



Our Reference: 10615.1 (FNDC)

21 March 2025

Resource Consents Department
Far North District Council
JB Centre
KERIKERI

Dear Sir/Madam

RE: Proposed boat sheds within utility lot; and minor boundary adjustment at 285 Manawaora Road – Bentzen Farms Limited

I am pleased to submit application on behalf of Bentzen Farms Limited, for proposed additional boatsheds to be constructed adjacent to existing boatsheds within a Utility Lot; and for a minor boundary adjustment with adjacent lot, on land at Manawaora Road subject to the Omarino Management Plan. The combined application is a discretionary activity.

The application fee of \$5,013 has been paid separately via direct credit.

Regards

Lynley Newport
Senior Planner
THOMSON SURVEY LTD

Application for resource consent or fast-track resource consent

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

1. Pre-Lodgement Meeting

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

2. Type of Consent being applied for

(more than one circle can be ticked):

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

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

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

Yes No

4. Consultation

Have you consulted with Iwi/Hapū? Yes No

If yes, which groups have you consulted with?

Who else have you consulted with?

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

5. Applicant Details

Name/s:

Bentzen Farms Limited

Email:

Phone number:

Postal address:

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

6. Address for Correspondence

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

Name/s:

Lynley Newport

Email:

Phone number:

Postal address:

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

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

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

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

Name/s:

Bentzen Farm Limited

**Property Address/
Location:**

285 Manawaora Road

Parekura Bay

Postcode

0184

8. Application Site Details

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

Name/s:	Bentzen Farms Limited		
Site Address/ Location:	285 Manawaora Road		
	Parekura Bay		
	RUSSELL		
	Postcode	0184	
Legal Description:	Lots 15 & 18 DP 391213	Val Number:	
Certificate of title:	423436		

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@omarinoco.nz or mobile 0212278299

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.

Land Use consent to construct 6 additional boat sheds as part of the shared facilities at Omarino, breaching Visual Amenity; Boundary Setback; stormwater management; building in an outstanding landscape; and earthworks rules; and minor boundary adjustment subdivision between Lots 15 and 18. Combined activity category of discretionary.

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

10. Would you like to request Public Notification?

Yes No

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

(more than one circle can be ticked):

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

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

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

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

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

- Subdividing land
- Disturbing, removing or sampling soil
- Changing the use of a piece of land
- Removing or replacing a fuel storage system

13. Assessment of Environmental Effects:

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

Your AEE is attached to this application Yes

13. Draft Conditions:

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

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

14. Billing Details:

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

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

Email:

Phone number:

Postal address:

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

Fees Information

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

Declaration concerning Payment of Fees

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

Name: (please write in full)

Kallam Brown

Signature:

(signature of bill payer)

Date 21-Mar-2025

MANDATORY

15. Important Information:

Note to applicant

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

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

Fast-track application

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

Privacy Information:

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

15. Important information continued...

Declaration

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

Name: (please write in full)

Kallam Brown

Signature:



Date 21-Mar-2025

made by electronic means

Checklist (please tick if information is provided)

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

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

Bentzen Farms Limited

COMBINED LAND USE & SUBDIVISION BY WAY OF A BOUNDARY ADJUSTMENT

Lots 15 & 18, Manawaora Road, RUSSELL

PLANNER'S REPORT & ASSESSMENT OF ENVIRONMENTAL EFFECTS



**Thomson Survey Ltd
Kerikeri**

1.0 INTRODUCTION

1.1 The Proposal

The applicants plan to construct six additional boat sheds as part of the shared facilities utilised by the Omarino Resident Association members. The site is one of two areas accommodating boat sheds and is almost entirely within the shared Utility Lot 18 of the Bentzen Farms Ltd (ex Omarino) development at Manawaora Road, Russell.

To achieve the most practical and least disruptive layout to accommodate the additional boat sheds, a minor boundary adjustment is proposed between the Utility Lot 18 and adjacent Lot 15. Bentzen Farms owns the latter and is one of 17 parties with a share of the Utility Lot 18.

The proposed layout, depicted in the plans in Appendix 1 and concept plan below, sees two sheds abutting, and the same length as existing sheds, opening to the north east, and a new block of four sheds, offset from the other block, opening to the south east. The proposal involves the extension of the existing hardstand area associated with the boat sheds and associated utilities within this part of Lot 18.



The construction of the separate four bay building will necessitate the clearance of existing vegetation to accommodate it. Earthworks will be required, and stormwater management mechanisms form part of the proposed development works.

The design/size and location of the new 4-shed building would result in building over the existing boundary with adjacent Lot 15. Rather than do that, because Lots 15 and 18 are not in the exact same ownership and cannot therefore be held together under the Building Act, it is proposed to do a boundary adjustment between the two lots to ensure no building is over a boundary. This is the subdivision component of this combined application, with a draft Scheme Plan attached in Appendix 2.

There remains a breach of setback from (existing and new) boundaries, where the applicant is the 'affected' boundary. This breach forms part of the land use consent component of this combined application.

More design details of the proposal are provided in Section 3 of this Report.

The application is accompanied by:

- Planning report & AEE
- Architectural & site plans;
- Draft scheme plans;
- Landscape Visual Impact Assessment;
- Ecological Assessment;
- Site Suitability & Development Report

An assessment of the land use proposal against rules in the Operative District Plan (ODP), and any rules with legal effect in the Proposed District Plan (PDP), follows in section 6 of this planning report. The proposed boundary adjustment is also assessed for compliance in that same section. The application site(s) are subject to the Consent Notice applying to all Omarino lots. Section 6.3 contains an assessment of compliance against clauses in the Consent Notice relevant to Lots 18 & 15 (noting that the proposal involves a small part of Lot 15).

In addition, consent is required pursuant to the Proposed Northland Regional Plan (Appeals Version) (PNRP), and the National Environmental Standard Freshwater (NES-F) because of proposed modifications to an existing stormwater system, and extension of hardstand. The Northland Regional Council is the consenting authority for such consents and application to the NRC will be lodged separately and concurrently to this application to the Far North District Council.

In summary, the proposal requires land use consent and for a boundary adjustment subdivision, pursuant to the Far North ODP; and consent pursuant to the PNRP and NES-F. Refer to section 6 of this Planning Report for details.

A set of site and building plans is attached in Appendix 1; the proposed boundary adjustment draft scheme plan is attached in Appendix 2; and a location map is attached as Appendix 3. Further appendices are referred to throughout this planning report.

1.2 Scope of this Report

This assessment and report accompanies the Resource Consent Application, and is provided in accordance with Section 88 and Schedule 4 of the Resource Management Act 1991. The application seeks consent as a discretionary activity under the ODP, to construct additional boat sheds with hardstand area, and associated earthworks and vegetation clearance, and for a boundary adjustment subdivision.

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

2.0 PROPERTY DETAILS

Location:	Lots 15 & 18 Manawaora Road, accessed via 285 Manawaora Road, Russell – refer Appendix 3 for Location Map
Legal description:	<p>Lot 15 DP 391213, with a 1/17th share in Lot 18 DP 391213, contained in Record of Title 423436, dated August 2008.</p> <p>Lot 18 DP 391213, owned in 17 shares by Lots 1-17 DP 391213, contained in Record of Title 440867, dated August 2008, 8.455ha in area and held in 'leasehold'. Copies of the Record of Titles are attached in Appendix 7, along with relevant legal interests</p>

3.0 PROPOSAL IN DETAIL

Land Use

The new boat sheds will be of the same/similar design as the existing sheds. The buildings will have the same profile as the existing sheds. They are less than 8m in height. They will be in the same colour scheme, and of the same/similar materials, as the existing buildings.

Summary details below:

Building Coverage (noting there is no building coverage rule in the General Coastal Zone) – total footprint:	Extension of 163m ² ; new building of 330m ² 493m ²
Impermeable Coverage (existing):	16,388m ²
Proposed:	17,700m²
Additional: (incorporates share of Lot 18)	1,312m ² (2%)
Maximum Height:	5.5m
Setback from Boundary:	4.9m at nearest point
Sunlight:	<2m + 45°
Volume of cut & fill:	2700m³ cut & 172m³ fill
Area of earthworks:	1,534m ²
Retaining Wall detail:	up to 2.5m retained height max

The development will require more cut than fill, as indicated above, with the surplus (2,525m³) being removed from site to a property also owned by Bentzen Farms, zoned Rural Production.

Approximately 1,535m² of vegetation clearance will be required to accommodate the proposed structures. The Landscape Mitigation and Ecological Enhancement Plan forming part of the reports prepared by the landscape architect and ecologist proposes various areas and types of re-vegetation to offset this clearance.

Aspects where rule breaches have been identified have been **bolded** (above).

Subdivision:

Lot 18 (utility lot accommodating boat sheds) is jointly owned by the Omarino Residents Association's members (17 lot owners, each having a 1/17th share). Lot 15, in the ownership of Bentzen Farms Limited, is one of those lots with a share in Lot 18. The draft scheme plan in Appendix 2 depicts the proposed boundary adjustment. This will see Lot 15's area decreased slightly to 5.879ha and Lot 18's area increased by the same small amount, to 8.587ha.

The adjustment does not impact on the original consent's average lot requirements or category of consent. It was a Management Plan subdivision relying on average minimum lot size requirements and the average remains unchanged following the adjustment. The identified building site for the eventual residential development of Lot 15 is at the upper end of that lot, well away from the proposed boundary adjustment area, and not affected.

4.0 SITE DESCRIPTION

4.1 Physical characteristics

The site is located on Manawaora Road and accessed via the main Omarino entrance. Internal to the site, there is a gated entranceway controlling access. The development site is located beyond the entrance gateway and to the left as you move into the site, near Waipiro and Parakura Bays. The use of the development site (boat sheds) is logically located near water, but not immediately adjacent. Lot 15 slopes up and away from Lot 18, inland and in a north westerly direction. It is vacant, with the nominated building platform for the Lot at the north western (and upper) end.

Lot 18 accommodates all accessways within the development as well as recreational facilities as provided for in the original consent. These include boat sheds and utility buildings/structures. The site of the proposed additional boat sheds already accommodates three buildings, two of which are boat sheds and the third an associated implement and storage shed – refer to plans in Appendix 1.



Existing sheds 1-4 and concrete apron

Part of the existing development included the construction of a man made stormwater (sediment control) pond. This has vegetation around its edges and within, some of which will require removal.



Some of the vegetation requiring removal

The sites within the Omarino development have been selected to ensure that all owners have privacy, and can enjoy the natural beauty of the bay. There are identified building envelopes and curtilage areas on each of the titles. Lot 18 is not subject to the same requirements, being a jointly owned utility / facilities lot. Lot 15's building site, as mentioned earlier, is at the opposite end of Lot 15 from its boundary with Lot 18, so is not affected by the minor boundary adjustment. The bulk of Lot 15 is in regenerating indigenous vegetation.

4.2 Mapped features relevant to the site

The site is zoned General Coastal in the Operative District Plan (ODP) with an Outstanding Landscape notation applying. Under the Proposed District Plan (PDP), the site is zoned Rural Production with a Coastal Environment Overlay.

Whilst parts of Lot 18 are within Outstanding Natural Landscape and Feature areas, the area of development (including boundary adjustment) is outside of any such area.

Part of the site is mapped in the PDP as being potentially subject to Coastal Flooding. No works are proposed within any area mapped as such. The site is not mapped as being subject to coastal or terrestrial erosion. The soils within the site are mapped as LUC Class 6.

The site is identified on the FNDC's Far North Maps, Species Distribution layer, as being within a 'kiwi present' area. The adjacent mangrove area (between development site and Waipiro Bay) is identified as being part of a Protected Natural Area (PNA) – "Eastern BOI Estuary".

The FNDC's Far North Maps, Historic Sites layer identifies a single archaeological site near to, but not within, the area of proposed development.

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

4.3 Legal Interests

The title for Lot 15 has a number of legal interests, all of which will remain unchanged after the boundary adjustment.

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	Subject to walkway and riding rights over part marked BE on DP 391213
7907807.9	Subject to right of way and right to convey electricity, telecoms and computer media over same part
7907807.12	Inspection and Maintenance easement in gross in favour of the Omarino Residents Association
7907807.13	Encumbrance to Omarino Residents Association
7907807.14	Lease agreement relating to Omarino Residents Association

In addition to the above instruments, Lot 15 has appurtenant right of way pursuant to an old 1977 instrument (Deed of Grant 638899.1) and appurtenant rights in relation to the use of Omarino's common facilities, including walking and riding rights; as well as appurtenant ROW, services, water conveyance and electricity; and right of use and enjoyment of

reserve/open space. There is also a private Land Covenant (7907807.7) registered on the title in 2008.

There are no legal interests listed on the title for Lot 18 given that it is owned in 17 shares equally split amongst 17 other titles and all legal interests affecting those 17 titles are listed on those titles as opposed to on the title for Lot 18.

4.4 Consent History

There are a host of consents (both resource consents and building consents) on the property files for Lots 15 & 18, however only a handful of those are relevant to those specific lots, the remainder applying to areas outside of the proposed development area. A summary of the *relevant* consent history for the development is outlined below.

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

Although not involving Lots 15 or 18, relevant consent history also includes RC 2170293-RMASUB which consented a boundary adjustment (not too dissimilar to that being proposed) between Lots 16 and 25 of the original Omarino development.

Lot 15 is vacant with no consent history specific to Lot 15 other than consents required for site access works (retaining walls).

The existing built development within Lot 18 was consented as part of RC 2061250-RMALUC, issued in 2006 for a total of 4 boat shed buildings to accommodate 17 boats & implement shed and associated earthworks across two separate 'sites' within Lot 18 – the western site being our current application site area and an eastern site adjacent to the original Waipiro woolshed building.

BC-2008-1996 gave effect to RC 2061250, where 2 boatshed buildings and an implement shed were constructed on the application site. More recently, EBC-2023-96 was issued and given effect to, extending the depth (length) of two of the boat shed bays in order to accommodate longer craft.

4.5 Management Plan

The six new boat shed spaces, to be accommodated in an extension to one existing building and a new nearby building, are over and above those consented in the original Management Plan consent. They therefore require separate land use consent, hence this application. The original consent provided for 17 boats to be accommodated across 4 boat shed buildings, two on our development site accommodating 9 boats, and two at the nearby woolshed site accommodating 8 boats. The proposal will mean 15 boats can be

accommodated in our development site, some of which will be in an additional boat shed building.

Notwithstanding this, noting that the development is all in regard to shared utility facilities, I believe the proposed additional boat shed and spaces remains consistent with the management plan, where the main focus is on development on the individually owned lots.

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

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

I have underlined the two aspects that are relevant to the proposal. I consider the proposal to be entirely consistent with those two aspects. The Management Plan establishes the Omarino Residents Association Incorporated (ORAI), of which all lot owners must be members.

The Management Plan also establishes the Architecture and Landscape Review Panel to review and approve all house and curtilage area landscape designs and processes for approval as set out in the Management Plan's Design Guidelines. These do not appear to apply to Lot 18, given that it is a utility lot. No development is proposed within Lot 15's existing building envelope, to which architectural and design guidelines do apply. Notwithstanding this, the buildings are to be in keeping with the existing buildings, and of low height/profile and in recessive colours. Visual impact is minimal – refer to Landscape Visual Impact Assessment in Appendix 4.

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

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

Architectural Guidelines form Part 2 of the Management Plan. There are 17 house sites within the management plan. Lot 18 is not included in Part 2 of the Management Plan.

The Management Plan contains guidelines not rules, and I believe it sufficient to be guided by, and be generally consistent with, the design and landscape guidelines in the Management Plan. Although Lot 18 is a shared facilities lot and not subject to the comprehensive Landscaping and Planting Guidelines applying to the 17 house lots, a portion of the built development will be within the current Lot 15 boundaries.

A Landscape Visual Impact Assessment has been commissioned and is provided in Appendix 4. An Ecological Assessment is provided in Appendix 5.

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

5.0 SCHEDULE 4 – INFORMATION REQUIRED IN AN APPLICATION

Clauses 2 & 3: Information required in all applications

<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, 3 and 6 of this Planning Report.
<i>(b) an assessment of the actual or potential effect on the environment of the activity:</i>	Refer to Sections 7 & 8 of this Planning Report.
<i>(b) a description of the site at which the activity is to occur:</i>	Refer to Section 4 of this Planning Report.
<i>(c) the full name and address of each owner or occupier of the site:</i>	This information is contained in the Form 9 attached to the application.
<i>(d) a description of any other activities that are part of the proposal to which the application relates:</i>	The application is for land use and boundary adjustment subdivision pursuant to the FNDC's ODP.

<i>(e) a description of any other resource consents required for the proposal to which the application relates:</i>	Consent is also required pursuant to the Proposed Northland Regional Plan and NES Freshwater, both administered by the Northland Regional Council (NRC). An application is being lodged separately with NRC.
<i>(f) an assessment of the activity against the matters set out in Part 2:</i>	Refer to Section 10 of this Planning Report.
<i>(g) an assessment of the activity against any relevant provisions of a document referred to in section 104(1)(b), including matters in Clause (2):</i> <i>(a) any relevant objectives, policies, or rules in a document; and</i> <i>(b) any relevant requirements, conditions, or permissions in any rules in a document; and</i> <i>(c) any other relevant requirements in a document (for example, in a national environmental standard or other regulations).</i>	Refer to Sections 7, 8 and 10 of this Planning Report.
<i>(3) An application must also include any of the following that apply:</i>	
<i>(a) if any permitted activity is part of the proposal to which the application relates, a description of the permitted activity that demonstrates that it complies with the requirements, conditions, and permissions for the permitted activity (so that a resource consent is not required for that activity under section 87A(1)):</i>	Refer to sections 7 & 8.
<i>(b) if the application is affected by section 124 or 165ZH(1)(c) (which relate to existing resource consents), an assessment of the value of the investment of the existing consent holder (for the purposes of section 104(2A)):</i>	Not applicable.
<i>(c) if the activity is to occur in an area within the scope of a planning document prepared by a customary marine title group under section 85 of the Marine and Coastal Area (Takutai Moana) Act 2011, an assessment of the activity against any resource management matters set out in that planning document (for the purposes of section 104(2B)).</i>	The site is not within an area subject to a customary marine title group. Not applicable.

<i>(4) An application for a subdivision consent must also include information that adequately defines the following:</i>	
<i>(a) the position of all new boundaries: (b) the areas of all new allotments, unless the subdivision involves a cross lease, company lease, or unit plan: (c) the locations and areas of new reserves to be created, including any esplanade reserves and esplanade strips: (d) the locations and areas of any existing esplanade reserves, esplanade strips, and access strips: (e) the locations and areas of any part of the bed of a river or lake to be vested in a territorial authority under section 237A: (f) the locations and areas of any land within the coastal marine area (which is to become part of the common marine and coastal area under section 237A): (g) the locations and areas of land to be set aside as new roads.</i>	Refer to Scheme Plans in Appendix 2.

Clause 6: Information required in assessment of environmental effects

<i>(1) An assessment of the activity's effects on the environment must include the following information:</i>	
<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 Sections 7 & 8 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 Sections 7 & 8 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</i>	Refer to Sections 7 & 8 of this planning report.

<i>contingency plans where relevant) to be undertaken to help prevent or reduce the actual or potential effect:</i>	
<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 11 of this planning report. No affected persons have been identified.
<i>g) if the scale and significance of the activity's effects are such that monitoring is required, a description of how and by whom the effects will be monitored if the activity is approved:</i>	No monitoring is required as the scale and significance of the effects do not warrant it.
<i>(h) if the activity will, or is likely to, have adverse effects that are more than minor on the exercise of a protected customary right, a description of possible alternative locations or methods for the exercise of the activity (unless written approval for the activity is given by the protected customary rights group).</i>	No protected customary right is affected.

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

<i>(1) An assessment of the activity's effects on the environment must address the following matters:</i>	
<i>(a) any effect on those in the neighbourhood and, where relevant, the wider community, including any social, economic, or cultural effects:</i>	Refer to Sections 7, 8 and 11 of this planning report and also to the assessment of objectives and policies in Section 8.
<i>(b) any physical effect on the locality, including any landscape and visual effects:</i>	Refer to Sections 7 & 8. The development site has no high or outstanding landscape or natural character values.
<i>(c) any effect on ecosystems, including effects on plants or animals and any physical disturbance of habitats in the vicinity:</i>	Refer to Sections 7 & 8.
<i>(d) any effect on natural and physical resources having aesthetic, recreational, scientific, historical, spiritual, or cultural value, or other special value, for present or future generations:</i>	Refer to Sections 7 & 8. The site has no aesthetic or scientific values that I am aware of, that will be adversely affected by the proposal. The proposed works are for recreational purposes, giving effect to an already issued development consent and management plan. No archaeological sites are affected.
<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</i>	The development site is not subject to hazard. The proposal does not involve hazardous installations.

through natural hazards or hazardous installations.	
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6.0 COMPLIANCE ASSESSMENT

6.1 Operative District Plan (ODP)

Land Use Component:

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 12.2 Indigenous Vegetation, Chapter 12.3 Excavation/Filling, and Chapter 12.7 relating to setback from water bodies. 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.

Table 1:

Far North Operative District Plan:

GENERAL COASTAL ZONE RULES:		
Permitted Standards	Comment	Compliance Assessment
<p>10.6.5.1.1 VISUAL AMENITY The following are permitted activities in the General Coastal Zone:</p> <p>(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</p> <p>(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</p> <p>(c) any alteration/addition to an existing building which does not exceed 50m², provided that any alteration/ addition</p>	<p>New and extended buildings exceed 50m².</p> <p>Part (b) is complied with. Proposed new boatsheds 6 & 7 are additions to an existing building, and exceed 50m², so part (c) cannot be complied with.</p> <p>The proposal does not involve renovation or maintenance. Therefore part (d) is not relevant.</p>	<p>Cannot comply with parts (a) and (c).</p>

Boundary Adjustment Subdivision & Land Use

does not exceed the height of the existing building and that any alteration/addition is to a building that existed at 28 April 2000; or (d) renovation or maintenance of any building.		
<u>10.6.5.1.2 RESIDENTIAL INTENSITY</u>	N/A – no residential units proposed.	N/A
<u>10.6.5.1.3 SCALE OF ACTIVITIES</u>	Existing use right exists in that the development is part of facilities shared by 17 properties within an existing consented development. This remains the case.	Already consented.
<u>10.6.5.1.4 BUILDING HEIGHT</u> The maximum height of any building shall be 8m.	All 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	Proposed buildings will comply with 2m + 45 degree requirement (post boundary adjustment).	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%.	The existing estimated total impermeable surface coverage (taking into account share of Lot 18) is 19%, with a proposed coverage of 21% (2% increase).	Cannot comply.
Equivalent controlled activity threshold 10.6.5.2.3 – 15% or 4,000m ² whichever is the lesser	Total % coverage exceeds 15% and 4,000m ² .	Cannot comply. Defaults to discretionary activity status.
<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.	Boatsheds 6 & 7, extending on from existing sheds 1-5, will be 4.9m from property boundary. New sheds 8-11 inclusive (separate building) will be a minimum 10m from boundary and comply.	Cannot comply in all cases. Defaults to restricted discretionary Rule 10.6.5.3.4.
<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	Not expected to breach any noise rule requirements.	Permitted

<p>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 coastal zone: 0700 to 2200 hours 55 dBA L10 2200 to 0700 hours 45 dBA L10 and 70 dBA Lmax</p>		
<p><u>10.6.5.1.11 HELICOPTER LANDING AREA</u> 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.</p>	<p>No helicopter landing area proposed in this application.</p>	<p>N/A</p>
<p>Controlled Activity Rule <u>10.6.5.2.2 VISUAL AMENITY</u> 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.</p>	<p>The additional buildings are not entirely within a pre approved building envelope.</p>	<p>Cannot comply. Defaults to restricted discretionary Rule 10.6.5.3.1.</p>
<p>Restricted Discretionary Rule <u>10.6.5.3.1 VISUAL AMENITY</u> 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.</p>		<p>The proposal is considered consistent with 10.6.5.3.1.</p>
<p>DISTRICT WIDE RULES</p>		
<p>Landscape & Natural Features</p>		
<p><u>12.1.6.1.4 EXCAVATION AND/OR FILLING WITHIN AN OUTSTANDING LANDSCAPE</u> Excavation and/or filling on any</p>	<p>Estimated total volume of cut</p>	<p>Cannot comply The equivalent Restricted</p>

<p>site within an Outstanding Landscape as shown on the Resource Maps, 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 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.</p>	<p>and fill is 2,870m³. The highest engineer designed retaining wall, supporting a cut/fill face is 2.5m. The definition of cut/fill face excludes any face of a height greater than 1.5m but no greater than 3m which is to be retained by a properly engineered retaining wall and for which a building consent has been issued. All retaining walls proposed in this development are less than 3m and be engineer designed.</p>	<p>Discretionary Rule 12.1.6.2.2 provides for anything more than 300m³ earthworks volumes.</p>
<p><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 25m² ; and; (b) where that building will be visible from a viewing point on a public road, public reserve, 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 where: i. the alteration/addition does not exceed 25m² in area or does not exceed 20% of the gross floor area of the existing building which is being altered</p>	<p>Buildings are greater than 25m². Can comply with part (b). The additional boat sheds connected to existing building have floor area in excess of 25m², so part (c) cannot be met. The site is zoned General Coastal. Therefore parts (d) and (e) are not relevant.</p>	<p>Cannot comply with parts (a) or (c). The proposal can comply with restricted discretionary activity Rule 12.1.6.2.1.</p>

<p>or added to, whichever is the lesser; and</p> <p>ii. the alteration/addition does not exceed the height of the existing building.</p> <p>(d) where the building site is not in the General Coastal Zone ... [not relevant]</p> <p>(e) where the building site is not in the General Coastal Zone ... [not relevant]</p>		
Indigenous Flora and Fauna		
<p><u>12.2.6.1.3 INDIGENOUS VEGETATION CLEARANCE IN THE GENERAL COASTAL ZONE</u></p> <p>The clearance of indigenous vegetation is a permitted activity in the General Coastal Zone, provided that:</p> <p>(a) the vegetation is less than 6m in height or 600mm in girth (measured at a height of 1.5m); and</p> <p>(b) the clearance is not within 20m of a lake (as scheduled in Appendix 1C), coastal marine area, indigenous wetland or continually flowing river; and</p> <p>(c) any clearance involving remnant forest does not exceed 500m² ; and</p> <p>(d) in relation to the total area of any site existing as at 1 February 2005 which has more than 50% of that area in indigenous vegetation, the total clearance does not exceed 1ha or 15% of that area, whichever is the lesser, in any 10 year period; or</p> <p>(e) in relation to the total area of any site existing as at 1 February 2005 which has less than 50% of that area in indigenous vegetation, the total clearance does not exceed 1,000m² of that area in any 10 year period.</p>	<p>Part (a) -the indigenous vegetation proposed to be cleared or transplanted is relatively immature/young. The regenerated manuka scrub is less than 600mm in girth as are most of the trees adjacent to the existing concrete apron. The latter are also mostly less than 6m in height. I believe the vegetation to be cleared falls within the parameters permitted by part (a).</p> <p>Part (b) – clearance is not within 20m of any of the features listed, the indigenous wetland to the southeast of the development being a little over 20m from the area being cleared - complies;</p> <p>Part (c) – clearance does not involve remnant forest - complies;</p> <p>In regard to parts (d) and (e), the title was not deposited until 2008 so the 'site' did not exist as at 1 February 2005.</p>	Permitted.
Soils and Minerals		
<p><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></p> <p>Excavation and/or filling,</p>	Refer to volumes and cut/fill face heights earlier in this table.	<p>Cannot comply.</p> <p>The equivalent restricted discretionary Rule 12.3.6.2.1 allows for up to 2000m³ excavation/filling and retains</p>

excluding mining and quarrying, on any site in the, General Coastal Zones 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 or filled face exceeding 1.5m in height i.e. the maximum permitted cut and fill height may be 3m.		the same restriction in regard to the height of any cut/fill face as the permitted standard. Total excavation & filling volume exceeds 2000m ³ . Defaults to discretionary activity status.
Natural Hazards		
No Coastal Hazard 1 or 2 areas as mapped in the ODP, and no residential unit proposed (fire hazard).	N/A	N/A
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, 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;	The rule does not apply to 'bridges' or 'culvert crossings', so is only relevant to the actual buildings and other impermeable surface that is not 'bridging' or 'culvert'. All buildings and other impermeable surfaces will be more than 30m from the coastal marine boundary.	Permitted.
12.7.6.1.2 SETBACK FROM SMALLER LAKES, RIVERS AND WETLANDS Any building and any impermeable surface must be set back from the boundary of lakes (where the lake bed has an area of less than 8ha) smaller continually flowing rivers (where the average width of the river bed is less than 3m) and wetlands except that this rule does not apply to man-made private water bodies. The setback shall be: (a) 3 x the area (ha) of the lake	As above, this rule only applies to building or impermeable surfaces that are not regarded as bridging or a culvert. The proposed addition to the concrete turning area and the additional buildings, are closer than 30m from the natural <i>inland</i> wetland within the boundaries of Lot 18 – which is also the line of MHWS, beyond which is coastal marine area.	N/A.

<p>(e.g. if the lake is 5ha in area, the setback shall be 15m); and/or</p> <p>(b) 10 x the average width of the river where it passes through or past the site; provided that in both cases the minimum setback shall be 10m and the maximum setback shall be no more than the minimum required by Rule 12.7.6.1.1 above;</p> <p>(c) 30m for any wetland of 1ha or more in area.</p>	<p>The natural inland wetland within the title is less than 1ha in area.</p> <p>The rule does not apply to a man-made private water body, which a stormwater pond is considered to be.</p>	
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Whilst the site (Lot 18) contains one NZAA recorded archaeological site, there are no rules in Chapter 12.5 Heritage relating to NZAA recorded sites, only registered archaeological sites, of which there are none listed in the Operative District Plan's schedules.

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;
 10.6.5.1.6 (permitted) and 10.6.5.2.3 (controlled) Stormwater Management rules;
 10.6.5.1.7 (permitted) Setback from Boundary rule;

District Wide Rules:

12.1.6.1.4 (permitted) Excavation/Filling in an Outstanding Landscape;
 12.1.6.1.5 (permitted) Buildings in an Outstanding Landscape;
 12.3.6.1.2 (permitted) & 12.3.6.2.1 (restricted discretionary) Excavation/Filling in the General Coastal Zone; and

Overall, the land use component of the application is a **discretionary** activity under the ODP.

Subdivision:

The proposal seeks to subdivide Lots 15 and 18 by way of a boundary adjustment.

The relevant rule is:

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

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

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

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

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

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

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

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

Part (a) is complied with as there is no change in the number or location of access to the lots;

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

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

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

Part (e) cannot be met because the proposed boatsheds, despite the boundary adjustment, will still not meet the 10m setback requirement.

Part (f) is met as all on site drainage systems will be contained within the boundary adjusted lots.

Technically, the inability to comply with part (e) means the boundary adjustment is then assessed against zone rules in 13.7.2 to 13.7.10. This is a known 'typo' error in the ODP as there are no zone rules so numbered, and no 13.7.5 through 10 in the subdivision chapter. In any event, the lots are part of a management plan subdivision and will remain so. Therefore a failure to meet part (e) above defaults the boundary adjustment component to discretionary activity status. The boundary setback breach, when viewed in isolation, would only result in restricted discretionary activity status, and in fact could have been a 'deemed permitted activity'. However, due to other land use breaches, this approach cannot be taken.

Overall, the combined land use/subdivision proposal is a discretionary activity under the Operative District Plan (ODP).

6.2 Proposed District Plan (PDP)

The FNDC publicly notified its PDP on 27th July 2022. Whilst the majority of rules in the PDP will not have legal effect until such time as the FNDC publicly notifies its decisions on submissions,

there are certain rules that have been identified in the PDP as having immediate legal effect and that may therefore need to be addressed in this application and may affect the category of activity of the application under the Act.

Rules identified by the Council as having legal effect include:

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

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

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

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

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

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

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

IB-R1 is entitled *Indigenous vegetation pruning, trimming and clearance and any associated land disturbance for specified activities within and outside a Significant Natural Area* and applies to all zones. It sets out what indigenous vegetation is permitted. I do not believe that the indigenous vegetation clearance required would fit within any of the permitted activities outlined in IB-R1. As such, the clearance will be subject to IB-R3 and R4 below (IB-R2 not being relevant as it only applies to clearance required for papakainga housing).

IB-R3 provides for up to 100m² clearance in any one calendar year of indigenous vegetation within a Significant Natural Area. However, Significant Natural Areas are not mapped or scheduled in the PDP. Instead reliance is placed on the definition in the PDP:

means an area:

- *identified in Schedule 4 of the District Plan as an area of significant indigenous vegetation or significant habitat of indigenous fauna; or*
- *assessed by a suitably qualified and experienced ecologist as meeting one of the criteria for ecological significance in Appendix 5 of the Regional Policy Statement for Northland 2016 or within any more recently gazetted National Policy Statement on indigenous biodiversity.*

The area to be cleared exceeds 100m². Schedule 4 is, at this point in time, empty. The area to be cleared has been assessed by a suitably qualified and experienced ecologist who has concluded that it does not meet the criteria for being 'significant indigenous vegetation' or habitat. As such IB-R4 becomes relevant.

IB-R4 provides for up to 5,000m² of indigenous vegetation clearance in the Rural Production Zone (which is the application site's zoning under the PDP) but only where a report has been obtained from a suitably qualified and experienced ecologist confirming the indigenous vegetation does not meet the criteria for a Significant Natural Area. This has been provided and less than 5,000m² is being cleared. This rule is therefore met. The Ecological Assessment is contained in Appendix 5 of this planning report.

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

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

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

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

In summary, I have not identified any breaches of rules (having legal effect).

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

6.3 Assessment of Development against Consent Notice 7907807.2

This consent notice has been varied by 8828538.1. Both the original and varied versions are attached as part of Appendix 7. The variation has relevance only insofar as it establishes a precedent of sorts. The variation was granted by the Council in order to give effect to a resource consent which, amongst other things, sought to construct water tanks and access track outside any defined building envelope areas. This suggests that the Council is prepared and able to consider and grant small variations to site layout and design rather than insist on absolute compliance with requirements of the Consent Notice.

A boundary adjustment subdivision is required, which may appear contrary to clause (i) of the Consent Notice. However, it is not without precedent - refer to RC 2170293-RMASUB, a previous boundary adjustment between the original Lots 16 and 25.

The Consent Notice has a total 37 clauses, not all of which relate to or affect Lots 15 and 18. An assessment of the proposal against those clauses that are relevant follows:

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

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

"Boundary adjustments applications are a form of subdivision in terms of the District Plan, however, the definition of subdivision in the District Plan refers to that as defined in s218 of the Act. The definition suggests that subdivision results in the issue of a separate title, lease or cross lease of part of the title, or the creation of an additional unit title; all of which result in increased development/use rights. As indicated by the applicant, this is not the case in this instance; no development beyond what was intended by the underlying subdivision consent will be possible as a result of the application. As such it is agreed that approving this application would not be contrary to the existing consent notice condition which it is considered was established to prohibit further development and/or increase in use so as to ensure the low density character of the development is maintained in the future".

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

Clauses 2-7 do not apply to Lots 15 or 18.

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 to Architectural Plans in Appendix 1 - 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 15 on the plan as is shown marked with the letters "BA"
shall be maintained in perpetuity.*

This is only applicable to Lot 15. Area 'BA' is at the north end of Lot 15, with the majority of the remainder of the lot in vegetative cover. The bottom portion of Lot 15, nearest the boat sheds and some of which is to be part of the development area, is not considered one of the re-vegetated areas referred to in this clause. It is cleared

grassland and used to store nursery plants and some equipment. I do not believe the proposed development is contrary to clause 9 above.

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

This clause is only applicable to Lot 15 and there is no archaeological site within Lot 15 - complies.

Clause 11 does not apply to Lots 15 or 18.

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).*

Applicable to Lot 15 only and this application does not involve any Landscaping as part of any residential development on Lot 15. Not applicable.

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.*

This applies to all lots. The proposed development will ensure the ongoing management of re-vegetation, archaeological, heritage, utility and recreational areas shown on the plan; and will comply with any relevant design guidelines for buildings. The third clause (iii) is in the past tense, i.e. has been previously undertaken.

Clause 14 does not apply to Lots 15 or 18.

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.*

This affects all lots and will be complied with.

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.

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

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

This clause appears to apply to all lots which is potentially an error given that Lot 18 does not contain any residential unit, and is not permitted to do so, and already contains more than one non-residential building. Notwithstanding that, the clause begins with the words 'unless authorised by a resource consent'. This application is seeking such a consent - 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 and shall, in the case of buildings on Lots 17 and 18 be traditional cladding and colours.

Applies to both lots and will be complied with.

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

All services will be underground - complies.

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

This will be complied with.

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

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

This will be complied with on an ongoing basis.

22. The development on each buildable area on each lot is to proceed in accordance with the recommendations contained within the geotechnical report prepared by Tonkin and Taylor Limited dated September 2004 (Job No. 21778) and submitted with the application for consent, such specifically requiring that a site specific geotechnical

investigation be carried out for all of the proposed building platforms, accessways and effluent fields prior to any building consent application and earthworks commencing.

I surmise that this clause is intended to apply to the privately owned lots at time of development rather than the jointly owned utilities lot. No works is proposed on Lot 15's building envelope. In any event, geotechnical investigation and assessment forms part of this application - 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.*

This clause will be complied with.

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

No such activity is proposed - complies.

25. *Effluent disposal on each lot shall be allocated in accordance with the recommendations contained in the Richardson Stevens Consultants (1996) Limited report dated 28 September 2004 as submitted with the AEE lodged with the application for the consent evidenced by the deposit of the plan (RC 2050363) with each effluent disposal field 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.*

No new system is proposed. Existing system's disposal field is more than 30m from MHWS. A maintenance agreement is in place - 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.*

I do not believe any re-vegetation plan applies to Lot 18. In any event proposed re-vegetation post development exceeds (in m²) existing vegetative cover. This clause will be complied with where relevant.

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.*

This will be complied with where relevant.

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 - complies.

Clause 29 does not apply to Lots 15 or 18.

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 activity will be taking place within 10m of any archaeological site - complies.

32. in constructing any buildings thereon, adhere to the design guidelines outlined in the AEE submitted with the application for the consent for the subdivision the draft management plan (which will include conditions that reflectivity will not exceed a maximum of 30%), and the Management Plan

The proposal includes new boatsheds, a part of which will be within the current Lot 15 boundaries and as such Clause 32 applies. This requires adherence to design guidelines in the Management Plan and ensuring a reflectivity value of less than 30%. This will be complied with.

33. The maximum rolling height above ground level of each building on Lots 13., 15, 16 and 25 shall be in the case of Lot 15 – no more than 5m above ground level providing that the eastern end of the building area a maximum RL of 122m ASL applies and for the remainder of the buildable area a maximum RL of 123m ASL applies.

No part of any buildings to be located within what are the current Lot 15 boundaries is within the building envelope to which the above clause applies (evidenced by the ASL figures). Our development area is less than 10m ASL - complies.

34. No building shall be erected on Lot 15 on the plan until such time as the proposed amenity tree plantings 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 124m ASL...

The referred to amenity tree plantings are directly related to the upper building site within Lot 15, and not in the area of proposed development. Not applicable.

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....*

This is provided - complies.

Clause 36 applies to Lot 15 but only when constructing effluent disposal systems. None is proposed for Lot 15. Not applicable.

Clause 37 applies to Lot 15 but only when developing the buildable area within that Lot. It is not considered applicable.

In summary, and providing Council accepts the precedent set by a previous boundary adjustment in regard to Clause 1 of the above consent notice, no changes to the Consent Notice area required.

7.0 ASSESSMENT OF ENVIRONMENTAL EFFECTS – LAND USE

The potential effects of the **land use component** of this proposal can be broadly summarised as follows:

- Positive Effects;
- Landscape and Visual Effects;
- Effects on Indigenous vegetation and habitat;
- Earthworks and construction effects; and
- Land Stability & Natural Hazards;
- Stormwater, wastewater and water supply; and
- Archaeological/cultural Effects.

7.1 Positive Effects

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

An integral component of the Management Plan development was the creation of the Omarino Residents' Association Inc and joint ownership of Lot 18. This lot accommodates access and other shared facilities such as boat sheds. Several boat sheds and an associated implement shed have already been built in the area of development, complementing the balance additional boat sheds constructed on another part of Lot 18 near the old woolshed at Waipiro Bay. The construction of the existing boatsheds was consented through RC 2061250-RMALUC, and two of those sheds have since been lengthened to accommodate longer craft.

The ongoing development of more and more of the lots created as part of the Omarino Development has resulted in growing demand for more boat shed space. This proposal provides for 6 additional sheds to meet that demand.

Locating the additional shared facilities primarily within the shared lot, and accessed via the shared access, is in keeping with the intent of the original management plan. The proposal provides for the needs of the members of the Omarino Residents' Association, providing a secure storage area for their assets.

7.2 Landscape, natural character and visual amenity

A Landscape Visual Impact Assessment (LVIA) 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 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**.

Whilst there is no pre consented building and curtilage "envelope" within Lot 18, there is within Lot 15. This Lot 15 envelope is not, however, involved in this proposal, being at the opposite end of Lot 15 to the development area. The proposal involves a minor boundary between Lots 15 and 18 and a part of the new buildings will be within what is currently Lot 15. A small amount of clearance of indigenous vegetation is required and the proposal includes like-for like re-vegetation on other parts of the site around the development area, resulting in a *net increase in vegetative cover*. This re-vegetation plan has been created with input from both the landscape architect and ecologist.

The LVIA in Appendix 4 describes the site and its landscape context; describes the proposal in detail; and the relevant content and requirements of the Omarino Management Plan. It discusses vegetation removal necessary for the development, and the proposed landscape mitigation and ecological enhancement to offset / mitigate any adverse effects resulting from that vegetation removal.

The LVIA then assesses the impact of the proposed development on landscape and visual amenity values. It concludes that the degree of change will be very small and the proposal will generate less than minor potential adverse visual effects. Overall, there is a low level of effect upon landscape values and the key attributes of the receiving environment. The LVIA concludes that the potential adverse landscape effects will be less than minor. It also concludes that with the mitigation proposed, the proposal will generate less than minor potential adverse effects upon natural character values.

The LVIA discusses the statutory context and that commentary is supplementary to that contained in this planning report, in terms of objectives and policies in district, regional, and national policy planning instruments.

Refer to the LVIA, section 6.1, for an assessment of the proposal against the criteria listed under Rule 12.1.6.2.1.

Summary

In summary, I refer you to section 7 of the LVIA where the conclusion states that potential adverse effects will be less than minor; that the proposal is generally in accordance with the Omarino Management Plan and associated Design Guidelines which will ensure that the development is sympathetic to the landscape and character of the property as a whole; and the development is sensitive to the coastal environment it is located within, and is consistent with the relevant assessment criteria, objectives and policies of the ODP, PDP and NZCPS and RPA.

7.3 Effects on Indigenous vegetation and habitat (including waterbodies)

Refer to both the LVIA and Ecological Assessment in Appendices 4 & 5 respectively.

The proposal necessitates re-development / upgrading of an existing culvert and in-filling a small portion of the existing stormwater pond. These works potentially impact the inland wetland into which the existing culvert discharges, and on the stormwater attenuation within, and discharge from, the site. No works are being carried out within the inland wetland. The existing culverts are not being extended and no new structures, earthworks or vegetation clearance is occurring in the wetland.

The stormwater management design proposed will result in a lesser peak flow (flow volume and velocity) leaving the site than currently. No changes to the hydraulic functionality of the wetland is envisaged.

The Ecological Assessment in Appendix 5 confirms that the indigenous vegetation proposed to be removed is not 'significant'. Effects of such clearance are negligible. Any loss of indigenous vegetation through permanent clearance is more than offset by proposed re-vegetation – refer to Appendices 4 & 5.

The stormwater pond is not an inland wetland by definition. However, it does fall within the broad definition of "river" as contained in the RMA, because historically there was a flowing water course where the stormwater pond now sits. The proposal includes in-filling a small part of the stormwater pond in order to support the extended hardstand area, allowing for onsite vehicle manoeuvring. This is technically 'reclamation' of river bed, albeit the stormwater pond has ceased functioning as a flowing 'river' for quite some time.

The proposal also includes extending the existing culverts underneath/through that in-fill in order that they continue to drain/ manage runoff collected in the stormwater pond. These physical works (along with the vegetation clearance) trigger consenting requirements under regional and national planning instruments, administered by the NRC.

The additional impermeable surface coverage and earthworks also breach District plan rules.

The Ecological Assessment in Appendix 5 concludes that offset is the practicable primary form of effects management. The clearance of 1,535m² of vegetation is more offset by proposed re-vegetation planting. This results in a net gain in area coverage, as well as in indigenous floral diversity, restoration of pattern, and integrity. Omarino has on-site management, highly experienced in enacting / implementing the proposed re-vegetation plantings.

The culvert extensions cannot provide fish passage but do not do so now. The proposed extensions, therefore, represents no change to the current status.

Subject to the hydraulic neutrality provided in engineering design, the natural inland wetland into which the existing culverts discharge, will not be subject to adverse effects. The proposal is to be undertaken with regard to the long term functionality and integrity of the wider environment, recognising the connectivity of the site waterways.

Overall, the ecological assessment concludes that the proposal will result in a level of effects that can be addressed through the environmental management effects hierarchy, to obtain *a very low impact, or less than minor level of effects.*

7.4 Access to the Coastal Marine Area

In terms of the boundary adjustment, Lot 18 is a jointly owned access and facilities lot and is greater than 4ha in area. It will remain greater than 4ha. Lot 15 does not adjoin the coastal marine area and is (and will remain) greater than 4ha in area. The proposal does not therefore trigger any requirement for public access.

The primary intent of the boat sheds is to provide safe and secure storage for crafts. There is no expectation or requirement for this proposal to provide for any additional public access.

7.5 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.**

The LVIA in Appendix 4 also assesses the visual impact of proposed earthworks. Where cut and fill batters are used, the earthworks will be re-vegetated with indigenous plantings as shown on the Landscape Plan in the LVIA. The proposed landscape plantings will mitigate the potential adverse landscape and visual effects of earthworks so that the outstanding landscape values of the property and surrounding landscape are maintained.

A Site Suitability & Development Report has been provided in support of this application - refer to Appendix 6. The estimated total volume of cut is 2697.58m³, and fill volume of 172.31m³, resulting in net earthworks volume of 2525.27m³, over an area of 1534.14m². The Report contains details of earthworks, retaining wall structures, and an Environmental Silt Control Plan. The Report's section 6 contains Earthworks Recommendations – addressing site preparation, cut batter slopes, engineered fill, site drainage and foundation preparation.

There is no archaeological site within 160m of the development area, therefore no need to define any 10m perimeter area prior to any earthworks commencing. Earthworks will be subject to the Accidental Discovery Protocol and be carried out in accordance with Erosion and Sediment Control measures in compliance with GD05.



The above photos show the area behind the existing development on which the bulk of the earthworks will be carried out.

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.

7.6 Land Stability & Natural Hazards

The Site Suitability & Development Report in Appendix 6 includes site investigations and soil classification, addresses site stability, and makes engineering recommendations in regard to building foundations and retaining walls. The report contains a natural hazards assessment in its section 4.

7.7 Stormwater, wastewater and water supply

Stormwater & Drainage

The percentage coverage exceeds both permitted and controlled activity thresholds applying to the zone. The proposal, however, represents only a 2% overall increase in coverage.

The Site Suitability & Development Report in Appendix 6 contains a comprehensive assessment on stormwater management, proposing on site management and control of stormwater on site such that the flow volume and velocity leaving the site will be less than the current outflow, i.e. an improvement / positive effect.

The on-site works being proposed will require consent pursuant to both the PNRP and the NES-F. Application to the NRC is being made concurrently with this application to the FNDC.

Wastewater (Effluent Disposal)

There is an existing on site wastewater system serving the staff room space within the implement shed. This is functioning to specification and will not be changed. It will not be impacted by proposed stormwater management and all components will remain within the boundaries of an adjusted Lot 18.

Water Supply

The site is not reticulated. Currently water supply is via roof catchment into storage tanks, with sufficient volume proposed for all uses – potable, non potable and dedicated fire fighting supply.

7.8 Archaeological/cultural Effects

The original Omarino Management Plan subdivision was subject to a comprehensive archaeological assessment and survey. No archaeological site is identified within the area of development, the nearest being Q06/1302, located 160m north of the development area, adjacent to an existing access road. This is described as a “midden”, located “on the northeast side of the road that branches west from the main drive, above the nursery at a crossroad of two tracks halfway up the hill”.

The ADP protocol will apply and Erosion and Sediment Control will be undertaken in accordance with GD/05, as required by the PDP.

The development is immediately adjacent to existing development. It is proposed to replace any indigenous vegetation cleared, with new plantings elsewhere. The culvert upgrade and in-fill works will be carried out so as to minimise adverse effects downstream of the site. There will be no adverse effects on the waters within the coastal marine area.

In summary I believe potential adverse effects on heritage or cultural values will be less than minor.

8.0 ASSESSMENT OF ENVIRONMENTAL EFFECTS – SUBDIVISION

The boundary adjustment subdivision has been assessed as requiring consent as a discretionary activity, solely because of a minor boundary setback breach. In all other aspects it meets the controlled activity criteria. The following AEE is provided to the level of detail commensurate with the nature of the proposal.

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

The adjusted lots remain large. The pre approved building envelope within Lot 15 is not affected. Lot 18, now slightly enlarged, remains of a suitable size and shape to accommodate the shared facilities proposed.

8.2 Natural and other hazards

No development is occurring within any area identified as subject to Coastal or River Flood Hazard. The site is not identified as being subject to erosion either due to its geology/ soil type & topography or by proximity to the coast. No habitable buildings are proposed. Development has already occurred on the site and the proposal represents additions to that development as opposed to new development on a new vacant site. No hazard related issues were encountered with any previous building works.

The application is accompanied by engineering assessment – refer to Appendix 6. In summary there is no hazard that precludes the proposed development from proceeding.

8.3 Water Supply

Refer to Section 7.7 above. Water supply at the site is existing, via roof catchment to tanks. It is proposed to re-locate two existing tanks beside the existing boat shed building, and add an additional tank.

8.4 Stormwater Disposal

Refer to Section 7.7 above.

8.5 Sanitary Sewage Disposal

Refer to Section 7.7 above. The existing development is already serviced by on-site wastewater treatment and disposal. No change to the existing system is proposed. There is no danger of the existing system now having a component outside of lot boundaries because of the boundary change, given that the change increases the area of Lot 18, not decreases.

8.6 Energy Supply (including transmission lines) and Telecommunications

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

8.7 Easements for any Purpose

No new or varied easements are proposed or required because of the boundary adjustment. All existing easements will carry over as appropriate.

8.8 Property Access

The boundary adjustment makes no change to existing (consented) access. An appropriately dimensioned concrete apron will be formed to enable safe boat trailer manoeuvring within the development area.

8.9 Effects of Earthworks and Utilities

No new utilities are required or proposed. Refer to section 7.5 above in regard to earthworks.

8.10 Building Locations

The expanded and off set additional boat shed buildings are located in the most practical locations within the greater developed portion of the utility area. They are non habitable buildings. They will be constructed pursuant to recommendations from a suitably qualified geotechnical engineer in regard to foundations and footings. A FFL of 7.1m ASL is proposed, well above those recommended in either the Regional Policy Statement or Proposed District Plan.

8.11 Preservation and Enhancement of Heritage Resources, Vegetation, Fauna and Landscape, and Land Set Aside for Conservation Purposes

The boundary adjustment itself has nil impact on heritage resources, vegetation, fauna and landscape. The land use component of this combined application is of more relevance in regard to these matters - refer to Section 7 of this Report. The conclusion is that the effects of the proposal on vegetation, fauna and landscape will be less than minor.

8.12 Soil

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

8.13 Access to Waterbodies

The activity is on private land. Lot 18 is well in excess of 4ha in area. There is no requirement for the provision of access to water bodies. None is proposed.

8.14 Land Use Incompatibility

The development is proposed within an existing consented shared utilities area. The development is to provide additional shared facilities. No land use incompatibility effects arise.

8.15 Proximity to Airports

The site is not near any airport.

8.15 Natural Character of the Coastal Environment

The site is within the coastal environment. The additional development is in close proximity to existing built development. The boundary adjustment has nil impact on the natural character of the coastal environment. Refer to the AEE in Section 7.0 above and to the LVIA attached in Appendix 4.

9.0 OTHER EFFECTS

Precedent & Cumulative Effects

The precedent to make amendments to aspects of the Omarino Management Plan has already been set with other development proposals for other lots, both in terms of development within lots and boundary adjustments. The amendments in this instance are minor and do not set any adverse or negative precedent. The construction of boat sheds is an anticipated use of land in Lot 18. To reduce effects on the environment, a decision was made to transfer a small amount of land from the adjacent Lot 15 to being part of the shared access Lot 18 and more comfortably accommodate shared boat shed facilities.

The proposed development is in close proximity to, and enhances, existing shared facilities. It is consistent with the aims of the Management Plan. The development site cannot be seen from any public viewing point. I do not consider the development, as proposed, will create any adverse cumulative effect.

A boundary adjustment between two Omarino lots is not without precedent, there having already been such an adjustment between Lots 16 and 25 to the south of the application site – refer to RC 2170293-RMASUB.

10.0 STATUTORY ASSESSMENT

10.1 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, 12.2 & 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 expand and enhance existing facilities within the existing shared facilities allotment. It is an appropriate use on such an allotment. It remains consistent with the Management Plan and adverse effects are readily avoided, remedied or mitigated.

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

The Omarino development has involved substantive re-vegetation and ongoing pest plant and animal management and control. This will continue. The building envelope and curtilage area within Lot 15, and its associated landscaping / plantings remain unaffected. The proposed additional boat sheds are appropriately designed and located so as to have minimal adverse effects. No significant areas of indigenous vegetation or habitat are being destroyed. The development cannot be seen from any public viewing point. 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 this proposed development is consistent with the original purpose and use of the shared utilities lot. It does not promote development on any of the privately owned lots (other than a small part of Lot 15 which is proposed to be transferred to Lot 18). It therefore does not change anything in regard to the anticipated development within those lots.

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 esplanade reserve, neither is it required to.

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 10.4 and 10.6 later in this report and to the LVIA, section 6.

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 represents expansion of existing facilities as opposed to being brand new development outside of, or beyond, areas anticipated to be developed in the original Management Plan. The proposal does not represent sprawling or sporadic development.

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 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. Archaeological sites have been previously identified and none are located within the area of proposed development.

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.

No development is taking place in any area mapped as being subject to coastal hazard. No residential unit is proposed.

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. Sufficient capacity will be provided for.

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. The Site Suitability and Development Report supporting the application contains other recommended measures to address the matters raised in Policy 10.4.11.

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. There are no buildings on any skyline or ridgeline, or headland or natural feature. The development is an expansion as opposed to a new development. The site will continue to be landscaped. The buildings are designed to be consistent with the existing buildings (and with the management plan requirements). Access, manoeuvring and parking areas are existing, with small expansion to provide for turning arc associated with the additional sheds.

The objectives and policies applying to the General Coastal Zone are repetitive of those applying to the Coastal Environment, particularly to those parts of the coast that still display a degree of natural character. Consistent with my commentary under the Coastal Environmental Objectives and Policies above, I believe the proposal to be consistent with the General Coastal objectives and policies. Refer also to Section 6 of the LVIA supporting this application.

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.

A small amount of clearance of indigenous vegetation is required to create the new building platform and turning area. Additional and replacement plantings are proposed, resulting in a net gain. Effects are less than minor. Other indigenous vegetation within the application site remains protected.

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 archaeological sites near the development area. In any event the Accidental Discovery Protocol (ADP) will apply. There are no listed heritage buildings or objects, or notable trees, in the District Plan's schedules.

I believe that with the proposed landscape planting, 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.

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); 12.2 Indigenous Vegetation Clearance; and 12.3 (Soils and Minerals). Refer also to the LVIA's Section 6.

12.1.3 OBJECTIVES (Landscape and Natural Features)

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

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

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

and

12.1.4 POLICIES

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

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

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

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

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

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

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

12.1.4.10 That landscape values be protected by encouraging development that takes in account:

(a) the rarity or value of the landscape and/or landscape features;

(b) the visibility of the development;

(c) important views as seen from public vantage points on a public road, public reserve, the foreshore and the coastal marine area;

(d) the desirability of avoiding adverse effects on the elements that contribute to the distinctive character of the coastal landscapes, especially outstanding landscapes and natural features, ridges and headlands or those features that have significant amenity value;

(e) the contribution of natural patterns, composition and extensive cover of indigenous vegetation to landscape values;

(f) Maori cultural values associated with landscapes;

(g) the importance of the activity in enabling people and communities to provide for their social, economic and cultural well-being.

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

The Omarino Management Plan's Design & Landscape Guidelines aim to ensure that proposed buildings and related earthworks retain, conserve and enhance the character of Omarino. The proposal has no impact on Lot 15's obligations under the Management Plan in terms of its future residential development. 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.

The ODP's indigenous vegetation policies and objectives are aimed at maintaining and enhancing the life supporting capacity of ecosystems; the promotion of active management and the promotion of an ethic of stewardship. One only has to visit Omarino to see first hand that the development is consistent with these policies and objectives. The indigenous vegetation within the overall site is actively managed, with replacement plantings where and when needed, and ongoing pest and weed management.

Policy 12.2.4.4 also provides for a limited amount of clearance of indigenous vegetation, which is the case with this proposal where a very small area of vegetation (when compared to the overall area) will need to be cleared.

The Management Plan imposes ongoing responsibilities on all lot owners in regard to vegetation and habitat, and these will continue.

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.

Objectives and policies relating to soils and minerals (excavation/filling in this instance) aim to avoid, remedy or mitigate adverse effects associated with excavation and filling. This is readily achieved in terms of this proposal.

10.2 Proposed District Plan Objectives and Policies

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

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

Objectives

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.

There is no highly productive land, and there are no productive land use activities and therefore no rural working environment. The proposal does not exacerbate natural hazards and the site can be serviced by on-site infrastructure.

Policies

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.

No new 'sensitive' activity is proposed.

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, but does have amenity values, all of which will continue to be maintained.

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 proposal is consistent with clauses c through e. In regard to part a, whilst the activity is not primary production, it is nonetheless "compatible" with the character and amenity of the RP Zone in this location. Clause b is not overly relevant in a situation where the activity is to

be located in the jointly owned utilities lot. It is not more appropriately located anywhere else.

RPROZP6

Avoid subdivision that:.....

Not overly relevant in the circumstances and noting that it is only a small area of land that is shifting from one lot to another. No fragmentation or sterilisation of soils results and there is nil impact on the productive capacity of any land.

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.*

As far as I can ascertain, no resource consent is required under the PDP and the above policy is therefore of limited relevance. The activity will not increase the production potential of the zone because the site cannot be used for rural production use. The activity does not rely on the productive nature of the soil. The level of development is consistent with the scale and character of some parts of the District's Rural Production Zone. The location, scale and design of buildings is considered appropriate for the site, no reverse sensitivity effects arise, and there will be no loss of highly productive land or fragmentation. Onsite infrastructure can be provided and the roading infrastructure providing access to the site is already existing and adequate.

The underlying consent requires the consideration of the effects on historic heritage and cultural values and the application has also carefully considered effects on natural features, landscapes and indigenous vegetation.

Of more relevance in assessing this proposal are objectives and policies in the PDP relevant to the coastal nature of the site. The site where the development is to occur is mapped in the

PDP as being within the coastal environment. The development site is not mapped in the PDP as having any outstanding natural landscape or high natural character values.

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 proposal has nil effect on natural character values. It maintains the characteristics and qualities of the coastal environment in this location. It is consistent with the surrounding land use and does not represent urban sprawl. Natural character values and tangata whenua needs continue to be maintained through the Management Plan applying to the site.

Only some policies applying to the coastal environment have relevance to the application site and proposal. Policy CE-P1 is not relevant to a specific development within a specific site. Policies CE-P2 and P3 refer to outstanding natural character and outstanding landscape areas, and the area proposed for development is not mapped as either. 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-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.*

The proposed development is consolidated around existing development thereby avoiding 'sprawl'.

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

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

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 proposal has taken into account any relevant matters above. 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. 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.
- Only minimal vegetation clearance is proposed, with replacement landscape planting proposed between buildings and drip line.
- It is not believed that the proposal will exacerbate natural hazards.
- Historical, spiritual and cultural values were canvassed during the original subdivision and development will not adversely affect these values.
- There is no opportunity or need 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.

Whilst part of Lot 18 is mapped as being subject to coastal flood hazard, the area of development is outside that area. I have not, therefore, given regard to the PDP's natural hazards objectives and policies.

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

SUB-O1

Subdivision results in the efficient use of land, which:

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

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

SUB-O2

Subdivision provides for the:

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

The site contains no highly productive land. The development site contains no Outstanding Natural Features, Outstanding Natural Landscapes, Areas of High Natural Character, Outstanding Natural Character, Significant Natural Areas, Sites and Areas of Significance to Māori, or Historic Heritage. The property is within the Coastal Environment and works will be carried out near a wetland. An assessment of effects in regard to these two aspects is contained within this planning report and supporting technical reports. The proposed boundary adjustment will have less than minor impact on either the coastal environment or the wetland.

SUB-O3

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

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

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

SUB-O4

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

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

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

SUB-P1

Enable boundary adjustments that:

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

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

SUB-P2

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

Not applicable.

SUB-P3

Provide for subdivision where it results in allotments that:

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

The subdivision is a boundary adjustment only, not altering the average lot size provided for under the ODP's Management Plan provisions.

SUB-P4

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

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

SUB-P5

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

Not applicable.

SUB-P6

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

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

No new infrastructure is required.

SUB- P7

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

Not applicable.

SUB-P8

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

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

N/A. Boundary adjustment only.

SUB-P9

Avoid subdivision rural lifestyle subdivision in the Rural Production zone and Rural residential subdivision in the Rural Lifestyle zone unless the development achieves the environmental outcomes required in the management plan subdivision rule.

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

SUB-P10

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

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

SUB-P11

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

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

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

10.3 Part 2 Matters

5 Purpose

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

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

6 Matters of national importance

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

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

I consider the proposal to be an appropriate level of development for a site of this nature in the coastal environment. The site is mapped as an Outstanding Landscape in the ODP, but not in the PDP (and not in the Regional Policy Statement –the higher order document). Areas of significant indigenous vegetation within the overall site will not be adversely affected and the proposal includes a net gain in vegetation planting in the area of the development. The proposal has had regard to the relationship of Maori with their ancestral lands, water and sites. There are no significant risks from natural hazards associated with the development

7 Other matters

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

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

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

8 Treaty of Waitangi

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

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

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

10.4 NZ Coastal Policy Statement

Refer also to section 6.3 of the LVIA. The NZ Coastal Policy Statement (NZCPS) has relevance to this proposal due to the property's location. 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 sites were created 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 being the most appropriate in order to preserve and protect natural character and outstanding landscape values as much as possible. Specific design guidelines complement this intent. The jointly owned utilities lot was intended to contain shared infrastructure (access) and facilities (boat sheds). The proposal, whilst a new

land use consent, builds next to existing built environment and does not negatively impact on natural character values.

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 is generally consistent with the Omarino Management Plan's design guidelines. Adverse visual impact is minimised as a result, with no built development on headlands or ridgelines. The buildings are set well back from the coastal marine area boundary.

Policy 11: Indigenous biological diversity (biodiversity)

To protect indigenous biological diversity in the coastal environment:

(a) avoid adverse effects of activities on:

(i) indigenous taxa⁴ that are listed as threatened⁵ or at risk in the New Zealand Threat Classification System lists;

(ii) taxa that are listed by the International Union for Conservation of Nature and Natural Resources as threatened;

(iii) indigenous ecosystems and vegetation types that are threatened in the coastal environment, or are naturally rare;

(iv) habitats of indigenous species where the species are at the limit of their natural range, or are naturally rare;

(v) areas containing nationally significant examples of indigenous community types; and

(vi) areas set aside for full or partial protection of indigenous biological diversity under other legislation; and

(b) avoid significant adverse effects and avoid, remedy or mitigate other adverse effects of activities on:

(i) areas of predominantly indigenous vegetation in the coastal environment;

(ii) habitats in the coastal environment that are important during the vulnerable life stages of indigenous species;

(iii) indigenous ecosystems and habitats that are only found in the coastal environment and are particularly vulnerable to modification, including estuaries, lagoons, coastal wetlands, dunelands, intertidal zones, rocky reef systems, eelgrass and saltmarsh;

(iv) habitats of indigenous species in the coastal environment that are important for recreational, commercial, traditional or cultural purposes; (v) habitats, including areas and routes, important to migratory species; and (vi) ecological corridors, and areas important for linking or maintaining biological values identified under this policy

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 proposed environmental management hierarchy approach, primarily focusing on off setting, is consistent with Policy 11 above. Policies 13-15 are all relevant to the proposal. The site does not display any outstanding natural character values. The proposal is intended to add to shared facilities, generally consistent with the original Management Plan in terms of design and location, 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.

10.5 National Environmental Standard – Freshwater (NES-F)

Consent is required pursuant to the NES F because of works in proximity to a natural inland wetland and in a 'river bed' (albeit now a stormwater pond). It should be noted that the site already has overland flow and culvert outlets into the natural inland wetland, established prior to the NES F coming into effect. The additional stormwater runoff resulting from increased impermeable surfaces will be carefully managed such that the post development flow volume and velocity is able to be attenuated to no more than, and likely less than, the existing. Erosion and sediment control measures will be established and remain in place during construction works.

The NES F is administered by the Northland Regional Council and separate application is being / has been lodged.

10.6 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". The building site and development area sit outside any

area identified as having High or Outstanding Natural Values, or outstanding landscape values, in the Regional Policy Statement's or PDP's maps.

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. Archaeological sites identified on the property will continue to be protected.

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 are discussed below.

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.

4.6.1 Policy – Managing effects on the characteristics and qualities natural character, natural features and landscapes

(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.

The site is coastal. The site was created with the expectation of being developed to accommodate shared facilities for the property owners in Omarino. The proposal has minimal impact on indigenous biodiversity or natural character values.

Policies in section 7 of the Regional Policy Statement relate to natural hazards. Given that the development area is outside a mapped coastal hazard area, and no habitable buildings are proposed in any event, I consider the proposal to be consistent with the RPS' Section 7.

10.7 Proposed Regional Plan (Appeals Version)

Consent is required under the Proposed Northland Regional Plan (PNRP) and separate application is being lodged with the NRC accordingly.

11.0 s95A-E ASSESSMENT

11.1 S95A Public Notification Assessment

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

Step 4 of s95A states that the consent authority is to determine if there are any special circumstances under which public notification may be warranted. I do not consider any such circumstances exist.

11.2 S95B Limited Notification Assessment

A consent authority must follow the steps set out in s95B to determine whether to give limited notification of an application for a resource consent, if the application is not publicly notified pursuant to s95A. Step 1 identifies certain affected groups and affected persons that must be notified. None exist in this instance.

Step 2 of s95B specifies the circumstances that preclude limited notification. No such circumstance exists and Step 3 of s95B must be considered. This specifies that certain other affected persons must be notified. The application is not for a boundary activity (by definition in the Act). The s95E assessment below concludes that there are no affected persons to be notified. There is no requirement to limited notify the application pursuant to Step 3.

Step 4 of s95B states that the consent authority is to determine if there are any special circumstances under which limited notification may be warranted. I do not consider any such circumstances exist.

11.3 S95D Level of Adverse Effects

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

11.4 S95E Affected Persons

A person is an 'affected person' if the consent authority decides that the activity's adverse effects on the person are minor or more than minor (but are not less than minor). A person is not an affected person if they have provided written approval for the proposed activity. No written approvals have been sought in this instance.

The activity is a discretionary activity and within the expected outcomes of a boundary adjustment subdivision and development on this site. The built development is occurring as part of the shared utilities enjoyed by all lot owners within the development. As such I have not identified any affected persons in regard to adjacent properties or shared ownership of Lot 18.

The proposal is not new development on any of the privately owned sites, but rather an expansion of existing facilities development within a shared facilities lot. The site does not contain any archaeological site. I am advised that the architectural design does not require the approval of the Design Committee, but the design is nonetheless completely consistent with the existing built environment design. The site is not adjacent to any land administered by the Department of Conservation. In this instance, which I see as quite different to new development occurring within privately owned lots and within the pre-determined building envelopes, I do not believe that pre lodgement consultation is required with tangata whenua, Heritage NZ, or Department of Conservation.

12.0 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 to the boundary adjustment subdivision, on a non notified basis, subject to appropriate conditions.



Lynley Newport
Senior Planner
Thomson Survey Ltd

Date 21st March 2025

13.0 APPENDICES

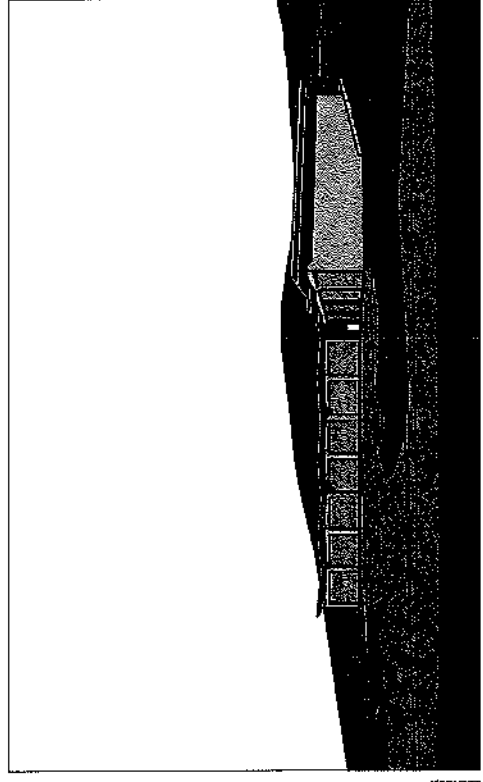
Appendix 1	Architectural and Site Plans
Appendix 2	Scheme Plan(s)
Appendix 3	Location Map
Appendix 4	Landscape Visual Impact Assessment
Appendix 5	Ecological Assessment
Appendix 6	Site Suitability & Development Report
Appendix 7	Records of Title and Relevant Instruments

Appendix 1

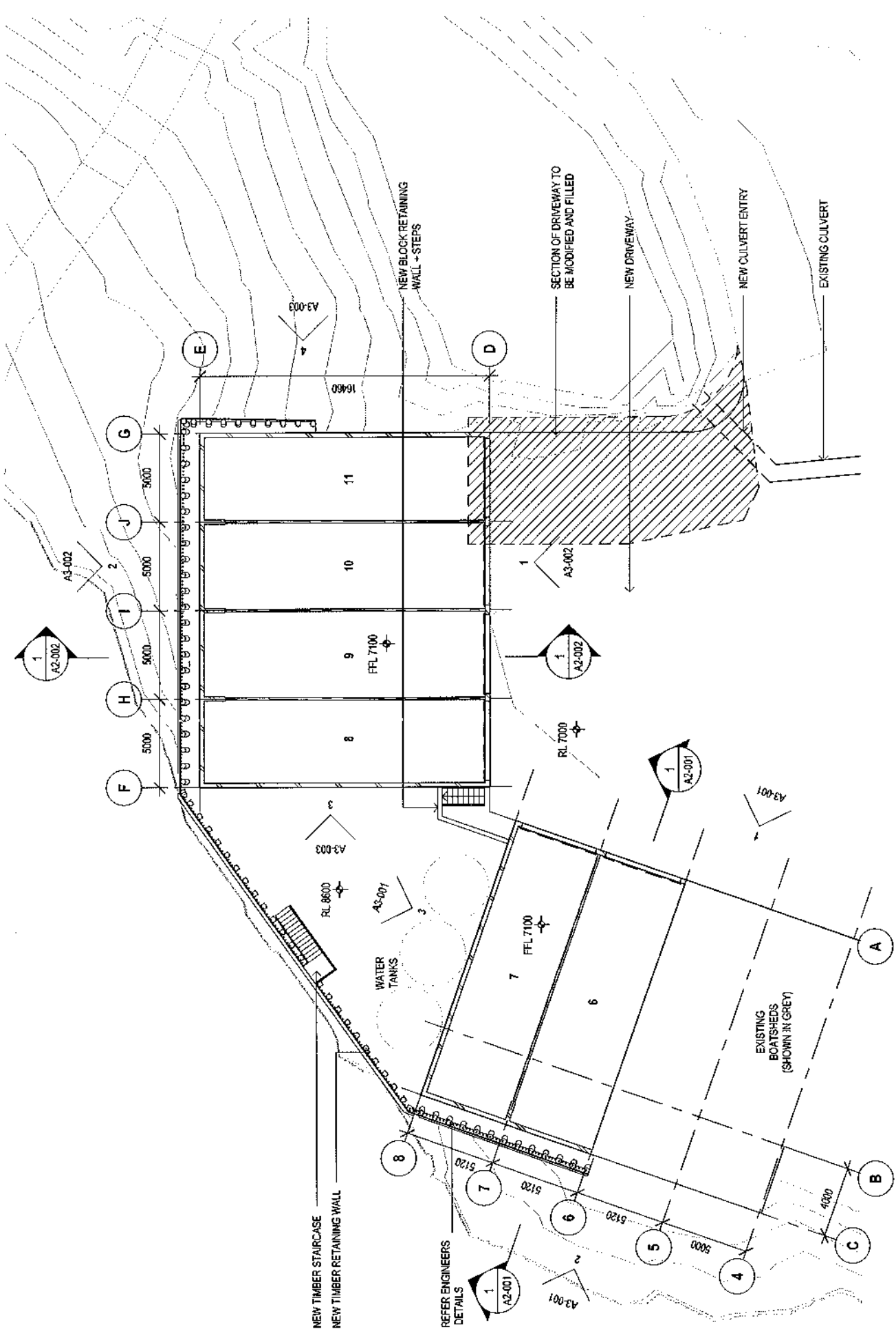
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SHEET NUMBER	SHEET NAME	REVISION	CURRENT STATUS
0100	COVER	A	RESOURCE CONSULTANT
0200	GENERAL NOTES	A	RESOURCE CONSULTANT
0300	PROPOSED LAYOUT	A	RESOURCE CONSULTANT
0400	PROPOSED CONSENT	A	RESOURCE CONSULTANT
0500	PROPOSED CONSENT	A	RESOURCE CONSULTANT
0600	PROPOSED CONSENT	A	RESOURCE CONSULTANT
0700	PROPOSED CONSENT	A	RESOURCE CONSULTANT
0800	PROPOSED CONSENT	A	RESOURCE CONSULTANT
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2000	PROPOSED CONSENT	A	RESOURCE CONSULTANT

OMARINO BOATSHEDS



RESOURCE CONSULTANT



ISSUE	DATE	REVISION	RESOURCE	CONSENT
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RESOURCE CONSENT
1:200 at A3

SHEET
A1-001 A

REVISION

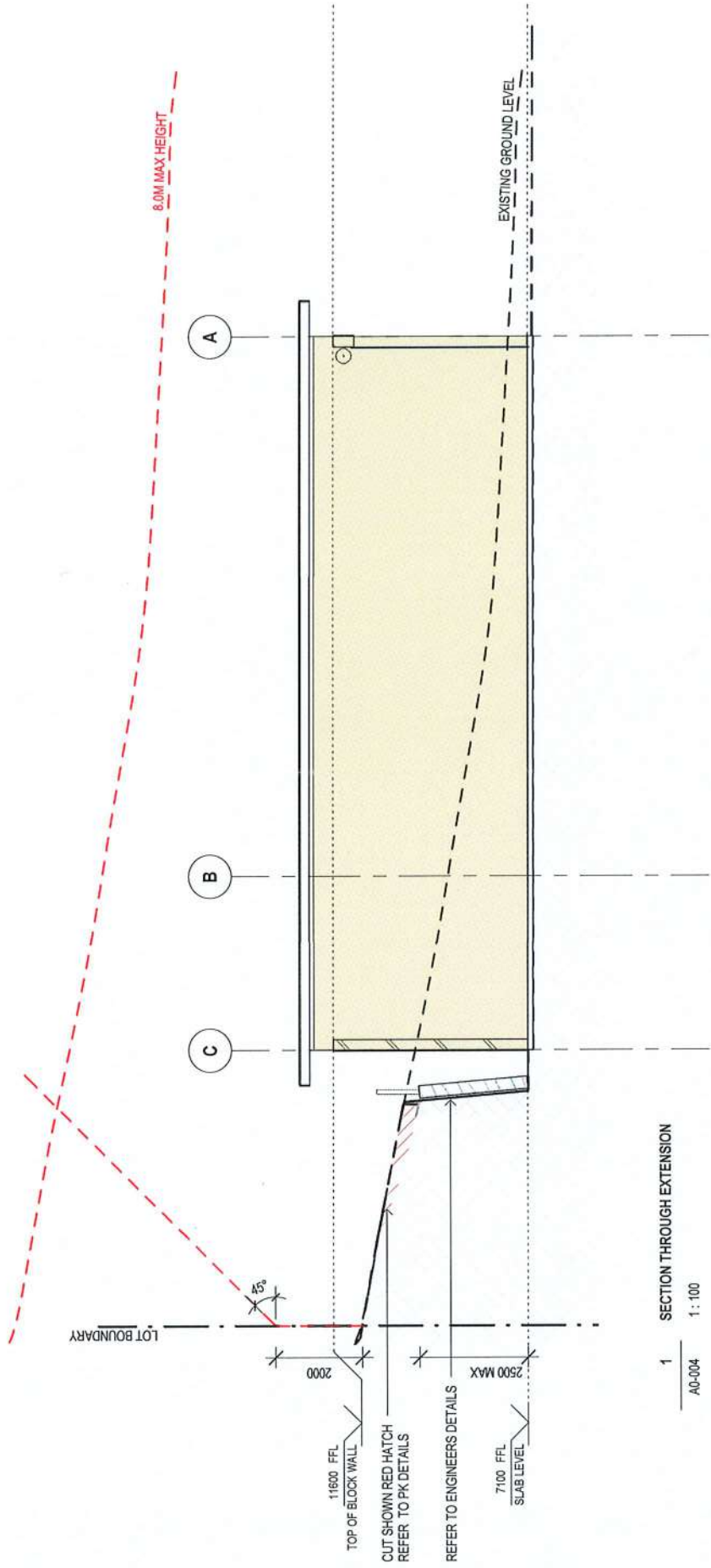
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OMARINO BOATSHEDS
OMARINO

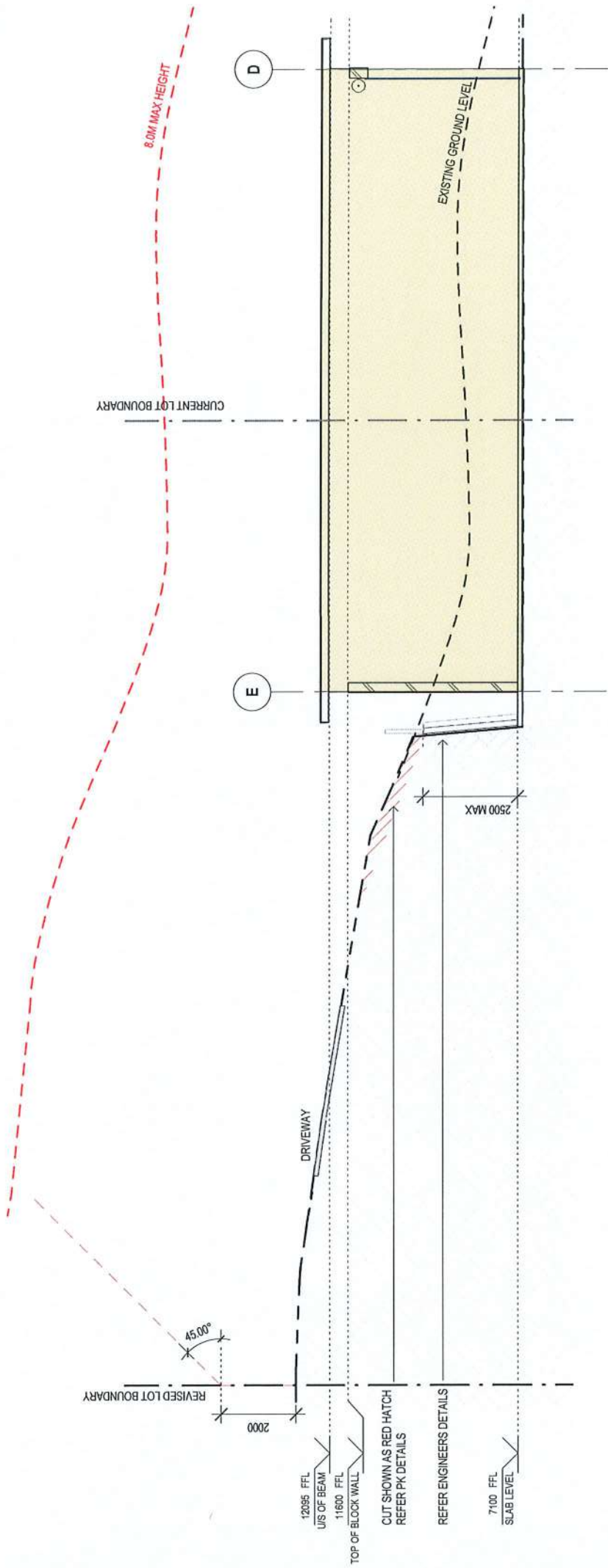
2/55 Miramar Street
Auckland 1021, New Zealand
+64 9 361 2201
mail@bossleyarchitects.co.nz

Bossley Architects

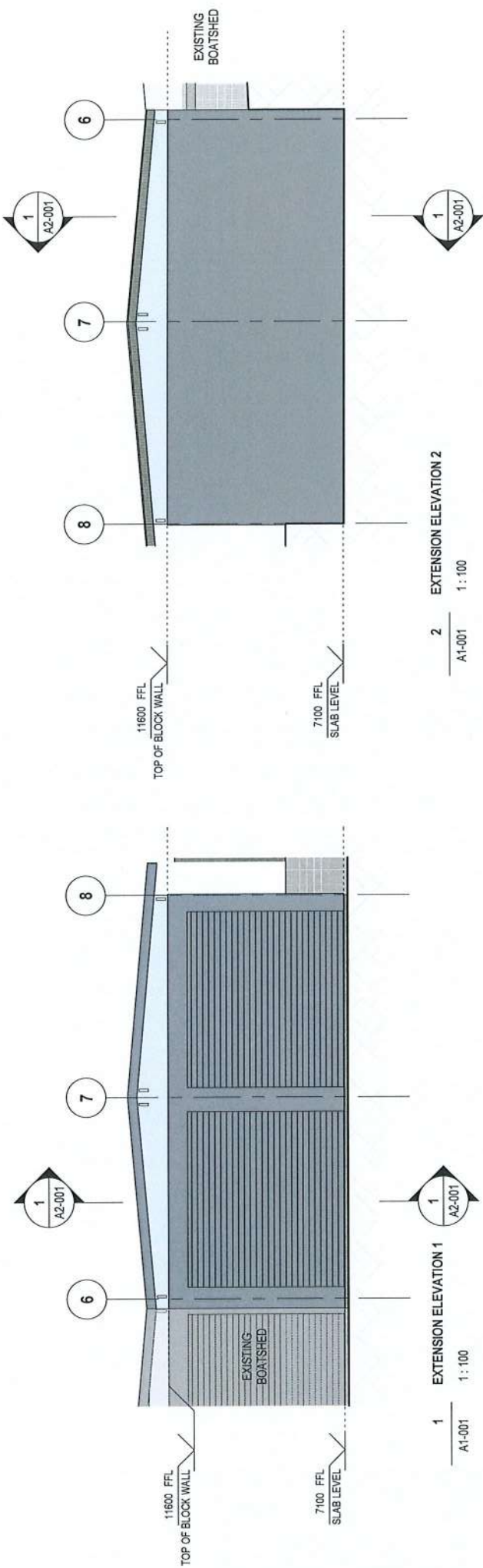
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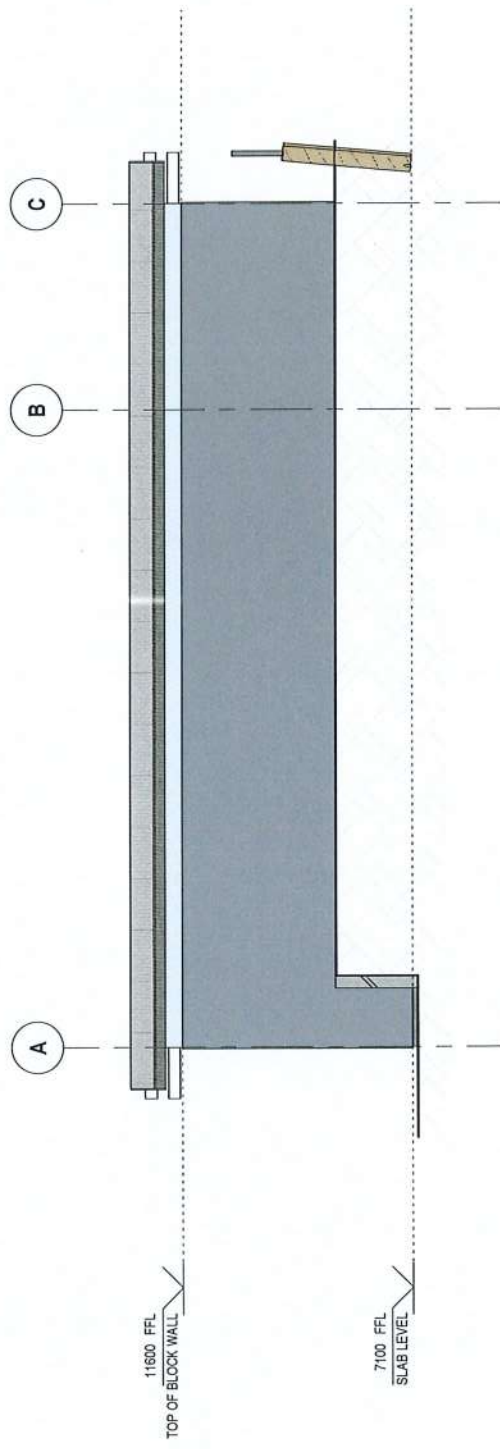


1 SECTION THROUGH NEW BUILDING
AO-004 1:100








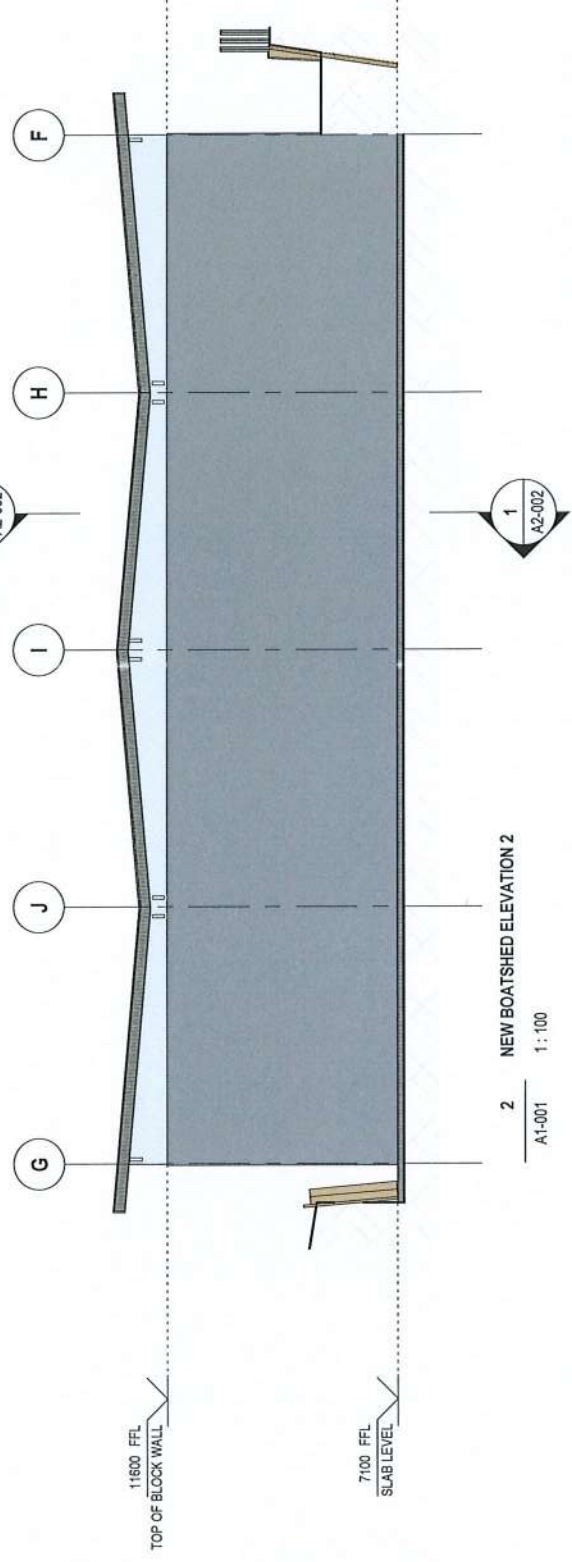
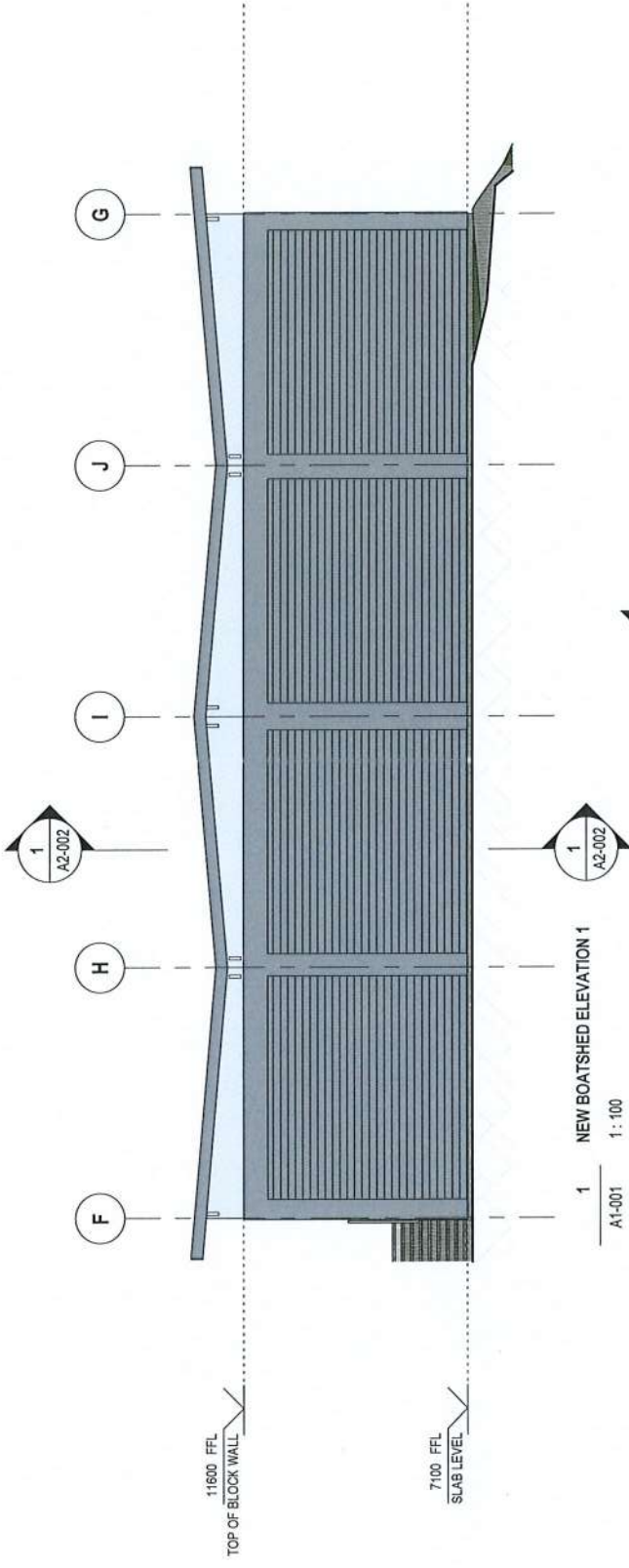
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
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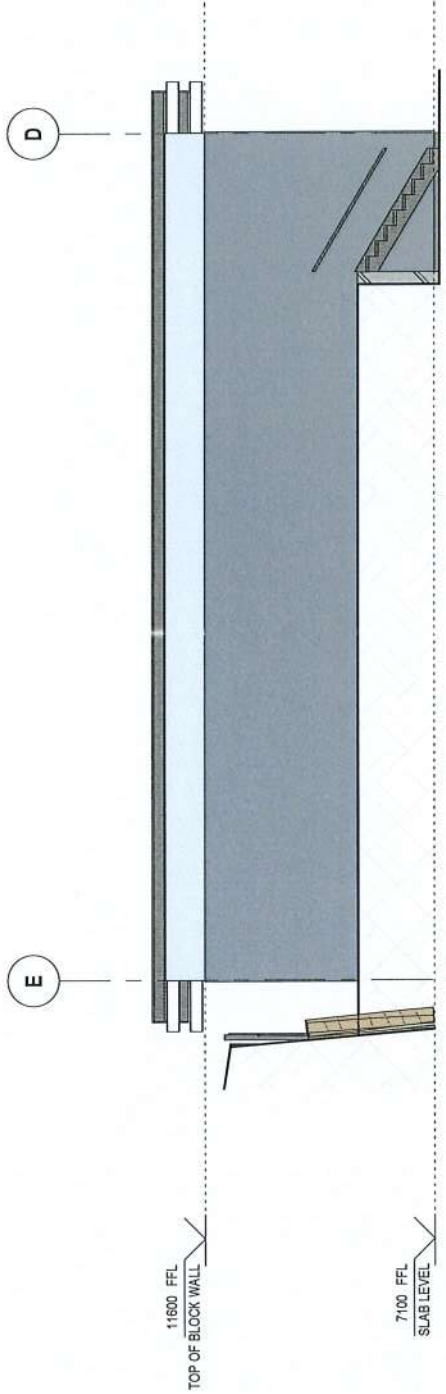


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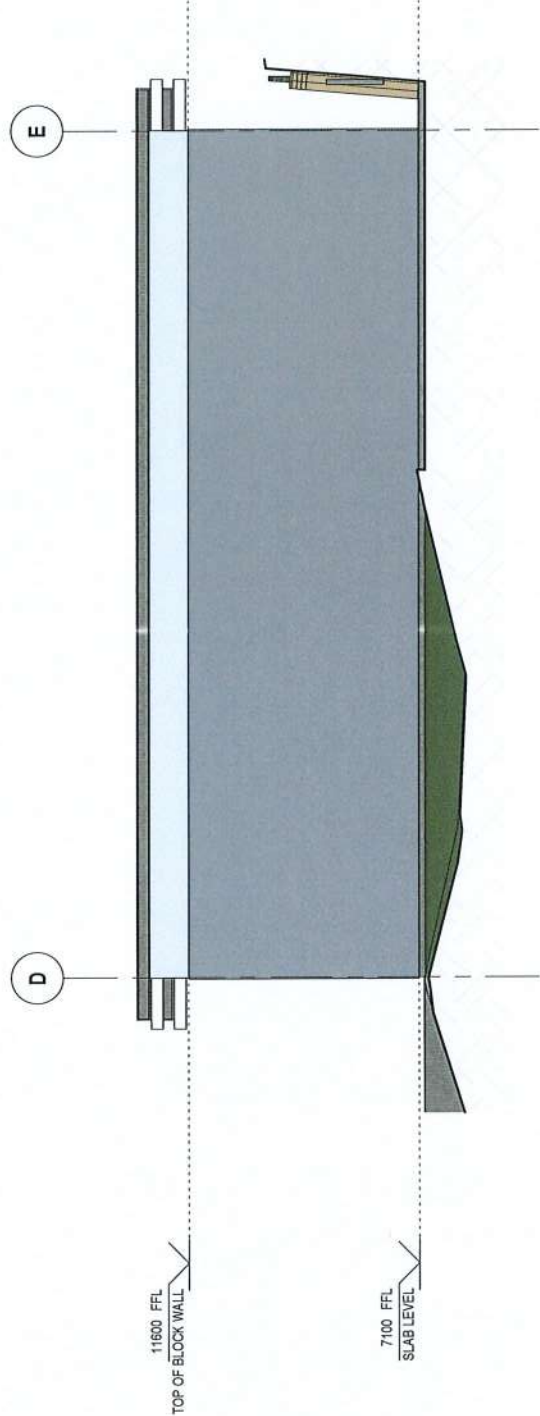
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-  LVL BEAM PAINTED TO MATCH EXISTING
-  OPAQUE GLASS COLOUR TO MATCH EXISTING








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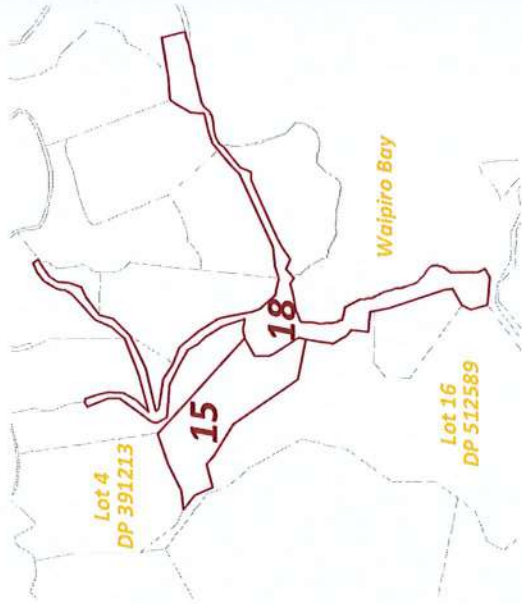


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-  PROFILED METAL ROOFING COLOUR TO MATCH EXISTING
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Appendix 2

Scheme Plan(s)



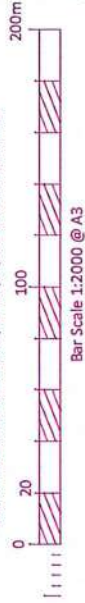
**OVERALL DIAGRAM
PROPORTIONAL**

THIS DRAWING AND DESIGN REMAINS THE PROPERTY OF THOMSON SURVEY LTD AND MAY NOT BE REPRODUCED WITHOUT THE WRITTEN PERMISSION OF THOMSON SURVEY LTD
AREAS AND MEASUREMENTS ARE SUBJECT TO FINAL SURVEY
TOPOGRAPHICAL DETAIL IS APPROXIMATE ONLY AND SCALED FROM AERIAL PHOTOGRAPHY

Local Authority: Far North District Council
Compiised in: 371321, 371322, 371323, 371324, 371325, 371326, 371327, 371328, 371329, 371330, 371331, 372332, 382669, 423436/423437, 791498 & 792499
Total Area: 14,4660ha
Zoning: General Coastal
Resource features: NIL



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



SURVEY		Name		Date		ORIGINAL	
Design	Drawn	KY	KY	22.10.24		SCALE	SHEET SIZE
Approved	Rev	KY	KY	30.10.24		1:2000	A3

Surveyor's Ref. No:
10615
Sheet 1 of 1

**PROPOSED SUBDIVISION OF
LOTS 15 & 18 DP 391213
MANAWAORA ROAD, RUSSELL**

PREPARED FOR: BENTZEN FARM LIMITED

THOMSON SURVEY
LIMITED
Registered Land Surveyors, Planners & Land Development Consultants

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Appendix 3

Location Map



Appendix 4

Landscape Visual Impact Assessment



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Landscape and Visual Effects Assessment Proposed Boat Sheds



Prepared For: Bentzen Farms Ltd

Prepared By: Christine Hawthorn

Date: 7th March 2025



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- Appendix 2 – Development Plans
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- Appendix 4 – Off Site Viewpoints
- Appendix 5 – Landscape Mitigation & Ecological Enhancement Plan
- Appendix 6 – Engineering Plans
- Appendix 7 – Survey Scheme Plan



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1. INTRODUCTION

Hawthorn Landscape Architects Ltd have been engaged by the Bentzen Farms Ltd (applicant) to undertake a landscape and visual impact assessment of the proposed development of six additional boat sheds and hard stand area, with associated earthworks, stormwater management and vegetation removal to be located adjacent to the existing boat sheds.

There is also a subdivision component to the application in the way of a boundary adjustment between Lots 15 and 18.

The development site is located at Lots 15 and 18 accessed from 285 Manawaroa Road, Russell. The property is legally described as Lot 15 DP 391213, with a 1/17th share in Lot 18 DP 391213, contained in Record of Title 423436, dated August 2008.

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

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

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

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



3.0 THE SITE AND ITS LANDSCAPE CONTEXT

3.1 Location

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

The development site is located predominantly on the Utility Lot 18 adjacent to the existing boat sheds that are located next to the maintenance/service compound. Refer to **Appendix 1** – Location and Viewpoint Location Map.

3.2 Neighbourhood Character & Application Site

The application site 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 as shown in **Figure 1**.

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 environment and stunning sea views. There are designated building envelopes and curtilage areas on each of the 17 titles.



Figure 1: Aerial view of the Omarino development (Photo credit: Luxuryrealestate.co.nz)

The Omarino property occupies land forming the western mouth of Parekura Bay including the western shore of Waipiro Bay, Huirangi Inlet, Parorenui Bay, Pareanui 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



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and sandy beaches. Distinct headlands form the three named bays on the northern coastline of the property.

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

Excluding the revegetation established over the last 17 years or so, the more mature indigenous vegetation within Omarino is mostly located along the coastline, in the form of pohutukawa fringed headlands and coastal slopes supporting indigenous shrubland.

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

The 'application site' for the proposed development is adjacent to the existing inland boat sheds where the service utility sheds, and maintenance yard are located. This area is accessed via the main sealed access road within the Omarino development. The existing structures on site include three buildings, including two of which are boats sheds, and one implement storage shed. Refer to **Appendix 3 – On Site Photographs**.

The application site is part of Lot 18 which is a utility lot that accommodates all the accessways within the development as well as recreation facilities as provided for within the original development consent. This includes facilities such as the four existing boat sheds (accommodating 17 boats). Two of the boat sheds (accommodating 9 boats) are located upon the 'application site' currently being assessed.

The other two boat sheds are located near the 'Woolshed' site and accommodate 8 boats. The current proposal will result in 15 boats being accommodated on the application site. The application site is one of two areas at Omarino that currently accommodate boat sheds.

Part of the development of the existing boat sheds included the formation of a man-made stormwater detention pond that has since naturalised with a mix of native and exotic vegetation around it. Refer to the Ecological Assessment for more detail on the vegetation type and habitat quality.

The application site is set on the inland portion of Omarino, on the lower contours and surrounded by existing revegetation plantings that are dominated by a Manuka/Kanuka canopy. The site has a vegetated backdrop when viewed from the coastal aspect and neighbouring properties. This results in the site being quite visually contained, both within the Omarino development and from outside the property.

The area around the existing concrete hardstand area has been landscaped, with a mixture of native and exotic species. There are several multi-branched Pohutukawa



trees, Cabbage trees and Pittosporum trees which provide the first tier of vegetation adjacent to the concrete hardstand.

To the southeast of the existing buildings and proposed site of the new boatsheds a wetland area extends not far from the edge of the existing concrete hardstand, southeast towards the head of Waipiro Bay. There is a separation of approximately 220m between the site and the edge of the Mangroves and open water of Waipiro Bay.

To the south of the existing boatsheds there is a small area of exposed clay resulting from some benched cut batters. Adjacent to this is a small landscape materials yard and an area of scrub along the bush line with several weed species present. This is located predominantly on Lot 15. Refer to **Appendix 3** – On Site Photographs.

4.0 THE APPLICATION

4.1 Proposed Development

The proposed development is for the construction of six additional boat sheds and concrete driveway area adjacent to the existing boats shed, as shown in **Figure 2**.

The proposed boat sheds, new driveway and associated earthworks, stormwater management and vegetation removal will be located mostly within Lot 18 as shown on the Development Plans contained in **Appendix 2** and the Engineers Drawings contained in **Appendix 6**, and Survey Scheme Plan in **Appendix 7**.

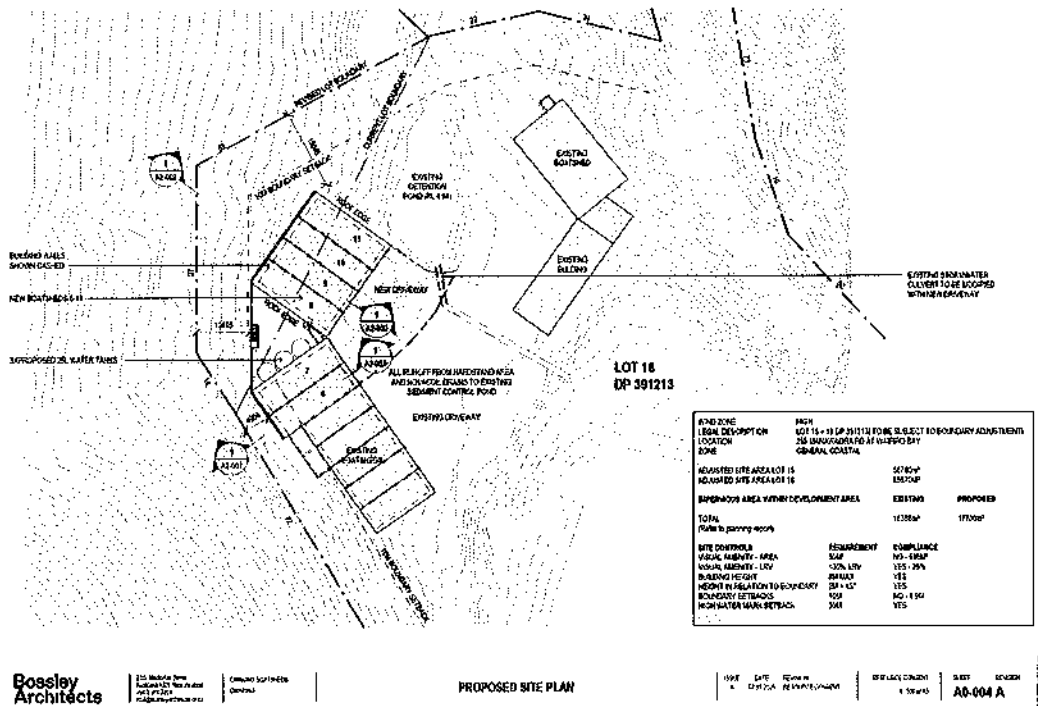
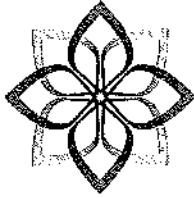


Figure 2: Proposed Site Plan



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Two of the new sheds will be connected to the existing boatsheds on their northern side, while the other 4 sheds will be positioned just to the west of the existing stormwater detention pond. The sheds and concrete driveway will be located within an area that is currently vegetated with re-vegetation plantings. The sheds will look visually like the other boat sheds currently located on the application site. The rooflines will be low pitched, and the exterior cladding will be grey, and recessive as shown on the Development Plans contained in **Appendix 2**.

To enable the development an area of existing vegetation will be removed. This area of predominantly native vegetation is established revegetation plantings. The areas of vegetation removal are illustrated on the Landscape Mitigation and Ecological Enhancement Plan contained in **Appendix 5**.

Earthworks associated with the development are shown on the PK Engineers plans and include areas of cut to create the building platforms, with retaining walls directly rear to the buildings. The existing water tanks will be removed and there will be 3 tanks positioned to the north of proposed sheds 6 and 7. Cut batters will slope back from the top of the retaining walls and be revegetated. The retaining wall heights, earthworks volumes and stormwater management are shown on the PK Engineering plans.

The proposed subdivision consists of a boundary adjustment between the utility Lot 18 which is jointly owned by the Omarino Residents' Association members by way of each having a 1/17th share, and Lot 15 owned by Bentzen's farms Ltd. Refer to Survey Scheme Plan in **Appendix 7**.

As Lot 18 is a utility lot it is not subject to the same requirements as the other lots which accommodate building envelopes and curtilage areas. The Lot 15 building envelope is located well away from the shared boundary with Lot 18 so will be unaffected by the proposed minor boundary adjustment.

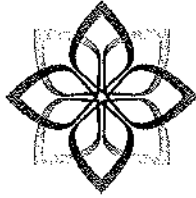
Landscape mitigation and enhancement plantings are proposed as detailed in Section 4.4 of this assessment and as shown on the Landscape Mitigation and Ecological Enhancement Plan attached in **Appendix 5**. This plan incorporates the landscape and visual mitigation measures and the ecological protection measures recommended by Bay Ecological Consultancy Ltd

The proposed plantings have been designed to mitigate the potential adverse landscape, visual amenity and natural character effects of the proposal.

All aspects of the proposal are detailed in full within the AEE prepared by Lynley Newport of Thomson Survey Ltd and the attached plans prepared by Bossley Architects, PK Engineers and the Ecological Assessment prepared by Bay Ecological Consultancy Ltd.

4.2 Omarino Management Plan 2007

The Omarino Management Plan (OMP) was prepared by Boffa Miskell in 2007. It is focused on development on the individual lots, with the purpose of the OMP described in its section 1.0 and is summarised as follows:



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- 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.

Within this it is noted that the OMP also provides for the "*maintenance of roads, tracks, communal buildings and other utilities on the property*". I also note that it requires communal facilities to be used in a manner that respects the neighbours in the Bay. As the proposed boat sheds will be located inland and away from the coastal fringe the use of the boat storage facilities will have little impact upon the surrounding neighbours within the Bay.

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.

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 (on the 17 house sites) 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.



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- 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. Lot 18 is not affected by these, as they are principally directed at the lots which accommodate a designated building envelope, and not specifically the communal utility lot or recreation facilities.

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 contains Landscaping and Planting Guidelines. Although Lot 18 is a shared facilities lot and not subject to the following that apply to the 17 house lots, a portion of the proposed built development will be within the current Lot 15 boundaries.

The Landscaping and Planting Guidelines 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:



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

5.2 PLANTING

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

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

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

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

5.2.1 Structural Planting

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

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

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

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

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

5.2.2 Domestic Planting

Domestic planting can be used within the framework of structural planting, in the immediate environs of the buildings. Planting should largely follow the above guidelines for structural planting. However, being of a smaller scale and visually contained within the framework of the structural planting, the palette of species



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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.

In summary the proposed development has been designed to be generally consistent with the Omarino Management Plan and Design Guidelines.

4.3 Vegetation Removal

The development proposal includes the removal of some areas of existing vegetation as depicted on the Landscape Plan.

The vegetation removal includes existing native revegetation, exotic amenity plants and naturalised native and exotic species. These will be removed to enable the development of the six new boats sheds, associated earthworks and stormwater swales.

The vegetation removal will be offset by revegetation of the bare areas resulting from development earthworks, and the revegetation of other existing bare areas, and enhancement of the surrounding bush areas and wetland edge, as detailed on the landscape Mitigation and Ecological Enhancement Plan contained in **Appendix 5** and the Ecological Assessment prepared by Bay Ecological Consultancy.

4.4 Landscape Mitigation & Ecological Enhancement Plan

To assist with minimising the potential adverse visual, landscape and ecological effects of the proposed development upon the coastal natural character and visual amenity values of the area landscape mitigation and ecological enhancement plantings are proposed for around the development area.

The layout of the proposed landscape planting and species composition has been detailed on the Landscape Mitigation and Enhancement Plan contained in **Appendix 5**, and **Figure 3** below.

The proposed planting albeit not for a house site, is in generally in accordance with Section 5.2 Planting, of the OMP. There is structural planting in the form of revegetation plantings providing a framework linking the development into the surrounding landscape and vegetation patterns.

In addition, existing bare clay areas will be revegetated, and additional areas of planting will provide a thicker buffer between the existing boat shed compound and the nearby wetland areas.

The key features of the proposed landscape enhancement and mitigation planting shown on the Landscape Plan include:

- Revegetation plantings of the bare areas created by the works on Lot 18:
The bare areas created by vegetation removal and earthworks on Lot 18 shall be revegetated with native species to re-establish native vegetation cover around the boat sheds and provide a vegetated backdrop when viewed for the CMA.



- Revegetation of the bare areas and the weed infested area on Lot 15 adjacent to the Lot 18 shared boundary:
The current bare cut batter, any new areas of earthworks and the weed infested area generally shown on the landscape plan within that area on Lot 15 will be revegetated with native species. The existing invasive weeds shall be removed prior to planting.
- Revegetation enhancement to assist with visual mitigation and enhancement of wetland fringe:
The existing strip of vegetation along the southeastern boundary of the existing concrete pad shall be enhanced with native species. This will provide a thicker buffer of vegetation between the wetland area and from views from the east within the CMA. This will assist with the visual mitigation of the proposal and enhancement of the wetland values.
- Proposed Carex Edge Filtration Planting:
The existing strip of grass between the concrete hardstand and the top of the bank shall be mass planted with Carex to assist with sediment filtration.
- Proposed Wetland Revegetation Planting
The area beyond the existing culvert outflow point at the edge of the wetland shall be enhanced with additional wetland species.

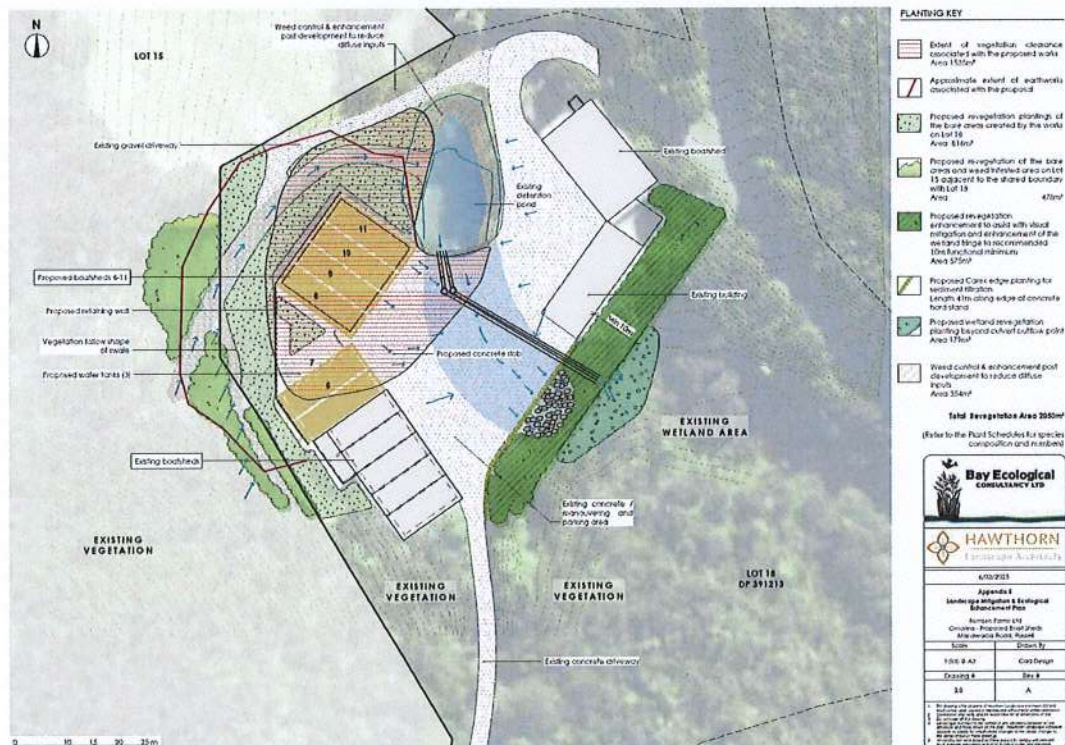


Figure 3: Landscape Mitigation & Ecological Enhancement Plan

5.0 LANDSCAPE AND VISUAL IMPACT ASSESSMENT



5.1 Introduction

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

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

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

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

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

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

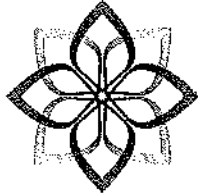
Potential landscape effects of a development can be generated by either landform or land-cover modification or may be more subtle such as influencing the overall pattern of the landscape.

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

5.2 Visual Catchment & Viewing Audience

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

The viewing audience that has the potential to afford views of the site and proposed development is contained within one main visual catchment that extends generally



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to the southeast out across Waipiro Bay. Their view will be constantly changing as they move across the water or along Manawaora Road.

The land based representative viewing position is located on Manawaora Road, approximately 800m away.

Refer to the Location Map contained in Appendix 1 for the location of the viewpoints and Appendix 4 - Off Site Viewpoints. The photograph was 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.

5.3 Visual Impact Analysis

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.

Viewpoint 1

This viewing position is located on Manawaora Road approximately 800m to the southeast of the the existing boat sheds. This viewing position allows a momentary view as a vehicle pass by on Manawaora Road. This view also depicts the likely view of the site for the surrounding landowners, and visitors to Waipiro Bay on boats.

The existing landscape surrounding the proposed boat sheds is highly vegetated, with relatively few built forms present nearby.

The scale of change to the landscape scene will be very small, almost unnoticeable

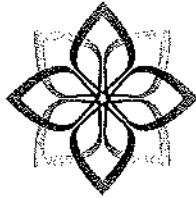
The physical changes on site relating to earthworks, vegetation clearance and the buildings themselves will not be readily noticeable as they will be mostly screened from view. As such the proposal will not result in any change to the present visual amenity or character values of the landscape, as it will hardly be noticeable from Manawaora Road or within Waipiro Bay.

The small area of vegetation removal will not impact upon the surrounding landscape patterns. The degree of change will be very small, and the proposal will generate 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



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

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

Magnitude of Landscape Change

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

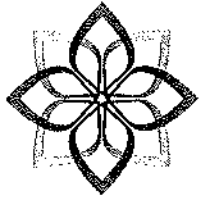
The landscape is sensitive to change due to its relatively undeveloped nature (lack of visible built forms) and continuous vegetation cover.

As the proposal is located on the lower contours of the property it is not highly visible and is mostly screened from view by intervening vegetation. The proposal will be located upon a part of the property that already accommodates the same land use.

The proposal will include a small area of localised earthworks and vegetation clearance or landform modification. The magnitude of change is very small within a much larger landscape setting. The landscape modifications will not influence the overall landscape patterns and attributes.

The proposed revegetation plantings will soften and screen the proposal and also revegetate the bare clay batters that are currently visible behind the existing boat sheds.

The property is mapped in the FNDP as having Outstanding Landscape values. The proposed development is sensitive to this and will not adversely affect the current



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landscape character values of the site. The application site does not have any outstanding natural features or landscapes features mapped on it.

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

5.5 Natural Character Effects

The quality a landscape portrays, and its resulting "natural" character is 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 Omarino property originally was utilised for farming purposes, and the area where the existing boat sheds are located and the area for the proposed boat sheds has been modified from its original bush cover by those farming practices.

The aerial image shown in **Figure 4** illustrates the lack of vegetation cover on the site in 1981. As previously described the Omarino subdivision development converted the property from farmland to what is now visible today. Whilst the landscape looks naturally occurring, much of the property is a result of the large scale revegetation planting that took place.

The EIA prepared by Bay Ecological Consultancy has provided a thorough assessment of the natural elements and processes of the site, refer to this assessment for the full details.

The natural patterns present on and around the application site are related to the bush clad hillslopes surrounding the development area. The blanket coverage of the Manuka/Karuka dominant 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 main bush areas on the property and adjoining



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properties have been identified as being an Outstanding Landscape. In the OFNDP and Outstanding Natural Landscape in the RPS.

The proposed removal of a small area of revegetation planting to make way for the new boat sheds and driveway is of a very small scale in relation to the extent of the surrounding revegetated landscape. It is located within an already modified area of the existing boat sheds and maintenance compound. The removal of this small area of vegetation will not be visible from the coastal marine area or any public viewing positions.

The proposed new revegetation plantings around the boat shed site and on Lot 15, will mitigate the proposed vegetation removal. Measures are also proposed to thicken up the vegetation between the existing boat sheds and the wetland to the southeast of this. This planting will assist with providing an ecological buffer around the edge of the wetland and the visual buffer between the boat sheds and the CMA.

The current bare clay areas behind the existing boat sheds will also be revegetated to minimise silt runoff and minimise the potential visual effects of the bare clay cut batters.

These aspects all assist with protecting and enhancing the natural character values of the site and surrounding landscape, so that the proposal will generate less than minor potential adverse effects upon natural character values.

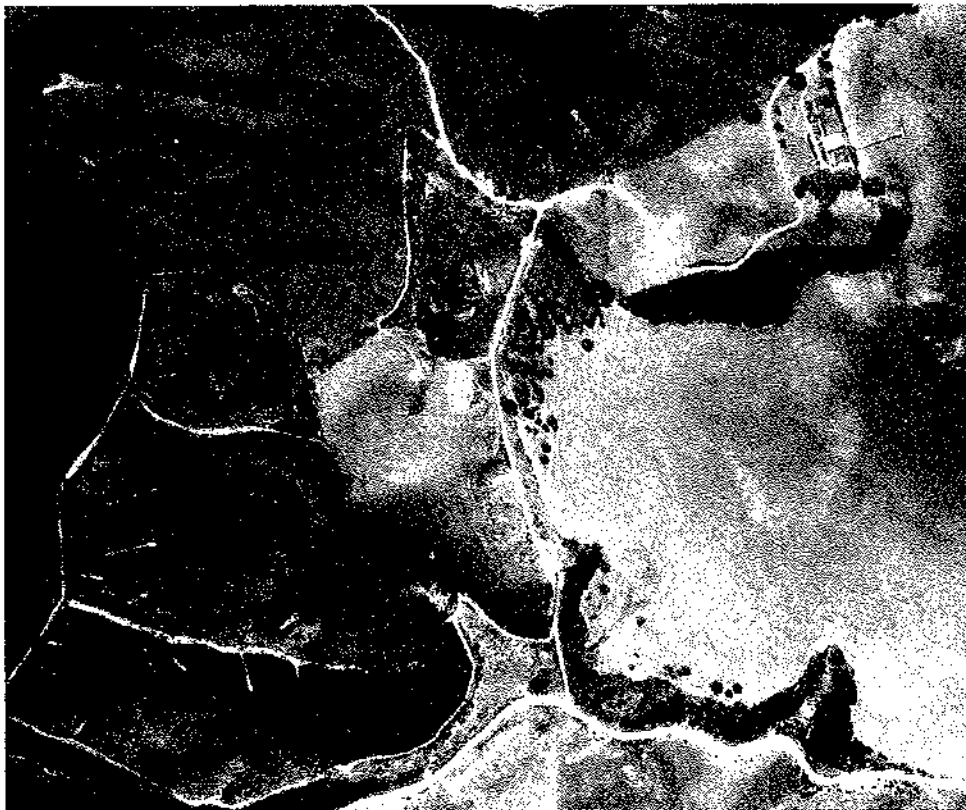


Figure 4: 1981 Aerial of the head of Waipiro Bay and the site for the boat sheds

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 as shown in **Figure 6**. There are no Outstanding Landscape Features or Outstanding Natural Features identified on the site.

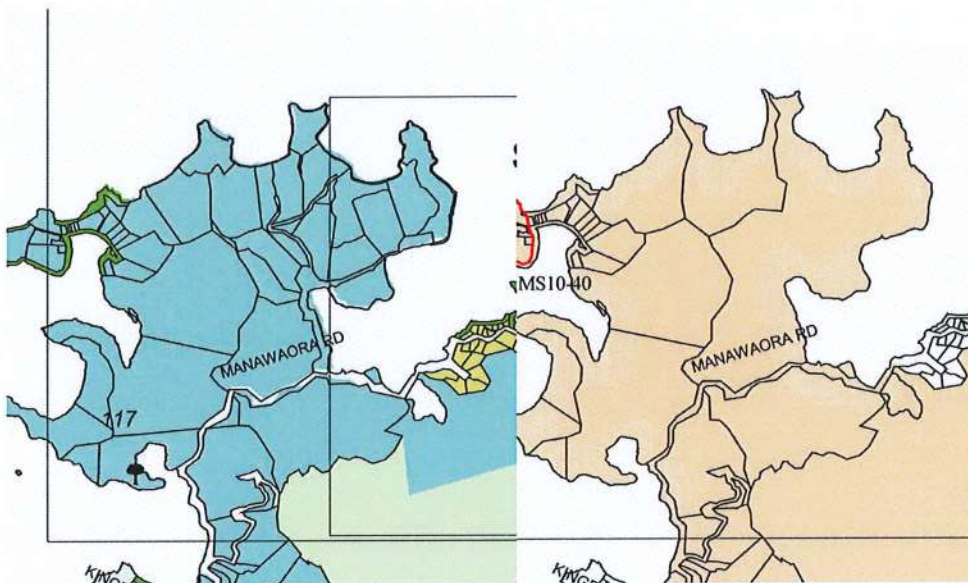


Figure 5: Zone Map

Figure 6: Resource Map

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

General Coastal Zone

Objective 10.6.3.1

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

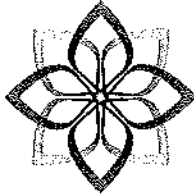
Objective 10.6.3.2

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

Objective 10.6.3.3

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

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



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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, from, 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 proposed boat sheds are an appropriate use of the site, positioned adjacent to the existing boat sheds. The OMP provides for such facilities and use on the property.

The development although located upon a utility lot and not governed by the OMP can still comply with the content of the design guidelines within the management plan. This will ensure that the proposal is implemented in a manner that will preserve the natural character of the coastal environment and protect it from inappropriate use and development.

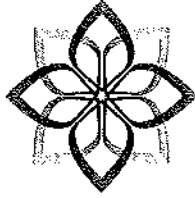
The proposed development is generally in accordance with these objectives and policies and is an appropriate use. It will not compromise the visual and landscape qualities of the coastal environment.

12.1.6.2.1 BUILDINGS WITHIN OUTSTANDING LANDSCAPES

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.



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The Council will restrict the exercise of its discretion to:

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

The boat sheds are proposed to be located adjacent to the existing boat sheds, utilising the existing access roads within Omarino. The proposed development area is located within the OL designation, however the sheds will be located within an already modified part of the property, in an area that does not depict outstanding landscape qualities. The proposed sheds will not be visible from the CMA.

- (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 proposed sheds are single story structures with a low roof pitch. The sheds are considered to have an appropriate bulk and height for their location on the property. They are located well below any ridgelines, and there are no recorded natural features on the site.

A small area of previous revegetation plantings will be removed to enable the proposal to proceed. This vegetation is not original forest, and has a number of exotic and weed species present within it. The proposed landscape mitigation and ecological enhancement plantings will offset the proposed vegetation removal.

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

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

The proposal has been designed to avoid and mitigate potential effects that might diminish the qualities of the OL. The development will not lower the surrounding landscapes naturalness or visual amenity values.

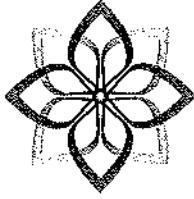
The proposal generally sits within the parameters of the Omarino Management Plan design guidelines. This ensures that the qualities that contribute to the outstanding classification and the present visual amenity values will not be adversely affected by the proposal.

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

The architectural style and building colours and materials are recessive, unobtrusive and complementary to this coastal setting and existing buildings already present on the development site.

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

The access driveway to the development site already exists. The new concrete



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driveway, parking and maneuvering area is screened from view from the CMA and will not adversely impact upon the qualities of the OL.

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

The existing vegetation surrounding the development site and the proposed landscape mitigation and ecological enhancement plantings will assist with visually mitigating the proposed development.

- (iv) *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 proposed development will be screened from public view and the CMA.

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

The OMP allows for facilities such as the proposed boat sheds. The location of the proposed sheds adjacent to the existing sheds will consolidate these services in this area. The proposed buildings will be visually contained within the application site and not visible from the CMA. As such the proposal will generate less than minor adverse landscape and visual effects, and there will be no cumulative visual effects associated with the buildings in this area.

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 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 proposal cannot comply with these rules. The plans and report prepared by PK Engineering detail the proposed earthworks and retaining structures that will form part of the proposed development.

Retaining walls will be utilised in areas as shown on the PK Engineering plans, shown in **Figure 7**. Where cut and fill batters are used the earthworks will be revegetated with indigenous plantings as shown on the attached Landscape Plan contained in **Appendix 5**. The proposed landscape plantings will mitigate the potential adverse landscape and visual effects of earthworks, so that the OL values of the property and surrounding landscape are maintained.

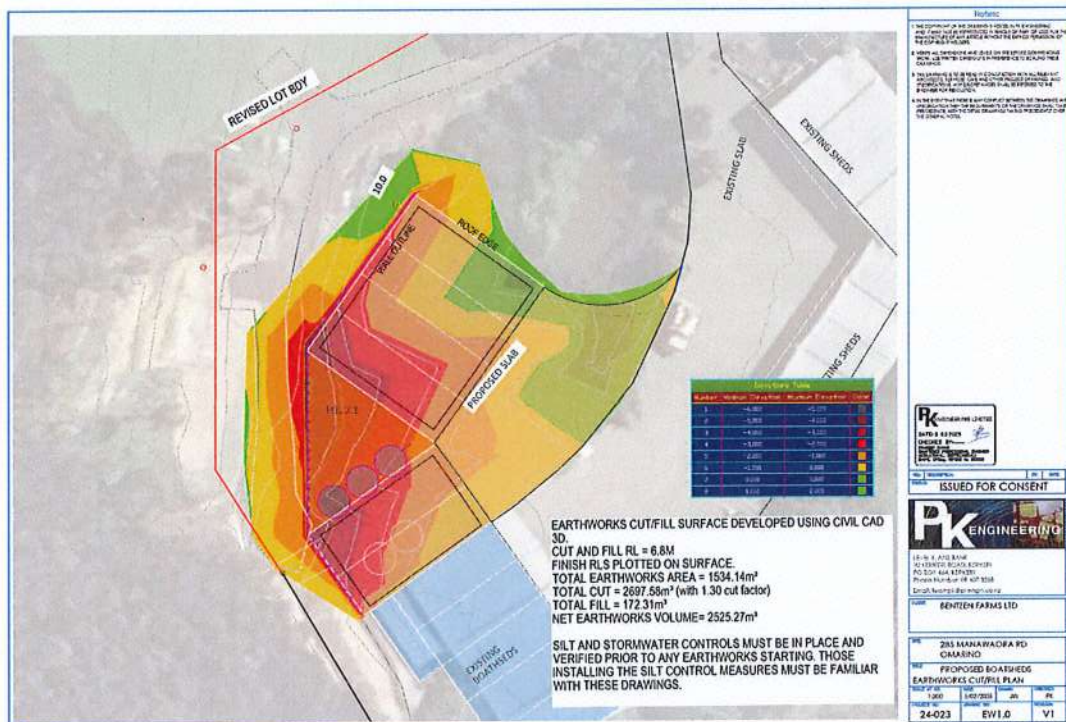


Figure 7: Engineers Earthworks Plan

6.2 Proposed District Plan (PDP)

The PDP was publicly notified by FNDC on 27th July 2022. The application site (area where development will occur) is zoned Rural Production with a Coastal Environmental Overlay as shown in **Figure 8**.

Most of the rules within the PDP do not have immediate legal effect until the FNDC publicly notifies its decisions on submissions. There are certain rules that have been identified within the Planning Report which are acknowledged as having immediate legal effects, none of these have relevance to landscape and visual assessment matters.

The Planning Report prepared by Lynley Newport addresses the relevant objectives and policies in Section 10.2 of her report. I concur fully with her assessment and conclusions.



Figure 8: PDP Map

6.3 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.

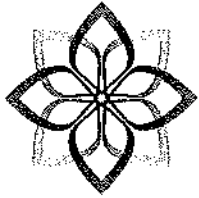
Objective 2: To preserve the natural character of the coastal environment and protect natural features and landscape values through:

- *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;



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

Policy 13 Preservation of natural character

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

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

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

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

(a) natural elements, processes and patterns;

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

Policy 15 Natural Features and natural landscapes

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

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

Comment:

The development site has not been recorded within the District Plan or the Regional Policy Statement as being identified as having any outstanding landscape features or outstanding natural features. There are also no outstanding or high natural character values on the development site. The OL that covers the property will not be adversely affected by this proposal.

The proposed development maintains the character of the existing built development and will not lower visual amenity values.

The proposed landscape and ecological mitigation and enhancement plantings will assist with maintaining the diminished natural patterns, processes and elements on the development site.

Overall, the development will result in an acceptable change to the site, and this change will result in less than minor adverse effects upon the natural character of this site and the CMA. 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.



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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 the site is located within the Coastal Environment. There are no recorded Outstanding Natural Landscapes or Features or areas of Outstanding Natural or High Character covering the site where the boat sheds will be located as shown in **Figure 9**.

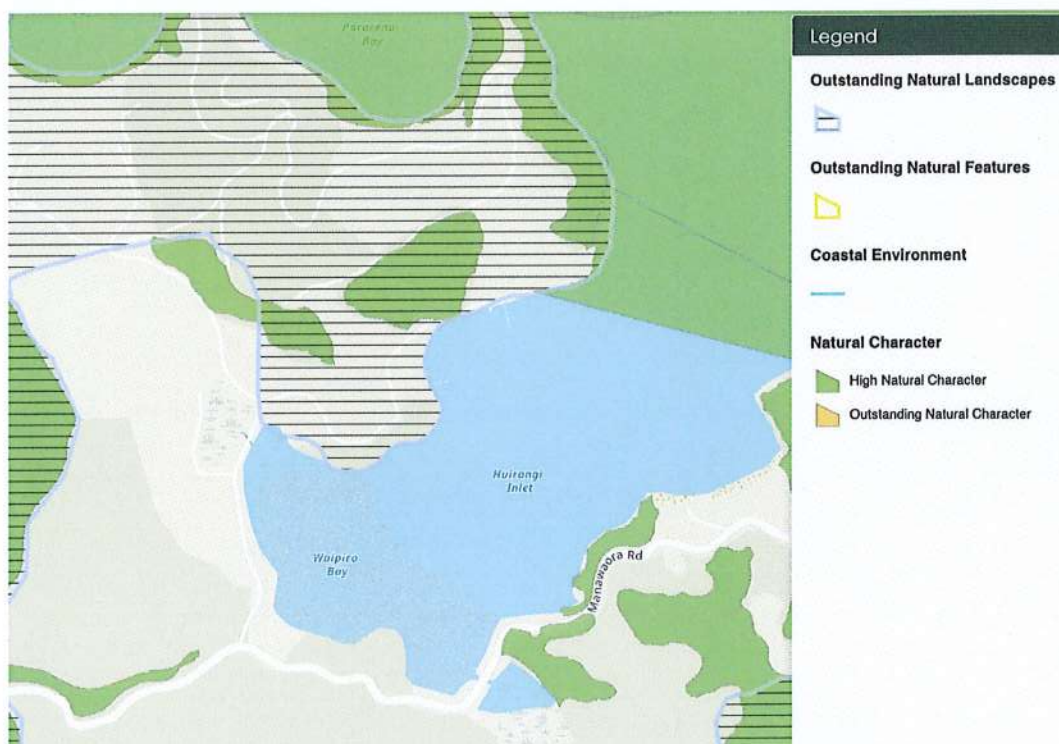


Figure 9: RPS Map showing no landscape designations on the development site

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

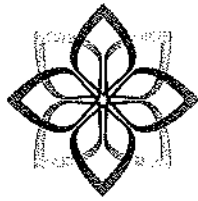
Identify and protect the integrity of;

- (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.*



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- 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 development site is not covered by any landscape designations as defined in the RPS.

The development will occur within an existing area of built development, adjacent to existing boat sheds and a maintenance building, in an area that has been already modified and has a lower degree of natural character.

Although a small area of previous revegetation plantings will be removed to accommodate the boat sheds and additional driveway this will be ameliorated through the additional revegetation plantings surrounding the development area.

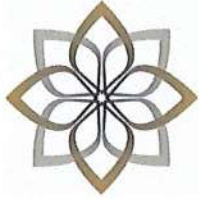
The integrity of the natural character of the coastal environment within which the application site is located will not be adversely affected by the proposed development.

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 site is very visually contained due to the enclosing nature of the topography of the property and the location on the lower contours. The surrounding vegetation screens views from any public viewing areas within the Waipiro Bay environs and Manawaora Road to the southeast of the site. The proposal will generate less than minor potential adverse visual effects.



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The proposed structures will be located next to existing boat sheds within an already modified part of the site. They will be visually recessive and in keeping with the character of existing built forms on site. The earthworks associated with the proposal will result in less than minor potential adverse landscape effects.

The development will have a very low level of impact upon the overall pattern of the landscape as the key features which contribute to the present landscape character and OL values will be retained. The proposed landscape mitigation and ecological enhancement plantings will ensure that the proposal will have a less than minor potential adverse effects upon landscape quality values, the coastal environment and the OL.

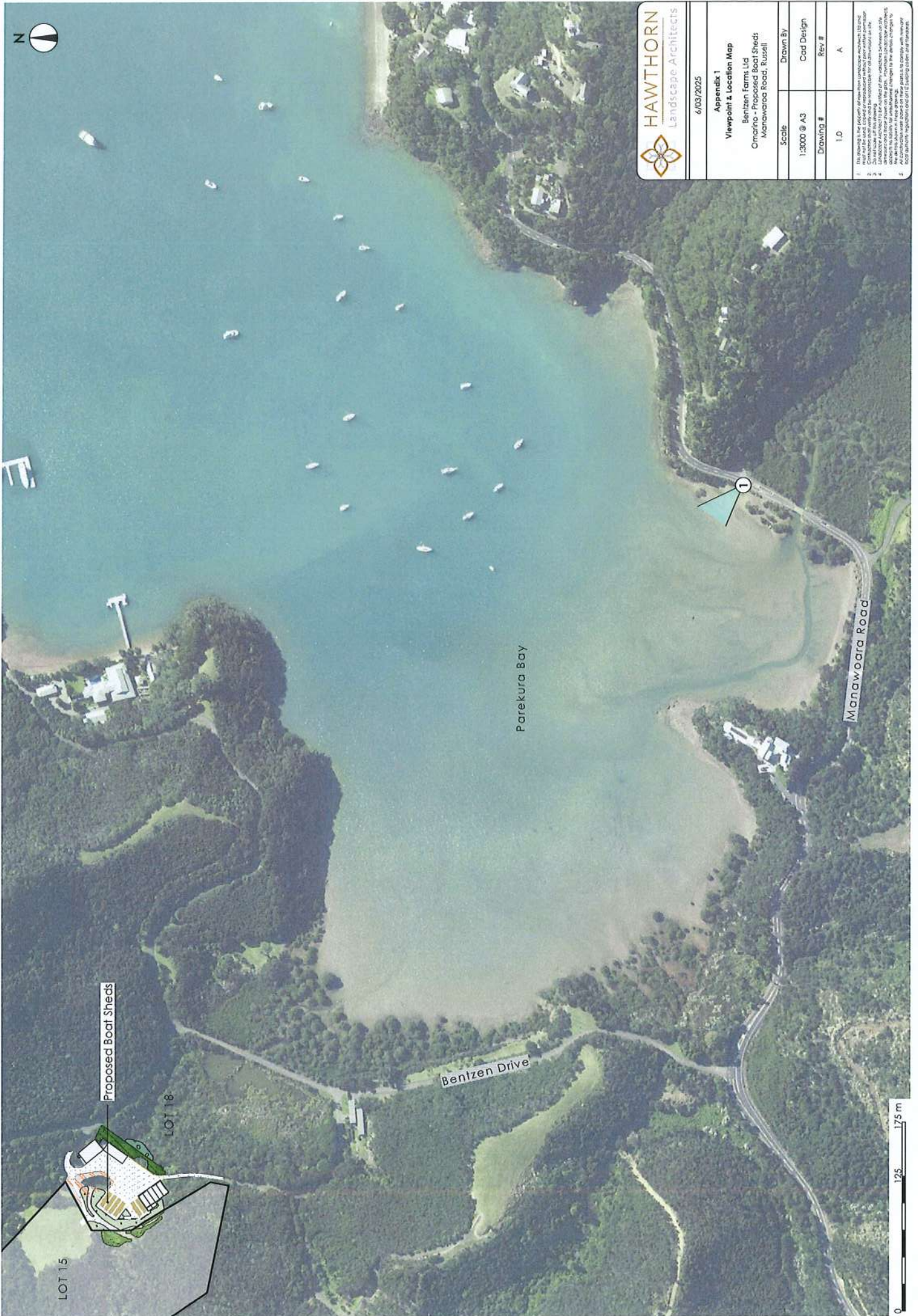
The proposal is generally in accordance with the OMP and associated Design Guidelines which will ensure that the development of the proposed buildings are sympathetic to the landscape and character of the property as a whole.

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

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Christine Hawthorn', written in a cursive style.

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



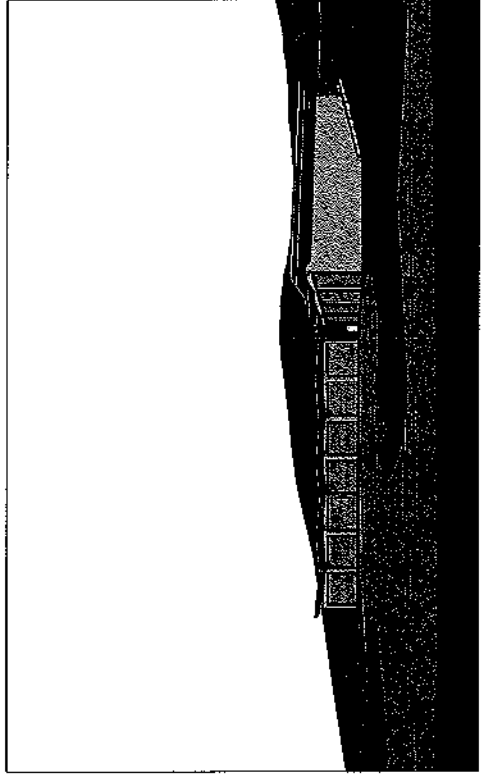
6/03/2025	
Appendix 1	
Viewpoint & Location Map	
Benzen Farms Ltd	
Omarino - Proposed Boat Sheds	
Manawoara Road, Russell	
Scale	Drawn By
1:3000 @ A3	Cad Design
Drawing #	Rev #
1.0	A

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SHEET LIST			
SHEET NUMBER	SHEET NAME	REVISION	DATE
0100	GENERAL NOTES	A	10/10/2018
0200	PROPOSED BOATSHEDS	A	10/10/2018
0300	PROPOSED BOATSHEDS	A	10/10/2018
0400	PROPOSED BOATSHEDS	A	10/10/2018
0500	PROPOSED BOATSHEDS	A	10/10/2018
0600	PROPOSED BOATSHEDS	A	10/10/2018
0700	PROPOSED BOATSHEDS	A	10/10/2018
0800	PROPOSED BOATSHEDS	A	10/10/2018
0900	PROPOSED BOATSHEDS	A	10/10/2018
1000	PROPOSED BOATSHEDS	A	10/10/2018
1100	PROPOSED BOATSHEDS	A	10/10/2018
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1300	PROPOSED BOATSHEDS	A	10/10/2018
1400	PROPOSED BOATSHEDS	A	10/10/2018
1500	PROPOSED BOATSHEDS	A	10/10/2018
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1800	PROPOSED BOATSHEDS	A	10/10/2018
1900	PROPOSED BOATSHEDS	A	10/10/2018
2000	PROPOSED BOATSHEDS	A	10/10/2018

OMARINO BOATSHEDS

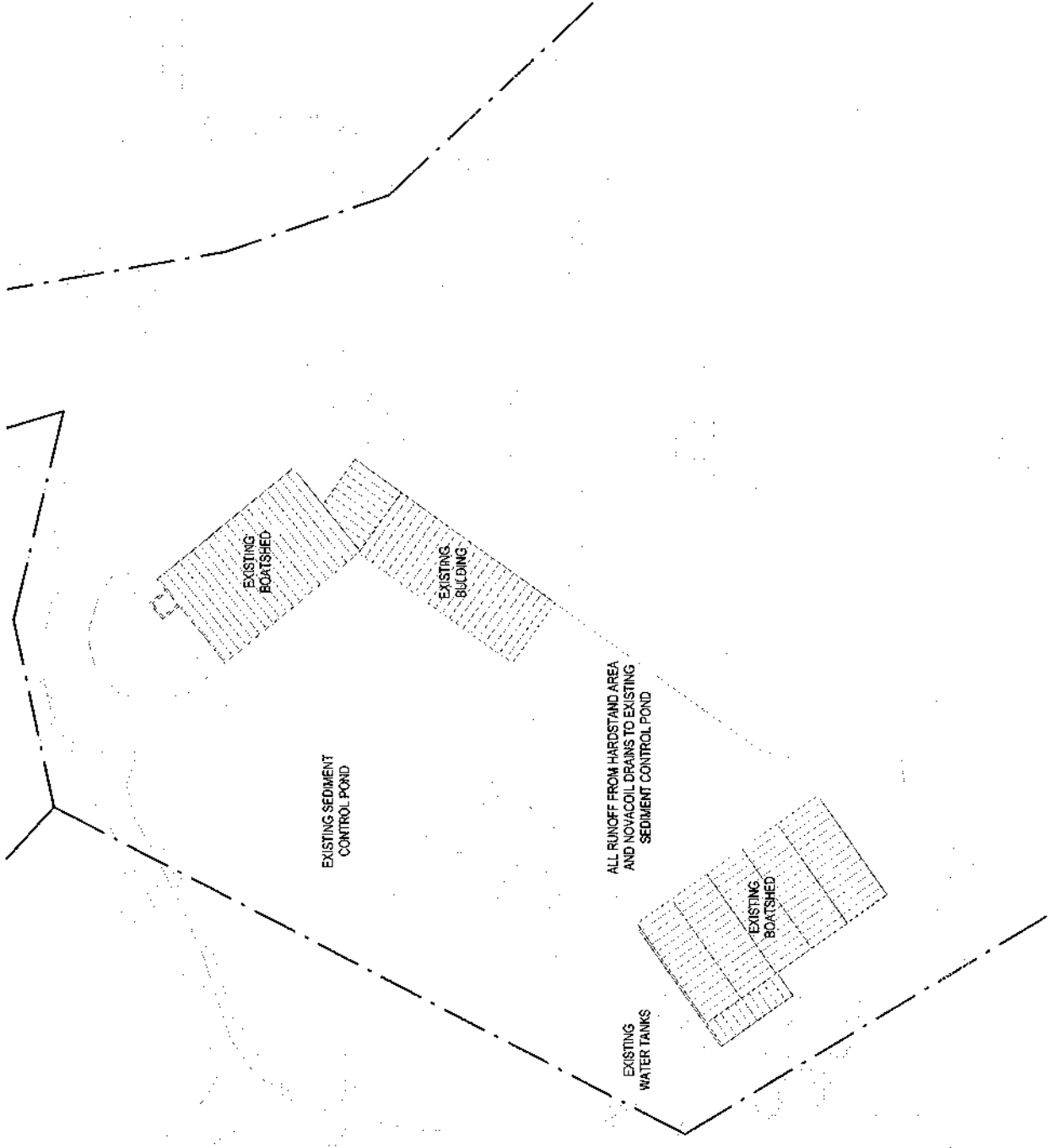


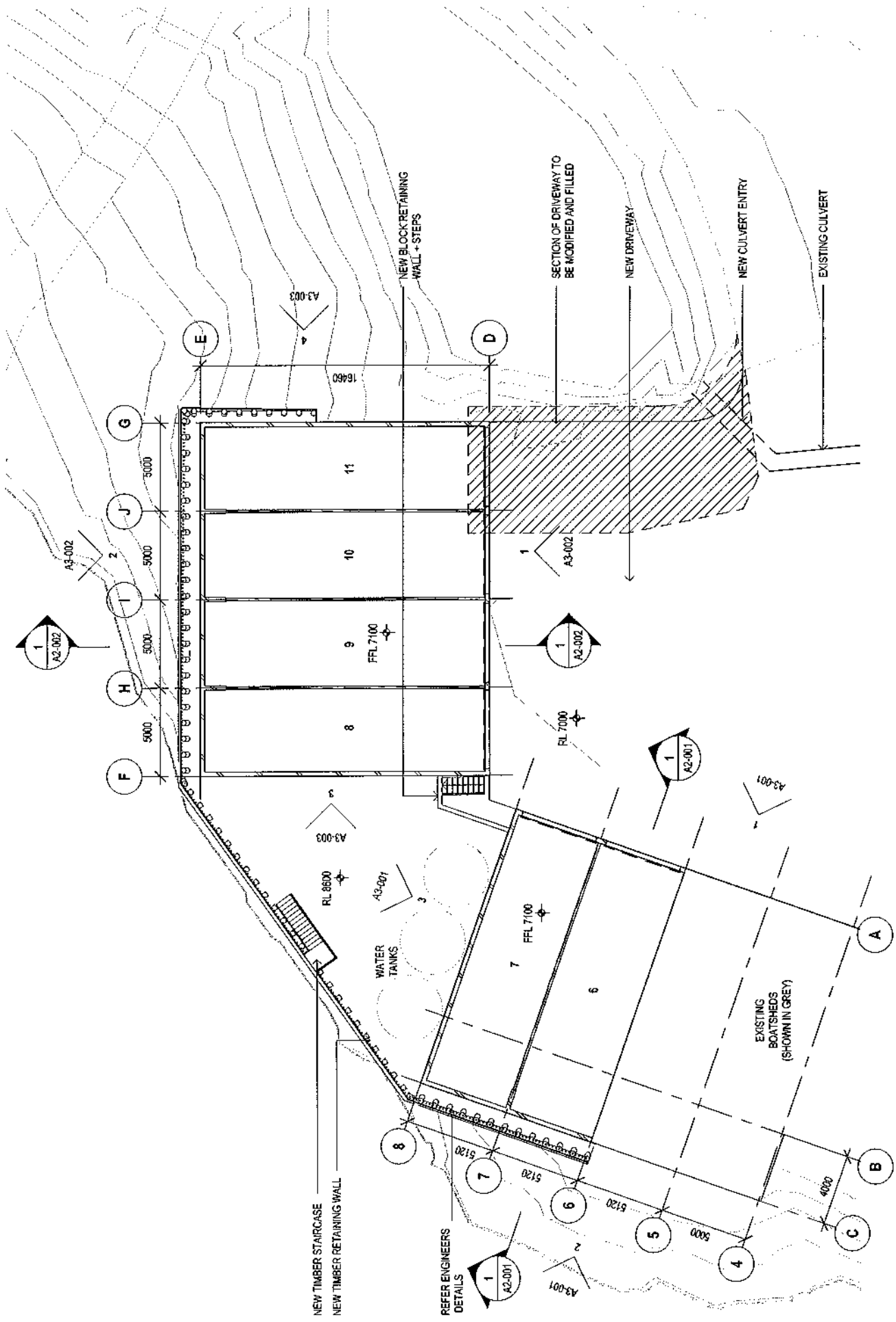
RESOURCE CONSENT

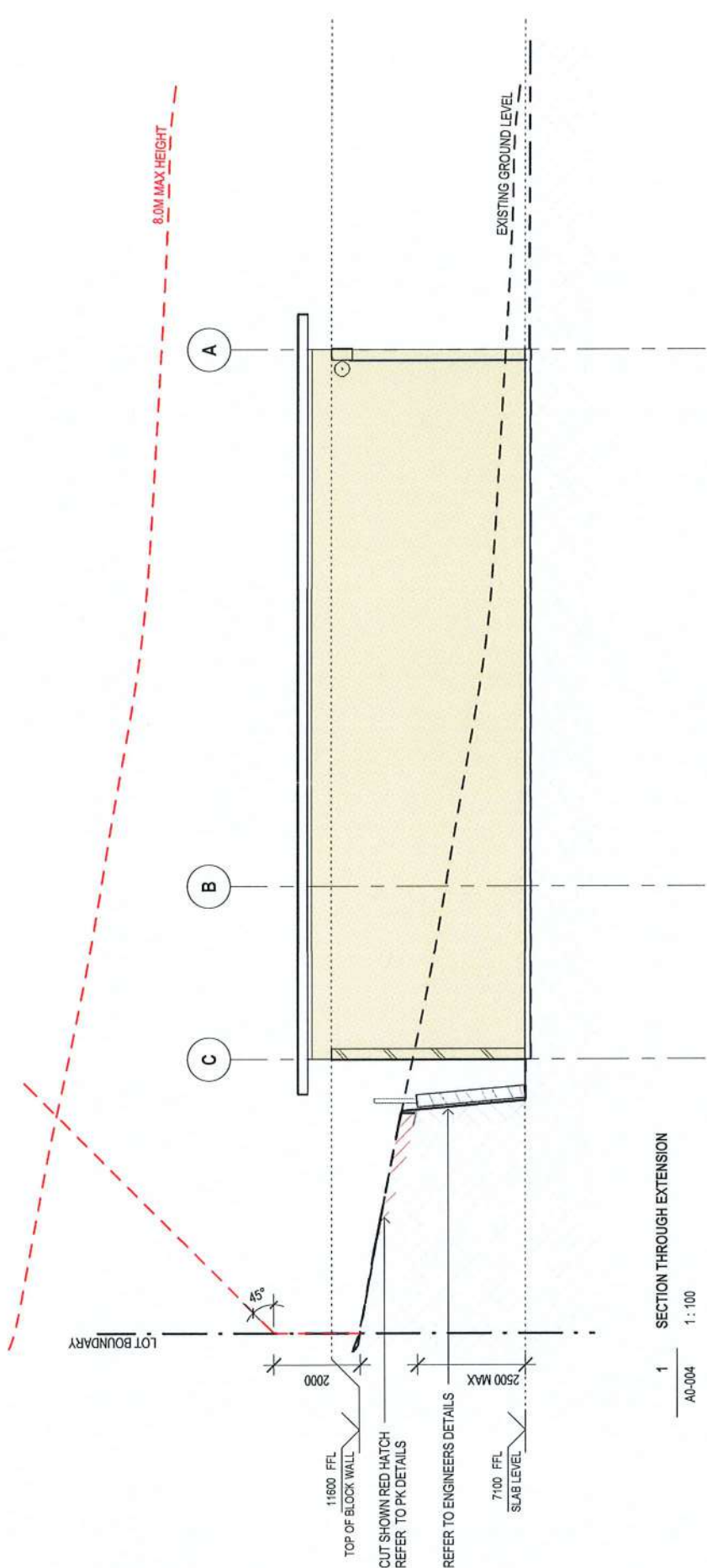
EXISTING SITE PLAN

ONAPINO BOATSHEDS ONAPINO

255 Mackenzie Street
Auckland 1021, New Zealand
+64 9 817 2301
me@bossleyarchitects.co.nz

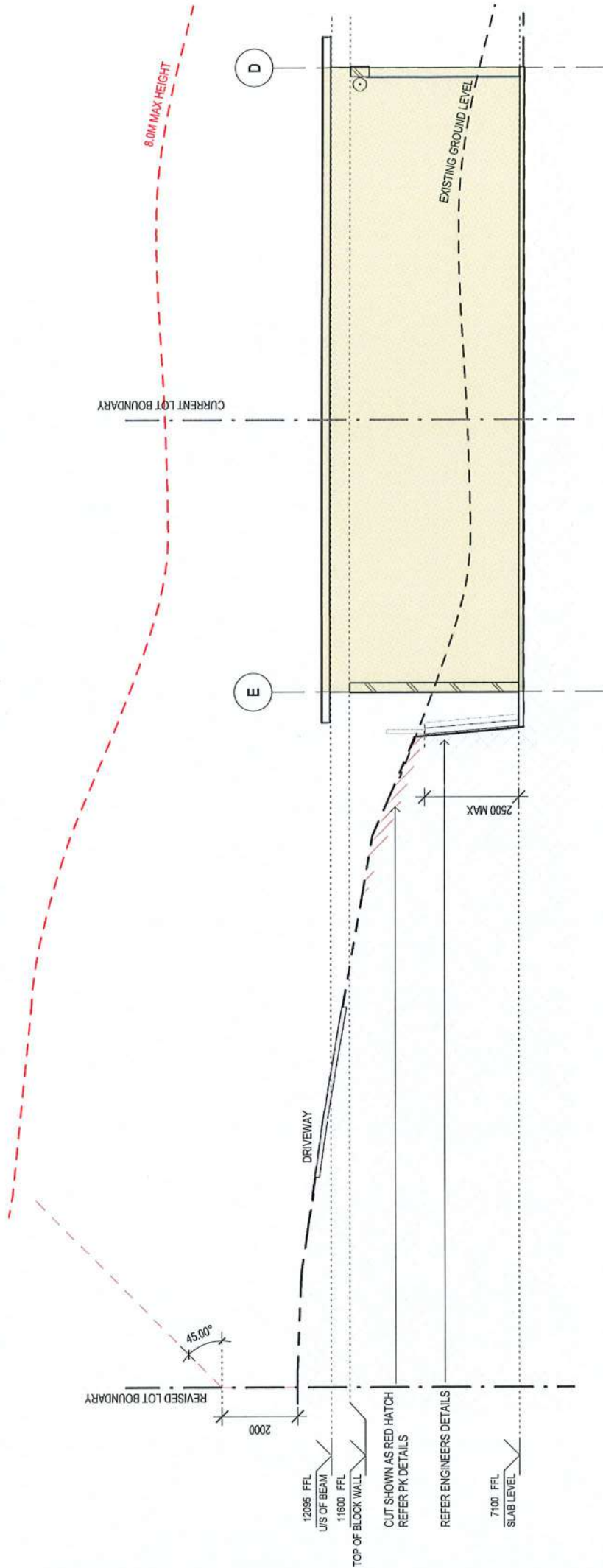






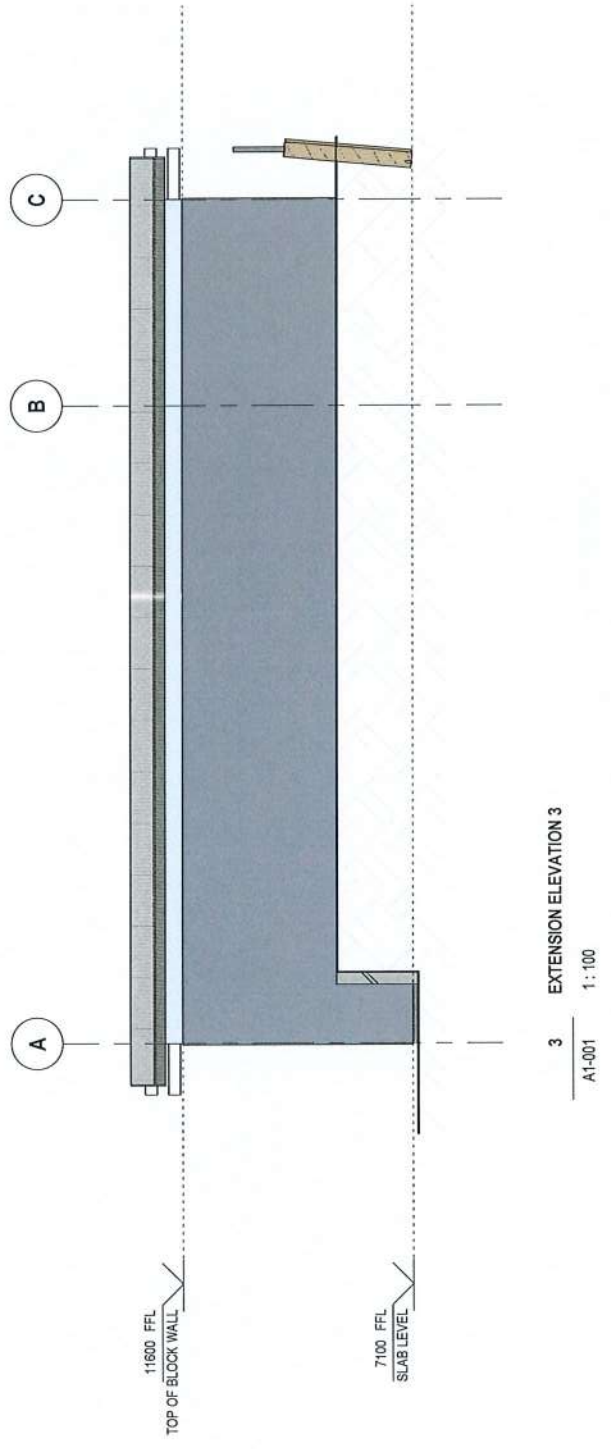
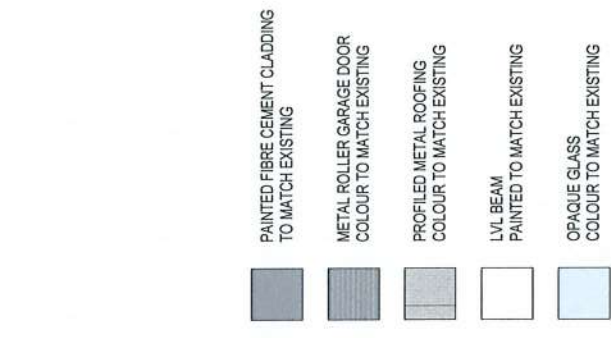
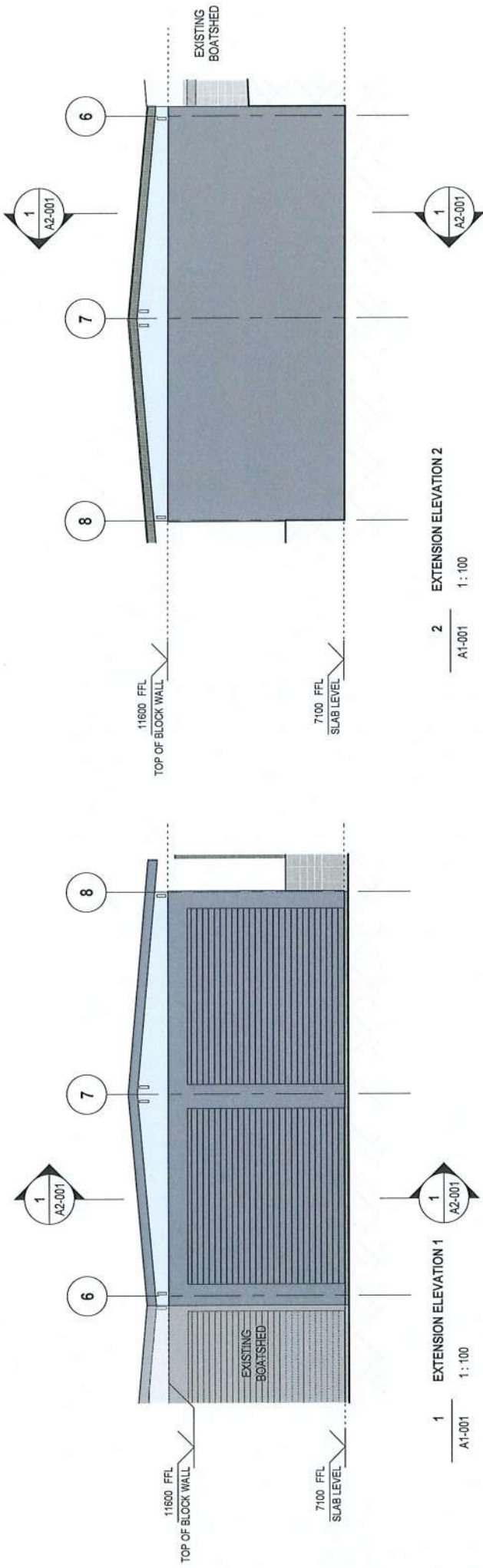
1 SECTION THROUGH EXTENSION

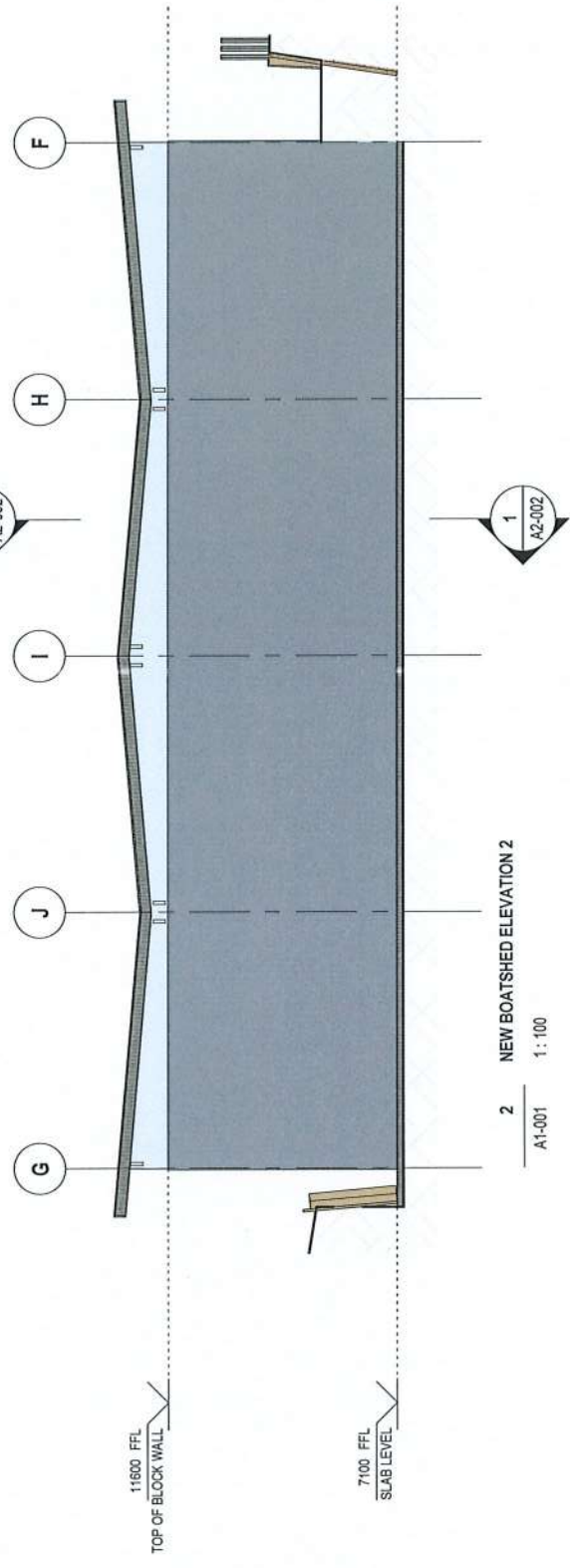
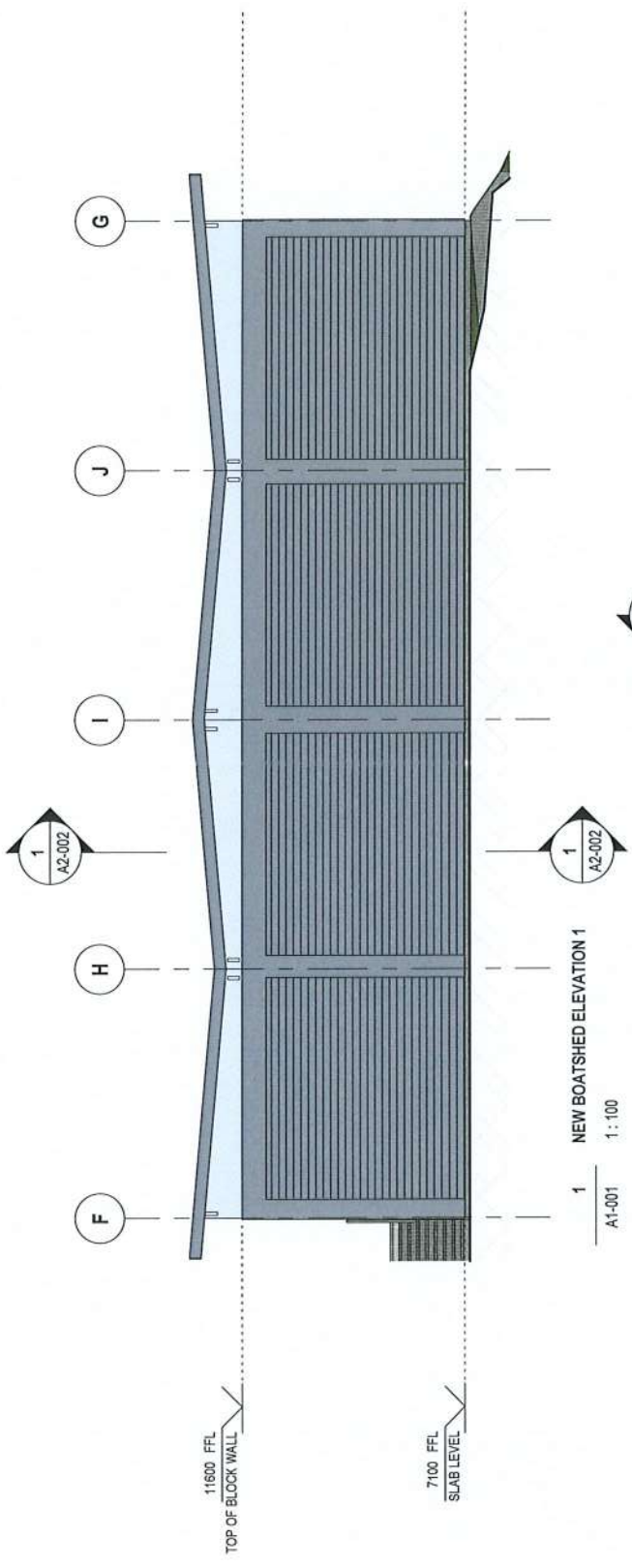
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


1 SECTION THROUGH NEW BUILDING

A0-004 1:100





-  PAINTED FIBRE CEMENT CLADDING TO MATCH EXISTING
-  METAL ROLLER GARAGE DOOR COLOUR TO MATCH EXISTING
-  PROFILED METAL ROOFING COLOUR TO MATCH EXISTING
-  LVL BEAM PAINTED TO MATCH EXISTING
-  OPAQUE GLASS COLOUR TO MATCH EXISTING

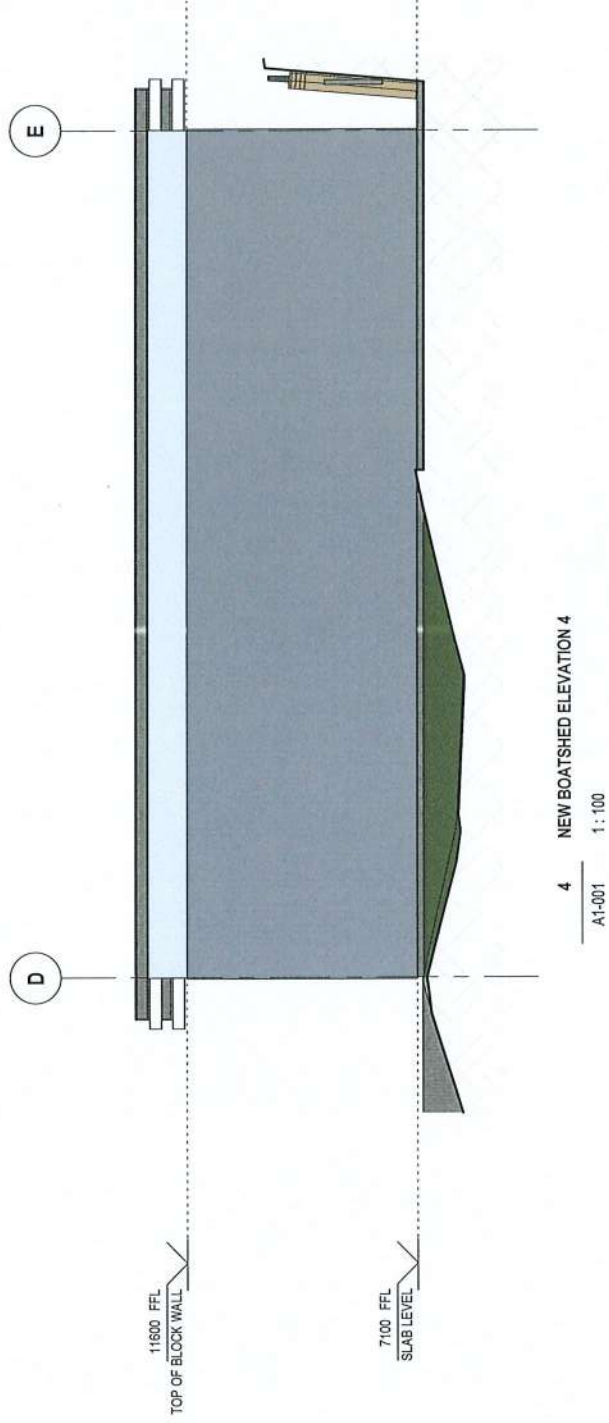
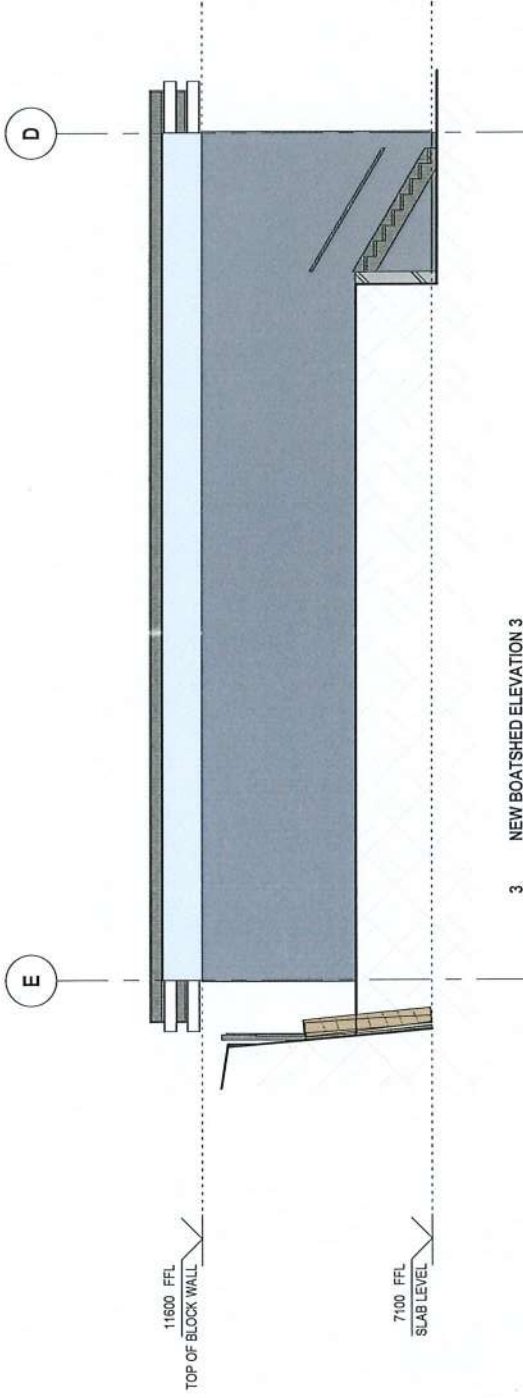
255 Maclewie Street
 Auckland 1021, New Zealand
 +61 9 381 2201
 ma@bossleyarchitects.co.nz

OMARINO BOATSHEDS
 OMARINO

PROPOSED ELEVATIONS

ISSUE A DATE 07.03.2025 RESOURCE CONSENT

RESOURCE CONSENT 1:100 at A3 SHEET A3-002 A REVISION



- PAINTED FIBRE CEMENT CLADDING TO MATCH EXISTING
- METAL ROLLER GARAGE DOOR COLOUR TO MATCH EXISTING
- PROFILED METAL ROOFING COLOUR TO MATCH EXISTING
- LVL BEAM PAINTED TO MATCH EXISTING
- OPAQUE GLASS COLOUR TO MATCH EXISTING

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OMARINO BOATSHEDS
 OMARINO

PROPOSED ELEVATIONS

ISSUE A DATE 07.03.2025
 REVISION RESOURCE CONSENT

RESOURCE CONSENT 1:100 at A3
 SHEET A3-003 A
 REVISION



Photo 1 - View of concrete driveway to existing shed, with stormwater detention pond to the right.



Photo 2 - View of the area where the new concrete pad and boat sheds will be located adjacent to the detention pond.



Photo 3 - Existing vegetation that will need to be removed for new concrete hard stand and boat sheds.



Photo 4 - Existing vegetation that will need to be removed for new concrete hard stand and boat sheds.



Photo 5 - View over the top of the existing boat sheds looking towards Waipiro Bay.



Photo 6 - View of the existing cut batters behind the boat sheds



Photo 7 - View of landscape material yard



Photo 8 - View of existing water tanks and location of proposed new sheds - existing vegetation will be removed



Photo 9 - View of the bush line on Lot 15 with a number of weed species present



Photo 10 - View of landscape materials yard, and area for the proposed boat sheds on the left.



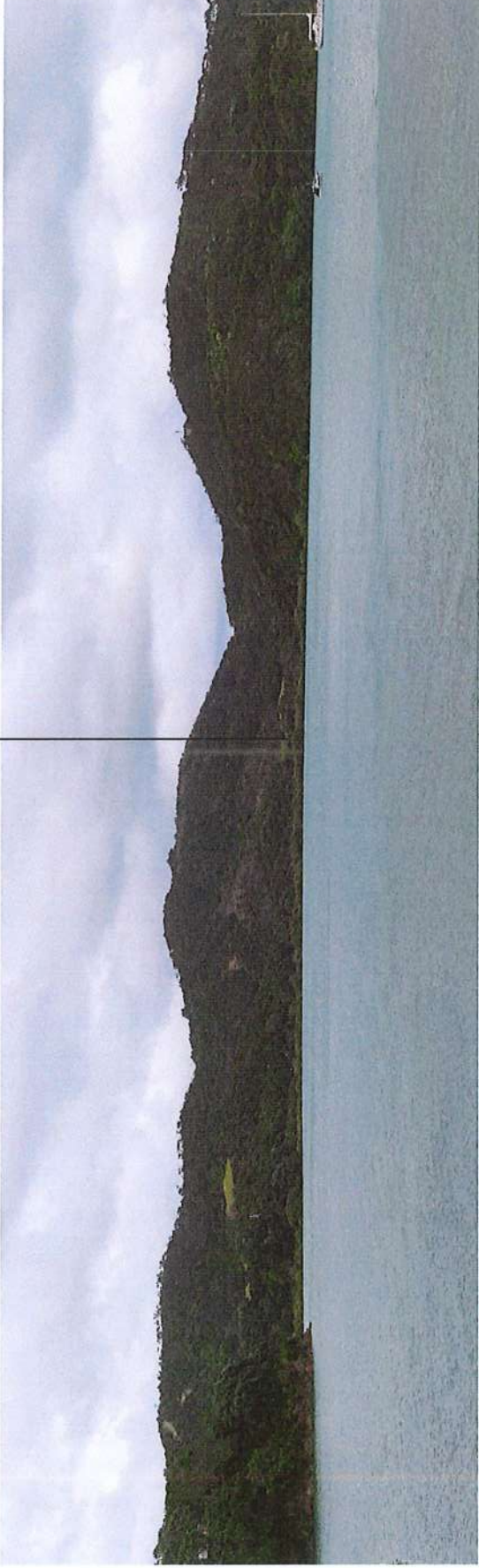
Photo 11 - View of the western edge of the vegetation surrounding the existing detention pond.



Photo 12 - View of the existing driveway to Lot 15, and the existing vegetation that is the west of the site for the proposed boat sheds.



Existing boat Shed Location











Viewpoint 1 - View looking west from Manawaara Road towards the existing boat sheds which are approximately 800m away

Proposed Boat Sheds Location



Zoomed in view of the boat shed location - the proposed boat sheds will be to the right of the existing ones

PLANTING KEY

-  Extent of vegetation clearance associated with the proposed works
Area 1535m²
-  Approximate extent of earthworks associated with the proposal
-  Proposed revegetation plantings of the bare areas created by the works on Lot 18
Area 816m²
-  Proposed revegetation of the bare areas and weed infested area on Lot 15 adjacent to the shared boundary with Lot 18
Area 478m²
-  Proposed revegetation enhancement to assist with visual mitigation and enhancement of the wetland fringe to recommended 10m functional minimum
Area 575m²
-  Proposed Carex edge planting for sediment filtration
Length 41m along edge of concrete hard stand
-  Proposed wetland revegetation planting beyond culvert outflow point
Area 179m²
-  Weed control & enhancement post development to reduce diffuse inputs
Area 354m²

Total Revegetation Area 2050m²

(Refer to the Plant Schedules for species composition and numbers)



Bay Ecological
CONSULTANCY LTD



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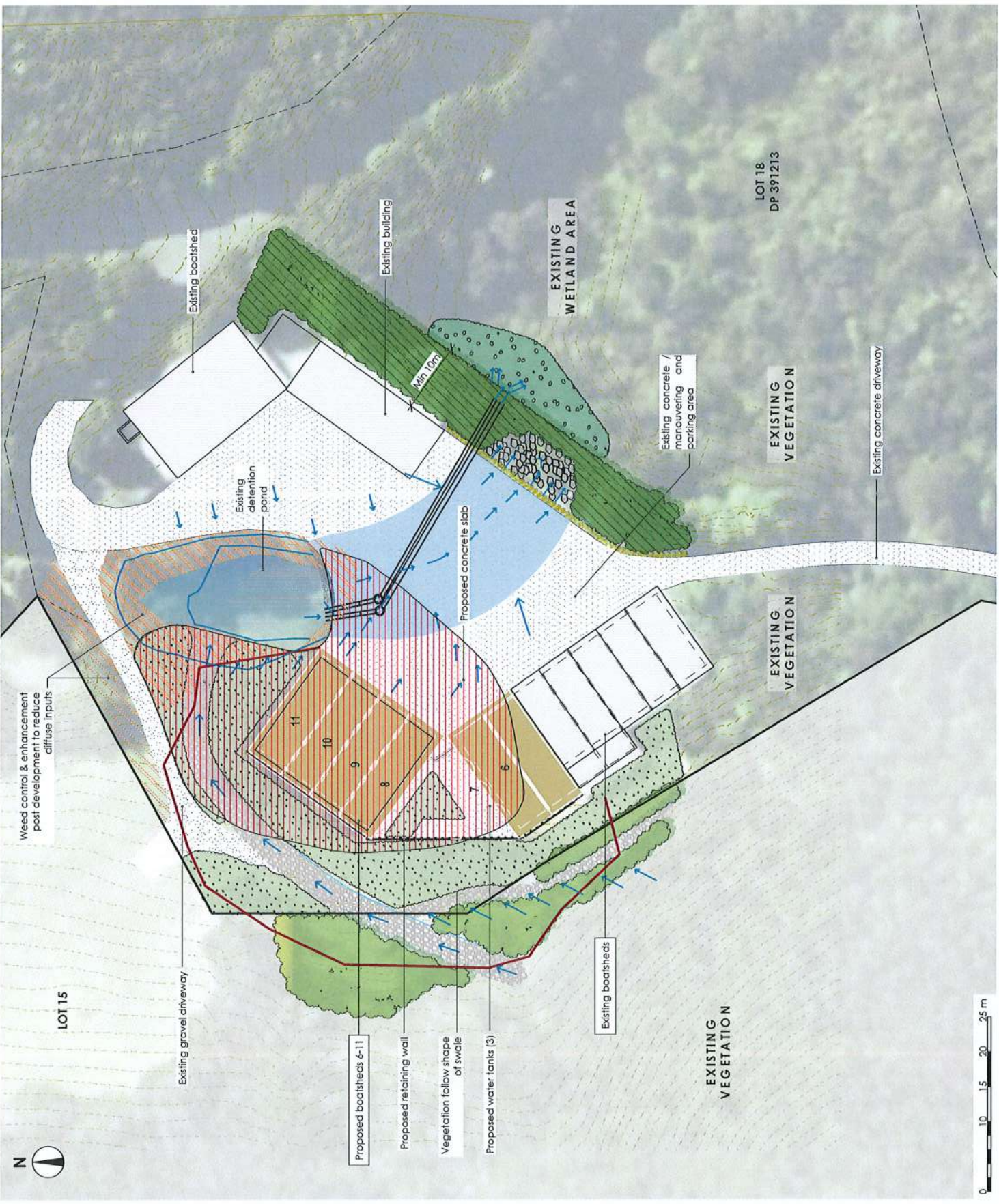
Appendix 5
Landscape Mitigation & Ecological Enhancement Plan

Bentzen Farms Ltd
Omarino - Proposed Boat Sheds
Manawarua Road, Russell

Scale: Drawn By
1:500 @ A3 Cod Design

Drawing # Rev #
20 A

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6. All construction work shall be done in accordance with the approved plans and specifications.



Weed control & enhancement post development to reduce diffuse inputs

LOT 15

Existing gravel driveway

Existing boatshed

Proposed boatsheds 6-11

Proposed retaining wall

Vegetation follow shape of swale

Proposed water tanks (3)

Existing detention pond

Existing building

Min lot

Proposed concrete slab

EXISTING WETLAND AREA

Existing concrete/manoeuvring and parking area

EXISTING VEGETATION

EXISTING VEGETATION

EXISTING VEGETATION

Existing concrete driveway

LOT 18
DP 391213



Plant Schedules

Proposed revegetation plantings of the bare areas created by the works on Lot 18

The bare areas created by vegetation removal and earthworks on Lot 18 shall be revegetated with the following species to re-establish a native vegetation cover around the boat sheds and provide a vegetated backdrop when viewed for the CMA.

Botanical name	Spacing	Total No.
<i>Cordyline australis</i>	1.5m	20
<i>Coprosma repens</i>	1m	25
<i>Coprosma macrocarpa</i>	1.5m	20
<i>Corynocarpus laevigatus</i>	10m	5
<i>Didymocheton spectabilis</i>	5m	5
<i>Knightia excelsa</i>	10m	5
<i>Kunzea robusta</i>	1.5m	20
<i>Leptospermum scoparium</i>	1.5m	20
<i>Pittosporum crassifolium</i>	1.5m	20
<i>Pseudopanax lessonii</i>	1.5m	20
<i>Vitex lucens</i>	10m	3

Proposed revegetation of the bare areas and the weed infested area on Lot 15 adjacent to the Lot 18 shared boundary

The current bare cut batter, any new areas of earthworks and the weed infested area generally shown on the landscape plan within this area on Lot 15 will be revegetated with the following species. The existing invasive weeds shall be removed prior to planting. Top soil will need to be added to the planting areas if it is bare clay.

Botanical name	Spacing	Total No.
<i>Coprosma repens</i>	1m	25
<i>Kunzea robusta</i>	1.5m	30
<i>Leptospermum scoparium</i>	1.5m	30
<i>Phormium tenax</i>	2m	15
<i>Pittosporum crassifolium</i>	1.5m	25
<i>Pseudopanax lessonii</i>	1.5m	25
<i>Vitex lucens</i>	10m	5

Proposed Revegetation enhancement to assist with visual mitigation and enhancement of wetland fringe

The existing strip of vegetation along the southeastern boundary of the existing concrete pad shall be enhanced with native species. This will provide a thicker buffer of vegetation between the wetland area and from views from the east within the CMA. This will assist with the visual mitigation of the proposal and enhancement of the wetland values.

Botanical name	Spacing	Total No.
<i>Cordyline australis</i>	2.5m	15
<i>Carex secta</i>	1m	20
<i>Carex virgata</i>	1m	20
<i>Coprosma robusta</i>	1.5m	20
<i>Dacrydium dacrydioides</i>	5m	8
<i>Didymocheton spectabilis</i>	5m	4
<i>Knightia excelsa</i>	10m	4
<i>Kunzea robusta</i>	1.5m	20
<i>Leptocarpus similis</i>	1m	30
<i>Leptospermum scoparium</i>	1.5m	20
<i>Phormium tenax</i>	2m	15
<i>Pittosporum crassifolium</i>	2m	10
<i>Pseudopanax lessonii</i>	2m	10
<i>Sophora tetralpera</i>	5m	5

Proposed Carex Edge Filtration Planting


The existing strip of grass between the concrete hardstand and the top of the bank shall be mass planted with Carex to assist with sediment filtration.

Botanical name	Spacing	Total No.
<i>Carex secta</i>	1m	41

Proposed Wetland Revegetation Planting

The area beyond existing culvert outflow point the edge of the wetland shall be enhanced with additional wetland species.

Botanical name	Spacing	Total No.
<i>Carex secta</i>	1m	20
<i>Isolepis nodosa</i>	1m	20
<i>Juncus sarophorus</i>	1m	20

 HAWTHORN LANDSCAPE ARCHITECTS	
6/03/2025	
Plant Schedule	
Benken Farms Ltd Omatiro - Proposed Boat Sheds Manawatu Road, Russell	
Scale	Drawn By
no scale	CoD Design
Drawing #	Rev #
2.1	A
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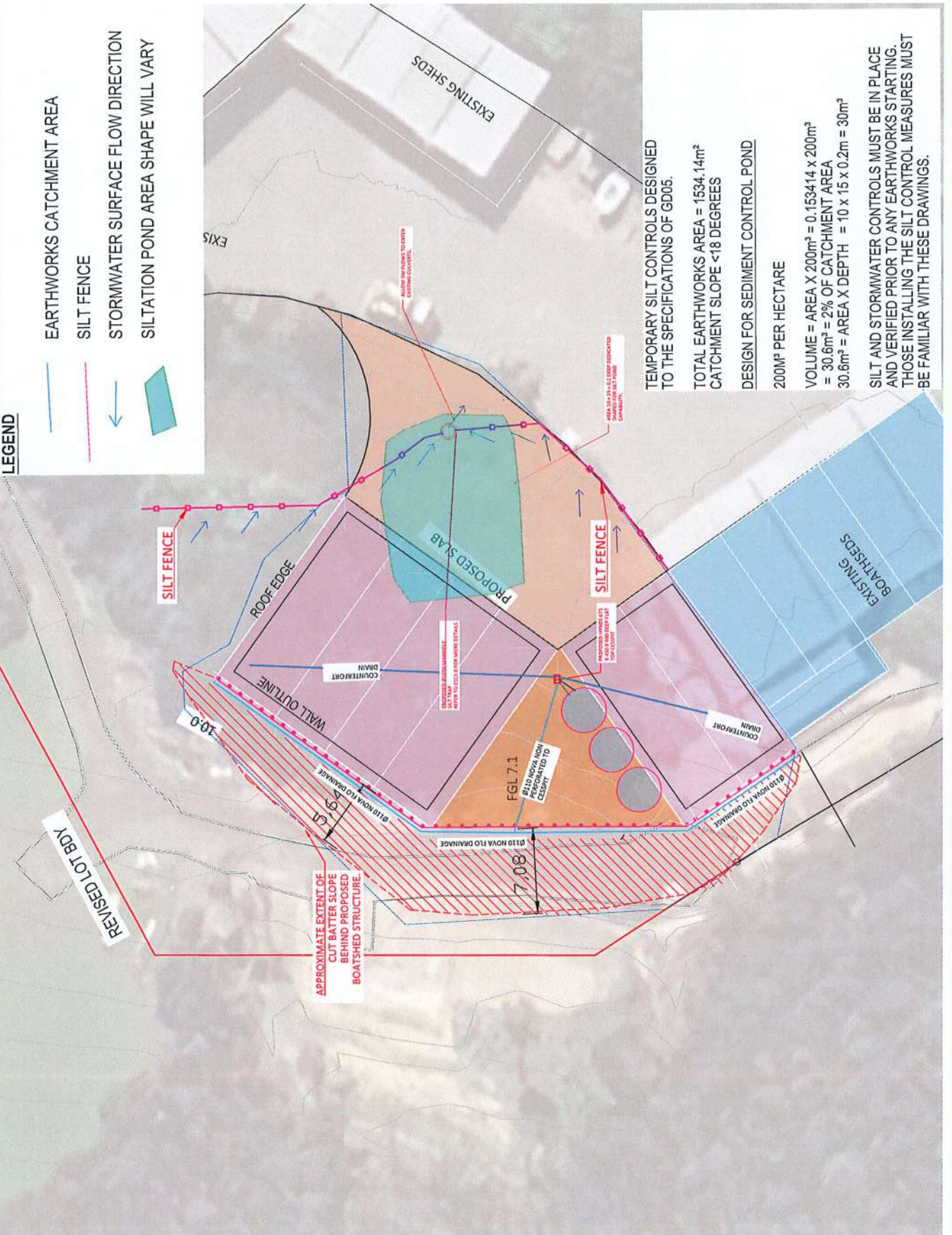
DATE: 5/03/2025
 CHECKED BY: [Signature]
 DRAWN BY: [Signature]
 PROJECT NAME: ENVIRONMENTAL SILT CONTROL PLAN
 CLIENT: BENTZEN FARMS LTD

PROJECT NO:	24-023
SCALE:	1:200
DATE:	5/03/2025
DRAWN BY:	JW
CHECKED BY:	[Signature]
PROJECT NAME:	ENVIRONMENTAL SILT CONTROL PLAN
DRAWING NO.:	ESC.1.0
REVISION:	V1

RK ENGINEERING

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 90 FERRETTI ROAD, KAPITIPI
 PO BOX 464, KAPITIPI
 Phone Number: 07 407 3255
 Email: team@rkengineering.co.nz

CLIENT:	BENTZEN FARMS LTD
PROJECT NO:	24-023
SCALE:	1:200
DATE:	5/03/2025
DRAWN BY:	JW
CHECKED BY:	[Signature]
PROJECT NAME:	ENVIRONMENTAL SILT CONTROL PLAN
DRAWING NO.:	ESC.1.0
REVISION:	V1





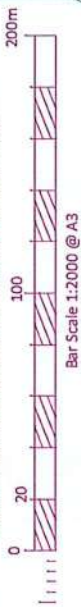
**OVERALL DIAGRAM
PROPORTIONAL**

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 Comprised in: 371321, 371322, 371323, 371324, 371325, 371326, 371327, 371328, 371329, 371330, 371331, 371332, 371333, 371334, 371335, 371336, 423436, 423437, 791498 & 791499
 Total Area: 24.4660ha
 Zoning: General Coastal
 Resource features: NIL



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Survey	Name	Date	ORIGINAL
Design			SHEET
Drawn	KY	22.10.24	SCALE
Approved			1:2000
Rev	KY	30.10.24	SHEET SIZE
			A3

Prepared for: BENTZEN FARM LIMITED
 30615 Scheme 20241030

**PROPOSED SUBDIVISION OF
LOTS 15 & 18 DP 391213**
 MANAWAORA ROAD, RUSSELL

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 Sheet 1 of 1

Appendix 5

Ecological Assessment

ECOLOGICAL IMPACT ASSESSMENT (ECIA)



OMARINO BOATSHEDS BENTZEN FARMS LTD LOT 18 DP 391213 MANAWAORA RD



PO Box 229, KERIKERI
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This report may be cited as-

OMARINO BOATSHEDS EIA BAY ECOLOGICAL CONSULTANCY LTD (19/3/25)

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OMARINO BOATSHEDS PROPOSAL EciA

LOT 18 DP 391213 MANAWAORA RD, RUSSELL

19/3/25



EXECUTIVE SUMMARY

Bay Ecological Consultancy has been engaged to provide an Ecological Impact Assessment (EciA) of the Bentzen Farms Ltd proposal to construct six additional boatsheds for use by the Omarino Residents Association (ORAI) on the shared utility parcel (Lot 18 DP 391213 RT 440867) in the Omarino estate, Manawaora Rd, Russell.

It considers aspects of the proposal with potential ecological impacts including:

- Riparian vegetation clearance & earthworks in the development footprint
- Infill of a portion of the lowermost existing stormwater pond, in a series legally constructed in the bed of a former wetland/ intermittent stream as part of development in the early 2000s
- Alteration/ extension of existing culverts
- Stormwater discharge from increased impermeable surface to the stormwater pond and connected significant indigenous natural inland wetland as receiving environment (ZOI) within 100m

A desktop review of available ecological background was followed by a site visits on the 16th September 2024 & 17 January 2025 to ground truth expectations and gauge the proposal against site context. Site photos are provided for illustration.

Reporting provides consideration of significance in regard to Northland Regional Policy Statement *Appendix 5* (2018).

SUMMARY FINDINGS

- The current proposal requires infill of portion of an unnamed 1st order waterway on Lot 18 DP 391213 within the Omarino estate, modified as a stormwater/ sediment detention pond since development approx.2003 and maintained as such.
- The waterway, with long term periodicity evident from the 1950s, is now a cascade of short bunds & ponds from its northwest origin on Lot 15 DP391213 to the focus area. All culverts in series throughout the waterway were observed perched in spring (Sept 2024) and in summer (Jan 2025).
- Some stagnation and scattered raupō is not sufficient to deem the focus pond as wetland. It cannot be considered *artificial watercourse*, rather a *modified* form of the pre-existing water body with a natural source. The system is considered a *river* under the RMA, of *intermittent* flow further constrained by the ponding.
- As infill will create formation of land surface for purpose than crossing it is considered reclamation and *Discretionary* under *NES- F Reg 57*. Activities that result in loss of extent must be avoided except where there is a *functional* need for the activity to occur at that location with effects managed via the EMH. Design and engineering potentials for the site are outside our scope and we rely on the option presented as being the only alternative, with our comment limited to application of the EMH.
- The loss of this area is *de minimus* in terms of *values* as defined in the *NPS-FM (2020)*, including functionality of the upstream or receiving waterway or as habitat within, and considered less than minor.

- The pond outlet is via two culverts approx 33m beneath the current configuration to the receiving significant *natural inland wetland* - Waipiro Bay CMA sequence downstream.
- The culverts are *other infrastructure* under the NES-F (2020), to be extended within the reclamation, <100m of the downstream receiving *natural inland wetland*. Minor maintenance is a permitted activity, however the extension cannot comply with *REG 46 Permitted activities- Maintenance and operation of specified infrastructure and other infrastructure*.
- Rather it is a *Restricted Discretionary* activity with regard to matters within NES –F REG 56 and subject to the EMH.
- Stormwater design provided by PK Engineering Ltd has specifically avoided *changing the water level range or hydrological function* of the receiving wetland as per NES-F REG 54. No complete or partial drainage will occur as per NES-F REG 52.
- The culverts currently and in future will not allow for fish passage. They are perched at both ends and do not provide hydraulic conditions necessary for the passage of fish. Gross excavation and reconfiguration would be required to remedy the existing format with the extension, not considered practicable. A fish survey has not been undertaken, however it is unlikely habitat for freshwater fish.
- Proposed culvert alterations cannot comply with permitted parameters as per NES-F REG – 70 (2); the culverts are a *Discretionary* activity and the information contained in NES – F REGS 62; 63; & 69 must be provided as per NES-F REG 71 including a CIMMP.
- Predicted rare ecosystem type¹ *WF4 Pōhutukawa, pūriri, broadleaved forest* was refined in the focus area onsite to be *OF AS1 Kānuka shrubland with native shrubs*, dating from the original mass revegetation scheme 2003 -2007 to uphold RC 2050323. Like the majority of the farm prior to development, Lot 18 was bare pasture, pine; gorse or undergrazed kānuka prior to planting.
- The focus area comprises kānuka canopy; weed species; mixed common early successional broadleaved species, and several 5m pohutukawa, planted as a larger grade originally. The understory is open and thin, without a diversity of ground cover other than exotic weeds, seral saplings and scattered *Carex*. It is isolated and largely edge in character between buildings and access ways. Its contribution is a minimal and depauperate representation of the wider sites values and characteristics as a part of a wider ecological unit, by virtue of presence rather than quality and more akin to amenity planting. Its significance is considered *NEGLIGIBLE*.
- Clearance (1535m²) is required of this vegetation. Regardless of its significance, clearance of riparian vegetation exceeds the PNRP permitted status of 200m²/ year, within 10m of the stormwater pond (intermittent modified stream). Subject to *C.8.4.3 Vegetation Clearance – Discretionary Activity &* with fidelity to *Policy D.4.27 Land Preparation, Earthworks &Vegetation Clearance* this should follow best practice methodology to **avoid** adverse impacts.
 - machinery clean of soil and debris prior to site entry
 - vegetation, slash, disturbed soil or debris is not deposited in a position where it could mobilise into the pond
 - vegetation is cleared in a direction away from the pond
 - preworks fauna check e.g. day sheltering kiwi
- As per the EMH an offset is appropriate for the loss of pond extent under NES -F 57, as it is for the vegetation clearance. Neither can be mitigated completely at the point of impact as a portion is permanent. In response, both restoration and enhancement of *values* to provide riparian protection, habitat and amenity in the same close catchment is proposed as per *Appendix 3 NPSIB (2023)* and *RPS 4.4.2*, providing no net loss, rather net gain in area and additionality through density and diversity. The offset of vegetation concomitantly offsets the loss of minimal functionality of the stormwater pond extent area reducing sediment input and runoff.
- Success of an offset relies on methodology to ensure goals are achieved as per as *NPSIB Appendix 3 (5)*. We recommend:
 - Vegetation clearance shall not exceed the maximum areas shown in an approved Scheme Plan and positioned generally in accordance with such.
 - Best practice clearance methods to be used
 - Biosecurity measures

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

- Within twelve months of the completion of vegetation clearance provide evidence that planting plan has been implemented. Species have been selected specific to mitigatory purpose in consultation with Hawthorn Landscape Architects and aligned with the intent of the OMP original planting directives.
- Pest and weed control is incorporated as a standard existing protection mechanism as per the OMP, ensuring success of the offset

This primary effects management is considered protective of the wider site ecological unit and significance values, including hydrological features and wetland, habitat, *High Natural Character*, aligned with aspirations of the objectives and policies of the FNDP Chapter 12 and Coastal Policy Statement (11).

PROPOSAL SUMMARY

The proposal area is portion of utility Lot 18 DP 391213 (RT 3440867), located within the Omarino subdivision, Manawaora Rd. It is illustrated below in *Figs 1& 2* and described in *Table 1*. Currently, existing sheds and hardstand are utilised for a range of storage by members of the Omarino Residents Association (ORAI) who have a 17th share in Lot 18, as well as service, storage and maintenance by Omarino management.

Six additional sheds are proposed –

- two sheds abutting and matching the existing 5 at the western boundary
- a new block of four sheds, offset from the other block, opening to the south east.

The site has been chosen to concentrate the service area and resultant character in one area in keeping with the existing function, to minimise fragmentation and utilise existing access formations and infrastructure which have been in place since the early 2000s following consent e.g. culverts.

The boatsheds will require extension of the existing slab for access, manoeuvring and parking, with concomitant vegetation clearance, infill of the lower corner of the adjacent stormwater pond and extension of culverts therein. The culverts are considered *other infrastructure*² under the NES-F (2020).

Vegetation clearance, excavation and retaining will be required behind the buildings into the southeastern facing slope.

The new boatshed roof runoff will be detained in tanks with overflow discharge to an existing manhole to the culverts. Further sheetflow across the hardstand will travel to the pond or down the bank toward the wetland, over an existing rock armoured embankment and through vegetation, as currently occurs.

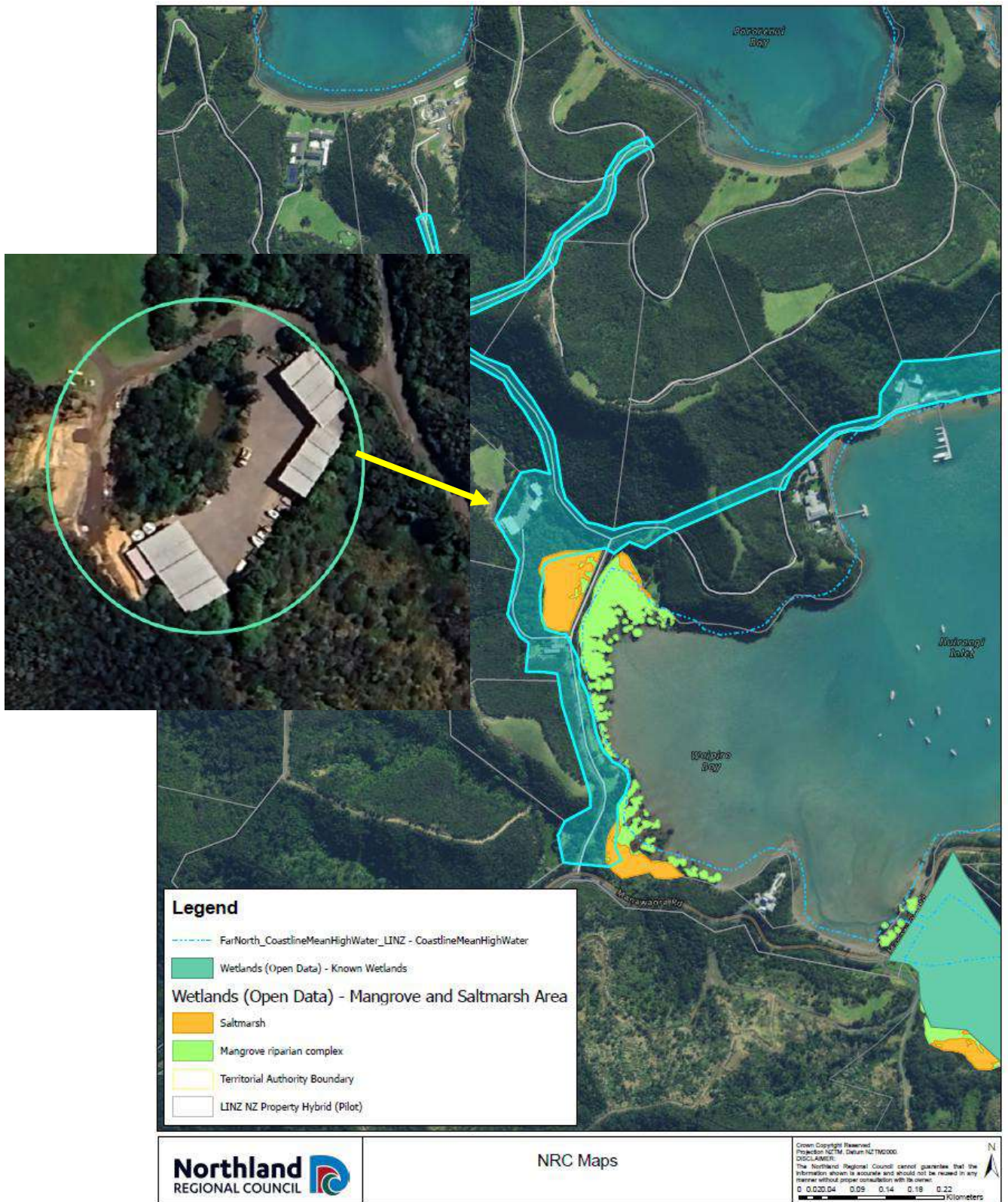
The stormwater pond will receive additional runoff from cutoff drains at the backslope of the sheds and portion of the hardstand. Two culverts discharge from its southern end and travel south east beneath the existing hardstand and terminate perched above *natural inland wetland* within Lot 18, tributary to further saltmarsh in the CMA and Waipiro Bay. The wetland is freshwater raupō dominant shortly after the culvert exit point, following basal contour and grading to NRC mapped saltmarsh with saline intrusion beneath the causeway built in the 1960s.

To avoid effects as primary, collaborative design has considered the receiving wetland, with engineering of hydraulic neutrality. Stormwater flows arising from the catchment area have been controlled utilising the exiting pond, tanks and culvert modifications so the total discharge from Lot 18 is no greater than predeveloped levels³. Discharge velocity has been slowed.

² *Other infrastructure* (NES – F 2020) - infrastructure, other than specified infrastructure, that was lawfully established before, and in place at, the close of 2 September 2020

³ PK Engineering Ltd March 2025 SITE SUITABILITY & DEVELOPMENT REPORT FOR PROPOSED BOATSHEDS AT 285 MANAWAORA RD LOT 18 DP 391213 FOR BENTZEN FARMS LTD

FIG 1: SITE LOCATION



SITE CONTEXT

A desktop review was undertaken of the available ecological site context and surrounding area in the potential zone of influence (ZOI). This standard EclA desktop scoping phase assists in determining priorities for field work, informed assessment of significance and targeted impact management. Although generally from broad scale mapping, requiring finer ground truthing, it may suggest potential species occurrence and associations; and underlying abiotic influences of soils and hydrology including potential wetland presence and *values*⁴.

TABLE 1: SITE SUMMARY

DESCRIPTION	FOCUS AREA WITHIN LOT 18 DP 391213 (RT 440867)
OWNER	OMARINO RESIDENTS ASSOCIATION INC. (ORAI)
ZONE	General Coastal Zone
AREA	18.6399 approx.
ECOLOGICAL DISTRICT	WHANGARURU
COVER	<ul style="list-style-type: none"> Mixed revegetation on periphery and area designated for clearance Existing boatsheds & slab Stormwaterpond in series to natural inland wetland as receiving environment
SOIL TYPE ⁵	<ul style="list-style-type: none"> MRH Marua Clay Loam
POTENTIAL ECOSYSTEM ⁶	<ul style="list-style-type: none"> WF4: Pōhutukawa, pūriri, broadleaved forest
TEC CLASSIFICATION ⁷	<ul style="list-style-type: none"> CLASS V
MAPPED SNA, NORTHLAND BIODIVERSITY RANKING - TERRESTRIAL TOP 30 SITES; RANKED RIVERS; KNOWN WETLANDS; RANKED WETLANDS	<p>Small portion of PNA#Q05/001 Eastern Bay of Islands Estuary intrudes on lower wetland (ZOI - receiving environment)</p> <p>Contains NRC mapped saltmarsh adjacent to further extent as above</p> <p>#Q05/001 is also 4th ranked estuarine wetland complex in Northland</p> <p>1st ranked overall wetland complex in Whangaruru Ecological District</p>
ADJACENT RANKED AREAS	<p>OMARINO ESTATE REVEGETATION IS CONTIGUOUS WITH AREA OF RUSSELL FOREST PNA Q05/003⁸</p> <p>Further extent of PNA#Q05/001 Eastern Bay of Islands Estuary</p> <p>Critical Bird Habitat – Bittern PNRP</p>
NATURALLY RARE ECOSYSTEMS ⁹	WETLAND
KIWI DENSITY DoC 2018	Kiwi Present

Key sources of the desktop review included:

- Booth, A. (2005) *Natural Areas of Whangaruru Ecological District*.
- Forester & Townsend (2004) *Threatened plants of the Northland Conservancy*
- LRIS portal <https://iris.scinfo.org.nz/>
- NRC Local Mapping – Leathwick (2018); Singers (2018)
- REC Classification <https://data.mfe.govt.nz/layer/51845-river-environment-classification-new-zealand>
- TEC Classification <https://ourenvironment.scinfo.org.nz/>
- Wildlands Consultants (2011) *Ranking of top Wetlands in the Northland Region Stage 4 - Rankings for 304 Wetlands Wildlands Contract Report No. 2489 for the Northland Regional Council*
- Wildlands Consultants (2012) *Report on Wetland Guidelines for the Northland Reg*

⁴ Values (NPS FM 2020 Amendment No.1 (2022) (i) ecosystem health; (ii) indigenous biodiversity; (iii) hydrological function; (iv) Maori freshwater values; (v) amenity values

⁵ <https://nrcgis.maps.arcgis.com/apps/webappviewer/index.html?id=fd6bac88893049e1beae97c3467408a9>

⁶ https://services2.arcgis.com/J8errK5dyxu7Xjf7/arcgis/rest/services/Northland_Biodiversity_Ranking/FeatureServer/0

⁷ https://ourenvironment.scinfo.org.nz/maps-and-tools/app/Habitats/lenc_tec

⁸ Booth A (2005) *Natural Areas of Whangaruru Ecological District. Reconnaissance Report for the Protected Natural Areas Programme. DoC, Whangarei.*

⁹ Williams et al (2007) *New Zealand's historically rare terrestrial ecosystems set in a physical and physiognomic framework* *New Zealand Journal of Ecology* 31(2): 119-128

SOILS

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

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

TABLE 2: MAPPED SOIL TYPE

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

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

POTENTIAL ECOSYSTEM TYPE

Broad ecosystem classification¹⁰ shows the potential vegetation type as correlated with soil type and climate:

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

TABLE 3: MAPPED POTENTIAL ECOSYSTEM TYPE

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

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

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

¹⁰ Singers & Rogers (2014) A classification of NZs terrestrial ecosystems. DoC Wellington

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

VALUES MAPPING

There are currently no FNDC *Significant Natural Areas* (SNAs) as per the *National Policy Statement for Indigenous Biodiversity (2023)*, subject to *Subpart 2 Clause 3.10*. However as per *Subpart 2 Clause 3.16*, significant adverse effects on indigenous biodiversity outside of such areas in regard to new subdivision, development or use must be managed by applying the effects management hierarchy.

The receiving wetland within Lot 18 is part of the larger *Eastern Bay of Islands (EPI) PNA #Q05/001*¹¹, comprised of the numerous bays and inlets bordering the terrestrial habitats of Russell peninsula. Although dated (2005), the underlying assessment for the EBI PNA may be considered as a surrogate for potential significance and serve to direct further site consideration. Onsite it encompasses the lower extent of the receiving wetland, as below FIG 3.

FIG 3: PNA Q05/001 BOOTH 2005



The EBI PNA is also described as the top ranked wetland complex in the Whangaruru Ecological District and the 4th ranked estuarine wetland extent in Northland¹².

The wider Omarino Estate revegetation has created an expanse of cover that is contiguous with the offsite Russell Forest PNA# Q05/003. Significance of the PNA in the accompanying documentation as:

- *Representative forest and scrub types including unmodified*
- *Representative wetland types and Threatened & At Risk fish species in these and waterways.*
- *Intact sequences throughout full altitudinal range 'mountain to sea'*
- *Supports large number of Threatened and At Risk flora and fauna including invertebrates; fish and birds. Near the distributional limit of 3 species of forest gecko Auckland Green; Northland Green Gecko & Forest gecko*

There are no NRC Biodiversity Terrestrial Ranking Top 30% or Top 30% +5 unit¹³ units in a ZOI of the proposal.

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

¹² Wildlands (2011) Ranking of Top Wetlands In the Northland Region Contract Report No. 2489 for NRC

The first two classes of the national TEC mapping layer¹⁴ have been incorporated into national and regional policy to address biodiversity protection on private land¹⁵ and as a measure of significance of any site vegetation. Vegetation onsite is not included in these categories. The TEC is most appropriately applied to help identify priorities for formal protection against clearance and/or incompatible land-uses, and to restore lost linkages and buffers. The site and surrounding area is classed as *Underprotected class (> 30% left and 10-20% protected)*. Indigenous vegetation and habitats in these environments is considered less reduced and fragmented than the first four categories, but lacking sufficient legal protection. This is considered inaccurate in light of the Omarino Management Plan (OMP) and dictates of the original subdivision consent, which would not have been accounted for in the mapping classification.

FIG 4: TEC CLASSIFICATION



¹³ This layer identifies the top 5 % of additional High priority terrestrial sites that would potentially make the largest additional gains assuming management is applied to the top 30% of sites as identified in the ranking of terrestrial ecosystem areas derived from a ranking analysis of indigenous-dominated terrestrial ecosystems for the Northland Region.

¹⁴ Threatened Environment Classification (2012) Landcare Research Manaaki Whenua. Based on Land Environments New Zealand (LENZ), classes of the 4th Land Cover Database (LCDB4, based on 2012 satellite imagery) and the protected areas network (version 2012, reflecting areas legally protected for the purpose of natural heritage protection).

¹⁵ Northland Regional Policy Statement 2018 Appendix 5; Land Environments New Zealand Level VI; Land Cover Database 4 (2012); Protected Areas Network (2012) **Acutely Threatened** (<10% Indigenous Cover remains); **Chronically Threatened** (10-20% Indigenous Cover remains); **At Risk** (20-30% Indigenous Cover Remains); **Critically Underprotected** (>30% cover, <10% protected); **Underprotected** (>30% Indigenous cover remains, 10-20% protected); **Better Protected** (>30 indigenous cover, >20% protected)

HISTORIC AERIALS

A review of available historic photography and topographical maps was made to illustrate historic change in cover, periodicity of waterways and wetland. Remnant areas on slopes and in gullies are visible in comparison to the grazed slopes and flatter plateaus.

The focus pond is the lowest of an unnamed 1st order waterway, seen to have extended occupation of the area in Retrolens aerials and topo maps during the farms production history (Figs 5-9) despite land disturbance prior to this and in the ensuing decades. The proportion of creek to receiving wetland within the watercourse likely varied with woody catchment cover, and accompanying changes in interception, transpiration and sediment input.

The bund between the pond and the receiving wetland to the southeast is first visible in 1972 Retrolens aerial (FIG 7) as a farm crossing. The current site configuration is seen as largely established in the 2003 FNDC/LINZ photo (FIG 8) as development commences. Following approximately the same course today, the waterway is now a cascade of short bunds & ponds from its origin to the northwest within the Omarino estate.

FIG 5: SITE LOCATION NZMS1/N12 1969 ORIGINAL WATERCOURSES

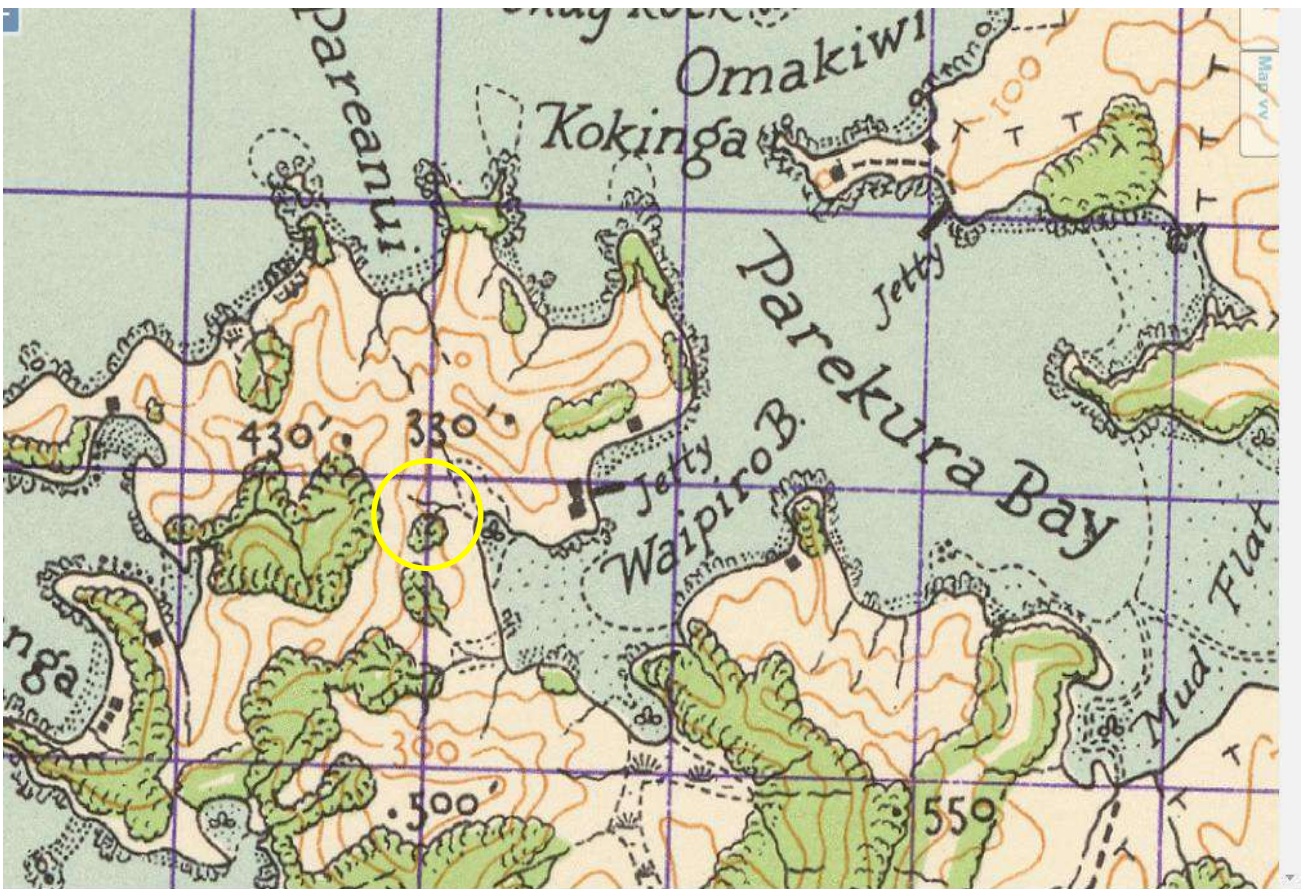


FIG 6: SITE LOCATION 1979 NZMS1/N12 ORIGINAL WATERCOURSES

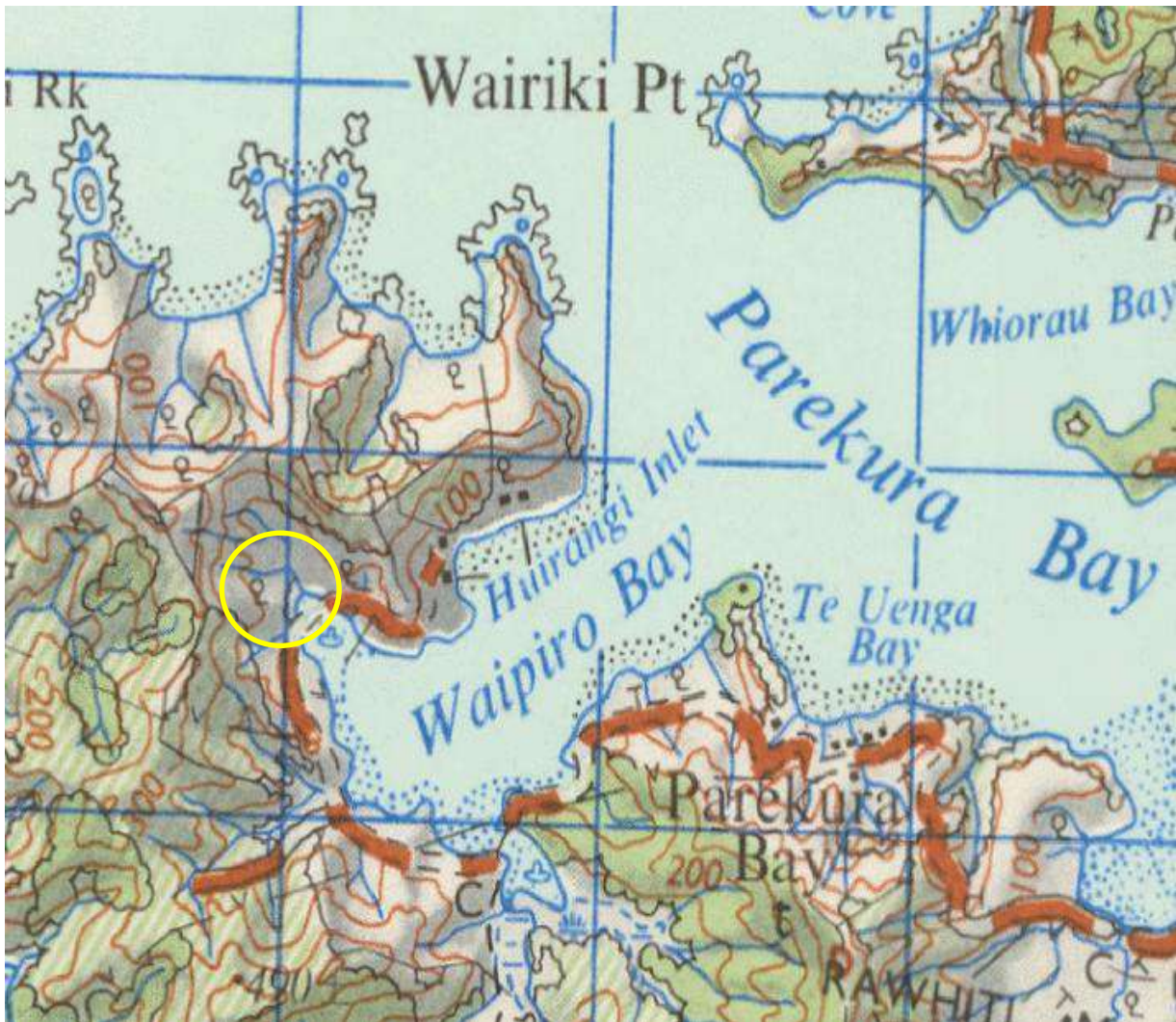
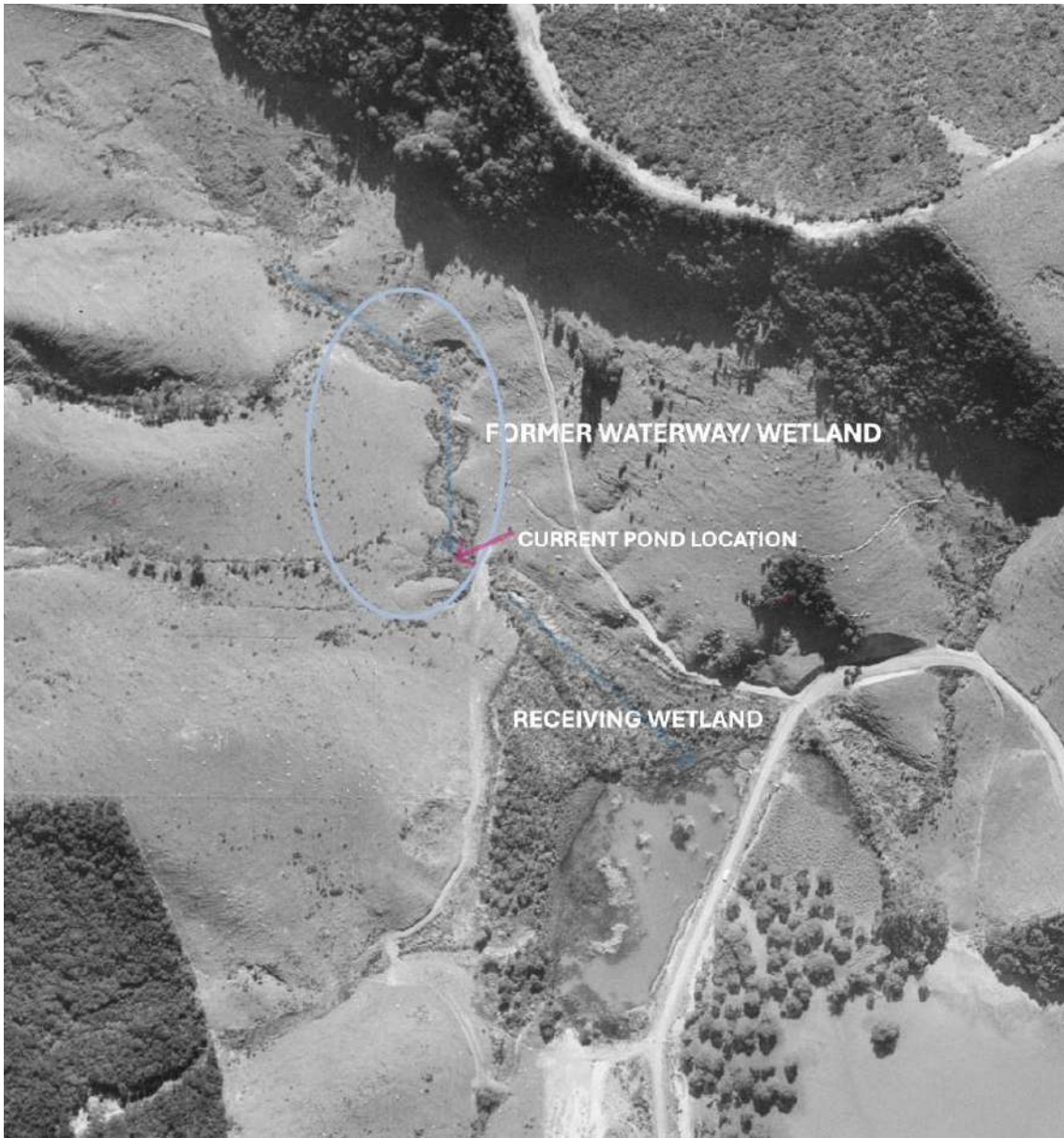


FIG 7: RETROLENS¹⁶ 1972



¹⁶ All Retrolens aerial photography - Sourced from <http://retrolens.nz> and licensed by LINZ CC-BY 3.0

FIG 8: SITE LOCATION 1981

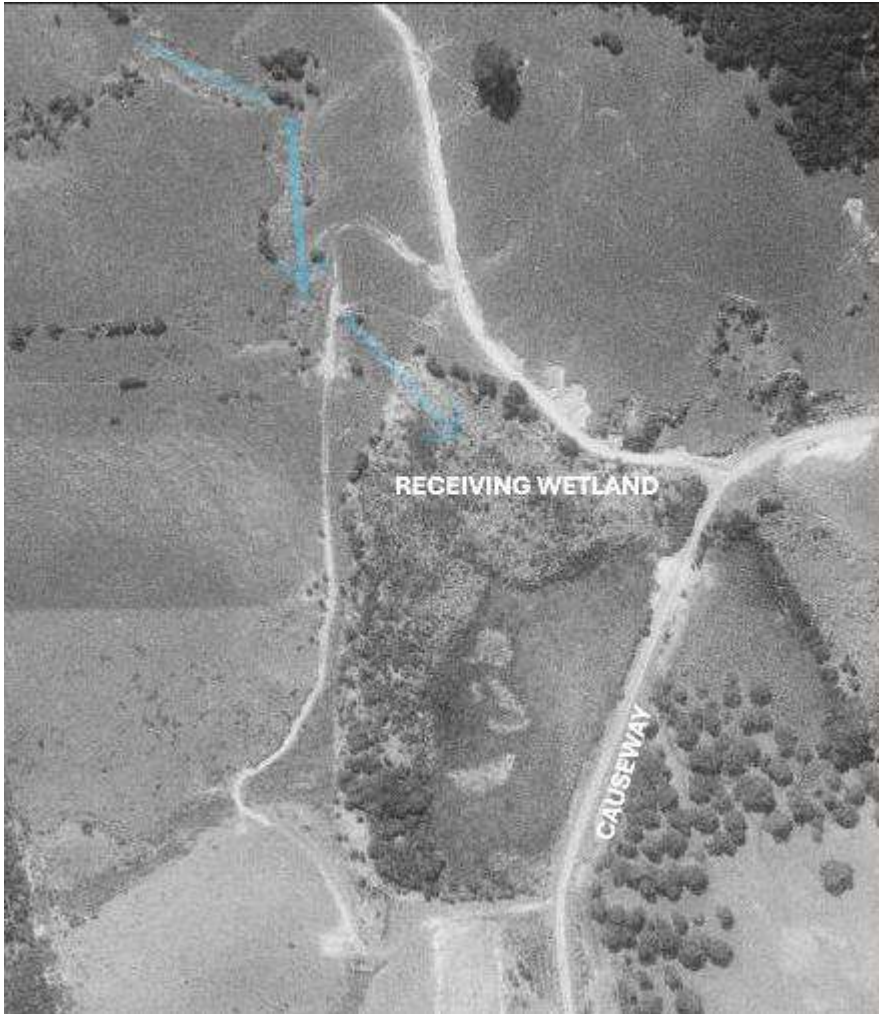


FIG 9: SITE LOCATION 2000

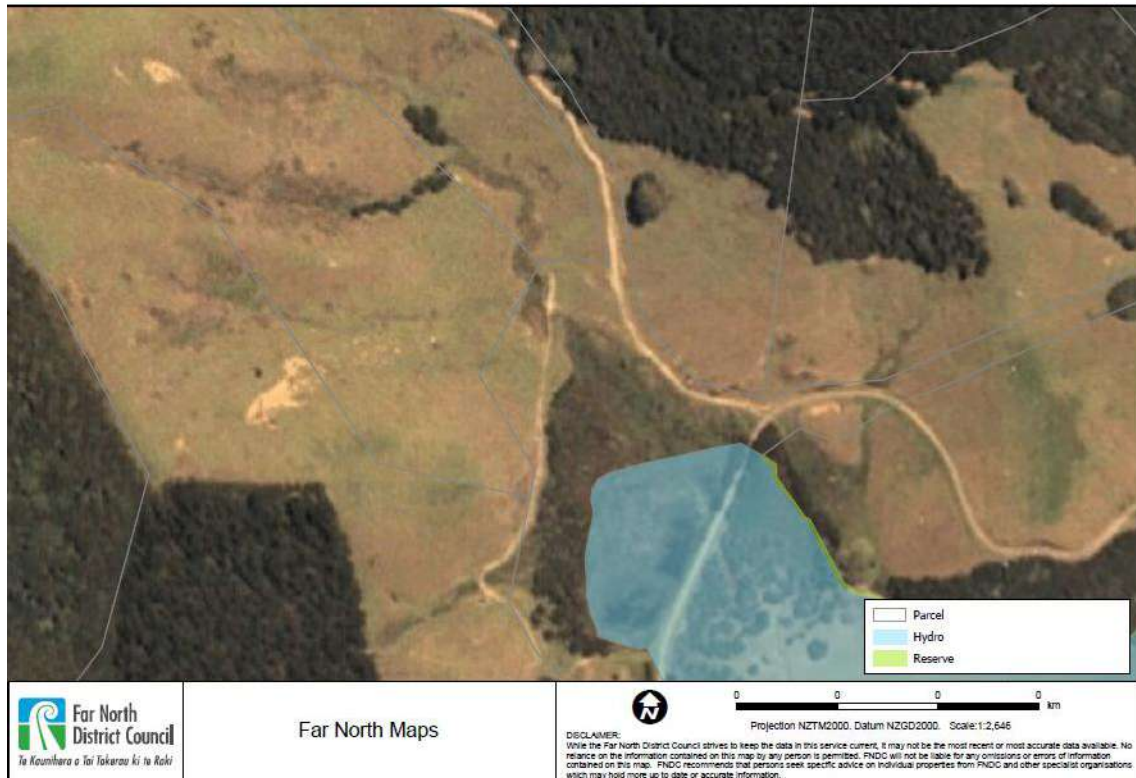


FIG 10: SITE LOCATION 2003



SITE VISITS

Comprehensive site visits were made on the 29th August 2024 & 17th February 2025 over a seasonal range with specific regard to the proposed scheme, aerial photography and desktop review.

Walk through visual vegetation survey was undertaken to characterise the site associations and habitat for significance and wetland presence.

Wetland survey was undertaken in accordance with the MFE Wetland Protocols (Clarkson 2022). The Rapid Test, as the first strata of wetland delineation, was sufficient to confirm wetland presence as indicated in the aerials in lower Lot 18 as the receiving environment. Dominance typified by obligate (OBL) and facultative wetland (FACW) species forms a very obvious *natural inland wetland* community.

WATERWAY & STORMWATER POND

The focus pond is located at the northern edge of the Lot 18 utility area with existing boatsheds and concrete pad. It is approx. 120m² and the lowermost in a cascade of short bunds & ponds from the waterways origin to the northwest on Omarino Lot 15 DP 391213. All culverts in series throughout its extent were perched at observed summer flow (Jan 2025) and spring (Sept 2024). Upstream ponds are shallow lenses, with a narrow central channel. The focus pond is the deepest in the series, although often dries up completely in mid summer.

It has been modified as a sediment/ stormwater detention pond since development commenced in 2003 and maintained as such. Bunding was evident even prior in the historic aerials from the early 1970s. Two culverts travel approx. 33m from its southern end beneath the existing hardstand and terminate perched above *natural inland wetland* within Lot 18, tributary to further saltmarsh in the CMA and Waipiro Bay.

The ponded waterway cannot be considered an *artificial watercourse*,¹⁷ rather the *modified*¹⁸ form of the pre-existing water body¹⁹ with a natural source. The system is considered a *river*²⁰ under the RMA, of intermittent flow further constrained by the modification. Some stagnation and scattered raupō is not sufficient to deem it as wetland. It is surrounded by a margin of revegetation, planted as part of the Omarino Management Plan (RC2050323).

¹⁷ **Artificial watercourse**- A man-made channel constructed in or over land for carrying water and includes an irrigation canal, roadside drains and water tables, water supply race, canal for the supply of water for electricity power generation and farm drainage canals. It does not include a channel constructed in or along the path of any historical or existing river, stream or natural wetland.

¹⁸ **Modified watercourse**: Not defined in any planning documents but derived from case law. A river that has been modified in some manner for example by diversions, piping, and/or other structures.

¹⁹ RMA definition **Water body**- fresh water or geothermal water in a river, lake, stream, pond, wetland, or aquifer, or any part thereof, that is not located within the coastal marine area.

²⁰ RMA definition - **River**- a continually or intermittently flowing body of fresh water; and includes a stream and modified watercourse; but does not include any artificial watercourse (including an irrigation canal, water supply race, canal for the supply of water for electricity power generation, and farm drainage canal

WETLAND

The receiving environment at the culverts terminus is a *natural inland wetland* directly below the utility area to the southeast. It may also be considered a significant indigenous wetland under the majority of RPS (2018) Appendix 5 criteria.

The wetland is located above the CMA and therefore subject to the NES-F (2020), despite grading from freshwater raupō dominance in its upper reaches to saltmarsh and mangrove in its lower extent. It is shortly tributary to further coastal wetland at the edge of Waipiro Bay, beyond the causeway from Manawaora Rd built in the early 1960s.

NRC *known wetland* mapping of the wider extent is limited to the more estuarine portion marked by saline intrusion through the causeway culverts (below FIG 11).

FIG 11: CMA & KNOWN WETLAND NRC



The upper Lot 18 wetland is best typified as a swamp²¹ within the basal contour at the base of the slope.

The extant source is likely groundwater, with contribution from peripheral intermittent flows. These include the discharge from the current pond culverts, representing both the modified historic hydrology and the impervious surface contribution. This point source may be considered a CSA.²²

²¹ Johnson & Gerbeaux (2004) Wetland types of NZ

²² **CSA Critical source areas** within a catchment contribute a disproportionately large quantity of contaminants to water (relative to their extent). They are the combination of a source of contaminants (drainage area) and a transport pathway (eg. point source outlets; surface run-off, ephemeral drainage). Minimising either the source or the transport pathway will decrease the risk. Targeted avoidance/mitigations specific to critical source areas is an efficient and cost-effective approach to effects management.

TABLE 4: IDENTIFIED NATURAL INLAND WETLAND

TYPE	SWAMP	
CHARACTERISTIC	<ul style="list-style-type: none"> • <i>standing water and/ or surface channels; leads with slow flow</i> • <i>mainly surface water with groundwater</i> • <i>water table usually above the surface</i> • <i>moderate to high fluctuation but permanent wetness at depth</i> • <i>poor drainage</i> • <i>combination of mineral and peat soils</i> • <i>wide spread - basins; valleys, gullies and plains</i> 	
CLASSIFICATION	WL11- MACHAERINA SEDGELAND <ul style="list-style-type: none"> • Shallow palustrine/riverine/lacustrine wetlands of a wide range of variants throughout New Zealand. • Sedgeland, rushland with a high water table • Dominated by species of <i>Machaerina</i>, square sedge, <i>Eleocharis</i>, <i>Carex</i> spp. & <i>Juncus</i> spp 	WL19: RAUPŌ REEDLAND <ul style="list-style-type: none"> • Palustrine/riverine/lacustrine wetlands; commonly found throughout INorthland owlands, margins of lakes and flooded valleys • Reedland of abundant raupō, locally with species of <i>Bolboschoenus</i>, <i>Schoenoplectus</i> and <i>Machaerina</i>, pūkio, harakeke, and swamp millet.
TYPIC SITE SPECIES	<ul style="list-style-type: none"> • raupō (OBL) DOMINANT • <i>Isachne globosa</i> (OBL) swamp millet • <i>Eleocharis acuta</i> (OBL) • <i>Carex</i> (FACW) • <i>Cyperus*</i> spp(FACW) • <i>Epilobium</i> (OBL) • <i>Isolepis</i> spp (OBL & FACW) • <i>Juncus</i> spp (FACW) • <i>Machaerina juncea</i> (FACW) • <i>Machaerina articulata</i> (OBL) • <i>Juncus</i> spp (FACW) 	
LOCATION	FRESHWATER AT SLOPE TOE IN NATURAL BASIN WITHIN LOT 18 (CULVERT DISCHARGE POINT)	

The dominant wetland character *WL19: RAUPŌ REEDLAND* is a common pairing of raupō (OBL) with scrambling *Isachne globosa* (swamp millet OBL). Crowded raupō dominance implies consistent periodicity and depth of watertable. As a thick grass mat, *I. globosa* creates a deceptively terrestrial appearance, revealed to be rafting over standing water if ventured into.

The culverts outlet was considered the critical extent toward the proposal. Further investigation beyond this was restricted to vantage points due to steep topography down to the wetland and standing water within. Broader extent can be implied from the consistent raupō form and winter colouration in aerials and recent drone shots (refer below *FIG 12 & 11*).

Where hydrology cannot support raupō, a periphery of further OBL & FACW species of *WL11 MACHAERINA SEDGELAND* type occurs with *Machaerina* (OBL); *Schoenoplectus tabernaemontanii*; *Carex*; *Eleocharis acuta*, *Isolepis*; umbrella sedge (*Cyperus*); and purua grass (*Bolboschoenus*) sighted in various association.

Associations and character vary with depth of saturation, grading through *WL11 – WL19* - open water. Wetland typology is based on the emphasis of observed vegetation and hydrology, however in reality the two wetland types intergrade and are dynamic systems with potential to change extent and composition over time due to natural factors e.g. drought; invasion; interspecific competition.

Terrestrial vegetation on the slopes down to the wetland is of the same revegetation character as around the ponds and sheds, with some larger specimens dating from the original farm remnants to the southwest along the access. Within the wetland small islands and hummocks are occupied by scattered manuka, and mangroves towards the salt wedge.

FIG 12: WINTER COLOURATION OF RAUPŌ EXTENT



FIG 13: DRONE SHOT FEB 2025 SHOWING APPROX DISCHARGE POINT IN RAUPŌ AT BANK BASE

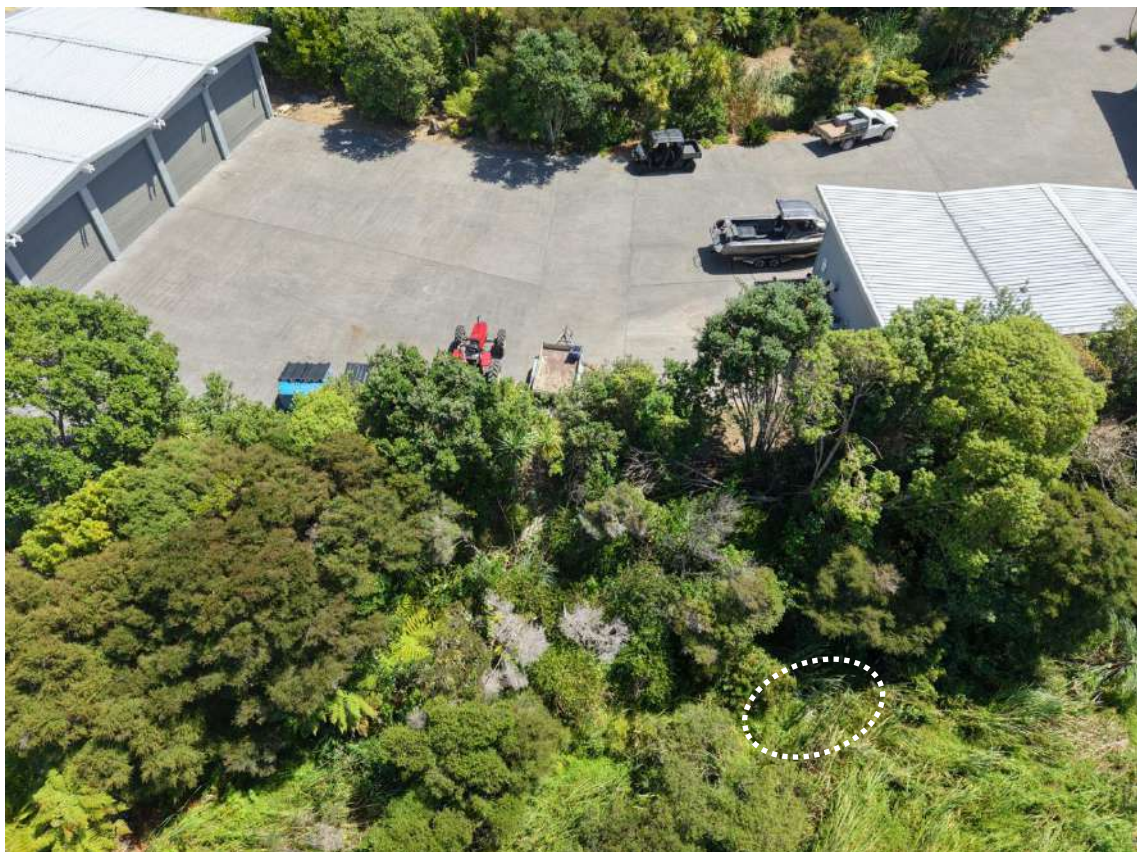


FIG 14: DRONE SHOT FEB 2025 WIDER CONTEXT



Portion of the EBI PNA overlaps with the Lot 18 wetland. Documented values are compared as below:

TABLE 5: EASTERN BAY OF ISLANDS ESTUARY PNA (#Q05/001)

EASTERN BAY OF ISLANDS ESTUARY PNA (#Q05/001)	SITE
<i>This section of the Bay of Islands undoubtedly contains the most extensive examples of saltmarsh/mangrove within the Bay, with the least modified riparian margin.</i>	Lot 18 contributes , however was modified by the causeway
<i>Significant terrestrial and/or estuarine vegetation. Extensive riparian cover sometimes adjoining freshwater/brackish wetlands. In many instances, freshwater wetlands adjoin their saline counterparts.</i>	YES wider Omarino cover and Lot 18 sequence to CMA and Waipiro Bay
<i>Habitat for threatened and regionally significant species, -especially important area of Northland for the recovery of two threatened bird species – pāteke and matuku.</i>	Pāteke known to site; bittern habitat available
<i>Important for the maintenance of water quality within the Bay of Islands.</i>	Wetland is providing buffer function nutrient processing and sediment retention

PROPOSED VEGETATION CLEARANCE

Like the majority of the farm prior to development, Lot 18 was bare pasture, pine; gorse or undergrazed scattered kānuka prior to planting.

The Omarino Management Plan directed mass revegetation 2003-2007 post resource consent (RC2050323). The composition was restrained and effective in terms of biodiversity, consisting of 3 main differentiations –

- *coastal or inland coastal* indigenous, locally appropriate associations dominated by mānuka
- wetland enhancement

The two terrestrial specifications including secondary dominants varied with location - *Phormium tenax* and kānuka or *Coprosma spp macrocarpa; repens; & robusta* and *pōhutukawa*.

The current focus area reflects the latter at best. There is no distinct coastal forest association, with three individual pohutukawa on the outer fringe of the clearance as only a muted representation. These are approx. 5m in height, planted as a larger grade originally. The area is more closely aligned with AS1 *Kānuka shrubland & native shrubs*, however has a lower than expected diversity.

TABLE 6: CURRENT REFINED SITE ECOSYSTEM TYPE

ECOSYSTEM CLASSIFICATION	TYPE DISTRIBUTION	TYPE DESCRIPTION
AS1 KĀNUKA SHRUBLAND WITH NATIVE SHRUBS	<i>NORTHERN HALF OF THE N.I, SI NORTH OF WAITAKI RIVER</i> <i>Wide elevational range, from just above sea level to 1000 m</i> <i>Moderately low species richness average 27 species</i> <i>14 % (5 species) exotic</i>	<ul style="list-style-type: none"> • <i>SHORTER STATURE SHRUBLAND DRIER & LESS DIVERSE THAN OF1</i> • <i>dominated by kānuka canopy Kunzea ericoides is the only indicator species</i> • <i>shrubs Coprosma rhamnoides, Leptecophylla juniperina and Leucopogon fasciculatus</i>

The composition is simple - kānuka dominant with a contribution of *Coprosma spp*, hangehange; infrequent mahoe, mapou, cabbage tree and flax ranging from 2 – 4m tall and less than 600mm in diameter. It is open and in exotic dominated groundcover from continued weed influx, with frequent gorse and tobacco weed; individual scattered forest *Carex spp* and seral mapou and *Coprosma* seedlings. The designated clearance area is isolated and largely edge in character between buildings, access ways and high use. The quality is constrained by the existing infrastructure, which has induced edge effects.

Specific search for *Threatened* and *At Risk* species identified from desktop review²³ and professional expectation was made, unsuccessfully. There are no kauri, planted or otherwise. None are considered in proximity to any proposed works to invoke the relevant Biosecurity (National PA Pest Management Plan) Order 2022.

Approx. 1535m² of vegetation clearance in the coastal environment is required, in part riparian to the stormwaterpond/ modified waterway and in excess of permitted activity status as per *C.8.4.2 Vegetation Clearance in Riparian areas – Permitted Activity*, therefore *Discretionary*

²³ Russell Forest PNA documentation; ala.org.au; inaturalist; nzpcn.org.nz

under C.8.4.3, and requiring offset of extent and values under D.2.18.7 *Managing Adverse Effects on Indigenous Biodiversity*.

The clearance area does not represent the high potential values for Russell Forest PNA adjacent the wider Omarino estate. Its' contribution is a minimal and depauperate representation of the wider sites values and characteristics, by virtue of presence rather than quality and more akin to amenity planting.

FAUNA

Primary observations were made in addition to consideration of wetland and vegetation significance, to complement characterisation of the site.

AVIFAUNA

Four *5 Minute Bird Counts* (5MBC) were undertaken on the morning of each site visit to provide seasonal repetition, in the same positions under clear calm conditions:

- causeway bottom of receiving wetland
- pond and clearance area
- wetland northern bank
- behind current western shed

Conspicuous birdlife consisted of frequent common exotic and native insectivorous generalists i.e. grey warbler; multiple fantail; kingfisher on margins of bush and wetland. Tūī and kūkupa were sighted crossing cover in the near distance. These are not likely to favour the kānuka and weedy dominated vegetation in the focus area compared to the wider Omarino site, unable to satisfy their frugivorous and nectivorous dietary components, and of height not favoured for nesting. The small insectivores are more versatile in their habitat occupation however the proposal area does not represent primary irreplaceable habitat.

Key birds for consideration onsite are ground dwelling. The site is designated *Kiwi Present* (DoC 2018). Weka also noted were once common across the North Island until a suspected disease wiped out nearly all but Gisbourne populations in the 1930s. Weka were rereleased into Rawhiti in the late 1960s onwards by the then national Wildlife Service, and established well, able to travel some distance.²⁴ Versatile in their habitat occupation, the main threats to weka are considered predation and drought,²⁵ not unlike kiwi. Due to their breeding rate they can maintain an occupancy to 2.6 birds/ ha.

No burrows were found directly within or nearby the proposal areas which are regularly disturbed, however kiwi will shelter in unexpected places –tangles of tall grass; at the base of tree ferns under fronds or amongst woody forest debris. Regardless, a check should be made immediately prior to siteworks for daytime sheltering birds.

Unsuccessful playbacks for fernbird (mātātā; *Poodytes punctatus At Risk -Declining*) were made around the stormwater pond, as the most likely wetland bird species to interact with the works area, and naturally curious and responsive. No other specialist wetland birds were encountered in the receiving wetland which is likely habitat for a range of birds, particularly in

²⁴ One of the 1967 originals lost during transit in Auckland was captured 72kms away 6 weeks later.

²⁵ Beauchamp, A.J.; Miskelly, C.M. 2013 [updated 2017]. Weka. In Miskelly, C.M. (ed.) New Zealand Birds Online. www.nzbirdsonline.org.nz

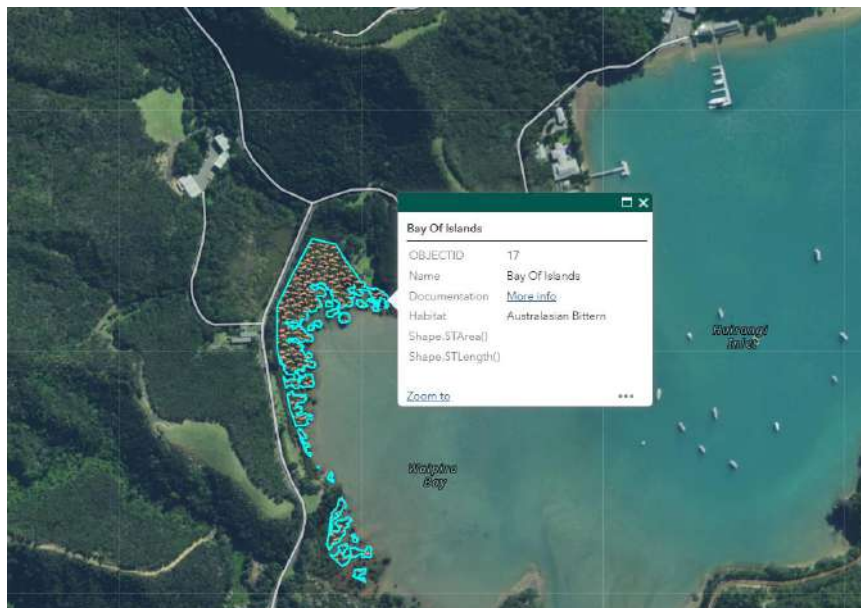
light of extensive onsite pest control. This was not unexpected as the majority are highly reticent e.g. spotless crane; banded rail

The receiving wetland as a ZOI is a known habitat of pāteke (*Anas chlorotis Threatened-Nationally Increasing*). Pāteke within Omarino are the subject of annual site counts and focused predator control by staff who possess a strong sense of kaitiakitanga.

The near shore environment and CMA adjacent Omarino is included in the PNRP Special Bird Area (SBA): *Significant Ecological Estuarine Area: Bay of Islands²⁶ and Northland Coastal Significant Marine Mammal & Seabird Management Area*. These layers are broad and can capture the majority of the CMA, comprising the large and diverse harbour and estuarine habitat together with many small to moderate sized islands. There are several inlets extending well inland, with varying levels of buffering, some with extensive mangroves, most with little saltmarsh. Ecological significance is *Moderate-High* and recorded species include pelagic birds with threat status²⁷ that may use the area for roosting, nesting or resting. No roosting trees or ground burrows for pelagic birds were observed within the works area or ZOI, both commonly indicated by concentrated guano.

Below the causeway in the CMA there is closely proximate PRP *Critical Bird Habitat* mapping²⁸, - *Australasian Bittern* (matuku-hūrepo; *Botaurus poiciloptilus Threatened – Nationally Critical*).

FIG 15: CRITICAL BIRD HABITAT MAPPING NPRP



This is a recent simplified rendering, comprising areas where an existing SBA overlaps with saltmarsh and mangrove mapping, for selected bird species identified as *Threatened to Nationally Critical* in the NZ Threat Classification System²⁷. Bittern are extremely cryptic, rarely seen and evidence of CMA habitat use is limited²⁹. As a freshwater bird they have a limited tolerance of highly saline conditions and rely on freshwater wetlands. Salinification of

²⁶ <https://nrcgis.maps.arcgis.com/apps/webappviewer/index.html?id=31f5c66ea0074f59908767452bcbcb60d>

²⁷ Robertson, H. et al (2021) Conservation status of birds in Aotearoa New Zealand. New Zealand Threat Classification Series 36

²⁸ https://nrcmaps.nrc.govt.nz/server/rest/services/RP_APPEALS_Coastal/MapServer

²⁹ Bell, J & Blayney, A (2017) Use of mangrove habitat by threatened or at risk birds. Waikato Regional Council Technical Report 2017/23

wetlands in Australia due to agricultural practices have caused occupancy loss e.g. Murray darling basin NSW & Vic. The Lot 18 raupō dominant wetland provides ideal bittern habitat:

- preferred tall raupō/ sedge cover for nesting and concealment.
- areas or runs of open water in wetland for some components of a wider diet

They are strong fliers have wide territories and are a highly mobile species under the NPS-IB (2023), with seasonal territory of up to 15km radius. Along with smaller crakes and rails, they are notoriously reticent even if present and none were observed or heard. Wetland birds ground nests are vulnerable to predators. Pest control is pertinent to protect any resident bird or visiting fauna, promoted by Omarino management and included in the current proposal regardless of occupancy.

HERPTOFAUNA

Wider Omarino vegetation presents habitat for a range of lizards frequently described in local PNA surveys and reporting- most commonly Northland green gecko (*Naultinus grayii*; *At Risk-Declining*), and the Pacific gecko (*Dactylocnemis pacificus*; *At Risk-Relict*). No diurnal species were encountered in the clearance area despite visual survey. This included disturbing longer groundcover, debris and scrutiny of taller vegetation; trunks and potential basking sites e.g. sunny trunks and open edges; banks & rocks. A nocturnal herptofauna survey was beyond the scope of this review.

FISH

A primary freshwater fish survey was outside the scope of this report. There are no pond, waterway or wetland specific FWFD records³⁰.

There is currently no fish passage between the receiving wetland and the subject pond, or further upstream throughout the stepped ponding. This has been the status within this intermittent watercourse since initial modification in the early 2000s, and likely prior due to bunding for farm crossings from at least the 1970s. From professional experience we do not expect that after decades of impoundment any landlocked population of bully would remain due to the low- no water level and open warm low oxygen character. Tuna are also unlikely, even during short periods of inundation in preference to downstream wetland habitat adjacent.

NIWA has combined REC V2 classification with monitoring data to extrapolate predicted species for all mapped NZ rivers. From professional experience, consideration of the receiving wetland habitat; local NIWA Predicted and FWFD records gives potential fish species as below:

³⁰ Freshwater Fish Database records NIWA

TABLE 7: PREDICTED FRESHWATER FISH SPECIES

PREDICTED SPECIES NZSEG#1001918	COMMON NAME	THREAT STATUS
<i>Anguilla australis</i>	SHORTFIN EEL	NOT THREATENED
<i>Galaxias maculatus</i>	INANGA	NOT THREATENED REGIONALLY SIGNIFICANT
<i>Gobiomorphus cotidianus</i>	COMMON BULLY	NOT THREATENED
<i>Gobiomorphus gobioides</i>	GIANT BULLY	AT RISK- NATURALLY UNCOMMON
<i>Gobiomorphus huttoni</i>	REDFIN BULLY	NOT THREATENED
<i>Retropinna retropinna</i>	COMMON SMELT	NOT THREATENED

REDFIN BULLY (NOT TAKEN ONSITE) © BAY ECOLOGICAL CONSULTANCY 2025



The receiving wetland provides ideal habitat for these species preferring the slow moving/ lotic lowland niche. Giant bully (*Gobiomorphus gobioides*; *At Risk Naturally Uncommon*) are usually near coastal; common bully (*Gobiomorphus cotidianus*) and shortfin eel (*A. australis*) favour swampy habitat with areas of open water. Redfin are commonly associated with both species. Inanga and smelt occupy slow or still water and are incapable of traversing high gradient inland.

SIGNIFICANCE

Values³¹ of the pond and receiving wetland were considered. These translate to potential significance aspects for consideration against *RPS 2018 Appendix 5* criteria. Avoidance of extent and values loss in regard to rivers and wetlands is core policy³² of the NPS – FM (2020) and as such they must also be addressed in the EMH.

TABLE 8: VALUES NPS-FM (2020)

VALUE	STORMWATER POND	RECEIVING WETLAND LOT 18
ECOSYSTEM HEALTH	<p>Flow constrained by historic legal ponding</p> <p>No fish passage from downstream wetland or to/from ponds in series upstream</p> <p>Basic water source for fauna in landscape</p> <p>Provides no critical habitats and conditions necessary to support the presence of threatened species in wider environment</p> <p>Edge habitat; weedy and open</p> <p>Restrained biodiversity from revegetation and no recruitment</p>	<p>Water quality -sediment retention and nutrient processing function</p> <p>Consistent water regime implied by OBL species and tall stature wetland.</p> <p>As wider unit likely habitats and conditions necessary to support the presence of threatened species in wider environment</p> <p>Size allows substantial internal habitat and distance from edge influence</p> <p>Biodiversity of wetland species in addition to typical low biodiversity raupo – Isachne association</p> <p>Freshwater – saline wetland sequence with riparian woody cover</p>
INDIGENOUS BIODIVERSITY	<p>Entire site is KIWI PRESENT ZONE (DOC 2018)</p> <p>Limited bird guild - insectivores use as wider feeding territory</p> <p>Not natural inland wetland</p> <p>Not considered fish habitat</p> <p>Not wetland bird habitat</p> <p>Riparian buffer of edge character open thin at ground level & weedy</p> <p>Noise disturbance- High use location adjacent vehicles and maintenance</p>	<p>Entire site is KIWI PRESENT ZONE (DOC 2018)</p> <p>Known pāteke habitat</p> <p>Likely further wetland bird habitat</p> <p>Wetland and adjacent riparian border effective habitat provision</p> <p>Representative biodiversity for wetland type and coastal setting</p>
HYDROLOGICAL FUNCTION	<p>Sediment retention</p> <p>Slows stormwater from exiting configuration to receiving wetland</p> <p>Intermittant hydrological source to receiving wetland</p> <p>Historically modified from intermittent flow/ wetland to pond function 20 yrs, banded crossing since the 1970s restricting flow to downstream wetland</p>	<p>Nutrient and sediment retention and processing to Waipiro bay coastal stream/ estuary downstream</p> <p>Restrained by causeway to CMA built in 1960s long established condition</p>
MĀORI FRESHWATER VALUES	Outside scope of this report	Outside scope of this report
AMENITY VALUES	Basic amenity for residents during visit to yard. Not visible to the public. Not considered to provide direct opportunity for human contact; to provide for recreation or food provision.	Wider wetland visually apparent from CMA and causeway crossing but not receiving area of culverts. Area of discharge not considered to provide direct opportunity for human contact; to provide for recreation or food provision.

Values of the pond are considered sediment and stormwater retention with a contribution of surface water provision for terrestrial fauna. It is no longer freshwater fish habitat.

Appendix 5 is the standard Northland criteria for assessing significance of an ecological site, and directly reflects those contained in *Appendix 1* of the recently mandated *National Policy Statement for Indigenous Biodiversity (2023)* including consideration of *Representativeness; Diversity & Pattern; Rarity and Distinctiveness & Ecological Context*. It is apparent the receiving wetland has HIGH significance in all regards as per the desktop review, mapped values, and site observation. Consideration is therefore focused on the stormwater pond and proposed clearance vegetation. The *ecological site* includes the entire vegetation of Omarino, with comment then given on the clearance area.

³¹ Values (NPS FM 2020 Amendment No.1 (2022) (i) ecosystem health; (ii) indigenous biodiversity; (iii) hydrological function; (iv) Māori freshwater values; (v) amenity values

³² Policy 6: There is no further loss of extent of natural inland wetlands, their values are protected, and their restoration is promoted. Policy 7: The loss of river extent and values is avoided to the extent practicable. Policy 8: The significant values of outstanding water bodies are protected.

TABLE 9: ASSESSMENT OF SIGNIFICANT INDIGENOUS VEGETATION AND SIGNIFICANT HABITATS OF INDIGENOUS FAUNA IN TERRESTRIAL, FRESHWATER AND MARINE ENVIRONMENTS NORTHLAND REGIONAL POLICY STATEMENT (2018) APPENDIX 5

(1) REPRESENTATIVENESS	POND	TERRESTRIAL CLEARANCE
<p>(A) Regardless of its size, the ecological site is largely indigenous vegetation or habitat that is representative, typical and characteristic of the natural diversity at the relevant and recognised ecological classification and scale to which the ecological site belongs</p> <p>(i) if the ecological site comprises largely indigenous vegetation types: and</p> <p>(ii) Is typical of what would have existed circa 1840</p> <p>(iii) Is represented by the faunal assemblages in most of the guilds expected for the habitat type</p> <p>(B) The ecological site</p> <p>(i) Is a large example of indigenous vegetation or habitat of indigenous fauna</p> <p>(ii) Contains a combination of landform and indigenous vegetation and habitats of indigenous fauna that is considered to be a good example of its type at the relevant and recognised ecological classification and scale</p>	<p>A & B) Not wetland character constrained by modification and use as stormwater/ sediment pond</p> <p>(ii) in occupancy however flow and configuration presence of wetland or creek from modified 1950s onwards (B No, as before. Freshwater fish now highly unlikely as long impounded for decades and flow altered to shallow lenses with no habitat heterogeneity .</p> <p>NEGLIGIBLE</p>	<p>A(i)(ii) no, constrained amenity value weedy and edge in character disjunct area in wider Omarino ecological unit habitat constrained by high use area and edge character</p> <p>(iii) common insectivorous birds</p> <p>B) Omarino ecological site is considered part of the wider peninsula vegetation & contiguous Russell PNA</p> <p>Focus area is not representative of wider site values edge effects has subdued pattern and representativeness</p> <p>NEGLIGIBLE- VERY LOW</p>
<p>(2) RARITY/ DISTINCTIVENESS</p> <p>(A) The ecological site comprises indigenous ecosystems or indigenous vegetation types that:</p> <p>(i) Are acutely or chronically threatened land environments associated with LENZ Level 4</p> <p>(ii) Excluding wetlands, are now less than 20% original extent</p> <p>(iii) excluding man made wetlands are examples of wetland classes that either otherwise trigger Appendix 5 criteria or exceed any of the following area threshold</p> <p>(a) Saltmarsh 0.5ha</p> <p>(b) Shallow water lake margins and rivers 0.5ha</p> <p>(c) Swamp >0.4</p> <p>(d) Bog >0.2 ha</p> <p>(e) Wet heathlands >0.2 ha</p> <p>(f) Marsh; fen; ephemeral wetland or seepage/flush >0.05ha</p> <p>(B) Indigenous vegetation or habitat of indigenous fauna that supports one or more indigenous taxa that are threatened, at risk, data deficient, or uncommon either nationally or within the relevant ecological scale</p> <p>(C) The ecological site contains indigenous vegetation or an indigenous taxon that is</p> <p>(i) endemic to the Northland/ Auckland region</p> <p>(ii) At its distribution limit in the Northland region</p> <p>(D) The ecological site contains indigenous vegetation or an association of indigenous taxa that</p> <p>(i) Is distinctive of a restricted occurrence</p> <p>(ii) Is part of an ecological unit that occurs on a originally rare ecosystem</p> <p>(iii) Is an indigenous ecosystem and vegetation type that is naturally rare or has developed as a result of an unusual environmental factor(s) that occur or are likely to occur in Northland:</p>	<p>A(i) no</p> <p>(ii) - no</p> <p>B) No Freshwater fish now highly unlikely as long impounded for decades and flow altered to shallow lenses with no habitat heterogeneity no/low flow and compromised water quality . No waterfowl/ wetland birds, no threatened avifauna dependant on</p> <p>C) no</p> <p>D) no</p> <p>NEGLIGIBLE</p>	<p>A(i) no</p> <p>(ii) No. In contrast to wider Omarino site cover No WF4; wetland; not represented</p> <p>B) no not critical habitat or conditions for wider site species with threat status</p> <p>C) No</p> <p>D) No. No values inherent in wider Omarino site</p> <p>NEGLIGIBLE</p>
<p>(3) DIVERSITY AND PATTERN</p> <p>(A) Indigenous vegetation or habitat of indigenous fauna that contains a high diversity of:</p> <p>(i) Indigenous ecosystem or habitat types; or</p> <p>(ii) Indigenous taxa</p> <p>(B) Changes in taxon composition reflecting the existence of diverse natural features or ecological gradients; or</p> <p>(C) Intact ecological sequences</p>	<p>A) & B) No character and potential ecotone diversity modified and subdued by location adjacent utility area and infrastructure</p> <p>C) Connection to up and downstream further extent and wetland in series compromised by physical modification flow alteration and perched culverts throughout</p> <p>NEGLIGIBLE</p>	<p>A(i) & (ii) NO simple revegetation diversity further constrained by edge effects and small size not of typical diversity of wider unit</p> <p>B) & C) no subdued by infrastructure, planting pattern weeds and edge effects</p> <p>NEGLIGIBLE – VERY LOW</p>
<p>(4) ECOLOGICAL CONTEXT</p> <p>(A) Indigenous vegetation or habitat of indigenous fauna is present that provides or contributes to an important ecological linkage or network, or provides an important buffering function: or</p> <p>(B) The ecological site plays an important hydrological, biological or ecological role in the natural functioning of a riverine, lacustrine, palustrine, estuarine, plutonic (including karst), geothermal or marine system</p> <p>(C) The ecological site is an important habitat for critical life history stages of indigenous fauna including breeding/ spawning, roosting, nesting, resting, feeding, moulting, refugia or migration staging point (as used seasonally, temporarily or permanently</p>	<p>A) Basic buffer between coastal waters and terrestrial habitats at the site in terms of sediment; nutrient and stormwater retention .</p> <p>C) No native diadromous freshwater fish habitat. Landlocked population unlikely. One of numerous freshwater source for local terrestrial fauna</p> <p>LOW</p>	<p>A) B) De minimus footprint contribution to the Omarino vegetated linkage across the Peninsula and compromised buffer to pond hydrologically connected to the significant habitat of downstream</p> <p>C) No open weedy Likely no fish</p> <p>VERY LOW</p>

Significance of the ponded waterway has been altered over decades, now limited to functional values as per its current use as sediment and stormwater site control, with connectivity to the downstream receiving wetland. Perched culverts and bunding has resulted in historic loss of habitat for freshwater fish of either diadromous habit or remnant landlocked population. In particular, this ecological condition/quality is important in assessment because it contributes to the way an activity may affect a feature and may be used to focus management of effects.

The designated areas are a minimal and depauperate representation of the wider values and characteristics, by mere virtue of presence of cover/ extent , rather than quality or composition.

The significance ratings for each of the 4 criteria in RPS *Appendix 5* are combined to give an overall single value according to *EIANZ Table 6* below. This should not however suppress any impact consideration of a single value or component, particularly if effects may extend to a wider ZOI.

TABLE 10: SCORING FOR SITES COMBINING VALUES FOR SIGNIFICANCE CRITERIA (TABLE 6 EIANZ)

VALUE	EXPLANATION
VERY HIGH	Area Rates VERY HIGH for 4 or all of the matters in Appendix 5 RPS. Likely to be nationally important and recognised as such
HIGH	Area rates HIGH for 2 of the assessment matters. Moderate and LOW for the remainder
MODERATE	Area rates HIGH for one matter, MODERATE & LOW for the remainder Area rates MODERATE for 2 or more of the criteria. LOW or very LOW for the remainder. Likely to be significant in the ED
LOW	Area rates LOW or VERY LOW for all but one MODERATE. Limited ecological value other than as habitat for local tolerant species.
NEGLIGIBLE	Area rates VERY LOW for 3 matters and MODERATE- LOW or LOW for the remainder.

On this basis both the pond and proposed clearance vegetation have **NEGLIGIBLE** overall significance.

No highly mobile species³³ are likely dependant on the areas for any part of their lifecycle. There is **potential** for the weka and kiwi to be present in the footprint of clearance, as part of the wider site territory, unlikely to affect any of these species in a significant adverse way. We recommend a pre works site check for daytime sheltering birds.

Identified site species value is also considered concentrated in the receiving wetland including **VERY HIGH** Nationally Threatened Birds pāteke and potentially bittern, as well as **MODERATE-HIGH** freshwater fish e.g. Giant Bully (At Risk- Naturally Uncommon) and rails, crake *At Risk – Declining*. *Kiwi may be considered a MODERATE value species as Regionally Important; Conservation Dependant*. Flora are **LOW** value species, common in the ED & onsite.

³³ NPSIB (2023) *Appendix 2: Specified highly mobile fauna*

TABLE 11: FACTORS TO CONSIDER IN ASSESSING SPECIES VALUE (TABLE 5 EIANZ 2018)

VALUE	EXPLANATION
VERY HIGH	Nationally Threatened species (Critical, Endangered or Vulnerable) found in the Zone of Influence or likely to occur there, either permanently or occasionally
HIGH	Nationally At Risk species (Declining) found in the Zone of Influence or likely to occur there, either permanently or occasionally
MODERATE-HIGH	Species listed in any other category of At Risk category (Recovering, Relict or Naturally Uncommon) found in the Zone of Influence or likely to occur there, either permanently or occasionally.
MODERATE	Locally uncommon/rare species but not Nationally Threatened or At Risk.
LOW	Species Not Threatened nationally and common locally.
NEGLECTIBLE	Exotic species, including pests

There are currently 10 recognised species of kānuka, some of which have a restricted ecological niche and threat status elevated in part as a precautionary measure due to potential threat posed by myrtle rust. The site species, *Kunzea robusta*, is *Not Threatened*, common and widespread in the Whangaruru Ecological District and therefore not considered significant under Appendix 5: *Criteria Rarity 2(B)* for species value alone, in accordance with regional guidance³⁴. We assign it a LOW value as per *EIANZ Table 5* criteria.

All *Myrtaceae* species are at risk of infection by myrtle rust (*Austropuccinia psidii*), however an area should not be classified as significant based purely on their presence without broader consideration. Pohutukawa are recognized as valuable intrinsically as representative of the potential WF4 rare ecosystem. Although they have no threat status the impact of myrtle rust remains undefined in the longer term for this iconic species. It is recommended they are moved to retain height heterogeneity in replacement revegetation if root structure allows.

³⁴ Wildlands (2019) Guidelines for the application of ecological significance criteria for indigenous vegetation and habitats of indigenous fauna in the Northland Region. Contract Report 4899a;

EIANZ METHODOLOGY

Assessment of effects follows the systematic process of the EIANZ³⁵ Guidelines as best practice.

Standard criteria are utilised in a matrix framework to determine the impact of a proposal on a habitat, incorporating a three step process:

- **Ecological values** are ranked on a scale of *Negligible, Low, Moderate, High, or Very High*.
- **Magnitude of effects** on these values is ranked on a similar scale (EIANZ TABLE 8) Magnitude is determined by a combination of scale (temporal and spatial) of effect and degree of change that will be caused in or to the ecological component. It should initially be considered in a raw or unmitigated form.
- **Overall level of effect** is determined by a combination of value and the magnitude of the effect. (EIANZ TABLE 10)

As before the pond and proposed clearance vegetation have **NEGLIGIBLE** overall significance.

Leakage of extant adverse effect to the receiving wetland has been *avoided* by maintaining hydraulic neutrality and slowing discharge velocity over the current state.

MAGNITUDE OF EFFECTS

Consideration of a raw proposal form **without any mitigation** is best practice methodology.

TABLE 12: CRITERIA FOR DESCRIBING MAGNITUDE OF EFFECT (EIANZ 2018 TABLE 8)

MAGNITUDE	DESCRIPTION
VERY HIGH	Total loss of, or very major alteration to, key elements/features/ of the existing baseline conditions, such that the post-development character, composition and/or attributes will be fundamentally changed and may be lost from the site altogether; AND/OR Loss of a very high proportion of the known population or range of the element/feature
HIGH	Major loss or major alteration to key elements/features of the existing baseline conditions such that the post-development character, composition and/or attributes will be fundamentally changed; AND/OR Loss of a high proportion of the known population or range of the element/feature
MODERATE	Loss or alteration to one or more key elements/features of the existing baseline conditions, such that the post-development character, composition and/or attributes will be partially changed; AND/OR Loss of a moderate proportion of the known population or range of the element/feature
LOW	Minor shift away from existing baseline conditions. Change arising from the loss/alteration will be discernible, but underlying character, composition and/or attributes of the existing baseline condition will be similar to pre-development circumstances or patterns; AND/OR Having a minor effect on the known population or range of the element/feature
NEGLIGIBLE	Very slight change from the existing baseline condition. Change barely distinguishable, approximating to the 'no change' situation; AND/OR Having negligible effect on the known population or range of the element/feature

We considered the unmitigated magnitude of effects of the clearance as *HIGH* in terms of a change in absolute cover, incorporating the minimal species value and ecosystem function. The limited pond area infill is considered a *LOW* magnitude of effects in itself, as there is no loss of habitat.

The interaction of magnitude of effect and ecological value (or significance) of species and habitat gives the **unmitigated level of effect** as per *EIANZs Table 10* (below). This resultant

³⁵ Environmental Institute of Australia and New Zealand

level of effects is then a guide to the extent and nature of the ecological management required to render them acceptable in the statutory framework.

TABLE 13: CRITERIA FOR DESCRIBING LEVEL OF EFFECTS (EIANZ TABLE 10)

		ECOLOGICAL &/OR CONSERVATION VALUE				
		VERY HIGH	HIGH	MODERATE	LOW	NEGLIGIBLE
MAGNITUDE	VERY HIGH	Very High	Very High	High	Moderate	Low
	HIGH	Very High	Very High	Moderate	Low	Very Low
	MODERATE	Very High	High	Moderate	Very Low	Very Low
	LOW	Moderate	Low	Low	Very low	Very Low
	NEGLIGIBLE	Low	Very Low	Very Low	Very Low	Very Low
	POSITIVE	Net Gain	Net Gain	Net Gain	Net Gain	Net Gain

In this regard we consider **unmitigated** impacts as:

- **Vegetation clearance** - *LOW* as an interaction between a *HIGH* level of effects on *NEGLIGIBLE* value elements
- **Pond infill**- *VERY LOW* as an interaction between a *LOW* level of effects *NEGLIGIBLE* value elements

However, due to further regulatory requirements within the NES-F (2020) and PNRP impact management requires further consideration.

POND INFILL

The development requires reclamation of a portion of the lower stormwater/ sediment detention pond in series. As discussed prior, it is considered a modified river.

As infill will create formation of land surface for any purpose than crossing it is considered reclamation and *Discretionary* under *NES- F Reg 57*, to enact *NPS-FM (2020) Policy 7*:

The loss of river extent and values is avoided to the extent practicable.

Such activities must be avoided except where there is a *functional need* for the activity to occur at that location with effects managed via the EMH. Functional need is defined in the *NPS-FM 2020* as:

“the need for a proposal or activity to traverse, locate or operate in a particular environment because the activity can only occur in that environment.”

Design and engineering potentials for the site are outside our scope and we rely on the option presented as being the only alternative, with our comment limited to application of the EMH.

TABLE 14: NES- F REG 57 RECLAMATION

SUBPART 2—RECLAMATION OF RIVERS 57 DISCRETIONARY ACTIVITIES
<i>(1) Reclamation of the bed of any river is a discretionary activity.</i>
<i>(2) A resource consent for a discretionary activity under this regulation must not be granted unless the consent authority has first— (a) satisfied itself that there is a functional need for the reclamation of the river bed in that location; and (b) applied the effects management hierarchy.</i>

As per regulatory requirements, application of the EMH is tabulated as below. The adverse effect of absolute loss of the *extent* cannot avoided, minimised or remedied at the point of impact. Instead an offset should be provided that addresses the loss of identified *values* provided by the filled extent. An offset is also required for the PNRP *Discretionary* vegetation clearance in the footprint. Application of the EMH and design of the offset incorporates both the NPSIB (2023) & NPS-FM (2020) cascades.

TABLE 15: SEQUENTIAL APPLICATION OF THE EFFECTS MANAGEMENT HEIRARCHY TO PERMANENT LOSS

APPROACH	APPLICATION
(a) ADVERSE EFFECTS ARE AVOIDED WHERE PRACTICABLE	The design process and engineering considered a infill a functional need
(b) WHERE ADVERSE EFFECTS CANNOT BE AVOIDED, THEY ARE MINIMISED WHERE PRACTICABLE	The infill extent and absolute removal of portion of vegetation in the footprint cannot be minimised at the point of impact – it is permanent
(c) WHERE ADVERSE EFFECTS CANNOT BE MINIMISED, THEY ARE REMEDIED WHERE PRACTICABLE	The infill extent and absolute removal of portion of vegetation in the footprint cannot be remedied at the point of impact – it is permanent
(d) WHERE MORE THAN MINOR RESIDUAL ADVERSE EFFECTS CANNOT BE AVOIDED, MINIMISED, OR REMEDIED, BIODIVERSITY OFFSETTING IS PROVIDED WHERE POSSIBLE	An offset is proposed in accordance with RPS 4.4.1, NPSIB Appendix 3; NPS-FM Appendix 6 & with reference to the best practice for offsetting in NZ ³⁶ It addresses identified values of the pond and the vegetation lost to provide net gain with additionality
(e) WHERE BIODIVERSITY OFFSETTING OF MORE THAN MINOR RESIDUAL ADVERSE EFFECTS IS NOT POSSIBLE, BIODIVERSITY (AQUATIC) COMPENSATION IS PROVIDED	N/A
(f) IF BIODIVERSITY (AQAUTIC) COMPENSATION IS NOT APPROPRIATE, THE ACTIVITY ITSELF IS AVOIDED.	N/A

³⁶ New Zealand Government 2014. Guidance on Good Practice Biodiversity Offsetting in New Zealand.

OFFSET CONCEPT

The definition of offsetting³⁷ is given as

Measurable conservation outcomes resulting from actions designed to compensate for significant residual adverse biodiversity impacts arising from project development after appropriate prevention and mitigation measures have been taken. The goal of biodiversity offsets is to achieve no net loss and preferably a net gain of biodiversity on the ground.

The pond and vegetation designated for clearance have been determined to have negligible significance. Function and values of both are related to their landscape and hydraulic connectivity to the receiving wetland:

- contribution as per pond current use as sediment and stormwater control
- riparian cover providing amenity basic habitat and sediment/ erosion protection moderation of stormwater

The pond infill will not significantly affect its ability to retain stormwater and sediment from entering the receiving wetland unabated. The engineering design providing hydraulic neutrality and slowed velocity of discharge to the wetland is a positive effect. Vegetation clearance is not of *significant* vegetation. Permanent loss of the vegetation would however have a potential effect of unchecked run off/ sediment input.

It is considered that a concomitant offset of revegetation protects the function of the remaining extent of the stormwater pond reducing sediment input, addressing potential residual effects on the receiving wetland e.g potential change in extent or values.

The offset is to be applied directly adjacent to the point of impact where the effects have occurred, with additionality measures including the remnant area.

The proposed outcomes demonstrate adherence to the requirements of *Appendix 3 Principles (below Table 17)*, which are parallel with those of the *NPS-FM: Appendix 6 Principals for Aquatic Offsetting* definition within the Northland Regional Policy Statement and with fidelity to NZ best practice methodology³⁶. The proposed offset area represents *NO NET LOSS*³⁸ or “*like for like*” in terms of absolute extent, while the remainder of outcomes represent a *NET GAIN*³⁹ and *ADDITIONALITY* over the current status that would not have occurred in the absence of the offset.

A *measurable outcome* requires a form of quantifiable currency that can be monitored. In this instance it is considered –

³⁷ DoC (2014) Guidance on Good Practice Biodiversity Offsetting in New Zealand. New Zealand Government, Wellington

³⁸ no net loss means that the measurable positive effects of actions match any loss of extent or values over space and time, taking into account the type and location of the wetland or river

³⁹ net gain means that the measurable positive effects of actions exceed the point of no net loss.

TABLE 16: OFFSET GAINS

PARAMETER	OFFSET
AREA	<p>The area lost (1535m²) is to be exceeded by the replacement offset (2050m²). This includes:</p> <ul style="list-style-type: none"> • revegetation of the clearance areas required for enabling earthworks- 816m² • revegetation of bare and weedy area to the boundary with Lot 15 – 478 m² • revegetation enhancement of the immediate remaining vegetation adjacent the pond -354m² • revegetation enhancement of the riparian slope to the east of the existing utility area to the receiving wetland- 575 m² • planting of the edge of the concrete pad 41m² currently in grass • bolstering of the discharge immediate area 179m²
DIVERSITY	<p>A greater diversity of indigenous flora species is proposed measured as a numerical increase of appropriate species not currently present (6). These include higher value canopy species in comparison to kānuka dominance currently – kowhai; kohekohe; rewarewa; karaka puriri and kahikatea</p>
DENSITY	<p>Planting will be at an increased density to that of the previous mass revegetation 20 years prior that required vast coverage</p>
PATTERN	<p>Planting of indigenous canopy species will restore coastal pattern WF4 related to microtopography within the remaining wetland. The pohutukawa within the clearance area will be moved.</p>
INTEGRITY	<p>Weed density will be removed dominance as current measured in indigenous vs exotic dominance with a standard of 100%</p>
TIMING	<p>Successful establishment of restoration planting within offset area within first planting season post earthworks</p>
POND DISCHARGE EFFECTS	<p>The discharge does not result in cause any conspicuous change in colour or visual clarity of the receiving water; conspicuous oil or grease films, scums or foams, or floatable or suspended material; any emission of objectionable odour in the receiving water; more than 15 milligrams per litre of total petroleum hydrocarbons.</p> <p>There is no significant scour, erosion or loss of vegetation at discharge site or source areas</p>

TABLE 17: APPLICATION OF NPSIB APPENDIX 3: PRINCIPALS FOR OFFSETTING

PRINCIPAL	APPLICATION
<i>(1) Adherence to effects management hierarchy: A biodiversity offset is a commitment to redress more than minor residual adverse effects and should be contemplated only after steps to avoid, minimise, and remedy adverse effects are demonstrated to have been sequentially exhausted.</i>	Offset is appropriate in hierarchy, which has avoided effects of pond infill on downstream wetland through engineering design and designated the current weedy open vegetation as the clearance footprint as preferable over other better quality sites within Omarino and to minimise further infrastructure e.g. access Loss of extent of pond and vegetation irreversible at point of impact
<i>(2) When biodiversity offsetting is not appropriate: Biodiversity offsets are not appropriate in situations where indigenous biodiversity values cannot be offset to achieve a net gain. Examples of an offset not being appropriate include where: (a) residual adverse effects cannot be offset because of the irreplaceability or vulnerability of the indigenous biodiversity affected: (b) effects on indigenous biodiversity are uncertain, unknown, or little understood, but potential effects are significantly adverse or irreversible: (c) there are no technically feasible options by which to secure gains within an acceptable timeframe.</i>	(a) the species cleared are largely locally common & exotic; there are no rare ecosystems represented. Any fauna utilising the area are generalists without obligate adaption or co occurrence or parasitic relationship or to any floral association or habitat present. Pond represents an open feeding patch due to damper ground when empty , surface water when present. No freshwater fish. (b) Effect is known – loss of common flora local species and feeding patch able to be reintroduced in offset. Loss of pond extent is minimal in terms of sediment retention. Its protective function to downstream wetland is maintained through engineering design. (c) a managed offset will ensure the majority of species will establish quickly to provide sediment retention
<i>(3) NET GAIN: This principle reflects a standard of acceptability for demonstrating, and then achieving, a net gain in indigenous biodiversity values. Net gain is demonstrated by a like-for-like quantitative loss/gain calculation of the following, and is achieved when the indigenous biodiversity values at the offset site are equivalent to or exceed those being lost at the impact site: (a) types of indigenous biodiversity, including when indigenous species depend on introduced species for their persistence; and (b) amount; and (c) condition (structure and quality).</i>	A, B & C Achievable as given before in offset scope, as before TABLE 16
<i>(4) ADDITIONALITY: A biodiversity offset achieves gains in indigenous biodiversity above and beyond gains that would have occurred in the absence of the offset, such as gains that are additional to any minimisation and remediation undertaken in relation to the adverse effects of the activity.</i>	As per 1; 2 & 3 above
<i>(5) LEAKAGE: Biodiversity offset design and implementation avoids displacing harm to other indigenous biodiversity in the same or any other location.</i>	Engineered design/ modelling to ensure no transfer of effects to downstream, including change in water levels or hydrological function as per NES-F Regs
<i>(6) LONG-TERM OUTCOMES: A biodiversity offset is managed to secure outcomes of the activity that last at least as long as the impacts, and preferably in perpetuity. Consideration must be given to long-term issues around funding, location, management and monitoring.</i>	Offset Management Plan to ensure parameters include revegetation composition and success, timing, works envelopes, monitoring.
<i>(7) LANDSCAPE CONTEXT: Biodiversity offsetting is undertaken where this will result in the best ecological outcome, preferably close to the impact site or within the same ecological district. The action considers the landscape context of both the impact site and the offset site, taking into account interactions between species, habitats and ecosystems, spatial connections, and ecosystem function.</i>	Directly adjacent Expected ecosystem type at the offset location is the same Abiotic context factors are contiguous e.g. soil type, moisture, wind direction, topography is consistent The offset will be protective of the natural inland wetland as receiving environment
<i>(8) TIME LAGS: The delay between loss of, or effects on, indigenous biodiversity values at the impact site and the gain or maturity of indigenous biodiversity at the offset site is minimised so that the calculated gains are achieved within the consent period or, as appropriate, a longer period (but not more than 35 years).</i>	Larger grades of the key coastal canopy species are to be used to minimise maturity lag some large stature pohutukawa individuals to be retained if root structure allows provide shelter, and retain ongoing food source and vertical heterogeneity at the site as offset vegetation matures.
<i>(9) SCIENCE AND MĀTAURANGA MĀORI: The design and implementation of a biodiversity offset is a documented process informed by science and mātauranga Māori.</i>	The offset design is based on professional reporting of a SQEP, with reference to desktop review of accepted qualitative data and context, best practice industry documentation. NB The application of mātauranga Māori is outside the scope of this reporting
<i>(10) TANGATA WHENUA AND STAKEHOLDER PARTICIPATION: Opportunity for the effective and early participation of tangata whenua and stakeholders is demonstrated when planning biodiversity offsets, including their evaluation, selection, design, implementation, and monitoring.</i>	It is envisioned this report and recommendations herein will be reviewed by appropriate stakeholders and may be thereafter incorporate feedback from that exercise.
<i>(11) TRANSPARENCY: The design and implementation of a biodiversity offset, and communication of its results to the public, is undertaken in a transparent and timely manner.</i>	As required

As per NPS-FM 3.22 Natural inland wetlands

(3)(a) (ii) if aquatic offsetting or aquatic compensation is applied, the applicant has complied with Principles 1 to 6 in Appendix 6 and 7, and has had regard to the remaining principles in Appendix 6 and 7, as appropriate, and

(iii) there are methods or measures that will ensure that the offsetting or compensation will be maintained and managed over time to achieve the conservation outcomes; and

(b) any consent granted is subject to:

(i) conditions that apply the effects management hierarchy; and

(ii) a condition requiring monitoring of the wetland at a scale commensurate with the risk of the loss of extent or values of the wetland; and

(iii) conditions that specify how the requirements in (a)(iii) will be achieved.

In order to ensure the biodiversity outcomes of the offset are achieved, and there is no change to extent or values of downstream wetland in the immediate ZOI, monitoring is critical. Monitoring and management parameters should be formalized in an *Offset Management Plan* including species; timing; maintenance and structure for monitoring offset outcomes. We recommend

- Vegetation clearance shall not exceed the maximum areas shown in an approved Scheme Plan and positioned generally in accordance with such.
- Within twelve months of the completion of vegetation clearance provide evidence that planting plan has been implemented. Species have been selected specific to mitigatory purpose in consultation with Hawthorn Landscape Architects and aligned with the intent of the OMP original planting directives.
- Pest and weed control is incorporated as a standard existing protection mechanism as per the OMP, ensuring success of the offset

The proposed replanting species choice shows fidelity to the original OMP Planting Guidelines. Further detail is expanded on in the Hawthorn Landscape Architects Report that accompanies the current application.

Within a short timeframe the offset can be inacted to confer net ecological benefit in conjunction with biodiversity and amenity value. In this manner, previously identified values will be amplified, allowing continuity of natural processes.

Designated development earthworks envelopes are recommended to ensure contractors avoid accidental incursion and unquantified effects e.g. pushing fill back into vegetation, an unintentional communality in many such situations. Best practice clearance methodology includes:

- Best practice clearance methods to be used
 - Avoidance of peak bird breeding season and fauna check prior to clearance
 - Machinery clean of soil and debris prior to site entry

Site procedures should include contingencies in the event of

- discharge of fuels;
- clearance of undesignated areas;
- actions to take if native fauna is discovered in works area, injured or killed (contact consulting ecologist & /or DoC hotline -800 DOC HOT 0800 362 468)

Culvert extension will not require a Fish Management Plan (FMP) / salvage. No salvage or translocation is expected but assistance may be requested from the consulting ecologist if unexpected values come to light. It is an offence under the Wildlife Act 1953 to harm, disturb or kill native wildlife.

In terms of avoidance of potential biosecurity impacts from mass planting:

- plants should be checked prior to import to site for Argentinian Ants, myrtle rust and other obvious invertebrate or weed species in containers.
- No kauri are designated for planting
- All machinery entering the waterway should be checked and clean to avoid accidental introduction

NES- F (2020) CULVERT EXTENSION & DISCHARGE

CULVERTS

The culverts that discharge from the stormwater pond to the receiving wetland are considered *other infrastructure*⁴⁰ under the NES- (2020), as illustrated in the historic aerial review. They are to be extended within the reclamation, <100m of the downstream receiving natural inland wetland. Minor maintenance is a permitted activity, however the extension cannot comply with *REG 46 Permitted activities- Maintenance and operation of specified infrastructure and other infrastructure*.

It is therefore a *Restricted Discretionary* activity as per *REG 47*, with matters subject to *REG 56 Restricted discretionary activities* and subject to the EMH. Application for resource consent will be required to NRC in this regard.

TABLE 18: PERMITTED ACTIVITIES REG 46 MAINTENANCE AND OPERATION OF SPECIFIED INFRASTRUCTURE AND OTHER INFRASTRUCTURE

PERMITTED ACTIVITIES REG 46 MAINTENANCE AND OPERATION OF SPECIFIED INFRASTRUCTURE AND OTHER INFRASTRUCTURE	
(1) Vegetation clearance within, or within a 10 m setback from, a natural inland wetland is a permitted activity if it— (a) is for the purpose of maintaining or operating specified infrastructure or other infrastructure ; and (b) complies with the conditions.	Activity requires modification of other infrastructure
(2) Earthworks or land disturbance within, or within a 10 m setback from, a natural inland wetland is a permitted activity if it— (a) is for the purpose of maintaining or operating specified infrastructure or other infrastructure ; and (b) complies with the conditions.	Activity requires modification of other infrastructure
(3) The taking, use, damming, diversion, or discharge of water within, or within a 100 m setback from, a natural inland wetland is a permitted activity if— (a) the activity is for the purpose of maintaining or operating specified infrastructure or other infrastructure; and (b) there is a hydrological connection between the taking, use, damming, diversion, or discharge and the wetland; and (c) the taking, use, damming, diversion, or discharge will change, or is likely to change, the water level range or hydrological function of the wetland.	Activity requires modification of other infrastructure
CONDITIONS	
(4) THE CONDITIONS ARE THAT— (a) the activity must comply with the general conditions on natural inland wetland activities in regulation 55, but regulation 55(2), (3)(b) to (d), and (5) do not apply if the activity is for the purpose of maintaining or operating— (i) hydro-electricity infrastructure; or (ii) any public flood control, flood protection, or drainage works that are specified infrastructure; and (b) the activity must not be for the purpose of increasing the size, or replacing part, of the specified infrastructure or other infrastructure unless the increase or replacement is to provide for the passage of fish in accordance with these regulations; and (c) the activity must not result in the formation of new pathways, boardwalks, or other accessways; and (d) if the activity is vegetation clearance, earthworks, or land disturbance, the activity must not occur over more than 500 m ² or 10% of the area of the natural inland wetland, whichever is smaller; and (e) if the activity is earthworks or land disturbance,— (i) trenches dug (for example, to maintain pipes) must be backfilled and compacted no later than 48 hours after being dug; and (ii) the activity must not result in drains being deeper, relative to the natural inland wetland’s water level, than they were before the activity; and (f) if the activity is a discharge of water, it must not be a restricted discretionary activity as described in regulation 47(3A)	CANNOT COMPLY WITH CONDITION 4 (B) & (C)

⁴⁰ As defined in the NPS-FM Infrastructure present prior to commencement of the regulations (2/9/2020) is considered *other infrastructure*.

TABLE 19: NES – F 56 RESTRICTED DISCRETIONARY ACTIVITIES

NES-F REG 56 :RESTRICTED DISCRETIONARY ACTIVITIES- MATTERS TO WHICH DISCRETION IS RESTRICTED	
REGULATION	PROPOSAL
The discretion of a consent authority is restricted to the following matters if an activity is a restricted discretionary activity under this subpart:	
(a) the extent to which the nature, scale, timing, intensity, and location of the activity may have adverse effects on— (i) the existing and potential values of the natural inland wetland, its catchment, and the coastal environment; and (ii) the extent of the natural inland wetland; and (iii) the seasonal and annual hydrological regime of the natural inland wetland; and (iv) the passage of fish in the natural inland wetland or another water body:	Earthworks, the alteration of the stormwater catchment; culverts extension and reclamation of the river is unlikely to have adverse effects on any of (1) – (4) due to final hydraulic neutrality as part of the design; offset of riparian clearance; and current long standing lack of fish passage
(b) whether there are practicable alternatives to undertaking the activity that would avoid those adverse effects:	Design and engineering consultant strands have determined the activity location and design is the primary option
(c) the extent to which those adverse effects will be managed to avoid the loss of the extent of the natural inland wetland and its values:	Design for hydraulic neutrality and slowed discharge velocity
d) other measures to minimise or remedy those adverse effects:	An offset of the functional values of the pond infill will have benefit to wetland through net gain of buffer area and additionality of diversity and density enhancement at the point of discharge through sediment retention
(e) how any of those adverse effects that are more than minor may be offset or compensated for if they cannot be avoided, minimised, or remedied: (ea) the extent to which the effects of the activity will be managed through applying the effects management hierarchy:	Effects are managed through the EMH to be than minor
(f) the risk of flooding upstream or downstream of the natural inland wetland, and the measures to avoid, minimise, or remedy that risk:	Design for hydraulic neutrality
(g) the social, economic, environmental, and cultural benefits (if any) that are likely to result from the proposed activity (including the extent to which the activity may protect, maintain, or enhance ecosystems).	The net gain offset for the infill activity, encompassing the culvert extension, together with slowed velocity of current discharge rate will provide ecological enhancement .over the status quo

Culvert extension cannot comply with permitted culvert parameters as per *NES-F REG – 70 (2)*, are a *Discretionary* activity and the information contained in *NES – F REGS 62; 63; & 69* must be provided as per *NES-F REG 71*, including a CIMMP.

TABLE 20: NES-F (2020) REG 70 PERMITTED ACTIVITIES

NES- F REG 70	
(1) THE PLACEMENT, USE, ALTERATION, EXTENSION, OR RECONSTRUCTION OF A CULVERT IN, ON, OVER, OR UNDER THE BED OF ANY RIVER OR CONNECTED AREA IS A PERMITTED ACTIVITY IF IT COMPLIES WITH THE CONDITIONS.	
(2) THE CONDITIONS ARE THAT—	
(A) the culvert must provide for the same passage of fish upstream and downstream as would exist without the culvert, except as required to carry out the works to place, alter, extend, or reconstruct the culvert; and	
(B) the culvert must be laid parallel to the slope of the bed of the river or connected area; and	
(C) the mean cross-sectional water velocity in the culvert must be no greater than that in all immediately adjoining river reaches; and	
(D) the culvert's width where it intersects with the bed of the river or connected area (s) and the width of the bed at that location (w), both measured In metres, must compare as follows: (i) where $w \leq 3$, $s \geq 1.3 \times w$; (ii) where $w > 3$, $s \geq (1.2 \times w) + 0.6$; and	
(E) the culvert must be open-bottomed or its invert must be placed so that at least 25% of the culvert's diameter is below the level of the bed; and	
(F) the bed substrate must be present over the full length of the culvert and stable at the flow rate at or below which the water flows for 80% of the time; and	
(G) the culvert provides for continuity of geomorphic processes (such as the movement of sediment and debris).	

WETLAND

Recognition of *natural inland wetland* as the receiving environment has promoted the intent of NPS-FM Policies 5 & 6⁴¹ and pre-emptive avoidance of effects through adherence to protective measures as per the NES –F (2020) in best practice stormwater design.

Collaborative design has considered the receiving wetland, with engineering maintaining hydraulic neutrality for the proposed development. In order to *avoid* effects, stormwater flows arising from the increased catchment area have been controlled utilising the existing pond, tanks and culvert modifications so the total discharge and velocity from Lot 18 is no greater than predeveloped levels⁴².

Drainage/ destruction of wetlands is a prohibited adverse effect as per *NES REG 53* and it is presupposed through the design parameters that this will not occur. Further aspects of the NES- F are considered below in regard to earthworks, culvert alteration and discharge.

⁴¹ **Policy 5:** Freshwater is managed (including through a National Objectives Framework) to ensure that the health and well-being of degraded water bodies and freshwater ecosystems is improved, and the health and well-being of all other water bodies and freshwater ecosystems is maintained and (if communities choose) improved.

Policy 6: There is no further loss of extent of natural inland wetlands, their values are protected, and their restoration is promoted.

⁴² PK Engineering Ltd March 2025 SITE SUITABILITY & DEVELOPMENT REPORT FOR PROPOSED BOATSHEDS AT 285 MANAWAORA RD LOT 18 DP 391213 FOR BENTZEN FARMS LTD

TABLE 21: NES-F (2020) REG 52

DRAINAGE OF NATURAL INLAND WETLANDS: 52 NON-COMPLYING ACTIVITIES	
(1) Earthworks outside, but within a 100 m setback from, a natural inland wetland is a non-complying activity if it—	
(a) results, or is likely to result, in the complete or partial drainage of all or part of a natural inland wetland; and	NO intercepted diffuse and cutoff drain discharge will be directed to the stormwater infrastructure and wetland. Hydraulic neutrality is inherent in the design
(b) does not have another status under any of regulations 38 to 51.	N/A
(2) The taking, use, damming, or diversion of water outside, but within a 100 m setback from, a natural inland wetland is a non-complying activity if it—	
(a) results, or is likely to result, in the complete or partial drainage of all or part of a natural inland wetland; and	NO as before hydraulic neutrality
(b) does not have another status under any of regulations 38 to 51.	N/A

Minor natural diffuse or sheetflow inputs permeating to the wetlands within 100m will likely be *diverted* by the change of site cover, however remains directed to the wetland

It is considered this will not result in ***complete or partial drainage of all or part of the wetland*** as per *Reg 52(i);(ii)*.

Stormwater inputs to the wetland represents a discharge within 100m, however are unlikely to **change the water level range or hydrological function of the wetland as per Reg 54(d) NES- F (2020)**. Discharge will be slowed compared to current velocity to avoid adverse effects such as scouring or erosion and to maintain aquatic habitat condition. The extant hydrological source of the wetland is broader groundwater and runoff of variable output highly responsive to meteorological conditions. The wetland has developed under such conditions and dominant composition of tall robust raupo can naturally tolerate moderate to high fluctuations in water levels.

TABLE 22: NES-F (2020) REG 54

OTHER ACTIVITIES: 54 NON-COMPLYING ACTIVITIES	
The following activities are non-complying activities if they do not have another status under this subpart:	
(a) vegetation clearance within, or within a 10 m setback from, a natural inland wetland:	NONE REQUIRED IN THE PROPOSAL
(b) earthworks within, or within a 10 m setback from, a natural inland wetland:	NO
(c) the taking, use, damming, or diversion of water within, or within a 100 m setback from, a natural inland wetland if—	
(i) there is a hydrological connection between the taking, use, damming, or diversion and the wetland; and	YES, the wetland is the receiving environment
(ii) the taking, use, damming, or diversion will change, or is likely to change, the water level range or hydrological function of the wetland:	NO The proposal requires diversion within 100m of wetland by cutoff drains and the change of site cover however all discharge directed to wetland utilising current overland flow and stormwater pond. Discharge velocity has been slowed in comparison to current modelled output and overall hydrological neutrality is achieved to ensure there is no perceivable or measurable annual range in water level that may adversely affect the wetland’s natural hydrological function
(d) the discharge of water into water within, or within a 100 m setback from, a natural inland wetland if—	
(i) there is a hydrological connection between the discharge and the wetland; and	YES
(ii) the discharge will enter the wetland; and	YES
(iii) the discharge will change, or is likely to change, the water level range or hydrological function of the wetland.	NO –The wetland type current is established swamp dominated by OBL & FACW tall stature species implying reliable and substantial hydrology., adapted to moderate to high fluctuations without discernible shift in extent or value, including hydrological function with slowing of discharge velocity to avoid scouring, and displacement of vegetation.

Policy D.4.19 emphasises the protective intent of the NPS- FM (2020) & NES- F (2020), which the proposal does not contradict incorporating avoidance measures and offset.

TABLE 23: PNRP POLICY D.4.19

D.4.19 TRANSITIONAL POLICY UNDER POLICY B7 OF THE NATIONAL POLICY STATEMENT FOR FRESHWATER MANAGEMENT 2017	
POLICY	PROPOSAL
<p>1) When considering any application, the consent authority must have regard to the following matters:</p> <p>a) the extent to which the change would adversely affect safeguarding the life-supporting capacity of freshwater and of any associated ecosystem, and</p> <p>b) the extent to which it is feasible and dependable that any adverse effect on the life-supporting capacity of freshwater and of any associated ecosystem resulting from the change would be avoided.</p>	<p>Engineering design has been incorporated to protect the receiving wetland. There will be no loss of fish habitat in the point of impact over that which is current from long term modification.</p> <p>Offset will assist to control sediment and unchecked diffuse inputs</p>
<p>2) This policy applies to:</p> <p>a) any new activity, and</p> <p>b) change in the character, intensity or scale of any established activity – that involves any taking, using, damming or diverting of freshwater or draining or any wetland which is likely to result in any more than minor adverse change in the natural variability of flows or level of any freshwater, compared to that which immediately preceded the commencement of the new activity of the change in the established activity (or in the case of a change in an intermittent or seasonal activity, compared to that on the last occasion on which the activity was carried out).</p>	<p>The activity will result in a change in character of the established use of the modified watercourse (now a pond) with a larger stormwater catchment area and extension of culverts. However, due to design for hydraulic neutrality to the receiving environment and offset for vegetation clearance there is no anticipated loss of values of either the watercourse or wetland</p>
<p>3) This policy does not apply to any application for consent first lodged before the National Policy Statement for Freshwater Management 2011 took effect on 1 July 2011.</p>	N/A

CONCLUSION

Reporting included review of the proposal and ecological context, the latter from aerial photography, mapping and databases, complimented by fieldwork.

In terms of the *effects management hierarchy*, offset is considered the practicable primary form of effects management, as permanent loss of extent of vegetation and pond extent at the point of impact cannot be avoided, minimised or remedied.

The clearance 1535m² is to be countervailed by a commensurate area in terms of absolute cover in the immediate catchment, resulting in *no net loss*. *Net gain* and *additionality* is achieved through appropriate measurable currencies- increase in indigenous floral diversity, restoration of pattern and integrity.

Potential threats to the success of the offset include those common to any revegetation scheme -failure of plantings; weed and pest influence. These may be managed by an *Offset Management Plan* to achieve the long term functionality and resilience required, with parallel monitoring. Omarino has onsite management highly experienced in enacting such resource consent requirements.

The culvert extensions cannot provide fish passage and comply with permitted activity status. However, this represents no change of the current status which has been evident since the early 2000s and potentially decades before with bunding of the waterway for farm crossings. It is highly unlikely freshwater fish populations remain in the waterway.

Subject to the hydraulic neutrality provided by engineering design and impact management provided in this EclA, the significant natural inland wetland as receiving environment will not be subject to adverse effects, including loss of *extent* or *values* including as documented habitat of pāteke (*Threatened -Nationally Increasing*) or potential bittern (*Threatened -Nationally Critical*). The proposal is undertaken with regard to the long term functionality and integrity of the wider environment, recognising the connectivity of the site waterways.

These integrated mechanisms will serve to commend persistent indigenous habitat and character within the proposal, with a level of effects that can be addressed through the EMH to obtain a *VERY LOW* impact (EIANZ 2018) or *less than minor* level of effects.



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APPENDIX 1: STATUTORY CONSIDERATIONS

NORTHLAND REGIONAL PLAN⁴³

Regard must be had to all the relevant objectives and policies in this Plan when considering an application for a resource consent.

The site has been considered in regard to Northland Regional Policy Statement Appendix 5 (2018) in order to evaluate potential impact of the proposal. Appendix 5 criteria encompass those in **District Plan Methods 12.2.5.6** for evaluating significance. Consideration has also been given to further Northland focused recommendations for significance evaluation⁴⁴.

The terminal receiving environment of the wetland has been assessed as significant under *RPS (2018) Appendix 5* and is habitat to the documented population of pāteke (*Anas chlorotis Threatened – Nationally Increasing*) at a minimum in regard to wetland birds⁴⁵. It is subject to NPSIB (2023) **POLICY 15: Areas outside SNAs that support specified highly mobile fauna are identified and managed to maintain their populations across their natural range, and information and awareness of highly mobile fauna is improved.**

Without specific reference to pāteke, avoidance of adverse effects on their habitat or populations are managed within wider provisions of the Regional; District Plans and NZCPS (2018) for indigenous biodiversity and threatened species

The proposed vegetation clearance for the proposal is in part riparian:

C.8.4.2 VEGETATION CLEARANCE IN RIPARIAN AREAS – PERMITTED ACTIVITY	
RULE	PROPOSAL
<i>Vegetation clearance within 10 metres of a natural wetland or within 10 metres of the bed of a continually or intermittently flowing river or lake, and any associated damming and diversion of stormwater and discharge of stormwater onto or into land where it may enter water, are permitted activities, provided:</i>	
<i>1) the area of cleared vegetation does not exceed 200 square metres in any 12-month period, and</i>	The area is 1535m ²
<i>2) vegetation is felled away from rivers, lakes, and natural wetlands, except where it is unsafe or impractical to do so, and</i>	Best practice clearance methodology to be used
<i>3) vegetation, slash, disturbed soil or debris is not deposited in a position where it could mobilise because of heavy rain or flood flows and:</i> <i>a) be deposited on other property, or</i> <i>b) divert or dam water, or</i> <i>c) cause bed or bank erosion, or</i> <i>d) damage receiving environments, downstream infrastructure, or property, and</i>	As above
<i>4) any discharge of sediment originating from the cleared area does not give rise to any of the following effects in the receiving waters beyond a 20 metre radius of the point of discharge:</i> <i>a) any conspicuous change in colour or visual clarity, or</i> <i>b) the rendering of freshwater unsuitable for consumption by farm animals, or</i> <i>c) the rendering of surface water taken from a mapped priority drinking water abstraction point</i>	Sediment control is prescribed until revegetation to protect the receiving environment including the downstream significant natural wetland

The clearance area is greater than the prescribed permitted activity level. It is therefore *Discretionary*. However, clearance methodology will follow best practice including sediment control. An offset has been designed (refer to the main body of this report)

⁴³ Northland Regional Plan Appeals Version NOV 2021

⁴⁴ Wildlands (2019) Guidelines for the application of ecological significance criteria for indigenous vegetation and habitats of indigenous fauna in the Northland region.

⁴⁵ Included in Appendix 2 NPSIB (2024): Specified Highly Mobile Fauna amended Oct 2024

C.8.4.3 VEGETATION CLEARANCE – DISCRETIONARY ACTIVITY

RULE	PROPOSAL
<i>Vegetation clearance in the coastal riparian and foredune management area, within 10 metres of a natural wetland, or within 10 metres of the bed of a continually or intermittently flowing river or lake, and any associated damming and diversion of stormwater and discharge of stormwater onto or into land where it may enter water, that are not a permitted activity in C.8.4 Vegetation clearance in riparian areas and foredune management area of this Plan are discretionary activities.</i>	

D.4.27 LAND PREPARATION, EARTHWORKS AND VEGETATION CLEARANCE

POLICY	PROPOSAL
<i>When assessing an application for a resource consent for an earthworks, vegetation clearance or land preparation activity and any associated discharge of a contaminant, ensure that the activity:</i>	
<i>1) will be done in accordance with established good management practices, and</i>	Yes best management
<i>2) avoids significant adverse effects, and avoids, remedies or mitigates other adverse effects on:</i> <i>a) drinking water supplies, and</i> <i>b) areas of high recreational use, and</i> <i>c) aquatic ecosystem health, indigenous biodiversity in water bodies and coastal water and receiving environments that are sensitive to sediment or phosphorus accumulation.</i>	Sediment control Net gain in revegetation as per offset in same close catch to impact point and downstream receiving environment Best practice clearance methodology e.g. felled away from waterway; outside peak breeding season with fauna check prior

F.1.3 INDIGENOUS ECOSYSTEMS AND BIODIVERSITY

OBJECTIVE	PROPOSAL
<i>In the coastal marine area and in freshwater bodies, safeguard ecological integrity by:</i>	
<i>1) protecting areas of significant indigenous vegetation and significant habitats of indigenous fauna, and</i>	The vegetation has LOW significance, more akin to amenity planting and will be offset to provide a net gain in gross area and additionality of biodiversity and density
<i>2) maintaining regional indigenous biodiversity, and</i>	Locally appropriate indigenous species to be utilised
<i>3) where practicable, enhancing and restoring indigenous ecosystems and habitats to a healthy functioning state, and reducing the overall threat status of regionally and nationally threatened or at risk species, and</i>	As before the offset will provide a net gain in biodiversity density and water quality protection
<i>4) preventing the introduction of new marine or freshwater pests into Northland and slowing the spread of established marine or freshwater pests within the region.</i>	N/ A

Throughout the impact assessment process consideration is given to **D.2.18 Managing Adverse Effects on Indigenous biodiversity**

D.2.18 MANAGING ADVERSE EFFECTS ON INDIGENOUS BIODIVERSITY	
POLICY	PROPOSAL
Manage the adverse effects of activities on indigenous biodiversity by:	
<p>1) in the coastal environment:</p> <p>a) avoiding adverse effects on:</p> <p>i. indigenous taxa that are listed as threatened or at risk in the New Zealand Threat Classification System lists, and</p> <p>ii. the values and characteristics of areas of indigenous vegetation and habitats of indigenous fauna that are assessed as significant using the assessment criteria in Appendix 5 of the Regional Policy Statement, and</p> <p>iii. areas set aside for full or partial protection of indigenous biodiversity under other legislation, and</p> <p>b) avoiding significant adverse effects and avoiding, remedying or mitigating other adverse effects on:</p> <p>i. areas of predominantly indigenous vegetation, and</p> <p>ii. habitats of indigenous species that are important for recreational, commercial, traditional or cultural purposes, and</p> <p>iii. indigenous ecosystems and habitats that are particularly vulnerable to modification, including estuaries, lagoons, coastal wetlands, intertidal zones, rocky reef systems, eelgrass, northern wet heathlands, coastal and headwater streams, spawning and nursery areas and saltmarsh, and</p>	<p>1) A(i).No taxa with Threat status are considered to be compromised by the clearance or discharge.</p> <p>(ii).The proposal includes a reduction in discharge flow velocity from the current pre development status under a 10% AEP and includes an offset bolstering of the riparian environment of the upper waterway and ultimate receiving environment of the significant natural inland wetland</p> <p>(iii) The offset is in keeping with the intent of the OMP</p> <p>B(i) an offset is proposed to provide a net gain and additionality over the current status</p> <p>(ii) the habitats of tuna ; inanga for example will not be compromised</p> <p>(iii) The large indigenous coastal wetland as receiving environment will be subject to a slower discharge as compared to the current status, with enhanced riparian planting.</p>
<p>2) outside the coastal environment:</p> <p>a) avoiding, remedying or mitigating adverse effects so they are no more than minor on:</p> <p>i. indigenous taxa that are listed as threatened or at risk in the New Zealand Threat Classification System lists, and</p> <p>ii. areas of indigenous vegetation and habitats of indigenous fauna, that are significant using the assessment criteria in Appendix 5 of the Regional Policy Statement, and</p> <p>iii. areas set aside for full or partial protection of indigenous biodiversity under other legislation, and</p> <p>b) avoiding, remedying or mitigating adverse effects so they are not significant on:</p> <p>i. areas of predominantly indigenous vegetation, and</p> <p>ii. habitats of indigenous species that are important for recreational, commercial, traditional or cultural purposes, and</p> <p>iii. indigenous ecosystems and habitats that are particularly vulnerable to modification, including wetlands, wet heathlands, headwater streams, spawning and nursery areas, and</p>	N/A
<p>3) recognising areas of significant indigenous vegetation and significant habitats of indigenous fauna include:</p> <p>a) Significant Ecological Areas, and</p> <p>b) Significant Bird Areas, and</p> <p>c) Significant Marine Mammal and Seabird Areas, and</p>	As hydrological function or tall stature raupō dominance of the receiving wetland will not be altered, the Significant bird areas on the adjacent coast are not considered at risk from the proposal including habitat of pāteke and bittern
<p>4) recognising damage, disturbance or loss to the following as being potential adverse effects:</p> <p>a) connections between areas of indigenous biodiversity, and</p> <p>b) the life supporting capacity of the area of indigenous biodiversity, and</p> <p>c) flora and fauna that are supported by the area of indigenous biodiversity, and</p> <p>d) natural processes or systems that contribute to the area of indigenous biodiversity, and</p>	<p>a. Connections will be maintained.</p> <p>b. The life supporting capacity of the area will be grossly improved in terms of area, diversity and density allowing ecosystem process such as nutrient cycling, regeneration, food provision.</p> <p>c. The riparian planting will be covenanted to protect from damage and loss, and bolstered to mitigate disturbance to fauna</p> <p>d. the reduction of discharge velocity is an improvement over the current status</p>

<p>5) assessing the potential adverse effects of the activity on identified values of indigenous biodiversity, including by:</p> <p>a) taking a system-wide approach to large areas of indigenous biodiversity such as whole estuaries or widespread bird and marine mammal habitats, recognising that the scale of the effect of an activity is proportional to the size and sensitivity of the area of indigenous biodiversity, and</p> <p>b) recognising that existing activities may be having existing acceptable effects, and</p> <p>c) recognising that minor or transitory effects may not be an adverse effect, and</p> <p>d) recognising that where effects may be irreversible, then they are likely to be more than minor, and</p> <p>e) recognising that there may be more than minor cumulative effects from minor or transitory effects, and</p>	<p>The proposal activities integrates protection and enhancement of the sites overall environmental context both wetland and riparian area. Recommendation of hooded and no outdoor blue/ bright white LED lighting is in respect to sea birds in the wider area</p>
<p>6) recognising that appropriate methods of avoiding, remedying or mitigating adverse effects may include:</p> <p>a) careful design, scale and location proposed in relation to areas of indigenous biodiversity, and</p> <p>b) maintaining and enhancing connections within and between areas of indigenous biodiversity, and</p> <p>c) considering the minimisation of effects during sensitive times such as indigenous freshwater fish spawning and migration periods, and</p> <p>d) providing adequate setbacks, screening or buffers where there is the likelihood of damage and disturbance to areas of indigenous biodiversity from adjacent use and development, and</p> <p>e) maintaining the continuity of natural processes and systems contributing to the integrity of ecological areas, and</p> <p>f) the development of ecological management and restoration plans, and</p>	<p>a. The clearance area is of poorer quality/ amenity planting character. Light effects on seabird orientation in the adjacent CMA is addressed through suggested restrictions on utilisation of bright white/ blue light in outdoor lighting</p> <p>b. Extensive planting will enhance site wide habitat and corridor function of vegetation</p> <p>c. the pond does not provide habitat for freshwater fish having been occluded and largely intermittent for 20 years</p> <p>d. Extensive planting as to bolster buffer is proposed</p> <p>e. Stormwater and sediment control as best practice in detailed design will maintain site waterways and wetland function</p> <p>f. The area is subject to covenanting and the OMP</p>
<p>7) recognising that significant residual adverse effects on biodiversity values can be offset or compensated:</p> <p>a) in accordance with the Regional Policy Statement for Northland Policy 4.4.1, and 43</p> <p>b) after consideration of the methods in (6) above, and</p>	<p>Offsetting has been designed -</p> <p>NO NET LOSS,</p> <p>NET GAIN (ADDITIONALITY) on area; species composition; density and functionality i.e to protect water quality through bolstered buffer</p> <p>in turn heightening ecosystem function e.g. nutrient cycling; regeneration; food provision for resident species</p>
<p>8) recognising the benefits of activities on biodiversity values that:</p> <p>a) restore, protect or enhance ecosystems, habitats and processes, ecological corridors and indigenous biodiversity, and</p> <p>b) improve the public use, value or understanding of ecosystems, habitats and indigenous biodiversity.</p>	<p>The offset proposal encompasses aspects of restoration through planting area and species selection, enhancing corridor and bolstering ecosystem biodiversity and functionality</p> <p>Adjacent the high use boatshed area stakeholders will benefit from the heightened ecosystem function/services contributing to wellness and sense of place</p>

Wetland as receiving environment has been addressed specifically in avoidance of effects and offset design

D.4.23 NATURAL INLAND WETLANDS	
POLICY	PROPOSAL
The loss of extent of natural inland wetlands is avoided, their values are protected, and their restoration is promoted, except where:	
<p>1) the loss of extent or values arises from any of the following:</p> <p>a) the customary harvest of food or resources undertaken in accordance with tikanga Māori;</p> <p>b) wetland maintenance, restoration, or biosecurity (as defined in the National Policy Statement for Freshwater Management) activities;</p> <p>c) scientific research;</p> <p>d) the sustainable harvest of sphagnum moss;</p> <p>e) the construction or maintenance of wetland utility structures (as defined in the Resource Management (National Environmental Standards for Freshwater) Regulations 2020);</p> <p>f) the maintenance or operation of specified infrastructure, or other infrastructure (as defined in the Resource Management (National Environmental Standards for Freshwater) Regulations 2020);</p> <p>g) natural hazard works (as defined in the Resource Management (National Environmental Standards for Freshwater) Regulations 2020); or</p>	<p>The proposal to build the additional boatsheds, concomitantly alter the stormwater design and culvert discharge as per (f) is not expected to result in loss of <i>extent</i> or loss of <i>values</i> of the receiving environment - comprised of a significant indigenous natural inland wetland .</p> <p>This includes</p> <ul style="list-style-type: none"> • Hydrological function • Range of water levels • Habitat of threatened indigenous fauna including pāteke and potentially bitten • Fish passage • Water quality, including as habitat
<p>2) the Regional Council is satisfied that:</p> <p>a) the activity is necessary for the construction or upgrade of specified infrastructure; and</p> <p>b) the specified infrastructure will provide significant national or regional benefits; and</p> <p>c) there is a functional need for the specified infrastructure in that location; and</p> <p>d) the effects of the activity are managed through applying the effects management hierarchy; or</p>	<p>Clearance is addressed through an offset proposal in accordance with Appendix 3 of the NPSIB in accordance with RPS 4.4.2 and NZ best practice</p>
<p>3) the Regional Council is satisfied that:</p> <p>a) the activity is necessary for the purpose of urban development that contributes to a well functioning urban environment (as defined in the National Policy Statement on Urban Development); and</p> <p>b) the urban development will provide significant national, regional or district benefits; and</p> <p>c) the activity occurs on land identified for urban development in operative provisions of a regional or district plan; and</p> <p>d) the activity does not occur on land that is zoned in a district plan as general rural, rural production, or rural lifestyle; and</p> <p>e) there is either no practicable alternative location for the activity within the area of the development, or every other practicable location in the area of the development would have equal or greater adverse effects on a natural inland wetland; and</p> <p>f) the effects of the activity will be managed through applying the effects management hierarchy; or</p>	<p>e. the location has been determined through the design process, largely outside our scope; to be the most practicable location adjacent ad adding to an already high use area, requiring clearance of vegetation considered a de minimus contribution to the wider site values more akin to amenity planting The current velocity of discharge will be reduced into the wetland</p> <p>f. an offset has been provided to account for loss of riparian vegetation in the same immediate catchment</p>
<p>4) the Regional Council is satisfied that:</p> <p>a) the activity is necessary for the purpose of quarrying activities; and</p> <p>b) the extraction of the aggregate will provide significant national or regional benefits; and</p> <p>c) there is a functional need for the activity to be done in that location; and</p> <p>d) the effects of the activity will be managed through applying the effects management hierarchy; or</p>	<p>N/ A</p>
<p>5) the Regional Council is satisfied that:</p> <p>a) the activity is necessary for the purpose of:</p> <p>i. the extraction of minerals (other than coal) and ancillary activities; or</p> <p>ii. the extraction of coal and ancillary activities as part of the operation or extension of an existing coal mine; and</p> <p>b) the extraction of the mineral will provide significant national or regional benefits; and</p> <p>c) there is a functional need for the activity to be done in that location; and</p> <p>d) the effects of the activity will be managed through applying the effects management hierarchy; or</p>	<p>N/A</p>

D.4.24 WETLAND – VALUES	
POLICY	PROPOSAL
The loss of extent of natural inland wetlands is avoided, their values are protected, and their restoration is promoted, except where:	
1) <i>the benefits of wetland creation and restoration, and the enhancement of wetland functions, and</i>	There will be no loss of extent of identified values of the receiving natural inland wetland
2) <i>that the values of induced wetlands or reverted wetlands are likely to relate to:</i> <i>a) the length of time the wetland has been in existence (ecological values are generally lower in newly established wetlands), and</i> <i>b) whether long-term viability of the wetland relies on maintenance works to maintain suitable hydrological conditions (wetlands that do not require maintenance are of greater value), and</i>	-
3) <i>that the consent duration should be for as long as active restoration or enhancement works are required.</i>	As required, protected through the OMP

D.4.22 NATURAL WETLANDS – REQUIREMENTS	
POLICY	PROPOSAL
<i>Activities affecting a natural wetland:</i>	
1) <i>must maintain the following important functions and values of wetlands:</i> <i>a) water purification and nutrient attenuation, and</i> <i>b) contribution to maintaining stream flows during dry periods, and</i> <i>c) peak stream flow reduction, and</i> <i>d) providing habitat for indigenous flora and fauna, including ecological connectivity to surrounding habitat, and</i> <i>e) recreation, amenity and Natural Character values, and</i>	The discharge to the wetland is not expected to result in effects that are contrary to Policy D.4.22 Enhanced riparian buffer will contribute to a; c; d; e
2) <i>avoid, remedy, or mitigate adverse effects on important wetland functions and values so they are not significant, or</i> 3) <i>must provide biodiversity off-setting or environmental biodiversity compensation, so that residual adverse effects on the important functions and values of wetlands are no more than minor.</i>	The bolstering of the source riparian area and that of the wetland proper will improve the current functionality in terms of habitat and water quality maintenance

C.2.3 GENERAL CONDITIONS	
POLICY	PROPOSAL
RIVER, LAKE OR WETLAND DISTURBANCE General conditions apply to activities when referred to in the rules of C.2.1 Activities in the beds of lakes and rivers, C.2.2 Activities affecting wetlands or C.3.1 Damming and diverting water.	
SEDIMENT DISCHARGES 1) Discharge of contaminants must comply with the following conditions: a) the activities must release no contaminants into water, other than sediment or organic matter, and b) bed disturbance must not occur for more than five consecutive days, and c) beyond the zone of reasonable mixing, the discharge must not give rise to any conspicuous change in the colour or visual clarity, and d) any conspicuous change in the colour or visual clarity within the zone of reasonable mixing must not occur for longer than 12 hours per day for no more than 14 consecutive days.	Outside the scope of this report, sediment controls are proposed within the Site Suitability Report N/A
EXCAVATED MATERIAL 2) Organic matter or soil must not be placed in a position where it could readily enter or be carried into a water body.	As best practice
VEHICLES, VESSELS AND EQUIPMENT IN WATER BODIES 3) All vehicles, vessels and equipment must be kept out of flowing or standing water bodies, except where it is necessary for the purpose of the activity, and then: a) machinery must be clean and leak free prior to entering the bed of the water body, and b) the extent and duration of any disturbance is minimised. 4) All equipment and excess materials must be removed from the bed of the water body on completion of the activity.	N/A
AVOIDING PEST INTRODUCTION 5) All plant, machinery, equipment or material operating or used in a water body, must be free of pests, plant contaminants, seeds, and vegetative material.	As part of a construction management plan
RIVER ALIGNMENT AND FLOODING EFFECTS 6) The activities must not: a) cause more than minor bed or bank erosion, scouring or undercutting immediately upstream or downstream, or b) compromise the structural integrity or use of any other authorised structure or activity in the bed of the river or lake, or c) dam or divert water in a way that causes flooding or ponding on any other property. 7) Any dammed water must not raise sub-surface or surface water levels to the extent that drainage of other property is adversely impeded.	We rely on the <i>Site Suitability and Development Report PK Engineering FEB 2025</i> which describes hydraulic neutrality as part of the proposal with total runoff from Lot 18 is no greater than predeveloped levels.
NATURAL WETLANDS 8) The activities must not cause change to the seasonal or annual range in water level of any natural wetland to an extent that may adversely affect the wetland's natural ecosystem. 9) The vegetation and the bed of any natural wetland are not disturbed to a depth or an extent greater than that required to give effect to the permitted activities. 10) There is no disturbance of roosting and nesting areas of fernbird, New Zealand dabchick, banded rail, brown teal , or Australasian bittern.	This will not occur to the stormwater design as before and described in the PK Engineering report Works are not proposed within the wetland that may disturb known habitat of Omarino pāteke population, and subsequently any other wetland bird present
INDIGENOUS VEGETATION DISTURBANCE OR REMOVAL 11) Any indigenous vegetation damage, destruction, disturbance, clearance or removal is limited to the minimum extent necessary to give effect to the permitted activities. FUEL STORAGE AND REFUELLING 12) Fuel must not be stored and machinery must not be refuelled in any location where fuel may enter water, including: a) on, over, or in the bed of a surface waterbody or the coastal marine area, or b) within 10 metres of a surface waterbody or coastal water. 13) Fuel must not be discharged to water, or the bed of a surface waterbody, or to land, in circumstances where the fuel can enter water.	11. An offset has been proposed to account for the clearance above permitted activity status 12. Fuel storage and refuelling is located elsewhere
FRESHWATER STRUCTURES EROSION AND SEDIMENT DISCHARGES ASSOCIATED WITH A STRUCTURE 14) The presence of the structure must not cause more than minor bed or bank erosion, scouring or undercutting immediately upstream or downstream. 15) Approaches to and abutments of the structure within the bed or on the banks of the water body must be stabilised to avoid scour and sediment discharges.	As per design PK Engineering reporting The outflow to wetland is to be intensified with local appropriate sedges as an improvement over the current status

<p>STRUCTURE DURABILITY, MAINTENANCE AND OFF-SITE EFFECT AVOIDANCE</p> <p>16) <i>The structure must be maintained in a sound condition and function for the purpose it was designed for, and at all times be capable of withstanding a one percent annual exceedance probability (AEP) flood without structural failure or risk to people or other property.</i></p> <p>17) <i>The one percent AEP flood must be accommodated by the structure and/or by an overland flow path without increasing flood levels upstream or downstream of the structure, beyond the land or structures owned or controlled by the person undertaking the activities.</i></p> <p>18) <i>The activities must not cause damage to, or restriction of the use of, any other authorised structure.</i></p>	<p>As per PK Engineering reporting</p>
<p>FISH PASSAGE</p> <p>22) <i>The upstream and downstream passage of fish in continually or intermittently flowing rivers must be provided for and be effective under a wide range of flow conditions and, excluding soft bottom rivers, riverbed material must be maintained throughout the full length of any culvert, ford and bridge structures, except:</i></p> <p><i>a) where the statutory fisheries manager provides written advice confirming that providing for passage of fish would have an adverse effect on the fish population upstream of the structure, or</i></p> <p><i>b) during temporary flow diversion around work sites, as referred to in condition 26, but for no more than a total of 48 hours, or in the case of culvert installation under C.2.1.8 Construction and installation of structures – permitted activity in the months of January to July (inclusive) for no more than seven consecutive days, or</i></p> <p><i>c) when otherwise provided for by an existing design and authorisation.</i></p> <p><i>Note: Advice on the potential pest fish populations located downstream of the structure can be obtained from the Regional Council, the Department of Conservation, or the Northland Fish and Game Council. Any person or persons constructing a structure likely to impede fish passage (including culverts, fords, dams or diversion structures) will need to be aware of and comply with the requirements of the Freshwater Fisheries Regulations 1983, administered by the Department of Conservation.</i></p>	<p>There is currently no fish passage between the downstream wetland and the subject pond, or further upstream throughout the stepped ponding. This has been the status within this intermittent watercourse since initial modification in the early 2000s. It is not considered they would provide habitat or transitional habitat to any landlocked bully population due to lack of flow, frequent empty character and warm open habitat. Tuna are also unlikely to occupy the subject pond due to the same conditions in preference to downstream wetland habitat adjacent.</p>
<p>CONSTRUCTION ACTIVITY CONTROLS</p> <p>23) <i>Construction material and ancillary structures must be removed from the bed following completion of the activities, or earlier if reasonably practicable.</i></p> <p>24) <i>The contact of wet concrete or concrete ingredients with flowing or standing water must be avoided.</i></p>	<p>Outside the scope of our reporting. As per design PK Engineering and any future construction management plan</p>

D.4.25 FRESHWATER FISH	
POLICY	PROPOSAL
<i>When considering resource consent applications for activities in freshwater bodies recognise:</i>	
<i>1) that in the absence of alternative evidence, most Northland continually or intermittently flowing rivers and some lakes and natural wetlands provide habitat for threatened or at risk indigenous fish species, and</i>	Over a period of seasons 2024-2025 we have observed the pond of the intermittent river as potential habitat and further upstream basins created as part of the consented modification at that time. From professional experience we do not expect that after 20 years of impoundment any population of bully would remain due to the low- no water level and open warm low oxygen character. Tuna are also unlikely, even during short periods of inundation.
<i>2) that all fish species have varying degrees of sensitivity to habitat disturbance, changed water flow and degraded water quality, particularly increased turbidity or sedimentation, and</i>	This re iterates the absence of species in the pond
<i>3) the need to maintain the ability for non-pest fish species to effectively move up and downstream of the activity site, and</i>	N/A
<i>4) opportunities to reduce the risk of spreading or introducing pest species, and</i>	Machinery is to be free of such
<i>5) the benefits of avoiding: a) activities in continually or intermittently flowing rivers during fish migration periods, and b) spawning habitat disturbance, particularly during spawning periods.</i>	N/A

F.1.4 FISH PASSAGE	
OBJECTIVE	PROPOSAL
<i>The passage of fish is maintained, or is improved, by instream structures, except where it is desirable to prevent the passage of some fish species in order to protect desired fish species, their life stages, or their habitats.</i>	There will be no change in fish passage provision

The culvert cannot comply with *C.2.1.8 Construction and installation of structures – permitted activity* or with those of following *C.2.1.10 Freshwater structures – controlled activity*. It is therefore *Discretionary as per C.2.1.11* below:

C.2.1.11 ACTIVITIES IN THE BEDS OF LAKES AND RIVERS – DISCRETIONARY ACTIVITY	
RULE	PROPOSAL
<i>The following activities that are not the subject of any other rule in this Plan are discretionary activities:</i>	
<i>1) use, erect, reconstruct, place, alter, extend, remove, or demolish any structure or part of any structure in, on, under, or over the bed of a lake or river, or 2) disturb the bed of a lake or river, or 3) introduce or plant any plant or any part of any plant (whether exotic or indigenous) in, on, or under the bed of a lake or river, or 4) deposit any substance in, on, or under the bed of a lake or river, or 5) reclaim or drain the bed of a lake or river.</i>	The proposal is to incur activities 1; 2; 4; 5

D.4.30 RIVERS

POLICY

PROPOSAL

The loss of river extent and values is avoided, unless the Regional Council is satisfied:

*1) that there is a functional need for the activity in that location; and
2) the effects of the activity are managed by applying the effects management hierarchy.*

Note: *Effects management hierarchy is as defined in Condition 3.21 of the NPS-FM 2020*

The need has been determined outside our scope throughout the design and engineering strands of the project.
Potential adverse effects are largely related to the indigenous vegetation removal required . The river is a *modified watercourse* widened and deepened to form a stormwater control device (pond) in early 2000s as part of the Omarino development. The existing condition and character will not degrade as part of the culvert extension and infill of the end adjacent the new proposed boatsheds. Hydraulic neutrality and an offset to account for the vegetation clearance are key in the application of the effects management heirarchy.

Appendix 6

Site Suitability & Development Report



CHARTERED PROFESSIONAL ENGINEERS

SITE SUITABILITY & DEVELOPMENT REPORT



FOR
PROPOSED BOATSHEDS
AT
285 MANAWAORA RD
LOT 18 DP 391213

FOR
BENTZEN FARMS LTD

Job No:	24-023
Date: First Issue	17 FEB 2025

Level 1 ANZ Bank Building 90 Kerikeri Road, Kerikeri, New Zealand
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Revision	Date of issue	Description
Rev 0	17 FEB 2025	First Issue
Rev 1	5 th MARCH 2025	Additional stormwater information has been added regarding outflow velocities on the drawing sheets SW6 – SW6C and in the stormwater section 7 of this report.
Rev 2	11th MARCH 2025	Stormwater section wording altered at request of planner.

Prepared By: Jonty White	Reviewed and Authorized By: Pradeep Kumar
	
Graduate Engineering Geologist (BSc, Geology)	B.E hons, NZCE, MIPENZ, IntPE, CPEng. (Structural, Geotechnical)

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REPORT
FOR PROPOSED BOATSHEDS
AT 285 MANAWAORA RD
OMARINO
FOR BENTZEN FARMS LTD

REF 24-023

REV 2
MARCH 2025

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APPENDIX A - *Augerhole data, Scala Penetrometer Data, ENGINEERING DRAWINGS*

1. INTRODUCTION

This report was requested by Bentzen Farms Ltd and has been prepared to assess the geotechnical and site suitability aspects of LOT 18 DP 391213, 285 Manawaora Rd, Russell for the proposed boat sheds as set out in the Architectural plans by Bossley Architects.

This report assesses this site in regard to the following aspects:

- Land Stability
- Foundation recommendations
- Retaining walls
- Earthworks
- Temporary silt control measures
- Sustainable stormwater control.

It has been prepared to provide adequate relevant information to enable applications for resource consent and building consent applications to be lodged into the local territorial authorities. It has been prepared solely for this purpose and shall not be used, reproduced or copied in any manner or form without the permission of PK Engineering Ltd.

2. DESKTOP STUDY

2.1 GENERAL SITE DESCRIPTION

REFER TO APPENDIX A SHEET SG0 FOR REFERENCE TO THIS SECTION.

The existing lot 18 DP391213 currently encompasses a gross area of 84,550m². It is proposed to increase this area by way of a boundary change, bringing the total proposed lot area to 85,870m². The lot is accessed off 285 Manawaora road and is the main entry lot to the Omarino subdivision. The lower portion of the lot is relatively flat riparian freshwater wetland and coastal native mangrove system, rising to the upper portions of the lot mostly encompassing moderately steep native bush. The portion of the lot for the proposed development is between the bush and riparian waterway in the centre of the lot and mostly encompasses the existing pavement and workshops and boat sheds with an existing natural flow path that is piped under the pavement to the coastal margin. The main entry to Omarino is via an existing causeway which provides a bridge over the old mangrove wetland system towards the south-east of the proposed new boatshed. The natural freshwater wetland to the west of this causeway is discharged under the causeway via large culverts (refer to photo 1 below) and under normal conditions there is no outflow out of this wetland system to the mangrove system. Only under heavy rainfall conditions do the existing culverts under the causeway discharge water to the mangrove system. Approximately 180mm of free

board is available below the invert of the larger culvert and due to the large area of the wetland there is a significant amount of live storage available in the large natural wetland.



The proposed Boatsheds lies neatly within the existing gully alongside the existing boat sheds and will involve a moderately sized cut of the toe of an existing hillside which is proposed to be retained utilizing a timber pole retaining wall. The existing pond is proposed to facilitate additional stormwater controls and is discussed in further detail in the following section 7 of this report and drawings.

2.2 COUNCIL NATURAL HAZARDS

The site of the proposed development lies outside of the Northland regional council mapped coastal and river flood hazard zones. Including the 1 in 100-year flood zones. More reference to hazards has been made in section 4.0 below.

2.3 GEOLOGICAL MAPPING

The site has a thin veneer of clayey topsoil, (average depth 200mm) overlaying a layer of clayey SILT with varying amounts of clay and traces of sand- encompassing a layer approximately 3-4 metres deep. This is the end product of the weathering down of coastal Greywacke rock, which has been classified according to Northland Regional Council Soil Maps as being Marua clay loam (MRH) The underlying rock is comprised of Waipapa Group Sandstone/ Siltstone as mapped by Geological and Nuclear Sciences (GNS)

2.4 PREVIOUS REPORTING

No Previous Reporting was identified to support this report.

3. SITE INVESTIGATIONS AND SOIL CLASSIFICATION

3.1 VISUAL INVESTIGATION

A thorough walkover of the site was undertaken, and geotechnical features related to site stability were noted.

3.2 SUBSURFACE INVESTIGATIONS.

REFER TO APPENDIX A SHEETS SG1, SG1A & SG2-SG3 SHOULD BE MADE FOR THE TEST LOCATIONS.

Seven subsurface exploratory auger holes have been drilled on the site shown on the attached site plan as AH1-AH7. 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 and in some cases, they were short of 3.0 metres as it was not viable to drill further. Scala penetrometer tests were carried out in the base of the auger holes and readings were taken as blows per/50mm increment until 2.0 metres below the auger hole or until refusal into highly to moderately weathered to rock.

A table has been provided below with the summary of the data (Table 1)

Table 1: Subsurface data

Item	Auger Depth (m)	Rock Intercept (m)	Scala Depth (m)	GWL
AH1/PT1	3.0	3.65	4.7	-
AH2/PT2	3.00	3.3	3.7	-
AH3/PT3	1.70	2.35	2.45	1.7
AH4/PT4	3.00	-	3.9	2.9
AH5/PT5	2.25	3.45	3.65	-
AH6/PT6	3.0	3.35	3.5	
AH7/PT7	3.0	3.7	3.9	

Auger holes AH1, AH2 & AH5- AH7 intercepted at least 3.0 metres of very stiff clayey silts with undrained shear strengths exceeding 100kPa. Scala penetrometer tests were undertaken at the base of all the auger holes and generally encountered highly weathered rock before 4.0 metres below the existing ground level. AH3 & AH4 were drilled near to the existing detention pond and encountered soft alluvial silts before encountering highly weathered rock in AH3 and very stiff soils in AH4 below the weak soils. The average depth of this inferred highly weathered rock mass is 3.4m below existing ground level.

The auger hole inferred subsoil profiles have been illustrated on cross sections A-A, B-B, C-C & DD Reference should be made to sheets SG2 and SG3 in Appendix A and the auger hole logs and scala penetrometer sheets in appendix A.

3.3 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 mostly dry to moist throughout. This type of moisture condition is considered normal for these types of elevated landforms such as is present on this site. A ground water table was encountered at 1.7m and 2.9m below existing ground level in the locality of AH4 & AH5. This is attributed to the proximity to the Existing stormwater detention pond.

3.4 LABORATORY TESTING

No Laboratory testing was undertaken as part of this investigation.

3.5 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.

4. SITE STABILITY

4.1 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. It should be noted that due to the Building Regulations 1992 regulations, the proposed boatsheds are considered Importance Level 1 and therefore are lowest importance level when it comes to risk to human life, environment or economic risk should the building fail. That being considered these risks have still been outlined in the sections below to allow the developer and relevant parties to know the specific risks for this site.

4.2 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.

A review of the NRC Natural Hazards indicates that the site of the proposed development and existing development (Sheds) lies within the mapped yellow evacuation zone. In the event of a tsunami warning evacuation can be made to the safe area 10 metres or so upslope from the site.

4.3 LIQUEFACTION

These proposed boatsheds are to be located on the very stiff weathered soil of the Waipapa group and therefore pose a 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.

4.4 GROUND DEFORMATION OR SETTLEMENT

The soils on this site generally exhibit high strength and low compressibility.

4.5 SOIL EXPANSIVITY.

The soils on this site can be classified as moderately to 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 plant 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.

It is proposed to develop the site so that a critical depth of expansive soils are removed from the building platform and replaced with granular compacted, engineered hardfill, therefore removing any risk of uneven settlement under the future structures.

4.6 SLOPE STABILITY / RETAINING WALLS.

A numerical slope stability analysis has not been undertaken for this site due to the location of the building on a level building platform, and the proposal includes proposed retaining walls to protect the backslope of the proposed boatsheds from any slope instability.

The retaining walls have been designed by PK Engineering Ltd and allow the design methodology for the behaviour of the landform behind the walls. All batter cut slopes behind retaining walls are to be finished off at slopes flatter than 1 in 2 (i.e 26°) Reference should be made to the drawing sheets SR1 & SR2 for the retaining wall details.

5. ENGINEERING RECOMMENDATIONS

5.1 BUILDING FOUNDATIONS

A regular slab on grade type foundation is considered adequate for the proposed boat sheds. The foundation should be designed by a chartered professional engineer familiar with this report.

A depth of 200mm of expansive Marua clay should be removed and replaced with GAP40 engineered fill under all slab and foundations. This hardfill should continue at least 1.0 metres past the edge of the slab and footings. Any footing deeper than 800mm below the cut may be placed directly in the top of the clay.

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
PHI (°)	= 30°

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. EARTHWORKS RECOMMENDATIONS

REFERENCE IN THIS SECTION SHOULD BE MADE TO APPENDIX A SHEET EW1.0 & ESSC 1.0-ESC3.0 FOR EARTHWORKS CUT/FILL CONTOURS AND ENVIRONMENTAL SILT CONTROL MEASURES

6.1 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"

6.1.1 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 26 degrees). All cut batter slopes should be planted in vegetation (e.g Vetiver grass) or covered by a suitable geofabric following excavation.

6.1.2 ENGINEERED FILL

Any fill over 600mm in depth requires engineered design by a suitably experienced chartered professional engineer. There will be a requirement for engineered fill to form finished building and driveway pavement levels. This fill should be of approved quality and grade. Reference can be made to NZS 4431:2022 "lightweight structures" specifically for the building only. The fill for the Driveway will require more specific civil design. The fill 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. All such fill to continue at least a metre past the edge of all foundations and slabs and finished fill batters must be safeguarded against erosion and traffic loading.

6.1.3 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. Care should be taken to follow the silt control details provided in appendix A of these drawings so that no migration of sediment occurs into the waterways or outside the boundaries of the property during construction.

The silt control measures will need to be verified on-site prior to construction by the engineer familiar with this report and drawings.

6.1.4 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 ingress of stormwater run-off during construction and pumping should be utilized to remove any water prior to the pouring of concrete.

7. STORMWATER

REFERENCE FOR THIS SECTION SHOULD BE MADE TO APPENDIX A SHEETS SW1-SW12

The site is zoned general coastal under the district plan and is therefore permitted 10% impervious surface coverage. The controlled coverage threshold is 15% or 400m² impervious surface coverage under this plan, whichever is greater. The current lot size is 84,550m² and is proposed to increase it to 85,870m². The existing impervious area is 16,388m² or 19% of the total Lot area. The proposal plans to increase the impervious surfaces by an additional 1,312 m², which will bring the total impervious site coverage to 17,700m² or 20.6% of the proposed lot area.

All hydrological stormwater design has been undertaken using HIRDZ V4 RCP6.0 2081-2100 rainfall intensities from the nearest weather station (Russell) and an additional factor for climate change has been applied. 10% AEP = 150mm/hr and 1% AEP 200mm/hr. Run off co-efficient of 1.0 for impervious surfaces and 0.5 for moderate bush slopes

In order to control stormwater through the site we have considered the existing catchment and culverts which are to remain as fixed features of the site. In order to control stormwater discharge from the site, we propose to balance out the stormwater flows arising from the catchment area so the total runoff from lot 18 is no greater than predeveloped levels.

Our analysis and design present a methodology of maintaining hydraulic neutrality for the proposed development. The flow rates are presented in the tables on page 14.

The design concept has utilized the live storage of the existing pond and restricted the outflows by reducing the flow rates of the existing pipe. This has been achieved by carefully sizing the culvert extension and placing the invert level and gradient of the new pipes at optimal heights.

ATTENUATION SUMMARY TABLES

PRE-DEVELOPED FLOWS FROM LOT 18	FLOW VOLUMES
TOTAL FLOW RATE 10% AEP	1.75m ³ /s or 1750 L/S
TOTAL FLOW RATE 1% AEP	2.310 m ³ /s or 2310 L/S

POST DEVELOPED FLOWS FROM LOT 18	FLOW VOLUMES
TOTAL FLOW RATE 10% AEP	2.119m ³ /s or 2119 L/S
TOTAL FLOW RATE 1% AEP	2.825m ³ /s or 2825 L/S

FLOWS ENTERING FROM OUTSIDE THE LOT AREA (UNCHANGED CATCHMENT)	FLOW VOLUMES
TOTAL FLOW RATE 10% AEP	0.544m ³ /s or 544 L/S
TOTAL FLOW RATE 1% AEP	0.726m ³ /s or 726 L/S

TOTAL PRE-DEVELOPED FLOWS	FLOW VOLUMES
TOTAL FLOW RATE 10% AEP	2.294 m ³ /s (1.75 + 0.54)
TOTAL FLOW RATE 1% AEP	3.026 m ³ /s (2.310 + 0.726)

TOTAL POST DEVELOPED FLOWS FROM LOT 18 WITH ADDITIONAL FLOW FROM CATCHMENTS OUTSIDE BOUNDARIES	FLOW VOLUMES
TOTAL FLOW RATE 10% AEP	2.663m ³ /s or 2663 L/S (2.119 +0.544)
TOTAL FLOW RATE 1% AEP	3.551m ³ /s or 3551 L/S (2.825 + 0.726)

PROPOSED FLOW RATE AFTER ATTENUATION FOR STORM EVENTS	FLOW VOLUMES	ENTRY DEVICE
TOTAL FLOW RATE 10% AEP	1.75m ³ /s or 1750 L/S	2 X Ø450 PIPES
TOTAL FLOW RATE 1% AEP	2.752m ³ /s or 2752 L/S	2 x Ø450 PIPES

VELOCITIES INSIDE THE EXISTING PIPES FOR THE 1 % AEP WILL BE REDUCED TO 5.0 m/s for the Ø750 and 5.5 m/s for the Ø530. OUTFLOW VELOCITIES WILL BE REDUCED TO BELOW 1.0 M/S AT THE EXISTING WETLAND SURFACE AS SHOWN IN THE DRAWING SHEETS SW6-SW6B

The existing overland flow path which is a minimum of 18m wide x 0.15 metres deep has adequate capacity and discharges over an existing rock armoured embankment (Refer to sheet SW6). The overland flow path will accommodate more than 50% of the 1% AEP flow in the event that one of these proposed Ø450 pipes get blocked.

At the outflow point of the existing stormwater pipes the velocity of the stormwater flows reaches its maximum velocity just before the existing wetland static water surface and undergoes rapid energy dissipation within the first metre of the wetland. The velocity dissipation is illustrated in the drawing sheet SW6 – SW6B. The maximum disturbance area of the stormwater outflow is expected to be within a 5-metre radius. The velocities are such that erosion effects are considered negligible. Further native planting may be used to enhance this area also adding additional dampening to stormwater flows.

Storage will be provided for boatshed roof area runoff via 3 x 25,000L water tanks which will require a minimum Ø225 overflow pipe at 1 in 100 gradient to the existing Ø750 culvert manhole. Any additional drainage, such as subsoil drains can be discharged directly into the pond or the manhole.

It is proposed to provide a 4m wide x 0.8m deep rock and DPC-Bidim Geofabric lined swale at the backslope of the proposed sheds in order to accommodate up to 1.25m³/s of 1 % AEP flows away from the buildings and into the existing pond. Details of the construction of this swale have been provided in the drawings. Additional existing swales can be re- contoured to flow into this main swale.

8. WASTEWATER

This report does not cover any wastewater design for this site.

9. RECOMMENDATIONS

After carrying my investigation and analysis for this proposal, I make the following recommendations:

- All slab and foundation of the proposed new boatsheds be founded on top of a minimum of 200mm of compacted hardfill.
- Shallow foundations may be utilized provided they are located at a minimum depth of 800mm into the natural clay.
- If 200mm of hardfill is present under slab and footing, then shallow foundations may be utilized to prevent the detrimental effects from the “expansive” nature of the clays that exist on the site.
- All engineered hardfill under the structures should be extended at least 1.0m past the edge of the footings and slabs.
- Any hardfill over 600mm in depth be designed and certified by a chartered professional engineer.
- The proposed culvert extensions be carried out in accordance with the drawings and section 6 of this report.
- All earthworks be undertaken in accordance with the drawings and section 6 of this report.
- The drawings accompanying this report be read and understood clearly by those responsible for the building design and construction.

10. CONCLUSION

After carrying out the investigation, study and analysis, we conclude that the development of the site and location for the proposed boatsheds and associated pavement and stormwater controls can be developed in a sustainable manner, provided the recommendations in this report and drawings are followed diligently.

11. 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 Bentzen Farms Ltd 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 – Augerhole data, Scala Penetrometer Data, ENGINEERING DRAWINGS

APPENDIX A

(BOREHOLE LOGS, SCALA PENETROMETER LOG & ENGINEERING
DRAWINGS)

BOREHOLE LOG NO - AH1

Location of Borehole

Project: New Boat Sheds
 Client: Bentzen Farms Ltd
 Job No: 24-023



Graphic Symbol	@@@	.....	####	000	█	||||	DDDD	In situ shear vane reading	
	FILL	CLAY	SILT	SAND	ROCK	TOP SOIL	Organic Soil	Remoulded shear vane reading	
								Scale Penetrometer	●

Depth (mm)	Soil /Rock Graphical Log	GEOLOGY	LAYERS	Field Description	GWL	Undrained Shear Strength (kPa)	Scala Penetrometer (blows/50mm)
				APPROX EXISTING GROUND LEVEL RL 10.9 m			
300	@@@			(0-0.1m) HARDFILL		72	
600	@@@			(0.1-0.4m)- Silty CLAY, orange/brown mixed		35	
900			(0.4-0.6m) CLAY, brown, v moist, soft		23	
1200			(0.6-1.1m) silty CLAY, moderate plasticity, moist		29	
1500			(1.1-1.5m) silty CLAY, minor rock inclusions <5mm, light brown -yellow, crumbly, moist.		203	
1800			(1.5-1.8m) silty CLAY, grey laminations, moist - crumbly.		203	
2100	####			(1.8-3.0m) clayey SILT, yellow, crumbly		203	
2400	####					203	
2700	####					203	
3000	####					203	
3300				E.O.H @3.0m			
3600				Inferred Moderately Weathered Rock Encountered at 3.6m below existing ground level.			
3900				<p>Approximate Location of AH1 on edge of gravel track.</p>			
4200							
4500							
4800							
5100							

Drill Methods	50 mm hand auger	<p>Note: All field logging made as per NZGS Guideline "Soil and Rock Field Descriptions"</p> <p>1. The subsurface data described above has been determined at a specific borehole location.</p> <p>The data will not identify any variations away from the location.</p> <p>2. UTP - Unable to penetrate.</p>
Test Location	Refer to site plan	
Test Date	11/09/2024	
Drilled By	RD	


BOREHOLE LOG NO - AH2

Location of Borehole

Project: New Boat Sheds
 Client: Bentzen Farms Ltd
 Job No: 24-023

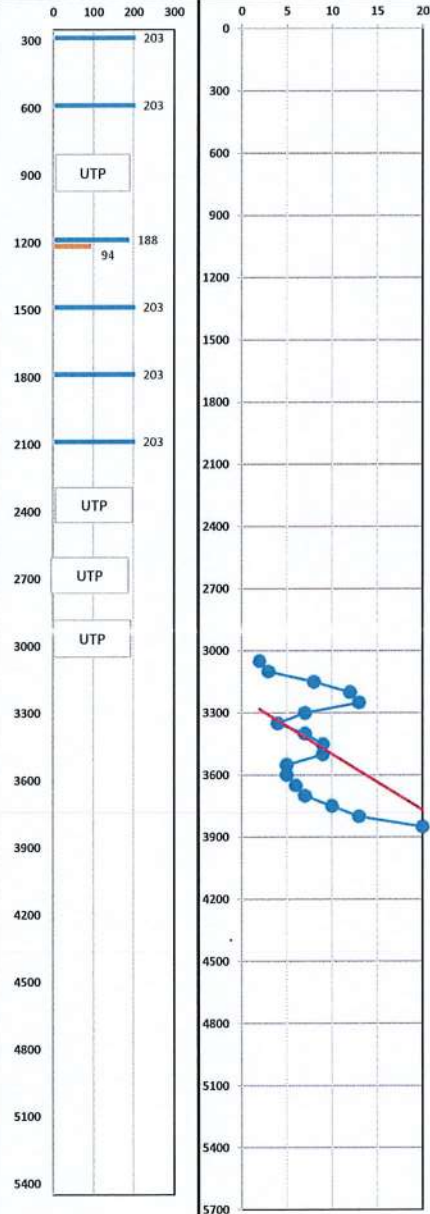


Graphic Symbol	@@@	####	000	■	||||	00000	In situ shear vane reading	Scale Penetrometer
	FILL	CLAY	SILT	SAND	ROCK	TOP SOIL	Organic Soil	Remoulded shear vane reading	

Depth (mm)	Soil /Rock Graphical Log	GEOLOGY	LAYERS	Field Description	GWL	Undrained Shear Strength (kPa)	Scala Penetrometer (blows/50mm)
				APPROX EXISTING GROUND LEVEL RL 8.5 m			
300	####			(0-0.25m) TOPSOIL			
600	####			(0.25m)- Clayey SILT, light brown, stiff, dry			
900	####			(0.5m)- minor clay reddish brown,sandy, very crumbly			
1200	####			(0.7m)- sandy SILT, red/light brown			
1500			(1.0m)- silty CLAY, light brown dry- moist very stiff, moderate plasticity			
1800			(1.3m)- gravel inclusions<10mm, moist			
2100			(1.6m)- light grey brown, moist			
2400			(2.25m)- sandy SILT, some clay, weathered rock			
2700			(2.6m)- some clay, gravel inclusions<10mm			
3000			E.O.H @3.0m			
3300				Inferred Moderately Weathered Rock Encountered at 3.75m below existing ground level.			
3600				 <p>Approximate Location of AH2</p>			
3900							
4200							
4500							
4800							
5100							

Waipapa Group Melange (Waipapa Composite Terrane) - (age 154-270 MIA)

NATURAL COMPLETELY WEATHERED WIPAPA TERRANE & RESIDUAL SOIL



Drill Methods	50 mm hand auger	<p>Note: All field logging made as per NZGS Guideline "Soil and Rock Field Descriptions"</p> <p>1. The subsurface data described above has been determined at a specific borehole location.</p> <p>The data will not identify any variations away from the location.</p> <p>2. UTP - Unable to penetrate.</p>
Test Location	Refer to site plan	
Test Date	11/09/2024	
Drilled By	JW	

BOREHOLE LOG NO - AH3

Location of Borehole

Project: New Boat Sheds
 Client: Bentzen Farms Ltd
 Job No: 24-023

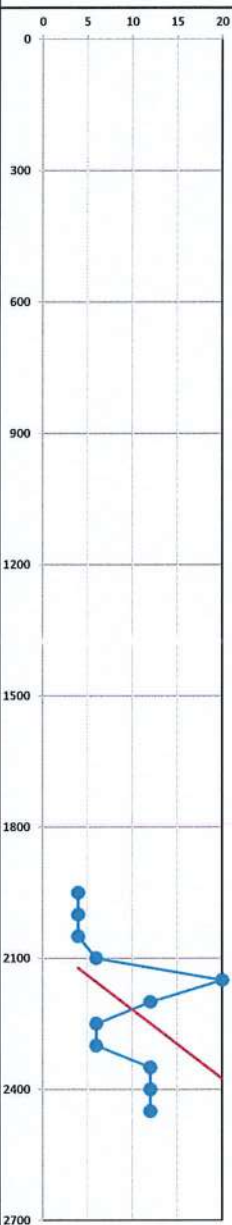
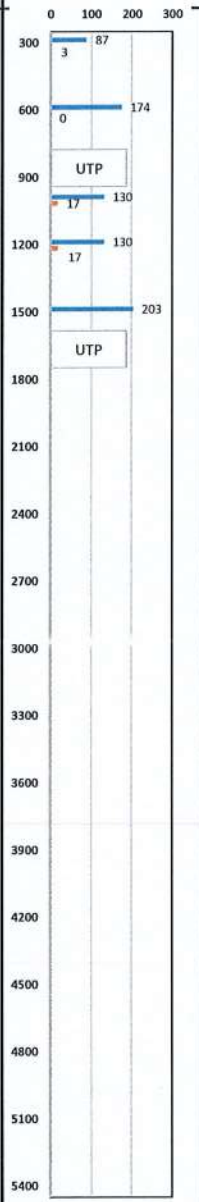


Graphic Symbol	@@@	####	000	■	||||	BBBBB	In situ shear vane reading	Scale Penetrometer
	FILL	CLAY	SILT	SAND	ROCK	TOP SOIL	Organic Soil	Remoulded shear vane reading	

Depth (mm)	Soil /Rock Graphical Log	GEOLOGY	LAYERS	Field Description	GWL	Undrained Shear Strength (kPa)	Scala Penetrometer (blows/50mm)	
		Waipapa Group Melange (Waipapa Composite Terrane) - (age 154-270 M/A)	NATURAL COMPLETELY WEATHERED WIPAPA TERRANE & RESIDUAL SOIL	APPROX EXISTING GROUND LEVEL RL 5.4 m				
300				(0-0.3m)- clayey TOPSOIL, brown, moist			3	
600				(0.4m)- CLAY, brown, moist to wet, soft			0	
900				(0.6m)- Ground Water Level			17	
1200				(1.0m)- silty CLAY, yellow, stiff			17	
1500				(1.5m)- silty CLAY, orange/yellow. Moderately			203	
1800				E.O.H @1.7m poor sample recovery			UTP	
2100				Inferred Moderately Weathered Rock Encountered at 2.35m below existing ground level.				
2400								
2700								
3000								
3300								
3600								
3900								
4200								
4500								
4800								
5100								



Approximate Location of AH3



Drill Methods	50 mm hand auger	Note: All field logging made as per NZGS Guideline "Soil and Rock Field Descriptions" 1. The subsurface data described above has been determined at a specific borehole location. The data will not identify any variations away from the location. 2. UTP - Unable to penetrate.
Test Location	Refer to site plan	
Test Date	11/09/2024	
Drilled By	RD	


BOREHOLE LOG NO - AH4

Location of Borehole
Over the edge of the existing Culverts adjacent to the pavement.

Project: New Boat Sheds
Client: Bentzen Farms Ltd
Job No: 24-023



Graphic Symbol	@@@	####	000	■	||||	#####	In situ shear vane reading	Scale Penetrometer
	FILL	CLAY	SILT	SAND	ROCK	TOP SOIL	Organic Soil	Remoulded shear vane reading	

Depth (mm)	Soil /Rock Graphical Log	GEOLOGY	LAYERS	Field Description	GWL	Undrained Shear Strength (kPa)	Scala Penetrometer (blows/50mm)
	|||||	Waipapa Group Melange (Waipapa Composite Terrane) - (age 154-270 MA)	NATURAL COMPLETELY WEATHERED WIPAPA TERRANE & RESIDUAL SOIL OVERLAIN BY HOLOCENE ALLUVIAL SILTS AND PEATS	APPROX EXISTING GROUND LEVEL RL 6.0 m			
300	@@@			(0-0.2m)- clayey TOPSOIL, brown, moist		159	
600	@@@			(0.4m)- Silty CLAY, light orange brown, trace topsoil & fine gravel inclusions, stiff, moist, moderately plastic (FILL)		123	
900	@@@			(0.6m)- Red gravelly clay layer, difficult to drill, dry-moist.		36	
1200	@@@					159	
1500	@@@					203	
1800	####			(1.8m)- SILT, some clay, grey/brown, trace fine gravel inclusions, stiff, wet, non-plastic		203	
2100	####			(2.9m)- alluvial peat inclusions, saturated. (GWL)		203	
2400	####					130	
2700	####					58	
3000	####			E.O.H @3.0m (Target Depth)		29	87
3300						29	87
3600				Inferred Highly Weathered Rock Below 4.0m in the location of this test.		72	
3900				Approximate Location of AH4			
4200							
4500							
4800							
5100							

Drill Methods	50 mm hand auger	Note: All field logging made as per NZGS Guideline "Soil and Rock Field Descriptions" 1. The subsurface data described above has been determined at a specific borehole location. The data will not identify any variations away from the location. 2. UTP - Unable to penetrate.
Test Location	Refer to site plan	
Test Date	11/09/2024	
Drilled By	JW	

BOREHOLE LOG NO - AH5

Location of Borehole
In the Location of an Existing Overland Flow Path

Project: New Boat Sheds
Client: Bentzen Farms Ltd
Job No: 24-023



Graphic Symbol	@@@	.....	####	000	■	||||	DDDD	In situ shear vane reading	■
	FILL	CLAY	SILT	SAND	ROCK	TOP SOIL	Organic Soil	Remoulded shear vane reading	■
								Scale Penetrometer	●

Depth (mm)	Soil /Rock Graphical Log	GEOLOGY	LAYERS	Field Description	GWL	Undrained Shear Strength (kPa)	Scala Penetrometer (blows/50mm)	
		Waipapa Group Melange (Waipapa Composite Terrane) - (age 154-270 MIA)	NATURAL COMPLETELY WEATHERED WIPAPA TERRANE & RESIDUAL SOIL - INTERBEDDED WITH ALLUVIALS OVERLYING WAIKAPA GROUP GREYWACKE	APPROX EXISTING GROUND LEVEL RL 6.0 m				
300	####			(0-0.2m)- clayey TOPSOIL, brown, moist			26	162
600	####			(0.2-1.0m)- Silty CLAY, light orange brown, stiff, moist, moderately plastic			26	177
900	####			(0.8m)- Yellowish Brown			29	159
1200			(1.0) - Clayey SILT, yellowish orange, very stiff, moist, Crumbly, Low Plasticity.				203
1500			(1.5m)- SATURATED				203
1800	####			(1.8m)- CLAY, minor silt, orange and light grey patchy, Wet, moderate plasticity.			14	130
2100	####			Poor Sample Recovery			14	130
2400				E.O.H @2.25m (Unable to get soil recovery.)				
2700								
3000								
3300								
3600						Inferred Highly Weathered Rock Below 3.45m below existing Ground Level in the location of this test.		
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" 1. The subsurface data described above has been determined at a specific borehole location. The data will not identify any variations away from the location. 2. UTP - Unable to penetrate.
Test Location	Refer to site plan	
Test Date	18/09/2024	
Drilled By	JW	

BOREHOLE LOG NO - AH6

Location of Borehole
Above Existing Gravel Access

Project: New Boat Sheds
Client: Bentzen Farms Ltd
Job No: 24-023



Graphic Symbol	@@@	#####	####	000	█	||||	#####	In situ shear vane reading	Scale Penetrometer
	FILL	CLAY	SILT	SAND	ROCK	TOP SOIL	Organic Soil	Remoulded shear vane reading	

Depth (mm)	Soil /Rock Graphical Log	GEOLOGY	LAYERS	Field Description	GWL	Undrained Shear Strength (kPa)	Scala Penetrometer (blows/50mm)	
				APPROX EXISTING GROUND LEVEL RL 13.7m				
300	####		Waipapa Composite Terrane - (age 154-270 MA)	(0-0.2m)- clayey TOPSOIL, brown, moist		UTP		
600	####			(0.2-1.2m)- Clayey SILT, trace fine gravel inclusions, light yellowish brown, very stiff - hard, moist, low to moderately plasticity		UTP		
900	####					UTP		
1200	####			(1.2) - Sandy SILT, dark brown + yellow brown mottled, hard, dry, no plasticity.		UTP		
1500	####					UTP		
1800	####					UTP		
2100	####					UTP		
2400	####					UTP		
2700	####				(2.4m)- Clayey SILT, fine to coarse sand, light yellowish brown + dark brown mottled, very stiff, moist, low plasticity.		87 200	
3000	####						91 197	
3300				E.O.H @3.0m (Target Depth.)				
3600				Inferred Highly Weathered Rock Below 3.35m below existing Ground Level in the location of this test.				
3900								
4200								
4500								
4800								
5100								

Drill Methods	50 mm hand auger	<p>Note: All field logging made as per NZGS Guideline "Soil and Rock Field Descriptions"</p> <p>1. The subsurface data described above has been determined at a specific borehole location.</p> <p>The data will not identify any variations away from the location.</p> <p>2. UTP - Unable to penetrate.</p>
Test Location	Refer to site plan	
Test Date	18/09/2024	
Drilled By	JW	

BOREHOLE LOG NO - AH7

Location of Borehole
Next to existing Water tanks

Project: New Boat Sheds
Client: Bentzen Farms Ltd
Job No: 24-023

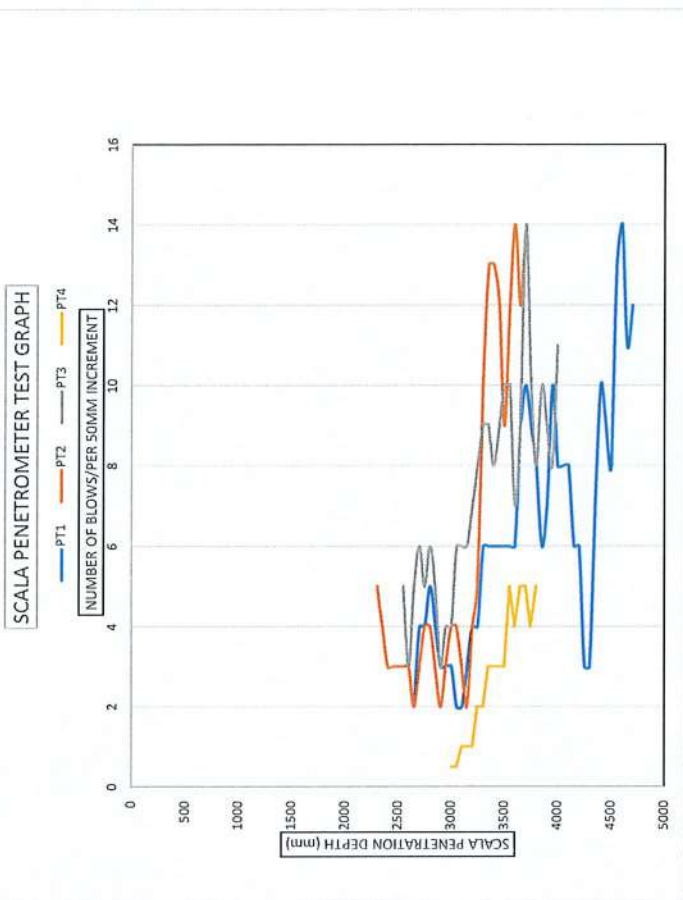


Graphic Symbol	@@@	.....	####	000	■	||||	REDD	In situ shear vane reading	■
	FILL	CLAY	SILT	SAND	ROCK	TOP SOIL	Organic Soil	Remoulded shear vane reading	■
								Scale Penetrometer	●

Depth (mm)	Soil /Rock Graphical Log	GEOLOGY	LAYERS	Field Description	GWL	Undrained Shear Strength (kPa)	Scala Penetrometer (blows/50mm)		
		Waipapa Composite Terrane - (age 154-270 MA)	NATURAL COMPLETELY WEATHERED WIPAPA TERRANE & RESIDUAL SOIL - INTERBEDDED WITH ALLUVIALS OVERLYING WAIPAPA GROUP GREYWACKE	APPROX EXISTING GROUND LEVEL RL 8.6m (0-0.2m)- clayey TOPSOIL, brown, moist (0.2-1.2m)- Silty CLAY, trace fine gravel inclusions, light orange brown, very stiff, moist, moderately plastic. 0.8m - Graelly Layer					
300									
600									
900	####								
1200	####								
1500	####								
1800	####								
2100	####					(1.8) - Silty CLAY, orange brown + light grey mottled, very stiff, moist, moderate plasticity.			
2400	####								
2700	####								
3000	####					E.O.H @3.0m (Target Depth.)			
3300									
3600						Inferred Highly Weathered Rock Below 3.7m below existing Ground Level in the location of this test.			
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" 1. The subsurface data described above has been determined at a specific borehole location. The data will not identify any variations away from the location. 2. UTP - Unable to penetrate.
Test Location	Refer to site plan	
Test Date	18/09/2024	
Drilled By	JW	

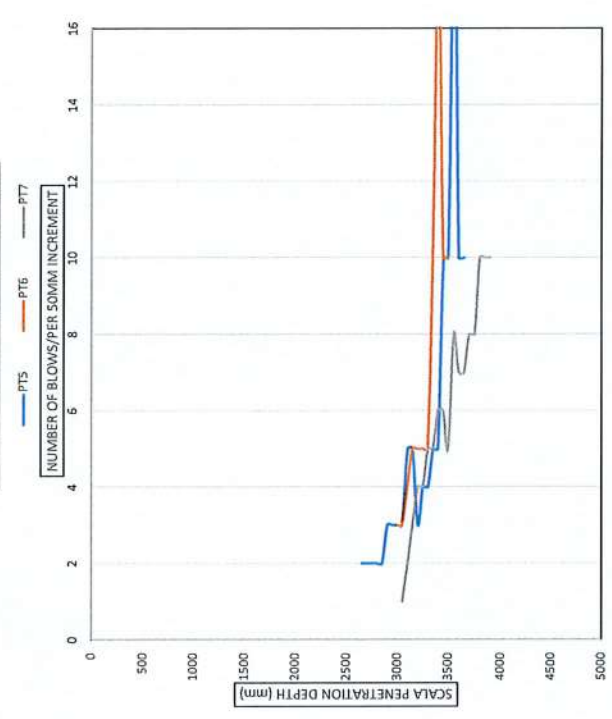
Depth	PT1	PT2	PT3	PT4	Depth	PT1	PT2	PT3	PT4	Depth	PT1	PT2	PT3	PT4	PT1	PT2	PT3	PT4	
50					2550	3	5	5050		7550									
100					2600	3	3	5100		7600									
150					2650	2	2	5150		7650									
200					2700	4	3	5200		7700									
250					2750	4	4	5250		7750									
300					2800	5	4	5300		7800									
350					2850	4	3	5350		7850									
400					2900	3	2	5400		7900									
450					2950	3	3	5450		7950									
500					3000	3	4	5500		8000									
550					3050	2	4	5550		8050									
600					3100	2	3	0.5 5600		8100									
650					3150	3	2	0.5 5650		8150									
700					3200	4	4	5700		8200									
750					3250	4	5	5750		8250									
800					3300	6	10	5800		8300									
850					3350	6	13	5850		8350									
900					3400	6	13	5900		8400									
950					3450	6	12	5950		8450									
1000					3500	6	9	6000		8500									
1050					3550	6	12	6050		8550									
1100					3600	6	14	6100		8600									
1150					3650	9	12	6150		8650									
1200					3700	10	14	6200		8700									
1250					3750	9	10	6250		8750									
1300					3800	8	8	6300		8800									
1350					3850	6	10	6350		8850									
1400					3900	7	9	6400		8900									
1450					3950	10	8	6450		8950									
1500					4000	8	11	6500		9000									
1550					4050	8		6550		9050									
1600					4100	8		6600		9100									
1650					4150	6		6650		9150									
1700					4200	6		6700		9200									
1750					4250	3	7	6750		9250									
1800					4300	3		6800		9300									
1850					4350	7		6850		9350									
1900					4400	10		6900		9400									
1950					4450	9		6950		9450									
2000					4500	8		7000		9500									
2050					4550	13		7050		9550									
2100					4600	14		7100		9600									
2150					4650	11		7150		9650									
2200					4700	12		7200		9700									
2250					4750			7250		9750									
2300	5				4800			7300		9800									
2350	4				4850			7350		9850									
2400	3				4900			7400		9900									
2450	3				4950			7450		9950									
2500	3				5000			7500		####									



P K ENGINEERING LIMITED
 90 KERIKERI RD Phone (09) 4073255 EMAIL pk.engn@pkengin.co.ni
 Location: Omarino Lot 11
 Driven by: JW/RD
 R.L at Ground Level: n/a

Depth	PTS	PT6	PT7	PT8	Depth	PTS	PT6	PT7	PT8	Depth	PTS	PT6	PT7	PT8	Depth	PTS	PT6	PT7	PT8		
50					2550	2				5050					7550						
100					2600	2				5100					7600						
150					2650	2				5150					7650						
200					2700	2				5200					7700						
250					2750	2				5250					7750						
300					2800	2				5300					7800						
350					2850	2				5350					7850						
400					2900	3				5400					7900						
450					2950	3				5450					7950						
500					3000	3				5500					8000						
550					3050	3				5550					8050						
600					3100	5				5600					8100						
650					3150	5				5650					8150						
700					3200	3				5700					8200						
750					3250	4				5750					8250						
800					3300	4				5800					8300						
850					3350	5				5850					8350						
900					3400	5				5900					8400						
950					3450	10				5950					8450						
1000					3500	10				6000					8500						
1050					3550	20				6050					8550						
1100					3600	10				6100					8600						
1150					3650	10				6150					8650						
1200					3700					6200					8700						
1250					3750					6250					8750						
1300					3800					6300					8800						
1350					3850					6350					8850						
1400					3900					6400					8900						
1450					3950					6450					8950						
1500					4000					6500					9000						
1550					4050					6550					9050						
1600					4100					6600					9100						
1650					4150					6650					9150						
1700					4200					6700					9200						
1750					4250					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						
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2150					4650					7150					9650						
2200					4700					7200					9700						
2250					4750					7250					9750						
2300					4800					7300					9800						
2350	1				4850					7350					9850						
2400	1				4900					7400					9900						
2450	1				4950					7450					9950						
2500	1				5000					7500					10000						

SCALA PENETROMETER TEST GRAPH



RK ENGINEERING LIMITED

CHARTERED PROFESSIONAL ENGINEERS

ISSUED FOR
CONSENT

PROJECT:	ENGINEERING DRAWINGS FOR PROPOSED BOATSHEDS FOR BENTZEN FARMS LTD
PROJECT ADDRESS:	285 MANAWAORA ROAD OMARINO
LEGAL DESCRIPTION	
JOB NO:	24-023
DATE OF FIRST SUBMISSION	17TH FEBRUARY 2025
SET V1:	5TH MARCH 2025
ADDED ADDITIONAL STORMWATER INFORMATION ON NEW SHEETS SW6A, SW6B, SW6C.	

DRAWING INDEX:

SG0 LOCALITY PLAN

GEOTECHNICAL

SG1 EXISTING SITE PLAN
SG1A PROPOSED SITE PLAN
SG2 CROSS SECTION A-A & B-B
SG3 CROSS SECTION C-C & D-D

STRUCTURAL

SR1 RETAINING WALL PLAN
SR2 RETAINING WALL DETAILS

EARTHWORKS

EW1.0 EARTHWORKS CUT/FILL PLAN

ENVIRONMENTAL

ESC1.0 SILT CONTROL PLAN
ESC2.0 SILT CONTROL DETAILS A
ESC3.0 SILT CONTROL DETAILS B

STORMWATER

SW1 OVERALL CATCHMENT AREAS
SW2 STORMWATER LAYOUT PLAN
SW3 CULVERT EXTENSION PLAN
SW4 PIPE LONG SECTIONS
SW5 CROSS SECTION X-X
SW6 STORMWATER OUTFLOW DETAILS
SW6A STORMWATER OUTFLOW DETAILS
SW6B STORMWATER OUTFLOW DETAILS
SW6C STORMWATER OUTFLOW DETAILS
SW7 SWALE DETAILS A
SW8 SWALE DETAILS B
SW9 STORMWATER TRENCH DETAILS A
SW10 STORMWATER TRENCH DETAILS B
SW11 STORMWATER TRENCH DETAILS C
SW12 PAVEMENT FINISHED LEVELS PLAN

LEVEL 2
ANZ Bank Building
90 Kerikeri road,
P.O.Box 464
KERIKERI

Tel: (09) 4073255
email: team@rkengineering.co.nz

Notes:

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4. IN THE EVENT THAT THERE IS ANY CONFLICT BETWEEN THESE DRAWINGS AND PRECEDENCE WITH THE REQUIREMENTS OF THE DRAWINGS SHALL TAKE PRECEDENCE WITH THE DETAIL DRAWINGS TAKING PRECEDENCE OVER THE GENERAL HOTEL.



NO.	DESCRIPTION	BY	DATE
	ISSUED FOR CONSENT		



LEVEL 1, ANZ BANK
70 KERIKERI ROAD, KERIKERI
PO BOX 464, KERIKERI
Phone Number: 07 407 3255
Email: toomips@pkeng.co.nz

CLIENT	BENTZEN FARMS LTD
--------	-------------------

285 MANAWAORA RD
OMARINO

TITLE	PROPOSED BOATSHEDS SITE LOCALITY PLAN
SCALE 1:1	
DATE	DRAWN
NTS	JW
PROJECT NO.	24-023
DRAWING NO.	SGO
PK	V1



Far North Maps



Projection NZTM2000, Datum NZGD2000
While the Far North District Council strives to keep the data in this service current, it may not be the most reliable on the information contained on this map by any person is permitted. FNDC will not be liable for contained on this map. FNDC recommends that persons seek specific advice on individual properties for which they may need more up to date or accurate information.

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4. IN THE EVENT THERE IS ANY CONFLICT BETWEEN THE DRAWING AND THE GENERAL NOTE OR THE DETAIL DRAWINGS TAKING PRECEDENCE OVER THE GENERAL NOTE.



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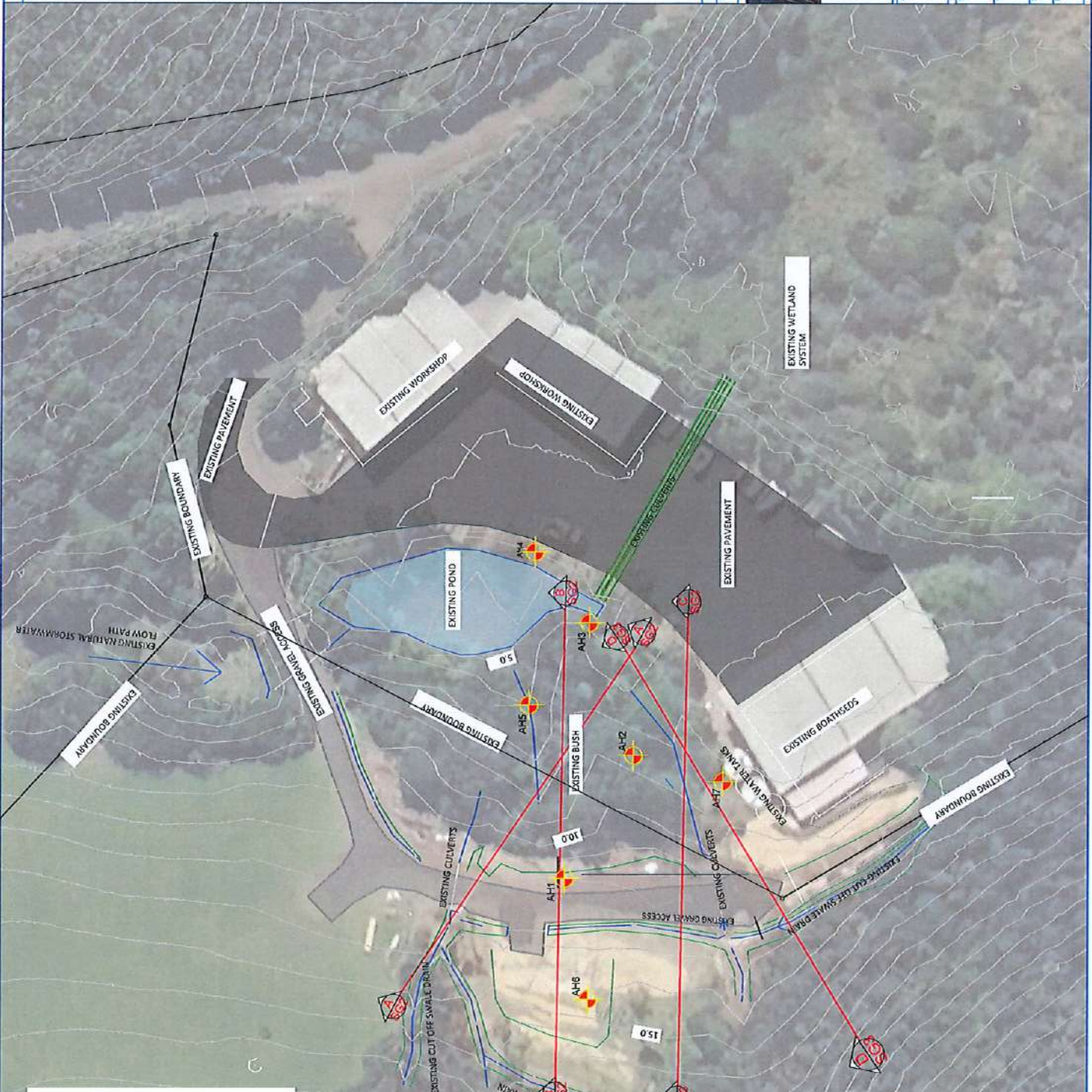
LEVEL 1: ANZ BANK
 90 TEBERBERRA ROAD, KEPLER PI
 PO BOX 464, KEPLER PI
 Phone Number: 0-407 324 5
 Email: team@rkengineering.co.nz

CLIENT: BENTZEN FARMS LTD

285 MANAWAORA RD
 OMARINO

PROPOSED BOATSHEDS
 EXISTING SITE PLAN

SCALE AT ALL	DATE:	DRAWN:	CHECKED:
1:500	5/03/2025	JW	PK
PROJECT NO:	DRAWING NO:	SG1	VI
24-023			



LEGEND

- 15.0 — EXISTING 1m CONTOURS
- DRAINAGE PATHS
- AH6 FIELD TEST LOCATIONS
- CROSS SECTIONS

Notes:

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ISSUED FOR CONSENT



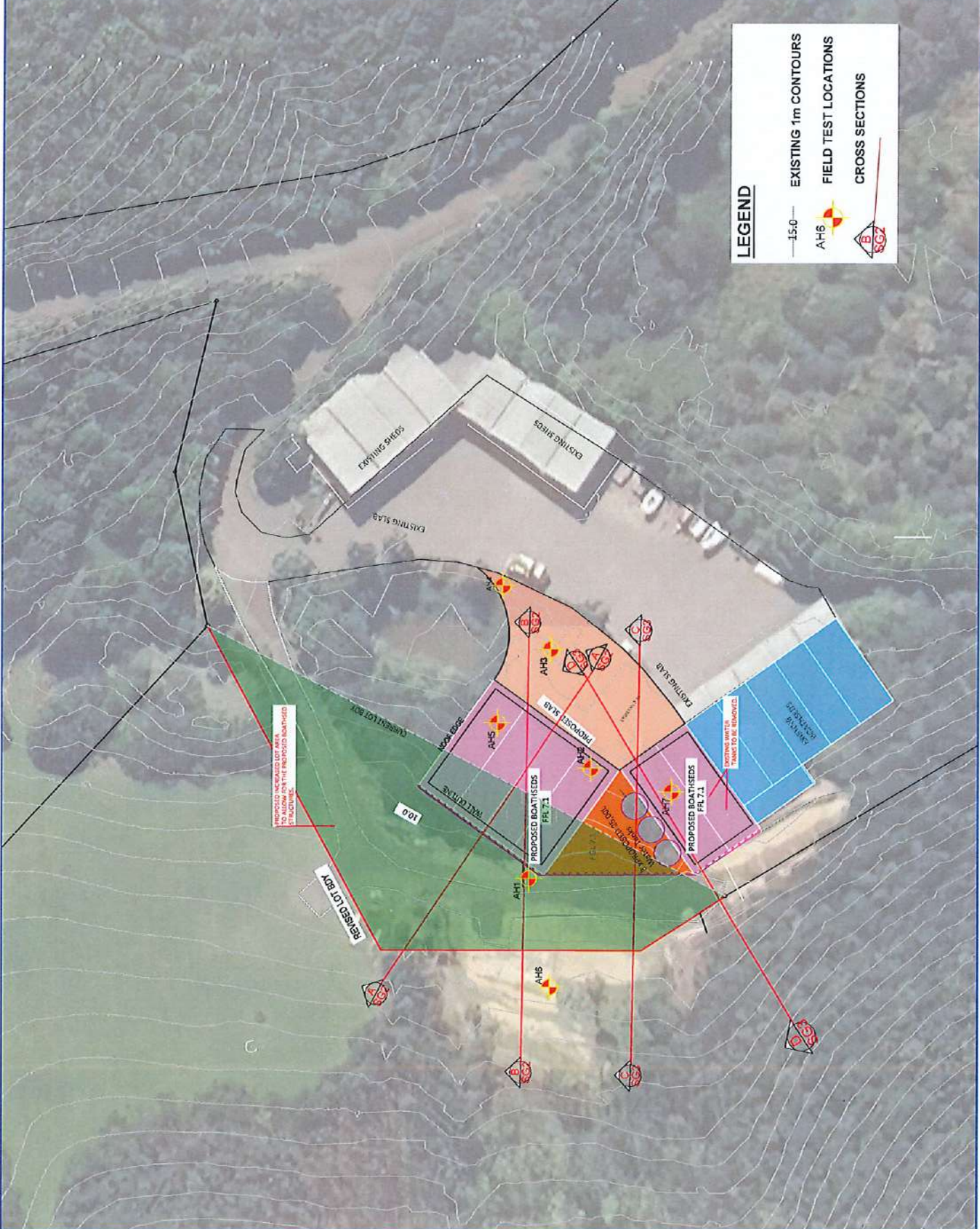
LEVEL 1, ANZ BANK
90 FERBER ROAD, KILKERRIE
PO BOX 444, KILKERRIE
Phone Number: 07-407 3055
Email: team@rkengineering.co.nz

CLIENT: BENTZEN FARMS LTD

SITE: 285 MANAWAORA RD
OMARINO

TITLE: PROPOSED BOATSHEDS
PROPOSED SITE PLAN

SCALE OF PLAN	DATE	DESIGNER	CHECKER
1:500	5/03/2025	JW	PK
PROJECT NO.	DRAWING NO.	REVISION	
24-023	SG1A	V1	



PROPOSED INCREASED LOT AREA TO ALLOW FOR THE PROPOSED BOATSHEDS CONSTRUCTION

EXISTING SWATCH TRACTS TO BE REMOVED

LEGEND

- 15-0- (contour line symbol)
- AHS (Agricultural Hazard Sign symbol)
- FIELD TEST LOCATIONS (cross-section symbol)
- CROSS SECTIONS (cross-section symbol)

Notes:

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3. THE DRAWING IS TO BE USED IN CONJUNCTION WITH ALL RELEVANT SPECIFICATIONS, ANY DISCREPANCIES SHALL BE REFERRED TO THE ENGINEER FOR RESOLUTION.
4. IN THE EVENT THAT THERE IS ANY CONFLICT BETWEEN THE DRAWING AND THE SPECIFICATIONS, THE SPECIFICATIONS SHALL TAKE PRECEDENCE. WITH THE DETAIL DRAWINGS, ANY DISCREPANCY OVER THE GENERAL NOTE.



ISSUED FOR CONSENT



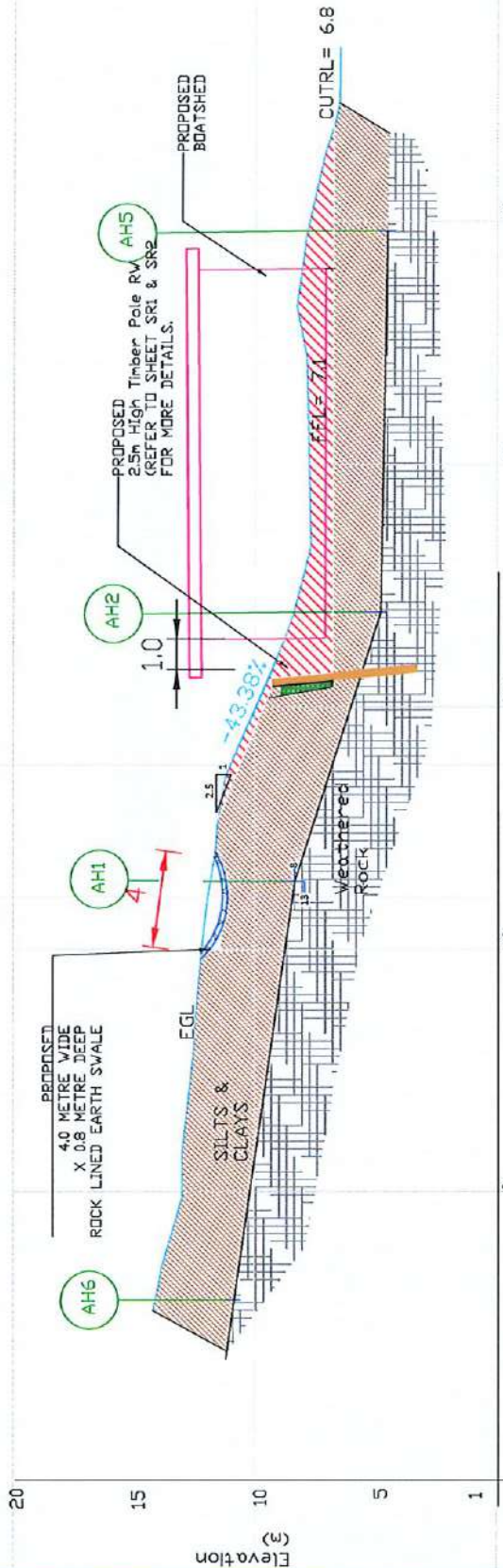
LEVEL 1, ANZ BANK
 901 FERRELL ROAD, KEMPSEPT
 PO BOX 424, KEMPSEPT
 Phone Number: 07 427 3255
 Email: keam@pkengineering.co.nz

CLIENT: BENTZEN FARMS LTD

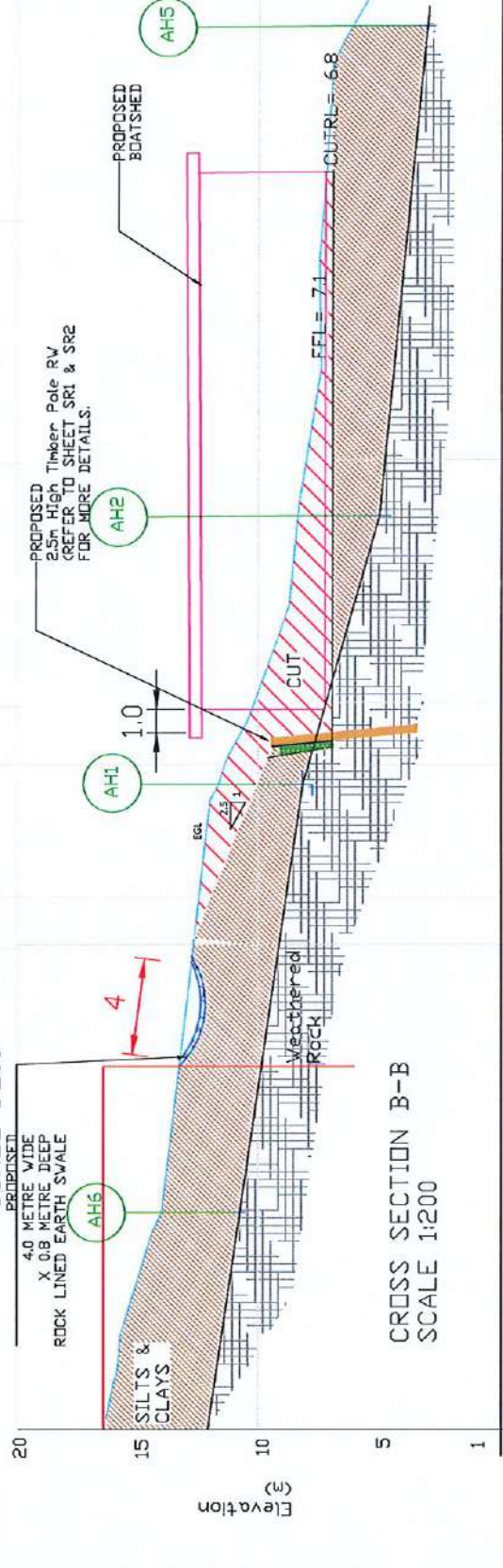
285 MANAWAORA RD
 OMARINO

PROPOSED BOATSHEDS
 CROSS SECTION A-A & B-B

SCALE: A-A	DATE: 5/03/2025	DESIGNER: JW	CHECKER: PK
PROJECT NO: 24-023	DRAWING NO: SG2	REVISION: V1	



CROSS SECTION A-A
 SCALE 1:200



CROSS SECTION B-B
 SCALE 1:200

Notes:

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4. IN THE EVENT THAT THERE IS ANY CONFLICT BETWEEN THE DRAWINGS AND THE PRECEDENCE, WITH THE DETAIL DRAWINGS HAVING PRECEDENCE OVER THE GENERAL NOTE.



ISSUED FOR CONSENT



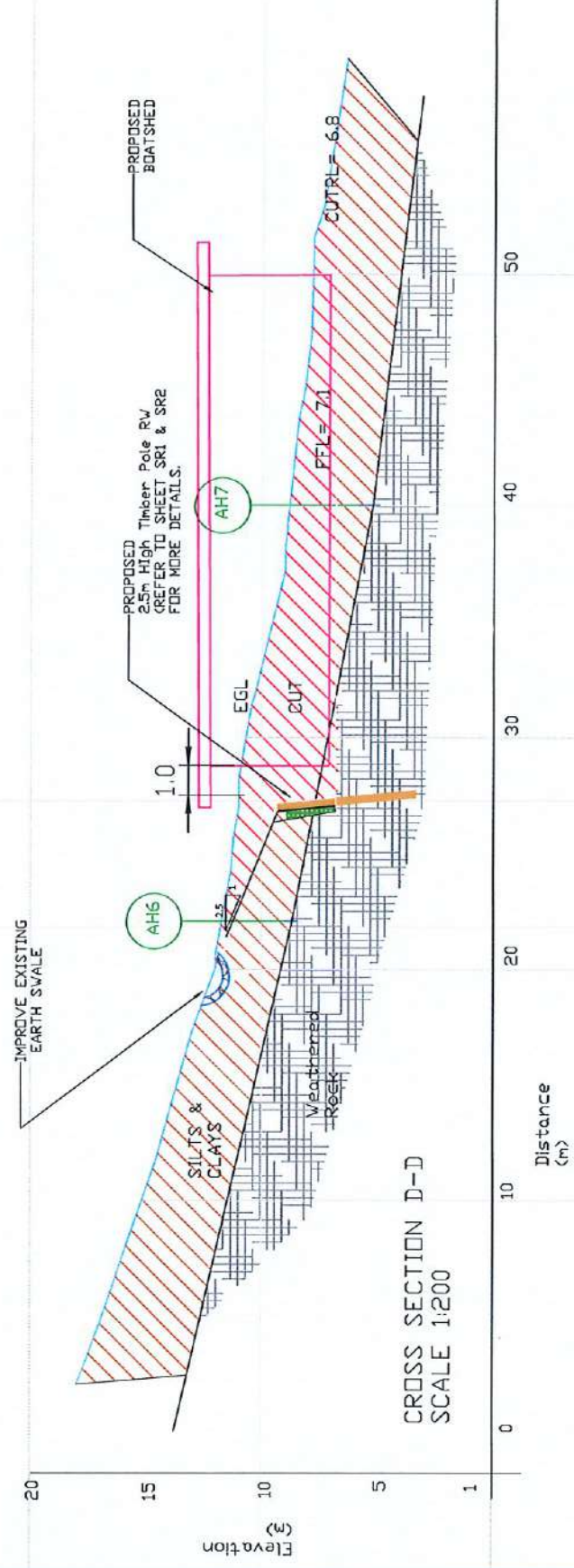
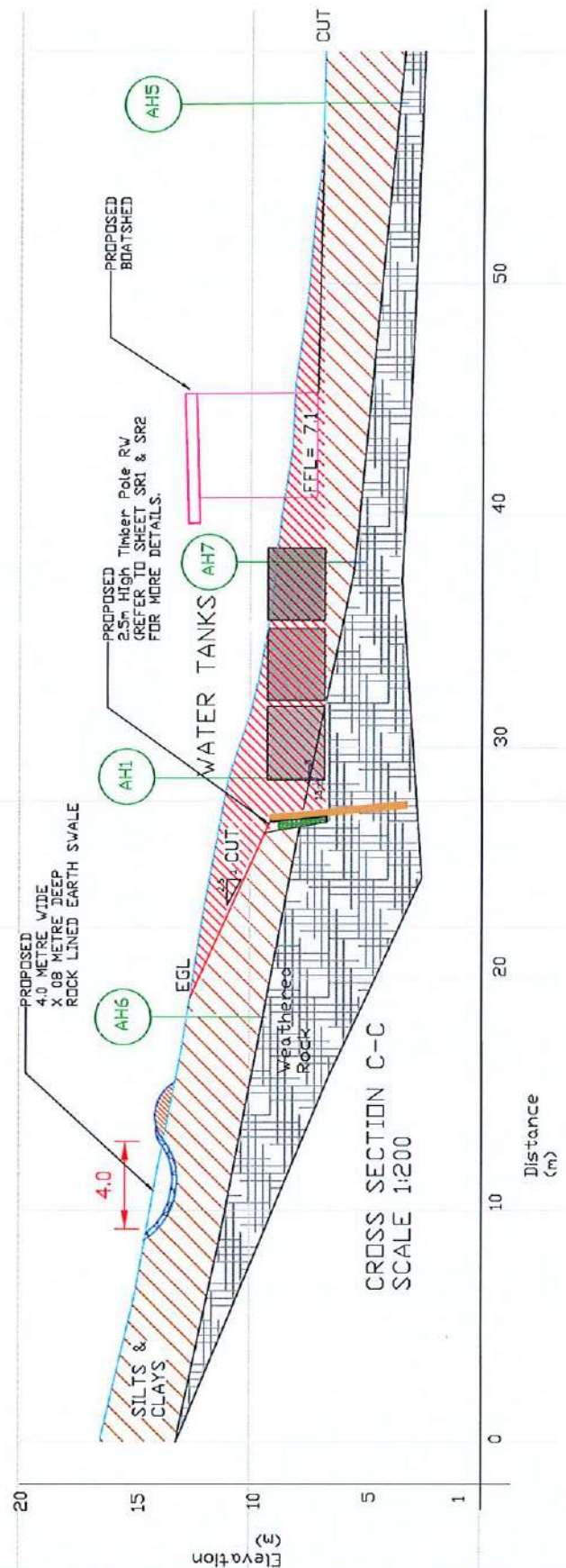
LEVEL 1, ANZ BANK
 901 BRIDGE ROAD, KIRIKIRI
 P.O. BOX 464, KIRIKIRI
 Phone Number: 07-427 3253
 Email: toamoi@rakengr.com.nz

CLIENT: BENTZEN FARMS LTD

SITE: 285 MANAWAORA RD
 CUMARINO

TITLE: PROPOSED BOATSHEDS
 CROSS SECTION C-C & D-D

SCALE AS SHOWN	DATE: 5/03/2025	DRAWN BY: JLV	CHECKED BY: PK
PROJECT NO: 24-023	DRAWING NO: SG3	SHEET NO: VI	



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3. THIS DRAWING IS TO BE READ IN CONNECTION WITH ALL RELEVANT SPECIFICATIONS, DETAILS, NOTES AND OTHER PROJECT DRAWINGS, AND DISCREPANCIES SHALL BE REFERRED TO THE ENGINEER FOR RESOLUTION.
4. IN EVENT THERE IS ANY CONFLICT BETWEEN THE DRAWINGS AND SPECIFICATIONS, THE SPECIFICATIONS SHALL TAKE PRECEDENCE OVER THE DRAWINGS. WITH THE DETAIL DRAWINGS HAVING PRECEDENCE OVER THE GENERAL NOTES.



REV.	DESCRIPTION	BY	DATE
	ISSUED FOR CONSENT		



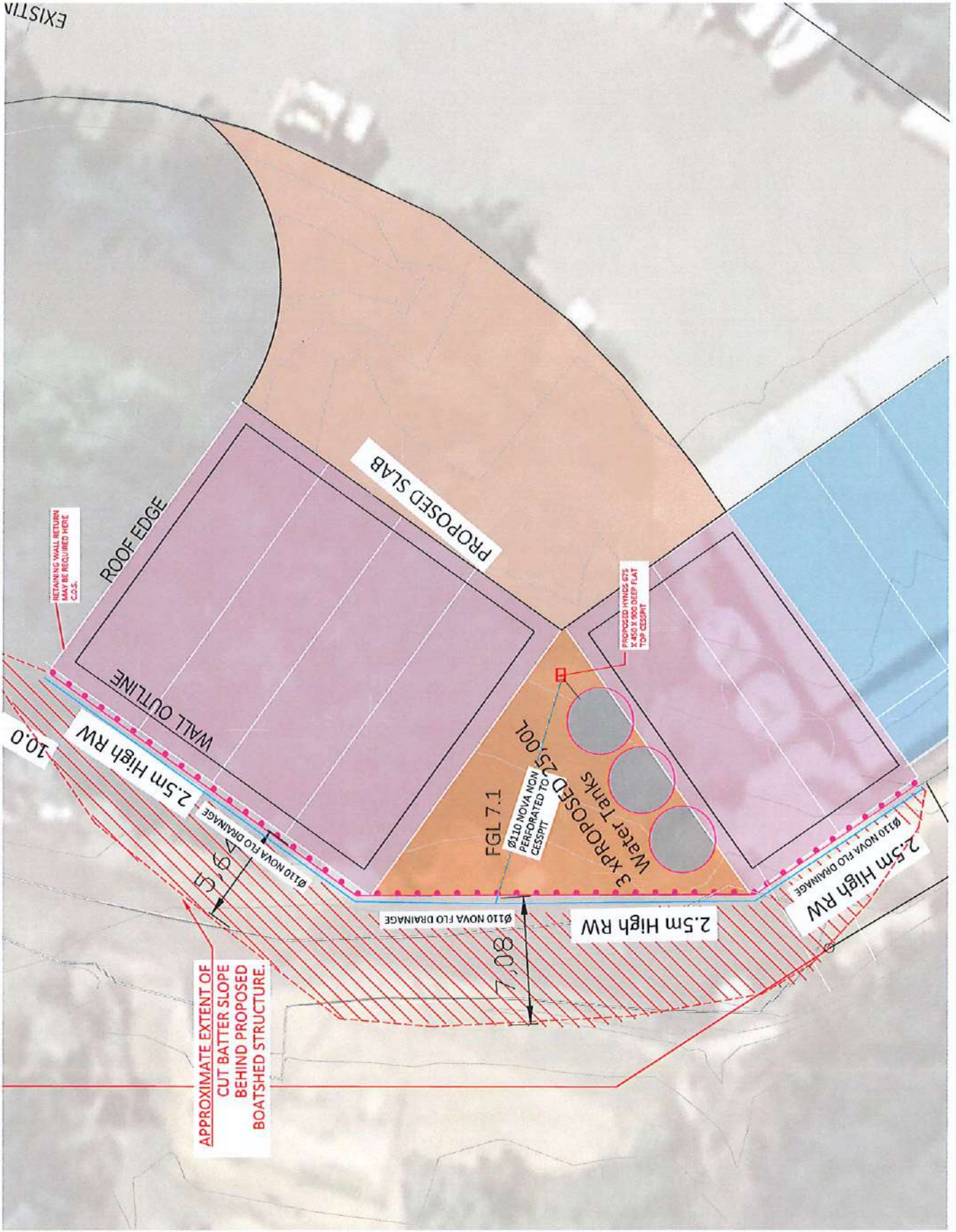
LEVEL 1, ANZ BANK
 90 FERBER ROAD, LEPTON
 PO BOX 464, LEPTON
 Phone Number: 09-487-3255
 Email: info@pkengineering.co.nz

CLIENT: BENTZEN FARMS LTD

SITE: 285 MANAWAORA RD
 OMARINO

TITLE: PROPOSED BOATSHEDS
 RETAINING WALL PLAN

SCALE AT A3	DRAWN	CHECKED	PK
1:200	JW	JW	
PROJECT NO.	DRAWING NO.	SHEET	VERSION
24-023	SR1		V1



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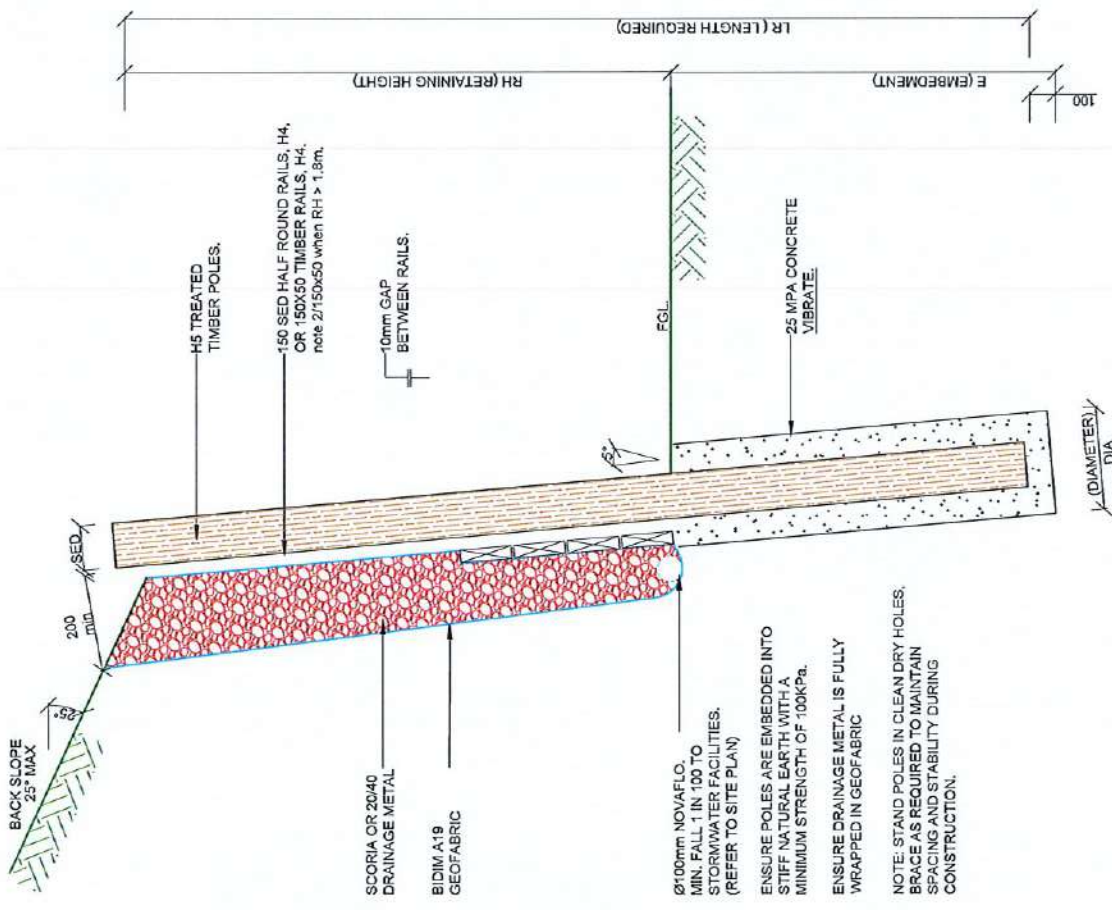


ISSUED FOR CONSENT



CLIENT: BENTZEN FARMS LTD
 285 MANAWAORA RD
 OMARINO

TITLE:	PROPOSED BOATSHEDS RETAINING WALL DETAILS		
SCALE:	1:20	DATE:	5/03/2025
PROJECT NO.:	24-023	DRAWING NO.:	SR2
CHECKED BY:	[Signature]	DRAWN BY:	JW
DATE:	5/03/2025	CHECKED BY:	[Signature]
PROJECT NO.:	24-023	DRAWING NO.:	SR2
PK REGION:		PK REGION:	V1



RH	SED	DIA	E	SPACING	LR
1300	175	400	1700	1.0M C/C	3000
1600	200	400	2000	1.0M C/C	3600
1900	225	450	2900	1.0M C/C	3800
2200	250	450	3200	1.0M C/C	5400
2500	300	500	3500	1.0M C/C	6000

ENGINEER TO TEST ALL BOREHOLES AND APPROVE FOUNDATIONS PRIOR TO ANY CONCRETE POUR.

CANTILEVERED TIMBER POLE RETAINING WALL (25° max. backslope).
 SCALE 1:20

NOTE: STAND POLES IN CLEAN DRY HOLES. BRACE AS REQUIRED TO MAINTAIN SPACING AND STABILITY DURING CONSTRUCTION.
 ENSURE DRAINAGE METAL IS FULLY WRAPPED IN GEOFABRIC
 ENSURE POLES ARE EMBEDDED INTO STIFF NATURAL EARTH WITH A MINIMUM STRENGTH OF 100KPa.
 (REFER TO SITE PLAN)
 MIN. FALL 1 IN 100 TO STORMWATER FACILITIES.
 Ø100mm NOVAFLU.
 25 MPA CONCRETE VIBRATE.

Notes:

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ISSUED FOR CONSENT



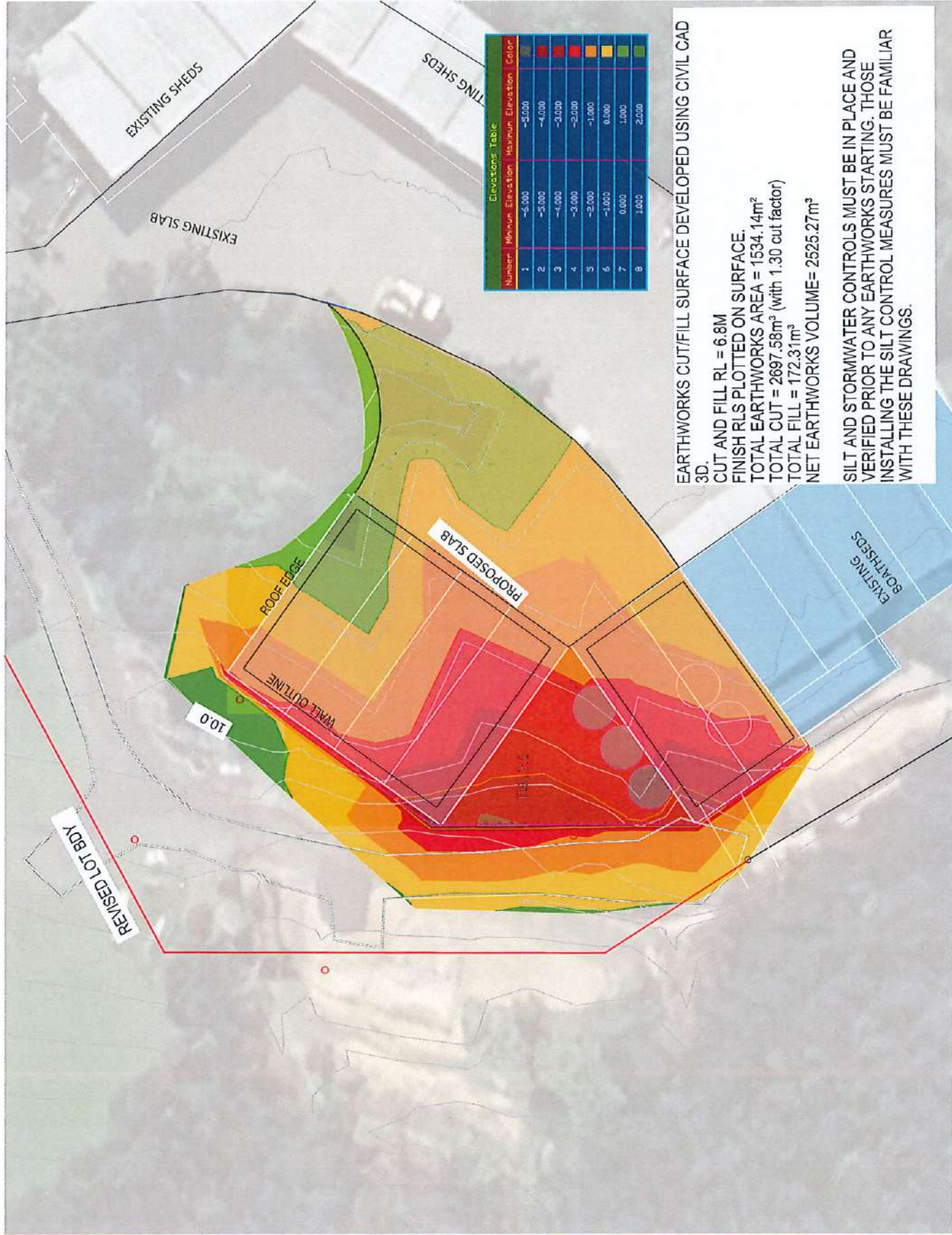
LEVEL: 1, AING BANI
 90 FERRETT ROAD, KERRIPIPI
 PO BOX 464, KERRIPIPI
 Phone Number: 07 437 3255
 Email: team@pkengineering.co.nz

CLIENT: BENTZEN FARMS LTD

SITE: 285 MANAWAORA RD
 OMARINO

TITLE: PROPOSED BOATSHEDS
 EARTHWORKS CUT/FILL PLAN

SCALE: 1:300	DATE: 5/03/2025	DRAWN: JWM	CHECKED: PK
PROJECT NO: 24-023	DRAWING NO: EW1.0	REV: V1	



Notes:

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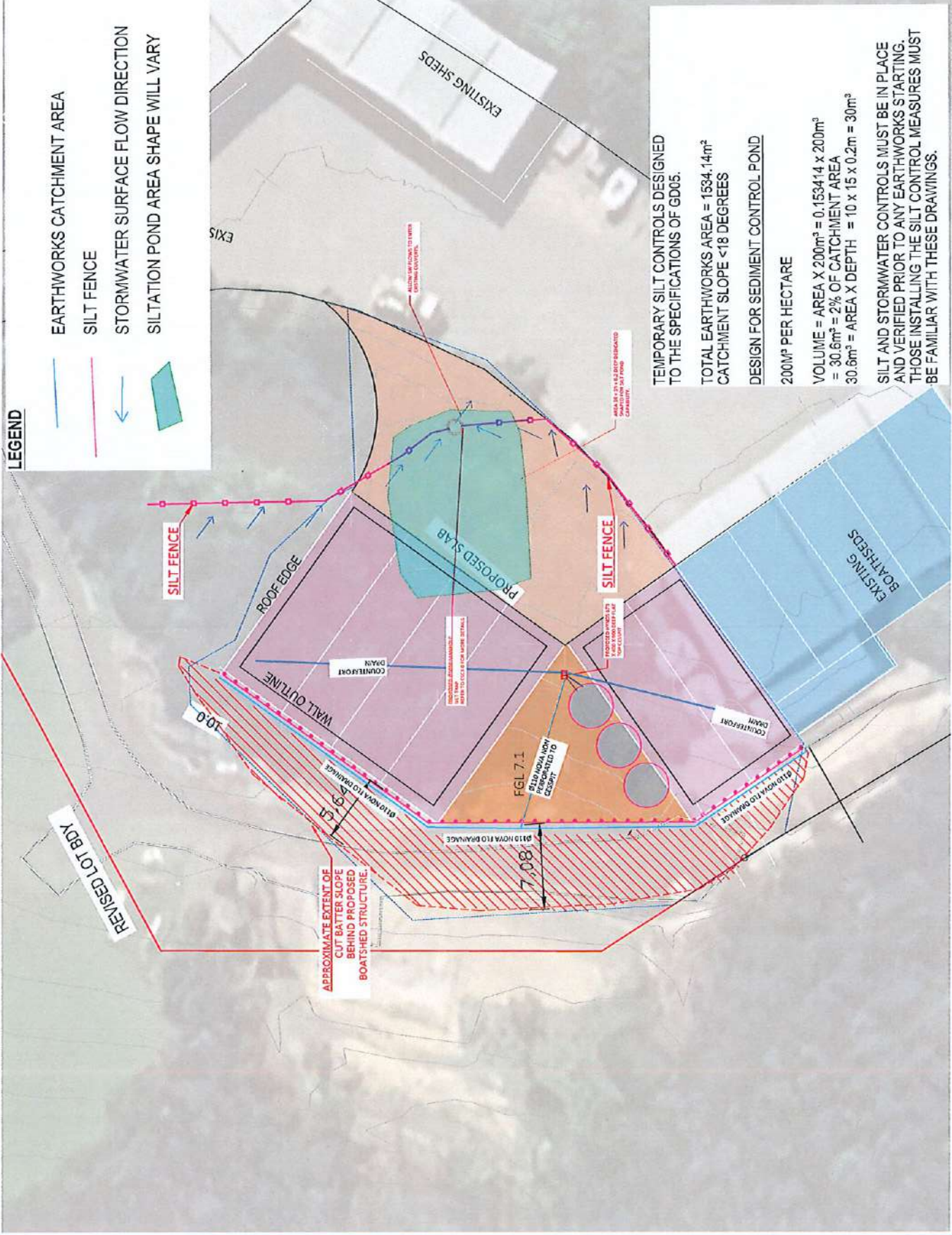


LEVEL 1: ANZ BANK
 901 BIRCH ROAD, KEMULIPI
 PO BOX 464, KEMULIPI
 Phone Number: 07-427 3253
 Email: team@rkengineering.co.nz

CLIENT: BENTZEN FARMS LTD

SITE: 285 MANAWAORA RD
 CUMARINO

TITLE	PROPOSED BOATSHEDS ENVIRONMENTAL SILT CONTROL PLAN
SCALE: AS SHOWN	DATE: 5/03/2025
PROJECT NO: 24-023	DRAWING NO: ESC1.0
PK	REGIONAL
V1	



TEMPORARY SILT CONTROLS DESIGNED TO THE SPECIFICATIONS OF GD05.

TOTAL EARTHWORKS AREA = 1534.14m²
 CATCHMENT SLOPE <18 DEGREES

DESIGN FOR SEDIMENT CONTROL POND
 200M³ PER HECTARE

VOLUME = AREA X 200m³ = 0.153414 x 200m³
 = 30.6m³ = 2% OF CATCHMENT AREA
 30.6m³ = AREA X DEPTH = 10 x 15 x 0.2m = 30m³

SILT AND STORMWATER CONTROLS MUST BE IN PLACE AND VERIFIED PRIOR TO ANY EARTHWORKS STARTING. THOSE INSTALLING THE SILT CONTROL MEASURES MUST BE FAMILIAR WITH THESE DRAWINGS.

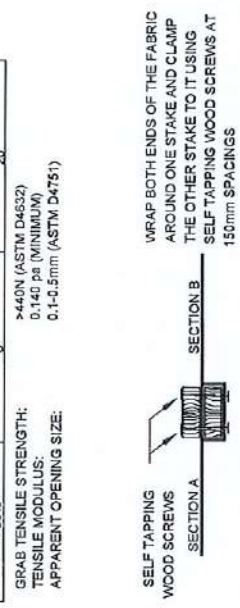
Notes:

1. THE DRAWINGS OF THIS PROJECT ARE TO BE USED BY THE CLIENT AND THE CONTRACTOR ONLY. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE MANUFACTURE OF ANY ARTICLE WITHOUT THE EXPRESS PERMISSION OF THE COPYRIGHT HOLDER.
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3. THE DRAWINGS ARE TO BE READ IN CONJUNCTION WITH ALL RELEVANT SPECIFICATIONS, SERVICES, COILS AND OTHER PROJECT DRAWINGS AND DOCUMENTS. ANY DISCREPANCIES SHALL BE REFERRED TO THE ENGINEER FOR RESOLUTION.
4. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE RELEVANT AUTHORITIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE GENERAL HOTEL.

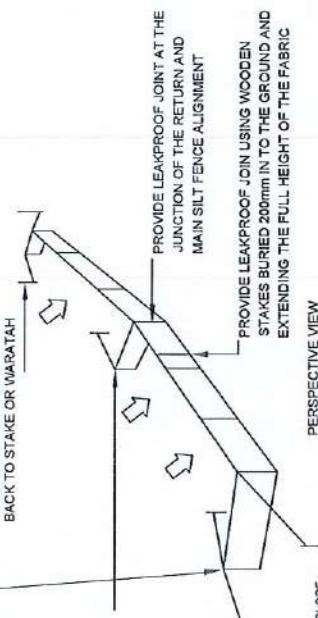
SILT FENCE DESIGN CRITERIA:

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

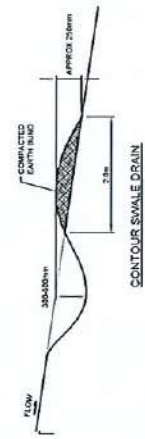
GRAB TENSILE STRENGTH: >440N (ASTM D4532)
 TENSILE MODULUS: 0.140 ps (MINIMUM)
 APPARENT OPENING SIZE: 0.1-0.5mm (ASTM D4751)



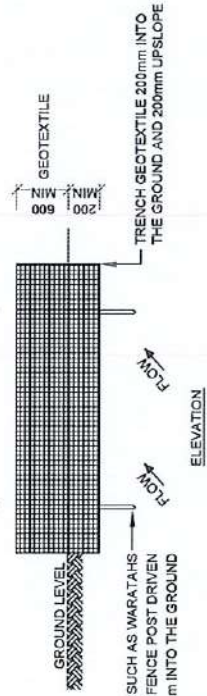
WHERE REQUIRED RETURNS OF 1-3 METRES IN LENGTH TO REDUCE VELOCITY ALONG THE SILT FENCE AND PROVIDE INTERMEDIATE IMPOUNDMENT



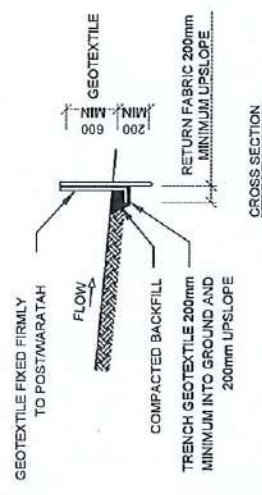
DIMENSIONS MAY VARY DEPENDING ON SLOPE THIS IS A GENERAL DESIGN



POST SPACING CAN BE INCREASED FROM 2 TO 4 METRES IF SUPPORTED BY A 2.5mm DIAMETER HIGH TENSILE WIRE ALONG THE TOP WITH CLIPS EVERY 200mm



SILT FENCE CONSTRUCTION



ISSUED FOR CONSENT



LEVEL 1, ANZ BANK
 901 FERRELL ROAD, HAMILTON
 P.O. BOX 464, HAMILTON
 Phone Number: 07-407-3355
 Email: team@rkengineering.co.nz

CLIENT: BENTZEN FARMS LTD

SITE: 285 MANAWAORA RD
 OMAIRO

TITLE: PROPOSED BOATSHEDS
 SILT FENCE DETAILS

SCALE: A3	DATE: 5/03/2025	DRAWN: JLV	CHECKED: PK
PROJECT NO: 24-023	DRAWING NO: ESC.2.0	REVISION: V1	

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4. THE DRAWINGS SHALL BE KEPT CORRECTED BETWEEN THE DRAWINGS AND PROJECTED. ANY CHANGES TO THE DRAWINGS SHALL BE MADE IN ACCORDANCE WITH THE DRAWING REVISION AND PRECEDENCE OVER THE GENERAL NOTE.



REV	DESCRIPTION	BY	DATE
	ISSUED FOR CONSENT		



LEVEL 1, ANZ BANK
 90 FERRELL ROAD, HEPTREE
 P.O. BOX 464, HEPTREE
 Phone Number: 07-407-3253
 Email: team@rkengineering.co.nz

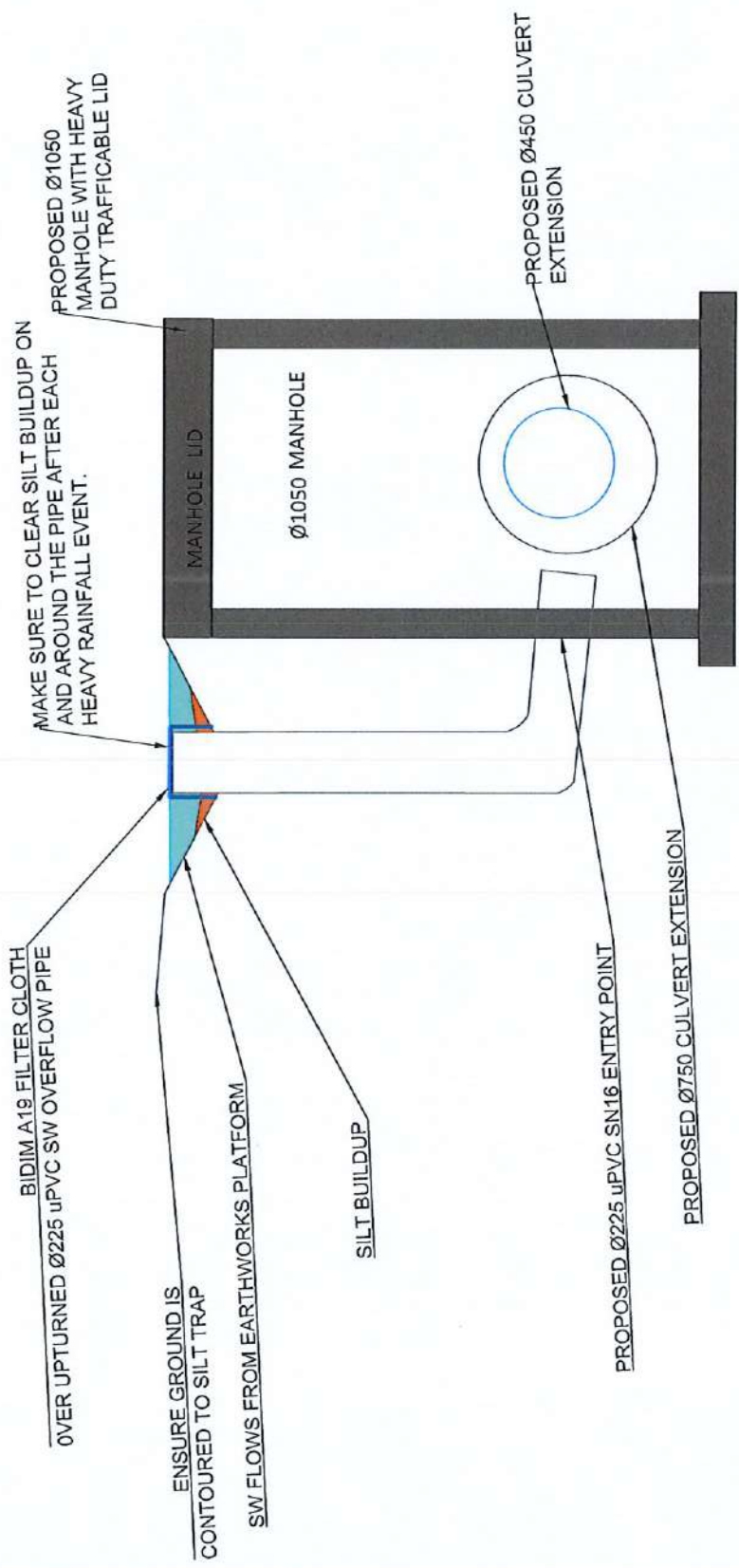
CUSTOMER: BENTZEN FARMS LTD

SITE: 285 MANAWAORA RD
 OMARINO

TITLE: PROPOSED BOATSHEDS
 SILT TRAP DETAILS

SCALE	DATE	DRAWN	CHECKED
N/A	05/03/25	JW	PC

PROJECT NO.	DRAWING NO.	REVISION
24-023	ESC3.0	V1



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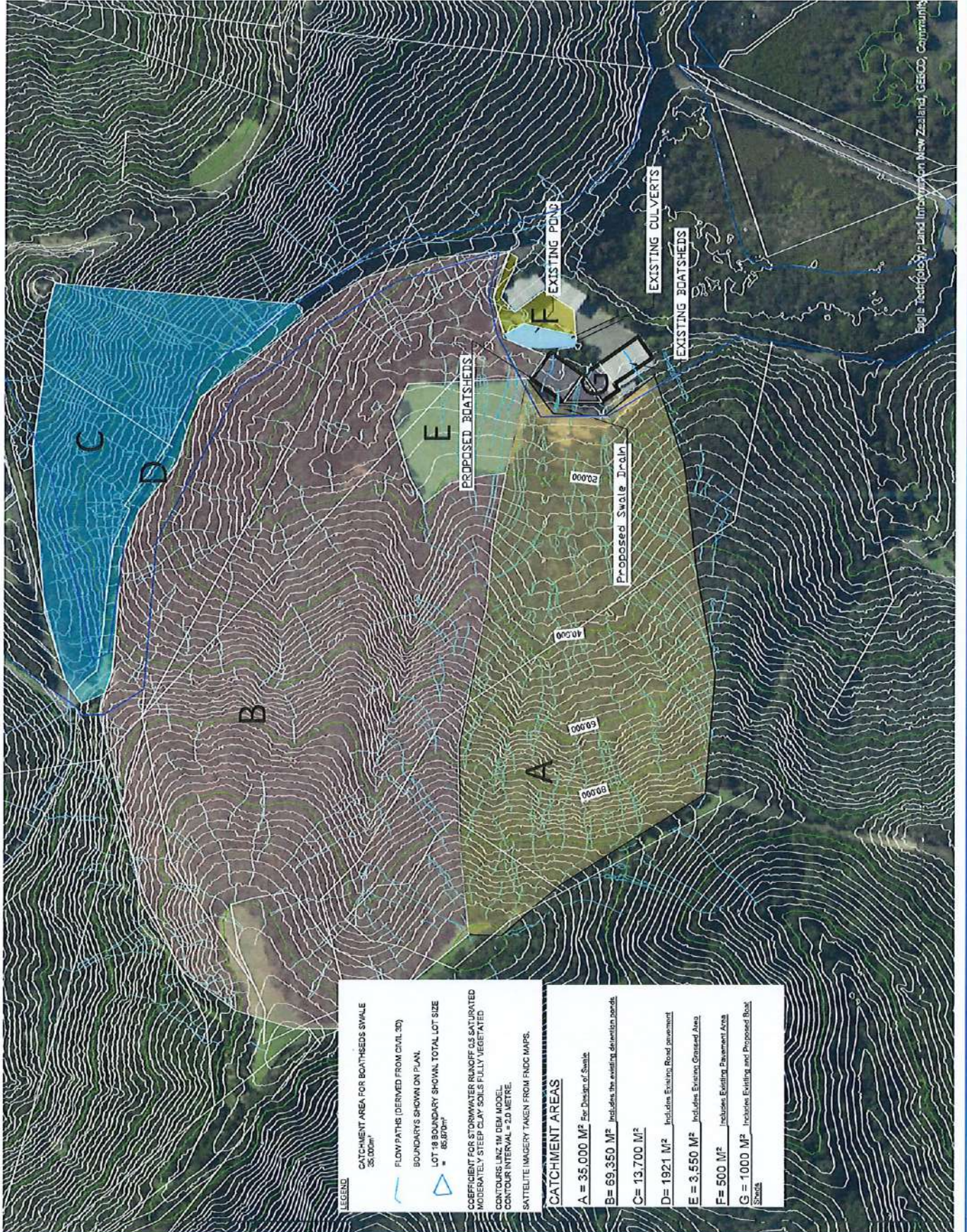
LEVEL: ANZ BAN1
90 FERRELL ROAD, KERRINERI
P.O. BOX 464, KERRINERI
Phone Number: 09-407-3253
Email: keam@pkengineering.co.nz

CLIENT: BENTZEN FARMS LTD

SITE: 265 MANAWAORA RD
OMARINO

PROJECT: PROPOSED BOATSHEDS
CATCHMENT AREAS

SCALE: 1:2000	DATE: 5/03/2025	DESIGNER: JYM	PK
PROJECT NO: 24-023	DATE: 5/03/2025	DESIGNER: JYM	PK
PROJECT NO: 24-023	DATE: 5/03/2025	DESIGNER: JYM	PK
PROJECT NO: 24-023	DATE: 5/03/2025	DESIGNER: JYM	PK



LEGEND

- CATCHMENT AREA FOR BOATSHEDS SWALE: 35,000m²
- FLOW PATHS (DERIVED FROM CIVIL 3D)
- BOUNDARIES SHOWN ON PLAN
- LOT 8 BOUNDARY SHOWN TOTAL LOT SIZE: 45,870m²
- COEFFICIENT FOR STORMWATER RUNOFF: 0.5 SATURATED MODERATELY STEEP CLAY SOILS FULLY VEGETATED
- CONTOURS: LINZ 1M DEM MODEL
- CONTOUR INTERVAL: 2.0 METRE
- SATELLITE IMAGERY TAKEN FROM FNOC MAPS.

CATCHMENT AREAS

A = 35,000 M ²	For Design of Swale
B = 69,350 M ²	Includes the existing detention ponds
C = 13,700 M ²	
D = 1921 M ²	Includes Eruera Road pavement
E = 3,550 M ²	Includes Existing Grassed Area
F = 500 M ²	Includes Existing Pavement Area
G = 1000 M ²	Includes Existing and Proposed Boat Sheds

Engle Technology Land Information New Zealand, GeBCO, Community

Notes:

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3. THE DRAWINGS TO BE READ IN CONJUNCTION WITH ALL RELEVANT SPECIFICATIONS, CONDITIONS AND OTHER PROJECT DRAWINGS, AND ANY CORRECTIONS OR AMENDMENTS TO THE DRAWINGS SHALL BE REFERRED TO THE CONSULTING ENGINEER FOR APPROVAL.
4. THE CONSULTING ENGINEER'S LIABILITY IS LIMITED TO THE PROFESSIONAL SERVICES PROVIDED BY HIMSELF OR HIS EMPLOYEES IN ACCORDANCE WITH THE GENERAL DRAWING PRACTICE PRECEDENCE OVER THE CONTRACT DOCUMENTS.



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REV | DESCRIPTION | BY | DATE



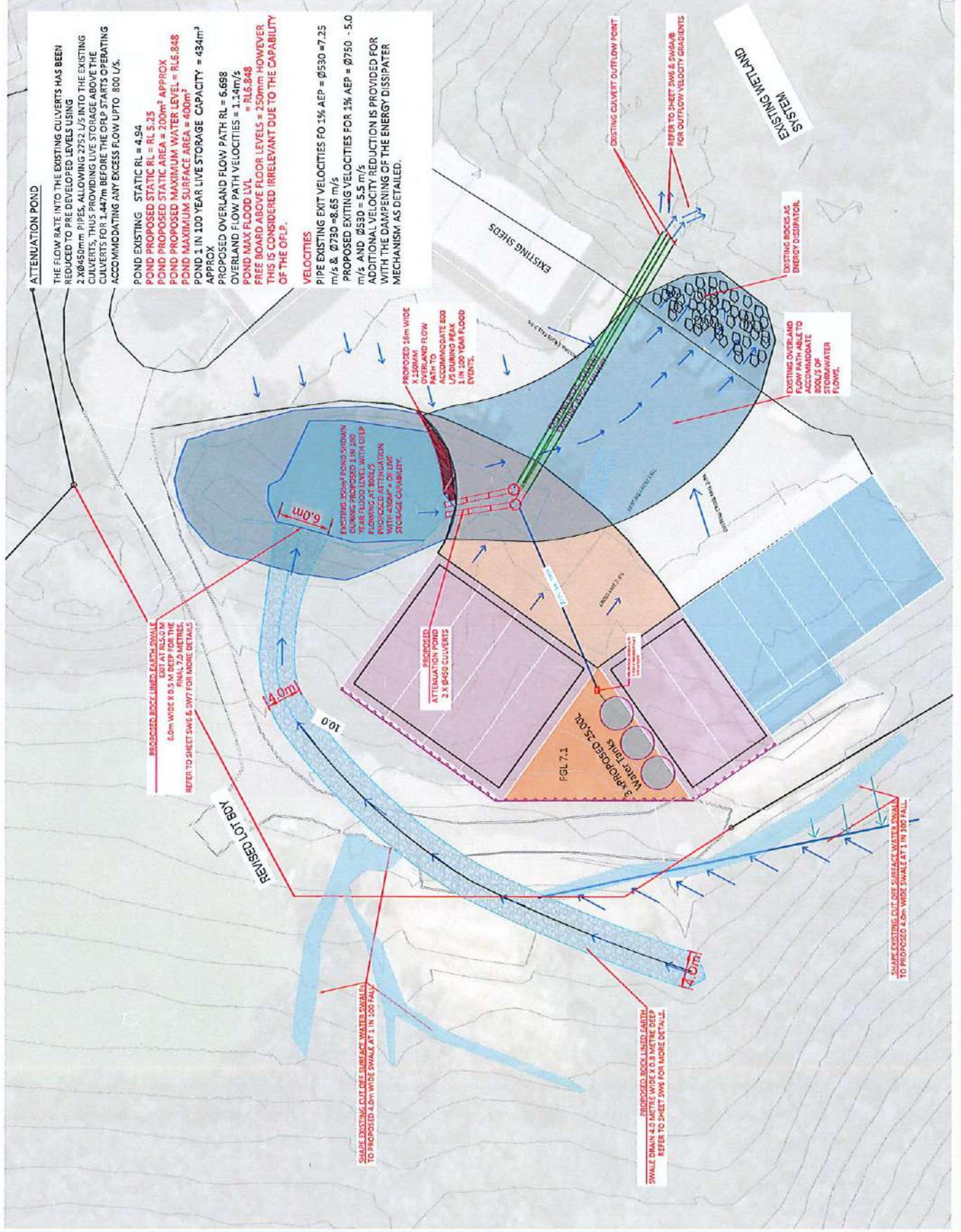
CLIENT: BENTZEN FARMS LTD

SITE: 285 MANAWAORA RD
CIVAKINO

TITLE: PROPOSED BOATSHEDS
STORMWATER LAYOUT PLAN

SCALE: AS SHOWN
DATE: 5/03/2025
DRAWN BY: JIV
CHECKED BY: JIV
PROJECT NO: 24-023
SHEET NO: SW2

SCALE: AS SHOWN	DATE: 5/03/2025	DRAWN BY: JIV	CHECKED BY: JIV
PROJECT NO: 24-023	SHEET NO: SW2	REVISION: V1	



ATTENUATION POND

THE FLOW RATE INTO THE EXISTING CULVERTS HAS BEEN REDUCED TO PRE DEVELOPED LEVELS USING 2 X Ø450mm PIPES, ALLOWING 2752 L/S INTO THE EXISTING CULVERTS, THUS PROVIDING LIVE STORAGE ABOVE THE CULVERTS FOR 1.447m BEFORE THE ORP STARTS OPERATING ACCOMMODATING ANY EXCESS FLOW UPTO 800 L/S.

POND EXISTING STATIC RL = 4.84
 POND PROPOSED STATIC RL = RL 5.25
 POND PROPOSED STATIC AREA = 200m² APPROX
 POND PROPOSED MAXIMUM WATER LEVEL = RL 6.848
 POND MAXIMUM SURFACE AREA = 400m²
 POND 1 IN 100 YEAR LIVE STORAGE CAPACITY = 434m³ APPROX
 PROPOSED OVERLAND FLOW PATH RL = 6.688
 OVERLAND FLOW PATH VELOCITIES = 1.14m/s
 POND MAX FLOOD LVL = RL 6.848
 FREE BOARD ABOVE FLOOR LEVELS = 250mm HOWEVER THIS IS CONSIDERED IRRELEVANT DUE TO THE CAPABILITY OF THE ORP.

VELOCITIES
 PIPE EXISTING EXIT VELOCITIES FO 1% AEP = Ø530 = 7.25 m/s & Ø730 = 8.65 m/s
 PROPOSED EXITING VELOCITIES FOR 1% AEP = Ø750 - 5.0 m/s AND Ø530 = 5.5 m/s
 ADDITIONAL VELOCITY REDUCTION IS PROVIDED FOR WITH THE DAMPENING OF THE ENERGY DISSIPATER MECHANISM AS DETAILED.

Notes:

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4. ALL SERVICES ARE TO BE INSTALLED WITHIN THE DESIGNATED PRECEDENCE WITH THE EXCEPTANCE OF THE DESIGN, MATERIALS AND PRECEDENCE WITH THE DESIGN DRAWINGS HAVING PRECEDENCE OVER THE ORIGINAL NOTES.

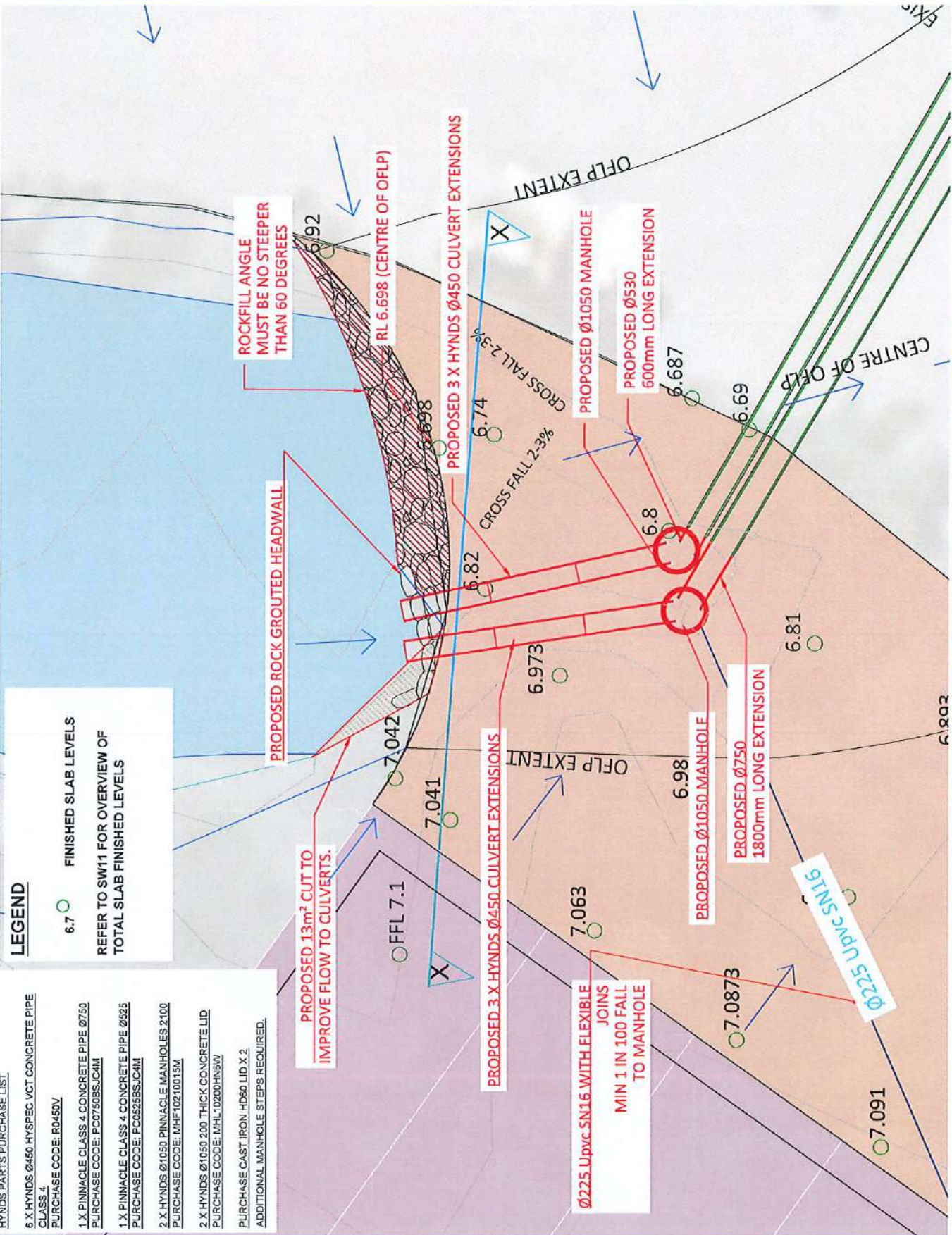


ISSUED FOR CONSENT



LEVEL: 1: 1/2" = 1' 0"
 90 FETTER ROAD, KEMPENI
 PO BOX 564, KEMPENI
 Phone Number 07-407 2255
 Email: leamp@pkengineering.co.nz

CLIENT:	BENTZEN FARMS LTD
SITE:	285 MANAWAORA RD OMARINGO
TITLE:	PROPOSED BOATSHEDS CULVERT EXTENSION PLAN VIEW
SCALE AT A4:	DATE: 5/03/2023
PROJECT NO:	24-023
UNISSUED NO:	SW3
PK REVISION:	VT



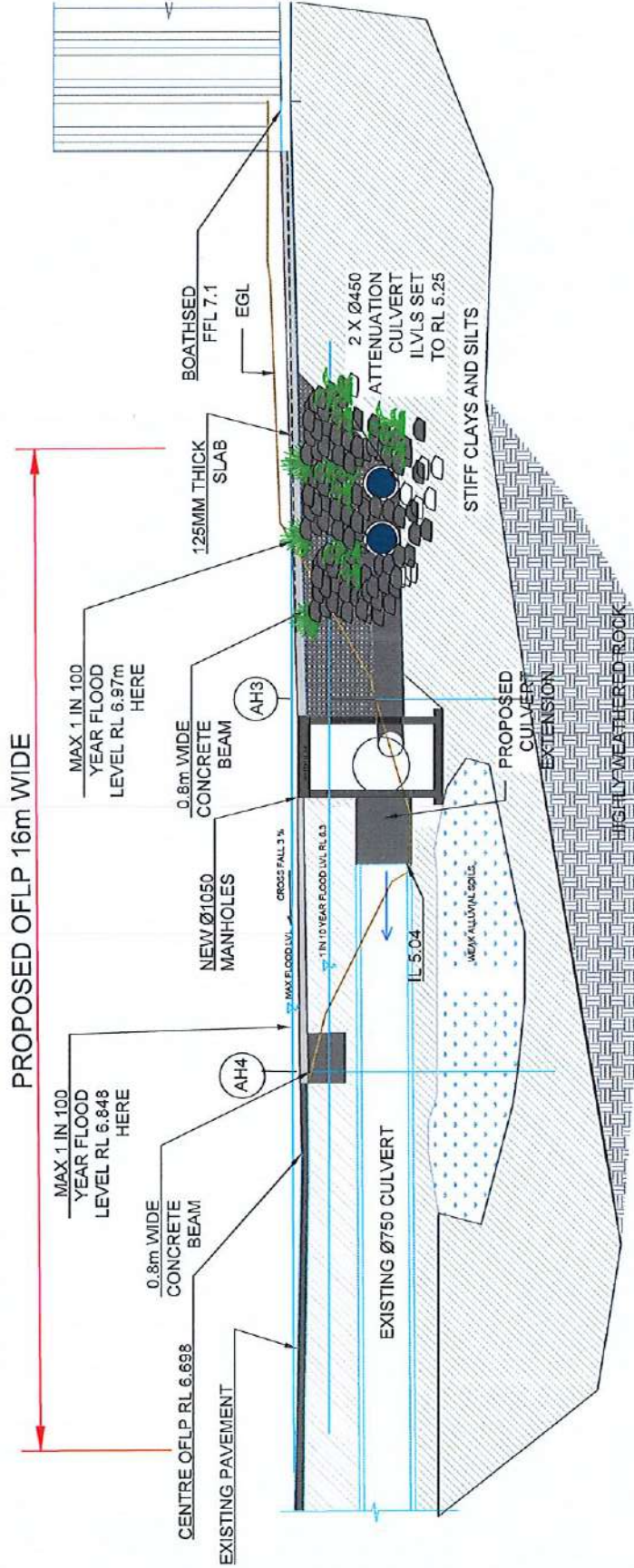
LEGEND

6.7 FINISHED SLAB LEVELS
 REFER TO SW11 FOR OVERVIEW OF
 TOTAL SLAB FINISHED LEVELS

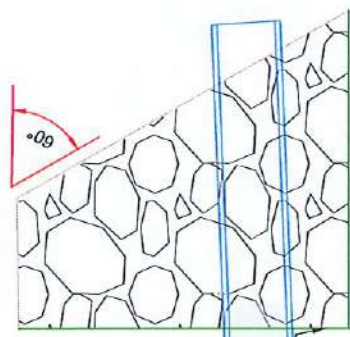
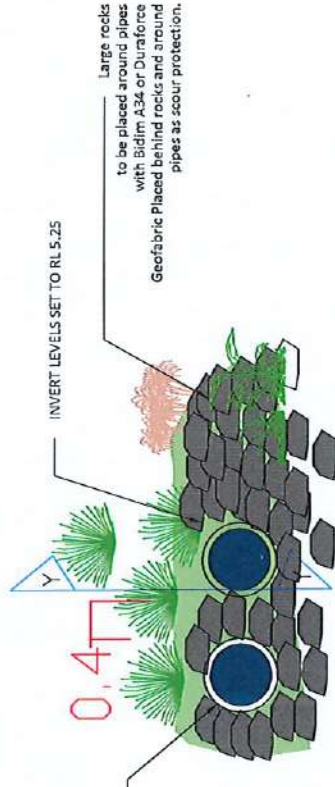
- HYNDS PARTS PURCHASE LIST**
- 6 X HYNDS Ø450 HYSPEC VCT CONCRETE PIPE CLASS 4
PURCHASE CODE: RD450V
 - 1 X PINNACLE CLASS 4 CONCRETE PIPE Ø750
PURCHASE CODE: PC0750BSJCAM
 - 1 X PINNACLE CLASS 4 CONCRETE PIPE Ø525
PURCHASE CODE: PC0525BSJCAM
 - 2 X HYNDS Ø1050 PINNACLE MANHOLES 2100
PURCHASE CODE: MHF10210015M
 - 2 X HYNDS Ø1050 200 THICK CONCRETE LID
PURCHASE CODE: MHL10200HN6W
 - PURCHASE CAST IRON HD50 LID X 2
ADDITIONAL MANHOLE STEPS REQUIRED.

Notes:

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CROSS SECTION X-X
Scale 1:75



REV	DESCRIPTION	BY	DATE
ISSUED FOR CONSENT			

RK ENGINEERING
LEVEL 1, ANZ BANK
90 FERRELL ROAD, LEPPING
PO BOX 464, LEPPING
Phone Number: 09-407 3253
Email: lepping@rkengineering.co.nz

CLIENT: **BENTZEN FARMS LTD**

SITE:	285 MANAWAORA RD OMARINO
TITLE:	PROPOSED BOATSHEDS CROSS SECTION X-X
SCALE: AS SHOWN	DATE: 5/03/2025
PROJECT NO:	DRAWING NO:
24-023	SW4
CHECKED:	DATE:
PK	BY:
MASON	REVISION:
V1	

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HYNDS PARTS PURCHASE LIST

- 6 X HYNDS Ø450 HYSPEC VCT CONCRETE PIPE CLASS 4
PURCHASE CODE: R0450V
- 1 X PINNACLE CLASS 4 CONCRETE PIPE Ø750
PURCHASE CODE: P00750BSJCAM
- 1 X PINNACLE CLASS 4 CONCRETE PIPE Ø525
PURCHASE CODE: P0525SSJCAM
- 2 X HYNDS Ø1050 PINNACLE MANHOLES
PURCHASE CODE: MHF10210015M
- 2 X HYNDS Ø1050 200 THICK CONCRETE LID
PURCHASE CODE: MHL10200N8W

PURCHASE CAST IRON HD60 LID X 2
ADDITIONAL MANHOLE STEPS REQUIRED.



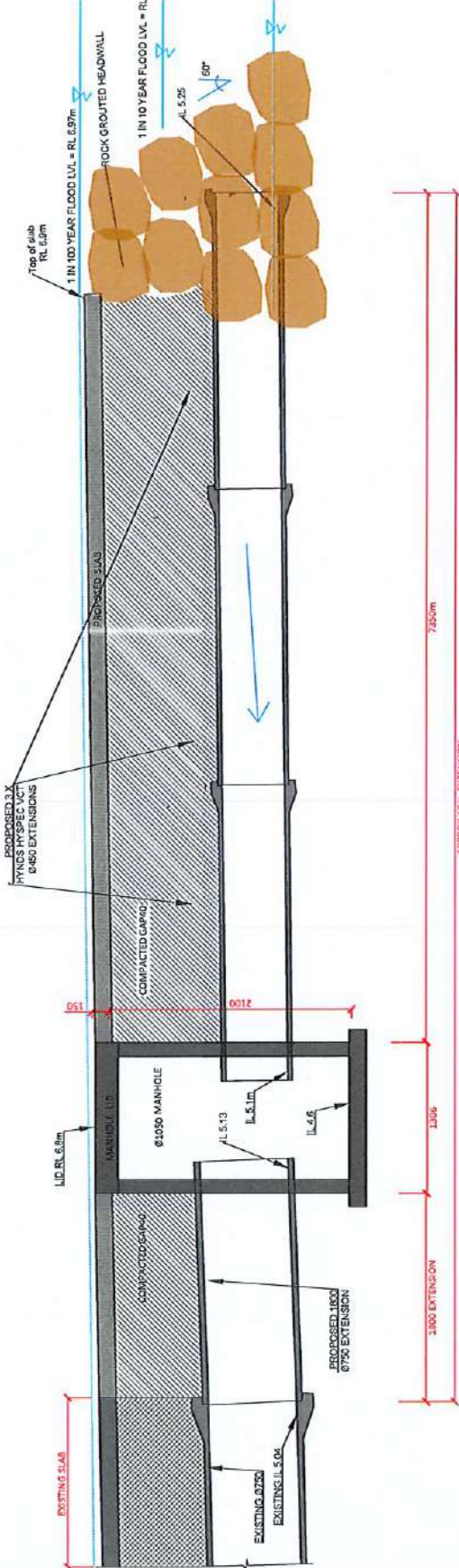
REV	DESCRIPTION	BY	DATE



LEVEL 1 ANG BANK
901 TERRIER ROAD, KEEPPLET
P.O. BOX 564, LEPPLEPI
Phone Number: 09-407-3025
Email: lepplepi@rkengineering.co.nz

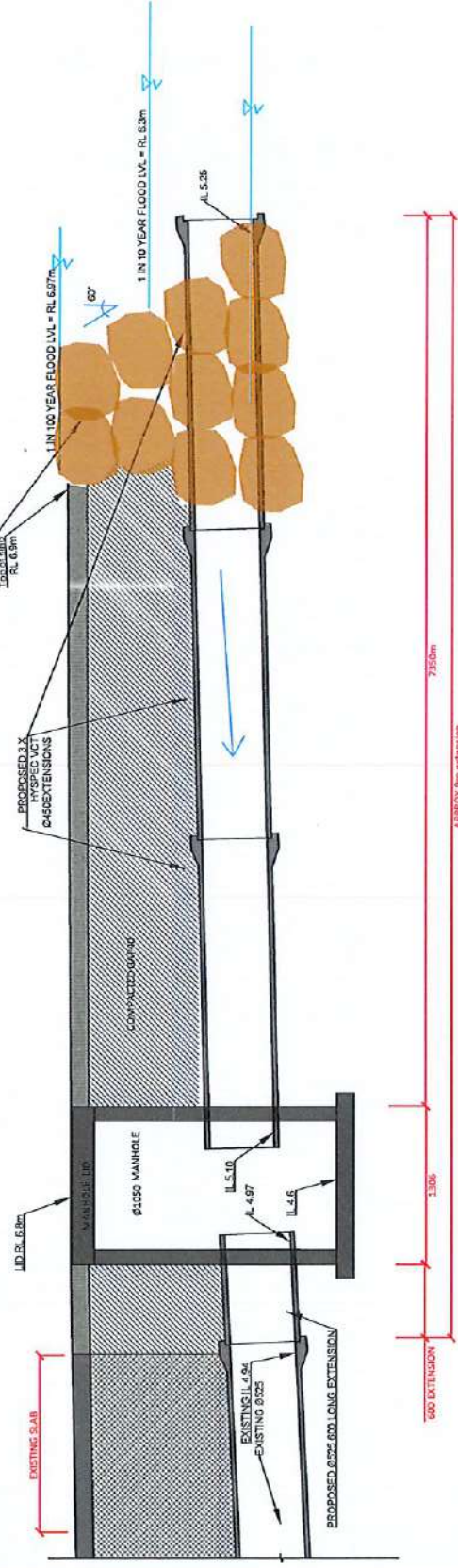
CLIENT:	BENTZEN FARMS LTD
---------	-------------------

FILE:	285 MAWAWORA RD OMARINO
TITLE:	PROPOSED BOATSHEDS CULVERT LONG SECTIONS
SCALE:	A3 1:40
DATE:	5/03/25
BY:	JM
CHECKED:	PK
DATE:	
PROJECT NO:	24-023
DRAWING NO:	SW5
REVISION:	V1



REFER TO TRENCH DETAILS ON SHEETS SW8 & SW9 FOR INSTALLATION

PROPOSED STORMWATER PIPE LONG SECTION A
SCALE 1:40



PROPOSED STORMWATER PIPE LONG SECTION B
SCALE 1:40

Notes:

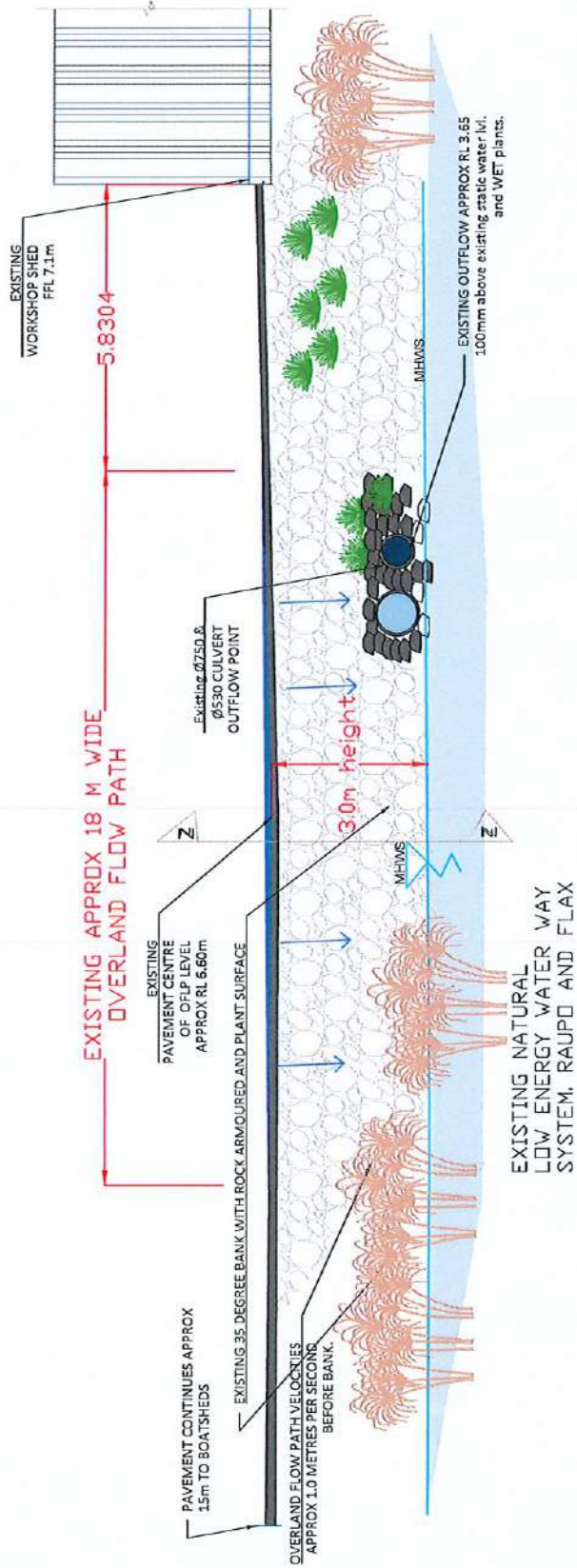
1. THE DRAWING IS FOR INFORMATION ONLY AND IS NOT TO BE USED FOR THE MANUFACTURE OF ANY ARTICLE WITHOUT THE EXPRESS PERMISSION OF THE COPYRIGHT HOLDER.
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3. THE DRAWING IS TO BE USED IN CONJUNCTION WITH ALL RELEVANT SPECIFICATIONS, SERVICES, CML AND OTHER PROJECT DRAWINGS AND DOCUMENTS. ANY DISCREPANCIES SHALL BE REFERRED TO THE DESIGNER FOR RESOLUTION.
4. IN THE EVENT THAT THERE IS ANY CONFLICT BETWEEN THE DRAWINGS AND SPECIFICATIONS, THE SPECIFICATIONS SHALL TAKE PRECEDENCE OVER THE DRAWINGS. WITH THE DETAIL DRAWINGS TAKING PRECEDENCE OVER THE GENERAL NOTES.



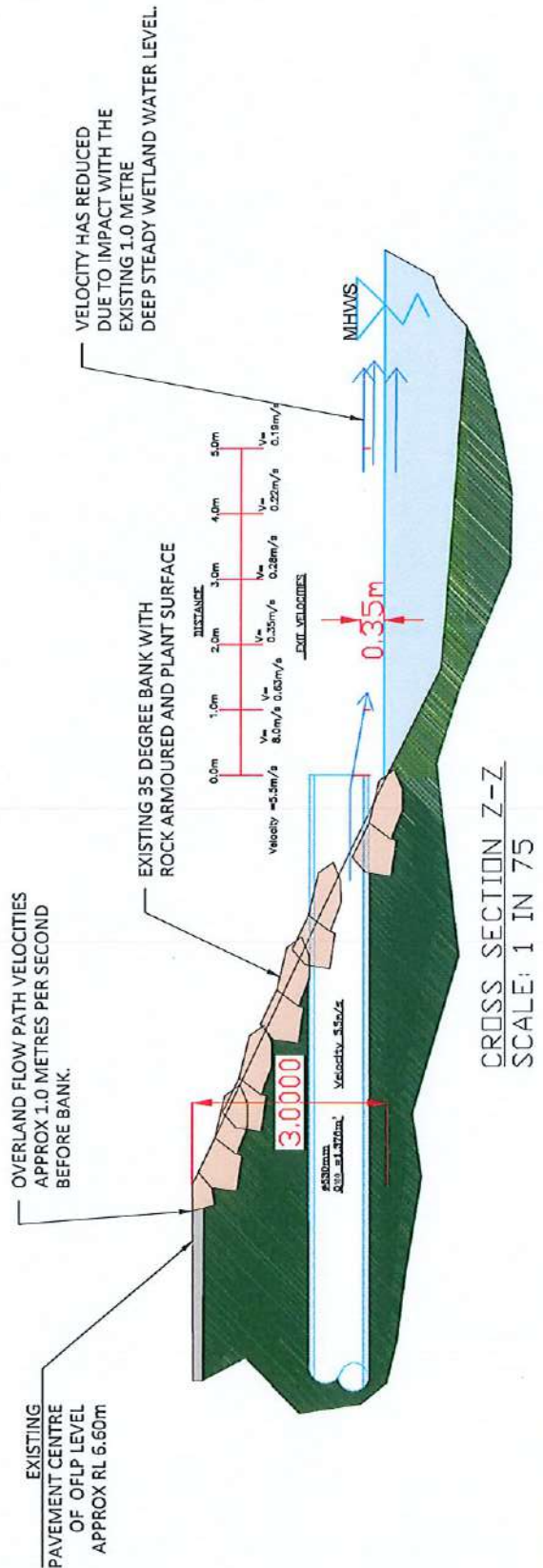
REV	DESCRIPTION	BY	DATE
1	ISSUED FOR CONSENT		



CLIENT:	BENTZEN FARMS LTD
ADDRESS:	285 MAWAWAORA RD OMARINO
TITLE:	PROPOSED BOATSHEDS STORMWATER OUTFLOW DETAILS
SCALE: A3:	DATE: 5/03/2025
SCALE: A4:	DRAWN: JMW
SCALE: A1:	CHECKED: [Signature]
PROJECT NO:	24-023
DATE:	SW6
REVISION:	V1



ELEVATION VIEW OF STORMWATER OUTFLOWS
Scale 1:100

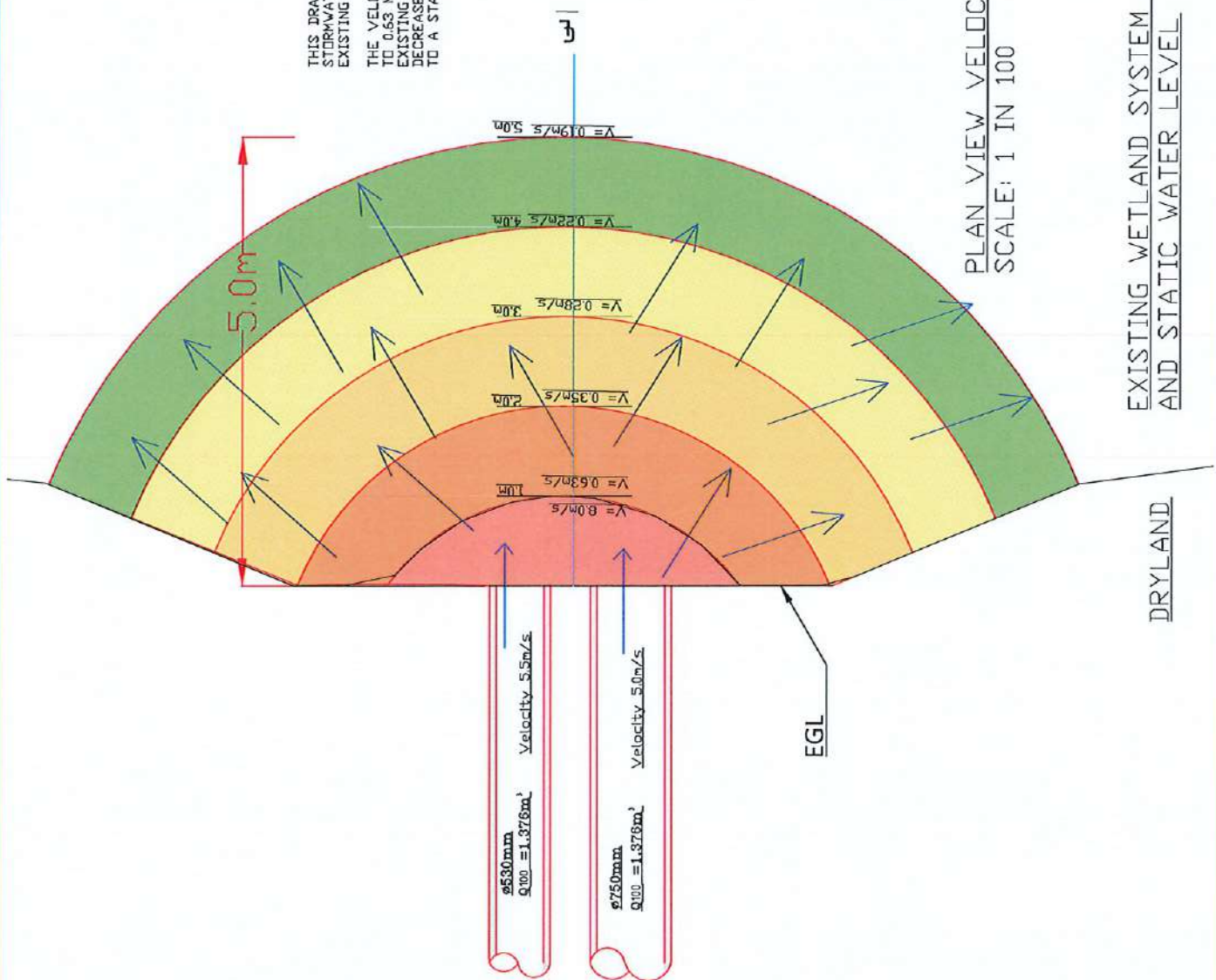


CROSS SECTION Z-Z
SCALE: 1 IN 75

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 4. IN THE EVENT THAT THERE IS ANY CONFLICT BETWEEN THE DRAWINGS AND ANY OTHER DOCUMENTS, THE DRAWINGS SHALL TAKE PRECEDENCE OVER THE GENERAL NOTES.

THIS DRAWING INDICATES THE VELOCITY GRADIENT OF STORMWATER FROM THE 1 IN 100 YEAR FLOOD EXITING THE EXISTING STORMWATER PIPES.

THE VELOCITY REDUCES FROM 8.0 METRES PER SECOND TO 0.63 METRES PER SECOND WHEN IT IMPACTS THE EXISTING 1.0M DEEP WATER LINE AND GRADUALLY DECREASES TO 0.19 METRES PER SECOND BEFORE COMING TO A STAND STILL IN THE VEGETATION.



REV	DESCRIPTION	BY	DATE
	ISSUED FOR CONSENT		



LEVEL: ANZ PLAN
 90 FERRELL ROAD, HEPLEPI
 P.O. BOX 464, HEPLEPI
 Phone Number: 09-407-3253
 Email: team@rkengineering.co.nz

CLIENT: BENTZEN FARMS LTD

SITE: 285 MA NAWAORA RD
 OMARINO

TITLE: PROPOSED BOATSHEDS STORMWATER OUTFLOW DETAILS			
SCALE AT A3:	DATE:	DRAWN:	CHECKED:
1:100	5/03/2025	JW	PK
PROJECT NO:	DRAWING NO:	REVISION:	
24-023	SW/6A	V1	



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 3. THE DRAWINGS TO BE READ IN CONJUNCTION WITH ALL RELEVANT ARCHITECTS, SERVICES, CIVIL AND OTHER PROJECT DRAWINGS AND SPECIFICATIONS. ANY DISCREPANCIES SHALL BE REFERRED TO THE ENGINEER FOR RESOLUTION.
 4. IN THE EVENT THAT THERE IS ANY CONFLICT BETWEEN THE DRAWINGS AND THESE NOTES, THESE NOTES SHALL TAKE PRECEDENCE AND SHALL TAKE PRECEDENCE OVER THE GENERAL NOTES.

RK ENGINEERING LIMITED
 DATE'S 09/03/2025
 CHECKED BY: [Signature]
 DRAWN BY: [Signature]
 ENGINEER'S PROFESSIONAL ENDORSEMENT NO: 123456789
 SPEC. ENG. NO. 123456789

ISSUED FOR CONSENT



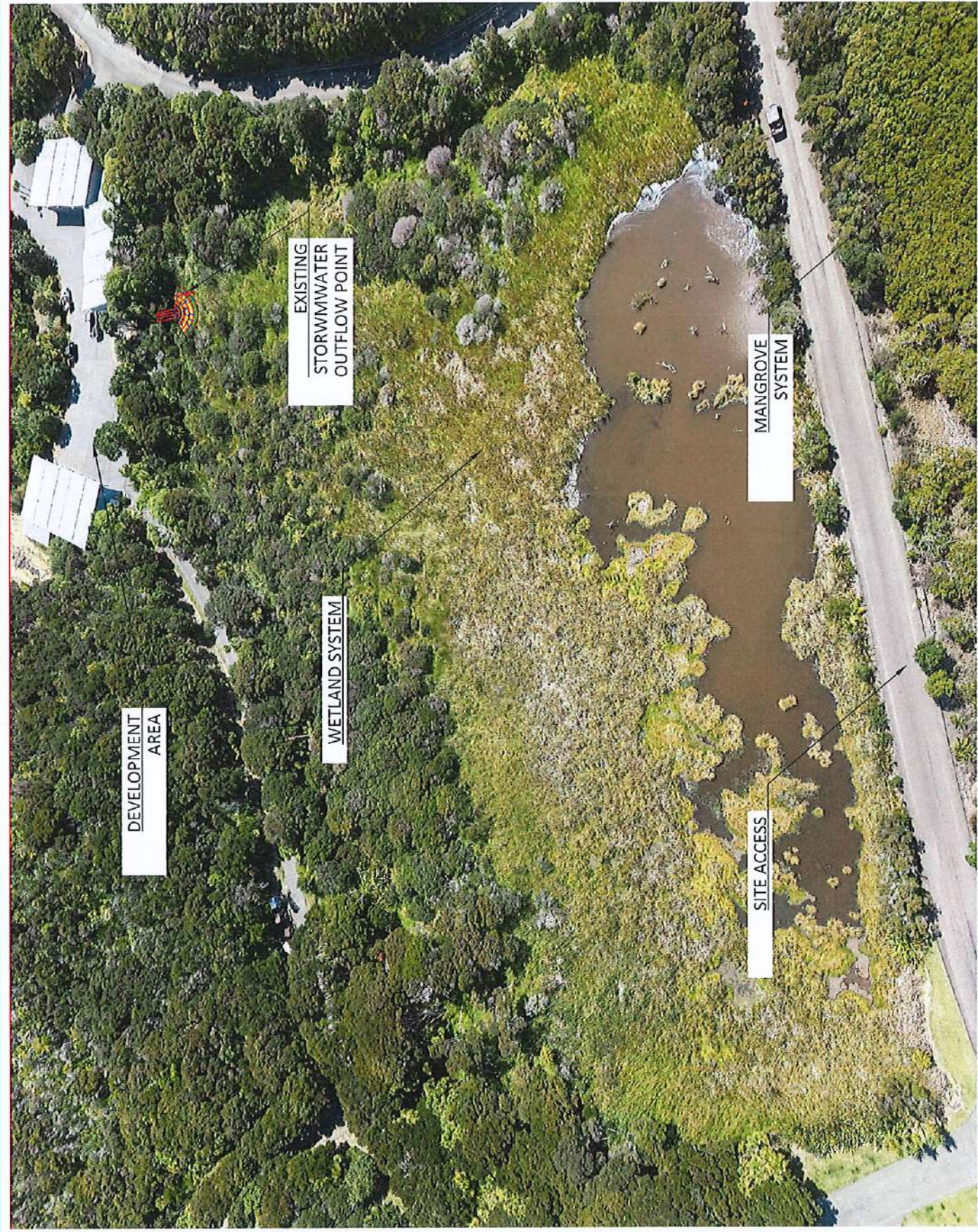
LEVEL 1, ANZ BENT
 90 TERTIERY ROAD, KERRIPIPI
 PO BOX 464, KERRIPIPI
 Phone Number: 07-427 3263
 Email: team@rkengineering.co.nz

CLIENT: BENTZEN FARMS LTD

285 MANAWAORA RD
 OMARIRO

TITLE: PROPOSED BOATSHEDS
 STORMWATER OUTFLOW DETAILS

SCALE AT AS	DATE	DRAWN	CHECKED
1:100	5/03/2025	JW	PK
PROJECT NO:	DRAWING NO:	SECTION:	
24-023	SW/6B	V1	



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3. THE DRAWINGS TO BE READ IN CONJUNCTION WITH ALL RELEVANT ARCHITECTS SERVICES, CIVIL AND OTHER PROJECT DRAWINGS, AND SPECIFICATIONS. ANY DISCREPANCIES SHALL BE REFERRED TO THE ENGINEER FOR RESOLUTION.
4. IN THE EVENT THERE IS ANY CONFLICT BETWEEN THE DRAWINGS AND ANY OTHER DOCUMENTS, THE DRAWINGS SHALL TAKE PRECEDENCE, WITH THE EXCEPTION OF ANY PRECEDENCE OVER THE GENERAL NOTE.



REV	DESCRIPTION	BY	DATE
1	ISSUED FOR CONSENT		



LEVEL 1, ANZ BANK
 90 FERRELL ROAD, KEREKIREKI
 P.O. BOX 464, KEREKIREKI
 Phone Number: 09-407-3253
 Email: rk@rkengineering.co.nz

CLIENT: BENITEN FARMS LTD

SITE: 285 MANAWAORA RD
 OMARINO

TITLE: PROPOSED BOATSHEDS STORMWATER OUTFLOW DETAILS			
SCALE AT A3	DATE	DRAWN	CHECKED
1:500	5/03/2025	JW	PK
PROJECT NO	DRAWING NO	REVISION	
24-023	SW/6C	V1	

Notes:

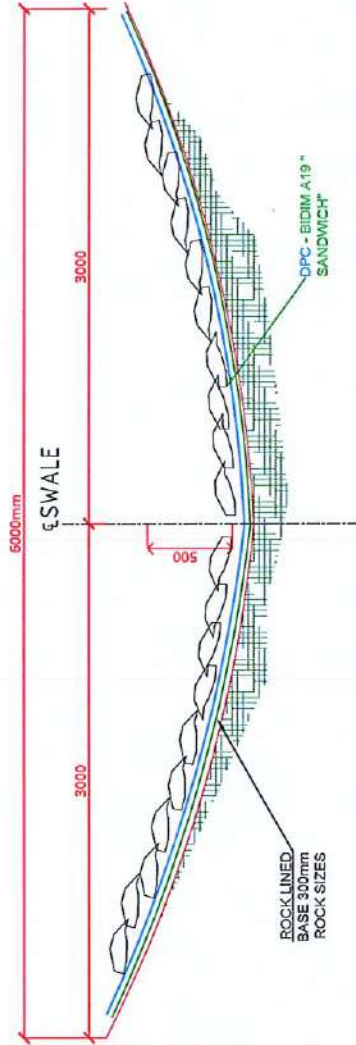
1. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE MANUFACTURE OF ANY ARTICLE WITHOUT THE EXPRESS PERMISSION OF THE COPYRIGHT HOLDER.
2. VERIFY ALL DIMENSIONS AND LEVELS ON SITE BEFORE COMMENCING WORKS.
3. THE DRAWINGS TO BE BUILT IN CONFORMANCE WITH ALL RELEVANT SPECIFICATIONS, STANDARDS, CODES AND OTHER PROJECT DRAWINGS, AND ANY DISCREPANCIES SHALL BE REFERRED TO THE SURVEYOR FOR RESOLUTION.
4. THE CONTRACTOR SHALL VERIFY THAT THE DRAWINGS AND SPECIFICATIONS COMPLY WITH ALL APPLICABLE REGULATIONS AND PRECEDENCE, WITH THE DETAIL DRAWINGS TAKING PRECEDENCE OVER THE GENERAL NOTE.



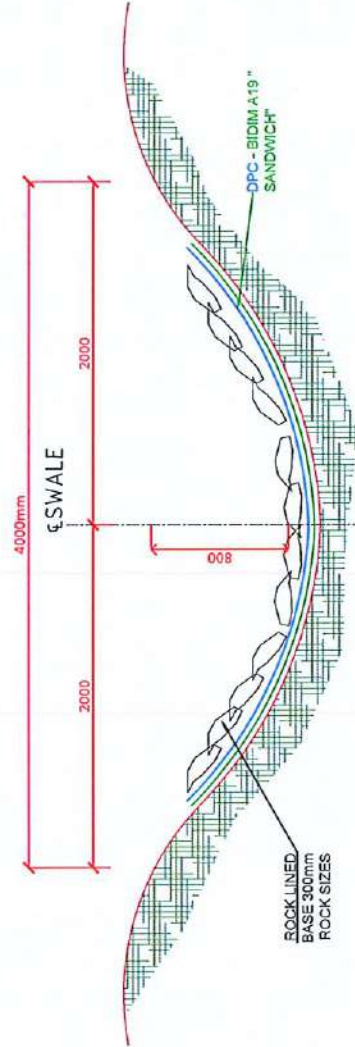
REV	DESCRIPTION	BY	DATE
ISSUED FOR CONSENT			



CLIENT:	BENTZEN FARMS LTD
SITE:	285 MANAWAORA RD OMARINO
TITLE:	PROPOSED BOATSHEDS SWALE DETAILS
SCALE: A3	DATE: 5/03/2025
AS SHOWN	DRAWN: JW
CHECKED: PK	PROJECT NO:
24-023	SW7
	V1



PROPOSED ROCK LINED EARTH SWALE (LAST 7 METRES TO DETENTION POND)
SCALE 1:30



PROPOSED ROCK LINED EARTH SWALE
SCALE 1:30

Notes:

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ISSUED FOR CONSENT

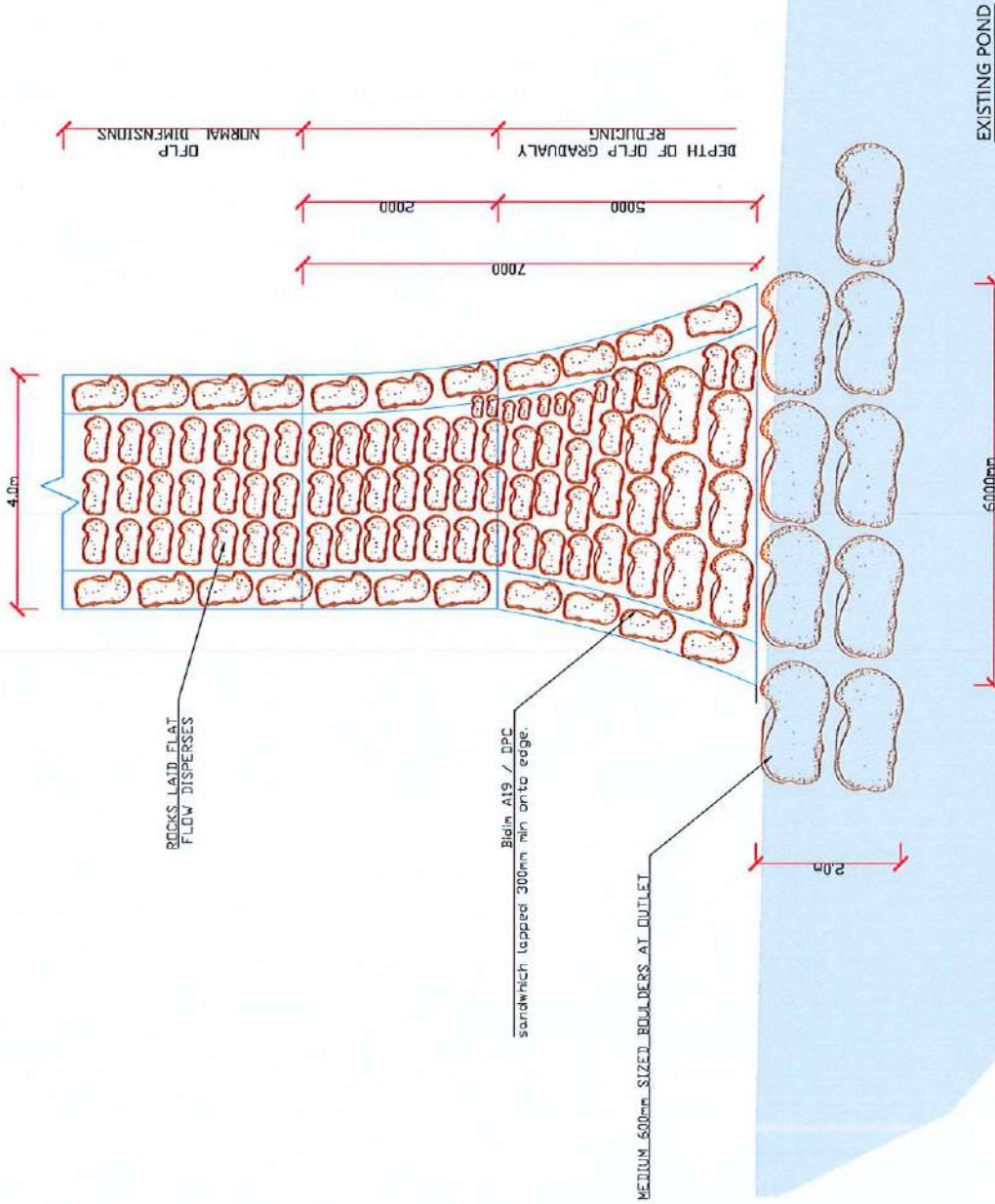


CLIENT: BENTZEN FARMS LTD

SITE: 285 MANAWAORA RD
CIMARINO

TITLE: PROPOSED BOATSHEDS
SWALE PLAN VIEW

SCALE: 1:25	DATE: 5/03/2025	DRAWN: JW	CHECKED: [Signature]
PROJECT NO: 24-023	DRAWING NO: SW8	SHEET: VI	



ENERGY DISSIPATOR FOR SWALE DRAIN
DISCHARGING INTO EXISTING POND
SCALE: 1 IN 75

Notes:

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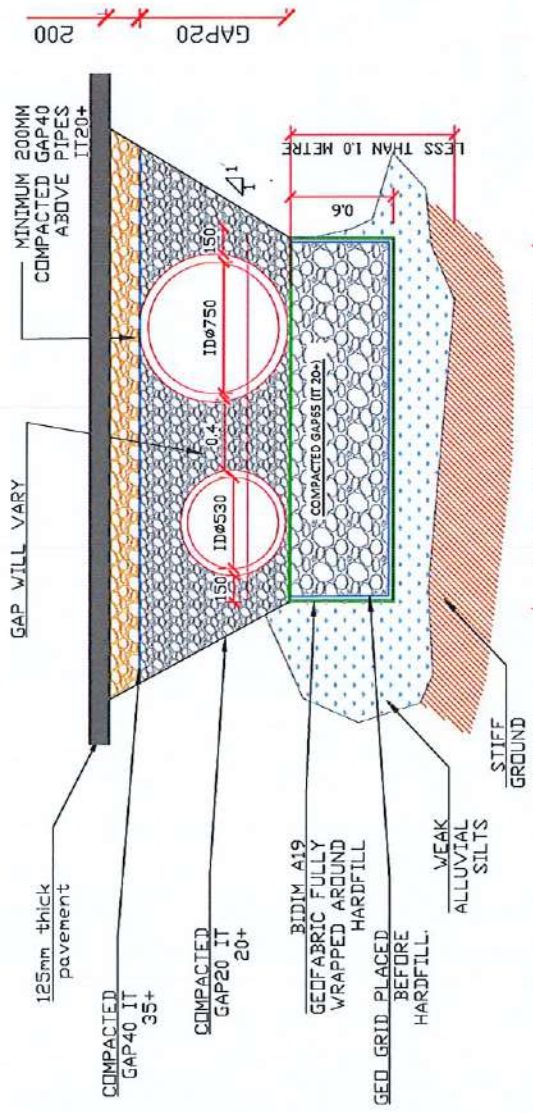
REV	DESCRIPTION	BY	DATE
	ISSUED FOR CONSENT		



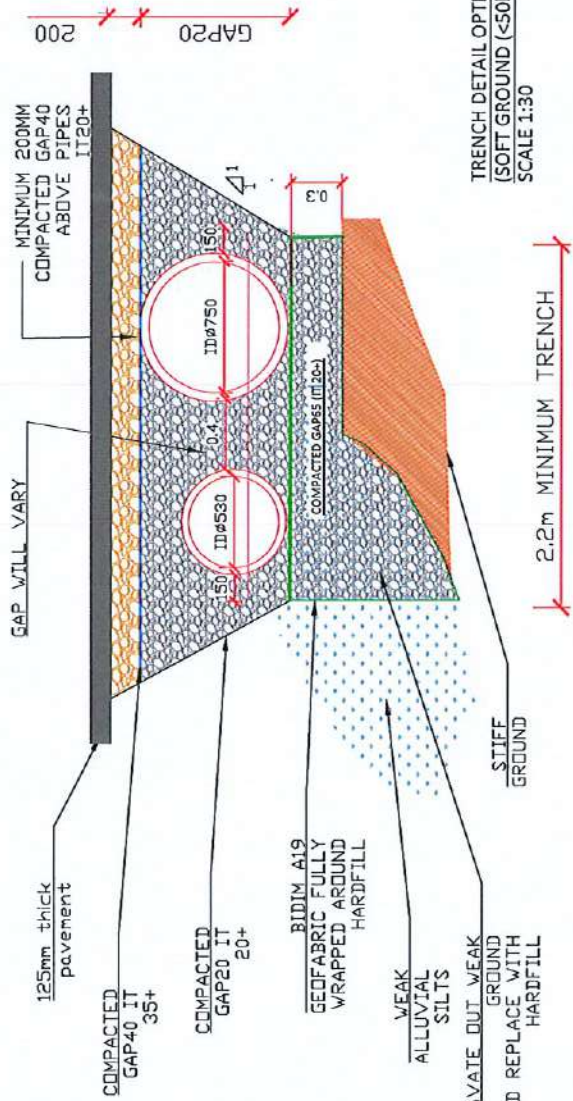
LEVEL: ANC BENIT
 90 FERRETTI ROAD, LEPILEPI
 PO BOX 464, LEPILEPI
 Phone Number: 09-407-9255
 Email: team@pkengineering.co.nz

CLIENT: BENITZEN FARMS LTD

SITE:	285 MANAWAORA RD OMARINO
TITLE:	PROPOSED BOATSHEDS TRENCH DETAILS A
SCALE: AS SHOWN	DATE: 5/03/2025
PROJECT NO:	24-023
DRAWN BY:	PK
CHECKED BY:	SW9
REVISION:	V1



TRENCH DETAIL OPTION A - FOR Ø530 & Ø750
 (SOFT GROUND (<50kPa) FOR LESS THAN 1 METRE)
 SCALE 1:30



TRENCH DETAIL OPTION B - FOR Ø530 & Ø750
 (SOFT GROUND (<50kPa) EXCAVATE AND REPLACE WITH HARDFILL)
 SCALE 1:30

Notes:

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REV	DESCRIPTION	BY	DATE
ISSUED FOR CONSENT			

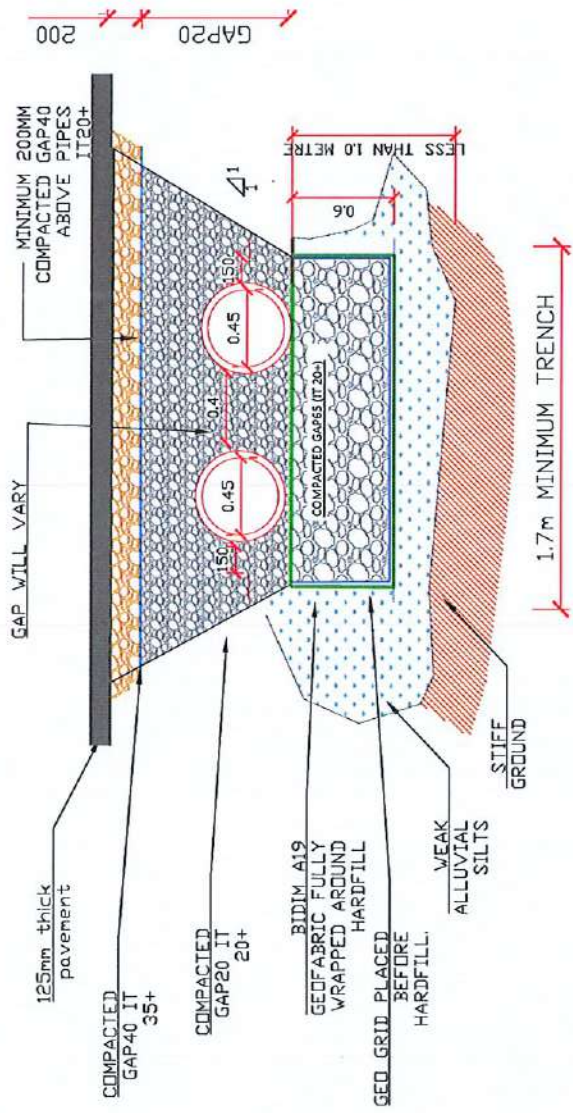


LEVEL 1, ANZ BANK
 901 FERRELL ROAD, KEMPSEY
 P.O. BOX 564, KEMPSEY
 Phone Number: 07-427-5265
 Email: info@rk-engineering.co.nz

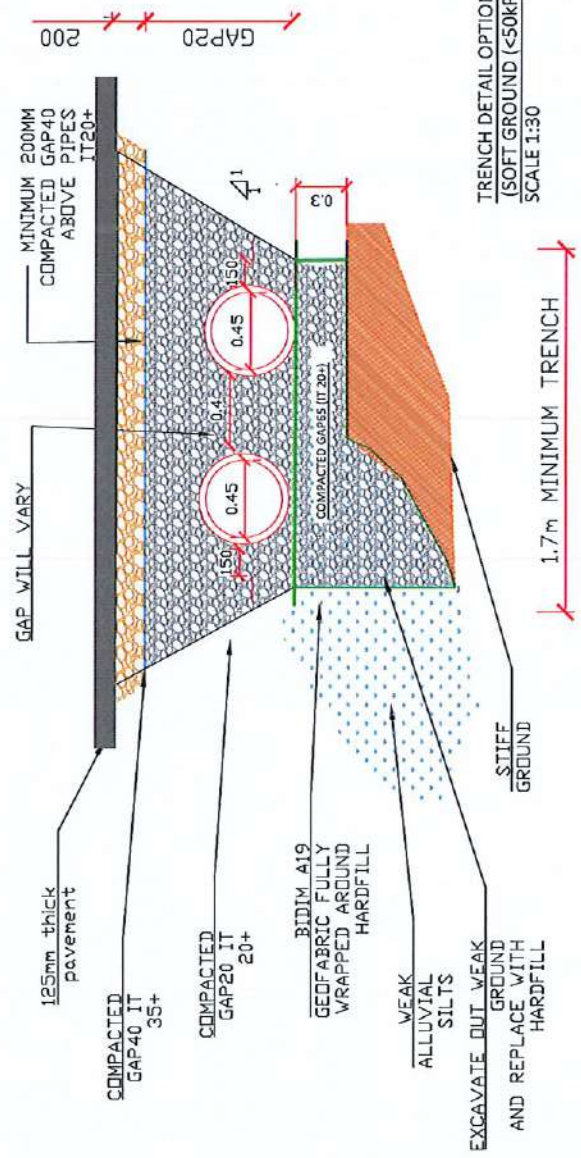
CLIENT: BENITZEN FARMS LTD

8880: 285 MAWAWAORA RD
 OMARINO

TITLE	DATE	DRAWN	CHECKED
PROPOSED BOATSHEDS TRENCH DETAILS B	5/03/2025	JW	PK
PROJECT NO:	DRAWING NO:	SHEET NO:	VI
24-023	SW10		



TRENCH DETAIL OPTION A - FOR Ø450 PIPES
 (SOFT GROUND (<50kPa) FOR LESS THAN 1 METRE)
 SCALE 1:30



TRENCH DETAIL OPTION B - For Ø450 PIPES
 (SOFT GROUND (<50kPa) EXCAVATE AND REPLACE WITH HARDFILL)
 SCALE 1:30

Notes:

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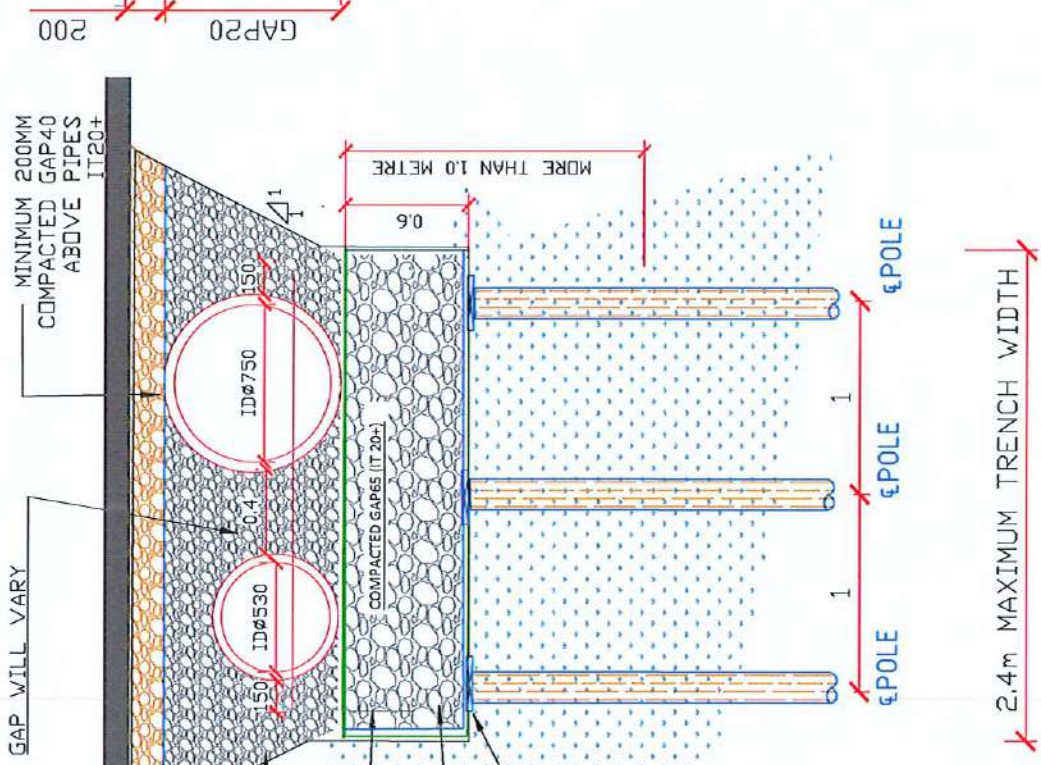
REV	DESCRIPTION	BY	DATE
ISSUED FOR CONSENT			



LEVEL: ANZ BANT
 901 BEEBETH ROAD, SUVA
 PO BOX 464, SUVA
 Phone Number: 05 200 1100
 Email: info@rkeng.co.fj

CLIENT: BENTZEN FARMS LTD

DATE:	285 MANAWAORA RD
PROJECT NO:	OMARINO
TITLE:	PROPOSED BOATSHEDS TRENCH DETAILS C
SCALE:	DATE: 5/03/2025
PROJECT NO:	DRAWN BY: JW
24-023	CHECKED BY: SW11
	REVISION: V1



TRENCH DETAIL OPTION C- FOR ALL CULVERT INSTALLATIONS (SOFT GROUND (<50kPa) FOR MORE THAN 1 METRE DRIVEN PILE OPTION SCALE 1:25

DRIVEN PILES 150 SED H5 TREATED @ 1.0 METRE C/C DRIVEN USING 250KG HAMMER OVER 1.5M DROP HEIGHT LAST 1.0 METRES OF PILE MUST OBTAIN A SET OF 10MM I.E 50 BLOWS FOR LAST 500MM. ENGINEER TO INSPECT AND VERIFY DRIVEN PILE SETS DURING CONSTRUCTION

Notes:

- THE CONTENTS OF THE DRAWING IS VESTED IN MY ENGINEERING AND IT MAY NOT BE REPRODUCED IN WHOLE OR PART OR USED FOR THE MANUFACTURE OF ANY ARTICLE WITHOUT THE EXPRESS PERMISSION OF THE COPYRIGHT HOLDER.
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- THE DRAWING IS TO BE READ IN CONJUNCTION WITH ALL RELEVANT SPECIFICATIONS, SERVICES, CIVIL AND OTHER PROJECT DRAWINGS, AND ANY OTHER INFORMATION THAT MAY BE REFERRED TO BY THE DRAWING.
- THIS DRAWING HAS BEEN PREPARED BY ME OR UNDER MY CLOSE PERSONAL SUPERVISION AND I AM A REGISTERED ENGINEER IN THE PROVINCE OF AUCKLAND.

IN THE EVENT OF ANY DISCREPANCY BETWEEN THE DRAWING AND ANY OTHER INFORMATION, THE DRAWING SHALL TAKE PRECEDENCE, WITH THE DETAIL DRAWING TAKING PRECEDENCE OVER THE GENERAL NOTE.



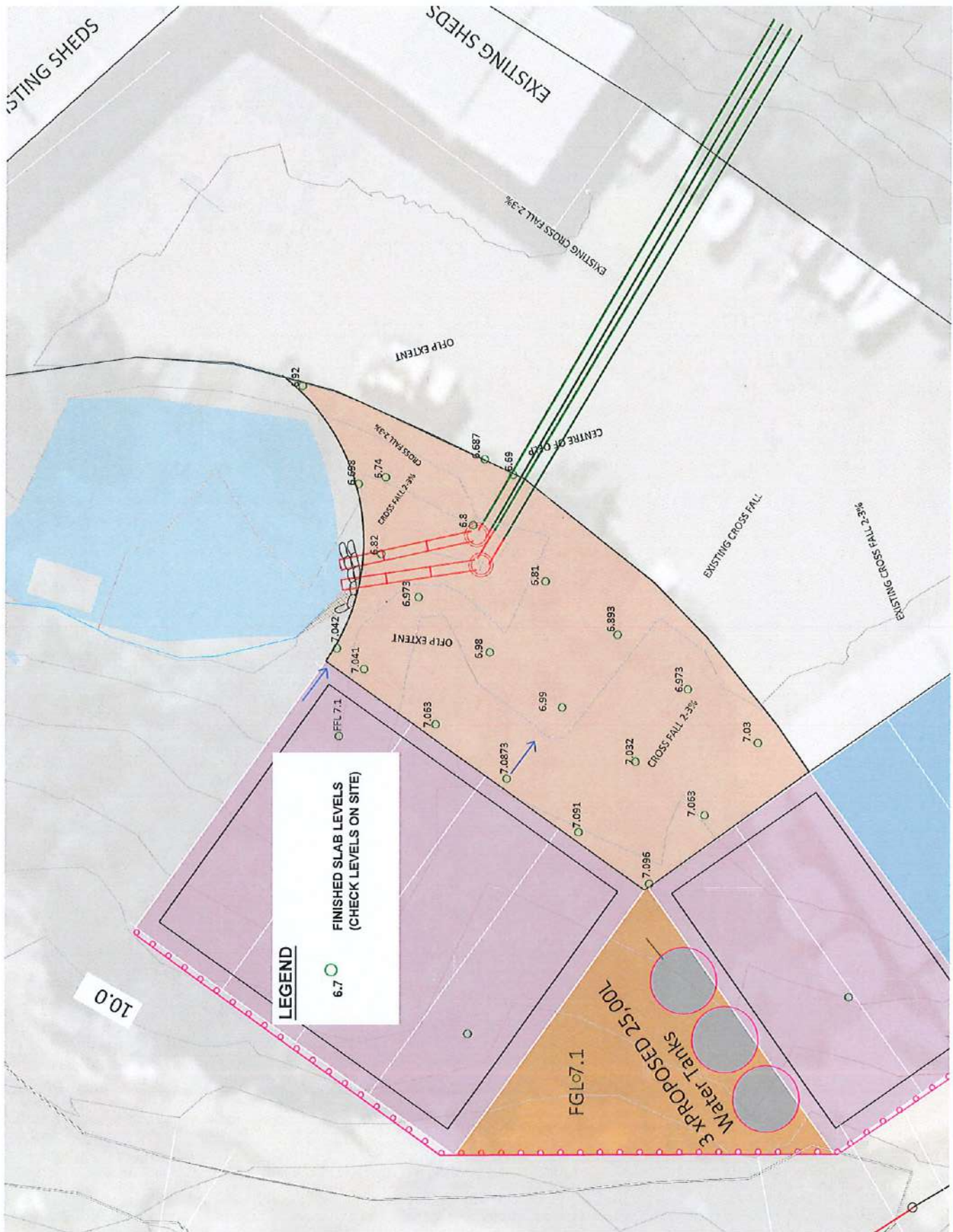
RK ENGINEERING LIMITED
 DATE: 5/03/2025
 CHECKED BY: [Signature]
 DRAWN BY: [Signature]
 ENGINEER: [Signature]
 90 FERRETT ROAD, LEIPHEI
 P.O. BOX 464, LEIPHEI
 Phone Number: 09-407 2025
 Email: leampl@xengine.co.nz

REV	DESCRIPTION	BY	DATE
1	ISSUED FOR CONSENT		



CLIENT: BENTZEN FARMS LTD
 PROJECT NO: 24-023
 DRAWING NO: SW12
 SHEET NO: V1

DATE:	28/03/2025
TITLE:	285 MANAWAORA RD OMARINO PROPOSED BOATSHEDS PROPOSED SLAB PLAN VIEW
SCALE:	1:200
DRAWN BY:	JW
CHECKED BY:	
PROJECT NO:	24-023
DRAWING NO:	SW12
SHEET NO:	V1



LEGEND

 FINISHED SLAB LEVELS
 (CHECK LEVELS ON SITE)

Appendix 7

Records of Title and Relevant Instruments



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



R. W. Muir
Registrar-General
of Land

Identifier 423436
Land Registration District North Auckland
Date Issued 14 August 2008

Prior References

NA35A/947 NA35D/223

Estate Fee Simple
Area 6.0110 hectares more or less
Legal Description Lot 15 Deposited Plan 391213

Registered Owners

Bentzen Farm Limited

Estate Fee Simple - 1/17 share
Area 8.4550 hectares more or less
Legal Description Lot 18 Deposited Plan 391213

Registered Owners

Bentzen Farm Limited

Interests

Appurtenant to the part formerly Part Rawhiti No 2 Block in CT NA35A/947 is a right of way created by Deed of Grant 638899.1 - 2.3.1977 at 2.20 pm

7907807.2 Consent Notice pursuant to Section 221 Resource Management Act 1991 - 14.8.2008 at 9:00 am

Subject to Section 241(2) Resource Management Act 1991 (affects DP 391213)

Subject to a right (in gross) to convey telecommunications and computer media over Lot 18 DP 391213 in favour of Telecom New Zealand Limited created by Easement Instrument 7907807.4 - 14.8.2008 at 9:00 am

Some of the easements created by Easement Instrument 7907807.4 are subject to Section 243 (a) Resource Management Act 1991 (See DP 391213)

Subject to a right (in gross) to convey electricity over Lot 18 DP 391213 in favour of Top Energy Limited created by Easement Instrument 7907807.5 - 14.8.2008 at 9:00 am

The easements created by Easement Instrument 7907807.5 are subject to Section 243 (a) Resource Management Act 1991

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 BE 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 BE 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)

Identifier**423436**

Appurtenant to Lot 18 DP 391213 is a right to convey water and electricity created by Easement Instrument 7907807.10 - 14.8.2008 at 9:00 am

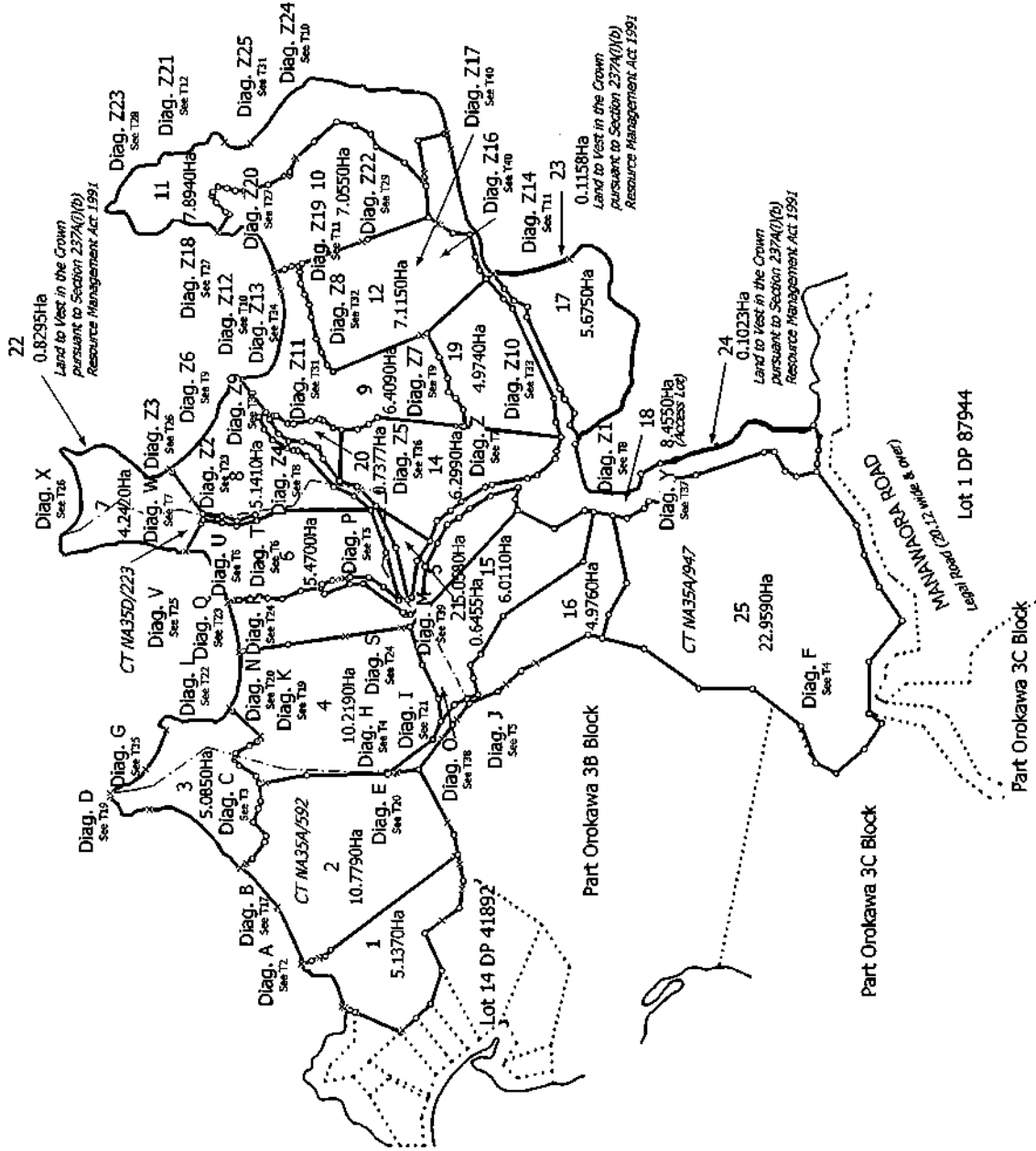
Appurtenant hereto is a right of use and enjoyment created by Easement Instrument 7907807.11 - 14.8.2008 at 9:00 am

Subject to an inspection and maintenance work right (in gross) over Lot 15 DP 391213 excluding the part marked BA 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)

8828538.1 Variation of Consent Notice 7907807.2 - 9.8.2011 at 10:15 am



T 1/40

Land District: North Auckland	Surveyor: Ian David Gillespie Firm: Lands & Survey Ltd	Digital Title Plan DP 391213
Digitally Generated Plan Generated on: 22/09/2008 3:32pm Page 7 of 45	Lots 1 to 12, and 14 to 25 being a subdivision of Parts Rawhiti No 2 Block and Pareanui Block	
Deposited on: 14/08/2008		

Quickmap Title Details



Information last updated as at 16-Mar-2025

RECORD OF TITLE DERIVED FROM LAND INFORMATION NEW ZEALAND LEASEHOLD

Identifier **440867**

Land Registration District **North Auckland**

Date Issued 14 August 2008 09:00 AM

Prior References

371321	371322	371323	371324	371325	371326	371327
371328	371329	371330	371331	371332	382667	411669
411670	423436	423437				

Estate	Leasehold	Instrument	L 7907807.14
Area	8.4550 hectares more or less	Term	999 years commencing on 8.8.2008 (Right of Renewal)

Legal Description Lot 18 Deposited Plan 391213

Registered

Owners

Omarino Residents Association Incorporated

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CONO 7907807.2 Consen

Cpy - 01/01, Page - 008, 14/06/06, 11:21



DocID: 313188939



**Far North
District Council**

Private Bag 752, Memorial Ave

Tuakohu 0400, New Zealand

Freephone: 0800 920 029

Phone: (09) 405 2750

Fax: (09) 401 2137

Email: ask.us@fndc.govt.nz

Website: www.fndc.govt.nz

IN THE MATTER of the Resource Management Act 1991 ("the Act")

A N D

IN THE MATTER of a subdivision consent as evidenced by Land Transfer Plan No. 391213

A N D

IN THE MATTER of a Consent Notice issued pursuant to Section 221 of the Act by FAR NORTH DISTRICT COUNCIL ("the Council")

IT IS HEREBY CERTIFIED that the following conditions to be complied with on a continuing basis by the subdividing owner and subsequent owners were imposed by the Council as conditions of approval for the subdivision as effected by Land Transfer Plan No. 391213 ("the plan")

1. Further subdivision of lots 1 through 12, 14 through 17, 19, 20, 21 and 25 on the plan is prohibited.
2. The maximum rolling height above ground level (using the definition in the district plan as at the 30th of May 2005) of each building on lots 7, 11 and 12 on the plan shall be no more than 4 metres above ground level.
3. No buildings shall be erected on lot 7 on the plan until such time as the native screen planting backdrop has reached a height of 4 metres when viewed from a position no closer than 500 metres offshore with such backdrop planting to be maintained at a height of no less than the building thereafter.
4. The maximum rolling height above ground level (using the definition in the district plan as at the 30th of May 2005) of any building on lots 1, 2, 4, 6, 8, 9 and 10 on the plan shall be no more than 5 metres above ground level.
5. The maximum rolling height above ground level (using the definition in the district plan as at 30 May 2005) of any building on lot 5 on the plan shall be no more than 6 metres.
6. The maximum rolling height above ground level (using the definition in the district plan as at the 30th of May 2005) of any building on lot 3 on the plan shall be:

- (i) No more than 6 metres if the structure or any part thereof is located above a topographical line that is 16 metres or more above mean high water springs; or
- (ii) No more than 8 metres if the structure or any part thereof is located below a topographical line that is 16 metres or more above mean high water springs.
7. Buildings are prohibited on lots 19, 20 and 21 on the plan.
8. The external cladding of all buildings constructed on all lots on the plan shall be in accordance with the management plan as approved for the subdivision evidenced by the plan such management plan being entitled "Omarino Residents Association Management Plan dated October 2007" ("the management plan").
9. The revegetation of those parts of lots 1 through 12, 14 through 17 and 19, 20, 21 and 25 on the plan that are outside of the curtilage areas of each of such lots such being
- that part of lot 1 on the plan as is shown marked with the letter "Z"
 - those parts of lot 2 on the plan as are shown marked with the letters "AA", "AV", "P", "Q" and "T"
 - that part of lot 3 on the plan as is shown marked with the letters "AB"
 - those parts of lot 4 on the plan as are shown marked with the letters "AC", "AK" and "AS"
 - that part of lot 5 on the plan as is shown marked with the letters "AP"
 - that part of lot 6 on the plan as is shown marked with the letters "AO"
 - that part of lot 7 on the plan as is shown marked with the letters "AD"
 - that part of lot 8 on the plan as is shown marked with the letters "AJ"
 - that part of lot 9 on the plan as is shown marked with the letters "AE"
 - that part of lot 10 on the plan as is shown marked with the letters "AF"
 - that part of lot 11 on the plan as is shown marked with the letters "AG"
 - that part of lot 12 on the plan as is shown marked with the letters "AI"
 - that part of lot 14 on the plan as is shown marked with the letters "BD"
 - that part of lot 15 on the plan as is shown marked with the letters "BA"
 - that part of lot 16 on the plan as is shown marked with the letters "BB"
 - that part of lot 17 on the plan as is shown marked with the letters "AQ"
 - that part of lot 25 on the plan as is shown marked with the letters "BC"
- shall be maintained in perpetuity.
10. All the archaeological sites ("the archaeological sites") located within Lots 1 through 12, 14 through 21 and 25 on the plan shall remain undisturbed.
11. Access to the heritage covenant areas being:
- (a) That part of lot 3 on the plan as is shown marked thereon with the letters "AL"; and
 - (b) That part of lot 10 on the plan as is shown marked thereon with the letter "E"
- and access to the archaeological sites and other waahi tapu shall be provided to members of Patukeha Hapu, Ngati Kuta Hapu, and other tangata whenua for the purposes of enabling tangata whenua to conduct their kaitiaki responsibilities provided always that:

- (i) Such access is to be on 48 hours notice to the Lot owner (or agent) and for such period and frequency to be agreed upon by the Lot owner (or agent) and tangata whenua, and that access to the archaeological sites be provided to tangata whenua on such terms as may be agreed between the Lot owner and tangata whenua following them having given 48 hours notice to the Lot owner;
 - (ii) Access shall be limited to the hours of daylight and the frequency of visits and the number of visitors (being tangata whenua) shall be such that they do not cause a nuisance or disturbance to the archaeological sites, other waahi tapu and heritage covenant areas or to the vegetation or improvements on the lots, or other activities;
 - (iii) The tangata whenua that visit the archaeological sites, other waahi tapu and heritage covenant areas shall ensure that the sites are protected and remain undisturbed with any other members of the public, being those that have not sought, or been provided with permission from the Lot owner, being trespassers in the context of this condition of consent; and
 - (iv) A lot owner shall not unreasonably withhold or decline consent and if there is any dispute as to the interpretation of this condition or as to the exercise by the Lot owner or tangata whenua of their respective entitlements or obligations under this condition then before the Lot owner may deny access to the sites or before members of the public visit the sites pursuant to this condition, the dispute shall be referred to the President of the Auckland District Law Society whose decision shall be binding on all parties.
12. The registered proprietors for the time being of the properties being lots 1 through 12, 14 through 17, 19, 20, 21 and 25 on the plan shall ensure that the approved landscaping planting for each lot is commenced within 12 months of the landscape plan being approved and is maintained for the duration of the consent with any plants that are removed or damaged to be replaced as soon as possible or within the next planting season (being 1 May to 30 September in each calendar year).
13. The registered proprietors for the time being of the properties being lots 1 through 12, 14 through 21 and 25 on the plan shall adhere to the management plan and ensure:
- (i) The ongoing management of the revegetation, archaeological, heritage utility and recreational areas shown on the plan;
 - (ii) Compliance with the design guidelines for buildings on the lots; and
 - (iii) All revegetation requirements of the revegetation plan approved by the Council applicable to each lot is undertaken.
14. The registered proprietors for the time being of the properties being lots 1 through 12 on the plan will not for the duration of the consent granted by Northland Regional Council under Consent No. CON20041055810 authorising the alterations to a jetty at Waipiro Bay at location co ordinates 1712030E 6098240N:

- (a) Erect, place, use or keep on any of such lots nor permit any other person or organisation of any kind to erect, place, use or keep on such lot any building, wharf, jetty, marina, boat ramp or facility associated with access to and across the coastal marine area boundary within a setback of 20 metres inland from the mean high water mark of each lot; and
- (b) Erect, place, use or keep on any of such lots nor permit any other person or organisation of any kind to erect, place, use or keep on such lot any building, wharf, jetty, marina, boat ramp or facility associated with access to and across and use of the coastal marine area which is 50 metres seaward of the mean high water springs boundary of their property.
15. The registered proprietors for the time being of the properties being lots 1 through 12, 14 through 21 and 25 on the plan shall in constructing any new buildings thereon adhere to the design guidelines as were outlined in the Assessment of Environmental Effects lodged with the application for the consent evidenced by the deposit of the plan (Council reference RC2050363) and the management plan.
16. No cats and no mustelids shall be kept on or brought onto any of the lots on the plan.
17. Unless authorised by a resource consent or by the district plan as a permitted activity buildings on each lot in the plan shall be restricted to:
- (i) One residential unit;
 - (ii) One caretaker's residential unit not more than 125m² in gross floor area;
 - (iii) One non-residential building; and
 - (iv) Water storage facilities
- with the combined size of any caretaker's unit and non-residential building not exceeding 50% of the residential unit's gross floor area.
18. The external appearance of all buildings constructed on lots 1 through 12, 14, 15, 16 and 25 on the plan shall be in accordance with the design details contained in the management plan and shall in the case of buildings on lots 17 and 18 on the plan be traditional cladding and colours.
19. All electricity, telecommunication and other utility services shall be laid underground.
20. All earthworks including those required to construct accessways to building sites shall be so designed to cause minimal impacts on the landscape and any exposed cuts shall be regrassed or planted in native vegetation.
21. The keeping of dogs on each lot is limited to a maximum of two per lot with all dogs to be:
- (i) Confined to the registered proprietors' curtilage area when in the company of that registered proprietor or their invitees, or otherwise enclosed in an escape proof enclosure; or
 - (ii) If outside the registered proprietors curtilage area then secured by way of a hand held leash.

22. The development of each buildable area on each lot is to proceed in accordance with the recommendations contained within the geotechnical report prepared by Tonkin & Taylor Limited dated September 2004 (Job No. 21778) and submitted with the application for consent such specifically requiring that a site specific geotechnical investigation be carried out for all of the proposed building platforms, accessways and effluent fields prior to any building consent application and earthworks commencing.
23. None of the non-residential ancillary buildings and water storage facilities on lots 1 through 12, 14 through 17 and 25 on the plan shall be used for residential purposes without the prior written consent of the Council and no cooking or food preparation facilities are to be installed in these non-residential buildings or water storage facilities.
24. No part of the recreation facility on lot 18 on the plan is to be used as a licensed restaurant/hotel/bar without further written consent from the Council.
25. Effluent disposal on each lot shall be allocated in accordance with the recommendations contained in the Richardson Stevens Consultants (1996) Limited report dated 28 September 2004 as submitted with the assessment of Environmental Effects lodged with the application for the consent evidenced by the deposit of the plan (Council reference RC2050363) with each effluent disposal field on lots 1 through 12, 17 and 18 on the plan to be located at least 30 metres from mean high water springs with the ongoing operation and maintenance of each system to be covered by a maintenance agreement undertaken by the system supplier or its authorised agent.
26. The registered proprietor(s) of each of the lots on the plan shall implement and continue to maintain and replant revegetation on each lot in terms of the relevant revegetation plan approved for each lot outside of the curtilage area including the first 20 metres landward of mean high water springs.
27. The registered proprietor(s) of each of the lots on the plan shall implement and continue to maintain and replant revegetation landscape planting as provided for in the management plan of all covenanted areas and maintain or repair any stock exclusion structures.
28. The registered proprietors for the time being of the properties being lots 1 through 12, 14 through 21 and 25 on the plan acknowledge the archaeological records affecting the lots and as detailed in the report prepared by Clough & Associates Limited dated September 2004 and acknowledge that:
 - (i) There is a prohibition on the destruction on any archaeological site such being in contravention of the New Zealand Historic Places Act 1983; and
 - (ii) There is a requirement to carry out an archaeological assessment prior to undertaking any earthworks near a recorded site.
29. All building platforms on lot 7 on the plan shall be located below the dominant ridgeline and no building consent will be granted for this lot until such time as a backdrop of native vegetation reaches 4 metres above ground height.
30. All buildings on lots 1 through 12, 14 through 16, 19 through 21 and 25 on the plan and any new buildings on lots 17 and 18 on the plan erected after June 2005 shall be located at least 30 metres landward of mean high water springs.

31. No construction of buildings or construction activity shall be located on any of the lots on the plan within 10 metres of the outer edge of any archaeological site protected by the NZ Historic Places Act 1993 in the absence of an authority to modify or destroy that site protected by the NZ Historic Places Act 1993.
32. The registered proprietors for the time being of the properties being lots 14, 15, 16 and 25 on the plan shall in constructing any buildings thereon adhere to the design guidelines outlined in the Assessment of Environmental Effects submitted with the application for the consent for the subdivision as evidenced by the plan, the draft management plan submitted to the Council on 30 May 2005 at the hearing of the application for consent, (which will include conditions that reflectivity will not exceed a maximum of 30%), and the management plan all as amended by:
 - (i) the details and plans submitted with resource consent application RC2070967 – RMAVAR; and
 - (ii) the details and plan submitted with the resource consent application RC2080375 – RMAVAR including the Section 127 application dated 14 March 2008 and the Omarino Management Plan (September 2007).
33. The maximum rolling height above ground level (as defined in the Council's district plan as at 30 May 2005) of each building on lots 14, 15, 16 and 25 shall be as follows:
 - (a) on lot 14 no more than 4.5 metres above ground level with a maximum RL of 83 metres ASL;
 - (b) on lot 15 no more than 5 metres above ground level providing that the eastern end of the buildable area a maximum RL of 122 metres ASL applies and for the remainder of the buildable area a maximum RL of 123 metres ASL applies;
 - (c) on lot 16 no more than 4.5 metres above ground level with a maximum RL of 118 metres ASL; and
 - (d) on lot 25 no more than 5 metres above ground levelwith these rolling heights being defined within the Omarino Property Architectural design guidelines (dated 2 October 2007).
34. No building shall be erected on lot 15 on the plan until such time as the proposed amenity tree planting as illustrated on Figure 5 of the Boffa Miskell folio drawing dated October 2007, or native screen planting backdrop/foreground to the south east and the south west of the proposed dwelling has achieved a height of RL 124.0m ASL with this planting to be maintained at a height of no less than this level.
35. Prior to any development occurring on lots 14, 15 and 16 on the plan a full assessment of visual and landscaping effects is to be undertaken by a qualified and experienced landscape architect as part of any future resource consent application to the Council such to include the provision of a landscape planting plan and specifications to be provided at the building resource consent stage

for approval by the Council. This is to include all areas within these allotments not covered by the actual building and accessways.

36. Effluent disposal on lots 14, 15, 16 and 25 on the plan shall be allocated in accordance with the recommendations contained in the Soil and Rock report dated 5 September 2007 as submitted in the Assessment of Environmental Effects (RC 2080375 RMAVAR) with each effluent disposal field on lots 14, 15, 16 and 25 to be located at least 30 metres from mean high water springs and with the ongoing operation and maintenance of each system to be covered by a maintenance agreement undertaken by the system supplier or its authorised agent.
37. The development of each buildable area on lots 14, 15, 16 and 25 on the plan is to proceed in accordance with the recommendations contained within the geotechnical report prepared by Soil and Rock Consultants entitled "Geotechnical Appraisal For Additional Development Sites Bentzen Farm, Te Awhi Awhi, Bay of Islands" and dated 5 November 2007 and specifically with a site-specific geotechnical investigation to be carried out for all of the proposed building platforms, accessways and effluent fields prior to the building consent application and earthworks commencing.

DATED at Kerikeri this 4th day of July 2008

SIGNED for FAR NORTH DISTRICT COUNCIL
pursuant to the authority of the Council given pursuant
to the Local Government Act 2002 and the Resource
Management Act 1991



Authorised Signatory



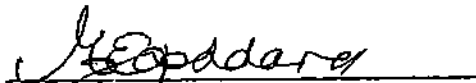
Bank of New Zealand

**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.)


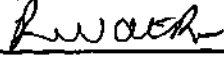
BANK OF NEW ZEALAND	Mortgagee under Mortgage No. 6633581.1
----------------------------	---

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 compiled with on a continuing basis 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 <u>ROBYN WATKIN</u> 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

Toitu te
Land whenua
Information
New Zealand



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, Manurewa Ave
Kaikōhe 0403, New Zealand
Telephone: 0800 920 029
Phone: (09) 405 2750
Fax: (09) 401 2187
Email: ask.us@fnct.govt.nz
Website: www.fnct.govt.nz

THE RESOURCE MANAGEMENT ACT 1991

SECTION 221 (3) VARIATION TO CONDITIONS OF CONSENT NOTICE

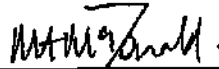
PURSUANT to section 221 (3) of the Resource Management Act 1991, the **FAR NORTH DISTRICT COUNCIL** hereby consents to the variation of Consent Notice 7907807.2 insofar as it affects Lot 2 DP 391213.

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 each being
- that part of lot 1 on the plan as is shown marked with the letter "Z"
 - those parts of lot 2 on the plan as are shown marked with the letters "AA", "AV", "P", "Q" and "T"
 - that part of lot 3 on the plan as is shown marked with the letters "AB"
 - those parts of lot 4 on the plan as are shown marked with the letters "AC", "AK" and "AS"
 - that part of lot 5 on the plan as is shown marked with the letters "AP"
 - that part of lot 6 on the plan as is shown marked with the letters "AO"
 - that part of lot 7 on the plan as is shown marked with the letters "AD"
 - that part of lot 8 on the plan as is shown marked with the letters "AJ"
 - that part of lot 9 on the plan as is shown marked with the letters "AE"
 - that part of lot 10 on the plan as is shown marked with the letters "AF"
 - that part of lot 11 on the plan as is shown marked with the letters "AG"
 - that part of lot 12 on the plan as is shown marked with the letters "AI"
 - that part of lot 14 on the plan as is shown marked with the letters "BD"
 - that part of lot 15 on the plan as is shown marked with the letters "BA"
 - that part of lot 16 on the plan as is shown marked with the letters "BB"
 - that part of lot 17 on the plan as is shown marked with the letters "AQ"
 - that part of lot 25 on the plan as is shown marked with the letters "BC"
- shall be maintained in perpetuity except as shown on the amended plans (reference RC 0-03, RC 2-04, RC 2-05, RC 8-02 and RC 8-03 all dated 05/10/2010 and approved by Far North District Council in RC 2110147 to allow the construction of the water tanks and access track on Lot 2.

13. The registered proprietors for the time being of the properties being lots 1 through 12, 14 through 21 and 25 on the plan shall adhere to the management plan and ensure:
- (i) The ongoing management of the revegetation, archaeological, heritage utility and recreational areas shown on the plan;
 - (ii) Compliance with the design guidelines for buildings on the lots except as shown on the amended plans (reference RC 0-03, RC 2-04, RC 2-05, RC 8-02 and RC 8-03 all dated 05/10/2010 and approved by Far North District Council in RC 2110147 to allow the construction of the water tanks and access track on Lot 2; and
 - (iii) All revegetation requirements of the revegetation plan approved by the Council applicable to each lot is undertaken.
15. The registered proprietors for the time being of the properties being lots 1 through 12, 14 through 21 and 25 on the plan shall in constructing any new buildings thereon adhere to the design guidelines as were outlined in the Assessment of Environmental Effects lodged with the application for the consent evidenced by the deposit of the plan (Council reference RC2050363) and the management plan except as shown on the amended plans (reference RC 0-03, RC 2-04, RC 2-05, RC 8-02 and RC 8-03 all dated 05/10/2010 submitted to Far North District Council to allow the construction of the water tanks and access track on Lot 2.

SIGNED:



Mr Murray McDonald

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



EI 7907807.4 Easement 1

Copy - 01/01, Pgs - 008, 14/08/08, 11:26



Grantor

Surname(s) i.

BENTZEN FARM LIMITED

Grantee

Surname(s) must be underlined or in CAPITALS.

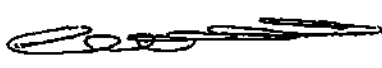
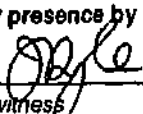
TELECOM NEW ZEALAND LIMITED

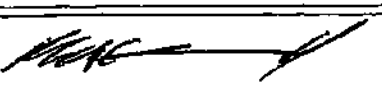

Grant* of easement or profit à prendre or creation of covenant

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).

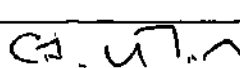
Dated this 4 day of August 2008

Attestation

 DIRECTOR	Signed in my presence by the Grantor  Signature of witness
	Witness to complete in BLOCK letters (unless legibly printed) Witness name HANLEY PYLE Occupation ACCOUNTANT Address AUCKLAND
Signature [common seal] of Grantor	

 Signature [common seal] of Grantee	Signed in my presence by the Grantee  Signature of witness
	Witness to complete in BLOCK letters (unless legibly printed) Witness name Occupation Chryeandy Lei Acquisition Project Manager Address Wellington

Certified correct for the purposes of the Land Transfer Act 1952.



[Solicitor for] the Grantee

*If the consent of any person is required for the grant, the specified consent form must be used.

REF: 7009 - AUCKLAND DISTRICT LAW SOCIETY



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~~ ~~negated~~ ~~added to~~ or ~~substituted~~ by:

~~{Memorandum number _____, registered under section 155A of the Land Transfer Act 1952}~~

~~{the provisions set out in Annexure Schedule 2}.~~

Covenant provisions

*Delete phrases in [] and insert memorandum number as required.
Continue in additional Annexure Schedule if required.*

The provisions applying to the specified covenants are those set out in:

~~{Memorandum number _____, registered under section 155A of the Land Transfer Act 1952}~~

~~{Annexure Schedule 2}.~~

All signing parties and either their witnesses or solicitors must sign or initial in this box

Annexure Schedule



Insert type of instrument
"Mortgage", "Transfer", "Lease" etc

Easement

Dated

Page 2 of 3 Pages

(Continue in additional Annexure Schedule, if required.)

Schedule A (continued)

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 "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** and **Craig Ritchie Bonnington**
Security & Property Risk Manager **Property Support Analyst**
Telecom New Zealand Limited

hereby severally certify:

1. That by a Power of Attorney dated 2 July 2001 ("the Power of Attorney") we were, by virtue of being Authorised Signing Officers, appointed jointly as attorneys of Telecom New Zealand Limited ("Telecom") on the terms and subject to the conditions set out in the Power of Attorney.

2. That copies of the Power of Attorney are deposited in the Land Titles Offices at:

Auckland	as No. D.627839.1	Gisborne	as No. 234465.1	New Plymouth	as No. 481759.1
Christchurch	as No. 5074754.1	Hamilton	as No. B.674932.1	Wellington	as No. 5074486.1
Dunedin	as No. 5074473.1	Napier	as No. 719487.1		

3. That we executed the instrument(s) to which this certificate relates under the powers conferred by the Power of Attorney.

4. That at the date hereof we have no received any notice or information of the revocation of that appointment by the commencement of liquidation of Telecom or otherwise.

SIGNED at Wellington
this 4th day of **Aug** 2008

SIGNED at Wellington
this 4 day of **AUG** 2008

If this Annexure Schedule is used as an expansion of an instrument, all signing parties and either their witnesses or solicitors must sign or initial in this box.



Bank of New Zealand

**CERTIFICATE OF NON-REVOCATION
OF POWER OF ATTORNEY**

I, **Desley Osborne**, **Quality Assurance Officer of Auckland, New Zealand, Bank Officer**, certify:

1. That by deed dated 12 July 2005, Bank of New Zealand, of Level 14, BNZ Tower, 125 Queen Street, Auckland, New Zealand, appointed me its attorney.
2. A copy of the deed is deposited in the North Auckland registration district of Land Information New Zealand as dealing No. 6508607.1
3. That I have not received notice of any event revoking the power of attorney.

SIGNED at Auckland 06 August 2008

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

<p>SIGNED for and on behalf of BANK OF NEW ZEALAND by its Attorney: <u>Desley Osborne</u></p>	Signed in my presence by the Consentor
	Signature of Witness Witness to complete in BLOCK letters (unless legibly printed) Witness name <u>ROBYN WAINWRIGHT</u> 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

EI 7907807.5 Easement 1

Land registration district

NORTH AUCKLAND



Copy - 01/01, Page - 010, 14/08/08, 14:52



DocID: 813100186

Grantor

Surname(s) must be underlined or in CAPITALS.

BENTZEN FARM LIMITED

Grantee

Surname(s) must be underlined or in CAPITALS.

TOP ENERGY LIMITED

Grant* of easement or profit à prendre or creation of covenant

The Grantor, being the registered proprietor of the servient tenement(s) set out in Schedule A, grants to the Grantee (and, if so stated, in gross) the easement(s) or profit(s) à prendre set out in Schedule A, or creates the covenant(s) set out in Schedule A, with the rights and powers or provisions set out in the Annexure Schedule(s).

Dated this **24** day of **June** **2008**

Attestation

	Signed in my presence by the Grantor
	Signature of witness Witness to complete in BLOCK letters (unless legibly printed) Witness name Occupation Address
Signature [common seal] of Grantor	GRAEME J MATHIAS SOLICITOR WHANGAREI

	Signed 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 <i>Steven Keith Royer Ghery</i>	KENW HUGH QUICKEAD ACCOUNTANT KERSKERE

Certified correct for the purposes of the Land Transfer Act 1952.

[Solicitor for] the Grantee

*If the consent of any person is required for the grant, the specified consent form must be used.



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~~ ~~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

[Handwritten signatures and initials]

Annexure Schedule



Insert type of instrument
"Mortgage", "Transfer", "Lease" etc

Easement

Dated

Page **2** of **6** Pages

(Continue in additional Annexure Schedule, if required.)

Schedule A (continued)

<i>Purpose (nature and extent) of easement, profit, or covenant</i>	<i>Shown (plan reference)</i>	<i>Servient tenement (Identifier/CT)</i>	<i>Dominant Tenement (Identifier/CT or in gross)</i>
Right to Convey Electricity	Marked "F" and "AU" on Deposited Plan 391213	Lot 10 DP 391213 CT 371330	In gross
	Marked "G" on Deposited Plan 391213	Lot 8 DP 391213 CT 371328	In gross
	Marked "H" and "W" on Deposited Plan 391213	Lot 1 DP 391213 CT 381321	In gross
	Marked "K" on Deposited Plan 391213	Lot 17 DP 391213 CT 423437	In gross
	Marked "AM" and "AN" on Deposited Plan 391213	Lot 6 DP 391213 CT 371326	In gross
	Marked "S" on Deposited Plan 391213	Lot 12 DP 391213 CT 371332	In gross
	Lot 18 DP 391213	Lot 18 DP 391213	In gross
Marked "X" on DP 391213	Lot 3 DP 391213 CT NA371323	In gross	

If this Annexure Schedule is used as an expansion of an Instrument, all signing parties and either their witnesses or solicitors must sign or initial in this box.

[Handwritten signatures and initials]

Annexure Schedule



Insert type of instrument
"Mortgage", "Transfer", "Lease" etc

Easement

Dated

Page 3 of 6 Pages

(Continue in additional Annexure Schedule, if required.)

Annexure Schedule 2

1. Interpretation

1.1 In this instrument, unless the context otherwise requires:

- (a) "Easement Area" means those parts of the Servient Land marked on Deposited Plan 391213 with the letters "A", "B", "C", "D", "F", "G", "H", "I", "J", "K", "O", "P", "Q", "R", "S", "T", "W", "AK", "AM", "AN", "AR", "AT", "AU", "AY", "X" and Lot 18 on Deposited Plan 391213;
- (b) "Servient Land" means the land owned by the Grantor and contained in Certificates of Title 371321, 371322, 371323, 371324, 371325, 371326, 371327, 371328, 371329, 371330, 371331, 371332, 382667, 423436, 411669, 423437 and 411670;
- (c) "Transmission Line" means underground wires or conductors of any other kind (including fibre optic or coaxial cables) used or intended to be used for the transmission of electricity and/or telecommunication signals, waves or impulses; and includes any insulators, foundations, casings, tubes, tunnels, minor fixtures and other items, equipment or material used or intended to be used for supporting, securing, enclosing, surrounding and protecting a Transmission Line; and also includes any fuses, fuse holders, automatic switches, voltage regulators, capacitors or other instruments, apparatus or devices used in association with a Transmission Line; and anything in replacement or substitution of any of the foregoing;
- (d) words importing the singular include the plural and vice versa; and
- (e) references to the Grantor and Grantee include their respective heirs, executors, administrators, successors and assigns.

2. Grant of electricity easement

2.1 The Grantor grants to the Grantee as an easement in gross an electricity transmission easement over the Easement Area with the following rights and powers:

- (a) to convey, send, transmit and transport electricity and telecommunications signals, waves or impulses, without interruption or impediment and in any quantity by means of the Transmission Line;
- (b) to survey, investigate, lay, install and construct the Transmission Line under the Easement Area, at a depth and along a line determined by the Grantee;
- (c) to inspect, operate, use, maintain, repair, renew, upgrade, replace, change the size of and remove, the Transmission Line;

If this Annexure Schedule is used as an expansion of an instrument, all signing parties and either their witnesses or solicitors must sign or initial in this box.

Annexure Schedule



Insert type of instrument
"Mortgage", "Transfer", "Lease" etc

Easement

Dated

Page 4 of 6 Pages

(Continue in additional Annexure Schedule, if required.)

- (d) with the Grantee's agents, contractors and employees, and with any vehicles, equipment, tools and materials, to enter and remain for a reasonable time on the Servient Land for any purposes necessary or convenient for the Grantee to exercise its rights under this instrument (including the right to extinguish fires);
 - (e) to construct on the Servient Land whatever roads, tracks, access ways, fences, gates and other works are deemed necessary by the Grantee for it to exercise its rights under this instrument and which are approved by the Grantor (that approval not to be unreasonably withheld);
 - (f) to keep the Easement Area cleared of all buildings and structures by any means the Grantee considers necessary;
 - (g) to keep the Easement Area cleared of all fences, trees and vegetation by any means the Grantee considers necessary where such items:
 - (i) breach any statutory or regulatory requirements or standards or codes of practice or otherwise breach generally accepted engineering standards as to the minimum clearance of the Transmission Line;
 - (ii) impede the exercise by the Grantee of its rights under this instrument or the Grantee's access over the Servient Land or the Easement Area or to the Transmission Line; or
 - (iii) inhibit the safe and efficient operation of the Transmission Line; and
 - (h) to extend the transmission line beyond the boundaries of the easement area to such other properties as the Grantee considers appropriate to enable exercise of the same rights and powers through such additional properties as are hereby granted to the Grantee.
- 2.2 The Grantee has no obligation to construct the Transmission Line or convey electricity through it continuously or at all.
- 3 Ownership of the Transmission Line**
- The Transmission Line will at all times remain the property of the Grantee.
- 4 Restrictions on Grantee's use**
- 4.1 The Grantee must, in exercising its rights under this instrument, cause as little disturbance as is reasonably possible to the Grantor, the Servient Land and the Grantor's stock and other property and must ensure that, where applicable, all gates on the Servient Land are left as the Grantee finds them.
- 4.2 The Grantee must restore any part of the surface of the Servient Land, that is affected by the Grantee exercising any of its rights under this instrument to a condition equivalent, as far as reasonably practicable, to that existing before the Grantee exercised those rights.

If this Annexure Schedule is used as an expansion of an instrument, all signing parties and either their witnesses or solicitors must sign or initial in this box.

Annexure Schedule



Insert type of instrument
"Mortgage", "Transfer", "Lease" etc

Easement

Dated

Page 5 of 6 Pages

(Continue in additional Annexure Schedule, if required.)

5 Grantor's Continued Use of Servient Land

Subject to clause 6, the Grantor may use the Servient Land as long as that use does not unreasonably interfere with the enjoyment of the Grantee's rights and interests granted under this instrument.

6 Restrictions on Grantor's use

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

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

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

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

6.4 If any act or item consented to under clause 6.2 or 6.3 subsequently results in a situation described in clause 2.1 (g)(i) - (iii), then such consent may be revoked by the Grantee without compensation.

If this Annexure Schedule is used as an expansion of an Instrument, all signing parties and either their witnesses or solicitors must sign or initial in this box.

Annexure Schedule



Insert type of instrument
"Mortgage", "Transfer", "Lease" etc

Easement

Dated

Page 6 of 6 Pages

(Continue in additional Annexure Schedule, if required.)

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



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 black ink that reads "Desley Osborne".

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

SIGNED for and on behalf of
BANK OF NEW ZEALAND
by its Attorney:
Desley Osborne
Desley Osborne

Signed in my presence by the Consentor

R Watkin

Signature of Witness

Witness to complete in BLOCK letters (unless legibly printed)

Witness name

ROBYN WATKIN

Occupation

BANK OFFICER
AUCKLAND

Address

BANK OFFICER

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.

CERTIFICATE OF NON-REVOCATION OF POWER OF ATTORNEY

I, ROGER GHEURY DE BRAY of Opuā, 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

EI 7907807.8 Easement I

Cpy - 01/01, Pgs - 010, 14/08/08, 14:58



DocID: 313165952

Land registration district

NORTH AUCKLAND

Grantor

Surname(s) must

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 GRAEME J MATHIAS Occupation 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 GRAEME J MATHIAS Occupation 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.



Easement instrument

Dated

[]

Page

1

of

5

pages

Schedule A

(Continue in additional Annexure Schedule if required.)

Purpose (nature and extent) of easement, profit, or covenant	Shown (plan reference)	Servient tenement (Identifier/CT)	Dominant tenement (Identifier/CT or in gross)
Rights of Walkway and Riding	Marked "A" on Deposited Plan 391213	Lot 5 DP 391213	Lots 1 to 4, 6 to 12, 14 to 21 and 25 DP 391213
	Marked "B" on Deposited Plan 391213	Lot 4 DP 391213	Lots 1, 2, 3, 5 to 12, 14 to 21 and 25 DP 391213
	Marked "C" on Deposited Plan 391213	Lot 2 DP 391213	Lots 1, 3 to 12, 14 to 21 and 25 DP 391213
	Marked "D" on Deposited Plan 391213	Lot 9 DP 391213	Lots 1 to 8, 10 to 12, 14 to 21 and 25 DP 391213
	Marked "F" on Deposited Plan 391213	Lot 10 DP 391213	Lots 1 to 9, 11, 12, 14 to 21 and 25 DP 391213

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

*Delete phrases in [] and insert memorandum number as required.
 Continue in additional Annexure Schedule if required.*

Unless otherwise provided below, the rights and powers implied in specific classes of easement are those prescribed by the Land Transfer Regulations 2002 and/or the Fifth Schedule of the Property Law Act 2007.

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

~~Memorandum number _____, registered under section 155A of the Land Transfer Act 1952.~~

[the provisions set out in Annexure Schedule 2].

Covenant provisions

*Delete phrases in [] and insert memorandum number as required.
 Continue in additional Annexure Schedule if required.*

The provisions applying to the specified covenants are those set out in:

~~Memorandum number _____, registered under section 155A of the Land Transfer Act 1952.~~

[Annexure Schedule 2].

All signing parties and either their witnesses or solicitors must sign or initial in this box

(Signature) (Signature)



Insert type of instrument
 "Mortgage", "Transfer", "Lease" etc

Easement

Dated _____

Page 2 of 5 Pages

(Continue in additional Annexure Schedule, if required.)

Schedule A (continued)

<i>Purpose (nature and extent) of easement, profit, or covenant</i>	<i>Shown (plan reference)</i>	<i>Servient tenement (Identifier/CT)</i>	<i>Dominant Tenement (Identifier/CT or in gross)</i>
Rights of Walkway and Riding	Marked "G" on Deposited Plan 391213	Lot 8 DP 391213	Lots 1 to 7, 9 to 12, 14 to 21 and 25 DP 391213
	Marked "H" and "L" on Deposited Plan 391213	Lot 1 DP 391213	Lots 2 to 12, 14 to 21 and 25 DP 391213
	Marked "M" on Deposited Plan 391213	Lot 2 DP 391213	Lots 1, 3 to 12, 14 to 21 and 25 DP 391213
	Marked "N" on Deposited Plan 391213	Lot 16 DP 391213	Lots 1 to 12, 14, 15, 17 to 21 and 25 DP 391213
	Marked "R" on Deposited Plan 391213	Lot 9 DP 391213	Lots 1 to 8, 10 to 12, 14 to 21 and 25 DP 391213
	Marked "S" on Deposited Plan 391213	Lot 12 DP 391213	Lots 1 to 11, 14 to 21 and 25 DP 391213
	Marked "AX" on Deposited Plan 391213	Lot 11 DP 391213	Lots 1 to 10, 12, 14 to 21 and 25 DP 391213
	Marked "U" on Deposited Plan 391213	Lot 9 DP 391213	Lots 1 to 8, 10 to 12, 14 to 21 and 25 DP 391213
	Marked "V" on Deposited Plan 391213	Lot 5 DP 391213	Lots 1 to 4, 6 to 12, 14 to 21 and 25 DP 391213
	Marked "AH" on Deposited Plan 391213	Lot 11 DP 391213	Lots 1 to 10, 14 to 21 and 25 DP 391213
Marked "BE" on Deposited Plan 391213	Lot 15 DP 391213	Lots 1 to 12, 14, 16 to 21 and 25 DP 391213	
Marked "BF" on Deposited Plan 391213	Lot 16 DP 391213	Lots 1 to 12, 14, 15, 17 to 21 and 25 DP 391213	

If this Annexure Schedule is used as an expansion of an instrument, all signing parties and either their witnesses or solicitors must sign or initial in this box.

GM

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.

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.

CGM

Annexure Schedule



Insert type of instrument
"Mortgage", "Transfer", "Lease" etc

Easement

Dated

Page 5 of 5 Pages

(Continue in additional Annexure Schedule, if required.)

4. MAINTENANCE

The Grantor and the Grantee shall equally be responsible for arranging the repair and maintenance of the Easement Area, and for the associated costs, so as to keep the Easement Area in good order and to prevent it from becoming a danger or nuisance. Notwithstanding this the Grantor or Grantee must promptly carry out at that party's sole cost any repair and maintenance of the Easement Area that is attributable solely to an act or omission by that party provided that if the repair and maintenance is only partly attributable to an act or omission of the Grantor or Grantee such party shall only be responsible for the portion of the costs of the repair and maintenance that is attributable to that act or omission.

5. NO POWER TO TERMINATE

There is no power for the Grantor to terminate the easement rights granted under this easement instrument in the event of any breach of any terms of this instrument or for any other reason.

6. USE OF EASEMENT AREA AT THE RISK OF THE GRANTEE

Any exercise of the easement of right of way by the Grantee is at the risk in all things of the Grantee and in such exercise the Grantee indemnifies the Grantor and the Association from any loss or damage of whatsoever nature and howsoever caused to or by the Grantee.

7. DISPUTES

If any dispute arises between the Grantor and the Grantee about the interpretation of this instrument or the parties rights and obligations under this instrument which cannot be resolved by negotiation the parties will submit the dispute for resolution to the board of directors of the Association whose decision will be final.

8. GENERAL RIGHTS AND POWERS

Save as for provided herein the rights and powers implied in all classes of easements as set out in paragraphs 10 through 14 of Schedule 4 to the Land Transfer Regulations 2002 shall apply to the easements created by this instrument.

If this Annexure Schedule is used as an expansion of an instrument, all signing parties and either their witnesses or solicitors must sign or initial in this box.

Gm



Bank of New Zealand

**CERTIFICATE OF NON-REVOCATION
OF POWER OF ATTORNEY**

I, **Desley Osborne**, **Quality Assurance Officer of Auckland, New Zealand, Bank Officer**, certify:

1. That by deed dated 12 July 2005, Bank of New Zealand, of Level 14, BNZ Tower, 125 Queen Street, Auckland, New Zealand, appointed me its attorney.
2. A copy of the deed is deposited in the North Auckland registration district of Land Information New Zealand as dealing No. 6508607.1
3. That I have not received notice of any event revoking the power of attorney.

SIGNED at Auckland 06 August 2008

Desley Osborne

Annexure Schedule - Consent Form

Land Transfer Act 1952 section 238(2)



Insert type of instrument
"Caveat", "Mortgage" etc

Mortgage

Page **1** of **1** pages

Consentor

Surname must be underlined or in CAPITALS

Capacity and Interest of Consentor

(eg. Caveator under Caveat no./Mortgagee under Mortgage no.)

BANK OF NEW ZEALAND

Mortgagee under Mortgage No. 6633581.1

Consent

Delete Land Transfer Act 1952, if inapplicable, and insert name and date of application Act.

Delete words in [] if inconsistent with the consent.

State full details of the matter for which consent is required.

Pursuant to [section 238(2) of the Land Transfer Act 1952]

[section _____ of the _____ Act _____]

[Without prejudice to the rights and powers existing under the interest of the Consentor]

the Consentor hereby consents to:

The easement of rights of walkway and riding throughout the subdivision in the form of the instrument attached

Dated this 6th day of August 2008

Attestation

SIGNED for and on behalf of
BANK OF NEW ZEALAND
by its Attorney: Desley Osborne

Signed in my presence by the Consentor

Robyn Watkin
Signature of Witness

Witness to complete in BLOCK letters (unless legibly printed)

Witness name **ROBYN WATKIN**

Occupation

Address **BANK OFFICE
AUCKLAND**

Signature of Consentor

An Annexure Schedule in this form may be attached to the relevant instrument, where consent is required to enable registration under the Land Transfer Act 1952, or other enactments, under which no form is prescribed.



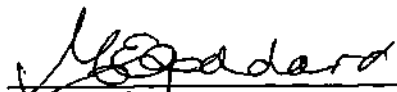
Bank of New Zealand

**CERTIFICATE OF NON-REVOCATION
OF POWER OF ATTORNEY**

I, **Mary Goddard**, **Quality Assurance Officer of Auckland, New Zealand, Bank Officer**, certify:

1. That by deed dated 12 July 2005, Bank of New Zealand, of Level 14, BNZ Tower, 125 Queen Street, Auckland, New Zealand, appointed me its attorney.
2. A copy of the deed is deposited in the North Auckland registration district of Land Information New Zealand as dealing No. 6508607.1
3. That I have not received notice of any event revoking the power of attorney.

SIGNED at Auckland 11 August 2008



Mary Goddard

Annexure Schedule - Consent Form

Land Transfer Act 1952 section 238(2)



Insert type of instrument
"Caveat", "Mortgage" etc

Mortgage

Page 1 of 1 pages

Consentor
Surname must be underlined or in CAPITALS

Capacity and Interest of Consentor
(eg. Caveator under Caveat no./Mortgagee under Mortgage no.)

BANK OF NEW ZEALAND	Mortgagee under Mortgage No. 6633581.1
---------------------	--

Consent
Delete Land Transfer Act 1952, if inapplicable, and insert name and date of application Act.
Delete words in [] if inconsistent with the consent.
State full details of the matter for which consent is required.

Pursuant to [section 238(2) of the Land Transfer Act 1952]

[section _____ of the _____ Act _____]

[Without prejudice to the rights and powers existing under the Interest of the Consentor]

the Consentor hereby consents to:

The easement of rights of walkway and riding throughout the subdivision in the form of the instrument attached

Dated this 11 day of August 2008

Attestation

<p>SIGNED for and on behalf of BANK OF NEW ZEALAND by its Attorney <u>Mary Goddard</u></p>	<p>Signed in my presence by the Consentor <u>[Signature]</u></p> <p>Signature of Witness</p> <p>Witness to complete in BLOCK letters (unless legibly printed)</p> <p>Witness name <u>ROBYN WALKER</u></p> <p>Occupation BANK OFFICER</p> <p>Address AUCKLAND</p>
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 7907807.9 Easement I

Copy - 01/01, Page - 006, 14/08/08, 16:11



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 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 **28** day of **August** 200**8**

Attestation

	Signed in my presence by the Grantor
	<i>[Signature]</i>
Signature [common seal] of Grantor	Signature of witness
	Witness to complete in BLOCK letters (unless legibly printed)
	Witness name
	Occupation
	Address
	GRAEME J MATHIAS SOLICITOR WHANGAREI

	Signed in my presence by the Grantee
	<i>[Signature]</i>
Signature [common seal] of Grantee	Signature of witness
	Witness to complete in BLOCK letters (unless legibly printed)
	Witness name
	Occupation
	Address
	GRAEME J MATHIAS SOLICITOR WHANGAREI

Certified correct for the purposes of the Land Transfer Act 1952.

[Signature]

[Solicitor for] the Grantee

*If the consent of any person is required for the grant, the specified consent form must be used.

Annexure Schedule 1



Easement instrument

Dated

[]

Page

1

of

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

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

C7M [Signature]

Annexure Schedule



Insert type of instrument
 "Mortgage", "Transfer", "Lease" etc

Easement

Dated _____

Page 2 of 3 Pages

(Continue in additional Annexure Schedule, if required.)

Schedule A (continued)

<i>Purpose (nature and extent) of easement, profit, or covenant</i>	<i>Shown (plan reference)</i>	<i>Servient tenement (Identifier/CT)</i>	<i>Dominant Tenement (Identifier/CT or in gross)</i>
Right of Way Right to Convey Electricity Right to Convey Telecommunications and Computer Media	Marked "F" on Deposited Plan 391213	Lot 10 DP 391213 – CT 371330	Lots 11, 12 and 14 DP 391213 – CT 371331, 371332 and 382667
	Marked "G" on Deposited Plan 391213	Lot 8 DP 391213 – CT 381328	Lot 7 DP 391213 – CT 371327
	Marked "K" on Deposited Plan 391213	Lot 17 DP 391213 – CT 423437	Lots 1 to 12, 14 to 16, 18,19, 20, 21 and 25 DP 391213 – CT 371321 – 371332, 382667, 423436, 411669, 411670 and 423437
	Marked "S" on Deposited Plan 391213	Lot 12 DP 391213 – CT 371332	Lot 14 DP 391213 – CT 382667
	Marked "R" on Deposited Plan 391213	Lot 9 DP 391213 – CT 371329	Lot 14 DP 391213 – CT 382667
	Marked "BE" on Deposited Plan 391213	Lot 15 DP 391213 – CT 423436	Lot 16 DP 391213 – CT 411669
	Marked "BF" and "BG" on Deposited Plan 391213	Lot 16 DP 391213 – CT 411669	Lot 15 DP 391213 – CT 423436
Marked "V" on Deposited Plan 391213	Lot 5 DP 391213 – CT 371325	Lots 15 and 16 DP 391213 – CT 423436 and CT 411669	

If this Annexure Schedule is used as an expansion of an instrument, all signing parties and either their witnesses or solicitors must sign or initial in this box.

[Handwritten signature]

Annexure Schedule



Insert type of instrument
"Mortgage", "Transfer", "Lease" etc

Easement

Dated

Page

3

of

3

Pages

(Continue in additional Annexure Schedule, if required.)

ANNEXURE SCHEDULE 2

RESTRICTION ON EXERCISE OF RIGHTS

Limitation of Grantee's rights: Any use of the easements of right of way marked "A", "B", "C", "D", "F", "G", "K", "S", "R", "BE", "BF", "BG" and "V" on Deposited Plan 391213 must be exercised

- (i) Reasonably;
- (ii) Strictly in accordance with the Grantee's obligations under the Management Plan approved by the Far North District Council entitled "Ōmarino Management Plan October 2007" governing the subdivision evidenced by DP 391213 together with any amendments or variations of such plan from time to time as approved by the Far North District Council;
- (iii) Strictly in accordance with the Rules of the Ōmarino Residents Association Incorporated;
- (iv) In such a manner that no damage is caused to the easement area;
- (v) In such a manner so as not to cause or permit any act or thing to be done which will interfere with the appearance of the easement area;
- (vi) In such a manner not to cause any danger or risk to other users of the easement area;
- (vii) In such a manner so that as little disturbance as possible is caused to the use and enjoyment of the easement area by other persons entitled to use the easement area as well as the Grantor and their invitees and adjacent land owners and their invitees; and
- (viii) Without depositing or leaving on the easement area any contaminant, effluent, item of refuse or any litter or any other substance of any nature.
- (ix) In accordance with such speed restrictions as might be imposed from time to time by the Ōmarino Residents Association Incorporated but in any event at a speed no greater than 10 kilometres per hour in respect of a bike or motor bike or 30 kilometres per hour in respect of any other vehicle.

Exercise of the Use of the Easement of Right of Way at the Risk of the Grantee: Any use of the easement of right of way by the Grantee is at the risk in all things of the Grantee and in such use the Grantee indemnifies the Grantor and the Ōmarino Residents Association Incorporated from any loss, damage of whatsoever nature and howsoever caused.

If this Annexure Schedule is used as an expansion of an instrument, all signing parties and either their witnesses or solicitors must sign or initial in this box.

C7m



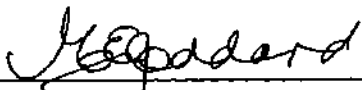
Bank of New Zealand

**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. 2007/6225

Easement instrument to grant easement or profit à prendre, or E1 7907807.12 Easement
Sections 90A and 90F, Land Transfer Act 1952

E1 Copy - 01/01, Page - 000, 14/08/08, 16:13

Land registration district

NORTH AUCKLAND



DocID: 313168907
DocID: 313168908

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 <u>CA. Mathias</u>
	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 <u>CA. Mathias</u>
	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.

CA. Mathias

[Solicitor for] the Grantee

*If the consent of any person is required for the grant, the specified consent form must be used.

Approved by Registrar-General of Land under No. 2007/6225
Annexure Schedule 1



Easement Instrument

Dated

[]

Page

1

of

3

pages

Schedule A

(Continue in additional Annexure Schedule if required.)

Purpose (nature and extent) of easement, profit, or covenant	Shown (plan reference)	Servient tenement (Identifier/CT)	Dominant tenement (Identifier/CT or In gross)
Inspection and Maintenance Work Easement	Refer to Definition of Easement Areas in Annexure Schedule 2	NA371321, NA371322, NA371323, NA371324, NA371325, NA371326, NA371327, NA371328, NA371329, NA371330, NA371331, NA371332, NA382667, NA423436, NA411669, NA423437 and NA411670	In Gross

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

Delete phrases in [] and insert memorandum number as required.
 Continue in additional Annexure Schedule if required.

Unless otherwise provided below, the rights and powers implied in specific classes of easement are those prescribed by the Land Transfer Regulations 2002 and/or the Fifth Schedule of the Property Law Act 2007.

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

~~{Memorandum number _____, registered under section 155A of the Land Transfer Act 1952},~~

~~{the provisions set out in Annexure Schedule 2}.~~

Covenant provisions

Delete phrases in [] and insert memorandum number as required.
 Continue in additional Annexure Schedule if required.

The provisions applying to the specified covenants are those set out in:

~~{Memorandum number _____, registered under section 155A of the Land Transfer Act 1952},~~

~~{Annexure Schedule 2}.~~

All signing parties and either their witnesses or solicitors must sign or initial in this box

Annexure Schedule



Insert type of instrument
"Mortgage", "Transfer", "Lease" etc

Easement

Dated

Page 2 of 3 Pages

(Continue in additional Annexure Schedule, if required.)

ANNEXURE SCHEDULE 2

1. Definitions in this instrument unless the context indicates otherwise:

"Council" means the Far North District Council.

"Easement Areas" means the servient tenements excluding those parts of lots 1 through 12, 14, 15, 16, 17 and 25 on the plan as are shown marked on the plan:

- (i) in the case of lot 1 with the letter "Z";
- (ii) in the case of lot 2 with the letters "AA", "AV", "P", "Q" and "T";
- (iii) in the case of lot 3 with the letters "AB";
- (iv) in the case of lot 4 with the letters "AC", "AK" and "AS";
- (v) in the case of lot 5 with the letters "AP";
- (vi) in the case of lot 6 with the letters "AO";
- (vii) in the case of lot 7 with the letters "AD";
- (viii) in the case of lot 8 with the letters "AJ";
- (ix) in the case of lot 9 with the letters "AE";
- (x) in the case of lot 10 with the letters "AF";
- (xi) in the case of lot 11 with the letters "AG";
- (xii) in the case of lot 12 with the letters "AI";
- (xiii) in the case of lot 14 with the letters "BD";
- (xiv) in the case of lot 15 with the letters "BA";
- (xv) in the case of lot 16 with the letters "BB";
- (xvi) in the case of lot 17 with the letters "AQ"; and
- (xvii) in the case of lot 25 with the letters "BC".

"Inspection and Maintenance Work" means any work associated with inspection and the maintenance work of the Easement Areas to meet the obligations of the Grantor and the registered proprietors of the servient tenements in terms of the management plan and the conditions of the consent granted by the Council authorising the subdivision as evidenced by the plan such being recorded under resource consent number RMA 2070967, 2050363 and 2080375.

"Management Plan" means the management plan approved by the Council as a condition of its grant of consent for the subdivision evidenced by DP 391213 such being at the date of this easement instrument the management plan entitled "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.



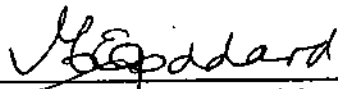
Bank of New Zealand

**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



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

Signed In my presence by the Consentor

Signature of Witness

Witness to complete in BLOCK letters (unless legibly printed)

Witness name **SARAH 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.

Approved by Registrar-General of Land under No. 2002/6117

Encumbrance instrument
Section 101, Land Transfer Act 1952

ENC 7907807.13 Encumt

Copy - 01/01, Page - 008, 14/08/08, 15:14



DocID: 318166909



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

Signed in my presence by the Encumbrancer

Signature of witness

Witness to complete in BLOCK letters (unless legibly printed)

Witness name

GRAEME J MATHIAS
SOLICITOR

Occupation

WHANGAREI

Address

Signature [common seal] of
Encumbrancer

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 of 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 Omarino 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 "Omarino 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.

C75

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.

 (72)

Annexure Schedule



Insert type of instrument
"Mortgage", "Transfer", "Lease" etc

Encumbrance

Dated

Page 4 of 5 Pages

(Continue in additional Annexure Schedule, if required.)

ANNEXURE SCHEDULE 2

Lot	Deposited Plan	Unique Identifier or Certificate of Title	All/Part
1 and 1/17 th share in lot 18	391213	NA371321	All
2 and 1/17 th share in lot 18	391213	NA371322	All
3 and 1/17 th share in lot 18	391213	NA371323	All
4 and 1/17 th share in lot 18	391213	NA371324	All
5 and 1/17 th share in lot 18	391213	NA371325	All
6 and 21 and 1/17 th share in lot 18	391213	NA371326	All
7 and 1/17 th share in lot 18	391213	NA371327	All
8 and 20 and 1/17 th share in lot 18	391213	NA371328	All
9 and 1/17 th share in lot 18	391213	NA371329	All
10 and 1/17 th share in lot 18	391213	NA371330	All
11 and 1/17 th share in lot 18	391213	NA371331	All
12 and 1/17 th share in lot 18	391213	NA371332	All
14 and 1/17 th share in lot 18	391213	NA382667	All
15 and 1/17 th share in lot 18	391213	NA423436	All
16 and 1/17 th share in lot 18	391213	NA411669	All
17 and 19 and 1/17 th share in lot 18	391213	NA423437	All
25 and 1/17 th share in lot 18	391213	NA411670	All

If this Annexure Schedule is used as an expansion of an instrument, all signing parties and either their witnesses or solicitors must sign or initial in this box.

Annexure Schedule



Insert type of instrument
"Mortgage", "Transfer", "Lease" etc

Encumbrance

Dated

[Empty box for date]

Page

5

of

5

Pages

(Continue in additional Annexure Schedule, if required.)

ANNEXURE SCHEDULE 3

1. The Encumbrancer encumbers each lot severally for the benefit of the Encumbrancee for the term of 999 years commencing on the date of this encumbrance with an annual rent charge in respect of each lot being the greater of:
 - (a) \$15,000.00 per annum (plus GST, if any) such sum to be adjusted on the 1st day of August each year by the percentage change in the Consumer Price Index (all groups) published by Statistics New Zealand (or if that ceases to be published, the nearest practical equivalent) from that which applied at the 1st day of August on the preceding year; or
 - (b) Such sum as shall be the sum of such contributions comprising operating expenses, special contributions and/or emergency levies to be levied and fixed in each year by the Encumbrancee for:
 - (i) the performance by the Encumbrancee of its obligations under the Management Plan;
 - (ii) in respect of the performance by the Encumbrancee of its obligations under the Rules; and
 - (iii) such fees and other charges as shall be set or established by the Encumbrancee for the provision of services by the Encumbrancee, the administration of facilities which are jointly owned by the proprietors of the properties detailed in Annexure Schedule 2 and in the performance of functions and provision of services as reserved to the Encumbrancee by the Rules.
2. The Encumbrancer will pay the annual rent charge to the Encumbrancee upon demand being made by the Encumbrancee with such sum to be notified by the Encumbrancee to the Encumbrancer (together with its transferees and successors in title) from time to time.
3. The liability of any given registered proprietor of a lot or lots under this encumbrance is limited to the obligations and liabilities accruing during their time as a registered proprietor and ceases (except for any obligation or liability which has arisen during the time as registered proprietor) upon transfer of the relevant lot or lots.

If this Annexure Schedule is used as an expansion of an instrument, all signing parties and either their witnesses or solicitors must sign or initial in this box.



Bank of New Zealand

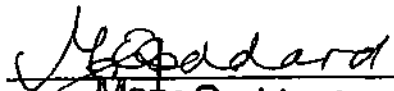
**CERTIFICATE OF NON-REVOCATION
OF POWER OF ATTORNEY**

I, **Mary Goddard**
Zealand, Bank Officer, certify:

,Quality Assurance Officer of Auckland, New

1. That by deed dated 12 July 2005, Bank of New Zealand, of Level 14, BNZ Tower, 125 Queen Street, Auckland, New Zealand, appointed me its attorney.
2. A copy of the deed is deposited in the North Auckland registration district of Land Information New Zealand as dealing No. 6508607.1
3. That I have not received notice of any event revoking the power of attorney.

SIGNED at Auckland 11 August 2008



Mary Goddard

Annexure Schedule - Consent Form

Land Transfer Act 1952 section 238(2)



Insert type of instrument
"Caveat", "Mortgage" etc

Mortgage

Page **1** of **1** pages

Consentor

Surname must be underlined or in CAPITALS

Capacity and Interest of Consentor

(eg. Caveator under Caveat no./Mortgagee under Mortgage no.)

BANK OF NEW ZEALAND

Mortgagee under Mortgage No. 6633581.1

Consent

Delete Land Transfer Act 1952, if inapplicable, and insert name and date of application Act.

Delete words in [] if inconsistent with the consent.

State full details of the matter for which consent is required.

Pursuant to [section 238(2) of the Land Transfer Act 1952]

[section] of the Act

[Without prejudice to the rights and powers existing under the interest of the Consentor]

the Consentor hereby consents to:

The encumbrance given by Bentzen Farm Limited ("BFL") in favour of Ōmarino Residents Association Incorporated ("the Association") to secure payment of operating expenses in the form of the instrument attached

Dated this 11 day of August 2008

Attestation

SIGNED for and on behalf of
BANK OF NEW ZEALAND
by its Attorney: Mary 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

R. WATKIN

ROBYN WATKIN

**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.

LEASE

Section 115, Land Transfer Act 1952

L 7907807.14 Lease

Cpy - 01/01, Pgs - 017, 14/08/08, 16:14



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

ÓMARINO 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

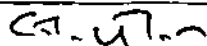
For the rental hereby reserved the LESSOR hereby leases to the LESSEE the estate or interest described above, in the land in the above certificate(s) of title, for the term stated and the LESSEE accepts this lease which shall incorporate the covenants, conditions and restrictions set out in the Annexure Schedule.

Dated this 8 day of August 2008

Attestation

 <hr/> Signature, or common seal of Lessor	Signed in my presence by the Lessor Signature of Witness  <hr/> Witness to complete in BLOCK letters (unless typewritten or legibly stamped) Witness name GRAEME J MATHIAS Occupation SOLICITOR Address WHANGAREI
 <hr/> Signature of Lessee	Signed in my presence by the Lessee Signature of Witness  <hr/> Witness to complete in BLOCK letters (unless typewritten or legibly stamped) Witness name GRAEME J MATHIAS Occupation SOLICITOR Address WHANGAREI

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: **ŌMARINO 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 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

JUDITH WATSON

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.