

Conditions

Pursuant to Sections 108 and 220 of the Act, RM210053 is granted subject to the following conditions:

General Conditions

- The activity shall be carried out in accordance with the application formally received by Kaipara District Council ("Council") on 25 October 2019, and the plan(s) and documents as follows:

<i>Plan title and reference</i>	<i>Author</i>	<i>Rev</i>	<i>Dated</i>
<i>Proposed Subdivision of Lot 1 DP 525736 – Pages 1-2 file reference 3044</i>	<i>Pacific Coast Surveys Limited</i>	<i>6</i>	<i>April 2022</i>
<i>Landscape Plan 'updated following hearing' Pages 1- 7 drawing reference 20206_LP_01</i>	<i>Evolve Planning + Landscape Architecture (Evolve Limited)</i>	<i>N/A</i>	<i>05/04/2022</i>
<i>Project Roading and Pavement project number reference 12481, drawings:</i> <ul style="list-style-type: none"> - <i>SW and Drainage Plans sheets C20 - C32,</i> - <i>SW Culvert Long Section sheets C41- C45</i> - <i>Preliminary Low Voltage Layout sheets C61 and C62</i> - <i>Overall Lots Plans sheets C00 – C03</i> - <i>Earthworks Volume sheets C04 – C06</i> - <i>Erosion and Sediment Control sheets C10 – C14</i> 	<i>Hawthorn Geddes Limited</i>	<i>T1</i>	<i>Sep 2021</i>
<i>Report title and reference</i>	<i>Author</i>	<i>Rev</i>	<i>Dated</i>
<i>Traffic Impact Assessment</i>	<i>Arrive Limited</i>	<i>N/A</i>	<i>23 December 2020</i>
<i>Preliminary Geotechnical Investigation for Subdivision Feasibility at Lot 1 DP 525736</i>	<i>Wiley Geotechnical Limited</i>	<i>N/A</i>	<i>09.02.2021</i>

<i>Devich Road, Mangawhai reference 20256_Prelim</i>			
<i>Section 92 – Response – ESL Provided as part of s92 request to Council June 18 2021 and attached plans as follows:</i> - <i>Biodiversity Management Plan</i> - <i>Pest Management Plan</i> - <i>Revegetation & Planting Plan</i>	<i>Ecology Solutions Limited</i>	<i>N/A</i>	<i>Plans dated June 2021</i>
<i>Landscape and Visual Assessment Addendum</i>	<i>Evolve Planning + Landscape Architecture (Evolve Limited)</i>	<i>N/A</i>	<i>18 June 2021</i>
<i>Other additional information</i>	<i>Author</i>	<i>Rev</i>	<i>Dated</i>
<i>Building Controls and Design Guidelines</i>	<i>Evolve Planning + Landscape Architecture (Evolve Limited)</i>	<i>N/A</i>	<i>March 2022</i>

Note: Where there is any apparent conflict between the application and the consent conditions, the consent conditions shall prevail.

2. The consent holder shall pay any subsequent further charges imposed under Section 36 of the Act relating to the receiving, processing, granting and monitoring of this resource consent within 20 days of receipt of notification of a requirement to pay the same, provided that, in the case of any additional charges under Section 36(5) of the Act that are subject to challenge, the consent holder shall pay such amount as is determined by that process to be due and owing, within 20 days of receipt of the relevant final invoice.
- 3. Prior to the sealing of the Survey Plan pursuant to Section 223 the following conditions shall be complied with:**
- 3.a) The survey plan shall be generally in accordance with the plan of subdivision prepared by Pacific Coast Surveys Limited dated April 2022 referenced as File 3044 Revision 6 as attached to this decision.
 - 3.b) The survey plan shall show Lots 14, 15, 16, 18, 19, 21, 22 and Lots 25-31 as being subject to a 20 metre wide esplanade strip and Lot 2 DP 330158 as an esplanade reserve in its entirety.
 - 3.c) The survey plan shall show:

- 3.c)i. Areas AA – AR and H, I, JJ, KK, LL, M, N, O, P, Q, R, S and T as referenced on the stamped approved subdivision scheme plan for RM210053 and located on allotments 14-16, 18, 19, 21, 22, 25-31, 34-38, 43, 51, 55-57, 60-63, 65 and 66as areas to be subject to a covenant and consent notice condition to ensure the protection of the ecological environmental benefit in perpetuity.
- Note: For avoidance of doubt, any existing covenants area (such as K and L shown on the scheme plan) are to be cancelled with the new covenant areas imposed to replace them.
- 3.c)ii. Areas identified for ‘Softening and Amenity Enhancement Planting’, and ‘Mitigation Planting’ shall be no less than 3m in width as illustrated on the Landscape Plan provided by Evolve Limited referenced as Drawing 20206_LP_01 dated 05/04/2022 and shall be subject to a covenant and consent notice condition.
- 3.c)iii. Defined building platforms on Lots 36, 42, 48 – 61 and 63 as illustrated on the Landscape Plan provided by Evolve Limited referenced as Drawing 20206_LP_01 dated 05/04/2022, where those defined platforms are to be fixed by survey and shall not exceed an area of 1000m² and shall retain a minimum dimension of 30 metres.
- 3.d) The following amalgamation conditions shall be endorsed on the survey plan (LINZ request reference 1783380):
- “That Lot 100 and 101 hereon (legal access), and Lot 51 DP 378455 be held in the same computer free hold register.(LINZ Ref 1783380).
- 3.e) The survey plan shall show all necessary easements for the provision of access, drainage and utility services to all lots.
- 3.f) Written confirmation shall be provided from the appropriate network utility providers that satisfactory arrangements can be made for the separate provision of electricity in particular with respect to any required easements.
- 3.g) The consent holder shall provide the following documents to the Council for review and certification by the Councils Monitoring and Compliance Services Team Leader or delegated representative before works commence on the site:
- 3.g)i. A Construction Management Plan (“CMP”) in accordance with Section 3.3 of Council’s Engineering Standards 2011 shall be provided to Council’s Development Engineer, or their delegated representative for certification, and shall include:
- Details of the site manager including full contact details;
 - Construction methodology including proposed plant and machinery to be utilised;

- Proposed procedures for controlling sediment runoff and dust generation;
- Programme of works;
- Proposed hours of work on the site;
- Details of the number and timing of truck movements on the access route to the site;
- Details of any proposed materials storage areas;
- Traffic management plans, specifically including management of gated access on Wallbank Way and the requirement for construction vehicles to avoid unsealed roads where practicable;
- An assessment of the existing condition of the road formation and carriageway of Wallbank Way and Cotton Lane undertaken by a Chartered Professional Engineer. This assessment shall be used to inform the need for any repair or remediation works required to Wallbank Way and Cotton Lane to satisfy condition 4(c)(iii) of RM210053; and
- Proposed communication strategy to advise members of the public and residents within the Lake View Estate of the construction works.

The consent holder shall adhere to the terms of the certified Construction Management Plan at all times during the construction of the development.

- 3.g)ii. Provide written verification that the person responsible for carrying out construction work holds public liability insurance to the value of \$2,000,000.00.
- 3.g)iii. Provide written verification that the consent holder's engineer responsible for design and supervision of the roading works holds professional indemnity insurance to the value of \$1,000,000.00.
- 3.g)iv. An Amenity Planting Plan (**APP**) prepared by a suitably qualified and experience landscape architect. The purpose of the APP is to provide detail of 'Softening and Amenity Enhancement Planting' and 'Mitigation Planting' illustrated on the Landscape Plan provided by Evolve Limited referenced as Drawing 20206_LP_01 dated 05/04/2022 which is to be carried out by the consent holder prior to certification pursuant to s244 of the RMA. The purpose of the proposed 'Softening and Amenity Enhancement Planting' is to soften future development, create a buffer and a vegetated framework for future development to sit within, as stated in the Landscape and Visual Assessment Addendum provided by Evolve Limited dated 18th June 2021. The purpose of the 'Mitigation Planting' is to provide a level of softening from adjacent properties. The APP shall as a minimum include the following:

- A description of the purpose and objectives of the planting, noting that the proposed 'Softening and Amenity Enhancement Planting' shown on Landscape Plan provided by Evolve Limited referenced as Drawing 20206_LP_01 dated 05/04/2022 shall be designed to achieve a density of canopy closure (approximate height of 1.5m to 2m) within 5 years of planting, and that the Mitigation Planting must achieve a height of 2.0m prior to building commencing on the relevant lots (see conditions 4.o) x - xiii.
- A plan of the planted areas aligning with the covenants required under Condition 3.c) above detailing proposed plant species, plant sourcing, plant sizes at time of planting, plant locations, density of planting and timing of planting, height and density upon maturity. All plants must be eco-sourced.
- A programme of establishment and post establishment protection and maintenance (e.g. planting method, fertilising, weed removal / spraying, replacement of dead or poorly performing plants, watering, length of maintenance programme).
- Details of weed management.
- Details of the proposed certification process (required to satisfy condition 4.e), The certification must be undertaken within 3 months of the application for certification pursuant to s224 bring made to Council.

3.g)v. An Amenity Planting Maintenance Plan (**APMP**) prepared by a suitably qualified and experience landscape architect. The purpose of the APMP is to provide clear direction to the consent holder, Council and future lot owners as to how to maintain and manage the 'Softening and Amenity Enhancement Planting' and 'Mitigation Planting' illustrated on Landscape Plan provided by Evolve Limited referenced as Drawing 20206_LP_01 dated 05/04/2022 on an ongoing basis so as to ensure the mitigation the planting provides is retained. The plan shall provide details of ongoing maintenance and monitoring requirements including (but not limited to):

- Weed management (e.g., removal and spraying) and watering programme; and
- A plan of the planted areas detailing plant species and process for replacement of dead or poorly performing plants, noting that any replacements must be eco-sourced.

3.g)vi. An Environmental Benefit Implementation Plan (**EBIP**) prepared by a suitably qualified and experienced ecologist in accordance with the information provided by Ecology Solutions Limited in support of the application. The purpose of the EBIP is to provide clear direction to the consent holder and Council of the restoration planting and fencing works to be carried out prior to certification pursuant to s224 of the RMA within areas referenced AA – AR

and H, I, JJ, KK, LL, M, N, O, P, Q, R, S and T on the stamped approved subdivision scheme plan for RM210053 and located on allotments 14-16, 18, 19, 21, 22, 25-31, 34-38, 43, 51, 55-57, 60-63, 65. These areas are to be protected and managed by way of private covenant and consent notice condition. To ensure the long-term environmental benefit objectives are achieved, the EBIP shall as a minimum include the following:

Restoration Planting

- A plan or plans detailing the restoration planting to be undertaken in the ecological environmental benefit covenant areas shown on the approved subdivision scheme plan for RM210053 as areas AA – AR and H, I, JJ, KK, LL, M, N, O, P, Q, R, S and T located on allotments 14-16, 18, 19, 21, 22, 25-31, 34-38, 43, 51, 55-57, 60-63, 65 and 66. The restoration planting shall extend into the areas identified on the approved subdivision scheme plan as esplanade strip. The plan/s must be supported by a schedule detailing the following:
 - Any pre-planting land preparation including removal/management of weeds.
 - Proposed plant species and intended locations for planting,
 - Details regarding plant sourcing, noting that they must be eco-sourced,
 - Plant sizes at time of planting,
 - Density of planting and timing of planting,
 - Height and density upon maturity. Planting shall be provided within the areas identified as being subject to esplanade strips.

Detail regarding the removal or management of all invasive weed species and their replacement with native, eco-sourced species that will enhance ecological values of local habitat.

Fencing Plan

- A fencing plan showing the location of seven (7) wire fencing around the perimeter of the ecological environmental benefit covenanted areas AA – AR and H, I, JJ, KK, LL, M, N, O, P, Q, R, S and T located on allotments 14-16, 18, 19, 21, 22, 25-31, 34-38, 43, 51, 55-57, 60-63, 65 and 66. The purpose of the fencing is to protect these covenanted areas. No fencing shall be constructed along lot boundaries within the covenanted areas, or along the esplanade strip boundaries, so as to ensure that no physical barrier is created between these areas that

might prevent the ecological environmental benefit area and esplanade strip acting as an ecological corridor.

Certification process

- Details of certification process (required to satisfy condition 4.e)) to verify that the planting and associated management regime is established and suitably completed so as to then be maintained in accordance with the OEMP as per condition 4. o) xiv. The certification must be undertaken by a suitably qualified and experienced ecologist and undertaken within three (3) months of the application for certification pursuant to s224 bring made to Council.

3.g)vii.

An Ongoing Environmental Management Programme (**OEMP**) prepared by a suitably qualified and experienced ecologist in accordance with the information provided by Ecology Solutions Limited in support of the application. The purpose of the OEMP is to provide clear direction to the consent holder, Council and future owners of allotments 14-16, 18, 19, 21, 22, 25-31, 34-38, 43, 51, 55-57, 60-63, 65 how to manage the covenanted ecological environmental benefit areas as well as esplanade strip, so as to ensure that the long term environmental benefit is achieved. Where possible, the individual covenanted areas and esplanade strip should be managed collectively as one ecological benefit area. As a minimum the OEMP shall include the following:

Monitoring and Maintenance

- A Monitoring and Maintenance Programme which includes:
 - Recommendations on the frequency of maintenance and monitoring to be undertaken, and anticipated duration of monitoring so as to achieve long term environmental benefit.
 - Detail of the maintenance measures including (as applicable) watering and mulching, weed and pest control (including regular checking of traps), and replacement planting as required for any failures.
- The timeframes applicable to the monitoring and maintenance programme shall, as a minimum, be an initial 5-year establishment period for all planting and pest control, and then an annual maintenance programme thereon that is suitable for implementation by future lot owners (see condition 4.o)xiv).

Pest Control

- Details of proposed measures to control pests including, but not limited to, rats, mustelids, opossums and freshwater pests. The purpose of the pest control is to ensure, as far as practicable, that the ecological gains of the ecological environmental benefit area are not compromised.
- Safe control trapping measures are to be implemented such as the use of live capture cages to minimise risk to domestic pets.

3.g)viii. Written evidence from an archaeologist to confirm that a walkover inspection of the site has been undertaken. The results of that inspection are to be recorded. Where any sites have been identified that are subject to the Pouhere Taonga Heritage New Zealand Act, the consent holder shall seek and obtain any necessary Authority before works commence.

3.h) The consent holder shall submit a detailed set of engineering plans, specifications and calculations, prepared in accordance with the Council's Engineering Standards 2011 to the Council's Development Engineer, or their delegated representative for approval. The engineering plans, calculations and specifications shall be prepared by a suitably experienced person/s who:

- Have the appropriate experience in the relevant areas; and
- Hold appropriate qualifications and membership of professional bodies; and
- Have professional indemnity insurance to the value of at least \$1,000,000.

The engineering plans, calculations and specifications shall include, but may not be limited to the following:

- 3.h)i. Design details of the construction of the private roads, which shall comply as far as practicable with Section 5 of the Council's Engineering Standards 2011.
- 3.h)ii. Design details for all stormwater drainage, which shall comply as far as practicable with Section 6 of the Council's Engineering Standards 2011.
- 3.h)iii. Details regarding the trimming of vegetation located within the Devich Road reserve to improve sight lines, noting that this work may require a Corridor Access Request ('CAR') application.

The design shall confirm that it complies with the details provided in the Traffic Impact Assessment prepared by Arrive Limited dated 23 December 2020, the plans prepared by Hawthorn Geddes entitled 'Project Roding and Pavement' project reference 12481 revision T1 dated September 2021, and in all respects with the conditions of the Northland Regional Council consent (reference AUT.043152.01.01) held by the consent holder.

4. Before a Certification is issued pursuant to section 224(c) of the Act, the following conditions are to be complied with:

- 4.a) Electricity connections shall be provided to the boundary of the net site area of all lots. All cabling shall be underground. The consent holder shall provide confirmation from the network utility supply authority/authorities of compliance with this condition.
- 4.b) The consent holder shall provide written confirmation from a licensed cadastral surveyor that all services and accesses constructed under this consent are located within the appropriate easement boundaries.
- 4.c) All works on the engineering plans approved under condition 3.h) of this consent are to be completed to the approval of the Council's Development Engineer, or their delegated representative.

Compliance with this condition shall be determined by the following:

- 4.c)i. Site inspections undertaken as agreed in Council's engineering plan approval letter for the engineering plans as required by condition 3.h) of this consent;
- 4.c)ii. Provision and approval of supporting documentation provided by the consent holder in support of the constructed works, including Producer Statements, completion certificates, works acceptance certificate, statement of compliance of as built works and as built plans, construction management plans, operation and maintenance plans and all other test certificates and statements and supporting information required to confirm compliance of the works as required by Section 3 of the Council's Engineering Standards 2011.
- 4.c)iii. Provision of documentation from a Chartered Professional Engineer confirming that any damage caused to Wallbank Way and Cotton Lane as a direct result of use by construction vehicles has been 'made good' and repaired. The assessment provided to satisfy condition 3.g)i. shall be used as a basis to confirm compliance.
- 4.d) In the event of any damage to any assets within Council's road reserve by the works associated with the subdivision, the consent holder shall reinstate it in accordance with Section 3 of the Council's Engineering Standards 2011.
- 4.e) All works described in the certified plans under Conditions 3.g) iv of this consent relating to the APP shall be implemented and completed. Certification shall be provided by way of a suitably qualified and experienced landscape architect to verify that all works under 3 g) iv have been completed. The certification must be less than 3 months old when provided to Council as part of an application made pursuant to section 224c of the RMA and shall be supported by suitable documentation including photographs and plans for monitoring and maintenance purposes and a cost estimate of the works provide for maintenance purpose for a period of not less than 5 years for the purpose of the performance bond as required by condition 4.g).

- 4.f) All works described in the certified plans under Conditions 3 g). vi. of this consent relating to the EBIP, shall be implemented and completed in accordance with the Certification Process specified in the approved EBIP. The certification must be less than 3 months old when provided to Council as part of an application made pursuant to section 224c of the RMA and shall be supported by suitable documentation including photographs and plans for monitoring and maintenance purposes and a cost estimate of the works provide for maintenance purpose for a period of not less than 5 years for the purpose of the performance bond as required by condition 4.h).
- 4.g) A performance bond pursuant to section 108A of the RMA will be held for the purpose of ensuring that suitable maintenance of the Softening and Amenity Enhancement Planting' and 'Mitigation Planting' (as required by condition 3.g)v. is undertaken for a minimum period of 5 years. The amount of the bond shall be set at the amount specified in the cost estimate provided in condition 4 e) above plus 20% contingency. The bond shall be registered on all affected titles.
- A portion of the bonded amount of no more than 20% of the total bond amount may be released on an annual basis at the request of the consent holder subject to provision of suitable evidence to the Councils Monitoring and Compliance Services Team Leader or delegated representative to confirm that the monitoring and maintenance required as approved under the condition 3 g) v. has been undertaken.
- 4.h) A performance bond pursuant to section 108A of the RMA will be held for the purpose of ensuring that suitable management of the environmental benefit areas subject to covenants, as well as esplanade strip, is undertaken for a minimum period of 5 years. The amount of the bond shall be set at the amount specified in the cost estimate provided in condition 4 f) above plus 20% contingency. The bond shall be registered on all affected titles.
- A portion of the bonded amount of no more than 20 percent (%) of the total bond amount may be released on an annual basis at the request of the consent holder subject to provision of suitable evidence to the Councils Monitoring and Compliance Services Team Leader or delegated representative to confirm that the monitoring and maintenance required as approved under the Conditions 3 g) vii. has been undertaken.
- 4.i) The consent holder shall provide and install road naming signs for Lots 100 and 101 in accordance with the Council's engineering standards for private road,. The names shall be as approved by the Council.

Note: Land Information New Zealand (LINZ) requires that proposed roads, private road, right of way or access lot that service six (6) or more lots are to be named. LINZ has indicated that a name for the road or private road should be in place before the survey plan of subdivision is approved by the council under section 223 of the RMA and advises that if no name is in place this could be problematic when titles are later requested. The consent holder should contact roading@kaipara.govt.nz.

- 4.j) The consent holder shall prepare and register a suitable covenant, which may be a Conservation covenant(s) in accordance with section 77 of the Reserves Act 1977, an open space covenant under the Queen Elizabeth the Second National Trust Act 1977, or a private bush protection covenant, against the titles of the land depicted on the Survey Plan as being subject to a covenant. The terms of any such covenant shall provide for on-going protection of the environment benefit provided within the development and shall specifically provide for ongoing weed and pest control, replacement and enhancement planting in accordance with documentation provided under Condition 3.g) vi. and 3.g)vii.). above. The document shall record that no fencing of lot boundaries, where one covenant boundary adjoins another (including esplanade strip), shall be undertaken.
- 4.k) An esplanade strip instrument is to be prepared and registered in accordance with Schedule 10 of the RMA and Form 31 of the Resource Management (Forms, Fees and procedure) Regulations 2003 against those lots that are subject to an esplanade strip as identified on the Survey Plan for public access and conservation purposes. The instrument shall record that management (including monitoring and maintenance) of the esplanade strip shall occur in accordance with the OEMP provided to satisfy condition 3.g) vii. Further, that any activity undertaken in accordance the OEMP provided to satisfy 3.g) vii are explicitly provided for within the strip, and that no fencing is to be erected within the strip.
- 4.l) The consent holder shall provide suitable documentation to confirm that a suitable legal entity will be responsible for managing and maintaining the private roads to be created as part of the subdivision servicing all lots. As a minimum, the entity shall:
- 4.l)i. Be registered under the Incorporated Societies Act 1908
 - 4.l)ii. Require all lot owners within the subdivision to be a member and/or shareholder.
 - 4.l)iii. Set out that the purpose of the entity is to manage the private roads.
 - 4.l)iv. Specify a mechanism to fund regular maintenance works on the roads in order to maintain the formation and associated stormwater management to meet the minimum requirements of the Kaipara District Council Engineering Standards 2011.
 - 4.l)v. Require the Constitution and any amendments to it to be approved by the Council or its duly delegated officer.
- 4.m) A cash contribution in lieu of reserves shall be paid based 5% of the assessed value of a “nominal” 4000m² dwelling site on all 67 vacant rural residential lots resulting from the subdivision. Such value is to be determined by a registered valuer appointed by Kaipara District Council, at the consent holder’s expense. At the time of payment of the contribution, the valuation upon which the cash contribution is calculated shall be no more than three (3) months old.

4.n) Consent Notices pursuant to section 221 of the RMA shall be prepared for registration against the affected lots identified below. The consent notices shall draw attention to and require compliance with respect to the following matters:

- 4.o)i. For all lots, at the time of building consent for any habitable or non-habitable building, a detailed geotechnical investigation shall be undertaken by a suitably qualified professional engineer and a suitable report provided to the Kaipara District Council. That report shall have regard to any soil instability/saturation issues that may exist or arise as a result of the development, and provide specific recommendations regarding stormwater management. The design shall take into account the recommendations identified in the geotechnical investigation by Wiley Geotechnical Ltd (Reference:20256_Prelim, dated 09/02/2021), a copy of which is available on request to the Kaipara District Council.
- 4.o)ii. For all lots, at the time of lodging a building consent for a habitable building on the lots, a vehicle crossing shall be constructed and located to service the lot which meets the requirements of Section 5.2.18 (where the crossings are to be treated as 'rural crossings') specified in the Kaipara District Council Engineering Standards 2011.
- 4.o)iii. For all lots, future owners are advised that no physical copper telecommunication connection exists and only wireless telecommunications is available. Kaipara District Council will not be responsible for ensuring nor providing telecommunication connections to these lots.
- 4.o)iv. For all lots, access from public road to the lot is provided by way of private road. The Kaipara District Council will not assume any responsibility for management or maintenance of any part of the private road/s serving the site unless it does so of its own volition.
- 4.o)v. For all lots, at the time of lodging a building consent for a residential dwelling, the applicant shall provide evidence to illustrate that a minimum potable water supply of 40,000 litres will be available on the site.
- 4.o)vi. For all lots, in addition to potable water supply a suitable dedicated fire fighting water supply is to be confirmed as part of any building consent for a habitable building on any lot. A minimum of 10,000 litres is to be dedicated for firefighting where any new dwelling is less than 250m² gross floor area, and minimum of 20,000 litres is to be dedicated for any dwelling exceeding 250m² gross floor area. For avoidance of doubt, the water supply is required to meet the criteria of the Code of Practice for firefighting water supplies (SNZ PAS 4509:2008 New Zealand Fire Service Firefighting Water Supplies Code of Practice).

4.o)vii. For Lots 36, 42, 48 – 61 and 63, any buildings (including both dwellings and accessory buildings) shall be located within the defined building platform as illustrated on the survey plan. Except that any building can be located partially outside the defined building platform where:

- No more than 10% of the total building footprint is located outside of the building envelope: and
- A report from a landscape architect is provided to the Council's Monitoring and Compliance Services Team Leader to verify that building outside the defined building platform is acceptable in terms of landscape and visual amenity effects, and any additional mitigation measures identified.

For the avoidance of doubt this condition does not apply to restrict the location of retaining walls or water tanks.

4.o)viii. For all lots:

- The Building Controls contained in the 'Design Guidelines and Building Control' memo prepared by Evolve Limited dated March 2022 and attached to this consent notice must be adhered to.
- At the time of building consent, the lot owner shall provide, to Kaipara District Council's Monitoring and Compliance Services Team Leader or their delegated representative, evidence prepared by a suitably qualified and experienced landscape architect to confirm that the proposed building is consistent with the Design Guidelines 'Design Guidelines and Building Control' memo prepared by Evolve Limited dated March 2022 attached to this consent notice.

4.o)ix. For all lots, the keeping of, cats, mustelids and rodents on the lots is prohibited. Where dogs are to be kept on the lots they must be contained at all times and not allowed to roam free. When not on a lead, any dog must be contained in a secure building, run or kennel or other appropriately fenced area. For the avoidance of doubt, the purpose of this condition is to ensure that dogs are excluded from any covenanted area.

4.o)x. For Lots 3-6, at the time of building consent, the lot owner shall provide suitable evidence from a registered landscape architect to Council's Monitoring and Compliance Services Team Leader or delegated representative confirming that the Mitigation Planting along the boundary of Lot 7 as shown in the stamped approved landscape plan prepared by Evolve Limited referenced as Drawing 20206_LP_01 dated 05/04/2022 (see condition 1 RM210053) is established to 2.0m in height above ground level. This condition will not apply where the owner

of the relevant adjacent Lake View Lots have provided their written approval for development to occur. (For the avoidance of doubt, this condition has been volunteered by the consent holder under the principle in *Augier*.)

4.o)xi. For Lots 2, 7, 10, 11, 64-67, at the time of building consent, the lot owner shall provide suitable evidence from a registered landscape architect to Councils Monitoring and Compliance Services Team Leader or delegated representative confirming that the 'Mitigation Planting' along the boundary of the lot to which the building consent relates as shown in the stamped approved landscape plan prepared by Evolve Limited referenced as Drawing 20206_LP_01 dated 05/04/2022 (see condition 1 RM210053) is established to 2.0m in height above ground level. This conditional requirement for the Mitigation Planting to be 2m at the time of building consent will not apply where the owner of the relevant adjacent Lake View Lots have provided their written approval for development to occur. (For the avoidance of doubt, this condition has been volunteered by the consent holder under the principle in *Augier*.)

4.o)xii. For Lots 56-58, 60, 61 and 63 at the time of building consent, the lot owner shall provide suitable evidence from registered landscape architect to Councils Monitoring and Compliance Services Team Leader or delegated representative confirming that the 'Mitigation Planting' within the lot to which the building consent relates as shown in the stamped approved landscape plan prepared by Evolve Limited referenced as Drawing 20206_LP_01 dated 05/04/2022 (see condition 1 RM210053) is established to 2.0m in height above ground level. This conditional requirement for the Mitigation Planting to be 2m at the time of building consent will not apply where the owner of the relevant adjacent Lake View Lots have provided their written approval for development to occur. (For the avoidance of doubt, this condition has been volunteered by the consent holder under the principle in *Augier*.)

4.o)xiii. For Lots 2-7, 10, 11, 56-67 'adjacent Lake View Lots comprise the lots listed below:

- Lot 3 DP 378455
- Lot 4 DP 378455
- Lot 6 DP 378455
- Lot 8 DP 378455
- Lot 44 Lot 46 DP 378455
- Lot 38 DP 378455
- Lot 33 Lot 35 DP 378455
- Lot 5 DP 525736

- Lot 32 DP 378455

- 4.o)xiv. For Lots 14-16, 18, 19, 21, 22, 25-31, 34-38, 43, 51, 55-57, 60-63, 65 and 66 the owner shall preserve the ecological environmental benefit area contained within their lot, as areas AA – AR and H, I, JJ, KK, LL, M, N, O, P, Q, R, S and T (as shown on the stamped approved subdivision scheme plan for RM210053).
- The lot owners are responsible for the ongoing maintenance and management of the covenanted areas within their lot in accordance with the Ongoing Environmental Management Plan (**OEMP**) provided to satisfy condition 3.g)vii of RM 210053. The Council may undertake monitoring of the implementation of the Ongoing EMP to ensure that the environmental benefit is being achieved and maintained consistently across all ecological environmental benefit covenant areas in perpetuity. Any actual and reasonable costs incurred by Council as a result of the monitoring may be recovered from the landowners.
- 4.o)xv. For all lots, the future lot owners are advised All archaeological sites are protected under the provisions of the Heritage New Zealand Pouhere Taonga Act 2014. It is an offence under the Act to modify, damage or destroy any archaeological site, whether the site is recorded or not. Application must be made to the Heritage New Zealand for an authority to modify, damage or destroy an archaeological site(s) where avoidance of effects cannot be practiced.
- If subsurface archaeological evidence (shell, midden, hangi, storage pits, etc.) should be unearthed during construction, work should cease in the immediate vicinity of the remains and the Heritage New Zealand should be contacted.
- In the event of koiwi (human remains) being uncovered, work should cease immediately and the tangata whenua of Te Uri O Hau shall be contacted so that appropriate arrangements can be made.
- 4.o)xvi. For all Lots, all planting required under the approved Amenity Planting Plan required to satisfy condition 3.g)iv of RM 210053 and implemented pursuant to condition 4(e) RM 210053 shall be maintained in perpetuity in accordance with the Amenity Planting Maintenance Plan provided to satisfy condition 3.g)v of RM 210053. If planting species fail or are removed, they shall be replaced in the next available planting season by suitable species to the approval of the Council's Monitoring and Compliance Services Team Leader or their delegated representative.
- 4.o)xvii. For all lots, further subdivision is prohibited.
- 4.o) A solicitor's undertaking shall be provided to Council confirming that all consent notices, covenants (including esplanade strip instruments) , and bonds 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. All consent notices and covenants to be prepared or registration under the relevant conditions of this resource consent shall be prepared by a Solicitor at the consent holder's expense.

Advice Notes

1. The consent holder shall be required to pay to Kaipara District Council a Development Contribution under the Local Government Act 2002 for each additional lot in Kaipara District. A copy of Council's policy on Development and Financial Contributions included within the Long-Term Plan 2021-2031 can be obtained from Council offices in Dargaville and Mangawhai or downloaded from Council's website www.kaipara.govt.nz/ltp.
2. The consent holder is obliged to comply with the consent/s issued by the Northland Regional Council as part of this development
3. Building consents may be required for any physical works associated with the internal private roads where retaining structures or similar are required.
4. Future property owners should be advised that they may require resource consent from the Northland Regional Council where they are undertaking any earthworks for the construction of any building site or access within 100 metres of any wetland.
5. Future property owners should be advised that at the time of granting of this subdivision consent, the District Plan provides for a maximum impermeable surfaces coverage of no more than 10% for any allotment of 1 ha or less in area. Resource consent may be required whether this standard is exceeded on any lot.