



DONALDSONS

REGISTERED LAND SURVEYORS

8577

11 March 2025

Planning Division
Far North District Council
Private Bag 752
Kaikohe

Dear Sir/Madam

PROPOSED BOUNDARY ADJUSTMENT

MLPLLC, 623 RANGIHOA ROAD, PURERUA, KERIKERI

We submit herewith a Resource Consent application together with the following:

Application Form & Deposit \$2967

Planning Report

Record of Title

Archaeological Assessment

Scheme Plan – Subdivision

Yours faithfully

Micah Donaldson

Assoc. NZPI - RPSURV

DONALDSONS

Registered Land / Engineering Surveyors and Development Planners



CSNZ THE CONSULTING
SURVEYORS
OF NEW ZEALAND
A DIVISION OF THE NEW ZEALAND INSTITUTE OF SURVEYORS

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):

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

* *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:

MLP LLC

Email:

Phone number:

Work

Home

Postal address:

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

Postcode

6. Address for Correspondence

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

Name/s:

Donaldsons Surveyors

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:

MLP LLC

**Property Address/
Location:**

623 RANGIHOVA ROAD, PURERUA, KERIKERI

Postcode

8. Application Site Details

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

Name/s:

**Site Address/
Location:**

Postcode

Legal Description:

Val Number:

Certificate of title:

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

Site visit requirements:

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

Is there a dog on the property? Yes No

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

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.

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
- Changing the use of a piece of land
- Disturbing, removing or sampling soil
- 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)

Donaldsons Surveyors Ltd

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)

Micah Donaldson

Signature:

(signature of bill payer)

Date 11-Apr-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.fndc.govt.nz. These details are collected to inform the general public and community groups about all consents which have been issued through the Far North District Council.

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)

Micah Donaldson

Signature:

[Redacted Signature]

Date 11-Apr-2025

A signature is not required if the application is 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.

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11 March 2025

APPLICATION FOR RESOURCE CONSENT TO SUBDIVIDE BY WAY OF BOUNDARY ADJUSTMENT

MLP LLC, 623 RANGIHOVA ROAD, PURERUA, KERIKERI

PLANNING REPORT

1 INTRODUCTION

1.1 MLP LLC, the owners of The Landing development on the Purerua Peninsula, are seeking consent for a boundary adjustment to relocate Lot 2 DP 481706 closer to Lots 4 and 5 DP 481706 within Lot 50 DP 481706.

Currently, Lot 2 DP 481706 is located 400 meters north of the proposed site, within a vineyard setting alongside Lots 1 and 6 DP 481706. The proposed relocation will optimise spatial distribution, enhance visual appeal by positioning it near a feature lake, and improve separation between allotments to enhance privacy.

1.3 The existing allotment areas include:

Lot 2 DP-481706 = 3970m²

Lot 50 DP 481706 = 114.4456ha

The proposed allotment areas include:

Lot 2 = 1.16ha

Lot 50 = 113.68 ha

The proposal as a boundary adjustment accords with the objectives and policies of the General Coastal Zone of the Far North District Plan.

2 OVERVIEW

2.1 This exclusive development is bound by a registered quasi management plan that governs each of the sites building and land use activity. Given the complexities that were involved with determining optimal allotment configuration for the market from the outset is inherently challenging. As a result, variations are expected throughout the development process.

Several adjustments have already been made, including modifications to Stages 1 and 2 (RC-2061182), the incorporation of additional land into Lot 50 from Mataka Station (RC-2070908), the relocation of Lot 40 (RC-2071015), the repositioning of Stage 3 lots (RC-2050024-RMAVAR/A), and a boundary adjustment affecting Lot 1 DP 361786 and Lot 50 DP 481706 (RC-2180016).



- 2.2 This proposal is significantly smaller in scale, and the application aims to demonstrate that the boundary adjustment will not result in any unreasonable environmental impacts, particularly regarding visual effects on the immediate and surrounding environments.
- 2.3 The assessment of environmental effects will demonstrate that the activity effects are less than minor.
- 2.4 Existing Lot 2 DP 481706 is situated 400 meters north of the application site (proposed Lot 2). Currently, it occupies a mown area within a vineyard setting, adjacent to Lots 1 and 6 DP 481706. Given the compact arrangement of these three existing allotments, creating additional space between them is preferred. To achieve this, Lot 2 DP 481706 is being relocated to a new area alongside Lots 4 and 5 DP 481706, where the separation between lots is improved. The proposed position offers a more visually appealing setting beside the feature lake while also enhancing spatial distribution between the lots.
- 2.5 Proposed Lot 2 is situated at a similar elevation as Lot 2 DP 481706, within a gently sloping contour that descends southward, offering similar coastal views to that of Lot 2 DP 481706.

3 SITE DESCRIPTION

- 3.1 The properties legal reference:

Appellation:	Lot 50 DP-435789, Lot 50 DP-376492, Lots 6 – 8 DP 395972 (amalgamated)
Registered Owner:	MLP LLC
Computer Freehold Register:	533640
Total Area:	255.3518ha (more or less)
Appellation:	Lot 2 DP-481706
Registered Owner:	MLP LLC
Computer Freehold Register:	679907
Total Area:	3970m ² (more or less)
The title includes a consent notice CONO10372459.18, which state “further subdivision of the lots is prohibited”.	
Although a boundary adjustment is by definition a subdivision, it has been accepted that the intent of the consent notice was not to cause such a burden on the practical use of the new lots.	

- 3.2 The property is a vast agricultural and horticultural production farm seamlessly integrated with premium coastal lifestyle allotments and extensive active re-vegetation programs. Access is via Rangihoua Road, which features a metalled carriageway, connecting to a privately owned Right of Way (over Lot 50) with concrete and sealed surfaces. This route passes through the vineyard, leading directly to the site. Vineyards dominate the landscape, complemented by re-vegetation plantings, farmland, and the nearby coastal environment.

4 SITE HISTORY

- 4.1 Until 2000, the property was held in multiple certificates of title as a large cattle and sheep station operated by the Mountain family. MLP LLC later acquired the land and obtained Resource Consent (RC-2050024) to subdivide the property, approving the creation of 39 residential allotments along with a balance parcel designated for production, heritage preservation, and conservation purposes.

- 4.2 CONO 10372459.18 registered over all new lots, stating that "further subdivision is prohibited" and was intended to prevent ongoing fragmentation of production land and maintain coastal character, but not to restrict boundary adjustments. The Council previously accepted boundary relocations and adjustments as consistent with this intent, as evidenced by prior approvals, including RC-2061182 and RC-2050024-RMAVAR/A. This was agreed by the previous Principal Planner Pat Killalea of the Far North District Council in a meeting on 28 July 2014.
- 4.3 The property has undergone significant environmental enhancements, with extensive areas of revegetation maturing and being actively preserved.

5 DISTRICT PLAN

- 5.1 The property is situated within the General Coastal Zone, with an Outstanding Landscape overlay affecting only Lot 50. This overlay does not impact the proposed relocation of Lot 2.

13.7.2 ALLOTMENT SIZES

(TABLE 7)

STATUS	GENERAL COASTAL (FAR NORTH DISTRICT PLAN)
Restricted Discretionary Activity	<i>The minimum lot size is 20ha</i> Note: <i>There is no restriction on the number of 20ha lots in a subdivision</i>
Discretionary Activity	<i>The average lot size is 6.0ha subject to Management Plan provisions</i>

Existing Lot 2 DP 481706 = 3970m²
Proposed Lot 2 = 1.16ha

Existing Lot 50 DP 481706 = 114.4456 ha
Proposed Lot 50 = 113.68 ha

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

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

Both lots use the same shared access that provides for all lots within the development.

Lot 2 DP 481706 already had a Right of Way over easement 'B', the same as is proposed for Lot 2.

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

There is no increase in the number of titles.

(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;

The level of noncompliance is not decreased as a consequence of the boundary adjustment.

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

Lot 50 continues to be contiguous, but proposed Lot 2 will be approximately 400m south of its current location.

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

All boundaries comply with or are capable of complying with all relevant land use rules.

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

Not applicable due to no land use activity occurring.

Overall, the proposal is considered to uphold the boundary adjustment parameters. Consequently, the proposal is presented as a Controlled activity.

5.3 GENERAL COASTAL ZONE

10.6 CONTEXT

The General Coastal Zone includes controls on development to preserve the natural character of the coastal environment and protect it from inappropriate subdivision and use. Due to the potential vulnerability of the natural environment, more is expected from developers of land in this zone in the way of preserving, and restoring the environment as part of development proposals.

This statement imposed on the General Coastal zone is consistent with this overall planning framework of the Landing development.

5.4 10.6.1 ISSUES

10.6.1.1

The preservation of the natural character of the General Coastal Zone, which is required by the Act, can be put under pressure by development that is not sympathetic to that character.

10.6.1.3

Subdivision can permanently alter the appearance and use of land. Consequently, it is desirable not only that subdivision is environmentally sensitive but also that it is subject to

strict controls, including assessment criteria, to ensure that sustainable management of the coastal environment can be achieved.

The identified issues are not compromised by this proposal; in fact, it actively reduces potential adverse effects on the coastal environment through the continued implementation of targeted management techniques enforced during the building consent process. While one might argue that consolidating lots in a single area increases the number of potential dwellings within the landscape, it is important to consider that the existing Lot 2 DP 481706 is already part of a similar, more intensive cluster at the same elevation.

The following district plan objectives and policies guide the assessment of non-complying activities to determine whether they conflict with the plan's intent.

5.5 OBJECTIVES AND POLICIES (*Subdivision*)

13.3.1 *To provide for the subdivision of land in such a way as will be consistent with the purpose of the various zones in the Plan, and will promote the sustainable management of the natural and physical resources of the District, including airports and roads and the social, economic and cultural well being of people and communities.*

13.3.2 *To ensure that subdivision of land is appropriate and is carried out in a manner that does not compromise the life-supporting capacity of air, water, soil or ecosystems, and that any actual or potential adverse effects on the environment which result directly or indirectly from subdivision, including reverse sensitivity effects, are avoided, remedied or mitigated.*

13.3.3 *To ensure that the subdivision of land does not jeopardise the protection of outstanding landscapes or natural features in the coastal environment.*

13.3.4 *To ensure that subdivision does not adversely affect scheduled heritage resources through alienation of the resource from its immediate setting/context.*

13.3.5 *To ensure that all new subdivisions provide a reticulated water supply and/or on-site water storage sufficient to meet the needs of the activities that will establish all year round.*

13.4.1 *That the sizes, dimensions and distribution of allotments created through the subdivision process be determined with regard to the potential effects including cumulative effects, of the use of those allotments on:*

(a) natural character, particularly of the coastal environment;

The proposal is not expected to have any significant adverse effects on the natural character of the coastal environment. The immediate vicinity are already designated for future building activity, and the surrounding landscape is well established with mature vegetation, which provides a natural backdrop. Additionally, the site's low position on the hillside ensures that it does not impact ridgelines or create visual intrusions. Coastal views from the site are distant, with no prominent or direct views of the shoreline. Given its location nearly **1 km from the foreshore**, any potential effects are negligible and consistent with the existing approved development in the area.

(b) ecological values;

The application site is not of high ecological value, making it a suitable location for development. While there are recorded wetlands in the vicinity, this is also the case for Lot 2 DP 481706, which would similarly need to assess and if required mitigate any potential impacts from future building activity within 100 meters.

Overall, the proposal does not increase the current level of effects in this regard.

(c) landscape values;

The landscape values remain intact, as the immediate area has already been approved for development and there are manmade feature in proximity (two dams). Furthermore, strict building and landscape design guidelines—as outlined in Consent Notice CONO 10372459.18 and Private Land Covenant 10372459.22—ensure that future building activity upholds the high environmental and aesthetic standards of this established setting.

As a result, any potential effects are effectively mitigated and considered less than minor.

(d) amenity values;

For the same reason, the amenity values remain intact, as the immediate area has already been approved for development. Furthermore, strict building and landscape design guidelines—as outlined in Consent Notice CONO 10372459.18 and Private Land Covenant 10372459.22—ensure that future building activity upholds the high environmental and aesthetic standards of this established setting.

As a result, any potential effects are effectively mitigated and considered less than minor.

(e) cultural values;

There is no impact on cultural values.

These matters are thoroughly assessed during the original consent RC 2050024.

(f) heritage values; and

There is no impact on heritage values.

These matters are thoroughly assessed during the original consent RC 2050024.

(g) existing land uses.

The style and method of integration with the production base is part of the overall theme and therefore considered acceptable to the surrounding environment.

Potential effects overall are unchanged and therefore less than minor.

5.6 OBJECTIVES AND POLICIES (Coastal zone)

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.

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;

The proposal seeks to align with the goal of clustering development on sites that have low impact on the character and key environmental elements, such as the landform. This approach avoids creating lots on upper ridgelines or along the coastal frontage, where the impact would be far more prominent.

Developing existing Lot 2 DP-481706 compared to proposed Lot 2 would likely result in a similar impact on both the landform and the coastal setting, given the similarity in location, landscape, and elevation. Located approximately 1 km from the coastline, Lot 2 aligns with the objective of minimising impacts, especially when compared to alternative sites that could be located directly on the beachfront, for example.

(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;

The existing Management Plan covenant registered under EI-10372459.19 enforces measures to minimise visual impacts on the environment, and these provisions would also apply to Lot 2. This aligns with the intentions of 10.6.4.4, which requires that controls be implemented to ensure any potentially adverse effects of activities are avoided, remedied, or mitigated to the greatest extent practicable.

5.7 COMMENTARY (General Coastal zone)

The objectives and policies of the General Coastal Zone are a subset of those for the coastal environment. As such they are aimed at a particular zone within the coastal environment and the particular constraints and opportunities inherent in the environment of that zone. They are intended to be as flexible, permissive and enabling as possible given the statutory requirement to preserve the natural character of the coastal environment.

Recognising that the General Coastal Zone guidelines are intended to be as flexible, permissive, and enabling as possible, it is essential to balance these objectives with the statutory requirement to preserve the natural character of the coastal environment. In this context, the proposal has been meticulously developed to reflect and enhance the positive attributes of the environment, with a strong focus on minimising any impacts on the coastal landscape.

Given the environmental sensitivity of the covenants and the comprehensive measures incorporated into the proposal to minimise disruption to the natural surroundings, it is appropriate to adopt a permissive and enabling approach in the Resource Consent assessment by the Local Authority. This approach would support a development outcome that not only aligns with the statutory goals of the coastal zone but also integrates the specific environmental benefits outlined in the proposal and respects the underlying exclusivity of the broader subdivision approval (RC 2050024).

General Discussion

Based on planning rules, laws, and guidelines, the concept of adding a lot to an existing inland cluster where the cluster is designed to minimise environmental impacts is supported by several key principles and frameworks.

1. Efficient Land Use and Reduced Habitat Fragmentation:

Resource Management Act 1991 (RMA) focuses on the sustainable management of natural and physical resources. Clustering development inland can be a strategy to efficiently use land and reduce sprawl, which helps preserve significant natural areas. By concentrating development in one area, this approach reduces the fragmentation of habitats, which is particularly important in sensitive or ecologically significant zones like the coastal environment.

Clustering can concentrate development, limiting its spread and helping to avoid fragmentation of ecosystems, which aligns with the **New Zealand Coastal Policy Statement (NZCPS)** and **regional plans**. These documents highlight the importance of preserving the natural character of coastal areas and avoiding activities that would lead to habitat fragmentation.

2. Concentration of Infrastructure and Reduction of Environmental Footprint:

The **RMA** emphasises efficient use of resources, including infrastructure. Concentrating development in clusters allows for shared infrastructure (roads, utilities, stormwater management), reducing environmental impacts compared to scattered development. This is in line with sustainable urban design principles outlined in New Zealand planning guidelines.

3. Avoidance of Adverse Effects:

The **RMA** requires developments to avoid, remedy, or mitigate adverse environmental effects. When adding a lot to an existing cluster, if the cluster is already well-designed with minimal environmental impact, further development is less likely to cause significant adverse effects. This principle is supported by the case law of **Environmental Defence Society Inc v New Zealand King Salmon Co Ltd** [2014] NZSC 38, where the Court highlighted the importance of assessing environmental effects and ensuring that any new development does not adversely affect sensitive environments, particularly the natural character of coastal areas.

In regions where the coastal environment or other sensitive landscapes are involved, cluster development is seen as a way to achieve density without encroaching on sensitive ecosystems. It supports the goal of maintaining or enhancing environmental quality, in line with the **NZCPS** guidelines, which encourage development in a way that preserves the natural character of the coastal environment.

4. Sustainable Development and Conservation:

The **Far North District Council** policies promote development strategies that limit sprawl and preserve larger, more ecologically intact spaces. Adding a lot to a well-planned inland existing cluster aligns with these conservation principles.

In summary, the relocation of an existing lot into an established inland cluster—governed by strict building design guidelines to minimise environmental impacts—aligns with the Resource Management Act and the New Zealand Coastal Policy Statement. By moving the lot from a denser cluster to a more desirable, less dense existing cluster, any potential adverse effects are considered proportional and less than minor. The development's adherence to stringent design guidelines ensures that environmental impacts are kept to a minimum.

6 ALLOTMENT DIMENSIONS 13.7.2.2

6.1 (Buildable Area)

Zone	Minimum Dimension
General Coastal	30m x 30m

Lot 2 is capable of configuring a 30m x 30m allotment shape parameter in accordance with 10m boundary setback standards.

7 OTHER MATTERS

7.1 ALLOTMENT SIZES AND DIMENSIONS

13.10.1

(a) Whether the allotment is of sufficient area and dimensions to provide for the intended purpose or land use, having regard to the relevant zone standards and any District wide rules for land uses.

The scheme plan specifies a 30m x 30m allotment shape, with 10m boundary setbacks, this alone provides ample space for a modest house, vehicle parking, and wastewater disposal. The total lot size and configuration is sufficient to accommodate the anticipated development while maintaining compliance with zoning requirements and ensuring adequate space for essential infrastructure and services.

Both Lots 2 & 50 provide adequate area and dimensions to carry out onsite effluent disposal.

Effluent reports were prepared under the original applications to subdivide, which created all lots in various locations throughout the farm presented no concerns, and therefore any further investigation respective to Lot 2 would be suitable at the building stage. Existing wastewater disposal requirements are configured in the existing consent notice (CONO 10372459.18) and these same parameters would be brought down on to proposed Lot 2.

Building construction would be able to occur without being in breach of zone standards, such as height to boundary, setbacks, and impermeable surface cover.

Knowing the complexities of the exiting building restrictions on EI6967025.11, there are no concerns.

(b) Whether the proposed allotment sizes and dimensions are sufficient for operational and maintenance requirements.

No concerns all infrastructure is in place and ample usable site area for operational and maintenance requirements.

(c) The relationship of the proposed allotments and their compatibility with the pattern of the adjoining subdivision and land use activities, and access arrangements.

Access arrangements remain unchanged, with no further improvements required. The proposed development pattern aligns with the surrounding environment, ensuring minimal disruption and maintaining consistency with existing land use and natural features. The relocation of the lot into an established inland cluster, governed by strict building design guidelines, minimises environmental impacts and supports sustainable land use.

(d) Whether the cumulative and long term implications of proposed subdivisions are sustainable in terms of preservation of the rural and coastal environments.

There is no compromise to the long-term goal of sustainability. The proposal does not affect the underlying ecological restoration program or management plan intent. Sustainable management continues to be upheld.

7.2 13.10.2 NATURAL AND OTHER HAZARDS

In assessing any subdivision, and for the purposes of s106 of the Act, the Council will have regard to:

(a) Any information held by the Council or the Northland Regional Council regarding natural hazards, contaminated sites or other hazards.

The application site is not known to be subject to any natural hazards, and is sufficiently elevated not to be influenced by 'predicted' sea level rises. Neither the application site nor its close proximity constitutes a (HAIL) Hazardous Activities and Industries List pursuant to the National Environmental Standard, to require further investigation.

(b) Information obtained by suitably qualified experts, whose investigations are supplied for subdivision applications.

None required.

(c) Potential adverse effects on other land that may be caused by the subdivision or anticipated land use activities.

The subdivision action does not cause adverse hazard effects on other land.

(d) In relation to inundation from any source, the Council shall have regard to the following factors:

The application site is not known to be influenced by potential inundation.

*(e) In relation to erosion, falling debris or slippage, the need for ongoing conditions aimed at avoiding, remedying or mitigating future potential adverse effects, and any need for registration of consent notices on the allotment's Certificate of Title, pursuant to **Rule 13.6.7.***

The application site is not known to be influenced by potential erosion, falling debris or slippage.

*(f) In relation to subsidence, the provision of suitability certificates, such as NZS 4431, or if not appropriate, the setting of ongoing conditions, with consent notices registered on the Certificates of Title, pursuant to **Rule 13.6.7**.*

The application site is not known to be influenced by potential subsidence.

(g) In relation to contaminated sites, any soil tests establishing suitability, and methods to avoid, mitigate or remedy the effects, including removal to approved disposal points.

Not applicable.

(h) In relation to land filling and excavation operations, the following factors:

Not applicable.

7.3 **13.10.3 WATER SUPPLY**

Water supply is to be through use of roof surface catchment and storage in water tanks.

7.4 **13.10.4 STORMWATER DISPOSAL**

Stormwater from proposed Lot 2 is primarily controlled onsite within its 1.16ha of land, and excess sheet flow is no concern as it leads to the gully where all stormwater is controlled in a manmade dam.

The dam is a reasonable size, featuring a ford crossing that maintains a constant flow under normal conditions. It is capable of handling storm event rainfall and has functioned reliably for many years without issue. The overflow from the dam follows a natural flowpath, before entering the coast. Given the close proximity to the coast, there is no need for additional stormwater detention measures.

The existing system is well-established and functions as an effective control mechanism that reduces sediment displacement. It encourages natural absorption and filtration through the vegetated gully, which continues to manage stormwater effectively. Given its proven performance, and the fact that building roof surface water would be collected in water tanks, the effects on the environment are considered less than minor. As such, no further stormwater management assessment is required.

7.5 **13.10.5 SANITARY SEWAGE DISPOSAL**

Both Lots 2 and 50 offer sufficient area to readily provide onsite wastewater treatment and 100% reserve area.

Effluent reports were submitted as part of the original subdivision applications, which included all lots across the farm. These reports identified no issues, and as such, any additional investigation for Lot 2 can be addressed during the building stage. The existing wastewater disposal requirements, as outlined in the consent notice (CONO 10372459.18), will apply to the proposed Lot 2, ensuring continuity of the established parameters.

7.6 **13.10.6 ENERGY SUPPLY**

Lots 2 & 50 are able to connect to the existing electricity and telecommunication services that exist onsite.

Comments from service providers were not considered necessary.

7.7 **13.10.7 TRANSMISSION LINES**

There are no overhead transmission lines and all underground lines have adequate accessibility.

7.8 **13.10.8 TELECOMMUNICATIONS**

Lots 2 & 50 are able to connect to the existing electricity and telecommunication services that exist onsite.

Comments from service providers were not considered necessary.

7.9 **13.10.9 EASEMENTS FOR ANY PURPOSE**

Proposed easements

These outline on the scheme plan.

Area 'A' is over Lot 50 in favour of Lot 2 for purpose of Rights of Way and Rights to convey services.

Area 'B' is over Lot 50 in favour of Lot 2 for purpose of Rights of Way.

Existing easements

Gross easements in favour of Top Energy and Telecommunications services exist over Lot 50 shown area 'B'.

Areas 'A' & 'C' on DP 361786 were created in favour of what is now Lot 50 DP 481706 and therefore hereon exists in favour of proposed Lot 2.

Proposed Easements to cancel pursuant to Section 243(e) RMA

Right of Way shown BD & BG on DP 481706.

Right to convey water shown SB on DP 481706.

7.10 **COVENANTS AND AMALGAMATION CONDITION**

The existing Management Plan covenant EI 6967025.11 would carry forward to proposed Lot 2.

Pursuant to Section 221(3)RMA, existing Consent Notice 10372459.18 is to be deleted insofar as it affects Lot 2 DP 481706, and recreated on a replacement notice to register on Lot 2 and Lot 50. Some minor amendments to the consent notice are suggested and would suit compliance on a non-notified basis.

Proposed Consent notice pursuant to Section 221 RMA

~~Lots 1 – 6 and 50 DP 481706~~ Lots 2 & 50 DP and Lot 50 DP 376492

(i) Further subdivision of the lots is prohibited

(ii) The development of each house site is to proceed in accordance with the recommendations contained within the *Geotechnical assessment for Mountain Landing Property, Purerua Peninsula, Bay of Islands assessment report* prepared by Tonkin and Taylor Ltd, reference 20149, dated January 2004 (as submitted in support of RC 2050024).

Specifically, that a site-specific geotechnical investigation be carried out for all of the proposed building platforms prior to the building consent application.

Lots 1—6 and 50 DP 481706—Lots 2 & 50 DP

(iii) In conjunction with the construction of a new dwelling, a roof water collection system with a minimum tank storage of 45,000 litres shall be provided. The tank(s) shall be positioned so that they are safely accessible for firefighting purposes and fitted with an outlet compatible with rural fire service equipment. Where more than one tank is utilised, they shall be coupled together and at least one tank fitted with an outlet compatible with rural fire service equipment. Alternatively, the dwelling can be fitted with a sprinkler system approved by the Council.

(iv) Due to horticultural activities taking place in the vicinity, the operation of equipment including sprays and chemicals (subject to compliance with any relevant legislation) may be a permitted activity. Accordingly, where rainwater is collected from exposed surfaces for human consumption in connection with any residential development, the occupiers of any such dwelling shall install an approved water filtration system.

(v) In conjunction with the construction of any building requiring a wastewater disposal system, the lot owner shall submit a TP-58 Report with the building consent and accordingly install the wastewater treatment and effluent disposal system, detailed in *Wastewater assessment for proposed subdivision, the Landing, Purerua Peninsula, for MLP LLC* undertaken by Haigh Workman Civil and Structural Engineers, reference 14-085 dated July 2014 (as submitted in support of RC 2150044).

i. The installation shall include an agreement with the system supplier or its authorised agent for the ongoing operation and maintenance of the wastewater treatment plant and the effluent disposal system.

ii. The estimated cost of the installed system is \$15,000 + GST. The costing is valid for a period of 6 months from the date of the 224(c) certificate.

iii. Following 12 months of operation of the wastewater treatment and effluent disposal system, the lot owner shall provide certification to Council that the system is operating in accordance with its design criteria.

iv. Where a wastewater treatment and effluent disposal system is proposed that differs from that detailed in the above mentioned report, a new TP58/site and soil evaluation report will be required to be submitted, and Council's approval of the new system must be obtained prior to its installation.

(vi) Further to the requirements of condition 14A(a) of RC 2050024, which requires a landscape plan consistent with the Landscape Plan (referred to in condition 13A) to be submitted for approval by Council at the time a land use consent is applied for, the landscape plan shall also be consistent with the enhancement and mitigation measures outlined in the *Landscape and visual impact assessment* undertaken by Hawthorn Landscape Architects, dated July 2014 (submitted in support of RC 2050024-RMAVAR/A). The approved landscaping shall be implemented within 6 months after the construction of any structures and maintained for the duration of the activity.

Lot 50 DP 481706 DP and **Lot 50 DP 376492**

(vii) For each stage of the subdivision, the planting, as set out in the ecological management plan, must be completed (i.e., all plants must be in the ground) prior to the application for section 224(c) being made for the house lots within the stages.

With respect to Stage 3, this shall also include planting as per the *Site plan of proposed revegetation* prepared by Donaldsons Registered Land Surveyors, reference 6472, dated 29 July 2014, and the *Ecological Review*.

undertaken by Rebecca Lodge, reference 6472, dated 29 July 2014 (as submitted in support of RC 2050025 RMAVAR/A). The planting is to be maintained in perpetuity.

To ensure that the planting is maintained a bond for each stage of the planting programme shall be paid to Council by the owner of Lot 50. The amount of the bond will be determined on the basis of the costs of maintenance for a 4-year period multiplied by 1.5. The amount to be agreed between the Council and the owner of Lot 50. The bond shall be held under the following conditions:

- The bond shall be paid upon completion of the planting in each stage of the subdivision.
- The bond shall be either cash or guaranteed in accordance with Council's Bond and Undertakings Policy No.3102.
- The bond shall be held for 48 months from the date of receipt.
- The bond shall be released at the end of the 48-month period on the presentation by the owner of Lot 50 of certification from a qualified ecologist that the ecological planting has been appropriately maintained so as to ensure an 85% survival rate to the satisfaction of Council's Manager – Resource Consents or other duly delegated officer. The certification report shall include details of the method(s) used to assess the survival rate of planting.
- Any costs incurred in the preparing, checking, monitoring, and release of the bond are to be met by the owner of Lot 50.
- The owner of Lot 50 acknowledges that for the purposes of monitoring and enforcement of all the consent notices, Council is entitled to enter the land in accordance with the relevant provisions of the Resource Management Act 1991 (as amended from time to time).

Advice Note – *The owner of Lot 50 acknowledges that any application that seeks to amend these consent notices is likely to be publicly notified.*

Lot 50 DP

(viii) The archaeological sites located within the proposed Rangihoua historic area (identified in the Assessment of Environmental Effects and Archaeological Assessments supporting RC 2090115 and RC 2050024) shall remain undisturbed, and that access to the archaeological sites be provided to members of the public, such access 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 the members of the public, and that access to the archaeological sites be provided to members of the public on such terms as may be agreed between the lot owner and these members of the public following them having given 48 hours' notice to the lot owner.

Access shall be limited to the hours of daylight and the frequency of visitors' (being members of the public) shall be such that they do not cause a nuisance or disturbance to the archaeological sites and areas of the Rangihoua historic area, to the vegetation or improvements on the lot, or to farming activities.

The members of the public that visit the Rangihoua historic area shall ensure that the sites are protected and remain undisturbed. Other members of the public, being those that have not sought nor been provided with permission from the lot owner, are trespassers in the context of this condition of consent.

Lot owner consent shall not be unreasonably withheld or declined. If there is any dispute as to the interpretation of this condition or as to be exercised by the lot owner or members of the public of their respective entitlements or obligations under the condition then before the lot owner may deny access to the sites or before the 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.

Note 1:

Where the consent holder chooses to present RC 2050024-RMAVARB and RC2150044-RMAVAR/A on a single Land Transfer plan, then the above conditions relating to Lot 50 and those of Lot 50 DP 376492 may be recorded in a single consent notice against the revised lot area.

In having regard to amalgamation condition 24.2, the conditions above will not prevent the consent holder from registering the consent notice conditions as part of a single document relating to the amalgamated title area.

Note 2:

In having regard to condition 23 and amalgamation condition 24.2 of Decision 1 above, the conditions relating to Lot 50 DP 376492 will not prevent the consent holder from registering the conditions as part of a single document relating to all of the amalgamated land parcels.

Note 3:

Where the consent holder chooses to present ~~and~~ RC 2150044-RMAVAR/A and RC 2050024-RMAVARB on a single Land Transfer plan, then the above conditions relating to Lot 50 and those of Lot 50 of RC 2050024-RMAVARB may be recorded in a single consent notice against the revised lot area.

In having regard to amalgamation condition 2(b), the conditions above will not prevent the consent holder from registering the consent notice conditions as part of a single document relating to the amalgamated title area.

Comment: The wastewater aspects are deleted as they are not specific to the area of proposed Lot 2.

Amalgamation Conditions

Proposed Amalgamation Sec 241(1) RMA)

That Lot 50 DP _____ hereon be held with Lot 50 DP 376492, and Lots 6-8 DP 395972 together in one record of title.

Proposed Amalgamation Cancellation (Sec 241(3) RMA)

That Lot 50 DP 435789 be held with Lot 50 DP 376492, and Lots 6-8 DP 395972 together in one computer freehold register. (Linz ref: 1241454)

7.11 13.10.11 PROVISION OF ACCESS

(a) Whether provision for access to and within the subdivision, including private roads, has been made in a manner that will avoid, remedy or mitigate adverse effects on the environment, including but not limited to traffic effects, including effects on existing roads, visual effects, effects on vegetation and habitats, and natural character.

Access exists and all access carriageways are in good condition.

7.12 13.10.12 EFFECT OF EARTHWORKS AND UTILITIES

The subdivision activity does not require any earthworks.

7.13 13.10.13 BUILDING LOCATIONS (Attention is also drawn to chapter 11 assessment)

(a) Whether the subdivision provides physically suitable building sites.

Lot 2 has suitable building sites.

Landscaping around new buildings is required under the Management Plan criteria.

(b) Whether or not development on an allotment should be restricted to parts of the site.

Aside from standard offsets and registered building guidelines, there are no physical constraints that would necessitate further building restrictions on any specific parts of the site. The land is suitable for development without additional limitations.

(c) Where a proposed subdivision may be subject to inundation, whether the establishment of minimum floor heights for buildings is necessary in order to avoid or mitigate damage.

No concern.

(d) Whether the subdivision design in respect of the orientation and dimensions of new allotments created facilitates the siting and design of buildings able to take advantage of passive solar gain (e.g. through a northerly aspect on an east/west axis).

Lot 2 is open to the sun and orientated sufficiently to benefit from solar gain.

7.14 Briefly referring to Chapter 11 Assessment as required:

11.1 RESIDENTIAL INTENSITY AND SCALE OF ACTIVITIES

(a) The character and appearance of building(s) and the extent to which the effects they generate can be avoided, remedied or mitigated, consistent with the principal activity on the site and with other buildings in the surrounding area.

The future state of Lot 2 is governed by The Landing Management Plan schedule, and accordingly the complex nature of those standards provides suitable reassurance that the character and appearance of buildings will be consistent with other buildings in the surrounding area.

(b) The siting of the building(s), decks and outdoor areas relative to adjacent properties in order to avoid visual domination and loss of privacy and sunlight to those properties.

Lot 2 has suitable area to incorporate a raft of building design options capable of addressing and minimising aspects of visual domination, privacy, and sunlight.

(c) The size, location and design of open space and the extent to which trees and garden plantings are utilised for mitigating adverse effects.

Open spaces is maintained through the integration of Lot 50, effectively being the open space parcel.

(d) The ability of the immediate environment to cope with the effects of increased vehicular and pedestrian traffic.

No concern with excellent access formations.

(e) The location and design of vehicular and pedestrian access, on site vehicle manoeuvring and parking areas and the ability of those to mitigate the adverse effects of additional traffic.

There are no traffic issues.

(f) Location in respect of the roading hierarchy – the activity should be assessed with regard to an appropriate balance between providing access and the function of the road.

No concern to this rural situation.

(g) The extent to which hours of operation are appropriate in terms of the surrounding environment.

There are no concerns regarding this rural situation, as all farming activities are coordinated by The Landing to meet the needs of both guests and owners, ensuring that the operations are well-managed and aligned with the surrounding environment.

(h) Noise generation and the extent to which reduction measures are used.

No concern to this rural situation. Tractor movements are not continuous and are often in the distance not to be an issue.

(i) Any servicing requirements and/or constraints of the site – whether the site has adequate water supply and provision for disposal of waste products and stormwater.

No concerns.

(j) Whether the development is designed in a way that avoids, remedies or mitigates any adverse effects of stormwater discharge from the site into reticulated stormwater systems and/or natural water bodies.

Stormwater control is not an issue, and further design would be included at the building stage.

(k) The ability to provide adequate opportunity for landscaping and buildings and for all outdoor activities associated with the residential unit(s) permitted on the site.

Landscaping forms part of future building activity and Lot 2 has sufficient area to fulfil this requirement.

(l) The degree to which mitigation measures are proposed for loss of open space and vegetation.

Lot 50 achieves this intent.

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

There is no impact on the life supporting capacity of the soils.

(n) The extent of visual and aural privacy between residential units on the site and their associated outdoor spaces.

The layout of proposed Lot 2 fosters a stronger sense of community, creating a living environment where the rural open space outlook is better preserved. This design promotes a more connected and integrated rural lifestyle.

(o) Visual effects of site layout on the natural character of the coastal environment.

This matter has been broadly addressed in earlier Landscape Assessment reports without raising any significant concerns. Mitigation measures during the building stage have been proposed to reduce visual impacts, ensuring that they are minimised to a level that is appropriate for the character of the landscape.

(p) The effect on indigenous vegetation and habitats of indigenous fauna.

There is none.

(q) The extent to which the activity may cause or exacerbate natural hazards or may be adversely affected by natural hazards, and therefore increase the risk to life, property and the environment.

No concern.

7.15 13.10.14 PRESERVATION AND ENHANCEMENT OF HERITAGE RESOURCES, VEGETATION, FAUNA AND LANDSCAPE, AND LAND SET ASIDE FOR CONSERVATION PURPOSES

There is no impact on ecological features.

7.16 13.10.15 SOIL

The proposal does not result in any unreasonable impact on soils.

7.17 **13.10.16 ACCESS TO WATERBODIES**

Under earlier resolution, it was not considered appropriate to provide public access through this unique and private development. Clearly, it would be counterintuitive compromising the security and privacy of the landholdings. Mountain Landing has offset coastal access by establishing esplanade strips, vegetation protection, and ongoing environmental improvements. Walking access is readily available via Marsden Cross.

RC 2050024, decision, Pt 1, includes the protection of 15ha of land on the Terakihi Peninsula by way of a private covenant, which also provides for public access to the coast over Wharengaere Block. This occurs at Stage 5, see conditions 32.3 & 32.4.

Access to water-bodies therefore does not need to be re-visited.

7.18 **13.10.17 LAND USE INCOMPATIBILITY**

No concerns.

The level of land use incompatibility is considered acceptable and nothing out of the ordinary.

7.19 **13.10.18 PROXIMITY TO AIRPORTS**

Not applicable.

7.20 **13.10.19 NATURAL CHARACTER OF THE COASTAL ENVIRONMENT**

(a) The degree to which the proposal takes into account the preservation and/or enhancement of the natural character of the coastal environment.

As discussed the proposal constitutes a balanced outcome regarding natural character and the coastal environment.

7.21 **13.10.20 ENERGY EFFICIENCY AND RENEWABLE ENERGY DEVELOPMENT/USE**

The subdivision does not initiate renewable energy, however the layout of the lots and immediate landscape provides good solar gain to allow for each building to incorporate solar energy efficient designs, if and when required.

7.22 **SUMMARY**

In summary, the subdivision assessment criteria are fully aligned with the principles and purpose of the Resource Management Act, ensuring that no unreasonable environmental effects will arise, either at the subdivision stage or during subsequent development.

The subdivision maintains the foundational elements of Resource Consent RC-2050024, and the objectives and policies outlined in the application demonstrate consistency with the established planning framework. As such, there are no irregularities with the application, which supports its overall discretionary status.

8 **NATURAL AND PHYSICAL RESOURCES**

8.1 The subdivision layout does not result in any unordered change to or impact on natural and physical resources, and there is no increase in development entitlements to raise the level of effects associated with future building activity.

The proposal avoids adverse effects on the environment by choosing an application site that does not require clearing of vegetation or need extensive earthworks.

- 8.2 The effects associated with the proposed allotment reshuffle does not formulate any unreasonable disposition to conflict with the sustainable management of the natural and physical resources.

10 COASTAL POLICY STATEMENT 2010

- 10.1 In reference to the Coastal Policy Statement, the following were considered to support the proposed activity:

Policy 3 Precautionary approach

- (1) *Adopt a precautionary approach towards proposed activities whose effects on the coastal environment are uncertain, unknown, or little understood but potentially significantly adverse.*

The application site does not relate to Policy 3 in any way to require a precautionary approach. The activity is well understood and represented with an acceptable level of effects.

Policy 6(1) Activities in the coastal environment

(f) *consider where development that maintains the character of the existing built environment should be encouraged, and where development resulting in a change in character would be acceptable.*

(h) *consider how adverse visual impacts of development can be avoided in areas sensitive to such effects, such as headlands and prominent ridgeline....*

(i) *set back development from the coastal marine area...*

Policy 13 Preservation of natural character

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

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

Legal Interpretation of "Pristine"

Landscape case law generally defines a **pristine** landscape as one that:

- Remains in an unmodified or near-natural state, free from human influence.
- Exhibits high levels of ecological and visual integrity, with little to no evidence of development, structures, or anthropogenic alterations.
- Has intact natural processes, unaltered landforms, and an absence of infrastructure or modifications that would disrupt its natural character.

Application to the Subject Landscape

The subject landscape does **not** meet this definition of pristine for the following reasons:

- **Presence of Human Modification:** The landscape has already been subject to subdivision, land use changes, and infrastructure development, including accessways, fencing, existing dwellings, and crops, indicating human influence.
- **Alteration of Natural Processes:** Historical land management practices, such as vegetation clearance, drainage modifications, and the introduction of crops, have altered the natural ecological balance.

- **Visual and Physical Impact:** The presence of built elements and human activity, including roads, buildings, and managed vegetation, means the landscape does not exhibit the untouched character required to be considered pristine.

The application site is not considered to represent the description of 'pristine' due to the modified landscape.

Assessment of environmental effects of proposed Lot 2 area is accordingly representative of a modified natural character.

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.

Although no restoration is proposed, the fact that the area of Lot 1 DP-361786 would now remain undeveloped concurs with Policies 14 & 15.

10.2 **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.

The landowner's intentions align with Objective 6 by balancing development with environmental responsibility. The proposal ensures that the values of the coastal environment are protected and restored where possible while remaining within appropriate environmental limits. This approach enables people and communities to provide for their social, economic, and cultural well-being, as well as their health and safety, without compromising the integrity of the coastal environment.

10.3 Particular issues outlined in the coastal policy statement include:

- *Continuing decline in species, habitats and ecosystems in the coastal environment;*
- *Poor and declining coastal water quality in many areas as a consequence of point and diffuse sources of contamination, including stormwater and wastewater discharges;*
- *Continuing coastal erosion and other natural hazards that will be exacerbated by climate change and which will increasingly threaten existing infrastructure, public access and other coastal values as well as private property;*

10.4 It is considered that the proposal does not undermine the intentions of the Coastal Policy Statement.

☐ **Protection of Species, Habitats, and Ecosystems:** The subdivision overall has been designed to avoid significant ecological impacts, with measures in place to protect and, where possible, restore native vegetation and habitats. No clearance of ecologically sensitive areas is proposed, ensuring that biodiversity values are maintained.

☐ **Maintaining Coastal Water Quality:** The proposal incorporates best-practice stormwater and wastewater management systems to prevent contamination. Stormwater is able to be treated through natural low impact process, while wastewater will be managed through approved treatment solutions to prevent degradation of coastal water quality.

☐ **Managing Coastal Hazards and Climate Change Effects:** The subdivision layout takes into account coastal erosion, sea-level rise, and natural hazards by ensuring all

building platforms and infrastructure are set back from high-risk areas. Geotechnical investigations become a requirement for any future building activity.

The proposed activity is furthermore not considered of significant proportion to threaten or measurably decline any habitats or ecosystems on the site, and consequently upholds the Coastal Policy Statement 2010.

11 REGIONAL POLICY STATEMENT

Proposed Lot 2 is not significantly affected by the Regional Policy Statement, as the new lots primarily align with existing lifestyle living areas and do not reduce available productive land.

9.2 Enabling Development While Managing Adverse Effects

The approach focuses on managing adverse effects rather than imposing rigid activity restrictions. This framework allows for a broad range of activities, provided they meet environmental standards and avoid significant adverse effects.

11.2 Alignment with the Regional Policy Statement

The Regional Policy Statement promotes the sustainable use of land, protecting productive farmland and high-quality soils while safeguarding waterways and ecosystems. This aligns with the proposal's objectives.

Overall, the Regional Policy Statement emphasises flexibility while ensuring land use supports the area's existing characteristics with sustainability in mind. The proposal is consistent with this approach and upholds its principles.

12 RESOURCE MANAGEMENT ACT

12.1 An assessment of whether an activity will have adverse effects that are more than minor considers several factors, including existing use rights, the cumulative nature of effects, the scale and significance of those effects, potential impacts on neighbours or the wider environment, and the sensitivity of surrounding uses.

In this case, there are no affected persons, as the level of effects is considered less than minor. The proposed activity remains predominantly consistent with what is already lawfully permitted on the site or what could have reasonably occurred on the former Lot 50 DP-481706, which would now capture the boundaries of the proposed Lot 2.

12.2 The proposal aligns with the Coastal Policy Statement, ensuring that coastal values are maintained while allowing for appropriate use and development. The existing character and land use patterns at the application site remain largely unchanged, meaning the proposal does not significantly alter the approved and partly established theme or undermine the intent of the underlying approval.

12.3 Cumulative Effects

As the application does not create additional lots and maintains the allotment size in line with the intended averaging purposes, the cumulative effects are considered acceptable, if not reduced. Furthermore, the application site is positioned in a preferred location

compared to the existing Lot 2 DP-481706, and enhances its ability to accommodate development with minimal impact. Any effects caused are no different from that of existing Lot 2 DP 481706.

Reverse sensitivity effects

The vineyard is situated at a sufficient distance from proposed Lot 2, ensuring that no reverse sensitivity issues, such as spray drift, are likely to arise. As a result, the potential for such issues, including the need for water filtration, is effectively mitigated. Given these factors, the reverse sensitivity effects are considered to be less than minor. In any event the orchard operations use a spray recycling system that reduces the amount of spray drift.

12.4 FOURTH SCHEDULE

Assessment of effects on the environment

The subdivision of the property supports productive land use without causing any significant adverse effects on the environment.

There are no hazardous substances involved, and the National Environmental Standards (NES) 2011 do not apply to Lot 2. Additionally, Lot 50 remains a production parcel, and therefore, it is exempt from the NES requirements.

The subdivision follows the precedent established by Resource Consent RC-2050024, which approved a similar layout and clustering of smaller allotments, consistent with this proposal.

No monitoring is required as part of this proposal, given the minimal environmental impact.

Local Iwi were actively involved in the underlying Resource Consent RC-2050024. Since Lot 2 aligns with the approved general layout, there is no need to re-consult with Heritage NZ, local hapū, or the Department of Conservation.

Similarly, due to the low level of effects arising from the proposal, the approval of neighbours is not necessary.

CLAUSE 6

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

(a) if it is likely that the activity will result in any significant adverse effects on the environment, a description of any possible alternative locations or methods for undertaking the activity:

No concern.

(b) an assessment of the actual or potential effects on the environment of the activity.

No concern.

(c) if the activity includes the use of hazardous substances and installations, an assessment of any risk to the environment that are likely to arise from such use.

Not applicable.

- (d) *if the activity includes the discharge of any contaminants, 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:*

Not applicable.

- (e) *a description of the mitigation measures (including safeguards and contingency plans where relevant) to be undertaken to help prevent or reduce the actual or potential effects:*

There are no issues to address.

- (f) *identification of the persons affected by the activity and consultation undertaken, and any response to the views of any person consulted:*

All effects are considered less than minor not to require consultation.

- (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:*

No monitoring is necessary.

- (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).*

No concern.

(2)

A requirement to include information in the assessment of environmental effects is subject to the provisions of any policy statement or plan.

This is covered under the heading 'Northland Regional Policy Statement' below.

CLAUSE 7

7 Matters that must be addressed by assessment of environmental effects

- (1) *An assessment of an activity's effects on the environment must address the following matters:*

- (a) *any effect on those in the neighbourhood and, where relevant, the wider community, including any social, economic, or cultural effects:*

The proposal is considered to promote the zone guidelines and surrounding land use, without any unreasonable effects to concern the wider community including social and economic or cultural aspects.

(b) any physical effects on the locality, including any landscape, and visual effects.

No concern.

(c) Any effects on ecosystems, including effects on plants or animals and any physical disturbance of habitats in the vicinity.

The subdivision does not result in any habitat disturbance.

(d) any effect on natural and physical resources having aesthetic, recreational, scientific, historical, spiritual, or cultural values, or other special value, for present and future generations:

The values outlined are not depleted.

There is no influence on Fisheries.

(e) any discharge of contaminants in to the environment, including any unreasonable emissions of noise, and options for the treatment and disposal of contaminants:

None.

(f) any risk to the neighbourhood, the wider community, or the environment through natural hazards or the use of hazardous substances or hazardous installations.

To the best of our knowledge there are no concerns.

Overall, the proposal can proceed without causing any significant effects that would contradict the purpose and principles of the Resource Management Act 1991. It continues to uphold and enhance social and economic well-being by improving the legal ownership and physical infrastructure of the site, ensuring that the development aligns with sustainable land use and management practices.

Proposed District Plan

The property is located within the Rural Production Zone, with approximately half of the site covered by a Coastal Environment Overlay. Additionally, it is subject to Heritage, Outstanding Landscape, and Natural Hazard overlays, which primarily affect the coastal fringe.

SUBDIVISION

The following describes relevant subdivision objectives and policies.

Objectives

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.*

Policies

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 accords with relevant subdivision objectives and policies.

BOUNDARY ADJUSTMENTS

SUB-R1

Standards

SUB-S1 Minimum allotment sizes

Activity status: Controlled

Rural Production

Min. Area 40ha

SUB-S2 Requirements for building platforms for each allotment

Rural Production, Horticulture, Rural Lifestyle, Rural Residential

Allotment Shape: 30m x 30m

CON-1

SUB-1 Minimum allotment sizes for controlled activities, except where an existing allotment size is already non-compliant, the degree of non-compliance shall not be increased;

These are both existing allotments and although Lot 2 is sized less than 40ha, the boundary adjustment does not change the degree of non-compliance.

SUB-S2 Requirements for building platforms for each allotment

No concern both sites have suitable area for building.

SUB-S3 Water supply

As described under the proposed plan assessment.

SUB-S4 Stormwater management

As described under the proposed plan assessment no concern.
Complies with the 15%.

SUB-S5 Wastewater disposal

As described under the proposed plan assessment, no concern.

SUB-S6 Telecommunications and power supply

As described under the proposed plan assessment, no concern.

SUB-S7 Easements for any purpose

As described under the proposed plan assessment.

CON-2

The boundary adjustment does not alter:

- *the ability of existing activities to continue to be permitted under the rules and standards in this District Plan;*

No concern.

- *the degree of non compliance with zone or district wide standards;*

There is no change to the degree of non-compliance with the zone or district wide standards.

- the number and location of any access

There is no change in the number or location of any access.

- the number of certificates of title

There is no increase in the number of titles.

CON-3

1. The boundary adjustment complies with standard:

SUB -S8 Esplanades

Any subdivision involving the creation of one or more allotments less than 4ha which adjoins:

1 - The line of MHWS; N/A

2 - The bank of a river whose bed has an average width of 3m or more; N/A

3 - A lake that is larger than 8 ha in size N/A

An esplanade reserve must be provided with a minimum width of 20m, in accordance with section 230 of the RMA. N/A

The boundary adjustment affects only proposed Lot 2, which lies entirely within the Rural Production Zone and is not subject to any additional overlays. The proposal complies with all relevant boundary adjustment rules, requires no earthworks or vegetation clearance, and does not impact any known historic features.

While the Proposed District Plan has limited legal effect, the subdivision remains consistent with the intent of the Rural Production zoning and is supported under the subdivision provisions. Furthermore, the zone rules and standards are more flexible than those of the current General Coastal Zone. Given the minor nature of this boundary adjustment, no further clarification should be required.

14 **CONCLUSION**

14.1 In conclusion, the subdivision aligns with the objectives and policies of the General Coastal Zone, demonstrating consistency with their intent and confirming that the level of effects is less than minor. As such, it comfortably meets the planning gateway tests.

While the Proposed District Plan has limited legal effect, the boundary adjustment is supported under the subdivision goals and remains consistent with the zone's intent. Additionally, it aligns with higher-level planning documents, including the Coastal and Regional Policy Statements.

Based on this assessment, we confidently recommend the proposal for approval.

Micah Donaldson

Assoc. NZPI

DONALDSONS

Land / Engineering Surveyors and Development Planners

Quickmap Title Details



Information last updated as at 23-Feb-2025

RECORD OF TITLE DERIVED FROM LAND INFORMATION NEW ZEALAND FREEHOLD

Identifier **679912**

Land Registration District **North Auckland**

Date Issued 01 November 2017

Prior References

251355 251360 251361 533640

Type Fee Simple

Area 259.8088 hectares more or less

Legal Description Lot 6-8 Deposited Plan 395972 and Lot 50 Deposited Plan 376492 and Lot 50 Deposited Plan 481706

Registered

Owners

MLP LLC

5667663.5 Consent Notice pursuant to Section 221 Resource Management Act 1991 - 22.7.2003 at 3:35 pm (Affects Lots 6 and 7 DP 395972)

6447651.5 Consent Notice pursuant to Section 221 Resource Management Act 1991 - 7.6.2005 at 9:00 am (Affects Lots 6 - 8 DP 395972)

Land Covenant in Deed 6447651.10 - 7.6.2005 at 9:00 am (Affects Lots 6 - 8 DP 395972)

Subject to a right of way over part Lot 6 DP 395972 marked A on DP 395972 created by Easement Instrument 6967025.3 - 28.7.2006 at 9:00 am

Appurtenant to Lot 50 DP 376492 and Lot 50 DP 481706 is a right of way created by Easement Instrument 6967025.3 - 28.7.2006 at 9:00 am

6967025.7 Esplanade Strip Instrument pursuant to Section 232 Resource Management Act 1991 - 28.7.2006 at 9:00 am (affects Lot 50 DP 481706)

Subject to a right of way and right to convey water over part Lot 50 DP 481706 marked B and D on DP 481706 created by Easement Instrument 6967025.8 - 28.7.2006 at 9:00 am

Appurtenant to Lot 50 DP 481706 are rights of way and rights to convey water created by Easement Instrument 6967025.8 - 28.7.2006 at 9:00 am

The easements created by Easement Instrument 6967025.8 are subject to Section 243 (a) Resource Management Act 1991

Subject to a right (in gross) to convey electricity over part Lot 50 DP 481706 marked B, D, H, I, J, K, L, M, N, O and S on DP 481706 in favour of Top Energy Limited created by Easement Instrument 6967025.9 - 28.7.2006 at 9:00 am

The easements created by Easement Instrument 6967025.9 are subject to Section 243 (a) Resource Management Act 1991

Subject to a right (in gross) to convey telecommunications and computer media over part Lot 50 DP 481706 marked B, D, H, I, J, K, L, M, N, O and S on DP 481706 in favour of Telecom New Zealand Limited created by Easement Instrument 6967025.10 - 28.7.2006 at 9:00 am

The easements created by Easement Instrument 6967025.10 are subject to Section 243 (a) Resource Management Act 1991

Land Covenant in Easement Instrument 6967025.11 - 28.7.2006 at 9:00 am (affects part Lot 50 DP 481706 formerly Lot 50 DP 361786)

7123788.16 Mortgage to Bank of New Zealand - 21.11.2006 at 9:00 am (affects Lot 50 DP 376492 and Lot 50 DP 481706)

7123788.18 Revocation of Covenant 6967025.11 over Lot 5 DP 361786 for the benefit of Lot 50 DP 361786 - 21.11.2006 at 9:00 am

Subject to a right of way over part Lot 50 DP 481706 marked T on DP 481706 created by Easement Instrument 7123788.23 - 21.11.2006 at 9:00 am

The easement created by Easement Instrument 7123788.23 is subject to Section 243 (a) Resource Management Act 1991

7123788.24 Variation of the conditions of the easement specified in 6967025.11 - 21.11.2006 at 9:00 am

Land Covenant in Easement Instrument 7123788.25 - 21.11.2006 at 9:00 am (Affects part Lot 50 DP 481706 formerly Lot 50 DP 393536)

7241938.7 Esplanade Strip Instrument pursuant to Section 232 Resource Management Act 1991 - 21.2.2007 at 9:00 am (Affects Lot 50 DP 376492)

Subject to a right of way and right to convey water over part Lot 50 DP 481706 marked AZ on DP 481706 and part Lot 50 DP 376492 marked B on DP 376492 created by Easement Instrument 7241938.8 - 21.2.2007 at 9:00 am

The easements created by Easement Instrument 7241938.8 are subject to Section 243 (a) Resource Management Act 1991

Subject to a right to convey electricity (in gross) over part Lot 50 DP 481709 marked AZ, DZ and FZ on DP 481706 and part Lot 50 DP 376492 marked B, C, G, H, I, J and K on DP 376492 in favour of Top Energy Limited created by Easement Instrument 7241938.9 - 21.2.2007 at 9:00 am

The easements created by Easement Instrument 7241938.9 are subject to Section 243 (a) Resource Management Act 1991

Subject to a right convey telecommunications and computer media (in gross) over part Lot 50 DP 481706 marked AZ, DZ and FZ on DP 481706 and part Lot 50 DP 376492 marked B, C, G, H, I, J and K on DP 376492 in favour of Telecom New Zealand Limited created by Easement Instrument 7241938.10 - 21.2.2007 at 9:00 am

The easements created by Easement Instrument 7241938.10 are subject to Section 243 (a) Resource Management Act 1991

Land Covenant in Easement Instrument 7241938.11 - 21.2.2007 at 9:00 am (affects Lot 50 DP 376492 and part Lot 50 DP 481706 formerly Lot 50 DP 393536)

7635879.2 Partial Surrender of Land Covenant created by Easement Instrument 6967025.11 over Lot 40 DP 361786 for the benefit of Lot 50 DP 378513 - 29.11.2007 at 9:00 am

Subject to a right of way and right to convey water over part Lot 50 DP 481706 marked B, U and T on DP 481706 created by Easement Instrument 7635879.7 - 29.11.2007 at 9:00 am

The easements created by Easement Instrument 7635879.7 are subject to Section 243 (a) Resource Management Act 1991

Subject to a right (in gross) to convey electricity over part Lot 50 DP 481706 marked XA and ZA on DP 481706 in favour of Top Energy Limited created by Easement Instrument 7635879.8 - 29.11.2007 at 9:00 am

The easements created by Easement Instrument 7635879.8 are subject to Section 243 (a) Resource Management Act 1991

Subject to a right (in gross) to convey telecommunications and computer media over part Lot 50 DP 481706 marked XA and ZA on DP 481706 in favour of Telecom New Zealand Limited created by Easement Instrument 7635879.9 - 29.11.2007 at 9:00 am

The easements created by Easement Instrument 7635879.9 are subject to Section 243 (a) Resource Management Act 1991 Land Covenant in Easement Instrument 7635879.13 - 29.11.2007 at 9:00 am (Affects Lot 50 DP 376492 and part Lot 50 DP 481706 formerly Lot 50 DP 393536)

7671304.1 Mortgage of Lots 6 to 8 DP 395972 to Bank of New Zealand - 15.2.2008 at 9:48 am

Land Covenant in Easement Instrument 7807927.17 - 7.5.2008 at 9:00 am (affects Lot 50 DP 376492, Lot 6-8 DP 395972 and part Lot 50 DP 481706 formerly Lot 50 DP 393536)

Land Covenant in Easement Instrument 8381071.1 - 21.12.2009 at 9:00 am (affects Lot 50 DP 376492, Lot 6-8 DP 395972 and part Lot 50 DP 481706 formerly Lot 50 DP 393536)

8850218.1 Heritage Covenant pursuant to Section 8 Historic Places Act 1993 - 2.12.2011 at 12:50 pm (affects Lot 50 DP 376492 and part Lot 50 DP 481706 formerly Lot 50 DP 393536)

8850218.6 Surrender of the Land Covenant specified in Easement Instrument 6967025.11 over Lot 3 DP 361786 for the benefit of Lot 50 DP 393536 and over Lots 1, 2, 4, 34, 35, 36 and 41 DP 361786 for the benefit of Lots 3, 42 and 43 DP 435789 - 2.12.2011 at 12:50 pm

Subject to a right of way and a right to convey water over part Lot 50 DP 481706 marked AB, B and D, on DP 481706 created by Easement Instrument 8850218.16 - 2.12.2011 at 12:50 pm

The easements created by Easement Instrument 8850218.16 are subject to Section 243 (a) Resource Management Act 1991

Subject to a right (in gross) to convey electricity over part Lot 50 DP 481706 marked AA, AB and AC on DP 481706 in favour of Top Energy Limited created by Easement Instrument 8850218.17 - 2.12.2011 at 12:50 pm

The easements created by Easement Instrument 8850218.17 are subject to Section 243 (a) Resource Management Act 1991

Subject to a right (in gross) to convey telecommunications and computer media over part Lot 50 DP 481706 marked AB, AC and AD on DP 481706 in favour of Telecom New Zealand Limited created by Easement Instrument 8850218.18 - 2.12.2011 at 12:50 pm

The easements created by Easement Instrument 8850218.18 are subject to Section 243 (a) Resource Management Act 1991

Land Covenant in Easement Instrument 8850218.19 - 2.12.2011 at 12:50 pm

8850218.3 Surrender of the right of way and right to convey water marked F on DP 361786 created by Easement Instrument 6967025.8 - 2.12.2011 at 12:50 pm

10372459.30 Mortgage Priority Instrument making Encumbrance 10372459.29 first priority and Mortgage 7123788.16 second priority - 1.11.2017 at 3:32 pm

10372459.31 Mortgage Priority Instrument making Encumbrance 10372459.29 first priority and Mortgage 7671304.1 second priority - 1.11.2017 at 3:32 pm

Subject to Section 241(2) and Sections 242(1) and (2) Resource Management Act 1991(affects DP 481706)

10372459.5 Surrender of the right of way and right to convey water marked B on DP 435789 created by Easement Instrument 6967025.8 as appurtenant to Lots 2, 35 & 36 DP 361786 - 1.11.2017 at 3:32 pm

10372459.13 Surrender of Land Covenant 6967025.11 over Lots 2, 36 & 36 DP 361786 for the benefit of part Lot 50 DP 481706 formerly Lot 50 DP 435789 - 1.11.2017 at 3:32 pm

10372459.18 Consent Notice pursuant to Section 221 Resource Management Act 1991 - 1.11.2017 at 3:32 pm (affects Lot 50 DP 376492 & Lot 50 DP 481706)

The easements created by Easement Instrument 10372459.19 are subject to Section 243 (a) Resource Management Act 1991

Subject to a right of way and a right to convey water over part Lot 50 DP 481706 marked B, BD, BG, BE & BF, a right to convey electricity, telecommunications & computer media over Lot 50 DP 481706 marked BD, BG, BE, BF & SG and a right to drain water over part Lot 50 DP 481706 marked SA, SB, SC, SD, SE & SF, all on DP 481706 created by Easement Instrument 10372459.19 - 1.11.2017 at 3:32 pm

Subject to a right (in gross) to convey electricity over part Lot 50 DP 481706 marked BD on DP 481706 in favour of Top Energy Limited created by Easement Instrument 10372459.20 - 1.11.2017 at 3:32 pm

The easements created by Easement Instrument 10372459.20 are subject to Section 243 (a) Resource Management Act 1991

Subject to a right (in gross) to convey telecommunications & computer media over part Lot 50 DP 481706 marked BD on DP 481706 in favour of Chorus New Zealand Limited created by Easement Instrument 10372459.21 - 1.11.2017 at 3:32 pm

The easements created by Easement Instrument 10372459.21 are subject to Section 243 (a) Resource Management Act 1991
Land Covenant in Easement Instrument 10372459.22 - 1.11.2017 at 3:32 pm
10372459.29 Encumbrance to Mountain Landing Trust - 1.11.2017 at 3:32 pm
Subject to a right (in gross) to convey electricity over part Lot 50 Deposited Plan 481706 marked B on DP 535630 in favour
of Top Energy Limited created by Easement Instrument 11456895.2 - 4.6.2019 at 2:31 pm

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Title Plan - DP 481706

Survey Number DP 481706
Surveyor Reference 6472
Surveyor Aaron Robert Donaldson
Survey Firm Donaldsons
Surveyor Declaration I Aaron Robert Donaldson, being a licensed cadastral surveyor, certify that:
(a) this dataset provided by me and its related survey are accurate, correct and in accordance with the Cadastral Survey Act 2002 and the Rules for Cadastral Survey 2010, and
(b) the survey was undertaken by me or under my personal direction.
Declared on 05 Feb 2015 04:16 PM

Survey Details

Dataset Description Lots 1 - 6 and 50 being a subdivision of Lots 2, 35, 36 DP 361786 and Lot 50 DP-435789
Status Deposited
Land District North Auckland
Submitted Date 05/02/2015
Survey Class Class B
Survey Approval Date 09/02/2015
Deposit Date 01/11/2017

Territorial Authorities

Far North District

Comprised In

CT 533640
CT 251355
CT 251360
CT 251361

Created Parcels

Parcels	Parcel Intent	Area	CT Reference
Area FZ Deposited Plan 481706	Easement		
Area H Deposited Plan 481706	Easement		
Area I Deposited Plan 481706	Easement		
Area J Deposited Plan 481706	Easement		
Area K Deposited Plan 481706	Easement		
Area L Deposited Plan 481706	Easement		
Area M Deposited Plan 481706	Easement		
Area N Deposited Plan 481706	Easement		
Area S Deposited Plan 481706	Easement		
Area B Deposited Plan 481706	Easement		
Area AZ Deposited Plan 481706	Easement		
Area AD Deposited Plan 481706	Easement		
Area AC Deposited Plan 481706	Easement		
Area AB Deposited Plan 481706	Easement		
Area ZA Deposited Plan 481706	Easement		
Area U Deposited Plan 481706	Easement		
Area T Deposited Plan 481706	Easement		



Title Plan - DP 481706

Created Parcels

Parcels	Parcel Intent	Area	CT Reference
Area AA Deposited Plan 481706	Easement		
Area D Deposited Plan 481706	Easement		
Area O Deposited Plan 481706	Easement		
Area DZ Deposited Plan 481706	Easement		
Area XA Deposited Plan 481706	Easement		
Area W Deposited Plan 481706	Land Covenant		
Area V Deposited Plan 481706	Land Covenant		
Area R Deposited Plan 481706	Land Covenant		
Area Z Deposited Plan 481706	Land Covenant		
Area Y Deposited Plan 481706	Land Covenant		
Area X Deposited Plan 481706	Land Covenant		
Esplanade Strip BB Deposited Plan 481706	Esplanade Strip		
Lot 1 Deposited Plan 481706	Fee Simple Title	0.4310 Ha	679906
Lot 2 Deposited Plan 481706	Fee Simple Title	0.3970 Ha	679907
Lot 3 Deposited Plan 481706	Fee Simple Title	0.4936 Ha	679908
Lot 4 Deposited Plan 481706	Fee Simple Title	0.4104 Ha	679909
Lot 5 Deposited Plan 481706	Fee Simple Title	0.3767 Ha	679910
Lot 6 Deposited Plan 481706	Fee Simple Title	0.3549 Ha	679911
Area BF Deposited Plan 481706	Easement		
Area BD Deposited Plan 481706	Easement		
Area BE Deposited Plan 481706	Easement		
Area SA Deposited Plan 481706	Easement		
Area SB Deposited Plan 481706	Easement		
Area SF Deposited Plan 481706	Easement		
Area SC Deposited Plan 481706	Easement		
Area SD Deposited Plan 481706	Easement		
Area SE Deposited Plan 481706	Easement		
Area SG Deposited Plan 481706	Easement		
Lot 50 Deposited Plan 481706	Fee Simple Title	114.4456 Ha	679912
Esplanade Strip BA Deposited Plan 481706	Esplanade Strip		
Esplanade Strip BC Deposited Plan 481706	Esplanade Strip		
Area BG Deposited Plan 481706	Easement		
Total Area		<hr/> 116.9092 Ha	

Land Registration District

NORTH AUCKLAND

Plan Number

DP 481706

Memorandum of Easements (Pursuant to s243 Resource Management Act 1991)			
Purpose	Shown	Servient Tenement	Dominant Tenement
Right of way and right to convey water	B	Lot 50 DP 481706	Lots 1 – 6 DP 481706
Right of way and right to convey electricity, telecommunications, computer media, and water	BD, BG		Lots 1, 2 & 6 DP 481706
	BE		Lots 3 & 4 DP 481706
	BF		Lot 5 DP 481706
Right to convey electricity, telecommunications, computer media	SG	Lot 50 DP 481706	Lot 4 DP 481706
Right to drain water	SA	Lot 50 DP 481706	Lot 1 DP 481706
	SB		Lot 2 DP 481706
	SC		Lots 2 & 6 DP 481706
	SD		Lot 4 DP 481706
	SE		Lot 5 DP 481706
	SF		Lot 3 DP 481706

Memorandum of Easements in Gross (Pursuant to s243 Resource Management Act 1991)			
Purpose	Shown	Servient Tenement	Grantee
Right to convey electricity	BD	Lot 50 DP 481706	Top Energy Limited
Right to convey telecommunications & computer media	BD	Lot 50 DP 481706	Chorus New Zealand Limited

Easements proposed to be part cancelled (Pursuant to s243e Resource Management Act 1991)			
Purpose	Shown	Dominant Tenement	Document
Right of way and right to convey water	B DP 361786	Lots 2, 35, 36 DP 361786	EI 6967025.8

Existing Easements			
Purpose	Shown	Servient Tenement	Creating Document
Right of way and right to convey water	B, D	Lot 50 DP 481706	6967025.8
	AB, B, D		8850218.16
Right of way	T	Lot 50 DP 481706	7123788.23
Right of way and Right to convey water	AZ	Lot 50 DP 481706	7241938.8
Right of way and right to convey water	B, U and T	Lot 50 DP 481706	7635879.7

Existing Easements in Gross (Pursuant to s243 Resource Management Act 1991)			
Purpose	Shown	Servient Tenement	Creating Document
Right to convey electricity	B, D, H I, J, K L, M, N O, S	Lot 50 DP 481706	6967025.9
	AA, AB, AC		8850218.17
Right to convey Telecommunications & computer media	B, D, H I, J, K L, M, N O, S	Lot 50 DP 481706	6967025.10
	AB, AC, AD		8850218.18
Right to convey electricity	AZ, DZ, FZ	Lot 50 DP 481706	7241938.9
Right to convey telecommunications & computer media	AZ, DZ, FZ	Lot 50 DP 481706	7241938.10
Right to convey electricity	XA and ZA	Lot 50 DP 481706	7635879.8
Right to convey telecommunications & computer media	XA and ZA	Lot 50 DP 481706	7635879.9

Amalgamation Condition

(Pursuant to s220 Resource Management Act 1991)

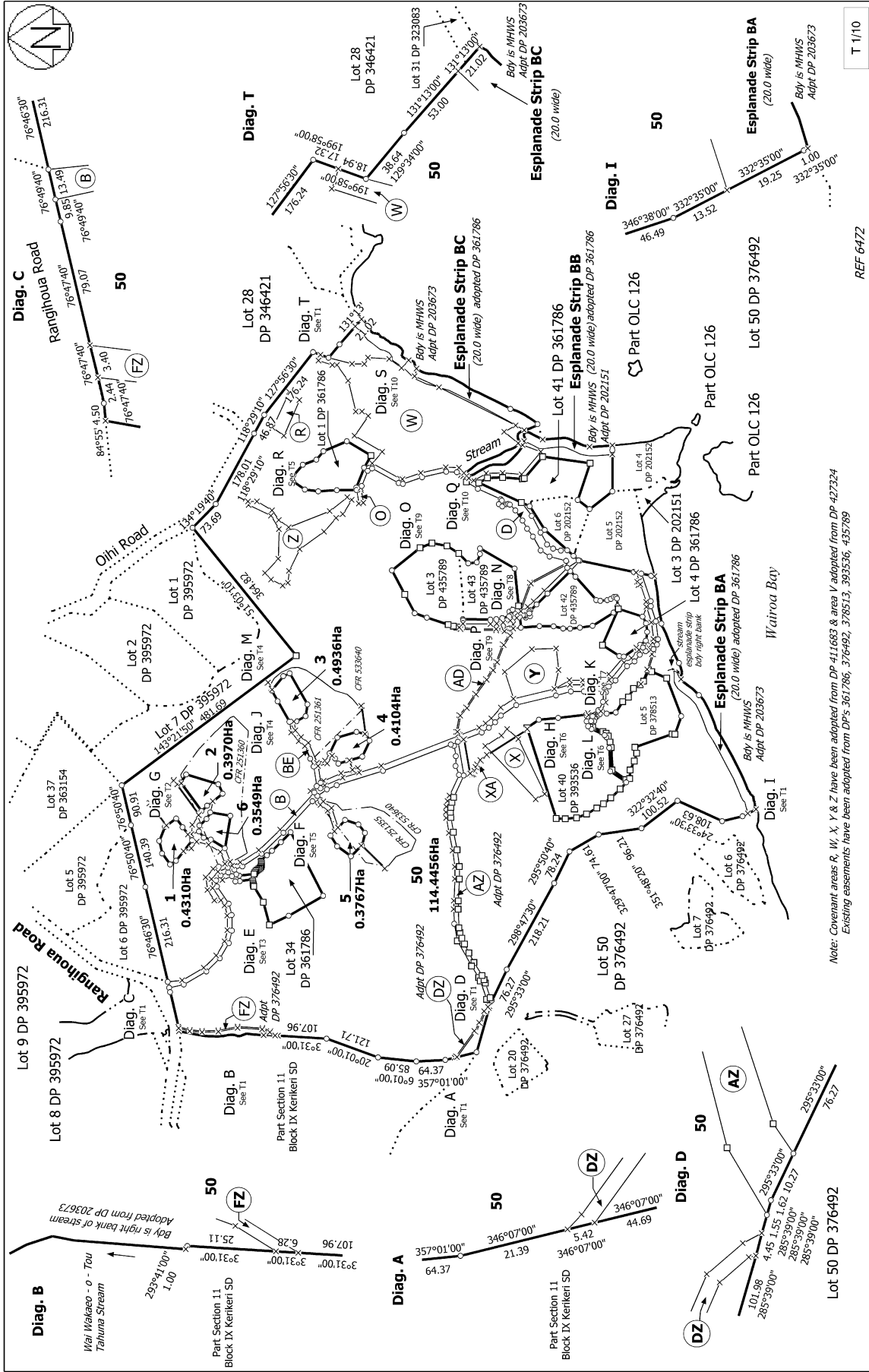
That Lot 50 DP 481706 be held with Lot 50 DP 376492 and Lots 6, 7 & 8 DP 395972 (Bal. CFR 533640) together in one computer freehold register. (See 1241454)

Existing Heritage Covenants:

Areas shown R, V, W, X, Y & Z are subject to existing Heritage covenants in 8850218.1

Existing Land Covenants:

6967025.11, 7123788.25, 7241938.11, 7635879.13, 7807927.17, 8381071.1, 8850218.19.

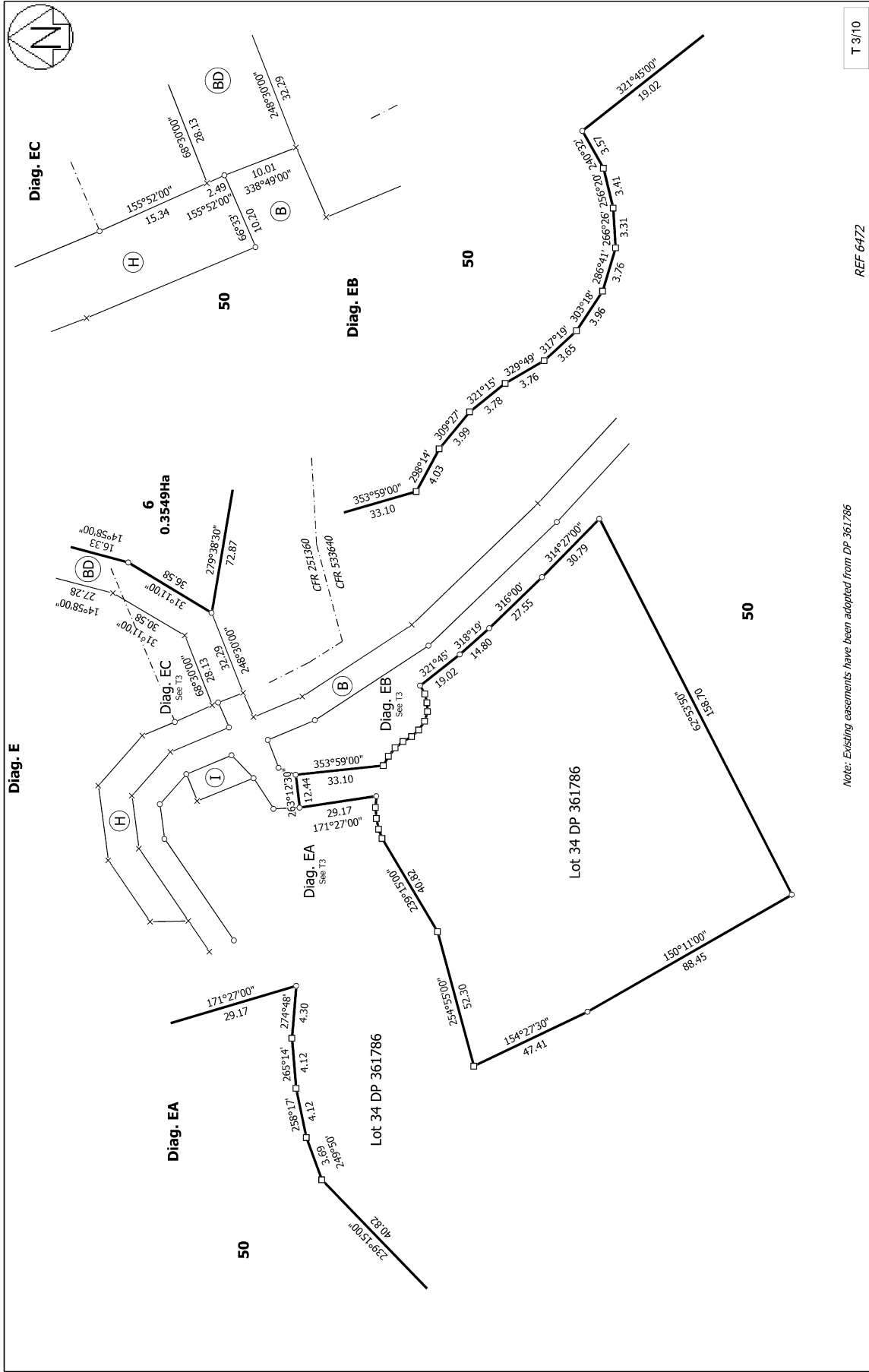


Note: Covenant areas R, W, X, Y & Z have been adopted from DP 411683 & area V adopted from DP 427324
 Existing easements have been adopted from DP's 361786, 376492, 378513, 395356, 435789

<p>Land District: North Auckland</p> <p>Digitally Generated Plan</p> <p>Generated on: 17/11/2017 11:50am Page 6 of 15</p>	<p>Lot 1 - 6 and 50 being a subdivision of Lots 2, 35, 36 DP 361786 and Lot 50 DP-435789</p>	<p>Surveyor: Aaron Robert Donaldson</p> <p>Firm: Donaldsons</p>	<p>Title Plan DP 481706</p> <p>Deposited on: 1/11/2017</p>
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REF 6472

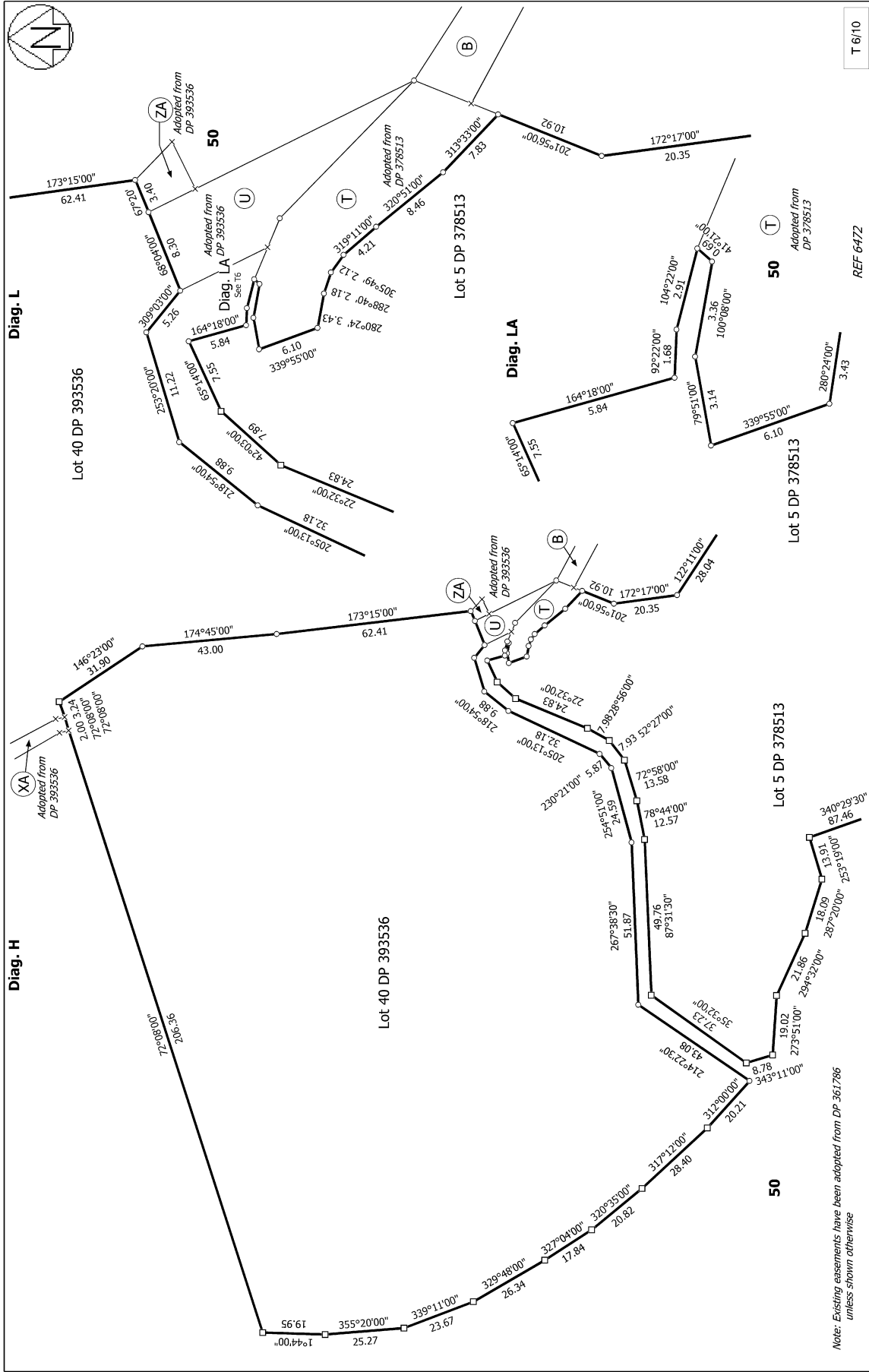
T 1/10



Note: Existing easements have been adopted from DP 361786

T 3/10

<p>Land District: North Auckland</p> <p>Digitally Generated Plan</p> <p>Generated on: 17/11/2017 11:50am; Page 6 of 15</p>	<p>REF 6472</p> <p>Surveyor: Aaron Robert Donaldson</p> <p>Firm: Donaldsons</p>	<p>Lot 1 - 6 and 50 being a subdivision of Lots 2, 35, 36 DP 361786 and Lot 50 DP-435789</p>	<p>Title Plan DP 481706</p> <p>Deposited on: 1/11/2017</p>
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Note: Existing easements have been adopted from DP 361786 unless shown otherwise

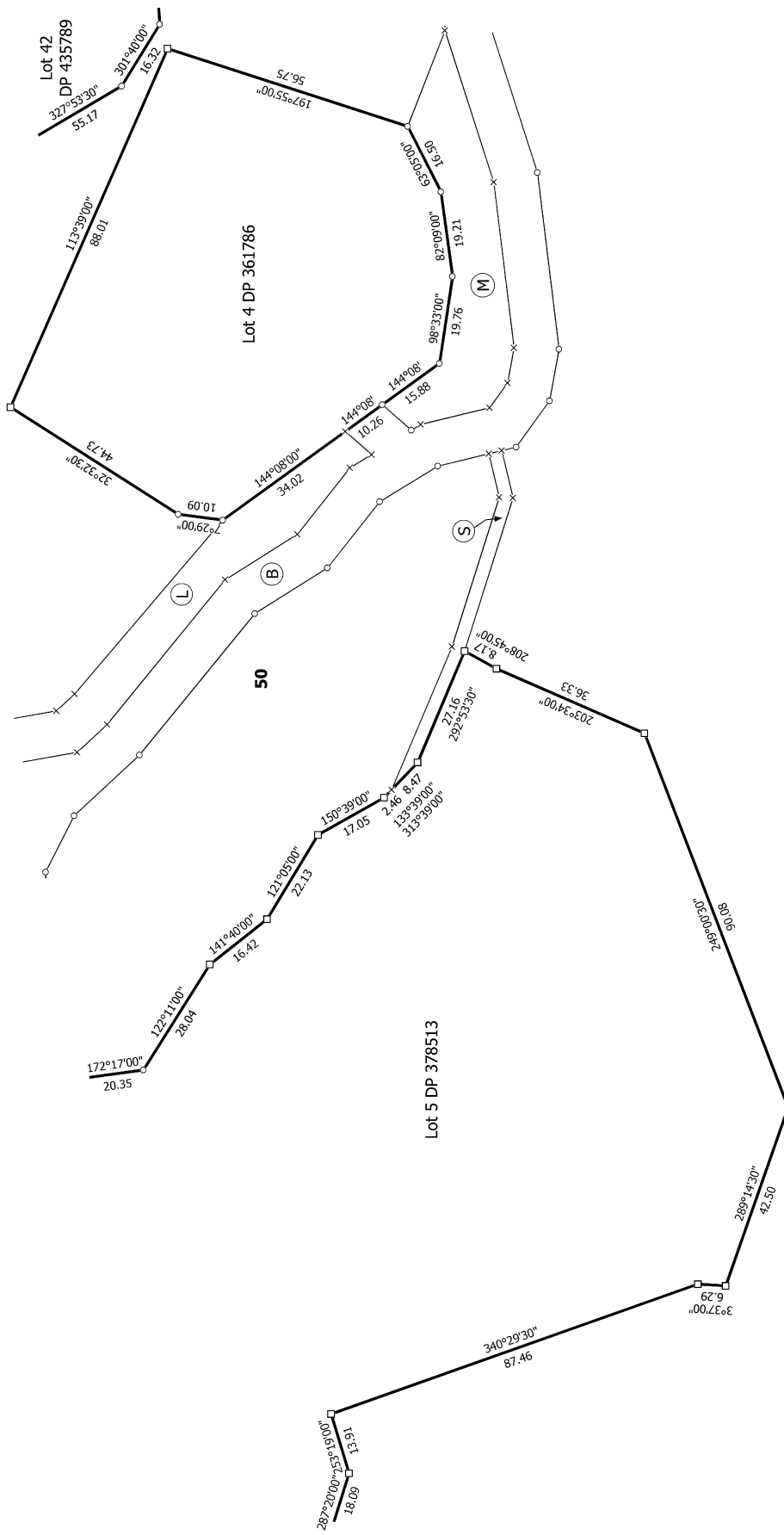
T 6/10

<p>Land District: North Auckland Digitally Generated Plan Generated on: 17/11/2017 11:50am Page 11 of 15</p>	<p>Lots 1 - 6 and 50 being a subdivision of Lots 2, 35, 36 DP 361786 and Lot 50 DP-435789</p>	<p>Surveyor: Aaron Robert Donaldson Firm: Donaldsons</p>	<p>Title Plan DP 481706 Deposited on: 1/11/2017</p>
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REF-6472



Diag. K

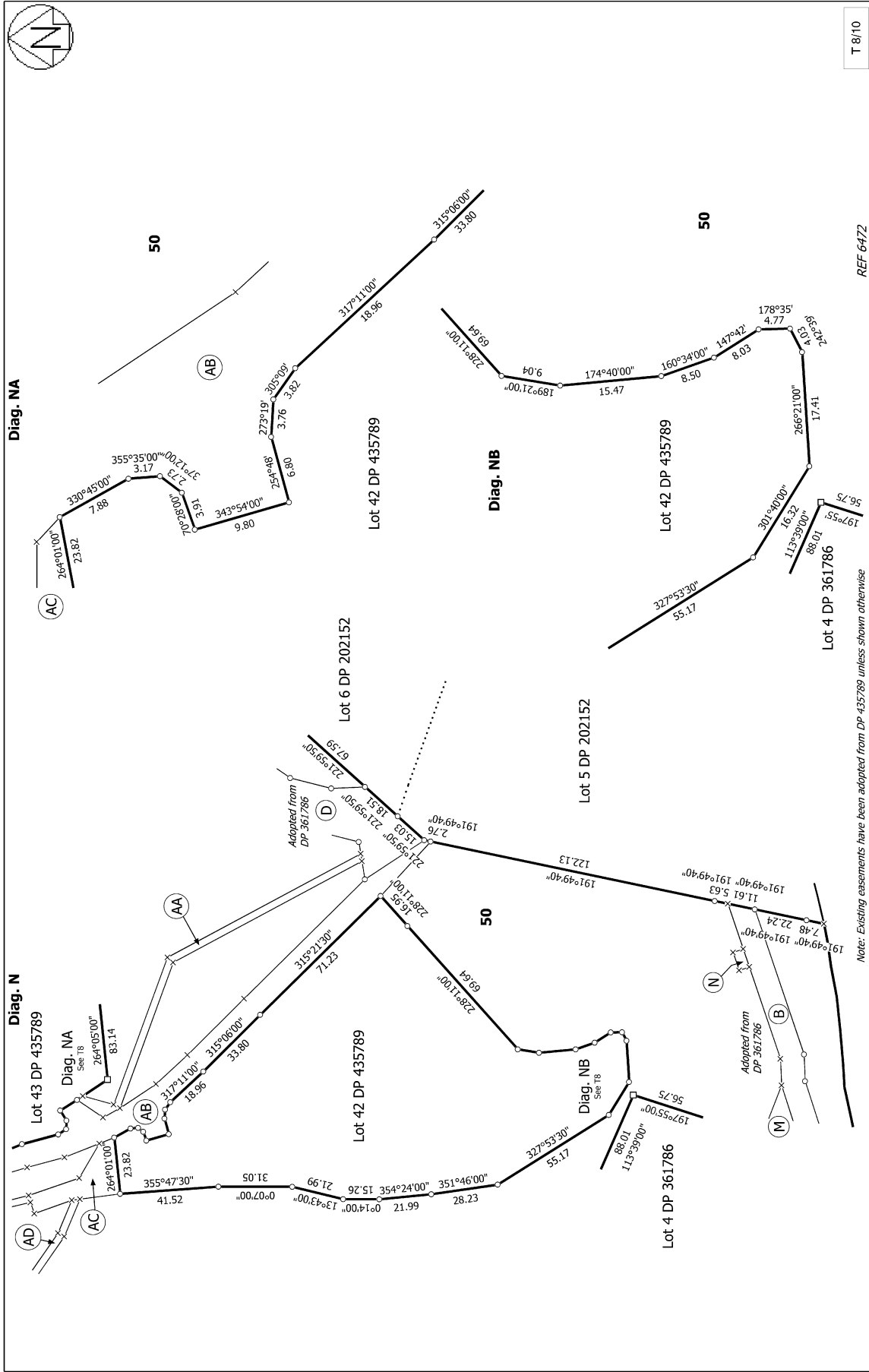


Note: Existing easements have been adopted from DP 361786

REF 6472

T 7/10

<p>Land District: North Auckland</p> <p>Digitally Generated Plan</p> <p>Generated on: 17/11/2017 11:50am Page 12 of 15</p>	<p>Lots 1 - 6 and 50 being a subdivision of Lots 2, 35, 36 DP 361786 and Lot 50 DP-435789</p>	<p>Surveyor: Aaron Robert Donaldson</p> <p>Firm: Donaldsons</p>	<p>Title Plan</p> <p>DP 481706</p> <p>Deposited on: 1/11/2017</p>
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Land District: North Auckland
 Digitally Generated Plan
 Generated on: 17/11/2017 11:50am Page 13 of 15

REF 6472

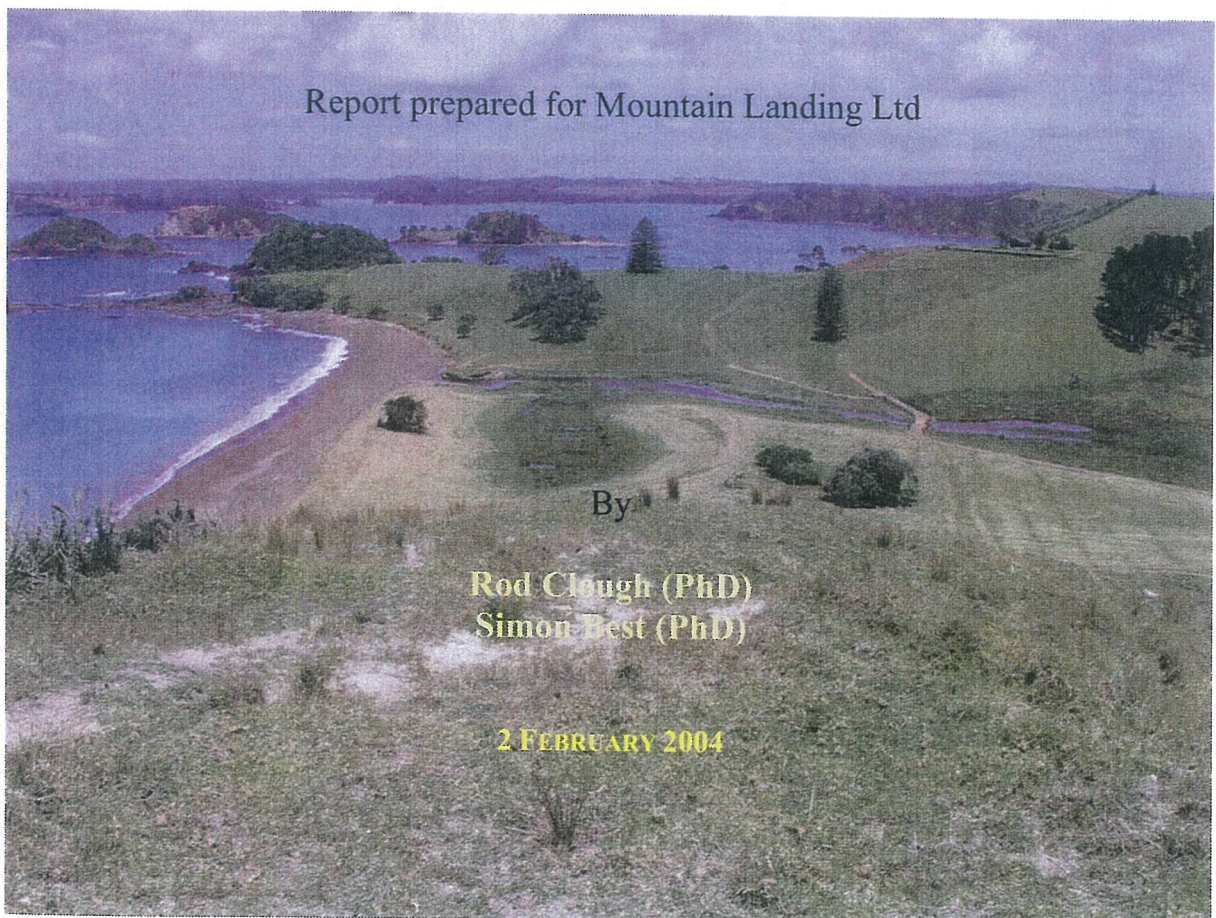
Surveyor: Aaron Robert Donaldson
 Firm: Donaldsons

Title Plan
 DP 481706

Deposited on: 1/11/2017

T 8/10

**ARCHAEOLOGICAL ASSESSMENT OF
PROPOSED DEVELOPMENT AT MOUNTAIN
LANDING PROPERTY, TE PUNA, PURERUA
PENINSULA, BAY OF ISLANDS
(Update of 2003 Report)**



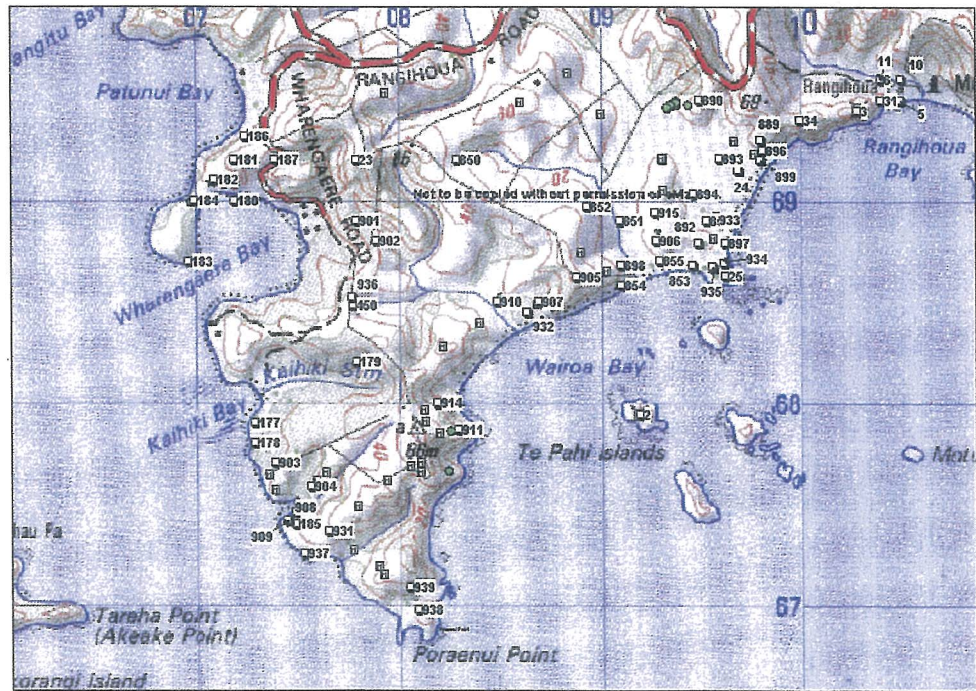
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Heritage@clough.co.nz
209 Carter Rd., Oratia
Telephone: (09) 818 1316
Mobile 0274 850 059
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INTRODUCTION

Background

Mountain Landing is in the process of developing their land on the Purerua Peninsula in the Bay of Islands (Figures 1-8). Part of this development involves the creation of 41 house sites (some existing) and associated access roads. During early stages of the development some archaeological sites were damaged and a report was prepared for the Historic Places Trust (Best and Clough 2003). One of the recommendations of that report was that a full survey of the property was carried out in advance of development to enable heritage values to be an integral part of the planning process. A survey and report was commissioned by Ken Franklin on behalf of Mountain Landing in 2003. The 2003 report comprises an archaeological assessment of the property with particular attention being paid to areas which could potentially be affected by the development of any of the proposed house sites and access roads. This report represents a revision of the 2003 report reflecting responses by Mountain Landing to the recommendations of the original report and changes in the numbering of house sites.

Figure 1.
Survey Area &
Approximate
Location of
Recorded Sites



Continued on next page

INTRODUCTION, CONTINUED

Methodology

The New Zealand Archaeological Association (NZAA) site record file was searched for sites recorded within the project area, and literature relating to the history of the area and previous archaeological survey was reviewed.

Using Mapinfo software, the locations of recorded archaeological sites provided by the Department of Conservation (DOC), Wellington, from the NZAA computerised index of archaeological sites (CINZAS) were overlaid on a metric MS260 series map (Figure 1). D.J. Scott & Associates Ltd provided digital contour data for the area and NZ Aerial Mapping provided a 1950 aerial photograph.

The property was visually inspected and areas proposed for future works (house sites and access road etc) were examined in detail with probe and spade tests. Site records for previously recorded sites were updated and GPS readings were taken from these sites and any newly recorded sites (Tables 1 and 2).

Site locations were then overlaid on the concept plan for development of the property (Figure 2).

Figure 2. Archaeological Sites on Preliminary Layout Plan



MOUNTAIN LANDING PROPERTY - PRELIMINARY LAYOUT & MANAGEMENT AREAS
Revision - 11 February 2004

HISTORICAL BACKGROUND

Bay of Islands

The Bay of Islands (Northland) has the highest density of recorded archaeological sites in New Zealand, reflecting the important role it played in the history of Maori settlement. Not only was there intensive Maori settlement before the arrival of Europeans, but it was also the location of some of the earliest contacts between Maori and Europeans, and the focus of early European settlement in New Zealand. Rangihoua in particular was the site of the first mission station (1814) and the earliest permanent European settlement in the country. Even prior to this period, the Bay of Islands was known as the rest and provisioning centre of New Zealand for whaling and other ships.

Samuel Marsden, Te Pahi, Ruatara and Hongi Hika

Situated on the Purerua peninsula, Rangihoua pa was the main settlement of Ngati Rehia in the early years of the 19th century. It was controlled by the local chief Te Pahi until his murder in 1810 following the *Boyd* Affair. Te Pahi had initiated contact with Europeans to advance trading opportunities by travelling to Norfolk Island and Port Jackson in 1805. His nephew Ruatara had travelled with him and subsequently joined ships' crews to visit many other places, including England. He returned from England to New South Wales with the missionary Samuel Marsden in 1809-10. He stayed on for 18 months at Parramatta acquiring knowledge of European agriculture, returning to Rangihoua in early 1813, and successfully introduced the cultivation of wheat to the Bay of Islands. Marsden's connection with Ruatara made it possible for him to establish the first mission settlement in New Zealand in 1814, under the promised protection of Ruatara and his close relative Hongi Hika. (Salmond 1997: 405-48).

Arrival at Rangihoua

The founding party, which reached Rangihoua on 22 December 1813, consisted of Samuel Marsden (Principal Chaplain of New South Wales, who oversaw the setting up of the mission), Thomas Kendall (the first missionary) and family, Captain Hansen of the *Active* and his wife, John King (mechanic) and family, William Hall (carpenter) and family, Walter Hall (blacksmith) and others (Salmond 1997: 447).

Continued on next page

HISTORICAL BACKGROUND, CONTINUED

Figure 3.
Rangihoua Pa
from the west
(left) and
Marsden Cross
Monument at
Oihi
(Rangihoua to
right, from the
east)



**The settlement
at Rangihoua**

The population of the Rangihoua settlement was estimated at the time to be c.150-200 (Spencer 1983: 83), and the pa was described as having several agricultural plantations, with 'an appearance of neatness and regularity. Each plantation was carefully fenced in'. (Salmond 1997: 461; Spencer 1983: 88). In addition to the main settlement at Rangihoua, smaller settlements, individual whare and cultivated plots would have been scattered around the bays in every small inlet (Salmond 1997: 332, based on Savage's 1805 account).

Figure 4.
Field
boundaries
clearly visible
on north facing
slope to the
north of
Rangihoua



Continued on next page

HISTORICAL BACKGROUND, CONTINUED

Oihi and Te Puna

The mission was established at Oihi in the bay to the east of Rangihoua. Te Puna (the site of the mission in later years) lay to the west but was not offered to the missionaries since at this stage Ruatara planned extensive wheat cultivations there and a new town in the European fashion (Elder 1932: 70). However, he died within the year, before this could be achieved. Not long after, in 1819 Hongi Hika was observed to be supervising the construction of an agricultural village at Te Puna (Spencer 1983: 80; Elder 1932: 166, 177).

William Hall's diary

Excerpts from William Hall's diary provide considerable insight into life and activities at both Rangihoua and Te Puna. As the main carpenter he played a major role in building and maintaining the mission settlement at Oihi. He refers to Maori helping in the felling and sawing of timber, the preparation of charcoal for the smithy, construction of buildings and fences. He also refers to bricks being made at Oihi in 1816 by Tully Matthews. (Hall Diary 1816-38).ⁱⁱⁱ

The move to Te Puna

Hall's diary indicates that he may have been living at Te Puna from 1816. Thomas Hansen moved there probably in the late 1820s (certainly by 1830), and in 1830 the decision was made to move the mission from Oihi to Te Puna. Te Puna clearly had advantages over Oihi, in particular more extensive and more fertile agricultural land. By this time the Maori population of the Rangihoua settlement was no more than 200 permanent inhabitants, according to a census taken by Samuel Marsden (Spencer 1983: 84). Other missions at Kerikeri and Paihia had by then been established. John King and James Shepherd, the last missionaries at Oihi, moved to Te Puna in 1832 once the new mission was constructed.

Continued on next page

HISTORICAL BACKGROUND, CONTINUED

Decline

Although some work refortifying Rangihoua pa was carried out in 1830, the Maori population was in decline and by 1834 the pa was described as being in 'comparative disuse' and 'out of repair', the tribe's numbers having 'very considerably decreased of late years' (Spencer 1983: 84-5, quoting Marshall). The decline was attributable to a variety of factors – intertribal warfare, the introduction of diseases by the Europeans, and the purchase of large tracts of farmland at Te Puna and elsewhere in the Purerua Peninsula by John King (Spencer 1983: 86, 101). An Ashworth painting of 1844 shows John King's house and farm at Te Puna, but little sign of Maori occupation, apart from a picket fence on the summit of Rangihoua (Spencer 1983: 85). The focus of interactions between Maori and European had long moved elsewhere.

RESULTS

Previous Archaeology

The Mountain Landing property and adjacent Rihari land appears to have been surveyed or have been the subject of archaeological investigation on at least three occasions. A number of sites were recorded by C. & R. Lawn in 1972. This was followed by a more extensive survey in 1978 by A. Leahy and W. Walsh. More recently L. Johnson and A. Middleton have been involved in archaeological assessment for aspects of the current development (Johnson and Middleton 2001a&b). A. Middleton, excavated part of the Te Puna mission station (P05/24) as part of her doctoral studies. Elements of this research are available (Middleton, in press), but the detailed results of the investigation will not be available until completion of the thesis.

Previously Recorded Sites

Approximately 43 sites had been previously recorded on the property (Table 1, Figures 1-2) representing settlement from the earliest period of Maori occupation (P05/853) as well as later Maori occupation (part of the Rangihoua settlement and several headland pa, pits, terraces and midden). There is also an impressive array of agricultural features (field systems) concentrated in various parts of the property, attesting to the extent of Maori agriculture – probably both prior to contact and during the early period of contact with Europeans, when the area was a recognised supply depot for whalers and sealers. Equally important are the remains relating to early missionary and associated European settlement – for example, the Te Puna Mission site and related agricultural features (1830s), the Hansen house site and other features related to early farming. Site record forms for all these sites are appended to this report.

Continued on next page

RESULTS, CONTINUED

Table 1. Previously Recorded Archaeological Sites

MAP SITE NO.	DESCRIPTION	ADDITIONAL DETAIL
P05 2	PA	Te Pahi Island in Wairoa Bay. Attacked by whalers and sealers in 1810 to avenge the 'Boyd' massacre of 1809.
P05 23	PITS/TERRACES	Four groups of terraces and pits (14+) along ridge top behind Wharengaere Bay.
P05 24	MISSION VILLAGE	Te Puna mission station established 1831-2.
P05 25	PA	Papuke Pa situated on a small headland between Wairoa and Rangihoua Bays.
P05 26	PA	Ridge pa between Wairoa bay and Te Puna flats – no obvious evidence remains of this site apart from a few shells and historic artifacts near gate at top of ridge.
P05 177	TERRACE	A terrace across the end of a spur above Kaihiki Bay. (not on property-not visited).
P05 178	MIDDEN	Midden on beach at Kaihiki bay (not on property – not visited).
P05 179	GUN FIGHTER PA	Roughly rectangular banked pa (c. 20x23m). Clear on 1950 aerial (not on property, in gorse and not visited).
P05 180	FISH TRAPS?	Stone alignments in Wharengaere Bay possibly used as fish traps.
P05 181	PIT?	Depression on knoll SW Wharengaere Bay – nature of depression uncertain.
P05 182	HEADLAND PA	A small defended headland pa recorded in the vicinity of Wharengaere Bay. Grid reference does not match description. Site not relocated.
P05 183	MIDDEN	Some heavily eroded terraces, pit and some midden in that locality. On flat, eastern side of spur enclosing the western side of Wharengaere Bay. Headland above referred to as a pa but no visible evidence.
P05 184	TERRACES	Terraces and midden were relocated on the narrow neck of the SW headland of Wharengaere Bay (Corrected grid reference).
P05 185	TERRACED SPUR	Vague terraces leading down spur above a small bay between Kaihiki Bay and Poraenui Point.
P05 186	TERRACES	?Terraces overlooking Patanui Bay appear to be the result of natural outcropping – no archaeological evidence was observed in testing.
P05 187	TERRACED SPUR	Terraced spur above Wharengaere Bay (not on property and not visited).
P05 450	DITCH SYSTEM	A series of ditches running down a slope – probably of agricultural origin. Appear to be c.100m south of grid reference provided.
P05 850	DITCHES	Agricultural features to north of current farmhouse and yards – not relocated.
P05 851	DITCHES	Agricultural features possibly early field (plot) boundaries. Some natural drainage channels (visible on 1950/1 aerial NZAM15632).
P05 852	DITCHES	Agricultural ditches (field boundaries?) located NW of 851. Not obvious on 1950 aerial.
P05 853	MIDDEN	Midden and hangi located at eastern end of Wairoa Bay observed in embankment also 700mm below surface under utilities shed. Testing carried out during damage assessment indicated that the lower layers contained moa bone undoubtedly from the earliest occupation of the Bay (Best & Clough 2003). Historic midden observed on surface near boathouse.
P05 854	MIDDEN/OVENS	Eroding from embankment west of eastern stream entering Wairoa Bay.
P05 855	GRAVE	Above boathouse building in Wairoa Bay a gravestone marks the burial of Thomas Hansen (1874), Captain of the missionary ship

MAP SITE NO.	DESCRIPTION	ADDITIONAL DETAIL
		'Active'.
P05 856	AGRICULTURAL FEATURES	On spur running NW from historic Norfolk Pine (planted by Hansen near his house) towards Te Puna valley are a series of parallel plough line (field boundaries?) probably relating to missionary or later European occupation of the valley. Similar in morphology to those behind the mission station (P05/893). Very clear on 1950 aerial also along beach flat.
P05 889	TERRACES	A series of terraces and some midden are evident on steep slopes to east of Mission site. Probably relates to occupation of Rangihoua Pa.
P05 890	TERRACES	A ridge knoll and descending spurs immediately to the NW of the Te Puna mission site contains another series of 5 terraces and midden running down NW into the Te Puna valley. This should be considered part of the Rangihoua settlement.
P05 892	HISTORIC NORFOLK PINE/HOUSE SITE	Historic Norfolk pine and 1830s house site of Thomas and Elizabeth Hansen. Eroding from the track down the embankment towards Wairoa Bay (below the Hansen site), thirty one items were found consisting of 20 glass fragments, 10 ceramic fragments and one fragment of cast iron cooking pot. Two of the ceramics carried part of the manufacturer's mark. One of these was COPELAND AND GARRETT, a firm which operated the Spode Works, Stoke, Staffordshire Potteries, between March 1833 and 1847 (Godden 1991:173). The other was extremely blurred, but appears to be identical to one illustrated by Godden (1991:174) for CORK, EDGE AND MALKIN, of the Newport Pottery, Burslem, Staffordshire Potteries, in business from 1860 to 1871. This pottery previously operated as CORK AND EDGE, from 1846 to 1860, and it is possible that the same mark was in use during this earlier period.
P05 893	AGRICULTURAL FIELD	A series of humps and hollows typical of a ploughed field are visible behind the Mission site and will relate to this period or later European occupation.
P05 894	AGRICULTURAL FIELD	Only a few ditches are seen on the ground but more are visible on the 1950/51 aerial. The plough lines are defined by an old fenceline and are now largely under swampy land. Probably 20 th century.
P05 896	PATHWAY	A path/track running from Te Puna up the slopes in the direction of Rangihoua. This may be part of a historic track between the mission station and the pa. Is visible today and on the 1950 aerial.
P05 897	HANGI, MIDDEN	Traces of midden and hangi eroding out of embankment west of Te Puna stream. Original grid reference incorrect. Site provides slight indication of settlement along coastal flat but the area has been heavily ploughed since.
P05 898	AGRICULTURAL	Series of agricultural lines/field boundaries to the west of the Wairoa Stream. Can be seen in 1951 aerial.
P05 899	SAWPITS	Two narrow depressions adjacent to beach at eastern end of Te Puna could date from building of mission houses at Te Puna c.1830-31, although there is evidence of milling in the area both before and after this date.
P05 901	TERRACES	Three terraces on road from Wharengaere Bay to Kaihiki Bay – just east and below the ridge (not visited).
P05 902	PATHWAY	Pathway off road from Wharengaere to Kaihiki to knoll and on to Wairoa Bay. Possible Sunday route of Missionary John King from Te Puna to the above bays.
P05 903	PIT	A small pit located northwest of Pirinoa Bay in the vicinity of proposed house sites HS31 & 32. Pasture long, not relocated – grid reference too coarse and put it in the neighbouring property. However, the 1950 aerial indicates two possible terraces overlooking the bay from the northwest. These were not relocated, but the embankment is covered with manuka bush and some gorse.
P05 904	TERRACES	Two terraces, situated on a spur above and to the east of Pirinoa

MAP SITE NO.	DESCRIPTION	ADDITIONAL DETAIL
P05 905	PA	Bay. House sites 21 and 30 are 50-100m further northeast. Probable remnants of ridge pa on high point overlooking Wairoa Bay to the west of Wairoa Stream. Marked by Norfolk pine. Terraces and pits along ridge. Partly impacted on by farm track. No defensive ditches.
P05 906	TERRACE	Single terrace on spur overlooking boathouse in Wairoa Bay (young Norfolk pine marks the terrace). Further features may have been located in vicinity of farmhouse but no evidence remains. (Corrected grid reference).
P05 907	TERRACE	Terrace on ridge adjacent to track leading down to westerly stream leading into Wairoa Bay. Test pitting revealed extensive modification of soil – mixed clays etc, no convincing archaeological horizon. Terrace is not obvious on the 1950 aerial. Location of house site HS12. However, a cut terrace and scarp c.50m SW and midden cut by track a further 40m W are definitely archaeological.
P05 908	TERRACE & TREE - THOMAS KENDELL CHURCH 1820?	Southern side of Pirinoa Bay. Eroded terrace adjacent to old macrocarpa tree. Both midden with obsidian and historic glass and ceramics were recovered from this area. Could be location of Church built by Thomas Kendall 1820s although ceramics suggest 1860s or later. On the 1950 aerial there appears to a faint outline of six garden plots on the flats below the macrocarpa tree. Site of house site HS28. (Corrected grid reference).
P05 909	STONE ROWS	Southern side of Pirinoa Bay two rows of stones running parallel down slope. Overgrown and needs investigation but similar alignments on northern side of bay (in manuka scrub) appear to be natural outcrop. These can be seen on the 1950 aerial.
P05 910	TERRACES	One clear terrace and several ill-defined terraces were observed on spur running up from western stream of Wairoa Bay. This spur continues up to terraces and pits (Pa?) site P05/905 and could be related as it is a natural route to the bay and stream. HS13 about 50m to NE. (Corrected grid reference).
P05 911	TERRACES	3-4 Terraces are located on a spur overlooking the SW end of Wairoa Bay. These are some 50m below HS18 (corrected grid reference).
P05 914	TERRACES	Two terraces on spur above SW end of Wairoa Bay (just northwest of P05/911). 50m east of HS16.
P05 915	HISTORIC EUROPEAN	Former house site of Hannah King Letheridge (child of Thomas Hansen) born at Oihi and lived at Te Puna until 1890s. Historic ceramics on surface.
Q05 3	PA	Rangihoua Pa – chief Ruatara. Between Oihi and Te Puna mission sites. (Not on property).
Q05 5	DRAINS/TERRACE S	Agricultural field boundaries – garden plots. Could relate to presence of missionaries or earlier occupation (Not on property).
Q05 6	DRAINS/GARDENS	Agricultural field boundaries – garden plots. Could relate to presence of missionaries or earlier occupation (Not on property).
Q05 10	TERRACED RIDGE	Two terraces on ridge above Marsden Cross site. (Not on property).
Q05 11	TERRACED KNOLL	Flattened knoll and terrace on ridge above Marsden Cross (Not on property).
Q05 31	TERRACES	Two small terraces on knoll to the west of Marsden Cross and opposite Rangihoua Pa (Not on property).
Q05 34	TERRACES	Four large terraces just to north of Pohutukawa overlooking Rangihoua Pa ditch. 5 more terraces to east of tree. (Not on property).

Continued on next page

RESULTS, CONTINUED

Figure 5.
1950 aerial of
Te Puna.
Ploughmarks
and field
boundaries
clearly visible.
Farmhouse in
SW corner.
Historic
Norfolk pine
(centre
bottom).
Mission site
P05/24 (white
cross)



2003
Survey

The survey concentrated on areas proposed for development of access roads and house sites. It resulted in upgrading knowledge of several of the previously recorded sites, defining new features and correcting grid references with the aid of a GPS. In addition to upgrading, a further 10 sites were recorded both from visual inspection and from aerial photographs (Table 2, Figures 1-2). A more detailed survey of areas in bush or well removed from proposed development would undoubtedly result in the recording of further sites. New sites include those relating to Maori occupation (midden, terraces, pa, agricultural features) and later European occupation (house terraces). New and upgraded site record forms are appended to this report.

Continued on next page

RESULTS, *CONTINUED*

Table 2. Sites Recorded During the Current Survey

MAP	SITE NO.	DESCRIPTION	ADDITIONAL DETAIL
P05	931	Terraces and pits	4 Terraces with 5 possible pits on 3 of the terraces. Located at HS19. On slope overlooking bay to the south. Bay is the second to the south of Kaihiki Bay.
P05	932	Terrace	A small terrace 3 x 5m with rear scarp is located on a coastal spur running down to the mouth of the western stream running into Wairoa Bay. It is some 50m SW of P05/907. A scatter of midden has been exposed in a farm track c.30m SW of the terrace.
P05	933	Terraces and midden	Two terraces, (c.8 x 4m) one with dark soil, one with shell are located above and c.40m to the east HS39 overlooking the Te Puna Stream and west of a mature stand of pohutukawas. Finely crushed shell between 150-270mm deep. Mainly cockle, white rock shell and hangi stones in a black charcoal rich matrix.
P05	934	Terrace, Midden	Midden exposed during cutting of a new walking track just north of Papuke Pa through to Rangihoua Bay. The midden c.17 metres long and 200mm deep, under c.150mm of topsoil. A flat terrace is located a few metres above. The south end of the midden is 38 metres from the edge of Papuke Pa, and it extends to within 3 metres of the present ditch. Shell species are mainly cockle, with some oyster and white rock shell. A piece of obsidian was found in the north end of the exposure. A piece of slate was found on the track and a fragment of brick (containing very coarse inclusions) was found in the section below the track. Fragments of a clear glass bottle were found some 10 metres further north.
P05	935	Midden	Midden 8 x 6m c.50 southwest of HS41 and closer to Papuke Pa. It predominantly consists of cockle, 150-200mm crushed shell and burnt stone possibly overlying a buried topsoil?
P05	936	Midden	Small eroded midden near agricultural features P05/450. 1m x 1.5 thin scatter of oyster shells well mixed in topsoil. No obvious lens. Possible hangi stone at 150mm.
P05	937	Terrace, Historic	Rectangular terrace 10x5m below (coastal side) of HS18. The terrace overlooks a small bay to East. Testing pitting recovered historic glassware 200mm below surface including pig-snout gin (early date).
P05	938	Headland Pa	Defensive ditch and according to former owner, has pits and terraces. Associated with agricultural field systems (seen from a distance).
P05	939	Agricultural Field System	Complex area of agricultural field systems adjacent to Headland Pa and probably other features – recorded from 1950 aerial.
P05	new	Terrace, Midden	An ill-defined terrace c.5 x 3m with a spread of dark soil an midden immediately below the terrace was detected approximately 25m east of HS5.

Continued on next page

RESULTS, *CONTINUED*

Figure 6.

Midden (P05/934) exposed on track to north of Papuke Pa (left).

Scatter of midden (P05/936) exposed by erosion near site P05/450 (right).



Figure 7.

Agricultural field boundaries? Parallel lines running down slope from farm track (centre of photo) . Site P05/450



Continued on next page

RESULTS, CONTINUED

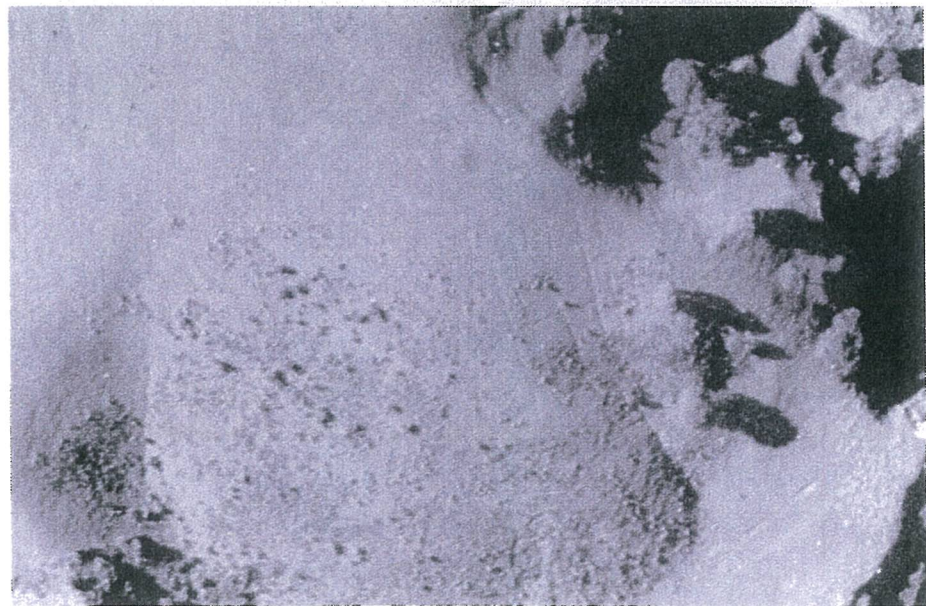
Figure 8.

**Headland Pa at
Poraenui Point
(P05/938)**



Figure 9.

**Poraenui Point
field systems
north of the pa
(P05/939)**



Continued on next page

RESULTS, *CONTINUED*

Figure 10.
Terraces running down spur, not previously mapped but seen clearly in crop marks from HS43 (now 36)



Figure 11.
Site P05/184 (left). Midden and terraces on saddle next to Pohutukawa upper left. Midden (right) exposed on embankment south of Te Puna Stream (P05/897)



House sites and Access Roads

Of the 41 proposed house sites and related access roads 14 have archaeological sensitivities. These are: HS5, HS6 (and associated access track), HS7 (and access road), HS10, HS12, HS18, HS19, HS21, HS25, HS24, HS37, HS39, HS40, HS41 (Figure 2). The problems are not insurmountable and the issues and suggested remedies are set out below.

Continued on next page

RESULTS, *CONTINUED*

Figure 12.

Panorama overlooking the Te Puna valley and mission site. Plough lines (P05/893) visible behind old fig trees of mission site (P05/24). Te Pahi Island in centre of picture in Wairoa Bay



Figure 13.

Recorded historic track (P05/896). Viewed from the Te Puna mission site.



Continued on next page

RESULTS, CONTINUED

- HS6** An archaeological site (P05/907) has been recorded on this terrace. However, further testing failed to reveal any intact archaeology and indicated that the terrace had been modified by machine activity in the past (Figure 14). This is not considered to be an archaeological site, although an archaeological terrace was recorded some 50m further down the track and a scatter of midden a further 30m on (P05/932). There is no apparent reason why this site cannot be developed, although it would be advisable to have an archaeologist present during the initial earthworks.

Figure 14.
House Site 6
(out of sight to
left of track).
Terrace (in
shade) on track
below HS6
(P05/932) and
P05/907 (right)



- HS7** A series of terraces with some midden have been recorded (P05/910) running up the spur adjacent to the proposed house site. The house site is sufficiently removed from the archaeological features and no archaeology was detected in its vicinity. However, as the spur runs up to a knoll with further recorded archaeological features (P05/905), a cautious approach is recommended and an archaeologist should monitor initial earthworks in the area.

- HS10** House site 10 is located in a small catchment at the western end of Wairoa Bay in the vicinity of a natural spring. On the steep slopes that lead down to the bay is a series of remnant field boundaries indicating that the area was once used for agriculture (Figure 15), and on the relatively flat embankment just above the beach is a flattened rectangular area c.2 x 3m. There is no archaeological indication of what this features relates to but it may be old camp or hut site. It should be possible to locate a house platform in this area without significant impact on archaeological remains although the access might impact of remains of historic field boundaries.

Figure 15.

Field boundaries clearly visible on upper slopes of the catchment.



HS12 Terrace sites have been recorded below this house site on spurs leading down to the western end of Wairoa Bay. There are no archaeological remains in the immediate vicinity of the proposed building sites and impact on archaeological values is unlikely. However, in view of the proximity of archaeological features, a cautious approach should be adopted, with an archaeologist monitoring initial earthworks.

HS18 A small cut terrace (10 x 5m) relating to a historic occupation was located 10m below and on the coastal side of the building site (P05/937). The house site has now been moved some 30m to the north (inland) and the archaeological site is unlikely to be impacted on by development.

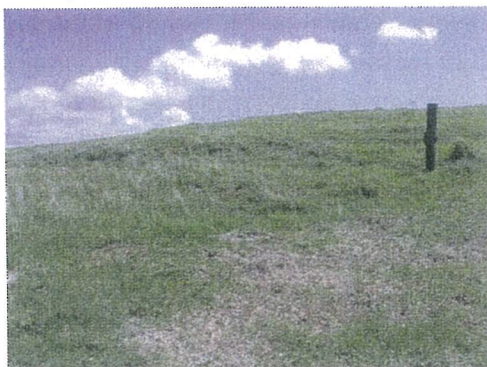
HS19 The house site was originally located in the middle of a series of terraces and pits (Table 2 and Figure 16) (P05/931). The surrounding area was tested and no further archaeological features were observed and the house site has been moved to the northeast to avoid impact on the archaeological features.

Continued on next page

RESULTS, CONTINUED

Figure 16.

**HS19 and
Terrace and
pit site (left)
(P05/931).**



**HS21 and
midden &
Historic site
P05/908.**



HS21 House site 21 has been located next to an old macrocarpa tree on top of a recorded archaeological site (P05/908) (Table 1 and Figure 16). The archaeological remains indicate two phases of occupation – midden containing obsidian flakes, and later historic occupation indicated by glass and stoneware (1860s?). It has also been suggested as a possible location for a historic chapel dating to the 1820s. Examination of the aerial photographs (Figure 17) indicates that the flats adjacent to the bay below the macrocarpa have the remains of field systems. There appears to be sufficient flexibility to relocate the building site within the general area where it will not impact on archaeological remains.

Figure 17.

**1950 aerial
location of
HS21 and
P05/908
(arrowed) and
stone rows
P05/909
(triangle). A
rectangular
field system can
be faintly
discerned on
the flats to the
north of 908**



Continued on next page

RESULTS, CONTINUED

HS24 & 25 Both house sites are located on a knoll immediately to the north of Pirinoa Bay. A small pit (depression) has been recorded located in the general area (PO5/903). This was not relocated, but from the description is unlikely to represent a significant archaeological site and could equally be related to farming activities or tree falls. Testing failed to reveal any archaeological deposits in the area, but a cautious approach is suggested and archaeological monitoring of the initial earthworks is recommended.

HS37 Two terraces (P05/186) are recorded in the vicinity of this proposed house site. Testing failed to reveal any archaeological deposits and the terraces appear to be natural, formed by the outcropping rock. There is no apparent archaeological reason why this area cannot be developed (Table 1 and Figure 18).

Figure 18.
HS37 and
Terrace site
P05/186.



HS39 This site is located on a spur between the Hansen house site (marked by the Norfolk Pine) and Papuke Pa on the headland. Testing revealed a midden covering an area c.8 x 6m adjacent to the marker peg (P05/935). To avoid impact on this archaeological site, the house site has been moved some 50m up the ridge in the direction of the Norfolk Pine and the house design should be such as to minimise visual impact on the landscape (Figure 19).

Figure 19.

View from 50 southeast of House Site 39 to the NE looking at Te Puna Bay, the Mission House site and Rangihoua in the distance (far right).



HS40 House site 40, on the southern side of the Te Puna valley, on a slope overlooking the bay, has no impact on any physical archaeological remains. However, being located within the main heritage landscape, it should be designed so that its visual impact on the landscape is minimised.

HS41 This site is on the NW end of a spur overlooking the Te Puna valley. This was located in the middle of several archaeological features. Historic agricultural features (recorded as P05/856) are immediately to the north and below the site (Figure 20), while living terraces and midden are located immediately above (P05/933). This site has now been relocated some 40m around the spur to the west removing it from the archaeological features and reducing its visibility from the sea.

Figure 20.

House Site 41 (was post in foreground) – viewed from terrace/midden site (P05/933) NE across historic ploughed fields (cropmarks). Oihi in distance (arrowed). House site now relocated.



DISCUSSION & CONCLUSIONS

Historical Significance

The Bay of Islands has a special place in New Zealand's Maori and European history, but is of particular importance during the period Salmond (1997) has referred to as 'the meeting of two worlds' – the late 18th and early 19th centuries. For it was this period that witnessed an increasing frequency of contact between the two cultures and it was here that the early missionary stations and permanent European settlement were first established. In the early years of contact explorers, whalers, sealers, traders and later missionaries operated out of the Bay, introducing new crops and technology which was to change the balance of power in the Maori world.

The Purerua Peninsula played its role in these changes. It had significant Maori settlement and was the location of the first mission station in New Zealand, established at Oihi at the foot of Rangihoua Pa in Rangihoua Bay (later moved to Te Puna on the other side of the pa). The events which transpired at Oihi and Te Puna were very much the result of initiatives taken by Te Pahi and later his nephew Ruatara. Both travelled overseas to acquire European knowledge, technology and new crops. Te Pahi established the area as a provisioning centre for whaling ships and others visiting the Bay of Islands.

Maori Occupation

There is evidence for at least 400 years of Maori occupation of the area prior to European contact. In Wairoa Bay, slim evidence of an archaic site is present, indicated by moa present in the faunal assemblage (Best and Clough 2003). There are several pa including Rangihoua to the east, Papuke on the headland between Wairoa and Rangihoua Bays, and the island of Te Pahi immediately offshore, all with various satellite settlements. The impression derived from early European observers, and borne out by the distribution of archaeological sites, was that in addition to the concentrated settlement at Rangihoua, every inlet and bay had a small settlement and associated gardens (Salmond 1997: 332). Contemporary observers describe well-kept gardens at Rangihoua and cultivated plots scattered around the landscape. The remains of these are still evident archaeologically as field boundaries (ditches).

Continued on next page

DISCUSSION & CONCLUSIONS, CONTINUED

Early Missionaries

Samuel Marsden's decision to establish the first mission at Oihi (1814) was influenced on his relationship with Te Pahi and Ruatara¹. Marsden's belief that commerce and trade would pave the way for religion dovetailed neatly with their ambitions.

The Marsden Cross at Oihi commemorates the establishment of the mission station and the morphology of the landscape reveals its extent. Oihi was not the ideal location from an agricultural perspective, but it was under the protection of Ruatara in Rangihoua Pa. However, the move in 1832 to Te Puna provided access to more suitable land for settlement and mission agriculture.

The landscape still retains evidence of these historic activities – the path to Rangihoua Pa, the plough lines, old fig trees, and saw pits can still be clearly seen. A Norfolk pine and terrace mark the house site of Thomas Hansen, captain of the *Active*, which brought Marsden to the Bay of Islands in 1813, and who took up land at Te Puna by 1830. Agricultural field systems relating to mission farming can still be seen, both on aerial photographs as linear ploughmarks and on the ground, where their regular arrangement of humps and hollows differentiates them from Maori agricultural field systems. It is not possible to establish the precise date of these field systems, but some of them are clearly related to the mission settlement sites.

Continued on next page

¹ Salmond (1997) devotes a chapter to this relationship

DISCUSSION & CONCLUSIONS, CONTINUED

The Heritage Landscape and Development

There is no doubt that this is a significant historic and archaeological landscape and careful consideration must be given to minimising the physical and visual impact of any development on heritage values.

The area near Te Pahi's island at Wairoa Bay has long been developed, and farm houses, stockyards, boat sheds and other utility buildings have become an integral part of the landscape. As part of the present development, many of these buildings have been upgraded, a process which impacted to a small degree on archaeological site PO5/853 (Best and Clough 2003; Best 2003). However, the upgrading also involves the construction of sea walls and reefs which in combination should act to reduce the erosion of the coastal embankment and protect the remaining archaeological deposits.

There are a number of ways in which development impacts can be and have been reduced. The most important is ensuring a low density of houses and other facilities. This allows more flexibility in locating house sites so that physical impacts on archaeological sites can be avoided. Visual impacts on the landscape can be considerably reduced by sympathetic building design, screen planting and protecting the visual relationships between significant heritage sites/areas by choosing locations for house sites that will not intrude onto or obscure these relationships.

The Rangihoua-Oihi and Rangihoua-Te Puna relationships are of paramount importance. Oihi and the main settlement of Rangihoua are not on the Mountain Landing property and so the primary consideration for this development must be the outlying parts of the Rangihoua settlement which lie above the Te Puna mission site and the Te Puna valley itself. The track from the Te Puna mission to the pa can still be observed. Figures 18, 25 and 26 provide views of the present landscape across the Te Puna valley.

Continued on next page

DISCUSSION & CONCLUSIONS, CONTINUED

Assessment of Current Proposals

This survey focussed primarily on the general areas of proposed development and particularly house sites and access roads. The development has been considered from the viewpoint of both physical impact on archaeological sites and visual impact on the heritage landscape.

The development in general is considered low impact with only c.41 house sites spread over some 350ha. Of these, only 4 are located in the coastal end of the Te Puna Valley, which is the area of highest significance. Fourteen of the 41 house sites were assessed as being archaeologically sensitive to varying degrees. These have been discussed individually above and specific recommendations relating to them are also reiterated below. For the most part, archaeological issues has been addressed by relocation of the proposed house sites a short distance away, or by taking a precautionary approach involving archaeological monitoring of the initial earthworks.

However, House Sites 39, 40 and 41 in the lower Te Puna valley are located in the most significant part of the heritage landscape and particular care needs to be taken to avoid adverse visual and physical impacts. Other house sites have already been removed from consideration as their location at the foot of the slopes leading up to Rangihoua Pa and between the Te Puna mission and pa, were considered to be too intrusive into the visual landscape. In addition, one of the sites was also located in the middle of archaeological remains of the historic track and terraces and midden.

House site 39 (on the southern side of the valley) was in the middle of several archaeological features relating both to Maori and early European occupation of the valley. It has now been relocated further to the southeast which reduces potential of impacting on significant archaeology and significantly reduces the visual impact of the site from the sea.

House Site 41 was located on archaeological remains (midden) and has been relocated further up the ridge. House site 40 does not impact on any known archaeology but like 41, the design of buildings will need to be sympathetic (in scale, height, materials, colour, and landscape design) to the heritage landscape as they are part of the lower Te Puna and Papuke ridge heritage areas.

Interpretation

Mountain Landing have incorporated several walking tracks into their design (some constructed). Given the significance of this landscape, consideration should be given to interpretation at various points along walking tracks, outlining both specific sites in the landscape and the general history of the area. This will promote awareness of heritage values and assist in protecting the landscape from inappropriate development in the future.

DISCUSSION & CONCLUSIONS, CONTINUED

**General
Considerations**

This is an assessment of impact on archaeological values and does not include an assessment of Maori values. Such assessments can only be made by the tangata whenua.

It should be noted that archaeological survey techniques (visual inspection and minor sub-surface testing) cannot necessarily identify all subsurface archaeological features, or detect wahi tapu and other sites of traditional significance to Maori, especially where these have no physical remains.

**Historic Places
Act**

In addition to any requirements under the Resource Management Act 1991 the provisions of the Historic Places Act 1993 must be complied with. Under the HPA (1993) all archaeological sites are protected and may not be damaged or destroyed unless an Authority to Modify an archaeological site has first been obtained from the NZ Historic Places Trust.

Continued on next page

RECOMMENDATIONS

General

- That development of the property be carried out in such a manner as to minimise its impact on the archaeological landscape and heritage values.
- That adverse visual and physical impacts on the landscape are avoided.
- That there is little or no visible development of the landscape between Te Puna mission site and Rangihoua Pa.
- That any houses in the Te Puna valley are designed in such a way as to minimise visual impacts on the heritage landscape. Aspects such as scale, height, materials, colour, and landscape design should be carefully considered, with screen planting undertaken as appropriate.
- That recorded archaeological sites are avoided.
- That where avoidance is not considered possible, an application to modify archaeological sites under Section 11 of the Historic Places Act 1993 is lodged with the Historic Places Trust. (Note that this is a legal requirement.)
- That recorded archaeological sites in the vicinity of proposed development are marked out or temporarily fenced off to prevent accidental machine damage during development.
- That an archaeologist monitors preliminary earthworks where development is in the immediate vicinity of recorded archaeological sites.
- That if subsurface archaeological evidence (e.g. intact shell midden, hangi, storage pits relating to Maori occupation, or building foundations and rubbish pits relating to 19th century occupation) is unearthed during construction or landscaping in areas not covered by an HPT authority, work should cease in the immediate vicinity of the remains and the Historic Places Trust and project archaeologist should be contacted.
- That in the event of koiwi (human remains) being uncovered, work should cease immediately and the NZ Police, Historic Places Trust and tangata whenua should be contacted so that appropriate arrangements can be made.
- That any planting plan takes into account the location of archaeological remains and that no deep rooting species are planted on these remains or subsequently allowed to spread onto them from planted areas. Shallow rooting species such as flax could be considered for archaeological sites but this would require further consultation with the HPT.
- That consideration is given to providing interpretation of the heritage landscape along walking tracks.

Continued on next page

RECOMMENDATIONS, CONTINUED

Specific

- That consent from the HPT will be required for earthworks for House site 21, where it will be difficult to avoid impact on archaeological remains. An investigation is recommended as erosion is having a significant impact on this archaeological site (P05/937).
 - That houses on House Sites 39-41, and any others located in the lower Te Puna valley, are designed in such a way as to minimise visual impacts on the heritage landscape. They should be appropriate in scale, height, materials, colour, and landscape design.
 - That the initial earthworks at House Sites 6, 7, 10, 12, 17 and 18 (including access roads) are monitored by an archaeologist.
 - That the proposed relocations of any house sites are archaeologically assessed.
-

REFERENCES

References

- Best, S. 2003. Archaeology at Wairoa Bay, Purerua Peninsula, Bay of Islands: Prehistory and History on Hansen's Grant. Prepared for Mountain Landing Ltd.
- Best, S. and R. Clough 2003. Assessment Of Damage To Archaeological Sites At Mountain Landing Property, Te Puna, Purerua Peninsula, Bay Of Islands. Report prepared for Mountain Landing Property and the Historic Places Trust.
- Hall Diary 1816-38. Dairy Held in the CMS library, Sydney.
- Johnson, L. 2002a. Letter from Johnson to Franklin, 10 October 2002. In NZHPT files.
- Johnson, L. 2002b. Letter from Johnson to Franklin, 25 October 2002. In NZHPT files.
- Johnson, L. and A. Middleton 2001a. Archaeological Survey and Assessment of a Proposed Boat Ramp Upgrade, Access Rd and Erosion Control Works, W.C. Mountain Landing, Purerua Peninsula, Bay of Islands. Unpublished report prepared for Takutai Holdings (NZ) Ltd.
- Johnson, L. and A. Middleton. 2001b. Archaeological Survey and Assessment of the Coastal Section of a Proposed New Road, W.C. Mountain Landing, Purerua Peninsula, Bay of Islands. Unpublished report prepared for Takutai Holdings (NZ) Ltd.
- Middleton, A. in press. Maori and European Landscapes at Te Puna, Bay of Islands, New Zealand, 1805-1850. Archaeology in Oceania.
- Salmond, A. 1997. *Between Worlds: Early Exchanges Between Maori and Europeans 1773-1815*. Auckland: Penguin Books.
- Spencer, J. 1983. Rangihoua Pa and Oihi Mission Station, Purerua Peninsula, Bay of Islands. In *A Lot of Spade Work to be Done: Essays in Honour of Lady Aileen Fox*. Edited by S. Bulmer, G. Law and D. Sutton. New Zealand Archaeological Association. Monograph No. 14:77-110.
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ⁱ This suggests that the first identified brick maker in New Zealand was Tully Mathews, an ex-convict who worked for the CMS from February to November 1816 at the Bay of Islands. Tully had been convicted of robbery at the Dundalk Assizes in April 1808 and transported to Port Jackson, New South Wales on the 'Boyd' in 1809. His seven year sentence ended in April 1805 and in January the following year he sailed on the CMS vessel 'Active' for New Zealand and Tahiti. Tully arrived at Rangihoua on February 23rd and was contracted to make 20,000 bricks for the mission. During his nine months in New Zealand he made bricks and built chimneys and fireplaces often working with the lay missionary and mechanic William Hall. In November due to the non arrival of the 'Active' with supplies Tully and other mission workmen and their families returned to Port Jackson on the 'King George' embarking on November 13th.

ⁱⁱ Research carried out by Tony Carr, Glebe, NSW.

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Clough & Associates Ltd – Heritage Consultants

30-Jun-04

Helen Atkins
Philips Fox
PO Box 160
Auckland

Dear Helen,

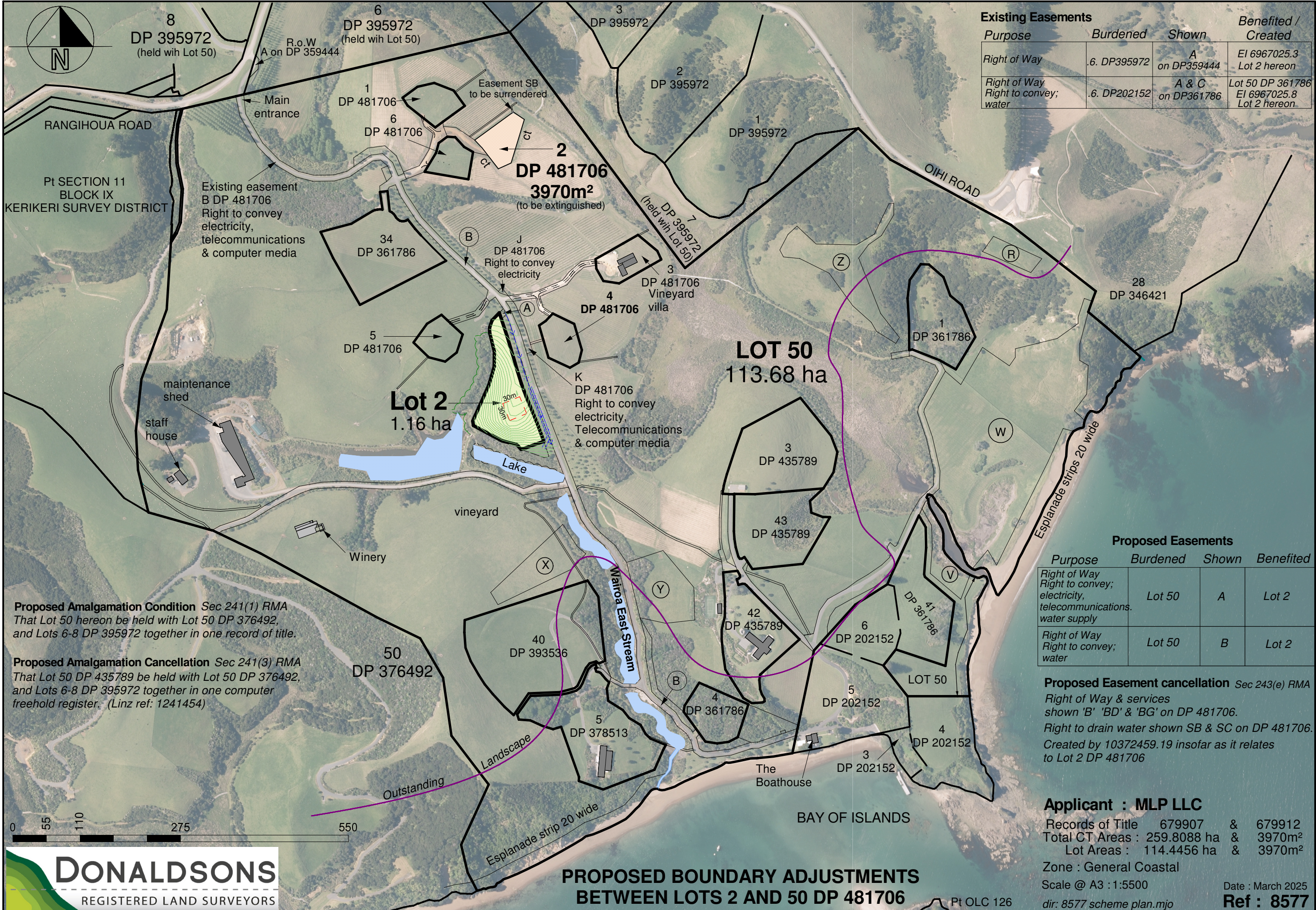
Re: Alternative House Sites Archaeological Assessment.

The areas of the two alternative house sites 2A and 20A have been assessed as part of the original survey. There are no archaeological issues, either from a landscape perspective or in regards to physical impacts on recorded archaeological sites for these proposed house sites.

Please contact me if further information is required.

Regards,

Rod Clough



Existing Easements			
Purpose	Burdened	Shown	Benefited / Created
Right of Way	.6. DP395972	A on DP359444	EI 6967025.3 Lot 2 hereon
Right of Way Right to convey; water	.6. DP202152	A & C on DP361786	Lot 50 DP 361786 EI 6967025.8 Lot 2 hereon

Proposed Amalgamation Condition Sec 241(1) RMA
That Lot 50 hereon be held with Lot 50 DP 376492,
and Lots 6-8 DP 395972 together in one record of title.

Proposed Amalgamation Cancellation Sec 241(3) RMA
That Lot 50 DP 435789 be held with Lot 50 DP 376492,
and Lots 6-8 DP 395972 together in one computer
freehold register. (Linz ref: 1241454)

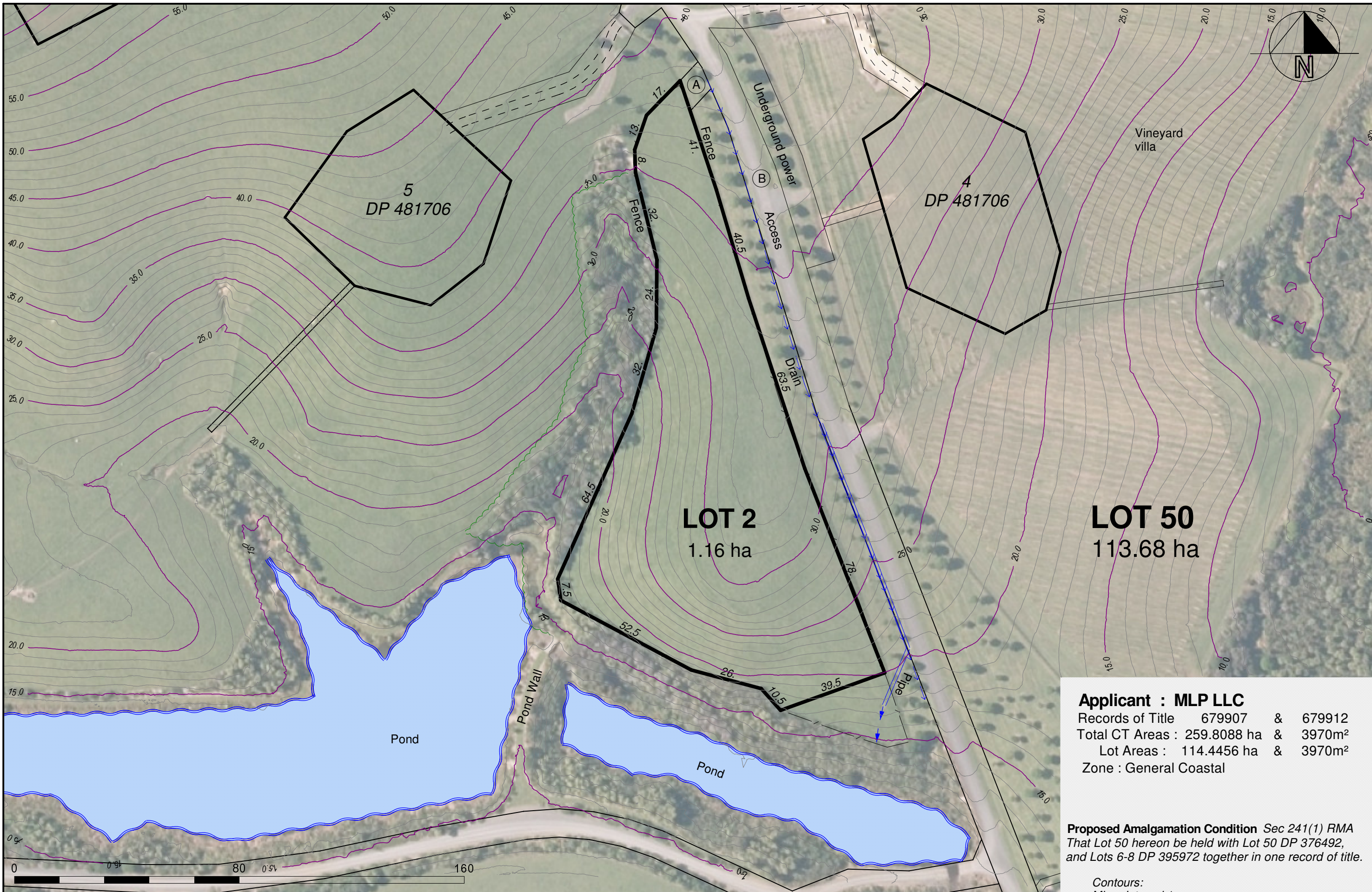
Proposed Easements			
Purpose	Burdened	Shown	Benefited
Right of Way Right to convey; electricity, telecommunications, water supply	Lot 50	A	Lot 2
Right of Way Right to convey; water	Lot 50	B	Lot 2

Proposed Easement cancellation Sec 243(e) RMA
Right of Way & services
shown 'B' 'BD' & 'BG' on DP 481706.
Right to drain water shown SB & SC on DP 481706.
Created by 10372459.19 insofar as it relates
to Lot 2 DP 481706

Applicant : MLP LLC
Records of Title 679907 & 679912
Total CT Areas : 259.8088 ha & 3970m²
Lot Areas : 114.4456 ha & 3970m²
Zone : General Coastal
Scale @ A3 : 1:5500
Date : March 2025
dir: 8577 scheme plan.mjo
Ref : 8577



**PROPOSED BOUNDARY ADJUSTMENTS
BETWEEN LOTS 2 AND 50 DP 481706**



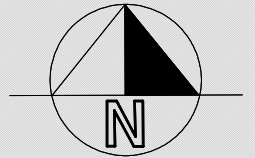
Applicant : MLP LLC
 Records of Title 679907 & 679912
 Total CT Areas : 259.8088 ha & 3970m²
 Lot Areas : 114.4456 ha & 3970m²
 Zone : General Coastal

Proposed Amalgamation Condition Sec 241(1) RMA
 That Lot 50 hereon be held with Lot 50 DP 376492,
 and Lots 6-8 DP 395972 together in one record of title.

Contours:
 Minor Interval 1m
 Major interval 5m
 Scale @ A3 : 1:1250
 dir: 8577 Lot 2 plan.mjo
 Date : March 2025
Ref : 8577



PROPOSED BOUNDARY ADJUSTMENTS BETWEEN LOTS 2 AND 50 DP 481706



LOT 50
113.68 ha

LOT 2
1.16 ha



Applicant : MLP LLC
Records of Title 679907 & 679912
Total CT Areas : 259.8088 ha & 3970m²
Lot Areas : 114.4456 ha & 3970m²
Zone : General Coastal

Scale @ A3 : 1:1250
Date : March 2025
dir: 8577 Aerial Image plan.mjo
Ref : 8577



PLAN OF PROPOSED LOT 2



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




R.W. Muir
Registrar-General
of Land

Identifier **679907**
Land Registration District **North Auckland**
Date Issued 01 November 2017

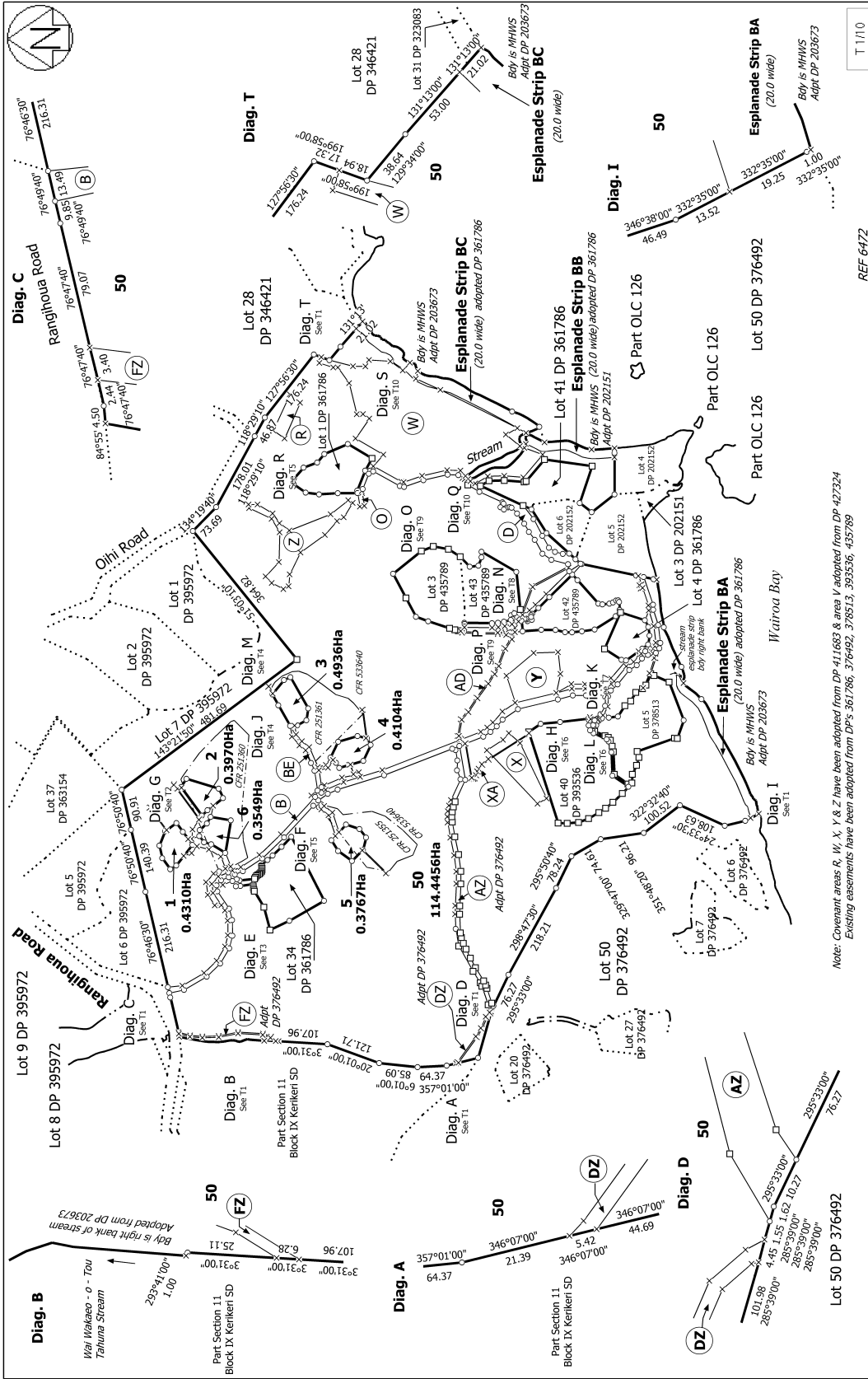
Prior References

251360 533640

Estate Fee Simple
Area 3970 square metres more or less
Legal Description Lot 2 Deposited Plan 481706
Registered Owners
MLP LLC

Interests

Appurtenant hereto is a right of way created by Easement Instrument 6967025.3 - 28.7.2006 at 9:00 am
Appurtenant hereto are rights of way and rights to convey water created by Easement Instrument 6967025.8 - 28.7.2006 at 9:00 am
The easements created by Easement Instrument 6967025.8 are subject to Section 243 (a) Resource Management Act 1991
7123788.16 Mortgage to Bank of New Zealand - 21.11.2006 at 9:00 am
8850218.3 Surrender of the right of way and right to convey water marked F on DP 361786 created by Easement Instrument 6967025.8 - 2.12.2011 at 12:50 pm
10372459.5 Surrender of the right of way and right to convey water marked B on DP 435789 created by Easement Instrument 6967025.8 - 1.11.2017 at 3:32 pm
10372459.18 Consent Notice pursuant to Section 221 Resource Management Act 1991 - 1.11.2017 at 3:32 pm
Appurtenant hereto is a right of way, a right to convey water, electricity, telecommunications & computer media and a right to drain water created by Easement Instrument 10372459.19 - 1.11.2017 at 3:32 pm
The easements created by Easement Instrument 10372459.19 are subject to Section 243 (a) Resource Management Act 1991
Land Covenant in Easement Instrument 10372459.22 - 1.11.2017 at 3:32 pm
10372459.24 Encumbrance to MLP LLC - 1.11.2017 at 3:32 pm



Note: Covenant areas R, W, X, Y & Z have been adopted from DP 411683 & area V adopted from DP 427324
 Existing easements have been adopted from DP's 361786, 376492, 378513, 393536, 435789

<p>REF 6472</p> <p>T 1/10</p>	<p>Title Plan LT 481706 Approved on: 9/02/2015</p>	<p>Surveyor: Aaron Robert Donaldson Firm: Donaldsons</p>	<p>Land District: North Auckland</p>
<p>Lots 1 - 6 and 50 being a subdivision of Lots 2, 35, 36 DP 361786 and Lot 50 DP-435789</p>		<p>Digitally Generated Plan Generated on: 09/02/2015 2:31pm Page 6 of 15</p>	



View Instrument Details

Instrument No 10372459.18
Status Registered
Date & Time Lodged 01 November 2017 15:32
Lodged By Sim, Williamena Suan Cheok
Instrument Type Consent Notice under s221(4)(a) Resource Management Act 1991



Affected Computer Registers	Land District
679906	North Auckland
679907	North Auckland
679908	North Auckland
679909	North Auckland
679910	North Auckland
679911	North Auckland
679912	North Auckland

Annexure Schedule: Contains 5 Pages.

Signature

Signed by Williamena Suan Cheok Sim as Territorial Authority Representative on 27/10/2017 02:51 PM

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



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 Website: www.fnadc.govt.nz

To Kāwhiriā a Tai Tokerau Ki Te Raki

*Whānau Whānau Whānau
 Whānau Whānau Whānau*

- (iv) Due to horticultural activities taking place in the vicinity, the operation of equipment including sprays and chemicals (subject to compliance with any relevant legislation) may be a permitted activity. Accordingly, where rainwater is collected from exposed surfaces for human consumption in connection with any residential development, the occupiers of any such dwelling shall install an approved water filtration system.
- (v) In conjunction with the construction of any building requiring a wastewater disposal system the lot owner shall obtain a building consent and install the wastewater treatment and effluent disposal system as detailed in 'Wastewater assessment for proposed subdivision, the Landing, Purerua Peninsula, for MLP LLC' undertaken by Haigh Workman Civil and Structural Engineers, reference 14 085 dated July 2014 (as submitted in support of RC2150044).
 - i. The installation shall include an agreement with the system supplier or its authorised agent for the on-going operation and maintenance of the wastewater treatment plant and the effluent disposal system.
 - ii. The estimated cost of the installed system is \$13,000 + GST. The costing is valid for a period of 6 months from the date of issue of the 224(c) certificate.
 - iii. Following 12 months of operation of the wastewater treatment and effluent disposal system the lot owner shall provide certification to Council that the system is operating in accordance with its design criteria.
 - iv. Where a wastewater treatment and effluent disposal system is proposed that differs from that detailed in the above mentioned report, a new TP58/site and soil evaluation report will be required to be submitted, and Council's approval of the new system must be obtained prior to its installation.
- (vi) Further to the requirements of condition 14A(a) of RC2050024, which requires a landscape plan consistent with the Landscape Plan (referred to in condition 13A) to be submitted for approval by Council at the time a land use consent is applied for, the landscape plan shall also be consistent with the enhancement and mitigation measures outlined in the 'Landscape and visual impact assessment' undertaken by Hawthorn Landscape Architects, dated July 2014 (submitted in support of RC2050024-RMAVAR/A). The approved landscaping shall be implemented within 6 months after the construction of any structures and maintained for the duration of the activity.

Lot 50 DP 481706 and Lot 50 DP 376492

- (vii) For each stage of the subdivision the planting, as set out in the ecological management plan, must be completed (i.e. all plants must be in the ground) prior to application for section 224(c) being made for the house lots within the stages. With respect to Stage 3, this shall also include planting as per the 'Site plan of proposed revegetation' prepared by Donaldsons Registered Land Surveyors, reference 6472, dated 29 July 2014, and the 'Ecological Review'



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Te Kōwhiri o Tai Tokerau Ki Te Raki

*Ngā Kōwhiri o Tai Tokerau
 Kōwhiri o Tai Tokerau*

undertaken by Rebecca Lodge, reference 6472, dated 29 July 2014 (as submitted in support of RC2050025 RMAVAR/A). The planting is to be maintained in perpetuity.

To ensure that the planting is maintained a bond for each stage of the planting programme shall be paid to Council by the owner of Lot 50. The amount of the bond will be determined on the basis of the costs of maintenance for a 4 year period multiplied by 1.5. The amount to be agreed between the Council and the owner of Lot 50. The bond shall be held under the following conditions:

- The bond shall be paid upon completion of the planting in each stage of the subdivision.
- The bond shall be either cash or guaranteed in accordance with Council's Bond and Undertakings Policy No.3102.
- The bond shall be held for 48 months from the date of receipt.
- The bond shall be released at the end of the 48 month period on the presentation by the owner of Lot 50 of certification from a qualified ecologist that the ecological planting has been appropriately maintained so as to ensure an 85% survival rate to the satisfaction of Councils Manager – Resource Consents or other duly delegated officer. The certification report shall include details of the method(s) used to assess the survival rate of planting.
- Any costs incurred in the preparing, checking, monitoring and release of the bond are to be met by the owner of Lot 50.
- The owner of Lot 50 acknowledges that for the purposes of monitoring and enforcement of all the consent notices Council is entitled to enter the land in accordance with the relevant provisions of the Resource Management Act 1991 (as amended from time to time).

Advice Note – The owner of Lot 50 acknowledges that any application that seeks to amend these consent notices is likely to be publicly notified.

Lot 50 DP 481706

- (viii) The archaeological sites located within the proposed Rangihoua historic area (identified in the Assessment of Environmental Effects and Archaeological Assessments supporting RC2090115 and RC2050024) shall remain undisturbed, and that access to the archaeological sites be provided to members of the public, such access 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 the members of the public, and that access to the archaeological sites be provided to members of the public on such terms as may be agreed between the lot owner and these members of the public following them having given 48 hours' notice to the lot owner.

Access shall be limited to the hours of daylight and the frequency of visitors'



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Te Kaunihera o Tai Tokerau Ki Te Raki

Te Kaitiaki Take Kōwhiri

(being members of the public) shall be such that they do not cause a nuisance or disturbance to the archaeological sites and areas of the Rangihoua historic area, to the vegetation or improvements on the lot, or to farming activities.

The members of the public that visit the Rangihoua historic area shall ensure that the sites are protected and remain undisturbed. Other members of the public, being those that have not sought nor been provided with permission from the lot owner, are trespassers in the context of this condition of consent.

Lot owner consent shall not be unreasonably withheld or declined. If there is any dispute as to the interpretation of this condition or as to be exercised by the lot owner or members of the public of their respective entitlements or obligations under the condition then before the lot owner may deny access to the sites or before the 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.

Note1:

Where the consent holder chooses to present RC2050024-RMAVARB and RC2150044-RMAVAR/A on a single Land Transfer plan, then the above conditions relating to Lot 50 and those of Lot 50 DP 376492 may be recorded in a single consent notice against the revised lot area.

In having regard to amalgamation condition 24.2, the conditions above will not prevent the consent holder from registering the consent notice conditions as part of a single document relating to the amalgamated title area.

Note2:

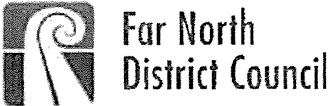
In having regard to condition 23 and amalgamation condition 24.2 of Decision 1 above, the conditions relating to Lot 50 DP 376492 will not prevent the consent holder from registering the conditions as part of a single document relating to all of the amalgamated land parcels.

Note 3:

Where the consent holder chooses to present and RC2150044-RMAVAR/A and RC2050024-RMAVARB on a single Land Transfer plan, then the above conditions relating to Lot 50 and those of Lot 50 of RC2050024-RMAVARB may be recorded in a single consent notice against the revised lot area.

In having regard to amalgamation condition 2(b), the conditions above will not prevent the consent holder from registering the consent notice conditions as part of a single document relating to the amalgamated title area.





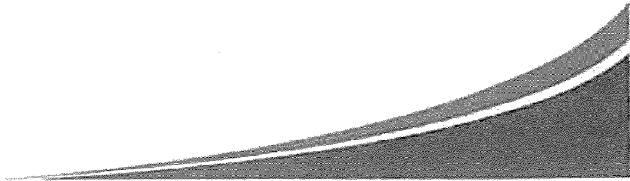
Private Bag 732, Memorial Ave
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Fax: (01) 401 2137
Email: ask.us@fnk.govt.nz
Website: www.fnk.govt.nz

Te Kaunihera o Tai Tokerau Kī Te Raki

Te Kaitiaki Take Kōwhiri
P.O. Box 104, Wellington

SIGNED: *P. J. Killalea* Mr Patrick John Killalea
By the FAR NORTH DISTRICT COUNCIL
Under delegated authority:
PRINCIPAL PLANNER – RESOURCE MANAGEMENT

DATED at KERIKERI this *28th* day of *September* 2017



View Instrument Details



Instrument No 10372459.19
Status Registered
Date & Time Lodged 01 November 2017 15:32
Lodged By Sim, Williamena Suan Cheok
Instrument Type Easement Instrument



Affected Computer Registers	Land District
679906	North Auckland
679907	North Auckland
679908	North Auckland
679909	North Auckland
679910	North Auckland
679911	North Auckland
679912	North Auckland

Annexure Schedule: Contains 6 Pages.

Grantor Certifications

- I certify that I have the authority to act for the Grantor and that the party has the legal capacity to authorise me to lodge this instrument
- I certify that I have taken reasonable steps to confirm the identity of the person who gave me authority to lodge this instrument
- I certify that any statutory provisions specified by the Registrar for this class of instrument have been complied with or do not apply
- I certify that I hold evidence showing the truth of the certifications I have given and will retain that evidence for the prescribed period
- I certify that the Mortgagee under Mortgage 7123788.16 has consented to this transaction and I hold that consent
- I certify that the Mortgagee under Mortgage 7671304.1 has consented to this transaction and I hold that consent

Signature

Signed by Williamena Suan Cheok Sim as Grantor Representative on 27/10/2017 02:55 PM

Grantee Certifications

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

Signature

Signed by Williamena Suan Cheok Sim as Grantee Representative on 27/10/2017 02:55 PM

*** End of Report ***

ME

Form B

Easement instrument to grant easement or *profit à prendre*, or create land covenant

(Sections 90A and 90F Land Transfer Act 1952)

Grantor

MLP LLC a company duly incorporated under the laws of Delaware, United States of America

Grantee

MLP LLC a company duly incorporated under the laws of Delaware, United States of America

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)

Schedule A

Continue in additional Annexure Schedule, if required

Purpose (nature and extent) of easement; <i>profit</i> or covenant	Shown (plan reference)	Servient Tenement (Computer Register)	Dominant Tenement (Computer Register) or in gross
Right of way and right to convey water	B on DP 481706	Lot 50 DP 481706 (CFR 679912)	Lot 1 DP 481706 (CFR 679906) Lot 2 DP 481706 (CFR 679907) Lot 3 DP 481706 (CFR 679908) Lot 4 DP 481706 (CFR 679909) Lot 5 DP 481706 (CFR 679910) Lot 6 DP 481706 (CFR 679911)

Form B - continued

Right of way and right to convey electricity, telecommunications and computer media and water	BD and BG on DP 481706	Lot 50 DP 481706 (CFR 679912)	Lot 1 DP 481706 (CFR 679906) Lot 2 DP 481706 (CFR 679907) Lot 6 DP 481706 (CFR 679911)
Right of way and right to convey electricity, telecommunications and computer media and water	BE on DP 481706	Lot 50 DP 481706 (CFR 679912)	Lot 3 DP 481706 (CFR 679908) Lot 4 DP 481706 (CFR 679909)
Right of way and right to convey electricity, telecommunications and computer media and water	BF on DP 481706	Lot 50 DP 481706 (CFR 679912)	Lot 5 DP 481706 (CFR 679910)
Right to convey electricity, telecommunications and computer media	SG on DP 481706	Lot 50 DP 481706 (CFR 679912)	Lot 4 DP 481706 (CFR 679909)
Right to drain water	SA on DP 481706	Lot 50 DP 481706 (CFR 679912)	Lot 1 DP 481706 (CFR 679906)
Right to drain water	SB on DP 481706	Lot 50 DP 481706 (CFR 679912)	Lot 2 DP 481706 (CFR 679907)
Right to drain water	SC on DP 481706	Lot 50 DP 481706 (CFR 679912)	Lot 2 DP 481706 (CFR 679907) Lot 6 DP 481706 (CFR 679911)
Right to drain water	SD on DP 481706	Lot 50 DP 481706 (CFR 679912)	Lot 4 DP 481706 (CFR 679909)

Form B - continued

Right to drain water	SE on DP 481706	Lot 50 DP 481706 (CFR 679912)	Lot 5 DP 481706 (CFR 679910)
Right to drain water	SF on DP 481706	Lot 50 DP 481706 (CFR 679912)	Lot 3 DP 481706 (CFR 679908)

Form B - continued

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

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

Unless otherwise provided below, the rights and powers implied in specified classes of easement are those prescribed by the Land Transfer Regulations 2002 and/or ~~Schedule Five of the Property Law Act 2007~~

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

{Memorandum number _____, registered under section 155A of the Land Transfer Act 1952}

{the provisions set out in Annexure Schedule 2 }

Covenant provisions

Delete phrases in [] and inserted 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 _____}

Form L

Annexure Schedule

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Insert instrument type

Easement instrument to grant easement or <i>profit à prendre</i>, or create land covenant
--

*Continue in additional Annexure Schedule, if required***Annexure Schedule 2****1 Instrument prevails**

1.1 Where the terms of this instrument are in conflict with Schedule 4 of the Land Transfer Regulations 2002 (**Regulations**), the terms of this instrument will prevail.

2 Variations and additions

2.1 The rights and powers implied by Schedule 4 of the Regulations are varied and added to as follows:

Easement facility

2.1.1 The definitions of easement facility (in relation to a right to convey water, right to convey electricity and a right to convey telecommunications and computer media) in clause 1 of Schedule 4 of the Regulations are varied by deleting the words "whether above or" with the intent that the easement facility is to be under the ground only.

2.1.2 The definition of easement facility (in relation to a right to drain water) in clause 1 of Schedule 4 of the Regulations is deleted and replaced with the following:

'(d) in relation to a right to drain water, means pipes (under the ground) and open drains (above the ground), and anything in replacement or substitution.'

Right to convey water

2.1.3 Clause 3(1) of Schedule 4 of the Regulations is varied by deleting the word "over" and replacing it with the word "under".

Right to convey electricity

2.1.4 Clause 7(1) of Schedule 4 of the Regulations is varied by deleting the word "over" and replacing it with the word "under".

Right to convey telecommunications and computer media

2.1.5 Clause 8(1) of Schedule 4 of the Regulations is varied by deleting the word "over" and replacing it with the word "under".

Establishment, repair and maintenance of easement facility

2.1.6 Clauses 6(3)(a) and 10(1)(b) of Schedule 4 of the Regulations are deleted and replaced with the following:

Form L

Annexure Schedule

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'The grantor has the sole right to establish the easement facility (including a driveway) and must repair, maintain and upkeep the easement facility (including any driveway).'

Repair, maintenance, and costs

2.1.7 Clause 11 of Schedule 4 of the Regulations is deleted and replaced with the following:

'11 Repair, maintenance, and costs

- (1) If the grantee (or grantees, if more than 1) has (or have) exclusive use of the easement facility, each grantee is responsible for the costs of repair and maintenance of the easement facility (including any driveway), and for the associated costs, so as to keep the easement facility (including any driveway) in good order and to prevent it from becoming a danger or nuisance.
- (2) If the grantee (or grantees, if more than 1) and the grantor share the use of the easement facility, each of them is responsible equally for the costs of repair and maintenance of the easement facility (including any driveway), and for the associated costs, for the purposes set out in subclause (1).
- (3) The costs of any repair and maintenance of the easement facility (including any driveway) that is attributable solely to an act or omission by the grantor or the grantee are payable by that party. If the repair and maintenance of the easement facility is only partly attributable to an act or omission by the grantor or the grantee, that party must pay the portion of the costs of the repair and maintenance that is attributable to that act or omission (and subject to the other party's or parties' liability to meet the costs as provided in this subclause, with the balance (if any) payable in accordance with subclauses (1)-(2)).'

Rights of entry

2.1.8 Clause 12 of Schedule 4 of the Regulations is deleted with the intent that the grantee has no rights of entry to conduct any works.