



**SOUTH WAIRARAPA
DISTRICT COUNCIL**

Kia Reretahi Tātau

AGENDA

Public Excluded Strategy Working Committee Meeting Wednesday, 16 April 2025

**I hereby give notice that a Public Excluded Strategy Working Committee Meeting
will be held on:**

Date: Wednesday, 16 April 2025

Time: 3:15 pm

**Location: Supper Room, Waihinga Centre, Texas Street
Martinborough**

**Janice Smith
Chief Executive Officer**

Order Of Business

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6 PUBLIC EXCLUDED BUSINESS

6.1 MARTINBOROUGH WASTEWATER DISPOSAL TO LAND

Author: [REDACTED]

Authoriser: **Stefan Corbett, Group Manager, Infrastructure and Community Operations**

File Number:

The Council is satisfied that, pursuant to s48(1)(a)(i) of the *Local Government Official Information and Meetings Act 1987*, the information to be received, discussed or considered in relation to this agenda item is:

- s7(2)(b)(ii) the withholding of the information is necessary to protect information where the making available of the information would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information
- s7(2)(i) the withholding of the information is necessary to enable Council to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations).

PURPOSE

To request that Councillors approve the purchase of 73.88 ha of Mahaki Farm and seek to vary the resource consent arrangements to allow wastewater from Martinborough WWTP to be disposed to this purchased land instead of Pain Farm.

EXECUTIVE SUMMARY

A paper on Pain Farm History, Legality and Consultation for Treated Effluent Disposal was presented as agenda item E1 to Council on 27th March 2024. Council resolved to continue to seek legal advice on the nature of the Trust and Council's role as Trustees of the land at Pain Farm.

Council Officers report back that:

- [REDACTED] has advised that the Council may face legal difficulty if it continues with the plan to irrigate wastewater to Pain Farm, for which Council is both a Trustee and a lessee.
- Russell Hooper Consulting, a land development and consenting specialist, expects that the current resource consents for the Martinborough WWTP could be varied, or failing this that a resource consent for odour and wastewater discharge only could be obtained for a new land site, without jeopardising the existing consent. This reduces the risk of more stringent resource consent conditions being imposed.
- BakerAg, a property valuer, values an area proposed for sale by [REDACTED] Herrick, a local farmer, of 73.88 ha @ at 38,711 per ha + GST, or \$2.86M. The owners' agents, Wairarapa Property Consulting, have separately requested \$45,000 per ha + GST for 76 ha, or \$3.42M.
- Lowe Environmental Impact, a wastewater land disposal specialist, found the property being considered is as-good-as and likely better than Pain Farm for the long-term, sustainable application of treated wastewater.

RECOMMENDATIONS

That *the Strategy Working Committee*

1. Receive this report and attached property valuation report from BakerAg and attached land assessment report for wastewater discharge from Lowe Environmental Impact.
2. Approve bringing forward CAPEX funding of up to \$3.42M from FY27 to FY25 to negotiate terms of purchase of 73.88ha of Mahaki Farm from the current owners.
3. Approve bringing forward further CAPEX funding of up to \$0.32M from FY27 to FY26 to obtain new or updated resource conditions to allow discharge of wastewater to land on the newly purchased Mahaki land block.
4. Note that bringing forward \$3.74M of capital spend will have impacts on the timing of borrowing, and related interest payments, but does not increase the overall project budget.

BACKGROUND

South Wairarapa District Council have a wastewater discharge consent that permits the operation of Martinborough WWTP to 2051. Within this consented timeframe, the consent sets out progressive changes to the wastewater discharge to Ruamahanga River and discharge to land to increase the proportion of effluent that is disposed to land. The next step to upgrade to is proposed to be to discharge to Pain Farm.

South Wairarapa District Council holds Pain Farm in trust after it was bequeathed to the Martinborough District Council in 1932. There is a Court approved "Scheme" that directs as follows:

"That the income from the Trust Lands should be used, in maintaining and improving the borough's parks, sports grounds, camping ground, swimming baths, providing equipping and maintaining sports facilities and a children's playground in such manner and in such proportion as the Council may from time to time decide."

Neighbours of Pain Farm have raised a potential legal challenge to the use of Pain Farm for wastewater disposal. This challenge will absorb time and funds to contest and meanwhile the wastewater discharge will not begin, leaving South Wairarapa District Council unable to deliver the conditions of resource consent.

South Wairarapa District Council was approached by the agent acting on behalf of ■ Herrick regarding the sale of part of the adjoining Mahaki Farm, which is closer to the Martinborough WWTP than Pain Farm. A discussion was held between the owner and officers, including a visit to the land with one of the owners and their land agent. The land looked suitable, and a resource consent specialist, a property valuer and a wastewater land treatment specialist were all engaged to provide advice.

The vendors have offered an initial position, based on their measurement of 76 hectares @ \$45,000 per hectare + GST (if any), with the following terms. These form our budget ceiling, with negotiation to follow approval of this paper to target a price more in line with our valuation:

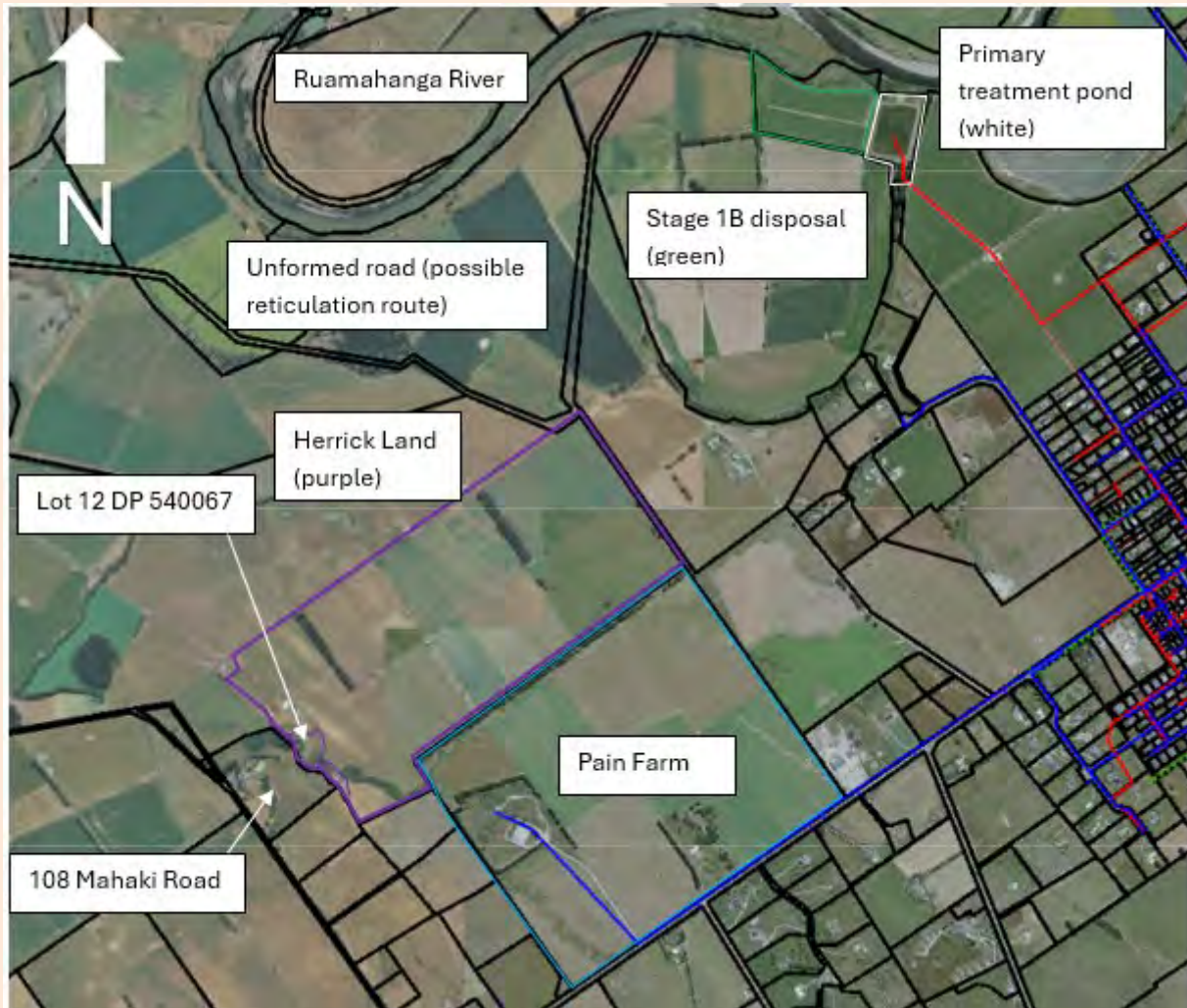
Vendor Initial Position	SWDC Initial Position
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Estimate 76Ha more or less and subject to final survey.	Estimate 73.88 ha based on valuer's report, but also subject to final survey.
Value to be based on \$45,000 per titled Ha or the registered valuation plus a 10% neighbouring premium – whichever is greater.	Value of 38,711 per ha + GST based on BakerAg valuation, which considers location and a range of similar recent sales. Neighbouring premium doesn't apply as Pain Farm is not a Council-owned property
Settlement date to be 31 May 2025 – or earlier by mutual agreement.	Settlement date to be prior to 30 June 2025, depending on subdivision survey and establishment of title
Deposit of 10% to be paid on contract becoming unconditional	Deposit of 5% to be paid on contract becoming unconditional
Herricks to retain possession of the property for 2 years from settlement date under a free lease arrangement with no fertiliser requirements (given it will eventually be used for sewerage disposal). Note: the 2 years is based on an estimate that it would be this long for the SWDC to require the property for its intended purpose. You could have access for all investigations etc. If you think you will be faster or slower then we can adjust.	Herricks to become a commercial lessee after settlement date for 2 years including fertiliser requirements in case it needs to be resold as a farm. Wastewater irrigation comes with nitrogen limits, but the soil needs to remain healthy, not depleted by lessee activity. Access for investigations by normal arrangements.
1 st right of refusal on the lease (at market rate) beyond the initial lease term – if SWDC wish to continue leasing.	No objection
1 st right of refusal to purchase the property if SWDC ever wants to sell	No objection
Terms to be added to latest version of ADLS contract	No objection
Value \$45,000 per hectare x 76 hectares = \$3.42M	Value \$38,711 per hectare x 73.88 hectares = \$2.86M

Parameter	Pain Farm	Herrick Farm area – minimal drainage	Herrick Farm area – high drainage
Total area (ha)	~85	73.8	
Irrigable area (ha)	53	59.0	
Limiting parameter	Hydraulic loading	Hydraulic loading	
Annual wastewater volume (m ³)	222,374	335,800	
Irrigation season	70-90 days	130-150 days	
Irrigation regime	Deficit	Restrictive non-deficit	
Maximum discharge per event (mm)	9	10	
Average annual application (mm)	370	450	650
Average annual N loading (kg N/ha/y)	66	~ 80	~ 117
Average annual P loading (kg P/ha/y)	15	~ 18	~ 26
Storage maximum (m ³)	69,300	~83,000	
Storage 95 th percentile (m ³)	47,700	~55,230	
Total annual average discharged (m³)	222,374	265,500	383,500

DISCUSSION

Officers were asked to in February 2024 to identify any possible alternative land that offers a way to avoid the legal risk of irrigating to Pain Farm. Officers have considered the land available for sale and note that the wastewater irrigation needs can be met with either Pain Farm or Mahaki Farm, and the below map of the relative locations shows how they compare.



OPTIONS

Option 1

Continue with the planned project to irrigate wastewater to land at Pain Farm as per the existing resource consent. This incurs an annual lease cost to the Pain Farm Trust, as well as the CAPEX funding to construct the pipeline from the wastewater treatment plant.

A legal challenge is anticipated to cost \$0.50M to \$0.75M to defend, with early advice from [REDACTED] indicating that a defence is not straightforward. The time delay to reach a decision, currently thought to be 12 to 18 months, may impact the 2030 timeframe required by the existing resource consent to begin irrigating wastewater to land.

Option 2

Purchase 73.88ha of Mahaki Farm for up to \$3.42M, located adjacent to Pain Farm but closer to the wastewater treatment plant, and spend the planned CAPEX budget to irrigate there. Annual lease payment not required, and interest on debt will be approximately \$155,000 per year.

A resource consent variation, or a separate resource consent to discharge to land, will be required and is expected to cost up to \$0.32M and take 1 year. Based on specialist advice this is expected to be straightforward and allow irrigation to be ready by 2030 to comply with the resource consent.

The Herrick land offers Council a site which is just as capable of treating the wastewater required in Stages 2A and 2B of WRC resource consent WAR120258.

Specific site characteristics such as the tile drains can be addressed at the time of detailed design.

Changing the area of disposal will require additional consenting with WRC, likely to be a variation of WAR120258.

The consenting environment has changed since the resource consent was approved in 2016. However, discharge to land is promoted and provided that the environmental outcomes in the existing resource consent area achieved altering the area of disposal should not be problematic.

If a decision is made to purchase the land a relatively straightforward subdivision is required to separate the land from Mr Herrick's farm. An outline plan of activity is below:

Scope	Start	Finish	Budget
Detailed land disposal evaluation including odour impact	May-25	May-25	\$35,000
Stage 2A irrigation design of pump station, pipework and irrigators	May-25	Aug-25	\$50,000
Stage 2A design of drainage, wetland/pond	May-25	Jul-25	\$25,000
Assessment of Environmental Effects (AEE)	May-25	Aug-25	\$55,000
Section 127 application to vary land discharge consent, or odour and discharge to land resource consent application (if required)	Jul-25	Nov-25	\$95,000
Public incl. iwi consultation	Aug-25	Oct-25	\$15,000
Subdivision (consent, surveying, property legal conveyancing to get title)	May-25	Oct-25	\$40,000
Land use consent, visual, noise	Feb-26	Mar-26	\$5,000
Land purchase (amount not to exceed)	May-25	Jun-25	\$3,420,000
TOTAL			\$3,740,000.00

CONSIDERATIONS

Financial

The budget for this purchase will fall within the current LTP project budget for Martinborough WWTP Compliance Upgrades Stage 2a Land Irrigation. The current uninflated project budget for this is \$27.40m, including \$1.00m in this financial year.

Project timing is currently as per draft LTP. This would be adjusted following approval of this paper.

This land purchase and associated resource consents represents bringing up to \$3.67m forward from the current phasing but will not increase the project budget overall

	Yes/No/NA	Commentary
Inclusion in the AP/LTP? (if no – provide commentary)	No	CAPEX funding exists in the LTP for the irrigation equipment upgrade.

Confirmed budget source	No	Earlier debt profile will be reflected in final LTP for 2025/34.
OPEX or CAPEX	CAPEX	CAPEX for both land and consent conditions.
Rating impact	None	Debt-funded and incurring interest of \$155,000 per year. Interest may be off-set by possibly leasing out land until it is developed for wastewater irrigation.
Procurement process	Yes	Direct negotiation with landowner and owner's land agent based on valuation received, including settlement date and lease-back.

Climate Change

This project reduces greenhouse gas emissions.

The alternative land parcel at Mahaki Farm is closer to the Martinborough WWTP, and so pumping energy will be less.

There is also more area to build storage for greater storm-sewage flows that will be expected due to climate change.

However, the land has a minor risk of flooding, which may increase under the effects of climate change.

CONCLUSION

The Pain Farm location for wastewater disposal for Martinborough WWTP uses land that Council has questionable legal right to use, which has a high amount of risk if it is depended on to fulfil the conditions of consent for disposal of wastewater to land.

The Mahaki Farm alternative location for wastewater disposal for Martinborough WWTP offers a legally assured, easily consentable, better disposal alternative to Pain Farm. However, it requires up to \$3.74M of capital expenditure, which is available from the project budget if the majority of it is brought forward by 2 years from FY27 to FY25. This still leaves a draft LTP budget of \$23.67M that would begin in FY28.

COMPLIANCE SCHEDULE

Full consideration has been given to the provisions of the Local Government Act 2002 S77 in relation to decision making, in particular:

1. A Local authority must, in the course of the decision-making process,
 - a) Seek to identify all reasonably practicable options for the achievement of the objective of a decision; and
 - b) Assess the options in terms of their advantages and disadvantages; and
 - c) If any of the options identified under paragraph (a) involves a significant decision in relation to land or a body of water, take into account the relationship of Māori and their culture and traditions with their ancestral land, water sites, waahi tapu, valued flora and fauna and other taonga.
2. This section is subject to Section 79 - Compliance with procedures in relation to decisions.

Compliance requirement	Staff assessment
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State the level of significance (high or low) of the issue or proposal as determined by the Council's Significance and Engagement Policy	This is a matter of medium significance and as it provides a more suitable solution for the community, which is a logical next step from a prior decision and will align with the community view to move away from disposal to Pain Estate, consultation is not required.
State the relevant Council policies (external or internal), legislation, and/or community outcomes (as stated in the Long Term Plan) that relate to this decision.	This report complies with Wastewater Strategy (2011).
State the possible implications for Māori and how Māori have been provided with an opportunity to contribute to decision making if this decision is significant and relates to land and/or any body of water.	There are no implications for Māori that differ from the existing consent application for Pain Farm. There are no registered archaeological matters
Chief Financial Officer review	The Chief Financial Officer has reviewed this report. Capital spend is debt funded, with approximately \$155,000 annual interest related to the land and consent items in this paper. Legal costs for property subdivision, land use consenting, and title transfer are expected to be \$35,000 to \$40,000. As with other wastewater assets, this land would be included in assets transferred to any asset-owning CCO under Local Water Done Well transition, along with the associated debt.
State the possible implications for health and safety	There are no health and safety considerations

APPENDICES

Appendix 1 **Low Environmental Land Suitability Report April, 2025**

Appendix 2 **BakerAg Valuation Mahaki Farm, 11th March 2025**

Appendix 3 **Russell Cooper Planning & Consenting Assessment**



4 April 2025

**South Wairarapa District Council
PO Box 6
Martinborough 5741**

Dear Peter,

PAIN FARM WASTEWATER DISCHARGE ALTERNATIVE – REVIEW OF LAND SUITABILITY

Further to discussions and correspondence with yourself and Russell Hooper, Russell Hooper Consulting (RHC), this letter provides a preliminary review of the suitability of a property adjacent to the SWDC held, Pain Farm as an alternative to receive treated wastewater from Martinborough.

BACKGROUND

South Wairarapa District Council (SWDC) is responsible for the management of wastewater from Martinborough. The wastewater is treated and disinfected. Following issue of Resource Consent in 2016, a Stage 1, combined discharge to land adjacent to the wastewater treatment plant (WWTP) and the Ruamahanga River was established to enable effects to the River to be avoided.

The staged development programme for the WWTP upgrade and discharge would result eventually, in all wastewater being discharged to land at a farm held by SWDC and known as Pain Farm. Subsequent to the grant of consent, the local community has strongly indicated its preference for discharge to not be directed to Pain Farm. SWDC is in the process of evaluating alternatives. Land hereafter referred to the Herrick Farm or the property has been identified as a potential alternative to Pain Farm. RHC, on behalf of SWDC has approached Lowe Environmental Impact (LEI) to assist with a high-level assessment of the suitability of the Herrick Farm property for wastewater application.

LEI was previously involved in the land assessment and irrigation design for Pain Farm. This information has been considered, along with changes to the regulatory environment for this assessment.

office@lei.co.nz

www.lei.co.nz

06 359 3099



SITE LOCATION AND LAYOUT

Herrick Farm is located adjacent to the northwest of Pain Farm and around 1.2 km from the WWTP at its closest point. The property is accessed off Mahaki Road. The subject site is part of Lot 11 DP 540067. Figure 1 shows the site and potential subdivision boundaries. Lot 1 (including Lot 12 at 1.4 ha) incudes around 73.8 ha of Lot 11.



Figure 1: Site Layout (Source: RHC)

The property is operated as dry stock grazing and arable cropping for feed. Surrounding properties are rural and include additional land owned and operated by the same farmer. Surrounding land between Mahaki Road and Pain Farm is divided into small holdings which may require consideration of reverse sensitivity effects. However, the potential for reverse sensitivity from these units is no greater than for Pain Farm and has not been evaluated further in this letter.

The area determined as available for irrigation of wastewater is shown in Figure 2. A property boundary buffer of 25 m is included. Potential storage location is shown at the southwest boundary (hatched). A waterway exclusion is shown in blue. Exclusion of these areas results in a remaining irrigable area of 61.2 ha. To allow for any exclusions not known irrigable area of 59.0 ha has been adopted for this assessment.

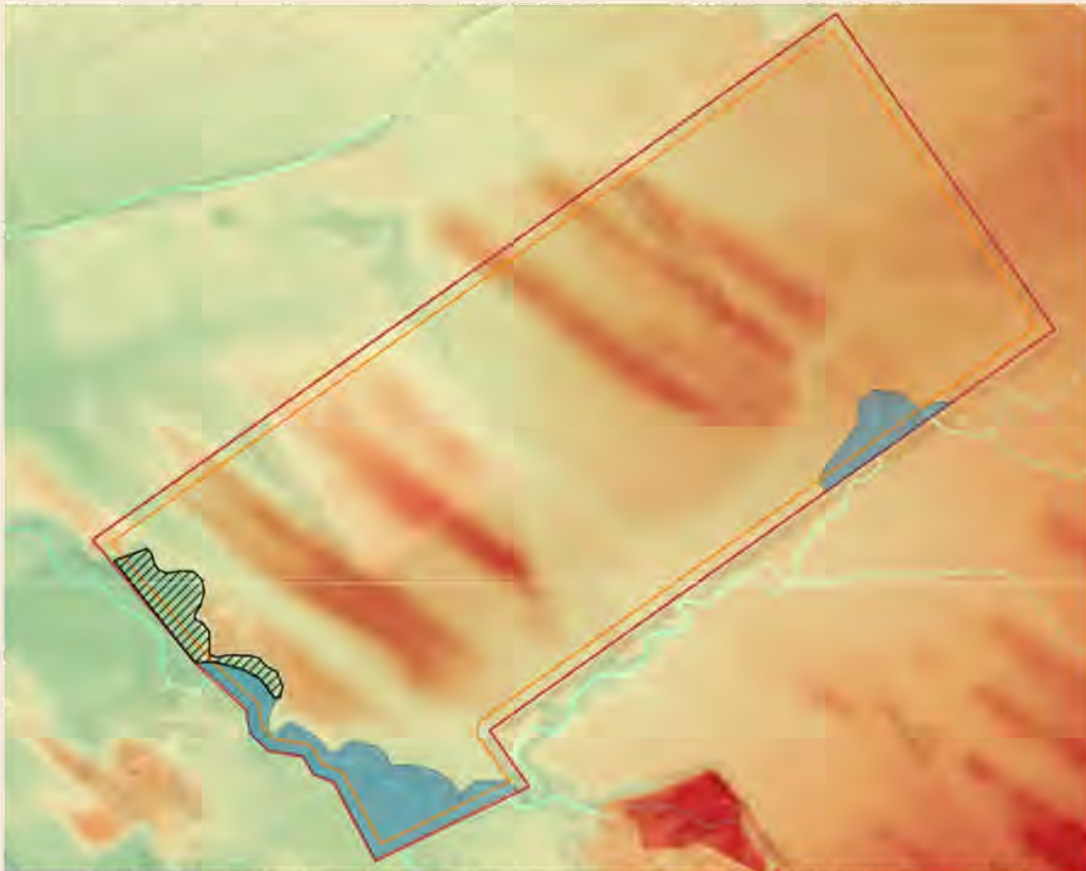


Figure 2: Buffer exclusions (property = red, storage = hatched, waterway = blue, boundary = orange)

TOPOGRAPHY, SOILS AND LAND USE CAPABILITY

The predominant soil mapped across the site is the same as for Pain Farm being the Wharekaka mottled fine sandy loam. This soil has subsequently been classified under the S-Map sibling system (generally adopted for land use planning) as Waipara silt over clay (Waipara_12a.1). The Waipara soils belong to the Pallic Soil group which are developed in loess, have minimal soil structure and a hard pan within 1 m of the soil surface.

A small area in the north of the site was identified as Martinborough loam, and Greytown silt loam in the northwest, however both these areas have subsequently been reclassified as Barrhill soils which are Pallic Soils as for the rest of the site. The observed topography at the site visit supports the reclassification of these small areas.

The dominant land use capability (LUC) class for the site 3s 1 (Figure 2). The topography associated with this unit is described as:

Flat to undulating loess-covered terraces below 200 m asl with fragic Pallic (yellow-grey earth) soils, with compact drainage impeded subsoils in low to moderate (700-



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1200 mm) rainfall areas with severe summer soil moisture deficits and a potential for slight wind erosion when cultivated.

There is a small (2.4 ha) area identified as LUC class 2s 1 (Figure 2). The topography associated with this unit is described as:

Flat to gently undulating floodplains and river terraces below 350m asl with moderately deep sandy textured and well drained fertile Recent, Brown or Allophanic (Recent or intergrades between yellow-brown earths and yellow-brown loams) soils over gravelly alluvium in moderate (800-1600 mm) rainfall areas.

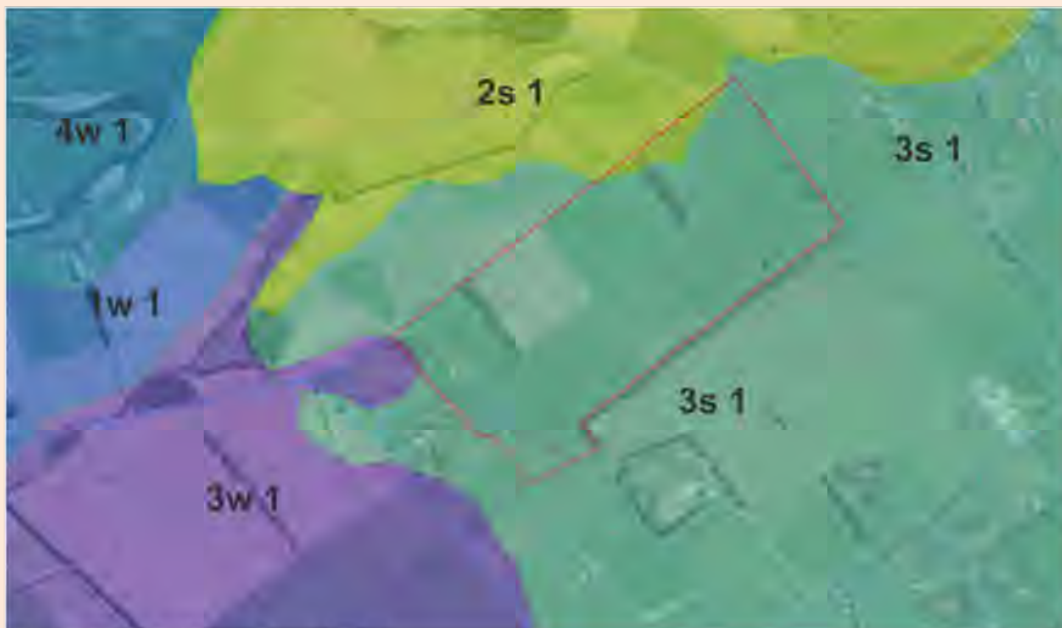


Figure 2: Land Use Capability

Soil Hydraulic Properties

Soil properties, including the soil hydraulic capacity is expected to be similar to those tested on Pain Farm. Unsaturated hydraulic conductivity (used to determine long term application rates) is expected to be low to moderate, around 4 mm/hour. The available water capacity is high in the topsoil meaning water is retained without excessive drainage. This also means some risk of waterlogging.

Overall, the soils are suited to a low rate of water application with avoidance of traffic (vehicle or animal) following irrigation.

Soil Fertility

These soils have a moderate natural fertility and low ability to retain phosphorus. Soil test results for the property indicate high phosphorus status, adequate cations (calcium, magnesium, potassium, sodium) and low sulphate. The pH is mildly acidic.

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The site will require a relatively low phosphorus load.

The property is capable of supporting a high producing crop and/or pastoral management system.

The site falls within the purview of the National Policy Statement for Highly Productive Land (NPS-HPL). Use of the site for wastewater irrigation does not adversely impact the underlying land use capability of the site, and is expected to achieve the policy objectives. Changes to the land surface through development of storage or establishment of open drainage paths should be considered against the NPS-HPL but are expected to have a pathway through Clause 3.9(2)(a).

GROUNDWATER

Shallow groundwater is expected to be perched on an impeding soil layer, and to be separate from the regional groundwater table. On the property there is an extensive network of sub-surface tile drains. Details of the location and installation are available for the property. This results in improved drainage over the native soil as described above.

Information supplied by the land owner includes an aerial photo showing tile installation on a conventional grid pattern, more-or-less parallel to the long boundary (~55°) at 20 m centres. Accompanying records suggest that these drains are intercepted and transmitted to outlets. Outlets may be to the drain on the Pain Farm boundary and also towards paddocks on (what would become) the adjacent farm across the northwest boundary.

The implication for land application of wastewater is that the frequency of application can be increased, and the irrigation season can be extended i.e. a 70-90 day irrigation season may extend to 130-150 irrigable days. This results in the ability to apply a higher annual volume and potential to reduce the storage volume otherwise required.

The risk associated with sub surface drainage is the capture and transport of nutrient containing water to discharge drains. This may increase the nutrient load in waterways. Mitigation such as drainage capture and treatment e.g. using woodchip filters, artificial wetlands, etc may need to be explored.

It was noted during the site visit that there may be areas of drainage tiles that are blocked or collapsed. These would require modification to the irrigation regime or engineering works to reinstate the tile network.

WATERWAYS

Surface waterways start in the hills southeast of the site or from springs at typically shallow depth. Water drains across terrace towards the Ruamahanga River which is the main surface water feature near to the site. The nearest monitoring site to the property is Ruamahanga@Pukio. This site is in the NPS-FM attribute band D for *E.coli*, A for ammoniacal nitrogen and nitrate nitrogen and C for dissolved reactive phosphorus.

There is a small, permanently flowing waterway that runs along the boundary of Pain Farm and the property. It joins a waterway on the lower terrace at the west boundary of the

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property which travel around 2.6 km from the property, entering the Ruamahanga River to the west-southwest of the site.

These drainage paths have been straightened in parts. Figure 3 shows the waterways near the property



Figure 3: Waterways (light blue)

NATURAL HAZARDS

The review is not exhaustive. Key natural hazards are described.

Flooding

The bulk of the site has a flood return period of nil, suggesting flooding is uncommon across property. The northeast of the site has a flood return interval of <1 in 60 years. These intervals are not adjusted for climate change predictions and may increase.

The Wairarapa combine District Plan map 1 in 50 year flood zone is shown in Figure 4. The owner confirmed occasional water backing towards the property in the approximate locations shown.



Figure 4: 1 in 50 year flood zone

Greater Wellington Regional has undertaken high level modelling to estimate the extent of the 1 in 100 year flood allowing worst case climate predictions. Figure 5 shows the corresponding prediction for the site.



Figure 5: 1 in 100 year, RCP 8.5+ estimated flood extent



In an event as shown in Figure 5, the existing location of the WWTP is inundated. It is likely that contingency measures will be active across the whole network. Never-the-less an irrigation design for the property should include contingencies for when the site is partially inundated.

Earthquake Hazards

GNS identifies an active fault trace at the southeastern boundary of the site as shown in Figure 6¹. No further information was found relating to the risk associated with this feature. If a risk is determined due to the mapped fault line, mitigation may include selection of irrigation system. In the case of rapid land movement, above infrastructure is more resilient and easier to recover.



Figure 6: Fault lines (active trace in red, fault avoidance zones in green and blue)

It should be noted that in the event of a significant earthquake, all parts of the wastewater network are likely to be impacted, resulting minimal requirement for the discharge area over the recovery period e.g. as occurred in Kaikoura, 2016.

¹ Morgenstern, R., Litchfield, N.J., Langridge, R.M., Heron, D.W., Townsend, D.B., Villamor, P., Barrell D.J.A., Ries, W.F., Van Dissen, R.J., Clark, K.J., Coffey, G.L., Zoeller, A., Howell, A., Easterbrook-Clarke, L.H. (2024). New Zealand Active Faults Database: the high-resolution dataset v2.0. *New Zealand Journal of Geology and Geophysics*: 1-16. <https://doi.org/10.1080/00288306.2024.2427396>.



HIGH LEVEL ASSESSMENT OF IRRIGATION CAPACITY

The following is a high level assessment of the property's ability to receive treated wastewater application by irrigation. Detailed analysis has not been undertaken and this assessment should be taken as indicative only.

The assessment assumes 20% of the land area will be lost to buffers and exclusions

Table 1: Summary of Irrigation Parameters

Parameter	Pain Farm	Herrick Farm area – minimal drainage	Herrick Farm area – high drainage
Total area (ha)	~85	73.8	
Irrigable area (ha)	53	59.0	
Limiting parameter	Hydraulic loading	Hydraulic loading	
Annual wastewater volume (m ³)	222,374	335,800	
Irrigation season	70-90 days	130-150 days	
Irrigation regime	Deficit	Restrictive non-deficit	
Maximum discharge per event (mm)	9	10	
Average annual application (mm)	370	450	650
Average annual N loading (kg N/ha/y)	66	~ 80	~ 117
Average annual P loading (kg P/ha/y)	15	~ 18	~ 26
Storage maximum (m ³)	69,300	~83,000	
Storage 95 th percentile (m ³)	47,700	~55,230	
Total annual average discharged (m³)	222,374	265,500	383,500

The variation in annual application depth reflects a conservative discharge rate to avoid significant drainage from the soil (minimal drainage) compared to an attainable but higher drainage impact option (high drainage).

The assessment indicates the property is sufficient for the projected flows from Martinborough under the higher drainage option.

Drainage

The high drainage option is expected to cause the sub-surface drainage network to intercept a significantly higher drainage output than currently occurs for the site. The drainage may have elevated concentrations of nutrients, although it may be improved through the avoidance of fertiliser applications at the rate currently suggested by soil fertility results.

Further work is needed to confirm the locations of tile drain outlets. It is inferred that the discharge points for these drains are on land adjacent to the subject property and potentially at the boundary with Pain Farm. Where there is a risk that drainage from the property is to a

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property not owned or managed by SWDC, there are two main options for managing the movement and quality of drainage. An arrangement can be made with the neighbouring farmer to enable management of drainage by SWDC on the neighbouring property. This has the advantage of utilising existing infrastructure and natural fall of the drainage. The disadvantage is risk associated with operating a consent requirement on third party land.

Alternatively, a new interception device within the property boundary can be created, where it does not restrict the operation of tiles on the neighbouring property. The simplest option is an open drain along the property boundary which leads to a treatment device prior to discharge to surface water. A culverted option could be installed to avoid a loss of land.

Storage

Storage is required under these scenarios to enable wastewater application to be withheld when soil conditions are unsuitable. There may be scope to establish storage at the western edge of the property. There are significant efficiencies to be gained from siting storage close to the irrigation. In general, 1-3 days storage is appropriate. However, consideration of storing all treated wastewater at the site is recommended, if it is not limited by earthquake risk.

In light of the requirement to apply for new consents for a new property and with regard to the proposed standards for wastewater discharges from Taumata Arowai, a full redesign of the wastewater discharge would likely include consideration of judicious discharge to water. This would reduce the storage volume required and the annual application volume to the property.

CONCLUSIONS

This assessment indicates that the Herrick Farm property is likely to be suitable for receiving wastewater. Using the identified area enables the full projected volume of wastewater to be discharged to the site but will require careful design, planning and operation. A summary of site parameters is as follows.

- The land is predominantly LUC class 3 (highly productive land), with silt dominated, Pallic Soils, having an impeded layer (pan) within 1 m of the land surface.
- The soils are suited to a low rate of water application with avoidance of traffic (vehicle or animal) following irrigation.
- There are few crop limitations associated with the soil (other limitations including industry and cultural concern may influence crop type).
- Sub-surface drainage is installed across the site with the possible benefits/drawbacks of:
 - An increase in the frequency of application and the extension of the irrigation season i.e. a 70-90 day irrigation season may extend to 130-150 irrigable days. This results in the ability to apply a higher annual volume and potential to reduce the storage volume otherwise required
 - Capture and transport of nutrient containing water to discharge drains which may increase the nutrient load in waterways. Mitigation to capture and treat drainage water may be considered.
- There is minor risk of flooding on the site, but that may increase under the effects of climate change.

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- A Faultline trace is mapped at the property. Risks relating to earthquake damage should be considered on a whole network basis.
- Table 1 summarises a high-level assessment of the capacity of the site to receive treated wastewater.

The irrigable area, length of irrigation season and expected annual application depth/volume are considered to be higher than Pain Farm. This indicates that **the property being considered is as-good-as and likely better than Pain Farm for the long-term, sustainable application of treated wastewater.**

If you have any queries or require further clarification, please contact us.

Yours sincerely

Low Environmental Impact**Copy to**

- » **Russell Hooper, Russell Hooper Consulting**



Inspiring Agriculture

Market Valuation

73.88 Hectares (STS) – Mahaki Road, Martinborough

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SUMMARY OF VALUATION

Property:	73.88 Hectares (STS) - Mahaki Road, Martinborough.
Instructing Party:	[REDACTED]
Client:	South Wairarapa District Council.
Intended User(s):	South Wairarapa District Council.
Date of Inspection:	7 th March 2025
Date of Valuation:	7 th March 2025.
Brief Description:	<p>The subject property comprises a 73.88-hectare (subject to survey) cropping and finishing block, which forms part of the larger Mahaki Farm. The property is accessed from a private farm road, which leads off the Council maintained Mahaki Road, some 4 kilometres to the south west of Martinborough Town Square.</p> <p>Improvements on the block are limited to boundary and internal fencing, some shelter plantings and a reticulated water supply that provides stock water to troughs in all paddocks</p> <p>The block is currently farmed in conjunction with neighbouring titles owned by [REDACTED] Herrick.</p> <p>Overall, this is a well located, flat cropping and finishing block with reasonable quality soils, although the underlying land has a compact subsoil which inhibits drainage.</p>
Valuation:	<p>\$2,860,000 (Two Million, Eight Hundred and Sixty Thousand Dollars) inclusive of chattels estimated at Nil. The valuation is plus GST (if any) and subject to the Critical Assumptions as detailed below.</p> <p>Market Value equates to \$40,073 per effective hectare with a return on capital of 1.26% or \$3,393 per assessed stock unit (Average Efficient).</p>
Intended Use:	To assess the Market Value for purchase purposes in accordance with International Valuation Standards 2025 and the current NZIV/PINZ Valuation Standards.

Assumptions & Limitations: This valuation assumes the following:

- The property complies with the terms and conditions of all relevant legislation and the requirements of Territorial Authorities.
- Soil fertility, fertiliser application, farm policy information provided by the vendor is accurate.
- The property is compliant with Regional Council and any other national environmental regulations.
- That approval for a subdivision of the subject land from RT: 920289 will be granted and the conditions imposed by Section 241 (2) Resource Management Act 1991 will be waived.
- That the vendor will be responsible for subdividing the subject block from its parent title and will provide the purchaser with a clear new unencumbered Record of Title.
- The new Record of Title will include all necessary easement rights in respect of right of way access, the provision of a supply of stock water and provision of an electricity supply.
- We have assumed a final land area of 73.8800 hectares.
- The land will be sold with vacant possession available and will be sold on a plus GST (if any) basis.

Property Risk Profile:

In its inspected state and condition, the property forms a low risk profile.

The land is flat to very gently undulating in contour, with reasonable quality cropping soils and a good overall location. The land and soils provide flexibility in terms of farming use, including periodic cash cropping, dairy support and intensive lamb and beef finishing.

The market for the subject property type has been relatively bouyant over the last couple of years despite the high interest rate environment, with a number of smaller blocks of flat land having been sold. These sales have generally been well contested by purchasers, with most blocks being acquired by neighbours or near neighbours, often at premium prices.

The demand for such blocks has been driven by a mix of factors, including recent reductions in interest rates and improved confidence amongst dairy farmers following several seasons of near record dairy payouts

Valuation Models: In assessing our valuations, we have primarily relied on the Market Approach utilising the comparable transaction method with direct sales comparison/summation and capitalised income as units of comparison.

Inspection: We can confirm that signatory Valuer has inspected the subject property improvements and associated land. The Valuer has also undertaken full workings and report preparation.

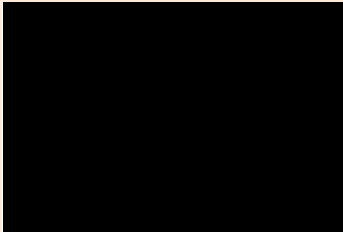
Version: This is an original version of our valuation.

This summary should be read in conjunction with our detailed report which now follows. We thank you for your instructions.

Please contact the writer should you have any further queries.

Yours faithfully,

BAKERAG NZ LTD



SCOPE OF WORK & GENERAL DISCLOSURES**THE VALUER**

The valuation has been undertaken by [REDACTED] who provides this objective and unbiased valuation. The Valuer has no material connection with the instructing party and has the appropriate qualifications and experience to undertake the valuation.

In preparing this report the valuer undertook an inspection of all improvements and associated land as herein described, together with valuation workings and report preparation.

INTENDED USER(S)

The valuation has been prepared on specific instructions from the instructing parties to assess the Market Value for purchase purposes. The report is not to be relied upon by any other person other than the addressee, or for any other purpose. We accept no liability to third parties, nor do we contemplate that this report will be relied upon by third parties.

We invite other parties who may come into possession of this report to seek our written consent to them relying on this report. We reserve the right to withhold our consent or to review the contents of this report in the event that our consent is sought.

INTENDED USE OF THE VALUATION

Market Value for purchase purposes.

ASSET VALUED

73.88 Hectares (STS) - Mahaki Road, Martinborough.

BASIS OF VALUATION

Market Value.

Market Value is defined in the International Valuation Standards 2025 as:

The estimated amount for which an asset or liability should exchange on the valuation date between a willing buyer and a willing seller in an arm's length transaction, after proper marketing and where the parties have each acted knowledgeably, prudently and without compulsion.

IMPORTANT DATES

Inspection date: 7th March 2025.

Valuation date: 7th March 2025.

Issue date: 14th March 2025.

OTHER GENERAL & SPECIAL ASSUMPTIONS

We have carried out an inspection of the limited improvements on the property. However, the Valuer is not a building construction or structural expert and is therefore unable to certify the structural soundness of the improvements. Readers of this report should make their own enquiries.

This report has been prepared for valuation purposes only and is not a geotechnical or environmental survey. If any defect is found, including hidden structural defects, this information could impact on the value of the property.

No allowances are made in our valuations for any expenses of realisation, or to reflect the balance of any outstanding mortgages either in respect of capital or interest accrued thereon.

We have not been provided with an environmental audit of the property and we are not aware of any potential environmental concerns. Our valuation and report assume that the land is unaffected by harmful contaminants or noxious materials which may impact on value.

We have not conducted a land survey of the subject property and assume all improvements lie within the Title boundaries.

We have not sighted a current Land Information Memorandum for the subject property during the course of this valuation. Our report is subject to there being no outstanding requisitions or adverse information affecting the property.

Our report assumes that all necessary building consents (if applicable) have been obtained and where required, the requisite Code Compliance Certificates have been issued by the Local Authority.

In preparing the valuation and/or providing valuation services, it has been assumed that a full and frank disclosure of relevant information has been made.

This valuation is current at the date of valuation only. The value assessed herein may change significantly and unexpectedly over a relatively short period of time (including as a result of factors that the Valuer could not reasonably have been aware of as at the date of valuation). We do not accept responsibility or liability for any losses arising from such subsequent changes in value. Given the valuation uncertainty noted, we recommend that the user(s) of this report review this valuation periodically.

REPORTING FORMAT

We have been instructed to provide a formal valuation report meeting all the appropriate standards. Details of the appropriate standards are summarised later in this report. We also confirm valuation is appropriate for the intended use.

EXPERIENCE

The principal signatory has a minimum of five years' experience in valuing the subject class of asset, has all appropriate qualifications and registrations enabling them to practice as a Valuer and has not been subject at any stage to disciplinary action by the relevant professional governing body.

INDEPENDENCE

The signatory has no direct or indirect pecuniary or other interests in the property being valued and is not aware of any other potential conflicts of interest.

PROFESSIONAL INDEMNITY COVER

We certify that BakerAg NZ Limited hold professional negligence insurance for an amount appropriate for the nature of the valuations we undertake.

QUALITY MANAGEMENT SYSTEM

BakerAg New Zealand Limited trading as BakerAg have a quality Management system (QMS), which sets out specific procedures to be carried out and valuation process to ensure all valuations are completed to a high standard.

DATA & VALUATION INPUTS

We use a combination of verified internal and reliable external data sources for valuation inputs, ensuring accuracy through rigorous cross-checking and data analysis.

GOOD & SERVICES TAX (GST)

In accordance with PINZ guidance notes, unless otherwise stated, all non-residential valuations are on the basis of plus GST (if any). Valuations of residential properties are stated as including GST (if any).

We have attempted to ascertain whether the sales evidence and/or leasing evidence is inclusive or exclusive of GST. A national database of sales evidence does not identify whether or not GST is included in the sale price. If we have not been able to verify GST, we have assumed residential sales are inclusive of GST (if any), and plus GST (if any) for non-residential properties. If this proves to not be the case for any evidence, we reserve the right to reconsider our valuation.

CURRENCY

Unless otherwise stated all figures including the valuation contained within this report are expressed in New Zealand Dollars (NZD).

LEGAL & STATUTORY DETAILS

Parent Record of Title: The property is comprised within Parent Record of Title **920289** with an area of 206.6259 hectares.

Legally described as Part Section 6 Wharekaka Block, Lot 4 Deposited 485249 and Lot 11-12 Deposited Plan 540067.

Listed interests are as follows:

- 10084381.2 Mortgage to ANZ Bank New Zealand Limited – dated 30.06.2015.
- 10502558.1 Notification that a building consent issued pursuant to Section 72 of the Building Act 2004 identifies inundation as a natural hazard – dated 15.07.2016 (affects part Lot 11 DP 540067 formerly Lot 2 DP 485249, Lot 12 DP 540067 and Part Section 6 Whareka Block).
- Subject to Section 241 (2) Resource Management act 1991 (affects DP 540067).
- Land Covenant Instrument 11899279.9 – dated 2nd November 2020.
- Land Covenant Instrument 11899279.9 – dated 2nd November 2020.

Owner: Gawith Trustees Limited, Philip John Guscott and William John Herrick.

Tenure: Fee Simple.

Subject Land area: 73.88 Hectares (Subject to Survey)

Encumbrance Summary: Section 241 (1) of the Resource Management Act 1991 affects the subject land to the extent that separate parcels of land included in the record of title cannot be disposed of individually, or of again being held under separate titles, except with the approval of the territorial authority. This in effect means that the subject land cannot be subdivided from RT: 920289 and sold separately without the approval of South Wairarapa District Council.

The two Land Covenants contain conditions that provide safeguards to the subject Title and in that regard we consider them neutral in respect of the value of the subject land. The Land Covenants relate to conditions and restrictions to be imposed on the owners of adjoining land to the west of the subject land in respect of subsequent development on their land.

Rateable Value as at 1/9/23: The property is held within a larger farm for rating purposes, with the larger farm being rated as follows:

Valuation Reference: 18330/102

Land \$ 10,350,000

Improvements \$ 550,000

CAPITAL VALUE \$ 10,900,000

Note: The Rateable Valuation is assessed for rating purposes only and is not a reflection of the current market and is derived from mass appraisal through computer generated methods and excludes items such as plant and chattels.

Zoning: The property is zoned "Primary Production" under the operative Combined Wairarapa District Council Plan. An area at the southern end of the block is designated as being in a flood hazard area.

It's current use for lamb and beef finishing and cropping comply under zoning rules.

The subject property is not highlighted within the Selected Land Use Register (SLUR) for contaminated land.

Under the proposed District Plan, the subject property has a General Rural zoning. A small part lies within a Flood Hazard Zone. It is also identified as possibly being within a Liquefaction Prone Area. There is an active fault line and identified fault hazard area that runs through the block, approximately parallel with the eastern boundary.

It is considered that these potential hazards will have no measurable impact on the marketability or the underlying value of the subject land.

Subdivision: We note changes to subdivision have recently been implemented with the introduction of a national policy statement for highly productive land on 17th of October 2022. This statement sets restrictions for subdivision on land class 1, 2 and 3 soils with a high likelihood that this will impact further subdivision of lifestyle allotments from farms going forward. We understand talking to land surveyors that it is difficult to get any lifestyle subdivision underway at present. Local councils have until 16th of October 2026 to map and identify LUC 1, 2, & 3 areas zoned rural for restrictions to apply but in the meantime these rules apply to all rural land identified as LUC 1, 2, & 3. This does not however apply to land:

(i) identified for future urban development; or

(ii) subject to a Council initiated, or an adopted, notified plan change to rezone it from general rural or rural production to urban or rural lifestyle.

At this stage it appears the land has no further subdivision potential in the current market. However, this may change with the National Government indicating they may make some changes to the NPS-HPL legislation including moving LUC 3 out of the framework. This has yet to be actualised.

LOCALITY

The subject farm is situated off the north side of Mahaki Road, some 4.0 kilometres to the south west of Martinborough Town square or just a short 3-minute drive. The block is accessed from Mahaki Road via a section of metalled farm track.

The property is located within a desirable farming district, with surrounding properties comprising predominantly sheep and beef finishing units, dairy support blocks, cropping farms, new vineyard developments along with some lifestyle holdings.

Martinborough is a popular residential town and weekend retreat, which provides a reasonable range of shops, services and recreational facilities as well as a primary school and an abundance of coffee shops, bars and restaurants. Secondary schooling is available at Kuranui College in Greytown, or a variety of private schools in Masterton. There is a railway station in Featherston that provides regular commuter train services to and from Wellington.



LAND DESCRIPTION

The subject property as shown coloured yellow on the photo plan below is an essentially rectangular shaped block with an estimated land area of 73.88 hectares or approximately 182.55 acres. The subject block has no frontage to a public road and will be accessed via a metalled right of way which runs parallel with the western boundary of the block.



Contour is essentially flat but with some minor undulations, with there also being a steeper sidling at the southern end of the block. There is a lower lying area of land at the south eastern corner of the block, which is made up of creek, native plantings and some grazing. There are two rows of former shelterbelts that have been recently felled. Much of the debris from the shelter plantings are still on site.

The subject property is subdivided into some 14 paddocks with a mix of conventional post, batten and 7/8 wire fencing, post and 4 wire electric fencing and post and netting fencing. The boundary fencing is conventional post, batten and 7/8 wire fencing. Overall, the fencing is fair to good condition.

There is reticulated stock water to troughs in all paddocks. An easement to secure a water supply will be included. There are no stock handling facilities on the block, which is likely to be a slight negative feature for any prospective farming purchaser.

We understand the block is currently utilised for intensive finishing, including the growing of green fodder crops such as chicory and plantain. In the past maize and cereal crops such as barley have been grown, although we are advised by My Herrick that the yield of these crops has been significantly lower than that achieved on his river silt soils that adjoin the subject property.

The soil has limitations during the summer months due to soil moisture deficiencies, while conversely the land can be impacted in the winter months by wet soils due to drainage limitations.

Climate & Rainfall: The average annual rainfall for the locality is around 1,000 – 1,200 mm per annum.

Drainage: There is significant subterranean tile drainage installed across the subject land. Given the dry summer conditions it was not possible to ascertain whether the drainage is working or not. This land has compacted subsoils which naturally impede drainage and we are advised that this land can lie wet during the winter months, so is not suitable for carrying heavy cattle at that time.

Aspect: Open.

Altitude: Property is situated approximately 15-20 metres above sea level.

Land Classes: A breakdown of the land classes assessed within the subject:

Flats	69.45	Ha
Sidling Grazing	1.92	Ha
Creek margin / Riparian Planting	<u>2.51</u>	Ha
TOTAL AREA	73.88	Ha

Soils & Land Use

Classification: Soils are described as a Wharekaka fine sandy loam. The property is comprised within the following land use classification:

- 1. IIs1:** Flat to undulating loess covered terraces with a severe seasonal soil moisture deficiency. The light textured soils have impeded drainage due to compact subsoils. A slight erosion potential exists with regular cultivation.

The land is suitable for intensive grazing, cereal cropping, root and green fodder cropping.

PHOTOGRAPHS



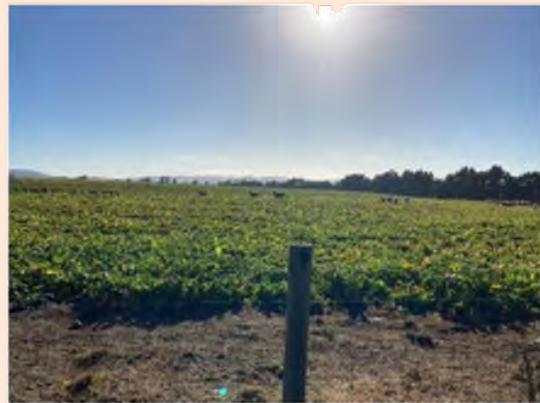
Sidling and wetland area at south end of the subject block



Metalled farm road that will provide access to the subject block of land.



Creek margin at south east side of the block with native plantings.



Looking north across green fodder crop.



Example showing the standard of fencing



Northern paddocks looking south west

STOCK AND PRODUCTION

The farm is run in conjunction with a larger holding, and is currently utilised as an intensive finishing block.

As part of our valuation assessment, it is necessary to assess average efficient production for the subject property, i.e., being run as a self-contained operation.

We assess an average efficient carrying capacity for the subject property at around 845 stock units or around 12.0 stock units per effective grazable hectare as a standalone unit under average efficient management. This is an assessed winter stocking rate and stocking will be significantly higher during the spring, summer and autumn months.

WEEDS AND PESTS

There were no significant areas of weeds seen on the farm at inspection, other than areas of rushes in the low lying grazing area at the bottom of the sidling at the southern end of the block.

FERTILISER

We have been provided with details of soil test results, which date from September 2024. There were two paddocks tested.

The tests indicate mixed results with pH readings of 5.6 and 6.1 and Olsen Ps of 46 and 70.

We would comment that some lime is required on the Gums paddocks to raise the pH to ideally 6.0. The Olsen P levels are very good, although we would caution whether the reading of 70 in the Gums is correct.

Sample Name: Gums		Crop Type: Pasture (Sedimentary)		Core Length (cm): 7.5	
Lab Number: 2443318		Stock Type: Cropping		Soil Type: Sedimentary	
Analysis	Result	Optimum	Low	Optimum	High
pH	5.6	5.8—6.0			
Olsen Sol. P	70	20—30			
Calcium	5	4—10			
Magnesium	18	8—10			
Potassium	6	5—8			
Sulphate Sulphur	7	10—12			
Ext.Org. Sulphur	5	15—20			
Analysis	Result	Normal	Low	Normal	High
Sodium	6	1—10			
Sample Name: Barlev next Macks		Crop Type: Pasture (Sedimentary)		Core Length (cm): 7.5	
Lab Number: 2443267		Stock Type: Cropping		Soil Type: Sedimentary	
Analysis	Result	Optimum	Low	Optimum	High
pH	6.1	5.8—6.0			
Olsen Sol. P	46	20—30			
Calcium	8	4—10			
Magnesium	17	8—10			
Potassium	4	5—8			
Sulphate Sulphur	<4	10—12			
Ext.Org. Sulphur	4	15—20			
Analysis	Result	Normal	Low	Normal	High

ENVIRONMENTAL COMPLIANCE SUMMARY

General Environmental Compliance & One Plan

There are a number of environmental compliance requirements now associated with all farming activities and over recent years it has been difficult for farmers and rural professionals to fully grasp their obligations under environmental policy framework.

Freshwater National Policy Statement was introduced by central government in 2014, which promoted Regional Councils to develop plans to manage freshwater and in particular nitrogen leaching of intensive farming into waterways.

Further restrictions on intensive farming land were introduced in 2020 and came into effect from the 1st of November 2022 with the introduction of **amendments to the Freshwater National Policy Statement**.

We understand material changes as set out below which apply to sheep and beef and dairy farming.

Nitrogen Cap & Reporting

The nitrogen cap regulation states that no more than 190 kilograms of synthetic nitrogen fertiliser per hectare may be applied per year to all farms over 20 hectares. It is also now a requirement for all dairy farms to report on their synthetic nitrogen fertiliser usage.

Stock Exclusion

Dairy and beef cattle, pigs and deer must be excluded from wetlands, lakes and rivers with a bed greater than or equal to one metre wide.

Dates for compliance vary according to stock type and terrain.

Minimum setbacks of three metres between stock and the bed of a lake or river will be required, except where permanent fences or riparian planting is already in place to exclude stock.

Where practicable, bridges and culverts must be used to facilitate stock crossing waterways. Where such structures are impracticable, stock may only cross waterways where stock are being actively driven through the water.

Intensive Winter Grazing

Under the new Essential Freshwater regulations, you can practise intensive winter grazing as a Permitted Activity under the following conditions:

You practised intensive winter grazing between 1 July 2014 and 30 June 2019; and the land area used for intensive winter grazing hasn't increased since then; and you meet the requirements of the new Essential Freshwater regulations.

If you can't meet these requirements, intensive winter grazing will require a certified Freshwater Farm Plan or resource consent. Any increase in the land area used for intensive winter grazing above that used between 1 July 2014 to 30 June 2019 automatically requires resource consent.

Under the National Environmental Standards Freshwater (NES-F), intensive winter grazing is grazing livestock (including sheep) on an annual forage crop at any time in the period that begins on 1 May and ends on 30 September of the same year.

Permitted Activity requirements.

1. Land area

Land area used for intensive winter grazing must meet both of the following conditions:

Not exceed 50ha or 10% of the farm, whichever is greater.

The total area used for intensive winter grazing must be no greater than the maximum area used for intensive winter grazing in any single season between 1 July 2014 and 30 June 2019.

If you can't meet either of these requirements, you will require resource consent.

2. Slope

Land must have a maximum slope of less than 10 degrees.

Intensive winter grazing on land with a slope of more than 10 degrees will need either a resource consent or certified freshwater farm plan.

3. Pugging

Take all reasonably practicable steps to minimise the effects of pugging.

4. Distance from waterways

Livestock must be kept at least 5m from the bed of any river, lake, wetland, or drain, regardless of whether there is any water in it at the time. An exception to this rule applies to subsurface drains, where the 5m distance requirement does not apply.

5. Resowing

Establish vegetation as ground cover as soon as practicable after grazing.

6. Critical source areas

Protect critical source areas.

Feedlots and other stock holding areas

Using land for feedlots is allowed and doesn't require consent if at least 90% of the cattle are under 4 months old or weigh less than 120kg. If you do not meet the above condition, you require consent for your feedlot.

Stockholding areas

A stockholding area is an area for holding cattle at a density that means pasture or other ground cover can't be maintained, for example feed pads, winter pads, stand-off pads and loafing pads.

There are particular requirements to obtaining consent, in particular the base of the feedlot must be sealed to a minimum permeability standard of 10-9 m/s, and all effluent collected, and the area is at least 50m away from any waterbody, water abstraction bore, drain and the coastal marine area.

Table 1: Examples of stockholding areas

Examples of stockholding areas	
Included in the regulations	Not included in the regulations (permitted activity)
Feed pads (may be covered or uncovered ³) including beef feeding areas	Wintering barns
Winter pads	Sacrifice paddocks
Stand-off pads and loafing pads (covered or uncovered)	Barn (including composting barn)
Keeping cattle in silage pits	Stockyard and covered
Keeping cattle in laneways (with supplementary feed)	Milking shed
	Calf-raising/calf-rearing areas
	Keeping cattle in laneways (without supplementary feed)
	Keeping cattle in forestry blocks

Measurement & Reporting of Water

Current provisions have been strengthened by including the requirement to provide telemetered data to your regional council for water takes.

Culverts

In some cases, consent may need to be obtained to ensure fish can move between freshwater habitats to access feeding and spawning environments.

Freshwater Farm Plans

Resource Management (Freshwater Farm Plans) Regulations 2023 set out requirements for freshwater farm plans and timeframes for when these plans are required.

Freshwater Farm Plans were required for farms with 20 or more hectares in arable or pastoral land use, or five or more hectares in horticultural land use, or 20 hectares of mixed use.

In August 2024 the national government has paused freshwater farm plan rollouts until system improvements are finalised.

Emissions Trading Scheme

Another area of environmental compliance that has been implemented by the previous Labour Government centred around a drive for agriculture to account for on **farm livestock emission** under the NZ ETS.

However, in June 2024 the National Government announced they will introduce legislation amending the Climate Change Response Act 2002 (the CCRA) to ensure agriculture does not enter the NZ ETS.

A new pastoral sector group will be established to "constructively tackle biogenic methane". This will include DairyNZ, Beef & Lamb, Deer Industry, Federated Farmers, Dairy Companies & Meat Industry assoc.

We understand \$400m will be invested over the next four years into commercialisation of tools and technology plus a further \$50.5m will go into the Greenhouse Gas Research Centre.

Again, it is uncertain what this will look like for farmers going forward.

Summary

In general, we consider the market has not come to terms with environmental compliance and its implications within the region.

There is uncertainty around environmental policy going forward and the true impacts of environmental policy have yet to be clearly identified, that said there will be ongoing likely cost to farms going forward.

It is clear however that the National Government are pro farming and are looking to remove the red tape legislated over recent years. In this regard we would recommend farmers look to work towards best practice and wait to see what policy changes are implemented by the National Government within the short term.

CONSENTS & FARM ENVIRONMENTAL PLAN

Water Consent

There is no water consent on farm. Water consents are not generally required for water takes less than 30m³/day from surface water (stream, river) and 50m³/day from ground (bore).

Intensive Land Use Consent

We are not aware of an intensive land use consent for the subject block.

Farm Environmental Plan & Fresh Water Farm Plans

We have not viewed a farm environmental for this farm. As discussed above, freshwater farm plan regulations have been paused but there will be further work to come in this regard. Ultimately it is likely that a farm environmental plan will be required on farm in the near future.

MARKET CONDITIONS

The market for sheep and beef finishing, cropping and dairy support blocks remained robust until late 2022, driven by favourable commodity prices in sheep, beef, dairy, and arable farming, combined with historically low interest rates. However, a surge in inflation in late 2022 and rising interest rates (to between 7-9%) increased business costs and presented significant budgeting and profitability challenges. Additionally, there has been a softening in commodity prices across all sectors due to factors such as COVID-19, the Russia-Ukraine conflict, quantitative easing, and the cyclical nature of the global economy.

In the 2023/2024 season, the average store lamb price was \$2.90/kg, down from the 5-year average of \$3.91/kg. Similarly, the average prime bull price was around \$6.16/kg, slightly above the 5-year average of \$5.60/kg.

Since late 2022, there has been a decline in potential buyers, resulting in fewer offers and longer negotiation periods. High-quality properties remain in demand, but the market has not experienced the same value increases seen in recent years. Properties are often left on the market unsold, with some experiencing value declines of 5% to 15%.

Real estate agents report that vendors have adjusted their value expectations, but buyers remain cautious and reluctant to invest in the market, reflecting low confidence. This bearish sentiment is more pronounced in less appealing and more isolated farming regions, or areas previously supported by high forestry prices.

Historically, similar market cycles resulted in flattening or slightly decreasing values, with many properties remaining unsold and generally lower sales volumes, distorting the true extent of market conditions.

Overall, the market for similar properties to the subject in the Wairarapa has remained fairly stable over the last 3 years, with fewer buyers in the market, but where properties have well heeled neighbours they continue to achieve strong prices, only slightly back on the level seen at the market peak in 2022. With record beef prices, significant increase in the lamb schedule and falling interest rates, we consider that there is a slightly increased optimism amongst farmers and this is likely to flow through to an increase in the number of purchasers looking for blocks such as the subject, although it may take a longer period before we see a significant lift in land values for this class of land.

Buyers of this property are likely to be farmers interested in finishing, dairy support or cropping.

VALUATION METHODOLOGY

In assessing our valuations, we have primarily relied on the **Market Approach** utilising the following methodology:

We have primarily relied on the **comparable transaction method** with **direct sales comparison/summation** and **capitalised income** as units of comparison.

Direct sales comparison/summation interprets market evidence of recent sales transactions and applies to the subject property after comparison of its positive and negative features.

Comparisons have been made on the basis of Total Value, Land Value per ha and Total Value per Stock Unit however no one index has been used to assess our value but rather a combination of all after general consideration.

As a check we have also utilised a **capitalised income** unit of comparison calculated as below:

The capitalised income comparison assesses the gross income that could be expected to be generated from the subject property if being run as a standalone unit. Farm expenses are then deducted to arrive at an economic farm surplus from which an allowance for wages of management is also deducted to calculate an EBIT associated with the subject property. This is then converted to a calculation of total farm capital by applying a return or capital percentage which is derived from the market in our analysis of similar properties.

An allowance for farm capital not part of the land and buildings calculation, i.e., stock and plant and equipment are then made to arrive at a land and buildings value which reflects the return a purchaser would be expecting to receive for running the property as a standalone enterprise.

We have allowed for farm income and costs as a stand-alone unit based on 10-year averages.

In determining the Market Value of the subject property, we have considered amongst others the following factors:

- Location, soils, aspect, contour, climate etc.
- Age, condition, design and utility of the improvements.
- Recent sales for similar rural properties.
- Value levels and likely buyer profile.
- Current market conditions.
- Income Capacity.
- Consents.
- Highest and Best Use.
- Subdivision potential, multiple titles, and ability to sell in parts.

Market data used in valuations has been sourced from BakerAg's internal databases, as well as trusted external sources, including REINZ, CoreLogic, Quickmap, local and regional councils, and verified industry data and statistics. We also incorporate insights from local real estate agents and other professionals. All data is cross-checked for accuracy and relevance to ensure robust and reliable valuations.

SALES EVIDENCE

In arriving at our valuation assessment, we have collected and analysed a number of sales.

While the sales may not be necessarily directly comparable individually, they all have comparable features in terms of location, scale or class of country and we provide details of the analysis of sales undertaken below.

All listed sales are plus GST (if any).

Location	Sale Date	Sale Price	Area (Ha)	Comments/Comparison
█ Mahaki Rd Martinborough	Aug-23	\$8,882,000	152.3237	High quality finishing block situated 6km south of Martinborough. Used as cropping and intensive finishing farm.
Sale Analysis				
Analysis of the sale indicates land values of:				
Irrigated silt flats	120	\$57,650	/Ha	Improved with three stand woolshed, yards and hayshed. Circa 120 has irrigated via big gun with hydrants in all paddocks. Water right permits 40l/sec for up to 18 hours per day or 30l/sec for 24 hours per day. Consent expires September 2029. Property fully drained.
Non irrigated silt flats	32.3237	\$50,000	/Ha	
Value Per Stock Unit		\$4,295		Sold to be converted as large scale viticulture development with viticulture feasibility reports indicating the property is suitable for Sauvignon Blanc, Pinot Noir and Pinot Gris.
Return on Capital		1.32%		This was a very high sale reflecting its future use as vineyard. The soils on this block are superior compared to the subject.

Location	Sale Date	Sale Price	Area (Ha)	Comments/Comparison
█ Dalefield Road, Dalefield	Nov-23	\$2,577,000	53.3806	Ex dairy farm located to the southwest of Carterton.
Sale Analysis				
Analysis of the sale indicates land values of:				
Nominal House Sites	1	\$250,000	/Ha	Small but tidy, modernised dwelling, reasonable range of ancillary buildings, good water supply and standard of fencing. Soils were mainly good quality river silts that could periodically flood in places.
Silt Flats	49.04	\$38,500	/Ha	
Creeks / Riparian Planting	3.34	\$3,000	/Ha	
Value Per Stock Unit		\$4,042		The farm was bought by the adjoining dairy farm owner, who had leased the property for many years. The property had multiple titles and long road frontage, which provided an opportunity to sell off a couple of lifestyle sections if required.
Return on Capital		1.01%		Smaller block with a dwelling. Quality silt flats but floodable and wet in winter.

Location	Sale Date	Sale Price	Area (Ha)	Comments/Comparison
Duck Ponds - [REDACTED] Riverside Road, Martinborough	Dec-23	\$3,250,000	75.26	Block of highly productive cropping, dairy support and finishing country located to the north of Martinborough.
Sale Analysis				
Analysis of the sale indicates land values of:				
Protected Irrigated Flats	34.25	\$50,000	/Ha	Soils are mainly high quality river silts, although there are some small areas of sand. There is a water right for 40 l/s with some 61 hectares irrigated by travelling gun. Approximately 40% is susceptible to occasional flooding, with the balance protected by stop banks. There are stock facilities and a pump shed.
Floodable irrigated flats	26.65	\$45,000	/Ha	
Grazing	12.36	\$13,000	/Ha	
Non Effective	2	\$3,000	/Ha	
	0	0	\$0	
Value Per Stock Unit		\$3,618		Similar sized block, with superior soils and irrigation. A high sale to a dairy farmer for use as a support block.
Return on Capital		1.08%		

Location	Sale Date	Sale Price	Area (Ha)	Comments/Comparison
[REDACTED] Chester Road, Carterton	Aug-24	\$5,000,000	125	125-hectare finishing / dairy support block being sold to neighbour. Vendor is retaining the dwelling and haulage yard.
Sale Analysis				
Analysis of the sale indicates land values of:				
Free Draining Flats	125	\$39,400	/Ha	The land is all flat in contour, with the soils being a free draining Tauherenikau stony silt loam. The block will be accessed from Chester Road. Stock water is from Council water race (not available in all paddocks). The subdivision and fencing is good and the block has excellent shelter from mature shelterbelts. No power connected. This was a private sale.
Value Per Stock Unit		\$3,077		
Return on Capital		1.66%		Larger block with poorer quality soils, but despite this, a premium paid for free draining soils suitable for wintering dairy cows.

Location	Sale Date	Sale Price	Area (Ha)	Comments/Comparison
[REDACTED] Cornwall Road, East Taratahi	Dec-24	\$3,250,000	63.5157	Tidy and well located cropping or dairy support block located a few km from Masterton.
Sale Analysis				
Analysis of the sale indicates land values of:				
Upper Terrace Flats	33.92	\$42,000	/Ha	Fertile free draining soils that lie over two terraces. Irrigation water consent for 30 ltr/sec but with limited infrastructure in place. Very tidy, modern three bedroom home, older implement sheds and a set of cattle yards. 5 tenders at the closing date and was bought by the neighbour.
Lower Terrace Flats	12.3	\$40,000	/Ha	
Reclaimed Pasture	4.59	\$37,000	/Ha	
Rough Grazing	2.59	\$18,000	/Ha	
House site	0.5	\$375,000		
Value Per Stock Unit		\$4,063		Lighter soils which achieved a premium as suitable for winter grazing of dairy cattle.
Return on Capital		1.33%		

Location	Sale Date	Sale Price	Area (Ha)	Comments/Comparison
█ Arcus Road, Dalefield	Nov-24	\$4,000,000	87.9259	Ex-dairy farm used as run off though leased for several years. Comprised within three titles with separate 23.6ha title accessed from Brooklyn Rd. Third 3.65ha landlocked title to west contains the dwelling.
Sale Analysis				
Analysis of the sale indicates land values of:				
House site	1	\$280,000	/Ha	Primary dwelling, cottage, old cowshed and storage sheds. 12.6 ha of native bush and small area of undulating land to west. Kopua silt loam and Carterton shallow silt loam soils. Purchased by neighbour via private sale. Strong sale.
Flats	72.3902	\$41,500	/Ha	
Rolling	1.8485	\$30,000	/Ha	
Bush	12.6872	\$5,000	/Ha	
Value Per Stock Unit		\$4,000		Comparable sized block with reasonable quality soils. Premium paid for dairy support use
Return on Capital		1.17%		

Location	Sale Date	Sale Price	Area (Ha)	Comments/Comparison
█ Riverside Rd Martinborough	Dec-24	\$8,000,000	211.9437	Attractive farm 9km north of Martinborough.
Sale Analysis				
Analysis of the sale indicates land values of:				
Croppable irrigated flats	165	\$38,550	/Ha	All silt flats adjoining the Ruamahanga River. Greytown Silt Loams & Ruamahanga Sandy Loams.
Non croppable flats	18.1307	\$27,000	/Ha	
Willows	7.483	\$5,000	/Ha	
Erosion	21.33	nil		
Accretion	9.9	\$12,500	/Ha	Designated as High hazard flood alert area in Proposed district plan. 165ha irrigated via big gun from Ruamahanga river with no fixed intake point. Renovated three bedroom dwelling, three implement sheds and near new cattle yards. Attractive aesthetically with native trees near river. River used for recreation etc. Areas of accretion and erosion. Purchased by large scale Sauvignon Blanc wine maker to be converted to large vineyard.
Value Per Stock Unit		\$3,077		
Return on Capital		1.93%		

Location	Sale Date	Sale Price	Area (Ha)	Comments/Comparison
█ Ponatahi Rd Martinborough	Feb-25	\$2,000,000	51.9562	Attractive cropping and finishing block located 2 km north of Martinborough.
Sale Analysis				
Analysis of the sale indicates land values of:				
Non Floodable Flats	28.55	\$43,000	/Ha	All silt flats adjoining the Ruamahanga River. 16.5 has susceptible to flooding with the balance of the productive cropping land (28.5) protected by stopbank. Used for mixed cropping and finishing. Barley, Wheat and Maize. Reticulated water system, set of dual purpose cattle/sheep yards and average fencing.
Floodable Flats	16.48	\$38,000	/Ha	
Stop Bank/Other grazing	2.64	\$18,000	/Ha	
Non Effective	4.28			
Value Per Stock Unit		\$3,333		Bought by neighbour following negotiations post the tender date.
Return on Capital		1.69%		

SALES SUMMARY TABLE

Address	Sale Date	Total Land Area Ha	Effective Land Area Ha	Total Sale Price	Total Value/Effective Ha	Land Value/Effective Ha	Rate of Return	\$/SU	Land Comparability
█ Mahaki Road, Martinborough	Sept-23	152.32	152.32	\$8,882,000	\$58,310	\$56,025	1.32%	\$4,295	Superior
█ Dalefield Road, Dalefield	Nov-23	53.3806	50.04	\$2,577,000	\$51,499	\$42,926	1.01%	\$4,042	Comparable
Duck Ponds – █ Riverside Rd, Martinborough	Dec-23	75.26	73.26	\$3,250,000	\$44,363	\$41,993	1.08%	\$3,618	Superior
█ Chester Road, West Taratahi	Aug-24	125	125.0000	\$5,000,000	\$40,000	\$39,400	1.66%	\$3,077	Inferior
█ Cornwall Road, East Taratahi	Dec-24	63.5157	57.34	\$3,250,000	\$56,679	\$41,646	1.33%	\$4,063	Comparable
█ Arcus Road, Dalefield	Nov-24	87.9259	73.39	\$4,000,000	\$54,503	\$46,369	1.17%	\$4,000	Comparable
█ Riverside Road, Martinborough	Dec-24	211.94	193.03	\$8,000,000	\$41,444	\$36,321	1.93%	\$3,761	Superior
█ Ponatahi Road, Martinborough	Feb-25	51.95	47.67	\$2,000,000	\$41,995	\$39,983	1.49%	\$3,472	Superior
Subject	March 25	73.88	71.37	\$2,860,000	\$40,073	\$39,344	1.26%	\$3,393	



VALUATION WORKINGS

Capitalised Income Method

Form sales analysed return on capital ranges between 1.01% and 1.93%. Overall, we prefer to adopt a rate of 1.30% which lies in line with similar size bare land sales.

Gross farm income assessed			\$157,014
Less farm working expenses, wages and management			\$119,208
EBITDAR			\$37,806
Capitalised @	1.30%	Total Farm Capital	\$2,908,123
Less stock and plant			\$143,523

INDICITIVE VALUE **\$2,765,600**

GROSS INCOME MULTIPLIER **17.6**

Income is based off stock income with 10-year averages and at average efficient and on a standalone basis. These are not based on actual on farm performance.

Direct Sales Comparison Method/ Sales Reconciliation

No sale presents itself as all inclusive, given property location, scale, improvements, soil type and contour.

Analysed rates from the above sales for flat cropping, finishing and dairy support land ranges between \$27,000 and \$57,650 per hectare, with the higher valued land generally being high quality, irrigated silts protected from flooding. The majority of evidence for dryland flats that can be cropped however fits within a narrower range between \$37,000 and \$42,000 per hectare.

The soil types on the subject land are slightly inferior compared to most of the silt comparables, but the subject property has a very good location. As such we have applied a land rate of \$40,000 per hectare for the 69.45 ha of flats, which places it in the middle of the narrower range of sales.

We have applied a land rate of \$13,000/ha for the poor quality sidling grazings and \$5,000/ha for the creek margin land.

Under this method and after an allowance of \$52,000 for limited improvements (fencing & water), the assessed value comes to **\$2,860,000**. We prefer to place most reliance on this method and adopt value at this level.

Conclusion

Both approaches provide slightly different value levels, and we prefer to adopt value at **\$2,860,000 plus GST if any**.

VALUATION CONCLUSION

We prefer to settle the value for the 73.88 Hectares at:

\$2,860,000 (Two Million, Eight Hundred and Sixty Thousand Dollars) inclusive of chattels estimated at Nil.

Value apportionment:

Improvements:	Area M²	Value	
Fencing		\$20,000	
Shelter belts		\$2,000	
Water supply		\$30,000	
Value of Improvements			<u>\$52,0</u>
LAND VALUE	HA	\$/HA	Value
Flats	69.45	\$40,000	\$2,778,000
Sidling Grazing	1.92	\$13,000	\$24,960
Non-Effective	2.51	\$2,000	\$5,020
	Land Value		\$2,807,980
	Say		<u>\$2,808,0</u>
TOTAL MARKET VALUE			<u>\$2,860,0</u>
(Excluding chattels)			
Chattels			\$Nil
Houses			
Farm			
TOTAL MARKET VALUE			<u>\$2,860,0</u>

The valuation is as at the date of inspection and is plus GST (if any).

Analysis of Market Value

	\$38,711	Market Value per ha
	\$40,073	Market Value per effective ha
	\$39,344	Land Value per effective ha
	1.26%	Return on Capital
	\$3,393	\$ Per Stock Unit



NZIV PINZ & INTERNATIONAL VALUATION STANDARDS

The following Valuation Standards have been adhered to:

- International Valuation Standards
 - IVS 100 – Framework.
 - IVS 101 – Scope of Work.
 - IVS 102 – Bases of Value.
 - IVS 103 – Valuation Approaches.
 - IVS 104 – Data & Inputs.
 - IVS 105 – Valuation Models.
 - IVS 106 – Valuation Documentation & Reporting.
 - IVS 400 – Real Property Interests.
 - IVS 410 – Development Property

- Australia & New Zealand - Valuation Guidance Papers.
 - ANZVGP109- Market Value of Rural & Agribusiness
 - ANZVGP110 – Considerations when forming an Opinion of Value When there is a Shortage of Market Transactions.
 - ANZVGP111 - Valuation Procedures Real Property.
 - ANZVGP 115 Contamination issues- Real Property.

- Australia & New Zealand – Real Property Guidance Papers.
 - ANZPGP201 - Disclaimer clauses and qualification statements.
 - VALUATION PROTOCOLS – Significant Valuation Uncertainty.
 - NZPGP601 – Methods of Measurement.

- New Zealand - Valuation Guidance Papers.
 - NZVGP501 - Goods and Services Tax (GST) in property.

- PINZ Code of Ethics and Rules of Conduct.



COMPLIANCE STATEMENT

It is our opinion that this Valuation complies with the reporting standards of the International Valuation Standards 2025 (IVS) and we can confirm that:

- The statements of fact presented in this report are correct to the best of the Valuer's knowledge.
- The analyses and conclusions are limited only by the reported assumptions and conditions.
- The Valuer's fee is not contingent upon any aspect of the report.
- The Valuer and/or BakerAg NZ Ltd has no interest (financial or otherwise) in the subject property.
- The Valuer has satisfied professional education requirements.
- The Valuer has experience in the location and category of the property being valued.
- The Valuer has made a personal inspection of the property.
- No-one, except those specified in the report, has provided professional assistance in preparing the report.

BAKERAG NZ LTD

APPENDICES

1. RECORDS OF TITLE(S)

2. PROPERTY GURU DETAILS





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




R. W. Muir
Registrar-General
of Land

Identifier **920289**
Land Registration District **Wellington**
Date Issued 02 November 2020

Prior References

689438 WN16A/1290

Estate Fee Simple
Area 206.6259 hectares more or less
Legal Description Part Section 6 Wharekaka Block and Lot 4
 Deposited Plan 485249 and Lot 11-12
 Deposited Plan 540067

Registered Owners

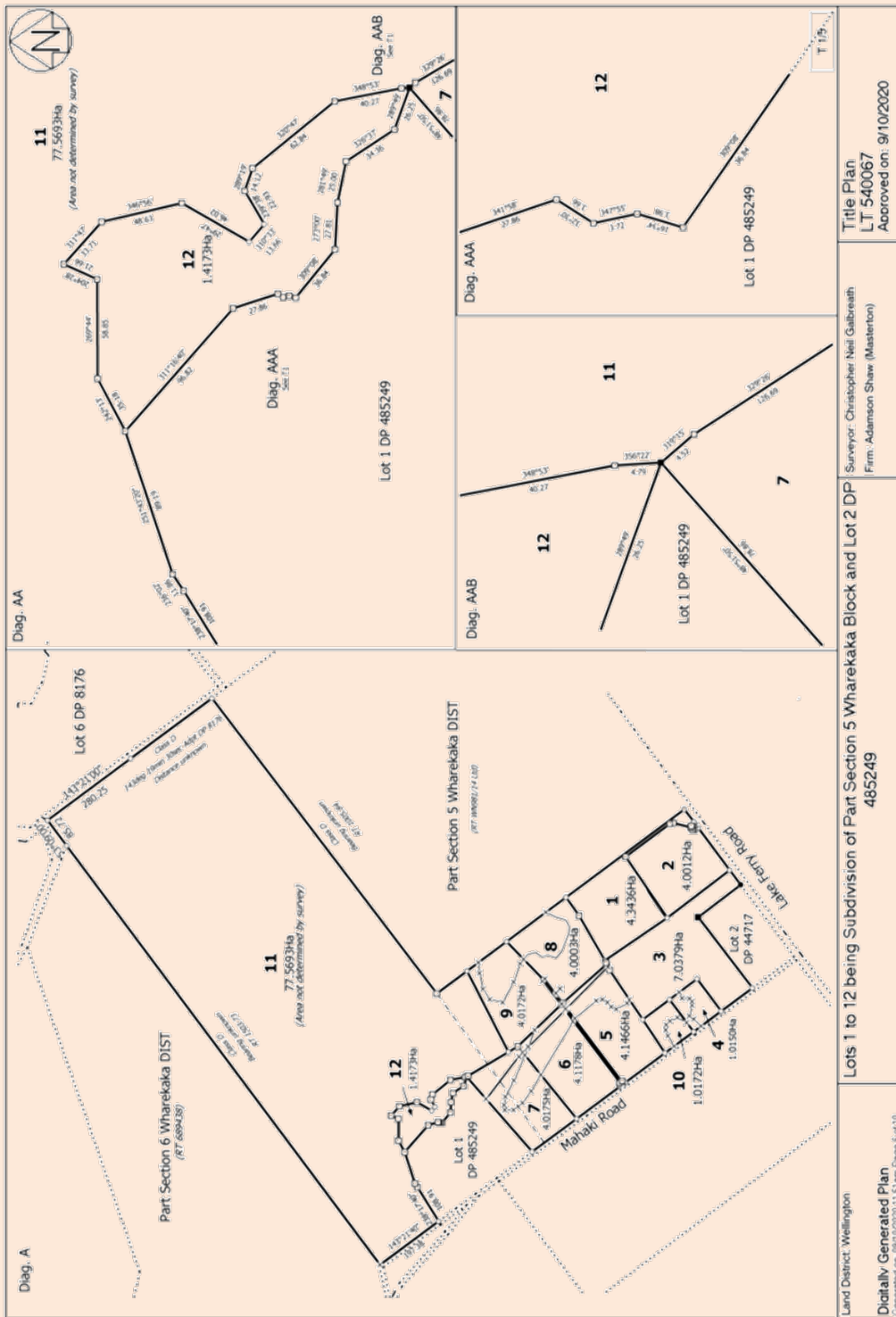
William John Herrick, Philip John Guscott and Gawith Trustees Limited

Interests

10084381.2 Mortgage to ANZ Bank New Zealand Limited - 30.6.2015 at 3:57 pm
10502558.1 Notification that a building consent issued pursuant to Section 72 Building Act 2004 identifies inundation as a natural hazard - 15.7.2016 at 1:43 pm (affects part Lot 11 DP 540067 formerly Lot 2 DP 485249, Lot 4 DP 485249, Lot 12 DP 540067 and Part Section 6 Wharekaka Block)
Subject to Section 241(2) Resource Management Act 1991 (affects DP 540067)
Land Covenant in Covenant Instrument 11899279.9 - 2.11.2020 at 9:44 am
Land Covenant in Covenant Instrument 11899279.10 - 2.11.2020 at 9:44 am

Identifier

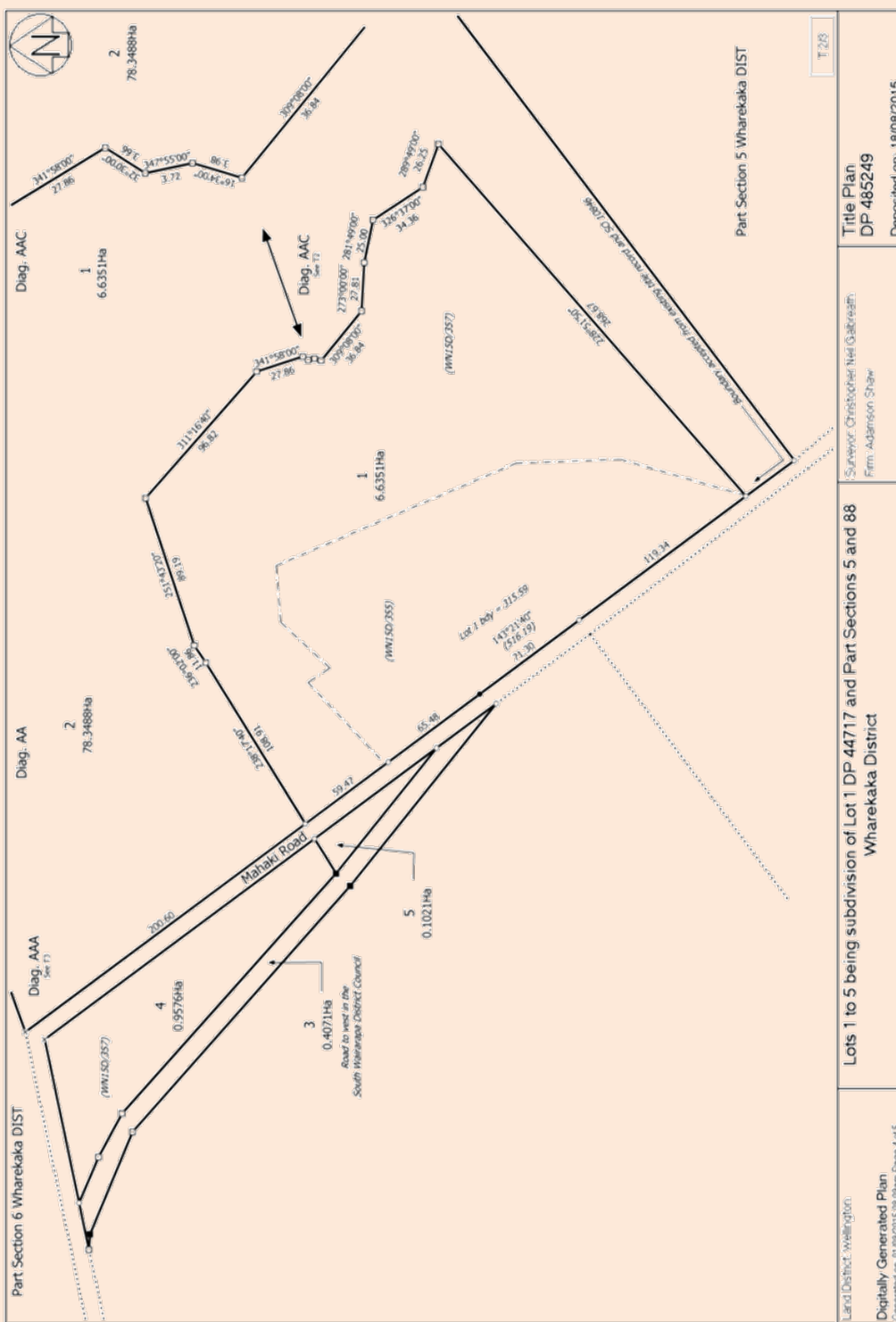
920289



Transaction ID 5127716

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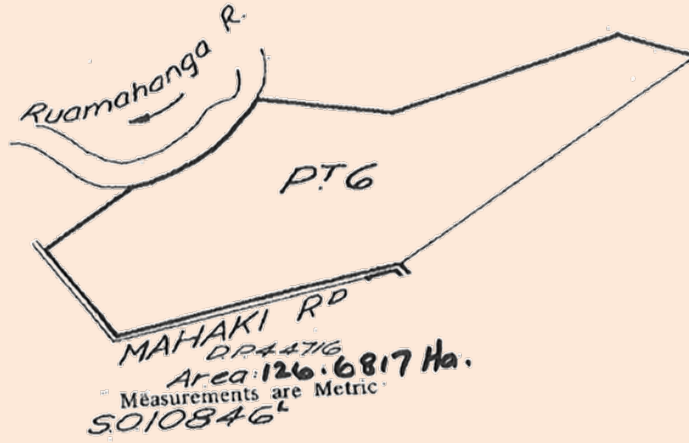
Identifier 920289



Land District: Wellington	Surveyor: Christopher Neil Galbreath Firm: Adamson Shaw	T28
Digitally Generated Plan Generated on: 10/09/2015 08:09am Page 4 of 5	Title Plan DP 485249	Deposited on: 18/09/2015
Lots 1 to 5 being subdivision of Lot 1 DP 44717 and Part Sections 5 and 88 Wharekaka District		

Identifier

920289



18 MAHAKI ROAD DYERVILLE

Last Official Sale Price: \$9,635,000
Last Official Sale Date: 14-Jan-2015
Last Official Sale Type: Whole. One property involved
Sale Tenure: Freehold
Purchase Relationship: Market Level - Bonafide
Net Sale Price: \$9,635,000
Chattels:

Rating Valuations: \$10,900,000
Land Value: \$10,350,000
Improvements Value: \$550,000
Valuation Date: 01-Sep-2023
Valuation Address: 18 MAHAKI ROAD DYERVILLE
Valuation Reference: 18330/102
Legal Description: LOTS 11 12 DP 540067 LOT 4 DP 485249 LOT 2 DP 44716 PT SECS 6 87 WHAREKAKA DIST HUANGARUA SD BLK XII WAIRARAPA SD
TA Name: South Wairarapa District
Tenure: Not Leased (Owner is Occupier)
Floor Area: 300 m²
Land Area: 281.2123 ha
Bedrooms:
Building Age:
Category: Pastoral, Fattening, unimproved economic (PF)
Wall Material: /
Roof Material: /
Contour:
Deck:
Parking Freestanding: 0 cars
Parking Main Roof:
Land Use: Stock Finishing
Zoning: Rural (1B)

Owners: Gawith Trustees Limited
 Guscott, *Philip John*
 Herrick, *William John*

Certificate Of Title: 920289 (Freehold)
 WN15D/354 (Freehold)
 WN956/56 (Freehold)



Report on suitability of part of [REDACTED] Herrick's land as an alternative site to Pain Farm for the disposal to land of Martinborough's wastewater

This report has been commissioned by the South Wairarapa Council to assist with a decision on whether to try and purchase land owned by [REDACTED] Herrick for the purposes of an alternative wastewater treatment site to the consented Pain Farm.

This report covers the existing resource consent, constraints of the site, and subdivision to facilitate a purchase. For specific engineering advice please refer to the report prepared by Lowe Environmental Impact appended to the Council Report.

Existing Resource Consent

The South Wairarapa District Council has resource consent (ref WAR 120258) to operate the Martinborough wastewater treatment system through until 2051. This resource consent was issued in 2016.

The resource consent consists of a suite of permits covering the different aspects of the process.

- 31707
To discharge contaminants from treated effluent into the Ruamahanga River through the whole term of the consent.
- 32045
To discharge contaminants to air (odours from the ponds and treatment process, and effluent associated with land application).
- 32044
To discharge treated effluent to land adjacent to the plant (Stage 1B) and the Pain Farm (Lake Ferry Road) (Stage 2A and 2B)
- 33045
To discharge contaminants to land and water via seepage from the ponds and channel

The resource consent works towards disposal to land having previously discharged treated wastewater to the Ruamahanga River.

The land disposal progresses in stages;

Consent Stage	Due by	In operation
Stage 1A - plant optimisation and minor capital works	Commencement of consent	Yes
Stage 1B - being disposal to 5.3ha adjacent to the treatment ponds	1 st November 2017	Yes



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Consulting

Russell Hooper Environmental Planner
russellhooperconsulting@gmail.com

www.russellhooperconsulting.com

Stage 2A is discharge at Pain Farm without deferred storage	31 st December 2030	Not yet
Stage 2B is discharge to Pain Farm with deferred storage	31 st December 2035	Not yet

The details of this disposal are to be set out in detailed management plans prior to the disposal occurring. At this point, there is a management plan for the discharge in Stage 1B. No detailed plans have been developed for disposal of wastewater within Pain Farm.

The resource consent application, decision, and conditions are available at the following link <https://swdc.govt.nz/martinborough-wwtp/>

Once Stage 2A and 2B are in operation, the resource consent allows up to 4,300m³ per day to be discharged to Pain Farm provided relevant environmental controls are met. These are set out in the conditions of consent in permits 32044 and 32045.

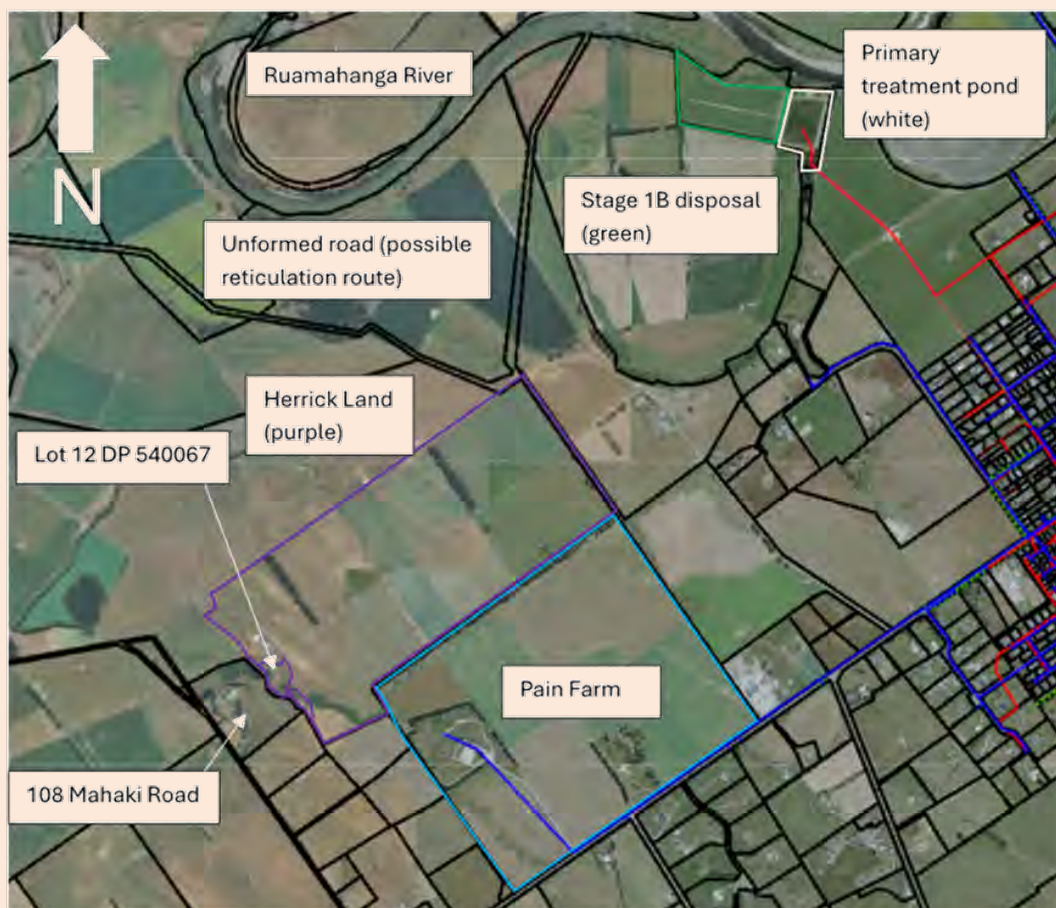


Figure 1 - Location diagram



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Russell Hooper Environmental Planner
 russellhooperconsulting@gmail.com

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The Herrick Land

Council officers have investigated purchasing approximately 74 ha of [REDACTED] Herricks property which is farmland adjoining the north west boundary of Pain Farm.

This land being considered is not within its own record of title and would need to be subdivided in order to be purchased. Part of this subdivision would include providing legal access to the land. Given that a right of way through Pain Farm may be problematic, access could be achieved over the Herrick's existing farm access to Mahaki Road.



Figure 2 - Existing title (shown pink) containing land being considered shown white dash

A draft subdivision scheme plan has been prepared to set out a possible subdivision layout (see attachment 1).

The land would consist of a proposed Lot 1 and the existing Lot 12 DP 540067. These two parcels would be held within one record of title. It is understood that Lot 12 DP 540067 was created by Mr Herrick to amalgamate with 108 Mahaki Road but this did not actually occur. Given that Lot 12 DP 540067 is an existing surveyed land parcel, it would be a relatively simple exercise to sell it (by transferring it into the adjacent title) to the owner of 108 Mahaki Road if ever required in the future. This is an opportunity Council could consider in the future.

The land is generally flat/rolling farmland with no buildings. There are several ridges running through the centre and lower gully areas towards the northwest. The site drops away towards the is a gully at the south western end of the site. The land has been tile drained at some point in the past (likely the 1960's).



Russell Hooper
Consulting

Russell Hooper Environmental Planner
russellhooperconsulting@gmail.com

www.russellhooperconsulting.com



Figure 3 Northern end of Herrick land (Pain Farm in foreground boundary indicative)



Figure 4 Southern end of Herrick land (Pain farm in foreground boundary indicative)



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Consulting

Russell Hooper Environmental Planner
russellhooperconsulting@gmail.com

www.russellhooperconsulting.com

0275 660 967

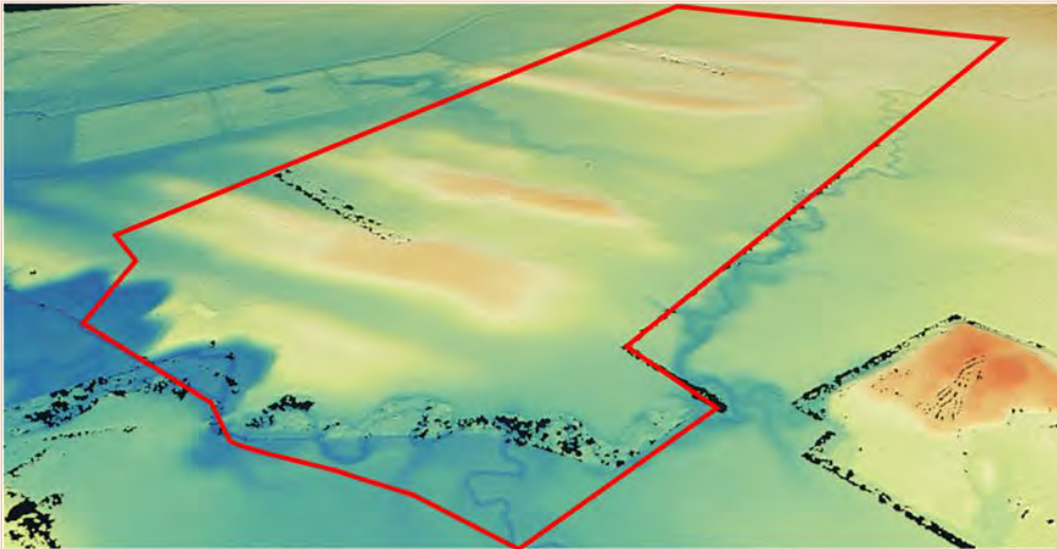


Figure 5 – Perspective view of site to show lay of the land (site boundary indicative)

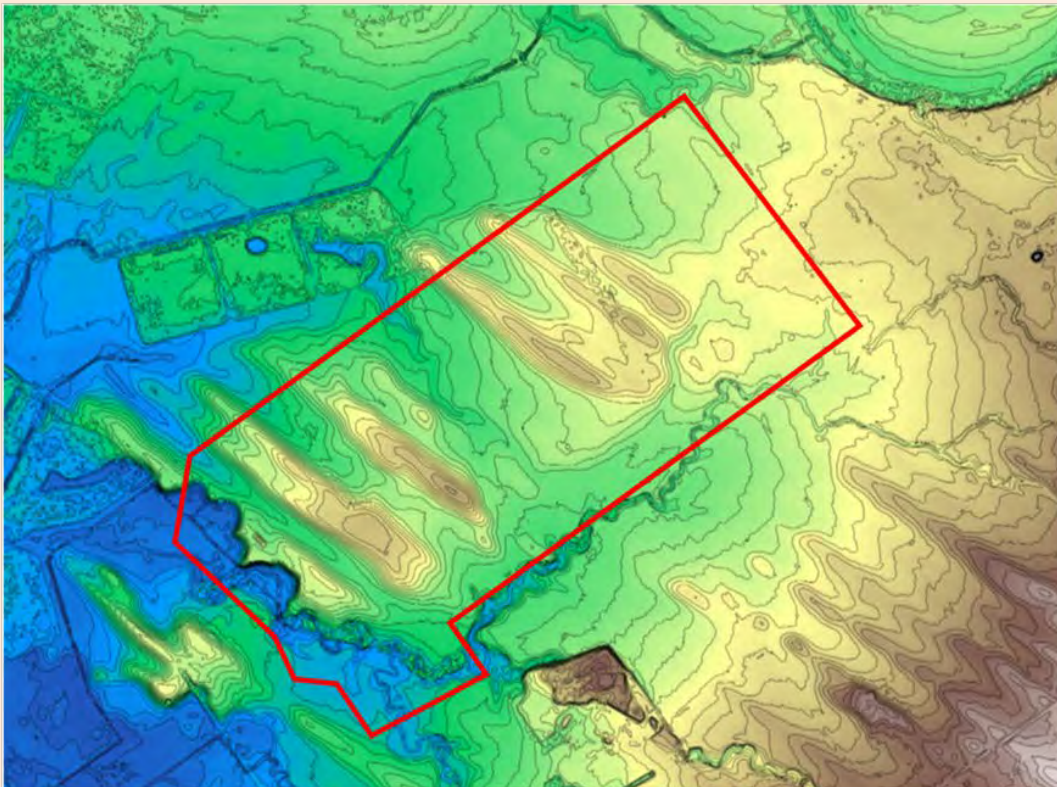


Figure 6 - Overhead view of site with 0.5m contours (site boundary indicative)



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russellhooperconsulting@gmail.com

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Record of Title

The land is contained within record of title 920289 (See attachment 2). This title was issued in 2020 as a balance title when Mr Herrick undertook a subdivision creating the lifestyle blocks along Mahaki Road towards Lake Ferry Road.

There are multiple parcels within the title and the land that Council is interested in consists of part of Lot 11 DP 540067 and all of Lot 12 DP 540067.

There are three registrations on the title;

- 10502558.1 refers to Section 72 of the Building Act 2004 and relates to building within hazard areas. This will have been registered on the title at the time a building was constructed within an area subject to flooding. There are no buildings within the area that Council is interested in and therefore this registration will not carry through to the title of the land Council is interested in.
- 11899279.9 and 11899279.10 are private covenants with restrictions on the use of the lifestyle lots that were created (Lots 1&2 and 4-10). Lots 11 and 12 DP 540067 are listed as the benefited land.

There are no registrations on the title which would have an impact on discharging wastewater to the site.

Desk top analysis of site

Zoning	Operative Wairarapa Combined District Plan Rural (Special) and Rural (Primary Production)
	Proposed Wairarapa Combined District Plan General Rural
Natural Hazards	<p>Flooding – Parts of the site have been modelled as being subject to flooding during a 1 in 100 year flood event. There are several different flood hazard depictions in various planning maps and GIS systems. The flood information within the Proposed Wairarapa District Plan and on WRC’s GIS layers are considered to be the latest and most accurate.</p> <p>Faultline – The Martinborough fault line is located within the site</p> <p>Refer to the Lowe Environmental Impact Assessment for an assessment of natural hazards.</p> <p>It is noted that there would be damage across the entire system following a rupture of the Martinborough fault line. Any wastewater storage location</p>



Russell Hooper Consulting

Russell Hooper Environmental Planner
 russellhooperconsulting@gmail.com

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	<p>should take into account the risk of building on a fault line and there are areas available outside of the fault line.</p> <p>See attachment 3.</p>
Archaeological features	<p>The NZ Archaeological Site Recording Scheme (Archsite) shows that there are no known archaeological features within the site. See attachment 4.</p>
Contaminated Land	<p>The site is not identified on the WRC Selected Land Use Register as having had a land use which could potentially cause soil contamination.</p> <p>Review of historic aerial photographs shows that the site has been farmland and has not had any buildings on it since the first available photograph in 1944. There has been a woolshed and associated yards on the land to the northwest, outside of the area of interest.</p> <p>See attachment 5.</p>
National Policy Statement for Highly Productive Land	<p>The site is classified as Land Use Capability Class 3 and therefore captured in the definition of highly productive land.</p> <p>See attachment 6.</p>

Suitability of the land for wastewater treatment

A critical factor to confirm prior to any negotiation of purchase is whether the Herrick land offers an equivalent (or better) wastewater disposal option to Pain Farm.

Low Environmental Impact (LEI) was involved in the investigation of Pain Farm as a suitable site for wastewater disposal during the consenting process for the existing WRC resource consent.

LEI have again been commissioned to undertake an assessment of the Herrick land to determine if it offers Council the treatment potential required for the Martinborough waste disposal system [REDACTED] the environmental engineer involved in the initial work, has undertaken a review of land suitability of the Herrick land. This review is attached to the Council's officers report.

This review finds the Herrick land comparable to Pain Farm in terms of ability to dispose of treated wastewater. It is noted that both properties have limitations with regard to hydraulic loading (drainage).

The tile drains on the Herrick land assist with drainage and therefore increase discharge frequency but may need additional treatment at their termination points. The LEI report notes that these termination points are likely outside of the boundary of the site. If treatment of the water discharging from the tile drains is required, this will need to be



Russell Hooper
Consulting

Russell Hooper Environmental Planner
russellhooperconsulting@gmail.com

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addressed and the LIE report suggests that this either occurs in the neighbouring property or the tile drains are intercepted at the boundary.

Intercepting the tile drains and containing the entire system within the site is a much preferable option from a consenting perspective.

Having parts of the treatment system in the neighbouring property is complex and a risk to consent being approved. If consented, easements would need to be established over the neighbouring site to cover the tile drains and access to them.

Route for wastewater from the treatment plant to the land

In the original resource consent application the route from the primary wastewater treatment pond to Pain Farm was not set out in detail but proposed to be within easements or existing road reserve – to be confirmed during stage 2A detailed design.

The Herrick land is closer to the primary wastewater treatment pond than Pain Farm and therefore the Herrick land does not add additional risk to confirming a reticulation route.

Given the relatively short period of time between now and the required commencement of Stage 2A, investigation of this route could commence in order to prevent any negotiation and legalisation creating delays.

Resource consent to replace Pain Farm with the Herrick land

Resource consent is required from the Wellington Regional Council and the South Wairarapa District Council. Consenting with the SWDC will need to occur once the detailed design required for Stage 2A is complete.

WRC resource consent

It is understood that Council has been advised by WRC staff that a variation of the resource consent (s127 of the RMA) would not be possible. However, discussions with WRC staff indicate that variations have been done in the past for similar proposals, for example WAR210306 see attachment 7.

If the Herrick land is essentially the same as Pain Farm from a land disposal perspective there appears to be no reason why changing the disposal area cannot be undertaken as a variation.

In any case, even if a variation was not possible the proposal would relate only to the permit which provides for disposal to land (and associated odour). This is a Restricted Discretionary Activity under the Natural Resources Plan (i.e., consent can be granted or declined and assessment is based on a defined list of matters).

This would not be starting from scratch and the consenting information requirements would be the same regardless of whether the consent was a variation or not.



Russell Hooper
Consulting

Russell Hooper Environmental Planner
russellhooperconsulting@gmail.com

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The most difficult aspect of any wastewater treatment consent is the discharge to water component. Provided that the change in land does not reduce the ability to discharge to land (and therefore increase the need to discharge to water), the previously consented discharge to water can remain unchanged.

It is likely that this consenting process would require the detailed design of Stage 2A given that its commencement date is 2030 and only 5 years away. This work is required to be done in any case and could speed up the ability for Council to make the required improvements to the system.

SWDC resource consent and designation

The Proposed Wairarapa Combined District Plan is going through hearings and but will be operative by the time the detailed design for Stage 2A is complete. Under the Proposed Wairarapa Combined District Plan (subject to change during the hearing process) the land disposal would be defined as part of a wastewater treatment plant and require resource consent as a Discretionary Activity (i.e., consent can be granted or declined and assessment is not restricted to any particular matters).

It is recommended that the SWDC application also include a request for the land to be designated for wastewater disposal purposes. The advantage of a designation is that it will allow upgrades and alterations to occur in line with the designation without requiring continued variations to the resource consent.

Changes to the planning environment

Changes to the planning environment since the resource consent was granted are not expected to be an impediment to altering the location of the disposal to land. Disposal to land is fundamentally promoted over disposal to water.

The Natural Resources Plan (NRP)	The WRC’s NRP has become operative since the Martinborough wastewater consent was issued.
Reform to the RMA Water Services Act 2021 and amendments The National Policy Statement (NPS) for Freshwater Management National Environmental Standards (NES) for Freshwater	Central Government’s Recent announcements that the RMA will be replaced may have an impact on the consenting environment; depending on the time taken for replacement legislation to come into effect. Through amendments to the Water Services Act 2021, Central Government is proposing national wastewater standards. Consultation closes on the 24 th April. If a national standard was developed it may require different standards of treatment (potentially a lower standard). This



Russell Hooper Consulting

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russellhooperconsulting@gmail.com

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	<p>would represent an opportunity for Council to reassess its existing wastewater consents.</p> <p>A key component of the NES for Freshwater is protection of natural inland wetlands. The presence of which could impact the Council’s ability to dispose of wastewater. A walk over of the site confirmed that there were no areas that would be considered natural inland wetlands.</p>
<p>National Policy Statement for Highly Productive Land (NPS-HPL)</p>	<p>The site is classified as Land Use Capability Class 3. Land class 1, 2, and 3 are defined as Highly Productive Land in the NPS-HPL. Any consenting will be assessed against the NPS-HPL policies which in general terms seek to protect highly productive land from inappropriate use and development.</p> <p>The fact that the consented Pain Farm is also Class 3 land is relevant.</p> <p>Wastewater treatment to land will improve production within the site and on this basis the proposal would not be contrary to the objectives and policies of the NPS-HPL.</p>

Mechanism for purchase

Given that the Council is interested in part of an existing title, a subdivision is required to separate this land.

A draft plan of subdivision is located at attachment 1.

- A right of way is shown providing access from Mahaki Road.
- Proposed Lot 1 and Lot 12 DP 540067 would be amalgamated together and Proposed Lot 2 would be amalgamated back with the rest of Mr Herrick’s land.

This subdivision meets Council’s subdivision lot sizes and approval would be relatively straightforward.

A ballpark cost estimate to complete the consenting, surveying, and legal conveyancing required for the subdivision is \$35-40,000 + GST – assuming that the metal driveway is acceptable as a right of way as it is without any major upgrading.

Given that no housing will be required on the land the access could be approved as an agricultural type right of way to avoid needing to be upgraded to a higher standard. A subdivision is likely to take around 10 to 12 months to complete.



Russell Hooper Consulting

Russell Hooper Environmental Planner
 russellhooperconsulting@gmail.com

www.russellhooperconsulting.com



Summary

The Herrick land offers Council a site which is just as capable of treating the wastewater required in Stages 2A and 2B of WRC resource consent WAR120258.

Specific site characteristics can be addressed at the time of detailed design. It is recommended that the tile drains are intercepted at the boundary.

Changing the area of disposal will require additional consenting with WRC, likely to be a variation of WAR120258. An SWDC resource consent will be required regardless of whether the disposal area is Pain Farm or the Herrick land. Designating the site for wastewater disposal could be considered to reduce future consenting.

The consenting environment has changed since the resource consent was approved in 2016. However, discharge to land is promoted and provided that the environmental outcomes in the existing resource consent area achieved altering the area of disposal should not be problematic.

If a decision is made to purchase the land a relatively straightforward subdivision is required to separate the land from Mr Herricks farm.



Russell Hooper
Planner

Dated 4th April 2025



Russell Hooper
Consulting

Russell Hooper Environmental Planner
russellhooperconsulting@gmail.com

www.russellhooperconsulting.com



Attachment 1



Russell Hooper
Consulting

Russell Hooper Environmental Planner
russellhooperconsulting@gmail.com

www.russellhooperconsulting.com





Client - SWDC
 TA - SWDC
 Zone - Rural (Primary Product
 RT - 920289
 Scale - 1:5000 @A3
 Drawn - K Hooper 31/03/25
 Ref - Draft Rev C
 Areas and dimensions subject to final sur

Lots 1 and 2
 being proposed
 subdivision of
 Lot 11 DP 54006

Mahaki Road
 Martinborough



Russell Hooper
 Environmental Planner

russellhooperconsulting@gmail.co
 www.russellhooperconsulting.com

Proposed easements:

A - Right of Way over Part Section 6 Wharekaka Block in favour of Lot 1

Proposed Amalgamations:

That Lot 2 hereon and Part Section 6 Wharekaka Block be held together in one record of title.
 That Lot 1 hereon and Lot 12 DP 540067 be held together in one record of title.

Attachment 2



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Consulting

Russell Hooper Environmental Planner
russellhooperconsulting@gmail.com

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

**Guaranteed Search Copy issued under Section 60 of the Land
Transfer Act 2017**




R. W. Muir
Registrar-General
of Land

Identifier **920289**
Land Registration District **Wellington**
Date Issued 02 November 2020

Prior References
689438 WN16A/1290

Estate Fee Simple
Area 206.6259 hectares more or less
Legal Description Part Section 6 Wharekaka Block and Lot 4
Deposited Plan 485249 and Lot 11-12
Deposited Plan 540067

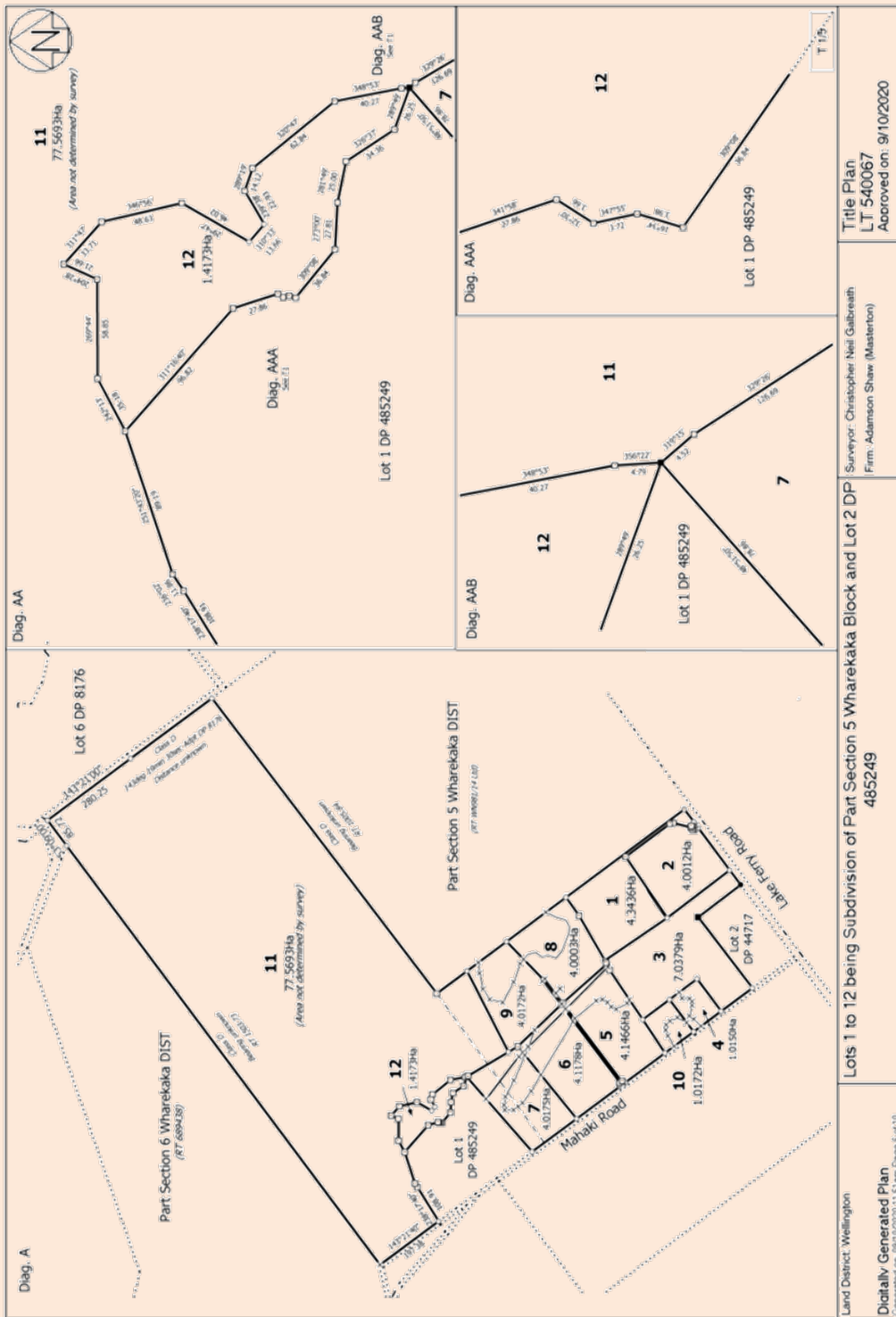
Registered Owners
William John Herrick, Philip John Guscott and Gawith Trustees Limited

Interests

10084381.2 Mortgage to ANZ Bank New Zealand Limited - 30.6.2015 at 3:57 pm
10502558.1 Notification that a building consent issued pursuant to Section 72 Building Act 2004 identifies inundation as a natural hazard - 15.7.2016 at 1:43 pm (affects part Lot 11 DP 540067 formerly Lot 2 DP 485249, Lot 4 DP 485249, Lot 12 DP 540067 and Part Section 6 Wharekaka Block)
Subject to Section 241(2) Resource Management Act 1991 (affects DP 540067)
Land Covenant in Covenant Instrument 11899279.9 - 2.11.2020 at 9:44 am
Land Covenant in Covenant Instrument 11899279.10 - 2.11.2020 at 9:44 am

Identifier

920289

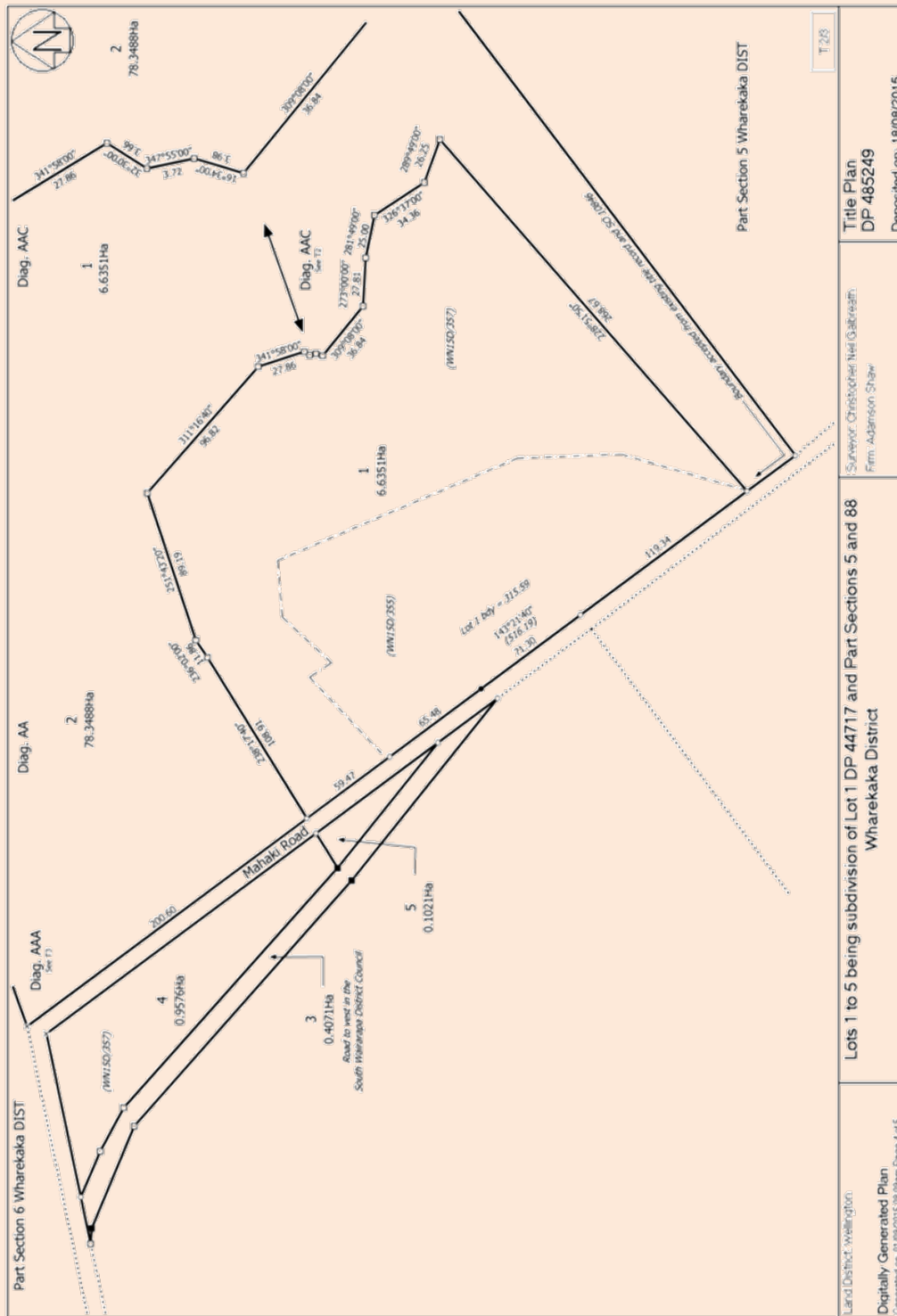


Transaction ID 5100216

Guaranteed Search Copy Dated 04/03/25 3:43 pm, Page 2 of 4

Identifier

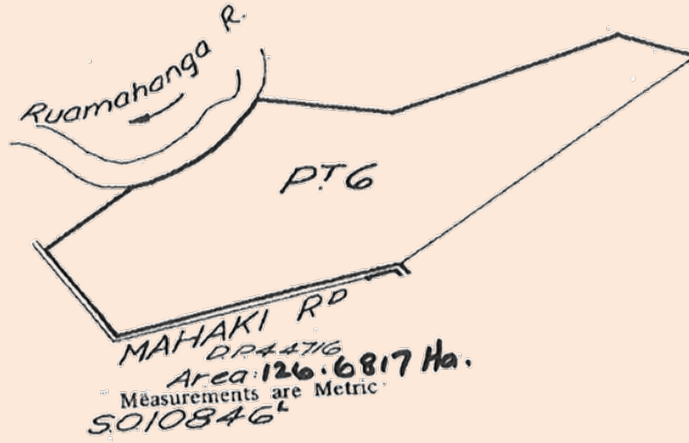
920289



Land District: Wellington	Surveyor: Christopher Neil Galbreath Firm: Adamson Shaw	T28
Digitally Generated Plan Generated on: 10/09/2015 08:03am Page 4 of 5	Lots 1 to 5 being subdivision of Lot 1 DP 44717 and Part Sections 5 and 88 Wharekaka District	Title Plan DP 485249
		Deposited on: 18/09/2015

Identifier

920289



View Instrument Details



Instrument No 11899279.10
Status Registered
Date & Time Lodged 02 November 2020 09:44
Lodged By Parker, Adam Graeme
Instrument Type Land Covenant under s116(1)(a) or (b) Land Transfer Act 2017



Affected Records of Title	Land District
920279	Wellington
920280	Wellington
920281	Wellington
920282	Wellington
920283	Wellington
920284	Wellington
920285	Wellington
920286	Wellington
920287	Wellington
920288	Wellington
920289	Wellington

Annexure Schedule Contains 4 Pages.

Covenantor Certifications

- I certify that I have the authority to act for the Covenantor 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 Adam Graeme Parker as Covenantor Representative on 19/11/2020 04:45 PM

Covenantee Certifications

- I certify that I have the authority to act for the Covenantee 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
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- 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 Adam Graeme Parker as Covenantee Representative on 19/11/2020 04:45 PM

*** End of Report ***

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Form 26

Covenant Instrument to note land covenant

(Section 116(1)(a) & (b) Land Transfer Act 2017)

Covenantor

WILLIAM JOHN HERRICK, PHILIP JOHN GUSCOTT and GAWITH TRUSTEES LIMITED

Covenantee

WILLIAM JOHN HERRICK, PHILIP JOHN GUSCOTT and GAWITH TRUSTEES LIMITED

Grant of Covenant

The Covenantor, being the registered owner of the burdened land(s) set out in Schedule A, **grants to the Covenantee** (and, if so stated, in gross) 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 of covenant	Shown (plan reference)	Burdened Land (Record of Title)	Benefited Land (Record of Title) or in gross
Land Covenant	DP 540067	Lots 4 to 10 inclusive (RT's 920282 to 920288 inclusive)	Lots 1 to 12 inclusive (RT's 920279 to 920289 inclusive)

Covenant rights and powers (including terms, covenants and conditions)

The provisions applying to the specified covenants are those set out in the Annexure Schedule.

SB-260363-27-51-V1

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Annexure Schedule

Covenant instrument Dated [] Page 2 of 4 pages

OPERATIVE CLAUSE

It is intended that the land (being lots 4 to 10 inclusive on DP 540067) contained in records of 920282 to 920288 inclusive ("the Lots") will be subject to and bound by the conditions and restrictions set out in the covenants contained in Schedule One, to the intent that a high standard development and subdivision will be enjoyed by the owner/occupier of the Lots, and that the owner/occupier for the time being of each of the Lots will be bound by the covenants set out in Schedule One as far as they affect each Lot and that the Covenantee will be able to enforce the observance of such covenants by the owners or occupiers for the time being of any of the Lots.

SCHEDULE ONE

The Covenantor shall not:

- 1. Allow a boundary adjustment or further subdivision (including creating a cross-lease or unit title) in respect of the Lot.
2. Use the Lot for any purpose other than predominantly rural or residential lifestyle.
3. Allow any dwelling house of whatever kind to exist on a Lot with an area of less than 100 square metres (although an additional granny flat is acceptable).
4. Allow any dwelling house (which has been previously lived in) that has been relocated on to the Lot to be left in an unfinished state of repair but shall ensure that the dwelling is completed using permanent materials of suitable quality within 18 months of relocation onto the Lot to enable a code of compliance certificate for the dwelling to be issued by the local territorial authority.
5. Permit or suffer any building in the course of construction on the Lot to be left without substantial work being carried out for a period exceeding three months and to ensure that construction of any such building is completed within 18 months of commencement of the work. The registered proprietor of the Lot or their builder may live on the Lot in temporary accommodation during the course of construction of the dwelling on the Lot.
6. Except as stated in clause 5 of Schedule One, permit or suffer a Lot to be occupied or used as a residence either by the erection of temporary structures or the placing thereon of vehicles used for human habitation such as any caravan, campervan, house truck, bus or other mobile caravan (unless garaged).
7. Allow any buildings or structures on a Lot to become dilapidated or to fall into disrepair or allow any nuisance or disturbance to be caused to any owner or occupier of any Benefited Lot. Not to allow the Lot and any road frontage to become unsightly but to keep and maintain such in a neat and tidy condition.

If this Annexure Schedule is used as an expansion of an instrument, all signing parties and either their witnesses or their solicitors must put their signature or initials here.

SB-260363-27-51-V1

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Annexure Schedule

Covenant instrument Dated [] Page 3 of 4 pages

- 8. Allow to be brought on to or remain on a Lot any equipment or materials, debris, rubbish or vehicle of an unsightly nature.
- 9. Plant on the Lot any trees or shrubs that are classified as noxious plants or to plant in such a manner as to inhibit the light of or views from the Benefited Lots and not allow any plantings to exceed a height of 3 metres so as not to interfere with the Benefited Lots' views. The height limit shall not apply to trees already exceeding that limit at the time this land covenant is registered.
- 10. Use the Lot (or permit the Lot to be used) for any trading or commercial purposes or activities, or for any purpose or activity which may cause a nuisance or disturbance in the surrounding environment or to the registered proprietors of the Benefited Lots. This clause shall not preclude the covenantor from using the Lot for short term rental accommodation.
- 11. Use the Lot (or permit the Lot to be used) for commercial farming, animal boarding facilities, piggery, poultry farm, trucking depot, firewood operation, the keeping for commercial purposes (including breeding) of cattle, poultry, ducks, geese, deer, goats or pigs, or any other activity that creates damage or unreasonable nuisance, noise or disturbance to any owner or occupier of any neighbouring or adjoining Lot.
- 12. Place any tank or other such receptacle on a Lot unless it is coloured to suit the environment and reasonable efforts are made to integrate them into or incorporate them within other structures so they will be screened from other lots or from any road or right of way.
- 13. Permit any other structures, including but not limited to wind or solar power generation equipment, shipping containers, plant and equipment sheds unless they are discreetly placed and coloured in such a way as to blend into the environment and not impinging on any other Benefited Lots' sight lines.
- 14. Each person bound by the covenants shall only be liable in respect of breaches of the covenants that occur while that person is the registered proprietor of the Lot in respect of which the breach occurred.

Breach or Non-Observance

- 15. If there is a breach or non-observance by any Covenantor of any of these covenants then without prejudice to the liability which the Covenantor in breach may have to any other Covenantor or any other persons or entity having benefit of the covenants, the Covenantor in breach will, upon written demand being made by any other Covenantor:

If this Annexure Schedule is used as an expansion of an instrument, all signing parties and either their witnesses or their solicitors must put their signature or initials here.

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Annexure Schedule

Covenant instrument Dated [] Page 4 of 4 pages

- (a) Remove or cause to be removed from the Lot any dwelling house, structure or materials used in the construction of the dwelling house or structure that is in breach or non-observance of the covenants;
 - (b) Obtain from the Council all building consents required under the Building Act 2004 (or any legislation in replacement of that Act) for the re-instatement and/or replacement of a complying building, structure or materials; and
 - (c) Reinstate and/or replace the non-complying dwelling house, structure and/or materials in accordance with the building consent and so that the dwelling house and structures constructed on the Lot comply fully with these covenants.
16. All expenses and costs incurred in enforcing the covenants will constitute a debt due that shall be a charge against the Covenantor in breach and shall be recoverable as liquidated damages.
 17. No waiver of any breach or failure to enforce any provision of these covenants at any time shall in any way limit or waive the right of the Covenantee and any other Covenantee to subsequently require strict compliance with these covenants.
 18. The covenants referred to herein shall run with the respective Lots for the benefit of the respective Benefited Lots.
 19. The parties shall meet and discuss in good faith any dispute between them arising out of this instrument. If the discussions fail to resolve the relevant dispute, any party may (by written notice to the other) require that the dispute be submitted for mediation by a single mediator nominated by the President for the time being of the New Zealand Law Society. In the event of any such submission to mediation:
 - (a) The mediator shall be deemed to be not acting as an expert or as an arbitrator;
 - (b) The mediator shall determine the procedure and timetable for the mediation; and
 - (c) The cost of the mediation shall be shared equally between the parties.

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SB-260363-27-51-V1

View Instrument Details



Instrument No 11899279.9
Status Registered
Date & Time Lodged 02 November 2020 09:44
Lodged By Parker, Adam Graeme
Instrument Type Land Covenant under s116(1)(a) or (b) Land Transfer Act 2017



Affected Records of Title	Land District
920279	Wellington
920280	Wellington
920281	Wellington
920282	Wellington
920283	Wellington
920284	Wellington
920285	Wellington
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920287	Wellington
920288	Wellington
920289	Wellington

Annexure Schedule Contains 4 Pages.

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- 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 Adam Graeme Parker as Covenantor Representative on 19/11/2020 04:45 PM

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Signature

Signed by Adam Graeme Parker as Covenantee Representative on 19/11/2020 04:45 PM

*** End of Report ***

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Form 26

Covenant Instrument to note land covenant

(Section 116(1)(a) & (b) Land Transfer Act 2017)

Covenantor

WILLIAM JOHN HERRICK, PHILIP JOHN GUSCOTT and GAWITH TRUSTEES LIMITED

Covenantee

WILLIAM JOHN HERRICK, PHILIP JOHN GUSCOTT and GAWITH TRUSTEES LIMITED

Grant of Covenant

The Covenantor, being the registered owner of the burdened land(s) set out in Schedule A, **grants to the Covenantee** (and, if so stated, in gross) 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 of covenant	Shown (plan reference)	Burdened Land (Record of Title)	Benefited Land (Record of Title) or in gross
Land Covenant	DP 540067	Lots 1 and 2 (RT's 920279 and 920280)	Lots 1 to 12 inclusive (RT's 920279 to 920289 inclusive)

Covenant rights and powers (including terms, covenants and conditions)

The provisions applying to the specified covenants are those set out in the Annexure Schedule.

SB-260363-27-218-V1

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Annexure Schedule

Covenant instrument

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OPERATIVE CLAUSE

It is intended that the land (being lots 1 and 2 on DP 540067) contained in records of title 920279 and 920280 ("the Lots") will be subject to and bound by the conditions and restrictions set out in the covenants contained in Schedule One, to the intent that a high standard development and subdivision will be enjoyed by the owner/occupier of the Lots, and that the owner/occupier for the time being of each of the Lots will be bound by the covenants set out in Schedule One as far as they affect each Lot and that the Covenantee will be able to enforce the observance of such covenants by the owners or occupiers for the time being of any of the Lots.

SCHEDULE ONE

The Covenantor shall not:

1. Use the Lot for any purpose other than predominantly rural or residential lifestyle.
2. Allow any dwelling house of whatever kind to exist on a Lot with an area of less than 100 square metres (although an additional granny flat is acceptable).
3. Allow any dwelling house (which has been previously lived in) that has been relocated on to the Lot to be left in an unfinished state of repair but shall ensure that the dwelling is completed using permanent materials of suitable quality within 18 months of relocation onto the Lot to enable a code of compliance certificate for the dwelling to be issued by the local territorial authority.
4. Permit or suffer any building in the course of construction on the Lot to be left without substantial work being carried out for a period exceeding three months and to ensure that construction of any such building is completed within 18 months of commencement of the work. The registered proprietor of the Lot or their builder may live on the Lot in temporary accommodation during the course of construction of the dwelling on the Lot.
5. Except as stated in clause 4 of Schedule One, permit or suffer a Lot to be occupied or used as a residence either by the erection of temporary structures or the placing thereon of vehicles used for human habitation such as any caravan, campervan, house truck, bus or other mobile caravan (unless garaged).
6. Allow any buildings or structures on a Lot to become dilapidated or to fall into disrepair or allow any nuisance or disturbance to be caused to any owner or occupier of any Benefited Lot. Not to allow the Lot and any road frontage to become unsightly but to keep and maintain such in a neat and tidy condition.

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SB-260363-27-218-V1

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Annexure Schedule

Covenant instrument

Dated

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pages

- 7. Allow to be brought on to or remain on a Lot any equipment or materials, debris, rubbish or vehicle of an unsightly nature.
- 8. Plant on the Lot any trees or shrubs that are classified as noxious plants or to plant in such a manner as to inhibit the light of or views from the Benefited Lots and not allow any plantings to exceed a height of 3 metres so as not to interfere with the Benefited Lots' views. The height limit shall not apply to trees already exceeding that limit at the time this land covenant is registered.
- 9. Use the Lot (or permit the Lot to be used) for any trading or commercial purposes or activities, or for any purpose or activity which may cause a nuisance or disturbance in the surrounding environment or to the registered proprietors of the Benefited Lots. This clause shall not preclude the covenantor from using the Lot for short term rental accommodation.
- 10. Use the Lot (or permit the Lot to be used) for commercial farming, animal boarding facilities, piggery, poultry farm, trucking depot, firewood operation, the keeping for commercial purposes (including breeding) of cattle, poultry, ducks, geese, deer, goats or pigs, or any other activity that creates damage or unreasonable nuisance, noise or disturbance to any owner or occupier of any neighbouring or adjoining Lot.
- 11. Place any tank or other such receptacle on a Lot unless it is coloured to suit the environment and reasonable efforts are made to integrate them into or incorporate them within other structures so they will be screened from other lots or from any road or right of way.
- 12. Permit any other structures, including but not limited to wind or solar power generation equipment, shipping containers, plant and equipment sheds unless they are discreetly placed and coloured in such a way as to blend into the environment and not impinging on any other Benefited Lots' sight lines.
- 13. Each person bound by the covenants shall only be liable in respect of breaches of the covenants that occur while that person is the registered proprietor of the Lot in respect of which the breach occurred.

Breach or Non-Observance

- 14. If there is a breach or non-observance by any Covenantor of any of these covenants then without prejudice to the liability which the Covenantor in breach may have to any other Covenantor or any other persons or entity having benefit of the covenants, the Covenantor in breach will, upon written demand being made by any other Covenantor:

If this Annexure Schedule is used as an expansion of an instrument, all signing parties and either their witnesses or their solicitors must put their signature or initials here.

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Annexure Schedule

Covenant instrument

Dated

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Page

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of

4

pages

- (a) Remove or cause to be removed from the Lot any dwelling house, structure or materials used in the construction of the dwelling house or structure that is in breach or non-observance of the covenants;
 - (b) Obtain from the Council all building consents required under the Building Act 2004 (or any legislation in replacement of that Act) for the re-instatement and/or replacement of a complying building, structure or materials; and
 - (c) Reinststate and/or replace the non-complying dwelling house, structure and/or materials in accordance with the building consent and so that the dwelling house and structures constructed on the Lot comply fully with these covenants.
15. All expenses and costs incurred in enforcing the covenants will constitute a debt due that shall be a charge against the Covenantor in breach and shall be recoverable as liquidated damages.
 16. No waiver of any breach or failure to enforce any provision of these covenants at any time shall in any way limit or waive the right of the Covenantee and any other Covenantee to subsequently require strict compliance with these covenants.
 17. The covenants referred to herein shall run with the respective Lots for the benefit of the respective Benefited Lots.
 18. The parties shall meet and discuss in good faith any dispute between them arising out of this instrument. If the discussions fail to resolve the relevant dispute, any party may (by written notice to the other) require that the dispute be submitted for mediation by a single mediator nominated by the President for the time being of the New Zealand Law Society. In the event of any such submission to mediation:
 - (a) The mediator shall be deemed to be not acting as an expert or as an arbitrator;
 - (b) The mediator shall determine the procedure and timetable for the mediation; and
 - (c) The cost of the mediation shall be shared equally between the parties.

If this Annexure Schedule is used as an expansion of an instrument, all signing parties and either their witnesses or their solicitors must put their signature or initials here.

SB-260363-27-218-V1

View Instrument Details



Instrument No	10502558.1
Status	Registered
Date & Time Lodged	15 July 2016 13:43
Lodged By	Carruthers, Jason Nicholas
Instrument Type	Building Act 2004 - Notification of Condition - s73(1)(c) & 73(3)



Affected Computer Registers	Land District
689438	Wellington

Annexure Schedule: Contains 1 Page.

Signature

Signed by Jason Nicholas Carruthers as Territorial Authority Representative on 15/07/2016 01:42 PM

*** End of Report ***

1

IN THE MATTER of Section 72 of Building Act 2004

And

IN THE MATTER of W J Herrick, P J Guscott and Gawith Trustees Ltd and Certificate of Title 689438 (Wellington Registry)

To: The District Land Registrar
Wellington Land Registry

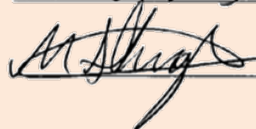
THE SOUTH WAIRARAPA DISTRICT COUNCIL hereby certifies pursuant to section 72 of the Building Act 2004 that as a condition of the grant of Building Consent No 160175 for a **7 Bay shed with 2 bays enclosed** to be sited on Lot 2, 4 DP 485249 and Part Section 6 Wharekaka Block, Certificate of Title 689438 (Wellington Land Registry) which has been identified as being within the Greater Wellington Regional Council Flood Zone area and is subject to inundation.

We request that the certificate of title for this property be endorsed with a registration under section 73 of the Building Act 2004.

SIGNED on the 8th day of July 2016

By the SOUTH WAIRARAPA DISTRICT COUNCIL
(as provided by section 252 of the Local Government Act 1974).

 Mayor

 Chief Executive Officer

Attachment 3

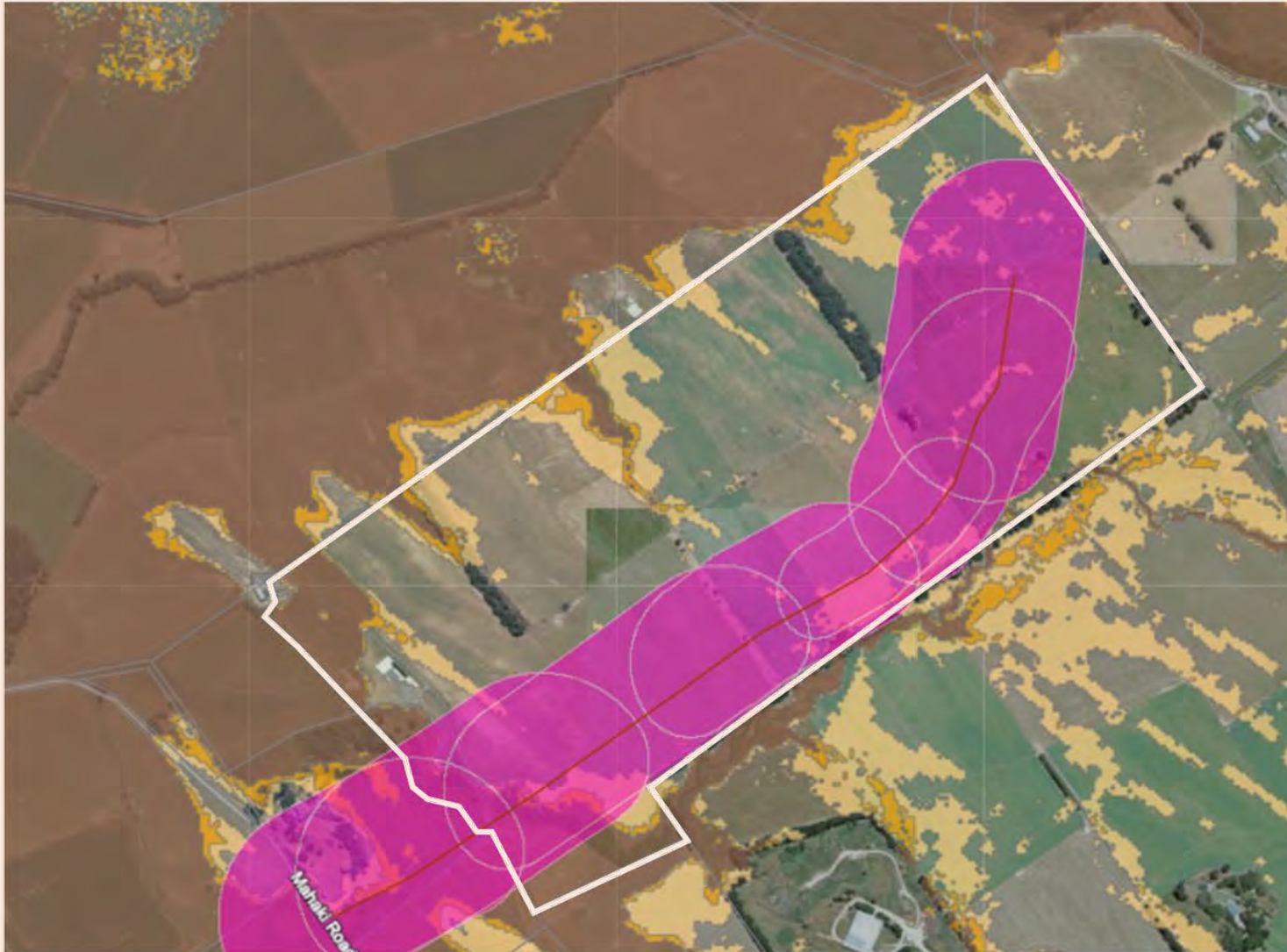


**Russell Hooper
Consulting**

Russell Hooper Environmental Planner
russellhooperconsulting@gmail.com

www.russellhooperconsulting.com

0275 660 967



Flood prone areas and fault zone (Sourced from Proposed Wairarapa Combined District Plan maps)

Attachment 4



Russell Hooper
Consulting

Russell Hooper Environmental Planner
russellhooperconsulting@gmail.com

www.russellhooperconsulting.com





Known archaeological features / sites (Sourced from Archsite)

Attachment 5

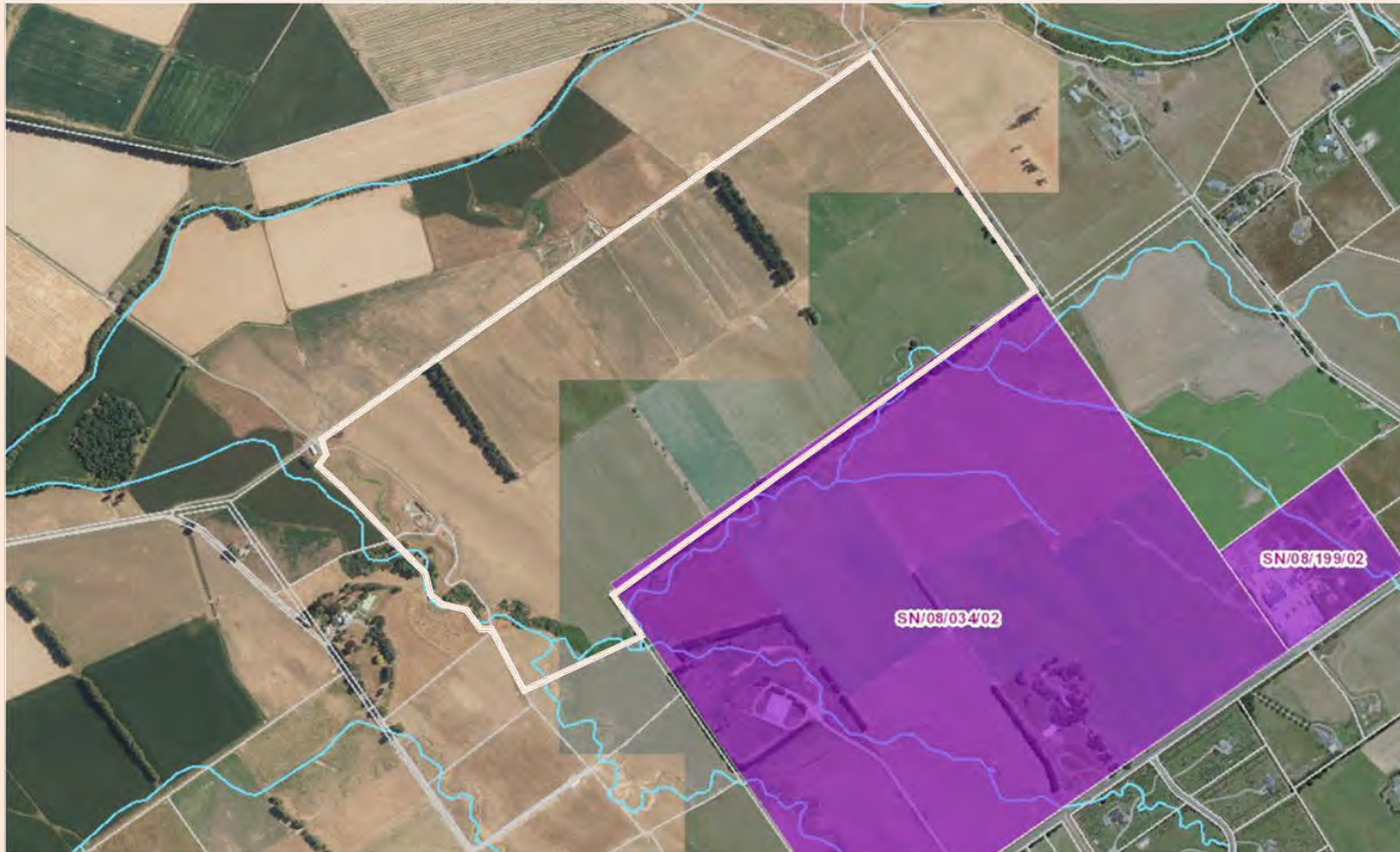


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Sites on the Selected Land Use Register (SLUR) indicating potential for contamination

1944



1973



Historic photographs (sourced from Retrolens) site boundary indicative

Attachment 6

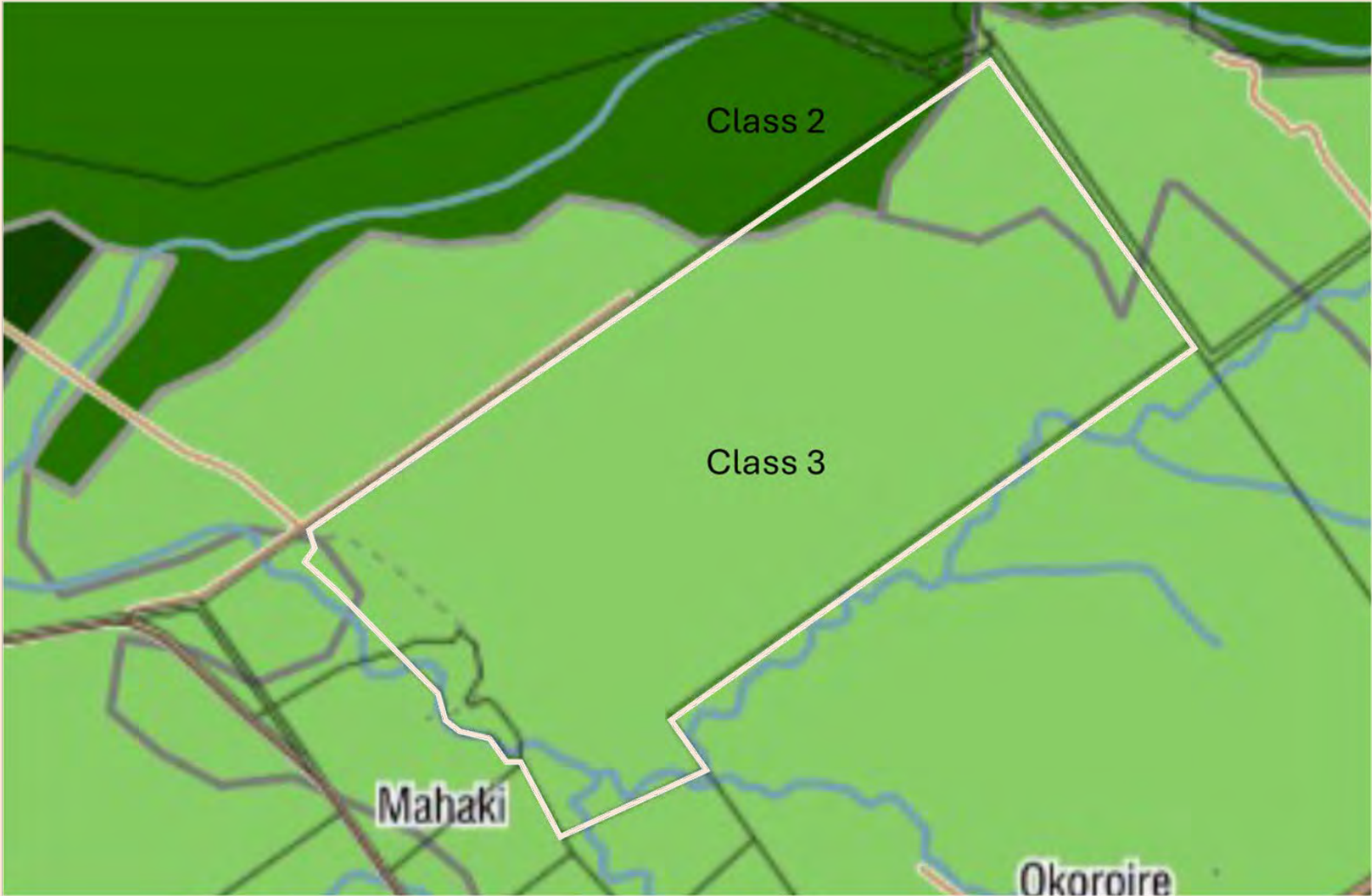


**Russell Hooper
Consulting**

Russell Hooper Environmental Planner
russellhooperconsulting@gmail.com

www.russellhooperconsulting.com





Land Use Capability Classification

Attachment 7



Russell Hooper
Consulting

Russell Hooper Environmental Planner
russellhooperconsulting@gmail.com

www.russellhooperconsulting.com





Resource Consent

RESOURCE MANAGEMENT ACT 1991

Summary of decision – s127 variation

Consent No.	WAR210306	
Consent ID(s)	39032 (new) 37540 (old) Discharge to land	
Name	Foley Wines Limited	
Address	PO Box 67 Renwick 7243	
Duration of consent	Original date granted: 17 June 2021	Variation effective: 04 July 2023
	Expires: 17 June 2031	
Purpose for which consent(s) is granted	To discharge domestic wastewater to land from a restaurant/café using an on-site wastewater treatment and disposal system	
Location	89 Martins Road Martinborough at or about map reference NZTM 1808750.5433074	
Legal description of land	Part Lot 1 DP 57700 VNZ: 18310 052 00	
Conditions	See below	

Decision recommended by:	Isobel Cochrane	Resource Advisor, Environmental Regulation	
Decision peer reviewed by:	Maddy Glover	Resource Advisor, Environmental Regulation	
Decision approved by:	Kristina Cranston	Lead Consenting Advisor, Environmental Regulation	

Processing timeframes:

Application lodged: 13/06/23 **Application officially received:** 13/06/23

Applicant to be notified of decision by: 13/07/23 **Applicant notified of decision on:** 04/07/23

Time taken to process application: 13 working days

Consent conditions

General conditions

In regards to changes to resource consent WAR210306, deletions are shown ~~struck through~~ and additions are shown underlined below:

- 1¹. The consent holder shall operate the proposed discharges in general accordance with the consent application and its associated plans and documents lodged with the Wellington Regional Council on 15 April 2021 and further information received on 29 April 2021 and 17 May 2021

- Application to change conditions of consent received 08 June 2023.

For the avoidance of doubt, where information contained in the application is contrary to conditions of this permit, the conditions shall prevail.

Further, where there may be any contradiction or inconsistencies between the application and further information provided by the applicant, the most recent information applies.

Note: Any change from the location, design concepts and parameters, implementation and/or operation may require a new resource consent or a change of consent conditions pursuant to Section 127 of the Resource Management Act 1991.

2. The consent holder shall appoint a person(s) to be responsible for the day to day operation of the onsite sewage wastewater system and to act as a point of contact for Wellington Regional Council. A contact person must be in place for the duration of this consent. The name of the contact person must be provided to the Manager, Environmental Regulation, Wellington Regional Council within 14 days of the granting of this consent and/or within 14 days of the contact person changing. The contact person must be familiar with the operations and management procedures, the distillery/cafe waste system and the conditions of this consent.

Note: notifications can be emailed to notifications@gw.govt.nz and include the consent reference WAR210306.

3. The consent holder shall supply details of the chosen system and who will be installing the system, prior to the installation. This will show that the system will be installed as per the application for this consent and should meet the satisfaction of the Manager, Environmental Regulation, Wellington Regional Council.

¹ Condition changed as a result of section 127 variation

4. The consent holder shall supply certification and 'as built plans' from the system installer(s) that confirms the treatment and disposal systems have been installed as per the application for this consent including any modifications required to meet conditions of consent. Certification and 'as built plans' are to be forwarded to the Manager, Environmental Regulation, Wellington Regional Council, within 28 days of the installation being completed.

5². The consent holder shall consult with the Manager, Environmental Regulation, Wellington Regional Council, prior to undertaking any modifications to the wastewater disposal system or facilities discharging to the system. This includes changes to the maximum number of people the system services and the size of the disposal field.

Note: The maximum number of people as identified in the Engineering Report submitted with the application document is 187, and the disposal fields have a total area of 804m² consisting of ~~6x~~ 12x trenches each measuring ~~62m~~ 31.2m long and 0.6m wide

6. Wellington Regional Council may review any or all of the conditions of this permit by giving notice of its intention to do so pursuant to Section 128 of the Resource Management Act 1991, at any time within three months of the yearly anniversary of the date of commencement of this permit for any of the following purposes:

- To deal with any adverse effects on the environment which may arise from the exercise of this consent, and which it is appropriate to deal with at a later stage.
- To review the adequacy of any monitoring requirement(s) so as to incorporate into the permit any modification to any plan(s) or monitoring requirement(s) which may become necessary to deal with any adverse effects on the environment arising from the exercise of this permit.
- To alter the monitoring requirement(s) in light of the results obtained from any previous monitoring.
- Enable consistency with relevant plan(s).

Design standard

7. The wastewater treatment and disposal system shall have a minimum disposal area of 804m² and a maximum daily loading rate of 25mm through LPED trenches. The system and discharge is to be operated and maintained to the satisfaction of the Manager, Environmental Regulation, Wellington Regional Council. The wastewater disposal system shall be maintained in an

² Condition changed as a result of section 127 variation

efficient operating condition at all times. Any malfunction in the treatment or disposal system is to be remedied as soon as practically possible to ensure the treatment and disposal system is operating at an optimal level.

Note: This information can be emailed to notifications@gw.govt.nz and include the consent reference WAR210306

8. The maximum daily discharge rate for wastewater shall not exceed a volume of 5610L per day.
9. The treated effluent quality shall not exceed:
 - Biochemical oxygen demand (BOD) of 20g/m³
 - Suspended Solids (SS) of 30g/m³

Note: Should sampling undertaken under condition 23 below show treatment quality is not being achieved, an assessment of the treatment plant and any required upgrades/maintenance shall be undertaken, and a report submitted to the Wellington Regional Council within 14 days of the assessment being undertaken detailing what actions are to be taken to ensure treatment quality is achieved.

10. A buffer zone of 20 metres shall be maintained between the waste disposal areas and any surface water bodies, drains, and any property boundary (except where written approval of adjacent property owners has been obtained). A buffer zone of 50 metres shall be maintained between any bores/wells.

Note: This buffer does not take into account the separation distance required for virus transport and the wastewater system may need to be distanced further than 50m to protect water supplies. It is advised that any bore used for potable water, should be assessed using a suitable expert to ensure there will be no contamination from the discharge field, or neighbouring discharges to the proposed potable bore.

11. No contaminants associated with the discharge of wastewater shall be able to enter ground or surface water (except by way of imperceptible seepage) as a result of:
 - Inadequate treatment and storage facilities.
 - Seepage or leakage from any part of the system, including treatment and storage facilities.
 - Runoff into any surface water body.
 - Equipment failure.
12. Heavy stock, machinery and vehicles shall be excluded from the disposal area. This may require the fencing of some disposal fields depending on their siting within the grounds to ensure that this requirement is met.

13. Septage removed from the system shall be disposed of at an approved disposal facility.
14. The disposal field area is to have signage erected to warn of the public health risk from sewage disposal in the area. Signs are to be placed at the most likely points of entry.
15. The consent holder shall ensure that no storm water is allowed to enter the wastewater system. All storm water from buildings and driveways shall be directed away from the collection, reticulation and treatment systems and, where appropriate, the disposal fields.

Maintenance and monitoring

16. An Operation and Maintenance Plan (OMP) for the wastewater treatment and disposal systems shall be created and supplied to the Manager Environmental Regulation, Wellington Regional Council prior to **18 June 2022**. The OMP shall be maintained, updated and supplied to the Manager Environmental Regulation, Wellington Regional Council on request. The OMP shall be to the satisfaction of the Manager, Environmental Regulation, Wellington Regional Council, and implemented by the consent holder. The OMP shall include, but not be limited to:

- The procedures submitted as part of the original application, except as may be necessary to reflect changes to the procedures required by other conditions of this consent;
- A schedule for regular maintenance of the wastewater treatment and disposal system;
- Monitoring and recording requirements/procedures necessary to ensure compliance with the conditions of this consent.

Any updates to the OMP must be sent to Wellington Regional Council, Masterton Office, PO Box 41, Masterton 5840 or notifications@gw.govt.nz and should include the consent reference WAR210306

17. The consent holder shall enter into a service agreement with suitably qualified agent(s) for the ongoing servicing and maintenance of all septic tanks, outlet filters, pump(s), pump chamber and disposal fields. Evidence of this servicing agreement shall be supplied to the Manager, Environmental Regulation, Wellington Regional Council on request.
18. The consent holder shall install and maintain a wastewater flow meter on the main distribution line for the wastewater disposal field. The flow meter shall be installed and maintained in accordance with manufacturer's specifications, and to the satisfaction of the Manager, Environmental Regulation, Wellington Regional Council.

19. The consent holder shall verify the accuracy of the measuring device/system required under conditions 18, prior the commencement of discharge, to ensure the error does not exceed +/- 5%. Verification of the device/system shall be undertaken at the following intervals:
- at least once every five years for a an ultrasonic or magflow meter on the discharge flow line; or
 - at least once every two years for a mechanical meter on the discharge flow line.

Any verification of the measuring device/system shall be performed by a suitably qualified person, and to the satisfaction of the Manager, Environmental Regulation, Wellington Regional Council.

Within once month of any verification being undertaken on the measuring device/system, the consent holder shall submit to the Manager, Environmental Regulation, Wellington Regional Council, a copy of the verification certificate and/or evidence documenting the calibration as completed by the person who undertook the verification.

20. The consent holder shall record flow meter readings on a weekly basis for the duration of the consent. Records shall be submitted to the Manager, Environmental Regulation, Wellington Regional Council in an electronic spreadsheet format by 30 June each year for the term of this consent.

Note: records can be emailed to notifications@gw.govt.nz and include the consent reference WAR210306

21. The consent holder shall, at weekly intervals, undertake a visual inspection of the septic tanks, pump chamber and land disposal area in order to ascertain that there is no vegetation die-off or sewage breakout as a result of the discharge of sewage into land for the term of the consent.
22. The consent holder shall install a draw off point following filtration to allow for the sampling of wastewater.
23. The consent holder shall have wastewater analysed once each year for the duration of this consent. The analyses shall be undertaken using an industry standard method. The samples shall be taken from a point in the treatment system following treatment but prior to being discharged. The samples shall be analysed for the following parameters:
- pH
 - Biological Oxygen Demand
 - Total Kjeldahl Nitrogen
 - Suspended Solids

The results of the analysis are to be sent to the Wellington Regional Council by **30 June each year** for the duration of this consent. Sampling and analyses may be discontinued, the frequency of sampling and analysis reduced, or certain parameters may be removed from analyses list, if the consent holder receives written approval from the Manager, Environmental Regulation, Wellington Regional Council.

Note 1: Please send results to notifications@gw.govt.nz and include the consent reference WAR210306

24. Should the disposal field fail and/or there is evidence of groundwater or surface water contamination and a new field is required, or flows are above the consented maximums, the consent holder shall consult with the Manager, Environmental Regulation, Wellington Regional Council, on the siting and type of new disposal field and/or alterations that will be made to the wastewater system that will ensure that any potential effects are avoided, remedied, or mitigated.
25. In the event of an emergency or accidental discharge of sewage to land or water, other than authorised by this consent or a rule in the Regional Plan, the consent holder shall notify:
- The Medical Officer of Health (C/- Regional Public Health) and
 - Environmental Health Officer, South Wairarapa District Council and
 - The Manager, Environmental Regulation, Wellington Regional Council, within 24 hours after the malfunction of the wastewater treatment facility has been detected. The consent holder shall advise all parties what steps are being taken to remedy and control the discharge.

Note: This consent does not allow the discharge of wastewater to water under any circumstances

Odour

26. The discharge of odour from the treatment plant and disposal field shall not be offensive or objectionable beyond the boundary of the property.

Note: A discharge to air consent may be required should offensive and objectionably odours be found beyond the boundary of the property.

Notes:

- a) Wellington Regional Council shall be entitled to recover from the consent holder the costs of the conduct of any review, calculated in accordance with and limited

to that Council's scale of charges in force and applicable at that time pursuant to Section 36 of the Resource Management Act, 1991.

- b) A resource management charge, set in accordance with Section 36(2) of the Resource Management Act 1991 and the Wellington Regional Council charging policy, shall be paid to the Regional Council for the carrying out of its functions in relation to the administration, monitoring and supervision of resource consents and for the carrying out of its functions under Section 35 duty to gather information.

Reasons for decision report

1. Background and proposed changes

Under section 127(1) of the Act, the applicant has applied to change condition(s) of consent WAR210306 as follows:

No.	Condition details
1	<p>Current condition:</p> <p>The consent holder shall operate the proposed discharges in general accordance with the consent application and its associated plans and documents lodged with the Wellington Regional Council on 15 April 2021 and further information received on 29 April 2021 and 17 May 2021</p> <p>For the avoidance of doubt, where information contained in the application is contrary to conditions of this permit, the conditions shall prevail.</p> <p>Further, where there may be any contradiction or inconsistencies between the application and further information provided by the applicant, the most recent information applies.</p> <p><i>Note: Any change from the location, design concepts and parameters, implementation and/or operation may require a new resource consent or a change of consent conditions pursuant to Section 127 of the Resource Management Act 1991.</i></p> <hr/> <p>Proposed condition:</p> <p>The consent holder shall operate the proposed discharges in general accordance with the consent application and its associated plans and documents lodged with the Wellington Regional Council on 15 April 2021 and further information received on 29 April 2021 and 17 May 2021</p> <ul style="list-style-type: none"> • <u>Application to change conditions of consent received 08 June 2023.</u> <p>For the avoidance of doubt, where information contained in the application is contrary to conditions of this permit, the conditions shall prevail.</p> <p>Further, where there may be any contradiction or inconsistencies between the application and further information provided by the applicant, the most recent information applies.</p> <p><i>Note: Any change from the location, design concepts and parameters, implementation and/or operation may require a new resource consent or a change of consent conditions pursuant to Section 127 of the Resource Management Act 1991.</i></p>
5	Current condition:

No.	Condition details
	<p>The consent holder shall consult with the Manager, Environmental Regulation, Wellington Regional Council, prior to undertaking any modifications to the wastewater disposal system or facilities discharging to the system. This includes changes to the maximum number of people the system services and the size of the disposal field.</p> <p><i>Note: The maximum number of people as identified in the Engineering Report submitted with the application document is 187, and the disposal fields have a total area of 804m² consisting of 6x trenches each measuring 62m long and 0.6m wide</i></p>
	<p>Proposed condition:</p> <p>The consent holder shall consult with the Manager, Environmental Regulation, Wellington Regional Council, prior to undertaking any modifications to the wastewater disposal system or facilities discharging to the system. This includes changes to the maximum number of people the system services and the size of the disposal field.</p> <p><i>Note: The maximum number of people as identified in the Engineering Report submitted with the application document is 187, and the disposal fields have a total area of 804m² consisting of 6x <u>12x</u> trenches each measuring 62m <u>31.2m</u> long and 0.6m wide</i></p>

The applicant has applied to change condition 1 and 5 of their consent to reflect a change in the location of the proposed septic tank installation. This change in location is due to concerns over the proximity of the disposal field to an 11kV electricity cable.

In accordance with section 127(3) of the Act this application has been considered as a **discretionary activity**.

2. Consultation

Iwi authority	Comments
Rangitāne o Wairarapa	Horipo Rimene commented on behalf of Rangitāne o Wairarapa, he stated there were no concerns with the proposal.
Kahungunu ki Wairarapa	No comment provided, therefore it is assumed they have no concerns.

3. Notification decision

A decision was made to process the application on a non-notified basis on 27 June 2023. Further information on the notification decision is provided in document [#WAR210306 Notification Decision Report.docx](#).

4. Environmental effects

A full assessment of environmental effects was made under WAR210306 as set out in the decision report on 17 June 2021. This assessment focusses on the environmental effects of changing condition 5 only.

4.1 Summary of changes

Foley Wines Limited were granted a resource consent on 17 June 2021 for the discharge of wastewater to land for a restaurant/café using an onsite wastewater treatment and disposal system. Since then, concerns have been raised regarding the proximity of the disposal field and an 11kV electricity cable which passes through the current disposal location. Due to this the applicant has proposed to change location of the disposal field, moving it approximately 150m to the south of the current location. The applicant has also proposed a change from 6 x 65m trenches to 12 x 31.2m trenches, although a change in shape the total area of the disposal is the same. A change in tank treatment plant is also proposed, from a Hynds to a Wright tank treatment system. Both disposal systems provide the same level of treatment and meet the definition of secondary treatment outlined in AS/NZS1547.



Figure 1: Previously consented disposal field location



Figure 2: New proposed disposal field location

4.2 Summary of environmental effects

The applicant had the proposal assessed by Cuttriss Consultants Limited, they have provided an AEE with this application and assessed the adverse effects associated with the change in disposal field location to be less than minor. The conclusions are based on the following:

- The wastewater treatment quality remains the same as in the original application,
- The new disposal field has the same total area,
- The disposal field is within the same land parcel, and therefore there are no new affected parties,
- The soil type does not change between the old and the new disposal fields, and
- The system design continues to meet the AS/NZ requirements.

The application rates specified in the current consent were determined to be suitable to reduce risk to groundwater. These rates specify weekly discharge rates of up to 39,270L and a daily discharge rate of 5,610L over an area of 804m. These rates and area remain the same for the new proposed wastewater disposal field.

A geotechnical investigation was carried out by ENGEO for the construction of new buildings and site development. This investigation included a test pit, with findings that aligned with the soil types found using a geological map of the area. The test pit was carried out approximately 55m from the old disposal field, and 120m from the new disposal field. This alongside the geological maps confirms the soil types at the two sites are the same, gravel

and sandy. Under AS/NZ1547:2012 (Table L1) the recommended design loading rates for trenches in gravel and sandy soil texture is 50mm/day. The applicant proposed a maximum loading rate of 25mm/day which remains the same as was previously approved and is suitable for the proposed location.

The discharge field is approximately 215m to the closest bore which is used for irrigation and for winery purposes. The distance between the closest bore and the previous disposal field is 200m. This is a similar separation distance therefore the previous assessment of environmental effects on groundwater remains applicable. Condition 10 of the consent also requires a 50m buffer zone from all bores.

Given the above, I consider that the proposed change of consent conditions will not result in any more than minor effects when undertaken in accordance with the recommended consent conditions.

5. Statutory assessment

5.1 Part 2

Part 2 of the Act outlines the purposes and principles of the Act. Section 5 defines its purpose as the promotion of the sustainable management of natural and physical resources. Sections 6, 7 and 8 of Part 2 define the matters a consent authority shall consider when achieving this purpose.

I am satisfied that the granting of the application is consistent with the purpose and principles in Part 2 of the Act.

5.2 Matters to be considered – Section 104-108AA

The original decision provided a detailed assessment of the activity against Section 104-108AA of the Act. I have assessed the change of conditions application against that assessment and consider that the proposed change is consistent with that assessment. Since the original decision, the Proposed Natural Resources Plan (decisions version) was publicly notified on 31 July 2019. I am satisfied that the change of conditions application is consistent with the relevant objectives and policies in the Proposed Natural Resources Plan (decisions version). There are no additional or new matters that need to be considered.

5.3 Weighting of the Proposed Natural Resources Plan

As the conclusion reached under the operative Regional Discharges to Land Plan assessment is consistent with that reached under the Proposed Natural Resources Plan there is no need to undertake a weighting exercise between the two Plans.

Duration of consent

Under section 127(1)(b) of the Act, no consent holder may apply for a change of the consent duration and so the consent expiry date will remain as 17 June 2031.

Monitoring

The current compliance monitoring programme and associated charges will remain.