

# Application for resource consent or fast-track resource consent

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

## 1. Pre-Lodgement Meeting

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

## 2. Type of Consent being applied for

*(more than one circle can be ticked):*

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

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

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

☐ Yes ☐ No

## 4. Consultation

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

If yes, which groups have you consulted with?

Who else have you consulted with?

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

## 5. Applicant Details

**Name/s:**

Far North Holdings Limited

**Email:**

**Phone number:**

**Postal address:**

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

## 6. Address for Correspondence

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

**Name/s:**

Zenith Planning Consultants - Attention Wayne Smith

**Email:**

w

**Phone number:**

v

**Postal address:**

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

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

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

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

**Name/s:**

Kaikohe Berryfruit Limited Partnership

**Property Address/  
Location:**


## 8. Application Site Details

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

**Name/s:**

Kaikohe Berryfruit Limited Partnership

**Site Address/  
Location:**



Postcode

**Legal Description:**

Number:

**Certificate of title:**

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

### Site visit requirements:

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

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

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

The site is a working horticultural operation. Please contact Adrian Tonks at FNHL to arrange a site visit if required with the berry farm operators. Adrian's number is 021 891 401

## 9. Description of the Proposal:

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

Retrospective resource consent sought for three poly tunnel structures built as part of the berry farm operation but which exceed the footprint of those consented under RC 2200204 and RC 2200204/VAR. The proposal breaches stormwater and building coverage only.

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

## 10. Would you like to request Public Notification?

☐ Yes ☒ No

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

(more than one circle can be ticked):

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

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

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

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

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

- |   |   |
|---|---|
| <input type="radio"/> Subdividing land                    | <input type="radio"/> Disturbing, removing or sampling soil       |
| <input type="radio"/> Changing the use of a piece of land | <input type="radio"/> Removing or replacing a fuel storage system |

## 13. Assessment of Environmental Effects:

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

Your AEE is attached to this application ☐ Yes

## 13. Draft Conditions:

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

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



#### 14. Billing Details:

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

Name/s: (please write in full)

Far North Holdings Limited

Email:

Phone number:

Postal address:

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

#### Fees Information

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

#### Declaration concerning Payment of Fees

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

Name: (please write in full)

Signature:

(signature of bill payer)

#### 15. Important Information:

##### Note to applicant

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

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

##### Fast-track application

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

##### Privacy Information:

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

# **Planning Report and Assessment of Effects**

## **Landuse Consent**

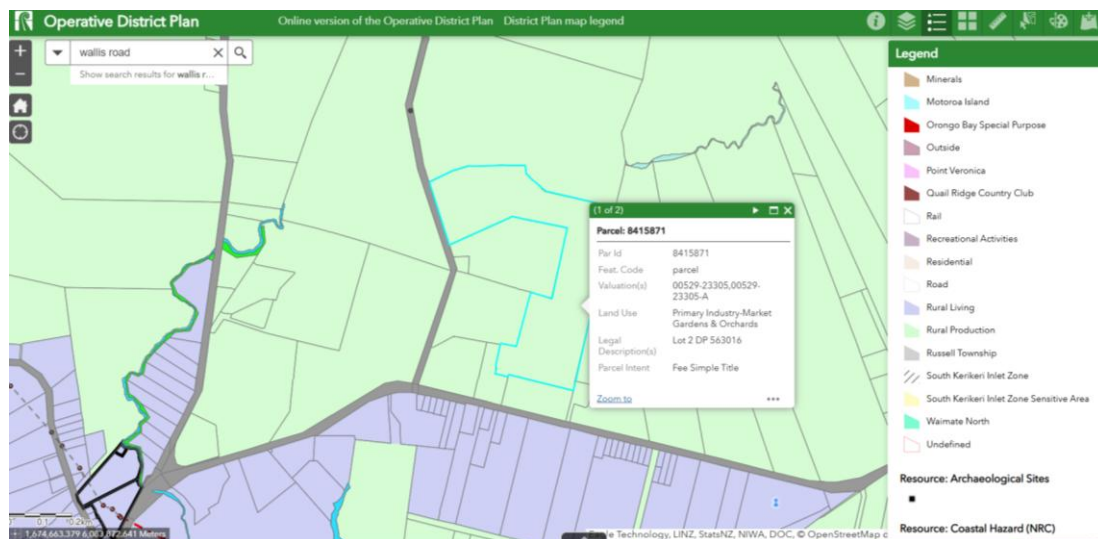
### **Far North Holdings Limited**

**Wallis Road, Kaikohe**

# **PLANNING REPORT AND ASSESSMENT OF EFFECTS**

## **APPLICATION AND SITE DESCRIPTION**

- 1.01 Zenith Planning Consultants have been engaged by Far North Holdings to secure retrospective resource consent for three poly tunnel houses which have been constructed outside the extent of development approved under previous resource consent and variation applications. The location for the landuse consent is within the existing horticultural hub development area. This area has been extensively modified with excavation and filling works consented under RC 2200204 and RC 2200204/VAR and related regional consents. The retrospective element is known to Council and was to be incorporated into a subsequent stage of the berry farm expansion which, for now, is not proposed.
- 1.02 The retrospective proposal sees the poly tunnel houses extend towards the southern boundary of the application site as depicted in the attached aerals. Preparatory works and materials were located within the developed area and when the new berry partnership arrangement was established, the half constructed poly tunnel houses were completed and this included the additional three tunnel houses which were not consented by any resource consent.
- 1.03 The application site is currently zoned Rural Production under the Far North Operative District Plan. There are no resource features applicable to the application site.



- 1.04 The site was required to be subdivided to align with consented uses and to enable financing as required for the respective developments. The applicable subdivision has seen new titles issued within the area one of which applies to the application site. There are three titles which form the overall berry farm site and which collectively equate to 28ha. The allotment layout and configuration is best illustrated in the following maps which identify the extent of the development and the allotment configuration.



**Land Record Search**

Address  Enter a place, street or address. e.g. Newlan

Results for coordinates "-35.388064818482206, 173.82580560637984" ▶  
Title NA124C/395


*This summary page does not constitute a Record of Title. To obtain the Record of Title please order it below.*

### Title summary NA124C/395

Type	Freehold
Land Registration District	North Auckland
Date Issued	11 June 1999
Prior References	<a href="#">NA62B/16</a>
Estate	Fee Simple
Indicative Area	5.96 hectares
Legal Description	Lot 2 Deposited Plan 196311

Current Instruments

Historical Instruments



*This title includes the packing and cool store facilities, access, and a portion of the poly tunnels*

**Land Record Search**

Address  Enter a place, street or address. e.g. Newlan

Results for coordinates "-35.3899820646605, 173.8237280498422" ▶  
Title 149669


*This summary page does not constitute a Record of Title. To obtain the Record of Title please order it below.*

### Title summary 149669

Type	Freehold
Land Registration District	North Auckland
Date Issued	23 June 2004
Prior References	<a href="#">NA100D/232</a>
Estate	Fee Simple
Indicative Area	4.9508 hectares
Legal Description	Lot 1 Deposited Plan 336520

Current Instruments

Historical Instruments



*This title includes the fertigation plant and water reservoir and a portion of the poly tunnels under this application*

**Land Record Search**

Address  Enter a place, street or address. e.g. Newlan

Results for coordinates "-35.388190770067446, 173.82692164928875" ▶  
Title 999768


*This summary page does not constitute a Record of Title. To obtain the Record of Title please order it below.*

### Title summary 999768

Type	Freehold
Land Registration District	North Auckland
Date Issued	16 August 2023
Prior References	<a href="#">NA102A/774</a>
Estate	Fee Simple
Indicative Area	17.099 hectares
Legal Description	Lot 2 Deposited Plan 563016

Current Instruments

Historical Instruments



*The primary lot within which the poly tunnels are located within - both consented and under this application. This is a new title created to reflect the extent of the development.*

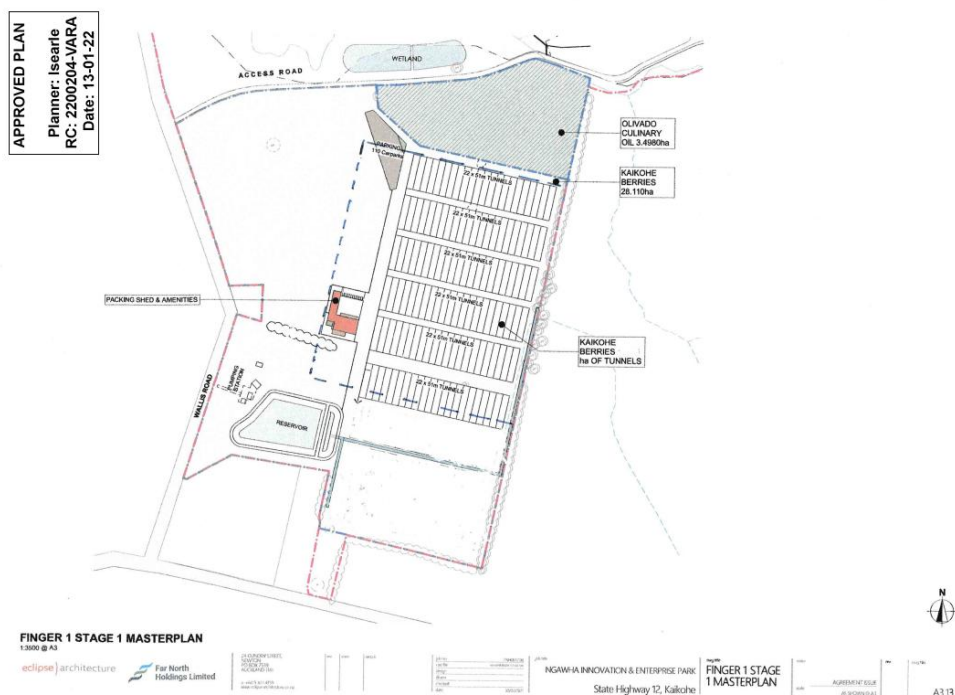
1.05 The legal descriptions are as follows:

- Lot 1 DP 336520 4.9508ha
- Lot 2 DP 196311 5.96ha
- Lot 2 DP 563016 17.099ha

1.06 The original consent and variation (RC 2200204) triggered the following breaches:

- Rule 12.3.6.1.3 – Excavation and/or filling, excluding mining and quarrying in the rural production zone or Kauri Cliffs Zone.
- Rule 15.1.6A.2.1 – Traffic intensity

The extent of consented development under RC 2200204 and variation was set at the limit of the permitted allowances. Therefore, any expansion of this consented development would trigger breaches for rules associated with stormwater (impermeable surfaces) and building coverage. Key aspects such as the earthworks and traffic (the only original breaches) are not changing under this application. The assessment conclusion will be addressed in the rules assessment (to follow) but essentially there was no additional earthworks required to be undertaken, and the traffic intensity breach only related to the cool store operation with poly tunnels not attracting any traffic movements.



*The consented poly tunnel development. The dotted lines represent the original resource consent (RC 2200204) which was for a substantial glass house which was subsequently change to poly tunnels as illustrated within RC 2200204/VAR.*

1.07 The consented poly tunnels did not extend beyond the water reservoir to the west of the poly tunnels and the large space at the southern end of the site was to remain grassed

until the second stage was proposed. The entire horticultural hub was excavated under the original application and was to be developed in a subsequent stage(s). The area to the northeast of the approved poly tunnel area was also to be developed in the future.

- 1.08 During the processing of the Section 127 (Variation) application, it was anticipated that the timeframes for the additional poly tunnels (and future stage) was short term. However, since approval of the variation, there are no plans to undertake any further stages or additional increases in the extent of the poly tunnel houses on site.

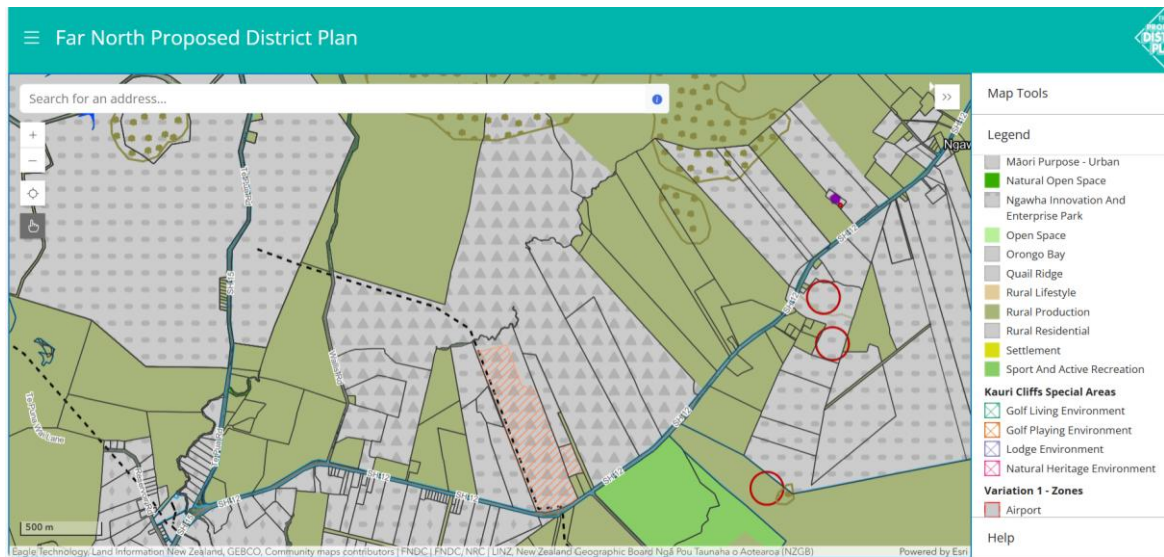


*The poly tunnels as constructed today extend three (3) rows further south and fully past the water reservoir. The additional poly tunnels have been constructed for several years. They were to be built in a subsequent stage.*

- 1.09 The additional poly tunnels add both impermeable surfaces and built form to the site and while not accounted for in the FNDC consent applications, were fully accounted for in regional discharge consents secured for the site. The regional consents allowed for stage two elements which have yet to be applied for and which saw additional poly tunnels over the entire property (well beyond what has been physically been built). The entire site was considered in terms of regional consents with a combination of measures which addressed and dealt with stormwater, bulk earthworks and related discharges during and post the construction phases. Copies of the regional consents are included as part of this application.



- 1.10 It is understood that the additional poly tunnels were mistakenly constructed shortly after the change of ownership occurred and the current owners took possession of the site and activities. The completed works were undertaken prior to the issuance of RC 2200204/VAR with the decision for that application referencing the additional poly tunnels and that a subsequent application for the next stage would address both the retrospective element and the stage two elements.
- 1.11 The property has a flat contour due to the extensive bulk earthworks undertaken to create the level platforms for the poly tunnels and the related cool store facilities. Additional earthworks created the water reservoir (used for water storage, a fertigation plant, and for stormwater management purposes) and dedicated stormwater ponds located to the north of the site (positioned on an adjoining title) to which the application site has easements for stormwater discharge purposes. There are no physical works required to be completed for this application with areas not occupied by buildings, access or parking areas, now in grass.
- 1.12 When the additional poly tunnels were constructed, the lifestyle properties located to the south of the site were owned by Far North Holdings. These properties were surplus to the Park's requirements and following some title changes (via a subdivision), have since been sold with the poly tunnels already constructed. The poly tunnels comply with setback, height and sunlight rules.
- 1.13 While the application site has a Rural Production zoning under the Operative District Plan, this zoning was not considered suitable for the future development aspirations of the Ngawha Innovation & Enterprise Park. The District Plan review process and new Proposed Plan offered an opportunity to establish a Special Purpose zone for the Ngawha Innovation and Enterprise Park which not only encapsulated the intent of the park but also the priorities for the types of allowable development to meet the intent. The focus for the Park is in adding value to primary products but to also offer an innovation centre which supports small businesses and education and training opportunities to upskill Northland residents. Several key providers in these key areas have since established operations and operate from the Park's Innovation and Education Hub at 5449A State Highway 12, Ngawha.
- 1.14 In seeking to create a Special Purpose Zone for the current array of activities on site, Zenith Planning Consultants prepared a draft Section 32 report as part of the district plan review process. This report and proposition was ultimately accepted by Council for inclusion into the Proposed District Plan where it would be subject to the submission process and any required hearings. The report was peer reviewed and accepted for inclusion in the notified Proposed District Plan.



The Ngawha Innovation and Enterprise Park Special Purpose zone is identified by the shaded triangles central in this plan. The orange hashed area is the Innovation and Enterprise Precinct in which more commercial and educational uses are proposed or have been constructed.

- 1.15 The proposed plan was notified and following the receipt of submissions and further submissions, Council held hearings for those persons who wished to be heard. The hearings for the special purpose zone were concluded in Hearing 3 of the schedule and the outcome is expected to be provided by the end of 2025. The proposed special purpose zoning has no current legal status even though there were no objections to the proposed zoning. Submissions with concerns targeted specific matters not related to the proposed zoning but more around specific considerations related to development monitoring. No opposing submitters attended the hearings process.

## APPLICATION PROPOSAL

- 2.01 The application being considered only concerns the three additional poly tunnel houses structures which extend toward the southern boundary. The assessment need only consider the structures themselves with bulk earthworks already covered by existing district and regional consents. The following assessment considered the zoning and relevant district wide provisions.

### RURAL PRODUCTION ZONE RULES

RULE	ASSESSMENT
8.6.5.1.1 RESIDENTIAL INTENSITY Residential development shall be limited to one unit per 12ha of land.	No dwelling is proposed Not applicable
8.6.5.1.2 SUNLIGHT No part of any building shall project beyond a 45 degree recession plane as measured inwards from any point 2m vertically above ground level on any site boundary (refer to definition of Recession Plane in Chapter 3 - Definitions), except where a site boundary	All buildings comply with the sunlight rule with the boundary being a minimum of 10m away from the poly tunnel structures. The structures are modest in height. The proposal complies with the sunlight rule. Permitted



<p>adjoins a legally established entrance strip, private way, access lot, or access way serving a rear site, the measurement shall be taken from the farthest boundary of the entrance strip, private way, access lot, or access way.</p> <p>Exemptions: crop protection structures not exceeding 6m in height.</p>	
<p><b>8.6.5.1.3 STORMWATER MANAGEMENT</b></p> <p>The maximum proportion of the gross site area covered by buildings and other impermeable surfaces shall be 15%.</p>	<p>The zone allows for 15% coverage of the site for a permitted activity which for a 28.0098ha site (combined areas of the 3 titles) equates to 4.20147ha.</p> <p>The consented impermeable surfaces approved under RC 2200204/VAR based on the plans provided was for 10.8ha comprising the following elements:</p> <ul style="list-style-type: none"> <li>• Poly tunnels</li> <li>• Packhouse and staff facilities</li> <li>• Internal access roads</li> <li>• Yard space</li> <li>• Onsite parking and manoeuvring</li> </ul> <p>The assessed impermeable surfaces was permitted because the entire park property was used for assessment purposes and not the three lots owned by the berry farm operation.</p> <p>When including the three additional poly tunnels under this application, the total impermeable surfaces is approximately 15ha.</p> <p>This equates to 53.5% coverage of the three titles.</p> <p>The total impermeable surfaces is not permitted.</p>
<p><b>8.6.5.1.4 SETBACK FROM BOUNDARIES</b></p> <p>No building shall be erected within 10m of any site boundary; with the following exceptions;</p> <p>(a) no accessory building shall be erected within 3m of boundaries other than road boundaries, on sites less than 5000m<sup>2</sup>;</p> <p>(b) no crop protection structures shall be located within 3m of boundaries;</p>	<p>All buildings comply with the 10m setback. Where the buildings cross a legal boundary the titles will be amalgamated. For the purposes of the horticultural hub application there is a requirement that the titles be held together by a legal mechanism under the Building Act or RMA.</p> <p>Permitted</p>
<p><b>8.6.5.1.5 TRANSPORTATION</b> Refer to Chapter 15 – Transportation for Traffic, Parking and Access rules</p>	<p>See below</p>
<p><b>8.6.5.1.6 KEEPING OF ANIMALS</b></p>	<p>N/A</p>
<p><b>8.6.5.1.7 NOISE</b></p> <p>(a) All activities except Temporary Military Training Activities shall be so conducted as to ensure that noise from the site shall not exceed the following noise limits as measured at or within the boundary of any other site in this zone, or at any site in the Residential, Coastal Residential or Russell Township Zones, or at or within the notional boundary of any dwelling in any other rural or coastal zone:</p> <p>0700 to 2200 hours 65 dBA L10 2200 to 0700 hours 45 dBA L10 and 70 dBA Lmax</p>	<p>The tunnel houses do not create any noise and compliance can be achieved.</p> <p>Permitted</p>
<p><b>8.6.5.1.8 BUILDING HEIGHT</b></p> <p>The maximum height of any building shall be 12m.</p>	<p>All buildings are well below the 12m height limit for the zone.</p> <p>Permitted</p>
<p><b>8.6.5.1.9 HELICOPTER LANDING AREA</b></p>	<p>N/A</p>

<p><b>8.6.5.1.10 BUILDING COVERAGE</b> Any new building or alteration/addition to an existing building is a permitted activity if the total Building Coverage of a site does not exceed 12.5% of the gross site area.</p>	<p>The zoning allows for 12.5% coverage of the site for a permitted activity which equates to 3.501225ha of buildings for the 28ha application site.</p> <p>Total building coverage greatly exceeds this (as consented under RC 2200204). The majority of the impermeable surfaces on site comprise the poly tunnels and this would be at least 45% of the site based on the current impermeable surfaces of 53.5%</p> <p>The proposal does not comply with this rule</p>
<p><b>8.6.5.1.11 SCALE OF ACTIVITIES</b> For activities other than those provided for in the exemptions below, the total number of people engaged at any one period of time in activities on a site, including employees and persons making use of any facilities, but excluding people who normally reside on the site or are members of the household shall not exceed</p> <ul style="list-style-type: none"> <li>i. For activities ancillary to farming or plantation forestry activities, 8 persons per site or 2 person per 1 hectare of net site area, whichever is the greater</li> <li>ii. For all other activities, 4 persons per site or 1 person per 1 hectare of net site area, whichever is the greater.</li> </ul> <p>Provided that:</p> <ul style="list-style-type: none"> <li>(a) this number may be exceeded for a period totalling not more than 60 days in any 12 month period where the increased number of persons is a direct result of activities ancillary to the primary activity on the site; or</li> <li>(b) this number may be exceeded where persons are engaged in constructing or establishing an activity (including environmental enhancement) on the site; or</li> </ul> <p>Processing and packaging facilities for farming, forestry, and any rural industry that is dependent primarily on the direct handling of raw produce, or that primarily supplies services to farming, horticulture, or forestry. Includes premises used for the manufacture of dairy products, abattoirs, timber processing, stock yards and sale yards, cool stores and pack houses and rural contractor depots.</p>	<p>With the activity within the poly tunnels being a horticultural activity staff working within these structures are exempted from the scale of activity calculation.</p> <p>The cool store facility is an ancillary rural activity but is not part of this application having previously been assessed and considered. The rule provides for up to 8 persons per site or 2 people per hectare whichever is the greater.</p> <p>The total site area of for this berry operation is the 28.0098ha which allows for 56 people as a permitted activity. Numbers working within the cool store do not exceed this figure.</p> <p>Permitted Activity</p>
<p><b>8.6.5.1.12 TEMPORARY EVENTS</b></p>	<p>N/A</p>
<p><b>8.6.5.2.1 STORMWATER MANAGEMENT</b> The maximum proportion of the gross site area covered by buildings and other impermeable surfaces shall be 20%.</p>	<p>The proposal exceeds this 20% limit as previously assessed and does not comply</p>
<p><b>8.6.5.2.2 PAKAINGA HOUSING</b></p>	<p>N/A</p>
<p><b>8.6.5.2.3 MINOR RESIDENTIAL UNIT</b></p>	<p>N/A</p>
<p><b>8.6.5.2.4 NOISE LIMITS FOR TEMPORARY MILITARY TRAINING</b></p>	<p>N/A</p>
<p><b>8.6.5.2.5 BUILDING COVERAGE</b> Any new building or alteration/addition to an existing building is a controlled activity if the total Building Coverage of a site does not exceed 15% of the gross site area.</p>	<p>The proposal exceeds this 15% limit as previously assessed and does not comply</p>

8.6.5.3.1 TRANSPORTATION Refer to Chapter 15 – Transportation for Traffic, Parking and Access rules	See Assessment below
8.6.5.3.2 BUILDING HEIGHT The maximum height of any building shall be 15m.	The buildings comply with the permitted standards,
8.6.5.3.3 SUNLIGHT In assessing an application resulting from a breach of Rule 8.6.5.1.2 Sunlight the matters to which the Council will restrict its discretion are:	Proposal meets the permitted standard – see above
8.6.5.3.4 SETBACK FROM BOUNDARIES In assessing an application resulting from a breach of Rule 8.6.5.1.4 Setback from Boundaries the matters to which the Council will restrict its discretion are: (	Proposal meets the permitted standard – see above
8.6.5.3.5 NOISE In assessing an application resulting from a breach of Rule 8.6.5.1.7	Proposal meets the permitted standard – see above
8.6.5.3.6 RESIDENTIAL INTENSITY Excluding a Minor Residential Unit, which is covered in Rule 8.6.5.2.3, residential development shall be limited to one unit per 4ha of land.	Not applicable
8.6.5.3.7 SCALE OF ACTIVITIES Activities ancillary to farming or forestry that breach Rule 8.6.5.1.11(i) Scale of Activities are a Restricted Discretionary Activity.	Proposal meets the permitted standard – see above
8.6.5.4.1 RESIDENTIAL INTENSITY Excluding a Minor Residential Unit, which is covered in Rule 8.6.5.2.3, residential development shall be limited to one unit per 2ha of land.	Not applicable
8.6.5.4.2 INTEGRATED DEVELOPMENT	N/A – This rule applies to Maori Freehold and Maori Customary land only
8.6.5.4.3 HELICOPTER LANDING AREA	N/A
8.6.5.4.4 SCALE OF ACTIVITIES When the total number of people engaged at one period of time in activities on a site, other than activities ancillary to farming or forestry, including employees and persons making use of facilities, but excluding people who normally reside on a site or are members of the household, does not comply with Rule 8.6.5.1.11(ii), it is a discretionary activity.	Proposal meets the permitted standard

## EXCAVATION AND FILLING – CHAPTER 12.3

12.3.6.1.1 EXCAVATION AND/OR FILLING, EXCLUDING MINING AND QUARRYING, IN THE RURAL PRODUCTION ZONE OR KAURI CLIFFS ZONE Excavation and/or filling, excluding mining and quarrying, on any site in the Rural Production Zone or Kauri Cliffs Zone is permitted, provided that: (a) it does not exceed 5,000m <sup>3</sup> in any 12 month period per site; and (b) it does not involve a continuous cut or filled face exceeding an average of 1.5m in height over the length of the face i.e. the maximum permitted average cut and fill height may be 3m.	No earthworks were required to be undertaken with bulk earthworks undertaken during the establishment of the horticultural hub as consented under RC 2200204. These works were all completed prior to any poly tunnels being constructed on the site. Any exposed area not occupied by buildings or roading/ manoeuvring is now in grass.  The construction of the additional three poly tunnels did not require additional excavation and filling.  Not applicable
12.3.6.1.4 NATURE OF FILLING MATERIAL IN ALL ZONES	Not applicable

Filling in any zone shall meet the following standards:  
(a) the fill material shall not contain putrescible, pollutant, inflammable or hazardous components; and  
(b) the fill shall not consist of material other than soil, rock, stone, aggregate, gravel, sand, silt, or demolition material; and  
(c) the fill material shall not comprise more than 5% vegetation (by volume) of any load.

## TRAFFIC AND PARKING

<p><b>15.1.6A.2.1 TRAFFIC INTENSITY</b> The Traffic Intensity threshold value for a site shall be determined for each zone by Table 15.1.6A.1 above. The Traffic Intensity Factor for a proposed activity (subject to the exemptions identified below) shall be determined by reference to Appendix 3A in Part 4.</p> <p>This rule only applies when establishing a new activity or changing an activity on a site. However, when considering a new activity or changing an activity, the Traffic Intensity Factor for the existing uses (apart from those exempted above) on site need to be taken into account in order to address cumulative effects. Exemptions:</p> <p>The first residential unit on a site, farming, forestry and construction traffic (associated with the establishment of an activity) are exempt from this rule.</p>	<p>The collective traffic movements from the existing Park operations exceed the permitted allowances and the cool store and related components does result in a breach of the rules for this site. However, there are resource consents in place for the cool store and related buildings.</p> <p>Poly tunnels and farming related buildings are exempted from this rule assessment. Technically, the additional poly tunnels do not result in additional assessed traffic movements.</p> <p>In this respect and with consents in place which are not changing, the additional poly tunnels houses are permitted under this rule due to the exemption which applies for rural activities.</p>
<p><b>15.1.6B.1.1 ON-SITE CAR PARKING SPACES</b> Where: (i) an activity establishes; or (ii) the nature of an activity changes; or (ii) buildings are altered to increase the number of persons provided for on the site; the minimum number of on-site car parking spaces to be provided for the users of an activity shall be determined by reference to Appendix 3C, unless an activity complies with the exemptions below. Note: Accessible car parking spaces are required for people with disabilities in accordance with Rule 15.1.6B.1.4 below.</p>	<p>Additional poly tunnels do not trigger additional parking requirements with rural production being exempted uses.</p> <p>Permitted</p>
<p><b>15.1.6B.1.4 ACCESSIBLE CAR PARKING SPACES</b></p>	<p>Accessible parking spaces will be provided in accordance with the required standards.</p>
<p><b>15.1.6B.1.5 CAR PARKING SPACE STANDARDS</b> (a) The required size of off-street car parking spaces, the manoeuvring space between, and the vehicle circulation routes providing access to them, shall be as set out in Appendix 3D. (b) Stacked parking will be permitted for one of two spaces associated with a specific residential unit. In determining the extent of area required for manoeuvring space, the Council will be guided by the Tracking Curve diagrams as shown in Appendix 3E. (c) All parking, loading, access drives and manoeuvring areas shall be formed and provided with an all weather surface, drained, marked out and maintained to the satisfaction of the Council, and shall</p>	<p>There is sufficient space within the site to comply with the Engineering design requirements for both the car space dimensions which provide for casual users and which includes all onsite manoeuvring. Car spaces were provided for the cool store activity at the required quantity and this proposal does not change this aspect.</p> <p>The spaces are an all weather metalled surface</p> <p>Permitted</p>

be kept free and available for the uses intended. Where a parking area provides four or more car parking spaces is adjacent to a road, a kerb or a barrier shall be provided to prevent direct access except at the designated vehicle access point.	
<p><b>15.1.6B.1.6 LOADING SPACES</b></p> <p>(a) Loading spaces are required where activities established within a Commercial or Industrial Zone at the following ratio: Building Gross Floor Area Number of Loading spaces required  No greater than 200m<sup>2</sup> - No loading space  Between 200m<sup>2</sup> and 500m<sup>2</sup> - One loading space  Between 500m<sup>2</sup> and 5,000m<sup>2</sup> - Two loading spaces  Exceeding 5,000m<sup>2</sup> - Three loading spaces</p> <p>(b) Where buildings are serviced only by courier vans, loading spaces shall be no less than 6m long by 3m wide and 3.2m high.  Other loading spaces shall be designed to accommodate the largest size of truck expected to use them.</p> <p>(c) All loading areas shall be formed and provided with an all weather surface, drained, marked out and maintained to the satisfaction of the Council, and shall be kept free and available for the uses intended.</p>	<p>Loading Spaces are not required within the Rural Production Zone.</p> <p>The existing development provides loading spaces and areas which meet the requirements of the cool store. This is not changing under this application.</p> <p>Not applicable</p>
<p><b>15.1.6C.1.1 PRIVATE ACCESSWAY IN ALL ZONES</b></p> <p>(a) The construction of private accessway, in addition to the specifics also covered within this rule, is to be undertaken in accordance with Appendix 3B-1 in Part 4 of this Plan.</p> <p>(b) Minimum access widths and maximum centreline gradients, are set out in the Appendix 3B-1 table except that the grade shall be:  All urban zones; excluding the Commercial and Industrial Zones No steeper than 1:8 adjacent to the road boundary for at least 5m.</p>	<p>Access within the site is already provided to the required Engineering Standards.</p> <p>Permitted</p>
<p><b>15.1.6C.1.5 VEHICLE CROSSING STANDARDS IN RURAL AND COASTAL ZONES</b></p> <p>(a) Private access off roads in the rural and coastal zones the vehicle crossing is to be constructed in accordance with Council's "Engineering Standards and Guidelines" (June 2004 – Revised 2009).</p>	<p>The entrance crossing onto Wallis Road has been designed and constructed in accordance with the approved plans.</p> <p>Permitted</p>

## OPERATIVE PLAN

2.02 The assessment concludes that there are two rules which cannot be met by the three retrospective poly tunnel houses, and these are:

- Building Coverage
- Stormwater

In both instances they are well above the permitted allowances for the Rural Production zone. In addition to the permitted allowances, the proposal also exceeds the Restricted Discretionary thresholds, and the application is therefore a Discretionary activity.

## **PROPOSED DISTRICT PLAN**

- 2.03 The majority of rules within the Proposed District Plan do not have legal effect until such time as Council publicly notifies its decisions on submissions. There are however certain rules that have been identified in the proposed plan which have immediate legal effect and that may therefore apply and need to be considered in assessing this application. Such rules may affect the activity status of the application.
- 2.04 The rules for hazardous substances, scheduled sites or areas of significance to Maori, significant natural areas, or a scheduled heritage resource do not apply as none of these aspects are applicable to the site. Additionally, Heritage Area Overlays, historic heritage rules, excavation and filling, and Notable Trees are also not applicable.
- 2.05 It is therefore contended that there are no rules which the application breaches or that is required to be considered. On this basis little to no weighting has been afforded to the proposed district plan. This also particularly relevant with the application site to have a Special Purpose Zone.
- 2.06 There are no relevant provisions which have immediate legal effect and which apply to the site.

## **ASSESSMENT OF EFFECTS**

- 3.01 With the retrospective landuse application being a discretionary activity, all matters can be considered in assessing and reviewing the application. It is however important to focus on the specific breaches and the specific matters to which Council considers as being required to be addressed.
- 3.02 It is necessary to consider the potential of Permitted Baseline and Existing Environment comments in considering the relevant matters to be assessed.

## **PERMITTED BASELINE**

- 3.03 Pursuant to section 104(2) of the Act, when forming an opinion for the purposes of section 104(1)(a) a council may disregard an adverse effect of the activity on the environment if the plan or a NES permits an activity with that effect (i.e. a council may consider the "permitted baseline"). When considering an application for resource consent it is important to reference and place some reliance on Permitted Baseline arguments. This provides the expectation for development proposals within the zone and enables the consideration of the differences between what could be undertaken "as of right" and that which is proposed. When referencing and using Permitted Baseline such arguments should not be fanciful but based on realistic proposals and expectations.
- 3.04 In addition to Permitted Baseline considerations, Existing Use Right considerations could also apply especially where the proposed activity is similar in nature and previously lawfully established.
- 3.05 In this circumstance, the construction of some horticultural structures are permitted and could include a shelter or wind break. Such permitted structures from a distance would be comparable in terms of visual effect particularly considering their potential size and



bulk as well as materials when compared to poly tunnels houses. Poly tunnels themselves are a permitted buildings providing they meet the usual bulk and location requirements with these structures being assessed as a building.

- 3.06 In the original application RC 2200204 which established the poly tunnels, the applicant queried whether the poly tunnels or a similar type of structure would constitute a building under the plan district plan definitions. Following a series of opinions, it was confirmed by Council that a building would be the correct definition of the poly tunnel structure to be constructed. The structure fell outside of the support structure definition and was not considered to be an exemption.
- 3.07 This set of queries was prompted by the former berry farm partner whose Whangarei operations enjoyed the benefit of poly tunnels being exempted structures under the building definition within the district plan. The permitted baseline is useful in so far as the acceptable level of visual effect that a comparable structure would create within the rural environment. The example being the similar level of visual effects and size and extent the white poly tunnel houses and white cropping shelters and windbreak. On this basis it is considered that the Permitted Baseline is a useful consideration for this application.
- 3.08 With respect to Existing Use Right considerations, the subdivision (which reorganised the application site's titles) and their allotment sizes, and the existing impermeable surfaces are already above the permitted allowances for the zone. These are all consented works. The engineering design for stormwater management and the completed earthworks were all future proofed and in full knowledge that further poly tunnels or growing facilities over the entire site were to be created in the future. This approach enabled core infrastructure and catchment / stormwater management to be provided for and which would enable growth and scale of plant without changing the provided infrastructure or requiring substantial upgrades in the future.
- 3.09 The three poly tunnels were referenced in the s95 planning report and decision prepared by Council officers for RC 2200204/VAR. It was noted at the time that FNHL would apply for further consents for stage two and that the three poly tunnels constructed as part of this future application would be incorporated into these applications. With further expansion of poly tunnels not planned for in the immediate future it is necessary to address the unconsented poly tunnels within their own separate resource consent application.
- 3.10 Existing use rights apply through existing consents three poly tunnels with the structures themselves triggering a consent requirement.

## **ASSESSMENT CRITERIA EVALUATION**

- 3.11 The application has been assessed as a discretionary activity and in usual circumstances all matters can be considered in reviewing and determining the potential effects of the proposal. However, with resource consents in place for the excavation and filling, traffic movements, scale of activity, and the NES Regulation – contaminated land, it is contended that this planning assessment need only focus on the rule breach considerations which remain outstanding or not addressed in previous applications. The Park applications considered the future design elements so that additional upgrading of

core infrastructure was not required (or if it was required it was modular such as for wastewater treatment and disposal).

- 3.12 The use of the poly tunnels is an exempted activity from many rules because of the horticultural use of the site with scale of activity, traffic, and parking requirements all exempted. The following assessment criteria is taken from Section 11 of the plan with some of the matters to be considered not relevant to this proposal.

#### 11.2 BUILDING HEIGHT, SCALE AND SUNLIGHT

- (a) The extent to which adjacent properties will be adversely affected in terms of visual domination, overshadowing, loss of privacy and loss of access to sunlight and daylight.

The poly tunnel structures are located more than 10m from the property and are well below the maximum height for the zone. The proposal also complies with the sunlight rule. On the basis that the proposal complies with setback, height, and sunlight rules then there is limited prospect of resulting in any adverse effect.

In addition to this, (and with particular regard to the southern boundary lifestyle properties) is that the poly tunnels have a ground level well below the lifestyle property ground levels.

A compliant development which could involve horticultural support structures and protection measures which are exempted from the rules, could results in a comparable visual effect for adjoining properties.

The potential effects are less than minor.

- (b) The ability to mitigate any adverse effects by way of increased separation distances between buildings or the provision of landscaping and screening.

The three poly tunnel houses are setback from boundary a minimum of 10m which provides space for landscaping as a potential mitigation measure. However, with the completed earthworks, there is limited space to plant on and would be potentially difficult to maintain. The planting of vegetation at the finished ground level and immediately adjacent to the poly tunnels would not be easily visible to adjoining lifestyle properties and would be largely ineffective.

The embankment would offer some potential screening opportunities but this would be potentially difficult to maintain. The remaining area of flat land at the boundary fence area would be available but careful and modest plantings would need to be completed in this location. The available space is variable in this location.

The introduction of landscaping would break up the bulk of the poly tunnels and reduce the potential landscape effects. While landscaping for the existing consented poly tunnel development has been required, this is to address visual effects as viewed from Wallis Road properties and not properties to the south. The approved landscaping is positioned mid site and provides screening of the cool store buildings and parking areas with respect to Wallis Road properties. This landscaping is not a boundary treatment.



Landscaping could be required and would mitigate if planted in the correct location and with appropriate plantings. It is however contended that landscaping is unnecessary for the reasons noted above. There is always a chance that boundary landscaping while screening a development also increases shading if allowed to get too high.

Effects are considered to be less than minor.

- (c) The extent of the building area and the scale of the building and the extent to which they are compatible with both the built and natural environments in the vicinity.

The poly tunnels are a logical extension of the existing berry farm setup and the layout and structures are expected to be located within the rural environment. The extent of poly tunnels are not considered to be out of character and considered to be buildings which could be reasonably expected to be within a rural context.

The poly tunnels are compatible with the rural environment in which it is located.

- (d) The spatial relationship between the new building and adjacent residential units, and the outdoor space used by those units.

The closest residences to the three additional poly tunnels are located at the southern end of the site. These lifestyle properties are noted above as being at a higher ground level due to completed earthworks. This negates much of the overall visual effects of the poly tunnels. The poly tunnels are clearly visible from the residences but do not impact on the use of the adjoining lifestyle properties.

Furthermore, the poly tunnels are located in full compliance with building setback, the maximum height, and the sunlight rules which are all important boundary relationship considerations.

It is not considered that the poly tunnels impact (in an adverse manner), the open space of the adjacent residences.

- (e) The nature of the activity to be carried out within the building and its likely generated effects.

The poly tunnel buildings are to be used for the berry farm but could be used for other crops. Berries can be grown outdoors but weather and temperature restrict the production season. In this instance the berries are grown indoors which enables year-round production for consumers and potentially exporting. This results in more permanent employment with year round crops rather than seasonal opportunities.

### 11.3 STORMWATER MANAGEMENT

- (a) The extent to which building site coverage and impermeable surfaces result in increased stormwater runoff and contribute to total catchment impermeability and the provisions of any catchment or drainage plan for that catchment.

The poly tunnels do increase the stormwater runoff by increasing the concentration of rainfall and does not enable natural absorption which occurs within a greenfield site. A farm paddock does not typically concentrate rainfall and usually provides a degree of natural absorption.

The original resource consent application for the horticultural hub (RC 2200204) undertook bulk earthworks for the entire site including the area in which the three unconsented poly tunnel houses are located.

Stormwater measures were put in place for the entire site including the wider catchment with the application site also receiving some additional stormwater from properties to the southwest. The stormwater management system involved several key elements including the water reservoir, the stormwater ponds, and interconnecting drains both with and from adjacent sites. The system was designed to cater for poly tunnels (or similar impermeable surfaces) covering the majority of the site, managing onsite water demand from the berry farm operation (the fertigation component), and addressing and dealing with excess stormwater. Surplus stormwater is currently diverted to the water reservoir while ponds to the north of the site have not yet been required. When they are required (for further development the stormwater for these extended areas will be dispersed of in a controlled manner to the small creek which runs through the Park property.

Regional consents cover this aspect with both the water reservoir and stormwater ponds to the north of the site addressing this stormwater management issue.

Some of the water is harvested for use within the berry farm operations.

(b) **The extent to which Low Impact Design principles have been used to reduce site impermeability.**

The original design for stormwater from the site ensured that Low Impact Design principals were considered and where possible incorporated into the final design. In considering the proposed design, NRC are required to consider similar measures and ultimately approved the design proposed. There remains a reasonable level of permeability on the site with the catchments which are not developed.

This includes releasing water from the reservoir and (in the future) the stormwater ponds at rates comparable to the un-modified rates into the local streams located to the north of the site.

(c) **Any cumulative effects on total catchment impermeability.**

The applicant was required (as part of the Regional Council consent applications) to address the total catchment for stormwater management purposes. This meant that water received from adjoining site was included in the overall calculations. The stormwater from these sites was captured and directed to the water reservoir from which the water would be used for the berry farm operation or released in a controlled manner into the stream located to the north of the site.

The rate of disposal was to match pre-development levels. The system was also required to address the “during construction” phase as well where sediment control

measures which were all incorporated in the final design. The existing system is working well with limited effects resulting from the extent of built for and impermeable surfaces.

- (d) The extent to which building site coverage and impermeable surfaces will alter the natural contour or drainage patterns of the site or disturb the ground and alter its ability to absorb water.

The bulk earthworks undertaken, removed the slight slope of the land and provided a flat building platform was the first significant change to the land contours for the site. This aspect was fully consented under RC 2200204 and the subsequent variation application RC 2200204/VAR. This work has been largely completed with remaining areas in pasture. These decisions not only established the ground contour but also the means and methods for stormwater management. The premise on which this was based was that the entire area excluding landscaping within the respective titles was to be occupied by poly tunnels and supporting infrastructure and buildings.

With the development area now hardstand, the ability to absorb water was negated and instead measures were imposed to manage and control stormwater. These measures remain in place and do not change as a result of the poly tunnel construction.

The additional tunnels will place a slightly higher demand on water required through the fertigation plant but overall effects are less than minor.

- (e) The physical qualities of the soil type.

The topsoil has been removed with some soil also stockpiled. The development does not alter or amend this completed arrangement. The berry farm is no reliant on soils from the site for the berry farm operations.

- (f) Any adverse effects on the life supporting capacity of soils.

The proposal does not result in any additional impacts on the life supporting capacity of the soil.

- (g) The availability of land for the disposal of effluent and stormwater on the site without adverse effects on the water quantity and water quality of water bodies (including groundwater and aquifers) or on adjacent sites.

The developed area equated to approximately 15ha which equates to 53.5% of the application site. There is more than sufficient space available for wastewater treatment and disposal and for stormwater management.

- (h) The extent to which paved, impermeable surfaces are necessary for the proposed activity.

The poly tunnels are required for the production of berries which is to be a year round operation. This reduces the variances with seasonal workers although there will be increased employment opportunities in the peak production periods.

- (i) The extent to which landscaping may reduce adverse effects of run-off.

The implementation of landscaping will not result in a significant reduction in stormwater runoff. Stormwater runoff from the site is fully implemented and the three poly tunnels are already fully integrated into the existing design. Surplus water not used within the site is diverted to the water reservoir and is released in a controlled manner into the stream located to the north of the site.

These stormwater ponds for future development are located on the adjoining title and enjoy easements and discharge consents.

- (j) Any recognised standards promulgated by industry groups.

The original stormwater design has been completed in accordance with industry standards and does not require any additional modifications with the additional development fully accounted for and included in the current arrangements.

- (k) The means and effectiveness of mitigating stormwater run-off to that expected by the permitted activity threshold.

The stormwater design for the overall development has approval from the respective Council's and has been constructed in accordance with the design requirements.

- (l) The extent to which the proposal has considered and provided for climate change.

The approved design was required to account for climate change within the calculations provided. There was sufficient provision within the design for additional loadings in accordance with the relevant standards.

- (m) The extent to which stormwater detention ponds and other engineering solutions are used to mitigate any adverse effects.

The design does include two stormwater "detention" ponds which are the water reservoir which is the primary system used and adjacent to the fertigation plant and the stormwater detention ponds located to the north of the site and into which surplus stormwater is collected and disposed of into a stream through the site. The free board within the respective stormwater ponds ensure that the rate of dispersal from the ponds can be managed.

3.13 With the application assessed as a Discretionary activity, ordinarily other matters such as excavation and filling, traffic movements, and scale of activity would be considered. The three poly tunnels are either exempted from these rules due to the rural activity which will occur in them or the proposal requires no further works to be completed and were covered by the original application and subsequent variation.

3.14 The conclusion reached within the assessment above which focuses on building coverage and stormwater is that the effects from approving this retrospective consent are less than minor. The design not only accounts and provides for the entire site and current built development but also includes provision for future poly tunnels not yet constructed. The effectiveness of the current stormwater can be seen when the site visit for this application is undertaken.

- 3.15 With respect to the bulk and scale of the poly tunnels it can be compared to exempted horticultural structures which result in similar visual effects particularly with the white screening material used in most instances. The proposal complies with all setback and boundary related rules and therefore effects on the adjoining properties are considered to be less than minor.

## **OPERATIVE DISTRICT PLAN – OBJECTIVES AND POLICIES**

- 4.01 The following assessment of objectives and policies is focused on the relevant provisions which apply to a proposal where a breach of stormwater and building coverage applies.

### **RURAL PRODUCTION**

#### **8.6.3 OBJECTIVES**

- 8.6.3.1 To promote the sustainable management of natural and physical resources in the Rural Production Zone.*
- 8.6.3.2 To enable the efficient use and development of the Rural Production Zone in a way that enables people and communities to provide for their social, economic, and cultural well being and for their health and safety.*
- 8.6.3.3 To promote the maintenance and enhancement of the amenity values of the Rural Production Zone to a level that is consistent with the productive intent of the zone.*
- 8.6.3.4 To promote the protection of significant natural values of the Rural Production Zone.*
- 8.6.3.5 To protect and enhance the special amenity values of the frontage to Kerikeri Road between its intersection with SH10 and the urban edge of Kerikeri.*
- 8.6.3.6 To avoid, remedy or mitigate the actual and potential conflicts between new land use activities and existing lawfully established activities (reverse sensitivity) within the Rural Production Zone and on land use activities in neighbouring zones.*
- 8.6.3.7 To avoid remedy or mitigate the adverse effects of incompatible use or development on natural and physical resources.*
- 8.6.3.8 To enable the efficient establishment and operation of activities and services that have a functional need to be located in rural environments.*
- 8.6.3.9 To enable rural production activities to be undertaken in the zone.*

#### **13.4 POLICIES**

- 8.6.4.1 *That the Rural Production Zone enables farming and rural production activities, as well as a wide range of activities, subject to the need to ensure that any adverse effects on the environment, including any reverse sensitivity effects, resulting from these activities are avoided, remedied or mitigated and are not to the detriment of rural productivity.*
- 8.6.4.2 *That standards be imposed to ensure that the off site effects of activities in the Rural Production Zone are avoided, remedied or mitigated.*
- 8.6.4.3 *That land management practices that avoid, remedy or mitigate adverse effects on natural and physical resources be encouraged.*
- 8.6.4.4 *That the type, scale and intensity of development allowed shall have regard to the maintenance and enhancement of the amenity values of the Rural Production Zone to a level that is consistent with the productive intent of the zone.*
- 8.6.4.5 *That the efficient use and development of physical and natural resources be taken into account in the implementation of the Plan.*
- 8.6.4.6 *That the built form of development allowed on sites with frontage to Kerikeri Road between its intersection with SH10 and Cannon Drive be maintained as small in scale, set back from the road, relatively inconspicuous and in harmony with landscape plantings and shelter belts.*
- 8.6.4.7 *That although a wide range of activities that promote rural productivity are appropriate in the Rural Production Zone, an underlying goal is to avoid the actual and potential adverse effects of conflicting land use activities.*
- 8.6.4.8 *That activities whose adverse effects, including reverse sensitivity effects, cannot be avoided remedied or mitigated are given separation from other activities*
- 8.6.4.9 *That activities be discouraged from locating where they are sensitive to the effects of or may compromise the continued operation of lawfully established existing activities in the Rural Production zone and in neighbouring zones.*

## **COMMENTARY ON OBJECTIVES AND POLICIES**

- 4.02 Many of the above objectives and policies relate to matters addressed within the assessment of effects. The outcome of the assessment of effects was that the proposal did not result in adverse effects and furthermore concluded that there were no persons deemed to be potentially affected. The above objectives are enabling in that if there are matters of concern resulting from the assessment of effects, that there may well be means to reduce these effects with conditions and other mitigation measures.
- 4.03 Furthermore the zone provides for a wide range of matters to be provided for within the zone. Within the rules assessment many components of the additional three poly tunnels were either exempted matters (such as scale of activity and traffic movements) while



others did not require any further work or had existing permissions in place such as excavation and filling, and the NES Regulation. This results in only two breaches which apply – stormwater and building coverage.

- 4.04 With the poly tunnels constructed the real effects of the additional impermeable surfaces (stormwater) and building coverage can be seen and considered. It is contended that these structures are not only an expected construction within the rural context but also that with compliance with key boundary rules (setback, sunlight & height) that effects on neighbours are less than minor. The other key element is that exempted structures such as horticultural support structures and wind breaks can be of a comparable size and scale and provides a permitted baseline which is acceptable.
- 4.05 It is considered that the poly tunnel development is not inconsistent with the objectives and policies of the Operative District Plan.

### **PROPOSED FAR NORTH DISTRICT PLAN**

- 4.06 The proposed district plan is presently progressing through the hearing of submissions phase which is expected to be completed by the end of 2025 based on the current timetable. The special purpose zone for the Ngawha Innovation Park is unique with its own sets of outcomes sought, objectives, policies, and rules. The hearings have been completed and recommendations made by Council staff and via the submission process. Council has provided a right of reply to the submissions received and heard. Any decisions by the hearing committee panel will be made with the remaining plan provisions that will be released at the end of this year.
- 4.07 There are no rules which have immediate legal effect which need to be considered and therefore no specific objectives and policies which need to be considered.

### **5.0 REGIONAL POLICY STATEMENT CONSIDERATIONS**

- 5.01 The original development as consented under RC 2200204 and 2200204/VAR concluded within both the lodged application and reporting planner's decisions and s95 report that there was no conflict for the proposed poly tunnel development with key objectives and policies of the Northland Regional Policy Statement. In this instance, the additional three poly tunnels can only be considered to be consistent with them as well.
- 5.02 The proposal is considered to be generally consistent with objective and policy considerations from the Regional Policy Statement.

### **6.0 PART 2 CONSIDERATIONS**

- 6.01 The application does not conflict with any matter or consideration under Part 2 of the Act. The proposal provides for the social and economic well-being of the district by adding additional employment opportunities whilst ensuring that the potential effects of the proposal are less than minor.
- 6.02 It is therefore contended that the proposed additional poly tunnels are appropriate and consistent with the purpose of the Act.

## **7.0 NOTIFICATION ASSESSMENT S95A TO 95G OF THE ACT**

7.01 Sections 95A to 95G require Council to follow specific steps in determining whether to notify an application. In considering the conclusions findings within this report are relied upon.

### **7.02 Public Notification section 95A**

#### Step 1

Mandatory public notification in certain circumstances

- (a) the applicant has requested that the application be publicly notified:
- (b) public notification is required under section 95C:
- (c) the application is made jointly with an application to exchange recreation reserve land under section 15AA of the Reserves Act 1977.

The applicant has not requested public notification and none of the remaining matters as described are applicable.

#### Step 2 Public Notification precluded in certain circumstances

The criteria for step 2 are as follows:

- (a) the application is for a resource consent for 1 or more activities, and each activity is subject to a rule or national environmental standard that precludes public notification:
- (b) the application is for a resource consent for 1 or more of the following, but no other, activities:
  - (i) a controlled activity:
  - (ii) a restricted discretionary or discretionary activity, but only if the activity is a subdivision of land or a residential activity:
  - (iii) a restricted discretionary, discretionary, or non-complying activity, but only if the activity is a boundary activity:
  - (iv) a prescribed activity (see section 360H(1)(a)(i)).

The retrospective landuse consent is considered to be a discretionary activity in terms breaching impermeable surfaces and building coverage rules. The proposed activity is not listed as an exemption and therefore the application is not precluded from public notification.

#### Step 3 – Public Notification required in certain circumstances

The criteria for Step 3 are as follows:

- (a) the application is for a resource consent for 1 or more activities, and any of those activities is subject to a rule or national environmental standard that requires public notification:



- (b) the consent authority decides, in accordance with section 95D, that the activity will have or is likely to have adverse effects on the environment that are more than minor.

The NES Regulation (contaminated land) has been addressed within RC 2200204/VAR which included a decision on the original bulk earthworks proposed. While some remediation was required (as detailed within the Detail Site Investigation report), this was not located in the area for the poly tunnels. Remedial works and related measures were all completed when the bulk earthworks were completed. With this application not requiring any further excavation or filling there is no change or updated report required.

The effects from the proposed development are considered to be less than minor as concluded within earlier sections of this report. The proposal seeks to regularise three poly tunnels structures built prior to consents being obtained. The intent of all physical works completed (except the structures themselves) was to utilise the space for horticultural production. and offers the opportunity for an additional dwelling to be established within a lifestyle location. The potential effects from an additional dwelling on the wider environment are concluded as being less than minor.

#### 7.03 Affected Persons Assessment – Limited Notification Section 95B

If the application is not required to be publicly notified, a Council must follow the steps of section 95B to determine whether to limited notify the application.

Step 1: certain affected groups and affected persons must be notified

- (2) Determine whether there are any—
  - (a) affected protected customary rights groups; or
  - (b) affected customary marine title groups (in the case of an application for a resource consent for an accommodated activity).

There are no protected customary rights or customary marine titles which apply to the application site.

Step 2: if not required by step 1, limited notification precluded in certain circumstances  
The criteria for step 2 are as follows:

- (a) the application is for a resource consent for 1 or more activities, and each activity is subject to a rule or national environmental standard that precludes limited notification:
- (b) the application is for a resource consent for either or both of the following, but no other, activities:
  - (i) a controlled activity that requires consent under a district plan (other than a subdivision of land):
  - (ii) a prescribed activity (see section 360H(1)(a)(ii)).

The application is not precluded from Limited Notification as neither of the exemptions as described above apply to the application.

Step 3: if not precluded by step 2, certain other affected persons must be notified

- (7) Determine whether, in accordance with section 95E, the following persons are affected persons:
- (a) in the case of a boundary activity, an owner of an allotment with an infringed boundary; and
  - (b) in the case of any activity prescribed under section 360H(1)(b), a prescribed person in respect of the proposed activity.

The application does not infringe on boundary setback, sunlight or height and therefore in relation to boundary all structures fully comply with the permitted standards. The physical works associated with excavation and filling, and access were all completed in accordance with the consented development approved under RC 2200204 and RC 2200204/VAR.

The poly tunnels themselves are comparable to permitted horticultural support structures which are comparable in terms of size and scale.

The poly tunnels are located at a ground level which is well below the lifestyle properties to the south of the site. This lower ground level reduces any potential visual effects even further than the current minor visual effects.

No persons are deemed to be affected by the three poly tunnels to which this application relates.

#### 7.04 Notification Assessment Conclusion

Pursuant to sections 95A to 95G it is recommended that the Council determine that the application can be processed non-notified for the following reasons:

- In accordance with section 95A, public notification is not required, and in particular the adverse effects on the wider environment are considered to be less than minor;
- In accordance with section 95B, written approvals have not been sought as no persons are deemed to be affected by the three poly tunnels. The effects are concluded are less than minor and therefore no persons are considered to be affected persons; and,
- In accordance with section 95A(9) and 95B(10), there are no special circumstances to require public or limited notification.

## 8 **SUMMARY**

8.01 The application is for retrospective landuse consent for three poly tunnels constructed outside of the consented development for the berry farm operation as approved under RC 2200204 and RC 2200204/VAR. The constructed poly tunnels were noted in the Section 127, RC2200204/VAR application and were to be included in a subsequent stage which expanded the consented operation. This consent further expanding the operations is not on the immediate horizon and for this reason the application is now applied for.

8.02 The breaches of the operative district plan for the Rural Production zone is limited to stormwater and building coverage. Other physical works and activities within the poly tunnels are either completed as consented in the approved resource consents or were

exempted from the rules. The proposal does not trigger any breaches of the proposed district plan. The proposed district plan is to have a special purpose zone for the Park and will be known as the Ngawha Innovation and Enterprise Park Special Purpose zone.

- 8.03 The effects of the poly tunnel are clear to see and are concluded as being less than minor. Measures to address stormwater cover the entire catchment and include several adjoining properties which are not part of the Park. The water reservoir used as a fertigation supply and the stormwater ponds to the north of the site address the stormwater from the site with scope for further development in the future with the appropriate consents. Regional consents for stormwater and related discharges form part of the application and requires no further physical works on site.
- 8.04 The effects of this application have been assessed and concluded as being less than minor. No persons are considered to be affected by the development. The effects on the wider environment are considered to be less than minor with appropriate mitigation measures proposed.
- 8.05 The proposal is not contrary to relevant objectives and policies of the Far North District Plan and the Regional Policy Statement. No weight can be afforded to the Proposed District Plan although it is noted that the development and the activities within fall within the intent of the Ngawha Innovation and Enterprise Park Special Purpose zone.
- 8.06 The proposal is considered to be acceptable and meets the purposes of the Resource Management Act. The proposal is not contrary to Part 2 of the Act.
- 8.07 We therefore lodge this retrospective consent for three poly tunnels which are outside of the consented operations. If there are conditions to be imposed, the applicant would appreciate sighting a draft set of conditions for review and comment (if necessary).

Should you have any queries in respect to this application please contact me.

Yours faithfully



**Wayne Smith**

**Zenith Planning Consultants Ltd**

**Principal | Director**

BPlan | BSocSci | MNZPI

[wayne@zenithplanning.co.nz](mailto:wayne@zenithplanning.co.nz)

**mob:** +64 (0) 21 202 3898

# View Instrument Details



**Instrument No** 12141277.8  
**Status** Registered  
**Date & Time Lodged** 16 August 2023 16:41  
**Lodged By** Baker, Lisa Anne  
**Instrument Type** Easement Instrument



Affected Records of Title	Land District
149669	North Auckland
999767	North Auckland
999768	North Auckland
999769	North Auckland
NA124C/395	North Auckland

**Annexure Schedule** Contains 2 Pages.

## Grantor Certifications

I certify that I have the authority to act for the Grantor and that the party has the legal capacity to authorise me to lodge this instrument ☒

I certify that I have taken reasonable steps to confirm the identity of the person who gave me authority to lodge this instrument ☒

I certify that any statutory provisions specified by the Registrar for this class of instrument have been complied with or do not apply ☒

I certify that I hold evidence showing the truth of the certifications I have given and will retain that evidence for the prescribed period ☒

I certify that the Mortgagee under Mortgage 12130368.1 has consented to this transaction and I hold that consent ☒

I certify that the Mortgagee under Mortgage 12389552.1 has consented to this transaction and I hold that consent ☒

I certify that the Encumbrancee under Encumbrance 11260181.4 has consented to this transaction and I hold that consent ☒

I certify that the Caveator under Caveat 11260181.6 has consented to this transaction, which is subject to the Caveat, and I hold that consent ☒

I certify that the Mortgagee under Mortgage 12247930.3 has consented to this transaction and I hold that consent ☒

I certify that the Mortgagee under Mortgage 12247930.2 has consented to this transaction and I hold that consent ☒

## Signature

Signed by Danielle Meddings as Grantor Representative on 27/07/2023 06:13 PM

## Grantee Certifications

I certify that I have the authority to act for the Grantee and that the party has the legal capacity to authorise me to lodge this instrument ☒

I certify that I have taken reasonable steps to confirm the identity of the person who gave me authority to lodge this instrument ☒

I certify that any statutory provisions specified by the Registrar for this class of instrument have been complied with or do not apply ☒

I certify that I hold evidence showing the truth of the certifications I have given and will retain that evidence for the prescribed period ☒

## Signature

Signed by Danielle Meddings as Grantee Representative on 27/07/2023 06:13 PM

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

This approved format may be used for lodgement as an electronic instrument under the Land Transfer Act 2017

## Form 22

### Easement instrument to grant easement or *profit à prendre*

(Section 109 Land Transfer Act 2017)

#### Grantor

**FAR NORTH HOLDINGS LIMITED  
KAIKOHE BERRYFRUIT LIMITED PARTNERSHIP**

#### Grantee

**FAR NORTH HOLDINGS LIMITED  
KAIKOHE BERRYFRUIT LIMITED PARTNERSHIP**

#### Grant of Easement or *Profit à prendre*

**The Grantor** being the registered owner of the burdened land set out in Schedule A **grants to the Grantee** (and, if so stated, in gross) the easement(s) or *profit(s) à prendre* set out in Schedule A, with the rights and powers or provisions set out in the Annexure Schedule(s)

#### Schedule A required

Continue in additional Annexure Schedule, if

Purpose of Easement, or <i>profit</i>	Shown (plan reference) <b>DP 563016</b>	Burdened Land (Record of Title)	Benefited Land (Record of Title) or in gross
Right to drain water	AS, RC, AU	Lot 1 DP 563016 RT 999767	Lot 2 DP 563016 RT 999768
	AP, AE, ZZ, AF	Lot 1 DP 336520 RT 149669	
	AL	Lot 2 DP 196311 RT NA124C/395	
Right to convey water, electricity and telecommunications	AA, ZA	Lot 4 DP 563016 RT 999769	Lot 1 DP 336520 RT 149669  Lot 2 DP 196311 RT NA124C/395  Lot 1 DP 563016 RT 999767  Lot 2 DP 563016 RT 999768

This approved format may be used for lodgement as an electronic instrument under the Land Transfer Act 2017

Purpose of Easement, or <i>profit</i>	Shown (plan reference) <b>DP 563016</b>	Burdened Land (Record of Title)	Benefited Land (Record of Title) or in gross
Right to convey water, electricity and telecommunications	AC, X	Lot 2 DP 563016 RT 999768	Lot 1 DP 336520 RT 149669  Lot 2 DP 196311 RT NA124C/395  Lot 1 DP 563016 RT 999767
	AE	Lot 1 DP 336520 RT 149669	Lot 2 DP 196311 RT NA124C/395  Lot 1 DP 563016 RT 999767  Lot 2 DP 563016 RT 999768
	AG, AI, AK	Lot 2 DP 196311 RT NA124C/395	Lot 1 DP 563016 RT 999767  Lot 2 DP 563016 RT 999768
	AM	Lot 2 DP 563016 RT 999768	Lot 1 DP 563016 RT 999767

**Easements or *profits à prendre* rights and powers (including terms, covenants and conditions)**

The rights and powers implied in specified classes of easement are those prescribed by the Land Transfer Regulations 2018 and/or Schedule 5 of the Property Law Act 2007.

23<sup>rd</sup> July 2025

District Services – Resource Consents  
Far North District Council  
Private Bag 752  
Kaikohe 0440

Attention Team Leader Resource Consents

**RESOURCE CONSENT APPLICATION BY FAR NORTH HOLDINGS LIMITED FOR THREE TUNNEL HOUSES (RETROSPECTIVE CONSENT) AT THE NGAWHA INNOVATION PARK, ON WALLIS ROAD, KAIKOHE.**

Zenith Planning Consultants have been engaged by Far North Holdings Limited to prepare a retrospective resource consent (landuse) application relating to three existing plastic tunnel houses which have been constructed outside of the approved building footprint and exceeds the building coverage and stormwater (impermeable surfaces) allowance consented under approved and current resource consents.

I have attached the following information in support of the application:

- Completed Application Form
- Planning Report and Assessment of Effects
- Approved Plan and completed plan of works
- Original Technical Reports for stormwater including regional consents.
- Approved resource consent RC 2200204/VAR
- Current Certificates of Title and relevant legal instruments.

The applicant has an existing arrangement with Council whereby FNHL is invoiced on completion of the application processing.

Should you have any queries in respect to this application please contact me.

Yours faithfully



**Wayne Smith**

**Zenith Planning Consultants Ltd**

**Principal | Director**

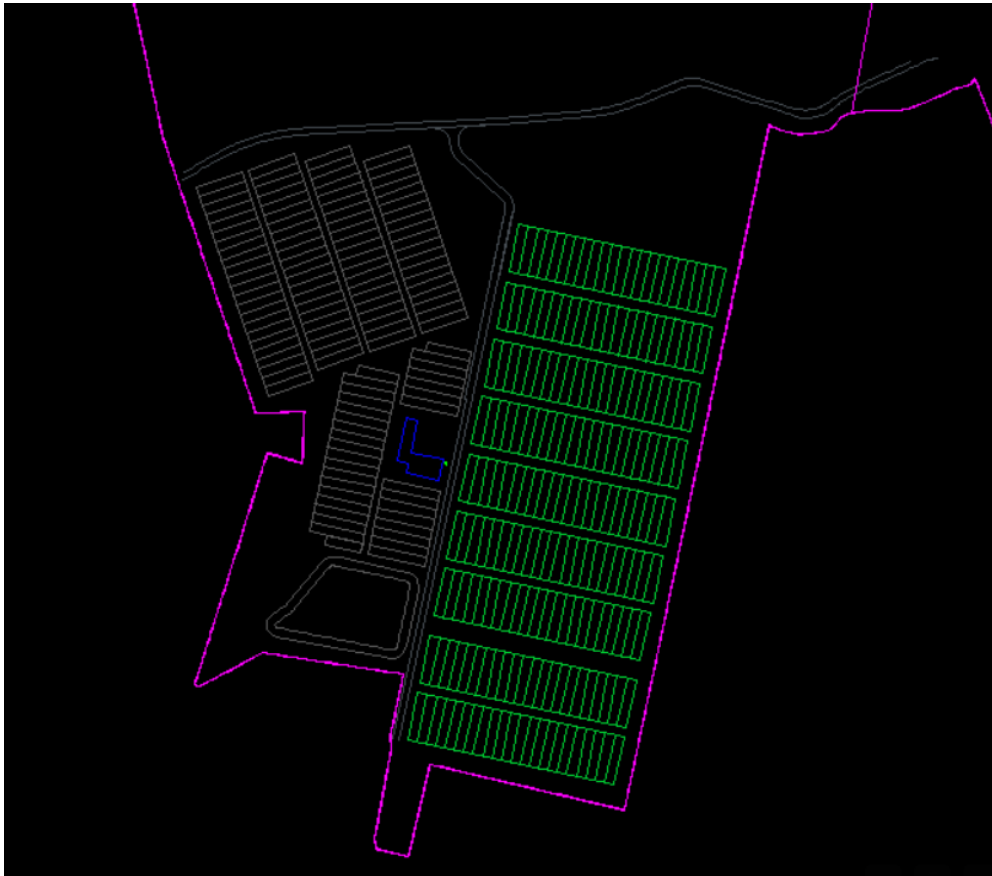
BPlan | BSocSci | MNZPI

[wayne@zenithplanning.co.nz](mailto:wayne@zenithplanning.co.nz)

**mob:** +64 (0) 21 202 3898

## Stormwater Comment

Below is the last layout of the expansion areas.



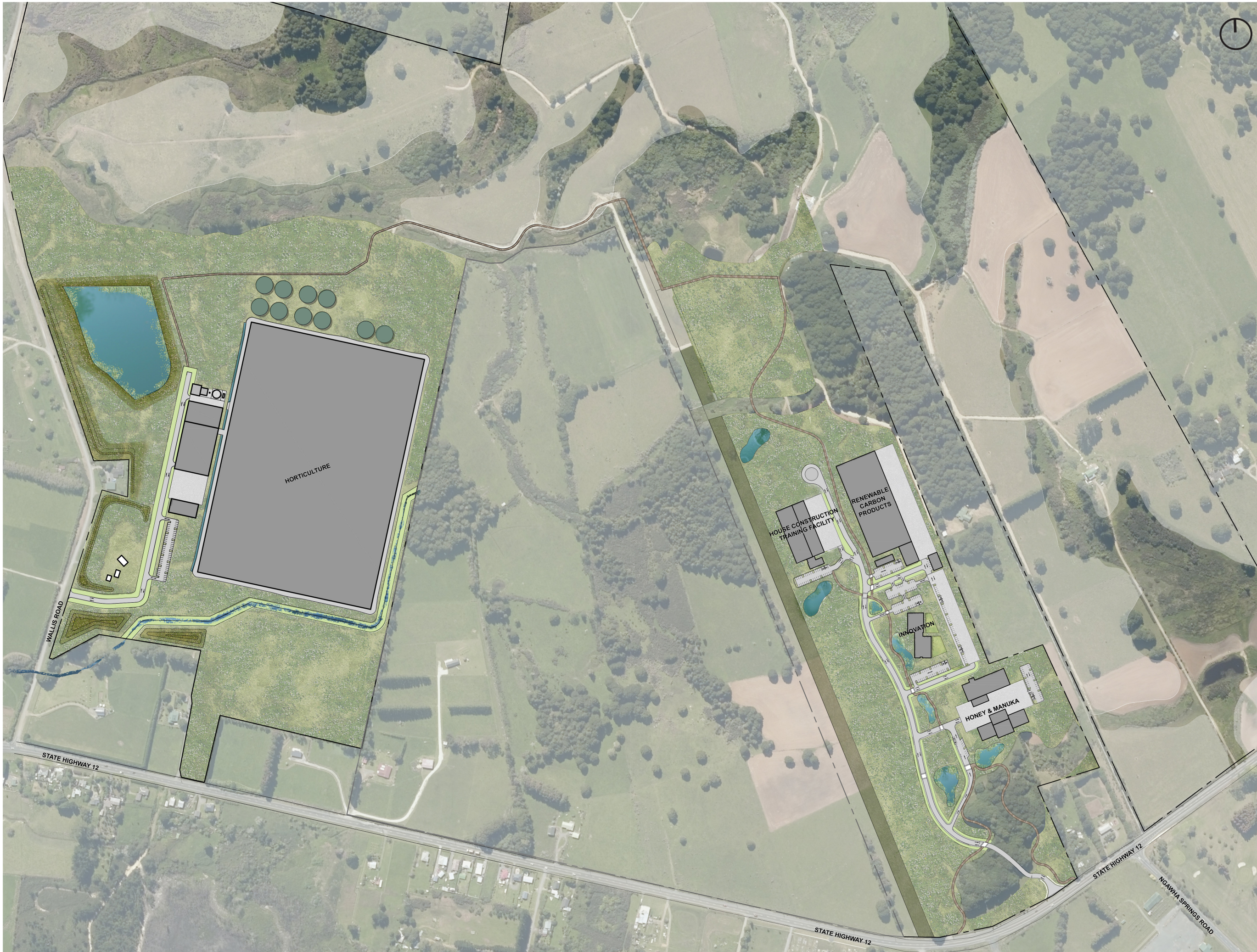
The area in green is already constructed and all discharge south to the reservoir. The pack house (blue L) and the three blocks of tunnels around that (grey) all discharge south to the reservoir too. The reservoir has been constructed to accommodate both the existing and future areas. The four blocks of tunnels in the northwest (grey) are future and discharge to the north into a constructed wetland. That wetland and the reticulation to it has been built, just the outlet weir to be installed when those tunnels go in. The Olivado site also discharges to a separate wetland located next to the northern KBLP one. That too has been constructed to accommodate the future site coverage on the Olivado site, just a weir to go on when the site is developed.

So, the stormwater is addressed for both the current and fully developed cases. The mitigation objectives are the same as the original resource consent. The catchment boundaries now closely match the undeveloped site when it was a farm. For the original RC with the glasshouse there was a large shift in the catchment boundary and areas, so the built case is less of a change from predevelopment compared to what was consented.

Adrian Tonks  
General Manager - Engineering

☎ 09 402 5659 | 021 891 401  
✉ [adrian@fnhl.co.nz](mailto:adrian@fnhl.co.nz)  
🌐 [www.fnhl.co.nz](http://www.fnhl.co.nz)





**APPROVED PLAN**

**Planner: Isearle**  
**RC: 2200204-VARA**  
**Date: 13-01-22**

**NOT FOR CONSTRUCTION**

issue:	amendment:	date:
A	MASTER PLANNING	19.09.2019

DO NOT SCALE DRAWING.

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drawing title:  
**MASTER PLAN**  
**STAGE 1**

scale:  
1:2500 @ A1, 1:5000 @A3

date:  
19.09.2019

drawing no.  
**L100**

project name  
**Ngawha**  
**Innovation &**  
**Enterprise Park**  
project phase. project no.  
Masterplan 1903

client:  
Far North Holdings Ltd  
Opua Marine Park, Unit 19b  
15 Baffin Street, Opua



# Resource Consent

Document Date: 08.09.2020

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

**FAR NORTH HOLDINGS LIMITED, PO BOX 7, OPUA 0241**

To undertake the following activities on Lot 1 DP 196320, Lot 1 DP 172355, Lot 1 DP 190387, Lot 1 DP 196319, Lot 2 DP 196311, Lot 2 DP 185847, Sec 12S Te Pua SETT, Reiwhatia B1, Orauruwharo 5B1A, Orauruwharo 5B2C, (5345 State Highway 12), at or about location co-ordinates 1675835E 6083933N.

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

- |                         |   |
|-------------------------|---|
| <b>AUT.041973.01.01</b> | <b>Earthworks for site development.</b>   |
| <b>AUT.041973.02.01</b> | <b>Discharge of stormwater during land disturbance activities.</b>              |
| <b>AUT.041973.03.01</b> | <b>Diversion of stormwater.</b>   |
| <b>AUT.041973.04.01</b> | <b>Discharge of secondary treated wastewater to land.</b>                       |
| <b>AUT.041973.05.01</b> | <b>Take ground water from a bore at Location Coordinates 1675757E 6083926N.</b> |

Subject to the following conditions:

## **AUT.041973.01 – AUT.041973.03 Earthworks**

- 1 The Consent Holder shall notify the council's assigned monitoring officer in writing of the date that works are intended to commence, at least one week beforehand, in each construction season. The Consent Holder shall arrange for a site meeting between the Consent Holder's principal earthmoving contractor and the Northland Regional Council's assigned monitoring officer, which shall be held on site prior to any earthworks commencing in each construction season.

**Advice Note:** Notification to the council may be made by email to [info@nrc.govt.nz](mailto:info@nrc.govt.nz).

- 2 The location and nature of the earthworks shall be undertaken in general accordance with the **attached** Cook Costello drawings, entitled:
  - (a) "Innovation & Enterprise Hub Erosion Sediment Control Plan" Drawing number: C315, Dated: 26/06/19;

- (b) "Horticultural Hub Erosion Sediment Control Plan" Drawing number: C215, Dated: 26/06/19;
  - (c) "Innovation & Enterprise Hub Erosion Sediment Control Details Sheet 1" Drawing number: C316, Dated: 26/06/19;
  - (d) "Innovation & Enterprise Hub Erosion Sediment Control Details Sheet 2" Drawing number: C317, Dated: 26/06/19;
  - (e) "Innovation & Enterprise Hub Erosion Sediment Control Details Sheet 3" Drawing number: C318, Dated: 26/06/19;
  - (f) "Innovation & Enterprise Hub Erosion Sediment Control Details Sheet 4" Drawing number: C319, Dated: 26/06/19.
- 3 Prior to the exercise of these consents, the Consent Holder shall provide details of all offsite disposal areas to the council's assigned monitoring officer and provide evidence that resource consents are held for these sites, or that the disposal sites that have been selected meet the permitted activity standards of the relevant council plan(s).
- 4 All erosion and sediment control measures shall be constructed and maintained in accordance with the principles and practices contained within the Auckland Council document entitled "GD2016/005: Erosion and Sediment Control Guide for Land Disturbing Activities in the Auckland Region" (GD05). Where there are inconsistencies between any part of GD05 and the conditions of these consents, then the conditions of these consents shall prevail.
- 5 As part of the written notice required by Condition 1, the Consent Holder or its agent/contractor shall submit a Construction Environmental Management Plan (CEMP) to the council's Compliance Manager for certification. The CEMP must be prepared by a suitably qualified person who shall provide certification that the erosion and sediment controls in the CEMP have been designed in accordance with GD05. As a minimum, the CEMP shall include the following:
- (a) The expected duration (timing and staging) of earthworks, disposal sites for unsuitable materials, and clean water diversions;
  - (b) Diagrams and/or plans, of a scale suitable for on-site reference, showing the locations of the cut and fill operations, disposal sites for unsuitable materials and erosion and silt control structures/measures;
  - (c) Details of all erosion and sediment controls including updated sediment and erosion control plans referred to in Condition 2;
  - (d) Supporting calculations and catchment boundaries for the erosion and sediment controls;
  - (e) Design details of the stream diversion works required for the diversion of water past the dam construction site
  - (f) The commencement and completion dates for the implementation of the proposed erosion and sediment controls;
  - (g) Details of surface revegetation of disturbed sites and other surface covering measures to minimise erosion and sediment runoff following construction;
  - (h) Measures to minimise sediment being deposited on public roads;
  - (i) Measures to ensure sediment or dust discharge from the earthwork's activity does not create a nuisance on neighbouring properties;

- (j) Measures to prevent spillage of fuel, oil and similar contaminants;
  - (k) Contingency containment and clean-up provisions in the event of accidental spillage of hazardous substances;
  - (l) Means of ensuring contractor compliance with the CEMP;
  - (m) The name and contact telephone number of the person responsible for monitoring and maintaining all erosion and sediment control measures; and
  - (n) Contingency provisions for the potential effects of large/high intensity rain storm events.
- 6 Erosion and sediment controls shall be installed prior to the commencement of any earthworks (other than those required for the erosion and sediment controls) within the works area. The installation of all erosion and sediment controls shall be supervised by an appropriately qualified and experienced person.
  - 7 No earthworks shall be carried out between 1 May and 1 October in any year without the prior written approval of the council's Compliance Manager.
  - 8 Any request to undertake works between 1 May and 30 September in any year must be in writing and shall be made at least two weeks prior to the proposed date that the works are required to be undertake. This written request shall include an amended CEMP for the works that has been prepared in accordance with Condition 5.
  - 9 Erosion and sediment control measures shall be the first measures constructed or installed on site at each stage of the development and shall be retained until the site is stable against erosion and sediment discharges.
  - 10 No slash, soil, debris and detritus shall be placed in a position where it may be washed into a water body.
  - 11 All stormwater diversions drains and channels shall be capable of conveying stormwater during not less than the estimated 1 in 20 year rainfall event and, if they are constructed on grades greater than 2%, the outlets shall be adequately protected to prevent erosion occurring.
  - 12 All offsite stormwater shall be directed away from earthworks areas.
  - 13 No drainage pathways shall be constructed or permitted to flow over fill areas in a manner that creates erosion of the fill material.
  - 14 All bare areas of land and fill shall be covered with aggregate, or top soiled and established with a suitable grass/legume mixture to achieve an 80% groundcover within one month of the completion of earthworks. Temporary mulching or other suitable groundcover material shall be applied to achieve total groundcover of any areas unable to achieve the above requirements.
  - 15 The exercise of these consents shall not give rise to any discharge of contaminants, including dust, which in the opinion of a monitoring officer of the Northland Regional Council is noxious, dangerous, offensive or objectionable at or beyond the property boundary.
  - 16 Refuelling and servicing of machinery shall not be carried out in such a way that soil or water at the site is contaminated. Where an accidental spillage to land occurs, all contaminated soil shall be collected and removed to a suitable disposal site.

- 17 In the event of new archaeological sites or kōiwi being uncovered, activities in the vicinity of the discovery shall cease and the Consent Holder shall contact Heritage New Zealand Pouhere Taonga. Work shall not recommence in the area of the discovery until the relevant Heritage New Zealand Pouhere Taonga approval has been obtained.

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

#### **AUT.041973.04 – Wastewater Discharge**

- 18 The treatment and disposal system shall be constructed generally in accordance with the **attached** Cook Costello drawings entitled:

- (a) “Water & Waste Water Scheme Plan Overview”, dated 22/06/2020; and
- (b) “Waste & Waste Water Scheme Plan WWTP&Groundwater Bore”, dated 22/06/2020; and
- (c) “Waste & Waste Water Scheme Plan Effluent Field”, dated 22/06/2020; and
- (d) “Waste & Waste Water Scheme Plan Water Reservoir Tanks”, dated 22/06/2020; and
- (e) “Water & Waste Water Scheme Plan Typical Cross Section”, dated 22/06/2020.

However, if there are any differences or apparent conflict between these documents and any conditions of this consent, then the conditions of consent shall prevail.

- 19 The volume of wastewater discharged per day, being any 24 consecutive hours, shall not exceed the following volumes at each stage in accordance with the **attached** chapter 5 of the Cook Costello Report for Ngawha Innovation & Enterprise Park titled: “*Ultimate Development – Site and Infrastructure Suitability Report*”:

- (a) 15 cubic meters at stage one;
- (b) 25 cubic meters at stage two; and
- (c) 35 cubic meters at stage three.

- 20 A meter that has a measurement error of  $\pm 5\%$  or less shall be installed and maintained on the outlet from the wastewater treatment system to the disposal area. This meter shall be used to measure the quantity of treated wastewater discharged to land.

- 21 The concentration of total suspended solids and five-day biochemical oxygen demand in the secondary treated wastewater, as measured in any wastewater sample collected from the final outlet of the secondary treatment system prior to it being discharged to land, shall be less than 45 grams per cubic metre and 30 grams per cubic metre respectively.

- 22 To enable collection of wastewater samples, easy and safe access shall be provided at all times to a point immediately after the outlet from the wastewater treatment system to the disposal area.

- 23 An audible and visual high wastewater level alarm system shall be installed and maintained within all wastewater pump chambers. In addition, there shall be at least 24 hours' emergency wastewater storage capacity within the treatment system above the level at which the high wastewater level alarm is activated.
- 24 The treated wastewater shall be discharged to land via a minimum total of:
- (a) 4,285 lineal metres of irrigation line at stage 1;
  - (b) 7,145 lineal metres of irrigation line at stage 2; and
  - (c) 11,000 lineal metres of irrigation line at stage 3.
- 25 The irrigation lines shall have pressure compensating drip emitters installed at no greater than one metre intervals along the irrigation line and no less than 1 metre horizontal separation distance between any lateral irrigation lines.
- 26 The irrigation lines shall, at all times, be located at least 50 millimetres beneath the surface of the disposal area or firmly affixed to the surface of the disposal area and covered by a mulch, or an appropriate alternative, to a minimum depth of 100 millimetres.
- 27 The treated wastewater shall not be applied to land at an areal loading rate greater than 3.5 litres per square metre per day.
- 28 The Consent Holder shall keep written records of the quantity of treated wastewater discharged to land each month using the meter required by Condition 20. A copy of the written record for the previous year (1 July to 31 June) shall be forwarded to the council's assigned monitoring officer by the following 31 July or immediately on written request by the council.
- 29 The wastewater disposal area shall, at all times, be adequately fenced to prevent stock access and restrict access by unauthorised persons.
- 30 A reserve disposal area that is equal to at least 30 percent of the design disposal area shall remain undeveloped for future use if required. For this condition, "undeveloped" is defined as not being covered by an impermeable surface or permanent structure.
- 31 There shall be no ponding of wastewater within, or surface runoff of any contaminants from, the wastewater treatment and disposal area as a result of the exercise of this consent.
- 32 The Consent Holder shall have a contract with a suitably qualified and experienced person to maintain the wastewater treatment and disposal system so that it works effectively at all times. A written record of all maintenance undertaken on the wastewater treatment and disposal system shall be kept. A copy of this record shall be forwarded immediately to the council's assigned monitoring officer on written request.

**Advice Note:** *For compliance purposes, a "suitably qualified and experienced person" is a person employed or trained by the manufacturer of the wastewater treatment system, or someone who can provide evidence of satisfactory qualifications and/or experience in maintaining the type of wastewater treatment and disposal system installed.*

#### **AUT.041973.05 – Groundwater take**

- 33 The rate of taking shall not exceed 41 cubic meters per day.

- 34 A meter with an accuracy of  $\pm 5\%$  shall be installed and maintained to measure the volume taken in cubic metres. The meter shall be operated and maintained in accordance with the manufacturer's specifications. Safe and easy access to the meter for the purposes of undertaking visual inspections of the meter and water take measurements shall be provided at all times.
- 35 A record of the daily volume of water taken in cubic metres, including nil abstractions, shall be kept using the meter required by Condition 34. A copy of the records for the period 1 July to 30 June (inclusive) shall be forwarded each year to the council's assigned monitoring officer by the following 31 July. In addition, a copy of these records shall be forwarded immediately to the council's assigned monitoring officer on written request. The records shall be in an electronic format that has been agreed to by the council.

**Advice Note:** *If no water is taken during the period 1 July to 30 June (inclusive) then the Consent Holder is still required to notify the council in writing of the nil abstraction. Water use record sheets in an electronic format are available from the council's website at [www.nrc.govt.nz/wur](http://www.nrc.govt.nz/wur).*

- 36 Easy access for a water level probe shall be provided and maintained at the wellhead to enable the measurement of static water levels in the bore.
- 37 The reticulation system and components shall be maintained in good working order to avoid or minimise leakage and wastage.

#### **General conditions**

- 38 Consent Holder shall, on becoming aware of any discharge associated with the Consent Holder's operations that is not authorised by these consents:
- (a) Immediately take such action, or execute such work as may be necessary, to stop and/or contain the discharge; and
  - (b) Immediately notify the Far North District Council (FNDC) and the Northland Regional Council by telephone of the discharge; and
  - (c) Take all reasonable steps to remedy or mitigate any adverse effects on the environment resulting from the discharge; and
  - (d) Report to the Northland Regional Council's Compliance Manager in writing within one week on the cause of the discharge and the steps taken, or being taken, to effectively control or prevent the discharge.

For telephone notification during the Northland Regional Council's opening hours, the council's assigned monitoring officer for these consents shall be contacted. If that person cannot be spoken to directly, or it is outside of the council's opening hours, then the Northland Regional Council Environmental Hotline shall be contacted. Telephone notification to the Far North District Council shall be to the FNDC 24 hour Contact Centre 0800 920 029.

**Advice Note:** *The Northland Regional Council Environmental Hotline is a 24 hour, seven day a week, service that is free to call on 0800 504 639. The Far North District Council has a 24 hour, seven day a week, service that is free to call on 0800 920 029.*



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

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

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

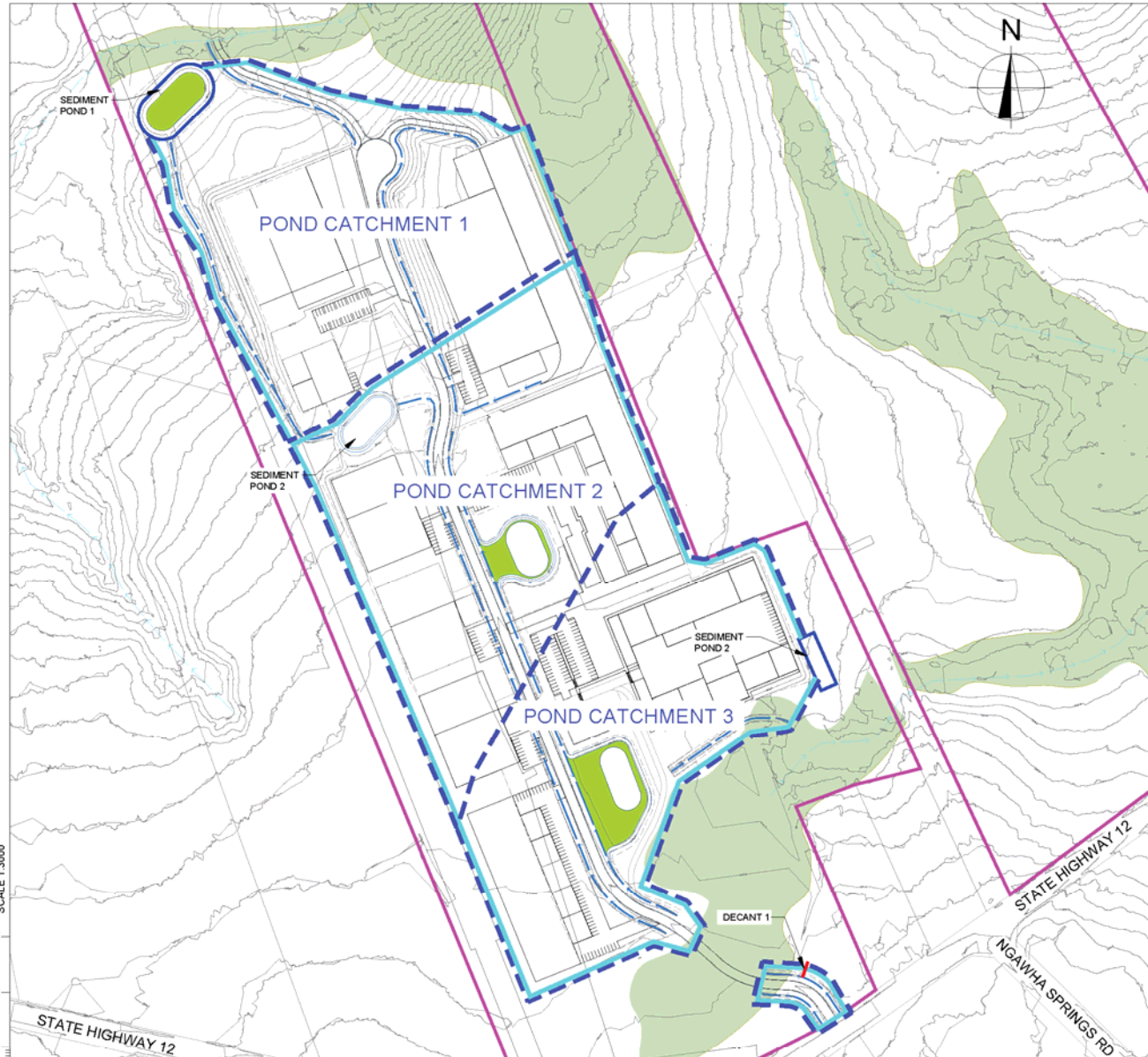
<b>EXPIRY DATES:</b>	<b>AUT.041973.01.01</b>	<b>30 SEPTEMBER 2025</b>
	<b>AUT.041973.02.01</b>	<b>30 SEPTEMBER 2025</b>
	<b>AUT.041973.03.01</b>	<b>30 SEPTEMBER 2025</b>
	<b>AUT.041973.04.01</b>	<b>30 SEPTEMBER 2055</b>
	<b>AUT.041973.05.01</b>	<b>30 SEPTEMBER 2055</b>

This consent is granted this Eighth day of September 2020 under delegated authority from the council by:



.....

Paul Maxwell  
Coastal & Works Consents Manager



- KEY:
- SEDIMENT RETENTION POND LIMIT OF 5ha  
DISTURBED GROUND OPEN AT ANY ONE TIME  
INTO THE POND.
  - EARTHBOUND (DIRTY WATER DIVERSION / CLEAN  
WATER DIVERSION)
  - DECANT
  - CATCHMENTS BOUNDARY

NOTES:  
SEDIMENT POND VOLUME REQUIREMENTS = 200m<sup>3</sup>/ha

SEDIMENT POND 1  
TOTAL DISTURBED AREA = 5ha  
POND VOLUME REQUIRED = 5 x 200 = 1000m<sup>3</sup>  
POND SIZE = 1000m<sup>2</sup> x 2m DEEP  
DEAD STORAGE VOLUME = 300m<sup>3</sup>

SEDIMENT POND 2  
TOTAL DISTURBED AREA = 5ha  
POND VOLUME REQUIRED = 5 x 200 = 1000m<sup>3</sup>  
POND SIZE = 1000m<sup>2</sup> x 2m DEEP  
DEAD STORAGE VOLUME = 300m<sup>3</sup>

SEDIMENT POND 3  
TOTAL DISTURBED AREA = 4.8ha  
POND VOLUME REQUIRED = 4.8 x 200 = 960m<sup>3</sup>  
POND SIZE (m) = 40 x 12 x 2 DEEP  
DEAD STORAGE VOLUME = 288m<sup>3</sup>

DECANT 1  
TOTAL DISTURBED AREA = 0.16 ha

NOTE  
1. CONTOURS ARE AT 1.0m INTERVALS  
2. EXISTING SURFACE DATA GENERATED  
FROM INFORMATION RECEIVED FROM  
OTHERS AND COOK COSTELLO  
ACCEPTS NO RESPONSIBILITY FOR  
THE ACCURACY OF THE DATA.

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C		11-09-19
B	2ND ISSUE	KH   AT
A	1ST ISSUE	KH   AT
REV	REVISION DETAILS	DRAWN APP

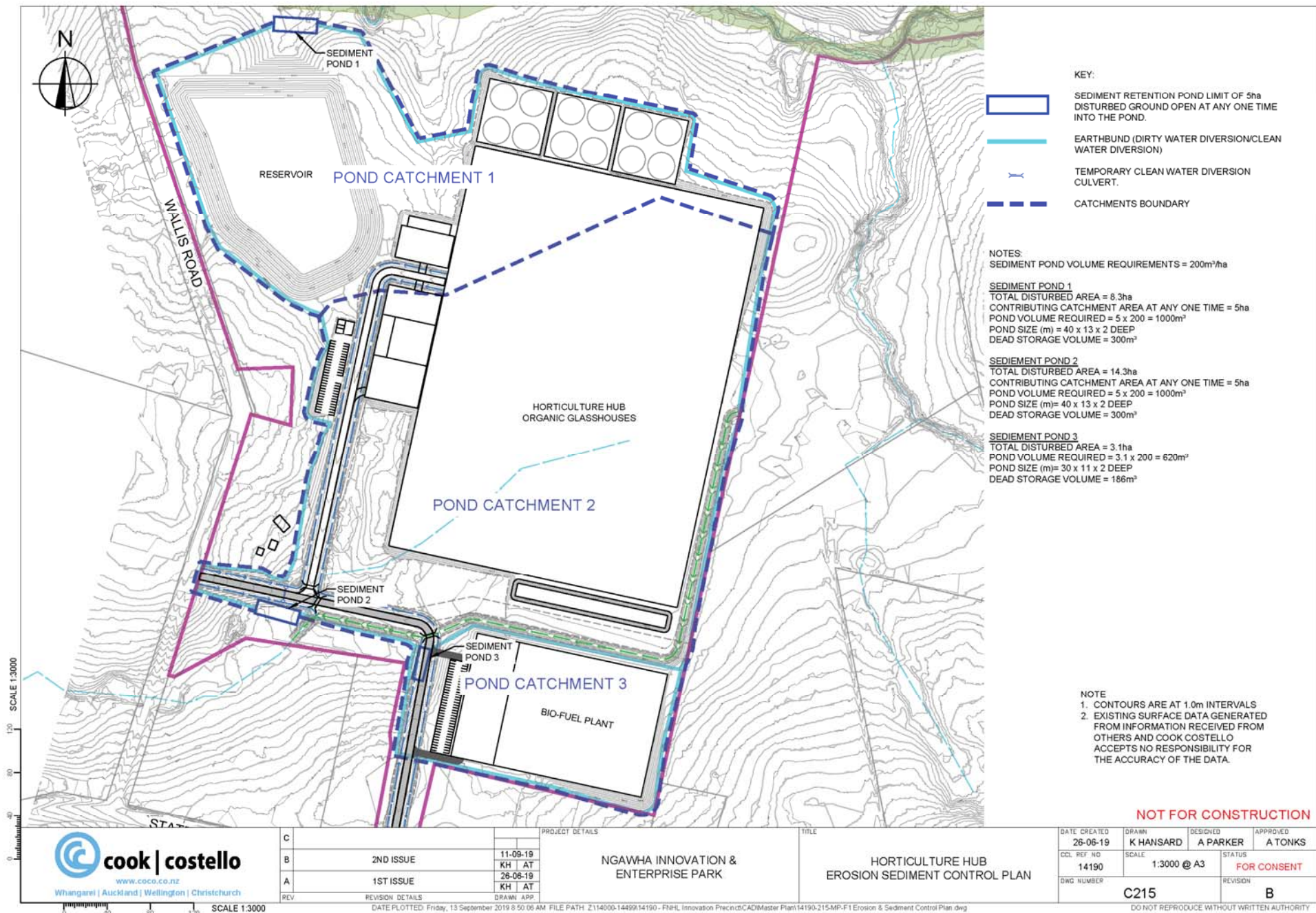
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NGAWHA INNOVATION & ENTERPRISE PARK	

TITLE	
INNOVATION & ENTERPRISE HUB EROSION SEDIMENT CONTROL PLAN	

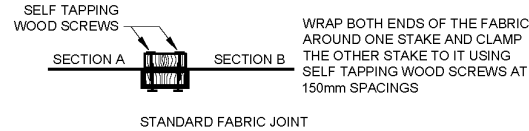
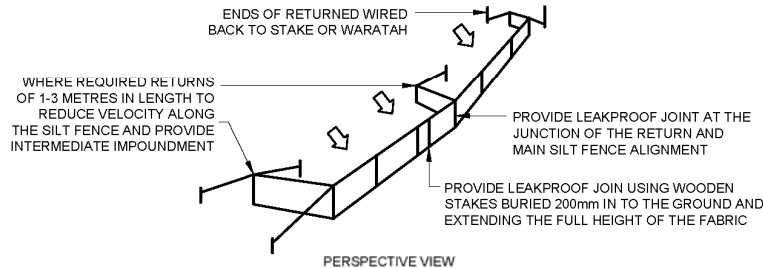
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26-06-19	K HANSARD	A PARKER	A TONKS
CCL REF NO	SCALE	STATUS	
14190	1:3000 @ A3	FOR CONSENT	
DWG NUMBER	REVISION		
C315	B		

DATE PLOTTED: Friday, 13 September 2019 8:27:15 AM FILE PATH: C:\Users\Gill\AppData\Local\Temp\BricsCAD\bp\_3\14190-315-MP-F2 Erosion & Sediment Control Plan.dwg

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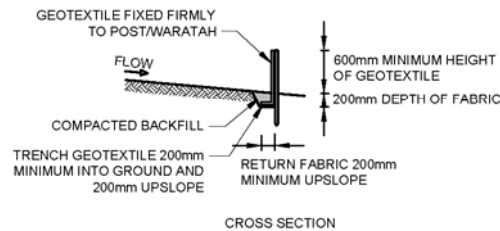
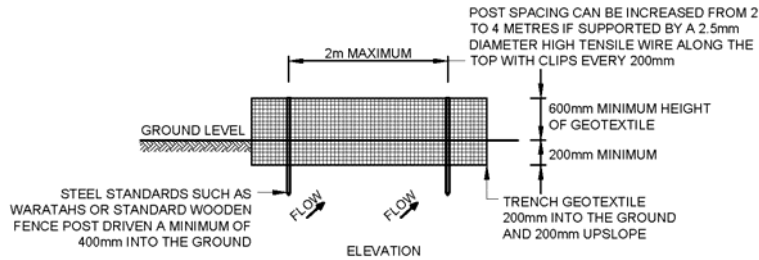




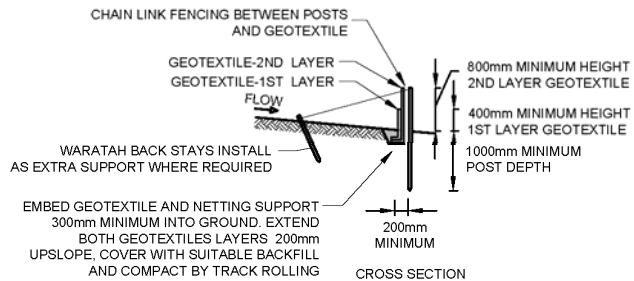
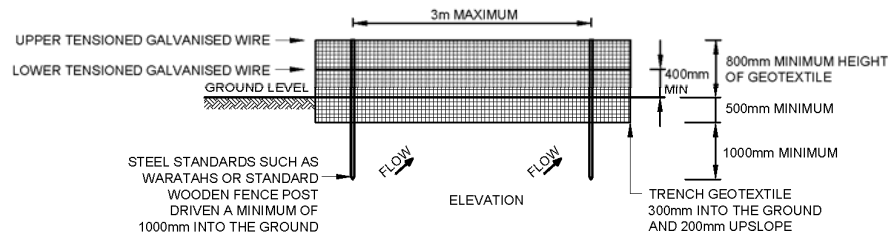
SILT FENCE DESIGN CRITERIA:

SLOPE STEEPNESS %	SLOPE LENGTH (m) (MAX)	SPACING OF RETURNS (m)
< 2%	N/A	UNLIMITED
2-10%	40	60
10-20%	30	50
20-33%	20	40
33-50%	15	30
>50%	6	20

GRAB TENSILE STRENGTH: >440N (ASTM D4632)  
TENSILE MODULUS: 0.140 pa (MINIMUM)  
APPARENT OPENING SIZE: 0.1-0.5mm (ASTM D4751)



SILT FENCE CONSTRUCTION (IF REQUIRED)



SUPER SILT FENCE CONSTRUCTION (IF REQUIRED)

SUPER SILT FENCE DESIGN CRITERIA:

SLOPE STEEPNESS %	SLOPE LENGTH (m) (MAX)	SPACING OF RETURNS (m)
0-10%	UNLIMITED	60
10-20%	60	50
20-33%	30	40
33-50%	30	30
>50%	15	20

## SILT FENCE CONSTRUCTION IF REQUIRED

NOT FOR CONSTRUCTION

## APPLICATION

USE A STABILISED CONSTRUCTION ENTRANCE AT ALL POINTS OF CONSTRUCTION SITE INGRESS AND EGRESS WITH A CONSTRUCTION PLAN LIMITING TRAFFIC TO THESE ENTRANCES ONLY. THEY ARE PARTICULARLY USEFUL ON SMALL CONSTRUCTION SITES BUT CAN BE UTILISED FOR ALL PROJECTS.

DESIGN:

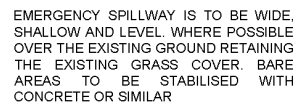
CLEAR THE ENTRANCE AND EXIT AREA OF ALL VEGETATION, ROOTS AND OTHER UNSUITABLE MATERIAL AND PROPERLY GRADE IT.

1. LAY WOVEN GEOTEXTILE; PIN DOWN EDGES AND OVERLAP JOINTS.
2. PROVIDE DRAINAGE TO CARRY RUNOFF FROM THE STABILISED CONSTRUCTION ENTRANCE TO A SEDIMENT CONTROL MEASURE.
3. PLACE AGGREGATE TO THE SPECIFICATIONS BELOW AND SMOOTH IT.
4. STABILISED CONSTRUCTION ENTRANCE AGGREGATE SPECIFICATIONS:

AGGREGATE SIZE	5-150mm WASHED AGGREGATE
THICKNESS	150mm MINIMUM OR 1.5 X AGGREGATE SIZE
LENGTH	10m MINIMUM LENGTH RECOMMENDED
WIDTH	4m MINIMUM

## MAINTENANCE

1. MAINTAIN THE STABILISED CONSTRUCTION ENTRANCE IN A CONDITION TO PREVENT SEDIMENT FROM LEAVING THE CONSTRUCTION SITE. AFTER EACH RAINFALL INSPECT ANY STRUCTURE USED TO TRAP SEDIMENT FROM THE STABILISED CONSTRUCTION ENTRANCE AND CLEAN OUT AS NECESSARY.
2. WHEN WHEEL WASHING IS ALSO REQUIRED, ENSURE THIS IS DONE ON AN AREA STABILISED WITH AGGREGATE WHICH DRAINS TO AN APPROVED SEDIMENT RETENTION FACILITY.

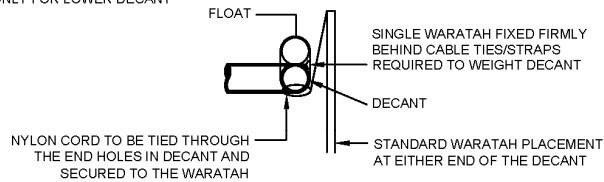
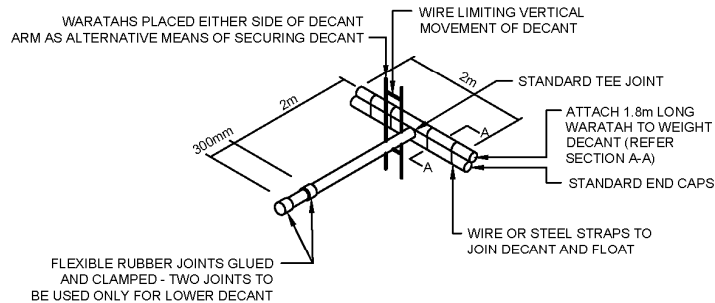


NOT FOR CONSTRUCTION



C				PROJECT DETAILS	TITLE	DATE CREATED 26-06-19	DRAWN K HANSARD	DESIGNED A PARKER	APPROVED A TONKS
B	2ND ISSUE	11-09-19		NGAWHA INNOVATION & ENTERPRISE PARK	INNOVATION & ENTERPRISE HUB EROSION SEDIMENT CONTROL DETAILS SHEET 2	CDL REF NO	SCALE	STATUS	
A	1ST ISSUE	26-06-19				14190	NTS @ A3	FOR CONSENT	
REV	REVISION DETAILS	DRAWN APP				DWG NUMBER	C317	REVISION	B

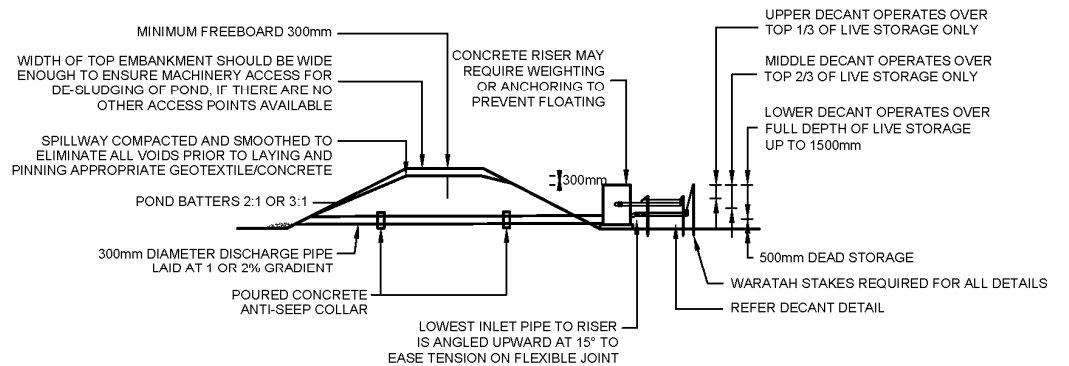
DO NOT REPRODUCE WITHOUT WRITTEN AUTHORITY



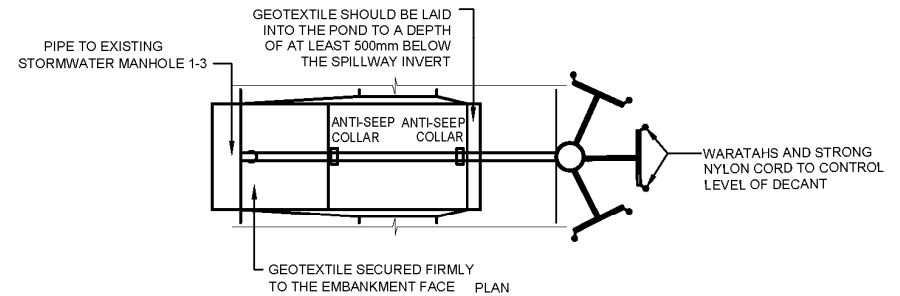
SEDIMENT RETENTION POND - DECANT DETAIL

NOTE: THE 100mm DIAMETER PVC PIPE UPSTAND IS ONLY REQUIRED WHERE THE 2m WIDE EMERGENCY SPILLWAY DISCHARGES TO VULNERABLE AREA OR WHERE THE DISCHARGE IS REQUIRED TO BE PIPED TO A SAFE OUTFALL SUCH AS A STORMWATER MANHOLE. IF THE UPSTAND IS NOT REQUIRED THE DECANT CAN BE CONNECTED DIRECT TO A 40mm DIAMETER OUTFALL PIPE AND THE TREATMENT VOLUME IS MEASURED TO THE INVERT OF THE EMERGENCY SPILLWAY.

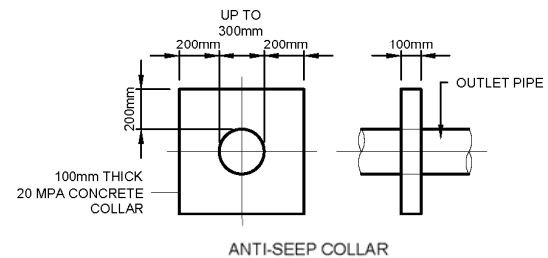
NOTE: THE DECANT HAS A 40mm DIAMETER PVC PIPE WITH A 1.3m LONG ARM (INCLUDING FLEXIBLE JOINT), A 0.5m LONG DECANT AND 20 x 10mm DIAMETER EQUALLY SPACED HOLES POSITIONED HORIZONTALLY AT 10 AND 2 O'CLOCK



CROSS SECTION



SEDIMENT RETENTION POND



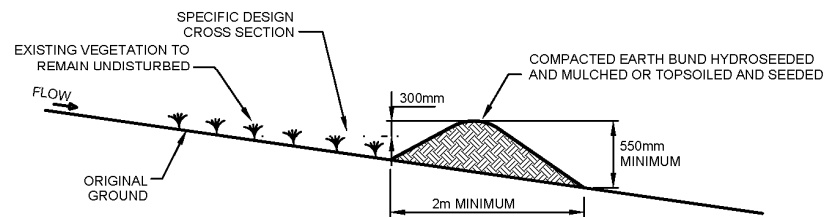
NUMBER OF DECANTS FOR EACH POND SHALL BE AS FOLLOWS:  
 I) UP TO 1.5HA CATCHMENT - 1 DECANT  
 II) 1.5-3.0HA CATCHMENT - 2 DECANTS  
 III) 3 TO 5 HA CATCHMENT - 3 DECANTS

NOT FOR CONSTRUCTION

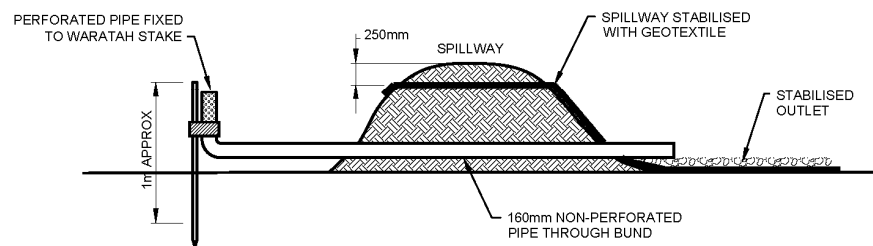
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A	1ST ISSUE	26-06-19	
		KH   AT	
REV	REVISION DETAILS	DRAWN	APP

DATE CREATED	DRAWN	DESIGNED	APPROVED
26-06-19	K HANSARD	A PARKER	A TONKS
CCL REF NO	SCALE	STATUS	
14190	NTS @ A3	FOR CONSENT	
DWG NUMBER	C318	REVISION	B

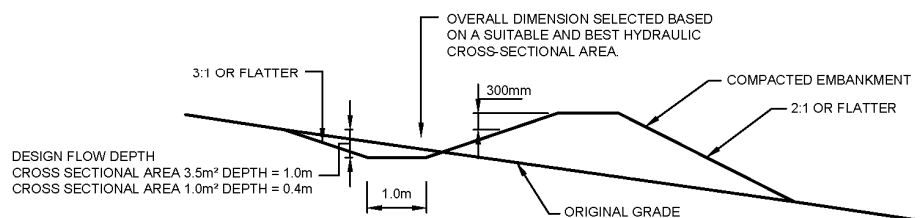




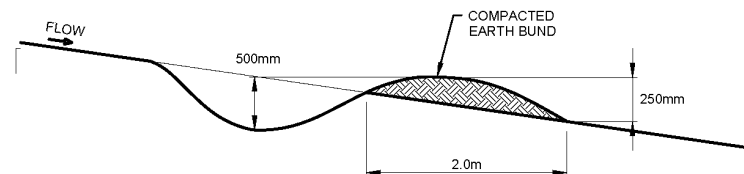
TOPSOIL BUND AND CLEARWATER DIVERSION - CROSS SECTION



DECANTING EARTH BUND



RUNOFF DIVERSION BUND - CROSS SECTION



CONTOUR DRAIN

NOT FOR CONSTRUCTION

REV	REVISION DETAILS	DRAWN	APP
C			
B	2ND ISSUE	KH	AT
A	1ST ISSUE	KH	AT

PROJECT DETAILS
NGAWHA INNOVATION & ENTERPRISE PARK

TITLE
INNOVATION & ENTERPRISE HUB EROSION SEDIMENT CONTROL DETAILS SHEET 4

DATE CREATED	DRAWN	DESIGNED	APPROVED
26-06-19	K HANSARD	A PARKER	A TONKS
CCL REF NO	SCALE	STATUS	
14190	NTS @ A3	FOR CONSENT	
DWG NUMBER	REVISION		
C319	B		

## 5. WASTEWATER MANAGEMENT

It is proposed to manage wastewater treatment and disposal in a communal facility servicing the Park in its entirety. This facility will be located in the vicinity of the existing milking shed which is centrally located and has power supply. Disposal is to land and is proposed on an elevated plateau which is located near to the treatment facility. Prospective tenants have been canvassed and no trade waste of note, either in volume or constituents, is proposed with the effluent load by in large being human sourced.

	Load l/p
Office	40
Factory/Manufacturing	40
Café	15
Motel	160 (200-40)

Table 8: Design effluent load/person. Sources NZBC G1, AC GD06, ARC TP58, NZS 1547

The future proposed accommodation will house students already located in the Park and as a result the 'Motel' load figure has been adjusted to remove the portion of flow already accounted for in the day activity load.

Building	WW m <sup>3</sup> /day (Cumulative total at each Stage)			
	Stg 1	Stg 2	Stg 3	Stg 4
Glasshouse	4.4	4.4	4.4	4.4
Bio fuel	0	1.4	1.4	1.4
WH1 (Carbonscape)	1.12	1.12	1.12	1.12
WH2 (prefab)	2.08	3.36	3.36	3.36
WH3	0	0.32	0.32	0.32
WH4	0	0.32	0.32	0.32
WH5	0	0.32	0.32	0.32
Kiln	0.08	0.08	0.08	0.08
Innovation & Education Hub	3.24	3.24	3.24	3.24
Incubator Hub	0	1.12	1.12	1.12
Honey Manuka Hub	1.64	1.64	1.64	1.64
Retail	0	3.51	3.51	3.51
Office Hub	0	0.8	1.6	1.6
Security & Maintenance	0.24	0.24	0.24	0.24
Hydroponic Glasshouse	0	2.2	2.2	2.2
Training + Support Accom	0	0	0	9.6
Total	12.8	24.07	24.87	34.47
Increase At Stage	12.8	11.27	0.8	9.6

Table 9: Design effluent / stage (m<sup>3</sup>/day).

### 5.1. Wastewater Load, Reticulation and Treatment

The fully developed wastewater load is projected to total 35m<sup>3</sup>/day and it is proposed to treat this to a secondary treatment standard.

Conveyance from source is by low pressure sewer (LPS), an approach that is becoming increasingly common in Northland as it avoids gravity reticulation and the topographic constraints that faces, as well as avoiding stormwater infiltration.

LPS has two main variants, either grinder or effluent pump. The grinder pump approach involves a small wet well located at each occupant site or cluster, with a macerating pump

discharging to a common backbone reticulation. The effluent pump is similar however this approach has a primary septic tank in place of the grinder wet well and instead discharges primary treated effluent to the backbone.

LPS effluent pump is indicated to have a lower total lifecycle cost, lower unplanned maintenance requirements, inherently buffers the communal reticulation and treatment system from problematic discharges such as excessive fats, oils and grease, and does not have the minimum flushing velocity requirements of the grinder systems. With these advantages the LPS effluent is likely to be the selected approach.

A communal treatment plant, such as a recirculating packed bed filter, will raise the effluent quality from primary to secondary treatment quality. It is proposed to modularly increase the communal treatment capacity by installing multiple smaller units in parallel as uptake dictates with 15m<sup>3</sup>/day at Stage 1, 10m<sup>3</sup>/day at Stage 2, and a final 10m<sup>3</sup>/day at Stage 4.

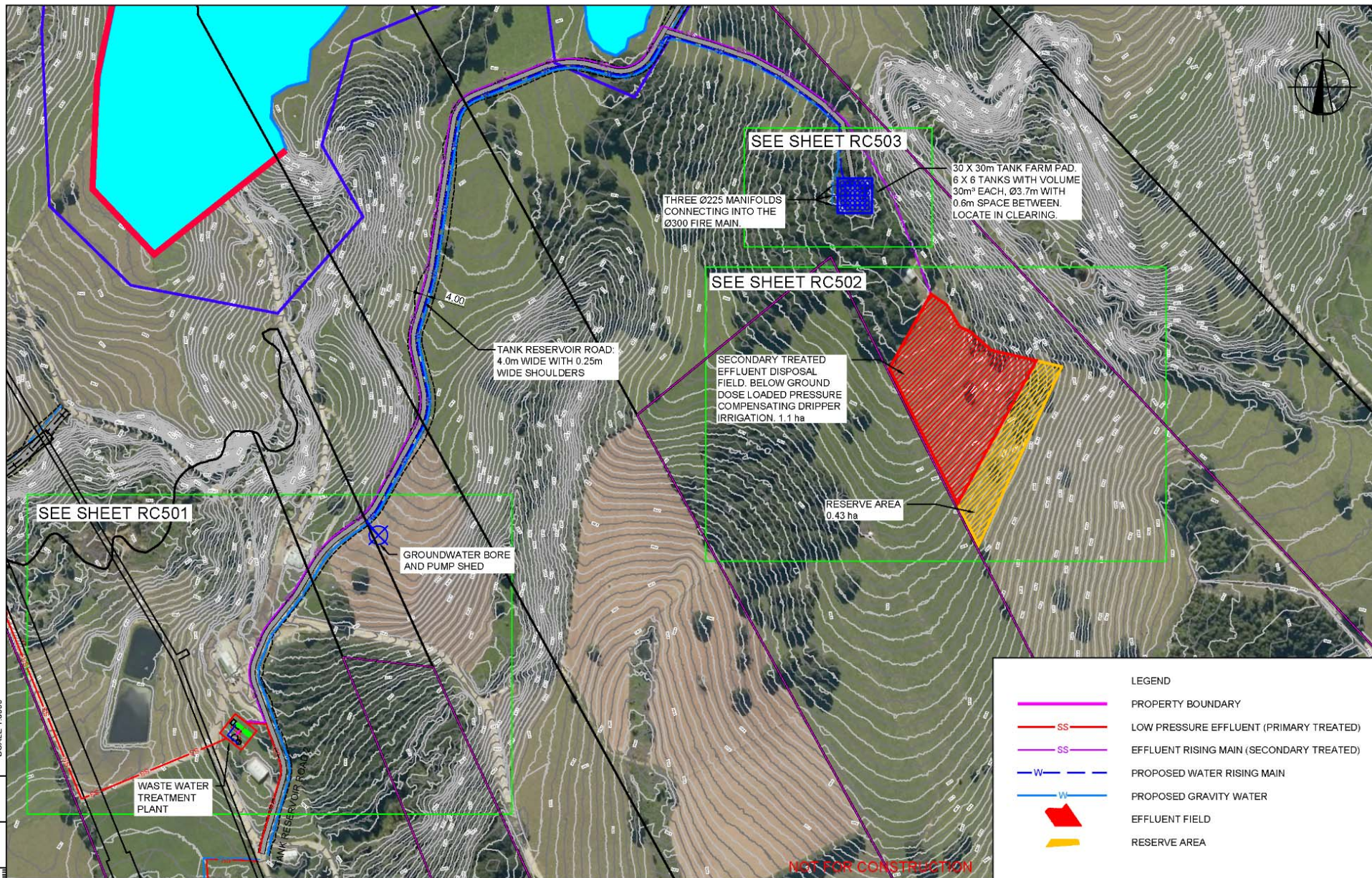
## **5.2. Wastewater Disposal Land Application**

An elevated plateau with grades of <10%, totaling 4ha in area and located well in excess of the minimum horizontal setbacks from water bodies is the proposed wastewater disposal location. Allowing for a 30% reserve disposal area the available field size is 2.8ha for secondary treated effluent disposal. The observed soils are basalt derived clay loams and are expected to perform as NZS1547 soil category 4, however as the wider area has a mapped qualitative permeability of medium over slow the lower soil category 5 loading rates have been selected for design purposes.

The proposed disposal method is pressure compensating dripper irrigation. Disposing the fully developed daily load of 35,000l/day, with a design irrigation rate of 3mm/day, and line spacing at 1m, produces a field size of 1.2ha. It is proposed to sequence dose load the disposal field and the field will be developed progressively as the communal treatment facility is incrementally expanded.

An opportunity may exist to use the disposal field for cropping. To achieve this the disposal field would be overspread with topsoil sourced from the Parks developed areas so that the disposal dripper lines are effectively deeper than they would normally be installed. It is likely that tertiary treatment of the effluent water by UV would be needed if this option were to progress.



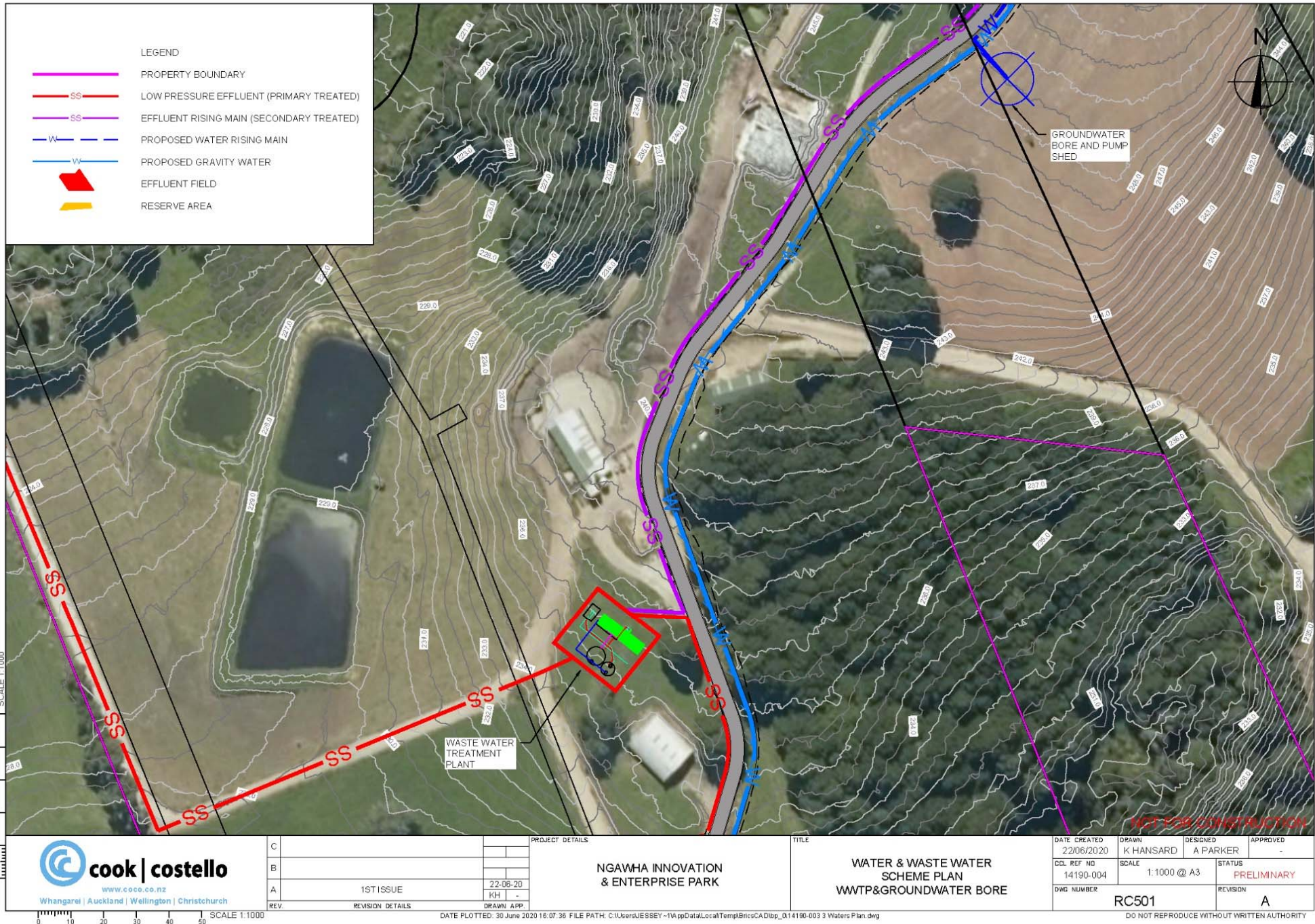


LEGEND			
	PROPERTY BOUNDARY		
	LOW PRESSURE EFFLUENT (PRIMARY TREATED)		
	EFFLUENT RISING MAIN (SECONDARY TREATED)		
	PROPOSED WATER RISING MAIN		
	PROPOSED GRAVITY WATER		
	EFFLUENT FIELD		
	RESERVE AREA		

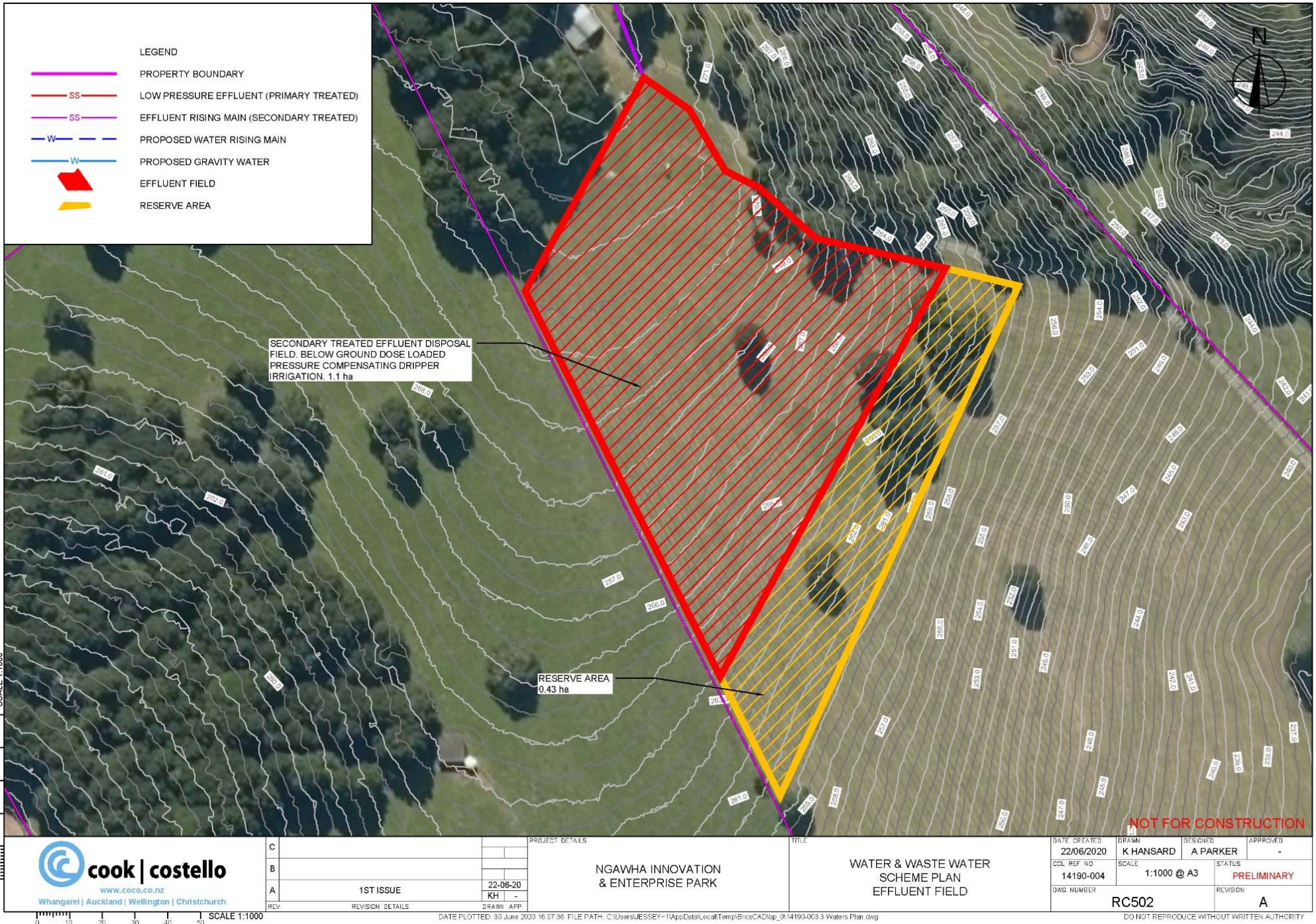
 www.coco.co.nz Whangarei   Auckland   Wellington   Christchurch	C			PROJECT DETAILS	TITLE	DATE CREATED	DRAWN	DESIGNED	APPROVED
	B					22/06/2020	K HANSARD	A PARKER	-
	A	1ST ISSUE	22-06-20	NGAWHA INNOVATION & ENTERPRISE PARK	WATER & WASTE WATER SCHEME PLAN OVERVIEW	CCL REF NO	SCALE	STATUS	
	REV.	REVISION DETAILS	DRAWN APP.			14190-004	1:3000 @ A3	FOR CONSENT	
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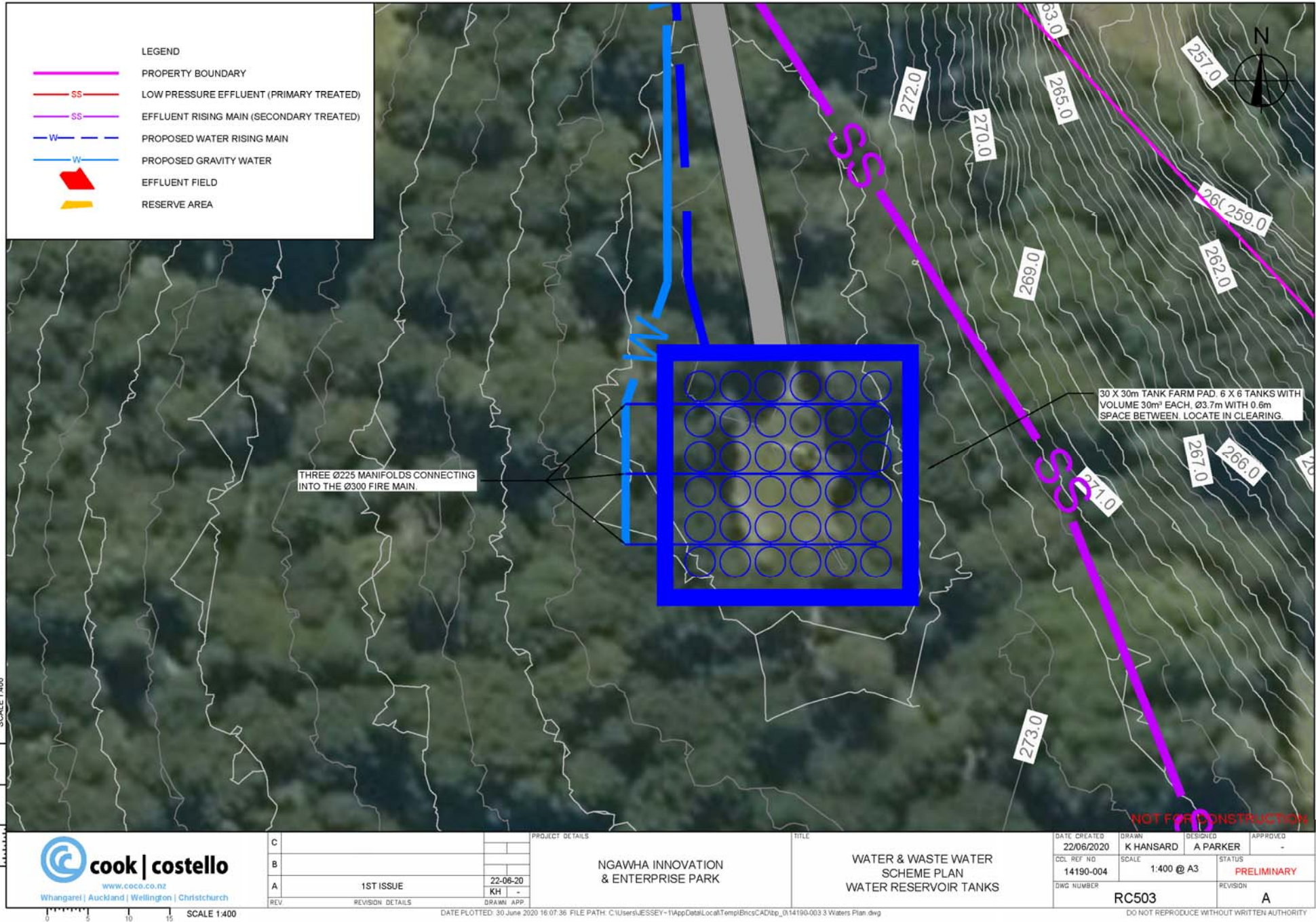


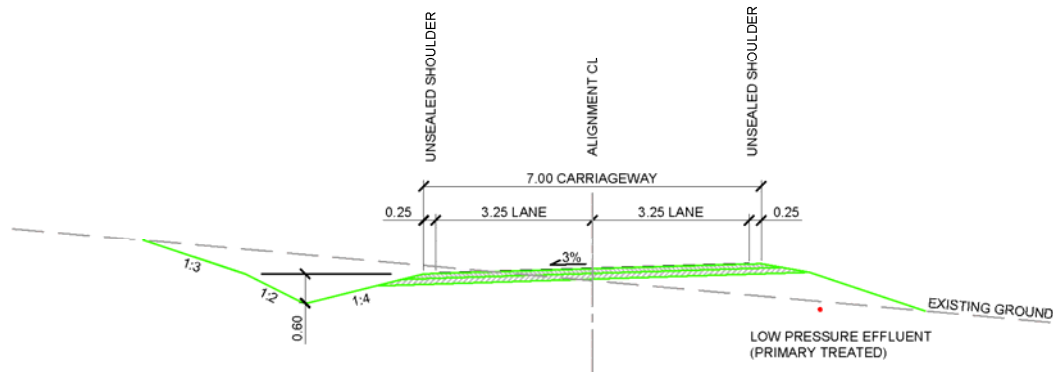
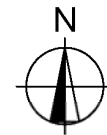




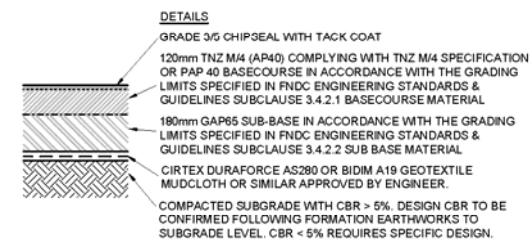




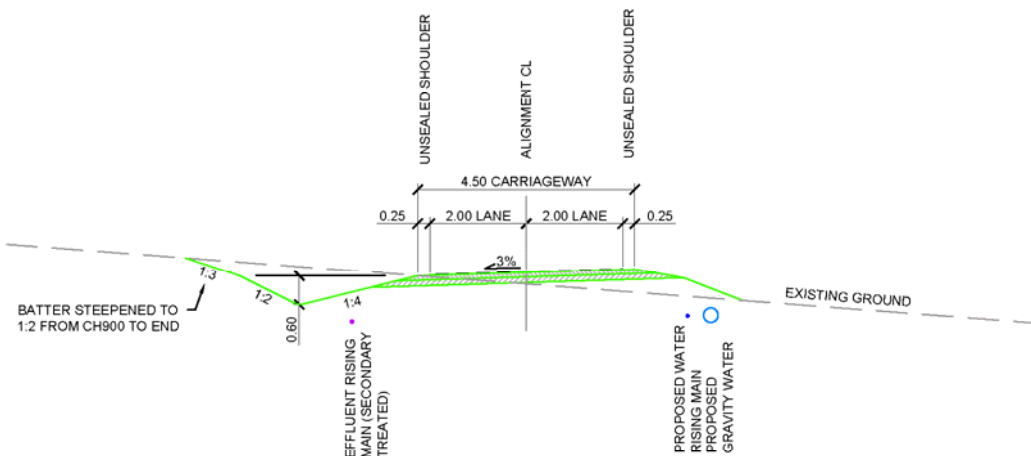




TYPICAL ROAD CROSS SECTION  
TO OLIVADO SITE  
SCALE 1:100



PAVEMENT DETAILS  
SCALE 1:20



TYPICAL CROSS SECTION  
TANK RESERVOIR ACCESS  
SCALE 1:100

NOT FOR CONSTRUCTION



**FAR NORTH DISTRICT COUNCIL**

**FAR NORTH OPERATIVE DISTRICT PLAN  
DECISION ON RESOURCE CONSENT APPLICATION (SECTION 127)**

**Resource Consent Numbers:** RC2200203-RMAVAR/A      *'Innovation and education hub'*  
RC2200204-RMAVAR/A      *'Horticultural hub'*

**Pursuant to section 127 of the Resource Management Act 1991 (the Act), Far North District Council hereby grants resource consent to Far North Holdings Ltd (FNHL) to change consent conditions of RC2200203 and RC2200204; more particularly deleting Decision A, amending conditions within Decisions B and C, and incorporating new Decision D.**

**Note:**      *Given the number of changes it is recommended that the notification assessment for the variations be read in conjunction with this decision.*

**Subject Site Details**

**Address:**      Wallis Road and State Highway 12, Kaikohe – the overall development is commonly referred to as the *'Ngawha innovation and enterprise park'*

**Legal Descriptions:**      RC2200203 – *'Innovation and education hub'*

- Lot 1 DP 190387 (NA118B/580 owned by FNHL)
- Lot 1 DP 196320 (RT NA125B/47 owned by FNHL)
- Orauruwharo 5B2C Block (RT NA16D/1451 owned by FNHL)
- Orauruwharo 5B1A Block (RT NA125B/49 owned by FNHL)
- Lot 2 DP 185847 (RT NA16C/42 owned by FNHL)
- Reiwhatia B1 Block (RT NA4B/593 owned by FNHL)
- Lot 2 DP 176274 (RT NA108C/9 owned by FNHL)
- Lot 1 DP 196319 (RT NA125B/47 owned by FNHL)

RC2200204 – *'Horticultural hub'*

- Section 15S Te Pua Settlement (RT 438477 owned by FNHL)
- Lot 1 DP 336520 (RT 149669 owned by Kaikohe Berryfruit Limited Partnership)
- Lot 2 DP 196311 (RT NA124C/395 owned by Kaikohe Berryfruit Limited Partnership)
- Lot 1 DP 172355 (RT NA1902A/774 owned by Kaikohe Berryfruit Limited Partnership)

The approved amendments are as follows:

**~~Decision A – Subdivision 2200203RMAVAR/A and 2200204RMAVAR/A~~**

~~To subdivide Lot 1 DP 196320 resulting in two new allotments, proposed Lot 1 (63.3220ha) and Lot 2 (28.2710ha) in the Rural Production Zone.~~

## **Decision B – Horticultural Hub Site – Land Use 2200204RMACOM**

To construct and use a horticultural production centre for a poly-tunnel berry operation comprising a ~~glasshouse of 69,981m<sup>2</sup> of floor area and four ancillary buildings of total 6,100m<sup>2</sup> poly-tunnels, ancillary support buildings,~~ and associated private access/internal driveways, parking spaces, and earthworks in the Rural Production Zone and upgrade the metalled carriageway of Wallis Road ~~to a widened and sealed dual carriageway formation~~ from the site entrance to the intersection with State Highway 12.

Consent is granted to breach the following landuse rules:

- ~~Rule 8.6.5.1.8 – Building Height~~
- Rule 12.3.6.1.3 – Excavation and/or filling, excluding mining and quarrying in the rural production zone or Kauri Cliffs Zone.
- Rule 15.1.6A.2.1 – Traffic intensity

## **Decision C – Innovation Hub Site – Land Use 2200203RMACOM**

To construct accessways, internal driveways and site servicing of water, wastewater and stormwater management, associated to the future progressive construction of a Business and Education Centre comprising buildings for a total 2.217ha of ground floor area in the Rural Production Zone.

To construct and operate rural production ancillary activities, commercial and industrial activities on the site generally in the four locations identified in Plan Reference L100 in the Appendix of the Masterplan Strategy, ~~with the 'Carbonscape' building being used for rural production ancillary activities only.~~

Consent is granted to breach the following landuse rules:

- Rule 12.3.6.1.3 – Excavation and/or filling, excluding mining and quarrying in the rural production zone or Kauri Cliffs Zone.
- ~~Rule 8.6.5.1.8 – Building Height~~
- Rule 8.6.5.1.11 – Scale of Activities
- Rule 15.1.6A.2.1 – Traffic intensity
- Rule 15.1.6B.1.1 – On-site Parking Spaces
- Rule 15.1.6C.1.1(e) – Private Accessway in All Zones
- Rule 16.6.1.2 – General Requirements for all Signs
- Rule 16.6.1.3 (a) – Maximum Sign Area per Site

## **Decision D – the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011**

Pursuant to section 104C of the Act, Council hereby grants resource consent as a restricted discretionary activity for a change of land use from cropping and pastoral activities to indoor primary production, rural industry, and rural based commercial, service and tertiary education activities within the 'Ngawha innovation and enterprise park'.

Consent is granted subject to compliance with the conditions of consent applying to Decisions B and C of RC2200203 and RC2200204.

Note:

~~The land use components of Decisions B and C cannot be implemented until such time as the Subdivision Decision A is implemented, a new title has been registered for the proposed new lots and the amalgamation via encumbrance in favour of FNDC of the lots comprising the Horticulture and Innovation 'sites' is registered on the Records of Title.~~

## **Decision A – Subdivision**

~~To subdivide Lot 1 DP 196320 resulting in two new allotments, proposed Lot 1 (63.3220ha) and Lot 2 (28.2710ha) in the Rural Production Zone.~~

~~Pursuant to Section 108 of the Act, these consents are granted subject to the following conditions:~~

- ~~1. The subdivision shall be carried out in general accordance with the approved plan of subdivision prepared by Williams & King, titled 'Proposed Subdivision of Lot 1 DP 196320, reference 22175, dated 20 July 2020 and attached to this consent with the Council's "Approved Stamp" affixed to it.~~
- ~~2. The survey plan, submitted for approval pursuant to Section 223 of the Act shall show:~~
  - ~~(a) All easements required to service the subdivision to be duly granted or reserved within the memorandum of easements.~~
  - ~~(b) The following amalgamation condition, pursuant to Section 220(1)(b)(i) of the Resource Management Act 1991:~~

~~That Lot 1 hereon and Section 15S Te Pua Settlement (ROT 438477) be held together and one Record of Title issued to include both parcels [See LINZ reference 1670100].~~
- ~~3. Prior to the approval of the survey plan pursuant to Section 223 of the Act, the consent holder shall:~~
  - ~~(a) Provide written confirmation from the telecommunications and power utility services operator of their requirements in accordance with Far North District Council: Engineering Standards & Guidelines 2009 and show any necessary easement on the survey plan.~~
- ~~4. Prior to the issue of a Section 224 certificate, the consent holder shall provide to the satisfaction of Council a legal undertaking to enter an encumbrance agreement with Council requiring, in accordance with Section 241(1):~~
  - ~~(a) That Lot 1 and Section 15S Te Pua Settlement be held together with:~~
    - ~~— Lot 1 DP 336520 (149669)~~
    - ~~— Lot 2 DP 196311 (NA124C/395)~~
    - ~~— Lot 1 DP 172355 (NA102A/774)~~
  - ~~(b) That Lot 2 be held together with:~~
    - ~~— Lot 1 DP 190387 (NA118B/580)~~
    - ~~— Lot 1 DP 196319 (NA125B/47)~~
    - ~~— Orauruwharo 5B2C Block (NA16D/1451)~~
    - ~~— Lot 2 DP 185847 (NA116C/42)~~
    - ~~— Part Orauruwharo 5B1A Block (NA125B/49)~~
    - ~~— Reiwhatia B1 Block (NA4B/593)~~
    - ~~— Lot 2 DP 176274 (NA108C/9)~~



## Resource Consent Number: 2200204

### Decision B – Horticultural Hub

To construct and use a horticultural production centre for a poly-tunnel berry operation comprising a ~~glasshouse of 69,981m<sup>2</sup> of floor area and four ancillary buildings of total 6,100m<sup>2</sup> poly-tunnels, ancillary support buildings, and~~ associated private access/internal driveways, parking spaces, and earthworks in the Rural Production Zone and upgrade the metalled carriageway of Wallis Road ~~to a widened and sealed dual carriageway formation from the site entrance to the intersection with State Highway 12.~~

Pursuant to Section 108 of the Act, this land use consent is issued subject to the following conditions:

1. The earthworks shall not commence until such time as a Resource Consent from the Northland Regional Council has been granted for the excavations required within the application site. A copy of the consent shall be submitted to Council in conjunction with the Construction Management Plan.
2. No buildings construction shall commence until such time as evidence is supplied to the Council that an amalgamation via encumbrance in favour of FNDC of the lots comprising the Horticulture 'sites' is registered on the Records of Title.

#### General

3. The poly-tunnels shall not exceed a maximum height of 4 metres above ground level, as measured from the level of the ground resulting from completion of all works authorised by the most recent subdivision resource consent.
4. This consent is to be implemented in general accordance with the following documents:
  - a) Assessment of Environmental Effects prepared by Zenith Planning Consultants Ltd, dated 4 October 2019;
  - b) Section 92 Response, dated 31 October 2019;
  - c) The assessment of effects and further information supporting the variation to RC2200204, as prepared by Zenith Planning Consultants Ltd, Traffic Planning Consultants Ltd and Cook Costello.
  - d) ~~Plan titled 'Master Plan – Glasshouse Site' prepared by Eclipse Architecture, reference FHH0657, dated 13 July 2020;~~
  - e) ~~Plan titled 'Glasshouses Floor Plan' prepared by Eclipse Architecture, reference FHH0657, dated 13 July 2020;~~
  - f) ~~Plan titled 'Glasshouses Site Elevations' prepared by Eclipse Architecture, reference FHH0657, dated 13 July 2020;~~
  - g) ~~Plan titled 'Glasshouses Ancillary Buildings Floor Plans' prepared by Eclipse Architecture, reference FHH0657, dated 13 July 2020;~~
  - h) ~~Plan titled 'Glasshouses Ancillary Buildings Sections' prepared by Eclipse Architecture, reference FHH0657, dated 13 July 2020;~~
  - i) 'Finger 1 Stage 1 masterplan' showing the location of the approved poly-tunnels and packing shed/amenities prepared by Eclipse Architecture, drawing A3.13, dated 30 July 2021



- j) 'Packhouse site plan' prepared by Eclipse Architecture, drawing A100, dated 25 November 2021 (amended to remove all staff courtyards/outdoor space) Note – many of the poly-tunnels shown on this plan are not part of the consent approved by RC2200204 but are part of the overall masterplan development, refer to Finger 1 plan above for approved development)
- k) 'Revised packhouse floor plan option 02' prepared by Eclipse Architecture, drawing 02, dated 2 August 2021
- l) 'Sections' prepared by Eclipse Architecture, drawing 03, dated 2 August 2021
- m) 'Elevations' prepared by Eclipse Architecture, drawing 03, dated 2 August 2021
- n) Report titled 'Urban Design Masterplan Strategy Report' prepared by Wraight & Associates Landscape Architects, dated 19 September 2019 in so far as it relates to the development approved for RC2200204 (as varied).
- o) 'Site Suitability Engineering Plans' Revision B, prepared by Cook Costello, job no. 14190, dated 12 September 2019;
- p) Report titled 'Ngawha Innovation & Enterprise Park Ultimate Development – Site and Infrastructure Suitability Report' prepared by Cook Costello, reference no. 14190, revision 1, dated 14 September 2019;
- q) Report titled 'Integrated Transport Assessment – Ngawha Innovation and Enterprise Park' prepared by Traffic Planning Consultants Ltd, reference 19121, Issue A, dated September 2019 and an updated report dated April 2021 (subject to the upgrade to Wallis Road recommended by the Northland Transportation Alliance and volunteered and accepted by Far North Holdings Ltd in an email dated 21 July 2021).
- r) Report titled 'Landscape and Visual Amenity Assessment Report', prepared by Simon Cocker Landscape Architecture, reference 18171\_02, dated 2 October 2019 (Note – While the built components have changed through the variation to RC2200204 the development footprint area for stage 1 has not. As volunteered by Far North Holdings Ltd land abutting the common boundaries of Lot 1 DP 196311 shall be landscaped with screen planting to a minimum depth of 8 metres).
- s) Report titled 'Preliminary Site Investigation – Proposed Ngawha Innovation and Enterprise Park' prepared by NZ Environmental, reference 2018 275, revision 1, dated 15 April 2019;
- t) Report titled 'Detailed Site Investigation and Remediation Action Plan' prepared by NZ Environmental, reference 2019 289, revision 3, dated 17 September 2019;
- u) Letter titled 'NESCO Assessment of Effects for applications 2200203 RMA LUC and 2200204 RMA LUC' from Tricia Scott, Director of NZ Environmental, dated 6 November 2019.
- v) Report titled 'Cultural Impact Assessment report', prepared by Ngati Rangi Hapu – Te Kereru Associates, dated April 2020;
- w) Report titled 'Archaeological Survey and Assessment of Effects', prepared by Time Depth Enterprises Heritage Consultants, dated February 2019.
- x) Pages A106, A107 and A108 of Ngawha Innovation and Enterprise Park Design Guidelines dated March 2021 (note this does not override any resource consenting requirements i.e. height etc).

#### Soil Remediation Works

5. Prior to the commencement of any excavation works within the immediate vicinity of contaminated areas identified by NZ Environmental, the land remediation works must be undertaken within the site and in accordance with the Detailed Site Investigation and Remediation Action Plan prepared by NZ Environmental, reference '2019 328, revision 3, dated

17 September 2019. Upon completion of the remediation works, the Consent Holder shall notify the Council of the completion of these works. **In defining the 'immediate' vicinity, this is to be as per the advice of NZ Environmental.**

6. If an alternate remediation measure(s) is used, the Consent Holder shall provide a Site Validation Report prepared by a Suitable Qualified and Experienced Practitioner to the satisfaction of Council's Resource Consents Manager or their delegated representative, detailing the alternate remedial measure(s) and its appropriateness to avoid adverse effects on human health.

#### Earthworks

7. Prior to the commencement of any excavation works, the consent holder shall submit for the approval of Council, a Construction Management Plan that contains information on site management procedures for the following matters. The CMP shall be implemented for the duration of works:
  - a) The stormwater diversion and silt control measures, as detailed in the Site and Infrastructure Suitability Report from Cook Costello, Reference R1 – 14092019, dated 14 September 2019;
  - b) The proposed erosion and sediment control and stormwater control, treatment and mitigation works to be in place prior to, during construction and are maintained and cleaned out as necessary until a non-erodible cover has been established over the site. Such works are to be designed in accordance with Council's Engineering Standards and Guidelines 2009 and NZS 4404:2004 to the approval of the Resource Consent Engineer or their delegated representative;
  - c) The timing of civil engineering, including hours of operation and key project and site management personnel and their contact details;
  - d) All disturbed land that is not to be occupied by buildings **or formed to include erosion proof surfaces such as access, paths or yards** must be re-grassed or revegetated upon completion of the excavation works;
  - e) The transportation of materials to and from the site, loading and unloading of materials and associated controls on vehicles through sign posted site entrances and exits;
  - f) A stabilised construction entrance to prevent soil tracking onto Wallis Road and State Highway 12, and any other appropriate avoidance or remedial measures to prevent any earth, mud, gravel or other material being deposited on Wallis Road or State Highway 12 by vehicles exiting the site; and remedial measures should that occur;
  - g) The measures to control dust;
  - h) The communication methods proposed to notify adjacent residents and users of Wallis Road of the works proposed, their duration and management, and the point of contact to raise any issues.
8. A minimum of one month prior to the commencements of any excavation works, Ngati Rangi Hapu is to be notified and informed of any planned works that are to occur onsite, to ensure:
  - a) That Ngati Rangi are consulted in advance on any areas the consent holder wishes to undertake earthworks and/or drilling activities to ensure such works are not planned in the same location as known waahi tapu;
  - b) That appropriate cultural rites are performed ahead of planned works;
  - c) That Ngati Rangi performs karakia and site blessings prior to works commencing;
  - d) That Ngati Rangi conduct Cultural induction of construction works;

- e) That in the event of a new wahi tapu or archaeological site being discovered or disturbed, ~~that~~ all works on the site **within 50 metres of the affected areas** shall cease and Council, Ngati Rangi and Heritage NZ Pouhere Taonga shall be notified immediately. Works shall not recommence until Council is satisfied that it is appropriate to do so on cultural and archaeological grounds.

Traffic Intensity **and access**

9. The consent holder shall submit plans and details of all works for the approval of Council prior to commencing construction. Such works are to be designed in accordance with the NZ Transport Agency standards and Council's Engineering Standards and Guidelines 2009 and NZS 4404:2004 to the approval of the Resource Consent Engineer or their delegated representative. The plans shall follow the detail as outlined in the Site and Infrastructure Suitability Report dated 14 September 2019 (reference 14190, Revision 1).

All work needing design/certification by a Council approved IQP/CPEng will require the submission of a producer statement (design) on form EES-PS1 (or similar approved) to the satisfaction of the Resource Consent Engineer or their delegated representative.

In particular the plans shall show:

- a) **The permanent closure of the Wallis Road crossing to the south of 42 Wallis Road (Lot 1 DP 196311), with all access on Wallis Road to be limited to a single entrance to the north of 42 Wallis Road as per the approved plan.**

- b) **How direct vehicle access from the 'Horticultural hub' to State Highway 12 via Lot 1 DP 172355 will be prevented.**

- c) The intersection and a single vehicle crossing to the development off Wallis Road. Details to be provided **shall** include all road markings, signage, ~~and~~ streetlighting **and details of the mechanisms to control the traffic flow to restrict the use of Wallis Road to heavy vehicles (trucks, including provision for emergency vehicles) associated with the 'Horticultural hub' via an unmanned gate and sensor mechanism or similar. Details shall outline how heavy vehicles associated with the 'Innovation and education hub' will be prevented from using the Wallis Road entrance.**

**Signage advising the access restrictions on Wallis Road and alternative access available via State Highway 12 through the 'Innovation and education hub' crossing approved for RC2200203.**

- d) ~~The widening and sealing of the carriageway of Wallis Road from the intersection with State Highway 12 to the proposed vehicle entrance to the application site.~~ **Widening of the metalled carriageway of Wallis Road to at least 5.1 metres from the intersection with State Highway 12 to the vehicle entrance to the site to enable a truck and car to pass without either pulling over or reversing back (this shall exclude the existing culvert on Wallis Road approximately 110 metres north of the State Highway 12 intersection).**

**The upgrade shall also include three truck passing bays, generally in accordance with the recommendations contained in the assessment of the 'Adequacy of Wallis Rd to accommodate horticultural development traffic' prepared by Traffic Planning Consultants Ltd, referenced 19121 and dated 21 April 2021. The recommended works include widening of the Wallis Road carriageway at the access to the proposed development and on the bend in Wallis Road (approximately 380 metres north of the intersection with State Highway 12) to a width of 6 metres over a distance of 36 metres, including tapers, to allow heavy vehicles to pass.**

- e) ~~Signage and road marking associated with the new development.~~

- f) The internal roading network.
  - g) Firefighting water supply system complying with the requirements of the New Zealand Fire Service Firefighting Water Supplies Code of Practice SNZ PAS 4509:2008.
10. Prior to the commencement of ~~any Roading Works~~ **the road widening and truck passing bay construction** on Wallis Road and **access** within the site, the consent holder shall submit for the approval of Council, a Construction Management Plan (**CMP**) that contains information on site management procedures for the following matters. The CMP shall be implemented for the duration of works and can be prepared as a joint CMP as required under condition 6
- a) The stormwater diversion and silt control measures to be in place prior to and during construction, including how they will be maintained and cleaned out as necessary until non-erodible cover has been established over the site. Such works are to be designed in accordance with Council's Engineering Standards and Guidelines 2009 and NZS 4404:2004 to the approval of the Resource Consent Engineer or their delegated representative;
  - b) The timing of civil engineering, including hours of operation and key project and site management personnel and their contact details;
  - c) The measures to control dust; and
  - d) The communication methods proposed to notify adjacent residents and users of Wallis Road of the works proposed, their duration and management, and the point of contact to raise any issues.
11. **No activity approved for the 'Horticultural hub' under RC2200204 (including berry plantings) shall occur until legal access from Wallis Road through the site to State Highway 12 is established to the satisfaction of Council, this includes legalising and forming the necessary rights of way and obtaining additional resource consent(s) as may be required from the district and regional councils for the internal access. (Council will require confirmation of any consenting requirements under the National Environmental Standards for Freshwater.)**
12. ~~The consent holder shall provide to the Infrastructure and Asset Manager, a road condition assessment of Wallis Road in the vicinity of the development prior to construction works commencing. The consent holder will be responsible for the ongoing maintenance of the carriageway for the duration of the construction period, and for any remediation works required, including the posterior sealing of Wallis Road. A cash or bank guaranteed bond is to be lodged with Council for this purpose. The value of the Bond will be \$100,000. Except for \$30,000, the Bond will be released after completion of the subdivision, and if required, after the sealing and rehabilitation of Wallis Road, with the approval of the Council's GM Infrastructure and Asset Management.~~
- ~~The \$30,000 Bond will be held for a subsequent 12 months and released when the seal on Wallis Road and improvements to the intersection of Wallis Road and State Highway 12 have proved to be adequate, with the approval of the Council's GM Infrastructure and Asset Management.~~
- The consent holder shall undertake all works as per the plans approved under condition 8 above prior to the berry poly-tunnel house operation commencing (including berry plantings).**
13. The consent holder shall submit and have granted a Traffic Management Plan and Corridor Access Request prior to roadworks commencing.

14. The consent holder shall notify Council, in writing, of their intention to begin works, a minimum of seven days prior to commencing works. Such notification shall be sent to the Resource Consent Engineer or their delegated representative and include the following details:
- a) Name and telephone number of the project manager/IQP.
  - b) Site address to which the consent relates.
  - c) Activities to which the consent relates.
  - d) Expected duration of works.
15. ~~Prior to the commissioning of any building or structure enabled by this consent~~ **Following completion of the widening of the Wallis Road carriageway and the provision of truck passing bays**, the Consent Holder shall provide:
- a) PS3 from a suitably experienced roading contractor to confirm that the ~~upgrade~~ **widening** of ~~the~~ Wallis Road **metalled carriageway** has been undertaken in accordance with the plans and specifications of Condition ~~69~~.
  - b) a PS4 from a suitably qualified and experienced Civil Engineer to confirm that the ~~upgrade~~ **widening** of Wallis Road has been undertaken in accordance with the plans and specifications of Condition ~~69~~; and
  - c) evidence that the requirements of New Zealand Transport Agency (NZTA), as specified in their correspondence **dated 3 December 2020 and** referenced ~~69~~ LUC-2019-512, have been complied with.
- When contacting NZTA to obtain such evidence, please ensure you quote the NZTA reference number referred to above.
16. **The consent holder shall keep a daily record of the number, timing and type of heavy vehicles entering and exiting the site from Wallis Road to access the 'Horticultural hub'. A copy of the record shall be forwarded to Council's Resource Consents Monitoring Officer six months after the activity commences and every six months thereafter, with comments provided regarding the New Zealand Transport Agency's threshold for upgrading the State Highway 12/Wallis Road intersection**

#### Landscaping

17. At the time of **lodging an application for** Building Consent **or prior to the occupation/use of** ~~for~~ any of the buildings and structures enabled by the consent (**whichever occurs first**), the Consent Holder shall provide to the satisfaction of Council's Resource Consent Manager or other duly delegated officer, a detailed planting plan prepared by a suitably qualified person. The Planting Plan shall ~~be prepared in general accordance with~~ **have regard to the** Landscape and Visual Amenity Assessment report (Simon Cocker, reference 18171\_02, dated 2 October 2019).

**It shall comment on the enhancement of existing natural features and buffer plantings/mounding where the potential for adverse effects on neighbouring properties has been identified in the Landscape and Visual Amenity Assessment report and any alternative mitigation measures proposed to have regard to subsequent revisions to the development.**

It shall provide details on the following:

- a) **The removal of an existing gate/crossing to Lot 1 DP 336520 immediately adjacent to the southern boundary of 42 Wallis Road, with the land adjacent to that boundary to be landscaped to a minimum depth of 8 metres.**
- b) **Minimum heights for specific vegetation to be maintained at maturity.**



- c) Any proposed staging of the landscaping. Whilst species selected shall be capable of attaining the above heights within 12 months of planting, the plantings may however incorporate slower growing vegetation where faster growing species are established in tandem to achieve the minimum height in the interim.
  - d) Size and species of proposed stock for planting
  - e) Sources of proposed species
  - f) Locations and spacing of proposed plants, planting methods, details of staking of trees etc.
  - g) Details of proposed maintenance
  - h) Details of proposed mulch, type, depth etc
  - i) Planting programme
18. Unless specified in the approved landscape plan, implementation of the landscape plan is to be undertaken within the first planting season (approximately March-September) directly following commencement of any of the works relating to the buildings and structures enabled by this consent and shall be maintained by the consent holder from that point onwards for a minimum period of five (5) years, to the satisfaction of the Far North District Council or duly delegated officer.
- Where the landscape plan approved under condition 17 provides for staging of plantings, its full implementation may be deferred as per an agreed schedule of timeframes, provided that all plantings are fully implemented over three consecutive planting seasons and the maintenance period relates to the respective stage.
- The consent holder shall advise Council's Resource Consents Monitoring Officer in writing of the completion date of plantings, with the maintenance period to commence after certification that the plantings have been established accordingly
19. The consent holder shall maintain the landscaping as detailed within the approved landscaping plan ~~Landscape and Visual Amenity Assessment prepared by Simon Cocker Landscape Architecture dated 2 October 2019 (reference 18171\_02)~~. The consent holder shall not without the prior written consent of the Council and then in strict compliance with any conditions imposed by Council, cut down, damage or destroy any landscaping around or within the site. The consent holder shall not be in breach of this prohibition if any such landscaping shall die of natural causes not attributable to any default by or behalf of the consent holder and occupiers or for which the consent holder / occupier is not responsible. Any plants that do not survive shall be replaced with those plants specified within the approved Landscape Plan.

#### Operations

20. The operations shall be limited to between 7am and 6pm
21. Prior to the commencement of the operations of the ~~glasshouse element of the horticultural hub~~ poly-tunnel berry farm the Consent Holder shall provide to the satisfaction of Council's Resource Consent Manager:
- (a) A lighting plan for the ~~glasshouse and approved development area, onsite driveways and parking areas,~~ and details on how nuisance light spill will be avoided. ~~, including by restricting lighting operation between 10pm and 4am and the use of curtains or similar particularly with regards to the neighbouring sites on Wallis Road;~~
  - (b) An acoustic report accounting for all machinery and plant to operate on site that confirms that the noise levels within the site do not exceed the limits established in the District Plan and details of any proposed mitigation measures.

22. Access to the site for the purpose of Cultural Monitoring of the waterways and ecosystems shall be considered when requested by Ngati Rangī kaitiaki.

#### **Review**

23. **Council may, in accordance with section 128 of the Resource Management Act 1991, serve notice on the consent holder of its intention to review the conditions of this consent. The review may be initiated for any one or more of the following purposes:**

- (a) **To deal with any adverse effects on the environment that may arise from the exercise of the consent and which it is appropriate to deal with at a later stage, or to deal with any such effects following assessment of the results of the monitoring of the consent and/or as a result of the Council's monitoring of the state of the environment in the area, i.e. any traffic safety improvements that may be required, particularly on Wallis Road, and at the intersection of Wallis Road and State Highway 12.**
- (b) **To require the adoption of the best practicable option to remove or reduce any adverse effect on the environment.**
- (c) **To deal with any inadequacies or inconsistencies Council considers there to be in the conditions of the consent, following the establishment of the activity the subject of the consent.**
- (d) **To deal with any material inaccuracies that may in future be found in the information made available with the application (notice may be served at any time for this reason). This includes, but is not limited to the scale of activity, hours of operation, noise, traffic, access and parking.**

**The actual and reasonable costs of any review undertaken may be charged to the consent holder, in accordance with section 36 of the Act.**

#### **Advice Notes**

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

#### **Further comment**

1. **The consent holder is not seeking to extend the poly-tunnel berry operation beyond the footprint of the consented glasshouse operation. Although the poly-tunnels erected on site already extend beyond the approved footprint, FNHL has clearly indicated that a new resource consent application will be lodged for the additional development and any associated District Plan breaches.**

**Approval of the current variations will not ensure any retrospective approval for additional poly-tunnels already constructed or future resource consent for development shown on an overall masterplan submitted with the variation**

2. Staffing for the glasshouse tomato operation was projected as including some 93 crop staff (approximately 7.00 am – 4.00 pm), ten packing staff (approximately 7.30am – 4.30pm) and seven technical and administration staff.) Whilst the activity approved for RC2200204 is changing to a berry poly-tunnel operation and a report by TPC dated 12 October 2020 indicates that staff numbers will increase to 200, FNHL has confirmed that the consent holder is not seeking to alter the number of staff.

It is assumed that the reference to 200 staff includes staff for subsequent stages of development, as per the masterplan for the site.

3. FNHL's request to reduce the standard of upgrade on Wallis Road is based upon the vehicular link that is now proposed between the 'Horticultural hub' and the 'Innovation and education hub'. The link is intended to change the directional flow for the bulk of traffic from the 'Horticultural hub' by limiting traffic accessing the hub to/from Wallis Road to heavy trucks only.

All light passenger vehicles will be restricted to the State Highway access currently approved for the 'Innovation and education hub', with the State Highway 12 crossing becoming the primary access point for the 'Ngawha innovation and enterprise park'.

Movements via Wallis Road will be restricted by an unmanned boom gate (or similar) at the road entrance, controlled by an elevated height sensor activated only by trucks and emergency vehicles.

Whilst the vehicle movements previously provided for the approved development do not indicate the total number of daily projected vehicle movements, it is clearly evident that the number of vehicle movements on Wallis Road will be reduced significantly given the diversion of 110 full time equivalent staff from the 'Horticultural hub' to the State Highway 12 entrance.

4. The Wallis Road/State Highway 12 intersection upgrade was only required if certain peak-time traffic volumes were reached. Council's Resource Consents Engineer is satisfied that no upgrade will be required for the revised development due to the changes proposed to the traffic route and the volume of trucks anticipated on Wallis Road, with the heavy truck movements from the proposed activities within the 'Horticultural hub' falling below the trigger for any upgrade to the controlled State Highway 12 intersection. Whilst future applications or expansions within the hub may trigger the requirement for an upgrade to the controlled intersection, it is not required for the current proposal.
5. In terms of the internal roading network and the formed Matawii water storage reservoir access road, it is unclear which resource consent, if any, these works were undertaken under and there is no formal right of way in favour of the reservoir. FNHL's agent indicated that the works for the reservoir were completed under LP16 however the records of the title for the reservoir consent do not include the FNHL owned land over which access has been formed. There is no record of the works within any other resource consent either. (RC2200203 and RC2200204 did not anticipate vehicle access between the two hubs and therefore it was not addressed.) Whilst RC2300164 relies upon the vehicle link between the hubs that consent did not formalise the access i.e. no right of way, no conditions addressing its formation, and no consenting requirements were incorporated within the application/decision.

As landowner, it will be the responsibility of FNHL to obtain all retrospective consents required for access, this may relate to the volume/height of earthworks, impermeable surfaces, right of way/private access/road to vest, and the National Environmental Standards for Freshwater.

6. It is the consent holder's responsibility to ensure that consents granted by Northland Regional Council align with any district council decision, including RC2200204 as varied. Council has approved two applications for boundary adjustments affecting parts of the site, RC2300561 and RC2300563. The consent holder is also responsible to ensure that the various decisions issued by Council do not frustrate one another.

**Resource Consent Number: 2200203**

**Decision C – Innovation Hub - Landuse:**

To construct accessways, internal driveways and site servicing of water, wastewater and stormwater management, associated to the future progressive construction of a Business and Education Centre comprising buildings for a total 2.217ha of ground floor area in the Rural Production Zone.

To construct and operate rural production ancillary activities, commercial and industrial activities on the site generally in the four locations identified in Plan Reference L100 in the Appendix of the Masterplan Strategy, ~~with the 'Carbonscape' building being used for rural production ancillary activities only.~~

Pursuant to Section 108 of the Act, this consent is issued subject to the following conditions:

1. The earthworks shall not commence until such time as a Resource Consent from the Northland Regional Council has been granted for the excavations required within the application site. A copy of the consent shall be submitted to Council to the satisfaction of Council's Resource Consents Manager.
2. Construction of any building shall not commence until such time as evidence is supplied to the Council that an amalgamation via encumbrance in favour of FNDC of the lots comprising the Innovation and Education 'sites' is registered on the Records of Title.

**General**

3. This consent is to be implemented in general accordance with the following documents:
  - a) Assessment of Environmental Effects prepared by Zenith Planning Consultants Ltd, dated 4 October 2019;
  - b) Section 92 Response, dated 31 October 2019;
  - c) **The assessment of effects and further information supporting the variation to RC2200203, as prepared by Zenith Planning Consultants Ltd, Traffic Planning Consultants Ltd and Cook Costello**
  - d) ~~Plan titled 'Spindle Building Ltd Site Plan', drawing 100A, revision E, prepared by Eclipse Architecture, reference FHH0657, dated 9 September 2020;~~
  - e) ~~Plan titled 'Spindle Building Floor Plan', drawing 101A, revision E, prepared by Eclipse Architecture, reference FHH0657, dated 9 September 2020;~~
  - f) ~~Plan titled 'Spindle Building Elevations', drawings 200A and 201A, revision E, prepared by Eclipse Architecture, reference FHH0657, dated 9 September 2020;~~
  - g) ~~Plan titled 'Spindle Building Cross Section', drawings 300A, revision E, prepared by Eclipse Architecture, reference FHH0657, dated 9 September 2020;~~



- ~~h) Plan titled 'Carbonscape Site Plan', drawing 101B, revision E, prepared by Eclipse Architecture, reference FHH0657, dated 9 September 2020;~~
- ~~i) Plan titled 'Carbonscape Floor Plan', drawing 100B, revision E, prepared by Eclipse Architecture, reference FHH0657, dated 9 September 2020;~~
- ~~j) Plan titled 'Carbonscape Elevations', drawing 200B, revision E, prepared by Eclipse Architecture, reference FHH0657, dated 9 September 2020;~~
- ~~k) Plan titled 'Carbonscape Cross Section', drawing 300B, revision E, prepared by Eclipse Architecture, reference FHH0657, dated 9 September 2020;~~
- l) **Approved plans for EBC-2021-1126/0 Warehouse/workshop and attached office area with amenities – as issued 27 May 2021**
- m) **Approved plans for EBC-2021-1159/0 office building – as issued 21 June 2021**
- n) **Approved plans for plans EBC-2021-1205/0 Tertiary education training building for NorthTec – as issued 25 June 2021**
- o) Plan titled '*Honey & Manuka Site Plan*' drawing 100C, revision E, prepared by Eclipse Architecture, reference FHH0657, dated 9 September 2020;
- p) Plan titled '*Manuka Floor Plan*' drawing 102A, revision E, prepared by Eclipse Architecture, reference FHH0657, dated 9 September 2020;
- q) Plan titled '*Manuka Elevations*' drawing 201C, revision E, prepared by Eclipse Architecture, reference FHH0657, dated 9 September 2020;
- r) Plan titled '*Manuka Sections*' drawing 301C, revision E, prepared by Eclipse Architecture, reference FHH0657, dated 9 September 2020;
- s) Plan titled '*Honey Floor Plan*', drawing 101A, revision E, prepared by Eclipse Architecture, reference FHH0657, dated 9 September 2020;
- t) Plan titled '*Honey Elevations*', drawing 200C, revision E, prepared by Eclipse Architecture, reference FHH0657, dated 9 September 2020;
- u) Plan titled '*Honey Sections*', drawing 300C, revision E, prepared by Eclipse Architecture, reference FHH0657, dated 9 September 2020;
- ~~v) Plan titled 'Innovation and Incubation Hub Site Plan', drawing 100D, revision E, prepared by Eclipse Architecture, reference FHH0657, dated 9 September 2020;~~
- ~~w) Plan titled 'Innovation Office Floor Plan', drawing 100D, revision E, prepared by Eclipse Architecture, reference FHH0657, dated 11 September 2020;~~
- ~~x) Plan titled 'Innovation Office Elevations', drawing 200D, revision E, prepared by Eclipse Architecture, reference FHH0657, dated 9 September 2020;~~
- ~~y) Plan titled 'Innovation Office Sections', drawing 300D, revision E, prepared by Eclipse Architecture, reference FHH0657, dated 9 September 2020;~~
- z) Report entitled "*Urban Design Masterplan Strategy Report*" prepared by Wraight and Associates, dated 19 September 2019 **in so far as it relates to the development approved for RC2200203 (as varied);**
- aa) '*Site Suitability Engineering Plans*' Revision B, prepared by Cook Costello, job no. 14190, dated 12 September 2019;
- bb) Report titled '*Ngawha Innovation & Enterprise Park Ultimate Development – Site and Infrastructure Suitability Report*' prepared by Cook Costello, reference no. 14190, revision 1, dated 14 September 2019;

- cc) Report titled '*Integrated Transport Assessment – Ngawha Innovation and Enterprise Park*' prepared by Traffic Planning Consultants Ltd, reference 19121, Issue A, dated September 2019 **(subject to the changes approved through the variation to RC2200204 that impact upon access);**
- dd) Report titled '*Preliminary Site Investigation – Proposed Ngawha Innovation and Enterprise Park*' prepared by NZ Environmental, reference 2018 275, revision 1, dated 15 April 2019;
- ee) Report titled '*Detailed Site Investigation and Remediation Action Plan*' prepared by NZ Environmental, reference 2019 328, revision 3, dated 17 September 2019;
- ff) Report titled '*Cultural Impact Assessment report*', prepared by Ngati Rangi Hapu – Te Kereru Associates, dated April 2020;
- gg) Report titled '*Archaeological Survey and Assessment of Effects*', prepared by Time Depth Enterprises Heritage Consultants, dated February 2019
- hh) **Pages A106, A107 and A108 of Ngawha Innovation and Enterprise Park Design Guidelines dated March 2021 (note this does not override any resource consenting requirements i.e. height etc).**

#### Soil Remediation Works

- 4. Prior to the commencement of any excavation works **within the immediate vicinity of contaminated areas identified by NZ Environmental**, the land remediation works must be undertaken within the site and in accordance with the Detailed Site Investigation and Remediation Action Plan prepared by NZ Environmental, reference '2019 328, revision 3, dated 17 September 2019. Upon completion of the remediation works, the Consent Holder shall notify the Council of the completion of these works. **In defining the 'immediate' vicinity, this is to be as per the advice of NZ Environmental.**
- 5. If an alternate remediation measure(s) is used, the Consent Holder shall provide a Site Validation Report prepared by a Suitable Qualified and Experienced Practitioner to the satisfaction of Council's Resource Consents Manager or delegated representative, detailing the alternate remedial measures and its appropriateness to avoid adverse effects on human health.

#### Earthworks and Infrastructure Establishment

- 6. Prior to the commencement of any excavation works, the consent holder shall submit for the approval of Council, a Construction Management Plan that contains information on site management procedures for the following matters. The CMP shall be implemented for the duration of works:
  - a) The stormwater diversion and silt control measures, as detailed in the Site and Infrastructure Suitability Report from Cook Costello, Reference R1 – 14092019, dated 14 September 2019;
  - b) The proposed erosion and sediment control and stormwater control, treatment and mitigation works to be in place prior to, during construction and are maintained and cleaned out as necessary until non-erodible cover has been established over the site. Such works are to be designed in accordance with Council's Engineering Standards and Guidelines 2009 and NZS 4404:2004 to the approval of the Resource Consent Engineer or their delegated representative;
  - c) The timing of civil engineering, including hours of operation and key project and site management personnel and their contact details;

- d) All disturbed land that is not to be occupied by buildings **or formed to include erosion proof surfaces such as access, paths or yards** must be re-grassed or revegetated upon completion of the excavation works.
  - e) The transportation of materials to and from the site, loading and unloading of materials and associated controls on vehicles through sign posted site entrances and exits; and
  - f) A stabilised construction entrance to prevent soil tracking onto State Highway 12, and any other appropriate avoidance or remedial measures to prevent any earth, mud, gravel or other material being deposited on SH12 by vehicles exiting the site; and remedial measures should that occur;
  - g) The measures to control dust; and
  - h) The communication methods proposed to notify adjacent residents of the works proposed, their duration and management, and the point of contact to raise any issues.
7. A minimum of one month prior to the commencements of any excavation works, Ngati Rangi Hapu is to be notified and informed of any planned works that occur onsite, to ensure:
- a) That Ngati Rangi are consulted in advance on any areas the consent holder wishes to undertake earthworks and/or drilling activities to ensure such works are not planned in locations of known wahi tapu;
  - b) That appropriate cultural rites are performed ahead of planned works;
  - c) That Ngati Rangi performs karakia and site blessings prior to works commencing;
  - d) That Ngati Rangi conduct Cultural induction of construction works;
  - e) That in the event of a new wahi tapu or archaeological site being discovered or disturbed, ~~that~~ all works on the site **within 50 metres of the affected areas** shall cease and Council, Ngati Rangi and Heritage NZ Pouhere Taonga shall be notified immediately. Works shall not recommence until Council is satisfied that it is appropriate to do so on cultural and archaeological grounds.
8. Prior to the construction of the accessways, internal driveways, site servicing for water, wastewater and stormwater management associated to any of the buildings proposed as part of the Innovation and Education Hub, the consent holder must submit a detailed set of engineering plans prepared in accordance with Council's current Engineering Standards, to the Council's Resource Consents Manager or their delegated representative. The engineering plans are to be in general accordance with the design concepts in the Master Plan Strategy listed in condition (2) above, particularly pages 7-11.

All work needing design/certification by a Council approved IQP/CPEng will require the submission of a producer statement (design) on form EES-PS1 (or similar approved) to the satisfaction of the Resource Consent Engineer or their delegated representative.

The engineering design submission shall include (not limited to):

- a) Typical construction cross section, long section, side drainage & culverts, drainage flow paths and overland flow;
- b) Design details of any access pavement side-drainage utilising low impact methods in accordance with the requirements of Council's current Engineering Standards;
- c) Design details of any alternative pavement surfacing utilising low impact stormwater methods;
- d) Stormwater design details and maintenance regimes; and

- e) All assessments, calculations, certification, reports etc prepared as part of design development.
9. The consent holder shall notify council, in writing, of their intention to begin works, a minimum of seven days prior to commencing works. Such notification shall be sent to the Resource Consent Engineer or their delegated representative and include the following details:
- a) Name and telephone number of the project manager/IQP.
  - b) Site address to which the consent relates.
  - c) Activities to which the consent relates.
  - d) Expected duration of works.
10. No building, or part thereof, excavation or other work shall be left unfinished, or shall be allowed to fall into such a condition; and no land shall be allowed to deteriorate or to remain in such a condition that it would, in the opinion of the Council, visually detract from the amenities of the property, or adjoining properties, or the neighbourhood.

#### Building Construction

11. At the time of Building Consent for any of the buildings enabled by this consent, the consent holder must submit a detailed set of engineering plans for the internal access parking and loading areas associated with the building(s). The plans and design specifications shall be prepared in accordance with Council's current Engineering Standards and in general accordance with the ~~with the~~ design concepts on page 9 of the Master Plan Strategy listed in condition (2) above, and be to the satisfaction of the Council's Resource Consents Manager or their delegated representative.

All work needing design/certification by a Council approved IQP/CPEng will require the submission of a producer statement (design) on form EES-PS1 (or similar approved) to the satisfaction of the Resource Consent Engineer or their delegated representative.

12. The minimum number of parking spaces required under Condition 11 for each building ~~are~~ **and/or activity shall be as per the demand established by an engineer with traffic and parking expertise, with such evidence to be provided for the certification of Council's duly delegated officer**

Building Name	Parking spaces
Manuka + Honey	38
Innovation and Education	86
Carbonscape	36
Spindle	32

13. Prior to the commissioning of any building enabled by this consent, the Consent Holder shall provide:
- a) a PS3 from a suitably experienced civil contractor to confirm that the works have been undertaken in accordance with the plans and specifications of Condition 8 and 11; and
  - b) a PS4 from a suitably qualified and experienced Civil Engineer to confirm that the works have been undertaken in accordance with the plans and specifications of Condition 8 and 11.



## Traffic Intensity

14. Vehicle movements associated with stage 1 of the 'Innovation and education hub' (as per the approval granted under RC2200203) shall be limited to 110 vehicle movements in the morning peak hours and 123 vehicle movements in the afternoon peak hours, with the total number of persons engaged in the associated activities limited to 242.
15. Prior to individual activities approved under RC2200203 commencing an assessment of the traffic movements for the individual activity and calculations for other tenancies operating within the 'Innovation and education hub' shall be provided to the satisfaction of Council's duly delegated officer.

**Note: Where the total number of movements for RC2200203 exceeds 110 vehicle movements in the morning peak hours and 123 vehicle movements in the afternoon peak hours, resource consent will be required under the District Plan.**

16. Prior to the commissioning of any building enabled by this consent, the consent holder shall provide evidence that the requirements of New Zealand Transport Agency (NZTA), as specified in their correspondence dated 3 December 2020 and referenced LUC-2019-512, including subsequent LUC amendments (resulting from recent changes made to the internal traffic flows and intersection design) have been complied with.

When contacting NZTA to obtain such evidence, please ensure you quote the NZTA reference number referred to above.

## Operation of the site

### Preamble:

The scope of this consent provides for the core infrastructure for an Innovation and Education Hub comprising a total coverage of up to 2.217ha and overall total impermeable coverage of 5.3115ha including as indicatively shown on the Master Plan Strategy Stage 2 Plan Reference L101 and as per the approved plans attached relating to the Regent training centre, the innovation hub, the NorthTec campus building and the honey operation.

The ~~four (4)~~ buildings shown on the approved plans and the Master Plan Strategy Stage 1 Plan Reference L100 are also within the scope of consent, noting the bulk and location are largely permitted activities but the resultant scale of activities arising from the activities require a resource consent.

~~The scope of consent also provides for two (2) buildings indicated as the "Carbonscape Building" and the "Spindle Building" on the Master Plan Strategy Stage 1 Plan Reference L100 to exceed the maximum building height of 12 metres, provided that the maximum heights do not exceed 14.238m (Carbonscape) and 12.862m (Spindle).~~

Any additional buildings or impermeable surfaces proposed on site must apply for additional resource and/or building consent. Any future development will exceed Traffic Intensity Factors and will need to assess the adequacy of the existing access to cater for additional development.

17. All buildings shall be constructed in general accordance with the external design plans listed in Condition 1. Internal layout changes are not material to the scope of this consent.
18. Prior to (or in association with) the lodgement of any Building Consents, the consent holder shall provide a colour palette range for the proposed development, adopting earthy tones, to be subject to the certification of Council's duly delegated officer.

It shall be detailed following consultation with Ngati Rangī (including evidence of that consultation) and be consistent with the Ngawha Innovation and Enterprise Park Design Guidelines dated March 2021.

All exterior building finishes shall **fall within the approved ranges**, ~~be of recessive colours and textures with non-reflective surfaces and be no greater than 35% for walls and 30% for the roofs in accordance with the Resene BS5252 colour chart. Selected colours shall be sympathetic to the natural colours of the surrounding environment~~

**Any glazing or metalled surfaces shall be designed to ensure these surfaces (and their reflectance) do not impact on adjoining properties or to vehicle drivers utilising the roading network.**

19. ~~The “Carbonscape” building, or any building in the location of the proposed “Carbonscape” building shall only contain activities that are ancillary to Rural Production.~~
20. If the proposed uses and activities in the **approved buildings** ~~Carbonscape, Spindle, Manuka + Honey or Innovation and Education buildings~~ change at any time during the exercise of this consent, the Consent Holder shall notify the Council's Resource Consents Manager (or other duly delegated officer) and confirm that the change in activity or use maintains a maximum of 242 persons being engaged on the Innovation site, at any one time.
21. Signage on the site shall be implemented in general accordance with the concept designs and dimensions contained in the Masterplan Strategy on pages 15-16 and shall **be consistent with the ‘Ngawha Innovation and Enterprise Park Design Guidelines dated March 2021’ or superceding document certified by Council’s duly delegated officer.** ~~complement the colour palette range approved under condition 16.~~

**Note:** **As volunteered by the consent holder, brand or logo colours which fall outside of range of colours will require approval of Far North Holdings Limited and Ngati Rangī prior to its installation.**

**Signage attached to any building shall not protrude above the eaves and/or guttering of the building with standalone signs limited to a maximum total of 3 m<sup>2</sup> and shall be positioned so as to not adversely affect traffic management within the site.**

22. Lighting onsite for the accessways, parking and loading areas and security shall be low, downward facing and/or hooded. Any security lighting shall be directed so that nuisance light spill beyond the site is avoided.

#### Landscaping

23. At the time of Building Consent for any of the buildings enabled by this consent, the Consent Holder shall provide evidence of a Conservation Covenant being in place to protect in perpetuity all existing mature native vegetation and wetlands on Lot 1 DP 190387 and Lot 2 of subdivided Lot 1 DP 196320 in Decision A.
24. At the time of Building Consent for any of the buildings enabled by the consent, the Consent Holder shall provide to the satisfaction of Council's Resource Consent Manager or other duly delegated officer, a detailed Planting Plan prepared by a suitably qualified person.

The Planting Plan shall be in prepared in general accordance with the Landscape and Visual Amenity Assessment report (Simon Cocker, reference 18171\_02, dated 2 October 2019) and the Master Plan Strategy (Planting Strategy – Pages 12-14) and shall provide details on the following:

- (i) Size and species of proposed stock for planting
- (ii) Sources of proposed species
- (iii) Locations and spacing of proposed plants, planting methods, details of staking of trees etc.
- (iv) Details of proposed maintenance

- (v) Details of proposed mulch, type, depth etc
  - (vi) Planting programme.
25. **Unless specified in the approved landscape plan,** implementation of the landscape plan is to be undertaken within the first planting season (approximately March-September) directly following commencement of any of the works relating to the buildings and structures enabled by this consent and shall be maintained by the consent holder from that point onwards for a minimum period of five (5) years, to the satisfaction of the Far North District Council or duly delegated officer.
- Where the landscape plan approved under condition 24 provides for staging of plantings, it's full implementation may be deferred as per an agreed schedule of timeframes, provided that all plantings are fully implemented over three consecutive planting seasons and the maintenance period relates to the respective stage.**
- The consent holder shall advise Council's resource consents monitoring officer in writing of the completion date of plantings, with the maintenance period to commence after certification that the plantings have been established accordingly.**
26. The consent holder shall maintain the landscaping as detailed within the Landscape and Visual Amenity Assessment prepared by Simon Cocker Landscape Architecture dated 2 October 2019 (reference 18171\_02) and approved Planting Plan. The consent holder shall not without the prior written consent of the Council and then in strict compliance with any conditions imposed by Council, cut down, damage or destroy any landscaping around or within the site. The consent holder shall not be in breach of this prohibition if any such landscaping shall die of natural causes not attributable to any default by or behalf of the consent holder and occupiers or for which the consent holder / occupier is not responsible. Any plants that do not survive shall be replaced with those plants specified within the approved Planting Plan.

#### Advice Notes

1. Archaeological sites are protected pursuant to the Heritage New Zealand Pouhere Taonga Act 2014. It is an offence, pursuant to the Act, to modify, damage or destroy an archaeological site without an archaeological authority issued pursuant to that Act. Should any site be inadvertently uncovered, the procedure is that work should cease, with the Trust and local iwi consulted immediately. The New Zealand Police should also be consulted if the discovery includes koiwi (human remains). A copy of Heritage New Zealand's Archaeological Discovery Protocol (ADP) is attached for your information. This should be made available to all person(s) working on site.
2. **It is the consent holder's responsibility to ensure that consents granted by Northland Regional Council align with any district council decisions, including RC2200203 as varied. Council has approved two applications for boundary adjustments affecting parts of the site, RC2300561 and RC2300563. The consent holder is also responsible to ensure that the various decisions issued by Council do not frustrate one another.**

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**For the purpose of clarity the complete amended conditions of consent for Decisions B, C and D of RC2200203-RMAVARA and RC2200204-RMAVAR/A are follows.**

#### **Decision B – Horticultural Hub Site – Land Use 2200204-RMAVAR/A**

To construct and use a horticultural production centre for a poly-tunnel berry operation comprising poly-tunnels, ancillary support buildings, associated private access/internal driveways, parking spaces, and earthworks in the Rural Production Zone and upgrade the metalled carriageway of Wallis Road from the site entrance to the intersection with State Highway 12.

Consent is granted to breach the following landuse rules:

- Rule 12.3.6.1.3 – Excavation and/or filling, excluding mining and quarrying in the Rural Production zone or Kauri Cliffs Zone
- Rule 15.1.6A.2.1 – Traffic intensity

### **Decision C – Innovation Hub Site – Land Use 2200203-RMAVAR/A**

To construct accessways, internal driveways and site servicing of water, wastewater and stormwater management, associated with the future progressive construction of a Business and Education Centre comprising buildings for a total 2.217ha of ground floor area in the Rural Production zone.

To construct and operate rural production ancillary activities, commercial and industrial activities on the site generally in the four locations identified in Plan Reference L100 in the Appendix of the Masterplan Strategy.

Consent is granted to breach the following landuse rules:

- Rule 12.3.6.1.3 – Excavation and/or filling, excluding mining and quarrying in the rural production zone or Kauri Cliffs Zone.
- Rule 8.6.5.1.11 – Scale of Activities
- Rule 15.1.6A.2.1 – Traffic intensity
- Rule 15.1.6B.1.1 – On-site Parking Spaces
- Rule 15.1.6C.1.1(e) – Private Accessway in All Zones
- Rule 16.6.1.2 – General Requirements for all Signs
- Rule 16.6.1.3 (a) – Maximum Sign Area per Site

### **Decision D – the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011**

Pursuant to section 104C of the Act, Council hereby grants resource consent as a restricted discretionary activity for a change of land use from cropping and pastoral activities to indoor primary production, rural industry, and rural based commercial, service and tertiary education activities within the '*Ngawha innovation and enterprise park*'.

Consent is granted subject to compliance with the conditions of consent applying to Decisions B and C of RC2200203 and RC2200204.

### **Resource Consent Number: 2200204-RMAVAR/A**

#### **Decision B – Horticultural Hub**

To construct and use a horticultural production centre for a poly-tunnel berry operation comprising poly-tunnels, ancillary support buildings, associated private access/internal driveways, parking spaces, and earthworks in the Rural Production Zone and upgrade the metalled carriageway of Wallis Road from the site entrance to the intersection with State Highway 12.

Pursuant to Section 108 of the Act, this land use consent is issued subject to the following conditions:

1. The earthworks shall not commence until such time as a Resource Consent from the Northland Regional Council has been granted for the excavations required within the application site. A copy of the consent shall be submitted to Council in conjunction with the Construction Management Plan.



2. No buildings construction shall commence until such time as evidence is supplied to the Council that an amalgamation via encumbrance in favour of FNDC of the lots comprising the Horticulture 'sites' is registered on the Records of Title.

#### General

3. The poly-tunnels shall not exceed a maximum height of 4 metres above ground level, as measured from the level of the ground resulting from completion of all works authorised by the most recent subdivision resource consent.
4. This consent is to be implemented in general accordance with the following documents:

- a) Assessment of Environmental Effects prepared by Zenith Planning Consultants Ltd, dated 4 October 2019;
- b) Section 92 Response, dated 31 October 2019;
- c) The assessment of effects and further information supporting the variation to RC2200204, as prepared by Zenith Planning Consultants Ltd, Traffic Planning Consultants Ltd and Cook Costello.
- d) '*Finger 1 Stage 1 masterplan*' showing the location of the approved poly-tunnels and packing shed/amenities prepared by Eclipse Architecture, drawing A3.13, dated 30 July 2021

- e) '*Packhouse site plan*' prepared by Eclipse Architecture, drawing A100, dated 25 November 2021 (amended to remove all staff courtyards/outdoor space)

Note – Many of the poly-tunnels shown on this plan are not part of the consent approved by RC2200204 but are part of the overall masterplan development, refer to Finger 1 plan above for approved development)

- f) '*Revised packhouse floor plan option 02*' prepared by Eclipse Architecture, drawing 02, dated 2 August 2021
- g) '*Sections*' prepared by Eclipse Architecture, drawing 03, dated 2 August 2021
- h) '*Elevations*' prepared by Eclipse Architecture, drawing 03, dated 2 August 2021
- i) Report titled '*Urban Design Masterplan Strategy Report*' prepared by Wraight & Associates Landscape Architects, dated 19 September 2019 in so far as it relates to the development approved for RC2200204 (as varied).
- j) '*Site Suitability Engineering Plans*' Revision B, prepared by Cook Costello, job no. 14190, dated 12 September 2019;
- k) Report titled '*Ngawha Innovation & Enterprise Park Ultimate Development – Site and Infrastructure Suitability Report*' prepared by Cook Costello, reference no. 14190, revision 1, dated 14 September 2019;
- l) Report titled '*Integrated Transport Assessment – Ngawha Innovation and Enterprise Park*' prepared by Traffic Planning Consultants Ltd, reference 19121, Issue A, dated September 2019 and an updated report dated April 2021 (subject to the upgrade to Wallis Road recommended by the Northland Transportation Alliance and volunteered and accepted by Far North Holdings Ltd in an email dated 21 July 2021.
- m) Report titled '*Landscape and Visual Amenity Assessment Report*', prepared by Simon Cocker Landscape Architecture, reference 18171\_02, dated 2 October 2019

Note – While the built components have changed through the variation to RC2200204 the development footprint area for stage 1 has not. As volunteered by Far North Holdings Ltd land abutting the common boundaries of Lot 1 DP 196311 shall be landscaped with screen planting to a minimum depth of 8 metres).

- n) Report titled '*Preliminary Site Investigation – Proposed Ngawha Innovation and Enterprise Park*' prepared by NZ Environmental, reference 2018 275, revision 1, dated 15 April 2019;
- o) Report titled '*Detailed Site Investigation and Remediation Action Plan*' prepared by NZ Environmental, reference 2019 289, revision 3, dated 17 September 2019;
- p) Letter titled '*NESCS Assessment of Effects for applications 2200203 RMALUC and 2200204 RMALUC*' from Tricia Scott, Director of NZ Environmental, dated 6 November 2019.
- q) Report titled '*Cultural Impact Assessment report*', prepared by Ngati Rangī Hapu – Te Kōwhiri Associates, dated April 2020;
- r) Report titled '*Archaeological Survey and Assessment of Effects*', prepared by Time Depth Enterprises Heritage Consultants, dated February 2019.
- s) Pages A106, A107 and A108 of Ngawha Innovation and Enterprise Park Design Guidelines dated March 2021 (note this does not override any resource consenting requirements i.e. height etc).

#### Soil Remediation Works

5. Prior to the commencement of any excavation works within the immediate vicinity of contaminated areas identified by NZ Environmental, the land remediation works must be undertaken within the site and in accordance with the Detailed Site Investigation and Remediation Action Plan prepared by NZ Environmental, reference '2019 328, revision 3, dated 17 September 2019.

Upon completion of the remediation works, the Consent Holder shall notify the Council of the completion of these works.

In defining the 'immediate' vicinity, this is to be as per the advice of NZ Environmental.

6. If an alternate remediation measure(s) is used, the Consent Holder shall provide a Site Validation Report prepared by a Suitably Qualified and Experienced Practitioner to the satisfaction of Council's Resource Consents Manager or their delegated representative, detailing the alternate remedial measure(s) and its appropriateness to avoid adverse effects on human health.

#### Earthworks

7. Prior to the commencement of any excavation works, the consent holder shall submit for the approval of Council, a Construction Management Plan that contains information on site management procedures for the following matters. The CMP shall be implemented for the duration of works:
  - a) The stormwater diversion and silt control measures, as detailed in the Site and Infrastructure Suitability Report from Cook Costello, Reference R1 – 14092019, dated 14 September 2019;
  - b) The proposed erosion and sediment control and stormwater control, treatment and mitigation works to be in place prior to, during construction and are maintained and cleaned out as necessary until non-erodible cover has been established over the site. Such works are to be designed in accordance with Council's Engineering Standards and Guidelines 2009 and NZS 4404:2004 to the approval of the Resource Consent Engineer or their delegated representative;
  - c) The timing of civil engineering, including hours of operation and key project and site management personnel and their contact details;

- d) All disturbed land that is not to be occupied by buildings or formed to include erosion proof surfaces such as access, paths or yards must be re-grassed or revegetated upon completion of the excavation works;
  - e) The transportation of materials to and from the site, loading and unloading of materials and associated controls on vehicles through sign posted site entrances and exits;
  - f) A stabilised construction entrance to prevent soil tracking onto Wallis Road and State Highway 12, and any other appropriate avoidance or remedial measures to prevent any earth, mud, gravel or other material being deposited on Wallis Road or State Highway 12 by vehicles exiting the site; and remedial measures should that occur;
  - g) The measures to control dust; and
  - h) The communication methods proposed to notify adjacent residents and users of Wallis Road of the works proposed, their duration and management, and the point of contact to raise any issues.
8. A minimum of one month prior to the commencements of any excavation works, Ngati Rangi Hapu is to be notified and informed of any planned works that are to occur onsite, to ensure:
- a) That Ngati Rangi are consulted in advance on any areas the consent holder wishes to undertake earthworks and/or drilling activities to ensure such works are not planned in the same location as known waahi tapu;
  - b) That appropriate cultural rites are performed ahead of planned works;
  - c) That Ngati Rangi performs karakia and site blessings prior to works commencing;
  - d) That Ngati Rangi conduct Cultural induction of construction works;
  - e) That in the event of a new wahi tapu or archaeological site being discovered or disturbed, all works on the site within 50 metres of the affected areas shall cease and Council, Ngati Rangi and Heritage NZ Pouhere Taonga shall be notified immediately.

Works shall not recommence until Council is satisfied that it is appropriate to do so on cultural and archaeological grounds.

#### Traffic Intensity and access

9. The consent holder shall submit plans and details of all works for the approval of Council prior to commencing construction. Such works are to be designed in accordance with the NZ Transport Agency standards and Council's Engineering Standards and Guidelines 2009 and NZS 4404:2004 to the approval of the Resource Consent Engineer or their delegated representative.

The plans shall follow the detail as outlined in the Site and Infrastructure Suitability Report dated 14 September 2019 (reference 14190, Revision 1).

All work needing design/certification by a Council approved IQP/CPEng will require the submission of a producer statement (design) on form EES-PS1 (or similar approved) to the satisfaction of the Resource Consent Engineer or their delegated representative.

In particular the plans shall show:

- a) The permanent closure of the Wallis Road crossing to the south of 42 Wallis Road (Lot 1 DP 196311), with all access on Wallis Road to be limited to a single entrance to the north of 42 Wallis Road as per the approved plan.
- b) How direct vehicle access from the '*Horticultural hub*' to State Highway 12 via Lot 1 DP 172355 will be prevented.

- c) The intersection and a single vehicle crossing to the development off Wallis Road. Details to be provided shall include all road markings, signage, streetlighting and details of the mechanisms to control the traffic flow to restrict the use of Wallis Road to heavy vehicles (trucks, including provision for emergency vehicles) associated with the '*Horticultural hub*' via an unmanned gate and sensor mechanism or similar.

Details shall outline how heavy vehicles associated with the '*Innovation and education hub*' will be prevented from using the Wallis Road entrance.

Signage advising the access restrictions on Wallis Road and alternative access available via State Highway 12 through the '*Innovation and education hub*' crossing approved for RC2200203.

- d) Widening of the metalled carriageway of Wallis Road to at least 5.1 metres from the intersection with State Highway 12 to the vehicle entrance to the site to enable a truck and car to pass without either pulling over or reversing back (this shall exclude the existing culvert on Wallis Road approximately 110 metres north of the State Highway 12 intersection).

The upgrade shall also include three truck passing bays, generally in accordance with the recommendations contained in the assessment of the '*Adequacy of Wallis Rd to accommodate horticultural development traffic*' prepared by Traffic Planning Consultants Ltd, referenced 19121 and dated 21 April 2021. The recommended works include widening of the Wallis Road carriageway at the access to the proposed development and on the bend in Wallis Road (approximately 380 metres north of the intersection with State Highway 12) to a width of 6 metres over a distance of 36 metres, including tapers, to allow heavy vehicles to pass.

- e) The internal roading network.
- f) Firefighting water supply system complying with the requirements of the New Zealand Fire Service.

- 10. Prior to the commencement of the road widening and truck passing bays construction on Wallis Road and access within the site, the consent holder shall submit for the approval of Council, a Construction Management Plan (CMP) that contains information on site management procedures for the following matters. The CMP shall be implemented for the duration of works and can be prepared as a joint CMP as required under condition 7:

- a) The stormwater diversion and silt control measures to be in place prior to and during construction, including how they will be maintained and cleaned out as necessary until non-erodible cover has been established over the site.

Such works are to be designed in accordance with Council's Engineering Standards and Guidelines 2009 and NZS 4404:2004 to the approval of the Resource Consent Engineer or their delegated representative;

- b) The timing of civil engineering, including hours of operation and key project and site management personnel and their contact details;
- c) The measures to control dust; and
- d) The communication methods proposed to notify adjacent residents and users of Wallis Road of the works proposed, their duration and management, and the point of contact to raise any issues.

11. No activity approved for the '*Horticultural hub*' under RC2200204 (including berry plantings) shall occur until legal access from Wallis Road through the site to State Highway 12 is established to the satisfaction of Council, this includes legalising and forming the necessary rights of way, and obtaining additional resource consent(s) as may be required from the district and regional councils for the internal access. (Council will require confirmation of any consenting requirements under the National Environmental Standards for Freshwater.)
12. The consent holder shall undertake all works as per the plans approved under condition 9 above prior to the berry poly-tunnel house operation commencing (including berry plantings).
13. The consent holder shall submit and have granted a Traffic Management Plan and Corridor Access Request prior to roadworks commencing.
14. The consent holder shall notify council, in writing, of their intention to begin works, a minimum of seven days prior to commencing works. Such notification shall be sent to the Resource Consent Engineer or their delegated representative and include the following details:
  - a) Name and telephone number of the project manager/IQP.
  - b) Site address to which the consent relates.
  - c) Activities to which the consent relates.
  - d) Expected duration of works.
15. Following completion of the widening of the Wallis Road carriageway and the provision of truck passing bays, the Consent Holder shall provide:
  - a) PS3 from a suitably experienced roading contractor to confirm that the widening of the Wallis Road metalled carriageway has been undertaken in accordance with the plans and specifications of Condition 9.
  - b) a PS4 from a suitably qualified and experienced Civil Engineer to confirm that the widening of Wallis Road has been undertaken in accordance with the plans and specifications of Condition 9; and
  - c) evidence that the requirements of New Zealand Transport Agency (NZTA), as specified in their correspondence dated 3 December 2020 and referenced LUC-2019-512, have been complied with.

When contacting NZTA to obtain such evidence, please ensure you quote the NZTA reference number referred to above.
16. The consent holder shall keep a daily record of the number, timing and type of heavy vehicles entering and exiting the site from Wallis Road to access the '*Horticultural hub*'. A copy of the record shall be forwarded to Council's Resource Consents Monitoring Officer six months after the activity commences and every six months thereafter, with comments provided regarding the New Zealand Transport Agency's threshold for upgrading the State Highway 12/Wallis Road intersection.

#### Landscaping

17. At the time of lodging an application for Building Consent or prior to the occupation/use of any of the buildings and structures enabled by the consent (whichever occurs first), the Consent Holder shall provide to the satisfaction of Council's Resource Consent Manager or other duly delegated officer, a detailed planting plan prepared by a suitably qualified person. The Planting Plan shall have regard to the Landscape and Visual Amenity Assessment report (Simon Cocker, reference 18171\_02, dated 2 October 2019).



It shall comment on the enhancement of existing natural features and buffer plantings/mounding where the potential for adverse effects on neighbouring properties has been identified in the Landscape and Visual Amenity Assessment report and any alternative mitigation measures proposed to have regard to subsequent revisions to the development.

It shall provide details on the following:

- a) The removal of an existing gate/crossing to Lot 1 DP 336520 immediately adjacent to the southern boundary of 42 Wallis Road, with the land adjacent to that boundary to be landscaped to a minimum depth of 8 metres.
  - b) Minimum heights for specific vegetation to be maintained at maturity.
  - c) Any proposed staging of the landscaping. Whilst species selected shall be capable of attaining the above heights within 12 months of planting, the plantings may however incorporate slower growing vegetation where faster growing species are established in tandem to achieve the minimum height in the interim.
  - d) Size and species of proposed stock for planting.
  - e) Sources of proposed species.
  - f) Locations and spacing of proposed plants, planting methods, details of staking of trees etc.
  - g) Details of proposed maintenance.
  - h) Details of proposed mulch, type, depth etc.
  - i) Planting programme.
18. Unless specified in the approved landscape plan, implementation of the landscape plan is to be undertaken within the first planting season (approximately March-September) directly following commencement of any of the works relating to the buildings and structures enabled by this consent and shall be maintained by the consent holder from that point onwards for a minimum period of five (5) years, to the satisfaction of the Far North District Council or duly delegated officer.

Where the landscape plan approved under condition 17 provides for staging of plantings, its full implementation may be deferred as per an agreed schedule of timeframes, provided that all plantings are fully implemented over three consecutive planting seasons and the maintenance period relates to the respective stage.

The consent holder shall advise Council's Resource Consents Monitoring Officer in writing of the completion date of plantings, with the maintenance period to commence after certification that the plantings have been established accordingly.

19. The consent holder shall maintain the landscaping as detailed within the approved landscaping plan.

The consent holder shall not without the prior written consent of the Council and then in strict compliance with any conditions imposed by Council, cut down, damage or destroy any landscaping around or within the site. The consent holder shall not be in breach of this prohibition if any such landscaping shall die of natural causes not attributable to any default by or behalf of the consent holder and occupiers or for which the consent holder/occupier is not responsible.

Any plants that do not survive shall be replaced with those plants specified within the approved Landscape Plan.

## Operations

20. The operations shall be limited to between 7am and 6pm.
21. Prior to the commencement of the operations of the poly-tunnel berry farm the Consent Holder shall provide to the satisfaction of Council's Resource Consent Manager:
  - (a) A lighting plan for the approved development area and details on how nuisance light spill will be avoided.
  - (b) An acoustic report accounting for all machinery and plant to operate on site that confirms that the noise levels within the site do not exceed the limits established in the District Plan and details of any proposed mitigation measures.
22. Access to the site for the purpose of Cultural Monitoring of the waterways and ecosystems shall be considered when requested by Ngati Rangi kaitiaki.

## Review

23. Council may, in accordance with section 128 of the Resource Management Act 1991, serve notice on the consent holder of its intention to review the conditions of this consent. The review may be initiated for any one or more of the following purposes:
  - (a) To deal with any adverse effects on the environment that may arise from the exercise of the consent and which it is appropriate to deal with at a later stage, or to deal with any such effects following assessment of the results of the monitoring of the consent and/or as a result of the Council's monitoring of the state of the environment in the area, i.e. any traffic safety improvements that may be required, particularly on Wallis Road, and at the intersection of Wallis Road and State Highway 12.
  - (b) To require the adoption of the best practicable option to remove or reduce any adverse effect on the environment.
  - (c) To deal with any inadequacies or inconsistencies Council considers there to be in the conditions of the consent, following the establishment of the activity the subject of the consent.
  - (d) To deal with any material inaccuracies that may in future be found in the information made available with the application (notice may be served at any time for this reason). This includes, but is not limited to the scale of activity, hours of operation, noise, traffic, access and parking.

The actual and reasonable costs of any review undertaken may be charged to the consent holder, in accordance with section 36 of the Act.

## Advice Notes

1. Archaeological sites are protected pursuant to the Heritage New Zealand Pouhere Taonga Act 2014. It is an offence, pursuant to the Act, to modify, damage or destroy an archaeological site without an archaeological authority issued pursuant to that Act.

Should any site be inadvertently uncovered, the procedure is that work should cease, with the Trust and local iwi consulted immediately. The New Zealand Police should also be consulted if the discovery includes koiwi (human remains).

A copy of Heritage New Zealand's Archaeological Discovery Protocol (ADP) is attached for your information. This should be made available to all person(s) working on site.

#### Further comment

1. The consent holder is not seeking to extend the poly-tunnel berry operation beyond the footprint of the consented glasshouse operation. Although the poly-tunnels erected on site already extend beyond the approved footprint, FNHL has clearly indicated that a new resource consent application will be lodged for the additional development and any associated District Plan breaches.

Approval of the current variation will not ensure any retrospective approval for additional poly-tunnels already constructed or future resource consent for development shown on an overall masterplan submitted with the variation.

2. Staffing for the glasshouse tomato operation was projected as including some 93 crop staff (approximately 7.00 am – 4.00 pm), ten packing staff (approximately 7.30 am – 4.30 pm) and seven technical and administration staff.)

Whilst the activity approved for RC2200204 is changing to a berry poly-tunnel operation and a report by TPC dated 12 October 2020 indicates that staff numbers will increase to 200, FNHL has confirmed that the consent holder is not seeking to alter the number of staff.

It is assumed that the reference to 200 staff includes staff for subsequent stages of development, as per the masterplan for the site.

3. FNHL's request to reduce the standard of upgrade on Wallis Road is based upon the vehicular link that is now proposed between the '*Horticultural hub*' and the '*Innovation and education hub*'. The link is intended to change the directional flow for the bulk of traffic from the '*Horticultural hub*' by limiting traffic accessing the hub to/from Wallis Road to heavy trucks only.

All light passenger vehicles will be restricted to the State Highway 12 access currently approved for the '*Innovation and education hub*', with the State Highway 12 crossing becoming the primary access point for the '*Ngawha innovation and enterprise park*'.

Movements via Wallis Road will be restricted by an unmanned boom gate (or similar) at the road entrance, controlled by an elevated height sensor activated only by trucks and emergency vehicles.

Whilst the vehicle movements previously provided for the approved development do not indicate the total number of daily projected vehicle movements, it is clearly evident that the number of vehicle movements on Wallis Road will be reduced significantly given the diversion of 110 full time equivalent staff from the '*Horticultural hub*' to the State highway entrance.

4. The Wallis Road/State Highway 12 intersection upgrade was only required if certain peak-time traffic volumes were reached. Council's Resource Consents Engineer is satisfied that no upgrade will be required for the revised development due to the changes proposed to the traffic route and the volume of trucks anticipated on Wallis Road, with the heavy truck movements from the proposed activities within the '*Horticultural hub*' falling below the trigger for any upgrade to the controlled State Highway 12 intersection.

Whilst future applications or expansions within the hub may trigger the requirement for an upgrade to the controlled intersection, it is not required for the current proposal.

5. In terms of the internal roading network and the formed Matawii water storage reservoir access road, it is unclear which resource consent, if any, these works were undertaken under and there is no formal right of way in favour of the reservoir.

FNHL's agent indicated that the works for the reservoir were completed under LP16 however the records of the title for the reservoir consent do not include the FNHL owned land over which access has been formed.

There is no record of the works within any other resource consent either. (RC2200203 and RC2200204 did not anticipate vehicle access between the two hubs and therefore it was not addressed.) Whilst RC2300164 relies upon the vehicle link between the hubs, that consent did not formalise the access i.e. no right of way, no conditions addressing its formation, and no consenting requirements were incorporated within the application/decision.

As landowner, it will be the responsibility of FNHL to obtain all retrospective consents required for access, this may relate to the volume/height of earthworks, impermeable surfaces, right of way/private access/road to vest, and the National Environmental Standards for Freshwater.

6. It is the consent holder's responsibility to ensure that consents granted by the Northland Regional Council align with any district council decision, including RC2200204 as varied. Council has approved two applications for boundary adjustments affecting parts of the site, RC2300561 and RC2300563. The consent holder is also responsible to ensure that the various decisions issued by Council do not frustrate one another.

### **Resource Consent Number: 2200203-RMAVAR/A**

#### **Decision C – Innovation Hub - Landuse:**

To construct accessways, internal driveways and site servicing of water, wastewater and stormwater management, associated to the future progressive construction of a Business and Education Centre comprising buildings for a total 2.217ha of ground floor area in the Rural Production Zone.

To construct and operate rural production ancillary activities, commercial and industrial activities on the site generally in the four locations identified in Plan Reference L100 in the Appendix of the Masterplan Strategy.

Pursuant to Section 108 of the Act, this consent is issued subject to the following conditions:

1. The earthworks shall not commence until such time as a Resource Consent from the Northland Regional Council has been granted for the excavations required within the application site. A copy of the consent shall be submitted to Council to the satisfaction of Council's Resource Consents Manager.
2. Construction of any building shall not commence until such time as evidence is supplied to the Council that an amalgamation via encumbrance in favour of FNDC of the lots comprising the Innovation and Education 'sites' is registered on the Records of Title.

#### **General**

3. This consent is to be implemented in general accordance with the following documents:
  - a) Assessment of Environmental Effects prepared by Zenith Planning Consultants Ltd, dated 4 October 2019;
  - b) Section 92 Response, dated 31 October 2019;
  - c) The assessment of effects and further information supporting the variation to RC2200203, as prepared by Zenith Planning Consultants Ltd, Traffic Planning Consultants Ltd and Cook Costello
  - d) Approved plans for EBC-2021-1126/0 Warehouse/workshop and attached office area with amenities – as issued 27 May 2021
  - e) Approved plans for EBC-2021-1159/0 office building – as issued 21 June 2021

- f) Approved plans for plans EBC-2021-1205/0 Tertiary education training building for NorthTec – as issued 25 June 2021
- g) Plan titled '*Honey & Manuka Site Plan*' drawing 100C, revision E, prepared by Eclipse Architecture, reference FHH0657, dated 9 September 2020;
- h) Plan titled '*Manuka Floor Plan*' drawing 102A, revision E, prepared by Eclipse Architecture, reference FHH0657, dated 9 September 2020;
- i) Plan titled '*Manuka Elevations*' drawing 201C, revision E, prepared by Eclipse Architecture, reference FHH0657, dated 9 September 2020;
- j) Plan titled '*Manuka Sections*' drawing 301C, revision E, prepared by Eclipse Architecture, reference FHH0657, dated 9 September 2020;
- k) Plan titled '*Honey Floor Plan*', drawing 101A, revision E, prepared by Eclipse Architecture, reference FHH0657, dated 9 September 2020;
- l) Plan titled '*Honey Elevations*', drawing 200C, revision E, prepared by Eclipse Architecture, reference FHH0657, dated 9 September 2020;
- m) Plan titled '*Honey Sections*', drawing 300C, revision E, prepared by Eclipse Architecture, reference FHH0657, dated 9 September 2020;
- n) Report entitled "*Urban Design Masterplan Strategy Report*" prepared by Wraight and Associates, dated 19 September 2019 in so far as it relates to the development approved for RC2200203 (as varied);
- o) '*Site Suitability Engineering Plans*' Revision B, prepared by Cook Costello, job no. 14190, dated 12 September 2019;
- p) Report titled '*Ngawha Innovation & Enterprise Park Ultimate Development – Site and Infrastructure Suitability Report*' prepared by Cook Costello, reference no. 14190, revision 1, dated 14 September 2019;
- q) Report titled '*Integrated Transport Assessment – Ngawha Innovation and Enterprise Park*' prepared by Traffic Planning Consultants Ltd, reference 19121, Issue A, dated September 2019 (subject to the changes approved through the variation to RC2200204 that impact upon access);
- r) Report titled '*Preliminary Site Investigation – Proposed Ngawha Innovation and Enterprise Park*' prepared by NZ Environmental, reference 2018 275, revision 1, dated 15 April 2019;
- s) Report titled '*Detailed Site Investigation and Remediation Action Plan*' prepared by NZ Environmental, reference 2019 328, revision 3, dated 17 September 2019;
- t) Report titled '*Cultural Impact Assessment report*', prepared by Ngati Rangi Hapu – Te Kereru Associates, dated April 2020;
- u) Report titled '*Archaeological Survey and Assessment of Effects*', prepared by Time Depth Enterprises Heritage Consultants, dated February 2019
- v) Pages A106, A107 and A108 of Ngawha Innovation and Enterprise Park Design Guidelines dated March 2021 (note this does not override any resource consenting requirements i.e. height etc).



#### Soil Remediation Works

4. Prior to the commencement of any excavation works within the immediate vicinity of contaminated areas identified by NZ Environmental, the land remediation works must be undertaken within the site and in accordance with the Detailed Site Investigation and Remediation Action Plan prepared by NZ Environmental, reference '2019 328, revision 3, dated 17 September 2019.

Upon completion of the remediation works, the Consent Holder shall notify the Council of the completion of these works.

In defining the 'immediate' vicinity, this is to be as per the advice of NZ Environmental.

5. If an alternate remediation measure(s) is used, the Consent Holder shall provide a Site Validation Report prepared by a Suitable Qualified and Experienced Practitioner to the satisfaction of Council's Resource Consents Manager or delegated representative, detailing the alternate remedial measures and its appropriateness to avoid adverse effects on human health.

#### Earthworks and Infrastructure Establishment

6. Prior to the commencement of any excavation works, the consent holder shall submit for the approval of Council, a Construction Management Plan that contains information on site management procedures for the following matters.

The CMP shall be implemented for the duration of works:

- a) The stormwater diversion and silt control measures, as detailed in the Site and Infrastructure Suitability Report from Cook Costello, Reference R1 – 14092019, dated 14 September 2019;
- b) The proposed erosion and sediment control and stormwater control, treatment and mitigation works to be in place prior to, during construction and are maintained and cleaned out as necessary until non-erodible cover has been established over the site. Such works are to be designed in accordance with Council's Engineering Standards and Guidelines 2009 and NZS 4404:2004 to the approval of the Resource Consent Engineer or their delegated representative;
- c) The timing of civil engineering, including hours of operation and key project and site management personnel and their contact details;
- d) All disturbed land that is not to be occupied by buildings or formed to include erosion proof surfaces such as access, paths or yards must be re-grassed or revegetated upon completion of the excavation works;
- e) The transportation of materials to and from the site, loading and unloading of materials and associated controls on vehicles through sign posted site entrances and exits;
- f) A stabilised construction entrance to prevent soil tracking onto State Highway 12, and any other appropriate avoidance or remedial measures to prevent any earth, mud, gravel or other material being deposited on SH12 by vehicles exiting the site; and remedial measures should that occur;
- g) The measures to control dust; and
- h) The communication methods proposed to notify adjacent residents of the works proposed, their duration and management, and the point of contact to raise any issues.

7. A minimum of one month prior to the commencements of any excavation works, Ngati Rangi Hapu is to be notified and informed of any planned works that occur onsite, to ensure:
- a) That Ngati Rangi are consulted in advance on any areas the consent holder wishes to undertake earthworks and/or drilling activities to ensure such works are not planned in locations of known wahi tapu;
  - b) That appropriate cultural rites are performed ahead of planned works;
  - c) That Ngati Rangi performs karakia and site blessings prior to works commencing;
  - d) That Ngati Rangi conduct Cultural induction of construction works;
  - e) That in the event of a new wahi tapu or archaeological site being discovered or disturbed, all works on the site within 50 metres of the affected areas shall cease and Council, Ngati Rangi and Heritage NZ Pouhere Taonga shall be notified immediately. Works shall not recommence until Council is satisfied that it is appropriate to do so on cultural and archaeological grounds.
8. Prior to the construction of the accessways, internal driveways, site servicing for water, wastewater and stormwater management associated to any of the buildings proposed as part of the Innovation and Education Hub, the consent holder must submit a detailed set of engineering plans prepared in accordance with Council's current Engineering Standards, to the Council's Resource Consents Manager or their delegated representative. The engineering plans are to be in general accordance with the design concepts in the Master Plan Strategy listed in condition (3) above, particularly pages 7-11.
- All work needing design/certification by a Council approved IQP/CPEng will require the submission of a producer statement (design) on form EES-PS1 (or similar approved) to the satisfaction of the Resource Consent Engineer or their delegated representative.
- The engineering design submission shall include (not limited to):
- a) Typical construction cross section, long section, side drainage & culverts, drainage flow paths and overland flow;
  - b) Design details of any access pavement side-drainage utilising low impact methods in accordance with the requirements of Council's current Engineering Standards;
  - c) Design details of any alternative pavement surfacing utilising low impact stormwater methods;
  - d) Stormwater design details and maintenance regimes; and
  - e) All assessments, calculations, certification, reports etc prepared as part of design development.
9. The consent holder shall notify Council, in writing, of their intention to begin works, a minimum of seven days prior to commencing works. Such notification shall be sent to the Resource Consent Engineer or their delegated representative and include the following details:
- a) Name and telephone number of the project manager/IQP.
  - b) Site address to which the consent relates.
  - c) Activities to which the consent relates.
  - d) Expected duration of works.

10. No building, or part thereof, excavation or other work shall be left unfinished, or shall be allowed to fall into such a condition; and no land shall be allowed to deteriorate or to remain in such a condition that it would, in the opinion of the Council, visually detract from the amenities of the property, or adjoining properties, or the neighbourhood.

#### Building Construction

11. At the time of Building Consent for any of the buildings enabled by this consent, the consent holder must submit a detailed set of engineering plans for the internal access parking and loading areas associated with the building(s). The plans and design specifications shall be prepared in accordance with Council's current Engineering Standards and in general accordance with the design concepts on page 9 of the Master Plan Strategy listed in condition (3) above, and be to the satisfaction of the Council's Resource Consents Manager or their delegated representative.

All work needing design/certification by a Council approved IQP/CPEng will require the submission of a producer statement (design) on form EES-PS1 (or similar approved) to the satisfaction of the Resource Consent Engineer or their delegated representative.

12. The minimum number of parking spaces required under Condition 11 for each building and/or activity shall be as per the demand established by an engineer with traffic and parking expertise, with such evidence to be provided for the certification of Council's duly delegated officer.
13. Prior to the commissioning of any building enabled by this consent, the Consent Holder shall provide:
  - a) a PS3 from a suitably experienced civil contractor to confirm that the works have been undertaken in accordance with the plans and specifications of Condition 8 and 11; and
  - b) a PS4 from a suitably qualified and experienced Civil Engineer to confirm that the works have been undertaken in accordance with the plans and specifications of Condition 8 and 11.

#### Traffic Intensity

14. Vehicle movements associated with stage 1 of the '*Innovation and education hub*' (as per the approval granted under RC2200203) shall be limited to 110 vehicle movements in the morning peak hours and 123 vehicle movements in the afternoon peak hours, with the total number of persons engaged in the associated activities limited to 242.
15. Prior to individual activities approved under RC2200203 commencing an assessment of the traffic movements for the individual activity and calculations for other tenancies operating within the '*Innovation and education hub*' shall be provided to the satisfaction of Council's duly delegated officer.

Note: Where the total number of movements for RC2200203 exceeds 110 vehicle movements in the morning peak hours and 123 vehicle movements in the afternoon peak hours, resource consent will be required under the District Plan.

16. Prior to the commissioning of any building enabled by this consent, the consent holder shall provide evidence that the requirements of New Zealand Transport Agency (NZTA), as specified in their correspondence dated 3 December 2020 and referenced LUC-2019-512, including subsequent LUC amendments (resulting from recent changes made to the internal traffic flows and intersection design) have been complied with.

When contacting NZTA to obtain such evidence, please ensure you quote the NZTA reference number referred to above.

## Operation of the site

### Preamble:

The scope of this consent provides for the core infrastructure for an Innovation and Education Hub comprising a total coverage of up to 2.217ha and overall total impermeable coverage of 5.3115ha including as indicatively shown on the Master Plan Strategy Stage 2 Plan Reference L101 and as per the approved plans attached relating to the Regent training centre, the innovation hub, the NorthTec campus building and the honey operation.

The buildings shown on the approved plans and the Master Plan Strategy Stage 1 Plan Reference L100 are also within the scope of consent, noting the bulk and location are largely permitted activities but the resultant scale of activities arising from the activities require a resource consent.

Any additional buildings or impermeable surfaces proposed on site must apply for additional resource and/or building consent. Any future development will exceed Traffic Intensity Factors and will need to assess the adequacy of the existing access to cater for additional development.

17. All buildings shall be constructed in general accordance with the external design plans listed in Condition 3. Internal layout changes are not material to the scope of this consent.
18. Prior to (or in association with) the lodgement of any Building Consents, the consent holder shall provide a colour palette range for the proposed development, adopting earthy tones, to be subject to the certification of Council's duly delegated officer.

It shall be detailed following consultation with Ngati Rangi (including evidence of that consultation) and be consistent with the Ngawha Innovation and Enterprise Park Design Guidelines dated March 2021.

All exterior building finishes shall fall within the approved ranges.

Any glazing or metalised surfaces shall be designed to ensure these surfaces (and their reflectance) do not impact on adjoining properties or to vehicle drivers utilising the roading network.

19. If the proposed uses and activities in the approved buildings change at any time during the exercise of this consent, the Consent Holder shall notify the Council's Resource Consents Manager (or other duly delegated officer) and confirm that the change in activity or use maintains a maximum of 242 persons being engaged on the Innovation site, at any one time.
20. Signage on the site shall be implemented in general accordance with the concept designs and dimensions contained in the Masterplan Strategy on pages 15-16 and shall be consistent with the '*Ngawha Innovation and Enterprise Park Design Guidelines dated March 2021*' or superceding document certified by Council's duly delegated officer.

Note: As volunteered by the consent holder, brand or logo colours which fall outside of range of colours will require approval of Far North Holdings Limited and Ngati Rangi prior to its installation.

Signage attached to any building shall not protrude above the eaves and/or guttering of the building with standalone signs limited to a maximum total of 3 m<sup>2</sup> and shall be positioned so as to not adversely affect traffic management within the site.

21. Lighting onsite for the accessways, parking and loading areas and security shall be low, downward facing and/or hooded. Any security lighting shall be directed so that nuisance light spill beyond the site is avoided.

## Landscaping

22. At the time of Building Consent for any of the buildings enabled by this consent, the Consent Holder shall provide evidence of a Conservation Covenant being in place to protect in perpetuity all existing mature native vegetation and wetlands on Lot 1 DP 190387 and Lot 2 of subdivided Lot 1 DP 196320 in Decision A.
23. At the time of Building Consent for any of the buildings enabled by the consent, the Consent Holder shall provide to the satisfaction of Council's Resource Consent Manager or other duly delegated officer, a detailed Planting Plan prepared by a suitably qualified person.

The Planting Plan shall be in prepared in general accordance with the Landscape and Visual Amenity Assessment report (Simon Cocker, reference 18171\_02, dated 2 October 2019) and the Master Plan Strategy (Planting Strategy – Pages 12-14) and shall provide details on the following:

- (i) Size and species of proposed stock for planting.
  - (ii) Sources of proposed species.
  - (iii) Locations and spacing of proposed plants, planting methods, details of staking of trees etc.
  - (iv) Details of proposed maintenance.
  - (v) Details of proposed mulch, type, depth etc.
  - (vi) Planting programme.
24. Unless specified in the approved landscape plan, implementation of the landscape plan is to be undertaken within the first planting season (approximately March-September) directly following commencement of any of the works relating to the buildings and structures enabled by this consent and shall be maintained by the consent holder from that point onwards for a minimum period of five (5) years, to the satisfaction of the Far North District Council or duly delegated officer.

Where the landscape plan approved under condition 23 provides for staging of plantings, it's full implementation may be deferred as per an agreed schedule of timeframes, provided that all plantings are fully implemented over three consecutive planting seasons and the maintenance period relates to the respective stage.

The consent holder shall advise Council's Resource Consents Monitoring Officer in writing of the completion date of plantings, with the maintenance period to commence after certification that the plantings have been established accordingly.

25. The consent holder shall maintain the landscaping as detailed within the Landscape and Visual Amenity Assessment prepared by Simon Cocker Landscape Architecture dated 2 October 2019 (reference 18171\_02) and approved Planting Plan.

The consent holder shall not without the prior written consent of the Council and then in strict compliance with any conditions imposed by Council, cut down, damage or destroy any landscaping around or within the site. The consent holder shall not be in breach of this prohibition if any such landscaping shall die of natural causes not attributable to any default by or behalf of the consent holder and occupiers or for which the consent holder / occupier is not responsible.

Any plants that do not survive shall be replaced with those plants specified within the approved Planting Plan.



## Advice Notes

1. Archaeological sites are protected pursuant to the Heritage New Zealand Pouhere Taonga Act 2014. It is an offence, pursuant to the Act, to modify, damage or destroy an archaeological site without an archaeological authority issued pursuant to that Act. Should any site be inadvertently uncovered, the procedure is that work should cease, with the Trust and local iwi consulted immediately. The New Zealand Police should also be consulted if the discovery includes koiwi (human remains). A copy of Heritage New Zealand's Archaeological Discovery Protocol (ADP) is attached for your information. This should be made available to all person(s) working on site.
2. It is the consent holder's responsibility to ensure that consents granted by Northland Regional Council align with any district council decision, including RC2200203 as varied. Council has approved two applications for boundary adjustments affecting parts of the site, RC2300561 and RC2300563. The consent holder is also responsible to ensure that the various decisions issued by Council do not frustrate one another.

## Surrender of Consent – Section 138 of the Act

Pursuant to section 138 of the Act the Council accepts notice confirming the surrender of Decision A (subdivision consent) by the applicant.

## Further resolution

**Far North District Council also resolves in accordance with sections 37 and 37A of the Act to extend the processing timeframe to 13 January 2022 due to special circumstances relating to:**

- the time required for Council planning and engineering staff to undertake appraisals of the approved consents (including technical detail) and complete an assessment of effects commensurate to the extent of the variations sought,
- the numerous changes sought by the consent holder throughout the process (requiring additional research, assessment/reassessment in some instances and/or Council staff drafting the changes to the conditions),
- the applicant's request to view and comment on draft conditions for Council's further consideration, and
- the requirement for the Independent Hearings Commissioner to review the supporting information and visit the site prior to reaching a determination.

In extending the above timeframes, Council is of the opinion that the interests of any persons would not be adversely affected, with the interests of the community better served in ensuring an adequate assessment of the effects of the proposal.

## Reasons for the Decisions

- As a discretionary activity, section 104B of the Act empowers Council to grant or refuse consent to the revisions/variations, and if granted impose conditions under section 108. Section 127 requires Council to consider only any adverse effects that may arise from the proposal in its varied form in comparison to the adverse effects that may have arisen from the proposal in its consented form.
- The changes proposed by FNHL are not outside of the scope of the original application. For further detail, please refer to Council's notification decision for variation RC2200203 and RC2200204.

- In considering the effects of the variations, due regard has been given to the effects permitted by the granting of the original approvals to RC2200203 and RC2200204, and the reasons for granting the approvals.
- The variations do not take the proposal beyond the scope of the activities for which Council has previously granted consents.
- As with the original applications, it is considered that the proposal is consistent with the relevant District Plan objectives and policies, and there are no apparent conflicts with Part 2, 'Purpose and Principles', of the Resource Management Act.
- In granting consent to the activity, on the basis of compliance with the amended conditions of consent, it is not considered that the adverse effects on the environment would be any more than minor or that the degree of adverse effects would change significantly. It is therefore recommended that consent be granted.
- In regards to Decision A (subdivision consent) of the original consent the applicant has surrendered the consent and the Council acknowledges and accepts the surrender.

Reviewed by:



Date: 11 January 2022

Pat Killalea  
Principal Planner

### Approval

This resource consent has been prepared by Liz Searle (Senior Planner) and is granted under delegated authority (pursuant to section 34A of the Resource Management Act 1991) from the Far North District Council by:



Date: 13 January 2022

William (Bill) Smith  
Independent Hearings Commissioner

### Right of objection

If you are dissatisfied with the decision or any part of it, you have the right (pursuant to section 357A of the Resource Management Act 1991) to object to the decision. The objection must be in writing, stating reasons for the objection and must be received by Council within 15 working days of the receipt of this decision.

### Lapsing of Consent

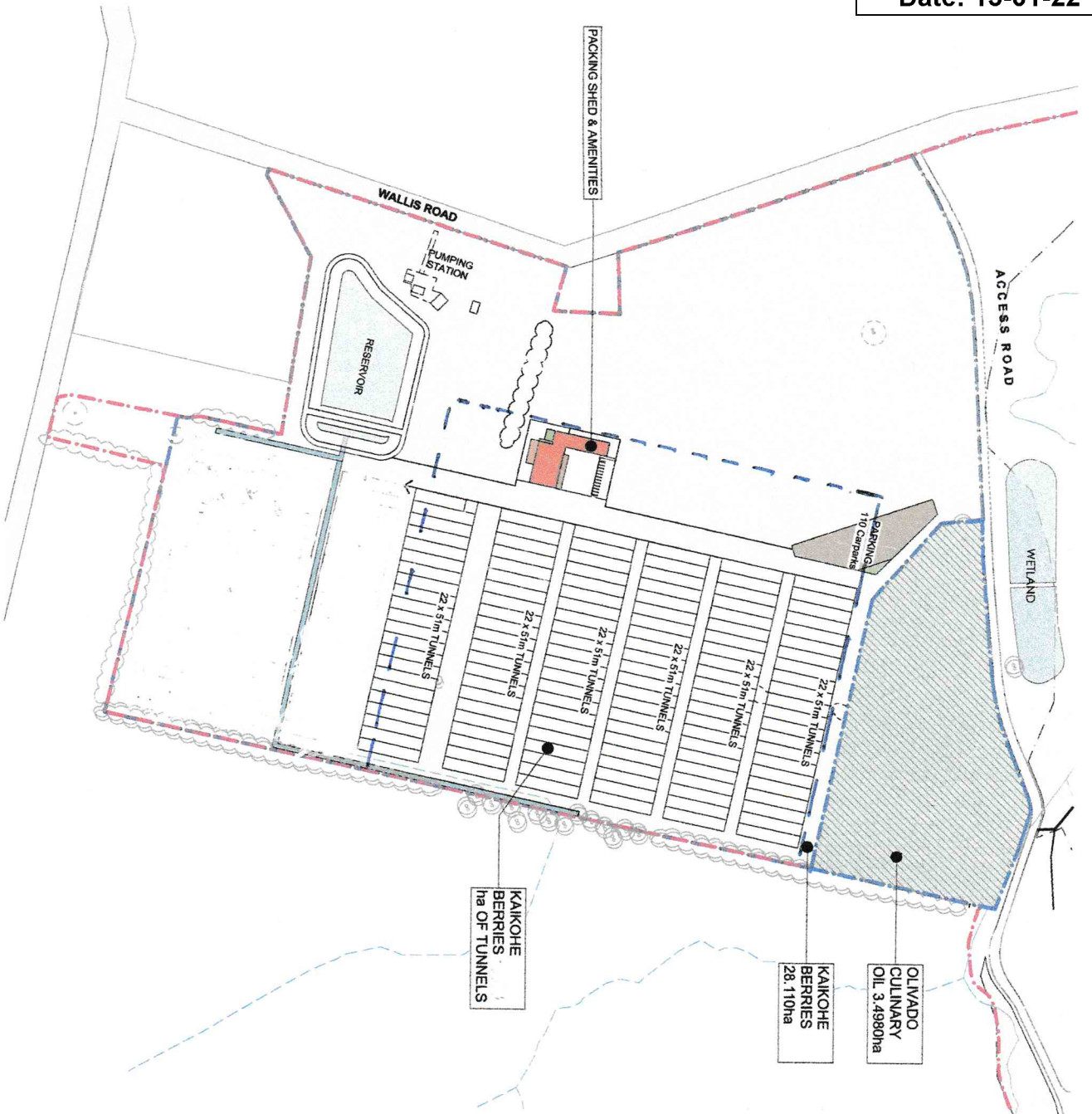
The granting of this consent for a change or cancellation of conditions does not affect the lapsing date of the underlying consent for the proposed activity.

Pursuant to section 125 of the Resource Management Act 1991, this resource consent will lapse **10 years** after the date of commencement of consent, being 25 August 2030 unless, before the consent lapses;

- (a) It is given effect to before the end of that period; or
- (b) An application is made to the Council to extend the period after which the consent lapses and the Council decides to grant an extension. The statutory considerations that apply to extensions are set out in Section 125(1)(b) of the Resource Management Act 1991.

# APPROVED PLAN

Planner: Isearle  
RC: 2200204-VARA  
Date: 13-01-22



## FINGER 1 STAGE 1 MASTERPLAN

1:3500 @ A3

eclipse architecture

Far North Holdings Limited

24 GARDEN STREET,  
PO BOX 159  
AUCKLAND 1141  
P: 04-55 01 470  
www.eclipsearchitecture.co.nz

DATE: 13/01/22  
DRAWN: [Signature]  
CHECKED: [Signature]  
SCALE: 1:3500 @ A3

DATE: 13/01/22  
DRAWN: [Signature]  
CHECKED: [Signature]  
SCALE: 1:3500 @ A3

NGAWHA INNOVATION & ENTERPRISE PARK

State Highway 12, Kaitiaki

## FINGER 1 STAGE 1 MASTERPLAN

DATE: 13/01/22  
DRAWN: [Signature]  
CHECKED: [Signature]  
SCALE: 1:3500 @ A3



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



R.W. Muir  
Registrar-General  
of Land

**Identifier** **NA124C/395**  
**Land Registration District** **North Auckland**  
**Date Issued** 11 June 1999

**Prior References**  
NA62B/16

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**Estate** Fee Simple  
**Area** 5.9600 hectares more or less  
**Legal Description** Lot 2 Deposited Plan 196311  
**Registered Owners**  
Kaikohe Berryfruit Limited Partnership

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**Interests**

Subject to Section 206 Land Act 1948

Appurtenant hereto is a water supply and electricity right specified in Easement Certificate B581274.3 - 16.9.1986 at 12.12 pm

Subject to a water supply right over part marked A on DP 196311 specified in Easement Certificate B581274.3 - 16.9.1986 at 12.12 pm

The easements specified in Easement Certificate B581274.3 are subject to Section 309 (1) (a) Local Government Act 1974

Subject to a right to drill and operate a geothermal well or wells easement over the within land created by Easement Instrument 11260181.1 - 9.11.2018 at 3:07 pm

Land Covenant in Easement Instrument 11260181.3 - 9.11.2018 at 3:07 pm

11260181.4 Encumbrance to (now) Ngawha Generation Limited and Ngawha Generation Limited - 9.11.2018 at 3:07 pm

12130368.1 Mortgage to ANZ Bank New Zealand Limited - 9.6.2021 at 9:49 am

12389552.1 Mortgage to Ngapuhi Asset Holding Company Limited - 12.9.2022 at 11:02 am

Subject to a right (in gross) to convey electricity over part marked AH, AI, AJ and AL on DP 563016 in favour of Top Energy Limited created by Easement Instrument 12141277.7 - 16.8.2023 at 4:41 pm

Subject to a right to drain water over part marked AL and a right to convey water, electricity and telecommunications over part marked AG, AI and AK all on DP 563016 created by Easement Instrument 12141277.8 - 16.8.2023 at 4:41 pm

Appurtenant hereto is a right to convey water, electricity and telecommunications created by Easement Instrument 12141277.8 - 16.8.2023 at 4:41 pm

Some of the easements created by Easement Instrument 12141277.8 are subject to Section 243 (a) Resource Management Act 1991 (see DP 563016)

Subject to a right (in gross) to convey water and a right to lay a pipeline over part marked AG, AI and AK on DP 563016 in favour of Kaikohe Water Company Limited created by Easement Instrument 12141277.9 - 16.8.2023 at 4:41 pm

Subject to a right (in gross) to convey telecommunications over part marked AG and AI on DP 563016 in favour of Chorus New Zealand Limited created by Easement Instrument 12141277.10 - 16.8.2023 at 4:41 pm

12863407.1 Mortgage to Crown Regional Holdings Limited - 23.2.2024 at 10:11 am



12863407.2 Mortgage Priority Instrument making Mortgage 12863407.1 third priority and Mortgage 12389552.1 fourth priority - 23.2.2024 at 10:11 am

RC 190744

RC 190744

<p>APPROVALS ROAD SHOWN IS LEGAL</p> <p>APPROVED</p>		<p>POPULAR DOWNS LIMITED Registered Owners</p> <p>I hereby certify that this plan was approved by the</p> <p>For North District Council pursuant to section 223 of</p> <p>the Resource Management Act 1991 on the 3<sup>rd</sup> day</p> <p>of MAY 1999</p> <p><i>[Signature]</i></p> <p>AUTHORISED OFFICER</p> <p>RC 190744</p>										
<p>SCHEDULE OF EXISTING EASEMENTS</p> <table border="1"> <tr> <th>PURPOSE</th> <th>SHOWN</th> <th>CREATED BY</th> </tr> <tr> <td>WATER SUPPLY</td> <td>Ⓐ</td> <td>D 360412.1</td> </tr> <tr> <td></td> <td>Ⓑ</td> <td>D 070309.2</td> </tr> </table>		PURPOSE	SHOWN	CREATED BY	WATER SUPPLY	Ⓐ	D 360412.1		Ⓑ	D 070309.2	<p>NEW C'S T ALLOCATED</p> <p>LOT 1 124C/394 LOT 2 124C/395</p> <p>Total Area 6.1640 Ha</p> <p>Comprised in C.T 628/16 (ALL)</p>	
PURPOSE	SHOWN	CREATED BY										
WATER SUPPLY	Ⓐ	D 360412.1										
	Ⓑ	D 070309.2										
<p>Registered Surveyor and holder of an annual practicing certificate for who may act as registered surveyor pursuant to section 223 of the Resource Management Act 1991. This plan and the survey enclosed by me or under my direction, that both plan and survey are correct and have been made in accordance with the Survey Regulations 1972 or any regulations made in accordance therewith.</p> <p>Dated at AUCKLAND this 6 day of MAY 1999</p> <p><i>[Signature]</i></p> <p>Field Book p. Traverse Book p.</p> <p>Reference Plans</p> <p>Examined ACCREDITED Correct <i>[Signature]</i></p> <p>Approved as to Survey <i>[Signature]</i></p> <p>17/5/99 <i>[Signature]</i> Chief Surveyor</p> <p>Deposited this 13 day of MAY 1999</p> <p>Registered <i>[Signature]</i> of Land</p> <p>File No. 13 MAY 1999 DP 196311</p> <p>Received Instructions</p> <p>Approved ACUTREZE</p>		<p>116.11</p> <p>TERRITORIAL AUTHORITY: FAR NORTH DISTRICT</p> <p>Surveyed by Fraser Thomas Ltd</p> <p>Scale 1 : 1000 Date APRIL 1999</p>										

80





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



R.W. Muir  
Registrar-General  
of Land

**Identifier** **149669**  
**Land Registration District** **North Auckland**  
**Date Issued** 23 June 2004

**Prior References**  
NA100D/232

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**Estate** Fee Simple  
**Area** 4.9508 hectares more or less  
**Legal Description** Lot 1 Deposited Plan 336520  
**Registered Owners**  
Kaikohe Berryfruit Limited Partnership

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**Interests**

Subject to Section 206 Land Act 1924

Appurtenant hereto are electricity and water supply rights specified in Easement Certificate B581274.3 - 16.9.1986 at 12:12 pm

The easements specified in Easement Certificate B581274.3 are subject to Section 309 (1) (a) Local Government Act 1974

Subject to a right to drill and operate a geothermal well or wells easement over the within land created by Easement Instrument 11260181.1 - 9.11.2018 at 3:07 pm

Land Covenant in Easement Instrument 11260181.3 - 9.11.2018 at 3:07 pm

11260181.4 Encumbrance to (now) Ngawha Generation Limited and Ngawha Generation Limited - 9.11.2018 at 3:07 pm

12130368.1 Mortgage to ANZ Bank New Zealand Limited - 9.6.2021 at 9:49 am

12389552.1 Mortgage to Ngapuhi Asset Holding Company Limited - 12.9.2022 at 11:02 am

Subject to a right (in gross) to convey electricity over part marked AF on DP 563016 in favour of Top Energy Limited created by Easement Instrument 12141277.7 - 16.8.2023 at 4:41 pm

Subject to a right to drain water over part marked AP, AE, ZZ and AF and a right to convey water, electricity and telecommunications over part marked AE all on DP 563016 created by Easement Instrument 12141277.8 - 16.8.2023 at 4:41 pm

Appurtenant hereto is a right to convey water, electricity and telecommunications created by Easement Instrument 12141277.8 - 16.8.2023 at 4:41 pm

Some of the easements created by Easement Instrument 12141277.8 are subject to Section 243 (a) Resource Management Act 1991 (see DP 563016)

Subject to a right (in gross) to convey water and a right to lay a pipeline over part marked AE on DP 563016 in favour of Kaikohe Water Company Limited created by Easement Instrument 12141277.9 - 16.8.2023 at 4:41 pm

Subject to a right (in gross) to convey telecommunications over part marked AT and AE on DP 563016 in favour of Chorus New Zealand Limited created by Easement Instrument 12141277.10 - 16.8.2023 at 4:41 pm

12863407.1 Mortgage to Crown Regional Holdings Limited - 23.2.2024 at 10:11 am

12863407.2 Mortgage Priority Instrument making Mortgage 12863407.1 third priority and Mortgage 12389552.1 fourth priority - 23.2.2024 at 10:11 am

Search Copy Dated 03/07/25 6:16 pm, Page 3 of 3  
Register Only





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



R.W. Muir  
Registrar-General  
of Land

**Identifier** **999768**  
**Land Registration District** **North Auckland**  
**Date Issued** 16 August 2023

**Prior References**

NA102A/774

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**Estate** Fee Simple  
**Area** 17.0990 hectares more or less  
**Legal Description** Lot 2 Deposited Plan 563016  
**Registered Owners**  
Kaikohe Berryfruit Limited Partnership

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**Interests**

Subject to Section 206 Land Act 1924

Subject to a water supply right over part marked Q and AQ on DP 563016 specified in Easement Certificate B581274.3 - 16.9.1986 at 12:12 pm

The easements specified in Easement Certificate B581274.3 are subject to Section 309 (1) (a) Local Government Act 1974

Subject to a right to drill and operate a geothermal well or wells easement over the within land created by Easement Instrument 11260181.1 - 9.11.2018 at 3:07 pm

Land Covenant in Easement Instrument 11260181.3 - 9.11.2018 at 3:07 pm

11260181.4 Encumbrance to (now) Ngawha Generation Limited and Ngawha Generation Limited - 9.11.2018 at 3:07 pm

12130368.1 Mortgage to ANZ Bank New Zealand Limited - 9.6.2021 at 9:49 am

12389552.1 Mortgage to Ngapuhi Asset Holding Company Limited - 12.9.2022 at 11:02 am

Subject to a right (in gross) to convey electricity over part marked AD, AN and X on DP 563016 in favour of Top Energy Limited created by Easement Instrument 12141277.7 - 16.8.2023 at 4:41 pm

Subject to a right to convey water, electricity and telecommunications over part marked AC, AM and X on DP 563016 created by Easement Instrument 12141277.8 - 16.8.2023 at 4:41 pm

Appurtenant hereto is a right to drain water and a right to convey water, electricity and telecommunications created by Easement Instrument 12141277.8 - 16.8.2023 at 4:41 pm

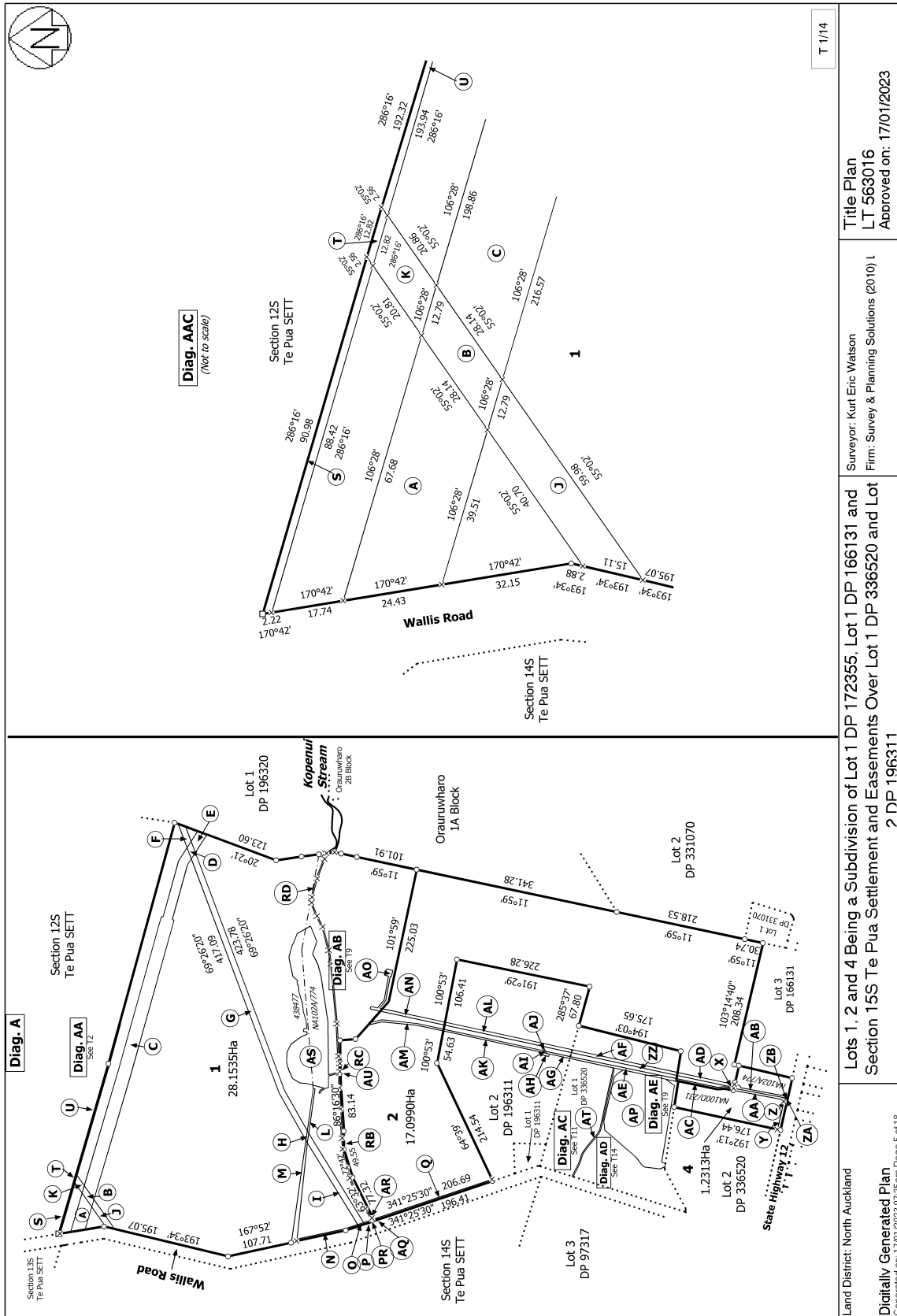
Some of the easements created by Easement Instrument 12141277.8 are subject to Section 243 (a) Resource Management Act 1991 (see DP 563016)

Subject to a right (in gross) to convey water and a right to lay a pipeline over part marked AM, AC and X on DP 563016 in favour of Kaikohe Water Company Limited created by Easement Instrument 12141277.9 - 16.8.2023 at 4:41 pm

Subject to a right (in gross) to convey telecommunications over part marked AQ and AR on DP 563016 in favour of Chorus New Zealand Limited created by Easement Instrument 12141277.10 - 16.8.2023 at 4:41 pm

12863407.1 Mortgage to Crown Regional Holdings Limited - 23.2.2024 at 10:11 am

12863407.2 Mortgage Priority Instrument making Mortgage 12863407.1 third priority and Mortgage 12389552.1 fourth priority - 23.2.2024 at 10:11 am



# View Instrument Details



**Instrument No** 12141277.7  
**Status** Registered  
**Date & Time Lodged** 16 August 2023 16:41  
**Lodged By** Baker, Lisa Anne  
**Instrument Type** Easement Instrument



Affected Records of Title	Land District
999767	North Auckland
999769	North Auckland
149669	North Auckland
999768	North Auckland
NA124C/395	North Auckland

**Annexure Schedule** Contains 7 Pages.

## Grantor Certifications

I certify that I have the authority to act for the Grantor and that the party has the legal capacity to authorise me to lodge this instrument ☒

I certify that I have taken reasonable steps to confirm the identity of the person who gave me authority to lodge this instrument ☒

I certify that any statutory provisions specified by the Registrar for this class of instrument have been complied with or do not apply ☒

I certify that I hold evidence showing the truth of the certifications I have given and will retain that evidence for the prescribed period ☒

I certify that the Mortgagee under Mortgage 12130368.1 has consented to this transaction and I hold that consent ☒

I certify that the Mortgagee under Mortgage 12389552.1 has consented to this transaction and I hold that consent ☒

I certify that the Encumbrancee under Encumbrance 11260181.4 has consented to this transaction and I hold that consent ☒

I certify that the Caveator under Caveat 11260181.6 has consented to this transaction, which is subject to the Caveat, and I hold that consent ☒

I certify that the Mortgagee under Mortgage 12247930.3 has consented to this transaction and I hold that consent ☒

I certify that the Mortgagee under Mortgage 12247930.2 has consented to this transaction and I hold that consent ☒

## Signature

Signed by Danielle Meddings as Grantor Representative on 27/07/2023 06:13 PM

## Grantee Certifications

I certify that I have the authority to act for the Grantee and that the party has the legal capacity to authorise me to lodge this instrument ☒

I certify that I have taken reasonable steps to confirm the identity of the person who gave me authority to lodge this instrument ☒

I certify that any statutory provisions specified by the Registrar for this class of instrument have been complied with or do not apply ☒

I certify that I hold evidence showing the truth of the certifications I have given and will retain that evidence for the prescribed period ☒

## Signature

Signed by Graeme John Mathias as Grantee Representative on 16/12/2022 02:51 PM

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

**Easement instrument to grant easement or *profit à prendre***

(Section 109 Land Transfer Act 2017)

**Grantor**

**FAR NORTH HOLDINGS LIMITED  
KAIKOHE BERRYFRUIT LIMITED PARTNERSHIP**

**Grantee**

**TOP ENERGY LIMITED**

**Grant of Easement or *Profit à prendre***

**The Grantor** being the registered owner of the burdened land set out in Schedule A **grants to the Grantee** (and, if so stated, in gross) the easement(s) ~~or *profit(s) à prendre*~~ set out in Schedule A, with the rights and powers or provisions set out in the Annexure Schedule(s)

**Schedule A***Continue in additional Annexure**Schedule, if required*

Purpose (Nature and extent) of easement; <i>profit</i> or covenant	Shown (plan reference)	Burdened Land (Computer Register)	Benefited Land (Computer Register) or in gross
Right to convey electricity and Right to convey telecommunications	Marked "A", "B", "C", "D", "E", "F", "G", "H", "I", "J", "K", "T" and "O" on DP 563016	Lot 1 DP 563016 RT 999767	In gross
Right to convey electricity	Marked "AD", "X" and "AN" on DP 563016	Lot 2 DP 563016 RT 999768	In gross
	Marked "Z", "ZA", "AA", "AB" and "ZB" on DP 563016	Lot 4 DP 563016 RT 999769	In gross
	Marked "AF" on DP 563016	Lot 1 DP 336520 RT 149669	In gross
	Marked "AH", "AI", "AJ" and "AL" on DP 563016	Lot 2 DP 196311 RT NA124C/395	In gross
	Marked "AO" on DP 563016	Lot 1 DP 563016 RT 999767	In gross

**Easements or profits à prendre rights and powers (including terms, covenants and conditions)**

*Delete phrases in [ ] and insert memorandum number as required; continue in additional Annexure Schedule, if required*

Unless otherwise provided below, the rights and powers implied in specified classes of easement are those prescribed by the Land Transfer Regulations 2018 and/or Schedule 5 of the Property Law Act 2007

The implied rights and powers are hereby ~~[varied]~~ ~~[negated]~~ ~~[added to]~~ or ~~[substituted]~~ by:

~~{Memorandum number \_\_\_\_\_, registered under section 209 of the Land Transfer Act 2017}~~

[the provisions set out in Annexure Schedule B]

**Annexure Schedule***Insert instrument type***Easement****Annexure Schedule B****1. Interpretation**

1.1 In this instrument, unless the context otherwise requires:

- (a) "Burdened Land" means the land owned by the Grantor and contained in Records of Title being 999767, 999768, 999769, 149669 and NA124C/395
- (b) "Easement Area" means those parts of the Burdened Land marked on Deposited Plan 563016 with the letters marked "A", "B" "C" "D" "E" "F" "G" "H" "I" "J" "K" "T" "O" "AD" "X" "AN" "Z" "ZA" "AA" "AB" "ZB" "AF" "AH" "AI" "AJ" "AL" and "AO";
- (c) "Emergency Situation" means a situation in which there is a probable danger to life or property or immediate risk to the continuity or safety of supply or distribution of electricity by means of the Transmission Line;
- (d) "Transmission Line" means wires or conductors of any other kind (including fibre optic or coaxial cables) used or intended to be used for the transmission of electricity and/or telecommunication signals, waves or impulses; and includes any insulators, towers, poles, ground stays, supporting structures, crossarms, foundations, casings, tubes, tunnels, minor fixtures and other items, equipment or material used or intended to be used for supporting, securing, enclosing, surrounding and protecting a Transmission Line; and also includes any buildings, towers, pole mounted transformers, fuses, fuse holders, pillars and transformers, automatic switches, voltage regulators, capacitors or other instruments, apparatus or devices used in association with a Transmission Line; and anything in replacement or substitution of any of the foregoing;
- (e) words importing the singular include the plural and vice versa; and
- (f) references to the Grantor and Grantee include their respective heirs, executors, transferees, administrators, successors and assigns.

**2. Grant of electricity and telecommunications easements**

2.1 The Grantor grants to the Grantee as an easement in gross forever, the rights to

2.1.1 convey, reticulate, convert, transform, transmit, supply and use electrical energy and power by means of the Transmission Line; and

2.1.2 convey, send, transmit and transport telecommunications signals, waves or impulses

in each case without interruption or impediment and in any quantity.

2.2 The Grantee together with the Grantee's agents, contractors and employees, and with any vehicles, equipment, tools and materials has the right to enter by a



**Annexure Schedule***Insert instrument type***Easement**

reasonable route and remain on the Easement Area and any other parts of the Burdened Land as are reasonably necessary to do the following work:

- (a) to survey, investigate, lay, install and construct the Transmission Line both over and under the Easement Area, and if under at a depth and along such line as shall be determined by the Grantee and if over at a height and along such line as similarly shall be determined by the Grantee;
- (b) to install such infrastructure both on or under the surface of the Burdened Land as is necessary for the effective transmission of electricity by means of the Transmission Line;
- (c) to inspect, operate, use, maintain, repair, renew, upgrade, replace, change the size of and remove the Transmission Line;
- (d) with the Grantee's agents, contractors and employees, and with any vehicles, equipment, tools and materials, to enter and remain for a reasonable time on the Burdened Land for any purposes necessary or convenient for the Grantee to exercise its rights under this instrument (including the right to extinguish fires);
- (e) to construct on the Burdened Land whatever roads, tracks, access ways, fences, gates and other works are deemed necessary by the Grantee for it to exercise its rights under this instrument and which are approved by the Grantor (that approval not to be unreasonably withheld);
- (f) to keep the Easement Area cleared of all buildings and structures by any means the Grantee considers necessary;
- (g) to keep the Easement Area cleared of all fences, trees and vegetation by any means the Grantee considers necessary where such:
  - (i) breach any statutory or regulatory requirements or standards or codes of practice or otherwise breach generally accepted engineering standards as to the minimum clearance of the Transmission Line;
  - (ii) impede the exercise by the Grantee of its rights under this instrument or the Grantee's access over the Burdened Land or the Easement Area or to the Transmission Line; or
  - (iii) inhibit the safe and efficient operation of the Transmission Line;
- (h) to remove at the Grantor's expense trees and/or vegetation on the Burdened Land where the Grantee, acting reasonably considers such trees and/or vegetation pose a risk to the safe and efficient operation of the Transmission Line and the Grantor having been given notice of the requirement for the removal of such trees and/or vegetation pursuant to clause 5(b) of this instrument has failed to act.

- 2.3 The Grantee has no obligation to construct the Transmission Line or convey electricity through it or them continuously or at all.

**Annexure Schedule***Insert instrument type***Easement****3. Access**

- 3.1 The Grantee must, before exercising the right of entry in clause 2.2:
- (a) make reasonable efforts to identify the Grantor or the occupier of the Burdened Land;
  - (b) give reasonable notice, and in any event not less than three (3) days notice, to the Grantor or the occupier of the Burdened Land of the Grantee's intention to enter the Burdened Land, except in an Emergency Situation when prior notice is not required;
  - (c) identify the work it intends to carry out.
- 3.2 The Grantee is not required by reason of the obligations in this clause to delay entry onto the Burdened Land from the date notified.
- 3.3 The Grantee, in entering the Land, will take reasonable steps to minimize inconvenience to the Grantor or the occupier of the Burdened Land, including;
- (a) liaising with the Grantor to arrange a suitable time of entry to the Easement Area (unless this is not possible due to an Emergency Situation);
  - (b) leaving gates as they are found (if applicable);
  - (c) driving in a safe manner and taking reasonable steps not to disturb stock (if applicable); and
  - (d) Avoiding access through specific areas identified by the Grantor unless necessary to access the Transmission Line.
- 3.4 The Grantee is not required to delay entry onto the Burdened Land or to pay any money or other consideration to the Grantor or any occupier of the Burdened Land by reason of the obligations in this clause.
- 3.5 When accessing the Easement Area, the Grantee will:
- (a) complete work on the Transmission Line as soon as possible with as little damage as possible to the Burdened Land and any vegetation, fences or improvements on it; and
  - (b) use all reasonable endeavours to repair and make good all damage caused to the Burdened Land by the Grantee or the Grantee's agents, contractors or employees as a result of carrying out work on the Transmission Line.

**4. Ownership of the Transmission Line and Electrical Works**

The Transmission Line will at all times remain the property of the Grantee.

**5. Grantor's Continued Use of Burdened Land**

Subject to clause 6, the Grantor:

**Annexure Schedule***Insert instrument type***Easement**

- (a) may use the Burdened Land as long as that use does not unreasonably interfere with the enjoyment of the Grantee's rights and interests granted under this instrument;
- (b) shall remove trees and vegetation on the Burdened Land where the Grantee, acting reasonably gives notice to the Grantor that it considers it necessary that such trees and/or vegetation be removed to ensure that such trees and vegetation do not pose a risk to the safe and efficient operation of the Transmission Line.

**6. Restrictions on Grantor's use**

6.1 The Grantor must not do or allow any act which may interfere with or affect the rights of the Grantee or the operation of the Transmission Line and, in particular, the Grantor must not, without the consent in writing of the Grantee:

- (a) On the Easement Area, or within the minimum distance from the Transmission Line as advised by the Grantee (having regard to relevant statutory or regulatory requirements, codes of practice and engineering standards applicable from time to time), erect or permit the erection of any buildings or structures, or alter or allow to be altered the overall dimensions of existing buildings or structures, or carry out any earthworks or stockpiling, or construct or permit the construction of any roads, dams, walls or driveways, or allow any vegetation to become established, or remove or permit the removal of any soil, sand, gravel or other substance;
- (b) disturb the soil of the easement area below the depth of 0.3 metres;
- (c) cause or knowingly permit flooding of the Easement Area;
- (d) burn off crops, trees or undergrowth on the Burdened Land;
- (e) operate or permit to be operated any machinery or equipment (including any cranes, drilling-rigs, pile-drivers and excavators) in close proximity to any part of the Transmission Line;
- (f) disturb any survey pegs or markers placed on the Easement Area by the Grantee;
- (g) impede the Grantee's access over the Burdened Land or the Easement Area or to the Transmission Line; or
- (h) do anything on or in the Burdened Land which would or could damage or endanger the Transmission Line.

6.2 The consent of the Grantee required under clause 6.1 will not be unreasonably withheld, but may be given subject to conditions.

6.3 The Grantee may consent in writing to certain existing buildings, structures, fences or vegetation on the Easement Area at the date of this instrument remaining there, but such consent may be given subject to conditions.

6.4 If any act or item consented to under clause 6.2 or 6.3 subsequently results in a situation described in clause 2.2 (g)(i) – (iii), then such consent may be revoked by the Grantee without compensation.

**Annexure Schedule***Insert instrument type***Easement**

6.5 Before exercising any right under this instrument to remove a fence, the Grantee must consult with the Grantor so the Grantor is given a reasonable opportunity to co-ordinate the erection of any necessary replacement fence. The cost of any replacement fence will be borne by the Grantor and the Grantor must comply with any reasonable directions of the Grantee as to the height, materials used and location of such replacement fence.

6.6 If the Grantor does not meet its obligations under this instrument within such reasonable timeframe as is specified in a notice from the Grantee requiring it to do so then the Grantee may meet those obligations (and enter the Burdened Land for that purpose) and the Grantor is liable to pay to the Grantee the costs incurred in doing so.

**7. Indemnity against third party claims**

Each party ("Indemnifying Party") must indemnify the other ("Indemnified Party") against all claims or demands from third parties for any loss, damage or liability in respect of, or arising out of, the use of the land by the Indemnifying Party (or any person authorised, whether expressly or impliedly by it) **EXCEPT THAT** it will not be liable to indemnify where such loss, damage or liability was caused by the Indemnified Party. Where the actions of the Indemnified Party contribute to that loss, damage or liability, the indemnity given by the Indemnifying Party will be reduced in proportion to that contribution.

**8. Licence and assignment**

The Grantee may assign, licence or otherwise grant any right of all or any part of any estate or interest conferred by this instrument.

**9. Perpetual easement**

There is no power implied in this instrument for the Grantor to terminate the easement for any breach of this instrument or for any other reason. It is the intention of the parties that the easement created by this instrument will continue forever unless surrendered.

**10. Arbitration**

If any dispute arises between the parties in relation to this instrument or any matter arising under it and that dispute cannot be resolved by negotiation, then the parties must submit the dispute to arbitration in accordance with the Arbitration Act 1996 (and its amendments or any statute which replaces it). The arbitration will be commenced by either party giving written notice to the other of the details of the dispute and that party's desire to have the matter referred to arbitration. The arbitration will be by one arbitrator, if the parties can agree upon one, and, if not, then by two arbitrators, one to be appointed by each party, and their umpire to be appointed by the arbitrators before they begin to consider the dispute. The award in the arbitration will be final and binding on the parties.

# View Instrument Details



**Instrument No** 12141277.9  
**Status** Registered  
**Date & Time Lodged** 16 August 2023 16:41  
**Lodged By** Baker, Lisa Anne  
**Instrument Type** Easement Instrument



Affected Records of Title	Land District
149669	North Auckland
999769	North Auckland
999768	North Auckland
NA124C/395	North Auckland

**Annexure Schedule** Contains 4 Pages.

## Grantor Certifications

- I certify that I have the authority to act for the Grantor and that the party has the legal capacity to authorise me to lodge this instrument ☒
- I certify that I have taken reasonable steps to confirm the identity of the person who gave me authority to lodge this instrument ☒
- I certify that any statutory provisions specified by the Registrar for this class of instrument have been complied with or do not apply ☒
- I certify that I hold evidence showing the truth of the certifications I have given and will retain that evidence for the prescribed period ☒
- I certify that the Mortgagee under Mortgage 12130368.1 has consented to this transaction and I hold that consent ☒
- I certify that the Mortgagee under Mortgage 12389552.1 has consented to this transaction and I hold that consent ☒
- I certify that the Encumbrancee under Encumbrance 11260181.4 has consented to this transaction and I hold that consent ☒
- I certify that the Caveator under Caveat 11260181.6 has consented to this transaction, which is subject to the Caveat, and I hold that consent ☒
- I certify that the Mortgagee under Mortgage 12247930.3 has consented to this transaction and I hold that consent ☒
- I certify that the Mortgagee under Mortgage 12247930.2 has consented to this transaction and I hold that consent ☒

## Signature

Signed by Danielle Meddings as Grantor Representative on 27/07/2023 06:13 PM

## Grantee Certifications

- I certify that I have the authority to act for the Grantee and that the party has the legal capacity to authorise me to lodge this instrument ☒
- I certify that I have taken reasonable steps to confirm the identity of the person who gave me authority to lodge this instrument ☒
- I certify that any statutory provisions specified by the Registrar for this class of instrument have been complied with or do not apply ☒
- I certify that I hold evidence showing the truth of the certifications I have given and will retain that evidence for the prescribed period ☒

## Signature

Signed by Alice Ruth Dombroski as Grantee Representative on 16/08/2023 04:14 PM

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

rm 22

**Easement instrument to grant easement or *profit à prendre***  
(Section 109 Land Transfer Act 2017)

**Grantor**

**FAR NORTH HOLDINGS LIMITED  
KAIKOHE BERRYFRUIT LIMITED PARTNERSHIP**

**Grantee**

**KAIKOHE WATER COMPANY LIMITED**

**Grant of Easement or *Profit à prendre***

**The Grantor** being the registered owner of the burdened land set out in Schedule A **grants to the Grantee** (and, if so stated, in gross) the easement(s) or *profit(s) à prendre* set out in Schedule A, with the rights and powers or provisions set out in the Annexure Schedule(s)

**Schedule A**  
*Annexure Schedule, if required*

*Continue in additional*

Purpose of Easement, or <i>profit</i>	Shown (plan reference)	Burdened Land (Record of Title)	Benefited Land (Record of Title) or in gross
Right to convey water and Right to lay a Pipeline	Marked "ZA", "AA", "Y" and "Z" on Deposited Plan 563016	Lot 4 DP 563016 RT 999769	In gross
	Marked "AE" on Deposited Plan 563016	Lot 1 DP 336520 RT 149669	In gross
	Marked "AG", "AI" and "AK" on Deposited Plan 563016	Lot 2 DP 196311 RT NA124C/395	In gross
	Marked "AM", "AC" and "X" on Deposited Plan 563016	Lot 2 DP 336520 RT 999768	In gross



**Easements or profits à prendre rights and powers (including terms, covenants and conditions)**

*Delete phrases in [ ] and insert memorandum number as required; continue in additional Annexure Schedule, if required*

Unless otherwise provided below, the rights and powers implied in specified classes of easement are those prescribed by the Land Transfer Regulations 2018 and/or Schedule 5 of the Property Law Act 2007

The implied rights and powers are hereby ~~[varied]~~ ~~[negated]~~ ~~[added to]~~ or ~~[substituted]~~ by:

~~[Memorandum number \_\_\_\_\_, registered under section 209 of the Land Transfer Act 2017]~~

[the provisions set out in Annexure Schedule B]

**Annexure Schedule**

Page 3 of 4

Insert instrument type

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Continue in additional Annexure Schedule, if required

**Annexure Schedule B****1. Definitions**

1.1 In this instrument, unless the context otherwise requires:

- (a) "Burdened Land" means the land owned by the Grantor and contained in Record of Title 999769, 149669, NA124C/395 and 999768;
- (b) "Easement Area" means those parts of the Burdened Land marked on Deposited Plan 563016 with the letter "ZA", "AA" "Y", "Z", "AE", "AG", "AI", "AK", "AM", "AC" and "X";

**2. Recital**

2.1 The Grantor is the registered owner of *an estate in fee simple* subject however to those encumbrances, liens and interests as registered against the title in all that piece of land described in as the burdened land.

**3. Grant of easement**

3.1 The Grantor transfers and grants to the Grantee as easements in gross forever the rights:

- (a) To dig, construct and lay pipe lines through the Easement Area.
- (b) To convey water through such pipelines
- (c) To inspect, repair, clean, dig up, alter, enlarge, renew or replace such pipelines.
- (d) For the purposes of this grant, for the Council's agents, contractors and employees with or without vehicles to enter on the Burdened Land and generally to do anything necessary or convenient for the full exercise of the rights granted by this instrument.

**4. Covenants**

- 4.1 (a) The Grantee covenants with the Grantor that when exercising of any of its rights under this easement the Grantee will:
- (i) Cause as little damage as possible to the burdened land and the occupiers of the burdened land.
  - (ii) Restore the burdened land as near as reasonably possible to its previous condition.
  - (iii) Make good at the Grantee's expense any damage done by the actions of the Grantee to buildings, erections and fences of the Grantor.

**Annexure Schedule**

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*Insert instrument type*

*Continue in additional Annexure Schedule, if required*

- (b) The Grantor covenants with the Grantee that the Grantor will not at any time do anything which will prevent or interfere with the free passage of water through the pipelines or prevent or interfere with the full use and enjoyment of the Grantee of the rights created by this instrument.
- (c) The provisions of clauses 1, 3, 10 through 14 of the 5<sup>th</sup> Schedule of the Land Transfer Regulations 2018 shall apply to the grants set out in this instrument.
- (d) The Grantee may assign, licence, transfer and/or novate or otherwise grant any right of all or any part of any estate or interest conferred by this instrument.

# View Instrument Details



**Instrument No** 12141277.10  
**Status** Registered  
**Date & Time Lodged** 16 August 2023 16:41  
**Lodged By** Baker, Lisa Anne  
**Instrument Type** Easement Instrument



Affected Records of Title	Land District
149669	North Auckland
999767	North Auckland
999768	North Auckland
NA124C/395	North Auckland

**Annexure Schedule** Contains 4 Pages.

## Grantor Certifications

- I certify that I have the authority to act for the Grantor and that the party has the legal capacity to authorise me to lodge this instrument ☒
- I certify that I have taken reasonable steps to confirm the identity of the person who gave me authority to lodge this instrument ☒
- I certify that any statutory provisions specified by the Registrar for this class of instrument have been complied with or do not apply ☒
- I certify that I hold evidence showing the truth of the certifications I have given and will retain that evidence for the prescribed period ☒
- I certify that the Mortgagee under Mortgage 12130368.1 has consented to this transaction and I hold that consent ☒
- I certify that the Mortgagee under Mortgage 12389552.1 has consented to this transaction and I hold that consent ☒
- I certify that the Encumbrancee under Encumbrance 11260181.4 has consented to this transaction and I hold that consent ☒
- I certify that the Caveator under Caveat 11260181.6 has consented to this transaction, which is subject to the Caveat, and I hold that consent ☒
- I certify that the Mortgagee under Mortgage 12247930.3 has consented to this transaction and I hold that consent ☒
- I certify that the Mortgagee under Mortgage 12247930.2 has consented to this transaction and I hold that consent ☒

## Signature

Signed by Danielle Meddings as Grantor Representative on 27/07/2023 06:13 PM

## Grantee Certifications

- I certify that I have the authority to act for the Grantee and that the party has the legal capacity to authorise me to lodge this instrument ☒
- I certify that I have taken reasonable steps to confirm the identity of the person who gave me authority to lodge this instrument ☒
- I certify that any statutory provisions specified by the Registrar for this class of instrument have been complied with or do not apply ☒
- I certify that I hold evidence showing the truth of the certifications I have given and will retain that evidence for the prescribed period ☒

## Signature

Signed by Danielle Meddings as Grantee Representative on 27/07/2023 06:13 PM

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

**Easement instrument to grant easement or *profit à prendre***  
Section 109, Land Transfer Act 2017

**Grantor***Surname(s) must be underlined.*

**FAR NORTH HOLDINGS LIMITED**  
**KAIKOHE BERRYFRUIT LIMITED PARTNERSHIP**

**Grantee***Surname(s) must be underlined.*

**CHORUS NEW ZEALAND LIMITED**

**Grant of Easement or *Profit à prendre***

**The Grantor**, being the registered owner of the Burdened Land set out in Schedule A, **grants to the Grantee** (and, if so stated, in gross) the easement(s) or *profit(s)* set out in Schedule A, with the rights and powers or provisions set out in the Annexure Schedule(s).

**Schedule A***Continue in additional Annexure Schedule, if required.*

Purpose of Easement, or <i>profit</i>	Shown (plan reference)	Burdened Land (Record of Title)	Benefited Land (Record of Title) or in gross
<b>Right to convey telecommunications</b>	AQ, AR on DP 563016	Lot 2 DP 563016 RT 999768	<b>Chorus New Zealand Limited (in gross)</b>
	PR, RB, RC, RD on DP 563016	Lot 1 DP 563016 RT 999767	
	AT, AE on DP 563016	Lot 1 DP 336520 RT 149669	
	AG, AI on DP 563016	Lot 2 DP 196311 RT NA124C/395	

**Easements or profits à prendre rights and powers (including terms, covenants and conditions)**

Unless otherwise provided below, the rights and powers implied in specific classes of easement are those prescribed by the Land Transfer Regulations 2018 and/or the Fifth Schedule of the Property Law Act 2007.

The implied rights and powers are **varied** by the provisions set out in the Annexure Schedule.

**Annexure Schedule**

Insert type of instrument

Easement

Dated

Page

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*Continue in additional Annexure Schedule, if required.***Continuation of "Easement rights and powers":**

- 1 The rights and powers in this easement are in addition to those rights and powers contained in Schedule 5 of the Land Transfer Regulations 2018 ("the Fifth Schedule") and where the terms of this easement are in conflict with either the Fifth Schedule or any of the statutory rights and authorities which the Grantee may have in respect of the Burdened Land, the terms of this easement shall prevail.

**2 Grant of Easement**

- 2.1 In addition to the above rights and powers the Grantor grants to the Grantee as an easement in gross the following rights and powers at all times and in any quantity:

- (a) to lay, install (including construct), locate, upgrade, add to, inspect, maintain, replace, repair, renew, enlarge, alter, retain, remove any Lines and Works on, in, over and under the Easement Land (and for the avoidance of doubt, the Grantor's consent shall be deemed for the purposes of clause 10(1)(b) of Schedule 5 of the Land Transfer Regulations 2018 by virtue of this easement);
- (b) subject to clauses 4.1 and 4.2, to enter with all necessary equipment and remain upon the Burdened Land for the purposes of laying, installing (including constructing), locating, upgrading, adding to, inspecting, maintaining, replacing, repairing, renewing, enlarging, altering, retaining or removing Lines or Works and make any access ways, cuttings, fillings, grades, batters and to re-open the same and generally to do and perform such acts or things upon the Burdened Land as may be necessary or desirable (or incidental thereto) to enable the Grantee to receive, enjoy and give effect to the full free use and enjoyment of the rights and powers granted under this easement; and
- (c) to use and operate Lines and Works (such use and operation may include the granting of such use to third party telecommunications service providers) for the purpose of conveying telecommunications without interruption or impediment,

provided however that nothing shall compel the Grantee to exercise the above rights at any time or in a particular way

**3 Grantee's Covenants**

- 3.1 The Grantee shall be responsible for:

- (a) the installation of and maintenance of the Lines and Works located on the Easement Land; and
- (b) using its best endeavors to prevent the Lines and Works located on the Easement Land becoming a danger to any user or occupier of the Burdened Land.

- 3.2 The Grantee will, in exercising the rights granted to the Grantee under this easement cause as little damage as reasonably possible to the Burdened Land and to any building or building improvement (including, without limitation, any interior fitout) located on the Burdened Land.

- 3.3 The Grantee will at the Grantee's own cost repair and make good any damage to the Burdened Land (including without limitation any damage to any building(s), fences or other improvements) caused by the Grantee in exercising the Grantee's rights and powers under this



## Annexure Schedule

Insert type of instrument

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*Continue in additional Annexure Schedule, if required.*

easement as reasonably close as possible to the original condition of the Burdened Land prior to such damage and to the reasonable satisfaction of the Grantor.

**4 Access**

- 4.1 The Grantee may, at any time (but subject to clause 4.2) from time to time enter the Burdened Land (including, for the avoidance of doubt, any areas of Common Property on the Burdened Land) using such routes as prescribed by the Grantor (acting reasonably) and with or without its employees, contractors and agents and with or without vehicles, machinery and implements of any kind for purposes associated with the creation and exercise of its rights and powers under this easement. If relevant, the Grantor shall invoke its rights pursuant to section 80 of the Unit Titles Act 2010 (or procure that such rights are invoked) as may be necessary to allow the Grantee access to its Lines and Works as agent of the body corporate.
- 4.2 In exercising the rights granted to the Grantee under this easement, the Grantee shall use reasonable efforts to give the Grantor prior notice that the Grantee intends to enter upon the Burdened Land (except in the case of an Emergency, when notice will not be required) and for the avoidance of doubt, clause 12(2) of Schedule 5 the Land Transfer Regulations 2018 does not apply. Without limitation to the preceding provisions, the Grantor shall not at any time restrict or impede access to the Easement Land (including by way of subdivision of the Land) by the Grantee and, upon request by Grantee, will provide the Grantee with all necessary keys and / or access cards required from time to time to gain access to the Burdened Land and the Easement Land.

**5 Grantor's Covenants**

- 5.1 The Grantor will not without the written permission of the Grantee (not to be unreasonably withheld or delayed):
- (a) grow or permit to be grown any natural or cultivated vegetation (including trees and shrubs) on or in the near vicinity, or encroaching on the Easement Land. The Grantee may at all times at the Grantor's cost remove any natural or cultivated vegetation or improvement on the Easement Land which may interfere with the rights granted by this easement; or
  - (b) erect or permit to be erected any improvement (including but not limited to buildings, sheds, fences, roads, walls or driveways) on the Easement Land; or
  - (c) do anything on the Easement Land that may damage or endanger the Grantee's Lines or Works; or
  - (d) do any act which will interfere with the rights granted by this easement and will not at any time do permit or suffer any act whereby the full and free use and enjoyment by the Grantee of the rights and privileges granted by this are interfered with.

**6 Removal**

- 6.1 The Lines and Works are and shall remain the sole property of the Grantee and the Grantee shall not be required to remove the Lines and/or Works at any time. No person shall have any interest in such Lines and Works by reason only of having an interest or estate in the Burdened Land.

## Annexure Schedule

Insert type of instrument

Easement

Dated

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*Continue in additional Annexure Schedule, if required.*

- 6.2 No power is implied for the Grantor to determine this easement for any breach of covenant or for any other cause whatsoever. The parties intend this easement to subsist forever or until it is duly surrendered or extinguished at the election of the Grantee.

## 7 Further Assurances

- 7.1 Each party shall make all applications, including executing and delivering any documents, and doing all acts and things, as may reasonably be required by the other party to obtain the full benefit of this easement according to its true intent.

## 8 Telecommunications Act 2001 and End User Terms

- 8.1 Notwithstanding anything to the contrary in this easement, the terms contained in this easement shall be without prejudice to, and do not reduce or limit, the rights and powers of the Grantee under the Telecommunications Act 2001 or any other document or arrangement conferring rights or powers on the Grantee in relation to Lines and Works at the Burdened Land, and the Grantee may, in its discretion, rely on or exercise any of its rights and powers, whether in addition to or instead of the rights and powers granted by this easement.

## 9 Definitions and interpretation

- 9.1 In this easement:

- (a) **"Common Property"** has the same meaning ascribed to that term under the Unit Titles Act 2010.
- (b) **"Easement Land"** means that part of the Burdened Land identified in Schedule A in this easement as Easement Land and those other parts of the Burdened Land (including buildings) on which the Grantee has installed and located its Lines and Works.
- (c) **"Emergency"** means a situation in which there is a probable danger to life or property or immediate risk to the continuity or safety of supply of telecommunications.
- (d) **"Grantee"** means Chorus New Zealand Limited and includes all its subsidiaries (within the meaning of Sections 5 and 6 of the Companies Act 1993) and its successors, assigns, personal representatives, employees, contractors, agents, licensees and invitees.
- (e) **"Grantor"** includes the successors in title, assigns, tenants, transferees and personal representatives of the Grantor.
- (f) **"Line"** and **"Works"** shall have the meanings ascribed to those terms under the Telecommunications Act 2001.