

Report and decision of Hearings Commissioner Mr David Hill Whangarei District Council has delegated all the functions, powers and duties as provided under the Resource Management Act 1991 to the Commissioner to consider and decide the application on behalf of Council. The application was heard in the May Bain room, Whangarei Library on Thursday 17 July 2014

The Hearings Commissioner (**the Commissioner**) heard the resource consent application lodged by Evo Holdings Limited relating to a 74 residential lot subdivision. The application, made in accordance with the Resource Management Act 1991 (**the RMA**), was lodged with Whangarei District Council ("**Council**") and referenced as SL1400005 (P035627).

Present **Hearings Commissioner**
David Hill

Applicant **Evo Holdings Limited**
Kit Littlejohn – Counsel
Barry Reiher - Applicant
Mike Farrow – Landscape Architect
Chris Solleder – Cato Bolam Civil Engineer
Dean Scanlan – Traffic & Transportation Engineer
Mark Poynter – Ecologist
Peter Reaburn – Cato Bolam Planning Manager

Consent Authority **Whangarei District Council**
Ueli Sasagi – Planning Senior Specialist
Paul Lees – Principal Planner
Paul Bonetti – Infrastructure Planning Team Leader
Vlad Rozov – Senior Environmental Engineer

Submitters
Denis Hewitt
Tanya Cook
Graham Hutchings
Gerry Brackenbury
Kristi & Moana Henare
Chris Barber
Russell Mortimer – Resource Management & Assessment Limited on behalf of Mr M Smith

In attendance
Linda Wheeler – Hearings administrator
Simon Reiher
Graeme Blampied
Sue Millington
Margaret Pohe
Jeanette Smith
Paul Waanders
Shane Henare

1 Description of the site and proposed activity

Evo Holdings Limited (**the applicant**) proposes to subdivide the site at 390 Three Mile Bush Road, Kamo into 74 new residential allotments. The applicant refers to this subdivision proposal as the "Karanui" development. There are 69 allotments of less than one hectare (ranging from 1,780m² to 8,497m²), and 5 allotments of greater than one hectare (ranging from 1.1 ha to 4.2 ha).

The 37.89 ha site is legally described as Lot 2 DP 25589 and Lot 2 DP 327650.

In addition, it is proposed to set aside areas for the following uses:

- Reserve and parking – 2 allotments of 3,159m²;
- Walkways – 1.6 kilometres (4,603m²) within the development (excluding walkways within roads) and approximately 1.5 kilometres of further walkways outside the development site;
- Roads – total length 2,000m (4 hectares);
- Land for future roads (3,061m²); and
- Jointly owned accessways (two proposed of 3,385m² and 366m²).

The subdivision is proposed to be completed in four main stages¹, broadly as follows:

- **Stage 1a**
Consisting of Lots 1-9; being the northern lots from Three Mile Bush Road to the first rock wall. This stage constructs the main site entrance and 0.21 kilometre of roading (Lot 200 to vest). All stormwater from this stage is proposed for sheet flow dispersment to enter the existing overland flow and stream channels. No-build (future road linkage) Lot 300. Balance Lot 800 of 33.89ha.
- **Stage 1b**
Consisting of Lots 14-26, 44, 50 and 100; being from the first rock wall and including the large farm lots 50 and 100. This stage constructs 0.37 kilometres of roading (Lot 201 to vest). All stormwater from this stage is proposed for sheet flow dispersment to enter the existing overland flow and stream channels. Reserve to vest Lot 400. Walkway (access easements in gross to WDC) Lot 303. Balance Lot 801 of 25.65ha.
- **Stage 2**
Consisting of Lots 10-13, 27-43, 51 and 52; being the north-eastern lots on the volcanic flats up to the stream in the centre of the site. This stage constructs approximately 400 metres of roading (Lots 202 and 203 to vest) and 320 metres of JOAW² (Lot 205). It also allows for two stormwater pipe discharges to the stream. Walkway (access easements in gross to WDC) Lots 306 and 307. No-build (future road linkage) Lot 301. Balance Lot 802 of 16.30ha.
- **Stage 3**
Consisting of Lots 45-49, 53-74 and 101; being the western lots of the northern flats, the stream crossing and the remainder of the lots on the clay ridge to the south of the stream. This stage constructs approximately 1 km of roading (Lots 204 and 207 to vest) including a culvert stream crossing and 100 metres of JOAW (Lot 209). It also allows for two further stormwater pipe discharges to the stream. Walkway (access easements in gross to WDC) Lots 304, 305 and 308). No-build (future road linkage) Lot 302.

The development seeks to retain as much as possible of the existing stone walling (including reconstruction were appropriate); to provide for two future linkages to adjoining properties; and achieve a clustered housing design with significant on-site open space, walkways, and predator control within the site and on the boundary with Pukenui Forest.

Full details of the proposal are contained in the application documentation and supporting material provided by Evo Holdings Limited and as supplemented at the hearing. A full summary was presented in Mr Ueli Sasagi's s42A RMA report (**the s42A report**) prepared for the hearing.

The site is zoned Urban Transition Environment (**UTE**) in the operative Whangarei District Plan; it is identified as subject to a moderate stability hazard; and the southern tip (i.e. the highest part of the site) is a Notable Landscape Area (although no material development is proposed in this area other than for pest control purposes into Pukenui Forest).

2 District Plan Rule(s) affected

The UTE relevant provision of the operative Whangarei District Plan states that a subdivision in this zone is a

¹ As shown on Drwgs WH31531, Sheets 1-5, dated 30/06/14

² Joint Ownership Access Way

permitted activity if undertaken in accordance with an approved management plan, otherwise subdivision is a discretionary activity as per Rule UTE 3.1. While a management plan was submitted (and was included in the Hearing Agenda to demonstrate the intention more fully³) Council considered that it failed to satisfy the requirements of the Management Plan Technique provisions. It was therefore agreed that this application should be assessed as a discretionary activity. Furthermore, because it could not satisfy all the assessment criteria for non-notification under Rule UTE 3.3⁴ it was required to be publicly notified. It was common ground among the planning witnesses that all other relevant rules were met.

3 Notification and submissions received

The application was publicly notified on 16 April 2014 pursuant to Section 95 of the RMA, and submissions closed on 16 May 2014. A total of 21 submissions were received. Nine submissions were received in support of granting the application and 12 sought that it be declined. Eleven submitters requested to be heard.

Section 4.0 of the s42A report contained a full summary of the written submissions received and the main issues raised and, for brevity, that is not repeated in this decision. No person contested the accuracy of that summary at the hearing.

The hearing was convened on Thursday 17 July 2014, and adjourned following the hearing of parties (but not the reply) for the purpose of further discussion and consolidation of draft conditions. Following receipt of a further set of draft proposed conditions, which were circulated to those who attended the hearing for their comment, the legal reply was filed and the hearing closed on 19 August 2014.

4 Procedural and preliminary matters

Following receipt of a new set of draft conditions, broadly agreed (but with some outstanding disagreements) between the applicant and Council, on 4 August 2014, the Commissioner issued a Minute on 5 August 2014 to all parties who attended the hearing setting out a procedure and timetable for the circulation of those draft conditions, further submission on them, and reply. As only 1 further submission was lodged, from Mr Russell Mortimer for submitter M Smith, by the deadline of 12 August 2014, parties were advised that a reconvened hearing was not necessary, the applicant was invited to file its reply, and the hearing closed.

Some submitters were clearly still dissatisfied on the matter of the UTE zoning over the subject site. However that matter is settled and is not open to relitigation through this application. I was helpfully provided with a copy of the 13 April 2011 planning report that was prepared by Ms Melissa McGrath for the re-notified PC93 UTE hearing held in May 2011 – under which the subject site was zoned UTE. Paragraph 169 of that report notes that Council's 2010 District Growth Strategy Sustainable Future 30/50:

... projected that by 2041, a total of 222 additional rural residential households will be needed in the Kamo node. The area proposed by Council to be rezoned UTE in Three Mile Bush Road, will create the potential for the unconstrained capacity of approximately 423 additional lots ...[which] is more than (sic) sufficient to cater for the projected rural residential household demand for a 20 year timeframe.

Lastly, and for the record, Council forwarded to me correspondence from Mr Hewitt, a submitter, after the receipt of applicant Counsel's written reply and the closing of the hearing, purportedly in response to the reply. I record that I rejected that correspondence sight unseen as there is no opportunity for further submissions on reply and, accordingly, have had no regard to that material.

5 Evidence heard

The Commissioner heard evidence from the applicant, expert witnesses, submitters, and the Council's reporting officer and contributing authors. The following is a summary of the evidence heard at the hearing.

5.1 Applicant's evidence

Mr Kitt Littlejohn, Counsel for the applicant, made legal submissions in opening in support of the application. He submitted that the applications made covered both subdivision and the associated land use activities and responded to a question confirming that both were within the scope of the application as lodged.

Mr Littlejohn did not agree with Council's proposed condition banning pet cats and dogs. It was his submission that the legal framework was already sufficient in terms of the Dog Control Act 1996, Council's

³ Hearing Agenda pages 94-136

⁴ s42A report, section 3.2

Dog Management Policy 2013 and its associated Dog Management Bylaw 2013. Furthermore, he noted that the Pukenui Forest Reserve under Department of Conservation (**DoC**) control was a “no access” area for dogs; the forest under WDC control was a ‘Dog Prohibition Area’; and all public roads are “Leash Control Areas”. Furthermore, he advised that Mr Reiher proposed to place an obligation on each title restricting each lot to no more than 2 dogs, which must be registered and neutered; that dogs should be contained within their lot when not on a leash; and that a dog-proof fence be constructed (at his cost) along the back boundary of the site as a physical barrier to the Pukenui Forest. Mr Littlejohn also noted that the precise detail of the proposed dog-proof fence could not be finalised at the hearing since it would require the agreement of a number of neighbouring owners, including DoC. However, two options were tabled, one of which (albeit of more limited effectiveness) could establish entirely within the applicant’s land.

Mr Littlejohn noted that the matter of cat control would be addressed by his ecology witness, Mr Mark Poynter.

In reply, among other matters confirming the evidence given by the applicant’s witnesses, Mr Littlejohn noted that conditions were now largely agreed with Council (and most submitters with the exception of the matters discussed further in this decision), and that there were no remaining matters outstanding.

In the interest of time, Mr Barry Reiher, the majority shareholder and sole director of Evo Holdings Limited, tabled his statement backgrounding his development experience, the development philosophy behind Karanui, and the matter of dog and cat control. In response to a question Mr Reiher indicated that, if consent is granted, he intends to complete the roading, reserves and walkway layouts within 2-3 years of commencing works.

Mr Michael Farrow, landscape architect, gave evidence relating to his involvement in the project since mid-2013, described the site and setting and ran a helpful fly-over video; described the key foundations of the design philosophy and measures specifically incorporated to avoid an unduly urban “feel”; explained the way in which the landform serves to substantially hide the “upper” terrace from the lower flat and the public road; and reprised his landscape assessment. Mr Farrow rejected submitters’ concerns about density / intensity of development, and the development’s potential impact on local character and rural ambience. He concluded that, from a landscape perspective, the development was appropriate in the UTE zone, being an effective response to the specifics of the site.

Mr Chris Solleder, a chartered professional engineer, gave evidence on the civil engineering design, peer reviewing a co-director’s (and son of the applicant) design work. Mr Solleder concluded that the design would comply generally with the required Whangarei District Council Environmental Engineering Standards 2010, the Northland Regional Council Water and Soil Plan with regard to road swales, and the Auckland Council TP10 and TP124 standards for stormwater management. He also noted that the design was a product of low impact design principles balanced with maintenance responsibilities, and that the stormwater management modelling had been peer reviewed and confirmed by Mr James Blackburn of Hawthorn and Geddes Ltd (an updated copy of which summary review was tabled at the hearing). Mr Solleder relied upon the evidence and review of Mr Dean Scanlon on roading design matters. Mr Solleder addressed submitter concerns regarding contamination of aquifers and bores, drinking water supply, fire fighting water supply, and confirmed that contamination of bores was not likely; no bores were contemplated for / in the development; and the requirements for fire fighting purposes were sufficient (a point on which the NZ Fire Service Commission’s agent tabled⁵ written concurrence).

Mr Dean Scanlen, a transportation engineer, gave evidence on the traffic effects of the proposal. Mr Scanlen was satisfied that the risks associated with the proposed access and egress from the site to / from Three Mile Bush Road, with the standards and traffic management measures proposed, for the estimated traffic generation in the order of 700 movements per day, were well within acceptable limits. Mr Scanlen also provided an update on agreements reached with Council regarding kerb protection in the clear zones between the rock wall gates and the road seal edge, and speed limits for the internal road network. Mr Scanlen addressed submitters’ concerns about road safety (i.e. car crashes as well as pedestrian and cyclist safety). He acknowledged that additional traffic increased the risk but gave his opinion that this increase in risk was “extremely small” and still well within acceptable safety limits. Regardless, he noted the applicant’s offer to construct a 450m metalised footpath on the southern side of Three Mile Bush Road⁶ from the proposed entrance to Amalin Drive.

⁵ Sarah MacCormick Beca Ltd, Hearing Agenda pages 1220 - 1221

⁶ I note that Mr Reaburn refers to this as a 1.2kms extension in his EiC, para 6.6

Mr Mark Poynter, an ecologist, gave evidence regarding the control of dogs and cats in respect of potential adverse effects on faunal and avifaunal biodiversity in Pukenui Forest from within Karanui's 600m common boundary. Mr Poynter noted that confirmed sightings of kiwi are absent (acknowledging the intention to reintroduce them at some appropriate time in the not-too-distant future) but concluded that cats should be excluded from part of the site and that dogs could be satisfactorily managed short of a total prohibition. This matter is discussed in further detail below.

Mr Peter Reaburn, a planner, gave particular evidence on the UTE zone – including an explanation regarding the difficulties inherent in the management plan provision - and the appropriateness of the proposed development within that context. Mr Reaburn stressed that the intention of the UTE is for a permanent development pattern; that the zone is not a transition to a future urban zone. In other words, and while no planning zone can be said to endure in perpetuity, it must be complete and sufficient in itself. In that regard Mr Reaburn also drew attention to the applicant's offer to require "no further subdivision" restrictions as long as the zone endured (by way of consent notice). He also noted that the Karanui Management Plan would be provided as a guide to all purchasers. In addressing submitters' concerns Mr Reaburn relied upon the applicant's other witnesses. He also noted that the applicant agreed to having a consent notice relating to Northland Regional Council's pest plant list contained within its Regional Pest Management Strategies document (the relevant extract of which was provided to the hearing) and restricting the planting of any species on that list.

5.2 Submitters' evidence

Mr Grant Smith was unable to attend but tabled his submissions. Mr G Smith's concerns related to the loss of pastoral land, water supply, potential for bore water contamination, roading and internal footpaths. Mr Smith did not oppose the subdivision.

Mr Denis Hewitt, a resident of 295 Three Mile Bush Road, spoke to his written submission. Mr Hewitt, who has lived and farmed in the area most of his life, strongly disagreed with the assessment undertaken by Mr Cathcart regarding what he referred to as the *elite soils* of the area, and was concerned about the flow-on effects of additional residences in terms of dogs, weeds, introduction of prohibited plants, rubbish, fireworks, traffic safety, and so forth. Mr Hewitt was totally opposed to the subdivision.

Ms Tanya Cook, a resident of 88 Scott Road, spoke about the sustainable use of resources, and energy in particular. She advocated the use of passive solar designs, proper orientation of homes, and reuse of greywater, etc. Ms Cook supported a ban on cats and dogs. Ms Cook did not oppose the subdivision.

Mr Graham Hutchings, resident of 566 Three Mile Bush Road, gave evidence regarding the Pukenui / Western Hills Forest Charitable Trust's (**the Trust**) anticipated imminent application for the translocation of kiwi, robin and kokako in 2015/2016; the volunteer and other time and costs expended by the Trust in the previous year (5094 hours; \$54,000 on infrastructure; and \$189,000 fundraising); the extent of pest control in the area identified for potential kiwi release, including cat trapping; and in opposition to dogs and cats being permitted on / in the proposed subdivision. Mr Hutchings did not oppose the subdivision.

Mr Gerry Brackenbury, chairperson, Pukenui / Western Hills Forest Charitable Trust, provided further useful information on the Trust's activities, particularly related to animal pest control and the on-going cat-trapping activities. He noted the existence of a dog free zone around a 13 lot enclave housing cluster in Golf Harbour Drive adjacent to the Forest. Mr Brackenbury confirmed the Trust's preference for a total cat and dog ban over the subdivision. Mr Brackenbury did not oppose the subdivision.

Mr Chris Barber, resident of 199 Church Road, some 800m from the subject site, expressed concerns about the number of new allotments, reverse sensitivity effects on orchard management in the vicinity (particularly relating to spraying), the loss of productive soils, traffic and pedestrian safety, and potential effects from water supply and wastewater systems. Mr Barber opposed the subdivision.

Mr Russell Mortimer, a resource management consultant, gave evidence for M Smith, whose mother owns the property to the west of and adjacent to 390 Three Mile Bush Road. Mr Mortimer indicated that his client was not opposed to the subdivision but sought some additional conditions to manage views of the site and prevent loss of daylight through undue screening. The conditions sought were accepted by the applicant.

Ms Kristi Henare and Ms Moana Henare, representing both the Northern Branch of Forest and Bird and themselves, also indicated their preference for additional pet animal controls, supported a cautious approach to both animal and weed pest issues, and advocated the establishment of a land care group for / within the subdivision. The Mss Henare did not oppose the subdivision.

5.3 Council's reporting officer's report and evidence

Mr Ueli Sasagi's s42A report conditionally concluded⁷ that the application for subdivision should be granted because:

- The receiving environment, including supporting infrastructure, has sufficient capacity to accommodate the effects presented by the application.
- The proposal reflects a density and layout of subdivision that is generally anticipated and provided for under the provisions relating to subdivision and development within the Urban Transition Environment.
- The development is regarded as achieving the relevant issues, objectives and policies of the Operative and Proposed Regional Policy Statement for Northland.
- The proposal is considered to be consistent with the overarching purpose and principle of the RMA as set out in Part 2.

This was conditional upon being satisfied at the hearing on three matters:

- Peer review of stormwater design;
- Clarity on the legal responsibility for maintaining assets; and
- Soil and landuse report.

A set of draft recommended conditions was submitted at the commencement of the hearing.

The main issues considered by Mr Sasagi in reaching his overall conclusion that the adverse effects on the environment from the proposed activity would be no more than minor were:

- The relevance of any permitted baseline;
- The effects assessed in the applicant's Assessment of Effects on the Environment ("**the AEE**");
- Cultural, amenity and ecological effects;
- Site suitability and servicing;
- Road safety and access; and
- Cumulative effects.

One of the background reports⁸ produced by the applicant addressed the matter of the protection of "highly productive and versatile soils"⁹, since this is a matter on which the UTE provisions¹⁰ require particular regard – and is echoed in the proposed Regional Policy Statement for Northland 2012 with respect to "highly versatile soils"¹¹, which seeks that if the potential for primary production on such soils is materially reduced that "... *the net public benefit exceeds the reduced potential for soil-based production activities*"¹².

In that report, Mr Cathcart concluded that, at best, some 2ha of land in the front paddock might qualify as "highly versatile soil", noting that this would not constitute an economic orchard unit in any event. That report was not contested in detail by any party, although submitter Mr Denis Hewitt, who owns and occupies a nearby farm property at 295 Three Mile Bush Road, begged to differ on the matter of "special elite soils".

A companion report from Council's reporting engineer, Mr Dean Murphy, concluded that while the adverse effects of hazards, earthworks, roading, parking/manoeuvring, wastewater, water supply, fire fighting, and stormwater may be more than minor, they are able to be conditioned appropriately so that they comply with Council's Environmental Engineering Standards 2010 (where applicable).

6 Principal Issues and Main Findings of Fact

The principal issues that were in contention were:

⁷ s42A report, para 11.1.1

⁸ Bob Cathcart, Soil Resources on Evo Holdings Ltd 390 Three Mile Bush Road Kamo, 12 June 2014

⁹ Defined in that Plan to mean: *those soils identified as Class I, II or III on the New Zealand Land Inventory Worksheets*

¹⁰ UTE Policy 6.4.10 – Productive Soils

¹¹ Defined in that document to mean: *Land Use Capability Classes 1 c1, 2e1, 2w1, 2w2, 2s 1, 3e1, 3e5, 3s1, 3s2, 3s4 - as mapped in the New Zealand Land Resource Inventory*

¹² PRPS Policy 5.1.1(f)

1. Whether the question of versatile (i.e. productive) soils had been given sufficient attention;
2. Whether the density proposed was too great;
3. Whether domestic pets (i.e. cats and dogs) should be permitted and if so what control measures are appropriate;
4. Whether a management structure was necessary or appropriate for the maintenance etc of non-public infrastructure (including swales and landscaping) and / or to which the public had access;
5. Certain conditions as drafted and / or included / omitted.

Turning to those matters:

- 6.1 **Versatile soils:** The UTE provisions require, among 21 other eligibility rules, the subdivision design and the location of building sites to take into account and avoid highly versatile soils, at a site-specific level. As noted above, the applicant engaged Mr Catchcart to provide an expert report on this matter. That report concluded that the soils generally failed to qualify, certainly as highly versatile soils, and more broadly even as productive versatile soils.

While the District Plan defines versatile soils as meaning “*those soils identified as Class I, II or III on the New Zealand Land Inventory Worksheets*”, the key ingredient, as I understood from our discussion, was the *productivity* of those soils. In that regard Mr Cathcart’s conclusion that, generally, the soils on this site are suitable for grazing would seem to substantiate the argument against these soils (on the site overall) being highly versatile and therefore requiring protection from development under the UTE provisions.

Finding

I find that while some of the soils on the site fall within the District Plan meaning of versatile soils, these are not of such quantity or extent as to imperil the subdivision application as made. Furthermore, little would be gained by setting aside the limited parcel of land that Mr Cathcart has identified as containing the more highly versatile soils in the front part of the site, since this would not seem to constitute an economically viable production unit.

- 6.2 **Density:** A density of greater than 1 residential unit per 5,000m² across the site is achieved (i.e. 37.89ha / 74 lots = 5,120m²). As the applicant noted, the UTE contains no subdivision density lot size requirement (either minimum or maximum). The subdivision rules (UTE.3) simply require that additional lots “be as small as practicable” and that the maximum yield is “limited to a low level residential density”. While the land use rules (UTE.2) specify a discretionary activity status for the *construction or location* of any residential unit where the total residential density exceeds 1 unit per 5,000m², this is not a density limit but a trigger for consideration. In that regard Mr Littlejohn and Mr Reaburn correctly observe that the achieved density (from a land use point of view on that particular dimension) is effectively a permitted activity.

During the hearing I raised the question as to whether 74 lots was appropriate for this site, or was it simply the result derived from dividing the site area by 5,000m². If the latter, then what might an appropriate lesser number be?

In reply Mr Littlejohn responded that because the District Plan is effectively silent on the question, the answer is to be determined by a consideration of the effects created. This, he opined, had been done comprehensively (and particularly through the landscape design process) and no adverse effects are revealed that might afford justification for reducing the 74 lots sought. Furthermore, he submitted, to do so could be seen to constitute an inefficient use of the physical UTE resource specifically contemplated by the District Plan.

Finding

Despite the concern of some submitters regarding the density proposed, I find that there are not sufficient grounds (understood as relevant adverse effects) for reducing the density from that seemingly contemplated by the UTE provisions of the District Plan – which for this site is 74 residential lots.

- 6.3 **Cats and Dogs:** While the site is adjacent to the Pukenui Forest and a number of submitters sought covenants restricting the keeping of cats and dogs, the applicant was opposed to such blanket additional controls. Instead the applicant proposed that, in addition to a dog-proof perimeter fence

along the southern boundary (which, depending on the ability to persuade adjacent landowners (including the Department of Conservation), would allow extensions along contiguous boundaries), and a \$10,000 lump sum contribution to the Trust for its cat trapping programme, consent notices would be required on all titles restricting ownership to no more than two cats each per lot north of a defined stream feature line, and no cats south of that line (thereby creating an effective cat-ownership buffer). Dogs would be also controlled as to numbers etc by means of a consent notice on each title, but otherwise by no means additional to that required by the Dog Control Act 1986 and the District Council Dog Management Bylaw.

Mr Mark Poynter was commissioned by the applicant to review the concerns expressed regarding the control of cats and dogs and whether additional on-site controls were necessary or appropriate – i.e. the best form of control. Mr Poynter focussed his evidence on the Pukenui Forest and included consideration of the key elements of the statutory joint Council / Department of Conservation Pukenui Forest – Ngahere o Pukenui Management Plan 2009 (which Plan has a 10 year review life). The Forest has a number of small-medium sized scenic reserves along its southern edge, with the two largest blocks comprising the 592 ha Pukenui Forest (DoC) occupying the north-western end and Council's Whau Valley Water Catchment area (865 ha) and Whangarei Quarry Gardens (24.2 ha) comprising the central and eastern portions. The subject site adjoins the northern boundary of the DoC controlled forest at its eastern end – and the general area into which kiwi are likely to be re-introduced if approved by DoC.

With respect to cats Mr Poynter agreed that these should be controlled because of their uncontested potential for predation on a wide range of indigenous species. However, he considered a blanket ban unnecessary provided a multifaceted strategy is adopted – being a combination of buffer prohibition over part of the site (recognising the typically more limited spatial range covered by domestic cats), coupled with a maximum number of de-sexed cats per lot, and the wearing of suitable bell collars. Mr Poynter implicitly accepted that such a managed approach would not prevent all predation but it would reduce the risk appreciably – acknowledging that, like dogs, it is generally accepted that it is a small proportion of the animals that represent the greater risk.

With respect to dogs Mr Poynter noted that the risk to indigenous wildlife was really restricted to kiwi, which are not confirmed as present in the forest currently although reintroduction is intended in the near future (subject to DoC consent) as was confirmed by the Trust in submissions. As the forest is open on many fronts, not just at the boundary of the subject site, Mr Poynter was not persuaded that a dog ban was warranted on resource management grounds. Furthermore, he noted the formal controls that operate under legislation and policy (including the Whangarei District Council's Dog Management Policy (2013) and Dog Management Bylaw (2013)) as well as DoC's forest prohibition on dogs not on leashes. The dog-proof fence proposed by the applicant (subject to adjacent neighbour agreements) provides a further, although not fool-proof, level of protection. Two dog-proofing options have been incorporated into conditions, recognising that neighbour agreement may not be forthcoming.

Finally, I note that the applicant has made a lump sum offer to the Trust of financial support for its on-going pest control programme. That offer has been incorporated into a condition of consent by agreement.

Finding

While I understand the logic behind submitters' calls for a complete ban on cats and dogs within the subdivision, I am not persuaded that in this instance that is the appropriate response. Even if such a mechanism proved to be implementable across time, there are simply too many other avenues by which the sort of predation of concern to submitters could take place. I find that the applicant has proposed a plausible and realistic range of control measures for cats and dogs that he is prepared to require of owners, and that appear to be implementable. That latter is probably an important ingredient in being successful since it should not encourage perverse behaviour by some who might, over time, otherwise seek to circumvent a total ban.

- 6.4 **Management Structure:** Council had expressed concern over the longer-term maintenance and management of on-site infrastructure (particularly stormwater) that it did not wish vested in it, and suggested that a limited liability company, body corporate or similar was required. This concern seemed to relate to the fact that the northern part of the site is over an "at risk" aquifer such that on-going confidence in the integrity of the stormwater was necessary.

The applicant opposed such a management structure.

Perhaps fortunately I am not required to resolve this matter as by the end of the hearing agreement as to how this would be handled had been resolved by way of a proposed condition of consent – being a Council peer reviewed and approved report which includes on-going maintenance and operation requirements in the form of a management and operations manual for all privately owned infrastructure.

6.5 Conditions:

Following extended discussion between applicant and Council a set of largely agreed draft conditions have been achieved. Matters that were not agreed for inclusion related generally to matters that Council considered not necessary but which the applicant wished to include as much to demonstrate good faith – many of these are proposed consent notice conditions restricting activities and/or protecting features. While I acknowledge Council's position on these matters, and agree that many are matters that could be achieved by bilateral private agreement with future purchasers, I see no harm in adopting them within the consent condition framework arrived at. Certainly that may provide some or all of the submitters with an additional level of comfort regarding the final outcome.

I have therefore accepted and imposed those matters as proposed by the applicant – those specific additional consent notice requirements are as follows:

- Condition 6(p)(xiv) – (xxx);
- Condition 8(p)(xiv) – (xxix);
- Condition 10(p)(xii) – (xxvii); and
- Condition 12(p)(xiv) – (xxx).

For the avoidance of doubt I record that while Council did not see these additional requirements as essential to a grant of consent, the fact that they are offered and have now been accepted and imposed should not subsequently be interpreted as indicating that they do not address legitimate resource management effects and could, therefore, be readily cancelled under section 127 of the RMA. All the consent notices should be read as a parcel of requirements that collectively help to achieve the outcomes set out for Karanui in this otherwise sensitive location.

7 Relevant statutory provisions

7.1 Policy statements and plan provisions

In considering this application, the Commissioner has had regard to the matters outlined in Section 104 of the Act. In particular, the Commissioner has had regard to the relevant provisions (as discussed by the planning witnesses and in legal submissions) of the following planning documents:

- i the Northland Regional Policy Statement;
- ii the Northland Regional Water and Soil Plan; and
- iii the Transitional and/or Proposed Whangarei District Plans

7.2 Part 2 Matters

In considering this application, the Commissioner has taken into account the relevant principles outlined in Sections 6, 7 and 8 of the Act as well as the overall purpose of the RMA as stated in Section 5.

I note that no section 6 *matters of national importance* were directly engaged but that potential indirect effects have been considered and provided for.

A range of section 7 *other matters* are engaged – particularly relating to amenity (7c) and the quality of the environment (7f), but also the efficient use and development of a natural resource (7b). These were discussed throughout the hearing and related documentation, and have been taken into account in this decision.

No section 8 *Principles of the Treaty of Waitangi* matters were raised by any party. Evidence of appropriate consultation was provided by the applicant.

Taking all matters into consideration, and weighing those against the sustainable management purpose and principles of Part 2 of the RMA, I find that granting the application with the conditions imposed best meets that purpose.

8 Decision

Pursuant to Sections 104 and 104B of the Resource Management Act 1991, the Commissioner grants consent to Evo Holdings Limited's discretionary activity application for a 74 residential lot subdivision on land at 390 Three Mile Bush Road, Kamo, Lot 2 DP 25589 and Lot 2 DP 327650, subject to the conditions on the following pages.

9 Reasons for the decision

In addition to the matters discussed throughout this decision, the summary reasons for granting consent include the following:

- (a) The application fits within the four corners of the UTE zone expectations, objectives and policies;
- (b) The mitigation measures proposed should ensure that adverse effects, particularly off-site in the neighbouring Pukenui Forest, are no more than minor;
- (c) The applicant has proposed, and I have accepted, a range of additional consent notice provisions to demonstrate good faith in minimising effects of concern to submitters;
- (d) The extent and quantity of versatile soils is not sufficient to warrant refusing consent to all or part of the subdivision proposed; and
- (e) Granting consent better meets the sustainable management purpose of the RMA.

Issued this 4th day of September 2014



David Hill
Hearings Commissioner

Conditions of Consent

Pursuant to sections 104, 104B, 108 and 220 of the Resource Management Act 1991 consent is granted to Evo Holdings Limited (SL1400005) to:

- (a) subdivide the site at 390 Three Mile Bush Road legally described as Lot 2 DP 25589 and Lot 2 DP 327650 into 74 residential allotments ranging from 1,780m² to 4.2 hectares, roads to vest, reserve to vest, jointly owned walkway lots, lots for future road connections, and a future walkway/connection lot (Subdivision Consent); and
- (b) construct a single residential dwelling on each of the new residential lots (Land Use Consent).

Conditions – Land Use Consent

All single residential dwellings must be constructed in accordance with all relevant conditions applying to the new residential allotments as specified in the subdivision consent (SL1400005) granted contemporaneously.

Conditions – Subdivision Consent

1. This consent will lapse ten (10) years after the date of commencement of the consent.
2. The subdivision shall be undertaken in general accordance with the plan of subdivision entitled Evo Holdings Ltd, 390 Three Mile Bush Road Kamo, Whangarei - Stages 1 to 3, reference WH31531, Sheets S1 to S5, Revision R1 to R4, dated 17/06/2014 and 25/07/2014, prepared by Cato Bolam Consultants, as attached to this consent ("Approved Plans").

Note: *The subdivision application is for a staged development, which is required to be undertaken in concurrent or sequential order to allow for the orderly development of infrastructure relating to each stage of the development. An application under s127 of the RMA will be required should the consent holder wish to alter the staging of development.*

Council will accept a full set of engineering plans covering all stages of this consent with plan lodgement for stage 1(a) meeting conditions relating to engineering plans for all stages, should the consent holder wish to proceed in this way. The works outlined within such a plan shall clearly delineate the works that relate to each stage of the consent.

3. In the event that Koiwi Tangata, Taonga Koiwi or Taonga (or any European historic remains including signs of charred wood and rock, and any other material which may indicate possible historic activities or bones of any kind) is discovered during earthworks or construction, the following protocol shall be followed:
 - (i) Work shall cease immediately and an area 20m in radius is to be cordoned off and nothing is to be interfered with. Maori remains shall not be removed from their resting place and no other archaeological items shall be removed.
 - (ii) The person undertaking monitoring works shall contact Heritage New Zealand and, if the remains may be of significance to Maori, Te Kahu O Torongare Hapu (TKOT) – Ngararatunua Marae Trust. If the remains found are Koiwi the New Zealand Police shall also be notified immediately. No work shall resume in the area of the remains until the approval, as necessary, of the New Zealand Police, Heritage New Zealand, and / or TKOT has been obtained.
 - (iii) Any Koiwi uncovered on the property shall be re-interred on the property in accordance with any cultural requirements of TKOT. Property owners shall allow access to such areas for re-interment and shall respect and not disturb these places.
 - (iv) The individual lot owners, in conjunction with TKOT, shall keep a record of Koiwi and archaeological remains interred on the property, including their locations.
 - (v) Residents shall advise all visitors to their properties of areas that should not be disturbed.

4. The consent holder shall submit a plan detailing proposed openings, stone wall finishing and location of all new stone walls in accordance with Figure 6 - Karanui Circulation and Spatial Framework. The plan and associated detail is to be lodged with the Manager Resource Consents for approval.

Stage 1(a): Lots 1 to 9, 200 (road to vest), 300 (future access lot) and 800 (balance area).

5. Prior to approval under section 223 of the Act:

- (a) The consent holder shall submit a plan detailing the design and location of interpretational signage for all stages of the consent presenting the history of the farm and the significance of the stone wall landscape within the property. The content of the signage shall be of a standard acceptable for historic interpretation. As a minimum this signage shall include a narrative of the history of the property, a map of all historical features including walls, clearance piles, consumption platforms, and other relevant historic features; and shall include photographs and diagrammatic interpretation as is relevant. The plan is to be submitted to Council's Resource Consents Manager for approval.
- (b) The consent holder must submit a detailed set of engineering plans prepared in accordance with Council's Environmental Engineering Standards 2010 Edition, except where otherwise allowed by conditions of this consent. The engineering plans are to be submitted to the Senior Environmental Engineering Officer for approval.

It is to be noted that certain designs may only be carried out by an Independently Qualified Person (IQP) or Chartered Professional Engineer (CPEng) working within the bounds of their assessed competencies. IQP's must have been assessed by Council and hold current registration to submit engineering design work.

All work needing design/certification by a Council approved IQP/CPEng will require the submission of a producer statement (design) on form EES-PS1 and engineering plan lodgement form to the satisfaction of the Senior Environmental Engineering Officer.

Plans are to include but are not limited to:

- (i) Design details of the Lot 200 road to vest (Road 1) from the existing approved vehicle crossing on Three Mile Bush Road to approximate chainage 210m in general accordance with Table 3.2 Class B pavement structural requirements, and the Engineering and Infrastructure Report prepared by Cato Bolam Consultants Limited dated 30 June 2014, including typical cross sections, earthworks cross sections, long sections, culverts, drainage flow paths, surfacing, pavement marking, street lighting and a temporary metalled turning head with an easement in gross in favour of Whangarei District Council. Drainage design shall incorporate shallow grassed swale drains and shallow rock lined drains as appropriate for drainage gradients as specified in Section 3.4.15.4 of Council's Environmental Engineering Standards 2010 Edition.
- (ii) Where stone walls are offset 2.0m or less from the sealed road edge; a kerb is required to extend 10m beyond the outside edge of the wall in both directions in general accordance with the Evo Holdings Rumble Strip Details Plan Sheet E232, dated 1/7/14, Revision R2.
- (iii) Design details of raised rumble strips on Road 1 at approximate chainages 20m & 210m in accordance with the Evo Holdings Rumble Strip Details Plan Sheet E232, dated 1/7/14, Revision R2 and Sheet E233, dated 17/6/14, Revision R1.
- (iv) Design details of the installation of reflector hazard markers in accordance with MOTSAM specifications to the existing tree within the future road reserve adjacent to proposed lot 300.
- (v) Design details, including width and location, of the construction of vehicle crossings for all stage 1(a) residential lots in accordance with the Evo Holdings Roading Details Plan Sheet E231, dated 17/6/14, Revision R1.

- (vi) Design details of private fire fighting infrastructure in accordance with Council's Environmental Engineering Standards 2010 Edition and the New Zealand Fire Service Code of Practice (NZS PAS 4509:2008) or as otherwise agreed to with the NZ Fire Service Commission. The plan is to show the location of all tanks, hose connection points and nominate lots serviced from each supply. All fire fighting infrastructure is to be wholly contained within private lots.
- (vii) An engineering report, including design details and a management/operations plan, prepared by a WDC approved IQP or CPEng, detailing stormwater flow paths and stormwater management structures within the subdivision (road to vest, rights of way, residential lots and balance lots) in accordance with Section 4 of Council's Environmental Engineering Standards 2010 Edition. This report is to address flows onto the site from neighbouring catchments and include confirmation that any required sediment control/containment does not rely on existing or proposed structures on land outside of the consented area. The report shall include on-going maintenance and operation requirements in the form of a management and operations manual for all privately owned infrastructure. The above report shall be supported by a peer review prepared by a WDC approved IQP or CPEng to the approval of Council's Wastes and Drainage Manager.
- (c) The consent holder must submit an Inspection & Test Plan (ITP) for approval, prepared in accordance with Council's Environmental Engineering Standards 2010 Edition, and the WDC QA/QC Manual. The ITP is to be submitted to the Senior Environmental Engineering Officer for approval and be approved prior to the pre start meeting and prior to any works being commenced on site.
- (d) The consent holder shall provide written confirmation from power and telecommunications utility service operators of their conditions in accordance with Council's Environmental Engineering Standards 2010 Edition and show necessary easements on the survey plan to the approval of the Senior Environmental Engineering Officer or their delegated representative in accordance with their requirements.
- (e) The consent holder must create easements in gross in favour of WDC over the proposed temporary turning head(s) to the satisfaction of the Senior Environmental Engineering Officer. The easements are to be sufficient to allow for the formal construction of the turning head and associated underground services and footpaths should this become necessary. For clarity this consent provides for cancellation of easements (turning heads) when the next stage (Stage 1(b)) is lodged for s223 approval.
- (f) The consent holder must create easements over services and rights of way to the approval of the Senior Environmental Engineering Officer in general accordance with the approved plans.
- (g) The consent holder must create easements over all overland flow paths (and other stormwater infrastructure) as outlined in condition 5(b)(vii) above within private lots, to the approval of the Senior Environmental Engineering Officer.
- (h) The consent holder must provide Council with three proposed street/road/access names in writing for the Lot 200 road to vest (Road 1) in accordance with Council's Road Naming policy, and in order of preference, giving reasons for each proposed name, for approval by Council. A clear plan detailing the route of the proposed street/road/access should also be submitted and any evidence of consultation with the Ngararatunua Marae Committee relating to the proposed names. Please refer to the road naming policy and guidelines available on Council's website www.wdc.govt.nz/. This condition will not be deemed to be satisfied unless Council has approved the submitted names in writing.
- (i) The consent holder shall provide a detailed Landscape Planting Plan for all planting within areas to be vested in Council in accordance with the "Assessment of Landscape Effects and Rural Amenity Effects" by Littoralis Landscape Architecture Ltd dated March 2014, and approved by the Manager Resource Consents. The plan shall provide details of landscape materials and planting within the road verges and shall also include any proposed entry features within the road reserve where applicable. The plan shall show as a minimum the following:

- (i) Trees to be retained.
 - (ii) Names of proposed species (no species listed in the Prohibited Plants Schedule of Northland Regional Council's Pest Management Strategy - Part 4 Plant Management Strategy, including parts 4.5 & 4.6, shall be used).
 - (iii) Size of proposed stock for planting.
 - (iv) Numbers, locations, spacing and staking of proposed plants and trees taking into account the need to retain suitable sight lines for traffic.
 - (v) Details of any structures including location, dimensions, materials and construction methods.
 - (vi) Details of any mulch or other stabilisation structures, including type, depth, and stabilisation methods; and shall include a Weed Management Plan and a Plant Replacement Programme for maintenance of the asset until vested.
 - (vii) The acceptance and maintenance of landscape planting (and mulched areas) associated with reserve areas rests solely with Council's Parks Department. The consent holder is advised to consult early with the Manager of WDC Parks to ensure that the planting standard and level of maintenance is to a standard acceptable for vesting.
 - (viii) Schedule of costs to inform the bond condition required under condition 6(q) of this consent.
- (j) The consent holder shall prepare a Pest and Rehabilitation Management Plan, including all proposed rehabilitation planting, covering all private lots (including access lots), addressing matters outlined in the Ecological Management Report prepared by Cato Bolam Consultants Ltd dated 27 February 2014. The Pest and Rehabilitation Management Plan shall be lodged with the Manager Resource Consents for approval.
 - (k) The consent holder shall prepare design details of a dog proof fence to be erected on the Pukenui forest boundary in either of the locations shown on the Dog Control Area Planning Map (Option A or Option B), prepared by Cato Bolam Consultants, WH31531 -03 & -04 Rev 1 dated 30/06/14 (attached). The design shall be in accordance with Figure 17 Fencing and Gate Type Requirements of the Karanui Management Plan included with the application and shall be lodged with the Manager Resource Consents for approval.

Where the dog proof fence is to be constructed on land that is not subject to this consent (i.e. Option A), written approval from the landowner(s) whose property will be affected by the fence must be provided together with evidence that the fence will be maintained in that location in perpetuity (e.g. by the Karanui Walkway Trust to be constituted under Condition 6(n)). In the event that no such approval can be provided, the fence shall be constructed wholly within the subdivision (i.e. Option B).

- (l) The consent holder shall prepare design and location details of signs to be erected to inform dog owners of the requirement to keep dogs on a leash when using the walkways within Karanui Estate public areas and prohibiting dogs from Pukenui Forest. Signs are to be located within the subdivision site at appropriate locations. The plan and design for all signage shall be lodged with the Manager Resource Consents for approval.

6. Prior to issue of a section 224(c) certificate:

- (a) A pre-start meeting is required to be undertaken with the consent holders representative (DR), contractor(s) and all other IQP's or agents for the applicant and the Senior Environmental Engineering Officer prior to any works being undertaken on the site to the satisfaction of the Senior Environmental Engineering Officer or delegated representative.
- (b) All work on the approved engineering plans in Condition 5(b) is to be carried out to the approval

of the Senior Environmental Engineering Officer.

Compliance with this condition shall be determined by site inspections undertaken as agreed in the Inspection & Test Plan in Condition 5(c) and by provision and approval of supporting documentation provided by the developers representative/s in support of the constructed works – EES PS4 and producer statements including supporting evidence of inspections by those persons, works acceptance certificate, statement of compliance of as built works and as built plans, RAMM data, management plans, operation and maintenance plans and all other test certificates and statements and supporting information required to confirm compliance of the works as required by Council's QA/QC Manual and the Council's Environmental Engineering Standards 2010.

No construction works are to commence on-site until the engineering plans required in condition 5(b) have been approved and all associated plan inspection fees have been paid.

- (c) The consent holder must provide written confirmation from a Licensed Cadastral Surveyor that any existing effluent disposal field is contained within allotment boundaries so as to comply with Section 15.1 (Permitted Activities for Sewage discharges) of the Northland Regional Council Regional Water and Soil Plan for Northland, noting the required separation distances to boundaries, water bores, groundwater table and surface water to the approval of the Senior Environmental Engineering Officer.
- (d) The consent holder shall notify Council, in writing, of its intention to begin works a minimum of seven days prior to commencing works. Such notification shall be sent to the Senior Environmental Engineering Officer and include the following details:
 - (i) Name and telephone number of the project manager/IQP.
 - (ii) Site address to which the consent relates.
 - (iii) Activities to which the consent relates.
 - (iv) Expected duration of works.

A copy of the approved engineering plans, the resource consent conditions, ITP and corridor access request, and the above letter are to be held on-site at all times during construction. All personnel working on the site shall be made aware of, and have access to, the resource consent and accompanying documentation.

- (e) The consent holder shall submit written confirmation from power and telecommunications utility services operators that their conditions for this development have been satisfied in accordance with Council's Environmental Engineering Standards 2010 Edition to the approval of the Senior Environmental Engineering Officer or their delegated representative.
- (f) The consent holder shall ensure that spoil from the site must not be tracked out onto Council's road formations and dust nuisance must be controlled on-site by use of a watercart or similar by the applicant so as not to cause 'offensive or objectionable' dust at or beyond the boundary of the development.
- (g) The consent holder shall arrange for a licensed cadastral surveyor to confirm in writing that no filling has occurred on any of the lots to the satisfaction of the Senior Environmental Engineering Officer. If, however, such filling has occurred, then a Form B will be required to be provided by a suitably qualified person with details confirming the location of such fill on the affected titles. This Form B (and associated reports, plans and similar) will be registered against the affected titles via consent notice.
- (h) The consent holder must provide written confirmation from a Licensed Cadastral Surveyor that all services, accesses and overland flow paths and associated stormwater management infrastructure are located within the appropriate easement boundaries to the approval of the Senior Environmental Engineering Officer or delegated representative.

- (i) All damage to the street footpath, stormwater drainage, road carriageway formation, street berm and urban services by the construction works associated with the subdivision activities shall be reinstated in accordance with Section 3 of Council's Environmental Engineering Standards 2010 Edition at the expense of the consent holder to the approval of the Senior Environmental Engineering Officer or delegated representative.
- (j) A consent notice shall be prepared and registered on the title of each lot containing a fire fighting tank as shown on the plan required by condition 5(b)(vi) of this consent, requiring the owner and subsequent owners to maintain the tank and associated infrastructure in good working condition, and requiring the tank to be kept full at all times (if emptied, the tank shall be re-filled as soon as practically possible). A consent notice shall be registered on the title of each lot to be served by a tank (as identified on the plan required by condition 5(b)(vi)) on a different lot advising the lot owner of the location of the fire water supply.
- (k) The consent holder must submit a plan showing the location of all stormwater overland flow paths and associated stormwater management infrastructure in accordance with condition 5(b)(vii). A consent notice shall be prepared and registered on the title of each lot identified as having stormwater infrastructure/overland flow paths, outlining the on-going responsibility to lot owners as specified in the Operations and Management Manual required by condition 5(b)(vii) above.
- (l) The consent holder must submit a certified and dated 'as built' plan of completed works and services, and RAMM data prepared by a suitably qualified person in accordance with Council's Environmental Engineering Standards 2010 Edition to the approval of the Senior Environmental Engineering Officer.
- (m) The consent holder must supply and erect the approved public street/road/access name sign for Lot 200 road to vest (Road 1) in accordance with sheet 24 of Council's Environmental Engineering Standards 2010 Edition, inclusive of the approved street/road/access name. The sign shall be located in a position where it is most visible for users to the satisfaction of the Senior Environmental Engineering Officer.
- (n) The consent holder shall provide a legal document to the Manager Resource Consents confirming the formation of the Karanui Walkway Trust. The document shall provide the detail of all maintenance matters transferred to the Trust, the date of transfer, and the relevance to each stage on the consent, including the maintenance of the dog proof fence required by Condition 5(k) of this consent.
- (o) The consent holder shall provide written evidence from a suitably qualified person or persons to confirm the following:
 - (i) The dog-proof fence has been erected at the Pukenui Forest boundary of the property in accordance with the plans approved under Condition 5(k), including a spring return auto latched gate in accordance with the Karanui Management Plan included with the application, and in particular Figure 17 – Fencing and Gate Type.
 - (ii) That all work on stone walls has been completed in accordance with Condition 4 of this consent. More specifically, confirmation is required that all work has been undertaken by an experienced dry stone wall mason in accordance with recognised best practice.
 - (iii) That all landscape works to areas to be vested has been completed in accordance with the plans required to be lodged and approved under condition 5(i) of this consent. Confirmation shall be provided by way of written evidence from a landscape architect and a site visit by the Manager WDC Parks and Recreation Department or their delegated representative.
 - (iv) That the landscape planting and weed management requirements of the approved Pest and Rehabilitation Management Plan required by condition 5(j) have been implemented. The on-going planting and weed management requirements outlined in the Pest and Rehabilitation Management Plan shall form the basis of consent notice conditions (s221 conditions) relating to all relevant lots, whether in private or shared ownership.

(p) Pursuant to Section 221 of the Resource Management Act 1991, a consent notice must be prepared and be registered on the Computer Freehold Register of Lots 1 to 9 at the consent holder's expense, containing the following conditions which are to be complied with on a continuing basis by the subdividing owner and subsequent owners:

- (i) Any development shall comply with the Restrictions and recommendations identified in the Hawthorne Geddes Engineers & Architects Ltd engineering report reference 9266 dated 10/12/2013 unless an alternative engineering report prepared by a suitably experienced Chartered Professional Engineer is approved in writing by Council.
- (ii) Where the developed total impervious area of any residential allotment (including concrete driveways / patios, etc) will exceed 650m², provide suitable evidence/design to illustrate that stormwater attenuation will be provided for all impervious surfaces to ensure compliance with Chapter 4, and more specifically Section 4.11 of Council's Environmental Engineering Standards 2010, to the satisfaction of the Senior Environmental Engineering Officer.
- (iii) Mustelids and rodents shall not be kept on the property and no more than two cats and/or two dogs (which must be spayed or neutered), and always identifiable with microchips or named collars, shall be kept on the property. Dogs shall be securely contained on-site at all times.

All owners are to be aware that Pukenui Forest is a pest managed area with pest controls that may kill any pets that stray there, and that the Karanui development itself may have on-going pest controls that can harm pets. Accordingly a legal obligation shall be registered against each title within Karanui confirming that if cats are trapped and harmed or killed as a consequence of those on-going pest controls the owner shall have no right of complaint nor be able to take any proceedings in respect of that event.

- (iv) No building may be erected within the 'no build areas' zone identified on the Approved Plans.
- (v) There shall be no more than one residential unit per site.
- (vi) The total building coverage on a site may not exceed 500m² or 5% of the net site area, whichever is the greater.
- (vii) Building facade materials and finishes shall have a reflectance value of no more than 40%. Smaller architectural elements, such as joinery or other minor features, are excluded from this requirement. Windows shall not be mirror type glazing.
- (viii) Roof surfaces shall have a reflectance value of no more than 30%.
- (ix) Building heights shall be limited to 6.0m maximum in line with District Plan height meaning of words.
- (x) The maintenance of the swale drain and vehicle crossing within the road reserve (directly adjacent to each lot) shall remain the responsibility of the property owner. These structures shall be maintained in a state consistent with the relevant construction engineering drawings required and approved by condition 5(b) of this consent. Any modification to these swales or to vehicle crossings shall not be undertaken without the approval of Council's Roading Manager. The constructions of any additional crossings require the approval of Council's Roading Manager.
- (xi) This subdivision has been consented and implemented on the basis that all internal infrastructure is to be retained and managed by lot owners on an on-going basis. Council shall only be responsible for maintenance of the carriageway within the legal road, recreational reserve and parking area. All other infrastructure including, but not limited to, vehicle crossings, swale drains, and any other stormwater infrastructure on legal road and private property, fencing, walkways, firefighting infrastructure, and amenity/landscape

planting is to be managed either through the Karanui Walkway Trust constituted under Condition 6(n), or by a similar entity (to be established to the satisfaction of the Manager Resource Consents), or by private owners.

- (xii) Any tanks within the western boundary of Lots 3 and 4 shall be buried to achieve a height of no more than 1.2 metres.
- (xiii) Any planting within 3 metres of the western boundary of Lots 3 and 4 is to achieve a height of no more than 2.5 metres.
- (xiv) While the Urban Transition Zone remains in place no application may be made for any subdivision that would create extra lots not otherwise authorised by this consent.
- (xv) Dry stone walls are not to be removed and shall be maintained to a good standard.
- (xvi) Fencing installed by the consent holder at subdivision stage in accordance with the conditions of this consent (including any front fence, any fence adjoining a walkway, any riparian fence and the dog-proof fence) shall be maintained by subsequent owners in accordance with (as relevant) Figures 11 – 13, 16 and 17 Three Mile Road Frontage Fencing, Non-Farmed Lot Fencing, Non-Farmed Lot Fencing, Riparian Fencing and Forest Fencing.
- (xvii) Any fence or barrier within 10m of the roadside boundary shall be less than 1.0m in height.
- (xviii) Fences or barriers within 10m of the roadside boundary of private lots shall be less than 1.0m in height. Fencing between that 10m line and the road frontage of the house or other building on the site shall be less than 1.5m in height. Any barrier that lies between the road and the building on the site (and which is in addition to the low roadside barrier installed by the developer) should have a high level of porosity, with the solid component of the barrier not constituting more than 40% of the volume when viewed in elevation.
- (xix) Any fence or barrier between the road face of the house or other building on the site and the road shall have similar reflectance values and hues to building roofs on the site.
- (xx) Any fence or barrier not covered by the above controls shall be no higher than 2 metres.
- (xxi) Fences adjoining walkways and the dog control fence are to be maintained by the adjoining owner.
- (xxii) Any planting between the road face of the house or other building on the site and the road shall achieve a height of no more than 1.5m, except for up to 4 specimen trees.
- (xxiii) Any building within the Covenanted Building Areas shown in Figure 10: Covenanted Building Areas shall be set back at least 8.0m from road boundaries and 3.0m from other boundaries.
- (xxiv) Any ancillary building that extends forward of the centreline of the house in relation to the adjacent road corridor shall be of the same structure, form, material and colours as the house itself.
- (xxv) All tanks shall not be higher than 1.5m above the ground and shall be screened from view from outside the site (NB: on Lots 3 and 4 maximum height is 1.2m).
- (xxvi) On Lots 1 - 5 all buildings shall be connected to the main house, either directly or by way of a roofed link, and they must be of the same structure, materials, form and colour.
- (xxvii) New tree planting shall be in accordance with Figure 5 Karanui Management Plan Concept.

- (xxviii) The existing mature indigenous trees shown as being retained on Figure 15: Open Space Planting and Ecological Plan, and new planting as shown on Figure 15 may not be removed.
- (xxix) At building consent stage each site owner shall provide detailed investigations and plans of a wastewater disposal system that will suit the location and scale of their proposed dwelling. Wastewater disposal system must meet the following standards:
- (i) be Advanced Secondary Treatment Systems;
 - (ii) be Reticulating Packed Bed Reactor (rPBR) or approved superior treatment system as supplied by the consent holder; and
 - (iii) be compliant with AS/NZS 1547:2002 and On Site Effluent Treatment National Testing Programme (OSETNTP).
- (xxx) Unless public reticulation is available for potable water at the time of subdivision, all private lots utilised for residential purposes shall have 25,000 litre (minimum) on-site water tanks for water reuse. Tanks water supply to residential dwelling shall be filtered to a minimum 5 micron level with an in line device.
- (q) Pursuant to Section 108(2)(b) and 108A of the Resource Management Act 1991 a bond shall be entered into to cover all aspects of the Pest Management Plan and Rehabilitation (Weed Control and Planting) Plan approved under condition 5(i) and implemented under this condition.
- The amount of each bond shall be based on the approved schedule of the costs supplied in the Pest Management Plan and Rehabilitation (Weed Control and Planting) Plan submitted under condition 5(i).
- The bond shall be prepared by the Council's solicitor at the expense of the applicant and shall be drawn up if required by the council in a form enabling it to be registered pursuant to Section 109 of the Resource Management Act 1991 against the title to the land to which this bond relates (unless land affected is public land vested in Council).
- The bond may be either a cash bond or bond that is guaranteed by a recognised trading bank in New Zealand. The bond shall be reduced by 20% in any one year on certification by an appropriately qualified person that the recommendations and operations identified in Pest Management Plan and Rehabilitation (Weed Control and Planting) Plan approved under condition 5(i) has been effectively carried out.
- Notwithstanding any transfer of title by the consent holder to a new owner of any one or more of the lots, the consent holder or subsequent nominees or representatives are to continue the implementation of the Pest Management Plan and Rehabilitation (Weed Control and Planting) Plan approved in condition 5(i) for the 3 year period.
- (r) The consent holder shall offer a lump sum to the amount of \$10,000 to the Pukenui Forest Trust to support an on-going trapping programme for cats.

Stage 1(b): Lots 14 to 26, 44, 50/100, 201 (road to vest), 400 (reserve to vest), 303 (walkway lot) and 801 (balance area).

7. Prior to approval under section 223 of the Act:

- (a) The consent holder must submit a detailed set of engineering plans prepared in accordance with Council's Environmental Engineering Standards 2010 Edition, except where otherwise allowed by conditions of this consent. The engineering plans are to be submitted to the Senior Environmental Engineering Officer for approval.

It is to be noted that certain designs may only be carried out by an Independently Qualified Person (IQP) or Chartered Professional Engineer (CPEng) working within the bounds of their assessed competencies. IQP's must have been assessed by Council and hold current

registration to submit engineering design work.

All work needing design/certification by a Council approved IQP/CPEng will require the submission of a producer statement (design) on form EES-PS1 and engineering plan lodgement form to the satisfaction of the Senior Environmental Engineering Officer.

Plans are to include but are not limited to:

- (i) Design details of the Lot 201 road to vest (Road 1) from the extent of the stage 1(a) termination (approximate chainage 210m) to the southern boundary of lot 44 in general accordance with Table 3.2 Class B pavement structural requirements, and the Engineering and Infrastructure Report prepared by Cato Bolam Consultants Limited dated 30 June 2014, including typical cross sections, earthworks cross sections, long section, culverts, drainage flow paths, surfacing, pavement marking, street lighting and a temporary metalled turning head with an easement in gross in favour of Whangarei District Council. Drainage design shall incorporate shallow grassed swale drains and shallow rock lined drains as appropriate for drainage gradients as specified in Section 3.4.15.4 of Council's Environmental Engineering Standards 2010 Edition.
- (ii) Design details of the Lot 201 road to vest (Road 2) from road 1 to the eastern boundary of lots 14 and 24 in general accordance with Table 3.2 Class B pavement structural requirements, and the Engineering and Infrastructure Report prepared by Cato Bolam Consultants Limited dated 30 June 2014, including typical cross sections, earthworks cross sections, long section, culverts, drainage flow paths, surfacing, pavement marking, street lighting and a temporary metalled turning head with an easement in gross in favour of Whangarei District Council. Drainage design shall incorporate shallow grassed swale drains and shallow rock lined drains as appropriate for drainage gradients as specified in Section 3.4.15.4 of Council's Environmental Engineering Standards 2010 Edition.
- (iii) Design details of permeable parking bays within the lot 201 road to vest (Road 1) including a typical cross section in accordance with the Evo Holdings Roding Layout Plan Sheets E201 & E202, dated 17/6/14 Revision R1 and the Evo Holdings Roding Details Plan Sheet E231, dated 17/6/14, Revision R1.
- (iv) Where stone walls are offset 2.0m or less from the sealed road edge, a kerb is required to extend 10m beyond the outside edge of the wall in both directions in general accordance with the Evo Holdings Rumble Strip Details Plan Sheet E232, dated 1/7/14, Revision R2.
- (v) Design details of raised rumble strips on Road 1 at approximate chainage 245m and 460m and Road 2 at approximate chainage 20m and 110m in accordance with the Evo Holdings Rumble Strip Details Plan Sheet E232, dated 1/7/14, Revision R2 and Sheet E233, dated 17/6/14, Revision R1.
- (vi) Design details, including the width and location, of the construction of vehicle crossings for all stage 1(b) residential lots in accordance with the Evo Holdings Roding Details Plan Sheet E231, dated 17/6/14, Revision R1.
- (vii) Design details of private fire fighting infrastructure in accordance with Council's Environmental Engineering Standards 2010 Edition and the New Zealand Fire Service Code of Practice (SNZ PAS 4509:2008) or as otherwise agreed to with the NZ Fire Service Commission. The plan is to show the location of all tanks, hose connection points and nominate lots serviced from each supply. All infrastructure is to be wholly contained within private lots.
- (viii) Design details of a walkway through lot 303 including a typical cross section in accordance with the Evo Holdings Roding Layout Plan Sheets E202, E203 & E232 dated 17/6/14, Revision R1 and the Evo Holdings Preliminary Plan of Subdivision, stage 1(b), Sheet S3, Revision no. R4, dated 27/7/14, Job No WH31531 and also in accordance with a "short walk" standard in line with the Department of Conservation Track construction and maintenance Guideline VC 1672 and SNZ HB8630:2004.

- (ix) An engineering report, including design details and a management/operations plan, prepared by a WDC approved IQP or CPEng, detailing stormwater flow paths and stormwater management structures within the subdivision (road to vest, rights of way, residential lots and balance lots) in accordance with Section 4 of Council's Environmental Engineering Standards 2010 Edition. This report is to address flows onto the site from neighbouring catchments and include confirmation that any required sediment control/containment does not rely on existing or proposed structures on land outside of the consented area. The report shall include on-going maintenance and operation requirements in the form of a management and operations manual for all privately owned infrastructure. The above report shall be supported by a peer review prepared by a WDC approved IQP or CPEng to the approval of Council's Wastes and Drainage Manager.
- (b) The consent holder must submit an Inspection & Test Plan (ITP) for approval, prepared in accordance with Council's Environmental Engineering Standards 2010 Edition, and the WDC QA/QC Manual. The ITP is to be submitted to the Senior Environmental Engineering Officer for approval and be approved prior to the pre-start meeting and prior to any works being completed on the site
- (c) The consent holder shall provide written confirmation from power and telecommunications utility service operators of their consent conditions in accordance with Council's Environmental Engineering Standards 2010 Edition and show necessary easements on the survey plan to the approval of the Senior Environmental Engineering Officer or their delegated representative in accordance with their requirements.
- (d) The consent holder must create easements in gross in favour of WDC over the proposed temporary turning head(s) and public walkways to the satisfaction of the Senior Environmental Engineering Officer. The easements are to be sufficient to allow for the formal construction of the turning head and any associated underground services and footpaths should this become necessary. For clarity this consent provides for the cancellation of easements (turning heads) when the next stages (Stage 2 and Stage 3) is lodged for s223 approval.
- (e) The consent holder must create easements over services and rights of way to the approval of the Senior Environmental Engineering Officer in general accordance with the approved concept plan.
- (f) The consent holder must create easements over all overland flow paths (and other stormwater infrastructure) as outlined in condition 7(a)(ix) above within private lots, to the approval of the Senior Environmental Engineering Officer.
- (g) The consent holder shall provide a detailed Landscape Planting Plan in accordance with the "Assessment of Landscape Effects and Rural Amenity Effects" by Littoralis Landscape Architecture Ltd dated March 2014, and approved by the Manager Resource Consents. The plan shall provide details of landscape materials and planting within the road verges and shall also include any proposed entry features within the road reserve where applicable. The plan shall show as a minimum the following:
 - (i) Trees to be retained.
 - (ii) Names of proposed species (no species listed in the Prohibited Plants Schedule of Northland Regional Council's Pest Management Strategy - Part 4 Plant Management Strategy, including parts 4.5 & 4.6, shall be used).
 - (iii) Size of proposed stock for planting.
 - (iv) Numbers, locations, spacing and staking of proposed plants and trees taking into account the need to retain suitable sight lines for traffic.
 - (v) Details of any structures including location, dimensions, materials and construction methods.

- (vi) Details of any mulch or other stabilisation structures, including type, depth, and stabilisation methods; and shall include a Weed Management Plan and a Plant Replacement Programme for maintenance of the asset until vested.
- (vii) The acceptance and maintenance of landscape planting (and mulched areas) associated with reserve areas rests solely with Council's Parks Department. The consent holder is advised to consult early with the Manager of WDC Parks to ensure that the planting standard and level of maintenance is to a standard acceptable for vesting.
- (viii) Schedule of costs to inform the bond condition under condition 8(q) of this consent.
- (h) The consent holder shall prepare a Pest and Rehabilitation Management Plan, including all proposed rehabilitation planting; covering all private lots, including access lots, addressing matters outlined in the Ecological Management Report prepared by Cato Bolam Consultants Ltd dated 27 February 2014. The Pest and Rehabilitation Management Plan shall be lodged with the Manager Resource Consents for approval.
- (i) The following amalgamation condition shall be shown on the survey plan:
 - That lots 50 and 100 hereon to be held in one Computer Freehold Register (Reference - Request 1234284).

8. Prior to issue of a section 224(c) certificate:

- (a) A pre-start meeting is required to be undertaken with the consent holder's representative (DR), contractor(s) and all other IQP's or agents and the Senior Environmental Engineering Officer prior to any works being undertaken on the site to the satisfaction of the Senior Environmental Engineering Officer or delegated representative.
- (b) All work on the approved engineering plans in Condition 7(a) is to be carried out to the approval of the Senior Environmental Engineering Officer.

Compliance with this condition shall be determined by site inspections undertaken as agreed in the Inspection & Test Plan in Condition 7(b) and by provision and approval of supporting documentation provided by the developers representative/s in support of the constructed works – EES PS4 and producer statements including supporting evidence of inspections by those persons, works acceptance certificate, statement of compliance of as built works and as built plans, RAMM data, management plans, operation and maintenance plans and all other test certificates and statements and supporting information required to confirm compliance of the works as required by Council's QA/QC Manual and the Council's Environmental Engineering Standards 2010.

No construction works are to commence on-site until the engineering plans required in condition 7(a) have been approved and all associated plan inspection fees have been paid.

- (c) The consent holder must provide written confirmation from a Licensed Cadastral Surveyor that any existing effluent disposal field is contained within allotment boundaries so as to comply with Section 15.1 (Permitted Activities for Sewage discharges) of the Northland Regional Council Regional Water and Soil Plan for Northland, noting the required separation distances to boundaries, water bores, groundwater table and surface water to the approval of the Senior Environmental Engineering Officer.
- (d) The consent holder is to submit a Corridor Access Request application and receive written approval for all works to be carried out within Council's road reserve in accordance with Council's Environmental Engineering Standards 2010 Edition to the approval of the Senior Environmental Engineering Officer.
- (e) The consent holder shall notify Council, in writing, of its intention to begin works a minimum of seven days prior to commencing works. Such notification shall be sent to the Senior Environmental Engineering Officer and include the following details:

- (i) Name and telephone number of the project manager/IQP.
- (ii) Site address to which the consent relates.
- (iii) Activities to which the consent relates.
- (iv) Expected duration of works.

A copy of the approved engineering plans, the resource consent conditions, ITP and corridor access request, and the above letter are to be held on-site at all times during construction. All personnel working on the site shall be made aware of, and have access to, the resource consent and accompanying documentation.

- (f) The consent holder shall submit written confirmation from power and telecommunications utility services operators that their conditions for this development have been satisfied in accordance with Council's Environmental Engineering Standards 2010 Edition to the approval of the Senior Environmental Engineering Officer or their delegated representative.
- (g) The consent holder shall ensure that spoil from the site must not be tracked out onto Council's road formations and dust nuisance must be controlled on-site by use of a watercart or similar by the applicant so as not to cause 'offensive or objectionable' dust at or beyond the boundary of the development.
- (h) The consent holder shall arrange for a licensed cadastral surveyor to confirm in writing that no filling has occurred on any of the lots to the satisfaction of the Senior Environmental Engineering Officer. If, however, such filling has occurred then a Form B will be required to be provided by a suitably qualified person with details confirming the location of such fill on the affected titles. This Form B (and associated reports, plans and similar) will be registered against the affected titles via consent notice.
- (i) The consent holder must provide written confirmation from a Licensed Cadastral Surveyor that all services, accesses and overland flow paths and associated stormwater management infrastructure are located within the appropriate easement boundaries to the approval of the Senior Environmental Engineering Officer or delegated representative.
- (j) All damage to the street footpath, stormwater drainage, road carriageway formation, street berm and urban services by the construction works associated with the subdivision activities shall be reinstated in accordance with Section 3 of Council's Environmental Engineering Standards 2010 Edition at the expense of the consent holder to the approval of the Senior Environmental Engineering Officer or delegated representative.
- (k) A consent notice shall be prepared and registered on the title of each lot containing a fire fighting tank as shown on the plan required by condition 7(a)(vii) of this consent, requiring the owner and subsequent owners to maintain the tank and associated infrastructure in good working condition, and requiring the tank to be kept full at all times (if emptied, the tank shall be re-filled as soon as practically possible). A consent notice shall be registered on the title of each lot to be served by a tank (as identified on the plan required by condition 7(a)(vii)) on a different lot advising the lot owner of the location of the fire water supply.
- (l) The consent holder must submit a plan showing the location of all stormwater overland flow paths and associated stormwater management infrastructure in accordance with condition 7(f). A consent notice shall be prepared and registered on the title of each lot identified as having stormwater infrastructure/overland flow paths, outlining the on-going responsibility to lot owners as specified in the Operations and Management Manual required by condition 7(f) above.
- (m) The consent holder must submit a certified and dated 'as built' plan of completed works and services, and RAMM data prepared by a suitably qualified person in accordance with Council's Environmental Engineering Standards 2010 Edition to the approval of the Senior Environmental Engineering Officer.

- (n) The consent holder must supply and erect the approved public street/road/access name sign for Lot 200 & 201 road to vest in accordance with sheet 24 of Council's Environmental Engineering Standards 2010 Edition, inclusive of the approved street/road/access name. The sign shall be located in a position where it is most visible for users to the satisfaction of the Senior Environmental Engineering Officer.
- (o) The consent holder shall provide written evidence from a suitably qualified person or persons to confirm the following:
- (i) The signs lodged and approved by condition 5(l) of this consent have been erected in accordance with approved plans.
 - (ii) The interpretational signage required to be lodged and approved by condition 5(a) of this consent shall be erected in accordance with approved plans.
 - (iii) That all work on stone walls has been completed in accordance with Condition 4 of this consent. More specifically, confirmation is required that all work has been undertaken by an experienced dry stone wall mason in accordance with recognised best practice.
 - (iv) That all landscape works to areas to be vested has been completed in accordance with the plans required to be lodged and approved under condition 7(q) of this consent. Confirmation shall be provided by way of written evidence from a landscape architect and a site visit by the Manager WDC Parks and Recreation Department or their delegated representative.
 - (v) That the landscape planting and weed management requirements of the approved Pest and Rehabilitation Management Plan required by condition 7(h) have been implemented. The on-going planting and weed management requirements outlined in the Pest and Rehabilitation Management Plan shall form the basis of consent notice conditions (s221 conditions) relating to all relevant lots, whether in private or shared ownership.
- (p) Pursuant to Section 221 of the Resource Management Act 1991, a consent notice must be prepared and be registered on the Computer Freehold Register of Lots 14 to 26, 44, 50 and 100 at the consent holder's expense, containing the following conditions which are to be complied with on a continuing basis by the subdividing owner and subsequent owners:
- (i) Any development shall comply with the Restrictions and recommendations identified in the Hawthorne Geddes Engineers & Architects Ltd engineering report reference 9266 dated 10/12/2013 unless an alternative engineering report prepared by a suitably experienced Chartered Professional Engineer is approved in writing by Council.
 - (ii) Where the developed total impervious area of any residential allotment (including concrete driveways / patios, etc) will exceed 650m², provide suitable evidence/design to illustrate that stormwater attenuation will be provided for all impervious surfaces to ensure compliance with Chapter 4, and more specifically Section 4.11 of Council's Environmental Engineering Standards 2010, to the satisfaction of the Senior Environmental Engineering Officer.
 - (iii) Mustelids and rodents shall not be kept on the property and no more than two cats and/or two dogs (which must be spayed or neutered), and always identifiable with microchips or named collars, shall be kept on the property. Dogs shall be securely contained on-site at all times.

All owners are to be aware that Pukenui Forest is a pest managed area with pest controls that may kill any pets that stray there, and that the Karanui development itself may have on-going pest controls that can harm pets. Accordingly a legal obligation shall be registered against each title within Karanui confirming that if cats are trapped and harmed or killed as a consequence of those on-going pest controls the owner shall have no right of complaint nor be able to take any proceedings in respect of that event.

- (iv) No building may be erected within the 'no build areas' zone identified on the Approved Plans.
- (v) There shall be no more than one residential unit per site.
- (vi) The total building coverage on a site may not exceed 500m² or 5% of the net site area, whichever is the greater.
- (vii) Building facade materials and finishes shall have a reflectance value of no more than 40%. Smaller architectural elements, such as joinery or other minor features, are excluded from this requirement. Windows shall not be mirror type glazing.
- (viii) Roof surfaces shall have a reflectance value of no more than 30%.
- (ix) Building heights shall be limited to 6.0m maximum in line with District Plan height meaning of words.
- (x) The maintenance of the swale drain and vehicle crossing within the road reserve (directly adjacent to each lot) shall remain the responsibility of the property owner. These structures shall be maintained in a state consistent with the relevant construction engineering drawings required and approved by condition 5(b) of this consent. Any modification to these swales or to vehicle crossings shall not be undertaken without the approval of Council's Roading Manager. The constructions of any additional crossings require the approval of Council's Roading Manager.
- (xi) This subdivision has been consented and implemented on the basis that all internal infrastructure is to be retained and managed by lot owners on an on-going basis. Council shall only be responsible for maintenance of the carriageway within the legal road, recreational reserve and parking area. All other infrastructure including, but not limited to, vehicle crossings, swale drains, and any other stormwater infrastructure on legal road and private property, fencing, walkways, fire fighting infrastructure, and amenity/landscape planting is to be managed either through the Karanui Walkway Trust constituted under Condition 6(n), or by a similar entity (to be established to the satisfaction of the Manager Resource Consents), or by private owners.
- (xii) Any tanks within the western boundary of Lots 16 - 20 and 44 shall be buried to achieve a height of no more than 1.2 metres.
- (xiii) Any planting within 3 metres of the western boundary of Lots 16 - 20 and 44 is to achieve a height of no more than 2.5 metres.
- (xiv) While the Urban Transition Zone remains in place no application may be made for any subdivision that would create extra lots not otherwise authorised by this consent.
- (xv) Dry stone walls are not to be removed and shall be maintained to a good standard.
- (xvi) Fencing installed by the consent holder at subdivision stage in accordance with the conditions of this consent (including any front fence, any fence adjoining a walkway, any riparian fence and the dog-proof fence) shall be maintained by subsequent owners in accordance with (as relevant) Figures 11 – 13, 16 and 17 Three Mile Road Frontage Fencing, Non-Farmed Lot Fencing, Non-Farmed Lot Fencing, Riparian Fencing and Forest Fencing.
- (xvii) Any fence or barrier within 10m of the roadside boundary shall be less than 1.0m in height.
- (xviii) Fences or barriers within 10m of the roadside boundary of private lots shall be less than 1.0m in height. Fencing between that 10m line and the road frontage of the house or other building on the site shall be less than 1.5m in height. Any barrier that lies between the road and the building on the site (and which is in addition to the low roadside barrier

installed by the developer) should have a high level of porosity, with the solid component of the barrier not constituting more than 40% of the volume when viewed in elevation.

- (xix) Any fence or barrier between the road face of the house or other building on the site and the road shall have similar reflectance values and hues to building roofs on the site.
 - (xx) Any fence or barrier not covered by the above controls shall be no higher than 2 metres.
 - (xxi) Fences adjoining walkways and the dog control fence are to be maintained by the adjoining owner.
 - (xxii) Any planting between the road face of the house or other building on the site and the road shall achieve a height of no more than 1.5m, except for up to 4 specimen trees.
 - (xxiii) Any building within the Covenanted Building Areas shown in Figure 10: Covenanted Building Areas shall be set back at least 8.0m from road boundaries and 3.0m from other boundaries.
 - (xxiv) Any ancillary building that extends forward of the centreline of the house in relation to the adjacent road corridor shall be of the same structure, form, material and colours as the house itself.
 - (xxv) All tanks shall not be higher than 1.5m above the ground and shall be screened from view from outside the site (NB: tanks limited to 1.2m above ground on Lots 16 – 20 and 44).
 - (xxvi) New tree planting shall be in accordance with Figure 5 Karanui Management Plan Concept.
 - (xxvii) The existing mature indigenous trees shown as being retained on Figure 15: Open Space Planting and Ecological Plan, and new planting as shown on Figure 15 may not be removed.
 - (xxviii) At building consent stage each site owner shall provide detailed investigations and plans of a wastewater disposal system that will suit the location and scale of their proposed dwelling. Wastewater disposal system must meet the following standards:
 - (i) be Advanced Secondary Treatment Systems;
 - (ii) be Reticulating Packed Bed Reactor (rPBR) or approved superior treatment system as supplied by the consent holder; and
 - (iii) be compliant with AS/NZS 1547:2002 and On Site Effluent Treatment National Testing Programme (OSETNTP).
 - (xxix) Unless public reticulation is available for potable water at the time of subdivision, all private lots utilised for residential purposes shall have 25,000 litre (minimum) on-site water tanks for water reuse. Tanks water supply to residential dwelling shall be filtered to a minimum 5 micron level with an in line device.
- (q) Pursuant to Section 108(2)(b) and 108A of the Resource Management Act 1991 a bond shall be entered into to cover all aspects of the Pest Management Plan and Rehabilitation (Weed Control and Planting) Plan approved under condition 7(h) and implemented under this condition.
- The amount of each bond shall be based on the approved schedule of the costs supplied in the Pest Management Plan and Rehabilitation (Weed Control and Planting) Plan submitted under condition 7(h).
- The bond shall be prepared by the Council's solicitor at the expense of the applicant and shall be drawn up if required by the council in a form enabling it to be registered pursuant to Section 109 of the Resource Management Act 1991 against the title to the land to which this bond relates (unless land affected is public land vested in Council).

The bond may be either a cash bond or bond that is guaranteed by a recognised trading bank in New Zealand. The bond shall be reduced by 20% in any one year on certification by an appropriately qualified person that the recommendations and operations identified in Pest Management Plan and Rehabilitation (Weed Control and Planting) Plan approved under condition 5(i) has been effectively carried out.

Notwithstanding any transfer of title by the consent holder to a new owner of any one or more of the lots, the consent holder or subsequent nominees or representatives are to continue the implementation of the Pest Management Plan and Rehabilitation (Weed Control and Planting) Plan approved in condition 7(h) for the 3 year period.

Stage 2: Lots 10 to 13, 27 to 43, 51, 52, 202 and 203 (roads to vest), 306 and 307 (walkway lots) 301 (future access lot), 205 (shared access lot) and 802 (balance area).

9. Prior to approval under section 223 of the Act:

- (a) The consent holder must submit a detailed set of engineering plans prepared in accordance with Council's Environmental Engineering Standards 2010 Edition, except where otherwise allowed by this consent. The engineering plans are to be submitted to the Senior Environmental Engineering Officer for approval.

It is to be noted that certain designs may only be carried out by an Independently Qualified Person (IQP) or Chartered Professional Engineer (CPEng) working within the bounds of their assessed competencies. IQP's must have been assessed by Council and hold current registration to submit engineering design work.

All work needing design/certification by a Council approved IQP/CPEng will require the submission of a producer statement (design) on form EES-PS1 (or similar approved) to the satisfaction of the Senior Environmental Engineering Officer.

Plans are to include but are not limited to:

- (i) Design details of the Lot 202 road to vest (Road 2) from the stage 1(b) termination (eastern boundary of lots 14 and 24) road 1 to approximate chainage 520m in general accordance with Table 3.2 Class B pavement structure requirements & Engineering Infrastructure Report dated 30/7/14 by Cato Bolam Consultants including typical cross sections, earthworks cross sections, long section, culverts, drainage flow paths, surfacing, pavement marking, street lighting, intersection design, and a turning head with an easement in gross in favour of Whangarei District Council. Drainage design shall incorporate shallow grassed swale drains and shallow rock lined drains as appropriate for drainage gradients as specified in Section 3.4.15.4.
- (ii) Design details of permeable parking bays within the 202 road to vest (Road 2) including a typical cross section in accordance with the Evo Holdings Roding Layout Plan Sheets E202 & E206, dated 17/6/14 Revision R1 and the Evo Holdings Roding Details Plan Sheet E231, dated 17/6/14, Revision R1.
- (iii) Where stone walls are offset 2.0m or less from the sealed road edge, a kerb is required to extend 10m beyond the outside edge of the wall in both directions in general accordance with the Evo Holdings Rumble Strip Details Plan Sheet E232, dated 1/7/14, Revision R2.
- (iv) Design details of raised rumble strips on Road 2 at approximate chainage 305m in accordance with the Evo Holdings Rumble Strip Details Plan Sheet E232, dated 1/7/14, Revision R2 and Sheet E233, dated 17/6/14, Revision R1.
- (v) Design details, including the width and location, of the construction of vehicle crossings for all stage 1(b) residential lots in accordance with the Evo Holdings Roding Details Plan Sheet E231, dated 17/6/14, Revision R1.

- (vi) Design details of private fire fighting infrastructure in accordance with Council's Environmental Engineering Standards 2010 Edition and the New Zealand Fire Service Code of Practice (SNZ PAS 4509:2008) or as otherwise agreed to with the NZ Fire Service Commission. The plan is to show the location of all tanks, hose connection points and nominate lots serviced from each supply. All infrastructure is to be wholly contained within private lots.
 - (vii) Design details of the construction of right of way 1 (Lots 205 & 301) from CH 0m to CH 200m in general accordance with the Table 3.7 Category G requirements including a typical cross section, earthworks cross sections, long section, culverts, drainage flow paths and overland flow. Note that the drainage design can incorporate shallow grassed swale drains and shallow rock lined drains as appropriate for drainage gradients as specified in Section 3.4.15.4.
 - (viii) Design details of the construction of right of way 1 (Lot 205) from CH 200m to CH 313m in general accordance with the Table 3.7 Category F requirements including a typical cross section, earthworks cross sections, long section, culverts, drainage flow paths and overland flow.
 - (ix) Design details of a walkway through lots 203, 306, 307, including a typical cross section in accordance with the Evo Holdings Roding Layout Plan Sheets E2202, E203 & E232 dated 17/6/14, Revision R1 and the Evo Holdings Preliminary Plan of Subdivision, stage 2, Sheet S4, dated 17/2/14, Job No WH31531 and also in accordance with a "short walk" standard in line with the Department of Conservation Track construction and maintenance Guideline VC 1672 and SNZ HB8630:2004.
 - (x) An engineering report, including design details and a management/operations plan, prepared by a WDC approved IQP or CPEng, detailing stormwater flow paths and stormwater management structures within the subdivision (road to vest, rights of way, residential lots and balance lots) in accordance with Section 4 of Council's Environmental Engineering Standards 2010 Edition. This report is to address flows onto the site from neighbouring catchments and include confirmation that any required sediment control/containment does not rely on existing or proposed structures on land outside of the consented area. The report shall include on-going maintenance and operation requirements in the form of a management and operations manual for all privately owned infrastructure. The above report shall be supported by a peer review prepared by a WDC approved IQP or CPEng to the approval of Council's Wastes and Drainage Manager.
- (b) The consent holder must submit an Inspection & Test Plan (ITP) for approval, prepared in accordance with Council's Environmental Engineering Standards 2010 Edition, and the WDC QA/QC Manual. The ITP is to be submitted to the Senior Environmental Engineering Officer for approval and be approved prior to the pre-start meeting and prior to any works being completed on the site.
 - (c) The consent holder shall provide written confirmation from power and telecommunications utility service operators of their consent conditions in accordance with Council's Environmental Engineering Standards 2010 Edition and show necessary easements on the survey plan to the approval of the Senior Environmental Engineering Officer or their delegated representative in accordance with their requirements.
 - (d) The consent holder must create easements in gross in favour of WDC over the proposed temporary turning head(s) and public walkways to the satisfaction of the Senior Environmental Engineering Officer. The easements are to be sufficient to allow for the formal construction of the turning head and any associated underground services and footpaths should this become necessary. For clarity this consent provides for the cancellation of easements (turning heads) when the next stage is lodged for s223 approval.
 - (e) The consent holder must create easements over services and rights of way to the approval of the Senior Environmental Engineering Officer in general accordance with the approved concept plan.

- (f) The consent holder must create easements over all overland flow paths (and other stormwater infrastructure) as outlined in condition 9(x) above within private lots, to the approval of the Senior Environmental Engineering Officer.
- (g) The consent holder shall provide a detailed Landscape Planting Plan in accordance with the "Assessment of Landscape Effects and Rural Amenity Effects" by Littoralis Landscape Architecture Ltd dated March 2014, and approved by the Manager Resource Consents. The plan shall provide details of landscape materials and planting within the road verges and shall also include any proposed entry features within the road reserve where applicable. The plan shall show as a minimum the following:
 - (i) Trees to be retained.
 - (ii) Names of proposed species (no species listed in the Prohibited Plants Schedule of Northland Regional Council's Pest Management Strategy - Part 4 Plant Management Strategy, including parts 4.5 & 4.6, shall be used).
 - (iii) Size of proposed stock for planting.
 - (iv) Numbers, locations, spacing and staking of proposed plants and trees taking into account the need to retain suitable sight lines for traffic.
 - (v) Details of any structures including location, dimensions, materials and construction methods.
 - (vi) Details of any mulch or other stabilisation structures, including type, depth, and stabilisation methods; and shall include a Weed Management Plan and a Plant Replacement Programme for maintenance of the asset until vested.
 - (vii) The acceptance and maintenance of landscape planting (and mulched areas) associated with reserve areas rests solely with Council's Parks Department. The consent holder is advised to consult early with the Manager of WDC Parks to ensure that the planting standard and level of maintenance is to a standard acceptable for vesting.
 - (viii) Schedule of costs to inform the bond condition under condition 10(q) of this consent.
- (h) The consent holder shall prepare a Pest and Rehabilitation Management Plan, including all proposed rehabilitation planting, covering all private lots, including access lots, addressing matters outlined in the Ecological Management Report prepared by Cato Bolam Consultants Ltd dated 27 February 2014. The Pest and Rehabilitation Management Plan shall be lodged with the Manager Resource Consents for approval.
- (i) The following amalgamation condition shall be shown on the survey plan:

That lot 205 hereon be held as to undivided 1/5 shares by the owners of Lots 33 to 36 and Lot 52 as tenants in common in the said shares and that individual Certificates of Title be issued in accordance therewith. (Reference - Request 1234284).

10. Prior to issue of a section 224 (c) certificate:

- (a) A pre-start meeting is required to be undertaken with the consent holder's representative (DR), contractor(s) and all other IQP's or agents and the Senior Environmental Engineering Officer prior to any works being undertaken on the site to the satisfaction of the Senior Environmental Engineering Officer or delegated representative.
- (b) All work on the approved engineering plans in Condition 9(a) is to be carried out to the approval of the Senior Environmental Engineering Officer.

Compliance with this condition shall be determined by site inspections undertaken as agreed in the Inspection & Test Plan in Condition 9(b) and by provision and approval of supporting documentation provided by the developers representative/s in support of the constructed works

– EES PS4 and producer statements including supporting evidence of inspections by those persons, works acceptance certificate, statement of compliance of as built works and as built plans, RAMM data, management plans, operation and maintenance plans and all other test certificates and statements and supporting information required to confirm compliance of the works as required by Council's QA/QC Manual and the Council's Environmental Engineering Standards 2010.

No construction works are to commence on-site until the engineering plans required in condition 9(a) have been approved and all associated plan inspection fees have been paid.

- (c) The consent holder must provide written confirmation from a Licensed Cadastral Surveyor that any existing effluent disposal field is contained within allotment boundaries so as to comply with Section 15.1 (Permitted Activities for Sewage discharges) of the Northland Regional Council Regional Water and Soil Plan for Northland, noting the required separation distances to boundaries, water bores, groundwater table and surface water to the approval of the Senior Environmental Engineering Officer.
- (d) The consent holder is to submit a Corridor Access Request application and receive written approval for all works to be carried out within Council's road reserve in accordance with Council's Environmental Engineering Standards 2010 Edition to the approval of the Senior Environmental Engineering Officer.
- (e) The consent holder shall notify Council, in writing, of its intention to begin works a minimum of seven days prior to commencing works. Such notification shall be sent to the Senior Environmental Engineering Officer and include the following details:
 - (i) Name and telephone number of the project manager/IQP.
 - (ii) Site address to which the consent relates.
 - (iii) Activities to which the consent relates.
 - (iv) Expected duration of works.

A copy of the approved engineering plans, the resource consent conditions, ITP and corridor access request, and the above letter are to be held on-site at all times during construction. All personnel working on the site shall be made aware of, and have access to, the resource consent and accompanying documentation.

- (f) The consent holder shall submit written confirmation from power and telecommunications utility services operators that their conditions for this development have been satisfied in accordance with Council's Environmental Engineering Standards 2010 Edition to the approval of the Senior Environmental Engineering Officer or their delegated representative.
- (g) The consent holder shall ensure that spoil from the site must not be tracked out onto Council's road formations and dust nuisance must be controlled onsite by use of a watercart or similar by the applicant so as not to cause 'offensive or objectionable' dust at or beyond the boundary of the development.
- (h) The consent holder shall arrange for a licensed cadastral surveyor to confirm in writing that no filling has occurred on any of the lots to the satisfaction of the Senior Environmental Engineering Officer. If, however, such filling has occurred then a Form B will be required to be provided by a suitably qualified person with details confirming the location of such fill on the affected titles. This Form B (and associated reports, plans and similar) will be registered against the affected titles via consent notice.
- (i) The consent holder must provide written confirmation from a Licensed Cadastral Surveyor that all services, accesses and overland flow paths and associated stormwater management infrastructure are located within the appropriate easement boundaries to the approval of the Senior Environmental Engineering Officer or delegated representative.

- (j) All damage to the street footpath, stormwater drainage, road carriageway formation, street berm and urban services by the construction works associated with the subdivision activities shall be reinstated in accordance with Section 3 of Council's Environmental Engineering Standards 2010 Edition at the expense of the consent holder to the approval of the Senior Environmental Engineering Officer or delegated representative.
- (k) A consent notice shall be prepared and registered on the title of each lot containing a fire fighting tank as shown on the plan required by condition 7(a)(viii) of this consent, requiring the owner and subsequent owners to maintain the tank and associated infrastructure in good working condition, and requiring the tank to be kept full at all times (if emptied, the tank shall be re-filled as soon as practically possible). A consent notice shall be registered on the title of each lot to be served by a tank (as identified on the plan required by condition 9(a)(vi) on a different lot advising the lot owner of the location of the fire water supply.
- (l) The consent holder must submit a plan showing the location of all stormwater overland flow paths and associated stormwater management infrastructure in accordance with condition 9(f). A consent notice shall be prepared and registered on the title of each lot identified as having stormwater infrastructure/overland flow paths, outlining the on-going responsibility to lot owners as specified in the Operations and Management Manual required by condition 9(r) above.
- (m) The consent holder must submit a certified and dated 'as built' plan of completed works and services, and RAMM data prepared by a suitably qualified person in accordance with Council's Environmental Engineering Standards 2010 Edition to the approval of the Senior Environmental Engineering Officer.
- (n) The consent holder must supply and erect the approved public street/road/access name sign for Lot 200 & 201 road to vest in accordance with sheet 24 of Council's Environmental Engineering Standards 2010 Edition, inclusive of the approved street/road/access name. The sign shall be located in a position where it is most visible for users to the satisfaction of the Senior Environmental Engineering Officer.
- (o) The consent holder shall provide written evidence from a suitably qualified person or persons to confirm the following:
 - (i) The signs lodged and approved by condition 5(l) of this consent have been erected in accordance with approved plans.
 - (ii) The interpretational signage required to be lodged and approved by condition 5(a) of this consent shall be erected in accordance with approved plans.
 - (iii) That all work on stone walls has been completed in accordance with Condition 4 of this consent. More specifically, confirmation is required that all work has been undertaken by an experienced dry stone wall mason in accordance with recognised best practice.
 - (iv) That all landscape works to areas to be vested has been completed in accordance with the plans required to be lodged and approved under condition 9(g) of this consent. Confirmation shall be provided by way of written evidence from a landscape architect and a site visit by the Manager WDC Parks and Recreation Department or their delegated representative.
 - (v) That the landscape planting and weed management requirements of the approved Pest and Rehabilitation Management Plan required by condition 9(h) have been implemented. The on-going planting and weed management requirements outlined in the Pest and Rehabilitation Management Plan shall form the basis of consent notice conditions (s221 conditions) relating to all relevant lots, whether in private or shared ownership.
- (p) Pursuant to Section 221 of the Resource Management Act 1991, a consent notice must be prepared and be registered on the Computer Freehold Register of Lots 10 to 13, 27 to 43, and 51 to 52 at the consent holder's expense, containing the following conditions which are to be complied with on a continuing basis by the subdividing owner and subsequent owners:

- (i) Any development shall comply with the Restrictions and recommendations identified in the Hawthorne Geddes Engineers & Architects Ltd engineering report reference 9266 dated 10/12/2013 unless an alternative engineering report prepared by a suitably experienced Chartered Professional Engineer is approved in writing by Council.
- (ii) Where the developed total impervious area of any residential allotment (including concrete driveways / patios, etc) will exceed 650m², provide suitable evidence/design to illustrate that stormwater attenuation will be provided for all impervious surfaces to ensure compliance with Chapter 4, and more specifically Section 4.11 of Council's Environmental Engineering Standards 2010, to the satisfaction of the Senior Environmental Engineering Officer.
- (iii) Mustelids and rodents shall not be kept on the property and no more than two cats and/or two dogs (which must be spayed or neutered), and always identifiable with microchips or named collars, shall be kept on the property. Dogs shall be securely contained on-site at all times.

All owners are to be aware that Pukenui Forest is a pest managed area with pest controls that may kill any pets that stray there, and that the Karanui development itself may have on-going pest controls that can harm pets. Accordingly a legal obligation shall be registered against each title within Karanui confirming that if cats are trapped and harmed or killed as a consequence of those on-going pest controls the owner shall have no right of complaint nor be able to take any proceedings in respect of that event..

- (iv) No building may be erected within the 'no build areas' zone identified on the Approved Plans.
- (v) There shall be no more than one residential unit per site.
- (vi) The total building coverage on a site may not exceed 500m² or 5% of the net site area, whichever is the greater.
- (vii) Building facade materials and finishes shall have a reflectance value of no more than 40%. Smaller architectural elements, such as joinery or other minor features, are excluded from this requirement. Windows shall not be mirror type glazing.
- (viii) Roof surfaces shall have a reflectance value of no more than 30%.
- (ix) Building heights shall be limited to 6.0m maximum in line with District Plan height meaning of words.
- (x) The maintenance of the swale drain and vehicle crossing within the road reserve (directly adjacent to each lot) shall remain the responsibility of the property owner. These structures shall be maintained in a state consistent with the relevant construction engineering drawings required and approved by condition 9(h) of this consent. Any modification to these swales or to vehicle crossings shall not be undertaken without the approval of Council's Roading Manager. The constructions of any additional crossings require the approval of Council's Roading Manager.
- (xi) This subdivision has been consented and implemented on the basis that all internal infrastructure is to be retained and managed by lot owners on an on-going basis. Council shall only be responsible for maintenance of the carriageway within the legal road, recreational reserve and parking area. All other infrastructure including, but not limited to, vehicle crossings, swale drains, and any other stormwater infrastructure on legal road and private property, fencing, walkways, fire fighting infrastructure, and amenity/landscape planting is to be managed either through the Karanui Walkway Trust constituted under Condition 6(n), or by a similar entity (to be established to the satisfaction of the Manager Resource Consents), or by private owners.
- (xii) While the Urban Transition Zone remains in place no application may be made for any

subdivision that would create extra lots not otherwise authorised by this consent

- (xiii) Dry stone walls are not to be removed and shall be maintained to a good standard
- (xiv) Fencing installed by the consent holder at subdivision stage in accordance with the conditions of this consent (including any front fence, any fence adjoining a walkway, any riparian fence and the dog-proof fence) shall be maintained by subsequent owners in accordance with (as relevant) Figures 11 – 13, 16 and 17 Three Mile Road Frontage Fencing, Non-Farmed Lot Fencing, Non-Farmed Lot Fencing, Riparian Fencing and Forest Fencing.
- (xv) Any fence or barrier within 10m of the roadside boundary shall be less than 1.0m in height.
- (xvi) Fences or barriers within 10m of the roadside boundary of private lots shall be less than 1.0m in height. Fencing between that 10m line and the road frontage of the house or other building on the site shall be less than 1.5m in height. Any barrier that lies between the road and the building on the site (and which is in addition to the low roadside barrier installed by the developer) should have a high level of porosity, with the solid component of the barrier not constituting more than 40% of the volume when viewed in elevation.
- (xvii) Any fence or barrier between the road face of the house or other building on the site and the road shall have similar reflectance values and hues to building roofs on the site.
- (xviii) Any fence or barrier not covered by the above controls shall be no higher than 2 metres.
- (xix) Fences adjoining walkways and the dog control fence are to be maintained by the adjoining owner.
- (xx) Any planting between the road face of the house or other building on the site and the road shall achieve a height of no more than 1.5m, except for up to 4 specimen trees.
- (xxi) Any building within the Covenanted Building Areas shown in Figure 10: Covenanted Building Areas shall be set back at least 8.0m from road boundaries and 3.0m from other boundaries.
- (xxii) Any ancillary building that extends forward of the centreline of the house in relation to the adjacent road corridor shall be of the same structure, form, material and colours as the house itself.
- (xxiii) All tanks shall not be higher than 1.5m above the ground and shall be screened from view from outside the site.
- (xxiv) New tree planting shall be in accordance with Figure 5 Karanui Management Plan Concept.
- (xxv) The existing mature indigenous trees shown as being retained on Figure 15: Open Space Planting and Ecological Plan, and new planting as shown on Figure 15 may not be removed.
- (xxvi) At building consent stage each site owner shall provide detailed investigations and plans of a wastewater disposal system that will suit the location and scale of their proposed dwelling. Wastewater disposal system must meet the following standards:
 - (i) be Advanced Secondary Treatment Systems;
 - (ii) be Reticulating Packed Bed Reactor (rPBR) or approved superior treatment system as supplied by the consent holder; and
 - (iii) be compliant with AS/NZS 1547:2002 and On Site Effluent Treatment National Testing Programme (OSETNTP).

(xxvii) Unless public reticulation is available for potable water at the time of subdivision, all private lots utilised for residential purposes shall have 25,000 litre (minimum) on-site water tanks for water reuse. Tanks water supply to residential dwelling shall be filtered to a minimum 5 micron level with an in line device.

- (q) Pursuant to Section 108(2)(b) and 108A of the Resource Management Act 1991 a bond shall be entered into to cover all aspects of the Pest Management Plan and Rehabilitation (Weed Control and Planting) Plan approved under condition 9(h) and implemented under this condition.

The amount of each bond shall be based on the approved schedule of the costs supplied in the Pest Management Plan and Rehabilitation (Weed Control and Planting) Plan submitted under condition 9(h).

The bond shall be prepared by the Council's solicitor at the expense of the applicant and shall be drawn up if required by the council in a form enabling it to be registered pursuant to Section 109 of the Resource Management Act 1991 against the title to the land to which this bond relates (unless land affected is public land vested in Council).

The bond may be either a cash bond or bond that is guaranteed by a recognised trading bank in New Zealand. The bond shall be reduced by 20% in any one year on certification by an appropriately qualified person that the recommendations and operations identified in Pest Management Plan and Rehabilitation (Weed Control and Planting) Plan approved under condition 5(i) has been effectively carried out.

Notwithstanding any transfer of title by the consent holder to a new owner of any one or more of the lots, the consent holder or subsequent nominees or representatives are to continue the implementation of the Pest Management Plan and Rehabilitation (Weed Control and Planting) Plan approved in condition 9(h) for the 3 year period.

Stage 3: Lots 45 to 49, 53 to 74, and 101, 204 and 207 (roads to vest), 304, 305 and 308 (walkway lots), 302 (future access lot), and 209 (shared access lot).

11. Prior to approval under section 223 of the Act:

- (a) The consent holder must submit a detailed set of engineering plans prepared in accordance with Council's Environmental Engineering Standards 2010 Edition, except where otherwise allowed by this consent. The engineering plans are to be submitted to the Senior Environmental Engineering Officer for approval.

It is to be noted that certain designs may only be carried out by an Independently Qualified Person (IQP) or Chartered Professional Engineer (CPEng) working within the bounds of their assessed competencies. IQP's must have been assessed by Council and hold current registration to submit engineering design work.

All work needing design/certification by a Council approved IQP/CPEng will require the submission of a producer statement (design) on form EES-PS1 (or similar approved) to the satisfaction of the Senior Environmental Engineering Officer.

Plans are to include but are not limited to:

- (i) Design details of Lots 204 & 207 road to vest (Road 1) from the stage 1(b) termination (southern boundary of lot 44) to approximate chainage 1479m in general accordance with Table 3.2 Class B pavement structure requirements and Engineering Infrastructure Report dated 30/7/14 by Cato Bolam Consultants including typical cross sections, earthworks cross sections, long section, culverts, drainage flow paths, surfacing, pavement marking, street lighting, intersection design, and a turning head with an easement in gross in favour of Whangarei District Council. Drainage design shall incorporate shallow grassed swale drains and shallow rock lined drains as appropriate for

drainage gradients as specified in Section 3.4.15.4.

- (ii) Design details of permeable parking bays within lots 204 & 207 road to vest (Road 1) including a typical cross section in accordance with the Evo Holdings Rooding Layout Plan Sheets E202 & E206, dated 17/6/14 Revision R1 and the Evo Holdings Rooding Details Plan Sheet E231, dated 17/6/14, Revision R1.
 - (iii) Where stone walls are offset 2.0m or less from the sealed road edge, a kerb is required to extend 10m beyond the outside edge of the wall in both directions in general accordance with the Evo Holdings Rumble Strip Details Plan Sheet E232, dated 1/7/14, Revision R2.
 - (iv) Design details of raised rumble strips on Road 1 at approximate chainage 680m in accordance with the Evo Holdings Rumble Strip Details Plan Sheet E232, dated 1/7/14, Revision R2 and Sheet E233, dated 17/6/14, Revision R1.
 - (v) Design details, including the width and location, of the construction of vehicle crossings for all stage 1(b) residential lots in accordance with the Evo Holdings Rooding Details Plan Sheet E231, dated 17/6/14, Revision R1.
 - (vi) Design details of a marked metalled public parking area in lot 208 for at least 9 vehicles in accordance with AS/NZS 2890. 1 2004 including drainage details in general accordance with the Evo Holdings Rooding Layout Plan Sheets E211, dated 18/03/14.
 - (vii) Design details of the construction of right of way 2 (Lot 209) from CH 0m to CH 100m in general accordance with the Table 3.7 Category F requirements including a typical cross section, earthworks cross sections, long section, culverts, drainage flow paths and overland flow. Note that the drainage design can incorporate shallow grassed swale drains and shallow rock lined drains as appropriate for drainage gradients as specified in Section 3.4.15.4.
 - (viii) Design details of private fire fighting infrastructure in accordance with Council's Environmental Engineering Standards 2010 Edition and the New Zealand Fire Service Code of Practice (SNZ PAS 4509:2008) or as otherwise agreed to with the NZ Fire Service Commission. The plan is to show the location of all tanks, hose connection points and nominate lots serviced from each supply. All infrastructure is to be wholly contained within private lots.
 - (ix) Design details of a public walkway from the public carpark on lot 208 to the existing public walkway approximately 140m to the south including a typical cross section in accordance with the Evo Holdings Rooding Layout Plan Sheets E205 dated 18/3/14, and the Evo Holdings Preliminary Plan of Subdivision, stage 3, Sheet S5, dated 17/2/14, Job No WH31531 and also in accordance with a "short walk" standard in line with the Department of Conservation Track construction and maintenance Guideline VC 1672 and SNZ HB8630:2004.
 - (x) An engineering report, including design details and a management/operations plan, prepared by a WDC approved IQP or CPEng, detailing stormwater flow paths and stormwater management structures within the subdivision (road to vest, rights of way, residential lots and balance lots) in accordance with Section 4 of Council's Environmental Engineering Standards 2010 Edition. This report is to address flows onto the site from neighbouring catchments and include confirmation that any required sediment control/containment does not rely on existing or proposed structures on land outside of the consented area. The report shall include on-going maintenance and operation requirements in the form of a management and operations manual for all privately owned infrastructure. The above report shall be supported by a peer review prepared by a WDC approved IQP or CPEng to the approval of Council's Wastes and Drainage Manager.
- (b) The consent holder must submit an Inspection & Test Plan (ITP) for approval, prepared in accordance with Council's Environmental Engineering Standards 2010 Edition, and the WDC QA/QC Manual. The ITP is to be submitted to the Senior Environmental Engineering Officer for approval and be approved prior to the pre start meeting and prior to any works being completed

on the site.

- (c) The consent holder shall provide written confirmation from power and telecommunications utility service operators of their consent conditions in accordance with Council's Environmental Engineering Standards 2010 Edition and show necessary easements on the survey plan to the approval of the Senior Environmental Engineering Officer or their delegated representative in accordance with their requirements.
- (d) The consent holder must create easements in gross in favour of WDC over the proposed temporary turning head(s) and public walkways to the satisfaction of the Senior Environmental Engineering Officer. The easements are to be sufficient to allow for the formal construction of the turning head and any associated underground services and footpaths should this become necessary. For clarity this consent provides for the cancellation of easements (turning heads) when the next stage is lodged for s223 approval.
- (e) The consent holder must create easements over services and rights of way to the approval of the Senior Environmental Engineering Officer in general accordance with the approved concept plan.
- (f) The consent holder must create easements over all overland flow paths (and other stormwater infrastructure) as outlined in condition 7(a)(x) above within private lots, to the approval of the Senior Environmental Engineering Officer.
- (g) The consent holder shall provide a detailed Landscape Planting Plan in accordance with the "Assessment of Landscape Effects and Rural Amenity Effects" by Littoralis Landscape Architecture Ltd dated March 2014, and approved by the Manager Resource Consents. The plan shall provide details of landscape materials and planting within the road verges and shall also include any proposed entry features within the road reserve where applicable. The plan shall show as a minimum the following:
 - (i) Trees to be retained.
 - (ii) Names of proposed species (no species listed in the Prohibited Plants Schedule of Northland Regional Council's Pest Management Strategy - Part 4 Plant Management Strategy, including parts 4.5 & 4.6, shall be used).
 - (iii) Size of proposed stock for planting.
 - (iv) Numbers, locations, spacing and staking of proposed plants and trees taking into account the need to retain suitable sight lines for traffic.
 - (v) Details of any structures including location, dimensions, materials and construction methods.
 - (vi) Details of any mulch or other stabilisation structures, including type, depth, and stabilisation methods; and shall include a Weed Management Plan and a Plant Replacement Programme for maintenance of the asset until vested.
 - (vii) The acceptance and maintenance of landscape planting (and mulched areas) associated with reserve areas rests solely with Council's Parks Department. The consent holder is advised to consult early with the Manager of WDC Parks to ensure that the planting standard and level of maintenance is to a standard acceptable for vesting.
 - (viii) Schedule of costs to inform the bond condition under condition 12(q) of this consent.
- (h) The consent holder shall prepare a Pest and Rehabilitation Management Plan, including all proposed rehabilitation planting; covering all private lots, including access lots, addressing matters outlined in the Ecological Management Report prepared by Cato Bolam Consultants Ltd dated 27 February 2014. The Pest and Rehabilitation Management Plan shall be lodged with the Manager Resource Consents for approval.

- (i) The following amalgamation condition shall be shown on the survey plan:

That lot 209 hereon be held as to undivided 1/5 shares by the owners of Lots 65 to 66 and Lot 305 as tenants in common in the said shares and that individual Certificates of Title be issued in accordance therewith. (Reference - Request 1234284).

12. Prior to issue of a section 224 (c) certificate:

- (a) A pre-start meeting is required to be undertaken with the consent holder's representative (DR), contractor(s) and all other IQP's or agents and the Senior Environmental Engineering Officer prior to any works being undertaken on the site to the satisfaction of the Senior Environmental Engineering Officer or delegated representative.

- (b) All work on the approved engineering plans in Condition 11(a) is to be carried out to the approval of the Senior Environmental Engineering Officer.

Compliance with this condition shall be determined by site inspections undertaken as agreed in the Inspection & Test Plan in Condition 11(b) and by provision and approval of supporting documentation provided by the developers representative/s in support of the constructed works – EES PS4 and producer statements including supporting evidence of inspections by those persons, works acceptance certificate, statement of compliance of as built works and as built plans, RAMM data, management plans, operation and maintenance plans and all other test certificates and statements and supporting information required to confirm compliance of the works as required by Council's QA/QC Manual and the Council's Environmental Engineering Standards 2010.

No construction works are to commence onsite until the engineering plans required in condition 11(a) have been approved and all associated plan inspection fees have been paid.

- (c) The consent holder must provide written confirmation from a Licensed Cadastral Surveyor that any existing effluent disposal field is contained within allotment boundaries so as to comply with Section 15.1 (Permitted Activities for Sewage discharges) of the Northland Regional Council Regional Water and Soil Plan for Northland, noting the required separation distances to boundaries, water bores, groundwater table and surface water to the approval of the Senior Environmental Engineering Officer.

- (d) The consent holder is to submit a Corridor Access Request application and receive written approval for all works to be carried out within Council's road reserve in accordance with Council's Environmental Engineering Standards 2010 Edition to the approval of the Senior Environmental Engineering Officer.

- (e) The consent holder shall notify Council, in writing, of its intention to begin works a minimum of seven days prior to commencing works. Such notification shall be sent to the Senior Environmental Engineering Officer and include the following details:

(i) Name and telephone number of the project manager/IQP.

(ii) Site address to which the consent relates.

(iii) Activities to which the consent relates.

(iv) Expected duration of works.

A copy of the approved engineering plans, the resource consent conditions, ITP and corridor access request, and the above letter are to be held on-site at all times during construction. All personnel working on the site shall be made aware of, and have access to, the resource consent and accompanying documentation.

- (f) The consent holder shall submit written confirmation from power and telecommunications utility services operators that their conditions for this development have been satisfied in accordance with Council's Environmental Engineering Standards 2010 Edition to the approval of the Senior Environmental Engineering Officer or their delegated representative.

- (g) The consent holder shall ensure that spoil from the site must not be tracked out onto Council's road formations and dust nuisance must be controlled onsite by use of a watercart or similar by the applicant so as not to cause 'offensive or objectionable' dust at or beyond the boundary of the development.
- (h) The consent holder shall arrange for a licensed cadastral surveyor to confirm in writing that no filling has occurred on any of the lots to the satisfaction of the Senior Environmental Engineering Officer. If, however, such filling has occurred then a Form B will be required to be provided by a suitably qualified person with details confirming the location of such fill on the affected titles. This Form B (and associated reports, plans and similar) will be registered against the affected titles via consent notice.
- (i) The consent holder must provide written confirmation from a Licensed Cadastral Surveyor that all services, accesses and overland flow paths and associated stormwater management infrastructure are located within the appropriate easement boundaries to the approval of the Senior Environmental Engineering Officer or delegated representative.
- (j) All damage to the street footpath, stormwater drainage, road carriageway formation, street berm and urban services by the construction works associated with the subdivision activities shall be reinstated in accordance with Section 3 of Council's Environmental Engineering Standards 2010 Edition at the expense of the consent holder to the approval of the Senior Environmental Engineering Officer or delegated representative.
- (k) A consent notice shall be prepared and registered on the title of each lot containing a fire fighting tank as shown on the plan required by condition 7(a)(viii) of this consent, requiring the owner and subsequent owners to maintain the tank and associated infrastructure in good working condition, and requiring the tank to be kept full at all times (if emptied, the tank shall be re-filled as soon as practically possible). A consent notice shall be registered on the title of each lot to be served by a tank (as identified on the plan required by condition 11(a)(vii) on a different lot advising the lot owner of the location of the fire water supply.
- (l) The consent holder must submit a plan showing the location of all stormwater overland flow paths and associated stormwater management infrastructure in accordance with condition 11(f). A consent notice shall be prepared and registered on the title of each lot identified as having stormwater infrastructure/overland flow paths, outlining the on-going responsibility to lot owners as specified in the Operations and Management Manual required by condition 11(a)(xii) above.
- (m) The consent holder must submit a certified and dated 'as built' plan of completed works and services, and RAMM data prepared by a suitably qualified person in accordance with Council's Environmental Engineering Standards 2010 Edition to the approval of the Senior Environmental Engineering Officer.
- (n) The consent holder must supply and erect the approved public street/road/access name sign for Lot 200 & 201 road to vest in accordance with sheet 24 of Council's Environmental Engineering Standards 2010 Edition, inclusive of the approved street/road/access name. The sign shall be located in a position where it is most visible for users to the satisfaction of the Senior Environmental Engineering Officer.
- (o) The consent holder shall provide written evidence from a suitably qualified person or persons to confirm the following:
 - (i) The signs lodged and approved by condition 5(l) of this consent have been erected in accordance with approved plans.
 - (ii) The interpretational signage required to be lodged and approved by condition 5(a) of this consent shall be erected in accordance with approved plans.
 - (iii) That all work on stone walls has been completed in accordance with Condition 4 of this consent. More specifically, confirmation is required that all work has been undertaken by an experienced dry stone wall mason in accordance with recognised best practice.

- (iv) That all landscape works to areas to be vested has been completed in accordance with the plans required to be lodged and approved under condition 11(g) of this consent. Confirmation shall be provided by way of written evidence from a landscape architect and a site visit by the Manager WDC Parks and Recreation Department or their delegated representative.
- (v) That the landscape planting and weed management requirements of the approved Pest and Rehabilitation Management Plan required by condition 11(h) have been implemented. The on-going planting and weed management requirements outlined in the Pest and Rehabilitation Management Plan shall form the basis of consent notice conditions (s221 conditions) relating to all relevant lots, whether in private or shared ownership.
- (p) Pursuant to Section 221 of the Resource Management Act 1991, a consent notice must be prepared and be registered on the Computer Freehold Register of Lots 45 to 49, 53 to 74 and 101 at the consent holder's expense, containing the following conditions which are to be complied with on a continuing basis by the subdividing owner and subsequent owners:
 - (i) Any development shall comply with the Restrictions and recommendations identified in the Hawthorne Geddes Engineers & Architects Ltd engineering report reference 9266 dated 10/12/2013 unless an alternative engineering report prepared by a suitably experienced Chartered Professional Engineer is approved in writing by Council.
 - (ii) Where the developed total impervious area of any residential allotment (including concrete driveways / patios, etc) will exceed 650m², provide suitable evidence/design to illustrate that stormwater attenuation will be provided for all impervious surfaces to ensure compliance with Chapter 4, and more specifically Section 4.11 of Council's Environmental Engineering Standards 2010, to the satisfaction of the Senior Environmental Engineering Officer.
 - (iii) Mustelids and rodents shall not be kept on the property and no more than two cats (for Lots 45 – 49), and/or two dogs (which must be spayed or neutered), and always identifiable with microchips or named collars, shall be kept on the property. Dogs shall be securely contained on-site at all times. No cats shall be kept on Lots 53 – 74 inclusive.

All owners are to be aware that Pukenui Forest is a pest managed area with pest controls that may kill any pets that stray there, and that the Karanui development itself may have on-going pest controls that can harm pets. Accordingly a legal obligation shall be registered against each title within Karanui confirming that if cats are trapped and harmed or killed as a consequence of those on-going pest controls the owner shall have no right of complaint nor be able to take any proceedings in respect of that event.

 - (iv) No building may be erected within the 'no build areas' zone identified on the Approved Plans.
 - (v) There shall be no more than one residential unit per site.
 - (vi) The total building coverage on a site may not exceed 500m² or 5% of the net site area, whichever is the greater.
 - (vii) Building facade materials and finishes shall have a reflectance value of no more than 40%. Smaller architectural elements, such as joinery or other minor features, are excluded from this requirement. Windows shall not be mirror type glazing.
 - (viii) Roof surfaces shall have a reflectance value of no more than 30%.
 - (ix) Building heights shall be limited to 6.0m maximum in line with District Plan height meaning of words.
 - (x) The maintenance of the swale drain and vehicle crossing within the road reserve (directly

adjacent to each lot) shall remain the responsibility of the property owner. These structures shall be maintained in a state consistent with the relevant construction engineering drawings required and approved by condition 11(a) of this consent. Any modification to these swales or to vehicle crossings shall not be undertaken without the approval of Council's Roading Manager. The constructions of any additional crossings require the approval of Council's Roading Manager.

- (xi) This subdivision has been consented and implemented on the basis that all internal infrastructure is to be retained and managed by lot owners on an on-going basis. Council shall only be responsible for maintenance of the carriageway within the legal road, recreational reserve and parking area. All other infrastructure including, but not limited to, vehicle crossings, swale drains, and any other stormwater infrastructure on legal road and private property, fencing, walkways, fire fighting infrastructure, and amenity/landscape planting is to be managed either through the Karanui Walkway Trust constituted under Condition 6(n), or by a similar entity (to be established to the satisfaction of the Manager Resource Consents), or by private owners.
- (xii) Any tanks within the western boundary of Lots 45 to 49 shall be buried to achieve a height of no more than 1.2 metres
- (xiii) Any planting within 3 metres of the western boundary of Lots 45 to 49 is to achieve a height of no more than 2.5 metres.
- (xiv) While the Urban Transition Zone remains in place no application may be made for any subdivision that would create extra lots not otherwise authorised by this consent
- (xv) Dry stone walls are not to be removed and shall be maintained to a good standard
- (xvi) Fencing installed by the consent holder at subdivision stage in accordance with the conditions of this consent (including any front fence, any fence adjoining a walkway, any riparian fence and the dog-proof fence) shall be maintained by subsequent owners in accordance with (as relevant) Figures 11 – 13, 16 and 17 Three Mile Road Frontage Fencing, Non-Farmed Lot Fencing, Non-Farmed Lot Fencing, Riparian Fencing and Forest Fencing.
- (xvii) Any fence or barrier within 10m of the roadside boundary shall be less than 1.0m in height.
- (xviii) Fences or barriers within 10m of the roadside boundary of private lots shall be less than 1.0m in height. Fencing between that 10m line and the road frontage of the house or other building on the site shall be less than 1.5m in height. Any barrier that lies between the road and the building on the site (and which is in addition to the low roadside barrier installed by the developer) should have a high level of porosity, with the solid component of the barrier not constituting more than 40% of the volume when viewed in elevation.
- (xix) Any fence or barrier between the road face of the house or other building on the site and the road shall have similar reflectance values and hues to building roofs on the site.
- (xx) Any fence or barrier not covered by the above controls shall be no higher than 2 metres.
- (xxi) Fences adjoining walkways and the dog control fence are to be maintained by the adjoining owner.
- (xxii) Any planting between the road face of the house or other building on the site and the road shall achieve a height of no more than 1.5m, except for up to 4 specimen trees.
- (xxiii) Any building within the Covenanted Building Areas shown in Figure 10: Covenanted Building Areas shall be set back at least 8.0m from road boundaries and 3.0m from other boundaries.

- (xxiv) Any ancillary building that extends forward of the centreline of the house in relation to the adjacent road corridor shall be of the same structure, form, material and colours as the house itself.
- (xxv) All tanks shall not be higher than 1.5m above the ground and shall be screened from view from outside the site (NB tanks limited to 1.2m above ground on Lots 45 – 49).
- (xxvi) New tree planting shall be in accordance with Figure 5 Karanui Management Plan Concept.
- (xxvii) The existing mature indigenous trees shown as being retained on Figure 15: Open Space Planting and Ecological Plan, and new planting as shown on Figure 15 may not be removed.
- (xxviii) On Lots 52, 53/ 101, 54 and 57 no riparian planting may be removed and any riparian area potentially accessible by stock is to have fencing maintained in accordance with Figure 15 Open Space Planting and Ecological Plan.
- (xxix) At building consent stage each site owner shall provide detailed investigations and plans of a wastewater disposal system that will suit the location and scale of their proposed dwelling. Wastewater disposal system must meet the following standards:
 - (i) be Advanced Secondary Treatment Systems;
 - (ii) be Reticulating Packed Bed Reactor (rPBR) or approved superior treatment system as supplied by the consent holder; and
 - (iii) be compliant with AS/NZS 1547:2002 and On Site Effluent Treatment National Testing Programme (OSETNTP).
- (xxx) Unless public reticulation is available for potable water at the time of subdivision, all private lots utilised for residential purposes shall have 25,000 litre (minimum) on-site water tanks for water reuse. Tanks water supply to residential dwelling shall be filtered to a minimum 5 micron level with an in line device.
- (q) Pursuant to Section 108(2)(b) and 108A of the Resource Management Act 1991 a bond shall be entered into to cover all aspects of the Pest Management Plan and Rehabilitation (Weed Control and Planting) Plan approved under condition 11(h) and implemented under this condition.

The amount of each bond shall be based on the approved schedule of the costs supplied in the Pest Management Plan and Rehabilitation (Weed Control and Planting) Plan submitted under condition 11(h).

The bond shall be prepared by the Council's solicitor at the expense of the applicant and shall be drawn up if required by the council in a form enabling it to be registered pursuant to Section 109 of the Resource Management Act 1991 against the title to the land to which this bond relates (unless land affected is public land vested in Council).

The bond may be either a cash bond or bond that is guaranteed by a recognised trading bank in New Zealand. The bond shall be reduced by 20% in any one year on certification by an appropriately qualified person that the recommendations and operations identified in Pest Management Plan and Rehabilitation (Weed Control and Planting) Plan approved under condition 5(i) has been effectively carried out.

Notwithstanding any transfer of title by the consent holder to a new owner of any one or more of the lots, the consent holder or subsequent nominees or representatives are to continue the implementation of the Pest Management Plan and Rehabilitation (Weed Control and Planting) Plan approved in condition 11(h) for the 3 year period.

Advisory clauses

1. *The Consent Holder shall pay all charges set by Council under Section 36 of the Resource Management Act 1991, including any administration, monitoring, inspection and supervision charges*

relating to the conditions of this resource consent. The applicant will be advised of the charges as they fall.

- 2. Any works carried out within Council's road reserve will require an approved road opening notice/traffic management plan or Corridor Access Request.*
- 3. A Corridor Access Request (CAR) is defined in the new "National Code of Practice (CoP) for Utilities access to the Transport Corridors". This CoP has been adopted by Council and will be phased in. It provides a single application for Traffic Management Plans/Road Opening Notice applications. Enquiries as to its use may be directed to Council's Traffic Management Co-ordinator on 430 4230 ext 8258.*
- 4. All earthworks are required to comply with Section 32.2 (Environmental Standards for Earthworks) of the Northland Regional Council Regional Water and Soil Plan for Northland noting erosion & sediment control and dust suppression requirements.*
- 5. Consent of the Northland Regional Council is required for works within water courses and for water discharges as required by the Northland Regional Council Regional Water and Soil Plan for Northland.*
- 6. The applicant is advised that a further site inspection of completed works will be required if a period greater than 3 months has passed since the last Council inspection prior to Council issuing the 224(c) certificate.*
- 7. Section 357B of the Resource Management Act 1991 provides a right of appeal to this decision. Appeals must be in writing, setting out the reasons for the appeal, and lodged with the Environment Court within 15 working days after the decision has been notified to you. Appellants are also required to ensure that a copy of the notice of appeal is served on all other relevant parties.*
- 8. Pursuant to Section 102 of the Local Government Act 2002, Whangarei District Council has prepared and adopted a Development Contributions Policy. Under this policy, the activity to which this consent related is subject to Development Contributions. You will be advised of the assessment of the Development Contributions payable under separate cover in the near future. It is important to note that the Development Contributions must be paid prior to commencement of the work or activity to which consent relates or, in the case of a subdivision, prior to the issue of a Section 224(c) Certificate. Further information regarding Councils Development Contributions Policy may be obtained from the Long Term Community Consultation Plan (LTCCP) or Council's web page at www.wdc.govt.nz.*
- 9. The consent holder shall obtain all necessary Building Consents, which may be required for the proposal.*
- 10. The consent holder has offered the surrender of an existing consent for a two-lot subdivision over the property (WDC ref. SD1300010) as a condition of this consent.*