



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




R. W. Muir
Registrar-General
of Land

Identifier 1005096
Land Registration District North Auckland
Date Issued 22 November 2021

Prior References

NA127A/550

Estate Fee Simple
Area 16.2693 hectares more or less
Legal Description Lot 1 Deposited Plan 564239

Registered Owners

Interests

Subject to Section 59 Land Act 1948

Appurtenant to part formerly part Section 7 Block I Kawakawa Survey District is a right of way specified in Easement Certificate C496178.3 - 7.7.1993 at 2:25 pm

The easement specified in Easement Certificate C496178.3 is subject to Section 309 (1) (a) Local Government Act 1974

Appurtenant hereto are rights of way, and water supply, telecommunications and electricity rights specified in Easement Certificate D450974.5 - produced 11.11.1999 at 2.05 pm and entered 15.12.1999 at 9.00 am

Some of the easements specified in Easement Certificate D450974.5 are subject to Section 243 (a) Resource Management Act 1991 (see DP 198106)

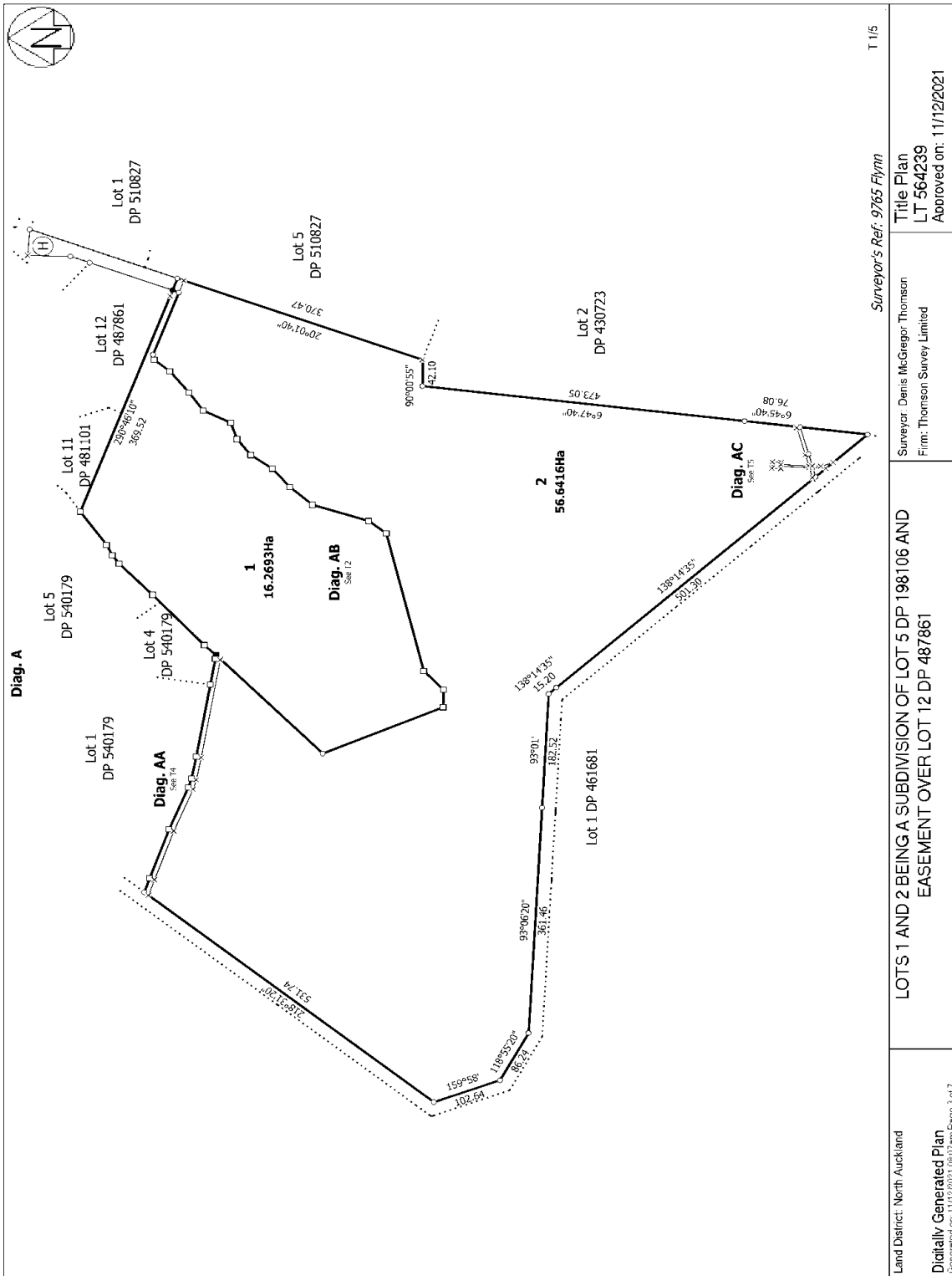
5562514.1 Surrender of the right of way over the part Lot 3 DP 201128 marked 'F' on DP 201128 specified in Easement Certificate C496178.3 - 23.4.2003 at 9:00 am

12227075.2 Consent Notice pursuant to Section 221 Resource Management Act 1991 - 22.11.2021 at 2:32 pm

Appurtenant hereto is a right of way, right to convey telecommunications, electricity and water and a right to drain water created by Easement Instrument 12227075.3 - 22.11.2021 at 2:32 pm

The easements created by Easement Instrument 12227075.3 are subject to Section 243 (a) Resource Management Act 1991

11589843.3 Surrender of the right of way and a right to water supply, telecommunications and electricity rights over part marked G on DP 461681 specified in Easement Certificate D450974.5 appurtenant hereto - 23.11.2022 at 4:46 pm





View Instrument Details

Instrument No. 12227075.2
Status Registered
Date & Time Lodged 22 Nov 2021 14:32
Lodged By Tonkin, Cherie Joanne
Instrument Type Consent Notice under s221(4)(a) Resource Management Act 1991

Toitu te
Land whenua
Information
New Zealand



Affected Records of Title	Land District
1005096	North Auckland
1005097	North Auckland

Annexure Schedule Contains 6 Pages.

Signature

Signed by Alistair William Hammond as Territorial Authority Representative on 13/12/2021 12:00 PM

***** End of Report *****



Private Bag 752, Memorial Ave
Kakaho 0440, New Zealand
Telephone: 0800 920 029
Phone: (09) 401 5200
Fax: (09) 401 2137
E-mail: ask.us@fndc.govt.nz
Website: www.fndc.govt.nz

Te Kōwhiri o Tai Tokerau Ki Te Raki

*The top place where talent
wants to live, work and invest*

THE RESOURCE MANAGEMENT ACT 1991

SECTION 221: CONSENT NOTICE

REGARDING RC-2300237

Being the Subdivision of Lot 12 DP 487861
North Auckland Registry

PURSUANT to Section 221 and for the purpose of Section 224 (c) (ii) of the Resource Management Act 1991, this Consent Notice is issued by the **FAR NORTH DISTRICT COUNCIL** to the effect that conditions described in the schedule below are to be complied with on a continuing basis by the subdividing owner and the subsequent owners after the deposit of the survey plan, and these are to be registered on the titles of the allotments specified below.

SCHEDULE

Lot 1 DP 564239

No cats and no more than one dog shall be introduced or kept on the lot at any time. Any dog must be micro-chipped and have a current kiwi aversion trained certification. Any dog must be within a dog-proof fenced area on the lot and be under effective control at all times when outside of the fenced area, e.g. on a lead. At night any dog must be kept inside or be tied up.

Prior to the introduction or keeping of any dog on the lot, the occupier must provide to the Resource Consents Monitoring Officer of Far North District Council the following:

- i. A photograph of the dog.
- ii. Written confirmation that the dog has been microchipped
- iii. Written confirmation that the dog has current kiwi aversion training certification along with the expiry date for the certification.
- iv. A plan showing the extent to the dog proof fenced area.

Lot 2 DP 564239

No occupier of, or visitor to the site, shall keep or introduce to the site carnivorous or omnivorous animals (such as cats, dogs or mustelids). Working farm dogs as defined in the Dog Control Act 1996 are exempt from this condition if they are:

- i. micro-chipped,
- ii. within a dog proof fence area, on a lead or under effective control at all times when outside the fenced area,
- iii. kept in a kennel or tied up at night.
- iv. For any dog written confirmation that the dog has current kiwi aversion training certification along with the expiry date for the certification



Private Bag 752, Memorial Ave
Kaitiaki 0440, New Zealand
Freephone: 0800 970 029
Phone: (09) 401 5200
Fax: (09) 401 2137
Email: ask.us@fncc.govt.nz
Website: www.fncc.govt.nz

Te Kaunihera o Tai Tokerau Ki Te Raki

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wants to live, work and invest*

Prior to the keeping of any working dog to the site the occupier must provide the following to the Councils Resource Consent Monitoring Officer: -

- i. A photograph of the dog.
- ii. Written confirmation that the dog(s) have been micro-chipped.
- iii. A plan showing the extent of the dog proof fenced area.

Lots 1 & 2 DP 564239

- (i) A report on the ecological values of the wetland shown on the attached diagram has been provided in compliance with condition 3(b) of resource consent 2300237-RMASUB. In developing and managing the land the owner shall take into account the recommendations for protection and enhancement of the values of the wetland. The report is held in the file for the 223 certificate for this subdivision (2300237-RMASUB) within Council's files.
- (ii) The owner shall preserve the indigenous vegetation within the wetland area shown on the attached diagram and shall not without the prior written consent of the Council and then only in strict compliance with any conditions imposed by the Council, cut down, damage or destroy any of such trees or bush. The owner shall be deemed to be not in breach of this prohibition if any of such trees or bush shall die from natural causes not attributable to any act or default by or on behalf of the owner or for which the owner is responsible.
- (iii) In conjunction with the construction of any dwelling, and in addition to a potable water supply, a water collection system with sufficient supply for firefighting purposes is to be provided by way of tank or other approved means and to be positioned so that it is safely accessible for this purpose. These provisions will be in accordance with the New Zealand Fire Fighting Water Supply Code of Practice SNZ PAS 4509.
- (iv) Reticulated power supply or telecommunication services are not a requirement of this subdivision consent. The responsibility for providing both power supply and telecommunication services will remain the responsibility of the property owner.
- (v) The Council assumes no responsibility toward the formation and any future maintenance of the un-named legal road which provides access to the lot, via right of way easement F; and until such time as the Council of its own volition decides to assume responsibility, the owner or occupier of the land will not request the Council to undertake such formation or maintenance.



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Te Kaunihera o Tai Tokerau Ki Te Raki

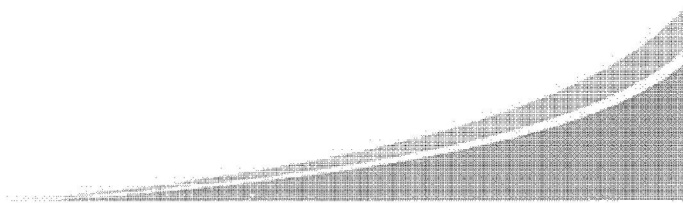
*The top place where talent
wants to live, work and invest*

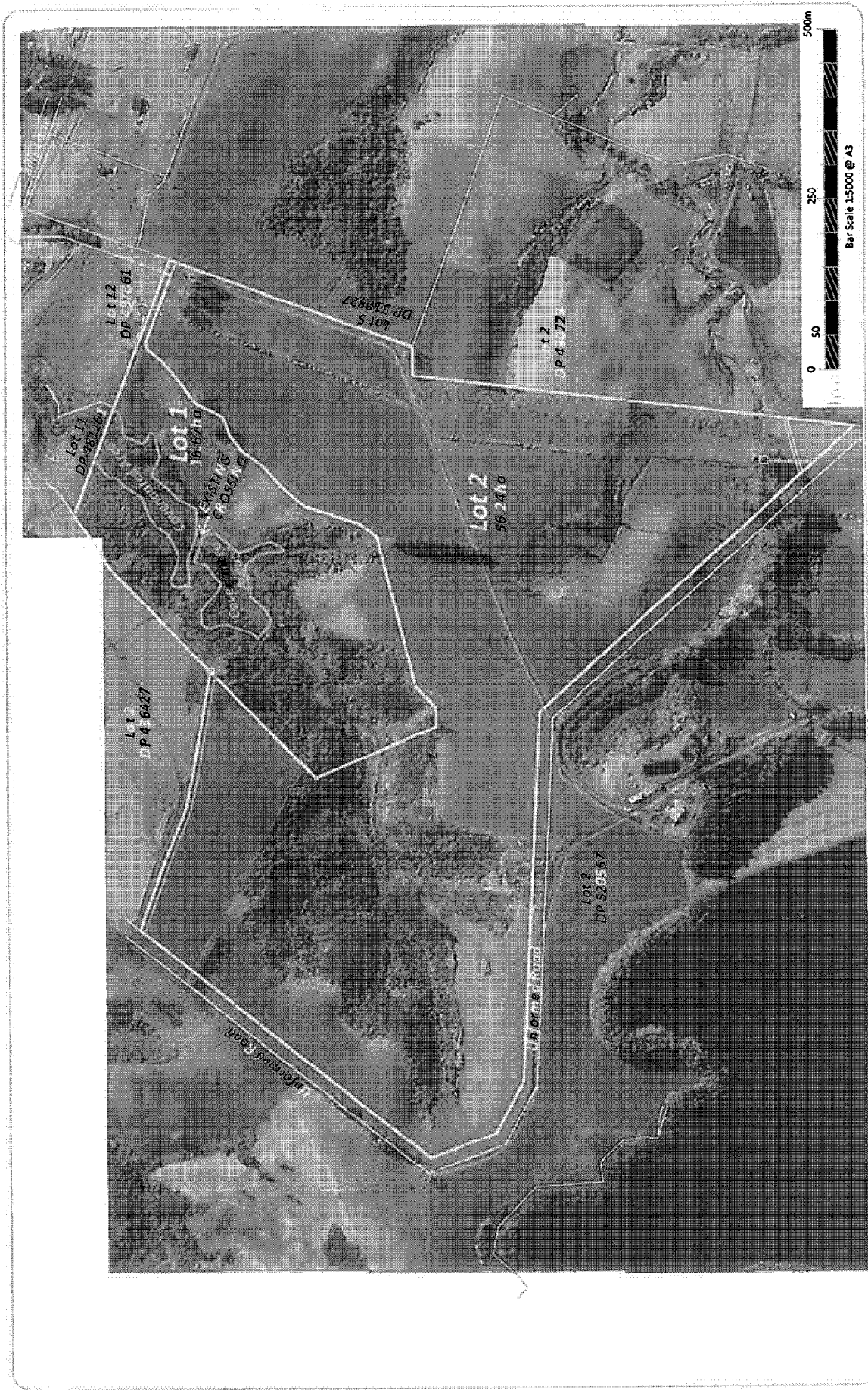
SIGNED: 

Mr Patrick John Killalea - Authorised Officer

By the FAR NORTH DISTRICT COUNCIL
Under delegated authority:
PRINCIPAL PLANNER – RESOURCE MANAGEMENT

DATED at **KERIKERI** this 16th day of November 2021





Surveyor Ref. No: 9765
Sheet 1 of 1

NAME	DATE	ORIGINAL SCALE	SHEET SIZE
DESIGNER	21/05/21	1:5000	A3
DRAWN	17/05/21		
APPROVED	18/07/21		

1:5000 A3

Extent of Wetland and Indigenous vegetation
for Protective Covenants
AS per Condition 3(a) of RC 2300237

BILLS LANE KERIKERI
PREPARED FOR: G. FLYNN

THOMSON SURVEY
315 Kerikeri Rd
P.O. Box 371 Kerikeri
Email: kerikeri@thomson.co.nz
Ph: (09) 4077860
www.thomson.co.nz

Registered Land Surveyors, Planners & Land Development Consultants

Form 46

ANNEXURE SCHEDULE - CONSENT FORM¹

(Regulation 6 Land Transfer Regulations 2018)

Person giving consent*Surname must be underlined***Capacity and Interest of Person giving consent***eg. Mortgagee under Mortgage no.)*

Top Energy Limited	9162334.1 9381012.1
---------------------------	--------------------------------------

Consent*Delete words in [] if inconsistent with the consent**State full details of the matter for which consent is required*

[Without prejudice to the rights and powers existing under the interest of the person giving consent,]

the **Person giving consent hereby consents** to:

1. The deposit of Title Plan - LT 564239 against record of title NA127A/550 and creation of the easements described therein.

Dated this 30th day of August 2021

AttestationSigned by its duly
appointed attorney

Paul Victor Doherty

Signed in my presence by the Person giving consent

Signature of Witness

*Witness to complete in BLOCK letters (unless legibly printed):***Witness name** Taryn Louise Collins**Occupation** Property Advisor**Address** 60 Kerikeri Road

Kerikeri 0245

¹ An Annexure Schedule in this form may be attached to the relevant instrument, where consent is required by the Land Transfer Regulations 2018 to enable registration under the Land Transfer Act 2017.

CERTIFICATE OF NON-REVOCATION OF POWER OF ATTORNEY

I, **PAUL VICTOR DOHERTY** of Kerikeri, General Manager Finance hereby certify:

1. THAT by Deed dated the 7th day of June 2019 **Top Energy Limited** appointed me its attorney on the terms and subject to the conditions set out in the said deed.

2. THAT at the date hereof I have not received any notice or information of the revocation of that appointment.

SIGNED at Kerikeri this 30th day of August 2021

A solid black rectangular box redacting the signature of Paul Victor Doherty.

P V Doherty



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




R. W. Muir
Registrar-General
of Land

Identifier 1005097
Land Registration District North Auckland
Date Issued 22 November 2021

Prior References
NA127A/550

Estate Fee Simple
Area 56.6416 hectares more or less
Legal Description Lot 2 Deposited Plan 564239

Registered Owners

[REDACTED]

Interests

Subject to Section 59 Land Act 1948

Subject to a water supply pipeline right (in gross) acquired for irrigation purposes over part marked A, B and C on DP 564239 in favour of the Kerikeri Irrigation Company Limited created by Gazette Notice C391559.2 - 3.7.1992 at 2.20 pm

Appurtenant to part formerly part Section 7 Block I Kawakawa Survey District is a right of way specified in Easement Certificate C496178.3 - 7.7.1993 at 2:25 pm

The easement specified in Easement Certificate C496178.3 is subject to Section 309 (1) (a) Local Government Act 1974

Appurtenant hereto are rights of way, and water supply, telecommunications and electricity rights specified in Easement Certificate D450974.5 - produced 11.11.1999 at 2.05 pm and entered 15.12.1999 at 9.00 am

Some of the easements specified in Easement Certificate D450974.5 are subject to Section 243 (a) Resource Management Act 1991 (see DP 198106)

5562514.1 Surrender of the right of way over the part Lot 3 DP 201128 marked 'F' on DP 201128 specified in Easement Certificate C496178.3 - 23.4.2003 at 9:00 am

9162334.1 CAVEAT BY TOP ENERGY LIMITED - 22.8.2012 at 4:19 pm

9355672.3 Mortgage to Rabobank New Zealand Limited - 19.4.2013 at 12:37 pm

9381012.1 CAVEAT BY TOP ENERGY LIMITED - 24.4.2013 at 5:09 pm

Subject to a right to convey water and electricity over part marked B, D and E on DP 564239 created by Easement Instrument 9560310.1 - 4.11.2013 at 9:28 am

12227075.2 Consent Notice pursuant to Section 221 Resource Management Act 1991 - 22.11.2021 at 2:32 pm

Subject to a right of way, right to convey telecommunications, electricity and water and a right to drain water over part marked F and G on DP 564238 created by Easement Instrument 12227075.3 - 22.11.2021 at 2:32 pm

Appurtenant hereto is a right of way, right to convey telecommunications, electricity and water and a right to drain water created by Easement Instrument 12227075.3 - 22.11.2021 at 2:32 pm

The easements created by Easement Instrument 12227075.3 are subject to Section 243 (a) Resource Management Act 1991

11589843.3 Surrender of the right of way and a right to water supply, telecommunications and electricity rights over part marked G on DP 461681 specified in Easement Certificate D450974.5 appurtenant hereto - 23.11.2022 at

Identifier

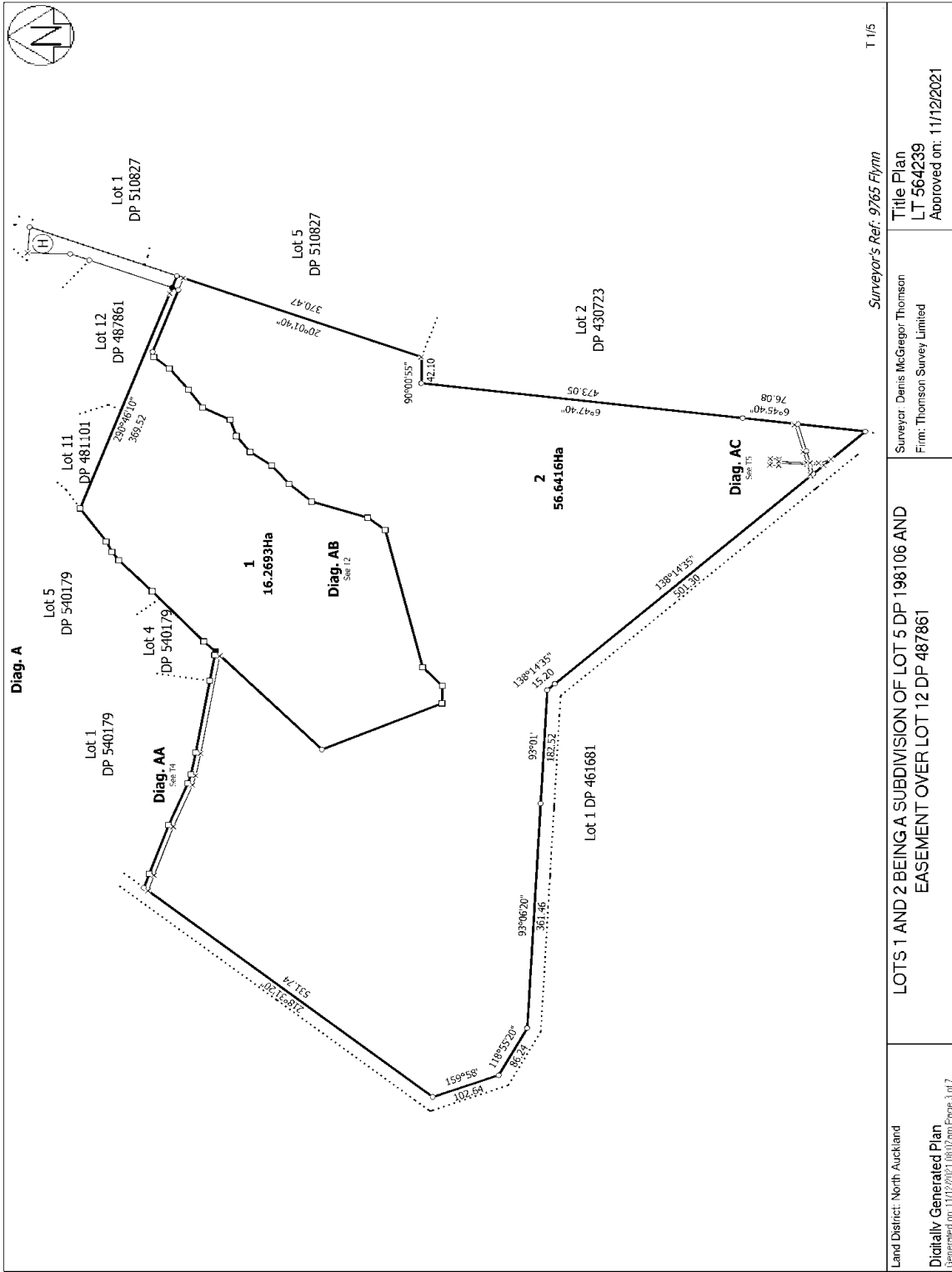
1005097

4:46 pm

Subject to a right to discharge treated milk processing plant washdown wastewater over part marked X on DP 520557 created by Easement Instrument 11589843.6 - 23.11.2022 at 4:46 pm

Appurtenant hereto is a right of way, a right to convey water, electricity and telecommunications created by Easement Instrument 11589843.7 - 23.11.2022 at 4:46 pm

The easements created by Easement Instrument 11589843.7 are subject to Section 243 (a) Resource Management Act 1991





View Instrument Details

Instrument No. 12227075.2
Status Registered
Date & Time Lodged 22 Nov 2021 14:32
Lodged By Tonkin, Cherie Joanne
Instrument Type Consent Notice under s221(4)(a) Resource Management Act 1991

Toitu te
Land whenua
Information
New Zealand



Affected Records of Title	Land District
1005096	North Auckland
1005097	North Auckland

Annexure Schedule Contains 6 Pages.

Signature

Signed by Alistair William Hammond as Territorial Authority Representative on 13/12/2021 12:00 PM

***** End of Report *****



Private Bag 752, Memorial Ave
Kakaho 0440, New Zealand
Telephone: 0800 920 029
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Website: www.fndc.govt.nz

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THE RESOURCE MANAGEMENT ACT 1991

SECTION 221: CONSENT NOTICE

REGARDING RC-2300237

Being the Subdivision of Lot 12 DP 487861
North Auckland Registry

PURSUANT to Section 221 and for the purpose of Section 224 (c) (ii) of the Resource Management Act 1991, this Consent Notice is issued by the **FAR NORTH DISTRICT COUNCIL** to the effect that conditions described in the schedule below are to be complied with on a continuing basis by the subdividing owner and the subsequent owners after the deposit of the survey plan, and these are to be registered on the titles of the allotments specified below.

SCHEDULE

Lot 1 DP 564239

No cats and no more than one dog shall be introduced or kept on the lot at any time. Any dog must be micro-chipped and have a current kiwi aversion trained certification. Any dog must be within a dog-proof fenced area on the lot and be under effective control at all times when outside of the fenced area, e.g. on a lead. At night any dog must be kept inside or be tied up.

Prior to the introduction or keeping of any dog on the lot, the occupier must provide to the Resource Consents Monitoring Officer of Far North District Council the following:

- i. A photograph of the dog.
- ii. Written confirmation that the dog has been microchipped
- iii. Written confirmation that the dog has current kiwi aversion training certification along with the expiry date for the certification.
- iv. A plan showing the extent to the dog proof fenced area.

Lot 2 DP 564239

No occupier of, or visitor to the site, shall keep or introduce to the site carnivorous or omnivorous animals (such as cats, dogs or mustelids). Working farm dogs as defined in the Dog Control Act 1996 are exempt from this condition if they are:

- i. micro-chipped,
- ii. within a dog proof fence area, on a lead or under effective control at all times when outside the fenced area,
- iii. kept in a kennel or tied up at night.
- iv. For any dog written confirmation that the dog has current kiwi aversion training certification along with the expiry date for the certification



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Prior to the keeping of any working dog to the site the occupier must provide the following to the Councils Resource Consent Monitoring Officer: -

- i. A photograph of the dog.
- ii. Written confirmation that the dog(s) have been micro-chipped.
- iii. A plan showing the extent of the dog proof fenced area.

Lots 1 & 2 DP 564239

- (i) A report on the ecological values of the wetland shown on the attached diagram has been provided in compliance with condition 3(b) of resource consent 2300237-RMASUB. In developing and managing the land the owner shall take into account the recommendations for protection and enhancement of the values of the wetland. The report is held in the file for the 223 certificate for this subdivision (2300237-RMASUB) within Council's files.
- (ii) The owner shall preserve the indigenous vegetation within the wetland area shown on the attached diagram and shall not without the prior written consent of the Council and then only in strict compliance with any conditions imposed by the Council, cut down, damage or destroy any of such trees or bush. The owner shall be deemed to be not in breach of this prohibition if any of such trees or bush shall die from natural causes not attributable to any act or default by or on behalf of the owner or for which the owner is responsible.
- (iii) In conjunction with the construction of any dwelling, and in addition to a potable water supply, a water collection system with sufficient supply for firefighting purposes is to be provided by way of tank or other approved means and to be positioned so that it is safely accessible for this purpose. These provisions will be in accordance with the New Zealand Fire Fighting Water Supply Code of Practice SNZ PAS 4509.
- (iv) Reticulated power supply or telecommunication services are not a requirement of this subdivision consent. The responsibility for providing both power supply and telecommunication services will remain the responsibility of the property owner.
- (v) The Council assumes no responsibility toward the formation and any future maintenance of the un-named legal road which provides access to the lot, via right of way easement F; and until such time as the Council of its own volition decides to assume responsibility, the owner or occupier of the land will not request the Council to undertake such formation or maintenance.



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Te Kaunihera o Tai Tokerau Ki Te Raki

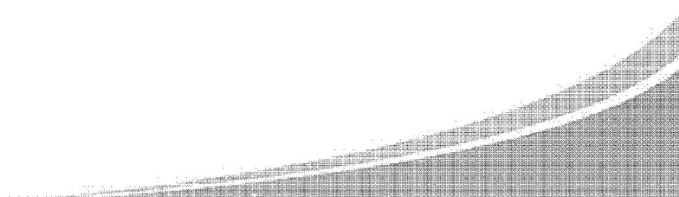
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wants to live, work and invest*

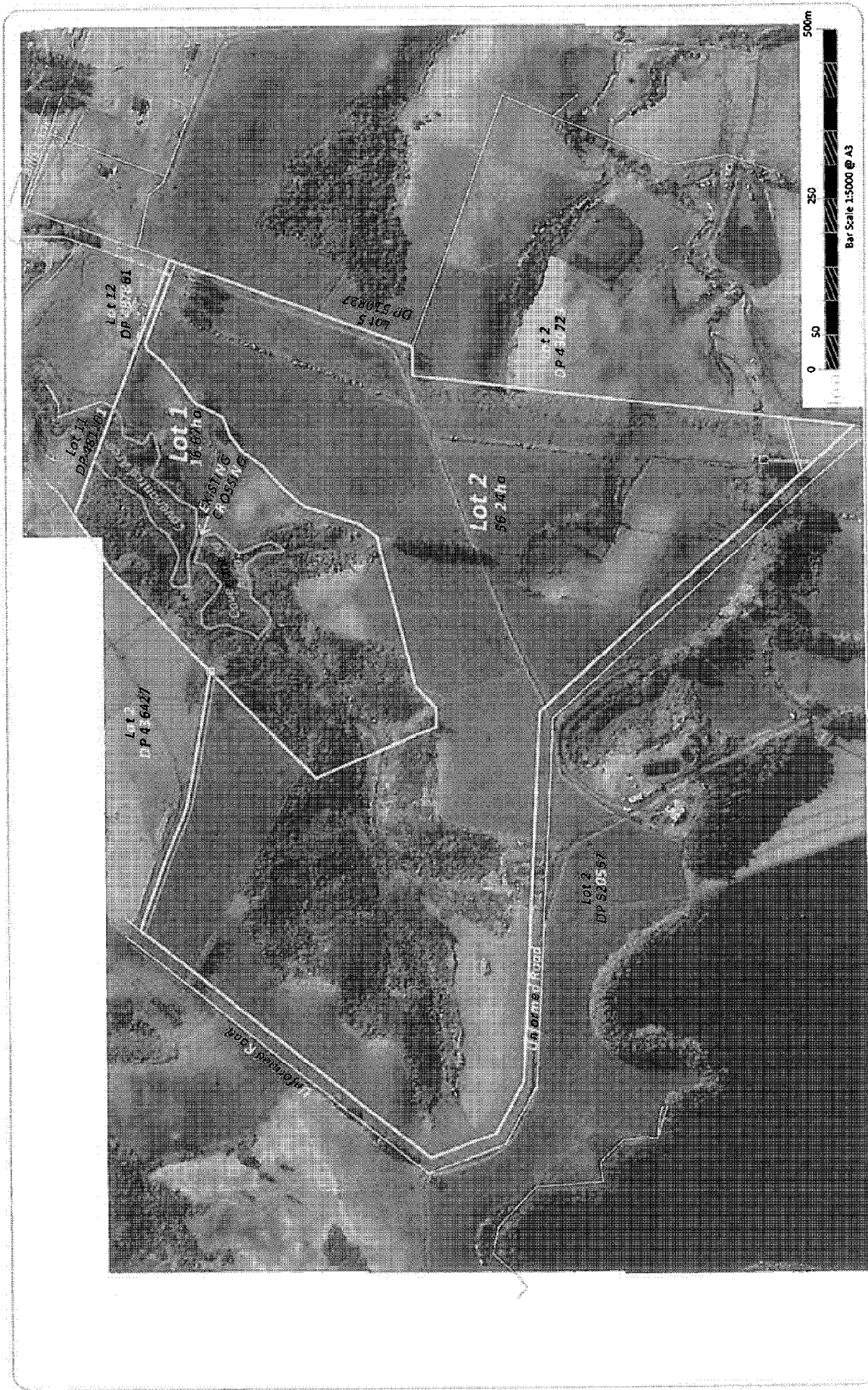
SIGNED: 

Mr Patrick John Killalea - Authorised Officer

By the FAR NORTH DISTRICT COUNCIL
Under delegated authority:
PRINCIPAL PLANNER – RESOURCE MANAGEMENT

DATED at **KERIKERI** this 16th day of November 2021





Surveyor Ref. No: 9765
Sheet 1 of 1

Survey	Date	Original Scale	Sheet Size
Drawn	21/05/21	1:5000	A3
Approved	22/05/21		
By	G. G. KERIKERI		

1:5000 @ A3

Extent of Wetland and Indigenous vegetation for Protective Covenants AS per Condition 3(a) of RC 2300237
 PREPARED FOR: G. FLYNN
 BILLS LANE KERIKERI

THOMSON SURVEY
 Registered Land Surveyors, Planners & Land Development Consultants
 315 Kerikeri Rd
 P.O. Box 372 Kerikeri
 Email: kerikeri@thomsonsurvey.co.nz
 Ph: (09) 4077860
 www.thomsonsurvey.co.nz

Form 46

ANNEXURE SCHEDULE - CONSENT FORM¹

(Regulation 6 Land Transfer Regulations 2018)

Person giving consent*Surname must be underlined***Capacity and Interest of Person giving consent***eg. Mortgagee under Mortgage no.)*

Top Energy Limited	9162334.1 9381012.1
---------------------------	--------------------------------------

Consent*Delete words in [] if inconsistent with the consent**State full details of the matter for which consent is required*

[Without prejudice to the rights and powers existing under the interest of the person giving consent,]

the **Person giving consent hereby consents** to:

1. The deposit of Title Plan - LT 564239 against record of title NA127A/550 and creation of the easements described therein.

Dated this 30th day of August 2021

AttestationSigned by its duly
appointed attorney

Paul Victor Doherty

Signed in my presence by the Person giving consent

Signature of Witness

*Witness to complete in BLOCK letters (unless legibly printed):***Witness name** Taryn Louise Collins**Occupation** Property Advisor**Address** 60 Kerikeri Road**Address** Kerikeri 0245

¹ An Annexure Schedule in this form may be attached to the relevant instrument, where consent is required by the Land Transfer Regulations 2018 to enable registration under the Land Transfer Act 2017.

CERTIFICATE OF NON-REVOCATION OF POWER OF ATTORNEY

I, **PAUL VICTOR DOHERTY** of Kerikeri, General Manager Finance hereby certify:

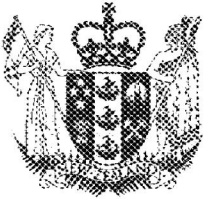
1. THAT by Deed dated the 7th day of June 2019 **Top Energy Limited** appointed me its attorney on the terms and subject to the conditions set out in the said deed.

2. THAT at the date hereof I have not received any notice or information of the revocation of that appointment.

SIGNED at Kerikeri this 30th day of August 2021

A solid black rectangular box used to redact the signature of Paul Victor Doherty.

P V Doherty



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



Identifier 834880
Land Registration District North Auckland
Date Issued 23 November 2022

Prior References

607619

Estate	Fee Simple
Area	79.5162 hectares more or less
Legal Description	Lot 2 Deposited Plan 520557

Registered Owners

Interests

Subject to Section 8 Mining Act 1971

Subject to Section 11 Crown Minerals Act 1991 (affects parts formerly Section 1- 4 SO 66964 contained in RT NA90A/387)

Subject to Section 168A Coal Mines Act 1925

Subject to a right of way over parts marked A, D, H on DP 520557 created by Gazette Notice B312540.1 - 26.10.1983 at 9:00 am

Subject to Section 59 Land Act 1948 (affects part formerly Section 12 Block I Kawakawa Survey District contained in RT NA78D/572)

Subject to Part IV A Conservation Act 1987 (affects parts formerly Section 1- 4 SO 66964 contained in RT NA90A/387)

Subject to a water supply pipeline right (in gross) acquired for irrigation purposes over parts marked F and J on DP 520557 in favour of the Kerikeri Irrigation Company Limited created by Gazette Notice C391559.2 - 3.7.1992 at 2.20 pm

Subject to are rights of way and to water supply, telecommunications and electricity rights over parts marked B, C, D, E, F, I and K on DP 520557 specified in Easement Certificate D450974.5 - produced 11.11.1999 at 2.05 pm and entered 15.12.1999 at 9.00 am

Some of the easements specified in Easement Certificate D450974.5 are subject to Section 243 (a) Resource Management Act 1991 (see DP 198106)

8666859.3 Surrender of the easements specified in Easement Certificate D450974.5 insofar as they are appurtenant to Lots 1 DP 416979 (RT 465277), Lot 2 DP 416979 (RT 465278) and Lot 10 DP 416979 (RT 465283) and Lot 2 DP 198106 (RT NA127A/547) - 12.1.2011 at 11:56 am

9355672.3 Mortgage to Rabobank New Zealand Limited - 19.4.2013 at 12:37 pm

9453107.7 CAVEAT BY TOP ENERGY LIMITED - 7.8.2013 at 3:14 pm

Subject to a right to convey water and electricity over part marked Q and P on DP 520557 created by Easement Instrument 9560310.1 - 4.11.2013 at 9:28 am

Subject to a right to discharge treated milk processing plant washdown wastewater over part marked Y, Z and J on DP 520557 created by Easement Instrument 11589843.6 - 23.11.2022 at 4:46 pm

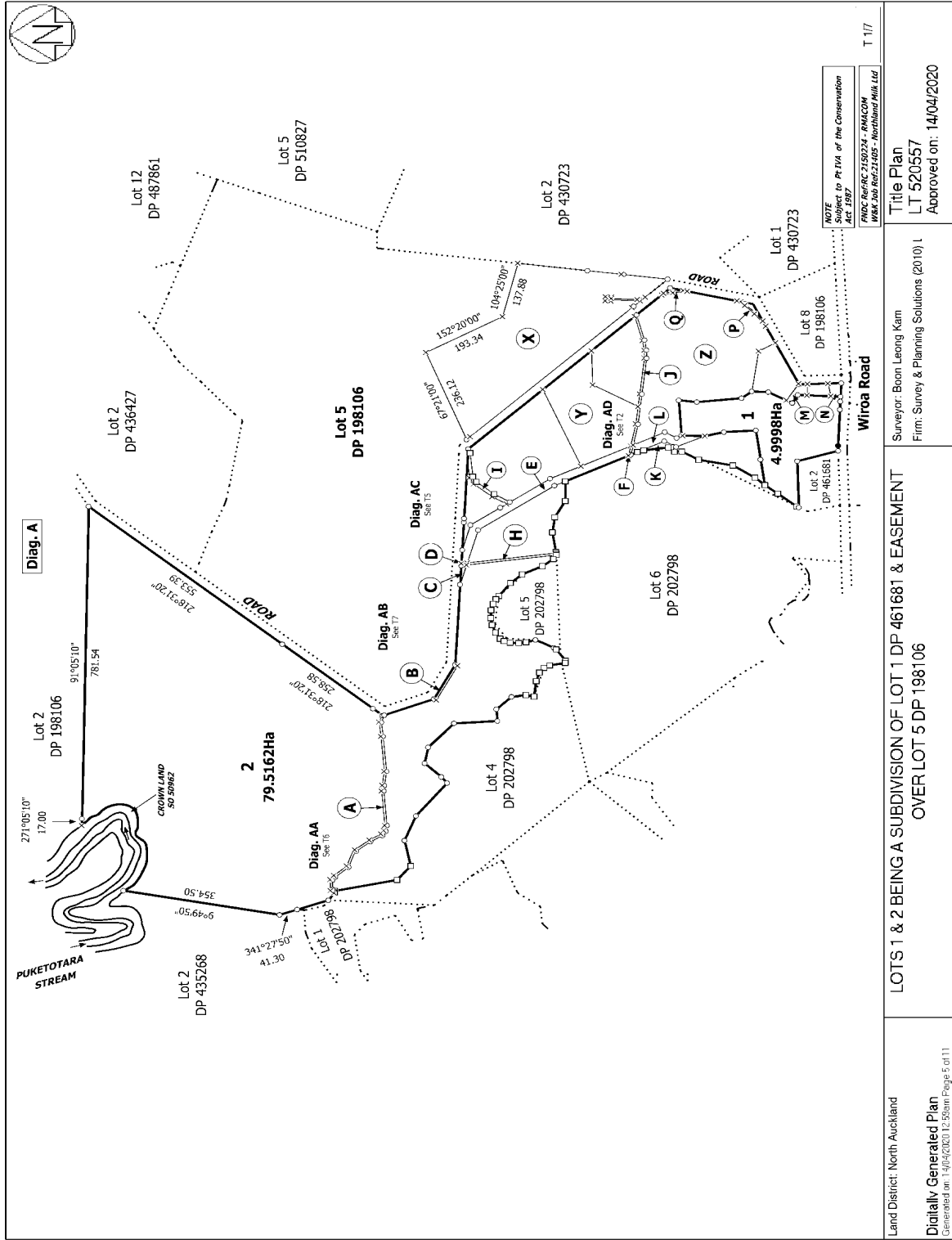
Subject to a right of way, a right to convey water, electricity and telecommunications over part marked M, N and

Identifier

834880

L on DP 520557 created by Easement Instrument 11589843.7 - 23.11.2022 at 4:46 pm

The easements created by Easement Instrument 11589843.7 are subject to Section 243 (a) Resource Management Act 1991



Land District: North Auckland Digitally Generated Plan <small>Generated on: 13/04/2020 12:55am Page 5 of 11</small>	LOTS 1 & 2 BEING A SUBDIVISION OF LOT 1 DP 461681 & EASEMENT OVER LOT 5 DP 198106	Surveyor: Boon Leong Kam Firm: Survey & Planning Solutions (2010) l	Title Plan LT 520557 Approved on: 14/04/2020
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B C & J A Baxter

Proposed Boundary Adjustment by Way of Subdivision and Amalgamation

Valencia Lane, Kerikeri

Williams & King, Kerikeri¹
October 26, 23

1.0 Overview

Bruce and Jodie Baxter propose a boundary adjustment, which will be achieved through subdivision of Lot 2 DP 564239 (comprised in Record of Title 1005097, owned by GP Flynn Limited) to create three lots, two of which will be amalgamated with adjoining Records of Title. No additional Records of Title will be created. The purpose of the boundary adjustment is to increase the sizes of adjoining Records of Title 1005096 (owned by the applicants) and 834880 (owned by GP Flynn Limited) leaving a remaining balance of 32.2535ha. The boundary adjustment allows the property owner to retain the current productive capacity of their farm, while disposing of the steeper gully land, which will be transferred to the applicant as the owner of the adjacent Record of Title.

Vehicle access to each adjusted Record of Title will remain as per the existing situation for the time being, using existing crossing points. There will be no increase in traffic resulting from the proposed activity. New easements will be created to cover Right of Way and the Right to Convey Water, Electricity, and Telecommunications and water to “future-proof” access to Lot 2 from an area of unformed and unnamed legal road.

The subject land is zoned Rural Production in the Far North Operative District Plan and Horticulture in the Far North Proposed District Plan. The proposal has been assessed as being a discretionary activity overall.

This assessment accompanies the Resource Consent application made by the Applicant and is provided in accordance with Schedule 4 of the Resource Management Act 1991. It is intended to provide the necessary information, in sufficient detail, to provide an understanding of the proposal and any actual or potential effects the proposed activity may have on the environment.

¹ Williams & King - a Division of Survey & Planning Solutions (2010) Ltd
Surveyors, Planners, Resource Managers - Kerikeri and Kaitaia
PO Box 937 Kerikeri Phone (09) 407 6030 Email: nat@saps.co.nz

2.0 Description of Proposal

2.1 Summary

It is proposed to adjust three Records of Title by way of subdivision and amalgamation. No additional Records of Title will be created. The purpose of the boundary adjustment is to increase the sizes of adjoining Records of Title 1005096 (owned by the applicants) and 834880 (owned by GP Flynn Limited) leaving a remaining balance of 32.2535ha. The boundary adjustment allows the property owner to retain the current productive capacity of their farm, while disposing of the steeper gully land, which will be transferred to the applicant as the owner of the adjacent Record of Title.

Lot 2 DP 564239 (Record of Title 1005097) will be subdivided to create Lots 1, 2, and 3 with areas of 32.2535ha, 19.7315ha and 4.6565ha respectively.

Lot 2 will be amalgamated with adjacent Lot 1 DP 564239 (Record of Title 1005096) to produce a total Record of Title area of 36.0008ha. Refer to the proposed Amalgamation Condition wording shown on the Scheme Plan.

Lot 3 will be amalgamated with Lot 2 DP 520557 (Record of Title 834880) to produce a total Record of Title area of 84.1727ha. Refer to the proposed Amalgamation Condition wording shown on the Scheme Plan.

The Scheme Plan is attached in **Appendix 1**. All areas and dimensions are subject to survey.

2.2 Property access and easements

Property access to each adjusted Record of Title will use existing crossing points, with no increase in traffic resulting from the proposed activity.

Lots 1 & 3 will continue to be accessed from Wiroa Road via the unnamed legal road (to which they have direct frontage) and other Right of Way easements.

Lot 2 will be accessed in the same position as Lot 1 DP 564239 RT 1005096, being the Record of Title that Lot 2 is to be transferred to. This access point is located off the end of Valencia Lane via an easement over Lot 12 DP 487861 (owned by the applicant). This accessway was formed to a 3m finished metalled carriageway width at the time of the previous subdivision, RC 2300237-RMASUB. Proposed Easements G and H provide for future access to the unnamed legal road, although this is not intended to be used at this stage.

3.0 Application Site Details and Description

3.1 Legal Details

Details of the application site, as well as the properties that Lots 2 and 3 are to be amalgamated with, are provided in Table 1, below. Records of Title are attached in **Appendix 2**.

Table 1: Legal Details of Subject Records of Title

APPELLATION	RECORD OF TITLE	TITLE AREA	RELEVANT INTERESTS
Lot 2 DP 564239	1005097	56.6416ha more or less	<p>Subject to a water supply pipeline right (in gross) acquired for irrigation purposes over part marked A, B and C on DP 564239 in favour of the Kerikeri Irrigation Company Limited created by Gazette Notice C391559.2.</p> <p>Appurtenant to part formerly part Section 7 Block I Kawakawa Survey District is a right of way specified in Easement Certificate C496178.3.</p> <p>The easement specified in Easement Certificate C496178.3 is subject to Section 309 (1) (a) Local Government Act 1974</p> <p>Appurtenant hereto are rights of way, and water supply, telecommunications and electricity rights specified in Easement Certificate D450974.5.</p> <p>Some of the easements specified in Easement Certificate D450974.5 are subject to Section 243 (a) Resource Management Act 1991 (see DP 198106)</p> <p>5562514.1 Surrender of the right of way over the part Lot 3 DP 201128 marked 'F' on DP 201128 specified in Easement Certificate C496178.3.</p> <p>9162334.1 CAVEAT BY TOP ENERGY LIMITED.</p> <p>9381012.1 CAVEAT BY TOP ENERGY LIMITED.</p> <p>Subject to a right to convey water and electricity over part marked B, D and E on DP 564239 created by Easement Instrument 9560310.1.</p> <p>12227075.2 Consent Notice pursuant to Section 221 Resource Management Act 1991.</p> <p>The easements created by Easement Instrument 12227075.3 are subject to Section 243 (a) Resource Management Act 1991</p> <p>Subject to a right of way, right to convey telecommunications, electricity and water and a right to drain water over part marked F and G on DP 564238 created by Easement Instrument 12227075.3.</p> <p>Appurtenant hereto is a right of way, right to convey telecommunications, electricity and water and a right to drain water created by Easement Instrument 12227075.3.</p> <p>Subject to Section 59 Land Act 1948</p> <p>Subject to a right to discharge treated milk processing plant washdown wastewater over part marked X on DP 520557 created by Easement Instrument 11589843.6.</p> <p>Appurtenant hereto is a right of way, a right to convey water, electricity and telecommunications created by Easement Instrument 11589843.7.</p> <p>11589843.3 Surrender of the right of way and a right to water supply, telecommunications and electricity rights over part marked G on DP 461681 specified in Easement Certificate D450974.5 appurtenant hereto.</p> <p>The easements created by Easement Instrument 11589843.7 are subject to Section 243 (a) Resource Management Act 1991</p>
PROPERTY TO WHICH LOT 2 IS TO BE TRANSFERRED TO & ONE RECORD OF TITLE ISSUED TO INCLUDE BOTH PARCELS			
Lot 1 DP 564239	1005096	16.2693ha more or less.	<p>Appurtenant to part formerly part Section 7 Block I Kawakawa Survey District is a right of way specified in Easement Certificate C496178.3.</p> <p>The easement specified in Easement Certificate C496178.3 is subject to Section 309 (1) (a) Local Government Act 1974.</p> <p>Appurtenant hereto are rights of way, and water supply, telecommunications and electricity rights specified in Easement Certificate D450974.5.</p> <p>Some of the easements specified in Easement Certificate D450974.5 are subject to Section 243 (a) Resource Management Act 1991 (see DP 198106)</p> <p>12227075.2 Consent Notice pursuant to Section 221 Resource Management Act 1991.</p>

			<p>The easements created by Easement Instrument <u>12227075.3</u> are subject to Section 243 (a) Resource Management Act 1991</p> <p>Appurtenant hereto is a right of way, right to convey telecommunications, electricity and water and a right to drain water created by Easement Instrument <u>12227075.3</u>.</p> <p>Subject to Section 59 Land Act 1948.</p> <p><u>11589843.3</u> Surrender of the right of way and a right to water supply, telecommunications and electricity rights over part marked G on DP 461681 specified in Easement Certificate D450974.5 appurtenant hereto.</p>
PROPERTY TO WHICH LOT 3 IS TO BE TRANSFERRED TO & ONE RECORD OF TITLE ISSUED TO INCLUDE BOTH PARCELS			
Lot 2 DP 520557	834880	79.5162ha more or less	<p>Subject to a water supply pipeline right (in gross) acquired for irrigation purposes over parts marked F and J on DP 520557 in favour of the Kerikeri Irrigation Company Limited created by Gazette Notice <u>C391559.2</u>.</p> <p>Subject to are rights of way and to water supply, telecommunications and electricity rights over parts marked B, C, D, E, F, I and K on DP 520557 specified in Easement Certificate <u>D450974.5</u>. Some easements subject to Section 243(a) RMA 1991.</p> <p><u>8666859.3</u> Surrender of the easements specified in Easement Certificate D450974.5 insofar as they are appurtenant to Lots 1 DP 416979 (RT 465277), Lot 2 DP 416979 (RT 465278) and Lot 10 DP 416979 (RT 465283) and Lot 2 DP 198106 (RT NA127A/547).</p> <p><u>9453107.7</u> CAVEAT BY TOP ENERGY LIMITED.</p> <p>Subject to a right to convey water and electricity over part marked Q and P on DP 520557 created by Easement Instrument <u>9560310.1</u>.</p> <p>Subject to Section 8 Mining Act 1971</p> <p>Subject to Section 11 Crown Minerals Act 1991 (affects parts formerly Section 1- 4 SO 66964 contained in RT NA90A/387)</p> <p>Subject to Section 168A Coal Mines Act 1925</p> <p>Subject to a right of way over parts marked A, D, H on DP 520557 created by Gazette Notice B312540.1.</p> <p>Subject to Section 59 Land Act 1948 (affects part formerly Section 12 Block I Kawakawa Survey District contained in RT NA78D/572)</p> <p>Subject to Part IV A Conservation Act 1987 (affects parts formerly Section 1- 4 SO 66964 contained in RT NA90A/387)</p> <p>Subject to a right to discharge treated milk processing plant washdown wastewater over part marked Y, Z and J on DP 520557 created by Easement Instrument <u>11589843.6</u>.</p> <p>Subject to a right of way, a right to convey water, electricity and telecommunications over part marked M, N and L on DP 520557 created by Easement Instrument <u>11589843.7</u>. Subject to Section 243 (a) Resource Management Act 1991</p>

3.2 Location

The subject land is located to the north of Wiroa Road and south west of Valencia Lane, approximately 5.8km south west of Kerikeri. The Lake Waingaro Reservoir is located to the south west of the subject site. Refer to the Location and Cadastral Maps in **Figures 1 and 2**.

The irregular western boundary of the site adjoins an unnamed legal road via which access is obtained from Wiroa Road.

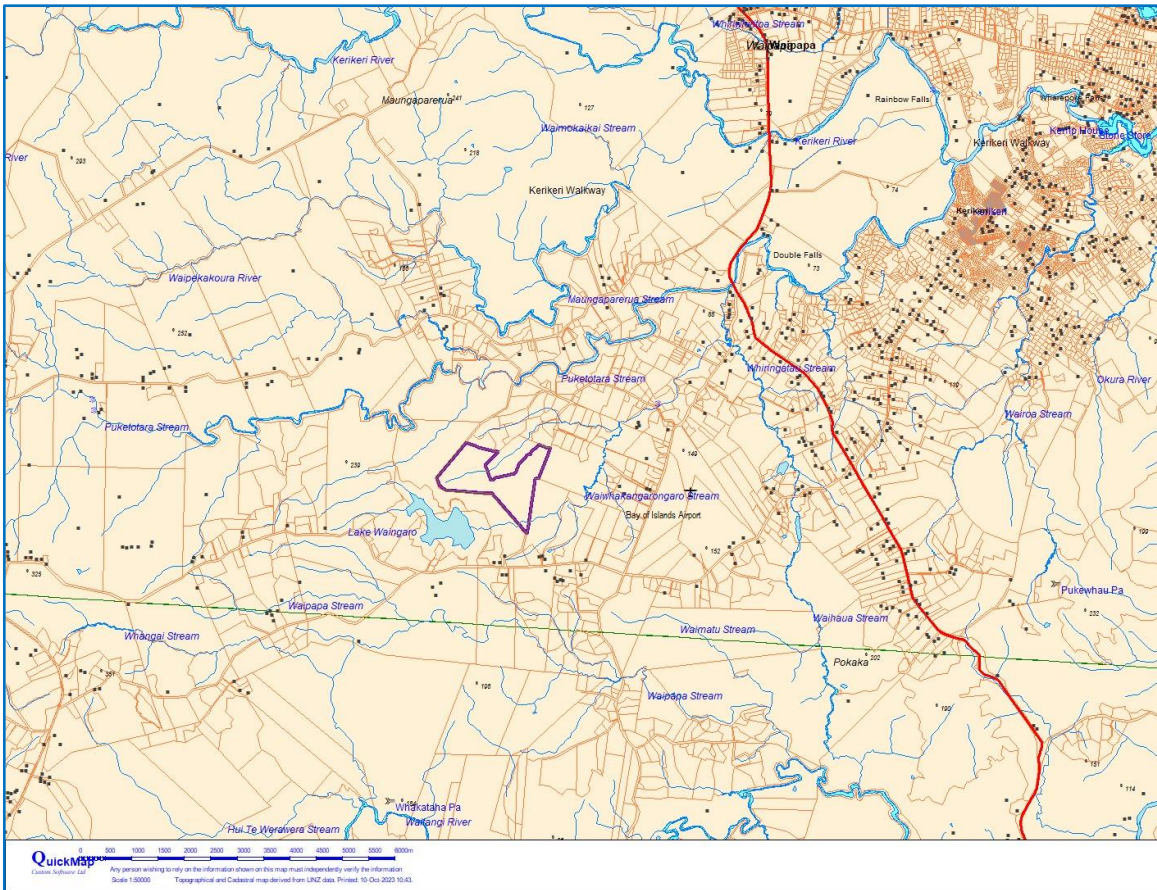


Figure 1: Quickmap Location Map

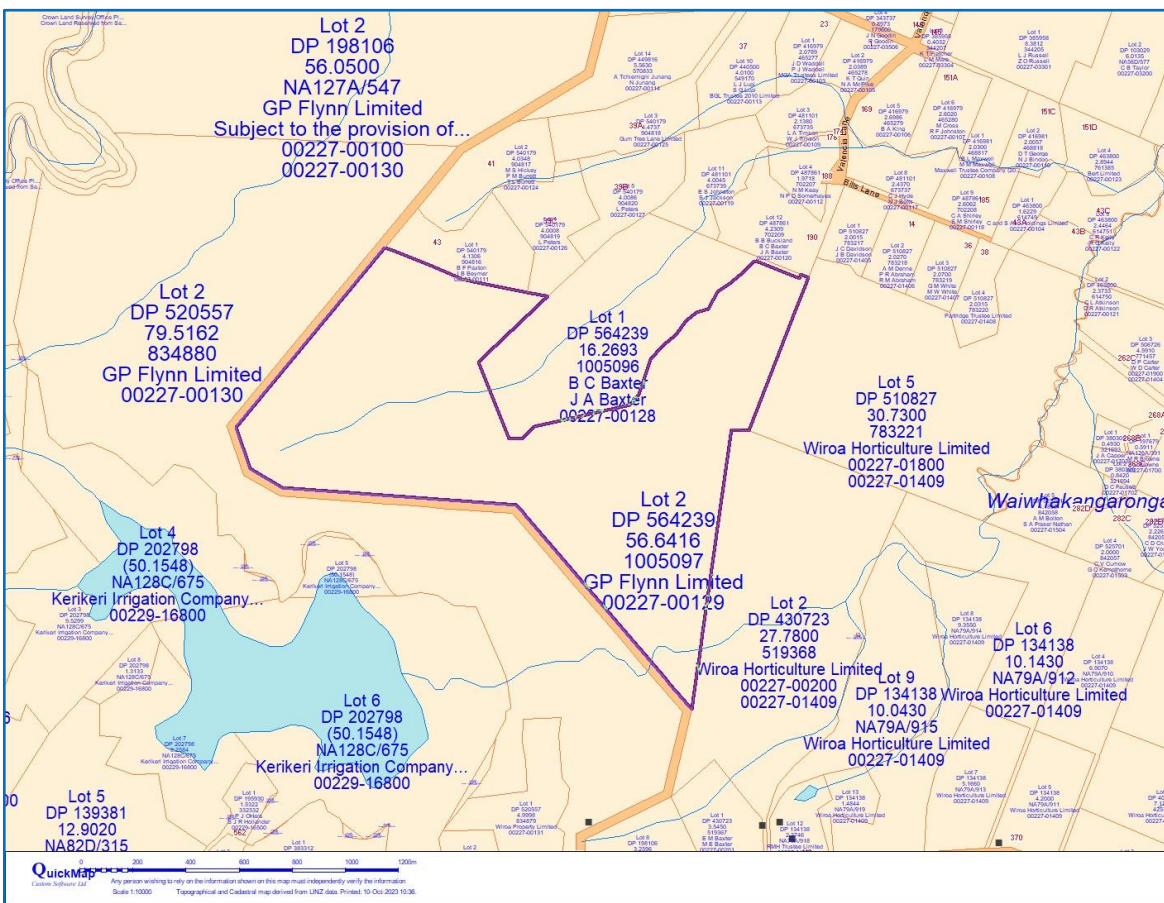


Figure 2: Far North Maps Cadastral Map

PROPOSED BOUNDARY ADJUSTMENT (SUBDIVISION & AMALGAMATION) – VALENCIA LANE, KERIKERI

3.3 Existing Uses and Site Conditions

The subject land is a rural site used for farming. The topography of the land can be described as flat to undulating land falling to an incised gully within Lot 2 which is vegetated in predominantly exotic weed species (pampas, gorse and tobacco weed) and another gully within Lot 1, being a tributary of Whiringatau Stream. Various farm tracks are formed. Refer to **Photograph 1**.

The existing easement shown as area 'F' on the Scheme Plan (and referred to in Easement Instrument 11589843.6 provides a "right to discharge treated milk processing plant washdown wastewater". The activity enabled by this easement is not currently in operation.



Photograph 1: View from Lot 1 DP 564239 over Lots 2 and 3 to the west and Lot 1 to the south (left hand side of photograph).

3.4 Relevant Consent History

The application site was created by RC 2300237-RMASUB, which was a subdivision to create two lots, both the application site and Lot 1 DP 564239 with which Lot 2 is to be amalgamated.

Conditions of RC 2300237 included a requirement to provide a consent notice diagram showing the extent of wetland and indigenous vegetation on what is now Lot 1 DP 564239, and to provide a report by a suitably qualified ecologist to describe the state of the wetland and riparian area on the site, identify its biodiversity value or other functions, to make recommendations as to the protection of those values, and provide options for the enhancement of the wetland area and its riparian margins. This report was obtained from the Council's Property File, and confirmed that the wetland extent was limited to a narrow area of wetland at the base of the valley, located solely within Lot 1 DP 564239. Refer to **Appendix 3**. A diagram was subsequently prepared to show the extent of wetland and indigenous vegetation, and this is attached to Consent Notice 12227075.2 – see **Figure 3** below.

Additionally, a requirement to form vehicle access from Bills Lane (including the easement now shown as J on the current scheme plan) was completed.

A range of consent notice conditions were also imposed, including for the application site, including a ban on the introduction of cats, dogs and mustelids, but excluding working farm dogs, subject to the specified measures. The relevant applicable consent notice conditions will come down on Lots 1 – 3.



Figure 3: Diagram from Consent Notice 12227075.2 – Extent of Wetland and Indigenous Vegetation for Protective Covenants As per Condition 3(a) of RC 2300237.

3.5 Recorded Natural and Cultural Features

The Operative or Proposed District Plan does not record any Outstanding Natural Features, Outstanding Landscape Features, areas of High or Outstanding Natural Character, Notable Trees, Historic Sites, Buildings and Objects, Sites of Cultural Significance to Maori or Scheduled Registered Archaeological Sites.

Far North Maps does not show any historic sites as being on the property.

The subject land (excluding the south eastern corner) is recorded as part of a wider kiwi habitat in the Far North Maps “Species Distribution (DoC)” Map (“kiwi present” zoning).² This mapping is a non-statutory document.

There are no mapped areas of ecological significance, including Department of Conservation Protected Natural Areas, in the Far North Maps ‘Reserve and protected areas’ map. The nearest area of Department of Conservation Public Conservation Land is the Puketotara Stream Marginal Strip, approximately 540m to the north west.

Northland Regional Council Natural Hazards Map does not show the land as being subject to any natural hazards.

² A map showing the distribution of Northland Brown Kiwi and Northland Mudfish in the Far North District. Kiwi habitat distribution based on call count monitoring in 2019 by Department of Conservation: Craig, E. (2020): *Call count monitoring of Northland brown kiwi 2019*. Department of Conservation, Whangarei, New Zealand.

The subject land is within two Land Use Capability Units – Unit 3s2 covers the more flat and elevated land predominantly within Lots 1 and 3 , and is considered to comprise ‘highly versatile soils’ or ‘highly productive land’, while Unit 4e2 covers the remainder and does not meet either of the definitions. Refer to **Figure 4** below.

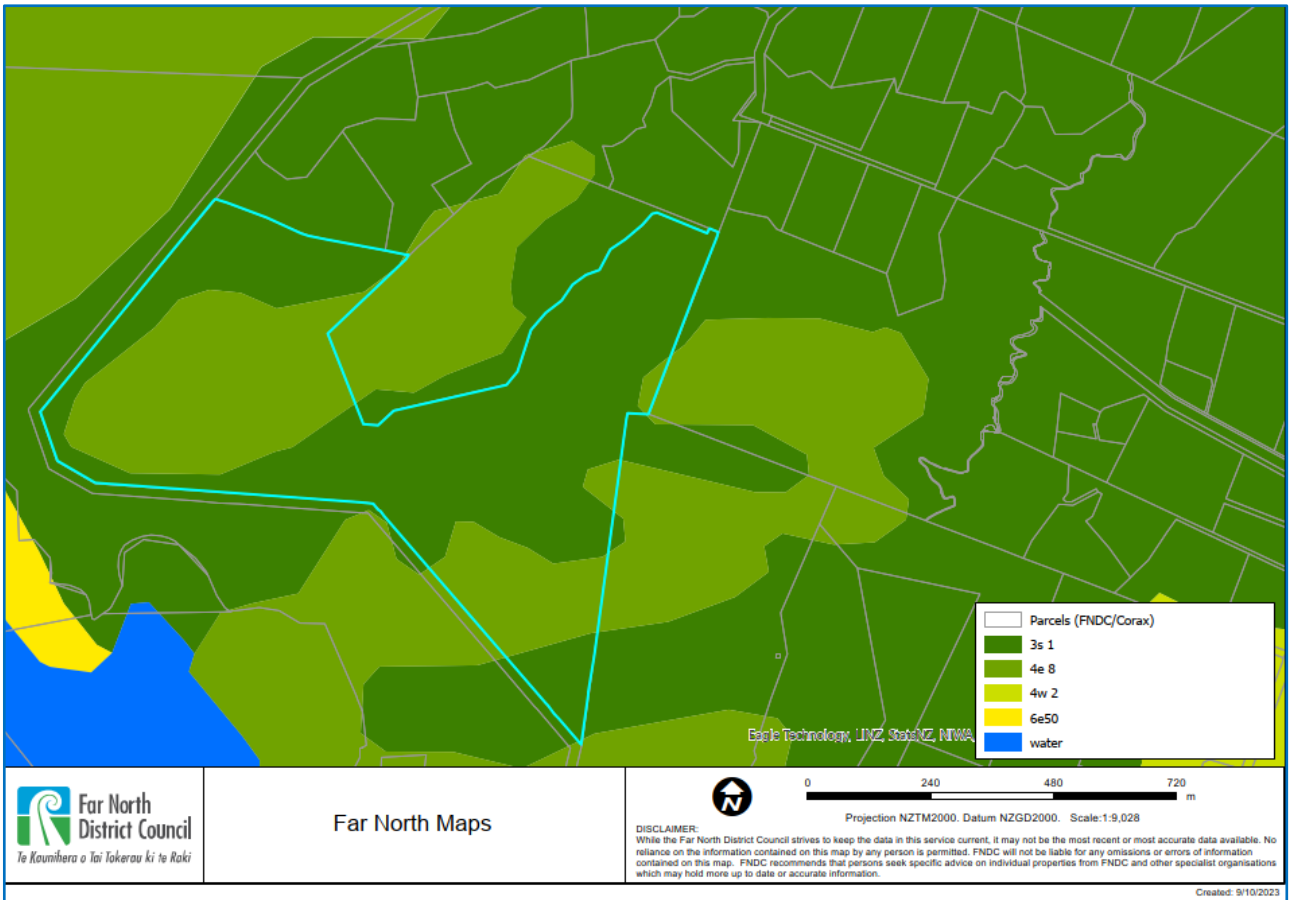


Figure 4: Far North Maps Land cover and land use map, showing mapped NZLRI Land Use Capability Units

4.0 District Plan Assessment

4.1 Operative Far North District Plan

The subject land is within the Rural Production Zone as recorded by the Operative Far North District Plan. There are no features recorded on the Resource Maps.

The proposal is assessed against the relevant rules of the District Plan as follows.

4.1.1 Rural Production Zone

There are no buildings or land use activities that are affected by the proposal in terms of the Rural Production Zone land use standards.

4.1.2 Subdivision

The 'Context' section of the Subdivision chapter states that "*boundary adjustments are a controlled activity throughout the District, subject to meeting specific criteria*", being those listed in Rule 13.7.1.

Rule 13.7.1 Boundary Adjustments: All Zones Except the Recreational Activities and Conservation Zones

Rule 13.7.1 (Boundary Adjustments: All Zones) sets out the performance standards for boundary adjustments to be carried out as a controlled activity. Compliance is assessed as follows.

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

No new crossing places are required for this proposal. The existing vehicle access points will continued to be used by each of the adjusted Records of Title.

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

No additional Records of Title will be created.

(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

The areas of Lots 2 and 3 do not meet the controlled activity standard of 20ha for the Rural Production Zone. Note that the overall adjusted Record of Title areas will exceed 20ha. The proposal is therefore unable to comply with this rule.

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

The area of the boundary adjustment is contiguous with the area of the original lots, with the exception that Lot 3 is separated from RT 834880 by legal road. Note that this meets the definition of 'adjoining' in the Operative District Plan.

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

No implications.

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

No implications.

Applications under this rule will not be notified but where these conditions cannot be met the application will be considered under the relevant zone rules set out in Rules 13.7.2 to 13.7.10.

As conditions (c) and (d) are not met, the application requires consideration under Rules 13.7.2 – 13.7.10.

Rule 13.7.2.1 Minimum Area for Vacant New Lots and New Lots Which Already Accommodate Structures

Lot 1 exceeds the controlled activity standard of 20ha; Lot 2 exceeds the 12ha minimum lot size of 12ha, while Lot 3 exceeds the discretionary activity 4ha minimum lot size. The proposal has been assessed as a discretionary activity under this Rule.

Rule 13.7.2.2 Allotment Dimensions

An allotment dimension of 30m by 30m that does not encroach into the permitted activity setbacks for the Rural Production Zone (10 metres from the road and other boundaries) is accommodated by each adjusted of Lots 1 – 3, and each adjusted Record of Title in accordance with controlled activity Rule 13.7.2.2.

4.1.3 Summary of Activity Status

Overall, the proposal has been assessed as a discretionary activity under the Operative District Plan. Relevant Assessment Criteria are listed in Section 13.10 of the Operative District Plan.

4.2 Proposed Far North District Plan

The subject land is within the Horticulture Zone as recorded by the Proposed Far North District Plan.

4.2.1 Horticulture Zone

The Horticulture Zone rules are not affected by the proposed activity.

4.2.2 Subdivision

Rule SUB-R1 Boundary Adjustments

This rule sets out the conditions for boundary adjustments to be carried out as a controlled activity in all zones except Open Space Zones, Motorua Island Zone and Airport Zone. Compliance is assessed below.

CON-1

1. ***The boundary adjustment complies with standards:***

SUB-S1 Minimum allotment sizes for controlled activities, except where an existing allotment size is already non-compliant, the degree of non-compliance shall not be increased.

SUB-S2 Requirements for building platforms on each allotment

SUB-S3 Water Supply

SUB-S4 Water supply

SUB-S5 Wastewater disposal

SUB-S6 Telecommunications and power supply

SUB-S7 Easements for any purpose

The proposal complies with the above standards with the exception of SUB-1, as the controlled activity minimum lot size of 10ha is not achieved by Lot 3 (note that the overall adjusted Record of Title will achieve this size). As such, the proposal is a restricted discretionary activity. Matters of discretion are listed as – a. matters of any infringed standard; and b. any matters of control. There are no listed matters for the allotment size infringement, however the matters of control listed under SUB-S1 are commented on in Section 5 of this Report.

Each lot contains the required building platform, with ample area and conditions to achieve onsite water supply, stormwater management, onsite wastewater disposal. Telecommunications and power supply are not a requirement for this zone. Easements are shown on the scheme plan.

CON-2

1. ***The boundary adjustment does not alter:***

i. The ability of existing activities to continue to be permitted under the rules and standards in this District Plan;

ii. The degree of non compliance with zone or district wide standards;

iii. The number and location of any access.

iv. The number of certificates of title.

The above clauses are met.

CON-3

1. **The boundary adjustment complies with Standard: SUB-S8 Esplanades.**

Not applicable, as the subdivision does not involve the creation of any allotments less than 4ha which adjoin the bank of a waterbody.

4.2.3 Overall Activity Status

Overall, the proposal has been assessed as a restricted discretionary activity under the Proposed District Plan.

5.0 Assessment of Environmental Effects

Section 104(1)(a) and (ab) require the consent authority, subject to Part 2 of the Act, to have regard to any actual and potential effects on the environment of allowing the activity and any measure proposed or agreed to by the applicant for the purpose of ensuring positive effects on the environment to offset or compensate for any adverse effects on the environment that will or may result from allowing the activity.

Section 104(2) indicates that a consent authority may disregard an adverse effect of the activity on the environment if a national environmental standard of the plan permits an activity with that effect and Section 104(3)(a)(ii) requires a consent authority to not, when considering an application, have regard to any effect on a person who has given written approval to the application (unless that person has withdrawn the written approval before the date of a hearing or before the application is determined, as set out in 104(4)). No written approvals have been sought as part of this application.

Clauses 6 and 7 of Schedule 4 of the RMA indicate the information requirements and matters that must be addressed in or by an assessment of environmental effects, both of which are subject to the provisions of any policy statement or plan. The relevant assessment criteria listed in 13.10 (Assessment Criteria – Subdivision of the Operative Far North District Plan are also addressed in the following assessment.

5.1 Allotment Sizes and Dimensions

The proposed boundary adjustment allows the steeper land that is less suitable for dairy farming to be transferred to the owner of an adjacent property, leaving the remaining areas of pasture to be retained in the current ownership, with Lot 3 to be amalgamated with the farmland within Lot 2 DP 520557. The proposed boundary adjustment therefore generally reflects the existing activities on the subject land, with each proposed lot having sufficient area and dimension. No additional Records of Title will be created, and the overall resultant layout of the three Records of Title is compatible with the existing subdivision pattern. There will be no change to physical access arrangements.

5.2 Natural and Other Hazards

No new buildings are proposed as part of the proposed boundary adjustment. The lots are not affected by any mapped natural hazards (Northland Regional Council Natural Hazards GIS Map) and the proposed boundary adjustment does not generate or increase any risks associated with natural and other hazards.

The proposal results in no adverse effects in terms of fire hazard.

The adverse effect of the proposal with respect to natural hazards is considered to be nil.

Part of the subject site has possibly been historically used for an activity listed on the Ministry for the Environment's Hazardous Activities and Industries List, as the horticultural activity comes under category A10 (*Persistent pesticide bulk storage or use including sports turfs, market gardens, orchards, glass houses or spray sheds*). An assessment of the proposed boundary adjustment in terms of the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 ("NESCS") is provided in Section 6.1 of this Report, which concludes that, as the land is to remain as production land, the standards do not apply to the proposed activity. It is further expected that no adverse effects to human health will arise in this respect.

5.3 Water Supply

There is no Council water supply available. Existing easements cover existing irrigation water pipelines (as shown as A, B and C over Lot 1), as well as easements H, I and J, which are for the right to convey water. Proposed easements G and H include the right to convey water.

An existing consent notice condition states that *"In conjunction with the construction of any dwelling, and in addition to a potable water supply, a water collection system with sufficient supply for firefighting purposes is to be provided by way of tank or other approved means and to be positioned so that it is safely accessible for this purpose. These provisions will be in accordance with the New Zealand Fire Fighting Water Supply Code of Practice SNZ PAS 4509"*. This requirement will come down on Lots 1 – 3.

The proposal has no adverse effects in terms of water supply, and no conditions are necessary.

5.4 Stormwater Disposal

The proposal creates no additional impermeable surfaces, and has no implications in terms of the management, discharge or runoff of stormwater. Natural stormwater runoff will continue to follow natural contours towards the incised gully. There will be no impact on drainage to or from adjoining properties outside the boundary adjustment area.

5.5 Sanitary Sewage

The boundary adjustment does not affect any land that is used for an existing wastewater disposal system, and does not give rise to the need for the establishment of an onsite wastewater treatment or disposal system. As such, it is considered that the proposal does not result in any adverse effects in terms of the treatment or disposal of wastewater.

5.6 Energy Supply & Telecommunications

There is no requirement for new energy or telecommunications supply as part of this boundary adjustment. The proposal does not result in any adverse effects in terms of the supply of power or telecommunication services. The provision of any new power or telecommunications supply will remain the responsibility of the property owner, as is typical for a rural environment, and as specified by the existing consent notice condition (iv).

5.7 Easements for any Purpose

New easements are proposed to provide future access and services to the unnamed legal road from Lot 2. Refer to the proposed Scheme Plan.

5.8 Provision of Access

As the proposal is a boundary adjustment and no additional Records of Title area created, no additional traffic will be generated. Each adjusted Record of Title retains its existing property access from the unnamed legal road off Wiroa Road and from 190 Valencia Lane, as previously described, with no increase in the traffic using these entrance points, and no new vehicle crossing places proposed as part of this application.

Likewise, no further physical works are proposed to upgrade access, so as to avoid the generation of any adverse effects arising from earthworks and construction.

An existing consent notice condition imposed by RC 2300237 specifies that *“The Council assumes no responsibility toward the formation and any future maintenance of the un-named legal road which provides access to the lot, via right of way easement F; and until such time as the Council of its own volition decides to assume responsibility, the owner or occupier of the land will not request the Council to undertake such formation or maintenance.”* This consent notice condition will continue to apply to Lots 1 – 3, including in relation to proposed easements G and H, which future proof access to proposed Lot 2 from the unnamed legal road.

The proposal therefore avoids adverse effects associated with traffic and property access.

5.9 Effect of Earthworks and Utilities

No new earthworks or utility services are proposed, and the proposal has no adverse effect in this regard.

5.10 Building Locations

Lots 1 and 2 will be amalgamated with other adjoining Records of Title, while Lot 1 retains more than 30ha of land with multiple suitable locations for building that is not affected by inundation.

5.11 Heritage Resources

The property does not contain any archaeological sites that are listed in Appendix 1G of the Operative District Plan and no sites of cultural significance listed in Appendix 1F of the Operative District Plan. There are no other historic sites shown on Far North Maps. No physical works are required to implement the proposed activity, and no adverse effects on archaeological or cultural sites will arise.

5.12 Flora & Fauna

The earlier subdivision consent, RC 2300237, involved mapping of a wetland and riparian area, which were located on Lot 1 DP 564239. The upper area of the incised gully, within proposed Lot 2, is predominantly in gorse, tobacco weed, and pampas.

An existing consent notice condition, which will come down on Lots 1 – 3, specifies that:

No occupier of, or visitor to the site, shall keep or introduce to the site carnivorous or omnivorous animals (such as cats, dogs or mustelids). Working farm dogs as defined in the Dog Control Act 1996 are exempt from this condition if they are:

- i. Micro-chipped,*
- ii. Within a dog proof fence area, on a lead or under effective control at all times when outside the fenced area,*
- iii. Kept in a kennel or tied up at night,*

- iv. *For any dog written confirmation that the dog has current kiwi aversion training certification along with the expiry date for the certification.*

Prior to the keeping of any working dog to the site the occupier must provide the following to the Council's Resource Consents Monitoring Officer: -

- i. *A photograph of the dog.*
- ii. *Written confirmation that the dog(s) have been micro-chipped.*
- iii. *A plan showing the extent of the dog proof fenced area.*

The proposal does not generate any adverse ecological effects, with there being no change to the established uses on each lot. There will be no direct or indirect adverse effects on indigenous vegetation or the habitats of indigenous fauna arising from the proposed boundary adjustment.

5.13 Landscape & Visual Values

The application site does not include any outstanding landscapes or areas of high or outstanding natural character and is not within the coastal environment.

No additional Records of Title are to be created, and the existing level of rural and natural character, which is influenced by the working rural environment, and the vegetated gully, will not be affected by the proposal. The proposal will not generate any adverse visual or amenity effects or adverse effects on natural or rural character.

5.14 Soil

The subject land is within two Land Use Capability Units – Unit 3s2 covers the less steep land through Lot 1, Lot 3 the periphery of Lot 2 adjacent to the unnamed legal road and the area south of existing easement '1', and comprises 'highly versatile soils' as per the relevant definitions, while 4s2 covers the gully areas through Lot 2 and the steeper land in Lot 1. For the most part, the area of highly versatile soils will be retained within Lots 1 and 3, where they will continue to be used for dairy farming as per the current situation and as part of the overall dairy block owned by the property owner. Lot 2 will be amalgamated with an adjoining rural block, which is also currently grazed. Overall, the existing level of soil-based primary production will be retained, and it is considered that the proposal will not result in any adverse effects on the life supporting capacity of soils.

5.15 Access to Reserves and Waterways

Public access to reserves or waterways is not a relevant consideration for this proposal. No esplanade requirements have been identified.

5.16 Land Use Compatibility

The subject site is used for primary production. Given the size of the adjusted Records of Title, the nature of the surrounding environment, it is considered that the proposal will not generate any reverse sensitivity or land use incompatibility effects.

6.0 Statutory Assessment

Section 104(1)(b) of the Resource Management Act 1991 requires the consent authority, subject to Part 2 of the Act, to have regard to any relevant provisions of a national environmental standard, other regulations, a national policy statement, a New Zealand coastal policy statement, a regional policy statement, a plan or proposed plan, and any other matter the consent authority considers relevant and reasonably necessary to determine the application. Of relevance to the proposed activity are the following documents, which are commented on in the proceeding Sections 6.1 – 6.5 of this Report. This is followed by an assessment of Part 2 of the Act.

- Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011
- Resource Management (National Environmental Standards for Freshwater) Regulations 2020
- National Policy Statement for Highly Productive Land
- National Policy Statement for Indigenous Biodiversity
- Regional Policy Statement for Northland
- Far North Operative District Plan
- Far North Proposed District Plan
- Proposed Regional Plan for Northland

6.1 National Environmental Standards

6.1.1 Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 (“NESCS”)

The subject land is not recorded on the Northland Regional Council Selected Land-use Register as a site that has been used for any activity included in the Ministry for the Environment’s Hazardous Activities and Industries List.³

Review of Retrolens historic aerial photography shows that in 1981, part of the subject land (predominantly Lots 1 and 3) was being prepared for horticultural use. Refer to **Figure 5** below, being an extract of the 1981 aerial image. This appears to have been taken not long after the Waingaro Lake Reservoir was built higher in the catchment. No aerial photography taken after 1981 was found, until the Google Earth Imagery dating from 2003 to the present, when there is no evidence of any horticultural use.



Figure 5: Retrolens Aerial Image – Date Taken 3/10/1981 ⁴

³ Northland Regional Council (n.d.): *Selected Land-use Register Map*. Retrieved 4 October 2023 from <https://localmaps.nrc.govt.nz/localmapsviewer/?map=65b660a9454142d88f0c77b258a05f21>

⁴ Sourced from <http://retrolens.nz> and licensed by LINZ CC-BY 3.0

As the land is production land, the regulations only apply to the circumstances listed under 5(8)(a) – (d). As there is no proposal to subdivide the land in a way that causes the piece of land to stop being production land, or to change the use of the piece of land in a way that causes the piece of land to stop being production land, the regulations are not considered to apply to this proposal.

6.1.2 Resource Management (National Environmental Standard for Freshwater) Regulations 2020

The boundary adjustment activity does not involve any earthworks, vegetation removal, diversion or discharge of stormwater, or drainage of a wetland, and is considered to have no implications in terms of the above Regulations.

6.2 National Policy Statements

6.2.1 National Policy Statement for Highly Productive Land (“NPSHPL”)

The site includes LUC Class 3 land, as mapped by the New Zealand Land Resource Inventory. Policies 3.8 and 3.10 are set out below.

3.8 Avoiding subdivision of highly productive land

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

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

Figure 4 shows the approximate mapped boundary between the two LUC areas. The majority of highly versatile land is retained within Lots 1 and 3. The boundary adjustment allows the owner of the property to retain the current productive capacity of their farm, while disposing of the steeper gully land, which will be transferred to the applicant as the owner of the adjacent Record of Title. As such, the proposal is considered to retain the existing level of productive capacity.

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

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

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

No additional Records of Title are generated, and the adjusted Records of Title remain as rural blocks, so as to avoid cumulative loss of the availability and productive capacity of soils, and also avoids reverse sensitivity effects.

3.10 Exemption for highly productive land subject to permanent or long-term restraints

(1) Territorial authorities may only allow highly productive land to be subdivided, used, or developed for activities not otherwise enabled under clauses 3.7, 3.8, or 3.9 if satisfied that:

(a) there are permanent or long-term constraints on the land that mean the use of the highly productive land for land-based primary production is not able to be economically viable for at least 30 years; and

(b) the subdivision, use, or development:

(i) avoids any significant loss (either individually or cumulatively) of productive capacity of highly productive land in the district; and

(ii) avoids the fragmentation of large and geographically cohesive areas of highly productive land; and

(iii) avoids if possible, or otherwise mitigates, any potential reverse sensitivity effects on surrounding land-based primary production from the subdivision, use, or development; and

(c) the environmental, social, cultural and economic benefits of the subdivision, use, or development outweigh the long-term environmental, social, cultural and economic costs associated with the loss of highly productive land for land-based primary production, taking into account both tangible and intangible values.

(2) In order to satisfy a territorial authority as required by subclause (1)(a), an applicant must demonstrate that the permanent or long-term constraints on economic viability cannot be addressed through any reasonably practicable options that would retain the productive capacity of the highly productive land, by evaluating options such as (without limitation):

(a) alternate forms of land-based primary production:

(b) improved land-management strategies:

(c) alternative production strategies:

(d) water efficiency or storage methods:

(e) reallocation or transfer of water and nutrient allocations:

(f) boundary adjustments (including amalgamations):

(g) lease arrangements.

(3) Any evaluation under subclause (2) of reasonably practicable options:

(a) must not take into account the potential economic benefit of using the highly productive land for purposes other than land-based primary production; and

(b) must consider the impact that the loss of the highly productive land would have on the landholding in which the highly productive land occurs; and 14 National Policy Statement for Highly Productive Land 2022

(c) must consider the future productive potential of land-based primary production on the highly productive land, not limited by its past or present uses.

(4) The size of a landholding in which the highly productive land occurs is not of itself a determinant of a permanent or long-term constraint.

(5) In this clause: landholding has the meaning in the Resource Management (National Environmental Standards for Freshwater) Regulations 2020 long-term constraint means a constraint that is likely to last for at least 30 years.

The proposed boundary adjustment is considered to be enabled under Clause 3.8.

6.2.1 National Policy Statement for Indigenous Biodiversity (“NPSIB”)

The objective of the above policy statement is set out in 2.1, as copied below:

(1) The objective of this National Policy Statement is:

(a) to maintain indigenous biodiversity across Aotearoa New Zealand so that there is at least no overall loss in indigenous biodiversity after the commencement date; and

(b) to achieve this:

(i) through recognising the mana of tangata whenua as kaitiaki of indigenous biodiversity; and

(ii) by recognising people and communities, including landowners, as stewards of indigenous biodiversity; and

(iii) by protecting and restoring indigenous biodiversity as necessary to achieve the overall maintenance of indigenous biodiversity; and

(iv) while providing for the social, economic, and cultural wellbeing of people and communities now and in the future.

There is no SNA included in the district plan, or as identified in a policy statement of plan.

The 17 listed policies set out to achieve this objective, and of most relevant to this proposal is Policy 8:

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

Part 3 guides the implementation of the NPSIB. Of relevance is the following approach to implementing the NPSIB.

3.16 Indigenous biodiversity outside SNAs

(1) If a new subdivision, use, or development is outside an SNA and not on specified Māori land, any significant adverse effects of the new subdivision, use, or development on indigenous biodiversity outside the SNA must be managed by applying the effects management hierarchy.

Effects Management Hierarchy is defined as follows:

effects management hierarchy means an approach to managing the adverse effects of an activity on indigenous biodiversity that requires that:

(a) adverse effects are avoided where practicable; then

(b) where adverse effects cannot be avoided, they are minimised where practicable; then

(c) where adverse effects cannot be minimised, they are remedied where practicable; then

(d) where more than minor residual adverse effects cannot be avoided, minimised, or remedied, biodiversity offsetting is provided where possible; then

(e) where biodiversity offsetting of more than minor residual adverse effects is not possible, biodiversity compensation is provided; then

(f) if biodiversity compensation is not appropriate, the activity itself is avoided.

The proposed boundary adjustment does not involve any direct or indirect adverse ecological effects. The gully area, which is predominantly vegetated in an assortment of weed species, will be amalgamated with an adjacent Record of Title which includes the lower slope of the gully including an area of protected wetland at the base of the gully. It is therefore considered that the proposal is consistent with the above National Policy Statement.

6.3 Regional Policy Statement for Northland

The RPS provides the broad direction and framework for managing the region's natural and physical resources. It identifies significant resource management issues for the region and sets out how resources such as land, water, soil, minerals, plants, animals and structures will be managed. The RPS Maps do not record any special features on the site. The relevant policies are commented on below.

4.4.1 Policy – Maintaining and protecting significant ecological areas and habitats

Existing consent notice conditions provide for the protection of kiwi habitat and riparian areas. No direct or indirect adverse effects on ecological areas and habitats will arise, and the proposal is compatible with this policy.

5.1.1 Policy – Planned and coordinated development

The proposed boundary adjustment does not increase the density of development over the whole of the subject land, does not create any additional Records of Title, and will maintain the existing rural character of the environment. The site contains areas of highly versatile soils; however, it is considered that the proposal will not materially reduce the potential or soil-based primary production on the land. The proposal is considered to be compatible with the above policy.

6.4 Objectives and Policies – Far North Operative District Plan

The objectives and policies of the Rural Environment, Rural Production Zone and Subdivision Sections of the District Plan are relevant to this proposal. Comments on the objectives and policies of the Rural Environment and Rural Production Zone have been grouped together as they have many overlapping themes. As discussed below, it has been concluded that the proposal is not contrary to the overall objectives and policies of the District Plan.

Promote sustainable management.

The proposed boundary adjustment is considered to represent sustainable management, resulting in negligible adverse effects on natural and physical resources.

Ensure that the life supporting capacity of soils is not compromised by inappropriate subdivision, use or development.

The proposal does not affect the continued soil based primary production use of the soils on the site.

Avoid, remedy or mitigate adverse effects.

Adverse effects are predominantly avoided, as each lot has an existing land use activity with associated access and servicing.

Protect areas of significant indigenous vegetation and significant habitats of indigenous fauna / promote protection of significant natural values.

The proposal has no adverse effect on these natural resources.

Avoid conflicts between land use activities / reverse sensitivity.

There will be no change to existing land use activities, and adverse effects related to reverse sensitivity are avoided.

Promote maintenance and enhancement of amenity values.

No effects on amenity values are anticipated.

Enable efficient use and development of the Rural Production Zone, enable people and communities to provide for their social, economic and cultural well being and for their health and safety.

The proposal is an efficient use of the land, allowing continued primary production.

Subdivision

Provide for subdivision so as to be consistent with the purpose of the various zones and promote sustainable management of natural and physical resources.

As detailed previously, the proposed activity is consistent with the Rural Production zone objectives and policies.

Ensure subdivision is appropriate and does not compromise the life supporting capacity of air, water, soil or ecosystems. Avoid, remedy and mitigate adverse effects.

The proposed boundary adjustment does not adversely affect any of the listed natural resources.

Provide sufficient water storage.

Provide electricity supply sufficient to meet the needs of activities that will establish on the lots created.

Support energy efficient design.

Promote efficient provision of infrastructure.

Take into account natural and other hazards.

The proposal has no implications in terms of these matters.

Require safe and effective vehicular and pedestrian access. Provide in such a way as will avoid, remedy or mitigate adverse effects.

There is no change to existing physical access provisions.

Provide for the protection, restoration and enhancement of significant habitats of indigenous fauna, significant indigenous vegetation, natural character of riparian margins where appropriate.

Preserve, and where possible enhance, restore and rehabilitate the character of the zone in regards to s6 matters.

Existing consent notice conditions provide for the protection of kiwi habitat and of the wetland in the adjacent property (Lot 1 DP 564239), and these will come down on Lots 1 – 3. The subject land is largely devoid of indigenous vegetation. No further relevant Section 6 matters have been identified.

6.5 Objectives and Policies - Far North Proposed District Plan

An assessment of relevant objectives and policies of the Horticulture Zone and Subdivision is provided below, and it is concluded that the proposal is complementary to these.

Horticulture Zone

Objectives

HZ-O1 The Horticulture zone is managed to ensure its long-term availability for horticultural activities and its long-term protection for the benefit of current and future generations.

HZ-O2 The Horticulture zone enables horticultural and ancillary activities, while managing adverse environmental effects on site.

HZ-O3 Land use and subdivision in the Horticulture zone:

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

The proposal has no impact on availability of the land for long term availability for horticultural activities. Lots 2 and 3 will be amalgamated with other land that is also within the Horticulture Zone. This is considered to avoid any detrimental fragmentation of horticultural land. The proposal has no impact in terms of reverse sensitivity, rural character and amenity (given that there will be no change to the established land use activities), and does not exacerbate natural hazards. As such, the proposed boundary adjustment is considered to be consistent with the above objectives.

Policies

HZ-P5 Manage the subdivision of land in the Horticulture zone to:

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

HZ-P6 Encourage the amalgamation or boundary adjustments of Horticulture zoned land where this will help to make horticultural activities more viable on the land.

HZ-P7 Manage land use and subdivision to address the effects of the activity requiring resource consent, including (but not limited to) consideration of the following matters where relevant to the application:

- a. whether the proposal will increase production potential in the zone;*
- b. whether the activity relies on the productive nature of the soil;*
- c. consistency with the scale and character of the rural environment;*
- d. location, scale and design of buildings or structures;*
- e. for subdivision or non-primary production activities:*
 - i. scale and compatibility with rural activities;*
 - ii. potential reverse sensitivity effects on primary production activities and existing infrastructure;*
 - iii. the potential for loss of highly productive land, land sterilisation or fragmentation*
- g. the capacity of the site to cater for on-site infrastructure associated with the proposed activity, including whether the site has access to a water source such as an irrigation network supply, dam or aquifer;*
- h. the adequacy of roading infrastructure to service the proposed activity;*
- i. Any adverse effects on historic heritage and cultural values, natural features and landscapes or indigenous biodiversity;*
- j. Any historical, spiritual, or cultural association held by tangata whenua, with regard to the matters set out in Policy TW-P6.*

HZ-P5 (a), (b) and (d) are relevant. These policies are met as the proposal does not reduce the availability of highly productive land in terms of its current or long term viability. The proposal is neutral in terms of Policy HZ-P6 in that it neither increases nor reduces the viability of horticultural activities. HZ-P7(e) is relevant, and is considered to be supported by the proposal, which avoids reverse sensitivity, and does not cause loss of highly productive land.

Subdivision

Objectives

SUB-O1 Subdivision results in the efficient use of land, which:

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

SUB-O2 Subdivision provides for the:

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

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

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

The Subdivision chapter objectives are met, with there being no implications for availability of highly productive land or for infrastructure. The objectives and policies of the Horticulture Zone are met as detailed previously, and no change to the built or natural environment will result from the proposal.

Policies

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.*

Although the minimum lot size for the Horticulture Zone is not met as a controlled activity, the discretionary activity is achieved. There is no change to access and no increase in the number of Records of Title.

6.6 Part 2 of the Resource Management Act 1991

An assessment of the proposal in relation to the relevant purpose and principles of Part 2 of the Resource Management Act 1991 is given below.

PART 2 PURPOSE AND PRINCIPLES

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 wellbeing 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.**

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:*

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-

- (b) The efficient use and development of natural and physical resources;*
- (c) The maintenance and enhancement of amenity values;*
- (f) Maintenance and enhancement of the quality of the environment;*

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 proposed boundary adjustment is considered to represent sustainable management of natural and physical resources as it:

- Continues to support primary production upon the sites highly versatile soils.
- Does not create any additional Records of Title.
- Provides for continued use of existing vehicle access provisions.
- Does not adversely impact any significant ecosystems.

The proposal does not result in any adverse effects on the natural character associated with the wetland on the adjacent property.

Relevant matters listed under Section 7 have been given regard to, as amenity and ecological values can be maintained. The proposal will not detract from the quality of the environment, with there being no discernable change to natural or physical resources upon the land.

The proposal has no known implications in terms of the Treaty of Waitangi.

6.7 Regional Plans

Proposed Regional Plan for Northland (Updated Appeals Version – June 2023)

No activities are proposed as part of this boundary adjustment that would require consent under the Proposed Regional Plan. Each adjusted Record of Title contains adequate area to dispose of wastewater using an on-site treatment and disposal system in accordance with the relevant criteria, being those set out in the permitted activity rules C.6.1.3 of the Regional Plan for Northland.

7.0 Notification Assessment

7.1 Public Notification Assessment

Step 1: Public notification is not required in terms of the criteria listed in 95A(3).

Step 2: Public notification is not precluded.

Step 3: As outlined in Section 5.0 of this report, the proposed activity will not have adverse effects that are more than minor. There are no rules requiring public notification. Therefore, public notification is not required in terms of Step 3.

Step 4: No special circumstances are considered to exist that warrant the application being publicly notified in terms of 95A(9).

7.2 Limited Notification Assessment

Step 1: The proposal will not result in any adverse effects on the marine and coastal area, and there are no affected protected customary rights groups in terms of Section 95B(2)(a). The proposal is not an accommodated activity in terms of Section 95B(2)(b). The proposed activity is not on or adjacent to, or may affect, land that is the subject of a statutory acknowledgement in terms of Section 95B(3)(a).

Step 2: Limited notification is not precluded.

Step 3: The proposal will not adversely affect any person as per Section 95E of the Act. Limited notification is not necessary in terms of Step 3.

Step 4: No special circumstances are considered to exist that warrant notification of the application to any other persons in terms of Section 95B(10).

7.3 Notification Assessment Summary

As outlined above, we are of the opinion that the proposal satisfies the statutory requirements for non-notification, and we respectfully request that it be processed on that basis.

8.0 Conclusion

In terms of section 104 and 104B of the Resource Management Act 1991, we consider that:

- The adverse effects of the proposed boundary adjustment are considered to be less than minor.
- The proposal is consistent with the objectives and policies of the Operative and Proposed District Plan and Regional Policy Statement.
- The proposal is not considered to be contrary to the relevant National Policy Statements.
- The proposal is in accordance with the Purpose and Principles of the Resource Management Act 1991.

We also note that:

- The proposal satisfies the statutory requirements to proceed as non-notified.

For these reasons it is requested this application be considered to be a non-notified application, and that the Council grant consent to the proposal, under delegated authority, as detailed in the application and supporting information.

Signed

Natalie Watson,
Resource Planner

Date *24 October 2023*

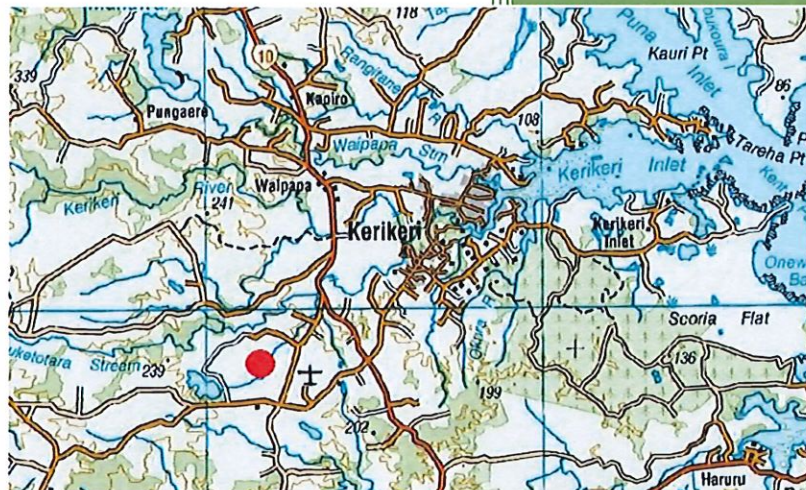
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Kerikeri

9.0 Appendices

Appendix 1:	Scheme Plan
Appendix 2:	Records of Title
Appendix 3:	Ecological Assessment of Part of Lot 5 DP 198106 Valencia Lane, Kerikeri (For RC 2300237)

Prepared for:
Gregory Flynn
May 2021

Ecological Assessment of Part of Lot 5 DP 198106, Valencia Lane, Kerikeri



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1. Introduction

The Far North District Council has issued a Resource Consent to subdivide Lot 5 DP198106 which is situated near Valencia Lane, Kerikeri (Figure 1). The owner of the property has requested an ecological assessment of one of the proposed Lots within the subdivision (Shown as Lot 1 on Figure 2) to:

- Identify and describe areas of wetland and riparian vegetation,
- Assess the biodiversity values of these areas, and
- Identify opportunities to enhance the wetland area and its margins.

The aim of this report is to enable the landowner, in consultation with their Project Team and FNDC, to identify areas to be covenanted and agree upon management options for those areas.

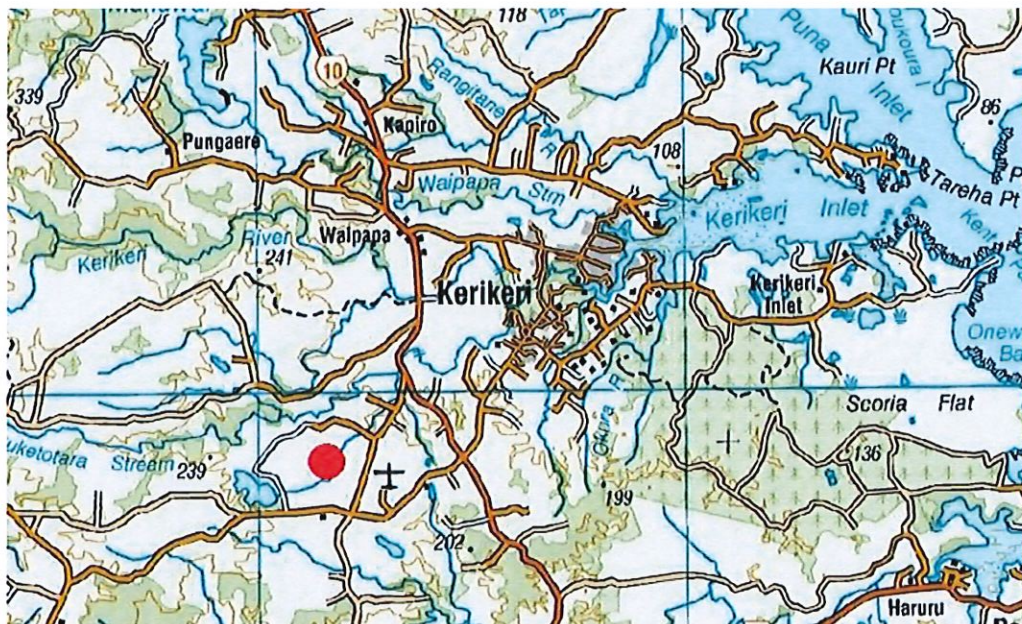


Figure 1: The approximate location of the study area, marked in red.

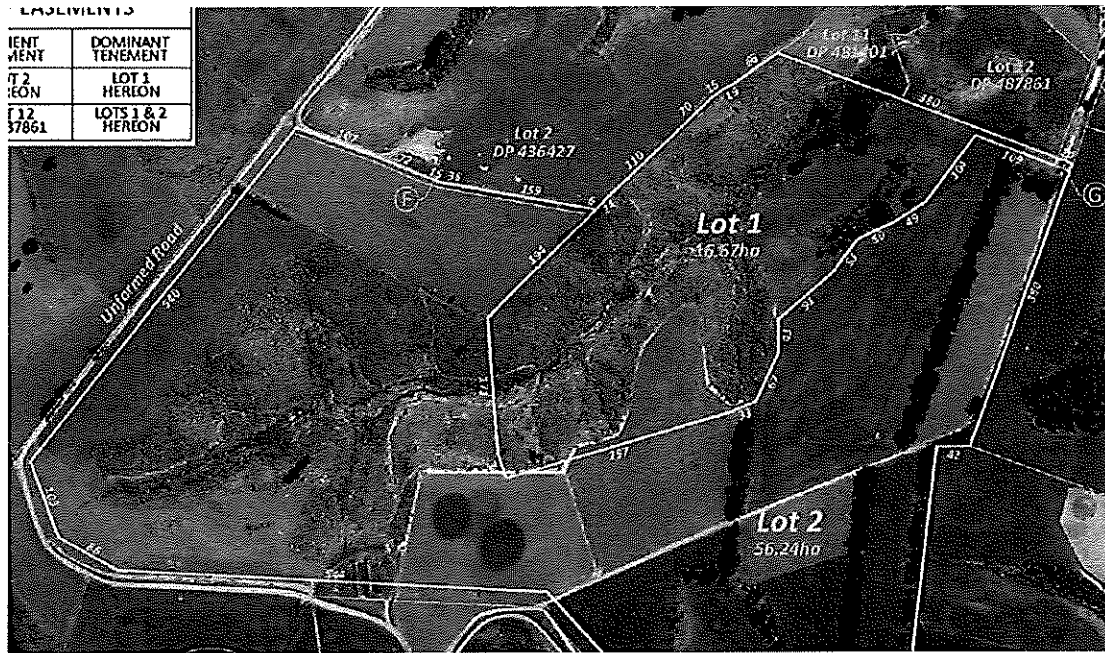


Figure 2: The study area is shown as Lot 1.

2. Methods

A site inspection was undertaken on 27 April 2021 during fine weather. The study area was traversed on foot. Descriptions of the vegetation and habitats within the wetland and along the riparian margins were compiled (refer to **Section 4**, below), photographs were taken of the site (**Appendix 1**) and flora species were recorded (**Appendix 2**).

3. Ecological Context

New Zealand is divided into Ecological Districts, with each District possessing topographical, geological, climatic, soil and biological features that result in a characteristic landscape and range of vegetation and habitat types. The subject property is situated in Kerikeri Ecological District.

A survey of Kerikeri Ecological District has been undertaken to identify natural areas and place them in two levels of significance (Conning and Miller 1999). The survey did not identify any sites on the subject property. The closest site is the Kerikeri Airport Gumlands (PO5/105), which is situated approximately 1.7 kilometres southwest of the subject property.

The Northland Regional Council has published an online map of the Region that shows wetlands, including swamps, bogs, marshes, gumlands, saltmarshes, mangroves and some river, lake and stream edges. The online map does not record any wetlands on the subject property.

The Far North District Council Online Maps provide an overlay that shows where kiwi are known to be present. The subject property is within one of these areas.

4. Description of Vegetation and Habitats

The study site comprises an incised gully with a narrow wetland at its base (Photographs are presented in **Appendix One**). Higher slopes and gentler terrain comprise pasture (on the eastern side of the gully) and rough pasture on the western side. The western side has been mulched more recently and, in addition to pasture species, weeds such as tobacco weed and pampas are establishing. Moth plant (*Araujia sericifera*), a serious environmental weed, is also emerging in places.

The vegetation on the gully slopes is exotic scrub that is dominated by gorse and tobacco weed, with pampas scattered throughout. The approximate boundary between the scrub and pasture is shown in **Figure 3**. Eucalyptus is conspicuous towards the northern boundary and flowering cherry are present near the causeway. Willow-leaved hakea (*Hakea salicifolia*) is present beneath the eucalyptus and brush wattle (*Paraserianthes lophantha*) is present in the arm that extends southeast of the main valley.

There are pockets of native regeneration with in the scrub, such as near the northern boundary and near the pond, with native species scattered elsewhere. Native species on the slopes of the gully include kanuka (*Kunzea robusta*), hangehange (*Geniostoma ligustrifolium*), mahoe (*Meliccytus ramiflorus*), kumarahou (*Pomaderris kumeraho*), wheki (*Dicksonia squarrosa*) and ponga (silverfern, *Cyathea dealbata*) (refer to **Appendix Two**).

The wetland in the base of the valley is dominated by swamp millet (*Isachne globosa*), a native grass. There is a patch of harakeke (flax, *Phormium tenax*) towards the northern boundary and scattered sedges (*Machaerina* sp.) and rushes (*Juncus* sp.). Mexican devil (*Ageratina adenophora*) is also present.

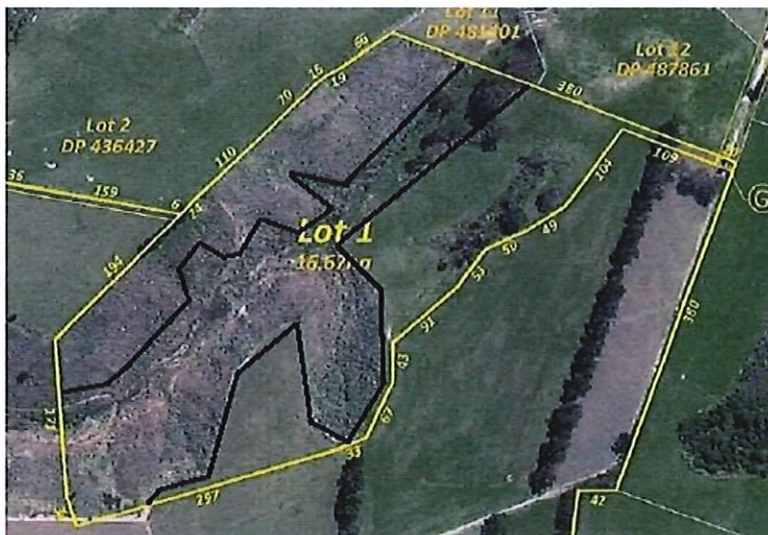


Figure 3: The approximate extent of exotic scrub within the study area.

5. Avifauna

Six (6) relatively common species of native birds were heard and/or seen during the site inspection:

- silvereye (*Zosterops lateralis*)
- fantail (piwakawaka; *Rhipidura fuliginosa*)
- pukeko (*Porphyrio porphyrio*)
- kingfisher (kotare; *Todiramphus sancta*)
- hawk (kahu, harrier hawk; *Circus approximans*)
- paradise duck (*Tadorna variegata*)

Six (6) introduced species were also recorded:

- pheasant (*Phasianus colchicus*)
- Australian magpie (*Gymnorhina tibicen*)
- brown quail (*Coturnix ypsilophora*)
- chaffinch (*Fringilla coelebs*)
- blackbird (*Turdus merula*)
- wild turkey (*Meleagris gallopavo*)

The owners of the adjacent property report hearing brown kiwi (*Apteryx mantelli*) and ruru (morepork; *Ninox novaeseelandiae*) on the subject property. Brown kiwi is classified "At Risk – Declining" (Robertson *et al.* 2017).

6. Ecological Significance

Section 12.2.5.6 of The Far North District Plan provides criteria for assessing the significance of indigenous vegetation and habitats. The criteria are as follows:

- (a) whether the area contains critical, endangered, vulnerable or rare taxa, or taxa of indeterminate threatened status (in the context of this clause, taxa means species and subspecies);
- (b) whether the area contains indigenous or endemic taxa that are threatened or rare in Northland;
- (c) whether the area contains representative examples in an ecological district of a particular habitat type;
- (d) whether the area has a high diversity of taxa or habitat types for the ecological district;
- (e) whether the area forms an ecological buffer, linkage or corridor to other areas of significant vegetation or significant habitats of indigenous fauna;
- (f) whether the area contains types that are rare in the ecological district;
- (g) whether the area supports good populations of taxa which are endemic to the Northland or Northland-Auckland regions;
- (h) whether the area is important for indigenous or endemic migratory taxa;
- (i) whether the area supports viable populations of species, which are typical of that type of habitat within an ecological district and retain a high degree of naturalness.

The site is dominated by exotic species and does not comprise “indigenous vegetation” so cannot be assessed using these criteria and does not meet the threshold for ecological significance.

However, the site is a habitat for three species that are included in the New Zealand Threat Classification Lists¹:

- Manuka (*Leptospermum scoparium*; “At Risk – Declining”) and kanuka (*Kunzea robusta*; “Threatened – Nationally Vulnerable”) are included in the list in recognition of the threat posed by the recent (2017) arrival of myrtle rust (*Austropuccinia psidii*).
- North Island brown kiwi is classified “At Risk – Declining” (Robertson *et al.* 2017)

¹ Threat classifications for flora follow de Lange *et al.* 2017.

7. Recommendations for Riparian Management

7.1 Fencing

The scrub is already partially fenced and it is recommended that this be completed to exclude stock from the waterway. Stock access across the causeway will need to be maintained so the sides of the causeway will also need to be fenced.

7.2 Weed Control

The ecological value of the riparian margins could be improved by controlling invasive weeds and allowing native species to re-establish. Priority species for control are listed in **Appendix Three**, with the exception of gorse which can act as a “nurse crop” for native plants.

Weed control can be undertaken using a combination of physical and chemical methods (e.g. with trees being felled or ringbarked and herbicide applied to the cut surfaces). Pampas can be sprayed with herbicide.

Given the abundance of weeds, it is recommended that weed control be regarded as a long-term project using a “staged approach” i.e., each year, a different part of the site is targeted for initial control while areas targeted in previous years are maintained. To prevent weed reinvasion, native plants will need to be established following weed control, either by colonising the site naturally or by revegetation planting.

7.3 Native Revegetation

In areas where weed infestations are dense and there is no existing understorey of native plants, planting is likely to be required after weed control has been achieved. The bulk of the plants used should be “colonisers”, such as manuka and kanuka, planted at relatively close spacings (1-1.5m) so they can quickly form a closed canopy that will exclude weeds. Manuka is slightly more tolerant of wet sites and kanuka is more tolerant of drought-prone sites.

On the slopes, hardy conifers and broadleaved trees and shrubs can be within the matrix of kanuka and manuka. Suitable species include ti kouka (cabbage tree; *Cordyline australis*), totara (*Podocarpus totara*), karamu (*Coprosma robusta*), mapou (*Myrsine australis*), houpara (*Pseudopanax lessonii*), rewarewa (*Knightia excelsa*) and even puriri (*Vitex lucens*).

Plants suitable for wetter sites include harakeke (*Phormium tenax*), cabbage tree and kahikatea (*Dacrydium dacrydioides*). Manuka is tolerant of damp soils, such as those on the margins of the wetland.

7.4 Introduced Mammals

The existing and re-establishing native vegetation is likely to benefit from browsing animals being controlled, particularly possums and rabbits. Stoat traps are already placed along Valencia Lane and are probably providing adequate control.

Domestic animals have the potential to predate native birds, particularly kiwi. Cats may prey upon kiwi chicks while dogs are a major cause of mortality of adult kiwi in Northland (Germano *et al.* 2018). This could be avoided by placing a covenant on the property to prevent the keeping or introduction of cats and dogs.

7.5 Legal Protection

The purchasers of Lot 1 have expressed an interest in covenanting the riparian margins and enhancing their ecological value. It is recommended that decisions about the size/extent of the covenant area and the covenant conditions be made giving regard to:

- the need to allow activities associated with the proposed enhancements, such as weed control and planting,
- the reality that ecological enhancement will be a long-term project,
- the need to maintain stock access over the existing crossing while preventing their access to the wetland, and
- the desirability of enabling foot access to the pond and a picnic area adjacent to it (if desired).

8. Conclusions

The study site comprises an incised gully with a narrow wetland at its base. The vegetation on the slopes of the gully is exotic scrub that is dominated by gorse and tobacco weed with pampas scattered throughout. There are pockets of native regeneration and native species scattered throughout at low to moderate density. The wetland in the base of the valley is dominated by swamp millet, a native grass. Higher slopes and gentler terrain comprise pasture (on the eastern side of the gully) and rough pasture on the western side.

Six relatively common species of native birds and six introduced species were heard and/or seen during the site inspection. The property is in an area where kiwi are known to be present (Far North Maps, accessed May 2021) and the neighbours report hearing brown kiwi (*Apteryx mantelli*) on the subject property.

The site does not meet the criteria for assessing the significance of indigenous vegetation and habitats in Section 12.2.5.6 of The Far North District Plan because the vegetation is not indigenous.

Options for enhancing the ecological values of the site include:

- Fencing to exclude stock
- Weed control
- Revegetation using suitable, locally-sourced indigenous species
- Controlling introduced mammals and placing a dog covenant on the property

It is recommended that the size/extent of the covenant area and the covenant conditions:

- allow for activities associated with the proposed enhancements e.g. weed control and planting,
- recognise that ecological enhancement will be a long-term project,
- maintain stock access over the existing crossing, and
- enable foot access to the pond and a picnic area adjacent to it (if desired).

References

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- Robertson H.A., Baird, K., Dowding J.E., Elliott G.P., Hitchmough R.A., Miskelly C.M., McArthur N., O'Donnell C.F.J., Sagar P.M., Scofield R.P., Taylor G.A. 2017. Conservation status of New Zealand birds, 2016. *New Zealand Threat Classification Series 19*. Wellington, Department of Conservation. 27p.

Appendix One: Site Photographs



Plate 1: A view of the property from the northern boundary, east of the gully.



Figure 2: Harakeke (flax) in the wetland.



Figure 3: Vegetation in the wetland is dominated by swamp millet, a native grass.



Figure 4: A view across the pond showing native trees and shrubs among gorse, tobacco weed and pampas. Pampas and gorse in the foreground.

Appendix Two: Indigenous Vascular Flora

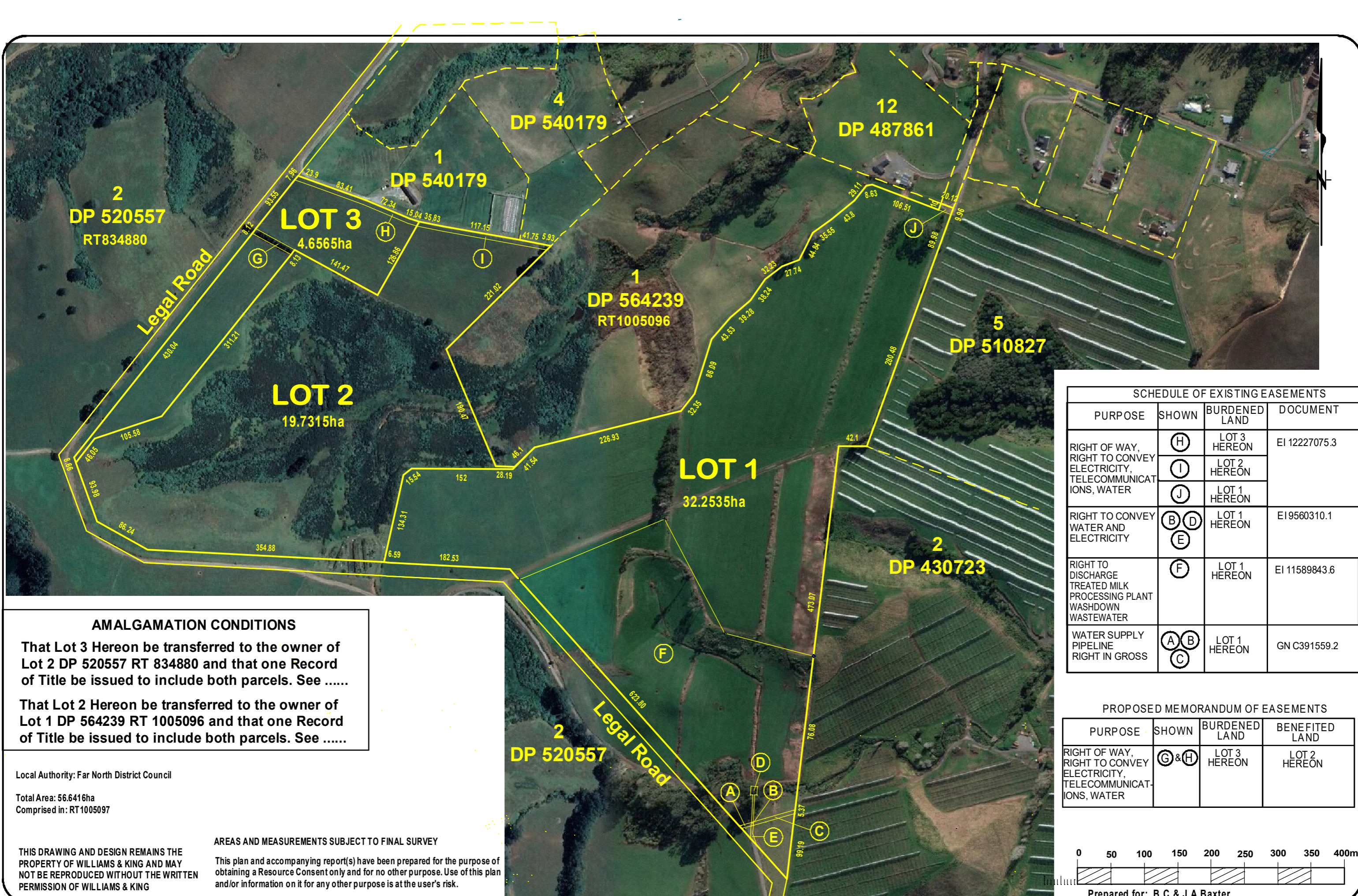
*Planted specimen

Ferns and fern allies	
<i>Asplenium flaccidum</i>	
<i>Cyathea dealbata</i>	ponga, silverfern
<i>Dicksonia squarrosa</i>	wheki
<i>Doodia australis</i>	rasp fern
<i>Histiopteris incisa</i>	water fern
<i>Icarus filiformis</i>	thread fern
<i>Paesia scaberula</i>	ring fern, pig fern
<i>Parablechnum novae-zelandiae</i>	kiokio
<i>Pteridium esculentum</i>	bracken
Conifers	
* <i>Agathis australis</i>	kauri
<i>Podocarpus totara</i>	totara
Dicotyledons (including trees, shrubs, herbs and climbers)	
<i>Coprosma robusta</i>	karamu
<i>Geniostoma ligustrifolium</i> var. <i>ligustrifolium</i>	hangehange
<i>Haloragis erecta</i>	
<i>Pomaderris kumeraho</i>	kumarahou
<i>Kunzea robusta</i>	kanuka
<i>Leptospermum scoparium</i> agg.	manuka
<i>Leucopogon fasciculata</i>	mingimingi
<i>Meliccytus ramiflorus</i>	mahoe
<i>Persicaria decipiens</i>	willow weed, water pepper
Monocotyledons (including sedges, rushes and grasses)	
<i>Cordyline australis</i>	ti kouka, cabbage tree
<i>Isachne globosa</i>	swamp millet
<i>Isolepis</i> sp.	
<i>Juncus</i> sp.	
<i>Machaerina</i> sp.	
<i>Phormium tenax</i>	harakeke, flax
<i>Schoenoplectus tabernaemontani</i>	

Appendix Three: Introduced Vascular Flora

Introduced vascular plants, excluding pasture species.

<i>Araujia sericifera</i>	moth plant, kapok vine
<i>Ageratina adenophora</i>	Mexican devil
<i>Cortaderia selloana</i>	pampas
<i>Eucalyptus</i> sp.	eucalyptus
<i>Hakea salicifolia</i>	willow-leaved hakea
<i>Paraserianthes lophantha</i>	brush wattle
<i>Pinus radiata</i>	radiata pine
<i>Prunus</i> sp.	flowering cherry, Taiwan cherry
<i>Solanum mauritianum</i>	tobacco weed, woolly nightshade
<i>Ulex europaeus</i>	gorse



SCHEDULE OF EXISTING EASEMENTS			
PURPOSE	SHOWN	BURDENED LAND	DOCUMENT
RIGHT OF WAY, RIGHT TO CONVEY ELECTRICITY, TELECOMMUNICATIONS, WATER	(H)	LOT 3 HEREON	EI 12227075.3
	(I)	LOT 2 HEREON	
	(J)	LOT 1 HEREON	
RIGHT TO CONVEY WATER AND ELECTRICITY	(B) (D) (E)	LOT 1 HEREON	EI 9560310.1
RIGHT TO DISCHARGE TREATED MILK PROCESSING PLANT WASHDOWN WASTEWATER	(F)	LOT 1 HEREON	EI 11589843.6
WATER SUPPLY PIPELINE RIGHT IN GROSS	(A) (B) (C)	LOT 1 HEREON	GN C391559.2

PROPOSED MEMORANDUM OF EASEMENTS			
PURPOSE	SHOWN	BURDENED LAND	BENEFITED LAND
RIGHT OF WAY, RIGHT TO CONVEY ELECTRICITY, TELECOMMUNICATIONS, WATER	(G) & (H)	LOT 3 HEREON	LOT 2 HEREON

AMALGAMATION CONDITIONS

That Lot 3 Hereon be transferred to the owner of Lot 2 DP 520557 RT 834880 and that one Record of Title be issued to include both parcels. See

That Lot 2 Hereon be transferred to the owner of Lot 1 DP 564239 RT 1005096 and that one Record of Title be issued to include both parcels. See

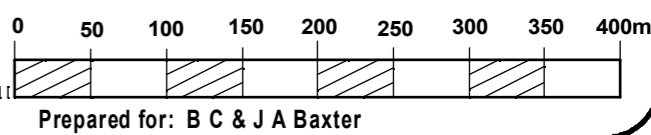
Local Authority: Far North District Council

Total Area: 56.6416ha
Comprised in: RT1005097

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AREAS AND MEASUREMENTS SUBJECT TO FINAL SURVEY

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.



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PROPOSED SUBDIVISION OF LOT 2 DP 564239

Survey	Name	Date	ORIGINAL SCALE SHEET SIZE 1:5000 A3	Surveyors Ref. No: 1:5000 Series Sheet of
Design				
Drawn		Jul 2023		
Approved				