

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



Non-complying activity under the operative plan

Application number(s): R66992 - SUB60036549

Applicant's name: C & H Main

Site address: Kanohi Road
Kanohi

Legal description: Lot 3 DP 25570

Proposal:

To subdivide the site on a staged basis to create four additional rural- residential sites (one of which may be used as a transferable title right, subject to a future application that will be assessed on its merits at that time), undertake earthworks and remove vegetation.

The resource consents are:

Auckland Council District Plan (Rodney Section)

The application is largely based on the protection of bush areas and this is controlled by rule 7.14.3.2. The following is noted in this regard:

- The application results in the protection of 37ha of native bush. This is used as the basis for creating 4 rural- residential sites. This meets rule 7.14.3.2.1.
- The bush meets the standards as set out in rule 7.14.3.2.2.
- The application sees the protection of bush that is both on the rural- residential sites and the balance site. This does not meet rule 7.14.3.2.3.
- The bush will be legally protected and weed and pest control will be undertaken. It is however proposed that the boundaries of the bush be fenced with demarcation fencing (or not fenced where it is adjacent to another area of bush) rather than a fence capable of preventing grazing by stock, as is required by rule 7.14.3.2.4(b). This is addressed in the report but the demarcation fencing creates an infringement of this rule.
- The application will see the protection of all native bush on the sites (rule 7.14.3.2.5).
- Lot 2, a rural- residential site, is over 2ha in size being 2.57ha. Rule 7.14.3.2.6 is not met.
- The application seeks to utilise one site as a transferable title right. The donor site is not known at this time; this aspect of the application does not specifically require consent under the ACDP(RS) and the application is assessed on the basis that all sites will be created in this location (being a "worst case" scenario).

Due to the areas of non-compliance noted above, the application is a **non-complying activity** (rule 7.14.1.3(a)).

Auckland Unitary Plan (Operative in Part)

Since the application was lodged, the Council has released decisions on the Proposed Auckland Unitary Plan, the period for appeals has closed and the Council has made the plan Operative in Part. The reasons for consent under this document are now detailed as follows:

- Table E39.4.2 refers to rural subdivision. It provides for in-situ subdivision creating additional sites through the protection of SEA's complying with the standards in E39.6.4.4 as a restricted discretionary activity (A16). The Standards in E39.6.4.4 state that the bush must be noted as SEA (which this development complies with) and sets out in table E39.6.4.4.1 the lot yields. The application seeks to protect 37ha of bush and create 4 additional sites. At this time the applicant intends to use one as a transferable rural site, but the donor site is unknown. The application is therefore assessed on the basis that all sites are created in situ. Table E39.6.4.4.1 only allows the creation of a maximum of 3 sites in situ; the application is in excess of this. In addition not all proposed sites are 1ha- 2ha in size (E39.6.4.4(5)) and secure stock exclusion is not proposed (E39.6.4.4(12)).

The application is therefore a **non-complying activity** (A17, Rule E39.4.2) as standard E39.6.4.4 is not met.

These rules are both subject to appeal by numerous parties (Env 189, 206, 207, 212, 215, 216, 219, 227, 334, 248).

- Rule E39.6.1 contains General Standards for Subdivision. The following infringements are noted in this regard:
 - E39.6.1.1- The proposed sites do not contain a 2000m² building area.
- The application proposes earthworks of 127m³ (over an area of 580m²) within an SEA overlay. This is a **restricted discretionary activity** pursuant to rule E11.4.3 (A28 and A30).
- Vegetation removal for the proposed access and building platform areas is proposed. This is located within the SEA overlay. This is a **discretionary activity** (A43) pursuant to rule E15.4.3.

Overall the application is a **non-complying activity** under the AUP(OiP).

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

Acting under delegated authority, under sections 104, 104B, s104D, 106 and 108 the application is **GRANTED**.

1. Reasons

Under section 113 of the RMA the reasons for this decision are:

1. In accordance with an assessment under s104(1)(a) of the RMA the actual and potential effects from the proposal will be acceptable as:
 - a. The development is of a scale and the new rural- residential lots in locations that will create adverse landscape, visual, character and amenity effects that are no more than minor. This conclusion takes into account the existing environment, in particular the screening provided by surrounding vegetation. It is also noted that the applicant may use one of the sites as a transferable title right, subject to obtaining the necessary resource consent.
 - b. The building areas on the proposed rural- residential sites are suitable for development in engineering terms, and hydrological neutrality can be achieved.
 - c. The new sites can be suitably serviced by on- site means. These will be designed for specific developments of the new sites at building consent stage. However fundamentally it is expected suitable management can be readily achieved on each site, and adverse environmental effects will be less than minor.
 - d. The sites can be suitably accessed and there is sufficient space to enable on- site vehicle parking and manoeuvring. The surrounding roading network is expected to be able to accommodate the additional traffic generated by the additional sites.
 - e. While the application includes the creation of sites within the bush area and the removal of some bush, the potential effects in this regard are to be controlled by conditions. In this context potential adverse effects are concluded to be minor.
2. In terms of positive effects the application will result in the protection of a large bush area. This will create positive ecological effects in the immediate area and in the wider area.
3. In accordance with an assessment under s104(1)(b) of the RMA the proposal is consistent with the relevant statutory documents.

The application does not conflict with the high level outcomes sought by the ACRPS. There are no known matters of interest or significance to iwi (Chapter 3) or heritage values associated with the site (Chapter 6). The application is expected to improve water quality due to the extensive bush protection proposed (and the watercourses that are expected to be contained within this area) (Chapter 8) and due consideration has been given to potential effects associated with natural hazards (Chapter 11). The application is not of a scale that creates notable conflicts with the containment provisions noted in Chapter 2, even though the rural- residential sites will not be located in a specific countryside living zone.

The ACDP(RS) is the operative planning document related to this site. While the AUP has been made operative in part, there are a number of appeals to provisions related to rural subdivision including the relevant objectives and policies. Therefore most weight is given to the ACDP(RS). The application is consistent with these provisions for the following reasons:

- o The application is of a small scale and provides for the protection of natural features. This is consistent with provisions of the plan that seek to limit rural subdivision (see for example objectives 7.8.1.2.1, 7.8.1.2.2). Natural features will

continue to dominate the character of this area, as opposed to built form and development. Overall, while a change will occur due to the additional development, the rural character and amenity of this location will be maintained (objectives 7.3.1, 7.3.3, 7.8.1.1.1 and policies 7.4.2, 7.4.4).

- In addition the application will also see the physical and legal protection of a large bush area of appropriate quality (objectives 7.3.7, 7.3.8, 7.8.1.1.2, and policies 7.4.8, 7.4.9, 7.8.1.2.3). The protection of this will provide valuable ecological outcomes which are expected to increase over time through weed and pest control. The bush removal required for the new platforms is not consistent with these provisions, but when considered with conditions proposed is not fundamentally at odds with what these provisions seek to achieve.
 - Given the extent of bush on the parent site, it is concluded that the application will have no adverse effect on the productive potential of the parent site (objectives 7.3.6, 7.8.1.1.4 and policy 7.4.7).
 - The above provisions have similar objectives and policies in the AUP(OiP), such as those related to rural character (see for example D6.1.2) and the emphasis that the zone is used for rural production activities (see for example Objective D6.2.1, Policy D6.2.1 and D6.2.2). The application is largely consistent with these provisions for the reasons noted above. A number of objectives and policies relevant to the subdivision proposed, including some that the application does not sit comfortably with, have been appealed. Greater weight has been placed on provisions of the ACDP(RS).
4. The application will create adverse environmental effects that are no more than minor and is not contrary to objectives and policies of the relevant plans, noting weighting comments made above. The application passes the gateway test of section 104D RMA.
 5. The application is consistent with section 106 RMA. The development can be suitably accessed, and natural hazards have been taken into account and can be appropriately managed.
 6. This proposal achieves the sustainable management purpose of the RMA under Part 2. The application does not conflict with Section 6, and is consistent with the provisions of section 7 including that it will maintain amenity values (subsection (c)), the intrinsic values of ecosystems (subsection (d)) and overall, and in time, enhance the quality of the immediate environment (subsection (f)). The application creates no known conflicts with the Treaty of Waitangi (s8).

Overall the proposal creates an acceptable degree of adverse effects and is consistent with objectives and policies of the operative planning documents and provisions of Part 2 of the RMA.

2. Conditions

Under sections 108 and 220 of the RMA, these consents are subject to the following conditions:

General Conditions

These conditions apply to all resource consents.

1. The non-complying activity shall be carried out in accordance with the plans and all information submitted with the application, detailed below, and all referenced by the council as consent number R66992 - SUB60036549.

- a. Application Form, and Assessment of Effects prepared by Cato Bolam Consultants, dated 11/5/16 ref 34598 and PAUP (DV) assessment dated 16/9/16.

- b. Specialist Reports as detailed below, and additional information.

Report title and reference	Author	Rev	Dated
Bush Quality Assessment Report, ref 34598	Cato Bolam Consultants	-	29/2/16
Weed and Pest Management Report, ref 34598	Cato Bolam Consultants	-	29/2/16
Ecological Assessment and Management Report, ref 34598	Cato Bolam Consultants	-	2/3/16
Ecological Assessment and Management Report Addendum, ref 34598	Cato Bolam Consultants	-	3/8/16
Geotechnical Report, ref 45969- 2-02/06/2016	EDC	2	2/6/16

Plan title and reference	Author	Rev	Dated
Lots 1-5 being proposed subdivision of Lot 3 DP 25570, ref 34598, Sheet 1	Cato Bolam Consultants	R4	Feb 2016 (rev 4 dated August 2016).
Conservation Plan, Sheet 1	Cato Bolam Consultants	R4	Feb 2016 (rev 4 dated August 2016).
Cut and Fill Contour Plan for Lot 5, Sheet E102	Cato Bolam Consultants		25/7/16
Other additional information	Author	Rev	Dated
E-mail, ref SUB- 66992	Cato Bolam Consultants (G McGirr)	-	3/5/16

Letter, ref 45969	EDC	-	3/5/16
Letter, ref 34598	Cato Bolam Consultants	-	12/5/16
E-mail, ref R66992	Cato Bolam Consultants (G McGirr)	-	3/8/16
E-mail, ref R66992	Cato Bolam Consultants (G McGirr)	-	12/10/16
E-mail, ref R66992	Cato Bolam Consultants (G McGirr)	-	20/10/16
E-mail, ref Kanohi Road	Cato Bolam Consultants (M Goodwin)	-	31/10/16

2. Under section 125 of the RMA, this consent lapses five years after the date it is granted unless:
 - a. A survey plan is submitted to Council for approval under section 223 of the RMA before the consent lapses, and that plan is deposited within three years of the approval date in accordance with section 224 of the RMA; or
 - b. An application under section 125 of the RMA is made to the council before the consent lapses (five years) to extend the period after which the consent lapses and the council grants an extension.
3. This consent is to be implemented on a staged basis. The consent holder shall demonstrate that the conditions of consent have been met as they relate to each stage.

Advice note: It is noted that at least one site may be used as a transferable title right/ transferable rural site subdivision. The donor site/s are not known at this time, and the acceptability of this will be subject to a separate resource consent application.

4. At least 7 days prior to the work commencing, the consent holder shall notify council's Orewa Compliance Administrator by telephone (0800 426 5169) or email (ResourceConsentAdmin@aucklandcouncil.govt.nz) the expected date of work commencing

Specific conditions – subdivision consent SUB

Survey Plan Approval (s223) Conditions

5. Before council will approve the survey title plan pursuant to s.223 of the Act, the following requirements are to have been satisfied:
- a. The consent holder shall provide council will the calculated area(s) of bush to be protected on Lots 1-5 inclusive (Areas A- E inclusive) as shown on the approved scheme plan referred to in condition 1 and as defined by survey.
 - b. The survey title plan shall show and identify the area(s) of bush to be protected (Areas A- E inclusive) as "areas to be subject to land covenant". The boundaries of the covenants must coincide with the proposed fence lines referred to in condition 6a).

Section 224(c) Compliance Conditions

6. **Before a Certificate is issued pursuant to section 224(c) of the Act, the consent holder shall satisfy the following conditions at the consent holder's cost:**

Fencing bush area

- (a) A demarcation fence shall be constructed outside of the dripline of the bush to be protected on Lots 1-5 (Areas A- E inclusive) adjacent to the identified driveway and platform areas (i.e. the bush requiring a demarcation fence is only the covenant boundary adjacent to the area on each site which will be excluded from the covenant. Other site boundaries are not required to be fenced). This fencing shall be maintained. This fencing shall be bollards of at least 500mm in height and 150mm in diameter, and at no more than 10m spacings.

A stock proof fence shall be constructed along the eastern boundary of Area B. This shall be a permanent ungated continuous stock-proof fence, (minimum seven wire post and batten fence with no gates) capable of preventing browsing or other damage by farmed animals.

If any of the fencing is constructed after the survey title plan has been approved under section 223, a certificate from a licensed cadastral surveyor shall be provided to confirm that the fencing of Areas A- E is located on the covenant boundary.

- (b) The consent holder shall arrange with council's Team Leader, Northern Monitoring to inspect the stock-proof fence and demarcation fencing which has been erected in accordance with Conditions 6(a).

Planting

- (c) The consent holder shall submit to council's Team Leader, Northern Monitoring for approval, a Planting Plan incorporating a Planting and Maintenance Schedule for the planting of the edges of the driveways on Lots 2, 3 and 4 as set out in the Addendum to Ecological Assessment Addendum Report by Cato Bolam Consultants noted in condition 1. The Planting and Management Plan shall follow best practice methodology.

- (d) The consent holder shall carry out planting approved by condition 6c). Any weeds present in the area shall be controlled prior to planting. The consent holder will advise council when planting is initiated.

Advice Note: Weed Control means, that there are no fruiting and / or flowering individuals of weed species present within the covenant area and any mature weed species present are dead. In addition there shall be no areas where weed species are smothering and / or out competing native vegetation including suppressing the natural regeneration processes.

Control shall be demonstrated to the satisfaction of council's Team Leader, Northern Monitoring or similar position.

- (e) All planting required to be undertaken by the plans approved by condition 6c) shall be undertaken and completed in accordance with the Approved Planting plan(s). Following completion of the required planting in accordance with the approved Planting Plan(s) the consent holder shall submit a completion report to council's Team Leader, Northern Monitoring for approval.
- (f) Plant maintenance in accordance with the plans noted in condition 6c) shall occur for five years or until 75% canopy closure has occurred within the subject areas and a minimum survival rate of the plants (being 90% of the original density through the entire planting area(s)) has been achieved. The five year period shall commence once the completion report has been approved by council in accordance with condition 6(e). Plant maintenance includes the ongoing replacement of plants that do not survive. All invasive weeds and animal pests shall be controlled in accordance with the Weed and Pest Animal Control Plan both at the time of initial planting and any replacement planting if required and on an ongoing basis.

Advice Note:

The five year period can only commence once all planting, weed control and initial pest animal control has been completed to the satisfaction of Team Leader, Compliance Monitoring (Orewa).

- (g) Once Council has approved the completion report referred to in condition 6(e), the consent holder may enter into a surety bond of a sum calculated to be \$5500 per hectare of planting, to allow the early release of s.224(c) Certificate. The value of this bond shall be to the satisfaction of the council's Team Leader, Northern Monitoring. The purpose of the bond is to ensure a minimum survival rate of the plants to 90% of the original density and 75% canopy closure through the entire planting area(s).
- (h) The consent holder shall submit a Monitoring Report to council's Team Leader, Compliance Monitoring (Orewa), for approval 6 monthly for the first 18 months then annually thereafter for the remaining period to make up a total minimum period of five years. The Monitoring Report shall include but is not be limited to the following information in respect of each lot:
 - (i) Success rates, including growth rates and number of plants lost (including an analysis of the distribution of losses);
 - (ii) Canopy closure, beginnings of natural ecological processes - natural regeneration in understorey, use by native birds (note this does not relate to the planting on Lot 6);
 - (iii) A running record of fertilisation, animal and weed pest control and replacement of dead plants;
 - (iv) Details on the condition of, and recommendations for maintenance of, the fencing.

- (v) Recommendations for replacement of dead plants and implementation of these recommendations (remediation work). Any recommended remediation work shall include a start date for replanting.
- (i) If remediation work is recommended, the consent holder shall:
 - (i) Undertake this remediation work within six months from the start date.
 - (ii) Provide Council with a report confirming the remediation work has been undertaken. This report shall be submitted to Council's Team Leader, Compliance Monitoring (Orewa) within 6 months after the remediation work has been undertaken.

Weed and Pest Control

- (j) The consent holder shall carry out Weed and Pest Animal Control in the bush areas in accordance with the approved Weed and Pest Animal Control Plan referred to in condition to the satisfaction of council's Team Leader, Northern Monitoring, prior to the issue of s224(c) certificate.

Advice Note: Weed Control means, that there are no fruiting and / or flowering individuals of weed species present within the covenant area and any mature weed species present are dead. In addition there shall be no areas where weed species are smothering and / or out competing native vegetation including suppressing the natural regeneration processes. Control shall be demonstrated to the satisfaction of council's Team Leader, Northern Monitoring or similar position.

Ecology

- (k) No excess cut material shall be deposited within the Significant Ecological Areas.
- (l) Prior to the removal of any vegetation or the commencement of earthworks on Lots 2, 3 or 4, the consent holder shall provide a herpetofauna management memo, setting out how herpetofauna are to be managed during these works. This shall be generally consistent with documents noted in condition 1, including point 7 of the letter from Cato Bolam Consultants dated 12/5/16. Once approved by Council's Team Leader Northern Monitoring this plan shall be implemented.
- (m) Prior to the removal of any vegetation or any earthworks occurring where these will be within 20m of Areas A- E, the consent holder shall fence the external boundaries of Areas A- E with temporary protective fencing. This may include stakes and high visibility tape. The fencing shall be inspected by Council's Monitoring Officer prior to vegetation removal or earthworks commencing and shall remain in place until all vegetation removal and earthworks are completed. No works or storage of materials shall occur within the fenced area.
- (n) All vegetation removal shall be undertaken in accordance with the Ecological Assessment and Management Report by Cato Bolam Consultants as detailed in condition 1 to the satisfaction of the Team Leader Northern Monitoring. Once the vegetation removal is complete in each stage, the consent holder shall provide confirmation from a licensed cadastral surveyor that the area of removal is within the same area and is no greater than that detailed in the approved plan and the schedule within condition 6(o), and arrange a site inspection by Council's Team Leader Northern Monitoring to inspect the vegetation removal.

- (o) Vegetation removal shall be strictly limited to that noted in the documents detailed in condition 1, being:

Lot	Vegetation removal consented
1	Up to 1000m ² associated with the building platform. The access is already cleared; no additional vegetation removal is consented in relation to the access.
2	6m width from road to platform for access. 500m ² for platform.
3	6m width from road to platform for access. 500m ² for platform.
4	6m width from road to platform for access. Building platform already cleared.
5	1000m ² (primarily weeds) in association with building platform.

The location of the access, driveway (on Lots 1, 2 and 3) and platform shall be in strict accordance with the plans noted in condition 1 unless an alternative platform or driveway in the same general location is specifically approved by Council's Team Leader Northern Monitoring in consultation with Council's Senior Ecologist, where this will result in less vegetation removal or reduced effects related to vegetation removal.

Engineering

- (p) The engineering works required by this consent shall comply with the Council's "Standards for Engineering Design and Construction" as may be amended from time to time. Engineering Plans, as specified in the "Standards", shall be submitted to the Consents Engineer, and approval thereto received in writing, prior to the commencement of any works on the site.

Any variation or changes to the approved engineering plans shall be submitted for approval as an Amendment and approval received thereto prior to construction of the varied works.

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

- Earthworks,
- The formation of driveways,
- The installation of electrical and telecommunication,
- Any other works required by conditions of this consent.

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

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

- (q) The consent holder must provide an Erosion & Sediment Control Plan for approval of Council prior to commencement of earthworks. The consent holder must ensure all necessary measures proposed in the Plan approved by Council have been implemented and provide a certificate of establishment to Council prior to the commencement of any construction works including any excavation, earthworks or other site works. All earthworks shall be carried out to the satisfaction of the Council's Development Engineer. Any erosion and sediment control shall be designed and maintained having regard to Technical Publication TP90 of the legacy Auckland Regional Council.
- (r) Two copies of a plan certified and dated by a licensed surveyor fixing the location and size of the identified building sites on Lots 1, 2, 3, 4 and 5 by offsets from surveyed boundary pegs are to be provided to the Consents Engineer.
- (s) Written confirmation shall be provided from the electricity network supplier responsible for the area, that provision of an electric supply has been made available by above ground or underground means to all saleable lots created and that all the network supplier's requirements for making such means of supply available have been met or satisfactory arrangements have been concluded with the Consent Holder to complete the provision of the supply.
- (t) Written confirmation shall be provided from the telecommunications network supplier responsible for the area, that provision of telephone services has been made available by above ground or underground means to all saleable lots created and that all the network supplier's requirements for making such services available have been met or satisfactory arrangements have been concluded with the Consent Holder to complete the provision of the service

Consent Notices

- 7. The following conditions of consent shall be complied with on a continuing basis by the consent holder (which includes the subdividing owner and subsequent owners) and shall be recorded in a consent notice issued pursuant to s221 of the Resource Management Act 1991 registered on the title(s):

Monitoring Charges

- a. The respective owners of Lots 1- 5 inclusive shall pay the council monitoring charge or charges to recover the actual and reasonable costs that have been incurred to ensure compliance with the conditions attached to this consent.

Such charge/s shall be paid as part of the resource consent fee and the consent holder will be advised of the further monitoring charge or charges as they fall due. Such further charges are to be paid within one month of the date of invoice.

Bush area protection

- b. The areas of bush to be protected on Lots 1-5 (Areas A- E) identified by survey in accordance with condition 5(b) of resource consent R66992 – SUB60036549 shall be protected in perpetuity to the satisfaction of the council's Team Leader, Northern Monitoring.

The owners or their successors in title, of Lots 1-5 shall:

- i) Preserve the native vegetation, wildlife habitats and the natural landscape within the areas of bush to be protected on Lots 1-5;
- ii) Maintain any stock crossings and/or fish passage(s) in accordance with any easement(s) through the covenant areas;
- iii) Not (without the prior written consent of the council and then only in strict compliance with any conditions imposed by the council) cut down, damage or destroy, or permit the cutting down, damage or destruction of the vegetation or wildlife habitats within the areas of bush, to protected;
- iv) Not do anything that would prejudice the health or ecological value of the areas of bush to be protected, their long term viability and/or sustainability;
- v) Control all invasive plants and control pest animals within the areas of bush in accordance with the approved Weed and Pest Animal Control Plans referred to in condition 1 of resource consent R66992 – SUB60036549;

Advice Note: Weed Control means, that there are no fruiting and / or flowering individuals of weed species present within the covenant area and any mature weed species present are dead. In addition there shall be no areas where weed species are smothering and / or out competing native vegetation including suppressing the natural regeneration processes. Control shall be demonstrated to the satisfaction of council's Team Leader, Northern Monitoring or similar position.

- vi) Maintain a demarcation fence as approved by the council via conditions of resource consent R66992 – SUB60036549 on the boundary between of the areas of bush to be protected on Lots 1-5 and the remainder of the site and keep stock out of these areas. No stock, including horses, shall be kept on Lots 1-5 on a temporary or permanent basis.

If there is evidence of stock entering the areas of bush to be protected on Lots 1-5 (including from adjacent sites, the railway land or the road), the owners of the subject sites shall erect a stock proof fence around the perimeter of the protected areas and keep stock out of these areas. The fencing shall be constructed to the satisfaction of Council's Team Leader Northern Monitoring.

- vii) Maintain a stock proof fence as approved by the council via conditions of resource consent R66992 – SUB60036549 along the eastern boundary of Area B (on Lot 2) and keep stock out of all bush.
 - viii) Not construct any buildings or store any materials in the area to be protected.
 - ix) Not to be in breach of this covenant if any of the areas of bush to be protected die as a result of fire and/or natural causes not attributable to any act or default on their part for which they are not responsible.
- c. The owners of Lots 1-5 and their successors in title and any occupiers, shall not own, house, care for or feed any domesticated cats or any pets listed in table 10.1a of the Auckland Regional Pest Strategy 2007–2012 (ARPS) or any successive ARMPS on these sites, while residing on the property.
 - d. The owners of Lots 1-5 and their successors in title and any occupiers, shall not plant or cultivate any species noted in the Auckland Regional Pest Strategy 2007–2012 (ARPS) or any successive ARMPS on these sites.

Mitigation Planting

- e. Prior to submitting a building consent application, the owners of Lots 1, 2 or 3 shall submit to council's Team Leader, Northern Monitoring for approval, a Planting Plan incorporating a Planting and Maintenance Schedule for mitigation planting associated with vegetation removal undertaken on the building platform, as referred to in the Addendum to Ecological Assessment and Management Report and Ecological Assessment and Management Report both by Cato Bolam Consultants and detailed in condition 1 of resource consent R66992. The Planting and Management Plan shall follow best practice methodology.
- f. The owners of Lots 1, 2 or 3 shall carry out the planting approved by condition 7(e) on the respective Lot in the first planting season following occupation of the household unit on that Lot. Any weeds present in the area shall be controlled prior to planting. The consent holder will advise council when planting is initiated.

Following completion of the required planting in accordance with the approved Planting Plan(s) the consent holder shall submit a completion report to council's Team Leader, Northern Monitoring for approval.

Advice Note: Weed Control means, that there are no fruiting and / or flowering individuals of weed species present within the covenant area and any mature weed species present are dead. In addition there shall be no areas where weed species are smothering and / or out competing native vegetation including suppressing the natural regeneration processes. Control shall be demonstrated to the satisfaction of council's Team Leader, Northern Monitoring or similar position.

- g. Plant maintenance in accordance with the approved plans shall occur for five years or until 75% canopy closure has occurred within the subject areas and a minimum survival rate of the plants (being 90% of the original density through the entire planting area(s)) has been achieved. The five year period shall commence once the completion report has been approved by council. Plant maintenance includes the ongoing replacement of plants that do not survive. All invasive weeds and animal pests shall be controlled in accordance with the Weed and Pest Animal Control Plan both at the time of initial planting and any replacement planting if required and on an ongoing basis.

Advice Note: The five year period can only commence once all planting, weed control and initial pest animal control has been completed to the satisfaction of Team Leader, Compliance Monitoring (Orewa).

- h. The owners of Lots 1, 2 or 3 shall submit a Monitoring Report to council's Team Leader, Northern Monitoring for approval 6 monthly for the first 18 months then annually thereafter for the remaining period to make up a total minimum period of five years. The Monitoring Report shall include but is not be limited to the following information in respect of each lot:
- i) Success rates, including growth rates and number of plants lost (including an analysis of the distribution of losses);
 - ii) Canopy closure, beginnings of natural ecological processes - natural regeneration in understorey, use by native birds;
 - iii) A running record of fertilisation, animal and weed pest control and replacement of dead plants;
 - iv) Details on the condition of, and recommendations for maintenance of, the fencing.
 - v) Recommendations for replacement of dead plants and implementation of these recommendations (remediation work). Any recommended remediation work shall include a start date for replanting.
- i. If remediation work is recommended, the owners of Lots 1, 2 and 3 shall:
- i) Undertake this remediation work within six months from the start date.
 - ii) Provide Council with a report confirming the remediation work has been undertaken. This report shall be submitted to Council's Team Leader, Northern Monitoring within 6 months after the remediation work has been undertaken.

Engineering

- j. Any buildings erected on Lots 1 to 5 shall be subject to the requirements of Geotechnical report prepared by Engineering Design Consultants, ref: 45969-1, dated 10/2/2016, Geotechnical review for Lots 3 & 5 prepared by Engineering Design Consultants, ref: 45969- Geo, dated 3/5/2016 and Geotechnical review for Proposed Subdivision prepared by Engineering Design Consultants, ref: Project 45969 – 2, dated 2/6/2016, and any subsequent reports. Any proposal must be assessed by Engineering Design Consultants or a geotechnical engineer and if necessary specific engineering design of foundations might be necessary. Copies of the said plan & report(s) will be held at the offices of the Council, Centreway Road, Orewa.

- k. All stormwater from driveways, roof, and water tank overflow on Lots 1 to 5 shall be collected and disposed of in accordance with the requirements of the document "Management of Stormwater in Countryside Living (Rural and Town) Zones - A Toolbox of Methods" and approved in writing by the Consents Engineer. Copies of the said document are held at the offices of the Council, Centreway Road, Orewa.
- l. In order to ensure the proposed driveways are constructed with no part of the gradient in excess of 1:4, with an average gradient of 1:5, the owners of Lots 1- 5 shall employ a Licensed Cadastral Surveyor at his/her own expense who shall, prior to the concrete for the driveway being poured or metal laid (i.e. prior to the final surface being laid), certify to the Council's Team Leader Northern Monitoring in writing that no part of the driveway exceeds a gradient of 1:4 and that the average gradient is no steeper than 1:5.

Landscape

- m. Any building constructed on Lots 1-5 inclusive comply with the following:
- (i) All buildings shall be of a single storey in height, with a maximum height of 6 metres.
 - (ii) Building materials shall be natural such as unpainted natural timber, stone, or materials painted or treated with recessive colours that are appropriate to the rural setting. Roofs in particular should be non-reflective and painted or coloured a recessive colour. White and light colours are not appropriate. If brick is used it shall be dark in tone. Exterior colours of the dwelling must be approved in advance of the building consent being applied for by the Council's Team Leader Northern Monitoring.
 - (iii) Limit the use of reflective glass to the satisfaction of Council's Team Leader Northern Monitoring, ensuring that large areas of such glass are not proposed. Prior to building consent being applied for, a copy of the proposed building plans clearly indicating reflective glass shall be provided to the Team Leader Northern Monitoring for approval. The use of large reflective surfaces in built development is inappropriate on these sites.

Advice notes

1. *The consent holder will be responsible for ensuring all necessary permits, such as Corridor Access Requests (CAR) permits for [specify aspect of the development], are obtained from Auckland Transport. See Auckland Transport's website www.aucklandtransport.govt.nz for more information.*
2. *Any reference to number of days within this decision refers to working days as defined in s2 of the RMA.*
3. *For the purpose of compliance with the conditions of consent, "the council" refers to the council's monitoring inspector unless otherwise specified. Please contact Kerry Flynn on 09 301 0101 or monitoring@aucklandcouncil.govt.nz to identify your allocated officer.*

4. *For more information on the resource consent process with Auckland Council see the council's website www.aucklandcouncil.govt.nz. General information on resource consents, including making an application to vary or cancel consent conditions can be found on the Ministry for the Environment's website: www.mfe.govt.nz.*
5. *If you disagree with any of the above conditions, or disagree with the additional charges relating to the processing of the application, you have a right of objection pursuant to sections 357A or 357B of the Resource Management Act 1991. Any objection must be made in writing to the council within 15 working days of notification of the decision.*
6. *The consent holder is responsible for obtaining all other necessary consents, permits, and licences, including those under the Building Act 2004, and the Heritage New Zealand Pouhere Taonga Act 2014. This consent does not remove the need to comply with all other applicable Acts (including the Property Law Act 2007 and the Health and Safety in Employment Act 1992), regulations, relevant Bylaws, and rules of law. This consent does not constitute building consent approval. Please check whether a building consent is required under the Building Act 2004.*

Delegated decision maker:

Name: Dan Rodie

Title: Team Leader, Resource Consents

Signed:

Date:


9-12-16