

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 Monday, 4 February 2008.

PRESENT:

Chair	Harry Bhana
Crs	June Turner
	Suzanne Weld

IN ATTENDANCE:

Reporting Planner	Diana Bell
Team Leader	Ian Dobson
Landscape Ecologist	Kerstie Wilson Zandvoort
Committee Adviser	Raewyn Morrison

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302/02/08 APOLOGIES AND ANNOUNCEMENTS

AGENDA ITEM NO. 1

There were no apologies or announcements.

303/02/08 REQUESTS FOR CONSIDERATION OF URGENT ITEMS

AGENDA ITEM NO. 2

There were no requests for the consideration of urgent items.

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304/02/08 RESOURCE CONSENT APPLICATION UNDER SECTION 88 OF THE RESOURCE MANAGEMENT ACT 1991**APPLICATION FOR CONSENT TO RELOCATE THE BOUNDARIES BETWEEN LOTS 8 & 11 DP 361367 AND LOT 10 DP 361367 AND TO CREATE 2 RURAL RESIDENTIAL SITES IN EXCHANGE FOR 12.02 HECTARES OF LAND REHABILITATION USING NATIVE PLANTS**

Address: 289 Upper Waiwera Road, Upper Waiwera

APPLICANTS: C AND K BATTEN

FILE REF R51322
WARD Northern/Western
AGENDA ITEM NO. 3

9.00 a.m. The applicant proposes to relocate the boundary between Lot 10 DP 361367 and Lot 8 & 11 DP 361367. It is also proposed to create two additional lots in exchange for 12.02ha of land rehabilitation by way of native planting at an average spacing of 2m. The proposed new lots, Lots 1 and 2, are to be 3.4 hectares and 4.6 hectares respectively. The balance lot, Lot 4, will have an average of 80.3 hectares and will contain the existing dwelling.

The applicant, Mr Chris Batten, present.

Submitter, Mr Warwick Massey on behalf of the Mid North Branch of the Royal Forest and Bird Protection Society, present.

Observer: Robert Walker, Council Planner.

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

The applicant, Mr Batten, distributed a letter addressed to the Committee. He gave verbal evidence. The following was noted:

Mr Batten said that he had had a couple of previous Resource Consent applications. One of the applications had resulted in mediation with the Council in which it was agreed to get rid of pine trees and plant natives. That negotiation had been amicable but Mr Batten noted that he could have insisted on poplar planting but personally he decided on native planting. He was still waiting on finalisation of that application. Mr Batten said that this application was of a similar style but he had experienced long delays and great expense as he'd had to supply four different "expert" reports. Basically it came down to 1m or 2m spacings of plants. His view was that the Council was being totally pedantic. He considered that 2m spacings would encourage regeneration and that although 1m would provide the same effect he was asking for a compromise because of expense. Although this meeting might satisfy Council regulations he regarded it as being a total waste of time.

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

He made the statement about efficiency of natural regeneration by his observations of the evidence all around of native regeneration and his observation of driving through the countryside. Regenerating bush had a variety of different species not mentioned in any report. In his view 1m spacings might not work as well as what the reports suggest as he considered the opinion to be experimental and not trialled. It was possible another expert might produce a different report. He didn't think it was necessary to supply report after report and he felt that the Council rejected anything but their own report.

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With regard to the application which attempted to utilise poplar planting, he had wanted to plant 70 trees per hectare but the Council required 300. With that number of trees he didn't believe that native plants would be able to come through. He didn't think the expert opinion made sense and it was not conducive to getting started and planting in natives. He was of the opinion that the ground below poplars would revegetate with natural seed. In another previous application he had poisoned pine trees and now 1m high natives were coming through with a variety of species. He considered that 2m spacings would be adequate, especially with pests and stock kept out of the planted area. Mr Batten reiterated that his comments were based on his observations; he had substantial land holdings throughout the country and he saw natural regeneration as being an inevitable consequence.

The area proposed for planting was a mixture of damp and dry. In the damper areas there was more incidence of totara growing in pasture on the edge of damp areas despite that area being grazed. From his observation larger forest species took hold first in damper areas. In one area kanuka was colonising the slopes which were steep and dry. He had removed the grazing about a year ago and he hadn't noticed much change apart from the grass growing long, however there had been a very dry March and April. Regeneration depended on a lot of factors and it was his opinion that there was little knowledge about how regeneration occurred.

Mr Batten said that the boundary relocation was essential to the proposal and he would have preferred the applications to be excluded from each other.

Mr Massey on behalf of Mid North Royal Forest and Bird Protection Society gave verbal evidence.

Mr Massey said that he had experience in bush regeneration as he was seeking to do so at his own property. Mr Massey noted the huge pressure there was throughout the district to obtain additional subdivision. He believed that subdivisions obtained by mitigation bush or poplar planting were incrementally "biting away" at Vision Rodney. He considered that Mr Batten's proposal was one of many and precedent effects would follow. Mr Massey said that he agreed with the planner's report and recommendation. He noted that although the application was for two extra lots, incrementally this was a process the Batten family had embarked upon and actually added up to being quite significant little bit by little bit. Mr Massey said that it had often been said that "you can't make bush" but that didn't invalidate the rules regarding mitigation of detrimental effects, the District Plan had to be formulaic. Mr Massey acknowledged that there was a variation of planting required for wet and dry areas. He said that if the Panel agreed with planting at 1.5 centres or 2m centres, a precedent would be set. Mr Massey considered the application in its present form should be refused as it would set a precedent for other applications of a similar sort.

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

If 2 lots were allowed he would expect the planting density required to be at 1m centres; this was formulated on what experts considered to result in the best outcome, especially taking into account the loss of plants etc.

Ms Wilson Zandvoort addressed the Panel. The following was noted:

Ms Wilson Zandvoort said that the advantages of higher density lead to native canopy cover and provided stabilisation. She noted that the Batten site was full of steep slopes and riparian gullies. Planting would prevent soil slip and erosion on the upper slopes, she recommended spacings of 1.4m, with planting in riparian areas at 1m spacings. Ms Wilson Zandvoort agreed that regeneration was an uncertain science but that there should be as many plants in as possible for root binding. Canopy cover meant that weeds were not an issue in native restoration planting and weeds were eliminated by planting at a greater density. Ms Wilson Zandvoort said that weed maintenance would cost quite a considerable amount at 2m spacings. She said that the Council's restoration guidelines had been drawn from other councils as Rodney did not have its own. She detailed the ARC planting requirements for the benefit of the Panel. Ms Wilson Zandvoort said that 1.4m spacings gave an even number of plants per hectare, being 5,100. At 2m spacings the total number of plants would be 2,500. Ms Wilson Zandvoort discussed the control of soil erosion and weed growth and said that weed control would make sure canopy closure was achieved. Weeds grew faster than native planting and competed for moisture etc. She noted that the Plan had guidelines for native revegetation which sets out how this was to be carried out, and addressed fertiliser, weed control, the recommended

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chemicals etc. Until a 75% canopy cover was achieved the bush should be monitored, this being followed through with the conditions of consent.

Ms Bell addressed her report. The following was noted:

Ms Bell said that she agreed with the comments from Mr Massey that the proposal had the ability to create a precedent effect. Ms Bell said that she saw nothing unusual in the proposal with respect to the proposal using less density of planting and as there had been no evidence presented to change her recommendation she stood by the recommendation in her report.

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

Mr Batten said that the argument came down to spacing. He noted the previous application had been approved at 2,500 plants per hectare. He didn't think there was such a thing as precedent. He said that everyone wanted native bush and how we got native bush wasn't really what the application was about - it was about soil erosion. In his view pine trees were best at containing erosion as they had root binding. He considered the required spacing was not conducive to soil erosion; it was only conducive to someone's emotional idea about obtaining native bush. He considered insisting on native bush of a closer spacing to be over the top. He said that he didn't have weeds on the property, the gorse had been gone about 40 – 50 years ago and the ARC had a rule that any gorse should be cut 5m back from a boundary. A maintenance programme would cover weed control, not canopy closure. Planting thousands of natives would bind the top surface but wouldn't stop erosion like deeper rooted trees would achieve on the steep, slipping land. Mr Batten concluded by saying that he felt the Council wanted to resist subdivision by any means; he didn't think it was about erosion at all.

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

The Chairperson closed the hearing on Friday, 29 February 2008 upon agreement of the finalisation of the decision.

Subsequently the Panel resolved:

Weld/Turner

THE DECISION

This decision is given in two parts as follows:

- 1. That pursuant to Section 104 and 108 of the Resource Management Act 1991, the part of the application that seeks consent to relocate the boundaries between Lots 8 & 11 and Lot 10 DP 361367 at 289 Upper Waiwera Road, Puhoi is granted consent.**
- 2. That pursuant to Section 104D of the Resource Management Act 1991, the part of the application which seeks consent to create 2 rural residential sites in exchange for 12.02 hectares of land rehabilitation is refused consent.**

REASONS FOR DECISION GRANTING CONSENT TO BOUNDARY RELOCATION

1. The adverse effects on the environment arising from the boundary relocation will be no more than minor.
2. The grant of consent to the boundary relocation proposed will be consistent with the objectives and policies of both the Operative District Plan and Proposed District Plan 2000.
3. The grant of consent to the boundary relocation will also be consistent with the Auckland Regional Policy Statement.

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REASONS FOR DECISION REFUSING CONSENT TO THE CREATION OF 2 RURAL RESIDENTIAL LOTS IN EXCHANGE FOR REHABILITATION PLANTING

1. The proposed rehabilitation of 12.02 ha is not of adequate quality, composition and significance to offset the actual and potential adverse environmental effects of the proposed development on the surrounding rural environment and will have adverse cumulative effects on rural character.
2. The grant of consent to the application would be contrary to the objectives and policies of the Operative District Plan and Proposed District Plan which endeavour to protect rural amenity and character.
3. The grant of consent to the application would not be consistent with the Auckland Regional Policy Statement in particular those policies which seek to protect amenity values and rural character from inappropriate subdivision.
4. The application does not have sufficient distinguishing characteristics to prevent a precedent being set by this proposal. The environmental compensation offered falls short of the District Plan requirements and expectations which are necessary to offset subdivision effects and ensure that rural character and amenity values are maintained and/or enhanced. As a consequence grant of consent to the application would impact adversely on the Council's ability to consistently administer the District Plans and could impact adversely on the public's confidence in this regard.

THE RELEVANT STATUTORY PROVISIONS THAT WERE CONSIDERED:

Overall the boundary relocation aspect of the application was considered to be a discretionary activity and was considered in terms of section 104 and Part II of the Act. The part of the application which requested consent to the creation of two rural residential lots in exchange for the rehabilitation and planting of 12.02 ha of land was considered to be a non-complying activity and was considered in terms of sections 104, 104D and Part II of the Act.

OTHER RELEVANT PROVISIONS THAT WERE CONSIDERED:

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

National Policy Statement Provisions

None applicable

New Zealand Coastal Policy Statement Provisions

None applicable

Auckland Regional Policy Statement Provisions

2.5.1.3; 2.5.1.5; 2.5.2.2; 2.5.2.4; 2.5.2.5; 2.6.1.7

Proposed Regional Policy Statements Provisions

2.6.17.1; 2.6.17.3, 4, 5 & 6

Auckland Regional Plan: Coastal Provisions

None applicable

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Auckland Regional Plan: Air Land and Water Provisions

None applicable

Plan Provisions**1993 Transitional District Plan**

None applicable

Plan Change Number 26 Residential Provisions

None applicable.

Plan Change Number 55 Rural Provisions

General Objective for the Rural Area and Objectives 5.1; 5.5; and Policies 5.2; 5.4

Plan Change Number 62 Financial Contributions

Relevant provisions considered

Proposed Plan Provisions**Proposed District Plan 2000**

Objectives is 7.3.1; 7.3.2; 7.3.3; 7.3.4; 7.3.5; 7.3.7; 7.3.8; 7.3.9; 7.3.10; 7.3.11; 7.8.1.1.1; 7.8.1.1.2; 7.8.1.1.3; 7.8.1.1.4

Policies 7.4.1; 7.4.2; 7.4.4; 7.4.5; 7.4.7; 7.4.8; 7.4.9; 7.4.10; 7.4.11; 7.8.1.2.1; 7.8.1.2.2; 7.8.1.2.3; 7.8.1.2.4; 7.8.1.2.11

PREAMBLE

This was an application for consent to re-locate the boundaries between two adjacent rural sites, Lots 8 & 11 DP 361367 (which is currently amalgamated as a single site) and Lot 10 DP 361367. This part of the application fell to be considered as a discretionary activity. The application also requested consent to the creation of two rural residential lots in exchange for 12.02 ha of land rehabilitation. The proposal failed to comply with the rules, particularly Rule 7.14.1.2, regarding the native revegetation standards which permit the creation of rural residential lots (which are not otherwise permitted) in exchange for land rehabilitation conforming to the standards set in the plan. Failure to comply with those rules meant that the creation of the two rural residential sites required consent as a non-complying activity. The application was notified and three submissions were received including a submission in support from immediate neighbours, a submission in opposition from Royal Forest and Bird Protection Society Inc, and a neutral submission from New Zealand Fire Service Commission seeking adequate conditions regarding water supply.

SITE VISIT

The Panel visited the site on the 4 February 2008 immediately following the hearing.

THE PRINCIPAL ISSUES THAT WERE IN CONTENTION:

The principal issues that were in contention were as follows:

1. Whether there was any justification for waiving the requirement for compliance with rules regarding the nature of rehabilitation planting using native plants. In particular the rules required the provision of plants spaced at 1.0 m in riparian areas and 1.4m centres in other areas while the applicant proposed to plant at 2m centres. The applicant's proposal resulted in around a 50% reduction in the total planting required.

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2. Whether the rehabilitation planting proposed provided a sufficient environmental benefit to outweigh the adverse effects that the creation of two further rural residential sites might have on the rural character of the area.
3. Whether there were any unusual circumstances or characteristics of the site or the application that would enable grant of consent to the application in a manner that would avoid calling into question the ability of the Council to administer its District Plan in a consistent fashion given the considerable pressure for further rural residential development in the General Rural area.

SUMMARY OF THE EVIDENCE HEARD:**SUBMISSIONS AND EVIDENCE ON BEHALF OF THE APPLICANT****MR CHRIS BATTEN ON BEHALF OF THE APPLICANT:**

Mr Batten referred to previous Resource Consent applications. He advised he was still waiting on finalisation on one of those applications. Mr Batten said that this application was of a similar style but he had experienced long delays and great expense as he had to supply four different "expert" reports. Basically it came down to 1m or 2m spacings of plants. His view was that the Council was being totally pedantic. He considered that 2m spacings would encourage regeneration and that although 1m would provide the same effect he was asking for a compromise because of expense. Although the Public Hearing might satisfy Council regulations he regarded it as being a total waste of time.

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

He made the statement about efficiency of natural regeneration by his observations of the evidence all around of native regeneration and his observation of driving through the countryside. Regenerating bush had a variety of different species not mentioned in any report. He felt that planting a smaller array of species was not necessarily inappropriate. In his view 1m spacings might not work as well as the reports suggest as he considered the opinion to be experimental and not trialled. It was possible another expert might produce a different report. He didn't think it was necessary to supply report after report and he felt that the Council rejected anything but their own report.

He commented on his experience with the Council requirements in regard to a previous application which attempted to utilise poplar planting. In another previous application he had poisoned pine trees and now 1m high natives were coming through with a variety of species. He considered that 2m spacings would be adequate, especially with pests and stock kept out of the planted area.

Mr Batten reiterated that his comments were based on his observations; he had substantial land holdings throughout the country and he saw natural regeneration as being an inevitable consequence. The area proposed for planting was a mixture of damp and dry. In the damper areas there was more incidence of totara growing up in pasture on the edge of damp despite the area being grazed. From his observation larger forest species took hold first in damper areas. In one area kanuka was colonising the slopes which were steep and dry. He had stopped grazing the areas that he now proposed to covenant about a year ago and he hadn't noticed much change apart from the grass growing long, however there had been a very dry March and April. Regeneration depended on a lot of factors and it was his opinion that there was little knowledge about how regeneration occurred.

Mr Batten said that the boundary relocation was essential to the proposal and he would have preferred the applications to be excluded from each other.

In reply to the submissions and the evidence of Mr Massey and that of the Council Officers and Consultants, Mr Batten said that the argument came down to spacing. He noted the previous application had been approved at 2,500 plants per hectare. He didn't think there was such a thing as precedent. He said that everyone wanted native bush and how we got native bush wasn't really what the application was about - it was about soil erosion. In his view pine trees were best at containing erosion as they had root binding. He considered the required spacing was not conducive to soil erosion, it was only conducive to someone's emotional idea about obtaining native bush. He considered insisting on native bush of a closer spacing to be 'over the top'. He said that he didn't have

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weeds on the property, the gorse had been gone about 40 – 50 years ago and the ARC had a rule that any gorse should be cut 5m back from a boundary. A maintenance programme would cover weed control, not canopy closure. Planting thousands of natives would bind the top surface but wouldn't stop erosion on the steep, slipping land as well as deeper rooted trees would achieve. Mr Batten concluded by saying that he felt the Council wanted to resist subdivision by any means; he didn't think it was about erosion at all.

SUBMISSIONS AND EVIDENCE ON BEHALF OF THE SUBMITTERS

SUBMISSION BY WARWICK MASSEY ON BEHALF OF ROYAL NEW ZEALAND FOREST AND BIRD SOCIETY INC

Mr Massey said that he had experience in bush regeneration as he was involved in that on his own property. Mr Massey noted the huge pressure there was throughout the district to obtain additional subdivision. He believed that subdivisions obtained by mitigation bush or poplar planting were incrementally "biting away" at Vision Rodney. Mr Batten's proposal was one of many and precedent effects would follow. Mr Massey said that he agreed with the planner's report and recommendation. He noted that although the application was for two extra lots, incrementally this was a process the Batten family had embarked upon and actually added up to being quite significant little bit by little bit. Mr Massey said that it had often been said that "you can't make bush" but that didn't invalidate the rules regarding mitigation of detrimental effect; the District Plan had to be formulaic. Mr Massey acknowledged that there was a variation of planting required for wet and dry areas. He said that if the Panel agreed with planting at 1.5 centres or 2m centres, a precedent would be set. Mr Massey considered the application in its present form should be refused as it would set a precedent for other applications of a similar sort.

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

If 2 lots were allowed he would expect the planting density required be at 1m centres; this was formulated on what experts considered to result in the best outcome, especially taking into account the loss of plants etc.

THE EVIDENCE OF COUNCIL OFFICERS

REPORT OF DIANA BELL - REPORTING PLANNER

Ms Bell's report described the planning history relating to the subject land including a progression of rural residential subdivisions granted on the basis of the covenanting of bush. Her report described the application and explained that the boundary relocation required consideration as a discretionary activity under the Operative District Plan and required consideration as a restricted discretionary activity under the Proposed District Plan. She explained that the rural residential subdivision was based on significant land rehabilitation and advised that failure to comply with rules regarding the density of planting meant that this aspect of the application required consent as a non-complying activity. The relevant rule (Rule 7.14.3.2.4) is specific in requiring a planting density of 1.4m centres. As well, the report noted that the maximum site size for rural residential sites is 2 ha and proposed Lot 1 is 3.4 ha and Lot 2 is 4.6 ha. This failure to comply with the minimum site size requirement results in the application becoming non-complying in this regard also. The report gave a description of the subject site and advised that the outcome of public notification had been the lodgement of submissions by Michael and Adrienne Power in support, Royal Forest and Bird Protection Society Inc. in opposition and New Zealand Fire Service Commission seeking conditions regarding water supply.

Ms Bell carried out an assessment of the application in terms of s104 with particular reference to potential effects on rural character including that the adverse character and amenity effects created by the proposed subdivision would be more than minor because the proposal failed to provide adequate environmental benefits in return for the right to create two additional lots. The report noted that the boundary relocation was not an issue in this regard. In assessing visual and landscape effects the report concluded that the proposed subdivision was unlikely to lead to especially prominent visual effects.

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The report discussed the proposed land rehabilitation with reference to a peer review report prepared by Ms Kerstie Wilson Zandvoort of Boffa Miskell. Ms Wilson Zandvoort's report indicated that the proposed planting would not achieve adequate ground stabilisation which was the primary intent of the Significant Land Rehabilitation provisions of the Proposed District Plan. Her report noted that the District Plan provisions were consistent with the ARC's "Good Start Planting Guide" (2003). She noted that the 1.4m spacing would assist in achieving canopy closure within five years while reducing associated maintenance costs for weed control. She pointed out that the areas adjacent to the water courses would require riparian planting at 1m spacings. She said that the District Plan provisions concerning land rehabilitation require initial mass planting to achieve the objectives of rapid erosion protection and slope stabilisation.

In summarising effects on the environment Ms Bell's report noted that the provision of services and access and traffic generation effects were not significant issues and emphasised that the major concern arose from the need to provide a high standard of environmental protection in the rehabilitation areas in order to offset or compensate for the adverse effects of rural residential subdivision.

The report assessed the proposed subdivision having regard to the objectives and policies of both district plans noting that the boundary relocation aspect of the application was generally consistent with those objectives and policies, however the creation of two rural residential lots in exchange for the proposed rehabilitation planting of 12.02 ha was clearly inconsistent with many of the objectives and policies contained in the plan particularly because the proposed subdivision will lead to adverse effects on rural character which are not adequately compensated by significant environmental benefits required under the Proposed Plan rules.

The report writer also considered that the grant of consent to the application would not be consistent with the Regional Policy Statement and in particular with policy 2.6.1.7 of that Statement (requiring protection of soil resources, amenity values, rural character, and landscape values of rural areas).

Ms Bell concluded that the consent authority could not be satisfied that the gateway tests of s104D could be satisfied for the reasons set out above.

In response to the applicant's evidence and submissions and that of Mr Massey, Ms Bell gave the following additional verbal evidence. She said that she agreed with the comments from Mr Massey that the proposal had the ability to create a precedent effect and that she saw nothing unusual with respect to the proposal using less density of planting. She stood by the recommendation in her report as there had been no evidence presented to change her recommendation.

EVIDENCE OF MS KERSTIE WILSON ZANDVOORT

Ms Wilson Zandvoort said that the advantages of higher density planning was that it leads to earlier establishment of native canopy cover and provided stabilisation. She noted that the areas of the Batten site to be covenanted were characterised by steep slopes and riparian gullies. Planting would prevent soil slip and erosion on the upper slopes. She endorsed the recommended spacings of 1.4m, with planting in riparian areas at 1m spacings. Ms Wilson Zandvoort agreed that regeneration was an uncertain science but that there should be as many plants in as possible for root binding. Canopy cover meant that weeds were not an issue in native restoration planting and weeds were eliminated by planting at a greater density. Ms Wilson Zandvoort said that weed maintenance would cost quite a considerable amount at 2m spacings. She said that the Council's restoration guidelines had been drawn from other councils as Rodney did not have its own. She detailed the ARC planting requirements for the benefit of the Panel. Ms Wilson Zandvoort said that 1.4m spacings gave an even number of plants per hectare, being 5,100. At 2m spacings the total number of plants would be 2,500. Ms Wilson Zandvoort discussed the control of soil erosion and weed growth and said that weed control would make sure canopy closure was achieved. Weeds grew faster than native planting and competed for moisture etc. She noted that the Plan had guidelines for native revegetation which sets out how this was to be carried out, and addressed fertiliser, weed control, the recommended chemicals etc. Until a 75% canopy cover was achieved the bush would be monitored, this being followed through with the conditions of consent.

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THE MAIN FINDINGS OF FACT:**BASIS**

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 visiting the site, considering the application, 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.

BOUNDARY RELOCATION

The Panel is satisfied that the proposed boundary relocation is in accord with the objectives and policies of the plan and will have no discernible adverse effects on the environment.

REHABILITATION PLANTING

The Panel is of the view that the applicant has provided no basis for establishing any unusual circumstances that apply to the subject land or the proposal. For that reason it considers that consent cannot be granted because the rehabilitation planting proposed does not offer sufficient environmental benefit to offset the adverse effects of additional rural residential development on rural character. Furthermore it considers that the grant of consent would call into question the ability of the Council to consistently administer the rules regarding rehabilitation planting in a situation where pressure for additional rural residential development requires strong and consistent management of the rural land resource.

CONSENT 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;

- the consent is given effect to; or
- 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:

SUBDIVISION

1. **(general) Except as amended by specific subdivision conditions below, specifically condition 2(a) which requires the removal of proposed Lots 1 and 2, the development shall proceed in general accordance with the application documents and plans submitted, which includes but is not limited to the following:**
 - 1) **The original application report submitted by Cato Bolam Consultants Ltd, dated 7 September 2006 and referenced 18682.**
 - 2) **Scheme Plan prepared by Cato Bolam Consultants Ltd, dated December 2006 and referenced 18682.**

To be completed before Council approval of Survey Plan

2. **(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 undertake to give effect to and show on the survey plan:
- a. **(amendment required)** Remove proposed Lots 1 and 2 from the scheme plan and show them as part of Lot 4.
 - b. **(title amalgamation)** Pursuant to s.220(1)(b)(ii) of the Act, have endorsed on the survey plan the following condition of amalgamation:
 - That Lot 11 DP 361367 be held in the same ownership as Lot 4 hereon and one Certificate of Title be issued in accordance therewith.
 - c. **(easements required)** The right of way easement labelled "A" shall be endorsed on the survey plan under a Schedule of Memorandum of Easements.

Prior to s.224(c)

3. **(conditions to be carried out by developer)** 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:
- a. **(geotechnical report)** Provide two updated copies of the geotechnical report with reference to the correct lot number in the subdivision.
 - b. **(balance of fees)** Pay any outstanding balance due to the Council for scheme plan processing.

Advice Notes

1. 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.

Carried

The Chairperson closed the hearing at 4.30 p.m. on Friday, 29 February 2008 following agreement on the finalisation of the decision.

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

MAYOR

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