

Decision on an application for resource consent under the Resource Management Act 1991

Proposal

Subdivision of a 23.7460ha site (being Lot 51 DP 378455) to create 8 rural residential lots from 4012m² to 9506m², with a balance area of 19.5328ha. The balance lot will remain as a communal area containing a lake and open recreational area. An adjoining property (Lot 21 DP 378455) is intended to be subdivided to create a 4267m² lot for recreational purposes leaving a balance lot containing an existing dwelling and services of 5043m². The application proposes that the subdivision be carried out over 4 stages.

This resource consent, pursuant to sections 104, 104B, 104D, 106, 106A, 108, 108AA, and 220 of the RMA of the Resource Management Act 1991, is **Granted**. The full decision and reasons are set out below.

Application number	RM260008
Site address:	Wallbank Way and Bloomfield Court, Mangawhai (Lot 1 51 DP 378455 and Lot 21 DP 378455)
Applicant:	Lake View Estate Residents Society Inc
Hearing date:	Monday 7 September 2026
Hearing commissioner:	William (Bill) Smith
Appearances:	<u>For the Applicant:</u> Bronwyn Carruthers , Counsel James Hook, Consultant Planning Wendy Hawke, Committee Secretary of the Society <u>For the Submitters:</u> Vermont Street Partners ('VSP') represented by Edward Sundstrum, David Badham, Planning, Madara Vilde, Ecology, James Blackburn, Engineering and Callum Sands, Engineering. Brent Allan and Susan Joan Smith – Residents. Kennet Muir – Resident. Raymond and Christine Oxenham – Residents.

	David Rivington and Susan Stopford – Residents. Janne Rowe – Resident. Maree Langton and Andy Neyle – Residents. Tania Brooker-Bailey and Richard Bailey (Tabled letter and photographs - only). Director-General of Conservation (DoC) (Tabled letter only) <u>For Council:</u> Alister Hartstone, Consultant Planner Kylie McLaughlin-Brown, Landscape Architect. H Kavian-Pour, Land Development Engineer Jodi Ardern, Hearing Administrator
Commissioner’s site visit:	Monday 1 September 2026
Hearing Closed:	29 September 2026

Introduction

1. This decision is made on behalf of the Kaipara District Council (“**the Council**”) by Independent Hearing Commissioner William (Bill) Smith, appointed and acting under delegated authority under section 34A of the Resource Management Act 1991 (“**the RMA**”).
2. This decision contains the findings from my deliberations on the application by Lake View Estate Residents Society Inc (“**LVE**”) for resource consent (“**the Proposal**”) at Wallbank Road and Blomfield Court, Mangawhai (Lot 51 DP 378455 and Lot 21 DP 378455) (“**the Site**”) and has been prepared in general accordance with section 113 of the RMA.
3. The application was publicly notified on 1 June 2026 and the submission period closed on the 29 June 2026. A total of 18 submissions were received during the notification period, with 13 submissions in opposition and five submissions in support. By the time of the hearing one (1) submission had been withdrawn. A summary of the submissions was shown in section 6 of the s42A Report and I had read all of the submissions before the hearing.
4. Further information under s.92 of the Act was requested by Council and details of this are shown in the s42A Report.
5. The s.42A Hearing Report was prepared by Mr Hartstone, Planning Consultant on 12 August 2026, with technical reviews by a number of technical specialists. Two of those, being Kylie McLaughlin-Brown, Landscape Architect and H Kavian-Pour, Land Development Engineer, attended the hearing.
6. I conducted a formal site visit, including the surrounding area, on Monday 1 September 2026.

7. The hearing was held on 7 September 2026, adjourned pending revised conditions wording/ formatting, final written response from Mr Hartstone (if any), and closing written submissions from Counsel for the applicant. The hearing was closed on 29 September 2026.

Procedural matters

1. After the adjournment of the hearing, I issued a Direction (copy on Council's files) regarding the three expert planning witnesses (Mr Hartstone, Mr Hook and Mr Badham – if he chose to) to caucus/confer on a suite of conditions if I was of the mind to approve the application and lodge these with the Council by 4pm on 18 September, and for Ms Carruthers to provide her Right of Reply (**RoR**) in writing by 4pm on 23 September 2026. Both documents would be placed on Council's file for the information of all parties.
 2. I also sought, through Council, legal advice regarding the issue below raised by Ms Carruthers regarding 'trade competition or the effects of trade competition'. The legal advice was received on 16 September 2026 and placed on Council's website and file for the information of all parties.
 3. At the start of the hearing Ms Carruthers tabled her legal submission and raised the issue of the restriction in s104 (3) regarding 'trade competition or the effects of trade competition'. Her opinion was that I must disregard the VSP submission and evidence and that there is no discretion. Ms Carruthers tabled some Case Law on this issue, as did Mr Badham. Having read s104 (3) of the Act, the Case Law tabled by the parties, the legal submission from Ms Carruthers, the original submission from VSP, the evidence of the expert witnesses for VSP and the legal advice from Council's Solicitor, my decision is that the submission and evidence on behalf of VSP should be accepted and taken into account when making my decision.
 4. Having said that, my view having taken everything into account is that VSP is a trade competitor of the Society because both VSP and the Society intend to subdivide and sell lots of a rural residential nature and size within the Lake View Estate area. Both parties intend to sell the lots which will be a competitive activity with a commercial element, with both parties competing against each other for buyers in the same market in the same location within Lake View Estate.
 5. However, having said that, my view is also that VSP's submission and evidence is not automatically excluded because I consider that VSP has satisfied the requirements in section 308B (2) of the Act as VSP is directly affected by an effect of the Society's application that could adversely affect the environment and does not relate to trade competition. VSP's land is a part of the wider Lake View Estate area, VSP is a party who is directly affected by an effect of the proposed subdivision application and has, in my view, raised legitimate resource management concerns. Some of the concerns have resulted in conditions of consent being added to the draft conditions that were circulated at the hearing and on 18 September 2026.
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6. No other procedural matters were raised for consideration.

Summary of proposal

7. The application is fully described in the applicant's Assessment of Environmental Effects report ("AEE"), and at section 3.0 of the Council's comprehensive section 42A report prepared by Mr Hartstone.
8. The application seeks a consent to subdivide a 23.7460ha site (being Lot 51 DP 378455) to create 8 rural residential lots from 4012m² to 9506m², with a balance area of 19.5328ha. The balance lot will remain as a communal area containing a lake and open recreational area. An adjoining property (Lot 21 DP 378455) is intended to be subdivided to create a 4267m² lot for recreational purposes, leaving a 5043m² balance lot containing an existing dwelling and services. The application proposes that the subdivision be carried out over 4 stages.
9. The applicant has proposed adherence to a set of blanket design controls that are intended to manage development outcomes on the lots. The applicant has offered that consent notices be registered on the titles of the lots to require adherence to the design controls and these are included in the attached conditions of consent.
10. All lots to be created will be serviced via on-site servicing for stormwater, water, and wastewater.
11. Earthworks are proposed to facilitate the upgrading of the existing shared access which is intended to service Lots 1 to 8. Earthworks will be undertaken over an area of 5,700m² with a volume of 2,930m³ in cut and 260m³ in fill.
12. The proposal is intended to be implemented in 4 separate stages.
13. I note that following adjournment of the hearing some aspects of the proposal were amended. A number of changes were also made to the draft consent conditions. The consent conditions were generally agreed between the three expert planning witnesses and, where there was disagreement, comments were included for me to review when making my decision. The amended draft conditions were included on Council's file for the information of all parties.

Site description and existing environment

14. The Site is located at Wallbank Way and Blomfield Court, Mangawhai. The site is located some distance from Mangawhai Village and the site is not proximate to the harbour and is not located in the coastal environment as defined by the Regional Policy Statement for Northland.
15. The Site sits within a rural residential context that is characterised by clusters of lifestyle lots. The existing environment includes the established Lake View Estate development. I was told that the development was consented by way of Consent Order issued by the Environment Court dated 16th November 2006 (KDC ref RM050202). The Estate consists of 44 rural residential allotments accessed via Wallbank Way from Devich Road, with an internal private roading network, manmade lake feature, communal facilities, and amenity planting. The internal private roading network and amenity infrastructure is managed via an incorporated society.

16. I was also told that a further subdivision was granted by the Environment Court in June 2024 to Vermont Street Partners Limited for a subdivision of Lot 1 DP 525736 to create 67 rural residential lots with access from Devich Road via Wallbank Way (KDC ref RM210053). A copy of the approved scheme plan was provided at Attachment F to the s42A Report noting that none of the proposed lots in that consented subdivision are directly adjacent to the sites that are subject to this application. That consent has not been given effect to at the time of preparing this decision. VSP via its representatives appeared at the hearing.

Planning framework and reasons for consent

17. The Site is located in the Rural Zone, under the Kaipara District Plan (Operative 2013) (“**the KDP**”). It is also identified as falling within the Mangawhai Harbour Overlay and the Indicative Growth Area – Greater Growth Area Catchment.
18. Under the Proposed Kaipara District Plan (“**the PKDP**”), the site is proposed to be zoned ‘General Rural Zone’ and proposed to be within the ‘Mangawhai/Hakaru Managed Growth Policy Area’.
19. I was told that no consent was required under any National Environmental Standard or Regulation and no consent was required from the Northland Regional Council. This had been confirmed in an email dated 2 August 20026 from the applicant to the Council.
20. The Applicant’s AEE report (Section 5.0) and the s.42A report identifies that resource consents are required under the KDP for the following reasons:

Chapter 12: Rural Zone

Landuse:

Earthworks of approximately 2930m³ in cut and 260m³ of fill over an area of 5,700 m² is required. This exceeds the permitted limit under Rule 12.10.1a.a., noting that Lot 51 DP 378455 is subject to known flood hazards, and Rule 12.10.1a.4(b) which limits earthworks to 300m³ and an area less than 300m² in any 12 month period where it is within 20 metres of a lake. This is a restricted discretionary activity.

Subdivision:

Integrated development for up to ten lots is provided as a restricted discretionary activity under Rule 12.13.4, provided the development complies with all relevant standards. In this instance, 9 additional lots are proposed however, the development does not comply with Standard 12.10.1 a(4)(b) or 12.15.2 d. and is therefore classified as a Non-complying Activity under Rule 12.9.4.

Activity Status: Non-complying Activity

Section 5.0 of the application provided a complete assessment of the relevant planning rules applying to the application. The s42A Report considered that activities should be treated as inter-dependent activities to be undertaken as part of the subdivision proposal. A ‘bundling’ approach is therefore adopted in assessing the application overall as a non-complying activity.

21. The proposal is not affected by any provisions that are identified as having current legal effect with respect to the PKDP.
22. Overall, the combined subdivision and land use application has been considered as a non-complying activity and there was no contention amongst the parties as to this being the correct activity status for the application.

Relevant statutory provisions considered

23. The Planning Act 2026 was given Royal assent on 30 September 2026 and is therefore in force. However, the transitional provisions under Clause 18 of Schedule 1 of the 2026 Act allow for the application to proceed to be determined under the RMA. In accordance with section 104 of the RMA, I have had regard to the relevant statutory provisions including the relevant sections of Part 2 and sections 104B, 104D, 106, 108, 108AA, and 220.

Relevant standards, policy statements and plan provisions considered

24. In accordance with section 104(1)(b)(i)-(vi) of the RMA, I have had regard, where necessary, to the relevant policy statements and plan provisions of the following documents which were identified in section 10 of the s42A Report:
- National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health 2011 (“**NESCS**”).
 - National Environmental Standard for Freshwater 2020 (“**NESF**”).
 - National Policy Statement for Freshwater Management 2020 (“**NPSFM**”).
 - National Policy Statement on Highly Productive Soils (“**NPHPS**”).
 - National Policy Statement on Indigenous Biodiversity 2023.
 - National Policy Statement on Natural Hazards (“**NPS-NH**”).
 - Northland Regional Policy Statement (Operative 2016) (“**NRPS**”).
 - Regional Plan for Northland (“**RPN**”).
 - Kaipara District Plan (Operative 2013) (“**KDP**”).
 - Proposed District Plan (“**PKDP**”).
25. Mr Hartstone’s s42A Report at paragraph 106 referred to the NESF, NPSFM and NRPS and also referred to advice he had received from the applicant by way of email dated 2 August 2026 that compliance with these provisions as a permitted activity can be achieved. He also noted that implementation of the provisions falls within the jurisdiction of the Northland Regional Council.

Summary of evidence heard

26. The Council planning officer’s comprehensive section 42A recommendation report (the “**s42A report**”) was prepared by Mr Hartstone. It was circulated prior to the hearing and

taken as read. Mr Hartstone recommended that consent could be approved subject to conditions, but his recommendation was subject to the applicant adequately addressing the matter relating to the information supporting the environmental benefit.

27. A set of recommended conditions had been circulated prior to the hearing, and an updated set of conditions was tabled at the start of the hearing by Mr Hook. In response to matters raised in evidence and at the hearing a set of amended recommended conditions with comments was prepared jointly by Mr Hartstone, Mr Hook and Mr Badham.
28. The evidence presented at the hearing responded to the issues and concerns identified in the s42A report, the application itself, and the submissions made on the application. The evidence (which is on Council's file) is summarised below.

Applicant

29. The evidence presented by the applicant can be referred to as part of the online hearing record, identified as 'Applicant evidence'. The hearing record includes all the witnesses' statements of evidence and the various legal submissions, communications, photographs, and other documentation that were presented to me, or tabled, during the hearing process. In that context, I provide a brief summary of the evidence in the sections that follow.

Bronwyn Carruthers - Legal Submissions

30. In her opening legal submissions, Ms Carruthers referred to the evidence to be presented in support of the application, the legal framework for my assessment, response to matters raised by submitters, the s42a report, refinements to the conditions of consent and her request that consent be granted.
31. Ms Carruthers also briefly set out relevant legal considerations and caselaw in relation to section 104 (3) of the Act and her opinion that I must disregard the VSP submission and evidence.
32. Following the presentation of the evidence, the Council's response to it and the amended draft conditions, Ms Carruthers provided a written reply on 23 September 2026. A revised set of requested conditions were attached to her written reply along with 7 plans of the proposed development.
33. In her written submission in reply, Ms Carruthers responded to matters pertaining to the applicant's and submitter's evidence. In particular they covered the following:
 - that the issues raised by VSP's experts relating to regional matters can be dealt with relatively easily;
 - condition 17 (e) imposes a consent condition on the title that would need to be amended via a s221 application before any residential use could be made of proposed Lot 9 if it was created;
 - comments to seek to allay the concerns of submitters in relation to access to and around the lake and the provision of access to the lake and the much-valued walking track;

- the comments from Mr Badham regarding trade competitor status, case law and the “current tense” requirement;
- confirmation of the Society’s position in relation to conditions of consent and that the scheme plans have been amended to record the final conditions in relation to covenanted areas;
- paragraph 4.3 of the submissions set out a summary of the amended conditions and in paragraph 4.4 noted that all the environmental benefit offered as part of the subdivision would be delivered regardless of whether or not stage four proceeded; and
- that the applicant relied on the wording of the condition agreed to by the DoC as being sufficient to address all such effects in relation to owning cats and dogs.

34. The applicant’s position remained that the application is entirely worthy of a grant of consent on the conditions attached.

Mr Hook – Planning

35. Mr Hook provided an assessment of the relevant matters based on his reliance on the technical assessments which had been prepared and provided by a number of experts on behalf of the applicant. Overall, Mr Hook’s opinion was that the Proposal satisfies the policy gateway under s104D(1)(b) and, in any event, any adverse effects are not of such a scale or character as to preclude the application from also satisfying s104D(1)(a). Mr Hook recommended that resource consent be granted subject to the proposed conditions of consent which he had provided.

Ms Hawke – Society Secretary

36. Ms Hawke had provided a written statement (on file) explaining the rationale for the application and the future decisions that will have to be made by the Society in order to implement any consent granted.

Ms Andrews – Ecology

37. Ms Andrews ecological assessment of the proposal formed part of the application documents and she attended the hearing to answer questions. In answer to a question from me regarding including a ‘cat free’ covenant and a requirement to keep dogs on leashes when not within their own property, she was of the view that although worthwhile she was aware that the existing houses within the estate do not have such a restriction.

Submitters

Vermont Street and Partners (VSP).

38. Mr Sundstrum had pre-circulated written evidence (all on Council file) from Mr Badham, Planning, Ms Vilde, Ecology, Mr Sands, Engineering and Mr Blackburn, Engineering and stated Mr Badham would call the witnesses on behalf of VSP.

39. All of the witnesses for VSP considered that consent should be refused for various reasons including that they thought that the information that had been provided by the applicant contained several material gaps.
40. Mr Badham stated that he considered that there was insufficient information to confirm that the proposal's adverse effects will be no more than minor or that the requirements of section 106 were satisfied and considered that, as a non-complying activity, the proposal failed to meet either test under section 104D, and on that basis, there is no jurisdiction to grant the consent.

Brett and Susan Smith, Kenneth Muir, Raymond and Christine Oxenham, David and Susan Rivington, Janne Rowe and Maree Langton and Andrew Neyle – residents/ratepayers within the Lake View Estate

41. The above residents were opposed to the application, attended the hearing and spoke in support of their respective submissions. Their main concerns were the loss of 4ha of recreational land, extent of earthworks, land stability, waste water and waterway effects, loss of biodiversity in the wetlands and lake, access and road formation, loss of rural character and effects on existing communal facilities.
42. The submitters also stated that they supported the evidence from the VSP experts. However, they but did not provide any expert evidence themselves to support their submission.
43. The submitters also expressed concern regarding loss of access to the lake and walking track which is a communal and recreational area used by many residents.
44. All of the submissions had been read by me before the hearing and I have taken them, the written notes provided to me at the hearing, and the transcript, into consideration when making my decision on the application.

Council staff

Alistair Hartstone – Planner

45. Mr Hartstone confirmed his recommendation to approve consent subject to conditions and stated that he was willing to caucus/confer with the other planning experts to provide me with a set of draft conditions for my consideration.

H Kavian-Pour – Land Development Engineer

46. Mr Kavian-Pour confirmed his position that the servicing and natural hazards outcomes for the site will be acceptable. He considered that the application could be approved subject to conditions.

Kylie McLaughlin-Brown – Landscape

47. Ms McLaughlin Brown confirmed her position following the applicant's and submitters evidence.

Principal issues in contention

48. After analysis of the application and evidence (including proposed mitigation measures), undertaking a site visit, reviewing the Council's 42A report, reviewing the submissions and concluding the hearing process, the proposed activity raises a number of issues for consideration. My findings on the issues are set out below.

Are the effects on the environment acceptable?

49. My conclusions in relation to the acceptability of environmental effects are partly informed by the receiving environment, the outcomes anticipated under the planning framework and the relevant expert evidence.
50. I agree with Mr Hartstone and Mr Hook that the permitted baseline is of limited relevance to the Proposal, which is for a non-complying activity, meaning that all actual and potential effects of the proposal are subject to scrutiny.
51. As noted in the S42a report, there are a number of actual or potential adverse effects rising from the proposal that are not in contention. No evidence was submitted challenging a range of actual or potential effects arising from the Proposal.
52. Where they were challenged, I am satisfied, based on the evidence before me that any actual and/or potential adverse effects will be minor. This takes into account a suite of conditions intended to avoid, remedy, and mitigate adverse effects where they may otherwise be more than minor and unacceptable in the receiving environment.
53. It is clear to me that infrastructure and servicing for the lots can be appropriately achieved, in accordance with Council's engineering standards and subject to the conditions of consent.

Ecological effects

54. In terms of ecological effects, I note that the Applicant's Ecologist was of the view that the actual or potential adverse ecological effects could be appropriately managed through conditions of consent. The applicant's ecologist noted that she had surveyed the site during August 2025, during which time all vegetation and habitat types were described and mapped and the current ecological values of the vegetation and habitat were assessed. The conclusion and recommendations of the applicant were shown in paragraph 11.0 of the report and most of the recommendations have now been included in conditions of consent.
55. I have also included a condition of consent regarding the keeping of cats and dogs on the new sites (excluding proposed lot 10 which has an existing house on it). This will prohibit the keeping of 'cats' and controls on 'dogs'. As Ms Andrews stated in her report *"The introduction of eight new households to the south of the lake and their associated pets into the area has the potential to increase predation pressure on indigenous fauna"*. Ms Andrews report includes a list of some of the species recorded at the site and I notice that some are shown as 'Nationally at Risk – Relict and Nationally Threatened – Increasing. Also, Ms Vilde in her evidence referred to the Australasian Bittern – Threatened – Nationally Critical having been observed on the site.

56. Ms Vilde on behalf of VSP provided written evidence and stated that her assessment had been undertaken on a 'desktop basis' and she had not carried out a field delineation of the wetlands on the site for the purpose of her evidence although she was very familiar from previous site visits within the locality and its lake, wetland and riparian systems. Ms Vilde's conclusion was shown in paragraphs 76 to 78.
57. Having considered the evidence of Ms Andrews and Ms Vilde, I am satisfied that, subject to the consent conditions that are to be imposed, the actual and potential adverse ecological effects will be minor.
58. In paragraph 52 of her evidence Ms Vilde refers to the proposed new lots having the most direct access to the protected habitat of any lots within the estate.
59. I also find that the Proposal will deliver a number of positive ecological effects through the ecological enhancement and protection throughout the Site.
60. A condition regarding the provision of an Ecological Management Plan (EMP) has been included and has been amended to ensure compliance with the NES:FW.
61. After consideration of the expert evidence I have imposed a condition banning the keeping of cats on the lots (excluding proposed Lot 10 which has an existing house on it) and have also imposed controls on the keeping of dogs on the lots (again excluding Lot 10).

Engineering effects

62. In regards to transportation effects of the application, the evidence of the applicant and the Council regarding the access and traffic movements of the subdivision is acceptable and there will be no more than minor effects on the safe and efficient operation of the roading network. Mr Blackburn for VSP considered that further information was required to determine the level of effects.
63. Having considered the transport/traffic evidence, I prefer the evidence of the applicant's representative and Council's representative and I am satisfied that the existing roads and accessways can continue to operate safely and efficiently and accommodate the traffic from the Proposal. A condition of consent also requires a Construction Management Plan ('CMP') to be provided and a condition of consent also requires engineering design of the right-of-way access.
64. The engineering plans need to provide details of the sealed right-of-way/access, with site-specific pavement design and an updated earthworks schedule.
65. Mr Blackburn and Mr Sands both considered that further information and assessment needed to be completed to adequately assess and progress the consent and determine the level of effects of the proposal from an engineering perspective.
66. The application was supported by a number of engineering technical reports which have been read by me and these had been considered by the Council and conditions of consent had been suggested if the application was to be approved. Mr Hartstone had assessed the engineering aspects/comments provided to him and his s42A report

provided commentary on the issues and his opinion was that the effects were minor or less than minor. I agree with Mr Hartstone.

Landscape character and amenity effects

67. Mr Cocker had undertaken an assessment and provided a report which supported the application and had concluded that the potential adverse effects of the Proposal on rural character and amenity are low.
68. Mr McLaughlin-Brown on behalf of the Council had undertaken a peer review of Mr Cocker's assessment and reached a conclusion that the actual or potential adverse effects will be temporary and reducing to low - moderate in time, with the proposed vegetation and building design controls which should be included as conditions and consent notice requirements. I did not receive or hear any expert evidence to refute the evidence of Mr Cocker and Ms McLaughlin-Brown.
69. I have also had regard to the mitigation that will be provided, including the vegetation planting and the proposed building design controls. I agree with the evidence of Mr Cocker, Ms McLaughlin-Brown, and Mr Hartstone that the actual and potential adverse effects on landscape rural character and amenity arising from the Proposal will be minor and acceptable.
70. The applicant's offered building design controls and the associated landscape planting would ensure that a high standard of amenity will be achieved within the subdivision, while at the same time managing the interface of the site with the surrounding sites within the Lake View Estate.
71. For these reasons, I am satisfied that the Proposal will not give rise to any unacceptable adverse environmental effects in terms of landscape or rural character and amenity effects. I am also satisfied that the Proposal will not lead to adverse cumulative effects, noting the immediate site context within Lake View Estate, the already fragmented and modified nature of the wider landscape, the Proposal's consistency with the existing development within the area.
72. The Site is unusual, being part of the Lake View Estate that was developed some years ago. The area is identified in the Plan as a rural residential growth area and any precedent for approval of non-complying applications has already been well established in the wider environment.

Effects conclusion

73. Overall, I have concluded that the actual or potential effects arising from the Proposal will, subject to conditions of consent, be no more than minor, and I consider that the Proposal will deliver positive ecological effects. Development of the land for eight new rural residential lots will also create positive effects by providing new and additional housing for current or future residents of the area.

Is the Proposal consistent with the relevant objectives and policies?

74. Mr Hartstone had helpfully set out the key objectives and policies in his s42A and noted that many of the objectives and policies of the KDP are aligned with matters addressed in the assessment of effects.
75. Mr Hartstone stated at paragraph 133 of his report that:
- “Regard has been given to the relevant provisions of the identified hierarchy of planning documents that relate to the proposal. Some aspects of the proposal, notably erosion of rural character and amenity, may not be consistent with several District Plan objectives and policies. The reasons for that inconsistency are not necessarily related to the proposal itself but rather tension between provisions seeking to enable rural-residential development and provisions requiring rural character and amenity to be maintained. It is considered that the manner in which the Plan provisions are structured places emphasis on giving effect to the Structure Plan provisions through rural-residential subdivision. In this case, while the proposal is non-complying, the proposed outcome reflects the pattern of development anticipated by the Mangawhai Structure Plan, subject to achieving some environmental benefit. To give substantial weight to potentially opposing objectives and policies regarding rural amenity would render the outcomes sought in the Structure Plan difficult to implement at best. On this basis, reading the provisions as a whole, the proposal is considered to be consistent with and supported by the Plan.”*
76. I agree that the Proposal is consistent with those provisions that were generally uncontested.
77. As I have noted in my earlier conclusions on the effects of the Proposal, I consider that the landscape outcomes for the site will be largely consistent with the context of the surrounding sites and the existing and proposed development within the Lake View Estate.
78. There was no landscape architect evidence before me from the Council, submitters, or the applicant that found that the proposal would result in more than minor adverse effects on rural character and amenity.
79. I also find that the Proposal is consistent with those outcomes sought by the objectives and policies of Chapter 3A - Mangawhai Growth Area, which contemplates that parts of the wider Mangawhai area will transition from traditional rural production activities toward rural-residential living environments. It is clear that rural residential development in the area is envisaged/expected and the proposal is generally in accord with those expectations.
80. I find that the proposal will maintain the openness of the site, low dominance of built form, and the relationship with the existing development and development planned for the area.
81. I consider that the Proposal will enhance the features of the site and respect the existing landscape. The Site is not situated within a notable or outstanding landscape as identified in the District Plan, nor is it situated on a ridgeline or other visually prominent feature. The proposed subdivision will not detract from the coastal and landscape values associated with the Mangawhai Harbour Overlay.

82. Implementation of the building design controls will ensure that a high-amenity rural-residential development is achieved on the site, and compliance with the bulk and location controls of the District Plan.
83. I have concluded that, subject to conditions of consent, the Proposal will not undermine the rural character and amenity values of the site and the surrounding environment.
84. Overall, I have concluded that the Proposal will be generally consistent with the objectives and policies of the KDP.
85. I find that limited weight should be applied to the PKDP given its early stage and the fact that there are live submissions on the plan.
86. For completeness, I have also reviewed the relevant policies of the Northland Regional Policy Statement 2016, as identified by Mr Hartstone. I find that the Proposal is consistent with the Regional Policy Statement.

Can the adverse effects of the Proposal be appropriately mitigated with conditions of consent?

87. There was general agreement between Mr Hartstone, Mr Hook and Mr Badham with regards to the conditions that should be imposed on the consent, if granted, with the exception of the conditions highlighted in the draft conditions which were provided to me and which were placed on the Council's website and file. I have taken the opinions of the three experts and, where necessary, other experts into account when making my decision and imposing the conditions.
88. Overall, I am satisfied that the conditions that are to be imposed are appropriate and will be sufficient to mitigate the adverse effects of the Proposal.

Does the Proposal meet the gateway test of Section 104D?

89. As a non-complying activity, the application must pass at least one of the limbs set out in s104D of the RMA before consent can be granted. In summary, s104D states that a consent authority may grant a resource consent for a non-complying activity only if it is satisfied that either the adverse effects of the activity will be minor or the activity will not be contrary to the objectives and policies of the District Plan.
90. Mr Hartstone and Mr Hook both considered that the application met both limbs whilst Mr Badham view was that the application did not meet the first limb but he accepted that the gateway test under s104D (1) (b) was "contrary to" and that if further information was provided it was unlikely that the application would be determined to be contrary to the relevant KDP and PDP provisions.
91. In this case I am satisfied that both limbs are met by the Proposal, for the reasons set out previously in this decision and that jurisdiction to grant consent has therefore been established.

Other considerations

92. Consideration of s106 and 106A of the RMA is also required. Those sections state that a consent authority may refuse to grant a subdivision or land use consent if it considers

that there is a significant risk from natural hazards or if insufficient provision has been made for access to each lot. I am satisfied that there is no reason to refuse consent under s106 or s106A, based on the technical reports that were provided in support of the application and the advice from Council's Development Engineer.

93. I am also satisfied that all the conditions imposed on this consent meet the requirements of s108, 108AA, and 220 of the RMA.

Decision

94. In exercising my delegation under section 34A of the RMA and having regard to the foregoing matters, sections 104, 104B, 104D, 106, 106A, 108, 108AA, and 220 of the Resource Management Act 1991, I determine that resource consent is **granted** to the application by Lake View Estate Residents Society Inc to subdivide a 23.7460ha site (being Lot 51 DP 378455) to create 8 rural residential lots from 4012m² to 9506m², with a balance area of 19.5328ha. The balance lot will remain as a communal area containing a lake and open recreational area. An adjoining property (Lot 21 DP 378455) is intended to be subdivided to create a 4267m² lot for recreational purposes leaving a balance lot containing an existing dwelling and services of 5043m². The application proposes that the subdivision be carried out over 4 stages. (referenced by Council as RM260008) for the reasons set out below and subject to the conditions attached at **Appendix 1**.

Reasons for the decision

95. In accordance with sections 104(1)(a) and (ab) of the RMA, I find that the actual and potential effects from the proposal would be minor or less than minor and are acceptable. All potential effects that might arise through implementation of the consent can be appropriately avoided, remedied or mitigated through the proposed conditions of consent.
96. In accordance with s104(1)(b) of the RMA, I find the proposal to be generally consistent with the relevant statutory documents. In particular, the proposal is generally consistent with the relevant objectives and policies of the Kaipara District Plan 2013 and the Northland Regional Policy Statement 2016.
97. In accordance with s104D of the RMA, I find that the adverse effects of the activity will be no more than minor and the activity will not be contrary to the objectives and policies of the Plan.
98. There are no matters that I have considered to be relevant under s104(1)(c) of the RMA, other than the submissions received which I have had regard to in making this decision.
99. In accordance with s104 (3) I have had regard to trade competition or the effects of trade competition and have commented on this issue earlier in this report.
100. In respect of s106 and s106A of the RMA, there are no known risks to the land being developed or subdivided and adequate access can be provided to each of the proposed lots.
101. In the context of this application, where the relevant District Plan provisions have been competently prepared and are not uncertain or incomplete, there is no need to go beyond

the relevant provisions of the planning documents and look to Part 2 in making this decision.

A handwritten signature in black ink, appearing to read 'WS' followed by a stylized flourish.

William (Bill) Smith
Independent Hearing Commissioner
7 October 2026

APPENDIX 1

Conditions

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.

Advice Note regarding Accidental Discovery Protocol

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.*

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) 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:
 - (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>P3</u> <u>P5</u>	<u>660</u> <u>570</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:

¹ Area within Lot 51 DP 378455 only

- 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;
 - 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.
 - 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 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.

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.

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 Envivo 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
- i. 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*).
 - ii. 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.

- 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, 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 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.
- iii. 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.

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

- (e) 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.
- (f) 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 e) 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 e) above plus 20% contingency. The bond shall be registered on all affected titles.

A portion of the bonded amount of no more than 20% of the total bond amount may be released on an annual basis at the request of the consent holder subject to provision of suitable evidence to the Councils Monitoring and Compliance Services Team Leader or delegated representative to confirm that the monitoring and maintenance required as approved under the condition 8 has been undertaken.

Consent Notice/On-going conditions

- (g) 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 in Condition 10 b) against the titles of the land as depicted on the Survey Plan. The terms of any such covenant shall specially provide for implementation of the monitoring and maintenance and performance bond requirements required under Condition 10 (g) above.
- (h) 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 lot is prohibited. Where dogs are to be kept on the 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. This condition has been imposed on the basis that the lot(s), created by way of subdivision relying on an environmental benefit, is adjacent to an area identified by ecologists as containing Nationally at Risk or Nationally Critical bird species.

Solicitors Undertaking

- (i) 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

- (j) 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 Envivo Limited referenced as Drawing 34878 ENV 00 XX DR V 132 S2 D and entitled 'Scheme Plan Stage 2 Lots 1 - 4'.
- (b) The survey plan shall include
- i. 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*).
 - ii. 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.
 - 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*).

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.
- iii. 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 crossing.

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

- 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 h) 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.
- ix. 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 condition has been imposed on the basis that the lot(s), created by way of subdivision relying on an environmental benefit, is adjacent to an area identified by ecologists as containing Nationally at Risk or Nationally Critical bird species.
- vii.

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 D and entitled 'Scheme Plan Stage 3 Lots 6 - 8'.
- (b) The survey plan shall include:
- i. 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*).
 - ii. 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.
 - iii. 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 EE and EF*).

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:

- i. 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.
- iii. 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.

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) 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) 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.

- 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.
- x. 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 condition has been imposed on the basis that the lot(s), created by way of subdivision relying on an environmental benefit, is adjacent to an area identified by ecologists as containing Nationally at Risk or Nationally Critical bird species.

Solicitors Undertaking

- j) 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) 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.

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 D 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.

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 17 b) below.
- (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 Condition 17(a) 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) 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 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 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.

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 Roding 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. Building consents may be required for any physical works associated with the internal access road where retaining structures or similar are required.
- v. Future property owners should be advised that they may require resource consent from the Northland Regional Council where they are undertaking any earthworks for the construction of any building site or access that is outside the scope of this consent.
- vi. 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.
- vii. 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.

A handwritten signature in black ink, appearing to read 'WS' followed by a stylized flourish.

William (Bill) Smith
Independent hearings Commissioner

7 October 2026