

BEFORE THE FAR NORTH DISTRICT COUNCIL

IN THE MATTER of the Resource Management Act 1991 (“Act”)

AND

IN THE MATTER of an application by Nags Head Cow Hotel Limited for resource consent to subdivide Lot 2 DP 442820 at Kerikeri Inlet Road, Kerikeri.

REPLY SUBMISSIONS

Dated: 6 November 2025

MAY IT PLEASE THE COMMISSIONER:

1. These submissions are presented on behalf of the Nags Head Cow Hotel Limited (**Applicant**) in reply to issues raised at the hearing on 22 October 2025.

Matters Arising under the Resource Management Act 1991

2. There are two parts to this reply about issues arising under the Resource Management Act 1991 (**RMA**).

Effects

3. The first relates broadly to the assessment of potential effects and whether the application is contrary to the relevant objectives and policies in the relevant planning documents.
4. The submitters who appeared at the hearing all conceded that they do not now maintain any objection to the application based on the effects being unacceptable. It was also apparently conceded that the application is consistent with the relevant planning documents. At least there were no oral submissions to the contrary.
5. Therefore, the position remains as set out in the Applicant’s legal submissions presented at the hearing that there are no effects-based

reasons to decline consent, and nor are there any plan-based reasons to decline consent.

6. This position is based on a thorough expert analysis by experts engaged by the Applicant and the Council and is essentially uncontested.
7. The concession by submitters is appropriate. It is also well overdue and should have been made much earlier given that the expert support for the application from experts engaged by the Applicant and by the Council that has never been challenged.

Access

8. The second relates to the issue raised at the 11th hour about whether sufficient legal and physical access can be provided for the land to be subdivided (**Land**) in terms of s 106(1)(c) of the RMA.
9. The submitters argument under the RMA on this issue is still not entirely clear.
10. As explained many times now, *legal* access is provided to each allotment to be created by the application via the easements appurtenant to the Land to be subdivided. These are set out in the Title to that land (**Title**).
11. Critically:
 - a) The easement registered on that Title (C871824.10) has no restrictions to development of the Land.
 - b) The easement referred to by submitters (C871824.6) is NOT registered against that Title.
12. Therefore, and with respect, that is the end of this enquiry under the RMA as to whether legal access can be provided.
13. As to physical access the application is supported by engineering advice which confirms that physical access off Kerikeri Inlet Road to the Land can be provided. That advice has not been contradicted.
14. Again, therefore, that is the end of the enquiry under the RMA as to whether physical access can be provided.

Comments by Submitters

15. I am once again instructed to register serious concern about submissions that attack the integrity of the director of the Applicant and by experts appointed to assist by not addressing these “easement issues” in the application.
16. These submissions were based on a misconceived notion about what matters were relevant for determination under the RMA. This continued after legal advice was given about the true position. This matter was also relied on as part of a campaign to derail the hearing by seeking adjournment until the so called “dispute” was settled. Worse still the attacks eventually amounted to harassment of expert witnesses who received and had to consider emails about compliance with the code of conduct for expert witnesses.
17. This is all compounded by the fact that this attack was led by Mr and Mrs Taylor even though Mr Taylor has legal training. If Mr Taylor was admitted in New Zealand, this conduct would potentially form the basis of a complaint to the Law Society.
18. My client is substantively aggrieved at incurring additional legal expense in having to respond fully to these submissions, including having to address the misconceived argument under s 106 RMA that has no legal or factual basis.

Matters Arising under the Property Law Act 2007

19. As I understand the position, the legal basis for the submission that consent should be declined under s 106 RMA was that Easement .6 should¹ have been registered against the Title.
20. This was based on the analysis presented by Mr Malcolm.
21. However, quite apart from such a submission having no legal foundation, if it was to be pursued, it is an issue for resolution under the Property Law Act 2007 (PLA), not the RMA.
22. In terms of the RMA the evidence is:
 - a) That Easement .6 is not registered against the Applicant’s Title.
 - b) That Easement .6 is correctly registered against the Titles to Ms Houry’s and Mr Malcolm’s land.

¹ See paragraph 12 of the “legal” submissions for Ms Houry.

23. Even the submitters own “evidence”² (**Emails**) is that LINZ do not accept any mistake has been made with the registration of the relevant easements, or with the Applicant’s Title.
24. It is therefore submitted that even if there was jurisdiction to consider matters under the RMA, the argument that Easement .6 “should” be registered against the Title is bound to fail.
25. There is absolutely no merit or substance to any of the submissions made for the submitters on this easement issue. They were nothing more than a misconceived 11th hour challenge in complete disrespect for the process outlined by the commissioner, (including withholding Emails received at 2pm the day before the hearing until after the hearing commenced).
26. It has simply put the Applicant and the Council to unnecessary cost and unnecessarily lengthened the hearing.

Conclusion

27. It is therefore respectfully submitted that there is no legitimate bar to approving the application as sought.

DATED 6 November 2025



Alan Webb KC
Counsel for the Applicant

² Email correspondence with LINZ handed up at the Hearing.