



22 May 2024

Application No: RMA/2022/490

Darius Group Limited
C/- CKL New Zealand Limited
PO Box 171
Waikato Mail Centre
Hamilton 3240

Attention: Jade Quax

Dear Madam

COMBINED LAND USE AND SUBDIVISION CONSENT: DECISION
Re: Darius Group Limited – 671 Hikuai Settlement Road, Pauanui

This letter is to inform you of Thames-Coromandel District Council's decision to **grant** your application for a land use and subdivision consent to create 47 residential allotments, balance allotments and access lots, and to undertake associated earthworks, retaining structures and interrelated infrastructure located at 671 Hikuai Settlement Road, Hikuai in accordance with section 104B and 106 of the Resource Management Act 1991, subject to the conditions below.

It is important that you fully understand and comply with all the conditions of your consent. However, if you are dissatisfied with any aspect of the decision, you have the right to lodge an objection. Information regarding the lodging of an objection can be found in the advice notes.

The invoice for this decision must be paid in full, in accordance with condition 1, prior to commencing your activity, unless you wish to lodge an objection to any part of this decision.

If you agree with this decision you have 5 years (from the date this consent is granted) to give effect to it. If you do not give effect to this consent during that time, it will be deemed to have lapsed.

Please also note the following:

- Pursuant to section 223 of the RMA, certification must be applied for and obtained within 5 years of the granting of this consent.
- Pursuant to section 224 of the RMA, the final completion certification must be signed and deposited within 3 years of section 223 certification being obtained.
- In accordance with section 128 of the RMA, Council may review the conditions of consent at any time prior to the issue of the final 224 completion certificate.

N.B. A Building Consent may be required to be obtained before any building work can be undertaken on the site. Please reference your resource consent number when applying for any necessary building consent.

Decision – Land Use and Subdivision Conditions

That the Thames-Coromandel District Council resolve pursuant to Sections 104, 104B and 106 of the Resource Management Act 1991, to grant a land use and subdivision consent.

The subdivision application has been made based on the subdivision being undertaken in two stages (Stages 1 and 2).

Specific conditions of consent have been applied to each stage in conjunction with general conditions applying to the whole subdivision and both stages.

The allotments created in each stage are generally as follows:

Stage 1:

Lot Number	Area m ²	Use
1	1122	Residential
2	859	Residential
3	796	Residential
4	1141	Residential
5	872	Residential
6	1144	Residential
7	844	Residential
8	882	Residential
9	838	Residential
10	782	Residential
11	1350	Residential
12	1296	Residential
13	1452	Residential
14	1815	Residential
15	2083	Residential
16	1429	Residential
17	2677	Residential
18	1361	Residential
19	1136	Residential
20	830	Residential
21	880	Residential
22	825	Residential
23	1188	Residential
24	901	Residential
25	1161	Residential
26	758	Residential
27	843	Residential
28	1103	Residential
29	948	Residential
30	865	Residential
31	993	Residential
32	1029	Residential
33	1138	Residential
34	1264	Residential
35	1025	Residential
36	1165	Residential

37	1180	Residential	
38	1087	Residential	
100	7187	Balance Lot	Lots to be amalgamated.
101	4344	Balance Lot	
102	4164	Balance Lot	
103	173243 (17.3243ha)	Balance Lot	
200	3947	Private Road 1	
201	3710	Private Road 2	
300	1028	Shared Access	
301	805	Shared Access	
302	653	Shared Access	
303	333	Shared Access	
304	419	Shared Access	
305	479	Shared Access	

Stage 2:

Lot number	Area m ²	Use	
39	1067	Residential	
40	1441	Residential	
41	1441	Residential	
42	948	Residential	
43	731	Residential	
44	1278	Residential	
45	895	Residential	
46	1469	Residential	
47	836	Residential	
306	454	Shared Access	
307	872	Shared Access	
202	2189	Private Road 3	Lots to be amalgamated with lots 100 – 103 and 200 and 201 from Stage 1.
400	145900 (14.59ha)	Balance Lot	

Note: Each stage includes associated earthworks and ecological planting where applicable.

Note: All survey plans and approvals submitted to Council under section 223/224 of the Resource Management Act 1991 are subject to the following conditions where applicable to those allotments as shown on that survey plan to the satisfaction of Council.

Note: The lapse date for the section 223 approval runs from the grant of this consent and if section 223 is not approved for all stages within the lapse date, those respective stages will lapse.

ALL STAGES

The consent holder shall comply with the following conditions:

Fees and Charges

1. The consent holder shall not give effect to this consent (or any part thereof) until such time as the following charges, have been paid in full:

- (a) All fixed charges relating to the receiving, processing and granting of this resource consent under sections 36(1), 36AAA and 36AAB of the Resource Management Act 1991 (RMA) including a consent compliance monitoring fee of \$2000 (inclusive of GST), which shall be payable on the land use consent or subdivision consent, whichever is given effect to first; and
- (b) All additional charges imposed under section 36(5) of the RMA to enable the council to recover its actual and reasonable costs in respect of this application.
- (c) All development contributions relating to the development authorised by this consent, which will be invoiced separately. Please refer to the advice notes for further information.

The Council's administrative charges for receiving and processing this application in accordance with sections 36, 36AAA and 36AAB of the RMA, must be paid in full within 15 working days of receipt of the invoice for this decision, unless otherwise agreed in writing with the Council's Development Planning Manager. The consent compliance monitoring fee shall be paid as part of the resource consent fee and the consent holder will be advised of any further monitoring charge or charges as they fall due. Such further charges are to be paid within one month of the date of invoice.

A. Prior to the commencement of physical works on the site, the following conditions are to be complied with:

1. That the subdivision authorised by this consent shall proceed in general accordance with the information provided with the application, namely:
 - Resource Consent Application prepared by CKL for Darius Group Limited and dated 13 December 2022.
 - Subdivision scheme plan titled Proposed Subdivision of Section 11 Block III Tairua SD (Overall Stage Plan) prepared for Darius Group Ltd with job no B21126 Rev 1 and dated 09.03.23.
 - B21126-ED-3Waters-Plan-4000-4009 Rev 4 dated 15.09.23.
 - B21126-ED-Road-S92 Responses-Eng Plan Set Rev 4 dated 23.09.12.
 - B21126-ED-WW-AES WW-ET Signed Draft Preliminary Design Set Rev 0 dated 07.09.23.
 - B21126-ED-ENGDATA-For RC_14.02.23 in relation to earthworks, erosion and sediment control and retaining walls identified as:
 - Earthworks finished contours sheets 2000 to 2009 Rev 3;
 - Earthworks cut-fill sheets 2100 to 2109 Rev 3;
 - Erosion and sediment control sheets 2200 to 2209 Rev 2; and
 - Retaining wall long sections Sheets 2501 to 2504 Rev 3.
 - Letter from hdGeo dated 2 November 2023.
 - Memo from Joshua Raynes, Environmental Engineer, CKL dated 8/12/23 regarding TCDC S92 - Stormwater.
 - Safe System Audit Report compiled by Traffic Planning Consultants dated 5th December 2023.
 - Ecological Assessment Report prepared by Rural Design 1984 Limited and dated November 2022.
 - Assessment of Landscape Effects prepared by Kathryn Holyoake Landscape Architecture dated 29/11/2022.
 - Geotechnical Report prepared by hdGeo titled Preliminary Geotechnical Report and dated 14 November 2022.

- Integrated Transport Assessment prepared by CKL and dated 20 February 2023.
 - Archaeological Assessment by CFG Heritage dated 5 May 2022.
 - Ngāti Hei Cultural Impact Assessment dated 2nd September 2022.
 - Ngāti Maru consultation letter dated 17 March 2023.
2. A copy of this consent is to be held on site at all times that the works which the consent relates to are being carried out. The consent holder is to notify Councils Monitoring and Compliance Team Leader and Development Engineer, in writing, of their intention to begin works a minimum of ten working days prior to the commencement of each stage of the proposed works.

Such notification shall include the following details:

- Name and telephone number of the project manager and site owner;
- Site address to which the consent relates;
- Activity to which the consent relates;
- Expected duration of works.

Official Representative

3. The consent holder shall appoint an official representative for all engineering matters, and advise Council of the representative's name and contact details. All correspondence relating to engineering matters shall be directed to the appointed official representative.

Ecological Management Plan

4. The consent holder shall submit a comprehensive Ecological Management Plan (EMP), prepared by a suitably qualified person, for the certification of Council's Development Planning Manager.

The EMP shall reflect and be in general accordance with the assessment and recommendations of the "Ecological Assessment Report" prepared by Rural Design 1984 Limited dated November 2022 and with the Draft Ecological Management Plan prepared by Rural Design 1984 Limited dated February 2024, and as a minimum consider the ecological issues associated with earthworks activities, vegetation clearance and subdivision construction.

The EMP should also address the legal mechanisms to be used for the protection of the landscape plantings within the proposed Protective Covenant Area as well as within areas held in individual title, including an ongoing maintenance plan for lot owners.

The EMP shall include details on the timing and reporting/monitoring/certification regime over the course of the development so as to ensure that any recommendations of the EMP are consistently and adequately being upheld. Council shall retain the right to have the whole, or any part of the EMP reviewed at any time, and costs associated with any review shall be met by the consent holder. The Council shall provide written reasons for the review.

Note: the "Ecological Management Plan prepared for 671 Hikua Settlement Road, Hikua Section 11 Blk III SO Tairua dated February 2024 can form the basis of the final EMP provided for certification, updated to include the additional matters in relation to earthworks, vegetation clearance and subdivision construction.

Landscape Management Plan

5. The consent holder shall submit a comprehensive Landscape Management Plan (LMP), prepared by a suitably qualified person, for the certification of the Council's Development Planning Manager.

The LMP shall reflect and be in general accordance with the assessment and recommendations within the "Assessment of Landscape Effects" prepared by Kathryn Holyoake Landscape Architecture dated 29/11/2022 and shall, at a minimum;

- consider landscape issues associated with earthworks, vegetation clearance, retaining structures and subdivision construction;
- adopt the measures set out within section 4.0 of the Assessment of Landscape Effects, including 4.12 to 4.16 regarding the Roding Network, 4.34 roadside cut and batter slope repair and 4.36 to 4.38 road reserve planting. The LMP shall additionally confirm the methodology to ensure that all retaining structures within Lots 200, 201, 202 and 300 to 307 are to be constructed of recessive colours or materials, consistent with timber (to weather over time) or MagnumStone, with planting to be provided in front of retaining structures in a manner that does not compromise other infrastructure or vehicle sight lines, and
- adopt the recommended management measures set out in Section 5.0 of the Assessment of Landscape Effects.

The LMP should give direction about the timing and sequencing of work from a landscape perspective and include a Landscape Planting Plan (LPP) that gives effect to the Assessment of Landscape Effects.

The LPP shall provide for all plantings and associated monitoring and maintenance requirements and include, as a minimum, the following details:

- The purpose and main objectives of the plantings;
- Detailed drawings showing all planting areas and the types of plantings;
- The species mixes, locations, and total area of plantings;
- The size of plants and density of plantings;
- Details of where the plants will be sourced from (eco sourcing);
- Site preparations necessary for planting, e.g. weed and pest control, clearing, mulching, and fertilizing;
- Ongoing monitoring and maintenance regimes (hydration, fertilising, infill planting, weed, and pest control), including a schedule of inspections and supplementary/replacement plant specifications; and
- Success criteria for all plantings and timeframes for achieving these criteria.

Council shall retain the right to have the whole, or any part of the LMP reviewed at any time, and costs associated with any review shall be met by the consent holder. The Council shall provide written reasons for the review.

Construction Management Plan

6. The consent holder shall submit a 'Construction Management Plan' for the certification of Council's Development Engineering Manager. This plan shall be compiled to a level of sophistication appropriate to the scale and nature of the works, including each specific stage of the development. It shall include specific details relating to avoiding, remedying or mitigating adverse effects on the environment from all works associated with this development as follows:

- Construction methodology;
- Construction staging;
- Imported fill description and source;
- Compaction testing methodology and recording;
- As-built location of fill;
- Removal of unsuitable material;
- Vibration and noise control;
- Erosion and sediment control;
- Details of the site manager, including their contact details (phone/mobile number, postal address);
- Measures to be adopted to maintain the site in a tidy condition in terms of disposal/storage of rubbish, storage and unloading of building materials and similar construction activities;
- Ingress and egress to and from the site for vehicles and construction machinery during site works period;
- Proposed location of any wheel-wash facilities;
- Controls to contain any dust nuisance within the site and to ensure that it does not adversely affect any neighbouring property.
- Proposed number and timing of truck movements throughout the day and the proposed routes;
- Proposed hours of work on the site (NB: hours shall correspond with any other condition in this consent relating to working hours).

The above details shall be shown on a site plan or staging plan and supporting documentation. The certified 'Construction Management Plan' shall be implemented and maintained throughout the entire construction period for each stage.

Erosion and Sediment Control Plan

7. The consent holder shall submit an 'Erosion and Sediment Control Plan' for the certification of Council. The 'Erosion and Sediment Control Plan' shall be prepared by a Chartered Professional Engineer (CPEng) or other suitably qualified person that has been approved by Council. The plan shall include specific details relating to avoiding, remedying or mitigating adverse effects on the environment from all works associated with this development as applicable:

- All Limits of Disturbance;
- Construction staging and sequencing;
- Steep areas and works proposed for special protection;
- Watercourses and protection measures including crossings or disturbances and associated construction methods;
- Re-vegetation methods for areas requiring both temporary and long term stabilisation;
- Perimeter controls and design parameters;
- Sediment retention design specifications, detailed inspection and maintenance schedules of structures; and
- Controls to contain any dust nuisance within the site and to ensure that it does not adversely affect any neighboring property.

The certified 'Erosion and Sediment Control Plan' shall be implemented and maintained throughout the entire construction period for each stage.

Design Certificate

8. The consent holder shall submit a 'Design Certificate for Land Development/Subdivision Work' (refer to Appendix H1 of Council's 'Code of Practice for Subdivision and Development'), to Council's Development Engineer. The 'Design Certificate' shall be prepared by a Chartered Professional Engineer (CPEng) or other suitably qualified and Council approved person and must address, but not be limited to, the following:
- Roading/pavement and associated stormwater reticulation and treatment for the intersection with Hikuai Settlement Road.
 - Earthworks activities for each stage.
 - Retaining structures.

Notice of Commencement

9. The consent holder shall complete the 'Notice of Commencement of Works', attached to this decision and submit it to the Council's Environmental Compliance Officer at least five (5) working days prior to the works commencement for each stage.

Pre-Construction Meeting

10. Prior to the commencement of each stage of construction and / or earthworks activity, the consent holder shall hold a pre-start meeting that:
- i. Is located on the subject site;
 - ii. Is scheduled not less than two (2) working days before the anticipated commencement of construction and/or earthworks;
 - iii. Includes Council's Development Engineer and Monitoring Officer.
 - iv. Includes representation from the contractors who will undertake the works.

The following matters shall be discussed at the meeting:

- i. Traffic Control; and
- ii. Erosion and sediment control.

The following information shall be made available at the pre-start meeting:

- i. Timeframes for key stages of the works authorised under this consent;
- ii. Resource consent conditions;
- iii. Erosion and Sediment Control Plan;
- iv. Construction Management Plan;
- v. Landscape Management Plan; and
- vi. Site Plan showing wastewater treatment and land disposal system.

Advice Note: To arrange the pre-start meeting required by the above condition please contact the Development Engineer to arrange this meeting. All information required by the council and listed in that condition should be provided 5 working days prior to the meeting.

Cultural

11. Prior to the commencement of any works on the site, the consent holder shall engage with Ngāti Hei and Ngāti Maru with regard to on site representation during earthworks activities where an archaeologist is present.

Should it be agreed by Ngāti Hei and Ngāti Maru that on site representation is not required the consent holder shall provide written confirmation from Ngāti Hei and Ngāti Maru to Council's Team Leader Environmental Compliance and Monitoring confirming this.

B. During the implementation of physical works on site, the following conditions are to be complied with:

1. That the subdivision authorised by this consent proceeds in general accordance with the approved plans and information provided with the application.
2. That a copy of this consent is to be held on site at all times while the works to which the consent relates are being carried out.
3. The consent holder shall maintain onsite erosion and sediment control measures in accordance with the certified Erosion and Sediment Control Plan.
4. All works on the site are to be carried out in accordance with the requirements of the Preliminary Geotechnical Report prepared by hdGeo, Ref: PGR2 and dated 14 November 2022. Certification by a Chartered Professional Engineer CPEng or Professional Engineering Geologist PEngGeol responsible for supervising the works must be provided to the Council's Development Engineer, confirming that the works have been completed in accordance with the approved design, and plans prior to lodgement of the section 224c application. The written certification is to be in the form of a Geotechnical Completion Report, producer statement, or any other form acceptable to the Council and is to cover the following (as a minimum). Apart from the completion report, a regular inspection record completed by a Chartered Professional Engineer CPEng or Professional Engineering Geologist PEngGeol responsible for supervising the works must be provided to the Council's Development Engineer to verify:
 - That the works were undertaken in accordance with NZS4431:1989 Code of Practice for Earth Fill for Residential Subdivisions;
 - The extent to which settlement of the site is expected and its impact on future construction;
 - That the work related to land stability is carried out to the required standards and the approved design;
 - Any geotechnical/land stability issues encountered during construction; and
 - Any related matters identified in other conditions of this consent.

Note: Building consent is required for all Building Structures and Retaining Walls unless exempted under Schedule 1 (or a discretionary exemption has been granted) of the Building Act 2004. Evidence should be provided prior to the commencement of physical works that all related Building Consents have been obtained.

5. The maximum height of any retaining structures shall be 4.1m.
6. Retaining structures within Lots 200, 201, 202 and 300 to 307 are to be constructed of recessive colours or materials, consistent with timber (to weather over time) or MagnumStone, with planting to be provided in front of retaining structures in a manner that does not compromise other infrastructure or vehicle sight lines.

Cut to Waste Soil Cartage

7. Cut to Waste Soil cartage operations shall only occur between the hours of 8am and 5pm Monday to Friday.

Note: Cut to Waste Soil cartage is identified as truck movements associated with the removal of excess soil from the site to an approved disposal location off site.

8. All soil cartage vehicles shall operate with a flashing beacon so as to identify it and ensure visibility of all soil cartage trucks.
9. "Trucks Turning" signage must be displayed at the following locations for the duration of cartage activities associated with this consent:
 - Both approaches to the entrance of the site along Hikuai Settlement Road.

Planting Implementation

10. The consent holder shall carry out all planting in accordance with the certified EMP and LMP (conditions A4 and A5). The planting shall be carried out under the guidance of a Landscape Specialist or other suitably qualified person to ensure that all appropriate measures are undertaken to ensure successful establishment of the planting.

Note: Landscape Specialist - means a person with a tertiary qualification in the field to which a particular condition relates; or having sufficient technical expertise that is at least equivalent, including 5 years working experience in that field, unless otherwise specified in the conditions.

Accidental Discovery Protocol

11. The consent holder shall implement the following procedures to ensure the protocols for the discovery of koiwi (human remains) or taonga (Māori artefacts), or archaeological features are complied with:
 - The consent holder shall obtain any Heritage New Zealand Pouhere Taonga approval when undertaking any works associated with this consent and comply at all times with the conditions of that approval.
 - A representative of Ngāti Hei and Ngāti Maru shall be notified of earthworks commencing at least ten (10) working days prior to the work being undertaken in order for suitable arrangements to be made for the representative to be present (if necessary) when soils are removed for stockpile. The consent holder shall submit evidence of this notification to Council prior to the earthworks being undertaken.
 - In the event of any koiwi being uncovered during the exercise of this consent, activities in a 10 metre radius of the discovery shall immediately cease, and the site supervisor and archaeologist shall be notified immediately.
 - The site archaeologist shall notify Ngāti Hei and Ngāti Maru representatives, Thames Coromandel District Council, Heritage New Zealand Pouhere Taonga and the New Zealand Police of any koiwi which are found.
 - The consent holder shall not recommence works in the area of the koiwi discovery until the relevant Heritage New Zealand Pouhere Toanga approvals or other approvals (such as New Zealand Police) have been given to recommence work within the vicinity of the koiwi find.

- In the event of any taonga being uncovered during the exercise of this consent, activities in a 5 metre radius of the discovery shall immediately cease, and the site supervisor and archaeologist shall be notified immediately.
- The archaeologist shall notify the Ngāti Hei and Ngāti Maru representatives of any taonga which are found.
- The consent holder shall not recommence works in the area of the taonga discovery until the relevant Heritage New Zealand Pouhere Toanga approvals or other approvals have been given to recommence work within the vicinity of the find.

C. Prior to the survey plan being signed pursuant to section 223 of the Resource Management Act 1991, the following conditions are to be complied with:

Survey Plan

1. That the subdivision authorised by this consent proceeds in general accordance with the approved subdivision plan prepared by CKL titled “*Proposed Subdivision of Section 11 Block III Tairua SD (Overall Stage Plan)*” prepared for Darius Group Ltd with job no B21126 Rev 1 and dated 09.03.23, which has been signed and dated by Thames Coromandel District Council on 22nd May 2024.

Memorandum of Easements

2. Pursuant to section 243 of the RMA, any necessary easements as required shall be included in a memorandum of easements endorsed on the survey plan. The consent holder shall meet all costs relating to the creation of easements. The easements shall be placed over:
 - All private drains, swale, or any other common device/structures, where they cross property boundaries.
 - All public services, where they cross private property boundaries, shall be shown as an “Easement in Gross” in favour of the service provider. Note that an easement must be placed over the above-mentioned service(s) so that the service(s) is as central within the easement as possible with a minimum easement width of 3.0m.
 - Right-of-way/Common Accessway.
 - Overland Flow Paths (OLFP)
 - Temporary easements to ensure access for any ongoing bond maintenance post 224c, such as planting maintenance.

Planting Areas

3. The area subject to planting under the EMP and LMP, including vegetation for ongoing management and protection, which is located within Lots 1 to 47, shall be shown on the survey plan.

Conservation Covenant

4. The “Proposed Protective Covenant Area”, as shown on Appendix 4 – Landscape Concept Plans Drawings L105 – L110 inclusive within the “Assessment of Landscape Effects” prepared by Kathryn Holyoake Landscape Architecture dated 29/11/2022 shall be shown as covenant area on the survey plan, including where this area extends into private lots.

Road Naming

5. The consent holder must provide two proposed street/road/access names in writing for Lot 200 (Private Road 1), Lot 201 (Private Road 2) and Lot 202 (Private Road 3) in accordance with Council's policy, and in order of preference, giving reasons for each proposed name, for certification by Council.

A clear plan detailing the route of the proposed street/road/access should also be submitted and any evidence of consultation relating to the proposed names.

Please refer to the Council's Road Naming Policy and Procedure - <https://www.tcdc.govt.nz/files/assets/public/v/2/our-council/policies/road-naming-policy/road-naming-policy.pdf>

Note: This condition will not be deemed to be satisfied unless the Council has approved the submitted names in writing.

Please refer to the Advice Notes for information on Council's Road Naming procedure as approval for the proposed road name/s must be given by the relevant Community Board, prior to an application being made under Section 223.

Building Removal

6. That the derelict dwelling and half round barn located within the site are demolished and/or removed from the site.
- D. Prior to the completion certificate being signed pursuant to section 224(c) of the Resource Management Act 1991, all conditions of consent are to be complied with, including the following:**

General

1. That the subdivision authorised by this consent proceeds in general accordance with the information provided with the application, namely:
 - Resource Consent Application prepared by CKL for Darius Group Limited and dated 13 December 2022.
 - Subdivision scheme plan titled "Proposed Subdivision of Section 11 Block III Tairua SD (Overall Stage Plan)" prepared for Darius Group Ltd with job no B21126 Rev 1 and dated 09.03.23.
 - B21126-ED-3Waters-Plan-4000-4009 Rev 4 dated 15.09.23.
 - B21126-ED-Road-S92 Responses-Eng Plan Set Rev 4 dated 23.09.12.
 - B21126-ED-WW-AES WW-ET Signed Draft Preliminary Design Set Rev 0 dated 07.09.23.
 - B21126-ED-ENGDATA-For RC_14.02.23 in relation to earthworks, erosion and sediment control and retaining walls identified as:
 - Earthworks finished contours sheets 2000 to 2009 Rev 3;
 - Earthworks cut-fill sheets 2100 to 2109 Rev 3;
 - Erosion and sediment control sheets 2200 to 2209 Rev 2; and
 - Retaining wall long sections Sheets 2501 to 2504 Rev 3.
 - Letter from hdGeo dated 2 November 2023.
 - Memo from Joshua Raynes, Environmental Engineer, CKL dated 8/12/23 regarding TCDC S92 - Stormwater.

- Safe System Audit Report compiled by Traffic Planning Consultants dated 5th December 2023.
- Ecological Assessment Report prepared by Rural Design 1984 Limited and dated November 2022.
- Assessment of Landscape Effects prepared by Kathryn Holyoake Landscape Architecture dated 29/11/2022.
- Geotechnical Report prepared by hdGeo titled Preliminary Geotechnical Report and dated 14 November 2022.
- Integrated Transport Assessment prepared by CKL and dated 20 February 2023.
- Archaeological Assessment by CFG Heritage dated 5 May 2022.
- Ngāti Hei Cultural Impact Assessment dated 2nd September 2022.
- Ngāti Maru consultation letter dated 17 March 2023.

Establish Vegetation

2. The consent holder shall plant and establish quick-growing vegetation to provide rapid and/or temporary stabilization on exposed faces. An 80-90% per m² grass strike rate shall be achieved and if necessary re-seeding will be required where seed germination is unsatisfactory or where erosion occurs.

Construction

3. The consent holder shall undertake the construction of all engineering works as detailed in the certified Engineering Design Plans submitted in accordance with the above conditions and information provided with the application.

Certificate of Completion (Contractors Certificate)

4. The consent holder shall engage contractors to carry out and certify by way of the 'Contractors Certificate upon Completion of Land Development/Subdivision Work' (refer to Appendix H2 of the Councils 'Code of Practice for Subdivision and Development') that the construction and all completed works are in accordance with:
 - the certified Engineering Design Plans and specifications, and;
 - the Thames-Coromandel District Council's current "Code of Practice for Subdivision and Development"

Certificate of Completion (Consultant)

5. The consent holder shall engage a Chartered Professional Engineer, to certify by way of the 'Certificate upon Completion of Land Development/Subdivision Work' (refer to Appendix H3 of the Councils 'Code of Practice for Subdivision and Development') that the construction and all completed works are in accordance with:
 - the certified Engineering Design Plans and specifications, and;
 - the Thames-Coromandel District Council's current "Code of Practice for Subdivision and Development"

Assets to vest and earthworks require a 'Certificate upon Completion of Land Development/Subdivision Work' prepared by a Chartered Professional Engineer CPEng or Professional Engineering Geologist PEngGeol.

Supervision and Certification of Geotechnical Works

6. Any required retaining walls and/or stabilising works shall be constructed in a timely manner under engineering design and supervision. The consent holder shall ensure that all necessary authorisations for retaining walls are obtained and that sufficient resources are available to construct the required retaining structures as directed by the geotechnical engineer, prior to the commencement of any significant excavation works.

Regular inspection records and certification from a suitably qualified engineering professional responsible for supervising the works shall be provided to the Council, confirming that the works have been completed in accordance with the above condition, within ten (10) working days following completion.

Note: Building consent is required for all Building Structures and Retaining Walls unless exempted under Schedule 1(or a discretionary exemption has been applied for and granted) of the Building Act 2004. A Code of Compliance Certificate must be provided to confirm compliance.

Vehicle Crossings, and Right of Ways

7. The consent holder shall construct the vehicle crossings and Right of Ways in compliance with the certified Engineering Design Plans and to the standard requirements of the Council's Code of Practice for Subdivision and Development.

Street Lighting

8. The consent holder shall provide relevant COC and SLIMM data associated with all new street light installations including a copy of the PowerCo street light forms for each light. The report shall also certify that all street lights have complied with the relevant safety standards and that they are connected to the network and are operational (i.e. livened).

Road Marking and Vehicle Sign Installation

9. The consent holder must install all street signs, road signs, and road markings [New Zealand Transport Agency's (NZTA) Traffic Control Devices (TCD) Manual which includes the Manual of Traffic Signs and Markings (MOTSAM)], associated with the road development to the satisfaction of the Council's Development Engineer and in accordance with the street signage standards for public roads.
10. The consent holder must supply and erect the urban type street/road/access name signage for Lot 200 (Private Road 1), Lot 201 (Private Road 2) and Lot 202 (Private Road 3) in accordance with Section 3.9.2 and Table 3.13 of Council's Code of Practice, inclusive of the approved street/road/access name. The signs shall be located in a position where they are most visible for road users to the satisfaction of the Council's Development Engineer or delegated representative.

Private Drainage and Outfall Erosion Structures

11. All private drainage authorised by this Consent shall be certified to be fully contained within the lot serviced and constructed as per the certified Engineering Design Plans and best engineering practices. Certification from a Chartered Professional Engineer CPEng or Professional Engineering Geologist PEngGeol shall be provided to confirm the suitable location for the private outlets.

12. Any private stormwater outlets authorised by this Consent shall incorporate erosion protection measures to minimise the occurrence of bed scour and bank erosion in accordance with Council's Code of Practice.

As-Built Plans

13. The consent holder shall submit to the Council's Development Engineer as-built drawings (incl. in DWG format) for infrastructure.

The as-built drawings (asset data) shall be in accordance with NZS 4404:2010 Land Development and Subdivision Engineering (Appendix A-Standard Construction Drawings) and Council's standards for the "Capture and Supply of Assets".

Operations, Monitoring, and Maintenance Plan

14. The consent holder shall provide an Operations, Monitoring, and Maintenance Plan (OMMP) for certification to Council's Team Leader Environmental Compliance and Monitoring.

The OMMP shall address:

- The private communal water treatment and supply system.
- The private communal wastewater treatment and reticulation system.
- The private communal roading network including rain gardens, swales and associated drainage.

The OMMP shall include:

- Description of the operation, monitoring, and maintenance procedures that the consent holder will routinely implement;
- Methods to ensure that all networks are operated and maintained to function as designed; and
- Meet the overall requirements of this resource consent.

The OMMP shall provide for all operation, monitoring, and maintenance requirements and include, as a minimum, the following details:

- Design parameters of the network;
- Operation and maintenance procedures for the network, including the frequency of these procedures;
- Monitoring methods for the network and where applicable, the receiving environment downstream of the network, including the frequency of all monitoring procedures;
- Inspection checklists for all aspects and elements of the network;
- Inspection record keeping and processes to report OMMP activities to the Thames – Coromandel District Council;
- Details of who will be responsible for overseeing the OMMP.

Note: The consent holder shall submit the draft Operations, Monitoring, and Maintenance Plan (OMMP) to Council for certification prior to lodgement with any other agency/Regional Authority.

On-Lot Devices Management Plan

15. As set out in the corresponding consent notice, all new residential lots will have access to private infrastructure.

The consent holder shall provide an On-Lot Devices Management Plan (ODMP) for the reticulated services for each residential Lot. The main objective of the ODMP is to ensure that private infrastructure is effectively maintained and managed by the lot owners, and that the networks align with the requirements of this resource consent.

The ODMP shall include, as a minimum, the following details:

- Design Statement for all on-lot devices including design specifications, best practicable option, and a worked example showing site layout and option configuration;
- Design details of the networks.
- Operation and maintenance procedures for all on-lot devices, including the frequency of these procedures;
- Inspection checklists for all aspects and elements of the networks;
- A schedule of the ongoing monitoring and maintenance inspections to be undertaken by the lot owner, including the frequency of these inspections, to ensure that the on-lot stormwater devices are being properly operated and maintained;
- Details of who will be responsible for overseeing the ODMP; and
- As-built plans of all private networks.

Certificate of Utility and Access Location

16. The consent holder shall provide written confirmation from a Licensed Cadastral Surveyor that all new services and accesses installed for this subdivision are located within the appropriate easement boundaries.

Geotechnical Completion Report

17. A Geotechnical Completion Report prepared by a Chartered Professional Engineer CPEng or Professional Engineering Geologist PEngGeol shall be provided to Council with the s224c application in accordance with section 2, clause 2.1.11.1 of the Council's Code of Practice. The report shall confirm the stability of the land for residential development including any special conditions/requirements to be met for any future development (Building Consent Stage) on the site. The report shall also include plans showing the location and depth of any fill constructed in accordance with NZS 4431:1989 together with the location of any non-engineered fill. The Geotechnical Completion Report shall also include all associated as-built plans for earthworks, retaining walls, and subsoil drains and a Statement of Professional Opinion on the Suitability of the Land for building construction as per Schedule 2A NZS 4404:2010 Land Development and Subdivision Engineering.

Landscape Planting

18. The vegetation planting as detailed in the certified EMP and LMP shall be certified ('Planting Completion Certificate') as being established in general accordance with the certified EMP and LMP by a suitably qualified and independent person. The consent holder shall submit the certificate to Council's Development Planning Manager

confirming that the works required have been fully implemented in a professional and workmanlike manner.

19. A further inspection by the Landscape Specialist shall be carried out not less than 100 days from the date of the Planting Completion Certificate. Following that inspection, the Landscape Specialist shall submit a report to Council's Development Planning Manager confirming whether the Planting has established with a mortality rate of less than 10%.
20. If the inspection required under condition D19 above indicates that the mortality rate of the planting is 10% or more then:
 - Appropriate replacement planting shall be carried out, and a further Planting Completion Certificate shall be provided in accordance with condition D18 above.
 - A further report shall then be provided in accordance with Condition D19 (after a further period of not less than 100 days from the date of the further Planting Completion Certification); and
 - This process shall be repeated as often as necessary until such time as a report is provided confirming that the mortality of landscaping is less than 10%.
21. Maintenance of the plants shall be carried out by the consent holder for a period of five years after the Planting Completion Certificate has been submitted to Council and shall be the subject of a bond as detailed below.
22. On the anniversary of each year, following the issue of a report confirming a mortality rate of less than 10%, in terms of condition D19 and D20, the consent holder shall provide a Maintenance Report for the landscape planting which shall be certified in writing by Council. This maintenance report shall outline the state of health of the plants, any remedial work required to replace dead or diseased plants, and the maintenance that has occurred in the past 12 months.
23. The Consent Holder is to confirm the legal mechanism to be implemented to allow the consent holder to enter and access the allotments to carry out maintenance if they are sold to other landowners before the five year period is completed.

Planting Bond

24. Pursuant to section 108A of the Resource Management Act 1991; the consent holder shall enter into a bond agreement in favour of Council in respect of the management and maintenance of the landscaping works. The value of such bond is to be no less than 150% of the estimated cost of the maintenance of the landscape work for a five year period, including weed control and replacement planting, for the remainder of the five year period.
25. The consent holder must, within three months of the Planting Completion Certificate, provide and maintain in favour of the Council a legally enforceable bond to ensure the compliance of maintenance of the plants in accordance with conditions D18 to D22 and the certified EMP and LMP.
26. The bond must be in a form approved by the Council and must, subject to these conditions, be on the terms and conditions required by the Council.
27. The bond must provide that the consent holder remains liable under the Resource Management Act 1991 for any breach of the conditions D18 to D22 which occurs prior to completion of the 5 year planting maintenance period.

28. Unless the bond is a cash bond, the performance of all of the conditions of the bond must be guaranteed by a guarantor acceptable to the Council. The guarantor must bind itself to pay for the carrying out and completion of conditions D18 to D22 in the event of any default of the consent holder.
29. The amount of the bond is to be no less than 150% of the estimated cost of the maintenance of the landscape work for a five year period, including weed control and replacement planting, for the remainder of the five year period. The Council must take into account any calculations and other matters submitted by the consent holder, which are relevant to the determination of the amount. The amount of the bond must be advised in writing to the consent holder within one month of the Planting Completion Certificate.
30. Should the consent holder not agree with the amount of the bond fixed by the Council then the matter must be referred to arbitration in accordance with the provisions of the Arbitration Act 1996. Arbitration must be commenced by written notice by the consent holder to the Council advising that the amount of the bond is disputed, such notice to be given by the consent holder within two weeks of notification of the amount of the bond. If the parties cannot agree upon an arbitrator within a week of receiving the notice from the consent holder, then an arbitrator must be appointed by the New Zealand Institute of Landscape Architects. Such arbitrator must give an award in writing within 30 days after his or her appointment, unless the consent holder and the Council agree that time must be extended. The parties must bear their own costs in connection with the arbitration. In all other respects, the provisions of the Arbitration Act 1996 must apply.
31. If, for any reason other than default of the Council, the decision of the arbitrator is not made available by the 30th day referred to above, the amount of the bond must be the sum fixed by the Council, until such time as the arbitrator does make his/her decision. At that stage the new amount must apply.
32. The bond may be varied, cancelled, or renewed at any time by agreement between the consent holder and the Council provided that cancellation will not be agreed to unless a further or new bond acceptable to the Council is available to replace immediately that which is to be cancelled (subject however to Condition D33 below as to release of the bond on the completion of all required maintenance of the plants).
33. The Council must release the bond on the completion of the required maintenance. This means when the maintenance of plants has been completed in accordance with conditions D21 and D22 and the certified EMP and LMP.
34. All costs relating to the bond must be paid by the consent holder.
35. Conditions D24 to D34 form an integrated whole and are not severable.

Note: The s224c certificate can be released once the report confirming a mortality rate of less than 10%, in terms of condition D19 and D20, and a bond, in terms of condition D24, has been received and accepted by Council.

Ecological Certification

36. All other Recommendations identified in Section 8.0 of the Rural Design 1984 Limited Ecological Assessment Report dated November 2022, excluding the planting requirements addressed under Conditions D18 to D22, and as detailed in the certified EMP shall be certified ('Ecological Completion Certificate') as being established in

general accordance with the certified EMP by a suitably qualified and independent person. The consent holder shall submit the certificate to Council's Development Planning Manager confirming that the works required have been fully implemented in a professional and workmanlike manner.

Landscape Certification

37. The details of the "Landscape Planting and Management Plan" set out in Section 5 of the "Assessment of Landscape Effects" prepared by Kathryn Holyoake Landscape Architecture dated 29/11/2022, excluding the planting requirements addressed under Conditions D18 to D23, and as detailed in the certified LMP shall be certified ('Landscape Completion Certificate') as being established in general accordance with the certified LMP by a suitably qualified and independent person. The consent holder shall submit the certificate to Council's Development Planning Manager confirming that the works required have been fully implemented in a professional and workmanlike manner.

Residents Association

38. The consent holder shall submit to Council's Development Planning Manager for certification the documentation which shows that the relevant Body Corporate, Residents Association or the like rules have been prepared by a suitably qualified professional for the purpose of the creation and administration of the governing body for the site, this includes but is not limited to, any specific requirements for the maintenance and management of all private infrastructure services and roads, and the ongoing protections of the vegetation within the Protective Covenant Area.

The documentation should include but not be limited to:

- i. Who will be assuming responsibility for all repairs, operation and maintenance in accordance with the certified Operations, Monitoring and Maintenance Plan and On-Lot Devices Management Plan for the private communal onsite water treatment and supply system, the private communal wastewater treatment and reticulation system, the private communal roading network including retaining structures, rain gardens and associated drainage.
- ii. Who will be managing and coordinating ongoing maintenance of the community facilities associated with the development.
- iii. Who will be responsible for managing solid waste collection.
- iv. Who will be managing and protecting vegetation within the Protective Covenant Area.
- v. Who will ensure that funding mechanisms are in place and operational for the purposes of achieving i) - iv) above including ensuring that all owners within the development are obliged to join the Residents Association/Body Corporate, and that a sinking fund is available to adequately fund Residents Association/Body Corporate responsibilities.

Note: This document shall be reviewed by Council's legal advisor at the consent holder's expense before final certification is provided.

STAGE 1

A. Prior to the commencement of physical works on the site, the following conditions are to be complied with:

Engineering Design Plan

1. The consent holder shall submit construction drawings and specifications in accordance with Council's Code of Practice for Subdivision and Land Development (COP) prepared by a Chartered Professional Engineer (CPEng) or other suitably qualified person, for certification by Council's Development Engineer. These documents shall include but not be limited to:
 - i. Design details of Lot 200 (Road 1) 7.2m wide, sealed, two-way carriageway with a single lane in each direction and a turning head with roundabout style directional arrow delineation with shallow grassed swale drains on each side including a typical cross section, earthworks cross sections, rain gardens, erosion control, pavement design, long section, culverts, drainage flow paths/overland flows paths, pavement marking, surfacing, traffic control signage, any proposed planting, landscaping, retaining/retaining structures and street furniture.
 - ii. Design details of Lot 201 (Road 2) One-way clockwise ring road with a sealed carriageway width of 3.6m with a shallow grassed swale drain on one side including a typical cross section, earthworks cross sections, rain gardens, erosion control, pavement design, long section, culverts, drainage flow paths/overland flows paths, pavement marking, surfacing, traffic control signage, any proposed planting, landscaping, retaining/retaining structures and street furniture.
 - iii. Design details of the Lot 200 (Road 1) intersection with Hikuai Settlement Road in accordance with the Safe System Audit Report compiled by Traffic Planning Consultants dated 5th December 2023 (signed 21/3/2024).
 - iv. Design details of existing and proposed stormwater overland flow paths, ephemeral streams, intermittent streams & permanent streams for the 1% ARI storm event including erosion protection.
 - v. Design details of the construction of new vehicle crossings for Lots 1, 12, 29, 101, 102, rights of way D, E, F, G, I & J in accordance with TCDC No. 3000, Sheet 4.
 - vi. Design details of the construction of rights of way D, E, F, G, I & J with a sealed carriageway width of 2.8m with passing bays, a 0.5m grass berm and a 0.5m wide open swale drain including a typical cross section, earthworks cross sections, rain gardens, erosion control, pavement design, long section, passing bays, culverts, drainage flow paths/overland flows paths.
 - vii. Design details of a private wastewater system including the pressure sewer rising main reticulation inclusive of boundary kits, fittings and connections necessary to service to all residential lots.
 - viii. Design details of the private water supply and reticulation system including pipes, valves, fittings, fire hydrants, firefighting storage, and connections necessary to service all residential lots, inclusive of calculations in accordance with Section 4.
 - ix. Design details of earthworks cut & fill including retaining/retaining structures & suitable cross sections.

B. During the implementation of physical works on site, the following conditions are to be complied with:

Planting Implementation

1. The consent holder shall carry out all planting for Stage 1 in accordance with the certified EMP and LMP (All Stages condition A4 and A5). The planting shall be carried out under the guidance of a Landscape Specialist to ensure that all appropriate measures are undertaken to ensure successful establishment of the planting.

Note: Landscape Specialist - means a person with a tertiary qualification in the field to which a particular condition relates; or having sufficient technical expertise that is at least equivalent, including 5 years working experience in that field, unless otherwise specified in the conditions.

C. Prior to the survey plan being signed pursuant to section 223 of the Resource Management Act 1991, the following conditions are to be complied with:

Survey Plan

1. That the subdivision authorised by this consent proceeds in general accordance with the approved subdivision plan prepared by CKL titled "*Proposed Subdivision of Section 11 Block III Tairua SD (Stage 1)*" Rev 1 signed and dated by Council on 23rd day of May 2024.

Amalgamation Condition

2. That Lot 300 hereon (legal access) be held as to three undivided one-third shares by the owners of Lots 18, 19 and 101 hereon as tenants in common in the said shares and that individual records of title be issued in accordance therewith. (LINZ request reference: 1848964).
3. That Lot 301 hereon (legal access) be held as to four undivided one-fourth shares by the owners of Lots 14 to 17 hereon as tenants in common in the said shares and that individual records of title be issued in accordance therewith. (LINZ request reference: 1848964).
4. That Lot 302 hereon (legal access) be held as to four undivided one-fourth shares by the owners of Lots 7 to 10 hereon as tenants in common in the said shares and that individual records of title be issued in accordance therewith. (LINZ request reference: 1848964).
5. That Lot 303 hereon (legal access) be held as to two undivided one-half shares by the owners of Lots 22 and 23 hereon as tenants in common in the said shares and that individual records of title be issued in accordance therewith. (LINZ request reference: 1848964).
6. That Lot 304 hereon (legal access) be held as to four undivided one-fourth shares by the owners of Lots 25 to 28 hereon as tenants in common in the said shares and that individual records of title be issued in accordance therewith. (LINZ request reference: 1848964).
7. That Lot 305 hereon (legal access) be held as to four undivided one-fourth shares by the owners of Lots 31 to 34 hereon as tenants in common in the said shares and that

individual records of title be issued in accordance therewith. (LINZ request reference: 1848964).

8. That Lots 100, 102, 103, 200 and 201 hereon be held together in one Record of Title. (LINZ request reference: 1848964)

Defined Building Areas

9. The Defined Building Areas (DBA) shall be shown on the survey plan in accordance with the subdivision scheme plan prepared by CKL titled "*Proposed Subdivision of Section 11 Block III Tairua SD (Stage 1)*" Rev 1 dated 09.03.23.

Planting Areas

10. The area subject to planting under the certified EMP including vegetation for ongoing management and protection or within the Protective Covenant Area, which is located within residential Lots, shall be shown on the survey plan.

- D. Prior to the completion certificate being signed pursuant to section 224C of the Resource Management Act 1991, all conditions of consent are to be complied with, including the following:**

Provide Electric Power

1. The consent holder shall install separate electricity connections for each of Lots 1 to 38 and any Lots requiring electricity for the provision of infrastructure services.

Once installed, confirmation shall be provided to Council's Development Engineer by way of a letter of endorsement from the network utility provider, that the provision of underground (unless otherwise approved or required) power reticulation network connection points (service leads) have been made available to the boundary of Lots 1 to 38 and any other lots requiring electricity for the provision of services within the subdivision.

Consent Notice

2. A consent notice, pursuant to section 221 of the RMA, shall be registered against the relevant Records of Title. This notice shall specify the following conditions as relevant to each lot:

Reverse Sensitivity

- a) That the owners of Lots 15 to 19 should be aware that the adjoining land is zoned Rural under the Thames-Coromandel District Plan and at times permitted activities within the zone will generate associated noise and odour.

Maximum Site Coverage

- b) That the following site coverage requirements apply to Lots 1 to 38 based on the specific lot size:

Lot Size	Coverage
755m ² to 2,500m ²	25% to a maximum of 375m ² Gross Floor Area
Any lot over 2,500m ²	15%

Purpose of the Lots

- c) The owners of Lots 100, 101 102, 103, 200, 201, 300 to 305 shall be aware that the lots have been created for landscape protection purposes and for servicing of the subdivision only. No dwelling is permitted within the lots. The lots are not to be used for traditional rural activities. There is no additional subdivision or development rights associated with the lots with the exception of the completion of Stage 2 approved under RMA/2022/490. Ongoing care and maintenance of the lots will be the responsibility of the Body Corporate, Residents Association or the like. The maximum number of lots that may be established for residential purposes within the site have been utilised.

Protective Covenant Area Lots

- d) The owners of Lots 100, 101, 102 and 103 shall, on a continuing basis take all reasonable steps to protect and preserve the native vegetation within the covenant areas, shown within the certified EMP and LMP and as a Protective Covenant Area on the approved survey plan under RMA/2022/490.

In addition, no person, shall carry out, or permit, the following acts within the conservation covenant areas:

- i. Fell, destroy, remove, burn, prune, or otherwise damage and indigenous tree, plant or shrub;
- ii. Erect any new building or structure;
- iii. Plant, sow, or scatter the seeds of any trees, shrubs or plants that are not locally sourced native flora;
- iv. Introduce and propagate any plant pest species listed in the operational Waikato Regional Pest Management Strategy;
- v. Introduce any substances injurious to plant life, other than those substances required to control animal or plant pests, and then only in a manner that will not damage destroy or injure the native species;
- vi. Allow the establishment of any plant pests within the covenanted areas including but not limited to any plants that for the time being may be listed as noxious as well as exotic species incompatible with the ecological values and objectives of the Tairua Ecological District;
- vii. Allow the introduction of any animal pests or cattle, sheep, horses, pigs, goats, deer or other livestock from entering the Protective Covenant Areas.
- viii. Allow the lighting of fires within the Protective Covenant Area, or on adjacent land owned or occupied or under the control of the owner where there is any risk of fire spreading into the covenanted areas from that adjacent land;
- ix. Carry out any drainage works, excavations or alterations to the topography of the covenanted areas.
- x. The Landowner(s) shall pay to the Council the fair and reasonable costs incurred by the Council in monitoring these conditions in accordance with section 36(1)(c) of the Resource Management Act 1991.
- xi. Stock must not be able to access any existing indigenous habitats and planted areas. Fencing shall be constructed to a standard that will permanently prevent stock from accessing the indigenous habitats, protective covenant areas, or planted areas within the individual lots.
- xii. No non-indigenous animal species, including domestic dogs, cats, birds and fish to be kept on, or allowed to be introduced to, the Protective Covenant Area.

- xiii. Not do anything that would prejudice the health or ecological value of the areas to be protected, their long term viability and/or sustainability.
- xiv. Not be in breach of this covenant if any of the areas of planting to be protected die as a result of fire and/or natural causes not attributable to any act or default on their part for which they are not responsible.
- xv. In the event of loss or destruction of the existing native vegetation or any part of it within the identified Protective Covenant Area, for any reason (excluding (xiv)), whether that loss or destruction is due to a breach of conditions of this consent or not, the landowner(s) shall, upon notice from the Council, undertake to restore the covenant area as Council may prescribe in accordance with a suitable management plan prepared by suitably qualified person. All costs for restoration shall be met by the consent holder.

Geotechnical Completion Report

- e) That any development on Lots 1 to 38 shall comply with the recommendations of the final Land Stability/Geotechnical completion report required by condition D17 of RMA/2022/490 unless an alternate geotechnical report prepared by a Chartered Professional Engineer CPEng or Professional Engineering Geologist PEngGeol is provided to Council for certification.
- f) That any development on Lots 1 to 38 shall comply with the restrictions and recommendations identified in the Preliminary Geotechnical report prepared by hdGeo and dated 14 November 2022 Project No: HD1413-1, Reference PGR2 unless an alternate geotechnical report prepared by a Chartered Professional Engineer CPEng or Professional Engineering Geologist PEngGeol is provided to Council for certification.

Infrastructure

- g) The owner(s) of Lots 1 to 38 shall be responsible for the supply, installation, and ongoing maintenance and associated costs for a private sewage pumping system and pumping pipeline connecting into the private communal low pressure reticulated system.
- h) The owner(s) of Lots 1 to 38 shall maintain the private onsite stormwater management system. The private onsite stormwater management system and its design principle(s) must be retained at all times. No modifications shall be permitted.

Solid Waste

- i) The owner(s) of Lots 1 to 38 shall be aware there is no Council solid waste collection available for the residential lots. The provision of solid waste collection is at the property owner's expense.

Telecommunications

- j) The owner(s) of Lots 1 to 38 shall be aware there are no hardwired telephone connections available at the boundary of the lot. The provision of a telephone connection is at the property owner's expense.

Planting in Perpetuity

- k) The owners of Lots 1 to 38 shall ensure that the areas of existing and proposed vegetation shown on the certified EMP and LMP and as a Protective Covenant Area on the approved survey plan under RMA/2022/409 shall be preserved and protected in perpetuity. The owners shall on a continuing basis take all reasonable steps to preserve and protect the native vegetation growing in their respective areas in accordance with the certified EMP and LMP.

In addition, no person, shall carry out, or permit, the following acts within the conservation covenant areas:

- i. Fell, destroy, remove, burn, prune, or otherwise damage and indigenous tree, plant or shrub;
- ii. Plant, sow, or scatter the seeds of any trees, shrubs or plants that are not locally sourced native flora;
- iii. Introduce and propagate any plant pest species listed in the operational Waikato Regional Pest Management Strategy;
- iv. Introduce any substances injurious to plant life, other than those substances required to control animal or plant pests, and then only in a manner that will not damage destroy or injure the native species;
- v. Allow the establishment of any plant pests within the Protective Covenant Areas including but not limited to any plants that for the time being may be listed as noxious as well as exotic species incompatible with the ecological values and objectives of the Tairua Ecological District;
- vi. Allow the introduction of any animal pests or cattle, sheep, horses, pigs, goats, deer or other livestock within the Protective Covenant Areas.
- vii. Allow the lighting of fires within the Protective Covenant Area, or on adjacent land owned or occupied or under the control of the owner where there is any risk of fire spreading into the covenanted areas from that adjacent land;
- viii. Carry out any drainage works, excavations or alterations to the topography of the covenanted areas.
- ix. The Landowner(s) shall pay to the Council the fair and reasonable costs incurred by the Council in monitoring these conditions in accordance with section 36(1)(c) of the Resource Management Act 1991.
- x. Not do anything that would prejudice the health or ecological value of the areas to be protected, their long term viability and/or sustainability.
- xi. Not be in breach of this covenant if any of the areas of planting to be protected die as a result of fire and/or natural causes not attributable to any act or default on their part for which they are not responsible.
- xii. In the event of loss or destruction of the existing native vegetation or any part of it within the identified Protective Covenant Area, for any reason, whether that loss or destruction is due to a breach of conditions of this consent or not, the landowner(s) shall, upon notice from the Council, undertake to restore the covenant area as Council may prescribe in accordance with a suitable management plan prepared by suitably qualified person. All costs for restoration shall be met by the consent holder.

Archaeological Matters

- l) The owners of Lots 1 to 38 should be aware that the property is in the vicinity of recorded archaeological site(s). Owners should be aware that there may be further unrecorded archaeological site(s) within the property boundaries.

Work affecting archaeological sites is subject to an authority process under the Heritage New Zealand Pouhere Taonga Act 2014. An authority from Heritage New Zealand Pouhere Taonga (HNZPT) must be obtained for the work prior to commencement.

It is an offence to damage or destroy a site for any purpose without an authority. This is the case regardless of the legal status of the land on which the site is located, whether the activity is permitted under the district or regional plan or whether a resource or building consent has been granted. The Heritage New Zealand Pouhere Taonga Act 2014 contains penalties for unauthorised site damage. The property owner is advised to contact HNZPT for further information.

Evidence of cultural heritage, for sites of Māori origin may be in the form of accumulations of shell, bone, charcoal or burnt stones. In later sites, artefacts such as bottles or broken glass, ceramics and metals may be found or evidence of old foundations, wells, drains, tailings, races or other structures. Human remains/koiwi may date to any historic period.

Future Built Form

- m) That all dwellings and accessory buildings within Lots 1 to 38 shall be located within the Defined Building Area (DBA) as shown on the approved survey plan under RMA/2022/409 which are located in accordance with the subdivision scheme plan prepared by CKL titled "*Proposed Subdivision of Section 11 Block III Tairua SD (Stage 1)*" Rev 1 dated 09.03.23.
- n) At the time of building consent the owner(s) of Lots 1 to 38 shall provide suitable evidence/design, consistent with the certified LMP under condition D5 of RMA/2022/490, to illustrate that:
 - i. Building materials and colours including the proposed exterior finishes of all built form and structural hard landscaping (including water tanks) should comprise visually recessive features, materials and colors and deploy low reflectivity paints, joinery, and glass in accordance with the Thames-Coromandel Proposed District Plan - Appendix 5 - BS5252 Colour Chart.
 - ii. Residential Housing Foundations (within the provisional areas of each building platform) should be restricted to essential and minimal pole footings allowing natural drainage below ground level and the minimal disturbance to the plantings falling within the Protective Covenant Area(s) boundaries.
 - iii. A planting plan is to accompany building consent documentation and be prepared in general accordance with the planting envisaged in and around the building curtilage areas described as Planting Type 3: Native Amenity Plantings, in the certified LMP. Native amenity plantings shall maintain solar aspect and views, while providing for the privacy and onsite amenity between private dwellings.
 - iv. The planting plan/s should also detail plantings to be undertaken in and around newly constructed pole foundations within the provisional building area of the private lot, resting within the Protective Covenant Areas. Plantings shall be consistent with the recommendations outlined in the certified LMP.
 - v. Retaining walls to be in recessive colours and materials. Planting in front where practicable.
 - vi. Water tanks to be buried, or if not practicable, surrounded by planting and in recessive, non-reflective colour.

- vii. Roading and private accessways to have black oxide.
- viii. The scale of buildings should be managed by breaking built form into smaller interconnected blocks, wings or components, that sit comfortably within the topography of the site and surrounding bush canopy.
- ix. Impermeable surfaces within the building platform, i.e., paved surfaces associated with the house and amenity landscape, should be kept to a minimum and drainage directed to avoid soil disturbance.
- x. Fences, walls and prefabricated concrete unit retaining walls should not be permitted within the lots.
- xi. There should be no unpainted PVC down-pipes or guttering, fibre cement sheet or other synthetic surfacing modules.
- xii. Roof pitch should be angled down the slope to read with the underlying topography and surrounding bush canopy.

STAGE 2

A. Prior to the commencement of physical works on the site, the following conditions are to be complied with:

Engineering Design Plan

1. The consent holder shall submit construction drawings and specifications in accordance with Council's Code of Practice for Subdivision and Land Development (COP) prepared by a Chartered Professional Engineer (CPEng) or other suitably qualified person, for certification by Council's Development Engineer. These documents shall include but not be limited to:
 - i. Design details of Lot 202 (Road 3) 7.2m wide, sealed, two-way carriageway with a single lane in each direction and a turning head with roundabout style directional arrow delineation with shallow grassed swale drains on each side including a typical cross section, earthworks cross sections, rain gardens, erosion control, pavement design, long section, culverts, drainage flow paths/overland flows paths, pavement marking, surfacing, traffic control signage, turning head, any proposed planting, landscaping, retaining/retaining structures and street furniture.
 - ii. Design details of existing and proposed stormwater overland flow paths, ephemeral streams, intermittent streams & permanent streams for the 1% ARI storm event including erosion protection.
 - iii. Design details of the construction of new vehicle crossings for rights of way K & L in accordance with TCDC No. 3000, Sheet 4.
 - iv. Design details of the construction of rights of way K and L with a sealed carriageway width of 2.8m with passing bays, a 0.5m grass berm and a 0.5m wide open swale drain including a typical cross section, earthworks cross sections, rain gardens, erosion control, pavement design, long section, passing bays, culverts, drainage flow paths/overland flows paths.
 - v. Design details of a private wastewater system including the pressure sewer rising main reticulation inclusive of boundary kits, fittings and connections necessary to service to all residential lots.
 - vi. Design details of the private water supply and reticulation system including pipes, valves, fittings, fire hydrants, firefighting storage, and connections necessary to service all residential lots, inclusive of calculations in accordance with Section 4.

- vii. Design details of earthworks cut & fill including retaining and suitable cross sections.

B. During the implementation of physical works on site, the following conditions are to be complied with:

Planting Implementation

1. The consent holder shall carry out all planting for Stage 2 in accordance with the certified EMP and LMP (All Stages condition A4 and A5). The planting shall be carried out under the guidance of a Landscape Specialist to ensure that all appropriate measures are undertaken to ensure successful establishment of the planting.

Note: Landscape Specialist – means a person with a tertiary qualification in the field to which a particular condition relates; or having sufficient technical expertise that is at least equivalent, including 5 years working experience in that field, unless otherwise specified in the conditions.

C. Prior to the survey plan being signed pursuant to section 223 of the Resource Management Act 1991, the following conditions are to be complied with:

Survey Plan

1. That the subdivision authorised by this consent proceeds in general accordance with the approved subdivision plan prepared by CKL titled "*Proposed Subdivision of Section 11 Block III Tairua SD (Stage 2) Rev 1*" signed and dated by Council on 22nd day of May 2024.

Amalgamation Condition

2. That Lot 306 hereon (legal access) be held as to three undivided one-third shares by the owners of Lots 41 to 43 hereon as tenants in common in the said shares and that individual records of title be issued in accordance therewith. (LINZ request reference: 1848964).
3. That Lot 307 hereon (legal access) be held as to three undivided one-third shares by the owners of Lots 45 to 47 hereon as tenants in common in the said shares and that individual records of title be issued in accordance therewith. (LINZ request reference: 1848964).
4. That Lots 100, 102, 200, 201, 202 and 400 hereon be held together in one Record of Title. (LINZ request reference: 1848964).

Defined Building Areas

5. The Defined Building Areas (DBA) shall be shown on the survey plan in accordance with the subdivision scheme plan prepared by CKL titled "*Proposed Subdivision of Section 11 Block III Tairua SD (Stage 2)*" Rev 1 dated 09.03.23.

Planting Areas

6. The area subject to planting under the certified EMP and LMP including vegetation for ongoing management and protection or within the Protective Covenant Area, which is located within residential Lots, shall be shown on the survey plan.

- D. Prior to the completion certificate being signed pursuant to section 224(c) of the Resource Management Act 1991, all conditions of consent are to be complied with, including the following:**

Provide Electric Power

1. The consent holder shall install separate electricity connections for each of Lots 39 to 47 and any Lots requiring electricity for the provision of infrastructure services.

Once installed, confirmation shall be provided to Council's Development Engineer by way of a letter of endorsement from the network utility provider, that the provision of underground (unless otherwise approved or required) power reticulation network connection points (service leads) have been made available to the boundary of Lots 39 to 47 and any other lots requiring electricity for the provision of services within the subdivision.

Consent Notice

2. A consent notice, pursuant to section 221 of the RMA, shall be registered against the relevant Records of Title. This notice shall specify the following conditions as relevant to each lot:

Maximum Site Coverage

- a) That the following site coverage requirements apply to Lots 39 to 47 based on the specific lot size:

Lot Size	Coverage
755m ² to 2,500m ²	25% to a maximum of 375m ² Gross Floor Area.
Any lot over 2,500m ²	15%

Purpose of the Lots

- b) The owners of Lots 100, 101, 102, 200, 201, 202, 300 to 307 and 400 shall be aware that the lots have been created for landscape protection purposes and for servicing of the subdivision only. No dwelling is permitted within the lots. The lots are not to be used for traditional rural activities. There is no additional subdivision or development rights associated with the lots. Ongoing care and maintenance of the lots will be the responsibility of the Body Corporate, Residents Association or the like. The maximum number of lots that may be established for residential purposes within the site have been utilised.

Protective Covenant Area Lots

- c) The owners of Lots 100, 101, 102 and 400 shall, on a continuing basis take all reasonable steps to protect and preserve the native vegetation within the covenant areas, shown within the certified EMP and LMP and as a Protective Covenant Area on the approved survey plan under RMA/2022/490.

In addition, no person, shall carry out, or permit, the following acts within the conservation covenant areas:

- i. Fell, destroy, remove, burn, prune, or otherwise damage and indigenous tree, plant or shrub;
- ii. Erect any new building or structure;

- iii. Plant, sow, or scatter the seeds of any trees, shrubs or plants that are not locally sourced native flora;
- iv. Introduce and propagate any plant pest species listed in the operational Waikato Regional Pest Management Strategy;
- v. Introduce any substances injurious to plant life, other than those substances required to control animal or plant pests, and then only in a manner that will not damage destroy or injure the native species;
- vi. Allow the establishment of any plant pests within the covenanted areas including but not limited to any plants that for the time being may be listed as noxious as well as exotic species incompatible with the ecological values and objectives of the Tairua Ecological District;
- vii. Allow the introduction of any animal pests or cattle, sheep, horses, pigs, goats, deer or other livestock within the Protective Covenant Area.
- viii. Allow the lighting of fires within the Protective Covenant Overlay Area, or on adjacent land owned or occupied or under the control of the owner where there is any risk of fire spreading into the covenanted areas from that adjacent land;
- ix. Carry out any drainage works, excavations or alterations to the topography of the covenanted areas.
- x. The Landowner(s) shall pay to the Council the fair and reasonable costs incurred by the Council in monitoring these conditions in accordance with section 36(1)(c) of the Resource Management Act 1991.
- xi. Stock must not be able to access any existing indigenous habitats and planted areas. Fencing shall be constructed to a standard that will permanently prevent stock from accessing the indigenous habitats, covenant areas, or planted areas within the individual lots.
- xii. No non-indigenous animal species, including domestic dogs, cats, birds and fish to be kept on, or allowed to be introduced to, the Protective Covenant Area.
- xiii. Not do anything that would prejudice the health or ecological value of the areas to be protected, their long term viability and/or sustainability.
- xiv. Not be in breach of this covenant if any of the areas of planting to be protected die as a result of fire and/or natural causes not attributable to any act or default on their part for which they are not responsible.
- xv. In the event of loss or destruction of the existing native vegetation or any part of it within the identified Protective Covenant Area, for any reason (excluding (xiv)), whether that loss or destruction is due to a breach of conditions of this consent or not, the landowner(s) shall, upon notice from the Council, undertake to restore the covenant area as Council may prescribe in accordance with a suitable management plan prepared by suitably qualified person. All costs for restoration shall be met by the consent holder.

Geotechnical Completion Report

- d) That any development on Lots 39 to 47 shall comply with the recommendations of the final Land Stability/Geotechnical completion report required by condition D17 of RMA/2022/490 unless an alternate geotechnical report prepared by a Chartered Professional Engineer CPEng or Professional Engineering Geologist PEngGeol is provided to Council for certification.
- e) That any development on Lots 39 to 47 shall comply with the restrictions and recommendations identified in the Preliminary Geotechnical report prepared by hdGeo and dated 14 November 2022 Project No: HD1413-1, Reference PGR2 unless an alternate geotechnical report prepared by a Chartered Professional

Engineer CPEng or Professional Engineering Geologist PEngGeol is provided to Council for certification.

Infrastructure

- f) The owner(s) of Lots 39 to 47 shall be responsible for the supply, installation, and ongoing maintenance and associated costs for a private sewage pumping system and pumping pipeline connecting into the private communal low pressure reticulated system.
- g) The owner(s) of Lots 39 to 47 shall maintain the private onsite stormwater management system. The private onsite stormwater management system and its design principle(s) must be retained at all times. No modifications shall be permitted.

Solid Waste

- h) The owner(s) of Lots 39 to 47 shall be aware there is no Council solid waste collection available for the residential lots. The provision of solid waste collection is at the property owner's expense.

Telecommunications

- i) The owner(s) of Lots 39 to 47 shall be aware there are no hardwired telephone connections available at the boundary of the lot. The provision of a telephone connection is at the property owner's expense.

Planting in Perpetuity

- j) The owners of Lots 39 to 47 shall ensure that the areas of existing and proposed vegetation shown on the certified EMP and LMP and as a Protective Covenant Area on the approved survey plan under RMA/2022/409 shall be preserved and protected in perpetuity. The owners shall on a continuing basis take all reasonable steps to preserve and protect the native vegetation growing in their respective areas in accordance with the certified EMP and LMP.

In addition, no person, shall carry out, or permit, the following acts within the conservation covenant areas:

- i. Fell, destroy, remove, burn, prune, or otherwise damage and indigenous tree, plant or shrub;
- ii. Plant, sow, or scatter the seeds of any trees, shrubs or plants that are not locally sourced native flora;
- iii. Introduce and propagate any plant pest species listed in the operational Waikato Regional Pest Management Strategy;
- iv. Introduce any substances injurious to plant life, other than those substances required to control animal or plant pests, and then only in a manner that will not damage destroy or injure the native species;
- v. Allow the establishment of any plant pests within the Protective Covenant Areas including but not limited to any plants that for the time being may be listed as noxious as well as exotic species incompatible with the ecological values and objectives of the Tairua Ecological District;
- vi. Allow the introduction of any animal pests or cattle, sheep, horses, pigs, goats, deer or other livestock within the Protective Covenant Areas.

- vii. Allow the lighting of fires within the Protective Covenant Area, or on adjacent land owned or occupied or under the control of the owner where there is any risk of fire spreading into the covenanted areas from that adjacent land;
- viii. Carry out any drainage works, excavations or alterations to the topography of the covenanted areas.
- ix. The Landowner(s) shall pay to the Council the fair and reasonable costs incurred by the Council in monitoring these conditions in accordance with section 36(1)(c) of the Resource Management Act 1991.
- x. Not do anything that would prejudice the health or ecological value of the areas to be protected, their long term viability and/or sustainability.
- xi. Not be in breach of this covenant if any of the areas of planting to be protected die as a result of fire and/or natural causes not attributable to any act or default on their part for which they are not responsible.
- xii. In the event of loss or destruction of the existing native vegetation or any part of it within the identified Protective Covenant Area, for any reason, whether that loss or destruction is due to a breach of conditions of this consent or not, the landowner(s) shall, upon notice from the Council, undertake to restore the covenant area as Council may prescribe in accordance with a suitable management plan prepared by suitably qualified person. All costs for restoration shall be met by the consent holder.

Archaeological Matters

- k) The owners of Lots 39 to 47 should be aware that the property is in the vicinity of recorded archaeological site(s). Owners should be aware that there may be further unrecorded archaeological site(s) within the property boundaries.

Work affecting archaeological sites is subject to an authority process under the Heritage New Zealand Pouhere Taonga Act 2014. An authority from Heritage New Zealand Pouhere Taonga (HNZPT) must be obtained for the work prior to commencement.

It is an offence to damage or destroy a site for any purpose without an authority. This is the case regardless of the legal status of the land on which the site is located, whether the activity is permitted under the district or regional plan or whether a resource or building consent has been granted. The Heritage New Zealand Pouhere Taonga Act 2014 contains penalties for unauthorised site damage. The property owner is advised to contact HNZPT for further information.

Evidence of cultural heritage, for sites of Māori origin may be in the form of accumulations of shell, bone, charcoal or burnt stones. In later sites, artefacts such as bottles or broken glass, ceramics and metals may be found or evidence of old foundations, wells, drains, tailings, races or other structures. Human remains/koiwi may date to any historic period.

Future Built Form

- l) That all dwellings and accessory buildings within Lots 39 to 47 shall be located within the Defined Building Area (DBA) as shown on the approved survey plan under RMA/2022/409 which are located in accordance with the subdivision scheme plan prepared by CKL titled "*Proposed Subdivision of Section 11 Block III Tairua SD (Stage 2)*" Rev 1 dated 09.03.23.

- m) At the time of building consent the owner(s) of Lots 39 to 47 shall provide suitable evidence/design, consistent with the certified LMP under condition D5 of RMA/2022/490, to illustrate that:
- i. Building materials and colours including the proposed exterior finishes of all built form and structural hard landscaping (including water tanks) should comprise visually recessive features, materials and colors and deploy low reflectivity paints, joinery, and glass in accordance with the Thames-Coromandel Proposed District Plan - Appendix 5 - BS5252 Colour Chart.
 - ii. Residential Housing Foundations (within the provisional areas of each building platform) should be restricted to essential and minimal pole footings allowing natural drainage below ground level and the minimal disturbance to the plantings falling within the Protective Covenant Area(s) boundaries.
 - iii. A planting plan is to accompany building consent documentation and be prepared in general accordance with the planting envisaged in and around the building curtilage areas described as Planting Type 3: Native Amenity Plantings, in the certified LMP. Native amenity plantings shall maintain solar aspect and views, while providing for the privacy and onsite amenity between private dwellings.
 - iv. The planting plan/s should also detail plantings to be undertaken in and around newly constructed pole foundations within the provisional building area of the private lot, resting within the Protective Covenant Areas. Plantings shall be consistent with the recommendations outlined in the certified LMP.
 - v. Retaining walls to be in recessive colours and materials. Planting in front where practicable.
 - vi. Water tanks to be buried, or if not practicable, surrounded by planting and in recessive, non-reflective colour.
 - vii. Roading and private accessways to have black oxide.
 - viii. The scale of buildings should be managed by breaking built form into smaller interconnected blocks, wings or components, that sit comfortably within the topography of the site and surrounding bush canopy.
 - ix. Impermeable surfaces within the building platform, i.e., paved surfaces associated with the house and amenity landscape, should be kept to a minimum and drainage directed to avoid soil disturbance.
 - x. Fences, walls and prefabricated concrete unit retaining walls should not be permitted within the lots.
 - xi. There should be no unpainted PVC down-pipes or guttering, fibre cement sheet or other synthetic surfacing modules.
 - xii. Roof pitch should be angled down the slope to read with the underlying topography and surrounding bush canopy.

Advice Notes

1. Should the applicant wish to formally object to this decision please advise the Council's Development Planning Manager in writing within 15 working days of the receipt of this letter, stating reasons for the objection and the preferred outcomes.

If no response is received within 15 working days it will be assumed that the applicant accepts this decision and it will be regarded as final.

2. Pursuant to section 125 of the RMA, this consent lapses five years after the date it is granted unless:
 - (a) The land use consent is given effect to; and
 - (b) The subdivision consent is given effect to, when the 223 certificate has been issued; or
 - (c) The council extends the period after which the consent lapses.
3. All electric wiring within the subdivision will need to be underground.
4. The onus shall rest on the consent holder to demonstrate that the completed works meet Council's requirements and accepted engineering standards. To this end developers are advised to employ suitably qualified and experienced contractors and maintain records of the quality control process.
5. Prior to carrying out any works within the legal road corridor (boundary to boundary) the consent holder will need to obtain a 'Corridor Access Request' ('CAR'). A copy of the 'CAR' approval is to be brought to the pre-construction meeting for the subdivision/development.

A 'CAR' is required for both open cut trenching and trenchless techniques for utility installations. The application for a 'CAR' is to be made to Council's road management consultants, Pinnacles Civil Consultants Ltd Ph. 027 216 1964. The application form requires relevant background details including resource consent details, traffic management plans, and the location and nature of the works. Please note that a 'CAR' may take up to 15 working days to process and construction hours may be restricted on Level 2 or 3 roads, as defined in the Code of Practice for Temporary Traffic Management, ("COPTTM" of NZTA). A charge may apply.

6. The consent holder will be responsible for any cost/repair associated with damage to any Council assets during the construction of the proposed works.
7. All fees associated with approvals and inspections will need to be paid prior to the release of the 224(c) certificate.
8. The Council's requirements for the Road Naming Procedure (AS/NZS 4819:2011) are set out within the Code of Practice for Subdivision and Development. Please familiarise yourself with this procedure as this process needs to be followed to adopt new road names prior to new properties being formally created in the Council's data base post the issue of new Computer Free Hold Registers. The Council has long accepted the NZS as a policy guide for naming and numbering new lots. Therefore, we will now require all new developments where a road is proposed to be vested; or 5 or more lots are proposed; or any development which increases the total number of lots using a common access to 5 or more lots, to reference the road naming procedure.
9. The proposal will affect recorded archaeological site(s). Work affecting archaeological sites is subject to an authority process under the Heritage New Zealand Pouhere Taonga Act 2014. An authority from the Heritage New Zealand Pouhere Taonga (HNZPT) (previously New Zealand Historic Places Trust) must be obtained for the work prior to commencement. It is an offence to damage or destroy a site for any purpose without an authority. The Heritage New Zealand Pouhere Taonga Act 2014 contains penalties for unauthorised site damage. The applicant is advised to contact HNZPT for further information.

10. The consent holder should be aware that any future proposed vesting of any private way or access lot will not be accepted by Thames Coromandel District Council.

Development Contributions Advice Note

The proposal has been assessed as requiring a development contribution. The development contribution has been assessed in accordance with the information provided in the application.

Development contributions are payable upon commencement of the land use consent or upon the release of the 224c certificate, whichever occurs first.

The following development contributions shall be paid pursuant to sections 198 to 208 of the Local Government Act 2002.

1. A development contribution is payable on this resource consent. A letter stating the amount payable will be issued within 15 working days of the date this decision is released.

These contributions are required in accordance with Council's Development Contributions Policy. The Development Contributions Policy provides a review provision under section 3.10. Any request shall be in writing and shall set out the reasons for the review. The notice of review must be received by the Council within 15 working days of receipt of the formal development contribution letter.

Development contributions are payable upon granting of the resource consent (the date this resource consent is issued) and must be paid prior to the subdivision completion certificate being issued pursuant to section 224(c) of the Resource Management Act 1991 and prior to works commencing under the land use component of this resource consent.

A copy of the decision report is attached for your information.

If you have any questions or concerns about any aspect of the decision or consent conditions, please contact me on (07) 868 0200.

Signed for and on behalf of the Thames-Coromandel District Council:



.....
Katy Dimmendaal
Development Planning Team Leader
REGULATORY SERVICES

Dated this 22nd day of May 2024.

Notice of Commencement of Works
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PLEASE POST OR EMAIL THIS COMPLETED PAGE AT LEAST 3 WORKING DAYS BEFORE STARTING WORK

To: Thames-Coromandel District Council
515 Mackay Street, Private Bag
THAMES

Or Email: customer.services@tcdc.govt.nz

Attention: Environmental Compliance Officer

Resource consent details:

Address: 671 Hikuai Settlement Road, Hikuai

Application no: RMA/2022/490

Proposal: Combined land use and subdivision consent to create 47 residential allotments, balance allotments and access lots, and to undertake associated earthworks, retaining structures and interrelated infrastructure located at 671 Hikuai Settlement Road, Hikuai.

Work will start on: _____
(Date)

Owner's contact details:

Name: _____

Telephone: _____

Mobile phone: _____


Postal address: _____

Contractor's contact details (e.g. builder, earthmover)

Name: _____

Telephone: _____

Mobile phone: _____

	RESOURCE MANAGEMENT ACT 1991 ASSESSMENT AND DETERMINATION OF AN APPLICATION FOR RESOURCE CONSENT
	DISCRETIONARY ACTIVITY LAND USE AND SUBDIVISION CONSENT

Reporting Officer:	Louise Cowan– SLR Consulting
Consent Number:	RMA/2022/490
Applicant:	Darius Group Limited
Site Address:	671 Hikuai Settlement Road, Pauanui
Legal Description:	Section 11 Block III Tairua Survey District held in RT SA19A/388
Application:	Land use and subdivision consent to create 47 residential allotments, balance allotments and access lots, and to undertake associated earthworks, retaining structures and interrelated infrastructure located at 671 Hikuai Settlement Road, Hikuai.

1.0 Introduction

1.1 Description of the Proposal

CKL NZ Limited (“the Agent”) have applied on behalf of Darius Group Limited (“the Applicant”) to subdivide one lot into 47 residential allotments, balance allotments and access lots, and to undertake associated earthworks, retaining structures and interrelated infrastructure.

The Applicant intends the development to be comprehensive, including undertaking a two stage, fee simple subdivision, in addition to seeking land use consent for provision of infrastructure and a number of bulk and location and site amenity controls.

The Applicant’s Agent has advised that proposed subdivision creates 47 residential allotments with a minimum net site area of 755m² and an average net lot area of 1135m², excluding the balance lot. A large balance lot is proposed to hold the communal reticulated infrastructure, transportation corridors, and remainder of the land holding. A resident’s association or similar will be set up to maintain and manage communal infrastructure, including water, wastewater, stormwater, roading and solid waste collection.

The proposed lots incorporate approximately 5.8ha of the subject site with the remaining approximately 18ha to be held in one title for utility provision as well as ecological and landscape character enhancement and protection.

Each residential allotment can contain a building platform of 500m² within its boundaries. Due to the site topography and desire to minimise land modification, 18 of the 47 have a split building platform, whereby 250m² will be excavated to provide a flat even surface, with the remaining portion of the building platform designed for pole foundations for future dwellings.

The minimum 250m² of a flat even surface is located closest to the road access to allow for driveways, hard stand surfaces and the front of a dwelling to be constructed on hard ground within each lot boundary. The remaining area allocated for pole foundations remains stable.

The proposed lots are shown within Tables 1 and 2 below, with the corresponding stage scheme plans shown as Figures 1 and 2.

Table 1: Stage 1

Lot Number	Area m ²	Use	
1	1122	Residential	
2	859	Residential	
3	796	Residential	
4	1141	Residential	
5	872	Residential	
6	1144	Residential	
7	844	Residential	
8	882	Residential	
9	838	Residential	
10	782	Residential	
11	1350	Residential	
12	1296	Residential	
13	1452	Residential	
14	1815	Residential	
15	2083	Residential	
16	1429	Residential	
17	2677	Residential	
18	1361	Residential	
19	1136	Residential	
20	830	Residential	
21	880	Residential	
22	825	Residential	
23	1188	Residential	
24	901	Residential	
25	1161	Residential	
26	758	Residential	
27	843	Residential	
28	1103	Residential	
29	948	Residential	
30	865	Residential	
31	993	Residential	
32	1029	Residential	
33	1138	Residential	
34	1264	Residential	
35	1025	Residential	
36	1165	Residential	
37	1180	Residential	
38	1087	Residential	
100	7187	Balance Lot	Lots to be amalgamated.
101	4344	Balance Lot	
102	4164	Balance Lot	
103	173243 (17.3243ha)	Balance Lot	
200	3947	Private Road 1	
201	3710	Private Road 2	

The three waters infrastructure and transport infrastructure are proposed to be held within the large balance lot with appropriate easements to provide for their use by the smaller residential lots.

Existing Easements in Gross for Walking Access (New Zealand Walking Access Commission), shown as A, B, and C on the Subdivision Application Plan will remain in their current form with no changes proposed. Easements over the ROWs are proposed to ensure access and facilities can be legally provided to each residential allotment.

Specialist Information

Natural Character and Landscaping

An assessment of landscape effects has been provided by Kathryn Holyoake Landscape Architecture (KHLA).

The Applicant has advised that the proposed development will establish 47 residential allotments with a 'bush character' and an associated Protective Covenant Overlay (PCO) held predominantly over the balance lot. However, the PCO will also extend into some of the residential allotments where pole foundations are proposed. The building platforms are positioned to allow for adequate vegetation to establish between built forms to maintain a sense of privacy and increase the dominance of the bush environment.

For each allotment the PCO will require a Landscape Planting and Management Plan (LPMP) to be designed at the building consent phase to maintain and enhance the natural character and ecological values of the site as a whole.

A series of planting areas and hard landscape treatments are proposed to protect, maintain, and manage all existing natural features, while also enhancing the degraded and marginal areas of the site. This will be done via an Outline Landscape Management Plan (OLMP) to be implemented via the PCO. The PCO will encompass all areas of the balance lot and residential allotments, excluding cut building platforms areas, common open space and road reserves. However, these areas will be subject to additional design and management guidance for landscaping within the OLMP, which the Applicant has suggested should include a period of five years for monitoring post title issue.

It is expected that the residential allotments will be subject to consent notice conditions outlining the responsibilities of the owners about the management of private land sitting within the PCO and built form design parameters that must be met during the design stage for residential dwellings (to be submitted for approval via the Building Consent Process).

A detailed LPMP is expected to be required as a condition of consent for the subdivision, which is to be prepared in general accordance with the OLMP prepared by KHLA. The LPMP must include detailed plans, schedules and implementation and management requirements for all soft and hard landscape features for all planting required on the balance lot. This includes native revegetation planting, riparian planting and boulder pool feature, roadside cuts and batter repair, and road reserve planting.

Ecological

An Ecological Assessment has been provided by Rural Design 1984 Limited which found that the site contains a moderate-high level of ecological diversity supporting over 109 species of indigenous plants, of which a number are 'Threatened' and 'At Risk' species including 5 'Threatened – Nationally Vulnerable,' 1 'Scarce', 1 'At Risk –Naturally Uncommon' species. In terms of faunal communities, the site and immediate surrounds supports or is expected to

support fauna species for its representative habitat type including 5 'At Risk-Declining' fish species, 1 'Nationally Critical' and 3 'Native & Declining' avifauna species.

The application proposes the protection, expansion and enhancement of natural features contained on site through the establishment of a conservation covenant area, which will extend over majority of the site. The proposed community open space, roads and accessways, effluent field and building platform areas will be excluded from the covenant area as outlined in the Landscape Plan provided by Kathryn Holyoake Landscape Architecture. The covenant area will extend over approximately 17 hectares and connect natural areas throughout the proposed development. The proposed enhancement will strengthen ecological values within the local area which is vitally important to enhance habitat for local wildlife and ensure that existing corridor features within the wider landscape are retained and protected in perpetuity.

The Ecological Assessment concludes that the potential adverse effects of the associated subdivision and subsequent site development proposal can be sufficiently avoided or mitigated through employing best practice comprehensive low-impact design principles, implementing comprehensive sediment and erosion control measures, as well as ensuring that the site development abides by appropriate planning and development controls. Provided that they are implemented successfully during construction and operational phases of the development, adverse effects on the environment would be less than minor.

If the restoration and mitigation measures outlined in the Ecological Assessment are successfully implemented, the Assessment concludes that a net ecological benefit is likely to result from the proposed subdivision. For ecological restoration to be successful, the project will require long-term commitment and an appropriate legal mechanism such as a QEII covenant to ensure ecological viability of the proposed covenant area. All ecological restoration works should be guided by a comprehensive Ecological Management Plan, which is recommended to be prepared as a condition of consent.

Transportation

The development of the site will include a privately owned and maintained internal roading network, in addition to Right of Ways (ROWs) for specific residential allotment access. The existing site access will be closed and a new Stop Controlled T-intersection will be constructed approximately 170 m to the west of the existing access. All residential allotments will be accessed via the internal roading network, with no direct connection of any residential allotment to Hikuai Settlement Road.

Road 1 (Lot 200) will be the main access road for the development and from Hikuai Settlement Road, with Roads 2 and 3 (Lots 201 and 202) joining Road 1 further within the site, refer Figures 1 and 2.

Road 1 is proposed to have a 7.2 m wide sealed two-way carriageway with a single lane in each direction. Three private ways providing access to Lots 6-19 will intersect with Road 1. Additionally, it is expected that direct access will be provided for Lots 2 and 3 from Road 1. Lot 1 will also be provided access from Road 1 if Stage 2 of the subdivision is not given effect to at the same time as Stage 1.

Proposed Road 2 will have a sealed width of 3.6 m and will form the 'ring road' with the western aspect of the development to service Lots 4-5, and 20-38 (20 lots total). Road 2 will be one-way, with traffic flowing in a clockwise direction.

Proposed Road 3 intersects with Road 1 approximately 30 m west of the Hikuai Settlement Road intersection. It will consist of a 7.2 m wide sealed two-way carriageway with a single lane in each direction. Road 3 will provide access to two ROWs servicing Lots 41-47, with

direct access to Lots 1, 39, and 40. As Road 3 will run partially parallel to Hikuai Settlement Road, this proposal will include the retention and revegetation of natural bush between the two carriageways to minimise potential for headlight conflict.

The majority of the residential lots will be accessed via ROWs within the development. Eight ROWs are proposed for the whole development. Generally, the ROWs will be constructed with a sealed carriageway width of 2.8m. Where the ROWs are of considerable length or have a steep gradient and bends, passing bays are proposed to allow two cars to pass each other in locations that are pinch points. All roads within the proposal will remain in private ownership and will not be vested in Council.

Earthworks and Civil Works

Earthworks will be required to construct suitable building platforms, road and ROW infrastructure, utilities installation (as required), retaining walls, and three waters infrastructure. The earthworks will include:

- Site clearing;
- Erosion and Sediment control construction, including silt fences, diversion channels and bunds;
- Topsoil stripping, bulk cut to fill earthworks, subsoil drainage, connections and outlets, topsoiling and surplus material removal; and
- Retaining wall construction.

The Applicant has advised that the earthworks volumes, based on the Engineering Design included with the application provide concept level earthworks for bulk volume analysis. The final building platforms and finished floor levels will be confirmed at time of Engineering Plan Approval. The earthworks proposed comprise the following volumes:

- Topsoil strip: 7,468m³ (based on an area of 37,344m² and 0.2m depth);
- Total Cut = 15,940m³;
- Total Cut to Fill = 15,230m³; and
- Total Cut to waste = 710m³.

Surplus material cut to waste will be disposed of at an approved cleanfill or landfill facility. Fill will be sourced from site won material or imported if onsite material is deemed unsuitable during the earthworks phase. All erosion and sediment control measures are to be constructed using WRC “Erosion and Sediment Control: Guidelines for Soil Disturbing Activities” and the relevant WRC fact sheets.

Due to the site steepness and objective to reduce total earthworks across the sites, retaining walls will be used on the residential allotments to create suitable building platforms in addition to some locations along the roadways. Retaining walls will be up to 4.1 m and subject to further specific design. Separate building consent may also be required for retaining walls dependent on height and requirements in relation to surcharge.

Stormwater

The Applicant has advised that the general stormwater design is in accordance with the TCDC Code of Practice and WRC Stormwater Management Guideline 2020. The Applicant has provided a Stormwater Management Report (SWMP) that outlines further detail for the stormwater management for the site.

Ultimately the stormwater discharge points for the development will either be directly to the Tairua River or an unnamed tributary of the Tairua River via a discharge of stormwater to land where it may enter water. Stormwater will be generated internally from the residential

allotments and from the roads and ROWs proposed to service the development. Kerb and channel of the roads and ROWs is not proposed; shallow swales adjacent to the carriageways will be utilised instead.

On lot devices to attenuate and discharge stormwater include rain tanks for non-potable water captured from building roofs, sized to a 10year Annual Recurrence Interval (ARI) and 1hr duration. Additionally, the Applicant has advised that detention trenches can be used in flat areas (4 m x 1m x 1m depth) to detain runoff from the remaining areas from the building platform.

Devices are required to be constructed to convey runoff generated on the road and ROWs to a treatment device before it discharges to the natural environment. Swales and v-ditches will be used on all roads and ROWs; a swale is proposed to be on one side of the road for all carriageways, except Road 1 where there will be a swale on each side. The swales have been sized to accommodate the 10year ARI. Raingardens are also proposed for the ROWs and roads to capture and treat pollutants generated from the impervious surfaces of the carriageways. Two raingardens of varying sizes are proposed for each of the three roads. Between one and three raingardens are required for each of the ROWs. The sizing of the raingardens and swales will need to be certified through final design.

Wastewater

Wastewater is intended to be managed on site via communal reticulation, treatment, and discharge facility. The Applicant has advised that wastewater from each of the residential lots will be conveyed by gravity and pumped reticulation to a central location and treated through a bespoke Wastewater Treatment Plan (WWTP) and soakage field. Further detailed design is anticipated as a condition of consent to confirm the WWTP design. Conceptually there is sufficient space to accommodate a communal facility and sufficient gravity (assisted with pumps) to service all lots with a low pressure sanitary system.

Water

The TCDC Code of Practice requires domestic water demand to be taken as 250 litres per person per day, with an instantaneous peaking factor of 5. Based on 47 residential allotments with 4 persons per household, this equates to a projected daily demand of 47,000m³ per day.

The Applicant has specified that a communal water supply is intended to service the development via groundwater. Brown Brothers Drilling have provided their confidence that there is sufficient groundwater within the aquifer under the site to provide for the full domestic water supply requirements.

Water from the groundwater bore will be directed into appropriately sized reservoirs (to allow for at least two days of storage) and treated to comply with the Water Services (Drinking Water Standards for New Zealand) Regulations 2022.

The reservoirs will also be sized sufficiently to provide for firefighting requirements in combination with the water reticulation to the residential allotments (to be refined through detailed design).

The Applicant has anticipated that the reservoir tanks will be located within Lot 101, adjacent to Lot 14 to allow for gravity flow to the majority of the site. Booster pump(s) can be included as required to ensure suitable pressure. A water reticulation network comprising of 150 mm principal mains and 50 mm rider mains located within the road reserves will be used to service the development.

Electricity and Telecommunications

Each residential allotment will be provided with a connection to electricity. The Applicant has advised that confirmation from PowerCo has been sought that there is adequate capacity within the network and will be forwarded to TCDC upon receipt.

Wireless broadband options are available for the subject site, including Wireless Nation. It is expected that a condition of consent will include a consent notice requirement outlining that no provision of hard-wired telecommunications is provided to each residential site and that wireless methods are available.

1.3 Site and Locality Description

A detailed description of the site is included in Section 3 of the application. A summary of the key site features is included below.

Location

The Applicant has described the location of the property as follows [abridged]:

“The subject site is located on the northern side of Hikuai Settlement Road, between Duck Creek and the Tairua River, and approximately 5 km southwest of the township of Pauanui. The western boundary of the site is with Duck Creek, which flows into the Tairua River and makes up the northern boundary of the site. Large exotic forestry landholdings are to the east and south of the site. Lakes Resort and Lakes Resort Golf and Country Club is located on the southern side of Hikuai Settlement Road, opposite the site. The Pauanui Tairua Trail traverses around the edge of the Tairua River and Tairua Harbour, including a section that crosses over the subject site. Hikuai Settlement Road is identified as a Rural Collector with an open road speed limit of 100km/hr.”

Topography and Natural Features

The Applicant has provided the following description of the topographical and natural features [abridged]:

“The subject site ranges from gently rolling slopes and steep gullies, to low lying wetlands at the western extent of the site adjacent to the Tairua River. The low-lying wetland area forms part of an expansive tidal estuary and floodplain. The subject site slopes from a maximum elevation at Hikuai Settlement Road, with three spurs on the southern end of the site running east to west. A deep gully runs from east to west through the centre of the site that essentially divides the site into two catchments. There are four main spurs on the northern side of the site that run from Hikuai Settlement Road to the low-lying plains in the west.

The subject site varies in vegetation coverage, ranging from pastoral grasses in the central ridges and valleys, with mixed native / exotic forest and scrub along the higher elevation margins. The vegetation coverage descends into manuka fen and saltmarsh wetlands along the boundaries of Duck Creek and the Tairua River. The subject site is not used for productive purposes but has previously functioned as a grazing runoff for stock. There are several streams (permanent, ephemeral, and intermittent) running through the site gullies. Additionally, the low-lying areas adjacent to Duck Creek and the Tairua River are identified as wetland areas.

Ecological Features

The Applicant has detailed the ecological features of the site in Section 3.3 of the application. This summary has been informed by the ecological reporting undertaken by Rural Design 1984 Limited and included as Appendix 6 to the application.

“The subject site is located within the Tairua Ecological District, which is characterised as a highly modified ecological district within the wider Coromandel Ecological Region. Broadly it includes steep hill country, small areas of alluvial plains and several large river estuaries. The subject site embodies the characteristics of the Coromandel Ecological Region and includes these major features within the site boundaries.

The subject site is representative of a highly modified ecotone sequence. It is currently covered in a mosaic of pastoral grasses and mixed native / exotic forest and scrub that grades into manuka fen and saltmarsh wetlands adjacent to Duck Creek and Tairua River at the lowest elevations within the site boundaries. The steeper ridges of the property are covered in a mixture of native and exotic scrub / forest, although the central aspect of the site comprises a mixture of exotic grassland dispersed with patches of exotic scrub. The lower lying western aspects of the subject site include a mixture of freshwater and saline indigenous wetland vegetation. The presence of native terrestrial vegetation is somewhat limited to the subject site, with pine forestry plantations (monocultural) to the east and south.

In the present day, most of the subject site's low-lying areas comprise of saltmarsh wetland and manuka fen grading up into mixed native and exotic regenerating bush with areas of open pasture. With regard to the identified ecological features of aquatic and terrestrial vegetation, ichthyofauna (fish), chiroptera (bats), avifauna (birds), and herpetofauna (lizards). Rural Design 1984 Limited assessed the terrestrial habitat as having low-moderate ecological value due to the long history of modification. However, the terrestrial habitat also contains several indigenous species listed as threatened. The low-lying saltmarsh wetlands were assessed as having high ecological value by Rural Design 1984 Limited.

In relation to the mapped Significant Natural Area's (SNA's) on the Site the Applicant has noted the following [abridged]:

The site incorporates and is surrounded by several areas identified in the ‘Significant Natural Areas of the Thames-Coromandel District: Terrestrial and Wetland Ecosystems’ Report authored by Kessels and Associates (2010). The wetland SNAs, of which the subject site lowlands are included within, are known to provide important habitat for indigenous bird species, including North Island fernbird, banded rail, shoveler duck, spotless crane, white heron, and Australian bittern. Additionally, the wetland areas provide shelter and habitat for migratory species up the Tairua River, including inanga, banded kokopu, koaro, giant kokopu and short-jawed kokopu. The value of the SNA areas in proximity to the subject site is shown through legal protections including QEII and TCDC land covenants.

Natural Character

The Applicant has detailed the natural character of the site and surrounds in Section 3.4 of the application. This summary has been informed by the Landscaper Values Assessment undertaken by KHLA and included as Appendix 7 to the application. The application has noted the following [abridged]:

The subject site is located on the slopes descending to the Tairua River and estuary environment on the outskirts of the holiday settlement of Pauanui. The subject site is dominated by the Coastal Environment and associated characteristics of the Tairua Harbour. The most important natural landscape attributes of the Tairua Harbour catchment are the

estuarine wetlands within the harbour environment and the kauri forests and shrublands south of the Kopu-Hikuai Highway.

Open grazed pasture areas characterise the journey along State Highway 25A toward Hikuai Settlement Road, with the spatial qualities of the landscape then more closed toward the immediate surroundings of the site.

The general 'rural character' values associated with the broader landscape are more pronounced closer to Hikuai Settlement and less so within the site and adjacent surrounds. As such, KHLA assess the site and local area as exhibiting a specific and unique landscape character that is analogous with a coastal bush setting. The landscape attributes can be appreciated from within the site as well as from immediate public views of the site.

The main factors contributing to this assessment are:

- A sense of connection (proximity) with Pauanui Settlement.*
- The comparatively steep harbour-side topography which increases the perceived dominance and sense of enclosure of the existing vegetative matrix.*
- An increased prevalence of regenerating native forest within the terrestrial margins of the Duck Creek wetland and Tairua River estuarine environment.*
- Unproductive rural land that has been left to regenerate naturally; and*
- The notable natural character values of the site within an otherwise highly modified environment. The natural character values are expressed through the expansive and legible views of the wetland and estuarine environments which comprise a range of important ecosystem types such as mangroves, saltmarsh, and Manuka fen, all associated with the northern (coastal) reaches of the Tairua Harbour*

Additionally, the subject site has a portion of the Tairua River Trail running through it, which offers unfettered walking and cycling public access to the coastal environment as well as a scenic route along the banks of the Tairua River. The subject site natural character is important to the Tairua River Trail due to its contribution to the overall perception of natural character values within the local area. The steep vegetated hillslopes as perceived from the low-lying portions of the site and adjacent areas, and the associated hydrological features contribute to the transient and experiential qualities of the coastal setting.

Public views are spatially constrained of the site and are limited to the immediate surroundings of the site along Hikuai Settlement Road (near Duck Creek), the Tairua River Trail, and across the Tairua River / Harbour catchment along State Highway 25 between Tairua and Pukepoto.

Ultimately, the site's biophysical attributes are directly connected to the natural elements, patterns and processes occurring within the Tairua Harbour Catchment. Whilst the subject site is not overlain by a High or Outstanding Natural Character overlay, KHLA determine there are notable natural character values of the site and local area, comprising:

- The presence of wetlands, containing Manuka Fen and saltmarsh habitats.*
- A series of rivers and intermittent and permanent streams associated with Duck Creek comprising 5 ephemeral streams, 7 intermittent streams, 4 permanent streams and 2 wetland features within the boundaries of the site (Rural Design 1984 Limited, Section 4.3.5).*
- The tidal ebb and flows of the Tairua Harbour waters and the visual qualities, sounds and smells associated with this dynamic relationship in the wetland and saltmarsh habitats. The presence and a range of aquatic and avifauna species that contribute to an appreciation of the quality of habitats present, the perception of the degree of naturalness and transient qualities of the environment.*
- Legibility of the geomorphic framework that support the hydrological aspects of the coastal environment.*

- *The legibility of the contiguous and connected patterns of the wetland/estuarine habitats with the terrestrial areas of the site.*
- *The high value regenerating vegetation within the terrestrial areas of the site that visually frames the wetland and saltmarsh environments, and 'sets the scene' for the enjoyment and experiential qualities associated with the Tairua River Trail.*
- *The dynamic atmospheric qualities of the Tairua River Catchment resulting from the changing weather patterns and the direct influence from the open coastline, which often result in 'moody' skies and powerful water falls through the lower margins of the site.*
- *The legible cohesion between terrestrial and wetland habitats is unusual within the local setting, given the level of modification that has occurred in the area. It is therefore a fundamental indicator of the perceived degree of natural character value within the site.*

Access and Services

The existing built development on the site comprises a derelict dwelling and a half round barn located within the central elevated portion of the site. Both of these buildings will be demolished as part of the proposal.

There are no reticulated services in proximity to the subject site for water, stormwater, or wastewater. Overhead electricity and telecommunications services are located within the road reserve of Hikuai Settlement Road.

The subject site has an existing formed vehicle crossing to Hikuai Settlement Road approximately 200 m from the eastern boundary. Hikuai Settlement Road provides the only link between State Highway 25 and the settlement of Pauanui. It is a two lane, two-way road and is classified as a Rural Collector with the District Plan. It is under the control of the Council. Hikuai Settlement Road has a 100 km/h speed limit in proximity to the subject site. Traffic volumes are estimated at a peak hour of 254 vehicles and a daily vehicle volume of 2,535.

Cultural Context

The subject site is located within the rohe of Ngāti Maru and Ngāti Hei.

A Cultural Values Assessment (CVA) has been provided by Ngāti Hei. The CVA identifies a number of matters of relevance to Ngāti Hei. A copy of this correspondence is attached as Appendix 11 to the application.

Subsequent to the lodgement of the application specific correspondence was also received from Ngāti Maru, advising Ngāti Maru would like the following process in place:

- *Subdivision Management will ensure that Ngāti Maru is informed of all excavation that will take place on the subdivision, both as part of the subdivision creation and in relation to any future building or works on the subdivision and/or the subdivided plots.*
- *Subdivision Management agrees to engage a Ngāti Maru monitor to oversee any excavation, if required.*
- *Subdivision Management will ensure that Ngāti Maru Wāhi Tapu Process is adhered to.*

These provisions are incorporated into the application.

Archaeological Features

An Archaeological Assessment Report has been undertaken for the subject site by CFG Heritage and is included as Appendix 10 to the application.

*Two areas of shell midden were located within the vicinity of the Tairua River Trail. A small 1 m long lens of pipi (*Paphies australis*) shell was visible in the bank above the trail. However, this area was found to be a very discrete pocket and only extends 500 mm into the bank. This deposit is now recorded in the New Zealand Archaeological Association (NZAA) site recording scheme as site T12/1497.*

*A much larger shell midden was identified on a flat area immediately to the west of the trail in an area that has been previously landscaped to form a picnic area for trail users. It appears that the location of this site is outside of the easement boundary of the trail. Burned and unburned, whole and fragmented shell of tuangi (*Austrovenus stutchburyi*), pipi (*Paphies australis*), and various gastropods, as well as fire-cracked rocks and charcoal are visible on the surface of this area. Further assessment found that the midden covered the whole flat area (approx. 10 m x 15 m) and was around 400-500 mm thick in places. The deposit had been disturbed by the planting of fruit and native trees, and the eastern extent has been covered by the overburden from the construction of the track bench and boulders. The site was subsequently recorded as T12/1498 in the NZAA site recording scheme.*

No further in-situ archaeological features or deposits were noted within the areas identified, although redeposited shell was identified on one of the ridgelines at a higher elevation. There is reasonable cause to suspect that sites / features may exist within the subject site subsurface but cannot be assessed at this stage due to dense vegetation coverage.

Noise

The Applicant has stated that:

The proposed development will result in changes to the level of noise within the existing environment due to the anticipated change from rural to residential. Noise sources are likely to include increased noise from traffic and residential activities. However, the extent and density of development is anticipated through the District Plan and therefore changes to the noise environment are also anticipated. Additionally, the low density nature of the proposed development will not generate noise to the same degree as a denser town settlement.

Noise effects will be mitigated through appropriate subdivision design, sufficient permeable areas across the development, construction of roads pursuant to the standards of the TCDC Code of Practice, sufficient distance between adjacent building platforms, and planting requirements as specified in the OLMP.

The construction stages of the development will be managed appropriately to achieve District Plan compliance with the relevant standards.

Site Visit

A site visit was undertaken on 18 January 2023, and having visited the site I concur with the description of topographical and landscape features provided by the Applicant.

Photographs taken during the site visit are included as Figures 3 to 9 below:



Figure 3: Existing Entrance looking South West and North East – Hikuai Settlement Road.



Figure 4: Looking South East across the site toward the existing entrance from Hikuai Settlement Road (Lots 10 and 11 and Road 1).



Figure 5: Derelict Dwelling and Existing Half Round Barn.



Figure 6: View looking North toward Lots 6–10.



Figure 7: View looking North East toward Lots 15–19 on hillside.



Figure 8: View from a Spur looking toward Tairua Harbour (Lots 20 – 25)



Figure 9: View looking upstream (west) along Tairua River (Lots 30 – 35).

1.5 Further Information and Deferral for Additional Consents

Following on from the receipt of the initial application further processing of the application was deferred in accordance with Section 91(1) on the grounds that additional consents may be required from the Waikato Regional Council. Consents were required and these will be discussed in further detail within section 1.6 of this report below.

Additionally further information of a technical nature was requested from the Applicant in accordance with Section 92. This included information from a Development Engineering perspective being; geotechnical matters, stormwater discharges and transportation requirements. From a planning perspective the Applicant was required to provide; staged development plans, draft residents constitution and the result of consultation with Ngāti Maru.

The last of this information was supplied and accepted by Council on 21 March 2024.

1.6 Waikato Regional Council Consents

The following resource consent decisions have been issued by Waikato Regional Council.

AUTH145576.01.01 for earthworks within a High Risk Erosion Area associated with a proposed subdivision development. The decision contains a raft of conditions including multiple requirements around erosion and sediment control, flocculation management, water sampling, site stabilisation and removal of controls, dust, ecology, machinery, winter works, accidental discovery protocols and archaeology.

AUTH145576.02.01 for the diversion and discharge of treated stormwater to water associated with a proposed subdivision development. Conditions include detailed stormwater design, as built certification, stormwater quantity and receiving environment, stormwater quality and receiving environment, operation and maintenance. Conditions also included requirements in relation to an operations, monitoring and maintenance plan and on-lot devices management plan.

AUTH146162.01.01 for the discharge of domestic wastewater onto or into land or water. A maximum discharge volume was set as a condition of consent, along with a suite of conditions in relation to management, monitoring and maintenance. A review condition was also included by the Regional Council.

Monitoring of compliance with the stated conditions will be the responsibility of the Waikato Regional Council.

1.7 Internal Referrals

The application was referred to the Council's Development Engineer for comment and assessment.

The Development Engineer noted the following matters:

"Proposal"

To create a 47 residential lot subdivision in two stages as follows:

Stage 1

Lots 1 to 38

Lot 101 (Private communal water supply & treatment)

Lot 102 (Private communal wastewater treatment & disposal)

Lot 200 (Road 1 – private road)

Lot 201 (Road 2 – private road)

Stage 2

Lots 39 to 47

Lot 202 (Road 3 – private road)

Geotechnical

The Applicant has submitted a Preliminary Geotechnical Report compiled by HDgeo dated 14/11/2022, Project No: HD1413-1, Reference: PGR2 in support of the application, this report includes a detailed site investigation and concludes that subject to restrictions and recommendations the site is suitable for development.

A Geotechnical Completion Report will be required.

Earthworks

A significant volume of earthworks (15,940m³) is proposed to construct roading, infrastructure, and building platforms, the applicant has a WRC Consent for the proposed earthworks.

Drawings 2000–2109 detail retaining for most building sites earthworks with up to approximately 6.8m high fill and 5.0m cut. Up to 6.05m high cut retaining is proposed for the road network.

Sewer

The site is outside Council's area of service for wastewater reticulation.

The Applicant proposes a communal onsite wastewater disposal system and has a WRC consent.

A resident's association or similar is proposed to maintain and manage the of the communal infrastructure including water, wastewater, stormwater, roading and solid waste collection.

Stormwater

The site is outside Council's area of service for stormwater reticulation.

Onsite stormwater attenuation will be required for each residential lot at building consent stage to limit flows from the site to predevelopment levels. Detention trenches are proposed to detain the runoff from the remaining of the impervious areas in each lot. They are trenches dug in the ground and filled with metal or scoria rocks.

Overflows from residential onsite attenuation for each lot will discharge to the adjacent ROW swale, road swale or overland flow path drain.

Design details of existing and proposed overland flow paths (OFP's) will be required at engineering plan stage and consent notices will be required to ensure the ongoing protection of all OFP's.

Roads and right of ways are proposed to drain to raingardens via grassed swale drains and V-ditches with overflows to existing overland flow paths. Submitted long sections detail significant gradients that will require erosion protection.

The Applicant has a WRC consent for stormwater disposal.

A resident's association or similar is proposed to maintain and manage the of the communal infrastructure including water, wastewater, stormwater, roading and solid waste collection.

A consent condition is required requiring a Maintenance and Management Plan for the communal infrastructure. The resident's association or similar will be responsible for the ongoing maintenance.

A 224 condition is required requiring a legal document setting out the formation and responsibilities in perpetuity of a resident's association or similar including maintenance and management in accordance with the required Maintenance and Management Plan for the communal infrastructure.

Water supply

The site is outside Council's area of service for water reticulation.

A private communal water bore supply, treatment, storage and reticulation is proposed within Lot 101. This will also provide firefighting storage.

Utility Services

Section 38, Table 3 2(a) of the Proposed District Plan (Appeals Version) states “Every lot and/or building within a commercial, Industrial or Residential Area must be connected to an underground electricity network, unless the lot can connect to overhead existing overhead infrastructure”.

Section 38, Table 3 2(b) of the Proposed District Plan (Appeals Version) states “All residential lots created by a subdivision of ten or more lots within a Commercial, Industrial or Residential Area in Thames (Tararu to Kopu), Whitianga (including Wharekaho) or Whangamata (South of Whitiwhiri Road/SH 25 intersection (road to Onemana)), must be connected to a telecommunication line”.

Power connections will be made to each residential lot.

Telecommunication connections are not proposed; therefore, a suitable consent notice is to be registered on the relevant titles to inform future owners of this situation.

Vehicle crossings

Vehicle crossings for all rights of way, 300, 301, 302, 303, 304, 305, 306 and 307 will be constructed at subdivision stage. Vehicle crossings for all remaining lots will be constructed at building consent stage once the development configuration has been finalised.

A consent notice is to be registered on the relevant titles to insure construction in accordance the COP requirements.

Rights of Way

The private ways are proposed with a sealed carriageway width of 2.8m with passing bays, a 0.5m grass berm and a 0.5m wide open swale drain. This exceeds COP table 3.8A requirements) of a 2.7m wide carriageway.

Rights of way D & E (combined) are proposed to service Lots 18 & 19.

Right of way F is proposed to service Lots 14, 15, 16 & 17.

Right of way G is proposed to service Lots 7, 8, 9 & 10.

Right of way H is proposed to service Lots 23 & 23.

Right of way I is proposed to service Lots 25, 26, 27 & 28.

Right of way J is proposed to service Lots 31, 32, 33 & 34.

Right of way K is proposed to service Lots 41, 42 & 43.

Right of way L is proposed to service Lots 45, 46 & 47.

All rights of way are to be constructed at subdivision stage.

Roading

A new intersection is proposed with a right turn bay on Hikuai Settlement Road located 170m west of the existing vehicle crossing. Complying sight distances of 250m cannot be achieved in both directions with a maximum available sight distance of 220m to the northeast and 196m to the southwest.

Bush is proposed to be retained between the internal private roads and Hikuai Settlement Road to minimise the potential for confusion generated by vehicle headlights.

Stage 1 - Road 1 (Lot 200 Private Road)

A 7.2m wide, sealed, two-way carriageway with a single lane in each direction and a roundabout with shallow grassed swale drains on each side. This exceeds COP table 3.1C (Long Cul-de-sac requirements) of a 6.0m wide carriageway.

*Stage 1 - Road 2 (Lot 201 Private Road) One-way clockwise ring road
A sealed carriageway width of 3.6m with a shallow grassed swale drain on one side.*

*Stage 2 - Road 3 (Lot 202 Private Road)
A 7.2m wide, sealed, two-way carriageway with a single lane in each direction with grassed V-drains drains on each side. This exceeds COP table 3.1C (Long Cul-de-sac requirements) of a 6.0m wide carriageway. A turning head is also required.*

A resident's association or similar is proposed to maintain and manage the communal infrastructure including water, wastewater, stormwater, roading and solid waste collection.

I note that there is significant erosion within the proposed Road 3 (Lot 202) alignment and adjacent balance lot located approximately 50m to the west of the proposed intersection. This is due to the stormwater discharge from the Hikuai Settlement Road culvert over the recently completed earthworks. Significant retaining and drainage works will be required.

Council's Roding Manager Mr Varley has confirmed acceptance of the proposed noncomplying longitudinal gradients up to 1V:6H for the private roads; however, Mr Varley has confirmed that any future proposed vesting of these roads will not be accepted. An advice note is to be included in the decision.

Mr Varley has reviewed the CKL letter dated 15 September 2023 and has confirmed acceptance of the proposed internal road layout and intersection sightlines.

30km/hr posted speed limit signs are to be installed as recommended within the internal road network and details will be required in the engineering plans.

The submitted revised road cross sections indicate that the proposed works will not undermine or adversely affect adjacent properties or undermine Hikuai Settlement Road. The Applicant has submitted a letter from HDGeo dated 2 November 2023 that assesses a low risk of instability beyond the site including Hikuai Settlement Road.

The Applicant has submitted a Safe System Audit Report compiled by Traffic Planning Consultants dated 5th December 2023 (signed 21/3/2024). Mr Varley has accepted this revision.

On-site parking & manoeuvring

The proposed lot sizes and configuration are able to comply with the COP requirements."

The Council's Development Engineer has recommended a suite of conditions and is satisfied the proposal meets the relevant engineering requirements.

In this instance I have not considered a peer review of the Appendix 6 and 7 Ecological and Landscape Values Assessments to be necessary. I am satisfied that these assessments have been undertaken in a comprehensive manner and in accordance with best practice, and that the reports have been prepared and quality assured by suitability qualified and experienced persons.

2.0 Planning Framework

The Proposed District Plan decisions were publicly notified on 29 April 2016 and from this date the Proposed District Plan has had legal effect. The appeal period on the Proposed District Plan decisions closed on 13 June 2016. The Appeals version of the Proposed District Plan

(APDP) is now the working document. Under section 86F of the Resource Management Act 1991 (RMA), a rule in the proposed plan must be treated as being operative (and any previous rule as inoperative) if no appeals have been lodged in relation to it.

If a resource consent application triggers the consideration of a rule in the APDP that has been appealed, the corresponding rule in the Operative District Plan will continue to have legal effect until that appeal is resolved. Therefore, both rules are relevant to the assessment of that resource consent application. When considering the weighting between the APDP and the Operative District Plan, the relevance of the issues at appeal will need to be considered in this assessment.

I have assessed the proposal against the relevant rules of the APDP and I am satisfied that they are not the subject of an appeal and may therefore be 'treated as operative'. I do not consider the applicable provisions of the Operative District Plan to have any weight in this matter.

2.1 APDP Zoning and Overlays

The site is located within the Low Density Residential Zone and almost entirely within the Coastal Environment Line (Figure 10). The site is overlaid in part by Waikato Regional Council's Significant Natural Area layer and adjoins a strip of land identified as Conservation Zone.

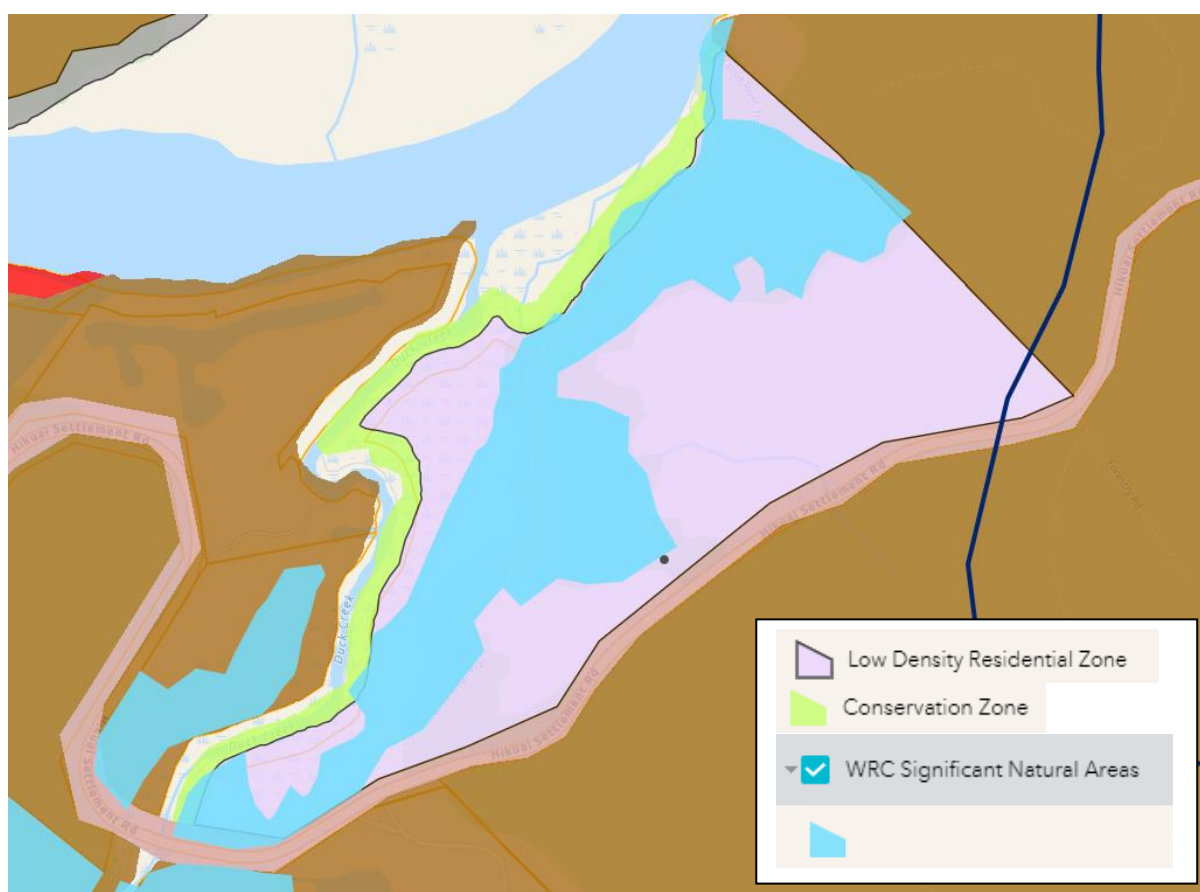


Figure 10: APDP zones and overlays.

2.2 Designations, Limitations and Interests

There are several interests recorded on the Record of Title as detailed below:

Interests

Subject to Section 8 Mining Act 1971

Subject to Section 168A Coal Mines Act 1925

Subject to a walkway (in gross) under the Walking Access Act 2008 over parts marked A, B & C on DP 483159 in favour of New Zealand Walking Access Commission created by Easement Instrument 10369538.1 - 3.8.2016 at 10:53 am

10913464.1 Variation of the conditions of the easement created by Easement Instrument 10369538.1 - 17.10.2017 at 2:02 pm

12255984.4 Mortgage to Coral Finance Limited - 4.10.2021 at 8:40 am

Figure 11: Interests Listed on RT SA19A/388

None of the listed interests will preclude the proposal from proceeding. There will be no effect from the subdivision and combined land use in relation to the use of the walkway protected by the easement identified above.

2.3 Reasons for Consent

The Applicant has provided an assessment of the proposal against the APDP rules within section 6 and Appendix 12 to the application. I concur with this assessment and adopt it in accordance with Section 42A(1B) of the RMA. I have provided a summary assessment of the relevant provisions in Table 3 below.

Table 3: APDP provisions

APDP Section, Activity and Status	Assessment
Section 29 – Biodiversity Land use – Clear indigenous vegetation in accordance with Rule 1 Restricted Discretionary	<p>Rule 1 of Section 29 of the APDP sets out the circumstances where the clearance of indigenous vegetation may occur as a permitted activity, in areas outside of the Rural Zone and which are not included in a scheduled list of Urban Allotments included in Appendix 6 of the APDP.</p> <p>The Applicant has advised that clearance of vegetation will exceed 500m² and as the site is located within the Coastal Environment the proposal will not comply with Rule 1.</p> <p>The matters of discretion relevant to the vegetation clearance activity are set out in Section 29.4 Table 1 of the APDP.</p>
Section 38 – Subdivision Subdivision – Create one or more new lots and associated earthworks in accordance with Rule 7 Discretionary	<p>Rule 7 of the APDP outlines that subdivision creating more than one additional lot in a residential area (includes the Coastal Living Zone) is a Restricted Discretionary activity subject to clauses a) – e) being met.</p> <p>The only relevant clause to this proposal is Clause a), which requires the standards in Tables 2 and 3 of Section 38 of the APDP to be complied with.</p> <p><u>Table 2</u> The Applicant has provided an assessment against Table 2 in Appendix 12 of the application. In short, Table 2 relates to minimum lot sizes. The proposal does not comply as the minimum net lot area of 2,500m² and an average lot density of 3,000m² is required. 46 lots are less than 2,500m² in net area and the average lot density is 1,135m².</p>

	<p><u>Table 3</u></p> <p>The Applicant has provided an assessment against Table 3 in Appendix 12 of the application. In brief, the subdivision proposal can comply with Table 3 given:</p> <ul style="list-style-type: none"> - Adequate water supply will be provided to all residential lots. - A connection to a reticulated communal wastewater facility will be provided. - Underground electricity will be provided to all lots. - Every lot will be able to appropriately dispose of stormwater. - Every lot will have legal and physical access to a formed public road. <p>As the relevant standards of Rule 7 of the APDP cannot be complied with, the proposed subdivision carries a Discretionary activity status.</p> <p>Section 38.2.2 of the APDP addresses earthworks for subdivision. Earthworks include the disturbance of land by excavating, blasting, moving, depositing and any associated compacting of soil or rock. Earthworks for the construction of the subdivision are assessed as part of the subdivision application and assume the same activity status. The proposed earthworks therefore carry a Discretionary activity status.</p>
<p>Section 39 – Transport</p> <p>Internal Access, private way in accordance with Rule 4.</p> <p>Vehicle Crossing in accordance with Rule 5.</p> <p>Vehicle Trip Generation in accordance with Rule 11.</p> <p>Restricted Discretionary</p>	<p>Rule 4 of the APDP sets out that an internal access or private way is permitted provided it meets the standards in Table 1. As Lots 200, 201 and 202 will be serving more than 8 lots they are a Restricted Discretionary Activity in accordance with Rule 4.2.</p> <p>Rule 5 of the APDP sets out that the construction of a vehicle crossing is a permitted activity subject to specific criteria including the sight and separation standards in Table 4. The proposal cannot comply with the required sight distances and is a Restricted Discretionary Activity. Council's discretion is restricted to matters 1, 2, 7 and 8 in Table 7 at the end of Section 39.</p> <p>Rule 11 of the APDP sets out specific matters in relation to vehicle trip generation. Where a site only has frontage to a local or collector road, the rules specifies that there are no more than 100 trips per day (measured in equivalent car units).</p> <p>The Applicant Agent is up to 400 vehicle trips per day will be generated in equivalent car units.</p> <p>An Integrated Transport Assessment (ITA) has been provided in Appendix 8 of the application in relation to the effects on the transport network. The ITA is in accordance with the requirements of Appendix 8 of the APDP, the proposal is a Restricted Discretionary Activity in accordance with Rule 11.2.</p>
<p>Section 48 – Low Density Residential</p> <p>Accessory building or dwelling in accordance with Rule 9</p> <p>Restricted Discretionary</p>	<p>An accessory building or a dwelling is a permitted activity within the Low Density Residential zone if it complies with the standards set within Table 3 at the end of Section 48.</p> <p>The Applicant has applied to breach the standards set in Table 3 (Rule 48.8) in relation to Front Yard, maximum Height In Relation to Boundary (HIRB) and Maximum Site Coverage requirements. The only detail provided within the application is that the Front Yard is requested to be 5m rather than the 10m set in the APDP and that all lots are likely to breach the maximum site coverage of 15%. On further consideration consent is only required in relation to the site coverage requirements and these matters will be discussed further within the assessment of effects below.</p>

2.4 Activity Status

In summary, resource consent is required for the following activities:

- Land use consent in accordance with Rule 1 of Section 29 of the APDP to clear indigenous vegetation.
- Subdivision consent in accordance with Rule 7 of Section 38 of the APDP to create more than one new lot.
- Land use consent in accordance with Rules 4, 5 and 11 of Section 39 of the APDP for the formation of a vehicle crossing with less site distance than required, private way serving more than 8 lots and vehicle trip generation.
- Land use consent in accordance with Rule 9 of Section 48 of the APDP for the creation of a building envelope that allows for buildings on residential lots to breach Site Coverage requirements.

The application will be assessed as a **DISCRETIONARY** activity.

2.5 Permitted Activities Proposed

Appendix 12 of the application details other activities that form part of the proposal, which do not require resource consent. These activities include the demolition of the existing derelict dwelling and hay barn on the site which is permitted by Rule 48.14.

For completeness, I have undertaken a cursory review of other permitted rules in the APDP and cannot identify any additional consenting triggers for this proposal, other than those identified in Section 2.3 above.

Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 (NES-CS)

These regulations came into force on 1 January 2012 and apply when a person wants to do an activity described in Regulation 5(2) to 5(6) on a piece of land described in Regulation 5(7) or 5(8) of the NES-CS.

The Applicant requested a Hazardous Industries and Activities List (HAIL) check from Waikato Regional Council in May 2022. WRC have confirmed that this property does not currently appear on the Land Use Information Register. The Applicant has concluded that given the previous site uses and topography, it is more likely than not that no HAIL activity has been undertaken on the subject site.

I accept the assessment of the NES-CS provided in Section 8.2.3 of the application and adopt it for the purposes of this report.

In accordance with Regulation 5(7), the Site, is not a 'piece of land' and consent is not required under the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011.

Resource Management (National Environmental Standards for Freshwater) Regulations 2020 (NES-F)

The regulations came into force on 3 September 2020 and apply to activities where they may affect freshwater. Permitted activities under Regulation 38 include vegetation clearance within 10m of a natural inland wetland if it is for the purpose of wetland restoration. Weed control to

eliminate or manage pest species within proximity of a natural inland wetland is also permitted by this regulation subject to compliance with conditions.

The Applicant has advised that the site contains permanent, intermittent, and ephemeral watercourses in addition to an extent outlay of wetlands in the lower reaches of the site, some of which meet the definition of a Natural Inland Wetland under the NPS-F. The Applicant has advised that no earthworks for the establishment of building platforms or associated infrastructure are to take place within 10m of the natural inland wetlands. Appropriate sediment controls will be in place for the duration of the works.

The Applicant has also noted that the effluent field proposed for the communal wastewater treatment solution will be greater than 100m from the wetlands and is also separated by significant elevation changes and proposed vegetation enhancement. *“It is not anticipated that the wastewater solution for the development will have any impact on the identified wetlands. Some proposed raingardens will reside within the 100m setback as will some raintanks situated on the residential allotments as part of the stormwater solution. A low impact design has been incorporated into the development, with stormwater discharges not exceeding pre-development levels. No adverse effects on wetland water levels are anticipated due to the design.”*

The Applicant has confirmed that all new structures or upgrades to existing instream structures will be designed to ensure compliance with Regulations 70 or 71 of the NES-F, which includes requirements for unrestricted fish passage where necessary. All wetland restoration activities will be compliant with Regulations 38 or 39 of the NES-F.

It is noted that WRC has considered the proposal consistent with the NES-F within its assessment related to AUTH145576.01.01, AUTH145576.02.01 and AUTH146162.01.01.

It is noted that the NES-F is regulated by WRC (as per Regulation 5) and matters of ongoing compliance in relation to it, are the responsibility of WRC.

2.6 Other Consents

As noted above the following resource consent decisions have been issued by Waikato Regional Council.

AUTH145576.01.01 for earthworks within a High Risk Erosion Area.

AUTH145576.02.01 for the diversion and discharge of treated stormwater to water.

AUTH146162.01.01 for the discharge of domestic wastewater onto or into land or water.

Monitoring to ensure compliance with the conditions associated with these consents will be the responsibility of the WRC.

Section 95A and 95B

Report Determining Notification of an Application

3.0 Public Notification Assessment

Section 95A of the RMA requires a step by step process to determine whether public notification of an application is required or precluded under certain circumstances.

Step 1

The provisions in sections 95A(2) and (3) explain when public notification is mandatory. The application must be publicly notified if any one of the following apply:

- (a) the applicant has requested that the application be publicly notified; or
- (b) public notification is required under section 95C; or
- (c) the application is made jointly with an application to exchange recreation reserve land under section 15AA of the Reserves Act 1977.

The Applicant has not requested public notification of the application, public notification is not required under section 95C, and the application does not involve recreation reserve land.

Step 2

If none of the criteria in sections 95A(2) and (3), Step 1, are met, then we are required to proceed to sections 95A(4) to (6) which describe when public notification is precluded. Where public notification is precluded we are then required to go to **Step 4** section 95A(9) and consider whether there are any special circumstances.

Sections 95A(4) and (5)(a), precludes public notification of the application if the resource consent is for one or more activities, and each activity is subject to a rule or national environmental standard that precludes public notification. There are no rules in the APDP or a National Environmental Standard that preclude public notification.

Section 95A(4) and (5)(b) precludes public notification of the application if it is for a boundary activity, unless there are special circumstances.

Public notification of this application is not precluded under Step 2, sections 95A(4) to (5).

Step 3

If any of the criteria in step 2, section 95A(5) are not met, then we must consider sections 95A(7) and (8) and whether public notification is required. If either of the criteria in section 95A(8) are met, then the application should be publicly notified.

Under sections 95A(7)(a) and (8)(a), public notification is required if the application is for a resource consent for one or more activities, and any of those activities is subject to a rule or national environmental standard that requires public notification. Neither the APDP nor a National Environmental Standard requires public notification of the application.

Under section 95A(8)(b), public notification is required if the Council as consent authority decides, in accordance with section 95D, that the activity will have or is likely to have adverse effects on the environment that are more than minor. In determining whether an application will have adverse effects on the environment that are more than minor, section 95D requires that Council disregard:

- any effects on persons who own or occupy the land in, on or over which the activity will occur; or
- any land adjacent to that land; and
- in the case of a restricted discretionary activity, must disregard an adverse effect that does not relate to a matter for which a rule or national environmental standard restricts discretion; and
- trade competition and the effects of trade competition; and
- any effect on a person who has given written approval to the application.

In addition, the Council may disregard an adverse effect of the activity if a rule or national environmental standard permits an activity with that effect, this is known as the 'permitted baseline'. These matters are addressed in the following paragraphs.

Adjacent Parties

I consider the adjacent parties to be the owners and occupiers of the sites shown numbered in red within Figure 12 and identified in Table 4, below.



Figure 12: Adjacent Parties

The details of the adjacent properties are set out in Table 4, below.

Table 4 - Adjacent Parties

#	Address	Legal Description
1	2957 Tairua Road SH25, Hikuai	LOT 1 DPS 55990, LOT 1 DPS 57405, LOT 1 DPS 55992, Pt Lot 1 DPS 55991, Pt Lot 1 DPS 56978, Pt Lot 1 DPS 56164, LOT 2 DP 397533, Sec 10 SO 443897
2	567 Tairua Road, SH25 Whangamata	LOT 1 DPS 55993, LOT 1 DPS 56563, LOT 1 DPS 55988, LOT 3 DPS 55988, LOT 2 DPS 55988, LOT 1 DPS 55933, LOT 2 DPS 53794, LOT 1 DPS

		55995, LOT 1 DPS 57376, LOT 1 DPS 56934, LOT 3 DPS 53794, LOT 1 DPS 53794, Pt Lot 1 DPS 56978, Pt Lot 1 DPS 56164
3	600 Hikuai Settlement Road, Hikuai	UNIT 22 DPS 88981 ON Lot 162 DPS 88971
4	100 August Drive, Hikuai	LOT 2 DP 452487, SEC 1 SO 443897, SEC 2 SO 443897, LOT 209 DPS 88971
5	565 Hikuai Settlement Road, Hikuai	LOT 1 DPS 15445
6	545 Hikuai Settlement Road, Hikuai	LOT 1 DPS 26196
7	3000 Tairua Road SH25, Tairua	LOT 2 DP 546685, SEC 4 Blk XIII SO WHITIANGA, SEC 15 Blk XIII SO WHITIANGA, SEC 3 Blk XIII SO WHITIANGA, SEC 15 BLK XIII SO WHITIANGA, SEC 12 Blk XIII SO WHITIANGA

Written Approvals and Trade Competition

Section 95D requires that Council disregard trade competition and the effects of trade competition, any effect on a person who has given written approval to the application, and any adverse effect if a rule or national environmental standard permits an activity with that effect.

These circumstances are not applicable to this proposal.

Permitted Baseline

The purpose of the permitted baseline is to isolate or make irrelevant effects associated with the activity that are permitted by the plan or a national environmental standard. In this instance, all forms of subdivision require consent and as such, there is not considered to be any relevant permitted baseline for consideration.

Assessment of Adverse Effects on the Environment

I have considered this application and it is my opinion that any adverse effects that may arise from this proposed activity would relate to effects on:

- Landscape and Visual
- Character and Amenity;
- Bulk and location;
- Site servicing;
- Transportation;
- Geotechnical;
- Earthworks;
- Historic Heritage;
- Indigenous biodiversity.

The assessment that follows centres around these specific matters.

Landscape and Visual Effects

The Applicant provided an assessment of landscape effects in Section 5.5 of the application document. This assessment was informed by the Appendix 7 Landscape Values Assessment prepared by KHLA dated 29/11/2022. This Assessment specifically concluded:

“The site and local area exhibit a range of landscape values that are embodied within the physical, associative, and perceptual dimensions of the property. Specifically, the site has a locally distinct landscape character and notable natural character values within the broad, modified landscape of the study area.

The scale of development proposed is commensurate with that anticipated under the Low-Density Residential provisions of the TCDCDP (Appeals Version), and while the spatial arrangement of the development differs to that which might result from an even spread of lot sizes across the property, the proposed development accords with the relevant objectives and policies guiding subdivision and landscape management and is particularly harmonious with...Part III. Section 16. Policy 1d: Subdivision within the Residential Area shall maintain the existing character, style and amenity of the locality in which it is located and Appendix 4 – Rural Subdivision Design Principles and Guidelines.

Potential significant effects on landscape values are avoided through the site-specific design response of the development proposal; whereby the spatial composition of all built form is in harmony with the underlying natural patterns of the site. This design method, in combination with the existing and proposed vegetative patterns of the site serve to preserve the unique landscape character values of the site while providing an appealing coastal living opportunity.

The implementation and management success of the proposed indigenous vegetation matrix to mature and flourish over time relies heavily on encouraging natural regenerative processes to continue indefinitely. The proposed OLEMP is the critical guideline and proposed statutory method (as a condition of consent), to ensure that the long-term intention of this significant core component of the landscape driven design concept persists.

It is noted that an Ecological Management Plan is also required to be conditioned to the consent; given the overlap and interdependencies between the ecological and landscape requirements, it is proposed that landscape and ecological management plans be developed congruently and presented within a comprehensive Ecological and Landscape Management Plan, as a condition of consent for this subdivision proposal. On balance, the adverse effects on the landscape values of the site, resulting from the proposed development are assessed to be low, shifting to very low (less than minor) following the successful implementation of the landscape management requirements for the property (after approximately 5 years of revegetation growth and active landscape management).

Overtime, it is anticipated that positive effects will outweigh the very low adverse effects associated with the development, based on the long-term enhancement and management regime proposed under the Protective Covenant Overlay.”

Recommended mitigation measures include the preparation of a detailed Outline Landscape Management Plan to address the following items:

- A series of planting areas and hard landscape treatments (defined within Appendix 5. Outline Landscape Management Plan) that will protect, maintain, and manage all existing natural features, while also enhancing the degraded and marginal areas of the site;
- Native restoration planting is proposed within the northern half of the site to connect existing vegetation patterns and repair and enhance degraded and marginal areas of the site (outside of the proposed development areas). In accordance with the overall landscape planting concept and ecological assessment, native restoration plantings will also extend into the existing vegetated areas of the site to manage the parts of the bush that are heavily invaded by common exotic weedy species. Bush edge treatment by way of revegetation planting is critical to preserving and enhancing the internal bush matrix cover; both existing and proposed.
- The development proposal includes a Riparian Planting and Boulder feature between proposed lots 12 and 17 and lots 13 and 14, within the location of a currently modified ephemeral stream. This planted feature will convey and attenuate surface flows

through this part of the site and contribute to the natural character and amenity values of the subdivision.

- Amenity plantings are proposed to be undertaken by private lot owners within and adjacent the immediate vicinity of building platforms (inside lot boundaries). This layer of the planting is proposed to repair earthworks associated with the construction of buildings, private driveways, water tanks and hard landscaping including retaining and is to be designed in a manner that visually integrates built form into the bush setting.
- All roadside batters and cut faces associated with the construction of roading and accessways within the development are proposed to be planted so that they integrate with the bush margins of the property, and to manage the risk of these areas becoming a source of invasive weed species within the property. Appropriate landscape treatments are outlined within the OLMP and include hydroseeding and traditional planting repair measures.
- Rock lined swales are proposed throughout the road reserve to attenuate stormwater flows. Rain gardens are proposed at key locations to treat stormwater before it is discharged into the natural hydrological systems. It is proposed that additional plantings and hard landscaping features (boulders, modest signage) be incorporated into the detailed design of the road and road reserve areas to enhance the specific character of the new residential landscape.
- Wastewater management on site will take place through a local mains system collecting wastewater from the proposed new lots and diverting it to a central wastewater dispersal field. The disposal field is proposed to be planted in low native shrubs and a mix of native specimen trees. The design intention is to meet the nutrient absorption requirements of the wastewater system, while providing a visually pleasing open space outlook within the property.
- A community open space area is proposed within the north-eastern extent of the ring route, outside of the area required for wastewater soakage. The design intention is to maintain the open space character of this portion of the site, (visible from public viewpoints), as a communal open space featuring large native specimen trees and play features.

The above mitigation measures will be implemented as follows:

- A Protective Covenant Overlay Area to extend across most of the site, taking in all of balance Lot 48 and parts of private lots 1-47. The proposed cut building platform areas, common open space and road reserve are not included within the covenant overlay but will be subject to the design and management guidance within the OLMP which includes a period of 5 years monitoring;
- Private lots will be subject to consent notice conditions that will alert lot owners to their responsibilities over the management of private land falling within the Protective Covenant Overlay and important parameters around built form design.
- Private lots will also be subject to specific consent notices in relation to design, appearance, landscaping, retaining, paving, fencing and roof pitch (as per the Landscape Values Assessment Section 5.11).

On the basis of the above I concur with the Applicants assessment that the “*spatial arrangement responds to the existing vegetation and topography of the subject site whilst the marginal areas (i.e., wetlands not suitable for development) and hydrological features of the site are to be set aside, enhanced, and protected in perpetuity. All plantings will be eco-sourced native species that accord with the existing regenerating native bush character of the site, in accordance with the recommendations of the Ecological Assessment Report. Earthworks are designed to minimise significant changes to the existing site topography and unique character of the site. This is achieved through the approach of partially flat building*”

platforms and pole foundation requirements on some of the sites, whilst requiring the roads and ROWs to follow existing open spurs of ridgelines on the site."

It is noted that there are retaining walls (maximum of 4.1m) incorporated into the road design and on lot to create defined building areas. The LVA has identified that retaining walls should be constructed of recessive colours and materials, and where appropriate planting placed in front. The final engineering design for retaining structures within the road is required as a condition of consent, a requirement to ensure the use of recessive colours and materials is also incorporated into the design standard. There is a consent notice on each residential lot in relation to these requirements which will be implemented at the time of building consent.

Subject to specific conditions of consent, it is my opinion that the subdivision design and associated built form will respond to the natural landform, buildings will be appropriately located and road configuration will be incorporated within existing landscape features. The proposal makes the best use of the sites topography, the potential adverse effects in relation to landscape and visual matters are considered to be less than minor.

Character and Amenity Effects

The Act defines amenity values as *"those natural or physical qualities and characteristics of an area that contribute to people's appreciation of its pleasantness, aesthetic coherence, and cultural and recreational attributes"*. The description of the Low Density Residential Zone within the APDP identifies that the zone exists on the *"fringes of settlements where the topography, environmental constraints or existing water and wastewater infrastructure cannot efficiently or sustainably support the dwelling density permitted in the Residential Zone. Most dwellings are low-rise detached dwellings on individual titles with larger lot sizes. The Zone also acts as a graduation from the settlement to the Rural Area."*

In this instance, the site is a little different from the typical Low Density Residential Zone in that it is essentially stand-alone within an area characterised by the natural environmental, not least the native regenerating bush and wetlands present within the site boundaries. Regardless it is acknowledged that the site is zoned for residential development, and a change in character at this site is anticipated within the APDP.

In light of the uniqueness of the site, and the request to depart from the APDP standards in relation to subdivision within the Low Density Residential Zone, specifically around lot size the Applicant has presented a "complying" Alternative Concept Plan for the site, which is identified as follows:

"Without taking into account topography and on-site features, a 23.82 ha site can feasibly yield between 67 and 71 lots with an average net site area of 3,000m² when factoring in 10-15 % of land area being used for a transportation network. However, the subject site does possess unique features which would limit this yield from being attained. A preliminary concept design for subdivision of the subject site was originally drafted up which includes complying lot sizes and building platform setbacks" (attached as Appendix 17 to the AEE and reproduced as Figure 13 below).



Figure 13: Alternative Concept Plan of “Complying” Subdivision.

The Applicant has stressed that the Alternative Concept Plan “provides building platforms in similar locations to the design proposed through this AEE, including a strong emphasis on clustering of building platforms around ridgelines and existing open space to avoid adverse ecological effects. The character and amenity effects arising from the proposed subdivision design will be similar to those effects that would arise from a complying subdivision design. Indeed, whilst future landowners would legally own large plots of land per this concept design, materially they will be confined to areas approximately the size of those lots within the proposed design due to site topography and access restrictions.”

However, the Applicant considers that the complying Alternative Concept Plan has a number of fundamental flaws when compared to the proposal as applied for, including:

- Inadequate protection of the wetland areas through land fragmentation;
- Inadequate protection of the terrestrial ecology through land fragmentation and complexity of enhancement and maintenance across multiple land owners;
- Lack of communal open space necessary to service the number of lots;
- Public disconnect to the coastal margins through land fragmentation;
- Complex requirements for maintenance of the Tairua River Trail and potential negotiation requirements for any changes to the easement in gross (i.e. for specific allowance of e-bikes or path widening);
- Complex secondary or tertiary treatment for individual on-site wastewater and effluent disposal due to land area being made up of very steep and ecological sensitive areas; and
- Inability for shared facilities such as water and wastewater reticulation.

The Applicant has stated that *“the character and amenity values on site as per the proposed subdivision would be similar to those achieved through a complying subdivision layout due to the desire to cluster building platforms to minimise the overall impact on the ecological and landscape values of the subject site. The lower density is achieved whilst still providing protection to the large areas of wetlands and high value terrestrial ecological areas, whilst also providing for communal three waters facilities and communal recreation areas. As such, it is considered that the proposed effects on character and amenity of the subject site will be acceptable and anticipated for this zone.”*

Based on the information supplied within both the Landscape and Ecological Assessments submitted as part of the application, I concur with this statement.

Additionally, I note that the overall character and appearance of the development has been dictated by access constraints and site contour, geotechnical and ecological limitations.

The Landscape Assessment notes that the *“spatial arrangement of the subdivision responds to the existing topography and vegetation patterns of the site and is further constrained by the marginal areas and modified hydrological features of the site which are set aside to be enhanced through the proposed Detailed Landscape Management Plan and further managed (in perpetuity) through the Primary Covenant Overlay.”* The Assessment also notes that *“proposed roads and accessways follow the existing open spurs and ridgelines of the site, and although earthworks will be required to navigate the nuanced, irregular gradients within the site, the overall result is that significant changes to the primary topographical features of the site are avoided.”*

The Assessment also concludes that the *“proposed development strikes a balance between meeting Part IV, objective 1, with Sections 6 and 7, where existing landscape attributes have informed the fundamental layout of the development, and further refinement has ensured that the clustering of buildings will not detract from the overall perception of open space character (particularly from views of the site).”*

On the basis of the above it is my opinion that the proposal provides an appropriate form of residential subdivision within a Low Density Residential Zone that will be entirely in keeping with the character and amenity of the site, which is anticipated within the APDP.

With regard to rural use of adjoining rural sites, there are existing provisions within the APDP relating to noise and the control of dust and odour that will ensure that the potential for reverse sensitivity effects are appropriately mitigated. The balance lot and positioning of building platforms provides a reasonable buffer between the proposed residential lots and rural land to the west, north and east, which will effectively mitigate any potential reverse sensitivity effects.

With regard the Duck Creek Bridge and representative views from the Tairua Harbour it is noted in the Landscape Assessment within Appendix 12 of the application that *“adverse effects on the visual amenity of this public view of the site and surrounding landscape is assessed as low.”*

Similarly adverse effects on visual amenity of the public view from the Tairua River Trail and Hikuai Settlement Road are assessed as very low.

This site is an interface between the residential and rural zones, the Landscape Assessment confirms that *“on balance, the adverse effects on the landscape values of the site, resulting from the proposed development are assessed to be low, shifting to very low (less than minor) following the successful implementation of the landscape management requirements for the*

property (after approximately 5 years of revegetation growth and active landscape management). As such the effects on this interface can be successfully mitigated.

Additionally, as noted within the Landscape Assessment that “*anticipated that positive effects will outweigh the very low adverse effects associated with the development, based on the long-term enhancement and management regime proposed under the Protective Covenant Overlay.*”

As such effects on the character and amenity of the site from both a residential and rural perspective are less than minor.

Bulk and Location

As noted above the Applicant has requested a departure from the subdivision density and bulk and location requirements of the APDP including a reduction in the Front Yard set back and the Maximum Site Coverage for dwellings.

The Applicant has completed a comprehensive assessment of these matters in Section 6.2 and 6.3 of the application document, for the most part I concur with this assessment.

With regard to the density of development I agree that the size of the balance lot and its configuration is an integral part of the development. The inclusion of conditions to protect the balance lot in perpetuity, and ensure landscaping and ecological enhancements are maintained, will effectively offset the smaller proposed residential lots. Inclusion and protection of the balance lot will ensure the intent of the net site area minimum requirements is met, with no further fragmentation of the balance lot for large scale development.

The Applicant has sought consent to establish a consented baseline of 375m² of developable area per lot, where Rule 48.4.9.9 requires a maximum site coverage of 15% in the Low Density Residential zone. The Applicant has proposed 375m² as this is the maximum site coverage allowable as a permitted activity for a minimum lot size of 2,500m². I do not agree with this method of determining maximum site coverage, as this would result in coverage of approximately 50% for the smallest lot and others of a similar size. I consider a percentage calculation with a maximum development size to be a better determinant. This can be expressed as a condition of consent or via a consent notice.

As such 25% of the smallest lot being 755m², allows for building coverage of 188m², sufficient to enable the construction of dwelling and accessory building commensurate with the overall size of the lot. Placing a maximum limitation of 375m² on the lots ensures that the larger lots, i.e. Lot 15 at 2083m², cannot construct a dwelling that is 520m² in area and inconsistent with the appearance of the Low Density Residential environment, as it equates to the same as 15% of 2,500m².

Lot Size	Coverage as a %	Building Coverage based on Lot size
755m ² to 2,500m ²	25%	To a maximum of 375m ² Gross Floor Area
Any lot over 2,500m ²	15%	Same as the APDP

This approach provides a calculable method to determine coverage, but also ensures that the level of built development within each lot is not excessive in any one circumstance.

I do concur that the comprehensive nature of the development including the set out of the lots, allows for a change to the coverage of the lots to be contemplated. The proposed site coverage increase for each of the undersize lots will enable enough additional area to deliver a well-proportioned and well-designed dwelling for each lot that is sympathetic to its surrounds. Significant permeable area and natural vegetation will still dominate the environment, with

design controls over built form ensuring appropriate dwellings are constructed for each lot. Notwithstanding that all other APDP development standards, such as height in relation to boundary and yard set backs will continue to apply.

For clarification, I note that as all of the “roads” to access the proposed lots are remaining in private ownership, and as such are a private way or access lot as per the definition in the APDP, as such there are no “front” boundaries to the lots and they will be required to comply with the other yard requirement, which is 5m for the Low Density Residential Zone. As this is the same as the setback sought by the Applicant within the proposal, I see no conflict with the assessment of effects provided in the application.

On the basis of the above the adverse effects in relation to density, bulk and location changes are less than minor.

Effects on Three-Water Networks

Water Supply

The Applicant has advised that a “communal water supply is intended to service the development via groundwater. Brown Brothers Drilling have provided their confidence (Appendix 15) that there is sufficient groundwater within aquifer the site sits over to provide for the full domestic water supply requirements. Water from the groundwater bore will be directed into appropriately sized reservoirs (to allow for at least two days of storage) and treated to comply with the Water Services (Drinking Water Standards for New Zealand) Regulations 2022. The reservoirs will also be sized sufficiently to provide for firefighting requirements in combination with the water reticulation to the residential allotments (to be refined through detailed design). It is anticipated that the reservoir tanks will be located within Lot 101, adjacent to Lot 14 to allow for gravity flow to the majority of the site. Booster pump(s) can be included as required to ensure suitable pressure. A water reticulation network comprising of 150 mm principal mains and 50 mm rider mains located within the road reserves will be used to service the development.”

Council's Development Engineer has noted that the site is outside Council's area of service for water reticulation. A private communal water bore supply, treatment, storage and reticulation is proposed within Lot 101. This will also provide firefighting storage.

Council's Development Engineer has requested that details of the private water supply and reticulation system including pipes, valves, fittings, fire hydrants, firefighting storage, and connections necessary to service all residential lots, inclusive of calculations are provided for certification as a condition of consent.

Conditions are recommended to ensure that the required work is completed as per the certified design. As the proposal can be appropriately serviced for water supply, any effects in relation to this matter are less than minor.

Wastewater

The application document notes that “wastewater will be managed on site via communal reticulation, treatment, and discharge facility. Wastewater from each of the residential lots will be conveyed by gravity and pumped reticulation to a central location and treated through a bespoke Wastewater Treatment Plan (WWTP) and soakage field.” Consent has been obtained from Waikato Regional Council in this regard.

Council's Development Engineer has confirmed that the site is outside the Council's area of service for wastewater reticulation. Conditions in relation to certification of design and

construction parameters are suggested, with the Development Engineer also requesting that details in relation to the residents association that will manage and maintain the infrastructure be provided to Council.

The Development Engineer notes that a consent notice condition is recommended to advise future lot owners of the requirements of the private wastewater requirements associated with each individual lot. As the proposal can be appropriately serviced for wastewater disposal, any effects in relation to this matter are less than minor.

Stormwater

The site is also outside Council's area of service for stormwater reticulation. The Development Engineer has specified that on-site stormwater attenuation will be required for each residential lot at building consent stage to limit flows from the site to predevelopment levels.

Overflows from residential onsite attenuation for each lot will discharge to the adjacent ROW swale, road swale or overland flow path (OFP) drain. Design details of existing and proposed overland flow paths will be required at engineering plan stage and consent notices will be required to ensure the ongoing protection of all OFP's.

Roads and right of ways are proposed to drain to raingardens via grassed swale drains and V-ditches with overflows to existing overland flow paths. Submitted long sections detail significant gradients that will require erosion protection.

The Applicant has a WRC consent for stormwater disposal.

Consent conditions are proposed in relation to certification of design and construction parameters, with the Development Engineer also requesting that details in relation to the residents association that will manage and maintain the infrastructure be provided to Council.

Given that stormwater from the development is not proposed to be managed via a reticulated/piped council network, Council's Development Engineers have not raised any concerns regarding the impact of the proposal on the capacity of Council's network. Any effects in relation to stormwater are considered to be less than minor.

Connections to Electricity and Telecommunications

Included in Section 4.11 of the application identifies that connections can be made to reticulate the subdivision for electricity. The application advises that wireless broadband options are available and seeks a consent notice outlining that there is no provision of hardwired telecommunications to each residential site and that wireless methods are available. The costs associated with extending infrastructure will be borne by the Applicant. The Development Engineer has confirmed this is a suitable approach. Effects in relation to the provision of electricity and telecommunications reticulation are less than minor.

Transportation

It is noted that there has been significant discussion and technical assessment in relation to transportation matters associated with the site, including internal and external review and a site safety audit completed. Effects in relation to transportation are set out within the following discrete sections.

Vehicle crossings

The Council's Development Engineer has confirmed that vehicle crossings for all rights of way will be constructed at subdivision stage. Vehicle crossings for all remaining lots will be constructed at building consent stage once the development configuration has been finalised. A consent notice is to be registered on the relevant titles to ensure construction of vehicle crossings to individual lots is in accordance the COP requirements. The effects associated with vehicle crossing are less than minor.

Right of Way

The Applicant has proposed private ways with a sealed carriageway width of 2.8m with passing bays, a 0.5m grass berm and a 0.5m wide open swale drain. This exceeds COP table 3.8A requirements which requires a minimum 2.7m wide carriageway.

The Development Engineer has confirmed that all rights of way are to be constructed at subdivision stage. Any effects associated with the right of ways are less than minor.

Roading

The Development Engineer has noted that a new intersection is proposed with a right turn bay on Hikuai Settlement Road located 170m west of the existing vehicle crossing. Complying sight distances of 250m cannot be achieved in either direction with a maximum available sight distance of 220m to the northeast and 196m to the southwest. Specific intersection design is required.

Vegetation is proposed to be retained between the internal private roads and Hikuai Settlement Road to minimise the potential for confusion generated by vehicle headlights.

The Development Engineer has specified the following:

- Stage 1 - Road 1 (Lot 200 Private Road)
A 7.2m wide, sealed, two-way carriageway with a single lane in each direction and a roundabout with shallow grassed swale drains on each side. This exceeds COP table 3.1C (Long Cul-de-sac requirements) of a 6.0m wide carriageway.
- Stage 1 - Road 2 (Lot 201 Private Road) One-way clockwise ring road
A sealed carriageway width of 3.6m with a shallow grassed swale drain on one side.
- Stage 2 - Road 3 (Lot 202 Private Road)
A 7.2m wide, sealed, two-way carriageway with a single lane in each direction with grassed V-drains drains on each side. This exceeds COP table 3.1C (Long Cul-de-sac requirements) of a 6.0m wide carriageway. A turning head is also required.

The Development Engineer has also noted that there is significant erosion within the proposed Road 3 (Lot 202) alignment and adjacent balance lot located approximately 50m to the west of the proposed intersection. This is due to the stormwater discharge from the Hikuai Settlement Road culvert over the recently completed earthworks. Significant retaining and drainage works will be required.

Council's Roding Manager, Mr Varley has confirmed acceptance of the proposed noncomplying longitudinal gradients up to 1V:6H for the private roads; however, he has also confirmed that any future proposed vesting of these roads will not be accepted.

Mr Varley has reviewed the CKL letter dated 15 September 2023 and has confirmed acceptance of the proposed internal road layout and intersection sightlines. 30km/hr posted

speed limit signs are to be installed as recommended within the internal road network and details will be required in the engineering plans.

The submitted revised road cross sections indicate that the proposed works will not undermine or adversely affect adjacent properties or undermine Hikuai Settlement Road. The Applicant has submitted a letter from HDGeo dated 2 November 2023 that assesses a low risk of instability beyond the site including Hikuai Settlement Road.

The Applicant has submitted a Safe System Audit Report compiled by Traffic Planning Consultants dated 5th December 2023 (signed 21/3/2024). Mr Varley has accepted this revision.

The proposal minimises the number of vehicle access points to Hikuai Settlement Road. Although the intersection of the site with Hikuai Settlement Road cannot meet the specified standards, it can be designed to achieve a safe standard. Hikuai Settlement Road will experience an increased volume of traffic as a result of the subdivision and the subsequent development of the lots, but this road is designed and constructed to a standard that is capable of accommodating a greater volume of traffic than is proposed.

The private ways being proposed provide the desired level of service based on formation, traffic volumes, vehicle speed, public safety and amenity. It is also noted that utility services associated with the proposal are able to be located within the road corridor, including water and wastewater reticulation, stormwater and land drainage and electricity.

Effects on the wider road network from the proposal will be less than minor.

Geotechnical effects

The Applicant notes that *“Geotechnical considerations are taken into consideration for the siting of each building platform, with extensive testing undertaken to delineate the ideal extent for future residential dwellings. An iterative process was used between the varying disciplines, including civil engineering and geotechnical, to refine the extent of site clearance and land disturbance to provide for a level building platform. Additionally, the Geotechnical Investigation (Appendix 5) included refinement of the building platform for areas where pole foundations would be required and supported by the ground beneath. Contingent on the recommendations of the Geotechnical Report being followed, no adverse effects on site stability and geotechnical soundness are anticipated.”*

The application also observes that *“it is expected a consent notice will be placed on the future titles of all residential allotments that require engineering design of building foundations in accordance with the HDGeo Geotechnical Report.”*

The Development Engineer has confirmed that the HDGeo report is acceptable. Any site-specific geotechnical constraints will be addressed in the geotechnical completion report. This can be included as a condition of consent.

Any effects in relation to geotechnical related matters will be less than minor.

Earthworks effects and sediment control

Extensive earthworks are proposed as part of this application to construct building platforms, roading and infrastructure. A separate resource consent has been obtained from Waikato Regional Council (WRC) to undertake up to 15,940m³ earthworks within High Risk Erosion Areas. This consent contains a suite of conditions which the Applicant must comply with.

The WRC consent notes that “*earthworks will be within a HREA area and include: some vegetation clearance, securing the site perimeter for stormwater entering the site, erosion and sediment controls established, and stabilisation of worked areas post earthworks. The site sediment controls are proposed to mitigate sediment run off and treat any captured runoff accordingly.*

The total earthworks volume is estimated to be 15,940m³ cut, and cut to fill of 15,230m³. The difference is proposed to be disposed of offsite at an approved facility and cleanfill importation is not expected to be required. Cut and fill volumes can be revised when the onsite construction management plans are prepared for quantity confirmations. Topsoil strip is estimated at 7,469m³, to be reused and spread as required after cut and fill has concluded.”

Specific conditions are included within the WRC consent to address construction management, erosion and sediment controls, ecological matters and reinstatement. There is no reason to repeat these conditions verbatim within the District Council consent. Conditions in relation to the provision of a copy of the certified construction management plan and erosion and sediment control plans should be appropriate.

The only external effect of the earthworks beyond that anticipated by the plan will be the truck movements to transport fill from the site. Given that there is a very limited differential between cut and fill, an effects in relation to transportation matters can also be appropriately addressed within a construction management plan, detailing traffic management and operational matters.

All truck movements will be governed by the normal traffic and transport requirements, including security of load and speed restrictions. Cartage operations will be restricted via conditions to occur between 8.00am and 5pm Monday to Friday only, this will ensure any associated effects from the cartage and fill activity on adjoining activities do not occur outside of normal work hours.

Subject to conditions of consent, the potential effects in relation to earthworks are considered to be less than minor.

Noise and Dust Effects

Earth disturbance activities have the potential to discharge dust which can cause a number of potential adverse effects on the surrounding environment including health effects, nuisance effects and effects on flora, fauna and ecosystems. Activities associated with earthworks can also generate adverse noise effects. Although it was concluded the permitted baseline is of no relevance to the proposal, earthworks associated with the construction of dwellings are anticipated within the Residential Zone. In this instance the earthworks will be limited in duration as they are associated with the construction of the access and building platforms and will be subject to relevant construction noise standards. It is noted that the WRC consent is only for a term of 7 years. This will ensure that construction activities associated with roading and infrastructure must be completed within a set timeframe. The inclusion of a condition of consent will ensure appropriate controls/mitigation measures are imposed to contain dust nuisance within the site.

Overall, based on the technical advice provided by Council’s Development Engineer, I am satisfied any potential adverse effects associated with the earthworks can be appropriately mitigated and will be less than minor.

Historic Heritage

An archaeological assessment has been prepared by CFG Heritage Ltd and is attached as Appendix 10 to the application. Two archaeological sites were identified during initial site

evaluation and the application noted that “neither of these sites will be impacted by the proposed subdivision and associated land disturbance. Pre-1900, it is probable the site was predominately covered with dense virgin native vegetation. The likelihood of permanent site occupation is not high, although possible. Given the history of occupation within the wider area and the presence of identified archaeological sites neither of these sites will be impacted by the proposed subdivision and associated land disturbance. Pre-1900, it is probable the site was predominately covered with dense virgin native vegetation. The likelihood of permanent site occupation is not high, although possible. Given the history of occupation within the wider area and the presence of identified archaeological sites in vicinity to the area worked, albeit in the lower elevations adjacent to watercourses (due to accessibility), it is conceivable that further sites may be identified through the course of site disturbance.”

This report provides the following recommendations, noting that these recommendations are only made on the basis of the archaeological values and any other values associated with special interest groups, including tangata whenua, can only be determined by them.

Given that a specific archaeological investigation has been undertaken at the Site, and it is proposed that an Accidental Discovery Protocol (ADP) is developed in liaison with Ngāti Hei and Ngāti Maru to ensure that any potential discovery is appropriately treated during the land disturbance stage of the subdivision. The land disturbance footprint has been reduced as much as geotechnically possible, which will further reduce the potential for uncovering artefacts and sites of archaeological significance. The Applicant has noted that it is expected the ADP will be included as a condition of consent.

The Applicant has consulted with Ngāti Hei and Ngāti Maru and agreed that the ADP must include the conditions outlined within the Ngāti Hei CIA and Ngāti Maru correspondence unless alternative agreement is reached with representatives for the ADP content. As part of the ADP, Ngāti Hei and Ngāti Maru must be provided with the opportunity to have representatives on site whenever an archaeologist is on site and have the opportunity to participate in archaeological investigations. Further discussions would be required should burial grounds of more than two persons be uncovered.

The Applicant has also agreed and included the following matters within the application document; that there be a condition that restricts remains dispersal, within the OLMP or attached to the future titles via a consent notice and the Applicant is to liaise with Ngāti Hei over the development of the OLMP and EMP documents to seek their input and local knowledge via a cultural monitor.

Whilst the Augier conditions have been adopted in the recommended consent conditions, I have not relied on these in coming to my conclusion in relation to historic heritage effects (which I consider can be adequately dealt with via the Archaeological Authority process). These effects are less than minor.

Effects on Indigenous Biodiversity (Ecological Effects)

A comprehensive assessment of ecological effects is provided in Section 5.7 of the application. The assessment provided is informed by the Rural Design 1984 Limited Ecological Assessment and Draft Ecological Management Plan and considers the potential ecological effects of the subdivision and associated earthworks activity in light of the significance criteria of the WRPS.

The Ecological Assessment concludes that the proposed subdivision and associated site development could result in a range of potential effects on terrestrial and aquatic ecological values. It is considered that these effects can be appropriately avoided or mitigated through comprehensive low impact subdivision design principles and concentrating the development

on areas deemed to be of low existing ecological significance with significant setbacks from susceptible terrestrial and aquatic feature. It is considered that the concept development and associated infrastructure plan have been designed in a manner that recognizes the existing ecological and environmental values and constraints of the site and immediate surrounds and aims to strengthen the ecological values of these features through appropriate enhancement planting of aquatic, riparian and terrestrial habitats on site, and ongoing pest weed and pest animal control.

The Ecological Impact Assessment concludes that it is considered that the potential adverse effects of the associated subdivision and subsequent site development proposal can be sufficiently avoided or mitigated through employing best practice comprehensive low-impact design principles, implementing comprehensive sediment and erosion control measures, as well as ensuring that the site development abides by appropriate planning and development controls. Provided that they are implemented successfully during construction and operational phases of the development, adverse effects on the environment would be 'less than minor'.

If the restoration and mitigation measures outlined in this report are successfully implemented, a net ecological benefit is likely to result from the proposed subdivision. For ecological restoration to be successful, the project will require long-term commitment and an appropriate legal mechanism such as a QEII covenant to ensure ecological viability of the proposed covenant area. All ecological restoration works should be guided by a comprehensive Ecological Management Plan, which is recommended to be prepared as a condition of consent.

Having reviewed the relevant information and noted the proposed conditions of consent, I accept the Applicant's conclusions in relation to ecological effects, in that the effects from the proposal will be less than minor, with potential benefits in some areas.

Step 3 Conclusion

Having considered the information submitted with the application, visited the site, and assessed the proposal against the relevant matters in section 29 (Biodiversity), section 31 (Historic Heritage), section 38 (Subdivision) and section 48 (Low Density Residential) of the APDP it is my opinion that any adverse effects on the environment arising from the proposal for a land use and subdivision consent to create 47 residential allotments, balance allotments and access lots, and to undertake associated earthworks, retaining structures and interrelated infrastructure located at 671 Hikuai Settlement Road, Hikuai would be less than minor.

Public notification of the application is therefore not required under sections 95A(7)(b) and (8) of the RMA unless there are special circumstances.

Step 4

If any of the Section 95A(8) criteria are not met, then there must be an assessment of whether any special circumstances exist pursuant to section 95A(9). I am satisfied that there are no special circumstances that warrant public notification of this application.

4.0 Decision

That the application **is not publicly notified** in accordance with sections 95A(7)(b), (8)(b) and (9)(b) of the RMA, because under section 95D it is my opinion, the activity will not have or is not likely to have adverse effects on the environment that are more than minor, and there are no special circumstances.

The Council has, under Section 34A of the RMA, delegated to the Reporting Officer its functions and powers under the RMA in relation to the notification of applications.

5.0 Limited Notification Assessment - Section 95B

If public notification of the application is not required under section 95A, then section 95A(9)(b) of the RMA requires the Council to determine whether limited notification of the application is required under section 95B. Under section 95B, the Council must undertake a step by step process to determine whether limited notification of an application is required or precluded in certain circumstances.

Step 1

Sections 95B(2) to (4) set out the instances when certain affected groups or persons must be notified. Essentially, the following groups or persons must be notified if considered affected:

- (a) any affected protected customary rights groups; or
- (b) any affected customary marine title groups (with regard to a consent application for an 'accommodated' activity as defined in the Marine and Coastal Area (Takutai Moana) Act 2011); or
- (c) if the proposed activity is on or adjacent to, or may affect, land that is the subject of a statutory acknowledgement made in accordance with an Act specified in Schedule 11, and the person to whom the statutory acknowledgment is made is an affected person under section 95E.

I do not consider that there are any affected protected customary rights groups, customary marine title groups or persons to whom a statutory acknowledge is made that are affected by the proposal for the following reasons:

- The proposal will have less than minor effects on the coastal environment below mean high water springs;
- There are no statutory acknowledgements listed in Schedule 11 of the RMA that are relevant to the proposal; and
- There are no applications made under the Marine and Coastal Area (Takutai Moana) Act 2011 of relevance to the proposal.

Step 2

If none of the persons or groups in sections 95B(2) to (4) are affected then sections 95B(5) and (6) require, an assessment of whether limited notification of the application is precluded in certain circumstances. Limited notification of this application is not precluded under Step 2, sections 95B(5) and (6) of the RMA. Therefore, an assessment as to the persons who are adversely affected by the proposal is required.

Step 3:

If an application does not meet the criteria in section 95B(6), then we are required to consider the provisions in sections 95B(7) to (9) on whether, certain other affected persons must be notified in accordance with section 95E of the RMA.

Assessment of Affected Persons

I have carefully examined the proposal and visited the site and I do not consider that there are any persons who may be adversely affected by this activity because:

- Landscape and Visual;
 - The landscape values assessment prepared by KHLA confirms that the subdivision design responds to the natural landform and subject to conditions of consent will not be inconsistent with a development of this scale and nature within the Low Density Residential Zone.
- Character and Amenity;
 - The reduction in the density and site coverage requirements will not be readily visible from outside the site, with limitations set around maximum coverage of smaller lots to ensure the character anticipated within the Low Density Residential Zone is maintained.
 - Each of the proposed lots are of a sufficient size to accommodate a dwelling that can comply with the other bulk and location standards set within the APDP. As such there will be no loss of aural or visual privacy for adjoining properties.
- Site Servicing;
 - Appropriate servicing of the lots for three waters and power can be achieved, subject to specific engineering conditions.
 - With specific reference to water supply it is noted that the site is outside of Council's area of service for water reticulation. Specific design for a private communal supply will be needed with a reservoir of sufficient storage to service the proposed development for supply and fire fighting purposes.
 - With specific reference to stormwater it is noted that all discharges will comply with the consent obtained from WRC. There will be no adverse effects in terms of the stormwater in relation to adjoining properties.
- Transportation;
 - The network of private ways within the subdivision will be constructed to Code of Practice Standards and will ensure that the safe and efficient operation of the transport network will continue in a manner that is unaffected by the proposal. Suitable legal and physical access will be provided to all lots.
 - The intersection with Hikuai Settlement Road will be constructed in a manner that will ensure the continued safe and efficient operation of the road network.
- Geotechnical;
 - All lots will contain suitable building sites to enable a future dwelling to be erected on them. The Geotechnical Investigation report prepared by HDGeo confirms that the building platforms will not be subject to inundation, erosion, subsidence or slippage, ensure no adverse geotechnical effect on any adjoining property.
- Earthworks;
 - Given the limited volume of difference between cut to fill volumes, leaving only 710m³ of cut to waste, there will be minimal truck and transportation movements

- onto Hikuai Settlement Road associated with the development. These will be appropriately managed via a Construction Management Plan.
- All truck movements will be governed by the normal traffic and transport requirements, including security of load and speed restrictions. Cartage operations will be restricted via conditions to occur between 8.00am and 5.00pm Monday to Friday only, this will ensure any associated effects from the cartage and fill activity on residential activities do not occur outside of normal work hours.
- Sediment and erosion controls will be provided for via a comprehensive Erosion and Sediment Control Plan required by both TCDC and WRC. This will ensure consistency across both the TCDC and WRC consents and ensure that the potential effects of sediment run-off will be appropriately managed and mitigated.
- Earthworks activities are anticipated as part of any subdivision, given the overall scale of the site, being 23 hectares, the consequential volume and area of earthworks to develop it are commensurate. The Applicant has confirmed that the proposed extent of the earthworks is at a level to create safe and compliant access and building platforms. These activities will be limited in duration as they are associated with the construction of the access and building platforms and will be subject to relevant construction noise standards.

Written Approvals

As set out earlier, the Applicant's Agent has consulted with Ngāti Hei and Ngāti Maru in relation to this proposal. Conditions advised by both parties have been adopted as "augier" conditions.

Step 3 Conclusion

Limited notification of the application is not required under section 95B(9) of the RMA unless there are special circumstances.

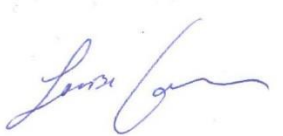
Step 4

I am satisfied that there are no special circumstances that warrant any other person being eligible for limited notification of this application.

6.0 Recommendation

That the application **is not limited notified** because in my opinion there are no groups or persons that are affected by the proposed activity under sections 95B(2), (3), (7), (8), (9), (10)(b) of the RMA, and there are no special circumstances.

Reporting Officer:



.....
Louise Cowan
Consultant Planner
SLR Consulting

Dated the 22nd of May 2024.

7.0 Decision

That the application **is not publicly notified** in accordance with sections 95A(7)(b), (8)(b) and (9)(b) of the RMA, because under section 95D it is my opinion, the activity will not have or is not likely to have adverse effects on the environment that are more than minor, and there are no special circumstances.

That the application **is not limited notified** because in my opinion there are no groups or persons that are affected by the proposed activity under sections 95B(2), (3), (7), (8), (9), (10)(b) of the RMA, and there are no special circumstances.

The Council has, under section 34A of the Resource RMA, delegated to the Reporting Officer its functions and powers under the RMA in relation to the notification of applications.

Reviewed and accepted by:



.....
Katy Dimmendaal
Development Planning Team Leader
REGULATORY SERVICES

Dated at Thames, this 22nd day of May 2024.

Section 104, 104C and 106

Decision Report for a Non-Notified Resource Consent Application

8.0 Consideration of the application

Section 104 states the matters Council must have and must not have regarded when considering the application and are relevant in relation to determining conditions of consent.

8.1 Actual and Potential Effects

Section 104 and 104B of the RMA requires the Council to have regard to any actual and potential effects of the proposed activity on the environment.

The adverse effects of the proposal have been assessed in Section 3 of this report, where it is concluded that the proposal will result in adverse effects that are less than minor. This assessment is also appropriate for the purposes of a section 104 assessment.

In addition to the above the positive effects of the application should also be acknowledged, including the potential for biodiversity gain as part of the additional planting programme proposed, and the creation of suitable and safe residential allotments, within the residential zone.

8.2 Section 106

Section 106 of the RMA is required to be considered by the Council in relation to natural hazards and access.

As is detailed within this report, the Applicant has provided a Geotechnical Report with the application. That report provides an assessment of natural hazards, including those relating to slope stability, erosion and subsidence and concludes that, with the implementation of appropriate conditions relating to foundations and servicing, the proposal will not exacerbate any natural hazards.

On the basis of the Geotechnical report and the Development Engineer's assessment, it can be agreed that each of the lots will be provided with legal and physical access from a formed road.

As such, there is no reason to decline consent on the basis of Section 106.

8.3 Relevant Provisions of Proposed District Plan

Subject to Part 2 and in accordance with section 104(1)(b) of the RMA it is my opinion that the following APDP provisions are relevant to this application:

8.3.1 Objectives and Policies

The Applicant's Agent has provided an assessment of some of the relevant APDP policies in Appendix 12 of the application. Where the Agent has considered the relevant objectives and policies, I have summarised the Agent's conclusions regarding the proposal's alignment with these. Where necessary, I have provided a supplementary comment.

Chapter 6 – Biodiversity

Objective	Policy(s)
<p>Objective 1</p> <p>The full range of the District's indigenous ecosystems and biodiversity is maintained in a healthy and functional state, and restored or enhanced where appropriate.</p>	<p>Policy 1a.</p> <p>Subdivision, use and development shall protect areas of significant indigenous vegetation and significant habitats of indigenous fauna in preference to remediation or mitigation by:</p> <ul style="list-style-type: none"> a) Avoiding the loss or degradation of areas of significant indigenous vegetation and significant habitats of indigenous fauna in preference to remediation or mitigation; b) Avoiding the loss of habitat that supports or provides a key life function for Threatened or At Risk indigenous species. c) Preventing the spread of kauri dieback disease; and d) Requiring that any unavoidable adverse effects on areas of significant indigenous vegetation and significant habitats of indigenous fauna are remedied or mitigated. <p>More than minor residual adverse effects on significant indigenous vegetation and significant habitats of indigenous fauna, outside the Coastal Environment, that cannot be avoided, remedied or mitigated in accordance with a) - d) above shall be offset, or if biodiversity offsetting cannot be reasonably achieved, shall be addressed through environmental compensation.</p> <p>Policy 1c</p> <p>Subdivision use and development that has adverse effects on non-significant indigenous vegetation and non-significant habitats of indigenous fauna should.</p> <ul style="list-style-type: none"> a) Retain the viability, integrity and sustainability of the area by for example, the use of buffers to protect and support the indigenous biodiversity values present; and b) Consider and address any threat of increased risk from plant and animal pests; and c) Prevent the spread of kauri dieback disease; and d) Maintain, enhance or restore ecological corridors and connections linking indigenous ecosystems, habitat fragments and, wetlands and dune systems; and e) Consider on-going management of priority locations mapped in Section 38 Subdivision, including legal protection, restoration, enhancement, pest control and stock exclusion; and f) Provide for the temporary loss of indigenous vegetation associated with plantation forestry. <p>Significant residual adverse effects on non-significant vegetation and non-significant habitats of indigenous fauna, outside the Coastal Environment, that cannot be avoided, remedied or mitigated should be offset , or if biodiversity offsetting cannot be achieved, shall be addressed through environmental compensation.</p>
Comment:	

The Ecological Impact Assessment identifies there are no identified areas on the subject site as significant indigenous vegetation or significant habitats of indigenous fauna. However, the Ecological Assessment Report (Appendix 6) outlines the ecological values of the subject site range from low-high. There is also potential for enhancement for areas of degraded habitat. As such, recommendations for the outcome of the proposed development include revegetation and enhancement of ecological corridors within the subject site, including the low lying wetlands. The development design has minimised land disturbance to the maximum extent required to ensure viable building platforms and infrastructure provision in order to limit vegetation clearance and disturbance. The proposal avoids loss and degradation of areas of dense indigenous vegetation and includes requirements for fauna surveys prior to clearance to reduce the risk of animal mortality during site establishment. The vegetation clearance that will be inevitable to construct the building platforms, roads, and infrastructure will be more than appropriately mitigated through revegetation planting throughout the site.

Ecological corridors will be enhanced through the site revegetation, providing greater linkages to surrounding SNAs and connectivity to the Tairua River and Harbour. The onsite wetlands will be enhanced through comprehensive pest management (plant and animal) and replanting of appropriate eco-sourced species.

On this basis the proposal is consistent with the listed objective and associated policies in relation to biodiversity.

Chapter 7 – Coastal Environment

Objective	Policy(s)
<p>Objective 1 Subdivision, use and development in the Coastal Environment:</p> <ul style="list-style-type: none"> • Enables people and their communities to provide for the social, economic, and cultural well-being and their health and safety; • Maintains or restores the integrity, form, functioning and resilience of the Coastal Environment; and • Protects the indigenous biodiversity values of the Coastal Environment in relation to the biodiversity values present; and • Preserves the natural character of the Coastal Environment in relation to the level of natural character present; and • Protects natural features and landscapes values of the Coastal Environment in relation to the level of natural feature and landscape values present; and • Recognises and provides for the relationship of tāngata whenua with the Coastal Environment; and • Maintains and enhances public open space and recreation opportunities in the Coastal Environment; and • Manages coastal hazard risks, including the long-term projected effects of climate change; and • Protects and enhances historic heritage values; and • Avoids sprawling or sporadic patterns of development and enabling consolidation of existing settlements 	<p>Policy 1a</p> <p>New subdivision, use and development along the coast shall provide a setback from the coastal edge to allow for:</p> <ol style="list-style-type: none"> a. Preserving natural character; and b. Maintaining and enhancing public access to public areas; and c. Natural ecosystems functioning; and d. Natural functioning of physical processes, including the ability of natural features and ecosystems to migrate inland. <p>Policy 1b</p> <p>Subdivision, use and development in the Coastal Environment (outside of the Natural Character and Outstanding Natural Features and Landscape Overlays) shall:</p> <ol style="list-style-type: none"> a) avoid significant adverse effects on the values and characteristics of natural character, natural features and natural landscapes; and b) avoid, remedy or mitigate other adverse effects on the values and characteristics of natural character, natural features and natural landscapes

Objective 2 Opportunities for restoration or rehabilitation of modified or degraded areas of natural character are promoted.	Policy 2a The restoration or rehabilitation of modified or degraded natural character in the Coastal Environment shall be promoted.
<p>Comment:</p> <p>The Applicant has provided a range of comments in relation to these policies, demonstrating that the proposal is consistent with the outcomes sought. In my view the Applicant has considered all the relevant policies of this APDP chapter, I accept the assessment provided, and agree that the proposal is consistent with the referenced policies and have nothing further to add.</p>	

Chapter 15 – Development and Growth

The Applicant has considered the following policies relevant (policy content summarised for brevity):

Objective	Policy(s)
Objective 1 Settlement development and growth uses capacity in existing or planned water, wastewater, stormwater and roading infrastructure.	<p>Policy 1d Low density development should only occur in areas with infrastructure and/or other development constraints, where appropriate.</p> <p>Policy 1e Development outside of existing settlements that are unable to be serviced by existing or planned Council water, wastewater, stormwater and roading infrastructure shall be self-sufficient and not reliant upon public infrastructure and investment, including any road upgrades servicing the development.</p> <p>Policy 1f On-site water tanks and stormwater minimisation and retention should be encouraged to supplement existing infrastructure.</p>
Objective 3 Settlement development and growth maintains the Coastal Environment's special values.	<p>Policy 3c In the Coastal Environment settlement development and growth shall:</p> <ul style="list-style-type: none"> a) preserve natural character and landscape values; and b) ensure sufficient development setbacks to protect coastal natural character, public access, indigenous biodiversity, natural physical processes, amenity, and natural hazard mitigation functions of the coast; and c) protect hydrological processes and natural functions of back dune areas; and d) have regard to local coastal character; and e) allow for the potential effects of sea level rise, including allowing for sufficient coastal habitat inland migration opportunities; and f) protect the natural characteristics of remaining undeveloped or largely undeveloped coastal environments; and g) ensure adequate water, stormwater and wastewater services will be provided for the development; and

	<p>h) avoid increasing natural hazard risk associated with coastal erosion and inundation; and</p> <p>i) have regard to the potential effects of a tsunami event and take appropriate steps to avoid, remedy or mitigate that risk; and</p> <p>j) avoid ribbon development along coastal margins; and</p> <p>k) not compromise the function or operation of existing or planned coastal infrastructure; and</p> <p>l) provide for safe and efficient connectivity between activities occurring in the coastal marine area and associated land-based infrastructure; and</p> <p>m) maintain and enhance public access to the coast and existing public areas; and</p> <p>n) provide infrastructure that supports marine-based industries and sea transport.</p> <p>o) enable people and communities to provide for their social, economic and cultural well-being and their health and safety.</p>
<p>Objective 5 Settlement development and growth maintains and enhances amenity values, character, historic heritage, transport connectivity, environmental sustainability and the vitality of individual settlements and their centres.</p>	<p>Policy 5a Settlement development and growth including commercial, housing and subdivision design should be consistent with the existing character and context of the built environment and with the landscape character, historic heritage and amenity values of the area.</p> <p>Policy 5c Settlement development and growth shall not add to existing road safety risks and where possible should reduce such risks through incorporating network infrastructure improvements and upgrades.</p> <p>Policy 5d Settlement development and growth should be designed to:</p> <p>a) Minimise the need for large-scale excavation and erosion mitigation measures; and</p> <p>b) Avoid an increase in stormwater runoff e.g. detention ponds, permeable surfaces; and</p> <p>c) Encourage natural ventilation and sunlight into buildings and outdoor spaces; and</p> <p>d) Increase water and energy efficiency e.g. rainwater harvesting and solar panels; and</p> <p>e) Enhance indigenous biodiversity (e.g. through the choice of landscape and garden plantings); and</p> <p>f) Reduce the level of contaminants in water, air and soil e.g. non-toxic building materials; and</p> <p>g) Encourage multi-modal transport options (e.g. walking and cycling infrastructure).</p>
<p>Objective 6 Areas of natural character, indigenous biodiversity, outstanding natural features and landscapes, high class soils, and historic heritage items are recognised and protected.</p>	<p>Policy 6a Settlement development and growth should not develop areas with high natural character, outstanding natural features and landscapes, potentially erodible slopes, and high class soils, and should take into account indigenous</p>

	<p>biodiversity, existing natural character and historic heritage items in the development's scale, density and design.</p> <p>Policy 6b Stormwater infrastructure shall limit surface flooding and adverse effects on water quality</p>
<p>Comment: The Applicant has provided a range of comments in relation to these policies, demonstrating that the proposal is consistent with the outcomes sought. In my view the Applicant has considered all the relevant policies of this APDP chapter, I accept the assessment provided, and have nothing further to add.</p>	

Chapter 16 – Subdivision

The Applicant has considered the following policies relevant (policy content summarised for brevity):

Objective	Policy(s)
<p>Objective 1 Subdivision is located, designed and implemented to provide for activities anticipated in the zone while maintaining the amenity values of the surrounding landscape, and protecting or enhancing biodiversity, natural character and historic heritage.</p>	<p>Policy 1d Subdivision within the Residential Area shall maintain the existing character, style and amenity of the locality in which it is located.</p> <p>Policy 1e Forms of subdivision that protect, restore or enhance indigenous biodiversity including underrepresented ecosystems are incentivised.</p>
<p>Objective 3 Subdivision provides convenient, safe routes and connections for vehicles, cyclists and pedestrians within the subdivision and to surrounding transport networks.</p>	<p>Policy 3a Subdivision shall provide transport infrastructure that connects to existing and planned networks/nodes, areas of public space and community focal points while maintaining the safety and efficiency of the network.</p> <p>Policy 3b New road networks shall be consistent with any applicable structure or concept plan and have multiple connections to adjacent road networks</p>
<p>Objective 4 Subdivision does not unnecessarily or inappropriately alter the contours of the existing landform.</p>	<p>Policy 4a Subdivision design shall respond to the natural landform by ensuring building platforms and road configuration nestle into the site's topography without breaking the natural skyline, and in the Coastal Environment, are located away from headlands and ridgelines that are visually prominent from public places. Where it is not practicable to locate building platforms and road configurations away from headlands and ridgelines subdivision design shall as far as practicable and reasonable apply controls or conditions to avoid adverse visual effects.</p> <p>Policy 4b Where appropriate, physical and legal access to new lots should follow the natural contour of the land.</p>

<p>Objective 5 Subdivision design maintains water quality in wetlands, waterways and groundwater.</p>	<p>Policy 5a Planting and enhancement of wetlands and the margins of water bodies shall be encouraged through subdivision.</p> <p>Policy 5c Subdivision design shall ensure that stormwater does not adversely affect water quality or the capacity of existing natural systems.</p>
<p>Objective 7 Utility and infrastructure services are provided to meet current and future subdivision demand.</p>	<p>Policy 7a Provision shall be made through the subdivision process for existing and proposed lots to be connected to reticulated wastewater, water and stormwater services, where these services are available, and the lots are outside of the Rural Area.</p> <p>Policy 7c Subdivision should demonstrate that it can be serviced by electricity and telecommunications suppliers. Where one or more of these services are not available or feasible, information shall be provided to demonstrate what alternative means of sustainable supply will be available to the lots.</p> <p>Policy 7e Subdivision should demonstrate that principles of Low Impact Urban Design and Development have been considered and incorporated where appropriate.</p>
<p>Comment: In relation to the earthworks proposed, I note it covers an extensive area of the site, however, given the overall topography and gradient this volume and area of works is required to achieve safe and compliant access and building platforms. Undertaking earthworks now will reduce the need for additional earthworks activities at time of building consent. As such the alterations to the contours of the existing landform are considered necessary and appropriate in this context.</p> <p>Otherwise, the Applicant has provided a range of comments in relation to these policies, demonstrating that the proposal is consistent with the outcomes sought. The Applicant has considered all the relevant policies of this APDP chapter, I accept the assessment provided, and have nothing further to add.</p>	

Chapter 17 – Tangata Whenua

Objective	Policy(s)
<p>Objective 1 Tangata whenua are able to exercise kaitiakitanga over their ancestral lands, water, sites of significance, wāhi tapu and other taonga, and on resource management matters of importance to tangata whenua, in a manner that promotes sustainable management of natural and physical resources.</p>	<p>Policy 1a Māori entities such as iwi authorities, tribal runanga, Māori landowners, iwi, hapū, whanau and marae-based organisations should be consulted on resource consent applications when they involve sites of significance to Māori listed in Appendix A1.2, known archaeological sites, earthworks, water bodies, biodiversity, cross-boundary issues, waste management, and any other matters that are identified in iwi management plans.</p>
<p>Comment: Consultation and engagement has occurred with Ngāti Hei and Ngāti Maru and the Applicant has agreed to proposed conditions being complied with, including use of Accidental Discovery Protocol (ADP) including monitoring. This is consistent with the expectations set within Policy 1a.</p>	

Chapter 18 – Transport

Objective	Policy(s)
<p>Objective 1</p> <p>The District's transport network meets the foreseeable needs of the District's communities, is safe for all transport users and enables efficient use of resources (including being energy efficient).</p>	<p>Policy 1c</p> <p>New roads, vehicle parking and manoeuvring areas, accessways, cycling infrastructure, footpaths and other elements of the transport network should be designed and constructed in accordance with the Council's Code of Practice for Subdivision and Development (October 2013) or the relevant road controlling authority's specifications.</p> <p>Policy 3d</p> <p>New subdivision and development shall facilitate cycle and pedestrian connectivity within new and, where appropriate, to existing developments.</p>
<p>Objective 3</p> <p>Subdivision, use and development is designed to support the integrated, safe and efficient operation of transport networks.</p>	<p>Policy 3b</p> <p>Vehicle access to a state highway or district arterial road should not hinder the existing efficiency and safety of vehicle movement on that road or adversely affect the function of that road or the road network.</p>
<p>Comment:</p> <p>The new site access will be constructed in accordance with Council's Code of Practice. Given the proposed width of the internal private ways and the location of the nearby Tairua Cycle Trail cycle and pedestrian connectivity is enabled. Specific assessment has been provided to confirm that the subdivision, including the effects of enabling earthworks will not cause an adverse effect in relation to the road network. The proposal is consistent with the relevant Objectives and their associated Policies.</p>	

Chapter 23 – Residential area

The Applicant has considered the following policies relevant (policy content summarised for brevity):

Objective	Policy(s)
<p>Objective 1</p> <p>Various forms of residential density and different dwelling types provide all sectors of the community with dwelling choices and high levels of amenity</p>	<p>Policy 1a</p> <p>A mix of residential densities shall be encouraged to provide for a variety of dwelling options.</p> <p>Policy 1b</p> <p>Residential subdivision and developments should efficiently place dwellings on a site to minimise unused space and maximise on-site amenity and usable open space.</p>
<p>Objective 2</p> <p>Buildings in the residential area are at a scale and form consistent with surrounding buildings and landforms.</p>	<p>Policy 2a</p> <p>Development should be of a similar scale to neighbouring buildings, except where they are visually offset by hills behind or beside them.</p>
<p>Objective 3</p> <p>Dwellings have well orientated, private outdoor and indoor living spaces, and minimal noise and privacy nuisance from other dwellings.</p>	<p>Policy 3a</p> <p>Dwellings, particularly in comprehensive residential developments, shall be designed to minimise the potential for noise and privacy nuisances on adjacent dwellings.</p>
<p>Comment:</p> <p>The proposed development is located within the Low Density Residential Zone and will maintain the existing open-space, low-density character of the area.</p>	

The proposal includes placement of the building platforms and road corridors to reduce the potential visual impact of the development and includes nestling the building platforms and roads into locations that will blend into the surrounds rather than being visually prominent. The proposal includes an emphasis on protection and enhancement of the subject site's natural character and ecological values. In my view the Applicant has considered all the relevant policies of this APDP chapter, I accept the assessment provided, and confirm that the proposal is consistent with the relevant objectives and policies.

8.6 Waikato Regional Policy Statement (WRPS)

The WRPS provides a high-level overview of resource management issues within the Waikato Region and establishes policies and other methods in respect of these issues, with a view of achieving integrated management of natural and physical resources in the Waikato.

I have undertaken a cursory review of the WRPS and am satisfied that any relevant provision of the WRPS has been given effect to in more detail within the APDP. Given the APDP is a new planning document, it is reasonable to expect it gives full coverage to and aligns with the policy direction of the WRPS.

On this basis, I do not consider a direct assessment of the proposal against the WRPS necessary, as it will not add anything to the evaluative process.

8.7 National Policy Statements

New Zealand Coastal Policy Statement (NZCPS)

The proposal is not located within the Coastal Marine Area. The NZCPS applies to all areas identified as existing within the Coastal Environment, irrespective of their proximity to the Coastal Marine Area. The Council have identified the Coastal Environment within the APDP, which includes most of the subject site. The Applicant has completed a comprehensive assessment of the relevant objectives and policies and I concur with this assessment. The proposal is consistent with the NZCPS.

The Hauraki Gulf Marine Park Act 2000 (HGMPA) is to be treated as a Coastal Policy Statement within the Thames-Coromandel District. The proposal does not conflict with the matters specified within sections 7 and 8 of the HGMPA.

National Policy Statement for Freshwater Management 2020

The National Policy Statement for Fresh Water Management 2020 (amended February 2023) is relevant to the proposal. The National Policy Statement for Freshwater Management 2020 (NPS-FM) seeks to ensure natural and physical resources are managed in a way that prioritises first; the health and well being of water bodies and freshwater ecosystems; second; the health and needs of people; third; the ability of people and communities to provide for their social, economic, and cultural well-being, now and in the future.

The suite of associated policies looks to ensure that freshwater is managed in an integrated way that considers the effects of the use and development of land on a whole of catchment basis, including the effects on receiving environments. Additionally, that there is no future loss of extent of natural inland wetlands, their values are protected, and their restoration is promoted.

Stormwater discharges have obtained consent from WRC, who found no conflict with the NPS-FM. All discharges proposed will be to land rather than water and low impact design guiding the treatment solutions to reduce contaminant loads. Raingardens will be used for road

treatment for stormwater. The location of the wastewater discharge site is situated away from waterbodies and is designed to encapsulate all discharge volumes. No runoff toward waterbodies nor the wetlands at lower elevations are proposed.

Wastewater discharge has also been appropriately consented and is to be discharged in a manner that will have no adverse effects on freshwater.

No adverse effects on the wetlands or habitats of indigenous freshwater species are anticipated by this proposal. As such, it is demonstrated that the proposed development aligns with the intended outcomes of the NPS-FM and is consistent with the suite of objectives and policies.

National Policy Statement for Highly Productive Land 2022

The National Policy Statement for Highly Productive Land 2022 (NPS-HPL) came into force on 17 October 2022 and seeks that highly productive land is protected for use in land based primary production, both now and for future generations.

Until a Regional Policy Statement containing maps of highly productive land is operative, the NPS-HPL applies to land zoned general rural or rural production and identified as LUC 1, 2 or 3, but is not identified for future urban development, or subject to a Council initiated, adopted, or notified plan change.

The entire site is area already zoned as Low Density Residential. As such the NPS-HPL is not applicable to this proposal.

National Policy Statement for Indigenous Biodiversity 2023

The National Policy Statement for Indigenous Biodiversity 2023 (NPS-IB) came into force on 4 August 2023 and seeks to maintain indigenous biodiversity across Aotearoa New Zealand so that there is "at least no overall loss in indigenous biodiversity" after the commencement date.

The NPS-IB seeks to achieve this:

- i) *through recognising the mana of tangata whenua as kaitiaki of indigenous biodiversity; and*
- ii) *by recognising people and communities, including landowners, as stewards of indigenous biodiversity; and*
- iii) *by protecting and restoring indigenous biodiversity as necessary to achieve the overall maintenance of indigenous biodiversity; and*
- iv) *while providing for the social, economic, and cultural wellbeing of people and communities now and in the future.*

To this end, local authorities are obliged to undertake assessments to identify Significant Natural Areas (SNAs), applying a nationally consistent set of assessment criteria. The NPS-IB provides policy direction that certain adverse effects on SNAs from new subdivision, use and development are to be avoided.

Additionally significant adverse effects of new subdivision, use, or development on indigenous biodiversity outside of SNAs are also required to be managed by applying the effects management hierarchy included in the NPS-IB.

This involves managing the adverse effects of an activity on indigenous biodiversity so that:

- adverse effects are avoided where practicable; then

- where adverse effects cannot be avoided, they are minimised where practicable; then
- where adverse effects cannot be minimised, they are remedied where practicable; then
- where more than minor residual adverse effects cannot be avoided, minimised, or remedied, biodiversity offsetting is provided where possible; then
- where biodiversity offsetting of more than minor residual adverse effects is not possible, biodiversity compensation is provided; then
- if biodiversity compensation is not appropriate, the activity itself is avoided.

As noted within this report above the proposal is located in part within an identified SNA. An Ecological Impact Assessment prepared by Rural Design 1984 Limited has determined the significance of the indigenous biodiversity on the site in accordance with the Waikato Regional Policy Statement (WRPS).

The ecological assessment found that the site contains a moderate-high level of ecological diversity supporting over 109 species of indigenous plants, of which a number are 'Threatened' and 'At Risk' species including 5 'Threatened – Nationally Vulnerable,' 1 'Scarce', 1 'At Risk – Naturally Uncommon' species. In terms of faunal communities, the site and immediate surrounds supports or is expected to support fauna species for its representative habitat type including 5 'At Risk-Declining' fish species, 1 'Nationally Critical' and 3 'Native & Declining' avifauna species.

The proposed subdivision and associated site development could result in a range of potential effects on terrestrial and aquatic ecological values. It is considered that these effects can be appropriately avoided or mitigated through comprehensive low impact subdivision design principles and concentrating the development on areas deemed to be of low existing ecological significance with significant setbacks from susceptible terrestrial and aquatic feature.

It is considered that the concept development and associated infrastructure plan have been designed in a manner that recognizes the existing ecological and environmental values and constraints of the site and immediate surrounds and aims to strengthen the ecological values of these features through appropriate enhancement planting of aquatic, riparian and terrestrial habitats on site, and ongoing pest weed and pest animal control.

Based on the criteria outlined in the Ecological Impact Assessment Guidelines (Roper-Lindsay et al. 2018) the overall assessment of potential adverse effects associated with subdivision and subsequent site development, as outlined under section 6.0 is considered to be 'Low' overall,

On this basis the proposal is consistent with the objectives and policies set within the NPS-IB, particularly, Policy 13: Restoration of indigenous biodiversity is promoted and provided for; and Policy 14: Increased indigenous vegetation cover is promoted in both urban and non-urban environments.

8.8 National Environmental Standards

NES-FW

An assessment against the Resource Management (National Environmental Standards for Freshwater) Regulations 2020 (NES-FW) has been provided in Section 8.2 of the application. The Applicant has sought consent from the WRC for non-complying activities, being

stormwater and wastewater discharges, earthworks and vegetation clearance. I accept the assessment provided by the Applicant and adopt it for the purposes of this report.

NES-CS

As detailed in Section 2.5 above, the site is not subject to the NES-CS.

8.9 Other Matters

There are no other matters I consider relevant to this application.

8.10 Part 2 of the RMA

I have considered the relevant provisions of the APDP and I consider that the plan has been competently prepared under the Act with a coherent set of policies designed to achieve clear environmental outcomes. Accordingly, there is no need to consider Part 2, because doing so, would not add anything to the evaluative exercise required under 104(1).

8.11 Conclusion

Taking into account the comments above, I am satisfied that the proposal is not contrary to any relevant provisions of the APDP or a National Environmental Standard. Subject to compliance with any recommended conditions of consent, it is my opinion that the effects of the allowing the proposal are less than minor.

9.0 Reasons for Decision

The following is a summary of the reasons for the decision;

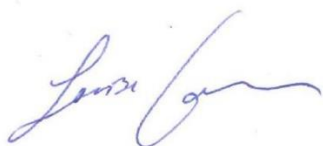
1. I am satisfied that the subdivision and associated land use consent is in accordance with the matters in the APDP.
2. Having undertaken an assessment in accordance with Section 104(1)(a) of the RMA, I consider that any potential adverse effects of the proposal will be acceptable, and there will be positive effects as detailed in this report.
3. Having undertaken an assessment in accordance with Section 104(1)(b) of the RMA, I consider the proposal consistent with the direction of relevant policies contained in the APDP.
4. I am satisfied that the proposal meets the requirements of section 106 of the RMA. Conditions relating to geotechnical requirements and construction of vehicle access to Hikuai Settlement Road in accordance with the Council's Code of Practice have been imposed as recommended by Council's Development Engineer.
5. I am satisfied that the activity will not be contrary to the relevant provisions in a Regulation, Policy Statement or Regional Plan.
6. No persons were deemed to be adversely affected by the proposal.
7. Adequate consultation has been undertaken with Ngāti Hei and Ngāti Maru and agreed conditions of consent are proposed.

8. Although there are identified archaeological features within the site, the legal requirements set by Heritage New Zealand Pouhere Taonga must be complied with. These provisions will ensure appropriate protection of the heritage values associated with the site.

10.0 Recommendation

That the application be **granted** pursuant to sections 104 and 104B of the RMA, subject to conditions.

Report Prepared by:



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Louise Cowan
Consultant Planner
SLR Consulting

Dated this 22nd day of May 2024

11.0 Decision

That the application be **granted** pursuant to section 104 and 104B of the RMA, subject to conditions.

The Council has, under Section 34A of the RMA, delegated to the Reporting Officer its functions and powers to make a determination on applications.

Reviewed and accepted by:



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Katy Dimmendaal
Development Planning Team Leader
REGULATORY SERVICES

Dated this 22nd day of May 2024.