

Kaipara District Council - Draft Conditions of Consent

Murphy Property Developments Limited RM250119

The following draft conditions have been prepared at the direction of the Independent Hearings Commissioner acting for Kaipara District Council. The draft conditions are not determinative and are without prejudice to the proceedings.

The Planner acting for Kaipara District Council (Mr Alister Hartson) and Planner acting for the applicant (Ms Alisa Neal) have prepared and agreed on the following conditions, with the exception of the following:

- Stage 2 Conditions 12 d) ii. and iii, as they relate to provision of intersection upgrading by way of roundabout at the intersection of Insley Street and Black Swamp Road, and provision of formed pedestrian access along Black Swamp Road and Insley Street. These conditions have been highlighted for ease of reference.

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

General Conditions

1. The activity shall be carried out in general accordance with the following plan(s) and documents:
 - a) Assessment of Environment Effects prepared by Barker and Associates Limited ('BAL') dated 7th May 2025
 - b) Scheme plans prepared by Maven Associates Limited referenced as Sheets C150-15 Revision E dated 06/2026
 - c) A full set of civil engineering drawings referenced as Sheets C200-208 Revision B, C220-228 Revision B, C230-A Revision B, C231-238 Revision A, C240-244 Revision A, C301 – 308, 310, 301-1, 310-2, C311, C311-1, C311-2, C311-3, C312, C312-1, C313, C313-1, C314 – C319 Revision B, C331-C335 Revision A, C340-C341 Revision A, C400-C408 Revision B, C490-C491 Revision B, C430-C431 Revision A, C470 Revision B, C480-C484 Revision B, C500-C507 Revision C.
 - d) A Design Statement prepared by BAL dated 24/4/2025
 - e) A Design Guidelines Document prepared by BAL dated 24/4/2025
 - f) Assessment of Landscape and Visual Effects prepared by Evolve Planning and Landscape Architecture Limited dated April 2025
 - g) Ecology Report prepared by Wild Ecology Limited dated 23 April 2025, and subsequent Section 92 advice dated 17 December 2025 and 10 June 2026
 - h) Civil Engineering Report prepared by Maven Associates Limited dated 23 April 2025
 - i) Geotechnical Assessment Report prepared by Earthtech Consulting Limited dated 6 May 2025, and subsequent Technical Memorandum prepared by Envitech Projects NZ Limited dated 8 June 2026
 - j) Flood Assessment Report prepared by Maven Associates Limited dated 10 June 2026
 - k) Transport Assessment Report prepared by Traffic Planning Consultants Limited dated April 2025 and Supplementary Traffic Assessment prepared by Traffic Planning Consultants Limited dated 10 June 2026
 - l) Soil and Resource Report prepared by Hanmore Land Management Limited dated 5 May 2025

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. The staged conditions set out below are based on the approved scheme plans approved under Condition 1 above, the stages may be completed sequentially or in any combination but cannot be undertaken separately where any stage is dependent on conditions of any subsequent stage.
4. Under Section 125 of the Act, 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 Act before the consent lapses, and that plan is deposited within three years of the approval date in accordance with Section 224 of the Act; or
 - b) An application under Section 125 of the Act 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.

Note: For avoidance of doubt, any one or more of the stages in this consent will lapse where no Section 223 has been submitted for approval within the 5 year period.

5. All works forming part of this consent shall comply with the Heritage New Zealand Pouhere Taonga Act 2014. In the event of an 'accidental discovery' of sub-surface archaeological material (shell, midden, hangi, storage pits, etc), work must cease in the immediate vicinity of the remains and immediate steps must be taken to secure the site (tape it off). The Consent Holder must notify Council, Heritage New Zealand Pouhere Taonga and representative tangata whenua of the relevant iwi so that appropriate actions can be taken.
6. The Consent Holder/their agent shall forward a copy of the granted consent conditions and approved plans to Environs Holdings Ltd on rma@uriohau.co.nz within five (5) working days of the subdivision consent being granted.
7. Prior to the commencement of any physical work authorised under this consent, the consent holder shall provide an ecological and landscape staging plan including clear obligations as to planting establishment, maintenance and ongoing protection for each of the six stages of subdivision, to be submitted to, and certified by, the Council prior to works commencing. The staging plan shall be in general accordance with the planting set out in Appendix 1 – Proposed Ecological Enhancement Areas Plan of the Ecology Report prepared by Wild Ecology Limited dated 23 April 2025 including amendments made in the final lot layout and respective staging as per the plan of subdivision prepared by Maven Associates Limited entitled 'Proposed Stage 1 Scheme' referenced as Sheets C151 Revision E dated 06/2026.
8. Prior to the commencement of any physical work authorised under this consent, in relation to the proposed intersection onto Black Swamp Road, the Consent Holder shall enter into a bond guaranteeing that in the event of damage to existing Council assets or abandonment of the work by the Consent Holder, that all existing Council assets will be returned to a condition at least equal to that which existed prior to the commencement of work.

The bond shall be for the sum of \$5,000 or any other specific amount and shall remain in full force and effect until such time as all work has been completed and any necessary remedial work

completed to the satisfaction of Council.

The bond shall be prepared by Council or Council's solicitor at the Consent Holder's expense. The bond will be released when all works associated with the bond are completed to Council's satisfaction and inspections fees are paid, or alternatively the Consent Holder may request that inspection fees can be deducted from the bond refund.

9. Prior to the commencement of any physical work within the Council's road reserve, the Consent Holder shall submit a Corridor Access Request ("CAR") application, including a Traffic Management Plan/s, to the Northern Transportation Alliance Corridor Access Manager and obtain approval.

Section 223 Conditions

All Stages

10. **Prior to the sealing of the Survey Plan pursuant to Section 223 the following conditions shall be complied with:**

- a) 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.
- b) The consent holder shall provide the following documents relative to the respective stages 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 for each stage of works:
 - 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 access via Black Swamp Road and the requirement for construction vehicles to avoid unsealed roads where practicable, including a restriction on any access from the Tern Point Road entrance;
 - The CMP shall include a section relating to an "Accidental Discovery Protocol" to be applied during earthworks and construction works for the proposed subdivision. This shall acknowledge that all archaeological sites are protected under the provisions of the Heritage New Zealand Pouhere Taonga Act 2014.

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

Note: The consent holder may choose to prepare a combined plan for any of the 6 Stages in a single report however implementation will be limited to the applicable stage of development.

- ii. In conjunction with the CMP requirement above, the consent holder shall provide a statement from a suitably qualified and experienced ecologist setting out construction management practices specifically intended to implement the Department of Conservation's 'Protocols for minimising the risk of felling occupied bat roosts' (DoC; October 2024) and to undertake suitable avifauna management during peak bird breeding season (1 August to end of February) and management of Freshwater Fauna. The recommendations in that statement are to be adhered to prior to, during, and on completion of all construction works.

Note: The consent holder may choose to prepare a combined plan for any of the 6 Stages in a single report however implementation will be limited to the applicable stage of development.

- iii. A Streams and Wetlands Setback Plan prepared by a qualified surveyor that defines to survey accuracy a minimum building setback for all buildings and associated private infrastructure (including water tanks, retaining walls, and effluent fields) from all streams and wetlands. The Plan is to be certified by a suitably qualified and experienced ecologist to confirm the location of all streams, wetlands, and appropriate setbacks, and must comply with any and all requirements that may be specified in any consent issued by the Northland Regional Council.

Note: The Stream and Wetlands Setback Plan should be read in conjunction with the 'Design Guidelines' document prepared by Barker and Associates Limited to be registered as a consent notice condition.

The consent holder may choose to prepare a combined plan for any of the 6 Stages in a single report however implementation will be limited to the applicable stage of development.

- c) Provide a staged Landscape Planting Plan (LPP) prepared by a suitably qualified and experienced landscape architect. The LPP is to provide detail of the 'Indicative Landscape Planting Areas' as set out in the approved staging plan under Condition 7 of this consent, and detailed in the Design Statement prepared by BAL dated 24 April 2025, which is to be carried out by the consent holder on all identified lots within the respective stages (excluding the balance Lot 2000) prior to certification pursuant to s224 of the RMA. These areas are to be protected and managed by way of covenant and consent notice condition.

The purpose of the 'Indicative Landscape Planting Areas' is to provide for the formal open space, native bush revegetation and rural character areas as set out in the Design Statement prepared by BAL dated 24 April 2025. The LPP shall as a minimum include the following:

- i. A plan of the planted areas aligning with the covenants required under Conditions 11(b), 12(b), 13(b), 14(b), 15(b) and 16(b) (respective to each stage) across both private and common lots 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, and any demarcation / fencing of the planting areas. All plants must be eco-sourced.
- ii. 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).
- iii. Details of weed management.

- iv. Details of the proposed certification process (required to satisfy conditions 17(b)). The certification must be undertaken within 3 months of the application for certification pursuant to s224 being made to Council.
- v. A Maintenance Plan prepared by a suitably qualified and experience landscape architect to provide clear direction to the consent holder, Council, and future lot owners as to how to maintain and manage the 'Indicative Landscape Planting Areas' 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.
 - The Maintenance Plan is to be prepared in a manner that allows it to be referred to on an on-going basis by any person and/or corporate body responsible for ensuring the success and on-going maintenance of planting in perpetuity. It shall also make specific provision for the Kaipara District Council to request and receive a written assessment by a suitably qualified ecologist regarding the success and ongoing maintenance of the areas planted under this condition for the purpose of compliance.

Note: The consent holder may choose to prepare a combined plan for any of the 6 Stages in a single report however implementation will be limited to the applicable stage of development.

- d) A staged Ecological Management Plan (EMP) prepared by a suitably qualified and experienced ecologist. The purpose of the APP is to provide detail of 'Ecological Enhancement Areas' as set out in Section 7.0 of the Ecology Report prepared by Wild Ecology Limited dated 23 April 2025, and the approved staging plan under Condition 7 of this consent and detailed in the Design Statement prepared by BAL dated 24 April 2025, which is to be carried out by the consent holder on all identified lots within the respective stages (excluding the balance Lot 2000) prior to certification pursuant to s224 of the RMA. These areas are to be protected and managed by way of covenant and consent notice conditions.

The purpose of the 'Ecological Enhancement Areas' is to provide for the wetland restoration areas as set out in the Design Statement prepared by BAL dated 24 April 2025. The EEP shall as a minimum include the following:

- i. A plan or plans detailing the enhancement planting to be undertaken in the areas identified in the approved staging plan under Condition 7 of this consent, 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, and any demarcation / fencing of the planting areas. All plants must be eco-sourced.
- ii. 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).
- iii. Details of weed management.
- iv. Details of the proposed certification process (required to satisfy condition 17(c)). The certification must be undertaken within 3 months of the application for certification

pursuant to s224 being made to Council.

- v. A Maintenance Plan prepared by a suitably qualified and experience landscape architect to provide clear direction to the consent holder, Council, and future lot owners as to how to maintain and manage the 'Indicative Landscape Planting Areas' 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.
 - The Maintenance Plan is to be prepared in a manner that allows it to be referred to on an on-going basis by any person and/or corporate body responsible for ensuring the success and on-going maintenance of planting in perpetuity. It shall also make specific provision for the Kaipara District Council to request and receive a written assessment by a suitably qualified ecologist regarding the success and ongoing maintenance of the areas planted under this condition for the purpose of compliance.
- vi. A Walkway Design Plan, for any pedestrian walkway or boardwalk within an Ecological Enhancement Area shall be prepared by a suitably qualified ecologist and submitted to the Council (or its nominated ecologist) for approval. The Walkway Design Plan shall, as a minimum, contain or provide for the following:
- the walkway to be located on the outer margins of the Ecological Enhancement Areas, being the areas furthest from the core wetland habitat, and, where feasible and practicable, on elevated land outside the 10 m wetland setback;
 - the walkway to be constructed as an elevated boardwalk where it adjoins or passes above any wetland area;
 - the number of wetland and watercourse crossings to be minimised and limited to isolated, defined locations, designed to maintain fish passage and to avoid core wetland habitat;
 - screening planting to be established and maintained between the walkway and the core wetland habitat to provide a visual and disturbance buffer;
 - signage and physical demarcation sufficient to keep users on the defined route; and
 - the permanent exclusion of dogs from the walkway and from the Ecological Enhancement Areas at all times.

Note: The consent holder may choose to prepare a combined plan for any of the 6 Stages in a single report however implementation will be limited to the applicable stage of development.

- e) A minimum of 15 working days prior to the commencement of any on-site works the consent holder shall provide written evidence to the Kaipara District Council to confirm that a written request has been made to Environs Holdings Limited requesting cultural monitoring of the proposed earthworks. If the request is accepted, Kaitiaki and/or Environs representatives shall be engaged to:

- i. Attend the pre-works meeting with the applicant, agent and/or contractors.
- ii. Perform a blessing and cultural induction' as part of the contractors formal health and safety induction.
- iii. Cultural monitoring of monitoring of excavations (i.e. topsoil stripping) for the installation of infrastructure (i.e. roading), culvert installation and other site preparation activities.

Stage 1 - Lots 1 – 12 and 68 as vacant lots, Lots 100 and 101 as Jointly Owned Access Lots ('JOALs'), Lots 200, 201, and 203 as Common Lots, Lot 1000 as Common Lot (access) & 2000 as Balance Lot.

11. Prior to the sealing of the Survey Plan pursuant to Section 223 the following conditions shall be complied with:

- a) The survey plan shall be generally in accordance with the plan of subdivision prepared by Maven Associates Limited entitled 'Proposed Stage 1 Scheme' referenced as Sheets C151 Revision E dated 06/2026 as attached to this decision.
- b) The survey plan shall show the following:
 - i. An easement in gross in favour of Kaipara District Council over Lot 1000 for the purpose of public right of access.
 - ii. All necessary easements for the provision of access, drainage (including overland flow paths) and utility services to all lots.
 - iii. Lots 200, 201 and 203 as being subject to covenant and consent notice requirements addressing management of ecological enhancement and landscape planting areas, and preventing any future built development on the lots as recorded further in this consent.
 - iv. Areas identified for 'Ecological Enhancement Planting' as set out in the approved staging plan under Condition 7 of this consent to be subject to a defined covenant area where they are located on any of the lots 1 – 12, 68, 200, 201 and 203.
 - v. Areas defined as 'Indicative Landscape Planting Areas' as set out in the approved staging plan under Condition 7 of this consent, to be subject to a defined covenant area where they are located on any of the lots 1 – 12, 68, 200, 201, 203 and 2000.
- c) The following amalgamation conditions shall be endorsed on the survey plan (LINZ request reference 1783380):
 - i. Lot 100 hereon (legal access) be held as to two undivided one-half shares by the owners of lots 5 & 6 hereon.
 - ii. Lot 101 hereon (legal access) be held as to six undivided one-sixth shares by the owners of lots 7 - 12 hereon; as tenants in common with the said shares and that individual records of title be issued in accordance therewith.

(LINZ Ref 1949721).
- d) Written evidence from an archaeologist to confirm that a walkover inspection of the entire development site (being Lot 1 DP 529142) 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.

Note: This condition is required in accordance with the recommendation contained in the Cultural Effects Assessment report prepared by Environs Holdings Limited. This condition only applies at Stage 1.

- e) 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:

- i. Design details of the proposed private road intersection with Black Swamp Road inclusive of all road marking, signage, lighting, drainage and entrance features, where entrance features must be located with private property and not on road reserve.
- ii. Design details of the construction of the internal private roads Lots 100, 101 and 1000, which shall comply as far as practicable with Section 5 of the Council's Engineering Standards 2011, and shall be consistent with the details in the relevant proposed roading engineering plans prepared by Maven Associates Limited, Sheets C300 – C310, C310-1 and C310-2, C311, C311-1 -C311-3, C312, C312-1, C313, C313-1, C314 – C319 Revision B dated 12/2025, and C332, C334, C335, C340 and C241 Revision A dated 04/2025.
- iii. Design details for all stormwater drainage, which shall comply as far as practicable with Section 6 of the Council's Engineering Standards 2011, and shall be consistent with the details in the relevant proposed stormwater engineering plans prepared by Maven Associates Limited, Sheets C400 – C408, C490, C491, C430, C431, C470, and C480 - C484 Revision B dated 12/2025.

That design detailed is to be supported by a written statement from a suitably qualified engineer in accordance with the Councils Engineering Standards 2011 to confirm the sizing / capacity of all detention / attenuation ('dry pond') structures to be provided as part of the design, certification of a minimum finished floor level for all habitable building on developable lots, and an assessment of any/all downstream culverts located on Black Swamp Road to confirm capacity. Where any culverts are found to require upgrading, the consent holder shall be responsible for undertaking such works, subject to approval as part of this condition.

Note:

1. Evidence of any consent obtained from Northland Regional Council, and compliance therewith, will be required in association with this condition.
 2. It is noted that the stormwater engineering plans include details regarding bridges and culverts for access purposes. These structures will need to comply with any Northland Regional Council consent requirement and meet minimum structural specifications under 5.2.14 and 5.2.15 of the Councils Engineering Standards 2011
- iv. Design details of all hard surfacing (e.g., limestone chip or similar) and demarcation

of pathways forming the formed pedestrian trails as set out in 4.2 Proposed Movement Network contained in the Design Statement prepared by BAL dated 24 April 2025.

- v. Provision of a written statement from a suitably qualified and experienced Geo-professional (as defined in the KDC Engineering Standards 2011) that confirms that all works designed under this condition to confirm that the infrastructure can tolerate anticipated levels of differential liquefaction settlement that may occur, and that all earthworks required as part of the stage of development are to be undertaken in accordance with NZS4431:2022.

Stage 2 – Subdivision of Lot 2000 (Stage 1 balance lot) to create Lots 13 – 23 as vacant lots, Lot 102 as a JOAL, 203 as a Common Lot, Lot 1000 as a Common Lot (access), & Lot 2000 as Balance Lot.

12. Prior to the sealing of the Survey Plan pursuant to Section 223 the following conditions shall be complied with:

- a) The survey plan shall be generally in accordance with the plan of subdivision prepared by Maven Associates Limited entitled 'Proposed Stage 2 Scheme' referenced as Sheets C152 Revision E dated 06/2026 as attached to this decision.
- b) The survey plan shall show the following:
 - i. An easement in gross in favour of Kaipara District Council over Lot 1000 for the purpose of public right of access.
 - ii. All necessary easements for the provision of access, drainage (including overland flow paths) and utility services to all lots.
 - iii. Lot 203 as being subject to covenant and consent notice requirements addressing management of ecological enhancement and landscape planting areas, and preventing any future built development on the lots as recorded further in this consent.
 - iv. Areas identified for 'Ecological Enhancement Planting' as set out in the approved staging plan under Condition 7 of this consent, to be subject to a defined covenant area where they are located on any of the lots 13 - 23 and 203.
 - v. Areas defined as 'Indicative Landscape Planting Areas' as set out in the approved staging plan under Condition 7 of this consent, to be subject to a defined covenant area where they are located on any of the lots 13 – 23 and 203.
- c) The following amalgamation conditions shall be endorsed on the survey plan (LINZ request reference 1783380):
 - i. That Lot 102 hereon (legal access) be held as to six undivided one-sixth shares by the owners of Lots 16 - 21 hereon as tenants in common with the said shares and that individual records of title be issued in accordance therewith. (Linz ref 1949721).
- d) 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:

- i. Design details of the construction of the internal private roads Lots 102 and 1000, which shall comply as far as practicable with Section 5 of the Council's Engineering Standards 2011, and shall be consistent with the details in the relevant proposed roading engineering plans prepared by Maven Associates Limited, Sheets C300 – C310, C310-1 and C310-2, C311, C311-1 -C311-3, C312, C312-1, C313, C313-1, C314 – C319 Revision B dated 12/2025, and C332, C334, C335, C340 and C241 Revision A dated 04/2025.
- ii. Design details for a single-lane roundabout at the intersection of Insley Street and Black Swamp Road, inclusive of all road marking, signage, lighting, drainage. The design shall be supported by a road safety audit.
- iii. Design details for a pedestrian connection to safely connect pedestrians and cyclists from the eastern edge of the site on Black Swamp Road, along Black Swamp Road to the Black Swamp Road / Insley Street intersection. Provision for this pedestrian connection should be made as part of the roundabout design required in the condition above, and is to extend a minimum of 20 metres northwest along Insley Street towards the estuary causeway.
- iv. Design details for all stormwater drainage, which shall comply as far as practicable with Section 6 of the Council's Engineering Standards 2011, and shall be consistent with the details in the relevant proposed stormwater engineering plans prepared by Maven Associates Limited, Sheets C400 – C408, C490, C491, C430, C431, C470, and C480 - C484 Revision B dated 12/2025.

That design detailed is to be supported by a written statement from a suitably qualified engineer in accordance with the Council's Engineering Standards 2011 to confirm the sizing / capacity of all detention / attenuation ('dry pond') structures to be provided as part of the design, certification of a minimum finished floor level for all habitable building on developable lots, and an assessment of any/all downstream culverts located on Black Swamp Road to confirm capacity. Where any culverts are found to require upgrading, the consent holder shall be responsible for undertaking such works, subject to approval as part of this condition.

Note:

1. Evidence of any consent obtained from Northland Regional Council, and compliance therewith, will be required in association with this condition.
 2. It is noted that the stormwater engineering plans include details regarding bridges and culverts for access purposes. These structures will need to comply with any Northland Regional Council consent requirement and meet minimum structural specifications under 5.2.14 and 5.2.15 of the Council's Engineering Standards 2011
- v. Design details of all hard surfacing (e.g., limestone chip or similar) and demarcation of pathways forming the formed pedestrian trails as set out in 4.2 Proposed Movement Network contained in the Design Statement prepared by BAL dated 24 April 2025.
 - vi. Provision of a written statement from a suitably qualified and experienced Geo-professional (as defined in the KDC Engineering Standards 2011) that confirms that

all works designed under this condition to confirm that the infrastructure can tolerate anticipated levels of differential liquefaction settlement that may occur, and that all earthworks required as part of the stage of development are to be undertaken in accordance with NZS4431:2022.

Stage 3 – Subdivision of Lot 2000 (Stage 2 balance lot) to create Lots 24 - 35 as vacant lots, Lots 202 and 203 as Common Lots, Lot 1000 as a Common Lot (access), & Lot 2000 as Balance Lot.

13. Prior to the sealing of the Survey Plan pursuant to Section 223 the following conditions shall be complied with:

- a) The survey plan shall be generally in accordance with the plan of subdivision prepared by Maven Associates Limited entitled 'Proposed Stage 3 Scheme' referenced as Sheets C153 Revision E dated 06/2026 as attached to this decision.
- b) The survey plan shall show the following:
 - i. An easement in gross in favour of Kaipara District Council over Lot 1000 for the purpose of public right of access.
 - ii. All necessary easements for the provision of access, drainage (including overland flow paths) and utility services to all lots.
 - iii. Lots 202 and 203 as being subject to covenant and consent notice requirements addressing management of ecological enhancement and landscape planting areas, and preventing any future built development on the lots as recorded further in this consent.
 - iv. Areas identified for 'Ecological Enhancement Planting' as set out in the approved staging plan under Condition 7 of this consent, to be subject to a defined covenant area where they are located on any of the lots 24 – 35, 202 and 203.
 - v. Areas defined as 'Indicative Landscape Planting Areas' as set out in the approved staging plan under Condition 7 of this consent, to be subject to a defined covenant area where they are located on any of the lots 24 - 35.
- c) 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:

- i. Design details of the construction of the internal private road Lot 1000 (including the cul-de-sac head) and rights of Way M, N and O, which shall comply as far as practicable with Section 5 of the Council's Engineering Standards 2011, and shall be consistent with the details in the relevant proposed roading engineering plans prepared by Maven Associates Limited, Sheets C300 – C310, C310-1 and C310-2, C311, C311-1 -C311-3, C312, C312-1, C313, C313-1, C314 – C319 Revision B dated 12/2025, and C332, C334, C335, C340 and C241 Revision A dated 04/2025.
- ii. Design details for all stormwater drainage, which shall comply as far as practicable with Section 6 of the Council's Engineering Standards 2011, and shall be consistent with the details in the relevant proposed stormwater engineering plans prepared by

Maven Associates Limited, Sheets C400 – C408, C490, C491, C430, C431, C470, and C480 - C484 Revision B dated 12/2025.

That design detailed is to be supported by a written statement from a suitably qualified engineer in accordance with the Councils Engineering Standards 2011 to confirm the sizing / capacity of all detention / attenuation ('dry pond') structures to be provided as part of the design, certification of a minimum finished floor level for all habitable building on developable lots, and an assessment of any/all downstream culverts located on Black Swamp Road to confirm capacity. Where any culverts are found to require upgrading, the consent holder shall be responsible for undertaking such works, subject to approval as part of this condition.

Note:

1. *Evidence of any consent obtained from Northland Regional Council, and compliance therewith, will be required in association with this condition.*
 2. *It is noted that the stormwater engineering plans include details regarding bridges and culverts for access purposes. These structures will need to comply with any Northland Regional Council consent requirement and meet minimum structural specifications under 5.2.14 and 5.2.15 of the Councils Engineering Standards 2011*
- iii. Design details of all hard surfacing (e.g., limestone chip or similar) and demarcation of pathways forming the formed pedestrian trails as set out in 4.2 Proposed Movement Network contained in the Design Statement prepared by BAL dated 24 April 2025.
 - iv. Provision of a written statement from a suitably qualified and experienced Geo-professional (as defined in the KDC Engineering Standards 2011) that confirms that all works designed under this condition to confirm that the infrastructure can tolerate anticipated levels of differential liquefaction settlement that may occur, and that all earthworks required as part of the stage of development are to be undertaken in accordance with NZS4431:2022.

Stage 4 – Subdivision of Lot 2000 (Stage 3 balance lot) to create Lots 36 – 43 as vacant lots, Lot 201 as Common Lot (amended from Stage 1), Lot 1000 as a Common Lot (access), & Lot 2000 as Balance Lot.

14. Prior to the sealing of the Survey Plan pursuant to Section 223 the following conditions shall be complied with:

- a) The survey plan shall be generally in accordance with the plan of subdivision prepared by Maven Associates Limited entitled 'Proposed Stage 4 Scheme' referenced as Sheets C154 Revision E dated 06/2026 as attached to this decision.
- b) The survey plan shall show the following:
 - i. An easement in gross in favour of Kaipara District Council over Lot 1000 for the purpose of public right of access.
 - ii. All necessary easements for the provision of access, drainage (including overland flow paths) and utility services to all lots.
 - iii. Lot 201 as being subject to covenant and consent notice requirements addressing management of ecological enhancement and landscape planting areas, and preventing any future built development on the lots as recorded further in this consent.

- iv. Areas identified for 'Ecological Enhancement Planting' as set out in the approved staging plan under Condition 7 of this consent, to be subject to a defined covenant area where they are located on any of the lots 36 – 43 and 201.
 - v. Areas defined as 'Indicative Landscape Planting Areas' as set out in the approved staging plan under Condition 7 of this consent, to be subject to a defined covenant area where they are located on any of the lots 36 - 43.
- c) 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:

- i. Design details of the construction of the internal private roads Lot 1000, which shall comply as far as practicable with Section 5 of the Council's Engineering Standards 2011, and shall be consistent with the details in the relevant proposed roading engineering plans prepared by Maven Associates Limited, Sheets C300 – C310, C310-1 and C310-2, C311, C311-1 -C311-3, C312, C312-1, C313, C313-1, C314 – C319 Revision B dated 12/2025, and C332, C334, C335, C340 and C241 Revision A dated 04/2025.
- ii. Design details for all stormwater drainage, which shall comply as far as practicable with Section 6 of the Council's Engineering Standards 2011, and shall be consistent with the details in the relevant proposed stormwater engineering plans prepared by Maven Associates Limited, Sheets C400 – C408, C490, C491, C430, C431, C470, and C480 - C484 Revision B dated 12/2025.

That design detailed is to be supported by a written statement from a suitably qualified engineer in accordance with the Councils Engineering Standards 2011 to confirm the sizing / capacity of all detention / attenuation ('dry pond') structures to be provided as part of the design, certification of a minimum finished floor level for all habitable building on developable lots, and an assessment of any/all downstream culverts located on Black Swamp Road to confirm capacity. Where any culverts are found to require upgrading, the consent holder shall be responsible for undertaking such works, subject to approval as part of this condition.

Note:

- 1. *Evidence of any consent obtained from Northland Regional Council, and compliance therewith, will be required in association with this condition.*
 - 2. *It is noted that the stormwater engineering plans include details regarding bridges and culverts for access purposes. These structures will need to comply with any Northland Regional Council consent requirement and meet minimum structural specifications under 5.2.14 and 5.2.15 of the Councils Engineering Standards 2011*
- iii. Design details of all hard surfacing (e.g., limestone chip or similar) and demarcation of pathways forming the formed pedestrian trails as set out in 4.2 Proposed Movement Network contained in the Design Statement prepared by BAL dated 24

April 2025.

- iv. Provision of a written statement from a suitably qualified and experienced Geo-professional (as defined in the KDC Engineering Standards 2011) that confirms that all works designed under this condition to confirm that the infrastructure can tolerate anticipated levels of differential liquefaction settlement that may occur, and that all earthworks required as part of the stage of development are to be undertaken in accordance with NZS4431:2022.

Stage 5 – Subdivision of Lot 2000 (Stage 4 balance lot) to create Lots 44 - 56 as vacant lots, Lot 103 as a JOAL, 202 as a Common Lot (amended from Stage 3), Lot 1000 as a Common Lot (access), & Lot 2000 as Balance Lot.

15. Prior to the sealing of the Survey Plan pursuant to Section 223 the following conditions shall be complied with:

- a) The survey plan shall be generally in accordance with the plan of subdivision prepared by Maven Associates Limited entitled 'Proposed Stage 5 Scheme' referenced as Sheets C155 Revision E dated 06/2026 as attached to this decision.
- b) The survey plan shall show the following:
 - i. An easement in gross in favour of Kaipara District Council over Lot 1000 for the purpose of public right of access.
 - ii. All necessary easements for the provision of access, drainage (including overland flow paths) and utility services to all lots.
 - iii. Lot 202 as being subject to covenant and consent notice requirements addressing management of ecological enhancement and landscape planting areas, and preventing any future built development on the lots as recorded further in this consent.
 - iv. Areas identified for 'Ecological Enhancement Planting' as set out in the approved staging plan under Condition 7 of this consent, to be subject to a defined covenant area where they are located on any of the lots 44 – 56 and 202.
 - v. Areas defined as 'Indicative Landscape Planting Areas' as set out in the approved staging plan under Condition 7 of this consent, to be subject to a defined covenant area where they are located on any of the lots 44 - 56.
- c) The following amalgamation conditions shall be endorsed on the survey plan (LINZ request reference 1783380):
 - i. That Lot 103 hereon (legal access) be held as to five undivided one-fifth shares by the owners of Lots 46 - 50 hereon as tenants in common with the said shares and that individual records of title be issued in accordance therewith. (Linz ref 1949721).
- d) 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:

- i. Design details of the construction of the internal private roads Lots 103, and 1000, which shall comply as far as practicable with Section 5 of the Council's Engineering Standards 2011, and shall be consistent with the details in the relevant proposed roading engineering plans prepared by Maven Associates Limited, Sheets C300 – C310, C310-1 and C310-2, C311, C311-1 -C311-3, C312, C312-1, C313, C313-1, C314 – C319 Revision B dated 12/2025, and C332, C334, C335, C340 and C241 Revision A dated 04/2025.
- ii. Design details for all stormwater drainage, which shall comply as far as practicable with Section 6 of the Council's Engineering Standards 2011, and shall be consistent with the details in the relevant proposed stormwater engineering plans prepared by Maven Associates Limited, Sheets C400 – C408, C490, C491, C430, C431, C470, and C480 - C484 Revision B dated 12/2025.

That design detailed is to be supported by a written statement from a suitably qualified engineer in accordance with the Councils Engineering Standards 2011 to confirm the sizing / capacity of all detention / attenuation ('dry pond') structures to be provided as part of the design, certification of a minimum finished floor level for all habitable building on developable lots, and an assessment of any/all downstream culverts located on Black Swamp Road to confirm capacity. Where any culverts are found to require upgrading, the consent holder shall be responsible for undertaking such works, subject to approval as part of this condition.

Note:

1. *Evidence of any consent obtained from Northland Regional Council, and compliance therewith, will be required in association with this condition.*
 2. *It is noted that the stormwater engineering plans include details regarding bridges and culverts for access purposes. These structures will need to comply with any Northland Regional Council consent requirement and meet minimum structural specifications under 5.2.14 and 5.2.15 of the Councils Engineering Standards 2011*
- iii. Design details of all hard surfacing (e.g., limestone chip or similar) and demarcation of pathways forming the formed pedestrian trails as set out in 4.2 Proposed Movement Network contained in the Design Statement prepared by BAL dated 24 April 2025.
 - iv. Provision of a written statement from a suitably qualified and experienced Geo-professional (as defined in the KDC Engineering Standards 2011) that confirms that all works designed under this condition to confirm that the infrastructure can tolerate anticipated levels of differential liquefaction settlement that may occur, and that all earthworks required as part of the stage of development are to be undertaken in accordance with NZS4431:2022.

Stage 6 – Subdivision of Lot 2000 (Stage 5 balance lot) to create Lots 57 - 67 as vacant lots, Lot 104 as a JOAL, 202 as a Common Lot (amended from Stage 5), and Lot 1000 as a Common Lot (access)

16. Prior to the sealing of the Survey Plan pursuant to Section 223 the following conditions shall be complied with:
- a) The survey plan shall be generally in accordance with the plan of subdivision prepared by Maven Associates Limited entitled 'Proposed Stage 6 Scheme' referenced as Sheets C156

Revision E dated 06/2026 as attached to this decision.

- b) The survey plan shall show the following:
- i. An easement in gross in favour of Kaipara District Council over Lot 1000 (to the connection with Tern Point Road) for the purpose of public right of access.
 - ii. All necessary easements for the provision of access, drainage (including overland flow paths) and utility services to all lots.
 - iii. Lot 202 as being subject to covenant and consent notice requirements addressing management of ecological enhancement and landscape planting areas, and preventing any future built development on the lots as recorded further in this consent.
 - iv. Areas identified for 'Ecological Enhancement Planting' as set out in the approved staging plan under Condition 7 of this consent, to be subject to a defined covenant area where they are located on any of the lots 57 – 67 and 202.
 - v. Areas defined as 'Indicative Landscape Planting Areas' as set out in the approved staging plan under Condition 7 of this consent, to be subject to a defined covenant area where they are located on any of the lots 57 - 67.
- c) The following amalgamation conditions shall be endorsed on the survey plan:
- i. That Lot 104 hereon (legal access) be held as to three undivided one third shares by the owners of lots 57 - 59 hereon as tenants in common with the said shares and that individual records of title be issued in accordance therewith. (Linz ref 1949721).
- d) 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:

- i. Design details of the construction of the internal private roads Lots 104 and 1000, including the cul-de-sac head and connection and intersection with Tern Point Road, which shall comply as far as practicable with Section 5 of the Council's Engineering Standards 2011, and shall be consistent with the details in the relevant proposed roading engineering plans prepared by Maven Associates Limited, Sheets C300 – C310, C310-1 and C310-2, C311, C311-1 -C311-3, C312, C312-1, C313, C313-1, C314 – C319 Revision B dated 12/2025, and C332, C334, C335, C340 and C241 Revision A dated 04/2025.
- ii. Design details for all stormwater drainage, which shall comply as far as practicable with Section 6 of the Council's Engineering Standards 2011, and shall be consistent with the details in the relevant proposed stormwater engineering plans prepared by Maven Associates Limited, Sheets C400 – C408, C490, C491, C430, C431, C470, and C480 - C484 Revision B dated 12/2025.

That design detail is to be supported by a written statement from a suitably qualified

engineer in accordance with the Councils Engineering Standards 2011 to confirm the sizing / capacity of all detention / attenuation ('dry pond') structures to be provided as part of the design, certification of a minimum finished floor level for all habitable building on developable lots, and an assessment of any/all downstream culverts located on Black Swamp Road to confirm capacity. Where any culverts are found to require upgrading, the consent holder shall be responsible for undertaking such works, subject to approval as part of this condition.

Note:

1. *Evidence of any consent obtained from Northland Regional Council, and compliance therewith, will be required in association with this condition.*
 2. *It is noted that the stormwater engineering plans include details regarding bridges and culverts for access purposes. These structures will need to comply with any Northland Regional Council consent requirement and meet minimum structural specifications under 5.2.14 and 5.2.15 of the Councils Engineering Standards 2011*
- iii. Design details of all hard surfacing (e.g., limestone chip or similar) and demarcation of pathways forming the formed pedestrian trails as set out in 4.2 Proposed Movement Network contained in the Design Statement prepared by BAL dated 24 April 2025.
 - iv. Provision of a written statement from a suitably qualified and experienced Geo-professional (as defined in the KDC Engineering Standards 2011) that confirms that all works designed under this condition to confirm that the infrastructure can tolerate anticipated levels of differential liquefaction settlement that may occur, and that all earthworks required as part of the stage of development are to be undertaken in accordance with NZS4431:2022.

Section 224 Conditions

All Stages

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

- 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.
- 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.
- c) All works on the engineering plans approved under conditions 11(e), 12(d), 13(c), 14(c), 15(d) and 16(d) (where relevant to each stage) 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:

- i. Site inspections undertaken as agreed in Council's engineering plan approval letter for the engineering plans as required by condition 11(e), 12(d), 13(c), 14(c), 15(d) and 16(d) (where relevant to each stage) of this consent;
- 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.

- iii. Submission of a statement from a Geo-Professional confirming that all earthworks have been completed in accordance with the plans approved under 6.l) and NZS4431:2022. The statement shall confirm that the land is suitable for building development, inclusive of any lot-specific requirements or limitations, to the satisfaction of the Council's Development Engineer or delegated representative. This statement (and any associated reports, plans and similar) will be registered against the relevant titles via a consent notice.
- d) In the event of any damage to any assets on 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.
- e) All works described in the certified plans under Conditions 10(c) of this consent relating to the LPP shall be implemented and completed in accordance with the Certification Process specified in the approved LLP. 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 17.h).
- f) All works described in the certified plans under Condition 10(d) of this consent relating to the EMP, shall be implemented and completed in accordance with the Certification Process specified in the approved EMP. 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 17.i.
- g) The Consent Holder must erect and maintain fencing in stock proof condition around the external boundary boundaries of the development site where such fencing does not already exist as is necessary to prevent entry to the covenant area by grazing animals. The standard of that fencing is to be a 7-wire fence with posts no more than five metres apart and with a minimum of five battens between each post and otherwise is to be as defined in paragraph 6 of the second schedule to the Fencing Act 1978. Internal boundaries of the ecological management areas shall be physically demarcated using wooden posts (minimum diameter of No. 3 posts), installed with a height of at least 800mm above the ground and spaced no more than 10 metres apart, including at all directional changes.
- h) A performance bond pursuant to section 108A of the RMA will be held for the purpose of ensuring that suitable maintenance of all works completed in accordance with the LLP required by condition 10(c) above 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 17.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 Council's Monitoring and Compliance Services Team Leader or delegated representative to confirm that the monitoring and maintenance required as

approved under the condition 10(c). has been undertaken.

- i) A performance bond pursuant to section 108A of the RMA will be held for the purpose of ensuring that suitable maintenance of all works completed in accordance with the EMP required by condition 10(d) above 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 17(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 10(d) has been undertaken.

- 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 proposed private and common lots of the land within Stage 1 as being subject to a covenant. The terms of any such covenant shall provide for on-going protection of the Indicative Landscape Planting and Ecological Enhancement Planting required and completed under Conditions 17(e) and 17(f) of this consent, and shall specifically provide for ongoing weed and pest control and replacement and enhancement planting in accordance with documentation provided under Conditions 10(c) and 10(d) above.
- k) The consent holder shall provide suitable documentation to confirm that a suitable legal entity will be responsible for managing and maintaining all internal private assets (including but not limited to roading, stormwater, pedestrian walkways, and all landscape and ecological enhancement planting) to be created as part of the subdivision servicing all lots. As a minimum, the entity shall:
 - i. Be registered under the Incorporated Societies Act 1908.
 - ii. Require all lot owners within the subdivision to be a member and/or shareholder.
 - iii. Set out that the purpose of the entity is to manage the private roads.
 - iv. Specify a mechanism to fund regular maintenance works on all assets to meet the minimum requirements of the Kaipara District Council Engineering Standards 2011 and obligations associated with all landscape and ecological enhancement planting.
 - v. Require the Constitution and any amendments to it to be approved by the Council or its duly delegated officer.
- l) A cash contribution in lieu of reserves shall be paid based 5% of the assessed value of a "nominal" 4000m² dwelling site the developable lots within Stage 1 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.
- m) 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:
 - i. For all developable lots, at the time of building consent for any habitable or non-habitable building, a detailed geotechnical and on-site servicing 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 the Conclusions and

Geotechnical Recommendations Section 16 identified in the geotechnical investigation by Earthtech Consulting Ltd (Reference: R4309-2, dated 6 May 2025), and any lot specific recommendations contained in the statement provided under Condition 17(c). above, copies of which are available on request to the Kaipara District Council.

- ii. For all developable 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.
- iii. For all developable 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.
- iv. For all developable 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.
- v. For all developable 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).
- vi. For all developable lots:
 - The Building Controls contained in the 'Design Guidelines' document prepared by Barker and Associates Limited and attached to this consent notice must be adhered to.
 - The Stream and Wetlands Setback Plan provided under Condition XX-is to be adhered to. No buildings and associated private infrastructure (including water tanks, retaining walls, and effluent fields shall be located within the specified setbacks shown on the Plan.
 - At the time of building consent, the lot owner shall provide a written statement prepared by a suitably qualified and experienced landscape architect to confirm that any proposed building development is consistent with the 'Design Guidelines' document prepared by Barker and Associates Limited as attached to this consent notice.
 - At time of building consent, the lot owner of any lots adjoining the Ecological Enhancement Areas shall provide sufficient detail to confirm that any pole lights or floodlights within private allotment boundaries are directed toward Ecological Enhancement Areas. All exterior lighting is to be cowled and downward-directed, on short timers, of a warm spectrum (avoiding white and blue light).
- vii. For all lots, the keeping of any grazing animal / livestock, cats, mustelids and rodents on the lots is prohibited. Where dogs are to be kept on any lot 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 to avoid adverse effects on indigenous fauna such as

Australasian Bittern / Matuku-hurepo.

- viii. For all developable lots, any future owner shall be made aware that the subdivision includes specific provision for landscape amenity and ecological enhancement planting through the subdivision. The covenant obligations protecting the planting on both private and common lots apply to all individual lot owners, and those lot owners shall be responsible for ensuring compliance with ongoing weed and pest control and replacement and enhancement planting in accordance with documentation provided under Conditions 10(c) and 10(d) of this consent which are documented in the protective covenant.
- ix. For all lots, further subdivision is prohibited.
- n) 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.

Stage 1 - Lots 1 – 12 and 68 as vacant lots, Lots 100 and 101 as Jointly Owned Access Lots ('JOALs'), Lots 200, 201, and 203 as Common Lots, Lot 1000 as Common Lot (access) & 2000 as Balance Lot.

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

- a) The consent holder shall provide and install road naming signs for Lots 1000 and 101 in accordance with the Council's engineering standards for road signs. 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.

There are no Section 224 conditions applicable to Stages 2 and 3.

Stage 4 – Subdivision of Lot 2000 (Stage 3 balance lot) to create Lots 36 – 43 as vacant lots, Lot 201 as Common Lot (amended from Stage 1), Lot 1000 as a Common Lot (access), & Lot 2000 as Balance Lot.

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

- a) The consent holder shall provide and install road naming signs for Lot 1000 in accordance with the Council's engineering standards for road signs. 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.

Stage 5 – Subdivision of Lot 2000 (Stage 4 balance lot) to create Lots 44 - 56 as vacant lots, Lot 103 as a JOAL, 202 as a Common Lot (amended from Stage 3), Lot 1000 as a Common Lot (access), & Lot 2000 as Balance Lot.

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

- a) The consent holder shall provide and install road naming signs for Lot 1000 in accordance with the Council's engineering standards for road signs. 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.

- b) 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:

i. Reverse sensitivity – Lots 47 and 48 Only

- (a) Buildings containing noise sensitive activities on Lots 47 or 48 of the subdivision are designed, constructed and maintained to ensure that the internal noise level (based on an external noise level of 50 dB LAeq) does not exceed a noise limit of 30 dB LAeq.

- (b) Where the building façade is required to be fully closed to meet the internal noise limit, the building shall be mechanically ventilated and cooled to ensure that the thermal comfort of the occupants can be maintained at all times of the year without any requirement to open windows, doors or other façade openings. To satisfy this clause, a design producer statement from a suitably qualified HVAC design professional shall be provided that addresses the following in accordance with all relevant New Zealand HVAC codes and standards:

- (i) Provides mechanical ventilation to all habitable areas of the noise sensitive activity that ensures human ventilation needs and comfort are met with the façade closed;
- (ii) Provides mechanical thermal cooling to ensure that all habitable areas of the noise sensitive activity can remain at a comfortable temperature at all times of the year with the façade closed;
- (iii) Where i) or ii) above are to be provided by a ducted air-conditioning and/or ventilation system, that the noise level does not exceed 35 dB LAeq when measured at 1 metre from any diffuser at the minimum airflows required to maintain the design temperatures and ventilation once the room temperature has been achieved;

- (iv) Where ii) above is to be provided by high-wall heat pumps, cassette units or other similar non-ducted air-conditioning units, that the unit is from a recognised manufacturer and includes a “quiet” or “low” noise mode with a claimed noise level of less than 35 dBA; and
 - (v) Compliance shall be demonstrated at the time of application for building consent. The application shall be accompanied by a statement prepared by a suitably qualified acoustic consultant that demonstrates the internal design levels will be achieved.
- c) The design of any dwelling on Lots 47 or 48 shall include at least one main formal outdoor relaxation area (deck, patio, etc) that is acoustically screened from the Mangawhai Engineering building (as it exists as of the date of this consent) by the façade of the dwelling. Compliance shall be demonstrated at the time of application for building consent. The application shall be accompanied by a statement prepared by a suitably qualified acoustic consultant that demonstrates that the formal outdoor relaxation area receives sufficient acoustic screening from the façade of the dwelling and that noise levels will be reasonable for outdoor relaxation.

Advice note: it is expected that a formal outdoor area that is on the north-east side of the dwelling without any line-of-sight to the Mangawhai Engineering building will satisfy this condition. Outdoor areas on the north or east sides may also be satisfactory, depending on the orientation and floor plan of the dwelling.

Stage 6 – Subdivision of Lot 2000 (Stage 5 balance lot) to create Lots 57 - 67 as vacant lots, Lot 104 as a JOAL, 202 as a Common Lot (amended from Stage 5), and Lot 1000 as a Common Lot (access)

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

- a) The consent holder shall provide and install road naming signs for Lot 1000 in accordance with the Council's engineering standards for road signs. 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.

Advice Notes – to be added