

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 Form 9). 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):

- ☒ Land Use ☐ Discharge
☐ Fast Track Land Use* ☒ Change of Consent Notice (s.221(3))
☐ Subdivision ☐ Extension of time (s.125)
☐ Consent under National Environmental Standard
(e.g. Assessing and Managing Contaminants in Soil)
☐ Other (please specify) _____

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

3. Would you like to opt out of the fast track process?

☒ Yes ☐ No

4. Consultation

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

If yes, which groups have you consulted with?

Ngati Kuta Resource Management Unit

Who else have you consulted with?

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

5. Applicant details

Name/s:

Joseph E. Kasputys + Vicki S. Van Meter

Email:

[Redacted]

Phone number:

Work: [Redacted] Home: [Redacted]

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

1230 N. Ocean Blvd
Palm Beach, FL 33480
U.S.A.
Postcode 245

Have you been the subject of abatement notices, enforcement orders, infringement notices and/or convictions under the Resource Management Act 1991? ☐ Yes ☒ No

If yes, please provide details.

6. Address for correspondence

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

Name/s:

Lynley Newport

Email:

[Redacted]

Phone number:

Work: [Redacted] Home: [Redacted]

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

P O Box 372
KERIKERI
Postcode 245

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

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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:

Joseph Kasputys and Vicki Van Meter

Property address/
location:

as per Item 5
Postcode

8. Application site details

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

Name/s:

Joseph Kasputys and Vicki Van Mater

Site address/
location:

285 Manawalora Road, Parekura Bay

Lot 12

Postcode

Legal description:

Lot 12 DP 981213

Val Number:

Certificate of title:

371332

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

Site visit requirements:

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

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

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

Please contact agent and property manager, Hamish Lewis, prior to any site visit. Hamish can be contacted via email at Hamish@omahono.co.nz. He will arrange access.

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.

Construction of a new dwelling, guest wing/caretakers' accommodation and swimming pool in the General Coastal Zone and within Outstanding Landscape; changes to Consent Notice 7907807.2 pursuant to s221(3) of the Act.

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 Enter BC ref # here (if known)

☐ Regional Council Consent (ref # if known) Ref # here (if known)

☐ National Environmental Standard Consent Consent here (if known)

☐ Other (please specify) Specify 'other' here

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

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

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

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

☐ Subdividing land

☒ Disturbing, removing or sampling soil

☒ Changing the use of a piece of land

☐ Removing or replacing a fuel storage system

13. Assessment of environmental effects:

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

Your AEE is attached to this application ☒ Yes

14. Draft conditions:

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

If yes, please be advised that the timeframe will be suspended for 5 working days as per s107G of the RMA to enable consideration for the draft conditions.

15. 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)

Joseph E. Kasputys + Vicki S. Van Meter

Email:

Phone number:

Work:

Home:

Postal address:

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

1230 N. Ocean Blvd

Palm Beach, FL 33480

U.S.A

Postcode

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.

15. Billing details continued...

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)

Joseph E. Kasputis + Vicki S. Van Meter

Signature:

(signature of bill payer)

Date Oct 24, 2025

ATORY

16. Important Information:

Note to applicant

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

You may apply for 2 or more resource consents that are needed for the same activity on the same form.

You must pay the charge payable to the consent authority for the resource consent application under the Resource Management Act 1991.

Fast-track application

Under the fast-track resource consent process, notice of the decision must be given within 10 working days after the date the application was first lodged with the authority, unless the applicant opts out of that process at the time of lodgement.

A fast-track application may cease to be a fast-track application under section 87AAC(2) of the RMA.

Privacy Information:

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

17. Declaration

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

Name (please write in full)

Joseph E. Kasputis + Vicki S. Van Meter

Signature

Date Oct 24, 2025

See overleaf for a checklist of your information...

Checklist

Please tick if information is provided

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

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



Our Reference: 10804.1 (FNDC)

28 October 2025

Resource Consents Department
Far North District Council
JB Centre
KERIKERI

Dear Sir/Madam

RE: Proposed New Dwelling at Lot 12, Manawaora Road, Russell – Kasputys and Van Mater

I am pleased to submit application on behalf of J Kasputys and V Van Mater, for a proposed dwelling, guest wing/caretaker's accommodation and swimming pool on land within the Omarino subdivision (Lot 12), zoned General Coastal under the Operative District Plan. The application is a no complying activity due to the inclusion of the caretaker's accommodation being regarded as a second residential unit. This breaches the General Coastal zone's Residential Intensity rule. However, the consent notice applying to the lot provides for dwelling and caretaker's accommodation. In all other aspects, the application is a discretionary activity. As well as land use consent, this application includes changes to two consent notice clauses as they relate to the lot.

The application fee of \$3,889 has been paid separately via direct credit.

Regards

Lynley Newport
Senior Planner
THOMSON SURVEY LTD

Kasputys & Van Mater

**CONSTRUCTION OF A NEW DWELLING,
GUEST WING/CARETAKERS' ACCOMMODATION,
& SWIMMING POOL**

**Land Use Consent and
Changes to Consent Notice (221(3))**

Lot 12, Manawaora Road, RUSSELL

**PLANNER'S REPORT &
ASSESSMENT OF ENVIRONMENTAL EFFECTS**



**Thomson Survey Ltd
Kerikeri**

Drone footage provided by Bossley Architects

1.0 INTRODUCTION

1.1 The Proposal

The applicants plan to construct a new dwelling for themselves and extended family, on Lot 12 of the Omarino subdivision at Manawaora Road. The proposed buildings will all be on the north facing portion of the application site, located within an existing cleared grass/lawn area.

The building project involves the buildings being in two separate wings to ensure they fit well in the landscape and to minimise potential visual impact. The main Wing 1 will contain the main living and bedroom wing, and garaging. Wing 2 will accommodate guest bedrooms and a possible caretaker suite, and gymnasium.

Wing 1 is to be excavated well into the existing contours, to reduce visibility from the sea to the north. "It will be predominantly hidden from view from the sea by the dense existing planting on the north of the house and the house roof will be protected from interrupting the ridgeline by the tall existing vegetation on the ridge to the south" (*quote from Architect's Description – refer Appendix 2*).

Wing 2 will be nestled well into the slope so as not be visible from the sea. It is proposed to have a green roof to further blend with the landscape.

It is proposed that the third bedroom be of flexible use, either as a guest suite or as a possible caretakers' accommodation, depending on the applicant's requirements. For the purposes of this planner's report/AEE it has been included as a second "residential unit".

The pool area is below Wing 1. The long north face of the pool is proposed to be a waterfall edge with overflow channel.

Exterior building materials consist of combinations of a selected palette of materials. They have been chosen to blend into the site background.

It is proposed to collect roof runoff for potable use. Runoff from the green roof will be collected for irrigation purposes and be stored in tanks separate from the potable water tanks. In addition separate fire fighting water supply tanks are proposed.

A proprietary wastewater treatment system will be installed near the bush line below the house, with a dispersal area accommodating trickle irrigation through existing vegetation.

The new driveway and forecourt will be concrete to match the existing access road to the site.

Lot 12 DP 391213 (the application site) shows a surveyed area AI, denoting the curtilage area within Lot 12 able to be cleared and not subject to re-vegetation requirements. Area AI includes a significant amount of vegetation. Within the area AI on the survey plan, there is a smaller (subset) buildable area defined in the Omarino Management Plan (but not to any survey accuracy). This buildable area incorporates some mature vegetation within the overall area AI. The boundaries of curtilage area AI; existing buildable area as depicted in the Management Plan; and proposed new buildable area, are shown on the architectural plans and drawings in Appendix 1 and also in the Landscape Visual Effects Assessment (LVEA) in Appendix 4. Part of this application is to shift the buildable area upslope. This will avoid any need to clear indigenous vegetation. The new buildable area will be of similar size (m²) to the existing.

The proposed development easily fits within the actual cleared grass area. The applicants seek consent to build outside the buildable area. This will **require changes to the Consent Notice registered on the title.**

In addition, it is proposed to exceed the maximum height above ground specified in the Consent Notice. **This too will require a change to consent notice clause(s).**

The site is in the General Coastal Zone and within an Outstanding Landscape. **Resource Consent is required for a number of rule breaches, both zone and district wide rules.** These are discussed in more detail later in this report. As stated above, **consent is also being sought pursuant to section 221(3) of the Act for changes to the existing Consent Notice (7907807.2)** attached to the title.

A set of plans is attached in Appendix 1 with an Architects Description in Appendix 2. A location map is attached as Appendix 3.

1.2 Scope of this Report

This assessment and report accompanies the Resource Consent Application, and is provided in accordance with Section 88 and Schedule 4 of the Resource Management Act 1991. The application seeks consent under the Operative District Plan, as a non complying activity, and consent pursuant to s221(3) as a discretionary activity.

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

This planning report & AEE is supported by:

- Architectural & site plans;
- Architect's Description;
- Landscape and Visual Effects Assessment;
- Geotechnical Report & Drawings;

- Consultation with Fire & Emergency NZ;
- Consultation with iwi; and
- Design Review and Approval

1.3 Schedule 4 – Information Required in an Application

Clauses 2 & 3: Information required in all applications

<i>(1) An application for a resource consent for an activity must include the following:</i>	
<i>(a) a description of the activity:</i>	Refer Sections 1 & 4 of this Planning Report.
<i>(b) an assessment of the actual or potential effect on the environment of the activity:</i>	Refer to Sections 6 & 7 of this Planning Report.
<i>(b) a description of the site at which the activity is to occur:</i>	Refer to Section 3 of this Planning Report.
<i>(c) the full name and address of each owner or occupier of the site:</i>	This information is contained in the Form 9 attached to the application.
<i>(d) a description of any other activities that are part of the proposal to which the application relates:</i>	The application is for land use and for changes to consent notice conditions pursuant to s221(3) of the Act.
<i>(e) a description of any other resource consents required for the proposal to which the application relates:</i>	None required.
<i>(f) an assessment of the activity against the matters set out in Part 2:</i>	Refer to Section 7 of this Planning Report.
<i>(g) an assessment of the activity against any relevant provisions of a document referred to in section 104(1)(b), including matters in Clause (2):</i> <i>(a) any relevant objectives, policies, or rules in a document; and</i> <i>(b) any relevant requirements, conditions, or permissions in any rules in a document; and</i> <i>(c) any other relevant requirements in a document (for example, in a national environmental standard or other regulations).</i>	Refer to Sections 6 & 7 of this Planning Report.
<i>(3) An application must also include any of the following that apply:</i>	

(a) if any permitted activity is part of the proposal to which the application relates, a description of the permitted activity that demonstrates that it complies with the requirements, conditions, and permissions for the permitted activity (so that a resource consent is not required for that activity under section 87A(1)): (b) if the application is affected by section 124 or 165ZH(1)(c) (which relate to existing resource consents), an assessment of the value of the investment of the existing consent holder (for the purposes of section 104(2A)): (c) if the activity is to occur in an area within the scope of a planning document prepared by a customary marine title group under section 85 of the Marine and Coastal Area (Takutai Moana) Act 2011, an assessment of the activity against any resource management matters set out in that planning document (for the purposes of section 104(2B)).	Refer to section 5. Not applicable. The site is not within an area subject to a customary marine title group. Not applicable.
(4) An application for a subdivision consent must also include information that adequately defines the following:	
(a) the position of all new boundaries: (b) the areas of all new allotments, unless the subdivision involves a cross lease, company lease, or unit plan: (c) the locations and areas of new reserves to be created, including any esplanade reserves and esplanade strips: (d) the locations and areas of any existing esplanade reserves, esplanade strips, and access strips: (e) the locations and areas of any part of the bed of a river or lake to be vested in a territorial authority under section 237A: (f) the locations and areas of any land within the coastal marine area (which is to become part of the common marine and coastal area under section 237A): (g) the locations and areas of land to be set aside as new roads.	N/A

Clause 6: Information required in assessment of environmental effects

(1) An assessment of the activity's effects on the environment must include the following information:

<i>(a) if it is likely that the activity will result in any significant adverse effect on the environment, a description of any possible alternative locations or methods for undertaking the activity:</i>	Refer to Section 6 of this planning report. The activity will not result in any significant adverse effect on the environment.
<i>(b) an assessment of the actual or potential effect on the environment of the activity:</i>	Refer to Section 6 of this planning report.
<i>(c) if the activity includes the use of hazardous installations, an assessment of any risks to the environment that are likely to arise from such use:</i>	Not applicable as the application does not involve hazardous installations.
<i>(d) if the activity includes the discharge of any contaminant, a description of— (i) the nature of the discharge and the sensitivity of the receiving environment to adverse effects; and (ii) any possible alternative methods of discharge, including discharge into any other receiving environment:</i>	The proposal does not involve any discharge of contaminant.
<i>(e) a description of the mitigation measures (including safeguards and contingency plans where relevant) to be undertaken to help prevent or reduce the actual or potential effect:</i>	Refer to Section 6 of this planning report.
<i>(f) identification of the persons affected by the activity, any consultation undertaken, and any response to the views of any person consulted:</i>	Refer to Section 8 of this planning report. No affected persons have been identified.
<i>(g) if the scale and significance of the activity's effects are such that monitoring is required, a description of how and by whom the effects will be monitored if the activity is approved:</i>	No monitoring is required as the scale and significance of the effects do not warrant it.
<i>(h) if the activity will, or is likely to, have adverse effects that are more than minor on the exercise of a protected customary right, a description of possible alternative locations or methods for the exercise of the activity (unless written approval for the activity is given by the protected customary rights group).</i>	No protected customary right is affected.

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

<i>(1) An assessment of the activity's effects on the environment must address the following matters:</i>	
<i>(a) any effect on those in the neighbourhood and, where relevant, the wider community, including any social, economic, or cultural effects:</i>	Refer to Sections 6 and 8 of this planning report.
<i>(b) any physical effect on the locality, including any landscape and visual effects:</i>	Refer to Section 6. The Landscape Visual Effects Assessment concludes the future development on Lot 12 will have a low level of impact upon the overall pattern of the landscape and that the development is sensitive to the coastal environment.
<i>(c) any effect on ecosystems, including effects on plants or animals and any physical disturbance of habitats in the vicinity:</i>	Refer to Section 6. It is proposed to develop within an already cleared area on the lot with minimal, if any, adverse impact on plants or animals.
<i>(d) any effect on natural and physical resources having aesthetic, recreational, scientific, historical, spiritual, or cultural value, or other special value, for present or future generations:</i>	Refer to Section 6. The site has no aesthetic or scientific values that I am aware of, that will be adversely affected by the proposal. There are no archaeological sites in the vicinity of any proposed works.
<i>(e) any discharge of contaminants into the environment, including any unreasonable emission of noise, and options for the treatment and disposal of contaminants:</i>	The proposal will not result in the discharge of contaminants, nor any unreasonable emission of noise.
<i>(f) any risk to the neighbourhood, the wider community, or the environment through natural hazards or hazardous installations.</i>	The development site is not subject to hazard. The proposal does not involve hazardous installations.

2.0 PROPERTY DETAILS

Location:	Lot 12 Manawaora Road, accessed via 285 Manawaora Road, Russell – refer Appendix 3 for Location Map
Legal description:	Lot 12 DP 391213 with a 1/17 th share of Lot 18 DP 391213, contained in Record of Title 371332, dated August 2008. A copy of the Record of Title is attached in Appendix 11, along with relevant legal interests

3.0 SITE DESCRIPTION**3.1 Physical characteristics**

The site is accessed off Manawaora Road and then into the Omarino Management Plan subdivision entrance via a gateway entrance controlled by an entrance code. The site has

both a north and south facing portion, with the private accessway serving the site, running along the dividing ridge line. The proposed development is all proposed for the north facing slope with the exception of water tanks, which will be on the south facing portion. The entire slope is vegetated except for the area where the tanks are located.

The north facing slope is also vegetated except for a cleared lawn area described earlier. The site does not have a beach frontage. Its northern boundary is with another access track and another of the Omarino lots.

Refer to supporting technical reports for further site descriptions and photographs.

3.2 Mapped features relevant to the site

The site is zoned General Coastal in the Operative District Plan (ODP) and zoned Rural Production with Coastal Environment Overlay in the Proposed District Plan (PDP). The site is identified as Outstanding Landscape in the ODP and has an Outstanding Natural Landscape overlay in the area of the proposed development mapped in the PDP. There is also an area of High Natural Character on the south facing portion of the site, but this is an area outside of any development works.

The site is within the 'coastal environment' as identified in the Regional Policy Statement for Northland (RPS). The RPS identifies the site has being within an area of outstanding natural landscape. The RPS also identifies the area of high natural character.

The NRC's on-line map's Biodiversity Wetlands layer does not identify any biodiversity wetlands on the application site.

The site is not mapped as being subject to any coastal erosion or flooding hazard.

The site is identified on the FNDC's Far North Maps, Species Distribution layer, as being within a 'kiwi present' area, with the nearest area of 'kiwi concentration' 3.5km away, across water. (Far North Maps).

The FNDC's Far North Maps, Historic Sites layer and the NZAA database maps do not identify any recorded archaeological sites within the application site's boundaries.

The site is not within any Treaty Settlement Statutory Acknowledgement Area (Source: NRC on-line maps, Treaty Settlement layer).

3.3 Legal Interests

The title has a number of legal interests relevant to the proposed development.

Instrument	Purpose
7907807.2	Consent Notice imposed by Council as part of the original subdivision

8828538.1	Variation to the above Consent Notice (none of the variation directly relevant to the application site)
7907807.4	Easement in Gross to convey telecommunications in favour of what was at that time Telecom NZ (now Chorus)
7907807.5	Easement in Gross to convey electricity in favour of Top Energy
7907807.8	Easement for walkway and riding rights
7907802.9	Easement for right of way and right to convey electricity, telecoms and computer media
7907807.10	Easement for the right to convey water and electricity
7907807.12	Inspection and Maintenance easement in gross in favour of the Omarino Residents Association
7907807.13	Encumbrance to Omarino Residents Association
7907807.14	Lease agreement relating to Omarino Residents Association

In addition to the above instruments, the application property has appurtenant rights in relation to the use of Omarino's common facilities, including walking and riding rights; as well as appurtenant ROW, services, water conveyance and electricity.

There is also a private Land Covenant (7907807.7) registered on the title in 2008; and another privately imposed Covenant (8152730.2) registered in 2009.

3.4 Consent History

There are a host of consents relating to the Omarino development (originally Bentzen Farms), only some of which are directly relevant to the application site. The site was one of 21 lots created by RC 2050323 and associated Environment Court Consent Order 20041055. There was a subsequent variation to RC 2050323 in 2007 which altered some boundaries, but did not impact on the application site (RC 2070967-RMAVAR). Another variation was consented by RC 2080375-RMAVAR in March 2008 which I believe amended some components of the Management Plan – now referred to as the Omarino Management Plan (September 2007).

RC 2050323 created 17 separate titles plus one shared access and facilities lot – of which the application site owns a 1/17th share.

There are other consents related to road construction and retaining walls elsewhere but not specifically involving Lot 12.

It is useful to note that there have been previous instances whereby the Council has granted variations for development on some of the other lots, where that development has deviated from strict compliance with the Management Plan and Consent Notices. One such variation (RC 2110147) was issued in 2010 to allow the construction of water tanks and access track on Lot 2, outside the defined building and curtilage areas and another (RC 2130275) to allow construction of a caretaker's residence outside of the curtilage area, in excess of 5m in height and in breach of the zone's residential intensity rule. One of the resulting variations to the consent notice is included in Appendix 11 (Instrument 8828538.1). Another property, Lot 6, was granted consent to deviate from being entirely within a curtilage area and for vegetation clearance.

The original consent notice reflected two exceptions to compliance with the management plan's requirements in regard to reflectivity before being registered on new titles created in the subdivision – refer clause 32 of Consent Notice 7907807.2 to give effect to variations 2070967 & 2080375.

There is no built environment within the application site and therefore no relevant building consent history.

3.5 Management Plan

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

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

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

Many of the Management Plan requirements, including Design Guideline and Landscape aspects, are repeated in Consent Notices and Covenants registered on the affected titles. The re-vegetation programme of previously cleared areas, along with the pest animal / predator and weed control programmes, were required to be implemented by the ORAI. Maintaining the re-vegetated areas became the responsibility of individual lot owners.

Relevant excerpts of the Management Plan (pertinent to Lot 12) are attached in Appendix 9.

Archaeological sites were identified and subject to ongoing protection. Maori cultural values are to be recognised and respected on an ongoing basis. The Archaeological Assessment by Clough and Associates 2004, referred to in the Consent Notice, is attached in Appendix 10.

Architectural Guidelines form Part 2 of the Management Plan. There are 17 house sites within the management plan, with the application site categorised as a "ridge" site.

For these sites, the Design Guidelines suggest the sites lend themselves to building designs which 'recede and integrate into the environment'. Single level or split level buildings with a maximum rolling height of 5m relative to original ground level are suggested. The Guidelines state that "height variation may be permitted on a case-by-case basis but not greater than District Plan controls". Form and materials are suggested to be varied, with forms that accentuate the horizontal, identifying a connection with the ground, seen as appropriate.

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

An Architect's Description is provided in Appendix 2 which I believe demonstrates that the design has taken into account all of the matters discussed in the preceding paragraphs in regard to design elements.

The Management Plan contains guidelines not rules, so it is important to note that slight deviation from guidelines does not, in itself, result in non compliance with the Management Plan. I believe it sufficient to be guided by, and be generally consistent with the design and landscape guidelines in the Management Plan.

The Management Plan also contains comprehensive Landscaping and Planting Guidelines, all of which have been and will be adhered to both for this resource consent and for any building consent application requirements. A Landscape Visual Effects Assessment (LVEA) is provided in Appendix 4. Because no indigenous vegetation is proposed, it has not been considered necessary to commission any Ecological Assessment Report.

In summary I consider the proposal to be generally consistent with, and to adhere to the Management Plan. However, there are consent notice clauses giving effect to some of the Management Plan that the proposal is not in compliance with. These are addressed later in this report.

4.0 THE PROPOSAL IN DETAIL

The building site on Lot 12 is located on the north facing slope adjacent to the ridgeline accessway. The buildings and associated activities will be located entirely within the existing grassed area (other than water tanks as referred to earlier).

An Architect's Description is provided in Appendix 2 in support of the plans in Appendix 1. The applicants propose to construct a new dwelling, with a separate wing containing guest quarters and gymnasium, and caretaker's accommodation. A swimming pool is proposed to be in front of, and below, the main dwelling.

Total site coverage within Lot 12 is less than 10%.

All buildings are low, single storey structures, sunk into the ground to varying degree in order to reduce visual impact. Scale, form, roof lines, walls/screens/fences; materials and colour are all consistent with the Management Plan's Design Guidelines for "ridge" sites.

There is an overall strong theme of incorporating nature into the design and liveability of the site. The applicants have named their development "*Awhi Atu – Embrace me and I will embrace you*".

The buildings are single storey, with the guest quarters (Wing 2) having a "green" roof. The main house is proposed to be 5.5m above ground level, which is higher than the 4m maximum height specified in the consent notice, but under the zone's permitted activity threshold.

The built form is to be set down from the skyline and cut into the hillside. There will be both foreground and background vegetation. Roof form and type is proposed to be varied, but all monopitch in basic form, and less than 10 degree pitch, with the horizontal accentuated as opposed to vertical.

Large overhangs are proposed to create shadow and recess effects.

Materials that will weather well have been chosen, utilising stained weather boards and natural stone. There will be limited areas of bright colour.

The pool is designed to minimise the area of fencing and to comply with the Pool Fencing Act. Water tanks are proposed to be concealed from view.

All buildings and impermeable surfaces, and all components of the on-site wastewater treatment disposal system are more than 30m from the line of MHWS. There are no recorded archaeological sites from which to provide a setback.

The driveway into the site will come directly off the existing right of way access to the south of the building area. Driveways, manoeuvring and paving areas are proposed to be in similar coloured concrete aggregate to that of the access road.

Whilst located with the grassed lawn area, the building is not entirely within the defined buildable area depicted in the Management Plan as it applies to Lot 12. If placed entirely within that defined envelope, a substantive amount of indigenous vegetation clearance would be required (and justified), and this is something that the applicant would prefer to avoid.

Roof areas of proposed buildings and other impermeable surfaces, are as follows:

Main wing GFA:	563m ²
Guest House / Gymnasium GFA:	135m ²
Caretaker's accommodation GFA:	93m ²
Swimming pool area:	80m ²
Courtyard area:	76m ²
Access and forecourt (estimated):	228 + 860 = 1088m ²

Total Impermeable Surface Lot 12: 2,035m²
(this represents <3% of Lot 12's total area of 71,150m²)

Excavation / fill (bulk earthworks) volumes are estimated as follows:

Cut volume:	3,243m ³
Fill volume:	222m ³
Total:	3,465m ³

Area of cut:	1,812m ²
Area of fill:	412m ²

The higher/deeper cuts will be retained behind engineered retaining walls. Other lower cuts will be sloped and utilise rocks/boulders. An Erosion and Sediment Control Plan is provided in the Geotechnical Report drawings in Appendix 5.

The residential components of the development will be within the 20m separation distance between 'residential units' and the drip line of an area of scrubland/shrubland required by the District Plan.

Buildings are all more than 10m from property boundaries.

The proposal includes the installation of a wastewater system. This has been designed in compliance with the permitted activity standards in the Regional Plan for Northland.

5.0 COMPLIANCE ASSESSMENT

5.1 Operative District Plan

The property is zoned General Coastal in the Far North District Plan and has an Outstanding Landscape overlay. As such the proposal is subject to rules in both Chapter 10.6 and Chapter 12.1 of the Operative District Plan. Other relevant chapters include Chapter 12.4 because of potential fire risk to a residential unit (proximity of bush/shrubland to a dwelling). The assessment below also includes an assessment for compliance with rules in Chapter 12.7 relating to setback from waterbodies. Any rows with 'buff' colouring represent identified breaches.

I have not considered it necessary to assess the proposal against rules in Chapter 15.1 Traffic, Parking and Access. This is because the site is one of several created in a comprehensive development that incorporated internal private roads, formed to the standard required by the original consent. There is no need to re-visit access to the site. In regard traffic intensity, there is no breach of the permitted standard given that the use of the site is to be residential.

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

GENERAL COASTAL ZONE RULES:		
Permitted Standards	Comment	Compliance Assessment
10.6.5.1.1 VISUAL AMENITY The following are permitted activities in the General Coastal Zone: (a) any new building(s) not for human habitation provided that the gross floor area of any new building permitted under this rule, does not exceed 50m² or for human habitation provided that the gross floor area does not exceed 25m² ; and (b) the exterior is coloured within the BS5252 standard colour palette range with a reflectance value of 30% or less or are constructed of natural materials which fall within this range; or (c) any alteration/addition to an existing building or (d) renovation or maintenance of any building.	Part (a) cannot be complied with. Part (b) can be complied with. The proposal does not involve additions/alterations to existing buildings and does not involve renovation or maintenance. Therefore parts (c) and (d) are not relevant.	Cannot comply with part (a).
10.6.5.1.2 RESIDENTIAL INTENSITY Residential development shall be limited to one unit per 20ha of land. In all cases the land shall be developed in such a way that each unit shall have at least 3,000m² for its exclusive use surrounding the unit plus a minimum of 19.7ha elsewhere on the property. Except that this rule shall not limit the use of an existing site or a site created pursuant to Rule 13.7.2.1 (Table 13.7.2.1) for a single residential unit for a single household.	The proposal includes a 93m² area in Wing 2 that can either be guest quarters, or be caretaker's accommodation. This flexibility is intentional – to meet the applicants' future needs. Technically, the potential caretakers' accommodation is a 'residential unit'. This would make a total of two residential units overall. The consent notice (and Management Plan) provide for one main residential unit and one caretaker's residence, amongst other things. Equally, the	Cannot comply.

	Management Plan is clear in stating that this level of development is an acceptable outcome on the lots. The restriction on (and allowance for) built development cannot, however, be interpreted as explicit consent for two residential units per lot, and the proposal breaches Rule 10.6.5.1.2.	
<u>10.6.5.1.3 SCALE OF ACTIVITIES</u>	The activity involves residential or residential type use.	N/A
<u>10.6.5.1.4 BUILDING HEIGHT</u> The maximum height of any building shall be 8m.	Both buildings are less than 8m above ground level using rolling height method.	Permitted.
<u>10.6.5.1.5 SUNLIGHT</u> 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	Buildings are all over 10m from boundaries and less than 8m in height.	Permitted.
<u>10.6.5.1.6 STORMWATER MANAGEMENT</u> The maximum proportion of the gross site area covered by buildings and other impermeable surfaces shall be 10%.	Estimated total impermeable surface coverage is <3% of Lot 12's total site area.	Permitted.
<u>10.6.5.1.7 SETBACK FROM BOUNDARIES</u> (a) no building shall be erected within 10m of any site boundary, except that on any site with an area of less than 5,000m ² , this setback shall be 3m from any site boundary; (b) no building for residential purposes shall be erected closer than 100m from the boundary of the Minerals Zone.	The buildings are more than 10m from any site boundary.	Permitted.
<u>10.6.5.1.9 KEEPING OF ANIMALS</u>	N/A – the proposal does not involve the keeping of animals.	N/A
<u>10.6.5.1.10 NOISE</u> All activities shall be so conducted as to ensure that noise from the site shall not exceed the following noise limits at or within the boundary of any other site in this zone, or at any site zoned Residential, Russell Township or Coastal Residential, or at or within the notional boundary of any dwelling in any other rural or	Residential activity. Not expected to breach any noise rule requirements.	Permitted

coastal zone: 0700 to 2200 hours 55 dBA L10 2200 to 0700 hours 45 dBA L10 and 70 dBA Lmax		
10.6.5.1.11 HELICOPTER LANDING AREA A helicopter landing area shall be at least 200m from the nearest boundary of any of the Residential, Coastal Residential, Russell Township or Point Veronica Zones.	No helicopter landing area proposed in this application.	N/A
Controlled Activity Standards		
10.6.5.2.2 VISUAL AMENITY Any new building(s) or alteration/additions to an existing building that does not meet the permitted activity standards in Rule 10.6.5.1.1 are a controlled activity where the new building or building alteration/addition is located entirely within a building envelope that has been approved under a resource consent.	The proposed buildings are partially outside the defined buildable area approved under a resource consent.	Cannot comply
Restricted Discretionary Activity Standards		
10.6.5.3.1 VISUAL AMENITY The following are restricted discretionary activities in the General Coastal Zone: (a) any new building(s); or (b) alteration/addition to an existing building that do not meet the permitted activity standards in Rule 10.6.5.1.1 where the new building or building alteration/addition is located partially or entirely outside a building envelope that has been approved under a resource consent.		The proposal can meet 10.6.5.3.1
Discretionary Activity Standards		
10.6.5.4.1 RESIDENTIAL INTENSITY Residential development shall be limited to one unit per 6ha of land. In all cases the land shall be developed in such a way that each unit shall have at least 2,000m ² for its exclusive	See above comment under the permitted activity Residential Intensity rule.	Cannot comply. Results in non complying activity status.

use surrounding the unit, plus a minimum of 5.8ha elsewhere on the property		
DISTRICT WIDE RULES		
Landscape & Natural Features		
<u>12.1.6.1.2 INDIGENOUS VEGETATION CLEARANCE IN OUTSTANDING LANDSCAPES</u>	No clearance of indigenous vegetation is proposed	Permitted.
<u>12.1.6.1.4 EXCAVATION AND/OR FILLING WITHIN AN OUTSTANDING LANDSCAPE</u> Excavation and/or filling on any site within an Outstanding Landscape as shown on the Resource Maps, is permitted provided that: (a) it does not exceed 300m ³ in any 12 month period per site; and (b) it does not involve a cut and/or filled face exceeding 1.5m in height i.e. the maximum permitted cut and/or fill height may be 3m; and (c) any cut or fill areas that will be visible from a viewing point on a public road, public reserve, coastal marine area or the foreshore shall be stabilised using mulch, hydroseeding, or other rapid effective stabilisation technique. All other cut and fill areas will be revegetated as soon as practicable in the spring or autumn immediately following construction.	Estimated total volume of cut and fill is 3,365m ³ . In addition there may be cut/fill faces behind engineer designed retaining walls, that exceed 3m.	Cannot comply The equivalent Restricted Discretionary Rule 12.1.6.2.2 provides for anything more than 300m ³ earthworks volumes, still limits the maximum of any cut/fill face height to 1.5m. 12.1.6.2.2 cannot therefore be complied with. Discretionary activity status results.
<u>12.1.6.1.5 BUILDINGS WITHIN OUTSTANDING LANDSCAPES</u> The following are permitted activities in an Outstanding Landscape, as shown on the Resource Maps: (a) where the zoning of the building platform is General Coastal any new building(s) not for human habitation provided that the gross floor area of any new building or buildings permitted under this rule, does not exceed 25m ² ; and; (b) where that building will be visible from a viewing point on a public road, public reserve,	Part (a) cannot be complied with; Part (b) can be complied with. The proposal does not involve additions/alterations to existing buildings and the site is zoned General Coastal. Therefore parts (c), (d) and (e) are not relevant.	Cannot comply part (a) of Rule 12.1.6.2.1. The proposal can comply with restricted discretionary activity Rule 12.1.6.2.1.

coastal marine area or the foreshore that is within 500m of that building, the exterior is coloured within the BS5252 standard colour palette range with a reflectance value of 30% or less or is constructed of natural materials which fall within this range; or (c) any alteration/addition to an existing building [not relevant] (d) where the building site is not in the General Coastal Zone ... [not relevant] (e) where the building site is not in the General Coastal Zone ... [not relevant]		
Indigenous Flora and Fauna		
<u>12.2.6.1.3 INDIGENOUS VEGETATION CLEARANCE IN THE GENERAL COASTAL ZONE</u> The clearance of indigenous vegetation is a permitted activity in the General Coastal Zone, provided that: (	No clearance of indigenous vegetation is proposed.	Permitted.
Soils and Minerals		
<u>12.3.6.1.2 EXCAVATION AND/OR FILLING, INCLUDING OBTAINING ROADING MATERIAL BUT EXCLUDING MINING AND QUARRYING, IN THE GENERAL COASTAL ZONES</u> Excavation and/or filling, excluding mining and quarrying, on any site in the, General Coastal Zones is permitted, provided that: (a) it does not exceed 300m³ in any 12 month period per site; and (b) it does not involve a cut or filled face exceeding 1.5m in height i.e. the maximum permitted cut and fill height may be 3m.	Refer to volumes and cut/fill face heights earlier in this table.	Cannot comply. The equivalent restricted discretionary Rule 12.3.6.2.1 allows for up to 2000m³ excavation/filling and retains the same restriction in regard to the height of any cut/fill face as the permitted standard. 12.3.6.2.1 cannot be complied with. Discretionary activity status results.
Natural Hazards		
<u>12.4.6.1.2 FIRE RISK TO RESIDENTIAL UNITS</u> (a) Residential units shall be located at least 20m away from the drip line of any trees in a naturally occurring or deliberately planted area of scrub or shrubland, woodlot or forest;	Both the main and secondary wings are setback less than 20m from the dripline of the nearby vegetation. The bedroom space in the main wing will be 10m from the dripline, but with intervening garden wall/fencing and paved area; the guest wing,	Cannot comply

(b) Any trees in a deliberately planted woodlot or forest [not relevant]	containing bedrooms will be between 6-10m from the dripline at the other side of the grassed area.	
Lakes, Rivers, Wetlands & the Coastline		
12.7.6.1.1 SETBACK FROM LAKES, RIVERS AND THE COASTAL MARINE AREA Any building and any impermeable surface must be set back from the boundary of any lake (where a lake bed has an area of 8ha or more), river (where the average width of the riverbed is 3m or more) or the boundary of the coastal marine area , except that this rule does not apply to man-made private water bodies other than the Manuwai and Waingaro Reservoirs. The setback shall be: (a) a minimum of 30m in the Rural Production, Waimate North, Rural Living, Minerals, Recreational Activities, Conservation, General Coastal, South Kerikeri Inlet and Coastal Living Zones; (b) a minimum of 26m in the Residential, Coastal Residential and Russell Township Zones; (c) a minimum of 20m in the Commercial and Industrial Zones.	All buildings and other impermeable surfaces will be more than 30m from the coastal marine boundary.	Permitted.

Summary of rule breaches pursuant to the Operative District Plan:Zone Rules:

10.6.5.1.1 (permitted) and 10.6.5.2.2 (controlled) Visual Amenity rules; and
10.6.5.1.2 (permitted) and 10.6.5.4.1 (discretionary) Residential Intensity rules.

District Wide Rules:

12.1.6.1.4 (permitted) and 12.1.6.2.2 (restricted discretionary) Excavation/Filling in an Outstanding Landscape;
12.1.6.1.5 (permitted) Buildings in an Outstanding Landscape;
12.3.6.1.2 (permitted) and 12.3.6.2.1 (restricted discretionary) Excavation/Filling in the General Coastal Zone; and
12.4.6.1.2 (permitted) Fire Risk to Residential Unit.

The breach of Rule 10.6.5.4.1 (residential intensity) results in the application being a **non complying activity** under the Operative District Plan.

5.2 Proposed District Plan

The FNDC publicly notified its PDP on 27th July 2022. Immediate regard has to be had to objectives and policies in the PDP relevant to any proposed activity and there are some rules in the PDP that were given immediate legal effect to at time of notification.

Rules identified by the Council as having legal effect include:

Rules HS-R2, R5, R6 and R9 in regard to hazardous substances on scheduled sites or areas of significance to Maori, significant natural areas or a scheduled heritage resource. As the application site and proposal does not involve hazardous substances, these rules are not relevant to the proposal.

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

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

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

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

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

These rules set various thresholds for clearance. As none is proposed or required, these rules are not relevant.

Subdivision (specific parts) – N/A as the proposal is not a subdivision.

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

Earthworks – Only some rules and standards have legal effect. These are Rules EW-R12 and R13 and related standards EW-S3 and ES-S5 respectively. EW-R12 and associated EW-S3 relate to the requirement to abide by Accidental Discovery Protocol if carrying out earthworks any artefacts are discovered. This requirement can be met and is a requirement under heritage legislation in any event. EW-13 and associated EW-S5 relate to ensuring Erosion and Sediment Control measures are in place during earthworks. They cite compliance with GD05. This will likely be a requirement of any consent issued. Both requirements are offered as conditions of consent.

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

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

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

5.3 Consent Notice 7907807.2

This consent notice has been varied by 8828538.1. Both the original and varied versions are attached as part of Appendix 11. The variation has relevance only insofar as it establishes a precedent of sorts. It does not directly affect Lot 12.

The Consent Notice has a total 37 clauses, not all of which relate to or affect the application site which is Lot 12. An assessment of the proposal against those clauses that are relevant follows:

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

Proposal is not a subdivision. Complies.

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

The proposed maximum rolling height above ground level is 5.5m. This clause will therefore require amending as it affects Lot 12:

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

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

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

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

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

Refer Architectural Plans and Statement. Complies.

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

- that part of lot 12 on the plan as is shown marked with the letters "A1" shall be maintained in perpetuity.

The building works are taking place entirely within A1, with no vegetation clearance proposed.

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

There are no archaeological sites within Lot 12.

Clause 11 relates to Heritage Covenant Areas, none of which are located on the application site.

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

Landscaping approved as part of this development will be implemented and maintained as required. Will comply.

13. adhere to the management plan and ensure:

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

The proposed buildings, whilst inside the surveyed curtilage area for Lot 12, are outside of the buildable area defined for the lot in the Management. The following change is being sought:

- (ii) Compliance with the design guidelines for buildings on the lots, **except as provided for Lot 12 by RC [.....] in regard to building partially outside the buildable area defined in the Management Plan;**

14. Relevant to Lot 12 will not for the duration of the consent granted by NRC under CON20041055810, authorising the alterations to a jetty at Waipiro Bay:

- (a) Erect, place, use or keep on any of such lots nor permit any other person or organisation of any kind to erect, place, use or keep on such lot any building, wharf, jetty, marina, boat ramp or facility associated with access to and across

-
- the coastal marine area boundary within a setback of 20m inland from the mean high water mark on each lot; and
- (b) Erect, place, use or keep on any of such lots nor permit any other person or organisation of any kind to erect, place, use or keep on such lot any building, wharf, jetty, marina, boat ramp or facility associated with access to and across the coastal marine area which is 50m seaward of the mean high water springs boundary of their property.

Complies.

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

Refer architectural drawings and statement. Refer to commentary in the Landscape and Visual Effects Assessment. Complies.

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

No cats or mustelids will be kept or brought onto site. Complies.

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

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

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

Proposal includes one residential unit; caretaker's accommodation less than 125m² GFA; plus non-residential building GFA, where the caretaker's unit and non-residential building do not exceed 50% of the main residential unit's GFA. Complies.

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

Refer architectural plans and statement. Complies.

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

All services will be underground. Complies.

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

Refer Geotechnical Report and drawings, and Landscape Plan. Complies.

21. The keeping of dogs is limited to a maximum of two per lot with all dogs to be:
- (i) Confined to the cartilage area when in the company of the owner or their invitees, or otherwise enclosed in an escape proof enclosure; or
 - (ii) If outside the cartilage area, then secured by way of a hand held leash.

Will be complied with on an ongoing basis.

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

A site specific geotechnical investigation of all proposed building platforms, accessways and effluent fields has been prepared. Complies.

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

Refer to Architectural plans. Complies.

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

As a 1/17th shareholder of the land in Lot 18, this is acknowledged. Not relevant to this development.

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

A Wastewater Disposal design and TP58 has been prepared, with effluent disposal fields located more than 30m from mean high water springs. The ongoing operation and maintenance of the system will be covered by a maintenance agreement. This is a site specific design. Complies.

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

The lot owner will continue to implement and maintain/ replant re-vegetation on the lot. Complies.

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

The lot owners will continue to maintain and replant re-vegetation landscape planting. Complies.

28. acknowledge the archaeological records affecting the lots and as detailed in the report prepared by Clough & Associates Limited dated September 2004 and acknowledge that:

- (i) There is a prohibition on the destruction of any archaeological site such being in contravention of the NZ Historic Places Act 1993; and
- (ii) There is a requirement to carry out an archaeological assessment prior to undertaking any earthworks near a recorded site.

This is acknowledged. There are no archaeological sites in proximity to the building area. Complies.

Clause 29 only refers to Lot 7.

30. All buildings shall be located at least 30m landward of mean high water springs.

Refer to plans. Complies.

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

No archaeological sites near the building site.

Clauses 32, 33, 36 and 37 only refer to Lots 14, 15, 16 and 25.

Clause 34 only refers to Lot 15.

Clause 35 only refers to Lots 14, 15 and 16.

In summary, consent is sought for a change to **Clause 2 in regard to rolling height; and clause 13 as it applies to the defined buildable area for Lot 12** as detailed in the Management Plan.

6.0 ASSESSMENT OF ENVIRONMENTAL EFFECTS

The potential effects can be broadly summarised as follows:

- Positive Effects;
- Landscape and Visual Effects;
- Effects on Indigenous vegetation and habitat;
- Access to the Coastal Marine Area;
- Earthworks and construction effects;
- Land Stability & Hazards
- Stormwater, wastewater and water supply;
- Archaeological/cultural Effects.

The Assessment of Environmental Effects associated with applying for land use consent is also relevant in assessing the effects of the changes requested to the Consent Notice referred to in section 5.3 above.

6.1 Positive Effects

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

Our client's proposed development is generally in keeping with the Management Plan applying to the lot, and associated Consent Notice, with the exceptions outlined in section 5.3 above. It is a development that will be similar in design and layout to others in the Omarino subdivision.

The proposal will enable development with positive economic effects through construction and, longer term, through the applicants' continued contribution to the community and district.

The proposal incorporates landscaping planting, and an appropriately designed development, approved by the Omarino Landscape and Architecture Review Panel.

6.2 Landscape, natural character and visual amenity

A Landscape and Visual Effects Assessment (LVEA) is contained in Appendix 4. This has been prepared by Christine Hawthorn Landscape Architect.

Buildings in the General Coastal Zone and in an Outstanding Landscape are subject to rules in the Operative District Plan. Consent is required in this instance for breaches of the following Visual Amenity based rules:

The General Coastal Zone and Rules 10.6.5.1.1 (permitted) and 10.6.5.2.2 (Controlled) **Visual Amenity**;

The Outstanding Landscape overlay and Rule 12.1.6.1.5 (Permitted) **Buildings within Outstanding Landscapes**.

In addition, the buildings are only partially within the buildable area defined in the Management Plan for Lot 12. They are wholly within the pre consented & surveyed curtilage area "A1".

Lot 12 is a 'ridge' site and the Management Plan's design guidelines suggest a maximum rolling height above ground of 5m. Notably, however the Management Plan also states that height variation may be permitted on a case-by-case basis, but not greater than District Plan controls. The proposed maximum rolling height in this instance, is 5.5m and this complies with the District Plan's controls.

Whilst the Management Plan provides for some variances in maximum height, the Consent Notice applying to Lot 12 limits the maximum height to 4m. Consent is therefore sought to amend that.

The LVEA in Appendix 4 describes the proposal in detail; describes the relevant content and requirements of the Omarino Management Plan; and assesses the impact of the proposed development on landscape and visual amenity values. The buildings are considered generally consistent with the Omarino Management Plan Design Guidelines. The Omarino Review Panel has reviewed and approved the development – refer Appendix 7. An Architect's Description is attached in Appendix 2 in support of the plans in Appendix 1.

Refer to LVEA in Appendix 4, Architectural and Site Plans in Appendix 1 and Architect's Description in Appendix 2. These address and assess the location of the buildings; their architectural form (size, bulk and height & design); materials and colour; planting and landscaping. The LVEA provides extensive commentary, which will not repeat here. In particular, the LVEA, in its section 6.1, assesses the proposal against the assessment criteria in 12.1.6.2.1 Buildings within Outstanding Landscapes.

Location and design of vehicle access, manoeuvring and parking areas associated with the development

The driveway into the site provides access to the development. The existing access runs along the ridgeline and is not visible from any viewing point other than within the site itself. Internal

driveways and forecourt areas are proposed to be in similar coloured concrete aggregate to the existing access road.

Summary

I quote the LVEA's Conclusion below:

"The development has been assessed to be an appropriate development upon this lot within the relocated building envelope. The proposed maximum 5.5m building height has been assessed as suitable for the relocated building envelope with built form appropriately be assimilated into the landscape.

"The existing vegetation present along the ridgeline will be retained as a vegetated backdrop. This will be enhanced with additional native species, in particular Pohutukawa trees to provide a long-lived vegetated backdrop, thus forming the structural component to the proposed landscape integration planting. This will mitigate any potential adverse landscape, visual and natural character effects of the increased building height to a low level – less than minor.

"The relocation of the buildable area into the existing grassed area will have positive landscape, visual and natural character effects as there will be no need for the removal of an area of approximately 300m² of existing native revegetation plantings. This planting provides a very effective visual screen and foreground softening of the proposed built form on the relocated building site from within the CMA.

"The architectural style, building colours and materials are recessive, unobtrusive and complimentary to this coastal setting. The visual renders prepared by Bossley Architects illustrate how well the proposed buildings sit into the landscape so that they are subordinate to the surrounding coastal environment.

"The proposal is in general accordance with the OMP Design Guidelines which ensure that the development of buildings, structures and site landscaping have design integrity, and are sympathetic to the landscape and character of the property as a whole.

"The proposed development has been designed to minimise and avoid potential adverse effects on the attributes, and values of the site and wider coastal environment, and to protect the visual and landscape qualities of the coastal environment and Outstanding Landscape. The development is consistent with the relevant assessment criteria, objectives and policies found within the ODP, PDP and NZCPS and RPS.

"The development will be well integrated into the landscape maintaining the key characteristics of this coastal environment and enhancing the landscape quality and visual amenity values, whilst generating low potential adverse effects."

6.3 Effects on Indigenous vegetation and habitat

Refer to the LVEA in Appendix 4. The intent is to not clear any areas of existing indigenous vegetation or habitat, i.e. limit built development and earthworks to the cleared grass portion of the site. This is consistent with the intent of the Management Plan in regard to re-vegetation areas and habitat protection. The Omarino development has resulted in extensive native revegetation and ongoing pest plant and animal management. The applicants are keen to design and build a living environment in harmony with nature. I am of the opinion that the proposed development will not have any adverse effects on indigenous vegetation or habitat and will, in fact, have positive effects.

6.4 Access to the Coastal Marine Area

Lot 12 does not adjoin the coastal marine area, nor any qualifying water body. There is no requirement for access to the coastal marine area as a result of this proposal.

The application site is subject to, and has appurtenant rights for walking and riding access rights, just as the other Omarino lots do, and also has appurtenant rights to use the common facilities.

6.5 Earthworks and construction effects

As with visual amenity considerations, the earthworks required for this proposal must be assessed against two separate, but related rules:

12.3.6.1.2 (Permitted) & 12.3.6.2.1 (Restricted Discretionary) – **Excavation and/or Filling**; and

12.1.6.1.4 (Permitted) & 12.1.6.2.2 (Restricted Discretionary) **Excavation and Filling within an Outstanding Landscape.**

A Geotechnical Report has been provided in support of this application. Refer to Appendix 5. An estimated total volume of cut and fill combined volume is 3,465m³, over an area of approximately 2,224m². There will be several cut/fill faces, some of which will be behind engineer designed retaining walls. The Geotechnical Report's section 6.4 discusses retaining walls. Erosion and Sediment Control measures and earthworks cross sections are provided in the Geotechnical Report's drawings; and section 7 of the Geotechnical Report contains Earthworks recommendations, including site drainage.

Construction Effects

The Management Plan contains a section dealing with Construction. This seeks the cooperation of owners, builders and trades people to ensure that the environment and neighbours are not unnecessarily disrupted during construction works. These guidelines will be followed during construction so as to remain consistent with the Management Plan.

Visual amenity and natural character effects of earthworks

Earthworks are proposed / necessary for the formation of building platforms, with the buildings dug into the hill slope. Although there will be some landform modification it will be either hidden by the buildings or revegetated with grass and landscaped.

The LVEA, in its Section 6.1, provides an assessment of the criteria listed under 12.1.6.2.2 Excavation/Filling within an Outstanding Landscape, which I will not repeat here.

6.6 Land Stability & Hazards

The Geotechnical Report in Appendix 5 assesses land stability. There are no natural hazards identified within the site (reference – NRC's on-line hazard maps). The Geological Report assesses geotechnical hazards and their potential limitations and restrictions on buildings.

The site is in a low-risk zone for earthquakes. Likewise risk of inundation by tsunami is negligible because of the site's elevation. The site is at low risk of liquefaction. Soils generally exhibit high strength and low compressibility. The soils can be classified as 'highly expansive' and the Geotechnical Report contains recommendations in this regard. Subsoils indicate good engineering properties.

The Geotechnical Report's section 6 contains Engineering Recommendations in regard to building foundations.

The other hazard addressed in this report is fire hazard. Refer to 6.7 below in regard to fire fighting water supply, and to section 6.9 later in this report.

6.7 Stormwater, wastewater and water supply

Stormwater & Drainage

Site coverage will be well within permitted activity thresholds. The Geotechnical Report contains detailed Civil Site Plan and Stormwater Disposal Plans along with Stormwater Disposal details; counterfort drain detail and pool backwash detail.

Wastewater (Effluent Disposal)

The Geotechnical Report addresses wastewater treatment and disposal in its Section 10. It also a TP58 on-site effluent disposal design in its Appendix B. No discharge consent will be required. The disposal field (and reserve field) are more than 30m from Mean High Water Springs.

Water Supply

The site is not reticulated. Potable, non potable and fire fighting water supplies are discussed in Section 8 of the Geotechnical Report. Potable supply is to be via 4 x 25,000l concrete water tanks positioned on the south side of the access road. Non potable water is to have one 25,000l

water tank, supplied by stormwater overflows from the proposed guest cottage green (living) roof. Fire fighting water supply is to be via 2 x 25,000l concrete tanks permanently full of water for firefighting supply. This arrangements has been approved by Fire and Emergency NZ – refer to approval in Appendix 6.

6.8 Archaeological/cultural Effects

There are no archaeological sites in the vicinity of the building area within Lot 12. The Archaeological Assessment by Clough & Associates 2004, referred to in the Consent Notice, is attached in Appendix 10. This investigated all house sites within the Omarino subdivision, including the application site. The report states “no archaeological sites are directly impact on by the proposed house site 12.” The nearest site is some distance away. The report comments that road works may impact on a midden, however this road works has long since been completed as part of the subdivision’s site works and no further road works is required in the vicinity.

As is usually the case when developing sites within Omarino, consultation has been undertaken with local iwi. Ngati Kuta Resource Management Unit have provided email stating that they have sighted the architecture house plans and note that particular care has been taken in the design to make subtle use of the outlook and nature surrounds. They would like to have a ‘site overseer’ present during works to monitor earthworks, cultural or nature matters, which is agreeable to the applicant. A site blessing is being arranged prior to any works commencing. A copy of the email is attached in Appendix 8.

The Omarino Management Plan’s stated purposes (refer to section 3.5 of this planning report) give effect to aspects relating to preserving landscape and character values; restoration of indigenous vegetation and habitat; control of predators and pests; and the protection and maintenance of sites of cultural significance on the property. This continues to be adhered to.

6.9 Natural Hazards

Geotechnical hazards have been discussed earlier. The only other natural hazard potentially affecting the site is that of fire risk to residential units. Land use consent is required because of the inability to secure a 20m buffer distance between any residential unit and the drip line of areas of bush. The development of the lots in the Omarino development is contingent on every lot retaining areas of indigenous vegetation and habitat. This has resulted in large areas of continuous canopy coverage over the Omarino development. It would be contrary and counter-productive to the objectives of the Omarino Management Plan to clear vegetation back 20m from all residential units, not to mention in breach of the Management Plan, the Consent Notice applying to the sites, and potentially the District Plan’s indigenous vegetation’s rules.

Lot 12 is unusual in that there is bush within the surveyed curtilage area and building area defined in the Management Plan. Technically therefore, the bush is able to be cleared. However, the applicants’ strong desire is to retain all existing indigenous vegetation and habitat on the site.

As a result, just like nearly every build job at Omarino, this development requires consent under the Fire Risk to Residential Unit rule. To mitigate against the risk of fire, sufficient accessible (and dedicated) fire fighting water supply will be stored on site and landscape planting will take into account recommendations in FENZ guidelines in terms of species and location of plantings. Approval from Fire & Emergency NZ for the proposed fire fighting water supply has been received. Refer to Appendix 6 for FENZ's approval. Refer also to Section 6.1 of the LVEA attached in Appendix 4 to this planner's report. This outlines the Vegetation Risk Reduction measures that will be undertaken on site.

6.10 Precedent & Cumulative Effects

The precedent to amend aspects of the Omarino Management Plan has already been set with other development proposals for other lots. Development requiring consent but which remains generally consistent with the Management Plan's Design and Landscape Guidelines, and with the zone's and Outstanding Landscape's visual amenity and building rules has been allowed on several of the lots.

The fact that there is a pre-existing consent that specifies an expected level of development, sets this site and others within the Omarino Development apart from other sites in a General Coastal / Outstanding Landscape area. The Omarino development has been consented through an extensive process with the expectation of development on each of the lots created in the overall Omarino Management Plan area.

This current proposal is one of those lots. I do not consider the development of Lot 12, as proposed, creates any adverse cumulative effect over and above what is already provided for through the original consent and consent order, and associated management plan.

7.0 STATUTORY ASSESSMENT

7.1 Operative District Plan Objectives and Policies

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

10.3 OBJECTIVES

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

The development is to take place within a lot previously consented through a Management Plan subdivision. I believe the reports supporting the application provide confirmation that the development is appropriate for the site and that adverse effects are able to be remedied or mitigated.

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

The Omarino development has involved substantive re-vegetation and ongoing pest plant and animal management and control. Buildable areas and curtilage areas have been defined on each lot, and although the application's buildings are only partially in the defined buildable area, they are entirely within the surveyed curtilage area "A1". What's more, the buildings are on existing cleared area and this will avoid the need to clear indigenous vegetation that otherwise would have been necessary to remain totally within the defined buildable area.

The natural character of the coastal environment, outstanding landscape values and open space/ amenity values of the coastal environment are not compromised by the development. Indigenous vegetation is retained and proposed mitigation measures associated with earthworks will ensure no more than minor adverse effects on water quality and soil conservation.

I believe the proposal to be consistent with Objective 10.3.2.

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

Local tangata whenua were heavily involved in the original Omarino subdivision and have been / are being consulted with again in relation to this specific proposal.

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

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

The application site has no public access requirements.

10.3.8 To ensure provision of sufficient water storage to meet the needs of coastal communities all year round.

This objective is aimed more at the FNDC's own 3 waters providers than an individual site. Notwithstanding this, it is proposed to ensure sufficient water storage on site to meet the applicants' needs.

10.4 POLICIES

10.4.1 That the Council only allows appropriate subdivision, use and development in the coastal environment. Appropriate subdivision, use and development is that where the activity generally: (a) recognises and provides for those features and elements that contribute to the natural character of an area that may require preservation, restoration or enhancement; and

(b) is in a location and of a scale and design that minimises adverse effects on the natural character of the coastal environment; and (c) has adequate services provided in a manner that minimises adverse effects on the coastal environment and does not adversely affect the safety and efficiency of the roading network; and

(d) avoids, as far as is practicable, adverse effects which are more than minor on heritage features, outstanding landscapes, cultural values, significant indigenous vegetation and significant habitats of indigenous fauna, amenity values of public land and waters and the natural functions and systems of the coastal environment; and

(e) promotes the protection, and where appropriate restoration and enhancement, of areas of significant indigenous vegetation and significant habitats of indigenous fauna; and

(f) recognises and provides for the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu and other taonga; and

(g) where appropriate, provides for and, where possible, enhances public access to and along the coastal marine area; and

(h) gives effect to the New Zealand Coastal Policy Statement and the Regional Policy Statement for Northland.

All relevant aspects of the above Policy have been considered in the proposed development. The proposal is considered "appropriate" and therefore consistent with the Policy. Refer to Assessment of Effects section of this report. The proposal gives effect to the NZ Coastal Policy Statement and Regional Policy Statement. Refer to Sections 7.4 and 7.6 later in this report.

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

The proposal provides for the pre consented level of development intended by the original consent, consent order and Management Plan.

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

The proposal does not adversely impact on any existing ecological values of significant coastal indigenous vegetation or significant habitats.

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

See earlier comment in regard to related Objectives.

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

See above comments. The property does not have beach access. The development does not adversely affect access by tangata whenua to ancestral lands, sites of significance, maahinga mataitai, taiapure and kaimoana areas.

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

See above comments.

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

The application site is not subject to hazard.

10.4.10 To take into account the need for a year-round water supply, whether this involves reticulation or on-site storage, when considering applications for subdivision, use and development.

The site will be reliant on on-site storage via tanks.

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

Sediment and erosion control measures in compliance with GD05 will be implemented when carrying out site works. On site stormwater and wastewater management will be provided for on site with less than minor effects on the coastal marine area (which the site does not immediately adjoin in any event).

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

All of the above matters have been considered in the design of the proposed activity. That design, along with proposed landscaping, is considered generally consistent with the Omarino Management Plan's Design and Landscape Guidelines.

The objectives and policies applying to the General Coastal Zone are repetitive of those applying to the Coastal Environment, particularly to those parts of the coast that still display a degree of natural character. Consistent with my commentary under the Coastal Environmental Objectives and Policies above, I believe the proposal to be consistent with the General Coastal objectives and policies.

10.6.3 OBJECTIVES

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

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

I consider the proposal to be appropriate for the site and generally consistent with the Omarino Management Plan's objectives and Design and Landscape Guidelines.

10.6.4 POLICIES

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

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

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

(a) clustering or grouping development within areas where there is the least impact on natural character and its elements such as indigenous vegetation, landforms, rivers, streams and wetlands, and coherent natural patterns;

(b) minimising the visual impact of buildings, development, and associated vegetation clearance and earthworks, particularly as seen from public land and the coastal marine area;

(c) providing for, through siting of buildings and development and design of subdivisions, legal public right of access to and use of the foreshore and any esplanade areas;

(d) through siting of buildings and development, design of subdivisions and provision of access, that recognise and provide for the relationship of Maori with their culture, traditions and taonga including concepts of mauri, tapu, mana, wehi and karakia and the important contribution Maori culture makes to the character of the District. (Refer Chapter 2 and in particular Section 2.5 and Council's "Tangata Whenua Values and Perspectives (2004)");

(e) providing planting of indigenous vegetation in a way that links existing habitats of indigenous fauna and provides the opportunity for the extension, enhancement or creation of habitats for indigenous fauna, including mechanisms to exclude pests;

(f) protecting historic heritage through the siting of buildings and development and design of subdivisions.

10.6.4.4 That controls be imposed to ensure that the potentially adverse effects of activities are avoided, remedied or mitigated as far as practicable.

10.6.4.5 Maori are significant land owners in the General Coastal Zone and therefore activities in the zone should recognise and provide for the relationship of Maori and their culture and traditions, with their ancestral lands, water, sites, waahi tapu and other taonga and shall take into account the principles of the Treaty of Waitangi.

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

I consider that the proposal does not compromise natural character values and is appropriate for the site. Earthworks will be carried out subject to appropriate erosion and sediment control measures, and will not create adverse effects. No indigenous clearance is proposed.

The provision of public access is not a relevant matter in this instance (Policy 10.6.4.3(c)). The proposed development is consistent with the objectives of the management plan and respects heritage and cultural values. There are no nearby archaeological sites.

I believe that with the already protected native vegetation areas, recessive low reflectivity colour scheme, and modest (low level) design, there are appropriate and sufficient mitigation measures to ensure adverse effects are avoided, remedied or mitigated.

The LVEA in Appendix 4 also addresses objectives and policies in the General Coastal Zone, relevant to landscape and visual effects considerations – refer to section 6.1 of the LVEA.

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

12.1.3 OBJECTIVES (Landscape and Natural Features)

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

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

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

and

12.1.4 POLICIES

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

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

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

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

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

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

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

12.1.4.10 That landscape values be protected by encouraging development that takes in account:
(a) the rarity or value of the landscape and/or landscape features;
(b) the visibility of the development;

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

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

The Omarino Management Plan's Design & Landscape Guidelines aim to ensure that proposed buildings and related earthworks retain, conserve and enhance the character of Omarino. In being generally consistent with the Management Plan and with the Design and Landscape Guidelines, the proposal is considered consistent with the objectives and policies outlined above.

12.3.3 OBJECTIVES (Soils and Minerals)

12.3.3.2 To maintain the life supporting capacity of the soils of the District.

12.3.3.3 To avoid, remedy or mitigate adverse effects associated with soil excavation or filling.

12.3.4 POLICIES

12.3.4.1 That the adverse effects of soil erosion are avoided, remedied or mitigated.

12.3.4.4 That soil excavation and filling, and mineral extraction activities be designed, constructed and operated to avoid, remedy or mitigate adverse effects on people and the environment.

12.3.4.5 That soil conservation be promoted.

Objective 12.3.3.1 is related to administrative matters and not considered relevant to this proposal. Policy 12.3.4.2 relates to productive potential of rural land and is not considered relevant to this proposal. Policies 12.3.4.3, 12.3.4.6, 12.3.4.7 and 12.3.4.8 all relate to soil and mineral extraction activities and are not relevant. Policies 12.3.4.9 and 12.3.4.10 only relate to the national grid.

In regard to the remaining objectives and policies, I believe the proposal is consistent. The supporting Geotechnical Report contains recommendations and design details in regard to sediment and erosion control, drainage and run off.

Objectives and policies in Chapter 12.4, relevant to fire risk to residential units in proximity to an area of shrubland, are addressed below.

Objective

12.4.3.7 To avoid fire risk arising from the location of residential units in close proximity to trees, or in areas not near fire fighting services.; and

Policy

12.4.4.7 That the risk to adjoining vegetation and properties arising from fires be avoided.

The proposed development cannot entirely avoid the risk of fire, primarily because the application site's development is dictated by the location of building sites in relation to vegetation that is required to be retained and maintained by other legal means (consent notice), including on any adjacent site. However, the development will mitigate fire risk by means of an accessible and sufficient fire fighting water supply. Consultation has been carried out with Fire and Emergency NZ, with approval received.

In summary I consider the proposal to be consistent with the relevant objectives and policies of the District Plan.

7.2 Proposed District Plan Objectives and Policies

The property has a Rural Production Zone under the Proposed District Plan (PDP) and has a Coastal Environmental Overlay. The use of an overlay as opposed to a zone is the preferred methodology being promoted in the PDP for identifying land in the coastal environment. The objectives and policies applying to the RP Zone are of limited value or relevance when one considers that the site is one of 17 consented 15 years ago for coastal lifestyle development by way of a comprehensive management plan that effectively precludes the use of the site for rural production purposes. In summary the proposal cannot be entirely consistent with the PDP's Rural Production Zone objectives and policies because the application site is not, and is not permitted to be, available for rural production use.

Objectives**RPROZ-O1**

The Rural Production zone is managed to ensure its availability for primary production activities and its long-term protection for current and future generations.

RPROZ-O2

The Rural Production zone is used for primary production activities, ancillary activities that support primary production and other compatible activities that have a functional need to be in a rural environment.

RPROZ-O3

Land use and subdivision in the Rural Production zone:

- a. protects highly productive land from sterilisation and enables it to be used for more productive forms of primary production;*
- b. protects primary production activities from reverse sensitivity effects that may constrain their effective and efficient operation;*
- c. does not compromise the use of land for farming activities, particularly on highly productive land;*
- d. does not exacerbate any natural hazards; and*
- e. is able to be serviced by on-site infrastructure.*

RPROZ-O4

The rural character and amenity associated with a rural working environment is maintained.

As stated above, given that the application site is subject to a Management Plan that precludes the use of the land for productive farming use, it is simply not possible for the proposed development to be consistent with the above Objectives. The Council must be mindful of this scenario when finalising objectives and policies applying to a 'zone' that is no longer applicable to a site, i.e. where the site is wholly incapable of being utilised for rural productive use.

Policies**RPROZP1**

Enable primary production activities, provided they internalise adverse effects onsite where practicable while recognising that typical adverse effects associated with primary production should be anticipated and accepted within the Rural Production zone.

RPROZP2

Ensure the Rural Production zone provides for activities that require a rural location by:

- a. enabling primary production activities as the predominant land use;*
- b. enabling a range of compatible activities that support primary production activities, including ancillary activities, rural produce manufacturing, rural produce retail, visitor accommodation and home businesses.*

Neither of the above policies are relevant to the proposal given that no primary production activity is proposed.

RPROZP3

Manage the establishment, design and location of new sensitive activities and other non-productive activities in the Rural Production Zone to avoid where possible, or otherwise mitigate, reverse sensitivity effects on primary production activities.

In a sense, the proposal is consistent with this policy. A new sensitive activity is proposed but because there is no primary production activity anywhere else within the site or adjacent, reverse sensitivity effects are avoided.

RPROZP4

Land use and subdivision activities are undertaken in a manner that maintains or enhances the rural character and amenity of the Rural Production zone, which includes:

- a. a predominance of primary production activities;*
- b. low density development with generally low site coverage of buildings or structures;*
- c. typical adverse effects such as odour, noise and dust associated with a rural working environment; and*
- d. a diverse range of rural environments, rural character and amenity values throughout the District.*

The site has no rural character in that it is not used for primary production. The development is, however, low density, with low site coverage. Amenity values associated with a rural zone are,

I believe, superseded by the amenity values associated with the site's location in the coastal environment.

RPROZP5

Avoid land use that:

- a. is incompatible with the purpose, character and amenity of the Rural Production zone;
- b. does not have a functional need to locate in the Rural Production zone and is more appropriately located in another zone;
- c. would result in the loss of productive capacity of highly productive land;
- d. would exacerbate natural hazards; and
- e. cannot provide appropriate on-site infrastructure.

The proposed use is compatible with the surrounding area, but not with the purpose of the Zone because productive use is precluded by Management Plan requirements. The proposal does not result in the loss of any productive capacity of highly productive land as a result. The proposal does not exacerbate natural hazards and onsite infrastructure can be provided. I believe the proposal to be more consistent than not with RPROZP5.

RPROZP6

Avoid subdivision that:.....

Not relevant as it relates solely to subdivision.

RPROZP7

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

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

Given that no consent is required under the PDP, the above policy is not relevant.

Of more relevance in assessing this proposal are objectives and policies in the PDP relevant to the coastal nature of the site. The site has the following features applying to it in the PDP:

- Coastal environment overlay; and
- Natural features and landscapes overlay (outstanding landscape).

Relevant objectives and policies in regard to the above are addressed below:

Coastal Environment Objectives and Policies:

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

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

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

I believe the potential effects on natural character of the coastal environment were well canvassed when granting the original subdivision and accepting the comprehensive Management Plan provisions to apply on an ongoing basis for development. The development of an individual lot subject to that consent and management plan needs to be seen in that context. The development is consistent with the aims and objectives of the Management Plan and preserves the characteristics and qualities anticipated by the original consent; is consistent with surrounding land uses; does not result in urban sprawl; promotes restoration and enhancement of the natural character in areas other than that identified for built development; and recognises tangata whenua values.

Only some policies applying to the coastal environment have relevance to the application site and proposal. Policy CE-P1 is not relevant to a specific development within a specific site. Policy CE-P5 applies to urban zones, which the application site is not. Policy CE-P6 relates to enabling farming activities and for the reasons outlined earlier, is not considered a relevant policy to this development. Policy CE-P7 refers to Maori Purpose and Treaty Settlement land only and is not relevant to this proposed development. Policy CE-P9 refers to areas of outstanding natural character value of which there are none in the area proposed for development.

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

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

CE-P3 *Avoid significant adverse effects and avoid, remedy or mitigate other adverse effects of land use and subdivision on the characteristics and qualities of the coastal environment not identified as:*

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

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

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

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

CE-P10 Manage land use and subdivision to preserve and protect the natural character of the coastal environment, and to address the effects of the activity requiring resource consent, including (but not limited to) consideration of the following matters where relevant to the application:

- a. the presence or absence of buildings, structures or infrastructure;
- b. the temporary or permanent nature of any adverse effects;
- c. the location, scale and design of any proposed development;
- d. any means of integrating the building, structure or activity;
- e. the ability of the environment to absorb change;
- f. the need for and location of earthworks or vegetation clearance;
- g. the operational or functional need of any regionally significant infrastructure to be sited in the particular location;
- h. any viable alternative locations for the activity or development;
- i. any historical, spiritual or cultural association held by tangata whenua, with regard to the matters set out in Policy TW-P6;
- j. the likelihood of the activity exacerbating natural hazards;
- k. the opportunity to enhance public access and recreation;
- l. the ability to improve the overall quality of coastal waters; and
- m. any positive contribution the development has on the characteristics and qualities.

The property is identified as Outstanding Landscape in the PDP. Policy CE-P2 seeks to avoid adverse effects of land use on the characteristics and qualities of the outstanding landscape. The site is part of a consented subdivision that provides for built development, and although adverse effects are considered less than minor, any built development would be considered to have an effect of some degree on outstanding landscape values. That is unavoidable because development represents change. The important thing to note in this instance, however, is that this is not a blank canvas to begin with and development is an expected (and consented) outcome for the site (CE-P2 and CE-P3).

I believe the proposed development, in being part of a previously consented subdivision, and generally consistent with the design and landscape guidelines applying to the site (via the Management Plan), will preserve the visual qualities, character and integrity of the coastal environment (CE-P4).

The proposal does not include vegetation clearance, but does include landscaping and planting. I believe this will enhance natural character values (CE-P8).

Policy CE-P10 reads along very similar lines to the ODP's Policy 10.6.4.3, already addressed earlier in this report.

- Buildings and structures will be as generally provided for by the Management Plan and Consent Notice applying to the site. Although there are differences in rolling height and location, these are not regarded to create adverse effects. Buildings and

structures will be integrated into the surrounding environment which has the ability to absorb change of the level being proposed.

- There may be minor temporary adverse effects during construction works, but no long term adverse effects are anticipated.
- A development of the size and scale proposed will require a degree of earthworks. These will be carried out in accordance with Erosion and Sediment Control mitigation measures to minimise effects on water quality, with landscaping and planting then being used to mitigate any ongoing visual effects.
- No vegetation clearance is proposed, with landscaping proposed to enhance amenity values and provide further mitigation against visual effects.
- It is not believed that the proposal will exacerbate natural hazards.
- Historical, spiritual and cultural values were canvassed during the original subdivision and local tangata whenua have been consulted in regard to this development.
- There is no opportunity to enhance public access and recreation in this instance.

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

Objectives and Policies in the Natural features and landscapes section of the PDP, applying to land identified as Outstanding Natural Landscape are very repetitive of those applying to the coastal environment, often simply replacing the words 'coastal environment' with 'ONL and ONF'. The commentary I have provided in assessing the proposal under the objectives and policies applying to the Coastal Environment is therefore also applicable to Natural Features and Landscapes objectives and policies NFL-O1, O2 & O3; and NFL-P2, P3, P6, P7 & P8.

In overall summary I believe the proposal to be consistent with relevant objectives and policies in the PDP.

7.3 Part 2 Matters

5 Purpose

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

The proposal is considered to provide for the sustainable management of natural and physical resources. It provides for residential development on a single lot, within an existing consented development.

6 Matters of national importance

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

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

I consider the proposal to be an appropriate level of development for a site of this nature in the coastal environment, and within an Outstanding Natural Landscape. Significant indigenous vegetation within the site remains. The proposal has had regard to the relationship of Maori with their ancestral lands, water and sites. There are no archaeological sites within the property and there are no significant risks from natural hazards associated with the development

7 Other matters

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

- (a) kaitiakitanga:
- (aa) the ethic of stewardship:
- (b) the efficient use and development of natural and physical resources:
- (ba) the efficiency of the end use of energy:
- (c) the maintenance and enhancement of amenity values:
- (d) intrinsic values of ecosystems:
- (e) [Repealed]
- (f) maintenance and enhancement of the quality of the environment:
- (g) any finite characteristics of natural and physical resources:
- (h) the protection of the habitat of trout and salmon:
- (i) the effects of climate change:
- (j) the benefits to be derived from the use and development of renewable energy.

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

8 Treaty of Waitangi

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

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

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

7.4 NZ Coastal Policy Statement

The NZ Coastal Policy Statement (NZCPS) has relevance to this proposal due to the property's location. It is currently zoned General Coastal in the Far North District Plan, and is shown as being within the "coastal environment" on the Regional Policy Statement for Northland's maps as well as the district council's PDP maps. The following objectives and policies are considered relevant to the proposal.

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

The subject site is within an outstanding natural landscape. However, both the site itself, and a buildable area within that site, were consented as part of a comprehensive subdivision and land management consent granted for the Omarino (previously Bentzen Farms) property as a whole. Lot sizes, location and layout, along with preferred building locations were all carefully considered. Building locations were chosen as the most appropriate in order to preserve and protect natural character and outstanding landscape values as much as possible and whilst this proposal moves the building partially outside the defined buildable area this does not result in adverse effects due to the mitigation proposed. Specific design guidelines complement the intent of minimising visual impact. Although it is proposed to build to a higher maximum height level, the proposed design elements, coupled with existing and proposed plantings on the site, will result in less than minor adverse effects on natural character values, when compared with the 'consented' baseline already provided for on the site.

Objective 6: *To enable people and communities to provide for their social, economic, and cultural wellbeing and their health and safety, through subdivision, use, and development, recognising that:*

- *the protection of the values of the coastal environment does not preclude use and development in appropriate places and forms, and within appropriate limits;*

I consider the development to be an appropriate use of the site that provides for people's social and economic wellbeing.

Policy 6: Activities in the coastal environment

(1) In relation to the coastal environment:

.....(h) consider how adverse visual impacts of development can be avoided in areas sensitive to such effects, such as headlands and prominent ridgelines, and as far as practicable and reasonable apply controls or conditions to avoid those effects;

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

I believe that the proposed development is consistent with both of parts (h) and (i) above. The design and landscaping is generally consistent with the Omarino Management Plan's design and landscaping guidelines and have been approved by the Review panel. Adverse visual impact is minimised, with built development not visually protruding above the background ridgeline and existing mature vegetation. The buildings are set well back from the coastal marine area.

Policy 13: Preservation of natural character

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

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

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

Policy 14 Restoration of natural character

Promote restoration or rehabilitation of the natural character of the coastal environment, including by :

....

And

Policy 15 Natural features and natural landscapes

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

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

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

The above three policies are all relevant to the proposal. The site does not display any outstanding natural character values, and the small areas of high natural character value on the application site are on the south facing portion of the site, and not within the area of development. The proposal is intended to implement a style and level of development provided for by the original consent and resulting Management Plan, whilst continuing to maintain and enhance indigenous biodiversity and natural character values.

I believe the proposal gives effects to the relevant objectives and policies in the NZ Coastal Policy Statement. Refer also to the LVEA's Section 6.4 which draws the same conclusion, stating that "the development is in accord with the relevant landscape objectives and policies of the NZCPS."

7.5 Other National Policy Statements and National Environmental Standards

There are no other National Policy Statements considered relevant to this proposal. Neither are there any national environmental standards relevant to this proposal. The site has not been used for any hazardous activity or industry and there is no natural wetland or freshwater body affected that might trigger any consent requirement under the National Environmental Standard for Freshwater Management.

7.6 Regional Policy Statement for Northland

In preparing this application, the Regional Policy Statement for Northland has been considered, in particular those Objectives and Policies relevant to land identified as being within the “coastal environment” and having outstanding landscape values. The building site and development area sit outside any area identified as having High or Outstanding Natural Values in the Regional Policy Statement's maps.

The LVEA in Appendix 4 provides a comprehensive commentary in regard to the RPS' objectives and policies relevant to landscape and visual effects matters – refer to Section 6.5 of the LVEA. I will not repeat that commentary here.

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

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

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

Other relevant objectives and policies include:

Objective 3.5 Enabling economic wellbeing

Northland's natural and physical resources are sustainably managed in a way that is attractive for business and investment that will improve the economic wellbeing of Northland and its communities.

I believe the proposed development is a sustainable use of the site and provides for the property owners' social and economic wellbeing.

3.12 Regional form

Northland has sustainable built environments that effectively integrate infrastructure with subdivision, use and development, and have a sense of place, identity and a range of lifestyle, employment and transport choices.

The site is large and part of an approved comprehensive development. The Omarino development has its own unique 'sense of place' and identity.

7.7 S104D Gateway Test

The inclusion of a breach of the Residential Intensity rule due to a caretakers' accommodation component, is the only aspect that results in non-complying activity status. This is an aspect already considered when the original Omarino consent was issued, where it was a consented (by way of Consent Notice) and expected outcome for each and every lot to have both a primary residential unit and a caretaker's accommodation (refer to Consent Notice compliance assessment earlier in this report). Notwithstanding this, an assessment against s104D of the Act follows:

104D Particular restrictions for non-complying activities

(1) Despite any decision made for the purpose of section 95A(2)(a) in relation to adverse effects, a consent authority may grant a resource consent for a non-complying activity only if it is satisfied that either—

(a) the adverse effects of the activity on the environment (other than any effect to which section 104(3)(a)(ii) applies) will be minor; or

(b) the application is for an activity that will not be contrary to the objectives and policies of—

(i) the relevant plan, if there is a plan but no proposed plan in respect of the activity; or

(ii) the relevant proposed plan, if there is a proposed plan but no relevant plan in respect of the activity; or

(iii) both the relevant plan and the relevant proposed plan, if there is both a plan and a proposed plan in respect of the activity.

In regard to the above, I am of the opinion that, whilst a non complying activity, it is nonetheless a development that will achieve a sustainable result and efficient use of the land. The proposal is generally consistent with the expected level and type of development on lots created by the Omarino Management Plan subdivision and is not contrary to the objectives and policies of the ODP and PDP, thereby meeting the threshold in part (b) of s104D.

Subject to conditions of consent, I believe that overall adverse effects on the wider environment will be no more than minor, thereby meeting the threshold in part (a) of s104D.

Both arms of s104D are therefore satisfied.

8.0 CONSULTATION & s95 ASSESSMENT

Omarino Architectural and Landscape Design Committee

As required for any development on lots in the Omarino subdivision, the applicant has consulted with the above committee. The results of that consultation are contained in Appendix 7.

Iwi

Consultation with affected iwi has been undertaken, the results of which are attached in Appendix 8.

Fire and Emergency NZ (FENZ)

Consultation was carried out with FENZ in regard to a fire fighting water supply that is adequate, secure and accessible. FENZ's approval is attached in Appendix 6.

Department of Conservation and NZ Heritage

Both these statutory entities were involved in the original subdivision. There are no identified archaeological sites within the application property. The ADP will apply. The building site is compliant with setback from water requirements. The development is generally consistent with, and gives effect to, the objectives and purposes of the already consented Omarino Management Plan development. I have not considered it necessary to carry out any pre lodgement consultation with either NZ Heritage or Department of Conservation.

Adjacent land owners

Adjacent landowners are represented by the Architectural Landscape and Design Committee in regard to building and landscape plans. The original consented development and accompanying management plan ensured that each lot's building area is self contained and enclosed within the lots in terms of land based viewpoints. I have not identified any adjacent properties that will be affected in a minor or more than minor way.

Sections 95A-D

With reference to s95A, there are no mandatory requirements for public notification, and the effects on the wider environment are no more than minor (s95D). Public notification is therefore not required.

With reference to s95B, there are no protected customary rights groups, and no customary marine title groups that must be notified. There are no affected persons identified (s95E). Limited notification is not required.

9.0 CONCLUSION

The site is considered suitable for the proposed development, and effects on the wider environment are no more than minor. The proposal is consistent with the relevant objectives and policies of the Operative and Proposed District Plans, the NZ Coastal Policy Statement, and the Regional Policy Statement, as well as Part 2 of the Resource Management Act.

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

It is therefore requested that the Council grant approval to the land use consent and changes to consent notice, on a non notified basis, subject to appropriate conditions.



Lynley Newport
Senior Planner
Thomson Survey Ltd

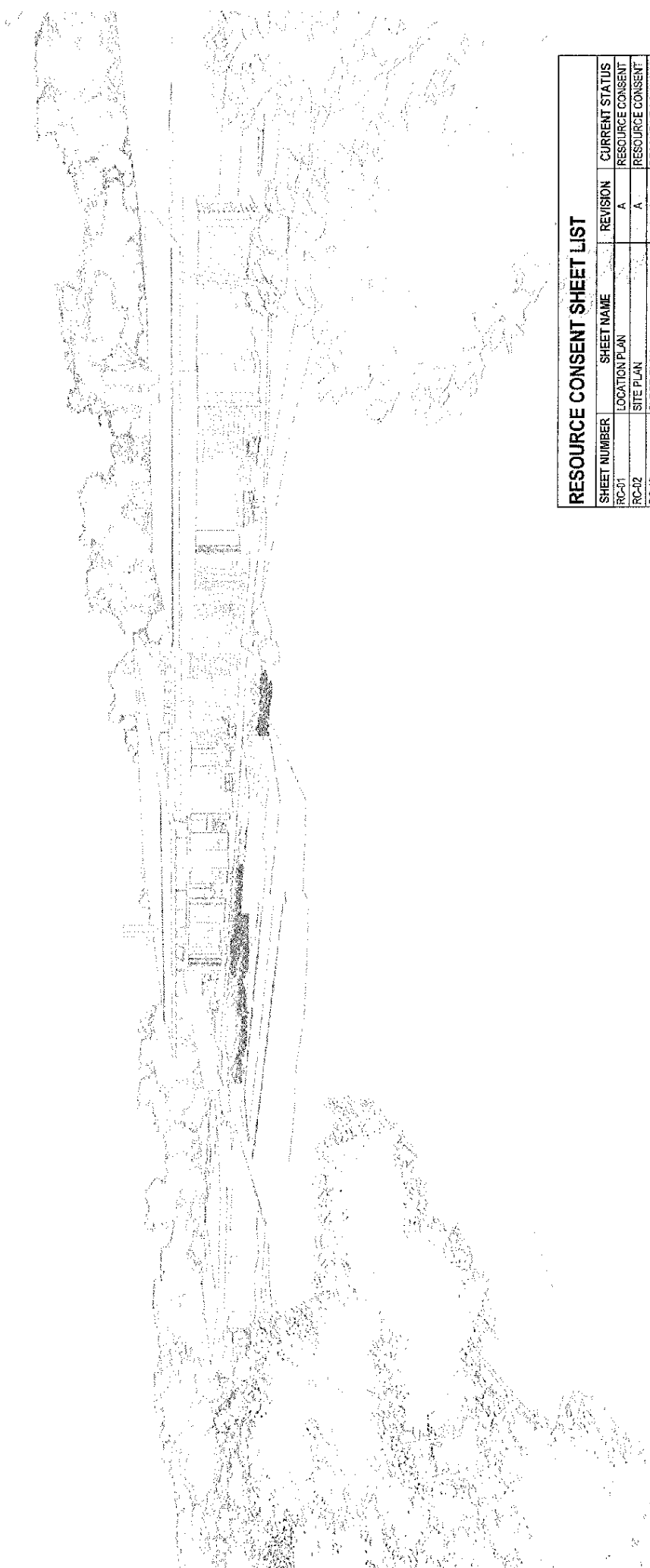
Date 28th October 2025

10.0 APPENDICES

Appendix 1	Architectural and Site Plans
Appendix 2	Architect's Description
Appendix 3	Location Map
Appendix 4	Landscape and Visual Effects Assessment
Appendix 5	Geotechnical Report
Appendix 6	Approval from FENZ
Appendix 7	Approval from Omarino Review Panel
Appendix 8	Consultation with local iwi
Appendix 9	Relevant excerpts from the Management Plan
Appendix 10	Clough & Associates Archaeological Assessment 2004
Appendix 11	Record of Title and Relevant Instruments

Appendix 1

Architectural and Site Plans



PREPARED IN CONJUNCTION WITH REPORTS BY
PLANNING: THOMSON SURVEY LTD.
LANDSCAPE: HAWTHORN LANDSCAPE ARCHITECTS.
CIVIL/GEO: PK ENGINEERING
SURVEY INFORMATION PROVIDED BY ARCLAB NZ

**Bossley
Architects**

RESOURCE CONSENT SHEET LIST			
SHEET NUMBER	SHEET NAME	REVISION	CURRENT STATUS
RC-01	LOCATION PLAN	A	RESOURCE CONSENT
RC-02	SITE PLAN	A	RESOURCE CONSENT
RC-10	FLOOR PLAN	A	RESOURCE CONSENT
RC-11	GUEST HOUSE / CARETAKER	A	RESOURCE CONSENT
RC-20	HEIGHT PLANES	A	RESOURCE CONSENT
RC-21	SEA VIEWPORT 01	A	RESOURCE CONSENT
RC-22	SEA VIEWPORT 02	A	RESOURCE CONSENT
RC-23	SEA VIEWPORT 03	A	RESOURCE CONSENT
RC-30	ELEVATIONS - MAIN HOUSE	A	RESOURCE CONSENT
RC-31	ELEVATIONS - GUEST HOUSE	A	RESOURCE CONSENT

KASPUTYS
RESOURCE CONSENT



1 LOCATION PLAN

1:10000

Bossley Architects

305 Menzies Street
Auckland 1021, New Zealand
09 391 1201
info@bossleyarchitects.co.nz

KASPUTIS
Lot 12 - Ouarino
255 Menzies Road
Waipara Bay, New Zealand

LOCATION PLAN



ISSUE	DATE	REVISION	RESOURCE CONSENT	SHEET	REVISION
A	11.03.2025	RESOURCE CONSENT	As indicated at A3	RC-01	A

11/03/2025 1:10:47 pm

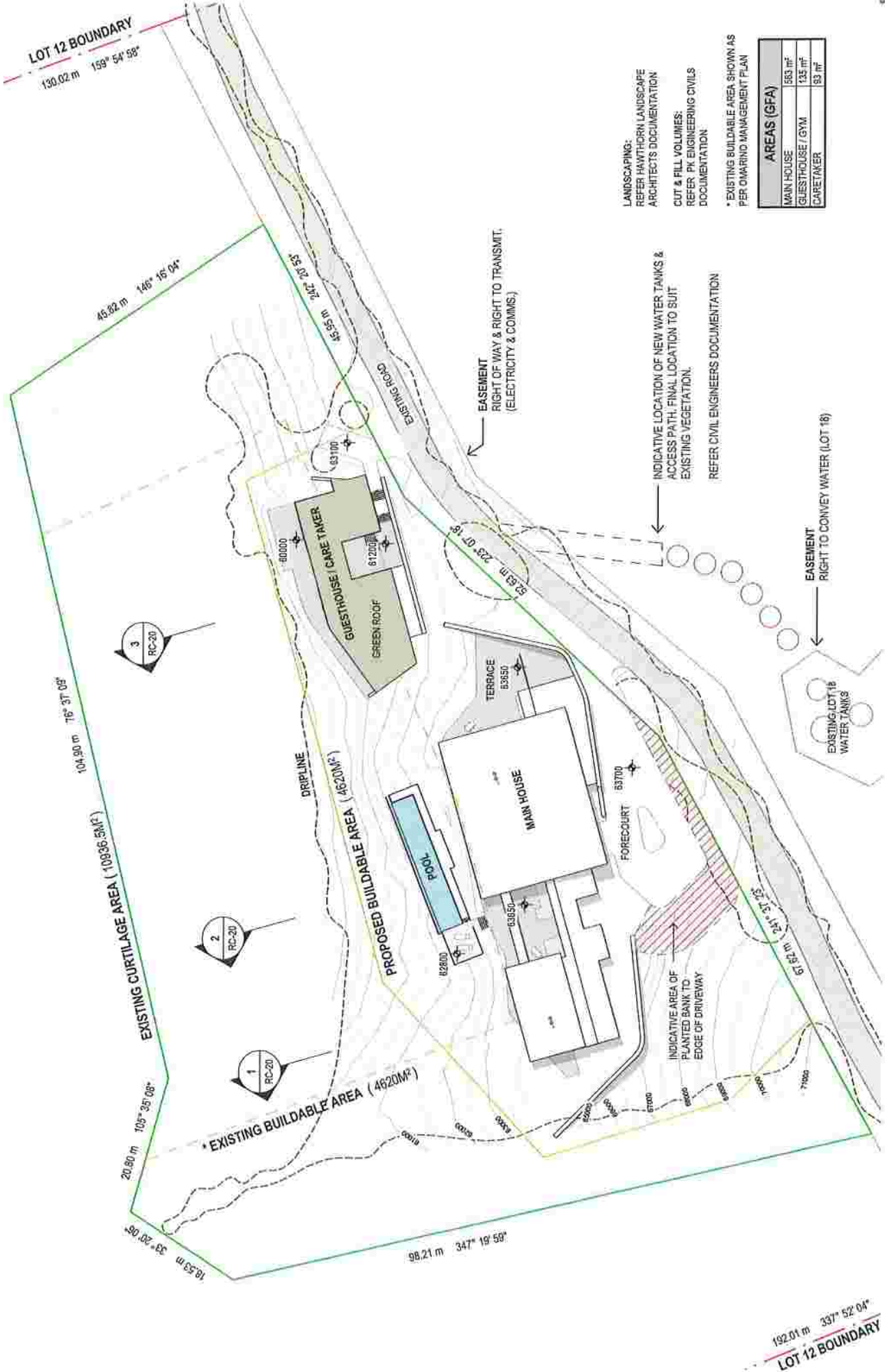


* EXISTING BUILDABLE AREA SHOWN AS PER OARINO MANAGEMENT PLAN

2 LOT 12 PLAN

1:2000

SITE CONTROLS					*APPLIES TO WESTERN BOUNDARY OF LOT TWELVE ONLY
LOT 12 AREA		71150m ²	MAX HEIGHT	4M ROLLING HEIGHT PLANE	
CURTLAGE AREA		10935.5M ²	SIDE YARD	10M* - NO EFFECT TO BUILDABLE AREA	
BUILDABLE AREA		4629M ²	HIRTS	3M + 45 DEG* - NO EFFECT TO BUILDABLE AREA	



LANDSCAPING:
REFER HAWTHORN LANDSCAPE
ARCHITECTS DOCUMENTATION

CUT & FILL VOLUMES:
REFER PK ENGINEERING CIVILS
DOCUMENTATION

* EXISTING BUILDABLE AREA SHOWN AS
PER OMARINO MANAGEMENT PLAN

AREAS (GFA)	
MAIN HOUSE	563 m²
GUESTHOUSE / GYM	135 m²
CARETAKER	93 m²

REVISION
SHEET
RC-02 A

RESOURCE CONSENT
1:500 M/A3

ISSUE
A

SITE PLAN

KASPUTYS
Lot 12 - Omarama
285 Mainmores Road,
Wairoa Bay, New Zealand

285 Mainmores Street
Auckland 1021, New Zealand
+64 9 361 2201
info@bossleyarchitects.co.nz

**Bossley
Architects**

192.01 m 337° 52' 04"
LOT 12 BOUNDARY

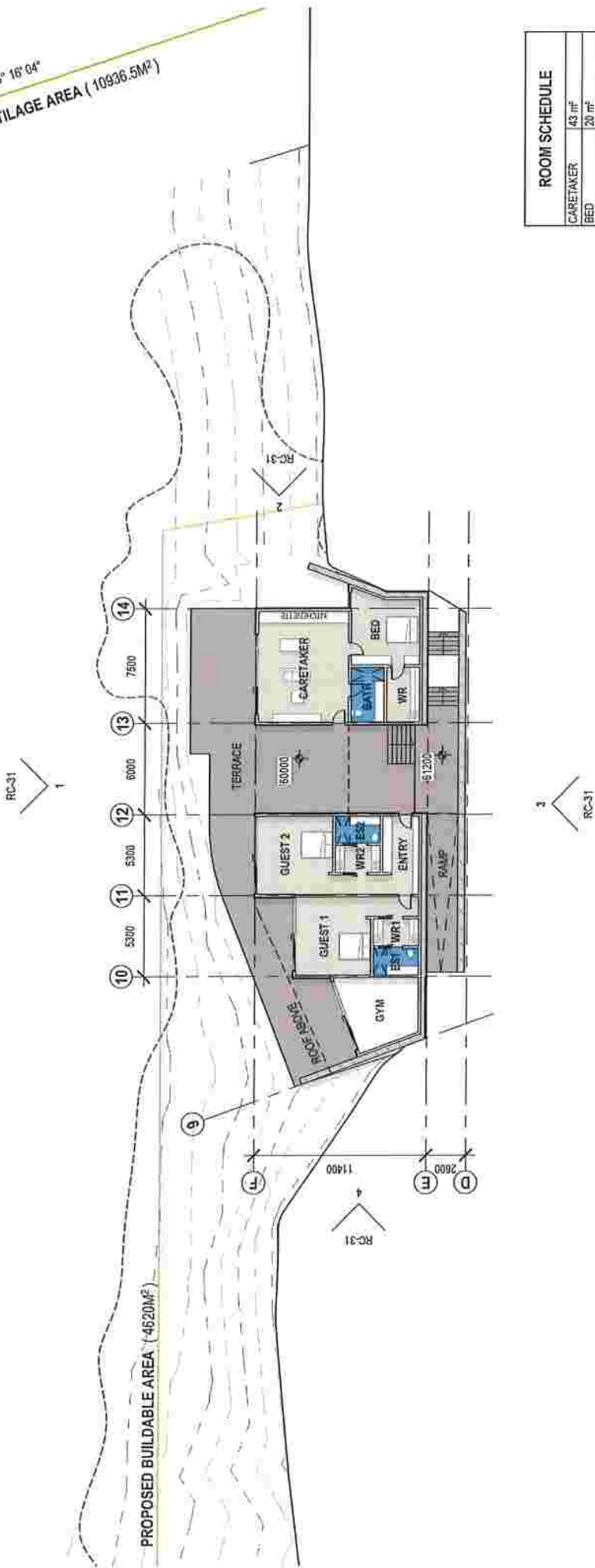


FLOOR PLAN

355 Mackenzie Street
Auckland 1021, New Zealand
+64 9 366 7201
mailto:info@casputys.co.nz

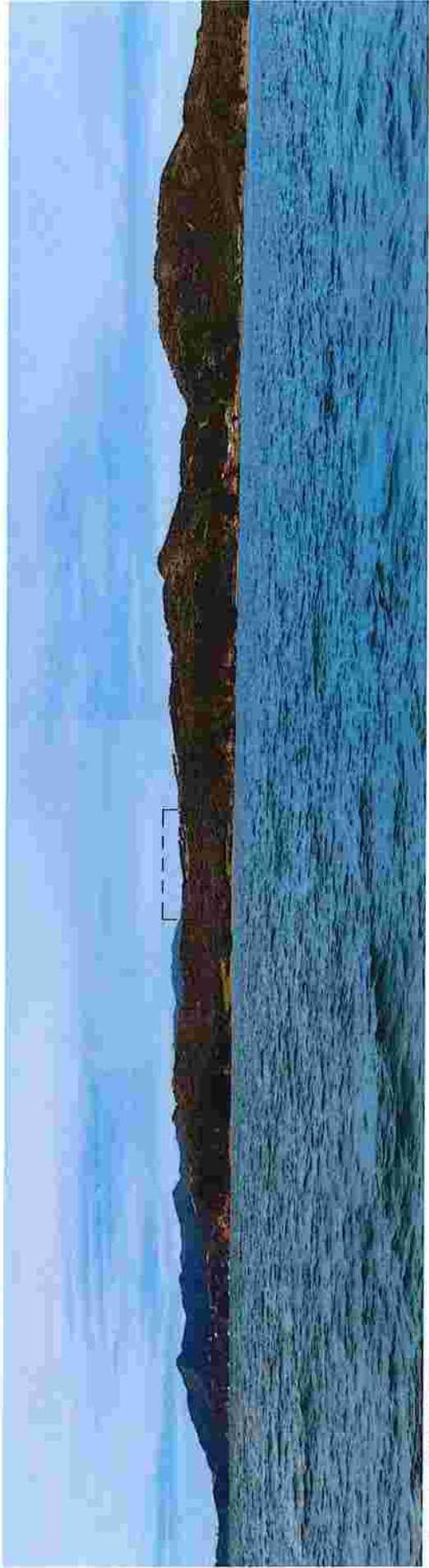
**Bossley
Architects**

45.82 m 148° 16' 04"
EXISTING CURTILAGE AREA (10936.5M²)



ROOM SCHEDULE	
CARETAKER	43 m ²
BED	20 m ²
BATH	8 m ²
WR	8 m ²
GUEST 2	30 m ²
WR2	5 m ²
ES2	5 m ²
WR1	5 m ²
ES1	5 m ²
GUEST 1	30 m ²
GYM	21 m ²
ENTRY	12 m ²

LANDSCAPING:
REFER HAWTHORN LANDSCAPE ARCHITECTS DOCUMENTATION
CUT & FILL VOLUMES:
REFER PK ENGINEERING CIVILS DOCUMENTATION



1 VIEWPOINT 01 - WIDE



3 VIEWPOINT 01 - CLOSE

IMAGES AND GPS LOCATIONS PROVIDED BY HAWTHORN LANDSCAPE ARCHITECTS.
REFER: "VIEW 08" 29/08/2025.



2 VIEWPOINT 1 LOCATION PLAN
1:15000

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SEA VIEWPORT 01

ISSUE	DATE	REVISION	RESOURCE CONSENT	SHEET	REVISION
A	11/09/2025	RESOURCE CONSENT	1:15000 #A3	RC-21	A

1009292025 11/11/25



1 VIEWPOINT 2 - WIDE



2 VIEWPOINT 02 - CLOSE



3 VIEWPOINT 2 - LOCATION PLAN
1:15000

IMAGES AND GPS LOCATIONS PROVIDED BY HANTHORN LANDSCAPE ARCHITECTS.
REFER: "VIEW" 13/29/08/2015



1 VIEWPOINT 03 - WIDE



2 VIEWPOINT 03 - CLOSE



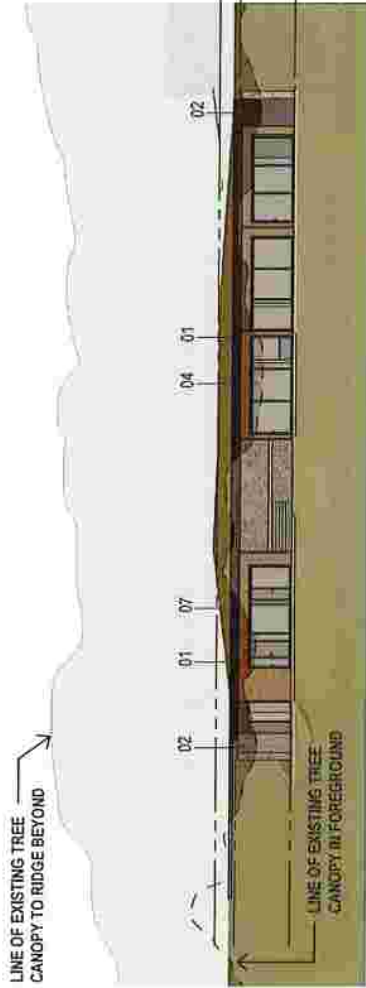
3 VIEWPOINT #15 LOCATION PLAN

1 : 15000

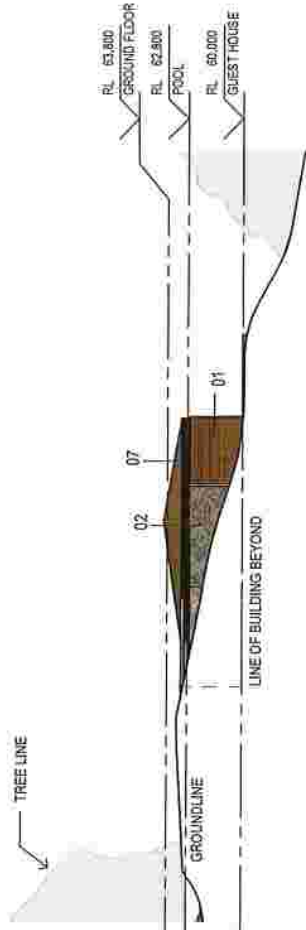
IMAGES AND GPS LOCATIONS PROVIDED BY HAWTHORN LANDSCAPE ARCHITECTS.
REFER: "VIEW 13" 29/08/2025



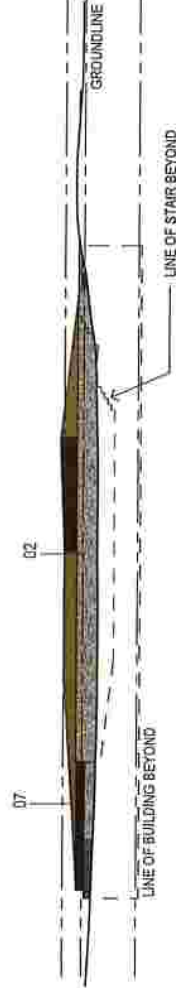
- MATERIALS KEY:**
- 01. TIMBER CLADDING
 - 02. LOCAL DRYSTONE WALLS
 - 03. INSITU CONCRETE (RIVERSTONE PEBBLE SURFACE)
 - 04. GLASS (POWDERCOAT FINISH TO JOINERY)
 - 05. TIMBER SCREENS
 - 06. MEMBRANE ROOF (LOW REFLECTIVITY) WITH POWDERCOATED ALUMINUM FASCIA & TIMBER SOFFIT
 - 07. GREENROOF WITH POWDERCOATED ALUMINUM FASCIA & TIMBER SOFFIT



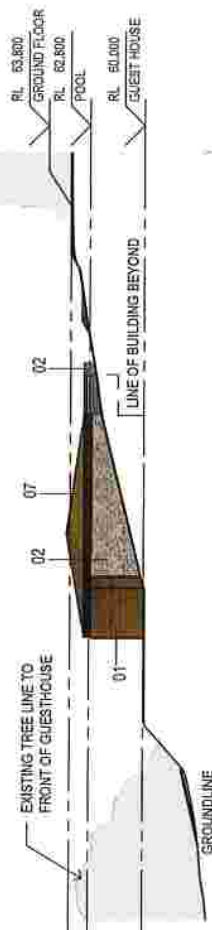
1 GUEST HOUSE - NORTH
RC-11 1:250



2 GUEST HOUSE - EAST
RC-11 1:250



3 GUEST HOUSE - SOUTH
RC-11 1:250



4 GUEST HOUSE - WEST
RC-11 1:250

MATERIALS KEY:

- 01. TIMBER CLADDING
- 02. LOCAL DRYSTONE WALLS
- 03. INSITU CONCRETE (RIVERSTONE PEBBLE SURFACE)
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- 07. GREENROOF WITH POWDERCOATED ALUMINIUM FASCIA & TIMBER SOFFIT



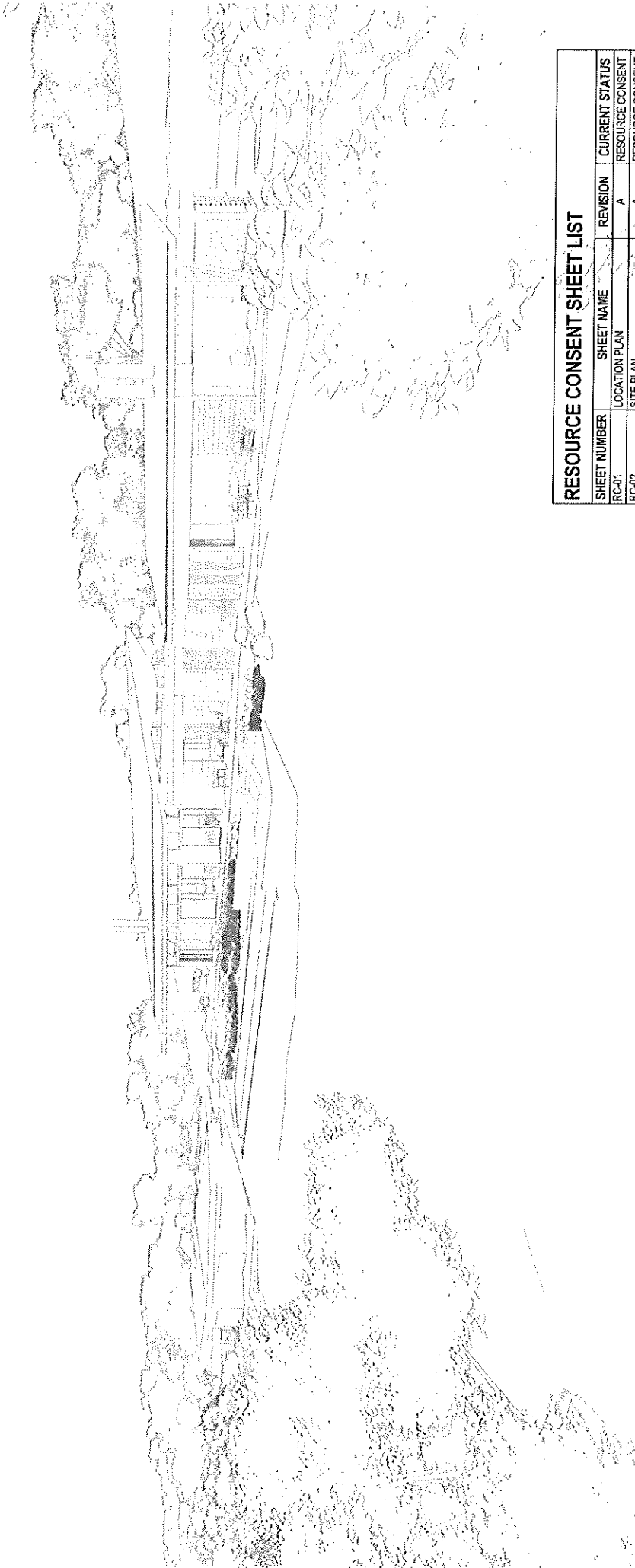
KEY



Viewpoints
1 - 15



14/10/2025	
Appendix 1 Viewpoint and Location Map	
Joe Kapulani and Vicki Van Matier Omao - LOT 12 Manawana Road, Kuniwi	
Scale:	Drawn by:
1:15,000 @ A3	Cost Design:
Drawing #	Rev #
1.0	A
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PREPARED IN CONJUNCTION WITH REPORTS BY
PLANNING: THOMSON SURVEY LTD.
LANDSCAPE: HAWTHORN LANDSCAPE ARCHITECTS.
CIVIL/GEO: PK ENGINEERING
SURVEY INFORMATION PROVIDED BY ARCLAB NZ

**Bossley
Architects**

RESOURCE CONSENT SHEET LIST			
SHEET NUMBER	SHEET NAME	REVISION	CURRENT STATUS
RC-01	LOCATION PLAN	A	RESOURCE CONSENT
RC-02	SITE PLAN	A	RESOURCE CONSENT
RC-10	FLOOR PLAN	A	RESOURCE CONSENT
RC-11	GUEST HOUSE / CARETAKER	A	RESOURCE CONSENT
RC-20	HEIGHT PLANES	A	RESOURCE CONSENT
RC-21	SEA VIEWPORT 01	A	RESOURCE CONSENT
RC-22	SEA VIEWPORT 02	A	RESOURCE CONSENT
RC-23	SEA VIEWPORT 03	A	RESOURCE CONSENT
RC-30	ELEVATIONS - MAIN HOUSE	A	RESOURCE CONSENT
RC-31	ELEVATIONS - GUEST HOUSE	A	RESOURCE CONSENT

KASPUTYS
RESOURCE CONSENT



1 LOCATION PLAN
1:10000

LOCATION PLAN



* EXISTING BUILDABLE AREA SHOWN AS PER OVERING MANAGEMENT PLAN

SITE CONTROLS				*APPLIES TO WESTERN BOUNDARY OF LOT TWELVE ONLY
LOT 12 AREA	71150m²	MAX HEIGHT	4M ROLLING HEIGHT PLANE	
CURLAGE AREA	10935.5M²	SIDE YARD	10M* - NO EFFECT TO BUILDABLE AREA	
BUILDABLE AREA	4820M²	HRTB	2M + 45 DEG* - NO EFFECT TO BUILDABLE AREA	

LOT 12 BOUNDARY
130.02 m 159° 54' 58"

45.82 m 146° 16' 04"

104.90 m 76° 37' 05"

EXISTING CURTILAGE AREA (10936.5M²)

20.80 m 105° 35' 09"

18.53 m 33° 20' 05"

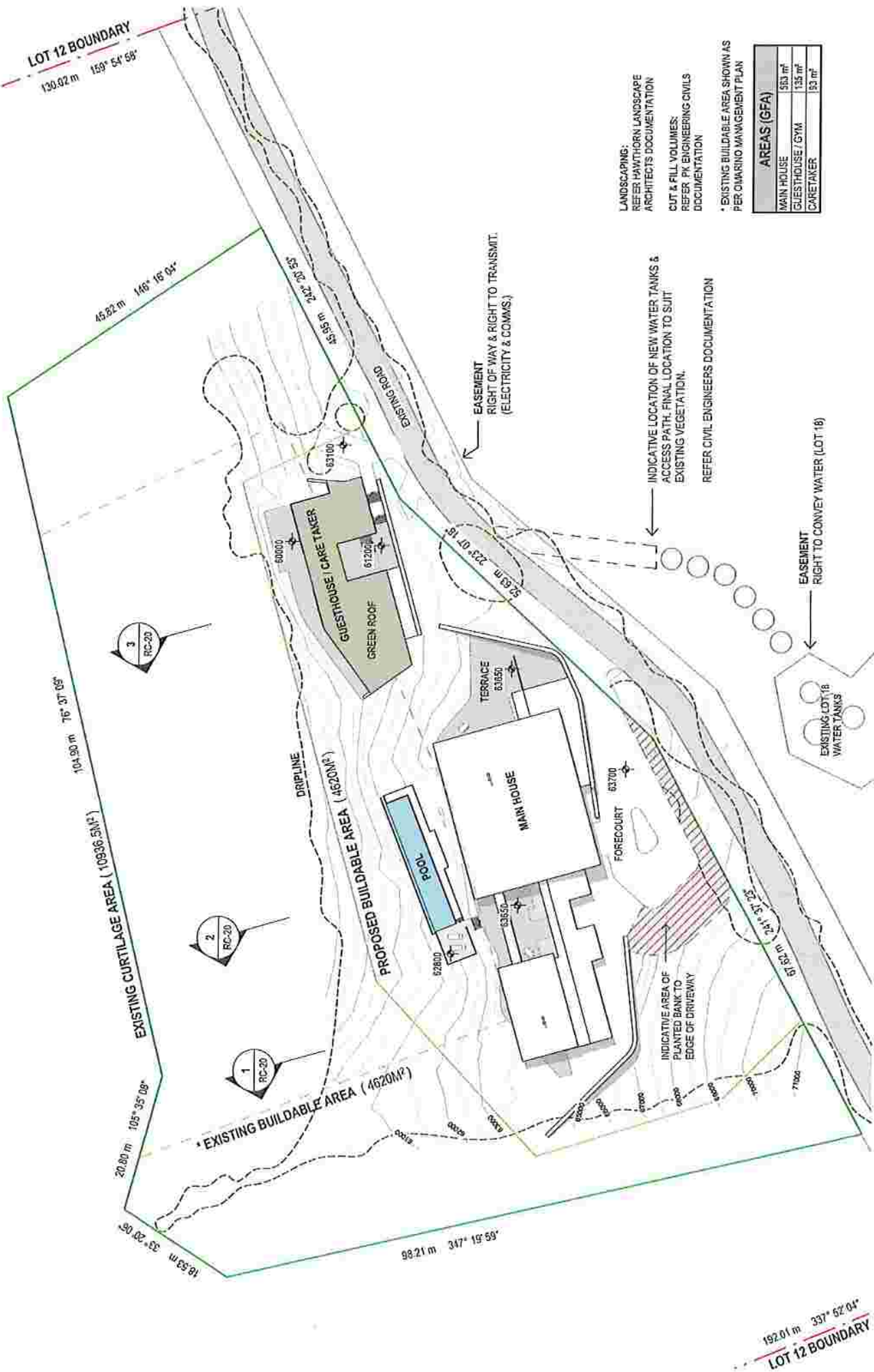
98.21 m 347° 19' 59"

192.01 m 337° 52' 04"
LOT 12 BOUNDARY

LANDSCAPING:
REFER HAWTHORN LANDSCAPE
ARCHITECTS DOCUMENTATION
CUT & FILL VOLUMES:
REFER PK ENGINEERING CIVILS
DOCUMENTATION

* EXISTING BUILDABLE AREA SHOWN AS
PER QUADRANT MANAGEMENT PLAN

AREAS (GFA)	
MAIN HOUSE	563 m ²
GUESTHOUSE / GYM	135 m ²
CARETAKER	93 m ²





45.82 m 148' 10" 04"
EXISTING CURTILAGE AREA (10936.5M²)

RC-31

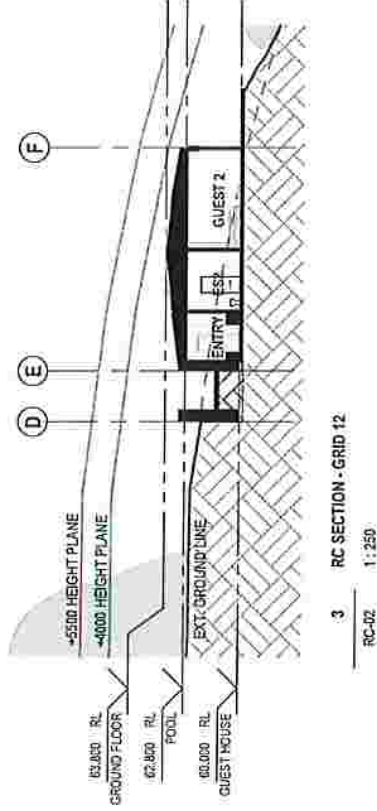
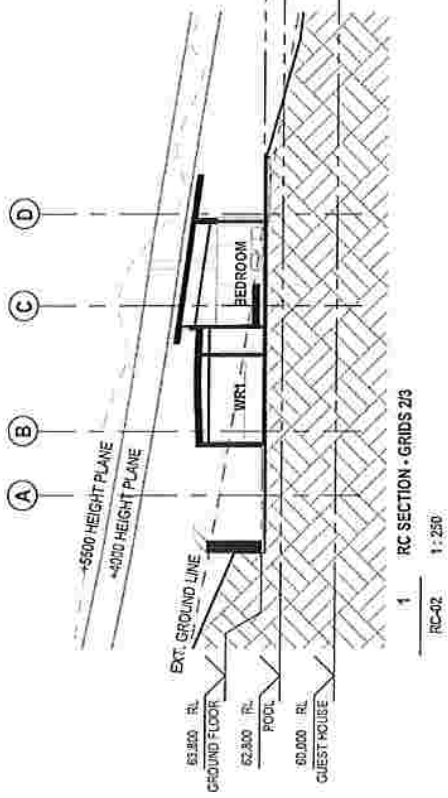
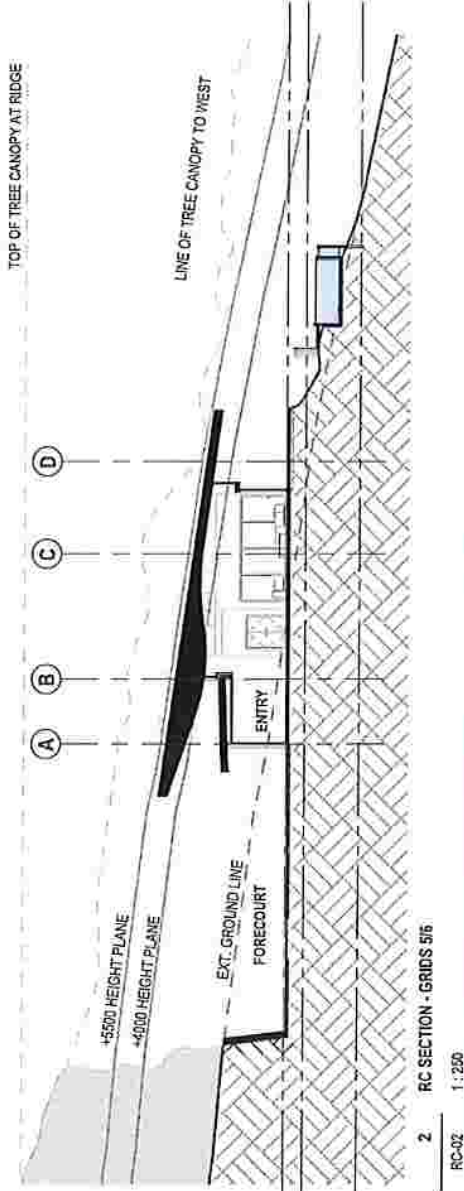


PROPOSED BUILDABLE AREA (4620M²)

RC-31

ROOM SCHEDULE	
CARETAKER	43 m ²
BED	20 m ²
BATH	8 m ²
WR	8 m ²
GUEST 2	30 m ²
WR2	5 m ²
ES2	5 m ²
WR1	5 m ²
EST	5 m ²
GUEST 1	30 m ²
GYM	21 m ²
ENTRY	12 m ²

LANDSCAPING:
REFER HAWTHORN LANDSCAPE ARCHITECTS DOCUMENTATION
CUT & FILL VOLUMES:
REFER PK ENGINEERING CIVILS DOCUMENTATION



4 3D VIEW - HEIGHT PLANE (+5500)

NOTE:
PK ENGINEERING CIVILS DOCUMENTATION FOR CUT & FILL VOLUMES

Bossley Architects

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info@bossleyarchitects.co.nz

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Maitland NSW 2321
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info@kasputisarchitects.co.nz

HEIGHT PLANES

ISSUE	DATE	REVISION	RESOURCE COMMENT	SHEET	REVISION
A	11.08.2023	RESOURCE CONSENT	1:250 m/A3	RC-20	A

18/09/2025 9:20:22 AM



1 VIEWPOINT 01 - WIDE



2 VIEWPOINT 1 LOCATION PLAN

1:15000

Bossley Architects

245, Tevohia Street
Auckland 1021, New Zealand
+61 9 381 2311
ma@bossleyarchitects.co.nz

KAPUTY'S
LOT 12, OHAU
200 Manawatu Road
Waipiro Bay, Northland

SEA VIEWPORT 01



3 VIEWPOINT 01 - CLOSE

IMAGES AND GPS LOCATIONS PROVIDED BY HAWTHORN LANDSCAPE ARCHITECTS.
REFER: "VIEW 01" 23/08/2025

ISSUE	DATE	REVISION	RESOURCE CONSENT	SHEET	REVISION
A	11.06.2025	RESOURCE CONSENT	1:15000 w/A3	RC-21	A

17/02/2025 11:52 PM



1 VIEWPOINT 2 - WIDE



2 VIEWPOINT 02 - CLOSE



3 VIEWPOINT 2 - LOCATION PLAN
1: 15000

**Bossley
Architects**

205 Madeline Street
Auckland 1021, New Zealand
+64 9 300 1234
mail@bossleyarchitects.co.nz

KASPUTYS
Lot 12 - Oamaru
325 Seaford Road
Waiapu Bay, Northland

SEA VIEWPORT 02

RESOURCE CONSENT
1: 10000 at A3

ISSUE A DATE 11.09.2025
REVISION RESOURCE CONSENT

SHEET
RC-22

REVISION
A

10/09/2025 13:31



1 VIEWPOINT 03 - WIDE



2 VIEWPOINT 03 - CLOSE

IMAGES AND GPS LOCATIONS PROVIDED BY HAWTHORN LANDSCAPE ARCHITECTS.
REFER: "VIEW 13" 29/08/2025



3 VIEWPOINT #15 LOCATION PLAN

1 : 15000

**Bossley
Architects**

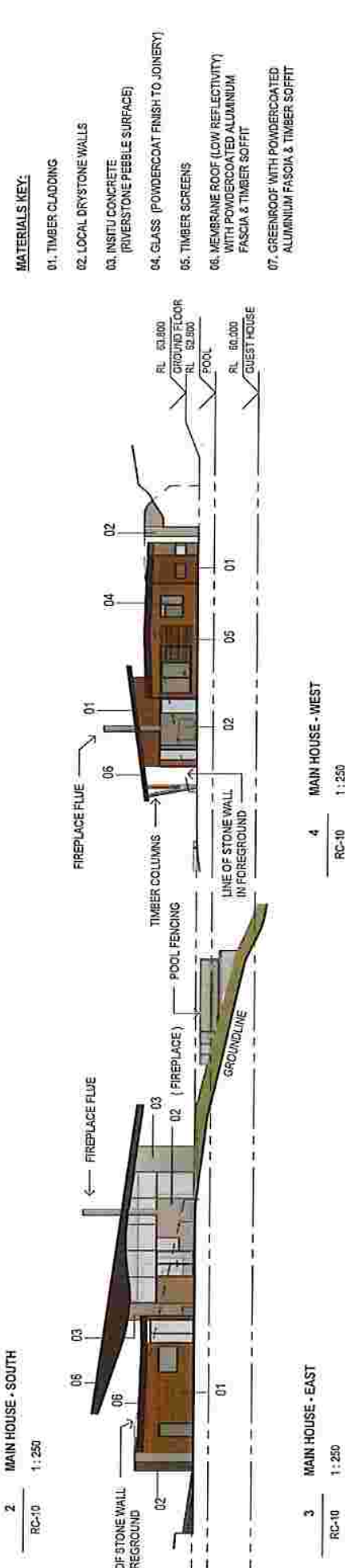
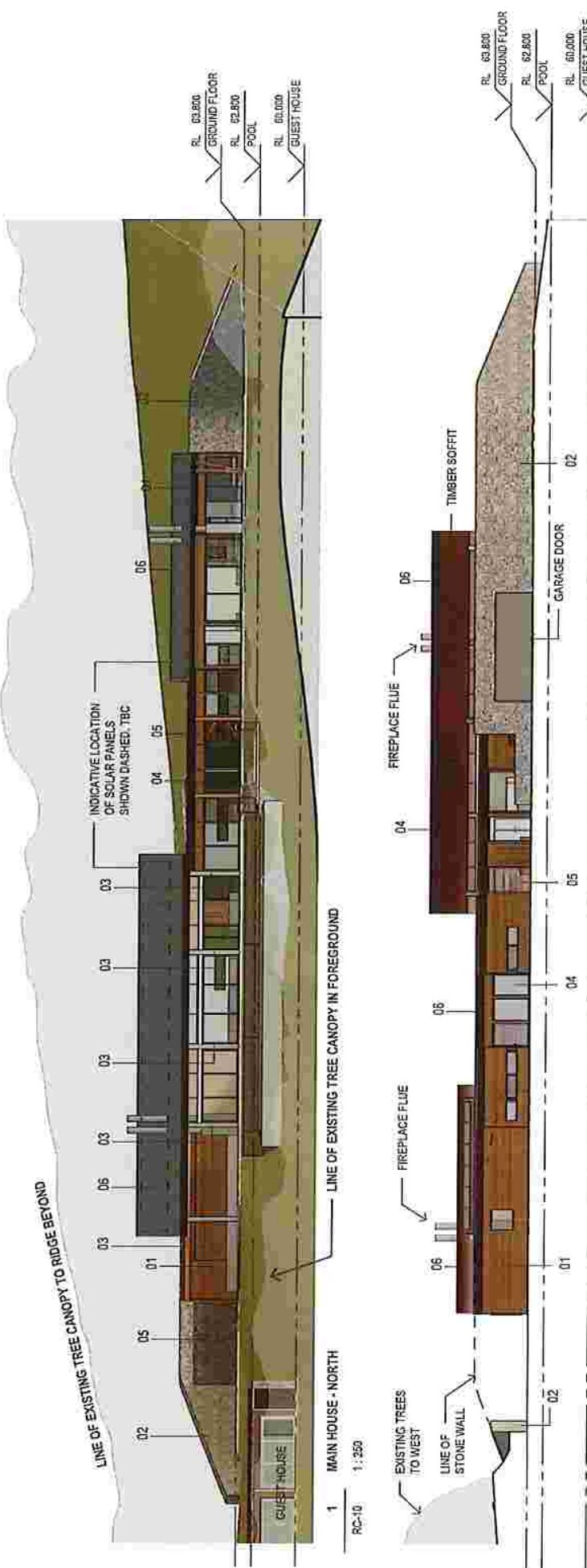
KASRUITYS
Lot 12 - Onauroa
255 Levea Road
Wairoa Bay, Northland

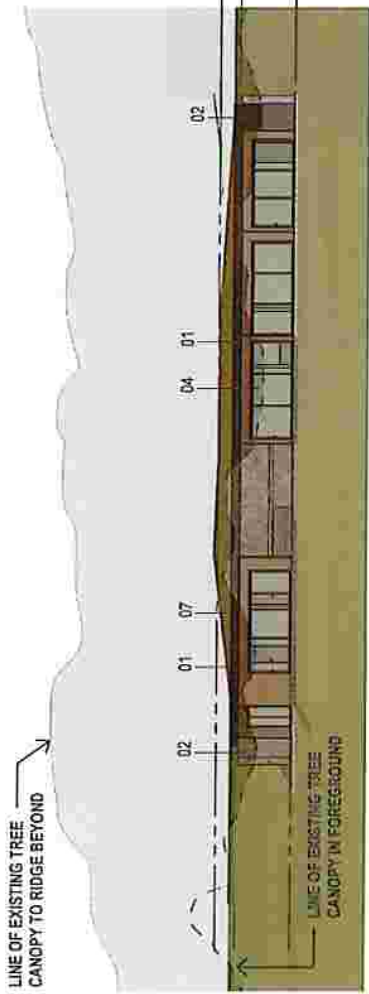
255 Maple Street
Apt 101
4410 381 1201 New Zealand
mail@bossleyarchitects.co.nz

SEA VIEWPORT 03

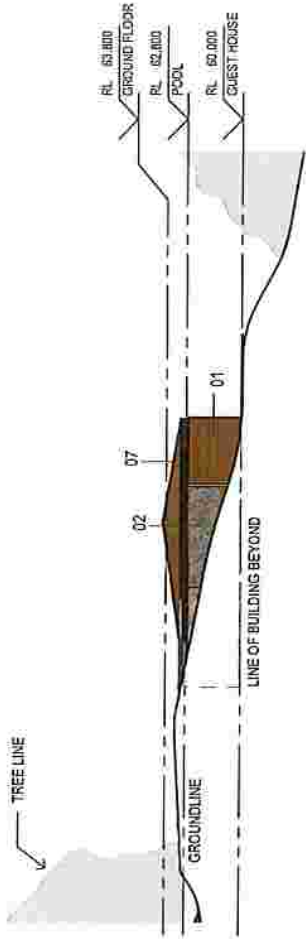
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11/03/2025 11:26 AM

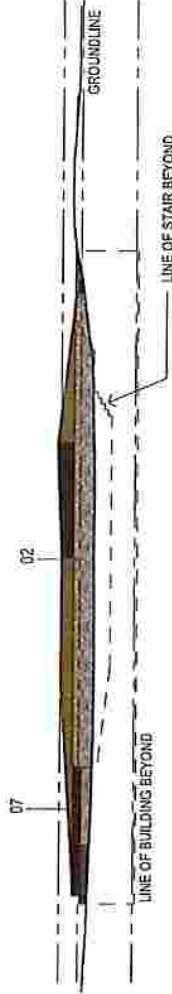




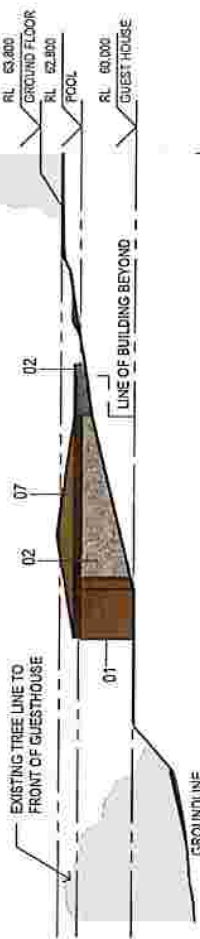
1 GUEST HOUSE - NORTH
RC-11 1:250



2 GUEST HOUSE - EAST
RC-11 1:250



3 GUEST HOUSE - SOUTH
RC-11 1:250



4 GUEST HOUSE - WEST
RC-11 1:250

MATERIALS KEY:

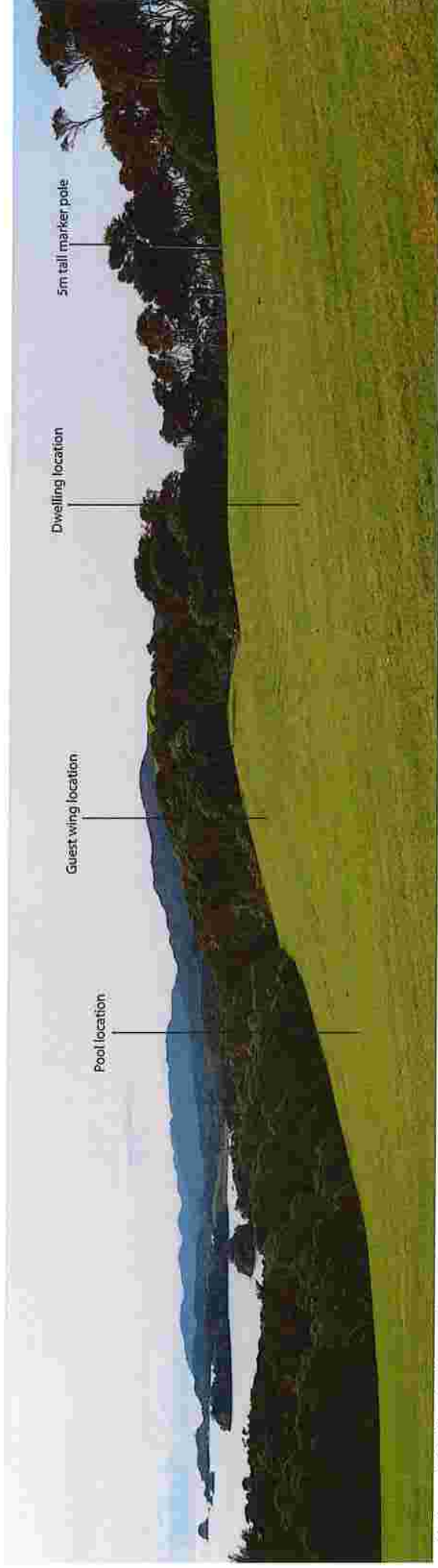
- 01. TIMBER CLADDING
- 02. LOCAL DRYSTONE WALLS
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- 07. GREENROOF WITH POWDERCOATED ALUMINIUM FASCIA & TIMBER SOFFIT



Photograph 1 – View from near the guest wing looking west, showing the grassed area that will accommodate the main dwelling and swimming pool. Showing the existing backdrop of vegetation to the south of the proposed buildable area, and foreground revegetation plantings to the north of the building site.



Photograph 2 – View looking west from the eastern end of the house site, showing the existing grassed area that is proposed as the buildable area, set with the surrounding native vegetation.



Photograph 3 – View looking east across the proposed buildable area set within the existing clearing with the native bush. The guest wing will be a marker pole against one to the kanuka trees is 5m tall, illustrating the backdrop vegetation along the ridge line is approximately 7m tall.



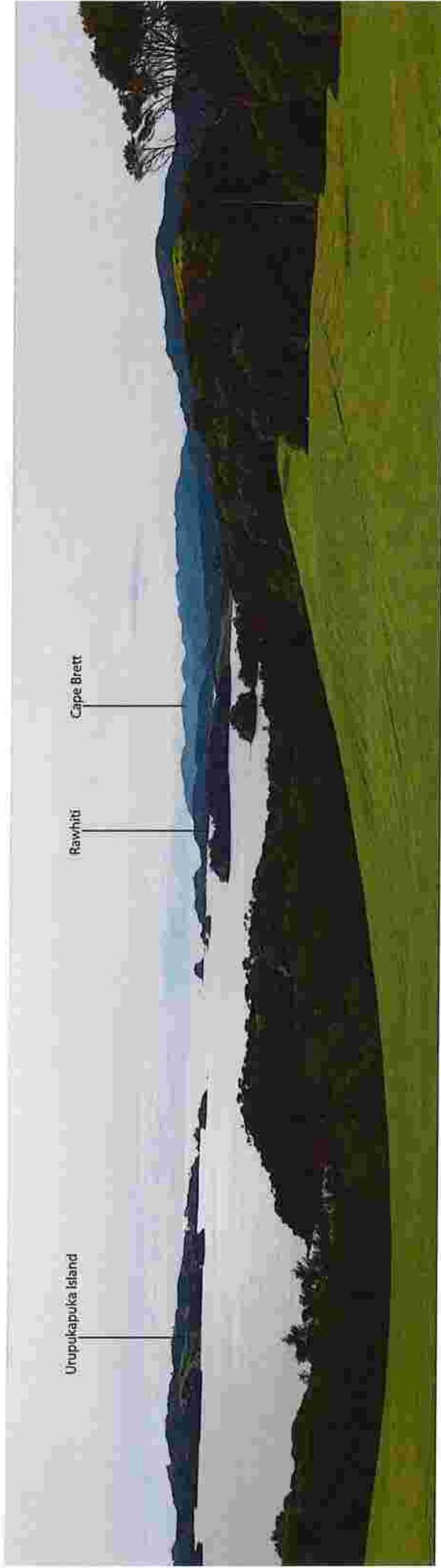
Photograph 4 – View from the lower contours of the buildable area looking southeast towards the grassed areas that will accommodate the built form of the dwelling, guest wing and swimming pool. The existing native bush located along the ridge line will form a vegetated backdrop to the buildings. This vegetation will be supplemented with additional native trees such as Pohutukawa to ensure the longevity of the vegetated backdrop to the building site.



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Landscape Architects

On Site Photographs

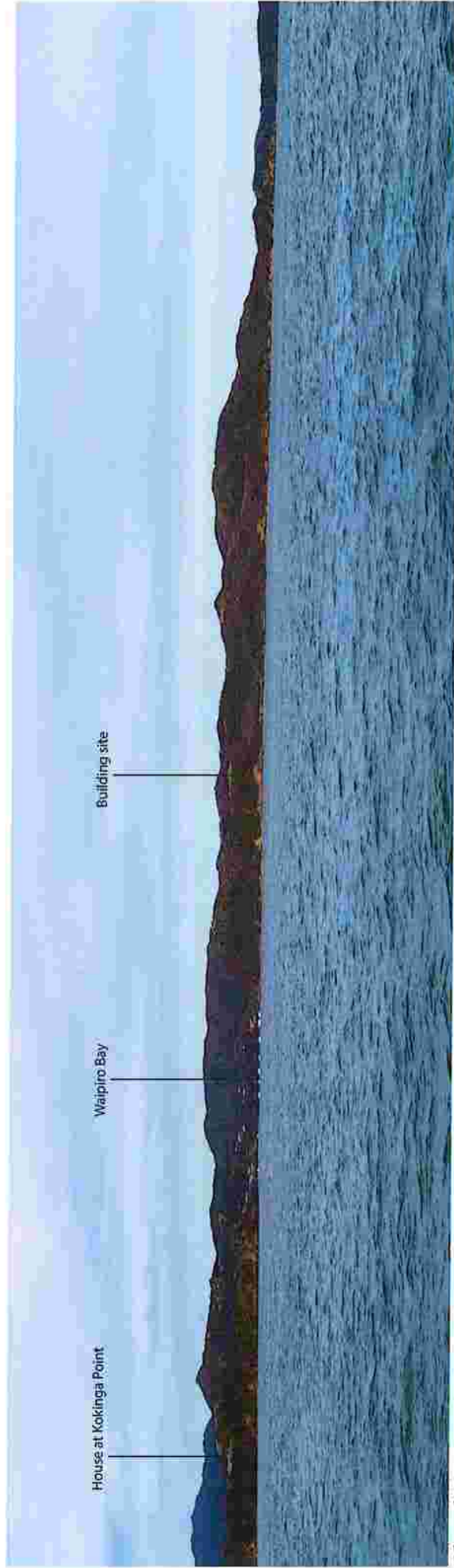
Kasputys & Van Mator Dwelling
Lot 12 Omarino
Manawaora Road, Russell



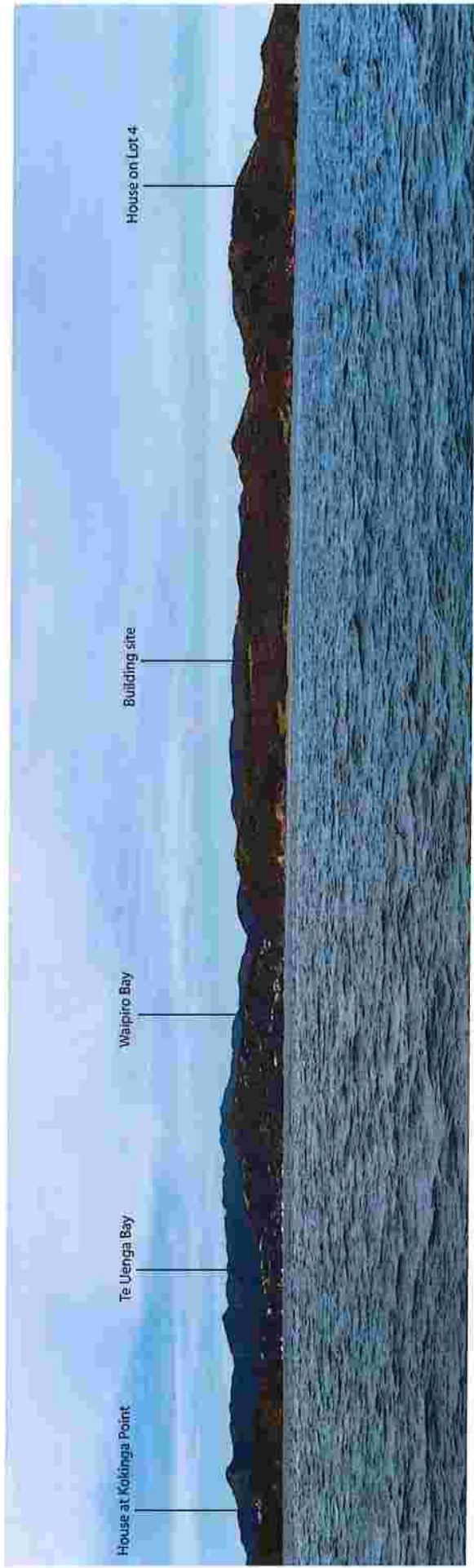
Photograph 5 – View from the most elevated part of the site, in the southwestern corner, looking northeast over the proposed buildable area, and towards Urupukapuka Island, Rawhiti, and Cape Brett



Photograph 6 – Located on the building site of the dwelling, which will be dug into the hill slope, showing the foreground vegetation below the building site and the expansive views over the Eastern Bay of Islands.



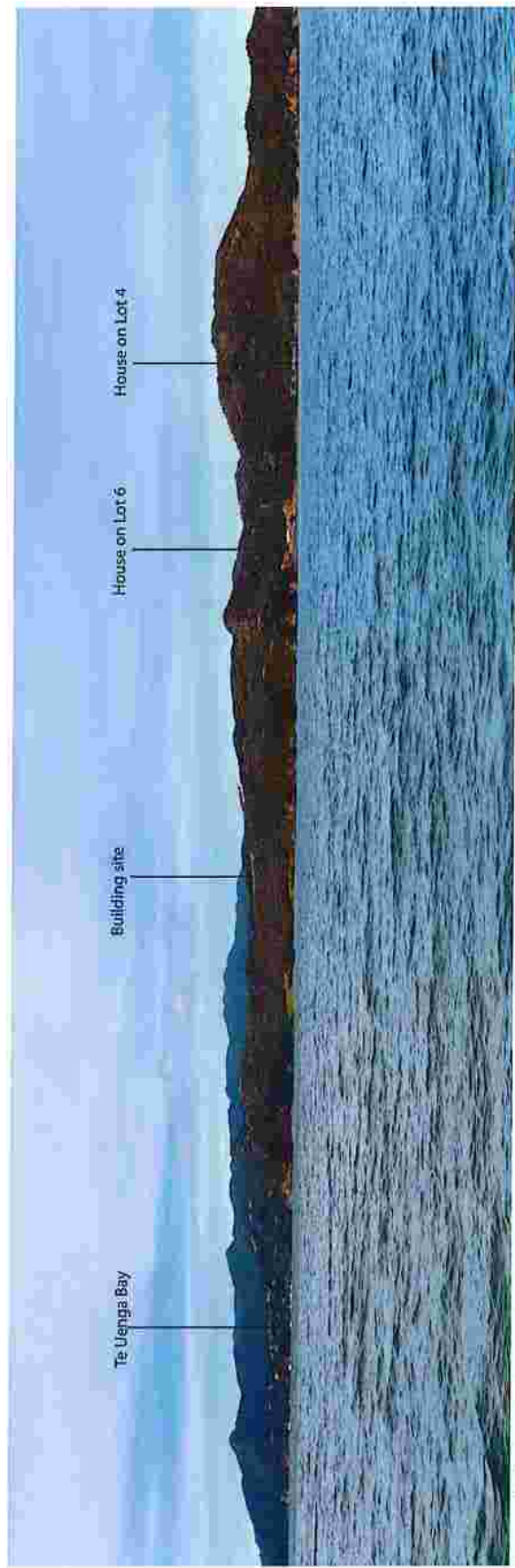
Viewpoint 1 – Located mid channel between Urupukapuka Island and the mainland, approximately 2.3km to the northeast of the site. The building site is visible as the grassed area on an otherwise completely vegetated hill slope. The building site is viewed well below the backdrop ridgeline. The buildings visible to the east of the site are located within Waipiro Bay.



Viewpoint 2 – Located close to the main channel leading into Otehai Bay, Urupukapuka Island approximately 2km to the north of the site. The building site is visible as the grassed area within the densely vegetated hill slopes within the Omarino development. The building site is viewed well below the backdrop ridgeline. The buildings visible to the east of the site are located within Waipiro and Te Uenga Bays. A large residence located at Koina Point is also visible. The dwelling that is located on Lot 4 Omarino is just visible.

Off Site Viewpoints

Kasputys & Van Mair Dwellings
 Lot 12 Omarino
 Manawaara Road, Russell



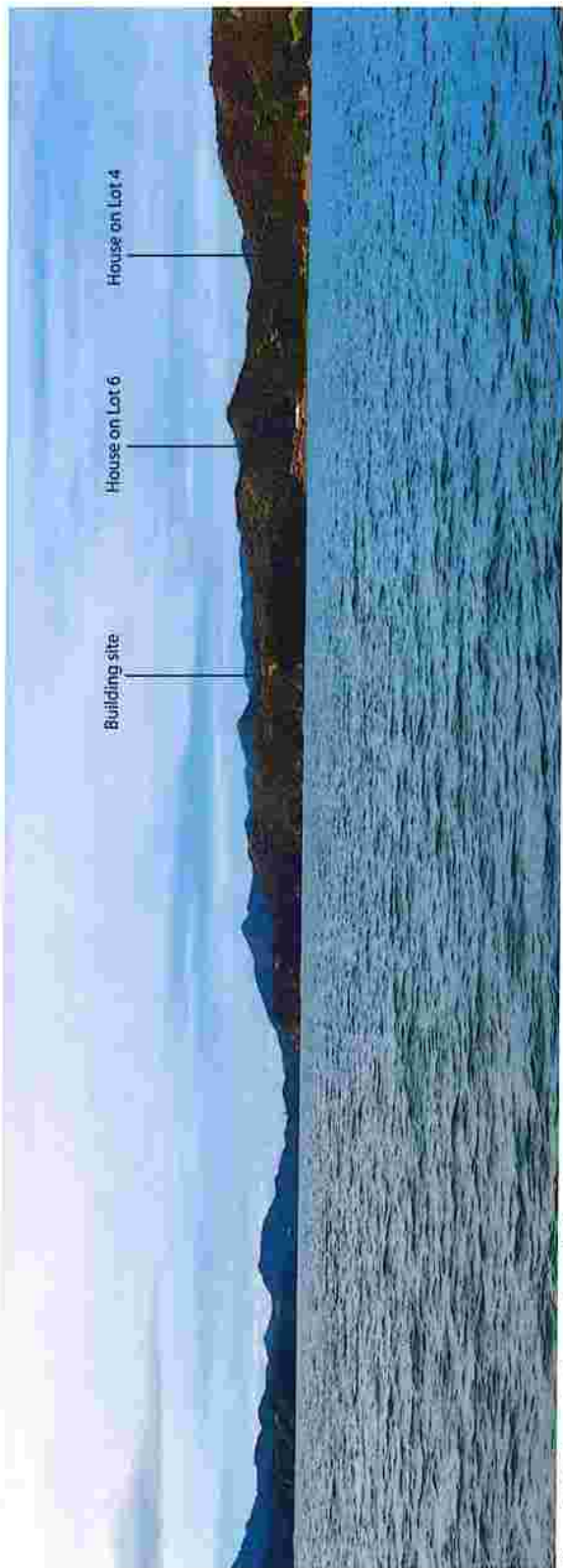
Viewpoint 3 – Located approximately 2km to the northwest of the site within the main boating channel between the mainland and the islands. The application site forms a small part of the panorama on offer, which takes in the Omarino development, with houses on Lots 4 and 6 visible. The coastal living settlement of Te Uenga Bay is also visible to the east of the site. The proposed building site is identifiable by the existing grassed clearing within the otherwise densely vegetated hill slopes. The building site is viewed with a vegetated land backdrop.



Viewpoint 4 – Located approximately 2.1km to the northwest of the site within the main boating channel between the mainland and the islands. The application site forms a small part of the overall view on offer. Within the Omarino development the houses on Lots 1, 2, 4 and 6 are visible. The proposed building site is only just identifiable by the existing grassed clearing within the blanket cover of dark coloured native vegetation. The building site is viewed with a vegetated land backdrop.

Off Site Viewpoints

Kasputys & Van Matar Dwelling
Lot 12 Omarino
Manawaara Road, Russell



Viewpoint 5 – Located approximately 2km to the northwest of the site within the main boating channel between the mainland and the islands. The application site forms a very small part of the overall view on offer. Within the Omarino development the houses on Lots 4 and 6 are visible. The proposed building site is only just identifiable by the existing grassed clearing within the blanket cover of dark coloured native vegetation. The building site is viewed with a vegetated land backdrop.



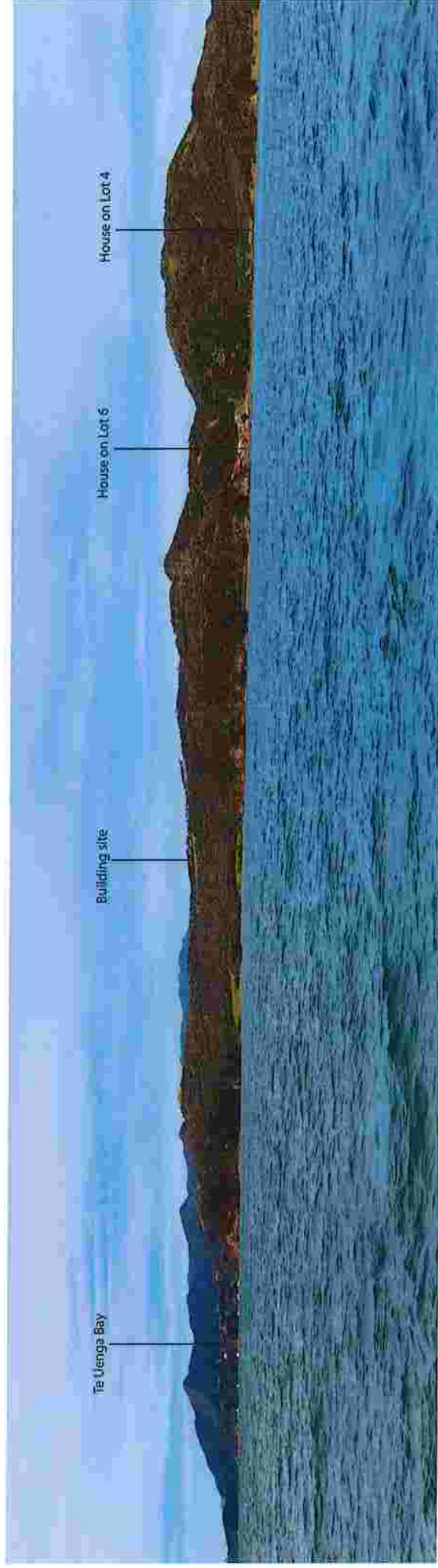
Viewpoint 6 – Located approximately 1.7km to the northwest of the site within the main boating channel between the mainland and the islands. The application site forms a very small part of the overall view on offer. Within the Omarino development the houses on Lots 4 and 6 are visible. The proposed building site is only just identifiable by the existing grassed clearing within the blanket cover of dark coloured native vegetation. The building site is viewed with a vegetated land backdrop.

Off Site Viewpoints

Kasputys & Van Mater Dwelling
Lot 12 Omarino
Manawaara Road, Russell



Viewpoint 7 – Located approximately 1.5km to the northwest of the site within the main boating channel between the mainland and the islands. Within the Omarino development the houses on Lots 4 and 6 are visible. The proposed building site is only just identifiable by the sliver of grassed within the existing bush cover. The building site is viewed with a vegetated land backdrop.

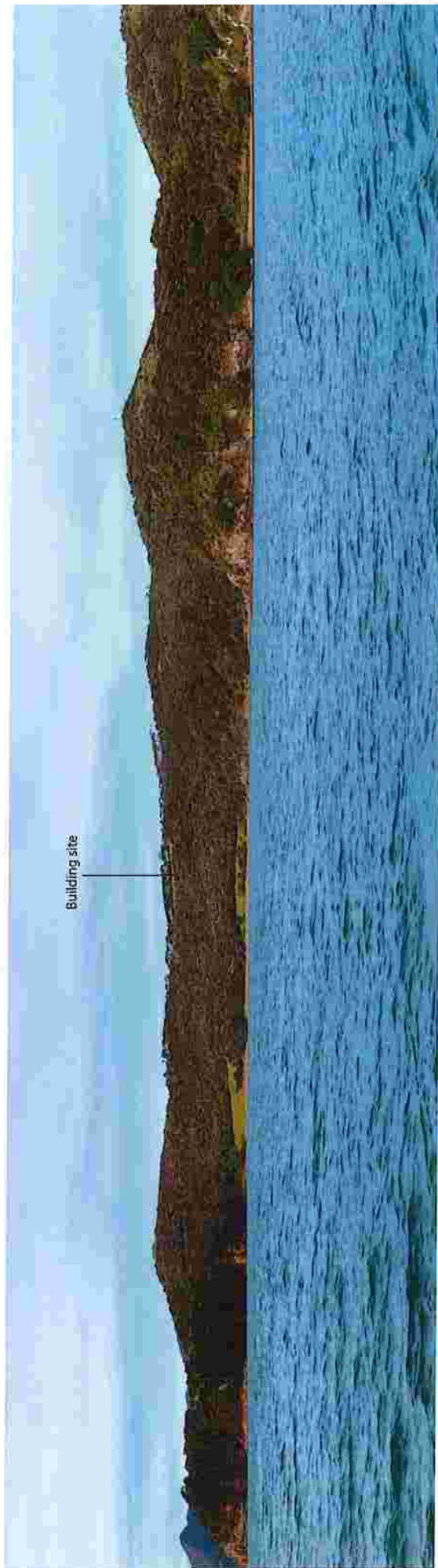


Viewpoint 8 – Located approximately 1.4km to the north of the site within the main boating channel between the mainland and the islands. The application site forms a small part of the panorama on offer, which takes in the Omarino development, with houses on Lots 4 and 6 visible. The coastal living settlement of Te Uenga Bay is also visible to the east of the site. The proposed building site is identifiable by the existing grassed clearing within the otherwise densely vegetated hill slopes. The building site is viewed with a vegetated backdrop.

Off Site Viewpoints
Kasputys & Van Matar Dwelling
Lot 12 Omarino
Manawaara Road, Russell



Viewpoint 9 – Located approximately 1.3km to the north of the site. The application is viewed as one of the 'Ridge' building sites within the Omarino development. The 'Coastal Bay' sites on Lots 9 and 10 are in the grassed clearings along the water's edge below Lot 12. The building site has a vegetated backdrop.



Viewpoint 10 – Located approximately 1.1km to the north of the site. The application is viewed as one of the 'Ridge' building sites within the Omarino development. The 'Coastal Bay' sites on Lots 9 and 10 are in the grassed clearings along the water's edge below Lot 12. The building site has a vegetated backdrop.

Off Site Viewpoints

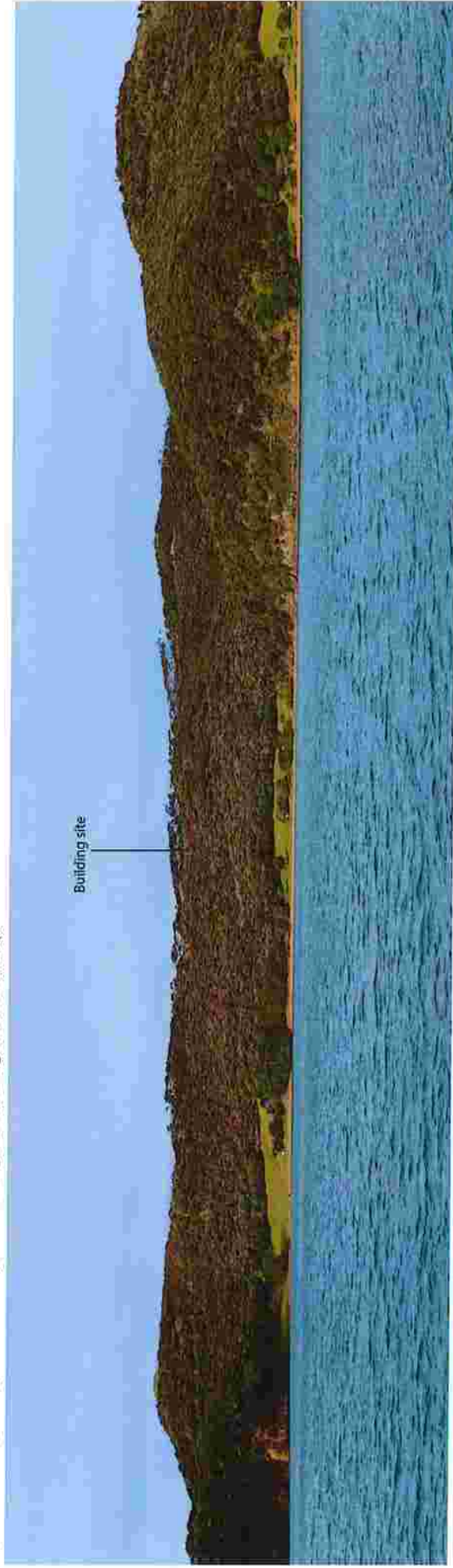
Kasputys & Van Mater Dwelling
Lot 12 Omarino
Manawaara Road, Russell



HAWTHORN
Landscape Architects



Viewpoint 11 – Located approximately 850m to the north of the site. The application is viewed as one of the 'Ridge' building sites within the Omarino development. The 'Coastal Bay' sites on Lots 8 - 10 are in the grassed clearings along the water's edge. The building site has a vegetated backdrop.



Viewpoint 12 – Located approximately 700m to the north of the site. The application is viewed as one of the 'Ridge' building sites within the Omarino development. The 'Coastal Bay' sites on Lots 8 - 10 are in the grassed clearings along the water's edge. The building site on Lot 12 is only just visible as a narrow silver of grass due to the close proximity of the viewing position. The proposed dwelling will be viewed with a vegetated foreground and backdrop.

Off Site Viewpoints

Kasputys & Van Mater Dwelling
 Lot 12 Omarino
 Manawaara Road, Russell



Viewpoint 13 – Located approximately 500m to the north of the site. The grassed area proposed for the building site is not visible due to the angle of view when located close to shore. The foreground vegetation will screen most of the built form of the proposed development from view, with only the very upper parts of the main building visible. This will be viewed with a vegetated backdrop and not on the skyline.



Viewpoint 14 – Located approximately 650m to the north of the site. The application is viewed as one of the 'Ridge' building sites within the Omarino development. The 'Coastal Bay' sites on Lots 8 - 10 are located in the grassed clearings along the water's edge. The building site is only just visible and has a vegetated backdrop.

Off Site Viewpoints

Kasputys & Van Mater Dwelling
Lot 12 Omarino
Manawaara Road, Russell



Viewpoint 15 – Located approximately 800m to the northeast of the site. The proposed building site is visible within the vegetated hill slopes of the Omarino development. The residential development within Waipiro Bay is visible to the east of the site. The proposed buildings will be set into the landscape with a vegetated backdrop.

Key



20/10/2025
Appendix 5 Landscape Plan
Joe Kapuyin and Vicki Van Mier Dinatho - LOT 12 Marawarra Road, Euralil
Scale: 1:500 @ A3
Down By
Cost Design
Drawing #
Rev #
A

1. This plan is a preliminary design and is subject to change without notice. It is not to be used for construction purposes without the written consent of Hawthorn Landscapes Architects.

2. The client is responsible for obtaining all necessary permits and approvals from the relevant authorities.

3. The client is responsible for ensuring that the plan is in accordance with all applicable laws and regulations.

4. The client is responsible for ensuring that the plan is in accordance with all applicable standards and specifications.

5. The client is responsible for ensuring that the plan is in accordance with all applicable codes of practice.



Coprosma Hawera



Coprosma repens



Corynocarpus laevigatus



Dysosyllum spectabile



Griselinia littoralis



Meryta sinclairii



Melrosideros excelsa



Muehlenbeckia complexa



Pseudopanax lessonii



Vitex lucens

Backdrop Enhancement Plantings

The existing backdrop of native forest will be supplemented with long lived tree species to ensure a vegetated backdrop in perpetuity.

Botanical name	Common name	Size	Number
Dysosyllum spectabile	Kohleholze	pb18	14
Melrosideros excelsa	Pohukukawa	pb18	14

Landscape Backdrop Plantings

Areas along the southern side of the proposed buildable area will be planted with a backdrop of fire retardant species.

Botanical name	Common name	Size	Number
Coprosma repens	Tuapeta	pb5	15
Corynocarpus laevigatus	Kanaka	pb12	7
Dysosyllum spectabile	Kohleholze	pb12	3
Griselinia littoralis	Broadleaf	pb5	15
Meryta sinclairii	Puka	pb5	5
Melrosideros excelsa	Pohukukawa	pb18	2
Pseudopanax lessonii	Five finger	pb5	15
Vitex lucens	Puriri	pb18	1

Roof Garden Plantings

Botanical name	Common name	Size	Number
Coprosma Hawera	Groundcover	pb5	150
Muehlenbeckia complexa	Groundcover	pb5	150

Amenity Garden Plantings

The areas shown on the plan will be landscaped with plant species of the client's choice to provide the domestic gardens around the house site.

HAWTHORN Landscape Architects	
20/10/2025	
Plan Schedule & Palette	
Joe Kappits and Vicki Van Wazer Chimera Ltd 12 Manor Road, Pukekohe	
Scale	Drawn by
1:100 @ A3	Cost Design
Drawing #	Rev #
3/0	A
1. This drawing is the property of Hawthorn Landscape Architects and is to be used only for the project and site specified. It is not to be used for any other purpose without the written consent of Hawthorn Landscape Architects. 2. This drawing is not to be used for any other purpose without the written consent of Hawthorn Landscape Architects. 3. This drawing is not to be used for any other purpose without the written consent of Hawthorn Landscape Architects. 4. This drawing is not to be used for any other purpose without the written consent of Hawthorn Landscape Architects. 5. This drawing is not to be used for any other purpose without the written consent of Hawthorn Landscape Architects. 6. This drawing is not to be used for any other purpose without the written consent of Hawthorn Landscape Architects. 7. This drawing is not to be used for any other purpose without the written consent of Hawthorn Landscape Architects. 8. This drawing is not to be used for any other purpose without the written consent of Hawthorn Landscape Architects. 9. This drawing is not to be used for any other purpose without the written consent of Hawthorn Landscape Architects. 10. This drawing is not to be used for any other purpose without the written consent of Hawthorn Landscape Architects.	

Landscape Planting Implementation + Maintenance

Implementation Scope

The scope of the planting is:

- i. Preparation of planting areas;
- ii. Timing of planting;
- iii. Plant material;
- iv. Siting of plants in accordance with the planting plan;
- v. Planting;
- vi. Watering in newly planted shrubs and;
- vii. General maintenance, and;
- viii. Weed pest and disease control.

Preparation of Planting Areas

- i. Undertake clearance of any exotic weed species.
- ii. The initial weed control should be carried out during the autumn months prior to the winter planting, when plants are still actively growing and therefore more susceptible to herbicides.
- iii. Spot spray planting areas three weeks before planting. A follow up spray should be applied if required.

For grasses spray:

- Spray 100ml glyphosate (e.g. Roundup® 20ml) penetrant per 10litres water

Timing of Planting

- i. Planting shall only be undertaken when there is adequate ground moisture. If planting is undertaken early or late in the season, plants should be irrigated during any dry periods.

Plant Material

- i. Plants shall be purchased from a reputable nursery. All plants shall be best nursery stock, being healthy and vigorous. Root systems shall be well developed and in balance with the amount of foliage grown on the plant.
- ii. Root-bound plants or those with badly spiralling root systems shall not be acceptable. Plants should have a root ball of fine, fresh root growth. This should be sliced through vertically with a sharp knife when removing the plant/ bag.
- iii. Plants are to be planted as soon as possible after delivery and no later than 3 days after delivery.

Siting of Plants

- i. Planting shall be in accordance with and as shown on the Landscape Plans.

Planting

- iii. Plants should be well watered in their containers prior to planting.
 - iv. Holes for the larger (pt3 and above) plants should be dug approximately 1.5 times wider than the root ball, so that the roots are not cramped. Some loose soil should be left in the bottom of the hole to aid root growth and drainage.
 - v. Approximately one tablespoon of good quality eighteen to twenty-four month slow-release fertiliser should be placed in the bottom of the plant hole, and mixed in with the loose soil, ensuring that the fertiliser is not sitting directly on the roots (as it may burn them).
 - vi. Soil returned around the roots should be firmed with the foot, with a small amount of loose soil left at the top of the hole.
 - vii. Holes for large plants may exceed the depth of topsoil. In these cases the subsoil is to be thoroughly broken and well mixed with topsoil, which has been added as a 100mm layer to the bottom of the planting hole. Any compacted soil plan is to be thoroughly broken by relevant measures ensuring good root penetration and drainage.
 - viii. Individual specimens should be planted approx 50mm proud of the existing ground level to prevent waterlogging.
 - ix. The base of the planting hole is to be filled and firmed with backfilling material to a level where the top of the plant root ball is level with surrounding ground.
 - x. All care shall be taken to keep the root ball of the plant intact during placement.
 - xi. Individual specimen trees shall be mulched with 70mm layer of bark mulch. The plantings with wetland covenant areas do not need to be barked/mulched.
- The foreground and backdrop plantings can either be bark mulch per individual tree or whole planted area mulched.

Specimen Tree Planting

- i. Ground preparation to take place prior to planting, consisting of a 1m3 hole for each post grade tree. Integrate existing soil within this hole with a 50:50 mix of locally sourced compost and topsoil.
- ii. Trees should be planted approx 50mm proud of the existing ground level to prevent waterlogging.
- iii. Finish with a 70mm layer of locally sourced, high quality mulch to a 1m diameter around tree trunk, do not mound up around trunk.
- iv. Stake trees with appropriate wooden stakes and soft tree tie.

Watering In

Immediately after planting all of the plants are to be thoroughly watered until the planting hole is saturated. The foliage of plants is also to be thoroughly wetted. This is to be done even if soil conditions are already wet.

General Maintenance

- i. Maintenance weed control should commence within three months following the planting, and then twice annually
- ii. Maintenance shall be undertaken for a minimum period of 3 years following practical completion in accordance with this specification and the accompanying plan.
- iii. Care should be taken to identify and control any weeds that may have been introduced to the property in potting mix associated with the new plants.
- iv. All weeds should be cleared from the site by appropriate physical and chemical control. The majority of weeds growing close to the plant can be pulled by hand (taking care not to damage the roots of the plant) or, if appropriate, sprayed with herbicide by an experienced operator.
- v. During this three-year maintenance programme, any dead plants will need to be replaced.



HAWTHORN

Landscape Architects

20/10/2025

Implementation + Maintenance

Joe Kapuya and Vico Van Mote

Onoaho - LOT 12

Manawarua Road, Russell

Scale

Drawn By

no scale

Lead Design

Drawing #

Rev #

4.0

A

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Landscape Overlays

Northland Regional Policy Statement Maps

Outstanding Natural Landscape:



Parekura Headland & Orakawa Peninsula

High Natural Character:



Ormatino

Operative Far North District Plan

Outstanding Landscape covers all of the site

Proposed Far North District Plan

Outstanding Natural Landscape covers all of the site

High Natural Character (same as NRPS description)



HNC 352 Waipiro Bay



Curtilage Area (Exclusive Use)



Consented Buildable Area



Proposed Buildable Area



HAWTHORN
Landscapes Architects

14/10/2025

Appendix 5
Landscape Overlays Lot 12

Joe Karuahi and Vaea Von Moller
Ormatino - LOT 12
Marineview Estate, Russell

Scale: Drawn By:
1:2000 @ A3 Caid Design

Drawing # Rev #
1:1 A

1. The owner of the property is responsible for ensuring that the proposed development is consistent with the relevant landscape overlays and any other relevant planning instruments.

2. The owner of the property is responsible for ensuring that the proposed development is consistent with the relevant landscape overlays and any other relevant planning instruments.

3. The owner of the property is responsible for ensuring that the proposed development is consistent with the relevant landscape overlays and any other relevant planning instruments.

4. The owner of the property is responsible for ensuring that the proposed development is consistent with the relevant landscape overlays and any other relevant planning instruments.

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10.09.2024

AWHI ATU : Lot 12 OMARINO ARCHITECTS DESCRIPTION

Proposed new residence at Lot 12 DP 391213 Omarino, Bay of Islands

This report should be read in conjunction with the following drawings:

RC-00	Cover
RC-01	Location Plan
RC-02	Site Plan
RC-10	Floor Plan Main House
RC-11	Floor Plan Guest House/Caretaker
RC-20	Height Planes and Cross Sections
RC-22	Sea Views 01
RC-23	Sea Views 02
RC-24	Sea Views 03
RC-30	Elevations Main House
RC-31	Elevation Guest House/Caretaker

This report is also to be read in conjunction with the application prepared by Lynley Newport of Thomson Survey, and all reports by other consultants included in the application.

PROPOSED DEVELOPMENT

1.0 Site:

Lot 12 DP 391213

The total site area: 71150 sqm

The overall site is comprised of two parts, one north facing, the other south facing, with a private access track bisecting the site along the ridge. The development site is the north facing portion. The site itself has no beach front, with an intervening title separating it from the coastal marine area. It has beach access via common land. It is planted with regenerating natives, with an open lawn area on the northern side of the road.

This area is within the Buildable Area and forms the only areas available for construction.

Although the overall site is large at 7.1150Ha, the Buildable Area is relatively small, constrained by the internal track to the south, and the existing vegetation to the east, north and west. The recorded Buildable Area does not agree with the cleared grass area on the site. The recorded buildable area in fact takes in a reasonably substantial amount of vegetation established on the site. To avoid damaging large areas of existing vegetation, part of this application is to relocate the Buildable area to be within the existing clear area. We understand the Buildable Area was intended to be located in the clear area at the time of the original Resource Consent application for subdivision. Refer Bossley Architects drawing for the proposed change. RC-01 and 02.

4.4	Walls/Screens/Fences: -boundary definition not allowed -walls to be seen as extensions of the house	Complies Complies
4.5	Materials: -generally materials which weather well are encouraged: -membrane roofing permitted -stained weatherboards -aluminium joinery -natural stone -concrete	Complies Complies Complies Complies Complies
4.6	Colour: -Roof: naturally weathered -Walls: stains with limited areas of colour	Complies Complies
4.7	Service Courts: -enclosure to conceal service areas etc	Complies
4.8	Pools -to be designed to minimise area of fencing and to comply with the Pool Fencing Act	Complies
4.9	Services: -concealment of pipework, gas bottles, wiring, security lighting etc will be the subject of detail design. -water tanks concealed from view	Complies

4.0 Architectural Approach:

This house is designed for a couple and their extended family, who love to incorporate nature into their life, and are very enthusiastic that the house be embedded in, and prioritises, the natural world. They intend to bolster the already dominant vegetation with more to ensure it runs up to and through the house to create an almost magical atmosphere.

The proposed house is composed of two separate wings. This strategy has been adopted in order to design buildings which fit well in the landscape and to minimise the potential impact of a single large building when viewed from the sea.

This design strategy is a continuation of the architectural approach utilised by Pete Bossley Architects for other residential complexes which have been highly acclaimed. These include the Heatley House on Motorua Island, Fold House at Omarino, and the Mace House in Paroa Bay. These projects received Home + Entertaining Home of the Year Awards and/or NZIA Local and Regional awards, and the Fold and Mace houses were awarded NZIA Supreme Awards. In these cases the architectural approach of dividing the house into a number of smaller wings to reduce the apparent

- Walls: -timber weatherboards, with some panels of in-situ or precast concrete with riverstone pebble surfaces, with local stone walls on fireplaces
- Beams, posts: - clear finished laminated timber.
- Fascias: - soft bronze-powder coated aluminium or similar.
- Roofs: - membrane, with low reflectivity
- PV panels -low-reflectivity panels on the sloping roofs. Location to be confirmed
- Glazing: - clear or minimal grey-green tinted for solar control.
- Window joinery: - natural coloured powder-coated aluminium
- Retaining Walls -where visible retaining walls are of natural stone drystone walling, constructed of local stone.

8.0 Building Setbacks:

There are no buildings within the Buildable Area.

9.0 Earthworks:

Refer to Reports prepared by PK Engineering with respect to Earthworks.

Given the limitations of the low maximum height plane on a steeply sloping site, excavation is required to nestle the buildings as much as possible into the site and to mitigate visibility near the ridgeline.

Retaining walls will concrete or masonry be clad in local stone, in many areas planted with appropriate vegetation, and interlocking crib walls heavily planted.

10.0 Infrastructure:

Refer to Reports prepared by PK Engineering with respect to Stormwater Disposal, Wastewater Disposal and Potable Water Supply.

Stormwater:

Stormwater will be collected from the House roofs for potable use. It will be collected from the green roof over the Guest Wing for irrigation and be stored in tanks separate from the potable water.

Watertanks:

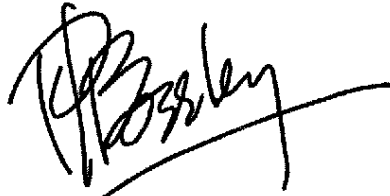
Water tanks are located in the bush to the south of the existing private road, adjacent to the existing water tanks. . These will not be visible from the sea. Two tanks will be dedicated for Fire Department use .

Wastewater System:

A proprietary wastewater treatment system will be installed near the bush line below the house. A Dispersal field of the required calculated area will be trickled through the existing vegetation.

Vehicle areas:

Nga mihi / Kind regards
BOSSLEY ARCHITECTS LTD

A handwritten signature in black ink, appearing to read 'Pete Bossley', with a long horizontal stroke extending to the right.

Pete Bossley
Director/Architect
Registered Architect, BArch (hons), NZCD (Arch), FNZIA
NZIA Gold Medal 2012
pete@bossleyarchitects.co.nz

Appendix 2

Architect's Description

10.09.2024

AWHI ATU : Lot 12 OMARINO ARCHITECTS DESCRIPTION

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The total site area: 71150 sqm

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The recorded Buildable Area does not agree with the cleared grass area on the site. The recorded buildable area in fact takes in a reasonably substantial amount of vegetation established on the site. To avoid damaging large areas of existing vegetation, part of this application is to relocate the Buildable area to be within the existing clear area. We understand the Buildable Area was intended to be located in the clear area at the time of the original Resource Consent application for subdivision. Refer Bossley Architects drawing for the proposed change. RC-01 and 02

2.0 Existing buildings:

There are no existing buildings on the site.

3.0 Planning Parameters:

The site is subject to the Design Guidelines incorporated within the Omarino Management Plan and Approved Omarino Resource Consents Conditions.

These include (refer to Guidelines for item numbers):

Guideline Item + Description:	Response:
3.0 Site Type: Ridge	
4.1 Style: to be generated by -context, sun -n/wind, views, visibility	Complies
4.2 Scale + Form:	
Site Coverage: -10% maximum	Complies
-to recede and integrate into context	Complies
4.2.3 Scale: -single or split level	Complies (split level, with Guests Rooms sunken with a green roof.)
-4m max height (rolling): Guest Wing: Main House:	complies Non-complying. 5.5m max height proposed under this application.
Note: 4.2 of the Guidelines states the <i>'height variation may be permitted on a case-by-case basis but not greater than District Plan Controls'</i> . Note: Operative District Plan is 8m max height	
Form: -form to be set down from the top of the ridge and cut in to the hillside so that planting behind is visible	Complies
-variation encouraged	Complies (variety of roof types)
-monopitch roofs encouraged	Complies
-Horizontal to be accentuated	Complies
4.3 Roof Forms:	
-roofs to be less than 10degrees	Complies, 8degrees
-large overhangs encouraged to create shadow lines and recess the glazing	Complies
-Outdoor areas protected from prevailing winds encouraged	Complies

4.4	Walls/Screens/Fences: -boundary definition not allowed -walls to be seen as extensions of the house	Complies Complies
4.5	Materials: -generally materials which weather well are encouraged: -membrane roofing permitted -stained weatherboards -aluminium joinery -natural stone -concrete	 Complies Complies Complies Complies Complies
4.6	Colour: -Roof: naturally weathered -Walls: stains with limited areas of colour	Complies Complies
4.7	Service Courts: -enclosure to conceal service areas etc	Complies
4.8	Pools -to be designed to minimise area of fencing and to comply with the Pool Fencing Act	 Complies
4.9	Services: -concealment of pipework, gas bottles, wiring, security lighting etc will be the subject of detail design. -water tanks concealed from view	 Complies

4.0 Architectural Approach:

This house is designed for a couple and their extended family, who love to incorporate nature into their life, and are very enthusiastic that the house be embedded in, and prioritises, the natural world. They intend to bolster the already dominant vegetation with more to ensure it runs up to and through the house to create an almost magical atmosphere.

The proposed house is composed of two separate wings. This strategy has been adopted in order to design buildings which fit well in the landscape and to minimise the potential impact of a single large building when viewed from the sea.

This design strategy is a continuation of the architectural approach utilised by Pete Bossley Architects for other residential complexes which have been highly acclaimed. These include the Heatley House on Motorua Island, Fold House at Omarino, and the Mace House in Paroa Bay. These projects received Home + Entertaining Home of the Year Awards and/or NZIA Local and Regional awards, and the Fold and Mace houses were awarded NZIA Supreme Awards. In these cases the architectural approach of dividing the house into a number of smaller wings to reduce the apparent

scale of the buildings was recognised and lauded as an appropriate and highly successful methodology.

The two Awhi Atu buildings are located to minimise their visual impact, take advantage of the natural contours, and to reinforce the existing qualities of the site and the falloff the slope. They follow the contours, and are cut in to the slope also to reduce their apparent height.

5.0 Building Descriptions:

The residential complex is comprised of the following wings:

- Wing 1: Main Living and Bedroom Wing, and Garaging
- Wing 2: Three Guest Bedrooms (with one a possible Caretaker suite) and Gymnasium

Wing 1:

Living Area, Dining and Kitchen, Family Room, Main Bedroom, Garaging and Plant areas, including workshop and storage.

This wing is excavated well into the existing contours, to fit under the maximum height, and reduce visibility from the sea to the north. It will be predominantly hidden from view from the sea by the dense existing planting on the north of the house, and the house roof will be protected from interrupting the ridgeline by the tall existing vegetation on the ridge to the south.

The house has a long exterior wall of local stone to act as a sheltering gesture, with the house itself opening out to the northern views and sun. It is comprised of three roof elements: sloping roof over the main Living areas, nominally flat roof over the secondary Living areas, and another smaller sloping roof over the Main Bedroom.

An “internal” courtyard garden opens the heart of the house to the elements and introduces planting to the mid-point of the north facing elevation.

Wing 2:

2 Bedrooms, possible Caretakers accommodation, Gymnasium.

This wing is nestled well into the slope, so it is not visible at all from the sea because of the existing planting. It has a green roof to further embed it in the landscape and to reflect the importance of nature in the overall composition.

The third bedroom will be of flexible use, either as a Guest suite or as possible Caretakers Accommodation, depending on the client's requirements.

Pool Area:

The pool is set below the main house in Wing 1. The long north face is a waterfall edge with the overflow channel set a minimum of 1200mm above adjacent lawn area and planting to provide Pool Fencing security. At the east and south and west sides pool fencing and outward opening gates will secure the pool area in accordance with the requirements of the Pool Fencing Act.

6.0 Building Materials:

(refer Bossley Architects Drawings RC-30 and 31).

The exterior materials consist of combinations of a selected palette of materials. The materials have been chosen to blend the buildings in with the silver-grey and soft green colours of the site and are materials which will weather well in the salt-laden atmosphere.

Generally these include:

- Walls: -timber weatherboards, with some panels of in-situ or precast concrete with riverstone pebble surfaces, with local stone walls on fireplaces
- Beams, posts: - clear finished laminated timber.
- Fascias: - soft bronze-powder coated aluminium or similar.
- Roofs: - membrane, with low reflectivity
- PV panels -low-reflectivity panels on the sloping roofs. Location to be confirmed
- Glazing: - clear or minimal grey-green tinted for solar control.
- Window joinery: - natural coloured powder-coated aluminium
- Retaining Walls -where visible retaining walls are of natural stone drystone walling, constructed of local stone.

8.0 Building Setbacks:

There are no buildings within the Buildable Area.

9.0 Earthworks:

Refer to Reports prepared by PK Engineering with respect to Earthworks.

Given the limitations of the low maximum height plane on a steeply sloping site, excavation is required to nestle the buildings as much as possible into the site and to mitigate visibility near the ridgeline.

Retaining walls will concrete or masonry be clad in local stone, in many areas planted with appropriate vegetation, and interlocking crib walls heavily planted.

10.0 Infrastructure:

Refer to Reports prepared by PK Engineering with respect to Stormwater Disposal, Wastewater Disposal and Potable Water Supply.

Stormwater:

Stormwater will be collected from the House roofs for potable use. It will be collected from the green roof over the Guest Wing for irrigation and be stored in tanks separate from the potable water.

Watertanks:

Water tanks are located in the bush to the south of the existing private road, adjacent to the existing water tanks. . These will not be visible from the sea. Two tanks will be dedicated for Fire Department use .

Wastewater System:

A proprietary wastewater treatment system will be installed near the bush line below the house. A Dispersal field of the required calculated area will be trickled through the existing vegetation.

Vehicle areas:

The new driveway and Forecourt will be concrete to match the existing road. Concrete areas have been kept to a minimum with a planted island in the Forecourt. Extra parking will be alongside the existing road, mostly on the grassed areas.

11.0 Assessment of Visual Effects:

Effects on Neighbours:

The house is not visible from the nearby neighbouring sites.

Because the private track is an effective cul-de-sac, the house will only be visible to people visiting or using the track to access Lot 14 for maintenance or emergency purposes.

Effects from the sea:

The effects of the buildings on views from the sea are mitigated by the following:

- All buildings are constructed of materials which emphasise the natural colours and tones, in order to integrate with the landscape and planting.
- The buildings are reduced in scale by the architectural approach (described above) of dividing the total house into two smaller wings. This reduces the apparent mass of the buildings.
- Roofs of the buildings are of minimal pitch sloping back from the sea. This makes the roof read as a thin element emphasising the horizontality of the contours of the land, especially when viewed from the sea.
This removes any visibility arising from large expanses of steeply pitched sloping roofs visible near the top of the ridge.
The overhanging roofs minimise the effects of sunlight reflecting off large areas of unsheltered glazing.
- Existing vegetation and new planting will obscure the bulk of the house when viewed from the sea, and planting on the ridge behind the house will form a backdrop that mitigates the visibility of the horizontal sloping roofs.
The Guest wing will not be visible at all. (refer Landscape Architects Report).
- Solar panels on the sloping roofs will be of low-reflective glass to mitigate any glare and maximise light absorption. Any reflectivity from the panels would only be visible from the south of the house, rather than from the sea.

12.0 Design Review Panel Approval:

Approval from the Omarino Residents Design Review Panel has been received.

End of Report

Report prepared by Pete Bossley, BArch (Hons), Fellow NZIA, Gold Medal NZIA recipient.
Director, Bossley Architects Ltd.

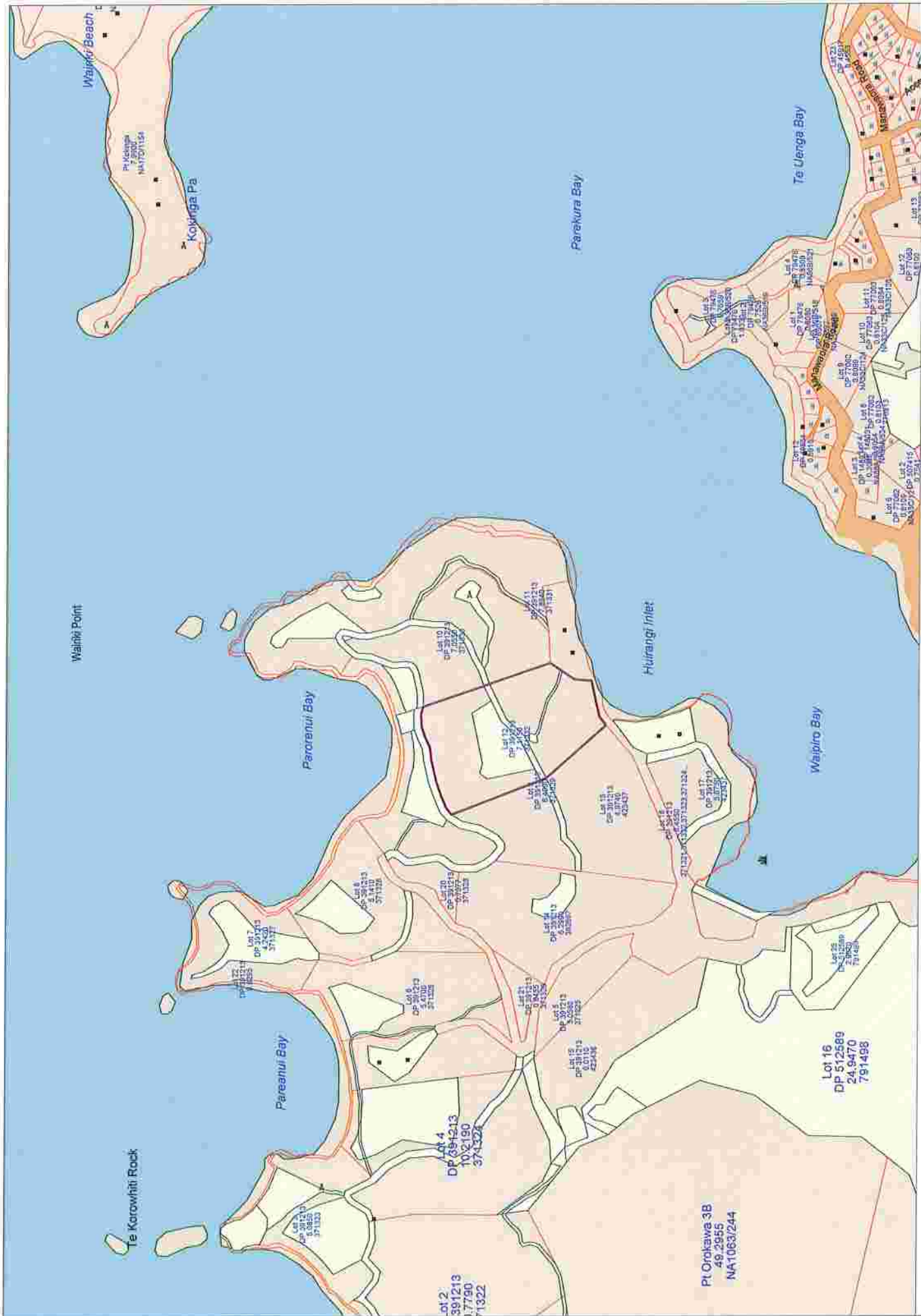
Nga mihi / Kind regards
BOSSLEY ARCHITECTS LTD

A handwritten signature in black ink, appearing to read 'Pete Bossley', with a long horizontal stroke extending to the right.

Pete Bossley
Director/Architect
Registered Architect, BArch (hons), NZCD (Arch), FNZIA
NZIA Gold Medal 2012
pete@bossleyarchitects.co.nz

Appendix 3

Location Map



Appendix 4

Landscape and Visual Effects Assessment



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Landscape and Visual Effects Assessment Proposed Dwelling, Swimming Pool & Guest Accommodation

Lot 12 Omarino, Manawaora, Russell



Prepared For: Joseph Kasputys & Vicki Van Mater

Prepared By: Christine Hawthorn

Date: 17th October 2025



HAWTHORN

Landscape Architects

TABLE OF CONTENTS

1.0	INTRODUCTION	3
2.0	METHODOLOGY	3
3.0	THE SITE AND ITS LANDSCAPE CONTEXT	
3.1	Location	4
3.2	Application Site and Neighbourhood Character	5
4.0	THE APPLICATION	
4.1	Proposed Development	9
4.2	Omarino Management Plan	13
4.3	Landscape Plan	18
5.0	LANDSCAPE AND VISUAL IMPACT ASSESSMENT	
5.1	Introduction	19
5.2	Visual Catchment and Viewing Audience	20
5.3	Visual Impact Analysis	21
5.4	Landscape Effects	24
5.5	Natural Character Effects	26
6.0	STATUTORY CONTEXT	
6.1	Operative District Plan	27
6.2	Proposed District Plan	33
6.3	Consent Notice 7907807.2	34
6.4	The New Zealand Coastal Policy Statement	37
6.5	Northland Regional Policy Statement	38
7.0	CONCLUSION	40

APPENDICES:

- Appendix 1 – Viewpoint & Location Map
- Appendix 2 – Development Plans
- Appendix 3 – On Site Photographs
- Appendix 4 – Off Site Viewpoints
- Appendix 5 – Landscape Plan
- Appendix 6 – Landscape Overlays
- Appendix 7 – Bossley Architects Design Description



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1. INTRODUCTION

Hawthorn Landscape Architects Ltd have been engaged by the Joseph Kasputys and Vicki Van Mater (applicants) to undertake a landscape and visual impact assessment of the proposed development of a dwelling, swimming pool and guest/caretakers' accommodation on their property at Omarino.

The development site is located at Lot 12 Omarino via 285 Manawaora Road, Russell. The property is legally described as Lot 12 DP 391213 with a 1/17th share of Lot 18 DP 391213, contained in Record of Title 371332, dated August 2008. The site covers an area of 71150m².

The site is zoned General Coastal in the Operative District Plan (ODP) and zoned Rural Production with Coastal Environment Overlay in the Proposed District Plan (PDP). The site is covered by an Outstanding Landscape in the ODP and by an Outstanding Natural Landscape overlay in the PDP. The southern slopes of Lot 12 are mapped as having High Natural Character values, this area covers the mature native forest on the property. The site is within the 'coastal environment' as identified in the Regional Policy Statement for Northland (RPS). The RPS also identifies the Outstanding Natural Landscape and High Natural Character area. Refer to **Appendix 6** for the Landscape Overlay Maps.

The development proposal is for the construction of a single storey main residence with guest/caretakers wing and a swimming pool located within the existing grassed area on the northern facing hill slope of Lot 12 as detailed within the architectural plans prepared by Bossley Architects. Refer to **Appendix 2** for the Development Plans.

The development proposal requires resource consent for a number of rule breaches. Consent is also sought to change the consent notice conditions of Consent Notice 7907807.2 to allow for the main dwelling to be located outside of the existing buildable area, and the guest wing to be partially outside of the buildable area. In effect the buildable area will be relocated to the existing grassed area within the curtilage area on the lot to avoid the need to remove any of the existing revegetation plantings. In addition consent is sought to exceed the Omarino Management Plan 4m height restriction by 1.5m.

This report will determine the potential impact of the proposed development upon the landscape and visual amenity and natural character values of the site and surrounding coastal environment.

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

2. METHODOLOGY

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

- Desktop review of the relevant statutory documents (Regional and District Plan text and mapping);



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- Site visits, and filed survey of the local area;
- Identification of the visual catchment and viewing audiences;
- Description of the site and existing landscape character, visual/aesthetic quality and amenity values of the surrounding environment;
- Identification and description of the nature of the proposed development;
- Assessment of anticipated character, landscape and visual effects;
- Ranking of landscape and visual effects;
- Review of the relevant planning documentation and reports

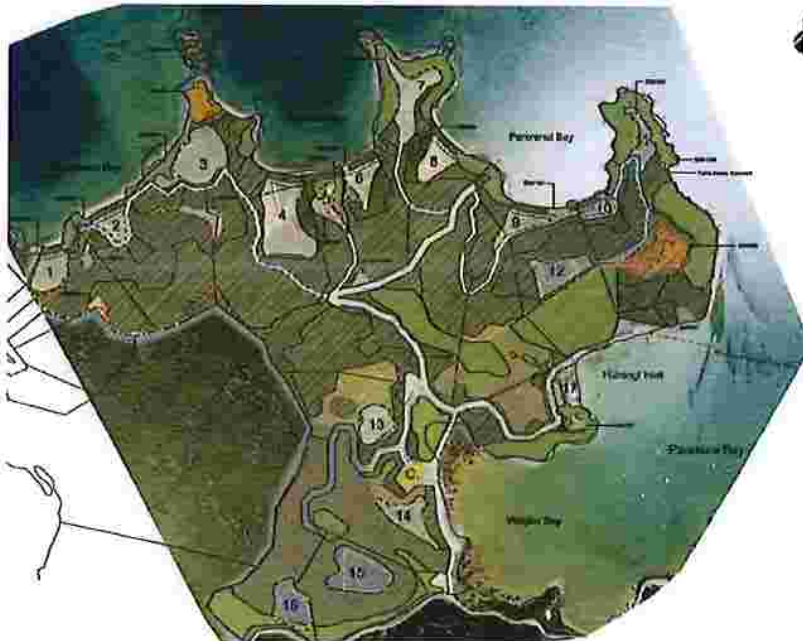
This assessment has been prepared by a qualified Landscape Architect and in accordance with the NZILA (New Zealand Institute of Landscape Architects) Code of Conduct and with reference to the Quality Planning Guidelines Note¹. An outline of the effects ratings and definitions used in this assessment is provided in **Supplement A**.

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

3.0 THE SITE AND ITS LANDSCAPE CONTEXT

3.1 Location

The property is located off Manawaroa Road, through the gated development called Omarino at Waipiro Bay in the Eastern Bay of Islands. Refer to **Appendix 1 – Viewpoint and Location Map**.



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



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Figure 1: Omarino Vegetation Management Plan - showing the location of Lot 12, on a "Ridge" site overlooking Parorenu Bay, on the northern facing hill slopes of the Omarino subdivision.

The property is located approximately 23km to the east of Russell and 3km to the west of Rawhiti.

3.2 Application Site and Neighbourhood Character

The applicant's property (Lot 12) covers an area of 71150m². It is part of the Omarino property which is a 141-hectare site located off Manawaora Road, Russell. It is a coastal property incorporating five bays and inlets with views into Parekura Bay and the Eastern Bay of Islands. Refer to **Figure 2** for an aerial view of the Omarino property.



Figure 2: Aerial view of the Omarino development

The Omarino property occupies land forming the western mouth of Parekura Bay including the western shore of Waipiro Bay, Huirangi Inlet, Parorenu Bay, Pareanu Bay, Te Korowhili Rock and Waipohutukawa Bay at the western extent. The northern coastline of the site, in line with the character of much of the southern coastline of the Bay of Islands, comprises rocky headlands interspersed with small bays and sandy beaches. Distinct headlands form the three named bays on the northern coastline of the property.

Excluding the revegetation established over the last 20 years or so the more mature indigenous vegetation within Omarino is mostly located on the steep slopes that were not suitable for grazing and along the coastline, in the form of pohutukawa fringed headlands and coastal slopes supporting indigenous shrubland. Refer to **Figures 3 & 4** which illustrate the property in 2005 and shows the areas of existing vegetation at that time.



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Figure 3: Aerial view of the property in 2005

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



Figure 4: View of the once grazed northern facing hill slopes backing Parorenu Bay that now accommodate Lots 9-12. The pa site is located on the highest point, and the houses within Parekura Bay are visible in the backdrop. Lot 11 is located on the headland spur.

The Omarino development is a premium residential coastal subdivision containing 17 house sites. These sites have been selected to ensure that all owners have privacy, can enjoy the natural beauty that the site and connection with the coastal



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environment and stunning sea views. There are designated building envelopes and curtilage areas on each of the 17 titles. Refer to **Figure 1**.

Several of the lots within the Omarino development that are situated along the northern shoreline have been developed and now accommodate homes, swimming pools, landscaping and secondary dwellings as shown in **Figures 5 - 7**. I understand that some of these have buildings located outside of the designated buildable and curtilage areas, details of which are described in the AEE report by Thomson Survey.



Figure 5: View of the existing built form on Lot 2 from the water.





Figure 6: View of the existing built form on Lot 4 from the water.



Figure 7: View of the existing built form on Lot 1 from the water.

The application site is located within an area that accommodates a mix of residential development. The Omarino subdivision tends to accommodate larger high-end development which is reflective of the exclusivity of the Omarino development. There are other properties located within nearby bays and headlands that have a similar character. In addition to this form of development there are small clusters of coastal residential development located on the vegetated coastal slopes at Waipiro Bay, Te Uenga Bay and nearby Rawhiti.

The application site, Lot 12 straddles an east-west ridgeline, with the southern facing slopes extending from the ridgeline, where the main access road is located, and down nearly to the coastal edge of Huirangi Inlet. This hill slope is vegetated in mature indigenous forest; this area was an existing bush remnant when the revegetation within the Omarino development was undertaken. Also, within this bush area below the ridgeline four existing water tanks are located on an easement with a right to convey water (Lot 18).

The northern facing hill slopes accommodate an open mown grassed area that extends from just below the ridgeline into an area of revegetation plantings that are dominated by Manuka and Kanuka. This area of revegetation extends down slope to the main access road just to the south of Lots 9 and 10. Refer to **Figure 8**.

The main access road easement (Lot 18) that passes through the application site follows the ridgeline, and has mature vegetation located to the south of it, and pockets of mature Mauka/Kanuka located in patches along the northern side.



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Refer to the On-Site Photographs contained in **Appendix 3**, and Off-Site Viewpoints within **Appendix 4** that depict the current site conditions.



Figure 8: View of the northern side of Lot 12 from Parorenu Bay, showing the existing grassed area beyond the foreground revegetation plantings, and the backdrop of existing vegetation along the ridgeline.

One of the key characteristics of the landscape surrounding the site and within the Eastern Bay of Islands is the presence of the extensive vegetation cover. This is predominately an indigenous bush cover with pockets of pine forest and some areas of pasture.

4.0 THE APPLICATION

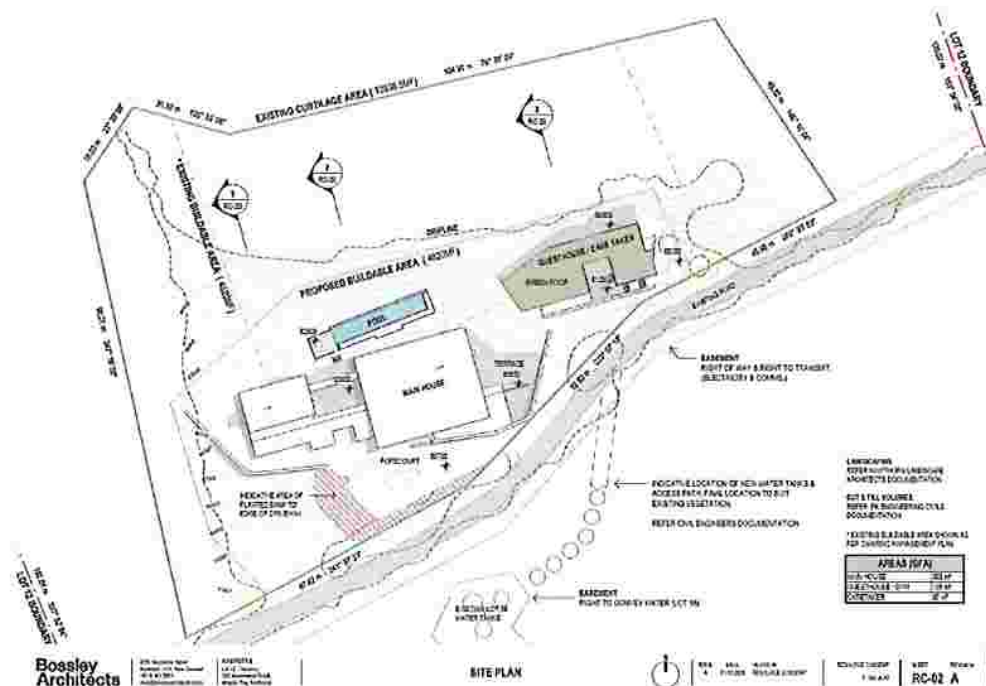
4.1 Proposed Development

The proposed development is for the construction of a main residence, swimming pool and separate guest wing which will have a green roof. The main dwelling is single story and accommodates one master bedroom with ensuite, an office, combined kitchen, living and dining room, garage, laundry and plant room. Outdoor terrace areas extend off the length of the northern façade and are partially covered by the overhanging roof. One main covered outdoor entertaining area is positioned to the east of the living areas. There is also an internal courtyard with gardens. A lap pool is positioned to the north of the main dwelling, accessed via a set of connecting steps.

To the east of the main living wing within a separate wing there will be 2 bedrooms with ensuites for guest, a small gym, and a room and ensuite for a caretaker. The guest wing building is single story and will have a green roof. Access to this building will be off the main access road to the south. The architectural design layout and exterior treatment of the buildings have been illustrated in the architectural plans prepared by Bossley Architects, refer to **Appendix 2**, with further details contained



The entrance to the main dwelling is via a sunken motor court to the south, this is accessed off the main access lot that traverses the site along the ridgeline. The main house and guest house will both be dug into the hill slope, with stone wing walls retaining the natural hill slope in areas. In other areas around the forecourt the contours are battered back to the existing contours and landscaped. The buildings have been designed to be set into the hill slope so that they are not viewed above the backdrop of vegetation along the ridgeline.



The existing vegetation present along the ridgeline is retained as a vegetated backdrop. This will be enhanced with additional native species, in particular Pohutukawa trees to provide a long-lived vegetated backdrop, this forms the structural component to the proposed landscape integration plantings.

It is proposed to add additional long lived tree species to ensure that this vegetated backdrop is present in perpetuity. This will retain the landscape quality values of the coastal environment and Outstanding Landscape. Refer to the Landscape Plan contained in **Appendix 5** for further details. Extensive amenity landscaping is also proposed for the areas directly around the buildings and pool, this will form part of the domestic planting.

The existing Manuka dominated revegetation plantings that are located below the building site, within the curtilage area, will be retained and enhanced with future



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amenity plantings as part of the personal landscaping of the grounds surrounding the house site.

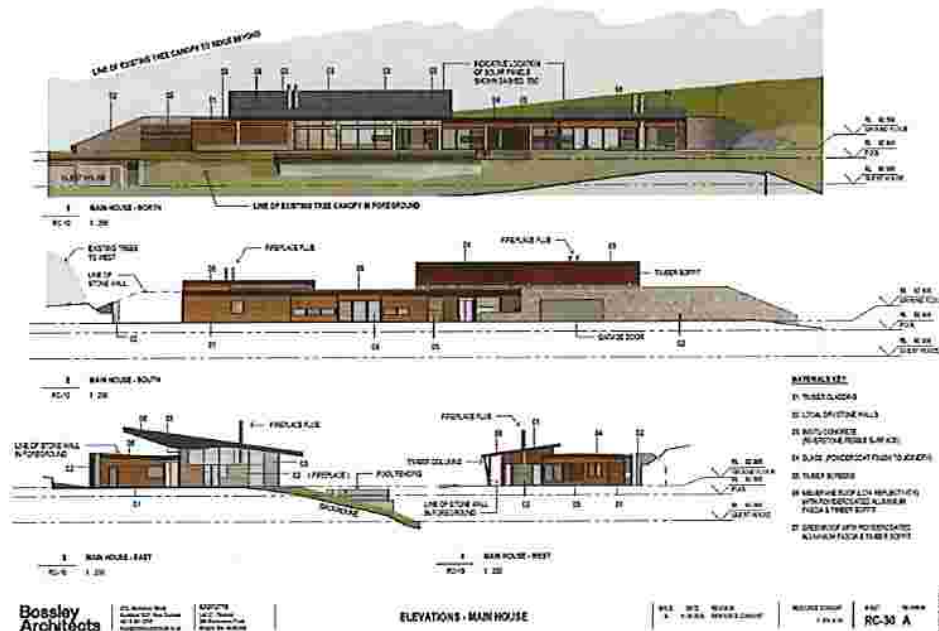


Figure 10: Elevations of the main residence

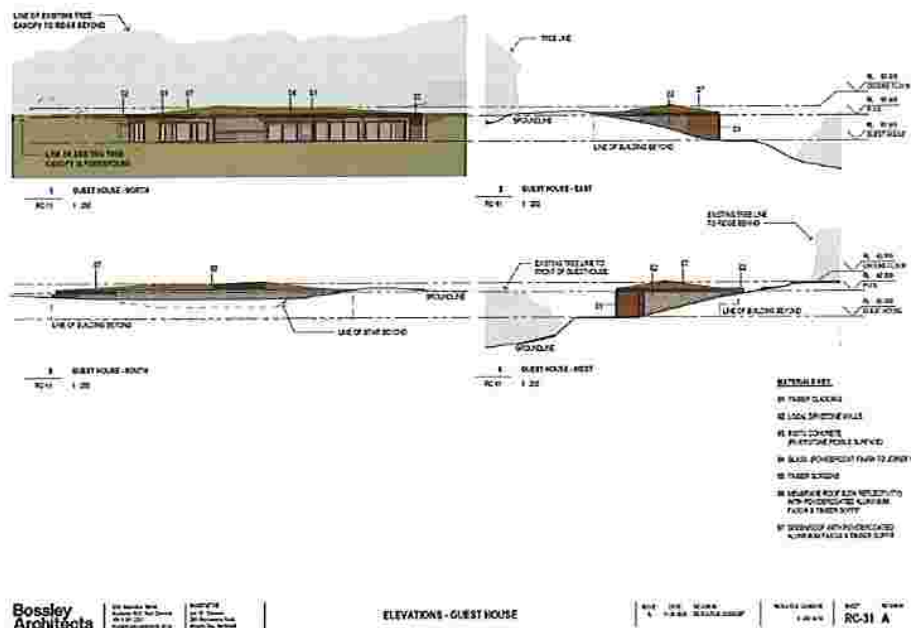


Figure 11: Elevations of the Guest wing



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Lot 12 DP 391213 (the application site) shows a surveyed area A1 which defines the curtilage area within Lot 12. This area contains an open grassed area, and an area of revegetation plantings. Refer to **Appendix 3 – On Site Photographs**. The curtilage area is an exclusive use area for the owner and is not subject to the revegetation requirements within the OMP, although part of the curtilage area was revegetated many years ago.

Within the curtilage area A1 on the survey plan, there is a smaller buildable area defined in the OMP (not surveyed). This is partially located within the open grassed area but also includes an area of approximately 100m long by 30m deep that is currently covered in revegetation plantings.

As the applicants would prefer not to remove the existing native plantings on the lower slopes of the current buildable area, they are applying for consent to move the buildable area so that it is fully within the existing grassed area. This avoids the need for any removal of native vegetation. As shown in **Appendix 5**, the present and proposed buildable areas, are very similar in size. However, two thirds of the currently approved buildable area is covered by native revegetation plantings.

The relocation of the buildable area will enable the native planting to be retained as a vegetated foreground to the building site. As this existing vegetation provides a tall foreground screen of vegetation for the lower contours of the grassed slope and buildable area it is also proposed to raise the maximum building height from 4m to 5.5m above existing ground level. This will enable the main dwelling to obtain sea views over the top of the existing revegetation plantings.

The guest wing is contained within the present buildable area (grassed portion, and it's under the 4 meters in height. The swimming pool is also within the current buildable area.

The main dwelling wing will be located outside of the approved buildable area and within the new proposed buildable area. In addition, it is proposed to extend above the existing 4m building height restriction by 1.5m. Only parts of the main dwelling will extend above the 4m height from existing ground level, this is illustrated in the architectural plans contained in **Appendix 2** and illustrated in **Figure 12 – Cross Sections and Height Planes**.

To mitigate any potential adverse visual and landscape effects of moving the buildable area and increasing the height limit to 5.5m above ground level it is proposed to dig the house into the hill slope so that the dwelling hugs the landscape, rather than protruding above it. Potential adverse effects will also be minimised by the presence of the existing vegetated foreground and backdrop and the additional backdrop supplementary plantings and domestic landscaping.

It is noted that the Building Design Guidelines for the "Ridge" sites in the OMP states that *"Built form is to be set down from the top of the ridge, with planting behind and along the ridgeline. Building form that steps down the slope and split-level forms cut into the hillside are illustrated within the OMP as the ideal built forms for these Ridge building sites. It's specified that the horizontal rather than the vertical built form should be the dominant element"*. The proposed development will achieve this and is in accord with the overall intent of the OMP which is to ensure that the *"development of buildings, structures and landscaping have design integrity and*



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are sympathetic to the landscape and character of the property as a whole". This is detailed further within the body of this assessment.

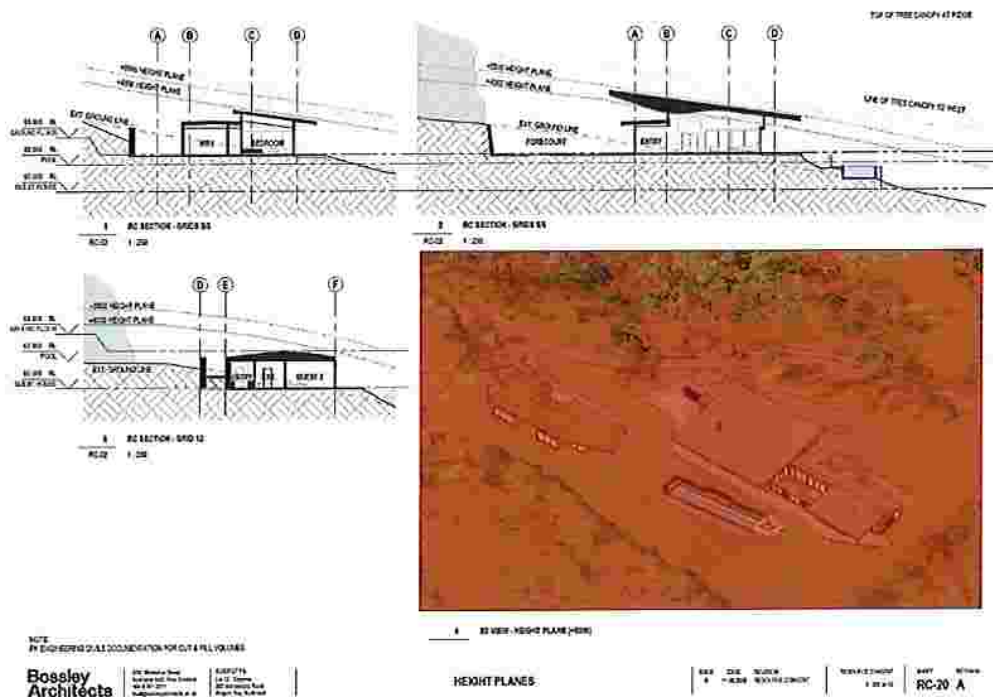


Figure 12: Cross Sections & Height Planes

Other aspects of the proposal are described in detail within the AEE prepared by Lynley Newport of Thomson Survey Ltd and the engineering report and plans prepared by PK Engineers.

4.2 Omarino Management Plan 2007

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

- To provide for the use and enjoyment of the Omarino residential properties for owners, their families and guests.
- To provide a basis for the development of resident's association rules which will give effect to the purpose and provisions of the Management Plan.
- To establish Design Guidelines which will ensure that the development of buildings, structures and site landscaping have design integrity, and are sympathetic to the landscape and character of the property as a whole.
- To provide ongoing maintenance for the native forest restoration which has been completed on the property.
- To provide a regime for controlling animal pests and predators on the property.
- To provide detailed provisions for the management of Brown Teal, an "at risk" bird species, for which the wetland on the property is a recognised habitat.



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- To provide for the maintenance of roads, tracks, communal buildings and other utilities on the property.
- To provide controls and protocols to ensure the protection and maintenance of heritage sites and sites of cultural significance on the property. These include the creation of heritage covenants on the two pa sites on the property.
- To establish a framework to ensure that the communal facilities provided at Omarino for the use of its residents, such as the recreation room and boating facilities, are used in a manner that respects neighbours in the Bay.
- To bring the requirements of the resource consents authorising the subdivision and development, and the New Zealand Historic Places Trust Authority, to the attention of property owners.

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

The applicant has exclusive use of the curtilage and buildable area identified on Lot 12. The areas outside of the exclusive use curtilage areas shall be maintained in accordance with the site rehabilitation plan. These areas are to remain free of buildings and structures, other than allowing for a driveway and wastewater disposal, unless resource consent is obtained from FNDC.

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

The Guidelines cover the following matters:

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

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

Architectural Guidelines form Part 2 of the Management Plan. There are 17 house sites within the Management Plan, with the application site categorised as a "Ridge" site. The Ridge sites include Lots 5, 12, 15, 16, and 19.



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The Ridge sites are located on seaward slopes above the northern facing bays. The buildable areas are below the ridgelines and set back from the water. Some backdrop of native bush is currently present, with additional provided through the extensive native revegetation that was undertaken.

The maximum building height on Lot 12 is set at 4m relative to the original ground level. On other lots the maximum building height ranges from 4.5m to 5m with reference to the building height not to protrude above a certain R.L. to ensure that built form is not viewed above the ridgeline. There is also the reference that the building heights will be dealt with on a case-by-case basis at resource consent stage. This is due to the individual site characteristics that will allow for varying maximum building heights provided they don't extend above the ridgeline.

Built form is to be set down from the top of the ridge, with planting behind and along the ridgeline. Building form that steps down the slope and split-level forms cut into the hillside are illustrated within the OMP as the ideal built forms for these Ridge building sites. It's specified that the horizontal rather than the vertical built form should be the dominant element.

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



Figure 13: Visual render of the proposed development from the water within Paroreniui bay to the north of the site.

Bossley Architects have designed the built forms so they comply with the Building Design Guidelines (albeit some of the buildings are located within the new proposed buildable area, and parts are higher than 4m above ground level), refer to **Appendix 2**, with further details contained within **Appendix 7** – Bossley Architects Design Description. The visual renders illustrated within Appendix 2 illustrate how the proposed built forms will sit into the landscape, and not protrude above the backdrop of existing vegetation on the ridgeline, as shown in **Figure 13**. Buildings will



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be visually recessive and mostly indistinguishable, especially from the longer focal lengths, or from very close in due to the screening effect of the foreground vegetation.

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

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

5.1 HARD LANDSCAPE ELEMENTS:

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

5.1.1 Surfacing of Decks, Forecourts and Terraces

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

5.1.2 Internal Roding and Driveways

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

5.1.3 Fences, Walls, Screens and Boundary Delineation

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

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

5.1.4 Retaining Walls

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

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

The proposed hard landscaping has been designed so that it complies with the Architectural Guidelines in Part 2 of the Management Plan and section 5.1 Hard Landscape Elements of the Management Plan.

5.2 PLANTING

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



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

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

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

5.2.1 Structural Planting

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

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

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

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

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

5.2.2 Domestic Planting

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



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4.3 Landscape Plan

The OMP planting guidelines detailed above have been followed in the preparation of the proposed landscaping around the building site to assist with minimising the potential adverse visual and landscape effects of the development. The relocation of the buildable area to within an existing grassed area avoids the need for native vegetation removal, thus this greatly minimise the potential adverse effects upon landscape, visual and coastal natural character values.

The layout of the proposed Structural and Domestic planting has been detailed on the Landscape Plan contained in **Appendix 5** and shown in **Figure 14** below.



Figure 14: Landscape Plan

The existing revegetation plantings that are located to the north of the proposed buildable area (open grassed area), consist of a mix of native revegetation species including Manuka/Kanuka, Ngaio, Coprosma, Karaka, Pittosporum, Matipo, Pohutukawa, and Mahoe. This vegetation forms the foreground plantings (Structure Plantings) that will screen and soften the built form when viewed from the water and other vantage points to from the northwest to the northeast of the site. As this planting is already well established, it is over 4m tall, it will screen the guest wing, lower portion of the main dwelling and pool from view from the close in viewing positions. This planting also extends to the west and east of the buildable area.

The buildable area has been positioned below the ridgeline, upon which the main access road is located. To the southern side of the access road there is an area of mature native forest, as shown in **Figure 15**. This area is identified as having High Natural Character values and will be left untouched. It is proposed to enhance this



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edge with the planting of *Metrosideros excelsa* (Pohutukawa trees) which will enhance the longevity of the ridgeline backdrop.

In addition, it is proposed to plant an area along the southern edge of the buildable area with native fire-retardant species such as *Coprosma*, *Puka*, *Griselinia*, *Karaka*, *Puriri*, *Kohekohe* and *Pseudopanax*. This will provide the vegetated backdrop to the proposed built forms, ensuring they are not visible on a ridgeline.

Amenity landscaping will be placed around the dwelling, pool and guest wing which will enhance the onsite amenity of the dwelling site so that it is in accord with the guidelines of the domestic planting from a OMP perspective. This planting while it integrates the built form into the landscape, does not form part of the plantings necessary to visual integrate the buildings into the landscape from a resource management perspective. This is achieved through the retention of the existing vegetation around the buildable area, the backdrop plantings and supplementary Pohutukawa tree plantings.



Figure 15: View of main access road along the ridge, with existing native trees either side forming the vegetated backdrop, and the grassed buildable area falling away to the north, below the ridgeline.

5.0 LANDSCAPE AND VISUAL IMPACT ASSESSMENT

5.1 Introduction

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



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

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

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

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

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

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

5.2 Visual Catchment & Viewing Audience

To evaluate the extent of visibility and assess the potential landscape and visual impact of the proposed development on the surrounding area a number of viewpoints were chosen that are representative of the main public viewing positions that will enable views of the proposed development.

The viewing audience that has the potential to afford views of the site and proposed development is contained within one main visual catchment that extends generally from the northwest to the northeast of the site out across Parorenuī Bay and within the main boating channel between the mainland and the islands. The viewing audience's view will be constantly changing as they move across the water. Refer to **Appendix 1** Viewpoint & Location Map, and **Appendix 5** – Off Site Viewpoints.

The land-based viewing audience is limited to visitors within the Omarino development, which is private property. There will be no views from the public foreshore below the site within Parorenuī Bay, as the acute angle of view coupled with the presence of the existing revegetation plantings below the buildable area will screen the development from view.



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There will be views towards the site from Urupukapuka Island, and land towards Rawhiti, however due to the very long focal lengths the buildings will be almost indistinguishable, resulting in any potential effects being very low.

5.3 Visual Impact Analysis

The following is an assessment of the off-site viewpoints that represent the viewing areas that gain views towards the proposed development on the application site.

From each of the viewpoint's photographs were taken using a camera with a 50mm lens to illustrate the view of the property and the context of its setting. The individual frames were taken as portrait images and joined to create panorama's that generally have a 124 degree horizontal and 55 degree vertical field of view. The optimal viewing distance of the images printed on an A3 page is 500mm from the eye to the page.

This assessment will identify the current landscape character and context the site is located within. It will define the potential effects of the proposal and determine the level of landscape and visual amenity effects generated by the development.

Viewpoints 1 - 6

These viewing positions are located mid channel between Urupukapuka Island and the mainland, approximately 1.7km - 2.3km to the northwest, north and northeast of the site. These images are representative of the view passing boating enthusiasts within the Eastern Bay of Island have on offer whilst visiting.



Figure 16: Visual render from Viewpoint 1 showing how the proposed dwelling is well integrated into the existing landscape patterns and not visible on the skyline.

From these long focal lengths, the existing grassed clearing (proposed building site) is visible as a small brighter green area within the dark olive-green landscape of the bush covered hill slopes. The other green grassed areas visible within the Omarino development are building sites on the other lots and will also accommodate



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dwelling at some stage in the future, thus providing the immediate context and landscape character that the proposed development is set within.

The cluster of buildings visible to the east of the site are located within Waipiro and Te Uenga Bays. There are other existing dwellings located on some of the "Coastal Bay" lots of the Omarino development, and these are just visible on Lots 1, 2, 4 and 6 which is currently under construction.

The proposed building site is viewed below the backdrop ridgeline and has a vegetated backdrop and foreground. The application site forms a very small part of the overall view on offer.

The proposed built form is responsive to the landscape, does not break the skyline and is recessively coloured, so that it blends with the surrounding bush clad hill slopes. It will be visually subordinate to the surrounding landscape as illustrated in **Figure 16**, visual render for Viewpoint 1. The potential adverse visual effects of the proposal will be very low (less than minor) for visitors to this part of the Bay of Islands water body.

Viewpoints 7 - 10

Located approximately 1.1km - 1.5km to the northwest and north of the site within the main boating channel between the mainland and the islands. The houses located on Lots 4 and 6 are visible.

The vacant grassed building sites on Lots 9 and 10 are visible along the foreshore of Parorenu Bay below the application site. Other building sites located on Lots 7 and 11 are present on spur ridges, these too will eventually accommodate dwellings.

The proposed building site is only just identifiable by the sliver of a grassed area within the existing bush cover. The proposed building site is viewed with a vegetated backdrop, and the proposed built forms will not be viewed on the skyline as they will have a vegetated backdrop.

The proposed recessively coloured buildings if located within the existing grassed area will result in a lower level of potential adverse effects compared to if the buildings were located in the currently defined building envelope. If placed within that there would be the need to remove an area of approximately 100m by 30m of existing revegetation planting.

Relocating the building envelope and not removing any existing vegetation will result in positive visual, landscape and natural character effects, as no vegetation will need to be removed, and the existing grassed area is mostly visually screened from view, this enabling the proposed built structures to be well integrated into the landscape, with a low level of potential adverse visual effects (less than minor) for the viewing audience within this area of the Bay.

Viewpoints 11 - 13

Located approximately 500m - 850m to the north of the site. The application is viewed as one of the 'Ridge' building sites within the Omarino development. The 'Coastal Bay' sites on Lots 8, 9 and 10 are visible as the grassed clearings along the water's edge. These sites will also accommodate future dwellings, and due to their



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location along the waters edge, rather than being set into a clearing within the bush clad hills, will be more visible than the proposed development upon the application site.

These dwelling sites will form the foreground context to the character of the view within this visual catchment in Parorenu Bay. The proposed built form will be recessive and will be viewed with a vegetated backdrop as shown in **Figure 17** which depicts the view of the dwelling from Viewpoint 12.



Figure 17: Visual render from Viewpoint 12

Figure 17 demonstrates how well the dark recessively colour roof, with a maximum building height of 5.5m above existing ground level and positioned within the relocated buildable area will be very visually recessive. The landscape has the ability to absorb the change into the existing fabric of the surrounding landscape character whilst generating only very low potential adverse visual effects (less than minor).

Viewpoints 14 and 15

Located approximately 650m - 800m to the northeast of the site. The proposed building site is visible within the vegetated hill slopes of the Omarino development. The assessment for this viewing positions is in keeping with those already assessed.



Figure 18: Visual render from Viewpoint 15

The visual render shown in **Figure 18** demonstrates how the proposal will be well integrated into the landscape whilst generating less than minor potential adverse visual effects.

5.4 Landscape Effects

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

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

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

Landscape Sensitivity

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

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

- Elements such as topography hydrology soils vegetation;
- Existing land use;



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- The pattern and scale of landscape;
- Visual enclosure/ openness of views and distribution of the viewing audience;
- The value or importance placed on the landscape; and
- The scope for mitigation which would be in character with the existing landscape.

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

Magnitude of Landscape Change

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

In undertaking this assessment, it is important that the size or scale of the change is considered within the geographical extent of the area influenced in the duration of change. In some situations, the loss/ change or enhancement of existing landscape elements such as vegetation earthworks should also be quantified.

The biophysical, sensory or associative aspects and key characteristics of the landscape will remain intact with limited aesthetic or perceptual change being apparent as the proposed development is of a size and scale that can be easily absorbed into the landscape.

The proposal to relocate the buildable area into the existing grassed area will minimise the potential adverse landscape effects, as without the need to remove the existing cover of revegetation plantings within a 100m by 30m area there will be little to no landcover modification. Earthworks are proposed for the formation of building platforms, with the buildings dug into the hill slope. Although there will be some landform modification it will be either hidden by the buildings or revegetated with grass and landscaped. Digging into the hillside will nestle the built form into the landscape so that it sits into the landform rather than protruding above it. This approach is recommended within the OMP building design guidelines.

The Omarino development is a subdivision development that has planned for future development of dwelling sites within defined buildable areas. It is therefore anticipated that dwellings will form part of the landscape character of this stretch of coastline. Building and landscape design guidelines within the OMP have been designed to ensure future built form is sensitive to the landscape it is located within.

The proposal to relocate the buildable area will avoid the need for vegetation removal and will enable the proposed buildings to be set into an existing area of bush that will absorb the landscape change.

The increase in the maximum building height from 4m to 5.5m has been demonstrated in the visual renders to be achievable with this proposed building design. It will result in a very low level of potential adverse landscape effects being generated upon the landscape patterns and key landscape features of the landscape.



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If the current buildable area was to be utilised as the building site there would be a greater level of adverse landscape effects due to the vegetation removal involved, habitat loss and greater visibility of the dwelling site.

5.5 Natural Character Effects

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

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

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

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

Natural elements relate to the presence of unmodified land and water bodies and the lack of built form, while natural patterns relate to the perceived naturalness of the appearance of a landscape, which appears to be a result of nature rather than being man made. Natural processes relate to the ecological workings of a landscape, and how well these processes are functioning to maintain a natural appearance to the landscape.

The whole of the Omarino property has been identified within the district Plan as being covered by an Outstanding Landscape, and an Outstanding Natural Landscape within the RPS. As such the landscape the application site is part of is identified as having high natural character values.

The applicant's property contains a range of natural character values. The southern slopes which are vegetated in mature native forest, have a high degree of natural character and have been identified in the District Plan and Regional Policy Statement as an area that has high value (HNC 352 Waipiro Bay).

The northern facing slopes have been revegetated with a Manuka/Kanuka mix, and this area extends along the northern facing slopes overlooking the Eastern Bay of Islands. The blanket coverage of the Kanuka/Manuka dominated canopy provides a unifying feature along the coastline and links into the neighbouring properties so that it is not obvious where one landholding starts or finishes.

The Omarino development undertook this revegetation over most of the property, whilst leaving the proposed building sites on each lot free of revegetation plantings, with these areas maintained as mown grass. Due to this it is preferable to relocate the buildable area, so not remove any of the existing revegetation plantings for building development, and instead work within the existing grassed area, as proposed. It would seem most practical that this area was always planned to accommodate the dwelling site on Lot 12.



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The development as proposed is sensitive to the natural character and landscape values of the wider landscape and will not adversely impact upon the natural character values of the surrounding bush clad landscape. The development will also not diminish the natural character values of the coastal environment.

6. STATUTORY CONTEXT

6.1 Operative District Plan (ODP)

Within the Operative Far North District Plan (FNDP) the application site is located within the General Coastal zone.

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

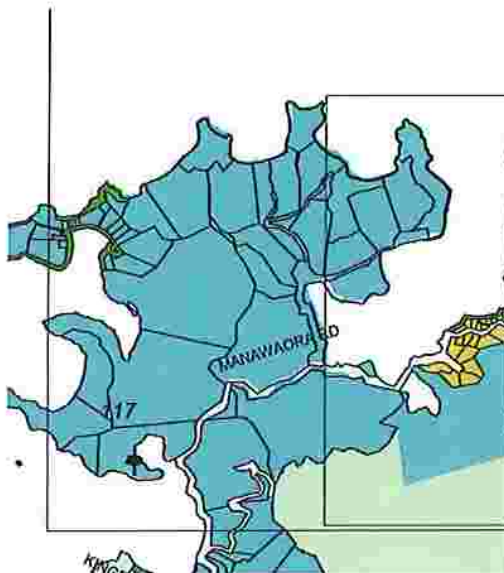


Figure 19: Zone Map



Figure 20: Resource Map

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

General Coastal Zone

Objective 10.6.3.1

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

Objective 10.6.3.2

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

Objective 10.6.3.3



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

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

Policy 10.6.4.1

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

Policy 10.6.4.2

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

Policy 10.6.4.3

"Subdivision, use and development shall preserve and where possible enhance, restore and rehabilitate the character of the zone in regards to S6 matters, and shall avoid adverse effects as far as practicable by using techniques including:

- a) Clustering or grouping development within areas where there is the least impact on natural character and its elements such as indigenous vegetation, landforms, rivers, streams and wetlands, and coherent natural patterns;*
- b) Minimising the visual impact of buildings, development, and associated vegetation clearance and earthworks, particularly as seen from public land and the coastal marine area;*

Policy 10.6.4.6

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

Comment:

The Omarino development has undertaken extensive native revegetation and ongoing pest plant and animal management, this has in turn enhanced the coastal natural character values of this area and coastal environment. The OMP provides guidelines for sensitive development to be undertaken upon each of the lots.

The proposed development will be located outside of the currently defined buildable area and will exceed the 4m building height limit defined for Lot 12 within the OMP. The potential adverse landscape, visual and natural character effects of this have been assessed as very low to low (less than minor).

The proposed development will not adversely effect the natural character values of the coastal environment or outstanding landscape and amenity values of the coastal environment.

12.1.6.2.1 BUILDINGS WITHIN OUTSTANDING LANDSCAPES



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The following are restricted discretionary activities in an Outstanding Landscape.

- (a) any new building, including relocated buildings, exceeding a gross floor area of 25m²; or
- (b) any alteration/addition to an existing building which does not exceed 40% of the gross floor area of the building which is being altered or added to, provided that any alteration/addition does not exceed the height of the existing building.

The Council will restrict the exercise of its discretion to:

- (i) *the location of the building;*

The application is to move the buildable area so that it is fully within the existing grassed area of Lot 12, all structures will be located within this. The potential adverse natural character, landscape and visual effects of relocating the buildable area have been assessed as low - less than minor.

- (ii) *the size, bulk and height of the building in relation to ridgelines, areas of indigenous vegetation and habitats of indigenous fauna, existing trees and other natural features;*

The development has been assessed to be an appropriate development upon this lot within the relocated building envelope. The proposed maximum 5.5m building height has been assessed as appropriate for the relocated building envelope and can be assimilated into the landscape by the presence of the existing backdrop of native vegetation that will be supplemented with additional long lived native trees. This will mitigate any potential adverse landscape, visual and natural character effects to a low level – less than minor.

The relocation of the buildable area into the existing grassed area will have positive landscape, visual and natural character effects as there will be no need for the removal of an area of approximately 300m² of existing native revegetation plantings. This planting provides a very effective visual screen and softening of the proposed built form on the relocated building site.

- (i) the degree to which the landscape will retain the qualities that make it outstanding, including naturalness, and visual and amenity values;

The proposed development will have a light touch upon the landscape and will not adversely impact upon the qualities that make it outstanding. The naturalness, and visual values of the site will be maintained.

- (ii) *the design of the building;*

The architectural style and building colours and materials are recessive, unobtrusive and complimentary to this coastal setting. The visual renders prepared by Bossley Architects illustrate how the proposed buildings will be very



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subordinate to the surrounding landscape.

- (iii) *the location and design of associated vehicle access, manoeuvring and parking areas;*

The access driveway to the lot already exists and is inland of the main dwelling and away from the view of the coastal aspect. The parking and maneuvering areas for cars will be located to the south of the buildings and will be screened from the coastal marine area.

- (iv) *the extent to which planting can mitigate visual effects;*

The existing vegetation surrounding the site and the proposed landscape integration plantings will visually mitigate the development to a less than minor level.

- (v) *the means by which permanent screening of the building from public viewing points on a public road, public reserve, or the foreshore may be achieved,*

The existing foreground revegetation plantings will screen a great deal of the proposed development from view. The proposal will not be visible from the foreshore of Parorenu Bay and is not visible from any other close by public land-based viewing positions. From the water the viewing positions are relatively distant, and the existing and proposed vegetation provides a vegetated foreground and backdrop.

- (viii) *the cumulative visual effects of all buildings on the site.*

There will be no cumulative effects of the built form on Lot 12.

12.1.6.2.2 EXCAVATION AND/OR FILLING WITHIN AN OUTSTANDING LANDSCAPE

The following are restricted discretionary activities in an Outstanding Landscape, as shown on the Resource Maps:

- (a) *any excavation and/or filling that exceeds 300m³ in any 12 month period; and*
- (b) *any excavation and/or filling that involves a cut or filled face exceeding 1.5m in height i.e. exceeding a total cut and/or fill height of 3m; and*
- (c) *it does not meet the permitted activity standards in 12.1.6.1.4(c);*

The Council will restrict the exercise of its discretion to:

- (i) *the location, scale and alignment of excavation and/or filling in relation to any existing indigenous vegetation, site features, and underlying landform including ridgelines; and*
- (ii) *the nature of any avoidance, remedying or mitigation measures proposed, including consideration of alternatives, the profile of*



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cut and fill batters, provisions for revegetation and the likely long-term stability of the works proposed; and

(iii) the degree to which the landscape will retain the qualities that make it outstanding, including naturalness and visual value.

Comment:

The plans and report prepared by PK Engineering details the proposed earthworks and retaining structures that will form part of the proposed development. **Figure 21** illustrates the cut and fill areas.

The proposed earthworks will not require the removal of any existing vegetation and will not be on a ridgeline.

As previously assessed in my report the landform modification associated with the proposed development will not adversely impact the qualities that make this landscape outstanding, nor will it affect its naturalness or visual amenity values.

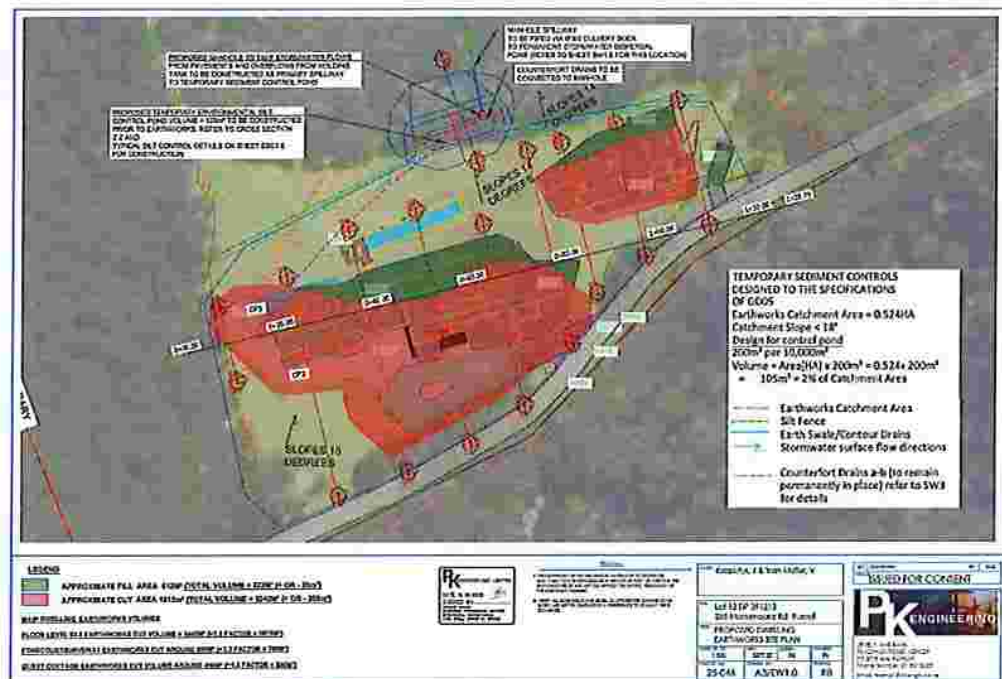


Figure 21: Engineers Earthworks Plan

12.2.6.1.3 INDIGENOUS VEGETATION CLEARANCE IN THE GENERAL COASTAL ZONE

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

- the vegetation is less than 6m in height or 600mm in girth (measured at a height of 1.5m); and
- the clearance is not within 20m of a lake (as scheduled in **Appendix 1C**), coastal marine area, indigenous welland or continually flowing river; and



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(c) any clearance involving remnant forest does not exceed 500m²

Comment:

There will be no indigenous vegetation clearance associated with the building site.

12.4.6.1.2 Fire Risk to Residential Units

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

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

Comment:

The building site for both the main dwelling and guest wing are located within 20m of the existing vegetation in various directions. The following Vegetation Risk Reduction measures will be undertaken on site, as recommended by Fire and Emergency NZ.

7. Vegetation Risk Reduction - Fire + Fuel = Why Homes Burn

Properties that are residential, industrial or agricultural, are on the urban-rural interface if they are next to vegetation, whether it is forest, scrubland, or in a rural setting. Properties in these areas are at greater risk of wildfire due to the increased presence of nearby vegetation.

In order to mitigate the risk of fire spread from surrounding vegetation to the proposed building and vice-versa, Fire Emergency New Zealand recommends the following;

1. Fire safe construction

Spouting and gutters – Clear regularly and consider screening with metal mesh. Embers can easily ignite dry material that collects in gutters.

Roof – Use fire resistant material such as steel or tile. Avoid butanol and rubber compounds.

Cladding – Stucco, metal sidings, brick, concrete, and fibre cement cladding are more fire resistant than wood or vinyl cladding.



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II. Establish Safety Zones around your home.

Safety Zone 1 is your most important line of defence and requires the most consideration. Safety Zone 1 extends to 10 metres from your home, you should;

- a) Mow lawn and plant low-growing fire-resistant plants; and*
- b) Thin and prune trees and shrubs; and*
- c) Avoid tall trees close to the house; and*
- d) Use gravel or decorative crushed rock instead of bark or wood chip mulch; and*
- e) Remove flammable debris like twigs, pine needles and dead leaves from the roof and around and under the house and decks; and*
- f) Remove dead plant material along the fence lines and keep the grass short; and*
- g) Remove over hanging branches near powerlines in both Zone 1 and 2.*

III. Safety Zone 2 extends from 10 – 30 metres of your home.

- a) Remove scrub and dead or dying plants and trees; and*
- b) Thin excess trees; and*
- c) Evenly space remaining trees so the crowns are separated by 3-6 metres; and*
- d) Avoid planting clusters of highly flammable trees and shrubs*
- e) Prune tree branches to a height of 2 metres from the ground.*

IV. Choose Fire Resistant Plants

Fire resistant plants aren't fire proof, but they do not readily ignite. Most deciduous trees and shrubs are fire resistant. Some of these include: poplar, maple, ash, birch and willow. Install domestic sprinklers on the exterior of the sides of the building that are less 20 metres from the vegetation. Examples of highly flammable plants are: pine, cypress, cedar, fir, larch, redwood, spruce, kanuka, manuka.

For more information please go to <https://www.fireandemergency.nz/at-home/the-threat-of-rural-fire/>

6.2 Proposed District Plan (PDP)

The PDP was publicly notified by FNDC on 27th July 2022. The property is zoned Rural Production under the Proposed District Plan (PDP) with a Coastal Environmental Overlay.

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

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



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Figure 22: PDP Map showing High Natural Character and Outstanding Natural Landscape Area.

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

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

6.3 Consent Notice 7907807.2

This consent notice has been varied by 8828538.1. The Consent Notice has a total 37 clauses, not all of which relate to or affect the application site. An assessment of the proposal against those clauses that have landscape relevance are as follows:

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

Comment: The proposed dwelling in areas will exceed the 4m height limit, with a maximum height of 5.5m. The potential adverse visual effects of this have been assessed as low – less than minor. This is due to not all of the built form being 5.5m tall, and the majority of it being screened by the foreground vegetation, and the presence of a vegetated backdrop which ensures the built form is not viewed on the skyline. Additionally the dark recessive colours



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of the roof enable it to blend into the landscape so that it is visually subordinate to the surrounding landscape.

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

Comment: The proposed building materials have been selected to blend in with the natural environment as described within the architects statement. They comply with the guidelines of the Omarino Management Plan.

9. The re-vegetation of those parts of Lots 1 through 12, 14 through 17, 19, 20, 21 and 25 on the plan that are outside of the curtilage areas of each of such lots such being - that part of Lot 12 on the plan as is shown marked with the letters "A1" shall be maintained in perpetuity.

Comment: The building works are taking place entirely within A1, with no vegetation clearance proposed.

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

Comment: The landscaping proposed as part of this development will be commenced within 12 months of approval, and will be maintained for the duration of the consent.

13. adhere to the management plan and ensure:

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

Comment: The proposed buildings, whilst inside the surveyed curtilage area for Lot 12, are outside of the building envelope defined for the lot in the Management. A change in the consent notice will be sought.

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

Comment: The breach of the 4m maximum building height restriction will result in a low (less than minor) level of potential adverse landscape, visual and natural character effects.



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

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

Comment: The proposal includes one residential unit, one guest/caretaker's residential accommodation, consent is being sought for these.

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

Comment: The proposed external appearance of the development as a whole complies with the Management Plan.

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

Comment: The proposed driveway, manoeuvring areas, earthworks and retaining walls have been designed so that once re-grassed and landscaped they will be visually unobtrusive.

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

Comment: The applicant intends on enhancing the existing revegetation on the lot through continued supplementation with native coastal species.

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

Comment: The applicant will continue to maintain and replant re-vegetation landscape planting as detailed in the management plan.

In summary the proposal is generally in accordance with the Omarino Management Plan Design Guidelines and associated Consent Notice, with the minor exceptions outlined above.



6.4 The New Zealand Coastal Policy Statement (NZCPS)

The NZ Coastal Policy Statement (NZCPS) has relevance to this proposal. It is zoned General Coastal in the ODP and is shown as being within the "coastal environment" on the Regional Policy Statement for Northland's maps as well as the district council's PDP maps. The following objectives and policies have landscape relevance.

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

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

Policy 6 Activities in the coastal environment

(1) In relation to the coastal environment:

- (f) consider where development that maintains the character of the existing built development should be encouraged, and where development resulting in a change in character would be acceptable;*
- (i) set back development from the coastal marine area and other water bodies, where practicable and reasonable, to protect the natural character, open space, public access and amenity values of the coastal environment;*

Policy 13 Preservation of natural character

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

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

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

- (a) natural elements, processes and patterns;*
- (g) a range of natural character from pristine to modified*

Policy 15 Natural Features and natural landscapes

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

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

Comment:

Overall, the development will result in an acceptable change to the site, and this change will result in a very low to low (less than minor) level of effects upon the



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natural character of this site and surrounding coastal marine area. The development is in accord with the relevant landscape objectives and policies of the NZCPS.

6.5 Regional Policy Statement for Northland (RPS)

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



Figure 23: RPS Map

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

Within the RPS Lot 12 is located within the Coastal Environment and is covered by Outstanding Natural Landscape and has an area identified as having High Natural Character values as shown in **Figure 23**.

There are no recorded Outstanding Natural Features or areas of Outstanding Natural Character on the site.

The area of High Natural Character covers the mature native forest on the southern slopes of the site that fall away to Waipiro Bay.

High Natural Character area is classified as 'Omarino', and the description of this unit is "three steep rocky headlands with Pohutukawa treeland with kanuka-manuka shrubland". The contributing values are "relatively mature indigenous vegetation



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relative to the site conditions and natural disturbance history/regime. Minimal human-mediated hydrological or landform changes and few obvious human structures. Part of a community pest control area".

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

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

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

Identify and protect the integrity of:

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

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

(1) In the coastal environment:

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

Comment:

The Outstanding Natural Landscape area covers the whole of Lot 12 and the coastal environment extending to the east and west of the property. The area of the site that is covered by the High Natural Character designation is located along the southern slopes. This area of the property is well away from the building site and will not be affected by the proposal.



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The integrity of the natural character of the coastal environment within which the application site is located will not be adversely affected by the proposed development. Although it is proposed to relocate the buildable area and increase the building height limit to 5.5m above ground level this has been assessed to result in a low level of potential adverse effects.

Positive effects will result from moving the building envelope up slope so that it is within the existing grassed area, enabling the retention of an area of revegetation planting that covers approximately 300m².

The proposed structures will not adversely affect the characteristics and qualities that make up the values of the Outstanding Natural Landscape. This is primarily due to the responsive design and recessive building colours of the proposed structures which will be readily absorbed by the existing vegetation surrounding the grassed area of the proposed building site.

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

7. CONCLUSION

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

The development has been assessed to be an appropriate development upon this lot within the relocated building envelope. The proposed maximum 5.5m building height has been assessed as suitable for the relocated building envelope with built form appropriately be assimilated into the landscape.

The existing vegetation present along the ridgeline will be retained as a vegetated backdrop. This will be enhanced with additional native species, in particular Pohutukawa trees to provide a long-lived vegetated backdrop, thus forming the structural component to the proposed landscape integration planting. This will mitigate any potential adverse landscape, visual and natural character effects of the increased building height to a low level – less than minor.

The relocation of the buildable area into the existing grassed area will have positive landscape, visual and natural character effects as there will be no need for the removal of an area of approximately 300m² of existing native revegetation plantings. This planting provides a very effective visual screen and foreground softening of the proposed built form on the relocated building site from within the CMA.

The architectural style, building colours and materials are recessive, unobtrusive and complimentary to this coastal setting. The visual renders prepared by Bossley Architects illustrate how well the proposed buildings sit into the landscape so that they are subordinate to the surrounding coastal environment.

The proposal is in general accordance with the OMP Design Guidelines which ensure that the development of buildings, structures and site landscaping have design



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integrity, and are sympathetic to the landscape and character of the property as a whole

The proposed development has been designed to minimise and avoid potential adverse effects on the attributes, and values of the site and wider coastal environment, and to protect the visual and landscape qualities of the coastal environment and Outstanding Landscape. The development is consistent with the relevant assessment criteria, objectives and policies found within the ODP, PDP and NZCPS and RPS.

The development will be well integrated into the landscape maintaining the key characteristics of this coastal environment and enhancing the landscape quality and visual amenity values, whilst generating low potential adverse effects.

Yours sincerely

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

SUPPLEMENT A:

Natural Character and Landscape Effects Assessment Method

Updated 2 November 2022

Introduction

The Natural Character, Landscape and Visual Effects Assessment (NCLVEA) process provides a framework for assessing and identifying the nature and level of likely effects that may result from a proposed development. Such effects can occur in relation to changes to physical elements, changes in the existing character or condition of the landscape and the associated experiences of such change. In addition, the landscape assessment method may include (where appropriate) an iterative design development processes, which seeks to avoid, remedy or mitigate adverse effects (see Figure 1).

This outline of the landscape and visual effects assessment methodology has been undertaken with reference to the Te Tangi A Te Manu: Aotearoa New Zealand Landscape Assessment Guidelines and its signposts to examples of best practice, which include the Quality Planning Landscape Guidance Note¹ and the UK guidelines for landscape and visual impact assessment².

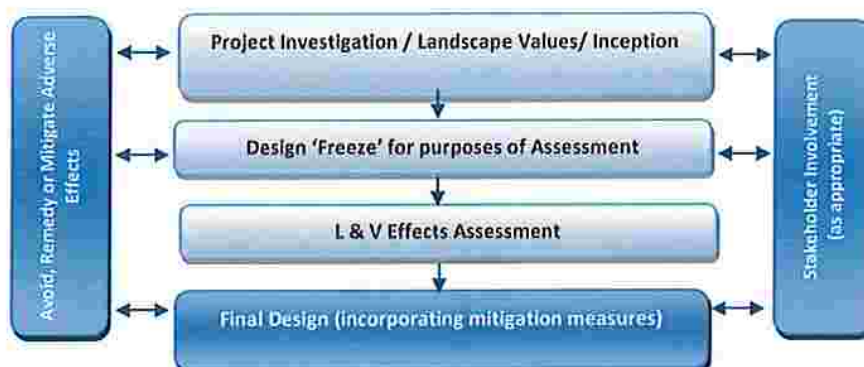


Figure 1: Design feedback loop

When undertaking any landscape assessment, it is important that a structured and consistent approach is used to ensure that findings are clear and objective. Judgement should be based on skills and experience and be supported by explicit evidence and reasoned argument.

While natural character, landscape and visual effects assessments are closely related, they form separate procedures. Natural character effects consider the characteristics and qualities and associated degree of modification relating specifically to waterbodies and their margins, including the coastal environment. The assessment of the potential effects on landscape considers effects on landscape character and values. The assessment of visual effects considers how changes to the physical landscape affect the viewing audience. The types of effects can be summarised as follows:

Natural Character effects: Change in the characteristics or qualities including the level of naturalness.

Landscape effects: Change in the physical landscape, which may affect its characteristics or values

Visual effects: Change to views which may affect the visual amenity experienced by people

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

² Landscape Institute and Institute of Environmental Management and Assessment (2013) Guidelines for Landscape and Visual Impact Assessment, 3rd Edition (GLVIA3)

The policy context, existing landscape resource and locations from which a development or change is visible, all inform the 'baseline' for landscape and visual effects assessments. To assess effects, the first step requires identification of the landscape's character and values including the attributes on which such values depend. This requires that the landscape is first described, including an understanding of relevant physical, sensory and associative landscape dimensions. This process, known as landscape characterisation, is the basic tool for understanding landscape character and may involve subdividing the landscape into character areas or types. The condition of the landscape (i.e. the state of an individual area of landscape or landscape feature) should also be described together with, a judgement made on the value or importance of the potentially affected landscape.

Natural Character Effects

In terms of the RMA, natural character specifically relates to the coastal environment as well as freshwater bodies and their margins. The RMA provides no definition of natural character. RMA, section 6(a) considers natural character as a matter of national importance:

...the preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use, and development.

Natural character comprises the natural elements, patterns and processes of the coastal environment, waterbodies and their margins, and how they are perceived and experienced. This assessment interprets natural character as being the degree of naturalness consistent with the following definition:

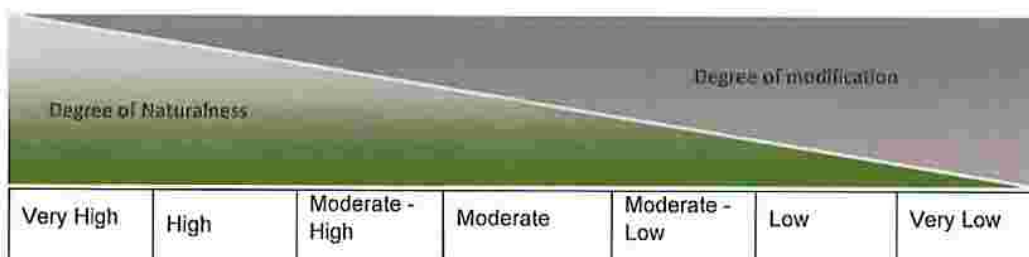
Natural character is a term used to describe the naturalness of waterbodies and their margins. The degree or level of natural character depends on:

- *The extent to which natural elements, patterns and processes occur;*
- *The nature and extent of modifications to the ecosystems and landscape/seascape;*
- *The highest degree of natural character (greatest naturalness) occurs where there is least modification; and*
- *The effect of different types of modification upon the natural character of an area varies with the context and may be perceived differently by different parts of the community.*

The process to assess natural character involves an understanding of the many systems and attributes that contribute to waterbodies and their margins, including biophysical and experiential factors. This can be supported through the input of technical disciplines such as marine, aquatic and terrestrial ecology, and landscape architecture.

Defining the Level of Natural Character

The level of natural character is assessed in relation to a seven-point scale. The diagram below illustrates the relationship between the degree of naturalness and degree of modification. A high level of natural character means the waterbody is less modified and vice versa.

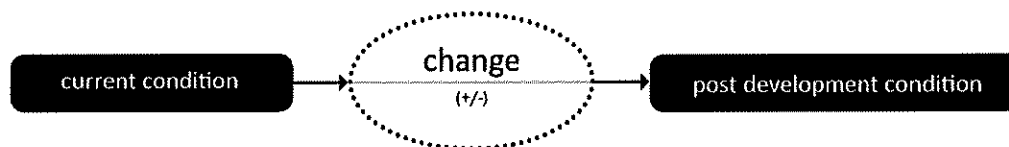


Scale of Assessment

When defining levels of natural character, it is important to clearly identify the spatial scale considered. The scale at which natural character is assessed will typically depend on the study area or likely impacts and nature of a proposed development. Within a district or region-wide study, assessment scales may be divided into broader areas which consider an overall section of coastline or river with similar characteristics, and finer more detailed 'component' scales considering separate more local parts, such as specific bays, reaches or escarpments. The assessment of natural character effects has therefore considered the change to attributes which indicate levels of natural character at a defined scale.

Effects on Natural Character

An assessment of the effects on natural character of an activity involves consideration of the proposed changes to the current condition compared to the existing. This can be negative or positive.



The natural character effects assessment involves the following steps;

- assessing the existing level of natural character;
- assessing the level of natural character anticipated (post construction); and
- considering the significance of the change

Landscape Effects

Assessing landscape effects requires an understanding of the landscape resource and the magnitude of change which results from a proposed activity to determine the overall level of landscape effects.

Landscape Resource

Assessing the sensitivity of the landscape resource considers the key characteristics and qualities. This involves an understanding of both the ability of an area of landscape to absorb change and the value of the landscape.

Ability of an area to absorb change

This will vary upon the following factors:

- Physical elements such as topography / hydrology / soils / vegetation;
- Existing land use;
- The pattern and scale of the landscape;
- Visual enclosure / openness of views and distribution of the viewing audience;
- The zoning of the land and its associated anticipated level of development;
- The scope for mitigation, appropriate to the existing landscape.

The ability of an area of landscape to absorb change takes account of both the attributes of the receiving environment and the characteristics of the proposed development. It considers the ability of a specific type of change occurring without generating adverse effects and/or achievement of landscape planning policies and strategies.

The value of the Landscape

Landscape value derives from the importance that people and communities, including tangata whenua, attach to particular landscapes and landscape attributes. This may include the classification of Outstanding Natural Feature or Landscape (ONFL) (RMA s.6(b)) based on important physical, sensory and associative landscape attributes, which have potential to be affected by a proposed development. A landscape can have value even if it is not recognised as being an ONFL.

Magnitude of Landscape Change

The magnitude of landscape change judges the amount of change that is likely to occur to areas of landscape, landscape features, or key landscape attributes. In undertaking this assessment, it is important that the size or scale of the change is considered within the geographical extent of the area influenced and the duration of

change, including whether the change is reversible. In some situations, the loss /change or enhancement to existing landscape elements such as vegetation or earthworks should also be quantified.

When assessing the level of landscape effects, it is important to be clear about what factors have been considered when making professional judgements. This can include consideration of any benefits which result from a proposed development. Table 1 below helps to explain this process. The tabulating of effects is only intended to inform overall judgements.

Contributing Factors		Higher	Lower
Landscape (sensitivity)	Ability to absorb change	The landscape context has limited existing landscape detractors which make it highly vulnerable to the type of change resulting from the proposed development.	The landscape context has many detractors and can easily accommodate the proposed development without undue consequences to landscape character.
	The value of the landscape	The landscape includes important biophysical, sensory and shared and recognised attributes. The landscape requires protection as a matter of national importance (ONF/L).	The landscape lacks any important biophysical, sensory or shared and recognised attributes. The landscape is of low or local importance.
Magnitude of Change	Size or scale	Total loss or addition of key features or elements. Major changes in the key characteristics of the landscape, including significant aesthetic or perceptual elements.	The majority of key features or elements are retained. Key characteristics of the landscape remain intact with limited aesthetic or perceptual change apparent.
	Geographical extent	Wider landscape scale.	Site scale, immediate setting.
	Duration and reversibility	Permanent. Long term (over 10 years).	Reversible. Short Term (0-5 years).

Table 1: Determining the level of landscape effects

Visual Effects

Visual effects are a subset of landscape effects. They are consequences of change on landscape values as experienced in views. To assess the visual effects of a proposed development on a landscape, a visual baseline must first be defined. The visual 'baseline' forms a technical exercise which identifies the area where the development may be visible, the potential viewing audience, and the key representative public viewpoints from which visual effects are assessed.

Field work is used to determine the actual extent of visibility of the site, including the selection of representative viewpoints from public areas. This stage is also used to identify the potential 'viewing audience' e.g. residential, visitors, recreation users, and other groups of viewers who can see the site. During fieldwork, photographs are taken to represent views from available viewing audiences.

The viewing audience comprises the individuals or groups of people occupying or using the properties, roads, footpaths and public open spaces that lie within the visual envelope or 'zone of theoretical visibility (ZTV)' of the site and proposal. Where possible, computer modelling can assist to determine the theoretical extent of visibility together with field work to confirm this. Where appropriate, key representative viewpoints should be agreed with the relevant local authority.

The Sensitivity of the Viewing Audience

The sensitivity of the viewing audience is assessed in terms of assessing the likely response of the viewing audience to change and understanding the value attached to views.

Likely response of the viewing audience to change

Appraising the likely response of the viewing audience to change is determined by assessing the occupation or activity of people experiencing the view at particular locations and the extent to which their interest or activity may be focussed on views of the surrounding landscape. This relies on a landscape architect's judgement in respect of visual amenity and the reaction of people who may be affected by a proposal. This should also recognise that people more susceptible to change generally include: residents at home, people engaged in outdoor recreation whose attention or interest is likely to be focussed on the landscape and on particular views; visitors to heritage assets or other important visitor attractions; and communities where views contribute to the wider landscape setting.

Value attached to views

The value or importance attached to particular views may be determined with respect to its popularity or numbers of people affected or reference to planning instruments such as viewshafts or view corridors. Important

viewpoints are also likely to appear in guide books or tourist maps and may include facilities provided for its enjoyment. There may also be references to this in literature or art, which also acknowledge a level of recognition and importance.

Magnitude of Visual Change

The assessment of visual effects also considers the potential magnitude of change which will result from views of a proposed development. This takes account of the size or scale of the effect, the geographical extent of views and the duration of visual change, which may distinguish between temporary (often associated with construction) and permanent effects where relevant. Preparation of any simulations of visual change to assist this process should be guided by best practice as identified by the NZILA³.

When determining the overall level of visual effect, the nature of the viewing audience is considered together with the magnitude of change resulting from the proposed development. Table 4 has been prepared to help guide this process:

Contributing Factors		Higher	Lower	Examples
The Viewing Audience (sensitivity)	Ability to absorb change	Views from dwellings and recreation areas where attention is typically focussed on the landscape.	Views from places of employment and other places where the focus is typically incidental to its landscape context. Views from transport corridors.	Dwellings, places of work, transport corridors, public tracks
	Value attached to views	Viewpoint is recognised by the community such as an important view shaft, identification on tourist maps or in art and literature. High visitor numbers.	Viewpoint is not typically recognised or valued by the community. Infrequent visitor numbers.	Acknowledged viewshafts, Lookouts
Magnitude of Change	Size or scale	Loss or addition of key features in the view. High degree of contrast with existing landscape elements (i.e. in terms of form scale, mass, line, height, colour and texture). Full view of the proposed development.	Most key features of views retained. Low degree of contrast with existing landscape elements (i.e. in terms of form scale, mass, line, height, colour and texture). Glimpse / no view of the proposed development.	- Higher contrast/ Lower contrast. - Open views, Partial views, Glimpse views (or filtered); No views (or obscured)
	Geographical extent	Front on views. Near distance views; Change visible across a wide area.	Oblique views. Long distance views. Small portion of change visible.	- Front or Oblique views. - Near distant, Middle distant and Long distant views
	Duration and reversibility	Permanent. Long term (over 15 years).	Transient / temporary. Short Term (0-5 years).	- Permanent (fixed), Transitory (moving)

Table 2: Determining the level of visual effects

Nature of Effects

In combination with assessing the level of effects, the landscape and visual effects assessment also considers the nature of effects in terms of whether this will be positive (beneficial) or negative (adverse) in the context within which it occurs. Neutral effects can also occur where landscape or visual change is benign.

It should also be noted that a change in a landscape does not, of itself, necessarily constitute an adverse landscape or visual effect. Landscape is dynamic and is constantly changing over time in both subtle and more dramatic transformational ways; these changes are both natural and human induced. What is important in managing landscape change is that adverse effects are avoided or sufficiently mitigated to ameliorate the effects of the change in land use. The aim is to provide a high amenity environment through appropriate design outcomes.

³ Best Practice Guide: Visual Simulations BPG 10.2, NZILA

This assessment of the nature of effects can be further guided by Table 2 set out below:

Nature of effect	Use and Definition
Adverse (negative):	The activity would be out of scale with the landscape or at odds with the local pattern and landform which results in a reduction in landscape and / or visual amenity values
Neutral (benign):	The activity would be consistent with (or blend in with) the scale, landform and pattern of the landscape maintaining existing landscape and / or visual amenity values
Beneficial (positive):	The activity would enhance the landscape and / or visual amenity through removal or restoration of existing degraded landscape activities and / or addition of positive elements or features

Table 1: Determining the Nature of Effects

Cumulative Effects

This can include effects of the same type of development (e.g. bridges) or the combined effect of all past, present and approved future development⁴ of varying types, taking account of both the permitted baseline and receiving environment. Cumulative effects can also be positive, negative or benign.

Cumulative Landscape Effects

Cumulative landscape effects can include additional or combined changes in components of the landscape and changes in the overall landscape character. The extent within which cumulative landscape effects are assessed can cover the entire landscape character area within which the proposal is located, or alternatively, the zone of visual influence from which the proposal can be observed.

Cumulative Visual Effects

Cumulative visual effects can occur in combination (seen together in the same view), in succession (where the observer needs to turn their head) or sequentially (with a time lapse between instances where proposals are visible when moving through a landscape). Further visualisations may be required to indicate the change in view compared with the appearance of the project on its own.

Determining the nature and level of cumulative landscape and visual effects should adopt the same approach as the project assessment in describing both the nature of the viewing audience and magnitude of change leading to a final judgement. Mitigation may require broader consideration which may extend beyond the geographical extent of the project being assessed.

Determining the Overall Level of Effects

The landscape and visual effects assessment conclude with an overall assessment of the likely level of landscape and visual effects. This step also takes account of the nature of effects and the effectiveness of any proposed mitigation. The process can be illustrated in Figure 2:



Figure 2: Assessment process

This step informs an overall judgement identifying what level of effects are likely to be generated as indicated in Table 3 below. This table which can be used to guide the level of natural character, landscape and visual effects uses an adapted seven-point scale derived from Te Tangi A Te Manu.

⁴ The life of the statutory planning document or unimplemented resource consents.

Effect Rating	Use and Definition
Very High:	Total loss of key elements / features / characteristics, i.e. amounts to a complete change of landscape character and in views.
High:	Major modification or loss of most key elements / features / characteristics, i.e. little of the pre-development landscape character remains and a major change in views. <u>Concise Oxford English Dictionary Definition</u> <i>High: adjective- Great in amount, value, size, or intensity.</i>
Moderate- High:	Modifications of several key elements / features / characteristics of the baseline, i.e. the pre-development landscape character remains evident but materially changed and prominent in views.
Moderate:	Partial loss of or modification to key elements / features / characteristics of the baseline, i.e. new elements may be prominent in views but not necessarily uncharacteristic within the receiving landscape. <u>Concise Oxford English Dictionary Definition</u> <i>Moderate: adjective- average in amount, intensity, quality or degree</i>
Low-Moderate:	Minor loss of or modification to one or more key elements / features / characteristics, i.e. new elements are not prominent within views or uncharacteristic within the receiving landscape.
Low:	Little material loss of or modification to key elements / features / characteristics, i.e. modification or change is not uncharacteristic or prominent in views and absorbed within the receiving landscape. <u>Concise Oxford English Dictionary Definition</u> <i>Low: adjective- 1. Below average in amount, extent, or intensity.</i>
Very Low:	Negligible loss of or modification to key elements/ features/ characteristics of the baseline, i.e. approximating a 'no change' situation and a negligible change in views.

Table 3: Determining the overall level of landscape and visual effects

Determination of "minor"

Decision makers determining whether a resource consent application should be notified must also assess whether the effect on a person is less than minor⁵ or an adverse effect on the environment is no more than minor⁶. Likewise, when assessing a non-complying activity, consent can only be granted if the s104D 'gateway test' is satisfied. This test requires the decision maker to be assured that the adverse effects of the activity on the environment will be 'minor' or not be contrary to the objectives and policies of the relevant planning documents.

These assessments will generally involve a broader consideration of the effects of the activity, beyond the landscape and visual effects. Through this broader consideration, guidance may be sought on whether the likely effects on the landscape or effects on a person are considered in relation to 'minor'. It must also be stressed that more than minor effects on individual elements or viewpoints does not necessarily equate to more than minor landscape effects. In relation to this assessment, moderate-low level effects would generally equate to 'minor' (see Table 4).

The third row highlights the word 'significant'. The term 'significant adverse effects' applies to particular RMA situations, namely as a threshold for the requirement to consider alternative sites, routes, and methods for Notices of Requirement under RMA s171(1)(b), the requirements to consider alternatives in AEEs under s6(1)(a) of the 4th Schedule. It may also be relevant to tests under other statutory documents such as for considering effects on natural character of the coastal environment under the NZ Coastal Policy Statement (NZCPS) Policy 13 (1)(b) and 15(b).

Less than Minor		Minor	More than Minor			
Very Low	Low	Low-Moderate	Moderate	Moderate-High	High	Very High
					Significant	

Table 4: Determining adverse effects for notification determination, non-complying activities and significance

⁵ RMA, Section 95E

⁶ RMA Section 95D

Appendix 5

Geotechnical Report



GEOTECHNICAL REPORT

FOR
PROPOSED DEVELOPMENT
AT
LOT 12 DP 391213
285 MANAWAORA RD
FOR
KASPUTY, J AND VAN MATER, V



Job No:	25-046
Date: Rev0	16/09/2025

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Contents

1. EXECUTIVE SUMMARY.....	5
2. INTRODUCTION.....	7
3. DESKTOP STUDY.....	7
3.1 GENERAL SITE DESCRIPTION.....	7
3.2 COUNCIL NATURAL HAZARDS.....	9
3.3 GEOLOGICAL MAPPING.....	9
3.4 PREVIOUS REPORTING.....	10
4. SITE INVESTIGATIONS AND SOIL CLASSIFICATION	10
4.1 VISUAL INVESTIGATION.....	10
4.2 SUBSURFACE INVESTIGATIONS.....	10
4.3 GROUND WATER AND MOISTURE CONDITIONS.....	12
4.4 LABORATORY TESTING.....	12
4.5 SEISMIC SUBSOIL CLASS.....	12
5. SITE STABILITY.....	13
5.1 DEFINITION AND LEGISLATION.....	13
5.2 EARTHQUAKE AND TSUNAMI HAZARDS.....	13
5.3 LIQUEFACTION.....	13
5.4 GROUND DEFORMATION OR SETTLEMENT.....	13
5.5 SOIL EXPANSIVITY.....	13
5.6 SLOPE STABILITY.....	14
6. ENGINEERING RECCOMENDATIONS.....	14
6.1 BUILDING FOUNDATIONS.....	14
6.2 POOL FOUNDATIONS.....	15
6.3 FOUNDATION PARAMETERS.....	15
6.4 RETAINING WALLS.....	16
6.5 ACCESS AND PARKING.....	16
7. EARTHWORKS RECCOMENDATIONS	16
7.1 SITE PREPARATION AND EARTHWORKS.....	16
7.1.1 BULK EARTHWORKS.....	17
7.1.2 TEMPORARY ENVIRONMENTAL SILT CONTROL MEASURES.....	17
7.1.3 CUT BATTER SLOPES.....	17
7.1.4 ENGINEERED FILL.....	17
7.1.5 SITE DRAINAGE.....	17

7.1.4 FOUNDATION PREPARATION	18
9. STORMWATER	20
10. WASTEWATER.....	20
11. RECOMMENDATIONS	21
12. CONCLUSION	21
13. LIMITATIONS.....	22

APPENDIX A – Augerhole data & Engineering Drawings

APPENDIX B –

- **TP58 PS1**
- **TP58 APPENDIX E**
- **LIST OF SUITABLE PLANT SPECIES.**
- **HYNDS XPERCO BROCHURE**
- **HYNDS XPERCO SPECIFICATIONS**

1. EXECUTIVE SUMMARY

We have been engaged by Kasputys, J and Van Mater, V (our client) to undertake geotechnical investigations and reporting for LOT 12 DP 391213 at the Omarino subdivision, 285 Manawaora road Russell.

This report assesses the site regarding, land stability, foundation requirements, stormwater management, wastewater management, earthworks, drainage and can be used to support resource and building consent applications to the local territorial authority. It has been prepared for the sole use of our client. It shall not be used, reproduced or copied in any manner or form without the permission of PK Engineering Ltd.

The subsoils on the site have been determined at discrete locations. It should be understood that soils away from those locations may vary from this report. We have construction monitoring and ground bearing capacity checks at the base of foundations to ensure the soil conditions are as per our geotechnical report.

It should be noted that if there is a change in the location of any of the buildings we should be given the chance to determine if further testing is required to prove the ground conditions and better recommend foundation design parameters.

We should be engaged during building consent stage to ensure that the foundations and stormwater/wastewater services for the developed designs are consistent with this report. Should there be any variation in the plans from what was stated in this report then would need to be engaged accordingly.

A geotechnical engineer familiar with this report should be engaged to undertake PS4 construction monitoring for all foundations.

During our site investigations the subsoils on the site exhibited high undrained shear strengths well in excess of 100kPa and high resistance to penetration at depth where soft rock was encountered. This is typical of such landforms within this locality.

An anomaly in the subsoil conditions between the minor dwelling and main dwelling was encountered during our investigations in which case the portion of the site where the minor dwelling (guest cottage) is to be located encountered shallow rock in comparison with the test locations for the main dwelling. Due to the variability in ground conditions for both structures, we have given two foundation recommendations that are feasible for each structure on this site.

In order to develop our recommendations we have been provided with survey plans by Archlab and concept plans by Bossley Architects titled Awhi Atu- Omarino Concept Design 21-07-2025 Which indicate the development of the Lot 12 Omarino site to include a large central main dwelling with an outside pool along with large, terraced areas, and a separate guest cottage/caretakers cottage with a living roof, adjacent to the main building all in all encompassing approximately 755 m² of living area.

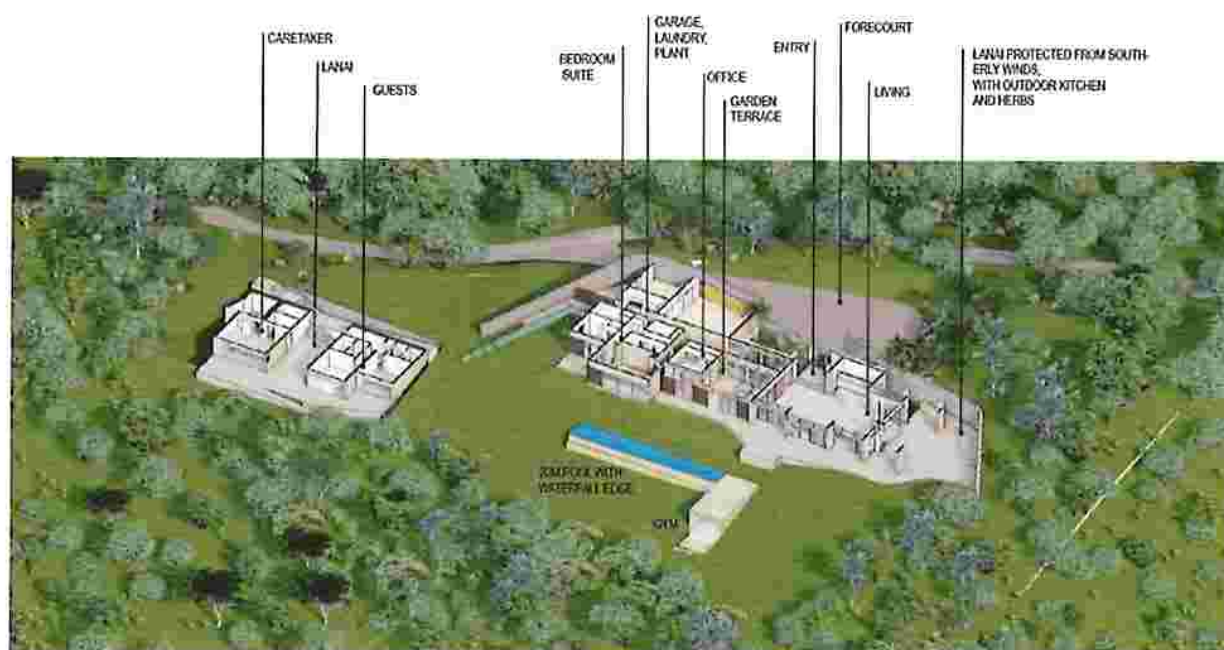


Figure 1: Site overview concept design by Bossley Architects

A summary of the site classifications from our investigations and knowledge of the geotechnical requirements of the site have been provided in Table 1 below and described in more detail within this report.

Table 1: Executive Summary

Natural hazards maps	No natural hazards mapped
Geological mapping	Waipapa Group (Greywacke/argillite)
Soil mapping	Marua light brown clay loam
Seismic subsoil class	Class C – NZS 1170.5 (2004)
Earthquakes and tsunamis	Earthquake low risk & Tsunami no risk
Liquefaction	No risk
Settlement	Low risk
Expansivity	Highly Expansive (Not good ground NZS3604:2011)
Slope Stability	Analysis not required
Foundation type	Rib raft, slab on grade or combination of both, with assisted piles in lower edges
Temporary Environmental silt control measures	Required as per GD05
Retaining walls	Required to be designed by suitably chartered professional engineer.
Engineered fill	Required as per NZS 4431:2022
Drainage measures	Required for short term and long term
Stormwater design	Meets site coverage requirements, engineer input for infrastructure sizing recommended.

Potable water supply	<i>Roof supply</i>
Firefighting	<i>45m³ Water supply- SNZPAS-4509-2008</i>
Wastewater disposal Category	<i>Category 5 as per AS/NZS 1547:2012 and TP58 Manual.</i>
Wastewater treatment	<i>Minimum Advanced Secondary</i>
Wastewater disposal	<i>PCDI to irrigation field</i>

2. INTRODUCTION

This report was requested by Kasputys, J and Van Mater, V and has been prepared to assess the geotechnical and site suitability aspects of LOT 12 DP 391213, Omarino subdivision, Russell for the proposed development.

This report assesses the site regarding, land stability, foundation requirements, stormwater management, wastewater management, earthworks, drainage and can be used to support resource and building consent applications to the local territorial authority. It has been prepared for the sole use of our client. It shall not be used, reproduced or copied in any manner or form without the permission of PK Engineering Ltd.

3. DESKTOP STUDY

3.1 GENERAL SITE DESCRIPTION

The lot encompasses a land area of approximately 71 hectares and is located in the Omarino Subdivision off Manawaora Road, Russell. The lot is predominately bush covered with a cleared development site adjacent to the access way in the approximate centre of the Lot. The site is located close to the top of a ridge line that traverses in a North-East to South-West direction with slopes ranging from 9-17 degrees. Reference should be made to the Site Plan on Sheet SG1 in Appendix A and Figures 2 and 3,

The Omarino Subdivision roading network provides access to the site along the top of the ridge line. A site topographic survey has been conducted by a registered surveyor and the locations and dimensions of all features as shown on the accompanying plans and discussed in this report are from the survey.

The subsurface conditions discussed in this report have been determined at very specific locations and will not identify any variations in ground strength or composition at other locations on this site. During construction should ground conditions be found to vary significantly from those described in this report PK Engineering Ltd. is to be notified immediately.



Figure 2. FNDC maps - Site location

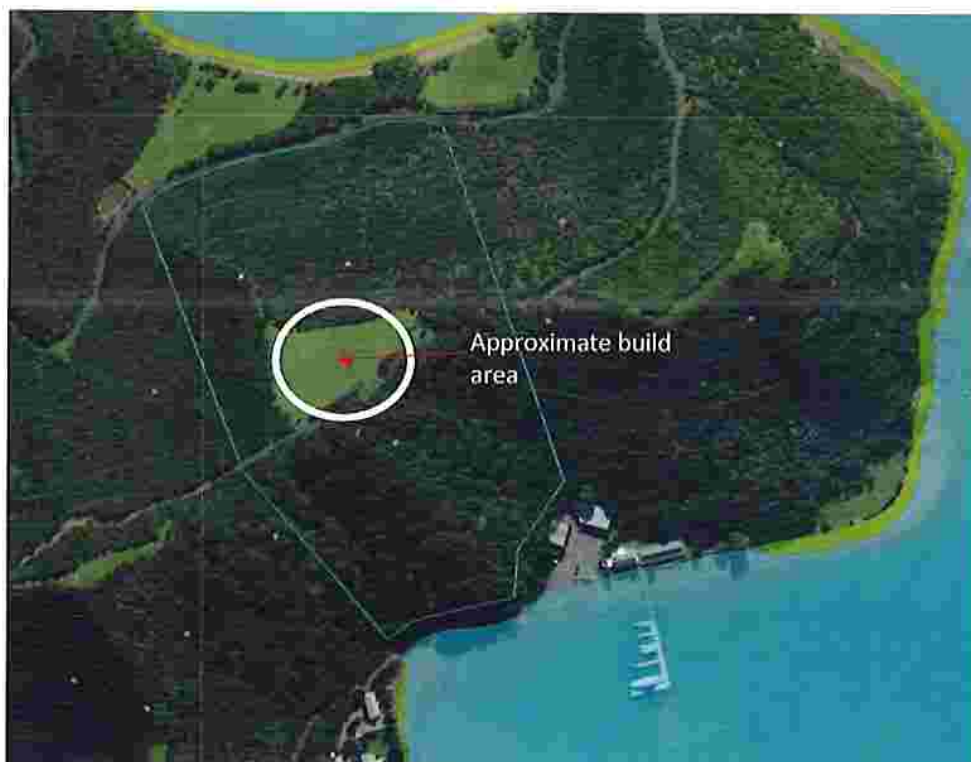


Figure 3. FNDC maps - Development site

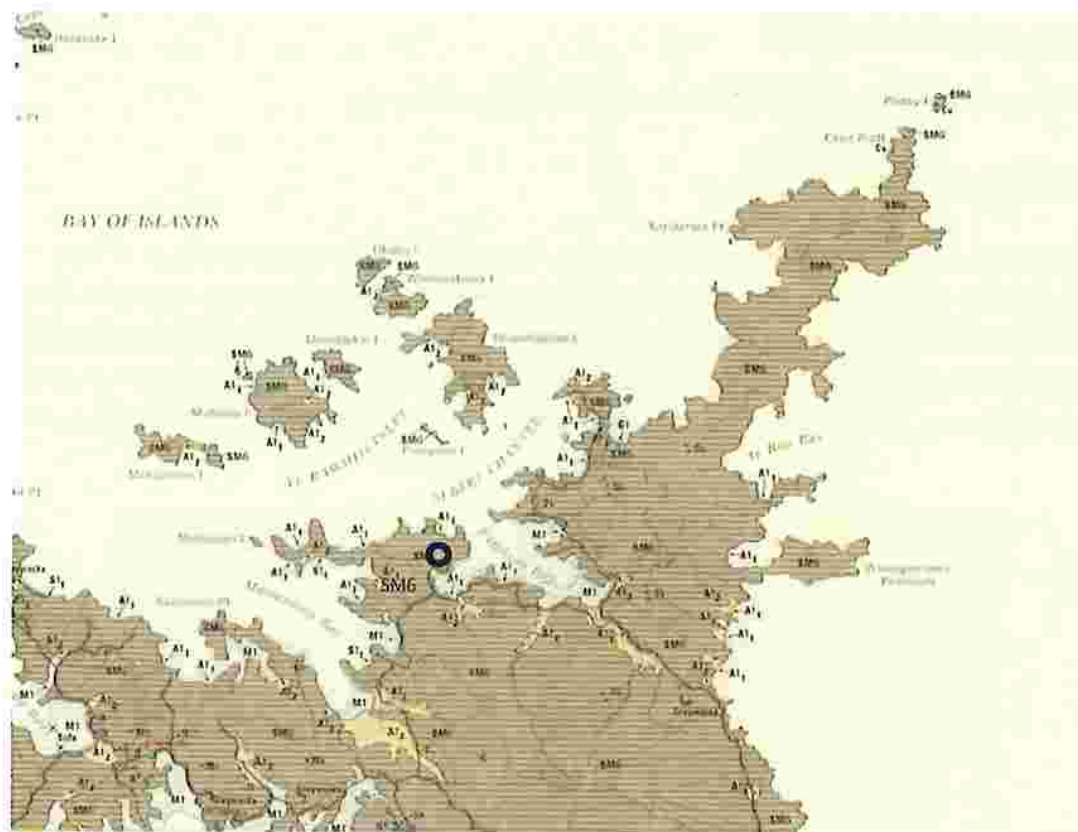


Figure 5: Extract from NZMS 290 Rock Maps, Bay of Islands, Sheet Q04/05

3.4 PREVIOUS REPORTING

No Previous Reporting was identified to support this report.

4. SITE INVESTIGATIONS AND SOIL CLASSIFICATION

4.1 VISUAL INVESTIGATION

A thorough walkover of the site was undertaken, and geotechnical features related to site stability and stormwater flows and wastewater disposal were noted.

4.2 SUBSURFACE INVESTIGATIONS.

6 subsurface exploratory auger holes have been drilled on the site shown on the attached site plan as AH1-AH6. In situ undrained shear strength readings were taken at 300mm intervals in each hole. These holes were drilled with a 50mm hand auger to a target depth of 3.0 metres or until refusal. Scala penetrometer

tests were carried out in the base of the auger holes and readings were taken as blows per/50mm increment until refusal into highly to moderately weathered rock.

Two tables have been provided below with the summary of the data (Table 2 and Table 3)

Table 2: Subsurface data

Item	Auger Depth (m)	Rock Intercept (m)	Scala Depth (m)	GWL
AH1/PT1	3.0	3.5	3.7	-
AH2/PT2	3.00	3.8	4.1	-
AH3/PT3	3.00	3.9	4.1	-
AH4/PT4	0.2	0.2	0.5	-
AH5/PT5	1.7	1.7	1.9	-
AH6/PT6	3.0	4.1	4.5	

Table 3: Subsurface data summary

Unit description	Depth to layer (m)	Thickness (m)	Shear value (kpa)	Scala (blow per 50mm)
Topsoil/Fill	0	200	58-87	-
Very stiff residual clays of the Waipapa group	0.20	3.0m +	183-233+	-
Highly- Moderately weathered bedrock of the Waipapa Group	0.2-4.1	-	-	8-17

Auger holes AH1 – AH3 and AH5- AH6 intercepted very stiff silty clays with undrained shear strengths exceeding 100kPa. AH4 is anomalous and was terminated on inferred shallow rock at 0.2m depth below existing ground level. Scala penetrometer tests were undertaken at the base of all the auger holes and were terminated on highly to moderately weathered rock.

The average depth of this inferred highly weathered rock is ~3.5 metres below existing ground level. We infer from AH4/PT4 results that the location of PT4 is on top of a rocky knoll.

The auger hole inferred subsoil profiles have been illustrated on cross sections A-A and B-B. Reference should be made to sheets SG2 and SG3 in Appendix A and the auger hole logs and scala penetrometer sheets in appendix A.

4.3 GROUND WATER AND MOISTURE CONDITIONS

At the time of the investigation the winter weather had produced significant amounts of rainfall in the locality. The soils we encountered were predominantly moist and plastic to approximately 3m depth below existing ground level. It is noteworthy to mention that the ground surface at the time of the investigation was waterlogged and spongy underfoot in the area approximately shown on sheet SG1 in appendix A. We have added drainage control measures for the above discussed in section 6.1.3 below.

4.4 LABORATORY TESTING

No Laboratory testing was undertaken as part of this investigation.

4.5 SEISMIC SUBSOIL CLASS

This site is considered Subsoil Class C – Shallow soil site as defined by NZS 1170.5 (2004) “Structural Design Actions) Part 5: Earthquake actions – New Zealand “based on the greater than 3 metres of soil encountered on the site.

5. SITE STABILITY

5.1 DEFINITION AND LEGISLATION

This section provides information that relates to section 71 (3) of the Building Act (2004), which in purpose is set out to assess the geotechnical hazards and their limitations and restrictions on buildings on land subject to natural hazards. Those hazards are:

- Erosion (including coastal erosion, bank erosion, and sheet erosion)
- Falling debris (including soil, rock, snow and ice)
- Subsidence
- Inundation (including flooding, overland flow, storm surge, tidal effects, and ponding).
- Slippage.

The relevant hazards and their relationship to the site and buildings are outlined in the remainder of this section below.

5.2 EARTHQUAKE AND TSUNAMI HAZARDS

This site is located in the low-risk zone for earthquakes due to its distance from known active faults and the Hikurangi subduction zone. Earthquake design criteria is not considered necessary for the proposed development. Likewise, the risk of inundation is negligible on this site due to its elevation of ~65 metres above the mean sea level datum.

5.3 LIQUEFACTION

This site has low risk of liquefaction due to the known properties of the soil type encountered. The significant cohesive clay fraction ensures that the critical property of a soil that leads to liquefaction has a very low probability of occurring on this site. Liquefaction prone soils are largely granular in nature and have elevated groundwater tables.

5.4 GROUND DEFORMATION OR SETTLEMENT

The soils on this site generally exhibit high strength and low compressibility.

5.5 SOIL EXPANSIVITY.

The soils on this site can be classified as “highly expansive” based on tactile descriptions made on site and experience in the locality. It is recommended to limit the exposure of any cut surfaces to excessive wetting and drying over the seasons. This can lead to desiccation cracking and instability. Any cut faces should be

vegetated with plants such as vetiver grass or any locally hard-wearing deep-rooted plant known to provide erosion control. A suitable geomesh such as CIRTEX BIOCOIR Coconut Matting (0800 247 839) may also be used to prevent excessive drying of exposed cut faces.

5.6 SLOPE STABILITY

The sub soils on this site indicate good engineering properties. A combination of very stiff silty Clay and clayey Silts ranging from 0.2m to 3.0m deep exhibited strong resistance to shear stress, with in-situ shear vane readings all well in excess of 100kPa undrained shear strength. The clay layers were in reasonably dry condition despite the rainfall over the past months of this year. Reference should be made to the auger hole logs presented in Appendix A.

Cross sections (A-A) and (B-B) have been provided in appendix B showing the subsoil profile based on our auger hole data and existing ground level shape taken from the contours provided by the architect and Lidar data.

The slopes on this site do not exceed 15 degrees and carry on well past the proposed building zones, therefore it is not necessary to carry out numerical slope stability analysis. It can be inferred based on experience in these soil that the stability of the slope has a factor of safety greater than 2.0.

6. ENGINEERING RECCOMENDATIONS

6.1 BUILDING FOUNDATIONS

All foundations on this site must allow for the highly expansive nature of the Marua clay that exists on the site. The soil type cannot be classified as "good ground" as per the definition in NZS 3604 due to its highly expansive behaviour.

The foundation options for the Main dwelling are:

- Rib raft or Slab on grade with reinforced concrete piles at critical locations (large point load) and along the front half of the dwelling in areas of excessive fill. Design engineer to consult geotechnical engineer.

The foundation options for the Minor dwelling are:

- Rib-raft or Slab on grade or a combination of Rib raft and slab on grade as shown on cross section b-b on sheet SG2. Reinforced concrete piles are required at critical locations (large point load) and

along the front half of the dwelling in areas of excessive fill. Design engineer to consult geotechnical engineer.

For both rib-raft and slab on grade foundations the following procedures will make it feasible:

- Due to the upper 600mm of clay being highly sensitive to shrink and swell- all pad foundations or point loads may be embedded minimum 800mm into the very stiff natural silty clay.
- Trees that grow in large sizes should not be planted in close proximity to any foundation.
- No stormwater discharge should be allowed to occur close to any foundation
- A bidim A19 or similar geofabric must be provided between the clay and hardfill interface.
- Proper control joints must be provided in the slab if the aspect ratio breaches 1 in 2 and the length of any slab exceeds 20 metres.
- A chartered professional engineer must be engaged to design any such rib raft or slab on grade foundation
- The building platform at the northern end of the building platforms may require some additional system- rigid pile foundation using a capping beam may be desirable to deal with areas needing to be built up to create a building platform. See appendix A SG2 and SG3 for the conceptual view.

6.2 POOL FOUNDATIONS

The pool foundations should be embedded a minimum of 800mm into stiff natural ground to account for the highly expansive nature of the upper soil layers.

6.3 FOUNDATION PARAMETERS

The following parameters should be utilized for the design of all foundations:

IN STIFF CLAY:

Bulk Density	= 18kN/m ³
Ultimate Bearing Capacity	= 300kPa
Allowable Bearing Capacity (F.O.S = 3)	= 100kPa
Dependable Bearing Capacity ($\phi = 0.5$)	= 150kPa

IN HIGHLY WEATHERED ROCK:

Bulk Density	= 25kN/m ³
Ultimate Bearing Capacity	= 6MPa
Allowable Bearing Capacity (F.O.S = 3)	= 2MPa
Dependable Bearing Capacity ($\phi = 0.5$)	= 3MPa

6.4 RETAINING WALLS.

Ground retaining will be required at the southern end of the forecourt and will require retaining heights greater than 1.0 metres. Any retaining greater than 1.0 metre of height or subject to surcharge loading (buildings, driveways, or backslope exceeding 15 degrees) should be designed by a suitably experienced chartered professional engineer. Where applicable retaining walls are to provide support to cut faces. All retaining wall heights should be verified prior to structural design.

6.5 ACCESS AND PARKING

There is suitable access provided to the site via the formed roading network.

With careful design and some minimal retaining walls, parking and turning areas can be provided on the platform as indicated on Sheet SG1, Appendix B.

The engineering aspects required to provide a stable parking area are listed below:

- The driveway should be formed such that the driveway falls at 1% to a catchpit at a low point and is piped well away from the parking and building to a dissipator bar or some other form of stormwater control measure.
- Any hardfill placed to form the access and parking should be of an approved grade and compacted in layers not exceeding 200mm loose.
- No concentration of stormwater shall be discharged in an uncontrolled manner near the building platform.

7. EARTHWORKS RECCOMENDATIONS

7.1 SITE PREPARATION AND EARTHWORKS

All topsoil or fill must be removed, and subgrade should be approved by a suitably qualified engineer prior to placement of any fill. These surfaces are also recommended to be proof rolled prior to placement of hardfill or clay fill.

It is the responsibility of the designer, project manager and contractor to read this report and ensure that the following recommendations are adhered to prior to any construction. Undertaking earthworks carefully and as per recommendations is critical to the short term and long-term stability of the site. Failure to comply with the following recommendations could undermine either of those aspects.

PK Engineering Ltd is of the view that any earthworks undertaken in winter months is not recommended. If the project manager requires a winter construction, they should submit a construction methodology for review prior to the start of any work. The person or persons in charge of this methodology should be familiar with documents such as GD05 - "Erosion and sediment control for land disturbing activities in the Auckland region"

7.1.1 BULK EARTHWORKS

A earthworks plan has been provided in appendix A with the approximate earthwork's extent and a set of cross sections which indicate the cut and fill extents. A summary of the earthworks cut, and fill areas and volumes are provided in the table below and on sheet EW1.0- EW2.4 in appendix A.

TABLE 3:

TYPE	EARTHWORKS AREA	EARTHWORKS VOLUME
FILL	412m ²	222m ³ (+ OR – 20m ³)
CUT	1812m ²	3243m ³ (+ OR – 300m ³)

7.1.2 TEMPORARY ENVIRONMENTAL SILT CONTROL MEASURES

It is a requirement to have silt control measures in place prior to any bulk earthworks in order to limit sediment runoff from the site. The temporary controls include a silt control pond, sediment fences and contour drains. All these measures have been designed as per GD05 and have been presented in appendix A- EW1.0 & ESC1.0 – ESC1.1. An engineer familiar with these plans should inspect these measures prior to earthworks bulk cutting. The silt control measures should remain in place for the duration of the construction.

7.1.3 CUT BATTER SLOPES

Maximum cut batters up to 1.5m may be used in developing this site provided they have a maximum slope of 1 vertical to 2 horizontal (Approx 25 degrees). All cut batter slopes should be planted in vegetation (e.g Vetiver grass) or covered by a suitable geofabric following excavation.

Any temporary cut greater than 2.0 metres high should not be left unretained for no longer than 4 weeks (one month).

7.1.4 ENGINEERED FILL

The proposed floor levels indicate that engineered fill will be required to create the building platform. Refer to appendix A EW1.0 for the approximate area of this fill. This fill should be designed to the specifications of NZS 4431:2022. Any point load footings should not be supported within this fill.

Any fill that is not going to be retained must be finished at gradients of 1 vertical to 2 horizontal (Approx 25 degrees). All clay fill is to be well compacted with a sheepsfoot roller to achieve a minimum in situ undrained strength of 120kPa. No foundations should be supported on or within clay fill on this site.

7.1.5 SITE DRAINAGE

Drainage measures should be in place so that no pooling or concentrated water is on or around the building platform, this includes short term and long-term drainage measures.

Due to the large footprint of the main dwelling, it is pertinent to drain surface water away from the foundations during the construction and over the long term, thus counterfort drains are recommended to

be installed 1.0 metres below the cut surface at a grade of minimum 1 in 100 falls to manhole 1 on the north side of the site. The counterfort drains a, b & c are to be positioned as shown on the sheet SC1.1 and constructed as per details on sheet SW3.

The architectural concepts indicate large terraces and forecourt pavement areas which are required to be drained via a network of pipes and cesspits to the discharge point A as shown on sheets SC1.1 and SW1. All pipes must be of SN16 grade and have flexible joins to account for the expansive nature of the soils.

The main Stormwater discharge for the site has been shown on sheet SW1 and indicates the setbacks for the dispersal system via Ø300mm Culvert Flume. The dispersal of stormwater overflows is split to either side of the ridgeline into the natural bush cover, well within the Lot 12 boundaries. The dispersal is returned to sheet flow using the 3m wide spreader bar and rock scour rip rap as shown on detail SW4 in appendix A

The proposed pool will require disposal of backwash, which can be discharged into the rock fissures using an approximately 6.0-metre-deep borehole. A detail of how this is to be achieved is provided in sheet SW4 and location on sheet SC1.0 of appendix A.

7.1.4 FOUNDATION PREPARATION

All foundations should be free of excessive soil spoils or water prior to approval by an engineer to pour concrete. Foundations should be protected from direct water; stormwater flows in the event that they cannot be poured prior to rainfall.

8. POTABLE WATER SUPPLY

The supply of potable water to the main dwelling and guest cottage will be via roof supply provided by 4 x 25,000L concrete water tanks positioned on the ridgeline to the south of the main access track as shown on the drawings sheet SC1.1. This location is preferred setback from the road to shelter the tanks from view and protect the trees at the backdrop of the building. If the final position of the tanks is to be as is shown on the drawings, then the following recommendations are recommended to provide a stable platform for the tanks:

- Overburden soils to be cut at equal weight of a full water tank to equal weight of soil. or tanks be 60% buried
- Cut design be carried out by a suitably chartered professional engineer familiar with these soils
- Drainage measures be put in place at the base of the excavation to stop the pooling of water and connected to the existing discharge point.

The overflow pipe from the water tanks is to be a Ø225 uPVC fully secured to the Ø300mm culvert flume. A pumping chamber from the tanks on the ridgeline is required to supply both dwellings.

The runoff from the roof will be collected in a 25,000-litre holding tank at the north lower portion of the site. This holding tank will require a specifically designed pumping chamber capable of discharging 10 litres per second with 15m of head. An Ø225 overflow pipe from the holding tank to Manhole 1 will be required in order to take stormwater overflow or in the event that the pump stops working.

In line filters are required to be installed for all potable water supply.

8.1 NON POTABLE WATER.

It is proposed to have one 25,000L water tank as a non-potable water supply holding tank for the stormwater overflows from the proposed guest cottage green (living) roof. The position of this tank is shown on sheet SC1.0 and an Ø150mm overflow pipe to manhole 1 is recommended. The water in this tank can be utilized for garden irrigation only and is non potable.

8.2 FIRE FIGHTING SUPPLY.

It is proposed to position 2 x 25,000L concrete tanks permanently full of water for firefighting supply. The position has been shown on sheet SC1.1. The final position should always be within 90m of the building and 45m³ available as per the guidelines of SNZPAS-4509-2008 for buildings without sprinklers. Connections need to be suited FENZ local fire trucks. A fire and emergency access plan has been provided in appendix A as sheet FENZ 1.0.

9. STORMWATER

The site is well within its permitted site coverage, and all pipe sizes and stormwater infrastructure should be sized by a qualified engineer.

10. WASTEWATER

We recommended that the soils on this site be classified as Category 5 as per AS/NZS 1547:2012 & TP58 for the design of any on-site wastewater disposal system. This is based on tactile field descriptions and soakage tests conducted. Category 5 is considered adequately conservative for this site. A design dosing rate of 2.5mm/day for surface pressure compensated drip irrigation lines (PCDI) is considered best for this site.

The wastewater treatment system to comprise a proprietary aerated system capable of treating 1800 litres a day of wastewater to a secondary level. Followed by UV disinfection to produce a tertiary level of treatment. The treatment system to discharge via pump to 640 lineal meters of PCDI lines laid amongst existing bush with 80% canopy cover. Irrigation lines to be firmly fixed to the ground and covered with 150mm mulch. The irrigation lines to be spaced 1m apart with drippers at 1m c/c. We recommend underplanting the existing bush cover with suitable understory species. Refer Suitable Plant Species List, Appendix A.

This design is based on a category B, tank water supply source and standard fixtures. A one-bedroom main dwelling (2 persons occupancy), 2 x 1 bedroom guest accommodation (4-person occupancy) and a 1-bedroom caretakers building (2-person Occupancy) giving a total occupancy of 8 persons. Daily per capita wastewater production overall is expected to be 200litres giving a total daily flow of 1600litres. Our Borehole data AH1-AH3 and AH4 – AH6 from the site has allowed us to determine that sufficient soil depth for soakage exists on this site i.e no rock layers exist at shallow depth in the area of the proposed disposal field. The seasonal ground water table is expected to be greater than 3.0m below existing ground level.

11. RECOMMENDATIONS

I recommend the following:

- Shallow foundation types such as a rib raft or slab on grade (or a combination of both) with shallow foundations embedded minimum 0.8 metres into stiff natural ground, with assistance from reinforced concrete piles along front edge to combat forces from structural fill and shallow surficial creep behaviour of upper clay layer. These foundations should be designed by a suitably chartered professional engineer.
- Any retaining greater than 1.0 metre of height or subject to surcharge loading (buildings, driveways, or backslope exceeding 15 degrees) should be designed by a suitably experienced chartered professional engineer.
- All earthworks to be inspected and approved by a suitably chartered professional engineer. All fill over 600mm depth is to be inspected and approved by an engineer. Earthworks should be managed as per section 7.1.15 of this report.
- Should the water tanks be positioned as they are proposed on these plans then specific geotechnical engineering design should be carried out by a suitably experienced chartered professional engineer.
- Stormwater and drainage be carefully managed as per section 7 of this report.
- On site wastewater treatment and disposal to be managed as per section 8 of this report

12. CONCLUSION

After carrying out our geotechnical study, we conclude that this site can be developed in a sustainable manner without compromising the stability of the proposed structures and that stormwater and wastewater can be managed sustainably provided the recommendations in this report are diligently followed.

13. LIMITATIONS

This report should be read and produced in its entirety including the limitations to understand the context of the opinions and recommendations given.

This report has been prepared exclusively for J Kasputys & V Van Mater in accordance with the brief given to us and the agreed scope and will be deemed exclusive to the owner. Information, opinions, and recommendations contained in this report can only be used for the purposes with which it was intended. PK Engineering Ltd accepts no liability or responsibility for any use or reliance on this report by any party other than the owner or parties working for or on behalf of the owner, such as local authorities. This report is not to be used for purposes beyond those for which it was intended for. This report was prepared in general accordance with current standards, codes and best practice at the time of this report. These may be subject to change.

The description of soils and analysis is based upon soil mapping in set locations on the site. It has been assumed that soil conditions are consistent with the discoveries in their location - there may be unforeseen variation in between. If any variation is found during the construction phase, then PK Engineering Ltd must be notified as soon as possible to advise on any changes to foundations that may be necessary.

APPENDIX A

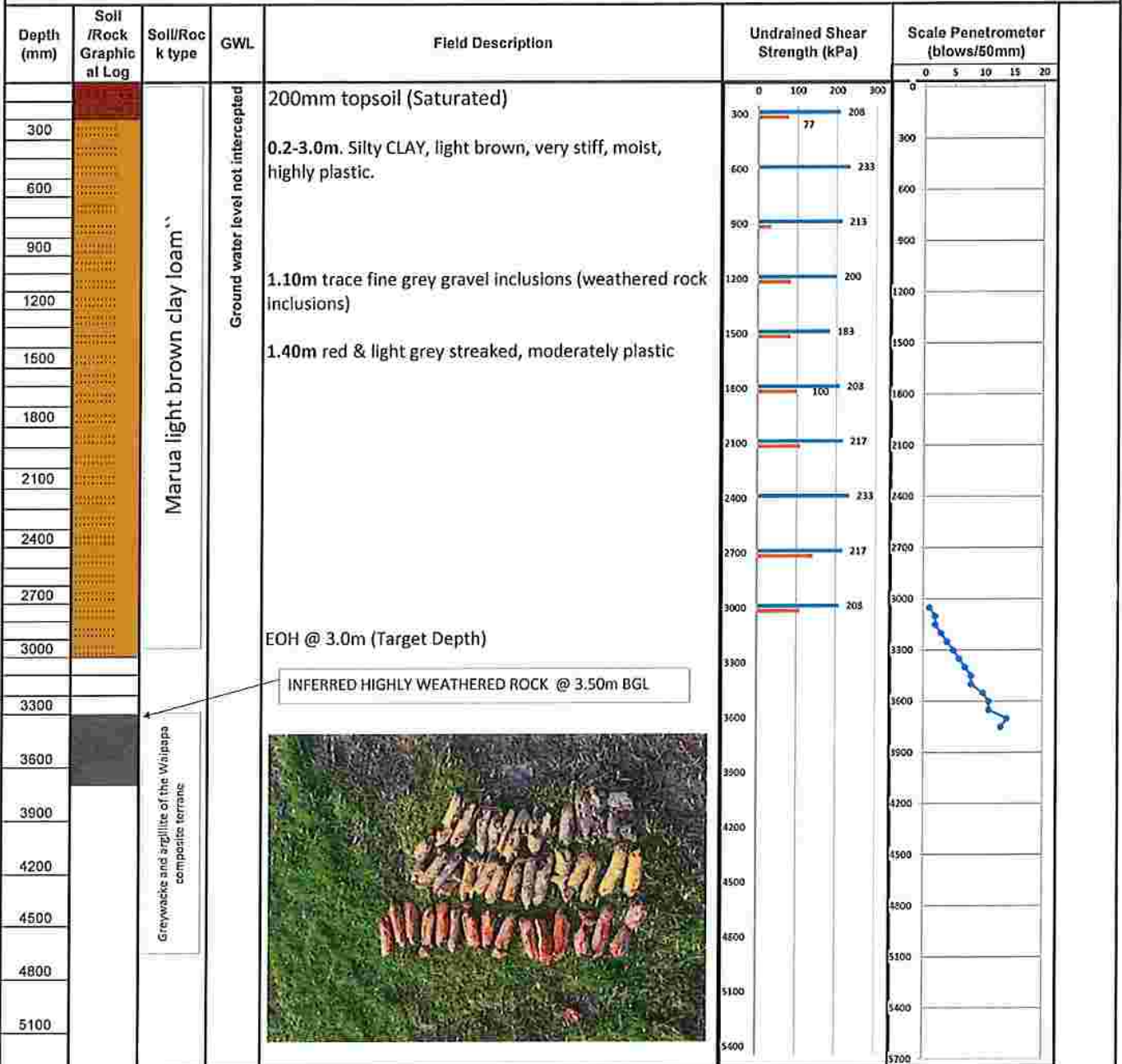
(BOREHOLE LOGS, SCALA PENETROMETER LOG & ENGINEERING
DRAWINGS)

BOREHOLE LOG NO - AH1

Project: Geotechnical Investigation and Report
 Client: Kasputys & Van Mater Lot 12 - Omarino
 Job No: 25-046



Graphic Symbol	FILL	CLAY	SILT	SAND	ROCK	TOP SOIL	Organic Soil	In situ shear vane reading	Remoulded shear vane reading	Scale Penetrometer
----------------	------	------	------	------	------	----------	--------------	----------------------------	------------------------------	--------------------



Drill Methods	50 mm hand auger	Note: All field logging made as per NZGS Guideline "Soil and Rock Field Descriptions"
Test Location	Refer to site plan	1. The subsurface data described above has been determined at a specific borehole location. The data will not identify any variations away from the location.
Test Date	13/08/2025	2. UTP - Unable to penetrate.
Inspector	JW/RD	

Level 1 ANZ Bank Building 90 Kenkeri Road, Kenkeri New Zealand

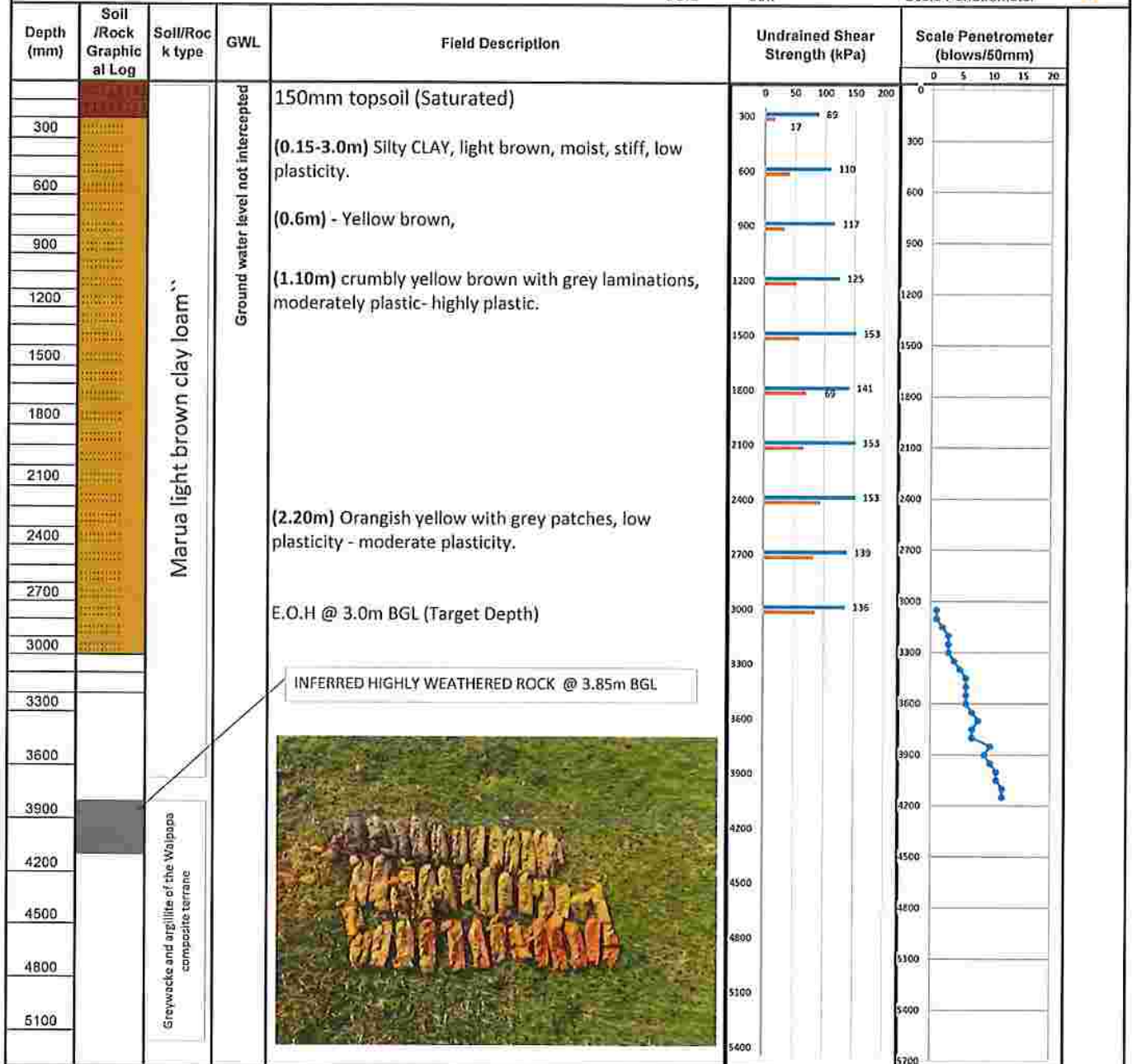
Telephone: 09 407 3255 Fax: 09 407 3256 Email: TeamPK@pkengin.co.nz

BOREHOLE LOG NO - AH2

Project: Geotechnical Investigation and Report
 Client: Kasputys & Van Mater Lot 12 - Omarino
 Job No: 25-046



Graphic Symbol	FILL	CLAY	SILT	SAND	ROCK	TOP SOIL	Organic Soil	In situ shear vane reading	Remoulded shear vane reading	Scale Penetrometer
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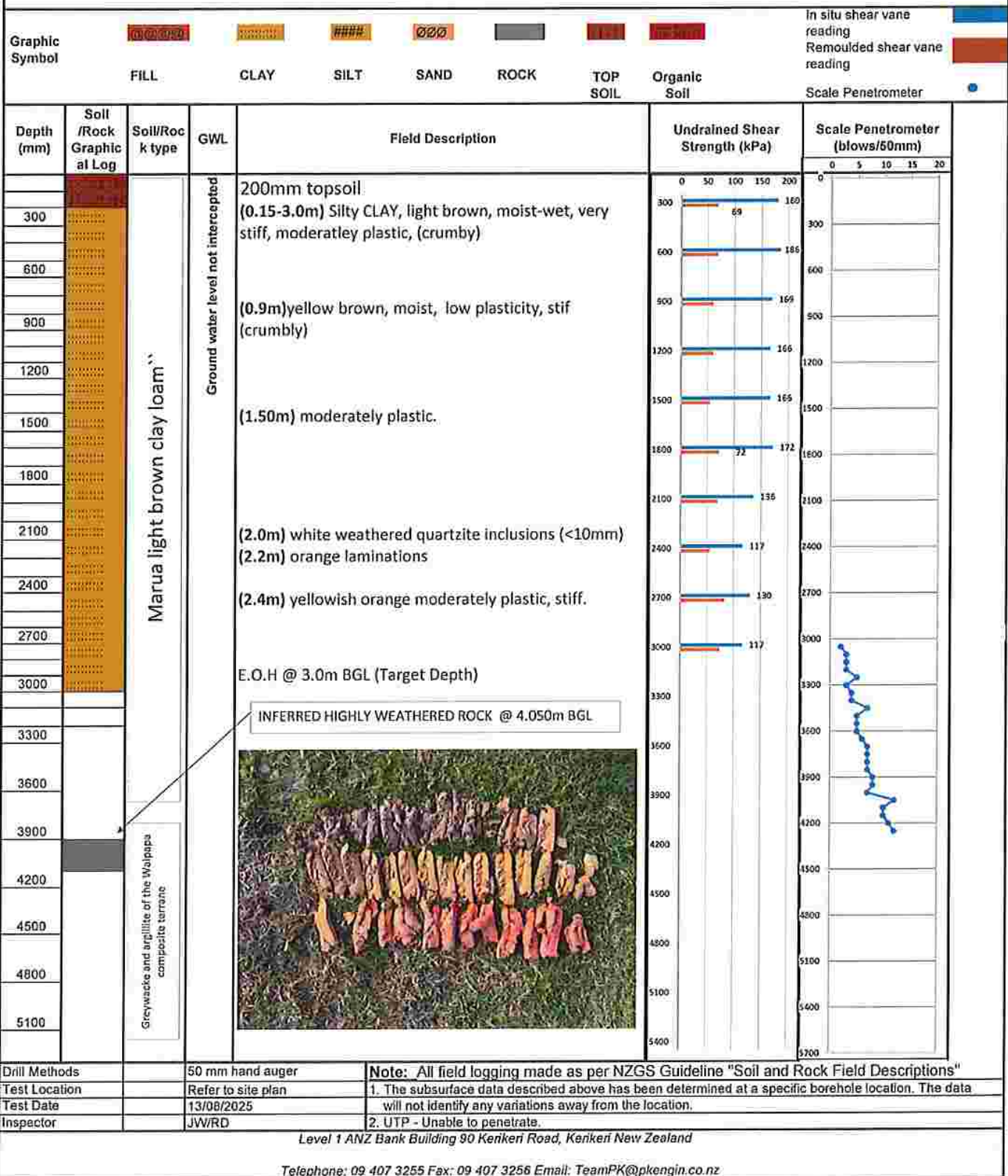
Drill Methods	50 mm hand auger	Note: All field logging made as per NZGS Guideline "Soil and Rock Field Descriptions"
Test Location	Refer to site plan	1. The subsurface data described above has been determined at a specific borehole location. The data will not identify any variations away from the location.
Test Date	13/08/2025	2. UTP - Unable to penetrate.
Inspector	JW/RD	

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BOREHOLE LOG NO - AH3

Project: Geotechnical Investigation and Report
 Client: Kasputys & Van Mater Lot 12 - Omarino
 Job No: 25-046



BOREHOLE LOG NO - AH4

Project: Geotechnical Investigation and Report
 Client: Kaspulys & Van Mater Lot 12 - Omarino
 Job No: 25-046



Graphic Symbol	FILL	CLAY	SILT	SAND	ROCK	TOP SOIL	Organic Soil	In situ shear vane reading	Remoulded shear vane reading	Scale Penetrometer
----------------	------	------	------	------	------	----------	--------------	----------------------------	------------------------------	--------------------

Depth (mm)	Soil /Rock Graphic Log	Soil/Rock type	GWL	Field Description	Undrained Shear Strength (kPa)	Scale Penetrometer (blows/60mm)
0				Topsoil (0.00) Unable to penetrate the gravelly soil surface with the Auger- Scala Penetration test from surface made).	0	0
300					0	3
600					0	4
900					0	5
1200					0	6
1500					0	7
1800					0	8
2100					0	9
2400					0	10
2700					0	11
3000					0	12
3300					0	13
3600					0	14
3900					0	15
4200					0	16
4500					0	17
4800					0	18
5100					0	19
5400					0	20
5700					0	21

INFERRED HIGHLY WEATHERED ROCK @ 4.050m BGL

Ground water level not intercepted

Greywacke and argillite of the Waipapa composite terrane

Drill Methods	50 mm hand auger	Note: All field logging made as per NZGS Guideline "Soil and Rock Field Descriptions"
Test Location	Refer to site plan	1. The subsurface data described above has been determined at a specific borehole location. The data will not identify any variations away from the location.
Test Date	13/08/2025	2. UTP - Unable to penetrate.
Inspector	JW/RD	

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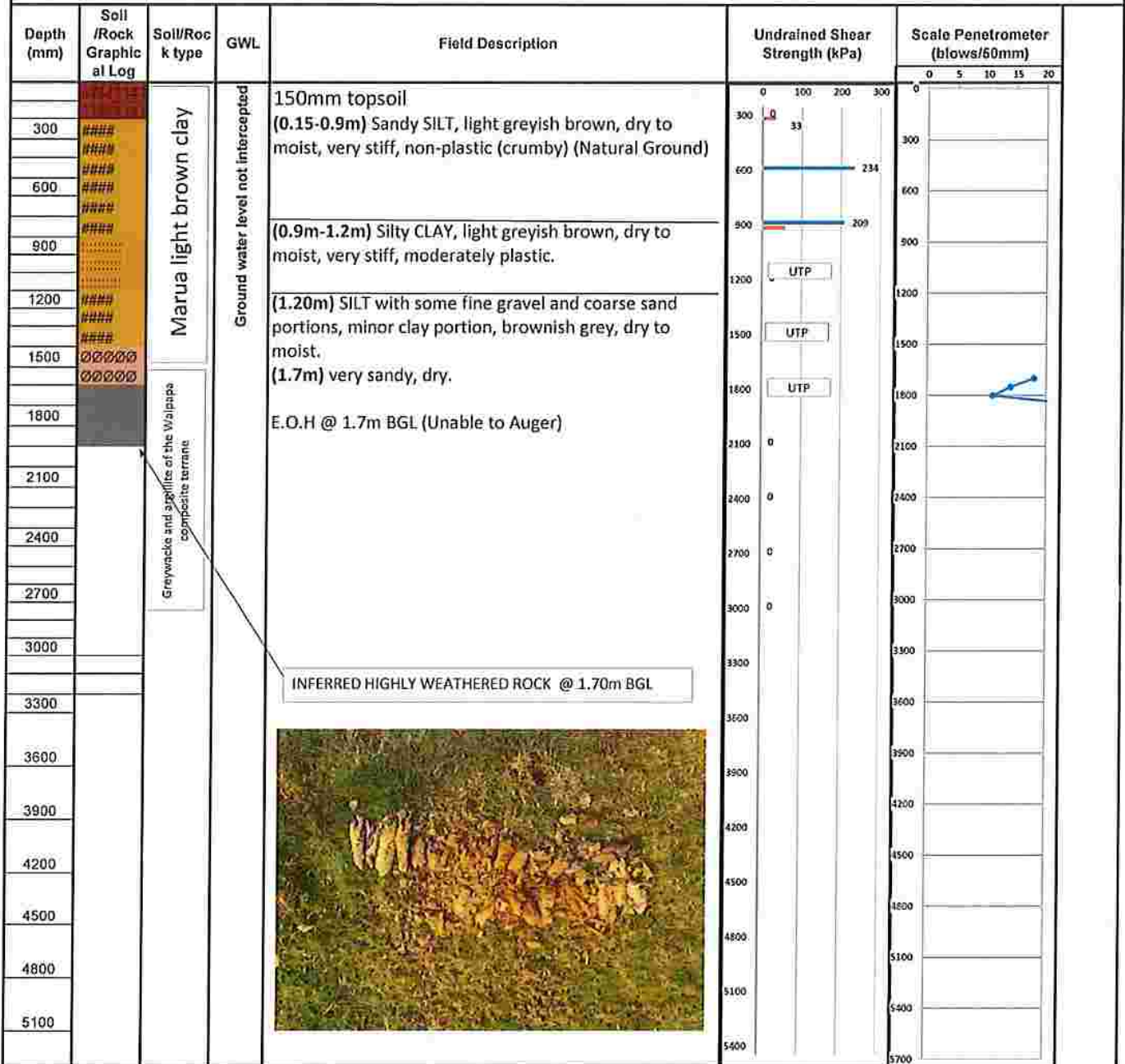
Telephone: 09 407 3255 Fax: 09 407 3256 Email: TeamPK@pkengin.co.nz

BOREHOLE LOG NO - AH5

Project: Geotechnical Investigation and Report
 Client: Kasputys & Van Mater Lot 12 - Omarino
 Job No: 25-046



Graphic Symbol	FILL	CLAY	SILT	SAND	ROCK	TOP SOIL	Organic Soil	In situ shear vane reading Remoulded shear vane reading Scale Penetrometer
----------------	------	------	------	------	------	----------	--------------	--



Drill Methods	50 mm hand auger	Note: All field logging made as per NZGS Guideline "Soil and Rock Field Descriptions"
Test Location	Refer to site plan	1. The subsurface data described above has been determined at a specific borehole location. The data will not identify any variations away from the location.
Test Date	13/08/2025	2. UTP - Unable to penetrate.
Inspector	JW/RD	

Level 1 ANZ Bank Building 90 Kerikeri Road, Kerikeri New Zealand

Telephone: 09 407 3255 Fax: 09 407 3256 Email: TeamPK@pkengin.co.nz

BOREHOLE LOG NO - AH6

Project: Geotechnical Investigation and Report
 Client: Kasputys & Van Mater Lot 12 - Omarino
 Job No: 25-046



Graphic Symbol	FILL	CLAY	SILT	SAND	ROCK	TOP SOIL	Organic Soil	In situ shear vane reading	Remoulded shear vane reading	Scale Penetrometer

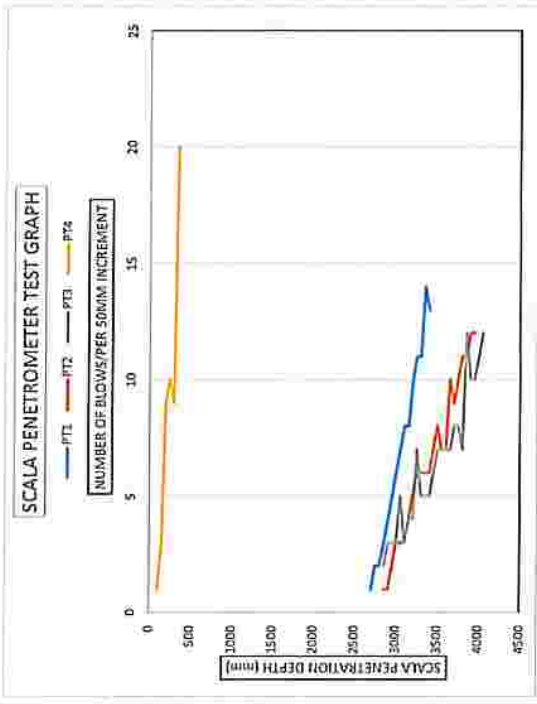
Depth (mm)	Soil /Rock Graphic al Log	Soil/Roc k type	GWL	Field Description	Undrained Shear Strength (kPa)	Scale Penetrometer (blows/50mm)
0				200mm topsoil		
300				(0.15-3.0m) Silty CLAY, some coarse sand, light brown, stiff, dry to moist, crumbly, low plasticity.	139	
600				(0.5m) yellow brown, tiff to very stiff, moderately to highly plastic, moist.	173	
900				(1.0m) (beyond plastic limit)	132	
1200				(1.4m) hard, dry to moist, reddish brown and cream streaked.	164	
1500					194	
1800					160	
2100				(2.0m) Clayey SILT, reddish pink, low plasticity, dry to moist, very stiff (Completely weathered rock)	166	
2400				(2.3m) moist, darkish red and brown and cream streaked.	173	
2700					153	
3000				(2.8m) dry, reddish pink, minor sandy portions	180	
3300				E.O.H @ 3.0m BGL (Target Depth)		
3600				INFERRED HIGHLY WEATHERED ROCK @ 4.2m BGL		
3900						
4200						
4500						
4800						
5100						

Drill Methods.	50 mm hand auger	Note: All field logging made as per NZGS Guideline "Soil and Rock Field Descriptions"
Test Location	Refer to site plan	1. The subsurface data described above has been determined at a specific borehole location. The data will not identify any variations away from the location.
Test Date	13/08/2025	2. UTP - Unable to penetrate.
Inspector	JW/RD	

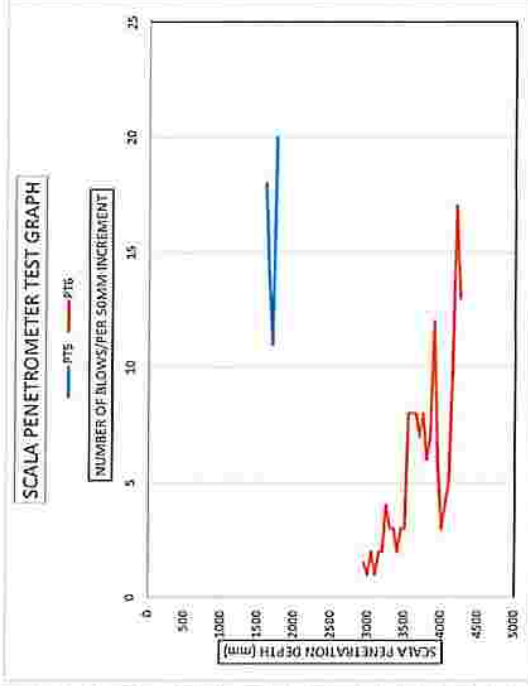
Level 1 ANZ Bank Building 90 Kerikeri Road, Kerikeri New Zealand

Telephone: 09 407 3255 Fax: 09 407 3256 Email: TeamPK@pkengin.co.nz

P K ENGINEERING LIMITED										PENETROMETER HOLE No.									
90 KERIKERI RD Phone (09) 4073255 EMAIL pk.enr@pkengn.co.ni SHT. 1 of 1										Job No. 25-046									
Location: Kasputys & Van Mater Lot 12										Date: 13/08/									
Driven by: JW/RO																			
P.L. at Ground Level: N/A																			
Bottom	PT1	PT2	PT3	PT4	Depth	PT1	PT2	PT3	PT4	Depth	PT1	PT2	PT3	PT4	Depth	PT1	PT2	PT3	PT4
50					2550					5050					7550				
100					2600					5100					7600				
150			1		2650					5150					7650				
200			3		2700					5200					7700				
250			8		2750					5250					7750				
300			10		2800					5300					7800				
350			9		2850					5350					7850				
400			20		2900					5400					7900				
450					2950					5450					7950				
500					3000					5500					8000				
550					3050	1	1	2		5550					8050				
600					3100	2	1	3		5600					8100				
650					3150	2	2	3		5650					8150				
700					3200	3	3	3		5700					8200				
750					3250	4	3	5		5750					8250				
800					3300	5	3	3		5800					8300				
850					3350	6	4	4		5850					8350				
900					3400	7	5	4		5900					8400				
950					3450	8	6	7		5950					8450				
1000					3500	8	6	5		6000					8500				
1050					3550	10	6	5		6050					8550				
1100					3600	11	6	5		6100					8600				
1150					3650	11	7	6		6150					8650				
1200					3700	14	8	7		6200					8700				
1250					3750	13	7	7		6250					8750				
1300					3800		7	7		6300					8800				
1350					3850		10	7		6350					8850				
1400					3900		9	8		6400					8900				
1450					3950		10	8		6450					8950				
1500					4000		11	7		6500					9000				
1550					4050		11	12		6550					9050				
1600					4100		12	10		6600					9100				
1650					4150		12	10		6650					9150				
1700					4200			11		6700					9200				
1750					4250			12		6750					9250				
1800					4300					6800					9300				
1850					4350					6850					9350				
1900					4400					6900					9400				
1950					4450					6950					9450				
2000					4500					7000					9500				
2050					4550					7050					9550				
2100					4600					7100					9600				
2150					4650					7150					9650				
2200					4700					7200					9700				
2250					4750					7250					9750				
2300					4800					7300					9800				
2350					4850					7350					9850				
2400					4900					7400					9900				
2450					4950					7450					9950				
2500					5000					7500					###				



P K ENGINEERING LIMITED				PENETROMETER HOLE No.			
90 KERIKERI RD Phone (09) 4073255				Location: Kasaputhy & Van Meter Lot 12			
Email: pk_engin@pkengln.co.nu				Job No. 25-046			
Date: 13/08/				Date: 13/08/			
R.L. at Ground Level: n/a							
Depth	PTS	PTB	Depth	PTS	PTB	Depth	PTS
50			2550			5050	
100			2600			5100	
150			2650			5150	
200			2700			5200	
250			2750			5250	
300			2800			5300	
350			2850			5350	
400			2900			5400	
450			2950			5450	
500			3000	1.5		5500	
550			3050	1		5550	
600			3100	2		5600	
650			3150	1		5650	
700			3200	2		5700	
750			3250	2		5750	
800			3300	4		5800	
850			3350	3		5850	
900			3400	3		5900	
950			3450	2		5950	
1000			3500	3		6000	
1050			3550	3		6050	
1100			3600	8		6100	
1150			3650	8		6150	
1200			3700	8		6200	
1250			3750	7		6250	
1300			3800	8		6300	
1350			3850	6		6350	
1400			3900	7		6400	
1450			3950	12		6450	
1500			4000	6		6500	
1550			4050	3		6550	
1600			4100	4		6600	
1650			4150	5		6650	
1700	18		4200	10		6700	
1750	14		4250	17		6750	
1800	11		4300	13		6800	
1850	20		4350			6850	
1900			4400			6900	
1950			4450			6950	
2000			4500			7000	
2050			4550			7050	
2100			4600			7100	
2150			4650			7150	
2200			4700			7200	
2250			4750			7250	
2300			4800			7300	
2350			4850			7350	
2400			4900			7400	
2450			4950			7450	
2500			5000			7500	
						10000	





Location: Omarino Lot 12

Client: J Kasputy & V Van Mater

Job No: 25-046

Tested by: RD

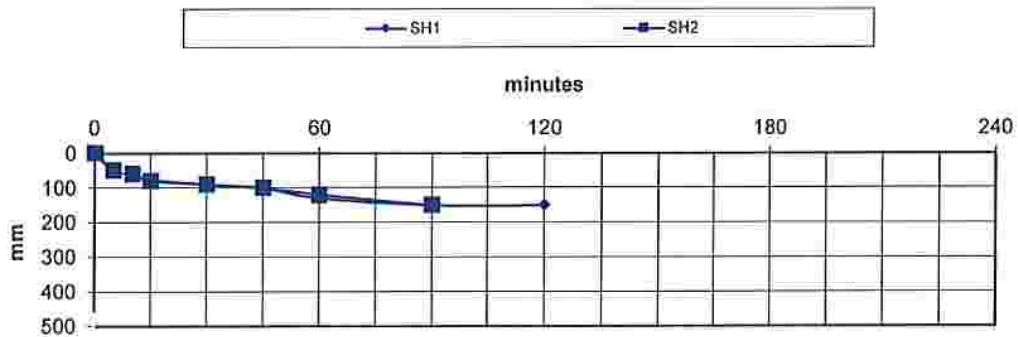
SOAKAGE TEST RESULTS

GWL: Not found

13/08/2025

Soak hole No:	Start	(mins)											
	0	5	10	15	30	45	60	90	120	150	180	210	240
SH1	0	50	60	75	90	100	130	150	150				
SH2	0	50	60	80	90	100	120	150					
SH3	0												
SH4													
SH5													
SH6													

TP58 SOAKAGE TEST





CHARTERED PROFESSIONAL ENGINEERS

ISSUED FOR CONSENT

PROJECT:	ENGINEERING DRAWINGS FOR PROPOSED DWELLING KASPUTYS, J & VAN MATER, V
PROJECT ADDRESS:	285 MANAWAORA ROAD OMARINO
LEGAL DESCRIPTION	LOT 12 DP 391213
JOB NO:	25-046
DATE OF FIRST SUBMISSION:	16/09/2025
SET NO:	

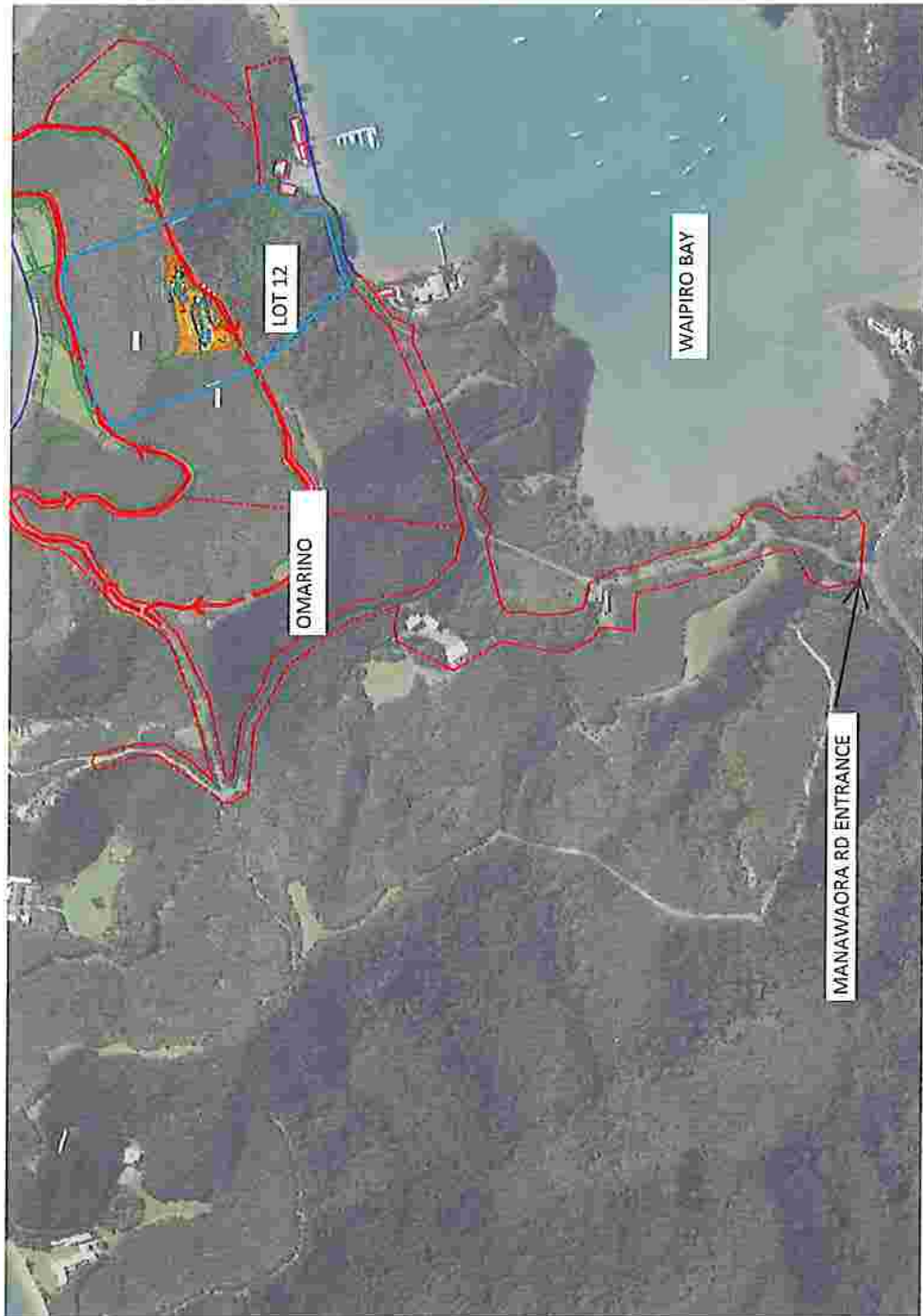
<u>DRAWING INDEX:</u>	<u>FIRE FIGHTING</u>
SG0 LOCALITY PLAN	FENZ 1.0 SITE PLAN

<u>GEOTECHNICAL</u>	
SG1 PROPOSED SITE PLAN	
SG2 CROSS SECTION A-A	
SG3 CROSS SECTION B-B	
<u>EARTHWORKS</u>	
EW1.0 EARTHWORKS SITE PLAN	
EW2.0 EARTHWORKS CROSS SECTIONS	
EW2.1 EARTHWORKS CROSS SECTIONS	
EW2.2 EARTHWORKS CROSS SECTIONS	
EW2.3 EARTHWORKS CROSS SECTIONS	
EW2.4 EARTHWORKS CROSS SECTIONS	

<u>ENVIRONMENTAL</u>	
ESC1.0 CROSS SECTION Z-Z	
ESC2.0 TEMPORARY SILT CONTROL DETAILS	

<u>STORMWATER / WASTEWATER</u>	
SW1.0 STORMWATER DISPOSAL PLAN	
SC1.0 CIVIL SITE PLAN	
SC1.1 SERVICES LAYOUT PLAN	
SW2.0 STORMWATER DISPOSAL DETAILS	
SW3.0 COUNTERFORT DRAIN DETAILS	
SW4.0 POOL BACKWASH DETAIL	

LEVEL 2 ANZ Bank Building 90 Kerikeri Road, PO Box 484 KERIKERI	Tel: (09) 4073255 email: toomp@pkengh.co.nz
---	--



Notes:

- 1. THE CONSENT OF THE COUNCIL IS NOTED IN THE ENGINEERING AND IT IS A CONDITION OF THE CONSENT THAT THE PROPOSED DWELLING SITE SHALL BE USED FOR THE PURPOSES OF THE CONSENT.
- 2. VERIFY ALL DIMENSIONS AND LEVELS ON THE SITE BEFORE COMMENCING WORK. USE THE DIMENSIONS IN THE PLAN TO GUIDE THE WORK.

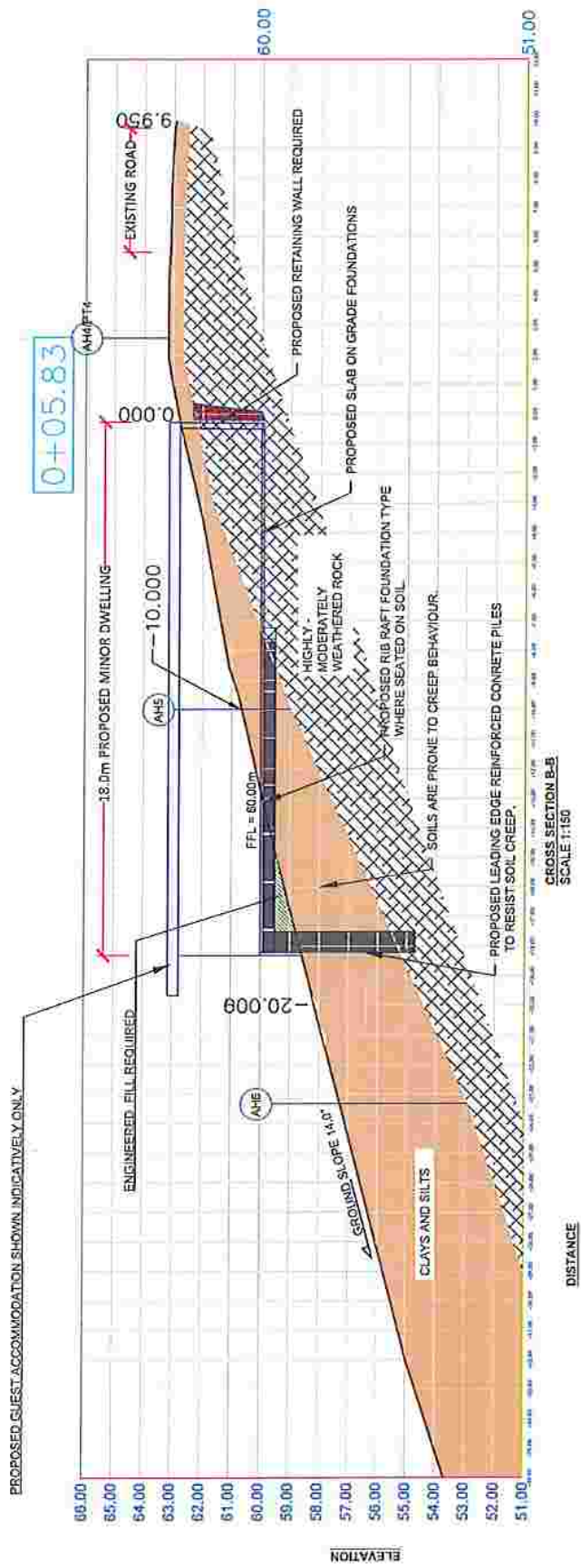
PK
ENGINEERING LIMITED
DATE: 16 09 2025
CHECKED BY: [Signature]
DESIGNED BY: [Signature]
SCALE: 1:1000
SHEET: 1 OF 1

ISSUED FOR CONSENT

PK
ENGINEERING

LEVEL 1, 400 BANK
PO BOX 364, ESKDALE
Phone: 0800 407 3055
Email: team@pkengineering.co.nz

CLIENT: Kaspuly, J & Van Mator, V	
PROJECT: Lot 12 DP 391213	
ADDRESS: 285 Manawaora Rd, Russell	
PROPOSED DWELLING SITE LOCALITY PLAN	
DATE: 16/09/2025	SCALE: 1:1000
DESIGNED BY: [Signature]	CHECKED BY: [Signature]
PROJECT NO: 25-D46	DATE: 16/09/2025
CLIENT: A3/SO	PROJECT: R0



Notes:

1. THE COPYRIGHT OF THE DRAWING IS WITH THE ENGINEERING FIRM AND IT MAY NOT BE REPRODUCED IN WHOLE OR PART OR ADDED TO OR ALTERED IN ANY MANNER WITHOUT THE EXPRESS PERMISSION OF THE ENGINEERING FIRM.
2. VERIFY ALL DIMENSIONS AND LEVELS ON SITE BEFORE COMMENCING WORK. ALL WORKING DIMENSIONS IN THIS DRAWING ARE TO FACE UNLESS OTHERWISE STATED.

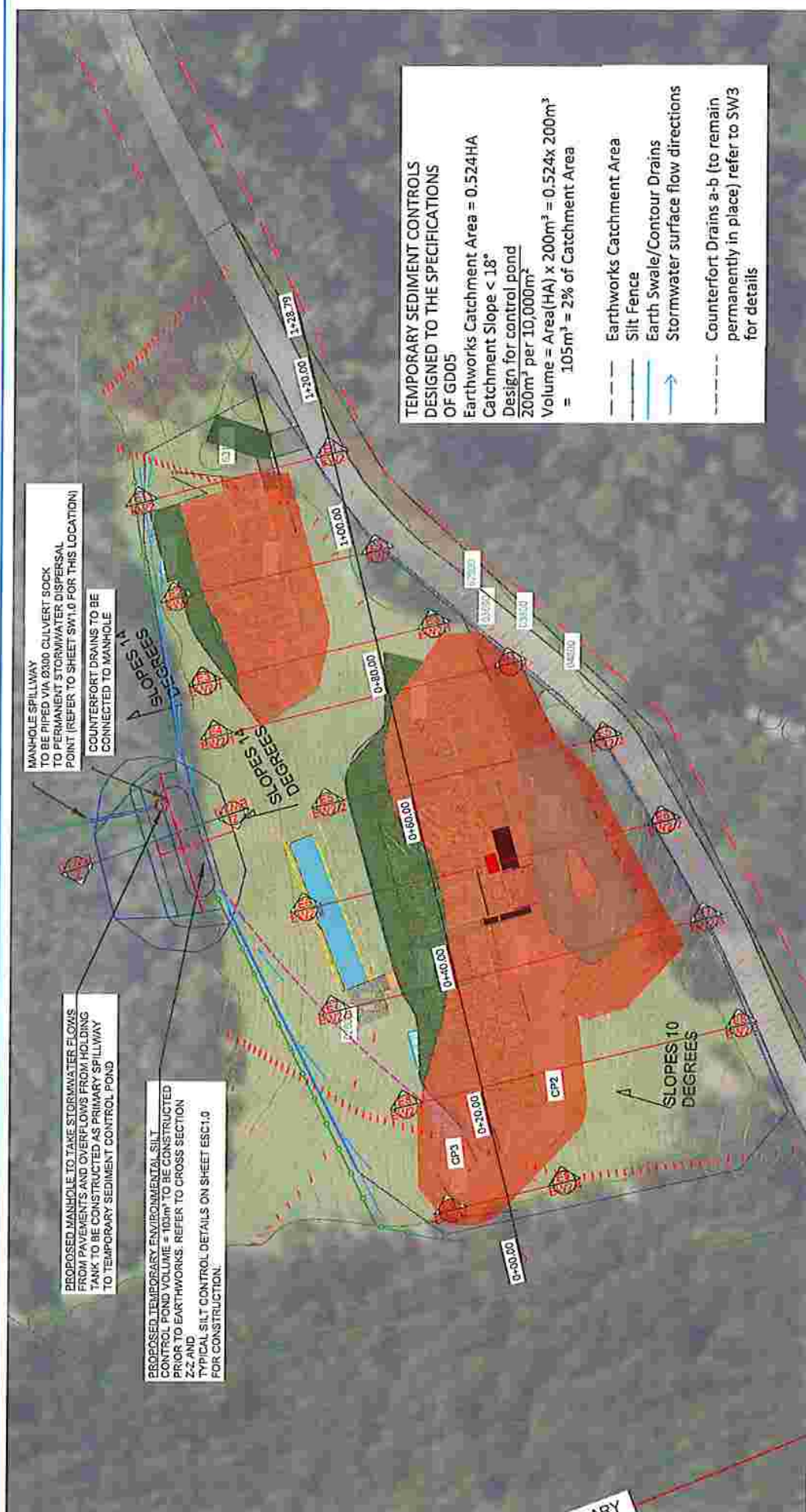


NO.	REVISION	BY	DATE
1	ISSUED FOR CONSENT		

PK ENGINEERING

LEVEL 1, ANZI BAY
90 KENNEDY ROAD, HEMPSHIRE
PO BOX 444, EPPING
Phone Number: 03 437 3055
Email: kennek@pkengineering.co.nz

CLIENT: Kaspuly, J & Van Mater, V	DATE: 14/09/2023
PROJECT: 285 Manawadara Rd, Russell	PROJECT: PROPOSED DWELLING
SECTION: CROSS SECTION B-B	SECTION: CROSS SECTION B-B
SCALE: 1:150	SCALE: 1:150
25-046	A3/SG3
	R0



LEGEND

APPROXIMATE FILL AREA 412M² TOTAL VOLUME = 222M³ (+ OR - 20m³)
APPROXIMATE CUT AREA 1812m² TOTAL VOLUME = 3243M³ (+ OR - 300m³)

MAIN DWELLING: EARTHWORKS VOLUMES

FLOOR LEVEL 63.8 EARTHWORKS CUT VOLUME = 1645M³ (+1.3 FACTOR = 1878M³)

FORECOURT/DRIVENWAY EARTHWORKS CUT AROUND 500M³ (+1.3 FACTOR = 750M³)

GUEST COTTAGE EARTHWORKS CUT VOLUME AROUND 450M³ (+1.3 FACTOR = 585M³)



Notes

- MANJON BOOKS CORP. HAS ANNOUNCED THAT IT WILL BE THE PUBLISHER OF THE FIRST EDITION OF "THE WOODS," A NOVEL BY JAMES M. HARRIS, WHICH WILL BE THE FIRST OF A TRILOGY OF NOVELS BY THE AUTHOR.

Kaspulytė, J. & Van Maer, V.

Kasparys, J & van Maier, V

Lot 12 DP 391213

285 Manawapora Rd, Russell

PROPOSED DWELLING

EARTHWORKS SITE PLAN

Year	Age	Gender	Weight (kg)	Height (cm)	Body Mass Index (BMI)
2001	15	M	65	175	21.1
2002	16	F	55	160	21.1
2003	17	M	70	180	21.1
2004	18	F	60	170	21.1
2005	19	M	75	190	21.1
2006	20	F	65	180	21.1
2007	21	M	80	200	21.1
2008	22	F	70	190	21.1
2009	23	M	85	210	21.1
2010	24	F	75	200	21.1
2011	25	M	90	220	21.1
2012	26	F	80	210	21.1
2013	27	M	95	230	21.1
2014	28	F	85	220	21.1
2015	29	M	100	240	21.1
2016	30	F	90	230	21.1
2017	31	M	105	250	21.1
2018	32	F	95	240	21.1
2019	33	M	110	260	21.1
2020	34	F	100	250	21.1
2021	35	M	115	270	21.1
2022	36	F	105	260	21.1
2023	37	M	120	280	21.1
2024	38	F	110	270	21.1
2025	39	M	125	290	21.1
2026	40	F	115	280	21.1
2027	41	M	130	300	21.1
2028	42	F	120	290	21.1
2029	43	M	135	310	21.1
2030	44	F	125	300	21.1
2031	45	M	140	320	21.1
2032	46	F	130	310	21.1
2033	47	M	145	330	21.1
2034	48	F	135	320	21.1
2035	49	M	150	340	21.1
2036	50	F	140	330	21.1
2037	51	M	155	350	21.1
2038	52	F	145	340	21.1
2039	53	M	160	360	21.1
2040	54	F	150	350	21.1
2041	55	M	165	370	21.1
2042	56	F	155	360	21.1
2043	57	M	170	380	21.1
2044	58	F	160	370	21.1
2045	59	M	175	390	21.1
2046	60	F	165	380	21.1
2047	61	M	180	400	21.1
2048	62	F	170	390	21.1
2049	63	M	185	410	21.1
2050	64	F	175	400	21.1
2051	65	M	190	420	21.1
2052	66	F	180	410	21.1
2053	67	M	195	430	21.1
2054	68	F	185	420	21.1
2055	69	M	200	440	21.1
2056	70	F	190	430	21.1
2057	71	M	205	450	21.1
2058	72	F	195	440	21.1
2059	73	M	210	460	21.1
2060	74	F	200	450	21.1
2061	75	M	215	470	21.1
2062	76	F	205	460	21.1
2063	77	M	220	480	21.1
2064	78	F	210	470	21.1
2065	79	M	225	490	21.1
2066	80	F	215	480	21.1
2067	81	M	230	500	21.1
2068	82	F	220	490	21.1
2069	83	M			

01/05/2017	01/05/2017	01/05/2017
------------	------------	------------

ISSUED FOR CONSENT



LEVEL 1, AND BAY 2
90 FISKIN ROAD, KENNESAW
PO BOX 464, KENNESAW
WYOMING 82040-0464
Email: happy@plano.com



GUEST COTTAGE
FLOOR LEVEL 60.0 -61.2 CUT LINE (E1= 23.1 m² cut) (E2 = 9.5m² cut) & (E2=1.48m² FILL)

Notes:

3. THE EMPLOYER OF THE SALVAGEE IS NOT A PPA INCORPORATED, AND IF ANYTHING IS PRODUCED IN WHOLE OR PART BY THE MANUFACTURE OF ANY ARTICLE WITHOUT THE EXPRESS PERMISSION OF THE COPYRIGHT HOLDER.

Kospūtys, J. & Van Mater, V

NAME	ADDRESS	DATE
ISSUED FOR CONSENT		



LEVIN, JANE BAILEY
10 CORKILL ROAD, TERNHURST
P.O. BOX 4164, TERNHURST
Phone Number: 09 437 3253
Email: jane@allplains.com

Lot 12 DP 391213
285 Manawara Rd, Russell

PROPOSED DWELLING

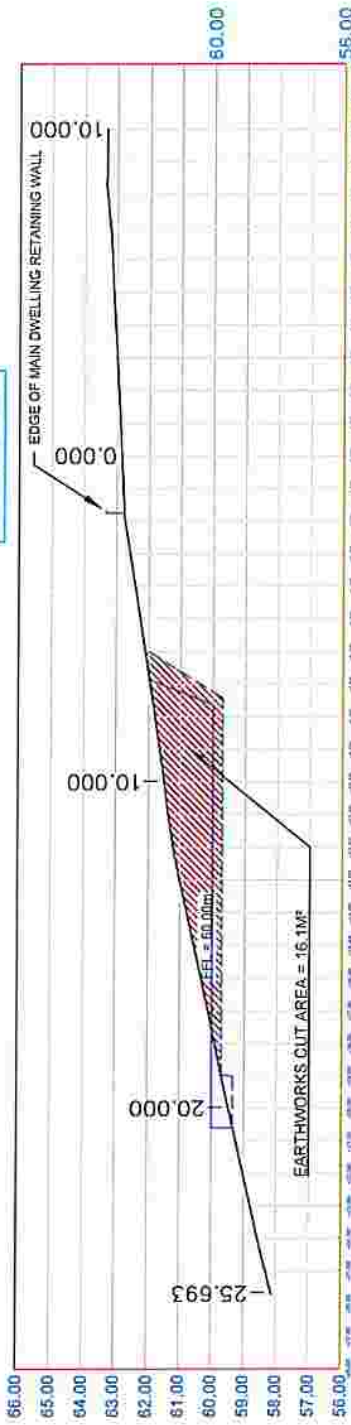
EARTHWORKS CROSS SECTIONS

DATE	SEPT 26	ISSUED BY	JW	DESK NO.	PK
AS SHOWN					

ON LINE	25-046	A3/FW20	20
---------	--------	---------	----

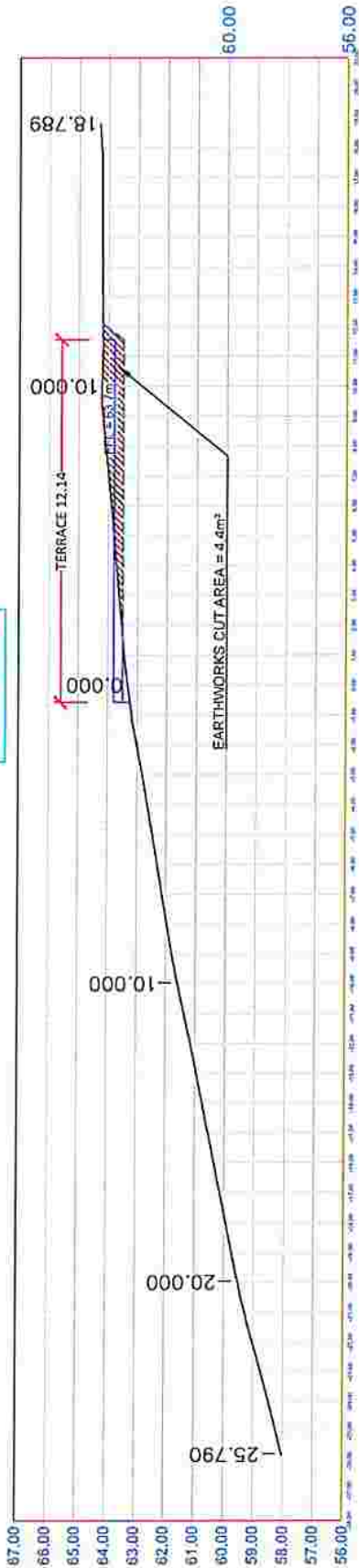
PK ENGINEERING LIMITED
DATE: 18 09 2022
CHECKED BY: 
MAILED NAME: CHANDER PRASAD, OWNER:
(SUNTECH ACQUISITION)
PLOT: 2706, SECTOR-10, Gurgaon

0+84.38



CROSS SECTION E3
SCALE 1:150

0+77.12



CROSS SECTION E4
SCALE 1:150

LEGEND

- GUEST COTTAGE FLOOR LEVEL 60.0 CUT LINE (CUT = 16.1m²)
- MAIN DWELLING
- FLOOR LEVEL 63.7 CUT LINE (CUT = 4.4m²)

Notes:

1. The content of this drawing is valid only for the purpose and for the site indicated on the title block and shall not be used for any other purpose without the written permission of the engineer.
2. All dimensions are in meters unless otherwise stated.

Author: Kaspuly, J & Van Mar, V

ISSUED FOR CONSENT



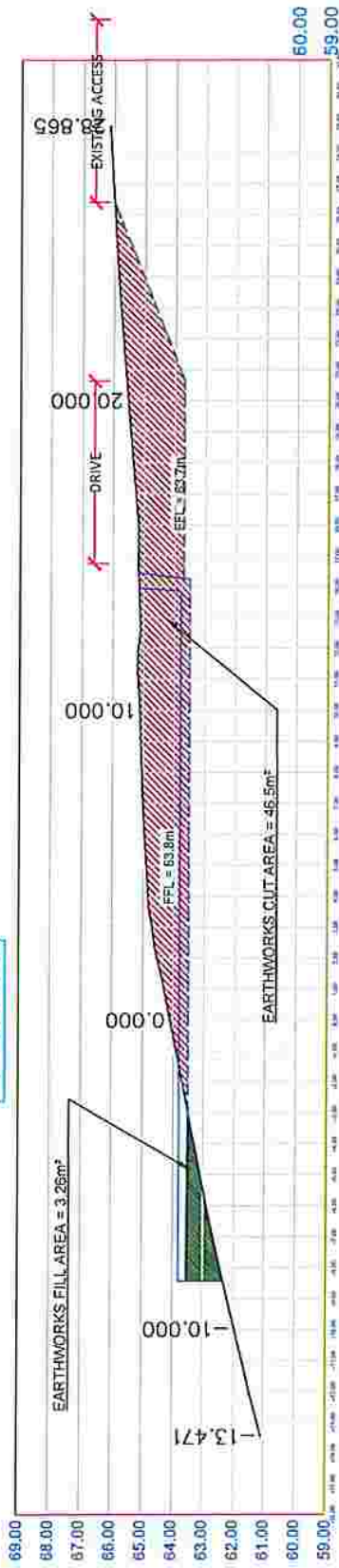
LEVEL 1, ANDRAN
10 ECKERS ROAD, KERRIE
PO BOX 464, KERRIE
Physical Address: PO BOX 464
Email: kaspuly@pkeng.co.nz

Site	Lot 12 DP 391213
Proposed Dwelling	285 Manawara Rd, Russell
EARTHWORKS CROSS SECTIONS	
Scale of all	1:150
AS SHOWN	AS SHOWN
Project No	25-046
Client	A3/EW.2.1
Rev	R0

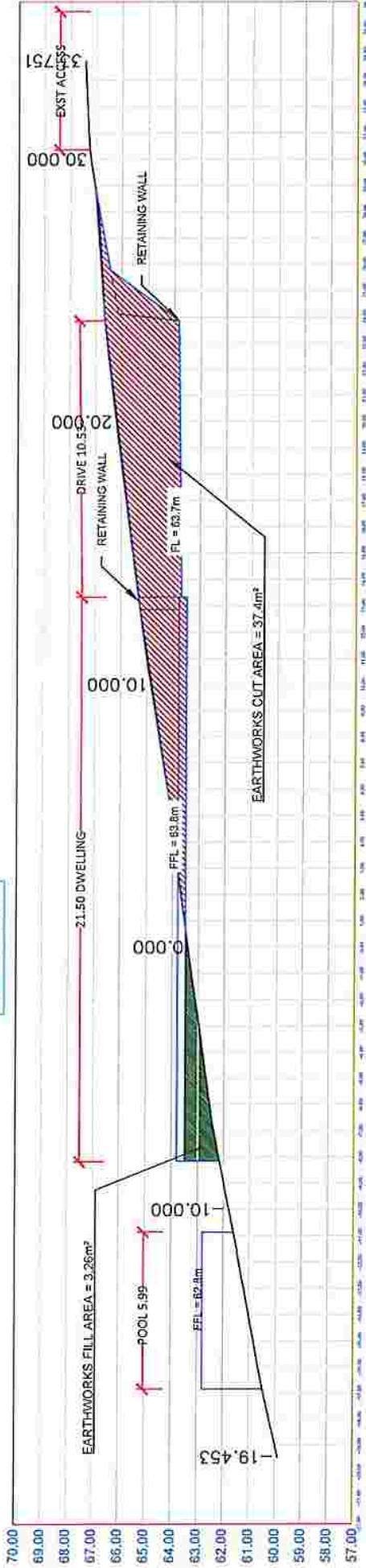


DATE: 18/03/23
CHECKED BY: [Signature]
DESIGNED BY: [Signature]
DRAWN BY: [Signature]

0+64.59



0+51.86



LEGEND

MAIN DWELLING

FLOOR LEVEL 63.8 CUT LINE (E5 CUT = 21m² & E5 FILL = 3.26m² & E6 CUT = 10.9m² & E6 FILL = 3.26m²)

DRIVEWAY CUT RL 63.7 E5 = 25.5m² & E6 = 26.5m²

Notes:

1. THE CONTOUR OF THE GROUND IS GIVEN BY THE COLLOURED LINES AND IS NOT TO BE REPRODUCED IN WHOLE OR PART CALLED FOR THE PURPOSE OF ANY OTHER PROJECT.
2. WORKS ARE TO BE DONE IN ACCORDANCE WITH THE LOCAL COUNCIL'S REQUIREMENTS.

DATE: 10/09/2023
CHECKED BY: [Signature]
DRAWN BY: [Signature]

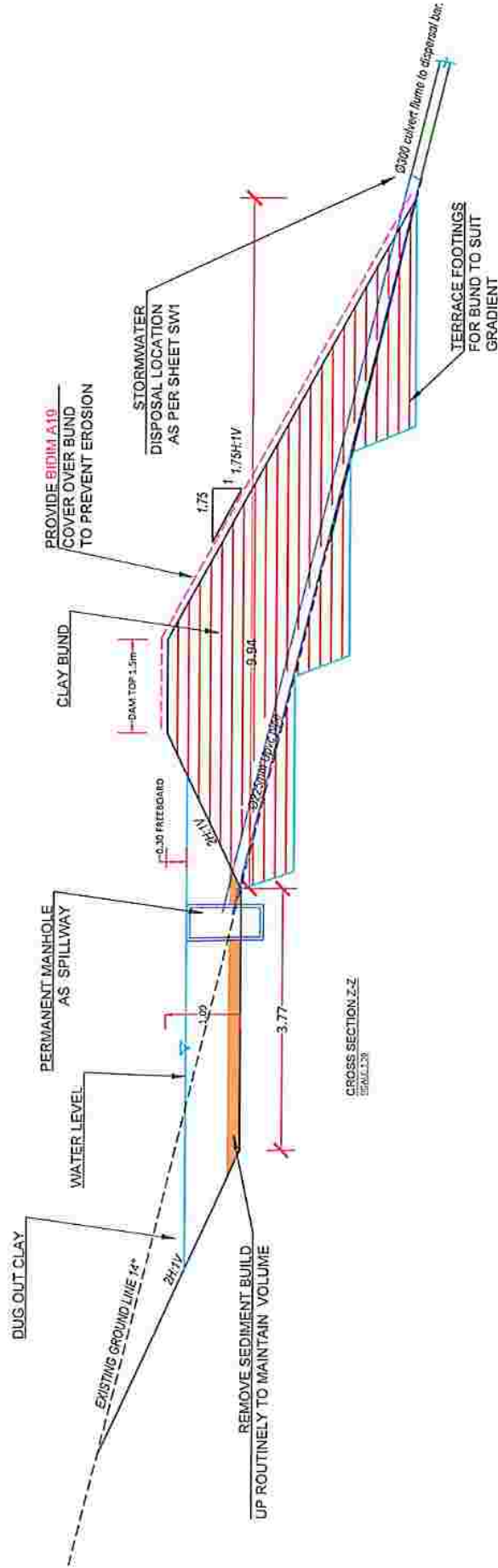
PROJECT NO: 25-046
CLIENT: A3/EW.2.2
SCALE: 1:150

TITLE: PROPOSED DWELLING
EARTHWORKS CROSS SECTIONS

ISSUED FOR CONSENT

PK ENGINEERING

LEVEL 1, A&E MARK
40 HENKIN ROAD, HENKIN
PO BOX 464, TERNBER
Private Number 07 407 3255
Email: toan@pkengineering.co.nz



CROSS SECTION Z-Z
SPILLWAY

ISSUED FOR CONSENT

PK ENGINEERING

LEVEL 1, 401 BAYVIEW
10 FERRELL ROAD, FERRELL
PO BOX 444, FERRELL
Phone Number: 011 401 3025
Email: info@pkengineering.co.za

Client: Kappuly, J & Van Marter, V

Site: Lot 12 DP 391213 285 Marawaba Rd, Russell	Project No: 25-046	Scale: A3/ESC1.0	Revision: R0
Drawn: JAG	Checked: JAG	Approved: JAG	PK
Drawn: JAG	Checked: JAG	Approved: JAG	PK
Drawn: JAG	Checked: JAG	Approved: JAG	PK

Notes:

1. THE COPYRIGHT IN THE DRAWING IS RESERVED BY THE ENGINEER AND NO PART OF THE DRAWING IS TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, WITHOUT THE EXPRESS PERMISSION OF THE ENGINEER.
2. VERIFY ALL DIMENSIONS AND LEVELS ON SITE BEFORE CONSTRUCTION. VERIFY ALL DIMENSIONS AND LEVELS ON SITE BEFORE CONSTRUCTION.

PK ENGINEERING LIMITED

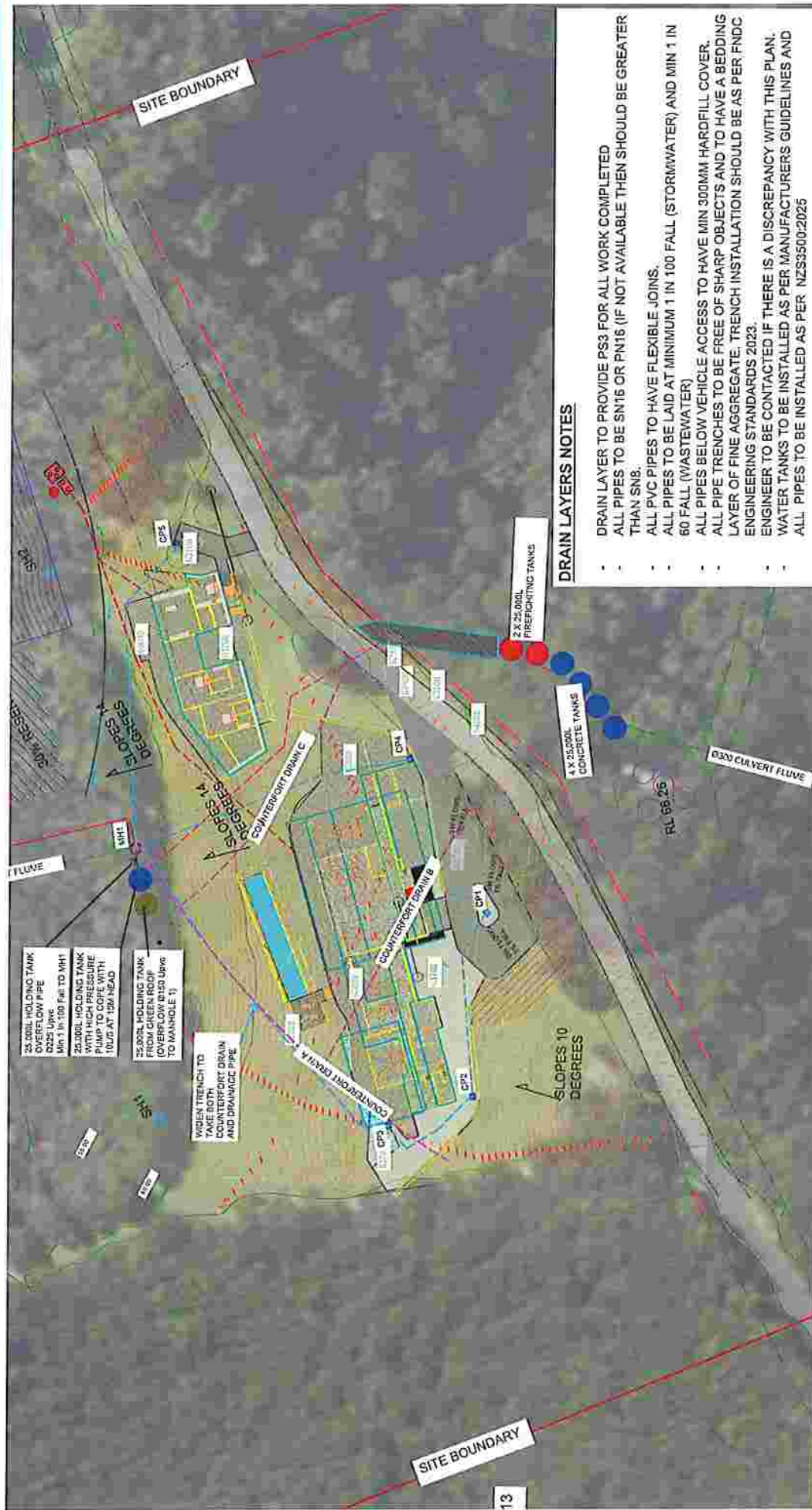
DATED: 11.09.2025

CHECKED BY: [Signature]

PROJECT NO: 25-046

SCALE: A3/ESC1.0

DATE: 11.09.2025



DRAIN LAYERS NOTES

- DRAIN LAYER TO PROVIDE PS3 FOR ALL WORK COMPLETED
- ALL PIPES TO BE SN16 OR PN16 (IF NOT AVAILABLE THEN SHOULD BE GREATER THAN SN8)
- ALL PVC PIPES TO HAVE FLEXIBLE JOINS.
- ALL PIPES TO BE LAID AT MINIMUM 1 IN 100 FALL (STORMWATER) AND MIN 1 IN 60 FALL (WASTEWATER)
- ALL PIPES BELOW VEHICLE ACCESS TO HAVE MIN 300MM HARDFILL COVER.
- ALL PIPE TRENCHES TO BE FREE OF SHARP OBJECTS AND TO HAVE A BEDDING LAYER OF FINE AGGREGATE. TRENCH INSTALLATION SHOULD BE AS PER FNDC ENGINEERING STANDARDS 2023.
- ENGINEER TO BE CONTACTED IF THERE IS A DISCREPANCY WITH THIS PLAN.
- WATER TANKS TO BE INSTALLED AS PER MANUFACTURERS GUIDELINES AND ALL PIPES TO BE INSTALLED AS PER NZS3500:2025

STORMWATER WASTEWATER POTABLE WATER SERVICES LEGEND

POTABLE WATER SUPPLY HOLDING TANK TO HEADER TANK

HDPE Ø80 (OR LARGER) PN16

WASTEWATER

Ø100 Upvc (OR LARGER) SN16

HYNDS XPERCO 2 TANK SYSTEM WITH PUMP CHAMBER TO WASTEWATER FIELD

STORMWATER/DRAINAGE

Ø150 Upvc (OR LARGER) SN16

Ø300 CULVERT FLUME

COUNTERFORT DRAIN CONNECT TO MANHOLE (DETAIL SW3)

CESSPIT LOCATION

MANHOLE LOCATION

POOL BACKWASH SOAKAGE HOLE (REFER TO SHEET SW4 FOR DETAILS)

Notes:

1. THE COPYRIGHT OF THIS DRAWING IS RESERVED BY THE ENGINEER. IT MAY NOT BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, WITHOUT THE WRITTEN PERMISSION OF THE ENGINEER.
2. WORK ALL DIMENSIONS AND LEVELS GIVEN UNLESS OTHERWISE SPECIFIED.

PK ENGINEERING LIMITED
 DATE: 16.08.2025
 DRAWN BY: [Signature]
 CHECKED BY: [Signature]
 PROJECT: [Signature]
 SCALE: 1:500

Client: Kaspuly, J & Van Meter, V

Site: 101/12 DP 391213

285 Manawara Rd, Russell

PROPOSED DWELLING

SERVICES LAYOUT PLAN

SCALE: 1:500

DATE: 16.08.2025

BY: [Signature]

PK

25-046

A3/SC1.1

R0

ISSUED FOR CONSENT

PK ENGINEERING
 LIVE: 1. AYE NAIR
 90 KESKIN ROAD, RUSSELL
 PO BOX 444, RUSSELL
 Phone Number: 09 407 8255
 Email: kaspuly@pkengineering.co.nz





NTS

THE CONTENT OF THE DRAWING IS SET IN 14 POINTS AND
IF ANY PART OF THE DRAWING IS WRITTEN OR PART OF THE
MANUFACTURE OF ANY ARTICLE WITHOUT THE EXPRESS PERMISSION OF
THE COMPANY, THE COMPANY WILL
= WRITE ALL DRAWING AND SET IN THE SETTING COMPANY
WORK, ALL WRITTEN DIMENSIONS MUST BE IN INCHES AND
DRAWING.

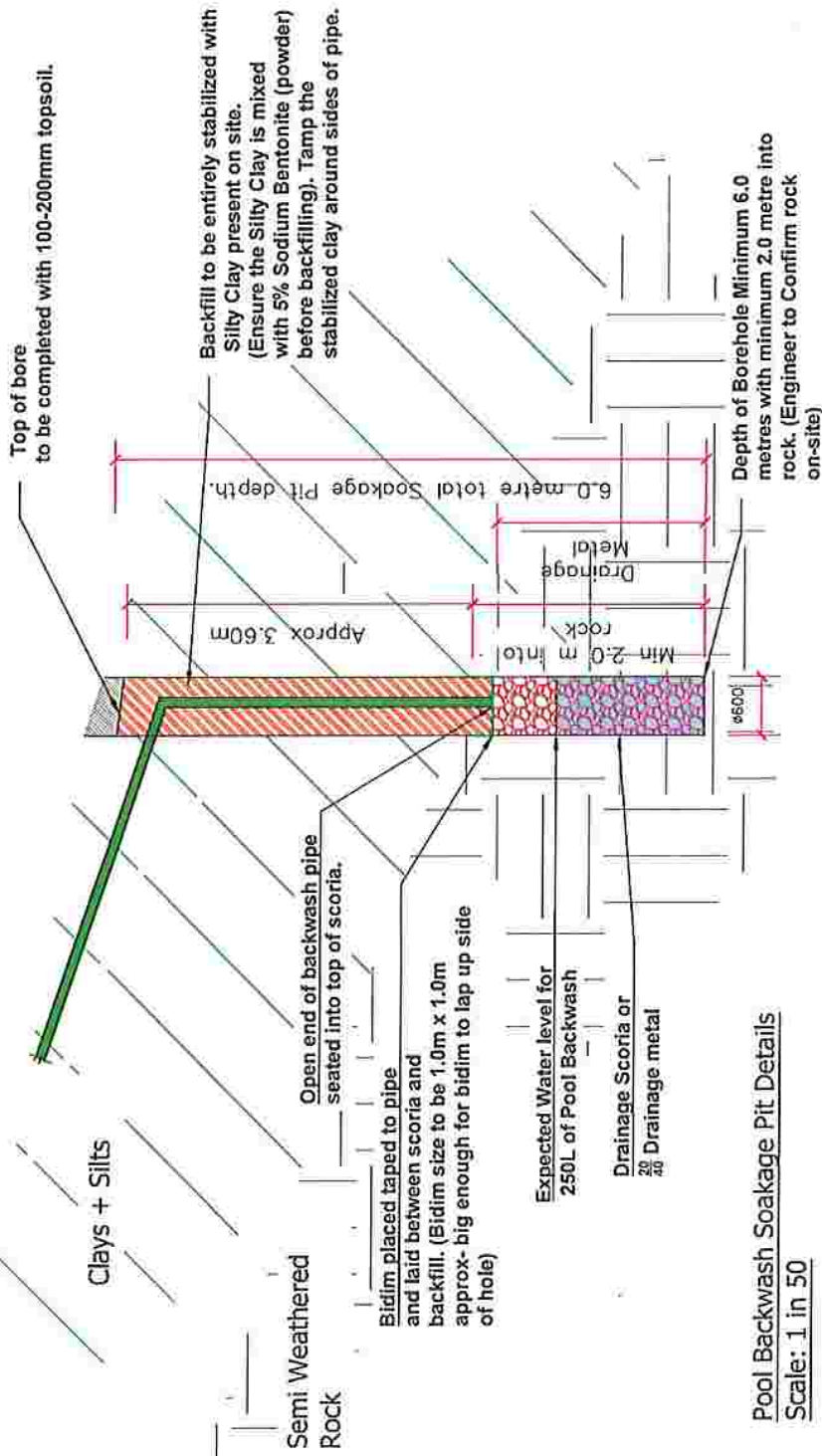
INSTRUMENT	INSTRUMENT	INSTRUMENT
INSTRUMENT	INSTRUMENT	INSTRUMENT

ISSUED FOR CONSENT



LEVEL 1, 1942 BAY
90 BERKEN ROAD, KENNESAW
RD BOX 166, KENNESAW
Phone Number: 407 3225
Email: team@kspkingshore.com

EGL (Approx 14° Slope)



ISSUED FOR CONSENT



Author: Katiputhy, J & Van Water, V

DATE	Lot 12 DP 391213
TITLE	285 Manawapara Rd, Russell
PROJECT	PROPOSED DWELLING
SCALE	1:50
DATE	15/07/23
BY	AV
NO	25-046
REV	A3/SW4
REV	R0

Notes:

1. THE CORRECTNESS OF THE DRAWING IS THE RESPONSIBILITY OF THE ENGINEER. THE ENGINEER ACCEPTS NO LIABILITY FOR ANY LOSS OR DAMAGE TO ANY PERSON OR PROPERTY ARISING FROM THE USE OF THIS DRAWING.
2. VERIFY ALL DIMENSIONS AND LOCATIONS ON SITE BEFORE COMMENCING WORK. ALL DIMENSIONS ARE GIVEN IN METRES UNLESS OTHERWISE SPECIFIED.





NTS

Notes:

- 1. THE CONCEPT OF THE GRAMMAR IS NOT YET UNDERSTOOD AND IT MAY NOT BE REPRODUCED IN WHOLE OR PART OR USED FOR THE MANUFACTURE OF ANY APPLIANCE WITHOUT THE EXPRESS PERMISSION OF THE COPYRIGHT HOLDER.
- 2. IT MAY BE USED FOR PERSONAL AND LIMITED COMMERCIAL PURPOSES ONLY AND WITHOUT CHARGE IN CONNECTION WITH TEACHING THESE GRAMMARS.

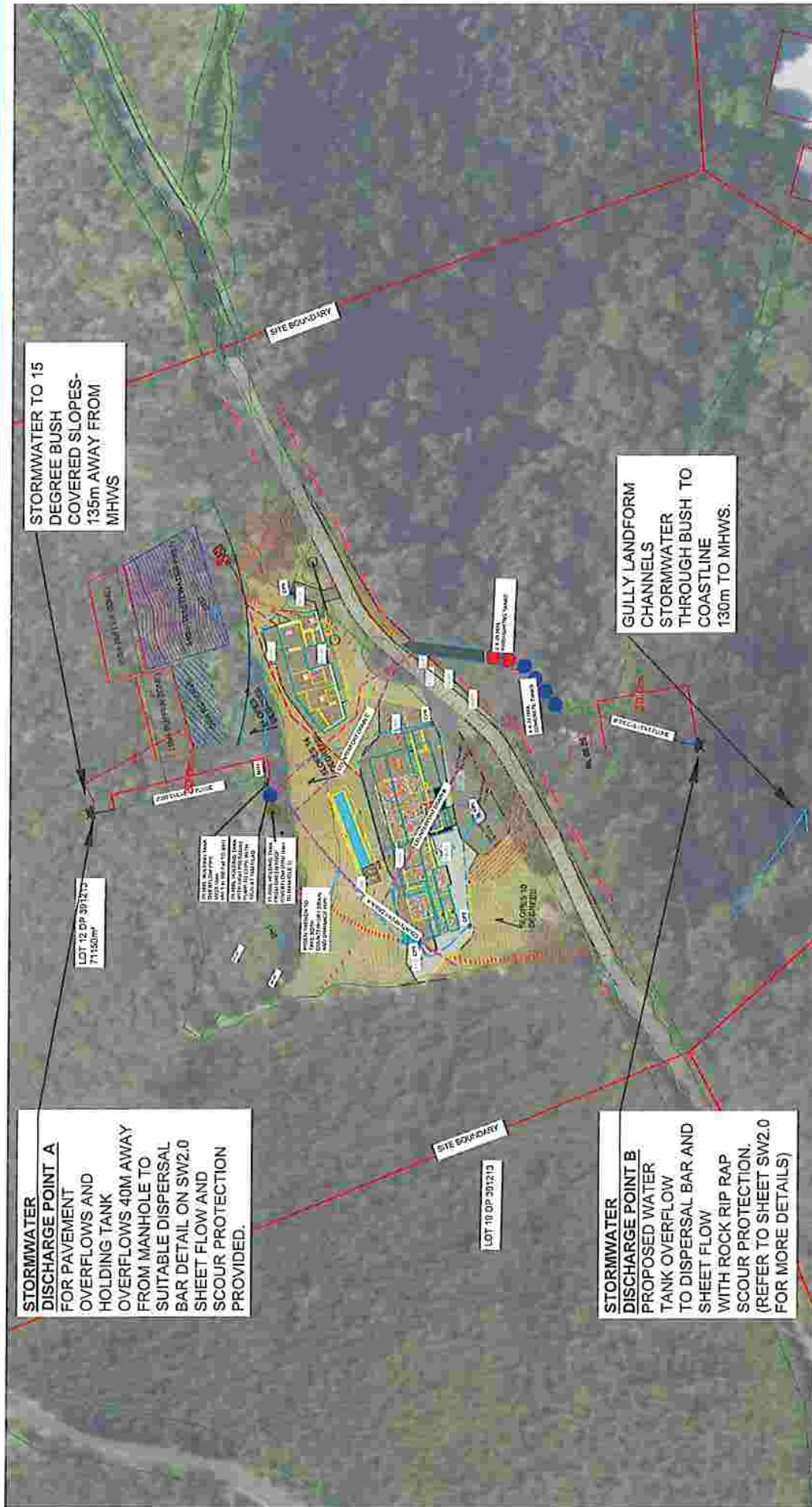
Notes:

drawn	kasputiys, J & Van Marter, V					
site	Lot 12 DP 391213					
road	285 Mangawara Rd, Russell					
PROPOSED DWELLING COUNTERTOP DRAIN DETAIL						
SCALE OF PLAN	NAT.	DATE	SWF 25	JMW	CHECKED BY	PK
DRAWN BY	NTS	DATE	07/06/2010		APPROVED BY	R0
PROJECT NO.	25-046 A3/SW3					

ISSUED FOR CONSENT	DATE
18/02/2016	18/02/2016



LEVEL 1, AND HAVE
70 KESKIN ROAD, KESKIN
PO BOX 464, KESKIN
PHONE NUMBER 04 462 3733.



STORMWATER TO 15 DEGREE BUSH COVERED SLOPES- 135m AWAY FROM MHWS

GULLY LANDFORM CHANNELS STORMWATER THROUGH BUSH TO COASTLINE 130m TO MHWS.

STORMWATER DISCHARGE POINT A FOR PAVEMENT OVERFLOWS AND HOLDING TANK OVERFLOWS 40M AWAY FROM MANHOLE TO SUITABLE DISPERSAL BAR DETAIL ON SW2.0 SHEET FLOW AND SCOUR PROTECTION PROVIDED.

STORMWATER DISCHARGE POINT B PROPOSED WATER TANK OVERFLOW TO DISPERSAL BAR AND SHEET FLOW WITH ROCK RIP RAP SCOUR PROTECTION. (REFER TO SHEET SW2.0 FOR MORE DETAILS)

NOTES:

- THE CONSULTANT HAS REVIEWED THE DRAWING AND IT IS HEREBY CERTIFIED THAT THE DRAWING IS A TRUE AND CORRECT REPRESENTATION OF THE PROJECT AND THAT THE CONSULTANT HAS NO AWARENESS OF ANY FACTS OR CIRCUMSTANCES WHICH WOULD MAKE THE DRAWING MISLEADING OR FALSE.
- THE CONSULTANT HAS REVIEWED THE DRAWING AND IT IS HEREBY CERTIFIED THAT THE DRAWING IS A TRUE AND CORRECT REPRESENTATION OF THE PROJECT AND THAT THE CONSULTANT HAS NO AWARENESS OF ANY FACTS OR CIRCUMSTANCES WHICH WOULD MAKE THE DRAWING MISLEADING OR FALSE.

PK ENGINEERING

LEVEL 1, 1st FLOOR
40 STERLING ROAD, FERNIE
PO BOX 144, FERNIE
Phone Number: 07 407 3333
Email: info@pk-engineering.co.nz

ISSUED FOR CONSENT

DATE: 16/09/2023

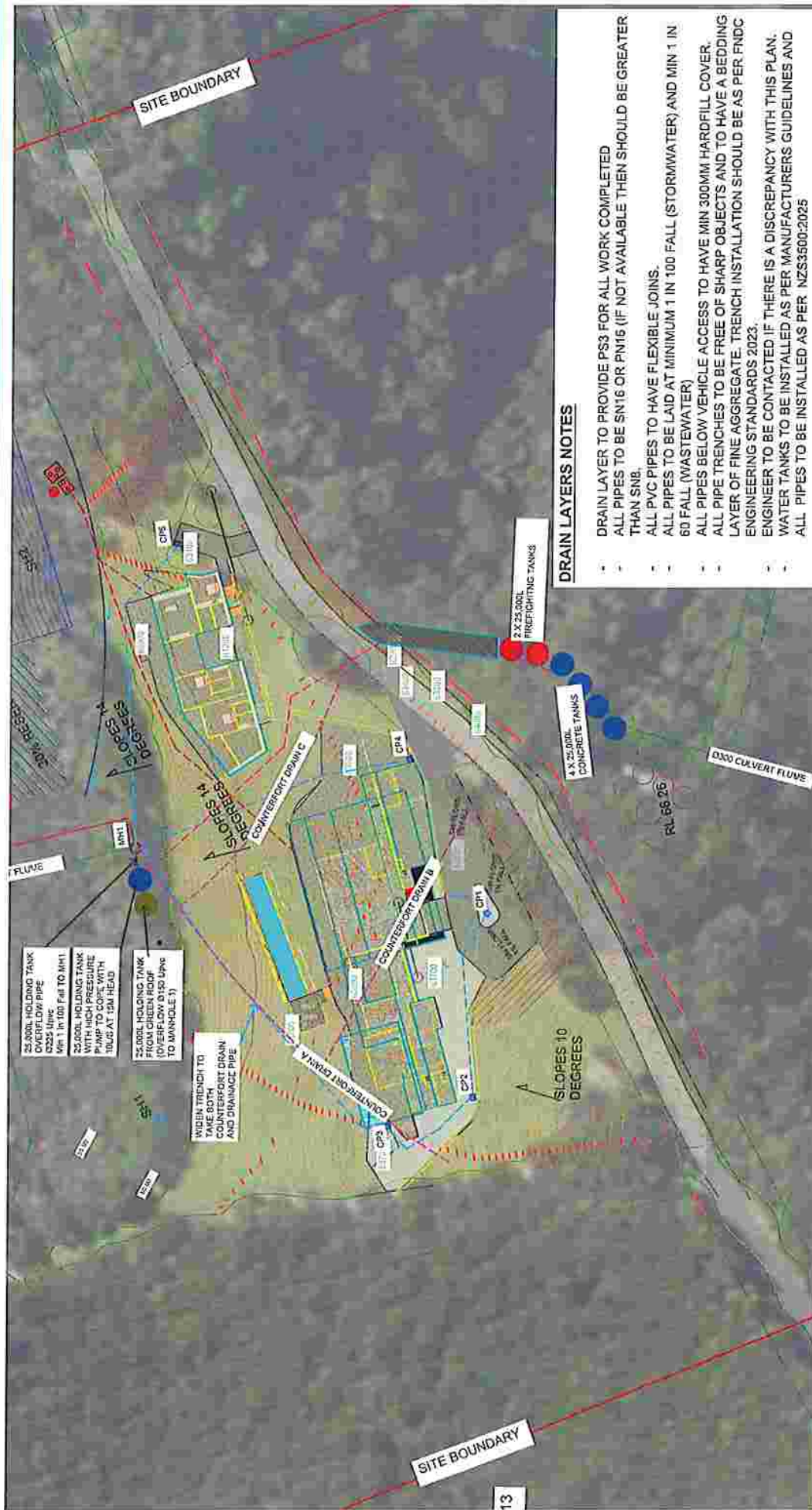
PROJECT: LOT 12 DP 391213
285 Manawara Rd, Russell

PROPOSED DWELLING
STORMWATER DISPOSAL PLAN

SCALE: 1:1000	DATE: 16/09/2023	DESIGNED BY: PK	CHECKED BY: PK
PROJECT NO: 25-046	DATE: 16/09/2023	DESIGNED BY: PK	CHECKED BY: PK
PROJECT NO: 25-046	DATE: 16/09/2023	DESIGNED BY: PK	CHECKED BY: PK

25-046 A3/SW1 R0

DATE: 16/09/2023
CHECKED BY: PK
DESIGNED BY: PK
PROJECT NO: 25-046



DRAIN LAYERS NOTES

- DRAIN LAYER TO PROVIDE PS3 FOR ALL WORK COMPLETED
- ALL PIPES TO BE SN16 OR PN16 (IF NOT AVAILABLE THEN SHOULD BE GREATER THAN SN8)
- ALL PVC PIPES TO HAVE FLEXIBLE JOINS.
- ALL PIPES TO BE LAID AT MINIMUM 1 IN 100 FALL (STORMWATER) AND MIN 1 IN 60 FALL (WASTEWATER)
- ALL PIPES BELOW VEHICLE ACCESS TO HAVE MIN 300MM HARDFILL COVER.
- ALL PIPE TRENCHES TO BE FREE OF SHARP OBJECTS AND TO HAVE A BEDDING LAYER OF FINE AGGREGATE. TRENCH INSTALLATION SHOULD BE AS PER FNDC ENGINEERING STANDARDS 2023.
- ENGINEER TO BE CONTACTED IF THERE IS A DISCREPANCY WITH THIS PLAN.
- WATER TANKS TO BE INSTALLED AS PER MANUFACTURERS GUIDELINES AND ALL PIPES TO BE INSTALLED AS PER NZS3500:2025

STORMWATER WASTEWATER, POTABLE WATER SERVICES LEGEND

POTABLE WATER SUPPLY HOLDING TANK TO HEADER TANK

HDPE Ø80 (OR LARGER) PN16

WASTEWATER

Ø100 Upvc (OR LARGER) SN16

HYDRS XPERCO 2 TANK SYSTEM WITH PUMP CHAMBER TO WASTEWATER FIELD

STORMWATER/DRAINAGE

Ø150 Upvc (OR LARGER) SN16

Ø300 CULVERT FLUME

COUNTERFORT DRAIN CONNECT TO MANHOLE (DETAIL SW3)

CESSPIT LOCATION

MANHOLE LOCATION

POOL BACKWASH SOAKAGE HOLE (REFER TO SHEET SW4 FOR DETAILS)

Notes:

1. THE CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING THE EXISTING CONDITIONS AND TO PROVIDE A DETAILED REPORT TO THE ENGINEER BEFORE THE COMMENCEMENT OF WORK.
2. VERIFY ALL BUILDINGS AND UTILITIES WITHIN THE SITE BOUNDARY AND TO PROVIDE A DETAILED REPORT TO THE ENGINEER BEFORE THE COMMENCEMENT OF WORK.

Client: Karpurys, J & Van Mael, V

Site: Lot 12 DP 391213

Address: 285 Manawara Rd, Russell

Project: PROPOSED DWELLING SERVICES LAYOUT PLAN

Scale: 1:500

Date: 25/04/25

Author: J. Karpurys

Check: J. Karpurys

Rev: 01

Rev: 02

Rev: 03

Rev: 04

Rev: 05

Rev: 06

Rev: 07

ISSUED FOR CONSENT



LEVEL 1, AHE BANK
90 KERRIE ROAD, KERRIE
PO BOX 444, KERRIE
Phone Number: 07 407 3235
Email: karpurys@pk-engineering.co.nz

PK ENGINEERING LIMITED

DATE: 16/09/2025

PROJECT: PROPOSED DWELLING SERVICES LAYOUT PLAN

SCALE: 1:500

DATE: 25/04/25

AUTHOR: J. Karpurys

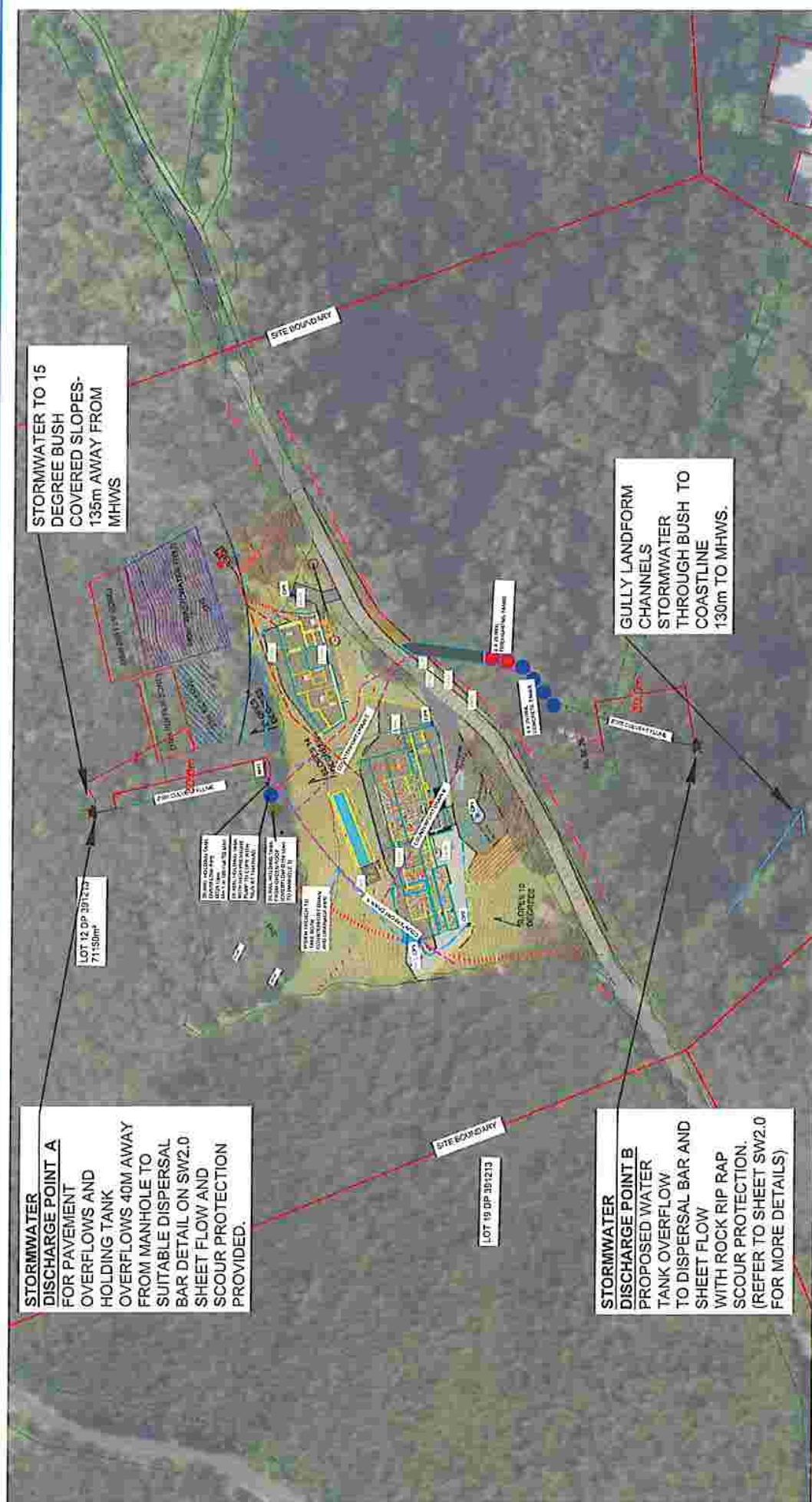
CHECK: J. Karpurys

REV: 01

REV: 02

REV: 03

REV: 04



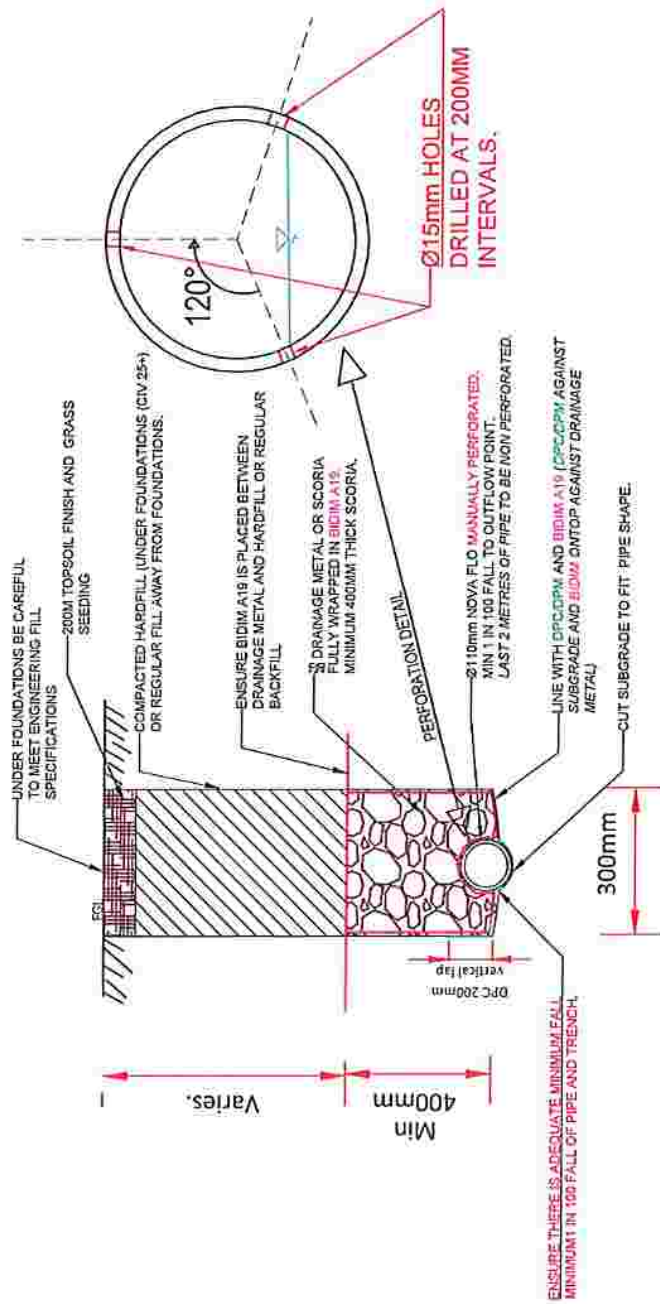
Notes:

Kaspulyz, J & Van Mater, V

PK ENGINEERING
LEVEL 1 AND 2
10 EILEEN ROAD, KILKENNY
RD HOX 464, TERNIER
Phone Number 07 407 2253
Email: enquiries@pkenns.ie

Lot 12 DP 391213	285 Mangawara Rd, Russell	PROPOSED DWELLING	STORMWATER DISPOSAL PLAN	<table border="1"> <tr> <td>DATE OF ASSESSMENT</td> <td>1/10/20</td> <td>DATE OF REVIEW</td> <td>25/04/16</td> </tr> <tr> <td>ASSESSOR</td> <td>SET 25</td> <td>REVIEWER</td> <td>A3/SW1</td> </tr> <tr> <td>DATE OF REVIEW</td> <td>25/04/16</td> <td>DATE OF REVIEW</td> <td>25/04/16</td> </tr> <tr> <td>REVIEWER</td> <td>SET 25</td> <td>REVIEWER</td> <td>A3/SW1</td> </tr> </table>	DATE OF ASSESSMENT	1/10/20	DATE OF REVIEW	25/04/16	ASSESSOR	SET 25	REVIEWER	A3/SW1	DATE OF REVIEW	25/04/16	DATE OF REVIEW	25/04/16	REVIEWER	SET 25	REVIEWER	A3/SW1
DATE OF ASSESSMENT	1/10/20	DATE OF REVIEW	25/04/16																	
ASSESSOR	SET 25	REVIEWER	A3/SW1																	
DATE OF REVIEW	25/04/16	DATE OF REVIEW	25/04/16																	
REVIEWER	SET 25	REVIEWER	A3/SW1																	





COUNTERFORT DRAIN (SUBSOIL DRAIN) TYPICAL DETAIL
(NOT FOR USE BEHIND RETAINING WALLS)
NTS



Notes:
1. THE CONSULTANT HAS REVIEWED THE DRAWING AND IT IS HEREBY CERTIFIED THAT IT COMPLIES WITH THE REQUIREMENTS OF THE ENGINEERING STANDARDS AND SPECIFICATIONS OF THE ENGINEERING COUNCIL OF SOUTH AFRICA (ECSA) AND THE SOUTH AFRICAN BUREAU OF STANDARDS (SABS).
2. THE CONSULTANT HAS REVIEWED THE DRAWING AND IT IS HEREBY CERTIFIED THAT IT COMPLIES WITH THE REQUIREMENTS OF THE ENGINEERING STANDARDS AND SPECIFICATIONS OF THE ENGINEERING COUNCIL OF SOUTH AFRICA (ECSA) AND THE SOUTH AFRICAN BUREAU OF STANDARDS (SABS).
3. THE CONSULTANT HAS REVIEWED THE DRAWING AND IT IS HEREBY CERTIFIED THAT IT COMPLIES WITH THE REQUIREMENTS OF THE ENGINEERING STANDARDS AND SPECIFICATIONS OF THE ENGINEERING COUNCIL OF SOUTH AFRICA (ECSA) AND THE SOUTH AFRICAN BUREAU OF STANDARDS (SABS).

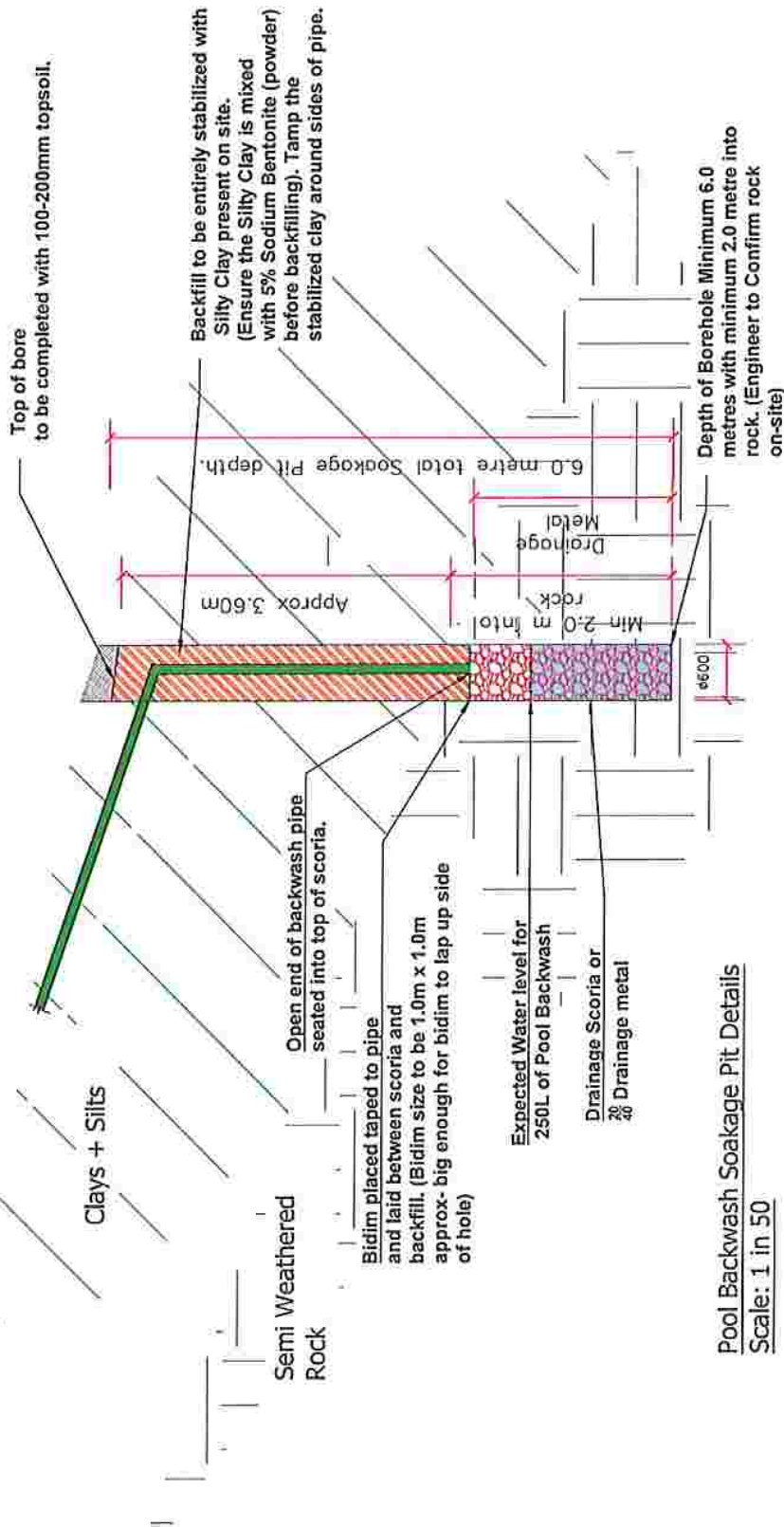
Client	Kaspuys, J & Van Water, V
Site	Lot 12 DP 391213 285 Marawaba Rd, Russell
Project	PROPOSED DWELLING COUNTERFORT DRAIN DETAIL
Scale	1:100
Date	25-04-20
Drawn by	AW
Checked by	PC
Approved by	AW
Project No.	25-046
Revision	A3/SW3
Sheet No.	80

PK ENGINEERING

LEVIN: J. AND BAKER
 40 KESTER ROAD, KESTER
 PO BOX 464, KESTER
 Phone Number: 011 407 3255
 Email: levin@pk-engineering.co.za

ISSUED FOR CONSENT

EGL (Approx 14° Slope)



Pool Backwash Soakage Pit Details
Scale: 1 in 50

Notes:

1. THE CONTENT OF THE DRAWING IS VALID FOR THE PROJECT ONLY. IT MAY NOT BE REPRODUCED OR USED FOR ANY OTHER PROJECT WITHOUT THE EXPRESS WRITTEN PERMISSION OF THE ENGINEER.
2. VERIFY ALL DIMENSIONS AND LEVELS BEFORE COMMENCING WORK. SET WITH DIMENSIONS IN PREFERENCE TO SCALE WHEN SHOWN.

Engineer: Kasparys, J & Van Maier, V

NO. 10/10/2023
ISSUED FOR CONSENT
DATE

PK ENGINEERING
LEVEL 1, 422 BAYZ
40 ESKDALE ROAD, ESKDALE
PO BOX 404, ESKDALE
Phone Number: 27 407 3225
Email: info@pkengineering.co.nz

Lot 12 DP 391213
285 Manawadara Rd, Russell

PROPOSED DWELLING
POOL BACKWASH DETAIL

SCALE	DATE	BY	CHECKED
1:50	15/08/23	JW	PK
25-046	A3/SW 4	RO	

PK ENGINEERING LIMITED
DATE: 16-08-2023
CHECKED BY:
QUALITY PERSONNEL: JAMES
LIFE, DUCK, WHITE & BLACK




**FIRE AND EMERGENCY NEW ZEALAND ACCESS ROUTE TO LOT 12 OMARINO
THROUGH EXISTING ONE WAY SYSTEM**

Notes:

1. THE CORRESPONDENCE TO THE DRAWING IS LIMITED TO THE ISSUES LISTED AND IT MAY NOT BE INTRODUCED IN WHOLE OR PART OR INSERTED FOR THE PURPOSES OF ANY OTHER ARTICLE WITHOUT THE EXPRESS PERMISSION OF THE ENGINEER.
2. WORK IS TO BE COMPLETED AND FINISHED WITHIN THE SPECIFIED TIME FRAME. ALL WORK IS TO BE COMPLETED IN ACCORDANCE WITH THE SPECIFICATIONS AND STANDARDS.



Client: Kaspulyts, J & Van Menter, V

Project: Lot 12 DP 391213 283 Matawara Rd, Russell	
Title: PROPOSED DWELING FIRE AND EMERGENCY SITE PLAN	
Scale: 1:1000	Drawn: JMK
Project No: 25-046	Version: R0
Sheet No: 25-046	Sheet Total: 10

PK ENGINEERING

LEVEL 11, AND BAY
90 FERRELL ROAD, FERRELL
PO BOX 464, FERRELL
PHONE: 09-407 3023
Email: kaspulyts@pkengineering.co.nz

ISSUED FOR CONSENT

APPENDIX B

(TP58)

PRODUCER STATEMENT

DESIGN: ON-SITE EFFLUENT DISPOSAL SYSTEMS (T.P.58)

ISSUED BY: PRADEEP KUMAR (approved qualified design professional)

TO: J Kasputys and V Van Mateer (owner)

TO BE SUPPLIED TO: Far North District Council

PROPERTY LOCATION: Omarino Lot 12

LOT 12 DP 391213 VALUATION NUMBER

TO PROVIDE : Design an on-site effluent disposal system in accordance with Technical paper 58 and provide a schedule to the owner for the systems maintenance.

THE DESIGN: Has been in accordance with G13 (Foul Water) G14 (Industrial Liquid Waste) B2 (durability 15 years) of the Building Regulations 1992.

As an independent approved design professional covered by a current policy of Professional Indemnity Insurance (Design) to a minimum value of \$200,000.00, I BELIEVE ON REASONABLE GROUNDS that subject to:

- (1) The site verification of the soil types.
- (2) All proprietary products met the performance requirements.

The proposed design will met the relevant provisions of the Building Code and 5.3.11 of The Far North District Council Engineering Standards.

(Signature of approved design professional)

BE hons, NZCE, MIPENZ, IntPE, CPEng (Professional qualifications)

IPENZ No. 203058 (Licence Number or professional Registration number)

Address Level 1 ANZ Bank Building, 90 Kerikeri Road, Kerikeri,
New Zealand

Phone Number 09 407 3255

Fax Number

Cell Phone

Date 18/08/2025

Note: This form is to accompany every application for a Building Consent incorporating a T.P.58. Approval as a design professional is at Councils discretion.

On-site Wastewater Disposal Site Evaluation Investigation Checklist

FAR NORTH DISTRICT COUNCIL

Appendix E

TP58

On-site Wastewater Disposal Site Evaluation Investigation Checklist

Part A –Owners Details**1. Applicant Details:**

Applicant Name	J Kasputys and V Van Mater		
Company Name			
	First Name(s)	Surname	
Property Owner Name(s)	Joseph	Kasputys	
	V	Van Mater	

Nature of Applicant* OWNER

(*i.e. Owner, Leasee, Prospective Purchaser, Developer)

2. Consultant / Site Evaluator Details:

Consultant/Agent Name	PK Engineering Ltd			
Site Evaluator Name	RD			
Postal Address	PO BOX 464, KERIKERI			
Phone Number	Business	09 407 3255	Private	
	Mobile		Fax	
Name of Contact Person	PK			
E-mail Address	teampk@pkengin.co.nz			

3. Are there any previous existing discharge consents relating to this proposal or other waste discharge on this site?

Yes		No	☒	(Please tick)
If yes, give Reference Numbers and Description				

4. List any other consent in relation to this proposal site and indicate whether or not they have been applied for or granted

If so, specify Application Details and Consent No.

(eg. LandUse, Water Take, Subdivision, Earthworks Stormwater Consent)

None

Part B- Property Details**1. Property for which this application relates:**

Physical Address of Property	285 Manawaora Road, Parekura Bay, Russell
Territorial Local Authority	FAR NORTH DISTRICT COUNCIL
Regional Council	NORTHLAND REGIONAL COUNCIL
Legal Status of Activity	Permitted: ☒ Controlled: ☐ Discretionary: ☐
Relevant Regional Rule(s) (Note 1)	permitted activity C.6.1.3
Total Property Area (m ²)	70,000
Map Grid Reference of Property If Known	

2. Legal description of land (as shown on Certificate of Title)

Lot No.	12	DP No.	391213	CT No.	
Other (specify)					

Please ensure copy of Certificate of Title is attached

PART C: Site Assessment - Surface Evaluation

(Refer TP58 - Sn 5.1 General Purpose of Site Evaluation and Sn 5.2.2(a) Site Surface Evaluation)

Note: Underlined terms defined in Table 1, attached

Has a relevant property history study been conducted?

Yes	☐	No	☒	☐	(Please tick one)
-----	--------------------------	----	-------------------------------------	--------------------------	-------------------

If yes, please specify the findings of the history study, and if not please specify why this was not considered necessary.

Previously undeveloped site

1. Has a Slope Stability Assessment been carried out on the property?

Yes		No	☒	Please tick
-----	--	----	-------------------------------------	-------------

If No, why not?

If Yes, please give details of report (and if possible, please attach report):

Author	Pradeep Kumar
Company/Agency	PK Engineering Ltd
Date of Report	
Brief Description of Report Findings:-	

2. Site Characteristics (See Table 1 attached):

Provide descriptive details below:

Performance of Adjacent Systems:

Unknown

Estimated Rainfall and Seasonal Variation:

Information available from N.I.W.A MET RESEARCH

Annual Rainfall:1800-2000mm Annual Potential Evapotranspiration: 1200mm

Vegetation / Tree Cover:

80% Canopy cover in area of disposal field

Slope Shape: (Please provide diagrams)

Slope Angle:

14degrees

Surface Water Drainage Characteristics:

Land in area of disposal field drains to the north west

Flooding Potential: YES/NO

NO

If yes, specify relevant flood levels on appended site plan, I.e. one in 5 years and/or 20 year and/or 100 year return period flood level, relative to disposal area.

Surface Water Separation:

175m from Coastal Marine Area

Site Characteristics: or any other limitation influencing factors

3. Site Geology**Check Rock Maps**

Marua clay loam overlying greywacke and argillite

Geological Map Reference Number

Department of Lands and Survey NZMS 290/ Sheet Q04/05

4. What Aspect(s) does the proposed disposal system face? (please tick)

North	☒	West	
North-West		South-West	
North-East		South-East	
East		South	

5. Site clearances, (Indicate on site plan where relevant)

Separation Distance from	Treatment Separation Distance (m)	Disposal Field Separation Distance (m)
Boundaries	1.5m minimum	1.5m minimum
Surface water, rivers Creeks drains etc	30m minimum	30m minimum
Groundwater		0.6 minimum
Stands of Trees/Shrubs		N/A
Wells, water bores	75	80m
Embankments/retaining walls		N/A
Buildings	3m minimum	3m minimum

PART D: Site Assessment - Subsoil Investigation

(Refer TP58 - Sn 5.1 General Purpose of Site Evaluation, and Sn 5.2.2(a) Site Surface Evaluation and Sn 5.3 Subsurface Investigations)

Note: Underlined terms defined in Table 2, attached

1. Please identify the soil profile determination method:

Test Pit		(Depth _____ m	No of Test Pits	
Bore Hole		(Depth 1.8-3m _____ m	No of Bore Holes	6
Other (specify):				

Soil Report attached?

Yes	☒	No		Please tick
-----	-------------------------------------	----	--	-------------

2. Was fill material intercepted during the subsoil investigation?

Yes		No	☒	Please tick
-----	--	----	-------------------------------------	-------------

If yes, please specify the effect of the fill on wastewater disposal

3. percolation testing (mandatory and site specific for trenches in soil type 4 to 7)

Please specify the method

As per TP58 guidelines for percolation tests

Test Report Attached?	Yes	☒	No	☐	Please tick
-----------------------	-----	-------------------------------------	----	--------------------------	-------------

4. Are surface water interception/diversion drains required?

Yes	☒	No	☐	Please tick
-----	-------------------------------------	----	--------------------------	-------------

If yes, please show on site plan

4a Are subsurface drains required NO

If yes enter details

5. Please state the depth of the seasonal water table:

Winter	>3m	m	Measured	☐	Estimated	☒
Summer	>4m	m	Measured	☐	Estimated	☒

6. Are there any potential storm water short circuit paths?

Yes	☐	No	☒	Please tick
-----	--------------------------	----	-------------------------------------	-------------

If the answer is yes, please explain how these have been addressed

7. Based on results of subsoil investigation above, please indicate the disposal field soil category (Refer TP58 Table 5.1)

Is Topsoil Present?	If so, Topsoil Depth?	(m)
---------------------	-----------------------	-----

Soil Category	Description	Drainage	Tick One
1	Gravel, coarse sand	Rapid draining	☐
2	Coarse to medium sand	Free draining	☐
3	Medium-fine & loamy sand	Good drainage	☐
4	Sandy loam, loam & silt loam	Moderate drainage	☐
5	Sandy clay-loam, clay loam & silty clay-loam	Moderate to slow drainage	☒
6	Sandy clay, non-swelling clay & silty clay	Slow draining	☐
7	Swelling clay, grey clay, hardpan	Poorly or non-draining	☐

Reasons for placing in stated category

Results of bore holes and percolation tests

PART E: Discharge Details

1. Water supply source for the property (please tick):

Rainwater (roof collection)	☒
Bore/well	☐
Public supply	☐

2. Calculate the maximum daily volume of wastewater to be discharged, unless accurate water meter readings are available

(Refer TP58 Table 6.1 and 6.2)

Number of Bedrooms Main House	1			
Guest house 2 + caretakers hse 1	3			
Design Occupancy	8			(Number of People)
Per capita Wastewater Production	140	160	180	(tick) (Litres per person per day)
	200	220		
Total Daily Wastewater Production	1600			(litres per day)

3. Do any special conditions apply regarding water saving devices

a) Full Water Conservation Devices?	Yes		No	☒	(Please tick)
b) Water Recycling - what %?		%		☒	(Please tick)

If you have answered yes, please state what conditions apply and include the estimated reduction in water usage

4. Is Daily Wastewater Discharge Volume more than 2000 litres:

Yes		(Please tick)
No	☒	(Please tick)

Note if answer to the above is yes, an N.R.C wastewater discharge permit may be required

5. Gross Lot Area to Discharge Ratio:

Gross Lot Area	70,000	M
Total Daily Wastewater Production	1600	(Litres per day)(from above)
Lot Area to Discharge Ratio	44	

7. Does this proposal comply with the Northland Regional Council Gross Lot Area to Discharge Ratio of greater than 3?

Yes		No		Please tick
-----	--	----	--	-------------

On advice from Alysha, duty planner at NRC this question is redundant 18/03/2021

8. Is a Northland Regional Council Discharge Consent Required?

Yes		No	☒	(Please tick)
-----	--	----	-------------------------------------	---------------

PART F: Primary Treatment (Refer TP58 Section 7.2)

1. Please indicate below the no. and capacity (litres) of all septic tanks including type (single/dual chamber grease traps) to be installed or currently existing: If not 4500 litre, dual chamber explain why not

Number of Tanks	Type of Tank	Capacity of Tank (Litres)
	Total Capacity	

2. Type of Septic Tank Outlet Filter to be installed?

PART G: Secondary and Tertiary Treatment

(Refer TP58 Section 7.3, 7.4, 7.5 and 7.6)

1. Please indicate the type of additional treatment, if any, proposed to be installed in the system: (please tick)

Secondary Treatment			
Home aeration plant	✓		
Commercial aeration plant			
Intermediate sand filter			
Recirculating sand filter			
Recirculating textile filter			
Clarification tank			
Tertiary Treatment			
Ultraviolet disinfection	✓		
Chlorination			
Other		Specify	

PART H: Land Disposal Method

(Refer TP58 Section 8)

1. Please indicate the proposed loading method: (please tick)

Gravity	
Dosing Siphon	
Pump	✓

2. High water level alarm to be installed in pump chambers

Yes ☒ no ☐

If not to be installed, explain why

3. If a pump is being used, please provide the following information:

Total Design Head	TBC	(m)
Pump Chamber Volume	TBC	(Litres)
Emergency Storage Volume	TBC	(Litres)

4. Please identify the type(s) of land disposal method proposed for this site: (please tick)
(Refer TP58 Sections 9 and 10)

Surface Dripper Irrigation	☒	
Sub-surface Dripper irrigation	☐	
Standard Trench	☐	
Deep Trench	☐	
Mound	☐	
Evapo-transpiration Beds	☐	
Other	☐	Specify

5. Please identify the loading rate you propose for the option selected in Part H, Section 4 above, stating the reasons for selecting this loading rate:

Loading Rate	2.5	(Litres/m2/day)
Disposal Area	Design	640 (m2)
	reserve	192 (m2)

Explanation (Refer TP58 Sections 9 and 10)

Conservative loading rate for PCDI lines in category 5 soils as per TP58 section 9.2.3

6. What is the available reserve wastewater disposal area (Refer TP58 Table 5.3)

Reserve Disposal Area (m ²)	192
Percentage of Primary Disposal Area (%)	30

7. Please provide a detailed description of the design and dimensions of the disposal field and attach a detailed plan of the field relative to the property site:

Description and Dimensions of Disposal Field:

640 lineal meters of surface PCDI lines laid amongst established bush with 80% canopy cover.
Irrigation lines to be firmly fixed to the ground. 1m spacing between lines and emitters at 1m c/c.
Irrigation lines to be covered with 150mm mulch.

Plan Attached?	Yes	☒	No	☐	(Please tick)
----------------	-----	-------------------------------------	----	--------------------------	---------------

If not, explain why not

PART I: Maintenance & Management

(Refer TP58 Section 12.2)

1. Has a maintenance agreement been made with the treatment and disposal system suppliers?

Yes	Not known ☒	No	
-----	---	----	--

 (Please tick)

Name of Suppliers

To be confirmed

PART J: Assessment of Environmental Effects

1. Is an assessment of environmental effects (AEE) included with application?

(Refer TP58 section 5. Ensure all issues concerning potential effects addressed)

Yes		No	☒
-----	--	----	-------------------------------------

 (Please tick)

If Yes, list and explain possible effects

PART K: Is Your Application Complete?

1. In order to provide a complete application you have remembered to:

Fully Complete this Assessment Form	
Include a <i>Location Plan</i> and <i>Site Plan</i> (with Scale Bars)	
Attach an Assessment of Environmental Effects (AEE)	

1. Declaration

I hereby certify that, to the best of knowledge and belief, the information given in this application is true and complete.

Name Pradeep Kumar	Signature	
Position Professional Chartered Engineer	Date	18/08/2025

Note

Any alteration to the site plan or design after approval will result in non compliance.

Plant Species

Astelia grandis

Wide olive green leaves with a silvery sheen beneath and reddish purple midribs, the clump can be up to 2m high. It is an inhabitant of swampy ground from lowland to montane altitudes throughout the North Island and to Southern Canterbury. Preferring a damp soil, it is able to withstand permanently wet feet.

1.5-2m

***Alocasia nigrescens* (Black Taro)**

Large black green blunt arrow shaped leaves on dark purple stalks from loose clumps in damp part shaded areas.

0.5/0.5m

***Apodasmia similis* (Oioi)**

An extremely elegant native reed with blueish green foliage with brown bract at the joins. Grows up to 1m and has a creeping rhizome. Thrives in marshlands and estuaries. Will grow in most conditions. Is very hardy.

1.5/2.0m

***Arthropodium Cirratum* (Rengarenga Lily)**

An attractive perennial plant, known as the Rengarenga Lily. A clump forming plant with drooping fleshy strap leaves. Masses of white starry flower heads throughout summer. It can grow in a wide range of conditions, including coastal and shade. Will not tolerate severe frosting.

1.0/1.0m

Blechnum Novae Zeelandiae

An attractive creeping fern with drooping fronds. New growth is always reddish. An easy to grow fern which looks most attractive when grown on a bank, or as a ground cover, provided there is ample moisture.

0.8-1m

Carex Dispacea

This sedge is densely tufted. The narrow leaves are light green and make an attractive contrast to darker foliage. In the garden it should have a sunny or semi-shaded site. Prefers damp conditions.

0.7/0.6m

Carex dissita

An attractive sedge with an arching habit. The ribbed leaves are a fresh bright green and contrast with the very dark seed heads that are carried on the stems. It can be grown in quite shady areas, such as under trees, or in an open situation, but it requires a moist soil.

0.7/0.7m

Carex maorica

This sedge grows into upright clumps with ribbed light green leaves. The foliage is fragile and can snap easily making it an unattractive garden specimen. It is best suited to environmental plantings.

0.7/0.6m

Carex secta

This is a common plant of swampy areas throughout New Zealand. It forms large tussocks with weeping yellowish green leaves. At its best beside water, it will grow in any moist soil in sun or semi-shade. Old specimens in moist to wet sites often form thick sturdy trunks from the matted roots and old stem bases.

1.0/0.6m

Carex tenuiculmis

This species is a common plant of swampy areas it is of a reddish bronze colour and is at its best beside water. It will grow in any moist soil in the sun or semi-shade. This species does not form a trunk.

0.7/0.6m

Carex virgata

A vigorous sedge that has narrow arching bright green leaves. It is a useful species for waterside planting and very damp soils but will also grow on dry sites and in sun or semi-shade.

0.7/0.6m

Carpodetus serratus (Marble leaf)

An attractive tree with upright spreading branches, found throughout New Zealand on forest margins and stream banks. The juvenile form has tangled growth.

3-5m

Cordyline australis (Cabbage Tree)

One of NZs best known and most distinctive plants. The young tree has long narrow, mid green leaves which arise directly from a single trunk, having an effect similar to ornamental grasses. The creamy and fragrant flowers are a stunning feature, appearing in large densely packed panicles during late spring and summer. An excellent plant for landscaping, being suitable for group and specimen planting.

7.5/2.0m

Cordyline Midnight Star

A variety of the red or maroon Cabbage Tree. A good selection for a visual impact within the garden.

7.5/2.0m

Cortaderia fulvida (Toi toi)

This is one of the smaller toetoe, with a height of 1.5 – 2.5m when flowering. The blueish green leaves are shiny beneath and up to 4 cm wide and 2m long. Its golden flower plumes sometimes have a pinkish tinge.

2.0/2.0m

Coprosma Rugosa

A tough colourful and interesting alpine shrub with very tangled bright orange new growth. Bears berries attractive to birds. Can be clipped into an interesting hedge or allowed to grow freely will become a medium sized shrub.

1.5-3m

Coprosma Grandfolia

It is a good coloniser or shelter species tolerating a wide range of soils, and shade to full sun. Its clusters of orange/red fruits are attractive to birds, though to have fruits you may need to grow several, as coprosma plants bear flowers of only one sex. Flowers appear in late autumn and winter, and are pale but quite conspicuous.

up to 6m

Cyperus ustulus

This is a plant of damper areas. It is very vigorous, growing into a clump with deep olive-green, very sharp edged leaves. The flowering stems are up to 1.2 m or more, with a ruff of leafy bracts below the spikelets. A useful plant for revegetation in wet areas, but it is generally considered too vigorous for most garden situations.

0.8/1.2m

Dianella King Alfred

An attractive form of Dianella. This selected form has an ability to survive a wide range of conditions. It has a small flax like appearance.

0.8/0.6m

Dianella nigra

This is a hardy tufted plant resembling a small fine leaved flax. It grows to about 60cm high and bears insignificant flowers from late spring to summer. These are followed by the plants most ornamental feature, its berries. In the best form these are a glossy dark blue, but can vary to quite pale colours. Grows in sun or semi-shade and in a range of soil conditions. Looks good planted as a ground cover.

0.6/0.6m

Elatostema Rugosum

Naturally inhabiting damp shady streamsides and gullies; it has dark stems with pinnate leaves that are rough and wrinkled and have serrated margins.

The leaves are dark bronzy green with purple tonings. An interesting foliage plant that makes a very good groundcover for a wet shady position.

0.5-1m

Fuchsia Excorticata

The largest *Fuchsia* in the world. A small tree with stunning orange-brown papery bark and interesting twisted shape. Purple-red flowers early spring to summer. The edible fleshy Konini fruit from January to March is sweet and tasty. It was made into jams and desserts by early settlers.

Attractive to bees. Prefers a moist soil. Deciduous. Hardy.

5m

Hebe Stricta

Hebe stricta is an open branching shrub found throughout New Zealand. Its long narrow leaves are deep green and glossy. The white mauve-tinged flowers appear on 7-15cm spikes during summer. Pruning is important to maintain a good shape. It is also a hardy landscape plant. Depth of colour and handsome foliage places this hebe in a class of its own.

1-3m

Juncus Gregiflorus

A rush of swampy areas throughout New Zealand. It grows into a tight clump 1-2m tall with bright green stems. It is ideal for revegetation of wetlands and riparian areas and is useful for damp landscaping areas.

1-2m

Leptospermum Burgundy Queen (Flowering Ti Tree)

Exquisite double flowers of deep burgundy red late winter and spring, Dark reddish bronze foliage.

2.0/1.5m

Libertia Grandiflora

Larger flowered species found in damp situations. Brownish green linear leaves to 90x1.5cm tapering to a point. Attractive white 3-5 cm flowers with olive or bronze keel are carried on 90cm lightly branched stems in early summer, followed in autumn by decorative golden brown seed capsules.

0.9/0.7m

Leptospermum scoparium

It is a primary species which provides a natural habitat that allows other New Zealand native species to become established. It naturally dies out after 20-25 years. It is often found growing at the margins of a mature forest. Manuka has small narrow sharply pointed dark green leaves, and bears masses of small white or pale pink flowers from spring into early summer. It is tolerant of practically any conditions and is used in most revegetation projects nation wide.

4-8m

Libertia peregrinans

Simple but interesting plant. Sword like leaves to 25-2cm, brownish green or khaki with well defined orange yellow midrib, tapering to a sharp point, arranged in fans. The plant is sustained by underground rhizomes from which new fans of leaves appear. Small white 3 petalled flowers on short stems in spring, followed by bronze yellow capsules.

0.3/1.0m

Melicope ramiflora

The pointed oval leaves are a bright green, with fresh growth being quite soft and an even brighter green. The bark is grayish white and becomes attractively mottled with lichens. The tiny flowers are produced abundantly in spring and are followed by numerous purple black berries.

5m

Phormium tenax

The foliage is khaki green coloured and up to 3m long. The nectar from the flowers, borne on tall slender flower stalks, is a great attractor to native birds such as Tui. Harakeke is abundant throughout New Zealand particularly in wetland areas. Perfect for revegetation, riparian plantings, and for landscaping.

2-3m

Phormium tenax

Flax. An excellent compact dwarf clump forming perennial, producing olive green weeping leaves with bronze margins. Excellent all round garden specimen growing anywhere from dry to damp conditions. Withstands strong coastal winds and is frost hardy. Use in mass landscape with other natives.

0.5/0.5m

Schefflera digitata

The large deep green, rather soft leaves are composed of up to 9 oval leaflets arising from a single point. They get progressively bigger as they radiate outwards, with the biggest leaflet being up to 20cm. The margins are finely serrated and tinged with pinkish red, as are the veins and midribs. Large panicles of tiny greenish white flowers hang below the leaves in summer and are followed by white to purple berries. Plant should be given a shady and sheltered position in good moist soil. Could be used to good effect in a tropical planting or as a background plant.

X-Perco®

Passive Wastewater Treatment

Technical Guide WW 1



With already 3000 installations across the world, X-Perco is the new revolution in wastewater treatment.



Applications

Residential and Holiday Homes
Small communities
Schools
Camping grounds

Product Attributes

Single tank installation
Passive Gravity Filtration
No electricity required for treatment process
Ecological and sustainable
Discrete low visual impact
100% natural Xylit filtration

Robust, durable & self compacting concrete construction
Flexible disposal applications

Quality Standards

PIA Quality Tested (Germany)

We are the supply partner of choice for New Zealand's civil construction industry, specialising in water and infrastructure based solutions.

HYNDS
WASTEWATER

With already 3000 installations across the world, X-Perco is the new revolution in wastewater treatment.

The X-Perco, a passive innovative design by Eloy Water (Belgium). Performance with little or no power, and unrivaled robustness. Designed to handle the fluctuations of permanent or intermittent occupancy, the X Perco system is the recommended solution for a home, holiday house or commercial application.

Four unique qualities

- Natural, passive, durable and high strength activated carbon filtration
- Powerless high performance treatment
- Single Tank - Robust and lightweight concrete
- Water distribution is through a patented rotating Aquacan to a pipe network equally supplying the filter media

Xylit (Activated Carbon) - A 100% ecological and sustainable media

Naturally formed over millions of years, Xylit is a source of activated carbon comprised of natural wood fiber extracted from the ground. Xylit is derived from Lignite, harvested and graded in Germany under patent.

The Xylit filtering media boasts many unique properties:

- High strength fibre which retains its integrity and guarantees an excellent service life. (10 Year guarantee)
- Large surface area that fosters the development of a dense bacterial biofilm, occurring more rapidly than with any other filtering media
- Simple to maintain
- Compostable

Designing

The Xylit offers very reliable treatment, especially during fluctuating or infrequent occupancy. Ideal for holiday homes. The natural properties of the Xylit maintains biological activity for long periods without intervention. The unique potential of the Xylit makes the X-Perco a dependable choice for sustainable wastewater treatment.



FIG. 1 Xylit



FIG. 2 Drip irrigation pipe prior to bark being laid.



FIG. 3 X-Perco

The X-Perco®

Product Range

- 1.8 m³/day (approx 0-5 bedroom)
- 3.0 m³/day (approx 5-7 bedroom)
- Commercial application up to 30 m³/day

Features

- Can be retrofitted to an existing septic tank
- Passive Filtration treatment
- Flexible disposal option
- Simple to service

Distribution options

- Flout passive dosing system (no power)
- Pump Station

Land Application

- Drip irrigation into landscaped garden bush or trees
- LDPE into sand trenches
- ETS Beds
- Sand beds

Components

1. Primary Tank
2. Xylit Filter
3. Gravity, pump or passive dose disposal system

Process

Primary Tank

1. Wastewater arrives into the primary septic tank by gravity from the building. The solid matter will settle on the floor of the primary septic tank to be "degraded" by anaerobic bacteria. The suspended (*floating*) matter such as fats and oils will form a "crust" at the surface. The outlet of the primary septic tank is fitted with an approved biological filter to prevent suspended matter from passing through to the second (*treatment*) compartment.

Xylit Trickling filter

2. The pre-treated and filtered waste enters the Xylit filter bed by gravity into the distribution device (*Aquacan*). The Aquacan fills and alternately disposes into a network of perforated pipes to evenly distribute over the Xylit filter bed.
3. The "pre-treated" waste water slowly trickles through the Xylit media, where the population of digesting bacteria develop to digest and purify the waste liquid.
4. Oxygen is supplied to the filter by a network of 100mm diameter pipes. This is achieved with No power.

Distribution

5. The treated water leaves the filter by gravity from the floor of the filter tank into the dose flout (*no power*) or pump chamber
6. The treated water is gravity dosed or pumped into the land application (*disposal*) area
7. The land application area is chosen for its potential for gravity or pumped distribution. The treated waste can be distributed through drip irrigation, LDPE or UPVC piped trenches.
8. The X-Perco has a small battery operated alarm that will activate in the unlikely event the water level in the filter is raised.

Treatment Performance

BoD₅ < 20 mg/litre
SS < 30 mg/litre

Unique dosing and distribution device

The unique and innovative flow distribution Aquacan and pipe network guarantees optimal distribution of the influent over the filter media. The flow can be simply adjusted during installation or servicing to suit the required application within the maximum design flow.

Lightweight concrete tank

The X-Perco tank is constructed from reinforced fiber, self-compacting concrete. This revolutionary concrete guarantees long service life and light weight construction. The X-Perco tank is easy to handle, simple to install, and can be installed in groundwater. Its highly robust nature allows for the passage of foot traffic and mowers or can be designed to carry light vehicles.

- Ultra strong
- Reinforced fibre concrete
- Light vehicle traffic up to 3.5 T allowed (with design)
- Discrete low visual impact
- Groundwater installation possible
- Easy access to internal components

Guarantee!

We offer:

- 10 year guarantee X-Perco concrete tank
- 10 year guarantee xylit filtering media
- 2 year guarantee internal components (Aquacan distribution system).

Note:

¹ See the warranty certificate.

² Valid on systems up to 3 m³/day. Subject to compliance with the installation, treatment application, appropriate water volume and pollution load.

³ Excluding parts subject to wear and tear.

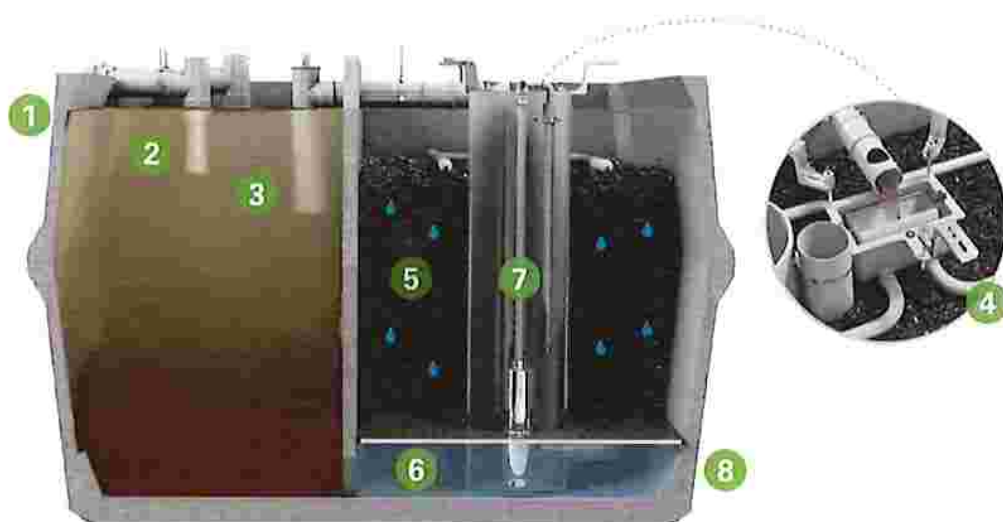


FIG. 4 X-Perco Components

- | | |
|--------------------------------|------------------------|
| 1. Inlet pipe | 5. Xylit filter bed |
| 2. Ventilation pipe | 6. Pump volume chamber |
| 3. Biological outlet filter | 7. Pump chamber & pump |
| 4. Aquacan distribution system | 8. Gravity outlet |

Eloy Water Network

Eloy Water is a Belgian Company which has been a designer, producer and distributor of purification systems for the treatment of domestic and industrial wastewater since 1965. Specialising in the treatment and the reuse of wastewater from single domestic dwelling to medium size communities, Eloy Water has always invested in the development and integration of the latest technologies into its production. With a presence in 25 countries, Hynds Pipe Systems Ltd is the exclusive distributor of Eloy Water products in New Zealand.

Branches Nationwide: Support Office & Technical Services: 09 274 0316

Disclaimer: While every effort has been made to ensure that the information in this document is correct and accurate, users of Hynds products or information within this document must make their own assessment of suitability for their particular application. Product dimensions are nominal only, and should be verified prior to a party's installation. No warranty is either expressed, implied, or statutory made by Hynds unless expressly stated in any sale and purchase agreement entered into between Hynds and the user.

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HYNDS
WASTEWATER

X-Perco® 3.0 (2 Tank System)

Powerless Wastewater Treatment Plant

Technical Sheet WW 3.0XP
Updated August 2023

Technical Information

Product:	X-Perco® 3.0
Model:	3 m³/day - X-Perco C90
Process:	Trickling Filter Technology
Codes:	WWSPLIT6OL2, WWXYF1.8

Dimensions Volumes Weights				
Measurements	Unit	Tank 1	Tank 2	Tank 3 Pump Station
Total height (incl. riser)	mm	2450	1700	2300
Entry height	mm	2000	1270	TBC on site
Exit Height	mm	1960	90	TBC on site
Length	mm	2380	2650	N/A
Width	mm	1580	2250	Ø1050
Total Volume	m³	6	6.2	-
Useful Volume	m³	5.14	4.02	-
Weight	T	2.8	5.75	-
Main Service Entry Ø	mm	620	620	600
Primary Filter Access Ø	mm	620	N/A	N/A
Desludge Port Ø	mm	620	620	600
Inlet/Outlet pipe Ø	mm	Inlet = 110 Outlet = 110	Inlet = 110 Outlet = 110	Inlet = 110 Outlet = 32 (pumped)

Material

Tank	High Performance Fibre Reinforced Concrete
Media (Xylit)	Fossilised natural wood fibre

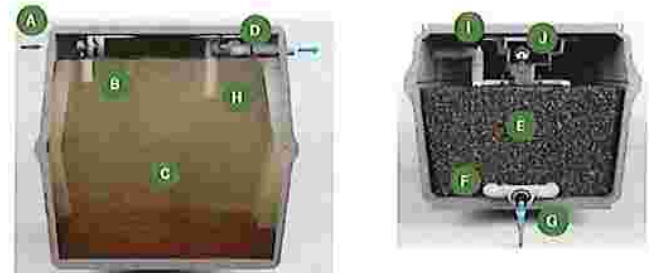
Performances

Influent Quality		
Parameters	Unit	Results
BOD ₅	mg/L	400
	kg/day	1.2
TSS	mg/L	600
	kg/day	1.8
TN	mg/L	62
	kg/day	0.2
Fat & Oil	mg/L	20
Detergent	mg/L	10
Daily flow	L/day	3000
Application Limits	Domestic wastewater	
	• Double dwelling	
	• Max. 15 people	

Effluent Quality		
Parameters	Unit	Results
BOD ₅ **	mg/L	<20
TSS**	mg/L	<30
TN**	mg/L	<40 (expected)

**Based on PIA-AS11. Assuming the system is installed and maintained as per X-Perco 1.6ST Installation Manual and Operations and Maintenance Manual.
Note: Performance results are based on a 24 hour composite sample taken after the irrigation filter

Features



Legend

- A. High Inlet
- B. Ventilation T pipe
- C. Primary treatment tank
- D. Flow distribution System
- E. Biological reactor tank
- F. Treated water discharge piping system
- G. Gravity discharge outlet
- H. PL-122 filter
- I. Split flow device
- J. Aquacan Distribution System

Operation

Installation Limits	
Recommended depth of cover to tank	300mm
Max. depth of cover to lid	600mm
Traffic Load with PE lids	Pedestrian
Traffic Load with heavy duty lids	Light traffic (<3.5T)

Useful Volumes	
Primary Treatment Tank m³	5.14
Biological Reactor Tank m³	4.02
Emergency Storage m³	3.04

Maintenance	
Desludging Required (Primary Tank)	50%
Servicing Frequency	6 monthly

Electromechanical Components	
Pump Controller	WWPUMPCONTROL
Pump Type	Submersible BIA - B42AV
Pump Rated Output	0.55kW

Consumables (Subject to Recommended Servicing)	
Alarm Battery	Every 7 years
Xylit	Every 10 years
Aquacan Ball Bearings	Every 2 years
Aquacan System	As Required

Components and Options

X-Perco 3.0 Components					
Kit Components	Quantity	Length (mm)	Diameter/Width (mm)	Heights (mm)	Weight (T)
Treatment System	2 Tanks	2380/2650	1580/2250	2450/1700	2.8/5.75
Primary Tank Access Riser & Lid	2	-	Ø620	200	-
Xylit Tank Access Riser & Lid	3	-	Ø620	200	-
Filter - PL122	1	-	-	-	-
Irrigation Filter - 130 Micron	1	-	-	-	-
Pump Station - FB10502100NH	1	-	Ø1050	-	0.23

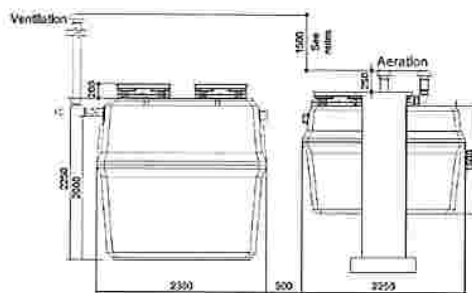
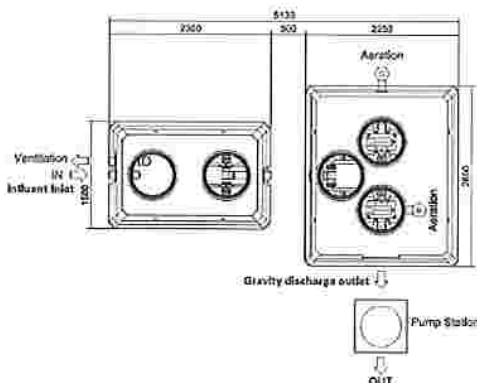
For further details please contact Hynds Wastewater Team



X-Perco 3.0 Options					
Kit Components	Quantity	Length (mm)	Diameter/Width (mm)	Heights (mm)	Weight (T)
High Level Alarm with Batteries	-	-	-	-	-
PE Riser	-	-	Ø600	200	-
PE Lid	-	-	Ø600	-	-
Odour Cartridge	-	-	-	-	-

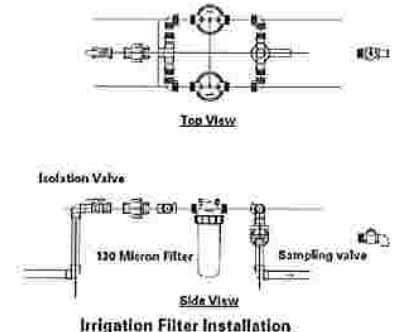
For further details please contact Hynds Wastewater Team

Dimensions



Notes

1. The aeration pipework of the Xylit Filter chamber must be 250mm in height from the ground and in an open location
2. The ventilation pipework should be higher than the aeration pipework. The ventilation must always be installed above the roof of the nearest building or at least 1500mm higher than the aeration pipework if it can only be installed on the treatment system. The higher the better as it catches the wind and creates the draft effect



Certifications/Accreditations/Testing Results	Warranties	Year	Extension	Supporting Documents and Resources	
CE PIA- AS11	Tank	10	NA	Installation Manual	Owner's Manual
	Xylit	10	NA	Operation and Maintenance Manual	Field Service Report
	Other Components	2	NA	Performance Testing Results	Installation & Commissioning Report
Conditions of Warranty: - Refer to Hynds Wastewater Warranty Terms and Conditions - Commissioning report completed and returned by trained installer - Documented service history commencing from commissioning date				Loading certificate (By Designer)	Claims Procedure & Certificate Warranty
				ID card (where applicable)	Service Contract

Important Pump/s Disclaimer: The selected pump must match the hydraulic requirements of the final application system (LAS) for the specific on-site wastewater management system (OWMS). As there are several different LAS designs, each will require pumps to provide the required pressure and flowrate to ensure sustained and effective LAS performance. It is strongly recommended that the specifications of the selected pump for each OWMS are formally provided by the designer of each OWMS.

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Disclaimer: While every effort has been made to ensure that the information in this document is correct and accurate, users of Hynds product or information within this document must make their own assessment of suitability for their particular application. Product dimensions are nominal only, and should be verified if critical to a particular installation. No warranty is either expressed, implied, or statutory made by Hynds unless expressly stated in any sale and purchase agreement entered into between Hynds and the user.

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Appendix 6

Approval from FENZ



Kaspiys / van Mater

Non-Reticulated Firefighting Water Supplies, Vehicular Access &
Vegetation Risk Reduction Application for New and Existing
Residential Dwellings and Sub-Divisions



Contents

Section A - Firefighting Water Supplies and Vegetation Risk Reduction Waiver	3
Section B – Applicant Information	4
Section C – Property Details	4
1. Fire Appliance Access to alternative firefighting water sources - Expected Parking Place & Turning circle	5
2. Firefighting Water Supplies (FFWS)	6
3. Water Supply Location	8
4. Adequacy of Supply	9
5. Alternative Method using Appendix's H & J	10
6. Diagram	11
7. Vegetation Risk Reduction - Fire + Fuel = Why Homes Burn	12
8. Applicant	14
9. Approval	14

Section A - Firefighting Water Supplies and Vegetation Risk Reduction Waiver

“Fire and Emergency New Zealand strongly recommends the installation of automatic fire detection system devices such as smoke alarms for early warning of a fire and fire suppression systems such as sprinklers in buildings (irrespective of the water supply) to provide maximum protection to life and property”.

Waiver Explanation Intent

Fire and Emergency New Zealand (FENZ) use the New Zealand Fire Service (NZFS) Code of Practice for firefighting water supplies (SNZ PAS 5409:2008) (The Code) as a tool to establish the quantity of water required for firefighting purposes in relation to a specific hazard (Dwelling, Building) based on its fire hazard classification regardless if they are located within urban fire districts with a reticulated water supply or a non-reticulated water supply in rural areas. The code has been adopted by the Territorial Authorities and Water Supply Authorities. The code can be used by developers and property owners to assess the adequacy of the firefighting water supply for new or existing buildings.

The Area Manager under the delegated authority of the Fire Region Manager is responsible for approving applications in relation to firefighting water supplies. The Area Manager may accept a variation or reduction in the amount of water required for firefighting for example; a single level dwelling measuring 200m² requires 45,000L of firefighter water under the code, however the Area Managers in Northland have excepted a reduction to 10,000L.

This application form is used for the assessment of proposed water supplies for firefighting in non-reticulated areas only and is referenced from (Appendix B – Alternative Firefighting Water Sources) of the code. This application also provides fire risk reduction guidance in relation to vegetation and the 20-metre dripline rule under the Territorial Authority's District Plan. Fire and Emergency New Zealand are not a consenting authority and the final determination rests with the Territorial Authority.

For more information in relation to the code of practice for Firefighting Water supplies, Emergency Vehicle Access requirements, Home Fire Safety advice and Vegetation Risk Reduction Strategies visit www.fireandemergency.nz

Section B – Applicant Information

Applicants Information	
Name:	J Kasputys and V van Mater
Address:	c/- Thomson Survey Limited; P O Box 372 KERIKERI
Contact Details:	Lynley Newport at Thomson Survey Ltd
Return Email Address:	lynley@tsurvey.co.nz

Section C – Property Details

Property Details	
Address of Property:	285 Manawaora Road, Parekura Bay
Lot Number/s:	Lot 12 DP 391213
Dwelling Size: (Area = Length & Width)	Main house at 563m2; guest house/gym/caretaker accommodation at 228m2 (main house and guest house in two separate wings)
Number of levels: (Single / Multiple)	single

1. Fire Appliance Access to alternative firefighting water sources - Expected Parking Place & Turning circle

Fire and Emergency have specific requirements for fire appliance access to buildings and the firefighting water supply. This area is termed the hard stand. The roading gradient should not exceed 16%. The roading surface should be sealed, able to take the weight of a 14 to 20-tonne truck and trafficable at all times. The minimum roading width should not be less than 4 m and the property entrance no less 3.5 metres wide. The height clearance along access ways must exceed 4 metres with no obstructions for example; trees, hanging cables, and overhanging eaves.

1 (a) Fire Appliance Access / Right of Way	
Is there at least 4 metres clearance overhead free from obstructions?	☒ YES ☐ NO
Is the access at least 4 metres wide?	☒ YES ☐ NO
Is the surface designed to support a 20-tonne truck?	☒ YES ☐ NO
Are the gradients less than 16%	☒ YES ☐ NO
Fire Appliance parking distance from the proposed water supply is 13m if parking on existing access road metres	

If access to the proposed firefighting water supply is not achievable using a fire appliance, firefighters will need to use portable fire pumps. Firefighters will require at least a one-metre wide clear path / walkway to carry equipment to the water supply, and a working area of two metres by two metres for firefighting equipment to be set up and operated.

1 (b) Restricted access to firefighting water supply, portable pumps required
Has suitable access been provided? ☒ YES ☐ NO
Comments: Fire appliances have access to the site via the Omarino Development's internal roading network. 2 x 25,000l tanks dedicated to fire fighting water supply are proposed. Site plans and fire and emergency access plan are provided in a combination of PK Engineering and Bossley Architecture drawings.

Internal FENZ Risk Reduction comments only:

Click or tap here to enter text.

2. Firefighting Water Supplies (FFWS)

What are you proposing to use as your firefighting water supply?

2 (a) Water Supply Single Dwelling	
Tank	☒ Concrete Tank ☐ Plastic Tank ☒ Above Ground (Fire Service coupling is required - 100mm screw thread suction coupling) ☐ Part Buried (max exposed 1.500 mm above ground) ☐ Fully Buried (access through filler spout) Volume of dedicated firefighting water 2 x 25,000litres

2 (b) Water Supply Multi-Title Subdivision Lots / Communal Supply	
Tank Farm	☐ Concrete Tank ☐ Plastic Tank ☐ Above Ground (Fire Service coupling is required - 100mm screw thread suction coupling) ☐ Part Buried (max exposed 1.500mm above ground) ☐ Fully Buried (access through filler spout) Number of tanks provided Click or tap here to enter text. Number of Tank Farms provided Click or tap here to enter text. Water volume at each Tank Farm Click or tap here to enter text. Litres Volume of dedicated firefighting water Click or tap here to enter text. litres

2 (c) Alternative Water Supply	
Pond:	Volume of water: Click or tap here to enter text.
Pool:	Volume of water: 80m2 surface area; volume unknown; but not really a viable alternative given its location in relation to access and dwellings ?
Other:	Specify: Click or tap here to enter text.
	Volume of water: Click or tap here to enter text.

Internal FENZ Risk Reduction comments only:

Click or tap here to enter text.

3. Water Supply Location

The code requires the available water supply to be at least 6 metres from a building for firefighter safety, with a maximum distance of 90 metres from any building. This is the same for a single dwelling or a Multi-Lot residential subdivision. Is the proposed water supply within these requirements?

3 (a) Water Supply Location	
Minimum Distance:	<i>Is your water supply at least 6 metres from the building?</i> ☒ YES ☐ NO
Maximum Distance	<i>Is your water supply no more than 90 metres from the building?</i> ☒ YES ☐ NO

3 (b) Visibility
How will the water supply be readily identifiable to responding firefighters? E.g.: tank is visible to arriving firefighters or, there are signs / markers posts visible from the parking place directing them to the tank etc.
Comments: Signs and marker posts will identify location and which tanks (potable supply in same vicinity).

3 (c) Security
How will the FFWS be reasonably protected from tampering? E.g.: light chain and padlock or, cable tie on the valve etc.
Explain how this will be achieved: Omarino is a gated community. Tampering highly unlikely.

<i>Internal FENZ Risk Reduction comments only:</i> Click or tap here to enter text.
--

4. Adequacy of Supply

The volume of storage that is reserved for firefighting purposes must not be used for normal operational requirements. Additional storage must be provided to balance diurnal peak demand, seasonal peak demand and normal system failures, for instance power outages. The intent is that there should always be sufficient volumes of water available for firefighting, except during Civil Défense emergencies or by prior arrangement with the Fire Region Manager.

4 (a) Adequacy of Water supply

Note: The owner must maintain the firefighting water supply all year round. How will the usable capacity proposed be reliably maintained? E.g. automatically keep the tank topped up, drip feed, rain water, ballcock system, or manual refilling after use etc.

Comments:

Tanks are to be kept permanently full of water solely for fire fighting supply, either by owner or property manager - noting Omarino is a managed gated community

Internal FENZ Risk Reduction comments only:

Click or tap here to enter text.

5. Alternative Method using Appendix's H & J

If Table 1 + 2 from the Code of Practice is not being used for the calculation of the Firefighting Water Supply, a competent person using appendix H and J from the Code of Practice can propose an alternative method to determine firefighting water supply adequacy.

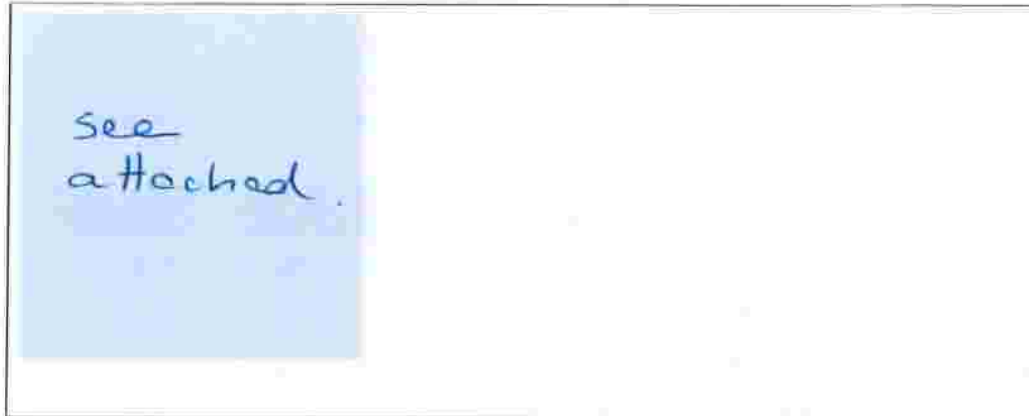
Appendix H describes a method for determining the maximum fire size in a structure. Appendix J describes a method for assessing the adequacy of the firefighting water supply to the premises.

5 (a) Alternative Method Appendix H & J	
If an alternative method of determining the FFWS has been proposed, who proposed it? Name: Click or tap here to enter text.	
Contact Details: Click or tap here to enter text.	
Proposed volume of storage?	Litres: Click or tap here to enter text.
Comments: Click or tap here to enter text. <i>* Please provide a copy of the calculations for consideration.</i>	

<i>Internal FENZ Risk Reduction comments only:</i> Click or tap here to enter text.
--

6. Diagram

Please provide a diagram identifying the location of the dwelling/s, the proposed firefighting water supply and the attendance point of the fire appliance to support your application.



Internal FENZ Risk Reduction comments only:

Click or tap here to enter text.

7. Vegetation Risk Reduction - Fire + Fuel = Why Homes Burn

Properties that are residential, industrial or agricultural, are on the urban-rural interface if they are next to vegetation, whether it is forest, scrubland, or in a rural setting. Properties in these areas are at greater risk of wildfire due to the increased presence of nearby vegetation.

In order to mitigate the risk of fire spread from surrounding vegetation to the proposed building and vice-versa, Fire Emergency New Zealand recommends the following;

I. Fire safe construction

Spouting and gutters – Clear regularly and consider screening with metal mesh. Embers can easily ignite dry material that collects in gutters.

Roof – Use fire resistant material such as steel or tile. Avoid butanol and rubber compounds.

Cladding – Stucco, metal sidings, brick, concrete, and fibre cement cladding are more fire resistant than wood or vinyl cladding.

II. Establish Safety Zones around your home.

Safety Zone 1 is your most important line of defence and requires the most consideration. Safety Zone 1 extends to 10 metres from your home, you should;

- a) Mow lawn and plant low-growing fire-resistant plants; and*
- b) Thin and prune trees and shrubs; and*
- c) Avoid tall trees close to the house; and*
- d) Use gravel or decorative crushed rock instead of bark or wood chip mulch; and*
- e) Remove flammable debris like twigs, pine needles and dead leaves from the roof and around and under the house and decks; and*
- f) Remove dead plant material along the fence lines and keep the grass short; and*
- g) Remove overhanging branches near powerlines in both Zone 1 and 2.*

III. Safety Zone 2 extends from 10 – 30 metres of your home.

- a) Remove scrub and dead or dying plants and trees; and*
- b) Thin excess trees; and*
- c) Evenly space remaining trees so the crowns are separated by 3-6 metres; and*
- d) Avoid planting clusters of highly flammable trees and shrubs*
- e) Prune tree branches to a height of 2 metres from the ground.*

IV. Choose Fire Resistant Plants

Fire resistant plants aren't fire proof, but they do not readily ignite. Most deciduous trees and shrubs are fire resistant. Some of these include: poplar, maple, ash, birch and willow. Install domestic sprinklers on the exterior of the sides of the building that are less than 20 metres from the vegetation. Examples of highly flammable plants are: pine, cypress, cedar, fir, larch, redwood, spruce, kanuka, manuka.

For more information please go to <https://www.fireandemergency.nz/at-home/the-threat-of-rural-fire/>

If your building or dwelling is next to vegetation, whether it is forest, scrubland, or in a rural setting, please detail below what Risk Reduction measures you will take to mitigate the risk of fire development and spread involving vegetation?

7 (a) Vegetation Risk Reduction Strategy

The proposed buildings have been designed to meet the Omarino Management Plan's design guidelines. The buildings are to be constructed within a large cleared grassed area. Access is via an existing internal access road. The site is vegetated on its south (and south facing) portion, and this vegetation cannot be cleared as it is part of the Omarino Management Plan's re-vegetation planting plan and must be retained. The water tanks, not just for Lot 12 but also for some of the utility Lot 18's water supply, are located on this south facing portion of Lot 12. There is also a bush area to the north and downslope of the proposed buildings. This bush is not subject to retention under the re-vegetation plan, however it is desirable to leave it intact for habitat and amenity reasons. The dripline is some 20m below the main house but only 5m from the guest house/caretaker accommodation. In addition there is more bush to the west of the main house, with a separation distance of 10m. The access road separates the south facing bush clad slope from the area to be developed, however there are mature trees along the north side of the access road that are required to be retained for visual amenity/impact mitigation purposes. There is a separation distance of at least 10m between these trees and the main house, with a 'forecourt' (paved) area in between. There is a similar separation between the guesthouse and vegetation on alongside the access road. A landscape planting plan is being prepared for planting in proximity to the buildings and around the grounds, and will take into account the Vegetation Risk Reduction measures outlined in Section 7.

Internal FENZ Risk Reduction comments only:

Click or tap here to enter text.

8. Applicant

Checklist	
☒	Site plan (scale drawing) – including; where to park a fire appliance, water supply, any other relevant information.
☐	Any other supporting documentation (diagrams, consent).

I submit this proposal for assessment.

Name: Lynley Newport Dated: 17/09/2025

Contact No.: 09 4077 360

Email: lynley@tsurvey.co.nz

Signature: Click or tap here to enter text.



9. Approval

In reviewing the information that you have provided in relation to your application being approximately a Click or tap here to enter text. square metre, Choose an item. dwelling/sub division, and non-sprinkler protected.

The Area Manager of Fire and Emergency New Zealand under delegated authority from the Fire Region Manager, Te Hiku, has assessed the proposal in relation to firefighting water supplies and the vegetation risk strategy. The Manager Choose an item. agree with the proposed alternate method of Fire Fighting Water Supplies. Furthermore; the Manager agrees with the Vegetation Risk Reduction strategies proposed by the applicant.

Name: Click or tap here to enter text

Signature: Click or tap here to enter text

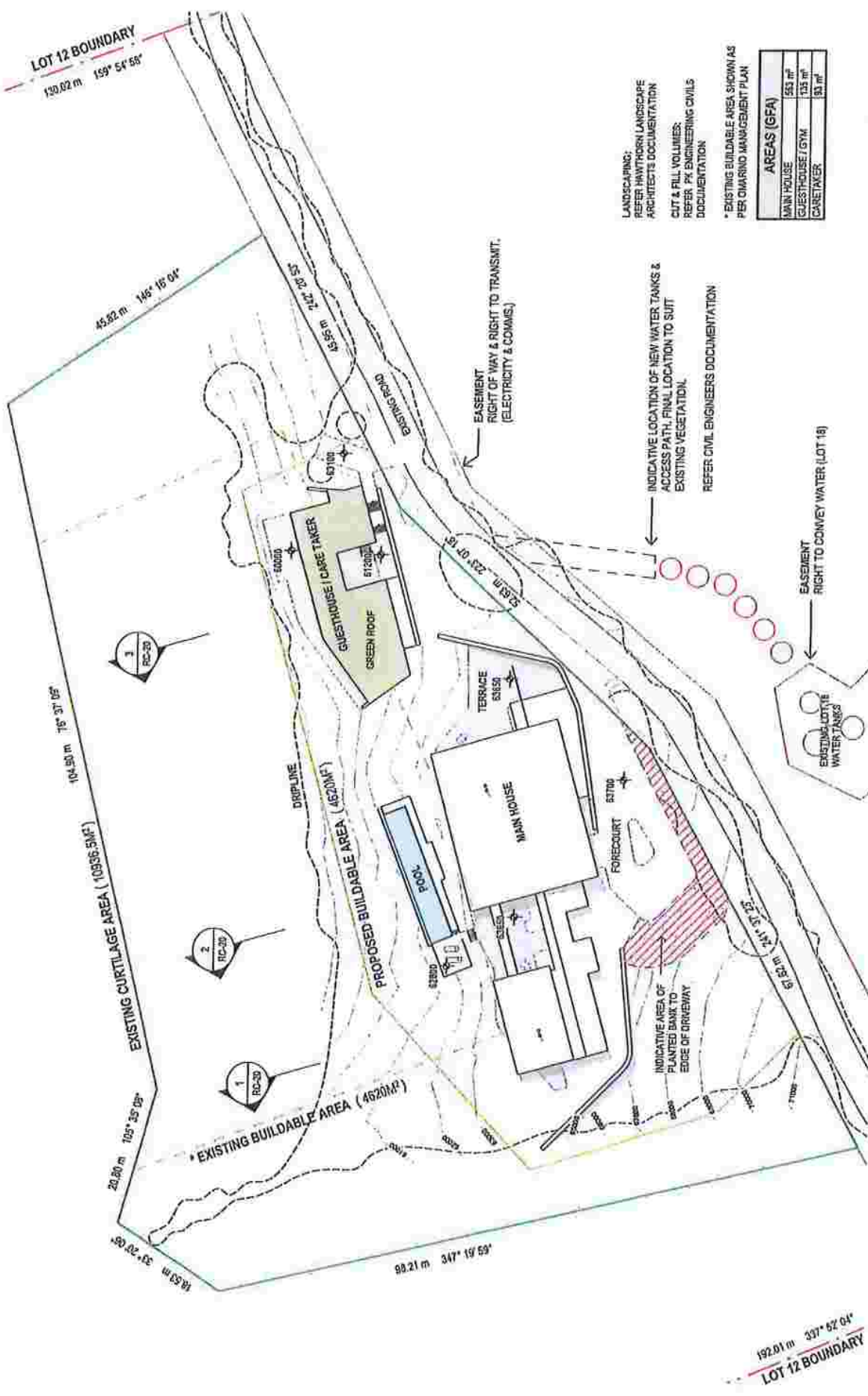
P.P on behalf of the Area Manager

Fire and Emergency New Zealand
Te Tai Tokerau / Northland District

APPROVED

By GoffinJ at 11:39 am, Sep 18, 2025

Jason Goffin- Advisor Risk
Reduction



LANDSCAPING:
 REFER HAWTHORN LANDSCAPE ARCHITECTS DOCUMENTATION
 CUT & FILL VOLUMES:
 REFER PE ENGINEERING CIVILS DOCUMENTATION
 * EXISTING BUILDABLE AREA SHOWN AS PER CHAIRMAN MANAGEMENT PLAN

AREAS (GFA)	
MAIN HOUSE	553 m ²
GUESTHOUSE / GYM	135 m ²
CARETAKER	53 m ²



GEOTECHNICAL REPORT

FOR
PROPOSED DEVELOPMENT
AT
LOT 12 DP 391213
285 MANAWAORA RD
FOR
KASPUTY, J AND VAN MATER, V



Job No:	25-046
Date: Rev0	16/09/2025

Level 1 ANZ Bank Building 90 Kerikeri Road, Kerikeri, New Zealand
Telephone: 09 407 3255 Email: leampk@pkengin.co.nz

8. POTABLE WATER SUPPLY

The supply of potable water to the main dwelling and guest cottage will be via roof supply provided by 4 x 25,000L concrete water tanks positioned on the ridgeline to the south of the main access track as shown on the drawings sheet SC1.1. This location is preferred setback from the road to shelter the tanks from view and protect the trees at the backdrop of the building. If the final position of the tanks is to be as is shown on the drawings, then the following recommendations are recommended to provide a stable platform for the tanks:

- Overburden soils to be cut at equal weight of a full water tank to equal weight of soil. or tanks be 60% buried
- Cut design be carried out by a suitably chartered professional engineer familiar with these soils
- Drainage measures be put in place at the base of the excavation to stop the pooling of water and connected to the existing discharge point.

The overflow pipe from the water tanks is to be a Ø225 uPVC fully secured to the Ø300mm culvert flume. A pumping chamber from the tanks on the ridgeline is required to supply both dwellings.

The runoff from the roof will be collected in a 25,000-litre holding tank at the north lower portion of the site. This holding tank will require a specifically designed pumping chamber capable of discharging 10 litres per second with 15m of head. An Ø225 overflow pipe from the holding tank to Manhole 1 will be required in order to take stormwater overflow or in the event that the pump stops working.

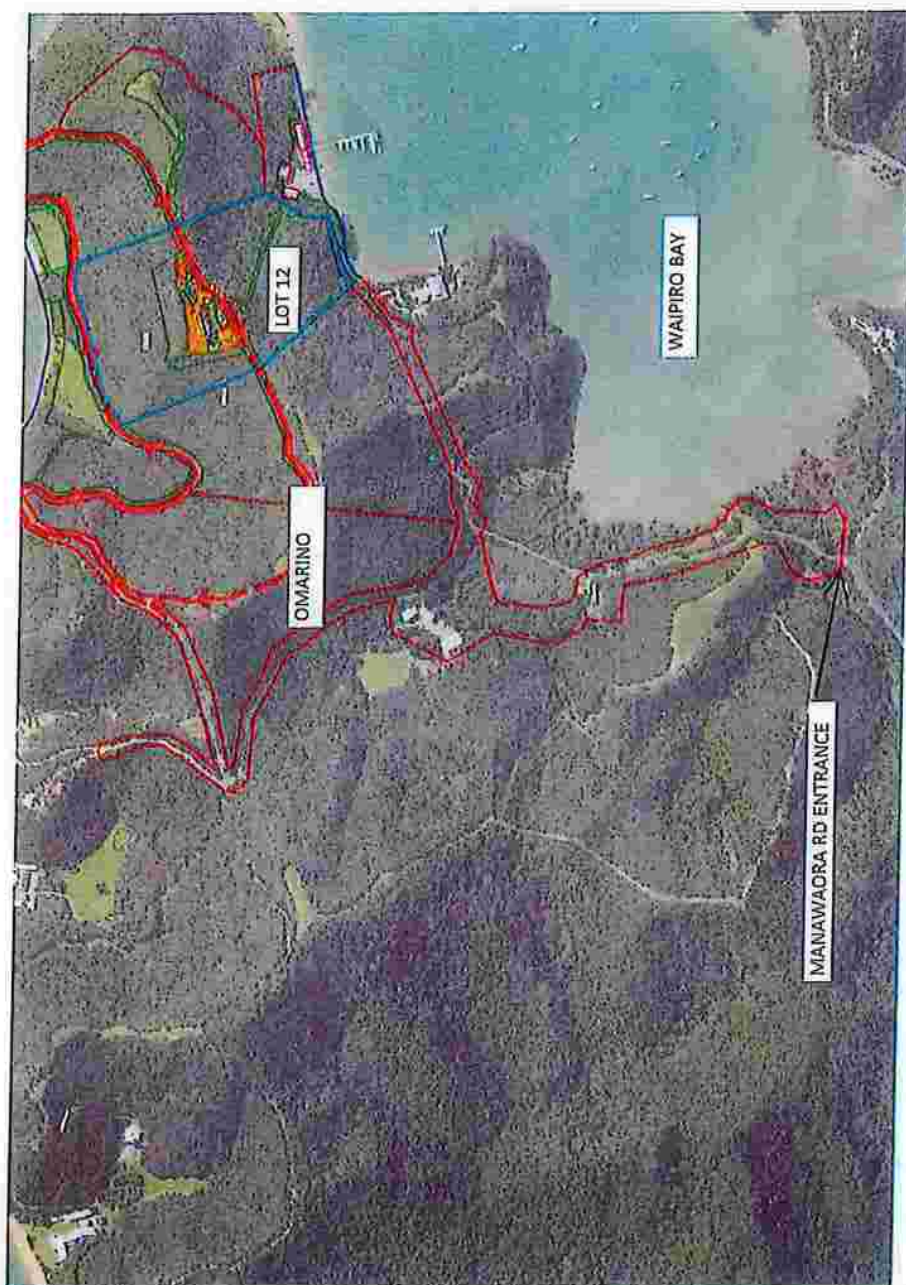
In line filters are required to be installed for all potable water supply.

8.1 NON POTABLE WATER.

It is proposed to have one 25,000L water tank as a non-potable water supply holding tank for the stormwater overflows from the proposed guest cottage green (living) roof. The position of this tank is shown on sheet SC1.0 and an Ø150mm overflow pipe to manhole 1 is recommended. The water in this tank can be utilized for garden irrigation only and is non potable.

8.2 FIRE FIGHTING SUPPLY.

It is proposed to position 2 x 25,000L concrete tanks permanently full of water for firefighting supply. The position has been shown on sheet SC1.1. The final position should always be within 90m of the building and 45m² available as per the guidelines of SNZPAS-4509-2008 for buildings without sprinklers. Connections need to be suited FENZ local fire trucks. A fire and emergency access plan has been provided in appendix A as sheet FENZ 1.0.



ISSUED FOR CONSENT



Kemp, J & Van Marter, V

Lot 12 DP 391213
285 Manawaora Rd, Russell
PROPOSED DWELLING
SITE LOCALITY PLAN

Notes:
1. THIS PLAN IS FOR THE PROPOSED DWELLING SITE ONLY. IT DOES NOT REPRESENT THE ENTIRE SITE OR THE ENTIRE PROJECT. THE CLIENT IS RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED.
2. VERIFY ALL DIMENSIONS AND LOCATIONS OF PROPOSED DWELLING SITE WITH THE LANDOWNER AND THE COUNCIL BEFORE CONSTRUCTION.



N

A

PK

DATE: 15/03/2023

CHECKED BY: [Signature]

DRAWN BY: [Signature]

SCALE: 1:1000

PK

DATE: 15/03/2023

CHECKED BY: [Signature]

DRAWN BY: [Signature]

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DATE: 15/03/2023

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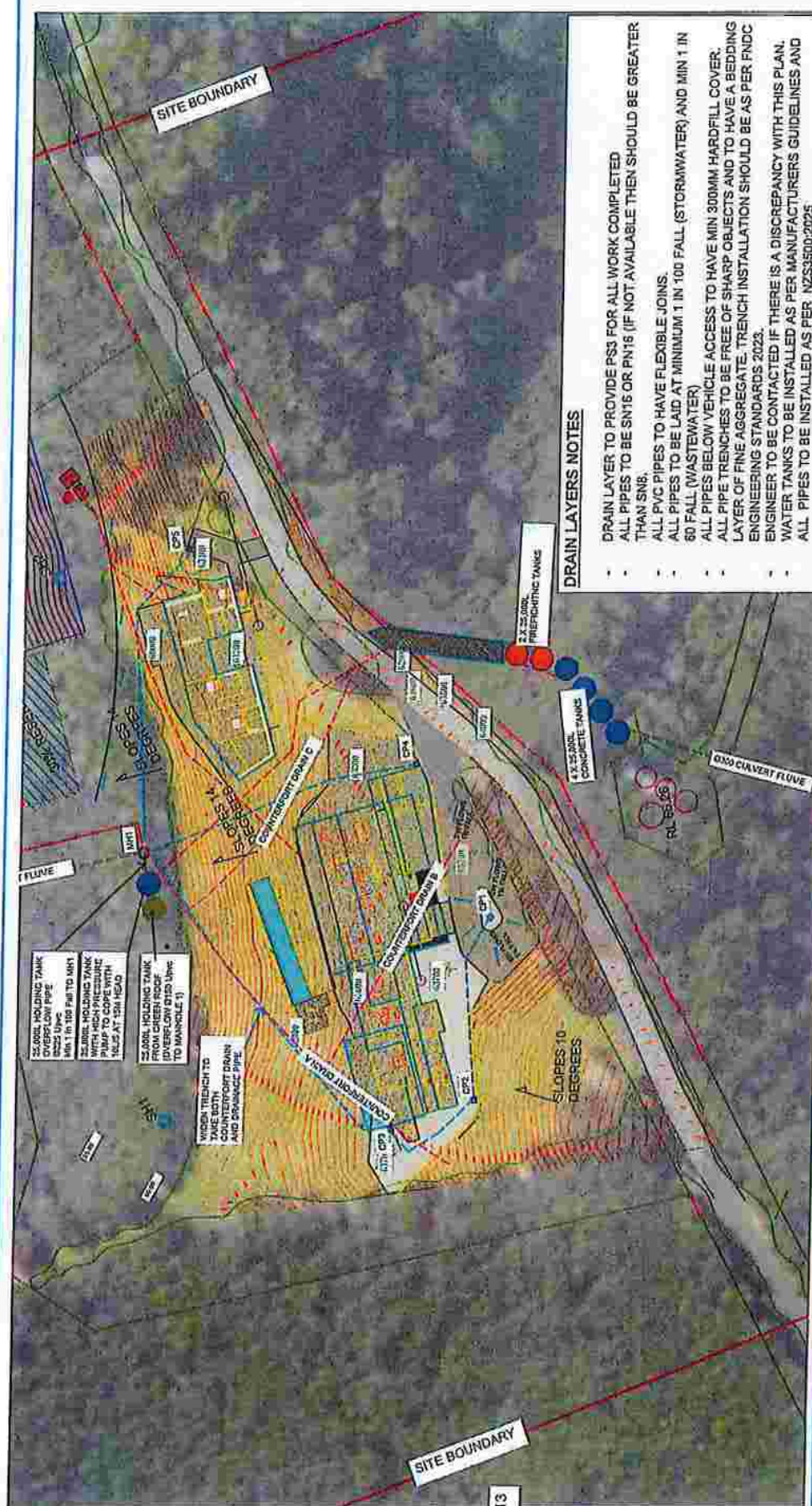
PK

DATE: 15/03/2023

CHECKED BY: [Signature]

DRAWN BY: [Signature]

SCALE: 1:1000



DRAIN LAYERS NOTES

- DRAIN LAYER TO PROVIDE PS FOR ALL WORK COMPLETED
- ALL PIPES TO BE SN16 OR PN16 (IF NOT AVAILABLE THEN SHOULD BE GREATER THAN SN8)
- ALL PVC PIPES TO HAVE FLEXIBLE JOINS
- ALL PIPES TO BE LAID AT MINIMUM 1 IN 100 FALL (STORMWATER) AND MIN 1 IN 60 FALL (WASTEWATER)
- ALL PIPES BELOW VEHICLE ACCESS TO HAVE MIN 300MM HARDFILL COVER
- ALL PIPE TRENCHES TO BE FREE OF SHARP OBJECTS AND TO HAVE A BEDDING LAYER OF FINE AGGREGATE. TRENCH INSTALLATION SHOULD BE AS PER FNDC ENGINEERING STANDARDS 2023.
- ENGINEER TO BE CONTACTED IF THERE IS A DISCREPANCY WITH THIS PLAN.
- WATER TANKS TO BE INSTALLED AS PER MANUFACTURERS GUIDELINES AND ALL PIPES TO BE INSTALLED AS PER NZS3500:2025

STORMWATER, WASTEWATER, POTABLE WATER SERVICES LEGEND

- POTABLE WATER SUPPLY HOLDING TANK TO HEADER TANK**
- WASTEWATER**
- STORMWATER/DRAINAGE**
- Ø150 Upvc (OR LARGER) SN16
 - Ø300 CULTVERT FLUME
 - COUNTERFORT DRAIN CONNECT TO MANHOLE (DETAIL SW3)
 - CESSPIT LOCATION
 - MANHOLE LOCATION
 - POOL BACKWASH SOAKAGE HOLE (REFER TO SHEET SW4 FOR DETAILS)

Notes:

1. THE COVERED AREAS SHOWN IN THIS PLAN ARE TO BE MAINTAINED AS SUCH AND NOT TO BE USED FOR ANY OTHER PURPOSES.

2. VERIFY ALL DIMENSIONS AND LOCATIONS AGAINST THE EXISTING SITUATION. VARIATIONS, SET OUT WITHIN 10% OF THE DIMENSIONS SHOWN IN THIS PLAN, ARE ACCEPTED.

Korpijy, J. & Van Mier, V.



Lot 12 DP 391213		25-046		A3/SC1.1		RD	
PROPOSED DWELING SERVICES LAYOUT PLAN		25-046		A3/SC1.1		RD	
DATE: 15/08/2023		DATE: 15/08/2023		DATE: 15/08/2023		DATE: 15/08/2023	
DESIGNED BY: PK		CHECKED BY: PK		APPROVED BY: PK		APPROVED BY: PK	



FIRE AND EMERGENCY NEW ZEALAND ACCESS ROUTE TO LOT 12 OMARINO
THROUGH EXISTING ONE WAY SYSTEM

Notes:

1. THE PROPOSED ROUTE IS SHOWN IN RED. IT IS A ONE WAY ROUTE TO LOT 12 OMARINO. IT MAY BE USED BY FIRE AND EMERGENCY SERVICES TO ACCESS LOT 12 OMARINO. THE ROUTE IS NOT A PUBLIC ROAD AND IS NOT TO BE USED BY OTHER VEHICLES.
2. VEHICLES MUST STOP AT THE STOP SIGN AND WAIT FOR THE GREEN LIGHT TO TURN RIGHT. VEHICLES MUST NOT ENTER THE ROUTE AT ANY OTHER POINT.



Kozuplys, J. & Van Marter, V.

Lot 12 DP 391213		285 Manawairo Rd, Russell	
PROPOSED DWELLING		FIRE AND EMERGENCY SITE PLAN	
1:2000	20/11/25	AV	PK
25-046	A3/FENZI.0	R0	

ISSUED FOR CONSENT



LEVEL 1 - AND BENEATH
TO ESDEN ROAD, ESDEN
PO BOX 444, ESDEN
Phone: 09 409 40 40
Email: info@pkengineering.co.nz

Appendix 7

Approval from Omarino Review Panel

12/09/2025

To Whom it May Concern

AWHI ATU : Lot 12 OMARINO DESIGN REVIEW

I have reviewed the proposed new residence at Lot 12 DP 391213 Omarino, Bay of Islands

The drawings I have seen include the Architectural Description and the following prepared by Bossley Architects:

RC-00	Cover
RC-01	Location Plan
RC-02	Site Plan
RC-10	Floor Plan Main House
RC-11	Floor Plan Guest House/Caretaker
RC-20	Height Planes and Cross Sections
RC-22	Sea Views 01
RC-23	Sea Views 02
RC-24	Sea Views 03
RC-30	Elevations Main House
RC-31	Elevation Guest House/Caretaker

In my view, the architectural drawings conform with the intentions of the Architectural Design Guidelines outlined in the Draft Management Plan, May 2005.

I am aware that the application applies for an increase of the maximum height from 4.0m rolling to 5.5m. In my view the difference will be minor, and the intention of the original Management Plan Guidelines, namely, to ensure house forms will not be visible against the skyline when viewed from the sea, will be met by the proposed design and the increased maximum height.

Nga mihi / Kind regards



Julian Mitchell

DIRECTOR
MITCHELL STOUT DODD ARCHITECTS LTD

Appendix 8

Consultation with local iwi

lynley@tsurvey.co.nz

From: Hamish Lewis <hamish@omarino.co.nz>
Sent: Monday, 29 September 2025 7:58 am
To: Pete Bossley; Finn Scott; Lynley Newport
Subject: Fw: Proposed Building Consent Approval for Lot 12 Omarino Estate

Hey Guys this is from the local Rawhiti Hapu
Many thanks
Hamish

Get [Outlook for Android](#)

From: Huri Rewha <huri.rewha@gmail.com>
Sent: Sunday, September 28, 2025 8:18:53 PM
To: Hamish Lewis <hamish@omarino.co.nz>
Subject: Proposed Building Consent Approval for Lot 12 Omarino Estate

Kia ora Hamish,

We have sighted the architecture house plans proposed for Lot 12. We acknowledge the low profile design to fit within the natural contours and nature covenants of the outstanding landscape status afforded to Omarino Estate. We note particular care has been taken in the design to make subtle use of the outlook and nature surroundings.

Ngati Kuta RMU has no objection to the architectural design proposed on the designated site. Our consent is subject to meeting councils planning, building and engineering codes which the architect would be familiar with.

Hamish, we thank you for the opportunity and having Rana as the site overseer to monitor earth works, cultural or nature matters. Our standard terms will apply. On the matter of a site blessing we can arrange that for the owner/client. We also appreciate the cultural and spiritual sensitivity which is important to them and us as tangata whenua.

Nga mihi nui

Robert Willoughby
Kuia/Kaumatua Kahui RMU
0212714807

Appendix 9

Relevant excerpts from the Management Plan

The notebook cover features a photograph of a beach. The left side shows the ocean with gentle waves, while the right side shows a rocky shoreline with smooth, light-colored stones. A large, semi-transparent white arc is positioned over the water, framing the title text. The notebook has a silver spiral binding on the left edge and two punch holes at the bottom.

MANAGEMENT PLAN

Oct 2007

ōmarino

Ōmarino Management Plan

*This Management Plan dated October 2007,
replaces the Draft management Plan
submitted with the Resource Consent
Application titles "Tai Awhi Awhi
Management Plan May 2005"*



This Management Plan
has been prepared by:

Boffa Miskell

CONTENTS

Executive Brief	1
Context	1
1.0 Purposes of the Management Plan	2
2.0 Omarino Ownership Structure and Residents Association.....	3
3.0 Design Guidelines	4
3.1 Objective	4
3.2 Implementation.....	5
4.0 Site Rehabilitation	5
4.1 Objective	5
4.2 Background	5
4.2.1 Revegetation Areas and Management	6
4.2.2 Existing Planting Specifications.....	7
4.2.3 Maintenance and Weed Management.....	10
4.3 Implementation.....	10
4.4 Suggested Replacement Planting Composition	11
4.5 Specific Lot Treatment.....	12
4.6 Planting and Archaeological Sites.....	13
5.0 Brown Teal Conservation Management Initiatives.....	13
5.1 Objective	13
5.2 Background	13
5.3 Implementation	15

6.0	Animal Pest and Predator Control	15
6.1	Objective	15
6.2	Background	15
6.2.1	Possums	15
6.2.2	Rodent Control	16
6.2.3	Predators	17
6.2.4	Hedgehogs	17
6.2.5	Rabbits And Hares	17
6.2.6	Pukeko	18
6.2.7	Other Matters	18
6.3	Implementation	18
7.0	Maori Culture and Heritage	19
7.1	Objective	19
7.2	Introduction and Overview	19
7.3	Maori Principles and Key Values	20
7.3.1	Principles	20
7.3.2	Koiwi (Human Remains)	21
7.3.3	Maori Taonga And Wahi Tapu	21
7.4	Archaeology	21
7.5	Implementation	21
7.5.1	Appointment of a Representative	22
7.5.2	Identified Archaeological Areas Identified on Development Plan	22
7.5.3	Areas With Exclusive Use Curtilage Which Do Not Have Identified Archaeological Sites	24
7.5.4	Areas Outside Exclusive Use Curtilages	25
7.5.5	Discovery of Potential Archaeological Sites/Places of Cultural Value	25
7.6	Changes To The Maori Culture And Heritage Section	26

7.7	Contact Details	26
8.0	Communal Property Management.....	27
8.1	Objective	27
8.2	Implementation	27

ATTACHMENTS

- Attachment 1: Omarino Development Plan
- Attachment 2: Omarino Architectural Design Guidelines
- Attachment 3: Omarino Vegetation Framework
- Attachment 4: Omarino Resource Consents (as approved by Environment Court consent order)
- Attachment 5: New Zealand Historic Places Trust Authority
- Attachment 6: Plant Numbers

ŌMARINO MANAGEMENT PLAN

EXECUTIVE BRIEF

This Management Plan has been prepared for the Omarino Eco Development. The objective of this proposal is to provide for a low-impact and appropriate residential subdivision on the property, with a programme for native forest restoration and ongoing care. The Management Plan also describes sites of cultural and historical significance on the property and provides protocols for ensuring these are respected and protected.

This Management Plan document outlines the means to achieve this objective and details programmes and methods for implementation.

In this regard, the responsibility for the implementation of the Management Plan will fall on both the Omarino Residents Association for the property and/or individual property owners. These roles are described further in this plan.

Whilst covenants on the property titles will bind future owners to protect certain features of the property and protection measures in perpetuity, this Management Plan is intended as a 'living document' which is capable of responding to change over time.

This Management Plan should be read in conjunction with the Assessment of Environmental Effects (AEE) submitted with the resource consent application for the subdivision dated October 2004.

This AEE included information on the following:

- Size and location of lots, roads, infrastructure and encumbrances

- Topography
- Geotechnical Matters
- Presence of Natural Hazards
- Soil Classifications
- Outstanding Landscapes and Natural Features including vegetation, habitats and heritage items
- Measures to protect indigenous vegetation and habitats
- Engineering reports
- Low impact design measures
- Relevant information regarding adjoining properties
- Compatibility with existing uses and resources in the area

CONTEXT

The Omarino property is a 141 ha site located on Manawaora Road, Russell. It is a coastal block incorporating five bays and inlets and has outstanding views into the Parekura Bay and the greater Bay of Islands. Previously being property that has been farmed in its recent past, with some areas in pine plantation.

The present proposal is the result of intensive and detailed site investigations and follows recommendations by Boffa Miskell Limited to achieve an appropriate level of housing development on the site, while restoring and enhancing the land. A copy of the

ŌMARINO MANAGEMENT PLAN

development plan for Omarino, showing the location of lots, buildable and curtilage areas, sites of historic and cultural features and other site and development features, is included at Attachment 1 to this Management Plan.

The Omarino development will encourage purchasers who desire to live in an outstanding 'natural environment'. It proposes significant restoration and conservation measures which will leave a legacy of landscape and ecological benefit.



Photograph 1: Walpiro Bay

1.0 PURPOSES OF THE MANAGEMENT PLAN

The purposes of this Management Plan are as follows:

- To provide for the use and enjoyment of the Omarino residential properties for owners, their families and guests.
- To provide a basis for the development of resident's association rules which will give effect to the purpose and provisions of the Management Plan.
- To establish Design Guidelines which will ensure that the development of buildings, structures and site landscaping have design integrity, and are sympathetic to the landscape and character of the property as a whole.
- To provide ongoing maintenance for the native forest restoration which has been completed on the property.
- To provide a regime for controlling animal pests and predators on the property.
- To provide detailed provisions for the management of Brown Teal, an "at risk" bird species, for which the wetland on the property is a recognised habitat.
- To provide for the maintenance of roads, tracks, communal buildings and other utilities on the property.
- To provide controls and protocols to ensure the protection and maintenance of heritage sites and sites of cultural significance on the property. These include the creation of heritage covenants on the two pa sites on the property.
- To establish a framework to ensure that the communal facilities provided at Omarino for the use of its residents, such as the recreation room and boating facilities, are used in a manner that respects neighbours in the Bay.
- To bring the requirements of the resource consents authorising the subdivision and development, and the New Zealand Historic Places Trust Authority, to the attention of property owners (the relevant consents issued by the Far North District Council and the Northland Regional Council are attached as Attachment 4, to this Management Plan and

ŌMARINO MANAGEMENT PLAN

the New Zealand Historic Places Trust Authority at Attachment 5).

2.0 OMARINO OWNERSHIP STRUCTURE AND RESIDENTS ASSOCIATION

This Management Plan will be administered by the Omarino Residents Association (ORAI). All purchasers of an allotment are required, by virtue of their sale and purchase contract, to become a member of the ORAI. In addition, a covenant is placed on each of the titles in the subdivision, requiring that all owners are to be a member of the ORAI, and comply with the rules of the ORAI.

This Management Plan forms the basis of the residents association rules and is required to be implemented under those rules.

All members of the ORAI will have a copy of the Management Plan.

The ORAI shall comprise of Omarino land owners and will establish its own charter, budget and rules to give effect to the responsibilities outlined in this Management Plan.

An on-site caretaker shall be contracted by the ORAI for the day-to-day running of the property and to implement the duties and responsibilities as outlined in this Management Plan.

Owners of allotments within Omarino will have exclusive use of a "curtilage area" identified within each allotment on the development plan. Within each curtilage area a "buildable area" is identified, setting the boundaries on each site within which buildings can be erected.

In recognition of the desire to preserve the environment of Omarino and to protect and respect matters of historical and cultural significance, property titles for each of the 17 lots at Omarino are subject to the following covenants and/or consent notices:

- The areas outside of the exclusive use curtilage areas on each allotment shall be maintained in accordance with the site rehabilitation plan and subject to a covenant in favour of the Far North District Council. These areas will remain free of buildings and structures, other than allowing a drive to each lot and plant for wastewater disposal, unless resource consent is obtained from the Council. The on-going management of these areas shall be the responsibility of the ORAI.
- All new buildings, additions and alterations to buildings and landscaping of the exclusive use curtilage areas shall be approved by the ORAI Landscape and Architecture Review Panel in accordance with the processes set out in this Management Plan. All owners are required to be a member of the ORAI.
- Consent notices on each of the property titles shall specify that no further subdivision of the individual allotments may occur.
- Covenants are placed on each title specifying that all buildings contained on each allotment will remain in single ownership and will not be sold, leased or otherwise disposed of. The covenant also restricts the location of buildings to within the "buildable areas" identified on the development plan.

ŌMARINO MANAGEMENT PLAN

- A covenant applies to Lots 1-11, specifying that the consent holder will not for the duration of this consent, erect, place, use or keep on the land defined below, nor permit any other person or organisation of any kind to erect, place, use or keep on the land any building, wharf, jetty, marina, boat ramp or facility associated with access to and across the coastal marine area boundary within a setback of 20 metres inland from the mean high water mark.
- Lots 3 and 10 will be subject to heritage covenants, registered in favour of the New Zealand Historic Places Trust, to protect and preserve a historic Pa site on each of these properties.
- Where an allotment has an archaeological site, this will be recorded on the title of that allotment to ensure future owners are fully aware of its existence.

3.0 DESIGN GUIDELINES

3.1 Objective

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



Photograph 2: Moturua Island

The Guidelines cover the following matters:

- The establishment of an Architecture and Landscape Review Panel to review and approve all house and curtilage area landscape designs. Processes for approval are set out in the Design Guidelines.
- Controls on building scale (including maximum height of buildings) and form tailored to each site.
- Controls specifying appropriate roof forms, walls / fences / screens, materials, colour, service courts, pools and services.

ŌMARINO MANAGEMENT PLAN

- Controls on both soft and hard landscaping elements of the curtilage areas.
- Controls on infrastructure, including signage, letterboxes and lighting.
- A description of the design approval process.
- Protocols for construction (to be read in conjunction with the protocols for site works included in Section 7.0 Maori Culture and Heritage).

3.2 Implementation

- (i) Implementation of the Design Guidelines will be the responsibility of the ORAI. The ORAI will appoint an Architecture and Landscape Review Panel (ALRP), which will review and approve all building and landscaping proposals on the property.
- (ii) The following will be required to be presented to the ALRP for review and approval, prior to commencement of construction and/or submission of plans to the Council for resource or building consent approval:
 - a. All new buildings or structures on lots 1 – 17.
 - b. All external alterations or additions to buildings or structures on lots 1 – 17, other than regular maintenance and unless the ORAI is satisfied that such alterations or additions are sufficiently minor in extent as to not change the off-site (or general) appearance of the building or structure.

- c. All major landscaping on lots 1 – 17.

- (iii) The ALRP will be appointed by the ORAI. The ALRP shall consist of no fewer than three qualified design professionals (at least two registered architects and a landscape architect) and an elected representative from the ORAI.

The process for approval of buildings and landscaping is set out in Section 7.0 of the Design Guidelines (see Attachment 2). All members are required by the rules of the ORAI to comply with the design approval process.

4.0 SITE REHABILITATION

4.1 Objective

To restore and enhance the natural character and ecological values of the property by revegetating all areas outside of curtilage areas, but excluding heritage sites and sites of cultural importance and utility/access areas.

4.2 Background

The application site at Omarino has undergone substantial land use change in order to return it to the vegetation that typifies the Bay of Islands. Initially a significant portion of the application site was a pine forest. Harvesting of an area of pines on the coast on the property was undertaken from December 2002 and completed in May 2003 with the last remaining pocket removed from the property in 2006. The land was then progressively revegetated with native revegetation using a selected composition of native shrub and tree species.

ŌMARINO MANAGEMENT PLAN

A detailed site investigation was undertaken by Boffa Miskell Limited in 2004 and identified seven discrete native vegetation groups/assemblages and one exolic pine forest.

These are:

1. Pohutukawa–kanuka forest
2. Kanuka–haekaro forest with some pohutukawa
3. Kanuka shrubland forest
4. Mixed coastal shrubland
5. Kanuka with some pohutukawa
6. Kanuka with pohutukawa and broadleaf forest
7. Freshwater wetland
8. Pine forest

The management approach at the property operates within a holistic view of the ecological parameters at hand. The staffing for all work was undertaken initially by on property staff under the guidance of Shane Hyde (of Ecoland Ltd) and Barry Gordon, the farm manager at Omarino. In addition to the areas of existing vegetation Ecoland Ltd has undertaken a substantial amount of revegetation in conjunction with Omarino personnel.

4.2.1 Revegetation Areas and Management

Previously, cattle were used to maintain all pasture areas at the application site, but have now been removed (as of February 2005)

to allow for the uninhibited continuation of the full scope of the revegetation works. Revegetation is now complete.

The initial land preparation to provide for the implementation of planting utilised cattle to heavily graze planting areas as an initial site preparation and farm maintenance practice. After the first substantial rain all planting areas were sprayed. Sprayed areas were seeded with a lotus and clover mix, the rationale being to fix nitrogen, suppress weed growth and act as a short pasture medium into which planting can occur.

Following growth the lotus/clover mix, planting was undertaken. This planting occurred in Autumn. All areas where the soil moisture is high were planted first, and those having low soil moisture were planted at a later date once the soil moisture increased.

Evidence of the health and vigour of planted native vegetation on the site indicates that the current process of planting and maintenance at the Omarino property is effective and is functioning well.

Plant mortality or establishment failure of native plantings sometimes occurs, particularly in planting operations of the size and scale that is being undertaken at Omarino. Any such loss of plants in excess of 10 percent and spread evenly over the site, shall be replanted with replacement native plants of the same species. Similarly, if large areas of planting fail, these areas are to be replaced in full. Areas that require replacement planting shall have these works undertaken during the winter planting season of the following maintenance year.

Planting undertaken since 2005 onwards has been staged to begin at the western end (back) of the property and progress forward to

ŌMARINO MANAGEMENT PLAN

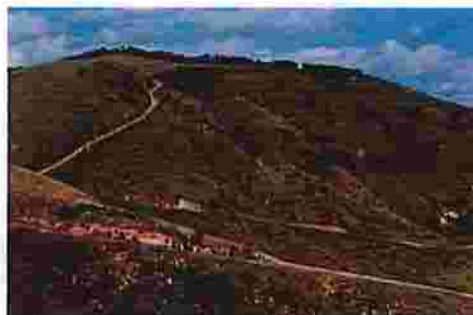
the entrance of the application site. The spacing for these plantings varied and was approximately 1 to 1.5 metres depending on the species.

As at August 2007, 897,000 plants had been planted on the property. The total number of plants for each year is included on the Table in Appendix 6.

4.2.2 Existing Planting Specifications

Numerous different sized revegetation plants have been used on the property, these include the following:

- PB ¾, 2,3,5. (all species)
- PB 40,80 (pohutukawa and cabbage tree only)
- 7 cm tube (all species)
- 80 cm2 (all species)
- Root Trainer (hardy species)
- Side sock pruner (hardy species)



Photograph 3: February 2005

Photograph 3 illustrates the nature of the 2005 plantings. The planting composition and mix is shown in Table 1.

Aside from this direct planting, a substantial quantity of seed is dispersed in an attempt to replenish the seed bank and promote natural regeneration. To date three kilograms of manuka seed, one and a half kilograms of kanuka seed and two kilograms of flax seed have been distributed widely across the existing revegetation areas.

Ecoland Ltd identifies that natural regeneration of kanuka, mahoe, clematis, mingimingi, karamu, matipo, whau, hebe, flax and rangaranga lilies has occurred, assisted by the removal of stock, and animal pest and weed control.

The planting at Ōmarino has consisted of a number of variations to the base composition; these are primarily based on the spatial proximity to the coast, slope, aspect and accessibility to water, together with the enrichment of existing native forest.

ŌMARINO MANAGEMENT PLAN

Table 1: Existing Planting Base Composition

FOREST PLANTING SPECIES		MIX %
Mass Planting Species		
<i>Agathis australis</i>	Kauri	0.03
<i>Alectryon excelsus</i>	Titoki	0.16
<i>Aristotelia serrata</i>	Wineberry	0.29
<i>Arthropodium cirratum</i>	Rengarenga	1.02
<i>Bellshmielia tarair</i>	Tarairo	0.07
<i>Carex spp</i>	Grasses	5.82
<i>Coprosma robusta</i>	Karamu	4.36
<i>Cordylina australis</i>	Cabbage Tree	1.16
<i>Cordaria sarmentosa</i>	Tutu	1.45
<i>Cortaderia splendens</i>	Toetoe	1.16
<i>Corynocarpus laevigatus</i>	Karaka	0.15
<i>Cyanthea smithii</i>	Ponga	0.22
<i>Dacrycarpus dacrydioides</i>	Kahikatea	0.03
<i>Dodonaea viscosa</i>	Akeake	1.16
<i>Entelea arborescens</i>	Whau	0.31
<i>Geniostoma rupestre</i>	Hangehange	0.03
<i>Griselinia littoralis</i>	Puka	0.84

(Planting composition continued)

FOREST PLANTING SPECIES		MIX %
Mass Planting Species		
<i>Hebe spp</i>	Hebe	1.74
<i>Knightia excelsa</i>	Rewarewa	0.15
<i>Kunzea ericoides</i>	Kanuka	10.18
<i>Leptospermum scoraplum</i>	Manuka	58.30
<i>Meliccytus ramiflorus</i>	Mahoe	0.76
<i>Metrosideros excelsa</i>	Pohutukawa	0.51
<i>Pittosporum crassifolium</i>	Karo	0.87
<i>Pittosporum eugenoides</i>	Lemonwood	0.87
<i>Pittosporum tenuifolium</i>	Kohuhu	0.73
<i>Phorium tennax</i>	Flax	5.52
<i>Plaglanthus regius</i>	Ribbonwood	0.03
<i>Podocarpus totara</i>	Totara	0.45
<i>Pseudopanax arboreus</i>	Five Finger	0.87
<i>Rubus species</i>	Creepers	0.44
<i>Sophora microphylla</i>	Kowhai	0.22
<i>Vitex lucens</i>	Puriri	0.09
<i>Weinmannia silvicola</i>	Towai	0.02

ŌMARINO MANAGEMENT PLAN



Photograph 4: Well-established 2-year-old native planting at Ōmarino (2005)

The use of a variety of plant sizes has allowed the contractor to better understand the dynamics of the site and plant specifications most suited to it. The use of various plant stock sizes has occurred due to the availability of different sized plant material from local nurseries and from stock produced on site. The different planting sizes are also reflected in their primary purpose (i.e. amenity trees or bush revegetation), along with the requirement for small and light plant grades for transporting to difficult planting sites, and the suitability of different plant grades for different species.

Initially a large quantity of plant stock was sourced externally from local nurseries. The sourcing of the plant stock has mainly been acquired from the on site nursery which undertook the majority of

the propagation itself. Local nurseries now act to supplement the on site nursery stock.



Photograph 5: Edge and under planting of previously grazed manuka shrubland (2005)

A combination of species have been utilised at a variety of locations over the site. In terms of site specificity these are, in the main appropriate for the site. Some of the *Hebe* species are not recognised as being specific to the site and the genetic origin of some pohutukawa material is also questionable. The effect of this is likely to encourage diversity and provide amenity at or near roadside edges. Despite this, their use will be discontinued with the exception of *Hebe stricta*, and *Metrosideros excelsa* sourced locally from naturally occurring specimens.

ŌMARINO MANAGEMENT PLAN

The approach to plant size has been to use PB2 or PB3 sized plants for more sensitive plants and with PB¾ grade used extensively for hardier species. Other grades which have been used and trialled include PB5 / 7cm Tubes / 80cm2 / RTT / Side sock pruners / PB40 / PB80 (as mentioned previously).

4.2.3 Maintenance and Weed Management

The major maintenance issue for the property is the control of kikuyu grass which is managed by release spraying of plants as required. Staff traverse the entire application site four times annually to conduct the required maintenance and enrichment planting with secondary succession planting species.

The current weed management regime consists of a vigilant identification and control approach, which is ongoing and includes numerous recognised weeds. These include convolvus, ginger, gorse, kikuyu, moth plant, pampas, ragwort, woolly nightshade and thistle species.

Gorse is controlled where it occurs in isolation, but where present within existing forest or revegetation it is left to act as a nurse crop for native species. Other species are controlled on an as required basis. Wilding Pines are removed.

4.3 Implementation

- (i) Implementation of the site restoration programme shall be the responsibility of the ORAI in accordance with the approved rehabilitation plan.

- (ii) The ORAI shall ensure it has sufficient funds for the ongoing maintenance of the planting, in accordance with the approved site rehabilitation plan.
- (iii) The site rehabilitation plan makes provision for the following:
 - a. Native planting shall utilise the species, types and quantities set out in 4.4 (Revegetation Species Lists). These species will be planted at an overall average of 1.5 metre spacings.
 - b. Rehabilitation and re-vegetation of all cut and fill batters, exposed earth areas following earthworks, and the formation of private roads and access ways is to be undertaken in accordance with (a).
 - c. Rehabilitation and reshaping of the logging head platform is to be undertaken in accordance with Figures 23 and 24 of "Bentzen Farm", Folio of Drawings, October 2004.
 - d. The planting is to be completed within a date of no more than three years of the granting of resource consent.
 - e. Invasive weed control is to continue as per the existing methods identified in this Management Plan, both at the time of planting and on an ongoing basis.
 - f. Residents should be provided with an information booklet detailing and illustrating actual and potential animal and weed pests for the application site.

ŌMARINO MANAGEMENT PLAN

- g. That only locally eco-sourced seed stock shall be used to propagate plants for supply and planting at Omarino.
- h. Planting around the margins of the Waipiro Bay wetland to provide optimum habitat for brown teal shall be followed as per the table titled "Freshwater Wetland Enrichment Revegetation Species List" in Section 4.4.
- i. Planting at or near archaeological sites shall occur in accordance with details specified in 4.6 "Planting and Archaeological Sites".

4.4 Suggested Replacement Planting Composition

For any replacement planting, three discrete planting pockets have been identified as a guide to the existing composition and any additional works that will take place. All replanting with native species shall occur within three years of resource consent approval.

The geographical nature of the site and its interaction with the coastal environment requires a differentiation between some of the more exposed and sheltered planting areas. Three differentiations have been made in relation to the site being exposed coastal, inland coastal and wetland vegetation. These species lists are included as Tables 2-4.

Table 2: Exposed Coastal Revegetation Species List

Exposed Coastal Revegetation Species List		
Scientific Name	Common Name	% Composition
<i>Astelia fragrans</i>	Coastal astelia	1
<i>Coprosma macrocarpa</i>	Coastal coprosma	7.5
<i>Coprosma repens</i>	Taupata	7.5
<i>Coprosma robusta</i>	Karamu	7.5
<i>Cordyline australis</i>	Cabbage tree	5
<i>Corynocarpus laevigatus</i>	Karaka	2
<i>Cyperus ustulatus</i>	Cult grass	2
<i>Dysoxylum spectabile</i>	Kohekohe	2
<i>Gahnia lacera</i>	Tarangarara	2
<i>Hebe stricta</i>	Koromiko	5
<i>Kunzea ericoides</i>	Kanuka	7.5
<i>Leptospermum scorapium</i>	Manuka	12.5
<i>Macropiper excelsum</i>	Kawakawa	2
<i>Metrosideros excelsa</i>	Pohutukawa	7.5
<i>Myrsine australis</i>	Mapou	5
<i>Pittosporum eugenioides</i>	Lemonwood	2
<i>Pittosporum umbellatum</i>	Haekaro	5
<i>Phorium cookianum</i>	Mountain Flax	2
<i>Phorium tennax</i>	Flax	7.5
<i>Podocarpus totara</i>	Totara	2.5
<i>Sophora microphylla</i>	Kowhai	2.5
<i>Vitex lucens</i>	Pururi	2.5

ŌMARINO MANAGEMENT PLAN

Table 3: Inland Coastal Revegetation Species List

Inland Coastal Revegetation Species List		
Scientific Name	Common Name	% Composition
<i>Beilschmiedia tarairi</i>	Taraire	2
<i>Beilschmiedia tawa</i>	Tawa	2
<i>Coprosma arborea</i>	Mamangi	1
<i>Coprosma macrocarpa</i>	Coastal coprosma	7.5
<i>Coprosma robusta</i>	Karamu	7.5
<i>Cordyline australis</i>	Cabbage tree	5
<i>Corynocarpus laevigatus</i>	Karaka	5
<i>Dysoxylum spectabile</i>	Kohekohe	2
<i>Gahnia lacera</i>	Tarangarara	2
<i>Geniostoma rupestre</i>	Hangehange	2
<i>Hebe stricta</i>	Koromiko	5
<i>Hoheria populnea</i>	Lacebark	2
<i>Knightia excelsa</i>	Rewarewa	2
<i>Kunzea ericoides</i>	Kanuka	7.5
<i>Leptospermum scorapium</i>	Manuka	10
<i>Macropiper excelsum</i>	Kawakawa	2
<i>Meliclytus ramiflorus</i>	Mahoe	5
<i>Metrosideros excelsa</i>	Pohutukawa	5
<i>Myrsine australis</i>	Mapou	5
<i>Olearia furfuracea</i>	Akepiro	5
<i>Pittosporum umbellatum</i>	Haekaro	2.5
<i>Phorium tennax</i>	Flax	5
<i>Podocarpus totara</i>	Totara	2
<i>Pseudopanax arboreus</i>	Fivefinger	2
<i>Pseudopanax lessonii</i>	Houpara	2
<i>Vitex lucens</i>	Pururi	2

Table 4: Freshwater Wetland Enrichment Revegetation Species List

Freshwater Wetland Enrichment Species List		
Scientific Name	Common Name	% Composition
<i>Baumea juncea</i>	Baumea spp.	7.5
<i>Beilschmiedia tawa</i>	Tawa	5
<i>Blechnum minus</i>	Swamp kiochio	5
<i>Carex secta</i>	pukio	7.5
<i>Carex geminata</i>	rautahi	7.5
<i>Carex virgata</i>	pukio	7.5
<i>Cordyline australis</i>	Cabbage tree	10
<i>Cyperus ustulatus</i>	Cutty Grass	7.5
<i>Dacrycarpus dacrydioides</i>	Kahikatea	7.5
<i>Juncus pallidus</i>	Giant rush	7.5
<i>Leptospermum scorapium</i>	Manuka	12.5
<i>Phorium tennax</i>	Flax	10
<i>Isachne globosa</i>	Swamp millet grass	5

4.5 Specific Lot Treatment

In addition to the above, large grade PB90-PB150 (i.e. 2-3 Metres high), Pohutukawa shall be planted in foreshore locations as generally indicated on the detailed house sites 1-11 in areas outside the garden/curtilage area. Details of this planting shall be forwarded to the Council for approval prior to implementation.

Furthermore a double row of *Acacia melanoxylon* shall be planted to the south of the house site on Lot 7 within the garden areas to provide a backdrop for future housing in this area. This planting will

ŌMARINO MANAGEMENT PLAN

be removed once the native revegetation reaches the height of the rest of the house.

Additional interplanting of canopy specimens from Table 2 will be planted within existing kanuka areas around the house site on Lot 11. This shall include the following species – Cabbage Tree, Karaka, Kohekohe, Pohutukawa, Lemonwood, Totara, Kowhai and Pururi.

4.6 Planting and Archaeological Sites

All archaeological sites are to be maintained in their current state (grassed). Pits and midden (identified by archaeologists Rod Clough & Associates Limited) are required to have a buffer of 2-metres from their extremity to the surrounding land matrix. Both Pa sites identified at the application site will also be free of additional vegetation. Full details on planting and on-going management of sites of heritage and cultural significance are set out in Section 7.0 (Maori Culture and Heritage).

5.0 BROWN TEAL CONSERVATION MANAGEMENT INITIATIVES

5.1 Objective

To provide for the protection of brown teal on the property and the enhancement of its habitat.

5.2 Background

The New Zealand brown teal (*Anas chlorotis*) is an endemic species identified as "Nationally endangered" by the Department of

Conservation. This status stems from the fact that brown teal are a small population and have had moderate to high recent decline. The Northland region is the only brown teal stronghold on the mainland, with Great Barrier Island also a historical stronghold. Predators are a major element in the decline of the brown teal alongside the destruction, modification and removal of wetland habitat.



Photograph 6: Illustrates the wetland site used by Brown Teal.

The Brown Teal Conservation Trust has identified two sites within the Northland region that have the potential as mainland sites for re-establishing populations of brown teal. These two sites include the Purerua Peninsula, north of Kerikeri (and approximately 15 kilometres directly to Ōmarino) together with Parekura Bay immediately adjacent to the existing freshwater wetland of the

ŌMARINO MANAGEMENT PLAN

Ōmarino property. Large numbers of brown teal were recorded at this roost site until the late 1990s. The last sighting of brown teal at Ōmarino was in 2002 when 4-5 pairs raised their young.

The freshwater wetland present at Ōmarino is approximately 2 hectares in size and is recommended for protection and enhancement to satisfy both requirements for brown teal and other waterfowl. This wetland is directly adjacent to Walpiro Bay and Parekura Bay, and therefore represents a significant opportunity to restore both the natural ecosystem and provide a haven for the endangered brown teal in years to come.



Photograph 7: Illustrates the wetland and its proximity to Walpiro Bay.

There are a number of critical requirements to allow brown teal to utilise the resources at hand. Firstly, and most importantly, brown teal require a protected habitat. Due to their susceptibility to pests and predators, a long-term control of cats, mustelids (ferrets, stoats, weasels) and rats must be seen as a priority. Other animals that can have serious effects on localised teal populations include the Australasian harrier hawk (predation), pukeko (predation of young) together with feral and domestic dogs.

The three key factors for brown teal habitat enrichment at Ōmarino are:

1. Elimination of all predators;
2. Provision of ample food and resources (invertebrates and aquatic vegetation); and
3. Protection and enhancement of habitat.

Brown teal are recognised to feed both diurnally and nocturnally being extremely active at night. Their feeding habitat is varied from within freshwater wetland environs, estuarine areas and within pastoral areas. In the wild their diet consists mainly of invertebrates, however other estuarine species are consumed such as fairy shrimps, snails, isopods, water boatmen, small shellfish, waterweeds, seeds and gravel. Whilst information on brown teal diet is not well documented, key invertebrate communities include all aquatic insects, insects with in-water larval stages, insects that do not enter the water but utilise wetlands extensively, and crustaceans.

Broad vegetation types that typify good brown teal habitat include many seed bearing plants and wetland vegetation such as

ŌMARINO MANAGEMENT PLAN

kahikatea, tawa, titoki, raupo, rushes, sedges, grasses, ferns, flowering plants, and flaxes. Overhanging vegetation is also important for brown teal because it provides protection from aerial predation from the Australasian Harrier.

Predator control is understood to be the primary restoration goal for the brown teal. A comprehensive predator control program is recommended in section 6.0 this Management Plan and should provide the backbone for brown teal restoration efforts at Omarino.

Providing the required resources in a safe environment the attractiveness to teal populations by predator control and enrichment planting will increase utilisation of the available habitat and success of the brown teal populations.

5.3 Implementation

Relevant implementation measures for the protection of brown teal are included in Section 6.3. A detailed planting plan has been undertaken for the margin of the wetland including around the caretakers house, boatsheds, and along the access road to provide for the necessary benefit to enhance the brown teal habitat.

6.0 ANIMAL PEST AND PREDATOR CONTROL

6.1 Objective

To provide for a programme of pest and predator control in order to restore, enhance and maintain the natural character and ecological values of the property.

6.2 Background

The existing management has undertaken significant pest control within the application site and are anticipated to continue this control on an ongoing basis and through the ORAI. The following sections outline this in relation to specific animal pests or predators.

In time, the requirements in terms of mammalian pest control will encompass the following physical works:

- Rodent Control
- Possum Control
- Set-up and operation of a bait station buffer
- Set-up and operation of predator control traps
- Rabbit control
- Monitoring, reporting and approvals

6.2.1 Possums

The Omarino property was heavily treated with Feratox (encapsulated cyanide) to control possums during 2003-2005. This pesticide was distributed heavily along boundaries and on or near significant pohutukawa trees.

Feratox application generally occurs every six months in October and in February. Pesticide is laid at these times for the following reasons:

OMARINO MANAGEMENT PLAN

- In October pesticide application kills adult possums and the foetus within the female pouch.
- Applying pesticide in February coincides with increasing possum movement, thus combating the increased risk of colonisation at this time and removing invading possums.

Rodent control (rats and mice) is always undertaken prior to possum control. Rodents (particularly rats) will remove large quantities of Feratox possum pesticide and reduce the effectiveness of the control operation. Therefore, it is important to control rats prior to undertaking any possum control.

Several bait stations have been installed on the perimeter and are checked for bait take and maintained accordingly. Buffer control is undertaken within the adjacent pine trees (owned by Bentzen Farms Ltd). Cyanide paste has been used as the pesticide for this control in recent times.

As possums have been controlled to very low numbers across the site using feratox-encapsulated cyanide. The general timeframes from initial control through to a requirement for maintenance control is approximately 3-4 years, and native forest habitats can sustain a residual population of about 8% Residual Trap Catch Index (RTCI) before impacts on native forest become evident. With this in mind, maintenance control is likely to be required within the next 2-3 years and be undertaken to a level of a post control RTCI that is less than 5%, but ideally 2-3% or lower.

Possum control should be undertaken using Feratox encapsulated cyanide. These pellets are placed within a biodegradable bag with a small amount of feratol-lured paste. Bags (with pellets and lure inside) are stapled to trees and posts within areas of habitat (all

bush areas and significant trees), from which possums consume the pesticide and it becomes lethal. As outlined the possum population should be reduced to below 5% residual trap catch index. Feratox is a controlled pesticide and caution should be exercised when applying it near public access, dwellings, water bodies or adjacent to boundaries and warning signage shall be erected to advise of this risk.

The ORAI should consult with the Medical Officer of Health for the region and advise the Department of Conservation prior to undertaking these works with controlled substances.

Following possum control, residual populations can be measured using the Residual Trap catch method, a standardized index for possum population monitoring.

Bait stations should also be located approximately 50 - 100 meters apart and bordering adjacent habitat near the Omarino property boundary. Each bait station should be filled with approximately 750grams of pesticide and pulse fed on for one week every month. Bait stations shall be checked and filled as required and dependant on bait take.

6.2.2 Rodent Control

Prior to any control occurring at the application site, rats were present in large numbers. A combination of techniques has been employed to both maintain very low rat densities and prevent rat invasion from adjacent land outside the Omarino property.

The initial control application consisted of Pindone distributed in Feratox style bags that are stapled to trees. Ecoland Ltd advises that this has been very successful.

ŌMARINO MANAGEMENT PLAN

The previous approach targeted rat access to the application site from the foreshore and its environs. Therefore at the extent of the property, bait stations have been erected within 100 meters of the high tide mark. Bait stations are treated with Pindone and Rackam pesticides at different times.

An attempt in 2005, to trap rats along the coastal foreshore was unsuccessful, and therefore is testament to the success of the current control program.

The recommended program for rodent control should seek to utilise pesticides like 'ditrac' or 'contrac' or similar suitable pesticide.

This pesticides should be distributed at a rate of 20 blocks per hectare. The procedure for deploying this pesticide is by simply nailing the block to trees or other objects away from stock and persons. Typically rodent control of this nature should be undertaken 2-4 weeks prior to a possum control operation.

6.2.3 Predators

Aside from shooting (where predators are shot on an as seen basis), no specific control is currently undertaken. Ecolands records show that in 2005, two feral cats were shot in the preceding two-year period with few others being sighted. No ferrets have been seen on the site, but stoats and weasels have been sighted near built structures at the property in the past. Ecoland believes predators persist in low numbers at the site.

It is anticipated that mustelids are present in low numbers; however even at low levels, localised effects on native species can be severe. The farm manager caught and killed four juvenile weasels in 2005. No formal control operation is active at Omarino at this

time, however a mustelid control program has been recommended, and is outlined below. Significant sites for avifauna such as the wetland situated on lot 18 are recommended as valuable sites for a cat and mustelid-trapping program.

The most effective method of controlling cats and mustelids is by using kill traps. It is recommended that approximately 30 mark 6 double Fenn sets, with double covers and potentially 10 Connie bear traps (for cats) should be acquired for ongoing predator control at the site. The traps should be set in a series of lines along linear landscape features (ridges and fencelines etc).and will require checking and rebaiting weekly. Salted rabbit meat is recommended as bait. It is suggested that one of these trap lines focus around the area of wetland and Brown teal habitat.

Success is generally more common throughout the summer months when mustelids are more active, and as such control efforts should focus around this time.

6.2.4 Hedgehogs

No control of hedgehogs occurs at the application site and no mainstream and targeted hedgehog control technique is recognised at this time.

6.2.5 Rabbits and Hares

Rabbit control is undertaken by spotlight hunting and no hares have been seen on the site. The rabbit control operation is ongoing and whilst progress is being made, the contractor is aware that a sustained control effort is required. Tallies from kills in 2003 were in excess of 100 rabbits, compared to 2004 when 70 rabbits were shot. A concerted effort is likely to reduce rabbit numbers to very

ŌMARINO MANAGEMENT PLAN

low levels. Observations at the site determined that low rabbit numbers exist at the application site at this present time.

Spotlight hunting and shooting is used as the most direct means of controlling rabbits. Combined with this is the application of pinedone and is undertaken around areas where rabbit scat and environmental damage is present. Pinedone should be laid on fresh turf spits and in specialized bait stations where rabbits are affecting plantings.

6.2.6 Pukeko

Pukeko have been a problem over past years because of their effects on ducklings and the damage they cause to native plantings. The population reduction of pukeko at the central wetland has resulted in a higher incidence of brown teal visits and successful breeding of teal at the application site. The removal of pukeko is seen as a major factor in the restoration of brown teal habitat and brown teal nesting success. Pukeko hunting is allowable with consent from Fish and Game. Alternatively pukeko can be trapped and released away from the restoration site.

6.2.7 Other Matters

Infrequently dogs from neighbouring residents visit the application site. This is a concern not only for the substantial faunal values present at Omarino but also for conservation within the wider district. Increased awareness of the sensitivity of the local ecology is recognised as a prudent measure to prevent any unnecessary species deaths.

In terms of ecology, anecdotal evidence of penguins nesting on the foreshore, and coastal skinks and geckos present on the foreshore, are indicators of successful pest control.

Resident cats will not be permitted, and dogs must be controlled (see implementation below).

6.3 Implementation

- (i) Implementation of the Animal Pest and Predator Control Programme shall be the responsibility of the ORAI and shall be undertaken in accordance with an approved programme.
- (ii) The ORAI shall ensure it has sufficient funds for the establishment and ongoing operation of the programme.
- (iii) The pest and predator control programme shall include the following actions:
 - a. Continued identification of animal pests and predators through on-going monitoring by the caretaker.
 - b. Possum and rat control shall continue to be undertaken using the existing methodology or a similar methodology approved by a suitably qualified expert.
 - c. Possum and rat control shall be conducted over the full extent of the Omarino property on an ongoing basis.
 - d. Monitoring of possum and rat populations over the entire property biannually and be used as a trigger for animal pest control.
 - e. A comprehensive predator control program be undertaken, focusing on existing areas where predators are observed, the central wetland and any additional areas significant to avifauna. This will

ŌMARINO MANAGEMENT PLAN

require trapping, baiting, monitoring and maintenance of all traps.

- f. Pukeko populations shall be managed to low levels at or near Brown Teal habitat.
- g. Dogs shall be restricted to a maximum of two per allotment and confined to the exclusive use area of each lot when in the company of the registered proprietor of that allotment or their invitee, or otherwise enclosed in an escape-proof enclosure and are required to be secured by way of a handheld leash when outside of this area.
- h. Resident cats and mustelids shall not be permitted.
- (iv) During implementation of the programme, the ORAI's caretaker may, from time to time, require access to the exclusive use curtilage areas for the purposes of monitoring, trapping and safely laying bait for pests and predators.
- (v) Access shall be by approval of the owner of the lot, or their nominated representative, and shall not be unreasonably withheld.

7.0 MAORI CULTURE AND HERITAGE

7.1 Objective

To protect, preserve and maintain areas of cultural or archaeological value.

7.2 Introduction and Overview

The Bay of Islands has a rich historical legacy. Evidence exists of Maori occupation on the subject site including two prominent Pa: Huirangi on Lot 10 and Te Korowhiti on Lot 3. The Omarino area also features evidence of occupation in the form of agricultural drains, food storage pits, a number of shell middens and Maori wahi tapu (sacred sites). These are an important heritage resource and have particular importance to local Maori. Owners are requested to respect these places.

There are several documented incidents of early European-Maori encounters in the vicinity of Omarino property. Although none of these historically documented incidents occurred on the property, the archaeological sites recorded suggest that a cautious approach is required in undertaking any buildings or earthworks. In addition, consultation with local Maori during the development phase of the subdivision, and a detailed site investigation by archaeologists engaged during the project development, has identified places of historical and cultural importance. The design of the subdivision and siting of buildable areas has taken account of and avoided these places.

ŌMARINO MANAGEMENT PLAN



Photograph 8:

This section of the Management Plan sets out the procedures and protocols for ensuring that these areas are properly protected and respected. Because the property has such a rich historic legacy, as-yet undiscovered archaeological features may be discovered either during earthworks for the establishment or alteration of houses or simply be uncovered over time naturally. This section of the management plan also includes protocols and procedures to ensure minimal disturbance of any sites and ensure that proper processes are followed, including the legal requirements of the New Zealand Historic Places Trust (NZHPT).

7.3 Maori Principles and Key Values

Local Iwi contributed in the planning stage of the Ōmarino subdivision proposal. They identified their fundamental principles for protecting and preserving cultural values.

7.3.1 Principles

(i) To Avoid Contact and Impacts

Ultimately, best practice planning is required to avoid contact or intrusion in areas significant to Maori that may threaten or impact upon heritage and cultural values. Maori input into this plan aims to provide appropriate information to assist the ORAI with the future management and development of their property.

(ii) Remedy Proposals

In the event that a proposed activity or development suggests contact or impact to heritage and cultural values, remedying the proposal to avoid such contact or impact must then be approached. Residents are encouraged to discuss their proposals with local Maori prior to initiating any developments.

(iii) Mitigating Negative Effects

In the event that principles 1 and 2 cannot be achieved, negative impacts to heritage and cultural values is most certain. This is the least desired outcome as it contradicts the objectives of this management plan. In most cases, mitigating negative effects results in loss of values. It must be clearly understood that Maori do not favourably support

ŌMARINO MANAGEMENT PLAN

mitigating negative effects therefore extensive discussions with Maori must be engaged for all proposals.

7.3.2 Koīwi (Human Remains)

Koīwi were often buried in areas throughout the Bay of Islands that have no identification as to their whereabouts. However, they are largely discovered along beach-front areas, at times in great numbers. As the property contains several fortified pa, there is a high likelihood that koīwi are buried within each bay on the Omarino property. To protect these values the management plan aims to provide buildable areas where developments can take place. Precautions must be taken along all coastal lots.

7.3.3 Maori Taonga and Wahi Tapu

Certain areas within Omarino are also significant to Maori and require protection. In particular, swamps, ridgelines, the foreshore above MHWs and wahi tapu (sacred areas) hold great historic and cultural value, although they are not yet registered archaeological sites. There are several swamp wetlands, ridgelines and wahi tapu located within the property and the management plan aims to protect these areas. The rules and procedures described in 7.4 Archaeology, will also apply in these areas, which are identified on the Development Plan in Attachment 1.

7.4 Archaeology

The ongoing protection, maintenance and integrity of heritage sites and matters of cultural importance is the responsibility of both individual lot owners in the development and maintenance of their properties, and is the responsibility of the ORAI in its management of the property as a whole. All recorded archaeological sites on the property are shown on the development plan included as

Attachment 1 to this Management Plan. The plan shows the location and maximum extent of all recorded archaeological sites on the property. Each site is given a unique reference number by the New Zealand Archaeological Association, and these are also shown on the development plan.

The two Pa on the property are protected by Heritage Covenant. The covenants are in favour of the NZHPT and set out limitations on the use and protection of these Pa in perpetuity.

In this case, the sites are fully protected in perpetuity whereby no developments may occur unless expressly authorised by NZHPT.

The resource consent deals with modifications to archaeological sites (refer to Attachment 4). A separate authority to modify has also been issued by the NZHPT and this also contains conditions on works on, or near archaeological sites (refer to Attachment 5).

7.5 Implementation

The implementation section is broken down into protocols and controls for the following:

- (i) Appointment of a representative on the ORAI to carry out a range of functions associated with these implementation measures;
- (ii) Identified archaeological sites;
- (iii) Works within private exclusive use curtilages which do not relate to known sites;

ŌMARINO MANAGEMENT PLAN

(iv) Works outside the private use curtilages which do not relate to known sites; and

(v) Discovery of potential sites of archaeological or cultural value.

This section also includes guidelines for felling of pines in relation to archaeological matters. The section concludes with the protocols for consultation with iwi representatives if changes are proposed to the Management Plan, and the contact details of relevant parties in relation to this section.

7.5.1 Appointment of a Representative

The ORAI shall appoint a representative(s) who will be responsible to oversee and advise residents of procedures with regard to this section of the plan. The representative(s) shall:

- (i) Register their contact details with the Maori contacts detailed in this plan and notify them should their contact details change at any time.
- (ii) Ensure the Maori contact details are up dated annually.
- (iii) Assist residents to engage in consultation with Maori for any proposed development in identified archaeological areas on the development plan, outside the exclusive use curtilages or in regards to any new discoveries of potential or actual areas of heritage or cultural importance.
- (iv) Advise all contractors and sub-contractors, caretakers or other persons on the property of the existence of the areas

and features shown on the attached plan ensure the areas and features are not disturbed.

(v) Encourage residents to advise all contractors and sub-contractors, caretakers or other persons on the property of the need for a cautious approach in relation to works in other areas.

(vi) Ensure residents understand the protocols to be followed in relation to undiscovered areas or features and that residents shall ensure all contractors and sub-contractors, caretakers or other persons on the property are also aware of such protocols.

7.5.2 Identified Archaeological Areas Identified on Development Plan

The purpose of the following is to set out the measures for implementation of the Management Plan in relation to those areas where there are identified areas of heritage or cultural importance on the Development Plan. The following rules shall apply to these areas:

- (i) No modification whatsoever of these sites may occur without approval firstly from the ORAI and from the New Zealand Historic Places Trust. Consultation must also be undertaken with Maori (contacts as identified in part 7.7 of this section). In this regard, the Historic Places Act 1993 requires that an authority to modify be obtained prior to any work that may damage or destroy an archaeological site or sites of Maori significance.

ŌMARINO MANAGEMENT PLAN

- (ii) The areas shall be managed in accordance with Section 10 of the Historic Places Act 1993.
- (iii) The areas shall not be used for any purpose other than maintained in a generally open state, unless prior approval is obtained from the NZHPT for the site or part of the site to be vegetated.
- (iv) None of the following activities may be undertaken within the areas, without the prior approval of the NZHPT and consultation with Maori (contacts as identified in section 7.7):
 - a. The creation of any internal or external vehicle track or road or any walking track.
 - b. The erection of any building or structure.
 - c. The planting of trees or shrubs or vegetable garden.
 - d. The erection of fencing.
 - e. The construction or laying of any ditches, drains, pipes or cables below the surface of the ground.
 - f. Discing or ploughing or other earthworks.
 - g. Any digging or excavation in any way to or below the surface of the ground on any part of the area.
 - h. Any filling in of any trench, pit or other depression in the surface of the ground.
 - i. Farm machinery will not be used on the areas.
 - j. The construction or laying of any concrete or asphalt surface.
 - k. Any grazing, retention or housing of any animal.
- (v) Owners of lots containing areas with values will, as far as practicable:
 - a. Keep the heritage areas free from rubbish or other unsightly or offensive material.
 - b. Comply with the relevant provisions of the Biosecurity Act 1993 in relation to the control of environmental weeds and animal pests on the archaeological sites.
 - c. Avoid location of temporary structures or activities in proximity to these heritage areas.
- (vi) The ORAI will not allow any electricity or gas company, telecommunications company, mining company or other body or person to undertake any of the following activities within the areas unless the ORAI and NZHPT has first given its written consent and undertaken consultation with Maori (contacts as identified in section 7.7) to the proposed works:
 - a. The erection of any utility transmission line or facility or any variation in the alignment of the route of any such existing line or facility.
 - b. The laying of any cable or pipeline in the ground.

ŌMARINO MANAGEMENT PLAN

- c. The carrying out of any prospecting, mining or quarrying for minerals, coal or other deposit on or under the land and involving activities to the same or greater extent as those defined as minimum impact activities under section 2 of the Crown Owned Minerals Act 1991.
- d. The establishment of any transmitter, tower structure or beacon.
- e. Heavy machinery shall at all times be kept within the boundaries of the Identified buildable areas and access roads, to prevent accidental damage to the areas. These activities will also be monitored by the representative appointed by the Association.
- f. Temporary fencing shall be erected to protect archaeological sites during construction of houses.
- g. Proximity to these heritage areas.
- (vii) No construction of buildings, or construction activity shall be located within 10 metres of the outer edge of any archaeological site protected by the NZ Historical Places Act.
- (viii) Conditions 10-18 of the Resource Consent, relate to works on, or near archaeological sites and should be referred to prior to any such works (refer to Attachment 4). The NZHPT Authority also contains conditions relating to works on, or near archaeological sites and should also be referred to (refer to Attachment 5).

7.5.3 Areas with Exclusive Use Curtilage which do not have Identified archaeological sites

Works within exclusive use curtilages (including buildable areas) which are not identified as archaeological sites on the development plan shall be undertaken in the following manner:

- (i) A cautious approach shall be exercised in relation to all works in exclusive use curtilages (including buildable areas) due to the rich heritage values of the area and the likelihood that further items of value may be discovered in use of the site. A cautious approach should particularly be taken when undertaking any works near ridgelines, near coastal areas or near identified archaeological sites.
- (ii) The original archaeological report for the site identified that any future earthworks on Lots 2, 6 and 11 should be monitored by an archaeologist.
- (iii) Heavy machinery shall at all times be kept within the boundaries of the identified buildable areas and access roads, to prevent accidental damage to undiscovered features in the exclusive use curtilage.
- (iv) Temporary fencing shall be erected during construction of houses or other works to minimise disturbance.

Please refer to section 7.5.5 regarding the protocol to adopt in relation to discovery of potential features of archaeological or cultural value.

ŌMARINO MANAGEMENT PLAN

7.5.4 Areas Outside Exclusive Use Curtllages

All areas outside the exclusive use curtilage areas are protected by way of covenant in favour of Far North District Council.

- (i) All proposed activities must be presented to the ORAI for approval.
- (ii) The ORAI representative(s) shall seek advice from NZHPT with regard to unrecorded archaeological areas prior to initiating the project.
- (iii) The ORAI representative(s) shall seek advice from the Maori representatives to identify best practice methods for the proposed development.

Please refer to section 7.5.5 regarding the protocol to adopt in relation to discovery of potential new archaeological features or areas.

7.5.5 Discovery of Potential Archaeological Sites/Places of Cultural Value

In some instances, such as natural erosion, archaeological material or koiwi may become unearthed. If subsurface evidence (e.g. pipi shell or other shellfish material, signs of charred wood and rock and any other material which may indicate possible historic activities or bones of any kind) should be unearthed during earthworks or construction, earthworks, other activities or natural events, the following protocol shall be followed:

- (i) Work shall cease in the vicinity of the remains immediately. Maori remains shall not be removed from their resting place and no other archaeological items shall be removed.
- (ii) The person undertaking or monitoring the works shall contact the NZHPT. If the archaeological remains relate to Maori occupation of the land, then the Iwi contacts (on the list at the end of this section) shall also be advised. If the remains are koiwi then the New Zealand Police, NZHPT and local Iwi shall be advised; in that order.
- (iii) No work shall resume around the area of the remains until the following procedure has been undertaken and the approval of the New Zealand Police, NZHPT and Iwi (contacts as identified in section 7.7) has been obtained as required.
- (iv) Local Iwi have identified sites on the property for the placement of archaeological remains and re-interment of koiwi (urupa). Any koiwi uncovered on the property shall be interred in these locations by Iwi and in accordance with their cultural requirements. Property owners shall allow access to the urupa for the re-interment of koiwi and shall respect and not disturb these places.
- (v) Unless otherwise approved by local Iwi, archaeological remains shall stay on the Omarino property in depositories approved by local Iwi. Property owners shall allow access to these for the placement of archaeological remains and shall respect and not disturb these places.
- (vi) The ORAI, in conjunction with local Iwi, shall keep a record of koiwi and archaeological remains interred on the property, including their locations.
- (vii) Residents shall advise all visitors to their properties of areas that should not be disturbed.

ŌMARINO MANAGEMENT PLAN

7.6 Changes to the Maori Culture and Heritage Section

No changes to the Maori Culture and Heritage section of this Management Plan may occur without full consultation from local Iwi representatives and NZHPT. No change to this Management Plan should be contrary to the resource management purpose of this document or the consent granted for the proposal.

- (i) The ORAI shall notify the Iwi representatives and NZHPT as identified in part 7.7 of this section of any proposed changes and shall invite the parties to meet and discuss them.
- (ii) The ORAI shall give the parties reasonable notice of no less than two weeks, of any such meeting.
- (iii) Should any alterations or additions be made to any other section within the Management Plan which affects the objectives, procedures and protocols detailed in this section, whether complimentary or other, a copy of the changes shall be sent to NZHPT and Iwi for comment prior to the change taking effect.
- (iv) Should any alterations or additions contradict the objectives or procedures or protocols of this plan, NZHPT and Iwi can notify the ORAI in writing to request a meeting. The ORAI shall make available their time to meet with the parties to discuss the issues and seek resolve.

7.7 Contact Details

This section of the Management Plan details procedures and protocols which involve local Maori and the New Zealand Historic Places Trust. At present the key contact people in this regard are as follows:

New Zealand Historic Places Trust
Dr Marianne Turner, Regional Archaeologist Northland
PO Box 836
Kerikeri
Telephone: (09) 401-7947
Facsimile: (09) 407-3454
Mobile: (027) 249-0864
Email: mturner@historic.org.nz

Iwi Contacts:

(The ORAI representative shall keep the following contact details updated as described in section 7.5.1).

Ngati Kuta Hapu Resource Management Unit
Helen Mountain Harte / Marara Te Tai Hook
Email: helen-harte@xtra.co.nz
mhook@xtra.co.nz

Patukeha
Richard Witehira
Email: mosricw@slingshot.co.nz

ŌMARINO MANAGEMENT PLAN

Ngatiwai Trust Board Resource Management Unit
Hori Parata/Fiona Davidson
PO Box 1332
Whangarei
Phone: (09) 430-0939
Facsimile: 4380-0182
Email: ngatiwai.rmu@xtra.co.nz

- (iv) The Ōmarino caretaker shall be available to respond to any complaints from neighbours about unreasonable noise arising from activities within the recreation room and shall ensure that the room is used in a responsible and neighbourly manner at all times.

8.0 COMMUNAL PROPERTY MANAGEMENT

8.1 Objective

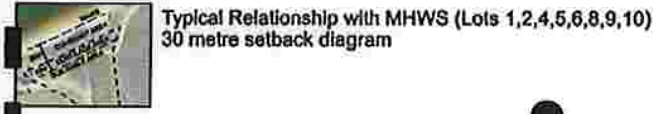
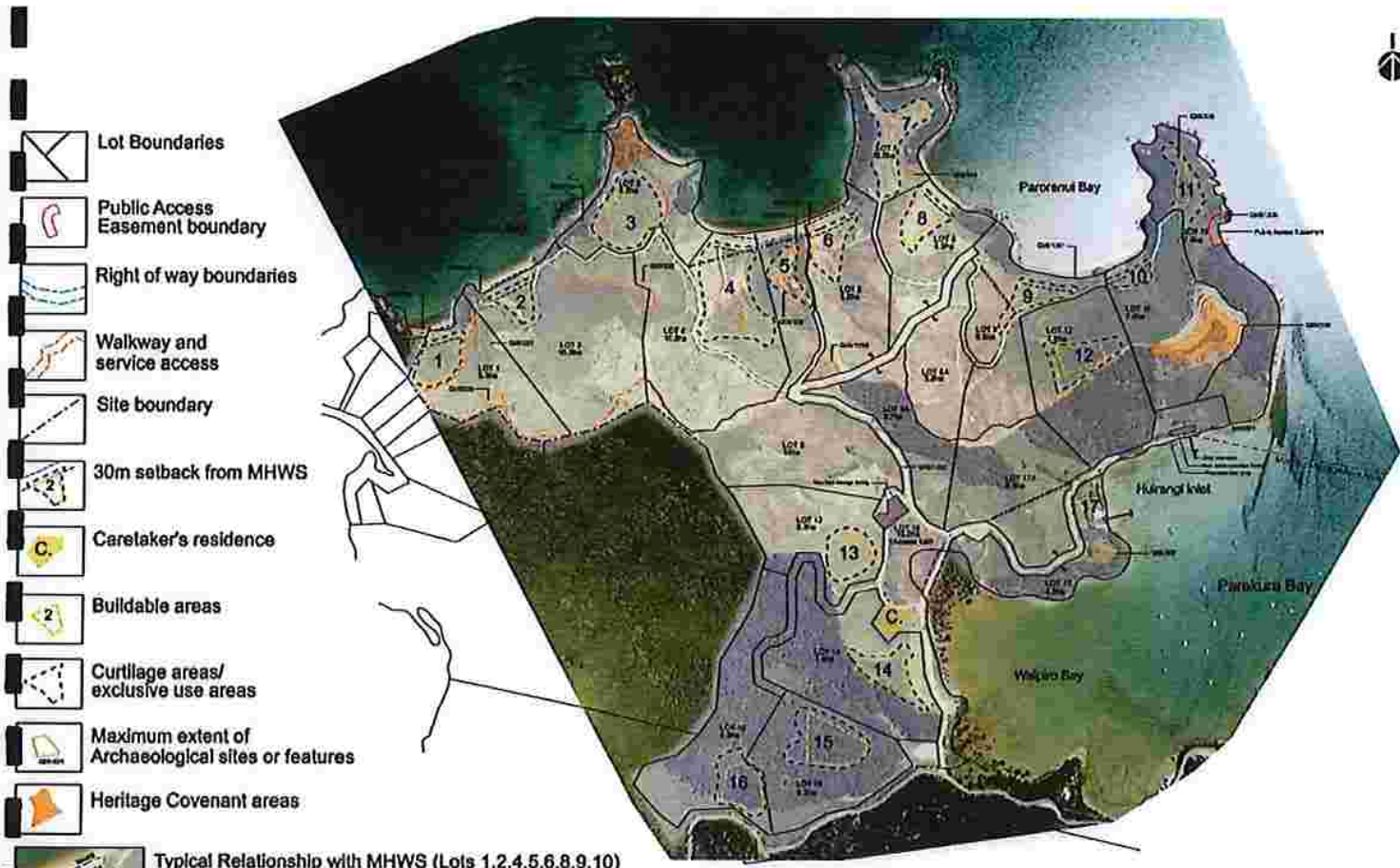
To provide for the maintenance of the Ōmarino property and assets to meet the needs of its property owners and ensure that the use of the communal boating facilities is undertaken in a neighbourly manner.

8.2 Implementation

- (i) Use of the recreation room and accommodation units at Waipiro Bay shall be with the approval of the caretaker and subject to availability.
- (ii) These facilities shall only be available to owners at Ōmarino and their invitees.
- (iii) The recreation room shall not be used for meetings, gatherings or parties between 10pm and 9am. Between these hours, the room shall only be used for quiet activities relating to boating and fishing. Amplified music likely to disturb other residents in the Bay shall not be permitted between the hours of 10pm and 9am.

**OMARINO
MANAGEMENT PLAN**

ATTACHMENT 1: OMARINO DEVELOPMENT PLAN



Tai Awhi Awhi Development Plan

DOFFA
MISKELL
Planning & Design
100-102, 104, 106, 108, 110, 112, 114, 116, 118, 120, 122, 124, 126, 128, 130, 132, 134, 136, 138, 140, 142, 144, 146, 148, 150, 152, 154, 156, 158, 160, 162, 164, 166, 168, 170, 172, 174, 176, 178, 180, 182, 184, 186, 188, 190, 192, 194, 196, 198, 200, 202, 204, 206, 208, 210, 212, 214, 216, 218, 220, 222, 224, 226, 228, 230, 232, 234, 236, 238, 240, 242, 244, 246, 248, 250, 252, 254, 256, 258, 260, 262, 264, 266, 268, 270, 272, 274, 276, 278, 280, 282, 284, 286, 288, 290, 292, 294, 296, 298, 300, 302, 304, 306, 308, 310, 312, 314, 316, 318, 320, 322, 324, 326, 328, 330, 332, 334, 336, 338, 340, 342, 344, 346, 348, 350, 352, 354, 356, 358, 360, 362, 364, 366, 368, 370, 372, 374, 376, 378, 380, 382, 384, 386, 388, 390, 392, 394, 396, 398, 400, 402, 404, 406, 408, 410, 412, 414, 416, 418, 420, 422, 424, 426, 428, 430, 432, 434, 436, 438, 440, 442, 444, 446, 448, 450, 452, 454, 456, 458, 460, 462, 464, 466, 468, 470, 472, 474, 476, 478, 480, 482, 484, 486, 488, 490, 492, 494, 496, 498, 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**OMARINO
MANAGEMENT PLAN**

ATTACHMENT 2: OMARINO ARCHITECTURAL DESIGN GUIDELINES

DRAFT

OMARINO PROPERTY
ARCHITECTURAL DESIGN GUIDELINES
2 October 2007

petebossley

ARCHITECTS LTD

1.0 VISION

The unique feature of the Omarino Property is that it combines the spectacular coastal landscape and beaches of the outer Bay of Islands with existing and regenerating native bush on a scale rarely seen privately. The principal objective for the development of the Omarino Property is to preserve and enhance the quality of its natural assets and visual amenity and make them available to the owners, family and friends to enjoy collectively as a community.

The Omarino Project development offers the opportunity to create something out of the ordinary, a beautiful place with irresistible appeal. The purchaser has the opportunity to be part of a positive regenerative process and enjoy the results of those processes. These include the long term stewardship of the land, provision of a legacy of which one can proud and being part of a unique environment unlike any other in the area.



Omarino Property – View of the Northern Slopes

2.0 PURPOSE OF THE GUIDELINES

2.1 WHY?

These architectural and landscape guidelines are intended to protect and enhance the unique qualities of the Ōmarino environment. To ensure that the development of the buildings, structures and landscape have design integrity, are sympathetic to the landscape and the character of the property as a whole. Most of the buildings are not visible to the public (nor other residents in many cases) from viewpoints on land. However they will be visible from the sea and it is important that the values and intentions of the development be expressed in built forms that do not detract from the natural character of the coastline.

2.2 WHO DECIDES?

The Ōmarino Residents Association consisting of the owners of the property, will appoint the 'The Architecture and Landscape Review Panel' (ALRP). The ALRP shall consist of no fewer than 3 qualified design professionals (two registered architects and a landscape architect) and an elected member from the Ōmarino Residents Association to review and approve all new architectural and landscape plans. Approval from the panel must be obtained before applying to the council for any Resource or Building Consent. Refer to Section 7.0.

2.3 PROFESSIONAL DESIGN

All buildings will be designed by a Registered Architect (registered by the NZAERB or foreign equivalent). Standard builder designs, catalogue, relocated or kitset homes will not be permitted. Landscaping will be designed by a recognised Landscape Designer or Landscape Architect.

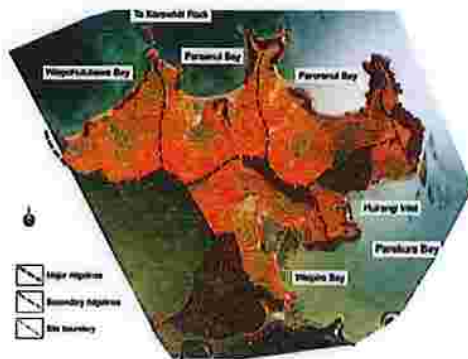
3.0 SITE

3.1 EXISTING QUALITIES

The coastal block of the Omarino property, the site, occupies land forming the western mouth of Parekura Bay including the western shore of Waipiro Bay, Huirangi Inlet, Paroreni Bay, Pareanui Bay, Te Korowhiti Rock and Waipohutukawa Bay at the western extent. The northern coastline of the site, in line with the character of much of the southern coastline of the Bay of Islands, comprises rocky headlands interspersed with small bays and sandy beaches. Distinct headlands form the three named bays on the northern coastline of the property. An area of mangroves is found in the upper reaches of Waipiro Bay.

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

Established indigenous vegetation within the site is mostly located along the coastline, in the form of pohutukawa fringed headlands and coastal slopes supporting indigenous shrub land. Larger blocks of shrub land are located on the east facing slopes of the property, with a remaining pine plantation situated in the southern corner of the property.



3.2 CONCEPT FOR THE INDIVIDUAL SITES

The Ōmarino Project is a premium residential enclave containing 17 house sites. These sites have been selected to ensure that all owners enjoy both privacy and also the natural beauty that the site has to offer. The sites have a designated buildable area (refer to the Ōmarino Management Plan, Attachment 1 figure 7, Ōmarino Development Plan, prepared by Boffa Miskell Ltd). Each site has its own particular characteristics including:

- landform
- vegetation
- access roads
- foreshore setbacks
- adjacency to archaeological sites
- location on the property
- views to and from the sites

The sites can be generally divided into 6 types:

- | | |
|------------------------|---|
| -Coastal / Bay | -These sites are characterised by being located in one of the many bays on Ōmarino property and have direct and easy access to the water. Sites included in this type are; 1, 2, 4, 6, 8, 9, 10. |
| -Headland | -These sites are the most visually prominent and have spectacular views out to sea. Sites included in this type are; 7, 11. |
| -Ridge | -These sites also have expansive views but are more inland with a backdrop of native bush. Sites included in this type are; 5, 12, 15, 16, 19. |
| -Edge | -These sites are located on a relatively steep slope directly above the water. Sites included in this type are; 3. |
| -Southern Bay Hillside | -These sloping hillside sites although set back from the water still have beautiful but more intimate views across Waipiro Bay. Sites included in this type are; 14. |
| -Existing Homestead | -These sites are located in Huirangi Bay where there is an existing colonial homestead. The existing character of this site and buildings should inform any development. Sites included in this type are; 17. |

4.0 BUILDING DESIGN

The architectural design principles aim to assist in the creation of a unique environment of contemporary architecture attuned to unpretentious relaxed living. The architectural design principles are:

- Development that enforces the idea of stewardship of land: with structures that work with the landscape rather than against it and make consideration to long term responsibilities.
- Buildings that relate to and enhance the setting and landscape.
- Integration between the building and the immediate landscape i.e. siting to be naturalistic.
- Aesthetic controls aimed at achieving coherence between buildings and the landscape and each other.
- Consideration that at numerous locations on the water several of these buildings will be visible at the same time.
- All buildings to have views and appropriate exposure/shelter in relation to sun, wind, views etc.

4.1 STYLE

One of the main aims of the Ómarino Project is to promote harmonious integration of buildings with the landscape and each other. Architectural expression that reflects the uniqueness of the landscape and the place will be encouraged. Replication of historical or regional architectural styles (e.g. "Tudor", "Colonial", "Bafinese" etc) is not permitted. Architects are encouraged to contribute to the development of a recognisable architectural context.

The architecture should be informed by:

- the context
- the nature of the site
- views
- sun and prevailing winds
- visibility from near and distant viewpoints.

4.2 BUILDING SCALE + FORM

The building scale, mass, and form will be dependant on the site type and location. Designs that reduce mass and visual impact are preferred.

Please note that the following will apply to all sites:

- Site Coverage -maximum site coverage is to be 10% of the lot area.
- Height variation may be permitted on a case by case basis but not greater than the District Plan Height Controls.

4.2.1 Coastal / Bay - Sites: 1, 2, 4, 6, 8, 9, 10

The open coastal edge position of these sites, often with streams, water courses, and wetlands lends itself to building designs which recede and integrate into this sensitive environment.

Scale: -Single level or split level buildings with a maximum roting height of 5 metres relative to original ground level.

Form: -Variation in form and/ or materials is encouraged to reduce the scale of buildings, for example wall panels separated by areas of glazing or different materials and colour.
-Forms that accentuate the horizontal identifying a connection with the ground are appropriate.

Forms that accentuate the horizontal



Rikind House - Williams & Telen Architects



Williams House - Emerson Street Williams Architects

4.2.2 Headland - Sites: 7, 11

Given the open and exposed position of these sites, which are visible from the water and beyond, buildings which are low and nestled into the ridge are appropriate.

Scale: -Buildings visible above the ridgeline have a maximum rolling height of 4 metres relative to original ground level. Further no part of any building, excluding chimneys, is to exceed a level of 36.0M above sea level.
-Buildings set down from the ridge or headland as described below will have height assessed on a case by case basis, but height will not be greater than that allowed by the district plan.

Form: -The form of the building can be a single element or multiple elements depending on preference, however variation in form and materials is encouraged to reduce the scale of the building, for example, wall panels separated by areas of glazing or different materials and colour.
-If the building takes the form of multiple elements there should be a relationship between those separate elements so that they read as a cohesive group of buildings and part of a 'household unit'.
-Forms that are set down from the top of the ridge or headland so that planting and ridge are visible behind and above the building may be able to be stepped or split level forms cut into the hillside however, the horizontal, rather than the vertical built form should be the dominant element.

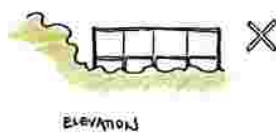
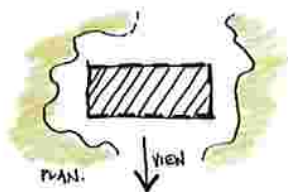


Casa Jax – Rick Joy

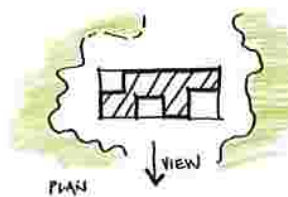


De Blas House – Alberio Campo Baeza + Raul del Valle

Variation in form and composition reduces the scale of the building.



This building presents a solid mass with flat facades and no overhangs. The mass is accentuated.



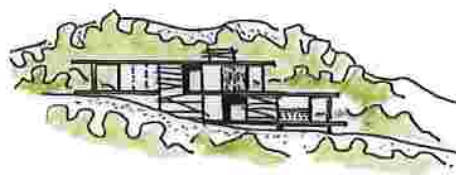
This building has an articulated form which results in overhangs creating shadow lines. Materials are varied to break up the form.



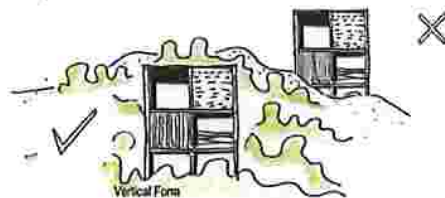
Fern House - William Beckel



Variation in form and materials.



Horizontal Form



Vertical Form

Buildings set down from the ridge or headland with a stepped form where the horizontal rather than the vertical form is dominant.



Johnson House BSPA Architects

4.2.3 Ridge - Sites : 5, 12, 15, 16, 19

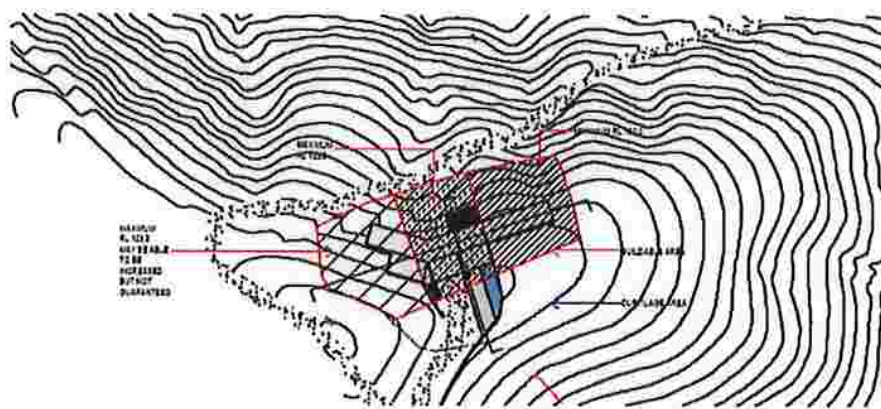
These sites are located on seaward slopes above the northern facing bays. The buildable areas are below the ridgelines and set back from the water. Some backdrop of native bush is currently present and will be greatly expanded under proposed regeneration of native vegetation on the property.

- Scale:
- Visibility of buildings above the ridgeline is prohibited as illustrated in "Vertical Form" on page 9.
 - On site 5 buildings set down from the ridge or headland as described below will have height assessed on a case by case basis, but height will not be greater than that allowed by the district plan.
 - On site 12 a maximum rolling height of 4 metres relative to original ground level applies.
 - On site 15 a slightly more generous maximum rolling height of 5 metres relative to original ground level applies because of the tightness of the buildable area and maximum R.Ls. No part of the building is to be visible above the ridgeline, hence at the eastern end of the buildable area a maximum R.L. of 122.0 M above sea level applies. For the rest of the buildable area the building must not exceed a maximum R.L. of 123.0 M above sea level, refer to diagrams below. There may be (but not guaranteed) an opportunity to raise this level at the western end of the buildable area where the building will be read against the knoll and as illustrated in the possible configurations diagrams for site 15, but this will be assessed on a case by case basis and subject to resource consent.
 - On site 16 a maximum rolling height of 4.5 metres relative to original ground level applies but no part of any building is to exceed a maximum R.L. of 118.0 M above sea level, refer to diagram below.
 - On site 19 a maximum rolling height of 4.5 metres relative to original ground level applies but no part of any building is to exceed a maximum R.L. of 83.0 M above sea level, refer to diagram below.

- Form:
- Forms that are set down from the top of the ridge so that planting and ridge are visible behind and above the building may be able to be stepped or split level forms cut into the hillside however, the horizontal, rather than the vertical built form should be the dominant element.



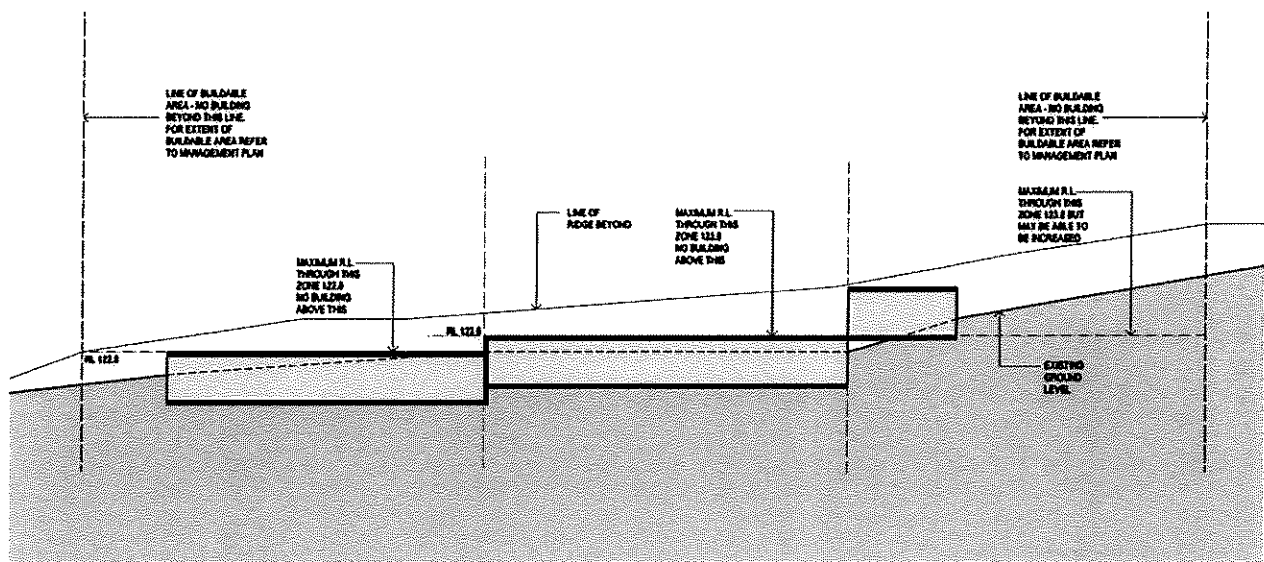
Seresh House - Pete Scosley Architects



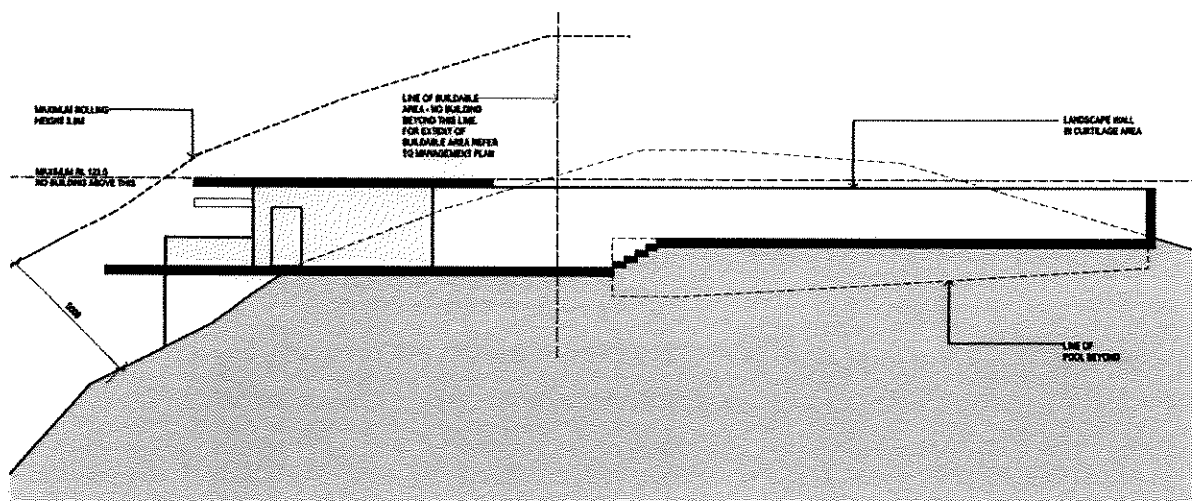
Site 15 Plan showing the buildable area and where the different maximum RLs apply



Site 15 Possible configurations for the building (note trees not shown for clarity)



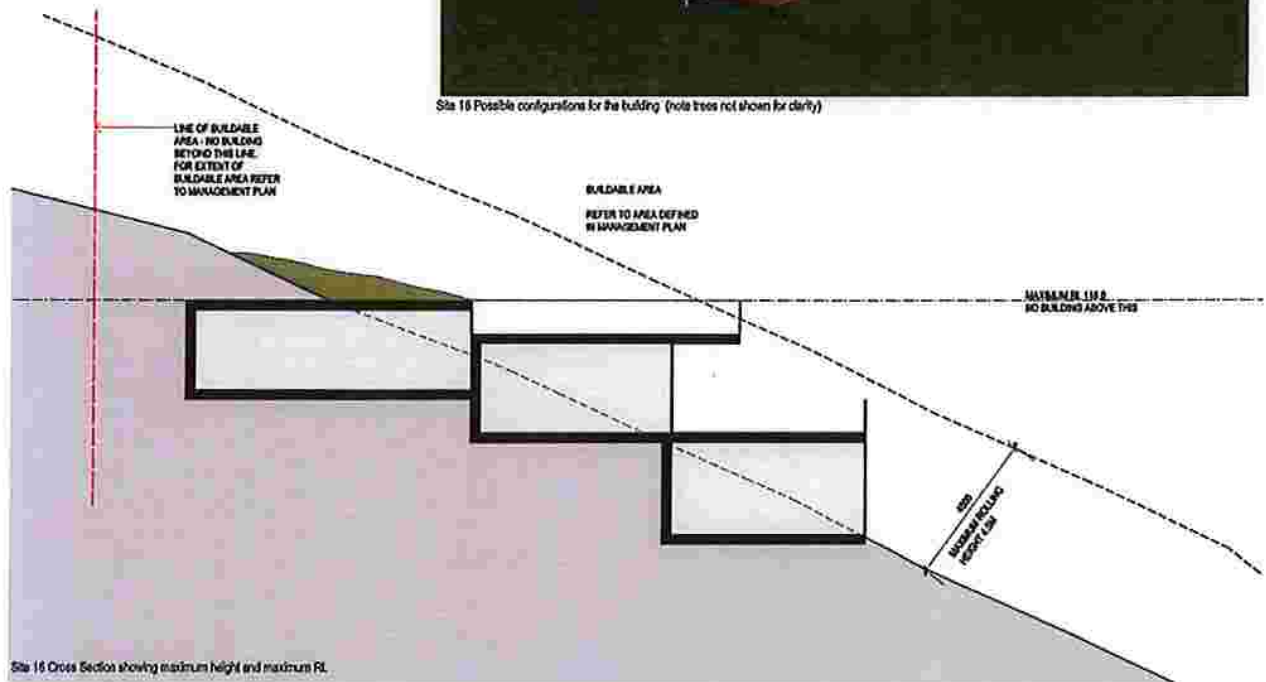
Site 15 Long Section showing different maximum RLs and where they apply



Site 15 Cross Section showing maximum height and maximum RL



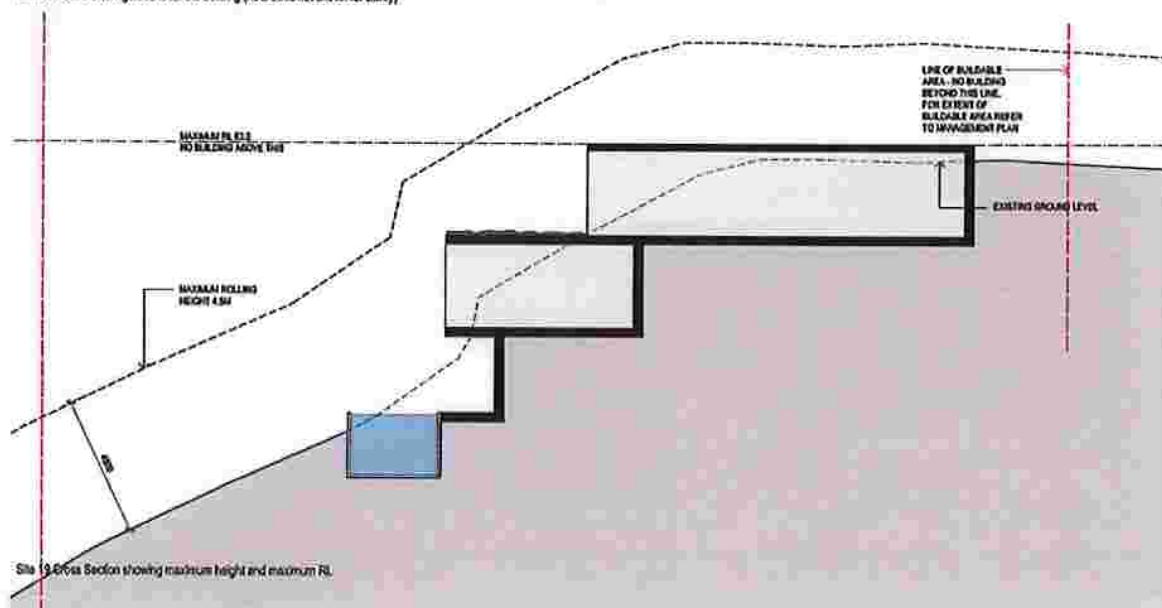
Site 16 Possible configurations for the building (note trees not shown for clarity)



Site 16 Cross Section showing maximum height and maximum RL



Sta 19 Possible configurations for the building (note trees not shown for clarity)



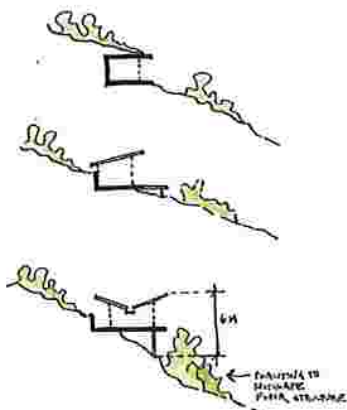
4.2.4 Edge - Sites: 3

There are two aspects to this site; the steep sloped area relatively higher up and the lower portion of the site which nestles in behind the existing trees. If the position of the building platform is on the relatively steep slope above the water this calls for building designs that integrate the built form into the inclined topography, as follows:

Scale: -Single level buildings with a maximum rolling height of 6 metres relative to original ground level.

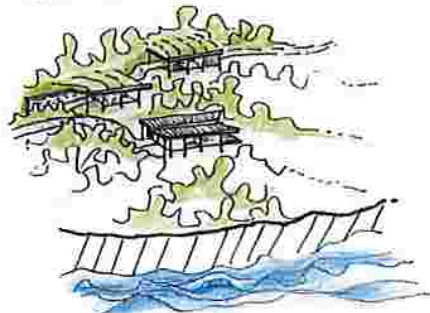
-Note: Exposed floor structure will need to be mitigated so that it is not visible from the water.

Form: -Broken forms that allow the native bush to grow in and around structures are appropriate for these sites as a single form will be too dominant from the water. The multiple forms should have open space between them as they step up and/or across the site but can be linked by a walkway or covered link which has a maximum width of 2 metres.



Buildings that integrate with the topography of the site.

Multiple forms with open space between them as they step up and across the site allowing the bush to grow in + around them.



If the position of the building platform is on the lower portion of the site screened by the existing trees from the water the following will apply:

Scale: -Single or two level buildings with a maximum rolling height of 8.0 metres relative to original ground level.

Form: - The form of the building can be a single element or multiple elements depending on preference, however variation in form and materials is encouraged to reduce the scale of the building, for example; wall panels separated by areas of glazing or different materials and colour.
- Upper + lower floor levels should be of different floor area + orientation. Large bulky buildings with overbearing mass will not be permitted.



Burill Residence-Lake Flato Architects

Broken forms that allow the bush to grow in around them.

4.2.5 Southern Bay Hillside - Sites: 14

Buildings on these sites should integrate into the native bush that surrounds them to reduce their visibility from across the bay.

Scale: -Single level or split level buildings with a maximum rolling height of 5 metres relative to original ground level.

Form: -Because these sites are on sloping ground differentiated forms are encouraged with elements separated by open spaces, indentations, and or panels of glazing.

-In the case of split level construction is allowed upper and lower levels should be of different floor area and/or orientation.



Sotan House Kahn, Kappe, Lotery Architects



Dubroff House Bull, Straub, Heneman Architects

Differentiated forms with elements separated by open spaces, indentations and panels of glazing.



Upper + lower floor levels of different floor area + orientation.

4.2.6 Homestead - Sites: 17

This site is located in Huirangi Bay where the existing qualities of the bay and buildings are unique. New buildings in this bay would expand and develop the existing colonial character and context of this site. This does not mean a replication of a historical style but rather an architecture that through, mass, form and materials expands and reinterprets the colonial architectural language, that already exists on the site.

Scale: Single level or split level buildings with a maximum height of 6 metres. The scale of the development needs to be in proportion with the land-form in which it is situated.

Form: -The form of the building can be a single element or multiple elements depending on preference, however variation in form and materials is encouraged to reduce the scale of the building, for example, wall panels separated by areas of glazing or different materials and colour.
-If the building takes the form of multiple elements there should be a relationship between those separate elements so that they read as a cohesive group of buildings and part of a 'household unit'.



Replication of historical styles is not appropriate.



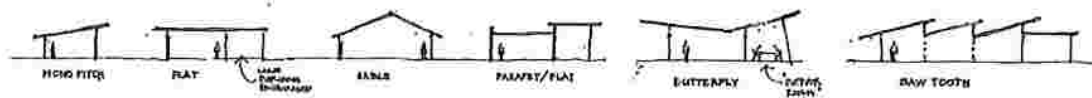
Magnay House – Glenn Murcutt



Fredericks Farm House – Glenn Murcutt

4.3 ROOF FORMS

Roofs have a potential danger of presenting large unrelieved expanses which will not be permitted. For this reason all roofs shall be at a pitch less than 10 degrees. Viewpoint needs to be considered when designing the roof/s and the principle of broken forms will apply. Flat, monopitch, gable, and butterfly forms are generally permitted. Hip roofs and "dormer" windows are not permitted. Large overhangs creating shadow lines and depth are encouraged. Outdoor areas protected from prevailing winds are encouraged. Some designated sites will have further restrictions refer to Site Diagrams.



Acceptable Roof Forms (sketches only not to be taken literally)

This roof form presents a large unrelieved expanse when viewed from the water which is not acceptable.



VIEW FROM THE WATER

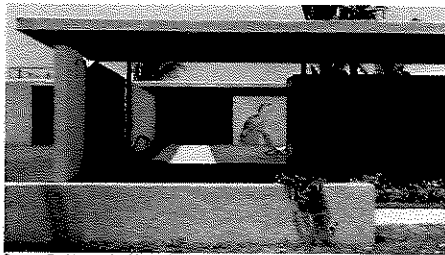
This roof form presents minimum mass when viewed from the water and allows the building to dissolve into its context.



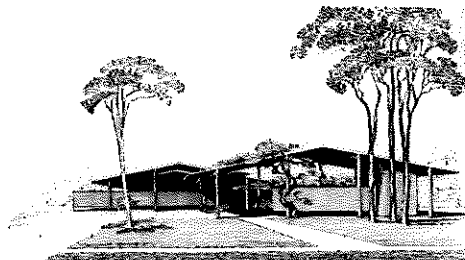
VIEW FROM THE WATER

4.4 WALLS/FENCES/SCREENS

The definition of site boundaries is not consistent with the aims and principles of the development at Ōmarino Property. Therefore walls, screens and fences are envisioned only where necessary for shelter and privacy not to define the edge or boundary of a site. They should read as extensions of the building, and be rendered in like materials to the building.



Burnette Residence - Paul Rudolph



Bourne Residence - Paul Rudolph

Walls as extensions of the building, used to define exterior spaces



Bordey Residence - Harold Bissner

4.5 MATERIALS

Generally the use of materials which age well naturally with weathering is encouraged.

4.5.1 Roof Materials

- Reflectivity to comply with the District Plan.

- Areas of glazing are not limited.

- Permitted materials are:

Profiled roll-formed or folded metal is permitted subject to colour and reflectivity controls. Materials include colour steel, zinc, and copper.

Membranes

Turf



Tennis House – Gray Ogenschi

Turf Roof
Natural Materials in natural weathered colours
Building dug in and low lying
Horizontal line emphasised

4.5.2 Wall Materials:

- Wall materials will be subject to an assessment of visual impact including reflectivity, colour, extent and location.
- Areas of glazing are not limited, but mirror glass is not permitted.
- Permitted materials are:

Masonry - local or imported stone.

Concrete - insitu and/or precast.

Blockwork and bricks - subject to the approval of the ALRP as to finish and colour and extent.

Solid Plaster

Rammed earth.

Weatherboards - natural finish, stained or painted subject to colour controls.

Plywood - natural finish or stained subject to colour controls.

Corten Steel

Aluminium

Copper

Zinc



- | | | |
|-------|------------------------------------|--|
| 4.5.3 | Window and Door Joinery Materials: | <ul style="list-style-type: none"> -Timber, aluminium, and steel joinery may be used -Ornate fenestration is discouraged -Multiple glazing bars with numerous small panes of glass are discouraged -"Applied" glazing bars in aluminium joinery are prohibited -Arched windows are not permitted. |
| 4.5.4 | Garage Door Materials: | <ul style="list-style-type: none"> -Glazing, Timber, Plywood, and aluminium may be used. The treatment of the garage door/s should be appropriate to the materials used on the house. |
| 4.5.5 | Skylight Materials: | <ul style="list-style-type: none"> -Glass "joinery type" only permitted. |
| 4.5.6 | Floor Materials: | <ul style="list-style-type: none"> -If buildings have floors raised above grade the treatment of the sub floor area must be approved by the ALRP. -Raised floor levels with exposed soffits must have the treatment described for approval by the ALRP |

4.6 COLOUR

Use of bright colours and painted surfaces should be limited to defined architectural elements. The area of colour should constitute not more than one third of any elevation.

- | | | |
|-------|---------------------------------|--|
| 4.6.1 | Roof Colour: | <ul style="list-style-type: none"> -"Natural weathered" colours are preferred. -The naturally weathered colours of zinc and copper are permitted. -Aluminium louvres in grey tones (including silver anodised) are permitted. |
| 4.6.2 | Wall Colour: | <ul style="list-style-type: none"> -The natural weathered colours of materials are encouraged. -Limited areas of bright colours are permitted on some elevations. -Transparent stains for timber are permitted. -Aluminium louvres in grey tones (including silver anodised) are permitted. Other colours may be permitted but will need to be approved by the ALRP. |
| 4.6.3 | Window and Door Joinery Colour: | <ul style="list-style-type: none"> -Bright colours are not permitted and the seaward side. -"Transparent" stains for timber are encouraged. |



Convent Avenue Studios - Rick Joy

Michael's/Sisson Residence - Miller Hull

Appropriate use of colour, as distinct isolated panels.

4.7 SERVICE COURTS

Each house must have an enclosure to conceal rubbish bins, plant and equipment, electrical meters, clotheslines (clothes lines must be concealed from public view), etc.

4.8 POOLS

Location of swimming pools should be designed to avoid large areas of fencing.

Pools must comply with the Building Act.

Plant rooms to be approved by the ALRP.

Fencing must comply with the Pool Fencing Act but also satisfy the ALRP as being aesthetically acceptable.

4.9 SERVICES

All sanitary pipe work must be concealed. Only down pipes may be visible on exterior elevations.

Any gas bottles must be concealed.

All wiring is underground.

Security systems must be of approved type and have minimum exposed components on exterior walls.

Exterior Lighting brightness, orientation, and duration must be controlled to support the aims of the guidelines avoid creating any nuisance to neighbours.

Water tanks must be concealed or integrated into the building design appropriately.

5.0 LANDSCAPE

The Omarino Property is predominantly surrounded by dense native shrub land and forest, both along adjoining coastline and occupying the hinterland. Existing and proposed regenerating indigenous shrub land within the site will restore the character of the property to that of vegetated headlands, slopes, gullies and bays.

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

5.1 HARD LANDSCAPE ELEMENTS:

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

- | | | |
|-------|---|--|
| 5.1.1 | Surfacing of Decks, Forecourts and Terraces | -Natural materials, such as timber and stone are encouraged. Colour and finish should promote integration into the existing landscape. Concrete should have an exposed aggregate finish of approved colour and finish. All material colours and finishes will need to be approved. Area limitations will apply. |
| 5.1.2 | Internal Roothing and Driveways | -To be formed with exposed aggregate finish and natural oxides added to match colour to that of the surrounding landscape. Colours and finishes to be approved. Area limitations apply. |
| 5.1.3 | Fences, Walls, Screens and Boundary Delineation | <p>-(Refer to Section 4.4 for additional guidance) Fences, walls and screens should be used for shelter, privacy and screening associated with buildings and outdoor living areas. Fences, walls, and screens associated with living areas should read as extensions of the building and be formed of similar materials.</p> <p>-Solid structures should not be used for boundary delineation. Should boundary definition of house curtilages be required, visually permeable materials are to be used, including post and wire fencing or 'ha-ha' structures.</p> |
| 5.1.4 | Retaining Walls | <p>-With the potential to be visually significant elements in the landscape., retaining walls should be detailed sensitively. Natural materials, such as timber, rammed earth and stone, with vegetation incorporated to soften the impact of the structure. Colours and finishes to be approved</p> <p>-Systems include:</p> |

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



Vegetated Gabions – Winter + Summer



Rammed cement-earth walls

5.2 PLANTING

Landscape plans within house curtilages must be submitted to the ALRP for approval, see Section 7 – Design Approval Process.

Landscape planting within the individual house curtilages is divided into two separate categories; larger scale structural planting and more intimate domestic planting. Structural planting should form the framework of the planting within the house curtilages, bold and simple in character and providing a visual and physical link with the balance of the vegetation within the site. Domestic planting may be more intimate in character, providing an amenity setting in the area immediately surrounding the house sites.

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

5.2.1 Structural Planting

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

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

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

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

-A list of recommended or preferred coastal species, for use within house sites throughout the site, is included as an appendix to these guidelines.

-In particular, certain species should be avoided:

- Those with a form and or colour that will not integrate with the indigenous vegetation typical to this coastline. For example: exotic species with an overly fastigiate nature, e.g. (fastigiate conifer); and exotic

species with particularly bright colours that are discordant with the indigenous vegetation, e.g. uncharacteristically bright foliage, e.g. variegated, golden and purple cultivars;

-Those species listed as environmental weeds or pest plants in documents prepared in accordance with the Biosecurity Act 1993.

5.2.2 Domestic Planting

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

5.3 RECOMMENDED / PREFERRED COASTAL SPECIES LIST

5.3.1 Tree and Shrub Species

-Titoki	<i>Alectryon excelsus</i>
Tawa	<i>Beilschmiedia tawa</i>
*Mamangi	<i>Coprosma arborea</i>
*Coprosma (Coastal)	<i>Coprosma macrocarpa</i>
Coprosma (Twiggy)	<i>Coprosma rhamnoides</i>
*Karamu	<i>Coprosma robusta</i>
*Cabbage tree	<i>Cordyline australis</i>
Karaka	<i>Corynocarpus laevigatus</i>
Hangehange	<i>Geniostoma rupestre</i>
Hebe	<i>Hebe macrocarpa</i>
*Koromiko	<i>Hebe stricta</i>
Pigeonwood	<i>Hedycarya arborea</i>
Lacebark	<i>Hohenia populnea</i>
Rewarewa	<i>Knightia excelsa</i>
*Karuka	<i>Kunzea ericoides</i>
*Manuka	<i>Leptospermum scoparium</i>
Mingimingi	<i>Leucopogon fasciculatus</i>
Kawakawa	<i>Macropiper excelsum</i>
Mahoe	<i>Meliclytus ramiflorus</i>
*Pohutukawa	<i>Metrosideros excelsa</i>
Mapou	<i>Myrsine australis</i>
Akepiro	<i>Olearia furfuracea</i>
*Flax	<i>Phormium tenax</i>
*Haekaro	<i>Pittosporum umbellatum</i>
*Totara	<i>Podocarpus totara</i>
*Lancewood	<i>Pseudopanax crassifolius</i>
*Houpara	<i>Pseudopanax lessonii</i>
Kowhai	<i>Sophora microphylla</i>

*Puriri

Vitex lucens

*Species most likely to establish successfully

-Planting on house sites 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 and 17, which are located on the coast, should include hardy, salt tolerant species such as, pohutukawa, houpara, coastal coprosma, flax, kanuka and manuka, as the dominant species, either as individual specimens or within mixes.

-Planting on house sites 12, 14, 15, 16 and 19, which are set back from the coast, should include broadleaf species such as, puriri, karaka, tawa and titoki, as well as totara and a selection of forest shrub species as the main component of mixes or as specimen planting.

6.0 INFRASTRUCTURE

6.1 SIGNAGE & LETTERBOXES

Both of these are architectural elements and should therefore support the architectural aims of the development. A generic design for markers and signage has been established and will need to be adhered to. Designs must be assessed and approved by the ALRP.

6.2 LIGHTING

Outdoor lighting may be provided for security and safety. Lighting must be located so not to interfere with traffic or become a nuisance to neighbours. Excessive lighting will not be permitted. All exterior lighting (design and location) must be submitted to the ALRB for approval.

7.0 DESIGN APPROVAL PROCESS

These Guidelines supplement, but do not replace, the requirements of the Far North District Council. Written design approval from the Ōmanino Resident's Association Architecture and Landscape Review Panel (ALRP) is required before application is made to the Council for a Resource or Building Consent, or any works begin. This includes any form of new construction, accessory buildings or structures, major landscaping and exterior alterations other than regular maintenance.

Resource or building consent applications made to the Council, or works initiated without the prior approval of the ALRP, run the risk of forfeiting the Owner's Compliance Deposit and violating the covenants registered on each title (refer to bylaws and rules of the Residents Association).

The design approval process is as follows:

1. Preliminary Submittal
(three sets of preliminary drawings – see checklist)
Review of concept plans by the ALRP to discuss the site planning, landscape and building concepts and provide comments prior to the owner's design team commencing detailed design drawings.
2. Final Submittal
(three sets of final drawings and supporting information – see checklist)
Final review of the detailed architectural and landscape plans by the ALRP. Formal written approval by the ALRP is required before the Owner, Architect or Builder can make application for Resource or Building Consent and begin any works on site.
3. Plans are reviewed by the ALRP within 15 working days of a complete submission being received.
4. Approved plans will be returned to the Owner. In the event of non-approval by the ALRP the Owner and/or their architect may work with the ALRP to obtain approval.
5. The Owner may apply for and acquire the Resource Consent and Building Permit from Council once ALRP approval is obtained.
6. The owner contacts the ALRP when the house and landscaping is complete.
7. The Compliance and Damage Deposits minus the approval fee set by the Association and the cost of any damages will be returned to the Owner once the finished project matches the approved drawings to the satisfaction of the ALRP. No interest shall be payable.
8. In the event that the ALRP refuses to approve a design, an appeal directly to the Association may be made. The expense of this appeal and costs of any arbitration will be borne by the appellant.
9. Gaining ALRP approval does not imply Resource Consent Approval.

8.0 CONSTRUCTION

The cooperation of owners, builders and trades people is sought so ensure that the environment and neighbours are not unnecessarily disrupted.

(a) **Construction Time Limit**

While there is not time limit for Owners to build, once construction has started, the exterior of all buildings and all landscaping must be completed within 18 months of the date of commencement. All un-built sites shall be grassed, regularly mown and maintained by the Owner to best horticultural practice.

(b) **Legal Survey and Grades**

It is suggested that the Owner, the design team and builder first visit the site and inspect legal, grade, easement, and other engineering plans to ensure that there is no conflict between driveway/pathway locations, signs, electrical and telephone services, etc. A legal survey is available from the Residents Association.

(c) **Survey Stakes and Markers**

Each lot will be staked at all corners with wooden pegs. Builders (and their subcontractors) must be very careful when working around these pegs. The Residents Association accepts no responsibility for their replacement or for locating pegs that are buried. Costs for replacement of pegs shall be charged to the Owner.

(d) **Erosion Control and Damages during Construction**

All disturbed areas of the site shall be protected from wind and water erosion during and after the construction period. All earthworks shall be re-vegetated within one month of completion by either the spreading of a grass seed mix (perennial rye grasses and clover) or by planting ground cover.

(e) **Protecting Existing Trees and Vegetation**

The Owner and Builder shall ensure that temporary construction fence to protect existing and regenerating vegetation shall be constructed around the perimeter of each buildable area and its accessway. This shall be in place before any earthworks or construction begins, and shall remain in place until construction is complete.

(f) **Damages during Construction**

Damage caused by the Builder to services such as roads, curbs, street trees, cesspits, lights, power, sewers, etc. adjacent to any lot will be charged to the Owner. The Owner must immediately notify the Residents Association in writing of any damage to services.

(g) **Construction Storage**

All construction materials, rubbish, and excavation materials, shall be stored within the boundaries of the site. Builders shall provide adequate rubbish containers on the site and control waste materials so as to prevent dispersal by wind onto other properties. No fires are permitted. If proper clean up does not occur, debris will be removed and the costs charged to the Owner.

(h) **Compliance and Damage Deposits**

Compliance and damage deposits (value to be determined ALRP) will be deposited by the Owner with the Residents Association at time of Preliminary Drawing Submittal to ensure that all development is completed in accordance with the approved plans. Part, or all, of these deposits may be retained by the Residents Association in the

event that the completed project does not comply with the approved plans, damage is caused to services or other properties, or application is made to the Council for Resource or Building Consent without prior approval of the ALRP.

(i) **Right of Refusal**

The ALRP retain the right, at their sole discretion, to refuse approval of any plans that, in its sole opinion, does not meet its expected minimum standards of design quality or the appropriate character of design and development.

ŌMARINO MANAGEMENT PLAN

ATTACHMENT 3: ŌMARINO VEGETATION FRAMEWORK



Boffa Miskell



12 Tai Awhi Awhi

cultural and screening planting plan

Scale: 1:1000 Date: 10/10/2011 Author: L. Miskell

Appendix 10

Clough & Associates Archaeological
Assessment 2004

Bentzen Farm, Bay of Islands: Archaeological Assessment



Prepared for
Bentzen Farms Ltd
by

Simon Bickler (PhD)
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September 2004

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Executive Summary

Summary

Bentzen Farms Ltd is in the process of planning residential development for their Bay of Islands property, Bentzen Farm. All proposed house sites have been archaeologically assessed in terms of possible effects on archaeological values, and some adjustments have been made to avoid major impacts on archaeological sites. A number of recommendations have been made by way of mitigation and to protect archaeological sites from development impacts.

Recommendations

- An application to the Historic Places Trust for an authority to modify site Q05/1296 should be made prior to development of buildable area 1.
 - An application to the Historic Places Trust to investigate the midden exposed in the road cutting (Q05/336) should be made prior to any further roading work in buildable area 12, if the roading will impact on the site.
 - The management plan for the proposed development should include measures to ensure the protection of archaeological sites.
 - Future earthworks in buildable areas 2, 6 and 11 should be monitored by an archaeologist.
 - The southern Forestry Block should be reassessed during or after logging to determine the nature of any archaeological remains.
 - The boatshed construction area should be assessed by an archaeologist.
 - The pa sites (Q05/330 and Q05/336) should be protected by covenant. 330 should not be planted with trees, while limited planting on the steep eroding sites of 336 is recommended to reduce the present scale of erosion providing archaeological features are avoided.
 - Revegetation should not be carried out on known archaeological features.
 - Heavy machinery should at all times be kept within the boundaries of the identified building areas and access roads, to prevent accidental damage to recorded archaeological sites.
 - If subsurface archaeological evidence should be unearthed during construction (e.g. intact shell midden, hangi, storage pits relating to Maori occupation, or 19th century European remains), work should cease in the immediate vicinity of the remains and the Historic Places Trust should be contacted.
 - If koiwi (human remains) are uncovered during construction, work should cease in the immediate vicinity and the Historic Places Trust, NZ Police and tangata whenua should be contacted so that appropriate arrangements can be made.
 - Since archaeological field survey cannot necessarily identify wahi tapu and other sites of traditional significance to Maori, tangata whenua should be consulted regarding the possible existence of such sites.
-

Table of Contents

<i>Bentzen Farm, Bay of Islands:</i>	1
<i>Archaeological Assessment</i>	1
Executive Summary.....	1
Table of Contents.....	2
Introduction	3
Results	7
Discussion.....	21
References	28

Introduction

Project Background

Bentzen Farms Ltd is in the process of planning residential development of their property at Bentzen Farm, Bay of Islands (Figure 1). This is a coastal property that includes parts of Rawhiti 2 Block, Paraenui Block, ML84128 and Lots 1-DP87944 and DP38894.

There have been four phases of assessment for the proposed subdivision. The first phase (Bruce 2003) was a general survey of the property identifying the recorded archaeological sites and providing a historical background.

The second phase was carried out by Clough & Associates in July 2004 at the request of Boffa Miskell Ltd and involved a field assessment of the likely impact on archaeological sites at 23 proposed house sites (Figure 2).

The third phase was an archaeological survey and assessment of the proposed roading, retaining and fencing work, carried out by Northern Archaeological Research on 28 July 2004 (Johnson and Bruce 2004).

The fourth phase of assessment, by Clough & Associates, was carried out in August 2004. This followed a redefining, by the consultant engineers, of areas that could be built on. These areas were reassessed for impact on archaeological sites so that house sites could be finalised and sites avoided. Three additional proposed house sites were also examined at this stage (Figure 2 and Figure 3).

This report details the results of phases two and four of the archaeological assessment (July and August 2004) and shows the process of house site selection with respect to the heritage values of the area. Appropriate recommendations for avoidance and mitigation are made.

Methodology

Recent archaeological survey and damage assessments by Bruce (2003, 2004) were reviewed and provided the basis of survey carried out around the proposed house sites. Those features near the proposed house platforms were examined to establish the likely impact of earthworks.

Probing and test pitting were carried out on the proposed house sites to establish the likelihood of subsurface archaeological remains being uncovered during construction of the houses. The locations of any unrecorded archaeological sites were determined using GPS.

The report on the archaeological assessment of proposed roading, retaining and fencing (Johnson and Bruce 2004) was not available until after the field assessment. It has since been reviewed but does not change the findings of this report. Its recommendations should be considered in conjunction with the recommendations of this report.

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Introduction, Continued

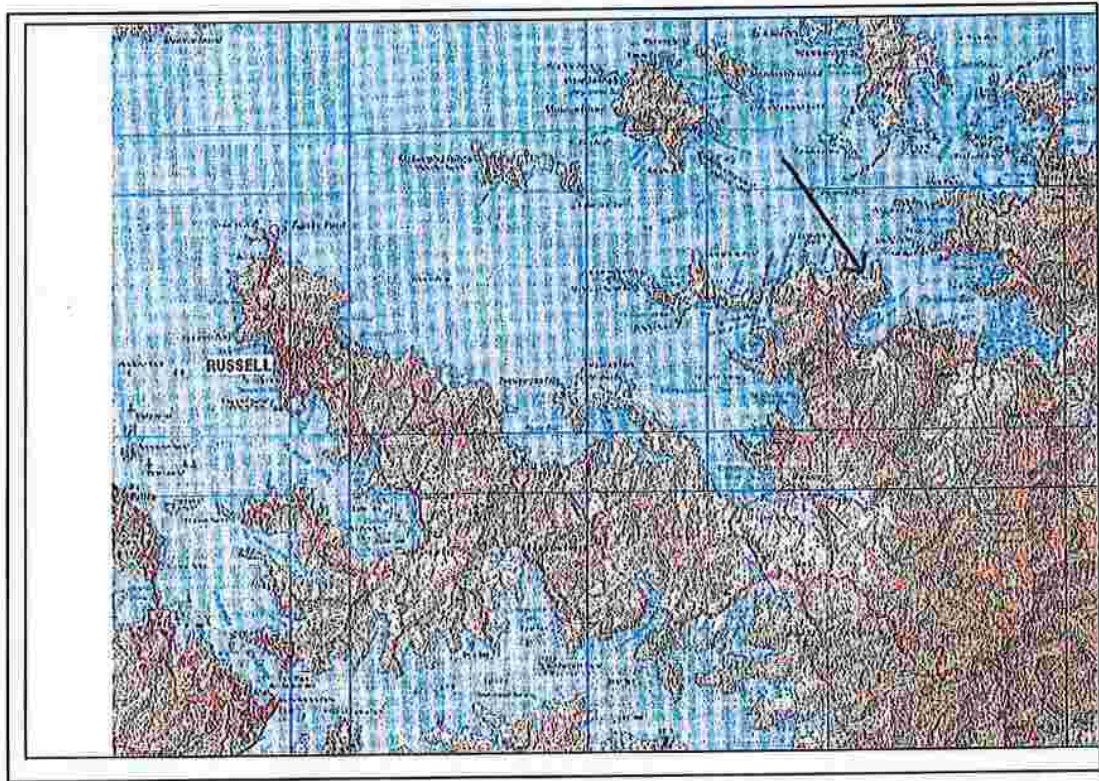


Figure 1. Location of Bentzen Farm

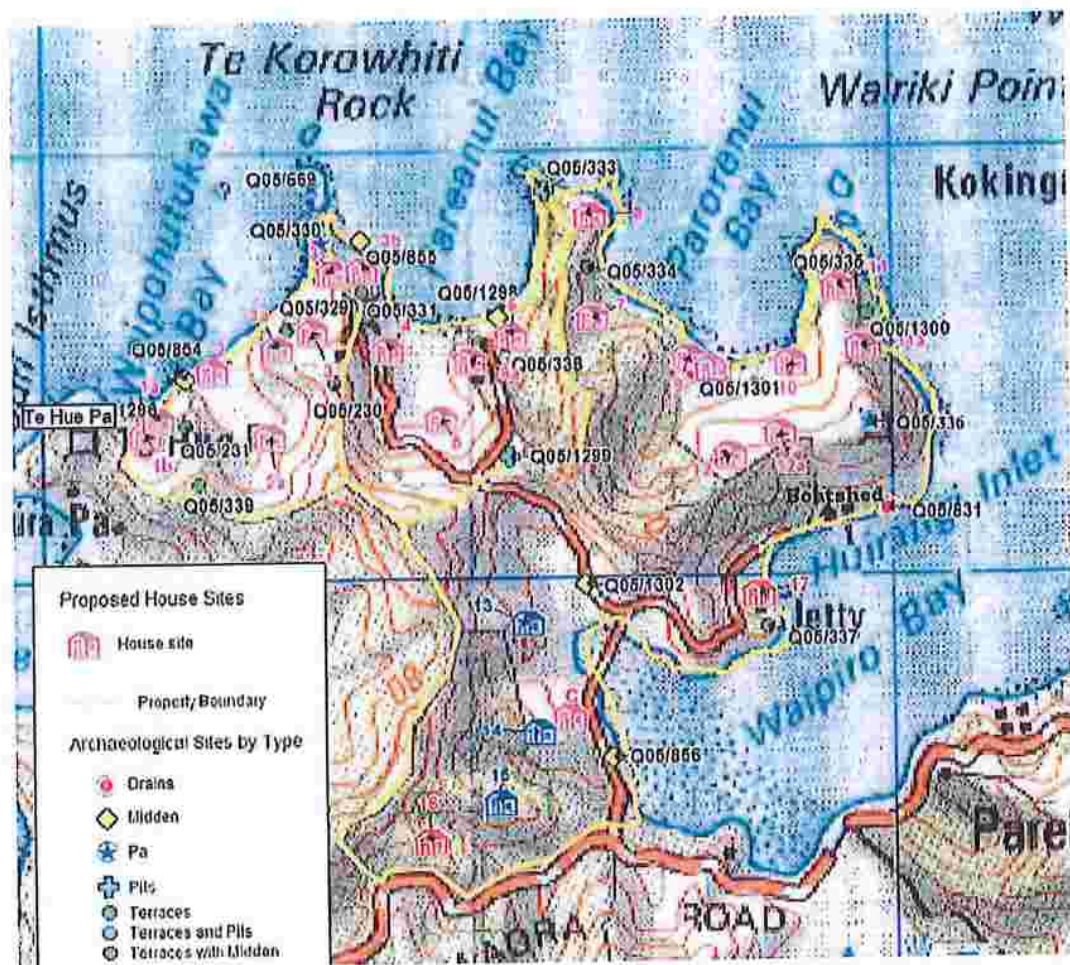


Figure 2. Bentzen Farm showing approximate location of house sites Investigated (July 2004 – pink, August 2004 – blue) and property boundary, with recorded archaeological sites. Additional sites red

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Introduction, Continued

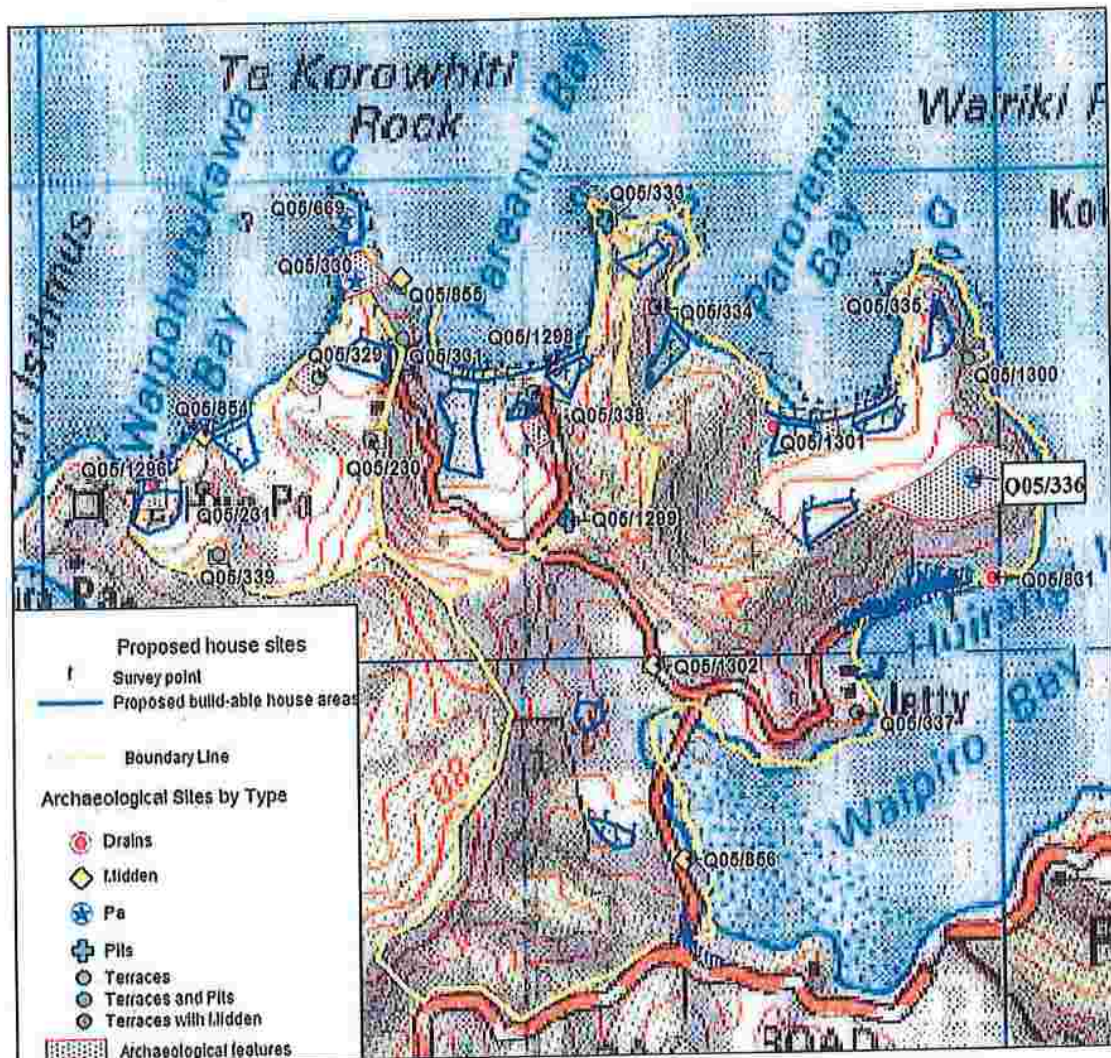


Figure 3. Chosen buildable areas and relationship to nearby archaeological sites (approximate extent of features shaded)

Results

Historical Background

Observations by the first European explorers in the Bay of Islands confirm that occupation by Maori throughout the region was widespread and intense. Cook visited the area and a number of its pa in 1769 (Salmond 1991; 2003:134-138). Cook and his men explored the Bay, finding it densely populated, with many large fortified towns, villages and cultivations (Salmond 2003:136).

French explorer Marion Du Fresne visited in 1772 and after more than a month there was killed by Maori in Manawaora Bay along with a number of his men (Salmond 1991). Retribution by the French sailors followed and included attacks on a number of the pa in the district. This included the 'Grand Magazin', Te Hue Pa. Bruce (2003:4) speculates 'it is unlikely that any of the villages [in the vicinity of Te Korowhiti Pa which was also sacked] would have escaped retribution'. Du Fresne's visit appears to have been a catalyst for inter-hapu conflicts in 1772 (Ballard 2003:183).

Further details regarding the early European explorers' visits in the Bay of Islands can be found in Kelly (1933; 1951) and Salmond (1991; 2003), while archaeological excavation at Paeroa Pa on Moturua Island, north of the Bentzen Farm property and sacked by Du Fresne's sailors, is described by Groube (1964).

Previous Archaeological Work

Previous archaeological assessments (Bruce 2003, 2004) described the archaeological features present on the property, which included 7 new sites as well as a number of sites recorded prior to the 2003 work. Bruce (2003) summarised the previous archaeological research in and around Bentzen Farm which included:

- Research by Kelly (1933), who was focused on tracing Marion Du Fresne's visit to the Bay of Islands in 1772.
- A general survey in the 1970s on behalf of the Department of Conservation, with subsequent visits to the area in 1980.
- A single site recorded by Ian Barber (Q05/831) and described as Maori horticultural drains on the eastern slopes near Pa Q05/336.

Kelly's research did not note any sites on the Bentzen Farm property itself, but did record Te Hue Pa (Q05/232), described as the 'Grand Magazin' sacked by Du Fresne's troops in 1772 (see above). This pa is on the neighbouring land northwest of the Bentzen Farm property in Waipohutakawa Bay. Sites recorded in subsequent archaeological surveys are shown in Figure 2. The sites include a pa (Q05/330) on the headland spur leading to Te Korowhiti Rock and the large pa (Q05/336) on the high peak at the eastern end of Bentzen Farm property on the Huirangi Inlet overlooking the entrance to Waipiro Bay.

Continued on next page

Results, Continued

Previous Archaeological Work, Continued

In addition to the pa sites, terraces, midden and garden features attest to earlier occupation of the area, although sites are not densely distributed. Previously recorded archaeological sites are shown in Table 1.

Although none of the historically documented sites fall within the area of the proposed subdivision, the presence of a number of archaeological sites recorded on the property suggests that a cautious approach is required for development of the area.

Many of the key archaeological sites on the property, particularly the pa, should be considered as potentially of high significance in terms of their heritage value. This relates to their occupation by Maori before and during early European contact.

It is possible that material culture relating to both pre-European occupation and early European-Maori encounters will be encountered during earthworks, particularly in the north-western end of the property (Bruce 2003:16).

Table 1. List of sites on the property

Map	Number	Easting	Northing	Type	Notes
Q05	230	2621688	6660451	Terraces	Includes Q05/332
Q05	231	2621337	6660356	Terraces	
Q05	329	2621579	6660580	Terraces	
Q05	330	2621662	6660780	Pa	
Q05	331	2621758	6660661	Terraces	
Q05	333	2622189	6660895	Pits	
Q05	334	2622287	6660715	Terraces with Midden	
Q05	335	2622880	6660693	Terraces and Pits	
Q05	336	2622951	6660348	Pa	
Q05	337	2622699	6659870	Terraces	
Q05	338	2622030	6660544	Terraces	
Q05	339	2621367	6660218	Terraces	
Q05	669	2621642	6660910	Pa	
Q05	831	2622988	6660143	Drains	
Q05	854	2621341	6660466	Midden	
Q05	855	2621758	6660785	Midden	
Q05	856	2622338	6659571	Midden	
Q05	1296	2621236	6660369	Drains	
Q05	1297			Midden	Destroyed
Q05	1298	2622079	6660802	Midden	
Q05	1299	2622101	6660275	Pits	
Q05	1300	2622940	6660599	Terraces	
Q05	1301	2622537	6660465	Drains	
Q05	1302	2622277	6659975	Midden	
Q05	1231	2622780	6660313	Midden	Recorded in Bruce (2004) as part of Q05/202 [should be 336]

Continued on next page

Results, Continued

Field Assessment All the areas proposed for house sites were inspected and test pitted. The results are presented below, area by area.

In most of the areas the test pits revealed a relatively standard stratigraphy: a layer of 10-25cm of topsoil above a yellow clay base. Along some beach locations this topsoil contained old beach gravel. Exceptions to this are described below in the discussion of each area. The general conclusion was that the likelihood of finding additional intact archaeological deposits during earthworks for the proposed houses is relatively unlikely. However some house sites are situated within or near previously recorded archaeological sites and these are discussed in more detail below.

Caretaker Block A caretaker's (or gatekeeper's) building is proposed near the entrance to the farm on Waipiro Bay (see Figure 2, GK and Figure 3, C). The site is near the base of a spur (Figure 4); test pits revealed nothing unusual. Approximately 20m above the proposed site, a scatter of shell is visible (Figure 5). A test pit dug into this scatter did not reveal any intact deposits, suggesting that this shell is re-deposited from higher ground. Brief survey up the ridge did not reveal the source of the shell.

Archaeological values are not likely to be impacted on by the proposed buildings.

Buildable Area 1 - Waipohutukawa Bay (west) Two house sites (1a and 1b) were proposed at the western end of Wai-pohutakawa Bay (Figure 6). These were reduced to a single area suitable for building (Figure 3). Test pits and probing in this location did not reveal any archaeological material. Previous survey work on the property resulted in the recording of an archaeological site (Q05/1296) consisting of a number of 'agricultural drains' radiating from a central 'drain' at the base of the valley and running between the two proposed house sites.

Any house site would impact on these archaeological features, although we were unable to confirm their existence even though the area had recently been mowed. Even in the original site records these features are described as vague, with the exception of the central natural drain. Although crop marks are visible in previous images (Bruce 2003:15, Plate 15), these were not visible in July 2004 and testing indicated a normal soil profile, leading us to conclude that there is little if any evidence of recoverable archaeological information to indicate what these structures might have been.

Continued on next page

Results, Continued

**Buildable Area 1 -
Waipohutakawa
Bay (west),
Continued**

The slumping and erosion visible on the slopes above the proposed house sites (Figure 7) indicate that water is likely to have been channelled down into the base of the valley during heavy rains (assisted by the basal clay). This runoff has caused the deep central channel visible today. Furthermore, even if some of these features derive from pre-1900 activities, investigation of the area by archaeological methods is unlikely to provide evidence relating to the history of New Zealand due to the natural erosion that has occurred in this area.

Although an archaeological site is recorded in this area we conclude that there are no obvious pre-1900 features apparent and archaeological values are unlikely to be impacted on by the proposed houses. Given the proximity of Te Hue Pa west of this area, a cautious approach would include monitoring of earthworks in this zone in case material culture relating to early European-Maori activity is found.

**Buildable Area 2 -
Waipohutakawa
Bay (central)**

Two house sites (2, 2a) were initially investigated on the land behind the small inlet in the centre of Waipohutakawa Bay. House site 2 (Figure 8) was located on a flat area above the beach. Test pits revealed old beach gravel over the basal clay. An archaeological site (Q05/854) is recorded along the beach west of the house site and on the slopes above. Q05/854 consists of scatters of shell, but was recorded as mostly destroyed (Bruce 2003:6). The shell was not visible on the slopes during this survey while the material on the beach is unlikely to be impacted on by any buildings on the beach flat some 40m away. The second house site (2a) was located inland (Figure 9) and no archaeological features are apparent in this area.

The two house sites were reduced to a single area suitable for building (Figure 3). The reduction to a single area, however, requires modification of the road in the western side of the site. No archaeological sites are likely to be impacted on by this change.

The proposed house site is unlikely to impact on archaeological sites. However, the presence of shell deposits on the slopes above house site 2 suggests that some monitoring of further earthworks for roads should be carried out.

Continued on next page

Results, Continued



Figure 4. View of area caretaker block looking south



Figure 5. Shell scatter about 20m up ridge from caretaker block



Figure 6. View of Walpohutakawa Bay and house sites initially investigated

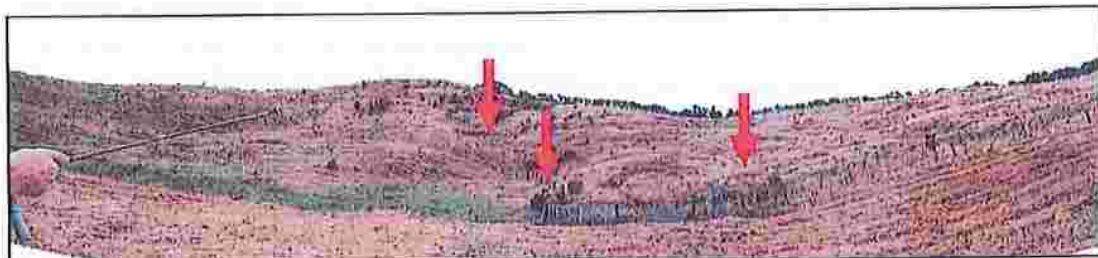


Figure 7. View of hillside above Walpohutakawa Bay showing areas of slumping and erosion

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Results, Continued

Buildable Area 3 - Waipohutakawa Bay (east)

Three house sites (3, 3a and 3b) were proposed in the eastern end of Waipohutakawa Bay. Two possible house sites (3 and 3b, Figure 10 and Figure 11) were proposed on the point leading to Te Korowhiti Rock. A pa (Q05/330) is located about 70m north of these possible house sites which were positioned on opposite sides of the spur. Test pits revealed no archaeological deposits nor would there be any direct impact on the pa.

The westernmost of the proposed house sites (3a, Figure 10, Figure 12) was located on the slopes of a small spur east of the point leading to Te Korowhiti Rock. Test pits did not reveal any archaeological deposits. However, terracing is clearly visible to the north of the house site and it has been recorded previously as archaeological site Q05/329.

Q05/329 consists of 2-3 terraces up the ridge from the valley. We note, however, that stock damage (Figure 13) has also helped to create terracing in this location and test pits were ambiguous as to whether any or all the features were due to stock or pre-1900 human agency.

A single area suitable for building was then designated (Figure 3), avoiding all archaeological sites. It was suggested that this should avoid the main spur leading to the pa Q05/330. Furthermore we suggest that the pa be protected with a covenant.

Buildable Areas 4 and 5 - Pareanui Bay

Two house sites (4 and 5) are proposed for the western end of Pareanui Bay (Figure 14). Test pits did not reveal any subsurface archaeological features.

No archaeological sites are directly impacted on by the proposed house sites.

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Results, Continued



Figure 8. Location of initially investigated house site 2, near the beach



Figure 9. Initially investigated house site 2a, inland of house site 2

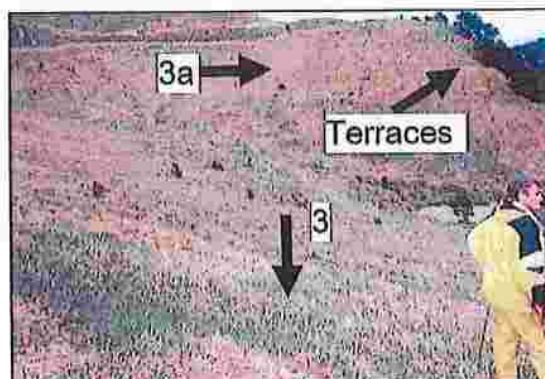


Figure 10. View of initially investigated house sites 3 and 3a



Figure 11. View of initially investigated house site 3b and Pa



Figure 12. View of terraces north of 3b with site 3 in background



Figure 13. Stock damage creating or damaging terraces in area of terrace site

Continued on next page

Results, Continued

Buildable Area 6 - Pareanui Bay Two house sites (6 and 6a) (Figure 15, Figure 16) were reduced to a single buildable area (Figure 3). The proposed house site 6 is located at the eastern end of Pareanui Bay. This area has already been levelled and no archaeological deposits are apparent.

On a spur leading north into the centre of Pareanui Bay there is a road leading to a series of septic tanks and a power shed. Above the power shed is a flattish area on the spur which has been bulldozed in the past for construction of a power pole and water tanks. A terrace (Figure 17)¹ and possible pits are visible, although other features may have been damaged. Further terracing² (Figure 18) occurs with shell scattered on the surface on the spur below the power shed. These were recorded as Q05/338. It was decided to alter the location of the zone suitable for building (Figure 3) in light of the archaeological remains, and the area chosen included the area already substantially damaged by the power shed and other landscaping.

There will be no direct impact on archaeological features from the proposed house sites. Removal of the current structures in the area of site 6 should be carried out to prevent further damage to the terrace features (Q05/338) recorded above and below the power shed.

Buildable Area 7 - Parorenuui Bay A house site (7) is proposed for the western end of Parorenuui Bay (Figure 19). This area has previously been levelled, with drainage and roading in place. Test pits did not reveal any subsurface archaeological features.

The proposed house site is unlikely to impact on archaeological sites.

Continued on next page

¹ Location of terrace is at NZMG E2621997 N6660476 ± 6m

² Location of bottom terrace is at NZMG E2622025 N6660535 ± 8m

Results, Continued

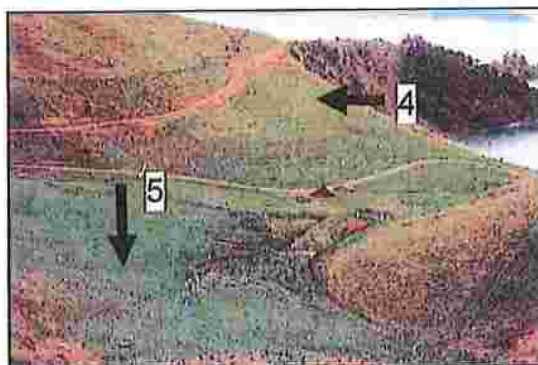


Figure 14. View of proposed house sites 4 and 5



Figure 15. View of proposed house site 6



Figure 16. View of initially investigated house site 6a

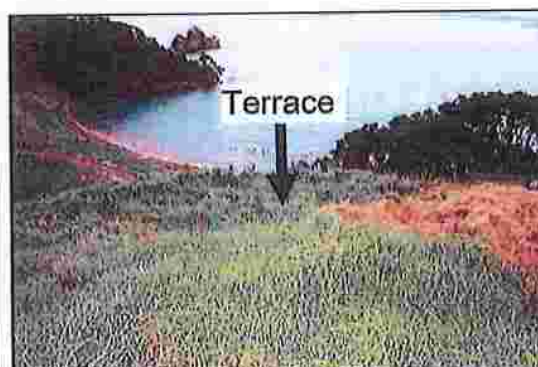


Figure 17. Terrace above 6a



Figure 18. Terrace site below power shed

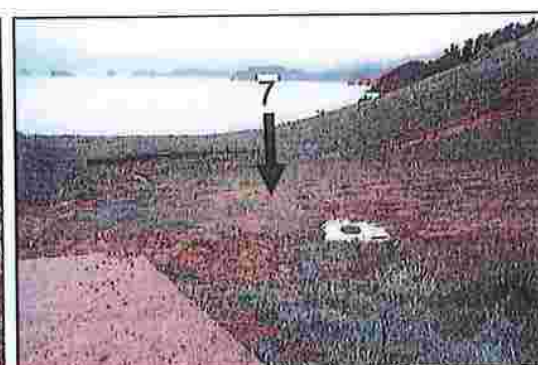


Figure 19. Proposed house site 7

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Results, Continued

Buildable Area 8 - Parorenuui Bay Buildable area 8 is proposed on top of the ridge at the western spur of Parorenuui Bay (Figure 20). This area has previously been levelled during forestry activities and test pits (Figure 21) uncovered a layer of mulch rather than topsoil above the clay surface. Any archaeological features are therefore likely to have been destroyed. A site (Q05/333) consisting of pits is recorded on the western spur but was reported as destroyed by Bruce (2003:12). However, the features are visible at the tip of the western spur as described in the original NZAA record and at GPS coordinates recorded in Table 1.

The proposed house site is unlikely to impact on archaeological sites.

Buildable Area 9 - Parorenuui Bay Two possible house sites (9 and 9a) were investigated in the centre of Parorenuui Bay, and reduced to a single buildable site. House site 9 is located on a levelled area (Figure 22) and test pits here suggested that no subsurface archaeological features are likely to be found. Approximately 20-50m east of this site another possible site had been proposed (9a, Figure 23). This area has previously been recorded as an archaeological site consisting of Maori agricultural drains (Q05/1301). Test pits in the area did not reveal any obvious signs of human construction with a relatively standard topsoil and beach gravel overlying the clay base (Figure 24). Although the features are visible (Figure 25), it is not clear how these might have worked in agricultural practice as they neither drain water away from a garden area (there is a relatively steep gradient anyway) nor are they designed to channel water into a wetland area. There is also the question of what gardening would have been practical along the beach front exposed to significant wave wash and subsequent saline conditions. Finally, it is also clear that the old farm track ran directly through this area and has substantially altered the character of any archaeological features.

Despite the doubtful nature of remaining archaeological features, the second house site was dropped and a single area suitable for building (Figure 3) was established to the west of the recorded archaeological features.

Buildable Area 10 - Parorenuui Bay Buildable area 10 is proposed for the eastern end of Parorenuui Bay (Figure 26). Test pits did not reveal any subsurface archaeological features.

No archaeological sites are directly impacted on by the proposed house sites.

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Results, Continued

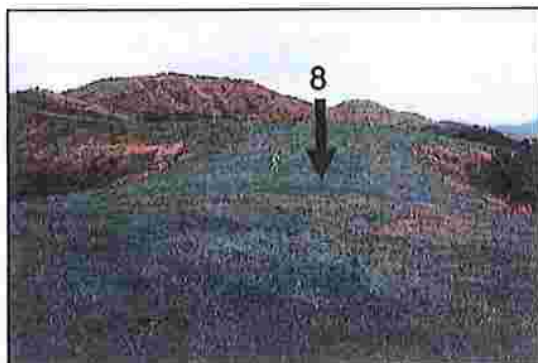


Figure 20. Proposed house site 8



Figure 21. Test pit in proposed house site 8

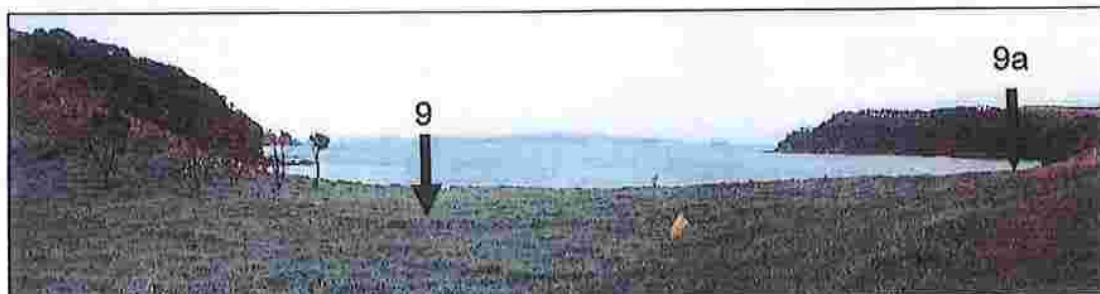


Figure 22. View of area initially investigated for 2 house sites in area 9

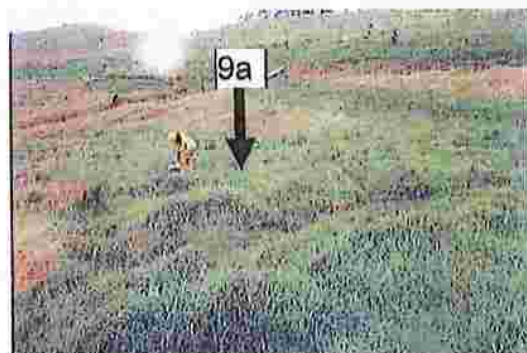


Figure 23. Proposed house site 9a (now dropped) and "Q05/1301"



Figure 24. Section in area of drains



Figure 25. View of proposed house site 9a (now dropped) and Q05/1301 drains

Continued on next page

Results, Continued

Buildable Area 11 A house site (11) is proposed atop the ridge at the eastern end of Parorenu Bay (Figure 27). Test pits did not reveal any subsurface archaeological features. A pit site (Q05/336) is described but these features (although vague) are some 50m from the house. The single area suitable for building was established for house site 11 and designed to be south of the site Q05/336. South of this proposed site, another possible house site (11a) was initially proposed on the eastern slopes (Figure 12). No archaeological sites are located here but the site has been dropped from the current proposal.

No archaeological sites are directly impacted on by the proposed house sites, but if landscaping is required for house area 11, monitoring of earthworks in this area is recommended.

Buildable Area 12 Two house sites (12 and 12a) were initially proposed on the ridge overlooking Parorenu Bay (Figure 29 and Figure 30). Test pits did not reveal any subsurface archaeological features in either area. House site 12a has since been dropped (Figure 3) from the proposal. However, a recent road bulldozed along this ridge has revealed a shell midden in the southern section (Figure 31). This has been included as part of pa site Q05/336, although it is located c.50m from the area containing the defensive features of the pa. Archaeological investigation of this midden is suggested (see below), since roading requirements will probably further impact on the exposed midden.

No archaeological sites are directly impacted on by the proposed house site 12, but road works in the vicinity may further impact on the exposed midden.

Buildable Areas 13-14 Additional proposed house sites were also investigated in August 2004 (Figure 2). Buildable areas 13 and 14 are in the south of the main property near the caretaker's block in a paddock next to an unharvested forestry block (Figure 32 and Figure 33). Test pits (e.g. Figure 34) in the areas proposed for building (Figure 3) revealed no archaeological sites. Above the proposed house site 13 the slope shows signs of slumping.

Forestry Block (Buildable Areas 15-16) Two more possible house sites, 15-16, are tentatively proposed for the forestry block. The forest is densely vegetated (Figure 35) making archaeological survey difficult. It is not possible to confirm that no archaeological sites are present in this zone but much of this area is steep and sites are unlikely to be found, especially given the forestry activities. The main north-south ridge running at the western end of the block has also largely been scraped down by machine and this has probably destroyed or obscured any archaeological features (Figure 36). It is suggested that forest clearance be allowed in this zone and the area revisited afterwards to establish areas suitable for building.

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Results, Continued



Figure 26. House site 10



Figure 27. House site 11

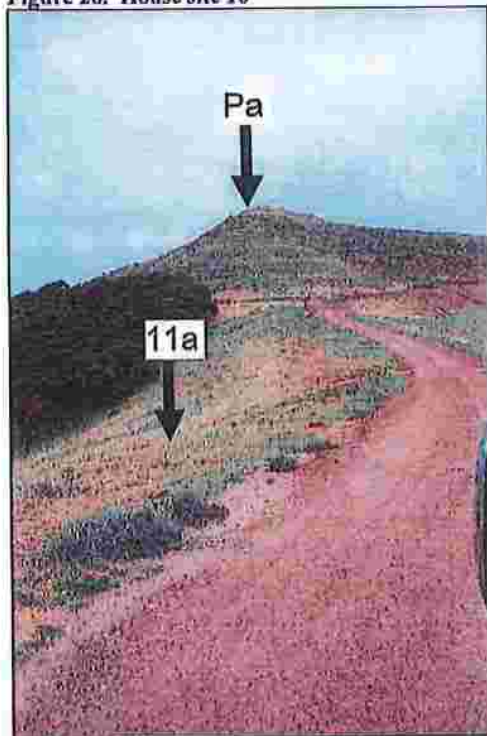


Figure 28. Initially investigated house site 11a (now dropped) with Pa (Q05/336) in background



Figure 29. House site 12



Figure 30. Initially investigated house site 12a (now dropped)



Figure 31. Midden in road section near 12a

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Results, Continued



Figure 32. General view of proposed house site 13



Figure 33. View of proposed house site 14



Figure 34. Proposed house site 13 test pit

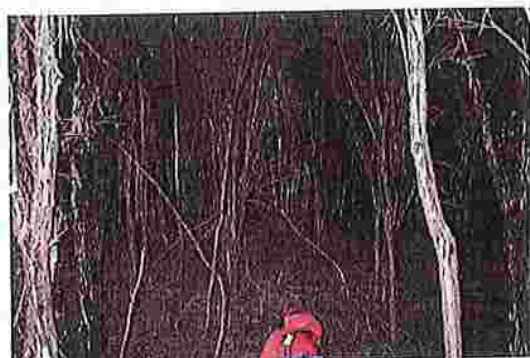


Figure 35. View in forestry block



Figure 36. In forestry block showing machine damaged surface

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Results, Continued

Standing Structures

The following standing structures are present on the property and post-date 1900 in construction:

Main house in Waipiro Bay

Caretaker's cottage in Waipiro Bay behind main house

Boat house in Waipiro Bay

Power shed in Pareanui Bay

Neither the boat house nor the power shed is considered to have significant heritage value. The main house was probably built after 1920 and remains in good condition. The cottage behind the main house was constructed by combining 3 WWII army sheds (caretaker, pers. comm.). The cottage is not in good structural condition. There are no significant heritage values attached to these two houses.

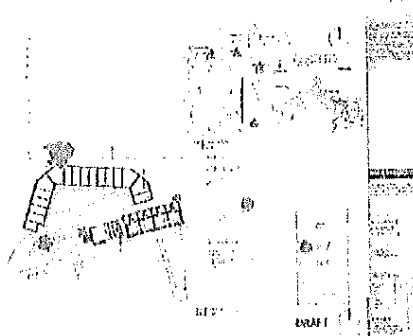
Buildable Area 17

This area is in Waipiro Bay on the site of the existing farmhouse and caretaker's house. The area has been extensively landscaped with a swimming pool, terraces and gardens. It is unlikely that any archaeological remains will have survived.

Boatsheds

As part of the development it is proposed to construct a number of boatsheds behind the existing boathouse in Waipiro Bay (Figure 37). Earthworks, including some cutting back into the hillside, will be required. No sites have previously been recorded in this location, although some agricultural drains (Q05/831) are recorded to the east. The area was not inspected, and should be assessed before plans are finalised. If archaeological features are present, modification to the building plan may be required.

Figure 37.
Proposed
boatshed
development,
Waipiro Bay (in
yellow behind
existing
boatsheds)



Discussion

Summary of Results

Twenty-five archaeological sites had previously been recorded on the property, and proposals for house sites have been developed with a view to avoiding impact on these. All the proposed house sites were inspected and subsurface testing was carried out, except for buildable areas 15 and 16 in the forestry block, and the boatshed area. In a number of potential house sites, the areas considered suitable for building have been modified to avoid or limit impact on archaeological values. These include buildable areas 3, 6, 9, 10, 11 and 12.

The proposed house sites are unlikely to impact on any major archaeological features on the property. However, a previously recorded site (Q05/1296) consisting of agricultural drains is located where buildable area 1 is proposed. We consider that the archaeological site is unlikely to provide any significant archaeological information. However, given the proximity of Te Hue Pa to house area 1, and the historical significance of the pa, it is recommended that the area is excavated by a qualified archaeologist to ensure that any archaeological information that may be present is recovered before building.

Buildable area 6 is located near an archaeological site (Q05/338) which has been heavily modified by earthworks and the construction of a power shed and septic tanks. The proposed building area is designed to replace the existing structures and is unlikely to impact further on this site. However, landscaping to restore this area will require archaeological monitoring. (Alternatively, given the major damage to this site, an application to carry out an archaeological mapping and excavation project here to allow full development could be considered.)

A midden c.50m from the defensive features of pa site Q05/336 in buildable area 12 had recently been exposed in a road cutting. Further roadworks may expose more of the midden and it is recommended that this site is investigated prior to further work being carried out. The pa itself will not be affected.

Archaeological Significance

As discussed earlier and described elsewhere (Bruce 2003:16), Bentzen Farm contains a number of important archaeological sites relating to a large Maori population living, gardening and taking advantage of the rich natural resources of the region. The archaeological features that remain form a cultural heritage landscape that relates to the period pre-dating early European visits by Cook and Du Fresne in the latter half of the 18th century through to the early 19th century.

Subsequent farming, logging and natural erosion have impacted on many of the smaller elements of this landscape and, given the intensity of occupation suggested by early European accounts, the number of sites such as middens that remain appears low and probably represents only a small part of what was once present in the landscape. Most of the remaining sites are vulnerable to natural coastal erosion.

Continued on next page

Discussion, Continued

Assessment of Effects

Overall, the property has a moderate density of archaeological sites, but the proposed residential development has been designed to avoid impact on these sites. The exception is the recorded 'drain' features (Q05/1296, Area 1), whose survival and ability to provide archaeological information are uncertain.

It is possible that further roadworks in Area 12 may expose more of a midden close to pa site Q05/336 that has already been damaged by a road cutting.

If the significant sites are avoided and earthworks relating to housing and road works are monitored in key areas as set out in Table 2, and if the two sites referred to are investigated prior to development, then impact on archaeological values will be less than minor. Protection of the pa sites by covenant as recommended will be a positive outcome.

Mitigation

To allow building in Area 1, an application to the Historic Places Trust under section 11 of the HPA should be made to allow the modification of site Q05/1296 following archaeological investigation. In addition, this application should also allow investigation of the exposed midden near Q05/336 (Area 12) to sample the contents of the midden and obtain radiocarbon dates of this feature.

Mitigation by way of revegetation to prevent erosion on steep slopes is recommended as it will enhance preservation of the area, but should not be carried out on the intact archaeological features. We reiterate Bruce's (2003:17) recommendation that sites Q05/230, Q05/232, Q05/336, Q05/338 and Q05/1299 should not be planted, and if necessary they should be marked out to prevent further planting within the sites. However, we consider that the steep eroding slopes of the pa Q05/336 should be planted to stabilise the environment, providing obvious archaeological features are avoided.

Management Plan

As part of the management plan for the development, the following suggestions are made with regard to cultural heritage values:

Archaeological sites should be identified in the plan (Figure 38).

Protection of recorded sites from earthworks and landscaping should be provided for in the plan.

Revegetation of major archaeological sites should be avoided unless the Historic Places Trust has approved the planting.

Limited access to the pa sites by stock for land maintenance should be allowed, but heavy stock grazing in wet conditions should be avoided.

The pa sites should be protected both in the management plan and by covenant if possible.

Continued on next page

Table 2. Summary of archaeological effects and suggested actions

Buildable Area	Archaeological impact	Constraints on buildable (and adjacent) areas	Suggested actions
Caretaker block	None	None	No action required
1	Modification of site Q05/1296	HPA authority required prior to building	Application to modify site under HPA Section 11
2	None	Precautionary approach to roadworks (shell deposits nearby)	Monitoring of road works in Waipohutakawa Bay
3	None	Building limited to recommended zone to avoid nearby sites Q05/329 and 330	No action required except for protection of the sites to be included in management plan Q05/330 pa could be covenanted
4	None	None	No action required
5	None	None	No action required
6	Q05/338, modified in past	Building limited to recommended zone	Monitoring of landscaping activities and during removal of current buildings. Protection of site included in the management plan
7	None	None	No action required
8	None	None	No action required
9	None	Building limited to recommended zone to avoid Q05/1301	No action required, except protection of site included in management plan.
10	None	None	No action required
11	None	No building allowed north of recommended zone to avoid Q05/336	Information on site should be included in the management plan Any landscaping should be monitored to prevent impact on site
12	None by house site Roading may impact further on Q05/336 midden, already damaged	None HPA investigation permit required if further road would impact on midden	No action required on house site. Application to investigate damaged midden cut on Q05/336 for roading or retaining of remnant midden
13-14	None	None	No action required
Forestry block (15-16)	Not completely established – ground coverage is poor	None known	Re-evaluate area for archaeological remains after logging
17	None	None	No action required

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Discussion, Continued

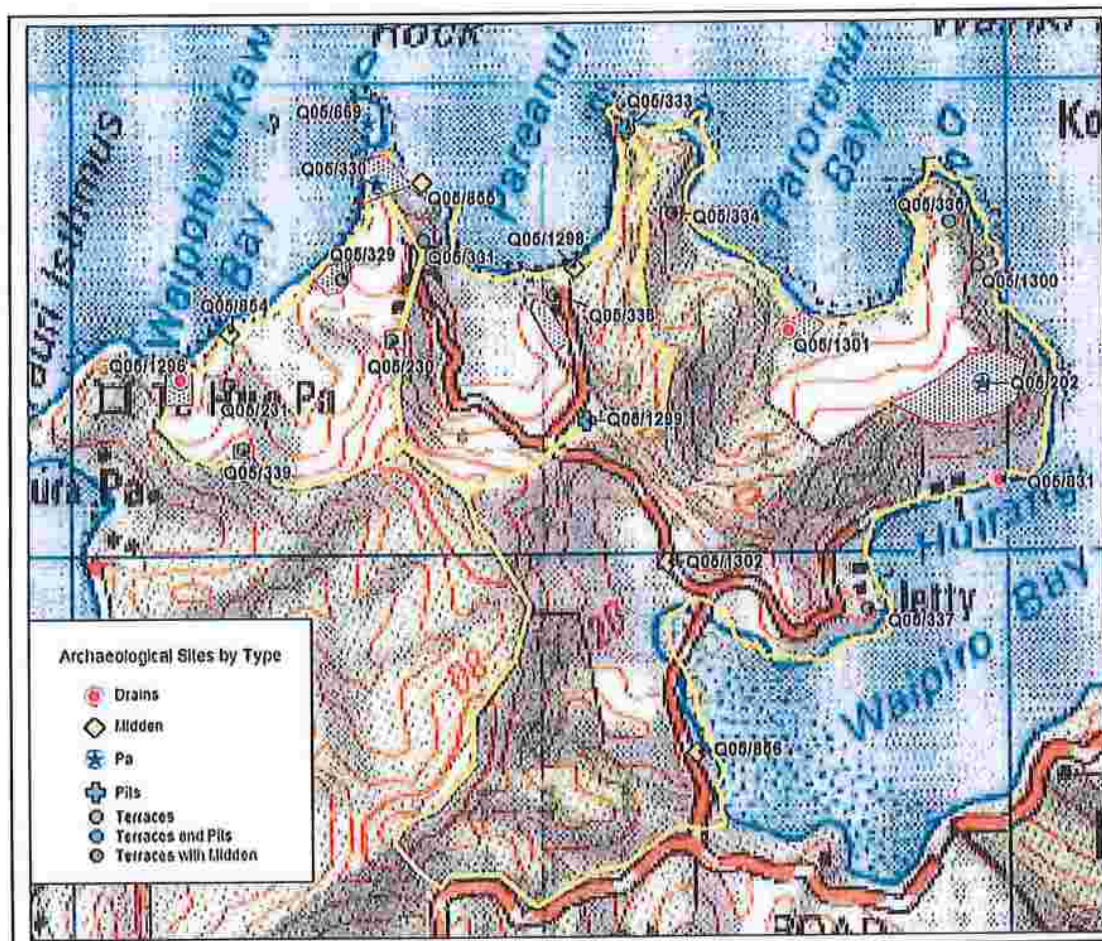


Figure 38. Archaeological sites on the Bentzen Farm property showing approximate boundaries of archaeological features

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**General
Considerations**

This is an assessment of impact on archaeological values and does not include an assessment of Maori values. Such assessments can only be made by the tangata whenua.

It should be noted that archaeological survey techniques (based on visual inspection and minor sub-surface testing) cannot necessarily identify all sub-surface archaeological features, or detect wahi tapu and other sites of traditional significance to Maori, especially where these have no physical remains.

**Historic Places
Act**

The Historic Places Act (1993) protects all archaeological sites whether recorded or not, and they not be damaged or destroyed unless an Authority to modify an archaeological site has been issued by the NZ Historic Places Trust.

Recommendations

- An application to the Historic Places Trust for an authority to modify site Q05/1296 should be made prior to development of buildable area 1.
 - An application to the Historic Places Trust to investigate the midden exposed in the road cutting (Q05/336) if this site is impacted on by further roading work in buildable area 12.
 - The management plan for the proposed development should include measures to ensure the protection of archaeological sites, as outlined above.
 - Future earthworks in buildable areas 2, 6 and 11 should be monitored by an archaeologist.
 - The southern Forestry Block should be reassessed during or after logging to determine the nature of any archaeological remains.
 - The boatshed construction area should be assessed by an archaeologist.
 - The pa sites (Q05/330 and Q05/336) should be protected by covenant. None of these sites should be planted with trees, and they should be maintained in good open condition with the exception of the steep slopes of Q05/336 where planting should be carried out to stabilise erosion.
 - Revegetation should not be carried out on any known archaeological features.
 - Heavy machinery should at all times be kept within the boundaries of the identified building areas and access roads, to prevent accidental damage to recorded archaeological sites.
 - If subsurface archaeological evidence should be unearthed during construction (e.g. intact shell midden, hangi, storage pits relating to Maori occupation, or 19th century European remains), work should cease in the immediate vicinity of the remains and the Historic Places Trust should be contacted.
 - If koiwi (human remains) are uncovered during construction, work should cease in the immediate vicinity and the Historic Places Trust, NZ Police and tangata whenua should be contacted so that appropriate arrangements can be made.
 - Since archaeological field survey cannot necessarily identify wahi tapu and other sites of traditional significance to Maori, tangata whenua should be consulted regarding the possible existence of such sites.
-

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Appendix 11

Record of Title and Relevant Instruments



RECORD OF TITLE
UNDER LAND TRANSFER ACT 2017
FREEHOLD
Search Copy




R.W. Muir
Registrar-General
of Land

Identifier **371332**
Land Registration District **North Auckland**
Date Issued 14 August 2008
Prior References
NA35A/947 NA35D/223

Estate Fee Simple
Area 7.1150 hectares more or less
Legal Description Lot 12 Deposited Plan 391213
Registered Owners
Joseph Edward Kasputys and Vicki Susann Van Mater

Estate Fee Simple - 1/17 share
Area 8.4550 hectares more or less
Legal Description Lot 18 Deposited Plan 391213
Registered Owners
Joseph Edward Kasputys and Vicki Susann Van Mater

Interests

Appurtenant to the part formerly Part Rawhiti No 2 Block in CT NA35A/947 is a right of way created by Deed of Grant 638899.1 - 2.3.1977 at 2.20 pm

7907807.2 Consent Notice pursuant to Section 221 Resource Management Act 1991 - 14.8.2008 at 9:00 am

Subject to Section 241(2) Resource Management Act 1991 (affects DP 391213)

Subject to a right (in gross) to convey telecommunications and computer media over Lot 18 and part marked S on DP 391213 in favour of Telecom New Zealand Limited created by Easement Instrument 7907807.4 - 14.8.2008 at 9:00 am

Some of the easements created by Easement Instrument 7907807.4 are subject to Section 243 (a) Resource Management Act 1991 (See DP 391213)

Subject to a right (in gross) to convey electricity over Lot 18 and part marked S on DP 391213 in favour of Top Energy Limited created by Easement Instrument 7907807.5 - 14.8.2008 at 9:00 am

The easements created by Easement Instrument 7907807.5 are subject to Section 243 (a) Resource Management Act 1991
Land Covenant in Easement Instrument 7907807.7 - 14.8.2008 at 9:00 am

Appurtenant hereto are walkway and riding rights created by Easement Instrument 7907807.8 - 14.8.2008 at 9:00 am

Subject to walkway and riding rights over part marked S on DP 391213 created by Easement Instrument 7907807.8 - 14.8.2008 at 9:00 am

Appurtenant hereto is a right of way and a right to convey electricity, telecommunications and computer media created by Easement Instrument 7907807.9 - 14.8.2008 at 9:00 am

Subject to a right of way and a right to convey electricity, telecommunications and computer media over part marked S on DP 391213 created by Easement Instrument 7907807.9 - 14.8.2008 at 9:00 am

Some of the easements created by Easement Instrument 7907807.9 are subject to Section 243 (a) Resource Management

Act 1991 (See DP 391213)

Appurtenant to Lot 18 DP 391213 is a right to convey water and electricity created by Easement Instrument 7907807.10 - 14.8.2008 at 9:00 am

Subject to a right to convey water and electricity over part marked BH on DP 391213 created by Easement Instrument 7907807.10 - 14.8.2008 at 9:00 am

Appurtenant hereto is a right of use and enjoyment created by Easement Instrument 7907807.11 - 14.8.2008 at 9:00 am

Subject to an inspection and maintenance work right (in gross) over Lot 12 DP 391213 excluding the part marked AI on DP 391213 in favour of Omarino Residents Association Incorporated created by Easement Instrument 7907807.12 - 14.8.2008 at 9:00 am

7907807.13 Encumbrance to Omarino Residents Association Incorporated - 14.8.2008 at 9:00 am

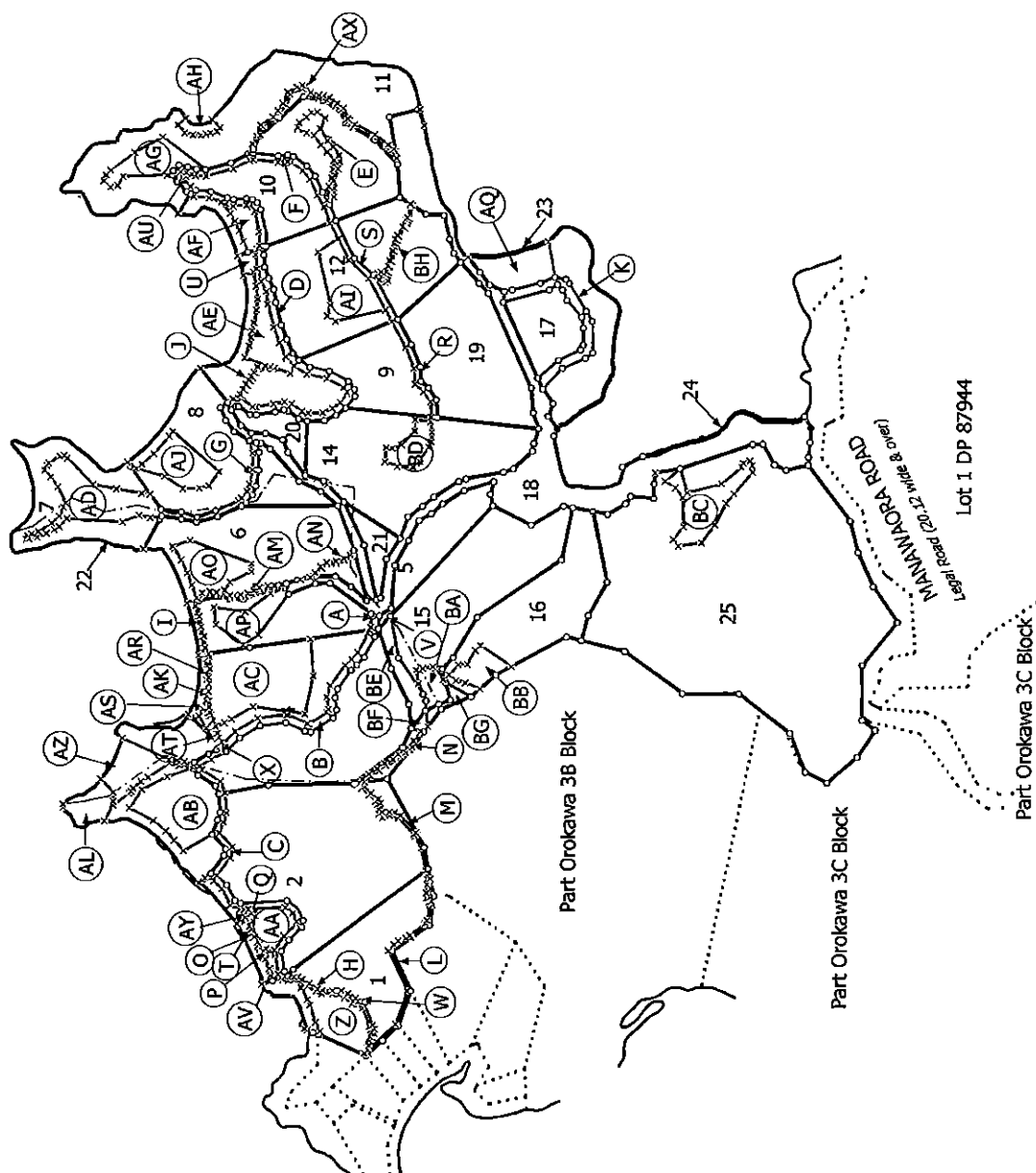
7907807.14 Lease of Lot 18 DP 391213 Term 999 years commencing on 8.8.2008 CIR 440867 issued - 14.8.2008 at 9:00 am (Right of Renewal)

8152730.2 Covenant pursuant to Section 108(2)(d) Resource Management Act 1991 - 11.5.2009 at 2:26 pm

8828538.1 Variation of Consent Notice 7907807.2 - 9.8.2011 at 10:15 am



Non Primary



T 13/40

Land District North Auckland

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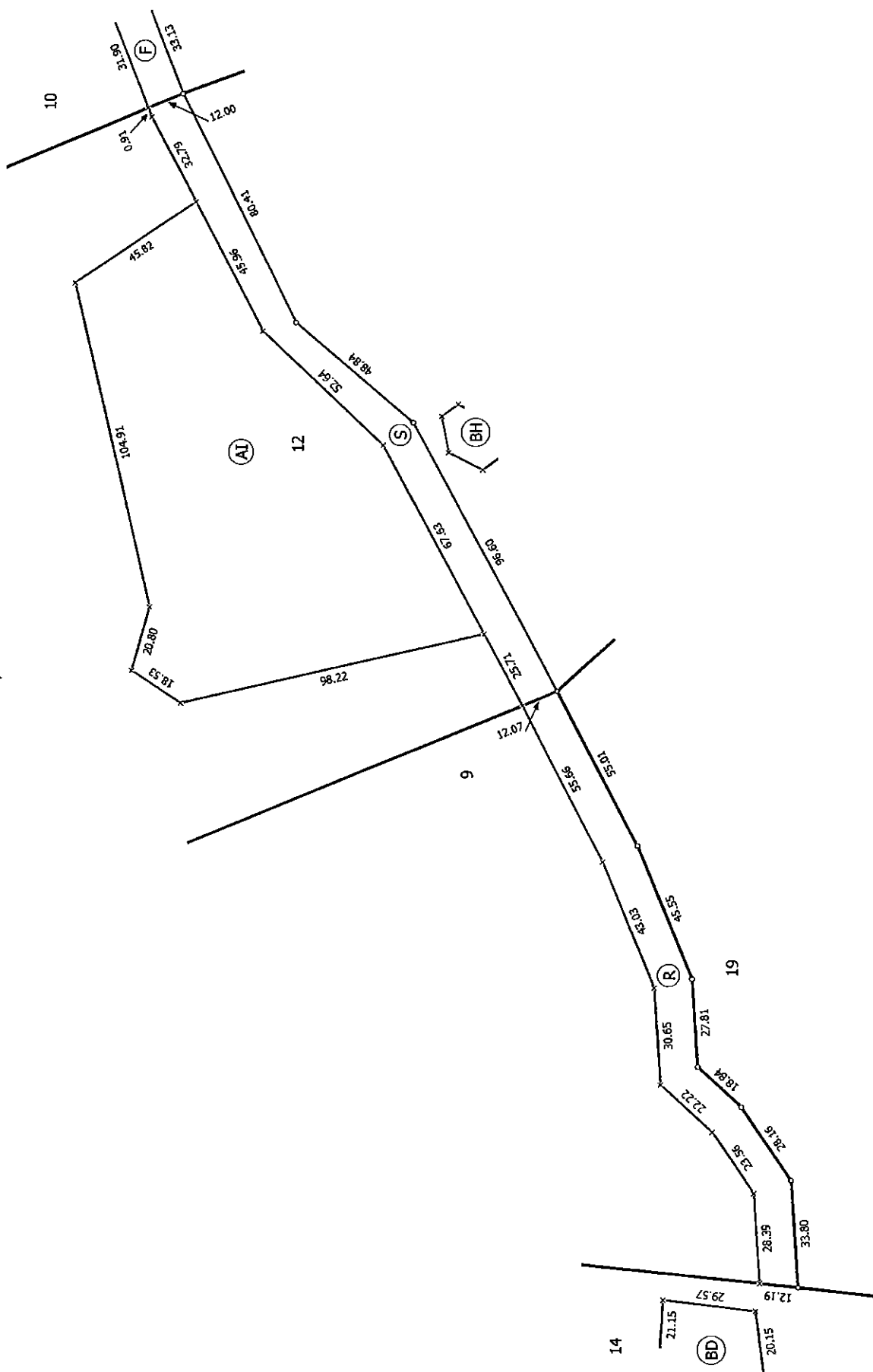
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Lots 1 to 12, and 14 to 25 being a subdivision of Parts Rawhiti No 2 Block and Pareanui Block

Surveyor: Ian David Gillespie
Firm: Lands & Survey Ltd

Digital Title Plan
DP 391213

Deposited on: 14/08/2008



T 32/40

Land District North Auckland

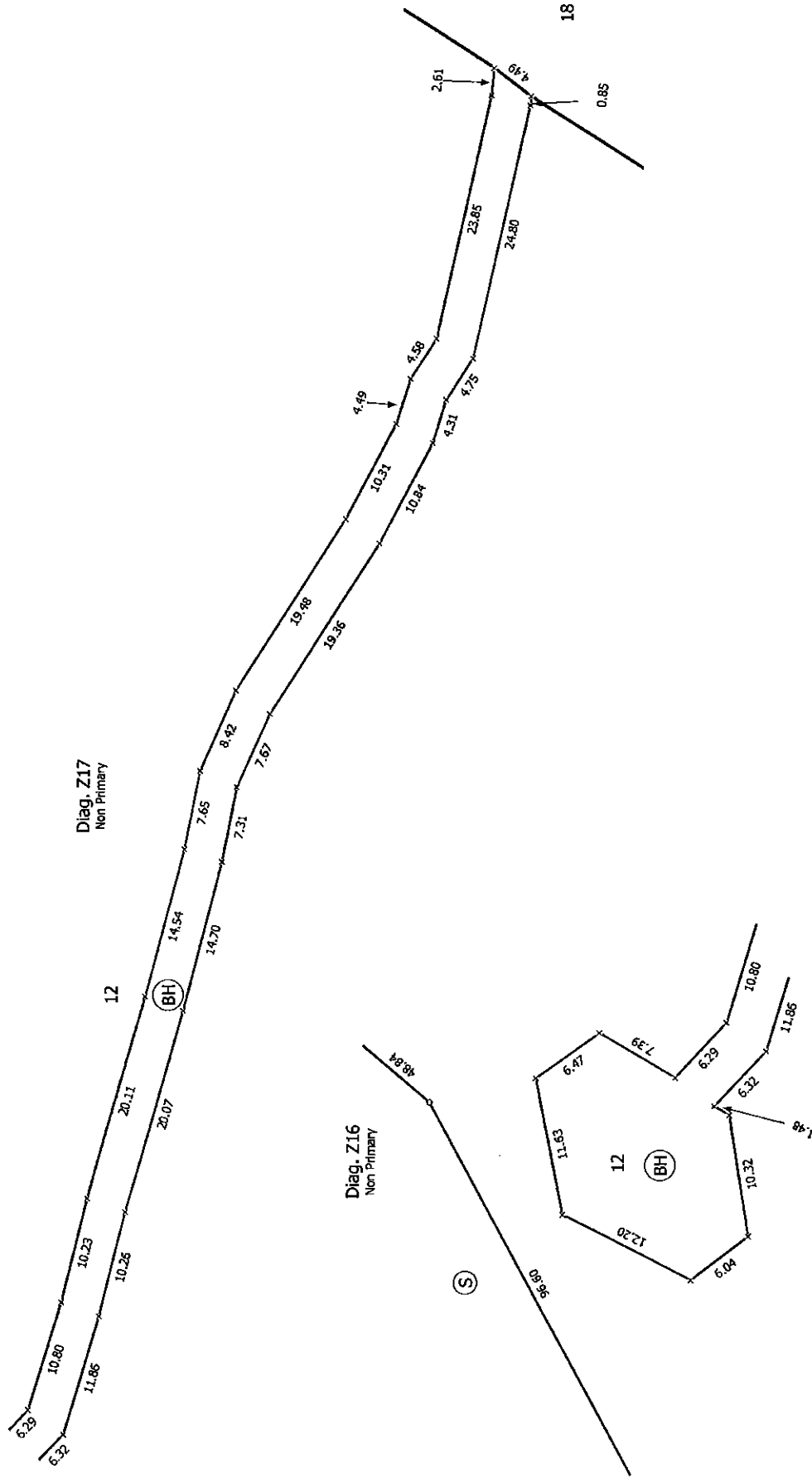
Lots 1 to 12, and 14 to 25 being a subdivision of Parts Rawhiti No 2 Block and Pareanui Block

Surveyor: Ian David Gillespie
Firm: Lands & Survey Ltd

Digital Title Plan
DP 391213

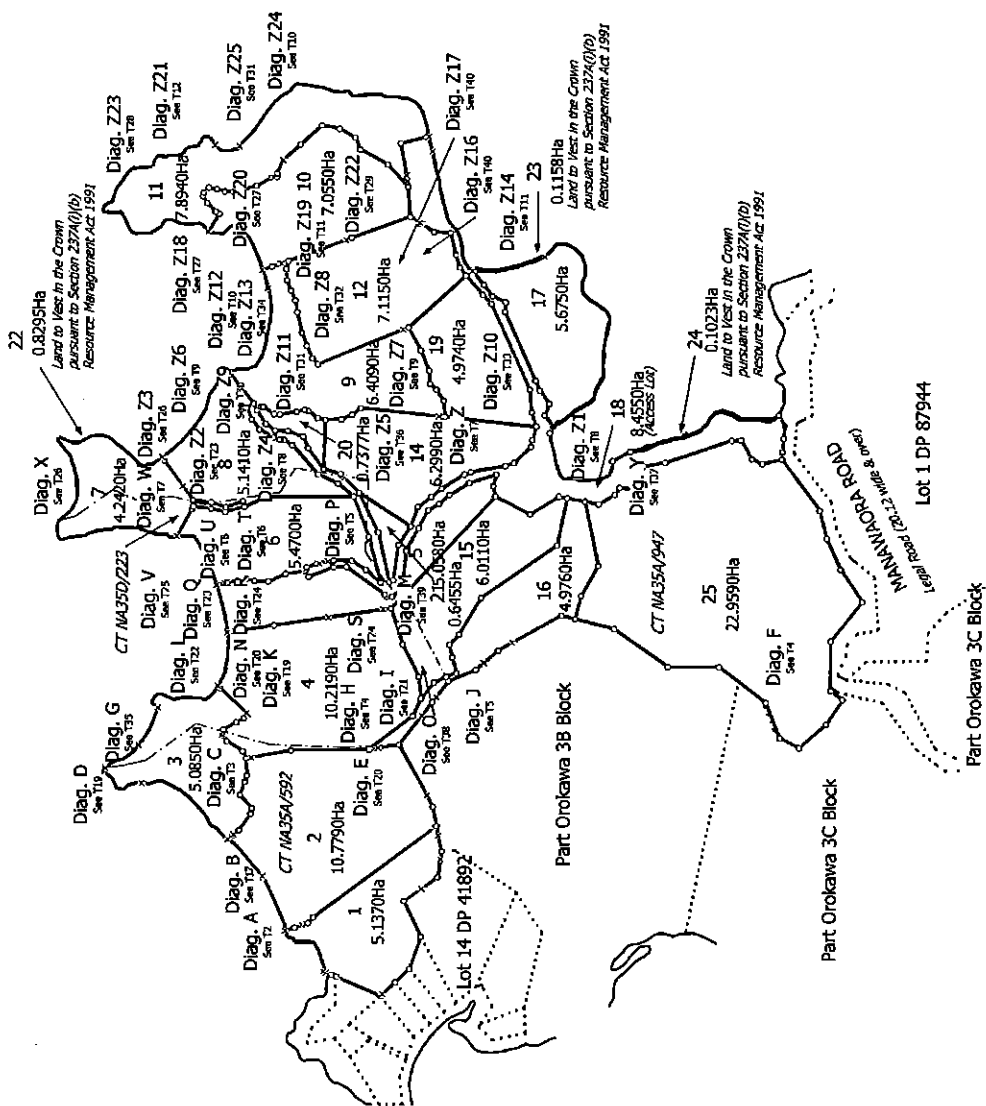
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Deposited on: 14/08/2008



T 40/40

Land District North Auckland	Lots 1 to 12, and 14 to 25 being a subdivision of Parts Rawhiti No 2 Block and Pareanui Block	Surveyor: Ian David Gillespie Firm: Lands & Survey Ltd	Digital Title Plan DP 391213
Digitally Generated Plan Generated on: 22/09/2008 3:32pm Page 46 of 46		Deposited on: 14/08/2008	



T1/40

Land District: North Auckland

Digital Survey Plan
Generated on: 22/08/2008 3:32pm Page 85 of 134

Lots 1 to 12, and 14 to 25 being a subdivision of Parts Rawhiti No 2 Block and Pareanui Block

Surveyor: Ian David Gillespie
Firm: Lends & Survey Ltd
Survey Date: 2/10/2007

Digital Survey Plan
DP 391213

Deposited on: 14/08/2008

Schedule / Memorandum

Land Registration District

North Auckland

Plan Number

DP 391213

Territorial Authority (the Council)

Far North District Council

Memorandum of Easements (Pursuant to s243 Resource Management Act 1991)			
Purpose	Shown	Servient Tenement	Dominant Tenement
Right of Way Right to Transmit Electricity and Telecommunications	A DP 391213	Lot 5 DP 391213	Lots 1 to 4 DP391213
	B DP 391213	Lot 4 DP 391213	Lots 1 to 3 DP 391213
	C DP 391213	Lot 2 DP 391213	Lot 1 DP 391213
	D DP 391213	Lot 9 DP 391213	Lots 10 to 12 and 14 DP 391213
	F DP 391213	Lot 10 DP 391213	Lots 11 and 12 and 14 DP 39123
	G DP 391213	Lot 8 DP 391213	Lot 7 DP 391213
	K DP 391213	Lot 17 DP 391213	Lot 1 to 12, 14 to 16, 18 to 21 and 25 DP 391213
	S DP 391213	Lot 12 DP 39123	Lot 14 DP 39123
	R DP 391213	Lot 9 DP 39123	Lot 14 DP 39123
	BE DP 391213	Lot 15 DP 391213	Lot 16 DP 391213
	BF DP 391213	Lot 16 DP 391213	Lot 15 DP 391213
	BG DP 391213	Lot 16 DP 391213	Lot 15 DP 391213
	V DP 391213	Lot 5 DP 391213	Lot 15 and 16 DP 391213

Areas Marked AB, AC, AD, AE, AF, AG, E, Z, AA, P, Q, T, AV, AI, AK, AL, AJ, AO, AP, AZ, BC, BD, BA, BB, AQ, and AS DP 391213 are to be subject to land covenants.

Schedule / Memorandum

Memorandum of Easements in Gross (Pursuant to s243 Resource Management Act 1991)			
Purpose	Shown	Servient Tenement	Dominant Tenement
Right to Transmit Electricity	A DP 391213	Lot 5 DP 391213	Top Energy Ltd
	B DP 391213	Lot 4 DP 391213	
	C DP 391213	Lot 2 DP 391213	
	D DP 391213	Lot 9 DP 391213	
	F DP 391213	Lot 10 DP 391213	
	G DP 391213	Lot 8 DP 391213	
	H DP 391213	Lot 1 DP 391213	
	I DP 391213	Lot 5 DP 391213	
	J DP 391213	Lot 9 DP 391213	
	K DP 391213	Lot 17 DP 391213	
	AM DP 391213	Lot 6 DP 391213	
	AN DP 391213	Lot 6 DP 391213	
	AT DP 391213	Lot 4 DP 391213	
	AK DP 391213	Lot 4 DP 391213	
	AR DP 391213	Lot 4 DP 391213	
	O DP 391213	Lot 2 DP 391213	
	P DP 391213	Lot 2 DP 391213	
	Q DP 391213	Lot 2 DP 391213	
	S DP 391213	Lot 12 DP 391213	
	R DP 391213	Lot 9 DP 391213	
	W DP 391213	Lot 1 DP 391213	
	AU DP 391213	Lot 10 DP 391213	
	AY DP 391213	Lot 2 DP 391213	
	T DP 391213	Lot 2 DP 391213	
	Lot 18 DP 391213	Lot 18 DP 391213	
	X DP 391213	Lot 3 DP 391213	
Right to Transmit Telecommunications	A DP 391213	Lot 5 DP 391213	Telecom New Zealand Ltd
	B DP 391213	Lot 4 DP 391213	
	C DP 391213	Lot 2 DP 391213	
	D DP 391213	Lot 9 DP 391213	
	F DP 391213	Lot 10 DP 391213	
	G DP 391213	Lot 8 DP 391213	
	H DP 391213	Lot 1 DP 391213	
	I DP 391213	Lot 5 DP 391213	
	J DP 391213	Lot 9 DP 391213	
	K DP 391213	Lot 17 DP 391213	
	AM DP 391213	Lot 6 DP 391213	
	AN DP 391213	Lot 6 DP 391213	
	AT DP 391213	Lot 4 DP 391213	
	AK DP 391213	Lot 4 DP 391213	
	AR DP 391213	Lot 4 DP 391213	
	O DP 391213	Lot 2 DP 391213	
	P DP 391213	Lot 2 DP 391213	
	Q DP 391213	Lot 2 DP 391213	
	S DP 391213	Lot 12 DP 391213	
	R DP 391213	Lot 9 DP 391213	
	W DP 391213	Lot 1 DP 391213	
	AU DP 391213	Lot 10 DP 391213	
	X DP 391213	Lot 3 DP 391213	
	Lot 18 DP 391213	Lot 18 DP 391213	
Public Access	AH DP 391213	Lot 11 DP 391213	Far North District Council

Schedule / Memorandum

Proposed Easements			
Purpose	Shown	Servient Tenement	Dominant Tenement
Walkway and Riding	A DP 391213	Lot 5 DP 391213	Lots 1 to 4, 6 to 12, 14 to 21 and 25 DP 391213
	B DP 391213	Lot 4 DP 391213	Lots 1 to 3, 5 to 12, 14 to 21 and 25 DP 391213
	C DP 391213	Lot 2 DP 391213	Lots 1, 3 to 12, 14 to 21 and 25 DP 391213
	D DP 391213	Lot 9 DP 391213	Lots 1 to 8, 10 to 12, 14 to 21 and 25 DP 391213
	F DP 391213	Lot 10 DP 391213	Lots 1 to 9, 11, 12, 14 to 21 and 25 DP 391213
	G DP 391213	Lot 8 DP 391213	Lots 1 to 7 and 9 to 12, 14 to 21 and 25 DP 391213
	H DP 391213	Lot 1 DP 391213	Lots 2 to 12, 14 to 21 and 25 DP 391213
	L DP 391213	Lot 1 DP 391213	Lots 2 to 12, 14 to 21 and 25 DP 391213
	M DP 391213	Lot 2 DP 391213	Lots 1, 3 to 12, 14 to 21 and 25 DP 391213
	N DP 391213	Lot 16 DP 391213	Lots 1 to 12, 14, 15, 17 to 21 and 25 DP 391213
	R DP 391213	Lot 9 DP 391213	Lots 1 to 8, 10 to 12, 14 to 21 and 25 DP 391213
	S DP 391213	Lot 12 DP 391213	Lots 1 to 11, 14 to 21 and 25 DP 391213
	AX DP 391213	Lot 11 DP 391213	Lots 1 to 10, 12, 14 to 21 and 25 DP 391213
	U DP 391213	Lot 9 DP 391213	Lots 1 to 8, 10 to 12, 14 to 21 and 25 DP 391213
	V DP 391213	Lot 5 DP 391213	Lots 1 to 4, 6 to 12, 14 to 21 and 25 DP 391213
	AH DP 391213	Lot 11 DP 391213	Lots 1 to 10, 12, 14 to 21 and 25 DP 391213
	BE DP 391213	Lot 15 DP 391213	Lots 1 to 12, 14, 16 to 21 and 25 DP 391213
	BF DP 391213	Lot 16 DP 391213	Lots 1 to 12, 14, 15, 17 to 21 and 25 DP 391213
Right to convey water	BH DP 391213	Lot 12 DP 391213	Lot 18 DP 391213

CONO 7907807.2 Consen

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**Far North
District Council**

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Kaitake 0400, New Zealand

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Phone: (09) 405 2750

Fax: (09) 401 2137

Email: ask.us@fndc.govt.nz

Website: www.fndc.govt.nz

IN THE MATTER

of the Resource Management
Act 1991 ("the Act")

A N D

IN THE MATTER

of a subdivision consent as
evidenced by Land Transfer
Plan No. 391213

A N D

IN THE MATTER

of a Consent Notice issued
pursuant to Section 221 of the
Act by FAR NORTH DISTRICT
COUNCIL ("the Council")

IT IS HEREBY CERTIFIED that the following conditions to be complied with on a continuing basis by the subdividing owner and subsequent owners were imposed by the Council as conditions of approval for the subdivision as effected by Land Transfer Plan No. 391213 ("the plan")

1. Further subdivision of lots 1 through 12, 14 through 17, 19, 20, 21 and 25 on the plan is prohibited.
2. The maximum rolling height above ground level (using the definition in the district plan as at the 30th of May 2005) of each building on lots 7, 11 and 12 on the plan shall be no more than 4 metres above ground level.
3. No buildings shall be erected on lot 7 on the plan until such time as the native screen planting backdrop has reached a height of 4 metres when viewed from a position no closer than 500 metres offshore with such backdrop planting to be maintained at a height of no less than the building thereafter.
4. The maximum rolling height above ground level (using the definition in the district plan as at the 30th of May 2005) of any building on lots 1, 2, 4, 6, 8, 9 and 10 on the plan shall be no more than 5 metres above ground level.
5. The maximum rolling height above ground level (using the definition in the district plan as at 30 May 2005) of any building on lot 5 on the plan shall be no more than 6 metres.
6. The maximum rolling height above ground level (using the definition in the district plan as at the 30th of May 2005) of any building on lot 3 on the plan shall be:

- (i) No more than 6 metres if the structure or any part thereof is located above a topographical line that is 16 metres or more above mean high water springs; or
- (ii) No more than 8 metres if the structure or any part thereof is located below a topographical line that is 16 metres or more above mean high water springs.

7. Buildings are prohibited on lots 19, 20 and 21 on the plan.
8. The external cladding of all buildings constructed on all lots on the plan shall be in accordance with the management plan as approved for the subdivision evidenced by the plan such management plan being entitled "Omarino Residents Association Management Plan dated October 2007" ("the management plan").
9. The revegetation of those parts of lots 1 through 12, 14 through 17 and 19, 20, 21 and 25 on the plan that are outside of the curtilage areas of each of such lots such being
 - that part of lot 1 on the plan as is shown marked with the letter "Z"
 - those parts of lot 2 on the plan as are shown marked with the letters "AA", "AV", "P", "Q" and "T"
 - that part of lot 3 on the plan as is shown marked with the letters "AB"
 - those parts of lot 4 on the plan as are shown marked with the letters "AC", "AK" and "AS"
 - that part of lot 5 on the plan as is shown marked with the letters "AP"
 - that part of lot 6 on the plan as is shown marked with the letters "AO"
 - that part of lot 7 on the plan as is shown marked with the letters "AD"
 - that part of lot 8 on the plan as is shown marked with the letters "AJ"
 - that part of lot 9 on the plan as is shown marked with the letters "AE"
 - that part of lot 10 on the plan as is shown marked with the letters "AF"
 - that part of lot 11 on the plan as is shown marked with the letters "AG"
 - that part of lot 12 on the plan as is shown marked with the letters "AI"
 - that part of lot 14 on the plan as is shown marked with the letters "BD"
 - that part of lot 15 on the plan as is shown marked with the letters "BA"
 - that part of lot 16 on the plan as is shown marked with the letters "BB"
 - that part of lot 17 on the plan as is shown marked with the letters "AQ"
 - that part of lot 25 on the plan as is shown marked with the letters "BC"
 shall be maintained in perpetuity.
10. All the archaeological sites ("the archaeological sites") located within Lots 1 through 12, 14 through 21 and 25 on the plan shall remain undisturbed.
11. Access to the heritage covenant areas being:
 - (a) That part of lot 3 on the plan as is shown marked thereon with the letters "AL"; and
 - (b) That part of lot 10 on the plan as is shown marked thereon with the letter "E"

and access to the archaeological sites and other waahi tapu shall be provided to members of Patukeha Hapu, Ngati Kuta Hapu, and other tangata whenua for the purposes of enabling tangata whenua to conduct their kaitiaki responsibilities provided always that:

- (i) Such access is to be on 48 hours notice to the Lot owner (or agent) and for such period and frequency to be agreed upon by the Lot owner (or agent) and tangata whenua, and that access to the archaeological sites be provided to tangata whenua on such terms as may be agreed between the Lot owner and tangata whenua following them having given 48 hours notice to the Lot owner;
 - (ii) Access shall be limited to the hours of daylight and the frequency of visits and the number of visitors (being tangata whenua) shall be such that they do not cause a nuisance or disturbance to the archaeological sites, other waahi tapu and heritage covenant areas or to the vegetation or improvements on the lots, or other activities;
 - (iii) The tangata whenua that visit the archaeological sites, other waahi tapu and heritage covenant areas shall ensure that the sites are protected and remain undisturbed with any other members of the public, being those that have not sought, or been provided with permission from the Lot owner, being trespassers in the context of this condition of consent; and
 - (iv) A lot owner shall not unreasonably withhold or decline consent and if there is any dispute as to the interpretation of this condition or as to the exercise by the Lot owner or tangata whenua of their respective entitlements or obligations under this condition then before the Lot owner may deny access to the sites or before members of the public visit the sites pursuant to this condition, the dispute shall be referred to the President of the Auckland District Law Society whose decision shall be binding on all parties.
12. The registered proprietors for the time being of the properties being lots 1 through 12, 14 through 17, 19, 20, 21 and 25 on the plan shall ensure that the approved landscaping planting for each lot is commenced within 12 months of the landscape plan being approved and is maintained for the duration of the consent with any plants that are removed or damaged to be replaced as soon as possible or within the next planting season (being 1 May to 30 September in each calendar year).
13. The registered proprietors for the time being of the properties being lots 1 through 12, 14 through 21 and 25 on the plan shall adhere to the management plan and ensure:
- (i) The ongoing management of the revegetation, archaeological, heritage utility and recreational areas shown on the plan;
 - (ii) Compliance with the design guidelines for buildings on the lots; and
 - (iii) All revegetation requirements of the revegetation plan approved by the Council applicable to each lot is undertaken.
14. The registered proprietors for the time being of the properties being lots 1 through 12 on the plan will not for the duration of the consent granted by Northland Regional Council under Consent No. CON20041055810 authorising the alterations to a jetty at Walpiro Bay at location co ordinates 1712030E 6098240N:

- (a) Erect, place, use or keep on any of such lots nor permit any other person or organisation of any kind to erect, place, use or keep on such lot any building, wharf, jetty, marina, boat ramp or facility associated with access to and across the coastal marine area boundary within a setback of 20 metres inland from the mean high water mark of each lot; and
 - (b) Erect, place, use or keep on any of such lots nor permit any other person or organisation of any kind to erect, place, use or keep on such lot any building, wharf, jetty, marina, boat ramp or facility associated with access to and across and use of the coastal marine area which is 50 metres seaward of the mean high water springs boundary of their property.
- 15. The registered proprietors for the time being of the properties being lots 1 through 12, 14 through 21 and 25 on the plan shall in constructing any new buildings thereon adhere to the design guidelines as were outlined in the Assessment of Environmental Effects lodged with the application for the consent evidenced by the deposit of the plan (Council reference RC2050363) and the management plan.
- 16. No cats and no mustelids shall be kept on or brought onto any of the lots on the plan.
- 17. Unless authorised by a resource consent or by the district plan as a permitted activity buildings on each lot in the plan shall be restricted to:
 - (i) One residential unit;
 - (ii) One caretaker's residential unit not more than 125m² in gross floor area;
 - (iii) One non-residential building; and
 - (iv) Water storage facilitieswith the combined size of any caretaker's unit and non-residential building not exceeding 50% of the residential unit's gross floor area.
- 18. The external appearance of all buildings constructed on lots 1 through 12, 14, 15, 16 and 25 on the plan shall be in accordance with the design details contained in the management plan and shall in the case of buildings on lots 17 and 18 on the plan be traditional cladding and colours.
- 19. All electricity, telecommunication and other utility services shall be laid underground.
- 20. All earthworks including those required to construct accessways to building sites shall be so designed to cause minimal impacts on the landscape and any exposed cuts shall be regressed or planted in native vegetation.
- 21. The keeping of dogs on each lot is limited to a maximum of two per lot with all dogs to be:
 - (i) Confined to the registered proprietors' curtilage area when in the company of that registered proprietor or their invitees, or otherwise enclosed in an escape proof enclosure; or
 - (ii) If outside the registered proprietors curtilage area then secured by way of a hand held leash.

22. The development of each buildable area on each lot is to proceed in accordance with the recommendations contained within the geotechnical report prepared by Tonkin & Taylor Limited dated September 2004 (Job No. 21778) and submitted with the application for consent such specifically requiring that a site specific geotechnical investigation be carried out for all of the proposed building platforms, accessways and effluent fields prior to any building consent application and earthworks commencing.
23. None of the non-residential ancillary buildings and water storage facilities on lots 1 through 12, 14 through 17 and 25 on the plan shall be used for residential purposes without the prior written consent of the Council and no cooking or food preparation facilities are to be installed in these non-residential buildings or water storage facilities.
24. No part of the recreation facility on lot 18 on the plan is to be used as a licensed restaurant/hotel/bar without further written consent from the Council.
25. Effluent disposal on each lot shall be allocated in accordance with the recommendations contained in the Richardson Stevens Consultants (1996) Limited report dated 28 September 2004 as submitted with the assessment of Environmental Effects lodged with the application for the consent evidenced by the deposit of the plan (Council reference RC2050363) with each effluent disposal field on lots 1 through 12, 17 and 18 on the plan to be located at least 30 metres from mean high water springs with the ongoing operation and maintenance of each system to be covered by a maintenance agreement undertaken by the system supplier or its authorised agent.
26. The registered proprietor(s) of each of the lots on the plan shall implement and continue to maintain and replant revegetation on each lot in terms of the relevant revegetation plan approved for each lot outside of the curtilage area including the first 20 metres landward of mean high water springs.
27. The registered proprietor(s) of each of the lots on the plan shall implement and continue to maintain and replant revegetation landscape planting as provided for in the management plan of all covenanted areas and maintain or repair any stock exclusion structures.
28. The registered proprietors for the time being of the properties being lots 1 through 12, 14 through 21 and 25 on the plan acknowledge the archaeological records affecting the lots and as detailed in the report prepared by Clough & Associates Limited dated September 2004 and acknowledge that:
 - (i) There is a prohibition on the destruction on any archaeological site such being in contravention of the New Zealand Historic Places Act 1993; and
 - (ii) There is a requirement to carry out an archaeological assessment prior to undertaking any earthworks near a recorded site.
29. All building platforms on lot 7 on the plan shall be located below the dominant ridgeline and no building consent will be granted for this lot until such time as a backdrop of native vegetation reaches 4 metres above ground height.
30. All buildings on lots 1 through 12, 14 through 16, 19 through 21 and 25 on the plan and any new buildings on lots 17 and 18 on the plan erected after June 2005 shall be located at least 30 metres landward of mean high water springs.

31. No construction of buildings or construction activity shall be located on any of the lots on the plan within 10 metres of the outer edge of any archaeological site protected by the NZ Historic Places Act 1993 in the absence of an authority to modify or destroy that site protected by the NZ Historic Places Act 1993.
32. The registered proprietors for the time being of the properties being lots 14, 15, 16 and 25 on the plan shall in constructing any buildings thereon adhere to the design guidelines outlined in the Assessment of Environmental Effects submitted with the application for the consent for the subdivision as evidenced by the plan, the draft management plan submitted to the Council on 30 May 2005 at the hearing of the application for consent, (which will include conditions that reflectivity will not exceed a maximum of 30%), and the management plan all as amended by:
- (i) the details and plans submitted with resource consent application RC2070967 – RMAVAR; and
 - (ii) the details and plan submitted with the resource consent application RC2080375 – RMAVAR including the Section 127 application dated 14 March 2008 and the Omarino Management Plan (September 2007).
33. The maximum rolling height above ground level (as defined in the Council's district plan as at 30 May 2005) of each building on lots 14, 15, 16 and 25 shall be as follows:
- (a) on lot 14 no more than 4.5 metres above ground level with a maximum RL of 83 metres ASL;
 - (b) on lot 15 no more than 5 metres above ground level providing that the eastern end of the buildable area a maximum RL of 122 metres ASL applies and for the remainder of the buildable area a maximum RL of 123 metres ASL applies;
 - (c) on lot 16 no more than 4.5 metres above ground level with a maximum RL of 118 metres ASL; and
 - (d) on lot 25 no more than 5 metres above ground level
- with these rolling heights being defined within the Omarino Property Architectural design guidelines (dated 2 October 2007).
34. No building shall be erected on lot 15 on the plan until such time as the proposed amenity tree planting as illustrated on Figure 5 of the Boffa Miskell folio drawing dated October 2007, or native screen planting backdrop/foreground to the south east and the south west of the proposed dwelling has achieved a height of RL 124.0m ASL with this planting to be maintained at a height of no less than this level.
35. Prior to any development occurring on lots 14, 15 and 16 on the plan a full assessment of visual and landscaping effects is to be undertaken by a qualified and experienced landscape architect as part of any future resource consent application to the Council such to include the provision of a landscape planting plan and specifications to be provided at the building resource consent stage

for approval by the Council. This is to include all areas within these allotments not covered by the actual building and accessways.

36. Effluent disposal on lots 14, 15, 16 and 25 on the plan shall be allocated in accordance with the recommendations contained in the Soil and Rock report dated 5 September 2007 as submitted in the Assessment of Environmental Effects (RC 2080375 RMAVAR) with each effluent disposal field on lots 14, 15, 16 and 25 to be located at least 30 metres from mean high water springs and with the ongoing operation and maintenance of each system to be covered by a maintenance agreement undertaken by the system supplier or its authorised agent.
37. The development of each buildable area on lots 14, 15, 16 and 25 on the plan is to proceed in accordance with the recommendations contained within the geotechnical report prepared by Soil and Rock Consultants entitled "Geotechnical Appraisal For Additional Development Sites Bentzen Farm, Te Awhi Awhi, Bay of Islands" and dated 5 November 2007 and specifically with a site-specific geotechnical investigation to be carried out for all of the proposed building platforms, accessways and effluent fields prior to the building consent application and earthworks commencing.

DATED at Kerikeri this 4th day of July 2008

SIGNED for FAR NORTH DISTRICT COUNCIL
pursuant to the authority of the Council given pursuant
to the Local Government Act 2002 and the Resource
Management Act 1991



Authorised Signatory



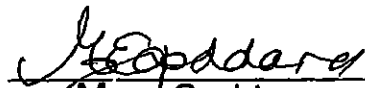
Bank of New Zealand

**CERTIFICATE OF NON-REVOCATION
OF POWER OF ATTORNEY**

I, **Mary Goddard**, Quality Assurance Officer of Auckland, New Zealand, Bank Officer, certify:

1. That by deed dated 12 July 2005, Bank of New Zealand, of Level 14, BNZ Tower, 125 Queen Street, Auckland, New Zealand, appointed me its attorney.
2. A copy of the deed is deposited in the North Auckland registration district of Land Information New Zealand as dealing No. 6508607.1
3. That I have not received notice of any event revoking the power of attorney.

SIGNED at Auckland 11 August 2008



Mary Goddard

Approved by Registrar-General of Land under No. 2003/6150
Annexure Schedule - Consent Form
Land Transfer Act 1952 section 238(2)



Insert type of instrument
"Caveat", "Mortgage" etc

Mortgage

Page **1** of **1** pages

Consentor

Surname must be underlined or in CAPITALS

Capacity and interest of Consentor

(eg. Caveator under Caveat no./Mortgagee under Mortgage no.)

BANK OF NEW ZEALAND

Mortgagee under Mortgage No. 6633581.1

Consent

Delete Land Transfer Act 1952, if inapplicable, and insert name and date of application Act.

Delete words in [] if inconsistent with the consent.

State full details of the matter for which consent is required.

Pursuant to (section 238(2) of the Land Transfer Act 1952)

Section _____ of the _____ Act _____

[Without prejudice to the rights and powers existing under the interest of the Consentor]

the Consentor hereby consents to:

The consent notice specifying the conditions of the Far North District Council subdivision consent and the Northland Regional Council for the jetty and the boat ramp to be complied with on a continuing basis in the form of the instrument attached

Dated this 11 day of August 2008

Attestation

SIGNED FOR AND ON BEHALF OF
BANK OF NEW ZEALAND
by its Attorney
Mary Goddard

Signature of Consentor

Signed In my presence by the Consentor

Signature of Witness

Witness to complete in BLOCK letters (unless legibly printed)

Witness name

Occupation

Address

**BANK OFFICER
AUCKLAND**

An Annexure Schedule in this form may be attached to the relevant instrument, where consent is required to enable registration under the Land Transfer Act 1952, or other enactments, under which no form is prescribed.



View Instrument Details

Instrument No. 8828538.1
Status Registered
Date & Time Lodged 09 Aug 2011 10:15
Lodged By Berry, Robert Dudley
Instrument Type Variation of Consent Notice Condition under s221(5) Resource Management Act 1991



Affected Computer Registers	Land District
371321	North Auckland
371322	North Auckland
371323	North Auckland
371324	North Auckland
371325	North Auckland
371326	North Auckland
371327	North Auckland
371328	North Auckland
371329	North Auckland
371330	North Auckland
371331	North Auckland
371332	North Auckland
382667	North Auckland
411669	North Auckland
411670	North Auckland
423436	North Auckland
423437	North Auckland

Annexure Schedule: Contains 2 Pages.

Signature

Signed by Robert Dudley Berry as Territorial Authority Representative on 09/08/2011 10:14 AM

*** End of Report ***



Private Bag 752, Manukau Ave
Kaitiaki 0400, New Zealand
Freephone: 0800 920 029
Phone: (09) 405 2750
Fax: (09) 401 2187
Email: enquiries@fncc.govt.nz
Website: www.fncc.govt.nz

THE RESOURCE MANAGEMENT ACT 1991

SECTION 221 (3) VARIATION TO CONDITIONS OF CONSENT NOTICE

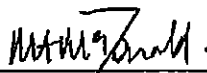
PURSUANT to section 221 (3) of the Resource Management Act 1991, the **FAR NORTH DISTRICT COUNCIL** hereby consents to the variation of Consent Notice 7907807.2 Insofar as it affects Lot 2 DP 391213.

The varied conditions are:

9. The re-vegetation of those parts of lots 1 through 12, 14 through 17 and 19, 20, 21 and 25 on the plan that are outside of the curtilage areas of each of such lots such being
- that part of lot 1 on the plan as is shown marked with the letter "Z"
 - those parts of lot 2 on the plan as are shown marked with the letters "AA", "AV", "P", "Q" and "T"
 - that part of lot 3 on the plan as is shown marked with the letters "AB"
 - those parts of lot 4 on the plan as are shown marked with the letters "AC", "AK" and "AS"
 - that part of lot 5 on the plan as is shown marked with the letters "AP"
 - that part of lot 6 on the plan as is shown marked with the letters "AO"
 - that part of lot 7 on the plan as is shown marked with the letters "AD"
 - that part of lot 8 on the plan as is shown marked with the letters "AJ"
 - that part of lot 9 on the plan as is shown marked with the letters "AE"
 - that part of lot 10 on the plan as is shown marked with the letters "AF"
 - that part of lot 11 on the plan as is shown marked with the letters "AG"
 - that part of lot 12 on the plan as is shown marked with the letters "AI"
 - that part of lot 14 on the plan as is shown marked with the letters "BD"
 - that part of lot 15 on the plan as is shown marked with the letters "BA"
 - that part of lot 16 on the plan as is shown marked with the letters "BB"
 - that part of lot 17 on the plan as is shown marked with the letters "AQ"
 - that part of lot 25 on the plan as is shown marked with the letters "BC"
- shall be maintained in perpetuity except as shown on the amended plans (reference RC 0-03, RC 2-04, RC 2-05, RC 8-02 and RC 8-03 all dated 05/10/2010 and approved by Far North District Council in RC 2110147 to allow the construction of the water tanks and access track on Lot 2.

13. The registered proprietors for the time being of the properties being lots 1 through 12, 14 through 21 and 25 on the plan shall adhere to the management plan and ensure:
- (I) The ongoing management of the revegetation, archaeological, heritage utility and recreational areas shown on the plan;
 - (II) Compliance with the design guidelines for buildings on the lots except as shown on the amended plans (reference RC 0-03, RC 2-04, RC 2-05, RC 8-02 and RC 8-03 all dated 05/10/2010 and approved by Far North District Council in RC 2110147 to allow the construction of the water tanks and access track on Lot 2; and
 - (III) All revegetation requirements of the revegetation plan approved by the Council applicable to each lot is undertaken.
15. The registered proprietors for the time being of the properties being lots 1 through 12, 14 through 21 and 25 on the plan shall in constructing any new buildings thereon adhere to the design guidelines as were outlined in the Assessment of Environmental Effects lodged with the application for the consent evidenced by the deposit of the plan (Council reference RC2050363) and the management plan except as shown on the amended plans (reference RC 0-03, RC 2-04, RC 2-05, RC 8-02 and RC 8-03 all dated 05/10/2010 submitted to Far North District Council to allow the construction of the water tanks and access track on Lot 2.

SIGNED:


By the FAR NORTH DISTRICT COUNCIL
Under delegated authority:
MANAGER - RESOURCE MANAGEMENT

DATED at KERIKERI this

15th day of

July

2011.



Approved by Registrar-General of Land under No. 2007/6225
Easement instrument to grant easement or profit à prendre, or create land covenant
Sections 90A and 90F, Land Transfer Act 1952

Land registration district

NORTH AUCKLAND

Grantor

Surname(s) i.

BENTZEN FARM LIMITED

Grantee

Surname(s) must be underlined or in CAPITALS.

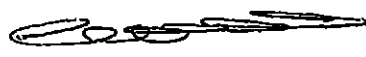
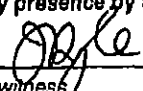
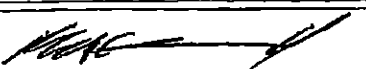
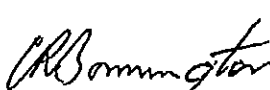
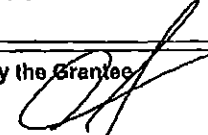
TELECOM NEW ZEALAND LIMITED

Grant* of easement or profit à prendre or creation or covenant

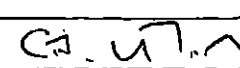
The Grantor, being the registered proprietor of the servient tenement(s) set out in Schedule A, grants to the Grantee (and, if so stated, in gross) the easement(s) or profit(s) à prendre set out in Schedule A, or creates the covenant(s) set out in Schedule A, with the rights and powers or provisions set out in the Annexure Schedule(s).

Dated this 4 day of August 2008

Attestation

 DIRECTOR	Signed in my presence by the Grantor 
	Signature of witness Witness to complete in BLOCK letters (unless legibly printed) Witness name <u>HANLEY AILE</u> Occupation <u>ACCOUNTANT</u> Address <u>AUCKLAND</u>
Signature [common seal] of Grantor	
 	Signed in my presence by the Grantee 
	Signature of witness Witness to complete in BLOCK letters (unless legibly printed) Witness name Occupation <u>Chrysandy Lai</u> <u>Acquisition Project Manager</u> Address <u>Wellington</u>
Signature [common seal] of Grantee	

Certified correct for the purposes of the Land Transfer Act 1952.


[Solicitor for] the Grantee

*If the consent of any person is required for the grant, the specified consent form must be used.

REF: 7003 - AUCKLAND DISTRICT LAW SOCIETY

Approved by Registrar-General of Land under No. 2007/6225
Annexure Schedule 1



Easement Instrument

Dated

[]

Page 1 of 3 pages

Schedule A

(Continue in additional Annexure Schedule if required.)

Purpose (nature and extent) of easement, profit, or covenant	Shown (plan reference)	Servient tenement (Identifier/CT)	Dominant tenement (Identifier/CT or in gross)
Right to convey Telecommunications and Computer Media	Marked "A" on DP 391213 Marked "B" on DP 391213 Marked "C" on DP 391213 Marked "D" on DP 391213 Marked "E" on DP 391213 Marked "G" on DP 391213 Marked "H" on DP 391213 Marked "I" on DP 391213 Marked "J" on DP 391213 Marked "K" on DP 391213 Marked "AM" on DP 391213 Marked "AN" on DP 391213	Lot 5 DP 391213 CT NA371325 Lot 4 DP 391213 CT NA371324 Lot 2 DP 391213 CT NA371322 Lot 9 DP 391213 CT NA371329 Lot 10 DP 391213 CT NA371330 Lot 8 DP 391213 CT NA371328 Lot 1 DP 391213 CT NA371321 Lot 5 DP 391213 CT NA371325 Lot 9 DP 391213 CT NA371329 Lot 17 DP 391213 CT NA423437 Lot 6 DP 391213 CT NA371326 Lot 6 DP 391213 CT NA371326	In gross

(Continued on page 2 Annexure Schedule)

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

Delete phrases in [] and insert memorandum
number as required.
Continue in additional Annexure Schedule if
required.

Unless otherwise provided below, the rights and powers implied in specific classes of easement are those prescribed by the Land Transfer Regulations 2002 and/or the Fifth Schedule of the Property Law Act 2007.

The implied rights and powers are ~~varied~~ ~~(negative)~~ [added to] or ~~substituted~~ by:

~~[Memorandum number _____, registered under section 155A of the Land Transfer Act 1952].~~

~~[the provisions set out in Annexure Schedule 2].~~

Covenant provisions

Delete phrases in [] and insert memorandum number as required.
Continue in additional Annexure Schedule if required.

The provisions applying to the specified covenants are those set out in:

~~[Memorandum number _____, registered under section 155A of the Land Transfer Act 1952].~~

~~[Annexure Schedule 2].~~

All signing parties and either their witnesses or solicitors must sign or initial in this box



Insert type of Instrument
"Mortgage", "Transfer", "Lease" etc

Easement

Dated

Page 2 of 3 Pages

(Continue in additional Annexure Schedule, if required.)

Schedule A (continued)

<i>Purpose (nature and extent) of easement, profit, or covenant</i>	<i>Shown (plan reference)</i>	<i>Servient tenement (Identifier/CT)</i>	<i>Dominant Tenement (Identifier/CT or in gross)</i>
Right to Convey Telecommunications and Computer Media	Marked "AT" on DP 391213	Lot 4 DP 391213 CT NA371324	In gross
	Marked "AK" on DP 391213	Lot 4 DP 391213 CT NA371324	
	Marked "AR" on DP 391213	Lot 4 DP 391213 CT NA371324	
	Marked "O" on DP 391213	Lot 2 DP 391213 CT NA371322	
	Marked "P" on DP 391213	Lot 2 DP 391213 CT NA371322	
	Marked "Q" on DP 391213	Lot 2 DP 391213 CT NA371322	
	Marked "S" on DP 391213	Lot 12 DP 391213 CT NA371332	
	Marked "R" on DP 391213	Lot 9 DP 391213 CT NA371329	
	Marked "W" on DP 391213	Lot 1 DP 391213 CT NA371321	
	Marked "AU" on DP 391213	Lot 10 DP 391213 CT NA371330	
	Marked "X" on DP 391213	Lot 3 DP 391213 CT NA371323	
	Lot 18 DP 391213	Lot 18 DP 391213	

1. The easement facility includes any "Lines", "Works", "existing Lines" and "existing Works" as defined in the Telecommunications Act 2001, owned by the Grantee.
2. This grant of easement is not in substitution for, and is without prejudice to, such statutory rights and authorities as the Grantee may have from time to time in respect of the servient tenement.
3. The Grantor has paid to the Grantee the sum of \$150.00 (including GST) (the receipt of which is hereby acknowledged) for administrative costs associated with the grant of this easement.

~~If this Annexure Schedule is used as an expansion of an instrument, all signing parties and either their witnesses or solicitors must sign or initial in this box.~~

Annexure Schedule

Insert type of Instrument
"Mortgage", "Transfer", "Lease" etc



Easement

Dated

Page 3 of 3 Pages

(Continue in additional Annexure Schedule, if required.)

Continuation of "Attestation"

CERTIFICATE OF NON-REVOCATION OF POWER OF ATTORNEY

We: **Mark Crosswell**
Security &
Property Risk Manager

and

Craig Ritchie Bonnington
Property Support Analyst
Telecom New Zealand Limited

hereby severally certify:

1. That by a Power of Attorney dated 2 July 2001 ("the Power of Attorney") we were, by virtue of being Authorised Signing Officers, appointed jointly as attorneys of Telecom New Zealand Limited ("Telecom") on the terms and subject to the conditions set out in the Power of Attorney.
2. That copies of the Power of Attorney are deposited in the Land Titles Offices at:

Auckland	as No. D.627839.1	Gisborne	as No. 234465.1	New Plymouth	as No. 481759.1
Christchurch	as No. 5074754.1	Hamilton	as No. B.674932.1	Wellington	as No. 5074486.1
Dunedin	as No. 5074473.1	Napier	as No. 719487.1		
3. That we executed the instrument(s) to which this certificate relates under the powers conferred by the Power of Attorney.
4. That at the date hereof we have no received any notice or information of the revocation of that appointment by the commencement of liquidation of Telecom or otherwise.

SIGNED at Wellington
this 12 day of AUG 2008

SIGNED at Wellington
this 4 day of AUG 2008

If this Annexure Schedule is used as an expansion of an instrument, all signing parties and either their witnesses or solicitors must sign or initial in this box.



**CERTIFICATE OF NON-REVOCATION
OF POWER OF ATTORNEY**

I, **Desley Osborne**, **Quality Assurance Officer of Auckland, New Zealand, Bank Officer**, certify:

1. That by deed dated 12 July 2005, Bank of New Zealand, of Level 14, BNZ Tower, 125 Queen Street, Auckland, New Zealand, appointed me its attorney.
2. A copy of the deed is deposited in the North Auckland registration district of Land Information New Zealand as dealing No. 6508607.1
3. That I have not received notice of any event revoking the power of attorney.

SIGNED at Auckland 06 August 2008

A handwritten signature in cursive script that reads "D. Osborne".

Desley Osborne

Approved by Registrar-General of Land under No. 2003/6150

Annexure Schedule - Consent Form
Land Transfer Act 1952 section 238(2)



Insert type of instrument
"Caveat", "Mortgage" etc

Mortgage

Page **1** of **1** pages

Consentor
Surname must be underlined or in CAPITALS

Capacity and Interest of Consentor
(eg. Caveator under Caveat no./Mortgagee under Mortgage no.)

BANK OF NEW ZEALAND

Mortgagee under Mortgage No. 6633581.1

Consent

Delete Land Transfer Act 1952, if inapplicable, and insert name and date of application Act.

Delete words in [] if inconsistent with the consent.

State full details of the matter for which consent is required.

Pursuant to [section 238(2) of the Land Transfer Act 1952]

[section] of the Act

[Without prejudice to the rights and powers existing under the interest of the Consentor]

the Consentor hereby consents to:

The easement in favour of Telecom New Zealand Limited for telecommunications in the form of the instrument attached

Dated this **6th** day of **August** 2008

Attestation

SIGNED for and on behalf of
BANK OF NEW ZEALAND
by its Attorney:
Desley Osborne

Signature of Consentor

Signed in my presence by the Consentor

Signature of Witness

Witness to complete in BLOCK letters (unless legibly printed)

Witness name

Occupation

Address

ROBYN WATKINS
BANK OFFICER
AUCKLAND

An Annexure Schedule in this form may be attached to the relevant instrument, where consent is required to enable registration under the Land Transfer Act 1952, or other enactments, under which no form is prescribed.

REF: 7029 - AUCKLAND DISTRICT LAW SOCIETY

Approved by Registrar-General of Land under No. 2007/6225

Easement Instrument to grant easement or profit à prendre, or create land covenant
Sections 90A and 90F, Land Transfer Act 1952

EI 7907807.5 Easement I

Cpy - 01/01, Pgs - 010, 14/08/08, 14:52

Land registration district

NORTH AUCKLAND



DocID: 313166186

Grantor

Surname(s) must be underlined or in CAPITALS.

BENTZEN FARM LIMITED

Grantee

Surname(s) must be underlined or in CAPITALS.

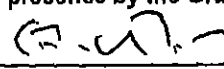
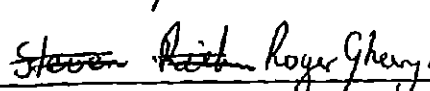
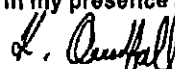
TOP ENERGY LIMITED

Grant* of easement or profit à prendre or creation of covenant

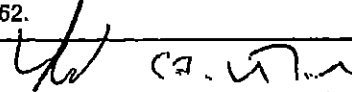
The Grantor, being the registered proprietor of the servient tenement(s) set out in Schedule A, grants to the Grantee (and, if so stated, in gross) the easement(s) or profit(s) à prendre set out in Schedule A, or creates the covenant(s) set out in Schedule A, with the rights and powers or provisions set out in the Annexure Schedule(s).

Dated this **24** day of **June** **2008**

Attestation

	Signed in my presence by the Grantor 
	Signature of witness Witness to complete in BLOCK letters (unless legibly printed) Witness name Occupation GRAEME J MATHIAS SOLICITOR Address WHANGAREI
Signature [common seal] of Grantor	
Signed by the Grantee by its duly appointed attorney  	Signed in my presence by the Grantee 
	Signature of witness Witness to complete in BLOCK letters (unless legibly printed) Witness name KEVIN HUGH QUICKFALL Occupation ACCOUNTANT Address KERIKERE
Signature [common seal] of Grantee	

Certified correct for the purposes of the Land Transfer Act 1952.


[Solicitor for] the Grantee

*If the consent of any person is required for the grant, the specified consent form must be used.

REF: 7003 - AUCKLAND DISTRICT LAW SOCIETY

Approved by Registrar-General of Land under No. 2007/6225
Annexure Schedule 1



Easement Instrument Dated Page 1 of 6 pages

Schedule A

(Continue in additional Annexure Schedule if required.)

Purpose (nature and extent) of easement, profit, or covenant	Shown (plan reference)	Servient tenement (Identifier/CT)	Dominant tenement (Identifier/CT or In gross)
Right to Convey Electricity	Marked "A" and "J" on Deposited Plan 391213	Lot 5 DP 391213 CT 371325	In gross
	Marked "B" "AT" "AK" and "AR" on Deposited Plan 391213	Lot 4 DP 391213 CT 371324	In gross
	Marked "C" "O" "P" "Q" "T" and "AY" on Deposited Plan 391213	Lot 2 DP 391213 CT 371322	In gross
	Marked "D" "J" and "R" on Deposited Plan 391213	Lot 9 DP 391213 CT 371329	In gross

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

Delete phrases in [] and insert memorandum number as required.
Continue in additional Annexure Schedule if required.

Unless otherwise provided below, the rights and powers implied in specific classes of easement are those prescribed by the Land Transfer Regulations 2002 and/or the Fifth Schedule of the Property Law Act 2007.

The implied rights and powers are ~~{varied}~~ ~~{negatived}~~ {added to} or {substituted} by:

~~{Memorandum number _____, registered under section 155A of the Land Transfer Act 1952}.~~

~~{the provisions set out in Annexure Schedule 2}.~~

Covenant provisions

Delete phrases in [] and insert memorandum number as required.
Continue in additional Annexure Schedule if required.

The provisions applying to the specified covenants are those set out in:

~~{Memorandum number _____, registered under section 155A of the Land Transfer Act 1952}.~~

~~{Annexure Schedule 2}.~~

All signing parties and either their witnesses or solicitors must sign or initial in this box

[Handwritten signatures and initials]

Annexure ScheduleInsert type of Instrument
"Mortgage", "Transfer", "Lease" etc

Easement

Dated

Page 2 of 6 Pages



(Continue in additional Annexure Schedule, if required.)

Schedule A (continued)

<i>Purpose (nature and extent) of easement, profit, or covenant</i>	<i>Shown (plan reference)</i>	<i>Servient tenement (Identifier/CT)</i>	<i>Dominant Tenement (Identifier/CT or in gross)</i>
Right to Convey Electricity	Marked "F" and "AU" on Deposited Plan 391213	Lot 10 DP 391213 CT 371330	In gross
	Marked "G" on Deposited Plan 391213	Lot 8 DP 391213 CT 371328	In gross
	Marked "H" and "W" on Deposited Plan 391213	Lot 1 DP 391213 CT 381321	In gross
	Marked "K" on Deposited Plan 391213	Lot 17 DP 391213 CT 423437	In gross
	Marked "AM" and "AN" on Deposited Plan 391213	Lot 6 DP 391213 CT 371326	In gross
	Marked "S" on Deposited Plan 391213	Lot 12 DP 391213 CT 371332	In gross
	Lot 18 DP 391213	Lot 18 DP 391213	In gross
	Marked "X" on DP 391213	Lot 3 DP 391213 CT NA371323	In gross

If this Annexure Schedule is used as an expansion of an instrument, all signing parties and either their witnesses or solicitors must sign or initial in this box.

Annexure Schedule



Insert type of Instrument
"Mortgage", "Transfer", "Lease" etc

Easement

Dated

Page 3 of 6 Pages

(Continue in additional Annexure Schedule, if required.)

Annexure Schedule 2

1. Interpretation

1.1 In this instrument, unless the context otherwise requires:

- (a) "Easement Area" means those parts of the Servient Land marked on Deposited Plan 391213 with the letters "A", "B", "C", "D", "F", "G", "H", "I", "J", "K", "O", "P", "Q", "R", "S", "T", "W", "AK", "AM", "AN", "AR", "AT", "AU", "AY", "X" and Lot 18 on Deposited Plan 391213;
- (b) "Servient Land" means the land owned by the Grantor and contained in Certificates of Title 371321, 371322, 371323, 371324, 371325, 371326, 371327, 371328, 371329, 371330, 371331, 371332, 382667, 423436, 411669, 423437 and 411670;
- (c) "Transmission Line" means underground wires or conductors of any other kind (including fibre optic or coaxial cables) used or intended to be used for the transmission of electricity and/or telecommunication signals, waves or impulses; and includes any insulators, foundations, casings, tubes, tunnels, minor fixtures and other items, equipment or material used or intended to be used for supporting, securing, enclosing, surrounding and protecting a Transmission Line; and also includes any fuses, fuse holders, automatic switches, voltage regulators, capacitors or other instruments, apparatus or devices used in association with a Transmission Line; and anything in replacement or substitution of any of the foregoing;
- (d) words importing the singular include the plural and vice versa; and
- (e) references to the Grantor and Grantee include their respective heirs, executors, administrators, successors and assigns.

2. Grant of electricity easement

2.1 The Grantor grants to the Grantee as an easement in gross an electricity transmission easement over the Easement Area with the following rights and powers:

- (a) to convey, send, transmit and transport electricity and telecommunications signals, waves or impulses, without interruption or impediment and in any quantity by means of the Transmission Line;
- (b) to survey, investigate, lay, install and construct the Transmission Line under the Easement Area, at a depth and along a line determined by the Grantee;
- (c) to inspect, operate, use, maintain, repair, renew, upgrade, replace, change the size of and remove, the Transmission Line;

If this Annexure Schedule is used as an expansion of an instrument, all signing parties and either their witnesses or solicitors must sign or initial in this box.

Annexure Schedule

Insert type of instrument
"Mortgage", "Transfer", "Lease" etc



Easement

Dated

Page 4 of 6 Pages

(Continue in additional Annexure Schedule, if required.)

- (d) with the Grantee's agents, contractors and employees, and with any vehicles, equipment, tools and materials, to enter and remain for a reasonable time on the Servient Land for any purposes necessary or convenient for the Grantee to exercise its rights under this instrument (including the right to extinguish fires);
- (e) to construct on the Servient Land whatever roads, tracks, access ways, fences, gates and other works are deemed necessary by the Grantee for it to exercise its rights under this instrument and which are approved by the Grantor (that approval not to be unreasonably withheld);
- (f) to keep the Easement Area cleared of all buildings and structures by any means the Grantee considers necessary;
- (g) to keep the Easement Area cleared of all fences, trees and vegetation by any means the Grantee considers necessary where such items:
- (i) breach any statutory or regulatory requirements or standards or codes of practice or otherwise breach generally accepted engineering standards as to the minimum clearance of the Transmission Line;
 - (ii) impede the exercise by the Grantee of its rights under this instrument or the Grantee's access over the Servient Land or the Easement Area or to the Transmission Line; or
 - (iii) inhibit the safe and efficient operation of the Transmission Line; and
- (h) to extend the transmission line beyond the boundaries of the easement area to such other properties as the Grantee considers appropriate to enable exercise of the same rights and powers through such additional properties as are hereby granted to the Grantee.
- 2.2 The Grantee has no obligation to construct the Transmission Line or convey electricity through it continuously or at all.
- 3 **Ownership of the Transmission Line**
- The Transmission Line will at all times remain the property of the Grantee.
- 4 **Restrictions on Grantee's use**
- 4.1 The Grantee must, in exercising its rights under this instrument, cause as little disturbance as is reasonably possible to the Grantor, the Servient Land and the Grantor's stock and other property and must ensure that, where applicable, all gates on the Servient Land are left as the Grantee finds them.
- 4.2 The Grantee must restore any part of the surface of the Servient Land, that is affected by the Grantee exercising any of its rights under this instrument to a condition equivalent, as far as reasonably practicable, to that existing before the Grantee exercised those rights.

If this Annexure Schedule is used as an expansion of an instrument, all signing parties and either their witnesses or solicitors must sign or initial in this box.

Annexure Schedule



Insert type of Instrument
"Mortgage", "Transfer", "Lease" etc

Easement

Dated

Page 5 of 6 Pages

(Continue in additional Annexure Schedule, if required.)

5 Grantor's Continued Use of Servient Land

Subject to clause 6, the Grantor may use the Servient Land as long as that use does not unreasonably interfere with the enjoyment of the Grantee's rights and interests granted under this instrument.

6 Restrictions on Grantor's use

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

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

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

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

6.4 If any act or item consented to under clause 6.2 or 6.3 subsequently results in a situation described in clause 2.1 (g)(i) - (iii), then such consent may be revoked by the Grantee without compensation.

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Annexure Schedule



Insert type of instrument
"Mortgage", "Transfer", "Lease" etc

Easement

Dated

[Empty box for date]

Page 6 of 6 Pages

(Continue in additional Annexure Schedule, if required.)

- 6.5 Before exercising any right under this instrument to remove a fence, the Grantee must consult with the Grantor so the Grantor is given a reasonable opportunity to co-ordinate the erection of any necessary replacement fence. The cost of any replacement fence will be borne by the Grantee and the Grantee must comply with any reasonable directions of the Grantor as to the height, materials used and location of such replacement fence.
- 6.6 If the Grantor does not meet its obligations under this instrument within such reasonable timeframe as is specified in a notice from the Grantee requiring it to do so then the Grantee may meet those obligations (and enter the Servient Land for that purpose) and the Grantor is liable to pay to the Grantee the costs incurred in doing so.
- 6.7 If the Grantee does not meet its obligations under this instrument within such reasonable timeframe as is specified in the notice from the Grantor requiring it to do so then the Grantor may meet those obligations and the Grantee is liable to pay to the Grantor the costs incurred in doing so.
- 7 Indemnity against third party claims**
- Each party ("Indemnifying Party") must indemnify the other ("Indemnified Party") against all claims or demands from third parties for any loss, damage or liability in respect of, or arising out of, the use of the land by the Indemnifying Party (or any person authorised, whether expressly or impliedly by it) EXCEPT THAT it will not be liable to indemnify where such loss, damage or liability was caused by the Indemnified Party. Where the actions of the Indemnified Party contribute to that loss, damage or liability, the indemnity given by the Indemnifying Party will be reduced in proportion to that contribution.
- 8 Licence and assignment**
- The Grantee may assign, licence or otherwise grant any right of all or any part of any estate or interest conferred by this instrument.
- 9 Perpetual easement**
- There is no power implied in this instrument for the Grantor to terminate the easement for any breach of this instrument or for any other reason. It is the intention of the parties that the easement created by this instrument will continue forever unless surrendered.
- 10 Arbitration**
- If any dispute arises between the parties in relation to this instrument or any matter arising under it and that dispute cannot be resolved by negotiation, then the parties must submit the dispute to arbitration in accordance with the Arbitration Act 1996 (and its amendments or any statute which replaces it). The arbitration will be commenced by either party giving written notice to the other of the details of the dispute and that party's desire to have the matter referred to arbitration. The arbitration will be by one arbitrator, if the parties can agree upon one, and, if not, then by two arbitrators, one to be appointed by each party, and their umpire to be appointed by the arbitrators before they begin to consider the dispute. The award in the arbitration will be final and binding on the parties.

If this Annexure Schedule is used as an expansion of an instrument, all signing parties and either their witnesses or solicitors must sign or initial in this box.

[Signature]

[Signature]

[Signature]



Bank of New Zealand

**CERTIFICATE OF NON-REVOCATION
OF POWER OF ATTORNEY**

I, **Desley Osborne**, **Quality Assurance Officer of Auckland, New Zealand, Bank Officer, certify:**

1. That by deed dated 12 July 2005, Bank of New Zealand, of Level 14, BNZ Tower, 125 Queen Street, Auckland, New Zealand, appointed me its attorney.
2. A copy of the deed is deposited in the North Auckland registration district of Land Information New Zealand as dealing No. 6508607.1
3. That I have not received notice of any event revoking the power of attorney.

SIGNED at Auckland 06 August 2008

A handwritten signature in cursive script, appearing to read 'D. Osborne', written over a horizontal line.

Desley Osborne

Annexure Schedule - Consent Form

Land Transfer Act 1952 section 238(2)



Insert type of Instrument
"Caveat", "Mortgage" etc

Mortgage

Page **1** of **1** pages

Consentor

Surname must be underlined or in CAPITALS

Capacity and Interest of Consentor

(eg. Caveator under Caveat no./Mortgagee under Mortgage no.)

BANK OF NEW ZEALAND

Mortgagee under Mortgage No. 6633581.1

Consent

Delete Land Transfer Act 1952, if inapplicable, and insert name and date of application Act.

Delete words in [] if inconsistent with the consent.

State full details of the matter for which consent is required.

Pursuant to [section 238(2) of the Land Transfer Act 1952]

[section] of the Act

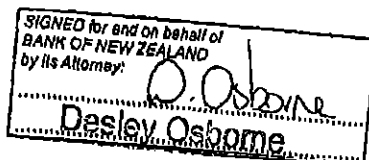
[Without prejudice to the rights and powers existing under the interest of the Consentor]

the Consentor hereby consents to:

The easement in favour of Top Energy for electricity supply in the form of the instrument attached

Dated this **12** day of **August** 2008

Attestation



Signature of Consentor

Signed in my presence by the Consentor

Signature of Witness

Witness to complete in BLOCK letters (unless legibly printed)

Witness name

ROBYN WATKIN

Occupation

**BANK OFFICER
AUCKLAND**

Address

BANK OFFICER

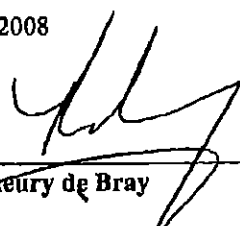
An Annexure Schedule in this form may be attached to the relevant instrument, where consent is required to enable registration under the Land Transfer Act 1952, or other enactments, under which no form is prescribed.

CERTIFICATE OF NON-REVOCATION OF POWER OF ATTORNEY

I, ROGER GHEURY DE BRAY of Opuia, Chief Executive Officer, hereby certify:

1. **THAT** by a deed dated the 3rd day of May 2005, TOP ENERGY LIMITED, a duly incorporated company having its registered office at Kaikohe, appointed me attorney on the terms and subject to the conditions set out in the deed.
2. A copy of the power of attorney is deposited in the Land Titles Office at North Auckland under No. 6440969.1.
3. **THAT** as at this date I have not received any notice or information of the revocation of this appointment by the dissolution or otherwise of TOP ENERGY LIMITED.

DATED this 24th day of June 2008



Roger Gheury de Bray

Approved by Registrar-General of Land under No. 2007/6225

Easement instrument to grant easement or *profit à prendre*, or create land covenant
Sections 90A and 90F, Land Transfer Act 1952

Land registration district

NORTH AUCKLAND



EI 7907807.7 Easement I

Cpy - 01/01, Pgs - 022, 14/08/08, 14:58



DocID: 312165951

Grantor

Surname(s) must be

BENTZEN FARM LIMITED

Grantee

Surname(s) must be underlined or in CAPITALS.

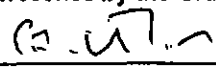
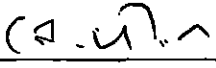
BENTZEN FARM LIMITED

Grant* of easement or *profit à prendre* or creation or covenant

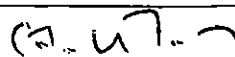
The Grantor, being the registered proprietor of the servient tenement(s) set out in Schedule A, grants to the Grantee (and, if so stated, in gross) the easement(s) or *profit(s) à prendre* set out in Schedule A, or creates the covenant(s) set out in Schedule A, with the rights and powers or provisions set out in the Annexure Schedule(s).

Dated this 8 day of August 2008

Attestation

	Signed in my presence by the Grantor 
	Signature of witness Witness to complete in BLOCK letters (unless legibly printed) Witness name Occupation GRAEME J MATHIAS SOLICITOR Address WHANGAREI
Signature [common seal] of Grantor	
	Signed in my presence by the Grantee 
	Signature of witness Witness to complete in BLOCK letters (unless legibly printed) Witness name Occupation GRAEME J MATHIAS SOLICITOR Address WHANGAREI
Signature [common seal] of Grantee	

Certified correct for the purposes of the Land Transfer Act 1952.



[Solicitor for] the Grantee

*If the consent of any person is required for the grant, the specified consent form must be used.

REF: 7003 - AUCKLAND DISTRICT LAW SOCIETY



Page 1 of 15 pages

(Continue in additional Annexure Schedule if required.)

Purpose (nature and extent) of easement, profit, or covenant	Shown (plan reference)	Servient tenement (Identifier/CT)	Dominant tenement (Identifier/CT or in gross)
Scheme of Land Covenants	Deposited Plan 391213	Refer definition of "Covenanting Lot" and "Covenanting Lots"	Refer definition of "Benefiting Lot" and "Benefiting Lots"

Continue in additional Annexure Schedule if required.

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

[the provisions set out in Annexure Schedule 2].

[Annexure Schedule 2].

22

Annexure Schedule



Insert type of instrument

"Mortgage", "Transfer", "Lease" etc

Easement

Dated

Page 2 of 15 Pages

(Continue in additional Annexure Schedule, if required.)

ANNEXURE SCHEDULE 2

1. DEFINITION

- 1.1 "Association" means the Ōmarino Residents Association Incorporated as established pursuant to the Incorporated Societies Act 1908.
- 1.2 "Benefiting Lot" and "Benefiting Lots" means those lots described in column 2 of the First Schedule.
- 1.3 "Common Facilities" shall have the meaning ascribed to this term in the Rules and shall include the facilities detailed in the Second Schedule.
- 1.4 "Council" means the Far North District Council.
- 1.5 "Covenanting Lot" and "Covenanting Lots" means those lots described in column 1 in the First Schedule.
- 1.6 "Family" mean a social group consisting of an individual person; and one of their husband, wife, spouse, civil union partner or de facto partner; their children (natural or legally adopted); and parents of the individual person and their husband, wife, spouse, civil union partner or de facto partner, and "Families" shall have a corresponding meaning.
- 1.7 "Grantee" means the Grantee and its successors in title and any lessees or occupiers of the Benefiting Lots or any part of them.
- 1.8 "Grantor" means the Grantor and its successors in title and any lessees or occupiers of the Covenanting Lots or any part of them.
- 1.9 "House and Curtilage Sites" means those areas described in the Fourth Schedule.
- 1.10 "Land Covenants" means the scheme of land, building and other covenants granted and created pursuant to this instrument.
- 1.11 "Lot" means any of lots 1 through 12, 14 through 21 and 25 on Deposited Plan 391213.
- 1.12 "Plan" means Deposited Plan 391213.
- 1.13 "Rules" means the rules and by-laws of the Association, as established pursuant to the Incorporated Societies Act 1908, and as amended from time to time.
- 1.14 "The Council" means the Far North District Council.
- 1.15 "The Development" means the subdivision as evidenced by the subdivision of land into the Lots as recorded under the name "Ōmarino" and accords with the intent and direction of the Management Plan.
- 1.16 "The Management Plan" means the management plan established by the Grantor and approved by the Council pursuant to the conditions by which the subdivision evidenced by DP 391213 was approved such

If this Annexure Schedule is used as an expansion of an instrument, all signing parties and either their witnesses or solicitors must sign or initial in this box.

Annexure Schedule



Insert type of Instrument
"Mortgage", "Transfer", "Lease" etc

Easement

Dated

Page **3** of **15** Pages

(Continue in additional Annexure Schedule, if required.)

plan being described as "Omarino Management Plan" dated October 2007 together with any amendments or variations of such plan as approved by the Far North District Council.

2. INTERPRETATION

In this instrument, unless the context indicates otherwise:

- 2.1 Clauses and Schedules: references to sections, clauses and schedules are references to this instrument's sections, clauses and schedules;
- 2.2 Defined Expressions: expressions defined in the body of this instrument have the defined meaning in the whole of this instrument;
- 2.3 Derivations: derivations of defined terms have similar meanings;
- 2.4 Document: references to a document, deed or agreement include it as amended, novated, replaced or added to;
- 2.5 Gender: words importing one gender include the other gender;
- 2.6 Headings: section, clause and other headings are for ease of reference only and will not affect the interpretation or construction of this instrument;
- 2.7 Including: references to "including" or "includes" or similar words do not imply limitation;
- 2.8 Instrument: in relation to any instrument which contains a provision which incorporates into that instrument any or all of the provisions set out in this instrument, the expressions "instrument" or "this instrument" where used in this instrument, mean that instrument incorporating this instrument as amended, added to or varied by the terms of any annexure schedule attached to that instrument;
- 2.9 Joint and Several: all covenants are joint and several;
- 2.10 Negative Obligations: any obligation not to do anything includes an obligation not to suffer, permit or cause that thing to be done;
- 2.11 Parties: references to parties are references to parties to this instrument and include their successors, transferees, assigns and representatives;
- 2.12 Persons: references to persons include references to individuals, companies, corporations, partnerships, firms, joint ventures, associations, trusts, organisations, governmental or other regulatory bodies or authorities or other entities in each case whether or not having separate legal personality;
- 2.13 Schedules: the schedules to this instrument and the provisions and conditions contained in these schedules have the same effect as if set out in the body of this instrument;
- 2.14 Singular and Plural: singular includes plural and vice versa; and

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(Signature)

(Signature)

Annexure Schedule



Insert type of Instrument
"Mortgage", "Transfer", "Lease" etc

Easement

Dated

Page 4 of 15 Pages

(Continue in additional Annexure Schedule, if required.)

2.15 Statutes and Regulations: references to any statutory provision includes any statutory provision which amends or replaces it, and any subordinate legislation made under it.

3. COVENANTS

3.1 **Scheme of Land Covenants:** The following provisions shall apply to the scheme of land covenants for the purposes of creating a scheme of development and use controls with respect to the Lots:

- (a) The Grantor hereby covenants and agrees with the Grantee, as both positive and negative covenants, that the Grantor will at all times observe and be bound by all the stipulations and restrictions contained in the Third Schedule to the end and intent that such stipulations and restrictions shall forever enure for the benefit of, and be appurtenant to, each Benefiting Lot and the lessees and occupiers of and invitees of each Benefiting Lot or any part of it provided that the Grantor for the time being hereunder shall only be liable for breaches of this covenant while it is the registered proprietor of a Covenanting Lot.
- (b) The Grantee hereby acknowledges and accepts the basis upon which the Grantor covenants and agrees in paragraph (a) above and the Grantee covenants and agrees with the Grantor, as both positive and negative covenants, that the Grantee will at all times observe all the stipulations and restrictions contained in the Third Schedule to the end and intent that such stipulations and restrictions shall forever enure for the benefit of, and be appurtenant to, each Covenanting Lot and the lessees and occupiers of and invitees of each Covenanting Lot or any part of it provided that each Grantee for the time being hereunder shall only be liable for breaches of this covenant while it is the registered proprietor of a Benefiting Lot.

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(Signature)

(Signature)

Annexure Schedule

Insert type of instrument
"Mortgage", "Transfer", "Lease" etc

Easement

Dated

Page 5 of 15 Pages

(Continue in additional Annexure Schedule, if required.)

FIRST SCHEDULE

Column 1: Covenantee Lot(s)	Column 2: Benefiting Lots
Lot 1 DP 391213 and 1/17 th share in Lot 18 DP 391213	Lots 2-12, 14-17, 16/17 th share in lot 18, 19-21 and 25 (inclusive) DP 391213
Lot 2 DP 391213 and 1/17 th share in Lot 18 DP 391213	Lots 1, 3-12, 14-17, 16/17 th share in lot 18, 19-21 and 25 (inclusive) DP 391213
Lot 3 DP 391213 and 1/17 th share in Lot 18 DP 391213	Lots 1, 2, 4-12, 14-17, 16/17 th share in lot 18, 19-21 and 25 (inclusive) DP 391213
Lot 4 DP 391213 and 1/17 th share in Lot 18 DP 391213	Lots 1-3, 5-12, 14-17, 16/17 th share in lot 18, 19-21 and 25 (inclusive) DP 391213
Lot 5 DP 391213 and 1/17 th share in Lot 18 DP 391213	Lots 1-4, 6-12, 14-17, 16/17 th share in lot 18, 19-21 and 25 (inclusive), DP 391213
Lots 6 and 21 DP 391213 and 1/17 th share in Lot 18 DP 391213	Lots 1-5, 7-12, 14-17, 16/17 th share in lot 18, 19, 20 and 25 (inclusive) DP 391213
Lot 7 DP 391213 and 1/17 th share in Lot 18 DP 391213	Lots 1-6, 8-12, 14-17, 16/17 th share in lot 18, 19-21 and 25 (inclusive) DP 391213
Lots 8 and 20 DP 391213 and 1/17 th share in Lot 18 DP 391213	Lots 1-7, 9-12, 14-17, 16/17 th share in lot 18, 19, 21 and 25 (inclusive) DP 391213
Lot 9 DP 391213 and 1/17 th share in Lot 18 DP 391213	Lots 1-8, 10-12, 14-17, 16/17 th share in lot 18, 19-21 and 25 (inclusive) DP 391213
Lot 10 DP 391213 and 1/17 th share in Lot 18 DP 391213	Lots 1-9, 11, 12, 14-17, 16/17 th share in lot 18, 19-21 and 25 (inclusive) DP 391213
Lot 11 DP 391213 and 1/17 th share in Lot 18 DP 391213	Lots 1-10, 12, 14-17, 16/17 th share in lot 18, 19-21 and 25 (inclusive) DP 391213
Lot 12 DP 391213 and 1/17 th share in Lot 18 DP 391213	Lots 1-11, 14-17, 16/17 th share in lot 18, 19-21 and 25 (inclusive) DP 391213
Lot 14 DP 391213 and 1/17 th share in Lot 18 DP 391213	Lots 1-12, 15-17, 16/17 th share in lot 18, 19-21 and 25 (inclusive) DP 391213
Lot 15 DP 391213 and 1/17 th share in Lot 18 DP 391213	Lots 1-12, 14, 16, 17, 16/17 th share in lot 18, 19-21 and 25 (inclusive) DP 391213
Lot 16 DP 391213 and 1/17 th share in Lot 18 DP 391213	Lots 1-12, 14, 15, 17, 16/17 th share in lot 18, 19-21 and 25 (inclusive) DP 391213
Lots 17 and 19 DP 391213 and 1/17 th share in Lot 18 DP 391213	Lots 1-12, 14-16, 16/17 th share in lot 18, 20, 21 and 25 (inclusive) DP 391213
Lot 25 DP 391213 and 1/17 th share in Lot 18 DP 391213	Lots 1-12, 14-17, 16/17 th share in lot 18, 19-21 (inclusive) DP 391213

If this Annexure Schedule is used as an expansion of an instrument, all signing parties and either their witnesses or solicitors must sign or initial in this box.

C2

Annexure Schedule



Insert type of instrument
"Mortgage", "Transfer", "Lease" etc

Easement

Dated

Page 6 of 15 Pages

(Continue in additional Annexure Schedule, if required.)

SECOND SCHEDULE

Common Facilities

- (i) The jetty ("the jetty") and the boat launching ramp ("the boat launching ramp") in the vicinity of the recreational facility on Lot 18 and as shown on Pete Bossley Architects Limited drawing reference 0-03 attached hereto and marked "annexure A".
 - (ii) The four boat sheds in boat shed block 1A and the four boat sheds in boat shed block 1B as located on Lot 18 and as shown indicated on annexure A.
 - (iii) The five boat sheds in boat shed block 2B and the four boat sheds in boat shed block 2A and the attached implement shed as located on Lot 18 and as shown in Pete Bossley Architects Limited drawing reference 0-04 attached hereto and marked "annexure B".
 - (iv) The caretaker's house located on Lot 18 such being shown generally as the building located on Pete Bossley Architects Limited plan reference 0-05 entitled "Caretakers" attached hereto and marked "annexure C".
- with items (i) through (iv) being generally within that part of Lot 18 as was formerly contained in the land in CT NA35A/947 and as shown on Pete Bossley Architects Limited plan entitled "Site Plan Lot 18" reference 0-02 attached as annexure D.
- (v) The sealed carriageway of the internal road established within Lot 18.
 - (vi) The formed and sealed rights of way shown marked with the letters A" "B" "C" "D" "F" "G" "K", "S" "R", "BE", "BF", "BG" and "V" on the plan.
 - (vii) The entrance gateway to the subdivision as evidenced by the plan at the access point to the subdivision from Manawaeroa Road.

If this Annexure Schedule is used as an expansion of an instrument, all signing parties and either their witnesses or solicitors must sign or initial in this box.

Clerk

Annexure Schedule



Insert type of instrument
"Mortgage", "Transfer", "Lease" etc

Easement

Dated

Page 7 of 15 Pages

(Continue in additional Annexure Schedule, if required.)

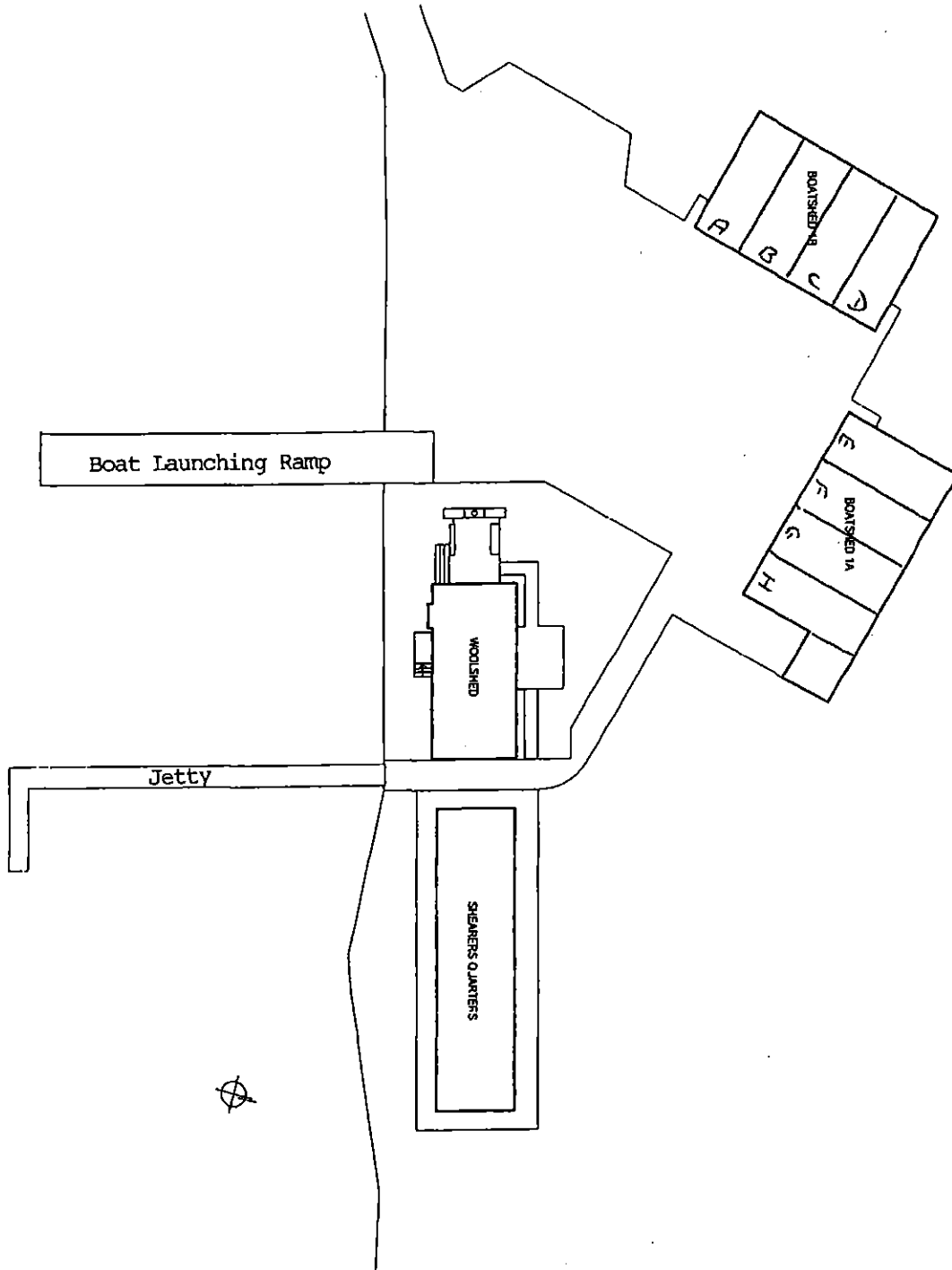
- (viii) The common parking and turning area in the vicinity of the various boat sheds, the implement shed and the recreational facility as shown on annexures A and B.
- (ix) The former Woolshed (now a recreational facility) located on Lot 18 and as identified on annexure A together with its court-yard and surrounding decks.
- (x) The walkway and riding trail established within those parts of the plan as are marked thereon with the letters "A" "B" "C" "D" "F" "G" "H" "L" "M" "N" "R" "S" "U" "V" "AH" "AX" "BE" and "BF".
- (xi) That part of Lot 11 as is marked with the letters "AH" to which a right of public access is reserved in favour of the Council.
- (xii) That part of Lot 3 as is shown marked with the letters "AZ" to which rights of access, use and enjoyment are reserved to the registered proprietors of the lots.
- (xiii) The heritage sites being those parts of Lots 3 and 10 as are marked thereon with the letters "AL" and "E" respectively.

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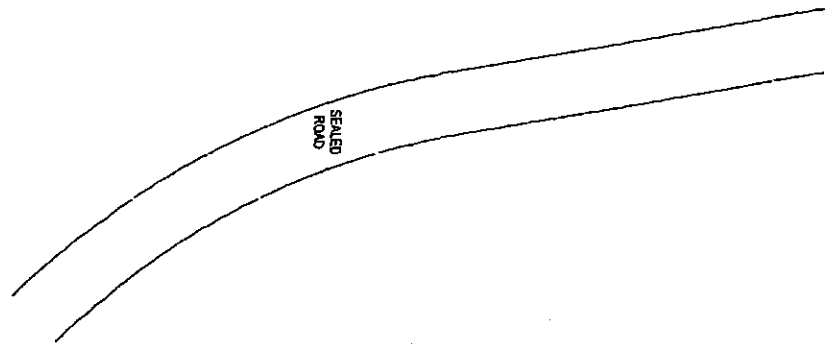
(Signature)

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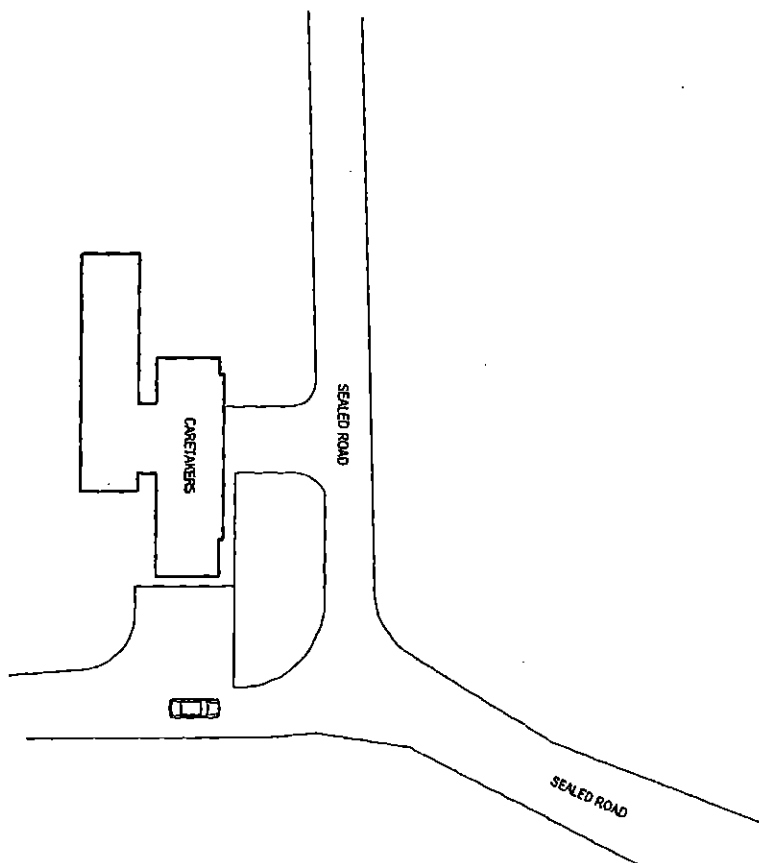
Annexure A

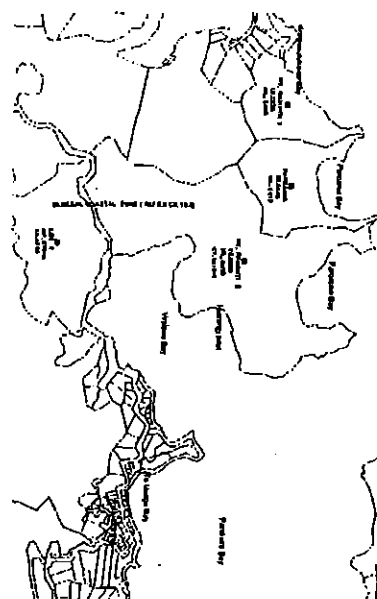


1. PROJECT NAME: [Blank] 2. PROJECT NO: [Blank] 3. PROJECT LOCATION: [Blank] 4. PROJECT DATE: [Blank] 5. PROJECT STATUS: [Blank]		6. PROJECT DESCRIPTION: [Blank] 7. PROJECT OBJECTIVES: [Blank] 8. PROJECT SCOPE: [Blank] 9. PROJECT BUDGET: [Blank] 10. PROJECT RISK: [Blank]	
11. PROJECT TEAM: [Blank] 12. PROJECT CONTACT: [Blank] 13. PROJECT APPROVAL: [Blank] 14. PROJECT REVIEW: [Blank]		15. PROJECT SIGNATURE: [Blank] 16. PROJECT DATE: [Blank] 17. PROJECT LOCATION: [Blank] 18. PROJECT STATUS: [Blank]	



10

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Annexure Schedule



Insert type of instrument
"Mortgage", "Transfer", "Lease" etc

Easement

Dated

Page 8 of 15 Pages

(Continue in additional Annexure Schedule, if required.)

THIRD SCHEDULE

4. GENERAL COVENANTS

- 4.1 The Grantor shall, by virtue of being the registered proprietor of its respective Covenantee Lot, be deemed to be, and will remain for so long as it is the registered proprietor of that Covenantee Lot, a member of the Association and the Grantor covenants to fully and effectively observe and perform the obligations of a member of the Association as set out in the Rules.
- 4.2 In exercising rights under the Land Covenants and any other land covenants or easements registered against the certificates of title to the Benefiting Lots, the Grantee shall ensure that:
 - (a) it and its invitees shall cause no nuisance to the Grantor or any Grantee or their invitees;
 - (b) it and its invitees observe and perform all requirements, or restrictions imposed under the Land Covenants, from time to time by the Association and the by-laws of the Association (under the Rules or otherwise); and
 - (c) any farm bikes or other vehicles used in the exercise of such rights shall be adequately muffled so as to ensure no nuisance is caused to the Grantor or any Grantee.
- 4.3 The Grantor shall allow the Grantee and those authorised by the Grantee in accordance with the Rules access over the land comprising the Covenantee Lots and the use of such land for the purposes of constructing, maintaining, repairing and replacing structures and additions thereto which are part of the Common Facilities.
- 4.4 No Covenantee Lot may be further divided or subdivided (and "subdivide" shall have its natural meaning and shall not be limited to the meaning ascribed to subdivision of land in section 218(1) of the Resource Management Act 1991 or any other enactment or regulation), all buildings contained on each Covenantee Lot shall remain in the same ownership and occupancy as the freehold interest in the Covenantee Lot and no Covenantee Lot may be leased or licensed in such a way so that in substance or effect there are more than 17 Covenantee Lots or parcels of land which make up the development having separate ownership or rights of occupation or any individual or entity has any joint interest of any kind in any part of a Covenantee Lot (either individually or collectively with other trustees of a trust) other than an interest as a joint tenant or as tenants in common as to a half share in the whole of a Covenantee Lot, provided that:
 - (a) a Covenantee Lot or part(s) of a Covenantee Lot may be leased or licensed to a residential caretaker employed by the Grantor expressly for the purposes of maintaining the Covenantee Lot where the caretaker residency is a service related tenancy as defined in the Residential Tenancies Act 1986; and
 - (b) the House and Curtilage Sites may be leased to occupiers for residential purposes for a continuous period of not less than 30 days,

If this Annexure Schedule is used as an expansion of an Instrument, all signing parties and either their witnesses or solicitors must sign or initial in this box.

[Handwritten signature]

[Handwritten signature]

Annexure Schedule

Insert type of instrument
"Mortgage", "Transfer", "Lease" etc

Easement

Dated

Page 9 of 15 Pages



(Continue in additional Annexure Schedule, if required.)

where such accommodation or lease agreement is in writing and is made specifically subject to these land covenants and the Rules.

4.5 Subject to clause 4.4, the House and Curtilage Sites shall be used for residential purposes and no trading or commercial activities of any nature shall be conducted on any Covenanted Lot other than an activity which can be entirely contained within any building constructed on the Covenanted Lot but in any event such activity cannot involve visitors, employment of staff on the Covenanted Lot and/or any deliveries of commercial goods or services to the Covenanted Lot.

4.6 No jetty or boat launching ramp may be constructed on any Lot which adjoins the seabed or foreshore except Lots 17 and 18.

5. SCHEME OF BUILDING COVENANTS

The Grantor and the Grantee will not:

5.1 Approval of the Association: erect or place or permit to be erected or placed on a Covenanted Lot any dwellinghouse, erection or structure of any kind without first obtaining the approval of the Association to the plans of such dwelling and the materials, finish and exterior colours to be used in the construction of the dwelling (which approval will not be unreasonably or arbitrarily withheld taking into account the Association's requirements for a consistent standard of quality housing which suits the aesthetics of the development generally) and without complying with the Association's standard conditions relating to the Grantor's or Grantee's proposed dwelling with the Association's standard conditions being requirements that:

- (a) Roof: the roof must not be constructed of corrugated iron roofing or an unpainted metal surface unless it is a pre-coloured steel product of a modern design;
- (b) Second Hand or Recycled Materials: no permanent dwelling, building or structure will be erected on a Covenanted Lot using second hand or recycled materials unless such materials are of an aesthetic nature and the use thereof has been approved by the Association;
- (c) Landscaping: all landscaping must be embodied in the plans and will be sympathetic to the dwelling and the environment of the Development;
- (d) Driveway: no driveway can be left with dirt, metal or a low quality aggregate surface;
- (e) Buildings to be Enclosed: all buildings must be fully closed in within twelve months of construction commencing; and
- (f) Prior Approval of Plans: all buildings must be constructed only in accordance with a design approved in terms of the design guidelines set out in the Management Plan and as approved by the Architecture and Landscape Review Panel established pursuant to the Management Plan.

If this Annexure Schedule is used as an expansion of an Instrument, all signing parties and either their witnesses or solicitors must sign or initial in this box.

(Signature)

(Signature)

Annexure Schedule



Insert type of Instrument
"Mortgage", "Transfer", "Lease" etc

Easement

Dated

Page 10 of 15 Pages

(Continue in additional Annexure Schedule, if required.)

- 5.2 Removal of Soil: allow the removal of soil from a Covenanted Lot except as necessary during the course of construction of a dwelling or a swimming pool associated therewith;
- 5.3 Restricted Building Time: undertake any building or other construction work during the period commencing the 20th of December in one year and ending with the 10th of January in the following year;
- 5.4 Huts or Sheds or Temporary Buildings: erect or place or permit to be erected or placed upon a Covenanted Lot any hut or shed or temporary building to be used as a dwelling or temporary dwelling other than such hut or shed or temporary building used for temporary occupation by builders in the course of constructing permitted buildings upon that lot;
- 5.5 Caravans and Tents: allow any caravan or tent to be used upon a Covenanted Lot as a dwelling or temporary dwelling without the prior written approval of the Association;
- 5.6 Fencing Provisions: notwithstanding the terms or provisions of the Fencing Act 1978 erect a fence other than a fence as may be required for the purposes of the Fencing of Swimming Pools Act 1987 and/or to provide a dog enclosure to satisfy the provisions of clause 6.13(a) of this instrument and in either case to satisfy the provisions of this clause, the fence must be an open type of fence that will not obstruct the flow of any storm or tempest water through the fence;
- 5.7 Building Time: undertake any building or other construction work otherwise than between the hours of 7am through to 6pm in that same day provided further that no workers, contractors, building material suppliers or any other person involved in building or construction work on any Covenanted Lot shall be permitted to have access to any building site before 6.30am in any day and/or to remain on that site after 6.30pm the same day; or
- 5.8 Non Cessation of building work: having commenced building or construction work cease such work other than to comply with the requirements of clauses 5.3 and/or 5.7 hereof.

The Grantor and the Grantee agree that if the Grantor or Grantee breaches or fails to observe part of any of the covenants set out in this instrument, and without prejudice to any other liability which the Grantor or Grantee may have under this instrument and to the Association or other parties and any person or persons having the benefit of these covenants, the Grantor or the Grantee, upon written demand being made by the other parties or any of the registered proprietors of the Covenanted Lots/Benefiting Lots and/or the Association, will:

- (a) remove or cause to be removed from any Covenanted Lot any material, fence, building or structure erected or placed thereon in breach or non observance of the covenants in this instrument;
- (b) replace any building materials used in breach or non observance of these covenants; and
- (c) pay to the Association as liquidated damages the sum of one thousand dollars (\$1,000.00) per day for every day that such breach or non-observance continues after the date upon which written demand has been made provided however that the Grantor and/or the Grantee (as the

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(Signature)

Annexure Schedule

Insert type of instrument
"Mortgage", "Transfer", "Lease" etc

Easement

Dated

Page 11 of 15 Pages



(Continue in additional Annexure Schedule, if required.)

case may be) and their successors in title will only be liable for the breaches of the covenants which occur while they are registered as proprietors of the Covenanting Lots.

6. RESOURCE CONSENT COVENANTS

The Grantor and the Grantee shall not without the requisite consent of both the Association and the Council:

- 6.1 undertake any development on a Covenanting Lot unless such development adheres to the architectural design guidelines contained in the Management Plan;
- 6.2 undertake any development on a Covenanting Lot unless such development has been approved by the "Architecture and Landscape Review Panel" established pursuant to the provisions of the Management Plan;
- 6.3 build any structure where the reflectivity of all external surfaces and building materials used on such structure exceeds a maximum of 30 percent;
- 6.4 undertake any development otherwise than in compliance with all resource consent requirements enabling the subdivision and development of the properties originally contained in certificates of title NA35A/947, NA35D/223 and NA35A/592 in terms of the consents applicable thereto as such consents are incorporated into the Management Plan subject only to any agreed amendment thereto as shall be approved from time to time by the Council and/or the Northland Regional Council or any successor to either such body;
- 6.5 undertake any development on a Covenanting Lot unless authorised by a resource consent or by the district plan as a permitted activity other than constructing on the House and Curtilage Site:
 - (a) one single detached residential unit (as defined in the Council's district plan);
 - (b) one caretaker's residential unit of not more than 125 square metres in gross floor area;
 - (c) one non-residential building; and
 - (d) water storage facilities,

provided always that the combined size of any caretaker's residential unit and any non-residential building does not exceed 50 percent of the residential unit's gross floor area;
- 6.6 construct any building unless the external appearance of such building:
 - (a) in the case of any building on Lots 1 through 12, 14, 15, 16 and 25 is in accordance with the design details contained in the Management Plan; or
 - (b) in the case of any building on Lots 17 and 18 is in traditional cladding and colours;

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(7m)

Annexure Schedule



Insert type of Instrument
"Mortgage", "Transfer", "Lease" etc

Easement

Dated

Page 12 of 15 Pages

(Continue in additional Annexure Schedule, if required.)

- 6.7 permit any electricity, telecommunication or other utility services to be constructed otherwise than underground;
- 6.8 undertake or design any earthworks, including earthworks required to construct accessways to building sites, other than as to cause minimal impact on the landscape;
- 6.9 leave any exposed cuts after undertaking earthworks with any earthworks undertaken to be promptly re-grassed or planted in native vegetation;
- 6.10 keep or bring nor permit the keeping or bringing of cats and mustelids onto any of the Covenanted Lots;
- 6.11 undertake any development of any Covenanted Lot without first checking such development against the archaeological records affecting that Lot it being recognised that the destruction of any archaeological site is in contravention of the Historic Places Act 1993;
- 6.12 carry out any earthworks near a recorded archaeological site without undertaking an archaeological assessment prior to undertaking such earthworks.
- 6.13 keep more than two dogs on any Covenanted Lot with any such dogs so kept to be:
 - (a) confined to the House and Curtilage Site of each Covenanted Lot when in the company of the registered proprietor of that Lot or their invitees or otherwise enclosed in an escape proof enclosure; and/or
 - (b) secured by way of a handheld leash if outside the House and Curtilage Site of the Covenanted Lot;
- 6.14 allow the landscaping of any Covenanted Lot to be other than in compliance with the Association's re-vegetation plan as applies to that Lot and in so doing shall ensure that:
 - (a) all required replanting and maintenance of such landscaping is maintained;
 - (b) all pest and weed management programmes applicable to that Lot are maintained; and
 - (c) all vegetated areas and approved under storey planting are maintained and enhanced.

7. THE COMMON FACILITIES

- 7.1 The Grantor and the Grantee shall neither use nor permit any person to use the Common Facilities otherwise than for their authorised purpose and in accordance with such rules and regulations as shall be established for the use of each of the Common Facilities by the Association and as detailed in the Rules and/or the Management Plan together with any variation of the Rules and the Management Plan as shall be authorised from time to time.

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(Signature)

Annexure Schedule

Insert type of instrument
"Mortgage", "Transfer", "Lease" etc



Easement

Dated

Page **13** of **15** Pages

(Continue in additional Annexure Schedule, if required.)

7.2 Neither the Grantor nor the Grantor's invitees nor the Grantee and the Grantee's invitees shall exercise access to and from or use the boatsheds and/or the boat launching ramp and/or the jetty situated on Lot 18 or to be accessed from Lot 18 otherwise than in accordance with the Rules with any access or use to be by such means and in such manner as shall be established by the Rules as set by the Association from time to time.

7.3 The Grantor shall allow the Grantee and those authorised by the Grantee in accordance with the Rules access over Lot 18 and the use of such Lot for the purposes of:

- (a) constructing, maintaining, repairing and replacing the 17 boatsheds being constructed thereon, the boat launching ramp and the jetty in the approximate location on which such have been constructed as identified on plans held by the Association together with all formed roads and accessways thereto and therefrom and all other components of the Common Facilities; and
- (b) repairing and undertaking works to repair or prevent damage being caused from time to time to the Common Facilities,

and neither the Grantor nor the Grantee shall object to any maintenance and repairs and/or use of the Common Facilities if such maintenance and use is undertaken in accordance with the Rules.

7.4 Neither the Grantor nor the Grantee shall use or permit any person to use the boat launching ramp otherwise than:

- (a) for the purpose of launching and retrieving watercraft;
- (b) in accordance with such rules for the use of the boat launching ramp as shall be set by the Association and in default of such rules or in the event that no rules are applicable as directed by the manager of the Association;
- (c) for a purpose consistent with the purposes for which the boat launching ramp has been constructed;
- (d) taking account of the rights of other lawful users of the boat launching ramp; and
- (e) so as to not interfere with or obstruct the lawful use of the boat launching ramp by other lawful users.

7.5 Neither the Grantor nor the Grantee shall use the jetty otherwise than:

- (a) in accordance with such rules for the use of the jetty as shall be set by the Association and in default of such rules or in the event that no rules are applicable as directed by the manager of the Association;
- (b) for a purpose consistent with the purpose for which the jetty has been constructed;
- (c) taking account of the rights of other lawful users of the jetty; and

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(Signature) *(Signature)*

Annexure Schedule

Insert type of instrument

"Mortgage", "Transfer", "Lease" etc

Easement

Dated

Page 14 of 15 Pages



(Continue in additional Annexure Schedule, if required.)

(d) so as to not interfere with or obstruct the lawful use of the jetty by other lawful users.

7.6 The Grantor and the Grantee covenant that in the use of the Covenanted Lots and the Common Facilities or any part thereof where such use is made by invitees or agents of the Grantor or the Grantee that such usage is at the risk of and is the responsibility of the invitor and such party shall be liable for any loss, damage or claim that arises out of such use by their invitee or agent and indemnifies the other party against any claim arising out of such use.

8. OWNERSHIP COVENANT

8.1 Subject to clause 4.4 the Grantor and the Grantee covenant that ownership of each Covenanted Lot shall be restricted to ensure that no ownership in the nature of a fractional ownership between various parties or timeshare type arrangement is created so that no Covenanted Lot, and no entity which owns or controls the ownership of a Covenanted Lot, may be owned or controlled, whether legally or beneficially, by more than one Family provided always that this covenant shall not apply to Bentzen Farm Limited. This shall not prevent entities, such as trusts and companies, owning a Covenanted Lot on behalf of an individual family provided that in all cases ultimate beneficial ownership and control of a Covenanted lot is limited to one Family.

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(Signature)

Annexure Schedule



Insert type of instrument
"Mortgage", "Transfer", "Lease" etc

Easement

Dated

Page 15 of 15 Pages

(Continue in additional Annexure Schedule, if required.)

FOURTH SCHEDULE

- that part of lot 1 on the plan as is shown marked with the letter "Z"
- those parts of lot 2 on the plan as are shown marked with the letters "AA", "AV", "P", "Q" and "T"
- that part of lot 3 on the plan as is shown marked with the letters "AB"
- those parts of lot 4 on the plan as are shown marked with the letters "AC", "AK" and "AS";
- that part of lot 5 on the plan as is shown marked with the letters "AP"
- that part of lot 6 on the plan as is shown marked with the letters "AO"
- that part of lot 7 on the plan as is shown marked with the letters "AD"
- that part of lot 8 on the plan as is shown marked with the letters "AJ"
- that part of lot 9 on the plan as is shown marked with the letters "AE"
- that part of lot 10 on the plan as is shown marked with the letters "AF"
- that part of lot 11 on the plan as is shown marked with the letters "AG"
- that part of lot 12 on the plan as is shown marked with the letters "AI"
- that part of lot 14 on the plan as is shown marked with the letters "BD"
- that part of lot 15 on the plan as is shown marked with the letters "BA"
- that part of lot 16 on the plan as is shown marked with the letters "BB"
- that part of lot 17 on the plan as is shown marked with the letters "AQ"
- that part of lot 25 on the plan as is shown marked with the letters "BC"

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Bank of New Zealand

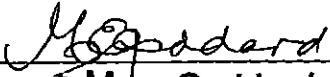
**CERTIFICATE OF NON-REVOCATION
OF POWER OF ATTORNEY**

I, **Mary Goddard**
Zealand, Bank Officer, certify:

,Quality Assurance Officer of Auckland, New

1. That by deed dated 12 July 2005, Bank of New Zealand, of Level 14, BNZ Tower, 125 Queen Street, Auckland, New Zealand, appointed me its attorney.
2. A copy of the deed is deposited in the North Auckland registration district of Land Information New Zealand as dealing No. 6508607.1
3. That I have not received notice of any event revoking the power of attorney.

SIGNED at Auckland 11 August 2008



Mary Goddard

Annexure Schedule - Consent Form

Land Transfer Act 1952 section 238(2)



Insert type of instrument
"Caveat", "Mortgage" etc

Mortgage

Page **1** of **1** pages

Consentor

Surname must be underlined or in CAPITALS

Capacity and Interest of Consentor

(eg. Caveator under Caveat no./Mortgagee under Mortgage no.)

BANK OF NEW ZEALAND

Mortgagee under Mortgage No. 6633581.1

Consent

Delete Land Transfer Act 1952, if inapplicable, and insert name and date of application Act.

Delete words in [] if inconsistent with the consent.

State full details of the matter for which consent is required.

Pursuant to [section 238(2) of the Land Transfer Act 1952]

[section _____ of the _____ Act _____]

[Without prejudice to the rights and powers existing under the interest of the Consentor]

the Consentor hereby consents to:

The scheme of land covenants to apply to all lots in the subdivision in the form of the instrument attached

Dated this 11 day of August 2008

Attestation

	Signed in my presence by the Consentor
	<u>Rwath</u> Signature of Witness Witness to complete in BLOCK letters (unless legibly printed) Witness name Occupation <u>BANK OFFICER</u> Address <u>AUCKLAND</u>
Signature of Consentor	

An Annexure Schedule in this form may be attached to the relevant instrument, where consent is required to enable registration under the Land Transfer Act 1952, or other enactments, under which no form is prescribed.

Approved by Registrar-General of Land under No. 2007/6225
Easement instrument to grant easement or profit à prendre, or create land covenant
Sections 90A and 90F, Land Transfer Act 1952

Land registration district

NORTH AUCKLAND



EI 7907807.8 Easement

Cpy - 01/01, Pgs - 010, 14/08/08, 14:58



DocID: 31316882

Grantor

Surname(s) must be

BENTZEN FARM LIMITED

Grantee

Surname(s) must be underlined or in CAPITALS.

BENTZEN FARM LIMITED

Grant of easement or profit à prendre or creation of covenant

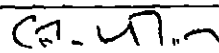
The Grantor, being the registered proprietor of the servient tenement(s) set out in Schedule A, grants to the Grantee (and, if so stated, in gross) the easement(s) or profit(s) à prendre set out in Schedule A, or creates the covenant(s) set out in Schedule A, with the rights and powers or provisions set out in the Annexure Schedule(s).

Dated this 8 day of August 2008

Attestation

	Signed in my presence by the Grantor 
	Signature of witness Witness to complete in BLOCK letters (unless legibly printed) Witness name Occupation Address
Signature [common seal] of Grantor	GRAEME J MATHIAS SOLICITOR WHANGAREI
	Signed in my presence by the Grantee 
	Signature of witness Witness to complete in BLOCK letters (unless legibly printed) Witness name Occupation Address
Signature [common seal] of Grantee	GRAEME J MATHIAS SOLICITOR WHANGAREI

Certified correct for the purposes of the Land Transfer Act 1952.



[Solicitor for] the Grantee

*If the consent of any person is required for the grant, the specified consent form must be used.

REF: 7003 - AUCKLAND DISTRICT LAW SOCIETY

Approved by Registrar-General of Land under No. 2007/8225
Annexure Schedule 1



Easement Instrument Dated Page 1 of 5 pages

Schedule A (Continue in additional Annexure Schedule if required.)

Purpose (nature and extent) of easement, profit, or covenant	Shown (plan reference)	Servient tenement (Identifier/CT)	Dominant tenement (Identifier/CT or in gross)
Rights of Walkway and Riding	Marked "A" on Deposited Plan 391213	Lot 5 DP 391213	Lots 1 to 4, 6 to 12, 14 to 21 and 25 DP 391213
	Marked "B" on Deposited Plan 391213	Lot 4 DP 391213	Lots 1, 2, 3, 5 to 12, 14 to 21 and 25 DP 391213
	Marked "C" on Deposited Plan 391213	Lot 2 DP 391213	Lots 1, 3 to 12, 14 to 21 and 25 DP 391213
	Marked "D" on Deposited Plan 391213	Lot 9 DP 391213	Lots 1 to 8, 10 to 12, 14 to 21 and 25 DP 391213
	Marked "F" on Deposited Plan 391213	Lot 10 DP 391213	Lots 1 to 9, 11, 12, 14 to 21 and 25 DP 391213

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

Delete phrases in [] and insert memorandum number as required.
Continue in additional Annexure Schedule if required.

Unless otherwise provided below, the rights and powers implied in specific classes of easement are those prescribed by the Land Transfer Regulations 2002 and/or the Fifth Schedule of the Property Law Act 2007.

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

~~Memorandum number _____, registered under section 155A of the Land Transfer Act 1952.~~
[the provisions set out in Annexure Schedule 2].

Covenant provisions

Delete phrases in [] and insert memorandum number as required.
Continue in additional Annexure Schedule if required.

The provisions applying to the specified covenants are those set out in:

~~Memorandum number _____, registered under section 155A of the Land Transfer Act 1952.~~
[Annexure Schedule 2].

All signing parties and either their witnesses or solicitors must sign or initial in this box

Gu

Annexure Schedule

Insert type of instrument
"Mortgage", "Transfer", "Lease" etc

Easement

Dated

Page 2 of 5 Pages

(Continue in additional Annexure Schedule, if required.)

Schedule A (continued)

Purpose (nature and extent) of easement, profit, or covenant	Shown (plan reference)	Servient tenement (Identifier/CT)	Dominant Tenement (Identifier/CT or in gross)
Rights of Walkway and Riding	Marked "G" on Deposited Plan 391213	Lot 8 DP 391213	Lots 1 to 7, 9 to 12, 14 to 21 and 25 DP 391213
	Marked "H" and "L" on Deposited Plan 391213	Lot 1 DP 391213	Lots 2 to 12, 14 to 21 and 25 DP 391213
	Marked "M" on Deposited Plan 391213	Lot 2 DP 391213	Lots 1, 3 to 12, 14 to 21 and 25 DP 391213
	Marked "N" on Deposited Plan 391213	Lot 16 DP 391213	Lots 1 to 12, 14, 15, 17 to 21 and 25 DP 391213
	Marked "R" on Deposited Plan 391213	Lot 9 DP 391213	Lots 1 to 8, 10 to 12, 14 to 21 and 25 DP 391213
	Marked "S" on Deposited Plan 391213	Lot 12 DP 391213	Lots 1 to 11, 14 to 21 and 25 DP 391213
	Marked "AX" on Deposited Plan 391213	Lot 11 DP 391213	Lots 1 to 10, 12, 14 to 21 and 25 DP 391213
	Marked "U" on Deposited Plan 391213	Lot 9 DP 391213	Lots 1 to 8, 10 to 12, 14 to 21 and 25 DP 391213
	Marked "V" on Deposited Plan 391213	Lot 5 DP 391213	Lots 1 to 4, 6 to 12, 14 to 21 and 25 DP 391213
	Marked "AH" on Deposited Plan 391213	Lot 11 DP 391213	Lots 1 to 10, 14 to 21 and 25 DP 391213
	Marked "BE" on Deposited Plan 391213	Lot 15 DP 391213	Lots 1 to 12, 14, 16 to 21 and 25 DP 391213
	Marked "BF" on Deposited Plan 391213	Lot 16 DP 391213	Lots 1 to 12, 14, 15, 17 to 21 and 25 DP 391213

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Annexure Schedule

Insert type of instrument
"Mortgage", "Transfer", "Lease" etc

Easement

Dated

Page 3 of 5 Pages



(Continue in additional Annexure Schedule, if required.)

ANNEXURE SCHEDULE 2

1. Definitions in this instrument unless the context indicates otherwise:

"Association" means the society to be established under the name "Omarino Residents Association Incorporated".

"Easement Area" means those parts of the servient tenements as are shown marked with the letters "A", "B", "C", "D", "F", "G", "H", "L", "M", "N", "R", "S", "U", "V", "AH", "AX", "BE" and "BF" on Deposited Plan 391213.

"Right of Riding" has the meaning given in clause 2.1 of this instrument.

"Right of Walkway" has the meaning given in clause 2.2 of this instrument.

"Rules" and "the Rules" means all rules, bylaws and other regulations established by the Association.

"The Management Plan" means the management plan established by the Grantor and approved by the Far North District Council pursuant to the conditions by which the subdivision evidenced by DP 391213, such being described as "Omarino Management Plan" dated October 2007, together with any amendments or variations of such plan as approved by the Far North District Council.

2. GRANT OF EASEMENT

The Grantor grants to the Grantee together with its employees, contractors, licensees and invitees as easements the rights:

2.1 Right of riding: To access, use and enjoy the Easement Area for the recreational purpose of riding provided always that:

- (i) the taking of any animal other than a dog on a lead onto an Easement Area is prohibited;
- (ii) the riding of any vehicle other than a bicycle; or an adequately muffled four wheeled motor bike (in which respect the prior written approval of the Association shall be required), is prohibited; and
- (iii) the rights reserved to the Grantee hereby are not exercised otherwise than between sunrise and sunset in any one day.

If this Annexure Schedule is used as an expansion of an instrument, all signing parties and either their witnesses or solicitors must sign or initial in this box.

(Handwritten signature)

Annexure Schedule



Insert type of instrument
"Mortgage", "Transfer", "Lease" etc

Easement

Dated

Page 4 of 5 Pages

(Continue in additional Annexure Schedule, if required.)

2.2 Right of walkway: To access, use and enjoy the Easement Area for the recreational purpose of walking, jogging and/or running provided always that:

- (i) the taking of any animal other than a dog on a lead onto an Easement Area is prohibited; and
- (ii) the rights reserved to the Grantee hereby are not exercised otherwise than between sunrise and sunset in any one day.

3. RESTRICTION ON EXERCISE OF RIGHTS

3.1 Limitation of Grantee's rights: The Grantee's rights in clauses 2.1 and 2.2 must be exercised

- (i) Reasonably;
- (ii) Strictly in accordance with the Grantee's obligations under the Management Plan;
- (iii) Strictly in accordance with the Rules (as established from time to time) of the Association;
- (iv) In such a manner that no damage is caused to the Easement Area;
- (v) In such a manner so as not to cause or permit any act or thing to be done which will interfere with the appearance of the Easement Area;
- (vi) To cause any danger or risk to other users of the Easement Area;
- (vii) In such a manner that as little disturbance as possible is caused to the use and enjoyment of the Easement Area by other Grantees;
- (viii) Not to deposit or leave on the Easement Area any item of refuse or any litter or any other substance of any nature;
- (ix) Not in using any bicycle or approved four wheeled motor bike on the Easement Area to exceed a speed of 10 kilometres per hour or such lesser speed as shall be set by the Association from time to time;
- (x) Not to discharge any contaminants or effluent on to the Easement Area.

If this Annexure Schedule is used as an expansion of an instrument, all signing parties and either their witnesses or solicitors must sign or initial in this box.

C7m

Annexure Schedule

Insert type of Instrument
"Mortgage", "Transfer", "Lease" etc

Easement

Dated

Page 5 of 5 Pages



(Continue in additional Annexure Schedule, if required.)

4. MAINTENANCE

The Grantor and the Grantee shall equally be responsible for arranging the repair and maintenance of the Easement Area, and for the associated costs, so as to keep the Easement Area in good order and to prevent it from becoming a danger or nuisance. Notwithstanding this the Grantor or Grantee must promptly carry out at that party's sole cost any repair and maintenance of the Easement Area that is attributable solely to an act or omission by that party provided that if the repair and maintenance is only partly attributable to an act or omission of the Grantor or Grantee such party shall only be responsible for the portion of the costs of the repair and maintenance that is attributable to that act or omission.

5. NO POWER TO TERMINATE

There is no power for the Grantor to terminate the easement rights granted under this easement instrument in the event of any breach of any terms of this instrument or for any other reason.

6. USE OF EASEMENT AREA AT THE RISK OF THE GRANTEE

Any exercise of the easement of right of way by the Grantee is at the risk in all things of the Grantee and in such exercise the Grantee indemnifies the Grantor and the Association from any loss or damage of whatsoever nature and howsoever caused to or by the Grantee.

7. DISPUTES

If any dispute arises between the Grantor and the Grantee about the interpretation of this instrument or the parties rights and obligations under this instrument which cannot be resolved by negotiation the parties will submit the dispute for resolution to the board of directors of the Association whose decision will be final.

8. GENERAL RIGHTS AND POWERS

Save as for provided herein the rights and powers implied in all classes of easements as set out in paragraphs 10 through 14 of Schedule 4 to the Land Transfer Regulations 2002 shall apply to the easements created by this instrument.

If this Annexure Schedule is used as an expansion of an instrument, all signing parties and either their witnesses or solicitors must sign or initial in this box.

C704



Bank of New Zealand

**CERTIFICATE OF NON-REVOCATION
OF POWER OF ATTORNEY**

I, **Desley Osborne**, **Quality Assurance Officer of** Auckland, New Zealand, Bank Officer, certify:

1. That by deed dated 12 July 2005, Bank of New Zealand, of Level 14, BNZ Tower, 125 Queen Street, Auckland, New Zealand, appointed me its attorney.
2. A copy of the deed is deposited in the North Auckland registration district of Land Information New Zealand as dealing No. 6508607.1
3. That I have not received notice of any event revoking the power of attorney.

SIGNED at Auckland 06 August 2008

Desley Osborne

Approved by Registrar-General of Land under No. 2003/6150

Annexure Schedule - Consent Form

Land Transfer Act 1952 section 238(2)



Insert type of instrument
"Caveat", "Mortgage" etc

Mortgage

Page **1** of **1** pages

Consentor

Surname must be underlined or in CAPITALS

Capacity and Interest of Consentor

(eg. Caveator under Caveat no./Mortgage under Mortgage no.)

BANK OF NEW ZEALAND

Mortgagee under Mortgage No. 6633581.1

Consent

Delete Land Transfer Act 1952, if inapplicable, and insert name and date of application Act.

Delete words in [] if inconsistent with the consent.

State full details of the matter for which consent is required.

Pursuant to [section 238(2) of the Land Transfer Act 1952]

[section _____ of the _____ Act _____]

[Without prejudice to the rights and powers existing under the interest of the Consentor]

the Consentor hereby consents to:

The easement of rights of walkway and riding throughout the subdivision in the form of the Instrument attached

Dated this **6th** day of **August** 2008

Attestation

SIGNED for and on behalf of
BANK OF NEW ZEALAND
by its Attorney:
Desley Osborne

Signed in my presence by the Consentor

Signature of Witness

Witness to complete in BLOCK letters (unless legibly printed)

Witness name

ROBYN WATKIN

Occupation

Address

**BANK OFFICE
AUCKLAND**

Signature of Consentor

An Annexure Schedule in this form may be attached to the relevant instrument, where consent is required to enable registration under the Land Transfer Act 1952, or other enactments, under which no form is prescribed.

REF: 7029 - AUCKLAND DISTRICT LAW SOCIETY



Bank of New Zealand

**CERTIFICATE OF NON-REVOCATION
OF POWER OF ATTORNEY**

I, **Mary Goddard**, **Quality Assurance Officer of Auckland, New Zealand, Bank Officer, certify:**

1. That by deed dated 12 July 2005, Bank of New Zealand, of Level 14, BNZ Tower, 125 Queen Street, Auckland, New Zealand, appointed me its attorney.
2. A copy of the deed is deposited in the North Auckland registration district of Land Information New Zealand as dealing No. 6508607.1
3. That I have not received notice of any event revoking the power of attorney.

SIGNED at Auckland 11 August 2008



Mary Goddard

Approved by Registrar-General of Land under No. 2003/6150
Annexure Schedule - Consent Form
Land Transfer Act 1952 section 238(2)



Insert type of Instrument
"Caveat", "Mortgage" etc

Mortgage

Page **1** of **1** pages

Consentor
Surname must be underlined or in CAPITALS

Capacity and Interest of Consentor
(eg. Caveator under Caveat no./Mortgages under Mortgage no.)

BANK OF NEW ZEALAND

Mortgages under Mortgage No. 6633581.1

Consent

Delete Land Transfer Act 1952, if inapplicable, and insert name and date of application Act.
Delete words in [] if inconsistent with the consent.
State full details of the matter for which consent is required.

Pursuant to [section 238(2) of the Land Transfer Act 1952]

Section _____ of the _____ Act _____

[Without prejudice to the rights and powers existing under the interest of the Consentor]

the Consentor hereby consents to:

The easement of rights of walkway and riding throughout the subdivision in the form of the instrument attached

Dated this 11 day of August 2008

Attestation

SIGNED for and on behalf of
BANK OF NEW ZEALAND
by its Attorney
Mary Goddard

Signature of Consentor

Signed in my presence by the Consentor

Signature of Witness

Witness to complete in BLOCK letters (unless legibly printed)

Witness name

Occupation

Address

ROSEMARY WALKER
BANK OFFICER
AUCKLAND

An Annexure Schedule in this form may be attached to the relevant instrument, where consent is required to enable registration under the Land Transfer Act 1952, or other enactments, under which no form is prescribed.

Approved by Registrar-General of Land under No. 2007/6225

Easement Instrument to grant easement or *profit à prendre*, or create land covenant
Sections 90A and 90F, Land Transfer Act 1952

Land registration district

NORTH AUCKLAND



EI 7907807.9 Easement I

Cpy - 01/01, Pgs - 008, 14/08/08, 18:11



DocID: 813165933

Grantor

Surname(s) *mus*

BENTZEN FARM LIMITED

Grantee

Surname(s) must be underlined or in CAPITALS.

BENTZEN FARM LIMITED

Grant* of easement or *profit à prendre* or creation of covenant

The Grantor, being the registered proprietor of the servient tenement(s) set out in Schedule A, grants to the Grantee (and, if so stated, in gross) the easement(s) or *profit(s) à prendre* set out in Schedule A, or creates the covenant(s) set out in Schedule A, with the rights and powers or provisions set out in the Annexure Schedule(s).

Dated this **28** day of **August** **2008**

Attestation

	Signed in my presence by the Grantor 
	Signature of witness Witness to complete in BLOCK letters (unless legibly printed) Witness name Occupation Address
Signature [common seal] of Grantor	GRAEME J MATHIAS SOLICITOR WHANGAREI

	Signed in my presence by the Grantee 
	Signature of witness Witness to complete in BLOCK letters (unless legibly printed) Witness name Occupation Address
Signature [common seal] of Grantee	GRAEME J MATHIAS SOLICITOR WHANGAREI

Certified correct for the purposes of the Land Transfer Act 1952.



[Solicitor for] the Grantee

*If the consent of any person is required for the grant, the specified consent form must be used.

REF: 7003 - AUCKLAND DISTRICT LAW SOCIETY

Annexure Schedule 1

Easement Instrument

Dated

Page

1

of

3

pages

Schedule A

(Continue in additional Annexure Schedule if required.)

Purpose (nature and extent) of easement, profit, or covenant	Shown (plan reference)	Servient tenement (Identifier/CT)	Dominant tenement (Identifier/CT or in gross)
Right of Way Right to Convey Electricity Right to Convey Telecommunications and Computer Media	Marked "A" on Deposited Plan 391213	Lot 5 DP 391213 – CT 371325	Lots 1, 2, 3 and 4 DP 391213 – CT's 371321, 371322, 371323, 371324
	Marked "B" on Deposited Plan 391213	Lot 4 DP 391213 – CT 371324	Lots 1, 2 and 3 DP 391213 – CT's 371321, 371322 and 371323
	Marked "C" on Deposited Plan 391213	Lot 2 DP 391213 – CT 371322	Lot 1 DP 391213 – CT 371321
	Marked "D" on Deposited Plan 391213	Lot 9 DP 391213 – CT 371329	Lots 10, 11, 12 and 14 DP 391213 – CT's 371330, 371331, 371332 and 382667

Delete phrases in [] and insert memorandum number as required.

Continue in additional Annexure Schedule if required.

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

Unless otherwise provided below, the rights and powers implied in specific classes of easement are those prescribed by the Land Transfer Regulations 2002 and/or the Fifth Schedule of the Property Law Act 2007.

The implied rights and powers are ~~varied~~ ~~negated~~ [added to] or ~~substituted~~ by:~~[Memorandum number _____, registered under section 155A of the Land Transfer Act 1952]~~~~[the provisions set out in Annexure Schedule 2].~~**Covenant provisions**

Delete phrases in [] and insert memorandum number as required.

Continue in additional Annexure Schedule if required.

The provisions applying to the specified covenants are those set out in:

~~[Memorandum number _____, registered under section 155A of the Land Transfer Act 1952]~~~~[Annexure Schedule 2]~~

All signing parties and either their witnesses or solicitors must sign or initial in this box

Approved by Registrar-General of Land under No. 2002/5032
Annexure Schedule



Insert type of Instrument
 "Mortgage", "Transfer", "Lease" etc

Easement

Dated

Page 2 of 3 Pages

(Continue in additional Annexure Schedule, if required.)

Schedule A (continued)

Purpose (nature and extent) of easement, profit, or covenant	Shown (plan reference)	Servient tenement (Identifier/CT)	Dominant Tenement (Identifier/CT or in gross)
Right of Way Right to Convey Electricity Right to Convey Telecommunications and Computer Media	Marked "F" on Deposited Plan 391213	Lot 10 DP 391213 - CT 371330	Lots 11, 12 and 14 DP 391213 - CT 371331, 371332 and 382667
	Marked "G" on Deposited Plan 391213	Lot 8 DP 391213 - CT 381328	Lot 7 DP 391213 - CT 371327
	Marked "K" on Deposited Plan 391213	Lot 17 DP 391213 - CT 423437	Lots 1 to 12, 14 to 16, 18, 19, 20, 21 and 25 DP 391213 - CT 371321 - 371332, 382667, 423436, 411669, 411670 and 423437
	Marked "S" on Deposited Plan 391213	Lot 12 DP 391213 - CT 371332	Lot 14 DP 391213 - CT 382667
	Marked "R" on Deposited Plan 391213	Lot 9 DP 391213 - CT 371329	Lot 14 DP 391213 - CT 382667
	Marked "BE" on Deposited Plan 391213	Lot 15 DP 391213 - CT 423436	Lot 16 DP 391213 - CT 411669
	Marked "BF" and "BG" on Deposited Plan 391213	Lot 16 DP 391213 - CT 411669	Lot 15 DP 391213 - CT 423436
	Marked "V" on Deposited Plan 391213	Lot 5 DP 391213 - CT 371325	Lots 15 and 16 DP 391213 - CT 423436 and CT 411669

If this Annexure Schedule is used as an expansion of an instrument, all signing parties and either their witnesses or solicitors must sign or initial in this box.

(Signature)

(Signature)

Annexure Schedule



Insert type of Instrument
"Mortgage", "Transfer", "Lease" etc

Easement

Dated

Page 3 of 3 Pages

(Continue in additional Annexure Schedule, if required.)

ANNEXURE SCHEDULE 2

RESTRICTION ON EXERCISE OF RIGHTS

Limitation of Grantee's rights: Any use of the easements of right of way marked "A", "B", "C", "D", "F", "G", "K", "S", "R", "BE", "BF", "BG" and "V" on Deposited Plan 391213 must be exercised

- (i) Reasonably;
- (ii) Strictly in accordance with the Grantee's obligations under the Management Plan approved by the Far North District Council entitled "Omarino Management Plan October 2007" governing the subdivision evidenced by DP 391213 together with any amendments or variations of such plan from time to time as approved by the Far North District Council;
- (iii) Strictly in accordance with the Rules of the Omarino Residents Association Incorporated;
- (iv) In such a manner that no damage is caused to the easement area;
- (v) In such a manner so as not to cause or permit any act or thing to be done which will interfere with the appearance of the easement area;
- (vi) In such a manner not to cause any danger or risk to other users of the easement area;
- (vii) In such a manner so that as little disturbance as possible is caused to the use and enjoyment of the easement area by other persons entitled to use the easement area as well as the Grantor and their invitees and adjacent land owners and their invitees; and
- (viii) Without depositing or leaving on the easement area any contaminant, effluent, item of refuse or any litter or any other substance of any nature.
- (ix) In accordance with such speed restrictions as might be imposed from time to time by the Omarino Residents Association Incorporated but in any event at a speed no greater than 10 kilometres per hour in respect of a bike or motor bike or 30 kilometres per hour in respect of any other vehicle.

Exercise of the Use of the Easement of Right of Way at the Risk of the Grantee: Any use of the easement of right of way by the Grantee is at the risk in all things of the Grantee and in such use the Grantee indemnifies the Grantor and the Omarino Residents Association Incorporated from any loss, damage of whatsoever nature and howsoever caused.

If this Annexure Schedule is used as an expansion of an instrument, all signing parties and either their witnesses or solicitors must sign or initial in this box.

C7m

[Signature]



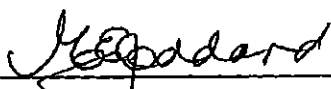
Bank of New Zealand

**CERTIFICATE OF NON-REVOCATION
OF POWER OF ATTORNEY**

I, **Mary Goddard**, **Quality Assurance Officer of Auckland, New Zealand, Bank Officer**, certify:

1. That by deed dated 12 July 2005, Bank of New Zealand, of Level 14, BNZ Tower, 125 Queen Street, Auckland, New Zealand, appointed me its attorney.
2. A copy of the deed is deposited in the North Auckland registration district of Land Information New Zealand as dealing No. 6508607.1
3. That I have not received notice of any event revoking the power of attorney.

SIGNED at Auckland 11 August 2008



Mary Goddard

Approved by Registrar-General of Land under No. 2003/6150
Annexure Schedule - Consent Form
Land Transfer Act 1952 section 238(2)



Insert type of Instrument
"Caveat", "Mortgage" etc

Mortgage

Page 1 of 1 pages

Consentor
Surname must be underlined or in CAPITALS

Capacity and Interest of Consentor
(eg. Caveator under Caveat no./Mortgagee under Mortgage no.)

BANK OF NEW ZEALAND

Mortgagee under Mortgage No. 6633581.1

Consent

Delete Land Transfer Act 1952, if inapplicable, and insert name and date of application Act.

Delete words in [] if inconsistent with the consent.

State full details of the matter for which consent is required.

Pursuant to [section 238(2) of the Land Transfer Act 1952]

[section of the Act]

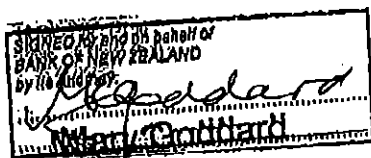
[Without prejudice to the rights and powers existing under the Interest of the Consentor]

the Consentor hereby consents to:

Easements for right of way and infrastructural services throughout the subdivision in the form of the instrument attached

Dated this 7(day of August 2008

Attestation



Signature of Consentor

Signed in my presence by the Consentor

Signature of Witness

Witness to complete in BLOCK letters (unless legibly printed)

Witness name

KELLYN WILSON

Occupation

Address

BANK OFFICER
AUCKLAND

An Annexure Schedule in this form may be attached to the relevant instrument, where consent is required to enable registration under the Land Transfer Act 1952, or other enactments, under which no form is prescribed.

REF: 7029 - AUCKLAND DISTRICT LAW SOCIETY

Approved by Registrar-General of Land under No. 2007/6225

Easement Instrument to grant easement or profit à prendre, or create land covenant
Sections 90A and 90F, Land Transfer Act 1952

Land registration district

NORTH AUCKLAND

Grantor

BENTZEN FARM LIMITED

Surname(s) must be underlined or in CAPITALS.

Grantee

BENTZEN FARM LIMITED

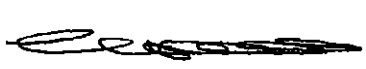
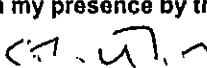
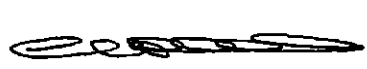
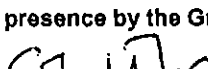
Surname(s) must be underlined or in CAPITALS.

Grant* of easement ~~or profit à prendre or creation of covenant~~

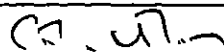
The Grantor, being the registered proprietor of the servient tenement(s) set out in Schedule A, grants to the Grantee (and, if so stated, in gross) the easement(s) ~~or profit(s) à prendre~~ set out in Schedule A, ~~or creates the covenant(s) set out in Schedule A~~, with the rights and powers or provisions set out in the Annexure Schedule(s).

Dated this **8** day of **August 2008**

Attestation

	Signed in my presence by the Grantor 
	Signature of witness Witness to complete in BLOCK letters (unless legibly printed) Witness name Occupation GRAEME J MATHIAS SOLICITOR Address WHANGAREI
Signature [common seal] of Grantor	
	Signed in my presence by the Grantee 
	Signature of witness Witness to complete in BLOCK letters (unless legibly printed) Witness name Occupation GRAEME J MATHIAS SOLICITOR Address WHANGAREI
Signature [common seal] of Grantee	

Certified correct for the purposes of the Land Transfer Act 1952.



[Solicitor for] the Grantee

*If the consent of any person is required for the grant, the specified consent form must be used.

REF: 7003 - AUCKLAND DISTRICT LAW SOCIETY

Approved by Registrar-General of Land under No. 2007/6225
Annexure Schedule 1



Easement instrument

Dated

Page

1

of

1

pages

Schedule A

(Continue in additional Annexure Schedule if required.)

Purpose (nature and extent) of easement, profit, or covenant	Shown (plan reference)	Servient tenement (Identifier/CT)	Dominant tenement (Identifier/CT or in gross)
Right to Convey Water	Marked "BH" on DP 391213	NA371332	Lot 18 DP 391213
Right to Convey Electricity	Marked "BH" on DP 391213	NA371332	Lot 18 DP 391213

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

Delete phrases in [] and insert memorandum
number as required.
Continue in additional Annexure Schedule if
required.

Unless otherwise provided below, the rights and powers implied in specific classes of easement are those prescribed by the Land Transfer Regulations 2002 and/or the Fifth Schedule of the Property Law Act 2007.

The implied rights and powers are [varied] [negatived] [added to] or [substituted] by:

~~{Memorandum number _____, registered under section 155A of the Land Transfer Act 1952}~~

~~{the provisions set out in Annexure Schedule 2}~~

Covenant provisions

Delete phrases in [] and insert memorandum number as required.
Continue in additional Annexure Schedule if required.

The provisions applying to the specified covenants are those set out in:

~~{Memorandum number _____, registered under section 155A of the Land Transfer Act 1952}~~

~~{Annexure Schedule 2}~~

All signing parties and either their witnesses or solicitors must sign or initial in this box



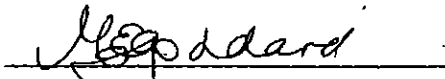
Bank of New Zealand

**CERTIFICATE OF NON-REVOCATION
OF POWER OF ATTORNEY**

I, **Mary Goddard**, **Quality Assurance Officer of Auckland, New Zealand, Bank Officer**, certify:

1. That by deed dated 12 July 2005, Bank of New Zealand, of Level 14, BNZ Tower, 125 Queen Street, Auckland, New Zealand, appointed me its attorney.
2. A copy of the deed is deposited in the North Auckland registration district of Land Information New Zealand as dealing No. 6508607.1
3. That I have not received notice of any event revoking the power of attorney.

SIGNED at Auckland 11 August 2008



Mary Goddard

Annexure Schedule - Consent Form

Land Transfer Act 1952 section 238(2)



Insert type of instrument
"Caveat", "Mortgage" etc

Mortgage

Page **1** of **1** pages

Consentor

Surname must be underlined or in CAPITALS

Capacity and Interest of Consentor

(eg. Caveator under Caveat no./Mortgagee under Mortgage no.)

BANK OF NEW ZEALAND

Mortgagee under Mortgage No. 6633581.1

Consent

Delete Land Transfer Act 1952, if inapplicable, and insert name and date of application Act.

Delete words in [] if inconsistent with the consent.

State full details of the matter for which consent is required.

Pursuant to (section 238(2) of the Land Transfer Act 1952)

[section _____ of the _____ Act _____]

[Without prejudice to the rights and powers existing under the interest of the Consentor]

the Consentor hereby consents to:

The easement for a right to convey water over part of lot 12 DP 391213 in the form of the instrument attached

Dated this 11 day of August 2008

Attestation

SIGNED for and on behalf of
BANK OF NEW ZEALAND
by its Attorney:
Mary Goddard
Mary Goddard

Signature of Consentor

Signed in my presence by the Consentor

Signature of Witness

Witness to complete in BLOCK letters (unless legibly printed)

Witness name

HELEN WATKIN

Occupation

Address

**BANK OFFICER
AUCKLAND**

An Annexure Schedule in this form may be attached to the relevant Instrument, where consent is required to enable registration under the Land Transfer Act 1952, or other enactments, under which no form is prescribed.

Approved by Registrar-General of Land under No. 2007/6225
Easement instrument to grant easement or profit à prendre, or E 7907807.12 Easement
Sections 90A and 90F, Land Transfer Act 1952

Land registration district

NORTH AUCKLAND



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DocID: 313168966

Grantor

Surname(s) must be underlined or in CAPITALS.

BENTZEN FARM LIMITED

Grantee

Surname(s) must be underlined or in CAPITALS.

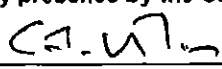
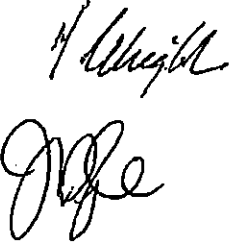
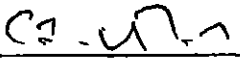
OMARINO RESIDENTS ASSOCIATION INCORPORATED

Grant* of easement or profit à prendre or creation or covenant

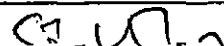
The Grantor, being the registered proprietor of the servient tenement(s) set out in Schedule A, grants to the Grantee (and, if so stated, in gross) the easement(s) or profit(s) à prendre set out in Schedule A, or creates the covenant(s) set out in Schedule A, with the rights and powers or provisions set out in the Annexure Schedule(s).

Dated this 8 day of August 2008

Attestation

	Signed in my presence by the Grantor 
	Signature of witness Witness to complete in BLOCK letters (unless legibly printed) Witness name Occupation GRAEME J MATHIAS SOLICITOR Address WHANGAREI
Signature [common seal] of Grantor	
	Signed in my presence by the Grantee 
	Signature of witness Witness to complete in BLOCK letters (unless legibly printed) Witness name Occupation GRAEME J MATHIAS SOLICITOR Address WHANGAREI
Signature [common seal] of Grantee	

Certified correct for the purposes of the Land Transfer Act 1952.



[Solicitor for] the Grantee

*If the consent of any person is required for the grant, the specified consent form must be used.

REF: 7003 - AUCKLAND DISTRICT LAW SOCIETY

Approved by Registrar-General of Land under No. 2007/6225
Annexure Schedule 1



Easement Instrument Dated Page 1 of 3 pages

Schedule A

(Continue in additional Annexure Schedule if required.)

Purpose (nature and extent) of easement, profit, or covenant	Shown (plan reference)	Servient tenement (Identifier/CT)	Dominant tenement (Identifier/CT or in gross)
Inspection and Maintenance Work Easement	Refer to Definition of Easement Areas in Annexure Schedule 2	NA371321, NA371322, NA371323, NA371324, NA371325, NA371326, NA371327, NA371328, NA371329, NA371330, NA371331, NA371332, NA382667, NA423436, NA411669, NA423437 and NA411670	In Gross

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

Delete phrases in [] and insert memorandum number as required.
 Continue in additional Annexure Schedule if required.

Unless otherwise provided below, the rights and powers implied in specific classes of easement are those prescribed by the Land Transfer Regulations 2002 and/or the Fifth Schedule of the Property Law Act 2007.

The implied rights and powers are ~~{varied}~~ ~~{negatived}~~ ~~{added-to}~~ or ~~{substituted}~~ by:

~~{Memorandum number _____, registered under section 155A of the Land Transfer Act 1952},~~

~~{the provisions set out in Annexure Schedule 2}.~~

Covenant provisions

Delete phrases in [] and insert memorandum number as required.
 Continue in additional Annexure Schedule if required.

The provisions applying to the specified covenants are those set out in:

~~{Memorandum number _____, registered under section 155A of the Land Transfer Act 1952},~~

~~{Annexure Schedule 2}.~~

All signing parties and either their witnesses or solicitors must sign or initial in this box

Annexure Schedule



Insert type of instrument
"Mortgage", "Transfer", "Lease" etc

Easement

Dated

Page 2 of 3 Pages

(Continue in additional Annexure Schedule, if required.)

ANNEXURE SCHEDULE 2

1. Definitions in this instrument unless the context indicates otherwise:

"Council" means the Far North District Council.

"Easement Areas" means the servient tenements excluding those parts of lots 1 through 12, 14, 15, 16, 17 and 25 on the plan as are shown marked on the plan:

- (i) in the case of lot 1 with the letter "Z";
- (ii) in the case of lot 2 with the letters "AA", "AV", "P", "Q" and "T";
- (iii) in the case of lot 3 with the letters "AB";
- (iv) in the case of lot 4 with the letters "AC", "AK" and "AS";
- (v) in the case of lot 5 with the letters "AP";
- (vi) in the case of lot 6 with the letters "AO";
- (vii) in the case of lot 7 with the letters "AD";
- (viii) in the case of lot 8 with the letters "AJ";
- (ix) in the case of lot 9 with the letters "AE";
- (x) in the case of lot 10 with the letters "AF";
- (xi) in the case of lot 11 with the letters "AG";
- (xii) in the case of lot 12 with the letters "AI";
- (xiii) in the case of lot 14 with the letters "BD";
- (xiv) in the case of lot 15 with the letters "BA";
- (xv) in the case of lot 16 with the letters "BB";
- (xvi) in the case of lot 17 with the letters "AQ"; and
- (xvii) in the case of lot 25 with the letters "BC".

"Inspection and Maintenance Work" means any work associated with inspection and the maintenance work of the Easement Areas to meet the obligations of the Grantor and the registered proprietors of the servient tenements in terms of the management plan and the conditions of the consent granted by the Council authorising the subdivision as evidenced by the plan such being recorded under resource consent number RMA 2070967, 2050363 and 2080375.

"Management Plan" means the management plan approved by the Council as a condition of its grant of consent for the subdivision evidenced by DP 391213 such being at the date of this easement instrument the management plan entitled "Omarino Management Plan" dated October 2007 together with any amendments or variations of such plan as are approved from time to time by the Council.

"Plan" means deposited plan 391213.

"Vehicle" and "Vehicles" has the same meaning as defined for "motor vehicle" in the Personal Property Securities Act 1999.

If this Annexure Schedule is used as an expansion of an instrument, all signing parties and either their witnesses or solicitors must sign or initial in this box.

Annexure Schedule



Insert type of instrument
"Mortgage", "Transfer", "Lease" etc

Easement

Dated

Page 3 of 3 Pages

(Continue in additional Annexure Schedule, if required.)

2. GRANT OF EASEMENTS

The Grantor grants to the Grantee together with its employees, contractors, licensees and invitees in common with the Grantor, the Grantor's transferees, invitees and other persons authorised by the Grantor, as an easement in gross the right to enter upon the Easement Areas with or without any kind of vehicle, machinery or implement for the sole purpose of undertaking the Inspection and Maintenance Work, at the Grantee's cost, provided always that the rights reserved to the Grantee hereby shall be restricted to use between the hours of 7am through to 7pm in any one day unless the Grantee is required to exercise access for Inspection and Maintenance Work as a result of an emergency.

3. EXERCISE OF RIGHTS

- .1 When exercising the rights granted by this instrument the Grantee must ensure that:
 - (i) the rights of the Grantor and the rights of other users of the Easement Areas are respected;
 - (ii) as little disturbance as possible is caused to the use and enjoyment of the Easement Areas by the Grantor and other persons entitled to have access to and use of the Easement Areas;
- .2 The rights and powers implied in all classes of easements by clauses 10 to 14 of Schedule 4 to the Land Transfer Regulations 2002 are expressly incorporated into this instrument.

4. NO POWER TO TERMINATE

There is no power for the Grantor to terminate the easement rights granted under this easement instrument in the event of any breach of any terms of this instrument or for any other reason.

If this Annexure Schedule is used as an expansion of an Instrument, all signing parties and either their witnesses or solicitors must sign or initial in this box.



Bank of New Zealand

**CERTIFICATE OF NON-REVOCATION
OF POWER OF ATTORNEY**

I, **Mary Goddard**, **Quality Assurance Officer of Auckland, New Zealand, Bank Officer**, certify:

1. That by deed dated 12 July 2005, Bank of New Zealand, of Level 14, BNZ Tower, 125 Queen Street, Auckland, New Zealand, appointed me its attorney.
2. A copy of the deed is deposited in the North Auckland registration district of Land Information New Zealand as dealing No. 6508607.1
3. That I have not received notice of any event revoking the power of attorney.

SIGNED at Auckland 11 August 2008

A handwritten signature in cursive script, appearing to read 'Mary Goddard', written over a horizontal line.

Mary Goddard

Approved by Registrar-General of Land under No. 2003/6150

Annexure Schedule - Consent Form

Land Transfer Act 1952 section 238(2)



Insert type of Instrument
"Caveat", "Mortgage" etc

Mortgage

Page 1 of 1 pages

Consentor

Surname must be underlined or in CAPITALS

Capacity and Interest of Consentor

(eg. Caveator under Caveat no./Mortgagee under Mortgage no.)

BANK OF NEW ZEALAND

Mortgagee under Mortgage No. 6633581.1

Consent

Delete Land Transfer Act 1952, if inapplicable, and insert name and date of application Act.

Delete words in [] if inconsistent with the consent.

State full details of the matter for which consent is required.

Pursuant to [section 238(2) of the Land Transfer Act 1952]

[section of the Act]

[Without prejudice to the rights and powers existing under the interest of the Consentor]

the Consentor hereby consents to:

The easement given by Bentzen Farm Limited in favour of the Association for inspection and maintenance rights throughout the subdivision in the form of the instrument attached

Dated this 11 day of August 2008

Attestation

SIGNED for and on behalf of
BANK OF NEW ZEALAND
by its Attorney
Mary Goddard
Mary Goddard

Signature of Consentor

Signed in my presence by the Consentor

Signature of Witness

Witness to complete in BLOCK letters (unless legibly printed)

Witness name

ELIZABETH WATKIN

Occupation

Address

**BANK OFFICER
AUCKLAND**

An Annexure Schedule in this form may be attached to the relevant instrument, where consent is required to enable registration under the Land Transfer Act 1952, or other enactments, under which no form is prescribed.

REF: 7029 - AUCKLAND DISTRICT LAW SOCIETY

Approved by Registrar-General of Land under No. 2002/6117

Encumbrance Instrument
Section 101, Land Transfer Act 1952

ENC 7907807.13 Encumbr

Cpy - 01/01, Pgs - 008, 14/08/08, 16:14



DocID: 313165969



Land registration district

NORTH AUCKLAND

Unique Identifier(s)
or C/T(s)

All/part

Area/description of part or stratum

See Annexure
Schedule 2

All

Encumbrancer

Surname(s) must be underlined or in CAPITALS

BENTZEN FARM LIMITED

Encumbrancee

Surname(s) must be underlined or in CAPITALS

OMARINO RESIDENTS ASSOCIATION INCORPORATED

Estate or interest to be encumbered

Insert, eg, fee simple; leasehold in lease number, etc.

Fee simple

Encumbrance memorandum number

Not applicable

Nature of security

State whether sum of money, annuity, or rentcharge, and amount.

Rent charge in accordance with Annexure Schedule 3 attached

Operative clause

Delete words in [], as appropriate

The Encumbrancer encumbers for the benefit of the Encumbrancee the land in the above certificate(s) of title or computer register(s) with the above sum of money, annuity, or rentcharge to be raised and paid in accordance with the terms set out in the ~~above encumbrance memorandum~~ (Annexure Schedule(s)) and so as to incorporate in this encumbrance the terms and other provisions set out in the ~~above encumbrance memorandum~~ ~~and~~ (Annexure Schedule(s)) for the better securing to the Encumbrancee the payment(s) secured by this encumbrance, and compliance by the Encumbrancer with the terms of this encumbrance.

Dated this

8

day of

August 2008

Attestation



Signature [common seal] of
Encumbrancer

Signed in my presence by the Encumbrancer



Signature of witness

Witness to complete in BLOCK letters (unless legibly printed)

Witness name

GRAEME J MATHIAS

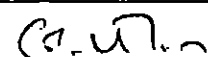
Occupation

SOLICITOR

Address

WHANGAREI

Certified correct for the purposes of the Land Transfer Act 1952.



[Solicitor for] the Encumbrancee

Approved by Registrar-General of Land under No. 2002/6117
Annexure Schedule 1



Encumbrance
Instrument

Dated

Page 1 of 5 pages

Terms

(Continue in additional Annexure Schedule(s) if required.)

- | | | |
|---|---|-------------------------|
| 1 | Length of term | See Annexure Schedule 1 |
| 2 | Payment date(s) | |
| 3 | Rate(s) of Interest | |
| 4 | Event(s) in which the sum, annuity, or rentcharge becomes payable | |
| 5 | Events(s) in which the sum, annuity, or rentcharge ceases to be payable | |

Covenants and conditions

(Continue in additional Annexure Schedule(s) if required.)

See Annexure Schedules 1 and 3

Modification of statutory provisions

(Continue in additional Annexure Schedule(s) if required.)

The Encumbrancee shall be entitled to all the powers and remedies given to mortgagees and rent chargees by the Land Transfer Act 1952 and the Property Law Act 2007

All signing parties and either their witnesses or solicitors must sign or initial in this box.

Annexure Schedule

Insert type of instrument
"Mortgage", "Transfer", "Lease" etc



Encumbrance

Dated

Page 2 of 5 Pages

(Continue in additional Annexure Schedule, if required.)

ANNEXURE SCHEDULE 1 (Continued)

Terms

1. Length of term: 999 years
2. Payment date(s): At the times and in the manner as the Encumbrancee shall decide pursuant to the Rules.
3. Rate(s) of interest: Such rate as shall be set at such time and in the manner as the Encumbrancee shall decide pursuant to the Rules.
4. Event(s) in which the rent charge becomes payable: Upon demand being made by the Encumbrancee pursuant to the Rules.
5. Event(s) in which the rent charge ceases to be payable:
 - (i) By effluxion of time; or
 - (ii) Upon the obligations of this encumbrance becoming obsolete; or
 - (iii) The obligations of the Encumbrancer pursuant to the Rules having been complied with.

INTERPRETATION

- 1.1 In this instrument (including, without limitation, all Annexure Schedules) unless the context indicates otherwise:
 1. "Encumbrance" means this instrument.
 2. "Encumbrancer" means Bentzen Farm Limited and its transferees and/or successors in title;
 3. "Encumbrancee" means Ōmarino Residents Association Incorporated;
 4. "Lot" means each of the lots or amalgamated lots detailed in Annexure Schedule 2 to this encumbrance;
 5. "The Management Plan" means the Management Plan as prepared by the Encumbrancer to comply with the conditions of the consent for the subdivision evidenced by Deposited Plan 391213 in terms of the resource consents granted by the Far North District Council under reference numbers RMA205363, RMA2070967 and RMA2080375 such plan being as at the date of this encumbrance the Management Plan entitled "Ōmarino Management Plan" dated October 2007

If this Annexure Schedule is used as an expansion of an instrument, all signing parties and either their witnesses or solicitors must sign or initial in this box.

C7✓

Approved by Registrar-General of Land under No. 2002/5032

Annexure Schedule



Insert type of Instrument
"Mortgage", "Transfer", "Lease" etc

Encumbrance

Dated

Page 3 of 5 Pages

(Continue in additional Annexure Schedule, if required.)

together with any amendments or variations of such plan as are approved from time to time by the Far North District Council and the Encumbrancee.

- 6 "Rules" and "the Rules" mean all rules bylaws and other regulations established by the Encumbrancee pursuant to its constitution;
- 7 "Upon demand" means upon demand being made by notice in writing signed by the person entitled to make the demand, or any agent or servant of such person, served upon the person upon whom the demand is to be made, either personally or by posting the same in a duly registered letter addressed to the person upon whom the demand is to be made at his/her/its usual or last known place of abode in New Zealand;

If this Annexure Schedule is used as an expansion of an instrument, all signing parties and either their witnesses or solicitors must sign or initial in this box.

Annexure ScheduleInsert type of instrument
"Mortgage", "Transfer", "Lease" etc

Encumbrance

Dated

Page 4 of 5 Pages



(Continue in additional Annexure Schedule, if required.)

ANNEXURE SCHEDULE 2

Lot	Deposited Plan	Unique Identifier or Certificate of Title	All/Part
1 and 1/17 th share in lot 18	391213	NA371321	All
2 and 1/17 th share in lot 18	391213	NA371322	All
3 and 1/17 th share in lot 18	391213	NA371323	All
4 and 1/17 th share in lot 18	391213	NA371324	All
5 and 1/17 th share in lot 18	391213	NA371325	All
6 and 21 and 1/17 th share in lot 18	391213	NA371326	All
7 and 1/17 th share in lot 18	391213	NA371327	All
8 and 20 and 1/17 th share in lot 18	391213	NA371328	All
9 and 1/17 th share in lot 18	391213	NA371329	All
10 and 1/17 th share in lot 18	391213	NA371330	All
11 and 1/17 th share in lot 18	391213	NA371331	All
12 and 1/17 th share in lot 18	391213	NA371332	All
14 and 1/17 th share in lot 18	391213	NA382667	All
15 and 1/17 th share in lot 18	391213	NA423436	All
16 and 1/17 th share in lot 18	391213	NA411669	All
17 and 19 and 1/17 th share in lot 18	391213	NA423437	All
25 and 1/17 th share in lot 18	391213	NA411670	All

If this Annexure Schedule is used as an expansion of an instrument, all signing parties and either their witnesses or solicitors must sign or initial in this box.

Annexure Schedule

Insert type of Instrument

"Mortgage", "Transfer", "Lease" etc

Encumbrance

Dated

Page

5

of

5

Pages



(Continue in additional Annexure Schedule, if required.)

ANNEXURE SCHEDULE 3

1. The Encumbrancer encumbers each lot severally for the benefit of the Encumbrancee for the term of 999 years commencing on the date of this encumbrance with an annual rent charge in respect of each lot being the greater of:
 - (a) \$15,000.00 per annum (plus GST, if any) such sum to be adjusted on the 1st day of August each year by the percentage change in the Consumer Price Index (all groups) published by Statistics New Zealand (or if that ceases to be published, the nearest practical equivalent) from that which applied at the 1st day of August on the preceding year; or
 - (b) Such sum as shall be the sum of such contributions comprising operating expenses, special contributions and/or emergency levies to be levied and fixed in each year by the Encumbrancee for:
 - (i) the performance by the Encumbrancee of its obligations under the Management Plan;
 - (ii) in respect of the performance by the Encumbrancee of its obligations under the Rules; and
 - (iii) such fees and other charges as shall be set or established by the Encumbrancee for the provision of services by the Encumbrancee, the administration of facilities which are jointly owned by the proprietors of the properties detailed in Annexure Schedule 2 and in the performance of functions and provision of services as reserved to the Encumbrancee by the Rules.
2. The Encumbrancer will pay the annual rent charge to the Encumbrancee upon demand being made by the Encumbrancee with such sum to be notified by the Encumbrancee to the Encumbrancer (together with its transferees and successors in title) from time to time.
3. The liability of any given registered proprietor of a lot or lots under this encumbrance is limited to the obligations and liabilities accruing during their time as a registered proprietor and ceases (except for any obligation or liability which has arisen during the time as registered proprietor) upon transfer of the relevant lot or lots.

If this Annexure Schedule is used as an expansion of an Instrument, all signing parties and either their witnesses or solicitors must sign or initial in this box.



Bank of New Zealand

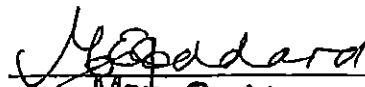
**CERTIFICATE OF NON-REVOCATION
OF POWER OF ATTORNEY**

I, **Mary Goddard**
Zealand, Bank Officer, certify:

,Quality Assurance Officer of Auckland, New

1. That by deed dated 12 July 2005, Bank of New Zealand, of Level 14, BNZ Tower, 125 Queen Street, Auckland, New Zealand, appointed me its attorney.
2. A copy of the deed is deposited in the North Auckland registration district of Land Information New Zealand as dealing No. 6508607.1
3. That I have not received notice of any event revoking the power of attorney.

SIGNED at Auckland 11 August 2008



Mary Goddard

Approved by Registrar-General of Land under No. 2003/6150

Annexure Schedule - Consent Form

Land Transfer Act 1952 section 238(2)



Insert type of instrument
"Caveat", "Mortgage" etc

Mortgage

Page 1 of 1 pages

Consentor

Surname must be underlined or in CAPITALS

Capacity and Interest of Consentor

(eg. Caveator under Caveat no./Mortgagee under Mortgage no.)

BANK OF NEW ZEALAND

Mortgagee under Mortgage No. 6633581.1

Consent

Delete Land Transfer Act 1952, if inapplicable, and insert name and date of application Act.

Delete words in [] if inconsistent with the consent.

State full details of the matter for which consent is required.

Pursuant to [section 238(2) of the Land Transfer Act 1952]

[section _____ of the _____ Act _____]

[Without prejudice to the rights and powers existing under the interest of the Consentor]

the Consentor hereby consents to:

The encumbrance given by Bentzen Farm Limited ("BFL") in favour of Ōmarino Residents Association Incorporated ("the Association") to secure payment of operating expenses in the form of the instrument attached

Dated this 11 day of August 2008

Attestation

	Signed in my presence by the Consentor
	Signature of Witness Witness to complete in BLOCK letters (unless legibly printed) Witness name HELVYN WATKIN Occupation Address BANK OFFICER AUCKLAND
Signature of Consentor	

An Annexure Schedule in this form may be attached to the relevant instrument, where consent is required to enable registration under the Land Transfer Act 1952, or other enactments, under which no form is prescribed.

LEASE

Section 115, Land Transfer Act 1952

L 7907807.14 Lease

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Land Registration District

NORTH AUCKLAND

Certificate of Title No.

Please refer Annexure Schedule

All/Part

Part

Area/description of part or stratum

Please refer Annexure Schedule

Lessor Surnames must be underlined

BENTZEN FARM LIMITED

Lessee Surnames must be underlined

OMARINO RESIDENTS ASSOCIATION INCORPORATED

Estate or Interest: Insert e.g. Fee simple; Leasehold in Lease No. etc.

Fee simple

Term

999 years commencing on the date of this Lease.

Rental

\$10.00 plus GST per annum

Operative Clause

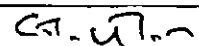
For the rental hereby reserved the LESSOR hereby leases to the LESSEE the estate or interest described above, in the land in the above certificate(s) of title, for the term stated and the LESSEE accepts this lease which shall incorporate the covenants, conditions and restrictions set out in the Annexure Schedule.

Dated this 8 day of August 2008

Attestation

 Signature, or common seal of Lessor	Signed in my presence by the Lessor Signature of Witness  Witness to complete in BLOCK letters (unless typewritten or legibly stamped) Witness name GRAEME J MATHIAS Occupation SOLICITOR Address WHANGAREI
	Signed in my presence by the Lessee Signature of Witness  Witness to complete in BLOCK letters (unless typewritten or legibly stamped) Witness name GRAEME J MATHIAS Occupation SOLICITOR Address WHANGAREI
 Signature of Lessee	

Certified correct for the purposes of the Land Transfer Act 1952


Solicitor for the Lessee

ANNEXURE SCHEDULE**REFERENCE SCHEDULE**

ITEM 1 PROPERTY	All those pieces of land described in Part B of this Annexure Schedule including all the Buildings situated thereon.
ITEM 2 TERM OF LEASE	999 years subject to the provisions of the Lease.
ITEM 3 COMMENCEMENT DATE	On the date of this Lease.
ITEM 4 FURTHER LEASE TERM(S)	Perpetually renewable terms of 999 years each.
ITEM 5 RENTAL	\$10.00 plus GST per annum if demanded.
ITEM 6 RENTAL PAYMENT DATES	The last day of each calendar year of the Term.
ITEM 7 BUSINESS USE	Any use which is permitted under the district plan administered by the Far North District Council or for which a resource consent has been obtained by the Lessee.
ITEM 8 DEFAULT INTEREST RATE	4% above the Bank of New Zealand (or if Bank of New Zealand is no longer in existence, the Lessor's bank) indicative lending rate applicable during the continuance of the default.

PART A

General Lease Terms and Conditions

1. Definitions

- (a) **"Annual Rental"** means the sum of ten NZ Dollars (\$10.00) plus GST per annum if demanded.
- (b) **"Authority"** means each and every local authority, government or other authority having jurisdiction or authority over or in respect of the Property or the use or occupation thereof.
- (c) **"Building Act"** means the Building Acts 1991 and/or 2004 (as applicable).
- (d) **"Buildings"** means the buildings and other improvements situated on the Land from time to time including all the fixtures and fittings installed in the buildings.
- (e) **"Business Use"** means any other use which is either permitted under the district plan administered by the Far North District Council or for which a resource consent has been obtained by the Lessee.
- (f) **"Commencement Date"** means the date of this Lease.
- (g) **"Further Terms"** means perpetually renewable terms of 999 years from each of the Renewal Dates.
- (h) **"GST"** means goods and services tax under the Goods and Services Tax Act 1985.
- (i) **"Land"** means those pieces of land described in Part B of this Annexure Schedule.
- (j) **"Lease"** means this lease and all documents supplemental to it.
- (k) **"Lessor"** means Bentzen Farm Limited, including its successors and permitted assigns.
- (l) **"Lessee"** means Ōmarino Residents Association Incorporated.
- (m) **"Management Plan"** means the management plan approved by the Far North District Council in accordance with the consents issued in relation to Ōmarino including any amendment or variation thereof from time to time approved by the Association and the Far North District Council.

- (n) "NZ dollars" means New Zealand dollars.
- (o) "Ōmarino" means the property known as Ōmarino located in the Bay of Islands in the northern part of the North Island of New Zealand, comprising approximately 140.8 hectares shown as Lots 1-12, 14-21 and 25 on Digital Title Plan 391213.
- (p) "Property" means the Land and includes all the Buildings.
- (q) "Renewal Dates" means every 999th anniversary of the Commencement Date.
- (r) "Term" means, the period of time from the Commencement Date until the date which is 999 years after the Commencement Date or until the date on which this Lease is lawfully terminated.
- (s) "Working Day" means any day of the week other than:
 - (I) Saturday, Sunday, Good Friday, Easter Monday, Anzac Day, the Sovereign's Birthday, Labour Day, Waitangi Day and the Provincial Anniversary Day as observed in Auckland; and
 - (II) A day in the period commencing with the 24th day of December in any year and ending with the 5th day of January in the following year.

A Working Day shall be deemed to commence at 9.00a.m. and to terminate at 5.00p.m.

2. Interpretation

- (a) Words importing the singular number shall include the plural; each gender shall include the other; persons shall include companies and vice versa.
- (b) Any provision of this Lease to be performed by two or more persons shall bind those persons jointly and severally.
- (c) Any headings and marginal notations in this Lease have been inserted for convenience only and shall not in any way limit or govern the construction of the terms of this Lease.
- (d) Any reference in this Lease to any statute or regulation is deemed to include all amendments and revisions made from time to time to that statute or regulation.
- (e) Any reference to this Lease to "month" or "monthly" shall mean respectively calendar month and calendar monthly.

- (f) All provisions herein shall be construed so as not to be invalid, illegal or unenforceable in any respect but if any such provision on strict interpretation is found to be illegal, invalid or unenforceable then that provision shall be construed in such manner as may be necessary to ensure that for the purposes of this Lease it is not illegal, invalid or unenforceable. In the event that any such provision or part thereof cannot be so construed such provisions shall be deemed to be void and severable and the remaining provision hereof shall not in any way be affected or impaired thereby.
- (g) The covenants and powers implied in leases by virtue of the Land Transfer Act 1952 and its amendments and the Property Law Act 2007 and its amendments shall not apply to this Lease to the extent that they are inconsistent with this Lease.

3. Annual Rental

- (a) The Lessee shall pay to the Lessor the Annual Rental if demanded on the last day of each calendar year of the Term to the Lessor's bank account in New Zealand. GST shall be paid in addition to the said sum, in New Zealand and in NZ dollars subject to the receipt by the Lessee of a valid tax invoice (as that term is defined in the Goods and Services Tax Act 1985) issued by the Lessor.
- (b) The Lessee shall further pay all costs, expenses and outgoings relating to the Property and the business carried on therein as set out in clauses 4, 5 and 6 hereof.

4. Outgoings

- (a) The Lessee shall pay upon demand, by the person to whom payment is due, all outgoings charged, levied or assessed in respect of the Property at any time during the Term excluding land rates payable to any Authority, taxes on the Lessor's income, asset or land tax relating to the Land and the Lessors improvements, any capital gains tax, and any costs of ownership personal to the Lessor as distinct from costs relating to use and occupation by the Lessee and its members ("Outgoings"). All Outgoings charged, levied or assessed in respect of the Property shall be charged, levied or assessed directly to the Lessee.

Without limiting the generality of the foregoing, such Outgoings shall include:

- (i) levies and charges payable to any Authority (whether local, national or otherwise), including water rates but excluding land rates payable to any Authority;

- (ii) water supply charges, electricity supply charges, gas supply charges, telephone supply charges and all other utility charges relating to the Property;
 - (iii) the cost of the Insurance covers referred to in clause 5 hereof;
 - (iv) the cost of maintenance and repair referred to in clause 6 hereof;
 - (v) sewage, drainage and trade waste charges relating to Buildings on the Land;
 - (vi) all costs associated with complying with the compliance schedules (if any) issued for the Buildings under the Building Act including but without limitation the costs of inspection and the costs of any repairs (structural or otherwise) or replacement required to be done to the Buildings or the systems contained therein in order that the warrants of fitness can be supplied to the appropriate Authority in accordance with the Building Act;
 - (vii) any other expenses and outgoings attributable to the use and occupation of the Property (including costs of compliance with statutory obligations in relation to the Property).
- (b) The Lessee shall pay, upon receipt from the Lessor or from the relevant Authority or supplier of a GST tax invoice, any GST in respect of the Annual Rental and other payments to be made or services to be supplied under this Lease. Any GST payable to the Lessor by the Lessee shall be paid by the Lessee in New Zealand in NZ dollars.
- (c) In the event that any of the Outgoings are not charged, levied or assessed in respect of a period coincident with a like period of the Term, such Outgoings shall be apportioned between the Lessor and the Lessee and the Lessee shall pay the Lessee's proportion to the Lessor.
- (d) Where any of the Outgoings are payable by a date on which a penalty shall accrue if payment is not made by that date, then it shall be sufficient compliance with this Lease if the Lessee shall pay such Outgoings prior to such penalty date.

5. Lessee's Insurance

- (a) The Lessee shall insure and keep insured, in its name and in the name of the Lessor, all Buildings for the full replacement and reinstatement thereof against all usual contingencies covered by comprehensive insurance policies in

respect of similar properties including, without limitation, fire, earthquake and storm damage under a full replacement and reinstatement policy or an equivalent policy from time to time and will pay the full cost of effecting and maintaining such insurance including the cost of premiums and acknowledges that it is not the Lessor's obligation to insure the Buildings.

- (b) In the event that any insured party under such Insurance cover is required in terms thereof to meet any deductible amount, then the Lessee shall pay such deductible amount.
- (c) The Lessee shall keep current at all times throughout the Term public risk Insurance cover applicable to the Property and the use thereof for an adequate amount.
- (d) All insurance covers referred to in this clause shall be effected to insure the Lessor and the Lessee and any mortgagee or chargeholder of the Lessor (as advised by notice to the Lessee) for their respective rights and interests with such insurance office as the Lessee may nominate.
- (e) The policy shall provide that the proceeds of any claim shall be applied in reinstatement of all damage to the insured Improvements in accordance with the provisions of clause 11 so that the damage is completely reinstated. The policy shall provide that the insurance proceeds shall be paid directly to the party effecting the reinstatement (as approved by the Insurer) and the Lessor shall have no right to require the moneys to be paid to it.

6. Maintenance and Repair

- (a) The Lessee will at all times maintain, repair, redecorate, replace, renew and keep the Buildings together with all conveniences, amenities and appurtenances relating thereto and all carriageways in good and substantial repair, order and condition in all respects and as nearly as possible in the same condition as at the time of erection or installation of the same. The Lessee shall from time to time replace or renew the Buildings and the said conveniences, amenities and appurtenances to ensure such state of good and substantial repair, order and condition. In the event of any part of the Buildings having been replaced or renewed during the Term of this Lease then the Lessee shall maintain the same as nearly as possible in the same condition as at the date of such replacement or renewal.
- (b) The Lessee will at all times during the continuance of the Term keep the Land clean and free from gorse briar broom and noxious weeds and all hazardous substances and materials which may damage the Land or cause or threaten to

cause a hazard to the Land or to the health or safety of persons on or about the Land. The Lessee will at all times maintain in good and useable condition all drains, ditches, water, gas, electricity, telephones, pipes and conduits and all other utilities on or servicing the Land.

- (c) The Lessee will forthwith upon the expiration of the Term or sooner determination of this Lease peaceably surrender and yield up unto the Lessor the Land and Buildings together with all convenience, amenities and appurtenances relating thereto and all carriageways clean and free from rubbish and in good and substantial repair, order and condition in every case.

7. Use

- (a) The Lessee will not use or permit to be used the Land or any part thereof or any Building erected thereon otherwise than in accordance with a use approved in writing by the Lessor (such approval not to be unreasonably withheld).
- (b) If at any time the Lessee desires to erect or construct any building or carry out any alteration to any existing Building on the Land the Lessee shall:
 - (i) obtain the approval of the Architecture and Landscape Review Panel established pursuant to the Management Plan to the plans, elevations, sections and specifications of the said building or alteration to any existing Building and shall provide written notice to the Lessor of the approval of such plans, elevations, sections and specifications; and
 - (ii) at the Lessee's expense erect or construct the said building or make such alteration to any existing Building in accordance with such approved plans, elevations, sections and specifications and in strict accordance with the design guidelines contained in the Management Plan, building by-laws and regulations of the Authority having control in the district where the Land is situated and the general law for the time being in force; and
 - (iii) procure a Code Compliance Certificate to be issued in accordance with the Building Act 2004.
- (c) The Lessee will not at any time during the continuance of this Lease do exercise or carry on or permit or suffer any other person or persons to do exercise or carry out on the Land or any part thereof any noxious, harmful or offensive act, trade, business, occupation or calling, or any act, matter or thing

whatsoever which shall or may be or become or cause annoyance, nuisance, grievance, damage or disturbance to the Land or to occupiers or owners of any adjoining or adjacent land or to the Lessor.

- (d) The Lessee will at all times observe and comply with all statutes ordinances regulations by-laws or other enactments affecting the Land and/or Buildings or relating to the use of the Land and/or Buildings and with all requirements which may be given by any Authority and will keep the Lessor indemnified from and against all actions, claims, demands, losses, damages, costs and expenses arising out of any non-compliance therewith by the Lessee.
- (e) The Lessee shall not cut up or subdivide the Land in accordance with the Resource Management Act 1991 or the Unit Titles Act 1972 or otherwise howsoever without the prior written consent of the Lessor.
- (f) The Lessee will at all times and in all respects comply with the requirements of any Authority and with the requirements of any relevant statute regulation by-law or other notice issued by any Authority relating to fires.
- (g) The Lessee will perform and observe the obligations of the Lessor in connection with any easement encumbrance or any other instrument or memorial of any kind for the time being affecting the Land (whether as dominant or servient tenement) including the carrying out effecting or contributing to any works, repairs or maintenance (excluding the obligation to pay levies which the Lessor may be charged as a landowner by the Lessee) in its capacity as the corporate body having responsibility for the building scheme which the Land forms part.

8. Assignment and Subletting

The Lessee may assign sublet or otherwise part with the possession of the Property or any part thereof.

9. Costs

The Lessor shall pay the costs of and incidental to the preparation and registration of this Lease.

10. Quiet Enjoyment

Except as herein provided, the Lessor covenants with the Lessee that neither the Lessor nor any person claiming by, through or under the Lessor, shall disturb the Lessee's quiet enjoyment of the Property during the Term of this Lease.

11. Damage or Destruction of the Property

If the Property or any portion of the Property shall be damaged and:

- (a) the Lessee's policy or policies of Insurance shall not have been invalidated or payment of the policy moneys refused in consequence of some act or default of the Lessor; and
- (b) all the necessary permits and consents are obtainable;

then the Lessee shall with all reasonable speed expend all the Insurance moneys received by the Lessee in respect of such damage towards repairing such damage or reinstating the Property.

12. Option for further lease:

- (a) If the Lessee shall during the Term of this Lease duly perform and punctually pay the rental payable hereunder and duly observe perform and keep all the covenants and conditions on the part of the Lessee herein contained or implied and shall give notice in writing to the Lessor at least six (6) months prior to the expiry of the term (time being of the essence) of the desire of the Lessee to take a new lease of the Land then the Lessor at the cost and expense to the Lessee will grant to the Lessee a new lease of the Land and the Lessee will take on lease the Land for the Further Term specified for the purposes of this clause in the Reference Schedule.
- (b) The new Lease shall be upon like terms and conditions as applying to this Lease.
- (c) If the Lessee shall be granted a new Lease pursuant to clause 12(a) the new Lease granted in pursuance thereof shall unless otherwise agreed contain a provision whereby the Lessee shall be entitled to a further new Lease in the manner and subject to the conditions set out in clauses 12(a) and 12(b) hereof for the Further Terms set out for the purposes of this clause in the Reference Schedule.

13. Default

- (a) If the Lessee shall be in breach of any of the covenants or stipulations herein expressed or implied and on the Lessee's part to be performed or observed and if the Lessor shall have given to the Lessee notice of such breach requiring the Lessee to remedy such breach within the period of twenty-eight (28) days and if such breach shall continue after the expiration of such period or if the Lessee shall have become insolvent or shall have compounded with or

assigned the Lessee's estate or any substantial part thereof for the benefit of the Lessee's creditors or any number thereof, or placed in statutory management then the Lessor may forthwith or at any time thereafter without suit and without notice or further notice as the case may be, re-enter upon any part of the Property in the name of the whole and thereby determine this Lease but without releasing the Lessee from liability in respect of Annual Rental and Outgoings accrued to the date of such re-entry or of any antecedent non-observance or non-performance of any of the covenants and stipulations herein expressed or implied and on the Lessee's part to be performed or observed except in the instance where the Lessee has become insolvent or shall have compounded with or assigned the Lessee's estate or any substantial part thereof for the benefit of the Lessee's creditors or any number thereof, or is placed in statutory management then before the Lessor re-enters upon any part of the Property in the name of the whole and determines this Lease, all the Lessors must sign a notice in person or by duly appointed agent.

- (b) The Lessor may at its option pay any Outgoings or other moneys payable by the Lessee under this Lease that are not paid by the Lessee by the due date and may be recovered or acted upon by the Lessor as if the same were Annual Rental in arrears.
- (c) Without prejudice to the Lessor's other rights powers and remedies hereunder if the Lessee shall be in breach of any of the covenants or stipulations herein expressed or implied and on the Lessee's part to be performed or observed (other than payment of Outgoings or other moneys) and if the Lessor shall have given to the Lessee notice of such breach and requiring the Lessee to remedy such breach within a reasonable period to be stated in such notice and if such breach shall continue after the expiration of such period then the Lessor may remedy such breach and the costs and expenses incurred by the Lessor in remedying such breach shall be paid by the Lessee to the Lessor on demand.

14. Arbitration

If any difference or dispute arises between the parties touching or concerning this Lease or any act or thing to be done, suffered or omitted pursuant to this Lease or touching or concerning the construction of this Lease, and the parties are unable to resolve the difference or dispute by agreement then either party may refer the difference or dispute to arbitration pursuant to the provisions of the Arbitration Act 1996 and specifically in accordance with the following formula:

- (a) The parties shall each appoint an independent person (a Representative) who, save in relation to any dispute in relation to the current market value of the Property, shall not necessarily be a registered valuer, within fourteen (14) days of either party giving notice of the dispute and if one party has not so appointed its Representative or if its Representative cannot conduct the arbitration within the time limits set out herein then the other party shall appoint a Representative to represent the party.
- (b) The Representatives shall appoint an umpire who, save in relation to any dispute in relation to the current market value of the Property, shall not necessarily be a registered valuer, within 21 days of notice of the dispute provided that if the Representatives have not appointed an umpire within the said period of 21 days then the appointment shall be made by the President of the Auckland District Law Society (or if the Auckland District Law Society is no longer in existence, the New Zealand Law Society) within seven (7) days after a request to do so made by either the Lessor or the Lessee.
- (c) The Representatives shall then use their best endeavours to settle the dispute.
- (d) The umpire shall be a party to all deliberations of the Representatives and be present at the taking of all evidence by the Representatives.
- (e) If the Representatives cannot settle the dispute within 28 days of notice of the dispute then the settling of the dispute shall be forthwith referred to the umpire.
- (f) The umpire shall then determine the dispute, within fourteen (14) days of such referral.
- (g) The umpire's decision shall be final and binding on the parties.
- (h) The fees and disbursements of the Representatives and of the umpire shall be paid equally by the parties within seven (7) days of posting by the umpire of notice of his decision.

The parties do hereby consent to the inspection of the Property by the Representatives and by the umpire, and do hereby irrevocably and unconditionally agree to do all things to facilitate the speedy conclusion of this arbitration.

If, in the umpire's opinion (for which he need give no reasons), one party either obstructs or delays, or both, the progress of the arbitration, then the umpire may award interest to the other party at the Default Interest Rate (calculated on the monies (if any) awarded to the successful party for each day of such delay and/or obstruction together with an award for costs and disbursements caused by such delay.

If one party's Representative does not attend on any day appointed for the conduct of the arbitration, then the other Representative and the umpire, may proceed without the attendance of that Representative.

15. Notices

- (a) The Lessor and the Lessee shall each nominate an address in New Zealand for service of notices for the purposes of this Lease.
- (b) Each notice under this Lease shall be given and shall be in writing delivered to the relevant nominated address.
- (c) As from the date of commencement of the Term the nominated addresses are as follows:

For the Lessor: BENTZEN FARM LIMITED
19A O'Neills Avenue
Takapuna
Auckland

Attention: John Wrightson
Telephone: (09) 486 9125
Facsimile: (09) 486 9121

For the Lessee: OMARINO RESIDENTS ASSOCIATION INCORPORATED
19A O'Neills Avenue
Takapuna
Auckland

Attention: John Wrightson
Telephone: (09) 486 9125
Facsimile: (09) 486 9121

- (d) Delivery of a notice to the nominated address shall be deemed to be valid and effective service on the party which nominated that address and such service shall be deemed to have been effected on the date of delivery.
- (e) Any party may by notice in writing to the other party change its nominated address to another address in New Zealand but no cancellation of one nominated address shall be effective unless a further address is nominated at the same time.

16. Occupation

The Lessee agrees to occupy and use the Property at the Lessee's risk and releases, to the full extent permitted by law, the Lessor, its servants and agents from all claims and demands of any kind and from all liability which may arise (other than as a result of any misconduct or negligent act or omission of the Lessor and/or its servants or agents) in respect of any accident, damage or injury occurring to any person or property in or about the Property.

PART B**The Land**

Certificate of Title No.	All/Part	Area/description of part or stratum
371321	Part	$\frac{1}{17}$ share in Lot 18, DP 391213
371322	Part	$\frac{1}{17}$ share in Lot 18, DP 391213
371323	Part	$\frac{1}{17}$ share in Lot 18, DP 391213
371324	Part	$\frac{1}{17}$ share in Lot 18, DP 391213
371325	Part	$\frac{1}{17}$ share in Lot 18, DP 391213
371326	Part	$\frac{1}{17}$ share in Lot 18, DP 391213
371327	Part	$\frac{1}{17}$ share in Lot 18, DP 391213
371328	Part	$\frac{1}{17}$ share in Lot 18, DP 391213
371329	Part	$\frac{1}{17}$ share in Lot 18, DP 391213
371330	Part	$\frac{1}{17}$ share in Lot 18, DP 391213
371331	Part	$\frac{1}{17}$ share in Lot 18, DP 391213
371332	Part	$\frac{1}{17}$ share in Lot 18, DP 391213
382667	Part	$\frac{1}{17}$ share in Lot 18, DP 391213
423436	Part	$\frac{1}{17}$ share in Lot 18, DP 391213
423437	Part	$\frac{1}{17}$ share in Lot 18, DP 391213
411669	Part	$\frac{1}{17}$ share in Lot 18, DP 391213
411670	Part	$\frac{1}{17}$ share in Lot 18, DP 391213



Bank of New Zealand

**CERTIFICATE OF NON-REVOCATION
OF POWER OF ATTORNEY**

I, **Mary Goddard**, **Quality Assurance Officer of Auckland, New Zealand, Bank Officer, certify:**

1. That by deed dated 12 July 2005, Bank of New Zealand, of Level 14, BNZ Tower, 125 Queen Street, Auckland, New Zealand, appointed me its attorney.
2. A copy of the deed is deposited in the North Auckland registration district of Land Information New Zealand as dealing No. 6508607.1
3. That I have not received notice of any event revoking the power of attorney.

SIGNED at Auckland 11 August 2008



Mary Goddard

Annexure Schedule - Consent Form

Land Transfer Act 1952 section 238(2)



Insert type of instrument
"Caveat", "Mortgage" etc

Mortgage

Page **1** of **1** pages

Consentor

Surname must be underlined or in CAPITALS

Capacity and Interest of Consentor

(eg. Caveator under Caveat no./Mortgagee under Mortgage no.)

BANK OF NEW ZEALAND

Mortgagee under Mortgage No. 6633581.1

Consent

Delete Land Transfer Act 1952, if Inapplicable, and insert name and date of application Act.

Delete words in [] if inconsistent with the consent.

State full details of the matter for which consent is required.

Pursuant to [section 238(2) of the Land Transfer Act 1952]

[section] of the [Act]

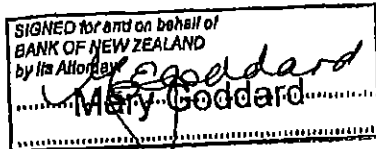
[Without prejudice to the rights and powers existing under the interest of the Consentor]

the Consentor hereby consents to:

The lease of lot 18 DP 391213 to the Association in the form of the instrument attached

Dated this **11** day of **August** 2008

Attestation



Signed in my presence by the Consentor

Signature of Witness

Witness to complete in BLOCK letters (unless legibly printed)

Witness name **THE BANK OFFICER**

Occupation

Address **BANK OFFICER
AUCKLAND**

Signature of Consentor

An Annexure Schedule in this form may be attached to the relevant instrument, where consent is required to enable registration under the Land Transfer Act 1952, or other enactments, under which no form is prescribed.

View Instrument Details



Instrument No 8152730.2
Status Registered
Date & Time Lodged 11 May 2009 14:26
Lodged By Yearbury, Donna
Instrument Type Covenant (All types except Land covenants)



Toitū Te Whenua
Land Information
New Zealand

Affected Computer Registers	Land District
371321	North Auckland
371323	North Auckland
371325	North Auckland
371328	North Auckland
371330	North Auckland
371332	North Auckland

Annexure Schedule: Contains 5 Pages.

Signature

Signed by Graeme John Mathias as Grantor/Grantee Representative on 11/05/2009 11:52 AM

*** End of Report ***

IN THE MATTER of a Covenant entered into
under Section 108(2)(d) of
the Resource Management
Act 1991

WHEREAS

- A. **BENTZEN FARM LIMITED** ("the Covenantor") is the registered proprietor of an estate in fee simple in those parcels of land described in the Schedule to this covenant ("the land").
- B. The Covenantor applied to the **NORTHLAND REGIONAL COUNCIL** ("the Council") for certain resource consents under the Resource Management Act 1991 ("the Act") including a coastal permit to enable the Covenantor to carry out alterations to a jetty on or adjacent to land formerly contained in Certificate of Title NA35A/947.
- C. The Council granted a coastal permit for alterations to the jetty (CON20071055810) subject to Bentzen Farm Limited and its successors in title (such including the Covenantor) entering into this covenant under section 108(2)(d) of the Act.

NOW THEREFORE in order to comply with the conditions attaching to the Council's grant of the coastal permit the Covenantor **COVENANTS** with the Council under section 108(2)(d) of the Resource Management Act so as to bind the Covenantor and the registered proprietor or registered proprietors for the time being of the land or any part of the land as follows:

1. The Covenantor will not erect, place, use or keep on the land, nor permit any other person or organization of any kind to erect, place, use or keep on the land, any building, wharf, jetty, marina, boat ramp or facility associated with access to and across the coastal marine area boundary within a set back of 20 metres inland from the mean high water mark (inland from mean high water springs).

- 2 -

2. The Covenantor will not erect, place, use or keep within the coastal marine area adjacent to the land nor permit any other person or organization of any kind to erect, place, use or keep any building, wharf, jetty, marina, boat ramp or facility associated with access to and across and use of the coastal marine area with that part of the coastal marine area which is 50 metres seaward of the mean high water springs boundary of their property.

THIS Covenant shall have effect so long as there is a resource consent held by **BENTZEN FARM LIMITED** or its successor in title for a jetty in Huirangi Inlet, Parekura Bay, Bay of Islands in the terms granted by resource consent No. CON20071055810 by the Council and there is a condition of that consent requiring a covenant with the terms set out in this covenant. Further, if a resource consent for the jetty shall expire and a new consent for a jetty is granted (such new consent containing a condition requiring a covenant in terms of the present covenant) this covenant shall remain in force, notwithstanding any lapse in time between the expiry of one resource consent and the grant of a new consent.

IN WITNESS whereof these presents have been executed this 19th day of March 2009

THE SCHEDULE

Lots 1, 3, ~~4~~, 5, 8, 10 and 12 Deposited Plan 391213 being the properties contained in
Certificates of Title ³⁷¹³²¹~~371320~~, 371323, ~~371324~~, 371325, 371328, 371330 and 371332

- 3 -

SIGNED by)
BENTZEN FARM LIMITED)
as Covenantor in the presence of:)



Witness Signature:

Witness Name:

Witness Occupation:

Witness Address:



Hayley Maroe Pyle
Chartered Accountant
Murrays Bay
North Shore City

THE COMMON SEAL of)
THE NORTHLAND)
REGIONAL COUNCIL)
was hereunto affixed by Order)
of the Council in the presence of:)





**CERTIFICATE OF NON-REVOCATION
OF POWER OF ATTORNEY**

I, Ida Lina Molo, **Quality Assurance Officer of Auckland, New Zealand, Bank Officer, certify:**

1. That by deed dated 12 July 2005, Bank of New Zealand, of Level 24, BNZ Tower, 125 Queen Street, Auckland, New Zealand, appointed me its attorney.
2. A copy of the deed is deposited in the North Auckland registration district of Land Information New Zealand as dealing No. 6508607.1
3. That I have not received notice of any event revoking the power of attorney.

SIGNED at Auckland 04 April 2009

A circular stamp from the Bank of New Zealand, Auckland branch, with the text "BANK OF NEW ZEALAND", "Auckland", and "LENDING SERVICE". A signature is written over the stamp, and the name "Ida Lina Molo" is printed below it.

Ida Lina Molo

Approved by Registrar-General of Land under No. 2003/6150

Annexure Schedule - Consent Form

Land Transfer Act 1952 section 238(2)

Insert type of instrument
"Caveat", "Mortgage" etc

Mortgage

Page 1 of 1 pages

ConsentorSurname must be underlined or in CAPITALS**Capacity and Interest of Consentor**

(eg. Caveator under Caveat no./Mortgagee under Mortgage no.)

BANK OF NEW ZEALAND

Mortgagee under Mortgage No. 6633581.1

Consent

Delete Land Transfer Act 1952, if inapplicable, and insert name and date of application Act.

Delete words in [] if inconsistent with the consent.

State full details of the matter for which consent is required.

Pursuant to [section 238(2) of the Land Transfer Act 1952]

[section] of the [] Act

[Without prejudice to the rights and powers existing under the interest of the Consentor]

the Consentor hereby consents to:

the registration of the within written covenant against the land in certificates of title 371320, 371323, 371325, 371328, 371330 and 371332

Dated this 14th day of April 2009

Attestation

	Signed In my presence by the Consentor
	Signature of Witness
	Witness to complete in BLOCK letters (unless legibly printed)
	Witness name ANDREA LINCOLN
Signature of Consentor	Occupation Bank Officer
	Address Auckland

An Annexure Schedule in this form may be attached to the relevant instrument, where consent is required to enable registration under the Land Transfer Act 1952, or other enactments, under which no form is prescribed.

REF: 7029 - AUCKLAND DISTRICT LAW SOCIETY