

View Instrument Details



Instrument No 12915993.2
Status Registered
Date & Time Lodged 15 January 2024 10:57
Lodged By White, Lauren Josephine
Instrument Type Consent Notice under s221(4)(a) Resource Management Act 1991



Affected Records of Title	Land District
1103711	North Auckland
1103712	North Auckland
1103713	North Auckland
1103714	North Auckland
1103715	North Auckland

Annexure Schedule Contains 6 Pages.

Signature

Signed by Graeme William Halse as Territorial Authority Representative on 15/01/2024 10:51 AM

***** End of Report *****



In the matter of the Resource Management Act 1991 (The Act)

in the matter of a subdivision of land in the North Auckland Land Registration District shown on DP 584144

CONSENT NOTICE

(Pursuant to Section 221 of the Act)

I hereby certify that THE AUCKLAND COUNCIL granted its consents SUB60310627-A and SUB60401386 to the subdivision of Lot 2 DP 340782, comprised in Record of Title 167731, as shown on DP 584144, subject to conditions, including the requirement of the owners of Lots 1 to 5 to comply with the following conditions on a continuing basis at no cost to the Council.

SUB60310627-A Section 221 Consent Notice Conditions.

A. Monitoring Charges

The respective owners of Lot 5 shall pay the council monitoring charge or charges to recover the actual and reasonable costs that have been incurred to ensure compliance with the conditions attached to this consent.

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

B. Native Bush Protection

The areas of native bush to be protected on Lot 5 (Areas S, T, U and V) identified by survey in accordance with condition 3(b) shall be protected in perpetuity to the satisfaction of the council's Team Leader, Compliance Monitoring NW1.

The owners or their successors in title, of Lot 5 shall:

- i. Preserve the native vegetation, wildlife habitats and the natural landscape within the areas of native bush to be protected on Lot 5 (Areas S, T, U and V).
- ii. Maintain any stock crossings and/or fish passage(s) in accordance with any easement(s) through the covenant areas.
- iii. Not (without the prior written consent of the council and then only in strict compliance with any conditions imposed by the council) cut down, damage or destroy, or permit the cutting down, damage or destruction of the vegetation or wildlife habitats within the



area of native bush to protected.

- iv. Not do anything that would prejudice the health or ecological value of the areas of native bush to be protected, their long term viability and/or sustainability.
- v. Control all invasive plants and control pest animals within the areas of native bush to be protected on Lot 5, in accordance with the approved Weed and Pest Animal Control Plan referred to in condition 4(c).

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

- vi. Maintain an ungated stock-proof fence as approved by the council around the areas of native bush to be protected on Lot 5 (Areas S, T, U and V) and keep stock out of these areas.
- vii. Not to be in breach of this covenant if any of the areas of native bush to be protected on Lot 5 (Areas S, T, U and V) 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.

C. Building restrictions

All stormwater from buildings and paved areas on Lot 1 shall be collected and disposed of in accordance with the report prepared by Parallax Surveyors and Planners, Reference: 21063, dated 13 April 2022, unless otherwise approved by Council. The collection and disposal system shall be installed in conjunction with the erection of any buildings and shall thereafter be maintained to the specified capacity and standard in perpetuity.

D. Firefighting water supplies

At the time a building consent application is submitted for a dwelling on Lots 1 and 5, it must be demonstrated that sufficient water supply and access to water supplies for firefighting purposes will be provided in accordance with NZ Fire Service Fire Fighting Water Supplies Code of Practice SNZ PAS 4509:2008, or its replacement, or, alternatively, written approval from the Fire Service of an alternative design can be provided with the building consent application.

E. Telecommunications

Future owners of Lots 1 and 5 shall be advised that physical telecommunication connections have not been provided to Lots 1 and 5 and if such services are required, the full cost of providing these services will be met by the owners for the time being. This cost may include the installation of equipment to the utility providers and Council requirements and any growth or other applicable charges.

F. Electric power connection

Where the provision of a physical electric power connection (cable) is uneconomical or impossible to provide, the Consent Holder shall provide suitable evidence that reliable alternative power is available at the identified building sites on Lots 1 and 5. Suitable evidence shall include any form of confirmation from a solar power service provider (e.g. quote, site specific information and/or a letter of confirmation), to the satisfaction to the Team Leader Regulatory Engineering NW.



SUB60401386 Section 221 Consent Notice Conditions.

A. Wetland and buffer to be protected.

The areas of wetland and buffer to be protected on Lot 3 defined as Area R and on Lot 5 defined as Areas WA, WB, WC, WD, WE, WF and WG, must be protected in perpetuity to the satisfaction of the Council's Team Leader, Compliance Monitoring NW1.

The owners of the respective lots or their successors in title shall:

- i. Preserve in perpetuity the indigenous flora and fauna, wildlife habitats and the natural landscape within the areas of wetland and buffer to be protected on Lots 3 and 5.
- ii. Monitor the health of the areas of protected wetland and buffer in accordance with the Covenant Management Plan. Monitoring reports shall be prepared and submitted to Council every three years.
- iii. Maintain any stock crossings and / or fish passage(s) in accordance with any easement(s) through the covenant areas.
- iv. Not do anything that would prejudice the health or ecological value of the areas to be protected, their long-term viability and/or sustainability –

Including but not limited to:

1. Not (without the prior written consent of the Council and then only in strict compliance with any conditions imposed by the Council) cut down, damage or destroy, or permit the cutting down, damage or destruction of the vegetation or wildlife habitats within the areas to be protected.
 2. Maintain the protected area free from earthworks or land modification.
- v. Control all pest plants and pest animals within the areas to be protected, in accordance with but not limited to the approved Pest Plant and Pest Animal Control Plan referred to in condition 11 of SUB60401386.

Advice note: Pest Plant Control means, that there are no mature, fruiting and / or flowering individuals of weed species present within the covenant area and any weed species present are dead. In addition, there shall be no areas where weed species are smothering and / or out competing native vegetation including suppressing the natural regeneration processes. Control shall be demonstrated to the satisfaction of Council's Team Leader, Compliance Monitoring NW1 or similar position.

- vi. Maintain a permanent continuous stock-proof fence (minimum seven wire post and batten fence with no gates) and other fencing (including demarcation posts) as approved by the Council in perpetuity around the perimeter of the areas to be protected and keep stock out of these areas.
- vii. 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.

**B. Firefighting water supplies**

At the time a building consent application is submitted for the dwellings in Lots 2, 3 and 4 it must be demonstrated that sufficient water volume, pressure & flow will be provided in accordance with NZFS Fire Fighting Water Supplies CoP SNZ 4509:2008 and that this water supply is accessible for firefighting purposes. Should the water supply be provided by way of tank storage, this storage must be located a safe distance away from any habitable dwelling in accordance with the above CoP. If an alternative fire-fighting water supply is to be provided the written approval of that system from Fire and Emergency New Zealand must be provided with the building consent application.

C. Building restrictions - Geotechnical

Any buildings located within Lots 2, 3, 4 and 5 shall be subject to the requirements of the geotechnical report entitled: Geotechnical Investigation Report prepared by Geoconsult, ref: GL225.1, dated 08/04/2022, and any subsequent reports. The foundations for any buildings to be located within all Lots are subject to specific design and further site specific subsol investigation prior to building consent stage. Copies of the said plan and report(s) will be held at the offices of the Council.

D. Building restrictions - Stormwater

All stormwater from driveways, roof, and water tank overflow on Lots 2 to 4 shall be collected and disposed of in accordance with the requirements of the stormwater report entitled: Stormwater neutrality report prepared by Parallax Surveyors and planners, ref: 21063, dated 13 April 2022, and any subsequent reports approved in writing by the Consents Engineer. Copies of the said document are held at the offices of the Council.

Advice Note: The application for a Building Consent will be required to demonstrate compliance with the requirements of the New Zealand Building Code Clause E1 Surface Water.

E. Electric power connection

Where the provision of a physical electric power connection (cable) is uneconomical or impossible to provide, the Consent Holder shall provide suitable evidence that reliable alternative power is available at the identified building sites on Lots 2, 3 and 4. Suitable evidence shall include any form of confirmation from a solar power service provider (e.g. quote, site specific information and/or a letter of confirmation), to the satisfaction to the Team Leader Regulatory Engineering NW.

F. Telecommunications

Future owners of Lots 2, 3 and 4 shall be advised that physical telecommunication connections have not been provided to Lots 2, 3 and 4 and if such services are required, the full cost of providing these services will be met by the owners for the time being. This cost may include the installation of equipment to the utility providers and Council requirements and any growth or other applicable charges.

G. Stock proof fencing

Areas on Lot 5 over areas defined as EA, EB, EC, ED, EE, EF and EG are located between ecological areas. These areas are to remain stock free unless the nominated ecological areas are fenced to a stock proof standard and to the satisfaction of Council.

Private Bag 92300, Auckland 1142
Ph: 09 301 0101 | www.aucklandcouncil.govt.nz



Advice Note: The stock free areas (EA, EB, EC, ED, EE, EF and EG) are not required to be covenanted and remain available for native revegetation for any subsequent subdivision application.

H. Future development

The future owners and / or occupiers of Lots 2, 3, 4 and 5 must be aware that under the current provisions of the NES-F Clauses 52 and 54, any future development of the lots (where located within 100 metres of any wetlands), will trigger the need for consents. This includes the discharge of water, such as the discharges from the disposal of stormwater and wastewater and discharges of sediment from site earthworks, if within 100 metres of any wetlands.

The discharges from future development, such as discharges from site earthworks and disposal of stormwater and wastewater, if proposed within 100 metres of a wetland, must be:

- i. Designed, located, and maintained to minimise, and avoid where possible, adverse effects on the natural wetland.
- ii. At a minimum the design for on-site disposal of wastewater must include:
 - a) A conservative design flow for a dwelling and that incorporates water saving devices.
 - b) The provision of an advanced secondary wastewater treatment system.
 - c) Must avoid earthworks/storage of materials on the areas shown as disposal fields (i.e. primary and reserve fields).
- iii. At a minimum any stormwater management device must be installed outside any area that is to be used for the treatment and disposal of wastewater.

The owner / occupier must engage a suitably qualified and experienced freshwater ecologist to work with the architect to ensure that all buildings and / or associated infrastructure is designed in such a way as to minimise potential effects on the wetlands. The conditions of any future consent under the (NES-F) must prevail over the requirements listed above.

Advice note: The application for a Building Consent will be required to demonstrate compliance with the requirements of the New Zealand Building Code Clause F1 Surface Water.

Dated this 19th day of December 2023.

Authenticated by the Auckland Council pursuant to
Section 221(2) of the Resource Management Act 1991

Signed by KEN BERGER
Senior Subdivision Advisor

Private Bag 92300, Auckland 1142
Tel: 09 301 0101 | www.aucklandcouncil.govt.nz



Authorised officer under delegated authority.

Reference: CCT90107571 SUB6031627-A and SUB60401386