

**RESOURCE CONSENTS HEARINGS PANEL**

**MINUTES:** of a meeting of the Resource Consents Hearings Panel which commenced at 9.00 a.m. in the Council Chamber, Centreway Road, Orewa on Friday, 1 February 2008.

**PRESENT:**

Chair	John Childs
Crs	June Turner
	Suzanne Weld

**IN ATTENDANCE:**

Reporting Planner	Justin Walters
Team Leader	Ian Dobson
Committee Adviser	Raewyn Morrison

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**267/02/08**                      **APOLOGIES AND ANNOUNCEMENTS**

**AGENDA ITEM NO.**      1

There were no apologies or announcements.

**268/02/08**                      **REQUESTS FOR CONSIDERATION OF URGENT ITEMS**

**AGENDA ITEM NO.**      2

There were no requests for the consideration of urgent items.

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**269/02/08**                      **RESOURCE CONSENT APPLICATION UNDER SECTION 88 OF THE  
RESOURCE MANAGEMENT ACT 1991**

**APPLICATION FOR CONSENT TO SUBDIVIDE LOT 12 DP 187478 TO  
CREATE AN ADDITIONAL LOT. THE APPLICATION EXCEEDS THE  
MAXIMUM NUMBER OF SITES GAINING ACCESS OVER A SINGLE  
ACCESS**

Address: 97-99 Percy Street, Warkworth

**APPLICANTS: WEI WANG**

**FILE REF**                      R52580  
**WARD**                              Northern  
**AGENDA ITEM NO.**        3

9.00 a.m. The applicant seeks consent to subdivide Lot 12 DP 187478 (CT NA117C/166) 1708m<sup>2</sup> into Proposed Lot 1 of 844m<sup>2</sup> and Proposed Lot 2 of 864m<sup>2</sup>. The property is located at 97-99 Percy Street, Warkworth.

The applicant, Mr Wei Wang, and the applicant's representative, Mr Carne Blandy, present.

Submitters, Ms Anette Goetter and Mr Ties Huisman, present.

9.00 a.m. The Chairperson opened the hearing and outlined the meeting procedure.

Mr Blandy distributed and read written evidence on behalf of Mr Wang. Attached to Mr Blandy's evidence were photographs and an area map of the subdivision. The following was noted:

Mr Blandy outlined the proposal and discussed the reporting planner's report. Under the heading statutory matters, Mr Blandy said that although Proposed District Plan 2000 limited the number of sites or household units that may gain access over a jointly owned access lot to 6, it was important to consider the 'permitted baseline' environment, this being 10 lots having access from the jointly owned access lot.

In conclusion, Mr Blandy said that the proposal would have minor adverse effects on the environment, these being confined to the effects on the operation of the jointly owned access lot.

In response to questions from the Panel, Mr Blandy said that:

- He envisaged the building platforms would be to the centre of the proposed lots, although perhaps full consideration had not yet been given to that.
- The applicant was going to maintain the amenity; the sites were substantially larger than the 600m<sup>2</sup> District Plan rules and accordingly there was sufficient space for buildings to conform.
- The bush provided a lovely amenity for the site; the creek was currently dry. The bush was regenerating and was an asset to the site.
- The site had gone through the subdivisional phase and he imagined the swampy area would have been taken into account then. The further geotech report confirmed that there may be areas unusable at points of the site, hence the 10m building line restriction from that area. The remainder of the site was fully developable.

Mr Wang said that he couldn't build anything within 10m of the stream. As it was a large site he thought that provision for visitor parking could be possible. He envisaged the buildings to have an internal garage and room for one carpark inside the boundary.

Mr Walters confirmed that there was no specific building platform on the survey plan. He said that the building setback rules were a minimum of 3m around the boundary.

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Mr Huisman gave verbal evidence on behalf of himself and Ms Goetter. Mr Huisman and Ms Goetter lived at 101 Percy Street, next door to the proposed subdivision site. The following was noted:

Mr Huisman said that he was present at the hearing because of the important issues he saw in the application. He placed strong emphasis on the exit issue and considered this to be the main problem. He felt the planning report had diminished his concerns and the report had repeatedly mentioned the increase in traffic to be irrelevant. Mr Huisman said that the present situation was already a problem in regard to traffic congestion and parking. He and Ms Goetter often had difficulty exiting their driveway because of delivery vans or parked cars (usually visitors' cars). The situation would worsen with building activity, which was ongoing in the area and they had had people parking in their driveway. Mr Huisman considered the application should be seen in relation to the present situation.

Mr Huisman pointed to the relevant requirements for accessways in the Council's Standards for Access noting that the actual construction of the carriageway was 4.5m instead of the minimum standard of 5.2m. If the application was approved Mr Huisman said that he would like to see a condition added to the effect that the driveway be widened by at least 70cm so it was up to the minimum standard. Mr Huisman described the situation with regard to refuse collection and home deliveries; this was not only of concern to them, but of concern to direct neighbours. He said that he had seriously thought about signage in regard to towing vehicles away if they park on his property as it was a big annoyance.

Ms Goetter said that a third of the section was swampy and as a consequence the actual section size was less than 600m<sup>2</sup>. She could not see where additional visitor parking would be able to be provided.

Mr Huisman said that he believed the net buildable area would be far below the minimum requirement of 600m<sup>2</sup> as a large part of the section couldn't be built on. Whilst the creek was dry now, in winter stormwater was a problem impacting on Lot 12 and the other lots with access to Bluegum Drive. He had seen stormwater coming down from the upper sections across lots 12, 13 and subdivided lot 11. Mr Huisman said that he was not overly convinced with what the statement 'quality building' meant. He realised it meant a building must be of a certain standard but in his opinion only a few owners complied to what he considered to be an acceptable standard. He thought the proposal would decrease the value of his property. The key point was the width of the driveway.

Mr Dobson addressed the Panel with regard to the driveway compliance with subdivision standards. He said that normally if a subdivision driveway didn't comply then the section titles would not have been released. It was possible that the standards might have altered since the time of the subdivision and he noted that sometimes the standards did change. Mr Dobson also advised that it was considered that the proposal would satisfactorily connect into the system and that if there was an issue of capacity this would have been raised by Council Engineers. A check had been made with regard to flood inundation and there was no indication on Council maps that the area was prone to inundation.

Mr Huisman said that he would be more than happy to add the 'missing part' of the driveway. The Chairperson advised Mr Huisman that he would have to get agreement from the other owners.

Ms Goetter said that the additional planting of trees on the boundary would be important for privacy. She said that she was not happy with two houses that close to their boundary.

Mr Huisman said that he would like to see the houses have a 10m setback but he realised that was not what Council rules allowed so he would like to see trees planted on the boundary. He spoke with regard to the issue of flooding, in particular through Lot 11 which had been subdivided into four sections. A considerable amount of water came down from upper sections and impacted on a garden that went down towards the creek. If there was rain for a couple of days there was a flooding issue.

10.04 a.m. – 10 24 a.m. Morning tea adjournment.

Mr Dobson said that detention tanks were a possibility if the circumstances required, but based on the engineering information this had not been considered necessary.

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Mr Walters, Council's Reporting Planner, addressed his report. The following was noted:

Mr Walters said that the main issues were around access and an additional lot coming on to the accessway. The application met all that the plan expected and the proposal would be similar to most of the properties accessing the access lot. With regard to issues of site stability, Mr Walters said that there had been a number of geotechnical reports. The geotechnical report by the applicant recommended drains be put in prior to building any dwellings; he assumed this would deal with some of the stormwater. The access and parking had been created at the time of the 10 lot subdivision and developed to the criteria then applicable in terms of width. The sections would not have got a 224(c) certificate otherwise. The width would have been considered an acceptable standard for servicing, emergency vehicles, etc.

Mr Walters said that only one additional lot was actually created and a household unit was considered to generate 10 additional vehicle movements per day. With regard to vegetation and the stream, the bush covered about 40% of the site. Mr Walters noted that site coverage was only 35% under the Proposed District Plan and 40% under the Operative District Plan. In this case the coverage of 35% applied. No issues with regard to servicing were raised by Council's Engineers. Mr Walter considered that some weight needed to be given to Plan Change 26 and the appeals against the provisions or rules, although it was not likely these appeals would make too much difference.

Overall Mr Walters said that the proposal was generally consistent with the objectives and policies, and it met both gateway tests. He considered that the effects would be no more than minor and he stood by his recommendation. With regard to the submitters' request for a condition on widening the access, Mr Walters said that this would be imposing conditions on other people as well and it would be considered ultra varis i.e. illegal for this to be done. With regard to bush protection or covenanting and building being restricted on the site, Mr Walters said that he thought the bush was sufficiently protected anyway and he didn't consider that a condition would be necessary. He said that proposed condition 4(a) could clarify the building line restriction.

Mr Blandy presented the right of reply. The following was noted:

Mr Blandy said that there appeared to be two issues; the stream environment and the parking issue. With regard to the stream, that portion of the site had high amenity value. If covenanted or if there was a building line restriction it would not affect development of the site. 35% coverage could be achieved on the remainder of the site. If there was an issue with building work in relation to degradation of the area it would be dealt with during the building consenting stage. In his opinion the stream would be protected and there would be no issue with environmental degradation.

With regard to issues of parking and the width of the carriageway, Mr Blandy said that a 4.5m width technically allowed for cars to pass. He considered the matter to be one of the residents doing some housekeeping, and if the problems affected all of them, to consider parking in a convenient fashion. Mr Blandy noted that the edge of the road surface was used for parking. There should and would be sufficient parking under normal circumstances. Visitor parking usually occurred during the evening or weekends and shouldn't conflict with delivery vehicles. Mr Blandy said that he thought a requirement for additional parking was onerous and unusual but Mr Wang was happy to accept such a condition if it was considered a necessity. In regard to cluttering of the carriageway crossing, if need be Mr Wang would be happy to consider a common access point; this was not something beyond consideration although it could get messy. Referring to the emergency vehicle situation he didn't see how an additional property could affect what would normally occur. With regard to submitter requests for additional width on the accessway, there were issues of legality. There was an option for additional parking elsewhere.

In response to questions from the Panel, Mr Blandy said that the applicant would accept a bush protection notice on the title. The applicant would also accept a condition with regard to one additional car park for visitor parking; it would be a matter of the way in which the site was designed.

The Chairperson advised the submitters to check their title restrictions; he said that he would deal with this matter in the decision.

10.47 a.m. The Chairperson adjourned the hearing subject to a site visit.

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12.00 p.m. The Chairperson closed the hearing at the conclusion of the site visit.

The Panel resolved:

**Weld/Turner**

**THE DECISION**

That, pursuant to Sections 104, 104B and 104D of the Resource Management Act 1991, the notified application for resource consent by Wei Wang to subdivide Lot 12 DP 187478 (CT NA117C/166) to create one additional lot at 97 – 99 Percy Street, Warkworth is granted consent.

**REASONS FOR THE DECISION:**

Pursuant to Section 113 of the Resource Management Act 1991, the reasons for this Decision are as follows:

- (a) The effects of this proposal on the environment will be no more than minor because:
- The proposal will result in a density similar to that which is anticipated by the Operative and Proposed District Plans and will allow on each site adequate parking, open space and buildings that could be established as a permitted activity within the zone and allow any such activities to comply with the relevant development controls;
  - The sites are larger than what is anticipated within the zone;
  - Provided that the proposal proceeds in accordance with the recommendations of the geotechnical report prepared by KGA Geotechnical there are safe building platforms;
  - The existing access is adequate to allow access for emergency and other services;
  - The proposal will not significantly increase the number of users of the right of way given that there are already 10 sites accessing the existing access;
  - The proposal will enable permitted activities to establish on the sites without reducing the ability of the access to be used for residential uses; and
  - Conditions will ensure that existing native trees on the site are retained coupled with additional landscaping. This will maintain and enhance the amenity value of the land.
  - Through the imposition of financial contributions the effects of increased demand on Council infrastructure and services can be mitigated.
- (b) The subdivision is consistent with the Regional Policy Statement as the land is located within the Metropolitan Urban limits and has a Medium Residential Intensity zoning in both the Operative and Proposed District Plans.
- (c) As the effects of the proposal will be no more than minor the proposal will not be contrary to the objectives, policies and assessment criteria of the Operative and Proposed District Plan.
- (d) The proposal is consistent with Vision Rodney and the Warkworth Structure Plan as the land is located in an urban area identified for residential development.

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- (e) As the land is residentially zoned and is suitable for development the subdivision can be seen as consistent with Part II of the Act.

**THE RELEVANT STATUTORY PROVISIONS THAT WERE CONSIDERED:  
(Section 113(1) (AA))**

Overall the application was considered a non complying activity and was considered in terms of Sections 104, 104B, 104D and Part II of the Act.

**OTHER RELEVANT PROVISIONS THAT WERE CONSIDERED:  
(Section 113(1) (ab))**

The provisions of the following documents were considered by the Hearings Panel in reaching this decision.

**National Policy Statement Provisions**

None applicable

**Auckland Regional Policy Statement Provisions**

**Proposed Regional Policy Statements Provisions**

**Plan Provisions**

**1993 Transitional District Plan**

**Plan Change Number 26 Residential Provisions**

- (a) Objective 3.4.2 – 01
- (b) Objective 3.4.2 – 02
- (c) Objective 3.4.2 - 03
- (d) Objective 3.4.8 – 03
- (e) Objective 3.4.8 – 05
- (f) Objective 3.4.8 – 08

**Plan Change Number 62 Financial Contributions**

**Plan Change Number 55 Rural Provisions**

**Proposed Plan Provisions.**

- (a) Objectives 8.3.1 & 2 and policies 8.4.1, 2 & 3
- (b) Objectives 23.3.1 and policy 23.4.1
- (c) Objectives 23.3.2 and policies 23.4.2 & 3

**Proposed District Plan 2000**

- (a) Assessment Criteria Objective 8.16.1.2(a)
- (b) Assessment Criteria Objective 8.16.1.2(b)
- (c) Assessment Criteria Objective 8.16.1.2(d)
- (d) Assessment Criteria Objective 8.16.1.2(e)
- (e) Assessment Criteria Objective 8.16.1.2(f)
- (f) Assessment Criteria Objective 8.16.1.2(h)
- (g) Assessment Criteria Objective 8.16.1.2(i)
- (h) Assessment Criteria Objective 8.16.1.2(j)
- (i) Assessment Criteria Objective 8.16.1.2(l)

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### **Other Legislation**

None

### **Other Documents**

#### **Vision Rodney**

### **PREAMBLE**

This application seeks consent to subdivide a 1708m<sup>2</sup> rear lot into two sites. The main consent issue was the number of lots gaining access over a single access lot. The application was publicly notified attracting 7 submissions, 5 opposed the application, 2 supported it.

### **THE PRINCIPAL ISSUES THAT WERE IN CONTENTION: (Section 113(1) (ac))**

- (1) Appropriateness of the access to cope with the additional traffic.
- (2) Formed / sealed width of the driveway.
- (3) Suitability of the land for subdivision.
- (4) Impacts on other sites and the amenity values of the neighbourhood.

### **SUMMARY OF THE EVIDENCE HEARD: (Section 113(1) (ad))**

#### **EVIDENCE ON BEHALF OF THE APPLICANT WAS GIVEN BY:**

Evidence on behalf of the applicant was given by Carne Blandy a Planning Consultant.

He indicated that the application was required because it failed to meet the required access performance standards of both the Operative District Plan and the Proposed District Plan 2000.

In his opinion the Proposed District Plan was the most relevant document. He indicated that the proposal met the minimum subdivision standards for the zone and that any development on the sites would be capable of meeting the anticipated environmental performance standards of the District Plan.

The Geotechnical Report confirmed that safe building platforms could be established on the proposed lots.

In his view there would be insignificant adverse effects on the efficiency of the joint access lot to provide adequate access to individual sites.

He indicated that the District Plan requires rear sites to have on site manoeuvring so that vehicles would exit the site in a forwards direction

In his view there was adequate space on the 8m wide access strip to allow a vehicle to pass a parked vehicle easily and safely. There would be no adverse effects on the efficiency of the access lot to provide for both parking and movements along it. The access lot was also of sufficient width to allow for service and emergency vehicles when the subdivision is approved.

In terms of potential noise effects the effects arising from additional traffic would be no more than minor based on the small increase in vehicular flows.

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In summary he was satisfied that potential adverse effects on the performance of the access lot arising from one additional lot would be no more than minor. He was also satisfied the proposal would meet the expected performance standards of the District Plan other than those relating to access. In relation to the size of the lots they were one third larger than the minimum lot sizes required by the District Plan. The development in his opinion would be comparable with those in the neighbourhood given the size of the lots concerned.

On the stability of the site he said that a 5 metre wide building line was proposed as a condition on the lower end of the site. Also the sites could be serviced.

He was satisfied both threshold tests for a non complying activity were satisfied and that the proposal would:

1. Have very minor adverse effects on the environment, these being confined to the effects of the operation of a jointly owned access lot;
2. The proposal was not inconsistent with the relevant Objectives and Policies of the Proposed District Plan;
3. The proposal met the requirements of subdivision for sustainable development as required by the Resource Management Act; and
4. Subject to conditions the proposal should proceed.

**EVIDENCE ON BEHALF OF THE SUBMITTERS WAS GIVEN BY:**

This was given by Anette Goetter and Ties Huisman the owners and occupiers of 101 Percy Street, the site immediately to the south west of the land subject to the application.

Issues they raised included:

1. Problems of traffic and parking along the right of way.
2. The width of the driveway being inadequate for parking and through traffic.
3. Potential effects of construction vehicles and delivery vehicles using the driveway.
4. Problems with refuse.
5. A general increase in traffic along the right of way.
6. That the site was unsuitable for development because one third was swampy which reduced buildable area to below the District Plan area requirements.
7. Stormwater was a problem on site with water flowing through the land in times of heavy rain from sites above the proposed lots. In their opinion flooding was an issue particularly with the creek on the site.
8. Loss of property values.
9. They wanted to see quality design in the development.

Before the right of reply the Reporting Planner indicated that the recommendations of the Geotechnical Report showed that the land was suitable for development subject to certain constraints including the building line and a requirement for subsoil drainage. The access width of the driveway was outside the jurisdiction of the Commissioners.

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In a right of reply Mr Blandy indicated that:

1. The carriageway had an adequate width to take cars associated with the site.
2. His client was comfortable with planting trees on the site boundaries to improve neighbours privacy.
3. The application should be consented to.

**THE MAIN FINDINGS OF FACT:  
(Section 113(1) (ae))**

The main findings of fact determined by the Hearings Panel that have led to the above decision and the reasons for that decision are as follows. They have been reached after considering the application, visiting the site, the evidence and submissions heard at the hearing, the report prepared by the reporting planner, all the relevant statutory and planning provisions, as well as the principal issues that were in contention.

This application seeks consent to subdivide a 1708m<sup>2</sup> rear lot into two lots. Lot 1 being 844m<sup>2</sup> and proposed Lot 2 being 864m<sup>2</sup>. Consent is required because the proposal does not comply with the access requirements as after subdivision eleven sites will use the access lot in lieu of the ten provided for in the Operative Plan. In the Proposed District Plan the required number of sites that may access is reduced to six.

The land concerned is a vacant lot located at the south eastern end of Percy Street in Warkworth. The site has a cross and lengthwise slope. On the southern boundary there is some regenerating mainly native vegetation and a stream running through the site.

**Permitted Baseline**

The Permitted Baseline is a single household unit or a small child care facility, boarding house or private hotel accommodating up to ten people.

**ACTUAL AND POTENTIAL EFFECTS ON THE ENVIRONMENT.**

**1. Character and Amenity.**

The surrounding area is of a residential nature being a new residential area of modern houses with limited planting. The majority of sites in the subdivision are 800 – 900m<sup>2</sup> in size. Some to the east are 600 – 700m<sup>2</sup>. The proposed lots of 844m<sup>2</sup> and 864m<sup>2</sup> will therefore be comparable with those in the surrounding area. The site if subdivided would be required to comply with the relevant rules including the 3 metre set back from site boundaries as well as a height to boundary control, maximum height and building coverage.

The Panel considers that given the size of the lots, its size and the development rules for the zone, it will ensure that the subdivision will not have an adverse effect on the character and amenity of the surrounding area.

**2. Site Stability and Suitability for Development.**

The applicant has submitted a geotechnical report which has been peer reviewed by the Council's engineers. This indicates that subject to conditions including a building line restriction, (10 metres from the south east boundary and 5 metres from the creek) and foundation design requirements that a suitable building platform can be established on the site. Services are also available. The right of way is sealed to the boundary of the land. The Panel are satisfied having inspected the site that it is suitable for development for two lots.

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**3. Access and Parking**

The existing access is 8 metres wide and services 10 properties. There will obviously be an increase in traffic along the right of way, an increase of about 10%; however there is adequate room along the driveway for this traffic to be absorbed into the development. In addition, as a rear site, adequate onsite manoeuvring must be provided. The set backs / yards will also encourage additional onsite parking. In addition, an advice note is included encouraging visitor parking to be specifically provided on each site. Overall the traffic effects will be minor.

**4. Vegetation / Stream**

Subject to conditions including a landscape plan, the retention of existing native trees and the building line impacts on the stream and established vegetation will be minor.

**5. Urban Services**

These matters can be dealt with the same way of conditions.

Overall the Panel is satisfied that subject to conditions including the building lines and appropriate landscaping that the adverse effects on the environment will be minor.

**DISTRICT PLAN OBJECTIVES AND POLICIES**

In terms of the Operative Plan the level of development is anticipated by the subdivision controls. It also has adequate access and services as anticipated by the Objectives and Policies.

In terms of the assessment criteria the Panel are again satisfied that these are satisfied in that:

1. Each lot will be an appropriate size.
2. Access by way of an 8 metre wide high access lot is appropriate. This access being generally level and sealed for its full length.
3. The effects of the additional traffic will be minor.

The Proposed District Plan the Objectives and Policies are concerned amongst other things to maintain and enhance amenity values within residential sites/ areas and neighbourhoods and that buildings should be designed and located so as to minimise adverse effects on the same sites. Because of the site sizes and infrastructure available to the lots as discussed above these requirements are met. In addition the development will need to comply at a later stage with the relevant development rules including maximum height, yards, building coverage and height to boundary. This also includes the provision of at least two off street parking spaces.

Objective 23.3.1 is particularly relevant. It is

*“to ensure that subdivision design including size and shape of sites and site access is compatible with the environment quality of the surrounding land and creates a pattern of land holding which can be used and accessed without creating adverse effects on the neighbourhood or the environment”*

Objective 23.3.2 is to avoid adverse effects on the environment and appropriate services are provided.

For reasons discussed these Objectives are satisfied. As are the assessment criteria.

**REGIONAL POLICY STATEMENT**

The Panel notes that this land is located in the Metropolitan Urban Limits and the subdivision can be seen as a sustainable management of natural and physical resources within the region. It is therefore satisfied there is no conflict with RPS.

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## **OTHER DOCUMENTS**

In terms of Vision Rodney relevant provisions include:

- *We will not let our towns and villages sprawl.*
- *We will maintain our life style and look after the environment.*

The location of these sites in an urban area and their size indicates that these statements of intent are satisfied.

The Panel note that the sites are located in medium intensity areas in the Warkworth Structure Plan.

## **DISTRICT PLAN INTEGRITY / ADMINISTRATION**

Given the above discussion there are no integrity issues in terms of consistent administration of the District Plan.

### **Section 104 / 104D**

In terms of the two arms of Section 104D

1. Subject to conditions the adverse effects on the environment will be minor.
2. The proposal is not contrary to the Objectives and Policies of the District Plan.

## **PART II**

In terms of Part II the proposal can again be consistent with the environmental ethic of Parts II in that:

1. The land has been modified.
2. It is located in an urban area.
3. It has been zoned for development.
4. The level of development will occur as anticipated by the District Plan.
5. Adverse effects of the proposal can be avoided remedied and mitigated.
6. No matters of importance have arisen.
7. Section 7 matters are satisfied.

## **OTHER MATTERS**

Concern has been raised by the submitters, particularly those at the hearing, in relation to the adequacy of the driveway to cope with traffic movements in terms of its sealed width. This is a matter outside the jurisdiction of the Panel and the Council. It could be pursued through other channels in terms of a review of the right of way provisions.

Effects on other sites as already discussed can be dealt with by way of conditions. At the later stage of the building consent stage compliance with the relevant District Plan Rules including yards and heights to boundary will be required unless a resource consent is granted to modify them. In addition given the concerns of some submitters a landscape plan is required to reduce the impact of the subsequent development.

The Panel note that any effects on property values are not a matter relevant in the consideration of a Resource Consent.

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**CONCLUSION**

The Panel are satisfied that subject to conditions that the sites are suitable for development. The land is a finite resource and the size of the lots more than meets the subdivision standards in both District Plans.

Consent is **granted** subject to conditions.

**LAPSING OF CONSENT**

Pursuant to Section 125 of the Resource Management Act 1991, this resource consent will expire 5 years after the date of commencement of consent unless, before the consent lapses;

- (a) the consent is given effect to; or
- (b) an application is made to the Council to extend the period of consent, and the Council decides to grant an extension after taking into account the statutory considerations, set out in section 125(1) (b) of the Resource Management Act 1991.

**CONDITIONS OF CONSENT:**

**Pursuant to Section 108 of the Resource Management Act 1991, this consent is subject to the following conditions:**

**Conditions on development of the land**

1. **(Landscaping)** No development shall take place until there has been submitted to and approved in writing by the Team Leader Resource Consents a scheme of landscaping, which shall include details of all existing trees and vegetation on the land and details of any to be retained, together with measures for their protection during the course of the development; boundary treatments and areas of hard surfacing.
2. **(Planting)** All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out during the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Council gives written consent to any variation.
3. **(Native trees / vegetation)** The existing native trees and vegetation within the site, other than those identified as a weed species, shall be retained and shall not be felled, lopped or topped without the prior written consent of the Team Leader Resource Consents.

**General**

4. **(General)** The subdivision shall occur in general accordance with the proposed plans of subdivision R 52580 prepared by Brown and Associates ref: P98, dated May 2007.

**Prior to s 223**

5. **(conditions to be shown on survey title plan)** Before the Council will approve the survey plan pursuant to s.223 of the Act, the owner shall:
  - (a) **(land transfer plan)** Show Lots 1 and 3 on the land transfer plan.

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**Prior to s 224 (c)**

6. **(conditions to be carried out by consent holder)** Before the Council will issue a Certificate pursuant to s.224(c) of the Act, the Consent Holder shall satisfy the following conditions at their full cost:

- (a) **(balance of fees)** Pay any outstanding balance due to the Council for scheme plan processing.
- (b) **(developer's representative)** Prior to the commencement of engineering design, the Consent Holder shall nominate, in writing, its Developer's Representative in terms of Council's "Standards for Engineering Design and Construction" to be the first point of contact for all engineering matters. Any subsequent change to the nominated Developer's Representative shall be immediately notified in writing to the Consents Engineer.
- (c) **(insurance and warranties for engineering works)** Prior to the commencement of engineering design for the works required by these conditions, the Consent Holder and the Developer's Representative shall provide to the Council proof of Professional Indemnity Insurance and Warranties in full satisfaction of section 102 of the "Standards for Engineering Design and Construction".
- (d) **(engineering plans)** The engineering works required by this consent shall comply with the Council's "Standards for Engineering Design and Construction" as may be amended from time to time. 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 roads, the laying of pipes and other ancillary equipment to be vested in the Council for water supply, drainage or sewage disposal;
- Street lights, landscaping or structures on land vested, or to be vested, in the Council;
- The installation of gas, electrical or telecommunication reticulation including ancillary equipment; and
- Any other works required by conditions of this consent.

Note: Structures such as retaining walls, in-ground walls and bridges will require a separate Building Consent.

Note: The plans required under this condition are separate to, and do not form part of, any Building Consent that may be required on the subject site.

- (e) **(pre-construction meeting)** The Developer's Representative shall give the Consents Field Supervisor named in the engineering plan approval at least 5 working days notice of the on-site pre-construction site meeting (refer section 103.15 of the "Standards for Engineering Design and Construction"). Construction work shall not commence on the site until such meeting has been held and all necessary documentation presented.

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**Note:** Attention is drawn to the requirements of section 103.15.3 “Standards for Engineering Design and Construction” for the following documentation to be presented at the preconstruction meeting:

- Approved engineering plans and copy of approval letter;
  - The Signed Road Opening Notice;
  - The relevant Resource or Subdivision Consent (and all conditions attached thereto);
  - Signed copies of all Consents to Enter for Construction for works on land (including Council land) not owned by the consent holder.
- (f) (**earthworks design**) 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 KGA Consulting Geotechnical Engineers Limited, reference 4633 , dated 31 July 2007.
- (g) (**earthworks certification**) On completion of earthworks, an Earthworks Completion Report 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 works, shall be provided to the Consents Engineer.
- (h) (**silt retention**) Before commencement of any works, adequate silt retention structures as detailed in the Auckland Regional Council Technical Publication No. 90 "Erosion and Sediment Control Guidelines for Land Disturbing Activities in the Auckland Region" shall be installed. These structures shall be maintained and cleaned out as necessary until such time as complete grass cover, or other non-erodible surfacing, has been re-established over the site.
- The location and detail of the sediment control shall be included in the Engineering Plans for approval prior to commencement of construction.
- (i) (**construction of crossing**) The vehicle crossing to the boundary of each of Lots 1 & 2 shall be constructed to the residential standards of the “Standards for Engineering Design and Construction”.
- (j) (**water supply connections**) Connections to the existing public water supply system which lies within or is contiguous to the land in the Scheme Plan shall be provided to serve each of Lots 1 & 2 within the subdivision, to the Council’s “Standards for Engineering Design and Construction”.
- (k) (**sanitary sewer reticulation**) The existing public sanitary sewer system which lies within or is contiguous to the land in the development shall be extended to the requirements of the Council’s “Standard for Engineering Design and Construction” to serve Lot 1 within the development to become part of the public services of the District.
- (l) (**stormwater connections**) Connections to the existing public stormwater system which lies within or is contiguous to the land in the Scheme Plan shall be provided to serve Lot 1 within the subdivision, to the Council’s “Standards for Engineering Design and Construction”.
- (m) (**provide for electric power**) 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.

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- (n) **(provide for telephone)** 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.
- (o) **(financial contributions)** Pursuant to Operative Plan Change 62 (Chapter 22), the financial contributions as set out in the "Schedule of Financial Contributions", RMA SUB-52580, and Sequence 001, attached to this consent shall be paid to the Council in full mitigation of the offsite effects of the activity in respect of infrastructure and community facilities.

**Note:** Pursuant to Minute Number 182 / 02 / 05, these financial contributions have been assessed in accordance with the initially calculated Schedule referred to in Clause 6.6 of Appendix 22B of Plan Change 62.

Where a financial contribution paid under this consent exceeds that payable under the final Household Unit Contributions Schedule, the excess contribution amount will be refunded to the consent holder.

Where a financial contribution paid under this consent is less than that payable under the final Household Unit Contributions Schedule, no further contribution will be required to be paid by the consent holder.

- (p) **(reassessment of contributions)** Any portion of the contributions remaining unpaid on the anniversary of the date of granting the consent shall be adjusted by applying any change in the Producer Price Index – Construction between the date of consent and the most recent anniversary of the date of consent prior to the payment of the contribution.

Any portion of the contributions remaining unpaid five years after the date of granting of the consent shall be fully reassessed in accordance with Operative Plan Change 62 immediately before the time of payment.

For the purposes of this condition, "immediately prior to payment" shall mean "within two calendar-months of the date of payment"

- (q) **(timing of payment)** Pursuant to Rule 22.8.3.2, all contributions shall be paid in full prior to the issue of the s.224(c) certificate, unless other arrangements satisfactory to the Council have been made pursuant to Rule 22.8.5. In the case of staged developments, the contribution payable on each stage shall be reassessed on the number of sites created in each stage.

**Note:** The Council will cancel any redundant conditional easements at Sec. 224 stage.

7. 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 Lot 1 or Lot 2 shall be subject to Requirements of the Geotechnical Report, prepared by KGA Consulting Geotechnical Engineers Limited, reference 4633, dated 31 July 2007 and any subsequent reports. Copies of the said report(s) will be held at the offices of the Council, Centreway Road, Orewa.

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**ADVICE NOTE**

The consent holder is advised that having regard to the potential for additional traffic along the driveway it would be desirable to provide each site with specific visitor parking in addition to the parking spaces required by the District Plan.

**Carried**

The meeting closed at 12.00 p.m.

CONFIRMED AS A TRUE AND CORRECT RECORD THIS 24TH DAY OF APRIL 2008

MAYOR

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