6300					8800				
1350				1	3850					6350					8850				
1400				1	3900					6400					8900				
1450				4	3950					6450					8950				
1500				4	4000					6500					9000				
1550				5	4050					6550					9050				
1600			5	7	4100					6600					9100				
1650			6	8	4150					6650					9150				
1700			8	6	4200					6700					9200				
1750			8	7	4250					6750					9250				
1800			4	6	4300					6800					9300				
1850			8	8	4350					6850					9350				
1900			6	10	4400					6900					9400				
1950			18	12	4450					6950					9450				
2000			18	8	4500					7000					9500				
2050		20	18	15	4550					7050					9550				
2100		20+		20	4600					7100					9600				
2150					4650					7150					9650				
2200					4700					7200					9700				
2250					4750					7250					9750				
2300					4800					7300					9800				
2350					4850					7350					9850				
2400					4900					7400					9900				
2450					4950					7450					9950				
2500					5000					7500					10000				





CHARTERED PROFESSIONAL ENGINEERS

PROJECT:

**SITE SUITABILITY REPORT
DRAWINGS FOR PROPOSED BOUNDARY
ADJUSTMENT SUBDIVISION OF LOT 11
FOR BENTZEN FARM LTD**

PROJECT ADDRESS:

**285 MANAWAORA RD, RUSSELL
OMARINO**

LEGAL DESCRIPTION

LOT 11 DP 391213

JOB NO:

24-022A

DATE:

AUGUST 2025

REVISION: 0

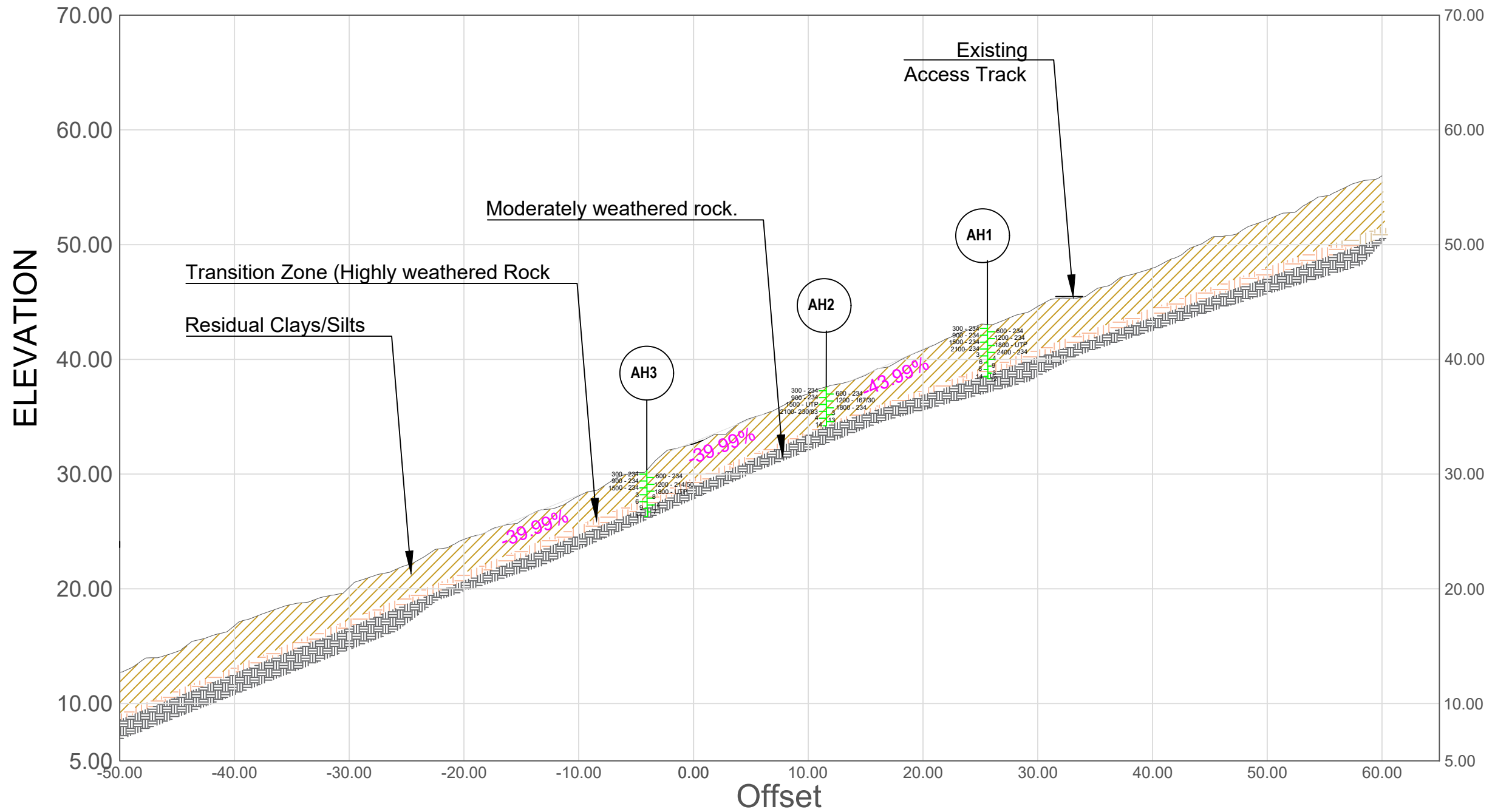
DRAWING INDEX:

SG1	SITE PLAN
SG2	CROSS SECTION A-A
SG3	CROSS SECTION B-B

LEVEL 2
ANZ Bank Building
90 Kerikeri road,
P.O.Box 464
KERIKERI

Tel. (09) 4073255
E-mail.
teampk@pkengin.co.nz


A3



CROSS SECTION


Notes:


1. THE COPYRIGHT OF THIS DRAWING IS VESTED IN PK ENGINEERING AND IT MAY NOT BE REPRODUCED IN WHOLE OR PART OR USED FOR THE MANUFACTURE OF ANY ARTICLE WITHOUT THE EXPRESS PERMISSION OF THE COPYRIGHT HOLDERS.
2. VERIFY ALL DIMENSIONS AND LEVELS ON SITE BEFORE COMMENCING WORK. USE WRITTEN DIMENSIONS IN PREFERENCE TO SCALING THESE DRAWINGS.
3. THIS DRAWING IS TO BE READ IN CONJUNCTION WITH ALL RELEVANT ARCHITECT'S, SERVICES, CIVIL AND OTHER PROJECT DRAWINGS AND SPECIFICATIONS. ANY DISCREPANCIES SHALL BE REFERRED TO THE ENGINEER FOR RESOLUTION.
4. IN THE EVENT THAT THERE IS ANY CONFLICT BETWEEN THE DRAWINGS AND SPECIFICATION THEN THE REQUIREMENTS OF THE DRAWINGS SHALL TAKE PRECEDENCE, WITH THE DETAIL DRAWINGS TAKING PRECEDENCE OVER THE GENERAL NOTES.

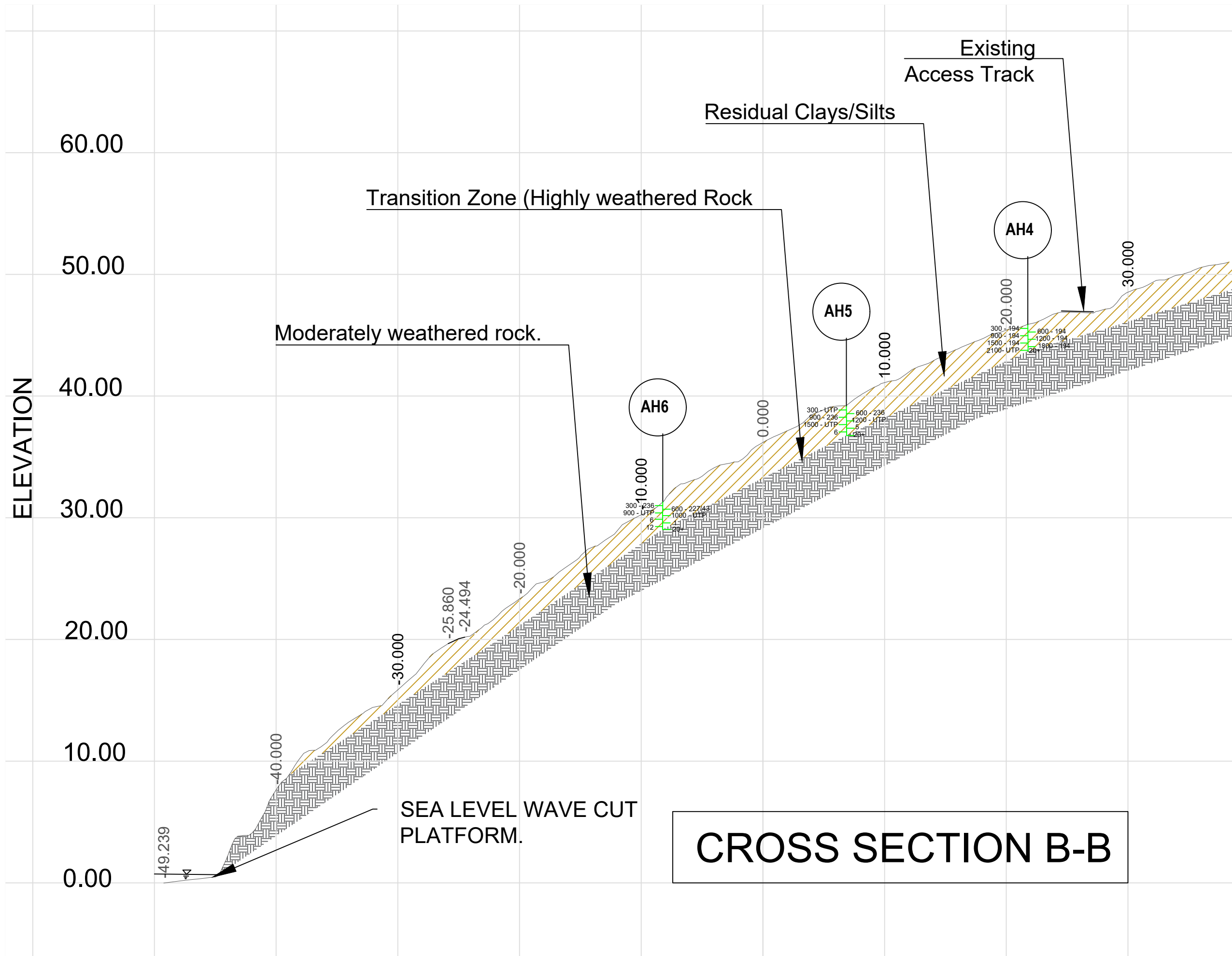
**ENGINEERING LIMITED**

DATE: 5 08 2025

CHECKED BY:
PRADEEP KUMAR
CHARTERED PROFESSIONAL ENGINEER
(STRUCTURAL, GEOTECHNICAL)
IMPE, CPEng, MPENZ No. 203058



REV:	DESCRIPTION:	BY:	DATE:
STATUS: ISSUED TO CLIENT			
<div>ENGINEERING CHARTERED PROFESSIONAL ENGINEERS</div> <div>LEVEL 1, ANZ BANK 90 KERIKERI ROAD, KERIKERI PO BOX 464, KERIKERI Phone Number: 09 407 3255 Email: teampk@pkengin.co.nz</div>			
CLIENT: Bentzen Farm Ltd 285 MANAWAORA ROAD.			
SITE: LOT 11, OMARINO			
TITLE: SITE SUITABILITY REPORT Cross section A-A			
SCALE AT A3: 1:400	DATE: 05/08/2025	DRAWN: JW	CHECKED: PK
PROJECT NO: 24-022A	DRAWING NO: A3/SG2	REVISION: 0	



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PK ENGINEERING LIMITED
DATE: 5 08 2025
CHECKED BY: PRADEEP KUMAR
CHARTERED PROFESSIONAL ENGINEER
(STRUCTURAL, GEOTECHNICAL)
InPE, CPEng, MIPENZ No: 203058

REV:	DESCRIPTION:	BY:	DATE:
STATUS: ISSUED TO CLIENT			



LEVEL 1, ANZ BANK
90 KERIKERI ROAD, KERIKERI
PO BOX 464, KERIKERI
Phone Number: 09 407 3255
Email: teampk@pkengin.co.nz

CLIENT: Bentzen Farm Ltd
285 MANAWAORA ROAD.

SITE: LOT 11, OMARINO

TITLE: SITE SUITABILITY REPORT
Cross section B-B

SCALE AT A3: 1:300	DATE: 05/08/2025	DRAWN: JW	CHECKED: PK
PROJECT NO: 24-022A	DRAWING NO: A3/SG3	REVISION: 0	

Appendix 6

Record of Consultation

From: Kallam Brown [mailto:kallam@azuma.nz]
Sent: Monday, 26 May 2025 9:46 AM
To: Lynley Newport
Subject: FW: Re-zoning of lot 16 on Benzen Farm

Lynley – FYI below for sign off from the hapu in relation to our relocation of Lot 16.

Lets press on with the RC application.

Regards

Kallam Brown

+64 21 977 975
[azuma.nz](mailto:kallam@azuma.nz)

From: Hamish Lewis <hamish@omarino.co.nz>
Date: Sunday, 25 May 2025 at 8:44 PM
To: Kallam Brown <kallam@azuma.nz>
Subject: Fw: Re-zoning of lot 16 on Benzen Farm

Fyi Kal

Get [Outlook for Android](#)

From: Huri Rewha <huri.rewha@gmail.com>
Sent: Sunday, May 25, 2025 8:26:46 PM
To: Hamish Lewis <hamish@omarino.co.nz>
Cc: Glenys Papuni <glenysnlou@yahoo.co.nz>; Arana Rewha <rana.t@xtra.co.nz>; bellar.thompson@gmail.com <bellarthompson@gmail.com>; Irish Beazley <beazleyirish@gmail.com>; Natasha Clarke <natashaclarke@xtra.co.nz>; Huia STORM <huiastorm@gmail.com>; Ngati Kuta Hapu <ngatikutahapu@gmail.com>
Subject: Re-zoning of lot 16 on Benzen Farm

Kia ora Hamish,

1. The re-zoning of lot 16 from its current site to a new location occupying a part of Lot 11.
2. The residual of Lot 16 in parts will be joined up with Lots 15 and 18.
3. The remainder of Lot 16, which runs alongside Manawaroa Rd and Orokawa B, will remain in its natural forest state to ensure hillside stability on all sides.
4. The boundary adjustments require a plan change and consent to make boundary adjustments to the existing plan.
5. The already approved building site on Lot 16 will be moved to the new Lot 16. We note some vegetation clearance will be required at the building site.
6. In this application, our role is limited to environmental and cultural effects. We note that vegetation clearance and civil works are limited to home-building foundations. We have added an archeological map to help you avoid sensitive archeological areas when choosing the building site's new location.
7. Given our obligations to Ngati Kuta whanau and hapu, we insist on having a monitor on site for vegetation removal and any geo-tech work. Our charge-out rate for this work is \$50 per hour on-site. We would appreciate your advice on timing.

Hamish, Ngati Kuta has no objection to your consent for internal boundary changes and the relocation of the building site to the new Lot 16. One of our kaitiaki monitors will be available when you are ready.

Ka mihi matou ki a koe mo to mohio

Robert Willoughby

Ngati Kuta Kahui

Appendix 7

Records of Title and Relevant Instruments



RECORD OF TITLE
UNDER LAND TRANSFER ACT 2017
FREEHOLD
Search Copy



R. W. Muir
Registrar-General
of Land

Identifier 371331
Land Registration District North Auckland
Date Issued 14 August 2008

Prior References
NA35A/947 NA35D/223

Estate Fee Simple
Area 7.8940 hectares more or less
Legal Description Lot 11 Deposited Plan 391213

Registered Owners
Craig Leonard Heatley, Gregory Bernard Horton, Hayley Maree Pyle and Nicholas Craig Heatley

Estate Fee Simple - 1/17 share
Area 8.4550 hectares more or less
Legal Description Lot 18 Deposited Plan 391213

Registered Owners
Craig Leonard Heatley, Gregory Bernard Horton, Hayley Maree Pyle and Nicholas Craig Heatley

Interests

Appurtenant to the part formerly Part Rawhiti No 2 Block in CT NA35A/947 is a right of way created by Deed of Grant 638899.1 - 2.3.1977 at 2.20 pm

7907807.2 Consent Notice pursuant to Section 221 Resource Management Act 1991 - 14.8.2008 at 9:00 am

Subject to Section 241(2) Resource Management Act 1991 (affects DP 391213)

Subject to a right (in gross) to convey telecommunications and computer media over Lot 18 DP 391213 in favour

Transaction Id 79971413

Client Reference 10722 Bentzen

Search Copy Dated 14/08/25 12:56 pm, Page 1 of 2
Register Only

Identifier 371331

of Telecom New Zealand Limited created by Easement Instrument 7907807.4 - 14.8.2008 at 9:00 am

Some of the easements created by Easement Instrument 7907807.4 are subject to Section 243 (a) Resource Management Act 1991 (See DP 391213)

Subject to a right (in gross) to convey electricity over Lot 18 DP 391213 in favour of Top Energy Limited created by Easement Instrument 7907807.5 - 14.8.2008 at 9:00 am

The easements created by Easement Instrument 7907807.5 are subject to Section 243 (a) Resource Management Act 1991

Subject to a right of public access (in gross) over part marked AH on DP 391213 in favour of Far North District Council created by Easement Instrument 7907807.6 - 14.8.2008 at 9:00 am

The easements created by Easement Instrument 7907807.6 are subject to Section 243 (a) Resource Management Act 1991

Land Covenant in Easement Instrument 7907807.7 - 14.8.2008 at 9:00 am

Appurtenant hereto are walkway and riding rights created by Easement Instrument 7907807.8 - 14.8.2008 at 9:00 am

Subject to walkway and riding rights over parts marked AH and AX on DP 391213 created by Easement Instrument 7907807.8 - 14.8.2008 at 9:00 am

Appurtenant hereto is a right of way and a right to convey electricity, telecommunications and computer media created by Easement Instrument 7907807.9 - 14.8.2008 at 9:00 am

Some of the easements created by Easement Instrument 7907807.9 are subject to Section 243 (a) Resource Management Act 1991 (See DP 391213)

Appurtenant to Lot 18 DP 391213 is a right to convey water and electricity created by Easement Instrument 7907807.10 - 14.8.2008 at 9:00 am

Appurtenant hereto is a right of use and enjoyment created by Easement Instrument 7907807.11 - 14.8.2008 at 9:00 am

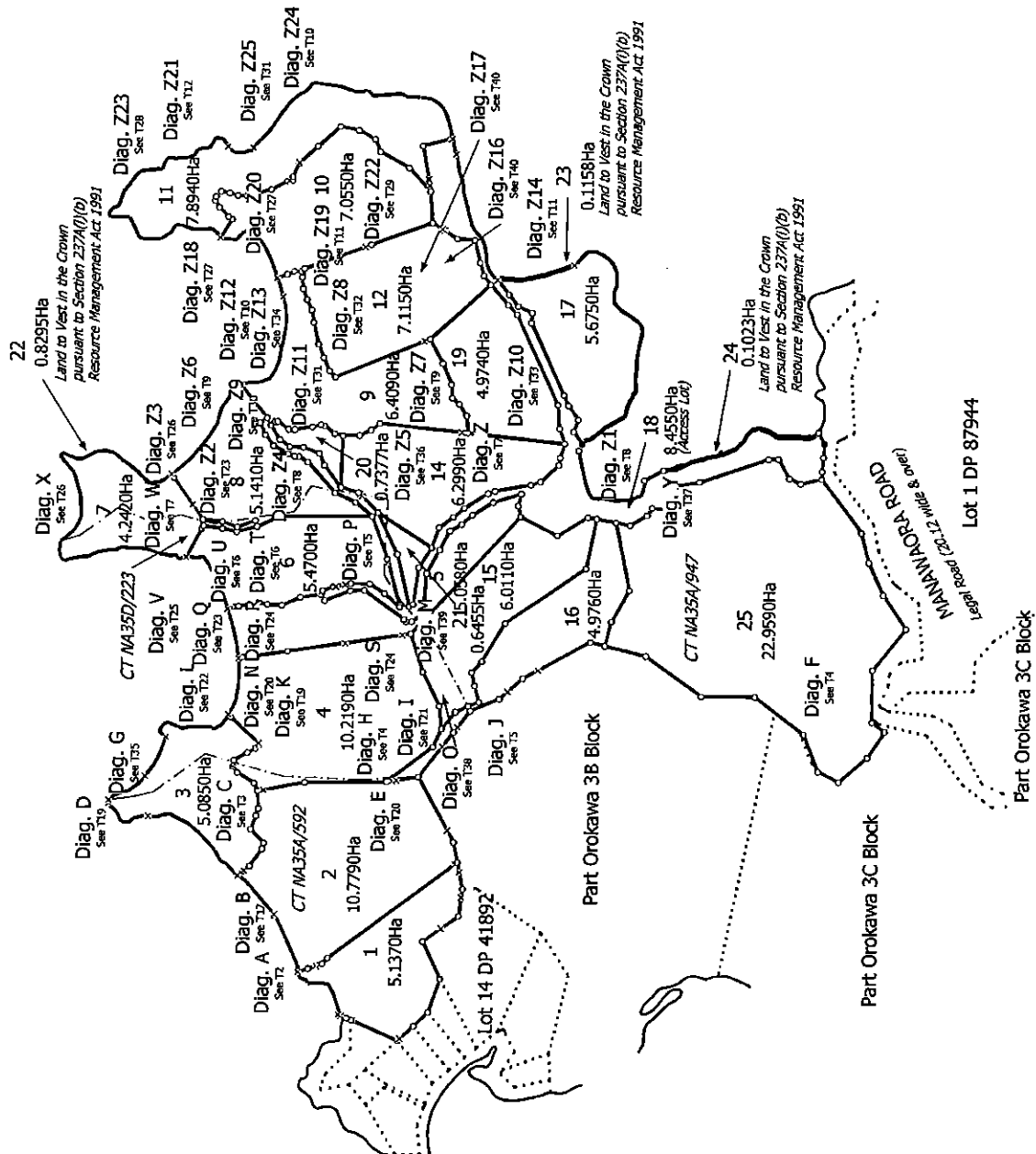
Subject to an inspection and maintenance work right (in gross) over Lot 11 DP 391213 excluding the part marked AG on DP 391213 in favour of Omarino Residents Association Incorporated created by Easement Instrument 7907807.12 - 14.8.2008 at 9:00 am

7907807.13 Encumbrance to Omarino Residents Association Incorporated - 14.8.2008 at 9:00 am

7907807.14 Lease of Lot 18 DP 391213 Term 999 years commencing on 8.8.2008 CIR 440867 issued - 14.8.2008 at 9:00 am (Right of Renewal)

8152730.1 Covenant pursuant to Section 108(2)(d) Resource Management Act 1991 - 11.5.2009 at 2:26 pm

8828538.1 Variation of Consent Notice 7907807.2 - 9.8.2011 at 10:15 am



T1/40

Land District North Auckland

Digitally Generated Plan

Generated on: 22/09/2008 3:32pm Page 7 of 46

Lots 1 to 12, and 14 to 25 being a subdivision of Parts Rawhiti No 2 Block and Pareanui Block

Surveyor: Ian David Gillespie
Firm: Lands & Survey Ltd

Digital Title Plan
DP 391213

Deposited on: 14/08/2008



RECORD OF TITLE
UNDER LAND TRANSFER ACT 2017
FREEHOLD
Search Copy



R. W. Muir
Registrar-General
of Land

Identifier **791498**
Land Registration District **North Auckland**
Date Issued **17 October 2017**

Prior References	411669	411670
Estate	Fee Simple	
Area	24.9470 hectares more or less	
Legal Description	Lot 16 Deposited Plan 512589	
Registered Owners	Bentzen Farm Limited	
Estate	Fee Simple - 1/17 share	
Area	8.4550 hectares more or less	
Legal Description	Lot 18 Deposited Plan 391213	
Registered Owners	Bentzen Farm Limited	
Interests		

Appurtenant to Part Lot 16 DP 512589 and Part Lot 18 DP 391213 formerly Part Rawhiti No 2 Block in CT NA35A/947 is a right of way created by Deed of Grant 638899.1 - 2.3.1977 at 2.20 pm

7907807.2 Consent Notice pursuant to Section 221 Resource Management Act 1991 - 14.8.2008 at 9:00 am

Subject to a right (in gross) to convey telecommunications and computer media over Lot 18 DP 391213 in favour of Telecom New Zealand Limited created by Easement Instrument 7907807.4 - 14.8.2008 at 9:00 am

Identifier **791498**

Some of the easements created by Easement Instrument 7907807.4 are subject to Section 243 (a) Resource Management Act 1991 (See DP 391213)

Subject to a right (in gross) to convey electricity over Lot 18 DP 391213 in favour of Top Energy Limited created by Easement Instrument 7907807.5 - 14.8.2008 at 9:00 am

The easements created by Easement Instrument 7907807.5 are subject to Section 243 (a) Resource Management Act 1991

Land Covenant in Easement Instrument 7907807.7 - 14.8.2008 at 9:00 am

Appurtenant hereto are walkway and riding rights created by Easement Instrument 7907807.8 - 14.8.2008 at 9:00 am

Subject to walkway and riding rights over part Lot 16 DP 512589 marked N and BF on DP 512589 created by Easement Instrument 7907807.8 - 14.8.2008 at 9:00 am

Appurtenant hereto is a right of way and a right to convey electricity, telecommunications and computer media created by Easement Instrument 7907807.9 - 14.8.2008 at 9:00 am

Subject to a right of way and a right to convey electricity, telecommunications and computer media over part Lot 16 DP 512589 marked BF and BG on DP 512589 created by Easement Instrument 7907807.9 - 14.8.2008 at 9:00 am

Some of the easements created by Easement Instrument 7907807.9 are subject to Section 243 (a) Resource Management Act 1991 (See DP 391213)

Appurtenant to Lot 18 DP 391213 is a right to convey water and electricity created by Easement Instrument 7907807.10 - 14.8.2008 at 9:00 am

Appurtenant hereto is a right of use and enjoyment created by Easement Instrument 7907807.11 - 14.8.2008 at 9:00 am

Subject to an inspection and maintenance work right (in gross) over Lot 16 DP 512589 part marked A, BF, BG, N, C, D, E and F on DP 512589 in favour of Omarino Residents Association Incorporated created by Easement Instrument 7907807.12 - 14.8.2008 at 9:00 am

7907807.13 Encumbrance to Omarino Residents Association Incorporated - 14.8.2008 at 9:00 am

7907807.14 Lease of Lot 18 DP 391213 Term 999 years commencing on 8.8.2008 CIR 440867 issued - 14.8.2008 at 9:00 am (Right of Renewal)

8828538.1 Variation of Consent Notice 7907807.2 - 9.8.2011 at 10:15 am

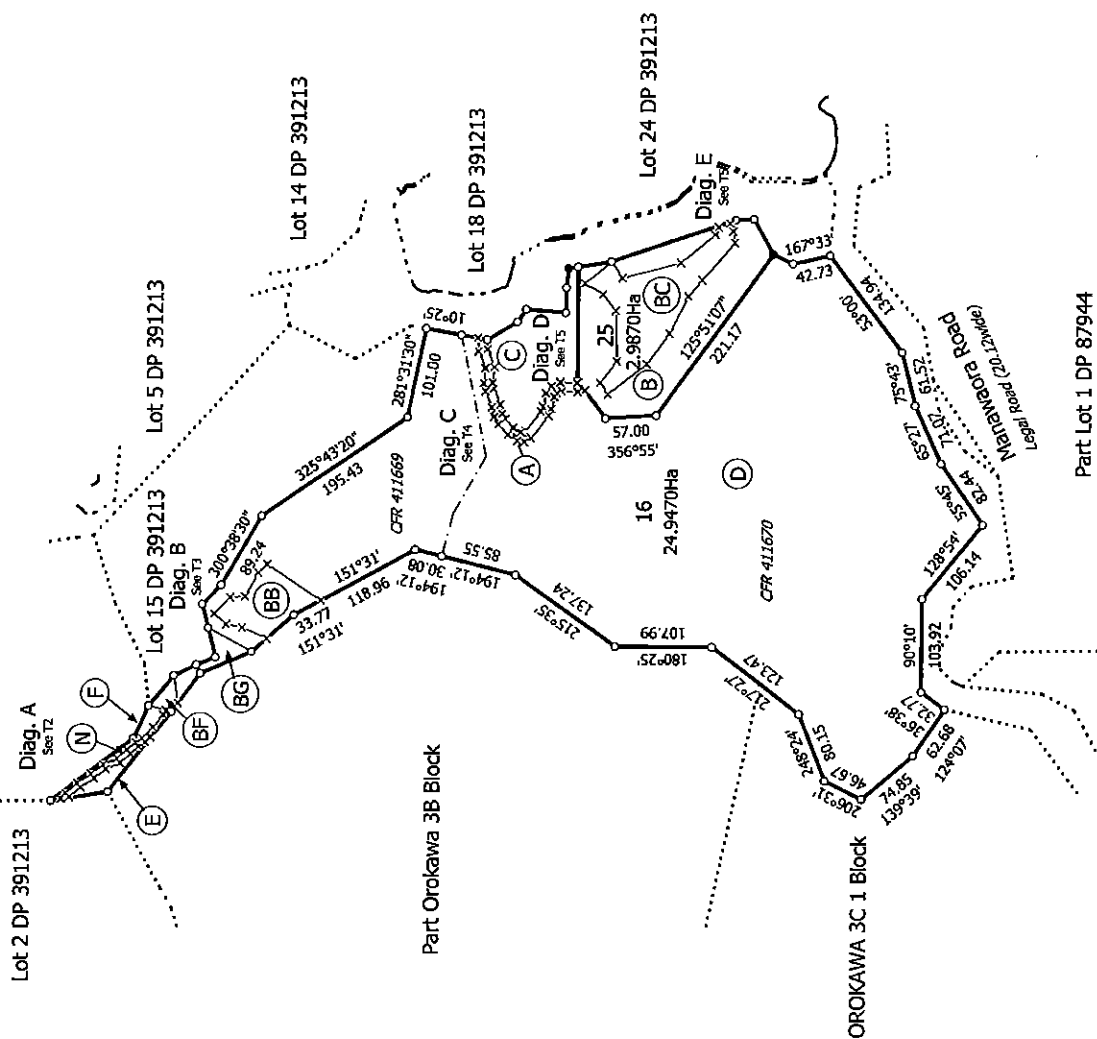
9013921.1 STATUTORY LAND CHARGE PURSUANT TO SECTION 87 LOCAL GOVERNMENT (RATING) ACT 2002 - 19.3.2012 at 7:00 am (AFFECTS LOT 18 DP 391213 AND PART LOT 16 DP 512589 FORMERLY LOT 25 DP 391213)

Subject to a right of way, right to convey electricity, telecommunications and computer media over part Lot 16 DP 512589 marked A on DP 512589 created by Easement Instrument 10906293.2 - 17.10.2017 at 9:47 am

Identifier

791498

The easements created by Easement Instrument 10906293.2 are subject to Section 243 (a) Resource Management Act 1991



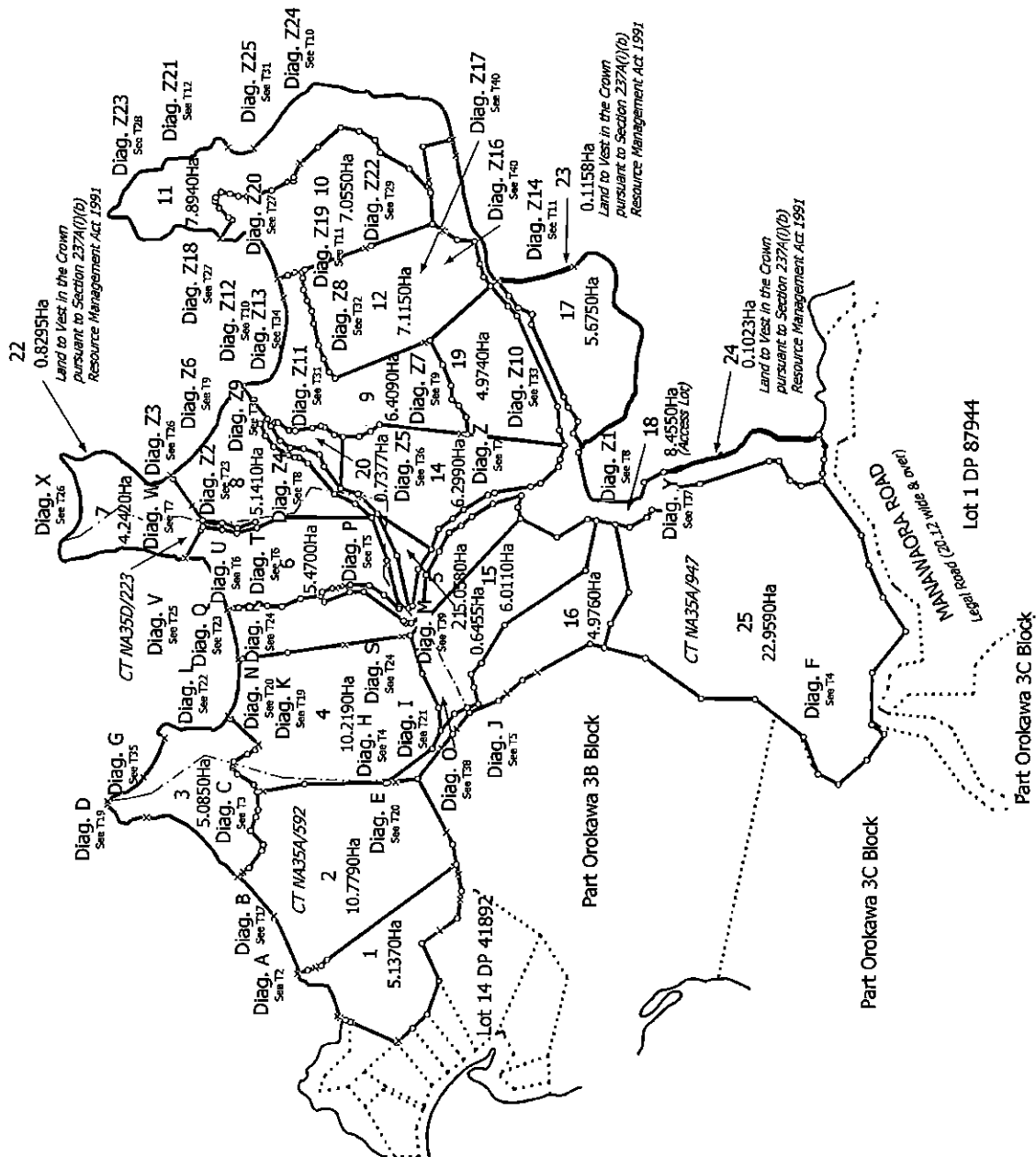
Land District: North Auckland

Land District: North Auckland
Digitally Generated Plan
Generated on: 27/07/2017 11:15am Page 3 of 7

Lots 16 and 25 being a subdivision of Lot 16 and 25 DP 391213

Surveyor: Ian David Gillespie
Firm: Lands & Survey Ltd

Title Plan
LT 512589
Approved on: 27/07/2017



T 1/40

Land District North Auckland

Digitally Generated Plan

Generated on: 22/09/2008 3:32pm Page 7 of 46

Lots 1 to 12, and 14 to 25 being a subdivision of Parts Rawhiti No 2 Block and Pareanui Block

Surveyor: Ian David Gillespie
Firm: Lands & Survey Ltd

Digital Title Plan
DP 391213

Deposited on: 14/08/2008



**Far North
District Council**

Private Bag 752, Memorial Ave

Kaikōhe 0400, New Zealand

Freephone: 0800 920 029

Phone: (09) 405 2750

Fax: (09) 401 2137

Email: ask.us@fndc.govt.nz

Website: www.fndc.govt.nz

IN THE MATTER

of the Resource Management
Act 1991 ("the Act")

A N D

IN THE MATTER

of a subdivision consent as
evidenced by Land Transfer
Plan No. 391213

A N D

IN THE MATTER

of a Consent Notice issued
pursuant to Section 221 of the
Act by FAR NORTH DISTRICT
COUNCIL ("the Council")

IT IS HEREBY CERTIFIED that the following conditions to be complied with on a continuing basis by the subdividing owner and subsequent owners were imposed by the Council as conditions of approval for the subdivision as effected by Land Transfer Plan No. 391213 ("the plan")

1. Further subdivision of lots 1 through 12, 14 through 17, 19, 20, 21 and 25 on the plan is prohibited.
2. The maximum rolling height above ground level (using the definition in the district plan as at the 30th of May 2005) of each building on lots 7, 11 and 12 on the plan shall be no more than 4 metres above ground level.
3. No buildings shall be erected on lot 7 on the plan until such time as the native screen planting backdrop has reached a height of 4 metres when viewed from a position no closer than 500 metres offshore with such backdrop planting to be maintained at a height of no less than the building thereafter.
4. The maximum rolling height above ground level (using the definition in the district plan as at the 30th of May 2005) of any building on lots 1, 2, 4, 6, 8, 9 and 10 on the plan shall be no more than 5 metres above ground level.
5. The maximum rolling height above ground level (using the definition in the district plan as at 30 May 2005) of any building on lot 5 on the plan shall be no more than 6 metres.
6. The maximum rolling height above ground level (using the definition in the district plan as at the 30th of May 2005) of any building on lot 3 on the plan shall be:

- (i) No more than 6 metres if the structure or any part thereof is located above a topographical line that is 16 metres or more above mean high water springs; or
- (ii) No more than 8 metres if the structure or any part thereof is located below a topographical line that is 16 metres or more above mean high water springs.
7. Buildings are prohibited on lots 19, 20 and 21 on the plan.
8. The external cladding of all buildings constructed on all lots on the plan shall be in accordance with the management plan as approved for the subdivision evidenced by the plan such management plan being entitled "Omarino Residents Association Management Plan dated October 2007" ("the management plan").
9. The revegetation of those parts of lots 1 through 12, 14 through 17 and 19, 20, 21 and 25 on the plan that are outside of the curtilage areas of each of such lots such being
- that part of lot 1 on the plan as is shown marked with the letter "Z"
 - those parts of lot 2 on the plan as are shown marked with the letters "AA", "AV", "P", "Q" and "T"
 - that part of lot 3 on the plan as is shown marked with the letters "AB"
 - those parts of lot 4 on the plan as are shown marked with the letters "AC", "AK" and "AS"
 - that part of lot 5 on the plan as is shown marked with the letters "AP"
 - that part of lot 6 on the plan as is shown marked with the letters "AO"
 - that part of lot 7 on the plan as is shown marked with the letters "AD"
 - that part of lot 8 on the plan as is shown marked with the letters "AJ"
 - that part of lot 9 on the plan as is shown marked with the letters "AE"
 - that part of lot 10 on the plan as is shown marked with the letters "AF"
 - that part of lot 11 on the plan as is shown marked with the letters "AG"
 - that part of lot 12 on the plan as is shown marked with the letters "AI"
 - that part of lot 14 on the plan as is shown marked with the letters "BD"
 - that part of lot 15 on the plan as is shown marked with the letters "BA"
 - that part of lot 16 on the plan as is shown marked with the letters "BB"
 - that part of lot 17 on the plan as is shown marked with the letters "AQ"
 - that part of lot 25 on the plan as is shown marked with the letters "BC"
- shall be maintained in perpetuity.
10. All the archaeological sites ("the archaeological sites") located within Lots 1 through 12, 14 through 21 and 25 on the plan shall remain undisturbed.
11. Access to the heritage covenant areas being:
- (a) That part of lot 3 on the plan as is shown marked thereon with the letters "AL"; and
 - (b) That part of lot 10 on the plan as is shown marked thereon with the letter "E"
- and access to the archaeological sites and other waahi tapu shall be provided to members of Patukeha Hapu, Ngati Kuta Hapu, and other tangata whenua for the purposes of enabling tangata whenua to conduct their kaitiaki responsibilities provided always that:

- (i) Such access is to be on 48 hours notice to the Lot owner (or agent) and for such period and frequency to be agreed upon by the Lot owner (or agent) and tangata whenua, and that access to the archaeological sites be provided to tangata whenua on such terms as may be agreed between the Lot owner and tangata whenua following them having given 48 hours notice to the Lot owner;
 - (ii) Access shall be limited to the hours of daylight and the frequency of visits and the number of visitors (being tangata whenua) shall be such that they do not cause a nuisance or disturbance to the archaeological sites, other waahi tapu and heritage covenant areas or to the vegetation or improvements on the lots, or other activities;
 - (iii) The tangata whenua that visit the archaeological sites, other waahi tapu and heritage covenant areas shall ensure that the sites are protected and remain undisturbed with any other members of the public, being those that have not sought, or been provided with permission from the Lot owner, being trespassers in the context of this condition of consent; and
 - (iv) A lot owner shall not unreasonably withhold or decline consent and if there is any dispute as to the interpretation of this condition or as to the exercise by the Lot owner or tangata whenua of their respective entitlements or obligations under this condition then before the Lot owner may deny access to the sites or before members of the public visit the sites pursuant to this condition, the dispute shall be referred to the President of the Auckland District Law Society whose decision shall be binding on all parties.
12. The registered proprietors for the time being of the properties being lots 1 through 12, 14 through 17, 19, 20, 21 and 25 on the plan shall ensure that the approved landscaping planting for each lot is commenced within 12 months of the landscape plan being approved and is maintained for the duration of the consent with any plants that are removed or damaged to be replaced as soon as possible or within the next planting season (being 1 May to 30 September in each calendar year).
13. The registered proprietors for the time being of the properties being lots 1 through 12, 14 through 21 and 25 on the plan shall adhere to the management plan and ensure:
- (i) The ongoing management of the revegetation, archaeological, heritage utility and recreational areas shown on the plan;
 - (ii) Compliance with the design guidelines for buildings on the lots; and
 - (iii) All revegetation requirements of the revegetation plan approved by the Council applicable to each lot is undertaken.
14. The registered proprietors for the time being of the properties being lots 1 through 12 on the plan will not for the duration of the consent granted by Northland Regional Council under Consent No. CON20041055810 authorising the alterations to a jetty at Waipiro Bay at location co ordinates 1712030E 6098240N:

- (a) Erect, place, use or keep on any of such lots nor permit any other person or organisation of any kind to erect, place, use or keep on such lot any building, wharf, jetty, marina, boat ramp or facility associated with access to and across the coastal marine area boundary within a setback of 20 metres inland from the mean high water mark of each lot; and
 - (b) Erect, place, use or keep on any of such lots nor permit any other person or organisation of any kind to erect, place, use or keep on such lot any building, wharf, jetty, marina, boat ramp or facility associated with access to and across and use of the coastal marine area which is 50 metres seaward of the mean high water springs boundary of their property.
15. The registered proprietors for the time being of the properties being lots 1 through 12, 14 through 21 and 25 on the plan shall in constructing any new buildings thereon adhere to the design guidelines as were outlined in the Assessment of Environmental Effects lodged with the application for the consent evidenced by the deposit of the plan (Council reference RC2050363) and the management plan.
16. No cats and no mustelids shall be kept on or brought onto any of the lots on the plan.
17. Unless authorised by a resource consent or by the district plan as a permitted activity buildings on each lot in the plan shall be restricted to:
- (i) One residential unit;
 - (ii) One caretaker's residential unit not more than 125m² in gross floor area;
 - (iii) One non-residential building; and
 - (iv) Water storage facilities
- with the combined size of any caretaker's unit and non-residential building not exceeding 50% of the residential unit's gross floor area.
18. The external appearance of all buildings constructed on lots 1 through 12, 14, 15, 16 and 25 on the plan shall be in accordance with the design details contained in the management plan and shall in the case of buildings on lots 17 and 18 on the plan be traditional cladding and colours.
19. All electricity, telecommunication and other utility services shall be laid underground.
20. All earthworks including those required to construct accessways to building sites shall be so designed to cause minimal impacts on the landscape and any exposed cuts shall be regrassed or planted in native vegetation.
21. The keeping of dogs on each lot is limited to a maximum of two per lot with all dogs to be:
- (i) Confined to the registered proprietors' curtilage area when in the company of that registered proprietor or their invitees, or otherwise enclosed in an escape proof enclosure; or
 - (ii) If outside the registered proprietors curtilage area then secured by way of a hand held leash.

22. The development of each buildable area on each lot is to proceed in accordance with the recommendations contained within the geotechnical report prepared by Tonkin & Taylor Limited dated September 2004 (Job No. 21778) and submitted with the application for consent such specifically requiring that a site specific geotechnical investigation be carried out for all of the proposed building platforms, accessways and effluent fields prior to any building consent application and earthworks commencing.
23. None of the non-residential ancillary buildings and water storage facilities on lots 1 through 12, 14 through 17 and 25 on the plan shall be used for residential purposes without the prior written consent of the Council and no cooking or food preparation facilities are to be installed in these non-residential buildings or water storage facilities.
24. No part of the recreation facility on lot 18 on the plan is to be used as a licensed restaurant/hotel/bar without further written consent from the Council.
25. Effluent disposal on each lot shall be allocated in accordance with the recommendations contained in the Richardson Stevens Consultants (1996) Limited report dated 28 September 2004 as submitted with the assessment of Environmental Effects lodged with the application for the consent evidenced by the deposit of the plan (Council reference RC2050363) with each effluent disposal field on lots 1 through 12, 17 and 18 on the plan to be located at least 30 metres from mean high water springs with the ongoing operation and maintenance of each system to be covered by a maintenance agreement undertaken by the system supplier or its authorised agent.
26. The registered proprietor(s) of each of the lots on the plan shall implement and continue to maintain and replant revegetation on each lot in terms of the relevant revegetation plan approved for each lot outside of the curtilage area including the first 20 metres landward of mean high water springs.
27. The registered proprietor(s) of each of the lots on the plan shall implement and continue to maintain and replant revegetation landscape planting as provided for in the management plan of all covenanted areas and maintain or repair any stock exclusion structures.
28. The registered proprietors for the time being of the properties being lots 1 through 12, 14 through 21 and 25 on the plan acknowledge the archaeological records affecting the lots and as detailed in the report prepared by Clough & Associates Limited dated September 2004 and acknowledge that:
 - (i) There is a prohibition on the destruction on any archaeological site such being in contravention of the New Zealand Historic Places Act 1993; and
 - (ii) There is a requirement to carry out an archaeological assessment prior to undertaking any earthworks near a recorded site.
29. All building platforms on lot 7 on the plan shall be located below the dominant ridgeline and no building consent will be granted for this lot until such time as a backdrop of native vegetation reaches 4 metres above ground height.
30. All buildings on lots 1 through 12, 14 through 16, 19 through 21 and 25 on the plan and any new buildings on lots 17 and 18 on the plan erected after June 2005 shall be located at least 30 metres landward of mean high water springs.

31. No construction of buildings or construction activity shall be located on any of the lots on the plan within 10 metres of the outer edge of any archaeological site protected by the NZ Historic Places Act 1993 in the absence of an authority to modify or destroy that site protected by the NZ Historic Places Act 1993.
32. The registered proprietors for the time being of the properties being lots 14, 15, 16 and 25 on the plan shall in constructing any buildings thereon adhere to the design guidelines outlined in the Assessment of Environmental Effects submitted with the application for the consent for the subdivision as evidenced by the plan, the draft management plan submitted to the Council on 30 May 2005 at the hearing of the application for consent, (which will include conditions that reflectivity will not exceed a maximum of 30%), and the management plan all as amended by:
 - (i) the details and plans submitted with resource consent application RC2070967 – RMAVAR; and
 - (ii) the details and plan submitted with the resource consent application RC2080375 – RMAVAR including the Section 127 application dated 14 March 2008 and the Omarino Management Plan (September 2007).
33. The maximum rolling height above ground level (as defined in the Council's district plan as at 30 May 2005) of each building on lots 14, 15, 16 and 25 shall be as follows:
 - (a) on lot 14 no more than 4.5 metres above ground level with a maximum RL of 83 metres ASL;
 - (b) on lot 15 no more than 5 metres above ground level providing that the eastern end of the buildable area a maximum RL of 122 metres ASL applies and for the remainder of the buildable area a maximum RL of 123 metres ASL applies;
 - (c) on lot 16 no more than 4.5 metres above ground level with a maximum RL of 118 metres ASL; and
 - (d) on lot 25 no more than 5 metres above ground levelwith these rolling heights being defined within the Omarino Property Architectural design guidelines (dated 2 October 2007).
34. No building shall be erected on lot 15 on the plan until such time as the proposed amenity tree planting as illustrated on Figure 5 of the Boffa Miskell folio drawing dated October 2007, or native screen planting backdrop/foreground to the south east and the south west of the proposed dwelling has achieved a height of RL 124.0m ASL with this planting to be maintained at a height of no less than this level.
35. Prior to any development occurring on lots 14, 15 and 16 on the plan a full assessment of visual and landscaping effects is to be undertaken by a qualified and experienced landscape architect as part of any future resource consent application to the Council such to include the provision of a landscape planting plan and specifications to be provided at the building resource consent stage

for approval by the Council. This is to include all areas within these allotments not covered by the actual building and accessways.

36. Effluent disposal on lots 14, 15, 16 and 25 on the plan shall be allocated in accordance with the recommendations contained in the Soil and Rock report dated 5 September 2007 as submitted in the Assessment of Environmental Effects (RC 2080375 RMAVAR) with each effluent disposal field on lots 14, 15, 16 and 25 to be located at least 30 metres from mean high water springs and with the ongoing operation and maintenance of each system to be covered by a maintenance agreement undertaken by the system supplier or its authorised agent.
37. The development of each buildable area on lots 14, 15, 16 and 25 on the plan is to proceed in accordance with the recommendations contained within the geotechnical report prepared by Soil and Rock Consultants entitled "Geotechnical Appraisal For Additional Development Sites Bentzen Farm, Te Awhi Awhi, Bay of Islands" and dated 5 November 2007 and specifically with a site-specific geotechnical investigation to be carried out for all of the proposed building platforms, accessways and effluent fields prior to the building consent application and earthworks commencing.

DATED at Kerikeri this 4th day of July 2008

SIGNED for FAR NORTH DISTRICT COUNCIL
pursuant to the authority of the Council given pursuant
to the Local Government Act 2002 and the Resource
Management Act 1991



Authorised Signatory



View Instrument Details

Instrument No. 8828538.1
Status Registered
Date & Time Lodged 09 Aug 2011 10:15
Lodged By Berry, Robert Dudley
Instrument Type Variation of Consent Notice Condition under s221(5) Resource Management Act 1991



Affected Computer Registers	Land District
371321	North Auckland
371322	North Auckland
371323	North Auckland
371324	North Auckland
371325	North Auckland
371326	North Auckland
371327	North Auckland
371328	North Auckland
371329	North Auckland
371330	North Auckland
371331	North Auckland
371332	North Auckland
382667	North Auckland
411669	North Auckland
411670	North Auckland
423436	North Auckland
423437	North Auckland

Annexure Schedule: Contains 2 Pages.

Signature

Signed by Robert Dudley Berry as Territorial Authority Representative on 09/08/2011 10:14 AM

*** End of Report ***



Private Bag 752, Manukau Ave
Kaitake 0100, New Zealand
Freephone: 0800 920 029
Phone: (09) 405 2750
Fax: (09) 401 2137
Email: enr@fncc.govt.nz
Website: www.fncc.govt.nz

THE RESOURCE MANAGEMENT ACT 1991

SECTION 221 (3) VARIATION TO CONDITIONS OF CONSENT NOTICE

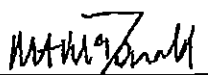
PURSUANT to section 221 (3) of the Resource Management Act 1991, the **FAR NORTH DISTRICT COUNCIL**, hereby consents to the variation of Consent Notice 7907807.2 insofar as it affects Lot 2 DP 391213.

The varied conditions are:

9. The re-vegetation of those parts of lots 1 through 12, 14 through 17 and 18, 20, 21 and 25 on the plan that are outside of the outillage areas of each of such lots each being
- that part of lot 1 on the plan as is shown marked with the letter "Z"
 - those parts of lot 2 on the plan as are shown marked with the letters "AA", "AV", "P", "Q" and "T"
 - that part of lot 3 on the plan as is shown marked with the letters "AB"
 - those parts of lot 4 on the plan as are shown marked with the letters "AC", "AK" and "AS"
 - that part of lot 5 on the plan as is shown marked with the letters "AP"
 - that part of lot 6 on the plan as is shown marked with the letters "AO"
 - that part of lot 7 on the plan as is shown marked with the letters "AD"
 - that part of lot 8 on the plan as is shown marked with the letters "AJ"
 - that part of lot 9 on the plan as is shown marked with the letters "AE"
 - that part of lot 10 on the plan as is shown marked with the letters "AF"
 - that part of lot 11 on the plan as is shown marked with the letters "AG"
 - that part of lot 12 on the plan as is shown marked with the letters "AI"
 - that part of lot 14 on the plan as is shown marked with the letters "BD"
 - that part of lot 15 on the plan as is shown marked with the letters "BA"
 - that part of lot 16 on the plan as is shown marked with the letters "BB"
 - that part of lot 17 on the plan as is shown marked with the letters "AQ"
 - that part of lot 25 on the plan as is shown marked with the letters "BC"
- shall be maintained in perpetuity except as shown on the amended plans (reference RC 0-03, RC 2-04, RC 2-05, RC 8-02 and RC 8-03 all dated 05/10/2010 and approved by Far North District Council in RC 2110147 to allow the construction of the water tanks and access track on Lot 2.

13. The registered proprietors for the time being of the properties being lots 1 through 12, 14 through 21 and 25 on the plan shall adhere to the management plan and ensure:
- (i) The ongoing management of the revegetation, archaeological, heritage utility and recreational areas shown on the plan;
 - (ii) Compliance with the design guidelines for buildings on the lots except as shown on the amended plans (reference RC 0-03, RC 2-04, RC 2-05, RC 8-02 and RC 8-03 all dated 05/10/2010 and approved by Far North District Council in RC 2110147 to allow the construction of the water tanks and access track on Lot 2; and
 - (iii) All revegetation requirements of the revegetation plan approved by the Council applicable to each lot is undertaken.
15. The registered proprietors for the time being of the properties being lots 1 through 12, 14 through 21 and 25 on the plan shall in constructing any new buildings thereon adhere to the design guidelines as were outlined in the Assessment of Environmental Effects lodged with the application for the consent evidenced by the deposit of the plan (Council reference RC2050363) and the management plan except as shown on the amended plans (reference RC 0-03, RC 2-04, RC 2-05, RC 8-02 and RC 8-03 all dated 05/10/2010 submitted to Far North District Council to allow the construction of the water tanks and access track on Lot 2.

SIGNED:


By the FAR NORTH DISTRICT COUNCIL
Under delegated authority:
MANAGER – RESOURCE MANAGEMENT

DATED at KERIKERI this

15th

day of

July

2011.



Approved by Registrar-General of Land under No. 2007/6225

Easement instrument to grant easement or profit à prendre, or create land covenant
Sections 90A and 90F, Land Transfer Act 1952

Land registration district

NORTH AUCKLAND

Grantor

Surname(s) i

BENTZEN FARM LIMITED

Grantee

Surname(s) must be underlined or in CAPITALS.

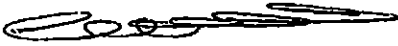
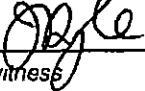


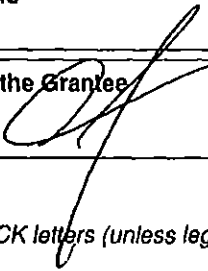
TELECOM NEW ZEALAND LIMITED

Grant* of easement or profit à prendre or creation or covenant

The Grantor, being the registered proprietor of the servient tenement(s) set out in Schedule A, grants to the Grantee (and, if so stated, in gross) the easement(s) or profit(s) à prendre set out in Schedule A, or creates the covenant(s) set out in Schedule A, with the rights and powers or provisions set out in the Annexure Schedule(s).

Dated this 4 day of August 2008

Attestation

 DIRECTOR	Signed In my presence by the Grantor  Signature of witness
	Witness to complete in BLOCK letters (unless legibly printed) Witness name HAYLEY MLE Occupation ACCOUNTANT Address AUCKLAND
  Signature [common seal] of Grantee	Signed In my presence by the Grantee  Signature of witness Witness to complete in BLOCK letters (unless legibly printed) Witness name Occupation Chrysandy Lai Acquisition Project Manager Address Wellington

Certified correct for the purposes of the Land Transfer Act 1952.


[Solicitor for] the Grantee

*If the consent of any person is required for the grant, the specified consent form must be used.

REF: 7003 - AUCKLAND DISTRICT LAW SOCIETY

Approved by Registrar-General of Land under No. 2007/6225
Annexure Schedule 1



Easement Instrument

Dated

[]

Page **1** of **3** pages

Schedule A

(Continue in additional Annexure Schedule if required.)

Purpose (nature and extent) of easement, profit, or covenant	Shown (plan reference)	Servient tenement (Identifier/CT)	Dominant tenement (Identifier/CT or in gross)
Right to convey Telecommunications and Computer Media	Marked "A" on DP 391213 Marked "B" on DP 391213 Marked "C" on DP 391213 Marked "D" on DP 391213 Marked "F" on DP 391213 Marked "G" on DP 391213 Marked "H" on DP 391213 Marked "I" on DP 391213 Marked "J" on DP 391213 Marked "K" on DP 391213 Marked "AM" on DP 391213 Marked "AN" on DP 391213	Lot 5 DP 391213 CT NA371325 Lot 4 DP 391213 CT NA371324 Lot 2 DP 391213 CT NA371322 Lot 9 DP 391213 CT NA371329 Lot 10 DP 391213 CT NA371330 Lot 8 DP 391213 CT NA371328 Lot 1 DP 391213 CT NA371321 Lot 5 DP 391213 CT NA371325 Lot 9 DP 391213 CT NA371329 Lot 17 DP 391213 CT NA423437 Lot 6 DP 391213 CT NA371326 Lot 6 DP 391213 CT NA371326	In gross

(Continued on page 2 Annexure Schedule)

**Easements or profits à prendre
rights and powers (including
terms, covenants, and conditions)**

Delete phrases in [] and insert memorandum
number as required.

Continue in additional Annexure Schedule if
required.

Unless otherwise provided below, the rights and powers implied in specific classes of easement are those prescribed by the Land Transfer Regulations 2002 and/or the Fifth Schedule of the Property Law Act 2007.

The implied rights and powers are ~~varied~~ ~~negated~~ ~~added to~~ or ~~substituted~~ by:

~~{Memorandum number _____, registered under section 155A of the Land Transfer Act 1952}~~

~~{the provisions set out in Annexure Schedule 2}.~~

Covenant provisions

Delete phrases in [] and insert memorandum number as required.

Continue in additional Annexure Schedule if required.

The provisions applying to the specified covenants are those set out in:

~~{Memorandum number _____, registered under section 155A of the Land Transfer Act 1952}~~

~~{Annexure Schedule 2}.~~

All signing parties and either their witnesses or solicitors must sign or initial in this box

Annexure Schedule
 Insert type of instrument
 "Mortgage", "Transfer", "Lease" etc

Easement

Dated

Page 2 of 3 Pages

(Continue in additional Annexure Schedule, if required.)

Schedule A (continued)

<i>Purpose (nature and extent) of easement, profit, or covenant</i>	<i>Shown (plan reference)</i>	<i>Servient tenement (Identifier/CT)</i>	<i>Dominant Tenement (Identifier/CT or in gross)</i>
Right to Convey Telecommunications and Computer Media	Marked "AT" on DP 391213	Lot 4 DP 391213 CT NA371324	In gross
	Marked "AK" on DP 391213	Lot 4 DP 391213 CT NA371324	
	Marked "AR" on DP 391213	Lot 4 DP 391213 CT NA371324	
	Marked "O" on DP 391213	Lot 2 DP 391213 CT NA371322	
	Marked "P" on DP 391213	Lot 2 DP 391213 CT NA371322	
	Marked "Q" on DP 391213	Lot 2 DP 391213 CT NA371322	
	Marked "S" on DP 391213	Lot 12 DP 391213 CT NA371332	
	Marked "R" on DP 391213	Lot 9 DP 391213 CT NA371329	
	Marked "W" on DP 391213	Lot 1 DP 391213 CT NA371321	
	Marked "AU" on DP 391213	Lot 10 DP 391213 CT NA371330	
	Marked "X" on DP 391213	Lot 3 DP 391213 CT NA371323	
	Lot 18 DP 391213	Lot 18 DP 391213	

1. The easement facility includes any "Lines", "Works", "existing Lines" and "existing Works" as defined in the Telecommunications Act 2001, owned by the Grantee.
2. This grant of easement is not in substitution for, and is without prejudice to, such statutory rights and authorities as the Grantee may have from time to time in respect of the servient tenement.
3. The Grantor has paid to the Grantee the sum of \$150.00 (including GST) (the receipt of which is hereby acknowledged) for administrative costs associated with the grant of this easement.

If this Annexure Schedule is used as an expansion of an instrument, all signing parties and either their witnesses or solicitors must sign or Initial in this box.

Annexure Schedule



Insert type of Instrument
"Mortgage", "Transfer", "Lease" etc

Easement

Dated

Page 3 of 3 Pages

(Continue in additional Annexure Schedule, if required.)

Continuation of "Attestation"

CERTIFICATE OF NON-REVOCATION OF POWER OF ATTORNEY

We: **Mark Crosswell**
Security &
Property Risk Manager

and

Craig Ritchie Bonnington
Property Support Analyst
Telecom New Zealand Limited

hereby severally certify:

1. That by a Power of Attorney dated 2 July 2001 ("the Power of Attorney") we were, by virtue of being Authorised Signing Officers, appointed jointly as attorneys of Telecom New Zealand Limited ("Telecom") on the terms and subject to the conditions set out in the Power of Attorney.
2. That copies of the Power of Attorney are deposited in the Land Titles Offices at:

Auckland	as No. D.627839.1	Gisborne	as No. 234465.1	New Plymouth	as No. 481759.1
Christchurch	as No. 5074754.1	Hamilton	as No. B.674932.1	Wellington	as No. 5074486.1
Dunedin	as No. 5074473.1	Napier	as No. 719487.1		
3. That we executed the instrument(s) to which this certificate relates under the powers conferred by the Power of Attorney.
4. That at the date hereof we have no received any notice or information of the revocation of that appointment by the commencement of liquidation of Telecom or otherwise.

SIGNED at Wellington
this 4th day of AUG 2008

SIGNED at Wellington
this 4 day of AUG 2008

If this Annexure Schedule is used as an expansion of an instrument, all signing parties and either their witnesses or solicitors must sign or initial in this box.



Bank of New Zealand

**CERTIFICATE OF NON-REVOCATION
OF POWER OF ATTORNEY**

I, **Desley Osborne**, **Quality Assurance Officer of Auckland, New Zealand, Bank Officer**, certify:

1. That by deed dated 12 July 2005, Bank of New Zealand, of Level 14, BNZ Tower, 125 Queen Street, Auckland, New Zealand, appointed me its attorney.
2. A copy of the deed is deposited in the North Auckland registration district of Land Information New Zealand as dealing No. 6508607.1
3. That I have not received notice of any event revoking the power of attorney.

SIGNED at Auckland 06 August 2008

Desley Osborne

Approved by Registrar-General of Land under No. 2003/6150
Annexure Schedule - Consent Form
Land Transfer Act 1952 section 238(2)



Insert type of instrument
"Caveat", "Mortgage" etc

Mortgage

Page **1** of **1** pages

Consentor
Surname must be underlined or in CAPITALS

Capacity and Interest of Consentor
(eg. Caveator under Caveat no./Mortgagee under Mortgage no.)

BANK OF NEW ZEALAND

Mortgagee under Mortgage No. 6633581.1

Consent

Delete Land Transfer Act 1952, if inapplicable, and insert name and date of application Act.
Delete words in [] if inconsistent with the consent.
State full details of the matter for which consent is required.

Pursuant to [section 238(2) of the Land Transfer Act 1952]

[section _____ of the _____ Act _____]

[Without prejudice to the rights and powers existing under the interest of the Consentor]

the Consentor hereby consents to:

The easement in favour of Telecom New Zealand Limited for telecommunications in the form of the instrument attached

Dated this 6th day of August 2008

Attestation

SIGNED for and on behalf of
BANK OF NEW ZEALAND
by its Attorney:
D. Osborne
Desley Osborne

Signed in my presence by the Consentor

R. Wark

Signature of Witness

Witness to complete in BLOCK letters (unless legibly printed)

Witness name

ROBYN WARK

Occupation

**BANK OFFICER
AUCKLAND**

Address

Signature of Consentor

An Annexure Schedule in this form may be attached to the relevant instrument, where consent is required to enable registration under the Land Transfer Act 1952, or other enactments, under which no form is prescribed.

Approved by Registrar-General of Land under No. 2007/6225

Easement instrument to grant easement or profit à prendre, or create land covenant
Sections 90A and 90F, Land Transfer Act 1952

EI 7907807.5 Easement I

Cpy - 01/01, Pgs - 010, 14/08/08, 14:52

Land registration district

NORTH AUCKLAND



DocID: 313166186

Grantor

Surname(s) must be underlined or in CAPITALS.

BENTZEN FARM LIMITED

Grantee

Surname(s) must be underlined or in CAPITALS.


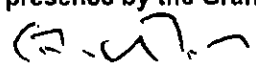
TOP ENERGY LIMITED


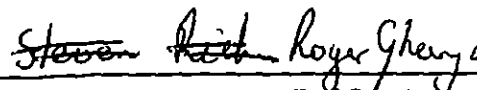
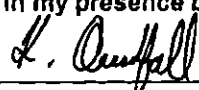
Grant* of easement ~~or profit à prendre or creation of covenant~~

The Grantor, being the registered proprietor of the servient tenement(s) set out in Schedule A, **grants to the Grantee** (and, if so stated, in gross) the easement(s) ~~or profit(s) à prendre~~ set out in Schedule A, ~~or creates the covenant(s) set out in Schedule A~~, with the rights and powers or provisions set out in the Annexure Schedule(s).

Dated this 24 day of June 2008

Attestation

	Signed in my presence by the Grantor 
	Signature of witness Witness to complete in BLOCK letters (unless legibly printed) Witness name Occupation Address
Signature [common seal] of Grantor	GRAEME J MATHIAS SOLICITOR WHANGAREI

Signed by the Grantee by its duly appointed attorney  	Signed in my presence by the Grantee 
Signature [common seal] of Grantee	Signature of witness Witness to complete in BLOCK letters (unless legibly printed) Witness name Occupation Address
	KEVIN HUGH QUICKFALL ACCOUNTANT KERSKERE

Certified correct for the purposes of the Land Transfer Act 1952.


[Solicitor for] the Grantee

*If the consent of any person is required for the grant, the specified consent form must be used.

Approved by Registrar-General of Land under No. 2007/6225
Annexure Schedule 1



Easement instrument Dated Page 1 of 6 pages

Schedule A

(Continue in additional Annexure Schedule if required.)

Purpose (nature and extent) of easement, profit, or covenant	Shown (plan reference)	Servient tenement (Identifier/CT)	Dominant tenement (Identifier/CT or in gross)
Right to Convey Electricity	Marked "A" and "I" on Deposited Plan 391213	Lot 5 DP 391213 CT 371325	In gross
	Marked "B" "AT" "AK" and "AR" on Deposited Plan 391213	Lot 4 DP 391213 CT 371324	In gross
	Marked "C" "O" "P" "Q" "T" and "AY" on Deposited Plan 391213	Lot 2 DP 391213 CT 371322	In gross
	Marked "D" "J" and "R" on Deposited Plan 391213	Lot 9 DP 391213 CT 371329	In gross

Easements or profits à prendre rights and powers (including terms, covenants, and conditions)

Delete phrases in [] and insert memorandum number as required.
 Continue in additional Annexure Schedule if required.

Unless otherwise provided below, the rights and powers implied in specific classes of easement are those prescribed by the Land Transfer Regulations 2002 and/or the Fifth Schedule of the Property Law Act 2007.

The implied rights and powers are ~~varied~~ ~~negated~~ ~~added to~~ or ~~substituted~~ by:

~~[Memorandum number _____, registered under section 155A of the Land Transfer Act 1952]~~

~~[the provisions set out in Annexure Schedule 2].~~

Covenant provisions

Delete phrases in [] and insert memorandum number as required.
 Continue in additional Annexure Schedule if required.

The provisions applying to the specified covenants are those set out in:

~~[Memorandum number _____, registered under section 155A of the Land Transfer Act 1952]~~

~~[Annexure Schedule 2].~~

All signing parties and either their witnesses or solicitors must sign or initial in this box

CIV

Annexure Schedule

Insert type of Instrument

"Mortgage", "Transfer", "Lease" etc

Easement

Dated

Page 2 of 6 Pages

(Continue in additional Annexure Schedule, if required.)

Schedule A (continued)

<i>Purpose (nature and extent) of easement, profit, or covenant</i>	<i>Shown (plan reference)</i>	<i>Servient tenement (Identifier/CT)</i>	<i>Dominant Tenement (Identifier/CT or in gross)</i>
Right to Convey Electricity	Marked "F" and "AU" on Deposited Plan 391213	Lot 10 DP 391213 CT 371330	In gross
	Marked "G" on Deposited Plan 391213	Lot 8 DP 391213 CT 371328	In gross
	Marked "H" and "W" on Deposited Plan 391213	Lot 1 DP 391213 CT 381321	In gross
	Marked "K" on Deposited Plan 391213	Lot 17 DP 391213 CT 423437	In gross
	Marked "AM" and "AN" on Deposited Plan 391213	Lot 6 DP 391213 CT 371326	In gross
	Marked "S" on Deposited Plan 391213	Lot 12 DP 391213 CT 371332	In gross
	Lot 18 DP 391213	Lot 18 DP 391213	In gross
	Marked "X" on DP 391213	Lot 3 DP 391213 CT NA371323	In gross

If this Annexure Schedule is used as an expansion of an Instrument, all signing parties and either their witnesses or solicitors must sign or initial in this box.

Annexure Schedule



Insert type of instrument
"Mortgage", "Transfer", "Lease" etc

Easement

Dated

Page 3 of 6 Pages

(Continue in additional Annexure Schedule, if required.)

Annexure Schedule 2

1. Interpretation

1.1 In this instrument, unless the context otherwise requires:

- (a) "Easement Area" means those parts of the Servient Land marked on Deposited Plan 391213 with the letters "A", "B", "C", "D", "F", "G", "H", "I", "J", "K", "O", "P", "Q", "R", "S", "T", "W", "AK", "AM", "AN", "AR", "AT", "AU", "AY", "X" and Lot 18 on Deposited Plan 391213;
- (b) "Servient Land" means the land owned by the Grantor and contained in Certificates of Title 371321, 371322, 371323, 371324, 371325, 371326, 371327, 371328, 371329, 371330, 371331, 371332, 382667, 423436, 411669, 423437 and 411670;
- (c) "Transmission Line" means underground wires or conductors of any other kind (including fibre optic or coaxial cables) used or intended to be used for the transmission of electricity and/or telecommunication signals, waves or impulses; and includes any insulators, foundations, casings, tubes, tunnels, minor fixtures and other items, equipment or material used or intended to be used for supporting, securing, enclosing, surrounding and protecting a Transmission Line; and also includes any fuses, fuse holders, automatic switches, voltage regulators, capacitors or other instruments, apparatus or devices used in association with a Transmission Line; and anything in replacement or substitution of any of the foregoing;
- (d) words importing the singular include the plural and vice versa; and
- (e) references to the Grantor and Grantee include their respective heirs, executors, administrators, successors and assigns.

2. Grant of electricity easement

2.1 The Grantor grants to the Grantee as an easement in gross an electricity transmission easement over the Easement Area with the following rights and powers:

- (a) to convey, send, transmit and transport electricity and telecommunications signals, waves or impulses, without interruption or impediment and in any quantity by means of the Transmission Line;
- (b) to survey, investigate, lay, install and construct the Transmission Line under the Easement Area, at a depth and along a line determined by the Grantee;
- (c) to inspect, operate, use, maintain, repair, renew, upgrade, replace, change the size of and remove, the Transmission Line;

If this Annexure Schedule is used as an expansion of an instrument, all signing parties and either their witnesses or solicitors must sign or initial in this box.

Annexure Schedule



Insert type of instrument
"Mortgage", "Transfer", "Lease" etc

Easement

Dated

Page 4 of 6 Pages

(Continue in additional Annexure Schedule, if required.)

- (d) with the Grantee's agents, contractors and employees, and with any vehicles, equipment, tools and materials, to enter and remain for a reasonable time on the Servient Land for any purposes necessary or convenient for the Grantee to exercise its rights under this instrument (including the right to extinguish fires);
- (e) to construct on the Servient Land whatever roads, tracks, access ways, fences, gates and other works are deemed necessary by the Grantee for it to exercise its rights under this instrument and which are approved by the Grantor (that approval not to be unreasonably withheld);
- (f) to keep the Easement Area cleared of all buildings and structures by any means the Grantee considers necessary;
- (g) to keep the Easement Area cleared of all fences, trees and vegetation by any means the Grantee considers necessary where such items:
 - (i) breach any statutory or regulatory requirements or standards or codes of practice or otherwise breach generally accepted engineering standards as to the minimum clearance of the Transmission Line;
 - (ii) impede the exercise by the Grantee of its rights under this instrument or the Grantee's access over the Servient Land or the Easement Area or to the Transmission Line; or
 - (iii) inhibit the safe and efficient operation of the Transmission Line; and
- (h) to extend the transmission line beyond the boundaries of the easement area to such other properties as the Grantee considers appropriate to enable exercise of the same rights and powers through such additional properties as are hereby granted to the Grantee.

2.2 The Grantee has no obligation to construct the Transmission Line or convey electricity through it continuously or at all.

3 Ownership of the Transmission Line

The Transmission Line will at all times remain the property of the Grantee.

4 Restrictions on Grantee's use

4.1 The Grantee must, in exercising its rights under this instrument, cause as little disturbance as is reasonably possible to the Grantor, the Servient Land and the Grantor's stock and other property and must ensure that, where applicable, all gates on the Servient Land are left as the Grantee finds them.

4.2 The Grantee must restore any part of the surface of the Servient Land, that is affected by the Grantee exercising any of its rights under this instrument to a condition equivalent, as far as reasonably practicable, to that existing before the Grantee exercised those rights.

If this Annexure Schedule is used as an expansion of an instrument, all signing parties and either their witnesses or solicitors must sign or initial in this box.

Annexure Schedule



Insert type of instrument
"Mortgage", "Transfer", "Lease" etc

Easement

Dated

Page 5 of 6 Pages

(Continue in additional Annexure Schedule, if required.)

5 Grantor's Continued Use of Servient Land

Subject to clause 6, the Grantor may use the Servient Land as long as that use does not unreasonably interfere with the enjoyment of the Grantee's rights and interests granted under this instrument.

6 Restrictions on Grantor's use

6.1 The Grantor must not do or allow any act which may interfere with or affect the rights of the Grantee or the operation of the Transmission Line and, in particular, the Grantor must not, without the consent in writing of the Grantee:

- (a) On the Easement Area, or within the minimum distance from the Transmission Line as advised by the Grantee (having regard to relevant statutory or regulatory requirements, codes of practice and engineering standards applicable from time to time), erect or permit the erection of any buildings or structures, or alter or allow to be altered the overall dimensions of existing buildings or structures, or carry out any earthworks or stockpiling, or construct or permit the construction of any roads, dams, walls or driveways, or allow any vegetation to become established, or remove or permit the removal of any soil, sand, gravel or other substance;
- (b) disturb the soil of the easement area below the depth of 0.3 metres;
- (c) cause or knowingly permit flooding of the Easement Area;
- (d) burn off crops, trees or undergrowth on the Servient Land;
- (e) operate or permit to be operated any machinery or equipment (including any cranes, drilling-rigs, pile-drivers and excavators) in close proximity to any part of the Transmission Line;
- (f) disturb any survey pegs or markers placed on the Easement Area by the Grantee;
- (g) impede the Grantee's access over the Servient Land or the Easement Area or to the Transmission Line; or
- (h) do anything on or in the Servient Land which would or could damage or endanger the Transmission Line.

6.2 The consent of the Grantee required under clause 6.1 will not be unreasonably withheld, but may be given subject to conditions.

6.3 The Grantee may consent in writing to certain existing buildings, structures, fences or vegetation on the Easement Area at the date of this instrument remaining there, but such consent may be given subject to conditions.

6.4 If any act or item consented to under clause 6.2 or 6.3 subsequently results in a situation described in clause 2.1 (g)(i) – (iii), then such consent may be revoked by the Grantee without compensation.

If this Annexure Schedule is used as an expansion of an instrument, all signing parties and either their witnesses or solicitors must sign or initial in this box.

[Signature]

[Signature]

[Signature]

[Signature]

Annexure Schedule



Insert type of instrument
"Mortgage", "Transfer", "Lease" etc

Easement

Dated

Page 6 of 6 Pages

(Continue in additional Annexure Schedule, if required.)

6.5 Before exercising any right under this instrument to remove a fence, the Grantee must consult with the Grantor so the Grantor is given a reasonable opportunity to co-ordinate the erection of any necessary replacement fence. The cost of any replacement fence will be borne by the Grantor and the Grantee must comply with any reasonable directions of the Grantor as to the height, materials used and location of such replacement fence.

6.6 If the Grantor does not meet its obligations under this instrument within such reasonable timeframe as is specified in a notice from the Grantee requiring it to do so then the Grantee may meet those obligations (and enter the Servient Land for that purpose) and the Grantor is liable to pay to the Grantee the costs incurred in doing so.

6.7 If the Grantee does not meet its obligations under this instrument within such reasonable timeframe as is specified in the notice from the Grantor requiring it to do so then the Grantor may meet those obligations and the Grantee is liable to pay to the Grantor the costs incurred in doing so.

7 Indemnity against third party claims

Each party ("Indemnifying Party") must indemnify the other ("Indemnified Party") against all claims or demands from third parties for any loss, damage or liability in respect of, or arising out of, the use of the land by the Indemnifying Party (or any person authorised, whether expressly or impliedly by it) **EXCEPT THAT** it will not be liable to indemnify where such loss, damage or liability was caused by the Indemnified Party. Where the actions of the Indemnified Party contribute to that loss, damage or liability, the indemnity given by the Indemnifying Party will be reduced in proportion to that contribution.

8 Licence and assignment

The Grantee may assign, licence or otherwise grant any right of all or any part of any estate or interest conferred by this instrument.

9 Perpetual easement

There is no power implied in this instrument for the Grantor to terminate the easement for any breach of this instrument or for any other reason. It is the intention of the parties that the easement created by this instrument will continue forever unless surrendered.

10 Arbitration

If any dispute arises between the parties in relation to this instrument or any matter arising under it and that dispute cannot be resolved by negotiation, then the parties must submit the dispute to arbitration in accordance with the Arbitration Act 1996 (and its amendments or any statute which replaces it). The arbitration will be commenced by either party giving written notice to the other of the details of the dispute and that party's desire to have the matter referred to arbitration. The arbitration will be by one arbitrator, if the parties can agree upon one, and, if not, then by two arbitrators, one to be appointed by each party, and their umpire to be appointed by the arbitrators before they begin to consider the dispute. The award in the arbitration will be final and binding on the parties.

If this Annexure Schedule is used as an expansion of an instrument, all signing parties and either their witnesses or solicitors must sign or initial in this box.

[Signature]

[Signature]

[Signature]



Bank of New Zealand

**CERTIFICATE OF NON-REVOCATION
OF POWER OF ATTORNEY**

I, **Desley Osborne**, **Quality Assurance Officer of Auckland, New Zealand, Bank Officer**, certify:

1. That by deed dated 12 July 2005, Bank of New Zealand, of Level 14, BNZ Tower, 125 Queen Street, Auckland, New Zealand, appointed me its attorney.
2. A copy of the deed is deposited in the North Auckland registration district of Land Information New Zealand as dealing No. 6508607.1
3. That I have not received notice of any event revoking the power of attorney.

SIGNED at Auckland 06 August 2008

Desley Osborne

Annexure Schedule - Consent Form

Land Transfer Act 1952 section 238(2)



Insert type of instrument
"Caveat", "Mortgage" etc

Mortgage

Page **1** of **1** pages

Consentor

Surname must be underlined or in CAPITALS

Capacity and Interest of Consentor

(eg. Caveator under Caveat no./Mortgagee under Mortgage no.)

BANK OF NEW ZEALAND

Mortgagee under Mortgage No. 6633581.1

Consent

Delete Land Transfer Act 1952, if inapplicable, and insert name and date of application Act.

Delete words in [] if inconsistent with the consent.

State full details of the matter for which consent is required.

Pursuant to [section 238(2) of the Land Transfer Act 1952]

[section _____ of the _____ Act _____]

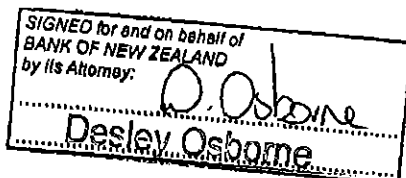
[Without prejudice to the rights and powers existing under the interest of the Consentor]

the Consentor hereby consents to:

The easement in favour of Top Energy for electricity supply in the form of the instrument attached

Dated this **6th** day of **August** 2008

Attestation



Signature of Consentor

Signed in my presence by the Consentor

Signature of Witness

Witness to complete in BLOCK letters (unless legibly printed)

Witness name

ROBYN WATKIN

Occupation

**BANK OFFICER
AUCKLAND**

Address

BANK OFFICER

An Annexure Schedule in this form may be attached to the relevant instrument, where consent is required to enable registration under the Land Transfer Act 1952, or other enactments, under which no form is prescribed.

CERTIFICATE OF NON-REVOCATION OF POWER OF ATTORNEY

I, ROGER GHEURY DE BRAY of Opuia, Chief Executive Officer, hereby certify:

1. **THAT** by a deed dated the 3rd day of May 2005, TOP ENERGY LIMITED, a duly incorporated company having its registered office at Kaikohe, appointed me attorney on the terms and subject to the conditions set out in the deed.
2. A copy of the power of attorney is deposited in the Land Titles Office at North Auckland under No. 6440969.1.
3. **THAT** as at this date I have not received any notice or information of the revocation of this appointment by the dissolution or otherwise of TOP ENERGY LIMITED.

DATED this 24th day of June 2008



Roger Gheury de Bray

Approved by Registrar-General of Land under No. 2002/6055

Easement instrument to grant easement or profit à prendre, or create land covenant
Sections 90A and 90F, Land Transfer Act 1952

EI 7907807.6 Easement I

Land registration district

NORTH AUCKLAND



Cpy - 01/01, Pgs - 007, 14/08/08, 14:54



DocID: 313166960

Grantor

Surname(s) must be underlined or in CAPITALS.

BENTZEN FARM LIMITED

Grantee

Surname(s) must be underlined or in CAPITALS.

FAR NORTH DISTRICT COUNCIL

Grant* of easement or ~~profit à prendre~~ or creation or covenant

The Grantor, being the registered proprietor of the servient tenement(s) set out in Schedule A, grants to the Grantee (and, if so stated, in gross) the easement(s) or ~~profit(s) à prendre~~ set out in Schedule A, ~~or creates the covenant(s) set out in Schedule A~~, with the rights and powers or provisions set out in the Annexure Schedule(s).


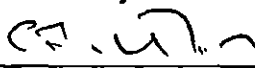

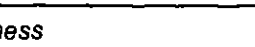

Dated this

88

day of

August 2008

Attestation

	Signed in my presence by the Grantor	
		
Signature [common seal] of Grantor	Signature of witness	
	Witness to complete in BLOCK letters (unless legibly printed)	
	Witness name	
	Occupation	GRAEME J MATHIAS
	Address	
	WHANGAREI	
	Signed in my presence by the Grantee	
		
	Signature of witness	
	Witness to complete in BLOCK letters (unless legibly printed)	
	Witness name	
	Occupation	
Signature [common seal] of Grantee	Address	

Certified correct for the purposes of the Land Transfer Act 1952.


[Solicitor for] the Grantee

*If the consent of any person is required for the grant, the specified consent form must be used.



Dated

(Continue in additional Annexure Schedule if required.)

Purpose (nature and extent) of easement, profit, or covenant	Shown (plan reference)	Servient tenement (Identifier/CT)	Dominant tenement (Identifier/CT or in gross)
Right of Public Access	Marked " AH" on DP 391213	NA371331	In gross

*Delete phrases in [] and Insert memorandum number as required.
Continue in additional Annexure Schedule if required.*

(the provisions set out in Annexure Schedule 2).

~~[Annexure-Schedule-2].~~



Annexure Schedule



Insert type of instrument
"Mortgage", "Transfer", "Lease" etc

Easement

Dated

Page 2 of 4 Pages

(Continue in additional Annexure Schedule, if required.)

ANNEXURE SCHEDULE 2

1. Definitions in this instrument unless the context indicates otherwise:

"Easement Area" means that part of the servient tenement as is shown marked "AH" on Deposited Plan 391213.

"Recreation Purposes" means any purposes associated with leisure activities that may be enjoyed by the general public on the Easement Area including picnicking, sunbathing, swimming or passive recreation subject always to the provisions of this instrument.

"Term" means the period of 999 years commencing on the date of this instrument.

"Vehicle" has the same meaning as defined for "motor vehicle" in the Personal Property Securities Act 1999.

"Water Craft" means any boat or other water-borne craft or vessel, however powered.

2. GRANT OF EASEMENTS

The Grantor grants to the Grantee together with its employees, contractors, licensees and invitees, including the general public in common with the Grantor, the Grantor's transferees, invitees and other persons authorised by the Grantor, as an easement in gross for the term, the right:

2.1 Right of Use: To access from the sea, use and enjoy the Easement Area for recreation purposes provided that the following activities are not permitted at any time:

- (i) Any cooking activities, including but without limitation, barbeques and gas cooking;
- (ii) Camping;
- (iii) The lighting of open fires;
- (iv) The taking of or the parking or driving of vehicles onto the Easement Area for any purpose,

and provided further that the rights reserved to the Grantee hereby shall be restricted to use between the hours of 7am through to 7pm in any one day.

3. MAINTENANCE

The Grantor shall be responsible to maintain the Easement Area.

If this Annexure Schedule is used as an expansion of an instrument, all signing parties and either their witnesses or solicitors must sign or initial in this box.

(Handwritten signatures and initials)

Annexure Schedule



Insert type of instrument
"Mortgage", "Transfer", "Lease" etc

Easement

Dated

Page 3 of 4 Pages

(Continue in additional Annexure Schedule, if required.)

4. EXERCISE OF RIGHTS

When exercising any of the rights granted by this instrument pursuant to clause 2 of this instrument the Grantee must ensure that:

- (i) Any Water Craft accessing the Easement Area must comply with all health and safety regulations and all maritime regulations and bylaws applicable to the Easement Area and the sea adjacent to the Easement Area;
- (ii) No contaminants, as defined in the Resource Management Act 1991, are discharged from any Water Craft or by any person accessing the Easement Area either into the seawater adjacent to the Easement Area or on the Easement Area itself;
- (iii) No effluent is discharged from either Water Craft accessing the Easement Area or by persons exercising the right of access to the Easement Area onto the Easement Area itself;
- (iv) No Water Craft when moored in the sea adjacent to the Easement Area or accessing the Easement Area may obstruct or interfere with right of passage of any third parties;
- (v) Any use of the Easement Area respects the rights of the Grantor and the rights of other users of the Easement Area;
- (vi) In use of the Easement Area as little disturbance as possible is caused to the use and enjoyment of the Easement Area by the Grantor and other persons entitled to have access to and use of the Easement Area;
- (vii) In the use of the Easement Area no damage is caused thereto;
- (viii) In using the Easement Area no contaminant, refuse or rubbish of any kind is left on the Easement Area; and
- (ix) In using the Easement Area no interference or damage is caused to any vegetation growing on or to the surface of the Easement Area.

5. NO POWER TO TERMINATE

There is no power for the Grantor to terminate the easement rights granted under this easement instrument in the event of any breach of any terms of this instrument or for any other reason.

6. DISPUTES

If any dispute arises between the Grantor and the Grantee about the interpretation of this instrument or the parties rights and obligations under this instrument which cannot be resolved by negotiation the

If this Annexure Schedule is used as an expansion of an instrument, all signing parties and either their witnesses or solicitors must sign or initial in this box.

[Handwritten signatures and initials]

Annexure Schedule



Insert type of instrument
"Mortgage", "Transfer", "Lease" etc

Easement

Dated

Page

4

of

4

Pages

(Continue in additional Annexure Schedule, if required.)

parties will submit the dispute for resolution in accordance with the dispute resolution requirements set out in the Fourth Schedule to the Land Transfer Regulations 2002.

If this Annexure Schedule is used as an expansion of an Instrument, all signing parties and either their witnesses or solicitors must sign or initial in this box.

(Handwritten signatures)



Bank of New Zealand

**CERTIFICATE OF NON-REVOCATION
OF POWER OF ATTORNEY**

I, **Mary Goddard**, Quality Assurance Officer of Auckland, New Zealand, Bank Officer, certify:

1. That by deed dated 12 July 2005, Bank of New Zealand, of Level 14, BNZ Tower, 125 Queen Street, Auckland, New Zealand, appointed me its attorney.
2. A copy of the deed is deposited in the North Auckland registration district of Land Information New Zealand as dealing No. 6508607.1
3. That I have not received notice of any event revoking the power of attorney.

SIGNED at Auckland 11 August 2008



Mary Goddard

Annexure Schedule - Consent Form

Land Transfer Act 1952 section 238(2)



Insert type of instrument
"Caveat", "Mortgage" etc

Mortgage

Page **1** of **1** pages

Consentor

Surname must be underlined or in CAPITALS

Capacity and Interest of Consentor

(eg. Caveator under Caveat no./Mortgagee under Mortgage no.)

BANK OF NEW ZEALAND

Mortgagee under Mortgage No. 6633581.1

Consent

Delete Land Transfer Act 1952, if inapplicable, and insert name and date of application Act.

Delete words in [] if inconsistent with the consent.

State full details of the matter for which consent is required.

Pursuant to [section 238(2) of the Land Transfer Act 1952]

[section _____ of the _____ Act _____]

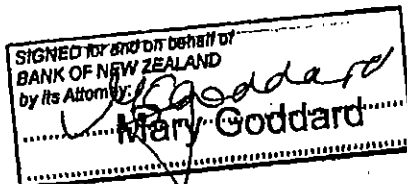
[Without prejudice to the rights and powers existing under the interest of the Consentor]

the Consentor hereby consents to:

The easement of public access in favour of Far North District Council over area AH on lot 11 DP 391213 in the form of the instrument attached

Dated this **11** day of **August** 2008

Attestation



Signature of Consentor

Signed in my presence by the Consentor

Signature of Witness

Witness to complete in BLOCK letters (unless legibly printed)

Witness name

Occupation

Address

**BANK OFFICER
AUCKLAND**

An Annexure Schedule in this form may be attached to the relevant instrument, where consent is required to enable registration under the Land Transfer Act 1952, or other enactments, under which no form is prescribed.

Approved by Registrar-General of Land under No. 2007/6225

Easement instrument to grant easement or *profit à prendre*, or create land covenant
Sections 90A and 90F, Land Transfer Act 1952

Land registration district

NORTH AUCKLAND



EI 7907807.8 Easement

Cpy - 01/01, Pgs - 010, 14/08/08, 14:58



DocID: 313168862

Grantor

Surname(s) must be

BENTZEN FARM LIMITED

Grantee

Surname(s) must be underlined or in CAPITALS.


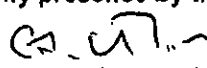
BENTZEN FARM LIMITED


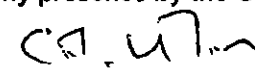
Grant* of easement or *profit à prendre* or creation of covenant

The Grantor, being the registered proprietor of the servient tenement(s) set out in Schedule A, **grants to the Grantee** (and, if so stated, in gross) the easement(s) or *profit(s) à prendre* set out in Schedule A, **or creates the covenant(s) set out in Schedule A**, with the rights and powers or provisions set out in the Annexure Schedule(s).

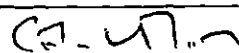
Dated this 8 day of August 2008

Attestation

	Signed in my presence by the Grantor 
	Signature of witness Witness to complete in BLOCK letters (unless legibly printed) Witness name Occupation Address
Signature [common seal] of Grantor	GRAEME J MATHIAS SOLICITOR WHANGAREI

	Signed in my presence by the Grantee 
	Signature of witness Witness to complete in BLOCK letters (unless legibly printed) Witness name Occupation Address
Signature [common seal] of Grantee	GRAEME J MATHIAS SOLICITOR WHANGAREI

Certified correct for the purposes of the Land Transfer Act 1952.



[Solicitor for] the Grantee

*If the consent of any person is required for the grant, the specified consent form must be used.

Annexure Schedule 1

Easement instrument

Dated

Page

1

of

5

pages

Schedule A*(Continue in additional Annexure Schedule if required.)*

Purpose (nature and extent) of easement, profit, or covenant	Shown (plan reference)	Servient tenement (Identifier/CT)	Dominant tenement (Identifier/CT or in gross)
Rights of Walkway and Riding	Marked "A" on Deposited Plan 391213	Lot 5 DP 391213	Lots 1 to 4, 6 to 12, 14 to 21 and 25 DP 391213
	Marked "B" on Deposited Plan 391213	Lot 4 DP 391213	Lots 1, 2, 3, 5 to 12, 14 to 21 and 25 DP 391213
	Marked "C" on Deposited Plan 391213	Lot 2 DP 391213	Lots 1, 3 to 12, 14 to 21 and 25 DP 391213
	Marked "D" on Deposited Plan 391213	Lot 9 DP 391213	Lots 1 to 8, 10 to 12, 14 to 21 and 25 DP 391213
	Marked "F" on Deposited Plan 391213	Lot 10 DP 391213	Lots 1 to 9, 11, 12, 14 to 21 and 25 DP 391213

Easements or profits à prendre rights and powers (Including terms, covenants, and conditions)

Delete phrases in [] and insert memorandum number as required.

Continue in additional Annexure Schedule if required.

Unless otherwise provided below, the rights and powers implied in specific classes of easement are those prescribed by the Land Transfer Regulations 2002 and/or the Fifth Schedule of the Property Law Act 2007.

The implied rights and powers are ~~varied~~ ~~negated~~ ~~added to~~ or ~~substituted~~ by:

~~[Memorandum number _____, registered under section 155A of the Land Transfer Act 1952]~~

[the provisions set out in Annexure Schedule 2].

Covenant provisions

Delete phrases in [] and insert memorandum number as required.

Continue in additional Annexure Schedule if required.

The provisions applying to the specified covenants are those set out in:

~~[Memorandum number _____, registered under section 155A of the Land Transfer Act 1952]~~

[Annexure Schedule 2].

All signing parties and either their witnesses or solicitors must sign or initial in this box

(Signature)

(Signature)

Annexure Schedule
 Insert type of instrument
 "Mortgage", "Transfer", "Lease" etc

Easement

Dated

Page 2 of 5 Pages

(Continue in additional Annexure Schedule, if required.)

Schedule A (continued)

<i>Purpose (nature and extent) of easement, profit, or covenant</i>	<i>Shown (plan reference)</i>	<i>Servient tenement (Identifier/CT)</i>	<i>Dominant Tenement (Identifier/CT or in gross)</i>
Rights of Walkway and Riding	Marked "G" on Deposited Plan 391213	Lot 8 DP 391213	Lots 1 to 7, 9 to 12, 14 to 21 and 25 DP 391213
	Marked "H" and "L" on Deposited Plan 391213	Lot 1 DP 391213	Lots 2 to 12, 14 to 21 and 25 DP 391213
	Marked "M" on Deposited Plan 391213	Lot 2 DP 391213	Lots 1, 3 to 12, 14 to 21 and 25 DP 391213
	Marked "N" on Deposited Plan 391213	Lot 16 DP 391213	Lots 1 to 12, 14, 15, 17 to 21 and 25 DP 391213
	Marked "R" on Deposited Plan 391213	Lot 9 DP 391213	Lots 1 to 8, 10 to 12, 14 to 21 and 25 DP 391213
	Marked "S" on Deposited Plan 391213	Lot 12 DP 391213	Lots 1 to 11, 14 to 21 and 25 DP 391213
	Marked "AX" on Deposited Plan 391213	Lot 11 DP 391213	Lots 1 to 10, 12, 14 to 21 and 25 DP 391213
	Marked "U" on Deposited Plan 391213	Lot 9 DP 391213	Lots 1 to 8, 10 to 12, 14 to 21 and 25 DP 391213
	Marked "V" on Deposited Plan 391213	Lot 5 DP 391213	Lots 1 to 4, 6 to 12, 14 to 21 and 25 DP 391213
	Marked "AH" on Deposited Plan 391213	Lot 11 DP 391213	Lots 1 to 10, 14 to 21 and 25 DP 391213
	Marked "BE" on Deposited Plan 391213	Lot 15 DP 391213	Lots 1 to 12, 14, 16 to 21 and 25 DP 391213
	Marked "BF" on Deposited Plan 391213	Lot 16 DP 391213	Lots 1 to 12, 14, 15, 17 to 21 and 25 DP 391213

If this Annexure Schedule is used as an expansion of an instrument, all signing parties and either their witnesses or solicitors must sign or initial in this box.

Annexure Schedule



Insert type of instrument
"Mortgage", "Transfer", "Lease" etc

Easement

Dated

Page 3 of 5 Pages

(Continue in additional Annexure Schedule, if required.)

ANNEXURE SCHEDULE 2

1. Definitions in this instrument unless the context indicates otherwise:

"Association" means the society to be established under the name "Ōmarino Residents Association Incorporated".

"Easement Area" means those parts of the servient tenements as are shown marked with the letters "A", "B", "C", "D", "F", "G", "H", "L", "M", "N", "R", "S", "U", "V", "AH", "AX", "BE" and "BF" on Deposited Plan 391213.

"Right of Riding" has the meaning given in clause 2.1 of this instrument.

"Right of Walkway" has the meaning given in clause 2.2 of this instrument.

"Rules" and "the Rules" means all rules, bylaws and other regulations established by the Association.

"The Management Plan" means the management plan established by the Grantor and approved by the Far North District Council pursuant to the conditions by which the subdivision evidenced by DP 391213, such being described as "Ōmarino Management Plan" dated October 2007, together with any amendments or variations of such plan as approved by the Far North District Council.

2. GRANT OF EASEMENT

The Grantor grants to the Grantee together with its employees, contractors, licensees and invitees as easements the rights:

2.1 Right of riding: To access, use and enjoy the Easement Area for the recreational purpose of riding provided always that:

- (i) the taking of any animal other than a dog on a lead onto an Easement Area is prohibited;
- (ii) the riding of any vehicle other than a bicycle; or an adequately muffled four wheeled motor bike (in which respect the prior written approval of the Association shall be required), is prohibited; and
- (iii) the rights reserved to the Grantee hereby are not exercised otherwise than between sunrise and sunset in any one day.

If this Annexure Schedule is used as an expansion of an instrument, all signing parties and either their witnesses or solicitors must sign or initial in this box.

(Handwritten signature/initials)

Annexure Schedule



Insert type of instrument

"Mortgage", "Transfer", "Lease" etc

Easement

Dated

Page 4 of 5 Pages

(Continue in additional Annexure Schedule, if required.)

2.2 Right of walkway: To access, use and enjoy the Easement Area for the recreational purpose of walking, jogging and/or running provided always that:

- (i) the taking of any animal other than a dog on a lead onto an Easement Area is prohibited; and
- (ii) the rights reserved to the Grantee hereby are not exercised otherwise than between sunrise and sunset in any one day.

3. RESTRICTION ON EXERCISE OF RIGHTS

3.1 Limitation of Grantee's rights: The Grantee's rights in clauses 2.1 and 2.2 must be exercised

- (i) Reasonably;
- (ii) Strictly in accordance with the Grantee's obligations under the Management Plan;
- (iii) Strictly in accordance with the Rules (as established from time to time) of the Association;
- (iv) In such a manner that no damage is caused to the Easement Area;
- (v) In such a manner so as not to cause or permit any act or thing to be done which will interfere with the appearance of the Easement Area;
- (vi) To cause any danger or risk to other users of the Easement Area;
- (vii) In such a manner that as little disturbance as possible is caused to the use and enjoyment of the Easement Area by other Grantees;
- (viii) Not to deposit or leave on the Easement Area any item of refuse or any litter or any other substance of any nature;
- (ix) Not in using any bicycle or approved four wheeled motor bike on the Easement Area to exceed a speed of 10 kilometres per hour or such lesser speed as shall be set by the Association from time to time;
- (x) Not to discharge any contaminants or effluent on to the Easement Area.

If this Annexure Schedule is used as an expansion of an instrument, all signing parties and either their witnesses or solicitors must sign or initial in this box.

Cam

Annexure Schedule

Insert type of Instrument
"Mortgage", "Transfer", "Lease" etc

Easement

Dated

Page 5 of 5 Pages

(Continue in additional Annexure Schedule, if required.)

4. MAINTENANCE

The Grantor and the Grantee shall equally be responsible for arranging the repair and maintenance of the Easement Area, and for the associated costs, so as to keep the Easement Area in good order and to prevent it from becoming a danger or nuisance. Notwithstanding this the Grantor or Grantee must promptly carry out at that party's sole cost any repair and maintenance of the Easement Area that is attributable solely to an act or omission by that party provided that if the repair and maintenance is only partly attributable to an act or omission of the Grantor or Grantee such party shall only be responsible for the portion of the costs of the repair and maintenance that is attributable to that act or omission.

5. NO POWER TO TERMINATE

There is no power for the Grantor to terminate the easement rights granted under this easement instrument in the event of any breach of any terms of this instrument or for any other reason.

6. USE OF EASEMENT AREA AT THE RISK OF THE GRANTEE

Any exercise of the easement of right of way by the Grantee is at the risk in all things of the Grantee and in such exercise the Grantee indemnifies the Grantor and the Association from any loss or damage of whatsoever nature and howsoever caused to or by the Grantee.

7. DISPUTES

If any dispute arises between the Grantor and the Grantee about the interpretation of this instrument or the parties rights and obligations under this instrument which cannot be resolved by negotiation the parties will submit the dispute for resolution to the board of directors of the Association whose decision will be final.

8. GENERAL RIGHTS AND POWERS

Save as for provided herein the rights and powers implied in all classes of easements as set out in paragraphs 10 through 14 of Schedule 4 to the Land Transfer Regulations 2002 shall apply to the easements created by this instrument.

If this Annexure Schedule is used as an expansion of an instrument, all signing parties and either their witnesses or solicitors must sign or initial in this box.

Gm



Bank of New Zealand

**CERTIFICATE OF NON-REVOCATION
OF POWER OF ATTORNEY**

I, **Desley Osborne**, **Quality Assurance Officer of** Auckland, New Zealand, Bank Officer, certify:

1. That by deed dated 12 July 2005, Bank of New Zealand, of Level 14, BNZ Tower, 125 Queen Street, Auckland, New Zealand, appointed me its attorney.
2. A copy of the deed is deposited in the North Auckland registration district of Land Information New Zealand as dealing No. 6508607.1
3. That I have not received notice of any event revoking the power of attorney.

SIGNED at Auckland 06 August 2008

A handwritten signature in cursive script, appearing to read 'D. Osborne', written over a horizontal line.

Desley Osborne

Annexure Schedule - Consent Form

Land Transfer Act 1952 section 238(2)



Insert type of instrument
"Caveat", "Mortgage" etc

Mortgage

Page **1** of **1** pages

Consentor

Surname must be underlined or in CAPITALS

Capacity and Interest of Consentor

(eg. Caveator under Caveat no./Mortgagee under Mortgage no.)

BANK OF NEW ZEALAND

Mortgagee under Mortgage No. 6633581.1

Consent

Delete Land Transfer Act 1952, if inapplicable, and insert name and date of application Act.

Delete words in [] if inconsistent with the consent.

State full details of the matter for which consent is required.

Pursuant to [section 238(2) of the Land Transfer Act 1952]

[section _____ of the _____ Act _____]

[Without prejudice to the rights and powers existing under the interest of the Consentor]

the Consentor hereby consents to:

The easement of rights of walkway and riding throughout the subdivision in the form of the instrument attached

Dated this **6th** day of **August** 2008

Attestation

SIGNED for and on behalf of
BANK OF NEW ZEALAND
by its Attorney:
Desley Osborne

Signed in my presence by the Consentor

Signature of Witness

Witness to complete in BLOCK letters (unless legibly printed)

Witness name

ROBYN WATKIN

Occupation

Address

**BANK OFFICE
AUCKLAND**

Signature of Consentor

An Annexure Schedule in this form may be attached to the relevant instrument, where consent is required to enable registration under the Land Transfer Act 1952, or other enactments, under which no form is prescribed.



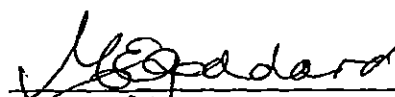
Bank of New Zealand

**CERTIFICATE OF NON-REVOCATION
OF POWER OF ATTORNEY**

Mary Goddard
I, **Mary Goddard**, **Quality Assurance Officer of Auckland, New Zealand, Bank Officer**, certify:

1. That by deed dated 12 July 2005, Bank of New Zealand, of Level 14, BNZ Tower, 125 Queen Street, Auckland, New Zealand, appointed me its attorney.
2. A copy of the deed is deposited in the North Auckland registration district of Land Information New Zealand as dealing No. 6508607.1
3. That I have not received notice of any event revoking the power of attorney.

SIGNED at Auckland 11 August 2008



Mary Goddard

Annexure Schedule - Consent Form
Land Transfer Act 1952 section 238(2)



Insert type of Instrument
"Caveat", "Mortgage" etc

Mortgage

Page **1** of **1** pages

Consentor

Surname must be underlined or in CAPITALS

Capacity and Interest of Consentor

(eg. Caveator under Caveat no./Mortgagee under Mortgage no.)

BANK OF NEW ZEALAND

Mortgagee under Mortgage No. 6633581.1

Consent

Delete Land Transfer Act 1952, if inapplicable, and insert name and date of application Act.

Delete words in [] if inconsistent with the consent.

State full details of the matter for which consent is required.

Pursuant to [section 238(2) of the Land Transfer Act 1952]

[section] of the Act

[Without prejudice to the rights and powers existing under the Interest of the Consentor]

the Consentor hereby consents to:

The easement of rights of walkway and riding throughout the subdivision in the form of the instrument attached

Dated this **11** day of **August** **2008**

Attestation

<p>SIGNED for and on behalf of BANK OF NEW ZEALAND by its Attorney:</p> <p><i>Mary Goddard</i></p> <p>Mary Goddard</p>	<p>Signed in my presence by the Consentor</p> <p><i>[Signature]</i></p>
	<p>Signature of Witness</p> <p>Witness to complete in BLOCK letters (unless legibly printed)</p> <p>Witness name ROBYN WALKIN</p> <p>Occupation BANK OFFICER</p> <p>Address AUCKLAND</p>
<p>Signature of Consentor</p>	

An Annexure Schedule in this form may be attached to the relevant Instrument, where consent is required to enable registration under the Land Transfer Act 1952, or other enactments, under which no form is prescribed.

Approved by Registrar-General of Land under No. 2007/6225

Easement instrument to grant easement or profit à prendre, or create land covenant
Sections 90A and 90F, Land Transfer Act 1952

Land registration district

NORTH AUCKLAND



EI 7907807.9 Easement I

Cpy - 01/01, Pgs - 006, 14/08/08, 16:11



DocID: 913165933

Grantor

Surname(s) *mus*

BENTZEN FARM LIMITED

Grantee

Surname(s) must be underlined or in CAPITALS.

BENTZEN FARM LIMITED

Grant* of easement or profit à prendre or creation of covenant

The Grantor, being the registered proprietor of the servient tenement(s) set out in Schedule A, **grants to the Grantee (and, if so stated, in gross) the easement(s) or profit(s) à prendre set out in Schedule A, or creates the covenant(s) set out in Schedule A,** with the rights and powers or provisions set out in the Annexure Schedule(s).



Dated this



28

day of

August 2008

Attestation

	Signed in my presence by the Grantor 
	Signature of witness Witness to complete in BLOCK letters (unless legibly printed) Witness name Occupation Address
Signature [common seal] of Grantor	GRAEME J MATHIAS SOLICITOR WHANGAREI

	Signed in my presence by the Grantee 
	Signature of witness Witness to complete in BLOCK letters (unless legibly printed) Witness name Occupation Address
Signature [common seal] of Grantee	GRAEME J MATHIAS SOLICITOR WHANGAREI

Certified correct for the purposes of the Land Transfer Act 1952.



[Solicitor for] the Grantee

*If the consent of any person is required for the grant, the specified consent form must be used.

REF: 7003 - AUCKLAND DISTRICT LAW SOCIETY

Annexure Schedule 1

Easement instrument

Dated

Page

1

of

3

pages

Schedule A*(Continue in additional Annexure Schedule if required.)*

Purpose (nature and extent) of easement, profit, or covenant	Shown (plan reference)	Servient tenement (Identifier/CT)	Dominant tenement (Identifier/CT or in gross)
Right of Way Right to Convey Electricity Right to Convey Telecommunications and Computer Media	Marked "A" on Deposited Plan 391213 Marked "B" on Deposited Plan 391213 Marked "C" on Deposited Plan 391213 Marked "D" on Deposited Plan 391213	Lot 5 DP 391213 – CT 371325 Lot 4 DP 391213 – CT 371324 Lot 2 DP 391213 – CT 371322 Lot 9 DP 391213 – CT 371329	Lots 1, 2, 3 and 4 DP 391213 – CT's 371321, 371322, 371323, 371324 Lots 1, 2 and 3 DP 391213 – CT's 371321, 371322 and 371323 Lot 1 DP 391213 – CT 371321 Lots 10, 11, 12 and 14 DP 391213 – CT's 371330, 371331, 371332 and 382667

Delete phrases in [] and insert memorandum number as required.

Continue in additional Annexure Schedule if required.

Easements or profits à prendre rights and powers (including terms, covenants, and conditions)

Unless otherwise provided below, the rights and powers implied in specific classes of easement are those prescribed by the Land Transfer Regulations 2002 and/or the Fifth Schedule of the Property Law Act 2007.

The implied rights and powers are ~~varied~~ ~~negative~~ ~~added to~~ or ~~substituted~~ by:

~~{Memorandum number _____, registered under section 155A of the Land Transfer Act 1952}.~~

~~{the provisions set out in Annexure Schedule 2}.~~

Covenant provisions

Delete phrases in [] and insert memorandum number as required.

Continue in additional Annexure Schedule if required.

The provisions applying to the specified covenants are those set out in:

~~{Memorandum number _____, registered under section 155A of the Land Transfer Act 1952}.~~

~~{Annexure Schedule 2}.~~

All signing parties and either their witnesses or solicitors must sign or initial in this box

C7m

Annexure Schedule

Insert type of instrument
"Mortgage", "Transfer", "Lease" etc

Easement

Dated

Page 2 of 3 Pages

(Continue in additional Annexure Schedule, if required.)

Schedule A (continued)

<i>Purpose (nature and extent) of easement, profit, or covenant</i>	<i>Shown (plan reference)</i>	<i>Servient tenement (Identifier/CT)</i>	<i>Dominant Tenement (Identifier/CT or in gross)</i>
Right of Way Right to Convey Electricity Right to Convey Telecommunications and Computer Media	Marked "F" on Deposited Plan 391213	Lot 10 DP 391213 – CT 371330	Lots 11, 12 and 14 DP 391213 – CT 371331, 371332 and 382667
	Marked "G" on Deposited Plan 391213	Lot 8 DP 391213 – CT 381328	Lot 7 DP 391213 – CT 371327
	Marked "K" on Deposited Plan 391213	Lot 17 DP 391213 – CT 423437	Lots 1 to 12, 14 to 16, 18, 19, 20, 21 and 25 DP 391213 – CT 371321 – 371332, 382667, 423436, 411669, 411670 and 423437
	Marked "S" on Deposited Plan 391213	Lot 12 DP 391213 – CT 371332	Lot 14 DP 391213 – CT 382667
	Marked "R" on Deposited Plan 391213	Lot 9 DP 391213 – CT 371329	Lot 14 DP 391213 – CT 382667
	Marked "BE" on Deposited Plan 391213	Lot 15 DP 391213 – CT 423436	Lot 16 DP 391213 – CT 411669
	Marked "BF" and "BG" on Deposited Plan 391213	Lot 16 DP 391213 – CT 411669	Lot 15 DP 391213 – CT 423436
	Marked "V" on Deposited Plan 391213	Lot 5 DP 391213 – CT 371325	Lots 15 and 16 DP 391213 – CT 423436 and CT 411669

If this Annexure Schedule is used as an expansion of an instrument, all signing parties and either their witnesses or solicitors must sign or initial in this box.

(Signature) (Signature)

Annexure Schedule



Insert type of Instrument
"Mortgage", "Transfer", "Lease" etc

Easement

Dated

Page 3 of 3 Pages

(Continue in additional Annexure Schedule, if required.)

ANNEXURE SCHEDULE 2

RESTRICTION ON EXERCISE OF RIGHTS

Limitation of Grantee's rights: Any use of the easements of right of way marked "A", "B", "C", "D", "F", "G", "K", "S", "R", "BE", "BF", "BG" and "V" on Deposited Plan 391213 must be exercised

- (i) Reasonably;
- (ii) Strictly in accordance with the Grantee's obligations under the Management Plan approved by the Far North District Council entitled "Ōmarino Management Plan October 2007" governing the subdivision evidenced by DP 391213 together with any amendments or variations of such plan from time to time as approved by the Far North District Council;
- (iii) Strictly in accordance with the Rules of the Ōmarino Residents Association Incorporated;
- (iv) In such a manner that no damage is caused to the easement area;
- (v) In such a manner so as not to cause or permit any act or thing to be done which will interfere with the appearance of the easement area;
- (vi) In such a manner not to cause any danger or risk to other users of the easement area;
- (vii) In such a manner so that as little disturbance as possible is caused to the use and enjoyment of the easement area by other persons entitled to use the easement area as well as the Grantor and their invitees and adjacent land owners and their invitees; and
- (viii) Without depositing or leaving on the easement area any contaminant, effluent, item of refuse or any litter or any other substance of any nature.
- (ix) In accordance with such speed restrictions as might be imposed from time to time by the Ōmarino Residents Association Incorporated but in any event at a speed no greater than 10 kilometres per hour in respect of a bike or motor bike or 30 kilometres per hour in respect of any other vehicle.

Exercise of the Use of the Easement of Right of Way at the Risk of the Grantee: Any use of the easement of right of way by the Grantee is at the risk in all things of the Grantee and in such use the Grantee indemnifies the Grantor and the Ōmarino Residents Association Incorporated from any loss, damage of whatsoever nature and howsoever caused.

If this Annexure Schedule is used as an expansion of an instrument, all signing parties and either their witnesses or solicitors must sign or initial in this box.

[Handwritten signature] *[Handwritten signature]*



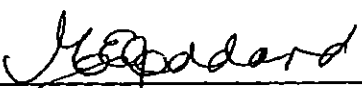
Bank of New Zealand

**CERTIFICATE OF NON-REVOCATION
OF POWER OF ATTORNEY**

I, **Mary Goddard**, **Quality Assurance Officer of Auckland, New Zealand, Bank Officer**, certify:

1. That by deed dated 12 July 2005, Bank of New Zealand, of Level 14, BNZ Tower, 125 Queen Street, Auckland, New Zealand, appointed me its attorney.
2. A copy of the deed is deposited in the North Auckland registration district of Land Information New Zealand as dealing No. 6508607.1
3. That I have not received notice of any event revoking the power of attorney.

SIGNED at Auckland 11 August 2008



Mary Goddard

Easement Instrument to grant easement or profit à prendre, or E1 7907807.12 Easement
Sections 90A and 90F, Land Transfer Act 1952

Land registration district

NORTH AUCKLAND



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DocID: 313165968

Grantor

Surname(s) must be underlined or in CAPITALS.

BENTZEN FARM LIMITED

Grantee

Surname(s) must be underlined or in CAPITALS.


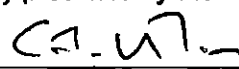



OMARINO RESIDENTS ASSOCIATION INCORPORATED

Grant* of easement or profit à prendre or creation or covenant

The Grantor, being the registered proprietor of the servient tenement(s) set out in Schedule A, grants to the Grantee (and, if so stated, in gross) the easement(s) or profit(s) à prendre set out in Schedule A, or creates the covenant(s) set out in Schedule A, with the rights and powers or provisions set out in the Annexure Schedule(s).

Dated this 8 day of August 2008

Attestation

	Signed in my presence by the Grantor
	 Signature of witness Witness to complete in BLOCK letters (unless legibly printed) Witness name Occupation GRAEME J MATHIAS SOLICITOR Address WHANGAREI
Signature [common seal] of Grantor	
 	Signed in my presence by the Grantee
	 Signature of witness Witness to complete in BLOCK letters (unless legibly printed) Witness name Occupation GRAEME J MATHIAS SOLICITOR Address WHANGAREI
Signature [common seal] of Grantee	

Certified correct for the purposes of the Land Transfer Act 1952.

[Solicitor for] the Grantee

*If the consent of any person is required for the grant, the specified consent form must be used.

Approved by Registrar-General of Land under No. 2007/6225
Annexure Schedule 1



Easement instrument

Dated

[]

Page

1

of

3

pages

Schedule A

(Continue in additional Annexure Schedule if required.)

Purpose (nature and extent) of easement, profit, or covenant	Shown (plan reference)	Servient tenement (Identifier/CT)	Dominant tenement (Identifier/CT or in gross)
Inspection and Maintenance Work Easement	Refer to Definition of Easement Areas in Annexure Schedule 2	NA371321, NA371322, NA371323, NA371324, NA371325, NA371326, NA371327, NA371328, NA371329, NA371330, NA371331, NA371332, NA382667, NA423436, NA411669, NA423437 and NA411670	In Gross

Easements or profits à prendre rights and powers (including terms, covenants, and conditions)

Delete phrases in [] and insert memorandum number as required.
Continue in additional Annexure Schedule if required.

Unless otherwise provided below, the rights and powers implied in specific classes of easement are those prescribed by the Land Transfer Regulations 2002 and/or the Fifth Schedule of the Property Law Act 2007.

The implied rights and powers are ~~varied~~ ~~negatived~~ ~~added to~~ or ~~substituted~~ by:

~~[Memorandum number _____, registered under section 155A of the Land Transfer Act 1952]~~

~~[the provisions set out in Annexure Schedule 2].~~

Covenant provisions

Delete phrases in [] and insert memorandum number as required.
Continue in additional Annexure Schedule if required.

The provisions applying to the specified covenants are those set out in:

~~[Memorandum number _____, registered under section 155A of the Land Transfer Act 1952]~~

~~[Annexure Schedule 2].~~

All signing parties and either their witnesses or solicitors must sign or initial in this box

Annexure Schedule



Insert type of instrument
"Mortgage", "Transfer", "Lease" etc

Easement

Dated

Page 2 of 3 Pages

(Continue in additional Annexure Schedule, if required.)

ANNEXURE SCHEDULE 2

1. Definitions in this instrument unless the context indicates otherwise:

"Council" means the Far North District Council.

"Easement Areas" means the servient tenements excluding those parts of lots 1 through 12, 14, 15, 16, 17 and 25 on the plan as are shown marked on the plan:

- (i) in the case of lot 1 with the letter "Z";
- (ii) in the case of lot 2 with the letters "AA", "AV", "P", "Q" and "T";
- (iii) in the case of lot 3 with the letters "AB";
- (iv) in the case of lot 4 with the letters "AC", "AK" and "AS";
- (v) in the case of lot 5 with the letters "AP";
- (vi) in the case of lot 6 with the letters "AO";
- (vii) in the case of lot 7 with the letters "AD";
- (viii) in the case of lot 8 with the letters "AJ";
- (ix) in the case of lot 9 with the letters "AE";
- (x) in the case of lot 10 with the letters "AF";
- (xi) in the case of lot 11 with the letters "AG";
- (xii) in the case of lot 12 with the letters "AI";
- (xiii) in the case of lot 14 with the letters "BD";
- (xiv) in the case of lot 15 with the letters "BA";
- (xv) in the case of lot 16 with the letters "BB";
- (xvi) in the case of lot 17 with the letters "AQ"; and
- (xvii) in the case of lot 25 with the letters "BC".

"Inspection and Maintenance Work" means any work associated with inspection and the maintenance work of the Easement Areas to meet the obligations of the Grantor and the registered proprietors of the servient tenements in terms of the management plan and the conditions of the consent granted by the Council authorising the subdivision as evidenced by the plan such being recorded under resource consent number RMA 2070967, 2050363 and 2080375.

"Management Plan" means the management plan approved by the Council as a condition of its grant of consent for the subdivision evidenced by DP 391213 such being at the date of this easement instrument the management plan entitled "Ōmarino Management Plan" dated October 2007 together with any amendments or variations of such plan as are approved from time to time by the Council.

"Plan" means deposited plan 391213.

"Vehicle" and **"Vehicles"** has the same meaning as defined for "motor vehicle" in the Personal Property Securities Act 1999.

If this Annexure Schedule is used as an expansion of an Instrument, all signing parties and either their witnesses or solicitors must sign or initial in this box.

Annexure Schedule



Insert type of instrument
"Mortgage", "Transfer", "Lease" etc

Easement

Dated

Page 3 of 3 Pages

(Continue in additional Annexure Schedule, if required.)

2. GRANT OF EASEMENTS

The Grantor grants to the Grantee together with its employees, contractors, licensees and invitees in common with the Grantor, the Grantor's transferees, invitees and other persons authorised by the Grantor, as an easement in gross the right to enter upon the Easement Areas with or without any kind of vehicle, machinery or implement for the sole purpose of undertaking the Inspection and Maintenance Work, at the Grantee's cost, provided always that the rights reserved to the Grantee hereby shall be restricted to use between the hours of 7am through to 7pm in any one day unless the Grantee is required to exercise access for Inspection and Maintenance Work as a result of an emergency.

3. EXERCISE OF RIGHTS

- 1 When exercising the rights granted by this instrument the Grantee must ensure that:
 - (i) the rights of the Grantor and the rights of other users of the Easement Areas are respected;
 - (ii) as little disturbance as possible is caused to the use and enjoyment of the Easement Areas by the Grantor and other persons entitled to have access to and use of the Easement Areas;
- 2 The rights and powers implied in all classes of easements by clauses 10 to 14 of Schedule 4 to the Land Transfer Regulations 2002 are expressly incorporated into this instrument.

4. NO POWER TO TERMINATE

There is no power for the Grantor to terminate the easement rights granted under this easement instrument in the event of any breach of any terms of this instrument or for any other reason.

If this Annexure Schedule is used as an expansion of an Instrument, all signing parties and either their witnesses or solicitors must sign or initial in this box.



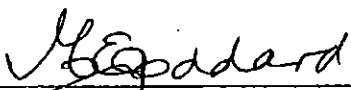
Bank of New Zealand

**CERTIFICATE OF NON-REVOCATION
OF POWER OF ATTORNEY**

I, **Mary Goddard**, **Quality Assurance Officer of** Auckland, New Zealand, Bank Officer, certify:

1. That by deed dated 12 July 2005, Bank of New Zealand, of Level 14, BNZ Tower, 125 Queen Street, Auckland, New Zealand, appointed me its attorney.
2. A copy of the deed is deposited in the North Auckland registration district of Land Information New Zealand as dealing No. 6508607.1
3. That I have not received notice of any event revoking the power of attorney.

SIGNED at Auckland 11 August 2008



Mary Goddard

Approved by Registrar-General of Land under No. 2003/6150
Annexure Schedule - Consent Form
Land Transfer Act 1952 section 238(2)



Insert type of Instrument
"Caveat", "Mortgage" etc

Mortgage

Page 1 of 1 pages

Consentor

Surname must be underlined or in CAPITALS

Capacity and Interest of Consentor

(eg. Caveator under Caveat no./Mortgagee under Mortgage no.)

BANK OF NEW ZEALAND

Mortgagee under Mortgage No. 6633581.1

Consent

Delete Land Transfer Act 1952, if inapplicable, and insert name and date of application Act.

Delete words in [] if inconsistent with the consent.

State full details of the matter for which consent is required.

Pursuant to [section 238(2) of the Land Transfer Act 1952]

[section] of the Act

[Without prejudice to the rights and powers existing under the interest of the Consentor]

the Consentor hereby consents to:

The easement given by Bentzen Farm Limited in favour of the Association for inspection and maintenance rights throughout the subdivision in the form of the instrument attached

Dated this 11 day of August 2008

Attestation

SIGNED for and on behalf of
BANK OF NEW ZEALAND
by its Attorney

Mary Goddard

Signature of Consentor

Signed in my presence by the Consentor

Signature of Witness

Witness to complete in BLOCK letters (unless legibly printed)

Witness name

JOYCE WATKIN

Occupation

Address

BANK OFFICER
AUCKLAND

An Annexure Schedule in this form may be attached to the relevant instrument, where consent is required to enable registration under the Land Transfer Act 1952, or other enactments, under which no form is prescribed.

Approved by Registrar-General of Land under No. 2002/6117

Encumbrance instrument
Section 101, Land Transfer Act 1952

ENC 7907807.13 Encumbr

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DocID: 313165989



Land registration district

NORTH AUCKLAND

Unique Identifier(s)

or C/T(s)

All/part

Area/description of part or stratum

See Annexure
Schedule 2

All

Encumbrancer

Surname(s) must be underlined or in CAPITALS

BENTZEN FARM LIMITED

Encumbrancee

Surname(s) must be underlined or in CAPITALS

OMARINO RESIDENTS ASSOCIATION INCORPORATED

Estate or interest to be encumbered

Insert, eg, fee simple; leasehold in lease number, etc.

Fee simple

Encumbrance memorandum number

Not applicable

Nature of security

State whether sum of money, annuity, or rentcharge, and amount.

Rent charge in accordance with Annexure Schedule 3 attached

Operative clause

Delete words in [], as appropriate

The Encumbrancer encumbers for the benefit of the Encumbrancee the land in the above certificate(s) of title or computer register(s) with the above sum of money, annuity, or rentcharge to be raised and paid in accordance with the terms set out in the ~~{above encumbrance memorandum}~~ [Annexure Schedule(s)] and so as to incorporate in this encumbrance the terms and other provisions set out in the ~~{above encumbrance memorandum}~~ ~~{and}~~ [Annexure Schedule(s)] for the better securing to the Encumbrancee the payment(s) secured by this encumbrance, and compliance by the Encumbrancer with the terms of this encumbrance.

Dated this


8

day of

August

2008

Attestation



Signature [common seal] of
Encumbrancer

Signed in my presence by the Encumbrancer



Signature of witness

Witness to complete in BLOCK letters (unless legibly printed)

Witness name

Occupation

Address

GRAEME J MATHIAS
SOLICITOR
WHANGAREI

Certified correct for the purposes of the Land Transfer Act 1952.



[Solicitor for] the Encumbrancee

Annexure Schedule 1



Encumbrance
instrument

Dated

[Empty box for date]

Page **1** of **5** pages

Terms

(Continue in additional Annexure Schedule(s) if required.)

- 1 Length of term **See Annexure Schedule 1**
- 2 Payment date(s)
- 3 Rate(s) of interest
- 4 Event(s) in which the sum, annuity, or rentcharge becomes payable
- 5 Events(s) in which the sum, annuity, or rentcharge ceases to be payable

Covenants and conditions

(Continue in additional Annexure Schedule(s) if required.)

See Annexure Schedules 1 and 3

Modification of statutory provisions

(Continue in additional Annexure Schedule(s) if required.)

The Encumbrancee shall be entitled to all the powers and remedies given to mortgagees and rent chargees by the Land Transfer Act 1952 and the Property Law Act 2007

All signing parties and either their witnesses or solicitors must sign or initial in this box.

 (72

Annexure Schedule



Insert type of Instrument
"Mortgage", "Transfer", "Lease" etc

Encumbrance

Dated

Page 2 of 5 Pages

(Continue in additional Annexure Schedule, if required.)

ANNEXURE SCHEDULE 1 (Continued)

Terms

1. Length of term: 999 years
2. Payment date(s): At the times and in the manner as the Encumbrancee shall decide pursuant to the Rules.
3. Rate(s) of interest: Such rate as shall be set at such time and in the manner as the Encumbrancee shall decide pursuant to the Rules.
4. Event(s) in which the rent charge becomes payable: Upon demand being made by the Encumbrancee pursuant to the Rules.
5. Event(s) in which the rent charge ceases to be payable:
 - (i) By effluxion of time; or
 - (ii) Upon the obligations of this encumbrance becoming obsolete; or
 - (iii) The obligations of the Encumbrancer pursuant to the Rules having been complied with.

INTERPRETATION

- 1.1 In this instrument (including, without limitation, all Annexure Schedules) unless the context indicates otherwise:
 - .1 "Encumbrance" means this instrument.
 - .2 "Encumbrancer" means Bentzen Farm Limited and its transferees and/or successors in title;
 - .3 "Encumbrancee" means Ōmarino Residents Association Incorporated;
 - .4 "Lot" means each of the lots or amalgamated lots detailed in Annexure Schedule 2 to this encumbrance;
 - .5 "The Management Plan" means the Management Plan as prepared by the Encumbrancer to comply with the conditions of the consent for the subdivision evidenced by Deposited Plan 391213 in terms of the resource consents granted by the Far North District Council under reference numbers RMA205363, RMA2070967 and RMA2080375 such plan being as at the date of this encumbrance the Management Plan entitled "Ōmarino Management Plan" dated October 2007

If this Annexure Schedule is used as an expansion of an Instrument, all signing parties and either their witnesses or solicitors must sign or initial in this box.

(75

Annexure Schedule



Insert type of instrument
"Mortgage", "Transfer", "Lease" etc

Encumbrance

Dated

Page 3 of 5 Pages

(Continue in additional Annexure Schedule, if required.)

together with any amendments or variations of such plan as are approved from time to time by the Far North District Council and the Encumbrancee.

- .6 "Rules" and "the Rules" mean all rules bylaws and other regulations established by the Encumbrancee pursuant to its constitution;
- .7 "Upon demand" means upon demand being made by notice in writing signed by the person entitled to make the demand, or any agent or servant of such person, served upon the person upon whom the demand is to be made, either personally or by posting the same in a duly registered letter addressed to the person upon whom the demand is to be made at his/her/its usual or last known place of abode in New Zealand;

If this Annexure Schedule is used as an expansion of an instrument, all signing parties and either their witnesses or solicitors must sign or initial in this box.

Annexure Schedule

Insert type of Instrument
"Mortgage", "Transfer", "Lease" etc

Encumbrance

Dated

Page 4 of 5 Pages

(Continue in additional Annexure Schedule, if required.)

ANNEXURE SCHEDULE 2

Lot	Deposited Plan	Unique Identifier or Certificate of Title	All/Part
1 and 1/17 th share in lot 18	391213	NA371321	All
2 and 1/17 th share in lot 18	391213	NA371322	All
3 and 1/17 th share in lot 18	391213	NA371323	All
4 and 1/17 th share in lot 18	391213	NA371324	All
5 and 1/17 th share in lot 18	391213	NA371325	All
6 and 21 and 1/17 th share in lot 18	391213	NA371326	All
7 and 1/17 th share in lot 18	391213	NA371327	All
8 and 20 and 1/17 th share in lot 18	391213	NA371328	All
9 and 1/17 th share in lot 18	391213	NA371329	All
10 and 1/17 th share in lot 18	391213	NA371330	All
11 and 1/17 th share in lot 18	391213	NA371331	All
12 and 1/17 th share in lot 18	391213	NA371332	All
14 and 1/17 th share in lot 18	391213	NA382667	All
15 and 1/17 th share in lot 18	391213	NA423436	All
16 and 1/17 th share in lot 18	391213	NA411669	All
17 and 19 and 1/17 th share in lot 18	391213	NA423437	All
25 and 1/17 th share in lot 18	391213	NA411670	All

If this Annexure Schedule is used as an expansion of an instrument, all signing parties and either their witnesses or solicitors must sign or initial in this box.

Annexure Schedule



Insert type of instrument

"Mortgage", "Transfer", "Lease" etc

Encumbrance

Dated

Page 5 of 5 Pages

(Continue in additional Annexure Schedule, if required.)

ANNEXURE SCHEDULE 3

1. The Encumbrancer encumbers each lot severally for the benefit of the Encumbrancee for the term of 999 years commencing on the date of this encumbrance with an annual rent charge in respect of each lot being the greater of:
 - (a) \$15,000.00 per annum (plus GST, if any) such sum to be adjusted on the 1st day of August each year by the percentage change in the Consumer Price Index (all groups) published by Statistics New Zealand (or if that ceases to be published, the nearest practical equivalent) from that which applied at the 1st day of August on the preceding year; or
 - (b) Such sum as shall be the sum of such contributions comprising operating expenses, special contributions and/or emergency levies to be levied and fixed in each year by the Encumbrancee for:
 - (i) the performance by the Encumbrancee of its obligations under the Management Plan;
 - (ii) in respect of the performance by the Encumbrancee of its obligations under the Rules; and
 - (iii) such fees and other charges as shall be set or established by the Encumbrancee for the provision of services by the Encumbrancee, the administration of facilities which are jointly owned by the proprietors of the properties detailed in Annexure Schedule 2 and in the performance of functions and provision of services as reserved to the Encumbrancee by the Rules.
2. The Encumbrancer will pay the annual rent charge to the Encumbrancee upon demand being made by the Encumbrancee with such sum to be notified by the Encumbrancee to the Encumbrancer (together with its transferees and successors in title) from time to time.
3. The liability of any given registered proprietor of a lot or lots under this encumbrance is limited to the obligations and liabilities accruing during their time as a registered proprietor and ceases (except for any obligation or liability which has arisen during the time as registered proprietor) upon transfer of the relevant lot or lots.

If this Annexure Schedule is used as an expansion of an instrument, all signing parties and either their witnesses or solicitors must sign or initial in this box.



Bank of New Zealand

**CERTIFICATE OF NON-REVOCATION
OF POWER OF ATTORNEY**

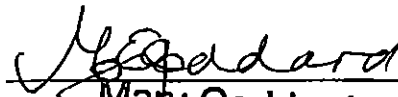
I, **Mary Goddard**

Zealand, Bank Officer, certify:

,Quality Assurance Officer of Auckland, New

1. That by deed dated 12 July 2005, Bank of New Zealand, of Level 14, BNZ Tower, 125 Queen Street, Auckland, New Zealand, appointed me its attorney.
2. A copy of the deed is deposited in the North Auckland registration district of Land Information New Zealand as dealing No. 6508607.1
3. That I have not received notice of any event revoking the power of attorney.

SIGNED at Auckland 11 August 2008



Mary Goddard

Annexure Schedule - Consent Form

Land Transfer Act 1952 section 238(2)

Insert type of instrument
"Caveat", "Mortgage" etc**Mortgage**Page **1** of **1** pages**Consentor**Surname must be underlined or in CAPITALS**Capacity and Interest of Consentor**

(eg. Caveator under Caveat no./Mortgagee under Mortgage no.)

BANK OF NEW ZEALAND**Mortgagee under Mortgage No. 6633581.1****Consent**

Delete Land Transfer Act 1952, if inapplicable, and insert name and date of application Act.

Delete words in [] if inconsistent with the consent.

State full details of the matter for which consent is required.

Pursuant to [section 238(2) of the Land Transfer Act 1952]

[section _____ of the _____ Act _____]

[Without prejudice to the rights and powers existing under the interest of the Consentor]

the Consentor hereby consents to:

The encumbrance given by Bentzen Farm Limited ("BFL") in favour of Ōmarino Residents Association Incorporated ("the Association") to secure payment of operating expenses in the form of the instrument attached

Dated this 11 day of August 2008**Attestation**

SIGNED for and on behalf of
BANK OF NEW ZEALAND
by its Attorney: Mary Soddard

Signature of Consentor

Signed in my presence by the Consentor

Signature of Witness

Witness to complete in BLOCK letters (unless legibly printed)

Witness name

HOBIN WATKIN

Occupation

Address

**BANK OFFICER
AUCKLAND**

An Annexure Schedule in this form may be attached to the relevant instrument, where consent is required to enable registration under the Land Transfer Act 1952, or other enactments, under which no form is prescribed.