

memo

Date: 14 April 2022

To: **Alister Hartstone** – Consultant Planner
Set Consulting Limited – by email to: alister@setconsulting.co.nz

Copy: **Kaylee Kolkman** – Team Leader RMA Consents, Planning and Development Department
Whangarei District Council (**WDC / the council**) – by email to: kaylee.kolkman@wdc.govt.nz

From: **Peter Kensington** – Consultant Landscape Architect
KPLC Limited – by email from: peter@kplc.co.nz

Re: **Application to WDC¹ for subdivision and land use resource consents – SL2100046**
By Hurupaki Holdings Limited, as a non-complying activity overall, for a proposal requiring:

- i. Subdivision resource consent, to create 73 (as per updated proposal 2 April 2022) residential allotments, drainage and recreational reserves to vest and other associated works, including servicing and roading and landscape and ecological rehabilitation and enhancement; and
- ii. Land use resource consents to establish and operate a food and beverage activity (café within proposed Lot 22), for setback from boundary and coverage infringements (for future residential units within the Rural Production zone) and to relocate dry stone walls; at 131 and 189 Three Mile Bush Road, Kamo West, Whangarei

SPECIALIST REVIEW ADVICE – ASSESSMENT OF LANDSCAPE EFFECTS²

Tēnā koe Alister

Introduction

1. The advice within this memo has been provided to assist with the preparation of your recommendation report (under section 42A of the Resource Management Act 1991) for the WDC, as part of the council's evidence before the independent hearing commissioner at the hearing of the above application.
2. I confirm that I have read the application material (as amended) and the submissions made in response to public notification of the application; and I visited the site and surrounding area on 3 November 2021.
3. The WDC has commissioned me to provide an independent specialist review on the application. My area of specialty is with the assessment of landscape effects. In preparing this memo, I have complied with the Code of Conduct for Expert Witnesses set out under the Environment Court's 2014 Practice Note.

¹ Joint with application to the Northland Regional Council for earthworks, stormwater discharge and stream crossing resource consents.

² With an assessment of landscape effects including consideration of effects on rural character and visual amenity.

4. I have set out my relevant qualifications and experience at **Attachment A**.

Terms of reference

5. My review is based on the application material which was publicly notified and then as amended by the applicant within the revised application material provided to the WDC on 2 April 2022. I have concentrated on a review of the application '*Assessment of Landscape and Neighbourhood Amenity Effects*', prepared by Registered Landscape Architect Mike Farrow of Littoralis Landscape Architecture, dated September 2021 (**application assessment**); and the accompanying analysis photos, drawings and visual simulations, with these being within my area of specialist expertise.

Relevant statutory provisions – Proposed Whangarei District Plan (Appeals Version)

6. My review assessment has been '*framed*' within the relevant rules, objectives and policies of the Proposed Whangarei District Plan (Appeals Version). As I understand it, the relevant rules are to be treated as operative, as they are beyond challenge through any outstanding appeals; and the relevant proposed objectives and policies are to be given more weight than the operative provisions. I have kept my review at the District Plan level, without reference to the Regional Plan or Regional Policy Statement.
7. I have set out the relevant objectives and policies which have informed my review at **Attachment B**.

The site between Three Mile Bush Road and the Waitaua Stream tributary (primarily 131 Three Mile Bush Road)

8. I am aware of the Proposed District Plan zoning pattern that applies to the site and the site's localised context. This includes the *General Residential* zone, which anticipates residential development, being applied to that portion of the site to the south of the Waitaua Stream tributary and north of Three Mile Bush Road; with this same zoning applying to the properties immediately to the east of this area (being '*The James*' residential development and that which underlies the designated Hurupaki School property).
9. The property to the immediate west of this area is within the *Future Urban* zone, which I understand is to transition over time, once infrastructure servicing is available, to become part of the *General Residential* zone. I agree with the comment within the application assessment (at Page 26) that in landscape terms, the part of the proposal which is to be implemented on land zoned *General Residential*, to the south of the Waitaua Stream, including the café, is consistent with the anticipated zone outcomes.

The site to the north of the Waitaua Stream tributary (primarily 189 Three Mile Bush Road)

10. That portion of the site to the north of the Waitaua Stream is located within the *Rural Production* zone under the Proposed District Plan, as are properties to the east of this part of the site (though to Dip Road).
11. To the immediate west of this part of the site is a property within the *Low Density Residential* zone, with properties further to the west (in the vicinity of Cowshed Lane) being zoned *Rural Production*. As I understand it, resource consents would be required to subdivide and develop this adjacent property.
12. In addition, the northern portion of this part of the site is identified (under the Proposed District Plan's '*resource area*' overlay) as an *Outstanding Natural Feature (ONF)* and an *Outstanding Natural Landscape (ONL)*, being the Hurupaki Volcanic Cone (noting similar but slightly different extents of mapped areas between the ONF and ONL). It is my understanding that the proposed lots to the north of the Waitaua Stream are not located within the mapped extent of the ONF or ONL; however, they are proximate to these areas. The proposed access track to the summit of Hurupaki, as well as the area of proposed revegetation in the northern portion of the site, is located within the mapped extent of the ONF and ONL.
13. From my review of the Proposed District Plan relevant objectives and policies, under the *Rural Production Zone*, *Subdivision* and *Landscapes and Features* chapters, the following relevant themes emerge:

- i. Continued rural land use is anticipated to maintain rural character and amenity; with the adverse effects on productive land resources from residential subdivision and development to be avoided.
- ii. Protection and enhancement of significant landscapes is encouraged; however, as I understand it, this would only provide for the creation (by way of the Environmental Benefit rules) of properties that continued to maintain rural residential or rural lifestyle character (i.e. not creating an urban form and character, so as to maintain rural character and amenity values).
- iii. Promote and encourage the conservation, enhancement and rehabilitation of outstanding natural features and outstanding natural landscapes; while protecting from inappropriate subdivision, use and development, including from earthworks, accessways and building platform creation.

Environmental Benefit provisions

14. As I understand it, the ‘*Environmental Benefit*’ provisions under the Proposed Whangarei District Plan, which are to also be treated as operative, if met, would enable one, or possibly two, additional lots to be created through the subdivision of the property at 189 Three Mile Bush Road. From my review of the relevant objectives and policies (as summarised above), this outcome would appear to be consistent with the Plan’s anticipated outcomes for the *Rural Production* zone, within this northern portion of the site.

Māori cultural landscape values

15. As I understand it, the site and local area has Māori cultural landscape significance and value³; however, no detailed information has been provided as part of the application which confirms this significance or value. As such, the application assessment and my review have not been able to consider this significance or these values when undertaking an assessment of landscape effects.

Application assessment review

16. In my opinion, the application assessment is comprehensive and proportionate to the issues that arise through the proposal; and has been prepared in accordance with current best practice⁴ with a robust methodology and relevant supporting material (drawings and visual simulations).
17. I concur with the application assessment’s description of the site and the site’s landscape context, including the summary of the key characteristics and values of Hurupaki as an ONL and ONF. The proposal has also been well described in the application assessment and I acknowledge that the applicant is offering (as proposed draft conditions of consent) to include consent notice restrictions on future lots within the northern part of the site (north of the Waitaua Stream), with these to require:
 - i. Building and major structure height limits and colour controls;
 - ii. Building, major structure and earthworks controls to ensure a 5.0m setback of these works from the northern boundaries of proposed lots 60-67; and
 - iii. Visually permeable and recessive materials / colour specifications for fencing of the northern boundaries for proposed Lots 60-67.
18. The application assessment also communicates the proposed streetscape landscape response and the open space provision that will be delivered through the proposal, including the relocation of existing stone

³ Refer the Ngāti Kahu O Torongare Hapū ‘*Cultural Impact Assessment*’ for ‘*The James*’ subdivision, dated 29 October 2019 [noting that this document has not been prepared specifically in response to the application for resource consent being assessed now].

⁴ Guidance under the Tuia Pito Ora New Zealand Institute of Landscape Architects ‘*Te Tangi a te Manu: Aotearoa New Zealand Landscape Assessment Guidelines*’ [final draft subject to final editing, graphic design, illustrations, approved by Tuia Pito Ora/NZILA 5 May 2021]

walls, stormwater management and the proposed connectivity through these new areas of public open space for pedestrians as part of a wider network of paths and tracks.

19. The proposal to construct a walking track to the summit of Hurupaki is likely to result in a visually prominent temporary 'scar' on the hillside until such time as the proposed enhancement planting becomes established. However, there are benefits of including a formalised access track, including to assist with implementation and maintenance of the proposed planting in this part of the site, as set out in the applicant's further information response, dated 16 November 2021, where additional reasoning and justification for the track was provided. I largely agree with this reasoning.
20. I also agree with the application assessment that the proposed restoration of that part of Hurupaki which is located within the northern extent of the site (generally the area of ONF / ONL overlay), will result in significant positive landscape effects over time (as per the reasoning on Pages 30-31 of the application assessment, with which I agree). The rehabilitation of this area, which is likely to have been cleared in the past to establish pastoral land use, is an entirely appropriate design response to the site's landscape opportunities and is consistent with the statutory direction, as I understand it.

Differences in assessment findings

21. Where Mr Farrow and I depart with our assessment findings, relates to the proposed intensity of residential subdivision and development that will result on the site to the north of the Waitaua Stream. It is my opinion that this aspect of the proposal is at odds with the anticipated outcomes sought for this part of the site under the Proposed District Plan's zoning and objectives and policies.
22. Given the landscape sensitivities of this northern part of the site, with the extent of revegetation that is proposed, in my opinion, the landscape is not able to readily absorb the scale and density of residential development proposed. As I understand it, the proposal as currently designed seeks to create 19 new residential allotments (ranging from 588m² to 1,074m² in size) to the north of the stream; while the 'Environmental Benefit' provisions of the Proposed District Plan⁵ might enable one or two additional lots (with these lots potentially being 1.5-2.0-hectares in size – out of a total available area of 4.5-hectares). Having said this, I acknowledge that alternative design options might exist to result in an outcome more relative to that which might emerge through future development of the land to the west of the site, which is zoned *Low Density Residential* (based on the subdivision provisions of the Proposed District Plan).
23. In my opinion, this component of the proposal will result in an urban form and character, that will not maintain rural character and amenity. The number, size and configuration of proposed lots to the north of the Waitaua Stream, will result in residential development that will be, put simply, too intense to achieve any form of rural character and amenity. In order to achieve this outcome, I suspect that a much lower intensity of proposed development would be required, with less additional lots of a larger size, with these configured so that future built development was located within large areas of open space.
24. In other words, in achieving a *Net Environmental Benefit*, as per the Proposed District Plan definition of this term (refer Attachment B, Page 9), the overall benefits must be greater than the adverse effects of the associated subdivision and consequential development. Within the context of the anticipated outcomes sought for the *Rural Production* zone (i.e. maintaining rural character and amenity values), it is my opinion that the benefits will not be greater than the adverse effects that will arise, because a large component of the northern part of the site will effectively become urban in character; albeit with the balance area having significantly improved natural characteristics and values through the proposed protection and enhancement of the ONF and ONL that is located in this part of the site.

⁵ Noting that the application does not seek resource consent under the Environmental Benefit rules.

25. In my opinion, a more appropriate outcome would be achieved through subdivision and development in this northern part of the site (enabled via the *Environmental Benefit* provisions) which achieved a rural residential or rural lifestyle character. As I have acknowledged at Paragraph 23 above, an alternative outcome may also be available that takes into account what might be achieved on land to the immediate west of this northern part of the site (i.e. within the neighbouring *Low Density Residential* zone).
26. In achieving these outcomes (as a *Net Environmental Benefit*) within the context of the Proposed District Plan zone provisions, I suggest that specific limits would need to be placed on the location of future building areas (as informed by topography, for example) within this northern portion of the site, as well as a greater spatial extent of revegetation than is currently proposed (for example connecting the steeper slopes of the maunga with the stream corridor vegetated pattern). I also suggest that no stormwater attenuation pond should be located to north of the stream in order to maintain rural character / amenity.

Reasoning

27. It is my assessment that the northern portion of the site, which is zoned *Rural Production*, has existing landscape character, values and sensitivities that are influenced by underlying physical, associative and perceptual factors, including the underlying geological feature, topography, land use and as informed by Ngāti Kahu O Torongare Hapū (mana ki te whenua). In my opinion, the Waitaua Stream tributary, with localised landform and existing vegetation, is a strong natural feature that is and could continue to be an effective '*boundary*' between urban land use (to the south) and rural land use (to the north).
28. Additionally, that part of the site to the north of the stream, in my opinion, is strongly '*connected*', as a contiguous part of the volcanic cone landform. While the site extent includes only part of this wider natural feature's physical extent, the lower '*flanks*' of the maunga, which extend to the stream corridor within the site, have a heightened sensitivity to change. In my opinion, the mapped extent of the ONF and ONL does not fully capture the full physical extent of this natural feature / landscape, with this more appropriately extending to the landform associated with the stream corridor.
29. I acknowledge that the proposal to retire and revegetate the steeper northern part of the site will be a positive landscape outcome, which, over time, will help to strengthen the quality of the Hurupaki ONF and ONL and remedy the loss of vegetation from clearance that has occurred in the past to establish the current pastoral land use. However, given the site extent (which physically relates to only a part of the full southern farmed portion of the maunga), the impact of this revegetation effort, in my opinion, will only partially achieve the restoration of landscape character and values for the maunga (i.e. the ONF / ONL extent on the property to the west of the site will continue to be farmed). Having said this, the successful revegetation of the maunga through this application, in the manner that is proposed by the applicant, could represent a positive precedent which might encourage a similar response on this neighbouring property, if and when the redevelopment potential of that land was realised in the future.

Submission review comments

30. I have reviewed the four neutral submissions and sixteen submissions in opposition that have been made in response to the public notification of the application. Those of relevance raise the following issues:
 - i. Adverse effects from the:
 - a. Removal and reconstruction of stone walls;
 - b. Construction of the track up to the summit of Hurupaki;
 - c. Construction of urban development on food producing volcanic soil;
 - ii. Impacts on cultural values and areas of significance to Māori as tangata whenua; and

iii. Leave land as *Rural Production* as it is one of the last close to Kamo.

31. The above issues are relevant to an assessment of landscape effects, particularly those that raise issues relevant to the significance and values of the Māori cultural landscape; however, I am unable to provide a direct comment in response and will respond once submitters have spoken at the application hearing.

Suggested changes to proposed conditions

32. I have set out a copy of the applicant's propose subdivision consent conditions that are relevant to an assessment of landscape effects at **Attachment C**. Should the council be minded to grant resource consent, putting aside my concerns with the application as proposed, in my opinion, these conditions will appropriately assist to further avoid, remedy and mitigate adverse visual effects. In particular, the proposed condition requiring the consent holder to enter into a bond agreement with the council to ensure the long-term success (implementation, maintenance and ongoing management) of the proposed rehabilitation planting; and the proposed condition requiring the preparation and certification of a Landscape and Ecological Management Guideline / Plan.
33. Having said this, I have recommended a few minor wording amendments to the proposed draft conditions in order to ensure they are '*fit for purpose*' and robust, as a result of my experience with similar conditions. I have set out these recommendations within the condition wording at Attachment C.

Conclusion

34. Following my review of the application, within the context of the relevant statutory provisions, it is my opinion that the adverse landscape effects of the proposal will be high, with these being unable to be mitigated by way of consent conditions. While I agree with the applicant that the proposal will result in significant positive effects through the rehabilitation and enhancement of the characteristics and values of the Hurupaki ONF and ONL; the resulting residential development on the site to the north of the Waitaua Stream tributary will be of an urban form that does not retain rural character and amenity.
35. As such, it is my opinion that the proposal will not achieve a *Net Environmental Benefit* as required by the Proposed District Plan, when considering the maintenance and enhancement of landscape character and amenity values (including rural character and visual amenity) within the context of the site's *Rural Production* zoning under the Proposed District Plan.

I hope that the above specialist peer review advice is clear and understandable. Please let me know if you have any questions or if you require any further clarification before finalising your recommendation report.

Ngā mihi

Peter Kensington

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Enclosure – Attachments A-C

Attachment A

Peter Kensington – relevant qualifications and experience

1. I have worked as a landscape architect and a planner for twenty-four years. I am currently a director of Kensington Planning and Landscape Consultants Limited (**KPLC**); formed in September 2017. As a KPLC consultant, I provide professional landscape architectural and planning services for applicants, regulatory authorities and submitters.
2. My relevant qualifications include a Bachelor of Landscape Architecture (Honours), 1995, from Lincoln University (Canterbury) and a Bachelor of Regional Planning (Honours), 1993, from Massey University (Palmerston North). I am a Registered member of the Tuia Pito Ora / New Zealand Institute of Landscape Architects (**NZILA**) and a Full member of the New Zealand Planning Institute. I have been an elected member of the national executive committee of the NZILA (during the 2011-2013 term), as Treasurer, then again appointed as a proxy member between 2016-2017. I have been a member of NZILA awards judging panels and I am a panel member for the upcoming 2022 awards.
3. I have worked for the Christchurch City Council (1995-1997), the Wellington City Council (1999), the Auckland office of Boffa Miskell Limited (1999-2012) and, prior to establishing KPLC, the Auckland Council (2012-2017). At the Auckland Council I was a Principal Planner in the Hearings and Resolutions team of the Resource Consents Department. In that role, I was responsible for the case management of appeals, direct referrals, judicial reviews, objections, hearings and independent duty and hearings commissioner processes. In addition to my core role, I also assisted the Resource Consents Department's Practice and Training team with interpretation and integration of the Auckland Unitary Plan (Operative in part) into the department's practices and procedures.
4. My landscape architectural work is focussed within the landscape planning speciality of landscape architecture, where an assessment of effects on natural character, landscape and/or visual amenity values is required, primarily in relation to applications for resource consent or plan changes. Throughout my professional career, I have provided expert landscape architectural advice in relation to many matters where an assessment of the effects of proposed developments on the landscape character and visual amenity values of urban, rural or coastal environments is required. I been involved in various projects within the Whangarei District, particularly during my time at Boffa Miskell Limited where I provided consultancy advice during the District Plan review at that time. I have also undertaken a variety of assessments of landscape effects and assessment reviews for projects within the district.
5. The following list of projects, which I have undertaken during the last four years, involve similar landscape assessment issues to those which arise under this application (SL2100046) for resource consents:
 - i. Staged masterplan residential subdivision on steep / elevated land at East Coast Road, Silverdale
 - ii. Residential 48-lot subdivision, Waitākere foothills, Christian Road, Swanson
 - iii. Four stage, 31-lot rural residential subdivision with associated revegetation, Palliser Downs, Wainui
 - iv. Coastal residential subdivision (sixty vacant lots) at Te Arai South (former plantation forestry)
 - v. Proposed 19-lot subdivision within 'Orere River Terraces' Outstanding Natural Feature, Orere Point
 - vi. Proposed 30-lot rural residential subdivision, Brownhill Road, Whitford
 - vii. Proposed 68-lot residential subdivision on the northern edge of Clevedon Village
 - viii. Evidence in opposition to private plan change to rezone land from rural to residential at Oākura, Taranaki
 - ix. Proposed residential subdivision and comprehensive care retirement village, Pompallier Estate Drive, Maunu.

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Attachment B

Relevant objectives and policies – Proposed Whangarei District Plan (Appeals Version)

Only relevant provisions extracted with my emphasis added as underlined text.

RURAL PRODUCTION ZONE

Objectives

RPROZ-O1 – Rural Land Resources

Identify and protect productive rural land resources for a diverse range of rural production activities.

[‘Rural Production Activity’ ‘means the use of land and buildings for farming, intensive livestock farming, farm quarrying and plantation forestry’. ‘Rural Production Activities’ defined as ‘Farming’, ‘Plantation Forestry’, ‘Intensive Livestock Farming’ and ‘Farm Quarrying’.]

[‘Farming’ means any agricultural or horticultural activity having as its primary purpose the commercial production of any livestock or vegetative matter for human or animal consumption. The production of livestock or vegetative matter utilises the in situ production capacity of the soil, water and air as a medium for production.]

RPROZ-O2 – Land Use Activities

Enable a wide range of rural production activities and provide for commercial activities and industrial activities that support rural production activities and/or rural communities including recreation and tourist based activities to establish and operate in the Rural Production Zone to contribute to the District’s economy.

RPROZ-O3 – Rural Character and Amenity

Recognise, maintain and where appropriate protect the rural character and amenity of the Rural Production Zone.

RPROZ-O4 – Adverse Effects

Avoid adverse effects on productive land resources from residential, rural residential and rural living subdivision and development in the Rural Production Zone.

RPROZ-O5 – Fragmentation

Minimise the fragmentation of rural land and promote allotment sizes that facilitate rural production activities other than to protect significant ecological and biodiversity values.

RPROZ-O7 – Protection and Enhancement

Encourage protection and enhancement of significant ecology, biodiversity, landscapes and historic heritage.

Policies

RPROZ-P1 – Rural Character and Amenity

To protect the distinctive rural character and amenity of the Rural Production Zone including but not limited to:

1. A dominance of natural features including landforms, watercourses and vegetation.
 - a. A predominately working rural production environment, including:
 - i. The presence of large numbers of farmed animals and extensive areas of plant, vine or fruit crops and areas of forestry.
 - ii. Ancillary activities and structures (including crop support structures and artificial crop protection structures) across the landscape.
 - b. Seasonal activities.
 - c. A low intensity of development, involving a combination of domestic and rural production buildings and major structures.
 - d. Varying levels of noise associated with seasonal and intermittent rural production activities.

- e. Relatively open space and low density of development.
- f. Odours, noise and dust typical of rural activities.
- g. Generally low levels of vehicle traffic with seasonal fluctuations.

RPROZ-P2 – Land Use Activities

To protect rural productive land, rural character and amenity and to encourage consolidation of activities within Whangarei City by:

1. Only providing for commercial activities and industrial activities in the Rural Production Zone where it is demonstrated that the activity:
 - a. Has a direct connection with the rural resource and supports rural production activities and/or rural communities, including recreation and tourist based activities.
 - b. Requires a rural location for its operational function.
 - c. Will minimise the potential for reverse sensitivity effects between incompatible land use activities.
 - d. Will contain and manage adverse effects on-site.
 - e. Will contribute positively to the economy of the District.
 - f. Can meet and fund local infrastructure requirements.
2. Not directly regulating outdoor agricultural and horticultural activities, excluding intensive livestock farming.
3. Permitting farming and activities ancillary to farming or forestry.
4. Requiring larger allotments sizes to retain productive rural options.

RPROZ-P5 – Maintain Amenity and Character

To maintain rural amenity, and character by ensuring that all new buildings and major structures and rural land uses:

1. Are of a scale and character appropriate to the Rural Production Zone.
2. Are sited in a location sufficiently setback from site boundaries to enable privacy, the retention of openness and access to sunlight.
3. Avoid ribbon development.

RPROZ-P8 – Subdivision Less than 20ha

To avoid the subdivision of land into allotments less than 20ha unless it is demonstrated that all of the following are achieved:

1. It does not create a rural residential or rural lifestyle allotment, other than where a Net Environmental Benefit is achieved.
2. The subdivision of rural land and associated buildings does not inhibit or restrict the productive potential or reasonably anticipated productive potential of rural production activities.
3. The size, shape and arrangement of allotments:
 - a. Is a practical size for rural production activities, other than where a Net Environmental Benefit is achieved.
 - b. Does not restrict the range of options for the use of production land.
4. The viability of the existing rural production activity is not compromised and the existing rural production activity can continue to operate efficiently at the subdivided scale.
5. The subdivision and subsequent development will not result in adverse effects on the operation and viability of any adjoining rural production activity or strategic rural industry.
6. The subdivision and subsequent development will not require connection to the District's reticulated sewer or an extension or upgrading of any service or road, except where it is in the economic interest of the District and will not compromise the efficient functioning of the District's infrastructure network.

RPROZ-P9 – Net Environmental Benefit

To protect and enhance biodiversity, landscapes, historic heritage and significant ecology whilst protecting productive rural land resources, rural character and amenity by providing for subdivision where all of the following are achieved:

1. A Net Environmental Benefit is created by the legal protection in perpetuity and on-going management (maintenance and enhancement of the values and attributes, characteristics and qualities) for one or more of the following:

- a. Appropriate area(s) of indigenous vegetation, or habitat of indigenous fauna, assessed as significant in accordance with policy 4.4.1 and appendix 5 of the Northland Regional Policy Statement 2016; or
 - b. Appropriate area(s) of Outstanding Natural Landscapes, Outstanding Natural Features, Outstanding Natural Character, High Natural Character; or
 - c. Heritage Buildings or Sites of Significance to Māori; or
 - d. Appropriate area(s) of Highly Erodible Land, or land within a riparian margin of a stream, river, estuary or the coast located within Acutely or Chronically threatened land environment associated with Land Environments of New Zealand Level 4, will be retired and rehabilitated.
2. The effects of the number, size and location of allotments, building platforms and access, are managed by:
- a. Avoiding:
 - i. Adverse effects on the areas(s) protected under clause (1) of this policy.
 - ii. Adverse cumulative effects.
 - iii. Reverse sensitivity.
 - iv. Development on highly versatile soils.
 - v. An urban form, by encouraging small clusters of allotments.
 - b. Minimising fragmentation of rural land.
 - c. Protecting the productive potential of the site.
 - d. Retaining natural character, landscape qualities and characteristics, rural character and amenity.
 - e. Determining whether fewer than the maximum number of allotments should be created.
 - f. Assessing the proposal against the Coastal Environment objectives and policies where the site is located in the Coastal Environment.

RPROZ-P11 – Location and Design of Subdivisions and Associated Land Developments

To locate and design subdivision and associated land development to avoid urban form and character, maintain rural character and amenity values and protect and enhance environmental features by:

1. Designing subdivisions to respond to the topography and characteristics of the land being developed.
2. Avoiding development on highly versatile soils.
3. Identifying building platforms that respond to site topography and environmental characteristics.
4. Locating access ways, services, utilities and building platforms where these can be provided without the need for significant earthworks, retaining, benching or site contouring.
5. Locating access ways, services, utilities and building platforms where the location is sensitive to and responds to environmental features of the site.
6. Ensuring that the subdivision will not create reverse sensitivity effects with respect to existing lawfully established activities.

SUBDIVISION

Objectives

SUB-O1 – Zone, Overlay and District-Wide Objectives

Land is subdivided to achieve the objectives of each relevant zone, overlays and district-wide provisions.

SUB-O2 – Valued Features and Resources

Subdivision provides for the protection and enhancement of the District's:

1. Highly versatile soils.
2. Outstanding Natural Features.
3. Outstanding Natural Landscapes.
4. Coastal Area.
5. Areas of High Natural Character.

6. Outstanding Natural Character.
7. Significant Natural Areas.
8. Sites of Significance to Māori.
9. Historic Heritage.

SUB-O3 – Community Needs

Land is subdivided in a manner that provides for the changing needs of people and communities, and for future generations, while taking into account:

1. Amenity values including good quality urban design.
2. Local character and sense of place.
3. The outcomes anticipated by the relevant zone, overlay and districtwide provisions.

SUB-O4 – Infrastructure

Subdivision and development provides for the efficient and orderly provision of services and infrastructure.

SUB-O5 –Managing Adverse Effects

Subdivision is designed to avoid, remedy or mitigate any adverse effects on the environment and occurs in a sequenced and coherent manner.

Policies

SUB-P1 – Zone, Overlay and District-Wide Policies

To enable subdivision where it meets the relevant zone, overlay and districtwide policies, where subdivision and development is designed to:

1. Reflect patterns of development that are compatible with the role, function, amenity values and predominant character of the zone.
2. Maintain the integrity of the zone with allotment sizes sufficient to accommodate intended land uses.
3. Respond positively to and integrate with the surrounding context.
4. Appropriately avoid, remedy or mitigate adverse effects on:
 - a. Outstanding Natural Features.
 - b. Outstanding Natural Landscapes.
 - c. Coastal Areas.
 - d. Areas of High Natural Character.
 - e. Areas of Outstanding Natural Character.
 - f. Sites of Significance to Māori.
 - g. Historic Heritage.
 - h. Significant Natural Areas.
 - i. Highly versatile soils.

SUB-P2 – Existing Development

To provide for subdivision:

1. That creates sites to recognise existing development.
2. Where it enables the creation of sites for uses that are expressly allowed by a resource consent.
3. Where there is compliance with district-wide, overlay and zone rules.

SUB-P5 – Infrastructure

To achieve efficient and effective provision of services and infrastructure by ensuring new allotments are capable of being provided with adequate services and infrastructure.

Information requirements

SUB-REQ3

Information Requirement for Subdivision in Rural Production Zone

SUB-REQ3.6

Any application under rule SUB-R15.4 resulting in 4 or more additional allotments (excluding one balance allotment), or any non-complying subdivision that proposes environmental protection and on-going management of an area or feature, must include the following:

- a. An Assessment of Environmental Effects, which shall contain the following information, as is relevant to the proposed development and activities and to a level of detail that is commensurate with the anticipated effects associated with the subdivision and/or development:
 - i. Context analysis, including how development integrates with existing activities and possible development in adjacent properties and other zones/Environments.
 - ii. Traffic effects assessment, within the site and on the local roading and state highway networks.
 - iii. Building and major structure design assessment including consideration of exterior materials and colours, and factors contributing to low energy sustainable design.
 - iv. Consideration of Adaptive Management Staging.
 - v. Timing of development.
 - vi. Landscape and visual effects assessment, including natural character and assessment of urban form.
 - vii. Infrastructure effects assessment.
 - viii. Stormwater management effects assessment.
 - ix. Cultural effects assessment by tangata whenua.
 - x. Archaeological effects assessment. xi. Urban design assessment where development results in urban form.
 - xii. Additional management methods, such as Council bylaws, Memoranda of Encumbrance, and Memoranda of Understanding.
- b. A Subdivision Layout Plan, which shall set out how the allotment area is to be subdivided or developed, responding to, and compatible with, the assessment of environmental effects and relevant objectives and policies and must depict, as a minimum, the following (as relevant):
 - i. Location and types of proposed activities.
 - ii. Building envelopes (footprints, height, separation/setbacks, coverage).
 - iii. Proposed public road and internal access layout.
 - iv. Pedestrian and cycle facilities.
 - v. Proposed landscaping.
 - vi. Proposed fencing.
 - vii. Areas of cultural significance, including archaeological sites.
 - viii. Subdivision or development design, including number, size and shape of allotments or building sites; infrastructure, servicing, access and engineering details; land tenure (e.g. freehold, leasehold, cross lease, company leases, unit titles); and any staging/timing of subdivision or development.
- c. An Ecological Plan, which shall describe the values on site to be protected and demonstrate how the attributes and values of the environmental protection area are to be maintained or restored and protected, including means of managing potential ecological effects identified in the ecological effects assessment. The ecological plan shall:
 - i. Be prepared by a suitably qualified ecologist.
 - ii. Provide a description and assessment of the existing ecological values of the site. It should detail the range of existing vegetation, wildlife, habitat values and special values within the application area and the surrounding area.
 - iii. Provide an assessment of ecological effects.
 - iv. Specify the range of management strategies required to avoid, remedy or mitigate adverse effects of development.
 - v. Specify monitoring requirements and performance indicators to identify when successful implementation of management options has been achieved and if desired outcomes have been realised.

- d. An Ecological Effects Assessment, which shall identify and assess actual and potential ecological effects arising from human disturbance and plant and animal pests associated with existing and proposed development within the application area. The Ecological Effects Assessment shall take into account:
 - i. The nature of development and level of intensity proposed.
 - ii. Direct effects (resulting from physical development of the application area including land clearance, earthworks, construction, stormwater).
 - iii. Secondary effects (resulting from increased activities and habitat modifications within the application area and the surrounding area, following proposed development).
 - iv. Cumulative effects (resulting from future development that might occur, and additional to the effects that can be expected to have already occurred as a result of development of the wider area which will also increase in the future).
 - v. Existing threats and risks including:
 - a) Weed and plant pests.
 - b) Increased people pressure.
 - c) Threats/risks to plant communities based on existing and proposed use of site (e.g. fire, vehicle access, grazing, stock access, and plant pests).
 - d) Range of animal pest species.
 - e) Risks to wildlife from known animal pests.
 - f) Disturbance as a result of existing land use and activities.
 - g) Threats/risks to habitats as a whole from existing land use (e.g. stock access, human activities/disturbance, stormwater, wastewater).
 - h) Other threats/risks to special values.
- e. Any proposed conditions of consent, which may include (but shall not be limited to) the following matters:
 - i. Visual amenity, car parking, traffic management.
 - ii. Building and major structure design implementation.
 - iii. Fencing.
 - iv. Landscaping.
 - v. Adaptive Management Staging/Timing of development (if proposed).
 - vi. Stormwater management, including groundwater quality.
 - vii. Identification, protection, and monitoring of areas of cultural significance, including archaeological sites.
 - viii. Ecological requirements.
 - ix. Subdivision or development design and associated Whangarei District Council engineering standards including financial and monitoring mechanisms such as bonds.
 - x. A means by which conditions are binding such as covenants or consent notices.
 - xi. Compliance with Subdivision Layout Plan.
- f. A soil assessment report prepared by a suitably qualified soil scientist or Engineer to assess the suitability of any land to be retired and rehabilitated including the existing conditions on the site including:
 - i. Topography and slope analysis.
 - ii. Existing vegetation.
 - iii. Hydrology.
 - iv. Soil analysis.
 - v. Freshwater habitat.
 - vi. Land use capability.
 - vii. Any factors that will influence the successful implementation of the area to be retired and rehabilitated.

SUB-REQ3.7

Any subdivision under rule SUB-R15.4 or any non-complying subdivision that proposes environmental protection and on-going management of an environmental protection area, must provide a Management Plan setting out (to the extent relevant to the proposal):

- a. The key protection and enhancement objectives and outcomes to be met, including the qualities and characteristics of the environmental protection area that are to remain protected in perpetuity
 - b. The protection and ongoing management methods required to achieve the objectives and outcomes, including but not limited to:
 - i. Weed control.
 - ii. Pest animal control.
 - iii. Pest organism control, including kauri dieback disease and myrtle rust.
 - iv. Pet (including cat and dog) control.
 - v. Re-vegetation and restoration opportunities.
 - vi. Fencing plan.
 - vii. Fire risk management.
 - viii. Access limitations.
 - ix. Nutrient and sediment control.
 - x. Building, major structure and access location.
 - c. The on-going monitoring methods to measure the success or otherwise of the implementation of the management methods, including feedback to Council and provision for review of the management plan.
 - d. The mechanisms to ensure that the management plan applies to and binds future owners as responsible for the costs of implementing the management plan.
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LANDSCAPES AND FEATURES

Objectives

LAN.1.2.1

Identify Outstanding Natural Features and Outstanding Natural Landscapes within the Whangārei District.

LAN.1.2.2

Protect the characteristics and qualities of identified Outstanding Natural Features and Outstanding Natural Landscapes from inappropriate subdivision, use and development.

LAN.1.2.3

Provide greater protection for identified Outstanding Natural Features and Outstanding Natural Landscapes within the coastal environment over other features and landscapes.

LAN.1.2.4

Promote the conservation, enhancement and rehabilitation of Outstanding Natural Features and Outstanding Natural Landscapes.

LAN.1.2.5

Recognise existing landuse and development, including regionally significant infrastructure, form part of the characteristics and qualities of the environment where they are located in or on Outstanding Natural Features and Outstanding Natural Landscapes.

LAN.1.2.6

Recognise that some Outstanding Natural Landscapes contain undeveloped Māori Land and provide for the special relationship of Māori to this ancestral land.

LAN.1.2.7

Recognise and provide for new and existing National Grid Electricity Infrastructure that has a functional or operational need to be located in an Outstanding Natural Landscape or on an Outstanding Natural Feature.

Policies

Identification

LAN.1.3.1

To identify the location and extent of the District's Outstanding Natural Features and Outstanding Natural Landscapes, on the District Plan Resource Maps and describe their characteristics and qualities in landscape assessment worksheets (Outstanding Natural Landscapes) and Schedule 8.4 (Outstanding Natural Features).

Protection

LAN.1.3.2

To protect Outstanding Natural Features and Outstanding Natural Landscapes from inappropriate subdivision, use and development, with particular regard to their individual characteristics and qualities.

LAN.1.3.4

Outside of the Coastal Area, to avoid significant adverse effects and avoid, remedy or mitigate other adverse effects (including cumulative adverse effects) of subdivision, use and development on the characteristics and qualities of Outstanding Natural Features and Outstanding Natural Landscapes.

LAN.1.3.5

Subdivision, use and development in or on an Outstanding Natural Landscape shall be located and designed to avoid, adverse effects on characteristics and qualities of the landscape and/or visual effects by:

- a. Being integrated with identified characteristics and qualities of Outstanding Natural Landscapes;
- b. Avoiding sensitive landforms such as ridgelines, headlands and peninsulas;
- c. Being responsive to natural contours;
- d. Being visually unobtrusive;
- e. Maintaining established areas and patterns of indigenous vegetation cover; and
- f. Avoiding permanent earthworks scarring.

LAN.1.3.6

To assess the scale and significance of effects of subdivision, use and development on the characteristics and qualities of Outstanding Natural Features and Outstanding Natural Landscapes by having particular regard to:

- a. The extent of the resource area affected;
- b. The sensitivity of resource to change, recognising the effects of existing land use;
- c. The degree of modification, damage, loss or destruction that will result from the activity;
- d. The duration and frequency of adverse effects;
- e. Whether adverse effects are reversible or irreversible;
- f. Whether adverse effects are minor or transitory;
- g. The potential for spatial or temporal cumulative adverse effects of the proposed activity on its own or in combination with other authorised activities, including permitted activities; and
- h. Any restoration, rehabilitation or enhancement of the specific characteristics and qualities of the particular Outstanding Natural Feature or Outstanding Natural Landscape affected by the activity.

LAN.1.3.7

The location, scale and form of earthworks, vegetation clearance and built development in or on an Outstanding Natural Feature shall not reduce the overall form, integrity and extent of the feature and shall take into account the vulnerability of the feature to modification.

Earthworks

LAN.1.3.14

To avoid large scale earthworks, including mineral extraction, in or on Outstanding Natural Features and Outstanding Natural Landscapes and manage adverse effects of other earthworks through permitted activity standards and consent requirements.

LAN.1.3.15

To avoid the adverse effects of earthworks, including accessway and building platform creation, on the characteristics and qualities of the Outstanding Natural Features and Outstanding Natural Landscapes by:

- a. Careful analysis of existing site conditions;
- b. Consideration of alternative options and approaches; and
- c. Applying measures to blend areas altered by earthworks with the existing site conditions.

[Relevant site conditions include site elevation, slope and orientation drainage patterns, together with soil and slope stability.]

LAN.1.3.16

To ensure that adverse visual effects of cut and fill batters in Outstanding Natural Landscapes are remedied or mitigated by requiring revegetation where this is consistent with local landscape character and is practicable.

Indigenous Vegetation

LAN.1.3.17

To protect areas of indigenous vegetation which contribute to the slope or soil stability of Outstanding Natural Features or the character and visual quality of Outstanding Natural Landscapes.

Rehabilitation and Enhancement

LAN.1.3.18

To encourage the remediation of the adverse effects from past or existing inappropriate land use activities on Outstanding Natural Landscapes.

LAN.1.3.19

To recognise the positive effects of development proposals that provide for the enhancement and rehabilitation of previously compromised localised areas within Outstanding Natural Landscapes.

LAN.1.3.20

To promote the active management, enhancement, and voluntary protection of Outstanding Natural Features and Outstanding Natural Landscapes by utilising regulatory incentives and non-regulatory methods including:

- a. Provision of guidelines for landowners and professional advisors on appropriate landscape assessment and effects management options within Outstanding Natural Landscapes;
- b. Provision of a Council contribution toward the cost of professional landscape assessments required under LAN.2.3;
- c. Provision, through assessment criteria, for additional allotments to be approved during the subdivision application process if formal protection of all or part of an Outstanding Natural Feature or Outstanding Natural Landscapes is proposed;
- d. Provision of rates relief for covenanted areas within Outstanding Natural Features and Outstanding Natural Landscapes; and
- e. In partnership with the Northland Regional Council, assisting with landowner costs of pest control and/or fencing for exclusion of stock from Outstanding Natural Features or Outstanding Natural Landscapes.

DEFINITIONS

Net Environmental Benefit means an activity where it is demonstrated that the benefits of environmental protection and on-going management are greater than the adverse effects created by subdivision and associated land development. The benefits achieved through environmental protection and on-going management do not include:

- a. with respect to the area to be protected:
 - i. requirements of a condition of a prior consent, unless the prior consent has not been implemented and will be surrendered on the grant of a subdivision that proposes environmental protection and on-going management of an environmental protection area.
 - ii. requirements of existing legal mechanism such as a covenant, easement, designation or private agreement / contract.
 - iii. the level of protection provided under regional or district plan rules.
- b. methods required to avoid, remedy or mitigate adverse effects of the allotments being created (such as planting to integrate allotments into their surroundings, and control of cats and dogs).

Attachment C

Relevant draft proposed consent conditions (applicant version 3)

My suggested amendments shown as tracked-changes, with additions as **bold underlined** text and deletions as ~~italic strikethrough~~ text.

SUBDIVISION CONSENT

Condition 42

That before the survey plan is certified pursuant to section 223 of the RMA, the following requirements are to be satisfied:

Ecological Restoration Works, Landscape Works and Landscaping

- i. A detailed Landscape Integration and Ecological Restoration Strategy (the Strategy) is to be prepared by a suitably qualified Landscape Architect and suitably qualified Ecologist **for certification by the** ~~to the satisfaction of~~ Council's Manager RMA Consents or delegated representative. The Strategy shall be for the proposed restoration and enhancement of the Waitaua Stream Corridor Enhancement Area and the Hurupaki Cone Enhancement Area and landscape improvement of proposed reserves (lots 200 – 205). The Strategy shall be generally in accordance with the following referenced documents:
 - a. Assessment of Landscape and Neighbourhood Amenity Effects prepared by Littoralis dated September 2021; and
 - b. Ecological Assessment Pertaining to Proposed Subdivision prepared by Rural Design dated September 2021.
- ii. **Certification of t**he Landscape Integration and Ecological Restoration Strategy in accordance with condition 42. ~~it~~ shall **be on the basis of the following information, include**-at a minimum, **being provided**:
 - a. Detailed plans for integration and rehabilitation of Lot 205 recreation reserve to vest, including at least:
 - playground design;
 - planting plan for the Hurupaki Cone Enhancement Area; and
 - public walking tracks.
 - b. Detailed remediation and planting of Lots 203 and 204 drainage reserve to vest, including at least:
 - planting plan for the Watiua Stream Corridor Enhancement Area; and
 - integration of the stonewall.
 - c. Details of landscape design and planting around the stormwater pond 205.
 - d. Details of landscape design and planting with Lots 200 and 201, including integration of the stonewall and planting around the stormwater pond.
 - e. Planting plan/s shall schedule all species involved, their numbers, grades and the centres at which they are to be installed. Planting shall be configured with a goal of achieving 90% canopy closure within three years for all landscape planting areas and within five years for the Waitaua Stream Corridor and Hurupaki Cone Enhancement Areas.
 - f. An Ecological Pest and Weed Control Management Plan (EPWCMP) The purpose of the EPWCMP is to ensure long term environmental benefit objectives are achieved. The EPWCMP shall be for the purpose of achieving the recommendations of the Ecological Assessment Pertaining to Proposed Subdivision prepared by Rural Design dated September 2021. The EPWCMP shall specify the pest and weed control required as part of the establishment of the landscape and ecological rehabilitation measures, as well as the on-going replacement planting and weed and pest controls following establishment works (to be given effect to post section 224(c) certification).

- g. A monitoring programme of protection and ongoing maintenance being no less than 5-years from establishment including details on weed control, cultivation, control of plant pests and diseases, inspection of plants for losses and replacement planting during the planting season, removal of litter, checking of stakes and ties, trimming, pruning, topping up mulch as it may have been applied to amenity planting areas and other works required to ensure plantings maintain healthy growth and form.

Condition 43

Before a certificate is issued pursuant to section 224(c) of the RMA the following requirements must be satisfied:

Ecological and Landscape Planting

- a. All landscape and ecological planting and all plant and animal pest and weed management within lots 200 – 205 shall be implemented in accordance with the ~~approved~~ **certified** Landscape Integration and Ecological Restoration Strategy required by condition 42.~~i.~~ to ~~ii.~~ Evidence of compliance with this condition shall be provided to the Council in writing from a suitably qualified Landscape Architect and suitably qualified Ecologist prior to the issue of the section 224(c) certificate.

Walking Tracks

- b. The proposed walking tracks over Lots 203 and 205 shall be constructed to the appropriate standard set out in SNZ HB 8630:2004 'Tracks and Outdoor Visitor Structures' to Parks and Recreations certification.

Bond

- c. Pursuant to sections 108(2)(b) and 108A of the RMA, a bond shall be entered into with respect to the Landscape Integration and Ecological Restoration Strategy ~~approved~~ **certified** by the Council under Condition 42.~~h.~~ In accordance with the **certified** Landscape Integration and Ecological Enhancement Strategy the consent holder shall prepare a cost schedule setting out the maintenance costs associated with replacement planting and weed and pest controls for a period of five years plus 50% contingency shall be provided to form the basis for a bond under sections 108 and 108A of the RMA. The cost schedule is to be provided to and certified by Council's Manager RMA Consents or delegated representative. Costing for the bond shall be based on the cost of works required for the landscape maintenance requirements and pest and weed control monitoring requirements, as detailed in the Landscape Integration Plan and Ecological Enhancement Strategy certified in Condition 42.~~i. vi and vii~~ above.
- d. The bond shall be prepared by the Council's solicitor at the expense of the consent holder and shall be drawn if required by the Council in a form enabling it to be registered pursuant to s109 of the RMA against the title or titles to the land to which this bond relates. Performance of the bond shall be with a cash bond or other suitable financial instruments to the satisfaction of the Council, with provision for release of a portion of bond once every year for the five year period of the bond. The bond, prepared at that new registered proprietor's expense and to the reasonable satisfaction of the Council's solicitor, shall include the same terms and conditions as are included in the bond presently securing performance of the maintenance works for the subject lot.
- e. The maximum amount of the bond registered that can be released in any one year is one fifth of the total bond amount and will only be released on receipt of suitable evidence that maintenance and failed plant replacement has been suitably carried out in accordance with Condition ~~43a2.i. vi and vii~~. Upon proof of transfer of the title by the consent holder to a new owner of any one or more of the lots, the Council shall accept from the new registered proprietor a bond in substitution of the existing bond.

Consent Notices

- f. Pursuant to section 221 of the RMA, **the consent holder is to ensure that** a consent notice must be prepared and be registered on the Computer Freehold Register on Lot 58 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 water tanks installed in accordance with Condition 29 shall remain in place and be maintained to comply with SNZ/PAS4509:2008 until such time as reticulated water supply can achieve sufficient press pressure/flow requirements of SNZ/PAS4509:2008, FW2. The water tanks shall only be removed

once the consent holder has provided hydrant flow testing proving that the firefighting water supply requirements of SNZ/PAS4509:2008, FW2 have been met. The certification of the Council's Water Services Manager or delegated representative shall be obtained as part of this process.

- ii. No residential activity shall occur onsite until water tanks are removed in accordance with Condition i. once the testing results are certified by Council's Water Services Manager or delegated representative.
 - iii. Any development shall comply with the restrictions and recommendations (foundation, stormwater and access) of the Geotechnical Assessment prepared by LDE dated 24 June 2022 above unless an alternative engineering report prepared by a suitably experienced Chartered Professional Engineer is certified in writing by the Council.
 - iv. Any future building shall be finished in **external** materials (**including roofing**) with a light reflectance value not exceeding 30% and using hues that relate to (but not necessarily mimic) those created by remaining and recovering indigenous vegetation. Mirrored glazed is not permitted. Such reflectance levels shall be established by comparison with recognised colour swatches such as the Resene BS 5252 chart.
 - v. No building shall exceed a height of 5.5m, where the vertical distance between the natural ground level (**prior to earthworks being undertaken**) at any point and the highest part of the building immediately above shall be less than 5.5m.
Note: For the purpose of calculating height, a) Chimneys (not exceeding 1.1m in width) are excluded.
 - vi. Residential development shall be limited to one Principal Residential Unit. Construction of a minor residential unit is prohibited. For the purposes of this condition, residential development is defined to include Principal Residential Unit and/or Minor Residential Unit as referenced and defined in the Whangārei District Plan.
- g. Pursuant to section 221 of the RMA, **the consent holder is to ensure that** a consent notice must be prepared and be registered on the Computer Freehold Register on Lots 1 - 54 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:
- Lots 1 - 54
- i. Any development shall comply with the restrictions and recommendations (foundation, stormwater and access) of the Geotechnical Assessment prepared by LDE dated 24 June 2022 above unless an alternative engineering report prepared by a suitably experienced Chartered Professional Engineer is approved in writing by the Council.
- Lots 1 – 5
- i. Prior to occupation of any Principal Residential Unit, if the water pressure testing shows that less than the minimum 300kPa is available at the properties water connection then the land owner shall install either a small 5000 litre water tank with a pump for each Principle Residential Unit which is trickle feed off the public water main or install larger rain supply water tanks in accordance with the recommendations of the LDE Three Waters Design Report dated 24 August 2021 to boost water pressure. This lot will be affected until the Council upgrades the Three Mile Bush Road water reservoir, but once the upgrade occurs the tanks will no longer be required.
- Lots 16 – 18, 20 and 21
- i. All buildings and major structures within the lot shall be setback 10m - 5m from the top of the bank line at the head of the gully unless specific engineering foundation is provided in accordance with Geotechnical Assessment prepared by LDE dated 24 June 2022.
- h. Pursuant to section 221 of the RMA, **the consent holder is to ensure that** a consent notice must be prepared and be registered on the Computer Freehold Register on Lots 55 - 73 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:

Lots 55 – 73:

- i. Any development shall comply with the restrictions and recommendations (foundation, stormwater and access) of the Geotechnical Assessment prepared by LDE dated 24 June 2022 above unless an alternative engineering report prepared by a suitably experienced C and is certified in writing by Council.

Lots 55 – 59, 72 and 73:

- i. Prior to occupation of any Principal Residential Unit, if the water pressure testing shows that less than the minimum 300kPa is available at the properties water connection then the land owner shall install either a small 5000 litre water tank with a pump for each principle residential unit which is trickle feed off the public water main or install larger rain supply water tanks in accordance with the recommendations of the LDE Three Waters Design Report dated 24 August 2021 to boost water pressure. This lot will be affected until the Council upgrades the Three Mile Bush Road water reservoir, but once the upgrade occurs the tanks will no longer be required.
- ii. Any future building or major structure shall be finished in external materials (**including roofing**) with a light reflectance value not exceeding 30% and using hues that relate to (but not necessarily mimic) those created by remaining and recovering indigenous vegetation. Mirrored glazed is not permitted. Such reflectance levels shall be established by comparison with recognised colour swatches such as the Resene BS 5252 chart.
- iii. Residential development shall be limited to one Principal Residential Unit. Construction of a Minor Residential Unit is prohibited. For the purposes of this condition, residential development is defined to include Principal Residential Unit and/or Minor Residential Unit as referenced and defined in the District Plan.
- iv. Any future building or major structure development shall comply with the following:
 - a. The maximum building height and major structure height is 8m above ground level.
 - b. All building and major structures are setback at least 1.5m setback from any side boundary and 3m setback from any road boundary.
 - c. All buildings and major structures do not exceed a height equal to 3m above ground level plus the shortest horizontal distance between that part of the building or major structure and any boundary that is not adjoining a road.
- v. Any impervious area within the site shall not exceed 60% of the net site area and the impervious area shall be set back at least 5m from Mean High Water Springs and the top of the bank of any river that has a width exceeding 3m (excluding bridges, culverts and fences).
- vi. Any fences:
 - a. Shall not exceed a maximum height of 2m above ground level;
 - b. Shall not be fortified with any form of electrification or barbed wire except for stock exclusion purposes; and
 - c. Within 3m of a road boundary, is at least 50% visually permeable for any portion above 1m high.

Lots 60 - 67

- i. Prior to occupation of any Principal Residential Unit, if the water pressure testing shows that less than the minimum 300kPa is available at the properties water connection then the land owner shall install either a small 5000 litre water tank with a pump for each Principle Residential Unit which is trickle feed off the public water main or install larger rain supply water tanks in accordance with the recommendations of the LDE Three Waters Design Report dated 24 August 2021 to boost water

pressure. This lot will be affected until the Council upgrades the Three Mile Bush Road water reservoir, but once the upgrade occurs the tanks will no longer be required.

- ii. Any future building or major structure shall be finished in **external** materials (**including roofing**) with a light reflectance value not exceeding 30% and using hues that relate to (but not necessarily mimic) those created by remaining and recovering indigenous vegetation. Mirrored glazed is not permitted. Such reflectance levels shall be established by comparison with recognised colour swatches such as the Resene BS 5252 chart.
- iii. Residential development shall be limited to one Principal Residential Unit. Construction of a Minor Residential Unit is prohibited. For the purposes of this condition, residential development is defined to include Principal Residential Unit and/or Minor Residential Unit as referenced and defined in the District Plan.
- iv. No building shall exceed a height of 5.5m, where the vertical distance between the natural ground level (**prior to earthworks being undertaken**) at any point and the highest part of the building immediately above shall be less than 5.5m.
Note: For the purpose of calculating height, a) Chimneys (not exceeding 1.1m in width) are excluded.
- v. Any future building or major structure development shall comply with the following:
 - a. All building and major structures are setback at least 1.5m setback from any side boundary and 3m setback from any road boundary.
 - b. All buildings and major structures do not exceed a height equal to 3m above ground level plus the shortest horizontal distance between that part of the building or major structure and any boundary that is not adjoining a road.
- vi. Any impervious area within the site shall not exceed 60% of the net site area and the impervious area shall be set back at least 5m from Mean High Water Springs and the top of the bank of any river that has a width exceeding 3m (excluding bridges, culverts and fences).
- vii. Any fences:
 - a. Shall not exceed a maximum height of **1.52m** above ground level;
 - b. Shall not be fortified with any form of electrification or barbed wire except for stock exclusion purposes; and
 - c. Shall be visually permeable (**with the fence surface to be at least 75% visually permeable**) and recessive in colour.
- viii. All buildings, major structures and earthworks shall be setback 5m from the northern site boundary.

Lots 68 - 73

- i. All buildings and major structures shall be setback 10m - 5m from the top of the bank line at the head of the gully unless specific engineering foundation is provided in accordance with Geotechnical Assessment prepared by LDE dated 24 June 2022.
- i. A solicitor's undertaking shall be provided to Council confirming that the consent notices prepared for registration under the relevant conditions of this resource consent will be duly registered against the new titles to be issued for the subdivision. The solicitor must provide a post registration title and instruments.