

RESOURCE CONSENTS HEARINGS PANEL

MINUTES: of a meeting of the Resource Consents Hearings Panel which commenced at 10.30 a.m. in the Council Chamber, Centreway Road, Orewa on Friday, 22 April 2005.

PRESENT:

Chairperson	John Childs	Alan Watson
Councillors	Penny Webster	(10.30 a.m.)
	John Ross	(10.30 a.m.)
	Thomas Grace	(11.15 p.m.)
	David Steele	(11.15 p.m.)

IN ATTENDANCE: Committee Adviser Felicity Potgieter

* * * * *

543/04/05 APOLOGIES AND ANNOUNCEMENTS

AGENDA ITEM NO. 1

There were no apologies or announcements.

544/04/05 REQUESTS FOR CONSIDERATION OF URGENT ITEMS

AGENDA ITEM NO. 2

Ross/Webster

That the Section 94 Kidd application seeking to change conditions of consent be heard due to time constraints.

Carried

545/04/05 RESOURCE CONSENT TO REMOVE A MANNA GUM TREE WHICH IS LISTED AS A SIGNIFICANT EXOTIC TREE UNDER THE PROPOSED DISTRICT PLAN 2000

APPLICANT: WARKWORTH CUSTODIANS LIMITED

FILE REF L37756

WARD NORTHERN

AGENDA ITEM NO. 3

This item was postponed at the request of the applicant.

22 April 2005

546/04/05	REQUEST FOR CONSIDERATION OF AN URGENT ITEM:
	SECTION 94 DECISION: CONSENT IS SOUGHT TO CHANGE CONDITIONS OF CONSENT TO PERMIT WINE SALES BY WAY OF E-MAIL, MAIL AND PHONE ORDER ONLY.
	APPLICANT: N S & B A KIDD
FILE REF	L38476
WARD	NORTHERN
AGENDA ITEM NO.	2A

10.30 a.m. Lloyd Barton (Manager Resource Management) discussed the application with the Panel.

The Panel subsequently resolved:

Webster/Ross

Decision

That the application be dealt with on a non-notified basis.

Reasons

- 1. The permitted baseline would allow more significant traffic movements than that proposed ie 2 per week (one delivery by van per week).**
- 2. The proposal is consistent with the provisions of Plan Change 55 and the Proposed District Plan in allowing a small business based on rural production to operate from the site with minimal adverse effects.**
- 3. The adverse effects of the proposal on the environment will be less than minor.**
- 4. No parties are considered to be adversely affected.**
- 5. Given the very minor nature of the proposal including the low number of traffic movements, there are no special circumstances which justify the notification of the application.**

In reaching its decision the Panel has taken into consideration the letters from local residents (Monarch Downs Residents Association and P Vegar-Fitzgerald and K Fitzgerald & their solicitor) and the general traffic assessment of the Monarch Downs Access Way prepared by Jos Vroegop of Traffic Planning Consultants (23 October 2003).

Carried

11.00 a.m. Councillors Webster and Ross retired from the meeting.

22 April 2005

547/04/05

ADJOURNED RESOURCE CONSENT HEARING

CONSENT TO ESTABLISH A 15 LOT FARM PARK SUBDIVISION AND VISITOR ACCOMMODATION CONSISTING OF: A LODGE WITH MANAGERS ACCOMMODATION, BAR AND DINING FACILITIES; 10 LODGE ACCOMMODATION UNITS (SINGLE BEDROOM UNITS WITH NO COOKING FACILITIES), 10 LODGE VILLAS (THREE BEDROOM SELF CONTAINED UNITS). VISITORS AND RESIDENTS OF THE FARM PARK ARE TO HAVE ACCESS TO COMMUNAL RECREATIONAL FACILITIES INCLUDING A TENNIS COURT, SWIMMING POOL, GYM, AND HORSE RIDING FACILITIES. THE PROPOSAL INVOLVES A VOLUME OF 22,000M³ OF EARTHWORKS.

APPLICANT: MORRISON FARM PARK LTD

FILE REF

L37139

WARD

WESTERN

AGENDA ITEM NO.

5

11.15 a.m. Councillors Steele and Grace, present. The chairperson reconvened the hearing which had been adjourned on Monday, 18 April 2005.

The Panel discussed the application and subsequently resolved:

Steele/Grace

Preamble

At the commencement of the hearing, the applicants counsel advised that at a meeting held with Council Staff on Tuesday 12 April, the application had been amended. The main changes are:

1. The removal of all the visitor accommodation.
2. The replacement of the visitor accommodation units (10 lodge accommodation units and 10 villas) with 4 additional farm villas.

The amended proposal involves:

1. 19 farm villas;
2. The lodge building;
3. 18000m³ of earthworks (original proposal 22000m³).

The Panel therefore considered the application in its amended form.

Decision

That pursuant to Sections 104, 104B and 104D of the Resource Management Act 1991 the amended application for a non-complying activity to establish a Farm Park, and a main lodge with accommodation for the Farm Park manager, and to undertake associated earthworks on the property located at 42 Hull Road, Waitoki being legally described as Lot 1 DP1103018 (NA56D/552); Lot 2 DP1103018 (NA56D/553); PT 2 DP18138 (NA58D/99); Pt SE Portion Allot 63 Parish of Pukeatua (NA58B/100); Allot 516; NW Allot 56; NW Allot 64; SE Allot 64; Pt NW Allot 65 Parish of Pukeatua and Sec 1 and 2 SO47039 (NA75B/588), and Lot 1 DP18138 (NA415/91)

Be granted subject to the following conditions:

Conditions

General

1. **(general)** Except as amended by conditions below the land use consent shall occur in general accordance with the application number L37139 together with the information submitted with the application, including but not limited to:
 - (a) The planning report carried out by Terra Nova Planning dated 05 August 2004 and referenced C182-0804.
 - (b) Plans and elevations referenced RC-02 to RC-09, titled Morrison Farm Park, dated 28 May 2004, prepared by JASMAX, signed and dated by Consultant Planner Michael Lawrie.
 - (c) The recommendations in the D J Scott Development Concept report, dated June 2004 are carried out, subject to the recommendations included in the AB Ecological Services Ltd Report dated 06/10/2004.
 - (d) The additional information provided by Terra Nova Planning dated 12 October 2004 and referenced C182-0904.
 - (e) The additional information provided by Terra Nova Planning dated 16 November 2004 and referenced C182-1104.
 - (f) The additional information provided by Dainty Alderton Consulting Engineers dated 29 October 2004 and referenced G887.
 - (g) The additional information provided by Dainty Alderton Consulting Engineers dated 24 November 2004 and referenced G887.
 - (h) The traffic report carried out by Traffic Design Group dated 03 March 2005.
 - (i) The amended scheme plan dated April 2005, as amended by condition 1(j)).
 - (j) A maximum of 11 lots shall be created (9 rural-residential lots, one farm lot and one lot created via a boundary relocation and labelled 27 on the scheme plan provided for deliberations and dated April 2005). The rural-residential lots shall be in the same general location as lots 1, 2, 4, 6, 11, 13, 15, 17 and 19 as depicted on the scheme plan dated April 2005 (provided by the applicant for deliberations). Minor alterations to the location of these lots shall be to the satisfaction of the Manager- Resource Management.
2. **(general)** The land use consent shall also be in accordance with the recommendations in the following Council officers reports:
 - (a) The recommendations in the report carried out by the AB Ecological Services Ltd Report dated 06/10/2004.

Subdivision

3. **(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) **(identify bush and wetland to be protected)** The area(s) of existing and proposed native bush and existing and proposed wetland to be protected as part of this development shall be defined on the survey plan as "area to be subject to land covenant". Please refer to condition 4a) also.
 - b) **(easement required)** The right of way and utility service easements labelled A, E, P, Q, S, T, as amended in relation to condition 1(j)), are to be endorsed on the survey plan under a Schedule of Memorandum of Easements.
4. **(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) **(landscape plan)** A detailed landscape plan, including an implementation and maintenance programme shall be submitted to and approved by the Team Leader – Resource Consents within 6 months of consent being granted. This plan shall include details of proposed wetland and proposed bush planting.

The plan shall include details of the plant sizes at the time of planting and intended species.

The landscaping shall be implemented in accordance with the approved landscaping plan within the first planting season (May to October) following the completion of the works on the site. The landscaping shall be maintained in accordance with the approved landscaping plan for a period of 5 years following planting.

- b) **(fencing)** Construct a stock-proof fence (as specified under clause 6, 7 or 8 of the Second Schedule of the Fencing Act 1978) to enclose the areas identified under condition 3a).
- c) **(financial contributions)** Pursuant to Operative Plan Change 62 (Chapter 22), the financial contributions as set out in the “Schedule of Financial Contributions”, RMA R37139, 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.

- d) **(reassessment of contributions)** Any portion of the contributions (other than Neighbourhood Reserve 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 (other than Neighbourhood Reserve 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.

- e) **(reassessment of neighbourhood reserve contribution)** The Neighbourhood Reserve Contribution (if any) in the Schedule of Financial Contributions is based on an estimated current market land value. Pursuant to Rule 22.8.3.1(b) the Neighbourhood Reserve contribution payable shall be reassessed on the basis of current market land values for all sites created, prepared by a Registered Valuer immediately prior to payment of the contribution. Where building consents are applied for prior to the issue of a section 224(c) certificate for the sites subject to the building consent(s), the Neighbourhood Reserve contribution payable shall be reassessed on the basis of a current market value for each future site subject to the building consent(s) prepared by a Registered Valuer immediately prior to payment.

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

- f) **(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, or where building consents are lodged or other development undertaken prior to issue of the s.224(c), the contribution payable on each stage, or on each building or other development, shall be reassessed on the number of sites created in each stage, or the number of household units or household unit equivalents to be created.

Traffic

- g) **(Horseshoe Bush Road access)** The Horseshoe Bush Road exit shall be gated and locked with access only to rural residential site owners and occupiers, and owners, occupiers and workers of the farm lot (lot 26 as shown on scheme plan drawn by C& R Surveyors dated April 2005)

Note: For the avoidance of doubt, in this situation a rural residential lot is considered to be any lot up to 4000m².

Engineering

- h) **(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.

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

- (i) Earthworks;
- (ii) 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;
- (iii) The installation of gas, electrical or telecommunication reticulation including ancillary equipment, street lights, landscaping or structures on land vested, or to be vested, in the Council;
- (iv) 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.

Note: Engineering Plan approvals, monitoring of construction and processing of As Built plans will be subject to charges in terms of the Schedule of Fees and Charges determined from time to time by the Council.

- i) **(identify building sites)** Two copies of a plan certified and dated by Dainty Alderton fixing the location and size of the identified building sites the rural residential sites (sites located as identified in condition 1j)) by offsets from surveyed boundary pegs are to be provided to the Consents Engineer.

Note: For the avoidance of doubt, in this situation a rural residential lot is considered to be any lot up to 4000m².

-
- j) (site works required) Such works as may be required by the Dainty Alderton report, reference G887, dated 28 June 2004 shall be completed to ensure that all Lots have stable flood free building sites.
 - k) (earthworks certification) On completion of earthworks, an Earthworks Completion Report and a Certificate in the form of Appendix A 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. The report shall detail the parameters for the specific design of the foundations for buildings on the rural residential lots (sites located as identified in condition 1j)).

Note: For the avoidance of doubt, in this situation a rural residential lot is considered to be any lot up to 4000m².

- l) (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.

- m) (road upgrading) Upgrade Hull Road from its intersection with Kahikatea Flat Road to a point 10 metres past the proposed vehicle entry to the subdivision, to a 6 metre sealed standard, to the requirements of the "Council's Standards for Engineering Design and Construction".
- n) (intersection upgrade) Upgrade the Hull Road/Kahikatea Flat Road intersection to provide for 'Stop' control for vehicles exiting from Hull Road. The upgrading shall include the installation of the pavement markings and signs required for a legal 'Stop' control.
- o) (signage) Install signage, in accordance with Austroads Road and Traffic Standards, on the eastern approach to the Hull Road/ Kahikatea Flat intersection advising motorists that they are approaching the intersection.
- p) (stormwater) Show on copy of the approved survey plan the location of the existing dams/ponds within Lot 26 (or as amended by condition 1(j)) for the purposes of a consent notice requiring the ongoing protection and maintenance of these facilities for stormwater control purposes.
- q) (private way construction) The proposed private ways serving the 9 lots shall be constructed to a rural metalled standard, to the requirements of the Council's "Standards for Engineering Design and Construction" The carriageway width shall be 6 metres where the private way serves more than 5 lots and 3 metres plus passing bays where the private way serves 5 or less lots. Any sections where the grade exceeds 1 in 8 shall be to a rural concrete standard.
- r) (maintenance of rights of way) The Consent Holder shall enter into an Easement prepared at his/her expense, binding the owners of all Lots with an interest in the right of way shown as A on the scheme plan. The Easement is to ensure that the right of way pavement and drainage structures are maintained in perpetuity, and shall establish an equitable cost share for the maintenance work. The document shall provide that the Easement may not be varied without the prior approval of the Council. The Easement shall be submitted to the Council's Manager Legal Services for approval, and on deposit of the Plan shall be registered on the Titles of all Lots with an interest in the right of way, at

22 April 2005

the Consent Holder's expense. Proof of registration must be presented to the Manager Legal Services within one month of deposit of the Plan.

- s) (internal roading) The rights of way shall not without the prior approval of the Council be finished in tarmac or similar hard surface material nor, unless required for stormwater management purposes, include kerb and channelling.
- t) (Health and Safety Plan) A detailed Health and Safety Plan to the requirements of the Health and Safety in Employment Act 1992, specifically addressing control of works on and adjacent to public land, and the protection of the public, shall be submitted to the Consents Engineer prior to the commencement of any works on the site (refer s.109.1 of the "Standards for Engineering Design and Construction"). A copy of the Health and Safety Plan shall be kept on the site at all times. All measures for the protection of the public and other personnel set out in the Plan shall be maintained and complied with at all times until such time as the works are completed.
- u) (Traffic Management Plan) A detailed Traffic Management Plan in accordance with the Code of Practice for Temporary Traffic Management specifically addressing control of construction access to the site and traffic control adjacent to the site, and the protection of the public, shall be submitted to the Consents Engineer. Verification that it meets the Council's requirements shall have been received in writing, prior to the commencement of any works on the site (refer s.109.2 of the "Standards for Engineering Design and Construction".) A copy of the Traffic Management Plan, together with the verification letter shall be kept on the site at all times. All measures for the protection of the public and other personnel set out in the verified Plan shall be maintained and complied with at all times until such time as the works are completed.
- v) (works on public land) Reinstatement of the surface(s) within or adjoining public land including legal road shall be completed as soon as possible on completion of the works affecting the said surface(s), and until such reinstatement is completed the requirements of the verified Traffic Management Plan and Health and Safety Plan shall be complied with in all respects.
- w) (dust control) All necessary actions shall be taken to prevent a dust nuisance to neighbouring properties and public roads; including, but not limited to:
 - (i) The staging of areas of the works;
 - (ii) The retention of any existing shelter belts and vegetation;
 - (iii) The installation and maintenance of wind fences and vegetated strips;
 - (iv) Watering of all haul roads and manoeuvring areas during dry periods;
 - (v) Spraying of load dumping operations;
 - (vi) 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.

- x) (grass cover) All areas affected by the works shall be regrassed, revegetated or otherwise protected from wind and water erosion within two months of the completion of the works. Areas to remain unworked for more than two months shall be regrassed, or otherwise sealed against wind and water erosion, even if further works are intended at a later date.

Archaeological Sites

- y) (exposure of archaeological) If any artefact, including human remains is exposed during any site works the following procedures shall apply:

22 April 2005

- (i) Immediately when an artefact has been exposed, all site works shall cease; and
- (ii) The site supervisor shall immediately secure the area in a way that ensures that any artefacts or remains are untouched; and
- (iii) The site supervisor shall notify tangata whenua, the New Zealand Historic Places Trust, the Department of Conservation and the Council's RMA Compliance Administration Officer (telephone 0800 426 5169) and in the case of human remains the Police, that an archaeological site has been exposed, so that appropriate action can be taken. This includes such people being given a reasonable time as determined by the Council to record and recover the archaeological features discovered before work may recommence on the site.

Miscellaneous

- z) (Bridle Path) The consent holder shall pay a cash contribution of \$10,000 to the Council (Director- Rodney Assets and Facilities) towards the cost of upgrading or creating a bridle path along Hull Road or Horseshoe Bush Road.
 - aa) (design guidelines) The consent holder shall provide proposed design guidelines for all buildings. These shall be to the satisfaction of the Manager-Resource Management. They shall include (but are not limited to) reference to development controls, external colours and materials.
 - bb) (design control committee) A Design Control Committee shall be established, comprising a representative of the consent holder, a suitably qualified architect and suitably qualified landscape consultant. This Committee shall consult with the Manager- Resource Management in association with the Senior Urban Designer in respect of architecture and landscape architecture issues when preparing or amending its design rules.
 - cc) (no complaints covenant) The consent holder shall provide an undertaking from their solicitor confirming that a restrictive covenant shall be included in the transfer document for each rural-residential lot preventing owners from bringing legal proceedings seeking to restrict normal farming operations on adjacent properties that are in compliance with the relevant District Plan rules.
- Note: For the avoidance of doubt, in this situation a rural residential lot is considered to be any lot up to 4000m²
- dd) (noise) Noise from earthworks and activities associated with this application shall not exceed the limits recommended in, and shall be measured and assessed in accordance with, the New Zealand Standard NZS 6803:1999, Acoustics- Construction Noise.
 - ee) (resource consent and monitoring charges) The resource consent holder shall pay to the Council within one month of the issue of this consent or prior to the activity commencing (whichever is earlier) the cost, including specialist services, staff time and administration for the processing of this application together with initial charges for the following inspections:
 - (i) Environmental Protection x4
 - (ii) Engineering x2

Monitoring deposits will be invoiced by the Council together with the consent processing charges.

Should further monitoring be required to ensure compliance, the Council will recover the actual and reasonable costs that are incurred for this monitoring as set out in the Council's Schedule of Fees and Charges.

- ff) (balance of fees) Pay any outstanding balance due to the Council for scheme plan processing.
- gg) (land transfer plan number) Advise the Council of the number(s) allocated to the land transfer plan(s) by Land Information New Zealand.

Consent Notices

5. The following conditions shall be complied with on a continuing basis and shall be recorded in a Consent Notice issued pursuant to s.221 of the Act.

- a) (bush and wetlands protection) The existing and proposed native bush and existing and proposed wetland on Lots 13, 15 and 26 (Areas 30 to 64) (as identified on the scheme plan dated April 2005 and provided for deliberations) to be protected shall be protected in perpetuity to the satisfaction of the Manager- Resource Management.

The owners, or their successors in title for the time being, of the above lots:

Shall preserve the natural landscape trees, vegetation and areas of bush now thereon within that part of each lot identified as such on the survey plan; and

Shall 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, damaging or destruction of, any of such natural landscape trees, vegetation or areas of bush; and

Shall not do anything that would prejudice the health of any of such natural landscape trees, vegetation or areas of bush; and

Shall control all noxious plants and animals within the identified part of each lot; and

Shall maintain a stock-proof fence as approved by the Council around the perimeter of the identified part of each lot.

The owners shall be deemed not to be in breach of this covenant if any of such trees, vegetation or bush die from fire or natural causes not attributable to any act or default by or on behalf of the owners and for which the owners are responsible.

The owners shall pay to the Council the fair and reasonable costs incurred by the Council in monitoring this condition at not less than yearly intervals, unless required otherwise by a legitimate complaint. The owners will be advised of the costs, assessed under the Council's Schedule of Fees and Charges, as they fall due.

Note: Failure to comply with this condition may result in enforcement action being taken by the Council under the Resource Management Act 1991 to ensure full compliance and the continuing protection of the bush.

- b) (Subdivision) Lot 26 (or as amended by condition 1(j)) shall not be further subdivided for a period of 40 (forty) years from the date of commencement of this consent pursuant to section 116 of the Resource Management Act 1991. For the purpose of this consent notice, subdivision is deemed to include the creation of additional lots, and/or any boundary relocation where the size of Lot 26 is reduced by over 1 hectare by any single application or combination of applications.
- c) (Household Units, Minor Household Units Farm/ Homestays) One household unit shall be permitted per rural-residential site. No minor units or farm/ homestays (which includes any bed and breakfast type accommodation) shall be permitted on the rural residential site.

22 April 2005

Note: For the avoidance of doubt, in this situation a rural residential lot is considered to be any lot up to 4000m².

- d) **(Colours)** All buildings on the rural residential site and the lodge on the farm lot shall be painted in the following colours of the Karen Walker range;

- Beryl Green (6.5GO18)
- Neutral Green (5.5GO13)
- Malachite Green (5.5O17)
- Jungle Green (1GO38)
- Viridian Green (2BG52)
- Foggy Green (6GR05)
- Taupe Grey (5.5GR04)
- Heathered Green (5BO29)
- Fuscous Grey (1.5R16)
- Battleship Grey (3GR75)

Deviations from these colours shall be with the approval of the Team Leader-Resource Consents.

- e) **(design guidelines)** All buildings and identified works (identified in design guidelines) on site shall meet the provisions of the Design Guidelines as approved by condition 4bb).

- f) **(Accessory Buildings)** All accessory buildings on rural-residential lots shall be located within 10m of the dwelling. A maximum of one accessory building shall be permitted per rural-residential site.

Note: For the avoidance of doubt, in this situation a rural residential lot is considered to be any lot up to 4000m². Accessory Buildings are considered to mean a building on the site which is incidental to an activity which is allowed on the site by the relevant district plan(s) and does not include a minor household unit.

- g) **(lighting)** Any lighting of the private ways through the site shall be a maximum of 1.5m in height and shall comply with Rule 16.5 of the Proposed District Plan.

- h) **(Water tanks)** Every rural residential dwelling shall provide a minimum of two 5000 gallon water tanks to aid in stormwater mitigation.

- i) **(construction vehicles)** No construction vehicles, including workers vehicles and delivery vehicles, shall access the rural residential sites from Horseshoe Bush Road.

Note: For the avoidance of doubt, in this situation a rural residential lot is considered to be any lot up to 4000m².

- j) **(Horseshoe Bush Road access)** The Horseshoe Bush Road exit/entry shall be gated and locked with access available only to rural residential site owners and occupiers, and owners, occupiers and workers of the farm lot (Lot 26 as shown on scheme plan drawn by C& R Surveyors dated April 2005).

Note: For the avoidance of doubt, in this situation a rural residential lot is considered to be any lot up to 4000m².

- k) **(building restrictions)** Any buildings erected on the building sites identified on the plan required by condition i) shall be subject to specific design by a Chartered Professional Engineer experienced in geomechanics who is to have particular regard to the stability of the soils at the site, and also have regard to the report prepared by Dainty Alderton, reference G887, dated 28, and any

22 April 2005

subsequent reports. Copies of the said plan and report(s) will be held at the offices of the Council, Centreway Road, Orewa.

- l) (limit on impermeable area) The maximum impermeable area on the rural residential lots (sites located as identified in condition 1j)) shall not exceed 600 square metres, unless a specific design for stormwater disposal is prepared by a Chartered Professional Engineer in terms of the requirements of the document "Management of Stormwater in Countryside Living (Rural and Town) Zones - A Toolbox of Methods" and approved in writing by the Consents Engineer. Copies of the said report and document are held at the offices of the Council, Centreway Road, Orewa.

Note: For the avoidance of doubt, in this situation a rural residential lot is considered to be any lot up to 4000m².

- m) (building restrictions - stormwater control) All stormwater from buildings and paved areas on the rural residential lots (sites located as identified in condition 1j)) shall be collected and disposed of in accordance with the report prepared by Dainty Alderton Consulting Engineers, reference G887, dated 28 June 2004. The collection and disposal system shall be installed prior to the erection of any buildings and shall thereafter be maintained to the specified capacity and standard in perpetuity.

Note: For the avoidance of doubt, in this situation a rural residential lot is considered to be any lot up to 4000m².

- n) (monitoring) The respective owners of the rural residential lots (sites located as identified in condition 1j)) shall pay to the Council the fair and reasonable costs incurred by the Council in monitoring the ongoing conditions of consent relating to stormwater neutrality, as they apply to the lots at not less than two-yearly intervals, unless required otherwise by a legitimate complaint. The respective owners will be advised of the costs, assessed under the Council's Schedule of Fees and Charges, as they fall due.

Note: For the avoidance of doubt, in this situation a rural residential lot is considered to be any lot up to 4000m².

- o) (maintain existing dams/ponds) The owners of Lot 26 (or as amended by condition 1(j)) shall maintain the existing dams/ponds on the property shown on the plans provided under condition 4p) of the consent. The maintenance shall ensure that the dams/ ponds remain in a state to ensure acceptable stormwater control in perpetuity.

- p) (no complaints covenant) The applicant shall register a covenant of the certificate of title for each rural-residential lot to meet the requirements of condition 6dd).

Note: For the avoidance of doubt, in this situation a rural residential lot is considered to be any lot up to 4000m².

- q) (Kahikatea Flat Road/Hull Road intersection) The consent holder shall contribute 50% or \$25,000, whichever is the lesser, towards improving the visibility along Kahikatea Flat Road, if any adverse effects arise from the implementation of this consent and such works are identified as being reasonably necessary, as determined by the Team Leader- Resource Consents, to improve the operation of the above intersection of the intersection. This work shall be required to be completed within 1 year of all the rural residential lots being developed and occupied, unless it is determined such work is not required by the Team Leader- Resource Consents.

22 April 2005

- r) **(Horseshoe Bush Road)** If it is assessed by the Team Leader- Resource Consents that the vehicles accessing/ exiting the sit(s) from/ onto Horseshoe Bush Road are creating significant adverse effects on the operation of Horseshoe Bush Road, access from/ onto Horseshoe Bush Road shall be restricted to reduce this effect to the satisfaction of the Team Leader- Resource Consents. This assessment shall be made within one year of all rural residential lots being developed and occupied.

Advice Notes

1. Any signage associated with this proposal is to be considered as part of a separate resource consent application.
2. The applicant is encouraged to utilise stormwater management options that do not involve stormwater discharges to the wetland area. The applicant's attention is also drawn to proposed consent notices as they relate to protection of this area.
3. Kitchen facility (communal lodge kitchen) to comply with the Food Hygiene Regulations 1974.
4. The Consent Holder is advised that additional Consents, Permits or authorisations for the works may be required under the Transitional or Proposed Regional Plans and that these should be obtained from the Auckland Regional Council prior to the commencement of any works on the site.

Reasons

The reasons for this decision are that the application, mitigation and conditions ensure that;

1. The adverse effects of the activity on the environment will be minor. This includes effects on the character and amenity values of the rural area and on the roading system in the immediate area.
2. Through the spreading of residential lots over the land, restrictions on access to Horseshoe Bush Road, creating fewer traffic movements and consent notice restrictions, the adverse cumulative effects of the proposal will be minor.
3. The proposal will create some positive effects on the environment by the significant area of the site being retained in bush / wetlands, limiting the level of further development and the use of a significant portion of the land as a productive farming unit. These positive effects are considered to adequately balance adverse effects on the environment (taking into account the conditions imposed)
4. While contrary objectives and policies of Proposed Plan Change 55, the proposal and conditions avoid, remedy and mitigate adverse environmental effects to an extent it is appropriate for consent to be granted.
5. The proposal is not contrary to the relevant objectives and policies of the Proposed Plan 2000, which seek to maintain and enhance the rural character of the District. The Plan anticipates through the Subdivision of Farm Parks rule (7.14.6) a comparable level of the development to that consented to.
6. The comprehensive manner in which the applicant has designed development of the site has allowed adverse effects to be adequately balanced against the positive effects. These specific qualities include;

22 April 2005

- a) The significant enhancement planting including wetland planting, which has already been undertaken on the site and the additional planting proposed. This planting including wetland planting represents 26.5% of the land subject to the application.
 - b) The proposal will allow a productive farming unit to be created and will allow for the ongoing use of a significant portion of the site for agricultural purposes.
 - c) The applicant has volunteered special controls relating to the design, appearance, colour and size of buildings as well as a prohibition on visitor accommodation / minor dwelling units there by reducing the intensity of development both now and in the future.
7. The proposal is contrary to the provisions of the Auckland Regional Policy Statement and the Auckland Regional Growth Strategy, particularly as it relates to countryside living/rural areas. However the proposal and conditions avoid, remedy and mitigate adverse environmental effects to an extent it is appropriate for consent to be granted.
8. Subject to conditions, the proposal is consistent with Part II of the Resource Management Act as:
- a) It will sustainable manage natural and physical resources.
 - b) Mitigate adverse effects on the environment and
 - c) Maintain the amenity values of the area
9. The conditions imposed create a fine balance between achieving positive environmental effects through planting and other measures, against negative environmental effects associated with creating 9 new rural-residential lots in a rural area. Any further intensification would impact adversely on this delicate balance.

Carried

The meeting closed at 1.45 p.m.

CONFIRMED AS A TRUE AND CORRECT RECORD THIS 26 DAY OF MAY 2004

MAYOR

* * * * *

DATE 2005
