

s44A(2)(a) Information identifying any special feature or characteristics of the land

This information should not be regarded as a full analysis of the site features of this land, as there may be features that the Council is unaware of. The applicant is solely responsible for ensuring that the land is suitable for a particular purpose including development.

Site Contamination

No land contamination data are available in Council's regulatory records.

Wind Zones

Wind Zone(s) for this property: Unknown or unassessed wind zone

The wind zones are based on wind speed data specific to all building sites as outlined in NZS 3604:2011. Other factors such as topographic classes, site exposure and ground roughness determine the actual wind bracing demands and bracing elements required for the building.

For further information refer to NZS 3604:2011 Section 5 — Bracing Design

Soil Issues

Soil issues recorded. The land may not be suitable for particular development or land use purposes. A soil report may be required to/must be submitted with any building and/or resource consent application.

Effective Date	Description	Details
24/10/2017	Geotechnical completion/ investigation report on file	Geotech Completion Report or Geotechnical Investigation Report Available.

If any soil information/reports have been prepared in relation to this property, they will be available for viewing at an Auckland Council Service Centre.

Flooding

This statement entitled "Flooding" appears on all LIMs.

Known flooding information is displayed on the map attached to this LIM entitled "Special Land Features – Natural Hazards - Flooding".

The information shown in the "Special Land Features - Natural Hazards - Flooding" map is also shown on the Auckland Council online map viewer (Geomaps), at www.aucklandcouncil.govt.nz, which is updated from time to time.

Any proposed development may require a flooding assessment to be provided by the applicant.

The absence of flooding on the "Special Land Features - Natural Hazards - Flooding" map does not exclude the possibility of the site flooding, particularly from Overland Flow Paths which may be on other properties.

Exposure Zones

New Zealand Standard 3604:2011 classifies all properties in New Zealand into zones based on environmental features including wind, earthquake, snow load and exposure. These zones are relevant to building requirements, such as strength of buildings, materials that should be used and maintenance. All building sites are classified as being in Exposure Zones Extreme Sea Spray, B, C, or D, depending on the severity of exposure to wind driven salt.

This property is classified as: Zone D

High — Coastal areas with high risk of wind-blown sea-spray salt deposits. This is defined as within 500m of the sea including harbours, or 100m from tidal estuaries and sheltered inlets. The coastal area also includes all offshore islands including Waiheke Island, Great Barrier Island. Within each of the zones there are different environmental locations that require fittings and fixtures appropriate to its designation as outlined Tables 4.1 to 4.3 in NZS 3604:2011 being either "closed", "sheltered" or "exposed". For further information refer to NZS 3604:2011 Section 4 — Durability.

s44A(2)(b) Information on private and public stormwater and sewerage drains

Information on private and public stormwater and sewerage drains is shown on the **underground services map** attached.

Note: Private drainage is the responsibility of the land owner up to and including the point of connection to the public sewer or drain.

s44(2)(ba) Information notified to Council by a drinking water supplier under Section 69ZH of the Health Act 1956

Prospective purchasers should be aware of other drinking water systems connected to this property. There may also be private drinking water supply systems such as rainwater tanks or private water bores. You are advised to clarify the drinking water supply with the current landowner.

No Information has been notified to Council.

s44A(2)(bb) Information Council holds regarding drinking water supply to the land

For metered water information, please contact **Watercare (09) 442 2222** for services provided to this property.

s44A(2)(c) Information relating to any rates owing in relation to the land

Billing Number/ Rate Account:	12345664835
Rates levied for the Year 2019/2020 :	\$3,284.62
Total rates to clear for the current year (including any arrears):	\$821.14

The rates figures are provided as at 8 a.m. 15/06/2020. It is strongly advised these are not used for settlement purposes.

Retrofit Your Home Programme

The Retrofit Your Home programme provides financial assistance, advice and information to householders wanting to create an improved home environment.

The scheme contributes to the achievement of the Air Quality National Environmental Standards encouraging the installation of clean heat and insulation in homes as well as supporting access to central government grants and subsidies. The programme offers homeowners a retrofit plan for their homes and financial assistance up to \$5000 repaid through a targeted rate.

 Auckland Council (09) 890 7898 if you require further information

 retrofit@aucklandcouncil.govt.nz

s44A(2)(d) Consents, Certificates, Notices, Orders or Requisitions affecting the land or any buildings on the land(da) the information required to be provided to a territorial authority under section 362T(2) of the Building Act 2004:s44A and (2)(e) Information concerning any Certificate issued by a Building Certifier pursuant to the Building Act 1991 or the Building Act 2004

Note: if the land is part of a cross lease title or unit title, consents and permits for the other flats or units may be included in this LIM. If the land has been subdivided there may be consents and permits included that relate to the original property.

It is recommended that the full property file is viewed and compared with the actual building and activities on the land to identify any illegal or unauthorised building works or activities.

Financial / development contributions

Financial and development contributions are relevant for recently subdivided land, vacant lots, new residential unit(s) or where there is further development of a site. If any financial or development contribution has not been paid, Council can recover outstanding amount(s) from a subsequent owner of the land.

Please note that financial contributions and development contributions may be paid in land, cash or a combination of these. The form of payment of contributions may be subject to negotiation but final discretion remains with the Council.

Resource Management

Planning

5 Hurihuri Road Redvale Auckland 0794

Application No.	Description	Decision	Decision Date
REG-60849	Discharge Consent Discharge of Stormwater Integrated consent to a combined 177 lot subdivision and with associated open space and infrastructure including sediment control, discharge of stormwater and streamworks.	Granted(Construction Monitoring Underway)	02/06/2015

Application No.	Description	Decision	Decision Date
REG-60848	Land Use Consent Sediment Control: Integrated consent to a combined 177 lot subdivision and with associated open space and infrastructure including sediment control, diversion of stormwater and streamworks.	Granted	02/06/2015
REG-60850	Land Use - Stream Consent Stream works associated with the installation of a new culvert in a permanent stream exceeding a length of 30m.	Granted	02/06/2015
LUC60314902	Land Use Consent Consent for a new dwelling infringing yards, building coverage, approx. 974m ³ earthworks over an area of 1537m ² , SMAF,	Granted(Construction Monitoring Underway)	22/02/2018

Subdivisions

5 Hurihuri Road Redvale Auckland 0794

Application No.	Description	Decision	Decision Date
SUB-59598	Subdivision Consent Resource consent to undertake a boundary relocation with Lots 1-3 DP 405498, Lot 1 DP 49038 and Lot 1 DP 51255, resulting in: Lot 1 - 39.9948ha - future development lot - Weiti Village Policy Area Lot 2 - 77.0753ha - future development lot - Karepiro Policy Area Lot 3 - 25.241ha - future development lot - Weiti Village Policy Area Lots 4 and 5 to be amalgamated with Lot 1 DP 49038 and Lot 1 DP 51255 - 733.0480ha	Granted	18/01/2013
SLC-60831	Subdivision Consent Bundled consent. Weiti Development Limited Partnership seek consent to develop Weiti Village Policy Area 2, including works within the Greenbelt and Conservation Policy Area, within the Special 8 (Weiti Forest Park) Zone of the Auckland Council District Plan (Rodney Section). This involves the subdivision and subsequent establishment of 171 lots and 21 ancillary lots for joint access, open space, roading and drainage purposes within Weiti Village Policy Area 2; and undertaking bulk earthworks, streamworks, vegetation clearance, diversion and discharge of stormwater and new public roading within Weiti Village Policy Area 2 and the Greenbelt and Conservation Policy Area.	Granted	02/06/2015
SLC-52447	Subdivision survey plan ((s)223) s223 Amended 6.11.17 LT 513840 - Lots 1 - 13, 16 - 71, 73 - 83, 151, 160 - 166, 170 - 174 and 200 being a sub of Lots 1 - 4 DP 465984 and Easements over Lot 1 DP 51255	Granted	06/11/2017
SLC-52447	Subdivision completion cert ((s)224C) s224 LT 513840 - Lots 1 - 13, 16 - 71, 73 - 83, 151, 160 - 166, 170 - 174 and 200	Approved	24/11/2017

Engineering Approvals

There are **NO** Engineering approvals recorded.

If there are any conditions, then only that portion of the consent will be included in the attachments section. The applicant should satisfy themselves as to whether all conditions of resource consents for this property have been met.

Further Information

The Council may hold additional information for this property, for example concerning resource consents for discharges to air, land or water issued by the former Auckland Regional Council prior to 1 November 2010. If you would like Auckland Council to search for this type of information, please contact us.

Building

5 Hurihuri Road Redvale Auckland 0794

Application No.	Description	Issue Date	Status
BCO10263229	RBW - Single level dwelling	05/04/2018	CCC Issued 14/03/2019 (See Note 2)

Note	Description
2	Code Compliance Certificate (CCC) for this consent was issued.

Please note that prior to the Building Act 1991; Councils were not required to maintain full records of building consents [etc] issued under the Building Act. While Auckland Council has always endeavoured to maintain full records of pre-Building Act 1991 matters, not all records for this period have survived and in other cases where building work is documented, information may be incomplete. Council does not accept responsibility for any omission.

It is recommended that the Council property file is viewed and compared with the actual building and activities on site to identify any illegal or unauthorised building works or activities.

Compliance Schedules (Building Warrant of Fitness)

The Council has no record of a Compliance Schedule for this property/building.

If it is evident that any specified systems such as lifts or commercial fire alarms are present in the building, the owner must ensure there is a current compliance schedule or building warrant of fitness.

Swimming/Spa Pool Barriers

The Council has no record of a swimming pool or spa pool being registered on this property. Swimming pools and spa pools must have a barrier that complies with the Building Act 2004.

Pool barrier information is available for viewing at <http://www.aucklandcouncil.govt.nz>

Licences

There are NO current licences recorded

s44A(2)(ea) Information notified under Section 124 of the Weathertight Homes Resolution Services Act 2006

The Council has not been notified of any information under Section 124 of the Weathertight Homes Resolution Services Act 2006 relating to this property.

s44A (2)(f) Information relating to the use to which the land may be put and any conditions attached to that use

Purchasers or those intending to develop the land should satisfy themselves that the land is suitable for any intended use or future development proposal. In addition to any site specific limitations recorded below, general restrictions that apply across the region may be relevant to any development proposals on this property.

Auckland Unitary Plan - Operative in Part (AUP:OP)

The **Auckland Unitary Plan - Operative in part(AUP:OP)** applies to this property and should be carefully reviewed and considered, as it may have implications for how this property can be developed and/or used. Those parts of the Auckland Unitary Plan that are operative replace the corresponding parts of legacy regional and district plans. However, certain parts of the AUP:OP are the subject of appeals and have not become operative. If a property is subject to an appeal this will be identified on the attached Unitary Plan Property Summary Report. Where this is the case, both the Auckland Unitary Plan Decisions version and the legacy regional and district plans will need to be considered.

The AUP:OP zones, controls, overlays, precincts, and designations that apply to this property are set out in the Property Summary Report, which is attached to this memorandum.

The AUP:OP can be viewed here:

<https://www.aucklandcouncil.govt.nz/unitaryplan>

The legacy regional and district plans can be viewed here:

<https://www.aucklandcouncil.govt.nz/districtplans>

<https://www.aucklandcouncil.govt.nz/regionalplans>

The appeals to the AUP:OP can be viewed here:

<https://www.aucklandcouncil.govt.nz/unitaryplanappeals>

Auckland Council District Plan - Hauraki Gulf Islands Section (Operative 2013) (DP:HGI)

While the regional provisions in the AUP:OP apply to the Hauraki Gulf Islands, and are set out in the Property Summary Report attached to this memorandum, the AUP:OP does not contain any district provisions for the Hauraki Gulf Islands. If the Property Summary Report attached to this memorandum lists its zone as "Hauraki Gulf Islands", the district provisions that apply are in the Auckland Council District Plan Hauraki Gulf Islands Section (Operative 2013) (**DP:HGI**).

The relevant maps of the DP:HGI are attached to this memorandum, if applicable. The text of the DP:HGI can be found here:

<https://www.aucklandcouncil.govt.nz/haurakigulfislands>

Plan Changes and Notices of Requirement

Changes to the AUP:OP and DP:HGI may be proposed from time to time. These proposed plan changes may relate to either the maps or the text of those plans. Any proposed changes to the AUP:OP relevant to this property will be listed as a modification in the Property Summary Report attached to this memorandum. However, proposed changes to the DP:HGI will not appear on the Property Summary report. That information can be found on the Auckland Council website.

Please refer to the AUP:OP for information on any proposed Plan Changes or see the Auckland Council modifications website at:

<https://www.aucklandcouncil.govt.nz/unitaryplanmodifications>

Information relating to any proposed Plan Changes to DP:HGI can be found here:

<https://www.aucklandcouncil.govt.nz/aurakigulfislands>

From time to time a requiring authority, such as a Ministry of the Crown or a council controlled organisation, may notify Auckland Council that they require certain land to be designated for a certain purpose. If this property is the subject of such a notice of requirement, that notice may have implications for how this property can be developed or used from the date it is received by Council.

If this property is not on the Hauraki Gulf Islands, any notices of requirement applicable will be listed as a modification in the Property Summary Report attached to this memorandum.

If this property is on the Hauraki Gulf Islands, any notice of requirement will be available on the Auckland Council Website.

Information on all current notices of requirement can be found on the modifications page here:

<https://www.aucklandcouncil.govt.nz/unitaryplanmodifications>

Copies of the appeals to the Auckland Unitary Plan can be viewed online at:

<https://www.aucklandcouncil.govt.nz/unitaryplanappeals>

Auckland Unitary Plan

Please note that the Auckland Unitary Plan (Operative in part) applies to this property. The Unitary Plan should be carefully reviewed and considered, as it may have implications for how this property can be developed or used. Parts of the Unitary Plan that are relevant to this property relating to zones, overlays, controls, designations and other restrictions are identified in the Property Summary Report attached to this LIM.

The Unitary Plan can be accessed at Council service centres and libraries and can be found on the following internet page:

<http://www.aucklandcouncil.govt.nz/EN/planspoliciesprojects/plansstrategies/unitaryplan/Pages/home.aspx>

Information concerning Caveat, Bond, Encumbrance, Consent Notice and Covenant

For any information concerning Caveats, Bonds, Encumbrances, Consent Notices or Covenants, please refer to the Certificate of Title for this property.

s44A(2)(g) Information regarding the land which has been notified to Council by another statutory organisation

No information has been notified to Council.

s44A(2)(h) Information regarding the land which has been notified to Council by any network utility operator pursuant to the Building Act 1991 or Building Act 2004

Underground Services and District Plan maps are attached.

Please note: Height restrictions apply where overhead power lines cross the site. Works near water services utilities may require approval. Works near high-pressure Gas, Oil or LPG pipelines create risk of damage and must first be approved. Please contact the relevant Utility provider in your area for further information.

Any escape of gas or liquid from the pipelines is potentially dangerous and requires immediate action as soon as discovered (Dial 111 and ask for the Fire Service).

Attachments

As the placement of the building/s on the attached maps is based on aerial photography we cannot guarantee the accuracy. A formal survey will indicate the exact location of the boundaries.

- Auckland Unitary Plan Property Summary Report
- Auckland Unitary Plan - Operative in part Maps and Map Legend
- Auckland Council District Plan - Hauraki Gulf Islands Section (if applicable)
- Underground Services & Utilities Map and Map Legend
- Special Land Features Map and Map Legend

Please note Map Legends have been created for use across the region and may contain features which were not captured by the previous legacy Councils; therefore the information may not be available for these maps. Please contact the Resource Management Planning Team in your area for further information on any features which may or may not appear on your map.

- As Built Drainage Plan : BCO10263229 As built drainage plan
- Consent Conditions : LUC60314902 Decision
- Consent Conditions : SLC-60831 Decision
- Consent Conditions : RMA 52447 Decision

Auckland Unitary Plan Operative in part (15th November 2016) Property Summary Report

Address

5 Hurihuri Road Redvale 0794

Legal Description

LOT 62 DP 513840

Appeals

Modifications

Zones

Residential - Rural and Coastal Settlement Zone

Precinct

Weiti sub-precinct A, Sub-precinct

Controls

Controls: Macroinvertebrate Community Index - Exotic

Controls: Macroinvertebrate Community Index - Rural

Overlays

Designations



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Built Environment

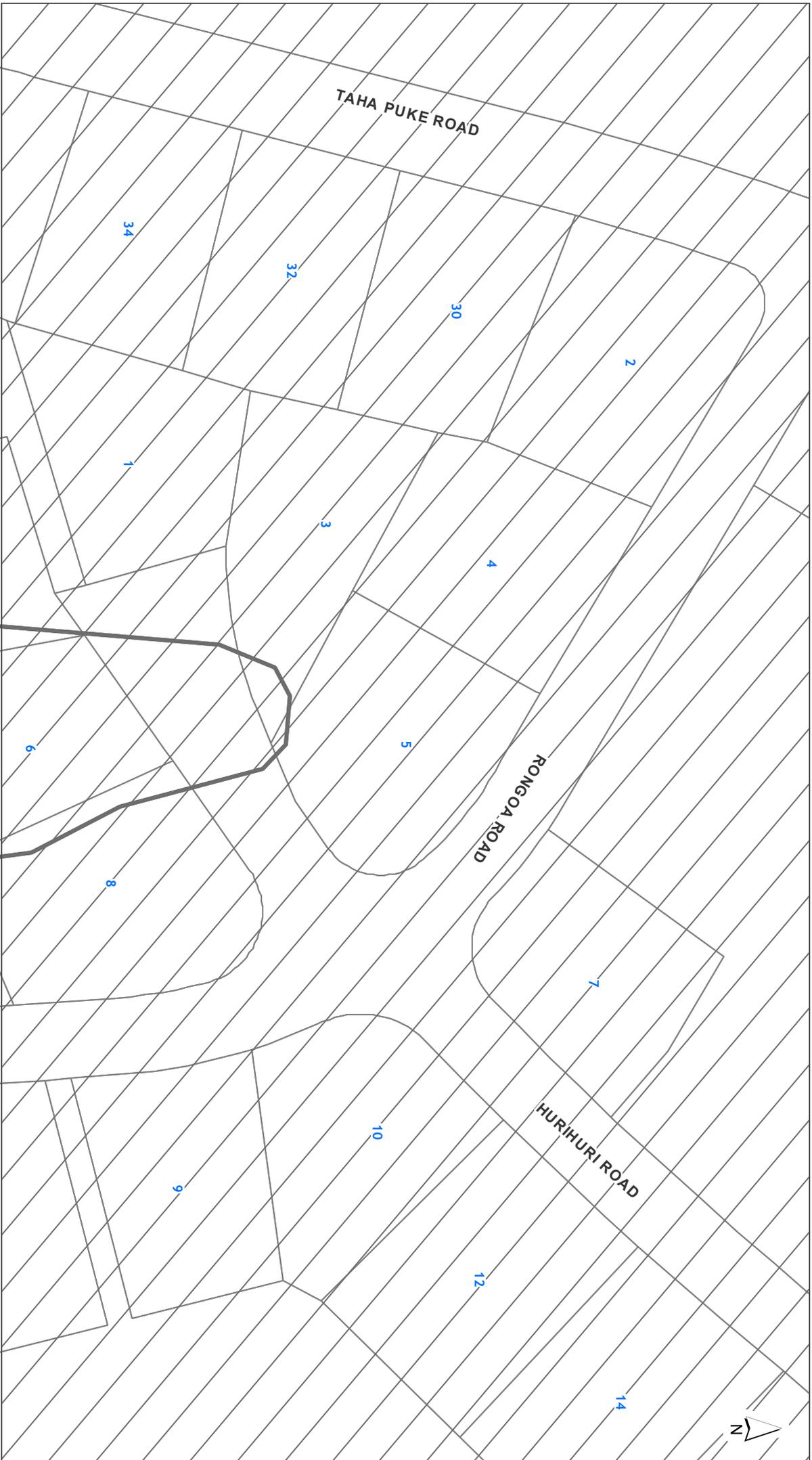
5 Hurihuri Road Redvale 0794

LOT 62 DP 513840



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Controls

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Designations

5 Hurihuri Road Redvale 0794

LOT 62 DP 513840



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Historic Heritage and Special Character
5 Hurihuri Road Redvale 0794
LOT 62 DP 513840

0 7 14 21
Metres
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Infrastructure

5 Hurihuri Road Redvale 0794

LOT 62 DP 513840



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Mana Whenua

5 Hurihuri Road Redvale 0794

LOT 62 DP 513840



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Natural Heritage

5 Hurihuri Road Redvale 0794

LOT 62 DP 513840



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Natural Resources

5 Hurihuri Road Redvale 0794

LOT 62 DP 513840



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Waiiti
sub-precinct C

Waiiti
sub-precinct A

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Precincts

5 Hurihuri Road Redvale 0794

LOT 62 DP 513840



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Zones and Rural Urban Boundary
5 Hurihuri Road Redvale 0794
LOT 62 DP 513840



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NOTATIONS

Appeals

-  Properties affected by Appeals seeking change to zones or management layers
-  Properties affected by Appeals seeking reinstatement of management layers

Proposed Plan Modifications

-  Notice of Requirements
-  Plan Changes

Tagging of Provisions:

- [i] = Information only
- [rp] = Regional Plan
- [rcp] = Regional Coastal Plan
- [rps] = Regional Policy Statement
- [dp] = District Plan (only noted when dual provisions apply)

ZONING

Residential

-  Residential - Large Lot Zone
-  Residential - Rural and Coastal Settlement Zone
-  Residential - Single House Zone
-  Residential - Mixed Housing Suburban Zone
-  Residential - Mixed Housing Urban Zone
-  Residential - Terrace Housing and Apartment Buildings Zone

Business

-  Business - City Centre Zone
-  Business - Metropolitan Centre Zone
-  Business - Town Centre Zone
-  Business - Local Centre Zone
-  Business - Neighbourhood Centre Zone
-  Business - Mixed Use Zone
-  Business - General Business Zone
-  Business - Business Park Zone
-  Business - Heavy Industry Zone
-  Business - Light Industry Zone

Open space

-  Open Space - Conservation Zone
-  Open Space - Informal Recreation Zone
-  Open Space - Sport and Active Recreation Zone
-  Open Space - Civic Spaces Zone
-  Open Space - Community Zone
-  Water [i]

Rural

-  Rural - Rural Production Zone
-  Rural - Mixed Rural Zone
-  Rural - Rural Coastal Zone
-  Rural - Rural Conservation Zone
-  Rural - Countryside Living Zone
-  Rural - Waitakere Foothills Zone
-  Rural - Waitakere Ranges Zone

Future Urban

-  Future Urban Zone
-  Green Infrastructure Corridor (Operative in some Special Housing Areas)

Infrastructure

-  Special Purpose Zone - Airports & Airfields
Cemetery
Quarry
Healthcare Facility & Hospital
Tertiary Education
Māori Purpose
Major Recreation Facility
School
-  Strategic Transport Corridor Zone

Coastal

-  Coastal - General Coastal Marine Zone [rcp]
-  Coastal - Marina Zone [rcp/dp]
-  Coastal - Mooring Zone [rcp]
-  Coastal - Minor Port Zone [rcp/dp]
-  Coastal - Ferry Terminal Zone [rcp/dp]
-  Coastal - Defence Zone [rcp]
-  Coastal - Coastal Transition Zone



Precincts

--- Rural Urban Boundary

--- Indicative Coastline [i]

Overlays

Natural Resources

- Terrestrial [rp/dp]
- Marine 1 [rcp]
- Marine 2 [rcp]
- Water Supply Management Areas Overlay [rp]
- Natural Stream Management Areas Overlay [rp]
- High-Use Stream Management Areas Overlay [rp]
- Natural } Lake Management Areas Overlay (Natural Lake and Urban Lake)
- Urban }
- High-Use Aquifer Management Areas Overlay [rp]
- Quality-Sensitive Aquifer Management Areas Overlay [rp]
- Wetland Management Areas Overlay [rp]

Infrastructure

- Airport Approach Surface Overlay
 - Aircraft Noise Overlay
 - City Centre Port Noise Overlay [rcp / dp]
 - Quarry Buffer Area Overlay
 - National Grid Subdivision Corridor
 - National Grid Substation Corridor
 - National Grid Yard Compromised
 - National Grid Yard Uncompromised
- } National Grid Corridor Overlay

Mana Whenua

- Sites & Places of Significance to Mana Whenua Overlay [rcp/dp]

Built Environment

- Identified Growth Corridor Overlay

Natural Heritage

- Notable Trees Overlay
- Outstanding Natural Features Overlay [rcp/dp]
- Outstanding Natural Landscapes Overlay [rcp/dp]
- Outstanding Natural Character Overlay [rcp/dp]
- High Natural Character Overlay [rcp/dp]
- Viewshafts
- Height Sensitive Areas
- Regionally Significant Volcanic Viewshafts & Height Sensitive Areas Overlay [rcp/dp]
- Regionally Significant Volcanic Viewshafts Overlay Contours [i]
- Locally Significant Volcanic Viewshafts Overlay [rcp/dp]
- Locally Significant Volcanic Viewshafts Overlay Contours [i]
- Modified
- Natural
- Ridgeline Protection Overlay
- Local Public Views Overlay [rcp/dp]
- Extent of Overlay
- Subdivision Schedule
- Waitakere Ranges Heritage Area Overlay

Historic Heritage & Special Character

- Historic Heritage Overlay Place [rcp/dp]
- Historic Heritage Overlay Extent of Place [rcp/dp]
- Special Character Areas Overlay Residential and Business
- Auckland War Memorial Museum Viewshaft Overlay [rcp/dp]
- Auckland War Memorial Museum Viewshaft Overlay Contours [i]
- Stockade Hill Viewshaft Overlay – 8m height area
- Stockade Hill Viewshaft [i]

Controls

- Key Retail Frontage
 - General Commercial Frontage
 - Adjacent to Level Crossings
 - General
 - Motorway Interchange Control
 - Centre Fringe Office Control
 - Height Variation Control
 - Parking Variation Control
 - Level Crossings With Sightlines Control
 - Arterial Roads
- } Building Frontage Control
- } Vehicle Access Restriction Control

- Business Park Zone Office Control
- Hazardous Facilities
- Infrastructure
- Emergency Management Area Control
- Macroinvertebrate Community Index
- Flow 1 [rp]
- Flow 2 [rp]
- Stormwater Management Area Control
- Subdivision Variation Control
- Surf Breaks [rcp]
- Cable Protection Areas Control [rcp]
- Coastal Inundation 1 per cent AEP Plus 1m Control

Designations

- Designations

- Airspace Restriction Designations



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Underground Services
5 Hurihuri Road Redvale 0794
LOT 62 DP 513840



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Stormwater

Note: Unless otherwise specified in the text below, the *colour* of a Stormwater symbol is determined by the ownership or usage status, using the following colour scheme: **Public**, **Private** or **Abandoned**

	Treatment Device		Overland Flowpath (Public)
	Septic Tank		Overland Flowpath (Private)
	Septic Tank (Hi-Tech)		Forebay (Public)
	Soakage System		Forebay (Private)
	Inspection Chamber		Treatment Facility (Public)
	Manhole (Standard / Custom)		Treatment Facility (Private)
	Inlet & Outlet Structure		Treatment Facility (Public)
	Inlet & Outlet (No Structure)		Pump Station (Private)
	Catchpit		Planting
	Spillway		Embankment
	Safety Benching		Viewing Platform
	Culvert / Tunnel		Bridge
	Subsoil Drain		Erosion & Flood Control (Other Structure)
	Gravity Main		Erosion & Flood Control (Wall Structure)
	Rising Main		
	Connection		
	Fence		
	Lined Channel		
	Watercourse		

Water

	Valve		Other Watercare Point Asset
	Hydrant		Other Watercare Linear Asset
	Fitting		Local Pipe (Bulk)
			Local Pipe (In Service)
			Local Pipe (Abandoned)
			Transmission Pipe (In Service)
			Transmission Pipe (Out of Service)
			Transmission Pipe (Proposed)
			Pump Station
			Reservoir
			Other Structure (Local)
			Chamber (Transmission)
			Water Source (Transmission)
			Other Watercare Structures and Areas

Wastewater

	Fitting		Transmission Pipe (Proposed)
	Fitting (Non Watercare)		Chamber
	Manhole		Structure (Non Watercare)
			Pump Station
			Wastewater Catchment

Utilities

	Transpower Site		Indicative Steel Mill Slurry Pipeline
	Pylon (Transpower)		Fibre Optic Cable (ARTA)
			Contour Interval

Legend updated: 15/08/2019



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Hazards

5 Hurihuri Road Redvale 0794

LOT 62 DP 513840



Scale @ A4
= 1:1,000
Date Printed:
15/06/2020



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Natural Hazards - Coastal Inundation

5 Hurihuri Road Redvale 0794

LOT 62 DP 513840



Scale @ A4
= 1:1,000
Date Printed:
15/06/2020

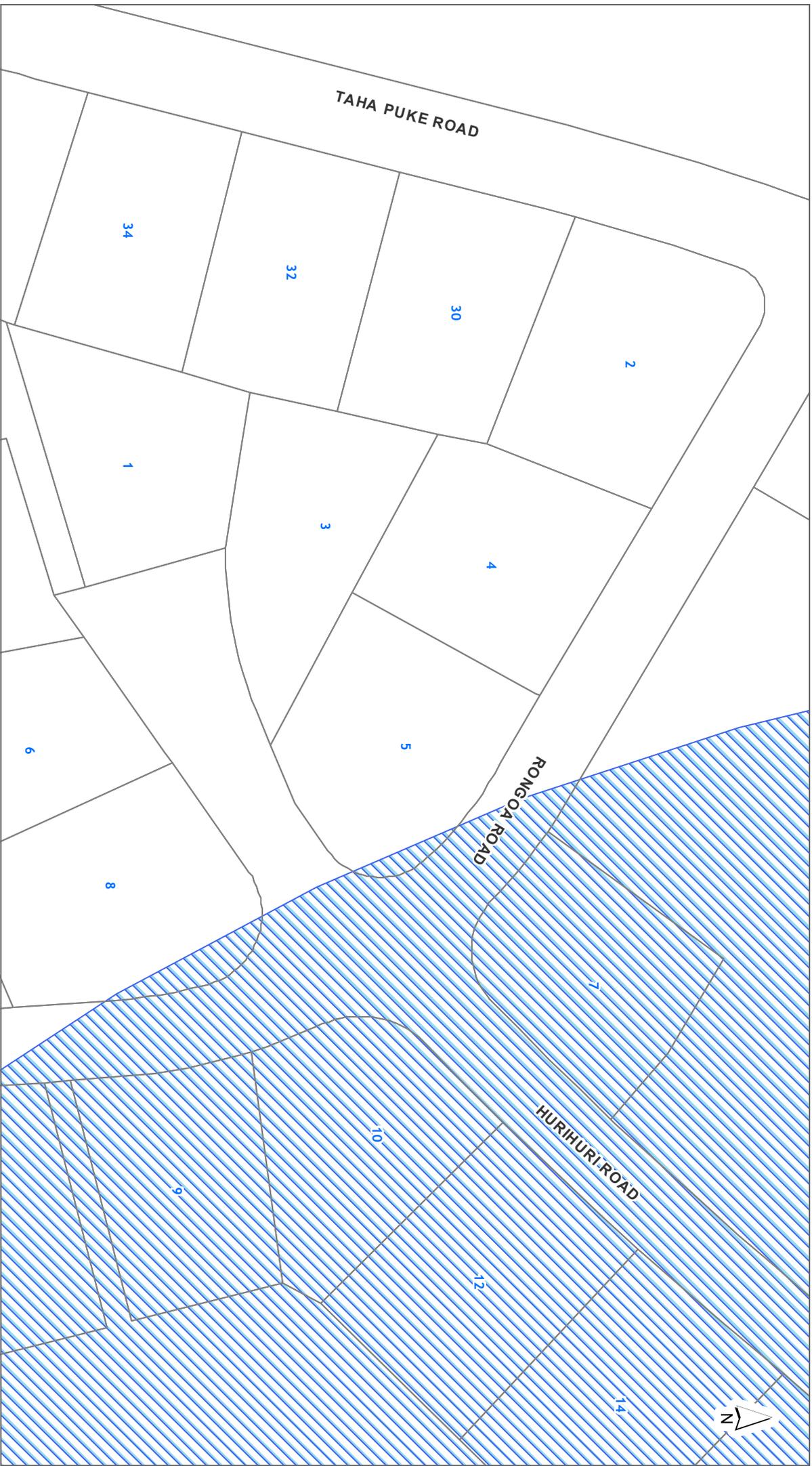


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Natural Hazards - Flooding
5 Hurihuri Road Redvale 0794
LOT 62 DP 513840

0 6.5 13 19.5
Meters

Scale @ A4
= 1:1,000
Date Printed:
15/06/2020



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Natural Hazards - Sea Spray
5 Hurihuri Road Redvale 0794
LOT 62 DP 513840



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15/06/2020



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Natural Hazards - Volcanic Cones
5 Hurihuri Road Redvale 0794
LOT 62 DP 513840



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Other

5 Hurihuri Road Redvale 0794

LOT 62 DP 513840



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Date Printed:
15/06/2020

Hazards

-  Soil Warning Area
-  Fill (Franklin District only)
-  Advisory (Franklin District only)
-  Contamination (Franklin District only)
-  Erosion (Franklin District only)
-  Hazardous Activities & Industries List (HAIL) (Franklin District only)
-  Inundation (Franklin District only)
-  Rainfall Event (Franklin District only)
-  Slippage (Franklin District only)
-  Subsidence (Franklin District only)
-  Slippage / Subsidence / Erosion etc (Auckland City and Papakura District only)
-  Uncertified Fill (Auckland City and Papakura District only)
-  Organic Soil (Auckland City and Papakura District only)
-  Filled / Weak Ground (Auckland City and Papakura District only)
-  Refuse Tips Site / Weak Area (Auckland City and Papakura District only)
-  Unstable / Suspected Ground (Auckland City and Papakura District only)
-  Allochthon Waitemata (Rodney District only)
-  Motatau Complex (Rodney District only)
-  Puriri Mudstone (Rodney District only)
-  Mahurangi Limestone (Rodney District only)
-  Mangakahia Complex (Rodney District only)
-  Hukerenui Mudstone (Rodney District only)
-  Whangai Formation (Rodney District only)
-  Tangihua Complex (Rodney District only)
-  within 150m of Northland Allochthon (Rodney District only)

Hazards

-  Soil Warning Area continued
-  Soil D (Rodney District only)
-  within 150m of Soil D (Rodney District only)
-  Soil C (Rodney District only)
-  within 150m of Soil C (Rodney District only)
-  Soil B (Rodney District only)
-  within 150m of Soil B (Rodney District only)
-  Soil A (Rodney District only)
-  Gas Main Pipeline
-  Petroleum Pipeline
-  Closed Landfill (Auckland Council owned)
-  Closed Landfill (Privately owned)
-  Air Discharge (Franklin District only)
-  No Soakage (Franklin District only)
-  Indicative Steel Mill Slurry Line 20m Buffer (Franklin District only)
-  Indicative Steel Mill Water Line 20m Buffer (Franklin District only)

Natural Hazards

-  Overland Flow Path
-  Catchment area 2000m² to 3999 m²
-  Catchment area 4000 m² to 3 Ha
-  Catchment area 3 Ha and above
-  1% AEP Flood Plain
-  Flood Prone Areas
-  Flood Sensitive Areas
-  Sea Spray
-  Volcanic Cones

-  Coastal Inundation 1% AEP
-  Coastal Inundation 1% AEP plus 1m sea level rise
-  Coastal Inundation 1% AEP plus 2m sea level rise

Other

-  Cultural Heritage Index
-  Archaeological Site
-  Hayward and Diamond
-  Historic Botanical Site
-  Historic Structure
-  Maori Heritage Area
-  Maritime Site
-  Reported Historic Site

The information Council holds in relation to Special Land Features differs based on the area a property is located in. Those areas where information is held on a Special Land Feature is denoted in the legend above.

APPROVED

By Dayna Ellery at 1:17 pm, Mar 08, 2019



As built underslab plumbing drainage plan

This as-built plan must be made available at time of inspection

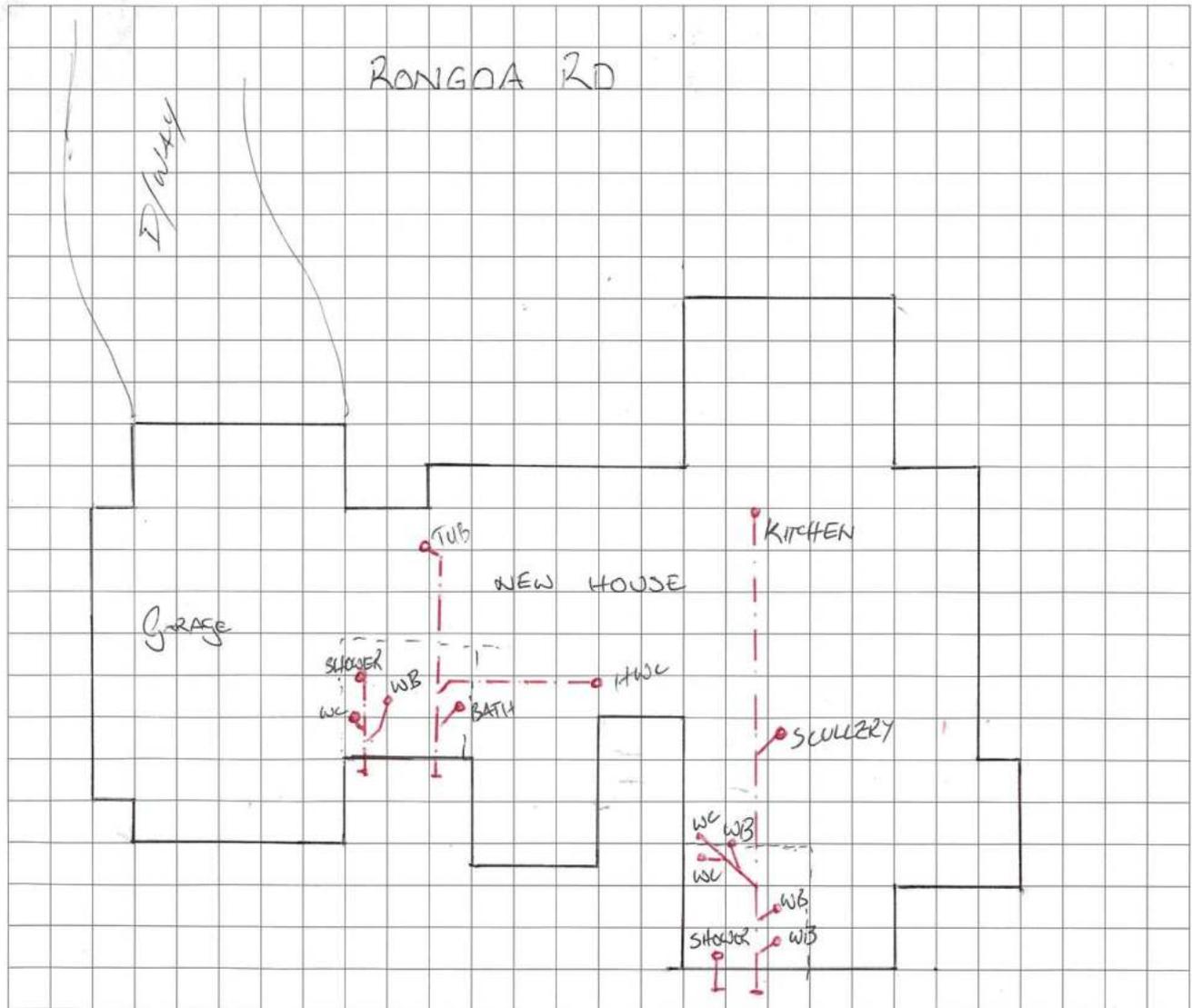
Underslab Drainage

Building consent number: BCO 10263229 Owner: _____
Street address: 6 Rongoa Road Redvale Auckland 0794
prev. known as 5 Hurihuri Rd, Redvale 0794
Lot number: 62 DP number: 513840
Drainlayer: Rhys Windybank Registration number: 13514

Note: Please provide figures/measurements from a defined point of reference.

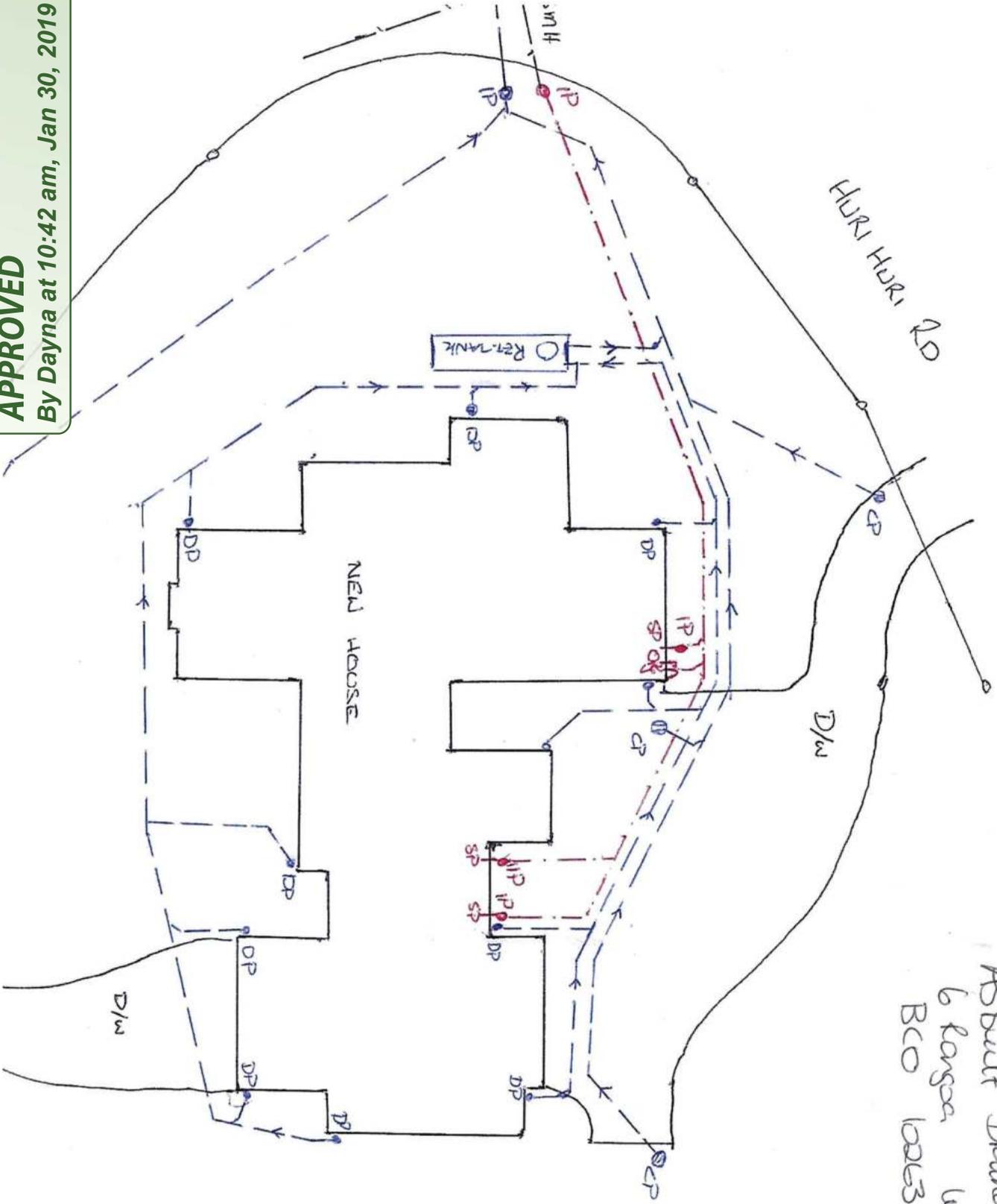
Date submitted: _____

Note: Use black ink for building outline. Denote stormwater as S/W..... and sanitary sewer as S/S.....



APPROVED

By Dayna at 10:42 am, Jan 30, 2019



AS Built Drainage
to Ranga West Bay
BCO 10043 201

RECEIVED
12/12/18
Auckland Council

Decision on an application for resource consent(s) under the Resource Management Act 1991



Restricted discretionary activity for a residential activity

Application number: LUC60314902
Applicant: Build North Auckland (trading as Landmark Homes)
Site address: 6 Rongoa Road, Redvale 0794
Legal description: Lot 62 513840
Proposal:

To construct a new dwelling within Weiti Precinct Sub-precinct A, involving a building coverage of 353.7m², an impermeable area of 38.4% of net site area and earthworks of 974m³ over an area of 1537m² and the encroachment of both front yards (corner site).

The resource consents required are:

Land use consents (s9) – LUC60311848

Auckland Unitary Plan (Operative in part)

District land use (operative plan provisions)

Residential – Rural and Coastal Settlement zone (Weiti Precinct, sub-precinct A)

- The application involves the construction of a new dwelling located in the Weiti Bay sub-precinct A. This is a controlled activity under **Table I547.4.1(A1)**.
- The application exceeds an impervious area of 35% of net site area (being 38.4%). This is a restricted discretionary activity under rule **H2.6.8(1)**.
- The application exceeds a building coverage of 200m² (being 353.7m²). This is a restricted discretionary activity under rule **H2.6.9(1)**.
- The application involves the encroachment of the front yard (Rongoa Road) to a depth of approximately 0.7m for a length of approximately 2m. This is a restricted discretionary activity under **Rule H2.6.7.1**.
- The application involves a second encroachment of the front yard (Rongoa Road) to a depth of approximately 0.5m for a length of approximately 1m. This is a restricted discretionary activity under **Rule H2.6.7.1**.
- The application involves a third encroachment of the front yard (Huri Huri Road) to a depth of approximately 1.1m for a length of approximately 2.8m. This is a restricted discretionary activity under **Rule H2.6.7.1**.
- The application involves earthworks of 974m³ over an area of 1537m². This is a restricted discretionary activity under rules under **E12.4.1(A4)** and **E12.4.1(A8)** respectively.

Overall the proposal is a restricted discretionary activity.

Decision

I have read the application, supporting documents, and the report and recommendations on the application for resource consent. I am satisfied that I have adequate information to consider the matters required by the Resource Management Act 1991 (RMA) and make a decision under delegated authority on the application.

Acting under delegated authority, under sections 104, 104C and Part 2 of the RMA, the resource consent is **GRANTED**.

Reasons

The reasons for this decision are:

1. In accordance with an assessment under ss104(1)(a) and (ab) of the RMA the actual and potential effects from the proposal will be less than minor and acceptable as:
 - a. The design of the proposed dwelling incorporates techniques to avoid adversely impacting upon the sensitive landscapes or on the natural character of the coast as demonstrated by the chosen cladding and single-storey design. The exceedance of the building coverage and impervious area standards will not adversely affect the amenity values for the owners/occupiers of adjacent sites or the residential character anticipated for the wider environment due to the scale of the infringement, the large site size on a residential scale and the amount of open space that will remain. The three encroachments into the front yards (being a corner site) are isolated in nature and will not adversely affect amenity values for the owners/future occupiers of adjacent sites.
 - b. The proposed dwelling will be sited as such that it will integrate into the landform as far as is practicable within the confines of the density proposed for the site, in order to minimise adverse effects on landscape values as well as to minimise or control sediment runoff. Council's Development Engineer has reviewed the application and confirmed the proposal is acceptable from an engineering perspective.
 - c. Any traffic or noise related construction effects as a result of the proposal will be limited to a short period of time and will be similar to the future construction effects anticipated for dwelling construction on the adjacent lots which are all currently vacant.
2. In accordance with an assessment under s104(1)(b) of the RMA the proposal is consistent with the relevant statutory documents. In particular the objectives and policies of the Rural and Coastal Settlement zone area located in H2.2(1-4) and H2.3(1-7) and the objectives and policies of the Weiti Precinct, Sub-precinct A are located in I547.2(1-15) and I547(1-14). The proposal for a single residential dwelling is considered to be consistent with these objectives and policies which pertain to maintaining the area's rural and coastal character, landscape qualities and natural features. The proposed design will not adversely affect immediate neighbours in respect of sunlight access, privacy and visual dominance and as the site has been recently created the construction of a single-dwelling within this site is anticipated. Additional traffic and noise effects throughout the construction phase will be temporary and within normal working hours and are considered necessary for the facilitation of the proposed residential development.

The objectives and policies pertaining to Land Disturbance – District are located in E12.2.1 and E12.3(1-6). The proposed earthworks required for dwelling construction are considered

to be in accordance with these objectives and policies as confirmed by assessment by Council's Development Engineer who raised no issues in regard to this proposal. Erosion and sediment controls will be constructed and carried out in accordance with Councils' GD05 (Erosion and Sediment Control Guide for Land Disturbing Activities in the Auckland Region).

3. As a restricted discretionary activity no other matters can be considered under s104(1)(c) of the RMA.
4. Overall the proposal is considered to be consistent with Part 2 of the RMA by promoting the sustainable management of natural and physical resources. In particular, the proposal will provide for the wellbeing of the applicant, while avoiding, remedying and mitigating adverse effects of the proposal on the environment. Overall the cumulative safeguards of sections 5(2)(a) to (c) have been met and the proposal thereby meets the purpose of the RMA. The proposal is further consistent with sections 6, 7 and 8 in Part 2 in terms of considerations that include the efficient use of resources, amenity values and quality of the environment.

Conditions

Under sections 108 and 108AA of the RMA, this consent is subject to the following conditions:

1. The restricted discretionary activity shall be carried out in accordance with the documents and drawings and all supporting additional information submitted with the application, detailed below, and all referenced by the council as resource consent number LUC60314902.
 - Application Form and Assessment of Environmental Effects prepared by Haden Mills of Code Planning.
 - Plans signed and dated by Council on the 22/02/2018.

Drawing title and reference	Author	Rev	Dated
Site Plan – Sheet No. 01	Landmark Homes	-	August 2017
Earthworks and Impervious Area Site Plan – Sheet No. 01A	Landmark Homes	-	August 2017
Elevations, Roof Plan & Reflective Ceiling Plan – Sheet No. 02	Landmark Homes	-	August 2017
Floor Plan – Sheet No. 03	Landmark Homes	-	August 2017

2. Under section 125 of the RMA, this consent lapses five years after the date it is granted unless:
 - a. The consent is given effect to; or
 - b. The council extends the period after which the consent lapses.
3. The consent holder shall pay the council an initial consent compliance monitoring charge of \$320 (inclusive of GST), plus any further monitoring charge or charges to recover the actual and reasonable costs incurred to ensure compliance with the conditions attached to this consent.

4. All *earthworks* shall be specifically designed to the “Standards for Engineering Design and Construction” and NZS 4431 by a Chartered Professional Engineer experienced in soil mechanics. The work shall be designed and executed in general accordance with the *Weiti Bay Stage 1 - Geotechnical completion report by Beca, dated 24 October 2017*.
5. The Team Leader, Compliance Monitoring, Orewa, shall be notified at least five (5) working days prior to earthwork activities commencing on the subject site.

Advice Note *Condition 5 requires the consent holder to notify Council of their intention to begin earthworks a minimum of five working days prior to commencement. Such notification should be sent to the Orewa Compliance Administrator at ResourceConsentAdmin@aucklandcouncil.govt.nz or 0800 4265169 to advise of the start of works.*

6. All excavation, including of that for water tanks, pools, retaining walls, permanent building foundations and the placement and compaction of fill material shall be supervised by a suitably qualified engineering professional. In supervising the works, the suitably qualified engineering professional shall ensure that they are constructed and otherwise completed in accordance with *Earthworks site plan by Landmark Homes sheet 01A, dated August 2017*
7. Certification from a suitably qualified engineering professional responsible for supervising the works shall be provided to the Team Leader, Compliance Monitoring Orewa confirming that the works have been completed in accordance with NZS 4431, within ten (10) working days following completion. Written certification shall be in the form of a geotechnical completion report, producer statement or any other form acceptable to Council.
8. All earthworks shall be managed to ensure that no debris, soil, silt, sediment or sediment-laden water is discharged beyond the subject site either to land, stormwater drainage systems, watercourses or receiving waters. In the event that a discharge occurs, works shall cease immediately and the discharge shall be mitigated and/or rectified to the satisfaction of the Team Leader, Compliance Monitoring, Orewa
9. Prior to the commencement of earthworks activity on the subject site, a finalised Erosion and Sediment Control Management Plan (ESCP) shall be prepared in accordance with Auckland Council GD05 *and* submitted to the Team Leader, Compliance Monitoring Orewa. No earthworks activity on the subject site shall commence until confirmation from council is provided that the ESCP satisfactorily meets the requirements of GD05, and the erosion and sediment control measures referred to in that plan have been constructed.

The Erosion and Sediment Control Plan should contain sufficient detail to address the following matters:

- *specific erosion and sediment control works (location, dimensions, capacity)*
- *details of construction methods*
- *timing and duration of construction and operation of control works (in relation to the staging and sequencing of earthworks)*
- *details relating to the management of exposed areas (e.g. grassing, mulching)*

10. There shall be no deposition of earth, mud, dirt or other debris on any public road or footpath resulting from earthworks activity on the subject site. In the event that such deposition does occur, it shall immediately be removed. In no instance shall roads or footpaths be washed down with water without appropriate erosion and sediment control measures in place to prevent contamination of the stormwater drainage system, watercourses or receiving waters.
11. All earthworks shall be managed to ensure that they do not lead to any uncontrolled instability or collapse affecting either the site or adversely affecting any neighbouring properties. In the event that such collapse or instability does occur, it shall immediately be rectified.
12. Within 10 working days following the completion or abandonment of earthworks on the subject site all areas of bare earth shall be permanently stabilised against erosion to the satisfaction of Team Leader, Compliance Monitoring, Orewa.

Advice notes

1. *Any reference to number of days within this decision refers to working days as defined in s2 of the RMA.*
2. *For the purpose of compliance with the conditions of consent, “the council” refers to the council’s monitoring inspector unless otherwise specified. Please contact monitoring@aucklandcouncil.govt.nz to identify your allocated officer.*
3. *For more information on the resource consent process with Auckland Council see the council’s website: www.aucklandcouncil.govt.nz. General information on resource consents, including making an application to vary or cancel consent conditions can be found on the Ministry for the Environment’s website: www.mfe.govt.nz.*
4. *If you as the applicant disagree with any of the above conditions, and/or disagree with the additional charges relating to the processing of the application, you have a right of objection pursuant to sections 357A or 357B of the Resource Management Act 1991. Any objection must be made in writing to the council within 15 working days of your receipt of this decision (for s357A) or receipt of the council invoice (for s357B).*
5. *The consent holder is responsible for obtaining all other necessary consents, permits, and licences, including those under the Building Act 2004, and the Heritage New Zealand Pouhere Taonga Act 2014. This consent does not remove the need to comply with all other applicable Acts (including the Property Law Act 2007 and the Health and Safety at Work Act 2015), regulations, relevant Bylaws, and rules of law. This consent does not constitute building consent approval. Please check whether a building consent is required under the Building Act 2004.*
6. *The initial monitoring deposit is to cover the cost of inspecting the site, carrying out tests, reviewing conditions, updating files, etc., all being work to ensure compliance with the resource consent. In order to recover actual and reasonable costs, monitoring of conditions, in excess of those covered by the deposit, shall be charged at the relevant hourly rate applicable at the time. The consent holder will be advised of the further monitoring charge. Only after all conditions of the resource consent have been met, will the council issue a letter confirming compliance on request of the consent holder.*

Delegated decision maker:

Name: Simon Titter

Title: Senior Planner, Resource Consents

Signed:

A handwritten signature in blue ink, appearing to be 'ST', is written over a horizontal dotted line.

Date: 22/02/2018

Decision on Applications for Resource Consent under the Resource Management Act 1991



Application Number(s):	<ul style="list-style-type: none">• 5-80151 (Consented Land Use Subspace)• REG-00015 (Footpaths)• REG-00843 (Stormwater Treatment)• REG-00820 (Street Closures)
Applicant's Name:	Wool Development Limited Partnership
Site Address:	16-18 East Coast Road, 1061
Legal Description:	Lot 1 of Unit 1 DP 165411
RCTN map reference:	1:50000 19 5941957.59

Proposal: Wool Development Limited Partnership seeks consent to develop 16-18 East Coast Road, Unit 1, and its associated works within the Greenbelt and Conservation Policy Area within the Special 3 (Wool Forest Park) Zone of the Auckland Council District Plan (Rural) Section. This involves the subdivision and subsequent establishment of 171 lots and 21 auxiliary lots for joint access, open space, parking and drainage purposes within Wool Village Policy Area 2; soil and landscaping, landscape works, vegetation clearance, erosion and discharge of stormwater and raw water runoff within Wool Village Policy Area 2 and the Greenbelt and Conservation Policy Area.

The information is available at: [http://www.aucklandcouncil.govt.nz](#)

Land use consents (e9) – R/LUC

Auckland Council District Plan (Rural) Section

- The proposal seeks consent to create 171 lots and 21 auxiliary lots for joint access, open space, parking and drainage purposes within Wool Village Policy Area 2. Under Rule 12.5.0.20.2 this is a permitted discretionary activity.
- The proposal seeks to undertake an 850,000 m³ cubic fill business operation over a 2000 area of 25 hectares, which includes earthworks within the Greenbelt and Conservation Policy Area. Under Rules 12.5.0.7.2 and 16.1.2.2 earthworks exceeding 200m³ within the Greenbelt and Conservation Policy Area requires consideration as a Restricted Discretionary Activity.
- The proposal seeks to undertake an 850,000 m³ cubic fill business operation over a 2000 area of 25 hectares, which includes earthworks within Wool Village Policy Area 2. Under

Rules 12.8.87.2 and 12.9.2 earthworks exceeding 250m² within an area of 1000m² within the Wet Village Policy Areas 1 and 2 requires consideration as a Restricted Discretionary activity.

- The proposed works include an 850,000m² cut to fill to create a waterway which includes earthworks within 10m of a waterway in the Greenbelt and Conservation Policy Area. Under Rules 12.8.87.2 and 7.9.4.2 earthworks within 10m of a watercourse within the Greenbelt and Conservation Policy Area require consideration as a Restricted Discretionary activity.
- The proposed works include an 850,000m² cut to fill to allow operation which would result in wetland modification exceeding 250m² within the Greenbelt and Conservation Policy Area. Under Rules 12.8.87.2 and 7.9.4.3.1 earthworks which result in the modification of wetlands and natural watercourses by more than 250m² within the Greenbelt and Conservation Policy Area requires consideration as a Restricted Discretionary activity.
- The proposed works to undertake wetland modification through the realignment of the waterway intermittent stream and its associated pump out/return systems within Wet Village Policy Area 2. Under Rules 12.8.87.2 and 10.8.2 (wetlands) the modification of more than 100m² of any wetland not listed within a Significant Natural Area (SNA) requires consideration as a Restricted Discretionary activity.
- The proposed works to remove vegetation in association with the realignment of the intermittent stream within the waterway of the operational area within Wet Village Policy Area 2. Under Rules 12.8.87.2 and 10.8.3, vegetation removal greater than 250m² within the Wet Village Policy Areas 1 and 2 requires consideration as a Restricted Discretionary activity.
- The proposed works to install permanent stormwater treatment and flow attenuation ponds greater than 150m² in area within Wet Village Policy Area 2 and the Greenbelt and Conservation Policy Area. Under Rule 9.2.4 this requires consideration as a Discretionary activity.
- The proposed works to undertake earthworks necessary for the establishment of stormwater channels within Wet Village Policy Area 2 and the Greenbelt and Conservation Policy Area. Under Rule 12.8.1 this requires consideration as a Discretionary activity.
- The proposed partly paved access driveway which provides access to more than three lots. Under Rule 23.9.6.2 and Rule 23.9.1.1 this requires consideration as a Restricted Discretionary activity.
- The proposed partly paved access driveway have a legal width of 0.0 metres and a non-highway width of 4.0 metres. Under Rule 23.9.6.3 and 21.10.1.2 the partly paved access drive will exceed the maximum permitted width of 6.0 metres, requiring consideration as a Restricted Discretionary activity.
- The proposed works to create access via an existing road to be upgraded as part of the wider Special S Zone development, however to remain unsealed or maintained by the Council. Under Rule 12.8.11 this requires consideration as a Restricted Discretionary activity.

- The proposal would provide access to a road network via a road that has not been constructed. Under Rule 21.04.1, this requires consideration as a Restricted Discretionary activity.
- The proposal would result in the intersection of road 14 and road 2, constituting an endpoint from NZTA that have access and intersections are proposed. Under Rule 21.07.1, this requires consideration as a Restricted Discretionary activity.

Auckland Council Regional Plan Section Control

- The proposal would result in soil disturbance activities exceeding 2,250m² in a Sediment Control Fracture Area (SCFA) and on land with a slope greater than or equal to 15 degrees. Under Rule 7.3.1 consideration is required as a Restricted Discretionary activity.

Auckland Council Regional Plan Air, Land & Water (AORPLAW)

- The proposal would result in the diversion and discharge of stormwater. Under Rule 5.4, this requires consideration as a Discretionary activity.
- The proposal would result in the replacement of an existing culvert and placement of a new culvert within the eastern (downstream) stream resulting in a progressive encroachment of 60m. Under Rule 7.5.8 consideration is required as a Restricted Discretionary activity.

Proposed Auckland Unitary Plan (PAUP)

- The proposal would result in vegetation greater than 2,500m² and 2,000m in the Rural and Coastal Settlement Zone. Under Rule 4.7.1 consideration is required as a Restricted Discretionary activity.
- The proposal would result in vegetation greater than 2,000m² and 2,000m in the Rural Conservation Zone. Under Rule 4.7.1 consideration is required as a Restricted Discretionary activity.
- The proposal would result in earthworks within the 100 year AR Floodplain greater than 1,000m² and 1,000m². Under Rule H4.2.1.2 consideration is required as a Restricted Discretionary activity.
- The proposal would result in the placement of structures (retents) located within an overland flow path. Under Rule 4.12.1 outside 200' is required as a Discretionary activity.
- The proposal would result in the diversion of the western intermittent stream (900' long). The diversion would occur outside of the Significant Ecological Area. Under Rule H4.13.1, consideration is required as a Discretionary activity.
- The proposal would require new public roads to be opened by a new controlling authority exceeding 2,000m² in various zones. Under Rule H4.14.1, consideration is required as a Restricted Discretionary activity.

- The proposed work will not be in the discharge of stormwater from Impervious areas not otherwise authorized. Under Rule H.4.14.1, consideration of impervious areas is a discretionary activity.
- The proposed work will not be in the discharge of stormwater from Impervious areas not otherwise authorized. Under Rule H.4.14.2, consideration of impervious areas is a discretionary activity.

I have read the applicant's supporting documents, and the report and recommendations on the concept application(s) I am notified to. I have sufficient information to consider the matters required by the Resource Management Act 1991 (RMA) and make a decision under delegated authority on the application(s).

Acting under delegated authority, under sections 104, 104B, 105 & 107 the application(s) are GRANTED.

1. Reasons

Under section 13 of the RMA, the reasons for the decision are:

In accordance with an assessment under s10(1)(g) of the Resource Management Act 1991 the actual and potential adverse effects from the proposed are considered acceptable for the following reasons:

- The earthworks proposed to achieve the subdivision would enhance a suitable gradient providing for suitable existing services installation of infrastructure to support the development and geotechnical remediation to secure steeply graded in the existing built environment of Policy Area 2.
- While the earthworks proposed would generate modification to the soil surface a stabilized area the earthworks have been designed to retain the overall rolling landform pattern. Therefore the natural character of the area, presently soil landform characteristics would not be drastically altered.
- The proposal will provide a number of public amenities. These amenities would secure the public interest and generate a range of positive social benefits, contributing to the long-term sustainability of the development. The Community Parks and Open Space Specialist Mr Neil Wilson is supportive of the application overall subject to conditions of consent.
- A similar density is intended for other sections to the east of the subject site. The mandated provision of over 200 lots would contribute positively toward helping to meet Auckland's housing needs and the development would provide for high quality housing in suitable areas.
- The location, form and general layout of site-specific works within the Work area were previously developed through the master planning process, which has been incorporated into the Special zoning resource consent, the Waikāwhiri Master Plan and the Current District Plan.
- The procurement of open space areas, protection of existing natural bush areas and the management of new waste enhancement planting across 122 hectares will help under the ecological and natural character values associated with the Work area and offer the long-term environment of the site for residential purposes. The applicant will not compromise the Greenbelt and Conservation Policy Area.
- The proposed earthworks will be managed appropriately as to conserve the residential purpose of the site and would generate no more than minor effects in terms of visual

- adverse effects. Council specialists have reviewed the application and are supportive overall subject to the imposition of conditions which have been accepted by the applicant, accordingly:
- o The Council's Development Engineer, Mr Carl van Urie has reviewed the proposed zoning for this development and considers that zoning of the development can be provided in a manner that would minimize or mitigate adverse effects upon the surrounding environment. I concur with these findings.
 - o The proposed development is not considered to have an adverse effect upon water quality as a result of the onsite stormwater mitigation and treatment measures that have been proposed as part of the application. The Council's Consent and Compliance Advisor, Mr Jason Gunn concludes overall that any effects of the proposed works on the environment are minor and acceptable and less than minor. This is based on the maintenance of the proposed stormwater management system in good condition 'mitigate effects in accordance with application commitments'
 - o The proposed development is not expected to generate more than minor adverse effects upon the natural and cultural heritage values of the surrounding area and it, noting the archaeological features and the Kaikōwhiri National Historic Area and would be suitably landscaped (greater than 50m) from the wetland as proposed within the application.
 - o The proposed enhancement planting that would enhance the ecological health of the area through the permanent protection of this land, and help offset the development effects associated with the proposed subdivision of Policy Area 2 through comprehensive restoration of this area, creating ecological and biodiversity benefits.
 - o Further mitigation measures (conditions of consent) such as the implementation of post and over control, silt trap cleaning, maintenance of planting and monitoring programmes will ensure the success of enhancement planting as proposed. The Council's Ecologist, Mr Shaun Butane has confirmed that the implementation of proposed mitigation measures will ensure the proposed development effects that are not more than minor, subject to appropriate conditions of consent ensuring these measures are adhered to.
 - o With regard to the proposed stream works (as discussed above) the ecological value of the stream system is low and does not support freshwater purposes or mahinga. As such, the diversion of the stream and associated earth works are considered to result in no more than minor effects overall.
 - o It is considered that the works can proceed without adversely affecting the safe and sustainable operation of the road network, in particular the of First Coast Road. The Council's Traffic Engineer is supportive of the proposal subject to conditions.
- As outlined above the adverse effects are considered to be minor and less than minor. Taking into account the nature of site control, including the zoning but not yet implemented (rule 8.1(5)(b) 52447) which expires in 2015, the commencement of the application site for residential purposes aligns with the year of development and also under the District Plan within the Well-Being Social 9 zone. The use of separate infrastructure responses would ensure an increased use of this area parcel which would seek to maintain and reinforce natural character values associated with the area through the appropriate location, form and design of the subdivision. Provided that all proposed mitigation measures including proposed conditions of consent are implemented it is considered that on balance the risks and potential effects of the development would be acceptable.
 - Section 125 of the RMA requires that if a resource consent is not given effect to within five years of the date of the commencement (or any other time as specified) it automatically lapses unless the consent authority has granted an extension. In this case it is considered eight years is an appropriate period for the consent holder to implement the subdivision consent due to the scale and complexity of the application.

- In accordance with an assessment under s104(1)(c) of the Resource Management Act the project will be consistent with the relevant statutory documents in particular with the relevant objectives, policies and assessment criteria of the RPS, NZDPS, HEMFA, AUPPS, PAUP, AUPM(S), ACRP(A)P, ACRP(R)S in terms of the proposed residential activity within the Whiti Social 2 zone that would seek to maintain and enhance the surrounding environment and integrate with existing (but not yet implemented) infrastructure residential development within the area.
- In accordance with an assessment under s104(1)(d) of the Resource Management Act other matters, such as monitoring and conditions of consent have been taken into account. In particular, conditions have been imposed to ensure that the effects generated by the development will be no greater than or significantly different to what has been assessed, and considered appropriate as part of the assessment and certification. General site access conditions of consent apply together with regional consenting matters related to water diversion and discharge, stream works and catchments. Conditions imposed in the submission include the requirement to provide water and electrical plans prior to the commencement of work, to maintain construction and health and safety amongst other matters as well as bonding for sediment and turbidity control of the site which is to occur over the steps. In addition, further design details are to be provided in terms of urban design, traffic management, catchments, and discharge and infrastructure provisions.
- This application is considered to be consistent with Part 2 of the Resource Management Act because the proposal is considered an appropriate residential use of the land for residential purposes in keeping with the type of development envisaged within the zone under the ACRP(R)S. The proposed residential subdivision work does not compromise the natural resource and amenity values of the surrounding environment whilst allowing for a comprehensive development that meets the present Auckland housing needs. The proposed conditions of consent, as agreed with the applicant, result in the proposal succeeding in sufficiently avoiding, remedying or mitigating adverse effects on the local and wider environment. Overall, the applicant will achieve the substantive purpose of the Act and the resulting adverse effects of this development would outweigh the beneficial effects.

2. Conditions

Under section 104 of the RMA these consents are subject to the following conditions:

WHITI VILLAGE POLICY AREA 2: SLC-00691, REG-60848, REG-00849 & REG-00030

General Conditions

1. The development shall be carried out in accordance with the plans and information submitted with the application, and referenced by the consents in SLC-00691, REG-60848, REG-00849 & REG-00030 and set out in the tables (unless amended by the conditions of consent below)

Specialist Report Title	Prepared by	Rev	Dated
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Assessment of Effects	Boffa Mackell		24 September 2010
Assessment of Effects Includes HR changes - Includes FAUP and quality actions	Woods	06	November 2010
Finalist of tender process for Refe project A/2278R-003	Boffa Mackell	1	November 2010
Approval and Consent	Boffa Mackell	02	10 June 2011
Infrastructure Assessment Report	Woods	01	September 2010
Infrastructure – Assessment of Options Finalist	Woods		1 June 2010
Assessment of Ecological Effects	Boffa Mackell	01	31 May 2010
Transport Assessment	Beca	0	20 February 2011
Wells Stage 1 Traffic Matters (Wells)	Woods		31 May 2010
Transport Assessment: Attention	Woods		18 November 2010
Assessment of Archaeological Finds	Clayton & Associated Limited		May 2010
Discharge Management and Finalisation Planning Guidelines for Stage 1	Boffa Mackell	A	5 June 2010
Geotechnical Investigation Report	Colley Geotechnics (NZ) Ltd		17 April 2010
Geotechnical Design Report for Wells 1 of the Wells Development Refe project (GNS/10/100000-AR)	Colley Geotechnics (NZ) Ltd		20 May 2010
Preliminary Environmental Site Investigation	Groundwater & Environmental Services Ltd.		12 June 2010
Design and Statement of Intent Methodology	Woods		June 2010
Stormwater Design Report	Woods	CG	20 December 2010

Drawing reference number	IRIS	Architect / Author	Dated
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00000-01-GE-010 Title	Planting Schedule Plan	Woods	20/12/2018
00000-01-GE-011 Rev. 2	Edging Plan (1 of 3)	Woods	20/12/2018
00000-01-GE-012 Rev. 2	Scheme Plan (2 of 3)	Woods	14/11/2018
00000-01-GE-013 Title 4	Scheme Plan (3 of 3)	Woods	20/12/2018
00000-01-GE-014 Rev. 2	Edging Plan (4 of 3)	Woods	14/11/2018
00000-01-GE-015 Title 3	Scheme Plan (5 of 3)	Woods	14/11/2018
00000-01-GE-020, Rev. 1	Existing Tiles Plan	Woods	04/03/2018
00000-01-GE-021, Title 2	Lodging External Plan	Woods	22/11/2018
00000-01-GE-022, Rev. 1	Zoning Plan	Woods	04/03/2018
00000-01-GE-023 Rev. 2	Vegetation Removal Plan	Woods	25/03/2018
00000-01-GE-024 and 025 Rev. 1	Amendatory Features Plan, Existing Concrete Plan	Woods	04/03/2018
00000-01-RD-200 to 203, Title 3	Road Plan	Woods	14/11/2018
00000-01-RD-200 to 224, Rev. 3	Typical Cross Sections	Woods	RD-220, 222 223 Rev.1/2018, RD 221 12/11/2018, RD- 224 Rev.1/2018
00000-01-RD-200 to 223, Title 3	Road Intersection Plans	Woods	14/11/2018
00000-01-RD-200 to 225 Rev. 1	Road Intersection Plan Road Line Marking Plan	Woods	01/11/2018
00000-01-RD-240 to 249, Rev. 1	Road Tracking Curve Plans	Woods	12/11/2018

60094-01-DR-250 252 and DR 254 to 255, Rev. 2	Row Long Sections	Woods	25/09/2013
60090-01-DR-250 Rev. 3	Row Long Sections	Woods	14/11/2013
60094-01-DR-250 to 256, Rev. 1	Row Intersection Right Lines	Woods	20/11/2013
60095-01-DR-300 to 304 and 305 Rev. 5	Drainage Plans	Woods	20/12/2013
60095-01-DR-300, 306 and 307 Rev. 4	Drainage Plans	Woods	20/12/2013
60095-01-DR-308 to 310, Rev. 3	Drainage Plans	Woods	21/11/2013
60095-01-DR-320, Rev. 1	1:1 Scale Layout Plans	Woods	20/12/2013
60095-01-DR-351 and 352, Rev. 4	Culvert Layout Plans	Woods	21/11/2013
60095-01-DR-350, Rev. 1	1:1 Scale Layout Plans	Woods	23/03/2013
60095-01-DR-354, 356 and 357, Rev. 3	Stormwater Culverts Layout Plans and Sections	Woods	11/04/13 25/11/2013, DR 356 and 357 11/4/2013
60098-01-DR-350 to 352, Rev. 6	Stormwater Quality Wetland Layout	Woods	DR-350 and 352, 23/12/2013, DR 351, 26/12/2013
60098-01-DR-355, Rev. 5	Stormwater Quality Wetland Layout	Woods	23/12/2013
60098-01-DR-361, Rev. 2	Stormwater Quality Wetland Cross Sections	Woods	23/12/2013
60098-01-DR-365, Rev. 1	Stormwater Quality Wetland Cross Sections	Woods	23/12/2013
60098-01-DR-360, Rev. 7	Stormwater Quality Wetland Details Wetland Outlet Details	Woods	08/12/2013
60098-01-DR-361, Rev. 3	Stormwater Quality Wetland Details Inlet Details	Woods	08/12/2013

60365-01-DR-382 Rev. 2	Stormwater Quality Media and Sedimentation Details	Woods	14/11/2013
60365-01-DR-383 and 384 Rev. 1	Stormwater Quality Sediment Details, Walkway Details	Woods	24/06/2013
60365-01-DR-450, Rev. 4	Stormwater Catchment Plan	Woods	16/11/2013
60365-01-DR-456 and 457 Rev. 6	Overland Flow Path Plan	Woods	26/12/2013
60365-01-DR-457 and 458, Rev. 3	Overland Flow Path Plan	Woods	26/11/2013
60365-01-WS-600 Rev. 31, Rev. 2	Water Regeneration Plans	Woods	20/03/2013
60365-01-WS-612 Rev. 1	Water Regeneration Plans	Woods	01/05/2013
60365-01-WS-711 to 721 Rev. 2	Water Regeneration Plans	Woods	25/04/2013
60365-01-EM-100, Rev. 6	Overall Earthworks Plans	Woods	23/02/2013
60365-01-EM-101 104 and 105, Rev. 6	Earthworks Plans	Woods	23/02/2013
60365-01-EM-102 107, 108, 109, 110, 118, Rev. 4	Earthworks Plans	Woods	23/02/2013
60365-01-EM-110 and 111, Rev. 2	Earthworks Plans	Woods	21/11/2013
60365-01-EM-115 Rev. 2	Stormwater Regeneration Sedimentation Plans	Woods	20/12/2013
60365-01-EM-120 121, 124 Rev. 3	Culvert Plans	Woods	20/12/2013
60365-01-EM-122 123, 125, 126, 127, 128, 129 and 131, Rev. 4	Culvert Plans	Woods	20/12/2013
60365-01-EM-130, Rev. 2	Culvert Plans	Woods	21/11/2013
60365-01-EM-140 Rev. 6	Excavation and Retention Detail Plans	Woods	20/12/2013

60365-01-EM-141 Rev. 3	Erosion and Sediment Control Plan	Woods	20/02/2013
60365-01-EM-142 to 144 Rev. 4	Erosion and Sediment Control Plan	Woods	20/02/2013
60365-01-EM-143 Rev. 5	High Area Plan - Description 10%	Woods	23/02/2013
60365-01-EM-144 to 162 Rev. 3	Geotechnical Remediation Plan	Woods	23/02/2013
60365-01-EM-163 Rev. 2	Geotechnical Remediation Plan	Woods	25/02/2013
60365-01-EM-164 to 205, 206, 204 and 205 Rev. 1	Erosion and Sediment Control Standard Detail	Woods	01/03/2013
60365-01-EM-161 Rev. 2	Erosion and Sediment Control Standard Detail	Woods	07/11/2013

Title	Drawing Ref	Architect/Author	Dated
A12275-01 Well Village 1 Masterplan	Revision 1	Bella Mitchell	23/03/13
A12275-100 Well Village 1 Landscape Principles	Revision 4	Bella Mitchell	05/11/13
A12275-101 Well Village 1 Vegetation Framework	Revision 4	Bella Mitchell	05/11/13
A12275-102 Well Village 1 Materials and Character	Revision 4	Bella Mitchell	06/11/13
A12275-103 Well Village 1 Materials and Character	Revision 4	Bella Mitchell	06/11/13
A12275-104 Well Village 1 Materials and Character	Revision 4	Bella Mitchell	06/11/13
A12275-105 Well Village 1 Concept Plan	Revision 4	Bella Mitchell	06/06/13
A12275-120 Well Village 1 Street Hierarchy Plan	Revision 10	Bella Mitchell	20/06/13
A12275-121 Well Village 1 Street Typologies	Revision 3	Bella Mitchell	06/06/13
A12275-122 Well Village 1 Street Typologies	Revision 4	Bella Mitchell	16/06/13
A12275-123 Well Village 1 Street Typologies	Revision 3	Bella Mitchell	20/06/13
A12275-124 Well Village 1 Street Typologies	Revision 3	Bella Mitchell	26/06/13

A12278_125 Web Village 1 Street Typologies	Revision 4	Betta Maskal	06/06/13
A12278_126 Web Village 1 Street Typologies	Revision 4	Betta Maskal	06/06/13
A12270_127 Web Village 1 Street Typologies	Revision 4	Betta Maskal	06/06/13
A12270_125 Web Village 1 Street Typologies RD1	Revision 3	Betta Maskal	06/06/13
A12278_125 Web Village 1 Street Typologies Laneway A	Revision 4	Betta Maskal	07/11/13
A12278_125 Web Village 1 Street Typologies Laneway B	Revision 3	Betta Maskal	07/11/13
A12278_125 Web Village 1 Street Frontage and Access Plan	Revision 1	Jorta Maskal	07/11/13

Changes to any plans, design or reports in the application which do not adversely affect the uniformity standards or environmental outcomes that are prescribed in the approved planning by the Team Leader, Member Monitoring (follow) will be such works taking place.

2. The consent for any land interest shall not commence until such time as the following charges, which are owing at the time the Council issues a final decision, have been paid in full:
 - a. All fixed charges relating to the receiving, processing and granting of this resource consent, under section 36(1) of the Resource Management Act 1991 (RMA); and
 - b. All additional charges imposed under section 36(3) of the RMA to enable the Council to recover its actual and reasonable costs in respect of this application, which are beyond challenge.

Advice Note:

Applicants are reminded that under the Local Government Act 2002 and positive provision 3.1 of the application, the consent holder will be required to pay the development contributions payable separately from any resource consent. Further information about development contributions may be found on the Auckland Council website at www.aucklandcouncil.govt.nz.

3. The consent holder shall pay any subsequent further charges imposed under section 36 of the RMA relating to the receiving, processing and granting of this resource consent within 20 days of receipt of application of a summons to pay the same, provided that, in the case of any additional charges made under section 36(3) of the RMA that are subject to challenge, the consent holder shall pay such amount as is determined by that process to be due and owing, within 20 days of receipt of the relevant decision.

Lapse of Consent

4. Pursuant to section 125 of the RMA, this consent lapses eight years after the date it is granted unless:

- a) The consent is given effective to
- b) The consent is valid twice after which the consent lapses.

Advice Note:

To for subsection when a survey plan in respect of the subdivision has been submitted, a consent under section 222 of the RMA, nor shall the entire scope of the survey plan is not dependent in accordance with section 224 of the RMA.

Monitoring

- 5. The consent holder shall pay the Council an annual compliance monitoring charge of \$1500 (not less of GST) plus any further monitoring charge or charges in respect of actual and reasonable costs that have been incurred to ensure compliance with the conditions attached to the consent.

Advice Note:

The total monitoring charge is to cover the cost of inspecting the site, carrying out work necessary including updating files, etc, of being made to ensure compliance with the resource consent. In order to recover actual and reasonable costs associated in excess of those covered by the above fee plan, shall be charged at the relevant hourly rate applicable at the time. The annual charge will be reduced or the time monitoring charge, or charged as may fall due. Such further charges are to be paid within one month of the date of payment. Only actual and reasonable of the resource consent have been met. All charges shall be payable to compliance in respect of the consent holder.

Order of works

- 6. The consent holder shall comply with the conditions below at the following stages:

Stage	Relevant Conditions
Excavating works	7-10
Utility Works (i.e. Easement and Civil Works)	17-27
Works in Section 222	25-40
Works in Section 224a	41-52
Consent notices to apply on an ongoing basis	82

Advice Note:

Excavating works refers to the works necessary to prepare the site for the final stage of development, including the installation of geotextile control structures, utility trenches, etc. 'Civil works' refers to the construction maintenance required to install the land to facilitate the development of the site. 'Civil works' refers to the works associated with the installation of utility services, construction of roads, etc.

Combined Land Use/ Subdivision Conditions: BLC-00931

ENABLING WORKS

Notification of commencement

- At least 5 working days prior to the bulk earthworks commencing, the applicant shall notify Council's Crown Compliance Administrator by letter in Form CC-0001 (2000-420-3-00) or email cc@cc.govt.nz (Crown Compliance Administrator) at least 5 days prior to the expected date of work commencing.

Advice Note:

This condition requires the applicant to give at least 5 days notice of their intention to engage earthworks in accordance with the enabling days prior to commencement. Such notification should be sent to the Crown Compliance Administrator via cc@cc.govt.nz or 3800 420 3100 to ensure commencement of works.

Pre-construction meeting

- The Developer's Representative shall give the Consent Holder (Council) at least 5 working days notice of the pre-construction site meeting prior to section 102.10 of the Standards for Engineering Design and Construction. Construction work shall not commence on the site until such meeting has been held and all necessary documents submitted.

Advice Note:

Attention is drawn to the requirements of section 102.15.3 "Standards for Engineering Design and Construction" for the following documentation to be provided at the pre-construction meeting:

- Approved engineering plans and copy of approval letter
- Health and Safety Plan
- Traffic Management Plan
- The signed Consent Approval Request
- The relevant Resource or Subdivision Consent (and all conditions attached thereto)
- Copy of any Auckland Council Consents necessary for the works
- Signed copies of all Consents to Enter the Construction Site and all other necessary Consents returned by the consent holder.

Developer's representative

- From the commencement of engineering design, the Consent Holder shall nominate in writing its Developer's Representative in terms of Council's Standards for Engineering Design and Construction to be the first point of contact for all engineering matters. Any subsequent change to the nominated Developer's Representative shall be immediately notified in writing to the Council's Engineer.

Insurance and warranties for engineering works

10. Prior to the commencement of engineering design for the works required by these conditions, the Consent Holder and the Developer's Representative shall provide to the Council proof of Professional Indemnity Insurance and "Warrant a full satisfaction of sector 102 of the Standards for Engineering, Design and Construction".

Engineering plans

11. The engineering works covered by this consent shall comply with the Council's Standards for Engineering Design and Construction. As may be amended from time to time. Engineering Plans, as created in the Standards, shall be submitted to the Consent Engineer, and approved (in whole or in writing), or onto the commencement of any works on the site.

Any variation or changes to the approved designs or plans shall be submitted for approval as an Amendment to a development received hereto prior to construction of the proposed works.

The permitted engineering works shall include, but shall not be limited to:

- a) Earthworks;
- b) The formation of roads, the laying of pipes and other ancillary equipment to be installed in the Council for water supply, drainage or sewage disposal;
- c) Street lights, streetcapping or structures on road verges, or to be installed, in the Council;
- d) The installation of gas, natural or telecommunications, calculator including ancillary equipment;
- e) Any other works required by conditions of this consent.

Advice Notes

Structures such as retaining walls, or ground works with bridges etc. require a separate Building Consent.

The permit requires that the excavation work required to be done does not form part of any Building Consent that may be required on the subject site.

Consider access request

12. The Consent Holder or his Contractor shall obtain a Consider Access Request (CAR) from the relevant Network Service Provider prior to the commencement of any works within the consent area.

Health & safety plan

13. A detailed Health & Safety plan to the requirements of the Health & Safety in Employment Act 1992 specifically addressing control of the works on and adjacent to public roads, and the protection of the public shall be submitted to the Consent Engineer prior to the commencement of any works on the site (refer to 03.11 of the Standards for Engineering Design and Construction). A copy of the Health & Safety Plan shall be sent to the Council at all times. All measures for the protection of the public and other pedestrians set out in the Plan shall be maintained and complied with until such times as the works are completed.

Traffic management plan

14. A detailed Traffic Management Plan is associated with the Code of Practice for Temporary Traffic Management specifically addressing control of congested work areas to ensure safe traffic

control adjacent to the site, and the protection of the public, shall be submitted to the Council's Engineer. Written confirmation that it meets the Council's requirements must be received by the council no later than 10 working days prior to the commencement of any works on the site. In addition, the "Standard for Engineering Design & Construction". A copy of the Traffic Management Plan, together with the written confirmation shall be kept on the site at all times. All measures for the protection of the public and other persons set out in the Worked Plan shall be maintained and complied with at all times and such time as the works are completed.

Planting / Maintenance Plan

15. Prior to the commencement of bulk earthworks on site the current holder shall provide, in a single document, the following:

- Details and specifications of all steel and reserves planting, and maintenance scheme in line with Wiltshire Policy Area 2; and
- Details and specifications of all planting within the stormwater drainage reserves to meet the Council's Class 3000 to 2500; and maintenance scheme; and
- An overall landscape concept plan that is in general accordance with the Outline Plan contained within Appendix 14 of the Dev. Plan; and
- Details and specifications of Stage 1 native bush enhancement and revegetation planting, and maintenance scheme; and
- Details and specifications of any public works to be incorporated into any planting areas, for use as public access; and
- Areas to be excluded from the landscaping including lockouts, doorings, working tracks, etc.

All the Street / Reserve landscaping details shall be provided to the satisfaction of the Team Leader - Natural Marketing (Green).

The document will look at the biodiversity management and enhancement planting guidelines and provide a comprehensive overview of landscaping and bushland management for the entire site. Where amendments to the plan are progressively proposed, (such as periling in Stages 2-4), the information contained within the document shall be sufficient to demonstrate that a collective and integrated master plan will progressively be developed for the property. The following details shall be provided in the planting and maintenance plan.

Street trees and reserve planting:

- Details for proposed works third and soft within reserves and streets; and
- Details of the remediation for any damage to the street or reserve planting that occur during the construction of buildings. In any instance of doubt, the damaged plants shall be replaced with the same species and similar height to surrounding street trees, and shall be maintained for two years following the replacement planting; and
- Tree pit details shall be provided with detailed construction plans for approval. Suitable quality conditions must be shown in the plans for approval at engineering approval stage and tree pits must be at least 1.5m depth of the tree base and 3m wide at the tree base; and
- The stormwater wetlands shall be planted densely with the appropriate wetland species to reduce open unshaded areas of water.

Native Bush Enhancement and Revegetation Planting within the Stage 1 Planting Area

- Within the Stage 1 planting area, shall meet the standards of rule 12.5.8.2.2 of the Auckland Council District Plan (Medney Harbour) 2011 and be accompanied with best practice weed control techniques, and
- Contain a diverse range of species that will be planted to an established density of between 1.4m spacing for full canopy forest / bush enhancement / revegetation areas and 1.7m spacing (10 000 stems per hectare) for shrub / wetland and riparian margins, but with a tolerance for species loss where designated and approved with Council officers; and
- Plans shall detail such planting area and shall provide cross sections and linear gradient changes (slopes) throughout the Stage 1 planting areas and
- Plans shall also be used to assess if vegetation that can provide temporary habitat and
- A plan shall be submitted for approval showing how the Stage 1 bush and enhancement / revegetation planting areas shall be fenced to an appropriate standard. This shall show the design for all proposed gates and provide reasoning for the necessity of the gates. The fencing shall ensure the work or user public access is restricted to authorised areas except for agreed public only access walking tracks for avoidance of doubt. This to ensure that impacts to vegetation values are minimised including PIR keys and
- All plans shall be accompanied with the north-south Railway Corridor Eastern Tamaki Integrated District Plan in accordance with the approved species palette and
- Shall give consideration to, and detail the timing and implementation of the various planting areas.

Advice Note:

The staging, timing and extent of areas to be planted within the Special S Zone are set out in Rule 12.6.1.22.5.4. The council will review the long-term objectives to the rule by reviewing a range of options which to be developed, or with the intent for the Stage 1 planting areas being fully considered. It would be desirable for the plan and maintenance plan to incorporate previous planting reviews for the Stages 2 & 4 areas recognising that there may be subject to erosion land management and revegetation programs prior to their being planted in accordance with Rule 12.6.1.22.5.4. The detail required by the condition and is of the current native bush review.

Wildlife and Biodiversity Management Program

16. The resource consent holder shall provide a wildlife mitigation and monitoring program to ensure that any significant wildlife habitats are protected. In the first instance, in which such protection is impracticable then any such habitat shall be fenced with similar habitat vegetation should not within the site prior to and during the commencement of bulk earthworks and any associated vegetation removal. It is recognised that the consent holder of the criteria used to determine Significant Ecological Areas in the Proposed Auckland Unitary Plan. Copies of any DDD consents and permits that are required shall also be attached to the program. This program must be prepared by a suitably qualified ecologist and submitted for approval to Council's Team Lead on Native Monitoring (Growth) prior to the commencement of any earthworks and vegetation removal.

In particular with regards to herpetofauna, as the program should be implemented in favourable weather, surface water monitoring and best practice methods such as pitfall trapping, manual searches within suitable areas over suitable time frames that would not interfere with a Contractor earthworks season commencement. The program shall describe the methodology planned for implementing the herpetofauna, where any captured herpetofauna are to be returned to the owner of the affected project/property and when and where it is to be released, and what herpetofauna and/or capture equipment is to be utilised when required. Included in the program must be the name of the herpetologist (who must be approved by Council), and their contact details. The named herpetologist will be responsible for the management and implementation of the program.

The main contractor holder shall provide to Council a plan outlining all reasonable steps to be taken to ensure that machinery and the materials are clean at the time of arriving on, or departing from the site so as to not be contaminated with PTA (Kour Die Doek); how all construction staff will be advised of PTA risks; and how they shall take all reasonable steps to minimise any risk of contamination or spreading the pathogen.

The capture and/or release of fish (if any) in any areas extending or forming water will in the area of works shall be undertaken once a commencement of bulk earthworks. Any fish caught shall be released in a suitable habitat outside of the works footprint but as close to the site as possible.

The approved management program must be completed to the satisfaction of the Council's ecologist prior to bulk earthworks and approved vegetation removal commencing. To this end the herpetologist approved by Council shall verify that the mitigation program has been commenced, according to the approved program. Working days from the start earthworks until the records will be submitted to Council's ecologist regarding any species found have been removed and released, the consultant herpetologist shall submit to Council a completed Amphibian and Reptile Distribution Scheme (ARDS) form and forward a copy to Council's ecologist.

DURING WORKS (BULK EARTHWORKS AND CIVIL WORKS):

Sediment Control

17. All earthworks shall be managed to ensure that no silt, soil, sediment or sediment laden water is discharged from the project site to either land, stormwater drainage systems, watercourses or receiving waters. In the event that a discharge occurs, works shall cease immediately and the discharge shall be mitigated using methods to the satisfaction of the Council's Northern Monitoring (NORM).

Advice Note:

When working with the Council's earthworks shall be undertaken to ensure that all potential sediment discharges are appropriately managed. Such means and measures may include:

- Control protectors
- Silt and sediment traps
- Silt fences

During excavation, the highest and maximum level of surface run-off water and/or potential groundwater can be minimised by:

- minimising the surface area of water over any excavation trenches and just outside of working areas;
- diversion of surface water flow around the works area; and
- regular removal of the water into an appropriate treatment system directly adjoining works whilst the excavation.

Advice from the the Director of Environment and/or geotechnical may require a licence to excavate. Refer Chapters 5 and 6 of the Auckland Council's Regional Plan (Air, Land and Water)

- It is recommended that you discuss any potential measures with the Council's monitoring engineer who may be able to provide further guidance on the most appropriate approach to take. Please contact the Team Leader, Northern Monitoring (Timawa) on 02 907 0101 for more details. Alternatively, please refer to Auckland Regional Council, Technical Protection for 50 "Traffic & Environment Control Guidelines for Land Disturbance Activities in the Auckland Region".

- iii) To prevent discharge of sediment laden water or other debris into any public stormwater drainage systems or watercourses and to prevent any erosion, and to prevent nuisance and amenity impacts on users of the road network, there shall be no discharge of earth, mud or other debris on any public road or footpath resulting from earthwork activities on the subject site. In the event that such discharge does occur, it shall immediately be removed. In no instance shall materials be washed down with water without appropriate erosion control measures in place to prevent contamination of the stormwater drainage system, watercourse or receiving water.

Advice Note:

In order to prevent sediment laden water entering waterways from the road, the following methods may be adopted to prevent or address discharges should they occur:

- provision and stability of any temporary works for vehicles
- provision of wheel wash facilities
- covering of vehicle movements with materials when necessary
- cleaning of road surfaces using street sweepers
- wet and vacuumed roads
- catchment to waterways

As no circumstances prohibit the use of any of the required materials, it is advised to advise of otherwise contained.

It is recommended that you discuss any potential measures with the Council's monitoring engineer who may be able to provide further guidance on the most appropriate approach to take. Please contact the Team Leader, Northern Monitoring (Timawa) on 02 907 0101 for more details. Alternatively, please refer to Auckland Regional Council, Technical Protection for

20. Erosion & Sediment Control Guidelines for Land Disturbance Activities in the Auckland Region

Construction Noise

- 19 All construction and earthworks activities on the project shall comply with the New Zealand Standard 1000:1989 for Assessment – Construction Noise and Vibration.

Access

- 20 There shall be no distribution of materials to public spaces, parks, private properties, public institutions, or public reserves resulting from the construction activities. The waste activity of materials and equipment shall be done within the project site boundary.

Dust

- 21 There shall be no activity or disturbance that impedes the subject site as a result of the earthworks activity that is the opinion of the Team Leader. Northern Monitoring (Private) is available for site or objectionable.

Advice Note:

In accordance with this condition, it shall be the responsibility of the site owner to ensure that the following management techniques are used:

- covering of earth during night works
- covering of haul roads, stockpiles and storage areas during dry periods
- dustblowers and maintenance of wind fences and vegetated strips
- watering or covering of stockpiles
- covering of existing stockpiles and vegetation
- providing of wind roads, maintenance areas and stockpiles or the staging of works (in order to construct receptors such as dwellings)

In assessing whether the effects are nuisance, offensive or objectionable, the following factors will be important considerations:

- The frequency of dust nuisance events
- The intensity of events, as related to time (yearly) and the degree of nuisance
- The duration of each dust nuisance event
- The effectiveness of the discharge, having regard to the nature of the dust
- The location of the dust nuisance, having regard to the sensitivity of the receiving environment.

It is recommended that additional measures as discussed with the Council's monitoring officer will guide you on the most appropriate approach to take. Please contact the Team Leader (Northern Monitoring (Private)), on 09 591 9161 for more details. Alternatively, please refer to the Ministry for the Environment publication "Good Practice Guide for Assessing and Managing Air Environmental Levels of Dust Emissions".

- 22.7 Installation of retaining walls and the placement and compaction of fill material shall be supervised by a suitably qualified engineering professional. In supervising the works, the

suitably qualified engineering professional shall ensure that the new structures shall be completed in accordance with the permit by Coffey Consultants NZ Ltd reference: GNS/16/11/18824-AR. Certification shall be provided to the Team Leader Northern Districts (Crown) confirming the works have been completed in accordance with engineering practice within 10 working days following completion. Written certification shall be in the form of a professional completion report, analysis statement or any other form acceptable to Council.

23. All structures shall be designed to ensure that they do not lead to any uncontrolled release or collapse affecting either the site or adversely affecting any neighbouring premises. In the event that such collapse or instability does occur, it shall immediately be notified.

24. Confirmation from a suitably qualified engineering professional responsible for supervising the works shall be provided to the Team Leader Northern Districts (Crown) confirming that the works have been completed in accordance with the above condition within ten (10) working days following completion. Written certification shall be in the form of a professional completion report, and verification statement or any other form acceptable to Council.

Stormwater mitigation

25. Stormwater treatment and retention devices shall be designed and constructed in accordance with the Stormwater Design Report prepared by Wairarapa District Council, reference 60362-01 dated 12/05/01, and the "Standards for Engineering Design and Construction".

Archaeological

26. Further archaeological investigations in the vicinity of the recorded sites in West Village Priority Area 2 shall be undertaken by an archaeologist to establish whether any further archaeological material sites are present.

27. In the event of human remains being uncovered work shall cease immediately in the vicinity of the remains and the Tangata Whenua, Heritage NZ, NZ Police and the Auckland Council shall be consulted so that appropriate arrangements can be made.

TO BE COMPLETED BEFORE COUNCIL APPROVAL OF THE SURVEY PLAN

Before Council will approve the survey the plan must comply with all the following requirements and to have been satisfied:

Easements

28. The pedestrian rights of way and public easements shall be covered on a Schedule of Easements attached to the cadastral survey dataset as a supporting document. The terms of the easements shall include the following:

- 1. The current holder shall maintain the walkways generally to the standards to which they had been constructed in the first instance.
- 2. The walkways and the Public Domain shown on the Current Plan in Appendix 14 of the Auckland Council District Plan (Resource Management) shall be open to public access at the following times:

- During New Zealand Daylight Time: 7:00am to 6:00pm and
- During New Zealand Standard Time: 7:00am to 6:00pm

Resolved that the consent holder may close at least one of the walkways to public access in circumstances where the consent holder can show (acting reasonably) that closure is required due to site policy, the requirements or priority activities in the Environmental Planning Plan, for health and safety purposes, maintenance purposes, fire or emergency matters.

- ii. Users of the walkways shall be required to comply with conditions of access, which shall include, as determined by the consent holder, in consultation with Council;
- iv. Such other terms as the consent holder considered appropriate (acting reasonably)

The easements shall be registered on the date of the issue of the certificate under section 223(1)(d) of the Act.

Advice Note:

One caveat exists as to confirm the location of the walkways subject to easements as referred to in the condition by providing an appropriate plan. The suitable boundary alignments are shown on the Outline Plan contained within Appendix 16 of the Auckland Council District Plan (Resource Allocation), recognising that the course of such walkways are subject to calculation and may change over time.

29. The survey title plan shall show and identify the conveyance and statutory discharge easements on a Schedule of Instruments of Easements attached to the cadastral survey identification map(s) attached.

Amalgamation

30. Pursuant to section 220(1)(b)(iv) the consent holder must arrange or have undertaken on the subject land the following conditions:

- That Lot 511 hereon (legal area) be held as five undivided one tenth shares by the owners of Lots 12-21 hereon as tenants in common in the said shares and the Individual Certificates of Title be issued in accordance therewith;
- That Lot 511 hereon (legal area) be held as 16 divided one thirteenth shares by the owners of Lots 24-26, 54-58, 5-73-77 hereon as tenants in common in the said shares and that individual Certificates of Title be issued in accordance therewith;
- That Lot 516 hereon (legal area) be held as 15 undivided one fifth shares by the owners of Lots 27-30 and 10 hereon as tenants in common in the said shares and that individual Certificates of Title be issued in accordance therewith;

- That Lot 509 herein (legal reserve) be held as to five undivided one fifth shares by the owners of Lots 78, 79 and 104 – 106 herein as tenants in common in the said shares and that individual Certificates of Title be issued in accordance therewith.
- That Lot 510 herein (legal reserve) be held as to five undivided one fifth shares by the owners of Lots 107-111 herein as tenants in common in the said shares and that individual Certificates of Title be issued in accordance therewith.
- That Lot 505 herein (legal reserve) be held as to three undivided one third shares by the owners of Lots 112, 113 & 114 herein as tenants in common in the said shares and that individual Certificates of Title be issued in accordance therewith.
- That Lot 503 herein (legal reserve) be held as to four undivided one fourth shares by the owners of Lots 118 – 120 herein as tenants in common in the said shares and that individual Certificates of Title be issued in accordance therewith.
- That Lot 507 herein (legal reserve) be held as to six undivided one sixth shares by the owners of Lots 135 – 143 and 200 herein as tenants in common in the said shares and that individual Certificates of Title be issued in accordance therewith.
- That Lot 500 herein (legal reserve) be held as to twelve undivided one twelfth shares by the owners of Lots 144 – 155 herein as tenants in common in the said shares and that individual Certificates of Title be issued in accordance therewith.
- That Lot 518 herein (legal reserve) be held as to twelve undivided one twelfth shares by the owners of Lots 160 – 165 & 205 herein as tenants in common in the said shares and that individual Certificate of Title be issued in accordance therewith.

Road Viewing

31. Lots 2000 and 2001 shall vest in the Auckland Council as roads.

Land to vest

32. Lots 2000, 2001 & 2002 shall be vested in the Council as Utility Reserves.

Provision of Reserve Land

33. The following areas as identified on the Special B Zone Official Plan in the Auckland Council District Plan (Regional Extension) for such other areas as agreed between the Auckland Council and the Teatū Kōwhiri Northern Māori Trust (TKM), shall be identified on the survey plan or plans to be in the Auckland Council as reserve(s) (reserve(s) identified in bold below):

- i. Sedwater Reserve Land (recreation)
- ii. Kōwhiri Māori Whānau Pātaka Land (recreation)
- iii. D'Arcy College Reserve Brandon Lane (recreation)
- iv. Hāpū's Access Road Puharua (recreation)

Amendments

On issue of a certificate pursuant to section 224 (c) of the Act, the Auckland Council District Plan (Regional Extension) requires the Auckland Council to refer the Department of Conservation

an easement over part of the Waiphi Awaia Park, Park to establish a carport and other structures.

The wording of the provision of the easement and detailed plans shall be passed to the Auckland Council's Engineers.

34. The Kerepe Bay Walkway (i) the route as identified on the Special 2 Zone Outline Plan in the Auckland Council District Plan (Resource Section) shall be identified on the survey plan as shown in plan in the Department of Conservation.

Greenbelt Restrictive Covenant

35. The Greenbelt Restrictive Covenant shall be established and signed prior to the approval of the survey plan for registration of the relevant portion of the Waiphi Awaia Policy Area 2 as identified within the General Scheme Plan reference C0365 of GE 2019 (Section 8, dated 20/06/2019). The Restrictive Covenant shall:

Prohibit or restrict any further subdivision within the Policy Area other than the stated exceptions set out in the Restrictive Covenant or otherwise approved by Council through the proposed Auckland Unitary Plan, or other planning processes.

1. Not prevent, subject to any resource consents required, other than residential, Multi-Forestry activities and activities: Multi Outdoor Recreation activities, Multi Commercial activities, Conservation Institute and Gardens and recreation amenity buildings or structure to service such activities (including any golf course clubhouse) and any necessary ancillary services, including car parking and similar.
2. Provide with the confirmation that the Restrictive Covenant in this form shall be in Appendix 1203 of the Auckland Council District Plan (Resource Section) is registered, taking effect in terms of the section 224(c) conditions against the land in the Greenbelt Conservation Policy Area (the 'Policy Area') (except that the land is to be covered in accordance

Adverse Effects

The capacity of the proposed area to accommodate additional developments is made known through the proposed Auckland Unitary Plan process.

Native bush protection

36. The consent holder shall provide details with the Landable area(s) of native bush to be protected under Rules 1.9 and 4.6P 45034 as shown on the approved District Plan Outline and as defined by survey. This shall include the Significant Native Areas, Significant Management Planting areas (1, 2), and 4) and existing bush.

The survey file plan shall show and identify the area(s) of native bush and environmental sensitivity planning as per the table as 'areas to be subject to land covenant'. The boundaries of the covenant must comply with the proposed large bush retention within the zoning of native bush as required to be met.

Overland flow path

37. The overland flow paths which directly affect Policy Area 2 shall be defined in the survey plan as areas to be subject to any covenant(s) to ensure the ongoing protection of these overland

flow paths from physical street drains. The boundaries of the consent area must coincide with the international roadbound flow paths as defined below.

Identification of overland flow paths

30. Two copies of a plan, created and dated by a registered surveyor using the ground and ground surface profile of the over and low paths when directly affected by any development, shall be provided to the Council's Engineer.

Sturminster mitigation area

39. Each of the utility resources shall have a right of way formed public road other directly by a formed right of way formation or subject to the prior approval of the Manager (Roads) of the Council.

Passway formation

40. The provision for legal access shall be made for Lot 12.

TO BE COMPLETED BEFORE THE ISSUE OF ZONIC CERTIFICATE

Before the Council issues a certificate under section 224(1) of the Act, the consent holder shall satisfy the following conditions of the consent holder's work:

As built record plans

41. As Built Record Plans to the requirements of a 1:50 scale of the "Standards" shall be submitted together with the relevant completed As-Built Plans.

Road Upgrade

42. The Local District Road System Road 1 in section shall be upgraded with the right kerb, a double width lane for off-lim vehicles & an access ramp for the off-lim vehicle, includes Yarn Well Station Road as determined in the Transport Report (BLOC) of 30/06/2021 (4547/20) and dated 01/07/21 or as otherwise approved by the Team Leader, Planning Services (Oswest).

Wastewater reticulation

43. The existing public wastewater system, including any services required to service the system, shall be extended to the requirements of the Council's "Standard for Engineering Design and Construction" to serve all lots within the development to become part of the public sewerage of the District. Neither Building Consents nor this certificate shall be issued until the public wastewater system is deemed operational.

Advice Note:

The wastewater from the proposed to provide service to this development is not considered under this consent process. It is the responsibility of the consent holder to apply for wastewater and other consents which may be required by the Council's Council.

Water supply reticulation

44. The existing public water supply system, including any services required to service that system, shall be extended to the requirements of the Council's "Standard for Engineering Design and Construction" to serve all lots within the development to become part of the public sewerage of

the District. Neither Building Consent nor this certificate shall be issued until the public water system is deemed operational.

Advice Note:

The water supply maintenance agreement in private use with this development is not consented under this consent. It is the responsibility of the consent holder to apply for and obtain any other consents which may be required by the Auckland Council.

Stormwater reticulation

45. The public stormwater system, including any devices required to serve this system shall be extended to the requirements of the standards (Standards for Engineering Design and Construction) in respect of this within the consented to become part of the public services of the District.

Inspection and testing

46. All engineering works required by this consent shall be subject to inspection and testing pursuant to a 100% of the Standards for Engineering Design and Construction. The Developer's Representative shall make applications for the inspection and testing in writing in the form of Appendix E of the Standards.

Provision of Public Access and Public Facilities

47. The following public walkways, as shown on the Outline Plan in Appendix 14 of the Auckland Council District Plan (Resource Services) Plans and Maps, shall be formed and constructed:

- i. A walkway from Heights Avenue Road to the Conservation Institute
- ii. A walkway from the Conservation Institute to the West Village Public Car park
- iii. A walkway from the Public Car park to the Conservation Institute via road
- iv. A walkway from the West Village Public Car park to D'Acre Garage
- v. A further walkway, the exact route to be agreed between the Council and the consent holder here to the extent the section 224(c) certificate will contain the following locations:
 1. At Edwalton, or alternatively at some point along the sidewalks identified on the Outline Plan Appendix 12 of the Planning Maps between Edwalton and Karekare Bay; and
 2. At the West Village Public Car park or at some point along the West Village driveway or sidewalks.

These walkways and other walkways required or provided shall be constructed in accordance with SMC (1993) 2004 for Making Tracks (January 2004) and shall provide all necessary infrastructure where applicable.

Advice Note:

The consent holder is to confirm the locations of the walkways subject to amendments as referred to in this condition by providing an appropriate plan. The definitive walkway alignments are shown on the Outline Plan (consented herein Appendix 14 of the Auckland Council District Plan (Resource Services) 2014), recognising that the route of some walkways are subject to consultation and may change substantially.

Stormwater mitigation maintenance manuals

48. The Consent Holder shall submit, and receive the approval of: a) Council for, the books of the stormwater mitigation Maintenance Manuals. The Manuals shall include recommendations for the frequency of inspection and cleaning, copies of any relevant technical documents and shall include the design data and other As-built plans.

Construction of roads

49. The roads serving the development, including the parking area and its, as identified in Ward Council Plan, limited parking drawings (GD665-C- RD 200) shall be formed to the Council's standards comprised in the Council's Standards for Engineering Design and Construction.

New road name

50. The consent holder shall request to the Council a name for any new road within the subdivision and shall meet a nomenclature in accordance with Council's Standards for Engineering Design and Construction upon the Council having determined the appropriateness of the name.

Advice Note:

Consent holder Frank Lougheed to the Council Office of Auckland Council to review advice on the road naming process.

Construction of Jointly Owned Access Lanes (JOALs)

51. JOALs as referred in Ward Council Plan Council Subarea Plan (GD665-C- EE 0/0) and the vehicle access drawings shall be constructed to a residential concrete standard to the Council's 'Standards for Engineering Design and Construction'. All JOALs (at least 5 or more) are to be constructed with a paved width of 5.2m exclusive of channel. The vehicle clearance for the JOALs are to be no wider than 5m.

Provide for road/laneway lighting

52. All streets and public accessways shall be in to the requirements of the Council's Standards for Engineering Design and Construction. The type of lighting shall be acceptable to the electricity network supplier responsible for the area.

Provide rural road lighting

53. Street lighting to the requirements of the Council's Standards for Engineering Design and Construction shall be provided at the intersection of Ward Street Road with Free Court Road.

Vented assets

54. The consent holder shall provide a schedule of assets to the water in Council in a format acceptable to Council.

Roadway Network

55. All parking networks other than that in its easements with the Auckland Council (Rodney District) Standards of Engineering Design and Construction.

Advice Note:

The two cut roads between Road 1 and Road 4 are to be removed as part of the future consent application for achieving water use sustainability. To do so this will include an assessment of the suitability of vehicle access.

Intersection of Roads

50. The intersection of Road 2 and Road 5 is to be constructed so that at least one vehicle lane approach is a 90° flow on Road 5 at right angles to Road 2.

Footpath formation

51. The footpath along the southern side of Road 1 shall be extended up to the intersection of Road 1 and Road 3.
52. A footpath of at least 1.8m wide is to be provided on all sections of Road 1's.

Road Reserves

53. The minimum reserve width of Road 2 shall be increased to 27m. The construction of Road 2 shall include 3m type 6 reserves on both sides of the road.

Wildlife mitigation

54. Any wildlife mitigation measures of an ongoing nature must be met before being considered to date.

Stream tree and drainage reserve planting

55. The consent holder shall provide to the Team Leader - Northern Monitoring (Crowd), an herb plan to include new banks (hard and soft) - this reserve can grow in GAF and self care.

Fencing of Native Bush

56. The consent holder shall provide a fencing plan to the satisfaction of Council's Team Leader - Northern Monitoring (Crowd) which demonstrates that all stock shall be fenced with grazing areas being a minimum with post and railor fence (and gates) to avoid potential access to sensitive areas, vegetation or new native planting. This fencing plan shall be maintained prior to the issue of a section 224(a) consent.

Weed and pest animal control

57. The consent holder shall carry out Weed and Pest Animal Control in accordance with the approved recent Weed and Pest Animal Section to the satisfaction of Council's Team Leader - Northern Monitoring (Crowd).

Advice Note:

Where Control means that there are no living and / or growing individuals of weed species present within the consent area and any mature weed species present are dead in addition there shall be no new weed seed sources introduced and / or not completed within vegetation standing supporting the natural regeneration processes. Control shall be demonstrated to the satisfaction of Council's Team Leader - Northern Monitoring (Crowd) in every instance.

Completion report for planting area

64. All planting required to be undertaken on Lots 1, 3 and 7 (10) shall prior to the 224a certification process shall be undertaken and completed in accordance with the Approved Planting plan(s) following completion of the required planting in accordance with the approved Planting Plan(s). The consent holder shall submit a completion report to Council, via the Northern Monitoring (Orewa) for approval.

The consent holder shall include with the completion report a meter plan for all planting that has been undertaken on site (and that identify the remaining areas of planting to be completed).

Provide for electric power

65. The consent holder shall provide written confirmation from the electricity network supplier on its side for the area that provision of an electric supply has been made available to all saleable lots created and that all the network supplier's requirements for making such means available have been met.

Advice Note:

There may be provided with a copy of this or integrated without requiring the need for any additional resource consents in relation to the installation of such lines.

Provide for telephone

66. The consent holder shall provide written confirmation from the telecommunications network supplier on its side for the area that provision of telephone services has been made available to all saleable lots created and that all the network supplier's requirements for making such services available have been met.

Advice Note:

There may be provided with a copy of this or integrated without requiring the need for any additional resource consents in relation to the installation of such lines.

Public road access to the subdivision

67. The provision of the access road outside of the Peniké Designation shall be constructed as a rural sealed standard comprised in the Council's Standards for Engineering, Design and Construction of rural sealed cross sections shown on Figure C 022 presented with approved resource consent application (R 52/17).

If the consent holder of Peniké over the section required to give access to the subdivision, shall be completed within two years (or other timeframe agreed to in the Terms and Conditions Monitoring (Orewa)) on the day of the request for a section 224 (or for any stage of the subdivision, the provision of the access road within the Peniké Designation shall be constructed to a rural sealed standard comprised in the Council's Standards for Engineering, Design and Construction and to the typical cross section shown on Figure C 022 presented with the original application (R 52/17).

In the event that it is confirmed that the section of Peniké giving access to the subdivision is to be completed within a time frame of two years or less (or other timeframe agreed to in the

Concerns Manager) on the day of the request for the section 224 (c) for any stage of the submission, the section of the access road within the Portline Designation will be required to meet a sealed standard, except for the first 20 metres from Fox Court Road which must be to a sealed standard. In this regard, a bond required by Council's Solicitor shall be determined by the engineer for the additional cost to seal the full length of the road within the designation. The bond shall be released upon completion of the section of Portline sealed to serve as access to the subdomain or on completion of a sealed access road approval.

Advice Notes:

The City to agree a new timeframe of approval will provide flexibility in project timing. Construction over the section of Portline to give access to the subdomain will be completed within the required timeframe and be deemed to have occurred when construction of Portline has begun and the construction timeline indicates that the section of Portline to give access to the subdomain will be completed within the required timeframe.

Road Formation

59. With Fox Court Road will be constructed with 0.6m kerbs and wheel shoulders of 1.5m on each side of the road.

Enhancement Planting

60. Enhancement planting detailed in Steps 1-4 and the Special 8 Zone and the respective timing or implementation contained within Rule 12.9.2.22.3 shall be achieved in full from pre-planting and completion conditions that apply to the Step 1 planting areas combined with Conditions 18 and 19 of the consent shall apply at a time that each stage is implemented. Planting is required over the following areas:
- a. Stage 1 areas (17 hectares) – planting shall be completed within 5 years of granting consent.
 - b. Stage 2 areas (17.5 hectares) – planting shall be completed within 10 years of granting consent.
 - c. Stage 3 areas (82.1 hectares) – planting shall commence within 10 years of granting consent and be completed within 20 years of granting consent.
 - d. Stage 4 areas (the 31 hectares) – planting shall commence within 10 years of granting consent and be completed within 20 years of granting consent. Native vegetation shall be planted over no less than 60% of the area (19.4 hectares).

The enhancement planting is subject to a bond requirement as outlined in condition 72. For the avoidance of doubt, a Section 224(c) certificate can be issued without full completion of the enhancement planting and fulfil this condition having been achieved, as a bond will be held until such time as enhancement planting requirements are satisfied and the bond is released in accordance with condition 72.

Enhancement Planting (maintenance)

70. With the enhancement planting areas, plant must be maintained in accordance with the approved Planting Plans and must be maintained until 75% canopy closure has occurred and a minimum survival rate of the plants (being 90% of the original density) is reached (the 20% planting areas) has been achieved. The five-year period shall commence once the completion report has been approved by Council. The maintenance includes the ongoing replacement of plants that do not survive. All invasive weeds and other pests shall be controlled in

accordance with the Flood and Pest Animal Control Plan Part of the Council's initial planning and any replacement planning if required and on an ongoing basis.

Remediation work is recommended. The consent holder shall:

- undertake the remediation work within 12 months from the start date
- Provide Council with a report confirming the remediation work has been undertaken. The report shall be submitted to Council's Team Leader Northern Development (Consent) within 6 months after the remediation work has been undertaken.

Approval note

The five year period can only commence once all planning consent conditions and conditions which attach to the consent have been satisfied to the satisfaction of Team Leader, Northern Development (Consent).

The purpose of this condition is to ensure a minimum coverage of the site to 80% of the original density and 75% canopy closure through the entire planting period.

The consent holder shall submit a Monitoring Report to Council's Team Leader Northern Development (Consent) by quarter in monthly for the first 18 months from the start date thereafter the monitoring shall be made on a total maximum period of two years. The Monitoring Report shall include and is not be limited to the following information in respect of each site:

- Success rates, including growth rates and number of plants lost (including all aspects of the maintenance of losses)
- Canopy closure, densities of native ecological processes - natural regeneration or otherwise, using native plants etc.
- A survey record of any disturbance, animal and weed pest control and replacement of dead plants
- Details on the creation of any supplementary or maintenance of the canopy
- Recommendations for replacement or new plants and maintenance of these recommendations (remediation work). Any recommended remediation work shall include a start date for replanting.

The planting shall be carried out in accordance with the standards set out in Rule 12.0.22.3.3 of the Auckland Council District Plan (Resource Sections).

The enhancement planting requirements is subject to a land requirement as outlined in condition 22.3.3. In the absence of doubt, a Section 224(a) certificate can be applied for and a condition of the enhancement planting requirements included in the certificate. Having been obtained, an area may be set aside with the enhancement planting maintenance requirements and which are not to be released in accordance with condition 22.

Facilities

- 1) The consent holder shall design and complete the following facilities in a design and specification developed by the consent holder and submitted to Council for approval and to construct: The facilities shall be constructed in the specified location as shown on the

Ordinary Plan in Appendix 14 of the Auckland Council District Plan (Facility Section) Planning Maps and the rules:

1. The Conservation Institute and Gardens
2. The Lookout
3. Three (3) sets of public toilets (in each case consisting two male and two female toilets);
4. Four (4) open rest areas; and
5. The Mountain Runny Cup Facility

The construction of the facilities is subject to a performance requirement as outlined in condition 72. For the avoidance of doubt, a Section 224(d) valid call can be sought without the completion of the facilities identified in this condition having been achieved, as a bond will not need to be submitted as the facilities construction requirements are satisfied and the bond is released in accordance with condition 73.

Advice Note:

The proposed rule is subject to the Plans and need to be submitted and approved by Council with the Building Consent stage.

Bond:

72. Prior to the issue of a certificate pursuant to section 224(d) of the Act, the consent holder shall enter into an enforceable unconditional agreement and bond in a form acceptable to the Council with the Council to ensure compliance with conditions 68, 70 and 71. The bond shall be guaranteed by a Registered New Zealand bank or The Commercial Union Company with a credit rating of no less than an A- and which is registered as a licensed insurer with the Reserve Bank of New Zealand and shall be bound to pay for the carrying out of any works required to meet the requirements of conditions 68, 70 and 71, as demanded from the Council in accordance with condition 73. For the avoidance of doubt, there may be one or more bond holders to ensure compliance to meet the requirements of conditions 68, 70 and 71.
73. The Council may demand payment if the Council gives the consent holder not less than one month written notice of a failure to comply with conditions 68, 70 and 71 and the consent holder fails to rectify the non-compliance within that notice period.

Bond Quantum

74. The quantum of the bond shall initially be \$140
- a. Enhancement planting - \$25 000 per hectare required to be planted. For Stage 4 the work to be done is a 60% of the total area. The cost per hectare of the enhancement planting shall be focused upon Council planting, to its satisfaction an adequate assessment including concepts, material, & methods and herbicide control for the enhancement planting.
 - b. Enhancement planting maintenance. At least is the greatest sum of 1.5 times the cost of maintenance over the bonding period, as assessed in accordance with condition 73 or the satisfaction of Council or 10% of the cost of planting; or \$5 000 per hectare.
 - c. Construction of facilities. The quantum of the bond shall be determined by the consent holder obtaining a country survey report from a suitably qualified person detailing the total construction costs of the facilities to the satisfaction of the Council's Team Leader Northern Marketing (Urewa).

Advice note

The assessment to review the enhancement planting credit and the structure could also consider an ecosystem strategy/approach of planting to maximize the use of natural capital requirements.

26. The quantum of the bond shall be reviewed and reassessed by the Council (in consultation with the consent holder) every 2 years from the date that the initial bond amount was lodged with the mix of the local authority. The quantum will also be reviewed and reassessed by the Council (in consultation with the consent holder) at such times as the obligations in conditions 28, 30 and 31 are completed.
27. At any time the quantum of the bond is varied pursuant to these conditions, then the consent holder and guarantee shall, with 30 working days of notification by the consent holder of the varied bond amount, execute and lodge a new bond (in a form acceptable to the Council) for the subsequent term of the enhanced quantum required in excess of the existing bond.

Bond Term

27. The bond shall remain in place for a period of 25 years, subject to condition 28 below and may be renewed from time to time in accordance with these conditions. The bond shall be released on the date of expiry of the bond term or on such earlier date as the consent holder has executed in duplicate under conditions 29, 30 and 31 to the Council's satisfaction, in accordance with condition 28 below.

Specific Review of Bond

28. A specific review shall take place and the time of annual review shall only, at the following times:
 - a. E-Enhancement planting bond: The bond for each Stage, or part of a Stage, of enhancement planting shall no longer be required once the consent holder has provided a completion report to the Council's satisfaction confirming that the starting of that Stage, or part of a Stage, is completed. The consent holder shall provide the Council and the Common Body with a plan showing the completed Stage(s) or part of a Stage, of planting.
 - b. Enhancement planting maintenance bond: The bond for each Stage, or part of a Stage, of enhancement planting maintenance shall no longer be required following the expiry of a period of five years following approval by the Council of the completion report for that Stage, or part of a Stage, or once the consent holder has provided a letter confirmation to the Council's satisfaction that a 75% canopy cover has been achieved with a minimum average canopy cover of 40% of the area and canopy through the relevant planting area, whichever is earlier. The consent holder shall provide the Council and the Common Body with a plan showing the completed Stage(s), or part of a Stage, of maintenance.
 - c. Construction of facilities bond: The bond shall no longer be required once the consent holder has provided a completion report to the Council's satisfaction confirming that the facilities have been constructed (and all necessary Building Act requirements have been satisfied) and certifying (by a suitably qualified arboretist) that an appropriate border planting has been established and is in maintenance condition.

All bonds may be released in part upon the partial or total completion of planting areas and/or removal of enhancement maintenance areas, a decision taken at the discretion of the Council.

Form

29. The consent holder shall pay:

- v. All final charges relating to the recycling, processing and grading of the resource consent under section 33(1) of the Resource Management Act 1991 (RMA) will;
- vi. A legislative change introduced under section 36(2) of the RMA to enable the Council to recover its actual and reasonable costs in respect of the application, which are various charges.

The common Body

8D) The consent holder shall provide written evidence to Council that it has formed an incorporated society, body corporate, association or other entity or organization (whether incorporated or not) comprising the Waihi residents and the registered proprietor of the commercial lots (hereafter called the Body). The consent holder shall also provide written evidence to Council that all proprietors of lots within Policy Area 2 will be required to become a member of the Body, and that the Body will be funded by the Waihi residents and the proprietors/proprietor of the commercial lots who shall pay:

- i. 50% for the first two years following the issue of a certificate of title for each lot;
 - a. For years 2+3 following the issue of a certificate of title for each lot the lesser of:
 - a. A management contribution of \$1000 per lot (calculated to CPI), or
 - b. A proportionate share of the actual expenses of the Body, which is calculated by reference to the total number of resource residential and commercial lots permitted by the zone or resource consent applying to Policy Areas 1 and 2 in the relevant year (or part thereof). For the avoidance of doubt to the extent that there is a conflict between the above and the costs of complying with the Body's obligations, that shortfall will be met by the owner of lots 1000 (CPI) and any lots in common with the consent holder and have not been sold to third parties.
- ii. After the expiry of the 2nd year following the issue of a certificate of title for each lot, the owner shall pay the proportionate share for each lot, calculated by reference to the total number of resource residential and commercial lots permitted within Policy Area 1 and 2 in the relevant year (or part thereof) by the zone or resource consent applying to Policy Areas 1 and 2.

Ongoing Obligations of the Common Body

- 8E) The Body will be responsible for maintaining in perpetuity:
- a) The Conservation Districts and Corridors;
 - b) The Lookout;
 - c) The Three (3) sets of public toilets (a north side containing two male and two female toilets);
 - d) The four (4) open recreation areas;
 - e) The Mountain Biking Club facility;
 - f) The three (3) parks;
 - g) The Waihi walkways and any associated pedestrian bridges;
 - h) Street planting, drainage reserves plantings, park outlook plantings within Waihi Village Policy Area 2.

Conservation Institute and Gardens

82. The Body shall be responsible for the purchase, management and governance of the Conservation Institute and Gardens required under condition 7(1) which shall include:
- A base for the carrying out of the Wild bird and conservation programmes, the high environmental planting programmes and the wild prairie and soil reclamation programmes;
 - A building where public sector science research related to Wild or the surrounding area can be facilitated by making available office, meeting or seminar space from time to time; and
 - Educator programmes.
83. The Body shall make the Conservation Institute required under condition 7(1) available for the activities listed in condition 22 subject to reasonable conditions (which may include the payment of a fee).
84. The Body shall make the Conservation Institute and Gardens required under condition 7(1) available for public entry, subject to reasonable control controls in terms of user safety, operation, parking, access which may include the requirement of a vehicle fee.

Lockout

85. The Body shall make the Lockout required under condition 7(2) available for public entry free of charge, subject to reasonable control controls of user safety, operation and access as the Body may determine.

Mountain Biking Club Facility

86. Within the next six (6) months of the sector 22(1) agreement the Body shall provide evidence that it has created an incorporated society or other legal trust to operate the Mountain Biking Club facility of approximately 20 acres including provision for such an incorporated society to have access to the Mountain Biking Club facility available to other mountain bike club members or the public through annual and temporary permits (all times and on such terms as shall be determined by the incorporated society / charitable trust).

Street and Drainage Reserve Planting (maintenance only)

87. The street and drainage reserve planting of the mountain will be:
- a minimum 24 months for any drainage planting within the drainage reserve and street reserve of the road; or
 - to the extent that in the opinion of Team Leader Northern Monitoring (Trees), that the minimum street and drainage reserve planting minimum less than that, whichever is the lesser.

Maintenance

88. If the Body fails to maintain the above areas as required by Conditions 'drainage reserve planting' and 'street planting' the Council may undertake the works necessary to bring the areas up to the standards required by this Council and recover the cost of the works from the Body.
- Upon completion of the works the contract holder shall provide the following notification to

- With regard to all landscape planting, the consent holder shall provide a report from a suitably qualified arboreal certifier certifying that all landscape planting has been successfully established and maintained in a sustainable condition. The maintenance period shall be maintained for a further 24 months beyond the completion of any additional planting that proves necessary.

Consent Notices

- 8) The following conditions of consent shall be complied with on a continuing basis following the issue of a survey plan under section 224 and shall be recorded in a consent notice under section 224(1) of the Resource Management Act 1991 registered on the title(s) as follows:

Lots 1-165, 1000-1015, 1000-1005 and 1000-1002 and Lot 4 DP 455884

Cats and dogs

- a) No cats shall be kept on the common law of Lots 1000-1002 or Lot 4 DP 455884. Dogs shall not be permitted to be kept without the approval of the Body and shall not be permitted on the common land (providing the provisions) unless on a leash. The body shall maintain a register of animals as far as possible by Auckland Council criteria.

Pest free covenant

- b) The owners of Lots 1-165, 1000-1005, 1000-1002 or 1000-1002 and Lot 4 DP 455884 and their successors in title and any companies, firms or persons permitted to own, lease, care or feet any commercial premises used for the Auckland Regional Pest Management Strategy (RPMS) 2007-2012 or any successive RMPs on these lots, shall register on the products:

Lots 1-165

Building Restrictions

- c) Any buildings erected on the Lots 1-165 shall be subject to the requirements of the report prepared by Coffey Clarke and NZ Ltd, reference No. 05/N/011/01/000000-00, dated 29/02/10 and any subsequent reports. Copies of the reports shall be held at the offices of the Council, Gateway Plaza, Otara.

Architectural Code

- d) The consent holder shall ensure that all development including earthworks and final design including measures of visual mitigation by not encroaching on or obscuring all of the principles of the submitted Architectural Code prepared by B&M Mackay Limited, dated 10 June 2010 or any subsequent Auckland Architectural Code approved by Council.

Lots 1000-1005

- e) Any subsequent restrictions arising from the Landmarks Computer Report shall be complied with on a continuing basis.

Open Space

- f) Lots 1000-1005 shall be held in perpetuity as open space reserved in great with all requirements relating to be located within these areas constructed to Council's requirements in the Act. The consent holder shall provide Council with an undertaking to complete the registration of the land covenant.

Monitoring Charges

- g) The responsible owners of Lots 1000-1005 shall pay the annual monitoring charge of the lots to recover the actual and reasonable costs, which have been incurred to ensure compliance with the conditions set out in this consent.
- h) Such charges shall be paid as part of the regular council rates and the consent holder will be advised of the further monitoring charges and charges as they fall due. Such further charges will be levied within one month of the date of invoice.

Lots 1000-1005 and Lot 4 DP 489884

Native Bush Protection

- h) The areas of native bush and any associated fire-ecological planting to be protected on Lot 4 DP 489884 and Lot 4 DP 452954 described by survey in accordance with the above conditions shall be protected in perpetuity to the satisfaction of the Council's Team Leader Northern Wairarapa (Consent).

The owner (or their authorised agent) of Lots 1000-1005 and Lot 4 DP 489884 shall:

- i) Preserve and maintain the native vegetation, wildlife habitats and the natural landscape within the areas of native bush and riparian areas to be protected on Lots 1000-1005 and Lot 4 DP 452954;
- ii) Maintain the parameters or rights of approved public water through the riparian areas;
- iii) Not without the prior written consent of the Council and in strict compliance with any conditions imposed by the Council cut down, damage or destroy or permit the cutting down, damage or destruction of the vegetation or wildlife habitats within the areas of native bush to be protected;
- iv) Not do anything that would prejudice the health or ecological value of the areas of native bush to be protected, their long term viability and/or sustainability;
- v) Control all weeds, plants and animal pests which are within the areas of native bush to be protected in accordance with the approved Weeds and Pest Animal Control Plan;
- vi) Maintain the seven wire post and beam fences (see plans) which avoid potential access of stock within grazing areas into existing native vegetation or riparian areas;
- vii) For the avoidance of doubt, this consent will not be held out as if any of the areas of native bush or its protection are as a result of the order require because the applicant is in any way in default on their part for when they are not responsible.

Lot 4 DP 489884

Access to facilities

- j) The owner of Lot 4 DP 489884 shall not impose a public access fee or charge for the walking tracks, recreation tracks and rest areas.

Conservation Institute and Gardens and Mountain Biking Club Facility

- k) The owner of Lot 1 (CP 465811) shall grant the Conservation Institute and Gardens and Mountain Biking Club Facility and provide public access to these areas and facilities on said lands as set out in sections 21, 24, and 26.

Regional Stormwater Conditions: REC-80849

Duration

90. Stormwater design and construction must REC-80849 shall apply 95 years after the date on which 2 June 2015) unless it has ceased, been surrendered or been cancelled as an entire date pursuant to the RMA.

Stormwater works

91. The following stormwater management works are considered for the following catchment areas and design guidelines and they are designed with 24-hour discharge commencing from the site
92. The detailed design of all proposed outfalls, culverts and any overland flow paths (including any required drainage plans and calculations) shall be submitted and approved by the Team Leader Northern Monitoring (Storm) at the time of application for Engineering Plan Approval.

Works to be undertaken	Catchment area- impervious	Catchment area- pervious	Design guideline(s)
Wetland 1A	1.64 ha	0.10 ha	75% TSS removal Runoff from 34.5mm rainfall drained and released over 24 hours
Wetland 1B	2.01 ha	3.00 ha	75% TSS removal Runoff from 34.5mm rainfall drained and released over 24 hours
Wetland 2	2.37 ha	2.95 ha	75% TSS removal Runoff from 34.5mm rainfall drained and released over 24 hours
Wetland 3	1.18 ha	2.42 ha	75% TSS removal Runoff from 34.5mm rainfall drained and released over 24 hours

Roof material		No exposed unpolished metal surfaces
Rain outfalls		Leakage protection measures as with TP-3

93. In the event that any minor modifications to the stormwater management system are required, the following information shall be provided:

- Plans and drawings showing the details of the modifications; and
- Supporting information that details how the proposed does not affect the capacity or performance of the stormwater management system.

All information shall be submitted to and verified by the Team Leader, Northland Monitoring (JNew), or its representative.

Advice Note:

All proposed changes must be discussed with the Team Leader, Northland Monitoring (JNew), prior to construction. Any changes to the original plans that affect the capacity or performance of the stormwater system or that result in a change to the conditions of the consent will require an application to be made as appropriate with Section 17 of the RMA.

Construction meetings

94. At least four working days prior to initiation of any construction of stormwater discharge facilities, a pre-construction site meeting between Stormwater Name Resources and Specialist Input and all relevant parties, including the site stormwater engineer, shall be arranged.

95. The following information shall be provided at the pre-construction meeting:

- i) Timelines for any stages of the works due to take under the consent;
- ii) Detailed details of the site construction and site stormwater engineer; and
- iii) Approved (signed/stamped) construction plans.

96. Within 30 days of Practical Completion of the stormwater management works, a post-construction site meeting shall be arranged and conducted between Stormwater Name Resources and Specialist Input and all relevant parties, including the site stormwater engineer.

Certification of construction works

97. Within 30 days of Practical Completion, a Built Certificate and plans of the stormwater management works which are certified (signed) by a Chartered Professional Engineer as a true record of the stormwater management system shall be provided to the Team Leader, Northland Monitoring (JNew).

98. The As-Built plans shall include but not be limited to:

- a) The structure location (to be marked 0.1m) and level (to be marked 100mm) of the discharge structures, with coordinates expressed in terms of NZTM and JNZ datum.
- b) Location, dimensions and levels of any manholes and localities including trees, fences and bus stations.

- 11) Provide and cross sections of all stormwater management features, including total number of the Water Quality Volume. The storage volume and levels of any surface controls shall be shown;
- 12) Document details of any discrepancies between the design plans and the As-built plans.

Operation and maintenance

109. A final Operation, Ongoing, and Maintenance Plan shall be submitted by the Team Leader, Northern Waterberg (Orewa) within 30 days of the completion of installation of the stormwater works.

110. The Operation and Maintenance Plan shall describe how the stormwater management system is to be operated and maintained to ensure adverse environmental effects are minimized. The plan shall include, but not be limited to:

- i) A programme for regular maintenance and inspection of the stormwater management system;
- ii) A programme for the collection and disposal of debris and sediment collected by the stormwater management system or practices;
- iii) A programme for vegetation inspection and maintenance;
- iv) A programme for inspection and maintenance of the catchment provided by the consent;
- v) General inspection schedule for all aspects of the stormwater management system including structural checks of catchpits, wellheads and outlets;
- vi) A program for inspection and maintenance of vegetation associated with the stormwater management system, and;
- vii) Details of who will hold responsibility for long-term maintenance of the stormwater management system and the organizational structure that will support this process.

111. The stormwater management and treatment system shall be maintained in accordance with the approved Operation and Maintenance Plan.

112. Any amendments to the Operation and Maintenance Plan shall be submitted to and approved by the Team Leader, Northern Waterberg (Orewa), in writing, prior to implementation.

113. The stormwater management system shall be maintained to minimize erosion, risk or obstruction of the roadway and hazards to safety.

Overland flowpaths

114. For stormwater flows in excess of the capacity of the primary drainage systems, overland flow paths shall be provided and maintained to a low top or streamer from catchment areas up to the 100 year ARI event to discharge with the minimum disturbance and damage.

115. Major secondary flow paths shall be kept free from significant obstructions such as buildings and old fences.

116. Facing, kerbs and channel construction across overland flow paths shall be set at a level that maximises the capacity of water by road crossings. Other than at designated overland flow paths, emergency crossings shall be constructed in order to minimise the overtopping of water from floodlines or safe practices.

Outfall erosion

- 107 Any stormwater outfall authorized by this Consent shall incorporate erosion protection measures to maintain the permanence of bed scour and bank erosion in accordance with TP10.

Maintenance report

- 108 Details of all inspections and maintenance for the stormwater management system in the area of the site over two years shall be retained and provided to the Auckland Council Environmental Monitoring & Control on request. The maintenance report shall include but not be limited to the following:
- 1) Details of what is responsible for maintenance of the stormwater management system, and the organisational structure supporting this resource;
 - 2) Details of any maintenance undertaken; and
 - 3) Details of when inspections were completed over the preceding two year periods.

Review condition

- 109 The consent of this consent may be reviewed by the Auckland Council pursuant to Section 128 of the Resource Management Act 1991, with the object of the review process being done by the Council either by giving notice pursuant to Section 129 of the Act, or one or more of the following items:
- 1) Within one year of completion of the stormwater works;
 - 2) And/or at ten yearly intervals after that date.

The purpose of the review may be for any of the following purposes, namely:

- a) To deal with any adverse effect on the environment which may arise from the exercise of the consent or upon which the exercise of the consent may have an influence and which, in the respondent's view, is found appropriate to deal with of a technical nature and without limiting the ambit of the consent to:
 - i) these conditions or modify existing conditions, to require the Council holder to identify the character or nature of any discharge authorised by this Consent and to report the results of that monitoring to the Auckland Council; and/or
 - ii) these conditions or modify existing conditions to require the Council holder to monitor the effects of any discharge authorised by this Consent on the local receiving environment and to report the results of that monitoring to the Auckland Council;
- b) In the respondent's or modify existing conditions, requiring the Council holder to adopt the Best Practicable Option to remedy, mitigate or minimise any adverse effects on the environment resulting from the discharge authorised by this consent, including remedying or mitigating any adverse effect on the environment which may arise from the exercise of the consent and which it is appropriate to deal with at a later stage.

Advice Note:

At the time of detailed design the permitted activity criteria for storm water to be discharged to the stormwater may not be additional consents are required.

Regional Earthworks Conditions: REC-00343

Duration

110. Permit REC-00343 shall remain in force for 10 years after the date it is granted unless it has been surrendered or cancelled in accordance with the provisions of the ERMV.

Pre-commencement meeting

111. At least 5 working days prior to the commencement of the earthworks activity as authorized by this resource consent, the Team Leader, Northern Territory (NT) will be informed in writing of the proposed start date.

112. Prior to any earthworks commencing on this site in accordance between Conditions 1 and 2, the consent is contingent on pre-arrangement and meeting between Auckland Council and relevant parties, including the primary contractor shall be arranged and conducted. The meeting shall discuss the erosion and sediment control measures, the proposed methodology and challenges of relevant control measures in relation to the necessary conditions of this consent.

Advice Note:

- a. Commencement of earthworks across the site shall be commenced including any site preparation, earthworks and earthworks, and in compliance
 - b. Auckland Council representatives should include one or more named by a compliance officer from the Earthworks and Construction Land Team (ERBL) at a pre-commencement meeting on behalf of the compliance officer.
 - c. To arrange the pre-commencement meeting required by Condition 112) please contact me Team Leader, Auckland Monitoring Officer to arrange this meeting. The duration of meeting should be discussed at this meeting. All relevant information required by the Council should be provided 7 days prior to the meeting.
113. All existing earthworks at the site during the project works shall be designed to ensure that they:
- a. Have a freeboard storage capacity to hold at least three cubic metres of impounded volume for every 100m² of earth filling placement,
 - b. Have a maximum height of less than 5.000m,
 - c. Have a lead lined and two layers of geotextile covering and pinned securely to the emergency collapse to prevent erosion,
 - d. Use lining sheet piling that does not exceed a rate of 3 tons per second, per metre of sheet piling length;
 - e. Have a difference bars at the midpoint of the impoundment area
 - f. Be adequately vented by a suitable natural system

Advice Note:

The existing earthworks should be constructed in accordance with Auckland Regional Council Technical Publication No 20, Erosion & Sediment Control Guidelines for Land Disturbing Activities in the Auckland Region where other additional measures have been proposed when working in the riparian area of TR93, in which case these must be implemented.

- 1.4. Once abandonment or completion or earthenware on the subject site, all areas of bare earth shall be permanently stabilised against erosion to the satisfaction of the Team Leader Northern Monitoring (TMO).

Advice Note:

Should the requirements be complied or otherwise, bare areas of earth shall be permanently stabilised against erosion. Measures may include:

- + the use of mulching
- + temporary seeding and stability of temporary bare areas if used.
- + application of vegetation cover that has achieved a density of more than 80% of a normal pasture sward
- + The required stability of these measures is the responsibility of the applicant holder.

It is recommended that you discuss any essential measures with the Council's monitoring officer who will guide you on the most appropriate approach to take. Please contact the Team Leader, Northern Monitoring (TMO) for more advice. Alternatively, please refer to Auckland Regional Council Technical Publication No. 20, Erosion and Sediment Control Guidelines for Land Disturbance Activities in the Auckland Region.

- 1.5. All sediment control ponds shall be designed during earthworks that be designed to meet the following:
- a. have a three percent storage capacity, being a flow three cubic metres of runoff from a one hectare 100m² catchment
 - b. have a level bed and two layers of geotextile covering and pinned secure to the emergency spillway or prevention
 - c. have a total siltation capacity of discharge at a rate of 1 liter per second per hectare of contributing catchment
 - d. have two outlets within or on the immediate area of the pond
 - e. be self-cleaning aided by a rainfall activated system

Advice Note:

The sediment retention ponds should be constructed in accordance with Auckland Regional Council Technical Publication No. 20, Erosion & Sediment Control Guidelines for Land Disturbance Activities in the Auckland Region, except where additional measures have been approved which exceed the requirements of TR96. In such cases there must be implemented.

- 1.6. All sediment control shall be operational before earthworks commence. All new water and / or stock race surfaces including catchment areas across the site shall be laid away from earthworks areas via a drainage system, so as to prevent a surface erosion.

- 1.7. All clean water diversion channels shall be stabilised against erosion in accordance with TR96 when constructed on ground greater than 2%.

- 1.8. Prior to bulk earthworks commencing a geotechnical engineer, by a suitably qualified and experienced engineer shall be appointed to the Auckland Council Team Leader Northern Monitoring (TMO), to verify the erosion and sediment control have been installed and in accordance with the erosion and sediment control plan.

- 110. Certified controls shall include the sediment control ponds, operating with suitable differences and diversion channels/bunds. The condition for these subsequent measures shall be a permit immediately upon completion of construction of these measures. Information reported if applicable, shall include:
 - a. Contributing catchment area;
 - b. Slope of structure (if necessary, list at least 3);
 - c. Position of i) structures and
 - d. Stabilisation of the structure.
- 120. Prior to the commencement of bulk earthworks at the new, a Chemical Treatment Plant (CTMP) shall be established on the written approval of the Team Leader Northern Territory (NT). The site shall include as a minimum:
 - a. Specific design details of the chemical treatment system based on a detailed validated methodology for the site sediment removal ponds and the decanting canals/bunds;
 - b. Monitoring arrangements (including post storm) and contingency programme (including a record sheet);
 - c. Details of erosion design (including, where planned);
 - d. Results of initial chemical treatment trial;
 - e. A spill contingency plan; and
 - f. Details of the person or persons that will hold responsibility for long term operation and maintenance of the chemical treatment system and the organisational structure which will support the system.

Advice Note:

In the event that minor amendments to the CTMP are required, any such amendments should be sought in the scope of this consent. Any amendments which affect the performance of the CTMP may require an application to the works & maintenance authority under 127 of the RMA. Any minor amendments should be provided to the Team Leader – Construction and Communities (and Team – RMA) prior to implementation to confirm that they are within the scope of this consent.

- 121. The site shall be progressively stabilised against erosion as major construction works/works are finished over various areas of the site. Site stabilisation shall occur when the site is covered by a permanent erosion proof ground cover such as aggregate and/or other vegetative cover which has obtained a density of more than 80% of a natural undisturbed area.
- 122. Sediment control measures shall be inspected to ensure effective operation on a daily basis or immediately after a significant storm event during construction by the contractor. The engineering representative shall also inspect the sediment control measures on their regular site inspections.
- 123. There shall be no deposition of silt, mud, dirt or other debris on any public road or footpath running from earthworks activity on the subject site. In the event that such deposition does occur, it shall immediately be removed. In no instance shall roads or footpaths be washed down with water without appropriate erosion and sediment control measures in place to prevent contamination of the stormwater drainage system, watercourse or receiving water.

Advice Note:

in no circumstances should the washing of deposited materials into rivers be allowed or otherwise conducted.

Seasonal Restrictions

124 No vegetation removal or earthworks on the site shall be undertaken between 30 April and 1 October in any year without the site owner's approval of the Team Leader, Northern Monitoring (Ormeau) at least two weeks prior to 30 April of any year. Earthworks on the riparian zone to bulk earthworks (or fill works) restricted with limits.

125 Riparian stabilisation is to be completed by 30 Apr in the year of bulk earthworks in accordance with measures detailed in HMI and any amendments to this document, unless a specific approval is sought from the Team Leader, Northern Monitoring (Ormeau), at least two weeks before 30 April.

Construction Management Plan

126 The applicant shall submit a Construction Management Plan (CMP) to the Team Leader, Northern Monitoring (Ormeau), prior to the commencement of earthworks authorised by the granting of the consent. Works shall not commence until completion has been received from Council that the CMP is within scope of the consent. The CMP shall include but is not limited to the following where relevant:

- a. Details of contractor to undertake the works on site
- b. Details of any noise mitigation for the earthworks and
- c. Erosion control and sediment control plans

Adaptive Monitoring

127 The applicant shall submit an Adaptive Environmental Monitoring and Management Response Plan (AEMRP) to the Team Leader, Northern Monitoring (Ormeau), prior to the commencement of earthworks authorised by the granting of the consent. Works shall not commence until confirmation has been received from the Team Leader, Northern Monitoring (Ormeau) that the AEMRP is within scope of the consent. For the avoidance of doubt, the proposed monitoring regime and shall include but not be limited to:

- Flow monitoring – Continuous discharge flow monitoring installation on the outflow from a minimum of two sediment retention ponds
- Sediment discharge monitoring – Aims of measure will include automatic sampling to measure the suspended solids discharge through a storm event of more than 25mm of rain in a 24-hour period. The monitoring is to include automated recording of the outflow with manual sampling of the inflow to represent inflow quality
- Baseline monitoring of the receiving environment to establish the baseline for monitoring.

In addition to the measurement of water and sediment discharge from the site or retained by the environmental effects of sediment discharge are to include. The monitoring shall include but be not limited to:

- Sediment deposition monitoring

128 It is noted that ecological changes occur which exceed the threshold in management and action (as stated in the AEMRP). The consent holder shall advise the Team Leader, Northern

Monitoring (Osway), with 2 days detailing the type of fish species identified and the subsequent action taken.

129. The results of the sampling programme shall be provided to the Team Leader, Northern Monitoring (Osway), at three monthly intervals upon receipt from the Team Leader, from the date of commencement of this consent.
130. The consent holder shall submit the Team Leader, Northern Monitoring (Osway), an Annual Report containing work plan and timing, results and an assessment of findings compliance to include the end of May each year. The Annual Report shall also provide details of any ecological change thresholds exceeded, management actions taken and subsequent ecological response.
131. Amendments to the A1 MKR01 monitoring cessation of any further monitoring are required to be approved by the Team Leader, Northern Monitoring (Osway), in writing and may be subject to a 60 day period of monitoring which provides a series of agreed conditions.

Regional Streamworks Conditions: REG-0010

132. Permit A1 000050 shall remain in force until decision date (2 June, 2016) unless the permit has been amended or been cancelled at an earlier date pursuant to the RMA.
133. Prior to the commencement of any streamworks authorised by the granting of this resource consent, the consent holder shall provide for the written approval of the Team Leader, Northern Monitoring (Osway), a final Landscape Planting Plan outlining the stream planting to be undertaken at the site, at the Kereka Stream and Inyanga. The report shall include details of the mitigation works to be carried out, including but not limited to the following:
- (i) Plans in A3 format showing 1:15m margins where riparian planting of streams is to be undertaken, including a list of species, numbers to be planted, tree size and botanical names, method of planting, planting conditions and densities;
 - (ii) Details of the works to be undertaken within the stream to improve in-stream habitat;
 - (iii) Details regarding timing of works and techniques of weed and silt management measures for a period of at least 1 or 2 years will in the mitigation site;
 - (iv) Details of how the mitigation works will be protected in perpetuity until a visit to Auckland Council;
 - (v) Copies of a written plan for riparian and/or aquatic landscape management on riparian works confirming the works as per points (i) above to the satisfaction of Auckland Council of the required 2 year weed and silt management measures.
134. The riparian planting required by the Landscape Planting Plan shall be undertaken within the first planting season following the completion of work permitted by consent REG-0050.
135. Any amendments to the approved Landscape Planting Plan shall be approved by the Team Leader, Northern Monitoring (Osway), Auckland Council in writing prior to any amendment being undertaken on site.

136. Written confirmation that has been provided to the Team Leader Northern Monitoring (Crews) within 60 days of the measure plan(s) having been undertaken, confirming that the mitigation works have been conducted in accordance with the general conditions and Landscape Planning Plan.
137. Plant mortality assessment in accordance with the approved Landscape Planning Plan shall occur for 2 years or until a minimum survival rate of the plants, being 80% of the original daily through the entire planting area, has been achieved. The 2 year period shall commence once the completion report notes has been submitted to and approved in writing, by the Team Leader Northern Monitoring (Crews).
138. Prior to the construction of the new stream channel, a Streamworks Management Plan shall be provided to the Team Leader Northern Monitoring (Crews) for approval. The plan should include the following details: to
1. Timing and start/finish details of the new channel
 2. A geotechnical stability assessment of the new channel,
 3. All final cross-sections and long sections, and
 4. Details of erosion monitoring for the stream channel and when it will occur.
139. The channel works shall take all practical measures to remove and/or minimise risk from any sections of stream to be disturbed. Appropriate measures include and include an resident fish populations and to be assessed and included in a written report by a suitably qualified and relevant local estimator ecologist. A copy of the report shall be provided to the Team Leader Northern Monitoring (Crews) for written approval and to any fish stocker.
140. The work in 60 days of practical completion of installation the new stream channel and all structures shall be completed by the granting of consent REG-60960, as built section and plans, including cross-sections and long sections and other details shall be provided for the written approval of the Team Leader Northern Monitoring (Crews).
141. A representative shall be appointed prior to the commencement of works associated with resource consent REG-60960. The work for the Auckland Council's principal contact person(s) is required to maintain relating to this resource consent. The consent holder shall inform the Team Leader Northern Monitoring (Crews) of the representative's name and that they can be contacted. Should this person(s) change during the term of the resource consent, the consent holder shall immediately inform and give written notice to the Team Leader Northern Monitoring (Crews) and provide details of the new representative name and how they can be contacted.
142. The consent holder shall ensure that any excavated sediment shall not be stockpiled either on a temporary or permanent basis within the 100 year flood plain area.

Advice Note:

Temporary stockpiling of silt or other material within a stockpiling for period less than 24 hours only.

143. The consent holder shall ensure that all machinery operates from the bank of the permanent watercourse at all times. No machinery shall enter the watercourse section of the permanent watercourse at any time.
144. The consent holder shall ensure that at no time, including the bed of the permanent watercourse, is damaged in the course of work construction day.
145. Prior to stream flows being altered by the new stream channel, the reconstructed stream bed and banks shall be stabilised against erosion.
146. Stream works shall only be carried out during periods of normal flows, up to the 24 hour 20 year ARI normal event, over the duration of the area of works and a two day weather forecast predicts rainfall for the site location. During periods of low greater than the capacity of the diversion up to the 100 year flow event, a stabilised flow path shall be provided to ensure no erosion or sediment occurs and no low flows can pass safely around or through the area of works with minimum nuisance and damage and with no sediment generation or discharge.
147. All machinery shall be adequately covered, which ensures that spillage of fuel, oil and similar contaminants are prevented, particularly during maintenance and machinery servicing and maintenance. Refuelling and maintenance activities shall be carried out away from any water body such that any spillage can be contained so it does not enter the watercourse associated with the consent. The use of greases and lubricants shall also be limited adjacent to the watercourse with all excess of products contained and disposed of the 100 year event flow event. Fuel spillage can be contained so it does not enter the watercourse associated with the consent.
148. Fish passage shall be provided for and shall be designed to ensure suitable and safe passage of fish for the duration of the consent.
149. When desilting the area of water, no sediment laden water shall be able to pond directly into a watercourse. Any sediment laden discharge pumped or otherwise removed from the watercourse shall be disposed of to suitable sediment treatment system.
150. Consent holder shall ensure that the conditions of these consents may be reviewed by the Team Leader, Northern Monitoring (Crews) at the consent holder's cost.
- (i) Following commencement of consent work
- (a) To deal with any adverse effect on the environment which may arise or potentially arise from the exercise of the consent and which the applicant shall deal with at a later stage, in particular adverse effects on the receiving environment.
- (b) In the case of a coastal water or discharge permit to provide compliance with any regional plan relating to sea or water water quality (see section 172(2)(b) (MS) the three-hour time operative since the commencement of consent. In the case of a coastal water or discharge permit to provide compliance with any relevant NLS that has been made available to the consent holder of consent.
- (ii) At any time. It is found that the information made available to counsel in the application contained inaccuracies which materially influenced the decision and the effect of the exercise of the consent are such that it is necessary to apply the appropriate conditions.

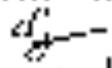
likely not applicable at the time. Any other conditions of the resource consent have been met and council issue a letter on approval of the resource holder.

14. Development contributions listed under the Local Government Act 2002 are payable in relation to this application. The resource holder will be advised of the development contributions payable separately from this resource consent process. Further information about development contributions may be found on the Auckland Council website at www.aucklandcouncil.govt.nz
15. If any archaeological features are discovered on the site, it is recommended that the resource consent's representative monitoring programme is notified immediately. For guidance see section on monitoring, the absence of archaeological features within the Town / Urban District Heritage Interpretation on 04/01/1991. Archaeological features may in practice include stone masonry, stone or masonry, masonry structures, defensive ditches, artefacts or other human (human-made) remains. Please note to the effect of a discovery monitoring strategy, 604 Zealand Road 20 207 6020, as set out in section 15.12 of the conditions.
16. Erosion inspections of the covered area will be carried out from time to time by council ecologists, in accordance with the erosion conditions of the consent notice. These inspections will determine the erosion is being managed and if the consent holder is complying with a plan. A plan will be produced for the landowner to assist them in the management of the covered area. The inspections will be carried out in accordance with the council's schedule of work.
17. Copies of the approved Wood and Fuel Annual Review Plan must be held at the office of the council (Community Unit Office 2631).
18. A list of all current past plants and animals can be found at the Auckland Regional Water Management Strategy (ARWS 2007 2012 or any successive ARWS), available from council, which includes all plants identified in the National Wetland Annual Review.
19. Any activity involving the disturbance of covered areas, including any removal or mobility structures, i.e. culch or fish passage, may require approval in a Resource Consent.
20. Where applicants would add critical populations present for erosion, they may wish to consider Local Landcare Groups or the employment of a professional contractor to assist with the ongoing management of the protected area.
21. Reports and findings on the land regarding any issues or characteristics of the site or areas on the land within the subject of specific circumstances on the land or not shall be available as part of the Council's records.
22. As soon as practicable from Auckland Transport to name of a firm design or firm for Council in the design, consultation between Auckland Transport and the applicant should take place during the development of the new project.
23. In the event that minor modifications to the approved erosion and sediment control measures are required, any such modifications should be in general accordance with or screen the requirements of Auckland Council Technical Publication number 60, Erosion and Sediment

Control Instruments for Land Disturbance Activities in the Auckland Region. Modifications should be limited to the scope of this consent and as identified in the approved plans. Any changes to the erosion and sediment control measures which affect their performance or level of treatment (where possible, must require an application to be made in accordance with section 127 of the RMA. Any other amendments should be provided in the form of a New Zealand Monitoring Order prior to implementation to confirm that they are within the scope of this consent.

18. The placing of riprap weirs along the stream flows to allow water to be stored and the erosion protection of riprap weirs to be achieved as with the existing stream. The use of additional riprap along what only occurs as a section of the riprap weirs will be impractical to recreate.

Delegated decision maker:

Name: Steve Geiger
Title: Team leader, Water Resource
Signed: 
Date: 2/6/15



Refer Consent Order dated 11 June 2008

RESOURCE CONSENT DECISION NO: RMA52447

Resource Management Act 1991

DECISION BY: RODNEY DISTRICT COUNCIL

DATE: 17 December 2007

APPLICANT
Name: Williams Land Limited Mailing Address: C/- Derek Nolan, Russell McVeagh, P O Box 8, AUCKLAND 1140
APPLICATION LOCATION
Street Address: 1696 East Coast Road, Weiti Legal Description: Pt Lot 1 DP 95984 (CTNA 80D/150)
Decision Pursuant to the Resource Management Act 1991
That pursuant to Sections 104, 104B and 104C of the Resource Management Act, 1991, the notified resource consent application by Williams Land Limited to create 150 sites for residential use, earthworks and works with the drip line of two native trees and the replacement of existing culverts in water courses at 1696 East Coast Rd Weiti is granted consent for the attached reasons.

Signed for and on behalf of the Council:

A handwritten signature in black ink, appearing to read "Harry Bhana", is written over a horizontal dotted line.

.....Date: 17 December 2007

Name: Harry Bhana

Position: Independent Commissioner appointed
by the Rodney District Council to hear and determine
this application.

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APPLICATION REFERENCE DETAILS

Decision on resource consent application under Section 88 of the Resource Management Act 1981 to create 160 sites for residential use, and to carry out earthworks and works with the drip line of two native trees and to replace existing culverts in water courses

APPLICANT	Williams Land Limited
JOINT HEARING PANEL	-Chairman - Alan Watson for ARC - Commissioner Glenn Bull for ARC - Commissioner Min Tomag for ARC - Commissioner Harry Bhana for RDC
HEARING DATES	12 November 2007 to 15 November 2007
FILE REF	R 52447



[Note: This was a joint hearing by a Hearings Panel comprising the above listed Commissioners to hear and consider applications relating to the subdivision of the subject land. It was a decision of the Hearings Panel that separate decisions would be issued by the Rodney District Council for Land Use/Subdivision applications and by the Auckland Regional Council for applications in respect of earthworks, works within a water course, damming of water, and the diversion and discharge of stormwater.]

DECISION OF THE RODNEY DISTRICT COUNCIL

That pursuant to Sections 104, 104B and 104C of the Resource Management Act 1981, the notified resource consent application by Williams Land Limited to create 160 sites for residential use, earthworks and works with the drip line of two native trees and the replacement of existing culverts in water courses at 1898 East Coast Rd Wairā is granted consent for the following reasons.

REASONS FOR DECISION

1. Although the proposed development will have some adverse effects on the amenity values associated with the relatively undeveloped character of the area and it

particular on the amenity values of those using the coastal walkway the change in character that will arise is an inevitable result of the zoning that has applied in this area for the past 20 years. I am satisfied that the development as proposed subject to the conditions to be imposed will effectively remedy and mitigate those effects to an appropriate level.

1. I am satisfied that the evidence of the applicant established that the application has been advanced after a careful study of all the relevant issues having appropriate regard to all potential adverse effects and I am satisfied that the proposal results in an optimum outcome in terms of avoiding, removing or mitigating adverse effects on the environment and on the amenity values of those who will be affected by the development while at the same time providing an attractive environment for those who will eventually reside there.
2. I am satisfied that the grant of consent to the application subject to the conditions imposed, is fully in accord with the objectives, policies and other provisions of the Operative District Plan and the Proposed District Plan which apply to the land involved.
3. I am satisfied that subject to the conditions to be imposed, the application satisfactorily provides for the protection of heritage sites within the area.
4. Having regard to an overall consideration of the effects on the environment and on amenity values, and taking into account the development expectations created by the District Plans I am satisfied that the grant of consent to the subdivision and development proposed subject to the conditions to be imposed, meets the purpose and principles of the Act and will ensure sustainable management of the environment in this part of the district.

10/10/2023

PREAMBLE

This is an application to subdivide a portion of an OTC foreshore property, known as Whiti Forest Park. The property which is largely covered in pine forest lies between the Okura River and the Whiti River. To the north of the Whiti River is the largely developed urban area of the Whangaparitua Peninsula and to the south of the Okura River (submarine boundary) there are the areas of North Shore City Council which are zoned for urban expansion. District Plan provisions have made allowance for over 20 years for urban development of the Special B (Whiti Forest Park) zone with a defined "limited residential area". However it is currently undeveloped and forms part of an ecologically and visually sensitive environment comprising pine and native forest, coastal, wet, and marine areas. The site also contains a number of recorded archaeological sites and adjoins the historic sites of Dacre Cottage and the Pukehaka Point. The proposed development for which consent is sought includes the following:

- Subdivision of the land to create 150 residential lots within the southern portion (Karapiro Outgrowth) of the Limited Residential Area (LRA);
- The balance lot to be owned in common by the owners of the residential lots;
- Upgrading of the current access road as a public road and creation of a private road network to service the residential lots;
- Creation of a customised part of the end of the public road and a public walking track from the car park to Karapiro Bay;

- Provision of a walking track from Sitawake to the Otago Department of Conservation reserves,
- Creation of a lake, wetlands and some water including stormwater management systems at the Ballantyne adjacent to the beach at Kerepepe Bay.

SITE VISIT

A site visit was made on the 29 November 2007 in the company of the above listed members of the Hearing Panel. The Panel traversed the site from Sitawake around and through the Vikiu catchment of the LRA, the coastal area, including the adjoining Marine Garage and the development area in the Kerepepe catchment of the LRA.

THE PRINCIPAL ISSUES THAT WERE IN CONTENTION:

1. Whether any development should take place in the Wet Forest Park, or whether the whole area should be preserved as a green built/urban open space.
2. Whether the development should be located in some part of the Forest Park that is not visible from the coast.
3. Whether the development should take place in a different part of the LRA.
4. Whether the development would have such significant adverse effects on the various "wilderness" character of the public coastal areas adjacent to the site as to warrant refusal of the application or modification so that visual and other aspects were significantly reduced.
5. Whether the development as proposed and subject to the conditions indicated in the various officers' reports would have significant adverse effects on the ecology of the area and in particular effects on the water quality of the adjacent estuaries and the adjacent marine reserve.
6. Whether the proposed development would have significant adverse effects on native flora and fauna including offshore and in-potential.
7. Whether the proposed development would have unacceptable effects on the meteorological landscape or on particular heritage sites to an extent that would justify refusal of consent to or modification of the development. In particular whether the development should be modified so as to exclude development of high tops and the roadway in the vicinity of Lake 21-25.
8. Whether the flat land adjacent to the coastal (the "hay paddock") should be developed as proposed.
9. Whether additional pine trees should be retained to provide further screening either to reinforce the boundaries to the west of the Kerepepe LRA or to provide a temporary screen at the west of Lots 1-10 and B2-9.
10. Whether the approval to the development should include a condition of consent which prevented any further residential development of the beach area.

11/11/07

SUMMARY OF THE EVIDENCE HEARD:

SUBMISSIONS AND EVIDENCE ON BEHALF OF THE APPLICANT

Mr Derek Nolan on behalf of the applicant:

Mr Nolan described the application and the nature of the evidence to be called. He pointed out that the provisions of the Transitional District Plan 1983 (TDP) had been overtaken by the provisions of Proposed District Plan 2000 (PDP), although some reference to the TDP was still required. Mr Nolan clarified the matters that required resource consent from the Regional Council and the status of those applications. He pointed out that in regard to the Waikato provisions of the PDP the only appeal that had been lodged sought additional development rights and accordingly the PDP was the dominant planning document. Mr Nolan referred to the effects of the proposed subdivision which are limited development to a smaller part of the Limited Residential Area (LRA) by locating all lots wholly within the Karapiro catchment, noting the benefits of that approach; they would be 1. they explained in evidence. His omission referred to the potential effects including landscaping and visual effects, ecological effects on historic heritage/archaeology, geomorphological issues and also raised natural position effects. Mr Nolan referred the Panel to the purpose and principles of the Resource Management Act 1991 (RMA) and in particular emphasised the need for an overall broad judgement of the matters arising. He made reference to the provisions of 67 and 68 of the Act. In that regard he referred to assessment of the development with reference to: the coastal environment; significant vegetation and habitats; public access to the coast; Major Interests; historic heritage, and described the research and assessments that had been carried out on behalf of the applicant to address those matters. Mr Nolan drew the Panel's attention to the planning history and the zoning provisions (following the expiry of development proposed) which had been in place for 20 years. He advised the Panel that his witness's work address issues raised by submissions in terms of: archaeological historic heritage; the location of houses; the proposed lake and wetlands; the protection of the undeveloped area of the Forest Park, and references to a proposed golf course. He also made suggestions and comments on the proposed conditions of consent which had been included in the officers' reports.

Address in reply by Daniel Sadler on behalf of the applicant

Mr Sadler presented the reply in reply on behalf of the applicant citing on Mr Greenwood (Landscape Architect), Dr Cough (archaeologist), Mr Griffin (cultural advisor), M. B. Bourne (planning consultant) and Mr Matheson (engineering issues) in provide technical responses in their particular fields of expertise. The relevant aspects of these technical responses has been summarised with the content of the evidence below.

Mr Sadler discussed the structure of the objectives and policies for the Well Special Zone pointing out that Objective 12.5.8.1.2.3 (protection of landscape and skyline from development when viewed from the coast, East Coast Road and the Whangaparaoa Peninsula) applied to the whole of the zone not just the LRA and one of the ways in which the objectives were met was the requirement for all house sites to be located within the LRA. He pointed out that policies 12.8.1.9.2 and 12.8.2.1.4.3 clearly do not require the development to be invisible or for there to be absolute or near total avoidance of visual effects on the skyline or from the coast. He said that there is certainly no mention in these policies of any need for development to be invisible or screened from Long Bay.



Mr Euan Williams on behalf of the applicant:

Mr Williams advised that he was the principal director and CEO of Williams Land Limited. He gave evidence regarding the objectives of his company and described what he considered to be the important characteristics of Wet Forest Park. He described his vision for its development and discussed negotiations that he had with ARC and RDC regarding potential options for creation of various public amenities including a large public park. He advised that the brief he had given to the design team was to confine the development to meet the zone provisions, to create a community with opportunities for recreation within an efficient land use format and to limit the effect of the development as far as possible. He advised of his discussions with Deutsche Bayreiter, regarding the mining rights over the pine forest on the west side of the LRA. He described the consultation that he and his consultants had carried out with the Historic Places Trust and Tairāwhiti Whānau and the consultation carried out with local communities. He discussed the proposed purpose of the use of the 'hay paddocks' and the changes subsequently made to the design of the 'hay paddocks' area. He discussed his concerns regarding the recommendation of the ARC Officers' report that no earthworks be carried out within part of the development area. In his conclusion he pointed out that the applicant was only developing 47% of the LRA noting that the LRA itself comprised only 26% of the property and the area under development was only 25%. He stated that the housing footprint was only 3% of the whole property. In discussing the nature of the Wet Reserves Association he advised that the obligation to contribute to and comply with the rules of the Association would be established by way of an encumbrance against the site of wet lot with that encumbrance ranking in priority to any other charges or mortgages against the title. He described the various uses that would be imposed on residents including an ornithological centre, provisions for management of the fauna of native bush restrictions which prevented ownership of cats and dogs that placed obligations of control over all dogs.

Mr John Goodwin - Landmark Architects on behalf of the applicant:

Mr Goodwin gave evidence describing the landscape and land use context of the property. He provided a summary of the key landscape and amenity provisions, the statutory planning framework, the key landscape and other related environmental issues that were relevant, and discussed the alternative design options that were considered by the design team and the rationale for the proposed development location. His evidence described the three main water catchments, the adjoining Department of Conservation reserves including the associated public walkways, and the adjacent development within North Shore City and Redway District. He noted the extent of reserves land in the vicinity and the adjacent marine reserves on the seaward side of the property. He also referred to the designator of the proposed Peninsula at a point which traverses the western edge of the property. Mr Goodwin gave detailed evidence regarding the topography and form of the whole property and the nature of its land cover. He described the character of the landscape within the development area as consisting

- human made building ridges
- the flatter courts and lawns
- the main utility systems with overhead structures
- the two areas of native vegetation
- the densely spaced pine forest and the more open grassed sections
- the 'hay paddocks' with its modified drainage pattern

He referred to the adjacent Department of Conservation Scenic Reserve, the Espinosa Reserve along Karepire Beach, the Dame Cottage and adjacent street, the Redway walkway, and the Queen Point Hill. He advised that apart from the two native bush areas the development area had been extensively modified by farming and forestry practices and that early clearing of groups of trees had been carried out to create large building sites. The hay paddocks had been used for agriculture activities. Mr Goodwin described the planning provisions and referred to the relevant assessment criteria for the Special B Zone in the TCP relating to rural character, site size and shape, visual amenity values, landscape and layout. He stated that the relevant objectives and criteria for the Special B Zone of the TCP. Mr Goodwin referred to other key landscape issues



which were not specifically identified as being the natural character of the coastal environment, non-optical values of the area, the issues regarding classification of outstanding landscape values adjacent to the property, issues regarding viability and potential visual effects, visual amenity and the need to preserve landscape integration. Mr Goodman described a range of alternative siting options which have been considered that has only comprised:

- 150 lots in the Kareapiro LRA
- 50 lots over the whole LRA with 44 lots in the Waahi LRA and 106 lots in the Kareapiro LRA
- 100 lots in the Waahi LRA.

He explained the differences in topography between the Kareapiro section and the Waahi section of the LRA pointing out that the Waahi LRA is controlled by major and minor ridge systems and is much steeper than the Kareapiro section. His analysis indicated that development in the Waahi LRA would result in a greater extent of visual and landscape impacts and a much greater extent of earthworks. Spreading development over both sections of the LRA would also spread and aggregate the impacts. He noted that development in the Waahi LRA would be much more visible because of its topography. By comparison the Kareapiro LRA has a basin shape which helps to limit views from surrounding urban areas and which enables a landscaped corridor to the development. He also noted that fewer residents of surrounding areas would be able to view development within the Kareapiro section of the LRA and that of the three options development in the Kareapiro catchment would within the most compact form of development enabling a better opportunity for the development of a community and a higher quality urban design outcome to be achieved. Mr Goodman presented a concept plan drawing attention to a redesign of the 'Hay paddock' to occur to:

- locate the archaeological sites to the greatest extent possible;
- review the lake area in relation to water quality issues;
- maintain and enhance, if possible, the ecological benefits;
- maintain the open space character and integrate with the coastal esplanade road use.

He discussed the ecological improvements resulting from the redesign and the reduction in disturbance of archaeological sites. He pointed out that the 'Hay paddock' area had a width of about 200m (perpendicular to the coast) and was located adjacent to the existing esplanade reserve and beach. He noted that it was included within the LRA and accordingly could have been used for housing purposes. He considered that the design approach adopted would provide a better separation and buffer to beach areas as well as providing useful ecological benefits.

Mr Goodman described the landscape and visual effects of the proposed development pointing out that the provisions of the District Plan allowed most of the pine trees on the site to be removed as a permitted activity. He discussed the measures taken to avoid and enhance the existing native vegetation on the site and the retention of some existing pine trees which are located in the existing open areas and which have a form, character and scale appropriate to retain within the housing development. He discussed the additional amenity planting that was proposed and referred to the approach to mitigate earthworks that had been accepted. He considered that overall, having regard to removal of pine forest being a permitted activity the adverse on landscape character and quality arising from the proposed development would be less than minor. He considered that the effects on visual amenity had been carefully considered and presented a detailed analysis which was illustrated by a series of photographs to demonstrate how the effects on visual amenity had been avoided, mitigated or mitigated. Mr Goodman reviewed the proposal against the relevant zoning and planning provisions and advised that he considered the proposed development would meet the relevant landscape related objectives and policies and that the visual values of the landscape and skyline would be protected when viewed from the coast, Esplanade Road and Whangaparaoa Peninsula. Mr Goodman reviewed the submissions made in respect of the application and commented on them. He addressed the conditions of consent recommended by the consenting officer for the Rodney District Council and expressed the opinion that it was unreasonable to require that individual buildings within the development area should be screened by planting pointing out that the development has been placed within the open visually screened part of the environment and designed to be well integrated into the landscape. He concluded that the proposed development would be well integrated into its landscape setting resulting in no more than minor adverse landscape and visual



effects and expressed the belief that the resulting development would provide a quality living environment that did not detract from the values of the area. In his statement in reply Mr Goodwin pointed out that there would be significant screening of development when viewed from the point on the walkway where I emerged from the bush and moved down the stairs where it drops away to the beach. He reached his view because trees and shrubs proposed to be planted in that area would be able to effectively screen these views in the short term (two to three years). He pointed out that the view from the esplanade response is mostly screened by existing pine trees within the reserve with only a single gap about 50 m wide in the vicinity of the Dore cottage. Mr Goodwin pointed out that retention of additional pine trees as recommended by Ms Blackburn was unnecessary and stated that even if some of these could be retained many are overmatured, dangerous and need to be removed. However he advised that the applicant intends to keep some of the better specimens (generally those that have become established in more open areas of the site) that are well in progress with character and amenity for the subdivision. He also indicated that some of the pine trees which form a backdrop to the north western edge of the development could be retained while allowing sufficient space to ensure safety of adjoining dwellings and public areas. He advised that Mr Williams was prepared to retain these trees even though they were within the area over which Auckland has zoning rights as he considered that it would be a straightforward matter to arrange compensation for the limited number of trees retained.

Mr Steven Priestley Chartered Professional Engineer on behalf of the applicant;

Mr Priestley discussed the infrastructure issues associated with the project. He stated that infrastructure development would conform to the RDC Standards for Subdivisions and Developments apart from some road geometries within the private housing estate. The modifications to the RDC standards were proposed due to adopting the Ministry for the Environment's 'Urban Designed Principles' and to minimise earthworks and mould the development into the existing land form. Mr Priestley set out a list of factors which had to be considered and weighed together to find the best overall solution in terms of a final layout of the proposed subdivision. These factors included consideration of native bush; archaeo-geological heritage; topography and aspect; natural hazards; ecology (contaminants); coastal marine area; subsidence; ground stability (in geological aspects); earthwork volumes; final land form; use of existing external and internal road systems; stability of natural services; and allowance for future gut drains. Mr Priestley provided further detailed information supporting the comments which Mr Goodwin has made about the engineering reasons for proposing development within the Kaupapa catchment, rather than in the Waihi catchment, including the more extensive earthworks that would be required if development is proposed in the latter. Mr Priestley discussed the engineering components of the subdivision including design of the intersection of what would be called Grand Road and Waihi Station Road, the routing geometry of the public and private roads, the pavement design and the design of earthworks. He described the geotechnical investigations and interpretations of these reports and described the works recommended to reduce risk of movement and achieve stability design criteria. He noted that filling on the access road between lots 36 and 47 involved a dual purpose of addressing the north facing slope as well as elevating the site above road level and above inundation risk. He advised that construction of a shear key was required below the existing ground at the foot of the north facing slope. Mr Priestley discussed the provision of services and the need to accommodate the construction of the Pentik aerial mast. He pointed out that there was a consequent requirement to provide flexibility in the construction of the access road and the provision of services to permit unnecessary wastage of resources if that aerial route is considered after the access road and initial utility services constructed through the alignment have to be removed and re-laid. Mr Priestley advised that reticulated water tanks would be provided for potable water supplies but that provision was made if a reticulated system was available to be connected at a future date. He noted that fire protection would be provided through access to the lake storage capacity. Mr Priestley's witness dealt with earthworks, sediment control and the design of the lakes, sediment ponds and stormwater wetland. He advised that new gutters were proposed along the access route and that there

would provide significant benefits as well as ensure RDC compliance. He discussed natural hazards including sea level rise and flooding. The evidence contained detailed assessments of the measures proposed to ensure the quality of stormwater management and included an assessment of effects on the marine receiving environment. He considered these effects would be minor in the main. He also dealt with traffic impacts and the design of the East Coast Bays Road intersection. In conclusion Mr Fawcett stated that he considered the site selection and layout process has been rigorous taking into account a wide range of constraints and design criteria following a significant level of investigation and assessment.

In response to a question from the Panel Dr Michael Larcotiba advised that in his view he was largely confident that there would be no more than minor adverse effects on the adjacent marine reserve arising from sediment and other contaminants generated by the subdivision development as its ongoing residential use due to the detailed control systems for protecting against any significant release of these contaminants.

Mr Matthews Consulting Engineer and Project Manager for the Applicant

Mr Matthews assisted in the applicant's reply to submissions. He advised that the particular issue between the DoC marsh and the existing native bush in the development area would not be separated by retaining walls and had been reduced to a single level so that there would be no undue separation between the two areas of bush. Mr Matthews confirmed that the applicant sought some flexibility to limit duplication of works in the event that construction of Peniké followed soon after construction of the access road and was satisfied with the conditions now proposed to achieve that. With that reservation the applicant accepted the requirement to comply with 1110 in the first 3km of the access road. Mr Matthews addressed the issues relating to stormwater treatment pointing out the proposed treatment would comply with or exceed approved technical standards for stormwater treatment and sediment control. In respect of the potable water supply tanks proposed Mr Matthews advised that the tanks are not required for stormwater attenuation and the stormwater calculations have not taken these into account.

Mr David Steven Ecologist on behalf of the applicant

Mr Steven discussed the investigations undertaken by him and other ecologists. He refers to the studies of indigenous vegetation within the site, the freshwater communities, the avifauna (including swallows and their feeding, breeding and roosting sites); the herpetofauna (terrestrial vertebrates), and marine bush. He noted that the marine habitats adjacent to the proposed development are in relatively undisturbed and between the adjacent community was likely to be similarly intact. Mr Steven examined the potential terrestrial and freshwater ecological issues and said that how they would be avoided, remedied or mitigated. He noted that only two native trees were potentially impacted by the proposed road widening and considered these effects were relatively minor. He noted that there would be some "edge effects" on the two areas of native bush following removal of adjacent ones and that any such effects would be mitigated through planting of native species to provide a buffer. He considered that the proposed roadways effectively conducted existing runways and would not create any additional fragmentation of habitat. He considered that there would be relatively little disturbance to bush and grassland types and noted the potential for enhancement of habitat arising from the proposed herbicide programme. He also had the measures that would be undertaken to avoid disturbance to marsh and waterbirds and the enhancement of wetland habitat that the development would provide. Mr Steven discussed issues regarding potential disturbance to shore birds and advised that the adjacent marsh including the adjoining DoC bush marsh and the riparian reserve were already subject to relatively significant disturbance due to the occupancy of the walking track. He considered that the proposed "cane" feature will provide alternative high tide access to shore birds and may also be used for nesting sites. Mr Steven considered there was little likelihood of disturbance to herpetofauna or to freshwater species. He noted that the provisions to control sediment from earthworks and sedimentation from stormwater from the development are well des

effectively with protection of the river and marine habitats. He advised that the proposed new covers along the main access road would be designed to permit the passage of native freshwater fish. Mr Slaven assessed the proposed development against the ecological assessment criteria of the Proposed District Plan and considered that the proposed development was likely to have negligible adverse ecological effects on the indigenous terrestrial, saline and freshwater species, habitats and/or ecosystems of the site and adjacent areas. He considered that the proposed new wellanes and lake and the stormwater treatment ponds would provide positive environmental effects in relation to habitat opportunities for a variety of native wildlife including native waders, marsh birds, invertebrates and fish. He considered that potential disturbance of increased traffic movements in proximity to the existing farm/forestry park at the western end of the property would be offset by densely revegetating around the margins of the pond. He noted that the revegetation planting along the riparian margins of the two upstream waterways would provide a forested linkage from these bush remnants through to the coast. In summary he considered the adverse effects on the ecology of the area arising from the proposed development would be less than minor and more than offset by the proposed mitigation package. In his response within the address in reply Mr Slaven verified that the applicant's proposals in respect of the quality of discharge water into the marine environment were based on his confirmation of the high marine ecological values of the bay and the need to safeguard it from contamination. He also outlined the proposed monitoring programme which had been developed to be in accordance with ongoing work being carried out by the AEG and DOD within the adjacent marine reserve and its environs. He confirmed that predator and pest control would extend over the whole of the West property. In respect of herbivory he advised that the applicant would have no objection to the condition requiring by Dr Keith Corbett being included, notwithstanding that he considered it was completely unnecessary in the circumstances.

Dr Rodney Clough - Archaeologist, on behalf of the applicant:

Dr Clough advised the Panel of the archaeological assessment of heritage values of the West Station property, which he carried out in August 2004 and March 2005 in association with Dr Simon Becker and Ms Diane L'orange. This work was followed by a more detailed assessment of the effects of the proposed development of the Keropu catchment reported in April 2007. The latter report was updated in July 2007 to reflect changes in the engineering documents. Mr Clough advised of consultation that he had carried out with the AEC, with DOD, and the New Zealand Historic Places Trust (NZHPT). The archaeology team also had consultations with representatives of the iwi to whom. He advised that an application had been lodged under section 18 of the Historic Places Act 1980 to carry out archaeological investigations to gain a better understanding of the characteristics of the archaeological sites in the area that was proposed to be developed. Mr Clough advised that the development area contains a number of archaeological sites relating to pre-European gardening, shellfish processing and consumption, and living areas. He said that the individual archaeological sites were of low to moderate significance but collectively constituted a valuable archaeological resource with the potential to provide significant information relating to the history of settlement and the growing area. He said they are also part of a wider heritage landscape, key elements of which (such as the Teahupua Pa and Teare Cottage) are located outside the West property. He advised that the development was designed so that significant aspects of the heritage landscape including the key heritage elements and important connections, spaces and visual relationships within the broader heritage landscape are retained. The proposed development avoids over 50% of the archaeological remains on the property and in particular avoids all of the more significant sites and retains the more common sites in the 'middle' area of the 'hay paddock'. He discussed the mitigation measures proposed consisting of archaeological investigation of areas affected so that information is able to be recovered and the development of an archaeological management plan in secure protection of other archaeological sites during development and the provision of public information relating to the heritage of the area. He considered that the proposed mitigation measures were appropriate and provided they were accepted, that the effects of the application on heritage values will be minor and that the value and significance of the archaeological heritage

landscape will be maintained. Dr Clough discussed the methodology used for the assessment of heritage values and noted the general historical background of the project area. He noted that the density of recorded sites of the priority party reflected the detailed archaeological survey carried out during the 1980s under the auspices of the HPT prior to the planting of the forest. He advised the methodology that his team had applied to locating the present extent of the sites and defining them using DPs. In assessing the effects of the development on the heritage sites Dr Clough pointed out that the majority of the sites affected were midden sites of widely varying extents. He considered it was more appropriate to assess the effects on the basis of the area of the midden affected rather than the number of individual sites or midden occurrences within the sites. On this basis he considered that 78 per cent of the total area of heritage sites would be unaffected. He pointed out that the design of the urban area would provide for relationships between major and minor elements in the broader heritage landscape allowing a landscape to continue to be read in terms of topographical and functional relationships. He considered that overall the effects of the proposed development on the archaeological/cultural/landscape heritage will be minor. As part of the applicant's submission in 1994, Dr Clough advised that the section 18 investigation would include investigation of all of the pre-recorded sites in the "hay paddock" now (stating that the recent surveys indicated that some of these sites were no longer evident). Dr Clough also disagreed with the assessment of significance of the development area as a heritage landscape of regional significance. Rather, it was his considered opinion on the basis of the measurements made by his team that the development area was of district heritage significance. He noted that the archaeological landscape within the development area is not intact and has been modified by forestry farming and other activities especially in the coastal sites. He pointed out that although the archaeological features had been identified since 1987 the locality had not been recognised as a historic place or area by the HPT and is not identified or scheduled in the District Plan. It was his opinion that there was no archaeological evidence that the sites in the vicinity of Lots 2-35 represented a heritage site.

Mr Antonio Galfin - Cultural Heritage Manager - on behalf of the applicant:

Mr Galfin described and provided a record of the consultation that had been undertaken by the applicant with the following groups:

- a. Ngati Whare, a ki Kaitiaki
- b. Ngati Whare o Tekeo
- c. Ngati Hine
- d. Ngati Manuhiri
- e. Kaitiaki a Kaiti

He advised that the key issues raised during consultation included: the protection of archaeological and ecological sites; the protection of water quality (Wairua), ecological restoration; monitoring of earthworks contracts for accidental obscuring, treatment of earthworks and forest management; a public fundational carved post; recognition of the traditions of the area; naming of roads, input into architecture where heritage sites are located; cultural heritage planning; protocols and protection and preservation of natural and cultural heritage. The applicant had moved to address all of these issues and had offered to cooperate with and have consultation on a continuing basis and to establish formal relationships with these groups that had been consulted. He stated that he believed the applicant had conducted consultation in a proactive and constructive manner and provided opportunities to influence the outcome of the development. He considered the applicant had a limited responsibility with regard to recognising and providing for the cultural values of whanaunga as they relate to the site.

Mr Campbell Graham Jensen - Planning Consultant - on behalf of the applicant:

Mr Jensen described the background and purpose of the Well Street (Wairua Street Park) 5 Zone. Pointing out that it was publicly notified on the 15th of December 1984 and approved in November 1988. It was subsequently "folded-in" into the Transkeia Rurality District Plan



1993 and subsequently with some amendments included within the Proposed Rodney District Plan 2000. He pointed out that throughout these three documents the objectives had remained as:

- to maintain a rural corridor between the Waikato River and the Oturoa River;
- to retain the area and commercial estate forestry and allow limited residential development;
- to protect the coast and the natural environment.

He advised that the range of activities in the Special Zone was focused on those serving farming or forestry activities apart from the area defined as Limited Residential Development (LRA) which makes up to 150 households. He pointed to the requirements for a comprehensive development as a pre-requisite to consent to development in the LRA. Mr Jensen described the outcomes that have been sought in the proposal the subject of the application. He considered that finding the location of residential units within the LRA in the Karapiro catchment resulted in a reasonable balance and provided outcomes that are environmentally superior to alternatives that use all of the land within the LRA. Mr Jensen provided an assessment of the proposed outcomes against the relevant provisions of the Proposed and Transitional Rodney District Plans. He advised that he agreed that the Proposed District Plan should receive greater weight in the consideration of the application than that placed on the transitional plan. He pointed out that under both District Plans the construction of dwellings would have a controlled activity status and would be the matters over which the Council had reserved its control. He concluded that the proposed development satisfactorily addressed the assessment criteria of the Proposed District Plan and was consistent with the objectives and policies of the Transitional Rodney District Plan. He noted that the Chief Council Officers report had reached a similar conclusion. Mr Jensen then addressed the issues arising in respect of the Auckland Regional Plan, Sediment Control and Air, Land and Water. He addressed the submitters' concerns and a criticism referred to the suggested additional constraints on the use of the known land which was recommended in the officers' reports and raised by submitters. He pointed out that the District Plans already imposed restrictions which would prevent any development in excess of the tall tree currently proposed. He pointed out that the numerous submissions which sought that houses be placed where they cannot be seen from the road were based on a misunderstanding of the objectives and policies. He was of the view that the policy direction was for the avoidance, remedying or mitigation of the effects of buildings and structures on the landscape. In conclusion he stated that he considered the proposed Waikato development had succeeded in producing a pattern that of best practice which will not produce an effect on the environment that is greater than minor. He was satisfied the proposal was consistent with or exceeded the outcomes sought by the statutory documents and the tests set out in section 104 of the Resource Management Act 1981.

Mr Alan Braithwaite - Planning Consultant - on behalf of the applicant:

Mr Braithwaite described his involvement with investigations around the subdivision options for the Waikato property. He indicated that in his view the applications should be granted resource consent subject to appropriate conditions in order that the implementation of the subdivision is controlled and managed into the future to ensure that potential adverse effects on the environment are able to be avoided and mitigated and where problems remedied. He advanced a number of amendments to the conditions proposed in the District Council report advising that the requested amendments sought clarity on those practical means of achieving the local objectives. Any proposal to weaken or undermine the overall recommendation. Mr Braithwaite then gave his support to the proposal advanced by the Regional Council in its submission on the District Council application to the effect that development should only proceed once identified archaeological sites. Mr Braithwaite provided an overview of the District Plan provisions and pointed to the consistency of the relevant provisions over the past 21 years. He was of the opinion that this consistency cannot be taken as new the development is finally proposed. Mr Braithwaite described the relevant policy in the various regional policy statements noting that he considered the proposed subdivision was in accord with the strategic objectives of both the existing Auckland Regional Policy Statement and the currently proposed changes (Proposed

Change 9) to that document. He observed that the proposed development is consistent with the strategic objectives regarding the development of coastal settlements, efficient use of natural and physical resources and those relating to natural heritage areas, knowledge quality and sensitivity. He considered that Dr Clough's evidence also indicated that the strategic objectives relating to preserving and protecting heritage resources would be achieved. He concluded that the proposed subdivision is supportable under both District Plans and represents a practical means of putting the District Plan objectives into effect in a way that meets the policy outcome goals laid in those documents. Mr Bradshaw provided a detailed assessment of the applicant in terms of Part II of the RMA pointing to the requirements to be given effect to these matters in order to produce an outcome which is consistent with the purpose and principles of the RMA. Mr Bradshaw expressed the view that the provisions of the Coastal Gull Marine Park Act 2000 were satisfied on the basis that he did not consider that the ecosystems of the Gulf would be affected by the proposed subdivision. He concluded that in his view the application represents the sustainable management of physical and natural resources.

SUBMISSIONS AND EVIDENCE ON BEHALF OF THE SUBMITTERS

Tabled Submission on behalf of the Environmental Defence Society

A written submission from Henry Schoepfer, Legal Counsel for Environmental Defence Society (EDS) was tabled at the hearing. In the submission EDS supported the application subject to the following amendments/conditions:

- improved provisions that allow for a permanent conservation covenant against future subdivision in perpetuity over the balance lot;
- stipulate inclusion of a third-party i.e. DOC or the AIC; in the conservation covenant;
- include a long term vegetation management plan over the entire site which provides for a transition from mature native vegetation and
- provide for mechanisms to effectively deal with the potential threat to submersible fauna.

The submission provided detailed reasons why EDS supported the grant of consent to the application and why it considered that these additional restrictions should be imposed.

Tabled submission by M J Hoffmamer on behalf of the Hoffmamer Family:

Mr Hoffmamer recorded that having seen the reports they wished to change their submission to support the application.

Mr Pip Townsend:

Mr Townsend presented a verbal submission. He believed that the West property should be a part and considered the current proposal would inevitably lead to further development. He referred to the current proposal having an increase in the permitted number of residential lots from 150 to 600. He believed the new car park should have public toilets and was concerned that the changes in ownership would mean a progression to skin subdivisions.

Mr Ian Cheeseman:

Mr Cheeseman emphasised the importance of the undeveloped bush area as an important "green belt" and considered that the existence of this wilderness area so close to Auckland was unique. He was particularly concerned to ensure the protection of the amenity and natural values of the Iriana House Cottage and its wilderness quality. He considered the current proposal would destroy that value and referred to the pressures exerted at Long Bay. He advised that for sailing and kayaking there were no similar places that were so well safeguarded from vehicular

traffic. It was his view that the residential development not be visible from the sea or at the very least not visible from Dacre Cottage. He expressed the wish that the current waterways quality should prevail and was hopeful that harvesting of the forest would not have an undue effect on that.

Ms Jennifer Lamm on behalf of the Auckland Regional Public Health Service:

Ms Lamm discussed a written submission. Her statement focused on the importance of considering health-related planning issues as comprising long term preventative measures. The Service generally supported the conditions recommended in the officers' reports and wished to ensure that these were implemented.

Ms Kathleen Allen, Tyla and Maya McCarthy:

Ms Allen advised Hearing Panel that she was a veterinarian and that she and her family have regularly used the area and in particular saw salmon marine reserve area for a long time. She described the nature of marine life (gill nets, dolphins, seals, etc) that could be regularly observed there. She considered that the pattern of urban development that had already occurred on the coast was evidence of how changes to the adjacent marine environment could occur as a result of unplanned processes. She expressed the view that Karapiro Bay and the adjacent coastal area was the last area with such wilderness qualities remaining close to urban areas.

Mr Phillie Wrigley on behalf of Hibiscus Coast branch of Royal Forest and Bird Society:

Mr Wrigley suggested that provision should be made for public transport to access the area and that the private road into the community should also be able to accommodate buses. He considered that cycleways should be provided throughout the development and made a number of suggestions for protection of the Okura Scenic Reserve including a proposal to join the northern bush corridor to the reserve by realigning the proposed ring road. He considered that there should be material reporting to ensure that covenants (e.g. seal prohibitions) were adequately enforced. He requested that the conditions attached to the consent should be conditional on the issuing authorities to ensure that monitoring and maintenance requirements did not result in adverse outcomes that were not intended.

Mr Colin MacGillivray:

Mr MacGillivray advised the Hearing Panel that he did not object to housing being developed in the Waihi Forest Park but did object to the proposed development within the Karapiro catchment. He considered that although that approach may have been considered acceptable 20 years ago it had now been overtaken by current objectives and policies which sought to preserve a green belt in the area. Mr MacGillivray was concerned that housing in this part of the site would create a bridge which would close the gap that the green belt was intended to provide. He was also concerned about the development of housing over archaeological sites and wished to see the sites from the area protected. He considered that the housing should be developed in a manner that insured that it would not intrude into the environment and suggested that if pile foundations were used there would be no need for site works or major earthworks. He stated that after completion of the DC housing committee or other instruments need to be established to provide the rural status of the balance of the land in proximity. He also wished to ensure that houses were not visible from the open sea, the Okura adjacent marine reserves and from the south. In response to questions he acknowledged that development in the Waihi catchment would be significantly more visible from Whangaparaoa Road and would breach the objectives and policies in terms of development on those slopes.



Mr Ian Sage on behalf of the East Coast Bay Coastal Protection Society:

Mr Sage described the objectives of the Society particularly in relation to the protection of the adjacent marine reserve. He expressed concerns regarding the effects of the proposed development on the intertidal area of Kauri Bay, particularly issues of sedimentation. He expressed the view that silt/mudflow needed to be very carefully controlled to avoid transfer of contaminants into the intertidal area and wished to see greater specification of measures to control erosion and sediment. He said the Society opposed the above development because of the potential effects on the balance of the coastal area. He considered that the Council should refuse consent for the proposed housing development and instead purchase the area as a public recreational asset so that it could be managed as a wilderness and its marine and land-based values preserved and enhanced for the future.

Dr Keith Corbett:

Dr Corbett welcomed the applicant's proposal for a net free development and generally for protection of existing bushland vegetation including peat burial. He stated that his major concern related to the protection of herpetofauna. He considered that the surveys carried out by the applicant were inadequate and wished to ensure that necessary consent conditions to address other issues and resolution of these issues were included. He wished to see a proper survey carried out, appropriate consent conditions imposed and that bush areas were buffered against wind damage as a result of potential peat alkalisation. He said it was important that native revegetation schemes were clearly sourced and the potential for wind and bird spread species into the adjoining bush reserves had to be avoided. He also had concerns about monitoring the current status of the area and wished to see appropriate native planting as set out above.

Mr Sam Rorandua Roberts on behalf of the hui of Te Kaitiaki a Maki:

Mr Roberts advised that he was authorised to present a submission on behalf of the people of Te Wairoa and Te Kaitiaki a Maki. He advised that the purpose of the submission was to identify lack of sufficient early consultation and regard for his whānau's relationship with Kerepe, Waihi Station:

- concern about significant compromise of ancestral land and other things;
- concern for impacts on Te Wairoa A Tano and Te Aua: Iwanga and Tioaia Māhira

Mr Roberts set out in some detail the history and relationship of his whānau with the subject area and with the broader coastal area stretching from Takapuna to Whangaparaoa. The Panel appreciated and thanked Mr Roberts' disclosure of important ancestral history. He stated Te Kaitiaki a Maki considered that Kerepe Bay was not a suitable of heritage archaeological sites but was part of the large songs or settlements occupied over many centuries and he explained that concerns about the proposed development were directly related to the need to protect and preserve their ancestral linkages with the area. Mr Roberts pointed out that his whānau had a direct and proven ancestral relationship with Kerepe which must be recognised and provided for in terms of (a) (b) (c) (d) and (e) of the RMA. He requested consultation and that development in old occupation areas should be avoided if at all possible. Mr Roberts advised in response to questions that his whānau has been consulted although there is a process. He considered that the cultural landscape needed to be preserved and it needed more whānau input into information and design. He suggested that as part of the process of interpretation of the ancestral history of the land a Pou Whenua or traditional meeting place could be provided. He stated that his whānau did not wish to obstruct development and was glad to continue the consultation which had now been initiated.



Ms Fiona McLaughlin and Bernard Scallan on behalf of Long Bay - Okura Great Park Society

Ms McLaughlin stated that the proposed development failed to meet the requirements of the Rodney District Plan and in particular the District Plan objectives relating to:

- The retention of the open space and rural character of the land between Okura River and the Upper Hibiscus Coast
- Protection of the landscape and skyline from development when viewed from the coast, East Coast Road and Whangaparaoa Peninsula

She advised that the Society was concerned to protect the Okura - Long Bay adjacent marine reserve. She said that both Long Bay and Karepe Bay are currently undeveloped coastal land adjacent to the Okura - Long Bay Marine Reserve and together form part of the green belt between North Shore City and Rodney District. She said that Karepe Bay was an essential part of the green belt. She referred to Cape Collage and the relative remoteness of Karepe Bay providing an opportunity to experience nature. She said that the Society was concerned about the potential detrimental effects on the landscape values of the area, including the Okura Bush walkway and the lack of adequate screening between the reserve and walkway and the development. She noted that the applicant's Landscape Report had acknowledged the same impact of the development for those walking on the track and using Cape Collage. She advised that the Society considered that the development failed to meet the objectives of the District Plan in that it did not adequately protect the rural character and the landscape and skyline from development when viewed from the coast. Ms McLaughlin stated that the Society considered that the development adjacent to Karepe Bay would have serious effects on the views from the Long Bay Reserve, including the view west of Popin Point. She also expressed concern on behalf of the Society regarding the potential effects on the archaeological landscape and on archaeological sites. She said it was unreasonable that development within the catchment did not affect the quality of the adjacent marine reserve. She advised the Panel that even though the development of the Northern Busway had been well managed there had nevertheless been three substantial failures with thousands of tonnes of sediment discharging to the adjacent waterways. She advised that the Society wanted to ensure the maximum level of development was fixed at 15% residential. She said that the West Forest Park Zone was created over 20 years ago and the development now proposed for the site directly conflicts with the importance of preserving the coastal area in its natural condition. On behalf of the Society, she suggested that the development be moved to another site where the environmental impact would be lower or returned in small pockets amongst the hills and valleys in a non-visual form. Alternatively the development should be moved to the western side of the hill line (i.e. outside the LRA) away from the coast.

Ms Trefery Joan Barnett on behalf of Peter, Erin and Shay Townsend

Erin and Shay Townsend both expressed concern about the potential adverse effects on the current wilderness character and the potential effects on the adjacent marine reserve and on sea birds. They both considered the area an exceptional place which was of educational as well as recreational value. Trefery Barnett has qualifications and experience in coastal and marine biology. She stated that she objected to the proposed development on the following grounds:

- The proposed development goes directly against the intent of the original zoning.
- The high natural value of the area which would be severely compromised by the proposal.
- Creation of, and risk of loss to, habitats, the proposed development adjacent to the foreshore (the 'hay paddock' area).
- Archaeological findings.
- Karepe Bay sensitivity to development.
- Inadequate screening taken of proximity of the site to the adjacent marine reserve and the effects of the development on this adjoining environment.
- Anomalous and incongruous in the Joffe Maxwell Assessment of Ecological Effects.

Compliance

She was concerned that the Defect Plan provisions allowing for subdivision were not clear. She stated that the Karapiro Bay catchment is the most intrinsically valuable part of the Waikato site. She advised the Panel that thousands of people per year use the walkway because of the beauty of the site and the comparative isolation. She said the proposed subdivision would have a serious and long-term impact on the users of the walkway. She suggested that further development was likely to happen and the Panel should consider changing the zoning to protect the coast and the green belt. She was concerned that she had no opportunity to review the revised provisions in regard to the design of the Lake and wet lands areas in the "May podocarp". In relation to the archaeological sites she advised the Panel that she was part of a group who had discovered a human skull and suggested that this was indicative of a much wider spread of remains. Ms Barnett was concerned about the existing catchment, Karapiro Bay and advised the Panel that she had found anomalies and inadequacies in the Joffe Viskell Assessment of Ecological Effects. She considered that further surveys of stream areas should have been carried out and that the structural links were not surveyed. She noted that much of the Assessment of Environmental Effects relied on the effectiveness of the stormwater retention systems and was concerned that the recent changes to the design had not allowed sufficient time to assess those. She stated that she had little faith in compliance measures pointing out that the high costs of construction meant that most firms were of little significance to a developer on a large project. In response to questions she advised that the human remains that had been discovered were not on the Waikato site.

Peter Townsend

Mr Townsend advised the Panel that the adjacent marine reserve was well stocked. He had counted on one occasion 20 sting rays in the bay and this was evidence of the health of the marine resources. He had observed up to 14 Grey Herons in the Oroua Estuary. He said that his major concern was the potential for sediment to be discharged into the adjacent marine reserve. He noted that the water in the reserve was generally crystal clear except during periods of strong westerly winds. He questioned the applicant's engineering advice offering the opinion that the stormwater management plans may be inadequate. He was also concerned about possible lake contamination and the effect of rubbish, soap, etc. from the house sites washing down the lake and being discharged into the marine catchment. He considered there was a basic conflict between wanting the area and maintaining the rural character of the area and was concerned about the imbalance between the applicant's ability to produce expert evidence and judicial ability to respond. Mr Townsend said that he was on the Waikato College Management Committee and said it was currently used for 30 to 40 nights a year. He considered that this was the major affected property. He felt the development proposed was in breach of the objectives and policies of the plan and considered a development in the northern catchment would have less impact on the coast. He raised concerns regarding the potential problems with smells, mudgulch etc. that might arise if the lake was not properly managed. He considered that the proposed car park and walkway would eventually become overgrown because of the numbers who are currently attracted to the area despite having to park some distance away.

Mr Rob Howarth on behalf of Canoe and Kayak Club and the Waikato Yacht Club:

Mr Howarth advised the Panel that about 350 people belonged to the Canoe Club and that they regularly used the area around the Oroua Estuary and Karapiro Bay. He described the particular qualities and suitability of the area for kayaking and expressed concern that the current qualities of remoteness and the ecological and recreational value of the adjacent marine reserve would be spoiled if the development proceeded.



Mr John Burns - Legal Counsel on behalf of the ARC:

Mr Burns advised that his submissions and the evidence he would call were directed solely to the submission by the Regional Council to the resource consent application which was under the jurisdiction of the Horsey District Council. Mr Burns discussed the legal submission by Mr Water which sought deletion of the recommended condition in the RDC officer's report that the balance of the Wash property be retained for future submissions. Mr Burns said that it was not unreasonable or inappropriate that such a restriction be imposed and he considered that such a condition was needed to give effect to the aim of the District Plan. He considered that the requirement that the land be held in common ownership was not sufficient to prevent a developer acquiring those shares and alienating them and seeking resource consent for land subdivision. He suggested that a covenant or other arrangements should be entered into to protect the balance land from residential development. In response to a question from the Panel he advised that it would be possible to accept interfering with the landowner's District Plan appeal (seeking a change to the Proposed District Plan to permit RDC lots to be subdivided) provided that the implementation of the resource consent currently requested, was delayed until such time as the hearing of the District Plan appeal took place and if the appeal was successful the resource consent for the lots with the attached requirement for commoning the balance could then be surrendered. Mr Burns also pointed out that it was possible to impose a condition on the consent to the proposed development which restricted the harvesting of areas on the balance of the land if that was required to mitigate the visual effects of the development or for ecological buffering purposes. Mr Burns concluded by saying that he agreed with Mr Murray's analysis that what is required in this case is an overall broad judgement of whether the proposal would promote the sustainable management of natural and physical resources and that there are a multitude of factors that have to go into the mix to derive the best overall outcome. However he advised that the ARC's submission was that further provision needed to be made in regard to a landscape, vegetation and heritage values of the land and that significant modifications should be made to the proposal to achieve the best overall outcome. He advised that the ARC no longer sought that the consent be declined but rather supported the proposed development with an appropriate one subject to changes in respect of the ownership of the balance land; the provision for retention of more exotic forest in key areas (noted at K's Buckland); and further protection of the heritage and historic values of the area (by zoning registered sites in the "key paddock" area and avoiding development in the vicinity of lots 21 to 26). The heritage issues were to be addressed in the evidence of Mr Murdoch. He further submitted that additional mitigation for the heritage values of the area should be provided as proposed in the evidence of Ms Myers.

Mr Graeme Murdoch – Heritage Consultant on behalf of the ARC:

The evidence of Mr Murdoch focuses on the following matters:

- A description of the historic heritage values of Karapiro Bay, Well Station;
- A brief outline of known Maori ancestral relationships with Well Station and its environs;
- A consideration of the significance of the historic heritage values of Karapiro Bay and Well Station in both a local and wider residential context; and
- An assessment of the potential effects, including cumulative effects, of the proposed subdivision, and its associated developments, on historic heritage values.

Mr Murdoch emphasised that his statement of evidence considered "historic heritage" in the much broader sense defined under the amended RMA. Mr Murdoch described the Maori historical and cultural associations with Well Station and the surrounding area. He described the archaeological record at Karapiro Bay which his consultants reflected the long Maori occupation. He noted the survey work carried out on behalf of the applicant by Dr Dough, Mr Bekker and Ms Harlow. He noted the differences that the re-survey had revealed as compared to the sites identified in the NZ Archaeological Association Site File. He noted that a number of small sites had not been reported in the recent surveys. As an indication of the level of uncertainty that still existed about the presence of archaeological sites (because of the limitations necessarily imposed on surface surveys) he referred to a coin log from the applicant's engineering expertise. This bore log taken within the "key paddock" showed a layer of shell lying 1.5 m below a ground

surface. The bone was not taken in an area identified as an archaeological site. Mr Murdoch described the clusters of sites and discussed their importance from an historic and cultural perspective. He considered that the complex of sites would be more properly described as a hakaia or village. He noted that the coastal face (the 'hay paddock') included the most intensive group of sites in the suburban area. He considered that the archaeological landscape of the Weid Station area can be viewed as an area used by a single relatively larger community and would be linked in the midcentury to 'shore front' and the gardening areas on the coastal flats and the coastal hill. Mr Murdoch described the European historical measurements noting that the current statistical record does not reflect its intensive early phase of timber extraction or any farming history. Mr Murdoch reviewed the opinions that had been expressed by various archaeologists who had studied the area and noted that Mr Lawrence had concluded that 'the collection of heritage resources arguably comprises a heritage landscape of regional significance' and advised that he concurred with that assessment. Mr Murdoch explained his reasons for doing so with Dr Clough in regard to the acceptability of the proposed development in terms of its effects on archaeological sites. He provided an assessment of the effects of the development on those sites noting that a number of recorded sites in the 'hay paddock' area (not released by the recent surveys) would be affected by the development. He was of the view that the further 12 authority funded the Historic Places Act to investigate sites that would be disturbed by the development did not include those parts of the coastal flats where significant earthworks and development is proposed. He considered that the applicant's proposal for mitigation of effects was appropriate but considered that at the very least further archaeological investigation should be undertaken in the area of the coastal flats. In his conclusion he indicated that in order to achieve an appropriate level of protection for the historic heritage of the area it would be necessary to suit the proposed earthworks and alterations back into the former 'shore front' occupation area in the vicinity of allotments 27-28 in order to retain the integrity of this significant component of the archaeological assemblage. He stated that he would prefer that development on the coastal flats be limited to seasonal recreational treatment structures. In response to questions he advised that several stone huts had been recorded on the sandspits to the north of the site but otherwise there was no knowledge as to where the huts associated with the former occupation had taken place.

Ms Mary Buckland - Landscape Architect - on behalf of the ARC:

Ms Buckland advised that she had carried out a pair *views* of the landscape and visual assessments prepared for the applicant. She described the landscape values of the Weid property and the siting and layout of the proposed subdivision. She referred to the objectives, policies and performance standards of the Space & Zone and the assessment criteria for subdivision contained in the proposed District Plan in respect of this area. She stated she agreed with the conclusion of the applicant's consultants that concentration of 150 lots into a rural cluster within the Karapiro catchment would be better in landscape and visual terms than other development of the Weid sites and the Karapiro track together or locating the proposal entirely in the Weid catchment. She discussed the potential visibility of the proposed subdivision and agreed that the open space and rural character of the balance of the Weid area and the open space character of the balance of the Karapiro catchment would be retained. In general she was satisfied that the proposed development would not be visible from Clare village or for most of the rural residential development to the south because of the increasing Okura River Range. However she considered that if more of the existing pine trees were retained the view effects from the north end of Long Day Regional Park would be reduced. She considered that it was important that the view which forms a backdrop around the top of the Karapiro catchment should be retained as retention of these would assist in reducing the visual effects of the development from a number of viewpoints. She said that the residents of the development were entitled to access to sea views subject to minimising adverse effects on the surrounding environment. As a consequence of this analysis she suggested that more of the existing pine trees on the site should be retained in a number of locations including at the top of the western ridge and that some of trees on the slopes of the stream gully to the east of Lots 1-13 and 21-22



should be retained in the short to medium term. She also suggested that some of the pines to the south of the walkway near Ngare Point could also be retained to protect some of the areas of remoteness for users of the walkway. She noted that the clear felling of the forest to the south west and north of the proposed development would have significant adverse visual and landscape effects.

During a site visit the Panel had observed significant storm damage in part of the pine forest exposed to the coast and questioned Ms Blackland in relation to that observation. In answer to questions from the Panel Mr Buckland was unable to advise whether safety issues would arise if some of plantation forest were left exposed in order to provide screening. She considered that individual assessment of the trees would very likely be necessary.

Ms Sharon Myers - Ecologist on behalf of the ARG:

Ms Myers evidence described the ecological significance and context of the Ash property. She referred to the Significant Natural Area within parts of the proposed development area and the regionally significant ecological and wildlife values which applied to the wider area extending from the Okura River to Waihi Estuary areas. She supported the proposed clustering of the 100 lots away from the regional shell spits. However she considered that the increase in density living in the development would have adverse impacts on the sensitive values of the coastline. She noted the proposed development area is adjacent to the Okura Scenic Reserve and that measures need to be taken to protect the area from the spread of weeds from domestic sites. She considered that the cessation of further subdivision and development on the balance area would be important in protecting the ecological values of the area and the creation in particular in protecting the significant wildlife values of the area. Ms Myers made a number of recommendations in regard to the development of the bird roost area in the 'lay product'. She supported the prohibition on cats and dogs on dogs but considered that ongoing compliance monitoring would be required. She also noted that it was important that weed and pest control was subject to an ongoing management plan. She considered that legal protection should be provided to native vegetation and wildlife habitats within the balance of the land. In answer to questions she noted that it was common to see dogs off the beach on the public walkway and was concerned about the effects of this.

Ms Jane Shepard - Kaiparaiki Chief Executive for Ngāi Whānau Ngā Rima o Kaipara Trust:

Ms Shepard presented a copy of a letter addressed to the applicant which comprised a confirmation to cover the remaining questions and which confirmed the arrangements for ongoing consultation and cooperation between the Trust and the applicant. She advised that Ngāi Whānau o Kaipara would be able to assist in the sourcing of suitable species of native trees. She advised the Panel in response to questions that while the Trust would prefer to preserve all heritage sites there are currently areas where none had survived. She considered that the revised proposal provided an acceptable solution in terms of heritage protection, acknowledging that the land is in private ownership and the planning status for development.

Mr Cuama But - Regional Council Planner on behalf of the ARG:

The evidence provided by Mr But provided an overview indicating the proposal was generally consistent with the policy framework subject to some changes. He assessed the effect of the proposals against the relevant statutory documents. He expressed the view that the effects would be significant and largely adverse but acknowledged that this level of effect is unavoidable given the level of development anticipated in the District Plan and his direction of that development to the IMA. Mr But noted the recommendations outlined in Ms Myers evidence. He noted that it was not reasonable to expect that the development would not be visible at all from public viewpoints however he considered that the evidence of Mr Buckland and her recommendations regarding additional areas of tree retention would assist in managing the visual impact in these areas. In respect of the archaeological issues Mr But stated that he preferred

the advice of Mr Murdoch over that of Dr Clough and for that reason supported Mr Murdoch's proposals. Mr Burd provided an assessment review of the applicable statutory documents including the New Zealand Coastal Policy Statement in regard to which he concurred that the proposed development was consistent with its policies. He also referred to the Haurangi Gulf Marine Park Act 2005, noting that it emphasised the need for consideration of moorings of the recreational users of the Gulf, the coastal walkway, Long Bay Regional Park and the adjoining North Shore City reserve land. Mr Burd referred to the Auckland Regional Policy Statement, noting in particular the marine provisions which in his view supported the approach taken by Mr Murdoch. He considered the proposed development generally accorded with ecological and landscape provisions encompassed by the Regional Policy Statement. He referred to the Auckland Regional Plan (Consent) (ARPC) and to Proposed Change B to the ARPC. He considered the proposal was generally acceptable in terms of the ARPC. Mr Burd analysed the proposed development having regard to the provisions of the Rodney District Transitional and Proposed District Plans noting that it was generally consistent. He advised the Panel of the appeal by the withdrawal of Whiti Etutor, against the provisions of PCP 2006, seeking that the permitted number of lots within the Whiti Station properly be increased from 150 to 300. Mr Burd set out his reasons for supporting the proposed retention of pine trees as identified by Mr Buckland and noted Mr Murdoch's suggestion that the dune propose be abandoned and the stormwater ponds volume be moved to create protected archaeological sites. However he did not strongly support Mr Murdoch in that regard. On the other hand in relation to the earthworks including trackway and road in the vicinity of lots 24 to 33 he was much stronger in his support for the avoidance of development in that area. He noted that relocation of the affected lots could not necessarily be easily accommodated within the Karekare section and that any relocation of the lots would have another set of effects which could be very difficult to determine in advance. He noted for example that the lots that Mr Murdoch seeks to remove have a low visual impact and other sites may well have a high impact. In conclusion Mr Burd was of the view that the proposal was generally acceptable subject to the recommendations of Mr Buckland, Mr Mynne and Mr Murdoch. However in respect of Mr Murdoch's recommendations he noted that replacing or relocating the lots would have procedural difficulties and the development may have to be re-notified.

Mr David Veart - Archaeologist - on behalf of the Department of Conservation:

Mr Veart advised that the submission by the Department of Conservation generally supported the proposal subject to concerns regarding identification and management of the archaeological resources and requested that further archaeological research in the area of the "hay paddock" be undertaken prior to any work in that area. Mr Veart acknowledged that the proposed proposal reduced the size of the lakeshore development and avoided the archaeological sites identified in this area. Mr Veart referred to the evidence of Dr Clough and advised that he considered the area to be modified by the new lake and the planted dune should be examined thoroughly to ensure any information not apparent from the archaeological survey should be incorporated into the archaeological research design. He indicated that if the conditions in that regard were met the Director-General's concerns would be met.

THE EVIDENCE OF COUNCIL OFFICERS

Report of David Wren - Planning Consultant

The planning report described the proposal and gave a general assessment of the proposed development, having regard to the activity status and the aspects of the application which generated requirements for resource consent. He noted that overall the application required consideration as a discretionary activity. He considered the relative weight that should be given

to the Operative District Plan as compared to Proposed District Plan 2000 concluding that the Proposed District Plan had the greatest statutory weight. He advised that as the status of the required consents were not finalised under the Operative District Plan those consents required assessment as discretionary activities pursuant to section 77 of the Act. The consents required under the Proposed District Plan were for restricted discretionary activities. The report described the site and the surrounding area, the notification process and the submissions received. He noted that 108 submissions opposed the application, 74 had concerns and requested conditions of consent (including moving the location of the proposed development), and 113 submissions supported the application. He noted that a number of submissions were received and also advised that an unreasonable delay to the hearing process had resulted as all were received within three working days of the date for close of submissions. The Hearings Panel accepted his recommendation that the 108 submissions should be accepted and that recommendation was moved and adopted accordingly. Mr Wren provided a summary of the issues raised in the submissions.

Mr Wren carried out an assessment of the effects of the proposed activities having regard to the permitted baseline. He assessed effects on dune water in some detail referring to the assessment carried out in a peer review report of landscape and visual amenity issues provided to the Council by Rebecca Goldmore in regard to the coastal layout and vegetation removal, steel design, public walkway and car park and visual assessment. He concluded that overall and given the context of the District Plan the landscape and visual effects of the proposal will be minor. Mr Wren referred to the ecological effects of the proposal which were assessed in a report from the Council's Ecology Adviser. He noted that there was a need for the provision of habitats around the related bus' area and that some care was needed in relation to the retention of spawning places and their replacement with more suitable specimens over time. Reference was made to the works which the vicinity of a young Kauihewa and a museum lagoon. He concluded that subject to appropriate conditions the effects of the work are likely to be minor. Mr Wren then addressed the archaeological issues concluding that while there would be adverse effects on some archaeological sites there can be adequately mitigated through appropriate conditions of consent. In considering the potential effects on amenity values Mr Wren acknowledged that the development will also be amenity values of the area. However he considered that the degree of change is not as significant as is provided for under the District Plans which would allow houses to be located much closer to the beach. He considered that overall the effects of the proposal on amenity will be minor given the context of the zoning applying to the site. The report also referred to the assessments carried out in by the Council's development engineer who generally expressed satisfaction in relation to the measures proposed to achieve the stability and the services proposed in respect of infrastructure services. Mr Wren then referred to the traffic effects as they had been assessed by the Council's Consultant Traffic Engineer noting the issues that could arise in respect of the maintenance and rehabilitation of the areas of single road. It was noted that the traffic report was satisfied with the design of the intersection of the access road with Ewan Street Road. Further conditions were proposed to enable the coordination of the construction of Paklink and the construction of the access road so that works were not unnecessarily duplicated. The report evaluated the application in terms of the provisions of the Operative and Proposed District Plans concluding that it satisfies the objectives and policies of the Proposed District Plan and was consistent with the assessment criteria of the Proposed District Plan. Mr Wren considered that the proposed subdivision was consistent with the purpose of the zone as set out in the zone statement for the proposed District Plan in that full amenity are provided for the remainder of the site to be held in common ownership; the residential area is proposed to be developed in a comprehensive manner and the land forms and systems will remain the dominant features on the site. Mr Wren gave consideration to the National Coastal Policy Statement and considered that the proposal was consistent with the relevant policies. He reached this conclusion because he considered that the District Plan had decided the appropriate level of development in this part of the coastal environment and the application was consistent with this. He noted that the proposal will be carried out in a manner that absolutely protects the coast from adverse effects of development and the existing beach of development is beneficial to the beach environment and the historic Dacre Cottage will remain well safeguarded from the development. Mr Wren also gave consideration to the relevant provisions of the Auckland

Regional Policy Statement and considered that the proposal was consistent with those policies because it would not amount to a significant landscape and would not include the maintenance of the overall quality of the environment. He noted that in terms of regional landscape issues Mr Skidmore has considered these matters and was satisfied that no issues arose. Mr Wren gave consideration to the Hauraki Gulf Marine Park Act 2000 and considered no additional matters arose as a result. Mr Wren concluded that having regard to all the relevant section 104 matters consent could be granted subject to conditions. It was established that the purpose of the Act had been met in that the application promoted sustainable management through the provision for the protection of the natural environment; the preservation of the development and the provisions made to avoid, remedy or mitigate any adverse effects on the environment. He considered the application having regard to Part II matters including the matters of national importance and considered overall the application was consistent with that Part of the Act. Following the conclusion of the applicants case and the presentation by submitters, Mr Wren provided a supplementary report dealing with issues that had arisen during the hearing. He considered that a condition requiring no further subdivision is legally problematic and considered that it may be appropriate to attach an Advice Note to say that the subdivision exceeds the full extent of the submittance provided for in the District Plan. Mr Wren recorded some detailed amendments to the proposed conditions in issues areas that had arisen. He noted that the water tanks to be located on each site did not need to be the subject of a condition if they were not part of the stormwater detention design. He also proposed some amendments to the wording of conditions regarding the flexibility required in respect of construction details for the access road in the event that Penik was anticipated to proceed within 200 years of the construction of the access road. Additional conditions regarding work within the drip line of trees were proposed and conditions concerning protection of herpetofauna were included. Mr Wren attached a draft of the conditions proposed.

Rebecca Skidmore - Urban Design and Landscape Consultant

Ms Skidmore provided a peer review of the applicants landscape and visual amenity assessment. She reviewed the site and context landscape analysis and the statutory framework. She discussed the proposal and identified the plans which were of particular relevance to the assessment of landscape and amenity effects. She considered the overall layout, the provisions regarding vegetation removal, street design, the public walkways and decks; and reviewed the visual assessment. She advised that she concurred with the Jeffy Miskell assessment and concluded that the proposed development area was visually contained. She acknowledged that in the short term the vegetation clearance and earthworks would result in scarring of the landscape and some adverse visual effects. However she considered that overall the proposal would result in adverse landscape and visual effects that are no more than minor. She recommended a number of conditions which were included in the recommended conditions of consent attached to Mr Wren's report.

Legal Advice Re Conditions

As I indicated in the hearing I have requested legal advice from the Council's solicitors regarding the approach to be taken to the drafting of conditions. I am advised that the Council's Solicitors did not consider that the approach to the drafting of conditions suggested by Mr Noan (whereby compliance was a requirement of the Resource Association rather than enforceable through individual consent notices) provide sufficient power to the Council to enable it to carry out its statutory responsibility to enforce the conditions of consent.



THE MAIN FINDINGS OF FACT:

BASIS

The main findings of fact determined by the Hearing Commissioner that have led to the above decision and the reasons for that decision are as follows. They have been reached after visiting the site, considering the application, the evidence and submissions heard at the hearing, the report prepared by the hearing panel, all the relevant statutory and planning provisions, as well as the principal issues that arose in contention.

AVOIDANCE OF ANY DEVELOPMENT IN WEITI FOREST PARK OR RELOCATION OF IT WITHIN THE FOREST PARK

I am satisfied that the submissions seeking avoidance of any development in the Weiti Forest Park and those seeking that the development should be relocated in another part of the Forest Park, not visible from the coast, are totally inconsistent with the provisions of the District Plans and the long-standing expectations arising from the consent provided for development of up to 100 dwellings within the Limited Residential Area of the Forest Park.

AVOIDANCE OF ANY DEVELOPMENT IN KARÉPIRO CATCHMENT OF THE LRA

I am satisfied that all of the technical witnesses who gave evidence regarding planning and landscape matters were in agreement that in broad terms the proposal to develop all 150 lots within the Karepiro catchment of the LRA (as compared to alternative developments comprising both the Karepiro and Waihi catchments, or solely in the Weiti catchment) produced a superior environmental outcome and one which better reflected the objectives and policies of the District Plans. I based this conclusion on the basis on which it was advanced.

DEVELOPMENT NOT TO BE VISIBLE FROM THE COAST OR FROM SURROUNDING RURAL AND URBAN AREAS

I was urged to take the view that the objectives and policies for the Special (Weiti Forest Park) B zone require that the proposed development be not be visible from the coast or from surrounding urban and rural areas. It has regard my attention was directed to policy (b) (ii) of the Operative Plan which refers to the need to "minimise any impact on the landscape and natural environment, particularly prominent natural features, the skyline the coast and areas of native forest". I also concluded that objective 12.2.8 (1.2.9 of the O.P.P.) to protect the landscape and skyline from development visible from the coast (East Coast Road via the Whangaparaoa Peninsula) needs to be considered in the context of policy 12.5.8.1.3.2 which requires that "skyscrapers and structures should be sited and designed to avoid, remedy or mitigate adverse effects on the landscape:

- a) particularly the significant skylines
- b) when viewed from the coast and
- c) when viewed from a public road or other vantage point."

I am therefore satisfied that the objectives for the Special (Weiti Forest Park) B zone do not require that the development should not be visible from the coast or from surrounding urban and rural areas.

EFFECTS ON AMENITY VALUES

Here Mr. Wren and Mr. Burd agreed that the proposed development would have a significant effect on the amenity values and people associated with the relatively undeveloped character of the area including those of people using the coastal walkway. Both also agreed that those effects were unavoidable given the provisions of the zone which had located the LRA on the coastal hills and flats, immediately adjacent to the coastline. I agree that a significant adverse effect on the amenity values arising from the change in character of this part of the coast is an unavoidable outcome of the long-standing zoning provisions that apply to the area. I am also satisfied that the evidence of the applicant established that the design of the proposed subdivision, the management measures proposed, and the conditions recommended, would ensure that an appropriate level of mitigation of effects on these amenity values would be provided.

EFFECTS ON ECOLOGY, NATIVE FLORA AND FAUNA, AND ON WATER QUALITY

I have had regard to the concerns regarding potential adverse effects on the ecology of the area including effects on water quality of the adjacent estuaries. I consider that sufficient doubt has been raised regarding the need for protection of herpetofauna. But note that Mr. Corbett indicated the matter could be satisfactorily addressed by the imposition of conditions which have been previously proposed in respect of other subdivision applications in Redway District. Mr. David Stever advised that although he considered that they were not necessary, he would accept the imposition of those conditions. In all other respects - accept the evidence of the applicant that there will not be significant adverse effects on the ecology of the area and note that the provisions for protection of native vegetation, enhancement and revegetation by native species and the implementation of weed and pest control over the whole of the Foreshore Park will provide long term benefits to native flora and fauna. In regard to water quality I accept the evidence of the applicant and the advice of the Regional Council officers relating that evidence, that satisfactory provision for protecting the water quality of the adjacent estuaries and marine reserves has been made.

WHETHER ADDITIONAL PINES SHOULD BE RETAINED

Mr. Goodwin indicated that subject to resolution of any safety issues the applicant would be prepared to retain pine trees to the west of lots 13 and 50, 75-85 and if necessary retention of some of the existing trees outside the LRA in that area would be negotiated with Rayman, who hold the title rights. As to Mr. O'Leary's suggestion regarding retention of the trees to the east of the above lots, I accept the evidence in evidence from Mr. Goodwin that any newly selected specimens could be retained for safety as well as visual reasons, and the applicant had undertaken to identify and retain those that could appropriately be retained. I also accept the response of Ms. Skusek that retention of pines in an area that was to be revegetated with native trees would likely pose problems in the future when it became necessary to remove the trees.

EFFECTS ON HERITAGE (ARCHAEOLOGICAL VALUES)

I have given careful consideration to the conflicting evidence regarding heritage matters. I note Mr. MacColl's concerns that development of the hay paddock might result in the destruction of currently recorded hidden sites which he believes had been disregarded because they had not been found in the first archaeological investigations carried out by Dr. Clough and his



colleagues. Dr Clough pointed out in the reply, that all of the previously recorded sites would be further investigated as part of the section 15 research for which application has been made to the Historic Places Trust. Mr Maudsley also suggested that the proposed development should be redesigned to avoid the area in the vicinity of lots 21 to 38. In response the engineering drawings from the applicant indicated that a modification of that site would result in a reduction of 50 lots which could effectively only be replaced in the Writ catchment of the LRA. Mr Bull, the planning witness for the ARC, notes that retention of lots 50 was to avoid adverse effects on heritage/archaeological values might well result in more significant adverse effects of a different kind. Overall and subject to the conditions proposed in this regard, I accept the evidence of Dr Clough that the effects of the proposed development on heritage values will be minor and that the value and significance of the archaeological/heritage landscape will be maintained. For these reasons I see no reason to require modification to the proposed development in the vicinity of lots 21-38. For similar reasons and having regard also to the positive benefits that may arise from creation of additional 'best' sites I see no reason to require modifications to the proposed development of the 'buy parks'.

OVERALL BALANCING OF EFFECTS ON THE ENVIRONMENT

Had I accepted that the effects on archaeological heritage were greater than Dr Clough had stated I would still need to consider any adverse effects on heritage values having regard to a broad assessment of all of the effects of the proposed development. It was the evidence of the applicants that the development proposal is the result of a careful consideration of, and balancing of, a wide range of considerations including: protection of significant native vegetation; archaeological/heritage; mitigating environmental effects including earthworks through analysis of topography and aspect; natural ecology (watercourses); sensitivity of the coastal marine area; landscape and visual impacts, including impacts on adjacent coastal reserves; ground stability (i.e. geotechnical aspects); earthwork volumes; final land form and creation of a coherent and compact layout to enable community development. I accept the broad thrust of that evidence and consider that subject to the conditions to be imposed, and having due regard to the provisions of the District Plan, a satisfactory balance of all of these considerations has been achieved. In particular I note the following:

- The development has been confined to the Koroire catchment of the LRA thereby maintaining the extent of earthworks required as compared to any approach involving some or all of the 60 lots in the Writ catchment of the LRA.
 - The development has been setback between 200m and 400m from the coastal divide the LRA boundary extending right up to the boundary of the adjacent riparian reserve.
 - Confining development to a compact layout within the Koroire catchment has protected it from the internationally important or unique soils that adjoin the Writ catchment and the SNA's within that catchment.
- The location within the Koroire catchment has also effectively minimised the visibility of the development from all or most of the sites.

RESTRICTIONS OR PROHIBITIONS ON FURTHER RESIDENTIAL DEVELOPMENT IN WEITI FOREST PARK

A number of submitters, the planning officer for the District Council and the submitters and evidence in brief for the ARC argued that a condition precedent should be imposed to prevent any further residential development beyond that proposed in the application. The District Plan's do not provide for any residential development in excess of 150 lots. However the landowner has lodged an appeal to the Environmental Court against the 60 lots limitation in the Proposed Uniting Plan and seeks that number to be increased to 800. I do not consider that there was sufficient information presented to the Hearing Panel to establish whether the existing upper limit on development was appropriate or whether some other limit should be provided. I



would anticipate that these matters will be fully canvassed / aired when the matter is heard by the Court. In the meantime the provisions of the District Plans and the evidence obtained at the hearing strongly indicate that there is no need at this time to anticipate or attempt to pre-determine the outcome of an application for a non-complying resource consent for additional residential development.

CONCLUSIONS REGARDING ISSUES RAISED

I consider that determination of the application, as Mr Nolan and Mr Dunn both agreed, requires an 'overall judgement' allowing for comparison of conflicting considerations, their relative weight and their relative significance. I accept, as I have noted above, that there will be some adverse effects but in my view they are an inevitable outcome of the zoning provisions which have been in force for some 20 years. Notwithstanding that, there is a clear duty to ensure that those effects where they cannot be avoided, are satisfactorily remedied or mitigated. I am satisfied that the proposed development subject to the conditions to be imposed, will meet that test and accordingly the purpose and principles of the Act will be met by the grant of consent to the application subject to the conditions attached. As noted above I have received legal advice that the alternative approach to drafting of consent conditions suggested by Mr Nolan did not provide sufficient power to the Council to enable it to carry out its statutory responsibilities to affirm the conditions of consent and accordingly I have not followed Mr Nolan's suggested approach in that regard.

CONSENT CONDITIONS

LAPSING OF CONSENT

Pursuant to Section 125 of the Resource Management Act 1991, this resource consent will expire 5 years after the date of commencement of substantial works, before the consent lapses;

The consent is given effect to: or an application is made to the Council to extend the period of consent, and if a Council decides to grant an extension after taking into account the statutory considerations, set out in section 125(1)(b) of the Resource Management Act 1991.

CONDITIONS OF CONSENT:

Pursuant to Section 100 of the Resource Management Act 1991, this consent is subject to the following conditions:

1. Definitions

Common terms, where means:

- c) The private accessway shown as roads 0 2, A, F, H, I, J, K and L on the [proposal submitted to us] (Accessway Infrastructure);



- g) All infrastructure involved in the conveyance, attenuation or treatment of stormwater, from the boundary of lots 1 – 150 and the private accessways created by the subdivision to the point of discharge in accordance with the consent holder's stormwater discharge consent (stormwater infrastructure).

Maintenance, Repair and Renewal Plans means:

- a) The Accessway Maintenance, Repair and Renewal Plan, and
 b) The Stormwater Maintenance, Repair and Renewal Plan.

Pressure Wastewater Collection System means:

a pressure wastewater collection & treatment system using a sump pump, for the purpose of delivering domestic wastewater from individual properties to the wastewater network that meets Council's requirements as specified in the Pressure Wastewater System Collection System Code of Practice which is part of RDC's Standards for Engineering Design and Construction.

General

- (a) General: The development shall proceed in general accordance with the application submitted to Waka Waka Capital Ltd, Dated July 2007 (Volumes 1 – 3) and amended / altered by Mr's Wiskell's report dated July 2007 in response to the request for further information dated 3 July 2007) and the following plans:

- C-001 (Subdivision plan)
- C-002 to C-007, C-008 and C-009 (Roading);
- C-010 and S120525-C-002 (Stormwater attenuation pond, and lake);
- C-014 to C-037 (Sewerage);
- C-039 to C-042 and S120518-C-043 to S120520-C-047 (Roadworks / Erosion Control);
- S120585-C-048 and S120590-C-049 (Access road stormwater);
- A-009 (Accessway);
- L-017, L-018, L-019, L-015, L-016 (Landscape proposals) as amended by the plan titled Figure 12 prepared by Mr's Wiskell dated 27/07/07; and
- L-014 (Footpath and lighting).

The development may proceed in stages as agreed with the Team Leader Resource Consents, each such stage is to be achieved in a stage certificate of the Resource Management Act 1991 ("Act") issued under a stage certificate).

- (b) Notification of commencement: At least 7 days prior to the work commencing the resource consent holder shall notify the Council's RMC Compliance Administrator by telephone (0800 425 5108) the expected date of work commencing.
- (c) Resource consent and monitoring charges: The resource consent holder shall pay to the Council within one month of the issue of this consent or prior to the activity commencing (whichever is earlier) the cost, including specialist services, staff time and administrative for the processing of the application together with the charges for the following inspections:

environmental protection x 4 site visit

Monitoring deposits will be included by the Council together with the amount concerning charges.

Should further monitoring be required to ensure compliance, the Council will recover the relevant and reasonable costs that are incurred for this monitoring as set out in the Council's Schedule of Fees and Charges.

- (d) Construction noise The noise from construction works shall be measured and assessed in accordance with and comply with the requirements of NZS6803:1999 Acoustics - Construction Noise.
- (e) Hours of construction Construction work involving the use of machinery shall be limited to 7.00am to 7.00pm Monday to Saturday, excluding public holidays.
- (f) Landscape plan A detailed landscape plan consistent with the Figure 11 Landscape Concept Master Plan Revision B, including an implementation and maintenance programme shall be submitted to and approved by the Team Leader - Resource Consents prior to any works commencing on the site:
- (i) The plan shall include details of the plant, sizes at the time of planting and intended species. Such a plan shall include appropriate measures to achieve the purposes of the Figure 11 Landscape Concept Master Plan Revision B, including: screening from the DoC walkway to the southeast from where the walkway emerges from the native vegetation extending to the top of the slope which runs down to Koroia Beach; the reinforcement of the dominant landforms and ridgelines and the retention of existing trees where practicable consistent with condition (g) below;
 - (ii) The landscaping shall be implemented and maintained in accordance with the approved landscaping plan within the first planting season May to October, following the completion of each stage of the works on the site. The landscaping shall be maintained hereafter.
- (g) Retention of specimen trees The individual specimen trees on the Figure 11 Landscape Concept Master Plan Revision B shall be retained where practicable, subject to detailed investigation as to pathways and detailed tree survey programme.
- (h) Protection of trees The distinct area of remaining native vegetation to be retained shall be enclosed off from the remainder of the property by a 1.8 metre high protective fence or similar barrier prior to the commencement of any work on the site. The fence/barrier shall remain until all the work on the site has been completed. The landscaping shall be constructed to a standard that will prevent:
- Construction personnel from entering the protected area
 - vehicular traffic over the road zone;
 - The area being used for the temporary storage of building materials,
 - The modification of the area's existing contours
 - Excavations within the area such as trenching or alteration of the soil grade;
 - The lighting of the work on the area,
 - Cement concrete washing and loading of chemicals

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Accordingly, none of the above listed works shall occur within those areas demarcated by the fence/barrier. The fence/barrier shall be strong and appropriate to both the degree of the construction works taking place and the vegetation or tree that requires protection as determined by Council's Ecological Advisor.

- (i) (Arboreal Supervision) when working within the capture of the remaining native vegetation to be retained the works shall be supervised by an Arborist who Council's Ecological Advisor is satisfied is suitably qualified and experienced as an Arborist to supervise the works.

- (j) (Work within capture) when working within the capture of the remaining native vegetation to be retained:

- All roots larger than 50mm shall be retained and carefully worked around to avoid damage. No such roots shall be removed, except where no possible alternative to removing the root exists, it will have a no more than minor detrimental effect on the tree, and a professional opinion to this effect is provided in writing by a suitably qualified and experienced Arborist to Council's Ecological Advisor for approval. Any removal of such roots as a result of the process shall be undertaken by a suitably qualified and experienced Arborist.

Roots that are not larger than 50mm shall be cleanly cut back in the edge of excavations using a sharp instrument such as a hand saw or secateurs. All exposed roots and root ends shall be protected from drying out. This shall be done by covering excavated roots immediately by a clean or empty and ensuring that the material is kept damp. Excavations shall be lined with plastic prior to any concrete pour. The plastic is to remain in place as a permanent root barrier. Backfilling shall be carried out by hand held tools.

- Existing concrete within the drip-line of any retained trees to be broken up by hand operation tools. The removed concrete shall be immediately replaced with a layer of topsoil to cover the area and to prevent the roots drying out. The trench shall be to a maximum depth of 100-150 mm.

- All excavation for the accessway shall be limited to hand digging (i.e. spades, picks and heavy steel bars) and shall be supervised by the suitably qualified and experienced Arborist referred to in condition (j). The area of the accessway in the capture of the Pūiri and Kauri trees shall be designed and constructed in accordance with accepted arboricultural practice, to the satisfaction of Council's Ecological Advisor.

Prior to any digging taking place for any pile foundation the ground should be examined and probed to determine the location of roots and the suitability of all pile site cuts by the contract holder. Council's Ecological Advisor shall be notified 48 hours prior to this taking place and the location of the piles in relation to the roots of the tree shall be to the satisfaction of the Council's Ecological Advisor.

- All excavation for any pile foundations shall be limited to hand-digging (i.e.: spades, picks and heavy steel bars) for the first 500 mm and shall be supervised by the suitably qualified and experienced Arborist referred to in condition (j).

Prior to any works commencing on site a meeting shall be arranged by the contract holder in conjunction with the Council's Ecological Advisor and



Environmental Protection Officer and the Consent Holder's Arborist to explain the conditions of consent to all contractors, sub-contractors and work site supervisory staff who are carrying out any works associated with the project within the confines of any generally protected tree on the site. The consent holder shall provide notice in writing (no less than 5) working days prior to the date of the meeting, to the Council's Environmental Protection Officer.

- The consent holder shall ensure that all contractors, sub-contractors and work site supervisory staff who are carrying out any works within the confines of any tree covered by this consent are advised of the conditions of consent and act in accordance with the conditions. A copy of the conditions of consent shall be available at all times on each work site.

The consent holder shall provide a monthly self-monitoring report by the consent holder's appointed arborist, during site works in relation to the condition, status of protection measures, damage and/or remedial works relating to all protected trees on the site. A copy of the report shall be sent within 14 days to the Council's Environmental Protection Officer on a monthly basis.

- (k) Protection of trees: The critical area of remaining native vegetation to be retained (location 96) shall be enclosed off from the remainder of the property by a 1.8 metre high protective fence or similar barrier prior to the commencement of any work on the site. This fence/barrier shall remain until all the work on the site has been completed. The fence/barrier shall be constructed in a standard that will prevent:

- Construction personnel from entering the protected area
- vehicles to drive over the root zone;
- the area being used for the temporary storage of building materials
- the modification of the area's existing contour;
- excavations within the area such as the boring or insertion of the soil grade
- the lighting of fires within the area,
- cement/concrete washing and loading of drums etc.

Accordingly none of the above listed works shall occur within those areas demarcated by the fence/barrier. The fence/barrier shall be strong and appropriate to both the degree of the construction works taking place and the vegetation or tree that requires protection as determined by Council's Ecological Advisor.

- (l) Wildlife: No development shall take place until there has been submitted to and approved in writing, by Council's Ecological Advisor measures in respect of:

- (i) the identification of protected wildlife species and/or their habitat of present, through a site survey that has been prepared by a suitably qualified and experienced professional as determined by Council's Ecological Advisor;
- (ii) The protection as required, of wildlife species, and/or their habitat referred to under (i) above and as identified through the site survey. The approved measures shall be implemented in full unless Council's Ecological Advisor gives their consent to any variation.

- (m) Wildlife mitigation program: The resource consent holder shall provide a wildlife mitigation program to ensure that any wildlife habitats that are destroyed as part of the development are replaced elsewhere within the site once to and during the commencement of any earthworks or vegetation removal. Copies of any

• Department of Conservation consents that are required shall also be attached to the proposal. This program must be prepared by a qualified ecologist and submitted for approval of the Council's Ecology Advisor prior to and during the commencement of any earthworks and vegetation removal.

The program shall:

- State the timing for implementation of the program (the program should be implemented over a maximum of an 10 week period in favorable weather outside winter months with more intensive trapping 2 weeks prior to habitat removal);
- Describe the nature and placement of artificial habitats intended for trapping wildlife, where captured wildlife is to be released for the nature of any primitive trapping when and where it is to be erected, and what landscaping mitigation is to be undertaken if required;
- State the contractor, to be approved by Council, and their contact details to manage the implementation of the program.

The approved program shall be completed to satisfaction of the Council's Ecology Advisor prior to earthworks or vegetation removal commencing. To this end the ecologist approved by the Council shall certify that the mitigation program has been carried out according to the approved program 5 working days prior to earthworks commencing. Records should be submitted to Council's Ecologist that any wildlife mammals found have been removed, whether released; any mammal, herpetologist employed in this program that report to DOC a completed Amphibian and Reptile Distribution Scheme (ARDES); and a diary shall be forwarded to Council's Ecologist. Any herpetological mitigation measures of an ongoing nature shall be certified as being completed prior to issue of the 224(c) certificate.

Following the commencement of the consent the following conditions shall be completed by the consent holder at the consent holder's entire cost, including the costs incurred by Council in assessing the compliance with such conditions.

- (f) **review of wastewater using main route:** Within 12 months of the commencement of consent and prior to any works on the wastewater reticulation being constructed, the consent holder shall provide a report from a suitably qualified Chartered Professional Engineer on the feasibility of the alternative wastewater using main route as generally shown on the plan prepared by G-D Ltd.
- (g) **Stormwater Infrastructure:** Where the Stormwater Infrastructure passes through any land not owned by the consent holder then prior to any works commencing, the Consent Holder shall secure all necessary legal arrangements to enable ongoing operation, maintenance, repair and renewal of the Stormwater Infrastructure over that land;
- (h) **Infrastructure:** Where any infrastructure owned by the consent holder passes through any land not owned by the consent holder then prior to any works commencing, the Consent holder shall secure all necessary legal arrangements to enable ongoing operation, maintenance, repair and renewal of the infrastructure over that land;
- (i) **Inspections to be shown on the survey file plan:** Before the Council will approve the survey file pursuant to section 224 of the Act for any stage or stages of the subdivision the consent holder shall:

1. Location and number of residential sites provide to the satisfaction of the Consents Manager, ten copies of each relevant survey plan, certified by a registered surveyor, fixing the location and size of no more than 150 lots for residential purposes contained within the limited residential area of the Ngāwhā & Teahi Fossil Park Zone.
2. Identify archaeological sites provide to the satisfaction of the Consents Manager two copies of each relevant survey plan certified by Dr Rob Clough or another suitably qualified person, fixing the location and size of all the identified archaeological sites within the development area by the offsets from surveyed boundary pegs.
3. road layout the Access Road from East Coast Road to the Estate boundary, (apart from those portions not to be constructed because of PEV LINK, as agreed by the Manager Resource Consents) up to and including the public carpark shall vest in the Rodney District Council as road.
4. Identify high to be preserved The areas of existing native bush on the site shall be protected and shall be defined on the survey plan, which shall be subject to land covenant.
5. Linking of common land Show all the land on the site including the private road) not part of lots 1-160 and that part of the access road to be vested in Council as being held as to 1/3 undivided 1/3/37 shares by the owners of Lots 1-160 hereon as tenants in common in the said shares and that Provision Certificates of Title be issued in accordance therewith.

Conditions to be carried out prior to R224(c) Certificate

01. Conditions to be carried out by the consent holder Before the Council will issue a s224(c) certificate pursuant to section 224(c) of the Act, the consent holder shall satisfy the following conditions at his/her full cost:
 1. Land transfer plan number Advise the Council of the number(s) allocated to the land transfer plan(s) by Land Information New Zealand.
 2. Balance of fees Pay any outstanding balance due to the Council for resource plan processing.
 3. Initiation of building The consent holder shall ensure that no applications shall be made for any building consent for a residential dwelling on any of the 150 residential sites before the relevant stage s224(c) certificate has been issued in respect of that dwelling site.

 Note: This condition is imposed to ensure that dwellings are not erected prior to the provision of the necessary infrastructure.
 4. Engineering If the consent is staged in respect to the residential sites then all the engineering works required to service that stage of the development shall be completed before the application for a s224(c) certificate for that stage.
 5. Identify engineering sites Two copies of a plan certified and dated by a Chartered Professional Engineer, incorporating all geotechnical works and facilities with the report page 26, 27 East Infrastructure Ltd, reference S1201520114/ICE Hwy A,



dated June 1 and the Engineering Completion Report listing the location and size of the identified parking area on Lots 1 to 150 by offset from anywyed boundary maps available provided to the Consent Engineer.

6. Knowledge & responsibilities Prior to the commencement of engineering design, the Consent holder shall nominate, in writing, its Developer's Representative in terms of Council's "Standards for Engineering Design and Construction" to be the first point of contact for all engineering matters. Any subsequent change to the nominated Developer's Representative shall be immediately notified in writing to the Consent Engineer.
7. Insurance and warranties for engineering works Prior to the commencement of engineering design for the works required by these conditions, the Consent holder and the Developer's Representative shall provide to the Council proof of Professional Indemnity Insurance and Warranties in full satisfaction of section 102 of the "Standards for Engineering Design and Construction".
8. Engineering plans The engineering works required by this consent shall comply with the Council's "Standards for Engineering Design and Construction" as may be amended from time to time. Engineering Plans, as specified in the Conditions, shall be submitted to the Consent Engineer, and approval thereof received in writing prior to the commencement of any work on the site.
Any variation or changes to the approved engineering plans shall be submitted for approval as an Amendment and approval received thereon prior to commencement of the varied works.

The term 'engineering works' includes but is not limited to:

- Earthworks
- The formation of roads, the laying of pipes and other utility equipment to be vested in the Council for water supply, drainage or sewerage services,
- Street lights, landscaping or structures on and vested, or to be vested in the Council.
- The installation of gas, electricity or telecommunications reticulation including utility equipment.
- Any other works required by conditions of this consent to be vested in Council.

Note: Structures such as retaining walls, in-ground walls and bridges will require a separate Building Consent.

Note: The plans required under this condition are separate to, and do not form part of, any Building Consent that may be required on the subject site.

9. Pre-construction meeting The Developer's Representative shall give the Council's Field Supervisor named in the engineering plan approval at least 5 working days notice of the on-site pre-construction site meeting (refer section 103.15 of the "Standards for Engineering Design and Construction"). Construction work shall not commence at the site until such meeting has been held and all necessary documentation presented.

Note: Attention is drawn to the requirements of section 103.15.3 "Standards for Engineering Design and Construction" for the following documentation to be presented at the pre-construction meeting:

- Approved engineering plans and copy of approved letter
 - Health and Safety Plan
 - The signed Road Opening Notice,
 - The relevant Resource or Subdivision Consent (and all conditions attached thereto);
 - Copies of any Auckland Regional Council Consents necessary for the work.
 - Signed copies of all Consents to Enter for Construction for works on land (including Co. no. ones) not owned by the consent holder.
10. As built record plans) As built record plans to the Council's standards for engineering design and construction for engineering shall be submitted to the consent engineer, and approved in writing received in writing.
11. Health and Safety Plan) A detailed Health and Safety Plan to the requirements of the Health and Safety in Employment Act 1992 specifically addressing control of works on and adjacent to public land and the protection of the public, shall be submitted to the Consents Engineer prior to the commencement of any works on the site (refer 5.108.1 of the "Standards for Engineering Design and Construction"). A copy of the Health and Safety Plan shall be kept on the site at all times. All measures for the protection of the public and other personnel set out in the Plan shall be maintained and complied with at all times until such time as the works are completed.
12. Traffic management plan) A detailed Traffic Management Plan in accordance with the Code of Practice for Temporary Traffic Management specifically addressing control of construction access to the site and traffic control adjacent to the site and the protection of the public, shall be submitted to the Consents Engineer. The Council's Traffic Management Plan requirements shall have been received in writing, prior to the commencement of any works on the site (refer 5.108.2 of the "Standards for Engineering Design and Construction"). A copy of the Traffic Management Plan, together with the certification report shall be kept on the site at all times. All measures for the protection of the public and other personnel set out in the Traffic Plan shall be maintained and complied with at all times until such time as the works are completed.
13. Event Closing Notice) The Consent Holder or his Contractor shall obtain a Road Closing Notice from the relevant Network Service Provider prior to the commencement of any works within the legal area.
14. Site works required) Such works as may be required by the geotechnical report from Beca Infrastructure Ltd, reference 0120555-11-ATCE Rev A, dated June 2007 shall be completed to ensure that all maintenance lanes have suitable Road free parking areas. If subsequent reports are provided, prior to works commencing on the site, and that report or reports mention in any way the stabilisation measures recommended then the report shall be submitted to the Consents Engineer and approved prior to the said measures being undertaken.
15. Geotechnical works) All earthworks shall be specifically designed to the "Standards for Engineering Design and Construction" and NZS 4131 by a Chartered Professional Engineer specialised in soil mechanics. The work shall be designed and executed in compliance with the recommendations contained in the report from Beca Infrastructure Ltd, reference 0120555-11-ATCE Rev A, dated June 2007.



16. **(earthworks certification)** On completion of earthworks, an Earthworks Completion Report and a Certificate in the form of Appendix J of the 'Standards for Engineering Design and Construction' signed by the Chartered Professional Engineer who designed and supervised the works shall be provided to the Council's Engineer. The certificate shall include all cut and fill letters associated with the new public roads and the private roads within the subdivision. The completion report shall include the design parameters for building on each of the lots in tabulated form and a plan showing the building setback lines from unstable areas with dimensions from the surveyed boundaries.

17. **(silt retention)** Before commencement of any works, adequate silt retention structures as detailed in the Auckland Regional Council Technical Publication No. 90 "Erosion and Sediment Control Guidelines for Land Disturbing Activities in the Auckland Region" shall be installed. These structures shall be maintained and cleaned out, as necessary and such time as complete grass cover, or other non-erodible surfacing has been re-established over the site.

The location and detail of the sediment control shall be included in the Engineering Plans for approval prior to commencement of construction.

Note: The Council Holder is advised that additional Consents, Permits or authorisations for the works may be required under the Transitional or Proposed Regional Plans and that these should be obtained from the Auckland Regional Council prior to the commencement of any works on the site.

18. **(dust control)** All necessary actions shall be taken to prevent a dust nuisance to neighbouring properties and public roads; including, but not limited to:

- The watering of areas of the works
- The retention of any existing shelter belts and vegetation
- The installation and maintenance of wind fences and vegetative strips
- Watering of adjacent roads and manoeuvring areas during dry periods
- Staying of load dumping operations
- Suspension of all operations if exacerbated by the prevailing conditions

The site, or parts thereof as appropriate, shall be regrassed or otherwise protected from wind and water erosion immediately on the completion of bulk earthworks whether or not other works are completed.

19. **(stormwater reticulation)** Provide and install a stormwater reticulation system to serve all the residential lots within the subdivision. The reticulation shall be designed to the requirements of the Council's 'Standards for Engineering Design and Construction' for all urban projects.

Note: The Council Holder is advised that additional Consents, Permits or authorisations for the works may be required under the Transitional or Proposed Regional Plans and that these should be obtained from the Auckland Regional Council prior to the commencement of any works on the site.



20. stormwater treatment: Provide stormwater treatment to TP 10 for the stormwater from the main access road and internal roads within the subdivision. The treatment measures proposed for the main public access road shall have the approval of the Council Emergency Directorate before installation.
21. stormwater detention/treatment ponds: Provide with the Engineering Plans for approval details of the proposed stormwater detention/treatment pond within the subdivision.
22. stormwater soil/soil plans: Provide with the soil/soil plans a flood hazard map showing the 100 year return event floodplain and the system of stormwater overland flowpaths within the subdivision.
23. stormwater discharges: All stormwater discharges shall have the appropriate energy dissipation and erosion control measures installed.
24. water supply for fire fighting: Liaise with the New Zealand Fire Service and make adequate provision in accordance with their requirements for a fire fighting supply to serve the residential lots.
25. wastewater collection: Provide a pressure wastewater collection system to serve all or the residential lots designed and constructed in accordance with the Council's Standards for Engineering Design and Construction and the Code of Practice for Pressure Wastewater Systems. Plans of the proposed system are to be included with the Engineering Plans for approval prior to construction. The system shall include pumping options (if required) and the appropriate telemetry to provide information to the existing public system.
26. wastewater rising main: Construct a rising main from the body of the subdivision to the designated connection point at Edgewater. In accordance with the "Plan of Sewerage Connection to RDC System", Figure No. 10 - 036 enclosed with application. Amendments to this design may be undertaken with the prior written approval of the Wastewater Asset Manager. Prior to the commencement of any such works, the Council may review the condition and the route of the rising main, within 2 months of receipt of the feasibility study required pursuant to the condition relating to the review of wastewater rising main route. The purpose of such a review shall be to ensure that the rising main to be constructed has the most optimal operational efficiency reasonably practicable.
27. wastewater upgrading contribution: As agreed between the Council and the developer, pay the sum of \$300,000 plus GST to upgrade the existing public wastewater system downstream of the point of connection of the subdivision to the existing public system at Edgewater. The amount shall be adjusted by applying any change in the Producer Price Index - Construction between the date of consent and the time of payment of the contribution. The works generally are:-
- Upgrade the emergency storage at the Edgewater and Arata Bay pump stations
 - Install back-sour control bases at the Edgewater and Arata Bay pump stations
 - Install odour control weavers at the Wode River and Margaret Street pump stations

The payment is to enable the Council to carry out upgrading works to the existing public system has sufficient capacity to deal with the flow from an average 150 cars.

25. In-his-road access to the subdivision If the construction of Perlink is completed over the section required to give access to the subdivision prior to the request for a 224 (c) for any stage, then complete the section of the access road from the Perlink formation to the end of the road at the proposed public carpark. The road shall be constructed to a rural sealed standard comprised in the Council's 'Standards for Engineering Design and Construction' and to the typical cross section shown on Figure C-022 presented with the application. The road works shall include the formation of the public parking area to a sealed standard or to a type of dust free surfacing that is acceptable in the Council's Parks Manager. A sign shall be placed at the end of the public section of the road advising that the road from this point on is private.

If the construction of Perlink over the section required to give access to the subdivision is not to be completed within a time frame of more than two years (or other timeframe agreeable to the Council's Manager) prior to the day of the request for a 224 (c) for any stage of the subdivision then the proposed new public road, from the intersection with Lamloval Road to the point where the new public road ends, shall be constructed to a rural sealed standard comprised in the Council's 'Standards for Engineering Design and Construction' and to the typical cross section shown on Figure C-022 presented with the application. The road works shall include the formation of the public parking area to a sealed standard or to a type of dust free surfacing that is acceptable to the Council's Parks Manager. A sign shall be placed at the end of the public section of the road advising that the road from this point on is private.

In the event that it is confirmed that the section of Perlink giving access to the subdivision is to be completed within a time frame of two years or less (or other timeframe agreeable to the Council's Manager) prior to the day of the request for the issue of the 224 (c) for any stage of the subdivision, the section of the road within the Perlink Designation to be upgraded to a rural sealed standard, except for the first 20 metres from 'Local Road', which must be as a water sealed. In this case a bond shall be entered into by the developer for the additional cost to seal the full length of the road within the designation. The bond shall be released upon completion of the section of Perlink required to serve as access to the subdivision in accordance of the written road works agreement.

Admin Note: The ability to agree a new timeframe if required is to provide flexibility in project timing.

26. Vehicle Audit: Prior to the application for a 224 (c) for any stage of the subdivision provide a detailed Safety Audit of the public road and the intersection construction drawings if the construction of the intersection is required and a cost construction audit of the completed intersection and public road. The audit is to be approved by the Council's Transport Safety Manager once carrying out the work. A preconstruction audit is to be completed prior to engineering plans for the road and intersection construction being submitted to the Council for approval. The cost construction audit is to be completed and submitted to the Council prior to the use of the new intersection and road by the public.

30. Intersection of the Access Road If the Safety Audit recommends an upgrade of the intersection of the access road with East Coast Road either generally as shown on Figure C-022 included in the application or to a lesser standard as keeping with the traffic generated by any stage of the subdivision, then that shall be included in the engineering plans for approval. The intersection shall be marked in accordance with Part 2 of the Traffic New Zealand Manual of Traffic Signs and Markings. Construction is required for the safety of road users.
31. Signage and lighting Flag lighting shall be installed to the intersection of the new road with East Coast Road to the requirements of the Council's "Standards for Engineering Design and Construction" to the standard as required by the Safety Audit. The type of light strings shall be acceptable to the electricity network supplier responsible for the area.
32. Construction of private way The private ways (i.e. the roads that will be private) serving the lots within the subdivision shall be generally constructed to a sealed standard to the Council's "Standards for Engineering Design and Construction" and to the typical cross sections shown on Figure C-022 included in the application. The perimeter private way is to be graded to a maximum grade of 10.5%. Exceptions to the Standards for Engineering Design and Construction are likely to include those identified in the AEB - Volume 2 - Appendix B (July 2007) and will be subject to Council approval.
33. Stormwater Maintenance, Repair and Renewal Plan The Consent Holder shall create a plan (The Stormwater Maintenance, Repair and Renewal Plan) prepared by a Chartered Professional Engineer experienced in stormwater maintenance and renewal issues. The Stormwater Maintenance, Repair and Renewal Plan shall specify and cost all maintenance, repair and renewal work required in order to keep the stormwater systems performing efficiently, effectively and in accordance with all relevant specifications, to the reasonable satisfaction of the Manager Resource Management. Without limiting the generality of the foregoing, the Maintenance, Repair and Renewal Plan shall specify:
- i. The maintenance specified by the materials manufacturer (if any);
 - ii. The maintenance specified by the design/constructor (if any); and
 - iii. Pipe flushing; and
 - iv. Inspection and clearance of blockages, trees and debris; and
 - v. Maintenance requirements of any individual resource consents; and
 - vi. Sedimentation removal; and
 - vii. Inspection and replacement of fittings, pipes and other elements of the Stormwater Infrastructure; and
 - viii. Anticipated costing for the above based on contractors estimates.
34. Accessway Maintenance, Repair and Renewal Plan The Consent Holder shall create a plan (The Accessway Maintenance, Repair and Renewal Plan) prepared by a Chartered Professional Engineer experienced in road maintenance and renewal issues. The Accessway Maintenance, Repair and Renewal Plan shall specify and cost all maintenance, repair and renewal work required in order to keep the private accessway performing efficiently, effectively and in accordance with the standards specified in the Engineering Standards for Design and Construction (October 2006), to the reasonable satisfaction of the

Manager: Resource Management. Without limiting the generality of the foregoing, the Maintenance, Repair and Renewal Plan shall specify:

- i. Stormwater; and
- ii. Tree removal; and
- iii. Signage, paving and road marking, repairs and maintenance; and
- iv. Update road markings; and
- v. Xero repairs; and
- vi. Pavement repairs and re-sealing; and
- vii. Road resurfacing; and
- viii. Clearing of drainage facilities; and
- ix. Future renewal requirements; and
- x. Anticipated costing for the above based on contractor estimates.

36. Ownership and Operation of Common Infrastructure

- I. The Consent Holder shall prepare the necessary documentation (the Documentation) to create a society, body corporate, association or other body acceptable to the Council (hereafter called the Body) to own, operate, maintain and fund the Common Infrastructure and implement the Maintenance, Repair and Renewal Plans, in perpetuity.
- II. A draft of the Documentation shall be prepared and submitted for review by the Council's solicitors at the Consent Holder's cost and to the reasonable satisfaction of the Council's engineer prior to execution of the Documentation. The Documentation required in terms of the formation, objectives and operation of the Body shall include provision for the following items:
 - a) the operation, maintenance, repair and renewal of the Common Infrastructure within the subdivision and implementation of the Maintenance, Repair and Renewal Plans; and
 - b) an appropriate memorandum of association of the Body to be allocated to each residential unit owner within the development, together with an acceptable method of management of the body's future affairs, and for the raising of funds from members from time to time to adequately finance future maintenance and renewal obligations of the systems described under (a); and
 - c) designation of a name for the Body and the type of entity it shall be constituted as.
- III. The Consent Holder shall create the Body in accordance with the Documentation which has complied with condition (b) above and enter into an agreement with the Body to transfer the Common Infrastructure to the Body. The Consent Holder shall provide a bond to comply with this condition if the Body is legally unable to be created or, to the extent needed by the consent issuing and any such bond shall be registered against all lots of the subdivision. The bond shall be released upon evidence that the Body has been created. In the event that a bond is required, it shall be drafted and registered by Council's solicitor at the Consent Holder's cost.

Advised note: The Consent Holder may have obligations under the Speculative Act 1975 arising from the creation of the Body and the making of interest in the Body.

36. Bond for Common Infrastructure The Consent Holder shall provide Council with a bond in the sum being (20%) of the cost of construction of the Common Infrastructure as security for the cost of any repairs or renewal required other generally to ensure the ongoing efficient and effective operation of the Common Infrastructure as pursuant to the Maintenance, Repair and Renewal Plan within (5) years of granting of s224(c). For the avoidance of doubt, the bond is not intended to cover the cost of anticipated maintenance undertaken during the life of the bond. The bond will be released once the Body has been successfully constructed and the funding mechanism has been demonstrated to Council's satisfaction.
37. Provision for electric power Written confirmation shall be provided from the electricity network supplier responsible for the area that provision of an electric supply has been made available by underground means to all premises to be created and that all the network supplier's requirements for making such premises of supply available have been met.
38. Provision for telephone Written confirmation shall be provided from the telecommunications network supplier responsible for the area that provision of telephone services has been made available by underground means to all premises to be created and that all the network supplier's requirements for making such services available have been met.
39. Alternative services If the construction of powerlink is not completed prior to the request for a s224(c) or any stage of the subdivision and it is confirmed that the section of powerlink needed to provide electric power and telephone lines is to be completed within two years or less (or other timeframe agreeable to the Consent Manager) from the issue of the s224(c) then may be provided above ground using existing poles from East Coast Road to the proposed intersection of Fernbank and the subdivision road. In this event a bond shall be submitted by the developer for the additional cost to place the utilities underground. The bond shall be released upon completion of the section of powerlink required to connect such services.
40. Management contributions Pursuant to Operative Plan Change 22 (Chapter 22), the financial contributions as set out in the "Schedule of Financial Contributions", RMA 52447, Schedule DC, attached to this consent shall be paid to the Council in full mitigation of the adverse effects of the activity in respect of infrastructure and commonly facilities.
41. Reassessment of contributions Any portion of the contributions remaining unpaid on the anniversary of the date of granting the consent, shall be adjusted by applying any change in the Producer Price Index. Construction between the date of consent and the most recent anniversary of the date of consent prior to the payment of the contribution.
- Any portion of the contributions remaining unpaid five years from the date of granting of the consent, shall be fully reassessed in accordance with Operative Plan Change 22 immediately before the time of payment.
42. Timing of payment Pursuant to Rule 22.5.2 all contributions shall be paid in full prior to the issue of the s224(c) certificate, unless other arrangements

satisfactory to the Council have been made pursuant to Rule 22.6. In the case of staged developments the contributor payable in each stage shall be determined on the number of sites created in each stage.

Rule The financial contribution towards wastewater required is for works over and above those upgrading works being carried out by the developer. Therefore in receipt of contributions against the cost of the works being carried out by the developer in parallel.

43. Archaeological survey The consent holder shall engage Dr Rod Clough or another suitably qualified person to undertake a geophysical and archaeological survey of the site and develop a comprehensive archaeological management plan including specific methods for dealing with any known kaitiaki and sites of significance to Tangata whenua to the satisfaction of the Manager Resource Consent. The plan shall include protocols for the future management of sites identified. All works shall be undertaken in accordance with such plan.
44. Protection of archaeological sites The archaeological sites identified in Figure A.003 in the application of the plan prepared in accordance with condition 7 above shall not be disturbed or touched in all development shall be confirmed by Dr Rod Clough or another suitably qualified person. These sites shall be cordoned off during construction by a fence or similar barrier prior to the commencement of any work on the site. This fence/barrier shall be constructed to a standard that will prevent:
- Vehicle traffic through the protected area;
 - The area being used for the temporary storage of building materials;
 - The modification of the area existing contours, and
 - Excavations within the area.
45. Archaeological monitoring That Dr Rod Clough or another suitably qualified person shall be on site and persons recognised by Ngāi Whāngai, Te Kōwhiri A Māori, Ngāi Tahu and Ngāi Maniapoto and any other Tangata whenua shall be invited to monitor all earth activities, including surface stripping of the site, to establish whether any sub-surface archaeological features are present.
46. Excavation of archaeological artefacts If any artefact, including human remains is exposed during any site works the following procedures shall apply:
1. Immediately when an artefact has been exposed, all site works shall cease; and
 2. The site supervisor shall immediately secure the area in a way that ensures that any artefacts or remains are untouched; and
 3. The site supervisor shall notify Tangata whenua, the New Zealand Historic Places Trust, the Department of Conservation and the Central RMA Compliance Administrator Office (telephone 0800 423 5105) and in the case of human remains the Police, that an archaeological site has been exposed, so that appropriate action can be taken. This includes such people being given a reasonable time as determined by the Council to record and measure the archaeological features discovered before work may recommence on the site.
49. Landscape plan The landscaping as detailed on the approved plan shall be implemented within the first planting season (May to October) following the



completion of the works on the site. (In the case of a staged development following the completion of each stage) the landscaping shall be maintained thereafter in accordance with the maintenance programme submitted with the approved landscape plan.

40. carriageway A carriageway for all vehicles shall be provided within the land vested as proposed in accordance with Figure L-016 contained within the application. All dimensions shall not be less than the minimum dimensions required by the Council's standards for engineering design and construction. All access, parking and manoeuvring areas shall be formed and paved with goli block reinforced grass paving or similar robust finish.
41. provision of pedestrian access to Karapiro Bay A walkway shall be constructed and as generally depicted on Figure L-018 of the application. An easement in favour of the Council shall be registered on the title of the land adjacent to ensure public access in perpetuity to the satisfaction of the Manager Resource Consents.
42. construction of walkways between Karapiro Bay and Sitohaiwi A walkway shall be constructed in accordance with Appendix 12G of the Proposed Rodney District Plan. An easement in favour of the Council shall be registered on the title of the land affected to ensure public access in perpetuity to the satisfaction of the Manager Resource Consents.
43. new road names The Consent holder shall agree with the Council names for the new roads shown on the Scheme Plan together with clearance from the Council Address File, P O Box 30241 Lower Hutt, Fax 04-552-1435 as that organisation of the name in any other part of the Auckland region is avoided. (Note: The Council shall determine the name having regard to any names suggested and representative to the area which the new roads will service.) Where a name has been received by the Council the Consent holder shall erect nameplates in accordance with the Council's Standards for Engineering Design and Construction.

Other Conditional Consent Notices

- a) consent notices: The following conditions of the consent shall be complied with in perpetuity and shall be recorded on the relevant Titles by way of Covenanted Notices pursuant to s.227 of the Act:
 1. building requirements: Any buildings erected on the building sites identified on the plan required by the condition relating to identifying building sites shall be subject to the requirements of the report prepared by Beca Infrastructure Ltd (attached S120889/14TGE Rev A, dated June) and the Earthworks Completion Report. Copies of the final plan and report(s) will be held at the office of the Council's Gateway Road, Crews.
 2. architectural code: Any buildings erected on Lots 1-150 shall be designed and constructed in accordance with an Architectural Code similar in that contained in Appendix 1 to the landscape report submitted with the application.
 3. private access, wastewater and stormwater systems: Each of the owners of Lots 1 to 50 for the time being shall at all times ensure that:

1/27

1. The Body named (the body) being a (describe type of body) continues to exist; and
2. The Body's constitution and other associated documentation is valid in accordance with that which complied with the consent condition relating to setting up the Body, subject to any amendments to the reasonable satisfaction of the Manager: Resource Management. A copy of the constitutional documentation and any proposed changes shall be kept on the Council's Property Record Register relating to each residential lot; and
3. Each is a member of the Body; and
4. The Body owns all of the Common Infrastructure, and
 - a. The Body ensures that the Common Infrastructure is owned, operated, maintained, repaired and renewed in a manner that ensures the ongoing efficient and effective operation of the Common Infrastructure and that the requirements of the Maintenance, Repair and Renewal Plans are funded and complied with;
4. Water supply or drainage system All water supply tanks and collection tanks within Lots 1 to 100 shall either be within the residential structure so that it forms part of the structure, or shall be placed underground provided that this condition does not apply to wood stove tanks.
5. Wastewater drainage system The owners of Lots 1 to 100 are advised that the public wastewater service provided to the lots by the Council is a pressure wastewater collection system. To ensure an effective service from the system, the property owner shall own, maintain and operate a Pressure Wastewater Collector System which is compatible with Council's pressure wastewater collection and more particularly:
 - a. ensure that the Pressure Wastewater Collection System complies with the Rodney District Council's Pressure Wastewater System Collection System Code of Practice which is part of RDC's Standards for Engineering Design and Construction and consists of components which comply with Council's requirements for connection to a pressurised public wastewater service, (A list of equipment suppliers which comply with the Code of Practice is available from Council on request, such list may be updated from time to time); and
 - b. ensure that the Pressure Wastewater Collection System is installed, maintained, repaired and renewed as necessary to ensure it is operating effectively and efficiently, by a suitably qualified Pressure Wastewater Collector System installer and maintenance technician (A list of equipment suppliers which comply with the Code of Practice is available from Council on request, such list may be updated from time to time); and
 - c. connect the Pressure Wastewater Collector System to the Public Pressure Wastewater Collector System in accordance with the RDC's Standards for Engineering Design and Construction and
 - d. all of them have a maintenance agreement with a suitably qualified Pressure Wastewater Collection System installer and maintenance technician (A list of equipment suppliers which comply with the Code of Practice is available from Council on request, such list may be updated from time to time); and for the installation of, construction, maintenance, repair and renewal of the Pressure Wastewater Collection System shall be the responsibility of the lot owner; and



The owners shall be deemed not to be in breach of this covenant if any of such trees, vegetation or bush die from fire or natural causes not attributable to any act or default by or on behalf of the owners and for which the owners are responsible.

Note: Failure to comply with this condition may result in enforcement action being taken by the Council under the Resource Management Act 1981 to ensure full compliance with the continuing protection of the bush.

The owners shall pay to the Council the fair and reasonable costs incurred by the Council in enforcing this condition at not less than two-weekly intervals unless required otherwise by a legitimate complaint. The owners will be advised of the costs, assessed under the Council's Schedule of Fees and Charges, as they incur.

12. Minor Household Units: Minor household units shall not be constructed on Lots 1-150.
13. Review: Pursuant to Sections 12B and 221 of the RMA, the consent rules conditions and the content of any of the Maintenance, Repair and Renewal Plans may be reviewed by the Manager, Resource Management by giving notice pursuant to Section 226 of the RMA, 15 March of each year for any of the following purposes:
 1. Where Council has released a new version of the Engineering Standards for Design and Construction, to confirm that the Maintenance, Repair and Renewal Plans ensure that the Current Infrastructure is safe, efficient and effective; and
 2. Where there are complaints that the Maintenance, Repair and Renewal Plans are deficient in not being implemented properly in order to rectify that deficiency or lack of implementation; and
 3. To deal with any adverse effect on the environment which is different to or greater than anticipated in the grant of the consent and which is appropriate to consider a later consent time.

Advice Notes

1. Advice: Reports and information on the land regarding any features or characteristics of the land or works on the land, whether the subject of specific encumbrances on the land or not shall be discoverable as part of the Council's records.



THE RELEVANT STATUTORY PROVISIONS THAT WERE CONSIDERED:

Overall the application was considered to be a discretionary activity and was considered in terms of sections 104, 104B, 104C and Part 7 of the Act.

OTHER RELEVANT PROVISIONS THAT WERE CONSIDERED:

The provisions of the following documents were considered by the Hearings Panel in reaching the decision.

National Policy Statement Provisions
None applicable

New Zealand Coastal Policy Statement Provisions
Provision 1.1 (1); 1.1.2; 1.1.3; 1.1.4; 2.1.1; 2.1.2 & 3.2.1

Auckland Regional Policy Statement Provisions
Strategic objective 2.6.1 (7); (8); (9); (10).
Strategic policy 2.6.17(2); (4)

Proposed Regional Policy Statements Provisions
None stated

Auckland Regional Plan: Coastal Provisions
None applicable

Auckland Regional Plan: Air Land and Water Provisions
These matters have been addressed under the relevant decisions of the Auckland Regional Council

DISTRICT PLAN PROVISIONS.

1999 Transitional District Plan
Objectives 2(a), 2(c) & 2(d) on page 284
Policies (a) General on page 284, (b) Residential on page 285 (c) Concept Plan of Development (pages 285 and 286) and (d) Services.
Objective 2 Conservation and Environment on page 521 and associated policies 3, 4, 6 & 8 on pages 521, 522 and 523

Plan Change Number 16 Residential Provisions
None applicable

Plan Change Number 55 Rural Provisions
None applicable



Plan Change Number 62 Financial Contributions
Provisions of the Plan Change have been adopted

PROPOSED PLAN PROVISIONS

Employed District Plan 2010

Articles 12.6.1, 12.7, 12.8.1, 2.2.8, 12.9.1, 2.3

Articles 12.8.1.3.1, 12.9.1.4, 12.8.1.3.5; 12.5.0.1.3.4 & 12.9.1.3.7.

Refer Consent Order dated 11 June 2008

RESOURCE CONSENT DECISION NO: RMA 52447

Resource Management Act 1991

CORRECTION TO DECISION BY: RODNEY DISTRICT COUNCIL

DATE: 9 JANUARY 2008

APPLICANT
Name: Williams Land Limited Mailing Address: C/- Derek Nolan, Russell McVeagh, P O Box 8, AUCKLAND 1140
APPLICATION LOCATION
Street Address: 1696 East Coast Road, Weiti Legal Description: Pt Lot 1 DP 95984 (CTNA 80D/150)
Correction to Decision Pursuant to s133A of the Resource Management Act 1991
That pursuant to Sections 133A of the Resource Management Act, 1991, the decision on the notified resource consent application by Williams Land Limited to create 150 sites for residential use, earthworks and works with the drip line of two native trees and the replacement of existing culverts in water courses at 1696 East Coast Rd Weiti which was granted consent by decision dated the 17 December 2007 is corrected by the changes set out in the attached schedule.

Signed for and on behalf of the Council:



.....Date: 9 January 2008

Name: Harry Bhana

Position: Independent Commissioner appointed
by the Rodney District Council to hear and determine
this application.

**Schedule of Corrections to
Decision of 17 December 2007, on the notified resource consent application by
Williams Land Limited to create 150 sites for residential use, earthworks and
works with the drip line of two native trees and the replacement of existing
culverts in water courses at 1698 East Coast Rd West**

Nature of Correction	Page of Decision of 17 December 2007	Text in Decision of 17 December 2007	Correction to be made
Incorrect paragraph number	45	a) inserted <u>inserted</u> inserted The blasting conditions of the consent shall be complied with in perpetuity and shall be registered on the relevant Titles by way of Covenants Notice pursuant to s.221 of the Act.	Condition to be renumbered to 45
Condition included in error to be deleted	27	b) supervision of common area ; The area required to be held in common ownership in section 5 shall not be further subdivided for residential purposes .	Condition 5. To be deleted and remaining conditions to be renumbered accordingly

Consent Order

REFER TO EXTENSION OF TIME DECISION DATED 28/2/13

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER of appeals under section 120 of the Act

BETWEEN

KEEP OKURA GREEN SOCIETY
INCORPORATED

ENV-2008-AKL-000030

Appellant

AND

WILLIAMS LAND LIMITED

ENV-2008-AKL-000031

Appellant / Applicant

AND

RODNEY DISTRICT COUNCIL

Respondent

BEFORE THE ENVIRONMENT COURT

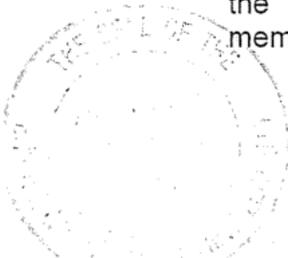
Environment Judge L J Newhook sitting alone under section 279 of the Act

IN CHAMBERS at Auckland

CONSENT ORDER

Introduction

1. The Court has read and considered the appeals by Keep Okura Green Society Incorporated and the Applicant, the Respondent's replies to those appeals, and the memorandum of the parties dated 27 May 2008.
2. Keep Okura Green Society Incorporated has given notice of an intention to become a party to the Applicant's appeal (ENV-2008-AKL-000031) under s274 and have signed the memorandum setting out the relief sought.



3. The Court is making this order under s220(1)(b) of the Act, such order being, by consent, rather than representing a decision or determination on the merits pursuant to section 297. The Court understands the present purposes that:
- (a) All parties to the proceedings have executed the memorandum recited in this Order;
 - (b) All parties are satisfied that all matters proposed for the Court's endorsement fall within the Court's jurisdiction and conform to the relevant requirements and objectives of the Residential Tenancies Act including in particular Part 7.

Order

4. That by the Court orders, by consent that:
- (a) The amendments contained in the marked up version of the consent conditions attached as Appendix A to the order be made to the conditions of consent and
 - (b) the consequential amendments and case files be by 1501130 as a result of the above amendments.
5. The appeal is allowed as in (3) above.
6. There is no order for costs.

CALEB J. ADJUTANT

11/20

any of

[Signature]

7/08

[Signature]

T. J. HARTON,
Deputy Registrar

[Signature]

APPENDIX A - AMENDED CONDITIONS OF CONSENT



CONSENT CONDITIONS

Lapping of consent

Pursuant to section 125 of the Resource Management Act 1991, this resource consent will expire 5 years after the date of commencement of our consent unless the consent lapses;

the consent is renewed automatically

or a) if you inform the Council to extend the period of consent, and the Council decides to grant an extension after taking into account the statutory considerations set out in section 125(1)(a) of the Resource Management Act 1991;

CONDITIONS OF CONSENT:

Pursuant to section 128 of the Resource Management Act 1991, this consent is subject to the following conditions:

Definitions

Common lines, see a plan.

- The private accessway shown as roads 75, A, B, C, D, E and 9 in the [redacted] subdivision plan (Accessway Infrastructure).
- All infrastructure (works) in the neighbourhood, attenuation or treatment of stormwater from the boundary of lots 1 - 100 and 101 private accessways created by the subdivision in the path of discharge in accordance with the consent to discharge the large consent (Stormwater Treatment).

Maintenance Procedures Manual Part 1 690A

- The Accessway Stormwater Repair and Renewal Plan, and
- The Stormwater Maintenance Repairs and Renewal Plan.

Pressure Wastewater Collector System means a pressure wastewater collection & depress system using grinder pumps, for the purpose of delivering domestic wastewater from individual properties to the wastewater network that meets Council's requirements as specified in the Pressure Wastewater System Collector System Code of Practice which is part of RDC's Standards for Engineering Design and Construction.

Team Leader - Pressure Consents means the Team Leader - Pressure Consents at RDC's Disposal Control Centre, Council, which may be contacted online at pressureconsents@rdc.govt.nz, mobile consent (09) 438 4388.

General

- (1)(b)(i) The development must proceed in general accordance with the specifications set out in the (1)(b)(i) Williams Capital Ltd, Dated July 2007, Version 1.3, and annexed to the consent by Bruce Mitchell's report dated July 2007 in response to the request for further information dated 1 July 2007; and the following class:

- C-001 (Subdivisions plan)
- E-003 to E-021, C-009 & M-033 (Fencing)

- C-001 and 0120580-C-055 (Stormwater water quality and A&E)
- C-002 (A&E-057) (Paving);
- C-003 to C-012, and 0120580-C-045 to 0120580-C-047 (Earthwork & Geotechnical Control);
- S-00000 to 046 and 0120580-C-040 (Ancillary man maintenance);
- A-000 (Archaeology);
- L-012, L-011, L-015, L-016 (Landscape proposed) as provided by the plan three sheets 12 prepared by Roffa Mitchell dated 01/12/07; and
- L-014 (Floodplain and lighting).

The development has progressed in stages as agreed with the Team Leader Resource Consents, with each stage to be followed in a stage order (00040) of the Resource Management Act 1991 (RMA) (hereinafter "stages set back").

- (b) Notification of commencement At least 7 days prior to the work commencing on resources consent, the applicant notify the Council's RMA Compliance Administrator by telephone (0800 123 5133) the expected date of work commencing.
- (c) Resource consent and monitoring charges The resource consent holder shall pay to the Council within one month of the date of the consent or prior to the commencement of the work (whichever is earlier) the cost including specialist services, staff time and administration for the processing of this application together with initial charges for the following information:

environmental protection - 1 staff day

Monitoring apparatus will be included by the Council together with the initial processing of charges.

Should other monitoring be required in future compliance, the Council will monitor the annual and seasonal reports that are required for the monitoring apparatus in the Council's Schedule of Fees and Charges.

- (d) Construction rules The rules from construction works shall be approved and operated in accordance with and comply with the requirements of W98502:1999 (Construction - Construction Works).
- (e) Hours of work Construction work involving the use of machinery shall be limited to 7:00am to 5:00pm Monday to Saturday excluding public holidays.
- (f) Site signage and a detailed landscape plan shall be required by the applicant occurring prior to the commencement of any excavation and drainage, propagation and in any other development work operated in accordance with the Resource Management Act 1991. The application with the Table 44-Landscape-Management Plan-Table 2-Tables 2-4 including an environmental and cultural assessment shall be submitted to and approved by the Team Leader - Resource Consents prior to submitting any work commencing on the site.
- (g) The plan shall negotiate an initial parking and drainage area and provide provisional details of the works 298 of the time of parking and initial lot space.

shall be by 100% for 20 m² or less. The objective of this provision is to provide an additional level of protection for vegetation on the site under the Final Plan.

010 The clearing shall be subject to a condition of approval to the satisfaction of the Council as to whether the land clearing person shall be required following the completion in any stage of the work to site (except as set out above).

011 The clearing is to be done in accordance with the approved arboricultural plan, that is approved condition.
ENV 002(02)(000000)

012 The Council will, at its own cost, shall undertake an approved condition audit along the area of work, including the boundary with an immediately adjacent to approved condition. Where applicable, such approved condition shall include approved condition of any native, especially ancient, species or all plant life to be cleared at the time of clearing. Particular care shall be given to the approved condition of any approved condition that shall be approved by the Local Council - Resource Consent.
ENV 002(02)(000000)

013 Approved condition The clearing area of remaining native vegetation to be retained shall be enclosed off from the remainder of the property by an approximately 1.2m high approved condition or similar barrier prior to the commencement of any work where approved condition or an unbroken approved condition remains on the site. The barrier shall remain until the work approved condition has been completed. The barrier shall be constructed to a standard that will prevent

- Out-siders or trespassers from entering the protected area;
 - Vehicle and heavy traffic over the barrier;
 - The site being used for the temporary storage of building materials;
 - The modification of the area's existing contours;
 - Excavations or filling in the site, such as trenching or other alteration of the soil grade;
 - The lifting of trees within the area.
- Concretecrete walling and fencing of materials.

Accordingly, none of the above listed works shall occur within the area approved condition demarcated as the approved condition. The approved condition shall be strong and appropriate to the degree of the construction works likely place and the vegetation or tree that requires protection as determined by Council's Ecological Advisor.

014 Approved condition Where working within the confines of the remaining native vegetation to be retained, a survey shall be supervised by an Accredited Council's Ecological Advisor or a suitably qualified and experienced as an Arborist to supervise the works.

015 Approved condition When working within the confines of the remaining native vegetation to be retained within the approved condition - Approved condition.

All roots > 100mm diameter shall be retained and carefully worked around to avoid damage. No work shall be removed, except where no practical alternative to retaining the root exists, it will have a no more than 100mm

detimental effect on the fish, and a professional opinion on the effect is provided in writing by a suitably qualified and experienced Advisor to Council's Ecological Advisor for approval. Any removal of vegetation as a result of the project shall be undertaken by a suitably qualified and experienced Advisor.

Flora that are not over 1.50m shall be marked out back to the edge of excavation using a sharp instrument, such as a hand saw or secateurs. All excavated roots and stumps shall be protected immediately and shall be drawn by a means excavated roots immediately by the use of a winch and creating a protective mat that is kept damp. Excavations shall be lined with plastic prior to any concrete pour. The plastic is to remain in place as a permanent water barrier. Excavating shall be carried out by hand held tools.

Existing concrete walls, the collapse of any retaining wall shall be broken up by the use of excavated tools. Any removed concrete shall be immediately removed with the least of effort to cover the area and to prevent the earth drying out. It is agreed that there shall be a maximum depth of 100-500mm.

All excavation for the accessway shall be limited to hand digging (i.e. spades, picks and heavy steel bars) and shall be supervised by the suitably qualified and experienced Advisor referred to in condition 10. The area of the accessway in the centre of the Puffin's Cove ponds shall be designed and constructed in accordance with accepted site construction standards, to the satisfaction of Council's Ecological Advisor.

Prior to any digging taking place for any pile foundations, the ground shall be examined and probed to determine the location of roots and the suitability of the site for the proposed works by the consent holder. Council's Ecological Advisor shall be notified of this prior to the taking place of the location of the piles in relation to the roots of the trees shall be to the satisfaction of the Council's Ecological Advisor.

All excavation for any pile foundations shall be limited to hand digging (i.e. spades, picks and heavy steel bars) for the initial 500mm and shall be supervised by a suitably qualified and experienced Advisor in accordance with condition 10.1.2.

Prior to any works commencing on site a meeting shall be arranged by the consent holder in consultation with the Council's Ecological Advisor and Environmental Protection Officer and the Council's Waste's Advisor to discuss the conditions of consent to all party matters, and contractors and work site supervisors shall who are commencing any work be acquainted with the project with the details of any regulatory provisions that apply. The consent holder shall provide notice in writing (in 15) working days prior to the start of the works to the Council's Environmental Protection Officer.

The consent holder shall ensure that all contractors, sub-contractors and directly employed staff who are carrying out any works within the limits of any tree covered by this consent are advised of the conditions of consent, are not in accordance with the conditions. A copy of the conditions of consent shall be available at all times on any work site.

The consent holder shall provide a monthly written reporting report to the consent holder's appointed adviser, during the works (in 15) in the condition status of protected measures, damage to any protected trees resulting from protected measures on the site. A copy of this report shall be sent

and in case to the Council's Environmental Protection Officer on a priority basis

~~(i) protection of fauna: The design and construction shall be such as to ensure that the site shall be protected from the effects of any possible high pressure forces or similar use or poor work practice or any work on the site. This shall include, but not be limited to, the work on the site has been completed. The construction shall be such as to ensure that the site shall be protected from the effects of any possible high pressure forces or similar use or poor work practice or any work on the site.~~

- Control of personnel from entering the site
- ~~Control of access to the site~~

~~protection of flora: The design and construction shall be such as to ensure that the site shall be protected from the effects of any possible high pressure forces or similar use or poor work practice or any work on the site. This shall include, but not be limited to, the work on the site has been completed. The construction shall be such as to ensure that the site shall be protected from the effects of any possible high pressure forces or similar use or poor work practice or any work on the site.~~

(j) protection of vegetation: The design and construction shall be such as to ensure that the site shall be protected from the effects of any possible high pressure forces or similar use or poor work practice or any work on the site. This shall include, but not be limited to, the work on the site has been completed. The construction shall be such as to ensure that the site shall be protected from the effects of any possible high pressure forces or similar use or poor work practice or any work on the site.

- (i) notification of protected wildlife species and their habitat (present, through a site survey that has been prepared by a suitably qualified and experienced professional determined by Council's Ecological Advisor
- (ii) The procedure as required, of wildlife species, and/or their habitat referred to under (i) above and as identified through the site survey. The approved measures shall be implemented in full unless Council's Ecological Advisor gives written consent to any variation

~~(k) protection of water quality: The design and construction shall be such as to ensure that the site shall be protected from the effects of any possible high pressure forces or similar use or poor work practice or any work on the site. This shall include, but not be limited to, the work on the site has been completed. The construction shall be such as to ensure that the site shall be protected from the effects of any possible high pressure forces or similar use or poor work practice or any work on the site.~~

200-9 Wildlife mitigation year plan - The resource consent holder shall provide a wildlife mitigation program to ensure that any wildlife habitats that are damaged as a result of the development are replaced elsewhere within the site prior to and during the commencement of any earth works or vegetation removal, including any vegetation removal undertaken as a permitted activity under any resource consent. Ecology Field Plan removal - Copies of any Department of Conservation accounts that are required shall also be supplied with the proposal. This program shall be prepared by a qualified ecologist and submitted for approval of the Council's Ecology Advisor prior to and only in the event of any conditions and vegetation removal under the Resource Consent under a resource consent. Ecology Field Plan.

The program shall

- State the timing for implementation of the program. The program should be implemented over a minimum of a 12 week period in reasonable weather, outside winter months with more intensive (i.e. 2 weeks per 100m²) habitat removal;
- Describe the nature and placement of artificial habitats intended for trapping birds, where captured wildlife is to be released for the nature of any protection fencing which are where it is to be situated and final encroaching mitigation to be undertaken if required;
- State the ecologist to be approved by Council, and their contact details to manage the implementation of the program.

The approved program shall be completed to satisfaction of the Council's Ecology Advisor prior to commencement of vegetation removal on the site. To this end the applicant approved by the Council shall certify that the mitigation program has been carried out according to the approved program & working plans prior to seal work commencing. Records shall be submitted to Council's ecologist that any wildlife species found have been released within specified time limits that herpetologist employed in the program that submit to DOC a completed Acquisition and Release Distribution Return (ARRR) card and a copy shall be forwarded to Council's Ecology. Any herpetological injury or illnesses of an ongoing nature shall be certified as being completed prior to issue of the 22 tier certificate.

Note: With respect to compliance with this condition, the Council may require the applicant to monitor or review work undertaken in the management of the site.

200-10 Invasive control programme - The Council's weed and pest management programme shall comply with a positive control programme to minimise weed and pest risk to the site and surrounding area. The programme shall be developed to a suitable standard, and provide for the species identified in an Invasive control programme "Table of Species" approved by the Council, and dated 20 July 2008, and be submitted to Council's Ecology Advisor prior to the commencement of the site. Without limiting the generality of the present order, the applicant and the Council shall be jointly and severally responsible for the costs of the programme to be provided for in the Council's accounts for the year 2011/12.

200-11 Heritage management programme - The applicant shall undertake a programme to

- (a) achieve the conservation of all of the archaeological and heritage features identified as having cultural value, significance or interest;
- (b) provide the Minister of the Heritage, Culture and Sport of the site, and
- (c) ensure compliance with the Act.

b. a maximum of accessible wells to repair.

- iii) provide the following information to the Body established pursuant to section 2(37) and conduct regular access inspections regarding matters relating to the use of the site and the Team Under Executive Control.

Following the commencement of the consent the following conditions shall be completed by the consent holder at the consent holders entire cost, including the costs incurred by Council in ascertaining the compliance with such conditions.

- (i) Protections of waterways and wetlands: Within 12 months of the commencement of consent and prior to any works on the wastewater reclamation being constructed, the consent holder shall provide a report from a suitably qualified Civil or Professional Engineer on the feasibility of the alternative wastewater using treatment as generally stipulated in the consent and as per the O&M plan.
- (ii) Stormwater Management: Where the Stormwater infrastructure passes through any land owned by the consent holder then prior to any works commencing, the Consent holder shall secure all necessary road arrangements to enable ongoing operation, maintenance, repair and replacement of the Stormwater infrastructure over the life.
- (iii) Drainage plan: Where any infrastructure required by the consent passes through any land owned by the consent holder then prior to any works commencing, the Consent holder shall secure all necessary road arrangements to enable ongoing operation, maintenance, repair and replacement of the infrastructure over the life.
- (iv) Compliance in the ground on the subject site plan: Before the Council will approve the survey plan prepared in section 2(3) of the Act for any stage or stages of the subdivision of the consent holder's site:
- Location and number of residential site points: In the subdivision of the Consent through, two copies of each relevant survey plan, certified by a registered surveyor, fixing the location and size of no more than 150 (one hundred) residential sites within the limited residential area of the Specific Use Zone, Two Zones.
 - Identify a residential site: prior to the subdivision of the Consents Manager two copies of each relevant survey plan certified by a registered surveyor (or other suitably qualified person) fixing the location and size of all the identified residential sites within the development zone, by the effects from surveys boundary 2025.
 - Access: whether the Access Road (aka East Coast Road to the Leitch Community) (apart from those portions not to be constructed because of Policy as agreed by the Manager Resource Consents) is to and including the public (access) shall be in the Priority District Council as used.
 - Identify trees to be protected: The areas of existing native bush on the site shall be protected and shall be shown on the survey plan as to be to be subject to a conservation covenant.
 - Holding of shares in land: Show all the land on the site (including the private land) on part of Lots 1-10 (50%) and all of the access road to be vested in the Council as being held as to 15% (added 1/50th shares by the owner of Lots 1-150) which as tenants in common in the said shares and the relevant Certificates of Title be issued in accordance herewith.

- The location of roads, the laying of pipes and other utility equipment, to be sealed in the Council for water supply, drainage or sewage disposal;
- Street lights or lighting (e.g. bollards or lamp posts) or to be varied, in the Council;
- The installation of (gas, electrical or telecommunication) reduction including ancillary equipment;
- Any other works required by conditions of this licence to be sealed in Council.

Note: Structures such as retaining walls, underground water and drainage will require a separate Building Consent.

Note: The plans required under the conditions are separate to and do not form part of any Building Consent that may be granted on the subject site.

- ii. Preconstruction meeting: The Developer's Representative shall give the Council's Field Supervisor notice in writing for a meeting for a period of at least 3 working days notice of his or her site pre-construction site meeting (also section 173.17 of the Standards for Engineering Design and Construction). Consistent with that requirement of the site plan and meeting has been to be and all necessary site preparation work.

Note: Attention is drawn to the requirements of section 173.18.5 Standards for Engineering Design and Construction to the following documentation to be presented at the preconstruction meeting:

- Approved engineering plans and scope of approval (e.g.;
- Health and Safety Plan;
- The signed Road Opening header;
- The relevant Resource or Substitution Consent and all conditions attached thereto;
- Copies of any Auckland Regional Council Consents necessary for networks;
- Signed copies of all Consents to enter for Construction for works on site (including Council 173) not owned by the Council itself.

10. Health and Safety Plans: As built record plans to the Council's records for engineering design and construction for engineering shall be submitted to the relevant engineer, and approved thereof received in writing.

11. Health and Safety Plan: A detailed Health and Safety Plan to the requirements of the Health and Safety in Employment Act 1989, specifically addressing control of works on site (plans of site and site protection) shall be submitted to the Council's Engineer prior to the commencement of any works on the site (refer s.173.17 of the Standards for Engineering Design and Construction). A copy of the Health and Safety Plan shall be kept on the site at all times. All measures for the protection of the public and other personnel

set out in the Plan and be maintained and complied with as set forth in each and all the works to be undertaken.

12. Traffic management plan: A detailed Traffic Management Plan in accordance with the Code of Practice for Temporary Traffic Management specifically addressing control of pedestrian access to the site and traffic on road adjacent to the site, and the protection of the public, shall be submitted to the Consent Engineer. Notification that the site the Council's requirements shall have been received in writing, prior to the commencement of any work on the site prior to 2.109.2 of the "Standards for Engineering Design and Construction". A copy of the Traffic Management Plan, together with the verification letter shall be kept on site at all times. All measures for the protection of the public and other personnel set out in the detailed Plan shall be maintained until the completion of the works and such time as the works are completed.
13. Road opening notice: The Consent Holder or his Contractor shall obtain a Road Opening Notice from the relevant Network Service Provider prior to the commencement of any works within the legal road.
14. Site works required: Such works as may be required by the governmental authority (see 9.10) shall be completed to ensure that all residents have stable access to the building sites. A subsequent report and presentation prior to works commencing on the site, and that report or presentation shall be a condition precedent to the commencement of the works and that report shall be submitted to the Consent Engineer and approved prior to the commencement of the works.
15. Geotechnical Report: All earthworks shall be specifically designed to the "Standards for Engineering Design and Construction" set out in 2.109.2 by a Chartered Professional Engineer experienced in geotechnics. The work shall be designed and executed in compliance with the recommendations contained in the report from Geotechnical Ltd. reference 9120532014/TCF Rev A, dated June 2007.
16. earthworks construction: On completion of earthworks or Landworks Completion Report and a Certificate in the form of Appendix J of the "Standards for Engineering Design and Construction" signed by the Chartered Professional Engineer who designed and supervised the works and as provided to the Consent Engineer. The certificate shall include all and all factors associated with the new earthwork and the normal areas within the substation. The completion report shall include the design parameters for building on top of the base material and the substation, including the following substation area from available area with dimensions from the surveyed boundaries.
17. site security: Before commencement of any works, adequate site security shall be established in the Auckland Regional Council Technical Publication, No. 90 Erosion and Sediment Control Guidelines for Land Disturbing Activities in the Auckland Region" shall be installed. These structures shall be maintained and cleaned out as necessary until such time as completed grade work is clear and suitable surfacing has been re-established over the site.

The location and detail of the sediment control shall be included in the Engineering Plans for approval prior to commencement of construction.

Note: The Consent Holder is advised that additional Consent Forms or authorisations for the works may be required under the Resource Management Act and that these should be obtained from the

Auckland Regional Council prior to the commencement of any works under the Act.

19. General Work: All necessary actions must be taken to prevent a disturbance to neighbouring airports and public roads, including, but not limited to:
- The sealing of a road or driveway;
 - The retention of any existing surface water (vegetation);
 - The installation and maintenance of windbreaks and vegetated strips;
 - Watering of all hard roads and kerbside verges during any periods;
 - Spraying of road dumping operations;
 - Suspension of all operations if necessitated by the prevailing conditions.

The site, or parts thereof, as appropriate, shall be segregated or otherwise protected from wind and water erosion immediately on the completion of bulk earthworks and/or other works as required.

20. Stormwater Retention: Provide and install a stormwater retention system to serve as the secondary box culvert in the subdivision. The retention shall be designed to the requirements of the Council's "Standards for Engineering Design and Construction" if not otherwise provided.

Note: The Council Officer is advised that additional Consents, Permits or other conditions for the works may be required with the Transitional or Proposed Regional Plans and that these should be obtained prior to the commencement of any works on the site.

21. Stormwater Treatment: Provide stormwater treatment to TP 10 (or the equivalent) from the main sewer (400 and 100mm) made available at subdivision. The treatment measures proposed for the main sewer access road shall have the approval of the Council's Transitional or Proposed stormwater retention.

22. Stormwater Management during Construction: Provide with the Engineering Plans for approved details of the proposed stormwater treatment, and with the following:

- 22.1 Stormwater Management during Construction: Provide with the Engineering Plans a detailed plan showing the 100 per cent stormwater treatment and the system of stormwater control proposed with the subdivision.

- 22.2 Stormwater Management during Construction: All stormwater discharge shall have the appropriate energy dissipation and flow control measures detailed.

- 22.3 Stormwater Management during Construction: Provide at Council and Auckland Regional Council requirements any stormwater management plan and stormwater management plan for the subdivision, and any stormwater management plan for the subdivision.

23. Water Supply for the Subdivision: Discuss with the New Zealand Fire Service and take adequate provision in accordance with their requirements for a fire fighting supply to be on the subdivision site.

25. wastewater treatment To install a pressure wastewater collection system to serve all of the residential lots design and constructed in accordance with the Council's Standards for Engineering Design and Construction and the Code of Practice for Pressure Wastewater Systems. Plans for the proposed system are to be referred with the Engineering Plans for approval prior to construction. The construction of the system and include any engineering (if required) and the appropriate strategy to deliver information to the existing public system.
26. wastewater rising main Construct a rising main from the property to the surface drain in the designated zone from the public sewer in accordance with the Plan of Sewerage Connection to RDC System, Form No. 12. Plans will be included with application. Amendments to this design may be undertaken with the prior written approval of the Wastewater Asset Manager. Prior to the commencement of any such works the Council may review the condition and the state of the rising main, within 3 months of receipt of the feasibility study received pursuant to the condition relating to the transfer of wastewater rising main title. The purpose of such a review shall be to ensure that the rising main is in a condition that does not add additional operational costs or resource implications.
27. wastewater upgrade capitalisation An agreement between the Council and the Developer, for the sum of 3030,000 plus GST to upgrade the existing public wastewater system downstream of the junction to the north of the subdivision to the existing public system of sewer. The amount will be adjusted by assessing any change to the Producer Price Index - Composite or between the date of consent and the date of payment of the contribution. The works quantity are:
- Upgrade the high capacity capacity of the Gilgewater and A-400 Bay pump stations
 - Install the k control boxes at the Gilgewater and A-400 Bay pump stations
 - Install 150mm control boxes at the Waikare River and Margaret Jones pump stations

The payment is to enable the Council to carry out upgrading works to the existing public system and sundries required to deal with the flow from an additional 150 lots.

28. Drainage easement access to the subdivision If the construction of Perlink is completed, over the section required to give access to the subdivision prior to the receipt for a section 224 (c) for any stage, then complete the section of the access road from the Perlink formation to the end of the road at the proposed public easement. The road shall be constructed to the final design standard comprised in the Council's Standards for Engineering Design and Construction and to the typical cross section shown on Figure C-022 presented with the application. The road works shall include the formation of the public parking area to a sealed surface or to a type of surface surfacing that is acceptable to the Council's Parks Manager. A sign shall be placed at the end of the public section of the road advising that the road from this point onwards is private.

The construction of Perlink over the section required to give access to the subdivision is not to be commenced within a time frame of no more than 18 months (or other time frame agreeable to the Council's Manager) on the day of the

request for a section 224 (c) for any stage of the submission, then the proposed new public area from the intersection with East Coast Road to the point where the new public road shall be constructed in a road section standard compliant with the Council's "Standards for Engineering Design and Construction" and to the typical cross section shown on Figure C-022 presented with the application. The road works shall include the formation of the public parking area to a sealed standard of a type of seal free of any other materials acceptable to the Council's Parks Manager. A sign shall be placed at the end of the public section of the road adding the new roads area into public road works.

The event for a section 224 (c) of the section of Road giving access to the subdivisions is to be completed within a time frame of 90 (ninety) days (or other duration acceptable to the Council's Manager) on the day of the receipt for a section 224 (c) for any stage of the submission, the section of the road within the Permit Designation to be upgraded to a standard road standard except for the issue of the section 224 (c) for any stage of the submission the section of the road within the Permit designation to be upgraded to a standard road standard, except for the first 30 metres in from East Coast Road which must be to a sealed standard. The event a form shall be returned to by the developer for the additional cost to seal the full length of the road within the designation. The pavement shall be replaced upon completion of the section of Road required to serve as access to the subdivision or an extension of the entire access road upgrade.

Access Note: The ability to access a new driveway if required is to provide totally in project form.

25. **Safety Audit:** Prior to the start of road section 224 (c) for any stage of the development, provide a detailed Safety Audit of the public road and the proposed construction driveway if the construction of the intersection is required and a post construction audit of the completed intersection and public road. The audit to be approved by the Council's Transport Safety Manager prior to carrying out the work. The preconstruction audit is to be completed prior to engineering plans for the road and intersection construction being submitted to the Council for approval. The post construction audit is to be completed and submitted to the Council prior to the use of the road for motor and use by the public.
26. **Signage:** If the safety audit recommends an upgrade of the intersection of the access road with East Coast Road either generally as shown on Figure C-023 or if in the application or a lesser standard in keeping with the traffic generated by any stage of the subdivision, then that shall be included in the engineering plans for approval. The intersection shall be marked in accordance with Part 5 of the current New Zealand Manual of Traffic Signs and Markings. Consideration being made for the safety of road users.
27. **Provide for road lighting:** Road lighting shall be included to the intersection of the new road with East Coast Road to the requirements of the Council's "Standards for Engineering Design and Construction" to the standard as required by the Safety Audit. The type of light fittings shall be acceptable to the electricity network supplier responsible for the area.
28. **Construction of private way:** The private ways (i.e. the roads) shall be (where) serving the area within the subdivision shall be generally constructed to a sealed standard to the Council's "Standards for Engineering Design and Construction" and to the typical cross section shown on Figure C-022 presented in the application. The pavement private way is to be graded to a

maximum grade of 13.5%. Exceptions to the Standards for Engineering Design and Construction may include those verified in the ABE Volume 2 - Revision 2 (July 2007) and will be subject to Council approval.

23. Stormwater Maintenance, Repair and Renewal Plan: The Council Holder shall provide a plan, The Stormwater Maintenance, Repair and Renewal Plan prepared by a Chartered Professional Engineer, expanded to stormwater maintenance and renewal issues. The Stormwater Maintenance, Repair and Renewal Plan shall specify and cost all maintenance, repair and renewal work required in order to keep the stormwater systems performing efficiently, effectively and in accordance with all relevant specifications, to the reasonable satisfaction of the Manager, Resource Management. Without limiting the generality of the foregoing, the Maintenance, Repair and Renewal Plan shall specify:

- The maintenance schedule by the maintenance contractor (if any);
- The maintenance specified by the design/constructor at site and
- Type of signage and
- Inspector to be chosen by the Manager, roads and paving and
- Maintenance requirements of a regular review of resource consultants and
- Documentation, reports and
- Inspection and replacement of large pipe and other elements of the stormwater infrastructure; and
- Anticipated loading for the above cases, re-contracting estimates.

24. Accessways Maintenance, Repair and Renewal Plan: The Council Holder shall provide a plan The Accessway Maintenance, Repair and Renewal Plan prepared by a Chartered Professional Engineer, expanded to road maintenance and renewal issues. The Accessway Maintenance, Repair and Renewal Plan shall specify and cost all maintenance, repair and renewal work required in order to keep the public accessways performing efficiently, effectively and in accordance with the standards specified in the Engineering Standards for Design and Construction (October 2006), to the reasonable satisfaction of the Manager, Resource Management. Without limiting the generality of the foregoing, the Maintenance, Repair and Renewal Plan shall specify:

- Signage and lighting; and
- Footpath repaving and
- Signage paving and road marking; (e.g.) 4.0m wide concrete kerbs and
- Update road marking; and
- Kerbs repairs; and
- Reversing repairs and re-sealing; and
- Road reconstruction; and

36. Fund for Common Infrastructure: The Consent Holder shall provide Council with a letter to the same being 20% of the cost of construction of the Common Infrastructure as security for the cost of any repairs or repairs required either directly to ensure the ongoing efficient and efficient operation of the Common Infrastructure or pursuant to the Maintenance, Repair and Renewal Plan within 5 years of granting of 2224(a). For the avoidance of doubt the bond is not intended to cover the cost of any periodic maintenance or failure of any of the items on the bond. The bond will be released once the duty has been successfully completed and the funding mechanism has been demonstrated to Council's satisfaction.
37. Service for Electric Network: Subject to Council's 2020 policy, written confirmation shall be provided from the electricity network supplier appropriate to the area, that provision of all services which has been made available by underground means to all service has been created and that all network suppliers requirements for making such means of supply available have been met.
38. Service for Telephony: Subject to Council's 2020 policy, written confirmation shall be provided from the telecommunications network supplier responsible for the area, that provision of telephony services has been made available by underground means to all service has been created and that all network suppliers requirements for making such services available have been met.
39. Openable services: If the construction of the park is not completed prior to the acquisition of section 2224(a) of any stage of the subdivision and it is confirmed by the section of Council needed to provide electric power and telephony services to be completed within two years of issue for other conditions agreeable to the Consent Manager from the time of the section 2224(a) then any so provided above ground utility existing prior to the issue of the proposed subdivision of the park and the subdivision of land. In this event a bond shall be entered into by the developer for the additional cost of placing any live underground. The bond shall be released upon completion of the earthing of the park intended to contain such services.
40. Financial Contributions: Pursuant to Operative Plan Change 22 (Operative), the financial contributions set out in the Schedule of Financial Contributions (FAC 2244) Schedule (C) attached to the consent shall be paid to the Council in full mitigation of the effects effects of the activity in respect of infrastructure and community facilities.
41. Payment of Contributions: Any portion of the contributions remaining unpaid on the anniversary of the date of granting the consent shall be adjusted by applying any change in the Producer Price Index - Council (the index) to the cost of payment and the most recent anniversary of the date of payment prior to the issue of the contribution. Any portion of the contributions remaining unpaid two years after the date of granting of the consent, shall be fully reassessed in accordance with Operative Plan Change 22 immediately before the final payment.
42. Timing of payments: Pursuant to Rule 22.8.3.2, all contributions shall be paid in full prior to the issue of the subdivision certificate, unless other arrangements satisfactory to the Council have been made pursuant to Rule 22.8.6. In the case of staged developments, the contribution payable on each stage shall be reassessed on the number of lots created in each stage.

Note: The total on-site construction wastewater required is to make over and above three upgrading works being carried out by the developer. Therefore a total of 200,000 litres of water for the cost of the work being carried out by the developer is provided.

43. Archaeological survey The contractor must engage Dr Rod Clough or another suitably qualified person to undertake a geological and archaeological survey of the site and develop a comprehensive archaeological management plan including specific protocols for dealing with any buried low and high archaeological features within the site. The plan shall include details of the Manager's duties and obligations. This plan shall include protocols for the future management of this site. All works shall be undertaken in accordance with this plan.
44. Implementation of archaeological plan The archaeological sites identified in Part A-009 of the application or the plan prepared in accordance with condition 43 above shall be identified or located in lot (level) plan shall be confirmed by Dr Rod Clough or another suitably qualified person. These sites shall be surveyed and dated conclusively a least six months prior to the commencement of any work on the site. This requirement shall be contained in a schedule to the contract.
- Where for traffic through the proposed area.
 - The area being used for the temporary storage or building materials.
 - The roof cover or the areas existing on the site.
45. Implementation of monitoring That Dr Rod Clough or another suitably qualified person shall be on site and observe and record by Ngāi Whānau and the Kaitiaki Take Kōwhiri, Ngāi Raukawa and Ngāi Tahu Whānau and be invited to monitor all initial activities, including surface stripping of the site, to determine whether any and where archaeological features are present.
46. Resumption of archaeological activity If any activity involving earth work on site is expected during any site works the following conditions shall apply:
- i) Immediately when an artefact has been exposed, all site work shall cease;
 - ii) The site supervisor shall immediately secure the area in a way of a fence that any artefacts or the site shall be protected;
 - iii) The site supervisor shall notify Ngāi Whānau, the New Zealand Historic Places Trust, the Department of Conservation and the Council's DCA Compliance Administrator. Officer telephone 0800 475 515 and in all cases of human remains the Police. If an artefact or site has been exposed, all site work shall cease until as determined by the Council to remove and recover the archaeological features (before any further work may resume) on the site.
47. Access The access as detailed on the access plan shall be maintained within the planting season (May to October) following the

completion of the works on the site. (In the case of a staged development following the completion of each stage). The landscaping shall be maintained in accordance with the maintenance programme submitted with the approved landscape plan.

- 49.40. Landscaping A - require for 50 varieties that be provided within the land zoned as public road in accordance with Figure L-212 contained within the application. All plantations shall be of a size that the minimum dimensions required by the Council's standards for engineering design and construction. All species planted in manufacturing areas shall be of a hard and proven shrub species or tree used in paving or similar hard finish.
- 49.5. The council holder shall ensure that access is provided through the site to the satisfaction of the Council Leader - Resource Consent, as the existing title holder's, Manu (Group) to ensure suitable and proper of these facilities to Council sites.
- 49.6. The council holder shall ensure that there is provided to the council access to the site with a view to the public being provided for under road plan 1028.
- 49.4 Construction of road/road access to Kawerau Bay: A roadway shall be constructed and as generally depicted on Figure 1016 of the application. An assessment in favour of the Council shall be registered on the files of the and offered to ensure public access in perpetuity to the satisfaction of the Manager Transport Consents.
- 49.42. Construction of railway between Kawerau Bay and Silchester: A roadway shall be constructed in accordance with Appendix 1020 of the Proposed Railway Technical Plan. An assessment in favour of the Council shall be registered on the files of the land offered to ensure public access in perpetuity to the satisfaction of the Manager Transport Consents.
- 49.43. Intersecting roads: The Council Leader shall suggest to the Council names for the new roads shown on the site plan together with bearings from the Control Address Site - 70 Fox Road, Lower Hutt, Fax 01-637-1155, so that junction of the name in any other part of the Auckland region is avoided. (Note: The Council shall determine the name being regard to any other road suggested and apply reference to the area where the new roads will connect. Where a name has been selected by the Council the Council Officer shall meet the names, in accordance with the Council's Standards for Engineering Design and Construction).

General Conditions/Consent Notices

1. General notes: The following conditions of the consent shall be complied with in perpetuity and shall be registered on the relevant Titles by way of Consent Notice pursuant to section 224 of the Act.
1. Building restrictions: Any buildings formed on the building site identified on the plan required on the condition relating to identifying building sites shall be subject to the requirements of the report prepared by Beca Infrastructure Ltd reference S101855/14 TOE Rev A dated June, and the Pathways Compliance Report. Copies of the said plan and reports shall be held at the offices of the Council, Centenary Road, Orewa.
2. Building and other any buildings erected on Lots 1 - 50 shall be designed and constructed in accordance with an Architectural Code as approved by the Manager Resource Consents, from time to time, provided that the title

by Engineering Design and Construction and compliance requirements which comply with Council's requirements for connection to a private sewer wastewater service. A list of equipment suppliers which comply with the Code of Practice is available from Council. In addition, such list may be updated (on a time to time) and:

- iii) ensure that the Pressure Wastewater Collection System is installed, maintained, repaired and renewed as necessary to ensure it is operating effectively and efficiently, by a suitable qualified Pressure Wastewater Collection System installer and maintenance technician (A list of equipment suppliers which comply with the Code of Practice is available from Council on request, such list may be updated (on a time to time) and
 - iv) connect the Pressure Wastewater Collection System to the Public Pressure Wastewater Collection System in accordance with the ICC's Code of Practice for Engineering Design and Construction and
 - v) at all times ensure maintenance agreements with a suitable qualified Pressure Wastewater Collection System installer and maintenance technician (A list of equipment suppliers which comply with the Code of Practice is available from Council on request) and it may be updated (on a time to time) and for the purposes of repair, replacement and repair and renewal of the Pressure Wastewater Collection System shall be the responsibility of the Developer and
 - vi) the Developer shall not cause any damage to the Public Pressure Wastewater Collection System and will be responsible for the cost of remedying any such damage.
- ii) **Construction** The Developer owners of Lots 1 to 100 shall pay for the Council's fee and reasonable costs incurred by the Council in accordance with the following conditions of consent relating to such matters as they apply to the Lots of not less than two-yearly intervals, unless required otherwise by a legislative compliance. The respective matters will be assessed on the works assessed in the Council's Schedule of Fees and Charges, as they fall due.
- 7) **On-site Work** Lots 1-100 are zoned with an agricultural and forestry use and may be subject to activities such as logging and transport of logs, clearing, thinning, weed construction and maintenance pest control (herbicide or otherwise) which may cause vernal and associated environmental effects such as noise and spray.
- 8) **Dogs and Pests** All dogs shall be kept on a leash (1-1.50 m or more) and similar work. Dogs shall not be permitted to be kept without the approval of the "Body" and shall be kept only on a leash which is fenced and properly fenced and gates. Dogs shall not be permitted on the common area including the private roads unless on a leash. The code of all activities a register of dog owners for inspection by Council officers.
- 9) **Pest free covering** The use of all (a) (b) (c) (d) (e) and other substances in the area any conditions, and not permitted to be used for the control of pest and non-protected pests (as per clause 11.3 of the Auckland Regional Pest Management Strategy (ARPM) 2007-2017 or any successive ARPM on that date), while working on the property.

- ii) Present street lighting poles, to be on the line beyond the public reserve provided for under condition (g) of the
- iii) Map, in the landscape in accordance with the maintenance programme submitted with the approved landscape plan;
- iv) Display the new roadwork in a manner that is sympathetic with its heritage values and to ensure the visibility of any existing or proposed lighting of the new roadwork. The purpose of this display is to protect the heritage context and values including archaeological values associated with the new pavement which includes the total width of both Road and Footway adjacent of Karapiro Bay, Waikato.
- v) compliance with the provisions of the access roadlines document
- vi) Not construct or allow to be constructed any building or building structure within 5m of the corner of the gateway between Ngata's Access Road and the Public Reserve road as required by condition (c).

Any of the programmes, plans or other documents referred to in this condition may be revoked or amended from time to time, with effect from the date of the Town Council meeting at which the resolution is passed, provided that the resolution is passed by a majority of the Council. Any and all such changes shall continue to be in full force and effect until they are revoked or amended by the Council.

14. (a) Any surveys in sections 178 and 221 of the RMA, the general site conditions and the details of any of the Maintenance, Repair and Renewal Plans may be reviewed by the Municipal Resource Management by giving notice pursuant to section 178 of the RMA, to the Council for any of the following purposes:
- i) where Council has released a new version of the Engineering Standards for Design and Construction, to confirm that the Maintenance, Repair and Renewal Plans ensure that the Council's infrastructure is safe, sound and effective; and
 - ii) where there are complaints that the Maintenance, Repair and Renewal Plans are deficient or are using inappropriate property, in order to verify that deficiencies have been implemented; and
 - iii) to deal with any adverse effect on the environment which is alleged to be greater than anticipated in the plan of the consent and which is appropriate to consider as a later date in time.

Archie Wise

15. (a) The Council shall ensure that any land regarding any features or characteristics of the land or works on the land, whether the subject of any title encumbrances on the land or not, shall be deposited as part of the Council's records.



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26 April 2009

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DISCLAIMER: The species names, numbers and data compiled in this document are based on the most current available reports available to the project site. Consequently, any changes in a list of species and their abundance and the level of infestation (including killing the site control reports), the level of control required or subsequent costs will need to be determined. Any heavy predators present in the area may include those that enable the presence of other pest species, as well as measures to suppress the impact of the introduced pest species, to be determined.





INDUSTRIAL COMPANY, NEW YORK, N.Y.

NO. 100



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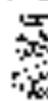
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IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER OF of an Appeal under section 220 of the Act

BETWEEN AUCKLAND REGIONAL COUNCIL
Respondent

AND RODNEY DISTRICT COUNCIL
Respondent

AND WILLIAMS LAND LIMITED
Appellant

BEFORE THE ENVIRONMENT COURT

environment Judge L J Neill (sitting alone) under section 226 of the Act.
IN CHAMBERS at Auckland.

CONSENT ORDER

Introduction

1. The Court has read and considered the appeal, the proposed Consent Order and the submissions of the parties dated 27 May 2008.
2. Kaip ōwhiri Green System Trustees (KOGST) has given notice of its intention to become a party under s274 and has agreed the memorandum setting out its wishes sought.
3. The Court is making this order under s275(3)(a) of the Act, and is not being influenced or determined by any representation or determination on the merits pursuant to section 297. The Court understands the reasons put forward that:



3. The retention of control
of the company shall be in
the hands of the shareholders
of the company and shall not
be transferred to any other
person without the consent
of the shareholders in
general meeting of the company
and the shareholders shall
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4. The management and control
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5. The management and control
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matter of the Court of Appeals

DATED at Auckland this

11th

day of

June

2008

Judge



"Refer to Application under s125 to Extend the Lapsing Period of Resource Consent dated 28 August 2015"

Ref: R52447

Williams Land Limited
C/- Boffa Miskell Limited
PO Box 91250
Auckland 1142
Attn: John Carter

RESOURCE CONSENT R52447 – Section 125 Decision

APPLICATION DESCRIPTION

Application for the extension of time of consent R52447 pursuant to section 125 of the Resource Management Act 1991 to continue to develop the site as consented.

Application and Property Details

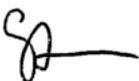
Consent Application Number(s):	R 52447
Site Address:	1696 East Coast Road, Weiti
Applicant's Name:	Williams Land Limited
Legal Description:	Lot 3 DP 405498
Site Area:	840.8392 ha
Operative Plans Applying:	Auckland Council District Plan (Rodney Section)
Zoning:	Special 8 zone – Weiti Forest Park

DECISION UNDER DELEGATED AUTHORITY

Pursuant to section 125 of the Resource Management Act 1991, consent **is granted** to the application for the three year extension of time of resource consent R52447 which shall lapse on 11 June 2016 for the reasons stated.

Signed under Delegated Authority

Team Leader Resource Consents



Date:

28 / 2 / 13

1.0 REASONS FOR DECISION

The reasons for this decision are as follows:

- (a) It is required that satisfactory effort has been and continues to be made towards giving effect to activity toward the completion of consent R52447 issued on 11 June 2016.
- (b) The Council does not consider any persons to be adversely affected by the granting of the extension of time as requested.
- (c) The exercise of the appeal date will not result in any adverse effect on the original use as a vehicle of the Auckland Council District Plan (Rodney Section).

2.0 CONDITIONS

- 1. This resource consent will expire on the 11 June 2016, unless:
 - (a) it is given effect in full before the end of that period. To give effect to this consent, the activity allowed by the consent must be established and the conditions contained in the consent complied with. These conditions must be complied with all of the consent conditions that have been established or
 - (b) an application is made and granted prior to the expiry of that period for a time extension. The statutory considerations that apply to extensions are set out in section 125 of the RMA.

Decision on an application under s125 to extend the lapsing period of a resource consent



Application Number(s): SLC-52447

Applicant's Name: Weiti Development Limited Partnership

Site Address: 1585 East Coast Road, Rodway

Legal Description: Lot 2 DP 465954

Proposal: Application pursuant to s125 of the RMA to extend the lapsing period for the subdivision component of resource consent SLC-52447 by three years.

I have read the application, supporting documents, and the report and recommendation on the application. I am satisfied that I have sufficient information to consider the matters required by the Resource Management Act 1991 (RMA) and make a decision under delegated authority on this application.

Acting under delegated authority, under section 125(1A) of the RMA this application is **GRANTED**.

Reasons

The reasons for this decision are as follows:

- (a) It is recognised that substantial effort has been, and continues to be, made towards giving effect to resource consent SLC-52447.
- (b) No persons are considered to be adversely affected by extending the lapsing period of the consent by three years.
- (c) Extending the lapsing period of the consent by three years will not result in any adverse effect on the objectives and policies of the Auckland Council District Plan (Rodney Section) or the Proposed Auckland Unitary Plan.

Advice Note

1. Resource Consent ELC-5247 will lapse on 11 June 2018, unless:

- The consent is given effect to;
- The Council extends the period after which the consent lapses.

Note: A subdivision is given effect to by submitting a survey plan to council under section 223 of the RMA, but shall thereafter lapse if the survey plan is not deposited in accordance with section 224 of the RMA.

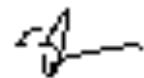
Delegated decision maker:

Name: Steve Seeger

Title: Team Leader, Resource Consents

Signed:

Date



25/08/18

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