



Proposed District Plan submission form

Clause 6 of Schedule 1, Resource Management Act 1991

Feel free to add more pages to your submission to provide a fuller response.

Form 5: Submission on Proposed Far North District Plan

TO: Far North District Council

This is a submission on the Proposed District Plan for the Far North District.

Full Name:	Kerikeri Peninsula Conservation Charitable Trust		
Company / Organisation Name: (if applicable)	Kerikeri Peninsula Conservation Charitable Trust		
Contact person (if different):	Dean Wright		
Full Postal Address:	15 Pukewhau Rd, Opito Bay RD1, Kerikeri 0294		
Phone contact:	Mobile: 027 2431777	Home:	Work:
Email (please print):	dean@kppc.kiwi		

1. **Submitter details:**

2. (Please select one of the two options below)

- I **could not** gain an advantage in trade competition through this submission
 I **could** gain an advantage in trade competition through this submission

If you could gain an advantage in trade competition through this submission, please complete point 3 below

3. I **am** directly affected by an effect of the subject matter of the submission that:
 (A) Adversely affects the environment; and
 (B) Does not relate to trade competition or the effect of trade competition
 I **am not** directly affected by an effect of the subject matter of the submission that:
 (A) Adversely affects the environment; and
 (B) Does not relate to trade competition or the effect of trade competition

Note: if you are a person who could gain advantage in trade competition through the submission, your right to make a submission may be limited by clause 6(4) of Part 1 of Schedule 1 of the Resource Management Act 1991

The specific provisions of the Plan that my submission relates to are:

- District Plan zone map: zoning of SNAs and sites with high ecological values
- Zoning of Lot 3 DP 415575, a protected SNA site in Kurapari Road, Rangitane
- Ecosystems & indigenous biodiversity, SNAs, Natural character
- PDP Schedule 4

Confirm your position: Support Support In-part Oppose

The submitter seeks amendment to various specific areas of the PDP identified in this submission.



Our submission is:

ZONING of PROTECTED SNAs AND SIMILAR ECOLOGICAL SITES

Example of issues: Protected SNA site at LOT 3 DP 415575, Kurapari Road, Rangitane

Our submission addresses issues in the PDP related to the inappropriate zoning and lack of protection for blocks of land that have already been recognised and protected through the resource consenting process as SNAs and sites with high ecological values.

To illustrate the issues, we are providing information about an existing protected SNA site at LOT 3 DP 415575, Kurapari Road, Rangitane -

- **Protected SNA and PNA site:** Lot 3, highlighted in map below, was identified as a part of PNA survey site in 1999 (PO5087).¹ This part of the PNA site (Lot 3) was recognised and protected as a SNA through the resource consent process, when a large block was subdivided into several lots in the past. 97.8% of the land area of Lot 3 was protected (15.899 hectares of total 16.249 hectares on the lot).

Yellow circle highlights Lot 3, part of PNA survey site, 1999:



- **The site has high ecological values under NRC Regional Policy Statement Appendix 5 assessment criteria:** The property has the highest recorded kiwi electronic call count in the area. Kiwi electronic listening devices have been used at the site for three of the last four years by Kerikeri Peninsula Conservation Trust monitoring programme (formerly Kerikeri Peninsula Pest Control). The site has the highest kiwi count among the total 15 or more properties where kiwi electronic listening has been conducted in the area. (We can provide a copy of the listening data if you wish)
- **Site is protected by s221 consent notice:** A s221 consent notice protects the native vegetation on the site and prohibits any predators of kiwi (details below). In addition, a covenant protected 97.8% of the SNA site, and allowed vegetation clearance for a single house site (on 2.2% of the site).

Problems relevant to the PDP -

The PDP does not contain any information to indicate that this block (Lot 3 DP 415575) is already protected as a SNA site created through the consenting process –

a) The SNA site is not listed in Schedule 4 list of SNAs – the schedule is blank, even though the council's consent process has already protected a number of sites that are SNAs or equivalent. This is a grave

¹ DOC (1999) Natural Areas of Kerikeri Ecological District for the Protected Natural Areas Programme, <https://www.doc.govt.nz/about-us/science-publications/conservation-publications/land-and-freshwater/land/northland-conservancy-ecological-districts-survey-reports/natural-areas-of-kerikeri-ecological-district/>



omission. Schedule 4 should contain a list of all SNAs and similar protected sites that have already been protected through the resource consent process.

The council should promptly add into Schedule 4 all of the SNAs, and similar areas of land, that have already been protected through the resource consent process.

b) The map does not show existing protected SNAs – A number of SNAs have already been protected via the resource consent process, but they are not shown on the PDP map. There is no justification for omitting existing protected SNAs from the maps. They should be added to the map promptly.

c) The PDP proposes to zone the protected SNA block in a residential zone, as Rural Lifestyle. The block's current zone is General Coastal, and the southern end of the site is Coastal Environment. Rural Lifestyle or any other residential zone is totally inappropriate for a protected SNA site.

The PDP needs to add a special zoning or precinct for recognised/protected SNA sites and similar sites that are protected for their high ecological value, possibly a status similar to a reserve or sub-zone of Natural Open Space sub-zone for SNA sites on private property.

Background information on LOT 3 DP 415575, Kurapari Road, Rangitane

In the past, FNDC granted consent for a large block (Lot 1 DP 116416 etc.) to be subdivided into three separate lots, on condition that the PNA/SNA/kiwi area (Lot 3 DP 415575) was protected by s221 consent notice, applicable to all current and future owners.

s221 consent notice requirements:

The s221 consent notice registered on the property title recognises that Lot 3 is 'located within a significant natural area'.

The consent notice (para. (ii)) specifies that the clearance of indigenous vegetation on the site is restricted to a house site and access, and "The landowners/occupier shall protect and maintain the remaining area of bush and shall not without the prior written consent of the council and then in strict compliance with any conditions imposed by the council, cut down, damage or destroy any mature native trees." reproduced below –

The land is located within a significant natural area known as 'Rangitane Shrublands'. Therefore the clearance of indigenous vegetation on the site shall be restricted for the purpose of providing a house site and its immediate surroundings; and/or vehicle access. The landowners/occupier shall protect and maintain the remaining area of bush and shall not without the prior written consent of the council and then in strict compliance with any conditions imposed by the council, cut down, damage or destroy any mature native trees. The landowners/occupiers shall not be deemed to be in breach of this prohibition if any such vegetation shall die from natural causes not attributable to any act or default by or on behalf of the landowners or for which the landowner is responsible.

The consent notice also banned the introduction/keeping of all potential kiwi predators such as cats, dogs etc. –

"The landowners/occupiers of the land shall not keep or allow the introduction onto the site of carnivorous or omnivorous animals such as cats, dogs or ferrets which have the potential to be kiwi predators. This prohibition includes the bringing of any such animals onto the site by visitors".

The consent notice registered on the property title clearly states that the notice applies to all current and future owners. It states that the conditions "are to be complied with on a continuing basis by the subdividing owner and the subsequent owners" –



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

Attachments relating to Lot 3 :

- Attachment 1. Property title, Lot 3 DP 415575
- Attachment 2. s221 Consent Notice registered on the property title (LINZ 8945742.1)
- Attachment 3. Council covenant registered on the property title (LINZ 10284275.9)

We seek the following decision from the Council:

S180.001

PDP Schedule 4: SNAs and similar sites that have already been protected through the council’s resource consent process, as well as future sites, should be added automatically by the council into Schedule 4 of the PDP. The existing protected sites need to be added promptly into Schedule 4 - there is no justification for omitting the existing protected sites.

S180.002

Zoning: SNAs and similar sites that are already protected through the resource consenting process, and sites that will be added by future consenting, should be zoned (or automatically rezoned) in a special zoning for SNAs and similar sites and/or given status similar to a Reserve on private property, in order to protect high ecological at the site.

S180.003

PDP maps: SNAs and similar sites that have been protected via the council’s consenting process must be clearly indicated on the district plan maps.

Zoning of SNAs and similar sites that are already protected through the resource consenting process, and sites that will be added by future consenting, should be zoned (or automatically rezoned) in a special zoning for SNAs and similar ecological sites and/or given status similar to a Reserve on private property, in order to protect high ecological at the site.

S180.004

Zoning of Lot 3 DP 415575: We firmly oppose the proposed zoning of Lot 3 DP 415575 (Kurapari Road) in Rural Lifestyle zone or any other residential zone. As noted above, this block should be zoned in a special zoning for SNAs and similar ecological sites and/or given status similar to a Reserve on private property, in order to protect high ecological at the site.

I wish to be heard in support of my submission
 I do not wish to be heard in support of my submission
(Please tick relevant box)

If others make a similar submission, I will consider presenting a joint case with them at a hearing
 Yes No

Do you wish to present your submission via Microsoft Teams?
 Yes No

Signature of submitter: Dean Wright on behalf of Kerikeri Peninsula Conservation Charitable Trust
(A signature is not required if you are making your submission by electronic means)

Date: 19 October 2022



SUBMISSION NUMBER



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




R. W. Muir
Registrar-General
of Land

Identifier 460076
Land Registration District North Auckland
Date Issued 22 December 2011

Prior References

349700

Estate Fee Simple
Area 16.2490 hectares more or less
Legal Description Lot 3 Deposited Plan 415575

Registered Owners

Margaret Helen Cooper and Gian-Christoph Anton Hoessly

Interests

Subject to a right of way over parts marked A & B on DP 415575 specified in Easement Certificate C231395.2

Subject to a right of way over parts marked A and B on DP 415575 created by Court Order 5902996.1 - 18.2.2004 at 9:00 am

8820400.11 STATUTORY LAND CHARGE PURSUANT TO SECTION 87 LOCAL GOVERNMENT (RATING) ACT 2002 - 21.7.2011 at 7:00 am

8945742.1 Consent Notice pursuant to Section 221 Resource Management Act 1991 - 22.12.2011 at 3:17 pm

10284275.9 Conservation Covenant pursuant to Section 77 Reserves Act 1977 - 17.3.2016 at 3:21 pm

View Instrument Details



Instrument No 8945742.1
Status Registered
Date & Time Lodged 22 December 2011 15:17
Lodged By Scully, Simone Marie
Instrument Type Consent Notice under s221(4)(a) Resource Management Act 1991



Affected Computer Registers	Land District
460074	North Auckland
460075	North Auckland
460076	North Auckland

Annexure Schedule: Contains 5 Pages.

Signature

Signed by Suzanne Joan Wooldridge as Territorial Authority Representative on 22/12/2011 02:43 PM

*** End of Report ***



Private Bag 752, Memorial Ave

Kaikohe 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

THE RESOURCE MANAGEMENT ACT 1991

SECTION 221: CONSENT NOTICE

REGARDING RC 2060944
Lots 1-3 being a subdivision of
Lot 1 DP 116416, Part Lot 3 DP
116416, Section 1 SO 365135 &
Section 15 Block VIII Kerikeri

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

SCHEDULE

Lots 1-3 – DP 415575

"The landowners/occupiers of the land shall not keep or allow the introduction onto the site of carnivorous or omnivorous animals such as cats, dogs or ferrets which have the potential to be kiwi predators. This prohibition includes the bringing of any such animals onto the site by visitors".

Lot 3 – DP 415575

- (i) Any discharge of treated wastewater to land from a building on the lot shall either meet the permitted activity criteria of Section 15 of the Regional Water and Soil Plan for Northland (RWSP) or a resource consent shall be gained for the discharge.
- (ii) The land is located within a significant natural area known as 'Rangitane Shrublands'. Therefore the clearance of indigenous vegetation on the site shall be restricted for the purpose of providing a house site and its immediate surroundings; and/or vehicle access. The landowners/occupier shall protect and maintain the remaining area of bush and shall not without the prior written consent of the council and then in strict compliance with any conditions imposed by the council,

cut down, damage or destroy any mature native trees. The landowners/occupiers shall not be deemed to be in breach of this prohibition if any such vegetation shall die from natural causes not attributable to any act or default by or on behalf of the landowners or for which the landowner is responsible.

- (iii) The landowners/ occupiers are advised that, if any construction activity on the site may modify, damage or destroy any archaeological site(s), all work shall cease and the hapu network and the new zealand historic places trust shall be notified immediately and an authority from the New Zealand Historic Places Trust must be obtained for the work to proceed lawfully. The New Zealand police should also be consulted if the discovery includes *koivi* or human remains.

SIGNED:


Mr Patrick John Killalea
By the FAR NORTH DISTRICT COUNCIL
Under delegated authority:
PRINCIPAL PLANNER – RESOURCE MANAGEMENT

DATED at KERIKERI this

16th day of December 2011.

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

Statutory Land Charge

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.)

FAR NORTH DISTRICT COUNCIL	Chargeholder under Statutory Land Charge No. 8320400.11
----------------------------	---

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 deposit of plan 415575 for the creation of Lots 1, 2 and 3 being a subdivision of Lot 1 and Part Lot 3 DP 116416 and Section 15 Block VIII Kerikeri Survey District and Section 1 Survey Office Plan 365135

Dated this 21st day of December 2011

Attestation

	Signed in my presence by the Consentor
	Signature of Witness
	Witness to complete in BLOCK letters (unless legibly printed)
	Witness name MURRAY ALLAN McDONALD
	Occupation TOWN PLANNER
	Address 3 KENT ROAD, WHANGAREI
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.

15/12/2011 13:54 McLeods Lawyers

(FAX)+64 9 407 7089

P.002/006

LSC: 2472163

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.)

ANZ National Bank Limited	Mortgagee under Mortgage No. C674467.1
---------------------------	--

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]



[Location of the _____ Act _____]

[Without prejudice to the rights and powers existing under the interest of the Consentor]

the Consentor hereby consents to:
 the deposit of plan 415575 for the creation of Lots 1, 2 and 3 being a subdivision of Lot 1 and Part Lot 3 DP 116416 and Section 15 Block VIII Kerikeri Survey District and Section 1 Survey Office Plan 365135

Dated this 22 day of DECEMBER 2011

Attestation


 Jacintha Terena Alves ANZ National Bank Limited by _____ ey	Signed in my presence by the Consentor 
	Signature of Witness Witness to complete in BLOCK letters (unless legibly printed) Witness name Sean George D'Silva Occupation Bank Officer Address 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.

**CERTIFICATE OF NON-REVOCATION OF POWER OF
ATTORNEY**

I, Jacintha Terena Alves of Auckland, New Zealand, Technical
Trainer, Lending Services Centre certify –

1. That by deed dated **13 August 2007**, ANZ National Bank
Limited of Wellington, New Zealand appointed me its attorney.
2. That I have not received notice of any event revoking the
power of attorney.



Signed at **Auckland** this day of *22nd* December 2011

View Instrument Details



Instrument No 10284275.9
Status Registered
Date & Time Lodged 17 March 2016 15:21
Lodged By Steyn, Marlise
Instrument Type Covenant (All types except Land covenants)



Toitū Te Whenua
Land Information
New Zealand

Affected Computer Registers	Land District
460076	North Auckland

Annexure Schedule: Contains 12 Pages.

Signature

Signed by Juliet Anna Moses as Grantor/Grantee Representative on 03/05/2016 04:21 PM

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

**CONSERVATION COVENANT
(Section 77 Reserves Act 1977)
IN RESPECT OF IDENTIFIER CT 460076**

BETWEEN

**MARGARET HELEN COOPER, ROBERT COOPER &
GIAN-CHRISTOPH HOESSLY**
("Landowners")

AND

FAR NORTH DISTRICT COUNCIL
("Council")

INTRODUCTION:

A. Section 77 of the Reserves Act 1977 provides that:

- (i) The Minister, any local authority, or any other body approved by the Minister, is satisfied that any private land or any Crown land held under Crown lease should be managed so as to preserve the natural environment, or landscape amenity, or wildlife or freshwater-life or marine-life habitat, and that the particular purpose or purposes can be achieved without acquiring the ownership of the land, or, as the case may be, of the lessee's interest in the land, for a reserve, may treat and agree with the owner or lessee for a covenant to provide for the management of that land in a manner that will achieve the particular purpose or purposes of conservation.
 - (ii) Any covenant under this section may be in perpetuity or for any specific term.
- B. The Far North District Council's Rates Postponement Policy provides that land that has been set aside to protect particular outstanding landscape, historical, ecological or cultural values, under a formal protection agreement, in a form acceptable to Council and for a term of not less than ten years will be eligible to receive a postponement of rates for the period during which the protection remains in place.
- C. The Landowners are the registered proprietors of the land described in the schedule ("Land"), consisting of established and replanted native forest with regenerating areas of indigenous flora.
- D. The Landowners and the Council have agreed that parts of the Land be managed with the following conservation objective:
- (i) To preserve and protect the regenerating bush and native forest.
- E. Council has sought advice and as a result, is satisfied that the Land is suitable for a Conservation Covenant. A copy of the Report is attached as Appendix 1.
- F. The Landowners and the Council have agreed that:
- (i) the Landowners may reside on, occupy or use 0.35ha as delineated on the attached map found in Appendix 2 ("Excluded Area"). The Excluded Area will not receive any benefit of rates relief and will be defined as a separate division of the Rating Unit pursuant to Section 45(3) of the Local Government (Rating) Act.
 - (ii) The remaining 15.899ha area delineated on the attached map in Appendix 2 is the area to be covenanted by this covenant ("Covenanted Area").

For the purposes of this Covenant, the definition of "use" is taken from the Local Government (Rating) Act 2002. It means a person who, alone or with others: –

- (a) Leases the land; or*
- (b) Does one (1) or more of the following things on the land for profit or other benefit:*
 - (i) Resides on the land;*
 - (ii) De-pastures or maintains livestock on the land;*
 - (iii) Stores anything on the land;*
 - (iv) Uses the land in any other way.*

Notes: Notwithstanding the above, work undertaken to preserve or enhance the features covenanted on the land, including weed control, will not impact the "unused" status of the land.

The removal of traditional medicinal tree and plant material for personal use will not constitute actual use of the land.

IT IS AGREED that:

1. The foregoing introduction recitals are true and correct and form part of the operative covenants of this documents.
2. In accordance with Section 77 of the Reserves Act 1977 the Landowners (to the intent that this Covenant will bind the Landowners successors in title and assigns in perpetuity) and the Council **MUTUALLY COVENANT** that the Covenanted Area shall be managed for the purposes and objectives listed in recital D above, and in particular on the following conditions:
3. The Landowners covenant in relation to the Covenanted Area that:
 - (a) The living indigenous vegetation on the Covenanted Area shall not be cut down, damaged or destroyed (except for the maintenance of roadways and walking tracks, and tracks for pest control operations) without prior written consent of Council. The Landowners shall be deemed not to be in breach of this prohibition if any such vegetation dies from natural causes, which are not attributable to any act or default by or on behalf of the Landowners or for which the Landowners are responsible.*
 - (b) There shall be no intentional intrusion of grazing stock (including cows, sheep, goats and pigs) into any areas of indigenous vegetation on the Covenanted Area.*
 - (c) No occupier of the Land shall keep or introduce on to the site carnivorous or omnivorous exotic animals (such as ferrets, cats or dogs) which have the potential to be Kiwi predators.*
 - (d) Exotic vegetation which could adversely affect natural regeneration or local forest health is not to be introduced onto the Land. This includes the introduction of invasive plant species, including those currently listed on the nationally-banned-for-sale list (see Northland Regional Pest Management Strategy) and species described as 'pest plants' in the "National Pest Plant Accord (August 2001)", any Northland Regional Pest Management Strategy or in the leaflet produced jointly by the Department of Conservation and the Northland Regional Council titled "Environmental Weeds Delightful But Destructive" (1984) and any revised versions of these publications.*

- (e) *Dead wood and vegetation may be removed from the Covenanted Area by the Landowners for the Landowners' own use on the Land.*
- (f) *Any predator/pest control work on the Land will be carried out in the best possible interests of and for the protection and long term survival of Kiwi and other indigenous fauna and flora.*
4. Subject to Council continuing to provide for the postponement of rates pursuant to a policy adopted in terms of Section 110 of the Local Government Act 2002, Council shall postpone the rates on all of the Covenanted Area so long as this Covenant remains in force.
 5. The duration of this covenant is for a period of ten years. It is understood that it is the intention of the parties to renew this covenant every ten years on the anniversary of its initial signing.
 6. As provided for in Section 88 of the Local Government Rating Act 2002, Council will add a postponement fee to the accumulated postponed rates each year. This postponement fee will not exceed the administrative cost together with the cost of financing the postponed rates.
 7. Subject to this covenant remaining in force, Council will remit any postponed rates together with any accumulated postponement fees upon the tenth anniversary of those rates and fees being assessed on the Land, at the rate of one year for each complete year which elapses after such tenth anniversary.
 8. The Covenanted Area will be monitored from time to time (for Council at the cost of Council) and a site visit, preferably by the organisation which undertook the initial assessment, will ensure, inter alia, that the purposes for which this covenant was created still apply. The Landowners will be advised on the site visit request form that there is an enforcement process.
 9. In the event that the scheduled site visit identifies that conditions of the covenant are not being met, the following enforcement rules will apply:
 - Council will give written notice of the breach to the Landowners with a copy of a report specifying the nature of the breach and the time during which the breach is to be remedied to the Council's satisfaction.
 - Council will advise that if the breach is not remedied during the specified time, there is a risk of no longer qualifying for rates relief and of the cancellation of the covenant at the Landowners expense.
 - There will be a follow-up monitoring visit in order to confirm whether the breach has been remedied and if it has, then no further action is required.
 - If the breach has not been remedied the Landowners will be advised that a further specified period will be given for compliance and the Rating Department will be informed.
 - In the absence of full compliance within the further specified period, the Council will require all the postponed rates to be paid within one calendar month and this covenant will be cancelled.
 - In the event of cancellation of this covenant, the removal thereof from the register will be applied for at the Landowners expense.

SCHEDULE

Certificates of Title CT-460076 (North Auckland Registry)

DATED this 29th day of ^{September} 2015

SIGNED by MARGARET HELEN COOPER

MARGARET HELEN COOPER
Landowner Name

Margaret H. Cooper
Landowner Signature

in the presence of:

R D Clarkson
Witness Signature

ROBYN CLARKSON

Witness Name (Please print)

25 EDKINS RD, KERIKERI 0230
Witness Address

SIGNED by ROBERT COOPER

ROBERT COOPER
Landowner Name

Robert Cooper
Landowner Signature

in the presence of:

R D Clarkson
Witness Signature

ROBYN CLARKSON

Witness Name (Please print)

25 EDKINS RD KERIKERI 0230
Witness Address

SIGNED by GIAN-CHRISTOPH HOESSLY

Gian-Christoph Hoessly
Landowner Name

GIAN-CHRISTOPH HOESSLY
Landowner Signature

in the presence of:

R D Clarkson
Witness Signature

ROBYN CLARKSON

Witness Name (Please print)

Witness Address
25 EDKINS RD
KERIKERI 0230

SIGNED ON BEHALF OF THE FAR NORTH DISTRICT COUNCIL

COUNCILLOR
(AUTHORISED OFFICER)

John D. J. J. J.
Councillor Name

[Signature]
Councillor Signature

COUNCILLOR
(AUTHORISED OFFICER)

TANIA MCINNES
Councillor Name

[Signature]
Councillor Signature

in the presence of:

Nicole Wooster
Witness Signature

Nicole Wooster
Witness Name

For North District Council
Witness Address

Appendix 1

Far North District Council indigenous flora and fauna clearance and protection report

Site Name: Fernbrook, Rangitane
Registration Number: VP2010-0084
Legal Descriptions: Lot 1 Pt 3 DP 116416 Sec 1 SO 365135
 Sec 15 Blk VIII Kerikeri SD-Subj to ROW **PROTECTED AREA: ~22 HA**
Valuation Number: 00213-77700
Owners: Margaret Cooper, Robert Hoessly
Contact numbers: 09 407 8570
Aerial Photograph: Attached
Area: 26.6 ha
Ecological District: Kerikeri

Description

The property is located approximately 1km to the south-west of Aroha Island on either side of Kurapari Road in Rangitane. The land is zoned General Coastal and approximately half of the property overlaps with the Rangitane Shrublands PNA (PO5/087). The landform is rolling coastal hill country of predominantly Waipapa Group greywacke (Conning and Miller, 1999). The altitude is from sea level rising to approximately 80 m asl. The property is in three Titles and owned collectively by a Family Trust. The three blocks comprise 26.6 hectares. There are two houses, one of which is rented out to holiday makers.

An ecological assessment was carried out on 11 February 2010. Representative areas were walked with two of the owners, Margaret Cooper and Robert Hoessly. The property has been in the family since 1971. The owners propose to put a covenant on 90% of the area leaving the house and curtilage areas and driveway for their everyday use as marked up on the attached map (Figure 1).

Vegetation and Fauna

The north-western block is fully vegetated but has walking tracks which are used for pest control access and weed control as well as recreational walking. The north-eastern block contains *Acacia* and pine forest, the family home and curtilage area. The southern block lies on the south side of Kurapari Road and runs down to the shore of the Kerikeri Inlet. The aerial shows this area as a macadamia orchard (Figure 1). This orchard has now been removed and extensive planting, using eco-sourced indigenous plants, has been carried out in this area by the owners. Approximately one third of this area is now planted and the remaining two thirds is scheduled to be planted this autumn.

Coastal broadleaf-kanuka (*Kunzea ericoides*) forest dominates the east side of the cottage. Here the canopy features abundant mahoe-kanuka and frequent lemonwood (*Pittosporum eugenioides*), *Coprosma* spp., manuka (*Leptospermum scoparium* agg.) and occasional totara (*Podocarpus totara*). Rewarewa (*Knightia excelsa*), and kanuka are frequently emergent. Supplementary planting is being carried out in the block.

The western third of this block features mangrove-oioi on the coast rapidly transitioning to mature puriri-taraira-pohutukawa-rewarewa-totara forest. Within this area is a wetland of approximately half a hectare. A number of indigenous ferns and sedges characterize the wetland including *Baumea teretifolia*, hard fern (*Paesia scaberula*), tangle fern (*Gleichenia dicarpa*), mamaku tree fern (*Cyathea medullaris*). Much of the natural cover is obscured by Mexican devilweed.

The largest and most intact block is the north-western block. This manuka dominated shrubland has a vegetation composition typical of gumland fernland which succeeds on impoverished soils following burning. The canopy is approximately 6 to 8 metres in height. The understorey features *Dracophyllum*

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lessonianum, tangle fern, *Schoenus brevifolius*, *S. carsii*, *S. tendo*, *Lycopodium* spp., moss, and lichens. *Acacia* treeland occurs within the block. On the eastern edge there is a mature pine-blackwood forest which has frequent karaka (*Corynocarpus laevigatus*) and mapou (*Myrsine australis*) within it. This comprises approximately 3 hectares and the intention is to harvest this area within the next year and then replant in native species.



Plates 1 to 5: Representative photographs of the vegetation in the proposed covenant area

Grazing in the hill block ceased in 1971. Natural regeneration has produced a closed canopy which is virtually weed-free apart from persistent wattle and occasional Taiwan cherry. Over the entire property

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the canopy is in a healthy condition. Active weed and pest control has been undertaken over the 38 years of ownership together with considerable revegetation planting.

NI brown kiwi, (*Apteryx mantelli*), are present. Kukupa (*Hemiphaga novaeseelandiae novaeseelandiae*) are also utilizing the habitat. Northland green gecko, (*Nautilinus grayii*), have been sighted on neighbouring properties and are likely to be present here. A bird survey carried out by Detlef Davies identified 40 species of birds utilizing the habitat.

Significance

This property is part of the Rangitane Shrubland PNA which is actively managed by the NZ Kiwi Foundation. There is a viable population of NI brown kiwi in the area and resident kiwi on this property. This site is known to support 40 different species of birds including the Caspian tern (Category 3; Nationally vulnerable), Kiwi and black billed gull (both Category 4; Serious decline), as well as kukupa and white fronted tern (Gradual decline). North Island fernbird (Sparse) were also heard during the visit. It could also be utilized by Pacific Reef heron and Australasian bittern both Category 2; Nationally Endangered. It may well be important for migrant Pacific golden plover, turnstone and bar-tailed godwit. pest control being carried out over the greater environs.

The site has a high diversity of flora, good coastal coastal-riverine-lacustrine-terrestrial hydrology and ecosystems with rare assemblages within specific habitats (such as kanuka-pohutukawa forest). It contains a moderately high diversity of taxa within a healthy regenerating forest ecosystem and serves as an ecological linkage to other areas of significant habitats of indigenous fauna including coastal seabirds which nest on nearby islands and cliffs. The property is ranked highly (Table 1) for its landscape, habitat values, soil protection and connectivity to extensive shrubland providing important habitat for NI Brown kiwi and kukupa. The consequence of this is a highly diverse mix of plants and habitats which support a large range of bird species.

Table 1: Summary of Ecological Assessment

Evaluation Table	Protection Ranking		
	High	Medium	Low
Ecological Criteria	√		
Representativeness	√		
Sustainability	√		
Rarity	√		
Diversity and pattern	√		
Distinctiveness	√		
Size and shape		√	
Connectivity	√		
Overall Ecological Ranking	√		
Overall Other Criteria		√	
Overall Ranking		√	
Aerial extent	~22 hectares		
Ecological value	High		

Threats and Management

The main threat to the protection of this area is habitat loss through development, pest damage or fire. The current pest control is comprehensive and well coordinated through the NZ Kiwi Foundation. Very little browse was evident and the canopy was healthy. Priorities for weed control are given in Table 2 below. Focus on the coastal block where *Acmena* (monkey apple), pampas, moth plant and ginger are colonizing. The restoration planting in the coastal block is proceeding well. It is recommended that the current effort of replanting within the gumland shrubland be diverted to the coastal block. The

assemblage of plants colonizing here is unique to this habitat type and there may well be some rare plants in this area that will be inhibited by introducing more shading species. This area, if exotics are controlled is sustainable. The wetland area is more challenging. Progressive control over several years using herbicide to kill the Mexican devilweed is advised as discussed. Manual methods, as currently used will need to be ongoing long-term but will require less effort as the canopy grows and control is achieved.

Table 2: Summary of Weed and Pest Control Management Priorities

Threats	Threat	Priority	Aim
Animal species	Dogs	High	Capture/remove
	Cats	High	Capture/remove
	Stoats	High	Control
	Rats	Medium	Control
	Possums	Medium	Control
	Rabbits/hares	Medium	Control
Weed species	Moth plant	High	Hand pull small seedlings
	Pampas	High	Spray the few remaining plants
	Ginger	High	Progressive control
	Monkey apple	High	Manual removal of small plants and cut and paste for larger saplings
	Gorse	Moderate	Progressive control
	Taiwan cherry	Moderate	Remove from covenant and nearby areas
	Tuber fern	Moderate	Keep out of bush
	Coloneaster	Moderate	Remove seedlings from bush
	Mexican devilweed	Moderate	Progressive control

The owners are seeking a Conservation Covenant with the Far North District Council over approximately 90% of the land (Figure 1). The habitat is worthy of formal protection.

Incentives

Given that the landowners are committed to protecting and enhancing the forested habitat through revegetation, weed and pest control together with the fact that it ranks as significant, securing a covenant and applying rates postponement is appropriate here.

Recommendations

It is recommended that:

- Focus on pampas, moth plant, *Acmena* (monkey apple) and ginger eradication over the next 12 months;
- Complete revegetation planting of grassed area this autumn;
- Bait stations for rat control be maintained throughout the year;
- No carnivorous or omnivorous exotic animals be introduced or housed on the property;
- Harvesting of pines must be carried out in a manner that is safe for kiwi; allow vegetative 'waste' to mulch;
- Continue to work with the NZ Kiwi Foundation to maximize the benefit for the whole area;
- Maintain tracks and boundary fence-line to ensure colonizing weeds are controlled and fences stock-proof from neighboring stock and feral animals;
- Harvest exotic plantation trees this year and proceed with revegetation in locally source indigenous plants as planned;
- Apply for funding such as the NRC Environment Fund to augment eradication of Mexican devilweed in the wetland.

Summary

With 40 birds species recorded in just one day in 2009 (Davies), and the potential for several other threatened species to benefit from this diverse habitat, the area proposed for covenant is highly significant. Even though some of the area is in grass, recently planted indigenous plants, and exotic forest (approximately 3 hectares) which is due to be harvested soon, the whole site is a valuable habitat for NI brown kiwi particularly due to the excellent pest control being carried out throughout the whole neighborhood. The owners are keen to see this block under a covenant to protect the vegetation and wildlife for future generations. The property is worthy of covenanting.

Follow-up

February 2011.



Figure 1: Area's excluded from covenant marked 'A', 'B' and 'C'



**CONSENT
TO REGISTRATION OF A CONSERVATION COVENANT
(Section 77 Reserves Act 1977)**

TO: Land Information New Zealand
North Auckland Registry

The **Far North District Council** as charge holder of Statutory Land Charge No. (SLC: **8820400.11**) pursuant to Local Government (Rating) Act 2002 hereby consents to the registration of a **Conservation Covenant** subject to s77 Reserves Act 1977 over the land described in Schedule A below;

Schedule A

Computer Freehold Register No: **460076**
Name of Registered Proprietor: **Margaret Helen Cooper and Robert Cooper and Gain-Cristoph Anton Hoessly**
Physical Address: **Lot 3, Kurapari Road, Kerikeri 0294**
Area of Land: **16.2490 hectares metres more or less**
Legal Description of Land: **Lot 3 Deposit Plan 415575**

DATED at Kaikohe this *23* day of **February** 2016.

Signed on behalf of the
Far North District Council
pursuant to delegated authority by:

A handwritten signature in cursive script, appearing to read 'Colin Dale', written over a horizontal line.

COLIN DALE,
Acting Chief Executive Officer