

Draft Conditions of Consent – Lake View Residents Estate Society Inc RM260008

General

1. The subdivision and land use activities shall be carried out in general accordance with the following listed plans and information as submitted with the application:
 - a) Scheme plans prepared by Envivo Limited referenced as Drawings 34878 Sheets 130 - 134 Revision D dated 10 September 2026.
 - b) Ecological Assessment prepared by Wildlands Limited dated 29 September 2025
 - c) Assessment of Landscape Effects prepared by Simon Cocker Landscape Architecture Limited dated 8 May 2026
 - d) Geotechnical Investigation Report prepared by KGA Geotechnical Group Limited dated 7 November 2025
 - e) On-site Wastewater Treatment and Disposal Report prepared by KGA Geotechnical Group Limited dated 12 November 2025
 - f) Engineering Infrastructure Report prepared by Envivo Limited dated 28 November 2025
 - g) Civil Engineering Plans prepared by Envivo Limited referenced as Drawings 34878 ENV 00 XX DR C Sheets 0300 – 0303, 0350 – 0353, 0360, 0400 – 0403, 0420 – 0422, 0425, 0440, 0441, 0460, 0500 – 0503, 0700, 0720, and 0721.
 - h) Stormwater Assessment Report prepared by Envivo Limited dated 28 November 2025
 - i) Transport Assessment Report by TEAM Limited dated 22nd October 2025

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

Charges

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.

Section 125 – Consent Lapse Date

3. 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.

Accidental Discovery Protocol

4. 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.

Pre-Commencement Conditions

5. Prior to the commencement of any physical work authorised under this consent, 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:

- (i) Details of the site manager including full contact details;
- (ii) Construction methodology including proposed plant and machinery to be utilised;
- (iii) Proposed procedures for controlling sediment runoff and dust generation;
- (iv) Programme of works;
- (v) Proposed hours of work on the site;
- (vi) Details of the number and timing of truck movements on the access route to the site;
- (vii) Details of any proposed materials storage areas;
- (viii) Traffic management plans;
- (ix) Proposed communication strategy to advise members of the public and residents within the Lakeview Estate of the construction works;
- (x) anticipated heavy-vehicle numbers, vehicle types and equivalent standard axle loadings;
- (xi) construction routes through Lakeview Estate;
- (xii) measures to manage safety, dust, noise, tracking and pavement damage;
- (ix) photographic and engineering condition surveys of the affected private accessways before and after construction; and
- (xiii)

(x)(xiv) For all road construction works, the Consent Holder shall give Council's Asset Manager at least 10 working days' notice of commencement of any works on any Council Road.

6. Prior to the commencement of any physical work authorised under this consent, in relation to the existing vehicle crossing onto Devich 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.

7. A minimum of seven days prior to the commencement of any physical work authorised under this consent, the Consent Holder shall notify Council, in writing, of their intention to begin works. Such notification shall be sent to the Council's Development Engineer or their delegated representative and include the following details:

Commented [B&A1]: I suggest we align this with the wording for RM210053.

If subsurface archaeological evidence or cultural materials (shell, midden, hangi, storage pits, etc.) should be unearthed during construction or earthworks:

- All work in the site will cease immediately. The Contractors/ Works Supervisor/Consent Holder shall shut down all equipment and activities.
- The Contractors/ Works Supervisor/Consent Holder shall notify the Area Archaeologist of Heritage NZ (HNZ) – Pouhere Taonga (Northland Office), Te Uri o Hau/Envirocons Holdings Ltd, Kaipara Council and any required statutory agencies (e.g., NZ Police for human skeletal remains).
- The Contractors/ Works Supervisor/Consent Holder shall ensure a buffer zone of 10 metres is roped or marked around the archaeological remains and that the remains are undisturbed, and the site is safe. Work may continue outside the buffer area.
- If the material or materials are confirmed to be Taonga tūturu of Māori origin, additional engagement between Te Uri o Hau, Kaipara District Council, and the commissioned Archaeologist (representing HNZ) to discuss Manatū Taonga - Ministry for Culture and Heritage Taonga Tūturu protocols and the expenditure process for the return of Taonga Tūturu to Te Uri o Hau.
- Works in the area shall not commence until all cultural and statutory requirements have been met.

... [1]

Commented [JH1R2]: The condition is considered appropriate as it is, the additional wording are really protocols to be followed if the condition is triggered and would be best placed in an Advice Note.

Commented [AH1R3]: I consider it appropriate to include the advice David wishes to include as part of the Advice Note, to be read in addition to the existing condition

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Commented [B&A2]: I suggest we align this with the wording of align this with the wording for RM210053 to also specifically address concerns regarding the existing communally owned and maintained roads within Lakeview.

Commented [JH2R2]: The additions to the condition are not supported, as the works relate to private roads and are being undertaken under the direction of the owner and persons responsible for maintenance of the roads - they will not encourage or ignore actions that damage the roads. Such conditions are only reasonable and necessary when a 3rd party asset is potentially affected.

Commented [AH2R3]: I consider clauses (ix) and (xii) as suggested by David can be retained but the others are not considered necessary. The extent of works required under RM210053 were far more extensive with a much longer construction period than what is now proposed, and as a private road network it is subject to provisions under the Property Law Act for maintenance and upkeep.

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

A copy of the approved engineering plans and a copy of the resource consent conditions, Inspection and Test Plan, approved corridor access request and the engineering plan approval letter are to be held onsite at all times during construction. All personnel working on the site shall be made aware of and have access to the resource consent and accompanying documentation.

Environmental Benefit

8. Prior to the commencement of any habitat modification, earthworks, and/or vegetation clearance for the subdivision, the consent holder shall submit to Council, for the written certification of the Team Leader Compliance Monitoring, a finalised Ecological Management Plan (EMP) prepared by a suitably qualified and experience ecologist.

The purpose of the EMP is to provide a consolidated document that details all impacts and the measures proposed to address the effects of those impacts, to ensure the environmental outcomes anticipated in the application material are achieved.

The finalised EMP shall specify the environmental enhancement planting and any associated ecological management measures in each of the four stages of subdivision, as follows:

<u>Stage</u>	<u>Lots Created</u>	<u>Enhancement Planting Area(s)</u>	<u>Area (m2) (approx.)</u>
<u>1</u>	<u>5</u>	<u>P4</u>	<u>290</u>
<u>2</u>	<u>1-4</u>	<u>P2</u>	<u>660</u>
		<u>P3</u>	<u>570</u>
		<u>P5</u>	<u>870</u>
<u>3</u>	<u>6-8</u>	<u>P1¹</u>	<u>1610</u>
<u>4</u>	<u>9, 10</u>	<u>N/A</u>	<u>N/A</u>
		<u>Total</u>	<u>4000</u>

Table 1: Environmental Enhancement Planting by Stage

The finalised EMP shall include, but is not limited to:

- a) Impacts and enhancement works:
 - identification and description of all impacts on indigenous vegetation, watercourses and wetlands within the site as identified in the application documents, including an assessment of the proximity of earthworks to any natural inland wetland including an accurate delineation of the extent of natural inland wetlands within the subject site undertaken by a suitably qualified and experienced ecologist in accordance with the Ministry for the Environment ("MfE") protocols and watercourse classification under the National Policy Statement for Freshwater Management 2020 ("NPS-FM") and the National Environmental Standards for Freshwater ("NES-FW").

¹ Area within Lot 51 DP 378455 only

- Confirmation that any earthworks associated with proposed accessways and / or fixed building platforms do not occur within any of the required setbacks of any identified “natural inland wetlands” under the NES-FW regulations.
 - plans identifying all enhancement (planting) works authorised by this consent and their locations, clearly depicting the areas and extent of planting for Areas P1–P5 (totalling approximately 4,000m²) to buffer the headwaters, wetlands and stream edges and to close gaps in the riparian corridor;
 - a planting plan for all proposed riparian planting, including species (eco-sourced from the Rodney Ecological District), grades, sizes, spacings, site preparation and maintenance requirements.
- b) Pest plant and pest animal management:
- pest plant distribution and abundance across the site and site-specific control methods;
 - pest animal control provisions, including as a minimum:
 - the targeted pest animal species (including rodents, rabbits, possums, feral and stray cats and mustelids);
 - proposed trapping/control methods;
 - population/abundance targets to be achieved and maintained; and
- c) Fauna management protocols:
- ~~Confirmation of the presence or absence of breeding Threatened or At-Risk indigenous bird species.~~
 - ~~— If incubating or breeding Threatened or At-Risk indigenous birds are found within the site at a location at risk of being impacted by subdivision works, the works must cease until the Threatened or At-Risk indigenous birds have fledged and left the site.~~
 - ~~— If incubating or breeding Threatened or At-Risk Indigenous birds within the site are not at risk of subdivision works, the Consent Holder can commence vegetation clearance and earthworks.~~
 - A baseline survey for Australasian bittern and other Threatened or At-Risk wetland birds, undertaken by a suitably qualified and experienced ornithologist during the appropriate survey season and using accepted survey methods, including multiple survey sessions where required.
 - The survey results shall inform the final location and design of building platforms, accessways, earthworks, ecological covenant areas and any necessary disturbance buffers.
 - The EMP shall specify:
 - i. any areas in which works must be avoided;
 - ii. seasonal restrictions applying to works near wetland-bird habitat;
 - iii. pre-works survey requirements;
 - iv. setbacks or exclusion zones around any nesting or breeding birds; and
 - v. the circumstances in which works must cease and may recommence.
 - Prior to the clearance of vegetation and earthworks the Consent Holder must engage a suitably qualified herpetologist to supervise the salvage and relocation of lizards to adjacent riparian scrub, and retention of felled vegetation to provide habitat; and
 - Prior to the commencement of vegetation clearance and earthworks the Consent Holder shall engage a suitably qualified bat expert to identify any tree exceeding 15 cm Diameter at Breast Height and provide methods in accordance with the Department of Conservation’s “Protocols for minimising the risk of felling occupied bat

Commented [B&A3]: This is my alternative wording instead of the green highlighted text.

My position remains that, based on the expert evidence of Ms Vilde, the Applicant has not currently identified the correct extent of natural inland wetlands on the site in accordance with the MfE Wetland Delineation Protocols. In my opinion, this should be undertaken prior to approving the resource consent:

- To understand whether any resource consents are required under the NES-FW from Northland Regional Council;
- So any effects on these wetlands can be adequately understood and considered; and
- For those consents to be applied for and obtained (as was the case with RM210053).

However, if the Commissioner was minded to grant the resource consent irrespective of the above concerns, then I would recommend that a proper wetland delineation is commissioned as part of the EMP.

Commented [JH3R2]: The expanded wording is unnecessarily prescriptive, as the reference to “natural inland wetland” already engages the NEW-FW regulations and any associated requirements.

Commented [AH3R3]: I have relied on the agreed condition/s with DoC. The wording proposed by David appears to repeat legislative requirements that should be clearly understood by anyone preparing the EMP. I don’t see a reason to include this additional text.

Commented [B&A4]: As above, I consider this should be provided now based on Ms Vilde’s evidence, but have provided condition wording to more accurately align with the evidence of Ms Vilde.

Commented [JH4R2]: This suggestion is unnecessarily prescriptive and goes beyond what DOC has requested in response to its submissions. As it is the crown agency responsible for the management of Threatened or At-Risk species it is considered that its requirements should prevail.

Commented [AH4R3]: As per above comments, I have relied on DoC agreement to the condition/s. My understanding is that the additional text suggested by David is spelling out what the likely Fauna Management Protocols may entail - I don’t think that is necessary.

roosts” provided by the NZ DOC Bat Recovery Group 2024, or any update to that document,

- d) Certification of Works
- Means of providing suitable certification on completion of works at each stage of subdivision to satisfy consent conditions.
- e) Monitoring and maintenance:
- monitoring criteria, methods, indicators and frequencies to ensure the enhancement works and animal and pest plant removal achieve the intended values;
 - pest plant and pest animal management standards and targets; and
 - a requirement that at least 90% of the original number of plants are maintained by top up in each successive planting season during the first 5 years.

f) Culvert Design

- ~~Confirmation that the placement, use, alteration, extension, or reconstruction of a culvert in, on, over, or under the bed of any river or connected area complies with the permitted activity conditions in Regulation 70 of the NES-FW. This includes the necessary information requirements in Regulations 62 and 63.~~

g) Fencing

- ~~A plan identifying permanent fencing around the wetlands, riparian margins and ecological covenant areas, together with:
 - i. the type and location of fencing;
 - ii. measures preventing access by domestic animals;
 - iii. the location of any authorised pedestrian routes;
 - iv. measures to avoid trampling and disturbance of wetland and lake margins; and
 - v. responsibility for the ongoing inspection, repair and maintenance of the fencing.~~

No earthworks and/or vegetation clearance shall commence until written confirmation from the Team Leader Compliance Monitoring has been received confirming that the finalised EMP has been certified.

Advice Notes

- *The Ecological Assessment (Wildland Consultants Contract Report No. 7701) may be used in part to prepare the EMP but must be updated to reflect the conditions of this consent.*
- *A Wildlife Act 1953 authority may be required in relation to lizard salvage and relocation.*
- *As part of preparation of any EMP under this condition, it is anticipated that the consent holder will comply with the National Environmental Standard for Freshwater in determining the extent of any natural inland wetlands, and compliance with the Regulation either as a permitted activity or by way of Regional Council consent.*

Building Controls

9. Prior to implementing any stage of this consent, the consent holder shall provide the following for certification by the Councils Resource Consents Manager:

- a) A plan illustrating the location of building platforms on Lots 1 – 8, where the building platforms must be consistent with the details provided in the Assessment of Landscape Effects prepared by Simon Cocker Landscape Architecture Limited dated 8 May 2026, and the Geotechnical Investigation Report prepared by KGA Geotechnical Group Limited dated 7 November 2025. The plan must clearly state where buildings can and cannot be located and:

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Commented [B&A5]: As per previous comment, I think this information should be provided now in accordance with the ecological evidence of Ms Vilde. However, if the Commissioner was minded to grant the resource consent irrespective of the above concerns, then I would recommend that proper details on culvert design are confirmed as part of the EMP.

Commented [JH5R2]: The first sentence of this supplementary condition is accepted. The second sentence is unnecessarily directive and prescriptive.

Commented [AH5R3]: This is stating a legislative requirement so am ambivalent about this.

Commented [B&A6]: The fencing shown in the EMP should then be:

- shown within the covenant areas required by Conditions 12(b), 14(b) and 16(b); and
- completed and certified under the relevant stage-completion conditions, being Conditions 13(f), 15(b) and 17(a).

Commented [JH6R2]: This supplementary condition is strongly opposed. It would place an unnecessary and unreasonable burden on the Consent Holder that is not clearly justifiable. There is not stock in Lot 51, and the open access and interaction with the lake edge and lakeside vegetation is part of the amenity and experience. We do not see such areas “fenced off” when in public ownership i.e. within a park, reserve, on conservation land or within a national park - so how could it reasonably be required within Lake View Estate.

Commented [AH6R3]: If there are to be no grazing stock anywhere on any of the lots then fencing is not necessary. An alternative may be installation of markers along the edge of the covenant boundaries.

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i. confirm the adopted soil and rock strength parameters;

ii. verify the geological model and groundwater and pore-pressure assumptions;

iii. confirm both shallow and deep-seated failure mechanisms without truncation by model boundaries;

iv. confirm the reported factors of safety, including results as low as 0.65, against observed site conditions;

v. establish acceptable factors of safety for all proposed building platforms;

vi. confirm global slope stability of the accessway cut, fill and retaining works;

vii. confirm lateral-spread risk adjacent to the lake; and

a) viii. investigate and address the low-lying accessway area downslope of Lot 1 for soft or compressible soils and identifies any necessary ground improvement.

Advice Note: The building platforms may be defined by either specifying areas where buildings must be located, or areas where buildings must not be located on each lot.

- b) A Building Design Control document, based on the blanket design controls specified in Section 2 of the Assessment of Landscape Effects prepared by Simon Cocker Landscape Architecture Limited dated 8 May 2026, inclusive of limitations on building locations based on the building platforms specified in Condition 9 a) above.

Stage 1 – Lot 5 and Lot 51 (balance lot)

Prior to Section 223 Certification

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

General

- (a) The survey plan shall be generally in accordance with the plan of subdivision prepared by Enviro Limited referenced as Drawing 34878 ENV 00 XX DR V 131 S2 D and entitled 'Scheme Plan Stage 1 Lot 5'.
- (b) The survey plan shall include
- A covenant area which accommodates the Landscape Mitigation Proposal as it relates to Lot 5 (being the group of existing trees to be retained) as set out on 'Figure 3d: Landscape Mitigation Proposal' attached to the Assessment of Landscape Effects prepared by Simon Cocker Landscape Architecture Limited dated 8 May 2026 (*shown as area LA*).
 - Covenant areas which accommodate the Ecological Enhancement Planting area that relates to Lot 5 as set out in Table 1 in Condition 8 and on 'Figure 2: Subdivision layout and planting at Lot 51 Wallbank Way, Mangawhai' attached to the Ecological Assessment prepared by Wildlands Limited dated 29 September 2025.

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Commented [B&A7]: Based on Mr Sands evidence. I consider that this assessment should be provided now, but if not have drafted a condition to confirm these requirements.

Commented [JH7R2]: Appropriate geotechnical factors of safety are an integral part of KGAs assessment, which identified and determined the appropriate location for building platforms on each of the proposed lots, and specifies any site specific foundation design requirements for them. It goes beyond the scope of a "resource consent" condition and into details that would be required at the time specific foundation design is prepared for Building Consent purposes. The suggested Building Control Condition is opposed, noting that Condition 1 and existing Consent Notices already require design in for future buildings on each identified building platform to be in accordance with the KGA report already suitably and appropriately address this matter.

Commented [AH7R3]: The information provided is considered adequate to address Section 106 and the NPS-NH. The consent notice conditions for each Lot addresses further detailed geotech assessment at the time of building consent. The additional wording suggested by David is not considered necessary.

- iii. Covenant areas which provide for the protection of the existing *and enhanced* ecological areas adjoining the lake within the balance Lot 51 (*shown as areas EB and EC*).
- iv. The covenant areas shall encompass the full extent of all natural inland wetlands and associated riparian buffers identified under Condition 8, together with all additional enhancement planting and permanent protection fencing required by the certified EMP.

Easements

- (c) The survey plan shall show all necessary easements as required for services and access, including stormwater drainage.

Utility Providers

- (d) The consent holder shall provide evidence from the appropriate network utility supply providers that arrangements can be made for the provision of electricity to each lot and show the necessary easements on the survey plan (where required) to the approval of the Council.

Engineering Design

- (e) The Consent Holder shall submit a detailed set of engineering designs, specifications and calculations, prepared in accordance with the Council's Engineering Standards 2011 to the Council's Development Engineer, of their delegated representative for approval. The engineering designs, calculations and specifications shall be prepared by a suitably experienced Chartered Professional Engineer (CPEng) and shall take in to account the Engineering Infrastructure Report prepared by Envivo Limited dated 28 November 2025, and the Civil Engineering Plans prepared by Envivo Limited referenced as Drawings 34878 ENV 00 XX DR C Sheets 0300 – 0303, 0350 – 0353, 0360, 0400 – 0403, 0420 – 0422, 0425, 0440, 0441, 0460, 0500 – 0503, 0700, 0720, and 0721. The plans shall include a statement to confirm compliance with any consent issued by the Northland Regional Council or compliance as a permitted activity with the Regional Plan for Northland.

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

- i. Design details of the construction of the sealed right-of-way access serving Lot 5, and inclusive of sealing of the intersection with Blomfield Court and all associated drainage works, in accordance with Section 5.2 of the Kaipara District Council Engineering Standards 2011.

- ii. ~~A site-specific pavement design based on verified subgrade conditions. The design shall reconcile the 2% CBR recommended in the Geotechnical Investigation Report with the 4% CBR shown on the application drawings.~~

~~The engineering plans shall be accompanied by an updated earthworks schedule showing all cut and fill associated with the accessway, pavement construction, building platforms, retaining structures, stormwater works and watercourse crossings.~~

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Commented [B&A8]: AS per James Blackburn evidence. In my opinion, this assessment should be provided now, but if the Commissioner is minded to grant the resource consent then this is how I would word it.

Commented [JH8R2]: Accepted in part (in its modified form) noting that this is a private accessway extending from a private road network.

Commented [AH8R3]: The KDC Engineering Standards Section 5.2.13 Pavement Structural Design address CBR requirements so I am ambivalent about this amended wording.

Prior to Section 224(c) Certification

- 11. **Before Certification is issued pursuant to Section 224(c) of the Act, the following conditions are to be complied with:**

Utility Connections

- 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.

Easements

- 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.

Engineering

- c) All works on the engineering plans approved under condition 10 e) 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 10 e) 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.
- (d) The Consent Holder shall submit certified and dated As-Built plans of completed works and services in accordance with Council's Engineering Standards 2011 to the satisfaction of the Council's Development Engineer, or their delegated representative.

Environmental Benefit

- (f) All works described in the certified EMP submitted to Council in accordance with Condition 8, as they relate to Stage 1, 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 10 g) below.
- (g) 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 Condition 10 f) 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 10 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% 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 8 has been undertaken.

Consent Notice/On-going conditions

- (e) 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 for all areas identified as Landscape Mitigation under Condition 9 b) i. against the titles of the land as depicted on the Survey Plan. The terms of any such covenant shall provide for on-going protection of the amenity mitigation provided within the development.

- (f) Pursuant to Section 221 of the Act, the following conditions shall be complied with in perpetuity and shall be registered on the specified lots by way of Consent Notice(s).
- i. For Lot 5, earthworks, the location of buildings, building foundations and stormwater and wastewater disposal shall be subject to specific engineering design by a suitably qualified Chartered Professional Engineer having regard to any soil instability/saturation issues that may exist or arise as a result of the development. The design shall take into account the recommendations identified in the Geotechnical Investigation Report prepared by KGA Geotechnical Group Limited dated 7 November 2025, and submitted to Council with subdivision consent RM260008.
 - ii. For Lot 5, the future building shall be located within the building platform identified on the subdivision scheme plan, except that accessory (non-habitable) buildings of less than 10m² in area may be located outside the building platform.
 - iii. For Lot 5, future owners are advised that no physical telecommunication connections are provided. Kaipara District Council will not be responsible for ensuring nor providing telecommunication connections to this lot.
 - iv. For Lot 5, wastewater disposal will be subject to specific engineering design by a suitably qualified Chartered Professional Engineer. The design will be in accordance with ASNZ1547:2012, Northland Regional Council rules, and shall take into account the On-site Wastewater Treatment and Disposal Report prepared by KGA Geotechnical Group Limited dated 12 November 2025 and submitted to Council with subdivision consent RM260008.
 - v. For Lot 5, sufficient firefighting water supply shall be provided for any single residential dwelling on the lot with a minimum volume of 10,000 litres and shall remain accessible and available all year round.
 - vi. For Lot 5, all built development on the lot shall adhere to the requirements of the Building Design Controls provided under Condition 9 a) and 9 b) of this consent. At the time of lodgement of any building consent for a residential unit or accessory building on any lot, the consent holder shall provide to the Kaipara District Council a statement from a suitably qualified landscape architect to confirm that the proposal complies with all relevant provisions contained within the Building Design Controls document as referenced above. A copy of the Building Design Controls shall be made available to every lot owner by the consent holder.
 - vii. For Lot 51, no further subdivision is to be undertaken on Lot 51, with the exception of subdivision as approved under this consent (KDC ref RM260008), where Lot 51 is a private communal amenity and ecological benefit lot developed for the benefit of residents of Lake View Estate.

- viii. For Lot 5, 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. This consent notice only applies to dogs associated with the new allotments created by this subdivision.

Solicitors Undertaking

- (g) A solicitor's undertaking shall be provided to Council confirming that all consent notices prepared for registration under the relevant conditions of this resource consent will be duly registered against the new titles to be issued for the subdivision. The solicitor must provide a post registration title and instruments.

All consent notices 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.

Financial Contributions

- (h) A cash contribution in lieu of reserves shall be paid based on 5 % of the assessed value of Lot 5 OR 5% of the assessed value of a "nominal" 4000m² dwelling site on Lot 5 of the subdivision, such value to be determined by a registered valuer appointed by Kaipara District Council, at the applicant'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.

Stage 2 - Subdivision of Lot 51 (Stage 1) to create Lots 1 – 4 and Lot 51 (balance lot)

Prior to Section 223 Certification

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

General

- (a) The survey plan shall be generally in accordance with the plan of subdivision prepared by Enviro Limited referenced as Drawing 34878 ENV 00 XX DR V 132 S2 B and entitled 'Scheme Plan Stage 2 Lots 1 - 4'.
- (b) The survey plan shall include
- Covenant areas which accommodate the Landscape Mitigation Proposal as it relates to Lots 1 - 4 as set out on 'Figure 3c: Landscape Mitigation Proposal' attached to the Assessment of Landscape Effects prepared by Simon Cocker Landscape Architecture Limited dated 8 May 2026 (*shown as areas LB, LC, LD and LE*).
 - Covenant areas which accommodate the Ecological Enhancement areas that relate to Lots 1 - 4 as set out in Table 1 in Condition 8 and on 'Figure 2: Subdivision layout and planting at Lot 51 Wallbank Way, Mangawhai' attached to the Ecological Assessment prepared by Wildlands Limited dated 29 September 2025.

Commented [B&A9]: I support this addition. Consistent with RM210053. Also addresses the matters outlined in Ms Vilde's evidence.

Commented [JH9R2]: This and all equivalent conditions (in each stage) is strongly opposed by the Applicant - noting that a condition should *inter alia* be reasonable, practical, and enforceable. Their view is that:

- no such restriction applies to the 46 existing lots that adjoin the lake (and proposed covenant areas), consequently the potential effects that the condition would potentially prevent are already occurring (without such controls)
- it would either discourage purchasers of the proposed lots, or purchasers would disregard the Consent Notice requirement in relation to the keeping of cats and/or control of dogs
- there is no way of either the Council or the Resident's Society from practically enforcing such a requirement.

Commented [AH9R3]: I note DoC requested a 'cat free' and dog control condition in their submission but were silent on this in their subsequent documentation. The lack of control on other adjoining lots is a relevant consideration, although it may be that the ecological values that now exist were not present at the time those lots were created. In my experience (although not in KDC) these conditions are enforceable. Discouraging purchasers is not a relevant RMA argument against the condition. On balance, I consider the condition is appropriate given the subdivision is relying substantially on environment benefit.

- iii. Covenant areas which provide for the protection of all existing *and enhanced* ecological areas adjoining the lake within the balance Lot 51 and within Lots 1 - 4 in Stage 2 of this consent (*shown as areas EA, ED, EG and EH*).
- iv. The covenant areas shall encompass the full extent of all natural inland wetlands and associated riparian buffers identified under Condition 8, together with all additional enhancement planting and permanent protection fencing required by the certified EMP.

Advice Note: The purpose of this condition is to ensure that formal legal protection of all existing ecological features that adjoin the lake on the balance lot is in place at Stage 2 of the subdivision.

Easements

- (c) The survey plan shall show all necessary easements as required for services and access

Utility Providers

- (d) The consent holder shall provide evidence from the appropriate network utility supply providers that arrangements can be made for the provision of electricity to each lot and show the necessary easements on the survey plan (where required) to the approval of the Council.

Engineering Design

- (e) The Consent Holder shall submit a detailed set of engineering designs, 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 designs, calculations and specifications shall be prepared by a suitably experienced Chartered Professional Engineer (CPEng) and shall take in to account the Engineering Infrastructure Report prepared by Envivo Limited dated 28 November 2025, and the Civil Engineering Plans prepared by Envivo Limited referenced as Drawings 34878 ENV 00 XX DR C Sheets 0300 – 0303, 0350 – 0353, 0360, 0400 – 0403, 0420 – 0422, 0425, 0440, 0441, 0460, 0500 – 0503, 0700, 0720, and 0721.

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

- i. Design details of the construction of the right-of-way access serving Lots 1 - 4, and inclusive of any upgrading and/or widening of the existing portion of easement created in Stage 1 of this consent and all associated drainage works, in accordance with Section 5.2 of the Kaipara District Council Engineering Standards 2011.
- ii. ~~A site-specific pavement design based on verified subgrade conditions. The design shall reconcile the 2% CBR recommended in the Geotechnical Investigation Report with the 4% CBR shown on the application drawings. The engineering plans shall be accompanied by an updated earthworks schedule showing all cut and fill associated with the accessway, pavement construction, building platforms, retaining structures, stormwater works and watercourse crossings.~~

i.

Prior to Section 224(c) Certification

- 13. **Before Certification is issued pursuant to Section 224(c) of the Act, the following conditions are to be complied with:**

Utility Connections

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Commented [B&A10]: AS per James Blackburn evidence. In my opinion, this assessment should be provided now, but if the Commissioner is minded to grant the resource consent then this is how I would word it.

Commented [JH10R2]: Accepted in part (in its modified form) noting that this is a private accessway extending from a private road network.

Commented [AH10R3]: See Stage 1 comment

- 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.

Easements

- 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.

Engineering

- c) All works on the engineering plans approved under condition 12 e) 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 12 e) 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.
- d) The Consent Holder shall submit certified and dated As-Built plans of completed works and services in accordance with Council's Engineering Standards 2011 to the satisfaction of the Council's Development Engineer, or their delegated representative.

Road Naming

- e) The Consent Holder shall submit to Council an "Application for a New Road Name" for the private right-of-way access extending from Blomfield Court.

Advice Note: An "Application for a New Road Name" will be considered by Council's Roading Department and new road names must comply with Council's guidelines contained in Council's current Road Naming Policy.

Environmental Benefit

- f) All works described in the certified EMP submitted to Council in accordance with Condition 8, as they relate to Stage 2, 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 13 g) below.
- g) The landscape mitigation planting as it relates to Lots 1 - 4 as set out on 'Figure 3c: Landscape Mitigation Proposal' attached to the Assessment of Landscape Effects prepared by Simon Cocker Landscape Architecture Limited dated 8 May 2026 shall be implemented and completed. Certification (less than 3 months old) that the mitigation planting has been completed must be 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 13 h) below

- (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 Conditions 13 f) and g) 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 conditions 13 f) and g) 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 8 has been undertaken.

Consent Notice/On-going conditions

- (i) 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 for all areas identified as part of the EMP under Condition 8 and Landscape Mitigation under Condition 13 g) against the titles of the land as depicted on the Survey Plan. The terms of any such covenant shall provide for on-going protection of the environment benefit and amenity mitigation provided within the development and shall specifically provide for implementation of the monitoring and maintenance and performance bond requirements required under Condition 13 h) above.
- (j) Pursuant to Section 221 of the Act, the following conditions shall be complied with in perpetuity and shall be registered on the specified lots by way of Consent Notice(s).
- i. For Lots 1 - 4, earthworks, the location of buildings, building foundations and stormwater and wastewater disposal shall be subject to specific engineering design by a suitably qualified Chartered Professional Engineer having regard to any soil instability/saturation issues that may exist or arise as a result of the development. The design shall take into account the recommendations identified in the Geotechnical Investigation Report prepared by KGA Geotechnical Group Limited dated 7 November 2025, and submitted to Council with subdivision consent RM260008.
 - ii. For Lots 1 - 4, the future building shall be located within the building platform identified on the subdivision scheme plan, except that accessory (non-habitable) buildings of less than 10m² in area may be located outside the building platform.
 - iii. For Lots 1 - 4, future owners are advised that no physical telecommunication connections are provided. Kaipara District Council will not be responsible for ensuring nor providing telecommunication connections to this lot.
 - iv. For Lots 1 - 4, wastewater disposal will be subject to specific engineering design by a suitably qualified Chartered Professional Engineer. The design will be in accordance with ASNZ1547:2012, Northland Regional Council rules, and shall take into account the On-site Wastewater Treatment and Disposal Report prepared by KGA Geotechnical Group Limited dated 12 November 2025 and submitted to Council with subdivision consent RM260008.

- v. For Lots 1 - 4, sufficient firefighting water supply shall be provided for any single residential dwelling on the lot with a minimum volume of 10,000 litres and shall remain accessible and available all year round.
- vi. For Lots 1 - 4, all built development on the lot shall adhere to the requirements of the Building Design Controls provided under Condition 9 a) and 9 b) of this consent. At the time of lodgement of any building consent for a residential unit or accessory building on any lot, the consent holder shall provide to the Kaipara District Council a statement from a suitably qualified landscape architect to confirm that the proposal complies with all relevant provisions contained within the Building Design Controls document as referenced above. A copy of the Building Design Controls shall be made available to every lot owner by the consent holder.
- vii. For Lots 1 – 4, 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. This consent notice only applies to dogs associated with the new allotments created by this subdivision.

Commented [JH11]: Opposed - for the reasons provided above

Commented [AH11R2]: See Stage 1 comment

Solicitors Undertaking

- (k) A solicitor's undertaking shall be provided to Council confirming that all consent notices prepared for registration under the relevant conditions of this resource consent will be duly registered against the new titles to be issued for the subdivision. The solicitor must provide a post registration title and instruments.

All consent notices 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.

Financial Contributions

- (l) A cash contribution in lieu of reserves shall be paid based on 5 % of the assessed value of Lots 1 - 4 OR 5% of the assessed value of a "nominal" 4000m² dwelling site on Lots 1 - 4 of the subdivision, such value to be determined by a registered valuer appointed by Kaipara District Council, at the applicant'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.

Stage 3 – Subdivision of Lot 51 (Stage 2) to create Lots 6 - 8 and Lot 51 (balance lot)

Prior to Section 223 Certification

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

General

- (a) The survey plan shall be generally in accordance with the plan of subdivision prepared by Envivo Limited referenced as Drawing 34878 ENV 00 XX DR V 133 S2 B and entitled 'Scheme Plan Stage 3 Lots 6 - 8'.
- (b) The survey plan shall include:
- covenant areas which accommodate the Landscape Mitigation Proposal as it relates to Lots 6 - 8 as set out on 'Figure 3b: Landscape Mitigation Proposal' attached to the Assessment of Landscape Effects prepared by Simon Cocker Landscape Architecture Limited dated 8 May 2026 (*shown as areas LF, LG, LH, LI, LJ, LK, LL and LM*).
 - covenant areas which accommodate the Ecological Enhancement areas that relate to Lots 6 – 8 as set out in Table 1 in Condition 8 and on 'Figure 2: Subdivision layout and planting at Lot 51 Wallbank Way, Mangawhai' attached to the Ecological Assessment prepared by Wildlands Limited dated 29 September 2025.
 - covenant areas which provide for the protection of all existing *and enhanced* ecological areas to the south and east of the lake within the balance Lot 51, and all existing ecological areas within Lots 6 - 8 in Stage 3 of this consent (*shown as areas EA, EE and EF*).
 - The covenant areas shall encompass the full extent of all natural inland wetlands and associated riparian buffers identified under Condition 8, together with all additional enhancement planting and permanent protection fencing required by the certified EMP.

Advice Note: The purpose of this condition is to ensure that formal legal protection of all existing ecological features that are located to the south or east of the lake (not covenanted in Stage 2) are in place for Stage 3 of the subdivision.

Easements

- (c) The survey plan shall show all necessary easements as required for services and access

Utility Providers

- (d) The consent holder shall provide evidence from the appropriate network utility supply providers that arrangements can be made for the provision of electricity to each lot and show the necessary easements on the survey plan (where required) to the approval of the Council.

Engineering Design

- (e) The Consent Holder shall submit a detailed set of engineering designs, 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 designs, calculations and specifications shall be prepared by a suitably experienced Chartered Professional Engineer (CPEng) and shall take in to account the Engineering Infrastructure Report prepared by Envivo Limited dated 28 November 2025, and the Civil Engineering Plans prepared by Envivo Limited referenced as Drawings 34878 ENV 00 XX DR C Sheets 0300 – 0303, 0350 – 0353, 0360, 0400 – 0403, 0420 – 0422, 0425, 0440, 0441, 0460, 0500 – 0503, 0700, 0720, and 0721.

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

- Design details of the construction of the right-of-way access serving Lots 6 - 8, and inclusive of any upgrading and/or widening of the existing portion of easement

created in Stages 1 and 2 of this consent and all associated drainage works, in accordance with Section 5.2 of the Kaipara District Council Engineering Standards 2011.

- ii. ~~A site-specific pavement design based on verified subgrade conditions. The design shall reconcile the 2% CBR recommended in the Geotechnical Investigation Report with the 4% CBR shown on the application drawings. The engineering plans shall be accompanied by an updated earthworks schedule showing all cut and fill associated with the accessway, pavement construction, building platforms, retaining structures, stormwater works and watercourse crossings.~~

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Commented [B&A12]: AS per James Blackburn evidence. In my opinion, this assessment should be provided now, but if the Commissioner is minded to grant the resource consent then this is how I would word it.

Commented [JH12R2]: Accepted in part (in its modified form) noting that this is a private accessway extending from a private road network.

Commented [AH12R3]: See Stage 1 comment

Prior to Section 224(c) Certification

15. **Before Certification is issued pursuant to Section 224(c) of the Act, the following conditions are to be complied with:**

Utility Connections

- 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.

Easements

- 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.

Engineering

- c) All works on the engineering plans approved under condition 14 e) 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 14 e) 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.

- d) The Consent Holder shall submit certified and dated As-Built plans of completed works and services in accordance with Council's Engineering Standards 2011 to the satisfaction of the Council's Development Engineer, or their delegated representative.

Environmental Benefit

- e) All works described in the certified EMP submitted to Council in accordance with Condition 8, as they relate to Stage 3, 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 15 g) below.

- f) The landscape mitigation planting as it relates to Lots 6 - 8 as set out on 'Figure 3b: Landscape Mitigation Proposal' attached to the Assessment of Landscape Effects prepared by Simon Cocker Landscape Architecture Limited dated 8 May 2026 shall be implemented and completed. Certification (less than 3 months old) that the mitigation planting has been completed must be 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 15 g) below

- g) The land-stabilisation works required for Lot 7 shall be constructed and certified by a suitably qualified and experienced Chartered Professional Geotechnical Engineer before section 224(c) certification is issued for Stage 3.

- g)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 Conditions 15 e) and f) 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 15 e) and 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% 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 8 has been undertaken.

Consent Notice/On-going conditions

- h)i) 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 for all areas identified as part of the EMP under Condition 8 and Landscape Mitigation under Condition 15 f) against the titles of the land as depicted on the Survey Plan. The terms of any such covenant shall provide for on-going protection of the environment benefit and amenity mitigation provided within the development and shall specifically provide for implementation of the monitoring and maintenance and performance bond requirements required under Condition 15 g) above.

- i) Pursuant to Section 221 of the Act, the following conditions shall be complied with in perpetuity and shall be registered on the specified lots by way of Consent Notice(s).

- i. For Lots 6 - 8, earthworks, the location of buildings, building foundations and stormwater and wastewater disposal shall be subject to specific engineering design by a suitably qualified Chartered Professional Engineer having regard to any soil instability/saturation issues that may exist or arise as a result of the development. The design shall take into account the recommendations identified in the Geotechnical Investigation Report prepared by KGA Geotechnical Group Limited dated 7 November 2025, and submitted to Council with subdivision consent RM260008.

Commented [B&A13]: Based on Mr Sands evidence, I consider this should be provided up front, but have tried to condition this.

Commented [JH13R2]: The Condition is opposed as a S.223 requirement, noting that the design of any land stabilisation works would be undertaken in conjunction with a future Building Consent. The requirement under Condition 1, along with the Consent Notice requirement relating to design in accordance with the KGA report already suitably and appropriately address this matter.

Commented [AH13R3]: Section 13.4 of the geotech report sets out parameters to form a safe building platform on Lot 7 and is not specific about the type of in-ground support required, although it does adopt an in-ground retaining wall for modelling purposes. The consent notice registered against Lot 7 recording specific engineering requirements at the time of building consent is considered sufficient to address this matter.

- ii. For Lots 6 - 8, the future building shall be located within the building platform identified on the subdivision scheme plan, except that accessory (non-habitable) buildings of less than 10m² in area may be located outside the building platform.
- iii. For Lots 6 - 8, future owners are advised that no physical telecommunication connections are provided. Kaipara District Council will not be responsible for ensuring nor providing telecommunication connections to this lot.
- iv. For Lots 6 - 8, wastewater disposal will be subject to specific engineering design by a suitably qualified Chartered Professional Engineer. The design will be in accordance with ASNZ1547:2012, Northland Regional Council rules, and shall take into account the On-site Wastewater Treatment and Disposal Report prepared by KGA Geotechnical Group Limited dated 12 November 2025 and submitted to Council with subdivision consent RM260008.
- v. For Lots 6 - 8, sufficient firefighting water supply shall be provided for any single residential dwelling on the lot with a minimum volume of 10,000 litres and shall remain accessible and available all year round.
- vi. For Lots 6 - 8, all built development on the lot shall adhere to the requirements of the Building Design Controls provided under Condition 9 a) and 9 b) of this consent. At the time of lodgement of any building consent for a residential unit or accessory building on any lot, the consent holder shall provide to the Kaipara District Council a statement from a suitably qualified landscape architect to confirm that the proposal complies with all relevant provisions contained within the Building Design Controls document as referenced above. A copy of the Building Design Controls shall be made available to every lot owner by the consent holder.
- vii. For Lots 6 - 8, 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. This consent notice only applies to dogs associated with the new allotments created by this subdivision.

Solicitors Undertaking

j)(k) A solicitor's undertaking shall be provided to Council confirming that all consent notices prepared for registration under the relevant conditions of this resource consent will be duly registered against the new titles to be issued for the subdivision. The solicitor must provide a post registration title and instruments.

All consent notices 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.

Financial Contributions

k)(l) A cash contribution in lieu of reserves shall be paid based on 5 % of the assessed value of Lots 6 - 8 OR 5% of the assessed value of a "nominal" 4000m² dwelling site on Lots 6 - 8 of the subdivision, such value to be determined by a registered valuer appointed by Kaipara District Council, at the applicant's expense.

Commented [JH14]: This Condition is opposed - for the reasons given above

Commented [AH14R2]: As per Stage 1 comments

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.

Stage 4 – Subdivision of Lot 21 DP 378455 to create Lots 9 and 10

Prior to Section 223 Certification

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

General

- (a) The survey plan shall be generally in accordance with the plan of subdivision prepared by Envivo Limited referenced as Drawing 34878 ENV 00 XX DR V 134 S2 B and entitled 'Scheme Plan Stage 4 Lots 9 and 10'.

Easements

- (b) The survey plan shall show all necessary easements as required for services and access

(c) Engineering

Before section 223 certification is issued for Stage 4, a Potential Impact Classification assessment and dam-break risk assessment shall be prepared by a suitably qualified and experienced dam engineer and submitted to Council's Development Engineer for certification.

The assessment shall be undertaken in accordance with the applicable dam-safety regulations and MBIE dam-safety guidance and shall include:

i. dam-break inundation mapping;

ii. consequence and Potential Impact Classification;

iii. the effects of dam failure on Lots 9, building and amenity areas, accessways and supporting infrastructure;

iv. the effects of erosive scour and rapid drawdown on slope and infrastructure stability; and

v. all mitigation, design changes and land-use restrictions necessary to ensure that the development is not subject to an unacceptable level of risk.

Prior to Section 224(c) Certification

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

Landscape Mitigation Planting

- (a) The landscape mitigation planting as it relates to Lots 9 and 10 as set out on 'Figure 3d: Landscape Mitigation Proposal' attached to the Assessment of Landscape Effects prepared by Simon Cocker Landscape Architecture Limited dated 8 May 2026 shall be implemented and completed. Certification (less than 3 months old) that the mitigation planting has been completed must be 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 17c) below.

Commented [B&A15]: As per Mr Sands Evidence, I consider this assessment should be provided now, but have presented condition wording.

Commented [JH15R2]: Opposed - this is consider to be unnecessary and is not linked in time to the potential future development on Lot 9. It is noted that a) the Dam is subject to a Regional Consent (with its own monitoring and reporting requirements) and that b) any future building on Lot 9 will require an assessment of site suitability and natural hazard risk (at such time as the building location, design and purpose is known). At most an Advice Note may be appropriate.

Commented [AH15R3]: I cannot advise on suitability of this condition but simply note that there are multiple properties directly downstream of the dam on Alexandra Lane that are lower-lying and possibly at higher risk than Lot 9.

- (b) 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 Conditions 17(a) and (b) 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(a) and (b) 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 Team Leader Compliance Monitoring or or delegated representative to confirm that the monitoring and maintenance required as approved under the condition 8 has been undertaken.

Consent Notice/On-going conditions

- (c) Pursuant to Section 221 of the Act, the following conditions shall be complied with in perpetuity and shall be registered on the specified lots by way of Consent Notice(s).
- i. For Lot 9, this lot has been approved on the basis that it will provide a location for private amenities to be shared by local residents. Therefore, the lot has not been assessed as an allotment that may accommodate any residential unit. Unless otherwise approved by the Council, the lot shall not be used to accommodate any temporary or permanent residential living activity, including any residential unit.
 - ii. For Lot 10, the owner shall maintain the strip of landscape mitigation planting along the northern boundary of Lot 10 shown ~~as area LN~~ on 'Figure 3d: Landscape Mitigation Proposal' attached to the Assessment of Landscape Effects prepared by Simon Cocker Landscape Architecture Limited dated 8 May 2026 and as area LN on Drawing 34878 Sheet 134 Revision D dated 10 September 2026 to the satisfaction of Council in perpetuity.

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Solicitors Undertaking

- (d) A solicitor's undertaking shall be provided to Council confirming that all consent notices prepared for registration under the relevant conditions of this resource consent will be duly registered against the new titles to be issued for the subdivision. The solicitor must provide a post registration title and instruments.

All consent notices 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.

Final Charges – All stages

18. The Consent Holder shall pay all final charges imposed by Council under Section 36 of the Act relating to the monitoring, certification and completion of the conditions of this resource consent.

Advice Notes

- i. Under the Local Government Act 2002, the Consent Holder will be required to pay to Council a Development Contribution of \$15,422 plus GST for each additional lot for Community and Rooding in the Kaipara District.

The proposed development will result in eight (8) additional allotments. The total Development Contribution will be \$123,536 plus GST.

A copy of Council's policy on Development and Financial Contributions included within the Long Term Plan 2021-2031 and Development Contributions Policy (2025) can be obtained from Council offices in Dargaville and Mangawhai or downloaded from Council's website www.kaipara.govt.nz.

- ii. Under the Council Engineering Standards 2011, the Consent Holder will be required to ensure the person responsible for carrying out construction work holds public liability insurance to the value of at least \$2,000,000.00, and professional indemnity insurance to the value of at least \$1,000,000.00.
- iii. The scope of this resource consent is defined by the application made to Council and all documentation supporting the application.
- iv. All archaeological sites are protected under the provisions of the Heritage New Zealand Pouhere Taonga Act 2014. It is an offence under that Act to modify, damage or destroy any archaeological site, whether the site is recorded or not. Application must be made to Heritage New Zealand Pouhere Taonga (HNZPT) for an authority to modify, damage or destroy an archaeological site(s) where avoidance of effects cannot be practised.
- v. If you disagree with any of the above conditions, or additional charges relating to the processing of this application, you have a right of objection pursuant to sections 357A or 357B of the Act. Any objection must be made in writing to Council within 15 working days of notification of decision.

I suggest we align this with the wording for RM210053.

If subsurface archaeological evidence or cultural materials (shell, midden, hangi, storage pits, etc.) should be unearthed during construction or earthworks:

- All work in the site will cease immediately. The Contractors/ Works Supervisor/Consent Holder shall shut down all equipment and activities.
- The Contractors/ Works Supervisor/Consent Holder shall notify the Area Archaeologist of Heritage NZ (HNZ) – Pouhere Taonga (Northland Office), Te Uri o Hau/Environs Holdings Ltd, Kaipara Council and any required statutory agencies (e.g., NZ Police for human skeletal remains).
- The Contractors/ Works Supervisor/Consent Holder shall ensure a buffer zone of 10 metres is roped or marked around the archaeological remains and that the remains are undisturbed, and the site is safe. Work may continue outside the buffer area.
- If the material or materials are confirmed to be Taonga tūturu of Māori origin, additional engagement between Te Uri o Hau, Kaipara District Council, and the commissioned Archaeologist (representing HNZ) to discuss Manatū Taonga - Ministry for Culture and Heritage Taonga Tūturu protocols and the expenditure process for the return of Taonga Tūturu to Te Uri o Hau.
- Works in the area shall not commence until all cultural and statutory requirements have been met.
- If burials, human remains/koiwi tangata are uncovered, the bullet points above shall apply.
- All parties will work together towards the recommencement of site works in the shortest possible timeframe while ensuring that archaeological and cultural requirements have been complied with.