

**Decision on application for subdivision
consent under the Resource Management
Act 1991**



Discretionary activity

Application numbers: SLC-65973 (NRSI Ref 45317)
REG-66297 (NRSI Ref 45493)

Applicant's name: Te Arai North Limited

Site address: Te Arai Point Road, Te Arai Point

Legal description: Lot 100 DP 483489
Lot 400 DP 483489

Proposal:

Subdivision to create 9 house sites, 2 access lots, a pedestrian access lot and a balance lot. Associated earthworks of 116,000m³ over an area of 18.9ha to form access routes, service trenching, driveways and landscaping and stormwater discharges from new impervious areas of 11,550m².

Re-alignment of the Pacific Road easement and relocation of the existing public car park.

The resource consents required are:

Land use consents (s9) – LAN-65973

Auckland Council District Plan (Rodney Section)

- Consent is required for earthworks greater than 200m³ within the Landscape Protection Rural zone as the proposed cut and fill earthworks will total 116,000m³ over an area of 18.9ha (**restricted discretionary** activity under Rule 7.9.4.2.2).

Auckland Council Regional Plan (Sediment Control)

- The works in this application are to be undertaken outside of the Sediment Control Protection Area (SCPA) and would therefore be considered a controlled activity, if they were undertaken in isolation, as the total area exceeds 1ha. However, section 5.4 of the Auckland Council Regional Plan: Sediment Control (ACRP:SC) explains that areas specified in the rules refer to works undertaken over 'contiguous areas of land', or land within the same Certificate of Title. Therefore, these works (116,000m³ over an area of 18.9ha) will be assessed cumulatively and in relation to the previously granted consents (**restricted discretionary** activity under Rule 5.4.3.1).

Proposed Auckland Unitary Plan

- District and regional land use consent is required for earthworks greater than 2,500m² and 2,500m³ (116,000m³ over an area of 18.9ha) within a rural zone (**restricted discretionary** activity under Rule 3.H.4.2.1.1).

Subdivision consent (s11) – SUB-63818

Auckland Council District Plan (Rodney Section)

Consent is required for the subdivision of the site to create 9 new lots through Scheduled Activity 213 which allows for Subdivision for the Creation of Additional Public Reserve for a maximum of both 43 new sites and 3 balance area sites (total 46 sites) on the subject site complying with the standards in the rule as a restricted discretionary activity.

The proposed subdivision meets the requirements set out under Scheduled Activity 213 (**restricted discretionary** activity under Rule 14.8.2).

Stormwater permits (ss14 & 15) – REG-66297

Auckland Council Regional Plan (Air, Land & Water)

- Consent is required as the new impervious area will be greater than 10,000m² (being 11,550m²) (**Discretionary** activity under Rule 5.5.4).

Proposed Auckland Unitary Plan

- Consent is required as the new impervious area discharging to soakage will be greater than 1000m² (being 11,550m²) (**restricted discretionary** activity under Rule H.4.14.1.1).

Decision

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

Acting under delegated authority, under sections 104, 104B, 105, 107 and 108 the application is **GRANTED**.

1. Reasons

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

- In terms of section 104(1)(a) of the RMA, the actual and potential effects of the proposal are considered to be no more minor, for the reasons set out below:
 - The proposed subdivision will result in a variation of lot sizes and shapes. Simon Cocker, Landscape Architect has reviewed the proposal and advised that the effects on landscape character, visual and amenity effects can be mitigated through proposed conditions of consent relating to vegetation on

the proposed lots. These conditions of consent have been accepted by the applicant.

- The effects on traffic safety and efficiency on any public road will be no more than minor. The Council's Development Engineer, Ray Smith has not raised any concerns regarding the proposal.
- The proposed earthworks will be undertaken in accordance with TP90 and are considered to result in effects that will be no more than minor.
- The proposal will ensure that any archaeological features will be protected and the effects of the proposal mitigated to ensure that there are less than minor effects on heritage values and the local iwi.
- Measures proposed to protect fairy tern and other shorebirds within the area are considered appropriate and consistent with the provisions of the Scheduled Activity.
- In terms of section 104(1)(b) of the RMA, the proposal is not contrary to the objectives and policies of the Auckland Council District Plan (Rodney Section), the Auckland Council Regional Plan (Air, Land and Water), Auckland Council Regional Plan (Sediment Control) and the Proposed Auckland Unitary Plan (PAUP).
- In terms of section 104(1)(c) of the RMA, other relevant matters have been considered in the determination of the application. The imposition of conditions will ensure that the effects of the applicant's proposal are avoided, mitigated and in particular that the proposed works are carried out in accordance with the application material submitted.
- The application is considered to meet the relevant provisions of Part 2 of the RMA as the proposal achieves the purpose of the RMA being sustainable management of natural and physical resources.

2. Conditions

Under sections 108 and 220 of the RMA, this consent is subject to the following conditions:

General Conditions

1. The activity shall be carried out in accordance with the plans and all information submitted with the application, detailed below, and all referenced by the council as consent numbers SLC-65973 and REG-66297.
 - Application Form, and Assessment of Environmental Effects prepared by Boffa Miskell, dated 20 October 2015.
 - Specialist reports, plans and other additional information as below:

Report title and reference	Author	Rev	Dated
Proposed subdivision Lots 12 – 20: Ecological Assessment	Boffa Miskell Ltd	B	16 October 2015

Proposed subdivision Lots 12 – 20: Landscape and Visual Assessment	Boffa Miskell Ltd	2	20 October 2015
Te Arai Design Guidelines	-	-	2014
Te Arai North Limited – Proposed Subdivision Lots 12 - 20	E-cogent Ltd	-	16/10/15
Eco 137-301			
Archaeological Assessment, Te Arai Park: Addendum II	Clough and Associates Ltd	-	October 2015
Specific Archaeological Site Management Plan, Te Arai Park: Middens R08/204, R08/205 and R08/206	Clough and Associates Ltd	-	December 2015
Transportation Assessment 11645/13	Traffic Design Group Ltd	-	25/09/15
Stormwater Report Subdivision Lots 12 – 20 419/03	Dodd Civil Consultants	-	October 2015
Geotechnical Assessment R2825-30	Earthtech Consulting Limited	B	19 October 2015

Plan title and reference	Author	Rev	Dated
Lots 12 – 20, 100, 102, 400 & 500 being a proposed subdivision of Lots 100 & 400 DP483489	Southern Land	B	16/10/15
Location Plan TA_24_2 Drawing No. RC-001	Darby Partners	A	12.10.15
Lots 12 - 20 Site Plan TA_24_2 Drawing No. RC-002	Darby Partners	E	25.11.15
Lots 12 – 20 Earthworks Plan TA_24_2 RC-003	Darby Partners	C	12.10.15
Lots 12 – 20 Infrastructure Plan TA_24_2 RC-004	Darby Partners	C	12.10.15
Lots 12 - 20ZTV Analysis TA_24_2 RC-005	Darby Partners	B	12.10.15

Specialist reports submitted under SLC- 63818	Author	Rev	Dated
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Comprehensive Site Management Plan (CSMP) and Vegetation Management Plan (VMP)	Boffa Miskell	D	CSMP dated 18/06/2015 VMP dated 18/06/2015
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Other additional information	Author	Rev	Dated
Email with attached track changes version of application	Jo Young, Boffa Miskell	-	23 October 2015
Email with s.92 responses	Jim Castiglione, Darby Partners	-	16 November 2015
Email with attached earthworks volume information	Jim Castiglione, Darby Partners	-	19 November 2015
Email with attached s.92 response: - Letter - Site Plan - Earthworks plan - Email regarding Carpark relocation	Peter Hall, Boffa Miskell	-	25 November 2015
Email with s.92 responses	Jim Castiglione, Darby Partners	-	3 December 2015
Email with s.92 responses	Jim Castiglione, Darby Partners	-	8 December 2015
Email with attached Specific Archaeological Site Management Plan	Jim Castiglione, Darby Partners	-	16 December 2015
Email with attached previous conditions	Jo Young, Boffa Miskell	-	16 December 2015

Advice Note:

In the event that minor amendments to the erosion and / or sediment controls are required, any such amendments should be limited to the scope of this consent. Any amendments which affect the performance of the controls may require an application to be made in accordance with section 127 of the RMA. Any minor amendments should be provided to the Team Leader Northern Monitoring prior to implementation to confirm that they are within the scope of this consent.

Fees

2. This consent (or any part thereof) shall not commence until such time as the following charges, which are owing at the time the council's decision is notified, have been paid in full:

- a. All fixed charges relating to the receiving, processing and granting of this resource consent under section 36(1) of the Resource Management Act 1991 (RMA); and
 - b. All additional charges imposed under section 36(3) of the RMA to enable the council to recover its actual and reasonable costs in respect of this application, which are beyond challenge.
3. The consent holder shall pay any subsequent further charges imposed under section 36 of the RMA relating to the receiving, processing and granting 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(3) of the RMA 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 decision.

Advice Note:

Development contributions levied under the Local Government Act 2002 may be payable in relation to this application. The consent holder will be advised of the development contributions payable separately from this resource consent decision. Further information about development contributions may be found on the Auckland Council website at www.aucklandcouncil.govt.nz.

4. The consent holder shall pay the council an initial consent compliance monitoring charge of \$845 (inclusive of GST), plus any further monitoring charge or charges to recover the actual and reasonable costs that have been incurred to ensure compliance with the conditions attached to this consent.

Advice Note:

The initial monitoring charge is to cover the cost of inspecting the site, carrying out tests, reviewing conditions, updating files, etc, all being work to ensure compliance with the resource consent. In order to recover actual and reasonable costs, inspections, in excess of those covered by the base fee paid, shall be charged at the relevant hourly rate applicable at the time. The consent holder will be advised of the further monitoring charge or charges as they fall due. Such further charges are to be paid within one month of the date of invoice. Only after all conditions of the resource consent have been met, will the council issue a letter confirming compliance on request of the consent holder.

Lapse date

5. Under section 125 of the RMA, this consent lapses five years after the date it is granted unless:
- a. The consent is given effect to (i.e. a survey plan in respect of the subdivision has been submitted to council under section 223 of the RMA), but shall thereafter lapse if the survey plan is not deposited in accordance with section 224 of the RMA; or
 - b. The council extends the period after which the consent lapses.

Pre-commencement meeting

6. At least 7 days prior to any works commencing the resource consent holder shall notify the Team Leader, Northern Monitoring the expected date of work commencing.

7. Prior to the commencement of any works, the consent holder shall hold a pre-start meeting that:
- is located on the subject site
 - is scheduled **not less than five days** before the anticipated commencement of works
 - includes Auckland Council officer[s]
 - includes representation from the contractors who will undertake the works and any other relevant parties.

The meeting shall discuss the erosion and sediment control measures, the earthworks methodology and shall ensure all relevant parties are aware of and familiar with the necessary conditions of this consent.

The following information shall be made available prior to, or at the pre-start meeting:

- Timeframes for key stages of the works authorised under this consent;
- Resource consent conditions;
- Erosion and Sediment Control Plan and erosion and sediment control measures during construction;
- Contact details of the site contractors and engineers; and
- Construction plans approved (signed/stamped) by an Auckland Council Development Engineer.

Advice Note:

To arrange the pre-start meeting please contact Kerry Flynn, Team Leader Northern Monitoring to arrange this meeting on monitoring@aucklandcouncilgovt.nz, or 09 301 01 01. The conditions of consent should be discussed at this meeting. All additional information required by the Council should be provided 2 days prior to the meeting.

8. All personnel working on the site during construction shall undergo an induction process prior to their work commencing on the site, including being made aware of and having access to the contents of this consent document, the conditions relating to construction management and the ecological sensitivities of the site and surrounds. The only beach access shall be via the existing formalised access points. The consent holder shall keep records that such induction has taken place for all contractors on site, and shall provide copies of such records to the Team Leader, Northern Monitoring on request.

Comprehensive Site Management Plan (CSMP)

9. All works and activities on the site shall be undertaken in accordance with the approved Comprehensive Site Management Plan (CSMP) which includes the following appendices:
- Herpetofauna protocol
 - Earthworks Revegetation Management Plan (Including Weed and Pest Control)
 - Ecological Management Plan
 - Archaeological Site Management Plan
 - Sand Erosion Management Plan
 - Shorebird Management Plan

- Vegetation Management Plan
- Community Consultation Plan
- Te Arai Conservation Management Plan
- Tara Iti Golf Course Conservation Management Plan

Any proposed changes to the approved CSMP by the consent holder, or should Council request any changes to the approved CSMP, the changes shall be submitted to the Council's Team Leader Northern Monitoring for approval in writing.

Specific conditions – stormwater consent REG-66297

Expiry date

10. Stormwater diversion and discharge permit shall expire on 1 January 2051 unless it has lapsed, been surrendered or been **cancelled** at an earlier date pursuant to the RMA.

Stormwater management works

11. The following stormwater management works shall be constructed for the following catchment areas and design requirements, and shall be completed **prior** to discharges commencing from the site:

Catchment area - impervious	Works to be undertaken	Design guidelines
Driveways & upgraded access roads	Infiltration swales	75% TSS removal To dispose of 10 year ARI storm event
Roof areas	Infiltration dispersal fields	To dispose of 10 year ARI storm event
	Roof material	Inert roofing material
Relocated public carpark	Infiltration swale(s)	75% TSS removal To dispose of 10 year ARI storm event

Modifications approval

12. In the event that any modifications to the stormwater management system are required, that will not result in an application pursuant to Section 127 of the RMA, the following information shall be provided:
 - Plans and drawings outlining the details of the modifications; and
 - Supporting information that details how the proposal does not affect the capacity or performance of the stormwater management system.

All information shall be submitted to, and approved by the Team Leader Northern Monitoring, **prior to implementation.**

Advice Note:

All proposed changes must be discussed with the Team Leader Northern Monitoring, prior to implementation. Any changes to the proposal which will affect the capacity or performance of

the stormwater management system will require an application to Council pursuant to Section 127 of the RMA. An example of a minor modification can be a change to the location of a pipe or slight changes to the site layout. If there is a change of device type (even proprietary), the consent will have to be varied (s127 under the RMA).

Post construction meeting

13. A post-construction meeting shall be held by the consent holder, **within 20 working days** of completion of the stormwater management works, that:
- a) is located on the subject area;
 - b) includes representation from the Team Leader Northern Monitoring; and
 - c) includes representation from the site stormwater engineer, contractors who have undertaken the works and any other relevant parties.

Advice Note:

To arrange the post construction meeting required by this consent, please contact the Team Leader Northern Monitoring.

Certification of stormwater management works (As-Built Plans)

14. As-Built certification and plans of the stormwater management works, which are certified (signed) by a suitably qualified registered surveyor as a true record of the stormwater management system, shall be provided to the Team Leader Northern Monitoring for approval.
15. As-Built Plans shall be provided to the Team Leader Northern Monitoring **5 days prior** to the post-construction meeting required by this consent.
16. The As-Built plans shall display the entirety of the stormwater management system, and shall include:
- a) the surveyed location (to the nearest 0.1m) and level (to the nearest 0.01m) of the stormwater management devices, with co-ordinates expressed in terms of NZTM and LINZ datum;
 - b) plans and cross sections of all stormwater management devices, including confirmation of the Water Quality Volume, storage volumes and levels of any outflow control structure;
 - c) the surveyed locations of all soak holes installed for the management of stormwater discharges to ground shall be measured to the nearest 0.1 metre with co-ordinates expressed in terms of NZTM;
 - d) the soakage capacities of the soak holes; and
 - e) documentation of any discrepancies between the design plans and the As-Built plans approved by the Modifications Approval condition.

Operation and Maintenance Plan

17. An Operation and Maintenance Plan shall be submitted to the Team Leader Northern Monitoring for approval **5 days prior** to the post-construction meeting required by this consent
18. The Operation and Maintenance Plan shall set out how the stormwater management system is to be operated and maintained to ensure that adverse environmental effects are minimised. The plan shall include

- a) details of who will hold responsibility for long-term maintenance of the stormwater management system and the organisational structure which will support this process;
- b) a programme for regular maintenance and inspection of the stormwater management system;
- c) a programme for the collection and disposal of debris and sediment collected by the stormwater management devices or practices;
- d) a programme for post storm inspection and maintenance;
- e) a programme for inspection and maintenance of the outfall;
- f) general inspection checklists for all aspects of the stormwater management system, including visual checks; and
- g) a programme for inspection and maintenance of vegetation associated with the stormwater management devices.

19. The stormwater management system shall be managed in accordance with the approved Operation and Maintenance Plan.
20. Any amendments or alterations to the Operation and Maintenance Plan shall be submitted to, and approved by the Team Leader Northern Monitoring, in writing **prior** to implementation.
21. The Operation and Maintenance Plan shall be updated and submitted to the Team Leader Northern Monitoring for approval, upon request.

Maintenance Report

22. Details of all inspections and maintenance for the stormwater management system, for the preceding **three years**, shall be retained.
23. A maintenance report shall be provided to the Team Leader Northern Monitoring **on request**.
24. The maintenance report shall include the following information:
 - a) details of who is responsible for maintenance of the stormwater management system and the organisational structure supporting this process;
 - b) details of any maintenance undertaken; and
 - c) details of any inspections completed.

Review of conditions

25. The conditions of this consent may be reviewed by the Auckland Council pursuant to Section 128 of the Resource Management Act 1991, (with the costs of the review process being borne by the Consent Holder), by giving notice pursuant to Section 129 of the Act, in one or more of the following times:
 - within one year of construction of the stormwater works; and/or
 - at five yearly intervals after that time.

The purpose of the review may be for any of the following purposes, namely:

- a) To deal with any adverse effect on the environment which may arise from the exercise of the consent or is contributed to by the exercise of the consent, or is found appropriate to deal with at a later stage, and in particular but without limiting the ambit of this clause to:

- i. insert conditions, or modify existing conditions, to require the Consent Holder to identify the character or nature of any discharges authorised by this Consent and to report the results of that monitoring to the Auckland Council; and/or
- ii. insert conditions, or modify existing conditions to require the Consent Holder to monitor the effects of any discharges authorised by this Consent on the local receiving environment and to report the results of that monitoring to the Auckland Council;
- b) Insert conditions, or modify existing conditions, requiring the Consent Holder to adopt the Best Practicable Option to remedy, mitigate or minimise any adverse effects on the environment resulting from the discharges authorised by this consent, including remedying or mitigating any adverse effect on the environment which may arise from the exercise of the consent and which it is appropriate to deal with at a later stage

Specific conditions – landuse consent LAN-65973

Expiry date

26. The earthworks permit LAN-65973 shall expire 5 years from the date it is granted unless it has been surrendered or been cancelled at an earlier date pursuant to the RMA.

Earthworks

27. Upon completion or abandonment of earthworks on the subject site all areas of bare earth shall be permanently stabilised against erosion to the satisfaction of the Team Leader Northern Monitoring.

Advice Note:

Should the earthworks be completed or abandoned, bare areas of earth shall be permanently stabilised against erosion. Measures may include:

- *the use of mulching*
- *top-soiling, grassing and mulching of otherwise bare areas of earth*
- *aggregate or vegetative cover that has obtained a density of more than 80% of a normal pasture sward.*

The on-going monitoring of these measures is the responsibility of the consent holder. It is recommended that you discuss any potential measures with the Council's monitoring officer who will guide you on the most appropriate approach to take. Please contact the Team Leader Northern Monitoring for more details. Alternatively, please refer to Auckland Regional Council, Technical Publication No. 90, Erosion & Sediment Control: Guidelines for Land Disturbing Activities in the Auckland Region.

28. There shall be no deposition of earth, mud, dirt or other debris on any road or footpath resulting from earthworks activity on the subject site. In the event that such deposition does occur, it shall immediately be removed. In no instance shall roads or footpaths be washed down with water without appropriate erosion and sediment control measures in place to prevent contamination of the stormwater drainage system, watercourses or receiving waters.

Advice Note:

In order to prevent sediment laden water entering waterways from the road, the following methods may be adopted to prevent or address discharges should they occur:

- provision of a stabilised entry and exit(s) point for vehicles
- provision of wheel wash facilities
- ceasing of vehicle movement until materials are removed
- cleaning of road surfaces using street-sweepers
- silt and sediment traps
- catchpit protection

In no circumstances should the washing of deposited materials into drains be advised or otherwise condoned.

It is recommended that you discuss any potential measures with the Council's monitoring officer who may be able to provide further guidance on the most appropriate approach to take. Please contact the Team Leader Northern Monitoring for more details. Alternatively, please refer to Auckland Regional Council, Technical Publication No. 90, Erosion and Sediment Control Guidelines for Land Disturbing Activities in the Auckland Region.

29. The site shall be progressively stabilised against erosion at all stages of the earthwork activity, and shall be sequenced to minimise the discharge of contaminants to groundwater or surface water.

Advice Note:

Earthworks shall be progressively stabilised against erosion during all stages of the earthwork activity. Interim stabilisation measures may include:

- the use of waterproof covers, geotextiles, or mulching
- top-soiling and grassing of otherwise bare areas of earth
- aggregate or vegetative cover that has obtained a density of more than 80% of a normal pasture sward

It is recommended that you discuss any potential measures with the Council's monitoring officer who may be able to provide further guidance on the most appropriate approach to take. Please contact the Team Leader Northern Monitoring for more details. Alternatively, please refer to Auckland Regional Council, Technical Publication No. 90, Erosion and Sediment Control Guidelines for Land Disturbing Activities in the Auckland Region.

30. Prior to the commencement of any works, erosion and sediment control measures shall be constructed and maintained in accordance with Auckland Regional Council's Technical Publication 90; Erosion and Sediment Control Guidelines for Soil Disturbing Activities in the Auckland Region and any amendments to this document, except where a higher standard is detailed in the documents referred to in conditions above, in which case the higher standard shall apply. These measures shall be maintained throughout the duration of the earthworks activity, or until the site is permanently stabilised against erosion.

The location and detail of the sediment control measures shall be included in the Engineering Plans for approval prior to commencement of construction.

31. All earthworks shall be specifically designed to the "Standards for Engineering Design and Construction" and NZS 4431 by a Chartered Professional Engineer experienced in soil mechanics. The work shall be designed and executed in compliance with the

recommendations contained in the geotechnical report, prepared by Earthtech Consulting Ltd, reference R2825-30, dated 19 October, 2015.

32. On completion of earthworks and stabilisation works, an Earthworks Completion Report (including As Built Drawings) and a Certificate in the form of Appendix J of the "Standards for Engineering Design and Construction" signed by the Chartered Professional Engineer who designed and supervised the bulk earthworks, building site and access works shall be provided to the Consents Engineer.
33. All necessary actions shall be taken to prevent a dust nuisance to neighbouring properties; including, but not limited to:
 - The staging of areas of the works;
 - The retention of any existing shelter belts and vegetation;
 - The installation and maintenance of wind fences and vegetated strips;
 - Watering of all haul roads and manoeuvring areas during dry periods;
 - Spraying of load dumping operations;
 - Suspension of all operations if necessitated by the prevailing conditions.

The site, or parts thereof as appropriate, shall be regrassed or otherwise protected from wind and water erosion immediately on the completion of bulk earthworks whether or not other works are completed.

Construction noise

34. All construction noise associated with the proposed activity shall comply with and shall be measured and assessed in accordance with, NZS 6803:1999 Acoustics – Construction Noise and relevant amendments.

Operating hours

35. All, earthworks and construction works shall be restricted to the hours between 7.00 am to 6:00 pm Monday to Saturday. No such work shall occur on Sundays or public holidays.

Storage of machinery, vehicles, equipment or materials

36. Any machinery, vehicles, equipment or materials associated with the earthworks and construction activity shall be stored in a location which is screened from view, as far as practicable, as viewed from the public access easement on the site (noted as Area C on DP 138524), Te Arai Beach, or from an adjoining site.

Ecology

37. The consent holder's nominated ecologist shall visit the site and identify any at risk or threatened fauna species, including Australasian bittern, New Zealand Fairy Tern or New Zealand Dotterel activity within the earthworks zone prior to the commencement of any earthworks in relation to the building platforms and road access, and subsequently on a fortnightly basis if earthworks occur between August and February in any given year. If any nests are located within 50m (for NZ dotterel and Australasian bittern) or 500m (for NZ fairy tern) temporary fencing must be installed around the nest for the duration of the

nesting cycle. If construction and earthworks are deemed to be a considerable risk to the success of a breeding pair, works must stop until agreement is reached between the applicant and Council's ecologist on management of nesting birds.

38. Earthworks must be undertaken in accordance with the Herpetofauna Protocol within the approved CSMP.
39. No domestic pets shall be allowed on site, either during construction or post construction, by contractors, visitors or owners.
40. All earthworks must be undertaken and silt fences installed at a minimum of 5m from the raupo reedland/wetland and as required around any other seeps and any other waterways that are in close proximity to the proposed earthworks zone. Prior to any earthworks commencing, the project ecologist will inspect the area surrounding the 'raupo' wetland and ensure that the silt fence has been erected in a location that will ensure protection of the wetland from any sediment discharge from the works area. Confirmation of this inspection and comment from the project ecologist that this has been carried out will be provided to the Team Leader, Northern Monitoring prior to commencement of any earthworks on the site.

Archaeology

41. Prior to and for the duration of earthworks, recorded archaeological sites R08/204, R08/205 and R08/206 shall be cordoned off with a suitable perimeter barrier at a minimum of 4m from the visible site extents and remain fenced off from the remainder of the site to prevent inadvertent damage to them during earthworks. The location and form of the fencing shall be as agreed in advance with Council's archaeologist. Sites R08/204, R08/205 and R08/206 shall be clearly marked on all construction plans and provided to all contractors to ensure that all recorded sites are avoided by earthworks associated with the proposal.
42. A contractors briefing is to be provided to all contractors by the project archaeologist / historic heritage expert prior to the development commencing. This briefing should provide information to the contractors regarding:
 - the conditions of consent relating to sites R08/204, R08/205 and R08/206
 - what constitutes archaeological / historic heritage materials
 - the legal requirements of unexpected archaeological discoveries
 - the appropriate procedures to follow if archaeological / historic heritage materials are uncovered whilst the project archaeologist / historic heritage expert is not on site to safeguard materials; and
 - the contact information of the relevant agencies (including the project archaeologist / historic heritage expert, the Auckland Council area-based Resource Consenting and Compliance Team, the Auckland Council Heritage Unit and Heritage New Zealand Pouhere Taonga) and mana whenua.

Documentation demonstrating that the contractor briefing has occurred should be forwarded to the Council's Team Leader, Northern Monitoring.

43. All works must be undertaken in accordance with the *Specific Archaeological Site Management Plan, Te Arai Park: Middens R08/204, R08/205 and R08/206*, by Clough and Associates Ltd and dated December 2015. In addition, to ensure the stability of the midden sites, all sand borrowing associated with the proposal shall be undertaken at a minimum distance of 20m from the perimeter of all recorded archaeological sites; and a graduated stable batter is created between the edge of the quarried area and the 20m buffer zone. This batter slope may need to be established in consultation with a coastal process engineer. The purpose of the 20m buffer is to manage potential effects of erosion process and to avoid possible tree root damage from future plantings adjacent the sites. All future amenity planting associated with the project earthworks is to be undertaken outside the 20m buffer zone around the sites (R08/204, R08/205 and R08/206).
44. All cut earthworks or machinery movements in the vicinity (20m) of the recorded sites shall be monitored by the project archaeologist.
45. Stabilisation planting shall be undertaken on Midden site R08/204 immediately following the earthworks to ensure the sites ongoing stability; including, but not limited to the following species:
- Carex testacea – native grass
 - Coprosma acerosia - sand coprosma
 - Spinefex sericeus – beach spinifex
 - Myoparium laetum – ngaio, which may be planted at the rear of the knoll away from the midden
- All stabilisation planting undertaken on midden site R08/204 shall be monitored by an archaeologist.
46. Annual monitoring of the state and condition of site R08/204 shall be undertaken for a minimum of five years in order to determine the effectiveness of the stabilisation measures undertaken as part of this consent. Should the stabilisation measures not be successful, an ongoing management plan shall be submitted to the Team Leader, Northern Monitoring to ensure that stabilisation is achieved.
47. The approved Comprehensive Management Plan referred to in Condition 1 shall be updated to incorporate the site description and locations of sites R08/204, R08/205 and R08/206 and any management procedures implemented to ensure the ongoing management and conservation of these sites.
48. The consent holder shall submit for the approval of the Council's Heritage Manager, within 15 working days of the works commencing, any amendments to the approved Archaeological Site Management Plan (ASMP) to update the plan in case of any change of circumstances. Unless already provided, any amendments to the plan shall include:
- a) Identification of the Project Archaeologist, their role and responsibility on the Project;
 - b) Who reports to the Project Archaeologist;

- c) Any identified archaeological sites requiring supervision (including as a minimum recorded sites R08/108, R08/190 and R08/186, R08/189, R08/204, R08/205 and R08/206), and the measures to be undertaken to protect and manage these sites;
 - d) Whether NZHPT and/ or Auckland Council heritage and/ or iwi supervision is required for the specific site (the latter to be determined thorough consultation with the relevant iwi groups); and
 - e) Accidental discovery protocol in the event that unknown archaeological sites are uncovered,
 - f) The ASMP must be subsequently updated to reflect any archaeological sites discovered and the requirements of any SASMP approved.
49. All works shall adhere to the requirements of the archaeological provisions as outlined in the approved Comprehensive Site Management Plan referred to in condition 1 concerning the discovery, procedures and notification of Auckland Council Heritage in the event of the discovery of any previously unrecorded archaeological sites during project earthworks.
50. If any archaeological sites, including human remains, are exposed during site works, then the following procedures shall apply:
- a) Immediately it becomes apparent that a possible archaeological or traditional site has been exposed, all site works in the immediate vicinity shall cease;
 - b) The site supervisor shall immediately secure the area in a way that ensures that any artefacts or remains are untouched and notify the Project archaeologist;
 - c) The Project archaeologist shall inspect the site to assess the relevance of the find, and then the Auckland Council (Cultural Heritage Manager and Compliance & Monitoring Officer) shall be advised of the significance;
 - d) If the site is confirmed to be an archaeological site by the Project archaeologist, the site supervisor shall then notify tangata whenua, the New Zealand Historic Places Trust, and the Auckland Council that an archaeological site has been exposed so that appropriate action can be taken;
 - e) In the case of human remains, the NZ Police shall be notified.
51. Where a site is confirmed to be an archaeological site by the Project Archaeologist in accordance with Condition 50, the consent holder shall submit to the Council's Cultural Heritage Manager, for written approval, a SASMP for the particular archaeological site that has been discovered, detailing what measures have been taken to either:
- Protect and preserve the archaeological site, or
 - Record the information that has been discovered (in the event that the site is to be destroyed or modified).

If any amendments to the ASMP submitted propose to destroy or modify the archaeological site, the amendments to the ASMP must explain why destruction or modification of the site is required, and why this cannot be avoided while proceeding in general accordance with the plans approved by Condition 1.

When approving any amendments to the ASMP, the Manager shall have regard to:

- The extent to which avoiding the destruction or modification of the archaeological site, while acting in general accordance with the approved plans, is reasonably practicable; and
- Any other archaeological sites that have already been discovered and protected by the consent holder and the extent to which these protected sites preserve a representative sample of archaeological sites.

No destruction or modification of an archaeological site is allowed unless in accordance with an approved SASMP.

Specific conditions – subdivision consent SUB-65973

Survey plan approval (s223) conditions

52. Before the Council will approve the survey plan pursuant to s.223 of the Act, the consent holder shall satisfy the following conditions at his/her/its full cost:

Amalgamation

- a. Pursuant to section 220(1)(b)(ii) of the Act, have endorsed on the survey plan the following conditions of amalgamation:
 - *That Lots 100, 102, 400 & 500 hereon be held together in one Computer Freehold Register.*
 - *That Lots 100, 102 and 105 be held as to nine undivided one-ninth shares by the owners of Lots 12 – 20 hereon and individual Certificates of Title be issued in accordance therewith.*

Easements

- b. The survey title plan shall show and identify the easements (labelled A and B, 100 and 200) on a Memorandum of Easements attached to the cadastral survey dataset as a supporting document.
- c. The existing public easement over Pacific Road (excluding the section of access strip to Black Swamp Road) shall be retained at an average width of 50 metres to provide for safe pedestrian, cycle, vehicular and equestrian use. The widened public easement may be subject to realignment for better integration with the existing landform.

Advice Note:

At the Council's election, the widened public easement on Pacific Road may be vested as public road or amended to provide for vehicle access into the reserve, including parking if required/determined through the management plan process.

Section 224(c) compliance conditions

53. Before the Council will issue a certificate pursuant to section 224(c) of the Act, the consent holder shall satisfy the following conditions at his/her/its full cost:

Previous consent conditions

- a. A s.224 certificate shall not be issued for any titles under this consent until all s.224 conditions have been satisfied under consent SLC-63818.

Earthworks

- b. The earthworks must be carried out and comply with the land use consent conditions above including provision of certifications.

Building sites

- c. Two copies of a plan certified and dated by Earthtech fixing the location and size of the stable identified building sites on Lots 12 - 20 by offsets from surveyed boundary pegs are to be provided to the Consents Engineer.

Engineering plans

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

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

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

- Earthworks,
- The formation of privateways and access, the stabilisation of vehicle formations and building sites, the laying of pipes and other ancillary equipment to be vested in the Council for water supply, drainage or sewage disposal;
- Any other works required by conditions of this consent.

Advice Note:

Structures such as retaining walls, in-ground walls and bridges may require a separate Building Consent or could be processed with the Engineering Plan approval.

Construction of private road

- e. The proposed private access roads (Lots 100 and 102), shall be formed in accordance with Councils "Standards for Engineering Design and Construction" to serve Lots 12 - 20 and with particular regard to ensuring stability and Stormwater control.

Unless otherwise approved, the new formation shall be to a dual width rural metal surface and incorporate a turning or hammer head to ensure truck manoeuvring at its termination. The formation construction could alternatively be constructed in a similar manner as that previously approved for the nearby site (refer L61627) being a dual width cement stabilised surface.

In the event that a stabilised surface is adopted in the design in a similar manner as L61627, a maintenance and operations plan shall be provided to ensure its continued function in perpetuity.

Construction of access

- f. The vehicle access within Lots 12 - 20 to the building sites on those Lots shall be formed to a maximum grade of 1 vertical in 5 horizontal at any point and with particular regard to ensuring stability.

The works shall be cement stabilised, metalled or grassed or otherwise protected from wind and water erosion immediately on completion.

Public carpark relocation

- g. The new public car park on Pacific Road shall be constructed to a suitable standard and the existing carpark and its linkages satisfactorily reinstated as agreed to by the Council's Parks department.

Provision of services

- h. Written confirmation shall be provided from the electricity network supplier responsible for the area, that provision of an electric supply has been made available to all saleable lots created and that all the network supplier's requirements for making such means of supply available have been met or satisfactory arrangements have been concluded with the Consent Holder to complete the provision of the supply.
- i. Written confirmation shall be provided from the telecommunications network supplier responsible for the area, that provision of telephone services has been made available to all saleable lots created and that all the network supplier's requirements for making such services available have been met or satisfactory arrangements have been concluded with the Consent Holder to ensure the provision of the service.

Landscaping

- j. The consent holder shall update the approved Te Arai North Vegetation Management Plan in relation to lots 12 – 20 and provide such updates for the approval of the Council prior to the issue of the s224c certificate. The updates to the Vegetation Management Plan shall set out the following for the lots that are subject to the s224c certificate:
- The methods by which a topographical and/or vegetation backdrops on the sites the subject of this consent are to be maintained. In this regard, maintenance of vegetation may include retention of pine trees, their replacement with native vegetation or a combination of both provided the backdrop is retained.
 - Where pines are to be replaced with native vegetation, the methods such as thinning and under planting over time, to ensure such vegetation provides the same degree of visual mitigation as the pines existing at the time of this consent.
 - Retained vegetation or new planting in front of and around proposed house sites to ensure future houses are softened and otherwise integrated into the environment.

- k. The Vegetation Management Plan referred to in Condition 1 shall be amended to include appropriate taller growing tree species within the 'Coastal Primary Dune' and 'Coastal Dune Hollows' areas. The amended plan shall be submitted to the Team Leader Northern Monitoring for approval prior to the commencement of works. The planting shall be implemented within the first planting season following the issue of the consent.

Vegetation Management

- l. The consent holder shall carry out any planting in accordance with the approved Vegetation Management Plan referred to in Condition 1 and 53(k). Any weeds present in the planting areas shall be controlled prior to planting. The consent holder will advise council when planting is initiated.

Advice Note:

It is recommended that the consent holder use plants which are ecosourced from the Eastern Rodney Ecological District and that at least one threatened species is planted i.e. Coprosma acerosa.

The planting shall not include any species listed in the Auckland Regional Pest Management (including the research list).

It is also recommended that planting or other measures be undertaken within all open areas of the site to ensure that weeds do not dominate and to prevent dune blow outs/erosion.

- m. The consent holder shall carry out weed and pest animal control in accordance with the approved Earthworks Revegetation Management Plan (Including Weed and Pest Control) and the approved Vegetation Management Plan referred to in Condition 1 and 53(k) to the satisfaction of Council's Team Leader, Northern Monitoring, prior to the issue of s224(c) certificate.

Advice Note:

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

It is recommended that Fulvic acid is added to any herbicide spray mix. It is a humate that stimulates beneficial soil microbes and mitigates the effects of chemical sprays.

The timing of weed control in relation to bird breeding (e.g. New Zealand dotterel) should be considered.

Vegetation Completion and Management report

- n. All planting must be undertaken and completed in accordance with the approved Vegetation Management Plan. Following completion of the planting in accordance with the approved plan, the consent holder shall submit a vegetation completion and

management report to the Council's Team Leader, Northern Monitoring for approval, confirming that the planting has been completed and will be managed in perpetuity.

Ongoing maintenance and monitoring

- o. Plant maintenance in accordance with the approved Vegetation Management Plan shall occur for five years following planting or until 75% canopy closure has occurred and a minimum survival rate of the plants (being 90% of the original density through the entire planting area(s)) has been achieved. The five year period shall commence once the report has been approved by council in accordance with Condition 53(n). Plant maintenance includes the ongoing replacement of plants that do not survive. All invasive weeds and animal pests shall be controlled in accordance with the Weed Control methods in the Vegetation Management Plan both at the time of initial planting and any replacement planting if required and on an ongoing basis.

Advice Note:

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

- p. Once Council has approved the completion report referred to in Condition 53(n), the consent holder may enter into a surety bond of a sum calculated to be 1.5 times the cost of maintenance and 10% the cost of planting or \$3000 per hectare (whichever is the greater sum) to allow the early release of s.224(c) Certificate. The value of this bond shall be to the satisfaction of the Council's Team Leader, Northern Monitoring. The purpose of the bond is to ensure a minimum survival rate of the plants to 90% of the original density and 75% canopy closure through the entire planting area(s).
- q. The consent holder shall submit a Monitoring Report to Council's Team Leader, Northern Monitoring in consultation with the Council's Ecologist, for approval 3 monthly for the first 18 months then annually thereafter for the remaining period to make up a total minimum period of five years. The Monitoring Report shall include but is not be limited to the following information in respect of each lot:
- Success rates, including growth rates and number of plants lost (including an analysis of the distribution of losses);
 - Canopy closure, beginnings of natural ecological processes - natural regeneration in understorey, use by native birds;
 - A running record of fertilisation, animal and weed pest control and replacement of dead plants;
 - Details on the condition of, and recommendations for maintenance of, the fencing.
 - Recommendations for replacement of dead plants and implementation of these recommendations (remediation work). Any recommended remediation work shall include a start date for replanting.

If remediation work is recommended, the consent holder shall:

- Undertake this remediation work within six months from the start date.

- Provide Council with a report confirming the remediation work has been undertaken. This report shall be submitted to Council's Team Leader, Northern Monitoring within 6 months after the remediation work has been undertaken.

Comprehensive Site Management Plan

- r. The applicant shall submit a document for approval by the Council's Team Leader, Northern Monitoring in consultation with the Council's Legal team detailing the legal mechanisms for achieving the purpose of the Comprehensive Site Management Plan (CSMP) and confirming that all requirements of the CSMP have been met (as specified within Scheduled Activity 213) including any ongoing requirements.

Fees

- s. Pay any outstanding balance due to the Council for scheme plan processing.
 - All fixed charges relating to the receiving, processing and granting of this resource consent under section 36(1) of the Resource Management Act 1991 (RMA); and
 - All additional charges imposed under section 36(3) of the RMA to enable the Council to recover its actual and reasonable costs in respect of this application, which are beyond challenge.

Consent Notices

- 54. The following conditions of the consent shall be complied with in perpetuity and shall be registered on the relevant Titles by way of Consent Notices pursuant to s.221 of the Act.
 - a. (building restrictions) Any buildings erected on the building sites on Lots 12 - 20 identified on the plan required by the above condition shall be subject to the requirements of the report prepared by Earthtech, ref R2825 - 30, dated 19 October, 2015 and any subsequent reports provided on completion of the works. Copies of the said plan and report(s) will be held at the offices of the Council, Centreway Road, Orewa.
 - b. (building restrictions - stormwater control) All stormwater from buildings and paved areas on Lots 2 - 11 shall be collected and disposed of in accordance with the report prepared by Dodd Civil Consultants, reference 419/03, dated October, 2015. The collection and disposal system shall thereafter be maintained to the specified capacity and standard in perpetuity.
 - c. (private road maintenance) If required, the owners of Lots 12 – 20 shall maintain the private roads serving their sites in accordance with the maintenance and operation plan required by the above consent condition and that required by previous subdivision approvals.
 - d. (road access) The owners and occupiers of Lot 400 are advised that at the Council's election, the widened public easement on Pacific Road may be vested as public road.
 - e. (no livestock) The owners of Lots 12 – 20, 100, 102, 400 and 500, their successors in title and any occupiers, are not permitted to own, house, care for or feed any livestock (i.e. all grazing animals) within the boundaries of their property, unless appropriately fenced. A fencing plan shall be submitted to the Team Leader, Northern Monitoring for approval and the fencing installed prior to the introduction of any livestock.

- f. (reverse sensitivity) The owners and occupiers of Lots 12 – 20 are advised that the land to the north east (Lot 200), is to be used as a golf course.
- g. (monitoring charges) The consent holder shall pay the council monitoring charge or charges to recover the actual and reasonable costs that have been incurred to ensure compliance with the conditions attached to this consent.

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

- h. (vegetation protection) The areas of vegetation to be planted on Lots 12 – 20, 100, 102, 400 and 500 in accordance with the approved vegetation management plan shall be protected in perpetuity to the satisfaction of the Council's Team Leader, Northern Monitoring.

The owners or their successors in title, of Lots 12 – 20, 100, 102, 400 and 500 shall:

- (i) Preserve the native vegetation, wildlife habitats and the natural landscape within the areas of vegetation to be protected on Lots 12 – 20, 100, 102, 400 and 500.
- (ii) Not (without the prior written consent of the council and then only in strict compliance with any conditions imposed by the council) cut down, damage or destroy, or permit the cutting down, damage or destruction of the vegetation or wildlife habitats within the areas of vegetation to protected;
- (iii) Not do anything that would prejudice the health or ecological value of the areas of vegetation to be protected, their long term viability and/or sustainability;
- (iv) Control all invasive plants and control pest animals within the areas of vegetation to be protected, in accordance with the approved Weed and Pest Animal Control Plan referred to in Condition 1;

Advice Note:

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

- (v) Not to be in breach of this consent notice if any of the areas of vegetation to be protected die as a result of fire and/or natural causes not attributable to any act or default on their part for which they are not responsible.
- i. (landscaping) At the time of application for land use consent for Lots 12 – 20 and 400, the owners of that lot shall submit a landscape mitigation plan to Council for approval. The Plan shall be for the purpose of mitigating potential landscape effects, natural character effects, and visual amenity effects. The plan shall reflect the following matters and the owners of Lots 12 – 20 and 400, their successors in title and any occupiers shall ensure that:

- The methods by which a topographical and/or vegetation backdrops on the sites the

subject of this consent are to be maintained. In this regard, maintenance of vegetation may include retention of pine trees, their replacement with native vegetation or a combination of both provided the backdrop is retained i.e. should the pines on Lots 12 - 20 be replaced in the future, any new planting shall be of a size and style that would achieve the same (or better) visual backdrop mitigation.

- Where pines are to be replaced with native vegetation, the methods such as thinning and under planting over time, to ensure such vegetation provides the same degree of visual mitigation as the pines existing at the time of this consent.
- Retained vegetation or new planting (including taller tree species) in front of and around proposed house sites to ensure future houses are softened and otherwise integrated into the environment.
- Native vegetation is maintained and not (without the prior written consent of the council and then only in strict compliance with any conditions imposed by the council or otherwise in accordance with approved management plans) cut down, damaged or destroyed.
- All invasive plants and control pest animals are controlled, in accordance with the approved Weed Management Plan and Pest Animal Control Plan as detailed within the approved Comprehensive Site Management Plan (CSMP).

Once approved, the plan must be implemented within the first planting season following substantial completion of the building or structure for which land use consent was granted. The planting must then be maintained and retained in perpetuity.

Advice Note:

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

- j. (planting) Landowners shall not plant any species listed in the Auckland Regional Pest Management Strategy (including the research list).
- k. (no further subdivision) The owners and occupiers of Lots 12 – 20, 100, 102, 400 and 500 are advised that further subdivision for the creation of residential or rural residential sites other than the maximum 46 sites is prohibited in perpetuity.
- l. (ongoing land management) Ongoing land management shall be undertaken in compliance with the approved Comprehensive Site Management Plan (CSMP) and other land management plans required under the rules within Scheduled Activity 213 and in conditions of consent.

The CSMP includes the following appendices:

- Herpetofauna protocol

- Earthworks Revegetation Management Plan (Including Weed and Pest Control)
 - Ecological Management Plan
 - Archaeological Site Management Plan
 - Sand Erosion Management Plan
 - Shorebird Management Plan
 - Vegetation Management Plan
 - Community Consultation Plan
 - Te Arai Conservation Management Plan
 - Tara Iti Golf Course Conservation Management Plan
- m. (vehicle beach access) Vehicle access to the beach from any of the lots 12 – 20, 100, 102, 400 and 500 shall not be allowed except for emergency responses or management purposes.
- n. (access) All landowners shall be aware of and have access to the contents of this consent document, the ecological sensitivities of the site and surrounds. The only beach access shall be via the existing formalised access points.
- o. (pet free covenant) The owners of Lots 12 – 20, 100, 102, 400 and 500, their successors in title and any occupiers, shall not own, house, care for or feed any domestic pets (including, but not limited to, cats, mustelids, dogs, goats, rabbits and rodents) while residing on the property.

3. Advice notes

1. *Please read the conditions of this resource consent carefully and make sure that you understand all the conditions that have been imposed before commencing the development.*
2. *Reports and limitations on the land regarding any features or characteristics of the land or works on the land, whether the subject of specific encumbrances on the land or not shall be discoverable as part of the Council's records.*
3. *This resource consent will lapse five years after the date of Council's decision unless:*
 - (a) *it is given effect to before the end of that period (by lodging a survey plan with the Council for approval pursuant to Section 223 of the Act in regard to the subdivision); or*
 - (b) *an application is made and granted prior to the expiry of that period for a time extension. The statutory considerations that apply to extensions are set out in section 125 of the RMA.*

N.B – All charges owing at the time council's decision is notified must be paid before a consent can commence.

4. *The consent holder shall obtain all other necessary consents and permits, including those under the Building Act 2004, and the Heritage New Zealand Pouhere Taonga Act 2014.*

This consent does not remove the need to comply with all other applicable Acts (including the Property Law Act 2007), regulations, relevant Bylaws, and rules of law. This consent does not constitute building consent approval. Please check whether a building consent is required under the Building Act 2004. Please note that the approval of this resource consent, including consent conditions specified above, may affect a previously issued building consent for the same project, in which case a new building consent may be required.

- 5. Future lot owners should be made aware that the use of high contaminant building materials such as copper or zinc roofs as suggested in the "Te Arai Design Guidelines" may result in the need for additional consents under PAUP Rule H.4.14.3.1 (Stormwater Management Quality) and that additional stormwater management measures will be required to mitigate the effects of the use of those materials.*
- 6. It is recommended that the applicant discuss the continuing function of Pacific Road at its intersection with Black Swamp Road with Auckland Transport in relation to potential logging operations, vegetation clearance, gate removal and any specific upgrades required from possible future intensification and impacts from site development.*
- 7. A copy of this consent should be held on site at all times during the establishment and construction phase of the activity. The consent holder is requested to notify Council, in writing, of their intention to begin works, a minimum of five days prior to commencement. Such notification should be sent to the Resource Consents Compliance Administrator, Orewa Service Centre and include the following details:*
 - name and telephone number of the project manager and the site owner;*
 - site address to which the consent relates;*
 - activity to which the consent relates; and*
 - expected duration of works.*
- 8. The granting of this resource consent does not in any way allow the applicant to enter and construct drainage within neighbouring property, without first obtaining the agreement of all owners and occupiers of said land to undertake the proposed works. Any negotiation or agreement is the full responsibility of the applicant, and is a private agreement that does not involve council. Should any disputes arise between the private parties, these are civil matters which can be taken to independent mediation or disputes tribunal for resolution. It is recommended that the private agreement be legally documented to avoid disputes arising. To obtain sign-off for the resource consent, the services described by the conditions above are required to be in place to the satisfaction of council.*
- 9. Compliance with the consent conditions will be monitored by council (in accordance with section 35(1)(2)(d) of the RMA). The initial monitoring charge is to cover the cost of inspecting the site, carrying out tests, reviewing conditions, updating files, etc, all being work to ensure compliance with the resource consent. In order to recover actual and reasonable costs, inspections, in excess of those covered by the base fee paid, shall be charged at the relevant hourly rate applicable at the time. Only after all conditions of the resource consent have been met, will council issue a letter on request of the consent holder.*


10. *Copies of the approved Weed and Pest Animal Control Plan shall be held at the offices of the council, Centreway Road, Orewa, 0931.*
11. *A list of all current pest plants and animals can be found in the Auckland Regional Pest Management Strategy (ARPS 2007-2012 or any successive ARPS), available from council, which includes all plants identified in the National Pest Plant Accord (MAF).*
12. *Where significant weed and animal populations persist, the consent holder may wish to consider Local Landcare Groups, or the employment of a professional contractor to assist with the ongoing management of the area.*
13. *If you disagree with any of the above conditions, or disagree with the additional charges relating to the processing of the application you have a right of objection pursuant to sections 357A or 357B of the RMA. Any objection must be made in writing to council within 15 working days of notification of the decision.*

Delegated decision maker:

Name: Ian Dobson

Title: Manager Northern Resource Consenting

Signed:



Date:

23.12.2015.

Decision on an objection under section 357A of the Resource Management Act 1991



Application numbers: SLC-65973 (NRSI Ref 45317)
REG-66297 (NRSI Ref 45493)

Applicant/Objector: Te Arai North Limited

Site address: Te Arai Point Road, Te Arai Point

Legal description: Lot 100 DP 483489
Lot 400 DP 483489

Objection as submitted: Objection to conditions 1, 52(a), 52(c), 53(a) 53(e), 53(l), 53(m), 53(n), 53(o), 53(p) and 54(b) of subdivision and land use consent SLC-65973 and REG-66297.

In addition, conditions 52(b), 54(e), 54(h), 54(k), 54(m) and 54(o) are required to be amended to reflect the updated Lot numbers.

It is also recommended that a consent notice be added in relation to the access lots which will require a road name.

Decision

Acting under delegated authority, pursuant to Section 357A of the Resource Management Act 1991, the objection by Te Arai North Limited in terms of Resource Consent SLC-65973 and REG-66297 be **upheld** as set out below:

- Conditions 1, 52(a), 52(b), 52(c), 53(a) 53(e), 53(l), 53(m), 53(n), 53(o), 53(p), 54(b), 54(e), 54(h), 54(k), 54(m) and 54(o) are **MODIFIED** as set out below.

~~Strikethrough~~ font denotes deleted text. Double underlined font denotes new text.

Reasons

The reasons for this decision are:

1. The amendments to the conditions are mainly around matters of clarification and in relation to the proposed bonding. It is considered that the bonding (if required) will ensure that planting is undertaken in accordance with the approved vegetation management plan.
2. The applicant proposes an encumbrance relating to the access lots and therefore no amalgamation or right of way condition is required.